

MASINAIGAN

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'Recovery from Discovery'



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NCAI celebrates Indian 'recovery from discovery'

Editor's Note: As the nation honored Columbus Day, entry into another 500 years with renewed hope and empowerment for America's Indian people was a resounding theme throughout the National Congress of American Indians (NCAI) 49th Annual Convention in Arlington, Va. October 11-16.

NCAI, representing 148 tribal nations within the United States, provided a forum for the Native perspective on the significance of Columbus Day to Native Americans.

While the story of European "discovery" of America and the subsequent 500 years of exploitation and devastation of the Native population leaves little to celebrate, the growing process of recovery and re-emergence of Indian nations and tradition—the survival after 500 years—does supply a source of celebration.

That was the focus of NCAI and the over 550 participants who arrived to continue building stronger tribal governments and a national environment which will ensure the continuing renewal of Indian nations through the next five hundred years.

One of the most powerful expressions of the challenges issued to both the Indian people and non-Indian community was delivered by J.T. Goombi, NCAI 1st vice president, and a member of the Kiowa Tribe during "Native Voices on the Mall" in Washington, D.C. on October 11, 1992. His presentation is reprinted below:

Hear the Drum, America

Your Spanish Sails and Old World Honor
Led me on a Trail of Tears
The Travail continued with my Children
Who Searched for Hope...
Five Hundred Years

I hear the sound of the distant drums. They beat slow and steady across this land. They speak to our people on reservations, to our people in native villages, to those who have been lost and to those seeking their way back home.

My name is J.T. Goombi, the First Vice President of the National Congress of American Indians, and of the Kiowa Tribe, a Nation within the State of Oklahoma.

I hear the drum. It is the heartbeat of the Creator. It speaks to hearts and to our souls. If you close your eyes, you can hear it. It is our eternal pulse and it beats on and on. It beats the story of the American Indian...

It beats the story of an old land and an ancient people...

...of conquering Europeans with swords that rattle and horses that stomp on sacred ground...

...of missionaries speaking Spanish, French and Latin...

...of wagons rumbling across prairies...

...of train whistles and iron horses thundering through the great plain...

...of gun shots and screams at Sand Creek and Wounded Knee...

We are the National Congress of American Indians and we are a Congress of Nations. Each tribe is politically unique but we share a common history. We sometimes argue among ourselves, but our strength is in the diversity of the tribes, our common goals and our common heritage...

We are the people who survived. I am a small part of this Nation of Nations but I will speak as a representative of our history...

...I am the first Indian to see a man with skin as pale as the sand and I stand and wonder if I should welcome or destroy...

...I am the old woman who died on the Trail of Tears...

...I am the Seminole who hid in the Everglades...

...I am the Cherokee who learned to read and write...

...I am the Nez Perce the army never caught...



The Oneida Drum opened the press conference on the lawn of the nation's capitol. Twenty-two representatives of various churches and organizations spoke in support of the proposed amendments to the 1978 Native American Religious Freedom Act. (Photo by Sue Erickson)

...I am the little girl killed at the Washita river...

...I am the Marine at Iwo Jima...

...I am the single Chippewa mother in Minneapolis...

...I am the Lakota that defeated Custer...

...I am the first Indian to go to college...

...I am the Mohawk who lived his whole life before the white man came—with my fish camp in the summer and my deer camp in the winter with my family and my tribe—and it was a kind of paradise...

I hear the drum. We stand today, no longer the only governments on this continent, but certainly the oldest sovereignties. We have retained little from what we once had. But now our enemies seek to take away the only thing of value we have always had and never lost—our tribal sovereignty itself.

Our non-Indian friends don't fully understand tribal sovereignty but it is not a hard thing to know. Nothing is more endemic to a society. Only one sovereign has ever held true and pure in the history of this world—the sovereignty of the Creator, and it is to be obeyed. Our sovereignty, the sovereignty of our tribal governments, we only ask you to respect. My American friends, hear you own drums...

...the sound of your own anthems and the roar of your crowds...

...the quiet prayers of honest men seeking to preserve a way of life for their young...

...the willingness of young men to fight a war or wage peace...

...Joe quest for democracy and good will...

...the desire to reward acts of courage or kindness...

...the search for truth and equal justice...

...the civic pride of doing the right thing for your community...

...the empowerment to the shadows of society that the franchise brings...

Hear the drum, America. This is what makes you great. Your noble goals, your tolerance of others and the diversity within your shores. You seek truth, self-governance, justice and democracy. Above all, you seek the right and ability to control your own destiny. And that is what sovereignty is.

We tribes endeavor to protect sovereignty as you do, not only because it is about the only thing we have left, but also because sovereignty enables us to preserve a way of life. (See Hear the Drum, page 32)

Inouye takes lead in fight for religious rights

Editor's Note: Senator Daniel Inouye (D-Hawaii) Chairman, Senate Select Committee on Indian Affairs, provided the text below in support of legislative amendments to the 1978 Native American Religious Freedom Act being supported by the NCAI. Sen. Inouye will be introducing the amendments to Congress in 1993 and also joined NCAI in sponsoring "Native Voices on the Mall: 500 Years—The Day Before Columbus," on October 11th.

Throughout the conference, numerous tribal leaders expressed their appreciation for the continued leadership demonstrated by Sen. Inouye in regard to issues of tribal and human rights.

Introduction

Mankind has a dark side—the age-old tendency to discriminate against others who are different. This article shares my perspective as a United States Senator on the problem of discrimination and how it affects Native American human rights issues under the jurisdiction of the Senate Select Committee on Indian Affairs.

A pressing human rights concern of the Committee at this time is the specter of renewed religious discrimination against American Indian tribal religions in the wake of the dramatic retreat from First Amendment protections by the Supreme Court in *Employment Division Department of Human Resources of Oregon v. Smith*. This case is a noteworthy example of the Court's denial of protection for a traditional American Indian religion that predates in antiquity the writing of the First Amendment itself.



Senator Daniel Inouye (D-Hawaii) Chairman, Senate Select Committee on Indian Affairs.

The unique cultures of America's Native peoples are inseparable from their religions. Religion pervades the traditional way of life of American Indians. These religions have been historically suppressed by the United States government in ways unprecedented for other religions. *Smith* seriously weakened religious freedom in general by discarding long-standing First Amendment standards. This resulted in the immediate banding together of church groups and religious organizations in a move to restore the First Amendment balancing test. The proposed legislation which resulted, however, does not address unique, historical Indian religious discrimination problems. There remains a



600 signed petitions in support of the amendments to the Native American Religious Freedom Act were presented to NCAI Executive Director Mike Anderson by Sharon Metz, HONOR executive director, during the press conference at the Capitol lawn. (Photo by Sue Erickson)

need for separate legislation to protect free exercise rights of Native Americans, as well as to ensure these citizens the guaranteed protections of all other constitutional provisions.

This article first discusses the compelling government interest in eliminating discrimination and the necessity for all three branches of the federal government to act together to combat intolerance and prejudice. Secondly, it focuses on the problem of religious discrimination against Native Americans, which has intensified in the wake of recent decisions of the Supreme Court. The issue of religious intolerance and discrimination has been a serious human rights problem for indigenous peoples since Christopher Columbus set foot in the New World. Congress has now been relegated the responsibility to legislatively grant statutory protection for our original inhabitants.



The government's interest in eradicating discrimination

The Evils of Discrimination

The human spirit is a wonderful thing. At its best, the good qualities of our fellow citizens may serve as an example to inspire us to live up to our lofty ideals and goals. Unfortunately, however, mankind has its frailties. The history of our species is fraught with instances where unwarranted hatred and fear has precipitated great misery upon the innocent. Much of this darkness in the human heart is manifested discrimination.

Discrimination is defined as "[u]nfair treatment or denial of normal privileges to persons because of their race, age, sex, nationality or religion." When effected through the machinery of the state, it can have devastating impacts upon people, ranging from deep psychological scars upon young schoolchildren, to a separation of the races, to the extreme of racial or cultural genocide. For victims of discrimination, it matters little whether these impacts result from invidious state action, or whether they are inflicted by less obvious applications of facially neutral rules.

In the United States, discrimination is illegal. It is prohibited by the Fifth and Fourteenth Amendments to the Constitution as well as by numerous federal laws. Unfortunately, despite our commitment to these Equal Protection ideals, discrimination has had a long and troubling history in this country. The manner in which America, the world's leading democracy, treats our own racism and prejudice reveals much to the international community concerning our attitude about individual freedom and human rights. This country's challenge in the war against discrimination is an ongoing one, as seen from the present resur-

gence of racism and intolerance. It is a continual struggle to eradicate discrimination—a struggle that requires vigilant commitment from all three branches of government.

Presently there is a disturbing trend in many areas of our country in the direction of intolerance and racism. Especially objectionable is an apparent lack of leadership by all three branches of our government in combating this menace to our society. When the executive branch weakens its resolve to enforce civil rights laws, or the judiciary retreats from prior rules of law and dilutes fundamental freedoms enshrined in the Bill of Rights, it falls upon the Congress to increase its vigilance in opposing discrimination through legislation.

History teaches the importance in every society of preventing the occurrence of outbreaks of discriminatory acts and practices and of the need to vigorously enforce human rights guarantees. In those nations which have permitted equal rights for all its citizens to lapse due to lack of government enforcement, serious human violations have quickly appeared. Almost universally, these violations have had rippling effects infringing on the rights of all citizens. Once minority groups fell victim to officially sanctioned discrimination, it was not long before death camps arose in nations such as Cambodia, Nazi Germany and the U.S.S.R. In many newly-established nations that formerly were colonies, while freedom for the majority was achieved, the indigenous population was excluded from the body politic. Widespread cultural and racial genocide was the consequence. This is presently evident in some Central and South American nations, as well as in South Africa.

If America is to provide strong moral leadership in the world today as a much needed beacon for freedom, our indigenous policies need to be vastly different from countries such as South Africa, which have questionable standing in the international community as a result of mistreatment of their original inhabitants. Like us, many nations are former colonies, and the way in which they treat their indigenous populations reflects their intrinsic values. Even if constitutional rights are ensured for a majority of society, a denial of constitutional protections for indigenous people is a heavy moral weight that may cloud a democracy's human rights foreign policy.

America's treatment of its native people is especially important, for domestic and international reasons. Domestically, it is true that all races and ethnic groups have historically faced various forms of discrimination in the United States, but the manner in which our country treats its indigenous native peoples provides a general barometer of our overall commitment to justice and freedom. As Felix S. Cohen, the "father" of Federal Indian law aptly stated in 1953 "[l]ike the miner's canary, (See The evils, page 5)

Alliance pushes for freedom of religion

By Sue Erickson
Staff Writer

Washington, D.C.—While many U.S. citizens may regard freedom of religion as a basic right protected by the U.S. Constitution, Native American people have been engaged in a long struggle to regain the right to practice traditionally-taught worship. This struggle was once again brought to the forefront during a press conference in Washington, D.C. this October as part of the National Congress of American Indians (NCAI) conference agenda.

Gathering on the luxurious lawn of the nation's Capitol, about 50 people, representing over 20 organizations and churches, announced the formation of an Alliance in support of amendments to the 1978 American Indian Religious Freedom Act (AIRFA).

NCAI Executive Director Mike Anderson, moderator for the press conference, stated that the first priority for the Alliance is to "get the amendments through Congress and signed by the President."

According to the Native American Rights Fund (NARF), many people fear that the AIRFA lacks "teeth," or enforcement.

The amendments specifically protect 1) access to American Indian sacred sites; 2) the religious use of and access to eagle feathers; 3) the sacramental use of peyote by the Native American Church; and 4) access to Indian spiritual leaders for Indian prisoners.

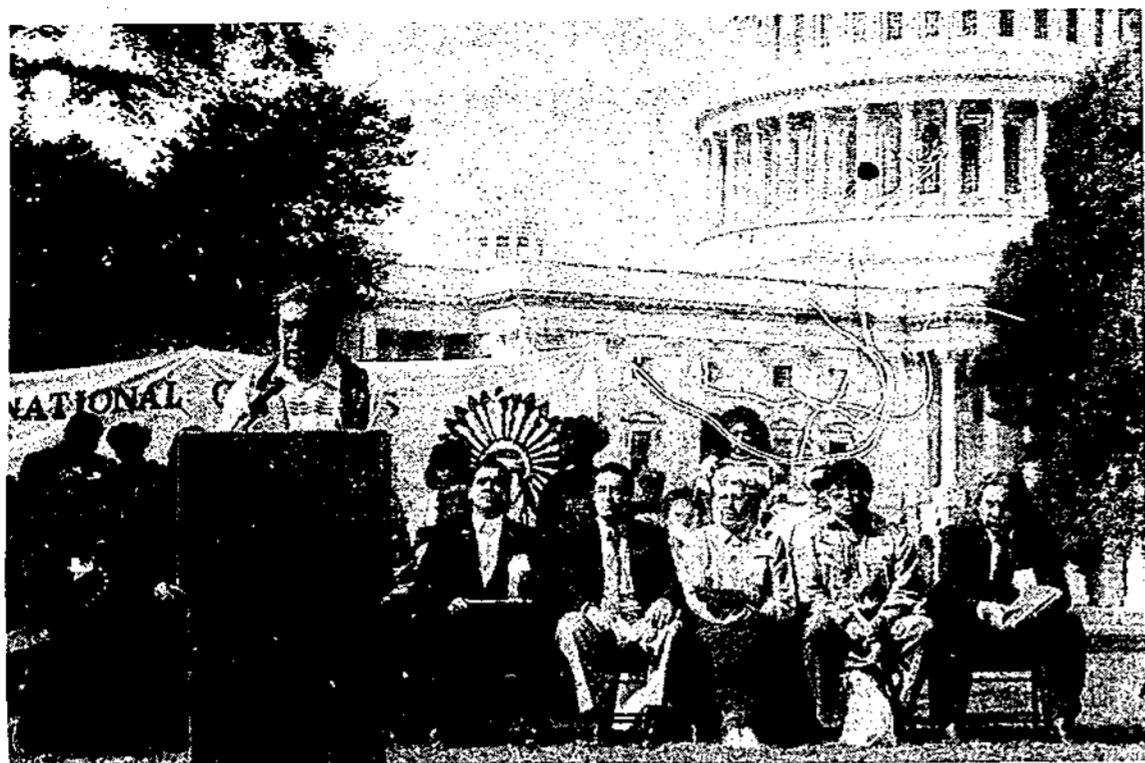
Twenty-two representatives of churches, religious and justice organizations, and tribes provided brief comments in support of the amendments and the purpose of the coalition.

John Sunchild, Chippewa-Cree, along with other Native speakers, pointed out that Indian people did not chose their form of worship, but were "given a way of worship by the Creator" and, therefore, these traditional ways must be respected by Indian people and society. "It is sad to have to plead for our spirituality," he said.

Rulings from the U.S. Supreme Court have inhibited the Native American freedom to worship according to NCAI President Gaiashkibos, Lac Courte Oreilles Band of Chippewa. "The Supreme Court does not recognize Indian freedom to worship, so we come to Congress for protection of 1st Amendment rights," he said. This effort to achieve freedom of worship "carries the voices of our ancestors and our traditional people."

Speaking on behalf of the United Church of Christ, William Martin criticized the Supreme Court decisions in the Smith and Lyng cases (see Inouye story), both dealing with Native American religious practice, as a "moral outrage" and "an assault on indigenous peoples."

The amendments are currently being crafted by the Senate Select Committee on Indian Affairs, chaired by Sen. Daniel Inouye and are scheduled to be introduced in 1993.



Proposed amendments to the 1978 Native American Religious Freedom Act received support from a newly formed coalition announced at a press conference in D.C. (Photo by Sue Erickson)

The amendments to the 1978 American Indian Religious Freedom Act are not to be confused with HR 2797, which restores the "compelling interest" requirement that the state must actually have a reason to interfere with religion.

HONOR, a national peace and justice organization which actively pursued the protection of Chippewa off-reservation treaty rights in the Midwest, has been active in promoting the Coalition. HONOR Executive Director Sharon Metz spoke in support of the amendments and the continuing need to recognize and respect all aspects of Native traditions and rights.

Representatives of other organizations joined numerous tribes in supporting the Alliance at the press conference. Some of these included: the Presbyterian Church, the Evangelical Lutheran Church of America, the American Baptist Church, the United Church of Christ, the Unitarian Universalist Association, the United Methodist Church, Friends Committee for National Legislation (FCNL), Council of Native American Ministries, Native American Rights Fund, and the American Civil Liberties Union.

NCAI receives letter from Clinton/Gore campaign

To the delegates of the National Congress of American Indians:

As we look back on the long campaign, we are particularly grateful for the support we've received from Native Americans across the country. We are sorry that our schedules do not permit us to attend NCAI's conference.

NCAI's conference holds particular importance this year because 1992 is the year of the American Indian. But it is also a critical year for Native Americans, and the whole country, because on November 3, every American has an opportunity to cast his or her vote for change.

Our campaign is about real change in the country's direction—away from the failed policies of the last twelve years and toward an investment in the American people. It's a campaign to put people—all our people—first.

Perhaps nowhere is the need for change felt more than in Native American communities, both on and off reservations. Our collective goals are many: affirming the sovereignty of tribal governments, protecting religious freedoms, helping small businesses, controlling health care costs, improving education, and protecting our environment—just to name a few.

We won't attain these goals overnight, but, together, we can begin to turn our nations around. We pledge to work with you to take on these critical problems facing our nation.

Once again, our apologies that we cannot join you today. But on behalf of Hillary and Tipper and our entire campaign, we wish you a very successful convention.

Sincerely,
/s/ Bill Clinton
/s/ Al Gore



Traditional Alaskan foods were a big hit at a reception sponsored by the Tanana Chiefs. Reindeer, moose and salmon were among the traditional tasty treats prepared in a variety of manners. (Photo by Sue Erickson)

Reflections on Columbus

NCAI speakers share views

By Sue Erickson
Staff Writer

"Value must prevail over technology," stated Rennard Strickland, University of Oklahoma Law School, panelist at the NCAI conference. Strickland was one of three speakers providing insights into the significance of Columbus to contemporary society and the need to change the course of American thinking.

All three speakers acknowledged that the path of conquest and development which has been religiously followed over the past 500 years, is leading to a dead end.

1992 represents a pivotal point in American history, when tides begin to turn back, according to Strickland. "The Columbian concept of conquest cannot go unchallenged," he stated, also recognizing Indian traditional values and the strength of Indian people as survivors as the guides for change.

The buffalo road, where huge herds of animals were destroyed by European civilization, is just one example of the conqueror turned upon himself, Strickland

stated. The American society is faced with its own potential self-destruction unless change is undertaken.

Having been exposed to destruction since 1492, Strickland feels the Indian has learned how to rebuild civilization. At the heart of tribal survival is "an appreciation for the timeless—the tribe, the family, the seasons." It is this appreciation and value system, Strickland stated, that the non-Indian must learn.

"The future, if there is one," he said, "will have to be an Indian future."

Tim Giago, editor of Indian Country Today (formerly Lakota Times), sees unprecedented opportunities for Indian people to be heard as they step into the next 500 years.

Stressing use of the media for the expression of Indian people, by Indian people, Giago noted that 1992 is time to "heal wounds and get on with rebuilding."

Significant strides in the media, such as the film "Dancing with Wolves," have begun to focus attention on Indian people, Giago said. "This is an opportunity, once again, to look at a vast ignorance about Native Americans, but another opportunity

to voice our own concerns in our own voice."

Concepts such as the "new world" and stereotyped images of Indian people remain to be remolded and changed within the American mind. Giago views this as a goal of Indian people as they seek expanded avenues of expression.

Tribal radio, newspapers, videos, and t.v. stations should continue to grow as "strong voices within" Indian nations continue to "speak by ourselves, on ourselves."

The third panelist, Fred Hoxie, Darcy McNickle Center for the History of the American Indian, felt that the 1992 Quincentennial of Columbus' arrival was "something of a bust," with small parades and people trying to make sense of events and tragedies of the past.

Hoxie noted that plans being laid in 1982 reflected the old spirit of exploitation with proposals for another World's Fair in Chicago, that would

require filling in another section of the harbor, and a Quincentennial Jubilee Commission with no Native American representatives.

He noted that as the world has become smaller, it has also become harder to explain that Columbus brought "civilization" to America or to promote the supremacy of one tradition over another.

While parades and fairs may have bombed, they were replaced with more meaningful commemorations, Hoxie felt, such as art exhibitions, many featuring Native contributions.

He feels the shift from 1982 to 1992 has been positive in presenting new viewpoints and an opportunity to reconsider the exploits of a national hero in other lights.

The 1992 Quincentennial did provide an impetus for re-examination. The words of American Indians are louder and sharper today, he said, and a process of scrutiny has been set in motion. □



Dr. Henrietta Mann, Cheyenne, provided opening ceremonies at the press conference announcing the Religious Freedom Alliance. Mann offered the purifying incense of traditionally-used sweetgrass to all attendees. Above, Ramona Rank, Oregon, takes part in the ceremony. (Photo by Sue Erickson)

to minorities and demonstrated that sometimes even a revered institution such as the United States Supreme Court cannot rise above prevailing social prejudices of the day. The court justified the "separate but equal" doctrine with only thinly-veiled judicial sophistry.

We consider the underlying fallacy of the plaintiff's argument to consist of the assumption that the enforced separation of the two races stamps the colored races with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chose to put that construction upon it.

The soul-crushing racism of the "separate but equal" doctrine continued unabated in the United States, without question from the executive and legislative branches until (See Discrimination and Native American religious rights, page 16)

The evils of discrimination

(Continued from page 3)

the Indian marks the shifts from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall in our democratic faith. . . . Cohen realized that unless our government institutions and social policy can protect America's smallest, poorest and weakest minority group from discrimination and injustice, they may also lack the strength and will to accord equal protection for the rest of society. What may be a trickling stream when one constitutional right is lost or the rights of one group are taken away, may become a tidal wave when other rights are also denied.

Cohen's "miner's canary" concern has proven true in the area of religious freedom, where the Supreme Court recently stripped Native Americans of free exercise rights in both *Lyng v. Northwest Indian Cemetery Protective Association* and *Smith*. These troubling cases not only pave the way for unchecked religious discrimination against Native Americans who have already suffered a long and shameful history of government religious suppression, but they also seriously weaken religious liberty for all Americans.

The equal protection remedy

The Fourteenth Amendment to the United States Constitution guarantees that states will not deny individuals either due process or the equal protection of the law. The Fifth Amendment binds the federal government to those same assurances. Equal protection of the law assures that persons who are similarly situated will be treated in a similar manner. The Founding Fathers of our nation perceived that, under our democratic system, there existed a real danger of oppression to which minority groups would be subjected by the rule of the majority. The creation of the Equal Protection Clause was seen as a way to eliminate this threat and correspondingly protect the right of minorities.

Although the Fifth and Fourteenth Amendments were created to protect minority freedoms, it was not until recently that the courts have construed the Equal Protection Clause in a manner consistent with this original intent. A pertinent example of the narrow interpretation the judiciary has taken in this regard occurred in 1896 when the Supreme Court approved the "separate but equal" doctrine in *Plessy v. Ferguson*. That antiquated doctrine authorized invidious racial segregation and discrimination against African-Americans to exist as a matter of basic social policy. This fostered immeasurable harm

NCAI opposes desecration of Red Sacred Pipestone Quarries

By Sharon Metz
HONOR

Pipestone, a gift given to the Lakota/Dakota/Nakota (LDN) people by the White Buffalo Calf Woman, is found on the Yankton Sioux reservation at Pipestone, Minnesota. Pipestone is a red stone that is central and indispensable to the religion and religious practices of the LDN people. The U.S. Park Service through a contract with the Pipestone Indian Shrine Association allows the Association to quarry the Pipestone, make it into articles for sale, and sell the items to tourists and others who visit this national site.

Traditional Lakota people object to Pipestone, given to LDN people for sacred and ceremonial use, being desecrated by commercialization and shaped into objects such as ash trays, shot glasses, earrings, etc. Arval Looking Horse, the keeper of the sacred Calf Pipe, who is recognized by thousands of LDN as the current primary

protector of the original Calf Pipe, is greatly disturbed that the desecration is continuing. Lakota Wicasa Wakan (Holy Man), Pete Catches Sr., has affirmed the ancient belief that the Red Sacred Pipestone Quarries area is, in its entirety, a most holy and deeply spiritual place, and that all of the sacred Pipestone, whether below or above the earth, is sacred.

The Park Service, as custodian of the Pipestone, claims it is filling this responsibility by turning the management contract over to the Pipestone Indian Shrine Association, a non-profit organization of individual Indian people who employ other Indian people to do on-site interpretation and crafting of Pipestone articles.

In 1991, the Pipestone Indian Shrine Association circulated petitions objecting to the amendments of the American Indian Religious Freedom Act (AIRFA). Many of the tribes and traditional people who received petitions gathered from the wording of the petition that AIRFA would limit their access to Pipestone for sacred

and ceremonial use. The Pipestone Indian Shrine Association and others were able to convince Minnesota legislators to pass a resolution asking Congress to exempt the Pipestone Shrine Association from any restrictions to Pipestone quarrying that might be imposed by AIRFA amendments—especially the part that would protect sacred sites.

Those who don't want the commercialization and manufacture of Pipestone trinkets do want to ensure that Indian people have free access to the Pipestone for sacred purposes. They are objecting to commercial exploitation of a finite resource, the manufacture of inappropriate items and articles, and the desecration of the Sacred Pipestone through these activities.

The NCAI meeting, recognizing the importance of the issue, passed resolutions drafted by and endorsed by the Yankton Sioux Tribe Business and Claims Committee.

The "Now Therefore Be It Resolved" clauses of the three resolutions passed by NCAI reflect the resolutions

of the Yankton Sioux Tribe and read as follows:

•The Yankton Sioux Tribe opposes resolution number 091891 of the Minnesota Indian Affairs Council, because this resolution does not address the *real* issue, and that the Minnesota Indian Affairs Council needs to be educated in the use and Sacredness of the Sacred Pipe.

(Yankton Sioux Tribe Resolution Number 92-74)

•That the "Pipestone Indian Shrine Association" and the United States Government immediately vacate the *Red Sacred Pipestone Quarries* and cease and desist from any and all future exploitation and desecration of the Red Pipestone Quarries.

(Yankton Sioux Tribe Resolution 90-79)

•The Yankton Sioux tribe Business and Claims Committee also demands the Pipestone Indian Shrine Association and the National Park Service immediately vacate the Sacred Red Pipestone Quarries.

Native American sacred sites under assault

The following is a summary provided by the Native American Rights Fund lists some irreplaceable Native American sacred religious sites which have been or are under imminent danger of destruction. (List is not inclusive.)

Woodruff Butte, AZ: Zuni and Navajo religious area, complete with shrines, is being razed by a private landowner for his gravel mining operation.

Snoqualmie Falls, WA: Waterfall which is a vision quest site and center of creation for nearby tribes sought to be dewatered by hydropower company.

Badger Two Medicine, MT: U.S. Forest Service plans to have oil and gas development in the religious area of the Blackfeet Tribe.

Crazy Mountains, MT: U.S. Forest Service plans oil/gas/timber and other development in a Crow Indian vision questing and religious area.

Red Butte, AZ: U.S. Forest Service plans a uranium mine in a religious area of the Havasupai Indians.

Big Horn Mountains, WY: U.S. Forest Service plans timber and tourism development near the Medicine Wheel, a sacred site of the Northern Plains Tribes from the surrounding four state area.

Mount Hood, OR: U.S. Forest Service plans a large timber sale near Spirit Falls at Enola Hills on the slopes of Mt. Hood, which is an ancient vision questing and religious site for the Columbia River Tribes.

Mount Shasta, CA: U.S. Forest Service plans a timber sale and tourism (ski lift) development at Panther Meadows on Mt. Shasta, which is a religious area in use by the Wintu, Pit River, Modoc and Karuk Tribes.

Hawaii Volcanoes National Park, HI: Geothermal development at sacred site—home of Goddess Pele.

Pipestone Quarry, SD: Sacred pipestone being commercially exploited under federal permits.

San Francisco Peaks, AZ: U.S. Forest Service destroyed Navajo and Hopi religious area by building an expanded ski lift into the site.

Bear Butte, SD: U.S. Park Service allows intrusions by tourists upon Sioux and Cheyenne vision questers.

Rainbow Bridge, AZ: U.S. Park Service and Bureau of Reclamation flooded Navajo sacred site and permitted tourists to intrude upon ceremonies.

Blackhills, SD: U.S. Forest Service allowed to intrude upon Sioux religious areas in their sacred Black Hills.

Chimney and Doctor Rocks, CA: U.S. Forest Service allowed by Supreme court to build a logging road through religious area of nearby tribes. Congress intervened and placed area into wilderness classification.

Chota, TN: Tennessee Valley Authority flooded Cherokee sacred site and burial ground.



NCAI President Gaiashkibos, Lac Courte Oreilles Tribal Chairman addresses the NCAI general assembly in Washington, DC during NCAI's annual convention. (Photo by Sue Erickson)



Roger Jordaine, Red Lake Band of Chippewa and Joe DeLaCruz, Chairman, Quinault Indian Nation, challenged Indian voters during a rally in support of the Clinton/Gore campaign during the NCAI Conference. (Photo by Sue Erickson)

GLIFWC resource management activities

By Sue Erickson
Staff Writer

Tribal deer season opens in Wisconsin

The 115 day off-reservation treaty deer season commenced the day after Labor Day in the Wis. ceded territory. The season runs from September 8-December 31.

The Chippewa treaty season will run concurrently with the state's nine day gun season which is set for November 21-29 this year.

The quota declared for the 1992 off-reservation hunt is 6,836 antlerless deer and no defined quota on antlered deer.

Tribal registration stations on each of the reservations have been open since mid-August, according to GLIFWC Chief Warden Charles Bresette. Hunters are issued antlerless deer permits by management units at the stations, according to Bresette.

GLIFWC wardens have been monitoring the tribal, off-reservation season and have also been working cooperatively with WDNR wardens in aerial monitoring of the ceded territory, according to Bresette.

GLIFWC wardens work jointly with WDNR on a weekly basis, providing ground support for night-time aerial checks in the Northwest and Northeast Districts, says Bresette.

The aerial monitoring has been effective in locating shiners, he states. "Non-member violators far outnumber tribal members," he notes.



Charles Bresette, GLIFWC chief warden. (Photo by Amoose)

Tribe	Antlerless	Antlered	Total
Bad River	55	19	74
Lac Courte Oreilles	187	85	272
Lac du Flambeau	306	73	379
Mole Lake	84	32	116
Red Cliff	59	17	76
St. Croix	52	16	68
Mille Lacs	4	2	6
TOTALS	747	244	991

(*preliminary figures as of October 22)

GLIFWC officers participate in state line road check

Working with both WDNR and MN DNR wardens, federal agents, USFWS officials and Wisconsin and Minnesota state patrol, GLIFWC wardens assisted with a vehicle check on the Minnesota side of the state line bridge, Highway 70 on October 4th.

Approximately 300 vehicles were searched during the day. The majority of violators were found with loaded weapons and various game violations, according to GLIFWC Chief Warden Charles Bresette. No tribal members were found violating, he also commented.

GLIFWC wardens Sgt. Gordon Arbuckle, St. Croix, and Corporal Ken Pardun, Mille Lacs, assisted at the check point.

Over 2,000 vehicles were contacted, but only those involved in hunting and fishing activities were asked to consent to a search.

Fall spearing underway

Both the Lac Courte Oreilles and Bad River bands are exercising a fall spearing season. The season is run and monitored in the same manner as the spring spearing season, according to GLIFWC Chief Warden Charles Bresette.

Daily permits by lake are required, he said, and each landing is monitored nightly by GLIFWC biological and enforcement personnel.

The quotas declared last March by the tribes remains unchanged. Spearers are harvesting only on lakes where quotas were not filled, Bresette explains.

Bad River spearfishermen took 333 walleye as of October 10, according to GLIFWC data analyst Hock Ngu. Bresette feels Bad River's success may encourage more tribal participation in upcoming fall seasons.

Fishery assessments continue

Electroshocking teams have recently concluded their fall assessments on 145 lakes, according to GLIFWC Biological Services Director Neil Kmiecik.

The expanded assessments, Kmiecik notes, are a result of a congressional appropriation of \$175,000 proposed by Sen. Daniel Inouye, Chairman of the Senate Select Committee on Indian Affairs, to study the status of the Wis. fishery.

The Joint Steering Committee, with state, tribal and federal representatives, was formed to implement the study. At a Steering Committee meeting September 15 at the Bad River Reservation, another appropriation of \$175,000 for 1993 was announced.

Kmiecik says the first appropriation was spent supporting the electroshocking crews needed to assess the fishery in the ceded territory.

Five electroshocking crews, including two from GLIFWC, two from the U.S. Fish and Wildlife Service, and one from the St. Croix Band participated in comprehensive walleye population assessments during the spring and fall months.

GLIFWC also hired a data analyst, Hock Ngu, last spring to computerize the data provided by the crews.

The committee also produced *Casting Light Upon the Waters*, a comprehensive report on the status of the Wis. fishery with the first round of funding.

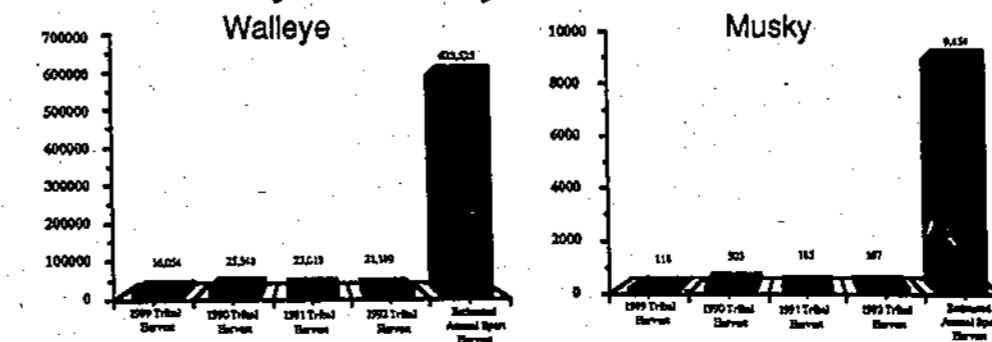
In 1993 the committee will provide additional copies of that report as well as prepare a supplemental report which will summarize activities in 1992, Kmiecik said.

(See Off-reservation migratory bird season, page 31)



The fall round of electroshocking assessments completed on October 28th. Above are GLIFWC crew members, from the left, Mitch Soulier, fisheries aide and Butch Mieloszyk, biological technician. (Photo by Amoose)

Comparison of sport and tribal walleye and musky harvest in Wisconsin



Regional NAFWS address natural resource issues

Great Lakes treaty commercial fishery

By Sue Erickson
Staff Writer

Enforcement of on-reservation environmental codes and specific areas of resource management highlighted the agenda of a four-day conference sponsored by the Great Lakes Region Native American Fish and Wildlife Society (NAFWS), Sept. 21-24 in Keweenaw Bay, MI.

A highlight of the conference was an announcement by Dr. Earl Barlow, Minneapolis Area Director, Bureau of Indian Affairs (BIA), that the Bureau would be looking into additional training programs for tribal conservation officers. A committee, headed by Robert Jackson, BIA biologist, will be developing the program proposal.

Approximately 120 tribal conservation officers and resource managers participated in the week's events, which also included a qualification/competitive shoot, an evening bowling tournament, and music by Da Troopers following an awards banquet.

Welcomes and introductory remarks were provided by Keweenaw Bay Tribal Chairman Fred Duda, Annie Boston, Michigan Agency Superintendent, BIA; Dr. Earl Barlow, Minneapolis Area Director, BIA, and Mike Stempel, U.S. Fish and Wildlife Service.

Access and state regulations impact small boat fishermen

Issues related to the treaty commercial fishery, particularly small boat fishermen, in the Great Lakes (Lake Superior and Lake Michigan) were presented by several guest speakers.

Both the health of the fishery and concerns about the regulation of the tribal fishery were discussed. Issues included access to treaty fishing zones; viability of trap nets for treaty fishers; lake trout reproduction rates; and declining prices.

Faith McGruther, Executive Director, Chippewa-Ottawa Treaty Fishery Management Authority (COTFMA) cited access to the treaty fishery as a major concern of COTFMA's member tribes, including the Bay Mills Indian Community, the Sault Ste. Marie Tribe of Chippewa, and the Grand Traverse Band of Chippewa and Ottawa.

The treaty waters in COTFMA's region encompass over 17,000 square miles involving Lake Superior, Lake Michigan, Lake Huron and the St. Mary's River, McGruther stated.

She also pointed out that about 300 treaty fishers harvest 6.8 million pounds of fish annually with an approximate value of \$35 million to the regional economy. "The treaty fishery," she said, "is one of the most important economic resources the tribes possess."

In 1985, COTFMA's member tribes agreed to a fifteen year Consent Order which defined the responsibilities of the state, the tribes and the federal government for fisheries management in the 1836 Treaty area, she said. Included in the Order was an allocation plan, zoning the treaty waters into exclusive treaty, non-treaty and fishery refuge zones.

While the tribes, through COTFMA, maintain the almost exclusive right to manage the treaty fishing zones, many designated treaty fishing areas are not accessible to small boat fishermen, who are unable to travel great distances to fishing grounds.

The inaccessibility of the grounds limits the ability of tribal members to optimally use the opportunity for a treaty harvest.

COTFMA, McGruther noted, along with the State of Michigan, has taken some measures to develop new sites and enhance existing sites by improving roads and docks.

The use of trap nets vs. gillnets is an issue being heard in court. While the State seeks to ban all use of gillnets in Michigan waters, tribal commercial fishermen, McGruther noted, will feel a major impact of the ban.

Once again the small boat fishermen, which constitutes the majority of COTFMA's treaty fishers, will feel the impact. Trap nets, McGruther noted, require larger boats, larger docks, and more crew to effectively manage. The conversion itself, she said, would impose an economic hardship on many tribal fishermen.

Efficiency of trap nets is also being tested by some small boat fishermen who are using small trap nets. To date, results show decreased harvest. A decision on the issue should be forthcoming.

A key question in the litigation, McGruther commented, is: "Does the State have regulatory power over the Chippewa?"

"The treaty fishery is one of the most important economic resources the tribes possess."

—Faith McGruther, COTFMA



Faith McGruther, Executive Director, Chippewa-Ottawa Treaty Fishery Management Authority, was unanimously voted as the new Great Lakes Region Chairperson. She is pictured above with Ed Fairbanks, EPA, who was instrumental in organizing the environmental training for conservation officers during the regional NAFWS conference at Keweenaw Bay. (Photo by Sue Erickson)



Lake trout rehabilitation

Mark Ebener, fishery biologist, Sault Ste. Marie Tribe, noted that successful, self-sustaining reproduction of lake trout is the goal of fishery managers concerned with lake trout rehabilitation in the Great Lakes.

Ebener noted that stocking of lake trout is not helping the current situation. "There are plenty of fish out there," he said. "They need to be managed and supported. But the survival is not good."

Ebener noted that in stocked fish the 1986 year class is simply not appearing, a phenomenon that does not bode well for the fishery. He also noted that hatched stock could replace wild stock, which is not an objective of fishery managers.

Several problems impacting lake trout were listed by Ebener. The 35 year old battle against sea lamprey continues today. Each sea lamprey returning to spawn has killed about 20 lbs. of fish, he noted.

Other exotic species, many introduced through the shipping industry, also impact the ecology and subsequent well-being of the fishery, he said. "The shipping industry has not been held accountable and has taken no responsibility for any of this," he noted. "Tribes should take the shipping industry to task."

Contaminants, including chemicals and toxic metals, such as mercury, also negatively impact the fishery. Lake trout have shown high levels of contamination. This not only threatens the well-being of the fish stock, but has caused price drops because of public concern.

He noted a blanket statement regarding fish contamination made by the National Wildlife Federation caused people to shy unnecessarily from all Great Lakes species.

The bottom line is the need for increased fishery management, which can involve reduced limits and sizes for commercial fishermen.

River ruffe committee to develop control program

By Sue Erickson
Staff Writer

The invasion of river ruffe, an exotic fish, into the Great Lakes, has provoked the concern of fishery biologists, who view ruffe as yet another threat to native lake species such as lake trout. However, progress is being made to actively control the ruffe invasion, according to Tom Busiahn, USFWS biologist.

A report, issued by the River Ruffe Task Force, was released in September 1992, identifying the status of the ruffe and their impact on the Great Lakes fishery, Busiahn stated.

The report indicates that since its introduction in the Duluth/Superior harbor area, ruffe has become the most abundant fish species. "As ruffe numbers have increased, populations of yellow perch, walleye, and most endemic forage species have declined sharply. Yellow perch numbers declined by 50% in only three years," the report states.

From its study of the Duluth and Thunder Bay Harbors where ruffe populations have been identified, the Task Force concludes that "ruffe poses a serious threat to yellow perch, walleye, and possibly whitefish fisheries in the Great Lakes and to most inland freshwater fishery resources."

In economic terms, the Task Force feels the impact of ruffe could be severe. "The commercial whitefish harvest in the

Great Lakes has a landed value of about \$10 million and the projected impact of ruffe on this fishery would be a loss of \$5 million annually plus losses in job opportunities and other economic activities that could reach another \$2 billion," the report states.

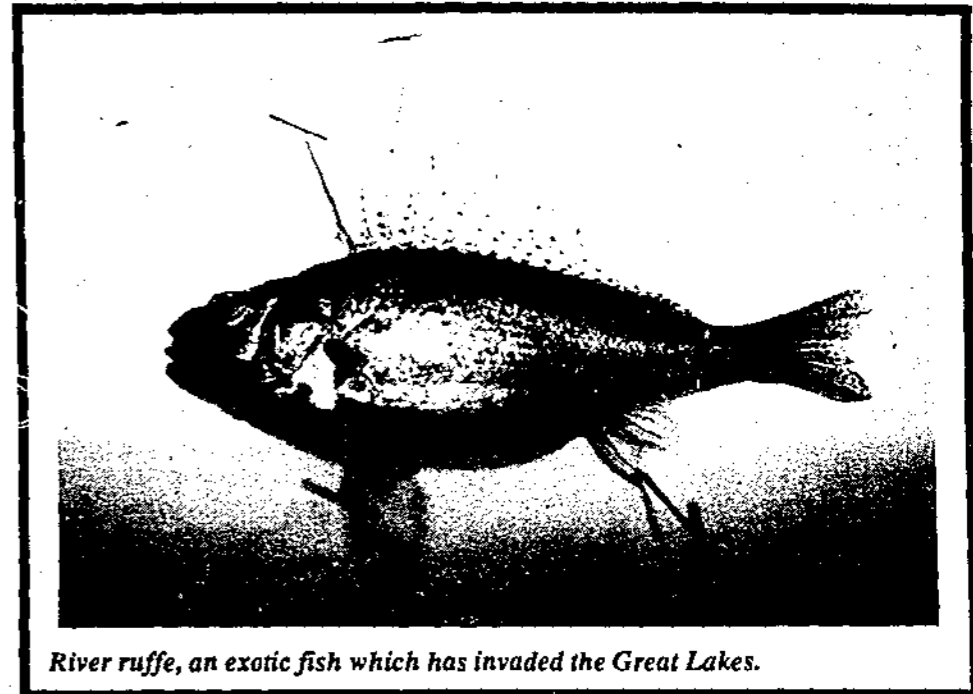
"Although it is unlikely that invasions by the ruffe would destroy the nation's entire freshwater sport fishery resources, even an overall loss of only 10 percent would cost over \$7 billion, a significant economic impact."

The Task Force was formed by the Great Lakes Fisheries Commission (GLFC), an international body active in lamprey control, Great Lakes research, and management coordination, and commissioned to develop the report.

As the next step, a River Ruffe Control Committee, to be headed by Busiahn, has been appointed by the federal Aquatic Nuisance Task Force. Its mission is three-fold: 1) to refine the program, 2) to identify agencies to conduct the program, and 3) to monitor its implementation.

The Management Plan defined in the River Ruffe Task Force Report contains four primary objectives as follows:

- 1.) Contain ruffe to present sites and prevent further introductions of distributions.
- 2.) Increase biological understanding of the ruffe.
- 3.) Reduce populations of ruffe at present sites.



River ruffe, an exotic fish which has invaded the Great Lakes.

4.) Conduct research on control methods that specifically target ruffe.

An estimated annual budget of \$1,225,000 is needed to accomplish the recommended program. The Task Force also emphasized that it "is imperative that the plan be initiated in 1992 and fully operational in 1993."

Representing the Native American Fish and Wildlife Society and tribal interests on the committee is Faith McGruther, Executive Director of the Chippewa-Ottawa Treaty Fishery Management Authority (COTFMA) Neil Kmiecik, GLIFWC's Director of Biological Services will also be working with the committee to develop the control program.

GLIFWC biological services have

been involved with ruffe assessments in the St. Louis River and harbor area for several years. They have worked with the USFWS in collecting stomach samples for a study designed to identify ruffe predators. Collected samples were given to USFWS for analysis. GLIFWC also assisted with partial funding of staff to analyze stomach contents in 1992.

In addition, Kmiecik served on the River Ruffe Task Force and assisted in developing the report. Kmiecik also occupies a seat with COTFMA on the Aquatic Nuisance Task Force.

Persons seeking more information regarding river ruffe control can contact Tom Busiahn at the USFWS office in Ashland, Wis., at 715-682-6185.

Recovery of lake sturgeon sought

By Sue Erickson
Staff Writer

Lake sturgeon, a long-lived inhabitant of the Great Lakes, have been the focus of a six year study by Nancy Aver, fishery biologist, Michigan Technical College, Marquette. Aver has sought to understand the habits of this large, lake fish in order to improve its habitat and survival.

Concern over poor spawning success for the lake sturgeon and its absence from former spawning rivers have triggered increased assessment and monitoring. Aver also noted that the fish does not recuperate its population easily.

However, according to Aver, the Lake Superior area has a good opportunity to bring back the sturgeon population. Mentioning both the Sturgeon River, Michigan, and the Bad River in Wisconsin, as good habitat with minimal development and natural spawning ground for sturgeon, Aver noted that rivers with a lot of development, such as the Ontonagon River, show no remaining lake sturgeon populations.

Licensing of hydro-stations on rivers seems to be one component which will help re-establish lake sturgeon. Aver's studies have indicated that fluctuations in water levels caused by hydro stations, especially during spawning, have left spawning sturgeon stranded in pools of water.

Water fluctuations from hydro-stations can be

very severe and sudden, with massive amounts of water draining within 20 minutes. The lowered water levels both limit mobility of the fish and cause the water temperature to increase. Another detriment has been the vulnerability of the fish to poachers.

Aver has worked intensively at a site near the Prickett Station Powerhouse on Michigan's Sturgeon River. Through licensing, Aver explains, water flow has been kept more steady, especially during the spawning periods. As a result, assessments in 1991 and 1992 have shown more successful spawning.

Aver commented that in 1987 twelve sturgeon on the Sturgeon River were identified as ripe, running females; whereas in 1992, 52 were identified.

The fish were also spending more time in the spawning ground, and higher water levels allowed large fish up the river.

Essentially, current assessments indicate an increase in the number of females at the assessment site, an improved size, an improved ability to develop, and an increased reproductive readiness.

Studies, including use of radio-telemetry and tagging, continue to provide biologists with information about the range and habits of the lake sturgeon. Aver noted that at the Prickett Station site two sturgeon from the Bayfield, Wisconsin area and several from the Munising, Michigan area have been found, demonstrating a 200 mile radius of movement for the fish.



Lassoing a sturgeon for assessment purposes on the Bad River. (Staff photo)

USFWS pursues development of 'Native American Policy'

By Sue Erickson
Staff Writer

Comment is being sought on a draft 'Native American Policy' being developed by the U.S. Fish and Wildlife Service (USFWS). Mike Stempel, USFWS Indian Policy Development Committee, presented the draft recently at the Great Lakes Region Native American Fish and Wildlife Society Conference in Keweenaw Bay.

The intent of the new policy, as stated in the draft, is to maintain and improve its working relationships with the Native American community to better manage fish and wildlife resources.

The policy has been under development for about 18 months, according to Hannibal Bolton, USFWS, Minneapolis. Bolton is a member of the policy development task force and has traveled extensively in the U.S. soliciting comment from tribes.

Using methods similar to strategic planning, regional "scoping" meetings were first held throughout the U.S., including Alaska, Bolton says. Both written and verbal comments were encouraged. The gathered information was synthesized into themes or categories which comprise the current draft policy.

"One of the strongest themes," according to Bolton, "especially from tribes

in Alaska, is recognition as full-blown, sovereign nations."

A section from the draft policy on "Government to Government" reads as follows:

General Statement: The Service will maintain a government-to-government relationship with Native American governments and will recognize and support their right to self-determination and self-government. The Service will work directly with Native American governments and will comply with legislative mandates, treaty rights, trust responsibilities, and respect Native American cultural values when planning and implementing programs.

On-Reservation Lands: The Service will recognize appropriate Native American governments as the primary parties for making fish and wildlife resource management policy and for managing fish and wildlife resources on Native American reservations.

Off-Reservation Lands: The Service will recognize and support the rights of Native Americans to utilize fish and wildlife resources in traditional areas where there is a recognized basis for such use. The Service will recognize that certain Native American governments have treaty-

guaranteed or reserved rights to co-manage off-reservation fish and wildlife resources. In such cases, the Service will cooperate with Native American governments to ensure that they continue to be legitimate co-managers of fish and wildlife resources.

While Bolton feels that tribes have responded very favorably to the USFWS draft policy and have appreciated the "good spirit" in the effort, he also thinks some major weaknesses from a tribal perspective remain. One, he feels, would be the USFWS' inability to deliver tribes direct access to federal aid grants.

Bolton states the handling of monies is controlled through the Dingle-Johnson-Pitman-Robertson Act which did not include tribes. Any changes in procedures would require legislative action, he commented.

Another area important to tribes is the regulations involving the use of animal parts. Bolton indicated tribes have expressed concerns in this area.

Comments forthcoming from the tribes on the Draft Policy will again be synthesized and reviewed prior to the production of a final document.

Cool-Coldwater Fish Culture Workshop

Mark your calendars! The Cool-Coldwater Fish Culture Workshop has been scheduled for November 30 to December 4, 1992 in Minocqua, Wis.

Register now! A limited number of openings are available. This one-week course has been set up and designed to meet the needs of tribal hatchery personnel in the upper Midwest, through a cooperative effort of the U.S. Fish and Wildlife Service, Bureau of Indian Affairs, and the Lac du Flambeau Natural Resources Program.

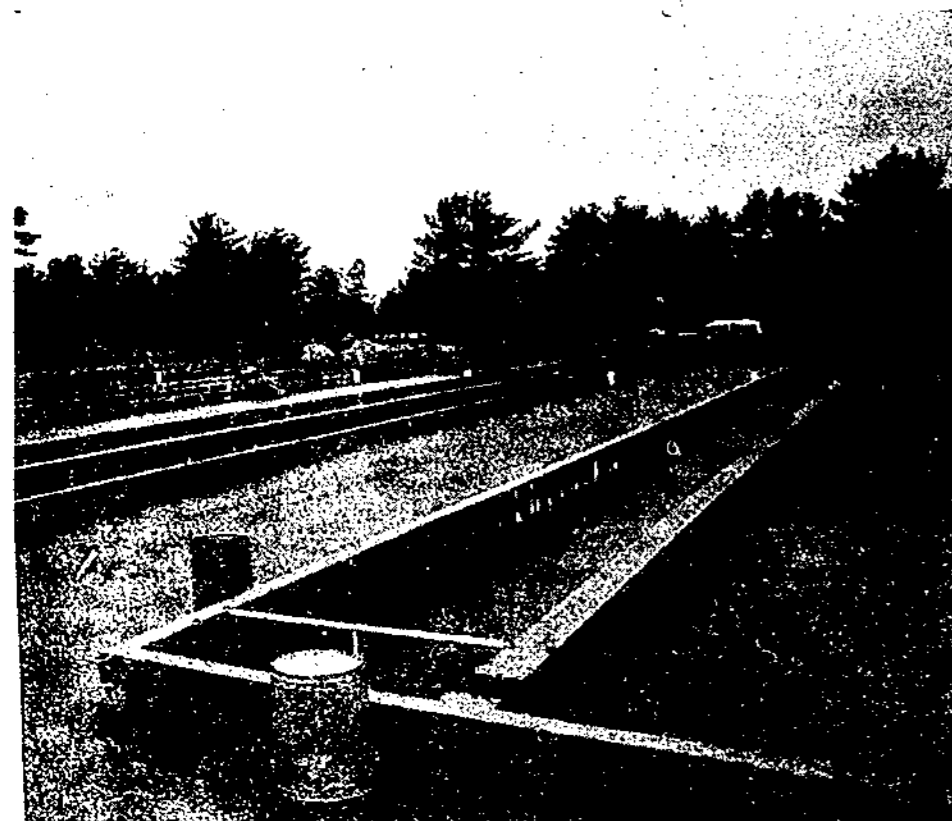
Tuition cost is \$350. Please register by sending a check for tuition payable to the Lac du Flambeau Natural Resources Department, Attention Larry Wawronowicz, P.O. Box 67, Lac du Flambeau, WI 54538.

A block of rooms has been set aside at The Point Hotel, 8269 South Hwy 51, Minocqua, WI. Make your reservations by calling the hotel at 715/356-4431.

Tentative Agenda

- Day 1 AM Coolwater broodstock capture, selection, handling; Spawning, egg handling, hatching, fry care (Ron Zitzow, Bozeman Fish Technology Center, Bozeman, MT)
- Day 1 PM Extensive culture methods: fry to harvest (Ron Zitzow, Bozeman Fish Technology Center, Bozeman, MT)
- Day 2 AM Pond Management: Zooplankton Dynamics —life histories, taxonomy; sampling and harvest (Gerald Ludwig, Fish Farming Experimental Station, Stuttgart, AR)
- Day 2 PM Pond Fertilization methods: —water quality analysis; corrective measures (Gerald Ludwig, Fish Farming Experimental Station, Stuttgart, AR)
- Day 3 AM Principles of intensive fish culture: —Length/weight relationships; growth projection (Bob Piper, Editor, Progressive Fish Culturist, Bozeman, MT)
- Day 3 PM Carrying capacity (Bob Piper, Editor, Progressive Fish Culturist, Bozeman, MT)
- Day 4 AM Coldwater broodstock selection, spawning, and egg handling (Dale Bast, Iron River National Fish Hatchery, Iron River, WI)
- Day 4 PM Fry and fingerling rearing and care Transportation and distribution (Dale Bast, Iron River National Fish Hatchery, Iron River, WI)
- Day 5 AM Fish Health Management (Terry Ott, Fish Disease Control Center, LaCrosse, WI)

If you have questions, contact Larry Wawronowicz (about local arrangements) at 715-588-3303 or Frank Stone (about course content) at 715-682-6185.



Raceways at the Lac du Flambeau hatchery, one of many tribal hatcheries in the Midwest involved in rearing and stocking. (Photo by Amoose)

Tribal Aquaculture Network responds to tribal needs

The Tribal Aquaculture Network, formed one year ago, has achieved several goals benefiting tribal fishery managers, and seeks to identify and address more common needs in the upcoming year, according to Frank Stone, USFWS fishery biologist.

The Network was developed to provide tribal hatcheries with a mechanism for sharing information with other programs, Stone stated. Stone along with Joe Dan Rose, Bad River Natural Resource Manager, are co-coordinators of the Network.

Besides developing and mailing an aquaculture newsletter, a questionnaire designed to identify needs in tribal aquaculture also proved useful.

Formalized training in cool water fish programs was one need identified by many hatchery personnel, Stone commented.

As a result a "cool water fish hatchery" course has been developed and is slated to be presented November 30-December 4, 1992. (see sidebar)

Another expressed need was for fishery hatchery components, such as tanks and transportation trucks. The Network assisted several programs by finding needed equipment during the year and has been able to supply three fish distribution trucks and two fiberglass tanks as well as hatchery systems.

Joe Dan Rose also noted the need for a clearinghouse, or library, which would make resource materials accessible to all tribal fisheries staff.

The Aquaculture Network will continue to publish its newsletter and address needs specific to tribal aquaculture programs.

Tribal authority and environmental protection

By Sue Erickson
Staff Writer

Training in the enforcement of tribal environmental codes drew many tribal wardens to the NAFWS Regional Conference in Keweenaw Bay, where the establishment of tribal codes and issues of tribal jurisdiction were discussed.

Developing tribal codes

Panelist Steve Olson, Blue Dog Law Firm, Bloomington, Minn., encouraged tribes to develop on-reservation environmental protection codes and assert tribal authority on environmental issues. Olson has worked extensively with the Prairie Island Sioux in regard to nuclear waste storage issues.

The first step in establishing tribal jurisdiction is to apply for and reserve recognition as state status, Olson said, noting that many environmental laws are written to recognize tribes as states. These include laws regarding clean air, water and the use of chemical pesticides.

The next step requires tribes to identify pollution problems on the reservation and finally to develop a program to address those problems.

The program would include regulations at least as stringent as federal regulations, he said. Federal protection is viewed as the lowest level of protection, according to Olson, and tribes can develop their own codes which are far more stringent.

Issues of jurisdiction

Tribal jurisdiction for environmental protection includes all persons within the reservation boundaries, he stated. Although the land may be privately owned, if it lies within the boundaries of the reservation, the tribe retains jurisdiction to enforce its environmental codes.

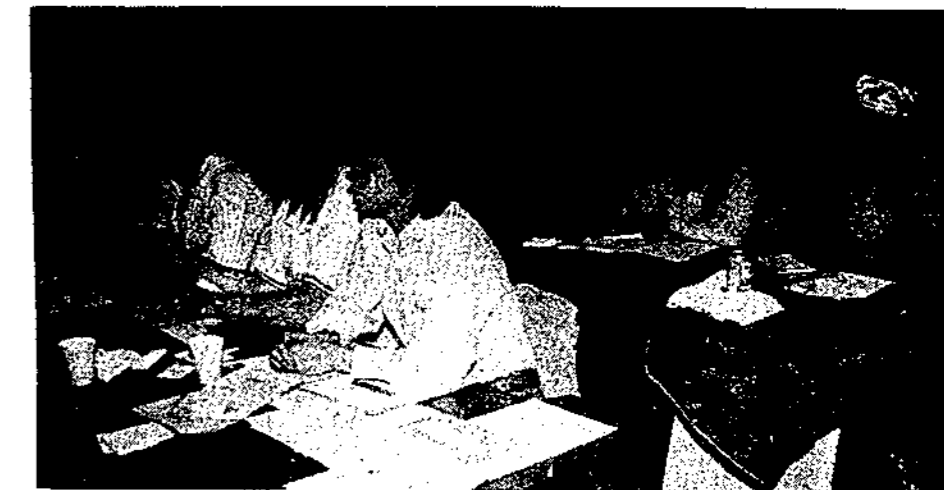
While enforcing a tribal program on-reservation is not a problem, controlling activities off-reservation is, Olson noted. Citing a paper plant near to a reservation which may discharge dioxin and negatively impact the reservation, Olson explained that the plant still comes under state regulation, although federal regulations won't allow pollution at a level not satisfactory to the water quality standards of the receiving waters.

A Pueblo Tribe on Rio Grande is currently in court on this issue, he said.

The Tribe, which is located upstream of Albuquerque, is claiming the polluted water interferes with religious use. The Tribe claims the city is polluting at levels unacceptable for human consumption. If the Tribe wins, the city would have to abide by discharge levels acceptable to the Pueblos, he said.

The catch is that if "undo hardship" on the polluters as balance against the benefit to other people can be shown, a variance or extension of time could be allowed the polluters.

The questions are currently being tested in court, Olson stated. While water levels may not require purity acceptable



Participants in the environmental training for conservation officers listen to panelists discuss legal issues related to environmental enforcement at the regional NAFWS conference at Keweenaw Bay (Photo by Sue Erickson)

for religious purposes, standards can certainly be set for safe drinking and fishery habitat, he said.

Panelist Don Wedll, Natural Resources Commissioner, Mille Lacs Band of Chippewa, noted that the intention of the codes should be clear at the time of writing. Are you trying to regulate Indians on the reservation, non-Indians on the reservation, or both?

If a tribe wishes to regulate non-Indian activity, approval must be received from the EPA and due process ensured. "Tribes need to exercise civil authority and defend it," Wedll stated. "If we don't use, we'll lose it," he said.

Tribal police powers

"Tribes have police powers," Olson said. Those powers will probably fall to tribal conservation officers as environmental protection programs are set in place on reservations.

There are civil sanctions, including fines, for some violations which can be tried in tribal courts. There are also criminal sanctions which would have to be enforced through the EPA. However, the tribes can write their own sanctions for non-compliance.

In relation to treaty rights and environmental protection, he said that they (See Wardens, page 15)

Battle against loosestrife invasion adopts biological controls

Three species of European insects, including a root-mining weevil and two leaf-eating beetles, have been identified and screened as potential control agents for purple loosestrife in the U.S., according to a release from Dr. Richard Malecki, Coordinator, assist leader, Purple Loosestrife Working Group, New York Cooperative Fish & Wildlife Research Unit.

Loosestrife, an exotic plant imported from Europe, has invaded wetlands throughout the U.S. and Canada, displacing native plant life and destroying wetland habitats.

To date, conventional control techniques such as manual removal, have proved costly and ineffective in the elimination of loosestrife, Malecki notes. Consequently, the use of biological control is being implemented.

Biological control of weeds is "the use of natural enemies to reduce populations of a plant pest to an acceptable level," according to Malecki. "Natural enemies of a plant reduce plant numbers. In turn, plant abundance influences the populations of the natural enemies. Ideally, this interaction provides a self-sustaining balanced system that can maintain a weed population at a non-damaging level."

Malecki states that the three European insects being used to control loosestrife are relatively host specific, so will pose little risk to native plants.

The project will be implemented over a 2-4 year period and initial control results are expected to be "dramatic."

Shipments of the insects have arrived in the U.S. and cleared quarantine. Starter collections were distributed to sites in New York, Pennsylvania, Minnesota, Oregon, Washington and Ontario, Canada.

This winter tentative plans include the development of a workshop for the three regions (northeast, midwest, and northwest) to provide background on the biological control program and discuss implementation.

In August 2,000 insects were already released in a wetland near Pig's Eye Lake in St. Paul, according to an August "Star Tribune" article. While the beetles are leaf-eating, the weevil's bore into the plant's root and destroy the plant.

The Minnesota insect release is being monitored by the Minnesota Department of Natural Resources and the U.S. Department of Agriculture to determine if the insects can survive the Minnesota winter.



Tribal Coordinator for the Environmental Protection Agency, Steve Dodge, talks about "Impacts on Tribal Resources" during the NAFWS environmental training for conservation officers. (Photo by Sue Erickson)

Wild rice issues raised at ricers' conference

By M.J. Kewley
ANA writer-photographer

- How will an increase in the carp population effect wild rice beds?
- What's the best technique for wild rice re-seeding?
- What steps can rice retailers take to educate consumers about the difference between paddy- and hand-harvested wild rice?

Tribal ricers, biologists and marketing specialists shared the answers to these and other questions recently at the Great Lakes Indian Fish and Wildlife Commission's (GLIFWC) second annual Wild Rice Conference.

About 30 people attended the conference, hosted September 25 by the St. Croix Chippewa Tribe at Forts Folle Avoine, Siren, Wis.

St. Croix tribal administrator Lewis Taylor stressed the importance of tribal governments' support of their members. "As a ricer," he said, "I think it's important that we get together for support." Taylor also said tribal members need to remember the importance of ricing in their spiritual lives. "These are gifts from the Creator," Taylor explained. "If you don't perform certain practices—offer tobacco—rice won't grow."

While tribal ricers in Wisconsin reported a below-average harvest, Minnesota enjoyed a bumper rice crop in 1992.

Mille Lacs tribal biologist Mike Ware said 100,000 pounds of rice were harvested from the Mille Lacs area this fall. "It was our best crop in five or six years," Ware said. At the Mille Lacs reservation, tribal members held wild rice camps, to teach youth traditional ricing techniques.

Other Minnesota Chippewa bands enjoyed a plentiful harvest. Bois Forte chief conservation officer Ray Villebrun said about 280 ricers took 30,000 to 40,000 pounds of rice from Nett Lake. Water levels on the lake, located on the Bois Forte reservation, are controlled by a dam to maintain levels favorable to rice production.

For the first time this year in Minnesota, the Department of Natural Resources allowed each tribe to decide when to open its rice lakes. In past years, the DNR had opened the season on the same day throughout the state. "The rice matures differently," Ware said. "They (the DNR) hadn't been using the traditional ways of setting the season. Now the DNR is asking the tribe when to open the season."

GLIFWC wild rice biologist Peter David said northcentral Wisconsin produced the best state wild rice crop in 1992. He said a cool spring reduced rice germination, especially in the northwestern part of the state.

David said environmental factors continue to threaten wild rice growth, including wetland destruction, shoreline development, pollution, high-speed boat traffic, exotic species and artificial manipulation of water levels.

Often times, a combination of factors will destroy the lake's rice crop. For example: the introduction of carp may increase water turbidity, blocking the sunlight from reaching the growing rice plants. With the loss of the rice bed, wind action on the lake increases, causing more nutrients from the sediments to be mixed with the water. The increased level of nutrients may then feed an algae bloom. "All these different components are tied together," David said.



Lac Vieux Desert tribal council member Elizabeth Martin seeds rice in Crooked Lake, a historic Lac Vieux Desert rice lake. Manning the oars for Martin is John "Dates" Denomie, GLIFWC wildlife technician. (Photo by M.J. Kewley)

The combined effect has taken its toll on many historic rice lakes. "Minnesota is better off than Wisconsin. But there's no doubt wild rice is much less abundant than it was historically," David said.

While biological research will continue, tribal ricers also wanted to discuss how to get the existing rice crop to market. Conference attendees shared ideas on marketing techniques to improve wild rice sales.

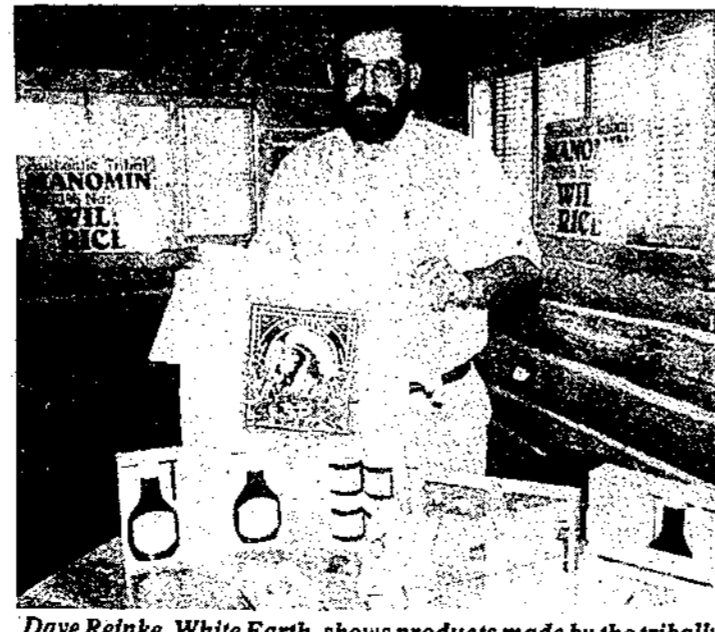
David Reinke, White Earth, discussed the tribally owned wild rice business. The White Earth Chippewa Tribe operates a business to sell hand-harvested rice, syrups, jams and a wild-rice pancake mix. A tribal member also makes wooden boxes to package gift sets.

Reinke said one of White Earth's marketing goals is to educate consumers about the difference between paddy-grown and hand-harvested rice. Many paddy-rice sellers try to pass off their products as hand-harvested by using Indian names or pictures on their labels. The commercially grown paddy rice is often treated with chemicals and has a distinctive taste when compared to natural rice.

Department of Agriculture marketing specialist Paul Hugunin said a Minnesota marketing program helps to educate buyers. The "Minnesota-grown" logo is available only to sellers of hand-harvested wild rice. The logo can be placed on rice packages, to inform people they are buying a natural product. A similar strategy exists in Wisconsin. The "Something Special From Wisconsin" marketing program informs buyers they are receiving an authentic Wisconsin product.



Bois Forte elders Ruth Ann and Albert Strong rice at Nett Lake. (Photo by M.J. Kewley)



Dave Reinke, White Earth, shows products made by the tribally owned wild rice business. (Photo by M.J. Kewley)

St. Croix Tribe's walleye stocking exceeds goals

Hertel, Wis.—A high walleye survival rate has allowed the St. Croix Chippewa to expand their walleye stocking plan from seven to 13 off reservation lakes.

St. Croix Tribal Natural Resources Department staff Beth Greiff, Don Taylor, Al Oustigoff, Frank Taylor and Todd Nelson Jr. harvested 88,000 walleye fingerlings in the first week, exceeding the tribe's total goal of 70,000 fish. "Last year we got 70,000 in five weeks. This year we seined 88,000 in four days," Greiff, the tribal biologist, said.

The 2-1/4-inch fingerlings were stocked in several off-reservation lakes: Round, Big Butternut and Balsam, Poik

County; Matthew and Gilmore, Burnett County; Long, Washburn County; and Middle McKenzie, which borders Burnett and Washburn counties.

Greiff said the tribe hopes to put an additional 62,500 3-inch fingerlings in seven lakes: Beaver Dam and Sand, Barron County; Big McKenzie, Lipsett and Yellow, Burnett County; and Long and Little Long, Washburn County.

The St. Croix Chippewa have operated a hatchery program since 1987, when they signed a cooperative agreement with the Wisconsin Department of Natural Resources. Using fry from the DNR for the first two years and fry from the Lac du

Flambeau hatchery in 1989, the tribe raised walleye to fingerling size.

In 1990, the tribe began incubating its own walleye eggs and raising them in ponds near the reservation. In five years, the tribe stocked more than a half-million walleye and largemouth bass fingerlings into 15 off-reservation lakes.

In 1990, the tribe collected spawn during electrofishing assessments. In 1991 they gathered the spawn from DNR fyke nets during the state's annual assessments. This year Greiff used tribal and DNR fyke nets on Round Lake, which allowed her to collect 10 quarts of spawn and then release the walleye safely into the lake. But when

the eggs died from a water temperature change, the DNR offered additional eggs. With those, Greiff said, "We had a high hatch rate."

Once hatched, Greiff returned fry to Round Lake to compensate for the spawn removed using the fyke nets. The remainder were placed in the tribe's two rearing ponds.

Greiff said the high survival rate has allowed the tribe to stock more fingerlings than expected. "It's taken us three years to get here," Greiff said. "I'm very happy about it."

(Reprinted from Frederic Inter-County Leader, July 22, 1992)

Wisconsin walleye stocking unchanged

Despite Thompson pledge of renovations at fish hatcheries

By James Kalvelage
Sentinel correspondent

Rhineland, Wis.—State walleye stocking levels remain virtually unchanged two years after Gov. Tommy G. Thompson promised major renovations of northern Wisconsin fish hatcheries during the height of the Chippewa spearfishing controversy.

In addition, a new mandate by the Department of Natural Resources (DNR) would reduce the goal of walleye fingerling production at three northern Wisconsin hatcheries, Rep. James C. Holperin (D-Eagle River) said in July.

While 1990 plans called for increasing walleye stocking by more than 10 times, delayed hatchery renovation projects are pushing the goals back, DNR officials said.

It will be at least another year before any initial results of efforts to increase walleye stocking will be seen in northern Wisconsin, they said.

Holperin has sent a letter to Thompson demanding that he live up to his promise of major renovations at the three northern hatcheries.

Thompson made the promise in spring 1990, when hundreds of treaty rights opponents were converging at boat landings frequented by Chippewa tribal members exercising court-approved rights to spear walleye.

Since then, tension between Indians and non-Indians has been greatly reduced, and so has state support for hatchery renovations, Holperin said.

"Anglers, chambers of commerce and tourism-dependent small business owners in northern Wisconsin have anticipated this hatchery improvement project for several years," he said.

Concerns about the discharge of hatchery wastewater into Lake Minocqua, as well as funding shortages, have delayed \$3.2 million in proposed improvements to the Woodruff hatchery, officials said.

Dave Ives, hatchery administrator for the DNR Bureau of Fisheries Management, said that the \$3.2 million won't be enough to upgrade the Woodruff hatchery. Completion of the renovations remains a couple of years away, he said.

The DNR is preparing contingency plans for dam repairs and a wastewater treatment facility at the hatchery.

Dam repairs could cost \$100,000, while the wastewater treatment plant could require an additional \$850,000, Holperin said.

Two other DNR hatcheries also were targeted in 1990 for upgrades. Improvements at the Winding Creek hatchery in Marathon County is about half done, Ives said.

However, the Spooner hatchery has not received any of an estimated \$10.5 million in needed infrastructure improvements, he said.

(Reprinted from Milwaukee Sentinel, July 18, 1992)



GLIFWC continues to assess the fisheries both in inland waters and Lake Superior. Assessment crews work with tribal fishermen in order to establish a reliable data base on various fish species. Above, a GLIFWC creel clerk measures a walleye taken from one of the inland lakes in the Wisconsin ceded territory. (Photo by Amoose)



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LCO water study reveals water quality issues Practices recommended to maintain quality

By Terrell Boettcher
Sawyer County Record

A year-long study of surface and ground water on and around the Lac Courte Oreilles reservation has concluded that there is an abundance of high-quality water, but that there are a number of ongoing threats to its purity.

The study was conducted in 1991 by graduate students in the University of Wisconsin-Madison's Institute for Environmental Studies, under the direction of several faculty.

The study was requested by LCO chairman Gaiashkibos, and the results were summarized and copies distributed at a tribal general membership meeting.

Pamphlets were also handed out advising LCO members what they can do to protect their drinking water from pollution by septic systems, underground storage tanks, and hazardous household products.

The study found that there are "no big problems" on the six lakes surveyed—Ashegon, Blueberry, Chief, Green, Little Lac Courte Oreilles, and Mud—said Dr. Barbara Boms, the institute's director.

However, the study is continuing this year, focusing on "more subtle" concerns about Blueberry Lake and Mud Lake, Boms said.

Blueberry Lake is entirely within the reservation, but all of its shoreline is owned by non-tribal members. Mud is a shallow, 48-acre lake which is providing the water for the new LCO fish hatchery South of Tyner Lake.

The study also surveyed community water systems on the reservation, and 20 private wells. Four of the private wells had high bacteria counts and one shallow well was high in nitrate, Boms said. The wells' owners have been notified, she added.

About seventeen UW-Madison students are continuing to work on the project this summer, with the help of a couple LCO Community College students.



Gaiashkibos, LCO Tribal Chairman. (Staff Photo)

The former abundance of wild rice, once a staple for LCO residents, has declined throughout Sawyer County, the study says. Rice beds along the Chippewa River were destroyed with the creation of the Winter Dam and the Chippewa Flowage in the 1920s.

"Indians treated wild rice with respect," Harold Frogg said. "It is a gift from the Great Spirit and should be treated as a sacred element. 'The rice promotes health and nutrition.'"

Saxon Gouge said that "Now people go in too early, hit it down too much, and there is hardly any rice left. We now get enough for special occasions, but we used to get a lot, and it was what we lived on."

Factors attributed to the deterioration of wild rice include water pollutants such as motor oil from boats, abuse of the rice—such as cutting the stalks, and the spread of purple loosestrife.

"The Wisconsin DNR harvests rice by the calendar and doesn't wait on the weather. It is all harvested in one day now," said Jim Wolf.

Dick Barber said that Musky Bay on Big Lac Courte Oreilles "used to have lots of rice. Now they (tribal members) don't bother getting it. Motorboat wakes have uprooted the rice, and you see rice stalks floating by the docks. The rice probably won't get any bigger unless the boats slow up." He wondered if pesticides used in the adjacent cranberry bog affected the rice.

Gouge said that at Victory Heights about 10 years ago, land owners poisoned the rice in an effort to create a boat channel, subsequently killing a lot of birds and ducks.

Gouge, who has taught ethnobotany, also said that there are different-looking plants in the creeks now, and certain plants such as trailing arbutus are difficult to find.

A source of environmental change is "too much traveling," she said. "Things are where they don't belong. People won't leave things alone, and are always trying to do something. Plants were put places for a certain reason."

Recommendations

The 182-page study recommends that the Lac Courte Oreilles Band take action in several areas:

Government

• Help create a regional water resources management committee to address multiple jurisdictional problems relating to lake water quality, underground storage tanks, solid (See LCO water study, page 28)



The Lac Courte Oreilles Honor the Earth Pow Wow grounds was filled with participants over Labor Day weekend during the 7th Annual Protect the Earth Community Gathering. (Photo by Kathy Olson)

Elders

The study quotes nine tribal elders who expressed concern that the water, fish, and plant life are changing and not as good as they use to be.

"Most people agreed that as population and recreation have increased in the area, pollution problems have increased as well," the study says. "One elder stated that with more people living around the lake, waste seeps in."

A resident on Little Round Lake said the water has a foul odor. Gaiashkibos indicated that five or six years ago, the Round Lake Property Owners Association approached the tribal governing board and asked that the beaver and 26 beaver dams on Squaw Creek—Little Round's outlet to Lac Courte Oreilles—be taken out.

The property owners said the water table was raised and septic systems were backing up. Gaiashkibos said, "I suspect that has to do with the current problem. The beaver and the dams are still there."

Iris Anderson said something ought to be done about oil leaks from outboard motors. Harold Frogg said many lakes—Round Lake and Spring Lake in particular—are not as clear as they used to be. Mahlon Nickence said septic systems on Blueberry Lake had problems with raw sewage in the 1950s and '60s when resorts were being developed.

Dumping of garbage into lake's was a common concern expressed, and was said not to be limited to tourists. Almost everyone interviewed said the number and size of fish caught has decreased, but most people thought the fish were healthy.

Phyllis DeBrot of New Post mentioned wild ducks coming onto shore looking for something to eat, and said it is "not right for people to feed them so they become dependent on people."

She also said the Chippewa Flowage is "too noisy and has too many people on it. Change is bound to happen. Nothing can be done about the boats. I don't like it when the state takes over (the Chippewa Flowage) and it turns into a recreation area. Nothing is as sacred any more."

Jim Wolf said "The Wisconsin DNR is powerful. They promote sport fishing, which has led to more contamination and pollution. This is destroying wildlife, spawning areas, and other activities."

Saxon Gouge linked the changes which have accompanied more people to a decrease in the animal population. "The animals have become frightened and are being destroyed," she said.

Fond du Lac treaty rights affirmed

By Sue Erickson
Staff Writer

A ruling from U.S. District Judge Richard Kyle re-affirmed the federally guaranteed rights of the Fond du Lac Chippewa to exercise treaty hunting, fishing and gathering rights on ceded land under the 1837 and 1854 Treaties.

However, the ruling, filed on October 8, denied the Tribe's preliminary injunction request which asked the Federal Court to prevent the State of Minnesota from enforcing state conservation laws against the Fond du Lac tribal members hunting during tribal seasons that differed from state seasons.

The lawsuit was filed by the Fond du Lac Band after the state threatened to arrest tribal members engaged in the 1992 tribal off-reservation moose season.

Judge Kyle denied the Band's request for reasons of public safety. Kyle found that adequate notice had not been provided to the state, allowing time to publicize the

presence of big game hunters in the woods during the tribal season.

The decision did put the state on notice for the 1993 seasons, however: "Should similar issues arise with respect to the 1993 seasons, the State will not be heard to assert a lack of notice of the Band's intentions or lack of opportunity to take appropriate measures to protect the public safety."

James Zorn, GLIFWC policy analyst, looks at the decision as being favorable for the Tribes, although immediate relief was not granted.

Zorn points out that the Court specifically found that the Tribe enjoys a likelihood of success in proving its treaty rights in the 1837 and 1854 ceded territories.

"The finding," he states, "is significant in that Minnesota now has little basis to deny the existence of off-reservation hunting, fishing and gathering rights."

With the finding that the Tribe will have a likelihood of success in its treaty claims, and that the State will be unable to raise the same public safety issues again, Zorn views Kyle's ruling as positive.



Back to the future? It seemed like it at GLIFWC's public information booth during the Grand Portage Rendezvous Days when voyageurs wandered through looking for treaty information. Above, GLIFWC photojournalist Amoose mans the booth. (Photo by Sue Erickson)

Minnesota site for hearings on American Indian Religious Freedom Bill

A hearing by the Senate Select Committee on Indian Affairs on American Indian Religious Freedom will be held in the Minneapolis region. Other hearings are planned for California, Arizona, and a 3rd western location in November.

A series of events, educational and cultural, will be held in conjunction with the upcoming hearing this winter. At a meeting hosted by the local chapter of National Conference of Christians and Jews (NCCJ) in mid July, Indian, religious, and human rights leaders from around the country met in Minneapolis, Minnesota to make plans for generating support for amendments to the 1978 American Indian Religious Freedom Act.

Attorney Walter Ecohawk, Native American Rights Fund, noted that Native Americans are NOT protected by the First Amendment in that the 1978 American Indian Religious Freedom Act lacked sanctions to protect their constitutional rights.

Paul Sand, NCCJ Regional Director, said, "These area events and activities are inclusive as we generate support locally on this vital issue."

For more information about the Minneapolis events call the National Conference of Christians and Jews at 612-333-5365.

(Reprinted from HONOR Digest, August/September 1992. HONOR is a member of the national coalition working for American Indian Religious Freedom.)



Break dancing Indian style at the Grand Portage pow-wow. Different styles of dancers break out into small groups and one dancer at a time performs solo in the middle of the group. (Photo by Sue Erickson)

Wardens trained to enforce tribal codes

(Continued from page 11)
would have to be pursued as interference with tribal use and enjoyment.

Other measures than can be taken by tribes to pursue environmental protection is to establish tribal health codes which apply to members and non-members alike and which can be written to address environmental problems.

Another avenue is through zoning laws. The Tribe, he said, defines how land is used, including levels of discharge.

Hazardous waste a gray area

Solid Waste Ordinances are another means of controlling environmental degradation. However, Olson noted that hazard-

ous waste is a "problem area," because in those federal laws, there is no language which provides state status for tribes.

The State of Washington, he said, tried to extend state jurisdiction to tribal lands, but the 9th Circuit agreed with the tribes, deciding that states have no civil regulatory jurisdiction on tribal lands. With no state jurisdiction and no provision for tribes to be treated as a state within the Act, enforcement is left in the hands of EPA.

In the area of hazardous waste, Olson cautioned conservation officers, to be alert to "environmental outlaws," or "midnight dumpers," who find outlying reservation lands as good targets for disposing of hazardous waste materials.

In regard to the Hazardous Material Transportation Act, Olson said, tribes can be given state status.

Steve Dodge, tribal environmental liaison, Region V, EPA, identified some of the on-reservation pollution problems that tribes should investigate. Among those were underground storage tanks and septic systems. These, he said, should be identified and determinations made regarding leakage and potential water contamination.

In addition, wetlands should also be scrutinized by tribal officials and codes developed for their protection.

Dodge also recommended land use planning as many tribes now have capital for development of day cares, clinics, and

community buildings. He encouraged tribes to be sensitive to the environmental impact as development occurs.

Dodge noted that some sources of pollution are easily seen and identified, like a garbage dump. This is called point source pollution. Less visible, but very damaging is "non-point source pollution," which may not be coming from one particular source.

The training concluded with an on-site tour of a non-point source led by Steve Casey, Marquette District Office, MIDNR. Casey noted that Michigan has control of point source pollution, but there remains a lot of work to do in identifying and controlling non-point pollution problems. □

National Indian Justice Center Tribal Court Training Schedule

Following is the tentative National Indian Justice Center (NIJC) training schedule through November 1993. NIJC regrets that due to BIA policy, the Center must offer these training programs on a tuition basis. The schedule is subject to change, please contact the NIJC, McNear Building, #7 Fourth Street, Suite 46, Petaluma, CA 94952 or phone (707)762-8113 for further information.

February 1993	• Tribal Court Probation • Tribal Court Clerks Training	Las Vegas, NV Las Vegas, NV
April 1993	• Tribal Gov't, Executive Mgt. Course • Child Abuse and Neglect	Honolulu, HI Honolulu, HI
June 1993	• Legal Research, Legal/Opinion Writing • Indian Housing Law	San Diego or SF, CA San Diego or SF, CA
August 1993	• Civil Law and Procedure • Tribal Appellate Court Systems	Albuquerque, NM Albuquerque, NM
October 1993	• Juvenile Justice Systems • Tribal Court Prosecutors/Paralegal Training	Green Bay, WI Green Bay, WI
November 1993	• Indian Probate Law • Alternative Methods of Dispute Resolution	Las Vegas, NV Las Vegas, NV

Training announced for tribal lay advocates

Bowler, Wis.—The Wisconsin Tribal Judges Association (WTJA) announces a new program to begin in November 1992. A training program for Tribal Court Lay Advocates will start on November 17 and continue over the next two years.

All academic classes will be held in the first year of the project (4 workshops of 4 days each) with mentoring and court experience to be gained in the second year.

The WTJA through an Administration for Native Americans (ANA) grant will pay all expenses for the training program including lodging, meals and mileage for up to thirty participants.

WTJA will contract with the National Indian Justice Center to provide the first three days of the workshop. The fourth day of each session will offer local Tribal Court topics and will be taught by WTJA member judges, staff of WI Judicare, Great Lakes Inter-Tribal Council (GLITC) staff, Tribal Attorneys, University of WI Law School and others.

The National Indian Justice Center has a long-standing reputation for high quality training and assistance to tribal courts across the country.

Within 12 months, each participating court will establish a mentoring system for one on one assistance to the student.

Interested applicants may call Molly Miller, Program Coordinator at (715) 793-4441 to request an application package or check with your local tribal court.

Commitment to completion of the program and actual practice in tribal court is essential.

Send for information: Tribal Court Lay Advocacy Program, P.O. Box 40, Bowler, WI 54416

Discrimination and Native American religious rights

(Continued from page 5)
1953. In that year Thurgood Marshall argued and won the landmark case of *Brown v. Board of Education*. In *Brown*, the Supreme Court recognized that segregation of schoolchildren on the basis of race "generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone" and held that "in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

It is difficult today for us to comprehend how the Supreme Court ever reached a decision that upheld racial segregation as a legitimate means of separating citizens, so it is perhaps not surprising that the Equal Protection Clause, a contemporary

The harm suffered by millions of people was real and remains a permanent scar in the lives of many Americans today. For the sake of those victims and any possible future victims, we must be vigilant against future confusion in affording equal treatment for all citizens under the law.

Other examples demonstrate that breaches in equal protection principles, although they may be of brief duration, may have lasting adverse effects upon the casualties of discrimination. At the beginning of World War II, the United States government removed about 120,000 Japanese-Americans from their homes and placed them in internment camps. This mass confinement was a serious curtailment of the civil rights of this minority

group, effected solely on the basis of race and without regard for the constitutional rights of American citizens.

The United States Congress authorized this unjust policy, and it was in turn implemented by the executive branch of our government. It was reviewed and approved by the Supreme Court in *Mirabayashi v. United States* and in *Korematsu v. United States*. Although it is shocking for us today to realize that an entire ethnic group was incarcerated, at one time in our history, for no reason other than its racial affiliation, it was not until one generation later, in 1988, that this miscarriage of justice was rectified when Congress acted in great reparations to the internees.

The equal protection standard of review and the American Indian

Traditionally, in analyzing equal protection challenges, the Court applies a two-tier level of review. The extent to which a law must satisfy the Equal Protection Clause is dependent upon a determination of the purpose that was intended by the legislation and the relationship that the different treatment has to achieving the particular governmental aim.

The mere rationality level of review is applied to classifications made on the basis of economics or other social legislation. Such laws are subject only to very limited review. There is a presumption that the law is valid. A challenger must show that the law has no rational relationship to any legitimate government objective.

When a law affects a suspect classification or places a significant burden on the exercise of a fundamental right, it will be strictly scrutinized and upheld only if it is necessary to achieve a compelling state objective and no less burdensome means are available to achieve that end. There is no longer a presumption of constitutionality, requiring the government to satisfy a heavy and difficult burden.

Classifications based upon race and national origin have been held to be suspect, requiring this stringent type of review.

It cannot be disputed that the American Indian is entitled to be treated the same as other United States citizens under the Constitution. Early Supreme Court decisions, such as *Yick Wo v. Hopkins* and *Wong Wing v. United States*, clearly established that the guarantees of the Equal Protection Clause applied universally "to all persons within the territorial jurisdiction of the United States."

Yet in considering equal protection challenges in cases affecting Indians, the analysis used by the courts differs from the traditional equal protection standard of review, regardless of whether these claims are brought under the United States Constitution or the Indian Civil Rights Act.

Legislation affecting the American Indian is enacted to deal with the "so-called 'Indian problem.'" [We often talk about the 'Indian problem' as if it were a disease. . . .] Early equal protection cases established that legislation affecting Indians was constitutionally valid as long as it was based, not on race, but instead on "the political or ancestral affiliation of an indi-

vidual to a tribe. If that affiliation were severed, the individual would no longer be considered an Indian within the meaning of the legislation."

Modern federal court decisions have analyzed equal protection as it applies to Indians in an unusual manner. Rather than considering such legislation as classifications based on race, such laws are held to intend to promote the "trust responsibility" that the federal government has toward Indians who either are members of tribes that fall within the United States' trust relationship, or who have ancestral ties to persons who are tribal members.

Courts then test this type of legislation with a standard of review that is not applied to other classifications. Laws are valid if they are "rationally" related to achieving Congress' "unique" obligation toward Indians.

My personal opinion is that as long as we profess to strive to maintain democratic principals and seek to provide leadership for the free world, we must not acquiesce to the existence of discrimination against any group within our society, and especially not against our original inhabitants.

As stated by one commentator: "What is needed is a new perception of the Indian, a perception of the Indian not as a problem to be corrected, but as peoples with rights, duties, and powers."

(Editor's note: Due to space limitations, portions of Inow's speech have been omitted. If you would like to receive a complete copy of this speech, please contact GLIFWC's Public Information Office at (715) 682-4427.)

Treaty rights activist honored as humanitarian of the year

Arlington, Va.—Bill Frank, Jr., chairman of the Northwest Indian Fisheries Commission and Nisqually tribal member, was presented the country's most prestigious humanitarian award on October 13, 1992 in Baltimore, Md. The significance of the Albert Schweitzer Prize, administered by Johns Hopkins

University, is relative to the importance of previous recipients: President Jimmy Carter, U.S. Surgeon General C. Everett Koop and nationally-known author Norman Cousins.

"I am proud of Billy, and believe he is one of the most outstanding leaders I have ever met, Indian or non-Indian," said Gaiashkibos, president of the National Congress of American Indians (NCAI). "It is fitting that a tribal member be presented this prestigious honor, particularly one who has been so actively involved in the protection of Indian rights, as well as the improved relations between Indian and non-Indian people and government," said Gaiashkibos. "The Indian people have provided leadership in many respects for which they have seldom been acknowledged."

Frank has also received the following recent honors: The Martin Luther King, Jr. Distinguished Service Award, the National Common Cause Award and the Washington State Environmental Excellence Award.

"These awards are recognition of a whole lot of people besides me," said Frank. "The tribes, tribal policy people and their staffs are the real award winners here. As an organization that has brought the Indian people together, and provided a national

forum for their relations with the federal government, the National Congress of American Indians deserves this level of acknowledgment, too, for its outstanding work in support of tribal sovereignty, human dignity and good management of our natural resources."

The Schweitzer Award, presented along with \$10,000, is given under the auspices of the Alexander von Humboldt Foundation in New York.

"I like to think that awards such as these represent recognition of the way Indian and non-Indian governments are doing business together these days. Rather than fighting, we're learning to negotiate. Rather than suing each other, we're learning to put together teams and combine resources to properly manage the natural resources we all depend on. We have a lot of challenges ahead of us, in natural resource management, as well as economic development and social and cultural understanding. The best way to meet these challenges is together, and there are a lot of people working very hard to make this happen," said Frank.

Frank, who has lived all his 61 years on the Nisqually River of Washington State, led the Indian revolt against that state in the 1960's and 70's, to secure the protection of Indian fishing rights. He has chaired the Northwest Indian Fisheries Commission for 10 years, and is considered by Indian and non-Indian leaders alike to be the leader in the phenomenal development of state/tribal cooperative management in Washington.



Billy Frank, Jr., Chairman of the Northwest Indian Fisheries Commission and Nisqually tribal member. (Staff photo)

Supreme Court to hear CRST jurisdiction case

By Bunty Anquoe
Washington, D.C.
Bureau Chief

Washington, DC—The Supreme Court announced Oct. 5 it will hear *South Dakota vs. Bourland*, a jurisdictional dispute between the state and the Cheyenne River Sioux Tribe over who can regulate non-Indian hunting and fishing activities on "taken" reservation lands along the Missouri River.

In November 1991, the Eighth Circuit Court of appeals unanimously held in favor of the tribe and ruled that "the Tribe's treaty-based power to regulate non-Indian hunting and fishing activities on the taken area conveyed by the Cheyenne River Act has not been abrogated."

In the 1950s, the United States took over 100,000 acres of river bottom lands on the Cheyenne River Reservation for flood control on the Missouri River.

Under the agreement with the United

States, the tribe retained substantial interests in the lands, including grazing rights and mineral rights.

Until 1987, non-Indian hunting and fishing on these lands was jointly regulated by the tribe and the state under a wildlife agreement.

When discussions to renew the agreement broke down, the state sued to stop the tribe from exercising civil regulatory jurisdiction over non-Indians.

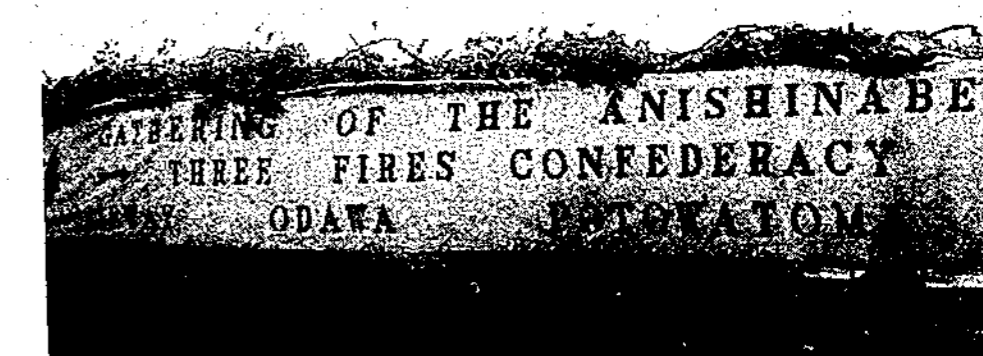
Since the Eighth Circuit decision, the tribe has been regulating all hunting and fishing within reservation boundaries.

"This case has broad significance for Indian country because it may result in either a limitation or an extension of the Supreme Court's recent decision in *Brendale* which held that Indian tribes were divested of authority to regulate non-Indians on fee patent land in 'open' areas of their reservations," said Mark Van Norman, Cheyenne River Sioux tribal attorney.

(Reprinted from *Indian Country Today*, Volume 12—Issue 15)



The failure of the Canadian government to respect the free trade agreement with the Native American people was protested during the Three Fires gathering in Garden City, Ontario. Above, protestors refuse to be checked by the Canadian customs. (Photo by John Helm)



The gathering of the Three Fires Confederacy in Garden City, Ontario this summer brought representatives of nations from four directions. (Photo by Sue Erickson)

The next 500 years: A vision statement

By Sherrole Benton
Freelance Writer

Taos, N.M.—Standing on a gravel plateau amid vast lands of sagebrush, they greeted the morning sun rising over blue mountains and spoke about the eve of the next 500 years.

Native American elders, artists and writers gathered, Oct. 14-18, to dream for the future of Native people in the "Our Visions: The Next 500 Years," conference. They discussed their present conditions in the political/economic, social, spiritual and cultural areas and wrote down their hopes for a better future. The group of nearly ninety people ranged in ages from 21 to 81, and like most native gatherings some infants and children were in tow.

After two days of discussions, representatives of the four groups emerged from rooms of red clay walls to present their "vision" statements. Common themes among the four rough draft statements included identification of different kinds of Indians: reservation, urban, traditional, modern, educated, professional, poor and rich.

Their final "vision" statement projects that indigenous peoples will have sovereignty, vital Native cultures and languages,



Alex White Plume, Lakota, speaker at the October "Visions" conference in Taos, New Mexico. (Photo by Sherrole Benton)

their own educational and social systems, economic self-sufficiency, health in spirit, mind and body, strong traditional leadership, and the benefit of a living Mother Earth. Their first step is to recognize "the bond with all people who... walk through

life in respectful and loving ways caring for all life."

The co-chairs of the "visions" conference brought Indian people together, purposefully after the Columbus quincennial, to take action for the future and to stop re-acting to present day events.

"We were doing nothing but focusing on the future and broadening the horizons to make them come into clearer focus. We got locked into our own spheres and communities, only but a segment of our communities, and we were forced to deal globally and not in just a national Indian way, said Suzan Shown Harjo, a Cheyenne and Hodulgee Muscogee, of the Morning Star Foundation.

No one can imagine what technological advances will occur in the next 500 years, but Native people can think of ways to stabilize their cultures against any tech-

nology, social change or gift that may come about, she said.

An Onondaga elder and conference co-chair, Oren Lyons, said he hoped this conference would be the first in a series of "visions" conferences and that the younger people would duplicate the process in their own communities.

"My interest is to inspire young people to take action and to begin to work with their own people and their own nations on their own behalf," Lyons said. He was impressed with the enthusiasm the young people showed at the conference and how strongly they're trying to get back their traditional ways.

Alex White Plume, a Lakota, tempered the projections of the "visions" conference. Some groups spent too much time discussing the fine details of recommendations for future generations, he said.

"Four days to try to do the next 500 years is just impossible. But, at least we touched the tip of the iceberg," White Plume said.

Indians today are living with one foot in the Indian world and one foot in the white world and it's a culture of slop. It's not a good culture. White people sample our culture all the time and practice it themselves, according to White Plume.

"There are simple things we must do in our lifetime. We have to return to the traditional Indian family system, to bring love back into our families and to speak our tribal languages. To become truly tribal people again will take about 40 years," White Plume said.

Editor's note: For more information, or for a copy of the Statement of Vision Toward the Next 500 Years, call or write the Morning Star Foundation, 403 Tenth St. SE, Washington, DC 20003, (202) 547-5531; or The Martin Foundation, P.O. Box 1357, Rancho de Taos, NM 87557, (505) 758-9869.



Talking circle at the "Visions" conference in Taos, NM. (Photo by Sherrole Benton)



Indian Summer, held in Milwaukee, Wis. this fall, provided a first hand look at a traditionally constructed wigwam. (Photo by Amoose)

Native Americans file suit to stop use of mascot

Washington, D.C.—Seven Native Americans, representing a cross-section of American Indian life, today filed a federal administrative law action with the U.S. Patent and Trademark Office (PTO) against the Washington Redskins football organization, seeking to cancel federal registration and protection—of the trademarked term "Redskins." Announced at simultaneous news conferences in Minneapolis, Santa Fe, and Washington, D.C. petitioners for the group said they hope to remove the federal government's imprimatur from the use of the name and to convince the organization to drop the name in favor of one that does not offend Indian peoples.

"This is not just a disenfranchised few calling for something only a handful would agree with. While Americans, like other groups, are diverse in their views, most share a deep feeling of offense at terms like Redskins. Enough is Enough. We don't want future generations of Indian children to bear this burden of discrimination," said Vine DeLoria, Jr., Esquire, Standing Rock Sioux.

Petitioners filing the action include Raymond Apodaca, Governor of the Ysleta del Sur Pueblo and Area Vice President and Chairman of the Human and Religious Rights Committee of the Na-

tional Congress of American Indians; Vine DeLoria, Jr., Esquire, noted author and history professor at the University of Colorado; Manley A Begay, Jr., (Navajo), Director of the Native American Leadership and Education Program for Harvard University and the Harvard Project on American Indian Economic Development of the John F. Kennedy School of Government.

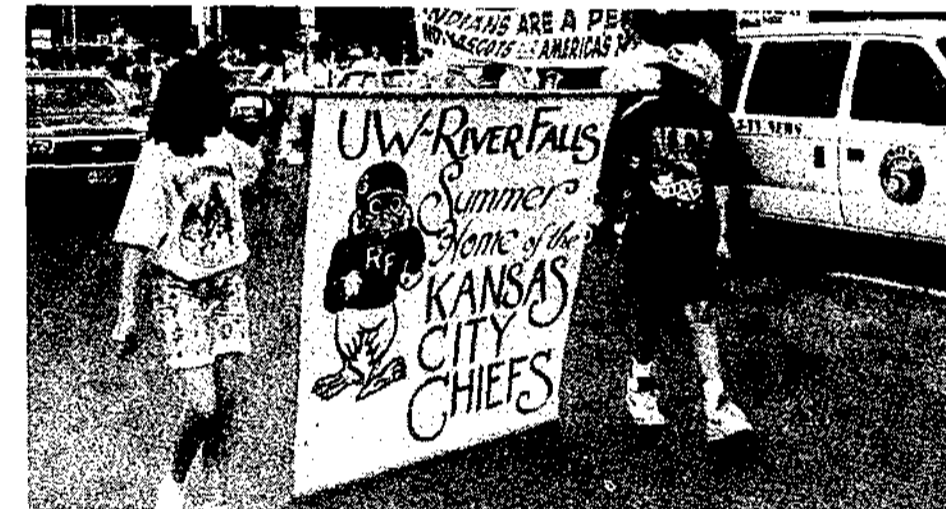
William Means of the Oglala Sioux Tribe of Pine Ridge, Director of the American Indian Opportunity Industrialization Center and President of the International Indian Treaty Council; Mateo Romero of the Cochiti Pueblo, a noted American Indian artist, graduate of Dartmouth College, and Master of Fine Arts candidate at the University of New Mexico, and Suzan Shown Harjo, President of the Morning Star Foundation.

Tribal leaders not directly involved in the legal challenge but offering support are Gaiashkibos, Chairman of the Lac Courte Oreilles Tribe and President of the National Congress of American Indians (NCAI); Norbert Hill Jr., (Oneida) and Director of the American Indian Science and Engineering Society.

(Reprinted from HONOR Digest, Fall 1992)



While the town welcomed the Kansas City Chiefs to River Falls with a parade, Indian people drew attention to the issue of mascots and the racism inherent in the use of Indian names, leaders, or ceremonial articles in sports. (Photo by Amoose)



Native Americans demonstrated in River Falls, WI regarding the use of Indians as mascots for sport teams, such as the Kansas City Chiefs. (Photo by Amoose)

HONOR requests apology from Bush

HONOR, a national human rights coalition focused on American Indian issues, is calling on President George Bush to apologize to all Native Americans for doing the demeaning and racist "tomahawk chop" that Indian Nations, tribes and people are trying to eliminate.

Sharon Metz, Director of HONOR, said in a telegram to George Bush, "Mr. Bush, you apologized to the people of Canada because their flag was inadvertently displayed upside down. You said during the Presidential debates that when you make a mistake, you admit it. Earlier this year you declared 1992 the 'Year of the American Indian'. Considering these things, I ask you now to apologize to two million Native Americans for repeating an action, namely the tomahawk chop, that the majority of Indian people have been trying to eliminate for years.

"While it is Indian people who feel the pain of your actions, it's important for you to know that many who are non-Indian stand with them in the struggle for respect. You, as the President are responsible for setting an example," Metz concluded.

HONOR, an ecumenical and secular coalition is comprised of Indian and non-Indian organizations, and has produced various materials to combat racism against American Indians and is a member of the National Coalition On Racism in Sports and Media.



Gathering around the Drum during the protest which blocked the border bridge at Saulte Ste. Marie, MI this summer. Anishinabe people from both sides of the border protested the lack of free passage. (Photo by John Heim)

Counties have company in 1837 treaty dispute

By Dan Johnson
Kanabec County Times

A recent development in the ongoing 1837 Treaty dispute could throw the alliance of eight east central Minnesota counties far behind schedule.

On September 10, the U.S. Eighth Circuit Court of Appeals ordered the counties' appeal for full legal standing in the case consolidated with the appeal of a group of Mille Lacs Lake area landowners.

The group of counties, which includes Kanabec, Isanti, Mille Lacs and Pine, is fighting to reenter a lawsuit filed against the State of Minnesota by the Mille Lacs Band of Ojibway.

Jeff Chaffee, the counties' attorney, sees this as a detriment to the alliance's effort to regain equal partnership in the case.

"We support the landowners, but consolidation creates a tremendous amount of lag time for us," he said. "The counties are done with their briefing schedule, but the landowners are way behind us."

In addition to the consolidation, the briefing schedule must be expedited, according to Sue Thomas, deputy in charge at the U.S. Eighth Circuit Court of Appeals.

"The landowners will have to hurry along," she explained.

The court-ordered consolidation means that while the counties and landowners are still separate entities in the treaty case, their arguments will be heard together.

Decisions from the court on both appeals will also be made at the same time.

Chaffee believes this could delay a decision on the counties' appeal until after the lawsuit goes to trial next year.

"It will slow us down by five months," he explained. "That could put us past the February trial date."

In February, the state and Mille Lacs Band are scheduled to begin litigation if a negotiated settlement cannot be reached.

Talks broke down earlier this year in the negotiations, but the lines of communication are now open, according to the Department of Natural Resources.

Some sources report that "communications" translates into "negotiations and settlement proposals," but the DNR would not comment on that point.

"The DNR and the Mille Lacs Band are continuing to communicate, but I can't confirm or deny that (negotiations)," said Scott Pengelly at DNR headquarters.

Chaffee, who is convinced the DNR and band are working on a settlement, is irate that the counties were never notified by the state of these proceedings.

"I think it's indicative of a blatant attempt to circumvent the counties. It makes you wonder whose side they're on," he stated.

In the lawsuit, the band is seeking the ability to exercise off-reservation hunting, fishing and gathering privileges granted in the Treaty of 1837.

The counties contend that these rights were terminated in further treaties and settlements, and that no claim to the non-reservation 3,601,501-acre treaty area (which includes all of Kanabec County) exists.

(Reprinted from Pine City Pioneer, September 24, 1992)



Off-reservation gathering rights are as important to the Ojibway as the more controversial hunting and fishing rights. Above, fresh sweetgrass is being braided during the Three Fires gathering in Garden City, Ontario. (Photo by Sue Erickson)

Supreme Court decision ends Shoshone hunting/fishing rights

By Richard Carelli
Associated Press

The Supreme Court on October 5th let stand rulings that stripped the Western Shoshone of all hunting and fishing rights in Nevada.

The court, without comment, rejected arguments that such rights were retained when the U.S. government paid \$26 million to compensate for broken treaties and to extinguish the tribe's title to its former lands.

The Indian Claims Commission, created by Congress to settle disputes over tribal lands, ordered the federal government in 1962 to pay the Western Shoshones \$26 million for past "encroachment" of the tribe's land.

The payment was to serve as compensation for "full title extinguishment."

The Western Shoshones sued Nevada in 1986, alleging that the state's wildlife regulations interfered with Shoshone aboriginal rights to hunt and fish.

Nevada officials contended that the money paid to the Western Shoshones in

1962 not only extinguished the tribe's title to all land in Nevada, but also ended any hunting and fishing rights that may have existed.

A federal judge and the 9th U.S. Circuit Court of Appeals ruled against the tribe.

"Aboriginal hunting and fishing rights were taken when full title extinguishment occurred," the appeals court ruled last December. "Absent some express reservation, hunting and fishing rights are subsumed within an unconditional transfer of title."

In the appeal acted on October 5th, lawyers for the tribe said the appeals court ruling "signifies the denial of access to wildlife resources and customary practices crucial to the material well-being and cultural dignity of the Western Shoshone people."

The tribe's appeal said the 9th Circuit Court wrongly applied past Supreme Court rulings on Indian treaties that had surrendered "right, title and interests" to the land.

(Reprinted from News From Indian Country)

Activists, paper industry square off

Lake Superior activists fight potlatch expansion

Activists continue to oppose the Potlatch paper company's expansion of a mill in Cloquet, Minnesota. Potlatch owns the only bleach kraft mill on the southwest shore of Lake Superior, located approximately 15 miles southwest of Duluth, Minn.

In 1989 the company applied to the Minnesota Pollution Control Agency (MPCA) for a permit that would expand the mill's pulping capacity from 540 tons/day to 1,100 tons/day.

The expansion would also increase timber harvests, from 350,000 cords/year to 760,000 cords/year.

Potlatch officials estimate that 7 percent of the wood will come from Potlatch lands, with the remaining 93 percent purchased from public and private lands within 100 miles of the mill.

Gayle Coyer, Lake Superior Organizer for the National Wildlife Federation (NWF), said environmentalists are opposed to the expansion, and had focused efforts on Potlatch's landfill, which they assert is leaking toxics into the groundwater. Coyer said Potlatch had applied for permits to vertically and horizontally expand the landfill, which is unlined.

"NWF petitioned the EPA to investigate the leaking landfill under the Superfund Program," Coyer said. "EPA suggested we go back to the MPCA. The EPA is not taking responsibility and investigating the landfill."

Dave Anderson, an activist with the Lake Superior Alliance, echoed Coyer's message. He indicated that the landfill expansion violates several Minnesota codes for obtaining a permit, including its close location to several homes and a highway.

"The existing landfill is also leaking dioxins, furans, arsenic and other heavy metals into the groundwater and the St. Louis River," Anderson said.

Anderson also noted that Potlatch's own monitoring wells along the St. Louis River detected volatile organic compounds (VOCs), polyaromatic hydrocarbons (PAHs), heavy metals, and dioxin. Scientists also detected levels of arsenic and benzene exceeding EPA federal drinking water standards at one of the wells, he said.

Despite the local opposition, on June 10 the MPCA's Citizens' Board, which oversees expansion permits, approved the Environmental Impact Statement for the additions by a vote of 7 to 1. On July 6 the board then approved Potlatch permits for air emissions, cooling water discharge and the landfill expansion.

Though MPCA board approved the permits, Coyer said they will continue to fight the expansion. She said opponents may now focus their attention on Potlatch's proposals for expanding their timber operations.

Paper mills face lawsuit for toxic discharges

The Associated Press wire service recently reported on a national lawsuit involving several paper companies located around the Great Lakes region. The following are excerpts from that report.

A class action lawsuit has been filed in the state district court of Beaumont, Texas, naming more than 30 paper companies and asking \$100 billion in damages from toxic waste discharges. Several of these companies own and operate facilities in the Great Lakes region.

The defendants are the American Paper Institute—the industry's trade and lobby group—and more than 30 paper firms, including Champion, which operates a bleach kraft mill in Quinnesec, Mich.; the James River Paper Corporation, which owns a plant in Ashland, Wis.; Boise Cascade Corporation, which operates a facility in International Falls, Minn.; the Mead Corporation, which operates a paper mill in Escanaba, Mich.; and Potlatch Corporation, which owns mills in Cloquet and Bemidji, Minn.

The plaintiffs' attorney, John Deakle, said "We propose a nationwide class—every person who has been exposed against their will and against their knowledge."

In 1985, scientists found dioxin emitted in trace amounts from mills that produce heavy, white stock from the "bleach kraft" process, which uses chlorine. Last year Lake Superior citizens were successful in stopping two companies from building bleach Kraft mills in Michigan's Baraga and Ontonagon counties.

(Reprinted from Sierra Club Great Lakes Washington Report)

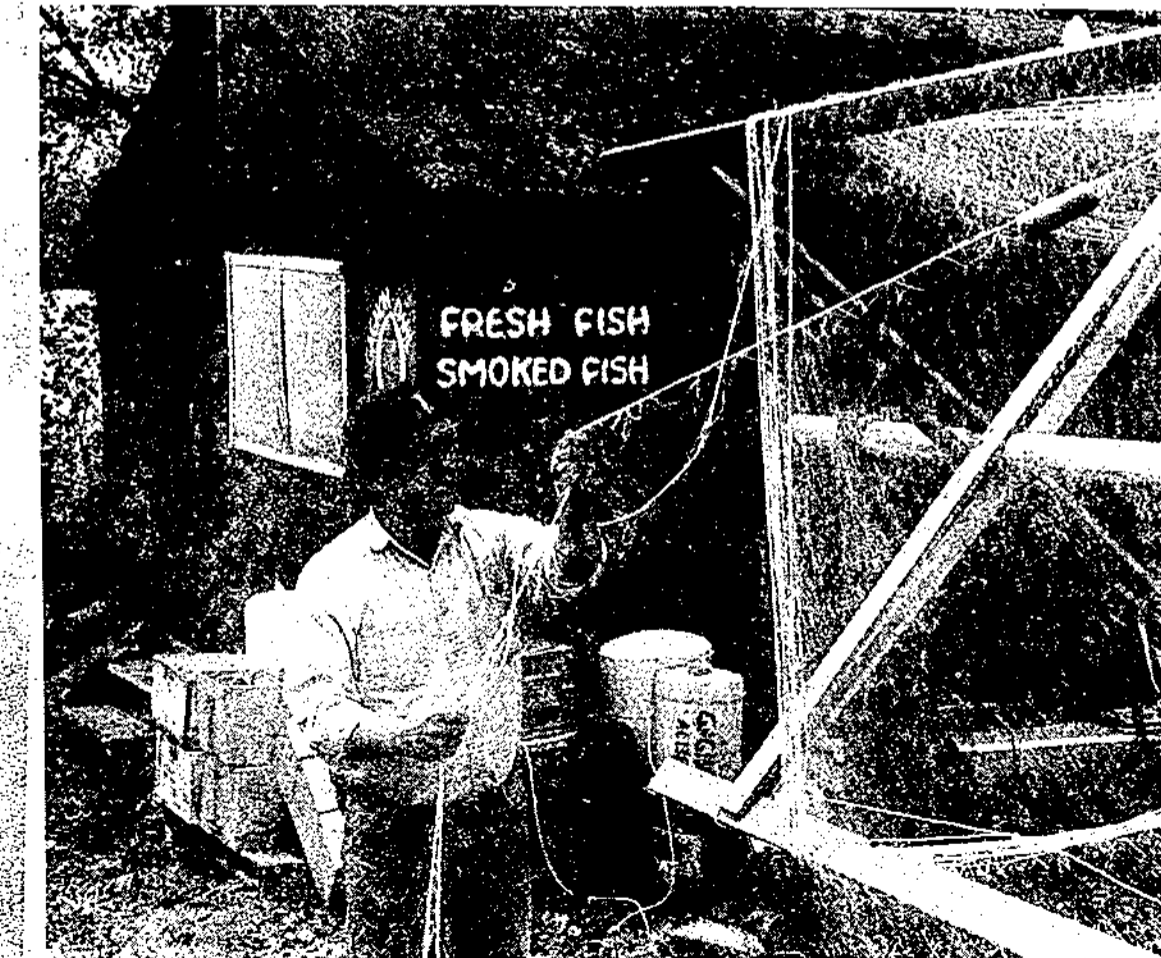
*GLIFWC'S Third Annual
Intertribal Commercial Fishermen's
Conference*

**Grand Portage Lodge
Grand Portage, MN
November 19 – 1:00 p.m. – 5:00 p.m.
November 20 – 9:00 a.m. – 1:00 p.m.**

*Reports and updates will be presented by GLIFWC
and tribal biologists on the following subjects:*

- ⇨ 1842 waters commercial harvest report
- ⇨ GLIFWC fish marketing efforts
- ⇨ Lake Superior Technical Committee meetings
- ⇨ Whitefish and lake trout assessments with tribal fishermen
- ⇨ Lake trout sorting study
- ⇨ New Coast Guard regulations
- ⇨ Lamprey populations

*For further information contact: Sharon Nelis
Natural Resources Development Office
(715) 682-8825*



Curtis Gagnon, Grand Portage tribal fisherman, fishes for lake trout and whitefish off the Grand Portage Reservation in Minnesota. (Photo by Amoose)

GLIFWC seeks to preserve water quality

Environmental updates

Editor's Note: Environmental protection is an overriding concern of GLIFWC's member bands; therefore, GLIFWC continues to increase its involvement in relation to environmental issues both regionally and nationally. A review of some GLIFWC's current environmental projects is intended to keep readership updated on several key projects.

Information was provided through GLIFWC staff Robin Goree, policy analyst, and Karen Vermillion, environmental biologist, who are involved in the legal and biological ramifications of these issues respectively.

Benzene spill in the Nemadji River

Problem definition: On June 30, 1992 a Burlington Northern Railroad accident resulted in a toxic spill of benzene, as well as other chemical compounds, into the Nemadji River resulting in the evacuation of thousands of people from the area. Problems related to the long and short term impact of the spill on the environment, which is in the treaty ceded territory, need to be defined for potentially affected tribes. Also, tribal interests need to be protected through improved emergency notification and response procedures.

Follow-up: GLIFWC staff have been receiving and reviewing data which was gathered in the aftermath of the benzene spill into the Nemadji River near the cities of Superior, WI and Duluth, MN.

Environmental biologist Karen Vermillion and policy analyst Robin Goree are involved in legal and biological issues at the request of the Red Cliff band and the GIFWC Lakes Committee, according to Goree.



The right to clean water was a key issue at the Protect the Earth Community Gathering, Labor Day weekend at the Lac Courte Oreilles Reservation. It's universal importance was illustrated through a water ceremony. Above Mitch Walking Elk prepares to add his water to the common container. Walter Bresette, Red Cliff, was master of ceremonies. (Photo by Kathy Olson)

Tribal concerns involve both long and short term environmental impacts of the spill, Goree says. One area of particular concern is the impact on the Lake Superior treaty fishery. As a source of food and income for tribal members, understanding the effects of contaminants on fish and the health of consumers is critical.

The benzene spill, she states, caused the largest evacuation due to a toxic spill in U.S. history, an indication of the potential danger involved. Evacuation numbers at the time of the spill are estimated between 25,000 and 80,000 people, the lowest number indicating those that were directed to leave the city and the highest including all area residents who chose to leave because of perceived risks, Goree says.

Goree notes that no notification of the spill was provided to tribal authorities. This is a situation which tribes seek to remedy in the future.

The legal arena involves investigating the federal statutes on damage assessments, known as Natural Resource Damage Assessment (NRDA) under the federal Comprehensive Environmental Responsibility and Comprehensive Liability Act (CERCLA), which also provides for the Superfund, Goree stated.

This is one of a number of possible legal pursuits, she indicated. However, first an accurate assessment of damaged tribal resources needs to be formulated.

The Environmental Protection Agency (EPA); the Wisconsin Department of Natural Resources (WDNR) and the U.S. Fish and Wildlife Service (USFWS) are involved in assessments currently, Vermillion states.

Vermillion has been keeping informed on current assessment information and will be working with biologists from other organizations to determine the adequacy of the assessments.

Also involved in the assessment process are: the Department of Agriculture (DOA); the MN Pollution Control Agency; and the UW Lake Superior Environmental Research Laboratory.

All the data will be channelled through the Wisconsin Department of Natural Resources (WDNR) before a final determination is made, she said. Vermillion expects results to be public by late winter.

Goree also notes that at issue in the benzene spill is the status of tribes as trustees of the natural resources along with the state and federal governments. The Department of Interior (DOI) has been very helpful in providing support for tribal recognition in this process, Goree says. GLIFWC is hopeful that other agencies will be as supportive.

Murphy Oil permit requests direct discharge into Lake Superior

Problem definition: Murphy Oil, a large oil refinery, releases a toxic load, including persistent pollutants that bioaccumulate, or build up in organisms, into Lake Superior. The company has recently requested permission from the WDNR to discharge at higher levels and directly into Lake Superior, according to GLIFWC environmental biologist Karen Vermillion.

Murphy Oil discharge contains at least nine bioaccumulators, states Vermillion, which may effect the ecosystem and potentially the treaty fishery in Lake Superior. The pollutants, she states, accumulate in organisms that depend on the waters and the health effects increase as a particular chemical or compound moves through the food chain.

Vermillion also notes that Murphy Oil has already exceeded the permissible levels of discharge on occasions. Now they wish to move their site from Hog Island Inlet to a location on Superior Bay.

Murphy Oil, she says, contends that the discharge will be substantially diluted with discharge into a larger body of water, and so also requests the ability to discharge greater quantities of toxic substances into Lake Superior.

This would mean a direct discharge into Lake Superior, notes Goree. GLIFWC, through resolution, supports the International Joint Commission's (IJC) recommendations of "Zero Discharge" into Lake Superior and believes that dilution is not the solution to pollution. Therefore, the GLIFWC agrees with IJC's assertion that no new point source of persistent toxins should be permitted to be directly discharged into Lake Superior, Goree says.

Follow-up: Vermillion states that WDNR is in the process of making a final decision on the revised permit and the accompanying change in discharge levels and location. GLIFWC has provided comments regarding lack of regulation of persistent toxins and the moving of the site to discharge into Superior Bay.

The WDNR may receive a formal request from Murphy Oil to have its discharge location moved to Superior Bay, according to Vermillion. If so, another phase of public hearings on the site change will be scheduled. (See Flambeau Mine, page 23)

HONOR provides background on Willow Flowage issues

By Sharon Metz
HONOR

The Natural Resources Board determines which Wisconsin waterways will be designated as Outstanding Water Resources (ORW).

The Department of Natural Resources (DNR) water quality staff uses 16 criteria to determine whether or not waterways qualify as ORW. Generally speaking a waterway must meet nine or more of the 16 criteria. The DNR then develops lists of waterways that it recommends to the Natural Resources Board for approval. The list that will come before the Board at its October 22nd meeting is referred to as the "B" list.

There are some waterways, such as the Willow Flowage (which has met 12 of the 16 criteria for designation) that the DNR has seen fit to keep off the "B" list. Instead the Willow Flowage, the Rainbow Flowage, and other waterways are on what is referred to as a "C" list. For these waterways to even be considered by the Natural Resources Board. The DNR must go to a public hearing process. However, the DNR cannot go to a public hearing process without authorization from the same Natural Resources Board that ultimately makes the decision!

If a lake, stream, or impoundment receives the ORW designation by the Natural Resources Board it is much more difficult for industries to discharge wastes that are not as clean as the water itself or conduct other damaging activities that adversely affect the ORW. Mining companies are aggressively lobbying the Natural Resources Board and legislators to keep certain waterways from being designated an ORW.

There is also evidence that mining companies, certain energy interests, and industries, want the 16 standards weakened or want to impose an "economic factor" (i.e. profit motive) into process.

The DNR staff also says that it can only consider "scientific or substantive" comments from the public regarding ORW designations...not emotional reasons or general opinions.

Therefore HONOR is providing a list of substantive, scientific reasons for your consideration and encourages you to submit your comments to the WDNR Board.

Why should the Wisconsin DNR place the Willow Flowage on the list of Outstanding Resource Waters (ORW)?

- 1 The proposal may negatively impact the nearby wetlands, rendering them incapable of performing a variety of necessary functions. An effective wetland prevents the drainage of heavy metals, sediments, and organic compounds into nearby waterways.
- 2 A mining project could restrict public hunting, trapping, and gathering activities as the proposed site is located within deer management unit 31 from which Chippewa Indians have harvested an average of 196 deer/year for the past five years.
- 3 The proposed project could disrupt the fragile ecosystem which exists on the site. A balanced community of animals and plants which share in an intricately interwoven habitat should not be sacrificed for the sake of mining profits.
- 4 If the Flowage is not designed as an ORW, deterioration of its waters will not be prevented. As the water quality decreases, so too will the standards relating to the quality of the waste is discharged into the Flowage. These relaxed standards will encourage mining which will, in turn, allow for further degradation at the hands of industry.



A "talking circle," part of the Protect the Earth Community Gathering agenda, discusses mining issues. The gathering brought concerned citizens together to discuss actions necessary to protect the earth. (Photo by Kathy Olson)



A semi-truck transporting hydrochloric acid swerved off the road this summer north of Hinckley, Minn., demonstrating once again the potential hazards in chemical transportation. The accident occurred shortly after the Burlington Northern Railway spilled benzene into the St. Louis River. (Photo by Amoose)

Environmental Updates

(Continued from page 22)

Flambeau Mine, Ladysmith, WI

Problem definition: The Lac Courte Oreilles Band of Chippewa and the Sierra Club filed suit opposing the State's issuance of permits to the Flambeau Mine, a copper-zinc mine near Ladysmith, WI. The Band and Sierra Club felt that restrictions imposed on the mine are insufficient to assure adequate protection of several endangered species within the area and the environment in general.

Follow-up: While the suit failed to stop the permit for the mine's operation, Goree said it was successful in helping to lower the permissible levels of nickel and cadmium discharge. A revised Wisconsin Pollution Discharge Elimination System hearing was held on September 16th resulting in a determination for lower discharge levels. Goree feels that the discovery of endangered species and subsequent lawsuit were instrumental in achieving that extra measure of environmental protection.

While the suit did result in stricter effluent standards, LCO and the Sierra Club are still not satisfied that species and the river will be protected from possible devastation from the copper mine. Consequently, GLIFWC as well as tribal staff will continue to monitor the situation.

White Pine Smelter, White Pine, MI

Problem definition: The Keweenaw Bay Indian Community requested GLIFWC's assistance because the White Pine Smelter is in violation of federal and state air quality standards. The company, which smelts both foreign and domestic minerals, including those from Indonesia and Sweden, is already the greatest contributor to mercury contamination

in the Great Lakes Basin, according to Goree. It outstrips the second highest source of mercury by tenfold, she says.

The GLIFWC member tribes have long been concerned about the levels of mercury contamination in inland, as well as Great Lakes, fish because it directly impacts their subsistence rights as well as treaty commercial fishing rights. Consequently, the goal is to assure that smelter emissions are restricted to the permissible levels.

Follow-up: The issue has been taken into court by the National Wildlife Federation for violations of the Clean Air Act, CERCLA and the Community Right to Know Act, Goree states.

The MI DNR joined with the National Wildlife Federation as an intervener and the EPA requested permission from the Department of Justice to intervene as well.

Keweenaw Bay is considering intervention or possibly filing an amicus brief recognizing that contamination of the fishery by mercury is made evident by the fish advisories which are posted for every lake in Michigan and many in Wisconsin and Minnesota, Goree says.

GLIFWC is monitoring the lawsuits and providing general information on mercury and copper deposits in the Upper Peninsula, according to Goree.

Willow Flowage, Town of Lynne, WI

Problem Definition: Issue #1: 'Outstanding Resource Water' (ORW) designation—The Noranda Mining Company is proposing to locate a copper-zinc mine near the Town of Lynne. Its construction and subsequent effluent would impact the Willow River Flowage, which has been recommended as an 'Outstanding Resource Water' by WDNR staff, Goree says. (See Willow Flowage, page 24)

"Protect the Earth" pushes community action

By Kathy Olson
Freelance Writer

"Get involved" was the battle cry behind the Seventh Annual Protect the Earth Community Gathering which filled Lac Courte Oreilles Honor the Earth Pow Wow grounds on Labor Day weekend.

The international event saw more than 25 environmental and indigenous rights organizations comprised of people of all colors, from all walks of life, from throughout the midwest and several countries gather to discuss their concerns for the local, regional and global environments.

"You're all Native Americans if you were born here," said Walt Bresette. This spirit of inclusion became a hallmark of the gathering.

"Protect the Earth is community in action," said Sandy Lyon, organizer of this year's event. "Community is the coming together of one mind."

On Friday, September 4, people began arriving and setting up camp and were treated to an evening concert. Beginning Saturday, workshops, talking circles, children's activities, concerts, a sweat lodge, a spirit walk-run, a water ceremony

and a Monday afternoon powwow kept participants busy.

"This is a positive thing," said Ron Winters, LCO entertainer and head dancer at Sunday's powwow. "We've been fighting to protect this land for 500 years, and it's good to see so many non-Shinaabs coming to help us. When we stand together it's good, it's strong, it's people for people. We're learning from each other and that's a good feeling. This is my home and I'm glad these people are here."

Walt Bresette, last year's recipient of the feather staff passed it to Tom Maulson, of Lac du Flambeau, who accepted the Protect the Earth feather staff in a ceremony on Sunday, and will carry it for a year on behalf of Wa Swa Gon. He said the threat of mining is an important one for the Native American community.

"I represent the Voigt Inter-Tribal Task Force as its Chairman," Maulson said, "Mining concerns affect all tribes. Mining has always been a threat to our people. We need to bring the struggle to tribal governments so it can become part of the larger struggle of the Anishinabe people."

"We need to fight in the white man's way," Maulson said. "Gear up, put a war

chest aside, hire top notch attorneys to represent the Ojibwa Nation in one more of its struggles."

"Get involved," Maulson charged the audience. "tomorrow, tomorrow and tomorrow, get involved, pay attention, get out there and do it."

Maulson is also on the Chairman of the Lac du Flambeau Tribe and a representative on the Vilas County Board of Supervisors.

Strategy, sharing of ideas and words of encouragement accented the four-day think-tank for activists and those who wanted to become involved. A traditional pow-wow on Monday finalized the sense of community shared by all.

The first talking circle on Saturday morning gave voice to many who shared deep concerns about mining and its effects on northern Wisconsin. Other topics for discussion included: the threats of nuclear waste, contamination of groundwater, adequate rural health care, sustainable agriculture, wetlands preservation, ancient forests, energy conservation, racism (both environmental and cultural), building community, women's issues, and the plight of the homeless.

"There is no consensus of 'key' issues," said Walt Bresette, of Red Cliff, this year's master of ceremonies and well known environmentalist and treaty rights activist. "The key is how we're going to continue the struggle."

Lac Courte Oreilles has been in the forefront of the legal battle over mining in Wisconsin. The tribe, together with the Sierra Club, has been successful in obtaining an injunction against Kennecott Corp.

and its subsidiary, Flambeau Mining Co., halting the construction of the mining operation on the banks of the Flambeau River in Ladysmith. Although the injunction has expired, LCO has filed an intent to appeal the latest decision by circuit Judge Angela Bartell which dismissed a suit calling for the DNR to hold formal hearings on the seven endangered species found in the Flambeau River.

"LCO has the resources to go it alone, while other tribes are silent," Bresette said. "Some non-native people have fought long and hard and will encourage others to join the fight, but the general public has already given up. And there are others who have given up on the process. Green flags and chants of non-violence have done nothing. New types of leadership need to emerge."

"I can't believe the number of people in Wisconsin who don't understand the danger of mining," said Carolyn Parker of Minocqua.

Parker and her husband, Curt are members of Environmentally Concerned Citizens of a Lakeland Area (EECOLA). The Parkers, formerly of the Chicago area, retired to the Northwoods to find quiet serenity. To their surprise, they found instead a massive effort by multi-national corporations to destroy the area for profit.

"This is a pressing issue for us, and it turns out, a pressing issue for a lot of people," Parker said. "It's rewarding to see so many people who are so very interested."

Parker is hopeful that the November elections will help bring about some changes in policies which have resulted in Wisconsin being in danger of becoming a mining district.



Sandy Lyons, organizer of the Protect the Earth Community Gathering, and Ron Winters take a moment to chat during the Protect the Earth Community Gathering at Lac Courte Oreilles. (Photo by Kathy Olson)

Willow Flowage continued

(Continued from page 23)

Such a designation would have the effect of protecting the Flowage from any further degradation. However, Noranda is opposing its inclusion as an ORW because the restrictions on discharge could effect Noranda's current plans to use the Flowage as a receiving body for its effluent, Vermillion explains.

Tribal interest focuses on the protection of the water quality of both the Willow and Rainbow Flowages, which in turn will protect wild rice beds and important fish populations dependent on the water quality, Vermillion comments.

Issue #2: Wetland zoning—Oneida County is considering re-zoning wetlands in order for Noranda to continue with its operation, according to Goree. However, a change in wetlands zoning would have to be approved by the WDNR for it to be changed, she stated. To date, there have been discussions between Noranda and the WDNR regarding re-zoning of wetlands.

Follow-up: Issue # 1: GLIFWC is involved in providing comments at WDNR Board meetings regarding the designation of the Flowage as an Outstanding Resource Water.

In comments prepared for the WDNR Board meeting October 28, Goree encourages the WDNR to be both generous and expedient in providing anti-degradation protection to exceptional waters.

She notes that the WDNR has proposed only 106 of 15,000 screened lakes for additions to the list of Outstanding Resource Water. Goree objects to the small number of proposed additions. "We believe there are many, many more lakes that meet the existing criteria for ORW or Exceptional Resource Water that should be protected from degradation."

She also comments that the lack of expedient action can provide sufficient time for degradation, and ultimately remove them from consideration as exceptional waters all together.

"These high quality waters," Goree states in her comments, "should not be allowed to languish on the 'B' list or the 'C' list...until after a mine or an incinerator or a pulp mill is permitted to discharge pollutants into it, thereby precluding that water from ever getting anti-degradation status."

Goree also recommends that the Lake Superior Chippewa be included in the process of classifying waters in the ceded territory for anti-degradation protection.

While the Willow and Rainbow Flowages have been recommended for protection by WDNR staff, they have not been 'proposed' for that protection, Goree states. The difference in a recommendation and proposal is significant in terms of gaining prompt attention, she says.

Issue #2: Re-zoning wetlands. Vermillion will be attending at meeting with the WDNR on Nov. 5th regarding the "old lake bed" determination and wetland status issues. The meeting is open to the public, Vermillion says, but is not a posted meeting. □

Bad River seeks protection of reservation air/water

By Sue Erickson
Staff Writer

The Bad River Band of Chippewa took a strong lead in opposing a proposal by Neutralysis to locate a waste processing and aggregate manufacturing plant in the city of Ashland near the reservation's border.

Problems related to air emissions and water pollution top the list of the tribes' concerns, says Dave Anderson, Bad River environmental biologist.

The function of the plant would be to incinerate a mixture of municipal and industrial waste to form a lightweight aggregate, which in turn would be used to manufacture concrete.

The Bad River Tribal Council's responded to the proposal by going on record October 7 to seek federal assistance in formulating water and air quality standards for the reservation.

The Tribal Council's had received a petition signed by 200 tribal members questioning the environmental impact on the reservation from Neutralysis' proposed plant.

Bad River is interested in protecting the Bad River and Kakagon Sloughs, a pristine resource, currently on the "B" list for the state's Outstanding Water Resources, Anderson notes.

Plant emissions would provide a new point source for the release of dioxins into the air, Anderson says, noting currently no point sources exist in the area.

It would also create additional point sources for the emission of mercury and PCB's, both already identified as health risks in fish. Ander-

son questions the scientific validity of estimated amounts of emissions provided by Neutralysis. He feels, since they were based on a smaller operation, it would be safe to assume higher levels of pollutants would contaminate the area's air and water.

Anderson says that the Bad River tribe has sought assistance from Region V Environmental Protection Agency in regard to setting air and water quality standards and is currently waiting for EPA response.

The City of Ashland, he says, is also studying the proposal with greater scrutiny. Anderson believes a decision will be forthcoming in December from the Ashland City Council.

Anderson views Bad River's response on this issue will be a catalyst in the recognition of tribes as sovereign governments and leaders in environmental protection.

Federal legislation on environmental protection does recognize tribes as possessing state status; however, the tribes must apply for that status and establish their own air and water quality standards.

Also at issue to Anderson is the thought of locating an incinerator adjacent to an area recognized as an exceptional waterway. The act "flies in the face of environmental protection," Anderson says.

Tribal representatives will be taking the issue to the WDNR Board of Directors meeting in Madison. The Tribe would like to see the Sloughs gain "A" list standing as an Outstanding Water Resource, which would afford the area the degree of protection it deserves, Anderson says.



Wild rice soup—a traditional and highly nutritional lunch for a young dancer. (Photo by Amoose)

Keweenaw Bay fights Great Lakes Minerals over mining

Keweenaw Bay, Mich.—Toronto's Great Lakes Minerals (GLM) has leased the mineral rights to 200,000 acres in beautiful but threatened, Keweenaw, Michigan. In addition, GLM has also identified five more potential mining sites. GLM intends to "kickstart the area" with the first mine, 543-S, "and... be there for a long, long time." GLM, in conjunction with NORANDA, a multinational extraction giant, will spend about \$4 million exploring additional copper deposits in Keweenaw.

"Where there's smoke there's fire," John McBride, GLM chairman, said. "The 543-S and the G-2 and the G-12 indicate there's greater potential out there." They would not be spending \$4 million if they didn't expect to find something big.

GLM has several milling and smelting options, but the Centennial Mill north of Calumet seems the most likely place to mill. The Association Working Against Keweenaw Exploitation (AWAKE) believes the obvious and practical place to smelt the concentrate is at COPPER RANGE, where Wisconsin's Flambeau mine plans to do its processing. Copper Range, located in White Pine near the shores of Lake Superior, is out of compliance with State Law 348 of 1965, Rules.

331 and 301 regarding solid particles and opacity.

An August 1990 stack test commissioned by the DNR and done by the Almega Corporation of Bensenville, Illinois, indicates the flowing amounts of metals are being emitted into the atmosphere yearly:

- ARSENIC 18,000+ lbs. per year
- MERCURY 1,200+ lbs. per year
- COPPER 394,000+ lbs. per year
- LEAD 50,000+ lbs. per year
- CHROMIUM 1,000 lbs. per year
- CADMIUM 8,000 lbs. per year
- NICKEL 500 lbs. per year

State laws regulate only solid particles and not the particular metals listed above. Reducing solid particles will reduce emissions of most of those metals, but not necessarily all, especially mercury. Nor is there a law regulating sulphur dioxide emissions at Copper Range. Sulphur Dioxide is the most important contributor to the acidification of inland lakes in the Upper Peninsula. The DNR says our lakes are becoming more and more acidic. Copper Range emits 110,000,000 lbs. of sulphur dioxide per year into the atmosphere. Mercury poisoning is one of the primary causes for the State warnings against eating fish caught in the UP. waters. LTV Steel in Minnesota, the second largest source in the

Lake Superior basin, emits 151 lbs. per year. Copper Range emits well over 1,200 lbs. per year.

Three members of the Association Working Against Keweenaw Exploitation (AWAKE), a Keweenaw grass roots organization asking critical questions about mining development in Keweenaw County, have been sued by Great Lakes Minerals, the Canadian Mining developer, over a flyer they circulated and letters to the editor of the local newspaper. The corporation contends that the statements were not statements of fact but libelous. AWAKE contends the opposite. All the claims made in the flyers and letters were drawn from public documents. Inferences and interpretations were based upon facts drawn from these documents. Several attorneys have assured us that there is no basis of fact to Great Lakes' allegations.

Lawsuits like these have a history. They are called SLAPP suits (Strategic Lawsuits Against Public Participation). Their purpose is not to seek justice but to intimidate and to shut off debate.

(Reprinted from HONOR Digest)

Tribal leader issues statement on Exxon plans

Raymond McGeshick, Sr., tribal chairman of the Sokaogon Chippewa has issued a statement on behalf of Sokaogon Tribal Council regarding the recent announcement by Exxon Coal and Minerals Company and Phelps Dodge Mining Company that they plan to conduct a joint evaluation of the undeveloped zinc-copper deposit near Crandon.

McGeshick's statement is as follows: "We have received reports of a merger or joint venture of some sort between Exxon Corp. and Phelps Dodge, with a view to commencing application for license and operation of the Crandon zinc mine, and we have been asked by various media to comment on this report.

"We have been and remain in litigation with Exxon. As it is our policy not to comment on matters pending before a court,

we shall have nothing further to comment on that score at this time."

"We assume that the Phelps Dodge management and shareholders have been informed of the current litigation, and that, should the company choose to buy into the controversy, its shareholders will not claim surprise if it encounters opposition."

"As to Phelps Dodge itself, we have no direct knowledge of the corporation or its current plans. It is our understanding, however, that Phelps Dodge has a historic record in labor and community relations akin to Exxon's current record in relation to the environment. Such a marriage, if consummated, may give the citizens and government of Wisconsin some pause."

(Reprinted from the Forest Republican, September 3, 1992)



Larry Long and children sing the "Watersong," which they co-wrote during the Protect the Earth Community Gathering. (Photo by Kathy Olson)

NSP allowed to put nuclear waste in casks

By Charles Laszewski
Pioneer Press Staff Writer

Minnesota officials handed Northern States Power Co. a major victory, ruling that the company can put its highly radioactive wastes in 17 metal casks near its Prairie Island Nuclear Power plant.

The Minnesota Public Utilities Commission debated the issue for five hours, but never considered siding with opponents or with the administrative law judge who had listened to weeks of testimony and recommended no casks for NSP.

The only discussion concerned how many casks NSP could store at the plant. The commission rejected a plan to force NSP to cut the output of nuclear waste at the plant by reducing electrical generation and substituting conservation and alternative energy sources.

Instead, the commission endorsed the energy policy NSP has followed for nearly 20 years.

George Crocker, one of the leaders of the coalition of groups opposed to the cask storage plan, said a lawsuit will be filed appealing the commission's decision. Willie Hardacker, attorney for the Prairie Island Mdewakanton Sioux community that lives next to the power plant, said the tribe also is likely to sue.

"It's real important to show respect for the diligence of the utility commission's staff," Hardacker said. "However, the legal and political institutions are currently, failing the citizens of Minnesota, especially the Mdewakanton Sioux. The process favors NSP. This was little more than interesting theater."

Crocker, head of an environmental group called the North American Water

Office, said the commission's decision "is a cowardly refusal to help solve the problem of nuclear waste. It foists it on future generations and decision-makers. This is a hate crime more vicious and heinous than cross-burning. Radioactive waste will terrorize and kill people, many of them Indians, for thousands of generations."

NSP wanted to store 48 casks at the plant, enough to hold all its spent fuel rods until the power plant's license expires in 2014. That would give the utility, and the federal government, another 20 years to solve the waste storage problem. But NSP chief operating officer, James Howard, said he was satisfied.

"It takes care of us for a while," said Howard, who predicted that the United States Energy Department eventually will build a permanent storage facility for the waste.

Nuclear waste remains radioactive for 10,000 years, but the federal government has found no permanent place to store it. NSP's existing temporary storage space will be filled by 1995.

The Sioux and the environmental groups argued that the Prairie Island plant should operate at half power, allowing it to run until 2000 before the existing spent fuel rod storage space became filled. In the interim, NSP would be required to invest heavily in conservation, wind, solar and biomass energy.

A 1991 Minnesota law calls for such a policy. But commissioners voted unanimously to overturn their lawyer's advice and not apply the 1991 law because it took effect a few months after NSP applied for use of the casks.

(Reprinted from the St. Paul Pioneer Press)



Receiving tobacco before entering the dance circle at Grand Entry, Grand Portage pow-wow. (Photo by Sue Erickson)

Walpole Island fights for clean water

Chemical Spills into the St. Claire River
Threaten the health of all who drink the water or eat the fish.
Walpole Island Indians are willing to fight for clean water for all.

Across Lake St. Claire on Walpole Island live 3000 Indians of the Potawatomi and Chippewa tribes; they take their drinking and bathing water directly out of the St. Claire River, (which flows into the Detroit River). 90% of the meat they eat is fish and fowl they catch in the St. Claire and Detroit Rivers. Since 1986, there have been hundreds of toxic spills from the chemical companies lining the St. Claire River: Polysar, Shell Oil, Dupont, Dow, Ontario Hydro and others.

Chief Robert Williams of Walpole Island is forging a legal fight against this continued assault on the health of all of us who live and depend upon the waters of the St. Claire and Detroit river.

If this careless disregard for our health is not stopped, serious damage could be done to the entire area, its wildlife and peoples. . . recreational hunting and fishing would be ruined.

If you would like to help the Walpole Island Indians fight these large chemical companies on the behalf of all of us who enjoy our waterways, please send in a donation; however large or small, your help is needed. Make checks payable to Walpole Island Heritage Centre. Send donations to Health Network News, P.O. Box 36970, Grosse point Farms, MI 48236-36970.

(Reprinted from Health Network News, Grosse point Farms, MI)

Native American health since European contact

By Sherrole Benton
Freelance Writer

The effects of colonization and industrialization have drastically altered the Native American population's health and lifestyle. Native people enjoyed excellent health before Christopher Columbus arrived. Today, Native people have the poorest health status of any population in the United States.

In 1442, there were millions of Native people in, what is now known as, North and South America. By 1482, nearly half of those populations were gone due to the diseases and destruction Christopher Columbus brought with him.

"There are (population) figures of millions of American Indians (in 1442) which diminished to about a half a million by the 1800's. Now it's up to about 2.4 million according to the census," said Dr. Gerald Hill, a member of the Klamath Tribe of Oregon, director of the Center for American Indian and Minority Health at the University of Minn., and president of the American Indian Assoc. of Physicians.

In pre-contact times, Native people had a healthy lifestyle. It was healthy physically, spiritually, emotionally and in a community sense. Their lifestyle had developed over thousands of years.

"It's interesting to me, whenever I read accounts of the Lewis and Clark expedition, or other people who were the first non-Indian people to come into areas where we were living, they almost always remarked upon the health and the vigor of the Indian people they came across. In California for instance, I've seen many remarks about how happy the Indian people were, just how carefree and pleased they were," Hill said.

Their good health came from, not only having enough food, but from understanding where they were in the universe, being in tune with nature and being on a very high spiritual plane, according to Hill.

"And with contact, the entire lifestyle was taken away from us, really forcefully taken away from us. Now, unfortunately, through the early post-contact times and for sure through the reservation times, our status in American society did not allow us to develop healthy lifestyles. Lack of education, lack of housing, lack of food, lack of jobs didn't allow us to develop healthy lifestyles," Hill said.

Today, Indian people are returning to traditional medicines, spiritual practices, and natural food diets. Many Native people are becoming more health conscious and combining health issues with their culture.

Traditionally, Native people had a rich and varied diet. They relied on fish and game, fruits and vegetables, grains and other natural foods.

Lea Foushee, a descendant of the Canadian Metis, and spokesperson for the Indigenous Women's Network, specializes in the anthropology of resource management.

"If you're in a situation of forced poverty and starvation you can't have much health. And a lot of that continues today. You have situations where the land base has been taken away, and the natural diet has been drastically altered and substituted with greatly inferior products.

White flour, white sugar and grease are the ravagers of all health. And that's basically the diet that was substituted for a rich and varied high-protein diet with all sorts of wild foods and fruits and vegetables and roots, and it's not much of an alternative," Foushee said.

Poor diet contributes directly to the high rates of diabetes and heart disease among Native people. But, it's not the only factor in poor Native health. The ravages of modern industrial society have also affected the Native health and lifestyle.

"The industrial era and the energy revolution have brought nuclear contamination that will last for ten thousand years, coal fired power plants that poison with mercury contamination, and uranium mining and milling that causes birth defects and cancer. So even if you are in an area where you can still hunt or fish or gather, the natural foods are poisoned with mercury or some sort of other heavy metal or PCB's or other toxic materials," Foushee said.

Native American people are the poorest of the poor, and often experience a much higher rate of disease and early death than any other racial group. Consider the seven leading causes of death among Indians, and how these compare with the general population. Alcoholism and tuberculosis are more than five times higher in Native communities. Diabetes occurs at more than double the national rate. Homicides, suicides, and accident rates are well above the national average. Indian infant death rates are also higher than the general population.

More Indian people die at a younger age than other people. The median age of Native Americans is 22.6 years compared to 30.0 years of all U.S. populations, according to Indian Health Service records.

The goal of many Native American health professionals is to help Native people return to healthier pre-contact ways. Native American concepts of health are different from the dominant society.

"The industrial world made us think that the point was having a car, house, food and that technology was somehow healthy. And it's not. Those are material things. Health is different.

Health has to do with how you live, how happily you live, how much spirituality you have in your life, and what kind of relationships you have as your life goes. It has to do with how sweet your life is," Hill said.

While there is a movement to reclaim Native languages and culture, many Native people realize it would be impossible to return to pre-contact conditions. The return to earlier lifestyles and practices

often conjures up images of a caveman living a primitive lifestyle. Those stereotyped images, Hill said, are based upon a value system of material existence rather than spiritual existence.

Technology is another barrier to the recovery of traditional ways. The Indigenous Women's Network advocates limited use of technology to encourage greater awareness of traditional culture.

As we approach the 21st century, some Native people are leading the way toward fulfilling their tribal prophecies of sharing some of their spiritual and cultural knowledge. In the area of health, that knowledge includes natural foods and herbs, clean living, and spiritual understanding. But, they also realize the needs of their own

communities and how much work has to be done.

Pat DeAsis, a Oklahoma Cherokee and Director of Communications for the Indian Health Service, said this is the year of the Native American. It's time for Indians to show the world who they are because the world is interested in them now. And, she believes Indian people must save themselves and preserve their cultures.

"We are responsible for our own health, welfare and well-being. We, American Indians today, are responsible for our health and well-being, and the health and well-being of our children. And it is our responsibility, no one else's, to see that our way of life continues on and doesn't die," DeAsis said.



Dancer in traditional outfit at the Milwaukee, Wis. Indian Summer Festival Pow-Wow. (Photo by Amoose)

Highway expansion threatens wetlands

While Great Lakes citizens and Congress debate critical wetlands protection laws, the Wisconsin Department of Transportation (DOT) and the Federal Highway Administration proposed a highway expansion that would destroy several acres of Wisconsin wetlands.

The DOT wants to expand 44 miles of U.S. Highway 53, just south of Lake Superior in northwestern Wisconsin. Environmentalists and DNR officials expect the new highway to encroach on 120 acres of pristine wetlands and disrupt migration patterns for Wisconsin's threatened timber wolf population.

Though the DOT claims the project will bring economic development to the area, opponents question the department's data.

Environmentalists assert the DOT did a poor job preparing the Environmental Impact Statement for the project, and failed to properly consider alternatives to expanding the highway to a four lane road.

Officials within the DNR also told *Washington Report* that the DOT has no wetlands mitigation planned for the project, and that the local DOT office is already behind on mitigation projects for several other highways in that part of the state. Some DNR staff consider the proposal the most destructive highway project in the state.

(Reprinted from *Sierra Club Great Lakes Washington Report*)



An inter-tribal dance brings everyone into the dance circle at the Bad River Pow-wow, this fall. (Photo by Amoose)

LCO water study reveals water quality issues

(Continued from page 14)

waste, and hazardous material spill preparedness.

- Consider regulating land use on the reservation, by either developing zoning regulations for all lands with the understanding that legal action may result, or developing such regulations through a cooperative arrangement with Sawyer County.

- Consider applying for treatment-as-state status with the U.S. Environmental Protection Agency, which would qualify LCO for federal funding of water quality monitoring, lake management, and nonpoint-source pollution control programs, as well as injection-well control, etc.

Lakes and streams

- Install staff gauges on selected lakes and streams to monitor water levels, and continue the lake monitoring program.

Groundwater

- Continue to gather information on groundwater—such as slope, vegetation, and septic systems—to better identify areas susceptible to contamination, and locate and properly seal all abandoned wells.

Wetlands

- Continue active participation in the Bureau of Indian Affairs' Circle of Flight program to enhance waterfowl habitat.
- Participate in a purple loosestrife monitoring and control program.
- Continue to identify possible sites for wild rice seeding, and minimize recreational boating impacts on wild rice beds.

Septic systems

- Pursue potential participation in the Wisconsin Fund septic system replacement program; initiate a maintenance program for the non-HUD tribal septic systems; locate a land site for disposing of septage; consider a cooperative effort with the Saw-

yer County zoning administrator to survey septic systems around Blueberry Lake; investigate alternative methods of locating failing septic systems

Community sewage

- Avoid discharging effluent from the Reserve primary lagoon if possible. If this is not feasible, the EPA should be contacted so a provisional discharge permit can be obtained;
- Find an alternative to dumping septage into the lagoon; construct a manifold piping system to distribute effluent over a broad area if the volume of final effluent reaches several thousand gallons per day;

- Install wells around the treatment lagoons to monitor for groundwater contamination;

- Investigate alternative funding sources for the proposed New Post sewer project, and determine tribal and allotted land boundaries in the area of the proposed treatment lagoon;

- Identify a certified laboratory to perform water quality testing that will eventually be required under a EPA discharge permit.

LCO dump

- Proceed with plans to close the dump as soon as possible (this was done on April 1, 1992); cap the refuse with an approved clay layer, install at least one more monitoring well, take quarterly samples from the monitoring wells; perform slug tests on the wells to determine hydraulic conductivity; limit development in the vicinity of the dump.

Waste management

- Coordinate with the Sawyer County Local Emergency Planning Committee to improve spill response capabilities;
- Proceed with plans for recycling and waste reduction (implemented); implement

a household hazardous waste pickup program; cooperate with private landowners to investigate and remediate abandoned dumps on the reservation

Underground storage tanks

- Manage existing underground storage tanks on tribal lands in a least-cost, least-risk manner by removing tanks that do not meet EPA regulations, and by extracting petroleum from tanks that are no longer in use

- Seek technical and financial assistance from the EPA and the state;

- Investigate the possibility of obtaining regulatory authority over underground storage tanks through EPA's treatment-as-state designation;

- Monitor state and federal enforcement actions against non-Indian underground storage tanks on the reservation.

Cranberry bog

- Utilize the resources of the UW Cooperative Extension Service to implement a more integrated pest management system;

- Analyze soil samples from the bog for nutrients to ensure a balanced fertilization program.

Fish hatchery

- Begin EPA National Pollution Discharge Elimination System permit application process immediately;

- Monitor Mud Lake for changes in dissolved oxygen, nutrient levels, and pH, as well as for fish and algae populations.

- Be prepared to provide additional treatment to hatchery discharges if monitoring results indicate a need.

- Monitor the well at the hatchery yearly for various water quality parameters.

- Hire a full-time hatchery manager and a work-study student from the community college for labor.

Erosion, sedimentation control

- Monitor lake data for decreased water clarity;

- Visually inspect heavily used shorelines and streambanks regularly to identify signs of excessive erosion;

- Implement standard erosion-control measures on projects carried out by LCO Development Corporation;

- Consider enacting construction site erosion control regulations on large development projects in areas outside shoreline zones "Sawyer County should be encouraged to follow suit," the study says.

- Encourage Sawyer County to extend its zoning ordinance to cover timber cutting on non-tribal land within the reservation but outside of shoreland zones.

Road salt

- Sample lakes close to roads for chlorides during spring snowmelt. If levels are consistently high, take steps to reduce road salt use.

- Keep records of chloride levels in well water of homes close to heavily salted roads to detect any significant increases.

Miscellaneous

- Continue to utilize existing working relationships with the Wisconsin DNR, as the Chippewa Flowage Management Plan, and create new ones to ease the establishment and enforcement of water quality standards and regulations on reservation waterways.

- The LCO Community College should provide reservation residents with educational materials on water quality protection. College work-study students should be utilized to assist in a variety of conservation activities, such as lake monitoring, distributing materials, and testing drinking water.

(Reprinted with permission from the *Sawyer County Record*, June 17, 1992 edition)

PARR's challenge to WDNR/GLIFWC cross-deputization dismissed

By Sue Erickson
Staff Writer

Protect Americans Rights and Resources (PARR) filed a class action suit against the State of Wisconsin and the WI Department of Natural Resources (WDNR). PARR claimed that their rights had been violated under the U.S. and Wisconsin constitutions and statutes and sought to nullify the cross-deputization agreement between the WDNR and GLIFWC.

District Court Judge Charles Jones dismissed the case last spring because the plaintiffs (PARR) failed to meet two of four conditions required for the court to issue a declaratory judgment and for failure to join GLIFWC, a necessary party, in the action.

Judge Jones noted that the plaintiffs did not show that they had a legally protected interest in the controversy because they were not parties to the agreement between DNR and GLIFWC. Because they did not have standing, their constitutional rights were not injured and their interests were not protected by any statute.

Secondly, Jones concluded that PARR's complaint did not allege that they had been subjected to unreasonable arrest or threats, and, therefore, "failed to show that this matter was ripe for adjudication."

GLIFWC Policy Analyst Jim Zorn is not aware of any appeal of the decision or a new case being filed on the matter.



GLIFWC wardens practise on-the-water marksmanship during a training program this summer. GLIFWC conservation officers are fully certified and update training and skills on an annual basis. Above, shown shooting is Corporal Carol Wielgot, Lac du Flambeau, while Corporal Larry Mann, Lac du Flambeau, steers the boat past targets. (Photo by Amoose)



Treaty protests frequently became violent during the spearfishing seasons. (Staff Photo)

STA appeals Crabb decision

Chicago, Ill.—The attorney for a group opposed to Chippewa treaty rights told a U.S. Appeals Court Friday that Stop Treaty Abuse/Wisconsin (STA) has as much right to protest off-reservation spearfishing as anti-abortion demonstrators have to march outside abortion clinics.

But the lawyer for the Lake Superior Chippewa Tribe argued that the issue was not one of free speech, since the protests interfered with Indian property rights guaranteed in 19th-century treaties signed with the federal government.

A three judge panel of the 7th U.S. Circuit Court of Appeals heard the arguments and is expected to decide in two to three months whether to uphold an injunction against further protests and an order that the opponents pay \$182,000 in legal fees.

U.S. District Judge Barbara Crabb in Madison issued the order against STA last January, ruling that members conspired to deny the Lac du Flambeau band of Chippewa their fishing rights by verbally and physically harassing them.

Crabb determined that the protests were racially motivated and violated the Indians' civil rights. The group appealed.

Each spring since 1985, the Indians have been spearing spawning walleye in off-reservation Wisconsin lakes, resuming old customs.

But STA and its leader, Dean Crist, a Minocqua pizza parlor owner, have staged protests that sometimes erupted into rockthrowing and shouting of racial slurs, leading the Indians to file suit under federal civil rights laws.

Defense attorney William Schroeder said STA is concerned with preserving natural resources, and not with what Appellate Judge Daniel A. Manion termed "name-calling" of the Indians.

"If it were any special group of citizens that had been granted spearfishing rights, which my clients believe is harmful to the land, then they would protest that special group's activities," he said in an Associated Press story. "It's no different than the language used in front of abortion clinics."

The Lac du Flambeau lawsuit named Crist, STA and other STA members. All members except Crist have settled out of court.

In addition to asserting that the issue was one of STA's right to free speech, Schroeder argued Friday that the tribe gave up its treaty hunting and fishing rights when it accepted about \$20 million from the federal government in the 1970s.

But the tribe's attorney, Brian Pierson, disagreed.

"If they (STA) were really interested in overturning Indian treaty rights, they would go to the proper political institution to do that," Pierson said. "They would not... harass and terrorize Indian men, women and children at boat landings."

Several courts, including the Chicago federal appeals court, have ruled that the Chippewa retained special food-gathering rights in the original 19th-century treaties, in which they ceded much of what is now the northern third of Wisconsin to the federal government.

(Reprinted from *Three Lakes News*, September 16, 1992)

Crabb denies ACLU appeal for more fees

Federal Court Judge Barbara Crabb denied a request from attorneys for Lac du Flambeau tribal members to double legal fees paid by Stop Treaty Abuse/Wisconsin (STA/Wis.) and Dean Crist.

Brian Pierson of the American Civil Liberties Union (ACLU), on behalf of the Lac du Flambeau Tribe and Wa-Swa-Gon Treaty Association, asked Crabb to double an earlier award for an approximate fee payment of \$380,000.

In her decision from last July, Crabb ruled that Crist and STA/Wis. must pay plaintiff attorneys' fees of \$159,914 and costs of \$22,831.

STA/Wis. attorneys immediately appealed Crabb's ruling to the United States Seventh Circuit Court of Appeals, according to Crist.

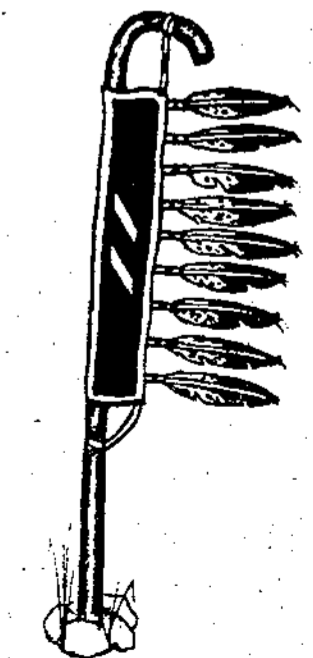
When Crabb made the initial fee decision of \$159,914 in May, she reserved the right to enhance that amount based on previous Supreme Court cases. Crabb then offered the plaintiffs a chance to request enhancement of up to eight times the initial fee. Pierson requested the fee be doubled.

However, two weeks before Crabb made her decision on Pierson's request for enhancement, the U.S. Supreme Court completed a pending case that made it illegal for Crabb to increase the fees paid by Crist and STA/Wis. to Pierson and the other plaintiff attorneys.

"Among other things, the court found that an enhancement for contingency would work a substantial duplication of factors already subsumed in the lodestar calculation and that it would make the setting of fees more complex and arbitrary, hence more unpredictable and hence more litigable," she said.

"In light of (that) opinion, I must deny the plaintiffs' request for an enhancement of the (original) figure."

(Reprinted from *Minocqua-Lakeland Times*, July 24, 1992)



American Farm Bureau adopts anti-Indian resolution

The resolution reprinted below was copied from the "1992 Policy of the American Farm Bureau" in their January 27, 1992 publication.

On the face of it, it is threatening enough to Indian tribes, but what is even more frightening is that the wording is taken almost verbatim from Anti-Indian organization documents (CERA, PARR, Minnesota Hunters & Anglers Club and UPOW) and the National Coalition on Federal Indian Policy, with which the Wisconsin Counties Association has been closely affiliated. Especially familiar is the "equal rights for everyone" slogan commonly used by all anti-Indian groups.

Many farmers, perhaps most, are not aware of this resolution. Certainly the general public is not generally aware of it.

The things called for in this resolution are THE basic agenda for the Anti-Indian movement, namely: 1) abolish government-to-government relationships with Tribes; 2) remove sovereign status of Indian Tribes; 3) abrogate treaties; 4) deny eminent property rights to Indian Nations; 5) remove jurisdiction over reservation lands from Tribes; 6) stop efforts by Tribes to restore and consolidate their homelands; 7) prohibit Indian enterprises from participating in economic development enterprises using Federal Funds that are available to all U.S. citizens; 8) establish a Presidential Commission to study the impact of tribal policies on non-Indians

HONOR members are encouraged to find out if local American Farm Bureau members are aware of, or support, this resolution. You may express your own opinion to the following American Farm Bureau leaders by writing to: American Farm Bureau, 1122 Second Avenue North, Nashville, TN 37208; President Dean Kleckner, 225 Tough Avenue, Park Ridge, IL 60068 or Joe Hawkins, P.O. Box 313, Columbia, TN 38401

American Farm Bureau Resolution

We support legislation to establish the rule that all people have equal rights and responsibilities under the law. All citizens should be required to obey the laws of local, state and national governments: The "nation unto a nation" treatment of Native Americans should be abolished.

We favor abolition of the Bureau of Indian Affairs and termination of special treaty rights by purchase or negotiation for fair compensation.

These steps will end special treatment of Native Americans and bring everyone to full equality under the law.

We oppose granting the power of eminent domain to Indian tribes.

We oppose any exercise of Indian control or taxation of private property.

We oppose expansion of any current reservations and the creation of any new reservations.

We oppose legislation that gives federal lands to Native Americans.

We are opposed to federal grants to Indian tribes for the purpose of establishing an enterprise that will be in direct competition with existing local businesses.

We request that a presidential commission be appointed to study the impact of federal Indian policies on non-tribal populations and our nation's resources. Such a commission is desperately needed to stem the growing conflicts among tribal Indians, non-tribal Indians and non-Indian citizens of America over such issues as water rights, fishing and hunting rights, land claims and jurisdiction throughout the country. The economic and social implications of such problems can no longer be ignored.

NOTE: The last paragraph of the resolution reflects two Wisconsin legislative resolutions proposed by the National Coalition on Federal Indian Policy, spearheaded by the Wisconsin Counties Association.
(Reprinted from HONOR Digest, June/July 1992)



HONOR is a national treaty support organization which monitors many aspects of the anti-treaty movement across the United States (see articles on Wise Use Movement and the American Farm Bureau). Members of the HONOR Board of Directors and advisory board met during the NCAI conference in Washington, DC this fall. Pictured above are, from the left: Joseph Bresette, Great Lakes Inter-Tribal Council executive director, Red Cliff Ojibway, Wis.; Ron Harris, Sr., Sauk and Fox, Okla.; Steve Robinson, public information director, Northwest Indian Fisheries Commission, Ore.; Larry Balber, Red Cliff Ojibway, Wis.; Sandy Cianciulli, Cherokee-Crow-Ojibway, Pa.; Sharon Metz, HONOR executive Director, Wis.; Father James Dolan, Oneida Episcopalian Church, Wis.; Principal Chief Elmer Manatowa, Sauk and Fox, Okla.; and Romona Rank, Klamath, Ore. (Photo by Sue Erickson)

The "Wise Use Movement" An anti-Indian agenda

According to Interior Secretary Manuel Lujan, the anti-environmental sentiment fueled a movement called the "sagebrush rebellion," which pressured the Interior Department to open Federal lands for mining, grazing, and logging. Recently, members of the old "sagebrush rebellion" have joined forces with landowners, the timber industry, coal companies, and others who rely on natural sources and formed a new coalition called the "Wise Use" movement.

A number of organizations support this movement, ranging from the large and powerful—The National Rifle Association, Exxon, and the American Farm Federation, to the small and obscure—Alaska Women in Timber, Idaho Gem and Mineral Society. Secretary Lujan said the Bush Administration should address the Movement's agenda to improve its standing with its natural conservative constituency. He goes on to add that the President should not worry about environmentalist sentiments who, he believes, will not support Bush under any circumstances.

Herb Manig, American Farm Federation assistant director for natural resources said "The Farm Bureau doesn't really even like to use the term "Wise Use," a name Ron Arnold (Center for the Defense of

Free Enterprise executive) came up with. Although we're working for some of the same goals and we think this movement is important."

And speaking of the Farm Bureau... The American Farm Bureau recently passed its own Anti-Indian resolution. (see sidebar)

So, it seems "Wise Use" and the anti-Indian movement are on the same page. American Indian lands hold many natural resources the Wise Use and Farm Bureau people would like to get their hands on. Both, it would seem, would like nothing better than to abolish the treaties and open up these lands for further exploitation. Of this we can be certain: There is an anti-Indian movement which includes right wing groups, and it is ultimately connected with the Wise Use Movement, who, in turn, is sponsored by the Unification Church. Wise Use? The question is, Wise Use for whom?

(Reprinted from HONOR Digest, August/September 1992)



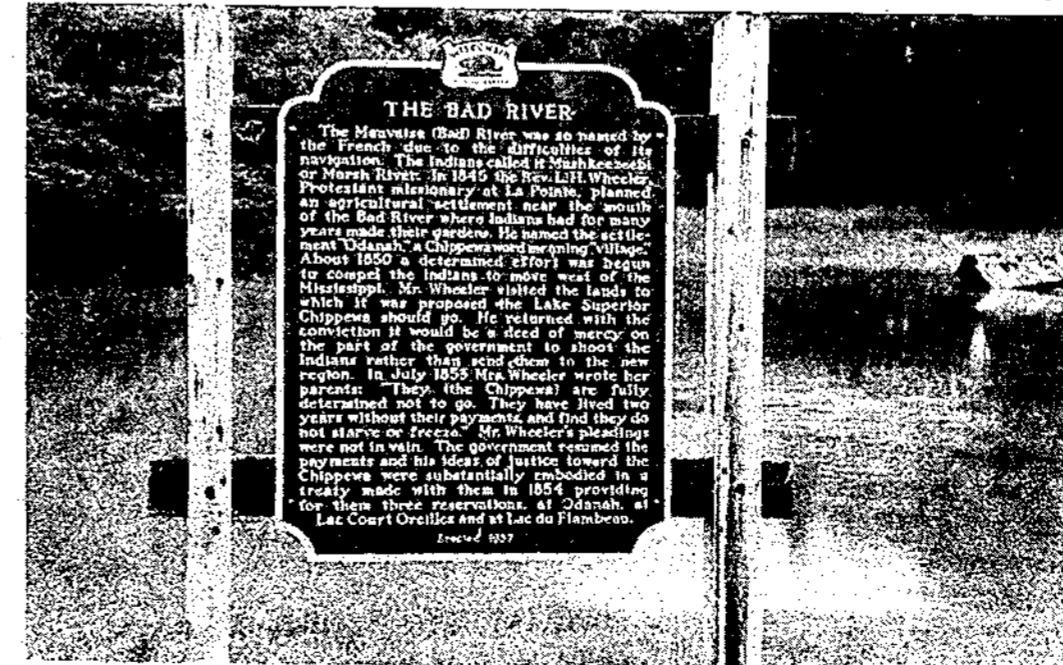
PIO moves to new offices

GLIFWC's public information office (PIO) moved as of September 1, joining several other GLIFWC divisions located in Ashland. Currently, GLIFWC's Dispatch Office (ground floor), Planning and Development Office (1st floor), and Administration for Native Americans (ANA) Office (1st floor) as well as the Public Information Office (3rd floor) are located at: 522 Chapple Avenue, Ashland, WI 54806. PIO's new telephone number is: (715) 682-4427.

If you are in Ashland, drop by and visit us. The building is located at the corner of Chapple Avenue and 6th Street.



New facilities for youth. Breaking ground for a new youth center at the Bad River Reservation are, from the left: John Morrison, Bad River Home Improvement Coordinator; Paul Gordon, Bad River tribal council; and Dana Jackson, Bad River Education Coordinator. (Photo by Amoose)



High water on the Bad River Reservation resulted from the release of the White River Dam during a period of heavy rain causing the Bad River to overrun its banks. (Photo by Amoose)



A check for \$500 for the use of GLIFWC public information office's photo display on the pow-wow was presented to GLIFWC from the Mole Lake Band in order to expand the display and replace damaged photos. The display has been traveling to various locations in Minnesota and Wisconsin. Above, Judy Anaya, Chairman, Mole Lake Education Committee, presents GLIFWC photojournalist Amoose with the check at the Crandon High School. (Photo by Sue Erickson)

Red Cliff to break ground on "destination" facility

By Sue Erickson
Staff Writer

Participating in a Bayfield County 20th Anniversary Conference this summer, Red Cliff vice chairman, announced Red Cliff plans for a 24 room hotel/casino/entertainment complex on the reservation.

The new facility was labeled as a "destination" facility by LaFermier with the amenities available for the visitor. Noting that the Bayfield Co. region is the 2nd largest draw for tourism, LaFermier views the new complex will meet a growing need in the area.

Casino revenues, he noted, were \$900 million in Wisconsin last year and projected to be \$1.3 million this year. However, casinos look at broader-based needs to remain viable in four to five years. For this, the "destination facility," will offer a variety of recreations and accommodations.

LaFermier also noted that planning for the new complex assures that it will be "environmentally and economically compatible." He also stressed that the complex, scheduled for groundbreaking in November 1992, will act as a major draw to the entire region, benefiting the surrounding communities as well as the reservation.

Off-reservation migratory bird season is on (Continued from page 7)

Tribal members in Minnesota, Wisconsin and Michigan have been exercising an off-reservation migratory bird season.

In Wis. and Minn. the geese season opened on September 16th and will close on December 1. Duck season began September 23 and closes on November 3.

In Michigan, the off-reservation goose season opened September 21 and will close November 30. The duck season opened October 5 and closes on November 3.

GLIFWC waterfowl biologist Peter David says that waterfowl populations seem to be improving slightly from a year ago based on breeding and production surveys done in the Prairie Pothole Region, a major breeding area.

However, David says that local flights have not seemed particularly strong this year. They may be down locally, he says, which might reflect that water levels are good across the state so ducks are not concentrated as much as in drier years.

David also notes that the Canadian goose production seems to be very poor this year.

GLIFWC continues to do weekly migratory bird surveys in the Chequamegon Bay and Kakagon Sloughs. GLIFWC has been establishing a data base on migratory waterfowl and works cooperatively with the US Fish and Wildlife Service and the Mississippi Flyway Council on migratory bird issues.

Hear the drum, America

(Continued from page 2)

We as Indian tribes define our sovereignty in many ways--there is no one definition of its limitations, nor its potential. But for the grace and protection of the Creator, our sovereignty is the definition of our shield...

- ...to protect our religions and our sacred sites...
- ...to protect our burial grounds from grave-robbers...
- ...to preserve our traditions and our culture...
- ...to care for our elders and our young...
- ...to provide jobs and opportunities for our people...
- ...to make our own laws and regulate our lands...
- ...to give pride back to our people...
- ...and to preserve governments that pre-existed the United States by thousands of years.

Here the drum, America. We are not so different in our goals. But you must see that the true glory of your nation lies in encouraging these magnificent differences that distinguish our people from your people. Let us determine what our sovereignty is, and respect it.

Here the drum, America. It is our fondest wish that five hundred years from this day, we will stand on this place together, sovereign Indian nations and the United States of America.

I believe that we tribes have survived the darkest hour of our history. We have nothing to fear, for the worst has happened, we lost everything, *but we survived.* Our Creator deemed that it be so.

And so the drum beats with a thunderous resonance, and we face the morning sunlight of the next millennium as sovereigns with strength, with unity, and with hope.



The Mole Lake Youth Drum is one example of Native American youth learning and practising their traditions. The Drum provided Drum Songs during the Crandon School's Native American Awareness Day activities. Joe Ackley, Mole Lake elder, organized the Drum and assists the youth in learning traditional songs. (Photo by Sue Erickson)



Practising the dance at the Three Fires Confederacy encampment in Garden City, Ontario, this youth reminds us that the next 500 years rely on the leadership of today's youth and those yet to come. (Photo by Sue Erickson)

MASINAIGAN STAFF: (Pronounced MUZ IN IAY GIN)



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

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Letters to the editor and guest editorials are welcomed by MASINAIGAN. We like to hear from our readership. The right to edit or refuse to print, however, is maintained. All letters to the editor should be within a 300 word limit.

Letters to the editor or submitted editorials do not necessarily reflect the opinion of the Great Lakes Indian Fish and Wildlife Commission.

No more Columbus Day at Red Cliff

By Sue Erickson
Staff Writer

While Red Cliff employees enjoyed a holiday on October 12 this year, it was in celebration of "Indigenous Peoples Day," not Columbus, according to a release from Red Cliff Personnel Manager Rick Wygonik.

The change was done in conjunction with "The 1992 Alliance" which is striving to change "the way society and governments think about Native People," Wygonik noted.

The Alliance promoted October 12th to be observed as a "memorial day"—one which would "memorialize the Indigenous People and Nations who did not survive the invasion of the Western Hemisphere or the ensuing wars and genocidal practices that have claimed millions upon millions of Native people from 1492 to the present time."

Next year, October 12 will no longer be a day off for Red Cliff employees. Rather, September 30th, the anniversary of the 1854 Treaty signing, has been selected by the Band to be observed as "Indigenous Peoples Day."