

# MASINAIGAN

MASINAIGAN (MUZ IN I AY GIN) A publication of the Great Lakes Indian Fish & Wildlife Commission

Winter 1991



**Victory for Gaiashkibos! Lac Courte Oreilles (LCO) Tribal Chairman Gaiashkibos and wife Rita Barber share a proud moment after the announcement that Gaiashkibos had won the National Congress of American Indians (NCAI) presidency. Announcements of new officers were made following a banquet, December 5, at the Hyatt Regency San Francisco Airport, where the 48th Annual Convention of NCAI was held.**

**Crediting the support of his wife, Rita; tribal elders and advisors including Eugene BeGay, LCO, and Eddie Benton-Benai, LCO; Terry Isham, LCO executive secretary; Raymond Apodaca, Gov. Isleta del Sur Pueblo, Texas, Gaiashkibos accepted the position.**

**He also acknowledged the support shown by an exceptional turn-out of representatives from the Four-State Region, including Minnesota, Iowa, Wisconsin and Michigan tribes, and the work of various staff prior to and during the conference.**

**Gaiashkibos will be serving as President from December 1991 until the 1993 NCAI convention in Nevada. Formerly, he had served as NCAI First Vice President from 1987 to 1989. (Photo by Amoose)**

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# Senator Inouye urges NCAI to "Unify—build on our successes"

By Sharon Metz  
For MASINAIGAN

Senator Daniel Inouye liked the theme, "Protecting Our Sovereignty, Defending Our Rights, Preserving Our Cultures" of the National Congress of American Indians (NCAI) 48th annual convention. Urging members to unify and build on their successes, he reminded NCAI delegates and members that sovereignty—the essence of tribal life—was reaffirmed in language included in the Federal Crime Bill and also by passage of the "Duro" tribal jurisdiction bill. Emphasizing the need to fund and strengthen tribal courts, Inouye said, "We are embarking on a very exciting voyage... we want to hear from Indian country. The Senate Select Committee, chaired by Inouye, operates by listening to tribes from all over the country."

Noting that there are now 24 tribal colleges, Inouye is proposing an all Indian University to train doctors, lawyers, social workers and professionals to work with tribes and Indian communities.

He urged NCAI members to "Learn to tell your story—it isn't getting out. Museums will tell the stories of the grandeur of the past but how many Americans know that in every war American Indian participation was greater than any other ethnic population? Every house in Indian country has pictures of Indian veterans—this is not common in an average U.S. household. The patriotism and heroism of American Indians need to replace images of alcoholism and welfare.

Recounting the Lumbee Indians (N.C.) one hundred year struggle to become federally recognized as an Indian tribe, Inouye said he was saddened by the opposition to recognition by Indians and non-Indians, much of it because of concern over diminishing federal dollars. "Let's hold hands and struggle for MORE for everyone instead of succumbing to a concept foreign to Native Americans, i.e., materialism."

Commenting on the gambling issues Inouye noted that "There is a fragile balance between sovereignty of Indian governments and state governments." He reminded NCAI members that "...there are interests working against you and you need to report every incident."

Inouye concluded with a plea for unity as he told NCAI leaders and members, "If I didn't care about you, I would tell you everything is fine. I must be honest and urge you to search your souls on these issues and come together with one voice."

To signify the esteem felt by Indian people in recognition of his guidance and work with Indian tribes, Inouye was honored at the conclusion of his speech by presentation of a special eagle feather with a red tip that is reserved only for wounded veterans. □



Senator Daniel Inouye (D-Hawaii), Chairman of the Senate Select Committee on Indian Affairs, provided a keynote address at the opening of the NCAI convention which took place in San Francisco early this month. (Photos by Amoose)

## Short and long range planning top priority for new NCAI President Gaiashkibos

By Sue Erickson  
Staff Writer

Gaiashkibos already has his sleeves rolled up and is elbow deep in the work involved with heading up the National Congress of American Indians (NCAI), the leading national voice of America's Indian tribes.

He cites the need to be "a strong and diplomatic proponent of tribal rights, perhaps first and foremost treaty rights," as one of his major roles as NCAI's President.

He views himself as acting as the chief spokesman on behalf of NCAI member tribes, and thus responsible for "the preservation and protection of agreements we have made."

Key to effective leadership is a vigilant watch on legislation which is constantly coming forth, Gaiashkibos states, including monitoring those areas and maintaining contact with appropriate Congressional leaders.

Gaiashkibos, already a busy man as Chairman of the Lac Courte Oreilles Tribe, family man, and environmental activist, ran for office because he felt a need and because several tribes had encouraged him to do so.

"A number of tribes were not happy with the current direction of NCAI," he said, "and they approached me to seek the Presidency." They followed through with endorsements, and a victorious election

resulted.

A strategic planning meeting with the Executive Committee will be on the agenda within the next 60 days, Gaiashkibos says. The object is to set both short term goals and do long range planning on objectives for the organization.

Another immediate agenda item for the new President is a financial audit, which is to occur prior to the end of December. The audit, Gaiashkibos feels, will provide him with more definitive information on current status of the organization and assist in determining immediate needs.

Holding down the post of NCAI Executive Director in Washington, D.C. on a temporary basis is Eugene BeGay, spiritual leader and aid to the Lac Courte Oreilles (LCO) Chairman and consultant for the LCO Tribe.

BeGay is acting on an interim basis as NCAI Executive Director, a position vacated when former NCAI Executive Director Gay Kingman's contract terminated on the last day of the December NCAI conference.

The Executive Committee voted not to renew Kingman's contract, Gaiashkibos said, and the position will be posted until January 31st. The Committee plans to interview during its February meeting.

Gaiashkibos emphasized that Kingman was not fired or terminated and that BeGay has no intentions of applying for the position on a permanent basis. (See Gaiashkibos, page 22)



Leadership from the youth. Above, participants in the Miss NCAI pageant, are each given an opportunity to address the general body. At the microphone is Jolene Marie Telliquote, Yakima. From the left are: Malinda S. Maher, Ahtabascan; Ruby Jean Lupe, White Mountain Apache; Pearleen Claire Ridley, Northern Ute; Tia Marie Thompson, San Carlos Apache (winner of the 1992 title); and Hawley Evelyn Hutt, Hupa.



# NCAI resolution declares '92 the year of American Indian Religious Freedom

By Sharon Metz  
For MASINAIGAN

When Congress passed the American Indian Religious Freedom Act in 1978, many thought that First Americans would finally be able to worship in the traditional ways and places, without hiding or being afraid, or being interrupted. Not so, says the Supreme Court. It seems the highest court in the land does not interpret the act as it was understood by those who worked so hard for its passage.

Supreme Court decisions allowing road building through sacred sites and overturning the requirement that the state must have a "compelling interest" before denying freedom of religious expression in the

use of peyote are just two examples of why a new religious freedom coalition is forming. The National Forest Service and timber companies, Universities and mining interests, utilities and developers, have all adopted and pursued policies that prevent freedom of religious expression for Indian people. As the magnitude of these decisions and policies became known, Indian people and allies from religious and human rights communities began working on legislation.

President Peterson Zah, Navajo Nation, and Pat Lefthand, Confederated Salish and Kootenai Tribes, are leading a coalition that is being coordinated by Henri Mann. Henri Mann has traveled the country, garnering support and members for the coalition, who will support and push legis-

lation that really does ensure freedom of religion for Native Americans.

Components of the legislation will probably include (but not be limited to) protection of sacred sites and Native American Church peyote ceremonies. While some advocate dividing the various issues of religious freedom for Native Americans into separate bills, the consensus seems to be to draft comprehensive legislation, find appropriate sponsors, recruit allies, and garner financial and political support for passage of a single bill in 1992.

Support is significant and growing, but coalition members recognize that powerful interests and the ignorance of the American public on this issue will work

against them. The Native American Rights Fund and the American Association of Indian Affairs head an impressive list of support organizations. Several religious denominations have joined the coalition. HONOR pledged support and advocacy at the NCAI convention and other groups are doing likewise.

Resolution SF91-103, adopted by the National Congress of American Indians on Friday, December 6th, formalizes the effort for American Indian Religious Freedom. Centuries late, still a struggle, facing opposition, fighting ignorance—Indian people and their allies are ready. It needs to happen, not just for Indian people but as a matter of honor for this country. (See sidebar)

## RESOLUTION SF 91-103

**BE IT RESOLVED BY THE NATIONAL CONGRESS OF AMERICAN INDIANS THAT THEY HEREBY URGE CONGRESS TO IMMEDIATELY TAKE ACTION TO ENACT LEGISLATION THAT WILL PROTECT NATIVE RELIGIONS AND BASIC RELIGIOUS FREEDOM:**

**WHEREAS**, the cultural and spiritual survival of Native American people is closely tied to the continuation, preservation and well-being of our tribal religious traditions; and

**WHEREAS**, the right to worship is a fundamental human right that most Americans take for granted; and

**WHEREAS**, in *Lyng v. Northwest Indian Cemetery Protective Association*, and in *Employment Division, Dept. of Human Resources v. Smith*, the Supreme Court ruled that the first Amendment does not protect traditional Native American sacred sites from destruction (*Lyng*), or the peyote religion of the Native American Church (*Smith*); and

**WHEREAS**, those Supreme court decisions have created a human rights crises in Indian Country; and

**WHEREAS**, the American Indian Religious Freedom Act has not prevented the Federal government from unnecessarily engaging in activities which impair or disturb Native American religious practices on federal lands;

### WE RESOLVE AS FOLLOWS:

1. The National Congress of American Indians urges Congress to enact legislation that will protect Native American religions and basic religious freedom, similar to that recently circulated to tribal leaders by Senator Inouye.
2. To that end, the National Congress of American Indians petitions Senator Inouye and Representative Miller to immediately hold hearings on legislative proposals that have been developed to protect Native American religious freedom, with the goal of passing legislation by the end of 1992.
3. The NCAI supports this legislation as a major human rights legislative priority in 1992; and will designate NCAI staff to work full time on this issue in 1992.
4. The NCAI declares 1992 the year of Native American Religious Freedom, and to that end, call on all Tribes to pass resolutions supporting Native American Religious Freedom and to donate funds to the legislative campaign.
5. The NCAI calls on the American Human Rights Community to come to the assistance of the American Indian Religious Freedom Act coalition and to support Native American Religious Freedom Legislation.

**RESOLUTION RESPECTFULLY SUBMITTED BY:**  
The Confederated Salish and Kootenai Tribes.



*Gaiashkibos, Lac Courte Oreilles tribal chairman, raises an Eagle Feather following the announcement of his campaign victory for President of the National Congress of American Indians. A strong advocate for the traditional Indian way of life and for tribal sovereignty, Gaiashkibos will lead NCAI for the next two years. (Photo by Amoose)*





# Over 130 tribes send delegates to NCAI convention

By Sharon Metz  
For MASINAIGAN

Buttons, posters, politicking, speeches, press conferences, hospitality rooms and famous faces were in abundance at NCAI's 48th annual convention, as officers were elected for the next two year term.

While the NCAI was like U.S. political conventions everywhere, notably Democratic and Republican gatherings, there were a number of very distinct differences.

One could not help but notice that receptions, special events and the final banquet were alcohol-free. Even most of the hospitality rooms served soft drinks, juice and coffee. Good food and good talk supplemented the beverages and set a good tone for the conference.

A second very profound difference was apparent. While religious freedom is not a subject (or concern) for most Americans whose sacraments, religious sites, ceremonies, sacred objects, and ancestors graves are not imperiled by U.S. Government policies, the "Preserving Our Culture" part of the convention was central to almost everything that happened at the convention. . . especially the emphasis on protecting American Indian Religious Freedom.

Workshops on this issue were filled to overflowing and a national coalition grew from the concerns that were expressed. An undercurrent of fear and sadness was reflected in speakers who described the erosion of sacred places, looting of burial sites, and the increased activity of instant shamans (both Indian and non-Indian) who use ceremonies and sacred articles for financial gain and fame.

Not one Indian person took for granted their right to worship in their traditional ways and places, rights eroded by the U.S. Supreme Court and centuries of religious oppression.

Another striking difference was that "sovereignty," so taken for granted in U.S. national, state and local politics that it is seldom mentioned, was paramount to the conference and the first words in the conference theme, "Protecting Our Sovereignty, Defending Our Rights, Preserving Our Cultures."

NCAI attendees heard speeches, drafted resolutions, listened to court case reports, and attended breakout sessions dealing with sovereignty—the legal essence and strength of Indian nations. Not many non-Indians grasp the importance of sovereignty; many can't spell it or define it; but it is a common word and concept to Indian people. The full meaning is brought home as Indian tribes, because of their

status as sovereign governments, struggle to preserve indigenous lands and rights.

A fourth difference was the strong role and recognition of young Indian women at the closing banquet. Incredible speeches, dance, and songs marked the crowning of Ruby Jean Lupe, the new Miss NCAI. Both Miss Lupe and Jolene Nora John, the outgoing Miss NCAI credited their family, elders, and communities for their success. Those attending the banquet and observing the strength of these young people were impressed. Many comments like, "In a few years, they'll be the officers," or "Our future looks bright when we see these rising talents," were overheard. The blend of young new leaders who showed obvious deference to and reverence for their elders was noteworthy and refreshing.

And finally, NCAI members spoke loud and clear on the issue of offensive symbols, gestures, mascots, logos, and

names. It was made clear that paternalistic interpretations of Indians which reduce them and their cultures to cartoon status, will no longer be tolerated. A press conference that included Floyd Westermann and Congressman Ben Nighthorse Campbell along with familiar names like Means, Bellecourt, Banks and Maulson declared an end to tolerating indignities that no other ethnic communities must face.

The conference was dignified and not raucous. There were "glitches" like in all conferences but one could not help but note the emphasis on sovereignty, religious freedom, and the respect of the young and their elders. That along with the righteous indignation over being stereotyped and the commitment to alcohol-free events bodes well for the future of NCAI. If non-Indian communities could adopt such wise priorities, they too might benefit.



Outgoing Miss NCAI Jolene Nora John, Yup'ik Eskimo. (Photo by Amoose)



Concerns for Native American Religious freedom were at the top of the priority list at the NCAI national conference. Native American spirituality is seen by many as the core of the traditional Indian value system, influencing decision-making in all other areas of tribal life. Above Ojibwa Spiritual leader Eddie Benton (far left) and Goldie Larson (center), Lac du Flambeau, were strong proponents for strengthening Native American Spirituality throughout Indian Country at the conference. (Photo by Amoose)

## Contact List

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# Historical pendulum swings from Columbus to Crabb

## *American Indian History and Culture Conference*

By Sherrole Benton  
Freelance Writer

The pendulum is swinging from misinformation about Native American Indian people towards correcting the wrongs and rewriting history in the academic world. The American Indian History and Culture Conference, Nov. 7-9, addressed many topics ranging from Christopher Columbus to present day court decisions on Native American rights.

"Because we're so close to the quincentennial, we wanted people to know there was a lot of history here in America before Columbus came. And we wanted people to have a broad understanding of the historical base of American Indians through each major era up to today," said Lorretta Webster, Vice Chancellor for Advancement of Cultural Diversity, University of Wisconsin, Stevens Point.

Topics of the conference agenda included pre-European contact, roots to de-

mocracy, treaty history and rights, Indian education, current issues, and economic values of Indian lands and resources.

Convenors of the American Indian History and Culture conference, held in Green Bay, Wisconsin, said their goals for the conference were to provide accurate information about the lives, history, and culture of Native American people and discuss methods and techniques to research Indian materials and write about it.

Convenors expected 300 people to attend the conference, but close to 500 people registered, including higher education, elementary, high school, and pre-school teachers.

"I envision, that as a result of this conference, people will talk about it and will impart a sense of being a part of a reawakening of interest in Native American history and culture," said Carol Nepton, Humanistic Studies, University of Wisconsin, Green Bay.

Nepton said the inaccurate informa-

tion proliferated by the dominant society for so long is what promotes and feeds racism. As the conference presents accurate information about Indian people, non-Indian people will gain a sense of pride from Indians and appreciate them for it.

Webster said the conference can't be seen as a solution to the problems Indian people have, but it can initiate dialogue and hopefully it has instilled in participants a need to know more.

Kathryn Schaulter, a middle school teacher, said the conference is very important and helped bring resources to teachers who often can't afford materials for their classrooms.

"I would like to see more conferences on this order. I'd like to see one on Native American literature, or different aspects of tribal cultures," Schaulter said. The values of protecting the earth and considering the seventh generation are the things that will save the planet, Schaulter said.

These things will have to be pulled out

of the Native American culture, because the Eur-American society doesn't have any roots for them, she said.

Alan Caldwell, Director of Upward at the University of Wisconsin, Stevens Point, said it's all fine and well that academia is taking an interest in rewriting Native American history, but it's time for Indian people to voice their own stories.

"As Indian people, we need to voice our own stories. We need to write about our own families and our own experiences with our history. We know what our cultures involve and we're capable of writing about it," Caldwell said. Some of the best material about Indian people were written by Indian people who have no formal training in the academic world, he said.

Oneida Tribal Chairman, Rick Hill, attended the conference and agreed that tribal histories should be written from a tribal perspective, and broken down for children and the grassroots level of both Indian and non-Indian societies. □

## *Economic values of Chippewa culture*

By Sherrole Benton, Freelance Writer

The Chippewa people in the ceded territories surrounding the southern part of Lake Superior have lost approximately \$321,600,450 dollars since 1837 because they were prevented from exercising their treaty rights to fish, hunt and harvest the natural resources, according to Daniel W. Bromley, an Anderson-Bascom Professor at the University of Wisconsin-Madison in the Dept. of Agriculture Economics.

In the paper titled, "Estimating Historic Economic Values of the Natural Resources in Native American Culture: The Lake Superior Chippewa," presented at the History and Culture conference, a formula was described calculating the value of the ceded territories.

Bromley based his figures on the first calculation of the value of the Chippewa's natural resources in the early 19th century.

Indian agent Alfred Brunson, stationed in La Pointe on Madeline Island in 1837 was moved by the price paid to the Lake Superior Chippewa that year. Brunson wrote a letter to J.A. Doty, Superintendent of Indian Affairs in the Wisconsin Territories, stating that the United States grossly underpaid the Chippewa for their lands compared to how much the Sioux and Winnebago tribes received.

The Sioux were paid .25 cents per acre for 4 million acres according to their treaty in 1837. The Winnebagos received .18 cents per acre for 8 million acres of land in the same year. The 1837 Treaty of St. Peter paid the Chippewa 8 cents for 11 million acres, and the 1842 treaty paid .7 cents for 12 million acres of land. Brunson said the Chippewa lands were far more bountiful than the Sioux and Winnebago lands.

Brunson documented the value of the natural resources in the ceded territory based on what Chippewa families gathered and produced from the furs, sugar, timber, fish and rice. In 1843, one thousand Chippewa families generated an estimated value of \$190,000 dollars per year from the natural resources in the ceded territories, according to Brunson.

Bromley said the simple sum, calculated over 100 years, means that Chippewa people have lost \$123 million dollars of annual income from the natural resources. This figure represents 1 percent of the 1889/90 state budget of Wisconsin, or about half of the 1990 expenditures of the Wisconsin Department of Natural Resources.

If population and price figures were added to the conservative value of \$123 million dollars, the present day value of the natural resources in the ceded territories would be worth \$321,600,450 dollars, according to Bromley.

"If we took the income loss in 1837 and put into an escrow account and left it sit to accumulate interest, it would be worth billions of dollars," Bromley said.

"The economic value of the newly affirmed Chippewa treaty rights is now quite clear," Bromley said. Although the Chippewa have been denied compensation for past wrongs due Judge Crabb's decision based on the 11th amendment defining the sovereign immunity of states, the Chippewa have won an important legal, social, emotional and economic victory, Bromley said.



## *Resource stewardship among Chippewa Indians*

By Sherrole Benton  
Freelance Writer

When Chippewa Indians started fighting to gain control of the resources, we saw an upgrade in the environment, said Kathleen Kalina, Master of Science in Environmental Science, University of Wisconsin-Green Bay.

Kalina presented her paper, "Chippewa Fishing: An Economic Policy for Survival," at the American Indian History and culture conference in Green Bay, Wisconsin.

At the turn of the 19th century, the Lake Superior Chippewa lost control of the

lands and natural resources when they ceded their territories to the United States. While in public trust, we witnessed the depletion of the environment and natural resources, the extinction of many fish species and pollution of the eco-system during corporate development, Kalina said.

In 1840, the United States lost five million acres of the wetlands due to industrialization, urbanization and agriculture. Loss of the wetlands reduced the hunting, harvesting, fishing, trapping activities and wild rice, maple sugar and berry harvesting for the Chippewa people.

By 1960, several species of fish be- (See Resource stewardship, page 22)



# Water Quality Agreement broken by U.S., Canada

By Karen Murphy  
GLU Field Coordinator

Great Lakes United appealed to the United Nations in October to investigate the failure of the United States and Canada to implement the Great Lakes Water Quality Agreement. GLU wrote to Secretary General Javier Perez de Cuellar of the United Nations:

"In light of the failure of the governments to comply with the Great Lakes Water Quality Agreement, we hereby formally request that the United Nations investigate the breaches of the Agreement. The critical state of the Great Lakes leaves us no choice but to request your intervention in this matter."

Great Lakes United and other environmental groups including Pollution Probe, Canadian Environmental Law Association, Lake Michigan Federation, Erie County Environmental Coalition, and the Sierra Club, had just released *Broken Agreement: The Failure of the United States and Canada to Implement the Great Lakes Water Quality Agreement*.

The groups appealed for support from organizations throughout the Basin to join with Great Lakes United in appealing to the United Nations. Broken Agreement outlines key Agreement commitments and International Joint Commission (IJC) recommendations that the governments have ignored, in some cases for as long as ten years.

Great Lakes United and its member organizations decided to take action to bring the two Governments' failure to a higher court—to the United Nations—for scrutiny. In support of the effort, Sarah Miller of the Canadian Environmental Law Association declared, "The Agreement is a precedent-setting international agreement on the environment that should serve as a model for the rest of the world's nations that are struggling with pollution. The world community needs to carefully scrutinize and assess its implementation."

In developing Broken Agreement, Great Lakes United reviewed those aspects of the Agreement and those IJC recommendations whose implementation were considered most critical to restoring the Great Lakes Basin ecosystem. These included the key Agreement deadlines that deal with the development of information

on toxic contamination, uniform standards, and uniform regulatory programs. Also looked at were progress in achieving zero discharge of persistent toxic substances, contaminated sediment remediation, Remedial Action Plans, and wetlands protection.

## Basic Information

The results of GLU's analysis were damning. The federal governments have not compiled basic information and inventories critical to regulating toxic chemicals and to prioritizing regulatory actions. For example, the Governments pledged in the Agreement that by September 30, 1989, they would identify Point Source Impact Zones, areas associated with significant discharges of industrial and municipal wastes and therefore warranting significant attention.

Three years after the agreed deadline, this list has still not been compiled. Even more behind schedule is the Governments' pledge to develop by January 1982 an inventory of raw materials, processes, products, byproducts, waste sources and emissions involving persistent toxic sub-

stances.

This inventory is critical to the development of a binational toxics management strategy and to the achievement of zero discharge and virtual elimination of persistent toxic substances. No such inventory has been developed.

## Zero Discharge

Foremost among the commitments that the governments have failed to achieve is the commitment to the zero discharge and virtual elimination of persistent toxic substances. This commitment was first agreed to by the two federal governments in 1978. Thirteen years later, the goal of virtual elimination of persistent toxics is far from being realized.

The IJC has repeatedly criticized the Governments for failing to take this commitment seriously enough. In March 1989 for example, in its typically diplomatic language, the commissioners concluded, "Although progress is being made [with respect to the movement toward zero discharge], the Commission feels that there is room for improvement and acceleration of effort."

## Wetlands

In 1978, the U.S. and Canada agreed under Annex 7 of the Great Lakes Water Quality Agreement to identify and preserve wetlands threatened by dredging and disposal activities. Annex 13, added in 1987, also calls for the identification, preservation, rehabilitation, and restoration of significant wetland areas threatened by development and waste disposal facilities.

In the 13 years since the wetlands portion of Annex 7 was first included in the Agreement, the Governments have failed to develop that promised list of threatened wetlands. In fact, efforts to restore and protect wetlands, particularly in the U.S. are moving backwards. For example, a revised draft of the U.S. *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* was released in May 1991. If the revisions are adopted, it is estimated that the total wetland area decreased as much as 50 to 90 percent.

## Contaminated Sediments

The IJC has reported on contamination in Areas of Concern since the early (See Water Quality, page 7)

Selected U.S. and Canada Broken Agreements and Missed Deadlines		
<i>Commitments under the Great Lakes Water Quality Agreement</i>		
Agreed-to Action	By When	Status as of October 1991
Achieve zero discharge and virtual elimination of persistent toxics	Commitment made in 1978	No comprehensive program to achieve this goal in past 13 years
To have programs in place to control industrial pollution, including elimination of persistent toxics	December 31, 1983	Far from achieving this goal; persistent toxics still flow
Inventory of raw materials, processes, waste sources, emissions of persistent toxics	January 1982	No inventory developed
Revise specific objectives and establish action levels for persistent toxics	July 1, 1988, every 2 years	No revisions or changes adopted
Implement joint programs for disposal and transport of hazardous materials	By 1980	No joint disposal program identified except transboundary transport
Identify and delineate Point Source Impact Zones	September 30, 1989	Not completed
Develop agreed-on procedures for managing contaminated sediments	December 31, 1988	No such procedures agreed on by U.S. and Canada
Identify and preserve significant wetlands	Agreed to in 1978, 1987	No list developed; U.S. regulations greatly weakened; no Canadian regulations developed
Agree to standard methods for assessing toxic substances	April 1988	No methods agreed to and adopted
Compile 3 lists of toxics present or discharged into Lakes ecosystem	December 31, 1988	Lists compiled almost a year late, but not formally adopted
<i>IJC Recommendations</i>		
Recommendation	When Made	Status as of October 1991
Develop binational toxic substances management strategy	1981	No binational strategy has been developed
Report on extent to which discharges of 11 critical pollutants are explicitly considered in pollution permits	Report due December 31, 1990	U.S. report not out. Canadian report released September 1991.
Develop and implement legislation and regulations that will make Agreement principles and objectives enforceable	5th Biennial Report (1990)	Legislation and regulations still inconsistent with Agreement; the U.S. Great Lakes Initiative is a solid step but far from completion
Develop procedures for listing/delisting of Areas of Concern	4th Biennial Report (1989)	Neither country has adopted IJC criteria or adopted its own





# Toxic dumping threatens Native lands

By Tom Gray

Toxic waste disposal firms are trying to turn Native reserves—in the Great Lakes and elsewhere—into toxic dumps. In some cases, they have already succeeded.

Native leaders say that increasingly aggressive and lucrative offers are being made to nearly every tribe or band in the Great Lakes and St. Lawrence River Basin.

The tragedy of this is that many Native reserves are already victims of toxic contamination discharged by industry. In places like the Akwesasne Mohawk Reserve along the St. Lawrence, industrial contamination has made the water, game and farmland too toxic to feed the residents, and even human milk is tainted.

Native peoples were once able to live off their lands for millenia, and this loss of their ability to live off their land has pushed the tribes further into the "economics of desperation." That is one of the prime reasons why waste firms are finding the reserves so attractive. Developers who promise jobs have a powerful appeal for tribes mired in poverty, and the waste handlers promise clean, modern facilities.

These businesses are also attracted to the self-governing Native reserves because of their isolation and relative freedom from

government regulations and political pressures. Also attractive to unprincipled firms are the limited economic assets of tribes and often limited legal access to federal sanctions against the polluters.

At the Akwesasne Mohawk Nation near Cornwall, Ontario tribal leaders are being flooded with proposals to deposit wastes from hospitals, incinerators and sewage plants. "We have been offered as much as \$1,000 a tonne to accept medical waste from New York City hospitals," notes Henry Lickers, director of the tribe's Environmental Division (and GLU board member). "Hundreds of jobs and 'millions of dollars' were talked about for all the proposals," recalls another tribal member.

Lickers said that the Mohawks, who are well-organized and politically savvy, have set up a formal screening process and monitoring program to ensure that waste is not sneaked onto reserves. He worries that other bands will not have such organized resistance.

Despite claims of sterling records and state-of-the-art, environmentally-sound methods, one of the firms that approached the Mohawks was a target of a congressional investigation into crime in the PCB disposal industry. Another delivered demolition debris that it had promised was clean.

It turned out to contain PCBs and even caught fire before it could be removed. The tribe later learned that the company was under investigation in Massachusetts for illegal dumping. A Montreal company's tire recycling plant is one of the latest proposals.

Jim Ransom, on the Mohawk's environmental staff, notes that Native planners have been 'hoodwinked' in the past by firms touting 'clean' operations. "If it's so clean, you have to ask these people why they won't put it in suburban Toronto or Montreal." The Kahnawake Mohawk reserve near Montreal and the Seneca tribe near Lake Erie have also received similar offers.

The Onondaga Nation reserve, in the Lake Ontario basin near Syracuse, NY, is also being offered such deals. But many other waste firms have not sought approval from the tribe and have turned the reserve into a toxic dumping ground. More than 1200 drums of industrial waste and acids scar a 25-acre area, and another of the nine toxic dumps is a hillside piled 18 feet deep with hundreds of bags of medical waste. Recently, a "midnight dumper" backed a truck up to a sand pit and shoved off more than 200 bags of asbestos-laced pipe casing and drove away. The chiefs responded to the incident with 24-hour road patrols,

which sorely tax a community that numbers fewer than 1000 people.

"It's upsetting that people are abusing the earth," said Irving Powless Jr., an Onondaga chief. "We've been here 4,000 years and never polluted the lake," he said, referring to Onondaga Lake. "You people come in and in 100 years ruin the lake."

Today, by order of the chiefs, no one can dump anything on Onondaga land without permission of the chiefs. Long-range plans call for cooperating with state and federal officials to identify and clean up dump sites. Some Onondagas would like a recycling plan to replace trash burning and the chiefs are encouraged to establish a government-trained environmental team, similar to one fielded by the Mohawks along the St. Lawrence, to hunt down polluters.

Despite the illegal dumping and suspicious offers of companies, many reserves are still reviewing proposals that come to them. If a project appears to be environmentally benign, then "desperation economics" may drive some to approve them in return for jobs and money. But, says Onondaga chief Ed Cook, "Fifty, 60, 70 years down the road ... who knows what something like that might do to our land?"

(Reprinted from *The Great Lakes United newsletter*, Fall 1991 edition.)



Can we keep our water from further degradation? Water quality remains the chief concern of tribes and environmentalists when big industry, such as mining and oil, come to town. (Photo by Amoose)



A woodcock relies on natural camouflage for protection. (Photo by Tiger Moore)

## Water Quality Agreement continued

(continued from page 6)

1970s. Most of these areas have sediments which are contaminated with toxic substances. Although the U.S. and Canada are undertaking pilot programs to evaluate various dredging and treatment technologies for contaminated sediments, many other components of a sediment remediation program are lagging behind.

Canada began developing sediment criteria in 1987. Five years later it has yet to release even draft criteria.

The U.S. EPA first began developing sediment criteria in 1985. EPA plans to release criteria for two to five organic compounds per year. At this rate it will take between 35 and 140 years to develop criteria for the approximately 70 organic chemicals with the greatest potential for building up in the food chain.

In the late 1960s and early 1970s the

Great Lakes Basin became a symbol of North America's pollution problems. Lake Erie was considered dead. Trash, dead fish, industrial waste and sewage washed up on beaches. Ohio's Cuyahoga River erupted in flames.

Out of this environmental crisis came the Great Lakes Water Quality Agreement. It pledged the two governments to work together to resolve pollution problems in the Basin. Unfortunately, after advances in the 1970s, Canada and U.S. are now failing to take the actions needed to protect and restore the health of the Great Lakes. In short, the Governments are breaking their pledges to each other and to the 45 million people of the Great Lakes-St. Lawrence River Basin.

(Reprinted from *The Great Lakes United newsletter*, Fall 1991 edition.)



# Oil exploration application received from Terra Energy

MADISON, WI—The Department of Natural Resources (DNR) is reviewing an oil exploration application from Terra Energy, Ltd., of Traverse City, Michigan.

The public is invited to an open house to discuss the proposed exploratory well on December 16 at the Benoit Community Center, Benoit (Bayfield county Wisconsin). The public may come to the community center any time between 4 p.m. and 8 p.m. to ask questions or speak on a person-to-person basis with staff from the DNR and Terra Energy Co.

The company proposes to drill an exploration hole in a wooded area about 10 miles west of Ashland and about one-half mile north of U.S. Highway 2 (Sec. 22, T47N, R6W). The drilling would involve clearing about two acres of forest and drilling a six-inch hole to a depth of about 6,000 feet. The drilling operation would take between one and two months to complete.

If oil is found at this site the company cannot begin pumping or any extraction until the State Legislature has passed applicable laws for extraction. Company officials have agreed to this arrangement and would cap the well if production is anticipated. Suitable precautions will be taken to protect underground water supplies from any possible contamination from above or below ground sources, including containment of drilling fluids and casing of the drillhole to a depth well below the fresh water aquifer.

If no oil is found, the test hole would be sealed with cement plugs and any waste would be stabilized and buried, or transported to treatment or disposal facilities. The site would be reclaimed to its original shape and revegetated.

Limited exploratory oil and gas drilling occurred during the 1950s and 1960s in extreme northern Wisconsin and the 1970s in Door, Kewaunee, Waukesha and Fond du Lac counties.

"The main difference now," says Gordon Reinke, DNR mining coordinator, "is that people are more concerned about environmental matters and DNR has exploratory regulations in place to help control environmental impacts."

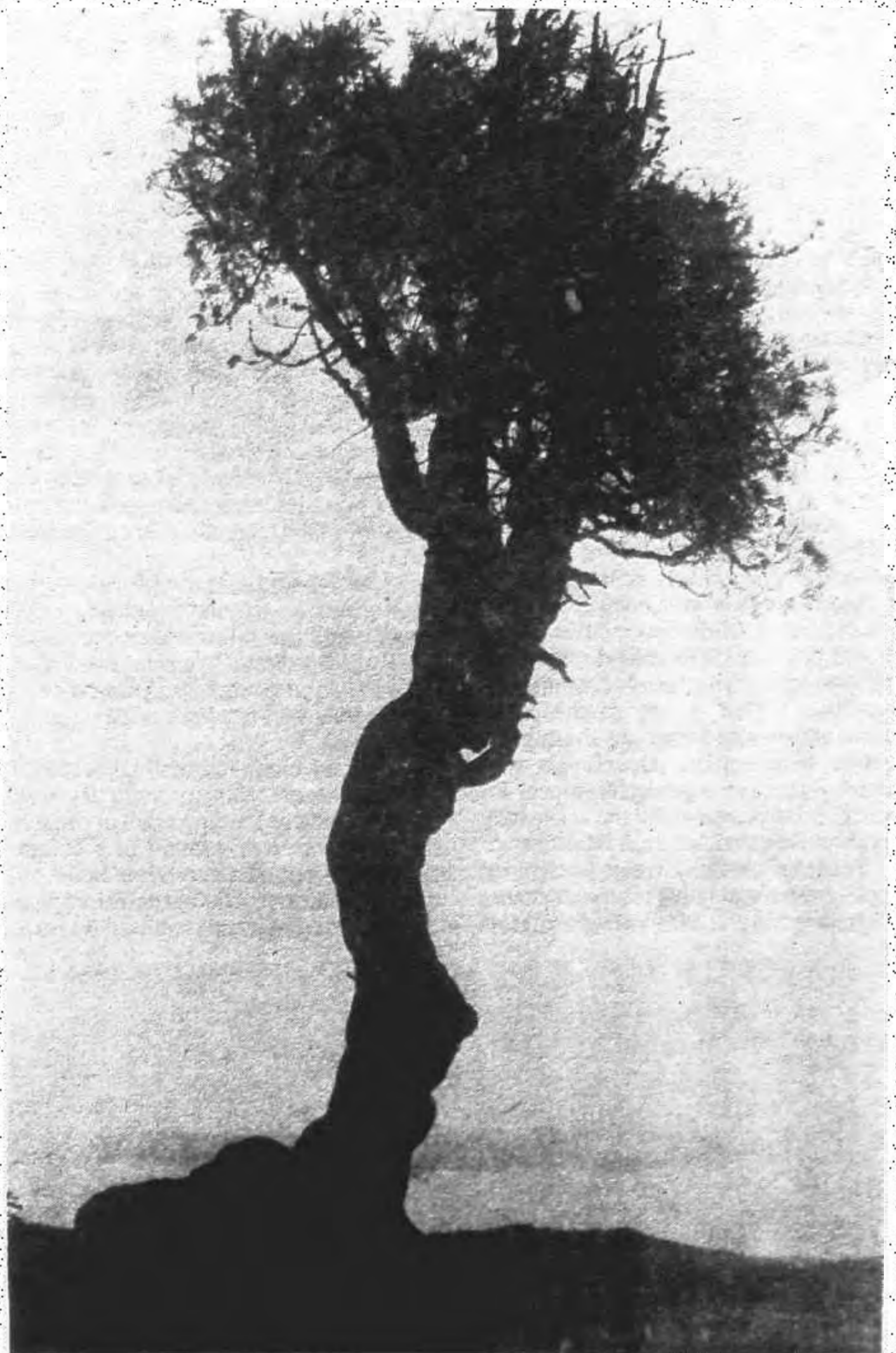
People attending two county zoning hearings expressed concerns about potential effects on North Fish Creek and the proper disposal of rock cuttings and drilling muds when the hole is completed. Terra Energy, working with department staff, has addressed these concerns in the company's proposal for drilling, abandonment and waste disposal, Rienke said.

The department has written an environmental assessment regarding the test hole, gathering facts from Bayfield County, the State of Michigan, and the Chippewa Indian tribe. From this assessment, the Department has made a preliminary determination that an environmental impact statement will not be required for this action.

Copies of the environmental assessment leading to this preliminary determination may be obtained from the Vaughn Library in Ashland, Bayfield City Library, or from Gordon Reinke, mining unit coordinator, Department of Natural Resources, P.O. Box 7921, Madison, Wisconsin 53707, (608) 266-2050.

Public comments on the environmental assessment are welcomed and should be received by Reinke no later than Monday, December 24, 1991. Comments may be either verbal or written.

*(Reprinted from the Department of Natural Resources newsletter.)*



*The Spirit Tree at Grand Portage, one of nature's enigma's, continues to grow out from a rocky base overlooking Lake Superior. Long used as a symbol and source of spiritual strength by the Chippewa, the aged and gnarled Tree is a reminder for humankind to be humble and to honor the Earth and all her creatures. (Photo by Amoose)*



*A child swings on a gate closing the entrance to land owned by Exxon near the Mole Lake Reservation, Crandon, Wisconsin. Appropriate warnings of a high risk zone are posted behind the child. (Photo by Sue Erickson)*

## Letter to the Editor

Dear Editor:

The Chequamegon Alliance (CA) is concerned over the recent news reports regarding the construction of a garbage incinerator. If the reports are correct, Ashland County has been approached with the suggestion that an incinerator will benefit everyone by providing a cheap place to dispose of solid waste and at the same time be an environmentally sound venture. Should this suggestion be taken seriously, then CA will present information and evidence that should dampen enthusiasm for such a folly.

At this time, however, we would like to applaud the leadership and interest shown by the Bayfield County Zoning Committee. According to the minutes of their meeting of October 8, 1991 the committee

agreed that composting would offer a "far more viable alternative to solid waste management in this region than incineration." CA hopes that other local governments will show the same initiative.

Hopefully, all these units of government can be encouraged to hold a "solid waste summit" and agree to pursue this idea of establishing a regional solid waste composting and recycling facility.

Thank you,  
Kathie Snyder,  
Chequamegon Alliance Chairperson





# Legislative Update

By Keith Roepelle  
Wisconsin's Environmental Decade

The Wisconsin Legislature is addressing many important environmental issues in this session, particularly in the areas of mining, water quality, solid waste and energy. Several bills have already been passed; unfortunately, most of these measures have been vetoed by Governor Thompson. Following is a summary of bills that have been introduced thus far and any action the legislature has taken on them.

## MINING

**AB-27 & SB 132 Mining on state lands (Rep. Black & Senator Decker)**

This bill would close a loophole in current law which allows the DNR to entertain permits for mining in state parks and state forests. The bill passed overwhelmingly in the Assembly, more narrowly in the Senate and was vetoed by the Governor. A veto override attempt in the assembly failed.

**AB-81 Mining moratorium (Rep. Stower)**

This bill would place a temporary moratorium on all metallic mining in Wisconsin until the DNR prepares a comprehensive analysis on the impact of mining on the state as a whole. It also prohibits uranium mining in the state and prohibits the DNR from issuing a permit for a mine site located in any portion of a wetland shoreland. This bill has passed the Assembly and is now in the Senate Mining Committee.

**SB-240 Bad Actor bill (Senator Decker)**

This bill requires that someone applying for a mining or prospecting permit must give the DNR information about all mining operations of the applicant, parent corporation, or subsidiary within the past 20 years. It also requires that the DNR deny a mining or prospecting permit to an applicant if the applicant, parent corporation, or any subsidiary is in violation of any environmental protection law in Wisconsin, the U.S. or Canada. SB-240 has passed the Senate Environmental Resources Committee.

**SB-265 Mining on state lands (Senator Jauch)**

This bill is similar to AB-27 and SB-32 in that it limits mining on state lands, but unlike the other bills, still allows for mining on state lands under very limited conditions.

## WATER QUALITY

**AB-74 & SB-29 Phosphorus limit (Rep. Baldus & Senator Berndt)**

These bills require the DNR to promulgate rules limiting point source discharges of phosphorus to no more than 1 mg/liter into surface waters of Wisconsin. AB-74 passed the Assembly Environmental Resources Committee and the Joint Finance Committee.

**SB-281 Nonpoint pollution (Senator Chvala)**

This bill would make certain changes in the DNR's priority watershed program, most significantly, creating a regulatory aspect to what is currently an entirely voluntary program. Landowners could receive 70 percent cost sharing if they opted into the program (requiring that they use best management practices) during a three year initial sign-up period. If water quality goals are not met with voluntary involvement, the DNR may make involvement mandatory, in which case landowners will only receive 25 percent cost sharing.

The bill also creates statewide construction site erosion control ordinance with stop-work order enforcement. SB-281 has passed the Senate Environmental Resources Committee and is now before Joint Finance.

**AB-543 Toxic freeze (Rep. Seery)**

This bill would freeze emissions of hazardous materials from industrial point sources at 1991 levels. Any industry which holds a permit for air pollution control or discharge into state waters would be affected. The bill also requires the DNR to develop and maintain a computer data base containing information about hazardous substance releases; and the data would be made available to the public. AB-543 has had a hearing in front of the Assembly Environmental Resources Committee.

## ENERGY

**AB-204 & SB-71 Ethanol use in state fleet (Rep. Gronemus & Senator Berndt)**

This bill directs DOA to require that each agency that operates a car fleet use ethanol based fuel containing 10% alcohol. AB-204 has had a hearing in front of the Assembly Highways Committee.

**AB-370 Clean energy rebate (Rep. Black)**

This bill creates a clean energy rebate program under which anyone installing a system which converts wind or solar energy into thermal or electric energy is eligible for a rebate up to \$2,000. The rebate would be calculated at a rate of \$100 per million Btu generated. This bill was included as part of the state budget bill where it passed, but was then vetoed by the Governor. A veto override attempt fell short by four votes.

**AB-376 Solar and wind tax exemption (Rep. Black)**

The current property tax exemption for solar and wind energy systems will expire on December 31, 1995. This bill would indefinitely extend that exemption.

**AB-590 & SB-276 State energy policy (Rep. Hinkfuss & Senator Cowles)**

These bills would amend an existing energy conservation statute and require that state agencies meet their energy demands first through conservation, secondly through use of noncombustion renewables, combustible renewables would be their third resort and fossil fuels a last resort. It also requires that the agencies report to the legislature on a yearly basis as to how they have complied with this statute. These bills have had hearings before the Assembly Energy Committee and the Senate Environmental Resources Committee respectively.

**AB-577 Gas guzzler fee (Rep. Seery)**

This bill would place a fee of \$20 per mpg on the sale of any new vehicle which has a lower gas mileage than the national average of 27.5 mpg. The funds collected would be placed in a segregated fund to be used for mass transit or other energy efficiency programs.

## SOLID AND HAZARDOUS WASTE

**SB-14 Medical waste incinerator moratorium (Senator Andrea)**

This bill would have put a moratorium on the construction of medical waste incinerators in any nonattainment area of Wisconsin (essentially Southeastern Wisconsin). This bill was passed by the legislature and vetoed by the Governor.

**AB-581 Recycling program funding (Rep. Black & Panzer)**

For the second year in a row, the Governor has vetoed much of the funding for the statewide recycling program (first in the original bill, then this year in the budget bill after promising not to). This bill will restore the \$200 million that was passed in the budget to fund statewide recycling through the year 2000. This bill has passed the Assembly, and the Governor has again publicly stated that he will not veto the bill.

**SB-186 Solid waste incinerator moratorium (Senator Chvala)**

This bill would place a two year moratorium on mass burn solid waste incinerators and give the DNR one full-time position to do a study of the environmental and economic impacts of mass-burn incineration. This bill has passed the Senate Environmental Resources Committee.

## OTHER ENVIRONMENTAL BILLS

**AB-55 & SB 33 Endangered resources funding (Rep. Black & Senator Stitt)**

This bill increases funding for the endangered resources program within the DNR through a matching appropriation based on the amount from the endangered resources check-off. This measure was included in the state budget and funded by the legislature at a level of \$1,350,000 over two years. The Governor vetoed \$400,000 of the funds in signing the budget bill.

**AB-210 Low level radioactive waste (Rep. Black)**

This bill will prohibit the Nuclear Regulatory Commission from deregulating approximately one-third of the radioactive waste for disposal as solid waste in Wisconsin. The bill prohibits disposal of low-level radioactive waste in solid waste landfills, from being burned in incinerators and from being recycled into consumer products. AB 210 was passed by the legislature and has been signed into law.

**AB-358 Radioactive Waste Review Board (Rep. Black)**

Under previous law the Radioactive Waste Review Board ceased to exist on June 30, 1991. This bill makes the board permanent. AB-358 passed the legislature and was signed into law.

**SB-78 Roadside habitat (Senator Chvala)**

This bill would restrict mowing of roadsides until after August 1—essentially after the nesting season of song and game birds. This bill has passed the Senate Transportation Committee.

**AB-468 Lawn care chemicals (Rep. Fortis)**

This bill would require that lawn care chemical companies post notice of applications with a sign on the lawn for 72 hours after the treatment, notify immediately adjacent neighbors of applications, inform employees of the health risks associated with handling the chemicals and require written contracts between the companies and their customers. AB-468 has had a hearing in the Assembly Natural Resources Committee.

(Reprinted from Wisconsin's Environmental Decade.)





# Joint study targets WI fisher/marten populations

By Sue Erickson  
Staff Writer

A better understanding of Wisconsin predators, their inter-relationships with each other, their prey and their habitat, is the subject of a long-term research project headed by GLIFWC Wildlife Biologist Jon Gilbert.

Gilbert is into the 18th month of the project focusing on mammalian predators, including pine marten and fishers in the Nicolet National Forest as well as bobcat. He anticipates the first report to be published in six months.

The unique aspect of the project is that interaction among a community of animals, not just one species, is the research subject.

A scarcity of information regarding these predators and their ecological relationships led Gilbert to the project proposal.

The project is actually cooperative in nature, involving participation from GLIFWC, the U.S Forest Service, the University of Wisconsin/Madison, and the UW-Stevens Point.

"The idea is that no one agency had enough money or time to fund this kind of

study, so I put together a package for funding from all places, and together we're able to swing it," states Gilbert.

To date Gilbert has been trapping and radio-tagging only pine marten and fisher in the Nicolet National Forest, beginning the potentially large-scale project in limited manner.

Gilbert cites funding as the key to more rapid expansion of the study.

Marten and fisher were chosen because the Nicolet Forest was one of the first contributors to the study.

Also there is an established population of marten and fisher available there. In fact, Nicolet Forest has the only established population of the pine marten.

Gilbert notes that pine marten are on the state threatened species list, so information regarding their activities will serve to provide better management decisions for their preservation.

Currently Gilbert is the principle investigator and field worker. A full-time radio telemetry staff person, John Wright, has been on since June, tracking the radio-tagged animals.

The process involves live trapping the animals in box traps. Bait is placed in the trap, which also contains a treadmill that

triggers a closing door once the animal is well inside the trap. The animal is totally enclosed in the box trap; and there are no injuries, Gilbert states.

The traps are checked daily. Animals are immobilized with a drug; measurements and weight recorded and a radio collar placed on some. "In about 45 minutes the animal is once again on its way," according to Gilbert.

The radio collar allows scientists to register the animals' home range, the type of habitat that is used, and movement patterns.

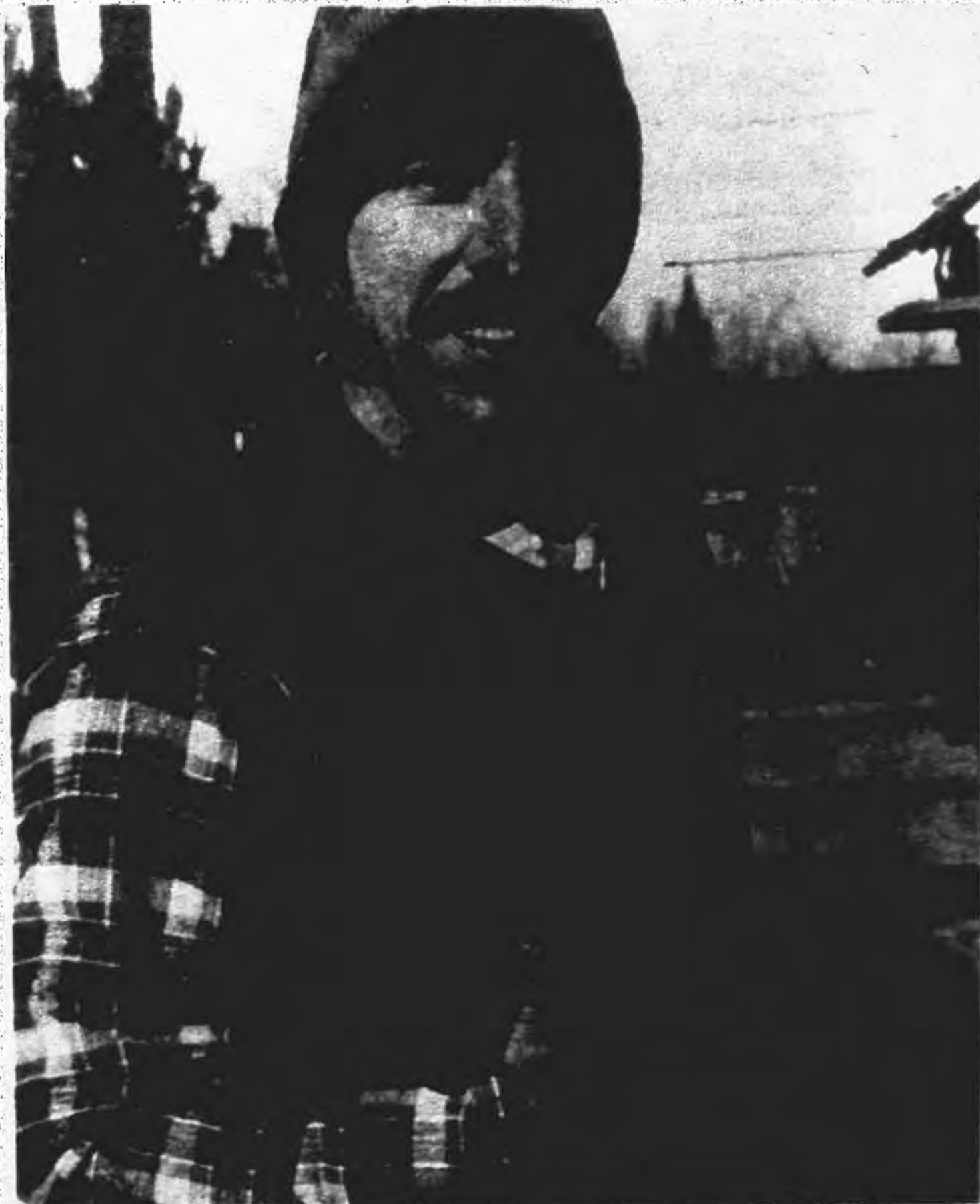
Positions are determined by radio sig-

nals, Gilbert explains, which are calculated on the basis of a triangulated intersection between collar and receiver.

The collars also are equipped with a mortality signal, indicating the death and location of a collared animal. Causes of mortality are also part of the study.

Not all trapped animals are tagged, partially due to the cost of collars, which run about \$200 a piece. So far of 18 trapped martens, eight were collared. Five of eight trapped fisher were collared.

Only adults receive collars, Gilbert explains, because juveniles may tend to go out of the study region.



GLIFWC Wildlife Biologist Jon Gilbert holds a sedated pine marten. Martens and fisher are the subject of a cooperative predator study being performed through the use of radio-collared animals. (Photo by Amoose)



Above GLIFWC staff prepare a live trap for pine marten or fisher. The trapped animals are sedated. Data is then taken on the animal, and it is radio-collared prior to release. Pictured above are, from the left, Jon Gilbert, GLIFWC wildlife biologist and Ron Parisien, GLIFWC wildlife technician. (Photo by Amoose)

## Request for Trumpeter Swan observations

Please be on the lookout this winter and spring for Trumpeter Swans released in Wisconsin's reintroduction program. The following collared birds were released in northern Wisconsin during 1989-1991.

Age	Collar Codes (Black on Yellow Collar)
Adult (white)	00KU, 02KU, 03KU, 05KU, 07KU, 09KU, 11KU, 13KU, 17KU, 18KU, 23KU, 24KU, 34KU, 35KU, 02KT, 04KT-12KT, 14KT-19KT
Subadult/Yearling (white)	30KU-33KU, 36KU-50KU, 52KU-55KU, 00KT, 22KT-25KT, 29KT, 33KT-35KT, 37KT-40KT, 42KT, 44KT-46KT, 51KT, 52KT, 54KT-56KT, 51KT, 52KT, 54KT-56KT, 58KT, 59KT
Cygnets (mottled white and grey/brown)	57KT, 60KT-92KT, 96KT-99KT

Please give us a call or drop us a note if you see any of these above collared swans. Thank you for your assistance.

Sumner W. Matteson  
Avian Ecologist  
Bureau of Endangered Res.  
Box 7921  
Madison, WI 53707  
(608) 266-1571

Michael Mossman  
Nongame Biologist  
Bureau of Research  
Box 7921  
Madison, WI 53707  
(608) 221-6346

Becky Abel  
Dept. of Wildlife Bio.  
UW-Madison  
(608) 263-7595



# Well-being of bobcat population researched

By Sue Erickson  
Staff Writer

Bobcat in northern Wisconsin are the subject of a three to four year research project being performed cooperatively by the UW-Stevens Point, UW-Madison, the Nicolet National Forest, Great Lakes Indian Fish and Wildlife Commission (GLIFWC) and WI Department of Natural Resources (WDNR)

Launched this summer, the project involves capture and radio-tagging bobcat in order to track the population and gather data in the study areas.

Very little is currently known about bobcat in northern Wisconsin, according to GLIFWC Wildlife Biologist Jon Gilbert. "There has been concern about bobcats," he notes, "and we certainly don't know much about their life requirements, like how they are doing in WI, or what is negatively impacting them."

Gilbert, as a resource manager, feels it is unwise to continue harvesting bobcat without knowing how they are doing. "If they are doing just fine, I suspect, we don't need to worry about them," he says. But for now, scientists don't know if the bobcat population is stable, declining, or increasing.

GLIFWC staff are focusing on the

interaction of bobcat and fishers. There is some suggestion that fishers may be negatively impacting bobcat, Gilbert explains, either through direct predation on kittens or through competition for food.

Gilbert is investigating the interaction through a study using radio collars on both species. He will follow female bobcats in the spring, locating dens, and marking kittens. This will enable the researchers to determine survival rates and causes of death if they die. For example, they will be able to determine if fisher cause a high mortality among bobcat kittens.

Relating to food competition, Gilbert will be looking at how healthy bobcats are in areas where fisher are abundant and there is plenty of prey versus areas where there are few fishers and plenty of prey.

The health of the bobcats is determined in several ways. For one, it relates to reproduction potential. Well-nourished females will have more kittens, Gilbert notes. Health will also be determined by the amount of fat on carcasses of legally trapped bobcats.

To date ten cats have been radio-collared, all in Douglas County. Other study areas will be in the Chequamegon National Forest and Nicolet National Forest, where there are relatively few cats.

Additional bobcat will be radio-collared this spring, when trapping will occur.



A trapped pine marten looks out quizzically as the research team approaches.



John Wright, left, predator-tracker, and Ron Parisien, wildlife technician, prepare bait for the traps.

## Photos by Amoose



Tracking the collared pine marten and fishers through radio-telemetry is John Wright, Eagle River, who is employed on a seasonal, full-time basis with GLIFWC's predator prey study. The radio tracking allows biologists knowledge of the animals territory, total habitat and to locate them should death occur.





# 1991 Highlights

In regard to Chippewa treaty issues, 1991 presented a cautious dawn of cooperation among "former combatants" (using Rep. Frank Boyle's terms), a dawn which is still in progress as the year closes. As is typical of so many years, 1991 passed quickly and was filled with activity. Sometimes it is good to look briefly back and review accomplishments. In this respect, 1991 held some very significant landmarks, particularly in regard to state-tribal relationships in WI where the past eight years have been shaped by litigation, protest, violence and misunderstanding. Steps towards achieving mutual respect and finding common ground were taken in 1991. Some of those steps are listed among 1991 highlights below:

## Cross-deputization

Nine GLIFWC wardens were crosscredentialed with the Wisconsin Department of Natural Resources during a ceremony in February. The cross-deputization of GLIFWC wardens had been sought by the tribes for several years and served to ease ambiguity about the status of GLIFWC wardens. It also provided an opportunity for the state and tribes to pool their resources and more efficiently enforce both tribal and state natural resource codes off-reservation.

## Cultural Sensitivity Training

WDNR requested and attended a Cultural Awareness Workshop in February at the Bad River Reservation in an attempt to sensitize many of the staff to Ojibwa thought and tradition. Perhaps most significant about the event was the recognition that the Ojibwa people do have a different philosophy and culture which needs to be understood and appreciated in order to promote better communication and mutual respect.

## Joint Fishery Assessment

Senator Daniel Inouye, Chairman of the Senate Select Committee on Indian Affairs, and the WI Congressional Delegation sought and obtained a federal appropriation for a joint assessment of the Wisconsin fishery in the ceded territory in order to answer questions in regard to the impact of tribal spearing. A report from the steering committee formed to carry out the legislative mandate, *Casting Light Upon the Waters*, was released in April. Results of the joint assessment made by state, tribal and federal natural resource managers showed that spearing did not harm the resources.

Recommendations included the need for continued assessment activity and monitoring of the fishery. Major factors impacting the fishery were identified as: 1.) state-licensed angling pressure, 2.) Chippewa spearfishing, and 3.) environmental factors.



Wisconsin Department of Natural Resources (WDNR) Chief Warden Ralph Christiansen presents state credentials to GLIFWC Enforcement Chief Charles Bresette during a ceremony at Bad River. Nine GLIFWC wardens were cross-credentialed. (Photo by Sue Erickson)

## ACLU suit to stop violent protest at landings successful

The American Civil Liberties Union on behalf of the Lac du Flambeau Band of Chippewa and the Wa Swa Gon Treaty Association, filed a suit against STA leader Dean Crist and 15 other members of STA as well as three county sheriffs. The suit sought to prevent harassment of Chippewa spearfishermen at the landings. Judge Barbara Crabb's March 15th ruling was successful in recognizing the violent and racial tones of the protest experienced by tribal members and prohibited defendants from many of the activities in which they had previously been engaged.

## Spring spearing season relatively quiet

Many landings in the in the ceded territories experienced totally peaceful, uninterrupted spring spearing. Only the Lac du Flambeau Band was badgered with continued protest on almost a nightly basis. However, with Judge Crabb's ruling in effect, violence and disturbance on the water was negligible and the number of protestors was considerably smaller. Essentially, a diehard group of anti-Indian folk appeared almost nightly with signs; attempted to get some chants going; but generally left relatively early in the evening.

## No appeals filed in the Voigt Litigation

Almost two decades of litigation between the State of Wisconsin and the Chippewa Tribes concluded on May 20 when neither side filed an appeal of any of the decisions which were subsequent phases of Voigt. The absence of litigation and the combative stance required in litigation helped pave the way towards more cooperative attitudes between states and tribes.

## Feathergate—favorable treaty right decision

In a treaty right case involving the collection and sale of feathers from migratory birds, defendants Walter Bresette, Red Cliff, and Esther Nahgahnub, Fond du Lac, won a favorable decision from Federal Judge Paul Magnuson, U.S. District Court, Third Division. Magnuson who found that the activities of Bresette and Nahgahnub posed no threat to the migratory bird population and, therefore, exonerated them from the charges filed by the U.S. Fish and Wildlife Service.

## Injunction temporarily halts Ladysmith Mine

The Lac Courte Oreilles Band of Chippewa and the Sierra Club filed a court suit asking for supplemental environmental impact statement at the Ladysmith mine site and that further work on the mine site be halted until the supplemental studies were completed. The result was the granting of a hearing for a preliminary injunction and a halt to all preparation work at the site.

(See 1991 Highlights, page 13)



Governor Tommy Thompson (center) indicated his support for the proposed Lake Superior Environmental Laboratory during a press conference near the site of the new lab's building. The project was the result of cooperation between tribes, GLIFWC, the City of Superior, Douglas County, private business and the State of Wisconsin. (Photo by Amoose)



# 1991 Highlights continued



(Continued from page 12)

## Lake Superior Environmental Research Laboratory

A cooperative effort on the part of tribes, GLIFWC, UW-Superior, Douglas County, the city of Superior, and local businesses resulted in obtaining funds for the building and development of an environmental research laboratory in Superior. The facility promises to be a boon to environmental protection and preservation as well as an opportunity for training and employment of Native Americans in that field. It also exemplifies what cooperation among communities can accomplish.

## Indian Education Curriculum initiated

The legislative mandate for curriculum covering Indian treaties, history and government was completed this summer and readied for introduction into the Wisconsin school system. Curriculum coordinators for the DPI, William Gollnick and Francis Steindorf, (Continued from page 13) have been active in preparing schools and teachers for the implementation of the curriculum.

## NW fact finding trip

State and tribal leaders departed this fall for a fact finding trip to the Northwest where issues regarding treaty fishing had been resolved through cooperative initiatives by the state and regional tribes. The Wisconsin delegation spoke with both state and tribal leaders as well as natural resource managers and toured hatcheries which were developed through funding sought mutually by state and tribes.

## State-tribal natural resources task force formed

Resulting from the joint trip to the Northwest, a sixteen member task force with state and tribal representatives was formed. The objectives of the task force are to formulate proposals which will benefit the natural resources and jointly seeking federal funding for the proposals. While the fisheries may be the first target of the task force, other areas of natural resource management will also be considered.

Tribal chairmen joined Senator Daniel Inouye for a luncheon following a press conference announcing the release of a joint fishery assessment report, *Casting Light Upon the Waters*. From the left are: Michael Allen, Lac du Flambeau; Patricia DePerry, Red Cliff; Ray McGeshick, Mole Lake; Senator Daniel Inouye, (D-Hawaii); Galashkibos, Lac Courte Oreilles; Donald Moore, Bad River; and Eugene Taylor, St. Croix. (Photo by Amoose)

# 1991 New staff

## Biological Services Division

**Steve Shroyer, inland fisheries biologist.** Steve joined GLIFWC's biological staff on May 1, taking the position of Dale Shively, who is now heading the Great Lakes fishery section. Steve has been working primarily on spring walleye population estimates and full juvenile walleye recruitment surveys. He also monitored some of the reservation gillnetting this summer.

Steve graduated from Ball State University, Muncie, Indiana, with a Bachelor of Science Degree in biology and from the University of Minnesota, Mpls., with a Master of Science Degree in fisheries biology.

**John (Dates) Denomie, wildlife technician.** Under the Wildlife Section of the Biological Services Division since April 15th, Dates has been working with State-GLIFWC natural resource enhancement projects. Some of these include wild rice re-seeding, waterfowl surveys, purple loosestrife control, sharp-tailed grouse restoration.

Formerly, Dates served as the WCC crew leader for Bad River for five years, providing him with comprehensive experience in natural resource enhancement activities.

**Jim Meeker, botanist.** Also with the Wildlife Section of the Biological Services Division is GLIFWC's first botanist, Jim Meeker. Jim came aboard this fall and is in the process of developing a botany program based on tribal need and interest. He is looking at protection, preservation and enhancement projects related to plant species of particular value to the tribes. Another aspect of his position will relate to education.

Jim is working 1/2 with GLIFWC and 1/2 as a Professor of Natural Resources at Northland College, Ashland.

Jim's background includes five years of working with the Bad River Reservation on wild rice research while studying for his PhD in botany as well as high school teaching.

## Intergovernmental Affairs

**Robin Goree, policy analyst.** Joining GLIFWC Intergovernmental Affairs Division as a policy analyst is Robin Goree. Goree has been pursuing environmental issues for GLIFWC, with mining and oil drilling concerns one of her priorities.

Goree completed undergraduate studies in journalism and English and received her Law Degree from the UW-Madison,

concentrating on environmental law, Indian law and international law.

## Administration

**Michelle McCormick, bookkeeper.** Joining GLIFWC this fall as a bookkeeper was Michelle McCormick. Michelle previously worked as a bookkeeper for the Bad River Tribe and also worked part-time as GLIFWC receptionist several years ago. Michelle graduated with an Associates Degree in accounting from Wisconsin Indianhead Technical College, Ashland.

## Enforcement

Three new wardens became part of GLIFWC's staff during the 1991 year. Among them is **Bernard Hanson, Red Cliff.** Bernard previously was employed with the Red Cliff tribal police for two years and is a fully certified officer.

**Mike St. Onge, Lac Vieux Desert,** also joined the GLIFWC warden staff. Mike will be going to Eau Claire in January for ten weeks of officer training.

**Ken Andrews, Red Cliff,** who has served with GLIFWC two years as a seasonal warden was also hired as a part-time dispatcher.

## ANA Program

**Mary Jo (M.J.) Kewley, ANA graphics specialist.** Mary Jo was hired in conjunction with an Administration for Native Americans (ANA) grant providing for the development of educational materials. She has been traveling to many of the tribes as part of the research related to her project, one aspect which concentrates on cooperative resource management endeavors.

Mary Jo previously worked as a journalist for the Wausau Daily Herald, Wausau, WI and is a veteran of spearfish landings and news coverage.

## Public Information

**Amoose (Raymond) Moore, photo-journalist.** Amoose joined the public information staff early in the year. He is responsible for photography which appears in the MASINAIGAN, posters and brochures produced by GLIFWC.

Amoose provided free-lance photography for GLIFWC, News from Indian Country, the Circle and the Ashland Daily Press prior to joining the staff and has also studied photography with Al Bonano, Mt. Scenario College, Ladysmith, WI. □



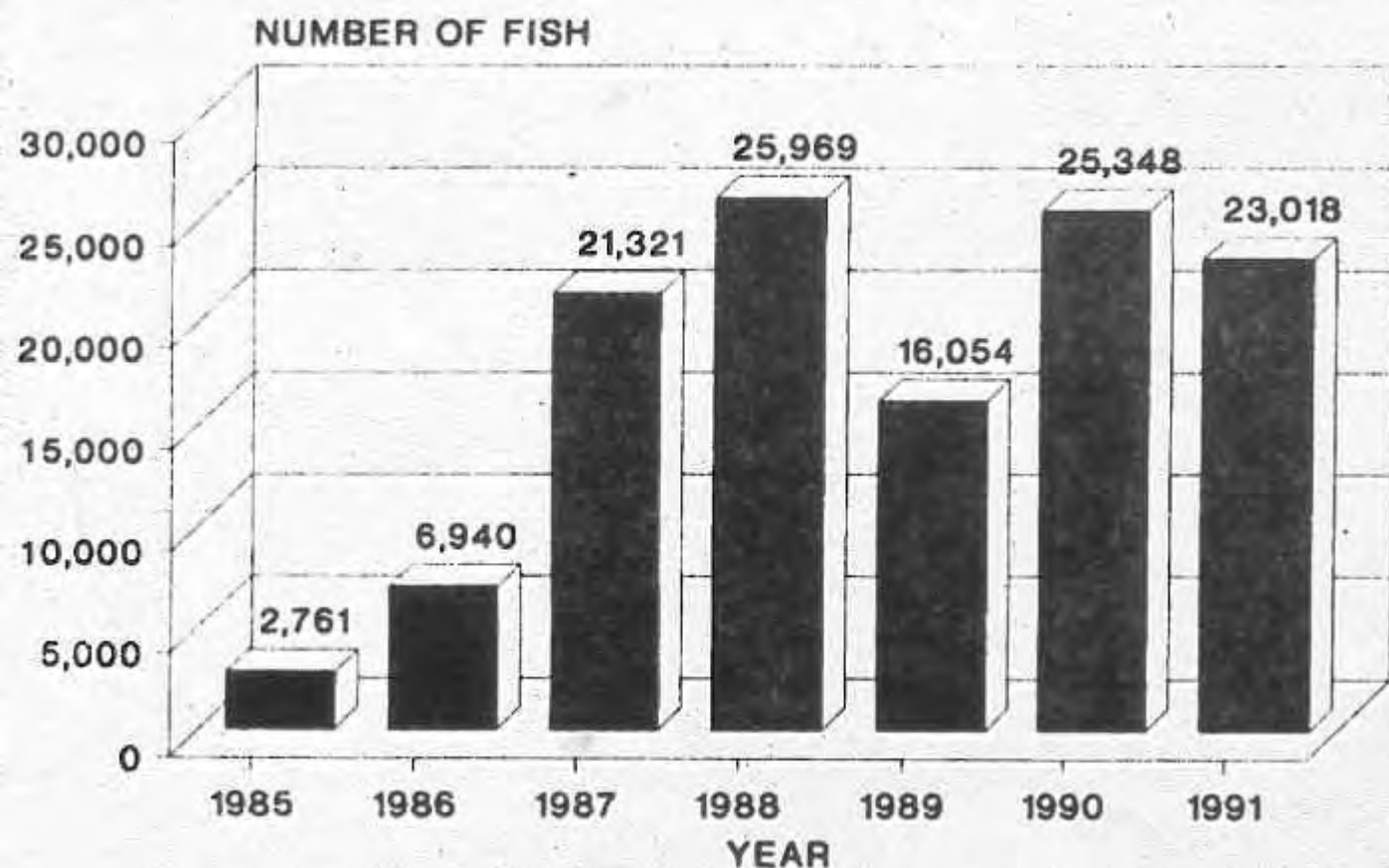
# 1991 Treaty Seasons

By Sue Erickson  
Staff Writer

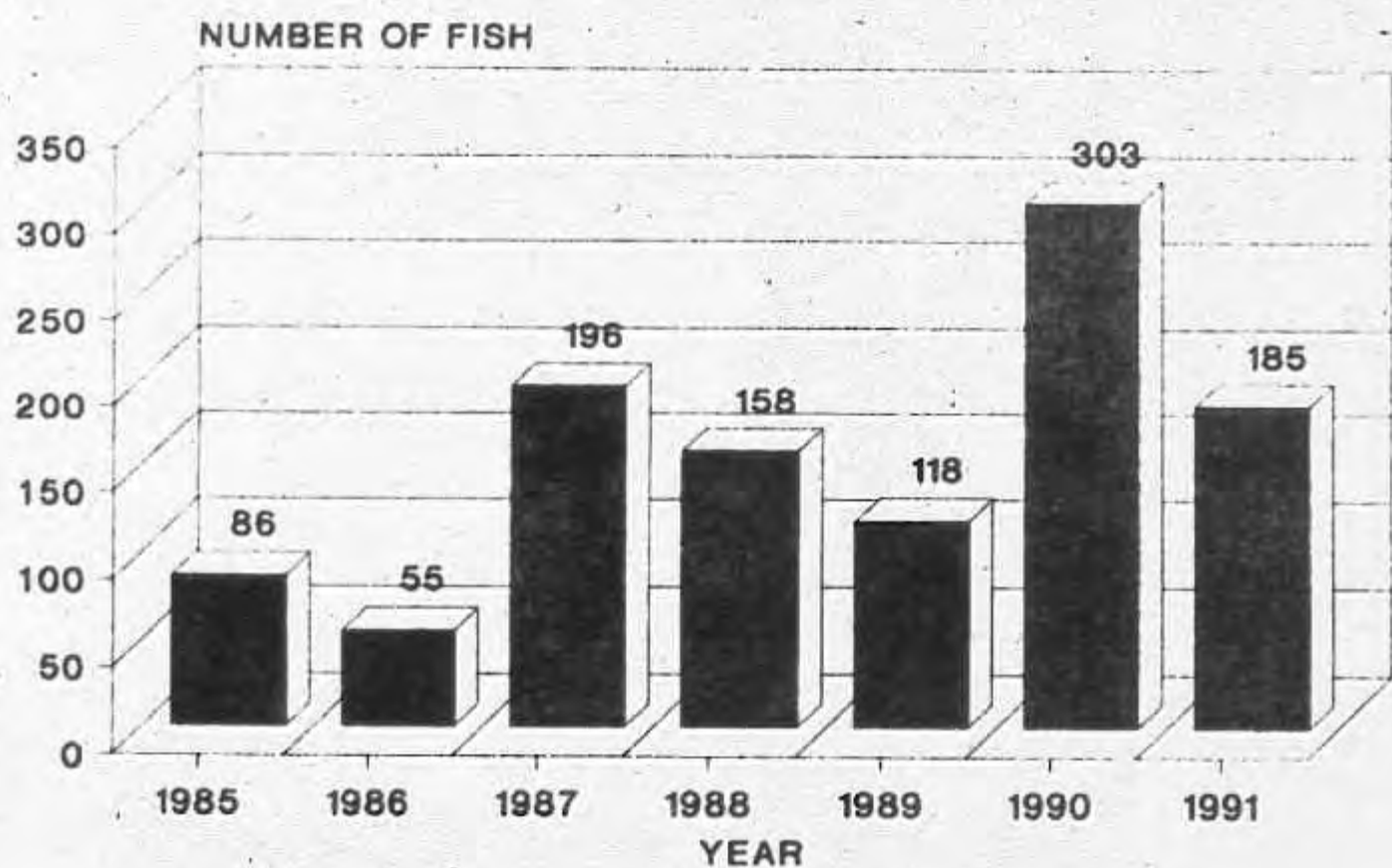
## Spring Spearfishing Season

The results of the 1991 spring spearfishing season are depicted graphically below. A report on the season prepared by Jim Thannum, natural resources specialist, is available through the GLIFWC offices.

**WALLEYE HARVEST  
SPRING SPEARING 1985 - 1991**



**MUSKELLUNGE HARVEST  
SPRING SPEARING 1985 - 1991**



## Gillnetting

The tribal gillnetting season is open from June 1 to March 1. Like spearfishing this season is closely monitored. Specific regulations governing the season are available through the GLIFWC offices.

Results from summer netting (June through July)

- Walleye—179, two released
- Musky—three, one released
- Northern Pike—two, one released
- Yellow Perch—34, one released
- Black Crappie—two, one released
- Bullheads—Five caught and released
- Suckers—Ten, seven released
- Blue gills—Two
- Rock Bass—Seven
- Cisco—51

Sex distribution of walleye harvested by Chippewa Bands

Year	No. of sexed fish	No. of males recorded	No. of females recorded	No. of unknown recorded	% males of sexed fish
1987	14,224	11,521	1,422	1,281	81.0%
1988	19,368	16,193	2,033	1,142	83.6%
1989	13,254	11,222	1,030	1,002	84.6%
1990	18,500	14,693	2,342	1,465	79.4%
1991	18,551	15,626	1,926	999	84.2%
Totals	83,897	69,255	8,753	5,889	82.5%

## Openwater/ice fishing, including spearing through the ice

The season is year round for all species except for sturgeon. The sturgeon season is open June 1 to March 1

## Waterfowl

The Wisconsin treaty waterfowl hunt was open from:

Ducks—Sept. 23 thru Nov. 3

Geese—Sept 16 - Dec. 1

A full report on the season will be available late February. Surveys have been sent out to hunters. GLIFWC Wildlife Biologist Peter David suspects the harvest may be down this year particularly for geese because of unusual migration patterns. Ducks, he says, may also be affected because of the amount of water available this year. Ducks tended to spread out during the migration due to more available wet areas. David also noted that this was the first year for the 1836 treaty area waterfowl season exercised by Bay Mills members in Michigan.

## Wild rice harvest

Wild rice seasons are generally open on a lake to lake basis, depending on the ripeness of the crop. Peter David, GLIFWC wildlife biologist, noted that the wild rice crop looked sparse this season. GLIFWC has sent out surveys to all tribal and state-licensed

## Small Game

The small game season in Wisconsin opened the day after Labor Day and will run through March 31st for the following species: Bobwhite quail; Hungarian partridge; pheasant; raccoon; red and grey fox; red, grey and fox squirrels; ruffed grouse; sharp-tailed grouse.

The season is year round for the following species: Beaver, coyote, rabbit, and snowshoe hare

For bobcat the season is: October 1 to March 31

Wild Turkey season is day after Labor Day to December 31; spring season April 10 to May 20

## Trapping

The off-reservation treaty trapping season is open for all species, except fisher and otter, from October 1 to March 31st. The fisher and otter season is November 1 to March 31st.

## Deer

The off-reservation, treaty deer season opened the day after Labor Day and closes on Dec. 31st. The most recent figures on the tribal harvest for 1991, as of 12/9/91 are as follows:

Tribe	Antlered	Antlerless	Total
Bad River	114	425	539
Lac Courte Oreilles	351	1,013	1,364
Lac du Flambeau	231	969	1,200
Mole Lake	59	310	369
Red Cliff	140	435	575
St. Croix	91	496	587
Mille Lacs	41	103	144
Lac Vieux Desert	2	1	3
<b>TOTALS</b>	<b>1,029</b>	<b>3,752</b>	<b>4,781</b>

Editor's note: Any tribal member wishing more details on the specific regulations for any season should contact the GLIFWC offices or their tribal registration stations for regulation booklets.



# Bay Mills Tribe request trap net permit

By Dave Murray  
St. Ignace News

The Bay Mills Tribe, which has staunchly argued for the rights of the small-boat gill net commercial fishermen, has opened the door for trap net fishing by members of its community.

During an October 22 Executive Council meeting in Sault Ste. Marie, the Tribe requested a trap net permit to fish outside tribal zones.

While the commercial fishing venture would remain within treaty ceded tribal waters, the areas designated "outside tribal zones" are those now called state zones in the 1985 Consent Order. For example, part of Hammond Bay, which was closed to tribal commercial fishing January 1, 1990, is designated a state zone, although it is within tribal waters.

Bay Mills commercial fishermen have diligently fought to maintain a small-boat fishery that primarily uses gill nets. The Bay Mills Tribe stalled the enactment of the Consent Order for a time in 1985 because members feared the small-boat fishery eventually would be wiped out by the Order.

Trap-net commercial fishing requires a cash investment of \$100,000 or more. It can cost \$50,000 to \$70,000 for the '40-



Jeff Parker, Bay Mills Chairman.

foot vessel needed in the operation and one trap net costs \$5,000 to \$6,000. Ten nets are needed to make a standard trap net or impoundment fishing operations profitable, said Don Nelson, commercial fishing specialist with the Department of Natural Resources.

The large vessel also requires different access and landing sites, a larger crew, and more equipment than for gill net fishing.

The popular argument against the

small-mesh gill net was that it killed every fish that tried to swim through, while the trap net allows fishermen to live-release non-targeted fish. Because the trap net operation catches fish alive, the fish caught stay fresher and there is a better market for them, say proponents, while some gill net operations were criticized for not lifting their nets daily and taking the fish to market.

Gill net fishermen defend small-net use, saying their proficiency and skill help them catch the fish they want and that not all fish that swim through a gill net are killed. The small-boat fisherman, in order to survive, must lift his nets daily, they say, while trap net operations are big business that eliminate independent fishermen and jobs.

With the closing of Hammond Bay to small-boat fishermen, however, potentially large numbers of whitefish have gone unharvested. There is only one trap net operation, from the Sault Ste. Marie Tribe of Chippewa, working those waters.

The Technical Fisheries Review Committee (TFRC), which establishes total allowable catches (TAC) of species of fishes within tribal waters, projected that more than 900,000 pounds of whitefish could be harvested from the Hammond Bay area. Their report to the Executive Committee also stated that whitefish catches throughout the Great Lakes are relatively stable and the whitefish stocks are healthy, the committee said.

The TFRC includes biologists from the U.S. Fish and Wildlife Service and the Inter-Tribal Fisheries and Assessment Program, and representatives from the Depart-

ment of Natural Resources.

Jeff Parker, chairman of the Bay Mills tribe, introduced the request for the permit at the Executive Council but would not comment further. The permit must receive joint authorization from the Department of Natural Resources and the Chippewa-Ottawa Treaty Fishery Management Authority.

Parker also suggested an alternative decision-making process to allow an 80 percent vote (4 of 5 voting members) of the Executive Council to make decisions.

The Council has been criticized as ineffective and lacking strength by Timothy Glidden, the representative of the U.S. Department of Interior, because it requires a unanimous agreement from the five board members: the chairmen of the Bay Mills, Sault Ste. Marie Tribe of Chippewa Indians, and the Grand Traverse Band of Ottawa, and the State of Michigan representative, usually the head of the DNR or Chief of Fisheries.

Lacking unanimous agreement, council problems often are taken to Federal Judge Richard Enslin for a decision, which requires attorney fees and takes more time. Many times, the state is the lone dissenting voter.

The Executive Council was designed to be a dispute settling committee that would avoid court proceedings over problems that might arise as the Consent Order is implemented.

When Parker's plan came to a vote, it was defeated 4-1. The state, represented by John Robertson, Chief of Fisheries, dissented.

## DNR says tribal pacts aid lake trout survival

The Wisconsin Department of Natural Resources says an agreement with two Chippewa Indian reservations on the shore of Lake Superior will improve the survival rate of Great Lakes trout.

The agreement with the Red Cliff and Bad River reservations is similar to rules affecting commercial fishermen whose fine-meshed gill nets catch the trout.

A Red Cliff fisherman said the new regulations could force tribal commercial fishermen who use gill nets out of business.

"We're going down the drain," Wilfred Peterson said Friday. "Anybody that's fishing gill nets will be out of business next summer."

Lee Kernen, director of the DNR Bureau of Fisheries, said Thursday the Chippewa consented to reduce the use of gill nets that are intended primarily to catch whitefish.

If the new agreements affect the two tribes combined in a similar way, it's going to ensure the rehabilitation of lake trout on the western end of Lake Superior," he said.

Similar restrictions imposed on state-licensed commercial fishermen last year cut gill-netting by 75 percent, Kernen said. "We think that could have been as much as 2 million feet of gill net, which would save an estimated 30,000 lake trout" annually, he said.

Commercial fishermen often catch lake trout in nets that are primarily intended for whitefish, said Ralph Christensen, chief DNR warden.

Commercial fishing regulations on

Lake Superior attempt to protect lake trout by requiring those killed in the nets to be tagged and recorded as part of the day's catch.

If fishermen run out of their quota of tags, which would force them to stop legal fishing, many simply throw back dead or injured lake trout that have no chance of surviving.

The Bad River reservation, east of Ashland, faces relatively slight reductions in gill-netting, Kernen said.

"These new regulations will not cause any reduction in Bad River's total effort if Bad River's fishing patterns remain consistent with those we've observed during the past three years," said Joe Dan Rose, Bad River's fisheries biologist and part of the team that negotiated the agreement with the state.

The Red Cliff reservation, on the Chequamegon Peninsula, has proportionately more fishermen and could face cut-backs similar to those experienced by licensed fishermen, he said.

The DNR said the Red Cliff Chippewa increased their use of gill nets in recent years in response to growth in the lake's whitefish population.

The agreement ignores tribal members' treaty rights to fish, Peterson said.

"Our tribal council goes along with what the DNR wants," he said. "I've been asking them whose treaty rights these are anyway."

(Reprinted from the Duluth News-Tribune, November 23rd edition.)



Fishing through the ice occupies tribal commercial fishermen. (Photo by Jeff Peters)



# Counties intervene in 1837 Treaty litigation against Mille Lacs Band of Chippewa

The right to hunt, fish and gather on ceded land may once again be put to the legal test, but this time in Minnesota. Negotiations have been underway between the State of Minnesota and the Mille Lacs Band of Chippewa for sometime in regard to the treaty rights retained by the Mille Lacs Band in the 1837 Treaty.

However, disgruntled counties, feeling the state cannot adequately represent their interests, have been given the right to intervene in a decision by Judge Magistrate J. Earl Cudd.

## Counties' argument

The counties' position was outlined in an article in the Mora-Kanabec County Times, Nov. 21, 1991. According to that interview with Chaffee it is as follows:

When the Mille Lacs Band filed suit in Federal District Court on August 13, 1990, a controversial and potentially dangerous wheel was set in motion.

The Band sought, and is still pursuing, injunctive relief and a declaratory judgment recognizing its right under a treaty signed in 1837 to hunt, fish and gather throughout much of East Central MN.

Similar action by Indians in western Wisconsin resulted in ugly confrontations between those who agreed with the treaty rights case there and those who opposed it, leaving parties on both sides of the central Minnesota issue hoping to avoid unnecessary conflict here.

Kanabec County lies dead-center in the treaty area, and was the site of a recent meeting between representatives of nine of the 12 involved counties and Minnesota Department of Natural Resources Commissioner Rod Sando and the DNR negotiating team.

At the heart of the issue is the Band's desire to exercise hunting, fishing and gathering rights, outside reservation lands, it claims were guaranteed by the 1837 Treaty with the United States of America.

The late Arthur Gahbow, chief executive of the Mille Lacs Band at the time of the filing in August of 1990, explained the Band's position to the media before his death last spring. "We realize that the filing of this court action may become controversial," he said.

"It is our sincere desire to avoid the emotion and ugliness this issue has caused in Wisconsin during recent years. In filing this action we wish to cause no harm to the valuable natural resources, to the local business owners, or to the non-Indian sporting public," Gahbow continued.

"People need to realize how important these treaty rights are to us. Throughout history, nearly everything has been taken away from us—our land, our home, our ability to live peacefully the way our forefathers have taught us," said Gahbow.

"These treaty rights provide a very important link to our proud cultural heritage," he concluded.

A total of 3,601,501 acres within 12 Minnesota counties, including all of Kanabec County, fall within the treaty area.

Nearly all of Mille Lacs Lake, a popular tourist and sporting destination, is also

**People need to realize how important these treaty rights are to us. Throughout history, nearly everything has been taken away from us—our land, our home, our ability to live peacefully. . . —Arthur Gahbow**

included in the treaty area, and many voices have been raised in concern for that and other natural resources, many in Kanabec County, which they claim would be opened up to unregulated harvest by Band members.

"With all of the time and money invested in the improvement of Knife Lake, I don't think we want to see spearfishing there," said Kanabec County Commissioner Stan Cooper.

In 1983, and in subsequent hearings, the Federal Seventh Circuit Court of Appeals recognized the treaty rights of seven Wisconsin Chippewa bands to hunt and fish outside the scope of state regulation, and spearfishing became one of the most hotly contested issues.

Because Minnesota lies within the Federal Eighth Circuit, however, it is not bound by the Wisconsin rulings, and the state claims to be approaching the case with an eye towards settlement and possible litigation.

In an effort to avoid a court mandated judgment or settlement, the DNR and Band members have held negotiation sessions to determine a workable solution, but representatives of the involved counties were more than a little nervous at being excluded from negotiations they felt should include them.

As a result, the nine counties, which include Aitkin, Benton, Chisago, Crow Wing, Isanti, Kanabec, Mille Lacs, Morrison, and Pine, banded together and

hired attorney Jeff Chaffee, a specialist in Indian law, to represent their interests.

The counties got a boost from Judge Magistrate J. Earl Cudd, recently, when Cudd ruled that they are legally able to intervene in the 1837 Treaty lawsuit as a matter of right.

According to Chaffee, this gives the counties the ability to refuse to be bound by a settlement between the DNR and Band members, should unfavorable conditions arise.

"We're now full-blown partners in the negotiations," he said.

At Chaffee's urging, the DNR held an information meeting in Mora on November 8th to update the counties on the negotiation process.

"I felt that it was time that all of the counties meet with the DNR and discuss their positions," said Chaffee.

County Commissioner Cooper, who attended the meeting, also felt that it was necessary for county officials to keep track of what the DNR negotiating team is bargaining with.

"The meeting was called to find out in what direction the DNR is heading," said Cooper.

A four-point plan was offered by the DNR, which included the following proposals:

- 1) To recognize "for the most part" the Band's right to subsistence hunting, fishing and gathering within the ceded territory.
- 2) Limited commercialization of fish and game by Band members.
- 3) Cash payments to the Band for limiting commercialization of fish and game.
- 4) Deeding of parcels of state and county lands to the Band.

Although the counties are currently formulating an official response to the

DNR's proposals, Chaffee had harsh words for the state's methods and suggestions.

"I think it's sheer folly for the DNR to negotiate the way they are," said Chaffee. "They're already talking about cash settlements and ceding land."

Chaffee believes that if the case went to trial, "there's no way that the Band could get money or land."

"By proposing to make payments to the Band for forgoing their treaty rights, the DNR is assuming that they have those rights to begin with, and I have a real hard time with that," Chaffee added.

The counties defense rests on the basis that the rights agreed upon by the Band and the U.S. government in 1837 are no longer binding.

"The Treaty of 1855 is a key defense," explained Chaffee, "under that treaty, the Band was given full title to the reservation lands, and terminated their rights of the 1837 Treaty."

Another point that Chaffee makes in the counties' favor is the inclusion of language in the 1837 Treaty itself which states that the treaty rights, to hunt, fish, and gather wild rice, are at the pleasure of the President of the United States.

"Zachary Taylor terminated those rights in 1850," said Chaffee.

Chaffee's third defense rests on the way Indian law cases are commonly decided, by examining the history of the treaty in question.

"Indian law requires that whenever any ambiguity whatsoever exists, you have to look at what the tribe's impression was at the time the treaty was signed," he explained.

According to Chaffee, the Band did not have a market economy at the time of the 1837 Treaty, and he feels that would eliminate any discussion regarding commercial harvest of off-reservation natural resources.

While Chaffee reiterated his frustrations at the DNR's giving up land, payments, and rights without the Band conceding anything, he speculated as to the reasons why.

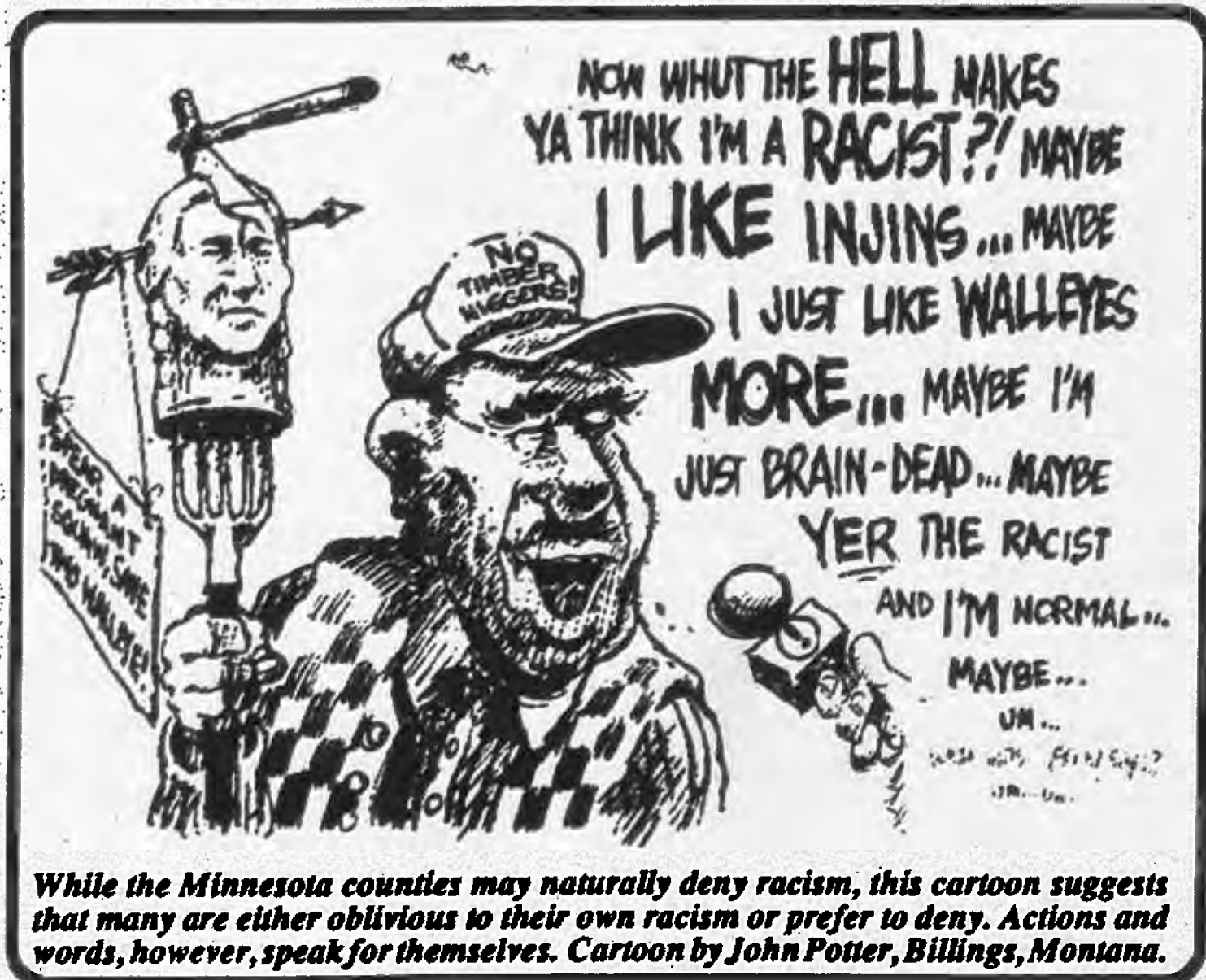
"I would suspect that fear of racism charges are an underlying concern of the state," he said, but clearly stated the counties' position on the racial standpoint of the case, "but the counties' unwillingness to go as far as the state has nothing to do with racism, all the counties want is a settlement that's fair and just for everyone involved."

A trial date of September 1992 has been set if the DNR and Band members fail to reach a compromise, or if the counties disagree with the settlement, which is likely.

"We don't want to get people in an uproar, but I'll be doggoned if I'm going to go along with spearing in Knife Lake or anywhere else," said Commissioner Cooper.

Based on the counties' three main lines of defense, Chaffee doesn't plan to shrink from court proceedings, either, and offered a final thought on the outcome.

"My impression of the case is that there is a very good chance we would win," he stated. □





# The Mille Lacs point of view

The following article (from the October 23, 1991 Isle Messenger, by James Baden) reflects the Mille Lacs stand on hunting, fishing and gathering rights; on current litigation; and provides an overview of treaty history relating to the Mille Lacs Band.

## Treaty History

Indian Treaties are not new. Neither are the rights they give to the tribes. The fact is the Ojibwa Indians have always had the hunting, fishing and gathering rights which were affirmed recently by the federal courts. Simply stated, the Ojibwa Indians never sold those rights when they ceded the land.

Last week, a small group from the Isle Commerce and Development Association heard Don Wedll, the commissioner of natural resources for the Mille Lacs Band, articulate those points on Indian treaty rights.

In his introduction, Wedll told the group that within the constitution of the United States, treaties are looked upon as the law of the land and are considered, in a legal context, to be a form of property rights.

"Indian treaties have the same status as any treaty the United States signs," Wedll said. "The only difference is that these treaties were signed with groups of people within the United States."

According to Wedll, people do not understand treaties or the court decisions which affirmed the legality of the Chippewa tribes because they have not been kept apprised of the status of American tribes or Indian issues in general.

The treaties of 1836, 1837, 1842 and 1854, Wedll explained, are the primary treaties in which the Ojibwa

ceded land in exchange for other benefits. He said that although the Indians sold the land, they kept the right to harvest the resources. These are natural rights, Wedll pointed out.

"In general, Indian tribes were taken to Washington and shown what would be done with the land the United States wanted."

Wedll said. "The concept was that the United States would use the land, and benefits would come back to the tribe. Many treaties were broken because the House of Representatives refused to appropriate the money and the rights agreed upon in those treaties."

Speaking directly of the 1837 treaty, Wedll said that although the treaty gave the U.S. government the pine trees and use of the land, it guaranteed the Mille Lacs Band not only certain hunting and fishing rights but an allotment, too.

"In 1980 the U.S. finally paid the Mille Lacs tribe after 40 years of litigation. By then the timber was off and the land was sold."

Illustrating the status with which the United States held Indian tribes, Wedll detailed the 1825 treaty the United States negotiated between the Ojibwa and the Sioux.

"The U.S. government dealt with the tribes as nations just like they would any group that held political and military power in a region. What Indian tribes are doing is no different than what the Baltic states are doing."

The 1825 treaty established the boundaries between the Ojibwa and Sioux nations.

"When the Indians were in control of the land, the United States referred to them as their 'Red Brothers,'" Wedll said. "But the language changed later when the tribes were



Don Wedll, Mille Lacs natural resource commissioner.

not as powerful and they began to be referred to as children of the great white father."

Wedll told the group that Indians have not only had to develop a certain sophistication and skill in the non-Indian world but the litigation has moved very slowly through the system. The treaties are controversial because they threaten to change the status quo, Wedll pointed out.

## Current litigation

Nevertheless, negotiations with the state of Minnesota over the 1837 treaty, Wedll says, are going well, and he emphasized that avoiding the trouble that occurred in Wisconsin was important to everyone. The trial date, originally set for May 1992, has been pushed up to September of '92.

But, Wedll warned, if the tribe goes into court, it will be different than negotiations.

"In court you either win or lose," he said. "If the tribe goes into court, it won't be asking for a minimum settlement."

The real issue in the 1837 treaty, Wedll told his audience, is fishing on Mille Lacs Lake.

"That's where the biggest potential for conflict lies," he said. "I believe a solution people agree to is better than to let a court decide."

Pointing to the Wisconsin case again, Wedll noted that court cases are win/lose propositions.

"In Wisconsin, on certain lakes 500 acres or less, if an Indian spears one walleye, the bag limit goes down. If he doesn't, the bag limit stays the same. We get the blame for reduced limits and for tribes, that's a hard pill to swallow. But that's the formula. That's the problem with judges deciding. If it goes to court, we will have

a federal judge making the decision."

Wedll says Mille Lacs Lake is being fished close to the maximum safe amount right now.

"The Mille Lacs tribe's right to harvest will be in addition to that. I believe the courts will say we have the right to 50 percent if we choose to take it. That means reduce bag limits or keep the lake separate somehow."

Besides his commissioner position for the Mille Lacs Band, Wedll is also on the Great Lakes Indian Fish and Wildlife Commission's Board of Directors.

## Issues

"The spearing issue was blown way out of proportion in Wisconsin," he said. "I sat in on almost every session and I observed some interesting things. Both sides drew hard lines. Personalities took precedence over what were responsible demands."

Wedll emphasized the band's concern over water quality, too.

"Water quality is an issue we need to look at. Without good water, it won't matter who has rights. Remember that 5,000 fishhouses are out there without public sewer systems. That's a lot of non-point source pollution."

"Do tests show that the water quality is worse than in the 1950s?" a member of the audience asked.

"I think there are problems," Wedll said. "I don't think it's doomsday, but if we don't address them, they will only get worse."

On the land acquisition issue, Wedll told the group that the Band is acquiring land in an attempt to consolidate some land within the boundaries of the reservation. He noted that most of the land would not be developed.

"If you buy a private piece of property, does it come off the tax roles?" another member asked.

"That's a legal question," he said. "But the tribe's view is that the state can't tax it. A tribe is subject to all federal laws. But civil regulatory laws in the state are not applicable on a reservation. That's one reason we could have a casino."

Making in-lieu-of-tax payments is one option Wedll says the tribe is looking at. "At a recent meeting, half the assembly said no way and the others said we should look at it," he said.

Is the non-Indian community at the mercy of the Mille Lacs Band?

According to Wedll, the answer is no. Rights or no rights, the Mille Lacs Band cannot endanger the resource or endanger public safety.

"The tribe has a tremendous history," Wedll said. "Of all the tribes in the United States, the Mille Lacs Band has been the most unjustly treated. That comes from a report in 1901 by the Indian Rights Association. At the turn of the century, the tribal numbers dropped from 3,000 to 284. That would be called depopulation anywhere else. That's why we have cemeteries three miles long."

Wedll said that the band's vested interests would not deter them from seeking their treaty rights either. Asked if the casino was one of those vested interests, Wedll said yes.

"The situation has changed in the last six months with the casino," he said. "But regardless, the tribe will not give up any treaty rights for any of its vested interests. If we have to choose between them, we will choose the treaty rights."

## County fair deal = No land, no money, no rights for Tribe

*(Brief analysis of the county position on treaty rights)*

According to the above coverage and quotes, the counties' reasoning appears somewhat incongruous.

Chaffee says all the counties want is "a settlement that is fair and just for everyone," but the "everyone" really does not seem inclusive of the Tribe, because Chaffee essentially does not recognize the rights at all; disagrees with cash or land settlement; disputes the rights of commercialization; and Commissioner Copper says Band members shouldn't be able to spear anywhere (limiting even traditional subsistence harvest).

All together the counties' deal is equivalent to abrogation of rights, no money, no land, and a few fish, but only if taken with hook and line.

So, what's left for the Tribes in the fair and just settlement with the counties? Zero!

As Chaffee commented in the above article, "I would suspect that fear of racism charges are an underlying concern of the state...." There seems to be a good basis for that fear!!



# Crist's attorneys seek to prove protests were political, not racial

By Kurt Krueger  
Vilas Co. News-Review

Attorneys for Dean Crist of Minocqua, representing one of only two defendants remaining in a lawsuit that contends spearfishing protesters violated Indians' civil and treaty rights, will argue at trial that race had nothing to do with the protests.

Richard Sommer, a Rhinelander attorney, said in a telephone interview Monday that protesters "did not have a racial animus to their actions."

Defense arguments will hinge in part on the fact that the Lac du Flambeau Indian tribe is a corporation, a political body, and that protests were an expression of free speech rights against spearing activities that threatened to deplete fish stocks, Sommer said.

If the defense can show that the defendants were politically motivated, and were not racially motivated to protest the treaty rights, Sommer said the plaintiffs will not meet the requirements of key federal statutes.

The suit from the Lac du Flambeau Chippewa Band, filed with the help of the American Civil Liberties Union (ACLU), contends verbal and physical harassment at boat landings was encouraged by Stop Treaty Abuse-Wisconsin, of which Crist is the leader. It also alleges a conspiracy among STA-Wisconsin members to violate the tribal members' constitutional rights.

After two more protesters settled out of the suit more than two weeks ago, Crist is left along with Tom Handrick from the 16 originally named in the complaint. The 14 dismissed from the suit signed settlements that require them to pay from \$200 to \$4,000 in legal fees and agree to restrictions on future protest activities.

Al Soik, founder of STA/Wis., and his wife, Elaine, agreed to pay \$4,000 and Brian Crist of Eagle River agreed to pay \$3,000 in return for being dismissed from the suit.

## Judge Crabb allows continuance on summary judgment motion

Judge Barbara Crabb on Thursday delayed the request by American Civil Liberties Union (ACLU) for a summary judgment against Stop Treaty Abuse/Wisconsin (STA/Wis.) and its spokesman, Dean Crist of Minocqua, and Tom Handrick.

The federal judge granted defense motion on October 31 for continuance on summary judgment, allowing seven days for a brief to be filed by the defendants. Summary judgment by the judge would mean there would be no trial, and conditions sought by ACLU and Lac du Flambeau tribe would be imposed upon the defendants.

ACLU and the Lac du Flambeau tribe filed a lawsuit in federal court against STA/Wis. and 16 private defendants and three sheriffs charging them with conspiracy to impede Chippewa treaty rights. All but Crist, Handrick and STA/Wis. have agreed to out-of-court settlements which included cash payments to ACLU to drop the suit. Handrick is negotiating with the ACLU to be released from the suit. Crabb ruled that the ACLU did substantiate its charges against the defendants and dropped them from the suit.

The suit against STA/Wis. and Crist is expected to begin Feb. 3 in Wausau. The anti-treaty rights group and Crist are represented by Sommer, Olk, Schroeder & Payant of Rhinelander. Brian Pierson of the ACLU is the attorney of record for the plaintiffs. Pierson said the ACLU was approached by Tom Maulson and others named as plaintiffs in the lawsuit to rule a case. Pierson later advised the tribal coun-

cil of the actions, and "the tribe without much hesitation" wanted to be involved, he said.

Crabb also denied a motion by STA/Wis. to use as an "affirmative defense the lack of standing of the named individually plaintiffs as property parties to this action."

Although the defendants won't be allowed full exercise of discovery, they will be able to take depositions of tribal chairman Michael Allen. Crabb denied a motion by Pierson to use unchallenged testimony from the preliminary injunction hearing given by Tom Maulson, Nick Hockings and Sara Backus.

Pierson said Crabb made it clear that "this would not be a retrial of the Voigt case" and that the issue of Indian blood quantum as prerequisite to standing was also not an issue.

"The issue is whether the defendants had interfered with plaintiffs fishing activities no matter how many fish they spear, what effect of spearing is," Pierson said.

Pierson said he objected to the defense questioning of Allen, not because of anything to hide but rather to avoid spending time and money on issues not related to the lawsuit.

STA/Wis. has until Nov. 12 to rule its brief in the case. Then the ACLU will have another 10 days to answer before Crabb takes the motions under advisement. There will be another pretrial conference to do final scheduling.

(Reprinted from Minocqua/Lakeland Times, November 5th edition.)



Dean Crist in the Vilas County Courtroom, Eagle River, following his 1990 arrest at Catfish Lake. (Photo by Sue Erickson)

While the tribe also alleges the protest activities deprived tribal members of their property rights, Sommer said the tribe has so far failed to show tribal membership status for those involved.

"The peculiar thing is that if they weren't members of an Indian tribe that signed the treaties, they couldn't have the property rights prevailed upon," Sommer said. "The tribe has so far failed to show membership, and I am unaware of any science or existing tests to test blood and tell you its ethnic origin."

If it is determined that the spearfishers in question do have a heritage to off-reservation property rights, Sommer said the court must decide whether the Chippewa were really deprived of their rights.

"Looking at the results of spearing, it appears they were not deprived," Sommer said. "The harvest shows they did well. The court will have to analyze the harvest in relation to the protests."

Sommer said that Federal Judge Barbara Crabb, who will preside over the two-week trial starting Feb. 8, must strike a balance between the free speech rights of protesters and the property rights of the defendants.

Asked how Crist and STA/Wis. could finance the defense of such a large lawsuit, Sommer said only that "it is a very expensive prospect to fight a lawsuit such as this."

"ACLU is financing it on the other side, apparently, so a lot of money is available to them that is not available to the other side," Sommer said.

Federal Judge Barbara Crabb issued a temporary injunction last spring forbidding some activities that protesters had used to disrupt Indian spearers, including making waves with motorboats.

In settling the lawsuit, the 14 defendants agreed the injunction applied permanently to them.

The 1991 spearfishing season which ended in May, was the most peaceful in years, leading both sides in the dispute to predict the worst of the hostility was over.

According to court records, in settling the lawsuit, Brian Crist, "vehemently" denied all allegations that he interfered with, threatened or acted violently toward Indian spearers.

"The costs to pursue a defense are unbearable, and there are not any satisfactory remedies available in Wisconsin to continue this action," he said in court documents.

Other defendants who settled the lawsuit and the amounts they agreed to pay were: Charles Ahlborn, \$3,500; Mike Ahlborn, \$750; Patrick Long, \$750; David Worthen, \$3,000; Glen Handrick, \$3,000; Wayne Pieper, \$3,000; Jack and Rose Lanta \$4,000; Howard Caputo, \$750, and Lois Pavlovich, \$200.

The fact that key people within the protest movement settled the lawsuit is more evidence that the spearfishing dispute is over, Brian Pierson, a lawyer for the plaintiffs told the Associated Press in early November.

It's an acknowledgment that "there is no reason to spend your time and money fighting for the right to harass Indians," Pierson said.

(Reprinted with permission the Eagle River Vilas County News-Review, November 13th edition.)

**"It's an acknowledgment that there is no reason to spend your time and money fighting for the right to harass Indians."—Brian Pierson**



# HONOR concerned over impact of restrictive county ordinance for Chippewa treaty gathering

Below is a memo from Sharon Metz, executive director, HONOR, relating to concerns over a timber ordinance which addresses Chippewa treaty gathering rights. Her memo is printed in full along with the ordinance.

The attached ordinance was presented to the Rusk County Board of Supervisors on Tuesday, November 12, for a vote on Thursday, November 14. During the discussion, it was revealed that the ordinance was drafted by the Wisconsin Counties Association attorneys, who fought and won the timber case against the Chippewa nation.

Please note in the ordinance the items that may be gathered. The Rusk County Forester said, on November 14, that he would have to deny permits for anything except firewood, "because of our ten year forest management plan." Then, both the Forester and Rusk County's corporate counsel (Attorney Steve Anderson) admitted

that the tribal member who would be denied a permit would have to take the county to court. Anderson also admitted that the ordinance would set up a situation, that would force litigation.

Also, according to Anderson, this ordinance is an effort to have a uniform law in all the northern Wisconsin counties, that will be challenged in court. If a county wins the first challenge, then it's likely that the ordinance will stand up in all counties; if a county loses the first challenge, then it's likely that none of the ordinances will stand up.

Anderson admitted that he has serious doubts about the enforceability of this ordinance, but he recommended that Rusk County adopt it, so we would be uniform with all other northern Wisconsin counties. NOTE: The Rusk County Supervisor who brought this ordinance advises that a copy of same has been given to all other northern Wisconsin County Boards.

Miscellaneous Items: Anderson eventually admitted that this ordinance is an attempt to regulate the tribes; not the forests.

Also, Rusk County currently has an ordinance that allows non-Indians to gather firewood only, on county land. Non-Indians pay \$10.00 for the permit. If we pass the attached ordinance, which allows the Chippewa to gather products other than firewood, without charge, what is being set up is the appearance of unequal rights, in

favor of the Chippewa. In other words, the ordinance is another attempt to foster more hatred toward the tribes.

I pointed out that I don't believe counties have any legal right to regulate tribal activity on ceded territory. I pointed out that we cannot "allow" the Chippewa to exercise their Constitutional and court affirmed rights. Eventually, I got enough support to table a vote on the ordinance, until the December meeting. What will happen then is anybody's guess.

## ORDINANCE #91-

The County Board of Supervisors of the County of Rusk does ordain as follows:

Section 16.02(27)D is created as follows:

16.02(27)D Gathering Miscellaneous Forest Products on County Land; Treaty-Rights Participants

1. Any treaty rights participant interested in gathering firewood, tree bark, maple sap, lodge poles, boughs, marsh hay or other miscellaneous forest products (except fruits, seeds, or berries not enumerated in county ordinances) from county land shall obtain a county gathering permit from the County Forestry office. The County shall respond to the gathering permit request no later than 14 days after receipt of the request. The gathering permit shall indicate the location of the material to be gathered, the volume of material to be gathered, and conditions on the gathering of the material necessary for conservation of the timber and miscellaneous forest products on the county land, or for public health or safety.

2. The county may not deny a request to gather miscellaneous forest products on county property under this section unless: the gathering is inconsistent with the management plan for that property; the gathering will conflict with the pre-existing rights of a permittee or other persons possessing an approval to conduct an activity on the property, including a contractor of the county; or is otherwise inconsistent with conservation or public health or safety.

3. Any treaty rights participant who gathers firewood, tree bark, maple sap, lodge poles, boughs, marsh hay or other miscellaneous forest products (except fruits, seeds, or berries not enumerated in county ordinances) from county land without first obtaining a permit pursuant to this ordinance shall forfeit the following:

- (a) For a first offense not less than \$50.00 nor more than \$200.00.
- (b) For a second offense not less than \$75.00 nor more than \$300.00.
- (c) In addition to the above amounts any person who violates this ordinance shall pay the penalty assessment imposed by section 165.87 of the Wisconsin Statutes and the jail assessment imposed by section 302.46(1) of the Wisconsin Statutes.

4. Each day a treaty rights participant gathers any of the items enumerated in this ordinance without first obtaining a permit pursuant to this ordinance it shall be a separate violation of this ordinance.

## Detroit Chapter of HONOR forms

People of the Earth Chapter of HONOR, Detroit, MI recently joined the roles of HONOR chapters throughout the country. The new chapter was sparked when Nancy Wanshon attended a meeting of HONOR at Keweenaw Bay last July and brought her interests home.

The new chapter Chairperson is David Hackney and the treasurer is Stanley Lopatka.

They became active in their community immediately, generating numerous calls on the "Duro fix" legislation and also on S. 1220, which would open the Alaskan National Wildlife Refuge to oil drilling.

Persons interested in the new chapter should contact the HONOR office in Milwaukee at (414) 963-1324 for further information.



Children at a recent pow-wow in Red Cliff line up for a photo. The Tribe honored the fall harvest season with a feast and also held a Ghost Feast and ceremonies to honor tribal members who have passed away. (Photo by Amoose)



# Survey shows racism spurs treaty protests

By Clayton Diskerud  
Kenosha News

Space for this column barely offers room to acknowledge the treaty rights controversy in Wisconsin. Thus I've written nothing about the issue even though most of you have seen confrontations between Indian spearfishers and anti-treaty rights groups on TV. Most of you are aware of police transferred to northern Wisconsin each spring to check potential violence.

Our history has been one of mutual claims to natural resources between Native Americans and the dominant society. To accommodate claims the treaty was used to settle disputed territories and use. Three such treaties apply to what is now Wisconsin; two in 1837 and 1842 and one enacted between the Chippewa and the U.S. six years after statehood in 1854. Common to all is the condition the Chippewa nation could continue to make a living in the "ceded territory" then and forever. The ceded territory, incidentally, is about the northern one-third of the state.

Jerry Stark's presentation at last week's meeting of the Wisconsin Sociological Association prompted today's column. Stark, a UW-Oshkosh professor, was part of a Native American Issues panel and presented findings of his survey: "Resources Racism and Treaty Rights in Wisconsin."

Stark tested two "claims" through empirical research: (1) the resource claim that public opposition to the treaties is based on concern for the environment or natural resources; and (2) the "racism claim" that

opposition to treaty rights is based on negative attitudes about Native Americans.

His findings indicate that attitudes about natural resources had "no significant relation to attitudes about treaties in Wisconsin." But, he found that "attitudes about Native Americans are strongly and directly correlated with attitudes about the treaties and treaty rights."

In short, Stark found support for the "racism claim," but no support for the "resources claim."

Walter Bresette, a Chippewa activist and member of the panel, found the survey to be "a tremendous surprise."

He said the findings "fly in the face of what we (the Chippewa) hoped was out there." He said, "We hoped people were concerned about the resource."

Bresette then called attention to a possible dilemma. "This compounds the problem to mitigate the conflict and look for positive solutions," he said. And he went on to explain that his perception of resource problems was one in which both Chippewa and non-Chippewa would have to work together to save the environment. In fact, his position has been the argument that treaties with native people are the best remaining tools for environmental protection as well as preserving rural culture.

Perhaps other researchers would derive different findings than those of Stark's from his sample of 600 respondents. The university population from which he selected his sample, however, would lend support to the assumption that the group would be biased in favor of those who are more tolerant and open-minded. But, it was not a random sample of the residents of

Wisconsin.

If Stark's findings apply statewide, then the cooperation Bresette spoke of would be almost impossible. And, it brings to mind a concern Dan Small shared with a Kenosha group about a year ago, when he said: "I hope the nation doesn't look to

Wisconsin and the treaty rights issue in the 1990s in the manner it looked to Mississippi and the civil rights issues of the 1960s."

(Diskerud is a professor of social science at Carthage College. He writes on Lake Michigan fishing and boating for the Kenosha News.)



Both dance and ceremonial drums are a very significant aspect of Anishinabe tradition. Above, a dance drum is being played during a pow-wow. Drummers must spend many hours learning the songs which accompany the drum. (Photo by Amoose)

## White supremacy: Part of our mainstream? David Duke not just a southern phenomenon

David Duke, former Klu Klux Klan Grand Wizard, gets votes. In fact, during his recent bid for Louisiana Governor, he received 55% of the white vote, although he lost the election.

If anything, this must indicate that the David Duke mentality and philosophy maintain a certain appeal to members of this society. Duke is apparently encouraged enough to seek nomination as the Republican candidate for the U.S. Presidency.

While it is easy to dismiss Duke as part of the "South" and the racist mentality which has beleaguered that section of our country, Duke garnishes support from a Northern contingency as well. A list of contributors to David Duke from Wisconsin is published below as an indication of that Northern support in one state.

Wisconsin support of Duke is not surprising in light of the white supremacist footholds that have been established and remain in the state. Wisconsin hosts elements of the Skinhead movement, the John Birch Society and is the homeland of the Posse Comitatus, to mention a few.

With violent displays of racial hatred and harassment evidenced on Chippewa spearfishing landings in recent years by

members of Wisconsin born organizations such as Stop Treaty Abuse and Protect Americans Rights and Resources, the momentum for support of a candidate such as Duke appears viable.

Wausau—Eleanor P. Pepke, Iris Worden; Crivitz—Mr. & Mrs. Gary Pansier, Ed Migacz, Charles Mitrowke; Peshtigo—Earl Lohff, Frank Loser; Clayton—Paul Zemke; Hudson—Robert Gander; Roberts—William S. Clapp; Brillion—Don Wittmann; Amherst—Ramona Ford; Antigo—Mr. & Mrs. Max O. Johnson; Gleason—Robert O. Losse; Marathon—Roy R. Schulz; Marshfield—Joseph A. Lang; Medford—Mrs. Louise Rouiller; Neillsville—Mrs. Erna Mac Munkholm; Rib Lake—Walter R. Bailey; Stevens Point—Gary T. Prince; Rhinelander—Harry R. Gross; Lac du Flambeau—Donald O. Norris; Saxon—C.P. Sorrells; La Crosse—G. R. Ritter, Ronald F. Faas; Blair—Howard R. Turk; Gays Mills—Mrs. Mary L. Brandt; Genoa—Mrs. Loren D. Tank; Hixton—Daniel W. Steele; Onalaska—George Stecha; Viroqua—Hugh H. Weber; Boyd—Ernst Luthi; Dallas—Harold Balog; Danbury—William L. Chidester; Hayward—Kurt C. Barthel, James Cech.

Maple—Anton Erickson; Minong—James Gorud; Stone Lake—George Sherlock; Superior—Don W. Anderson, James G. Anderson, Walter Dahlberg; Trego—Catherine B. Larson; Oshkosh—Edgar Penzenstadler, Willis B. Sammons; Almond—Charles N. Spannagel; Appleton—Mark S. Fischer, Kenneth Cousins, Christopher E. Stumpf, Merle G. Wendt; Berlin—Mrs. Norma L. Schmidt; Big Falls—Donald W. Hammang; Hancock—Wayne H. Deake; Hortonville—Don E. Lund; King—Dave Smith; Larsen—Robert Kuehn; Omro—John Slocum; Pickett—Robert Home; Pine River—Mrs. Mary E. Hanke; Rosendale—Lloyd D. Hatch; Waupaca—Mrs. Frances D. Block, Betty Bonnell, Audrey Kaminske; Wild Rose—Alvin Meyer; Cedarburg—Loraine Haechler, Heinz Hilbert, Julia Preisler; Delafield—Fred Kramer; Grafton—Theodore Grob, John M. Skowbo; Hartford—Lydia Gould; Hartland—George M. Wilson; Kewaskum—Mrs. Gertrude Berres.

Brookfield—Michael Lambrecht; Pewaukee—Robert P. Hoehl; Plymouth—Roland B. Carlson; Sheboygan—Joseph Bochte, Rudolph Stapel; Thiensville—Avard Colby, Hartmut Lorenz; Mequon—

Travis D. Sagert, Frederick J. Schroeder; Watertown—Fred G. Grunewald; Dousman—Albina H. Cooper, Mr. & Mrs. Bennon J. Colakowski; Greendale—LaVern Bischel; Hales Corners—Joachim B. Kortuem, James R. Levin; Franklin—David V. Gotch, Laddie Kuklis; Kenosha—Louis C. Canek, John Giomo, Joe Hervat, Tricia Schultz, Joyce Whitrock, Christine Wuyer, Oliver H. Smith, Everett G. Anderson; South Milwaukee—Virgil Brodzik; Waterford—Earl Paradies; Whitewater—Vivian Henderson; Milwaukee—Charles G. Blackmer, Paul G. Ferracin, Ruth M. Pergande, Ethel S. Fieldler, Richard Smith, James Mead, Ruth Peplinski, Julius Pieper, Joseph H. Vomdran, Lucille Pease, Dr. Gerhard Witte, A. Wroblowski, G.W. Ryan, Martin R. Dawson, Curtis A. Brzezinski, Frank G. Zahn, Dr. John T. Fish, Dean Piatek, John D. Marcelle Schoeneman, Robert R. Fabry, Robert L. Kling, Marian Miskulin, Chester F. Pas, A.L. Roemer, Frank G. Zahn, Chester Chandler, Daniel Zollner; Wauwatosa—Mabel M. Rogers; Racine—David L. Kennedy; Beloit—Darrell I. Kramer, Cottage Grove—Opal A. Tofte; Edgerton—John B. Bowen, Alex E. (See Duke, page 22)



# Tribal Courts bill introduced

The Indian Tribal Courts Act of 1991, S. 1752, has been turned over to the Senate Select Committee on Indian Affairs.

The committee was expected to mark up the bill before Congress adjourns.

The bill calls for the federal government to fund tribal courts at the same level as state courts of similar jurisdiction.

S. 1752 would also establish an independent Tribal Judicial Conference. The conference would be composed of the chief justice of each tribal court.

The Tribal Judicial Conference would appoint the director of the Office of Tribal Courts. The conference would also work with tribal governments to develop a formula for the distribution of funds.

Under Title I of the bill the following authorizations would be provided:

- \$50 million for FY 1993 for formula grants.

- \$5 million for FY 1993 through 1997 for grants for training, automation, code development and recordkeeping.

- \$2.5 million for FY 1993 through 1997 to support the Tribal Judicial Conference and the Office of Indian Tribal Courts.

Title II of the bill would establish the Tribal Justice Institute under the Direction of the Tribal Judicial Conference.

The Institute would be similar to a

nonprofit organization able to receive tax deductible contributions. A 12-member board, appointed by the Conference, would supervise the Institute's work.

The Institute would award grants and enter into contracts for research, technical

assistance, training, information collection and dissemination, program evaluation, judicial education, and development of justice programs and services.

(Reprinted from American Indian Report.)



## President signs Duro bill

On October 28 the President signed legislation reversing the effect of the U.S. Supreme Court decision in Duro v. Reina.

The bill, H.R. 972, gives the tribes permanent authority to exercise criminal misdemeanor jurisdiction over all Indians on their reservation.

The U.S. Supreme Court in Duro v. Reina held that the tribes did not have criminal misdemeanor jurisdiction over Indians who were not members of their tribe.

The decision created a jurisdictional void for the tribes because no other sovereign had authority to prosecute misdemeanor crimes.

Last year when tribal courts lost their authority to prosecute misdemeanors, Congress granted the tribal courts a one-year extension.

(Reprinted from American Indian Report.)



Tribal jurisdiction on tribal lands and the exercise of sovereignty are critical issues to tribal governments. Duro significantly undermined tribal jurisdiction. (Photo by Sue Erickson)

## Status of Major Indian Legislation 102nd Congress—First Session

Number of Bill	Title	Reported in House	Passed House	Reported in Senate	Passed Senate	Date Approved	Law No.
H.R. 349	Amendments to the Fair Labor Standards Act for tribal government employees			Referred to the Labor Standards Subcommittee			
H.R. 848	Bill to establish a memorial to honor Indians who fought at Little Big Horn	6/24/91	6/24/91	Referred to Senate Energy and Natural Resources Committee Subcommittee on Public Lands (Subcommittee hearings held 7/25/91)			
H.R. 972	A bill to rectify the jurisdictional void resulting from Duro v. Reina	5/14/91	5/14/91	5/15/91	9/23/91	10/28/91	102-137
H.R. 757	Alaska Native Claims Settlement Act			Referred to Interior and Insular Affairs Committee			
H.R. 1322	To authorize services for preventative treatment and aftercare of American Indians and Alaska Natives at risk for Fetal Alcohol Syndrome			Referred to Energy and Commerce Committee Subcommittee on Health Care Also referred to Interior and Insular Affairs Committee			
S. 110	Bill protecting traditional religious practices			Referred to Senate Select Committee on Indian Affairs			
S. 383	Tax incentives for establishing Enterprise Zones on reservations			Referred to Senate Finance Committee			
S. 515	Legislation to increase tribal share of highway fund			Referred to Senate Select Committee on Indian Affairs			
S. 290	Amendments to Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986			Referred to Senate Select Committee on Indian Affairs (Committee hearings held 5/23/91)			
S. 538	A bill to restore federal recognition to the Miami Tribe of Indians			Referred to Senate Select Committee on Indian Affairs			
S. 667	Tribal Judicial Enhancement Act			Referred to Senate Select Committee on Indian Affairs (Committee hearings held on 6/5/91. Ordered reported out of committee 7/18/91).			
S. 668	The Indian Environmental Consolidated Grant Program Act			Referred to House Interior and Insular Affairs Committee	8/2/91		

(Reprinted from American Indian Report.)



# Botanist joins GLIFWC staff

## Traditionally used plants are priority

By Sue Erickson  
Staff Writer

Tribal concern with traditionally used plant species is being addressed through GLIFWC as part of the Biological Services Division. Botanist Jim Meeker was recently hired to provide the expertise in plant management, which includes identification of collectable plant species, preservation and enhancement.

Meeker, who is also a Professor of Natural Resources at Northland College, Ashland, feels that his ultimate task is "to insure that these resources (collectable plants) are available today and in the future for tribal members to exercise their treaty rights."

Meeker anticipates working closely with tribal members as his chief resource persons. In fact, he hopes to find at least one contact person at each member reservation as a guide to currently harvested plants in the region.

Tribal input will also be necessary in enhancement efforts, which Meeker anticipates initiating. Enhancement or re-introduction of some species would be based



Cedar

on tribal interest and need.

He cites the reintroduction of sweet grass in some areas as an example, knowing that many Chippewa people require

sweet grass as part of their spiritual lives. Ideally, he would like to start small scale propagation of sweet grass this spring.

Other plants of interest to Anishinabe include balsam and fir for boughs, cranberries and birchbark. However, Meeker notes that these are just a few of over 300 species catalogued as being used by Anishinabe for food, medicine, or utility.

Information already gathered on traditionally used plants, including a description of the plants, their distributions and generally how they are used, will be made available soon in a two volume set to be put out by GLIFWC. The set will be entitled, *Plants Used by the Great Lakes Ojibwa*, according to Meeker.

While propagation or re-introduction of plant species is one target of Meeker's program, he feels that habitat protection is actually the primary need and will insure availability of all species. This, however, will require certain management strategies which currently may not be in common practise.

Meeker cites education and research as two fundamental areas basic to the protection of species and habitat. He plans to

include both of these in his program.

Research will involve investigating comments, and similar observations regarding other species like blueberries. He is particularly interested in areas where productivity can be restored.

Levels of harvest for various plants is another areas which requires some research, Meeker notes.

In the area of education, Meeker will be offering short courses (one weekend) for tribal members on plant taxonomy and ethnobotany. He envisions ten to twelve weekend courses in all over several years, with a different plant emphasis each weekend.

The courses will begin this June through Northland College and can be used for one college credit if desired, Meeker states. However, if interested tribal members need financial assistance to attend, they should contact him by mid-January in order to initiate the application procedure.

The education component is being coordinated through the Natural Resources Training Program at Northland College, which is designed to encourage Native American training in resource management fields.

Meeker is contactable at the GLIFWC offices, phone (715) 682-6619 if anyone has information regarding plants in their areas which may be helpful to his work, or for further inquiries into the weekend courses.

## Gaiashkibos

(Continued from page 2)

Joining Gaiashkibos on the NCAI Executive Committee are: J.T. Goombi, Anadarko Area; Ron Allen, treasurer, Jamestown Klallam; and Rachel Joseph, recording secretary, Sacramento Area. Representing the Four-State or Minneapolis Area as Area Vice President is

## Resource stewardship

(Continued from page 5)

came extinct due to the sports and tourism industry, introduction of the lamprey, pollution, and new dam sites.

"If the state regulated corporate development and the natural resources efficiently, we would still have them," Kalina said.

Since the tribes are dependent upon the natural resources for basic survival, they determined the only way to retain economic stability is to replenish the resources. They developed policies for fish restocking, hatchery techniques, and natural resources management. Chippewa tribes strived to balance their traditional practices with the state governmental policies on the sports and tourism industry.

Environmentalists admire the work tribes have done to monitor the resources. Many environmentalists support Chippewa treaty rights. If Chippewa tribes hadn't taken over their resources, built hatcheries, and done the biological quota, we would have very few species left in the northern regions, Kalina said.



Participants at GLIFWC's annual conference considered needs and objectives for the next five to ten years. The conference, which was an in-house planning session, was held at the Ojibwa Hotel and Casino, Keweenaw Bay, Michigan this year. Above, Jim Zorn, GLIFWC policy analyst, reviews suggestions from one of the small group breakout sessions. (Photo by Amoose)



# Federal dollars targeted by task force

By Sue Erickson  
Staff Writer

Representative Frank Boyle was recently selected by Assembly Speaker Walter Kunicki to head a 16 member state-tribal task force that will seek federal dollars for joint resource management projects.

Initial efforts will target the fisheries, according to Boyle. However, fish production is not to be the only area considered.

Wild rice enhancement as well as additional personnel for Indian communities were also discussed at the first meeting of the task force on Nov. 15 at Lac du Flambeau.

The task force was formed following a state-tribal fact finding trip to the Northwest in September, where state and tribal officials saw firsthand how cooperation led Indian and non-Indian communities out of costly litigation and social unrest towards federally assisted fishery enhancement programs.

In a nutshell, the Northwest exemplified the benefits of unified state and tribal approaches when seeking federal assistance for resource management and enhancement activities.

Boyle views the state-tribal task force as "a golden opportunity to enhance the resource, not just for the Indian people but for the vast majority of sports anglers."

As an example, Boyle cited the need in northern Wisconsin for rearing 7" to 9" walleye and lake trout fingerlings. Programs, he feels, should be geared to fit the



Rep. Frank Boyle.

needs of both tourist fishermen and the Chippewa.

Boyle described the first meeting of the task force as "a spirited, cooperating group of former combatants." He said participants were very positive and ready to tackle the job before them.

Since budget requests for the 1993 fiscal year will need to be submitted by the end of February 1992, Boyle acknowledges that the next several months will be busy for the new task force which intends to have proposals before the Congress.

In addition to monthly meetings, the task force will be making several trips to Washington, D.C. to lay groundwork for their proposals with key Congressional staff.

The steering committee which resulted from Senator Inouye's special appropriation request is also still meeting in regard to fishery assessment. Boyle states that the steering committee and the state/tribal task force will be coordinating their activities,

## WDNR consideration of comments on oil drilling questioned

By Robin Goree, GLIFWC policy analyst

GLIFWC staff submitted comments on the draft Environmental Assessment (EA) for the oil and gas test well in Bayfield County proposed by Terra Energy Ltd. The Voigt Inter-Tribal Task Force, the Lake Superior Chippewa Bands of Red Cliff, Bad River, and Lac Courte Oreilles individually, and GLIFWC staff have clearly stated on a number of occasions that a full Environmental Impact Statement (EIS) should be done prior to the issuance of a permit by the Wisconsin Department of Natural Resources (WDNR) for exploratory drilling.

According to a letter dated August 8, 1991 written by WDNR Secretary Carroll Besadny, the WDNR will "seek the input and advice from both Bayfield County and the Great Lakes Indian Fish & Wildlife Commission on the contents of the assessment."

The WDNR solicited comments from GLIFWC on oil drilling, and received those comments at 12 noon on December 2, 1991.

However, the WDNR finalized its report by 4:30 p.m. on the same day.

It appears that the WDNR did not seriously consider the concerns voiced in GLIFWC staff comments. It also seems clear that WDNR has no intention of answering the many questions raised by GLIFWC regarding the possible detrimental effects of the proposed project.

"These comments would have received more consideration and respect from the garbage collector if they were left out on the curb than they did from WDNR," commented Larry Leventhal, attorney for Lac Courte Oreilles.

For information on GLIFWC's comments, contact Robin Goree at the GLIFWC office—phone (715) 682-6619.

particularly in regard to continued fishery assessment.

The Task Force will be meeting at Lac du Flambeau and Park Falls, Wisconsin alternately. The second meeting took place at the Park Falls Town Hall on December 13.

### Task Force Members are as follows:

**Tribal Leaders:** Lac Courte Oreilles Chairman Gaiashkibos; Mole Lake Tribal Judge Fred Ackley, Sr.; St. Croix Secretary-Treasurer Beverly Benjamin; Red Cliff Councilman Larry Deragon; Lac du Flambeau Vice Chairman Henry St. Germaine; and Bad River Tribal Judge Ervin Soulier.

**State Legislators:** Frank Boyle, D-Superior, chairman; Sen. Robert Jauch, D-Poplar; Sen. David Stitt, R-Port Washington; and Rep. Terry Musser, R-Black River Falls.

**Others:** James Schlender, GLIFWC executive administrator; Joseph Bresette, executive director, Great Lakes Inter-tribal Council.

David J.W. Klauser, attorney, Madi-

son; Russ Haling, Hayward; Dale Urso, DNR director, Rhinelander; William Smith, DNR director, Spooner.

State/Tribal Natural Resources Task Force—"a spirited, cooperating group of former combatants with a very positive outlook." Rep. Frank Boyle



"The spearing conflict is over because people have come to understand two things: 1.) The treaties will not be abrogated; and 2.) Spearing is posing no threat to the resource. It just took five years." Rep. Frank Boyle

## Tribal/Community Tourism Groups to receive additional dollars in 1992

By Sue Erickson  
Staff Writer

An additional \$250,000 to five Northern Wisconsin Area Promotion Committees, representing both tribal and non-Indian communities, was included in Gov. Tommy Thompson's 1992 fiscal adjustment bill. The joint committees were formed as a result of Thompson's 1990 Northern Wisconsin Initiative.

Diminished violence and protest activities are cited as a reason for loosening up dollars otherwise needed for enforcement purposes at spearfishing landings.

Thompson does not anticipate needing these dollars this spring, based on 1991's relatively quiet and nonviolent season.

However, according to a news release

from the Governor's office, Thompson feels the "residents of northern Wisconsin deserve to have these funds reallocated and put to work towards promoting the area."

The five committees have each implemented various projects, including advertising, which promote the total community. They provided a forum for dialogue between Indian and non-Indian local leadership and an opportunity to identify common goals.

Thompson also commented that he was "pleased with the progress currently being made to bolster cooperation and strengthen the economy of northern Wisconsin, particularly since the passage of the Northern Wisconsin Initiative in April, 1990."

## Duke continued

(Continued from page 20)

Kowal; Janesville—Nancy Kassilka, Josephine Schrenk, Shirley K. Taylor;

Mt. Horeb—Melva I. Svanoe; Ridgeway—Jean Fjellman; Sun Prairie Douglas B. Eltze; Madison—Perry J. Schappe, Donald Robb, Marcel Thoma; Boscobel—Ted Brooks; Prairie du Chien—Warren C. Godden; Baraboo—Mark R. Darkow, George M. Marcou; Beaver Dam—John Nadolski; Cambria—Mary M. Sommers; Friendship—Mr. & Mrs. George M. Marcou; LaValle—Marian Burdick; Loganville—Amanda L. Schultz; Reedsburg—Bonita F. Hulbert; Westfield—Charles G. Mangal;

Clayton—Frank Jacenkow.

Suring—Frank Holm; Forestville—Leonard Wilke; Kewaunee—Dr. Carl D. Olsen; Oconto—Anthony Mercier; Seymour—Louis M. Baumgartner, Ervin Huettl; Green Bay—Don R. Lindgren, Mr. & Mrs. Carl F. Schiller; Manitowoc—Marie Ponshock, F.W. Raeuber, J.W. Raeuber, Scott Zunker; Two Rivers—John Hillmer.

Contributors to Edwin Edwards: Oregon—John D. Lease; Milwaukee—Share Corp.; Middleton—John A. Sylvester.

(Reprinted from Gannett News Service)





*Seasons Greetings from the Great Lakes Indian Fish and Wildlife Commission with best wishes for the 1992 year!*



*Waubizhaezh (marten), a small, but highly skilled predator, peeks curiously out from beneath pine boughs. In the Ojibwa culture Waubizhaezh was one of the representatives of the Sustenance Totem. Members of the totem were hunters, and resourceful hunters were highly respected within the Ojibwa community. Waubizhaezh is recognized for his efficiency as a predator, particularly his single-mindedness and judgment. (Photo by Amoose)*



**MASINAIGAN STAFF:  
(Pronounced MUZ IN I AY GIN)**

- Susan Erickson ..... Editor
- Lynn Spreutels ..... Assistant Editor
- Amoose ..... Photographer



MASINAIGAN (Talking Paper) is a bi-monthly publication of the Great Lakes Indian Fish & Wildlife Commission, which represents thirteen Chippewa tribes in Michigan, Minnesota and Wisconsin.

Subscriptions to the paper are free. Write to MASINAIGAN, P.O. Box 9, Odanah, WI 54861 or phone (715) 682-6619. Please be sure and keep us informed if you are planning to move or have recently moved so we can keep our mailing list up to date.

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