

# MASINAIGAN

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

Summer 1994



**Ron Parisien, GLIFWC wildlife technician, holds a baby fisher found abandoned on the Bad River reservation. Ron has been feeding the orphan and plans to release it back into the wild once it is old enough to function on its own. Ron has worked extensively with the fisher/martin studies performed by GLIFWC over the past several years, so is familiar with the species. (See story on page 12) Photo by Amoose**

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# Three judge panel hears arguments in 1837 Treaty appeal

By Sue Erickson  
Staff Writer

St. Paul, Minn.—Courtrooms have become a familiar scene for members of eight Chippewa bands, whose quest to reaffirm their treaty-guaranteed hunting, fishing, and gathering rights in Minnesota under the 1837 Treaty, began seven years ago when the Mille Lacs band first sued Minnesota in 1990.

Thursday, June 12th, provided yet another day in court as the U.S. Court of Appeals, Eighth Circuit, heard arguments on appeal from a lower court ruling which had affirmed the 1837 treaty rights in Minnesota.

A small group of tribal supporters smudged (a ceremonial cleansing) themselves prior to entering the court building. They carried an Eagle Staff with them.

Tribal supporters were among the estimated 200 that crowded into the federal court building. Many had to listen from overflow rooms adjacent to the courtroom.

Appeals were filed by the state, the counties, and the landowners, who contend that the 1837 Treaty rights of the bands have been extinguished.

Issues relating to 1.) Article V of the 1837 Treaty & the 1850 Presidential Removal Order; 2.) the 1855 Treaty; 3.) settlement of claims by the Indian Claims Commission; and 4.) moderate standard of living/allocation dominated the debate.

Although Mille Lacs first filed the suit claiming the 1837 Treaty rights, the Fond du Lac Band's 1837 Treaty case has been consolidated with the Mille Lacs case, and six Chippewa bands in Wisconsin have intervened. The U.S. government also intervened on behalf of the Mille Lacs Band.

The Appeals Court had limited the arguments to forty minutes each and nar-

rowed the issues to be discussed, so legal representation on both sides were required to be brief and focused, although the hearing did run over time, as members of the three judge panel questioned the attorneys on both sides in regard to issues. A brief synopsis of major points follows:

## Article V, 1837 Treaty & 1850 Removal Order

A primary issue in the appeal is interpreting the language of Article V and the effect of the President Zachary Taylor's 1850 Removal Order.

Article V guarantees the hunting, fishing, and gathering rights of the Chippewa "during the pleasure of the President of the United States." The appellants contend that President Zachary Taylor exercised his "pleasure" when he issued the 1850 Removal Order. The issuance of that Order, they say, served to revoke the treaty rights guaranteed under Article V.

The tribes, however, say that wording of the Article V was understood by the Chippewa to be benevolent and protective towards the Chippewa and that their rights could not be revoked unless they misbehaved. A primary intent of government at the time of the treaty was to keep peace between Indians and settlers. The Tribes assert that they did not break the peace and that the 1850 Removal Order was illegal.

Tribal attorneys also noted that the 1850 Removal Order caused widespread protest among the tribes because it was not authorized by either the 1837 or 1842 treaties. Attorney Marc Slonim noted that in 1851 the Commissioner of Indian Affairs concluded removal was not required because there was no misbehavior. This was confirmed by Territorial Governor Ramsey at the time.

In addition the Removal Order was suspended in 1851 following the "horrific event" at Sandy Lake, according to Slonim.

To encourage Indians to remove to Minnesota territory at the time, annuity payments were dispersed from Sandy Lake, MN, requiring many Chippewa to make long, arduous journeys in order to receive annuities. Hundreds became ill during the journeys, or contracted diseases at Sandy Lake, and died.

Slonim also noted that the U.S. Government actually provided the Chippewa with implements to hunt, fish and gather at the time, which would indicate an encouragement to exercise the rights more than an intent to revoke.

## The 1855 Treaty

Representing the counties in the case, Attorney James Johnson told the court that the 1855 Treaty was made with the understanding that all claims by the Indians were now settled. The 1855 Treaty, he says, includes a quit claim that extinguishes the 1837 Treaty rights.

However, Slonim said that there is nothing in the 1855 Treaty that would extinguish the rights. The language of the cession, he said, is clear. The 1855 Treaty was intended to acquire "all remaining lands" of the Chippewa, but did not intend to take away the treaty rights of the bands.

The Indian Claims Commission (ICC) Attorney Peter Tester, representing the State of Minnesota, claimed that the ICC was an "exclusive forum for an exclusive remedy for all claims," and that this was the intent of Congress. Claims were to be filed within a given time period, settled, and that would be the end of all Indian claims.

Attorney Steve Froehle, representing the two landowner groups, said that the 1974 payment of \$9 million for all uses of

the land includes payment for the treaty rights. Consequently, the ICC has paid for the treaty rights already.

However, Doug Endreson, attorney for Fond du Lac, said there is no legal support for the assertion that the ICC terminated all Indian rights. Endreson said the ICC sought to recover only the value of lands and made payments in relation to the land cession provisions of Articles II, III, and IV of the 1837 Treaty. No claims were based on Article V, which reserves the treaty rights.

Attorney for the U.S. Government Elizabeth Peterson said that the idea that the ICC settled claims such as treaty rights is "preposterous."

## Moderate standard of living

The "moderate standard of living" argument is related to the issue of allocation. Tester told the Court that the State supports the landowners' contention that it is necessary for the court to address the issue of moderate standard of living because it is the "threshold to allocation," or relates to the need of the bands to access the resources.

However, Endreson noted that the lower court found that an allocation was not necessary at this time. He reminded the Court of the stipulation worked out between the bands and the state of Minnesota that introduces "a very conservative phase-in harvest." There has been no harvest and the stipulation, which is part of the Court Order, is modest enough not to require allocation.

A decision from the three judge panel is expected by early fall; however, the issues are complicated. Any party that loses is likely to request the Supreme Court to consider an appeal.

## Honoring dinner held at Mille Lacs

The Mille Lacs band held an Honoring Dinner to say miigwetch (thank you) to people who had helped with the 1837 treaty case. In particular they honored several of the attorneys whose dedication and concern for the case lead them into many midnight hours of preparation and eventually to victory.

Attorneys Mark Slonim and John Arun were both presented with handmade quilts from the band. Pictured above are, from the right (front row): Mille Lacs Commissioner of Administration Brenda Moose Boyd; Attorney Mark Slonim; Mille Lacs Chief Executive Marge Anderson; Attorney John Arun; Honorable David Matrious, Speaker of the Assembly. Second row: GLIFWC Wildlife Section Leader Jon Gilbert; Mille Lacs Commissioner of Education George Weber; Mille Lacs Tribal Attorney James Genia; Mille Lacs Commissioner of Natural Resources Don Wedll; GLIFWC Chief Warden Charles Bresette; Professor Stephen Hoenack; and Professor Bruce White. (Photo by Amoose)





# Mille Lacs exercises ceremonial rights on Mille Lacs lake

By Sue Erickson, Staff Writer

**Mille Lacs, Minn.**—In accordance with the April 16th Order from the U.S. Court of Appeals, 8th Circuit, Mille Lacs Band members have been exercising their right to harvest up to 2000 lbs. of fish from Mille Lacs lake for religious and ceremonial purposes.

This Order came down following the April 9th Order from the 8th Circuit to suspend the off-reservation treaty harvest by the Chippewa bands under the 1837 Treaty until an appeal could be heard.

The 2000 lbs. includes all species of fish; applies to the Mille Lacs Band only; and is limited Mille Lacs Lake adjacent to tribal lands.

As of early June, the ceremonial/religious harvest by Mille Lacs members was nearing the 2000 lbs. limit, according to Steve Haeseker, GLIFWC biologist stationed at the Mille Lacs reservation. The harvest has been monitored in accordance with the Order, Haeseker states, with permits being issued by the Mille Lacs Commissioner of Natural Resources Don Wedll.

The Band is required to notify the Minnesota Department of Natural Resources in advance with information relating to the amount and location of the harvest.

Walleye has been the primary species taken, and netting the primary method. About 1500 lbs. of walleye were harvested for ceremonial/religious use, 200 lbs. of northern pike, and about 30 lbs. of white sucker. Only three spearing permits were issued, Haeseker says.

The fish is used during various religious ceremonies which traditionally include feasting, or during events such as funerals. If all the fish is not used for one event, it is saved for use as the need arises, according to Wedll.

GLIFWC maintains satellite offices of the Division of Enforcement and Division of Biological Services on the Mille Lacs reservation for the purpose of assisting the Band with the implementation of its off-reservation treaty rights.

Harvesting rights under the 1837 Treaty are held also by the Fond du Lac Band in Minnesota and six Chippewa bands in Wisconsin, including: Red Cliff, Bad River, St. Croix, Lac Courte Oreilles, Mole Lake, and Lac du Flambeau. Ceremonial rights were not extended to any of the other seven bands.

Although the Band's off-reservation rights had been reaffirmed and protocols established in U.S. District Court for implementation of the treaty rights, the appellate court saw fit to suspend any exercise until the appeal, filed by the landowners party to the 1837 treaty case, could be heard. The Court also recognized a similar, subsequent motion from the counties for a stay.

The Court did expedite the schedule for the appeal with oral arguments commencing on June 12, 1997, in St. Paul, Minn. (see Arguments)



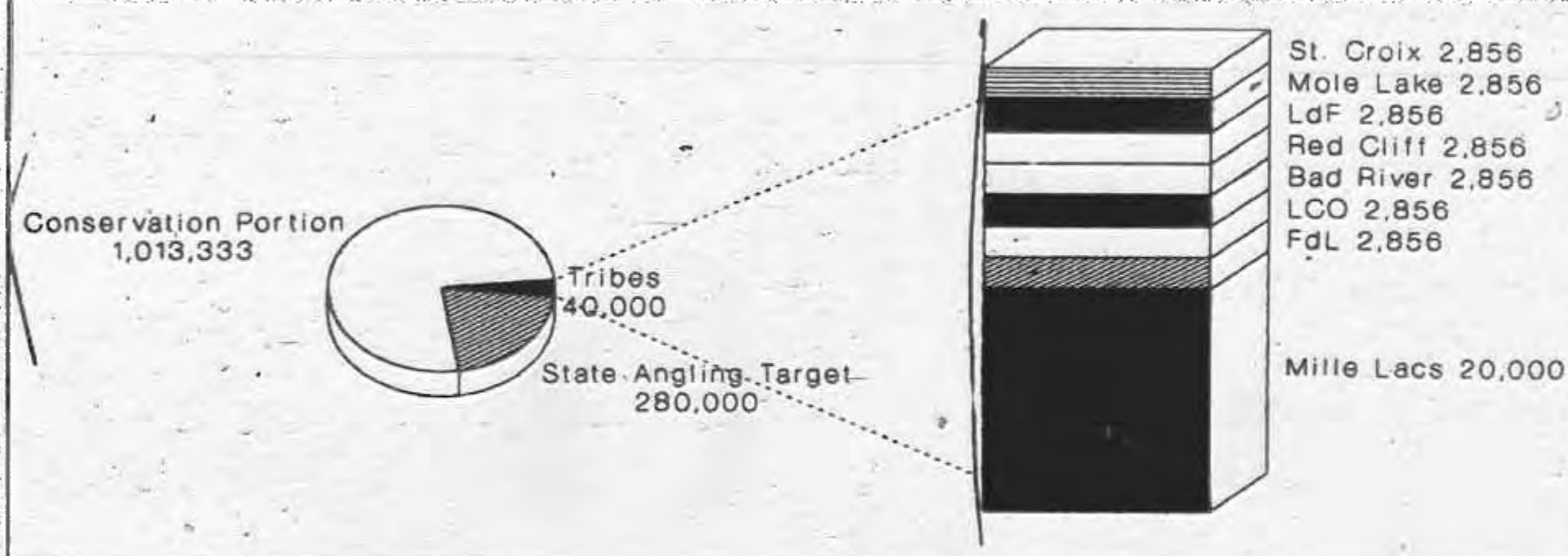
A training session for enforcement personnel on the Mille Lacs Model Code, which regulates the exercise of the 1837 treaty rights, was held on the Mille Lacs reservation prior to the court ordered stay. Above, GLIFWC wardens study the Mille Lacs Model code during the training session. Below, enforcement officers from GLIFWC, tribes, Minnesota Department of Natural Resources, affected counties and MN State Patrol were all in attendance. (Photos by Kim Campy, GLIFWC enforcement division.)



## Where does the 40,000 pounds of walleye from Mille Lacs lake go?

- x The Mille Lacs Band declared a harvest quota of 20,000 pounds of walleye from lake Mille Lacs.
- x Seven other Chippewa Bands (i.e. Bad River, Fond du Lac, Lac Courte Oreilles, Mole Lake, Red Cliff, and St. Croix) declared a harvest quota of 19,992 pounds from Lake Mille Lacs.
- x The treaty harvest from Mille Lacs lake will provide about six pounds of fish annually for each Mille Lacs tribal member living on or near the reservation (i.e. 20,000 lbs. x 50% = 10,000 lbs of fillets; 10,000 lbs of fillets/1,700 tribal members = 5.88 lbs/person annually).
- x The treaty harvest quota from Mille Lacs lake will provide about 1/2 a pound per month of walleye for each Mille Lacs tribal member living on or near the reservation (i.e. 5.88 lbs/12 months = .49 lbs/month).
- x The Mille Lacs treaty harvest quota will provide about one meal of walleye per month for each Mille Lacs family living on or near the reservation. This is based upon a family of 4 people eating 8 ounces of walleye fillets per person per meal. (20,000 lbs harvested x 50% = 10,000 lbs of fillets; 10,000 lbs of fillets/2 lbs per meal = 5,000 meals; 5,000 meals/425 families = 11.76 meals per family annually).

### Allocation of Lake Mille Lacs walleye—1997 (Number of pounds)



By Jim Thannum, GLIFWC Natural Resource Development Specialist



# 1997 treaty spring spearing season

## Good fishing, variable weather, gun shots, and ostriches

By Sue Erickson  
Staff Writer

Odanah, Wis.—Stretching from April 17 through May 23, the off-reservation, treaty spring spearing season was long and filled with variable conditions. Early warmth brought ice-out to some lakes in the southern portions of the ceded territory, but a sudden weather reversal with returning snow and cold delayed the break-up and spawning season in many northern lakes.

Regardless of weather, the spring spearing season was successful. Spearers brought home a total of 24,002 walleye and 333 muskellunge during the season. The walleye harvest is down from the 1996 harvest which yielded 28,327 walleye, but a few more muskellunge were landed. In 1996 319 muskellunge were taken.

The Safe Harvest Level (SHL) for all declared lakes was 71,138 walleye in 1997. The Wisconsin bands declared a total of 40,301 walleye, so the remaining quota balance at the end of the spring, off-reservation spearing season was 16,299 walleye. The walleye harvest was 59.6% of the quota.

For muskellunge the 1997 SHL was 2,807 and the tribal declaration was 1,489. Following the spring season the muskellunge quota balance is 1,156. The harvest was 22.4% of the quota.

St. Croix spearers opened the season on April 17th, taking 104 walleye from Big McKenzie lake, Burnett County and a few fish from other declared lakes that night. Lac Courte Oreilles followed the next evening by opening up Lake Eau Claire, Eau Claire County on April 18th, taking 29 walleye, and Bad River spearfishermen began their season April 19th as they headed south to Lake Wissota, Chippewa County, where they harvested 168 walleye.

An initial trek out for Red Cliff fishermen to Lower Eau Claire lake on April 20th, Douglas County, yielded one walleye.



Is it a walleye or a muskrat, Joe? Joe Gustafson, retired state trooper from Red Cliff, went out on Lake Namekagon this spring for his first shot at spring spearing. He found out that spearing isn't as simple as some people make it look. He did get the knack of things after a while, but in the meantime almost mistook a muskrat for a walleye. With Joe are Charles Bresette, GLIFWC chief warden at the stern, and Mike Morrin, Red Cliff tribal member. (Photo by Sue Erickson)

As for the Mole Lake Sokaogon, it was April 26th before they headed to the lakes. The St. Croix band had nearly completed their season by the time Lac du Flambeau opened on April 29th, taking 819 walleye off the Turtle-Flambeau Flowage, Iron County; 167 in Buckskin lake, 117 from Crescent lake, and 91 from Bearskin lake, all in Oneida County.

### Michigan

In Michigan, the Lac Vieux Desert (LVD) band opened their season on April 22nd and closed May 14th. LVD spearers harvested a total of 2,121 walleye from a Harvest Guideline of 7,419 walleye, leaving a balance of 5,296 walleye. LVD took 28.6% of the harvest guideline for walleye and harvested a total of six muskellunge. Fishing was very successful on Lake Gogebic, Ontonagon County, for LVD spearers where 821 walleye were harvested out of a harvest guideline of 2,431.

### Enforcement

Typical of all past treaty spring spearing season, the 1997 season was intensely monitored. GLIFWC creel clerks and conservation wardens manned every landing that was open during the season on a nightly basis.

Wardens checked daily permits and tribal identification at the landings before boats were launched. They also checked for boat registration and safety equipment. Spearing permits are generally obtained at the on-reservation registration station. The permits indicate a specific lake and the nightly bag limit.

Creel clerks monitor the catch as spearers come off the lake at night. They count, measure, and sex the fish as well as check

for tags before the fisherman leaves the landing. Spearers must stay within the regulations for the season, including nightly bag limits for walleye and size restrictions. Only two walleye can be over 20". One of those can be any size and one must be between 20" and 24". For muskellunge, the first fish can be any size, and after that one-half of the catch must be at least 32".

Citations are written up on the landings and given to spearfishermen for any violations of the regulations.

The 1997 spring season was marred by a slight upswing in incidents, including reports of gunshots on Lake Namekagon, Bayfield Co.; Long lake, Washburn Co.; Rolling Stone lake, Langlade Co.; Middle McKenzie lake, Washburn Co.; and Paint Pond, Iron Co., Michigan, according to GLIFWC Chief Warden Charles Bresette. One incident of rock throwing was also reported on Bear lake, Barron Co.; and the perpetrator was apprehended.

"Bullets were heard ricocheting off the water by spearers this year," Bresette said. He found it especially disconcerting that the shots were fired into the water rather than into the air and that the number of incidents had increased this year.

Rounding up rapidly, rampaging ostriches in the vicinity of Sand lake, Sawyer Co., fell into the hands of GLIFWC Lt. Ken Rusk.

### 1997 Spring spearfishing season (preliminary results)

Tribe	Walleye	Muskellunge
<b>Wisconsin</b>		
Bad River	2,909	1
Lac Courte Oreilles	3,419	61
Lac du Flambeau	10,022	141
Sokaogon (Mole Lake)	3,260	30
Red Cliff	2,400	14
St. Croix	1,000	86
<b>Total</b>		



# State panel's resolutions touch nerves

**Editor's note:** The following article expresses the opinion of the author, but does not necessarily reflect the views of Masinaigan or GLIFWC.

**By Jay Reed, Milwaukee Journal Sentinel staff**

The Wisconsin Conservation Congress, adviser to the Natural Resources Board and public tuning fork for all manner of outdoor issues, has, through its resolution process, slipped an oar into the dangerous and murky waters of politics and treaty fishing.

The Congress' Executive Council has approved a resolution calling for Gov. Tommy G. Thompson to deny future Chippewa

Indian gaming compacts unless the tribe agrees to unconditionally forgo off-reservation spearing, netting and hunting within the structure of treaty rights forever.

Beyond that, the Executive Council also approved a resolution calling on the state Legislature to kill a deal cut by the state with the tribe allowing the Lac du Flambeau band of Chippewas to sell fish, game, boat, snowmobile and ATV licenses and keep the revenue.

The first resolution will be sent along to the governor. The second will go to the Legislature. You have to think those destinations will mark the end of the line for each.

Well, maybe. Then again, maybe not.

The Congress, for its part, is certain to receive a bag limit of credit from some hard-line portions of the conservation community. That's because each resolution voices what a number of people want to hear.

Others, though, will rush to the first available podium to suggest that the conservation organization is not only out of its collective mind but that it is proceeding into an area where even angels fear to tread.

For all of its virtues, the Congress has never been confused with the body angelic.

I, personally, don't care for the first resolution because it seeks to trade on walleyes and muskies. I have never believed that the natural resources of this state could, or should, be objects of barter, no matter what the situation.

And that, of course, is what the second resolution addresses. We have been told that the state cut the deal with the Lac du Flambeau band because, if it did, the band would establish a smaller declared quota of fish each spearing season, thus allowing more three-bag-limit lakes for hook-and-line anglers.

No less a voice than that of George Meyer, Department of Natural Resources secretary, has told us that the deal is the best possible thing that could happen to the state's sport fishing community.

In the case of the first resolution, you get a sort of awkward mix of fishing and gambling. The Chippewas hold the hammer on both issues. Understand, first of all, I have no personal quarrel with gambling, having risked some bucks in various games of chance over the years. I never won big, but I did enjoy it.

Indian casinos, it can be said, more or less arguably are the most popular places of entertainment in Wisconsin right now. If you can envision the governor of this state denying gambling compacts on the basis of spearing or not spearing, then you can also see the sun on a cloudy day.

Don't bet on it happening, in other words.

The same is true with the Legislature and the license revenue deal. People who are angry about it, as well as treaty spearing, should do themselves a favor and suck it up and stand by.

Indian casinos, you have to think, will be around for a long time or, at least, until interest in them fades, like the fog before the sun.

So, too, will be treaty spearing.

I'm not saying that the Chippewas will never give it up. They might some day, if the stakes are high enough. But for the foreseeable future, it will continue to be in place.

As the years go by, you can bet there will be modifications here and adjustments there in the entire procedure as agreed upon by both sides. That's the way it should be.

In the meantime, enough safeguards have been put in place to protect the future of fish and game in Wisconsin.

You may not like it. I may not like it. Heck, the Indians may not like it. But considering everything that's the way it should be.

I don't fault the Congress for passing these resolutions. And I wouldn't fault the tribe if its members are angry about them.

Please don't ever forget. Honorable people are involved in all of this. Honorable, caring honest people. On both sides.

(Reprinted from the Sunday, June 8, 1997 edition of the *Milwaukee Journal Sentinel*)

For more information on off-reservation treaty rights, contact GLIFWC's Public Information Office at P.O. Box 9, Odanah, Wisconsin 54861, phone (715) 682-6619 or e-mail us at [pio@win.bright.net](mailto:pio@win.bright.net).



Walleye taken during spring spearing are counted, measured, and sexed before they are allowed to leave the landing. Above, GLIFWC Creel Clerk Amber Ward lays out a walleye on a measuring board. (Photo by Amoose)





# Telemetry among methods used to study walleye fishery

By Sue Erickson  
Staff Writer

Odanah, Wis.—Typical of preceding years, Great Lakes Indian Fish & Wildlife Commission (GLIFWC) fisheries crews hit the water for spring assessments as soon as identified lakes shed their ice.

However, this spring GLIFWC introduced radio telemetry to the assessment routine, which has involved ongoing electrofishing surveys and temperature monitoring.

Telemetry is being used to study the pattern of walleye movement in the Yellow river/Yellow lake system, according to Glenn Miller, GLIFWC inland fisheries biologist. Specifically, biologists are trying to determine whether walleye are using the Yellow river as a spawning ground.

Telemetry tags, or tele-tags, allow biologists to follow the movement of fish or animals through a radio tracking system.

Sixteen walleye in the Yellow river were tagged with tele-tags and are being monitored on a weekly basis, according to Miller. The tags are active for seventy days, so the study will be completed in August 1997.

All fish with tele-tags on them were found once, Miller says, and all but one walleye returned to Yellow lake; one remained in the Yellow river.

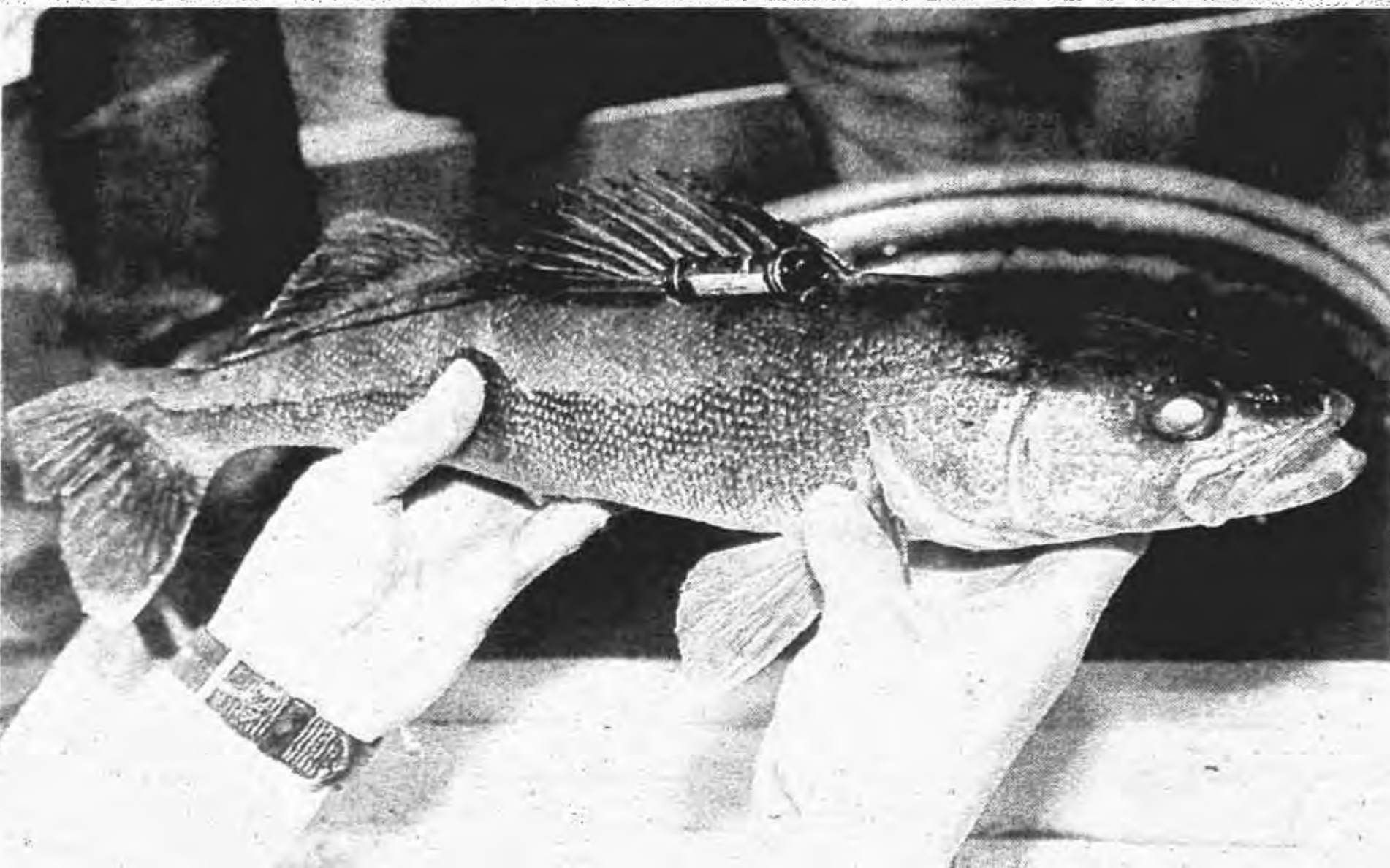
Since the study began two tags have been returned to GLIFWC, one from a fish caught by a tribal spearer and one caught by an angler.

GLIFWC inland fisheries also performed the annual spring round of population assessments with crews hampered to some degree by weather. The season seemed to stretch out over an unusually long time this year, according to Miller. He attributes it to the fast warm-up in April, which crashed in May, causing a delayed spawning season in some lakes.

GLIFWC coordinated the electroshocking assessment of twenty lakes this spring in Wisconsin (including eight lakes identified as long-term study lakes), Michigan, and Minnesota. These assessments were largely adult population estimates. Four lakes also included juvenile population estimates. Juvenile searches designed to sample primarily walleye between 1-3 years of age were completed on four other lakes.

Steve Haeseker, GLIFWC fisheries biologist, Mille Lacs, Minnesota, reports that Camp lake, Crow Wing County, and Fish lake, Kanabec County, were assessed with little success in finding a significant number of adult walleye.

Haeseker also worked with the Minn. Dept. of Natural Resources in assessing Knife lake, Kanabec Co., which seemed to show a good walleye population.



Small radio tags were clipped onto the dorsal fin of walleye in the Yellow lake/Yellow river system so that the tagged fish can be tracked through telemetry. The tags are good for about seventy days. (Photo by Amoose)

## Temperature in spawning habitat studied by GLIFWC

Odanah, Wis.—GLIFWC inland fisheries entered its second year in recording temperature on walleye spawning grounds in a study designed to determine the effect of water temperature on walleye recruitment.

In 1996 two digital water temperature loggers were placed in each of four study lakes. This year the project was expanded to include all eight study lakes, according to Miller. The study lakes include: Butternut lake, Polk County; Squirrel lake, Oneida County; Siskwit lake, Bayfield County; Bass-Patterson, Washburn County; as well as Annabel lake, Sherman lake, Squaw lake, and Kentuck lake, all in Vilas County.

The loggers make up to 48 temperature readings a day until they are retrieved just prior to ice in. Data from the probes are taken on a bi-monthly basis and recorded. The study involves accumulating data over a period of years and establishing any correlation that may exist between water temperature and walleye recruitment levels.



Ed White, fisheries technician (left) and Eric Bender, fisheries aide, net walleye in the Yellow river as part of a radio-telemetry survey to study the movement of the fish in the Yellow lake/Yellow river system. (Photo by Amoose)



Terry Donaldson, GLIFWC inland fisheries section leader, signs in at the registration table manned by Jeff Roth, WDNR fisheries manager, Mercer. (Photo by Sue Erickson)



# A shocking event:

## Assessments of the Flambeau Flowage

By Sue Erickson  
Staff Writer

**Flambeau Flowage, Wis.**—It was Friday night, May 2nd. The landings at the Turtle-Flambeau Flowage were jammed with 4x4 trucks and boat trailers belonging to fishermen poised for the midnight opener of the Wisconsin fishing season.

One by one they slid boats off trailers, parked vehicles, and quietly motored out of sight to island campgrounds.

Lac du Flambeau spearfishermen also arrived to fish the Flowage under their off-reservation treaty rights. They, too, quickly launched boats filled with spears, fish tubs, and generators, and then disappeared into the vast, dark Flowage waters.

Friday was also the night designated for a joint electroshocking survey of the Flowage, which brought together sixteen electroshocking boats and crews from the U.S. Fish and Wildlife Service (USFWS), Wisconsin Department of Natural Resources (WDNR), the St. Croix Band of Chippewa, and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC).

They, too, slipped boats, outfitted with giant, spiderlike shockers, into the water and vanished into the Flowage for a night of work. As one electrofishing crew member commented, it was probably "not a good night to be a fish in the Flowage!"

This electroshocking assessment of the Flowage was probably one of the largest cooperative assessments performed on a single body of water. The assessments provide data for estimating walleye populations on lakes and are performed each spring as the ice goes out.

Generally, a recapture (recap) run is done in one night, but because of the size of the Flowage, it has been impossible for a single agency to accomplish it in one night.

For this reason, all agencies cooperated to assess the Flowage, a 14, 326 acre body of water with 211 shore miles (including islands).



Part of spring assessments is fyke-netting to capture and mark fish. Above, GLIFWC fyke-netting crew, Royce Bresette, measures and marks captured walleye as Ed White, records the information. (Photo by Amoose)

All crews convened at the Mercer WDNR station for a briefing prior to going out on the Flowage.

Electroshocking crews were welcomed to the Flambeau Flowage by the entire Lac du Flambeau Tribal Council. Tribal Chairman Tom Maulson acknowledged the hard work of the crews and the importance of the assessments to understanding the dynamics of the fishery, and ultimately to protect it.

The effort was coordinated by Jeff Roth, regional fish manager, WDNR, Mercer. Roth assigned a specific stretch of shoreline to each crew and instructed them on how to record the data. He stressed accuracy and the need for as much uniformity as possible to make the effort successful.

Fyke-netting crews had previously spent six nights on the Flowage capturing and marking 13,500 fish, according to Roth.

The task for the joint assessment crews was to recapture and record tagged fish. The number of tagged fish recaptured provides biologists with data to estimate adult walleye populations.

The assessment crews handled a total of 12,500 fish that night, with the earliest boat docking between 4:00-4:30 a.m. Most completed their work by 6:30 a.m.

Roth seemed pleased with the assessment effort; however, it is too early to say whether it can be considered successful.

Summary and analysis of the data remains to be done, and only after that, can the success of this particular shocking event be determined.



Electroshocking crews from the WDNR (front) and US Fish and Wildlife Service wait for dusk to settle on the Flowage so they can begin their assessment work. (Photo by Amoose)



# “Casting Light Upon the Waters”

## Excellent review of treaty rights and resource management

By Sue Erickson, Staff Writer

Lac du Flambeau, Wis.—The premier screening of a thirty minute video, “Casting Light Upon the Waters,” took place last April at the Lake of the Torches Resort Casino, Lac du Flambeau, Wis. The video was produced by Discover Wisconsin and the Wisconsin Joint Assessment Steering Committee as a television special and ran on numerous channels throughout Wisconsin and Minnesota.

The video’s primary focus is the activities of the Joint Assessment Steering Committee, which coordinates the cooperative assessment of the fisheries in Wisconsin treaty-ceded waters.

Working together, U.S. Fish and Wildlife Service, Wisconsin Department of Natural Resources, U.S. Forest Service, tribes, and the Great Lakes Indian Fish and Wildlife Commission, have begun to establish a data base on Wisconsin fisheries that would be very difficult for any one agency to achieve.

Concern over the controversy and protest that enveloped the spearfishing landings in the late 1980s, Senator Daniel Inouye procured an appropriation from Congress in 1990 for a joint assessment of the fishery to answer two questions: 1.) Is the Wisconsin walleye fishery healthy? and 2.) Is spearfishing damaging the fishery?

The answers found following a joint assessment of the fishery were: 1.) Yes, the Wisconsin fishery is healthy, and 2.) No, spearfishing is not damaging the resources.

The Joint Assessment Steering Committee’s first report, *Casting Light Upon the Waters*, provided an extensive description of the fishery and served as a launching pad for ongoing joint assessment work.

The video provides an excellent overview of the treaty issues as a whole, beginning with an historical account of how treaties came to be made and how hunting, fishing, and gathering rights were retained in treaties.

It proceeds to describe the process whereby state regulations came to be imposed. Treaties were ignored and forgotten until recently when tribal members have challenged state regulation in court.

A brief account of the “protest years,” leads into a story about cooperative management at various levels: state, federal, and local. It explains the regulation of the



The “Casting Light Upon the Waters” television special premiered this spring at the Lac du Flambeau Lake of the Torches Casino. Contributors to the video were rewarded with a special plaque during the premiere screening. Above are: Joe Dan Rose, fisheries specialist, Bad River; Neil Kmiecik, director, GLIFWC Biological Services Division; Matt O’Claire, conservation officer, Bad River; James Schlender, executive administrator, GLIFWC; George Morrow, natural resources director, Lac Courte Oreilles; Steve Hewitt, WDNR tribal liaison; Tom Maulson, LdF tribal chairman and chairman of GLIFWC’s Board of Commissioners; and Robert Jackson, biologist, Minneapolis Area Office of the BIA. (Photo by Amoose)

spearfishery as well as the monitoring of the sport angler. It also explains how electroshocking works and the benefits of assessment activities.

The video was very educational, answering many commonly held questions about treaties, treaty rights, and assessment work. The video is available on loan from the Public Information Office at GLIFWC. For information, call (715) 682-6619.

## Lac du Flambeau tribe and Wisconsin Department of Natural Resources reach agreement on spearfishing and license sales



LdF Tribal Chairman Tom Maulson (left) and WDNR Secretary George Meyer sign the agreement. (Photo by Amoose)

By Beth Tornes  
Freelance Writer

Lac du Flambeau, Wis.—On April 10, Lac du Flambeau (LdF) Tribal President Tom Maulson and Wisconsin DNR Secretary George Meyer signed a long-term agreement on spearfishing and license sales. As a result of this agreement, anglers will have a three-walleye-per-day bag limit on most Vilas and Oneida County lakes, and the LdF Tribe will be able to sell fishing licenses as well as snowmobile and ATV licenses on the reservation, retaining revenues that otherwise would have gone to the State.

Maulson called the agreement “a historical event not only for the Anishinaabe and the people of Lac du Flambeau, but across the nation. . . (The agreement represents) things Indian Nations can do when we sit down and cooperate to protect the resources.”

Both parties stressed the cooperative

nature of the negotiations, contrasting the current relationship between State and Tribe with the hostile climate of ten years ago, when anti-treaty rights protestors harassed and threatened Chippewa spearers.

Maulson said the agreement is an effort to “preserve sovereignty. . . our rights out there in fields and woods, to protect treaty rights. Today we make sure we have ample opportunity for safe harvest for all users.”

Meyer said the deal “truly is a win-win situation.” He explains that the Lac du Flambeau tribe’s revenue from fishing licenses, estimated at \$60,000 to \$100,000 per year, will go toward the Tribe’s fish management and hatchery operations, which stock reservation lakes with walleye, musky, trout, and bass fry and fingerlings.

The agreement, according to Meyer, is a “permanent agreement.” He added, however, that “either side could give notice, with good reason, not to continue the three-walleye bag limit.”



# Trumpeters return to Bad River area

By Sarah Sattler  
HONOR Intern

Odanah, Wis.—Thanks to a special effort by a crew of biologists from the Bad River Natural Resources Department (BRNRD), the Milwaukee zoo, Wisconsin Department of Natural Resources (WDNR), and the state of Alaska, as well as donations from private foundations and tax dollars, the Bad River reservation can erase the mark that once crossed the trumpeter swan off its list of waterfowl species.

The trumpeter swan has been reintroduced to the Bad River area and seems to have made itself at home.

Eighteen birds have been released in two years. Fourteen trumpeter swans were introduced last summer and four more this summer.

Trumpeter swans are a native waterfowl to the area. Peter David, GLIFWC waterfowl biologist, believes that the swans disappeared from this area as a result of over harvesting.

Unregulated hunting of the beautiful white feathers lead to the loss of the species to the area. Another issue that could have played a role in the trumpeter swan disappearance is habitat change along the lakes and rivers.

The eggs of the introduced trumpeter swans were flown from Alaska and hatched at the Milwaukee Zoo. The swans were

pen-reared for 23 months in a way that prevents the imprinting of humans on the young birds. The wings were clipped to prevent birds from flying away upon release.

Of the 14 released last year on the Bad River reservation, 11 made it to the fall migration, according to Tom Doolittle, biologist BRNRD. The swans were tracked and found wintering in central Wisconsin and near Milwaukee.

Numbers were reduced once again after the spring migration back north, Doolittle says. Three came back to the Bad River reservation full time. One has made residence in Ashland.

Two swans flew up here but turned around and went back down to Pewaukee. Another two swans have made their home in Iron County, Michigan. Three, however, are still missing.

This year, a trumpeter swan couple was released at Kakagon slough, and two males at Honest John's slough, where one of last year's females lives. The young from these couples should be hatched any day now.

Swans are not a new site to the Bad River area. In fact, the beautiful mute swan adorns the Ashland city symbol. However, this is not a native swan. The mute swan is a highly aggressive and dominant species over the native trumpeter swans. Therefore, effort has been made for the slow reduction of mute swan numbers.



A pair of banded trumpeter swans have returned to the Bad River reservation where they were released in the spring of 1996 as part of an effort to reestablish once native trumpeter swan populations to the area. (Photo by Sarah Sattler)

"I don't think we should encourage the maintenance of an exotic species, especially over the integrity of the wetland or the native species," Doolittle commented. As for the city of Ashland, Doolittle

states, "it seems a little ironic that in the 1990's we are replacing the mute swan with a native [trumpeter] swan. Maybe they can change the symbol to have a straight neck."

## Lamprey remain a threat to Great Lakes

By Sarah Sattler, HONOR Intern

Participation in the U.S. Fish and Wildlife Services' Sea Lamprey Control program as being an ongoing annual activity for the Great Lakes Section of GLIFWC's Biological Services Division. Once again this spring, biological staff are in river tributary to Lake Superior setting lamprey traps as part of a cooperative effort to monitor the numbers of sea lamprey.

Over the past 11 years GLIFWC has been monitoring lamprey populations in five rivers of the Michigan UP, including the Falls, Huron, Silver, Firesteel, and Misery rivers, as well as the Bad, Amnicon, and Middle rivers in Wisconsin, according to Bill Mattes, Great Lakes section leader.

One of the objectives for GLIFWC staff is to determine how many adult lamprey are spawning in the systems. The effort is in response to the declining numbers of lake trout that have been affected by the invasion of the lamprey to the Great Lakes.

Results over the past several years indicate that lamprey populations have been maintained at about 10% of their peak abundances of the early 1950's.

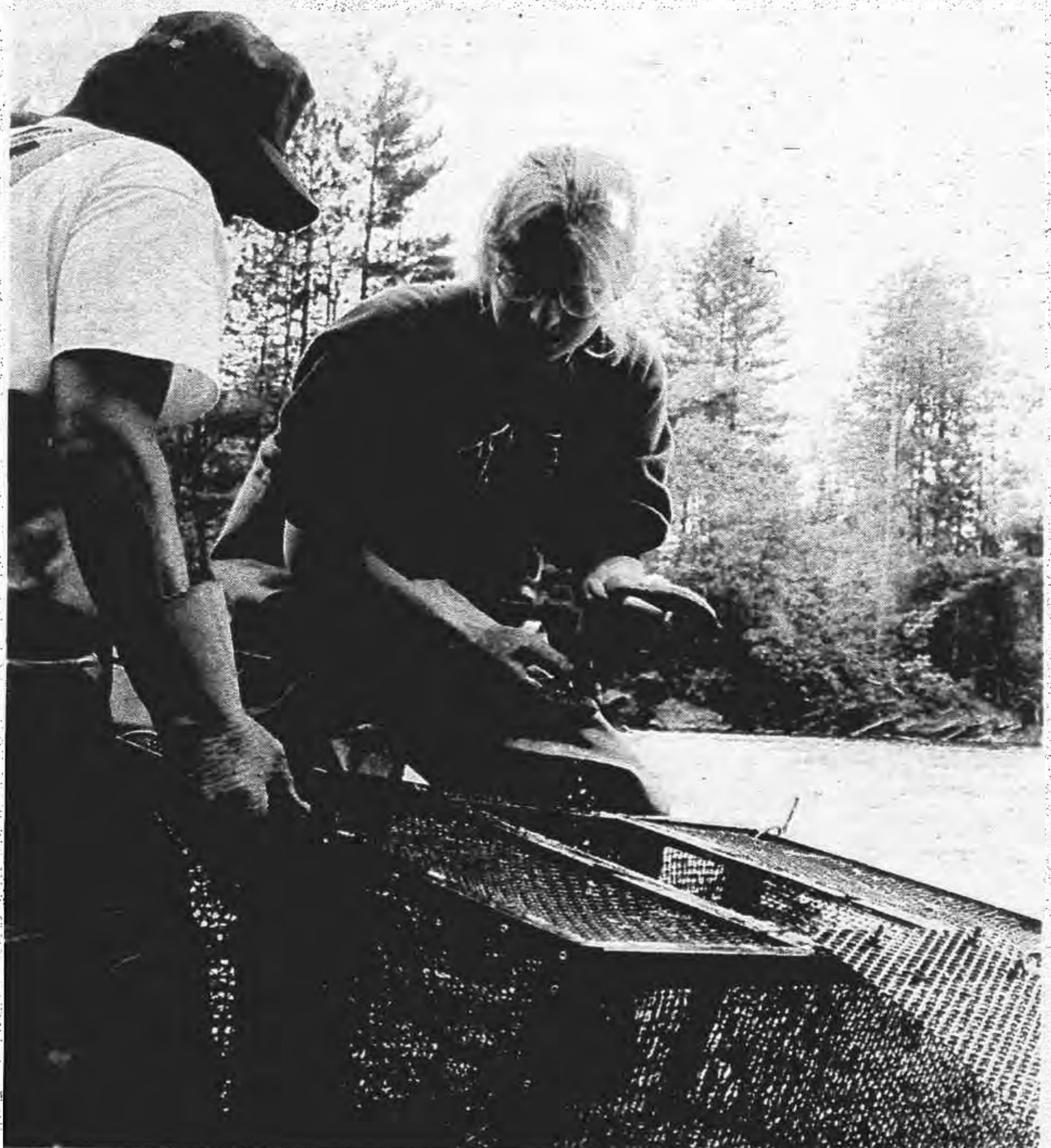
The adult lamprey is a parasite that will attach to the side of a fish and eventually drain the fish of its vital fluids. Lake trout are specifically vulnerable because they swim at the bottom of the lake, as do the lamprey. Lake trout also have fine scales that are easy for the lamprey to penetrate. It is estimated that one lamprey kills between 10 to 20 pounds of trout and as much as 40 pounds.

There are a number of methods being utilized now to control the lamprey population. The most effective method has been the use of a chemical called 3-trifluoromethyl-4-nitrophenol (TFM). The lamprey do not have an enzyme to break down the TFM and therefore can not metabolize it.

It is lamprey specific, meaning that it kills the lamprey but will not hurt the other fish in the river system as long as it is used carefully. The TFM is released into the rivers where the lamprey spawn. The larvae will die before they can become a danger to the lake trout.

Another method of lamprey control has been the sterile male release program. This is an attempt to control the actual reproductive capacity of the lamprey in the streams. Sterile males have been released into eight streams, but the effect of this on population numbers will not be known until after this year.

Barriers have also been placed between the lake and the rivers where the lamprey (See Lamprey, page 22)



Mike Plucinski, Great Lakes fisheries technician and Branda Long, Northland College intern, extract lamprey from cages set on the Bad river. (Photo by Sarah Sattler, HONOR intern)



# Tribes push for EIS on underwater logging

By Sue Erickson  
Staff Writer

Washburn, Wis.—Representatives from the Bad River and Red Cliff tribes as well as GLIFWC provided comment at a U.S. Army Corps of Engineers public hearing on underwater logging operations in Lake Superior at the Bayfield County Courthouse on May 28th.

Tribes requested the Corps to pursue further investigation of potential environmental impact, cultural impacts, and potential legal issues prior to issuing any permits. GLIFWC, Bad River, and Red Cliff all requested that an Environmental Impact Statement (EIS) be prepared.

As GLIFWC Policy Analyst Ann McCammon-Soltis stated in her comments, "In this case, permit applications are pending for over 200, forty acre sites, totalling over 8000 acres potentially available for submerged logging...because of the uncertainty of the risks associated with the activity, and because of its potential to either impact sites eligible for listing in the National Register of Historic Places or to

cause the destruction of significant cultural and historical resources, this activity requires the preparation of an EIS."

Questions regarding the environmental impact of removing sunken logs from the bottom of Lake Superior arose after nearly 200 permits were requested this spring, 180 of them from Superior Water-Logged Lumber in Ashland.

Following the public hearing, the record will be kept open to receive written comment for a period of ten days. Then the Army Corps of Engineers will review the comments and determine a solution that would best serve the public interest.

According to Ben Wopat, chief of the Corps' regulatory branch, this would require weighing any detriments to the proposed removal of underwater timber against its benefits to the general public.

Topping the list of concerns expressed by tribal representatives at the hearing was protection of the fishery. Of particular concern is the potential disturbance of fish habitat and spawning grounds which have developed around the sunken logs.

Several speakers feared that disturbance could cause the pollutants to be re-

suspended in the water and further contaminate the fishery. As Red Cliff Tribal Attorney Shannon Swanstrom pointed out, the consumption of fish for subsistence is probably greater for the tribal public than the sports fisherman.

Therefore, health dangers from contaminated fish must be weighed in light of the subsistence tribal fishermen and their families.

The issue of ownership of the logs was also raised. Red Cliff Tribal Chairwoman Rose Gurnoe noted that some of the logs are property of the Red Cliff Tribe and removal of them would be viewed as theft.

Another concern expressed by tribal representatives was the identification of culturally or historically significant sites that should be left undisturbed. Not only may the underwater logging companies be removing logs that belong to tribes, but they may be disrupting areas the tribes view as culturally and spiritually important. Therefore, a review of the proposed operations cultural impact should be part of the investigation prior to permitting the logging operation.

Advocates for the permits stressed that the Superior Water-Logged Lumber had already made a financial commitment in the business and at this point was poised to make it become profitable.

Chris Pilot, Superior Water-Logged Lumber, noted that the issue of contaminants had been addressed and were described as in the "background" level.

Pilot also commented that the company had already complied with state procedures and formed and begun operation in good faith and cooperation with the State.

Currently, the company employs 20 people and plans to have 33 on the payroll. Pilot said 180 permits were requested this spring in order to protect the company's interest from other companies who wished to pursue the same activity. About 33 sites have been identified as priority sites for the company.

The Corp's task remains to consider all information and weigh economic value vs. potential environmental/cultural values where dollars and cents don't reign. As Sylvia Cloud, Bad River elderly advisory council, asked at the hearing, "Is a piece of furniture going to help my children to live?"

# Tribes bring Lake Superior issues to meeting with IJC Commissioner

By Sue Erickson, Staff Writer

Lac Courte Oreilles, Wis.—It was a first of its kind meeting for tribal representatives and Commissioner Susan Bayh, International Joint Commission (IJC), at the Lac Courte Oreilles reservation on June 6.

Bayh had scheduled the meeting to listen to the tribes' vision for Lake Superior, the tribes' view of progress under the Great Lakes Water Quality Agreement (GLWQA), and the tribes' recommendations for IJC efforts.

The International Joint Commission is responsible for monitoring progress by the U.S. and Canadian governments in implementing the Great Lakes Water Quality Agreement.

This agreement, first signed in 1972, commits the governments to restore and maintain the chemical, physical and biological integrity of the waters of the Great Lakes basin ecosystem.

Although the IJC cannot force the governments to act, it plays an important role by providing advice and recommendations on Great Lakes water quality matters.

Representatives from the Lac Courte Oreilles, Bad River, and Red Cliff Bands of Lake Superior Chippewa joined staff from the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) at the meeting.

GLIFWC's presented a "sector paper" on behalf its Board of Commissioners, which represents eleven Ojibwe bands, emphasizing the protection of traditional practices, such as fishing rights and cultural, religious and medicinal practices, that depend on clean resources.

It also stressed a holistic approach to the protection of Lake Superior and management for the benefit of seven generations to come, and the continuing need for tribes to participate in decision-making on a government-to-government basis.

A wide range of issues regarding the Lake Superior ecosystem were brought forward by tribal representatives. Among them were: submerged logging, mercury contamination in fish, and atmospheric deposition.



The IJC meeting provided an opportunity for tribes to present their vision for the future of Lake Superior, present specific issues, and critique the effectiveness of the IJC. Pictured above are: front row: Ann McCammon-Soltis, GLIFWC policy analyst; Ann Barnes, Bad River environmental specialist; Jennifer Frozena, intern, GLIFWC's Division of Intergovernmental Affairs. Back row: Garwood Tripp, IJC communications advisor; M.P. Bratzel, Jr., IJC physical scientist; IJC Commissioner Susan Bayh; Don Gurnoe, tribal operations, Red Cliff; and Mic Isham, Lac Courte Oreilles tribal council member. (Photo by Amoose)

GLIFWC noted that special designations, such as the Outstanding National Resource Water designation under the Clean Water Act, are necessary to protect Lake Superior, but that governments are unwilling to pursue these designations. (See IJC meeting, page 15)



# KB Hatchery and USFWS agree to second year fish production program

By Sue Erickson  
Staff Writer

**L'Anse, Mich.**—The U.S. Fish and Wildlife Service (USFWS) and the Keweenaw Bay Indian Community (KBIC) renewed the two year agreement for the KBIC Fish Hatchery to provide a broodstock isolation facility. The isolation facility plays a key role in efforts to restore lake trout and coaster brook trout.

The agreement provides for the production of disease-free trout for stocking in the Great Lakes and other areas within the Great Lakes Region.

The ceremony, held at the KBIC Hatchery on June 10th, also involved a fish transfer as part of the first two year agreement. Hatchery staffs loaded approximately 15,000 trout reared at the KBIC Hatchery for delivery to the Iron River National Fish Hatchery in Wisconsin.

"Our agreements with the USFWS have further enabled us to cooperate in fisheries restoration in the Great Lakes," said Keweenaw Bay Tribal Chairman Fred Dakota. "The Community is pleased with the results of these agreements and looks forward to working with the Service on other natural resource projects." John Christian, Assistant Regional Director for Fisheries, USFWS, commented on the significance of tribal involvement in fisheries restoration.

"The lake trout and coaster brook trout restoration effort will continue success-

fully thanks to the cooperative efforts of the Keweenaw Bay Indian Community," Christian said. "Fish hatcheries play an important role in co-managing inter-jurisdictional fishery resources and lake trout restoration efforts."

Midwestern tribes have responded to the challenges of resource management in their unique role as users and managers of more than 900,000 acres of reservation inland lakes, treaty ceded territories, and the Great Lakes, Christian noted.

According to Dale Bast, Iron River National Fish Hatchery, the agreement "fosters the continued integration of fish health and fish genetics into the Service's captive broodstock program. We need disease-free broodstocks that represent the genetics of wild fish."

The KBIC Fish Hatchery first initiated this two-year cooperative program in September 1995 by providing fish isolation facilities for four lots of wild trout eggs from coaster brook trout at Isle Royale National Park and lake trout from Caribou Island (Ontario), Traverse Island (Michigan) and Apostle Islands (Wisconsin). The KBIC Hatchery reared the fish through the required two-year disease clearance period which included three fish health inspections.

According to Bast, the new agreement also includes the production of 100,000 lake trout yearlings at the Iron River National Fish Hatchery, supporting the fish stocking priorities of the Keweenaw Bay Indian Community. So, management



15,000 trout reared at the KBIC Hatchery are being loaded for delivery to the Iron River National Fish Hatchery. (Photo by Amoose)

goals are being met by both parties to the agreement.

"The first phase of this project was

completed by the KBIC with excellent results. The 12,000 lake trout and 3,000 coaster brook trout yearlings that were being held in isolation were given the very best of care and, now that a pathogen-free disease history has been established, these fish will be distributed from the KBIC's Hatchery to other fish hatcheries within the Great Lakes region," Bast said.

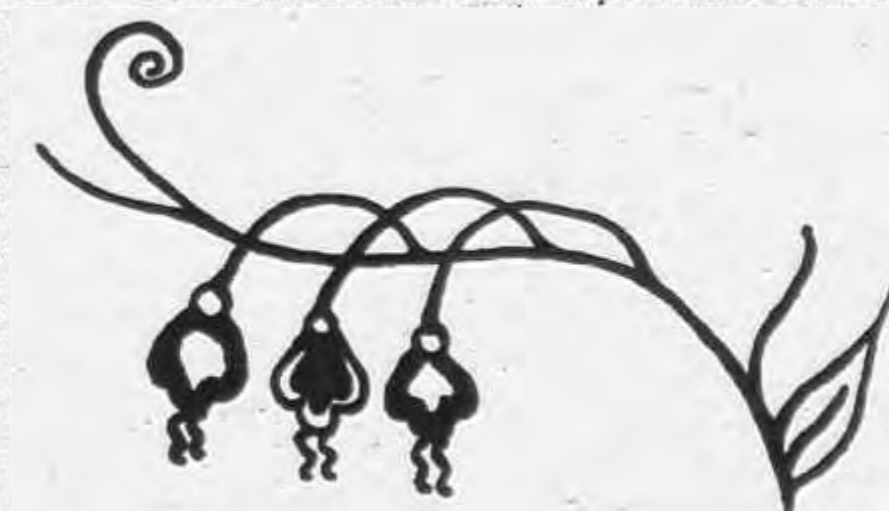
Once they are transferred to other hatcheries, they can be safely used for production, and the developing fingerlings will then be used to meet restoration stocking efforts throughout the Great Lakes basin.

"Short-term cooperative agreements between the Service and agencies such as the KBIC remain totally important to meet the demand for new broodstocks until a long-term solution for isolation needs is achieved," Christian said. A long-term solution is currently under review by the Service.

The Keweenaw Bay Indian Fish Hatchery is located in Michigan's Upper Peninsula on the L'Anse Indian Reservation, about seven miles northeast of L'Anse, Michigan.



Mike Plucinski, Great Lakes fisheries technician, and Branda Long, Northland College intern, tag and take biological information from a juvenile lake sturgeon off the mouth of the Bad River. This cooperative study is being done by GLIFWC, the Bad River Natural Resources Department, and the US Fish & Wildlife Service. The sturgeon are identified with a unique tag to obtain movement, distribution and growth of the fish. (Photo by Sarah Sattler, HONOR intern)







# In defense of the big, bad fisher

By Jonathan Gilbert  
GLIFWC Wildlife Biologist

Odanah, Wis.—The controversy over fishers is really a controversy over their population level, or how many fishers are there and should there be. About 100 years ago fishers were common and found throughout the forested portion of Wisconsin all the way to Milwaukee. In the 1920's fishers were extirpated from the state due to over-harvest and habitat destruction.

They were absent from the state until the 1960's when they were reintroduced in an effort to restore a portion of the native animal community in northern Wisconsin. Since that time fishers have done well and have expanded their range to cover nearly all of northern Wisconsin and have increased in abundance to support both tribal and state trapping seasons.

Here we have a great success. A formerly extirpated native species has been reintroduced and is now a part of northern

Wisconsin ecosystems. Instead of celebrating this great success, there are those who want to turn the fisher into every person's worst nightmare. I have heard the fishers blamed for destroying many wildlife species.

They are blamed for killing all of the snow shoe hares, ruffed grouse, goshawks, bobcats, song birds and house cats. I have even heard fishers are to blame for closing the trout season in northeast Wisconsin a few years ago. All of these allegations are false, and I want to tell you why I say that.

Snow shoe hares and ruffed grouse are species which undergo population fluctuations or cycles. Ruffed grouse went through a population decline which ended in 1996. Just as grouse populations were declining, fisher populations were increasing dramatically. It was easy to blame the fishers for the grouse decline.

Fortunately there was a ruffed grouse population study being conducted at the same time. The results from that study showed that grouse mortality due to mam-

malian predation was low and consistent over the decline and could thus not be blamed for the decline. Grouse are rebounding now, just as predicted by the 10 year cycle, and will once again reach high levels, despite an abundant fisher population. Hares too, are rebounding this year, and we should see healthy hare populations again despite the fisher.

There are many claims that fishers are killing too many goshawks. Mostly these claims come from the Nicolet National Forest where goshawk nests have been lost due to fishers. However, there are other

places in Wisconsin where goshawk nests are surviving just fine. Fishers and goshawks are sympatric (co-occurring) over most of their range. They have evolved together, and the fisher is the only one which has ever become extirpated.

Fishers have been accused of the demise of the state's bobcat population. This allegation was the impetus behind the study plan I am using for my Ph.D. research. I have looked at fisher and bobcat ecology. I have radio marked individuals from both species and followed them for many years. (See In defense, page 13)

## Over quota harvests of bobcat and fisher concern GLIFWC biologist

By Sue Erickson, Staff Writer

Odanah, Wis.—Harvest recommendations for furbearers was the subject of discussion at recent meetings of the Upland and Wetland Furbearer committees, both state-tribal working committees in Wisconsin. Population levels and levels of harvest of both fisher and otter became a subject of some debate, according to GLIFWC Wildlife Section Leader Jonathan Gilbert.

### Fisher

Some feel that fishers have become too numerous and management should aim at population reduction. (see In defense of the big, bad fisher). Population models indicate the fisher population has leveled off and in some management zones shows a slight decline.

Despite differences of opinion on fisher management goals, Gilbert says reasonable quotas were recommended which will serve to reduce populations slightly in three management zones and increase the population in one, Zone A, the most western zone.

However, Gilbert is concerned about the achievability of established quotas. In 1996, for example, the total harvest of fisher was set at 200 in Zone A, with the tribes declaring 100 and 100 available for the state. However, the tribes harvested 102 and the state harvested 160, making the total harvest 262, or 30% over-harvest.

Zone A may have been over harvested, according to Gilbert. The other three zones were under-harvested by both tribe and state, he says. This under harvest has allowed the



Fisher Management Zones in the 1837 and 1842 Ceded Territories of Wisconsin. Although fishers are present throughout the ceded territories, zones E and F are closed to fisher trapping.



A curious baby fisher checks out Ron Parisien, GLIFWC wildlife technician. The baby was found motherless on the Bad River reservation recently. Parisien, who has been working extensively with fisher/martin/bobcat studies for GLIFWC, plans to feed the orphan until ready to be released. (Photo by Amoose)

population to grow and is being used to justify increased quotas in 1997 in Zones B, C, and D.

Fortunately, cooler heads prevailed for this year, but if harvest levels are not achieved, then fisher populations will continue to grow, rekindling the "kill them all" attitude, Gilbert comments.

The state is insisting that fisher be managed at precise population levels, yet they are unable to regulate fisher harvests in a manner which keeps them within quotas. These are areas of concern which will be under discussion during 1997, he says.

Tribal trappers took fisher from all four fisher trapping zones (covering eight counties), taking 100% in Zone A, 10% in Zone B, 16% in Zone C, and 43% in Zone D. This makes overall harvest for 1996 at 37% of the quota.

Nearly 50% of the tribal off-reservation fisher harvest was taken from Bayfield County in Zone A, which is also popular for other species. In 1996 Forest County also showed a high level of harvest for the first year.

Tribes harvested a total of four bobcats in the 1996-97 off-reservation trapping season, all four of them taken in the Forest County and registered at the Mole Lake registration station. This was the largest off-reservation bobcat harvest since the season began in 1988. Since 1988 the treaty harvest of bobcat has totaled eleven for all season.

### Otter

In regard to wetland furbearers, discussion focused primarily on otters. Prior to 1996 the state had a two otter per season bag limit for state trappers in the north, which generally resulted in a harvest between 1,000-1,500 otters. In 1996, the bag limit increased to three per season and the harvest jumped to 2,500.

Gilbert believes this level of harvest is not unsustainable and would crash the population if continued. The state feels that the large harvest reflects legal registration of otter which were otherwise discarded.

However, Gilbert says this is not verifiable information and does not want to see a continuation of the population decline in otter that was evidenced in 1996-1997.

Tribal off-reservation harvest for the 1996-97 trapping season totaled fourteen otters. This was the largest otter harvest registered by the tribes, topping the last two seasons by two otter.

Six otter were registered at the Lac Courte Oreilles station; three at Lac du Flambeau; four at Mole Lake; and one at Red Cliff for the last season.

### Population estimates & densities of fishers in each of the four management zones in Wisconsin

Zone	1997 population Estimate	1997 Density	1997 Quota
A	1,666 fishers	0.34 fisher/mi <sup>2</sup>	200
B	3,901 fishers	0.71 fisher/mi <sup>2</sup>	750
C	2,108 fishers	0.77 fisher/mi <sup>2</sup>	400
D	3,114 fishers	0.58 fisher/mi <sup>2</sup>	500
Total	10,633 fishers	0.57 fisher/mi <sup>2</sup>	1,850



# Spring brings the plant people back to the forests studying impact of logging on understory plants

By John Heim, GLIFWC  
Wild Plant Technician

The Great Lakes Ojibwe bands possess an awesome knowledge of the natural world around them. Wild plants, being part of this natural world, have always been and still are a priceless, traditional resource for Ojibwe people.

There are those that gather plants for medicine, food, tools, heat for homes, continued health, supplementing a families income (not all casinos make all Indian people wealthy), teaching youth about the natural world, ceremonies, and countless other uses.

Many of these herbs are very habitat specific, meaning they will only do well under very specific conditions like open prairie or under the canopy of mesic northern hardwoods.

So there is no question that the Ojibwe people are interested in how ecosystems of the national forest and state lands are managed within the ceded territories.

During 1995 the Great Lakes Indian Fish & Wildlife Commission (GLIFWC) began a long term study to examine the impacts of logging in northern, hardwood forests on understory plants.

Data collection, which began in 1995, will continue this spring and summer with the aid of summer interns. Many hot, grueling hours are spent with hordes of hungry mosquitoes, biting black flies and pesky gnats deep in the woods of the Chequamegon, Nicolet, and Ottawa National Forests. Sometimes a head net is preferable to the annoying intrusion of buzzing insects in ears, eyes, and nose.

GLIFWC has seen, identified, counted, and recorded 57 different herbaceous species, 22 trees & shrubs (woody plants), 12 ferns and their allies (numbers based on 1995 data).

A total of 68% of the herbaceous plants (does not include ferns or the woody plants) have a documented history of traditional use and are in the GLIFWC book: **Plants Used By The Great Lakes Ojibwa**, by James Meeker, et. al.

Many of these plants are still sought out by tribal members today. One species in particular is the wild leek (*Allium tricoccum* Aiton) which was found in all of the stands sampled by GLIFWC.

The numbers and distribution found within each stand were varied, but it seemed to be one species that is very characteristic of the northern hardwoods.

The bulb is a treat in anyone's stew, soup, salad, or just munched all by itself. Our Earth Mother knows what we like and need. This species was also used for medicine. An emetic (induce vomiting) was made with it, for one medicinal use.

This is just one of the many green treasures of the plant world. We need to be respectful and grateful for the gifts from these forests. The Creator has generously provided us with the things needed to survive here.

Hopefully, GLIFWC's work will help restore some of the much needed balance in life. The plant world could restore itself and find balance if undisturbed.

But our world is changing fast and current forest management practices on public land in the ceded territories have unknown consequences for these non-timber species.



Wild leek. (Photo by Amoose)



Summer intern Cary Linder records information as John Heim, GLIFWC wild plant technician, examines understory plants on a marked plot in the Chequamegon National Forest. Information will be part of a long term study on understory plants and the impact of forestry management on those plants. (Photo by Sarah Sattler)

## In defense of the big, bad fisher, continued

(Continued from page 12)

I have no indication that fishers are adversely impacting bobcats.

Both species live in the same places. Their home ranges overlap, and they even feed on the same carcasses. Incidentally, since the snow shoe hare populations are doing better, we are noticing an increase in bobcat populations. As hare populations increase the reproductive rate of bobcats also increases.

Fishers are often correctly blamed for killing house cats running loose. This is true, and I have observed house cat remains in fisher stomachs. However, recent research has shown that feral house cats kill 39 million birds and many more small mammals each year.

In southern Wisconsin feral house cats are shot to control their numbers. It does not seem appropriate to kill fishers in order to save feral house cats.

Before one gets the idea that fishers are this benevolent species, I do have to say

that fishers are a fierce predator. They do kill things, and it would not surprise me if they kill all of the species mentioned above. However, we can find no evidence that they kill so many as to cause the populations to significantly decline.

I have studied over 1,500 fisher stomachs in the past 5 years, and I can say that fishers eat a very wide variety of things. They do eat hares (7%), and grouse (3%), but eat very few bobcats (0%) and goshawks (0.07%).

Fishers have a place in our northern Wisconsin ecosystems. They will eat things from those ecosystems, because they are predators and that is what predators do. But they will not destroy any population of animal.

They have not done so in the past, and there is no reason to think they will do so now. We should be celebrating this highly successful return of a native species to its environment instead of denigrating it.



# MN tribes sign TEAs with EPA

## Adamkus and Fairbanks honored

By Sue Erickson  
Staff Writer

Fond du Lac, Minn.—Eleven Minnesota tribes participated in the signing ceremony of Minnesota Tribal Environmental Agreements (TEAs) between individual tribes and the Environmental Protection Agency (EPA), Region V. The ceremony took place at the Black Bear Hotel, Fond du Lac reservation on May 12th.

This was the second three-year agreement between Minnesota tribes and the EPA. The first was signed in 1995. According to Christine Berini, Fond du Lac Environmental Program Manager, the agreements outline individual tribal environmental priorities and commitments.

They also spell out the EPA's response to meet those needs. The TEAs are an important tool for the EPA when taking funding requests to Congress as priority needs are clearly defined, Berini says.

Minnesota has been on the forefront as far as reaching agreements with Region V, EPA, although EPA is pursuing TEAs with all Region V tribes.

Valdas Adamkus, Regional Administrator, Region V, views the signing of the second agreement to be more important than the first "because it signals what was started with the Indian people works."

"The agreements commit tribes and the EPA to reach goals," Adamkus stated, "to clean and protect the water, the air, and the land. We must make the commitment together to achieve these goals."

Norman Deschampe, Grand Portage Tribal Chairman, outlined some of the needs that were identified to be met. These included: procuring \$75,000 for each tribe's General Assistance Program (GAP); improving communication with EPA; improving coordination with federal environmental agencies; and improving the tribal quality assurance system which are currently understaffed.

### Adamkus recognized for leadership role with Indian tribes

In addition to signing the tribal-specific TEAs, Region V, EPA Administrator Valdas Adamkus was recognized for his significant role in addressing tribal environmental concerns.

Adamkus will be retiring after twenty-seven years of service. His leadership and recognition of tribal governments will be missed. As Adamkus noted, his proudest accomplishments and legacies relate to the Great Lakes and Indian tribes.

"We started in total disbelief, because then only lip service was given to Indian tribes. We decided to change all that in an atmosphere of total distrust. Even states distrusted us and didn't believe we could accomplish something," Adamkus said.

However, Adamkus' commitment to the federal trust responsibility and to establishing government-to-government working relationships with tribes in Region V, has made tribal cooperation with EPA a model for other government agencies.

His work did not go unnoticed or unappreciated. Adamkus was visibly moved when presented with gifts and words of thanks from each Minnesota tribe.

"Val worked very, very hard to lay out plans to protect Indian reservations," Don Wedll, Mille Lacs Commissioner of Natural Resources, commented. He thanked Adamkus for setting an agenda that will remain for years to come.

Also honored during the ceremony was Ed Fairbanks, EPA tribal liaison in Minnesota, who was presented with a Certificate of Appreciation from the Department of Interior by Adamkus for his leadership role in environmental education for Indian tribes.



Chairman Robert Peacock, Fond du Lac Band of Chippewa, and Valdas Adamkus, Regional Administrator, EPA Region V, each sign the Tribal Environmental Agreement (TEA) between the Band and the EPA. The TEA identifies priority environmental needs of the Band and EPA's response to those needs. Fond du Lac environmental staff look on. From the left are: Larry Schwartzkopf, Natural Resources Manager; Christine Berini, Environmental Program Manager; Ferdinand Martineau, Director of Forestry, Conservation and Ceded Territory; and Fred VanderVenter, Environmental Specialist. (Photo by Sue Erickson)

### Gorospe to head EPA Indian environmental office

Kathy Gorospe, formerly with Columbia River Inter-Tribal Fish Commission (CRITFC), is now the executive director of the American Indian Environmental Office of the United States Environmental Protection Agency (EPA) in Washington, D.C.

Since 1990 Gorospe, an enrolled member of the Laguna Pueblo in New Mexico, served as the executive assistant to CRITFC Director Ted Strong.

"In that time she helped fashion the present CRITFC organizational design, bringing more order and discipline to our long-term planning and budgeting efforts," said Strong. Gorospe was also an active

member of the Grand Canyon Visibility Transport Commission, a state/tribal effort to address air pollution issues on the Colorado Plateau.

In her new job, Gorospe will answer directly to EPA Administrator Carol Browner. Her responsibilities will include:

- ✓ coordination of all EPA Indian programs
- ✓ coordination with other federal agency and tribal operations
- ✓ oversight of EPA personnel training on federal trust responsibilities, tribal environmental concerns, cultures, and legal issues Gorospe can be reached at 202-260-7939.





**A Medicine Wheel from the Fond du Lac Band was one of the gifts of appreciation presented to Valdas Adamkus, retiring Region V Administrator, EPA, at the signing ceremony for the Tribal Environmental Agreements between Minnesota tribes and the EPA. Adamkus was honored for his significant effort within the EPA to address tribal issues on a government-to-government basis. (Photo by Sue Erickson)**

## EPA alleged lies may affect tribes' river claims

A government lawyer says federal Environmental Protection Agency (EPA) officials may have filed false affidavits to support a decision giving two Wisconsin tribes the authority to regulate water quality on their reservations.

During a hearing April 24 in U.S. District Court, state and federal government lawyer said EPA employees may have lied about affidavits that supported the tribes' right to adopt water quality rules for rivers on their reservation.

Under the Clean Water Act, the EPA may grant tribes state status in developing and enforcing their own environmental regulations.

Several Wisconsin tribes have sought and received state status. Wisconsin officials object to tribes having such authority,

arguing that the state's authority to protect rivers from pollution should not be surrendered.

The state sued after the Oneidas and Law du Flambeau Chippewa won EPA permission in 1996 to adopt their own water quality standards.

The agency's decision to grant the two tribes state status was based on affidavits from EPA employees who mentioned detrimental water quality activities by non-Indian landowners.

State lawyers are questioning whether the affidavits were prepared after the agreements were approved. They asked that the reports be removed from court records. The matter has been referred to the EPA inspector general. (Reprinted from *The American Indian Report*, May/June 1997)

## IJC meeting, continued

(Continued from page 10)

The IJC could play a role in encouraging governments to support such designations. Suggestions for improvements in IJC's program included the need to better coordinate the effort to protect and preserve Lake Superior. "A myriad of agencies are undertaking programs that sometimes contradict each other," was one comment in GLIFWC's sector paper.

Another problem identified dealt with tribal participation, which is limited not just due to lack of recognition but lack of infrastructure and funds to participate consistently and effectively.

According to Commissioner Bayh, tribal comments from the June 6 meeting will be used by the IJC as it reports to the U.S. and Canadian governments about their progress to restore and protect the Great Lakes and in the IJC's recommendations for future actions.

## Adamkus' work with tribes recognized by GLIFWC

At the May meeting of the Great Lakes Indian Fish & Wildlife Commission's (GLIFWC) Board of Commissioners, the Board unanimously passed a resolution recognizing the work of retiring EPA Region V Administrator Valdas Adamkus. The resolution is as follows:

**Whereas,** Valdas Adamkus has served as the Regional Administrator of the U.S. Environmental Protection Agency, Region V, and is leaving that position to pursue other opportunities;

**Whereas,** Valdas Adamkus has recognized and has endeavored to fulfill the trust responsibility and treaty obligations of the United States and the U.S. Environmental Protection Agency toward the member Tribes of GLIFWC;

**Whereas,** Valdas Adamkus has recognized and respected the Tribes' inherent sovereignty and retained regulatory authority regarding their ceded territory treaty rights; and

**Whereas,** Valdas Adamkus has been instrumental in promoting a tribal/EPA government-to-government relationship that encourages collaboration and communication in the administration of environmental programs, that facilitates effective tribal input on environmental issues that may impact treaty rights in the ceded territory, and that nurtures common understanding and maximize mutual benefits.

**Now Therefore Be It Resolved,** that the Board of Commissioners of the Great Lakes Indian Fish and Wildlife Commission hereby expresses its sincere gratitude and appreciation to Valdas Adamkus for his dedication and service as Regional Administrator of the U.S. Environmental Protection Agency for his commitment to honoring the United States' trust responsibility and treaty obligations toward the Commission's member Tribes.



**Leaving a legacy of a healthy, abundant resources is critical to folks like Harold Knowlen Jr., pictured above, because he plans on using those resources too. (Photo by Amoose)**





# Harvesting the gifts of each season:

By Sue Erickson, Staff Writer

Odanah, Wis.—Spring brought a variety of activities for youth involved in GLIFWC's program aimed at teaching young people the traditional skills of hunting, fishing, and gathering. Spring brings the renewed rush of maple sap through the trees and the ice turns over on lakes, freeing them for spring fishing.

Ojibwe youth on many of GLIFWC's member reservations went out to the sugar bush to tap the maple trees and set up sugar camp, where the sap was boiled down into maple sugar.

A few weeks later, they were preparing for the spring spearing season, the next opportunity for harvesting food. Preparation is important. The youth built much of their own equipment, such as spears and lighted headgear. They had to learn the regulations that govern both on and off reservation spearing seasons.

Only after they were ready were they taken out on the lakes to try it first hand. On the Bad River reservation the group was out all night, arriving home at 6 a.m., but every participant came home with a fish and had a chance to actually use the spear.

Hands-on experience is a major emphasis, according to Jim St. Arnold, Administration for Native Americans (ANA) director at GLIFWC. The program is funded in part through a grant from ANA. "The kids learn by doing, and we try to include elders as teachers as much as possible," says St. Arnold, who views the program as an opportunity to keep Ojibwe traditions and harvesting practices alive.

The youth program will continue through the summer and the fall, experiencing all the seasons and the gifts that each one brings to harvest.



It's a trek through the woods for Katie Knowlen, carrying fresh maple sap back to the sugar camp where it will be boiled down into syrup. (Photo by Amoose)



Chief attendant of the kettle Harold Knowlen Jr. knows the boiling sap must be stirred occasionally. (Photo by Amoose)



Harold helps sister Katie Knowlen collect maple sap. (Photo by Amoose)

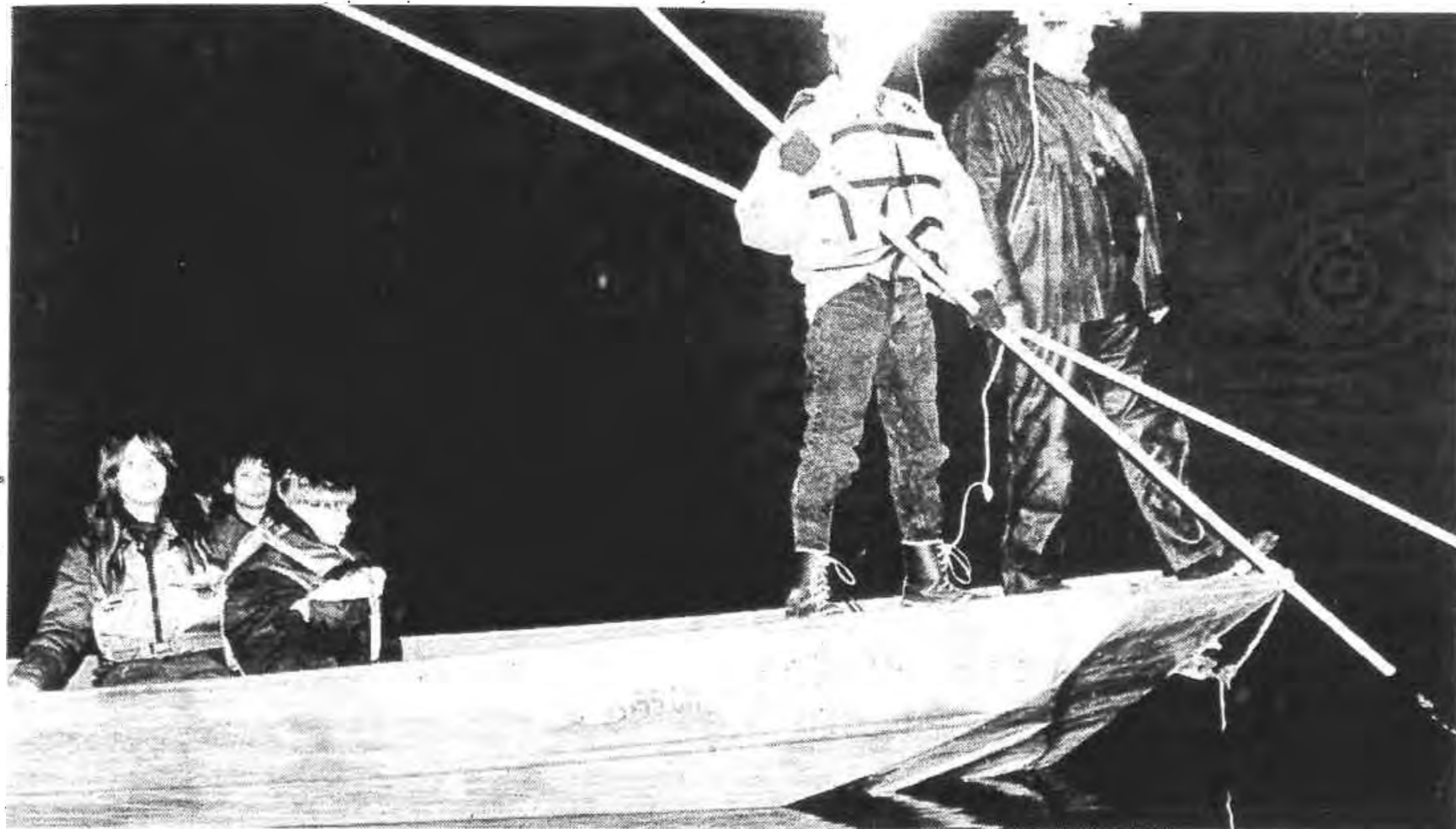


Mole Lake youth hold the final product, maple syrup, which they enjoyed at a special breakfast. (Photo by Jim St. Arnold)





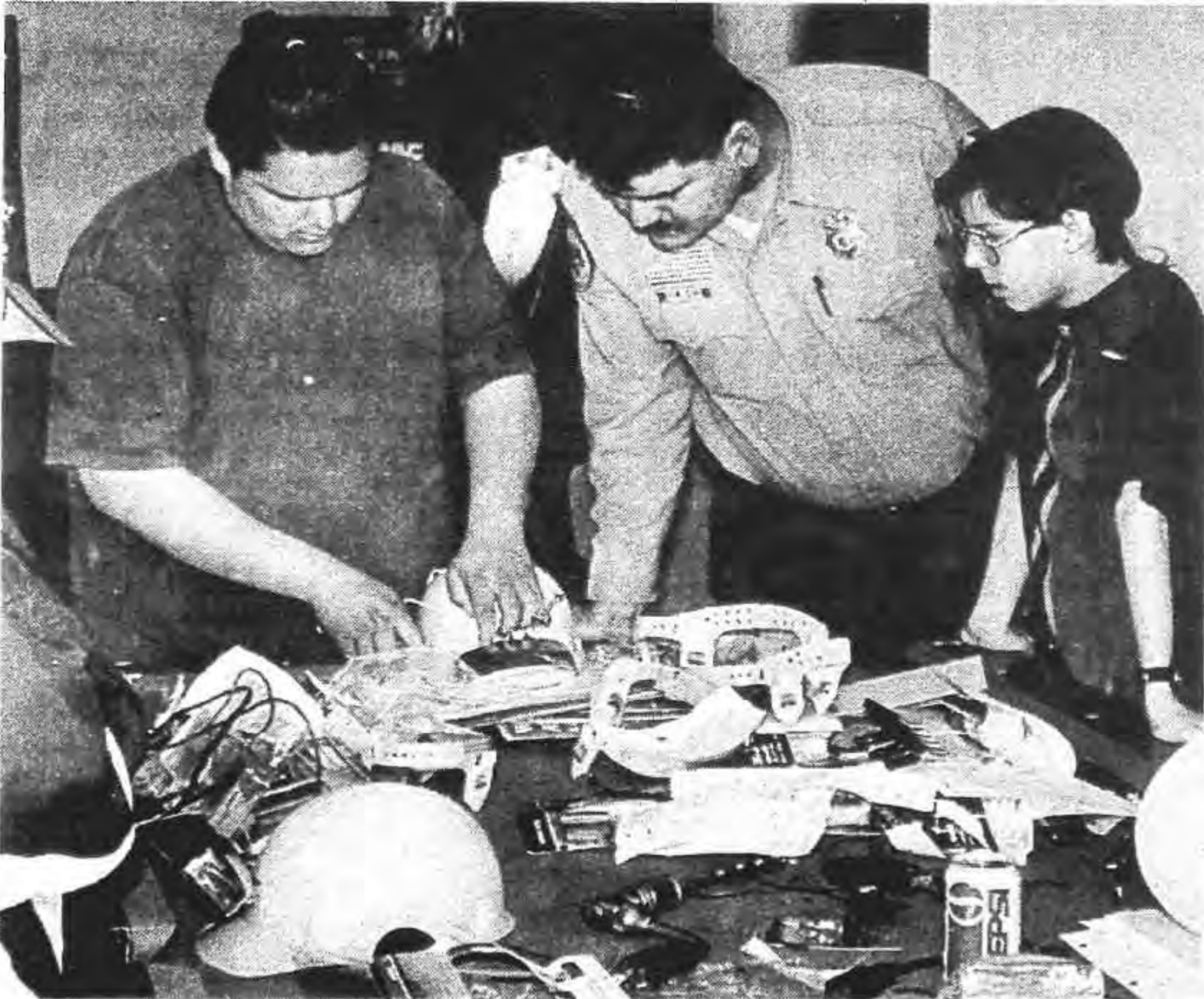
# Ojibwe youth learn traditional skills



Joe Dan Rose (on the bow) instructs Bad River youth on the techniques of spearfishing. (Photo by Amoose)



Got one! Both Noah Arbuckle and Mike Keil Jr. brought home fish. (Photo by Amoose)



Mark Bresette, GLIFWC warden, assists Red Cliff youth in the construction of lighted helmets for spearfishing. (Photo by Amoose)



Sgt. Jack Lemieux, GLIFWC, gives some tips on spearing before Bad River youth try it for themselves. (Photo by Amoose)

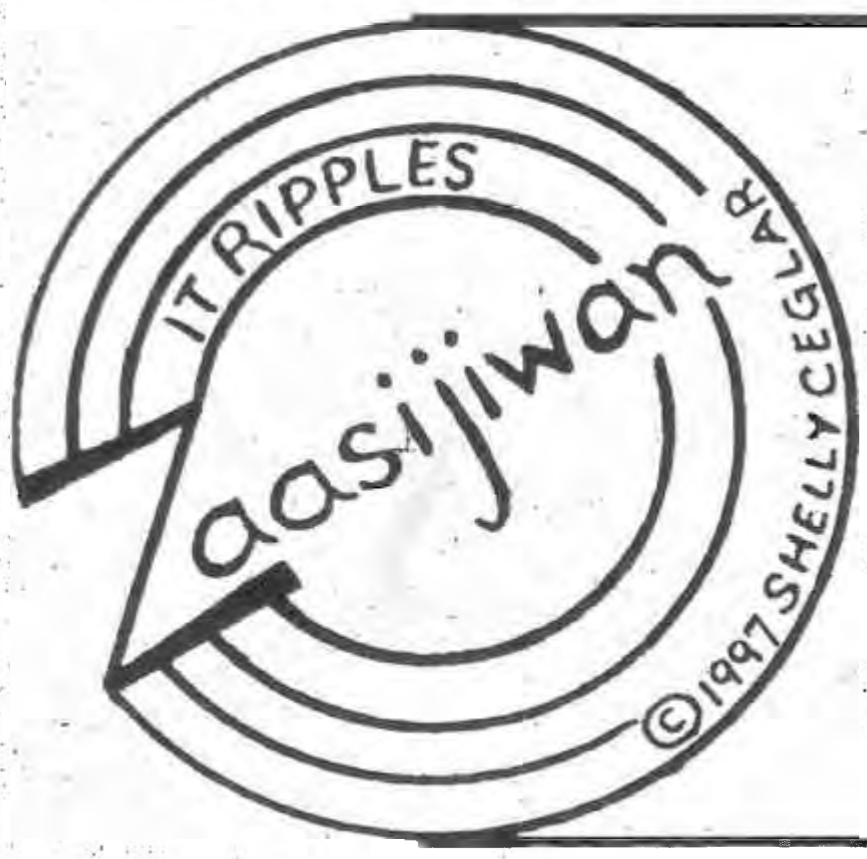


Mike Wiggins (at the stern) looks like he has a headache! He and Mat Eitrem (forward) dock after taking Noah Arbuckle and Mike Keil Jr. out for a night of spearfishing. Amoose



Bad River youth take time out for a shore lunch. (Photo by Amoose)





# Niibin — It is Summer

**Miinan, Wiingashkoon, Wiigwaasi-makak, Zaaga'igan, Jiimaan, Bagizo, Bakiteiii'ige, Maangwag, Aamoog, Wewebanaabii, Gizhaate**

**(Blueberries, Sweetgrass, Birchbark basket, Lake, Boat, S/he goes swimming, S/he plays baseball, Loons, Bumble bees, S/he goes fishing with a hook and line, It is hot weather)**

**Bezhiig—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**  
 A'aw— as in about  
 imaa — as in in  
 Bagizo — as in only  
**Long Vowels: AA, E, II, OO**  
 Baanimaa — as in father  
 Gizhaate — as in jay  
 Miinan — as in seen  
 Noodin — as in moon

**Niizh—2**

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

A. Anami'e-giizhigak, nimbagiz zaaga'iganing.  
 B. Nindaanis idash ninaabem wewebanaabiiwag.  
 C. Niijikwe odoozhitoon wiigwaasi-makak agamiing.  
 D. Ninoondawaa a'aw aamoo babaamised imaa akiing.  
 E. Gizhaate agwajiiing dash noodin bangii.  
 F. Baanimaa Niwi-ganawaabamaa ningozis, bakitejii'iged.

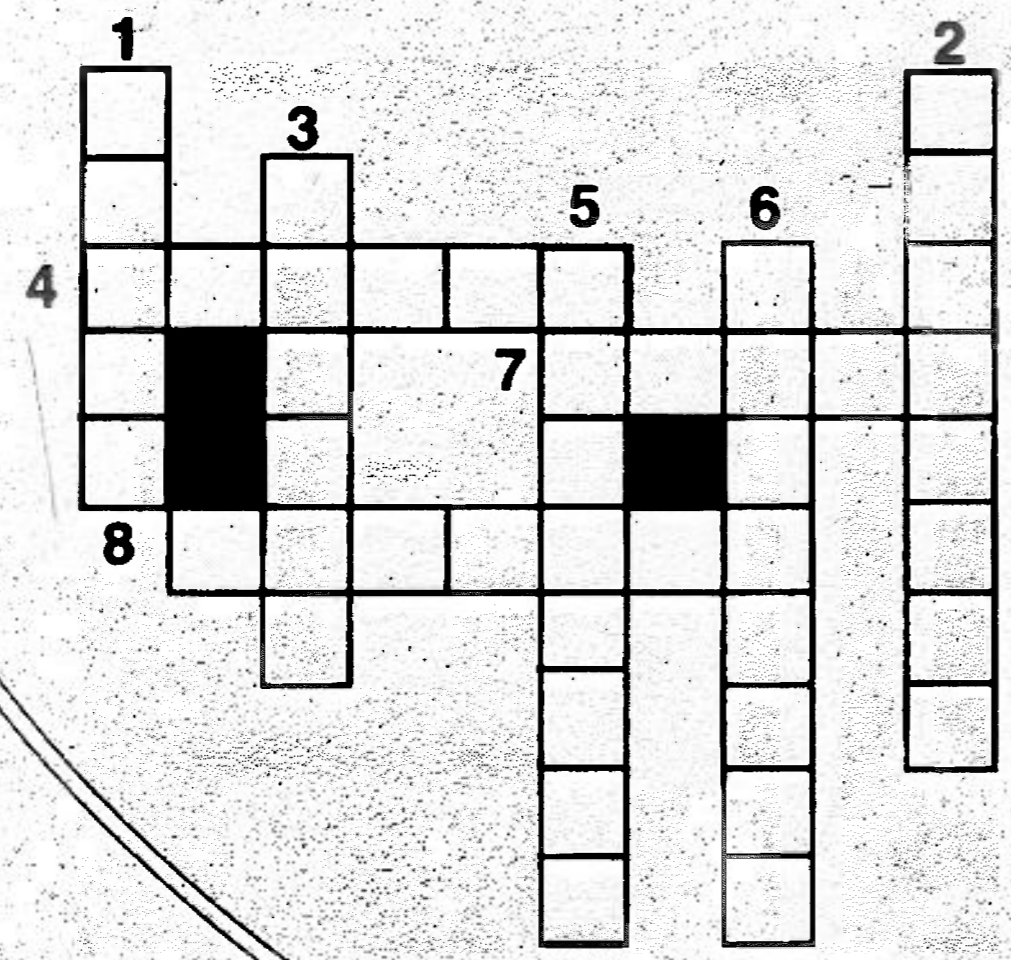
N G P G  
 I I D I N O  
 N Z M A K A K  
 D H Q B S M P I  
 A A Y I A H I G Z  
 A A H X C G N E E N  
 N T R O N I I A A K  
 I E S A I W O Z U T A  
 S A B K T C J V D L  
 Z A A G A I G A N A  
 I B N I N G O Z I S W

**Niswi—3**

**IKIDOWIN ODAMINOWIN (word play)**

*Down:*  
 1. Bumble bee  
 2. It's hot weather.  
 3. It's summer.  
 5. My husband  
 6. Loons

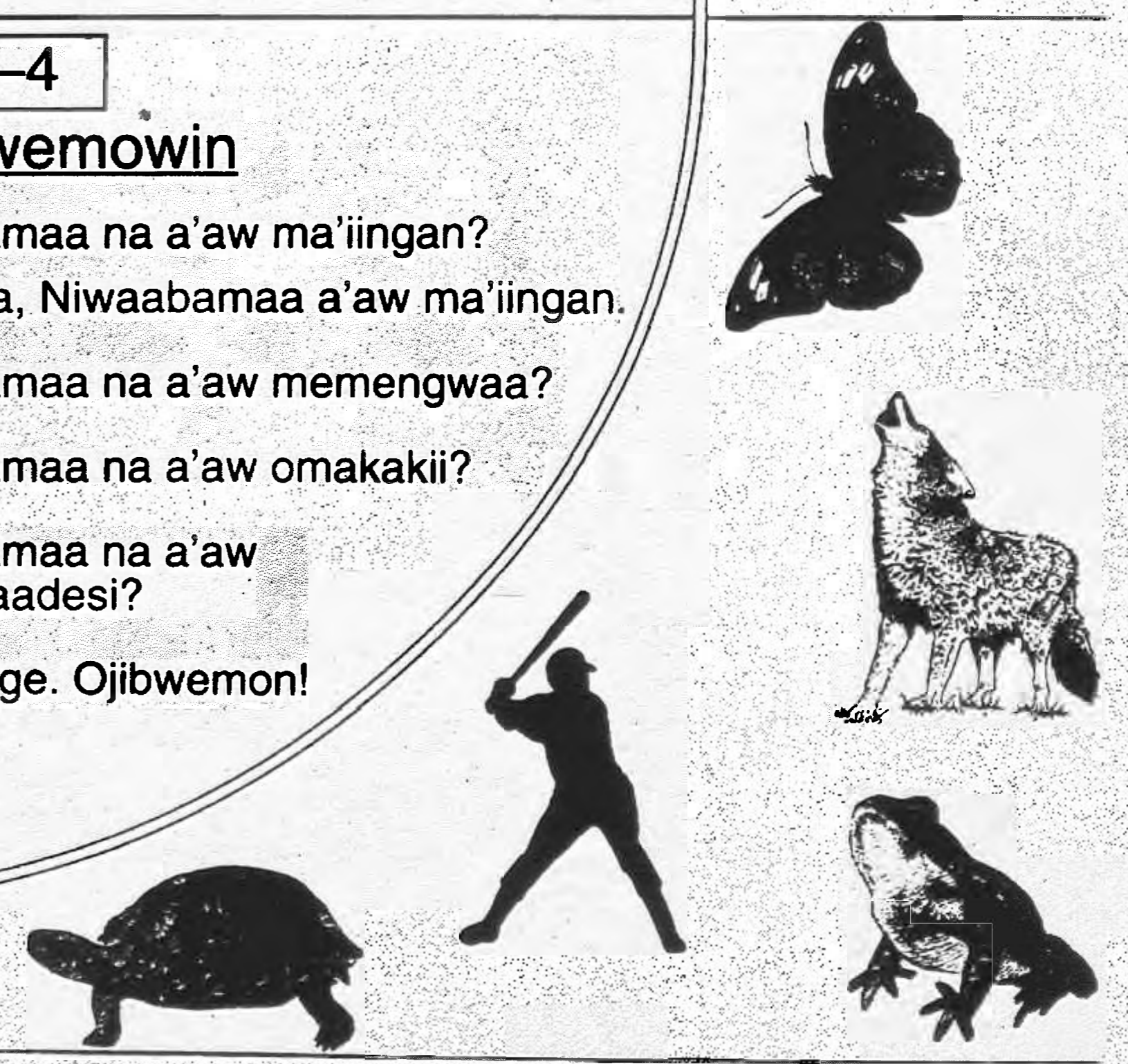
*Across:*  
 4. Blueberries  
 7. And  
 8. Boat, Canoe



**Niiwin—4**

**Ojibwemowin**

1. Giwaabamaa na a'aw ma'iingan?  
 Answer: Eya, Niwaabamaa a'aw ma'iingan.
2. Giwaabamaa na a'aw memengwaa?
3. Giwaabamaa na a'aw omakakii?
4. Giwaabamaa na a'aw miskwaadesi?
5. Bakitejii'ige. Ojibwemon!



**Translations:**

**Niizh—2** A. When it is praying-day (Sunday), I swim at the lake. B. My daughter and my husband, they fish with a line. C. My girlfriend she makes a birchbark basket on the shore. D. I hear him that bumble bee as he flies around there on the ground. E. It is hot weather outside and it is windy a little. F. Later I want to watch him, my son, when he plays baseball.  
**Niswi—3** Down: 1. Aamoo 2. Gizhaate 3. Niibin 5. Ninaabem 6. Maangwag Across: 4. Miinan 7. Idash 8. Jiimaan  
**Niiwin—4** 1. You see him/her, do you? That wolf? Ans: Yes, I see him that wolf. 2. Do you see that butterfly? 3. Do you see that frog? 4. Do you see that painted turtle? 5. He is playing baseball. Speak Ojibwe!  
 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 or e-mail pio@win.bright.net.



# Crandon Mine status report

## Issues of concern for tribes

By Sue Erickson  
Staff Writer

A number of Wisconsin tribes are involved in the Crandon Mine permit review process at the state and federal levels. The status of several issues that are of particular interest are summarized below.

The Army Corps of Engineers is considering whether the Water Resources Development Act (WRDA) applies to Crandon Mining Company's (CMC's) proposed wastewater discharge into the Wisconsin River. WRDA § 1109 prohibits the diversion of water "from any portion of the Great Lakes, . . . or from any tributary . . . of any of the Great Lakes, for use outside the Great Lakes basin" without the consent of each of the eight Great Lakes states' governors.

CMC argues that the discharge does not apply to their interbasin transfer of Lake Michigan basin water to the Mississippi River basin because the statute does not apply to diversions of groundwater, and because, they argue, the water is not being "used" outside of the basin.

Some tribes and the Great Lakes Indian Fish and Wildlife Commission argue that WRDA does apply to CMC's discharge because groundwater is within the purview of the statute, and because the water is being "used" to transport pollutants out of the basin. The Army Corps of Engineers has not yet made a determination on the statute's applicability.

Review of CMC's Environmental Impact Report is ongoing, including a review of modeling that will predict how much water will have to be pumped from the mine on an ongoing basis, and how much

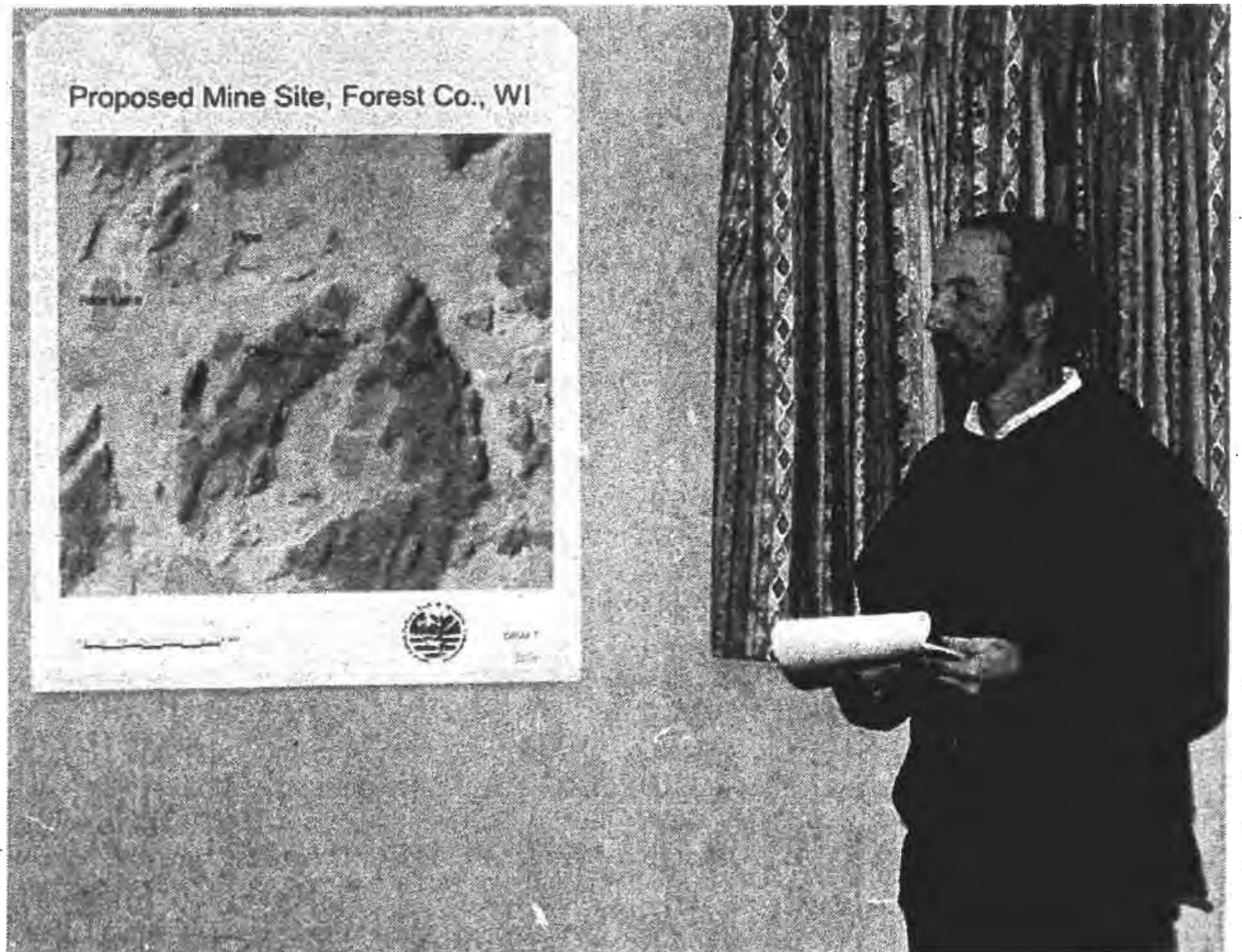
that pumping will affect local lake and stream levels. Tribes are offering input to the Wisconsin Department of Natural Resources (DNR), the Army Corps of Engineers, and the Environmental Protection Agency as they develop and perfect models to predict these impacts.

A number of Wisconsin tribes have gone on record in support of the Mining Moratorium bill. The bill would prohibit the DNR from issuing metallic mining permits for the mining of a sulfide ore body until the DNR determines that a similar mine has operated successfully for at least 10 years without polluting ground and surface water, and that a sulfide mine has been closed for at least 10 years without polluting ground or surface water. The bill has passed the State Senate, and should be voted on in the Assembly this fall.

Finally, the DNR is considering two changes related to mining. One rule change involves regulating mining sites under the same groundwater quality provisions as are applicable to other industries (NR 140). This would require that mining companies not exceed preventative action limits as opposed to drinking water standards.

The rule would retain the existing requirements that mining companies prepare models to predict contaminant movement and develop a contingency plan to react to unforeseen impacts.

The other rule change would require a mining company to establish an irrevocable trust fund to pay for remedial actions needed in case of unanticipated environmental damage. Current law makes mining companies liable for this damage, but does not require money to be specifically earmarked to cover this liability.



John Coleman, GLIFWC mining specialist, Madison, Wis. provided information graphically on the proposed mine site in Forest County and the White Pine Mine to the GLIFWC Board of Commissioners last winter. (Photo by Sue Erickson)



## Conservation Congress endorses mining controls

Across Wisconsin, advisory resolutions passed at county Conservation Congress meetings overwhelmingly endorsed tougher environmental regulations for mining.

Wisconsin is the only state in the country with a Conservation Congress, whose primary goal is to bring advice to the state DNR from the outdoors and sporting community via the yearly meetings held in each of the state's 72 counties.

The three advisory resolutions concerning mining that were contained in this year's ballots passed with support from more than 97% of the members attending the meetings.

A fourth resolution, calling on the state legislature to pass the mining moratorium bill, was introduced from the floor in 33 counties and passed in each county with overall support from 98% of those voting.

"This confirms what we've been saying all along, that when the fishing and hunting communities get a chance to express their views on issues directly affecting the outdoors, they support measures protecting the woods and waters of Wisconsin," said Jim Wise.

Wise is a lifelong hunter and fisherman and the north central hub coordinator for the Wisconsin Stewardship Network, an informal statewide affiliation of 100 environmental and conservation groups.

"We hope that the DNR and our legislators will take this as another indication of the depth of concern for conserving our state's valuable natural resources, not only for today but for future generations," added Will Fantle, the western hub coordinator for the Wisconsin Stewardship Network.

The three mining related resolutions passed by the Conservation Congress are:

#49, calling for mining companies to comply with the same groundwater pollution standards as the rest of Wisconsin's industry (from which they are currently exempt); 69 counties passed the resolution, 0 opposed it, with 3 counties not voting on it. Overall support from 98.6% of the voters.

#50, opposing the discharge of wastewater from a 38 mile long pipeline from the proposed Crandon mine into the Wisconsin River; 69 counties passed the resolution, 1 county opposed, 2 counties did not vote on the matter. Overall support from 97% of the voters.

#51, calling on the DNR board to consider giving Outstanding Resource Waters designation to a list of water bodies that had been removed from the process due to potential mining activities near the Willow Flowage; 61 counties supported the resolution, 3 counties opposed it, 8 counties did not vote on it. Overall support from 97% of the voters.



GLIFWC waves back to M.J. Kewley, Wausau, Wis. Kewley, formerly a GLIFWC employee, attended the "Mining in Wisconsin" conference at UW-Stevens Point last January. (Photo by Lynn Plucinski)



# Good news for Lake Superior: Copper Range to close White Pine mine operation

By Sue Erickson  
Staff Writer

Odanah, Wis.—The Copper Range Company's recent decision to close down mining operations at their site near White Pine, Mich. brought smiles to many people, in many circles around the Lake Superior basin.

The proposed mining project, using sulphuric acid solution to leech copper from underground mine pilings, had many citizens concerned about potential contamination of the Mineral river, underground water, and nearby Lake Superior.

CRC had applied for a permit for an underground injection mine, and the Environmental Protection Agency (EPA) had begun an Environmental Analysis (EA) as part of the procedure involved in determining the viability of the proposed project and its potential environmental impact.

The Keweenaw Bay Indian Community, Baraga, Mich. and the Red Cliff and Bad River Tribes in Wisconsin have all expressed serious concerns with the CRC's proposal as well as the current status of the mine, which is filling with both fresh water and a salty brine that could contaminate nearby water bodies.

Last summer, the transportation issue surfaced when Bad River blocked continued transport of sulphuric acid to the mine across reservation lands over a railway which the tribe deemed unsafe.

Intervention by EPA substantially slowed down CRC's mining project, which had already been permitted by the Michigan Dept. of Environmental Quality.

Tribal staff along with GLIFWC staff have been working closely with the EA process to assess environmental as well as possible cultural impact of the mining process. A draft decision from EPA on the permit was expected on July 1st.

## Is it really over?

Although pleased with the announcement, GLIFWC Executive Administrator James Schlender is still wary. "Don't drop your guard," he says. "Didn't Exxon do the same thing at Crandon a few years ago?"

In fact, Exxon Mining Company stopped pursuing a permit at the Crandon site late in 1986; however, restarted the permit process in 1993 after Exxon and Rio Algom merged and formed the Crandon Mining Company (CMC).

In those seven intervening years changes were made in state mining regulations. For instance, in 1982 the Wisconsin Legislature revoked local authority to adopt standards governing solid waste disposal facilities. They are now only controlled by the state.

Other issues also remain, according to Ann McCammon-Soltis, GLIFWC policy analyst, including the proper closure of the

old mine site which currently could pose a serious threat to underground water, Lake Superior, and the Mineral river. The mine is filling with fresh water and a brine solution that could eventually be released to Lake Superior.

Also, the question of the copper smelter remains, an issue separate from the mine itself. CRC previously ran a smelter at White Pine and was sued by the State of Michigan, the EPA, and the National Wildlife Federation for air standard violations. Part of the settlement of that suit involved closing the smelter.

However, Soltis says, CRC has applied for a permit to begin smelting copper at the site again, a process which can have serious environmental impacts.

Consequently, tribes and environmental organizations may have completed a chapter with the CRC announcement to abandon the proposed mine, but the book cannot be closed on White Pine yet.

# Study shows adverse impact of heavy metals on wild rice

By Peter David  
GLIFWC Wildlife Biologist

The mine proposed by Exxon/Rio Algom near Crandon, Wisconsin has members of the Sokaogon Chippewa worried about the future of the reservation's only significant wild rice beds.

The beds on Rice Lake and its feeder stream, Swamp Creek, are critical spiritually and culturally to the tribe, and provide nutritional and economic benefits as well.

But fears about possible changes in water levels and water quality has many worried that the rice bed which held them to this piece of land may now be threatened.

Although water level changes generally present the greatest threat to wild rice beds, the possible negative effects of heavy metals are a concern as well. There is little information available in the scientific literature regarding the effects of toxic levels of nutrients on wild rice growth.

However, studies have shown that wild rice takes up certain metals at a higher rate than it takes up most nutrients. These concerns led Great Lakes Indian Fish & Wildlife Commission (GLIFWC) to fund a study by Dr. Peter Lee, biologist at Lakehead University in Thunder Bay Ontario, to examine the effect of heavy metals on the early growth of wild rice.

In this study, wild rice seedlings were placed in special growing mediums one

day after germinating. The growing mediums contained various concentrations of five heavy metals: aluminum, copper, cadmium, lead and mercury.

Five treatment levels were made for each metal, with maximum concentrations reaching 1 part per million (ppm) for cadmium and mercury, 10 ppm for lead and copper, and 100 ppm for aluminum. The growth of the seedlings was then monitored at three day intervals for the next 12 days.

Dr. Lee discovered that all the metals were capable of having pronounced adverse effects on the rice. The area of the leaves and roots produced was reduced, and discoloring of the leaves and roots was also observed.

Seedlings died at the highest concentrations of aluminum, copper and lead. Lee noted that adverse effects were noted at levels as low as 10 ppm for aluminum, and 1 ppm or lower for the other metals.

Like all studies, this effort leaves more questions unanswered than answered. It is unknown, for example, how plants will respond when stressed by more than one metal at a time, or how they would react to various metal levels over an entire growing season.

Also untouched are questions about metal uptake by the developing seeds, or how various concentrations of metals in the seeds might affect the people and animals that consume them. Answers to these



Wild rice can be adversely impacted by heavy metals, such as lead and copper in the water according to a recent study. This is one reason why the Sokaogon Chippewa band (Mole Lake) worries about the effect of the proposed Crandon Mine. (Photo by Amoose)

questions would require years of study, and hundreds of thousands of research dollars.

But to the rice harvesting Sokaogon Chippewa, the best answer may be to take away the questions. The questions are born

under the threat of the proposed mine.

Take away the threat, and the questions become academic. And the ricers could again thank the Manitou for this generous blessing without fear of its loss. □





# Mining for reform

## New reform proposals challenge old law

**By Heather L. Langford**  
*Research Associate*  
*Mineral Policy Center*

Where there's a will, there's a way. And while the recent flurry of proposals to reform the 1872 Mining Law demonstrates a will to revise the antiquated law, now we must find a way. We must find a way to end the giveaway of public land and resources. We must find a way to place public health and safety above corporate earnings.

The Mining Law, which was enacted in 1872, has resisted change for 125 years. Originally intended to attract settlers to the West, the law now attracts multinational mining corporations seeking to purchase public land at 1872 prices—five dollars per acre—and remove valuable minerals, such as gold and silver, for free. Moreover, the 1872 Mining Law contains no environmental provisions to ensure responsible mining practices. Mineral Policy Center advocates comprehensive reform of the Mining Law to address both the fiscal and environmental abuses associated with this antiquated law.

Among the recent legislative and regulatory proposals to reform the 1872 Mining

Law, only one—a reform bill introduced by Representatives Nick Rahall (D-WV) and George Miller (D-CA) represents comprehensive reform. The remaining reform proposals, including President Clinton's budget proposal and a regulatory bonding rule issued by the Department of Interior, address only the law's fiscal abuses. (See table for a comparison of recent Mining Law reform proposals, along with the six elements of reform advocated by Mineral Policy Center.)

### Comprehensive reform

On January 7, 1997, Representatives Rahall and Miller reintroduced a comprehensive Mining Law reform bill—the Mineral Exploration and Development Act (H.R. 253). The bill would put an end to the sale of public land giveaways and establish comprehensive environmental standards for hardrock mining companies. A bill with identical provisions received broad support in the House of Representatives in 1993, when it was voted on and passed by an overwhelming margin (316-108). Unfortunately, that bill died in a House-Senate Conference as committee members were unable to work out an agreement between House and Senate versions of reform.

### A fiscal focus

The most recent reform proposal was introduced by Representative George Miller on March 4, 1997. The Public Resources Deficit Act (H.R. 919) was proposed to establish fair market value pricing of federal natural assets, and for other purposes.

On February 13, 1997, Senator Dale Bumpers (D-AR) and Representative Miller introduced the following three companion bills to address fiscal reform of the Mining Law: the Taxpayer Protection Act; Abandoned Hardrock Mines Reclamation Act; and Elimination of Double Subsidies for the Hardrock Mining Industry Act.

Although none of their bills specifically addresses environmental issues, three of the bills would establish a reclamation fund to clean up abandoned mine sites.

### Beyond capitol hill

President Clinton took aim at the 1872 Mining Law in his budget proposal for fiscal year 1998, released on February 6, 1997, by proposing a five percent net smelter royalty. Monies raised by the royalty would be dedicated to a reclamation fund. The president's budget also calls for

repeal of a mining industry tax break—the Percentage Depletion Allowance.

Bruce Babbitt, Secretary of the Department of Interior, also is exploring avenues for Mining Law reform. On February 28, 1997, the Department of Interior published its final rule on bonding regulations for the hardrock mining industry. Bonds are intended to hold a company accountable for reclamation and environmental cleanup should it go bankrupt. Unfortunately, the Interior Department's new bonding rule fails to establish adequate reclamation standards, and the burden of abandoned or failed gold and copper mines remains squarely on the shoulders of the American public.

### Fair financial returns

Most of the reform measures introduced this year call for a royalty payment to the U.S. government. Appropriate royalty payments would ensure a fair financial return to the taxpayer for minerals removed from public lands. The royalty, however, is the strongest point of disagreement for the hardrock mining industry.

Mineral Policy Center advocates a royalty of 12.5 percent, based on a net (See New reform, page 23)

## Current legislative & regulatory proposals to reform the 1872 Mining Law

(January 1997 — March 1997)

MPC Elements of Reform	1872 Mining Law	Mineral Exploration & Development Act (H.R.253)	Taxpayer Protection Act (H.R.778 & S.327)	Abandoned Hardrock Mines Reclamation Act (S.326)	Elimination of Double Subsidies for Hardrock Mining Industry Act (H.R.779, S.329)	Public Resource Deficit Reduction Act	President Clinton's Budget Proposal FY'98	Hardrock Bonding Final Rule (Dept. of Interior)
Set 12.5% royalty (net smelter), and end patenting	No royalty, and allows patenting of public land	8% royalty * (net smelter), and ends patenting	5% royalty * (net smelter)	Creates fee on patented land (percentage of net proceeds)*	—	5% royalty * (net smelter), and ends patenting	5% royalty * (net smelter)	—
Set comprehensive national standards	No environmental standards	Sets comprehensive national standards	—	—	—	—	—	—
Provide full discretion to approve, modify, or deny permits	No authority to deny mining permits	Full discretion to approve, modify, or deny permits	—	—	—	—	—	—
Set adequate bonds, and establish national inspection and enforcement standards	No national bonding or inspection standards	Set adequate bonds, and national inspection and enforcement standards	—	—	—	—	—	Established inadequate bonding provisions
Provide access to information and participation at all levels	No citizen participation	Public posting of proposed project, time for public comment	—	—	—	—	—	—
Establish national program to clean up abandoned mine sites	No reclamation requirements	* Monies raised by royalty dedicated to abandoned mine reclamation	* Monies raised by royalty dedicated to abandoned mine reclamation	* Reclamation fund supported by fee on patented land	—	* Monies raised by royalty dedicated to abandoned mine reclamation	* Monies raised by royalty dedicated to abandoned mine reclamation	—
—	—	—	—	—	—	Repeal percentage depletion allowance	—	Repeal percentage depletion allowance





# Babbitt throws new pitch

## Secretary of Interior seeks to rewrite mining rulebook

By Stephen D'Esposito,  
Vice President for Policy  
Mineral Policy Center

It's spring. On green and brown diamonds around the country the crack of the bat, and the pop of the ball in the glove, mark the beginning of a new baseball season. A fresh start when anything seems possible.

Our national pastime unfolds as an orderly sequence of events within clearly marked chalk boundaries. There is a rulebook that governs the game, setting limits for the good of all who play, and accepted by those who watch. Those who violate the rules are thrown out of the game.

Here in Washington D.C., Representatives Nick Rahall (D-WV) and George Miller (D-CA) threw the "first pitch" for Mining Law reform by introducing a comprehensive reform bill.

But Secretary of the Interior Bruce Babbitt also has thrown a promising pitch in what may be a new season for reform. There is reason for optimism.

### Rewriting the rules

Secretary Babbitt would like to rewrite the environmental rulebook that governs mining. Currently, the Bureau of Land Management relies on rules in the U.S. Code of Federal Regulations (43 CFR 3809) to regulate hardrock mining.

But the current rulebook falls short of the standards set by our national pastime.

It is not accepted by all of the players with a stake in the mining game, particularly those concerned about the environmental impacts of mining.

While rewriting the rulebook will not accomplish comprehensive reform of the Mining Law, it is a new opportunity to substantially improve the environmental regulations pertaining to mining.

In January, Secretary Babbitt directed his staff to create a Task Force to review, overhaul, and strengthen these regulations. This review grew out of Babbitt's frustration with the lack of legislative progress on Mining Law reform.

### Room for improvement

Substantial environmental damage continues to occur from active and abandoned mines across the country. Strengthening the "3809" regulations could result in real, quantifiable environmental gains, including: strong operating standards that ensure environmental protection; reclamation standards that restore mine sites to a condition capable of supporting the use of

land and water prior to mining; bonding requirements that take into account the full cost of comprehensive reclamation; and an inspection and enforcement program that puts teeth into the regulations and results in strong action against operators that don't play by the rules.

The game is won one inning at a time, and revision of "3809" represents an important inning for environmentalists. However, advocates of Mining Law reform must continue to pursue comprehensive reform measures that are not addressed by "3809," including a permanent end to patenting; a fair royalty; a reclamation fund to clean up abandoned mine sites; and discretion to say no to mine proposals that threaten environmentally-sensitive and significant areas.

Secretary Babbitt has opened the season with a powerful pitch. Reform advocates must seize this opportunity with renewed energy and optimism. It's spring. Anything is possible.

(Reprinted from *Clementine*, a publication of the Mineral Policy Center.)



Bald eagles perched above the Kakagon river on the Bad River reservation. Such sightings have become more common in recent years. (Photo by Amoase)

## Lamprey, continued

(Continued from page 9)

spawn in hopes of keeping the numbers of new offspring down. However, in some rivers, the walleye and sturgeon need to travel up-river to spawn as well. So walls have been placed that are above the walleye and sturgeon spawning grounds, but still block the lamprey from reaching its grounds. Blocks were placed on the Misery River in Michigan, and the Middle and Brule rivers of Wisconsin.

Of course, the most obvious method of eliminating the lamprey is by physically removing them. But removing only a few really has no effect on the population as a whole, Mattes says. The rivers have a certain number of lamprey they can maintain with the limited resources of food and space. If only a few lamprey are removed, the offspring of the remaining lamprey will still saturate the stream with larval lamprey. Females often lay more eggs than can survive in order to maintain this capacity level. Therefore, massive efforts must be taken to reduce the numbers effectively.

According to Mattes, lamprey control efforts in the U.S. and Canada cost about 11 million dollars. The population of the lamprey has been reduced to 10 percent as a result. However, if the project were discontinued, the numbers would continue to rise again. There is nothing that will naturally keep lamprey numbers down.

The St. Mary's river is the next concern of biologists, where the lamprey population has boomed. Models have been created to find the cheapest and most effective way of reducing the numbers. St. Mary's river is especially important to control because of its outlet to the lower Great Lakes. GLIFWC provides an annual report summarizing the results of its lamprey population assessments, Mattes concluded.



Branda Long, Northland College intern holds a lamprey taken from the Bad river. As a result of joint lamprey control efforts, the population has been reduced to 10 percent. (Photo by Sarah Sattler, HONOR intern)



# Mining company signs leases in southwest WI

La Crosse, WI (AP)—Flambeau Mining Co. has signed mineral leases allowing it to explore for copper in southwest Wisconsin.

The company, which operates a mine in Rusk County, has at least seven leases with property owners in the towns of Farmington, Onalaska and Holland, according to La Crosse County Register of Deeds records.

The company is "looking for copper mineralization. . . or any rock structures that might contain copper," said Jeff Earnshaw, manager of Flambeau Mining in Ladysmith.

The La Crosse County search is being conducted by Kennecott Exploration Co., which has an office in Black River Falls, he said.

Flambeau Mining is a subsidiary of Kennecott Copper Corp. and British corporate giant Rio Tinto Zinc.

Flambeau Mining's open-pit mine just south of Ladysmith opened in 1993 and the company is in the process of closing it and rehabilitating the terrain after retrieving about 1.9 million tons of copper ore, Earnshaw said.

That mine's "very high" grade of ore made it somewhat unique in the United States, and it is likely there are other deposits in Wisconsin, Earnshaw said.

Al Gedicks, an associate professor of sociology at the University of Wisconsin-La Crosse and executive secretary of the Wisconsin Resources Protection Council, said mining companies were "not interested in finding out what's in the ground for the pure value of knowing whether it's there or not."

"If they find it, they're going to mine it," he said.

A mine raises issues of waste dumps, toxic sulfide minerals, acid drainage and threats of pollution and harm to the environment, he said.

"The company is trying to take advantage of the ignorance of people in La Crosse County about what the issues are and get going before they know what's going on," Gedicks said.

Alta and Palmer Johnson said they have signed a mineral lease with Flambeau Mining.

"Why not?" Mrs. Johnson said. "Financially. . . if it turned out to be anything, . . . maybe we could work less hard."




The Flambeau Mine has one of the most extensive environmental monitoring programs in the industry.

.....

Each year we conduct:

- 448** Groundwater sample analyses
- 183** Surface water sample analyses
- 366** Air sample analyses
- 1461** Treated water sample analyses
- 2458** Environmental sample tests

Plus, regular plant, wildlife, aquatic life, wetland and systems monitoring and data collection.

The Flambeau Mine advertises its extensive environmental monitoring program during a conference at UW-Stevens Point on "Mining in Wisconsin." Without strict regulations, all the monitoring in the world will not prevent pollution of the state's waters. (Photo by Lynn Plucinski)

# New reform proposals challenge old law, continued

(Continued from page 21)

smelter return. This form of calculation is based on the gross value of the refined ore minus refinement and transportation costs. It is a royalty based on gross product. Mining companies, on the other hand, advocate a royalty based on net proceeds.

A net proceeds royalty, however, leaves ample room to manipulate the numbers in order to come up with a low net income. For example, if a mining operation determines it has not made a profit in a given year, the government would not receive a payment—even though the ores would have been removed from the land.

Currently, oil, gas, and coal industries operating on public lands pay a 12.5 percent royalty on gross income of the operation. In addition, tribal lands charge a royalty on all types of mining, including hardrock mining. In 1990, the average royalty paid to Indian tribes by copper mines was 13 percent. And in the private sector, gold royalties range from five to 18 percent.

In voicing opposition to reform, the mining industry claims that royalties on 1872 lands would cause many mines to become unprofitable, thereby forcing mine closings. However, these same mines, if located on private or Indian lands, might not be deemed profitable ventures in the first place.

Why then should the U.S. government subsidize such ventures? The government is giving away billions of dollars worth of land and minerals so that large corporations can make a profit on what might otherwise be deemed an unwise, unprofitable venture. This is corporate welfare, plain and simple.

And private land owners feel the financial repercussions of royalty-free mining. They often are forced to reduce their fees as mining companies threaten to take their businesses to royalty-free 1872 lands.

According to Dr. Thomas Michael Power, chairman of the Department of Economics at the University of Montana, the overall impact of royalties on hardrock mining is minimal compared to the normal price fluctuations of that industry.

The gold industry, for example, has sustained price drops as high as \$200 per ounce, while increasing production. By comparison, an eight percent net smelter royalty is equivalent to a price drop of only \$15 per ounce.

How will reform affect employment? According to Dr. Power, the net impact of Mining Law reform bills on employment will be positive, as funds used to support mine reclamation would create employment opportunities.

In addition, the economic value of the land is preserved through environmental

protection measures, leading to jobs in other industries, including tourism.

## Environmental standards

The 1872 Mining Law imposes no environmental standards for hardrock mining. Yet hardrock mining can cause devastating environmental damage. Acid mine drainage (AMD) is one of the most harmful impacts of hardrock mining.

AMD occurs when ores rich in sulfides are exposed to air and water, resulting in the release of sulfuric acid into the environment. Hardrock mining also produces massive amounts of toxic waste rock and mine wastewater. And cyanide heap-leach operations—used to extract gold—are responsible for thousands of wildlife deaths.

Although coal, oil, and gas industries face federal environmental regulations, hardrock mining has avoided specific legislation. And with no environmental standards defined in the 1872 Mining Law, regulators turn to the Federal Land Policy and Management Act of 1976 (FLPMA), to determine environmental protection requirements for hardrock mining.

Under FLPMA, the hardrock mining industry must not create "unnecessary and undue degradation" of public lands. Such vague language, however, leaves a vast

area of interpretation for a definition of "normal" mining impacts, and provides unquestionable opportunities for irresponsible mining.

In January 1997, Interior Secretary Babbitt—frustrated by Congressional foot-dragging on Mining Law reform—directed his staff to "modernize" the hardrock mining regulations defined in the U.S. Code of Federal Regulations (43 CFR 3809) by developing performance standards for the conduct of hardrock mining, and establishing the use of "best available technology and practices." (See "Babbitt Throws New Pitch")

The U.S. Environmental Protection Agency (EPA) also is seeking ways to better regulate the hardrock mining industry. A new regulatory rule proposed by EPA would include mining among those industries required to report toxic emissions. A final rule is pending.

In addition to passage of adequate legislation and regulations, Mineral Policy Center advocates appropriate inspection and enforcement of laws, as well as adequate bonding, in order to shield taxpayers from environmental cleanup costs and protect the health and safety of local mining communities.

An abandoned hardrock mine reclamation fund must also be established to (See Environmental, page 30)



# Less is more at Mille Lacs

By George Spangler,  
Professor of Fisheries  
University of Minnesota

There is much to celebrate in the decision of Judge Michael Davis on the exercise of the Mille Lacs Band's hunting and fishing rights under terms of the treaty of 1837.

The results should benefit the future of fishery management in Minnesota. Judge Davis has provided an opportunity for the adversarial relationship between state government and Native Americans to mature to a new level of respect, cooperation and mutual support for stewardship of natural resources.

Commissioner of the Department of Natural Resources Ron Sando, and Don Wedll, commissioner of natural resources for the Mille Lacs Band, now have a court-sanctioned mandate to move forward toward effective fishery management on Lake Mille Lacs.

Davis' refusal to grant sole management authority to the state is based directly on Article I, Section 8 of the U.S. Constitution.

Surprisingly, the Davis decision guarantees that the Minnesota DNR will have a legitimate role in future management of the Mille Lacs resource.

Having management responsibility vested both in the state and in the band is clearly preferable to the situation that occurred in Washington State after a federal court decision where fishery management authority reverted to the court when the state abdicated its responsibility to manage trout and salmon.

Most important though, is assurance that management decisions can be received by Indians and non-Indians alike without the suspicion that has clouded the Wisconsin DNR's attempt to manage the treaty fishery in the ceded territories of Wisconsin. It is clearly in the interests of both management parties to work to preserve a high quality fishery for generations.

The management protocol accepted by the court for Lake Mille Lacs represents the collective best judgment of resource managers for both the Mille Lacs Band and for the state of Minnesota.

The inconvenience that the Minnesota DNR will experience in this arrange-

ment is a small price to pay for the additional management expertise already provided by the Tribal governments.

We should expect no less than a continuation of the long history of successful negotiation that the DNR has demonstrated with Indian bands in Ontario and border states.

The Davis decision provides an opportune moment for management of those Minnesota fisheries that are beginning to require reductions in the fishery exploitation rate.

The Wisconsin experience provides an interesting comparison. Since the middle of the 1960s, the walleye fishery of northern Wisconsin has regularly exhibited signs of overfishing.

Management targets have been set by the Wisconsin DNR at 35 percent of the adult fish stock, an exploitation rate viewed by many fishery scientists as too high to sustain a quality fishery. In some instances, even in the absence of a tribal fishery, the management target was being exceeded by an additional 10 to 15 percent.

Until Wisconsin federal judges reaffirmed tribal access to fishery resources,

state management regulations were not sufficient to prevent occasional overfishing by the recreational fishery.

The court-mandated requirement for management within a safe harvest level has since resulted in significant reductions in the number of fish killed, even though the total catch has increased and the tribal fishery has been revitalized.

From 1980 to 1989, estimated angler catch of walleye, including released fish, averaged 910,000 fish annually in Wisconsin. During 1990-94, the annual catch increased to an average of 1.2 million fish.

In Minnesota, an annual safe exploitation ceiling has been estimated for Lake Mille Lacs at 24 percent of the adult stock. This is a reasonable management target considering natural mortality and the need to improve the quality (size and age structure) of the stock.

Achieving this level will require a significant reduction in angling harvest, something unlikely to have occurred through bag limit regulation alone. The recent management recommendations for either a 15-inch minimum size limit, or for an exclusive slot limit of 16 to 20 inches will probably succeed in achieving the safe exploitation level, even allowing for a tribal harvest this year of approximately 40,000 pounds.

Neither of these regulations would eliminate an active recreational fishery, even though a large number of fish will have to be released.

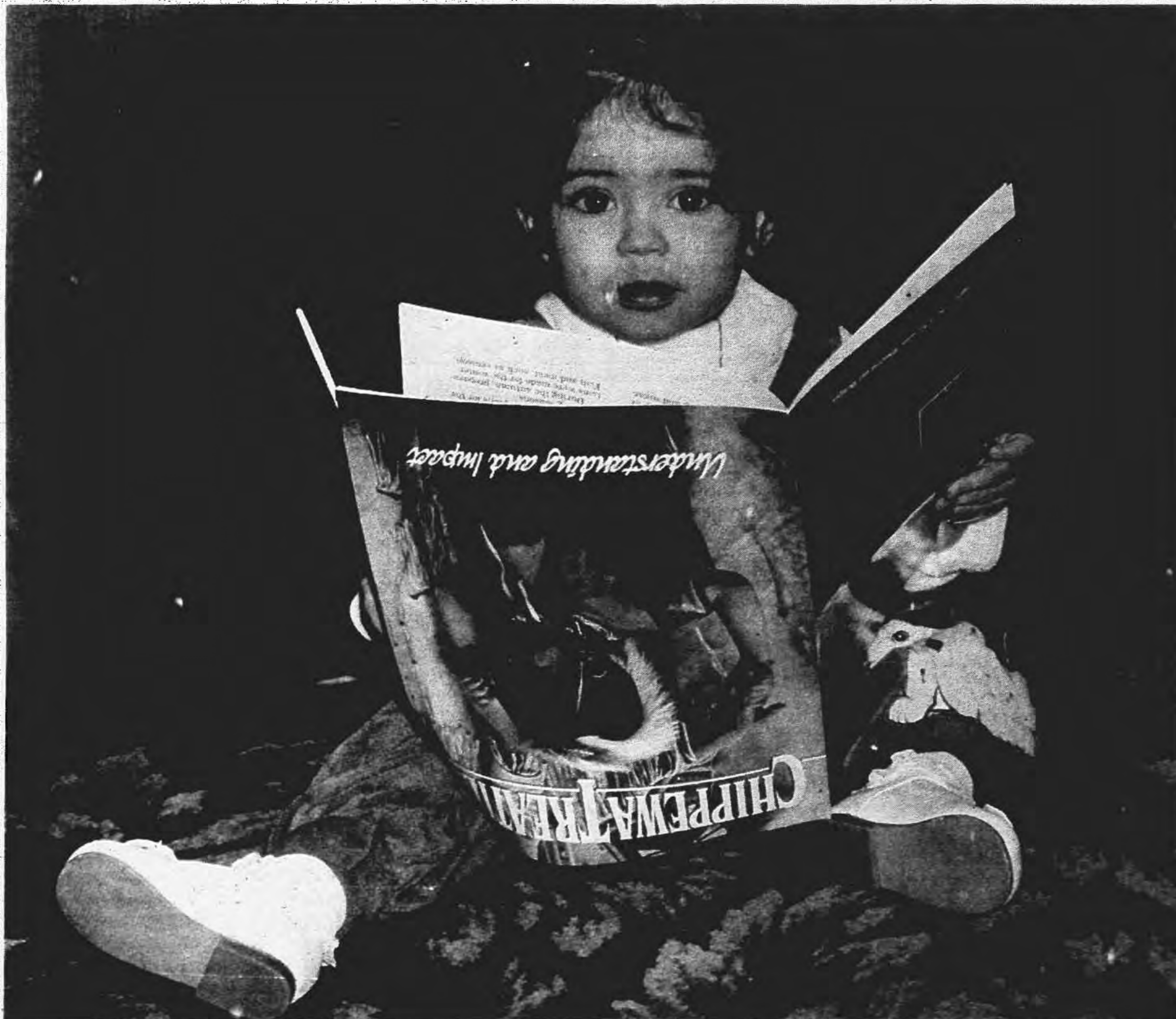
The Davis opinion offers a further benefit for Minnesotans. By refusing to declare a fixed proportion of the stock for Indian use, our options remain open for adjustment of the Indian and non-Indian shares in accordance with mutually acceptable management goals and future needs.

This uncertainty is unsettling to those who fear a great increase in Indian fishing, but the record in Wisconsin suggests that treaty fishing may not increase dramatically. There, the number of spearers has been relatively stable, averaging less than 400 annually over the past decade.

The final blessing in the decisions of Judge Davis, and before him, Judge Diana Murphy, is that all Minnesotans can be justly proud of honoring an agreement, entered in good faith over 150 years ago, to share in the abundance of natural resources that our state offers.

Non-Indians can also be grateful that the Mille Lacs Band has not been granted reparation for the loss of access to these resources. Clearly, the state of Minnesota should think twice before appealing the Davis opinion. □

For more information on treaty rights to hunt, fish and gather in Minnesota and elsewhere in North America, readers are encouraged to examine the Web site at: <http://www.fw.umn.edu/indigenous>.



You are never too young to learn the facts about Chippewa treaty rights. Alexandria Larson, daughter of Jeff and Marie Larson, Williamston, Mich., is getting an early start. (Photo by Sue Erickson)



# The media and treaty rights: Creating controversy and sensationalism

By Mike Bassett, Freelance Writer

Treaty rights will be good for walleye and there's plenty to go around. So come up to Mille Lacs and have a good time. That's the message resort owners want to send to customers across the state.

They might not support treaty rights but they share the Mille Lacs tribal government's concern about sensationalized stories coming out of the Twin Cities emphasizing violent protests on boat landings and cuts in the fishing harvest.

"The Twin Cities media... is creating the perception that there will be poor fishing on Mille Lacs Lake and scaring off potential business," reported the *Mille Lacs County Times*. Resort owners "can only hope sportsmen will realize the media coverage of the treaty issues is hype and put their fears or anger of the treaty harvest behind them and continue to enjoy the rewards of one of the greatest walleye lakes in the nation."

## New regulations, old sensationalism

Studies on Lake Mille Lacs have found that sportfishing needs to be more tightly managed to protect the quality of the walleye fishery.

"If we didn't have any fishing by the Mille Lacs band we'd still have to reduce the sportsmen's harvest of walleye by 110 thousand pounds," said Jack Wingate, Fisheries Research Manager for the Minnesota Department of Natural Resources.

The sportsmen's harvest will be reduced by another 40 thousand pounds to save enough fish for the Ojibwe treaty harvest.

To reduce the harvest by a total of 150 thousand pounds, the DNR increased the minimum size limit to 15 inches for any walleye caught by sportsmen.

At a public hearing in March, DNR Commissioner Ray Sando reminded people to keep the changes in perspective. "There's enough fish for everybody and the non-Indians will take the vast majority of them."

This perspective was not to be found on the front pages of Minnesota's largest newspapers when fishing restrictions were first announced.

Headlines screamed "DNR Limits Walleye on Mille Lacs: Sports Harvest to be Half of 1996 level," on the cover of the *Minneapolis Star and Tribune*.

The story by Dennis Anderson compares the new limits to the two largest walleye harvests of the last 15 years.

The comparison is unfair. It would have been much less dramatic if compared with the average harvest. He could have demonstrated that even with the new limits, sportsmen will catch more fish than they averaged in 1994 and 1995, which were slow fishing years. But that would have made for a boring headline.

The *St. Paul Pioneer Press* ran a similar story with a less inflammatory headline. It also linked the new limits to Ojibwe treaty rights and portrayed them as a threat to resort owners and other small businesses. It isn't until one of the last paragraphs that the story mentions that the DNR had been anticipating tighter limits "even without the tribal harvest."

The lack of balance by the news media troubles Mille Lacs Commissioner of Natural Resources Don Wedll, but he doubts it will change. "The papers and the media try to use whatever methods they can to sensationalize any issue." Members of Ojibwe communities across the state want the media to remember they bear a responsibility for their stories.

"The media should not use sensationalized information to feed people's anger. They should think about the type of deep emotional response they can provoke with a biased story," said Pat Sheppo Eyrich, a Twin Cities resident from Lac du Flambeau.

## Repeating history

Images from past events are haunting Minnesota's debate about treaty rights and many people in state and tribal government don't think it's very helpful.

"Every time the nightly news mentions Mille Lacs they show more pictures from Wisconsin of police in riot gear and people being hauled away in paddy wagons. That

doesn't do anybody any good. We all need to sit back and cool off, because if we work together Lake Mille Lacs will be just fine," said Henry VanOffelen, DNR biologist.

"Focusing on past violence has the danger of becoming a self-fulfilling prophecy," warned Eyrich, who will train observers for Witnesses for Non-Violence, a group dedicated to documenting the events at the boat landings.

Wedll called for all concerned communities to organize against violence. "I think that one of the things learned in Wisconsin is that people can be very ugly and communities didn't get organized to deal with that ugliness.

Hopefully people in this area will be able to organize and try to diminish any ugliness like that which came out of Wisconsin."

There are already signs that other people share the same wish. "There is talk around the lake of forming a community group urging people to stay away from Mille Lacs during the treaty harvest with a theme of "Don't Show Up" or "Be Part of the No-Show" as potential themes," reported the *Mille Lacs County Times*.

Wedll thinks the media should learn other lessons from Wisconsin. He has no patience for stories that show pictures of past protests, while predicting treaty rights will ruin the tourist industry.

"For the most part anyone who looks at the economics in Wisconsin and what has happened there with tourists and businesses will learn that license sales continued to increase. There continued to be fish, and the sky didn't fall in," Wedll said.

DNR Biologist VanOffelen agrees there are important lessons to learn in Wisconsin. "The media keeps saying look at what happened in Wisconsin.

I agree they should take a look. No one has gone to Wisconsin to find out what has happened to the walleye population. No one has asked for those numbers and they should." □



George Newago, Red Cliff spearfisherman (second from left) provides his permit and tribal identification prior to going out on Lake Namekagon to spear. From the left are: Mike LaGrew, GLIFWC creel clerk; George Newago; Dave Kedrowski, Bayfield County deputy sheriff; and Ray DeFoe, GLIFWC part-time warden. All tribal members must have a valid I.D. and a daily permit to spear fish off-reservation during the spring. (Photo by Sue Erickson)



# In defense of the truth:

## Schlender responds to accusations about Chippewa spearfishing

**Editor's note:** Below is a letter to the editor written by a Hayward area musky guide, Pete Maina, and a response from Great Lakes Indian Fish & Wildlife Commission (GLIFWC) Executive Administrator James Schlender. While GLIFWC does not respond to every such letter that appears, the numerous misconceptions and incorrect statements needed a response in this case.

### So what's the true purpose for spearing declarations?

I received a copy of the tribal spearing declarations for the '97 season on April 13. I was somewhat shocked by what I saw, but not surprised. There seems to be quite a few lakes with declarations over 59 percent for walleye, which results in lowering of anglers' daily bag; which in turn results in complaints, more negotiation; but more importantly—more "press." It appears press on this issue is consistently sought by Chippewa. . . so be it.

High declarations are noted on several trophy walleye waters. . . high musky declarations are exclusive to trophy waters.

There are several declarations of 90 percent or higher of the "safe allowable harvest" (safe to maintain mediocrity). There is a very consistent pattern here. In all cases where high declarations are named, the lakes in question are the trophy-producing waters which also have the lowest density of adult fish present. Or should I say "trophy-potential" lakes, since fish must get old to reach their size potential.

Across the ceded territory, the highest declarations set are those on waters with high size limits for anglers. Limits that were put in place with the intent of creating a trophy opportunity by allowing the fish to get old.

I find it confusing, really. Since for the past decade we've been hearing the words "tradition" and "subsistence" associated with tribal harvest. It has been said over and over, that tribal harvest is for food; that unlike anglers, spearers have no interest in fishing for sport or for trophies to hang on their wall.

Also frequently reiterated, is that when it comes to musky harvest, the smaller specimens are targeted since they are better eating. While resources tell me that this was true in the past, recent trends show direct pursuit of large musky on low-density waters growing dramatically. And it has been said that tribal fishers have a tremendous respect for the resource, so. . .

It doesn't make much sense: it's not tradition; targeting larger fish results in more instances of fish muscling off spears to die later; large esocids carry the highest concentrations of pollutants like mercury, not exactly the perfect thing to feed the kids. Also harvesting of the mid-to-upper range of the size-structure is hardest on natural reproduction.

It seems out-of-character for resource-minded folks to direct harvest to big fish on low-density, trophy-potential waters while many waters with substantially higher densities of fish—and strong numbers of small to midrange specimens—are ignored. There is basically no rotation either. The same lakes are targeted every year.

So, I guess I'm wondering why the declarations are as such. Why are obviously biologically "unsound," non-traditional harvest practices being carried out by tribal fishers? Is it to make certain that DNR's/anglers' efforts to create better quality fisheries don't work? Is it money? I wish someone would explain this—point out the logic I am unable to see.

So what's the true purpose?

Pete Maina  
Pete's Musky Mania  
Hayward, Wisconsin



A packer-backer from Lac Courte Oreilles prepares to launch his boat during the spring spearfishing season. (Photo by Amoose)

### Schlender responds to incorrect and misleading statements

In a letter to the editor recently run in the April 24th edition of Ashland's Daily Press, Pete Maina of Pete's Musky Mania, Hayward questioned tribal declarations of musky for off-reservation treaty harvest and other problems, but the letter was never sent to the tribes or GLIFWC, rather to the press. Some of Mr. Maina's statements and implications are incorrect and misleading, so I feel a response is necessary.

I would like to note that the Lac Courte Oreilles Governing Board anticipated reactions such as Mr. Maina has expressed when the State first proposed managing a set of lakes for trophy musky fishing.

In fact, LCO passed a resolution opposing the proposed 50 inch limit because they foresaw that it would just open another avenue for directing hostility to tribal spearers who are exercising a right within the guidelines and limitations of the law and in a biologically safe manner. From the sound of Mr. Maina's letter, it appears they anticipated correctly, and I must wonder if any level of Indian fishing would be acceptable to him and the many other greedy anglers who cannot bear to share.

Since tribes and state anglers are all concerned about managing the resource well, it is important to clearly state that tribal harvest of musky has always been exercised within the limitations of court-approved regulations and the safe harvest level system.

Tribal harvest has not biologically damaged or hurt the musky resource in any of the declared off-reservation lakes. So the issue here is not a biological one, rather socio-political. With that, let's look at issues considered by Mr. Maina:

#### Higher tribal declarations

Higher declarations on "trophy lakes" occurred because the management structure allows a higher percentage of the safe harvest level to be taken without changing the state size limit or resulting in angler harvest decrease. There was no reduction of angler limits for musky in 1997 resulting from tribal declarations. Three lakes in the ceded territory of Wisconsin had 90% or over musky declarations: Namekagon, Bayfield Co.; Grindstone and Lac Courte Oreilles lakes, Sawyer Co. At the time of this letter, a total of twelve musky have been taken from those lakes.

(See Schlender responds, page 29)



# Minnesota DNR to keep 15-inch minimum on Mille Lacs walleye

By Larry Oakes  
Northern Minnesota  
Correspondent

A 15-inch minimum limit for walleye will be imposed for Lake Mille Lacs this angling season despite a court-ordered halt of a planned American Indian treaty harvest, state officials announced on April 17, 1997.

The Minnesota Department of Natural Resources (DNR) said keeping the regulation will avoid confusion and preclude a shorter season or other additional restrictions, should a federal appeals court allow Chippewa to net and spear on Mille Lacs and 28 other lakes in east-central Minnesota.

On April 9th the Eighth U.S. Circuit Court of Appeals stayed treaty fishing planned for this spring pending its review in June of lower court findings that eight Minnesota and Wisconsin Chippewa bands retained rights under an 1837 treaty to harvest fish, game, wild rice and other resources under their own rules on land they ceded to the federal government.

Court-approved plans were for a few hundred Chippewa to harvest 40,000 pounds of walleye this year from Mille Lacs alone, compared with 280,000 pounds reserved for hundreds of thousands of sport anglers. The total—320,000 pounds—was set as a "safe harvest level" by fisheries biologists.

"The 15-inch minimum size limit regulation was originally proposed to accommodate the safe harvest level required by the federal court decision," a DNR news release said.

DNR officials were advised to keep the limit by a coalition of resort owners, fishing guides and others with an interest in sport fishing.

"We agree with their position," DNR fisheries chief Jack Skrypek said in a prepared statement. "Our biggest concern all along has been to assure that the lake is healthy and that sport-fish populations are protected so that anglers are able to continue to enjoy fishing."

Opponents of a large-scale traditional Indian food harvest are worried that too many fish will be taken, despite enforced caps on the harvest and court-ordered monitoring of fish populations. Many also object to the netting and spearing methods and to special rights being afforded a single group of U.S. citizens. They argue that the treaty privileges were legally and properly extinguished by presidential orders and treaties.

Supporters of the treaty privileges say they would improve the diet of tribal members, preserve the Indian way of life and fulfill a promise the government made to sovereign Chippewa nations but reneged on when it began applying state fish and game laws to them during the 1950s. Mille Lacs officials estimate that the value of traditional foods denied their band at \$1 million a year.

Under this year's regulations for sport angling on Mille Lacs, all walleye shorter than 15 inches must be thrown back. A bag limit of six will remain in effect, as will a rule that anglers can keep only one walleye longer than 20 inches. As in years past, night fishing is banned in the spring.

(Reprinted from *Minnesota Star Tribune*)

# The Facts about Indian Treaty Rights

A lot of rumors and just plain lies are circulating about Indian treaty rights. The truth is that American Indians are deeply committed to protecting our natural resources.

**Myth** American Indians gave up their treaty rights a long time ago.

**Fact** American Indians *never* gave up their treaty rights. American Indians agreed to cede their homelands to the U.S. government only on the condition that they be allowed to hunt, fish and gather on that land. These treaty rights were recently upheld in federal court for the Mille Lacs Band and seven other bands.

**Myth** The recent court decision gives American Indians unlimited hunting and fishing rights off the reservation.

**Fact** All Band members who exercise their treaty rights must obey the Minnesota Off-Reservation 1837 Conservation Code as approved by the federal court. To net or spear fish, for example, Band members will be required to get daily permits, and netting and spearing will be strictly monitored.

**Myth** The court ruling on treaty rights has forced the Minnesota Department of Natural Resources to limit the 1997 walleye harvest for Mille Lacs Lake.

**Fact** Years of over-fishing on Mille Lacs Lake, mostly by non-Indian anglers, is the reason why limits are now needed. The DNR's own experts report that walleye harvests in past years have been much higher than they should have been.

**Myth** Allowing Indians to net and spear fish will threaten the walleye population of Mille Lacs Lake.

**Fact** The bands are allowed to harvest up to 10,000 pounds of walleyes from Mille Lacs Lake in 1997. By comparison, 618,000 pounds of walleyes were harvested by all anglers in 1996, and one million pounds were harvested in 1992.

**Myth** Indian bands have entered into commercial fishing contracts to net and spear fish on Mille Lacs Lake.

**Fact** Such contracts have never been sought or suggested, and the Mille Lacs Band has no plans for entering into such contracts.

**Myth** Mille Lacs Band members are able to harvest half a million antlerless deer each season off the reservation.

**Fact** Band members will be allowed to harvest a total of 900 antlerless deer in the ceded territory during the entire hunting season, according to the Band's own wildlife management plan.

**Myth** Indians can hunt and fish off the reservation without supervision from state conservation officers.

**Fact** Minnesota DNR conservation officers will enforce the Minnesota Off-Reservation 1837 Conservation Code, working together with tribal officials and the Great Lakes Indian Fish & Wildlife Commission.

**Myth** Band members will be able to hunt anywhere.

**Fact** Band members will only be allowed to hunt on lands where public hunting is permitted.

## Wisconsin treaty activity guide receives award

Madison, Wis.—The Wisconsin Library Association has bestowed its 1996 Distinguished Document Award on *Classroom Activities on Wisconsin Indian Treaties and Tribal Sovereignty*, a 1996 publication of the Wisconsin Department of Public Instruction.

The association evaluates publications for their relevance to readers, creativity of approach, appearance, clarity of presentation, ease of use, and the extent to which the document enhances the quality of life or contributes to an understanding of government processes or functions.

The publication was developed by the Wisconsin Indian History, Culture, and Tribal Sovereignty Project at the University of Wisconsin-Eau Claire (UWEC) and the American Indian Studies Program and the Publications Team at the DPI.

Ronald N. Satz, dean of UWEC's College of Professional Studies, directed the project. In the foreword to *Classroom Activities on Wisconsin Indian Treaties and Tribal Sovereignty*, State Superintendent John T. Benson writes that "The number of new resources that this book offers to teachers and students make it one of the department's most exciting academic offerings."

The 494-page publication, Bulletin No. 96156, is available from DPI Publication Sales, (800) 243-8782.

The cost for Wisconsin residents is \$36 plus 5.5 percent tax and \$5 for shipping; others must pay \$54 plus shipping.

Prepared by the Mille Lacs Band of Ojibwe Indians.



## GLIFWC t.v. spot wins award in American Indian Film and Video Showcase

Indian film and video productions from midwest tribes did well in the 1997 American Indian Film and Video Competition, which recognizes Indian film and video productions nationally. GLIFWC's television spot, "Living Room T.V.," won best in the promotional/informational category.

Fond du Lac's Jim Northrup won the Will Sampson Award for Best of the Show and Best Presenter for "With Reservations," and Al Gedick's production, "Keepers of the Water," regarding Exxon and the Mole Lake band, won Best Environmental Program.

Awards were presented during the Red Earth Festival at Oklahoma City on June 12th.

GLIFWC's 30 second spot was produced through Bragavision, Madison, Wisconsin by David Braga and Patty Leow, a Bad River tribal member, in conjunction with GLIFWC's Public Information Office. Produced for a Superbowl spot in 1996, it used football and Packer-mania to present an environmental message from the Ojibwe perspective.

Local talent used in the video included Judge Ed Barber, Lac Courte Oreilles, as the elder speaking in Ojibwe and James Schlender, GLIFWC executive administrator and Lac Courte Oreilles member, as a modern day, Packer-fan Indian.

GLIFWC plans to air the video during the 1997 fall football season.

## Dr. Beth Lynch, GLIFWC botanist, to become Prof. Lynch



*Professor Beth Lynch.*

GLIFWC study to look at the impacts of logging on understory plants because of the cultural significance of many such plants to the Ojibwe. The study, which is long term, is currently ongoing and could be conducted for up to fifty years, she says.

Lynch has also worked extensively in establishing tribal relations with the US Forest Service in general. She has been instrumental in setting up a system whereby tribal members can get permits on the reservation to exercise gathering rights on National Forest lands.

In 1996 she began working on the revision of the ten year management plan for the Nicollet-Chequamegon Forest, providing tribal input into the planning process. She also has been involved in obtaining recognition of tribal interests in the State forest planning process, which is about to begin.

Lynch says she has truly enjoyed her work with GLIFWC, which has been both interesting and challenging. "It's important work and my interest is not something that will be left behind," Lynch says as she prepares to embark on a different career route, but not necessarily one she views as more challenging.

**Photos by Amoose, GLIFWC photojournalist**

*By Sue Erickson  
Staff Writer*

Odanah, Wis.—GLIFWC is sad to see Dr. Beth Lynch resign her position in the Wildlife/Wild Plant Section of Biological Services. Lynch has lent her extensive skills in botany to the Commission and member tribes since April 1994.

Lynch recently accepted a position as assistant professor in plant ecology at Loras College, Dubuque, Iowa in what she describes as a "tough decision." With reluctance she has been tying up the loose ends on multiple projects at the Commission and has been paving the way for her successor.

While with GLIFWC, Lynch initiated a joint US Forest Service/

## Heim receives B.S. degree

*By Sue Erickson  
Staff Writer*

Odanah, Wis.—Congratulations are due to John Heim, GLIFWC wild plant technician, who graduated this spring from the UW-Superior. He earned a Bachelor of Science degree in biology with a plant emphasis.

Heim, a Bad River tribal member, has been working with GLIFWC as a wildlife/wild plant technician since 1991. His work with the Commission, and particularly Dr. James Meeker, formerly on staff with GLIFWC, stimulated his interest in botany and inspired him to pursue his degree.

Pursuing his education kept Heim on a very tight schedule. While working part time for GLIFWC, Heim commuted from his home in Washburn, where he lives with his wife and family, to the UW-Superior campus. The balancing act between work, home, and school constantly tested his commitment.

At GLIFWC Heim worked extensively on the production of the book, *Plants Used by the Ojibwe*, under the direction of Dr. Meeker. He has also been participating in the understory plant surveys being conducted by GLIFWC, a study to determine the impact of current forest management practices on understory plants, particularly those significant to the Ojibwe people.



*John Heim gathers leeks in the Glidden District of the Chequamegon National Forest.*

## Data analyst joins staff at GLIFWC main office

*By Sarah Sattler, HONOR intern*

Odanah, Wis.—Moving to a new part of the country is no big change for Eric (Rick) Madsen, the newest member of the GLIFWC staff. Compared to living in Africa for two and a half years as a member of the Peace Corps, moving to Ashland has been nothing but an interesting learning experience. "Different is good," says Rick of life in northern Wisconsin.

Rick has been on staff since January. He lived in Madison and took some classes while working for GLIFWC on a short term contract.

He moved up to Ashland in May with his wife and is working out of GLIFWC's central office in Odanah. Rick did his undergraduate work at Wheaton College in Illinois and attended graduate school at Colorado State in statistics.

Rick works as a data analyst for the Biological Services Division at GLIFWC. Particularly, he works with inland fisheries data and Wisconsin Department of Natural Resources (WDNR) data from walleye population assessments.

He uses statistics to forecast walleye populations for the year ahead. The Tribes and the WDNR use the information for setting Safe Harvest Level (SHL) and spearing quotas.

Rick enjoys jogging and biking. He also boasts of his cooking, claiming that pizza is his specialty.

When asked about his thoughts on moving to Wisconsin, Rick states, "I think it will be colder." Rick grew up in Columbia, Missouri.



*Rick Madsen, GLIFWC data analyst.*



# Red Cliff dedicates new health facility

By Sue Erickson  
Staff Writer

Red Cliff, Wis.—Red Cliff officially dedicated its new health center last month with a traditional pipe ceremony, prayer, and planting of a Spirit Tree by the Red Cliff Headstart.

Standing just behind the Red Cliff Tribal Administration building where the tribal offices were formerly located, the long awaited \$1.1 million facility has been in use since January 1997.

The 11,8000 square foot facility allowed tribal health services to expand services to meet the growing needs of the tribe. Yet to come are X-ray, pharmacy, and dental services.

The health center was identified as a priority for the tribe in its 1995 management plan and now has become a reality due to the commitment of the tribal council, the tribal public, and the community at large.

The Otto Bremer Foundation, St. Mary's Hospital, and the Department of Housing and Urban Development were among supporters of the project. Tribal contributions came from the Tribal Council, Isle Vista Casino, and the Red Cliff Construction Company.

The design and decor of the building respond to both the physical and spiritual needs of the community. Artwork reflects the traditional culture of the tribe. Touches, such as naming rooms after clans, bring traditional beliefs and values into the modern day world of healing.



Harriet Balber, Red Cliff elder, had the honor of cutting the ribbon that officially opened the new Red Cliff Community Health Center, a long awaited addition to the Red Cliff reservation. Pictured at the ribbon-cutting are: Red Cliff Princess Allie Gordon; Vince Gordon, Junior Tribal Council chairman; Harriet Balber; Red Cliff Tribal Chairperson Rose Gurnoe; Larry Deragon, Red Cliff Tribal Council; and Clara Cameron, Red Cliff elder. Watching from the warmth of inside are Tiny Cadotte and Jenny Goslin. (Photo by Amoose)

## Schlender responds, continued

(Continued from page 26)

### Dramatic increase in trophy harvest

Maina states the pursuit of large musky on low-density waters by tribal members is "growing dramatically." In actuality, our data show that the twelve-year average of 36.7 inches is only 2.3 inches higher than the average in 1985, the first year musky were speared. This is not dramatic.

Over twelve years the tribes have taken a total of 2,268 musky. 148 musky were 45" or longer and only nine were 50" or above. There is little about any of the figures that show dramatic change or the all-out-effort to target large musky that Mr. Maina's letter tries hard to suggest.

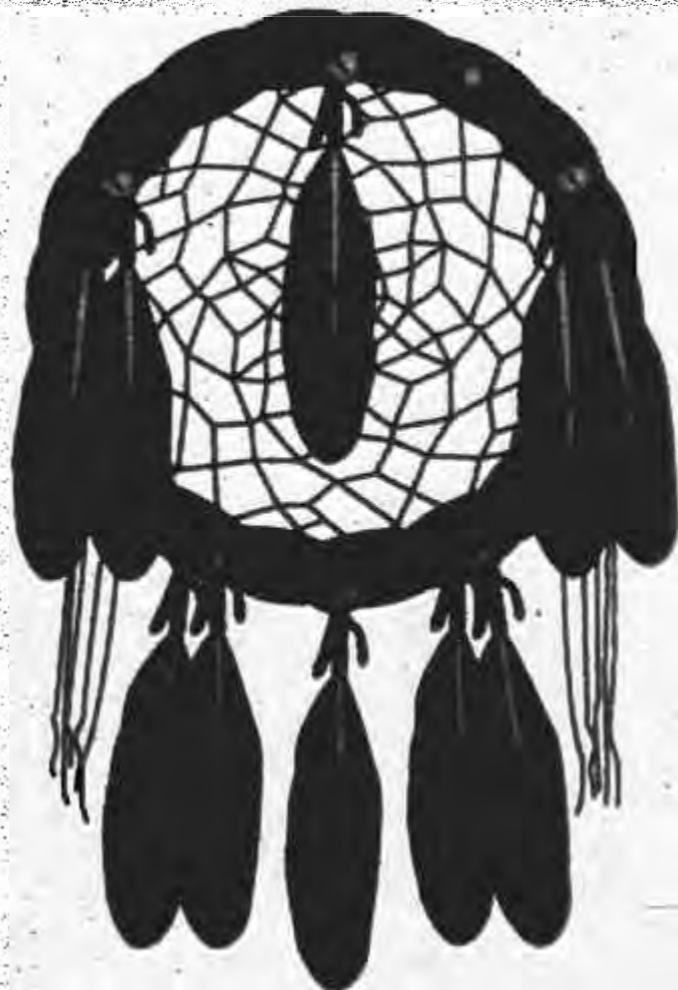
### Large fish not traditional

Maina indicates difficulty in associating "traditional" and "subsistence" with the tribes' harvest of large musky. It should be kept in mind that traditional fishing was for subsistence. A "harvest" is the point and a large fish provides more meat. Taking large fish can be both traditional and trophy.

In any case, some contemporary tribal spears are traditionalists and others are not. Some tribal members are Christians and may adhere to sport/trophy ethics similar to Mr. Maina.

### Tribes feed children polluted fish

Larger fish may have more pollutants as Mr. Maina suggests, depending on the lake, but since tribal spears take relatively few large fish, it is not a predominant concern.



They are not routinely seeking trophy fish for every meal, as Maina has somehow concluded. Again, tribal harvest of large, "trophy" fish is minuscule with nine "trophy-size" muskies taken in twelve years.

### Tribal harvest negatively impacts fish reproduction

Maina suggests that tribal taking of large fish on "low-density" lakes may negatively impact reproduction. However, if the lake is managed for the taking of "trophy" fish, then the large fish taken by anglers would have the same impact.

Perhaps that is why the lakes in question are "low density." If that is the case, this should be a concern of all user groups.

### Tribes seek press

Maina suggests early on in his letter that the tribes consistently seek press with their declarations. It was the tribes that sought to have declarations moved to a later date to avoid the media splash (which they do not seek) in mid-March when many sport/resort marketing shows are in progress.

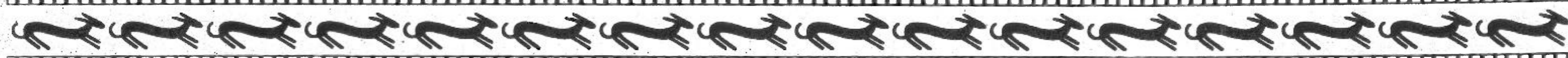
Due to a tribal effort the date for announcing declarations was moved to March 28th rather than March 15th this year. I would also suggest that Mr. Maina and others address letters of concern to the tribes or GLIFWC rather than to the media, particularly if they are concerned about press attention to such issues.

Catch and release fishing has changed over the years with more emphasis on release. However, a component of this fishing is "keeping," and hence catch and release really should be called "selective harvest."

That is what tribal members practice with their spear fishery as well; we might all be better off to honestly recognize our similar concerns rather than exacerbating our differences.

James Schlender,  
GLIFWC Executive Administrator





# Reservation conversation



This column features opinions from the public on member reservations regarding specific topics. This edition's question is: How does the Mille Lacs court decision affect the Ojibwe people? (By Amoose)



**Dean Staples, Mille Lacs Tribal Member & Forestry Technician**

*To improve their lives is to improve their spirituality and their health. This treaty helps that in a lot of ways the white man would never understand because it is not part of them. They don't understand that we are a part of this land and they can never get rid of us, or the treaties. . .if they want to get rid of us, they get rid of the land. This treaty helps the spiritual part inside of us. If you are healthy you can do other things, conquer other things like drug dependency, or alcoholism. I believe the treaty will bring out spirituality and better mental and spiritual health. Indians respect what we have. Indian people aren't going to take more than what we need. White society doesn't understand that. It was put here for us to enjoy it, and nobody should be able to tell us when we can use it.*

**Clayton Boyd, Mille Lacs Tribal Member**

*We can finally get something we have never had before when in actuality we always did. That's the right to fish. It was a right handed down from our ancestors that we've never been able to properly get. They signed that treaty to look at the future for us. That was ours. It was a gift. That was the way I look at it. I was mad. I put tobacco out and prayed. That is why I voted the right decision, and we got it through the courts. How can you sell something that was a gift from your Creator? We can take care of our resources and not put a dollar figure it. I'm just taking what I need. I am proud about this treaty. Now my children have a gift handed down from our ancestors.*

**Ruth Antone, Lac Vieux Desert (LVD) Tribal Member & Home School Coordinator**

*It affects all the people because we are all the same people, the same tribe. There are a lot of things that they tried to take away from us. We have to fight for everything that is given to us. Years ago it all belonged to us. I don't think we should have to fight for anything that was given by our Creator. I don't know why we have to argue and have them take it away from us and then we have to fight to get it back!*

**Beatrice Kelly, LVD Tribal Member & Director of Health and Human Services Elder Director**

*I think this decision has a direct effect because anything that happens with the Ojibwe people effects every one of us. As the elderly, we enjoy this. We grew up on this type of food. We are happy that we have had the right to hunt and gather. We never gave that up. We had to speak to hunt and gather wild rice. My dad was a traditionalist Indian. He would fish and hunt as a trade. I remember when my dad used to bring deer home. Everybody was happy because everybody would eat. He would not eat a beef steak or anything like that. He only wanted wild food.*



## Environmental standards, cont.

(Continued from page 23)

protect the health and welfare of mining community citizens. Mineral Policy Center estimates that there are 557,000 abandoned mine sites in the United States. Currently, 66 mine sites—listed as the most serious Superfund sites—are costing U.S. taxpayers billions of dollars in cleanup costs.

Public participation also is an essential element of Mining Law reform. Taxpayers and local citizens must have a voice in determining whether or not a proposed mine is a wise business venture and an appropriate use of natural resources.

Currently, the 1872 Mining Law represents a costly corporate subsidy and a bad deal for the U.S. taxpayer. And it creates unacceptable environmental risks for local mining communities.

It is time to modernize this law, and implement a mining policy that will address the realities of this century, and serve the needs of generations to come.

(Reprinted from *Clementine*, a publication of the Mineral Policy Center.)



**Got one! Bad River youth were taken out for a night of spearfishing as part of an ANA Youth Program which introduces youth to the skills and arts necessary to exercise off-reservation hunting, fishing, and gathering rights. (Photo by Amoose)**



# Legislative Update, 105th Congress

**House Committees:** APR = Appropriations; BF = Banking & Financial Services; COM = Commerce; EW = Education & Workforce; GRO = Government Reform & Oversight; JUD = Judiciary; NS = National Security; RES = Resources; TI = Transportation & Infrastructure; WM = Ways & Means **Senate Committees:** ANF = Agri./Nutrition/Forestry; APR = Appropriations; AS = Armed Services; BAN = Banking, Housing & Urban Affairs; CST = Commerce, Science and Infrastructure; ENR = Energy & Natural Resources; ENV = Environment & Public Works; FIN = Finance; FR = Foreign Relations; GA = Governmental Affairs; LHR = Labor & Human Resources; SCIA = Senate Committee on Indian Affairs; + = Multiple Committees.

Bill No.	Sponsor	Title of Legislation	House Com.	House Rpt. #	House Passed	Senate Intro.	Senate Com.	Senate Rept. #	Senate Passed	Conf. Rept.#	P.L. Date	P.L. No.
H.R. 33	Bereuter	Indian Housing Loan Guarantee Extension Act of 1997	BF									
H.R. 79	Riggs	Hoopa Valley Reservation South Boundary Adjustment Act	RES	Subcommittee Hearings 5/6/97								
H.R. 190	Hastings, A.	A bill to amend the act establishing the Everglades National Park to clarify certain rights of the Miccosukee Tribe	RES									
H.R. 193	Herger	A bill to amend National Historic Preservation Act	RES									
H.R. 261	Richardson	A bill to amend part E of title IV of the Social Security Act to provide for federal funding of foster care and adoption assistance program for Indian tribes.	WM									
H.R. 293	Shadegg	A bill to amend the Internal Revenue Code of 1986 to provide tax credit for Indian investment and employment	WM									
H.R. 294	Shadegg	A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as state or local governments or as nonprofit organizations	WM									
H.R. 295	Shadegg	A bill to amend the Internal Revenue Code of 1986 to provide for the issuance of tax-exempt bonds by Indian tribal governments	WM									
H.R. 325	Solomon	A bill to amend the Internal Revenue Code of 1986 to provide that the unrelated business income tax shall apply to the gaming activities of Indian tribes	WM									
H.R. 334	Solomon	Fair Indian Gaming Act: A bill to amend the Indian Gaming Regulatory Act to bring more balance into the negotiation of tribal-state compacts, to require an individual participating in Class II or Class III Indian gaming to be physically present at the authorized gaming activity	+	Executive comment requested from Interior								
H.R. 452	Torres	A bill to amend the Indian Gaming Regulatory Act to provide adequate and certain remedies for sovereign tribal governments		Executive comment requested from Interior								

## Bi-partisian group forms Congressional Indian caucus

Articles on this page have been reprinted from The American Indian Report, May/June 1997.

Pledging to education members of Congress about the obligations the federal government has to Indian tribes, a bipartisan group of House representatives said it will form a special caucus to focus on American Indian issues.

"There are two types of representatives serving in congress," said Rep. J.D. Hayworth, R-Ariz., who will serve as co-chair of the new Native American caucus, "those who represent Indian Country and those who represent what was once Indian Country."

"It is incumbent upon those of us who currently represent Native Americans to educate members of Congress about the obligations the federal government has to tribal governments."

The committee will be similar to other minority caucuses, but its membership will not include any American Indians. The only American Indian now serving in

Congress is Sen. Ben Nighthorse Campbell, R-Colo., the chair of the Senate Committee on Indian Affairs.

But the caucus hopes that it will be able to educate members of Congress on such issues as the sovereign rights of tribes, how changes in welfare laws will affect tribes, the Indian Child Welfare Act and Indian gaming.

Hayworth and Rep. Dale E. Kildee, D-Mich., will be co-chairs of the caucus. The group will also include Frank Riggs, R-Calif.; Esteban Torres, D-Calif.; Patrick Kennedy, D-R.I.; and Wayne Gilchrest, R-Md.

In announcing the creation of the caucus, Kildee said he looked forward to educating members of Congress on the sovereignty of Indian tribes and the importance of "maintaining and strengthening the government-to-government relationship that exists between the tribes and the U.S."





# Ethnobotanical Thoughts

## Fully functioning old growth

By Dr. James Meeker  
Associate Professor, Northland College

Students new to this region often ask me where they can see "old growth" forests. Since I am curious about what people have in mind when they use the term old growth, I first ask them "How do you define old growth?" Their responses are often (and understandably) "Well, you know, places with a lot of big trees." The first places I then send them to are old cemeteries.

Although the grave stones have replaced the sapling layers in these resting places, there is often an impressive variety of large, full-canopied trees. Since big trees are not everywhere abundant, and trees change their bark character substantially when they get larger, cemeteries are good places to work on tree identification.

I realize, however, that most of us have more refined images of old growth forests, even if our definitions of them don't come easy. Places other than cemeteries better fit our images of old forests, and some of them in our region are fairly large, including parts of the Porkies (Porcupine Mountain State Park) in Michigan and the Sylvania Wilderness area near the Michigan/Wisconsin border.

Other pockets of old growth do exist, although they are much smaller and scattered. On the Chequamegon National Forest, the Memorial Grove and Drummond Woods come to mind, but they are both rather small stands. It amazes me how complete the turn of the century cut-over was.

If people begin to inquire further about old growth, and ask to see examples of old growth forests that still function as the pre-settlement forests did, the candidates are close to non-existent.

The pre-settlement hemlock-sugar maple-yellow birch forest that covered much of the ceded territory in Northern Wisconsin perpetuated itself through the process of trees growing large enough to die of old age (250-400 years for these species). In the process, the falling trees created large gaps in the otherwise continuous forested canopy; gaps that provided the necessary extra bit of sunlight for the new tree recruits. Because sugar maple, hemlock and yellow birch seedlings are tolerant of partial shade, these species then replaced themselves in this process.

These gap-forming processes then cycled the forest through new individuals, yet it remained the same species composition for considerable time periods. One researcher estimated that the hemlock-hardwood forests of our region stayed, on average, in this gap forming, regeneration mode for over 1,200 years. Eventually, even a very old stand would be altered by a large scale disturbance such as a major wind storm or down-burst that would reset the stand's clock and provided the conditions for pioneer species like aspen, white birch and balsam fir to thrive.

Falling trees serve more functions than merely opening up the canopy, however. As they gradually decay and melt into the forest floor the rotting logs provide habitat for soil invertebrates and slowly release nutrients back into the ecosystem. In addition and



Dr. James Meeker

especially important for regeneration of the forest, the decaying logs provide perfect germination sites for tree seedlings, a mossy micro-habitat with ample water holding capacity.

Some species (especially yellow birch and hemlock) use the moss covered logs extensively. In fully functioning forests mossy logs are covered with tree seedlings of different sizes and ages, all lined up and ready for their chance to get into the sapling stage and then into the canopy.

In addition to fallen logs and large branches (what forest ecologists call coarse woody debris) the periodic crashing down of old growth giants creates tip-ups, or mounds of earth that come up with the roots. These tip-ups provide bare soil for germination that is optimal for many tree species and understory plants.

Over the years I have visited some of our region's old growth forests looking for examples of these gap forming processes. The average tree size in parts of the Porkies is impressive and gaps in the canopy are a common site. However, there is a conspicuous emptiness in the ground and shrub layers.

First and second year seedlings are sometimes apparent on moss covered logs, but in most areas we have not been able to find a single individual tree that has grown out of protection of the snow layer. Conservation biologists have referred to these forests as "islands of the living dead," prompting the question "what will these areas look like in the future without a healthy regenerating component?"

In search for areas with functioning old growth, I recently took a class out to some of the Apostle Islands. (Old growth remains on some small sections near lighthouses because the US government owned these areas and protected them from cutting).

The difference between these small tracts of old growth on the Apostle Islands and those of the Porkies or other areas on the mainland is striking. A scene within the Apostle's old growth reminded me of one of those computer generated images; someone had taken a picture of the large trees in the Porkies and added to it a green blanket of regenerating hemlock, yellow birch and white cedar.

One of the obvious differences between these two areas is that on many of the Apostle Islands deer populations are close to zero. Since the deer numbers on the mainland are much higher today than before the cut-over, the picture for some of the islands of the living dead appears bleak.

One solution that conservation biologists are promoting includes establishing very large areas of continuous canopy forests that surround or buffer smaller reserve areas (that have been set aside for old growth). These continuous canopy forests would be managed through select cutting only, in order to maintain the canopy, and designed large enough so that at least some of the reserve areas that they encircle will have reduced deer numbers. With this design, some day we can see the regenerating layer in the mainland reserves also.

(Jim Meeker teaches Natural Resources at Northland College, Ashland, Wisconsin, and is active in regional conservation issues.)

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

Susan Erickson ..... Editor  
Lynn Plucinski ..... Assistant Editor  
Amoose ..... Photographer



MASINAIGAN (Talking Paper) is a quarterly publication of the Great Lakes Indian Fish & Wildlife Commission, which represents eleven Chippewa tribes in Michigan, Minnesota and Wisconsin. GLIFWC's member tribes are listed to the right.

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MASINAIGAN reserves the right to edit any letters or materials contributed for publication as well as the right to refuse to print submissions at the discretion of the editor.

Letters to the editor and guest editorials are welcomed by MASINAIGAN. We like to hear from our readership. The right to edit or refuse to print, however, is maintained. All letters to the editor should be within a 300 word limit.

Letters to the editor or submitted editorials do not necessarily reflect the opinion of GLIFWC.

## GLIFWC MEMBER TRIBES

### Michigan

Bay Mills Indian Community  
Route 1, Box 313  
Brimley, MI 49715  
(906) 248-3241

Keweenaw Bay Indian Comm.  
Route 1  
Baraga, MI 49908  
(906) 353-6623

Lac Vieux Desert Band  
P.O. Box 249  
Watersmeet, MI 49969  
(906) 358-4722

### Minnesota

Fond du Lac Chippewa Band  
RBC Building  
105 University Avenue  
Cloquet, MN 55702  
(218) 879-4593

Mille Lacs Chippewa Tribe  
HCR 67, Box 194  
Onamia, MN 56359  
(320) 532-4181



### Wisconsin

Bad River Chippewa Band  
P.O. Box 39  
Odanah, WI 54861  
(715) 682-7111

Lac Courte Oreilles Band  
Route 2, Box 2700  
Hayward, WI 54843  
(715) 634-8934

Lac du Flambeau Band  
Box 67  
Lac du Flambeau, WI 54538  
(715) 588-3303

Mole Lake Chippewa Band  
Route 1  
Crandon, WI 54520  
(715) 478-2604

Red Cliff Chippewa Band  
Box 529  
Bayfield, WI 54814  
(715) 779-3700

St. Croix Chippewa Band  
P.O. Box 287  
Hertel, WI 54845  
(715) 349-2195