MASINAIGAN

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Mille Lacs Band's 1837 treaty rights re-affirmed

No immediate appeal

By Sue Erickson
Staff Writer

Minneapolis, Minn.—The off-reservation treaty rights held by the Mille Lacs Band of Ojibwe in the 1837 Treaty were re-affirmed in federal court decision August 24th in Minneapolis, Minnesota. U.S. District Court Chief Judge Diana Murphy's decision resulted from a three-week trial which began on June 13, 1994.

Significantly, Murphy not only upheld the band's treaty right to hunt, fish and gather in ceded territories in east central Minnesota but also denied immediate appeal of her decision. Rather she ordered that a second phase of the trial, which will determine the amount of resources the band can harvest and the extent of state regulation, be scheduled.

According to Don Wedll, Mille Lacs Commissioner of Natural Resources, the case was remanded to Chief Magistrate Judge Jonathan Lebedoff who will set the discovery motions and trial readiness schedules.

Wedll anticipates that it may be six to eight months before the schedules are set and another six to eight months prior to a trial. The completion of phase II may require a few years, he says.

Meanwhile the band plans to provide a limited exercise for its members. Any exercise will be regulated by the band, with both conservation and public safety measures in mind, Wedll states.

While appeal of the court's decision is still possible, it will not occur until after phase II is complete as a result of Judge Murphy's decision not to grant immediate appeal. This decision was based on legal principles regarding trials that are broken up into parts, such as this one, Wedll explains. Unless the first part has a significant overriding interest if ruled incorrectly, or if there is any significant doubt in the law, appeals are delayed until all parts have been heard.

Support from the Mille Lacs Band was present during the trial in Minneapolis. Waiting for the trial to commence were, from the left, standing: Karen Ekstrom, Assistant Commissioner of Administration; seated: Brenda Moose, social worker; Nora Hays, Administrative Assistant to the Commissioner of Health and Human Services; Melanie Benjamin, Commissioner of Administration; Bernita Churchill, District 3 Representative; and Marge Anderson, Mille Lacs Tribal Chairwoman. (Photo by Amoose)

Wedll feels that in this case, there was not a significant doubt in the law, but believes that an appeal by the state, counties and landowners will follow the completion of phase II.

Two of the major argument heard in the trial regarded the abrogation of the 1837 treaty rights by the 1855 Treaty and the 1850 removal order. Judge Murphy found on these points that:

① The usufructuary rights (hunting, fishing and gathering rights) guaranteed to the Chippewa in the 1837 Treaty were not extinguished by the 1855 Treaty. Murphy notes in her conclusions that:

"Study of the record shows that the circumstances and legislative history of the 1855 treaty indicate that Congress did not intend to abrogate that privilege and that the Chippewa did not understand the treaty to have that effect."

"The absence of any reference to the guaranteed usufructuary privilege also shows that the Band would not have understood that it was giving up its privilege."

"The practical construction of the 1855 treaty also shows that the Chippewa did not in fact understand it abrogated their usufructuary privilege. The Chippewa continued to hunt, fish and gather off-reservation after the 1855 treaty. If they had understood that the 1855 treaty extinguished their usufructuary privilege, they would not have felt free to continue such activities on the 1837 ceded territory because that could have jeopardized their continued residence on the newly created reservations."

② The 1850 removal order did not abrogate the usufructuary rights of the Chippewa. Murphy found that:

"Government policy between 1850 and 1851 indicates that the government no longer expected the Chippewa to remove and that it expected the Chippewa to continue to hunt, fish and gather on their ceded lands with the assistance of goods provided by the government."

"Moreover, the 1850 executive order was never enforced against the Mille Lacs Band, and the removal portion of the order was enforced against other Chippewa bands for only one and one-half years."

"The revocation of the hunting, fishing, and gathering rights was never enforced against any of the Chippewa. The record indicates that the executive branch intended to repeal the 1850 executive order."

Outside the federal court building in Minneapolis last June, Don Wedll, Mille Lacs Band Commissioner of Natural Resources, is interviewed by local television crews on the first day of the trial. (Photo by Amoose)

History of litigation

The litigation began when the Mille Lacs Band of Ojibwe sued the state of Minnesota in 1990 asserting the band's right to exercise and self-regulate treaty harvests on off-reservation ceded territories. As the litigation proceeded, the Minnesota Department of Natural Resources and the Mille Lacs band attempted to negotiate and approve a proposed out-of-court settlement.

The proposed agreement failed to pass the Minnesota Legislature in 1993, setting the stage for the recent trial in 1994. Since the original suit, several other parties have intervened. The U.S. Department of Justice intervened on behalf of Mille Lacs, and nine counties and a number of landowners intervened with the state.

1837 ceded territory

The ceded territory, according to the state's estimates, include about 3,061,501 acres located in eleven Minnesota counties. There are 519 lakes 10 acres and larger **(See Mille Lacs Band, page 18)**

Cedar sticks and rice stalks

Preserving a traditional food

By Peter David
GLIFWC Wildlife Biologist

Odanah, Wis.—Although the warm, fragrant winds of this summer will be missed, their passing means the arrival of ricing season each fall. Wild rice, known as manomin to the Chippewa people, has long been one of their essential foods. And so, as the summer passes into fall, people prepare their canoes and cedar ricing sticks. They watch the rice for readiness and wait for the word from their tribe or ricing chiefs that the rice is at last ready for harvest.

Because of the special significance of this plant to the Chippewa bands, GLIFWC has been involved in its management since the onset of the organization. Activities include surveying and identifying rice beds, re-seeding projects, and monitoring rice crops on an annual basis.

Since the rice plants first began emerging from the floating leaf stage this summer, two summer interns, Tim Eddy, of UW-Stevens Point and Toby Glaza from Northland College, were busy visiting rice beds to monitor rice abundance. At each site, they estimated the acreage of the rice beds and measured their density.

They also made notes about the composition and abundance of the other components of the plant community. Before the summer is over, they visited over 40 waters; most of these waters are now surveyed annually.

In early August, additional rice waters were surveyed from the air. The rice abundance information gathered from these surveys is summarized and made available to people interested in ricing off-reservation.

Although it is impossible to be certain that a rice bed will provide a good harvest until the cedar sticks meet the stalks, this abundance information can help direct ricers to the stands with the best potential and hopefully can prevent long trips to off-reservation beds that were unproductive this year.

Preliminary indications showed that Wisconsin's 1994 rice crop may be better than it has been in several years. A relatively dry winter and spring resulted in fairly low water levels, and above average spring sunshine and temperatures warmed these shallow waters and encouraged the early development of the plants. Final information on rice abundance on many area waters and harvesting regulations, is available each season by contacting GLIFWC's Wildlife Section in Odanah (715-682-6619).

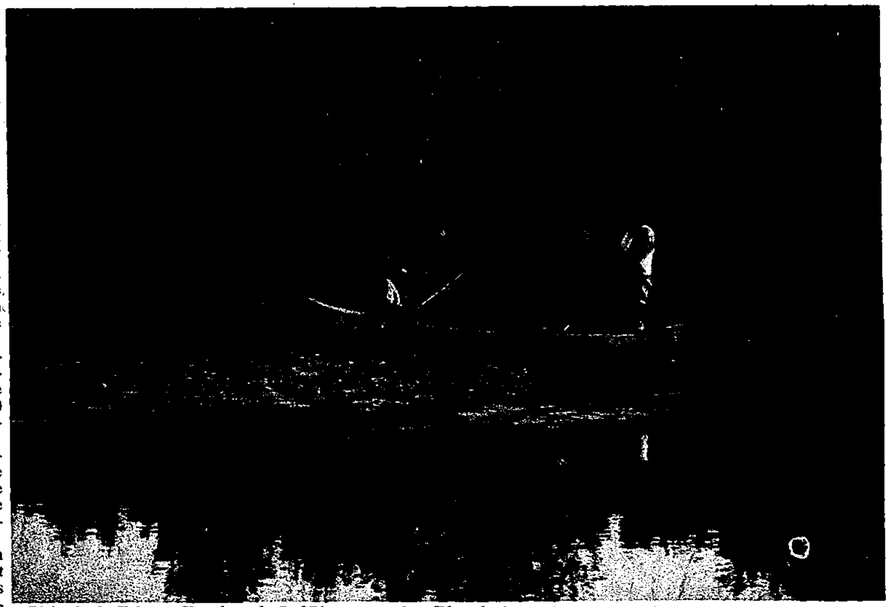
In addition to helping ricers find the best rice beds, this abundance information helps GLIFWC monitor the long-term trend in rice abundance. We know that wild rice is much less abundant than it was historically. However, we don't know whether rice is continuing to decline, if it has stabilized, or if it has perhaps begun to expand again.

Because wild rice naturally varies greatly in abundance on a year-to-year basis, it is only by monitoring the same waters over many years that we can determine the current trend in rice abundance.

In addition to monitoring these trends, another part of GLIFWC's management program hopes to actually expand the rice resource in the ceded territories. Anyone who has riced knows that good rice seed sinks rapidly to the bottom of the lake or river. As a result, rice seed rarely falls very far from the mother plant.

When the seed bank in a rice water is lost, it may take many, many years before a seed bank becomes re-established in an area. Likewise, when new areas of habitat suitable for wild rice are created where there isn't a natural seed source near by, rice may never become established unless it is artificially introduced.

With this in mind, GLIFWC has developed a highly cooperative rice seeding **(See Preserving, page 14)**



Ricing in the Kakagon Sloughs at the Bad River reservation. (Photo by Amoose)

Wild rice project takes root at Bay Mills

By Sue Erickson
Staff Writer

Bay Mills, Mich.—Success of a 1993 wild rice re-seeding effort in Spectacle Lake on the Bay Mills reservation in Michigan's Upper Peninsula has encouraged tribal resource managers to further promote the effort, states Bay Mills biologist Ken Gebhardt.

While there was some skepticism as to whether the delicate plant would grow so far north, tribal members can remember wild rice on the reservation and in Lake Superior in years past, he says.

Last fall, the first re-seeding effort was launched on the reservation by Gebhardt and GLIFWC wildlife biologist Lisa Dlutkowski. Although the seeds produced rice, muskrats caused considerable damage to the new crop. Gebhardt believes it will be three to four years before the rice is harvestable.

Spectacle Lake is a border lake, lying both on and off the reservation, Gebhardt says. It was chosen because its water seemed to have the correct acidity for wild rice. Other lakes that were tested appeared too acidic, he stated.

Between 400-450 lbs. of rice were planted last fall in about four to five acres of the lake. The rice was purchased through the Bureau of Indian Affairs "Circle of Flight" project, which encourages restoration of wetlands with the duck population in mind.

Bay Mills is working on several other projects in conjunction with Circle of Flight, according to Gebhardt. The band will be erecting two wood duck boxes once the water ices over and also five Canada goose and mallard nesting platforms will be deployed in the spring.

Circle of Flight has also funded the purchase of up to 650 pounds of wild rice for re-seeding in 1994 as well as funding for a wetland mapping and delineation project, Gebhardt states.

Bay Mills tribal members do participate in the off-reservation treaty waterfowl harvest. Permits for the season are obtained through GLIFWC, which maintains a satellite conservation office at the Bay Mills reservation.

While Gebhardt has been working with the Circle of Flight projects, his major duties relate to the off-reservation treaty fishery in Lake Superior and Lake Michigan. He works in conjunction with biologists from the Chippewa Ottawa Treaty Fishery Management Authority (COTFMA) in performing fishery assessments, harvest monitoring and sampling for contaminants.

Waterfowl season underway

Outlook is good!

By Peter David
GLIFWC Wildlife Biologist

Odanah, Wis.—The fall waterfowl hunting season will soon be underway, and the outlook is encouraging. Duck numbers are up substantially from 1993, and harvest regulations have been liberalized.

North America's waterfowl populations are measured annually in a huge international survey that stretches from Wisconsin to Alaska.

Trained biologists fly thousands of miles in small planes surveying ducks from the air. Ground crews then intensively sample a much smaller portion of the same area, to develop "correction factors" for the ducks that are missed from the air.

For example, for a relatively large, conspicuous duck like the mallard, the aerial observers may count nearly 70% of the ducks seen in the intensive ground searches, while for a small, fairly inconspicuous species like the blue-winged teal they may see only 35%.

These correction factors are then used to make a population estimate for the entire survey area. While counting ducks, the biologists also record the number, and kinds, of wetlands they see.

In recent years the results of this survey have generally been discouraging. Populations have been below average since 1985, driven down by a series of dry years on the prairie pothole region, where most of the continent's ducks nest.

In recent years, hunting regulations have been fairly restrictive, in an effort to reduce the harvest while waterfowl populations were low. In addition, special efforts have been undertaken to preserve and restore wetlands and the uplands that surround them, where many ducks nest.

These efforts seem to be paying off, and 1994 has biologists, hunters, and wildlife watchers optimistic. Overall water conditions on the prairie pothole region this spring were good for the second year in a row. The number of ponds counted in May on the survey area was 32% above the 1974 -93 average, setting the stage for a good breeding effort.

The nesting cover around the ponds also improved from last year, and the birds responded fairly dramatically. The breeding population estimate for ducks increased a remarkable 24% from 1993 and is at a level near the long term average.

However, it takes more than breeding ducks to build a strong flight of birds going south in the fall. Poor summer conditions can reduce "recruitment," the number of ducks which not only successfully hatch, but which survive the early perils of life to take wing.

Fortunately, summer conditions also appeared good this year. The shallow ponds counted in May persisted into July, which had a pond count 41% above average, indicating that fewer ponds had dried up than in most years. As a result, the "fall flight forecast" for 1994 is 71 million ducks, up from 59 million in 1993, and is similar to the fall flights experienced in the early 1980's.

Locally, state surveys conducted by Wisconsin and Minnesota followed the North American trend, with both states showing increases in breeding populations of approximately 50% from 1993. GLIFWC cooperates with the Wisconsin DNR survey by ground truthing 4 transects of the statewide survey.

Although overall duck numbers are up, some individual species remain of concern. Scaup (also known as blue-bills) and pintails are still 18% and 33% below average, respectively. Canvasbacks, which have been closed to hunting in recent years because of low populations, climbed to 11% above the long term average, and they will once again be allowed to be part of the hunters' bag.

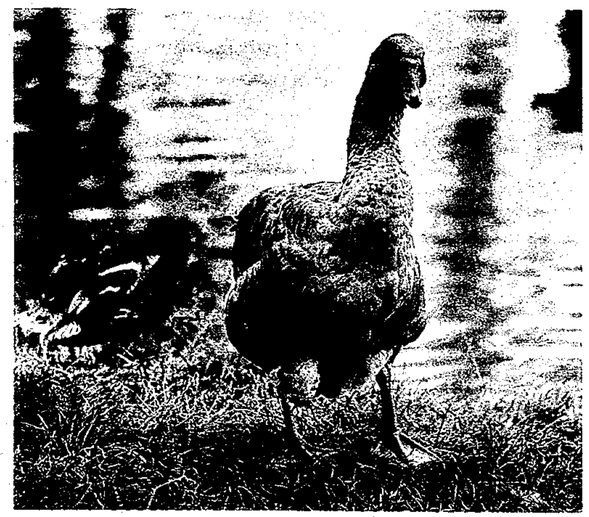
However, the relatively small size of this population (about 500,000 birds in the survey area), and the tendency for the population estimate of this species to vary annually, continue to make the management of this species a special concern to biologists.

Goose populations, which are surveyed and managed differently than ducks, remain a relatively bright spot in the waterfowl picture. The Mississippi Valley Population, or MVP, which accounts for most of the goose harvest by GLIFWC member tribes, experienced excellent production last year, and the population increased an estimated 35%.

The estimated number of breeding birds, however, remained similar to last year because Canada geese do not usually begin breeding until they are four years old. In addition, weather in the area where these geese nest was relatively poor this spring, with snow melt occurring later than usual. Thus production in the MVP is expected to be below average.

Nevertheless, on the strength of last year's excellent production, the fall flight of this population is expected to be slightly higher than a year ago.

The Southern James Bay Population, which contributes to the tribal harvest in the eastern Upper Peninsula of Michigan, and the Easter Prairie Population, which would contribute to harvest in Minnesota, are not doing nearly as well as the MVP, with both populations below the long term average and with fall flights expected to be similar or below last year's. However, the tribal goose harvest from these populations is so small that the biological impact is insignificant.



Did somebody mention waterfowl season? (Photo by Sue Erickson)

1994 hunting regulations will be liberalized

GLIFWC member tribes had an estimated off-reservation harvest of approximately 1630 ducks and 400 geese in 1993. This was the second highest harvest reported, but remains non-significant biologically.

Preliminary harvest results for the states in the Mississippi Flyway, which include states from Minnesota, Wisconsin and Michigan on the north, to Louisiana and Mississippi on the south, indicate that hunter effort and harvest in 1993 were very similar to 1992.

The estimated harvest of 2,886,200 ducks in the flyway was well below the average harvest of 5,014,800 recorded from 1981-85, and reflects successful efforts undertaken to reduce harvest.

Proposed off-reservation tribal waterfowl hunting regulations for 1994 were submitted to the U.S. Fish and Wildlife Service. The proposal included season lengths similar to last year, with a substantial increase in bag limits, in order to allow a greater subsistence hunting opportunity.

Although final tribal waterfowl hunting regulations have not yet been approved by the U.S. Fish and Wildlife Service when this article was written, liberalization of the bag limits is expected.

The public comment period on the proposed regulations ended August 31, and the final regulations should have been adopted very soon after that.

The season is expected to open on or near September 15. Full details on waterfowl hunting regulations should be available at your local tribal conservation office, or from GLIFWC's Wildlife Section (715-682-6619) as of September 10.

Ruffed grouse cycles in Wisconsin

By Dave Lauten
GLIFWC Wildlife Section

Odanah, Wis.—Residents of the Northwoods are very familiar with a common denizen of our forests, the ruffed grouse. The steady thumping of a male drumming from his favorite moss covered log on a cool April morning is a welcomed signal of spring. A sudden burst of power and the blur of brown and white feathers flushing over the golden aspen of autumn are sure indicators of winter to come.

Both hunter and naturalist have cherished these moments for decades. In their pursuit of this famed forest inhabitant both have noticed that some years the grouse are numerous, and other years the grouse seem almost to disappear.

As we ponder the decline of the grouse and wonder if they will ever return, they slowly rebound and soon we find ourselves surrounded by this beloved creature again. Early students of the grouse realized that population swings followed a general pattern, rising and falling in predictable sequence.

This steady pattern of population fluctuations is termed a cycle, and it is well known that the grouse of the Great Lakes region cycle every ten years.

While the grouse cycle has been a topic of research for many years, a complete picture has still not emerged. However, Mother Nature has revealed some of her secrets which have helped us understand some of the complex interactions in the web of life.

It has been suggested by Dr. D. H. Rusch and Dr. L. B. Keith of the Department of Wildlife Ecology at the University of Wisconsin–Madison that the decline of ruffed grouse in the Great Lakes region is linked to periodic invasions of northern goshawks and great horned owls from Canada and Alaska. These avian predators invade due to declines in their main prey source in the Canadian region, snowshoe hare.

The snowshoe hare populations also cycle every ten years. Dr. Rusch, Chris Balzer, and I conducted a study to gather more information on the dynamics of ruffed grouse during the past peak and decline of the cycle, which occurred from 1989 to 1993.

The study was conducted near Hayward, in Sawyer County, northwestern Wisconsin. We sampled two locations, one near the Totogatic Wildlife Management Area and one on the Chippewa Flowage. Our main objective was to radio collar grouse and monitor their survival, then determine their cause of death. Deaths typically occurred due to three reasons: hunting mortality, avian mortality, or mammalian mortality.

From the summer of 1989 until the summer of 1993, we radio monitored 474 ruffed grouse. During this period grouse numbers declined from 10 drumming males per 100 hectare (27 drummers per section) to 1.5 drumming males per 100 hectare (4 drummers per section). We found that the survival of the grouse was constant during the spring and summer, but during the fall and winter survival rates decreased with each successive year.

When we analyzed the causes of death for the grouse, we found that hunters were not responsible for the decline in numbers. Hunter mortality declined and then leveled to a constant proportion. Hunters couldn't be completely responsible anyway because they only hunt in autumn, and our greatest drops in survival occurred during winter.

Mammals do and will take grouse, but in northern Wisconsin most mammalian predators eat a large variety of prey items and do not specialize on one type of prey. There are no mammals in Wisconsin that depend heavily on grouse. Our data reflected this mammalian predation was not responsible for the change in grouse survival. In fact mammalian predation declined during the study.

In a recent study of the diet of fishers and bobcats led by Jon Gilbert of the Wildlife Section at GLIFWC it was found that grouse made up a small percentage of the diet of fishers, and a slightly greater amount of the diet of bobcats. However, as grouse numbers declined the percentage of grouse in the diets of these predators also declined. This pattern reflects the trends in mortality of the grouse we studied.

Grouse survival declined due to a steady increase in deaths caused by avian predators. The monthly predation by raptors increased from 5 birds per 100 to 33 birds per 100 between 1989 and 1993.

During these same years several bird monitoring methods detected a very significant increase in the number of northern goshawks and great horned owls in the Great Lakes region. In Duluth, Minnesota, the annual autumn hawk counts conducted at Hawk Ridge Sanctuary, recorded just over 100 goshawks in 1989.

(See Ruffed grouse, page 13)

Battle against purple loosestrife invasion continues

By Allison Hamilton, HONOR Intern

Odanah, Wis.—There is a silent battle raging in wetlands across the United States. Harmless to the unsuspecting observer, foreigners have invaded native holdings and are quickly gaining the competitive edge.

In this case the intruders are not humans nor are they the by-products of human consumption and extravagance, rather they are exotic plants known as purple loosestrife.

You may have seen the magenta blossoms sprinkled among the cattails and wild rice along roadside ditches or in shallow marshes. GLIFWC biologists consider this attractive plant a major threat to wetlands and are currently documenting its distribution in the Bad River watershed and other areas to control the destruction that the noxious weed could incur if left unchecked.

According to GLIFWC summer intern Bruce Carlson, one of two interns hired to collect data on the aggressive plant, purple loosestrife is native to Europe and Asia. It appears to have been imported by gardeners, beekeepers and ships early in the nineteenth century.

The troublesome plant thrives in wetlands and is most abundant in the Eastern part of the United States. Biologists hope to prevent it from conquering the wetlands in this area.

According to Carlson the seeds of purple loosestrife are generally transported by water. However biologists also believe that the seeds may be transported by people, vehicles, insects, and birds.

Once rooted, purple loosestrife spreads quickly, choking out native aquatic plant species such as cattails and wild rice that wildlife and waterfowl thrive on. There are no natural predators to control the spread of the plant, and it easily out competes most native species of plants while providing only aesthetic value to the wetlands.

Purple loosestrife has invaded many wetlands in the north and is a concern. GLIFWC has been involved in a pilot loosestrife control project for five years. Above, loosestrife is being eradicated by hand pulling. (Photo by Amoose)

Biologists fear that the biodiversity of wetlands are in danger. According to Carlson, biodiversity is important to any ecosystem. "If a disturbance occurs such as a drought or a flood, the system will be able to maintain itself if it contains a variety of plants. It will not have to rely on only a few species for survival," says Carlson.

Carlson and fellow student intern Rick La Rue have been hired for the summer to map and quantify the presence of purple loosestrife in the Bad River watershed. "Our job is to survey the location, acreage, and density of the loosestrife stands within the watershed," reports Carlson. Once the data are collected they will be entered into the computer mapping and spatial data system known as GIS. The computer system will enable GLIFWC and tribal biologists to create an information base on the movement trends and population density of purple loosestrife as well as other exotic plants.

Data collection is the first step in the five year project proposed by GLIFWC biologists to rid the area wetlands of the intrusive weed. According to the GLIFWC grant proposal, once the purple loosestrife database has been established by the two interns, measures will be taken to control the weeds destruction.

(See GLIFWC launches loosestrife control strategy, page 14)

Seeking the sturgeon

Studies begin on an ancient species

By Allison Hamilton
HONOR Intern

Odanah, Wis.—A shallow layer of mist lingered just above the murky waters of the Bad River as Great Lakes Indian Fish & Wildlife Commission (GLIFWC) lakes biologist Bill Mattes and biological technician Mike Plucinski cruised out to the mouth of the river one still morning in late June.

On this particular morning the biologists set out to raise gill nets placed in the hopes of intercepting native species of fish known to biologists as *Acipenser fulvescens*, commonly known as lake sturgeon. To the Ojibwe, they are "name" or "numae."

Apparently, little is known about this ancient species of fish that is said to have roamed the upper Great Lakes and area rivers for hundreds of thousands of years. So GLIFWC biologists have joined forces with the U.S. Fish and Wildlife Service—Ashland Fishery Resources Office and the Bad River Natural Resources Department in an effort to obtain data on the fish.

Of particular interest to biologists is the juvenile stage of the fish's life, a span lasting roughly 20 years. According to Mattes, the sturgeon spawn in the Bad River. When they are old enough (juveniles), they leave the river and travel out to the Great Lakes through the mouth of the river where biologists hope to catch them in carefully laid nets.

Once they are caught, the sturgeon are tagged, weighed, measured and then sent on their way. This data will enable biologists to track movement and estimate distribution, Plucinski says. Biologists are also interested in recording the fish habitat, biological characteristics, and other significant factors contributing to the survival of the species.

According to Plucinski, the Bad River has been one of the best sturgeon reproducing rivers in the area. Biologists are interested in what specific characteristics have made it so.

Area biologists are concerned as to why the sturgeon population, particularly in the Superior and Duluth area, has continued to drop over the past several decades.

According to a Ministry of Natural Resources report published in 1987, lake sturgeon were once so abundant in this area that commercial fishermen found them to be a nuisance. The large, spiny, shark-like fish often got tangled in commercial fishermen's nets, making it difficult to snare more desirable species of fish. They were often clubbed in the water or left on the beach to rot.

However, after 1860 commercial uses were discovered for the fish. The eggs were used for caviar, leather was made from the thick skin, and smoked sturgeon flesh became popular. As a result the species was overfished and the lake sturgeon population declined rapidly just before the turn of the century.

Measurements taken on young sturgeon captured at the mouth of the Bad River this summer will become part of a data base in an ongoing study of the species. (Photo by Allison Hamilton)

Given the sturgeon's own peculiar biology, over exploitation during the late 1800's has left the sturgeon population in the Great Lakes area severely depressed. Sturgeon are slow-growing and do not mature until they are roughly between 15 and 20 years. Once they have matured, they only spawn once every four to seven years. The fish can grow up to five or six feet and can live for up to a hundred years.

Other factors may have also contributed to the depressed sturgeon population, such as the construction of dams on rivers where sturgeon have spawned.

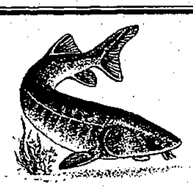
However, according to Mattes, there is so little available data on sturgeon that it is difficult to make solid conclusions regarding dams and other factors that may have contributed the sturgeon's demise.

The sturgeon project ran through June, July and August. Great Lakes Indian Fish & Wildlife Commission nets were placed about 500 yards east and west of the mouth of the Bad River and checked once every 24 hours.

Mattes reports that about a dozen sturgeon were found in the nets. Only one has been recaptured. Biologists plan to continue the study next year.

According to Mattes, there are no plans at the present time to restock the sturgeon fishery. However, several of the Great Lakes Indian Fish & Wildlife Commission's member tribes have shown an interest in the sturgeon study and in possible future restocking.

At this point fishery biologists lakewide are interested in further developing the data base for sturgeon, Mattes states.



Sturgeon, also known as "name" or "numae," are considered one of the learning or teaching fish in the totemic division of society, according to Ojibway culture and legend.

"To represent the noble vocation of teaching the fishes were chosen as emblems. Fishes are hidden behind rocks, live unseen in the dark depths, but remain steadfast in the swirling current."

—Excerpted from Ojibway Heritage, by Basil Johnston

Impact of mining discharge target of GLIFWC research

By Sue Erickson
Staff Writer

Odanah, Wis.—While GLIFWC biological staff have been performing on-water assessments for many years now, this summer their studies took them underwater. Scuba diving gear was part of the equipment necessary for studies of mussel populations on the Flambeau River near Ladysmith and on Swamp Creek and the Wolf River near Crandon, Wisconsin.

Mussels were but one target species. Surveys were also conducted on dragonfly and fish, according to GLIFWC inland fisheries biologist Glenn Miller.

Studies on the Flambeau River system are looking for possible impact of mine effluence on these organisms; whereas studies on the Wolf River and Swamp Creek, near Crandon, Wis. are aimed at collecting baseline data.

One of the reasons mussels are being studied at the Flambeau River is because they are considered good "bioindicators of water quality," Miller states. They give early signs if things are amiss in the system. Two endangered mussel species are also present there, the purple wartyback and the sheepnose or bullhead mussels. Miller says their presence indicates the river has good, clean water.

The study will be long term and span a period of years and will look at survivability and numbers of mussels in the study areas. Miller states the study should be continued for a minimum of seven years and possibly as long as the mussels in the study plots survive.

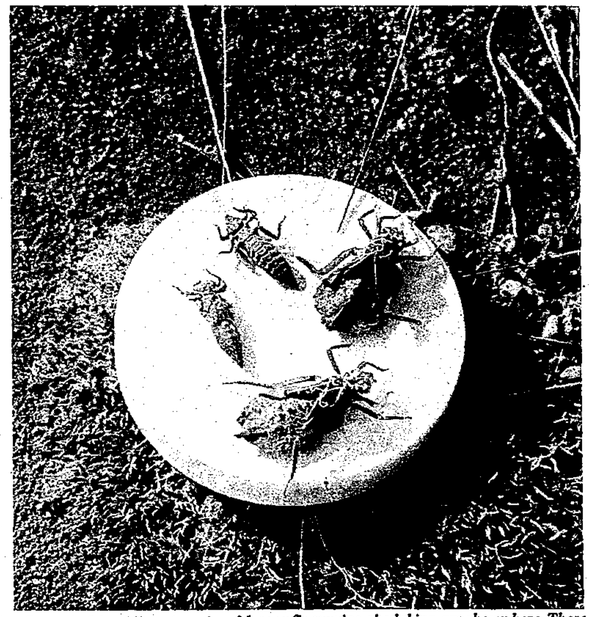
The mussel study requires setting up three separate sites where experimental grids for mussels will be established. On the Flambeau River a grid has been placed near the main effluent discharge from the mine. It is downstream about fifty feet and out about 15 feet from the east bank of the river, Miller says.

Another grid is in the middle of the river near Blackberry Lane. This grid is considered the control group and is above any direct discharge from the mine. A third grid will be placed directly by the main discharge pipe.

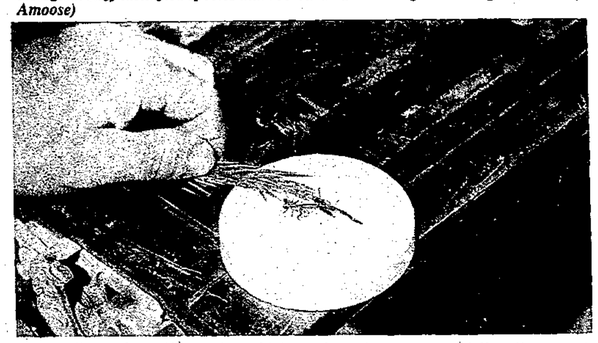
A biological crew collected approximately 360 mussels in the river segments from Blackberry Lane to the pipeline crossing, Miller says. These have been divided into two groups of 180 mussels each.

(See Mussels, page 8)

Developing a data base on fish species in the Swamp Creek this summer, GLIFWC biological staff identified species and recorded data on weight and length. (Photo by Amoose)



Several of the different species of dragonfly exuviae, shed skins, are shown here. These are just a small fraction of exuviae collected by the Inland Fisheries Section this summer from the Wolf and Flambeau rivers and Swamp Creek. (Photo by Amoose)



Dragonfly and damselfly exuviae, which are shown here, were carefully collected and later identified by GLIFWC biological staff as part the study along the Flambeau river. (Photo by Amoose)

Mussels & dragonfly populations studied

(Continued from page 7)

Grids are composed of six, meter-square areas. The shell of each mussel is marked and at least five types of marked mussels have been placed in each of the six squares. Each square has thirty mussels.

The area where the grids have been established were cleared of all the native mussels, Miller says.

Each mussels was buried with approximately one-third of its shell in the substrate and oriented with its siphon faced upstream in a normal position.

The grid will have to be re-visited annually, Miller explains, and survival rates determined.

GLIFWC crew members working on the project included Miller, GLIFWC inland fisheries section leader Andrew Goyke, and biological technicians Ed White, Butch Mieloszyk and fishery aide Dale Cornelius. They were joined by two representatives from Foth and Van Dyke, consultants hired by the Flambeau Mine, Miller says.

A fishery survey was also performed on the Flambeau River. Crews used an electroshocking boat, a small canoe shocker, and a seine to sample and collect fish. Crews were looking in particular for the river redhorse and the greater redhorse, two species of fish that were previously found in the area. Although none were noted, GLIFWC personnel did collect 22 other species.

The crew plans to return annually to continue monitoring the populations of fish in the river.

A third study looked at dragonfly species present. The study was conducted in a similar fashion to the survey performed in 1992 by Ken Tenneson, a consultant with Foth and Van Dyke.

Miller says five locales from Blackberry Lane down to the Port Arthur Dam site, about three miles below the mine site, were surveyed. Each site was about 100 meters long on both banks of the river and extended back about two meters from water's edge.

GLIFWC biologists place grids that will house 180 mussels in the Flambeau river. This locale is off of Blackberry Lane and is the control site out of the discharge area of the Flambeau Mine, Ladysmith (Photo by Amoose)

Dragonfly exuviae, the dry skin shed when the dragonfly emerges from the nymph stage, were collected. Less than a hundred exuviae were collected at some sites, while up to 2000 skins were collected at other sites. The 1994 data will be compared with that collected by Tenneson to see if any noticeable changes have occurred.

Two state endangered dragonflies, the pygmy snaketail and extra striped snaketail dragonflies, are among those being monitored.

As with the other studies, annual surveys are planned to monitor the kinds and relative abundance of species.

Heading east across Wisconsin, baseline surveys are being conducted in Wolf River and Swamp Creek for the same three organisms. Scientists are attempting to establish what species are present in these areas, Miller states. Inventories of species are important because the Crandon Mining Company proposes to construct a mine near the Mole Lake Reservation and within the Wolf River watershed.

A GLIFWC crew surveyed for mussels at three sites on the Wolf River from the junction of Swamp Creek and upstream. At another site below this junction surveys were done for dragonflies, mussels and fish. On Swamp Creek, eight sites were surveyed for all three organisms.

These sites will likely be re-visited annually to develop a long-term data set.

So, what can a person really say!!!!! Legends have been written about such creatures arriving out of murky waters. But actually, this is just Glenn Miller, GLIFWC inland fisheries biologist, in his role as scuba diver during a mussel study in the Wolf river, not Loch Ness. (Photo by Amoose)

Electrofishing crews launch boats for fall assessments

By Sue Erickson, Staff Writer

Odanah, Wis.—GLIFWC electroshocking crews have an ambitious schedule for fall assessments in 1994. According to GLIFWC inland fisheries biologist Glenn Miller, the crews will shock around 100 lakes this fall.

Assessments began September 6 and will continue through October 27. The schedule includes mostly lakes in Wisconsin, but four Michigan and one Minnesota lakes will also be surveyed.

The fall assessments are also called "young-of-the-year" recruitment surveys, and are targeted at collecting age zero and age one walleye, Miller states.

Four Wisconsin lakes will be jointly assessed with the WDNR, including the Three Lakes Chain, the Willow Flowage, Long Lake in Washburn County and Balsam Lake in Polk County.

Crews will also be shocking Lake Gogebic, Michigan this fall. The Michigan DNR did a population estimate for adult walleye this spring, Miller says, and GLIFWC will be doing a fall survey for recruitment and also note any tag returns from the adult fish.

The crew will also return to Huron Bay, Michigan for recruitment surveys on Sept. 28-29. Assessment crews met with some hostility last spring when they were electroshocking on the bay. Wardens will be present at Lake Gogebic as well as at Huron Bay, Miller says.

A total of five boats and crews will be out this fall, including three GLIFWC boats, one from the St. Croix band of Chippewa and one from the Bad River band.

In Minnesota, one crew will be working for one week on Mille Lacs Lake. GLIFWC biologist Gary Regal, stationed at Mille Lacs, is setting up index stations on the lake for assessment. This will be the second fall that assessments have been performed by GLIFWC on the lake.

Sweetgrass growing strong in ceded territories

By Sue Erickson
Staff Writer

Odanah, Wis.—Sweetgrass, known as "wiingashk" or "wiishkobi-mahkosi" in Ojibwe, has long been an important cultural resource for the Chippewa people. Used both in basketry and burned in ceremonies, the sweet smelling grass has been gathered early every summer by Ojibwe for hundreds of years.

Because of the cultural significance of sweetgrass, GLIFWC biological staff initiated a sweetgrass project two years ago. According to John Heim, GLIFWC biological technician, the project involved developing an inventory on existing sweetgrass stands and starting individual sweetgrass gardens on reservations.

At the start of the project Heim said he was under the impression that sweetgrass was fairly rare or difficult to find. However, this spring he began surveying for wild sweetgrass stands and found them all over the ceded territory, including along road sides and in some open areas.

Heim says that wild sweetgrass populations are easy to locate along roadsides in the early spring (mid-May—mid-June) because it is one of the first plants to sprout and is not yet hidden by other vegetation.

The grass flowerheads come up first, he says, and are recognizable by a reddish tan to reddish purple haze about 6-15 inches above the ground which can be seen from a short distance.

The flower, or seed heads, are followed by the sweet smelling leaf blades which grow separate from the seed stalk. The long leaves contain coumarin, a sweet smelling, vanilla-like substance, which gives the plant its unique aroma and its name.

Many of the wild, existing sweet grass stands, ranging from small to very large stands, will be mapped and monitored in subsequent seasons. Some will also be used to acquire root plugs for transplanting, Heim states.

Another aspect of the project involves assisting interested tribal members in starting sweetgrass plots at homes. Heim notes that eleven new sweetgrass plots were started this summer, making a total of 22 sweetgrass gardens in the ceded territories, including on the Bad River, Red Cliff, Lac Courte Oreilles, Lac du Flambeau, Keweenaw Bay, and Fond du Lac reservations.

Gardens begun in the spring of 1993, he found doing "exceptionally well" this year. The offer to assist tribal members develop sweetgrass plots at home is still available, Heim said. GLIFWC provides sweetgrass plugs and any information needed to transplant and grow a successful garden.

Typically, sweetgrass prefers a relatively moist soil and an open, shrub free area, he says.

Interested persons should contact GLIFWC at the main office in Odanah, Wisconsin at (715) 682-6619 next spring.

Sweetgrass is used by the Ojibwe for ceremonial purposes as weu as jor construction of baskets. Above are sweetgrass braids and in back the flowers of the plant. (Photo by Sue Erickson)

Wild Plant Committee blends knowledge of scientists & traditional Ojibwe experts

By Sue Erickson
Staff Writer

Odanah, Wis.—Developing inventory on state regulations regarding harvest of wild plants, excluding wild rice and timber, is one the projects facing the State/Tribal Wild Plant Policy and Management Committee, states GLIFWC botanist Beth Lynch.

The committee, she says, has about 20 members including representatives from the Wisconsin Department of Resources (WDNR), GLIFWC and tribal members. Tribal representatives bring traditional knowledge of the plants and their uses, so provide an expertise which makes the committee unique.

The committee, with state representatives present, first met on June 29th and again on August 29th in Odanah, Wis.

The committee is actually the result of a court stipulation, Lynch says, which was part of the rulings clarifying the 1983 Voigt Decision. The court case regarding wild plants, she says, was settled with the stipulation that a wild plant committee be formed and specific duties be spelled out.

Beth Lynch, GLIFWC's botanist. Beth joined the staff in April 1994. (Photo by Sue Erickson)

Primarily, the committee makes recommendations to policy setting bodies, such as the Voigt Intertribal Task Force (VITTF) and the state. The committee does not set policy.

Among the tasks assigned to the wild plant committee are:

- Xevaluate necessary regulatory changes from a technical perspective for recommendation to the state and the tribes.
- Xrecommend changes to the parties (tribes and DNR) in regulations which effect plants or habitat
- Xestablish a shared data base regarding wild plant habitat, harvest, and abundance.
- Xdevelop guidelines and objectives for protection and enhancement of wild plants for recommendations to state and tribes.
- Xmake recommendations on any other matter that may affect wild plant abundance, habitat, or harvest

Primarily Lynch has been gathering data and information on regulations, state permits, and management plans affecting wild plants and their habitats so the committee will know what activities are currently allowed.

Summarizing current regulations for plants off-reservation in order to provide information regarding each species for the committee to examine has been one of her projects. Some of the species under consideration include marsh hay, prairie plant, prairie plant seed, and ginseng.

The state must consult with the VITTF if a regulation or permit would effect any of the plants listed as traditionally used by the Chippewa, Lynch says. So, the committee is asking for a list of state-permitted activities as well.

Any recommendations must be approved by the VITTF and the state before becoming policy. The committee can suggest a limitation of harvest if a plant appears to being over harvested, for example. However, the recommendation would have to be approved before changing policy.

Several issues brought to the attention of the committee during the August meeting included the harvesting pressure on princess pine or greens as well as the potential for destructive harvest of aquatic plants for nurseries. Both of these issues will be discussed further at future meetings.

Deer provides guidelines for implementing federal policy

Federal recognition of tribal sovereignty and self-regulation in regard to Indian fish and wildlife resources and treaty harvests were clearly emphasized in the revised policy principles and implementation guidelines provided by the Assistant Secretary of Indian Affairs Ada Deer, Bureau of Indian Affairs, Department of Interior (DOI) in a memorandum regarding the draft Federal Indian Fish and Wildlife Policy.

Referring on several occasions to the Presidential Memorandum in April (reprinted below), the recommendations from Deer outline the federal trust responsibility in relation to resource management issues and strongly promote tribal self-sufficiency and self-determination, including the ability to make and enforce laws.

According to GLIFWC policy analyst James Zorn, the policy was developed in an effort to encourage all Department of Interior agencies to act consistently in regard to tribal natural resources. While the policy may not technically be binding on DOI at this time, Zorn feels it could be useful as a guide in defining natural resource issues for the tribes, the DOI, and other federal agencies.

The recommendations as provided from the Assistant Secretary Deer are provided below as a possible guide in answering questions relating to contemporary tribal status and issues relating to natural resource management issues.

Policy Principles

① Tribal Sovereignty and Jurisdiction

➳Tribes are recognized as governmental sovereigns in the Commerce Clause of the United States Constitution (Art. 1, Sec. 8), and have been referred to as quasi-sovereign domestic dependent nations (nations within a nation) by the courts.

➳ Tribes have the inherent power to make and enforce laws and to administer justice. Under principles of Federal Indian law, this power may extend to civil and criminal jurisdiction over individuals and corporations.

➳ Among the attributes of tribal sovereignty is the power to manage and control water and land resources, associated natural resources, and environmental protection. Tribal sovereignty also includes the power to regulate member and non-member hunting, fishing and gathering on-reservation, and related member uses in certain off-reservation settings. Federal recognition of these powers, whether arising from statute, executive order, or treaty, is the supreme law of the land.

➳ Despite their status as sovereigns, Indian tribes are subject to the plenary power of the Congress.

② The Government-to-Government Relationship/Consultation

Ada Deer, Assistant Secretary of Indian Affairs, Bureau of Indian Affairs, Department of the Interior. (Photo submitted)

➳ There is a unique and distinctive Political relationship existing between the United states and Indian tribes, as defined by treaties, statutes, court decisions and the United States Constitution, which differentiates tribes from other customers and constituencies, and which extends to all Federal agencies.

➳ The government-to-government relationship encompasses a renunciation of the old forced termination policy.

➳The President of the United States, in an Executive Memorandum of April 29, 1994, charged all executive departments and agencies with the responsibility of ensuring that they operate in accordance with principles mandated by the nature of this government-to-government relationship.

➳ The government-to-government relationship requires working relationships and partnerships with tribal infrastructures and resource management authorities, including the sharing of technical staffs and information, to address issues of mutual interest and common concern, recognizing, however, that the release of tribal proprietary or consultative information may be restricted.

(See Indian Self-Determination, page 11)

Clinton acts to improve government-to-government working relationship with tribes

By Sue Erickson
Staff Writer

Odanah, Wis.—A Presidential memorandum to the heads of executive departments and agencies strongly affirmed tribal sovereignty and a government-to-government relationship between the federal government and Native American tribes. The memorandum in part follows:

"The United States Government has a unique legal relationship with Native American tribal governments as set forth in the Constitution of the United States, treaties, statutes, and court decisions. As executive departments and agencies undertake activities affecting Native American tribal rights or trust resources, such activities should be implemented in a knowledgeable, sensitive manner respectful of tribal sovereignty.

"Today, as part of an historic meeting, I am outlining principles that executive departments and agencies, including every component bureau and office, are to follow in their interactions with Native American tribal governments. The purpose of these principles is to clarify our responsibility to ensure that the Federal Government operates within a government-to-government relationship with federally recognized Native American tribes. I am strongly committed to building a more effective day-to-day working relationship reflecting respect for the rights of self-government due the sovereign tribal governments."

In order to implement the intent of this memorandum, Clinton included a number of specific directives which would promote a more effective working relationship between tribes and federal departments or agencies.

Clinton directs the head of each executive department or agency to ensure that the department or agency operates on a government-to-government relationship with federally recognized tribal governments.

Each department or agency should consult with federally recognized tribal governments prior to taking actions which may affect them, Clinton states, as well as assess the impact any plans or activities might have on tribal trust resources.

Clinton also directs that procedural impediments that might curtail working directly and effectively with tribal governments be removed, and that each department or agency work towards designing solutions and tailoring federal programs in order to address specific or unique needs of the tribes.

Indian Self-Determination, Self-Sufficiency & Self-Governance Policies

(Continued from page 10)

➳Recognizing that tribes are not just another user-group or interest group requiring attention, the relationship requires going beyond simply discussing, exchanging views, or seeking tribal comment on internal policies and decisions which may affect the rights and status of tribal governments, the input from which may or may not be incorporated into decision making. Direct and continuous tribal participation is required in planning, consensus seeking, and decision making processes involving line officers.

➳The government-to-government relationship requires that Federal statutes and programs be administered in a manner that does not unilaterally interfere with tribal rights, and that agency missions be interpreted in a manner consistent with Federal Indian law and policy. Where on irreconcilable conflict arises, tribal rights will generally take precedence.

➳Tribes, as sovereigns, are not subject to State jurisdiction, are not subordinate to State Governments, and should not be dealt with through Federal/State processes and arrangements designed to serve the interests of the general public. With respect to those Federal statutes that are inapplicable to tribes as sovereigns, tribal governments must be regarded as separate from the general public for the purpose of conducting agency review and comment gathering processes and related procedures.

➳ The government-to-government relationship supports issuance of an Indian policy and directive establishing objectives and line and staff duties and responsibilities for ensuring that agency policies, programs, and operations affecting Indians are appropriately and consistently applied and administered at all levels.

③ Indian Self-Determination/Self-Sufficiency/ Self-Governance Policies

➳The policies under this heading call for rejection of Federal paternalism and tribal dependency on Federal programs and management in favor of empowering tribes and supporting tribal missions and objectives in assuming regulatory and program management roles and responsibilities through contracting and other mechanisms.

➳The policies under this heading call for promoting the development of reservation economies and sustainable Indian lands.

④ Trust and Rights Protection Responsibilities

➳The trust responsibility relates to the fiduciary relationship and the obligations and legal responsibilities of the United States, inherent in and arising from treaties, executive orders, statutes, and agreements between Indian tribes and the Federal Government.

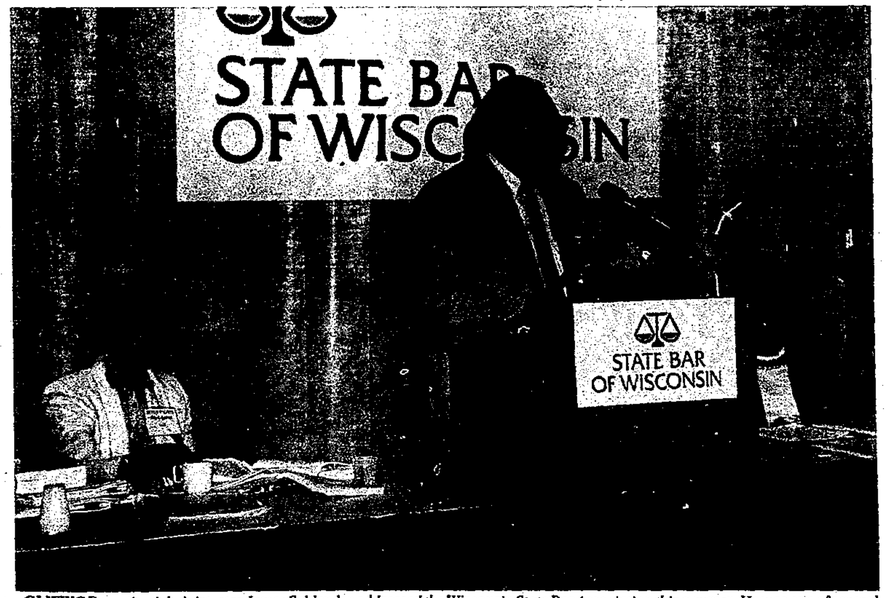
➳Where they are determined to exist, Indian treaty rights to fish, hunt and gather resources in off-reservation settings constitute property rights or encumbrances on land not reserved to state or local governments and, in certain circumstances, to State lands. Federal duties include harvest sharing oversight, achieving moderate standards of living, and assuring that the exercise of associated rights remains meaningful.

➳Indian property rights cannot be subordinated to other interests of the Department absent overriding legal authority to do so, since the Federal Government is legally bound to protect the trust assets of Indian tribes. Moreover, in cases where inaction may cause the loss of a property right, the Secretary must take affirmative action to enforce that right and preserve Indian property.

➳Primary responsibility for carrying out trust and rights protection responsibilities on tribal lands and in treaty ceded territory rests with the Bureau of Indian Affairs, but all Federal agencies share responsibility when implementing laws that may effect Indian resources.

➳The trust responsibility may involve the following activities: (1) protecting and managing tribal fish, wildlife and gathering resources, and associated tribal water and land resource assets and rights, to the highest degree of fiduciary standards; (2) absent a clear expression of Congressional intent to the contrary, administering Federal fish and wildlife conservation laws in a manner consistent with the United States' obligation to honor and protect the treaty, executive order, statutory, and other reserved rights of Indian tribes; and (3) interpreting Federal statutes and regulations affecting tribal fish and wildlife resources in accordance with the trust responsibility.

➳ Tribal fish and wildlife resources and associated water and land resource assets and rights are reserved solely for the use of tribes and their members, not for a public purpose or to benefit non-Indian communities.



GLIFWC Executive Administrator James Schlender addressed the Wisconsin State Bar Association this summer. He was one of several speakers who provided a ten-year review of the Voigt litigation regarding Ojibwe off-reservation treaty rights in Wisconsin for the Association. (Photo by Amoose)

➳Trust responsibility fulfillment includes protecting and managing treaty-ceded and "usual and accustomed" areas, and associated Federal lands and habitats which support the resources upon which the meaningful exercise of tribal hunting and fishing rights depend, and administering Federal projects in a manner which prevents the diminishment of associated fish and wildlife resources, and the tribal share in them. It further implies protecting tribes' property rights, including the rights of future generations, to access "usual and accustomed" grounds and stations, regardless of land ownership status, for the purpose of exercising hunting, fishing, and gathering rights.

⑤ The Unique Character and Special Status of Indian Lands

➳Indian lands are not public lands or part of the public domain, and are not subject to the public land laws. The purposes for which Indian reservations were created differ from the purposes for which other national land bases and reserves were created. Indian reservations were created to provide lands where tribes could become economically self-sufficient by making the land and resources productive for Indian people. The purpose of most Federal land bases and reserves is to protect their natural resources. These different purposes demand that different rules, prac-

(See Indian Fish, Wildlife, page 12)

Indian Fish, Wildlife & Natural Resources

(Continued from page 11)
tices, and policies be applied to govern activities on Indian lands versus other Federal lands.

➽Under Federal law, Indian lands are "private trust assets" which were set aside for exclusive Indian use, not general public benefit, pursuant to treaties, statutes, and Executive orders.

➽While the naked legal title to Indian lands is held by the United States, tribes retain most of the benefits of ownership as do owners of fee simple property. Such property, however, cannot currently be alienated or encumbered without the Federal Government's approval.

➽Indian lands are the principal resource available for the economic and social advancement of Indian people as beneficial owners, to be managed in accordance with tribal goals and objectives, within the framework of applicable law.

⑥ The Unique Character of Indian Fish, Wildlife and Natural Resources

➽As a result of reservations in treaties and other legal instruments, some tribes have retained rights to hunt, fish, trap, and gather Indian fish and wildlife resources both on-reservation and in off-reservation settings, for subsistence, ceremonial, and commercial purposes. In some cases, the treaty-reserved power to access Indian fish and wildlife resources in off-reservation settings actually constitutes a property right or encumbrance on lands not owned by the tribe, a power no state or local government enjoys.

➽Certain fish, wildlife and plant species, including some that are listed as threatened or endangered, possess cultural, religious, subsistence, and economic value to particular Indian tribes.

➽ The President of the United States, in an Executive Memorandum of April 29, 1994, directed all executive departments and agencies to work cooperatively with tribal governments and accommodate native American religious practices to the fullest extent under the law.

⑦ The Status of Tribes as Resource Co-Managers

➽Along with Federal and State Governments, Indian tribes are co-managers of many fish and wildlife resources, with shared responsibilities for such resources as a function of treaties, statutes, judicial decrees and other legal instruments.

➽As co-managers, tribes have a need to develop and maintain partnerships and constructive working relationships with other resource management jurisdictions and authorities.

⑧ Restrictions on Tribal Use of Fish and Wildlife Resources

➽ A "reasonable and necessary" principle must be applied when agencies consider actions which would result in restrictions on the use or development of tribal fish and wildlife resources or on the exercise of tribal hunting, fishing, or gathering rights, or which would result in a conservation burden being imposed on a tribe. Consistent with court rulings pertaining to the exercise of treaty fishing rights, any such restrictions may be applied only when:

(a) They are reasonable and necessary for species preservation; **(b)** They are the least restrictive available to achieve the required conservation purpose; **(c)** They do not discriminate against Indian activities, either on their face or as applied; **(d)** When their purpose cannot be achieved solely through the regulation of non-Indian activity; and **(e)** When voluntary tribal conservation measures are not adequate to achieve the conservation purpose.

➽ If it is necessary to impose restrictions, this shall not be interpreted as an abrogation of treaty rights. Clear Congressional intent is required before a later-enacted statute may be construed to abrogate Indian treaty, executive order, or other reserved powers or rights.

Policy Implementation Guidelines

➽In recognition of the need to protect tribal rights and to fulfill the trust responsibility owed to Indian tribes in carrying out Federal agency missions, programs, and actions, and of tribal roles and responsibilities as governments and resource managers, the Federal Government must involve tribes to the maximum extent possible in all decision making processes which may affect the status of tribal fish and wildlife resources and the exercise of associated rights, and in all planning and implementation phases of agency operations, including those inter-agency, multi-species, and ecosystem-oriented programs undertaken by the Federal Government for the public good. This policy was formalized in Secretarial Order Number 3175, "Departmental Responsibilities for Indian Trust Resources," of November 8, 1993, and in the President's Executive Memorandum of April 29, 1994, which charged all executive departments and agencies with the **(See Policy Implementation, page 17)**

U.S. Fish & Wildlife Service adopts Indian policy

The Department of the Interior's U.S. Fish and Wildlife Service is adopting a policy aimed at fostering partnerships with Native American governments in the management of fish and wildlife resources.

The policy was signed by Service Director Mollie Beattie on June 28th. In announcing the policy, Beattie cited the mutual interests of Native American governments and the agency she heads.

"The Fish and Wildlife Service and the tribes have a long history of working together" Beattie said. "Adoption of this policy signals our determination to forge even stronger partnerships with Native Americans to help conserve and restore fish and wildlife and the ecosystems that support them."

Native Americans control over 50 million acres on reservations and are involved in managing an additional 50 million acres of ceded territories. These lands offer important habitat for a wide variety of fish and wildlife species such as bald eagles, waterfowl, salmon, bighorn sheep, neotropical migrant birds, and many others.

The document calls for the Service to work with Native American tribes in a government-to-government relationship through improved communication, mutual sharing of technical expertise, and respecting and utilizing the traditional knowledge and unique perspective of Native Americans as part of the agency's fish and wildlife management efforts.

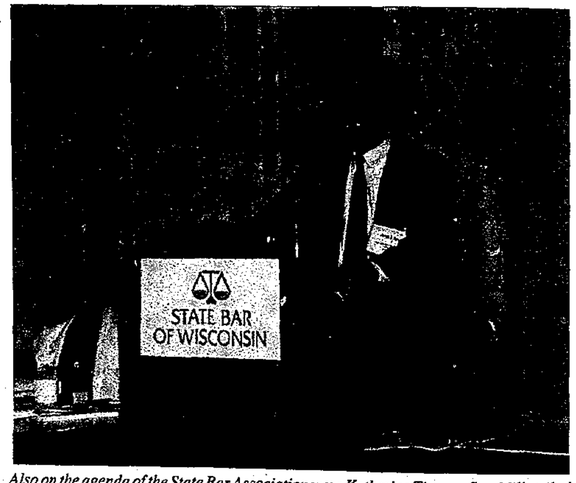
The policy specifies increased consultation with Native American governments concerning fish and wildlife management and fosters improved channels of communication among the Service, Native American governments, as well as other federal, state and local agencies, and others.

In addition to fish and wildlife management concerns, the policy also addresses the role of fish and wildlife in the culture and religious practices of Native American governments in all Service actions that may affect their cultural or religious interests, such as archeological sites or possession of parts of protected animals traditionally used in ceremonial or religious activities.

The document also calls for a heightened degree of cooperation related to fish and wildlife law enforcement, evaluation of law enforcement capability, and coordination of investigations into illegal wildlife activities.

In conclusion, Beattie added, "Within the Fish and Wildlife Service, we view Native Americans as key partners as we move toward a more ecosystem-oriented approach to the conservation challenges of the next century."

A News Release from the Department of Interior, U.S. Fish & Wildlife Service.



Also on the agenda of the State Bar Association were Katherine Tierney, Bay Mills tribal attorney (seated) and James Zorn, GLIFWC policy analyst. Zorn and Tierney each discussed specific aspects of the Voigt trial and decisions. Tierney served as lead attorney for the tribes during much of the litigation. (Photo by Amoose)

Work & Learn
The life of GLIFWC summer interns

By Allison Hamilton
HONOR Intern

Odanah, Wis.—Nature's change to her autumn dress has signaled the conclusion of many GLIFWC summer projects. As projects concluded this fall, so did a number of summer internships for students, who also needed to return to schools and universities after a summer of work and learning.

GLIFWC employed interns in the divisions of Intergovernmental Affairs, Biology, and Public Information during the 1994 summer season. GLIFWC internships are unique for students not only because they receive training in a specific field, but they are also exposed to the Native American heritage and perspectives.

Tobias Glaza of Northland College and Timothy Eddy of the University of Wisconsin, Stevens Point were hired by the GLIFWC Biological Services Division to survey the wild rice stands occupying several bodies of water in northern Wisconsin. Their job was to measure density, plant height, water depth, and submergent, emergent, and floating vegetation. According to Peter David, GLIFWC wildlife biologist and project supervisor, the two interns were given a list of bodies of water they must survey and general outside perimeters for their work.

However, on a day-to-day basis, the interns proceeded with the projects independently. The data they have collected will be added to a well-established database on wild rice at GLIFWC's main office.

The "purple loosestrife interns" also performed independent field work. Bruce Carlson of the University of Minnesota and Rick La Rue of Northland College were hired for the summer to map and quantify the presence of purple loosestrife in the wetlands of the Bad River watershed. Their work will help to create a GLIFWC database on purple loosestrife. Under the supervision of GLIFWC wildlife section leader Jonathan Gilbert, Bruce and Rick spend most of their time out of the office with their project.

Another Biological Services student intern was Quan Banh. He has spent the summer researching and analyzing important data. One of Quan's projects was to investigate the presence of a threatened species of pondweed that may have disappeared from Duck lake.

Biologists are interested in whether or not the weed has disappeared and if its disappearance is related to a groundwater pumping test conducted by Exxon in 1980. Quan obtained several lists, copies of survey reports, and Environmental Impact Statements in order to execute this task. "It was like detective work," Quan stated.

The Department of Intergovernmental Affairs had a summer intern as well. According to policy analyst Ann Soltis, Brian Hirsch researched mining issues for GLIFWC. Brian's project took him to places such as Menominee, Mole Lake and Nashville, Wisconsin searching for relevant information on current mining issues. Hirsch's work also took him out of the office much of the time in order to do his own "field" work.

Then of course there was the Public Information Office intern and author of this article. I spent the summer doing a little bit of everything. I helped videotape the Indigenous Environmental Network's "Protecting Mother Earth Conference" in Mole Lake; tried my hand at a few articles for the **MASINAIGAN**; and assisted Amoose, the photojournalist, with some photography assignments and darkroom work.

As interns we learned to work interdependently with others and to function independently on our given projects. The internships provided students with meaningful jobs, a sense of responsibility, and an opportunity to work in and with the Native American community. Hopefully, our work proved as valuable to GLIFWC as the experience did for us.

GLIFWC interns working with the Biological Services Division worked on a wetlands mapping and delineation project. Pictured above are Bruce Carlson, University of Minnesota, and Rick LaRue, Northland College, who did field work on the project. (Photo by Allison Hamilton)

Ruffed grouse cycles in Wisconsin

(Continued from page 5)
The following year the number of goshawks doubled, but then in 1991 more than 1,000 goshawks were counted, and in 1992 more than 2,200 were observed! The annual Christmas Bird Count also found a steady increase in goshawk numbers during the following winters.

The Wisconsin Checklist Project, a weekly checklist of birds noted by bird watchers throughout the state, detected the same trend in goshawk numbers. A spring hawk count at Whitefish Point Bird Observatory in the Upper Peninsula of Michigan found increasing goshawk numbers in the following springs.

Great horned owls are more difficult to monitor because they move at night. However the Christmas Bird Counts did find a slight increase in horned owl numbers, and the Wisconsin Checklist Project also found increasing owl numbers.

The steady increase in grouse deaths caused by avian predators occurred as the number of goshawk and great horned owls increased in the region. Our results support the idea that invading predators from northern regions do play a significant role in declines of Great Lakes region ruffed grouse populations.

The fact that avian predators cause grouse numbers to decline is part of nature, and not something we should fret over. The cycle plays a role in the processes of evolution, ensuring that our resident grouse are healthy and genetically fit.

It is survival of the fittest for both the grouse and the predators, as only the strongest, healthiest grouse will survive the decline and produce chicks during the next increase, and only the strongest, healthiest raptors will find the energy to migrate, find food, and return to the depths of the forests to reproduce again.

As you take your spring journeys through your favorite forest trails stop and enjoy the drummer of dawn as he announces his presence to all the females within earshot.

He is the survivor, the one who beat the odds, who flushed out of gunshot range, who dove for cover or crouched still as the goshawk swooped over the treetops. Know that soon there will be many birds again, many bursts of power and wing from the leaf carpet of the autumn forest.

Shortly thereafter, as you ski through the winter snow, a silent hunter will glide through the canopy, pause on a frozen limb, and peer down in search of unwary prey. Then just as quietly as the goshawk appears, it sails away and disappears into the silence of the winter woods. These are moments we treasure in the northwoods, the reasons we live here.

GLIFWC launches loosestrife control strategy

(Continued from page 5)

Over the next two to three years GLIFWC biologists will use "containment, control, clean-up phases." Younger plants, under three years, will be subject to containment. According to the proposal, containment would include " hand pulling, digging, raking or spraying with a dicot, species-specific, herbicide."

In the control phase mature plants will be sprayed with herbicides. In the clean-up phase GLIFWC biologists will go back and make sure the plants have truly been destroyed. The stubborn plants that have refused to leave or have sprouted anew will be eliminated once and for all.

Once all the above phases are complete GLIFWC will survey the area again to see how effective their purple loosestrife control strategy has been and what kind of modification is needed.

According to Gilbert, project supervisor, the purple loosestrife project is an on and off-reservation project. GLIFWC collaborates with several other agencies in an effort to protect mid-western wetlands from a takeover by the plant.

Currently, Great Lakes Indian Fish & Wildlife Commission biologists are in the clean-up phase of the loosestrife pilot project that began five years ago in an effort to "research and implement an effective control program" in the 835 acre Fish Creek Sloughs. Using the Fish Creek Sloughs project as a learning experience, GLIFWC has initiated the Purple Loosestrife Control Strategy for northern Wisconsin on a watershed by watershed basis.

GLIFWC used Fish Creek Sloughs in developing its loosestrife control project, and now has initiated the Purple Loosestrife Control Strategy for northern Wisconsin on a watershed by watershed basis. (Photo by Amoose)

Although much of southern Wisconsin's wetlands have fought a losing battle against purple loosestrife, only a small amount of northern Wisconsin's wetlands are seriously infested. The Wisconsin Department of Natural Resources (WDNR) had the sale, distribution, and planting of purple loosestrife banned in 1987.

The WDNR has cautioned vacationers, boaters, and landowners to be on the lookout for the semi-woody perennial whose magenta flowers bloom in mid to late summer. The WDNR is also willing to distribute spraying licenses to those interested becoming part of the purple loosestrife solution. Spraying herbicide is the most common way of eliminating stands of purple loosestrife.

However, scientists are also looking into bringing in exotic predators that have kept the plant in check in their native lands. Gilbert feels that introducing exotic insects is a last alternative and that spraying seems to be the lesser of two evils.

It is difficult to predict what kinds of other problems exotic species of insects might cause once let loose, comments Gilbert, who is wary of trading one problem for another. ■

Preserving a traditional food

(Continued from page 3)

program in the ceded territories. Partners in this effort have included GLIFWC's member tribes, the Wisconsin, Michigan and Minnesota Departments of Natural Resources, the U.S. Fish and Wildlife Service, the Nicolet, Chequamegon and Ottawa National Forests, local lake associations, and even individual volunteers.

Sharing both staff and funds, these partners have seeded nearly 3 tons of wild rice each of the last three years. We hope to plant at least as much in 1994.

Most of the seed used in this effort is purchased from tribal hand harvesters. In fact, the willingness of these harvesters to sell their seed to GLIFWC (which actually purchases the seed on behalf of all cooperators) is critical to the success of this management effort. This year we will need to purchase large amounts of seed to restore rice beds on historic lakes such as Lac Vieux Desert on the Wisconsin/Michigan border, and on areas of new habitat such as the flowages on the Crex Meadows Wildlife Area in Burnett County in northwestern Wisconsin. Approximately 25 different waters will be seeded this fall, if we are successful in purchasing enough seed.

At this time we anticipate paying approximately $1.40 per pound for freshly harvested seed. Anyone who is interested in selling seed is encouraged to contact GLIFWC's Wildlife Section in Odanah (715-682-6619). We will try to arrange to have a buyer visit your area periodically throughout the harvest season.

The Commission is also working to expand its rice management activities in Minnesota and Michigan. Kettle Lake, near the Fond du Lac reservation, is a historic rice water that has been greatly impacted in recent years by beavers. A series of dams and log jams on the lake's outlet has raised the lakes water level enough to drown out the available rice habitat.

In cooperation with the MnDNR and the 1854 Authority, beaver control has been initiated on this water, and the dams and log jams are being removed to restore the lake to its historic level. The response of the existing seed bed will be monitored, and seeding may be conducted if necessary.

In Michigan, the first extensive survey of existing and potential rice beds was initiated this year. This work will provide the first real wild rice data base in that state, and will help pave the way for future restoration and enhancement efforts. Seeding projects are also underway at several sites in the Upper Peninsula.

Other work is going on as well. The extensive seeding program has increased interest in the genetic variability of wild rice throughout the ceded territories. Rice harvesters have long noted that there is a great deal of variability in rice plants and seeds gathered from different beds.

This fall, biologists will begin gathering data on this variability in growth. Plant height, number of tillers produced, number of seeds produced, size and weight of the seeds, and other variables will be measured on selected rice beds. This work will help us select beds for more intensive genetic analysis planned for 1995. It is hoped that this work can help us select the best seed sources for seeding work and help ensure that unique rice stands are identified and preserved.

These activities, combined with a few personal harvesting trips, make sure that August and September is a busy time. And after the finishing fires have grown cold, and the rice stalks stand brown and bare, there will still be work to do. At this time a harvest survey is conducted.

The names and addresses of tribal and Wisconsin state ricers are taken from harvesting permits and entered into the computer, and a mail survey is sent out. This survey is used to estimate the off-reservation ricing effort and harvest, and to learn the concerns ricers have about particular stands, current regulations, or other matters. This information helps us determine if harvester's needs are being met by the available resource base.

Hopefully, these activities and others will help to preserve this precious cultural heritage and natural resource for future generations of ricers.

(GLIFWC's wild rice management and research activities are summarized annually in two reports: an abundance and harvest report, and an enhancement and research report. To obtain copies of either report, or for other information, contact the Wildlife Section in the Odanah office at 715-682-6619.)

Ecosystem Stewardship Program begins to assess Great Lakes tribal lands

By Kent Premo
White Water Associates, Inc.

Water resources and watershed are areas of interest to the Project Council of the Ecosystem Stewardship Program, as illustrated in this scene of a Lake Superior shoreline at the Bay Mills Indian Community, Michigan. (Photos by Amoose)

Amasa, Mich.—The Summer 1994 issue of **MASINAIGAN** introduced readers to the *Ecosystem Stewardship Program: Great Lakes Tribal Lands*, a project of the Keweenaw Bay Indian Community funded through a grant by the Great Lakes Protection Fund.

The program's goal is to develop a process that enables tribal leaders and members to effectively establish land use planning and management strategies based on information about the natural and cultural resources and the problems that face these resources.

This article briefly summarizes its accomplishments so far and describes the work ahead. An upcoming article will describe the results of research and two scheduled meetings.

Day-to-day project tasks are carried out by the seven-member Project Staff, made up of environmental and multi-media specialists from the Keweenaw Bay Indian Community and the Red Cliff Chippewa Band with the help of ecologists from White Water Associates.

Oversight functions are contributed by the fifteen-member Project Council, including leaders and resource managers of tribal organizations from the Great Lakes Basin, as well as agency staff from the U.S. EPA and the Bureau of Indian Affairs. Council members act as both advisors and participants in environmental issue identification, relative risk analysis, and information transfer to their respective tribes and organizations.

At their first meeting (March 21), the Project Council identified 56 environmental problems facing tribal lands in the Great Lakes Basin under four distinct categories: ❶ exploitation of natural resources; ❷ contaminants; ❸ intellectual and cultural property rights, and; ❹ other (mainly items of political-economic makeup).

Insights gained from that meeting are guiding site-specific research on two focus landscapes, the respective tribal lands of the Red Cliff Chippewa Band and the Keweenaw Bay Indian Community.

As part of the research task, Project Staff is reviewing available information, identifying information deficits, conducting selected field surveys, and analyzing data. White Water Associates ecologists are in the process of conducting the landscape-specific research component of the program in each of these focus landscapes.

Crucial to developing ecosystem stewardship strategies for the focus landscapes is to analyze environmental problems within a Native context. This *relative risk* analysis will take place at a second Project Council meeting (September 20).

Having gathered more information about each focus landscape, the Project Council intends to rank the environmental problems by considering cultural importance, area of extent, uniqueness of resource, landscape context, severity of problem, permanence of problem (recovery time), and transport media. Results of the risk analysis will be directly applied to goal-setting and initial planning for each of the focus landscapes at the third Project Council meeting (October 18).

The goals established at this session, specific for the focus landscapes, will form a foundation for future land use and management decisions.

A final step of the program will be to deliver six workshops within the Great Lakes Basin with tribal resource managers and tribal leaders as the primary audience.

The belief of project participants is that the program's utility is tightly linked to the individual landscapes considered and the people who live there. The program will address those problems most readily solved by landscape uses and management.

Our common thought is concern about the risk of losing or degrading any recognized or unrecognized environmental elements, thus weakening the threads of the ecological, cultural, and spiritual cloth. Although modern day scientists can lend valuable information and perspective to the Ecosystem Stewardship Program, we recognize the value of tapping the resources of tribal elders, spiritual leaders, fishers, trappers, ricers, and others with accumulated knowledge of generations on the land.

Tied to everything said and done in the Ecosystem Stewardship Program is the concept of *self-determination* of the Native American communities. At the heart of this simple expression is the desire for economic, political, environmental, and intergenerational equities.

Bad River WCC crew constructing nets for GLIFWC's fall fishery assessment work. GLIFWC's Great Lakes Section extends their thanks to the crew for their help.

IT RIPPLES aasijiwan ©1994 SHELLY CEGLAR

Dagwaagin — It is fall

Dakayaa, Manoomin, Manoominike, Nandawishibe, Misan Inaanzo, Gikinoo'amaadiiwigamiog, Giiyosewininiwag

(It is cool weather, Wild rice, S/he harvests wild rice, S/he duck hunts, Firewood, S/he is colored so, School, Hunters)

Bezhig—1

OJIBWEMOWIN (Ojibwe Language)

Double vowel system of writing Ojibwemowin

Alphabet vowels: A, AA, E, I, II, O, OO

Consonants: B, C, D, G, H, J, K, M, N, P, S, T, W, Y, Z, glottal stop'

Double Consonants: CH, SH, ZH

—A glottal stop is a voiceless nasal sound as in mazina'igan.

—Generally the long vowels carry the accent.

—Respectfully enlist an elder for help in pronunciation and dialect differences.

DOUBLE VOWEL PRONUNCIATIONS

Short vowels: A, I, O

Dash — as in about

I'iw — as in tin

Inaanzo — as in only

Long Vowels: AA, E, II, OO

Jiimaan — as in father

Apane — as in jay

Giizhig — as in seen

Nookomis — as in moon

Niizh—2

Circle the 10 underlined Ojibwe words in the letter maze. (translations below)

A. Apane Dagwaaging, nimanoominikemin.

B. Enigok zaaga'iganing Nindede gaandakii'ige.

C. Jiimaaning Nimaamaa bawa'am gabe-giizhig.

D. Baateg i'iw ozhaawashko-manoomin, nimboodawe.

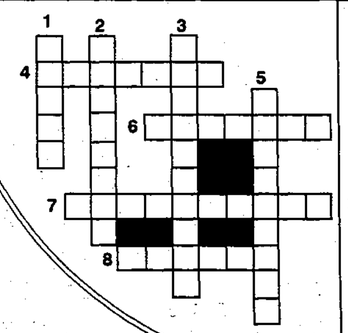
E. Namadabi dash gidasige Nookomis.

F. Bootaage dash nooshkaachige Nimishoomis.

I	J	M	O								
K	I	Z	H	Y	P						
N	I	N	D	E	D	E					
A	M	L	B	J	Z	A	X				
B	A	A	T	E	G	W	S	A			
F	A	U	N	G	V	H	B	H	I		
T	N	N	O	O	K	O	M	I	S		
S	I	D	K	R	O	Q	J	C	O	M	
L	N	O	Q	N	I	M	A	A	M	A	A
O	G	A	B	E	G	I	I	z	H	I	G
D	A	G	W	A	A	G	I	N	G	P	N

Niswi—3

IKIDOWIN ODAMINOWIN (word play)



Down:

1. Firewood
2. Wild rice
3. Point to it.
5. It is Fall.

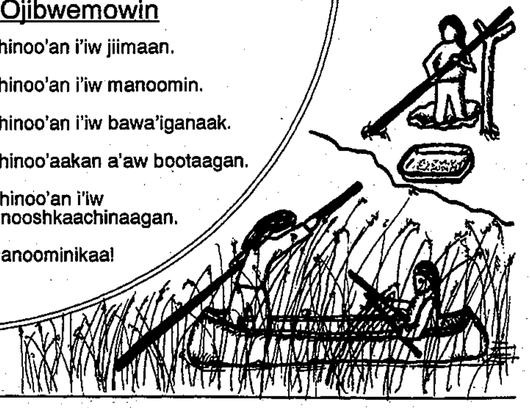
Across:

4. S/he is colored so.
6. Canoe, boat
7. I build a fire.
8. When it is dry.

Niiwin—4

Ojibwemowin

1. Izhinoo'an i'iw jiimaan.
2. Izhinoo'an i'iw manoomin.
3. Izhinoo'an i'iw bawa'iganaak.
4. Izhinoo'aakan a'aw bootaagan.
5. Izhinoo'an i'iw nooshkaachinaagan.
6. Manoominikaa!



Translations:

Niizh—2 **A.** *Always when it is Fall, we harvest wild rice.* **B.** *With effort on the lake, my Father he poles the canoe.* **C.** *In the canoe my Mother she knocks rice all day.* **D.** *When it is dry that green rice, I build a fire.* **E.** *She sits and she parches rice, my Grandmother.* **F.** *He dehusks rice and winnows rice, my Grandfather.*

Niswi—3 ***Down:*** *1. Misan. 2. Manoomin. 3. Izhinoo'an. 5. Dagwaagin.* ***Across:*** *4. Inaanzo. 6. Jiimaan. 7. Nimboodawe. 8. Baateg.*

Niiwin—4 *1. Point to it that canoe. 2. Point to it that wild rice. 3. Point to it that knocking stick. 4. Point to her that ricing pit. 5. Point to that rice winnowing tray. 6. There is a lot of wild rice!*

There are various Ojibwe dialects, check for correct usage in your area. Note that the English translation will lose it's natural flow as in any foreign language translation. This may be reproduced for classroom use only. All other uses by author's written permission. All inquiries can be made to ***MASINAIGAN****, P.O. Box 9, Odanah, WI 54861.*

Mercury, mussels, and river ruffe featured in three new videos

By Sue Erickson
Staff Writer

Odanah, Wis.—A 15 minute video, *"Circle of Life,"* which details the problems caused by mercury contamination in our waters is in the process of completion and will be available for distribution by October 1, 1994.

The video discusses the sources of mercury contamination, how mercury builds up within the food chain, and the problems related to mercury within the human body.

The video was produced through a grant from the Environmental Protection Agency to GLIFWC as a public education project regarding the risks of mercury consumption, particularly as it relates to fish.

Because of their traditional reliance on fish as a food source and a source of income, GLIFWC's member tribes have long been concerned about the impact of mercury contamination.

The video will be available through the GLIFWC Public Information Office. Call (715) 682-4427 for information.

New releases from the U.S. Fish and Wildlife Service concentrate upon problems rising from the invasion of exotic species, river ruffe and zebra mussels.

"The Ruffe—A Small Fish—Big Problem" looks at the issues confronting the fishery due to the invasion of the river ruffe, a European species which was probably introduced into Lake Superior from ship ballast water. The ruffe are currently concentrated in the western end of Lake Superior, near Duluth, Minnesota, but are beginning to be spread along the south shore.

River ruffe (Photo by M.J. Kewley)

"America's Pearly Mussels" focuses largely on mussels in the southeastern United States. However, the role of freshwater mussels in rivers and streams is relevant to other areas as well.

Contact the USFWS for the river ruffe or pearly mussel videos at (612) 725-3520.

A small circle of elementary teachers listen to Sylvia Cloud, Bad River tribal member, speak about the Ojibwe culture as it relates to Madeline Island. Madeline Island is one of the early Ojibwe settlements in the Great Lakes. The teachers were part of the Sigurd Olson Environmental Institute's Madeline Island Curriculum Development Project, a five day course for teachers through Northland College. (Photo by Allison Hamilton)

Limited "Anishinabe" baby posters available

Because of popular interest GLIFWC re-printed a limited number of the 1992 poster entitled "Anishinabe." The poster pictures an infant in a cradleboard, or "dikinaagan." The posters can be obtained from GLIFWC's Public Information Office for $1.00 each.

The 1994 poster, entitled "Nibi," is also now available. Nibi means water in the Ojibwe language. The theme of the poster relates to the responsibility towards water as the blood of Mother Earth and the obligation to keep it pure for the well-being of all Earth's inhabitants.

The Public Information Office can be contacted by writing to GLIFWC PIO at 522 Chapple Avenue, Ashland, WI 54806 or calling (715) 682-4427.

Policy Implementation Guidelines

(Continued from page 12)

responsibility of ensuring that they operate in accordance with principles mandated by the nature of the government-to-government relationship.

➽Departmental bureaus and offices shall, to the maximum extent provided by law, decline to take or approve any action by other parties that could adversely affect the well-being of off-reservation trust resources or the meaningful exercise of associated off-reservation hunting, fishing, and gathering rights, unless all adverse consequences of such actions on trust resources and rights are fully mitigated in a timely manner. When this cannot be done, Departmental bureaus and offices shall mitigate such actions to the extent legally authorized and acceptable to the affected tribe(s) through agreements entered into by the relevant parties providing for mitigation that constitutes fair consideration for any associated adverse effects of the action on trust resources or rights.

➽ In implementing laws or court orders other than those protecting trust resources and rights, some of which may conflict with related protections, Departmental bureaus and offices shall select approaches having no adverse effects, or the least adverse effects, on trust resources and rights.

➽In carrying out these directives, Departmental bureaus and offices are encouraged to consult with the Assistant Secretary—Indian Affairs, the Solicitor's Office, and the Bureau of Indian Affairs in order to clearly determine the Federal Government's fiduciary duty and the approaches that might be taken to meet this duty.

Legislative Update

Number of Bill	Title	Most Recent Action
H.R. 6	Extension of Elementary and Secondary Education Act of 1965	Conference Scheduled in Senate 8/2/94
H.R. 2135	National Native American Veterans' Memorial	Forwarded to House Committee on Administration (4/13/94)
H.R. 3508	Tribal Self-Governance Act of 1993	Reported to House from Committee on Natural Resources with amendment. H.Rept. 103-653 (CR H6762) (8/3/94)
H.R. 4086	Youth Development Block Grant Act	Joint hearings held by subcommittees on Select Education and Civil Rights and Human Resources (8/4/94)
H.R. 4119	Bill declaring land held in trust for Confederated Tribes of Siletz Indians of Oregon	Referred to Subcommittee on Native American Affairs (4/27/94)
H.R. 4231	Bill to prohibit regulations that classify, enhance, or diminish the privileges and immunities of an Indian tribe relative to other federally recognized tribes	Referred to subcommittees on Native American Affairs and National Parks, Forests and Public Lands (7/11/94)
S. 720	Indian Lands Open Dump Clean-Up Act of 1993	Passed Senate (5/12/94) Referred to House Natural Resources Committee (5/17/94)
S. 1526	Indian Fish and Wildlife Resources Management Act of 1993	Ordered Reported from Indian Affairs Committee with an amendment (4/26/94)
S. 1958	Bill to amend title 38, U.S. Code, to exclude certain payments received under Alaska Native Claims Settlement Act for the purposes of determining eligibility for veterans pension	Reported to Senate from Committee on Indian Affairs with amendment S.Rept. 103-329 (CR S11169) (8/10/94)
S. 2036	Indian Self-Determination Contract Reform Act of 1994	Read twice and referred to Indian Affairs Committee (4/20/94) Hearings held (6/15/94)
S. 2230	Indian Gaming Regulatory Act Amendments of 1994	Indian Affairs Committee Hearings held (7/19/94 and 7/25/94)

Reprinted from American Indian Report, a publication of the Falmouth Institute, Inc. September 1994.

Mille Lacs Band's 1837 treaty rights re-affirmed

(Continued from page 2)

in the 1837 ceded territory, twelve of which are greater than 1,000 acres. The largest of these is Mille Lacs Lake, which is 132,516 acres and famous for its walleye fishery.

According to Gary Regal, GLIFWC fisheries biologist stationed at Mille Lacs, the 1992 open water season for sport anglers resulted in a harvest of an estimated one million pounds of walleye.

Regal notes that Mille Lacs Lake has traditionally received heavy fishing pressure from sport anglers both because of its reputation for producing walleye and its proximity to the Minneapolis-St. Paul area.

Tribal resource management

The Mille Lacs band maintains its own Department of Natural Resources which maintains a conservation and resource management program on and off reservation.

As Wedll notes, self-governance has long been a priority for the band and self-regulation in regard to the natural resources is simply an extension of that.

The Mille Lacs band currently employs three aquatic research biologists and four other full-time employees to maintain a water quality laboratory. The band has been establishing a water quality data base over a period of years on all lakes, streams and rivers on or bordering the reservation.

In regard to off-reservation seasons, Mille Lacs has been involved in inter-tribal co-management through GLIFWC, so the band benefits from the multiple services of the organization. GLIFWC also maintains a satellite office of its Biological Services Division on the reservation.

In addition two GLIFWC conservation wardens are stationed on the Mille Lacs reservation. They specifically enforce off-reservation, treaty seasons. Conservation violations are cited into the Mille Lacs band's tribal court, which was established in 1990.

An off-reservation migratory bird season for Mille Lacs band members has been effective since 1989 through an agreement with the U.S. Fish and Wildlife Service. Also, some band members have participated in several Wisconsin off-reservation seasons under the 1837 Treaty. ❑

Mille Lacs Tribal Attorney Jim Genia answers questions from the press outside the U.S. Federal Courthouse in Minneapolis. (Photo by Amoose)

Bay Mills college offers natural resource tech course

By Sue Erickson
Staff Writer

Bay Mills, Mich.—A new offering at the Bay Mills Community College is addressing the increasing need for trained tribal personnel in the area of natural resource management.

According to Dr. Steven Malmberg, Vice President of Academic Affairs, leaders from various tribes have indicated a need for informed employees to manage woods, water and wildlife on reservations.

Consequently, an advisory committee was set-up as well as a course designed to meet the tribes' needs. The program was launched this fall with about 15 students enrolled.

More specifically, the two year course is designed to prepare students for positions as aides to fish and wildlife biologists, for forest fire control, and forestry management and production. The focus, Malmberg says, is reservations and the management of trust lands. The graduate from the program will obtain an Associate in Applied Science degree.

Malmberg notes that the curriculum is structured to be seasonal with considerable field work as part of the course. The courses are also transferable should a student decide to continue work towards a more advanced degree.

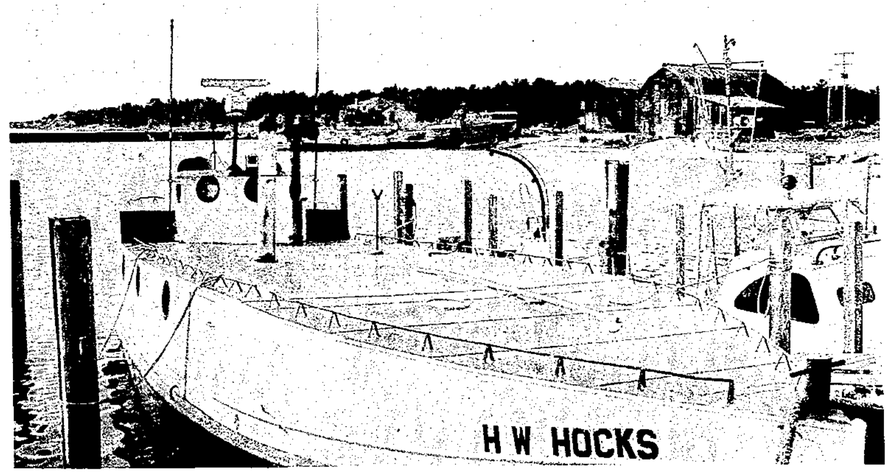
The cooperative education component allows students the opportunity for hands-on experience in the field, working with selected tribal and non-tribal agencies or organizations. A total of 225 hours in this capacity is required as part of the course which is taken during a summer session.

Basic science course work as well as resource management courses are complimented with requirements such as "Treaties and Land Ethics," "Ojibwe Language," and "Native American Awareness," all which provide a unique, tribal thrust to the training.

Bay Mills Community College is the only tribally controlled community college in Michigan. As such, it is designed to be responsible to the economic development needs of Native American communities.

The college has been operative since 1984 and has been steadily growing since its inception. A library and Cultural Heritage Center building was constructed in 1990. Last year townhouse apartments for student housing were completed overlooking Lake Superior.

The college has also been involved in expanding both its outreach and ability to network through state-of-the-art television education systems. Malmberg notes that the technology has enhanced the college's ability to provide courses off-campus on an extension basis. ❑



For the Bay Mills Indian Community the Great Lakes fishery has long been relied on for subsistence as well as income. The treaty commercial fishery is regulated through the tribe and the Chippewa Ottawa Treaty Fishery Management Authority (COTFMA). (Photo by Amoose)

State certification goal of tribal wardens

By Sue Erickson
Staff Writer

Bay Mills, Mich.—Recent legislation in Michigan has addressed the issue of certification for tribal police officers. According to Bay Mills tribal attorney Katherine Tierney, the legislation will be effective April 1, 1995 and provides for recognition of federal training received by many tribal officers. Prior to the legislation, Tierney states, federal training was not recognized nor was on-reservation experience.

The legislation recognizes federal academy training, but also requires some supplemental training through the Michigan Law Enforcement Officer Training Council (MLEOTC).

Another component of the act states that no tribal police officer can be deputized unless certified through MLEOTC and deputization is part of a written agreement between the employing tribe and local law enforcement agency, Tierney states.

She feels that allowing an agreement to be worked out at the local level is a positive component of the legislation, which provides room for tribes and counties to work out issues at a local level.

As a consequence of the legislation Bay Mills police officers as well as GLIFWC wardens stationed at Bay Mills are planning on participating in additional training which would be required for state certification.

Bay Mills will be sending four officers to basic recruit training in the state this fall and two will be attending federal police academy, Tierney says. Seven trained officers will be attending MLEOTC training for a week in preparation for certification.

GLIFWC wardens at Bay Mills, Donald Carrick, Jr. and Duane Parish, work with Bay Mills wardens in enforcing off-reservation ordinances. Off-reservation seasons at Bay Mills include the treaty fishery, deer, bear, trapping and waterfowl, according to Tierney.

Recent litigation in Michigan allows for recognition of tribal police officers and takes federal training into consideration. Bay Mills police officers pictured above are: Dean Parish, Pete Shaw and Bill Schofield. (Photo by Amoose)

Carrick is attending state training this fall and Parish will be entering state training in the near future.

Tierney states that Bay Mills feels authorization for tribal conservation officers to enforce state law against non-Indian violators on or off reservation would be appropriate. She is optimistic about the tribe's discussions with the Michigan Department of Natural Resources in this regard.

The major area of off-reservation enforcement remains the treaty commercial fishery, according to Carrick. Bay Mills has about 70 active commercial fishing permits out of a total of 228 permits from the tribe.

Regulations on fishing are issued through the Chippewa Ottawa Treaty Fishery Management Authority (COTFMA), but enforced through the Bay Mills Conservation Department as well as GLIFWC's satellite enforcement office.

Besides monitoring bag limits, quotas, and seasons, tribal wardens check for properly lit nets and whether floats are set at required intervals. Violations of any off-reservation ordinances are cited into tribal court. ❑

Ethnobotanical thoughts

Dog induced observations of the natural world

By Dr. James Meeker
Associate Professor, Northland College

Dr. James Meeker

There is a solitary red maple that I have only seen from a distance that turns color weeks ahead of its neighbors. My best guess is that it is about two miles to the northeast, across a series of ridges and valleys—a place that I have never visited.

My friends who study the timing of natural events (phenology) say that the best way to study the seasonal changes is to identify specific individuals (like this single tree) and return annually to make observations and compare one year to the next. (I guess it is much easier to do this with plants!).

I have always planned to jot down the date when this maple tree turns to its scarlet hue and gauge whether we will have an unusually early or late fall. So far these good intentions never have been acted upon.

Observations about the natural world, though merely curiosities in today's modern society, have traditionally been important signals. Long before the farmers of northern Illinois (where I grew up) used the saying, "Don't plant your corn until the oak leaves are the size of squirrel ears," Native Americans used their senses of observation to mark the passing of seasons and as cues for traditional activities.

The prerequisite to observe the natural world for most of us today is primarily to take time to visit the "woods." Sometimes we even need excuses to merely do this. Personally, I can thank my dog for my excuse. At the end of the work day when I am "dog" tired, Corvis (our dog is named after the Latin Genus for crow), looks at me with his sad eyes and asks, "How about me? Aren't we going on a walk?." So Corvis daily drags me out of this fatigue and leads me down one of the wooded trails.

There is a pattern to these walks. At first my mind dwells on the day, rehashing all of the stuff that I have yet to finish (like writing this article!). During this part of the walk the woods are merely a back drop to the business of tidying up a bunch of cluttered thoughts (or perhaps, more cluttering of already messy thoughts).

At some point, however, things begin to change, and I find that I am really "seeing" my surroundings. I have talked to others that go through this same process during walks or jogs, as if we need to shed the encrusting layers related to modern day functioning in order to really observe. During these observation stages my mind appears to catalog items as I walk, without any conscious effort on my part. It is especially during this process that my attention is directed to those natural phenomena that are out of the ordinary.

In early September for example, the leaves of wild sarsaparilla, or *waaboozojiibik* (that which walks through the woods, referring to its long rhizomes that spread laterally) began to turn bright yellow, quite different from the ordinary greens of summer. As if overnight the woods became alive with their five pronged foliage, lighting up the forest. I imagine that this would be a good time to collect the root medicine, as finding it is very easy at this time.

In this same manner, Native Americans cataloged not only the day to day changes that took place throughout the season, but were especially drawn by new sightings such as an unusual behavior in a common animal and new or unfamiliar plants.

While writing the book, "**Plants used by the Great Lakes Ojibwa,**" (recently published by the Great Lakes Indian Fish and Wildlife Commission) John Heim, Joan Elias and I noticed how quickly Native people embraced new plants.

Eurasian plants such as bull thistle and plantain quickly found use in their herbal pharmacy through either keen observation and testing or knowledge exchanged with the settlers that brought these plants with them. In either case, new plants never went unnoticed.

What this discussion of observational skills suggests is that there is no one definitive list of plants that the Ojibwa use or used that can be offered as the end all. It is not the list of plants that is important for retaining traditional gathering rights, but the process. To hold Native Americans today to some master list of plants would lock them in time, much like requiring tribal spearers to practice their traditional activity in birch bark canoes.

All organisms are continually changing and adapting, and humans are no exception. Had not indigenous people been keen observers and taken advantage of new food and medicine resources when the opportunity came to them, they would have been relegated, along with the dinosaurs, to the waste heap of those groups that didn't make it.

To continue to hone our observational skills in the natural world we need to take time to trek into the woods. My journeys are dog induced, but each of us must find his/her own excuse. Additionally, we need to protect habitats so that the same opportunities remain for our grandchildren.

As the fall season approaches I hope that you all find a "home" in the woods. I have always heard that there are three reasons we are not flooded with hordes of people in the north woods: long winters, low wages, and every biting insect known to exist. There's not much we can do about the winter or the wages, but fall is prime time to dodge the insects and enjoy the outdoors.

(Jim Meeker is Assistant Professor of Natural Resources at Northland College, and active in regional conservation. Jim received his PhD in Botany from the University of Wisconsin at Madison and his research interests include studies of Great Lakes wetlands and investigations in regional ethnobotany, including joint authorship of "Plants used by the Great Lakes Ojibwa," recently published by the Great Lakes Indian Fish & Wildlife Commission.)

Editor's note: Plants Used by the Great Lakes Ojibwa is available through the Biological Serices Division of GLIFWC. Unabridged version is $29.00 for the first copy and $27.00 each additional copy, abridged version is $6.25. Send check, money order or purchase order to: GLIFWC, Biological Serices Division, P.O. Box 9, Odanah, WI 54861.

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