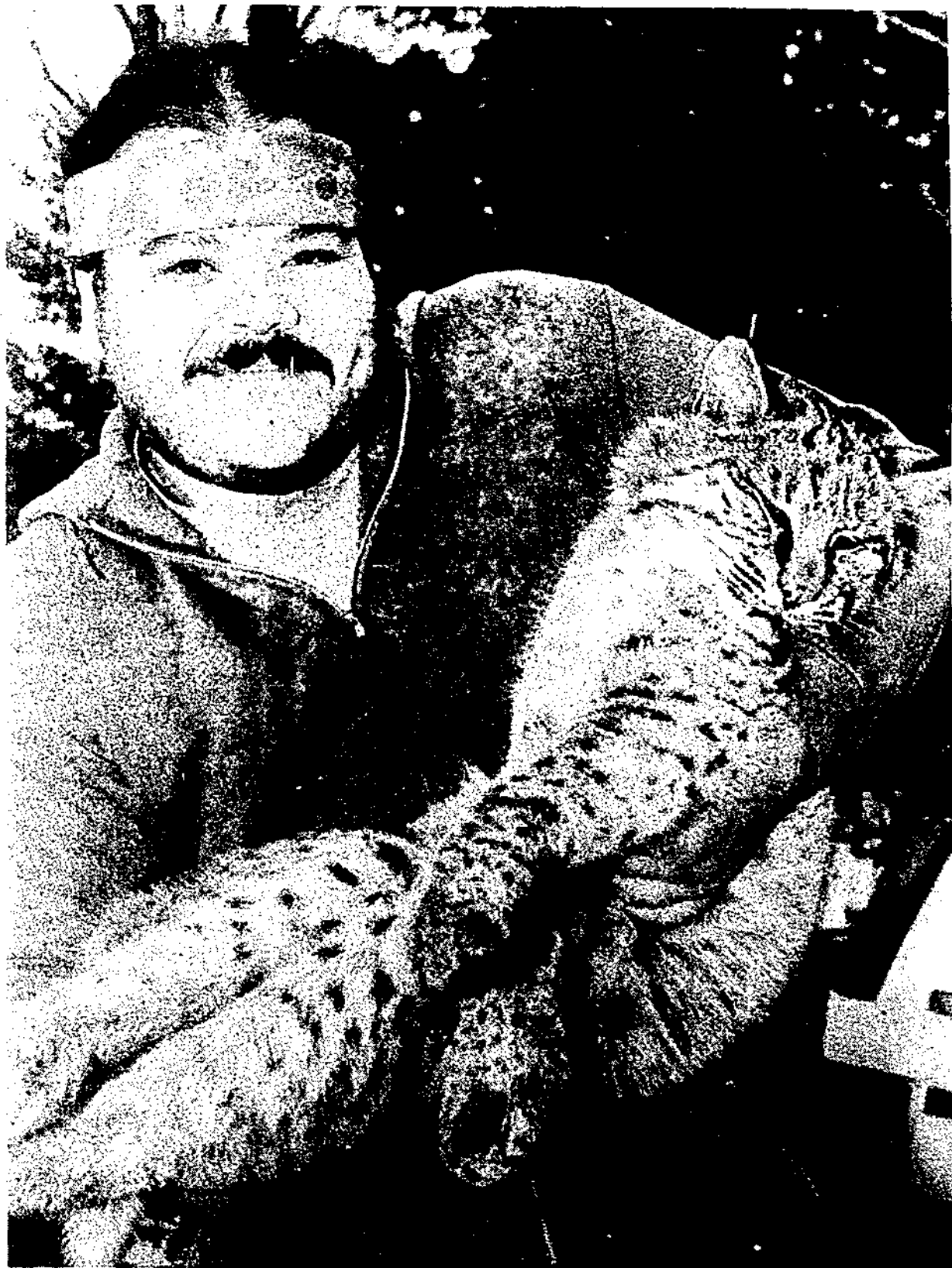


MASINAIGAN

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

Winter 1993



GLIFWC studies bobcat population

GLIFWC wildlife technician Ron Parisien, pictured above, reports success in locating bobcats in the Clam Lake area this winter. GLIFWC is working with the U.S. Forest Service, WDNR, and UW-Stevens Point in a cooperative bobcat survey.

Captured cats are radio-collared so their movement can be tracked. Statistics on all collared animals are also recorded for research information.

In the Nicolet Forest four cats have been collared, and in the Gordon, Wisconsin area twelve were collared. Two have been captured and collared in the Clam Lake area this winter.

Above, top right, Parisien checks the bobcat's teeth. Measurements are also taken and recorded. At bottom, right: Eye drops are administered to sedated cats to keep the eyes moist.

(Photos by Amoose)

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Mille Lacs treaty agreement sparks opposition

By Mordecai Specktor
Freelance Writer

St. Paul, Minn.—As the 1993 session of the Minnesota Legislature opens, the proposed treaty rights agreement between the Mille Lacs Band of Ojibwe and the state of Minnesota has emerged as the most hotly contested item under consideration. A coalition of hunting and fishing groups, who held another rally on the steps of the state Capitol in January, wants the agreement defeated in the Legislature.

In August 1990, the Mille Lacs Band sued Minnesota in federal court to win recognition of tribal members' reserved rights to fish, hunt, and gather in an area ceded in the Treaty of 1837. Under the terms of a tentative agreement to settle the lawsuit, which was announced last November, Mille Lacs Band members would have exclusive spearing and netting rights in a portion of Mille Lacs Lake—6,000 acres on the west side of the lake—other nearby lakes, and a stretch of the St. Croix River, along with 7,500 acres of state land and \$10 million in payments.

Officials of both the Band and the state say the compromise settlement provides a fair and amicable solution to the unresolved treaty rights issue.

Opponents of the treaty agreement, from the non-Indian side, rallied on the Capitol steps on Jan. 9. Moderating the rally was Howard Hanson, president of the Hunting and Angling Club, guiding light and financial benefactor of the anti-treaty movement in Minnesota. Hanson is the owner of ProColor, a busy photographic lab in downtown Minneapolis.

Bud Grant, former Minnesota Vikings coach, is the celebrity spokesperson for the anti-treaty coalition, the Save Lake Mille Lacs Association. Several hundred out-



"The Coach: Bud Grant" is the celebrity spokesperson for the anti-treaty coalition, Save Lake Mille Lacs Association. Grant was one of several speakers at the anti-treaty rally held on the Capitol steps in early January 1993. (Photo by Bruce Baird)

door sports enthusiasts, many in camouflage and blaze orange outfits, turned out on the frigid day to cheer on "the coach," and chant, "No nets. No nets," as they attempted to drown out the 50 or so pro-treaty counter-demonstrators who were

present. The Jan. 9 rally was smaller than a similar gathering at the Capitol last April. Again, the anti-treaty folks called on their federal Indian law expert, Joe Karpen, owner of Karpen's Sunset Bay Resort on Mille Lacs Lake. "I feel that the American Indian has become a citizen in about 1950," Karpen informed the crowd. (Actually, Indians were granted U.S. citizenship in 1924.)

"I think [Indians] should be treated like all American citizens," Karpen continued. "I think he has a right to buy a fishing license, a hunting license, and hunt and fish like all the rest of us. This is 1993, the treaty was written in 1837. I think they should bring themselves up to date with us."

Karpen next warned the crowd that beside Mille Lacs Lake, the Indians would be spearing in six other lakes: "There's about 2500 people. How much fish do they need?" he begged. "If it was a necessary thing that these people had to have it in order to survive and live on, I would fight for them. But not today. They have accepted everything we have up to 1992: video, TV, American light bulbs, American automobiles."

Then it was the coach's turn. Bud Grant, self-described "honorary chairman of over 30 sportsmen and women's groups" with over 300,000 members statewide, was introduced. Grant was on the local TV newscasts the previous evening after he

received two death threats, one in the mail and one by telephone. Grant said that someone warned him that he would be shot if he appeared at the rally.

But he showed up with a phalanx of bodyguards, including two Minnesota state troopers in uniform. Grant brought two children holding signs up to the lectern. He held up their signs written in childish scrawls for the crowd, one read, SAVE A WALLEYE FOR ME. The boy's father remarked, "See, I told ya you'd get to meet the coach."

"The public waters of the state of Minnesota, they've been held in sacred trust for all of us, all these years," Grant intoned. "If anybody here would put a net in a lake or spear, you'd end up in jail. We don't want any special interest group to have the right that we don't have, being citizens of this state. We don't think we have to pay \$10 million to 2,500 people to make sure that they don't interfere with our due process and the rights to fish and hunt in our state."

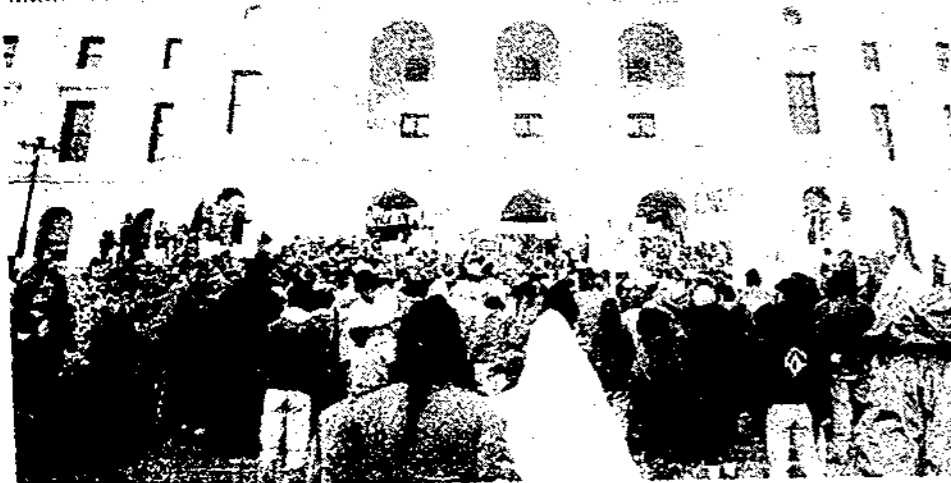
(The anti-treaty rhetoric refers to the Indian nations as "special interest groups," and calls for "equal rights for everyone.") These terms mask a refusal to acknowledge, or an ignorance of, the federal treaty history with sovereign Native American nations. Binding legal decisions, the law of the land, recognize that the Indian nations agreed to vacate large areas of land in consideration for certain payments in money and goods and the continued right to hunt, fish and gather in ceded territories.)

"Now this is only the beginning, this is the kickoff, you might say, to the game," the coach wound up, applying another football metaphor to the complicated treaty rights issue. "We're gonna be in this mode for this whole session, until our legislature or our governor decide that we're going to go through with going to court. When that happens, we'll know we've won."

Then a state legislator was introduced: LeRoy Koppendrayner (R-Princeton) from District 17A, which includes Mille Lacs Lake. "It's my job to make sure that there are no more closed door deals," Koppendrayner announced to hearty applause. "From now on, the hearings are held, the public is invited and the public and the voter gets to make the decision. That's my job."

The few speakers were finished and M.C. Howard Hanson made a pitch for contributions to the anti-treaty coalition. "Thank you all for coming. No bigoted remarks on your way out of here. Just ignore 'em," Hanson advised his followers regarding the contingent of Native Americans and their supporters who came to support treaty rights.

The anti-treaty group wants state officials to litigate the Mille Lacs Band's lawsuit, even with the likelihood that the Mille Lacs Band would prevail in federal court and win the right to 50% of the game and fish throughout the ceded area—the outcome of the 1837 Treaty litigation by the Anishinabe bands in northern Wisconsin.



The anti-treaty rally held on the Capitol steps drew several hundred outdoor sports enthusiasts, many in camouflage and blaze orange outfits. (Photo by Bruce Baird)

Mille Lacs launches a tribal "Marshall Plan"

By Sue Erickson
Staff Writer

"The Mille Lacs Band Plan to Assure Permanent Tribal Existence" was announced by Mille Lacs Chief Executive Marge Anderson during her State of the Band address Jan. 11 at the Mille Lacs school.

Traditional values and culture are central to the plan, which emphasizes the Band's commitment to the continued development of the tribal education system, economic growth, and community development.

Anderson characterized the plan as comparable to the Marshall Plan, a successful initiative of the U.S. government designed to rehabilitate the economies of suffering European and underdeveloped countries.

Pointing to similarities between underdeveloped countries and Indian nations, Anderson stated, "To be an American Indian living in the State of Minnesota in 1990 meant living on the bottom of the social scale and being poorer than any other minority living almost anywhere else in this nation."

Anderson noted that within the past year, the Band's enterprises and "explosive growth" have provided the "unique opportunity...to build a future for people."

The first ten year phase of the plan is to be overseen by the Commissioner of Administration Melanie Benjamin who will seek community input to determine needs for continued growth.



Marge Anderson, Mille Lacs Chief Executive. (Photo by Sue Erickson)

Off-reservation treaty rights

Anderson was plain in regard to Mille Lacs stance on the 1837 off-reservation treaty rights of the Band. She stated the proposed agreement between the State and the Band was "fair" and represented a compromise. Should it not be ratified, the Band will litigate strongly on behalf of its members.

"We have taken the hard road in finding areas of agreement with the State negotiators, compromising when we had to, standing firm when we had to, and figuring out new and creative approaches to reaching our objectives," Anderson stated.

However, she noted that the agreement is "under attack by groups which believe Indians have no treaty rights. They are led by today's version of the old Indian Fighter, Bud Grant, who may know a lot about football, but knows nothing about our treaty rights."

Anderson said that while Grant may give treaty opponents a "reasonable appearance, they are not reasonable men." Rather she views them as "a movement of angry, white men who don't believe Indians have rights."

Mentioning both Howard Hanson of the Hunting and Angling Club and the Save Mille Lacs Lake Association as other opponents to Indian rights, she noted that it would be easy to respond to these individuals and organizations with anger. However, Mille Lacs has sought to avoid the confrontation and hostility.

"We do not want the involvement of the anti-Indian protests of people like Howard Hanson and 'Bud' Grant. Arrests and huge fines—fines of over \$100,000—were the only effective methods that finally restored relative peace to Wisconsin lakes. This is not what we want for our Band, or for the children of Minnesota to witness, or for the tourist industry, which will suffer horribly."



Many visitors were welcomed during the Mille Lacs State of the Band address and celebration. Above center, Roger Jordaine is invited to share the podium. One the left is David Mairious, Mille Lacs Speaker of the Assembly and far left is Marge Anderson, Mille Lacs Chief Executive. (Photo by Sue Erickson)

Mille Lacs has found allies as well as they seek to ratify the agreement, Anderson said. A recent meeting in St. Paul to develop a campaign for agreement ratification was attended by the Audubon Society, the Sierra Club, the St. Paul Council of Churches, the League of Women Voters, the Minnesota Alliance for Progressive Action, the Lutheran Coalition on Public Policy and Minnesota NOW, she said.

Mille Lacs will stand firm on the defense of its treaty rights, Anderson indicated, even if the agreement should not be ratified. "Make no mistake about our determination. If ignorance and racism prevail in the Legislature, and the agreement is defeated, we will pursue our suit in federal court with every resource at our disposal. Our case will be presented without compromise or concern for competing interests or claims. I can guarantee you it will be a strong and compelling case," she said.

Anderson charged Natural Resources Commissioner Don Wedl with the continued responsibility to protect the treaty rights of the Band; to develop a timber program; to enhance resource protection and enforcement, and to continue with the Oral History and Culture Preservation Program.

Mille Lacs improvements

In 1992 the Band underwent rapid change, "explosive growth," resulting from the success of the casinos. The results of that success are already apparent within the community, Anderson indicated.

She pointed to land base as one indicator of growth. Last year, the Band purchased over two thousand acres, which significantly added to all three Band districts. The Band purchased the Roll-In Lodge, which has been converted into a day care facility, as well as the Timber Hills Resort, which has been turned into housing.

The Band also purchased 1,040 acres near Hinckley which will become a housing development, and all of Anderson Lake, connecting Lake Mille Lacs through the Thains River.

The proposed treaty agreement also allows for the addition of another 7,500 acres to the reservation's land base, she said.

Growth has been spurred through the use of bonds, Anderson said, with Mille Lacs being the first Indian government in history to finance public improvement with a tax-free bond issue backed by casino gaming revenue.

From that have come new roads, a new water treatment plant and a new water tower.

Construction, too, is going strong, she said. The Band has two new ceremonial centers, new houses, and ground has been broken for a new clinic and two schools.

Education and culture

The continued reliance on traditional ways was evident throughout the State of the Band address, which opened with a tobacco ceremony and an invocation from Raining Boyd, a tribal elder. Even Anderson began her address in Ojibwe.

The plan for the future growth of Mille Lacs, therefore, is careful to include consultation with the elders in all phases of development and care to foster traditional Ojibwe values into all aspects of life and government.

(See Marshall Plan, page 12)



Raining Boyd, Mille Lacs elder, listens intently during the State of the Band address. The Mille Lacs school auditorium was packed with young and old alike. Raining Boyd provided an invocation delivered in Ojibwe followed by a Pipe Ceremony. (Photo by Sue Erickson)

Bad River looks to Clean Air Act for protection of air quality on rez

By Sue Erickson
Staff Writer

The Bad River Band of Chippewa is seeking a "Class I" designation for the reservation under the federal Clean Air Act in accordance with a tribal council resolution passed in January 1993.

The redesignation is being sought as the neighboring city of Ashland seriously entertains a proposal to locate a "super" incinerator operated by Neutralysis Industries in the city's industrial park adjacent to the reservation.

According to tribal attorney, David Siegler, the tribe is particularly concerned about air and water contamination. Bad River, as well as the city of Ashland, lie on the shore of Lake Superior which the tribe has used for generations as a subsistence fishery as well as for a treaty commercial fishery.

Siegler states that Bad River has gone on record by resolution as opposing any development that would negatively impact the air and water quality of the reservation.

According to tribal chairman Donald Moore the resolution is consistent with a long-standing philosophy of the tribe. Despite potential economic benefits, he says, the tribe does not even pursue development proposals which would degrade the environment.

Other plans, including the Kakagon Sloughs Protection Plan aimed at preserving the pristine environment of the Sloughs

within the reservation, have been developed by the tribe prior to the Neutralysis proposed siting, states Ervin Soulier, Bad River, director, natural resources department.

Bad River has also been working with the Lake Superior Research Institute, UW-Superior, in regard to mercury contamination, Soulier says.

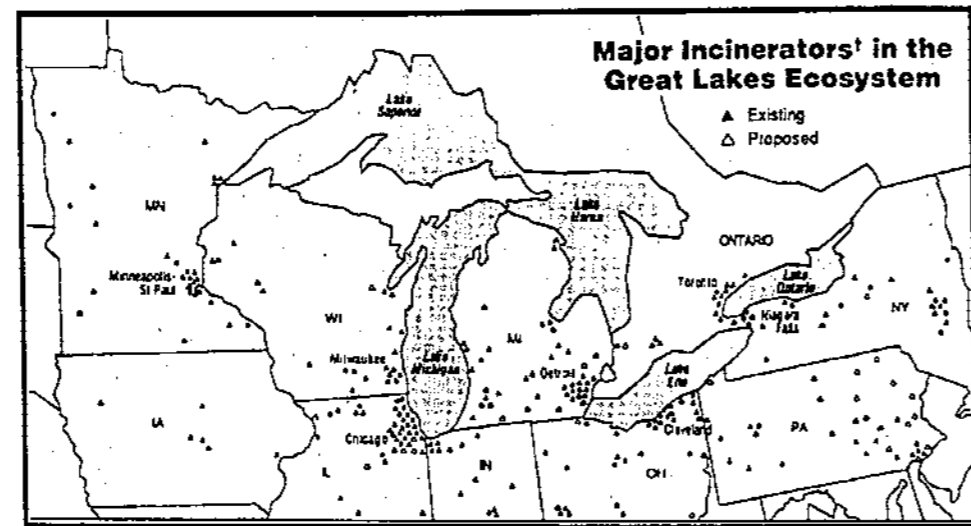
However, the Neutralysis proposal itself may have expedited the other initiatives towards protecting the reservation's air and water quality. One such initiative now underway is redesignation under the Clean Air Act to assure maximum protection for the reservation's air quality.

Neutralysis: potential risks

Bad River as well as the Red Cliff Band of Chippewa and local governments within the area have either opposed or expressed real concern about the location of a large scale incinerator in the area and have encouraged the Ashland City Council to obtain more in-depth studies on the potential environmental impacts of the operation.

The City Council has voted to do the study and is in the process of selecting a firm to perform the study.

Siegler notes that the tribe is particularly concerned about the impact of the incinerator, which would process an annual 200,000 pounds of garbage, because



(Graphic provided by Greenpeace)

the reservation is not only adjacent but also downwind of the proposed plant.

The discharge of mercury, a contaminant not even covered under the Clean Air Act, is also a major concern of the tribe, according to tribal environmental specialist Dave Anderson. Mercury contamination in water and fish has long been a concern of the tribe, and the siting of another source of mercury contamination near Lake Superior is regarded as a move toward further degradation.

Redesignation: how and why

Under the Clean Air Act, which was amended in 1977, the Bad River band is designated as Class II. The significance of the designations, according to Siegler, is that Class I allows for the least deterioration in air quality; whereas Class II allows for a little more degradation, and Class III the most.

Siegler notes that under the Act, states and tribes can redesignate areas to other classifications. "In this regard, the Clean Air Act was the earliest major environmental statute to recognize the unique jurisdictional attributes of Indian tribes," he says. "In fact, only tribes can redesignate their reservations."

A procedure, however, must be followed by both states and tribes, and the Bad River Tribe is in the process of following the redesignation procedures by preparing a report stating reasons for the redesignation. This will include social, health, environmental, economic, and cultural analysis. Both environmental and cultural risks are being considered.

Notice must then be given to the public, the state, and the "federal land manager," and a public hearing held within 30 days of the notice.

In this case, Siegler assumes the federal land manager would be the Bureau of

Indian Affairs. If the federal land manager provides written comments on the redesignation request, the tribe must have written responses, he says.

If the state objects, the Environmental Protection Agency administrator is to mediate the matter and make a final decision if a mediated agreement fails.

Essentially, the Class I designation will provide the tribe and the federal land manager with much more control over the development of polluting facilities in the area because of the stricter standards required to preserve the air quality on the reservation.

Once redesignated, the stringent "Prevention of Significant Deterioration (PSD)" standards will be put into effect and a specific permitting procedure must be adhered to before the construction of a major source of pollution is allowed, Siegler says.

In addition, there is a "special clout that goes with having federally managed lands under a Class I designation." Notice of permit applications for all facilities that may affect those lands must be provided to the federal land manager and the federal official charged with the responsibility of managing those lands.

"The federal officials can veto any permit that would result in an allowable increase in particulates and sulfur dioxide," Siegler states. In addition, permits can be blocked if a facility would negatively impact air quality values even if specific Class I standards would not be exceeded.



Smoke stacks over Lake Superior. (Photo by Sue Erickson)

Incinerators in the Great Lakes

Our nation's growing waste problem has affected every community and reached every citizen, including those people living around the Great Lakes. As landfills spill over with garbage, EPA officials estimate that our trash problem will continue unless we chose alternative methods.

Incineration is one waste control method several Great Lakes communities have chosen. Incinerator proponents—which include industry representatives, private companies, some government officials and citizens groups—assert that burning our garbage is a safe, viable means of waste disposal, one that will create jobs and provide an alternative energy source.

But as these communities turn to incineration, opponents—including citizen and environmental groups, and a number of government officials—turn to some serious questions: do incinerators deliver on the promise of waste reduction and energy production? Or do they become a giant expensive white elephant. Like the dormant incinerator in Muscodia, Wisconsin? [See Tale of Two Cities, page 28] And what kinds of pollutants

come from incinerators? What kinds of health effects can Great Lakes people, fish and wildlife expect from these pollutants?

Facts and figures

Exact numbers on Great Lakes incinerators are sparse. While EPA keeps tabs on the hundreds of Great Lakes municipal incinerators that burn solid waste, little information is available on school, factory, or hospital incinerators. And incinerator operators have planned many more. Environmental and citizen groups opposed to incineration began keeping their own figures several years ago (see map, page 4).

There are generally two types of incinerators: mass burn incinerators and refuse derived fuel incinerators, also called waste-to-energy incinerators. More than 100 waste-to-energy incinerators have been built in United States in the past twenty years. EPA estimates that in 1990 these incinerators burned more than 84 tons of garbage per day. Agency officials expect this amount to increase before the end of the century.

According to INFORM Inc., a New York-based nonprofit research group, prior to 1991 incinerator regulation "involved a complex patchwork of federal and state standards and individual permit conditions that were occasionally at odds, frequently confusing, and constantly changing."

In 1991, however, EPA issued the first comprehensive national incinerator regulations. These new rules established air emission standards for six incinerator pollutants—particulates, carbon monoxide, hydrogen chloride, sulfur dioxide, dioxins, furans, and nitrogen oxides. The regulations also defined good combustion practices and identified monitoring requirements.

Amendments to the federal Clean Air Act, recently passed by Congress, directed EPA to revise many of the new regulations. But the agency has fallen behind on implementing the revisions, and several parties—including the state of New York and the Sierra Club—sued EPA for its failure to meet the deadline. In the New York case, the court rejected most of the state's arguments, but it did hold that the EPA had not adequately explained its failure to adopt one of the key rules—the burning ban on lead-acid batteries. According to one EPA official, the agency has drafted the required rules and forwarded them to the Office of Management and Budget. Under the Bush administration, the OMB has a history of delaying and weakening environmental regulations, but environmentalists are hopeful that the new Clinton/Gore administration will be more receptive to strong incinerator controls.

Town demands environmental study on Neutralysis

The Town of Clover Board passed a resolution (reprinted below) calling for an Environmental Impact Statement (EIS) to be completed before the Ashland City Council acts on a proposal to build a garbage incinerator.

An Illinois firm, Neutralysis Incorporated, has proposed to build a garbage incinerator in Ashland, Wisconsin. The incinerator will be used to burn municipal waste and/or paper mill sludge and the project is currently being studied by the Ashland City Council.

The Town of Clover board has joined other units of government, (county, tribal, village, and other townships) in calling for the completion of an EIS before any further action is taken.

Town board members Mark Pope, Angelo Nicoletti, and Frank K. Koehn acted to encourage

the Ashland City Council to make certain environmental concerns are not ignored in favor of economic development. The board is attempting to slow down the "fast track" the Neutralysis proposal seems to be riding.

Supervisor Pope supported the resolution because of his concern that: "We all breathe the air and use the lake. Ultimately we all experience the effects of the pollution that could result from this development."

Supervisor Nicoletti agreed and expressed his misgivings over the fact that of thousands of tons of garbage or possible paper mill sludge wastes will be imported to this area for disposal.

The Town of Clover is located in northern Bayfield on the South Shore of Lake Superior. It includes the small village of Herbster.

Town of Clover Resolution

The Town Board of the Town of Clover hereby adopts the following resolution regarding the proposal to build a incinerator in Ashland

A. Be it resolved the Town of Clover Board wants the Ashland City Council to conduct a thorough study of the proposal from Neutralysis:

Be it further resolved this study must include:

1. a complete Environmental Impact Statement
2. a review of the transportation infrastructure that may be used to import papermill sludge waste and/or garbage waste
3. a review of the current clean water and clean air laws and how they will apply to this development
4. a detailed review of the possible negative effects regarding the area's wild rice beds
5. a review of the impact on the region's tourist economy
6. the effect on land values
7. a plan for the disposal of the waste that will be generated by the incineration process
8. a list of the types of waste that will be incinerated; i.e. paper mill sludge, household, medical wastes, industrial waste etc.
9. the names of potential customers, both foreign and domestic
10. a study of the effect on the fish and wildlife in the region
11. a study of the possible effects on human health

B. Be it further resolved the Town of Clover Board encourages and will support any unit of government that challenges the actions of the Ashland City Council in court.

This resolution shall be in effect upon the completion of all of the following:

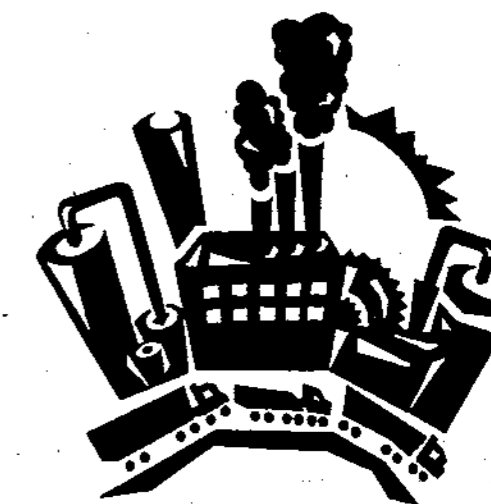
Passage by two-thirds of the Town Board

ADOPTED by the Town Board of the Town of Clover the 7th day of December 1992.

APPROVED

/s/ Frank K. Koehn, Chair
/s/ Angelo Nicolette, Supervisor
/s/ Mark Pope, Supervisor

(Submitted by Frank Koehn, Town of Clover Chair)



A high price for burning

Incineration plants are expensive; a proposed incinerator in Ashland, Wisconsin, located along the southern shore of Lake Superior, could cost local citizens \$65 million [see Tale of Two Cities, page 28]. The companies that run the plants or have a financial stake in them need to make a profit, and therefore seek a steady stream of waste to produce a steady stream of revenue.

Typically, plant owners secure long term contracts with municipalities to guarantee that the incinerator will receive enough garbage to make the plant profitable. Communities often raise a bond issue and pay for the cost of the incinerator over a number of years.

Local residents choose incineration in the hopes they can offset the rising costs of hauling wastes to scarce landfills, and offset the increased cost of landfill disposal itself. □

1992 Off-reservation treaty deer and bear harvest in Wisconsin

Preliminary final results

The preliminary final results of the 1992 Wisconsin off-reservation treaty harvest of deer totaled 2,666, a 45% drop from the 1991 treaty harvest total. Jonathan Gilbert, GLIFWC wildlife biologist, states 1992 is the first season in nine years showing a decline in the treaty deer harvest.

Gilbert feels the decline may indicate that there were fewer deer available than anticipated and that increased employment on the reservations (i.e. casinos) may be related to fewer hunters and less man hours spent hunting.

The Lac Vieux Desert Band also hunted off-reservation in Michigan and harvested 25 antlerless deer and 8 bucks for a total of 34.

Tribes	Antlerless	Bucks	Total Deer	Total Bear
Bad River	177	71	248	13
Lac Courte Oreilles	473	196	669	9
Lac du Flambeau	621	180	801	3
Mole Lake	201	73	274	5
Red Cliff	176	93	269	16
St. Croix	260	70	330	3
Mille Lacs	34	36	70	0
Lac Vieux Desert	0	5	5	0
TOTALS	1,942	724	2,666	49

Bad River rescues Buzzy

By Sue Erickson
Staff Writer

When Robert Blanchard, Bad River tribal council member, first spotted Buzzy on the side of the road, the bear cub could hardly stand up. Blanchard and Ralph Delgado, road crew for the Town of Sanborn, decided to check out the plight of the creature who was obviously in trouble.

Buzzy, a yearling male bear, was trying to sit on the edge of the road but just fell

over, almost frozen up, according to Bad River conservation officer Matt O'Claire.

Blanchard and Delgado wrapped Buzzy up in a jacket and transported him to the Bad River Department of Natural Resources, where he was picked up by O'Claire.

Weighing a mere 22 pounds and suffering from hair loss and exposure, O'Claire took the bear to the Ashland Area Veterinary Clinic. By the time they arrived at the clinic, Buzzy was warming up and becoming more difficult to handle, O'Claire states.

They managed to lead him into the clinic by using a snare on a pole around his neck. Once inside, they were able to sedate him so he could be treated.

Buzzy's hair loss, caused by mites, had been the source of the problem and was treated by veterinarian Gretchen Wilson. Buzzy stayed five days at the animal hospital.

According to Wilson the not-so-fuzzy Buzzy was in starving condition and suffered from considerable hair loss. While at the veterinary hospital he was bathed and

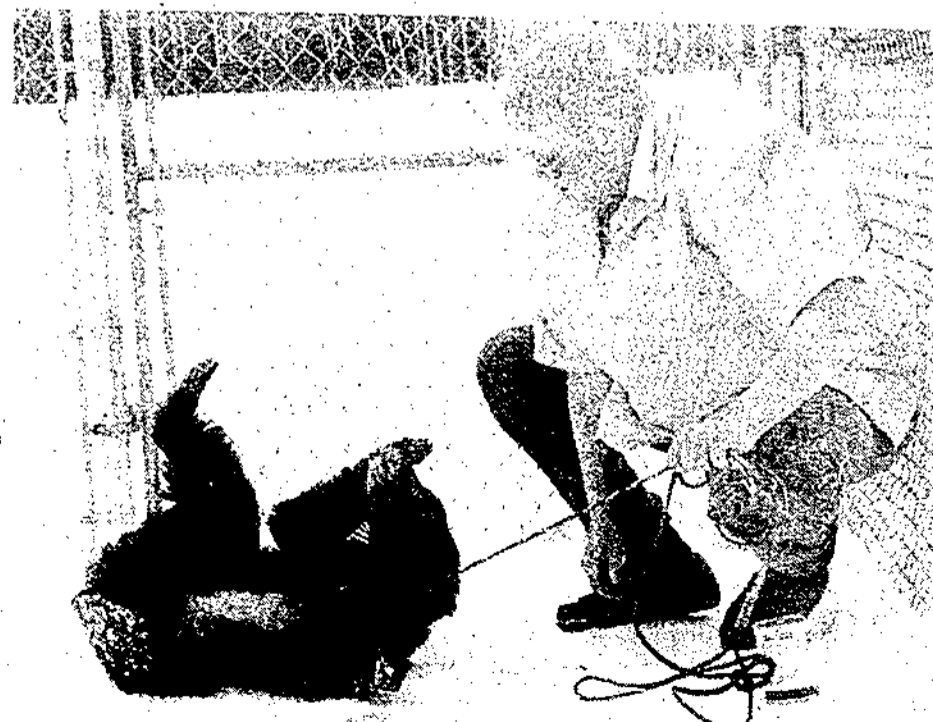
fed. Reluctant to eat in the first several days, he eventually took food and gained seven pounds in less than a week.

The hair loss had required Buzzy to use up his fat reserve quickly during hibernation, resulting in his starving condition. O'Claire feels that hunger and starvation probably drove Buzzy out of his winter hibernation.

Meanwhile, the Bad River DNR staff contacted Sue Nelson, a licensed rehab specialist for WDNR in Minong, Wisconsin. (See Bear cub, page 12)



"Buzzy," rescued by Town of Sanborn road crew and the Bad River Department of Natural Resources staff, takes some nourishment at the Ashland Area Veterinary Clinic. Buzzy suffered from severe hair loss due to infestation of mites, exposure and near starvation. (Photo by Matt O'Claire)



Veterinarian Gretchen Wilson, Ashland Area Animal Clinic, gets acquainted with a feisty Buzzy. (Photo by Matt O'Claire)

Monitoring of Wisconsin's wolves intensifies

Following a summer of intensified observations of Wisconsin's timber wolf population, DNR nongame wildlife biologist Adrian Wydeven issued a preliminary report on the summer's findings. Although numbers are not set in stone, it appears that Wisconsin now hosts 45 to 52 wolves—up 12.5% from the summer of 1991. Twelve or thirteen packs are scattered across the northern tier of counties, with 2-7 individuals in each pack. In addition, 6 lone wolves have been observed.

Biologists monitored 15 radio-collared wolves in 10 packs (9 in Wisconsin, 1 in Minnesota) throughout the summer as part of the Wisconsin Wolf Project. The two components of this project include a cooperative study with the Department of Transportation in northwestern Wisconsin and Pine County, Minnesota which looks at the impact of highway development (particularly Highway 53) on wolf populations and a general wolf population monitoring survey of the remainder of the state.

In addition to research activities, biologists involved with wolf management conduct educational activities, provide legal protection for wolves, cooperatively manage habitat with landowners, test wolves for diseases and give vaccinations in some cases, implement livestock damage control activities, and coordinate federal, state, and county agencies involved in wolf management.

Volunteers help with the program by assisting in wolf trapping, howling surveys, and track surveys. They also give educational talks in conjunction with the Timber Wolf Alliance.

If you are interested in volunteering or obtaining further information regarding Wisconsin's timber wolf monitoring program, please contact Adrian Wydeven, DNR, 875 S. 4th Ave., P.O. Box 220, Park Falls, WI 54552 (715/762-3204).

(Reprinted from *Prospective*, a newsletter of the Natural Resources Foundation of Wisconsin.)



Protecting endangered species looks like a losing battle

The battle to save species from extinction is not going well.

Endangered species in the United States are suffering from habitat loss, pollution, an influx of exotic species, and disease.

The status of our threatened and endangered species is "mixed to bad," said Dr. Craig Johnson, chief of the endangered species division of the United States Fish and Wildlife Service (USFWS), North Central Region.

High-profile species—the spotted owl, bald eagle, and timberwolf—get lots

of media attention, but they are only a small fraction of the species in trouble, he said. The real problem is much larger, and more ominous.

"In the 1970s," he explained, "we listed species as endangered—like bears, wolves, wild cats, and game birds—because they were overharvested by humans." Today hunting and other controls have stopped that kind of pressure. But smaller, lesser-known species are going extinct at an expanding rate, "and most of the time we don't have a clue as to why," said Johnson.



What's especially alarming is that today's endangered species are the soil microbes and small insects and animals that form the base of the food chain. "They're becoming extinct almost before we find them," he said.

"Sixty species, from beetles to eagles, are currently listed as threatened or endangered species," said Johnson. Threatened species are monitored by federal agencies to see if human activity is harming them. Then, once a species is listed as endangered, it is illegal to interfere with the animal.

For example, the Forest Service in the Pacific Northwest cannot allow timber cutting on public lands that are home to the endangered spotted owl.

Scientists face three major problems in their efforts to save endangered species, Johnson said. They are: ignorance, an impossible work load, and an apathetic public.

We still don't know much about the complex processes that keep species from going extinct, he said. For example, we don't know enough about animal genetics. We know that a species must have a certain size population or inbreeding occurs and the species weakens. But how many animals are enough?

"Look at the piping plover as an example: We're losing 30 percent of nesting pairs per year, and we don't know why."

Habitat protection is probably the answer, he said, but there are many other factors we are just beginning to study.

"We know painfully little about these species and their needs for habitat," Johnson said. Yet as scientist and resource managers, we are expected to make comprehensive decisions with very little data. It is an impossible task, especially considering the huge workload.

Every time federal dollars are spent on construction in the North Central region, Johnson's staff is asked to rule on whether the project will interfere with an endangered species. His office consulted on 2,300 projects last year alone.

"How do we know if a highway will jeopardize an endangered species 50 miles away by taking out an important part of its range, or the range of an important food source?" he asked. We don't have the time, the information, or the resources to study each site thoroughly enough to make credible decisions.

By far, the biggest problem is public apathy, Johnson said. "I've heard that the average person in this country spends only 20 minutes a week outdoors. How can we develop a consensus that keeping these species alive is important if people are that detached from the natural environment?"

Education will help but it isn't enough, he said. "Sure, we can develop a pretty brochure. People will read it, put it on their coffee table, then go outside and spray Chemlawn on their front-yard." What we need is a "land ethic," he said; a new way of approaching the world around us that is every bit as powerful as the work ethic.

(Reprinted from *Seiche*, a newsletter published by Minnesota Sea Grant)



This trapped fisher will be radio-collared, weighed, measured and then released by GLIFWC wildlife technicians working on a joint research project regarding martens and fisher in the ceded territory. (Photo by John Heim)

Tribes look at treaty commercial fishing issues

By M.J. Kewley
ANA writer-photographer

Biologists and commercial fishermen shared information recently on a new lake trout study underway by the Red Cliff Chippewa and the Great Lakes Indian Fish and Wildlife Commission.

A report on the project was one topic of discussion at the third annual Commercial Fishermen's Conference, held Nov. 19 and 20 at the Grand Portage Lodge and Casino, in Grand Portage, Minn.

About 40 people, including commercial fishermen from Grand Portage, Red Cliff and Bad River, attended the conference.

The cooperative project, to be complete by September 1993, will measure the short-term survival of lake trout captured and released from commercial gillnets. Attempts will be made to sample a minimum of ten gillnet lifts in each of the three fishing seasons (spring, summer and fall). Lake trout will be captured in gillnets by Red Cliff tribal commercial fishermen.

"We will study each season separately to see if water temperature makes a difference," Red Cliff fisheries specialist Shelley Cadotte said. "It's a waste to keep large spawners and undersize fish if they can survive."

The existing quota fishing system in Wisconsin requires commercial fishermen to tag and keep each lake trout caught. Because fishermen are restricted by the number of lake trout they can sell, they primarily target the lake whitefish, which have no quota.

In recent years, state and tribal monitoring crews found that some lake trout incidental catches were being thrown back, allowing fishermen to retain enough lake trout tags to continue fishing for whitefish. So the state of Wisconsin developed a Catch-Per-Unit-Effort (CPUE) system to gauge the number of lake trout caught per 1,000 feet of net fished. Under this system, the more lake trout a fishermen catches in one season, the less effort he can fish in the next.

Present regulations only allow fishermen to release live spawning-size fish or small undersize fish during the spring season. Commercial fishermen also are concerned over the effect of the part-time fishermen, who primarily target lake trout. When large amounts of lake trout are taken in one season, it lowers the amount of fishing that can occur among the remaining fishermen.

"It's a tough proposal for any commercial fishermen to go out on the lake and make a living," Red Cliff Tribal Chairman Dick Gurnoe said. "If you run into a slug of trout you can't avoid, it ruins the CPUE system."

Though much research has focused on the mortality of catch-and-released fish in hook-and-line angling, few studies have scrutinized fish mortality from gill nets.

The fishermen will play an important role in the study, by determining which fish they consider alive and releasable. Those fish will be tagged and transported to the Red Cliff Marina, where they will be placed into rearing tanks and monitored for 48 hours.

Previous studies have shown that 90 to 95 percent of hooking mortality occurs within 48 hours of capture.

After 48 hours, the tagged fish will be released into the lake. Survival rates for each fishing season will be calculated and analyzed.

The project will be funded by the Great Lakes Indian Fish and Wildlife Commission.

Tribal resource specialists also reported on other 1992 initiatives at the conference:

- Bad River fisheries specialist Joe Dan Rose reported on the 1992 stocking accomplishments from the tribe's cool water hatchery. Rose said 14 million walleye fry and 30,000 fingerlings were stocked in the Bad and Kakagon rivers.

- Red Cliff fisheries specialist Shelley Cadotte said construction on the tribe's new fish hatchery and rearing ponds will begin in the spring of 1993.

- Grand Portage natural resources director Rick Novitsky said the tribe is continuing an assessment of the walleye population on the Pigeon River.

Bill Moulder, Creative Marketing Communications in Duluth, gave an initial report on marketing opportunities for Great Lakes fish. He said a decreased demand for beef has opened the market for fresh water fish. "There are more sales to be had," Moulder said. "There seems to be some opportunity for creativity."

Spiritual leader Billy Blackwell closed the conference with a prayer. He asked the participants to remember that the lake brought them together. "The creator gave us fish to feed all the people. Some fish are no longer fit to eat. But don't get too far away from why the Creator gave us these things. Give thanks for the fish. Don't forget the things we were given."

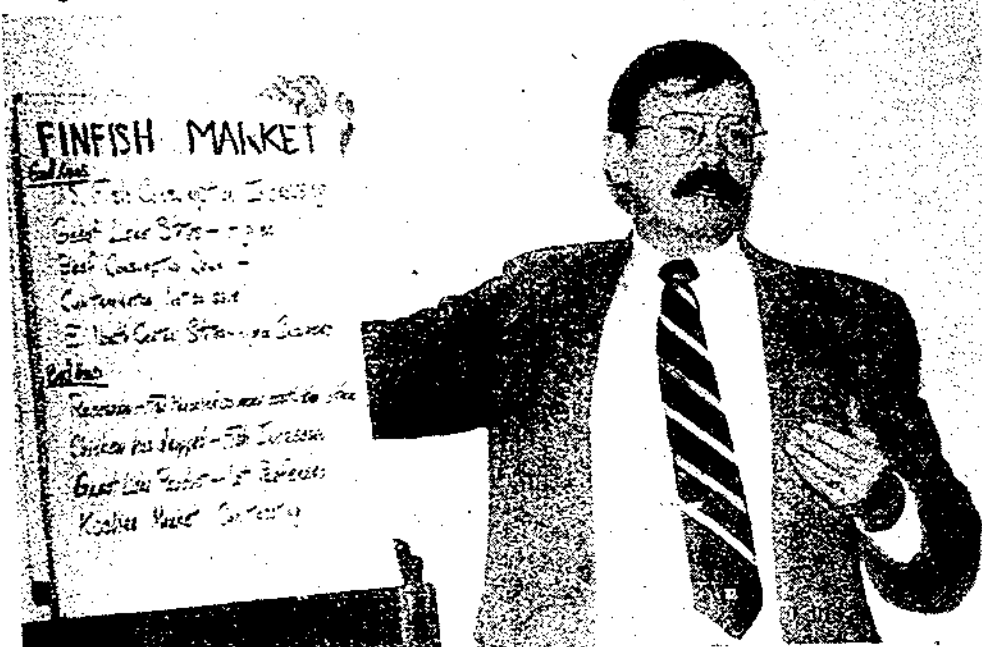


U.S. Coast Guard marine inspector Bill Novobilsky shows fishermen the survival suits now required on commercial fishing vessels.

Photos by M.J. Kewley
ANA writer-photographer



Red Cliff elder and life-long commercial fishermen Wilfred Peterson celebrated his birthday at the conference.



Marketing specialist Bill Moulder, Creative Marketing Communications, Duluth, Minn., is studying the economic opportunities now available to expand sales of Great Lakes fish.

River ruffe subject of joint GLIFWC & USFWS studies



U.S. Fish and Wildlife Service biologist Tom Busiahn (top photo) takes water samples from the ballast tank of the ore carrier Arthur M. Anderson, while GLIFWC biologist Glen Miller visually inspects the tank (right). The shipping company invited biologists to the November inspection to study the ballast water tanks and flows. The exotic ruffe are believed to be transported in the ballast water. Busiahn hopes to develop sampling methods to determine the risk of transporting ruffe. The findings will assist the industry in developing methods to avoid the spread of ruffe from Lake Superior to the other Great Lakes. (Photos by M.J. Kewley)

Nature Conservancy heeds warning

Editor's note: Interested readers are encouraged to read the Nature Conservancy's full study on the role of the mussel as an index to problems in freshwater ecosystems. Due to length, only introductory remarks, written by John Sawhill, Nature Conservancy president are printed below. The article by William Stolzenburg appears in the November/December 1992 issue of Nature Conservancy.

North America's freshwater streams, creeks and rivers are in trouble, and the alarm is being sounded by a most unassuming and uncharismatic herald—mussels.

As Associate Editor William Stolzenburg explains in the Nov./Dec. 1992 issue of Nature Conservancy, mussels are filter-feeders with a very low tolerance for water-borne pollutants or sediment. Consequently, scientists view any dramatic decline in mussel populations or species as an early warning sign of degraded water quality.

That's why the results of the Nature Conservancy's study of freshwater mussels in North America are so sobering.

Headed by Larry Master, the Conservancy's chief zoologist, the study estimated that one in 10 species of freshwater mussels has gone extinct in this century. Almost three-quarters of the remaining species are either rare or imperiled.

Take the case of the Clinch River Valley in Virginia. Sixty species of mussels once flourished in the Clinch; that number has been reduced to roughly 50. Of these, 29 are considered globally rare and are federally listed endangered species.

I'm glad to report that the Conservancy is working in the Clinch and other critical freshwater ecosystems across the country to help reverse this rising tide of extinction. In particular, we are developing system-wide approaches to such complex problems as habitat alteration, introduced species, water pollution and runoff. Dams, which alter the natural hydrology of rivers and streams, pose especially difficult conservation challenges.

Fortunately, the Conservancy's "Last Great Places" campaign, with its focus on ecosystem-level protection is ideally suited

to meet these challenges. In partnership with key institutions and individuals, the Conservancy is building coalitions to protect our precious rivers and creeks (among other habitats) and learn more about how these systems function.

I am confident that these efforts will teach us valuable lessons about freshwater resources. But even as we pursue this knowledge, we can draw a more immediate and perhaps more important lesson.

Quite simply, the plight of freshwater mussels serves as a powerful reminder of the fragility and interconnectedness of nature.

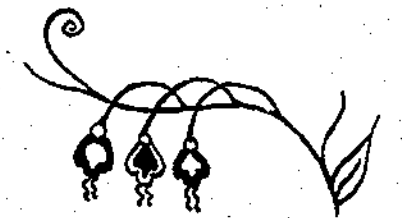
Earlier this year, I touched on this theme in a column about how the plummeting population of the Pacific sea otter at the turn of the century upset the entire coastal ecosystem.

I thought immediately of the otter when I read about Larry Master's research on freshwater mussels. To be sure, we don't yet know whether freshwater mussels, like the otter, will turn out to be "keystone" species.

But we do know for certain that something's amiss. The unprecedented decline of mussels is nothing less than a red flag, a distress signal from our rivers, streams and creeks. We cannot ignore this warning and the degradation of water quality that it implies. We cannot dismiss it simply because the messenger is a mussel and not a mammal.

Regrettably, it's too late to save the many mussel species that have already been driven to extinction. But if we act quickly and decisively, there's still time to protect the hundreds of other, less sensitive aquatic animals that inhabit the freshwater ecosystems of North America.

Mussels triggered the alarm. Now it's up to all of us to answer the call.



Louisiana netters fight back

Those of us who are part of the commercial fishing industry in the Great Lakes area should look south to Louisiana for role models in our struggle to retain fishing rights. When the government and sports fishermen tried to permanently ban the netting of certain fish, an alliance was formed that the politicians had to listen to!

—Robert Firtchey, National Fishermen

By Robert Firtchey
National Fisherman, 1992

(At the end of a three-year moratorium on redfish netting, fishermen joined forces with consumers and restaurateurs to fight a permanent ban on both redfish and spotted sea trout.)

In the mid-1980s, the blackened redfish fad coincided with a depression in the oil fields to create unprecedented commercial pressure on this estuarine-dependent species. Commercial landings escalated until 1986 when, for the first time, the number of redfish harvested by commercial fishermen exceeded those taken by recreational.

To boost recruitment of juvenile fish to the offshore brood stock, the 1988 Louisiana legislature imposed severe limitations on both sectors. The recreational daily bag limit was cut from 50 to five redfish, and the commercial harvest was suspended for three years. Under the "sunset gamefish" provision passed at that time, the fishery was to reopen under a new quota in September 1991.

No fisherman was surprised, however, when the Gulf Coast Conservation Association (GCCA) announced that it would try to prevent the reopening of the commercial fishery by convincing the 1991 legislature to declare the species a gamefish permanently. Nor was anyone surprised when the group went after speckled sea trout as well. (Netters currently fish trout under an annual quota of 1.25 million lbs.)

Redfish and trout are the two most popular species for near shore anglers. During the three year commercial moratorium, GCCA and other recreational industry trade groups laid the foundation for developing a tourist fishery upon the two species.

The inshore netters' industry is based primarily on seven species: redfish, speckled sea trout, flounder, black drum, sheepshead, pompano and mullet. But the high value redfish and trout are the inshore fisherman's mainstay. During the years 1982-1985, before redfish harvests escalated in both volume and value, the two species averaged 64% of the total value of the inshore fishery. Redfish alone averaged 41%.

After three years of anticipating the reopening of the fishery, the outcome of the 1991 gamefish fight was anticlimactic; fishermen hung onto their trout, but they'd have to do without redfish for at least another year. This set the stage for a dramatic confrontation between the two sides.

Gathering allies

Spearheaded by the Houston-based GCCA, the recreational industry's coalition also included the Louisiana Marine Trades Association, Louisiana Sportsman magazine, some 15 sportsmen's groups and a handful of the state's many outdoor columnists. According to the GCCA, significant financial support came from a number of sponsors that included Texaco, Freeport McMoran (an energy and mineral extraction company), and at least two members of the Louisiana Wildlife and Fisheries Commission.

Significantly, the state's most respected—and influential—sportsmen's group, the Louisiana Wildlife Federation, did not align itself with GCCA's initiative. An affiliate of the National Wildlife Federation, the 9,000-member Louisiana Federation of about 45 sportsmen's groups honored its promise made to fishermen in 1988 to allow the commercial fishery to reopen if biological data warranted it.

Had commercial fishermen been on their own, as they were during the bitter redfish fights of 1988, they wouldn't have stood a chance against the powerful and aggressive angling coalition. But with some new allies—the Louisiana Seafood Promotion and Marketing Board, the Louisiana Restaurant Association (LRA) and some members of the media, they managed to make considerable headway.

Media kits

Louisiana fishermen had never before attempted a public relations campaign. But as they confronted the annihilation of their industry by the permanent loss of their keystone fisheries, some of the leaders decided they had nothing to lose by telling their side of the story.

To counter the recreational industry's persuasive propaganda campaign, the Organization of Louisiana Fishermen (OLF) prepared a 21-page information packet, which it mailed to over 150 Louisiana newspapers and magazines and about 25 television stations. The cover letter and the four short articles which included tables for comparing recreational and commercial harvest, showed that "gamefish" was a matter not of "conservation" but of allocation.

As the media kits went out, the marketing board hired a clipping service to collect articles containing key words such as "gamefish" and "redfish." Relatively inexpensive, the service proved invaluable in monitoring the statewide coverage of the gamefish fight.

As the battle escalated and the clips began to come in, the positions of the media crystallized. A few publications, primarily in New Orleans and New Iberia, continued to promote GCCA's goal. The Sunday Iberian's outdoor columnist, for instance, announced in a headline, "It's time for legislators to make specks, reds gamefish."

But at the same time, other publications began to at least cover the gamefish issue in a balanced fashion. Several writers went further, clearly supporting the commercial fishermen and the principle that the fish should continue to be shared among all user groups.

Consumer survey

The seafood marketing board contracted with noted pollster Dr. Ed Renwick for a study to determine consumer's attitudes towards seafood. He conducted the poll over the telephone by asking 750 voters 24 questions. Three weeks before GCCA was to introduce its bill in the Legislature, at an LRA-sponsored press conference, Renwick and the board released the results of "Opinions and Attitudes of Louisiana Voters Regarding Seafood."

The survey yielded much important information, but the most useful for the anti-gamefish designation campaign came from voter's responses to the following question:

"Some people want to allow only sport fishermen to catch redfish and speckled trout. This would mean that these fish could not be purchased by consumers in restaurants or retail stores. Other people would allow commercial fishermen to catch a certain quota of these fish, which would then be available to all consumers. Which one do you favor allowing only sport fishermen to catch and eat redfish and speckled trout, or allowing both sport and commercial fishermen to catch them so all consumers could purchase them?"

Eighty-one percent were against any legislation that would limit access to reds and trout strictly to recreational fishermen. Of the 750 households surveyed, 42% had at least one sport fisherman in the family. Even in these households, 81% were in favor of commercial fishing to allow access to consumers.

More than a million Louisiana residents learned of the conflict only when nearly 50 newspapers around the state reported the results of the survey under eye-catching headlines such as "Consumers want specks, reds available," or "Voters want chance to buy reds, specks."

Door to door

Although support for their commercial fisheries campaign was growing in many parts of Louisiana, in New Orleans, the most populous area of the state, newspapers skirted the issue or supported gamefish designation. Fishermen realized that the only way to reach the consumers there was to go door-to-door. They chose Jefferson, a suburb of New Orleans, and the turf of gamefish bill sponsor Rep. Robert Garrity. Ten thousand flyers were distributed which clearly stated that if their representative's bill passed, they would never be able to buy locally caught fresh redfish or speckled trout again.

Garrity fired back with his own flyer, assuring voters that the bill would be good for them. The result was that he was defeated in the next primary election, by a "housewife."

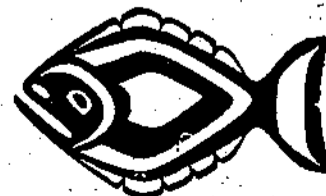
Public service ads

As part of their gamefish campaign, the GCCA persuaded both the outdoor billboard companies and a local television station to donate space and time for free advertising promoting their gamefish message. Jim Funk, president of the LRA, which has 2,500 members representing 4,000 restaurants, suddenly thought "Who's paying for all this advertising," and called the outdoor advertising companies and the television station for the answer.

When told that all was being donated, he pointed out that this was a very political issue, and that promoting the monopolization of the state's natural resources hardly qualified as public service. The billboards came down, and the TV spots stopped.

Editor's Note: It's obvious from the fishermen's experience in Louisiana, joining forces with other groups with similar interests makes you stronger. The best solution would be sport and commercial fishermen working together to sustain both industries.

(Reprinted with permission from The Fisherman, an official publication of the Industrial Division of the Great Lakes Fisheries Development Foundation)



New LCO tribal judge foresees growing role for the tribal court

By Terrell Boettcher
Sawyer County Record

"I'm going to be aggressive in protecting our treaty rights and protecting the law-abiding here," said John A. Beaudin.

"I'm going to do whatever is necessary to protect this community and make sure our rights are secured, that people are safe, and that we have good systems here that we rely on," he said.

"If we need to bring in traditional law and custom, I have no problem with calling on that," he added.

With his gentle voice and pleasant demeanor, the new chief judge for the Lac Courte Oreilles Tribal Court is reminiscent of his predecessor, Edward T. Barber, who served as judge for most of the 16 years since the LCO court was first formed.

Barber and others encouraged Beaudin to apply for the position.

A lawyer practicing in Madison since 1981, Beaudin has been living recently at LCO to recuperate while undergoing "heavy-duty treatments trying to get a handle on" skin cancer (melanoma), which he incurred two years ago.

Now he is working two or three mornings a week. He is usually at his office Thursdays and Fridays, and said "that probably will be expanded in the near future."

Beaudin, whose spirit name is Biidanakwad (Spring Cloud), was born in 1946 and spent his first 12 years in the Laurentian Mountains of Quebec, in the subarctic near Hudson Bay.

He and his 12 brothers and sisters lived in the woods 10 or 12 miles from the nearest village. "Life was pretty much hunting and trapping," with some fishing, he said. His mother, Irene Gokey, was from the Island Lake area, and had lived at Ladysmith, LCO, and Lac du Flambeau.

In 1975, Beaudin was married to a Winnebago tribal member from Tomah, the daughter of Ruby Little Sam and David Lincoln.

Janice Beaudin is a librarian at UW-Madison. In November, she won the annual award given by the Wisconsin Minority Awareness Coalition for her involvement in the community.

The Beaudins have a daughter, Kiana, who is a seventh-grader at LCO Ojibwe School. John also is one of the owners of News From Indian Country, the independent national newspaper published at LCO.

In 1977, Beaudin entered the law school at UW-Madison, an in 1981 he graduated with his doctor of jurisprudence degree.

As a lawyer, Beaudin specialized in personal injury and wrongful death cases and Indian law. He obtained the largest settlement in the history of tribal courts in the U.S. for personal injury, involving an



Judge John Beaudin at the Sovereignty Conference, Stevens Point. (Photo by Amoose)

accident on a reservation. Beaudin said he cannot give more details, because the case is still active.

Beaudin also was one of the counsels for the recent litigation in which the LCO Band sued the Wisconsin Department of Natural Resources, alleging that the DNR had not done an adequate environmental impact statement for endangered species with the proposed development of the Flambeau Mining Company's copper and gold mine on the Flambeau River south of Ladysmith.

The mine eventually was allowed to proceed, but "the good thing that came out of there was that the DNR beefed up all their requirements for their studies on the ecology of protected species," Beaudin said.

"You can't judge a case by whether you win or lose, but by the outcome—what you negotiate," Beaudin added.

He had "every intention for a long time of returning up here," he said.

Now he is in transition, taking over from Judge Barber. He is putting together all the tribal codes and ordinances, and getting ready to "go into these cases, a lot of them dealing with problems tribes may have in advancing health, education, welfare, housing, treaty rights, family problems, civil and criminal problems."

He said the tribal court is not now dealing with criminal cases, "but in the future, I'm sure we will be."

"We're developing a relationship with the state (Sawyer County Circuit court, because we have some problems we need to iron out in terms of full faith and credit, of issuing (separate court orders) that may conflict.

dollars. It will be a step-by-step process, a long-term thing.

"Tribal courts across the United States have been growing dramatically," he said. "There is a federal bill to put in \$53 million for tribal courts over and above what's going on now.

"What we will be looking at is the protection and development of sovereignty, and issues of retrocession.

"In the 1950s," he explained, "there were vast social experiments going on that took away a lot of the civil and criminal jurisdiction of tribes. The tribes were extremely destitute, and these (experiments) were passed generally without the input of any of the Indian nations across America.

"Now through a variety of funding agencies—federal and tribal government and tribal enterprises—we're able to start taking care of some of our own problems, managing them through a variety of means, one of which is the court system."

It will "try to help families and individuals through those times in some fashion that will raise the quality of life, education, and be involved in those areas the court has jurisdiction over. People need a representative society. We need to make our tribal services more developed and visible and working for our people," Beaudin said. "I think that's the function of the court."

There is "a need for an associate judge besides myself, and at least one other court staff person," Beaudin added. He said the tribal governing board is looking at that, at working on the present court chambers, and at having a separate courthouse, as well as a greater separation of powers than there is now.

At LCO, appeals go to the tribal governing board. Some of the other tribal courts have a separate appellate court—akin to the Wisconsin Supreme Court—Beaudin said. From there, an appellant would petition a federal court.

(Reprinted with permission from Terrell Boettcher, Sawyer County Record)



"We need a greater amount of communication," he said. "We met with Judge (Norman) Yackel and some (Sawyer County) department heads, and are actively looking at some of these problems.

"It looks like things are going to work out," Beaudin said. "We've got a pretty good relationship developed, and I think that's going to benefit everybody."

Recently, Wisconsin Supreme Court Justice William Bablitch was quoted as saying that state courts have been "exceedingly reluctant to cede power" to tribal courts.

But recent Wisconsin law aims for growing understanding and trust of tribes, Bablitch said. He cited a 1991 law that requires Wisconsin courts to give "full faith and credit" to judgments of tribal courts and acts of tribal governments.

The change marks "an important step forward in strengthening the state and tribal court relationship," Bablitch said.

Bablitch said there are still many unclear jurisdictional issues that need to be settled. He said that solutions are more likely to occur with joint efforts outside the court system, not in an adversarial setting.

Beaudin said that "As the (tribal) legal system becomes stronger and as tribal programs and services become stronger and more visible, our relationships with the state are going to be substantially better. We'll have the opportunity to do more between ourselves and state and federal governments (through) negotiating agreements rather than litigation."

He said that the LCO Tribe will "need to make some decisions on retrocession—what they ought to undertake in civil and criminal areas—because it will cost some

Panel recommends reciprocity for Indian and state court systems

By Chris Parks
Detroit Legal News

Detroit, Mich.—State courts would honor the judgments of Michigan tribal courts which return the favor under a plan a panel of jurists proposed to foster cooperation and understanding between two distinct systems of justice.

The Indian Tribal Court-State Trial Court Forum also recommended creating an Indian Law Section of the State Bar of Michigan, extending the services of the State Court Administrative Office (SCAO) to tribal courts and creating a permanent advisory committee to oversee cooperation between state and tribal courts.

"The effective administration of justice in Michigan requires the cooperation of the state and tribal systems," the forum's report concludes.

"This forum laid the groundwork for a productive relationship between the state and tribal systems based on mutual respect. The state and tribal judges who met with each other found that their similarities far outnumber their differences, and that they can accept and learn from their differences."

The forum was one of a series designed by the National Center for State Courts and funded by the State Justice Institute and the first held east of the Mississippi River.

Release of the report came at a time when a Macomb County case has focused increased public attention on relations and potential conflicts between the state and tribal courts—even in an urbanized area. Macomb County Circuit Court Judge Frederick Balkwill surrendered to a tribal court jurisdiction over a custody battle involving a two-year-old girl who recently was accepted as a member of the Chippewa tribe.

The forum, which held four meetings and two public hearings, said the lack of consistent enforcement of tribal judgments in state courts, and vice versa, limits the effectiveness and authority of both systems.

A child support order cannot be enforced against a parent who moves onto a reservation unless the tribal court chooses to honor it, the forum said as one example of the problem. It said the problem also can arise with garnishment orders and subpoenas. Only in the area of child custody decisions are state courts required to honor tribal court judgments.

Under a court rule recommended by the forum, the "judicial acts, proceedings, records, and valid judgments" of tribal courts would receive the same "full faith and credit" in state courts as those of other states, assuming the tribal court reciprocates.

Tribal courts which agreed to honor state court judgments would send a copy of their relevant rule to the SCAO along with a statement certifying they keep a permanent record of their proceedings.

The proposed court rule would have to be adopted by the Michigan Supreme Court. Supreme Court spokesman Tom Farrell said the proposal is not yet formally before the court.

The forum report also recommends state certification of tribal law enforcement officers trained by the federal Bureau of Indian Affairs, opening Continuing Legal Education Programs and the Michigan Judicial Institute to tribal court personnel, and inviting tribal judges to attend conferences and meetings of state judges, and vice versa.

Already being implemented are proposals to list tribal courts in the directory issue of the State Bar Journal and make the State Law Library in Lansing a central repository for tribal codes and ordinances.

Thirty-sixth District Court Judge Thomas Van Tiem Sr. was one of seven judges who served on the Michigan forum.

"Probably the most significant result was getting the state courts and tribal courts in continuing dialogue," Van Tiem said. "I think we accomplished that."

Improving communication is a key goal, Van Tiem said. Planned tribal court listings in the directory will "apprise many of the attorneys that do not realize they [tribal courts] even exist."

Honoring the judgments of tribal and state courts is "going to save many of the courts in the upper part of the state a lot of duplication both tribal courts and state courts," Van Tiem said.

The permanent committee proposed by the forum would address procedural and substantive questions which are expected to arise as full faith and credit is implemented, the report said.

The forum was chaired by Circuit Court Judge Garfield Hood of Houghton and the vice chairman was Tribal Judge Michael D. Petoskey of Traverse City.

Seven Indian tribes in Michigan, two of them in the Lower Peninsula, operate tribal courts which have jurisdiction over misdemeanors involving Indians and concurrent jurisdiction with federal courts over major crimes.

(Reprinted from Detroit Legal News)

Bear cub rescued

(Continued from page 6)

sin. Nelson, who raised three bear cubs last year after their mother was killed. Nelson agreed to take Buzzy for a period of recuperation.

O'Claire transported the cub to Minong on Sunday, January 31st, using a specially-constructed box as a cage in the back of his truck. However, Buzzy, feeling frisky, managed to squeeze through the boards of the cage. When O'Claire stopped to check the situation, Buzzy raced out as the tailgate was opened.

Following a half an hour rollick through the woods after Buzzy, O'Claire managed to pull him out of a tree and lead him back to the truck, using his belt as collar. Buzzy is now safely in the care of Nelson in Minong.

Once spring decides to return to the northwoods and fresh green food appears in the forest again, a fat, fuzzy Buzzy will be returned home to the Bad River reservation to enjoy his wild life and wander in the woods as bears are wont to do.

Special thanks goes to the Town of Sanborn road crew for the rescue, the Bad River Department of Natural Resources staff, and the Bad River Tribal Council who paid Buzzy's vet bill. □

Mille Lacs launches Marshall Plan

(Continued from page 3)

This is particularly true in education, according to Anderson, who sees a challenge in improving the lives of the Band members through increased educational opportunities for both children and adults.

New facilities and increased staff are but part of the plan. The schools will have a strong Ojibwe language and culture program "the center of our K through 12 curriculum."

While the future looks bright for the Band, Anderson repeated that many challenges still face the Band and that hard work with vision and foresight will forge the "Mille Lacs Band Plan to Assure Permanent Tribal Existence." □

"Let me out of here!" When first found, Buzzy could hardly sit upright due to weakness and near frozen condition. Once warmed and fed, Buzzy got busy in his new surroundings. (Photo by Matt O'Claire)

Following through on Duro

The great diversity in tribal justice systems reflects the culture and customs of individual Indian tribes. Many tribes have established tribal court systems under the Indian Reorganization Act (IRA) of 1934, while other tribes have maintained traditional tribal justice systems.

Currently there are 133 tribal courts and 22 Courts of Indian Offenses that are funded by the Bureau of Indian Affairs (BIA). This does not include tribes that rely on traditional systems. But tribal courts are underfunded and do not always reflect tribal diversity.

The jurisdiction of tribal courts has been shaped by federal law and Supreme Court decisions. In general, Congress decides which government exercises criminal jurisdiction in Indian Country. Unless Congress says otherwise, tribes can prosecute any Indian who commits a misdemeanor crime on their land.

State governments have no criminal jurisdiction over Indians in Indian Country. Tribes do not have criminal jurisdiction over non-Indians, but may exercise civil jurisdiction over the activities of non-Indians and Indians on reservation lands.

Only an act of Congress can limit or abolish tribal powers.

In 1990, the Supreme Court limited the jurisdiction of tribal courts in its *Duro v. Reina* decision. As a result, a tribe could not assert criminal jurisdiction over an Indian who was not one of its members. This decision was permanently overturned by Congress in 1991.

During the discussions surrounding the Duro legislation, it was concluded that tribal jurisdiction should not be eroded. Concern was raised with respect to the quality of justice in some tribal courts, and the lack of funding for virtually all tribal justice systems.

The funding requested by the BIA for tribal courts is consistently inadequate, failing to keep pace with either the increasing case loads of tribal courts, or with the increasing number of tribes wanting to develop tribal courts.

Funding is insufficient to support the full range of services provided by tribal justice systems. In addition to the personnel and administrative costs, the operation of a tribal justice system includes probation services, child counselors, and the

development of law libraries and legal research capacities. The funds made available to tribes is based on historic funding levels rather than on need. As a result, funding for tribal justice systems has never been increased by a significant amount.

Following the congressional overturn of the *Duro* decision, legislation (H.R. 4004 and S. 1752) was introduced in both houses of Congress to look at the concerns raised. Both bills sought to create a Tribal Judicial Conference to survey and make a set of recommendations on tribal court systems, and sought to address the funding problem.

This session of Congress ended before either H.R. 4004 or S. 1752 could be acted on, but the hearings on the legislation recorded the concerns of some Native Americans. Much of the testimony presented at the hearings was critical of the BIA in the area of funding. Witnesses also questioned whether the BIA should continue to administer tribal courts.

The Friends Committee on National Legislation (FCNL) supports efforts to assist tribes in developing and maintaining tribal court systems. We expect similar



legislation to be introduced in the 103rd Congress. As one witness said, "Legislation should enhance, rather than encumber, tribal justice."

FCNL supports legislation that would recognize each tribe's right to self-determination and reflect the diversity of tribes. Additionally, funding should be equitable, should meet the needs of tribal courts and should not have restrictive conditions placed on it.

(Reprinted from FCNL Washington Newsletter.)

Status of Major Indian Legislation 102nd Congress—Second Session

Number of Bill	Title	Reported in House	Passed House	Reported in Senate	Passed Senate	Date Approved	Law No.
H.R. 349	Amendments to the Fair Labor Standards Act for tribal government employees						Referred to the Labor Standards Subcommittee
H.R. 757	Alaska Native Claims Settlement Act						Referred to Interior and Insular Affairs Committee
H.R. 1322	To authorize services for preventative treatment and aftercare of American Indians and Alaska Natives at risk for Fetal Alcohol Syndrome						Referred to Energy and Commerce Committee Subcommittee on Health Care Also referred to Interior and Insular Affairs Committee
H.R. 2797 S. 2969	Religious Freedom Restoration Act		House Judiciary Subcommittee approved H.R. 2797 6/24/92	S. 2969 introduced July 19 Referred to Judiciary Committee			
S. 383	Tax incentives for establishing Enterprise Zones on reservations						Referred to Senate Finance Committee
S. 515	Legislation to increase tribal share of highway fund						Referred to Senate Select Committee on Indian Affairs
S. 290	Amendments to Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986						Referred to Senate Select Committee on Indian Affairs (Committee hearings held 5/23/91)
S. 1752 H.R. 4004	Indian Tribal Courts Act		H.R. 4004 7/27/92	H.R. 4004 as amended passed the Senate 8/6/92			
S. 667	Tribal Judicial Enhancement Act						Referred to Senate Select Committee on Indian Affairs (Committee hearings held on 6/5/91 Ordered reported out of committee 7/18/91)
S. 1530	Employment Training and Related Services			Approved by House Interior and Insular Affairs Committee 5/20/92		10/30/91	
S. 1287	To amend the Indian Self-Determination and Education Assistance Act			Referred to House Interior and Insular Affairs Committee 11/13/91		11/12/91	
S. 668	The Indian Environmental Consolidated Grant Program Act			Ordered reported out of House Interior and Insular Affairs Committee 11/13/91		8/2/91	

(Reprinted from American Indian Report, January 1993)

GLIFWC defines long range goals

By Sue Erickson
Staff Writer

The development of a strategic plan to guide the course of GLIFWC's growth for the next 5-10 years was a major undertaking of the administration and staff during 1992.

The planning process was initiated by GLIFWC Executive Director James Schlender on November 6-7, 1991 and adopted by the GLIFWC Board of Commissioners in September 29, 1992.

The goals established with the strategic direction plan will be critical as GLIFWC determines priorities for upcoming fiscal years, as well as for planning grant objectives and Congressional appropriation requests.

A total of eight goals were established in the plan, five relating to the direction of programming and three supportive goals relating to organizational structure and funding.

The goals are broad in scope and represent general objectives which will be subject to refinement.

The primary goals include:

Natural resource management
"GLIFWC will strive to infuse a traditional Anishinabe perspective into contemporary natural resource management in the ceded territory."

Tribal heritage
"GLIFWC will promote cultural



GLIFWC's Board of Commissioners is composed of tribal chairpersons from each member tribe or their representative. Pictured above are, from the left: Lewis Taylor, St. Croix; Don Wedll, Mille Lacs; Cliff Rabideaux, Fond du Lac; Fred Dakota, Keweenaw Bay; Thomas Maulson, Lac du Flambeau; Betty Martin, Lac Vieux Desert; Gaiashkibos, Lac Courte Oreilles; Gary Donald, Bois Forte; Fred Ackley, Mole Lake; Donald Moore, Bad River and Chairman of the Board. (Photo by Amoose)

awareness while continuing to maximize resource management capabilities."

Legal
"GLIFWC will make optimum use of the legal system for addressing environmental problems as they relate to treaty-protected resources as well as to firmly

establish and protect treaty rights in all of the ceded territory."

Political action
GLIFWC will obtain and increase support for GLIFWC programs and objectives at national, state, and local levels.

Employment/economy
"GLIFWC will strive to expand tribal employment and economic development as it relates to GLIFWC's mission."

Under each major goal several strategies were also identified as ways in which these goals should ultimately be implemented.

According to Schlender, he embarked on the strategic planning process because GLIFWC appeared to have reached a point where its activities were guided less by the demands of litigation in the Voigt case.

When the numerous hearings that were part of the Voigt litigation concluded, GLIFWC had in a sense closed a chapter and was ready to pursue other directions. Consequently, Schlender felt specific guidelines needed to be generated.

Frank Marinelli, The Center for Public Skills Training, Milwaukee, Wisconsin, provided several in-service sessions for staff and tribal leaders to effect the plan's development.

Schlender emphasized the need for maximum tribal input into the process throughout the planning sequence. During the first strategic planning session all member tribal councils as well as pertinent tribal staff were invited to attend and participate.

Last summer, Schlender along with GLIFWC division heads, attended tribal council meetings on most of the member

reservations in order to present the plan for comment and tribal ratification.

"The Commission should only strive to implement the wishes of the member tribes," Schlender states, "and therefore it is imperative that the tribes had direct input into the strategic planning process."

While the plan is broad in scope, Schlender notes that the Commission is in the process of identifying priorities from the plan and implementing them one by one. The plan guides movement towards these long-range goals over a series of years. Some will necessarily be developed before others.

Committees have also been established to oversee the implementation of the plan and periodically evaluate GLIFWC's progress.

"The plan should not be something set in stone for the Commission," Schlender comments, "but rather be allowed to change and respond to the Commission's needs over the years. It should be living and never complete because the planning process always requires new goals, new directions reflecting the vitality and change of the tribes."

The following pages contain updates on GLIFWC activities over the past year. Submissions have been provided to MASINAIGAN by GLIFWC division heads.



Biological Services Division

GLIFWC's Biological Services Division serves member tribes by providing expertise and technical assistance in the management of off-reservation resources. The Division, directed by Neil Kmiecik, is composed of four sections whose primary activities over the 1992 year are summarized below.

The Division's scope of work continues to expand and diversify. In particular biological staff have increased involvement in joint projects and assessments in the areas of fisheries, wildlife, and environmental issues over the past year. The addition of a botanist has served to expand GLIFWC's involvement in the area of native plants as well.

Continued division growth is anticipated in 1993 as GLIFWC places biological staff in both Mich. and Minn. in order to better serve the interest of those member tribes.

Environmental Section

GLIFWC's environmental biologist has been working on contaminant analysis of fish during 1992. This analysis reflects a leading concern of tribes as both commercial fishers and consumers regarding toxic pollutants in fish.

GLIFWC collected filets of 54 walleye from 9 lakes during spring, and filets of 97 walleye from 21 lakes (of which four were also sampled in spring) during fall for analysis of mercury content. The fish were grouped by size into 100 samples (54 individual fish and 46 composite samples).

The Center for Lake Superior Environmental Studies at the University of Wisconsin-Superior has completed laboratory analysis. Mercury levels in walleyes ranged from 0.12 ppm for four 18.6-20.2 inch walleye in Cedar Lake (St. Croix County) and for five 15.1-17.8 inch walleye in Big Butternut Lake (Polk County) to 1.97 ppm for a 20.5 inch walleye from High Falls Flowage (Marinette County).

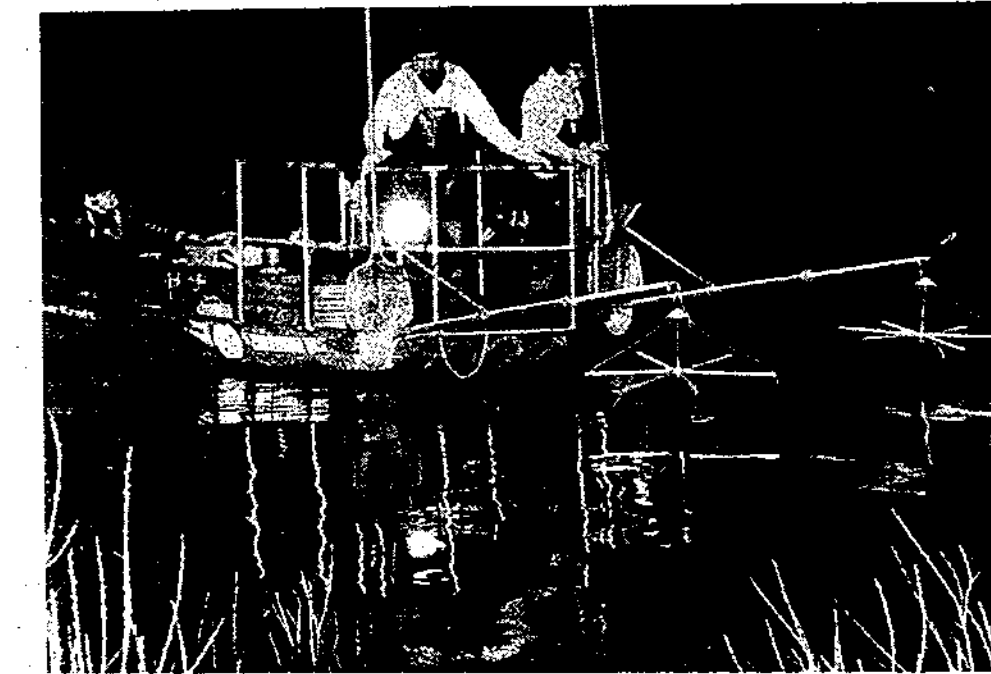
The Wisconsin Division of Health recommends limiting consumption of fish with 0.5 ppm mercury, and no consumption of fish with 1 ppm or more. Eighteen lakes had at least one sample that exceeded 0.5 ppm and five of these had levels in excess of 1.0 ppm. In eight lakes, all tested fish had mercury levels below 0.5 ppm and in one lake (Lake Minnesuing, Douglas County) all fish were above 1.0 ppm.

Also, results of laboratory testing of nine siscowet lake trout (15.4-23.2 inches) collected from Michigan waters of Lake Superior during fall 1991 were received. All values for PCB, chlordane, DDT, and dieldrin were below the advisory levels recommended by the Wisconsin Division of Health. An additional six lake trout, four whitefish, and two herring were collected during fall 1992 from Michigan waters of Lake Superior for mercury, organochlorines, and pesticide analysis.

Great Lakes Fisheries Section

Adult Sea Lamprey Trapping. Since 1986 GLIFWC has been cooperating with the USFWS Sea Lamprey Control (SLC) Program in Marquette, Michigan to gather information on adult sea lamprey ascending various tributary streams of Lake Superior during their May-June spawning run. Together with information collected by SLC and other agencies, this data is a part of an integrated and multi-faceted approach to controlling and reducing the lamprey population.

Beginning in early May, traps were set in eight rivers along the south shore of Lake Superior; the Amnicon, Middle, and Bad rivers in Wisconsin and the Silver, Traverse,



Electrofishing is a nightly experience in the spring and fall of the year for GLIFWC inland fisheries staff members. (Photo by Amoose)

Firesteel, Huron, and Misery rivers in Michigan. A total of 1,361 adults were captured ranging from 11 in the Traverse River to 907 in the Misery. For all agencies combined, a total of 5,456 adult lamprey were taken from U.S. waters of the Lake.

Mark and recapture population estimates were successful in seven of the eight rivers trapped by GLIFWC and ranged from 110 adults in the Silver River to 2,651 in the Bad River. Based upon a regression model, SLC estimated the adult lamprey population in U.S. waters of Lake Superior at 28,500 which was about 1,000 more than the 1991 estimate.

Larval Lamprey Project. The Bad River system is a mature and complicated system of rivers and streams that meander and weave into a mainstem, the Bad. Habitat that spawning adult lamprey and young larvae require is found throughout the system. In 1991, the entire network was treated with a lampricide (TFM) to kill the larvae, especially ones transforming into adults and preparing to move into Lake Superior to begin their parasitic feeding phase.

To evaluate and quantify the effectiveness of this treatment GLIFWC and USFWS cooperated in a study to estimate the number of larvae both prior to (1991) and one year after (1992) treatment. In 1991 the population was estimated at slightly over 1 million larval lamprey of which 9,500 were large enough for transformation to occur. Nine months after treatment, the population was estimated at 25,000 larvae (a 98% reduction) and 1,950 transformers (a 79% reduction).

Ruffe Study. The ruffe is a small Eurasian fish in the perch family that was introduced into the St. Louis river estuary during the 1980's presumably via ballast water from a sea going vessel. In 1992, GLIFWC continued to assist USFWS in an on-going study to determine whether predatory fish are feeding on ruffe.

Personnel from both the Inland and Great Lakes section set fyke nets at pre-selected locations from May to mid-August, pumped and collected stomach samples, and turned samples over to USFWS for identification and analysis.

Results showed that ruffe continued to be consumed at what generally was a low level by a variety of species (e.g. bullhead, burbot, yellow perch, smallmouth bass). However, for the first time in 1992 a few walleye were found to have begun feeding on ruffe.

Fall Lake Trout and Whitefish Assessments. During 1992, GLIFWC and tribal personnel continued to participate in an inter-agency effort to tag and release lake trout and whitefish in Lake Superior waters. Gill nets of various mesh size were set over spawning areas near Grand Portage, Minnesota and around the Keweenaw Peninsula in Michigan. Captured fish were measured, sexed, tagged, and a scale or otolith sample taken for ageing.

In Minnesota waters, 89 of 142 lake trout and 37 of 62 whitefish captured in nets were tagged and released. In Michigan waters, tribal commercial fishermen assisted with the surveys and conducted an additional 12 net-lifts. Of the 359 lake trout and 502 whitefish captured, 222 and 116 fish, respectively, were tagged.

Inland Fisheries Section

Fish Population Studies in Inland Lakes. With assistance from the USFWS and an assessment unit at St. Croix, Inland Fisheries staff completed spring mark-recapture estimates of walleye populations in 21 Wisconsin and 3 Michigan lakes totaling 18,165 acres of water. Density ranged from 1.6 to 22.8 adults per acre and averaged 6.0 in 12 NR (naturally reproducing) lakes; in 6 ST (stocked) lakes density ranged from 0.8 to 5.8 adults per acre and averaged 2.4.

Fall electrofishing surveys were conducted in 144 lakes to determine the presence or absence and relative abundance of juvenile (fingerling and yearling) walleye. Overall, a total of 1,153 miles of shoreline were surveyed in 458 hours in which 25,423 fingerling and 17,078 yearling walleye were sampled. Catch rates, in lakes where a year class was detected, averaged 30 fingerling per mile in 87 naturally reproducing (NR or C-NR) lakes and 9 per mile in 19 stocked (ST or C-ST) lakes. Respective catch rates in 1991 were 37 (N = 82 lakes) and 7 (N = 17) fingerlings per mile.

The spring surveys contribute directly to the management of treaty harvest of walleye and add to the general knowledge of the fishery resource. The fall surveys permit biologists to review the classification of lakes based on the source of "recruitment", i.e. whether young fish are through natural reproduction (NR), stocking (ST), or some combination of the two. Fish population assessment data is exchanged, reviewed, and pooled with data collected by the Wisconsin Department of Natural Resources at two meetings of the Technical Working Group (TWG) each year.

Lymphocystis Study. For several years TWG biologists have expressed concern about the unknown effect of spring sampling activities on the health of walleye. One concern that GLIFWC investigated during 1992 was whether the incidence of lymphocystis was greater in walleye populations sampled more intensively (two or more consecutive year estimates) compared to populations sampled once every five or more years.

Lymphocystis is a virus caused disease of fishes that results in the abnormal growth of cells and the formation of wartlike nodules on fins and the skin. In walleye populations (See Biological Services, page 29)

Division of Intergovernmental Affairs

The Commission's Division of Intergovernmental Affairs performs policy and legal analysis on behalf of the Commission and member tribes.

During 1992 the division has reported on a number of important court cases involving the treaty rights of member tribes. A brief synopsis of major cases follows:

➔ **Protesters Must Cease Harassment of Tribal Spearers**—A federal court ordered Stop Treaty Abuse (Wisconsin) and its founder Dean Crist to stop harassing and interfering with Lac du Flambeau spearers. Judge Barbara Crabb entered a permanent injunction against Crist and STA, and ordered them to pay Lac du Flambeau's attorneys fees.

➔ **Proposed Agreement in Mille Lacs Lawsuit Against Minnesota**—The February 1993 trial in the Mille Lacs Tribe's lawsuit against Minnesota has been postponed pending consideration of a proposed settlement agreement. Mille Lacs seeks to affirm its off-reservation treaty rights in the 1837 ceded territory and to prevent the application of state law to tribal members exercising those rights. The proposed agreement must be approved by the Tribe and by the Minnesota Legislature.

➔ **Fond du Lac Tribe Sues Minnesota**—The Fond du Lac Band has sued Minn. to affirm the Tribe's off-reservation treaty rights in the 1837 and 1854 ceded territories. The Tribe is asking a federal court in Minneapolis to prevent state interference with tribal members exercising those rights under tribal regulations.

Although it denied the Tribe's request for a 1992 tribal moose hunting season free from state regulation, the court found that the Tribe is likely to succeed in affirming the claimed treaty rights. The case remains open pending further proceedings.

➔ **Federal Overtime Requirements May Not Be Enforced Against GLIFWC Employees**—Federal Judge Barbara Crabb ruled that the overtime provisions of the federal Fair Labor Standards Act do not apply to GLIFWC. She found that application of the Act would interfere with tribal treaty rights and "would impinge upon one of the tribes' most essential aspects of self-governance: their ability to manage and regulate their exercise of treaty rights."

➔ **A Tribe May Not Sue Members of Other Tribes to Prevent Commercial Fishing in Claimed "Home Waters"**—A Michigan federal court has ruled that the Keweenaw Bay Indian Community may not sue Bad River and Red Cliff tribal members to prevent them from fishing in portions of Lake Superior claimed to be Keweenaw Bay's "home waters." The court held that the Bad River and Red Cliff tribes must be party to this type of case involving their members. However, those tribes cannot be joined in the case because of their sovereign immunity. The court noted that Keweenaw Bay could still proceed against the State of Michigan to af-

firm the Tribe's commercial fishing rights provided that the interests of Bad River and Red Cliff are not brought into issue. Keweenaw Bay plans to appeal this ruling.

➔ **Mole Lake Tribe Has No Possessory Interest in Exxon's Proposed Mining Site the Reservation**—A Wisconsin federal court ruled that the Sokaogon Chippewa Community (Mole Lake Band) no longer has the right to possess and occupy the off-reservation lands within Exxon's proposed mining site. The court noted that even if the rights had been retained, the Tribe would not be able to exercise them on the privately-owned lands within the proposed project location.

➔ **Tribal Lawsuits Initiated to Prevent Mining and Oil Drilling Activities in Wisconsin**—A joint lawsuit by the Lac Courte Oreilles Tribe and the Sierra Club failed to block mining activities near the Flambeau River at Ladysmith, Wisconsin. A Wisconsin state court found a Wisconsin Department of Natural Resources (WDNR) Supplemental Environmental Impact Statement to be satisfactory. Nevertheless, the Tribe's efforts brought to light many problems associated with the WDNR's evaluation of the proposed, especially regarding the protection of endangered and threatened species. As a result, the Department imposed more stringent standards in the mining permit.

In a similar case, the Lac Courte Oreilles Tribe challenged the WDNR's permitting of exploratory oil drilling in Bayfield County, Wis. The Tribe asked a Wisconsin state court to halt the drilling and to require the WDNR to prepare an

Environmental Impact Statement. The drilling was voluntarily halted and the court did not rule on the Tribe's challenge. Nevertheless, this lawsuit highlighted the many potential adverse environmental effects of oil drilling and, shortly after this case, the Wis. Legislature enacted a statute aimed at better controlling oil production activities.

Other important issues on which division staff worked in 1992 include:

➔ **Federal Comprehensive Fish and Wildlife Legislation**—GLIFWC has been asked by the Senate Select Committee to assist in the drafting of federal legislation that would affirm the trust responsibility in the area of tribal natural resources. It also would recognize inherent tribal regulatory and management authority over those resources. It is anticipated that a bill will be introduced and considered in the upcoming Congressional session.

➔ **GLIFWC Environmental Protection Resolutions**—GLIFWC's Tri-Band Committee adopted a resolution asking the EPA to define a coal burning power plant in the 1854 ceded territory as a "new" rather than as an "existing" discharge source under the federal Clean Air Act. The latter classification would mandate cleaner emissions.

GLIFWC's Board of Commissioners adopted a resolution in support of tribal use criteria as part of WDNR decisions regarding the selection of Wisconsin waters to be given highest anti-degradation protections. The Board also adopted a resolution opposing the permitting of new mercury emission sources in Wisconsin.

➔ **IRS Adopts GLIFWC's Position on Treaty Fishing Income Tax Issue**—The Internal Revenue Service had been incorrectly interpreting a federal law granting a tax exemption for tribal members earning income from treaty fishing rights related activities. As a result a nationwide intertribal effort coordinated by GLIFWC staff, the IRS changed its position and will now apply the tax exemption consistent with the tribal interpretation of the law.

➔ **GLIFWC's Staff Comments on a Number of Environmental Issues**—Through the joint efforts of GLIFWC's biologists and policy analysts, comments were submitted to the WDNR on the Flambeau Mine Supplemental Environmental Impact Statement; on the Noranda Minerals Notice of Intent to mine in Lincoln County, Wisconsin; on WDNR's Environmental Assessment of proposed exploratory oil drilling in Bayfield County, Wisconsin; and on a Superior oil company's proposed changes in effluent discharges in Lake Superior and one of its tributaries. On each of these matters, staff comments addressed potential adverse impacts on the resources subject to tribal treaty rights and on the ecosystems and habitat that supports those resources.

GLIFWC staff also prepared comments for the WDNR Board on proposed additions to Wisconsin's lists of waters entitled to the highest anti-degradation protection. Point source pollution of the waters where tribal members fish remains a high priority for GLIFWC's member tribes. (See Intergovernmental, page 31)



The Voigt Intertribal Task Force (VITTF) makes recommendations to the Board of Commissioners on natural resource management issues relating to inland, treaty hunting and fishing in the ceded territories. Pictured above at a VITTF meeting are tribal representatives: (from left, front row) Fred Ackley, Mole Lake; Archie McGeshick, Lac Vieux Desert; Gladys Bedauskey, Mille Lacs; Betty Martin, Lac Vieux Desert; Larry Deragon, Red Cliff; Mark Duffey, Red Cliff; Mau O'Claire, Bad River. Back row: Joe Dan Rose, Bad River; Gaiashkibos, Lac Courte Oreilles; David Vetterneck, Lac du Flambeau; Tom Maulson, Lac du Flambeau; Sam Bearheart, St. Croix; and Richard Shalfoe, Keweenaw Bay. (Photo by Amoose)



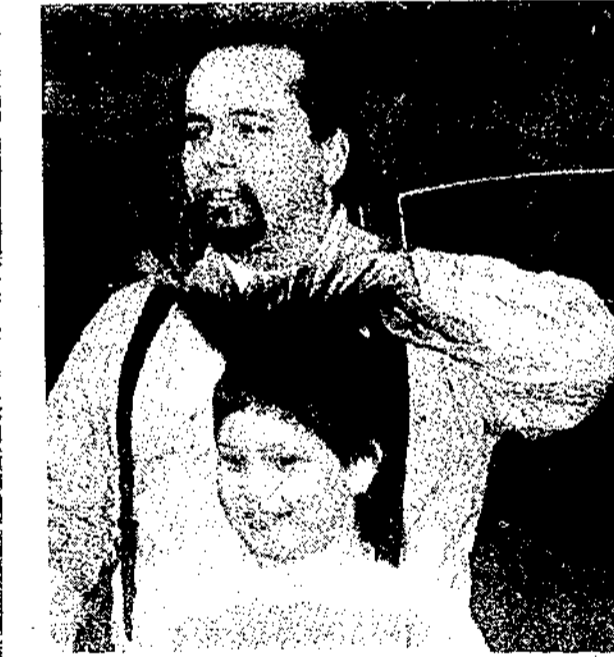
GLIFWC wildlife staff surveys sharp-tailed grouse. (Photo by M.J. Kewley)



Pine marten research through radio telemetry. (Photo by Amoose)



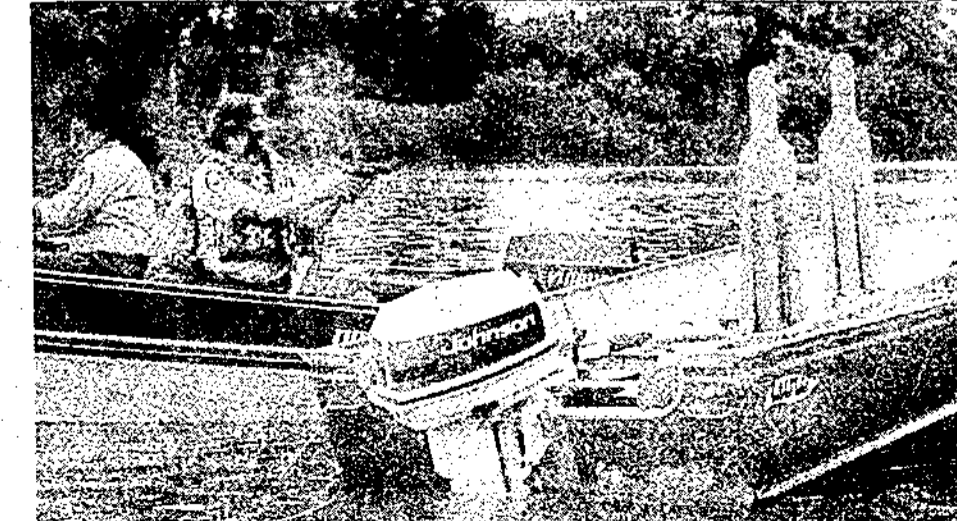
Surveys for larval stage lamprey. (Photo by M.J. Kewley)



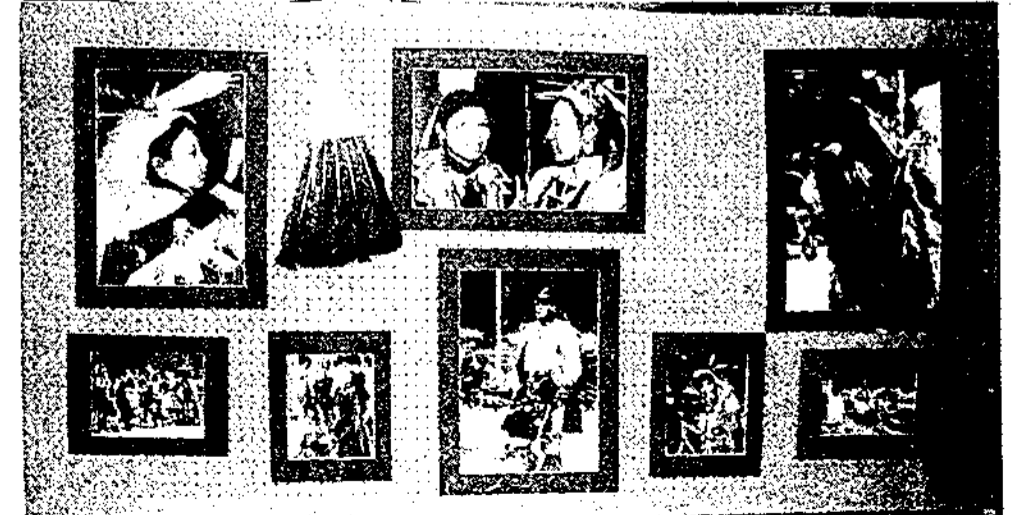
Jim St. Arnold, ANA director. (Photo by M.J. Kewley)



Yulanda St. Germaine with spearing catch. (Photo by Amoose)



GLIFWC wardens train to shoot on water. (Photo by Amoose)



PIO photo display shown at museums and schools. (Photo by Sue Erickson)

Public Information Office

The Public Information Office (PIO) has sought to provide the public with the resources necessary to understand Chippewa off-reservation treaty rights, tribal sovereignty, tribal off reservation resource management, and the cultural values which frequently guide decisions regarding tribal natural resource management.

Most public education endeavors are targeted within the ceded areas of Wisconsin, Minnesota, and Michigan, where our member tribes are located. However, some efforts are also directed to key urban areas with significant Chippewa populations and large numbers of people who have interest in the ceded territories as tourists or summer residents.

It became apparent shortly after the Voigt Decision in 1983 that the general public had little understanding of treaty rights or of tribes in general. Lack of sound information contributed greatly to individuals falling prey to rumors and scares issued by anti-treaty organizations and eventually creating large scale, violent protests on boatlandings in WI.

In 1992 problems of a similar nature have emerged in MN as the State and Mille Lacs Band seek to settle treaty rights issues out of court. Anti-treaty organizations formed and quickly began a media and legislative lobbying campaign opposing not only the proposed agreement but also the rights of the Band as guaranteed under the 1836 and 1855 Treaties. Consequently, in 1992 PIO has focused more effort toward Minnesota, hoping to help prevent the unnecessary violence and social unrest which plagued Wisconsin for years. PIO's principle activities and resources are outlined below:

Treaty talk at informational booths

Informational booths at state fairs, boat/sport shows, conferences, and pow-wows provide an excellent format for distributing information and for talking personally with the public. Questions get asked and answered in a friendly environment. We have found a little personal contact goes a long distance on both sides of the table.

During 1992 PIO manned informational booths at three state fairs, sport and boat shows, educational conferences, environmental conferences and rallies, pow-wows, national meetings, political conventions, and resource management conferences.

Resource materials: Treaty facts

GLIFWC discovered early on that resource materials on treaty rights were scarce and not easily available to a public attempting to understand an important, highly controversial issue. Therefore, publications with updated information regarding treaty issues, off-reservation treaty harvests, off reservation tribal resource management, tribal sovereignty, and Ojibway culture have become a cornerstone of the PIO program. Publications produced by the Public Information Office are available to the public on request. One copy is generally free of charge with minimal charges for additional copies. Subscriptions to the newspaper are free. PIO publications include:

• **MASINAIGAN**, a quarterly newspaper, emphasizing treaty issues and treaty resource management activities. KINI Radio, St. Francis, SD has been airing articles from the MASINAIGAN during 1992-1993. Over two thousand names were added to the mailing list this year. MASINAIGAN has a circulation of about 12,000.

• **"A Guide to Understanding Chippewa Treaty Rights,"** WI and MN editions available. The Minnesota edition was produced in 1992. The Guide contains the pertinent treaties, discusses the nature of treaty rights, provides historical background on the treaty rights, and details tribal resource management and GLIFWC activities.

• **"Chippewa Treaty Harvest of Natural Resources, WI, 1983-1991,"** details harvest totals for major off-reservation tribal hunting and fishing seasons. Updated in January, 1992. No more copies available.

• **"The 1991 Chippewa Spring Spearfishing Season: Building Cooperation and Bridging Conflicts"** by Jim Thannum, GLIFWC Natural Resource Development Specialist, provides facts on the Wisconsin Chippewa spearfishing season, including quotas and totals, and discusses impact. No more copies available. (Note: In 1993 the "Chippewa Treaty Harvest of Natural Resources" and "Chippewa Spring Spearfishing Season" booklets will be combined and updated.)

• **Brochures:** 1) Great Lakes Indian Fish & Wildlife Commission, 2) Manomin (wild rice), a 1992 publication, 3) Great Lakes Indian Commercial Fishery updated 1992, 4) Summary of Casting Light Upon the Waters, 5) "1854 Treaty" Resource Management.

• **Videos:** 1) GLIFWC resource management (new tape available March 1993); 2) 1854 Treaty Resource Management; 3) (Great Lakes Treaty Fishery); 4) Treaties, Truth and Trust, an HONOR production; 5) Bishigendan Akii: Respect the Earth (1992 ANA production on cooperative manage-

ment); 6) Sovereignty Speech by Rt. Rev. William Wantland; 7) Footage of spearfishing landings.

• **Photo/museum display:** "Honor the Earth through Dance," is a photographic show with brochure which portrays traditional pow-wow scenes and reflects Ojibway attitudes towards the natural world. In 1992 the show was on display at the M & I Bank, Ashland; the Mille Lacs Historical Museum; The Dexter Library, Northland College; Ashland Elementary School; the Crandon School; the WI Department of Transportation Hdqtrs., Madison; and the Segul Senior Center, Madison. Some photos from the show were part of special summer displays at the Chippewa Valley Museum, Eau Claire, WI and the St. Paul Museum of Science.

The display is available for schools, museums and other groups with advance reservations. Some display boards are also available for use.

• **Poster:** The 1992 poster "niikaanag: my brothers, my friends," will be mailed out to schools in February. The poster features the relationship between the Ojibway and the wolf and includes an excerpt from Edward Benton-Benai's "The Mishomis Book." The "Anishinabe" poster was distributed to schools in the ceded area and passed out at informational booths in 1992. No more copies of Anishinabe are available.

• **News clips:** News clips from MI, MN and WI regarding Chippewa treaty rights and resource management issues are collated weekly by PIO and filed. Computer entry for cataloging purposes is maintained.

Speakers' bureau

Like informational booth, speaking engagements offer an opportunity for dialogue and a more personal touch with the public. Because speakers on the subject of treaty rights may be difficult to locate in many areas, the Public Information Office coordinates speaking requests regarding Chippewa off reservation treaty rights and harvest. While not all requests can be answered due to time and travel limitations, PIO attempts to locate appropriate speakers to fill most needs.

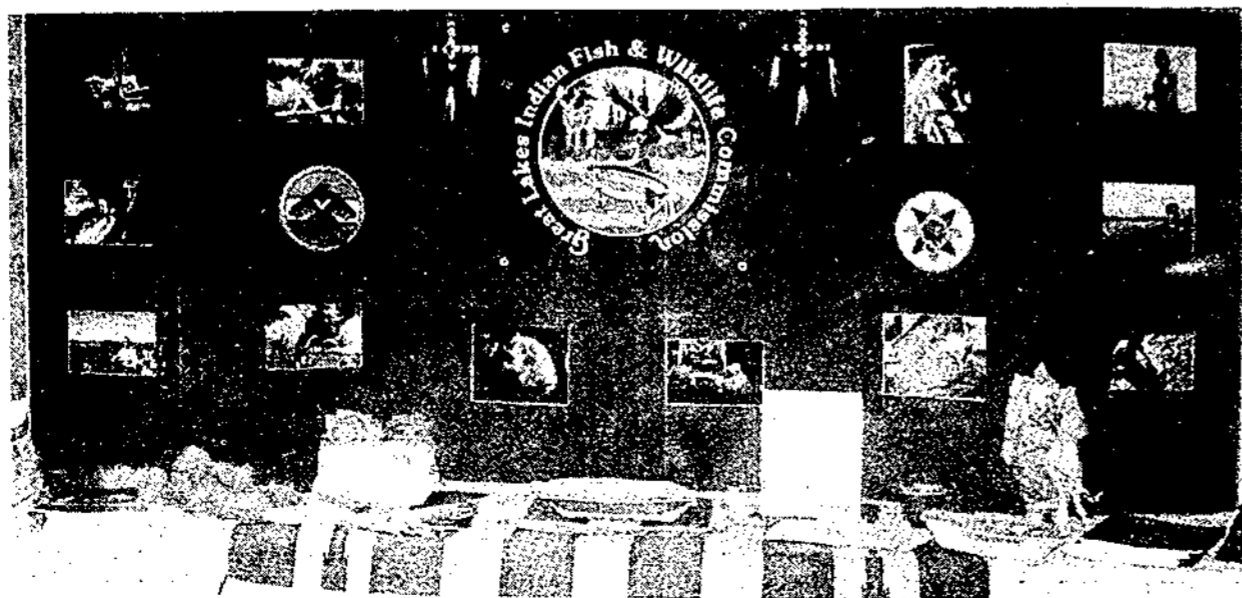
Informational requests

PIO answers requests for information by either sending a general informational packet free of charge or specific materials requested. ___ requests were answered during 1992.

In 1993...

PIO will be on the road considerably with informational booths, particularly in Minnesota, and in conjunction with covering activities important for MASINAIGAN's coverage of pertinent tribal issues. This spring the photo display will be available for viewing at the 3M Corporation, Mpls. and at the Brainerd Community College in MN.

A Michigan edition of the Guide to Understanding Treaty Rights will be produced during the summer of 1993, bringing more focus on the issues facing MI treaty tribes and their resource management activities. The 1992 Annual Report will be available for public distribution this spring along with updated information on the Chippewa off-reservation treaty harvest will be ready for the summer round of booths. Feel free to call the office for information or assistance in regard to Chippewa off-reservation issues. The telephone number for the Public Information Office is: (715) 682-4427.



GLIFWC's informational display booth is set up at state fairs, boat/sport shows, pow-wow's, etc. For information on reserving this booth, contact the public information office. (Photo by Sue Erickson)

Conservation Enforcement

Continued upgrading of the Enforcement Division's capabilities have once again been a major focus for the 1992 year. The impact of both training and effective monitoring of off-reservation codes by the Division may be witnessed by the increased of citations/assists/investigations throughout the year.

Throughout the year the Enforcement Division has improved its working relationship with the WI, MN and MI Department of Natural Resources. Both divisions have been working together on ride along programs and also have started a joint aerial enforcement program.

The Enforcement Division is responsible for enforcing the regulations which govern the eleven off-reservation, treaty, hunting, fishing and gathering seasons in the States of Wisconsin, Michigan, and Minnesota. GLIFWC wardens are stationed throughout the ceded territory in the three states.

GLIFWC's Enforcement Division is administered through the central GLIFWC office located on the Bad River Reservation. However, the Division has ten satellite stations located at Red Cliff, St. Croix, Lac Courte Oreilles, Bad River, Lac du Flambeau, and Mole Lake in Wisconsin. Keweenaw Bay and Lac Vieux Desert in Michigan; and two offices located at Mille Lacs in Minnesota.

Communications of all these satellite offices are channeled through the central dispatch office located in Ashland, Wisconsin. This allows for the monitoring and coordinating of the activities of the 24 full-time personnel and approximately 20-25 part-time wardens who are hired during peak periods throughout the year.

All GLIFWC's wardens are fully certified conservation officers, having com-

pleted training requirements identical to those of state wardens. In order to ensure enforcement personnel continue to retain and improve enforcement skills, training sessions are attended throughout the year. While patrol duty consumes the majority of the Division's staff time approximately 13,700 hours, a total of 3,439 hours were spent in training during this past year.

Training

One of the major highlights of this year's training sessions was provided by the Environmental Protection Agency through the Department of Treasury—Federal Law Enforcement Training Center in Glynco, Georgia. This course held in August was a hazardous waste investigations training program held at the Wisconsin Indianhead Technical College in Ashland, Wisconsin. The course focused on the identification of hazardous waste when officers are out in the field. A brief overview of what agencies should be contacted and what should be done with the hazardous waste was also discussed.

Two officers attended Ice Rescue Training which was a two (2) day training session sponsored by the National Park Service. This training session was held at the Bayfield Waterfront in January. The course focused on recognition of ice hazards and processes, and rescue equipment and techniques. However, the overall emphasis of the training was on self rescue while on the ice.

Michigan wardens attended a one day training session in July in Keweenaw Bay, Michigan on the Identification of Lake Trout.

Enforcement Administrative staff attended at two day session in Minneapolis,

MN on MacIntosh Training regarding upgrading of computer skills.

Two officers attended a 10 week Basic Recruit training course at the Chippewa Valley Technical College in Eau Claire, Wisconsin. This course was held from September through November.

Throughout the year several hunter safety, boat safety, snowmobile safety and ATV safety courses were held at various reservations throughout the ceded territory.

Spring spearing

Each year the role of the GLIFWC enforcement officer intensifies with the spring spearfishing season. The regulations require GLIFWC wardens to be present at each landing which is used for spearfishing activity on a nightly basis and remain at the location until the landing is closed for the night.

In order to accommodate the need for additional staff during this busy season, which generally runs for approximately three weeks, 20-25 part-time wardens were hired. Many of the GLIFWC officers worked 14 to 16 hour days throughout the season.

The main role of GLIFWC wardens at the landings is to enforce the regulations which govern the spearfishing activities and monitor the activities and catches of tribal spearfishermen. During the season wardens issue permits at the landings as well as monitor the catch as it is brought to the landing by each fisherman. If violations occur, citations may be issued on the spot.

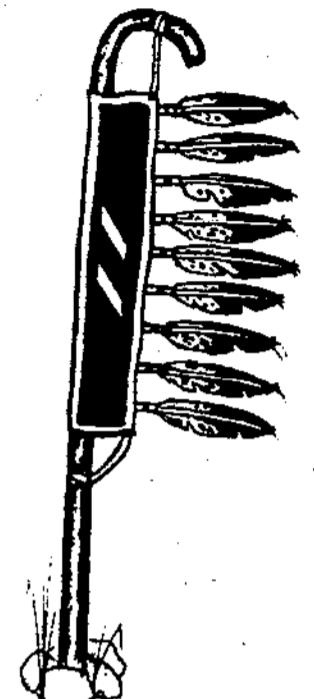
The 1992 spearing season started on April 11, with the Bad River Band being the first Tribe out. The season ran approximately 28 nights for a total of 7,150 hours. A total of 57,415 miles were traveled during the season. This season saw fewer, smaller crowds at the landings and fewer protest boats on the water. The overall season was very quiet.

Patrol of other off-reservation seasons

GLIFWC wardens monitor eleven seasons throughout the year. These include the following: deer, small game, waterfowl, bear, wild rice, trapping, ice fishing, open water fishing, spring spearing miscellaneous wild plant harvesting and Lake Superior treaty commercial fishing.

A total of 299,967 miles were patrolled during FY92. GLIFWC wardens use 17 trucks, 2 Jeep Cherokees and 1 Chevrolet Blazer for patrol as well as six ATV's and seven snowmobiles for use in hard to access areas.

A total of approximately 655 hours of on water patrol was maintained by officers assigned to monitor the Lake Superior commercial fishery, open water fishing, spearfishing and wild rice activities. These



wardens use GLIFWC's 25 ft. Boston Whaler, five 14 foot Lunds, one 16 foot Starcraft and two 17 foot Northwood boats to enforce on water activities.

Cross deputization/joint enforcement

A total of 10 GLIFWC wardens carry State DNR credentials. These wardens carry the same credentials as State DNR wardens and have the authority to investigate complaints involving both Indian and non-Indian sportsmen.

Cross deputization of GLIFWC wardens benefits the state as a whole by providing additional wardens in the field, thus more protection for the natural resources, without additional costs. A joint aerial enforcement program was also started this past fall season with the Department of Natural Resources.

Courts and litigation

During FY1992 379 investigations/assists/citations were cited into tribal courts or investigated by GLIFWC. Periodically GLIFWC wardens are asked to appear in tribal courts as citing officers. The FY92 summary of investigations/assists/citations is listed below:

Assist to Other Agencies (i.e. State DNR, Tribal, County Sheriff, Motorist)	
Spearing	41
Ice Fishing	2
Gillnetting	3
Deer	80
Commercial Fishing	37
Bear	6
Fishing	2
General Investigations	19



Regulations require that GLIFWC must be at the spearfishing landings on a nightly basis and must remain there until the landing is closed for the evening. Jack Lemieux, sergeant and Charles Bresette, chief warden, take their turn at the landing. (Photo by Amoose)

Division of Planning and Development

The Planning and Development/Administration for Native Americans (ANA) Division worked on a broad spectrum of projects throughout 1992. The ANA program, directed by Jim St. Arnold, focused on the development of public information materials for schools and community organizations focusing on cooperative management and treaty issues.

The planning section of the division, directed by Jim Thannum, worked closely with administrative personnel in preparing budget and grant proposals, the strategic plan as well as with tribal members in developing markets. The highlights of the Division's activities follow:

Cooperative management highlighted

The Commission's ANA program facilitated public support for cooperative management activities through a comprehensive strategy implemented by Mary Jo Kewley. She wrote, photographed, desktop published, and produced 15,000 copies of a new informational booklet "Bishigendan Akii-Respect the Earth."

She also submitted articles for publication in Wisconsin Sportsman, Wisconsin Outdoor Journal, In-Fisherman, Game and Fish Publication and numerous articles of MASINAIGAN. Public service announcements were produced and aired on tribal fish stocking programs, cross-deputization of Commission wardens, wildlife projects, and an overview of cooperative management benefits.

The division provided technical assistance to member tribes in efforts to promote cooperative fish stocking efforts. Technical assistance was provided to Red Cliff's Fisheries Department in developing cooperative funding proposals to construct four walleye rearing ponds. Technical assistance was also provided to Mole Lake and the Forest County Walleye Association to stock 3,300 3+ inch walleye fingerlings into Rangeline and Mole lakes on July 23, 1992.

Technical planning services were provided to address concerns of the Lakes Committee and tribal fishermen, including expansion of contract assessments with tribal fishermen, building tribal management capabilities and studying lake trout survival rates.

Tribal environmental concerns addressed

An Environmental Protection Agency (EPA) grant proposal was submitted and funded to sponsor hazard response and investigative training to GLIFWC wardens.

A project summary was also developed and submitted to the Great Lakes Program Office for the purpose of undertaking a strategic planning process within the Great Lakes Basin.

The project will fund a policy position at EPA's Region V office and staff an additional environmental scientist at the Commission in 1993. A project to fund wetlands research and monitoring was also submitted with biological staff.

Public education

Jim St. Arnold, ANA program director, completed 60 public presentations to schools and educational institutions increasing knowledge of Chippewa off-reservation resource management capabilities. He also published 20,000 copies of a new youth treaty rights publication, "Chippewa Treaties: Understanding and Impact." This publication is aimed at 4-8 grade students promoting cultural awareness and background information on Chippewa treaties.

On May 5, 1992 the Planning and Development Specialist participated in a Peace Roundtable at Hinckley, Minnesota cosponsored by HONOR and the Mille Lacs Band. Information was presented on the perceived versus actual impacts of spearfishing on Wisconsin tourism.

Funding base for GLIFWC and joint activities

The division assisted the Wisconsin State/Tribal Natural Resources Task Force in conducting a \$15 million natural resources needs assessment for the 1837 and 1842 ceded territories of Wisconsin, addressing a wide range of fish, wildlife, and plant resource management and enhancement concerns.

Technical assistance was also provided in preparing a FY 93 funding proposal for addressing fisheries management needs and habitat monitoring and preparing a FY 94 funding proposal to expand GLIFWC and WDNR assessment crews.

The Planning and Development office worked with the Intergovernmental Affairs Division to prepare program justifications and budgets to assist the Commission in restoring \$1,173,000 cut by OMB in the FY 93 funding base and

obtaining a \$177,000 congressional add-on to expand services in Minnesota, Michigan and Wisconsin.

The expanded services will provide professional biologists for Michigan and Minnesota to assist tribes in the implementation of treaty rights. Increased funding will be utilized by Wisconsin tribes to expand task Voigt Task Force participation in cooperative working committees with the WDNR.

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The division prepared and submitted to the Office of the Inspector General the Commission's FY 1993 indirect cost proposal. Covering the period from January 1, 1993 to December 31, 1993, the proposed pool provides for central administrative functions at a rate of 14.5% of adjusted direct costs.

The Planning and Development Office recruited and staffed a second planner position to pursue private foundation funding and Federal/State Competitive Grants in an effort to meet the Commission's goal of expanding and diversifying its funding sources.

Economic development

Sharon Nelis, Planning and Development Office, organized a Tribal Wild Rice Conference at Fort Follie Avoine on September 25, 1992 and a Commercial Fishing Conference at Grand Portage on November 19-20, 1992. Information on the availability and harvest trends of fish stocks and wild rice were presented.

Information on market demand, new business/safety regulations, wild rice packaging, and other related issues were presented and discussed. Wild rice marketing kits including custom labels, marketing pamphlets, various packaging materials, and signs were prepared and provided to tribal conference participants. These conferences were sponsored in an effort to expand income and employment from tribal wild rice and commercial fish harvests.

Fish Marketing projects were undertaken with various entities. A comprehensive marketing study on Lake Superior commercial fish species was prepared under ANA business plan requirements by Creative Marketing Communications.

The firm also prepared a market survey for potentials to market Lake Superior fish to the growing tribal casino industry and provided technical assistance in refining marketing presentations of Buffalo Bay Fish Company staff.

Buffalo Bay Fish Co. was contracted to prepare a price expectation survey, prepare an analysis detailing breakdown on local wholesale and retail marketing trends, investigate capital improvement options, and complete cost analysis studies on fish processing.

The Commission also undertook a cooperative food innovation project with instructors and students at U.W. Stout. The project was aimed at investigating Lake Superior fish processing and preparation alternatives for application within tribal marketing plans. (See Planning and Development, page 31)



Jim St. Arnold, ANA program director speaks to the public at the Chippewa Valley Museum. (Photo by Amoose)

Updates

Red Cliff studies survival of released lake trout

The Red Cliff Fisheries Department is currently involved studying the survival rate of lake trout released from commercial fishing nets. Funded through GLIFWC, the project began in November, 1992 and will run through Sept. 30, 1993, comprising a full commercial fishing season.

Dale Shively, GLIFWC lakes biologist, notes that while catch and release by sport anglers has been widely studied, little research has been completed on release from gillnets.

Shively states that biologists will be looking at variable such as seasons and effects of water temperature on survival rates of released fish.

For instance studies of fish released by sportsmen show a better survival rate in cooler waters, Shively says. Fish released when waters are warm are subjected to much more stress.

New regulations do not allow commercial fishermen to release live spawning size fish or small undersize fish which have not spawned but are barely caught in the mesh. The restrictions on releasing the fish force fishermen to use up their limited lake trout tags, whether or not they are targeting lake trout, Shively says, and consequently, limit their total fishing effort.

Kakagon Sloughs gains protected status

The Wisconsin Natural Resources Board acted last January to officially approve the 'B' list classification for numerous Wisconsin waters, among those the Kakagon Sloughs on the Bad River reservation.

The classification essentially affords heightened anti-degradation protection for waters on the list, states GLIFWC policy analyst Robin Goree.

About 350 waters, mostly small creeks and a number of lakes, are now considered "outstanding waters" and will be afforded protection through state law.

EPA considers suit against Copper Range Co.

The Environmental Protection Agency (EPA) is considering legal action against the Copper Range Company, White Pine, Mich., according to GLIFWC policy analyst Robin Goree.

Goree learned of the intent through a letter from EPA assistant regional counsel James Cha, who states that "the Department of Justice has provided me with clear indications that EPA's motion to intervene in this matter will be filed shortly."

Cha also noted that information provided by Goree was helpful in establishing the case, particularly in regard to health risks experienced by the Chippewa.

"The demonstrable harm to the health of the Chippewa people, while not a necessary element in proving the violations alleged, is undeniably the most significant factor in the development of our request for injunctive relief."

According to Cha in a Jan. 20, 1992 letter to James Bransky, Mich. Indian Legal Services, the following substances are being emitted from the Copper Range facility: arsenic—18.57 tons/yr.; beryllium—0.004 tons/yr.; cadmium—3.22 tons/yr.; chromium—2.7 tons/yr.; cobalt—0.171 tons/yr.; copper—270.38 tons/yr.; manganese—0.57 tons/yr.; nickel—2.57 tons/yr.; lead—22.51 tons/yr.; antimony—0.26 tons/yr.; selenium—0.51 tons/yr.; mercury—0.67 tons/yr.



Mole Lake Youth Drum performing during a Native American Awareness session at the U.S. Forest Service building in Watersmeet, MI. The youth drum is led by Emmanuel Poler who also provided a presentation. (Photo by Amoose)

WI Law Foundation honors Schlender

By Sue Erickson
Staff Writer

GLIFWC's executive director James Schlender received the Bell Case LaFollette Award for Outstanding Service from the Wisconsin Law Foundation on Jan. 29th during an awards banquet in Milwaukee.

Schlender was one of four receiving honors from the foundation and the first recipient of the Bell Case LaFollette Award. The award was presented to him by Henry Buffalo Jr., GLIFWC's first executive director.

Schlender's leadership during the years of turmoil following the Voigt Decision in WI, particularly his advocacy of both the rule of law and a rational response to crisis, earned him this honor.

The award is based on his contributions to the law profession, service to the bar, the Indian community and the general public.

In accepting the honor Schlender continued to advocate for government to government relationships based on mutual respect. "The relationship between Indian tribes and the State should not be built on guilt and bitterness but upon respect and dignity," he said.

Despite the times of bitterness over the years, Schlender sees strength in the Indian spirit. "Along with the reaffirmation of spearfishing rights, I have seen a renaissance in Indian Country. The people of my generation have awakened to renew the medicine lodge, the sweat lodge, and the resurgence of our language," he commented.

"We welcome the promise of new hope because the relationship that exists between the government of this great country and the tribes of this nation should not be obscured by the simple stereotypes of the tomahawk chop and the Washington Redskins," he said.

Schlender credited his effectiveness as a leader to eight people. Four of those have walked on. They include Bineshi and Hannah Maulson, his first language teachers; and Pete Larson and Art Gahbow, his first political teachers.

The first of those living is his daughter Binesikwe, 2 years old, who represents the next generation of Anishinabe. The second is Edward Barber, who gave him his name and represents the generation before him.

The third is Tom Maulson, Lac du Flambeau tribal chairman, for nonviolent leadership and quiet courage in the face of violence; and the last is his wife, Naabinijijigooke, who represents the life givers of the Anishinabe people.

Schlender is currently taking educational leave from the Commission and studying law at the UW-Madison School of Law under a Bush Fellowship. His research is focusing on the Voigt litigation.



Legislation on tribal resource management developed for the 103rd Congress

The development of legislation to address Native American fish and wildlife issues was the reason for a January 6 national meeting and working session held by the Senate Select Committee on Indian Affairs in Washington, D.C.

According to GLIFWC policy analyst James Zorn, Senator Inouye convened the meeting by indicating that legislation addressing and affirming the federal trust responsibility in the area of tribal natural resources management issues is a priority for the Committee.

The intent of the meeting, he said, was to further identify issues of concern to tribes and to consider how these issues could be dealt with through legislation and to develop a bill to be presented to the 103rd Congress.

Inouye feels that such legislation would provide federal recognition of the significant responsibility that tribes have

as managers, regulators and enforcers in the area of natural resources management and would provide greater federal support for tribal activities in those areas, Zorn states.

Another purpose of the legislation would be to establish standards for the U.S. administration of its trust responsibility towards tribes in the area of natural resources.

As a means for focusing discussion a draft bill was presented by John Bushman, Select Committee staff. The draft is to be considered only a starting point. Senator Inouye and the Committee staff stressed that the bill to be introduced must be one which has broad support from Indian Country.

As a follow-up to the meeting, GLIFWC will be attending a hearing on Feb. 18th held by the House Natural Resources Committee's subcommittee on Native American Affairs.

The gifts of the trees

*An Indian Fable Retold by
Annison Downs
(July is the Tree of Wisdom)*

Many moons ago when Man first came to live on the earth, he looked at the vastness that surrounded him and a great loneliness filled his heart. "How shall I live?" he cried. "The world is so big and I am alone!"

The trees were glad the Great Spirit had sent Man to live among them and wanted to help him. "You are not alone. We are your brothers and we will help you," they murmured softly. Man felt comforted.

The maple tree touched him with her tender branches. "I will give you sweet water to drink and to make into sugar," she said.

The hickory tree, shook a host of nuts from his tall branches. See? I will give you food to satisfy your hunger." "We will help," spoke up the hickory tree's cousin.

the chestnut, the beech, and the walnut.

"Then you will need baskets," said Goungah, the elm tree. "Make them with my soft bark and strengthen them with thongs of my tough muscles."

Now there was happiness in the heart of Man as he set out to explore the world, for he had food and drink and friends. But soon a wide river blocked his trail. "Alas, I can go no further!" he cried.

Wigwag, the birch tree grew near the great river and heard his cry. "I will help you, my brother," she called. "Take strips of my skin and tie them together with the tough thongs given to you by the elm tree. Then you will have a canoe strong enough to carry you across the wide rivers."

Man did as Wigwag suggested and soon the fearful river was behind him. But in the meantime the sun had entered his lodge on the west. Man shivered with cold.

This time it eyed the balsam who saw her brother's need. "Do not suffer cold," she said. "In my heart there is much sun-

fire. Rub my branches together and they will give you sparks to kindle a flame."

Man followed balsam's instructions and soon a great camp fire roared before him. When he was warm his eyes grew heavy with sleep.

"It's our turn to help," spoke the great pine and the cedar. And they shook a mound of sweet smelling needles beside Man. He spread them into a soft bed and slept.

All through the long night North Wind blew his icy breath over him. But Man rested warm and secure until Wabun, the east wind chased the darkness down the

valley and brought the morning to Man's camp fire.

When he awoke there was a great gratitude in his heart. "How can I repay you for your kindness?" he asked the trees.

"We want no pay," they replied. "Giving is the secret of our happiness. We only ask that you use the gifts of the forest wisely. Never waste or destroy what the Great Spirit has given freely to his children."

Indians have never forgotten. They take only what they need and leave the rest for others.



Young dancers in Grand Entry at the Sovereignty Conference, Stevens Point. (Photo by Amoose)

Wild wild ricing

The following account of traditional wild rice harvesting by Red Cliff ricer Marvin DeFoe Jr. was provided in the comment section of the 1992 GLIFWC wild rice survey. It seems that Marvin and Ken DeFoe were ricing this fall and did very well on a particular lake because.....

"We saw a 25 point deer in the water. We did not have a gun, only a small knife. So, my partner and I paddled to the deer hoping to lasso around its horns. I was planning to cut his neck with my knife. Well....we got the rope around his neck, but could not cut his throat.

"The deer decided to go through the rice bed. We didn't even have to pole the canoe, so we both grabbed our rice sticks and started to rice. He took us all over the rice beds. That was the most rice I have ever riced!

"When the canoe was full we just cut the rope, and the deer ran out of the water and into the woods. We had a full canoe of rice! We had only riced for about 20 minutes and we had about 250 pounds of rice.

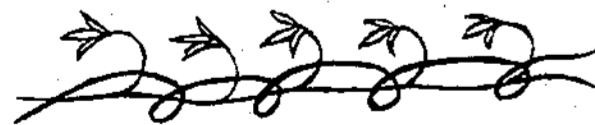
"P.S. This is a true story. It doesn't sound believable, but it is. If you don't believe me, ask Gerald DePerry!"

The legend of the sleeping giant

In many areas where Indian people make their homes; the landscape, the rock formations, mountains, lakes and rivers are all subject for their legends. If you have visited the area of Thunder Bay in Ontario, Canada, the 'Sleeping Giant' (a mountain) is one of the attractions that everyone has a chance to see. There are variations about the legend of the sleeping giant, and this is one of them:

Long ago when the mundos roamed the earth, Wenaboo lived with his wife on the distant shores of the lake. Evil days came upon the world. The mighty hunter could find no game in the woods, and the fish did not enter his nets. His wife tormented with the agonizing pain of hunger, chided and scolded him until enraged beyond control, he hit her with his war club and she fell lifeless at his feet. Horror-stricken he fled the wigwam and into the night. The wailing winds shrieked accusation in his ears. The spirits of the rocks and trees rebuked him. Before his horrified eyes rose the spectre of his murdered wife, haunting him as he sped onward. Finally, half crazed with terror and remorse, he staggered and fell backward into the waters of the lake. The Great Spirit took pity upon the giant and conferred the boon of rest by turning him into everlasting stone.

He is still there today for all us to see. The figure of the Sleeping Giant is immortalized in stone. It is the perfect outline of a sleeping Giant.



"You will better understand the true meaning of these and other Indian legends in the knowledge that the early Redmen solemnly believed that the prime punishment the Great Spirit could cast upon him, was to turn him into stone. Whenever he saw a stone or rock that resembled a human being, animal, fish, or bird, it would mean to him that this was an evil spirit and must be avoided. To protect his relatives and friends from coming into contact with it he would create a fantastic and usually gruesome story about the object he had seen. As these stories were passed on from one generation to another, they became so real that they were finally accepted as an actual happening."

(This article was published in Canada by H.M. Limbrick, Fort William, Ontario).

Ojibwe star lore

*By Sherrole Benton
Freelance Writer*

In the beginning of winter, ancient Anishinabe saw one of the sky people begin to rise over the eastern horizon. He would stand with outstretched arms and could only be seen in the eastern sky from late fall to early spring. Some of the ancestors painted his shape, along with other figures, on a rock wall in northern Minn.

Many visitors to the cliff, on Hegman Lake near Ely, Minn., have tried to explain what the rock paintings might mean. Explanations of the pictographs include: they're primitive art, symbols from a vision quest, shaman inscriptions, or just a map or other kind of record.

Carl Gawboy, Anishinabe, artist, night sky watcher, and Associate Professor of Indian Studies at the College of St. Scholastica of Duluth, Minn., believes it might have been the Cree people who created the pictographs and left a remnant of traditional culture and life ways.

"It must have been Algonquin people who made the rock paintings. They were made 500 years ago. Even though there were many population shifts throughout that region, the people must have been part of the Ojibwe" according to Gawboy.

The painting includes symbols of a moose, a humanlike figure with outstretched arms, and a panther. They are placed in a triangular relationship to each other. The moose is in the lower right point, the male figure is on the top point, and the panther is on the lower left point.

Gawboy grew up in Ely, Minn. and often went fishing on Hegman Lake with his father. He and his father used to look at the rock paintings and wonder about them.

"My father thought they were mundane, that hunters came by and saw so many number of moose. He interpreted them quite literally," Gawboy said.

But, as the young Gawboy grew older and read ethnological studies of other cultures and their astronomy, he wondered if the same kind of ethnological research might reveal astronomy in the Anishinabe history. The work of Anna Sofare, who rediscovered Anasazi astronomy by studying petroglyphs and rock formations, impressed him most.

Gawboy has a theory that the rock paintings show a series of constellations that rose in the eastern sky in late autumn, and descended in the southern sky just before spring. The pictographs show the constellations of a moose, a sky spirit probably named Wintermaker or Gaabinoonoke, and the Great Panther. Far above Wintermaker, is a cross marking the major star Capella, and over his left shoulder are seven red marks indicating the Pleiades.

"I look to the Ojibwe traditions to interpret the hieroglyphics. I believe the rock paintings are shaped that way because

the star patterns are shaped that way," Gawboy said.

Above the three figures, there are three canoes, which may indicate the Milky Way, showing a symbolic waterway. A list of calendar markers are seen off to the left of the figures: six short lines for the months of winter, and three cross marks for the stars in Wintermaker's belt.

The Ojibwe legends which describe spirits and characters are told in a chronological order and are reflected in the sky. Gawboy believes that as the constellations changed throughout seasonal cycles, the Ojibwe people changed their activities.

"Where Euro-Americans saw Pegasus in the sky, during the fall equinox, the Ojibwe saw the moose. The moose constellation appeared in the fall at a time when the Ojibwe would make their moose camps. Where Euro-Americans saw Orion rising, the Ojibwe saw Wintermaker appear in the sky on Dec. 21, or what is known as the winter solstice," Gawboy said.

As Wintermaker began to rise over the eastern horizon, it was time for the Ojibwe people to break down their main fall camps and move into their winter camps. There was a lot of activity as the people began to make preparations for a winter retreat.

When standing on the cliff, where the rock paintings are, a person can only look out into two directions: east and south. There's no way to look north and west because the huge cliff blocks that view. From the cliff, a person can see these constellations rise in the east in late fall and set in the south before the spring equinox.

"The Wintermaker constellation, with his arms outstretched, represents an embracing of winter or a blessing. The summer heat, mosquitoes, and black flies were gone. There was a lot of activity while the people broke down their big fall camps. They probably just finished their fall ceremonies, and visited with friends and relatives before leaving for secluded winter camps. George Catlin wrote about how the Ojibwe people had a snow shoe dance. It was a time of celebration.

"Winter wasn't seen as a hard scramble time. The snow and ice made travel faster and easier. The people traveled with their dog sleds over land, rivers, lakes and made their way to remote retreats. They used snow shoes to hunt, fish and trap. Meat would keep real nicely out in the cold," Gawboy said.

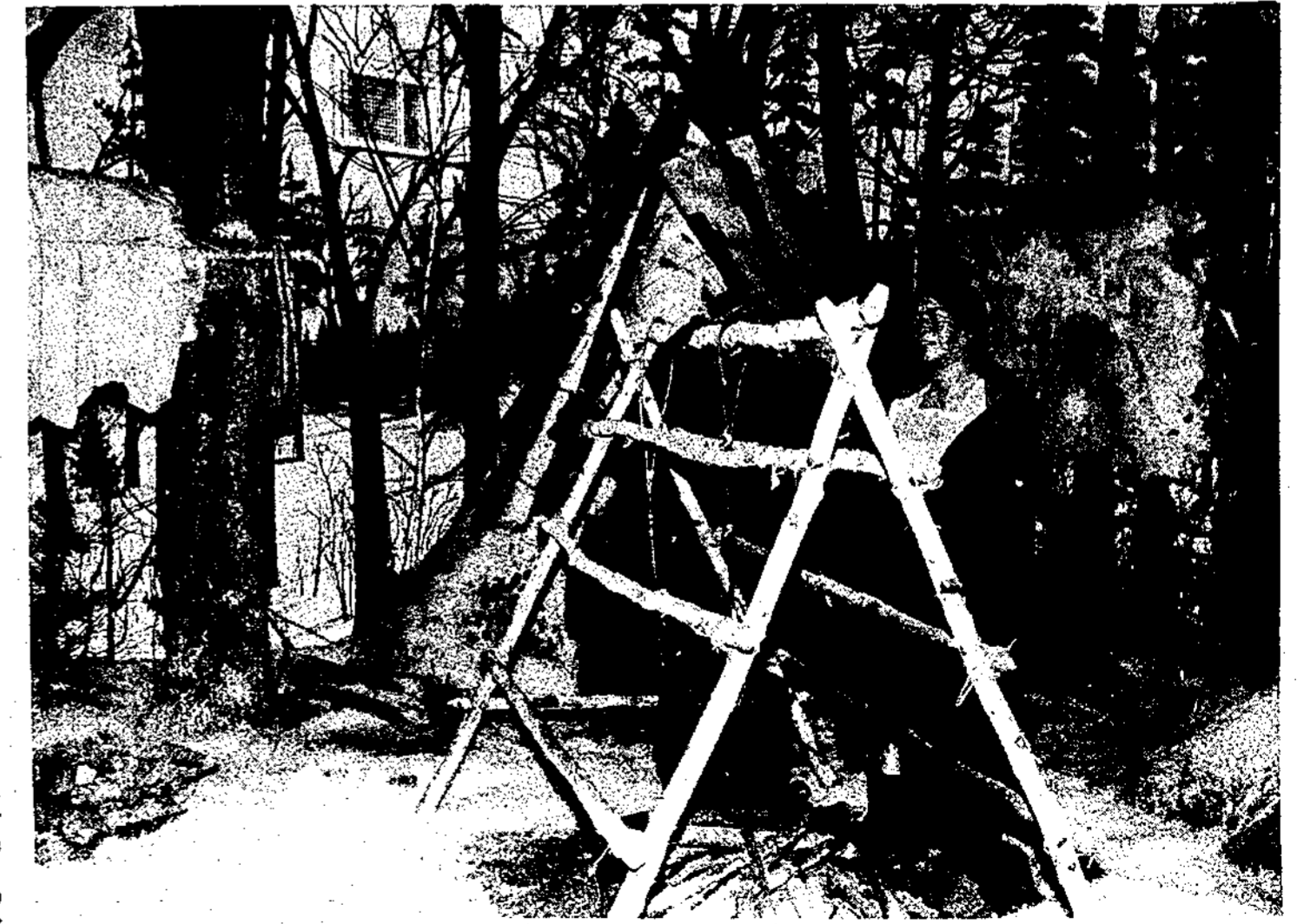
Ojibwe families spread out over the territory and formed scattered communities. They became isolated during the winter in their camps. This was a time for the

story telling, arts and crafts, long family discussions, a time for retreat. Even though the Ojibwe were very good at living communally in the big summer villages, they also looked forward to being alone with their families and to retreat from the social obligations of the summer camps, according to Gawboy.

When the constellation Orion or Wintermaker was at its height in the sky, it was time for the Ojibwe to break up their winter camps. They traveled over ice and snow again and moved their families to the sugar bush camps. As Wintermaker began to descend, the European Leo or Ojibwe panther was rising in the east about March 10, or during the spring equinox. This is about the time when low, rumbling thunder can be heard in the distance.

"As the Panther rose higher in the sky, spring floods would break out. The Great Panther causes the floods. There's a legend about the panther. The panther was angry because, when he and Nanaboozhoo were fighting, he was wounded. The panther hid in one of his many underwater liars. When Nanaboozhoo went after him, the panther caused a great flood," Gawboy said.

If people were on Hegman Lake when the panther began to rise in the eastern sky, they would have to cross the ice and get out of there quickly or they never would get



A winter scene from a traditional Ojibwa village at the Mille Lacs Historical Museum, Mille Lacs Reservation, Minnesota.

News from the far North

Self-government means native jurisdiction: An update

By David McLaren, Communications Coordinator, Saugeen Ojibway, Canada

We have done quite a lot with the \$40,000 MNR sent for public education on fishing negotiations—numerous public meetings, endless negotiations, a mound of printed material, a slide-show, a video (soon to be completed), a number of fish-buys throughout southwest Ontario, a lot of media attention.

Maybe it was the fish-buys and media attention that convinced the MNR not to renew our funding. But what do you do when you reach the end of useful negotiations and the Government decides to impose a ban on the sale of your fish because they don't like what they see at the table? You have to use anything at your disposal, even direct action, because you are no longer in polite negotiations, you are in a battle for your rights.

Buying fish to oppose the ban was an idea born at a meeting with local church people in the Bruce. It is an act to recognize the Saugeen Ojibway right to trade and commerce of their catch. The fish-buys also recognize the Saugeen Ojibway right to govern themselves in this activity. They say to the government, "we agree with the Saugeen Ojibway when they say selling their fish is a right, not a privilege."

If it is a right, then surely it is protected by section 35 of the Constitution. If so, then all other laws (including Ontario's Fish and Game Act) must change to accommodate it.

These things are what negotiations with MNR were supposed to resolve, along with improved access to the Bruce fishery, a recognition of Saugeen Ojibway territorial waters and the First Nation's jurisdiction in those waters. The idea of negotiations was to gain greater access to improve the \$2,000 or \$3,000 each fishing family made each year. It was also to ensure the Saugeen Ojibway had greater control (jurisdiction) over their own fishery by means of a co-stewardship arrangement with MNR.

But as long as the ban on Native caught fish is in place, there can be no negotiations. And the MNR knew this. They banned the rights of the Saugeen Ojibway knowing that it would spell the end of negotiations.

Ironically (or perhaps purposely) the bureaucrats first imposed the ban only a few days after Bud Wildman, Minister of Natural Resources stated he recognized the right of the Saugeen Ojibway to a commercial fishery. The ban has been in place now for over 10 months and there is no substantial movement by the MNR to lift the ban.

Over the last few months, a lot of people have risked prosecution under Ontario's Fish and Game laws by buying our "illegal" fish. To them and to the ministers who stated the protest, meegwetch, thank you.

(Reprinted from DIBAUDJIMOH)



Pine marten—waubizhaezh. (Photo by John Heim)

"Illegal" fish buy being organized

By Jennifer Proulx
Saugeen Ojibway Public Relations

Our negotiations with the Ontario government continue to be stalled over the matter of jurisdiction. Ministry of Natural Resources Minister, Bud Wildman, had admitted in a letter to the United Church;

"The Ontario Government does not contest the Native claim to an aboriginal right to a Fishery, nor the Native claim to an Aboriginal right to fish commercially."

Despite this admission, the government is unwilling to roll back its jurisdiction to the Saugeen Ojibway. A ban on the purchase of Native caught fish is still in effect.

Our fisherman will continue to set nets and sell their fish. The negotiating team has vowed not to return to the table with the government until the ban is lifted. Chief Ralph Akiwenzie has given no definite date when negotiations will resume.

There has been great support from various organizations such as the Canadian Auto Workers (CAW) and the United Church of Canada. Their support has proven to be a strong asset in asserting our aboriginal right to fish for trade and commerce. Several fish buys have taken place in South Western Ontario and more are planned for the near future. The CAW have been purchasing fish every month from our fisherman. The Ministry of Natural Resources confiscated fish from the CAW in November but have not laid any charges. Buying fish from the Saugeen Ojibway is technically a breach of the Game and Fish Act.

A fish dinner in Stratford was organized by Harry Finlay. Finlay had previously arranged a meeting with students at Stratford High School and a public meeting.

The purpose of this dinner was to help raise funds for Saugeen Ojibway legal costs. The CAW purchased fish on Friday, December 18, 1992 in Port Elgin. On the 17th of December the United Church of Canada held a fish sale in Carlisle (near Hamilton), during their regional conference.

A recent fish sale in London, organized by Mark Priest of OXFAM, was very successful. The Ministry of Natural Resources contacted one of the buyers by phone after the sale but no charges were laid.

Final arguments on the fishing trial were heard on December 18, 1992 at the Provincial Court House in Orangeville. Two of our fisherman have been charged by MNR for fishing over quota. This trial is part of a long history of harassment of our fisherman by the MNR since quotas were implemented in 1984.

At issue is just how far the MNR can restrict the rights of the Saugeen Ojibway to fish for trade and commerce. Legal costs have amounted to over \$200,000 for the Saugeen Ojibway. Donations to offset the legal bill are appreciated. A verdict is expected in March of 1993.

(Reprinted from DIBAUDJIMOH)



Battiste Sam, Mille Lacs elder demonstrates beadwork on buckskin at the Mille Lacs Historical Museum, Mille Lacs Reservation, Minnesota. (Photo by Amoose)

TBS launches Indian heritage project

The Turner Broadcasting System recently announced a series of television movies, documentaries and publishing ventures about the culture and heritage of American Indians.

TBS chairman Ted Turner announced the plans last month calling them "a guilt trip for us to a degree." He said the project would cost \$30 million to \$40 million.

Turner said the project developed from his own interest in American history and his rage about the treatment that Indians received. Turner is owner of the Atlanta Braves, the team whose fans use the "tomahawk chop" as a cheering technique. Turner and his wife, Jane Fonda, have been spotted doing the "tomahawk chop" at Atlanta Braves games.

The television movies Turner has planned will be carried by cable network TNT. The movies will dramatize important historical events involving Indians. The first movie, "The Broken Chain," will deal with the Iroquois Confederacy and will be broadcast in October 1993.

Another Turner cable channel, TBS, will carry a three-part, six-hour documentary called "The Native Americans."

Turner's all-news cable channel CNN will produce a 20-part series of reports on American Indian life today called "The Invisible People," and Turner will produce a companion book called "Indian Country."

(Reprinted from American Indian Report)



John Heim, GLIFWC wildlife technician, holds a fisher captured as part of a joint study with the U.S. Forest Service, WDNR, and the UW-Stevens Point. Both fisher and marten are live trapped and radio-collared so their habits and habitats can be better understood. (Photo by Ron Parisien)



Indian gaming in two states revives states' economies

Indian gaming in Michigan and Minnesota provides more than 7,000 jobs with an annual payroll of \$91.7 million, according to recent studies on the impact of Indian gaming on the economy of the two states.

A study prepared by the Midwest Hospitality Advisors/Marquette Partners (MHA) in Minneapolis showed that Indian tribes that run bingo halls and casinos employ 5,600 people and only one-quarter of the employees are American Indians.

The report says that the 13 Indian-owned casinos in the state have added more than 3,500 jobs to the state and local economies in the past two years, ranking the gaming establishments number five overall in jobs created over the past two years.

The casinos generate more than \$11.8 million in social security and medicare tax revenue each year, half of which is paid by the business owners. The report said that in some cases, casinos have agreed to pay city or state governments in addition to withholding payroll tax adding another \$700,000 to the government coffers.

The MHA report said the rapid growth in employment in areas of traditionally high unemployment and social needs has reduced the burden on social service programs.

Federal, state and local government aid to Indians within the 11 Minnesota counties that have Indian casinos has decreased, while assistance to both Indians and non-Indians has increased in counties

where there are no casinos. Construction associated with Indian casinos added an additional \$27.2 million to the state's overall construction project total for 1991-92. Indian casinos generated more than one-third of the overall construction project total.

In Michigan, a study prepared by University Associates in Lansing showed that seven gaming establishments employed 1,931 people. About two-thirds of the employees were Indians. Thirty-seven percent of the employees were welfare recipients and 31 percent were unemployed prior to their employment at the gaming establishment.

Tribal unemployment rates decreased by 64 percent, and during the past year the tribes with gaming have paid \$3.9 million in state and federal employment taxes from an annual payroll of \$13.5 million in 1991. The seven tribes reported combined receipts of \$41.8 million last year.

The tribes in Michigan spent \$8 million on supplies and services, 93.5 percent of which were purchased within the state and more than 80 percent of the tribes' gaming customers spent money in local restaurants, at gas stations and at other tourist attractions.

For more information on the Michigan report, contact University Associates, 1611 E. Kalamazoo St., Lansing, MI 48912.

(Reprinted from American Indian Report)



Eugene Begay, master of ceremonies, during the LCO Veteran's Pow-wow. (Photo by Amoose)

WDNR updates sport fish consumption advisory

Madison, WI—Mercury-contaminated fish from several lakes in north central Wisconsin have been added to the state's fish consumption advisory, according to a routine update of health advice state officials issued today.

The advisory recommends limited or no consumption of contaminated sport fish depending on the species and size of fish and the level and type of contaminant.

"Children under 15 and women who are pregnant or who are planning to have children in the near future should avoid eating some fish as noted in the advisory," said Dr. Henry Anderson of the Department of Health and Social Services (H & SS). "Other individuals should limit the number of meals they eat of some fish to reduce their mercury exposure."

Fish from two Oneida County lakes were added to the advisory due to mercury contamination: walleyes 15 to 22 inches long and northern pike 18 to 26 inches long in Jennie Webber Lake, and walleyes 12 to 18 inches long in Squaw Lake.

The advisory for Oneida County's Moens Lake was expanded to include the entire Moens chain of lakes after tests of fish samples from Fifth and Third lakes in the chain showed elevated mercury levels in some sizes of walleyes.

Also added were walleye 12 to 22 inches long in Rock Lake, Vilas County; largemouth bass 12 to 18 inches long in the Peshigo River's Caldron Falls Flowage in Marinette County; and Lake sturgeon 50 inches or larger from the Menominee River in Marinette County.

The advisory now lists fish species from 228 water bodies, including lakes, rivers and the Great Lakes. Wisconsin has about 15,000 inland lakes, 43,000 miles of rivers and streams and 820 miles of Great Lakes shoreline.

Jim Amrhein, fish contaminant specialist for the DNR, said Menominee River sturgeon larger than 50 inches should not be eaten by pregnant women or children, but other adult anglers could eat this fish if

they followed precautions recommended in the advisory.

"The legal size for catching and keeping lake sturgeon when the season is open on the Menominee River is 50 inches, and each angler may keep only one fish of legal size for the entire season, Amrhein said. "If you catch and keep one sturgeon a year, and space the meals from that single fish out over a year as the advisory suggests, you are not going to get exposed to harmful levels of mercury."

The DNR and the Department of H&SS update the sport fish consumption advisory each spring and autumn. The "Health Guide for People Who Eat Sport Fish from Wisconsin Waters" lists which fish from which waters may contain toxic chemicals that may pose a risk to human health, especially to children and pregnant women. The most commonly-detected contaminants are polychlorinated biphenyls (PCBs) and mercury.

According to Dr. Anderson, PCBs—once widely used as lubricants, coolants

and fire retardants—are suspected carcinogens that persist in the food chain by building up in the fat of fish, animals and humans.

Mercury exposure can harm the human central nervous system, but it poses a more short-term risk because the human body can eliminate it over time, Dr. Anderson noted.

Human fetuses and pregnant women are more sensitive to mercury. Mercury is emitted into the atmosphere from coal-fired power plants and latex paint, and once was discharged by pulp and paper mills. Mercury eventually makes its way into lake and river sediment, where it enters the food chain.

Copies of the October 1992 "Health Guide for People Who Eat Sport Fish from Wisconsin Waters" are available at any DNR office or from the Department of Natural Resources Bureau of Water Resources Management, P.O. Box 7921, Madison, WI 53707, (608) 267-7610.

(Reprinted from the WDNR)

Mercury facts

Mercury, unlike PCBs, poses a short-term health risk to people who frequently eat fish that contain this contaminant. The human health effects of mercury are better known than for PCBs. Mercury affects the human nervous system, and thus can harm your ability to feel, see, taste and move.

Because the human body can eliminate mercury over time, occasional fish eaters face a lower health risk than people who frequently eat fish.

- ✓ Generally found in inland Wisconsin lakes and some rivers
- ✓ Emitted from coal-burning, paint and mixed-waste incineration, or discharged in pre-1970s industrial wastewater effluent. Acid rain may release mercury into lakewater and contaminate sport fisheries.
- ✓ Converted by bacteria dwelling in lake sediment into a chemical form readily absorbed by fish
- ✓ Highest levels found in large, old walleyes in lakes from all parts of the state; high levels found less frequently in larger northern pike and largemouth bass
- ✓ Panfish (bluegill, perch, rock bass, crappie) generally contain low or undetectable levels
- ✓ Mercury is stored in the fillet, or muscle, portion of a fish, not the fat; removing fat or skin from these fish will not lower mercury levels
- ✓ Mercury harms the human central nervous system; may affect body movement and senses of touch, taste and sight
- ✓ Health effects generally reversible if mild exposure halted; human body can eliminate half its mercury burden every 70 days
- ✓ Avoid exposure to mercury by following advice in this guide, especially if you are pregnant, under 15 or frequently eat sport fish that might contain mercury. Remember that in general, panfish contain lower mercury levels than large, predator fish.

(Reprinted from Health Guide for people who eat sport fish from Wisconsin waters, a WDNR publication.)



Looks good, but is it safe to eat? Continued degradation of water quality from pollutants continues to both degrade fish habitat and result in chemical build up in fish. (Photo by Amoose)

The price of pleasure Powerboating and water quality

Of all the inventions humans have devised, the internal combustion engine has probably had the single greatest impact. The rest of our love affair with fossil fuel-burning machines reverberates around the planet and sets the tone of our lives.

Our society has become so entwined with these machines that our economy would probably collapse without them. We have conceived hundreds of ways to burn gas: toy planes, skateboards, leaf blowers, and lawn mowers—those noisy machines that pierce the quiet of a Sunday morning at the lake.

We have not neglected the water. We have graduated from oars and sails to turbo-charged machines capable of skimming the water at speeds over 100 mph.

Concern has grown over the consequences of operating power boats, especially large power boats on small lakes. Studies have found that the impact of power boats is highly variable. It is determined by both the lake's features and the characteristics of the watercraft.

The differing physical features of lakes and rivers may predispose some to impacts, and serve to protect others. These physical features include the area, volume of the warm surface layer, the amount of shallow (less than five feet) or deep areas, flushing rate, bottom type, vegetation type, and shoreline shape and composition.

Whether the predominant watercraft are outboard or inboard, propeller or jet propulsion makes a difference when assessing the potential impacts on a given waterway. Engine size and other engine characteristics, operational behavior, and use patterns all influence the degree of impact.

Boat wakes can cause damage.....

The waves generated in back of a moving watercraft are called its "wake." The size of a boat wake is determined by

the volume of the water displaced by the boat and the speed the boat is traveling. The wake does not always increase with boat speed because at higher speeds many boats "plane" across the surface of the water, and therefore displace less water. The larger the size of a wake, the more energy it contains.

Shorelines and shallow areas have evolved over thousands of years in response to the waves and currents that are naturally present. For example, large lakes often have rocky shorelines and extensive shallows that can withstand the pounding of large waves. In contrast, small lakes, narrow channels, and sluggish rivers often have steep shorelines with less stable soils. The operation of large or high-speed boats on small waterways can create waves greatly exceeding the size of any that would naturally be found there. The result, in many cases, is severe shoreline erosion.

Impacts on plants and animals.....

Boat operation can inflict damage on rooted aquatic plants. Direct contact with the propeller can remove the growing tip of the plant or uproot it entirely. Swaths of weakly-rooted plants removed by propeller action or prop wash are often evident in shallow areas. Abrasion from boat hulls can damage or destroy plants, especially those with floating or emergent leaves. Murkiness can retard the growth of aquatic plants by cutting down on the amount of sunlight reaching them. Some aquatic plants can take root and spread from fragments, and motorboat operation has been shown to be directly responsible for the spread of nuisance species in some areas.

Zebra mussels may be spread into inland waters via boat trailers, hulls, and the cooling waters of boat motors. The operation of motorboats has been shown to disrupt the behavior of fish and to alter fish habitat in shallow water.



Reduction of waterfowl range is one possible side effect of power boating on aquatic species. (Staff photo)



Zebra mussels spread into inland waters via boat trailers, hulls, and the cooling waters of boat motors.

However, no significant negative impacts to fish abundance and diversity have been clearly linked to boating activity alone. Some animals, such as loons, are sensitive to human presence, and irresponsible motorboat operation may, in some cases, reduce their range.

Nationwide, the outcome of the encounter between motorpower, musclepower and windpower propelled boats is not clear. Sentiments are strong and scientific research is limited.

Boating is big business in Wisconsin. A 1990 Recreational Boating Survey conducted by the Wisconsin DNR estimated nearly \$204 million spent during the Badger State's seven-month boating season. The total number of boats licensed increased 63% from 1968 to 1989. The number of inboard motors increased 750% during the same period.

Nationally, the average horsepower has increased from 3.6 hp in 1941 to 43.3 in 1982, a 12-fold increase. This escalating use of our waterways leads to many questions about repercussions, both environmental and social.

Concern has grown over the consequences of the operation of power boats, especially large power boats, especially large power boats on small lakes. Studies have found that the impact of power boats is highly variable. It is determined by both the lake's features and the characteristics of the watercraft.

The differing physical features of lakes and rivers may predispose some to impact and serve to protect others. These physical features include the area; volume of the warm surface layer; the amount of shallow (less than five feet), shoal (less than 20 feet), or deep areas; flushing rate; bottom

type; vegetation type; and shoreline shape and composition.

Whether the predominant watercraft are outboard or inboard, propeller or jet propulsion makes a difference when assessing the potential impacts on any given waterway. Engine size and other engine characteristics, such as operational behavior and use patterns, all influence the degree of impact.

Pollution from hydrocarbons

Exhaust from boat motors is very similar to auto exhaust, with over 100 possible hydrocarbon compounds released at detectable levels. However, 2-cycle engines such as outboards and lawn mowers are much less efficient—one hour of running produces as many volatile organic compounds as driving a car 800 miles.

In addition, hydrocarbon compounds from fuel spills, unburned fuel, lubricant leaks, and the discharge of oily bilge water can find their way into surface waters. Other sources of pollution include gas additives, detergents, anti-icing and anti-rust agents.

Once discharged into the water, these hydrocarbon compounds may remain suspended, concentrate at the surface, or settle to the bottom. Many of these compounds have been shown to be toxic to aquatic organisms in laboratory studies, and at levels as low as one part per billion.

(Excerpted from an article printed in Lake Tides, Autumn and Winter 1992. This was adapted from articles and information from Doug Fuller, Tip of the Min Watershed Counsel, Conway MI; and Ken Wagner, Baystate Environmental Consultants, East Longmeadow Mass.)

A tale of two cities

Ashland—haste makes waste

An important decision to make

The city of Ashland, Wisconsin, located along Lake Superior's Chequamegon Bay, is grappling with the issue of incineration. Now that the city dump is nearly full, Ashland residents, like many in the Great Lakes, must decide how to dispose of their daily waste.

The Ashland City Council is considering a proposal from Neutralysis Industries, Inc., for a \$65 million dollar incinerator that would burn a mixture of municipal and industrial waste. To ensure a steady waste stream, company officials have asked for a twenty-year guarantee of city waste and exclusive use of the city's dump to dispose of incinerator ash and unburned, separated material.

Residents of Ashland and surrounding communities have raised questions that have helped postpone a final decision by the council. They are concerned that the plant may make Ashland a repository for waste from other cities and states. They also charged, as do environmentalists, that the incinerator may hamper area waste reduction, recycling, and composting efforts.

The town is weighing these potentially had effects against the promise of increased employment and revenue for an economically depressed area. Estimates for full time jobs ranged from dozens to as few as six. Neutralysis also wants to burn waste with a clay mixture, a process not used by any other incinerator, and opponents assert this process is blocking investigation into health and environmental effects from the incinerator.

Local environmentalists have also voiced concern over toxics produced by the incinerator. They believe that lead, mercury, PCBs, and other toxins would rain into the bay and surrounding ecosystem, one that includes the pristine Apostle Islands National Lakeshore—home to an abundance of endangered species.



Traditional male dancer at Lac Courte Oreilles. (Photo by Amoos)

Muscoda getting burned

A costly mistake

Hugging the Wisconsin River as it swings southwest toward the Mississippi, the village of Muscoda (pronounced Musk-Ah-Day) in southern Wisconsin mirrors many small towns in rural America—main street, grocery store, taverns, and farmland just outside the city line.

Muscoda, also like many other small rural towns, has a waste problem. In the 1980s, while local landfills were closing and waste transportation and disposal costs were rising, village officials decided to do something about the waste before the waste did something about them.

They voted to build a state-of-the-art incinerator that would burn garbage instead of dumping the waste in a big hole. The incentives seemed obvious: reduce costs of hauling and dumping to some far away landfill, reduce waste, burn the garbage and create energy and jobs.

With three neighboring counties in tow, Muscoda officials worked with incinerator planners and designers, and built a \$17.8 million garbage burner in the town's industrial park. Local residents—1,099 in all—expected the plant to create 52 new jobs.

It never happened. Once operators fired up the plant, it lost money from the start. According to a November 15 *Milwaukee Sentinel* article, the incinerator was 50 times too big and 67 times more expensive than the trash needs of the area counties. Now those village officials and local residents must pay \$900,000 every year until 2007 for an unused, rusting incinerator.

With hindsight, Muscoda's residents are now quick to tell any community, including Ashland, to be careful when someone offers incineration as a quick, inexpensive fix. (Reprinted from *Sierra Club, Great Lakes Washington Report*)

Secret burial of nuclear waste in Alaska disclosed

State officials and the Alaska Congressional delegation are demanding that the Energy Department turn over all documents about the site where the federal government secretly buried some 15,000 pounds of soil contaminated with radioactive fallout.

According to documents acquired by Dan O'Neill, a University of Alaska-Fairbanks researcher, in 1962 scientists buried tons of dirt contaminated by radioactive fallout from a Nevada nuclear explosion. The dirt was buried at Cape Thompson, a remote treeless shelf of land on the Chukchi Sea coast.

The area is within the traditional subsistence hunting and gathering grounds for the Inupiat Eskimos. The nearest village, Point Hope, is an Eskimo settlement about 25 miles away with 700 residents.

According to the documents, which O'Neill obtained through the federal Freedom of Information Act, the government was conducting experiments to see how radioactive isotopes would behave in an Arctic setting.

The soils contaminated by the experiments were eventually dug up. The mate-

rial was buried in a mound under four feet of dirt.

According to the documents, officials did not detect any radiation above the burial mound and deemed the area safe. The material was not placed in barrels or any other container.

No warning sign or fences were ever erected.

Residents of the villages of Point Hope and Kivalina, a small village 50 miles south of the site, frequently traveled to Cape Thompson to hunt caribou and to gather berries and murre eggs.

Officials from the U.S. Department of Energy are expected to visit the site soon to conduct tests and decide what if any cleanup will be needed. So far, only background levels of radiation were measured above ground.

U.S. Public Health Service officials announced that an updated cancer study is being launched to see if there is a relationship between rising cancer rates in Point Hope and the material buried at Cape Thompson.

(Reprinted from *American Indian Report*)



Maulson supports alliance against mining

Dear Friends,

I would like to invite you to the second meeting on mining in the Wisconsin ceded territory, to be held at the Lac du Flambeau community center on Saturday, February 20. The meeting, co-sponsored by the Midwest Treaty Network (MTN) and Great Lakes Indian Fish and Wildlife Commission (GLIFWC) follows up the October 31 conference at the Treehaven Center near Tomahawk.

Mining companies such as Kennecott, Noranda and Exxon are getting closer to their goal of mining sulfide ore on ceded lands. The Lac du Flambeau Tribal Council has passed a resolution opposing any sulfide mining, which would release sulfuric acids into nearby pristine waterways, harming the fish, wild rice, game and other resources guaranteed by treaty to the Lake Superior Chippewa. Did we fight this long for the right to fish, only to see the fish themselves poisoned by pollution? We want to work together with others, even those who disagree with us on treaty rights, to save the lakes, streams, and rivers where the fish live and spawn.

Just as the outside mining interests work together, the Indian and non-Indian people around the Lake Superior region need to work together to stop these mines. Mining would hurt the livelihoods of Indians and non-Indians alike in our area, such as the tourism industry, and we need to promote appropriate economic development for the reservations and ceded territory.

Together, we can again get the companies to reconsider their projects. One purpose of the February 20 meeting is to form a network or alliance of Indian and non-Indian opponents of the proposed mines. Another purpose is to listen to what our elders have to say about mining, the treaties, and the future of our people. I would like to invite elders to speak at the morning part of the meeting, from 10:00 a.m. to 12 noon. There will be discussion from 1:00 p.m. to 5:00 p.m. on strategies and ways to work together.

I'm looking forward to seeing you here on February 20.

Sincerely,
/s/Chairman Tom Maulson
Lac du Flambeau Chippewa Tribe

Biological Services Division

(Continued from page 15)

from 1-30% of the fish may be infected. Preliminary results of the study indicated that the percent of adults with lymphocystis was greater in the 8 lakes with a previous estimate (3.3%) compared to lakes without an estimate during the three previous years (1.2%).

Wildlife Section

Predator Interaction Study. Fishers and pine martens that had received radio transmitters as part of an on-going research project on upland predator species in the Nicolet National Forest (NNF) continued to be tracked in 1992. In addition, the study was expanded to include capturing and radio collaring fisher, marten, and bobcat in the Chequamegon National Forest, and fisher and bobcat in the St. Croix National Scenic Riverway. A total of 7 bobcats, 10 martens, and 14 fishers have been collared in the three areas combined. Habitat and home range determinations have been completed for animals in the NNF study area and will be reported on during 1993.

GLIFWC is leading the study, with participation by the WDNR, the Nicolet and Chequamegon National Forests, UW-Stevens Point, UW-Madison, and others. The goal of the project is to understand interactions among upland predators as fisher and marten are reintroduced to formerly occupied habitat. The project is planned to continue for at least a ten-year period and already is contributing to both a PhD and MS thesis.

Wild Rice Enhancement. The wild rice enhancement program continued to expand in 1992. In 1992, approximately 6,500 pounds of wild rice was purchased from hand harvesters and used for reseeding projects compared to 5,775 pounds in 1991, 2,600 pounds in 1990 and less than 1,000 pounds annually from 1987-1989. Rice was distributed to cooperators who conducted most of the seeding in waters of northern Wisconsin and the Upper Peninsula of Michigan.

This cooperative effort included personnel from the Keweenaw Bay, Lac Vieux Desert, and Red Cliff tribes, the Wisconsin DNR, the Nicolet, Chequamegon, and Ottawa National Forests, the Balsam Lake Rehabilitation District, and several private citizens. Some seeding efforts are beginning to show tangible results. For example, tribal members were able to harvest wild rice from Lac Vieux Desert which was seeded for the first time in 1991. Another wild rice bed, which was established on the Spring Creek Wildlife Area near Park Falls after several years of seeding, was used as a seed source in 1992.

Sweet Grass Project. In an attempt to expand the availability of sweet grass, a native plant used by tribal members for ceremonial and religious purposes, GLIFWC developed a project to cultivate the plant in home plots. A total of 13 volunteers participated in this project. In addition, native stands of sweet grass are being identified so that they can be protected and used as a source of seed.

EPA fish study criticized by environmental group

An Environmental Defense Fund (EDF) report released last month, says the Environmental Protection Agency, "significantly underestimated" the health risks posed by eating fish contaminated with toxic pollutants.

"The EPA severely underestimates the threat to sensitive populations in the U.S." including American Indians, pregnant women, nursing mothers, young children and the poor, said EDF attorney David Bailey.

The EDF studied a recent EPA report on fish contamination and health risks, as well as the EPA's national survey of state imposed health advisories, warnings, and bans on the human consumption of fish from inland waters.

"In 46 out of 50 states and the District of Columbia there are bans or health advisories on fish consumption because of contamination by dangerous toxins," Bailey said at a press conference in Washington, DC.

"In fact, the EPA's newly revised computer database revealed more than 4,000 listings on state health bans or advisories, including 30 states with warnings for PCB, 29 for metals, 26 for pesticides and 22 for dioxin."

Bailey accused the EPA of deliberately misleading the public in its study by selectively emphasizing only 46 sites.

The EDF analysis says the EPA study based its public health risk assessments on 1973 data assuming fish consumption of just 8 ounces of fish per month. Commerce Department statistics show that per capita fish consumption is more than twice as high, said EDF senior scientist Peter deFur.

"Since our food is the major route of exposure for the intake of most toxic contaminants, and contaminated fish is a significant, if not major, source of contaminated food, it is imperative that the EPA evaluate human health risks based upon realistic fish consumption values," Bailey said.

"We cannot continue into the future in this manner, or the time will soon come when it will be difficult to safely consume any fish from our nation's inland waters. Part of our American heritage—to go fishing, to take our children fishing, to bring such fish back home to our families and to put them on the dinner table—is quickly disappearing in this country," Bailey said.

(Reprinted from *American Indian Report*)



Growing up with tradition, a young jingle dress dancer joins in the dance at LCO. (Photo by Amoos)

GLIFWC warden finishes in top ten of Beargrease

By Sue Erickson
Staff Writer

Seven dogs on Clay Rump's team made it over the finish line of the grueling 1993 John Beargrease Sled dog race—six pulling and one (himself) pushing, says GLIFWC warden Clay Rump, who spent 4 1/2 days on the trail as a contender in the Beargrease race.

The 1992 Beargrease, honoring a Chippewa mail carrier, John Beargrease, was sponsored by the Grand Portage Band of Chippewa.

Rump's team completed the race in tenth place, which is a considerable accomplishment. Only eleven out of the twenty-seven teams managed to go the full distance by the cut-off time on Friday, Jan. 15th.

Rump started with sixteen dogs pulling. But the rugged course, featuring a very hilly terrain, left only the few to finish the last 175 miles of the total 500 mile run.

Not far behind him, but unable to make the finish by the cut-off time, was Grand Portage tribal member Curt Gagnon, a veteran Beargrease contender, who was in position for twelfth. However, he was seven miles from the finish at the time of the race closure, so did not complete the course, says Rump.

This is the second Beargrease race for Rump, who ran it in 1991 as well. He has been sledging for the past eight years and has worked in Alaska with renowned sledgers Susan Butcher and Dick Svenson.

However, this year Rump ran a team belonging to Bob Jones, a Lac Courte Oreilles area resident. He met the team for the first time 14 days prior to the race.

Rump had not planned on running his own team, or even doing the Beargrease this year, but warmed to the opportunity when it presented itself through Jones.

The only very familiar face on his sixteen dog team belonged to the lead dog, Plug, who does belong to Rump. Plug, an Alaskan husky, went the whole course, finishing with five other teammates.

Rump cites the hilly terrain and the bitter cold as factors which make the Beargrease particularly grueling.

While his own commitment to finishing the race never wavered, Rump had to wonder about his team's thoughts on the subject several times.

Beaver Bay, in particular, provided some critical moments, when the team was tempted to just lay down.

Mushers are required to descend about eight miles to Beaver Bay and the site of the John Beargrease memorial. Turning the dogs around to backtrack up the hill, took some convincing and innovation, Rump states.

Fortunately, one of the bitches was in heat, so Rump placed her in front of the team and then placed a large, interested male teammate directly behind her. The two of them managed to pull the team the nine miles up the hill, according to Rump.

However, it took three hours to make the nine miles to Hwy. 2, so even the added impetus did not make for a speedy ascent.

The necessity of hardening dogs to the long distance runs was emphasized by Rump. The dogs, he says, need to know that there is an end at some point. Dogs not conditioned to the long hauls have no idea that an end does come, so are more inclined to lay down and quit.

This problem beleaguers many of the other mushers who were not able to finish the course, he said.

The ordeal of the race is still fresh enough for Rump to hesitate about making any promises or plans for next year's Beargrease. Once across the finish, you feel like you never want to do it again, he explains. But as time rolls on, the memories of hardship and fatigue dim and one begins to get caught up in the excitement of maybe running it again.

Rump is thankful to his sponsors for their support throughout the preparation for the race and the race itself. His sponsors included:

The Lac Vieux Desert Band of Chippewa, the Lac Courte Oreilles Band of Chippewa, Pro-Pack Dog Food, Hayward Area Animal Hospital and the Great Lakes Indian Fish and Wildlife Commission, which provided him the leave time with pay to accomplish the race.



Clay Rump, GLIFWC warden stationed at Lac Vieux Desert, with his dog, Plug, during the 1993 Beargrease sled dog race, a 500 mile course. (Photo by Amoose)



Clay Rump, GLIFWC warden. (Photo by Amoose)



Curtis Gagnon, Grand Portage reservation, at the start of the Beargrease. The race was sponsored by the Grand Portage Band of Chippewa this year. (Photo by Amoose)

A vision of sovereignty

A mighty tree, a whispered promise of morning

By Sue Erickson
Staff Writer

"Sovereignty," self-governance, tribal authority; a mighty tree which blossoms in the midst of darkness; a raspy whisper of hope carried on the wings of dawn; a canary still singing in the darkness of a mine.

F. Browning Pipestem, professor of law, University of Oklahoma, opened the "Forum on Sovereignty II" in Stevens Point, Nov. 18-19, 1992 with a definition of sovereignty that reached to its essence. He sought to define that awesome word not only in its legal context, but in its emotional and spiritual meaning for tribal people.

To Pipestem sovereignty is survival for Native American people in its deepest sense. He, therefore, considers it one of the most important matters before the tribes today.

The issue is critical because without it, the hope of the people dims, he said. The issue is critical today because, as in years past, the sovereign rights of native people remain under heavy attack.

Pipestem noted that as tribes stand on the threshold of the 21st century they must exercise their authority to fight their enemies. Those enemies he defined as "poverty, ignorance and injustice."

He cited recent Supreme Court decisions which may indicate the Supreme Court has abandoned the tribes. The Duro Decision, the Brendale Decision and Oregon vs. Smith, were among those Supreme Court rulings.

Some could consider it the "holocaust of Indian rights," Pipestem said, the federal judiciary and the Constitution fail to uphold such basic human rights as the freedom of worship.

Even this, Pipestem noted, was deprived to Indian people through the Oregon vs. Smith Decision which prevented the sacred use of peyote in worship. He watched grown men cry, he said, when they were told that the states had the right to proscribe their religious activities and make the religious use of peyote a criminal action.

However, despite the dark side, Pipestem believes that tribal sovereignty is alive and well because it lives in the hearts of native people. He used three men, all with their own personal holocausts to face, to give definitions of sovereignty as it lives in Indian nations.

Felix Cohen, author of the Handbook on Indian Law, was his first example. Cohen, a Jew, could look at the holocaust of his own people and recognize it within the Native American Tribes in the United States, he said.

Intergovernmental Affairs

(Continued from page 16)

■ **Hazardous Substance Spill in Douglas County, Wisconsin**—In response to a train accident near Superior, Wisconsin, that resulted in a discharge of benzene and other substances into the surrounding air, land and waters, GLIFWC staff formed an interdivisional team to assess the discharge's environmental impacts and appropriate tribal rights, responsibilities and responses.

■ **Comments Submitted on Draft USFWS Native American Policy**—GLIFWC staff submitted comments on the United States Fish and Wildlife Service draft Native American policy. The policy is intended to define the agency's duties to tribes in carrying out the federal trust responsibility. The policy has not yet been finalized.

Planning and Development

(Continued from page 20)

Organizational goals

The Planning and Development office assisted the Commission in preparing and presenting "WIGimawanjii'idimin Gaye Wii Nibawaadaamin," a long range strategic plan formally approved by the Board of Commissioners on September 29, 1992. The plan details the Commission's philosophy, Mission Statement, Future Direction, and Long Range Goals for the year 2000. Technical assistance in operationalizing the Commission's Strategic Plan is ongoing.

The division has worked with the Commission's Executive Committee to explore options and identify a strategy for meeting GLIFWC's office space needs at a centralized location. Work was coordinated with Bad River's Grants Office including discussions with Bad River staff and a formal presentation to the Bad River Tribal Council.

The Commission was awarded a two year Administration for Native American's Grant at \$102,000 per annually for the purpose of developing an electronic archive system. The system will be capable of storing and retrieving large volumes of off-reservation treaty information including biological reports, meeting minutes, federal court documents, and public information publications.

Cohen stated: "It is a pity that so many American people think of the Indian as a romantic or comic figure in American with no contemporary significance. ...like a miner's canary the Indian marks the shift from fresh air to poisoned gas in the political atmosphere."

Pipestem noted that as such, a holocaust on tribal sovereignty would create a picture of great despair—one with no promise of the future, where governments were merely "debating societies," deprived of all authority.

Pipestem next turned to the vision of Black Elk, a Sioux holy man, who expressed a vision of sovereignty for native people as follows:

"Now that I can see it all, as from a lonely hilltop, I know it was the story of a mighty vision given to a man to weak to use it, of a holy tree that should have flourished in a peoples' heart with flowers and singing birds, and now is withered, and of a peoples' dreams that died in bloody snow. But if the vision was as true and as mighty, as I know it is true and mighty yet, for such things are of the spirit, and it is the darkness of their eyes that men get lost."

To Pipestem, sovereignty is the mighty tree, a vision still clear and living; and Cohen's canary is one of those singing birds in Black Elks' tree. "We may have to fan Cohen's canary from time to time," he added, but the song is still there.

"What do we do? What tack do we take?" Pipestem asked rhetorically. The answer he found in the words of his father, Francis Pipestem, on his deathbed.

Pipestem had watched his father's life

slowly ebb for a period of months, sitting day and night at a small hospital bedside on a Pawnee reservation. He was despairing, for he felt an awful emptiness at the loss of his father and began to give up hope. The nights were the worst, when quiet and dark shadows overtook the room.

His father, weak and frail, sensed his despair, and in a small, raspy voice said: "Son, hold on. Don't you give up. Morning is coming. If I die with the daybreak, take it as comfort that the Spirit of God came and took me. Don't be sad. We have never got anything we didn't fight for. Don't you give up. Morning is coming."

For Pipestem that small, raspy voice with the promise of morning, still holds the body of hope which Indian people must not lose.

Referring to the problems of poverty and high rates of youthful suicides which still prevail in Indian communities, Pipestem noted that they are a result of the loss of hope—the loss of a vision.

"Our communities are stalked by poverty; our young people walk in darkness when their sun should be shining. When they should be planning for things to come, the end is looming for them."

In the midst of the despair, Indian people must hold to the "little raspy voice saying, 'Don't give up. Hold on. Morning is coming.'" This is, for him, the sovereign hope.

For those who have been casualties of the lack of hope, who have lost the vision of the mighty tree, "their silence is almost too great to bear, because their songs will never be heard," Pipestem concluded.



Becky Taylor, Lac Courte Oreilles, shares a smile. (Photo by Amoose)

Ethnobotanical thoughts

"We are all one in nature. Believing so, there was in our hearts a great peace and a willing kindness for all living, growing things."

—Luther Standing Bear

"If you've seen one redwood, you've seen them all."

—Ronald Reagan

By Jim Meeker
GLIFWC Botanist

That cultures possess undeniable differences in viewpoints and values is obvious from the above quotes. Often, those differences tempt us to act as judges and attempt to put cultures on a scale of correctness.

The quotes may also leave us with the impression that Native Americans were the primal or "first" ecologists (i.e. we are all one in nature) and serve to emphasize the difference between the European and the Native American world view as well as acceptance of stereotypes.

However, I think we should shy from stereotypes and search for linkages and ways to share knowledge among cultures that may benefit the environment. I am not really interested in putting cultures on a scale of correctness.

I would, however, like to briefly consider a few common stereotypical arguments regarding the Native American and environmentalism, so that they can hopefully be put behind us, and we can pursue a more constructive course in considering Native Americans in the light of ethnobotany as well as environmentalism.

There are those that criticize the idea of the Native American as a primal ecologist, arguing that Native Americans did not degrade their environment merely because they lacked population sizes and technologies that would bring about massive destruction. This argument suggests that Native Americans really had no need for an environmental ethic.

This is an old and stale argument, as the continually increased estimates of Native American populations at the time of Columbus have put it on shaky ground. It is thought that as many as 20 to 30 million Native Americans were busy hunting, fishing, gathering, burning, tilling and in many other ways managing the natural resources of North America.

A second argument that this camp uses relies on research that suggests that Native



Jim Meeker, GLIFWC Botanist

peoples were instrumental in the extinction of large mammals at the end of the Pleistocene Period. Taken alone, I do not have any problems with this premise, but there is a problem taking both of these arguments together; they are contradictory. How could an older paleo-Indian culture be effective at large scale destruction while that of a more modern, pre-Columbian not be?

Another criticism suggests that the stereotypical view of Native Americans as primal ecologists is just as simplistic as the early 20th century view of that the forest primeval as one in which a squirrel could travel from the Atlantic coast to the Mississippi without touching the ground.

This criticism suggests that the image of the Native American as merely a spirit across the North American landscape is

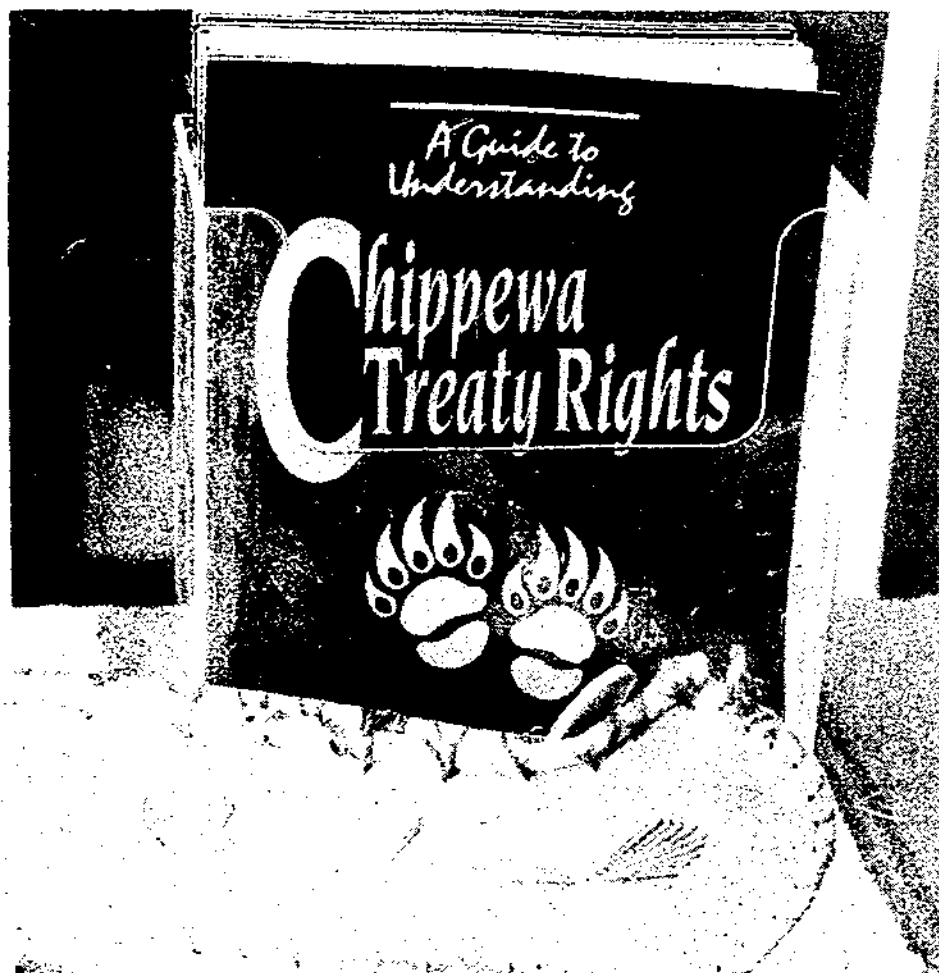
just as overly romantic. These critics feel that to portray Indians as having no impact at all on the landscape ignores the vast working knowledge that they had of their surroundings. They say that this stereotype robs them of their culture, that is, their developing relationship with the natural resources at hand.

A key point of this revisionist point of view is that cultures are dynamic. For example, paleo-ecologists suggest that Native people may have experienced major cultural changes, and that re-adaptation may have followed the demise of the large mammals; they suggest that then people were forced to develop closer relationships to plants and their surroundings. The development of this new knowledge or wisdom has been given many names: utilitarian conservation, religious reverence, ecological awareness, and an environmental ethic, to name a few. All of these "wisdoms" have their unique emphases, yet they all suggest the importance of specific knowledge about natural world.

So, maybe we should refrain from putting Native American culture on a non-realistic pedestal, and instead, honestly appraise their past and present knowledge of the land and its resources. Then we can ask "How could these wisdoms translate into a modern conservation ethic?"

I suggest that to get on with this task, a first step would be to look at the importance of native languages as repositories of knowledge. The importance of incorporating native language often provides special meaning, or detail not found in English substitutes. For example, the native word for fish in one Aleut dialect the same as the word for food. This knowledge may help fisheries management people understand why these native peoples do not approve of "catch and release" fishing, which to them is the same as playing with one's food!

(Ethnobotanical thoughts, a column on ethnobotany, will be published in MASINAIGAN on a quarterly basis.)



GLIFWC's "A Guide to Understanding Chippewa Treaty Rights: Minnesota Edition" has been widely distributed during informational sessions in Minnesota regarding the proposed settlement between the Mille Lacs Band and the State of Minnesota. A copy is available by phoning the Public Information Office. (Photo by Sue Erickson)

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