

Masinaigan

A Chronicle of the Lake Superior Ojibwe

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Winter 1998/1999

The Waabanong Run Lac du Flambeau to D.C.

By Sue Erickson, Staff Writer

Odanah, Wis.—Ice, snow and wind did not daunt those starting the Waabanong Run. Nor did the 30 mph gusts bother the eagle who soared over Lac du Flambeau's Bear River Pow-wow grounds where pipes were being lit and prayers said prior to the start of the Waabanong (back to the East) Run in the early morning hours of Nov. 11th.

A group of about thirty runners and supporters huddled around the fire for ceremonies as the core team members received the pipe and prayers from spiritual leaders who had traveled far to send the team off in a good and traditional way.

Tribal leaders carried the Treaty Staff through the pow-wow grounds, where it was handed to Mille Lacs runners for the first leg of a run which will eventually cover nearly 1,000 miles and span 16-18 days.

A team of nine core runners and two walkers began the Waabanong Run. The team will carry a Treaty Staff to Washington, D.C. to be present on December 2nd, when the U.S. Supreme Court will hear oral argument on the appeal of the Mille Lacs decision.

The Run and runners were feasted the evening of November 10th at the Lake of the Torches Convention Center where they were joined by spiritual leaders, elders and supporters, all concerned about the fate of the Ojibwe treaty rights now going to the Supreme Court.

Supreme Court rulings adverse to the bands could impact the treaty rights of the Ojibwe in the Minnesota 1837 treaty ceded territory, including those of the Mille Lacs and Fond du Lac bands Minnesota and six Wisconsin Ojibwe bands—Red Cliff, Bad River, St. Croix, Mole Lake, Lac Flambeau, and Lac Courte Oreilles.

"The run is a prayer, asking the Creator for assistance," said James Schlender, Great Lakes Indian Fish & Wildlife Commission (GLIFWC) executive ad-

ministrators and core team walker. "It is also to show our treaty rights are more than fish and game, but part of our cultural, spiritual and physical well-being."

The Treaty Staff being carried to Washington was given to the Ojibwe people during a 1990 Peace Run organized by Mitch Walking Elk, Pipestone, Minn. The Staff was carried by runners 440 miles from Pipestone to Lac du Flambeau as a response to the racism and violence experienced during the 1989 spring spearfishing season.

The Staff has been kept at Lac du Flambeau since 1990 and taken into court during treaty litigation.

Spiritual support for the run was brought by Jim Clark and Raining Boyd, spiritual leaders from the Mille Lacs band; Joe Chosa, Lac du Flambeau spiritual leader; Jack Chambers, Grand Traverse band; Archie McGeshick, Lac Vieux Desert band; and Tobasanakwut Kinew, Ojibways of Onigaming, Ontario.

Kinew provided an Ojibwe song for the core team to take with them on their journey and eagle feathers. Raining Boyd brought a pipe given to the Mille Lacs band from the Sioux Nation to be used in the treaty struggles.

The core team will not be alone along the journey. Supplemental runners will join for legs along the way to provide assistance as they can. But assurances were given from those at the ceremonies that the daily prayers of the people at home will follow the Waabanong Run throughout its course.

"Our great grandfathers and grandmothers walked where you will run," said Mille Lacs Chief Executive Marge Anderson. "Tobacco will go out every day and we will follow you every day as you run to Washington, D.C."

Core team runners include: Eva Connors, St. Croix; Don Grave, Joel Shaugobay and Eric Gahbow, Mille Lacs; Larry Miller, Randy Miller, George (Budman) Morrow, and Bo Hammond, Lac Courte Oreilles; and Neil Kmiecik, Standing Rock Sioux and GLIFWC biological services director. Core team walkers include: Gene Connors, St. Croix and James Schlender, Lac Courte Oreilles and GLIFWC executive administrator.

The Run in Washington, D.C.

A Sacred Fire will be lit in Washington, D.C. on November 28th and tended for four days, concluding on December 2nd. This will be at the National Indian Gaming Association (NIGA) building courtyard. Ceremonies will be held on December 2nd, with a sunrise ceremony at the NIGA building, a short walk to the Supreme Court building and a ceremony in front of the Supreme Court building. Ceremonies are to provide strength and support to tribal attorneys as they put forth the tribes' case.

Tribal Spiritual Support Requested

The National Congress of American Indians (NCAI) has contacted all tribes, requesting spiritual support throughout Indian Country on December 2nd. If your tribe can light a fire on November 28th for four days in conjunction with the one being lit in Washington, or if ceremonies can be held the morning of December 2nd, that support would be much appreciated! Please let us know if you are holding any ceremonies in support, and we will identify that on a map on our home page (address below).

Also note that by resolution NCAI declared December 2, 1998 as "The Spirit of the Treaties" Day. (see page 4)

For more information contact: GLIFWC, P.O. Box 9, Odanah, WI 54861; (715) 682-6619. For daily update and route see GLIFWC's home page at: <http://www.win.bright.net/~glifwcis/>

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Treaty rights on trial once more

Legal briefs smudged and submitted to the Supreme Court

By Sue Erickson
Staff Writer

Odanah, Wis.—Although re-affirmed through several federal court rulings, the 1837 treaty rights in Minnesota must stand trial once again.

The U.S. Supreme Court agreed to hear an appeal filed by the State of Minnesota of the *Mille Lacs* decision regarding the treaty rights reserved by eight Ojibwe bands in the Minnesota 1837 treaty ceded territory.

Final briefs on behalf of the tribes were filed with the U.S. Supreme Court on October 22nd addressing three specific issues to be heard in the appeal. The State of Minnesota's final briefs were filed on October 28th.

Prior to filing the tribes' briefs with the Supreme Court, a pipe ceremony was performed, and the briefs were smudged.

The ceremony was a fitting conclusion to weeks of preparation among tribes and tribal attorneys as they presented the tribes' case in the best possible way for the consideration of the Court's panel of judges.

With full knowledge that treaty rights, precious to the tribes and to the Ojibwe leaders who signed the treaties, are once again at risk and that adverse rulings could potentially impact treaty rights elsewhere, tribal attorneys worked with fervor to prepare for this important hearing.



GLIFWC staff feasted on traditional Ojibwe foods after Red Cliff's Mike Montano (lower right) performed a smudging of the briefs ceremony on September 24th. The ceremony included legal briefs that tribal attorneys prepared for the United States Supreme Court's hearing of an appeal on the *Mille Lacs* decision. (Photo by C.O. Rasmussen)

The three issues being considered by the Supreme Court include: 1) the 1855 Treaty; 2) the 1850 Removal Or-

der; and 3) the effect of Minnesota statehood on the tribes' rights. The State of Minnesota contends that each of these revoke the 1837 Treaty reserved privileges of the bands. However, the lower federal courts have disagreed and have upheld the continuing existence of the rights.

Should the Supreme Court overturn the lower court decision on the 1855 Treaty issue, the decision would impact only the 1837 Treaty rights of the Mille Lacs Band as they are the only band of the eight which signed the 1855 Treaty. An adverse decision on the 1850 Removal Order would impact the 1837 Treaty rights in Minnesota ceded territory of the both the Mille Lacs and Fond du Lac Bands and the six Wisconsin bands, including Red Cliff, Bad River, St. Croix, Mole Lake, Lac du Flambeau, and Lac Courte Oreilles.

In relation to the effect of Minnesota's statehood, a decision in favor of the State of Minnesota would impact all eight bands and could have ramifications on treaty rights nationally in subsequent court rulings.

Because of the possible far-reaching impact of the Supreme Court's decisions, briefs were filed not only by the eight Ojibwe bands directly concerned and the United States, which has long been party to the case, but also by the

National Congress of American Indians and 44 other tribes as Friends of the Court.

Oral arguments are scheduled to be heard by the Supreme Court on December 2nd at the Supreme Court building in Washington, D.C. The Petitioners (State of Minnesota) and the Respondents (Tribes and the United States) are each allowed one-half hour to present their case at that time. Marc Slonim, attorney for the Mille Lacs Band, will present the argument on behalf of the Bands.

The arguments submitted in the briefs on behalf of the tribes are briefly summarized by issue below:

The 1855 Treaty issue

The question: "Is language in [the] 1855 treaty 'fully and entirely relinquish[ing]...any and all right, title, and interest, of whatsoever nature...in and to any other lands in the Territory of Minnesota' sufficient to extinguish a previously reserved hunting, fishing and gathering privilege in an area of Minnesota?"

The Bands' response: The Bands argue that the language in the 1855 treaty did not abrogate the usufructuary rights reserved by the Mille Lacs Band in the 1837 Treaty. (See Court, page 3)



Years of litigation in both Wisconsin and Minnesota have made federal court buildings familiar to tribal leaders and staff. Above, Mille Lacs Commissioner of Natural Resources Don Wedll is interviewed by the press in St. Paul, Minn. following a hearing in front of the U.S. Federal Court, Eighth District. (Photo by Amoose)

Court to consider three issues

(Continued from page 2)

The Bands say the Mille Lacs Band ceded land within a defined boundary and "all right, title and interest...in, and to any other lands."

The critical word is "land." The Band did not give up the right or privilege to use resources on the land. The Band reserved the right to an activity not to the land itself.

The Bands draw the analogy of a modern day sports licenses which guarantees the licensee a privilege to hunt or fish on public lands without holding right, title or interest in the land itself.

Similarly, the Band retained "a non-exclusive privilege to engage in the specific activities of hunting and fishing on lands and waters otherwise open to the public."

The Bands also point out that treaties must be interpreted in the manner in which the Ojibwe interpreted them at the time of signing.

In the case of the 1855 Treaty, statements from government officials dealing with the treaty negotiations indicate that the Ojibwe believed the 1855 Treaty to extinguish all remaining land claims, but not the hunting and fishing rights retained in the 1837 Treaty.

On the basis of the Ojibwe leaders' beliefs when they signed the treaty, it should be interpreted today in favor of the Band.

Lastly, the Bands point to the findings of the federal district court which indicated there was no evidence showing either party in the 1855 Treaty (the United States government or the Mille Lacs Band) intended to abrogate hunting and fishing rights.

Rather the intent was to extinguish all land claims.

The 1850 Removal Order

The question: "Was [the] 1850 Presidential Order revoking the Indians' special hunting, fishing and gathering privilege effective, where the 1837 Treaty reserved that privilege to the Indians only 'during the pleasure of the President'?"

The tribes response: The Bands argue that the 1850 Removal Order did not revoke the hunting, fishing and gathering rights reserved in the 1837 Treaty for the following reasons.

✓The 1837 Treaty guarantees the hunting, fishing and gathering privileges on ceded lands "during the pleasure of the President." This language does not give the right to terminate the bands' rights to just one president, but also to those who are successors to the presidency. Therefore, while President Taylor was able to terminate the rights, he could not do so for all time regardless of the presidents who would follow him.

✓As the lower courts held the 1850 Removal Order would have extinguished the hunting and fishing rights of the bands only if they were removed to unceded lands. The order was suspended shortly after it was issued by President Taylor's successor, and this occurred before the hunting and fishing privileges had actually been revoked. The bands were never removed, therefore, the rights were never revoked.

✓The 1850 removal order was unlawful because it did not comply with the 1830 Removal Act. This was held in the lower courts and not disputed by the State of Minnesota. The purported revocation of treaty retained privileges as a direct result of an unlawful order cannot be separated from the order itself because the purpose of the order was to remove the Chippewa not revoke their hunting and fishing privileges.

✓The revocation of hunting and fishing privileges would be unlawful because it would exceed the authority of the President. Treaty law requires that authority conferred on one person must be exercised in good faith in context of the treaty. This means that actions cannot be taken which the parties to the treaties would not have considered.

"Given...the assurances they received of just treatment during the treaty negotiations, and the fiduciary relation-

ship between the Chippewa and the United States, the treaty cannot fairly be construed to confer *unfettered* discretion on the President to revoke the Chippewa's usufructuary rights at any time and for any reason," the Bands assert.

The Equal Footing Doctrine (The effect of statehood)

The question: "Was [the] hunting, fishing and gathering privilege reserved only 'during the pleasure of the President,' 'temporary and precarious' and therefore extinguished...when Minnesota was admitted to the Union...?"

The tribes' response: Minnesota relies upon an 1896 Supreme Court case (*Ward v. Race Horse*) to claim that statehood automatically terminated the tribes' ceded territory hunting, fishing and gathering rights. The *Ward* case found that tribal hunting rights on "open and unclaimed lands" reserved under the 1868 Treaty of Laramie were terminated upon Wyoming's statehood.

The tribes present three arguments dealing with the *Ward* case and assert that Minnesota's statehood, granted in 1858, did not terminate the rights:

✓Minnesota, like all other states, entered the Union subject to the federal government's authority over Indian affairs and to the Constitution's Supremacy Clause. The 1837 treaty involves the constitutional exercise of federal power with Indian tribes and therefore the treaty is the supreme law of the land, including in Minnesota. This exercise of federal constitutional authority does not offend or interfere with Minnesota's power to regulate hunting and fishing activities in a different way than other valid federal conservation laws, such as the Migratory Bird Treaty Act.

✓The rights reserved in the 1837 Treaty are different than the rights reserved in the 1868 Treaty of Laramie. The 1837 rights are not "temporary and precarious" as the Court found the 1868 rights to be.

✓The law has changed since the *Ward* case and that case can no longer be relied upon. The Supreme Court has affirmed off-reservation treaty rights in a number of cases since *Ward* and has ruled that those rights can be regulated by the states as necessary for conservation. These more recent cases show that there is no conflict between the treaty rights and state regulation of natural resources. In addition, Minnesota's Enabling Act, the federal law that established its statehood, makes no mention of the treaty rights. Congress' silence cannot be interpreted to terminate the rights, as the Supreme Court has held since *Ward*. ■



A drum ceremony outside the federal court building in Madison preceded a court hearing in December 1995 which began Phase II to Voigt litigation in Wisconsin. This was the phase that looked at issues of scope and regulation following the affirmation of Ojibwe off-reservation hunting, fishing and gathering rights in Wisconsin's ceded territory. The rights were affirmed through a Seventh District Federal Court decision and the U.S. Supreme Court refused to hear an appeal brought by the State of Wisconsin. (Photo by Sue Erickson)

NCAI passes resolution in support of Waabanong Run Declares Dec. 2, 1998 "The Spirit of the Treaties" Day

The following resolution was passed during the annual session of the National Congress of American Indians (NCAI) last October. The resolution asks for spiritual support from Indian communities nationally as Ojibwe treaty rights go on trial before the U.S. Supreme Court on December 2, 1998.

The resolution also supports the Waabanong Run, a spiritual run which will take a ceremonial staff from the Lac du Flambeau reservation in Wisconsin to Washington, D.C. to be present at the Supreme Court hearing on December 2nd.

The resolution was brought before the Minneapolis Area Caucus meeting during the convention by Lac du Flambeau Tribal Chairman Tom Maulson and then submitted to NCAI for consideration:

Resolution #MRB-98-028

Treaty Rights— Mille Lacs vs. the State of Minnesota

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the diving blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

WHEREAS, eleven Ojibwe bands in Michigan, Wisconsin, and Minnesota, hold treaty-reserved, off-reservation hunting, fishing, and gathering rights in treaty-ceded territories and those treaty-reserved rights have been re-affirmed through federal district court rulings; and

WHEREAS, numerous other Indian nations in the United States also hold rights reserved in treaties by our forefathers in government-to-government, treaty agreements with the United States government; and

WHEREAS, the U.S. Supreme Court has agreed to hear an appeal by the State of Minnesota of the Mille Lacs, Fond du Lac, Red Cliff, St. Croix and Bad River, Mole Lake, Lac Courte Oreilles, and Lac du Flambeau Bands in the 1837 treaty-ceded territory in Minnesota and has scheduled a hearing of the case on December 2, 1998; and

WHEREAS, the decision of the U.S. Supreme Court of Appeals could extinguish the treaty rights of the Mille Lacs Band and jeopardize the treaty rights of other named Ojibwe bands as well as the treaty rights of the tribes nationally; and

WHEREAS, NCAI is dedicated to the preservation and protection of treaty rights of tribes nationally;

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby by resolution, declare December 2, 1998 as The Spirit of Treaties Day for Indian nations and asks for spiritual support from Indian communities across the nation as Ojibwe treaty rights go on trial; and

BE IT FURTHER RESOLVED, that NCAI does hereby support the spiritual run with the Treaty Staff from Lac du Flambeau, Wisconsin to Washington, D.C. as a demonstration of deep concern regarding the preservation of tribally held treaty rights in the United States; and

BE IT FINALLY RESOLVED, that NCAI will help coordinate tribal, spiritual ceremonies in Washington, D.C. on December 2, 1998 in recognition of importance of retaining the rights and sacredness of the treaty rights which our Indian forefathers preserved for our generation and generations to come.

Tribal leaders and spiritual leaders prepare runners for journey to D.C.



Ceremonies on the eve of the Waabanong Run's start, provided spiritual support and strength to the core team members. Above Tobasanakwut Kinew, Ojibways of Onigaming, congratulates each of the core team after having given them a song to carry with them and declaring them to be "ogitchidaa." (Photo by C.O. Rasmussen)

Tribal leaders start the Treaty Staff on its long journey to D.C. by walking it out of the Bear River Pow-wow grounds following early morning ceremonies. Team runners took the staff from the entrance of the pow-wow grounds and began the long journey. (Photo by Sue Erickson)

Anishinaabe Akii Protocol signed at Madeline Island Treaty Conference

Solidarity between U.S. and Canadian Ojibwe confirmed

By Sue Erickson
Staff Writer

LaPointe, Wis.—About two hundred Anishinaabe journeyed from their homes in Minnesota, Wisconsin, Michigan, and Canada to participate in the Madeline Island Treaty conference, sponsored by GLIFWC this fall.

For many, it was a first time visit to the Island, once home to a significant Ojibwe settlement and the site where the 1842 and 1854 Treaties were signed between the United States and Chippewa nations.

For this reason alone, the Madeline Island Treaty Conference had a special significance for those who attended. It was like a journey home, with an awareness and respect for the many Ojibwe ancestors who walked the Island's ground before us and provided for future generations by securing reservation homelands and preserving hunting, fishing and gathering rights in treaty ceded lands.

In the words of Eugene Begay, Lac Courte Oreilles tribal council member, "I felt good on Madeline Island..the Spirit moved me there!"

Unlike previous GLIFWC conferences, the Treaty Conference followed a more traditional Ojibwe format. It was intended to promote solidarity among treaty tribes both in the U.S. and

Canada. It was also to provide a good atmosphere both for cultural learning and serious discussions among leaders.

Lac du Flambeau Tribal Chairman Tom Maulson felt the tribal leadership were strengthened through the conference and the ceremonies. "We were able to reach an understanding there and prepare ourselves for the continued struggle to keep our treaty rights," he says.

Participants included elders from many of the GLIFWC member bands, political leaders, spiritual leaders, as well as representatives of the general tribal public and youth.

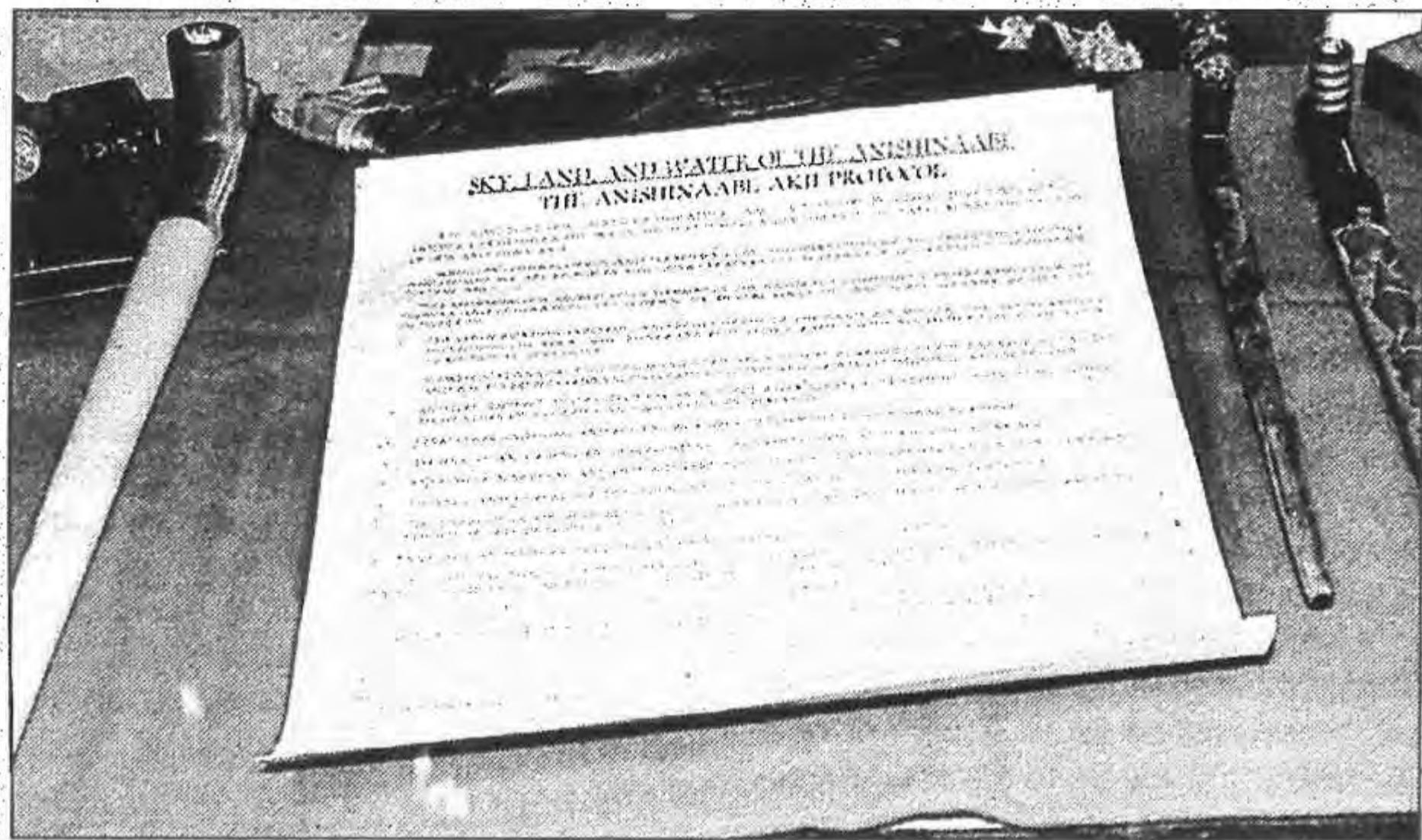
A Sacred Fire was lit by Red Cliff elder Leo LeFermier and tended for four days throughout the conference. Ceremonies and sweats also took place at the Island's north end on Bad River land, thanks to permission and preparation by the Bad River Band and the Bad River Ogitchidaa.

Many of the ceremonies and sweats were led by Tobasanakwut Kinew and Fred Kelly, spiritual leaders from the Ojibway of Onigaming in Canada. Fred Kelly also co-moderated the conference with GLIFWC Deputy Administrator Gerry DePerry.

Talking circles on the role of Anishinaabe men, women, youth and elders provided an informal setting for learning and discussion as did those on language and story-telling. Circles were

"We were able to reach an understanding there [Madeline Island] and prepare ourselves for the continued struggle to keep our treaty rights."

—Tom Maulson, Lac du Flambeau tribal chairman



The Anishinaabe Akii Protocol. (Photo by C.O. Rasmussen)

led by Cecilia DeFoe, Red Cliff; RaeAnn Maday, Bad River; Eugene Begay, Lac Courte Oreilles; Judy St. Arnold; and Keller Paap, Red Cliff.

More formal presentations provided critical historical information. Dr. Ronald Satz, Professor of History, UW-Eau Claire provided an overview of treaty history, and Fred Kelly talked about the significance of Madeline Island to the Anishinaabe people. For Begay, a highlight was listening to the "scholars from Canada who educated us about how misinterpretation of the language on both sides influenced the treaty negotiations."

The idea for the Madeline Island Treaty Conference was first generated

during a visit by GLIFWC representatives to Cedar Island, Lake of the Woods, Ontario.

The Kabapikotawangag Resources Council (KRC), a consortium of Ojibwe First Nations in Canada with fishing rights on the Lake of the Woods, had invited GLIFWC staff to share information in regard to off-reservation treaty issues and resource management.

At the conclusion of the visit, Tobasanakwut Kinew, commented on the need to break through the international boundaries which divide the Anishinaabe Nation. He mentioned how nice it would be for representatives from Canadian and U.S. bands to meet (See Anishinaabe Akii, page 6)

Elders, attorneys discuss requirements of trust responsibility

By Ann McCammon Soltis, GLIFWC Policy Analyst

The federal trust responsibility was the topic of two half-day sessions during the Madeline Island Treaty Conference. These sessions were funded through a grant from the Administration for Native Americans, and were the culmination of a year long project to research and analyze the history and current status of trust responsibility.

Tribal elders and attorneys were invited to discuss both procedural and substantive requirements imposed by the trust responsibility, especially in cases where federal agencies make permit decisions that have the potential to impact resources of interest to the tribes in the 1837 and 1842 ceded territories.

The participants also discussed legal and technical strategies to persuade agency personnel to make decisions that are in the best interest of the tribes. The sessions were well attended, and valuable historic and legal insights were provided by both attorneys and elders. Thanks to all who participated.



Fred Kelly, Ojibways of Onigaming, leads a talking circle during the Treaty Conference on Madeline Island. (Photo by C.O. Rasmussen)

Area high school students attend Treaty Conference

By Hans Veenendaal
Freelance Writer

LaPointe, Wis.—Sixteen students from Bayfield High School, near the Red Cliff, reservation, became a part of living history this past September. Along with a great variety of people from Canada and the U.S., these students came to Madeline Island to feast the treaties of the Lake Superior Ojibwe.

Diane Defoe, a teacher of Ojibwe and Native American History at Bayfield High School, invited her students to attend the Madeline Island Treaty Conference during school hours. Defoe hoped her students would be able to gain a better understanding of the history and language of the Ojibwe by being immersed in the conference. The conference served as an excellent opportunity for students to form connections between their schoolwork and outside world.

The students who came, however, received much more than a simple history and language lesson. Even though they were only asked to attend the conference during school hours, many stayed on Madeline Island all day and even into the night to experience all its aspects.

Students listened to elders and speakers, participated in talking circles,

met with their relatives, served food to their elders, and danced and celebrated this historic coming together of the Ojibwe. One student, Cody Gordon, also received his Ojibwe name during the conference.

Standing out in the memories of many students is the easy-going, familial atmosphere and the good food they enjoyed on Madeline Island. Although Defoe's students were reluctant to return to school after the conference, she has notice a profound impact in her classes this year.

"They made history," Defoe remarks. They were a part of the first ever great gathering of the Ojibwe on Madeline Island since the signing of the 1854 Treaty. Defoe has noticed that, since attending the conference, her students have a greater personal connection to their studies in her classes. "History is alive in [my] class now," says Defoe. She notes that her students are more open with each other and appear to have developed a better sense of self and place within their culture.

Her most outstanding memory from the conference is the maturity and kind-heartedness her students displayed. They were attentive and interested in the speakers; they were helpful and respectful of their elders. Defoe is delighted her students received this opportunity.

Anishinaabe Akii Protocol

(Continued from page 5)
together on Madeline Island, a point of origin for many of the Ojibwe bands.

From this sprang the Madeline Island Treaty Conference and significantly, the Anishinaabe Akii Protocol, which also originated during the Cedar Island visit, was signed by U.S. and Canadian representatives on Sept. 9th on Madeline Island. (see Protocol sidebar)

"We need to rethink the unification of the Ojibwe Nation," according to Maulson, "and fulfill a vision for the next generation. We need to strengthen the concept of being Anishinaabe people."

The Protocol is a document which reaffirms Anishinaabe sovereignty and the solidarity of the Anishinaabe Na-

tion despite state and federal boundaries. It affirms a commitment to care for the natural environment and the respective needs of the Anishinaabe people and encourages the consideration of the larger view of the Anishinaabe Nation, rather than one fragmented by boundaries dividing other states, provinces and nations.

Blessed by favorable weather and the good spirits of participants, the Conference succeeded in promoting solidarity, providing cultural and spiritual enrichment, healing, and produced a strong team spirit needed to meet many challenges which continue to confront Anishinaabe Nation and its people.

Miigwech to the many who contributed to the success of the Madeline Island Treaty Conference!



Sixteen students from Bayfield High school attended the Madeline Island Treaty Conference. Pictured here from l. to r. are: (back row) Dustin Deragon, Misty Peacock, Susan Newago, John Gordon, Edwina Buffalo Reyes, James Deragon, Dennis Soulier, Kiersten Galazen, Norman Nelis, (front row) Matt Bonney, Charlotte Sero, Manda Thomas, Rebecca Boyd, Katie Poch. Not pictured are Cory Gordon and Cody Gordon. (Photo by Hans Veenendaal)

SKY, LAND, AND WATER OF THE ANISHINAABE

THE ANISHINAABE AKII PROTOCOL

KNOWING THAT OUR SACRED GRANDFATHER, SAAGIMA MANJTOU, PLACED US HERE UPON GRANDMOTHER EARTH UNDER THE SKY; IN THE FOREST HILLS AND VALLEYS; IN THE LAKES, RIVERS, AND ISLANDS OF OUR ANCESTORS; AND

BOUND BY COMMON ORIGIN AND TERRITORY; CLAN AND BLOOD; HISTORY AND TRADITION; LANGUAGE AND CUSTOM, WE ARE BROTHERS AND SISTERS, LEADERS AND WARRIORS OF THE SOVEREIGN ANISHINAABE NATION; AND

REAFFIRMING OUR SACRED TRUST TO PROTECT THE NATURAL ENVIRONMENT AND RESOURCES FOR ALL PEOPLES AND GENERATIONS YET UNBORN, WE HEREBY COVENANT AND AGREE TO WORK JOINTLY AND ACTIVELY IN:

- *THE CONSERVATION, CONTROL, AND PRUDENT USE OF THE LAND, AIR, WATER, AND ALL RESOURCES INCLUDING THE ROCK, SOIL, MINERALS, FISH, FLORA, FAUNA AND ALL OTHER LIFE WITHIN OUR TRADITIONAL TERRITORY;*
- *STRATEGIC PLANNING AND MANAGEMENT OF ALL NATURAL RESOURCES AS THE BASIS FOR SUSTAINED AND BALANCED SELF-GOVERNED ECONOMIES WITHIN OUR TRIBAL COMMUNITIES AND TERRITORY;*
- *MUTUAL SUPPORT AND RESPECT REGARDING THE RECOGNITION, FULFILLMENT AND FAITHFUL IMPLEMENTATION OF TREATIES AND SOVEREIGN PREROGATIVES;*
- *EDUCATION, TRAINING AND HUMAN RESOURCE DEVELOPMENT IN NATURAL RESOURCES;*
- *TECHNICAL AND SCIENTIFIC DEVELOPMENT, DATA COLLECTION, ANALYSIS AND ADVOCACY;*
- *VETTING OF NATIONAL AND OTHER INTERNATIONAL INITIATIVES IN RESPECT OF NATURAL RESOURCES;*
- *FINANCE AND ENTERPRISE DEVELOPMENT STRATEGIES WITHIN ANISHINAABE TERRITORY;*
- *THE EXERCISE OF THE INHERENT TRIBAL AND NATIONAL RIGHT OF POLITICAL, ECONOMIC, SOCIAL AND CULTURAL SELF-DETERMINATION; AND*
- *ANY ACTION WITH RESPECT TO NATIONAL AND TERRITORIAL INTEGRITY.*

BEING OF ONE MIND ON THESE COVENANTS, WE AFFIX OUR SIGNATURES, ON BEHALF OF OUR MEMBERS AND CONSTITUENCIES, AT MADELINE ISLAND THIS 9TH DAY OF SEPTEMBER, 1998.

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION KABAPIKOTAWANGAG RESOURCES COUNCIL

BY: *[Signature]* BY: *[Signature]*
TOM MAULSON, CHAIRMAN CHIEF WEAVER BIG GEORGE, CHAIRMAN

ATTEST: *[Signature]* ATTEST: *[Signature]*
JAMES H. SCHLENDER, EXECUTIVE ADMINISTRATOR CLIFFORD BOB, EXECUTIVE DIRECTOR

19th Century Ojibwe treaties: An historical perspective

(Editor's note: The following article provides the text for a presentation on Ojibwe treaty history by Dr. Ronald Satz at the Madeline Island Treaty Conference. The details surrounding the 1850 removal order are included in the text.)

Good morning. I am honored to have been asked to address you today on this very special occasion. This gathering unites representatives of the sovereign Ojibwe tribes of Wisconsin, Minnesota, and Michigan together with the representatives of the Ojibwe tribes from the Lake of the Woods area in Canada in an historically significant event at a culturally significant site.

Long before Europeans arrived in the Great Lakes region, your ancestors (who called themselves the Anishinaabeg) migrated across the region, following the direction and guidance of the sacred migiis shell which, according to the oral tradition, repeatedly appeared to them in the western sky.

The shell is said to have appeared in the sun for the last time some five hundred years ago here on Mooningwanekaning or Madeline Island, in Anishinaabe Gichigama, Lake Superior, the great sea of the Ojibwe people.

Looking backward at the relations between the Ojibwe people and the non-Indians who subsequently invaded and populated North America, there were more than forty treaties by which the French, British, U.S., and Canadian governments acquired Ojibwe lands. These treaties are contracts that continue to define the legal rights of today's Ojibwe people in relationship to the U.S. and Canadian governments.

The Ojibwe country in the United States and Canada today encompasses an expanse of land from the eastern end of Lake Ontario westward to the vicinity of Lake Winnipeg in Manitoba and the Turtle Mountains of North Dakota, a range greater than that of any other Indian people in North America. It includes the southern part of four Canadian provinces and the northern part of five U.S. states, and it contains a population of about a quarter of a million people.



Ron Satz, Professor of History, UW-Eau Claire, provides an overview of treaty history during the Madeline Island Treaty Conference. (Photo by C.O. Rasmussen)

Like all Indian peoples in North America, your ancestors lived close to nature. Primarily hunters and trappers, early Ojibwes also fished the streams, gathered wild rice, and tapped trees to make maple sugar; their lives revolved around these differing subsistence activities according to the changing seasons.

Past leaders of the La Pointe band, whose mortal remains are interred in burial grounds not too distant from where we stand today, clearly understood that the survival of their people depended upon their continuing relationship to the land. Your generation owes much to the farsighted leaders like Buffalo who did so much to resist all efforts to separate their people from their traditional way of living in concert with nature.

Since the founding of the United States under the Constitution of 1787, treaties with Indian tribes paved the way for expansion across the North American continent. Before the formal termination of treaty-making with Indian tribes in 1871, the United States negotiated more than 400 treaties with

various tribes, of which some 370 were ratified and of which 230 concerned land cessions or related matters. Seventy-six treaties specifically called for Indian removal and resettlement in the West.

Treaties between the United States and Indian tribes have been said to be "political anomalies." Chief Justice John Marshall was correct when he wrote in 1831 that "the condition of the Indians in relation to the United States is unlike that of any other two people in existence."

... The relation of the Indians to the United States is marked by peculiar and cardinal distinctions which exist nowhere else." Indian tribes were referred to as "nations" by U.S. treaty negotiators, and the tribes did not surrender their sovereignty in treaty negotiations.

As Marshall commented in 1832, "by declaring treaties already made, as well as those to be made, to be the supreme law of the land, [the United States] has adopted and sanctioned the previous treaties with the Indian nations, and consequently admits their rank among those powers who are capable of making treaties."

Marshall further observed, "the words 'treaty' and 'nation' are words of our own language, selected in our diplomatic and legislative proceedings, by ourselves, having each a definite and well understood meaning. We have applied them to Indians, as we have applied them to the other nations of the earth."

Throughout the early 1800s, U.S. treaty commissioners used the treaty-making process and noble rhetoric to emphasize justice in their dealings with the Indians. But, despite what French visitor Alexis de Tocqueville referred to in the 1830s as the American "affection for legal formalities," the substance of federal Indian policy revealed manipulation and coercion. "It is impossible," commented Tocqueville, "to destroy men with more respect for the laws of humanity."

George Manypenny, who as U.S. Commissioner of Indian Affairs in 1854 approved the establishment of Ojibwe reservations in Wisconsin, Minnesota, and Michigan, conceded many years later that "in numberless instances [removals of Indian tribes] have been brought about, not because there was a necessity for them, but with a view to plunder and profit that was expected to result from the operation." As Contemporary legal scholar Vine Deloria, Jr. bluntly states, "Treaties were legalized theft."

In fact, the U.S. government (under the guise of international law) used the treaty-making process to acquire nearly 95% of the entire public domain from Indian tribes at bargain prices. Some treaties left tribes without land bases east of the Mississippi River while simultaneously directing their emigration to the trans-Mississippi West along "trails of tears," that is, along journeys on which many men, women and children died en route. But not all tribes (See 1850 Removal Order, page 28)



An Ojibwe woman parches manoomin (wild rice) over an open fire. Gathering manoomin in the fall and preparing it for storage over winter is a traditional part of the fall gathering process illustrated through this display at the Mille Lacs Ojibwe Museum, Mille Lacs, Minn.

"Past leaders of the La Pointe band, whose mortal remains are interred in burial grounds not too distant from where we stand today, clearly understood that the survival of their people depended upon their continuing relationship to the land. Your generation owes much to the farsighted leaders like Buffalo who did so much to resist all efforts to separate their people from their traditional way of living in concert with nature."

—Ron Satz, Professor of History, UW-Eau Claire

NCAI 55th Annual Session anticipates challenges in 106th Congress

By Sue Erickson, Staff Writer

Myrtle Beach, So. Carolina—During a five day agenda dealing largely with national politics affecting all aspects of Indian Country, the National Congress of American Indians (NCAI) Annual Session prepared tribal leaders to face upcoming challenges to tribal sovereignty and tribal communities.

Attacks on tribal sovereignty through proposed legislation in the 105th U.S. Congress, such as those proposed by Senator Slade Gorton (WA-R), have set the stage for similar initiatives in the 106th Congress, according to numerous presenters at the NCAI Annual Session in Myrtle Beach, South Carolina, October 18th - 23rd.

Participants were updated on current legislative initiatives, judicial decisions, and met to plan strategies needed to protect the interests of Indian Country nationally and within their respective regions.

Some of the information provided on legislative initiatives is provided on page eight as well as a summary of the challenges to Indian Country presented below by Ron Allen, NCAI president.

State and national leadership stressed the need for tribal communities to be informed on the legislative issues affecting them and for active involvement in the political process in order to promote a proactive rather than reactive response from Indian Country.



Lac du Flambeau Tribal Chairman Tom Maulson keeps up with business at home while attending the National Congress of American Indians Annual Convention this fall. Maulson addressed the general assembly at the convention regarding the upcoming Supreme Court hearing on the Mille Lacs case and its potential ramifications on Indian treaty rights. (Photo by Sue Erickson)

The upcoming year; the upcoming Congress What should Indian Country expect in 1999?

By W. Ror Allen, NCAI President

Imagine the year is 1999—just one year before we cross the threshold into the 21st century and embrace a new millennium that should represent a more civilized and evolved society towards Indians. Yet, we continue to face many challenges and fight many battles to protect and preserve even our most basic fundamental rights.

I fully expect the aggressive anti-Indian legislative initiatives we have been experiencing over the last five to six years to continue and accordingly, we must continue every effort to fight these harsh attacks.

Recently, Rep. Ernest Istook, R-Okla., was asked to back away from a legislative proposal which would have negatively impacted taking land into trust for Indian tribes. In exchange for agreeing to assist his colleagues and party in preserving seats and control of the House, Republican leaders offered to make Istook's proposal part of their bill package in the upcoming 106th Congress.

The question is, will political deals like this create a worse situation for the tribes in 1999? The answer is, maybe. Will this potential political scenario create a situation that we fear? The answer is, No!

Indian Country and tribal leaders have made tremendous strides in the last few years to effectively defend and preserve our sovereignty, treaty rights and basic rights as the indigenous peoples of this nation.

The National Congress of American Indians (NCAI) has established a strong and well-coordinated organization to unify, inform and develop strategies to address legislative problems in the Congress.

As tribal leaders from across the nation continue to gather and rally together, we have learned how to coordinate with our political champions and supporters of both parties in the Senate and the House.

We have been persuasive. We have made a difference. I firmly believe that we



Ron Allen, NCAI President

will continue to successfully drive the political system and stop anti-Indian legislation and policy.

Congressional leaders of both parties are currently traveling across America seeking and soliciting tribal support for their campaigns.

Our message to these politicians is simple—what are you going to do for Indian Country? What are your commitments to protect and advance our goals of self-determination, self-governance and self-sufficiency? In return, for the commitment that Indian leaders and their communities make—financial, endorsements, votes, volunteer assistance, etc.—we will expect their support for our rights and needs.

This support from congressional members means opposing any legislation or policy that undermines the tribes' governmental rights and opportunity to achieve self-sufficiency. As well as active support of initiatives that advance our rights and help us to achieve full self-sufficiency.

It is almost certain that our enemies in Congress will reintroduce anti-Indian legislation in the next Congressional session. While they have not provided compelling evidence to justify their proposals, they have created a significant number of half-truths and misleading notions about the tribes and Indian people, including: All Indian tribes are wealthy.

Tribes and Indian entrepreneurs have an unfair advantage over non-Indians. Tribes and individual Indians are tax evaders. Tribal governments are anachronisms in the American political system. Due process is not provided to all people on Indian reservations. Tribes do not comply with environmental laws and protections. Tribes are political havens away from the basic rights and laws of the U. S. constitution.

We will need to refine our messages and arguments to influence the congressional leaders who are still unclear about these issues, which unfortunately, keep resurfacing. Collectively, we need to be more aggressive in our efforts to educate ignorant members of Congress and their staff. Our answer to these rising concerns, (See What should Indian Country expect, page 30)

Legislative update

(Editor's note: The following article was written by the National Congress of American Indians (NCAI) for the 1998 Annual Session in Myrtle Beach, South Carolina.)

105th Congress prepares to adjourn, active year for tribal issues

In mid-October, White House and Congressional negotiators announced the completion of most negotiations on an Omnibus FY 1999 Appropriations bill. Final drafting and negotiations are underway, and votes are planned for October 20th, as Members prepare to head home and campaign for the November elections.

In a pre-election year, Congress passed little major legislation and was unable to complete a budget resolution or even pass the traditional thirteen appropriations bills that fund the federal government. In the end, Congress resorted to a massive Omnibus appropriations and catch-all bill to resolve funding issues and a variety of legislative issues.

This bill will contain eight of the traditional thirteen appropriations bills, including Interior Appropriations, and has numerous funding and legislative provisions of direct interest to Indian Nations. At this time no copies of the bill or funding provisions are available, but preliminary reports indicate that the summarized issues below will be addressed in the bill. NCAI will forward more information as it becomes available.

Campbell insurance survey substituted for Gorton rider

As NCAI previously reported, Senator Slade Gorton (R-WA) had plans to offer an amendment to the Interior Appropriations bill that would require tribes to carry liability insurance and remove tribal government jurisdiction over torts that occur on reservations. Such a provision would encourage bypass of tribal law and tribal courts, and place a mandatory insurance requirement on all tribes without any measure of necessity or ability to pay. Senator Gorton's provision will not be included in the Omnibus bill.

In its place, Senator Ben Nighthorse Campbell (R-CO), Chairman of the Senate Committee on Indian Affairs, substituted a stripped-down version of his bill, S. 2097. This provision requires a survey and report to Congress to be conducted by the Secretary of Interior in consultation with the Secretary of Health and Human Services and each Indian tribe.

The survey will address the adequacy of liability insurance coverage of Indian tribes and is to be submitted to Congress no later than June 1, 1999. The Secretary is to include legislative recommendations to improve the provision of insurance coverage to Indian tribes and provide relief to persons who are injured as a result of an action of a tribal government.

NCAI has consistently maintained that Senator Gorton's quest to alter the immunity and jurisdiction of Indian tribal governments is absolutely unnecessary because tribal governments already provide adequate relief to those who allege injury.

As a result, NCAI has supported the concept of a survey or study of these issues, in consultation with Indian tribes. NCAI expects that the survey will buttress the arguments against Senator Gorton's unfounded attack on tribal governance. However, a great deal of participation and oversight by tribal governments will be required to ensure that the survey is accurate and thorough.

Six month compromise reported on Enzi-Reid gaming rider, but issue remains unresolved

Initial reports indicated that negotiators had agreed on a provision that would prohibit the Secretary of Interior from finalizing regulations for alternative procedures for Class III gaming for six months. However, the issue now appears to be open for further negotiation. No copies of this language are yet available, and some reports indicate that Senator Mike Enzi (R-WY) is attempting to include language that would put further limitations on tribal gaming, while tribal advocates push for removing the language altogether.

A continued delay is an entirely unacceptable result in implementing a remedy for tribes when states fail to negotiate in good faith. Tribal leaders have expressed a great deal of frustration with the Department of the Interior for suggesting a six month compromise at an early point in the negotiations, particularly without any consultation with tribal leaders. This issue remains in play, and is likely to be resolved early in the coming week.



Alaska Native Subsistence Federal Management Moratorium reinstated

On October 13, Senator Ted Stevens (R-AK) and Interior Secretary Bruce Babbitt announced a fourth postponement of a court-ordered federal takeover of fisheries management on federal lands in Alaska. The new moratorium will be part of the Omnibus bill.

The moratorium will delay the takeover at least until Oct. 1, 1999, and would offer the state up to \$11 million to defray the costs of managing subsistence fishing if the state Legislature sends a constitutional amendment for a rural subsistence priority to voters by September 30th. If the Legislature fails to do so, the \$11 million would go to the Interior Department to pay for the takeover next year.

The latest delay drew criticism and the prospect of a lawsuit from the Alaska Federation of Natives. Stevens, who earlier this year insisted that no further delay was possible, said he had agreed to work for one "reluctantly" and at the behest of the other two members of Alaska's congressional delegation, Sen. Frank Murkowski and Rep. Don Young.

In return for delaying the takeover, Babbitt insisted that changes Congress made to the Alaska National Interest Lands Conservation Act last year be allowed to die.

Contract Support Costs issues hotly debated

Tribal leaders have complained about inadequate attention to Contract Support Costs (CSC) issues by Congress and the Administration, particularly in light of the perennial shortfall in CSC funding for the Bureau of Indian Affairs and IHS.

This year, the issue has been elevated to the highest levels, and Congressional leadership and the White House have been debating the issue for the last week of negotiations on the Omnibus bill. At the heart of the debate is a provision in the House Interior bill, that would require IHS to distribute CSC funds pro rata to all tribal health care programs.

This proposal would cut the administrative funds received by some Indian health facilities by almost 30%. Another provision would also create a moratorium on new IHS contracts and compacts for one year. Tribal leaders have vigorously opposed both of these measures, but have received stiff resistance from the Interior Appropriations subcommittee chairmen, Senator Gorton, and Rep. Ralph Regula (R-OH).

At this time, Senators Lott (R-MS) and Stevens (R-AK) and Congressmen Young (R-AK) and Delay (R-TX), as well as the Administration, are working to push forward a tribal proposal that would increase funding for CSC by \$35 million, hold current funding harmless, and prorate the increase across the existing queue for CSC funding.

(See Legislative update, page 31)

On the lookout for Congressional night riders

Once it was easy to spot an attack on Indians. Fear, misunderstanding, and racism fueled brutal assaults on tribes by cavalry riders.

Today in Congress, fear and misunderstanding continue to fuel attacks on tribes that are more subtle, but similarly unjust. They come in the form of legislative processes that avoid thoughtful deliberation and meaningful government-to-government consultation, and that trample on tribal sovereignty.

Like clockwork, the annual practice of attaching anti-Indian legislative riders to the Interior Appropriations bills has started again.

Appropriations committees are technically barred from including policy language in their spending bills. Authorizing committees are supposed to write the laws governing the use of federal money. Yet it has become a common practice to attach carefully crafted legislative riders to must-pass spending bills.

In Indian affairs, this tactic is often used to circumvent consultation with tribal leaders, to avoid scrutiny by lawmakers familiar with the unique concerns of Indian Country, or to reduce the likelihood of a presidential veto. The increasing use of policy riders represents a particularly unsettling trend in a policymaking arena where intergovernmental consultation is so very critical.

After appropriations committees complete work on their Interior Appropriations bills and a report is finally printed, tribal advocates must through hundreds of pages of technical language, looking for riders that might be only a single line of text nestled obscurely in

the middle of a seemingly unrelated paragraph. Further, advocates must remain vigilant for riders in the form of amendments throughout the appropriations process.

This year's policy riders came as no surprise. They include the familiar assaults on tribal sovereignty, the rolling back of the federal trust responsibility, and legislation to limit the sovereignty and self-determination of individual tribes.

There is hope that tribes and their advocates will successfully turn back most of these troubling riders once again. But each year, tribal sovereignty and self-determination and the commitment of the federal government to fulfill its promises seem to be eroded further.

Many tribal leaders express frustration that despite everything tribes have given up over the past two centuries, they continue to be forced to compromise further when non-Indians want to take something from them.

The tribal advocacy community needs your help. Please contact your senators and representative. Urge them to reject any controversial legislative riders to spending bills that will affect Indian tribes.

Contact the President and ask that he send a clear message to Congress that he will veto any appropriations bill containing these controversial anti-Indian legislative riders. At the very least, tribes deserve a full hearing and full consultation on matters concerning their welfare and sovereignty.

(Reprinted from the **Indian Report**, [issue 58, Summer 1998] published by the Friends Committee on National Legislation)

Nighthorse Campbell reviews challenges in Indian Country

(Editor's note: Ben Nighthorse Campbell, Chairman, Senate Committee on Indian Affairs, outlined some of the major issues, including attacks on tribal sovereignty, being faced by Indian country at the close of the 105th Congress. Unable to be present at the convention in Myrtle Beach, South Carolina this fall, Nighthorse Campbell provided his comments through this letter to the convention.)

Dear President Allen, Tribal Leaders and Convention Attendees:

Congratulations on the 55th Annual Convention of the National Congress of American Indians (NCAI), and NCAI's continued success in representing the interests of Indian tribes and Indian people in Congress, the courts, and the Administration. The theme of the convention, *Many Nations, One Family*, expresses the age-old hopes and values of Indian people and communicates the unity Indians must have in the difficult battles ahead.

The 105th Congress is still in session working on the final details of the bill that will provide funds for major departments within the United States government. Of particular interest are provisions regarding law enforcement, health, housing, education, and other basic needs of Indian people nationwide.

With crime skyrocketing in Indian country, sufficient funds for prevention, police, and detention facilities must be provided so that tribes can build stable and crime-free environments. Inadequate funding for Indian health facilities and worsening services are compounded by the ongoing problem of contract support funding for tribes operating health programs under the *Indian Self Determination and Education Assistance Act*. For FY1999 Congress will provide some \$620 million for the block grant under the *Native American Housing Assistance and Self Determination Act of 1996 (NAHASDA)*. I am hopeful that as tribal governments assume greater control over housing programs, more and better housing will be made available to Indian people.

In my first two years session as Chairman of the Committee on Indian Affairs, many difficult issues have been considered by the committee, such as the issue of tribal sovereign immunity and how it affects injured persons, taxation, and other matters. As Chairman, I am committed to addressing these issues in ways that respect and preserve tribal sovereignty, as reflected in S.2097, the *Indian Tribal Conflict Resolution, Tort Claims and Risk Management Act*—legislation I introduced to provide liability insurance for tribes in cases involving injured persons.

To determine whether tribes are adequately covered by liability insurance, the Congress has directed the Secretary of Interior to conduct a "Survey," and submit a report to the Committee by June 1, 1999.

State taxation is another controversial issue in the Congress. As of 1997, there were over 200 tribal-state compacts that have been negotiated regarding tobacco, gas, oil and other excise and sales taxes. The legislation I introduced seeks to encourage and facilitate tribal-state negotiations, complemented by federal mediation for matters involving state taxation.

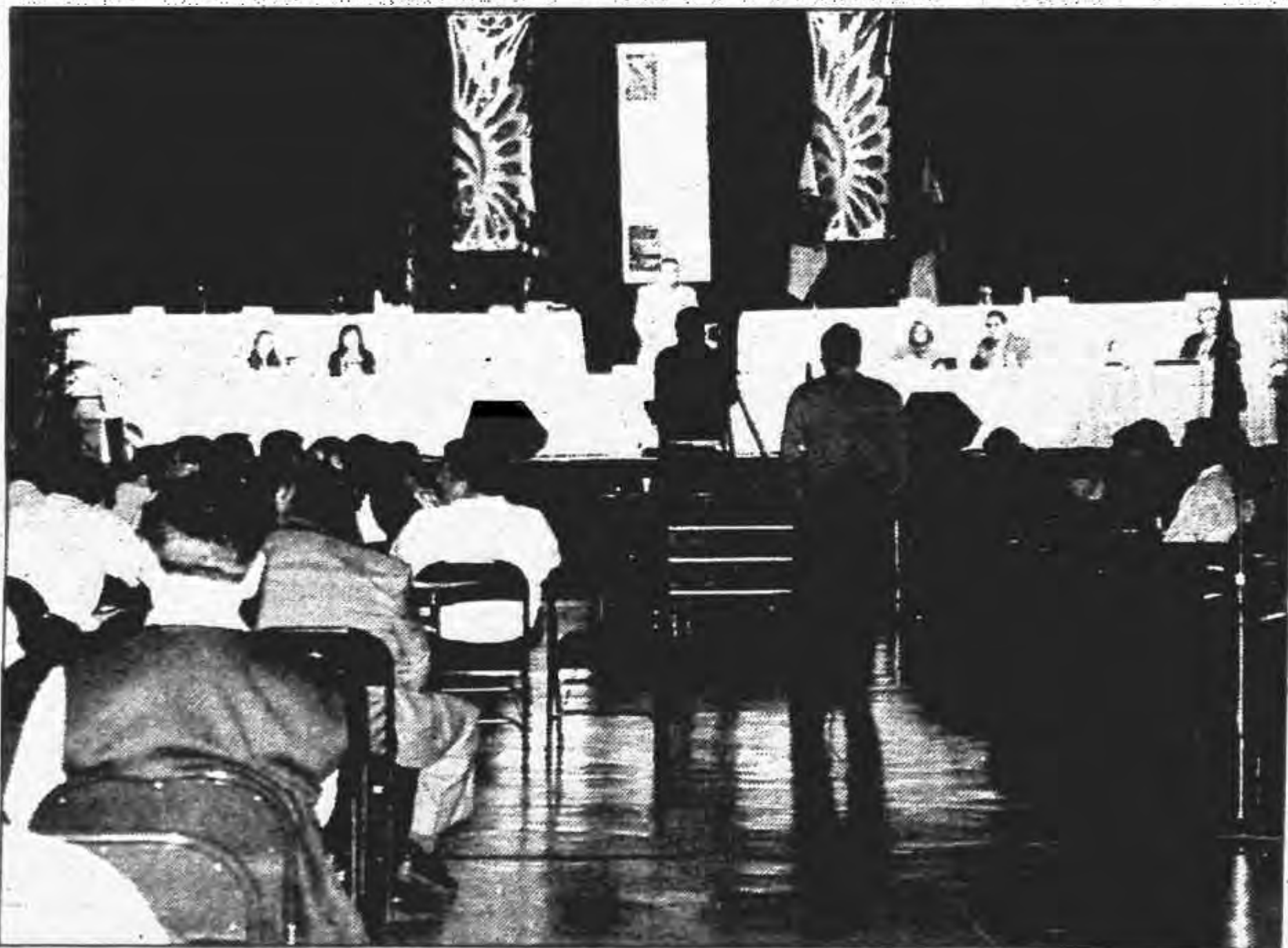
In the 106th Congress, I expect Indian country will face issues related to immunity, taxation and trust lands, Indian gaming, and others. I feel strongly that measures such as S.2097 have been and will continue to be necessary to address issues that are raised in the Congress. Just as Indian country rose to the challenge in 1996 when it developed legislation to amend and improve the *Indian Child Welfare Act of 1978 (ICWA)*, I encourage Tribal Leaders to continue to address these issues in constructive ways.

One of the greatest challenges Indian country faces is in building healthy economies that will bring about greater independence and help tribes achieve political and economic self determination. With the levels of unemployment and poverty in Indian country, initiatives such as Welfare Reform will have extraordinary impacts on Indian people. Through initiatives such as the *Native American Business Development, Trade Promotion and Tourism Act, S.2010*, which I introduced in May 1998, I am committed to making sure that tribes get increased access to the programs and resources dedicated to tribal development. At the same time, Tribal Leaders must be willing to create the kind of political and economic systems that will attract the private sector to Indian lands.

I wish you much luck in your Convention deliberations as you work to strengthen tribal governments, rehabilitate tribal economies, and improve the lives of Indian people across the nation.

Sincerely,


Ben Nighthorse Campbell
Chairman



gaiashkibos, Lac Courte Oreilles tribal chairman, provides comments from the floor following one of the panels at the NCAI convention in Myrtle Beach, South Carolina. (Photo by Sue Erickson)

Off-reservation tribal deer/bear harvest

Preliminary figures as of 10/22/98

Tribe	Antlered	Antlerless	Bear
Wisconsin			
Bad River	34	51	5
Lac Courte Oreilles	120	277	0
Lac du Flambeau	129	308	3
Mole Lake	57	127	7
Red Cliff	31	45	0
St. Croix	36	61	2
Mille Lacs	11	24	0
Wisconsin Totals	418	893	17
Minnesota			
Fond du Lac	7	15	
Mille Lacs*	2	6	
Minnesota Totals	9	21	

*Mille Lacs and Lake Lena registration stations



There isn't a deer standing behind every tree in the ceded territory, but populations are high and tribal hunters are off to a successful season. This Upper Michigan whitetail was photographed near the Sylvania Wilderness. (Photo by C.O. Rasmussen)

State fisher harvest to be better regulated to prevent exceeding biological quota

By Sue Erickson
Staff Writer

Odanah, Wis.—Great Lakes Indian Fish & Wildlife Commission (GLIFWC) Wildlife Section Leader Jonathan Gilbert is pleased the State of Wisconsin plans to limit state-licensed harvest of fisher in order to keep it within or below the biological quotas this year. Past practices in issuing permits have led to state harvests exceeding established biological quotas.

Tribes expressed concern earlier in the year because the state trappers had exceeded harvest goals by more than 100% in some areas. In 1997 the state harvested 3,537 fisher, exceeding the biological quota of 1,850.

The result was decreased quotas for both state and tribal trappers for the upcoming season, even though tribal off-reservation trapping had not exceeded quotas previously.

The total harvestable surplus of fishers in the state for the 1998-99 season is 670, less than half of what was available last year. The reduction in animals available for harvest is a result of exceeding limits for several years, Gilbert says, and is necessary to help the fisher population recover.

The tribes declared 415 fisher for the 1998-99 season, including 100% (160) in Zone A and 50% of the biological quota in the other three zones.

A request from Steve Miller, WDNR lands division leader, in August 1998 asked that the tribes limit their quota to 100 in Zone A, allowing the state to take 60.

Upon consideration of the request, the Voigt Intertribal Task Force, at a September meeting, agreed to limit their harvest of fishers in Zone A to 100, if the WDNR take appropriate actions to limit their harvest to 60 fisher.

The state agreed to the offer and plans to issue only 60 tags in Zone A this year, which Gilbert says will effectively keep the harvest to 60 fisher or less. In the other three zones, the state will reduce the state quota to 50% and issue permits based on a conservative success rate.

"This is the first time the tribes have ever declared 50% of the quota in other zones, and certainly the first time the state has adjusted its quota by this amount," Gilbert says. He believes the new measures will prevent the state from exceeding biological quota during the 1998-99 season.

For more information contact Jon Gilbert, at GLIFWC (715) 682-6619.

Harvest opportunities ahead Upcoming off-reservation, treaty seasons

For specific information and dates regarding any off-reservation treaty seasons, tribal members should contact their reservation conservation department or the on-reservation Great Lakes Indian Fish and Wildlife Commission satellite enforcement office or registration station.

Seasons may vary some from state to state, or from tribe to tribe. However, some of the opportunities for off-reservation hunting, fishing and gathering in November 1998 through February 1999 are as follows:

Wisconsin 1837, 1842 Treaty ceded territory

- Waterfowl hunting
- Wild plant gathering
- Deer/Bear hunting
- Trapping
- Small game hunting, seasons vary by species
- Firewood and balsam bough gathering in national forests
- Netting
- Winter ice fishing in inland waters: unattended lines/spearing through the ice

Minnesota 1837 Treaty ceded territory

- Waterfowl hunting
- Wild plant gathering
- Deer/Bear hunting
- Small game hunting, seasons vary by species
- Trapping
- Netting
- Winter ice fishing in inland waters: spearing/netting/hook and line

Michigan 1836 Treaty ceded territory

- Waterfowl hunting
- Wild plant gathering
- Deer/Bear hunting
- Small game hunting, seasons vary by species
- Trapping
- Netting
- Winter ice fishing in inland waters: spearing/hook and line
- Firewood and balsam bough gathering in national forests

Treaty commercial fishing in Lake Superior, Michigan and Wisconsin waters
(Consult with tribal codes for specific quotas, units, and dates)



Autumn on the wing

Tracking waterfowl in Chequamegon Bay

By Charlie Otto Rasmussen
Writer/Photographer

Ashland, Wis.—Ashland's Prentice Park, a wildlife reserve that adjoins Lake Superior, must have seemed like a safe place for the coot to rest on its southward migration. Biologists Dick Verch and Peter David watched from an observation platform thirty yards away as the gamebird and other waterfowl skimmed across the placid Chequamegon Bay backwater. Then the peregrine falcon showed up.

"It came in from the west. We could tell right away it was raptor," explained Verch, a Northland College professor. "And that it was hunting."

Diving at a staggering speed, the falcon struck the coot and left it stunned. On its second strike, the falcon attempted to pluck its dazed prey from the water, but failed, dropping the coot back into

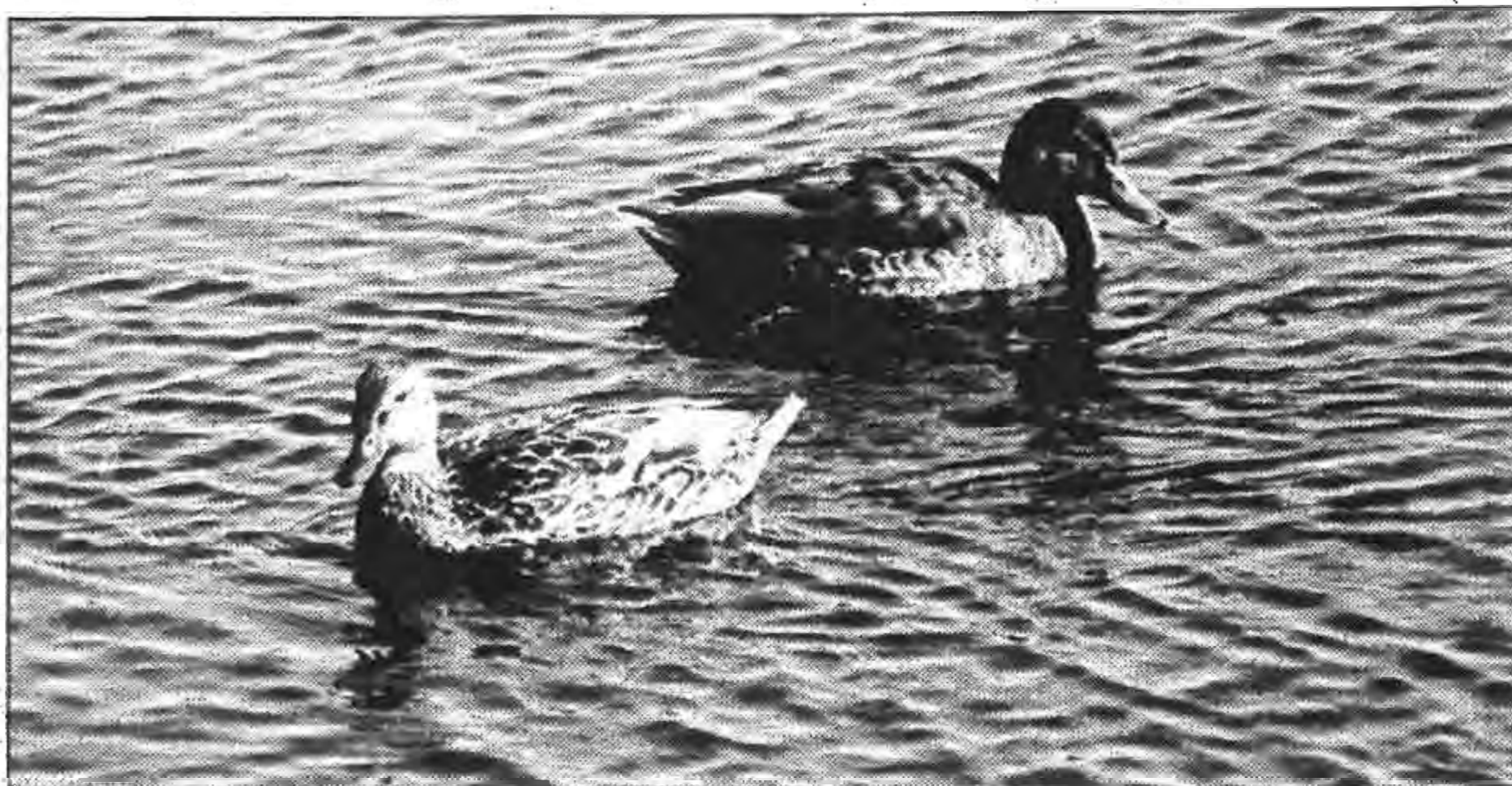
the pond. The coot survived yet another attack and managed to swim into a thicket of shoreline vegetation.

"That was certainly one of most memorable things I've seen on a survey," Verch admitted.

Along with David, a GLIFWC wildlife biologist, Verch conducts an annual fall waterfowl survey on Chequamegon Bay from mid-September to ice-up. From nine observation points scattered around the bay, they tally migratory waterfowl using binoculars and a high-powered spotting scope.

"It gives us a rough index to the strength of the local migration, and a sense of how the birds are responding to environmental conditions in the bay area," David said.

The survey began in 1984 when waterfowl numbers were bottoming out and hunting opportunities were limited. By tracking the wide array of waterfowl gamebird species utilizing Chequame-



Mallards on a Chequamegon Bay backwater. (Photo by C.O. Rasmussen)

gon Bay, wildlife managers could better determine hunting season dates and bag limits. In years with short seasons, the timing of the hunt has important implications on which species are most likely to be harvested.

"Although we establish a 'duck season,' it includes the possible harvest of many different species," David said. "Each really is unique with regard to habitat preferences, breeding potential and migration patterns. Early seasons will tend to target woodies and teal, while later seasons will favor divers like scaup and goldeneyes."

In addition to waterfowl, Verch and David began logging all bird sightings on their tour of the bay.

Verch figured that dry weather conditions slightly lowered the water level and added seven to eight feet of new shoreline habitat for bird species, like ring-billed gulls.

"Lake levels influence the number of shorebirds," Verch said. "This will probably be the best year for shorebirds

in a decade with the additional habitat."

As for migratory waterfowl, David and Verch discovered that local migrations have varied a lot from year to year, but never reveal long-term trends.

When populations were reaching crisis proportions in the prime breeding grounds of the North American prairies, Chequamegon Bay birds exhibited strong local flights. And, in years with high breeding populations through much of the continent, local migrations were often weak.

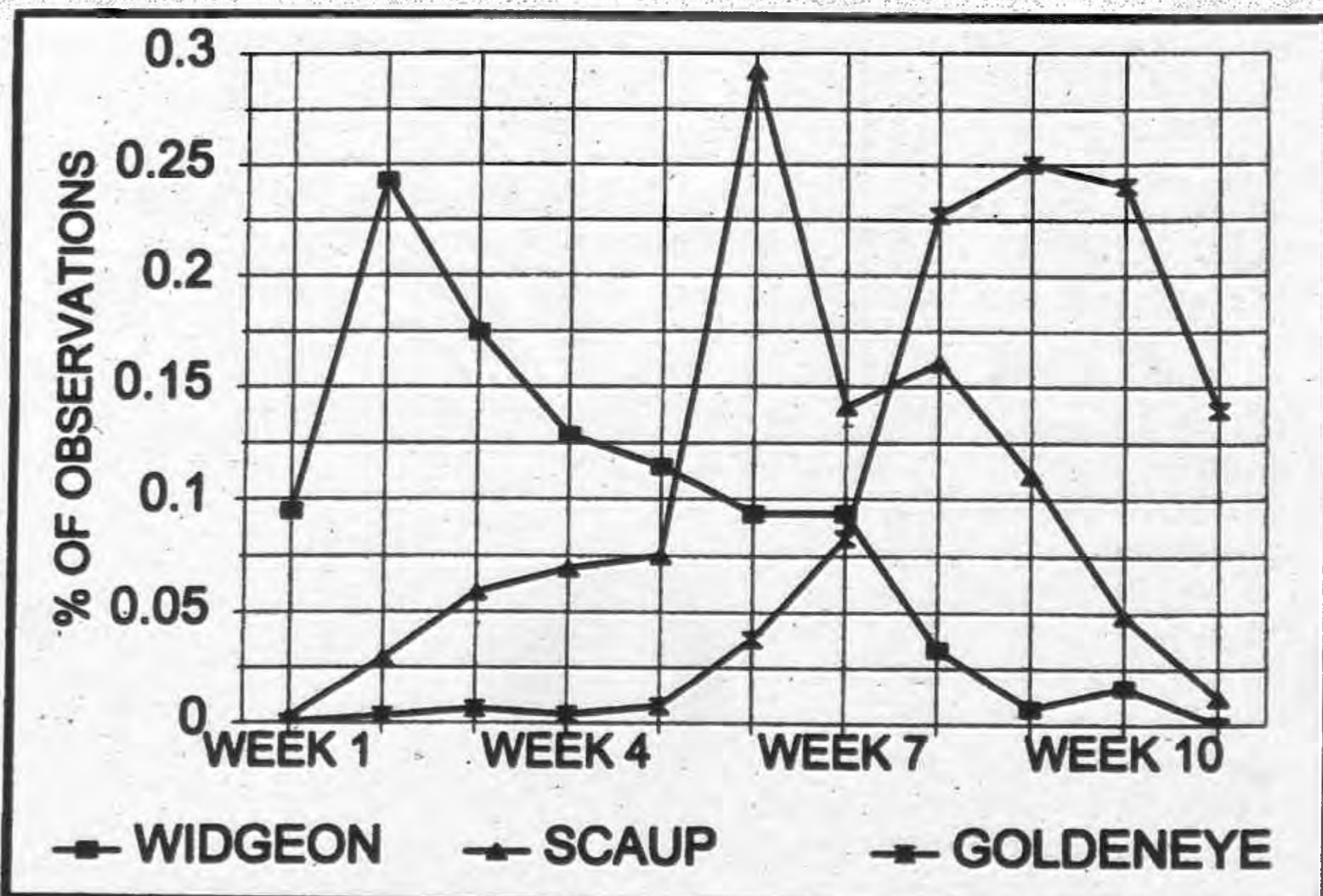
So what does the Chequamegon Bay hunter and birder make of all this?

David said that continental breeding populations are an inexact reflection of local migrations. Ultimately, regional habitat and weather conditions are the principal factors to what people can expect to see on the bay.

Diving ducks like scaup and goldeneye are among the last migratory waterfowl to visit Chequamegon Bay before ice-up, marking the end of another autumn on the wing.



Northland College Professor Dick Verch scans Chequamegon Bay for migrating waterfowl. Along with GLIFWC biologists, Verch has conducted fall surveys on the bay since 1984. (Photo by C.O. Rasmussen)



Wetland restoration underway at Fond du Lac

Project to boost wild rice yield

By **Charlie Otto Rasmussen**
 Writer/Photographer

Cloquet, Minn.—The Fond du Lac Natural Resources Program (NRP) hopes to turn back the ecological clock to a time when reservation waters teemed with wild rice and waterfowl habitat was prime.

In cooperation with state and federal resource agencies, the NRP is directing the Rice Portage Wetland Restoration Project, a long-term effort to revive wetlands that were drained more than seventy years ago for agriculture.

The project hinges on the completion of several on-reservation water control structures that function like dams.

Situated on the outlets of Perch, Deadfish, and Rice Portage lakes, the water control structures will help the NRP better manage wild rice beds.

Engineers are installing a fourth dam across a drainage ditch that feeds Deadfish lake to reduce "bounce," or extreme fluctuations in the water level. Bounce has been responsible for swamping Deadfish lake wild rice stands for the past five years, destroying the crop.

In addition to protecting delicate ricing areas, the dam will create a 71-acre impoundment that may furnish valuable fish and wildlife habitat.



Building a berm next to the water control structure at Deadfish lake. Water flowing from the lake to the ditch (background) is diverted around the construction site. (Photo by C.O. Rasmussen)

Perhaps the most dramatic transformation will occur on Rice Portage lake, as 520 acres of old lake bottom covered in vegetation is reclaimed as a rice bed.

Fond du Lac project specialist Reggie DeFoe compiled hydrology data for the project. He explained that by raising the lake level three to four inches a year, the existing rice would be protected until additional stands are established.

"We plan on transplanting rice stands to seed new areas of Rice Portage lake," DeFoe said. "It's a slow process and will take seven to ten years to complete."

By raising and maintaining water levels at historic levels, in addition to vegetation control, wild rice can flourish.

Pickerel weed, an undesirable floating plant that competes with rice is slated for removal from Perch lake with the aid of a "cookie cutter," a barge equipped with blades that propel the craft and chop surface vegetation.

DeFoe suspects that duck hunters may have imported the weed—also called moose ear—onto reservation lakes that have public access.

Ditching Minnesota

Before the expanding United States acquired Minnesota from native groups, the future state housed more than 18 million acres of wetland, said Rich Staffon, Minnesota Department of Natural Resources (MDNR) wildlife manager at Cloquet. After more than a century of draining and development, the wetland resource was cut in half to less than 9 million acres today.

The big push to eliminate wetlands occurred in the first decades of the twentieth century. State and county authorities carved "judicial" or "legal ditches" into the Minnesota landscape in an attempt to convert marshland into productive farms. Moreover, many settlers believed wetlands were sickly places, beset with disease.

The ditch system that cut through the Fond du Lac reservation was completed in the early 1920s.

While wetland ditching attained good results in some parts of southern and western Minnesota, it was largely unsuccessful in the northeastern portion of the state.

"The farming wasn't very good, and the ditches never worked very well," Staffon said. "Beaver were always plugging them up."

County crews maintained the ditches for a number of years and eventually abandoned them during the Great Depression when non-Indian landholders relocated beyond reservation boundaries. Since that time, the tribe has assumed responsibility for keeping the ditch system free from obstructions.

(See Wetland restoration, page 30)



Construction workers install sheet piling at the Rice Portage lake outlet. The piling will reinforce the water control structure and help prevent seepage. (Photo by C.O. Rasmussen)

Ethnobotanical Thoughts

Intentional restoration of northern Great Lakes forests

By Dr. James Meeker
Associate Professor, Northland College

The first step in an active effort to restore the Lake State's forests is to recognize that something needs fixing. Don't get me wrong, "don't fix it if it's not broken" is a good reminder for the constant tinkerer. The trouble is, while it's obvious to all of us when it is time to fix our televisions, getting the same message by looking at our wooded surroundings is less clear.

Probably the most common refrain from those who question the need for intentional and comprehensive restoration efforts is that without doing much except preventing fire, forests have sprung back from the ashes of the cutover, a relatively passive recovery.

There is ample evidence that the recovery process has been dramatic: we see town names on the map that are no longer there, vestiges of barbed wire in woods where trees have replaced the cattle and grasses, and spotty old photos that remind us that the cutover was extensive and quite a different place than today's landscape.

Although the folks who lived through these changes are no longer with us and those who remember them as children are passing on, their stories are reminders of the restorative capacity of forests.

In addition to those areas that were logged, settled, farmed then left to restore themselves, many places on our landscape were high-graded but were never pastured or converted to agricultural fields. (High-grading takes the best and biggest trees, and depending on the number of trees cut, it looks like a sloppy clearcut.)

Riparian zones, steep ravines, "lost 40s", and extensive areas in the more rugged and less accessible areas of our landscape were never settled but cutover and then left alone (until recently). On these lands the changes since the cutover have been subtle and not all positive and restorative.

Surely there was forest recovery on these lands as well, as trees grew and canopies closed, much like on the former agricultural lands. But there are other less perceptible changes that fewer people have noticed.

In many recovering areas across the Lakes State's forests the regeneration capacity of browse-sensitive conifers has stagnated. Canada yew has many fewer populations today than there were before, during, or immediately after the cutover. Hemlock, cut heavily for its bark in the tanning process, appears to have last regenerated successfully in a broad landscape scale in the 1920's and has also been decreasing in abundance since then.

White cedar is also thought to have zero regeneration capacity over a significant portion of the landscape, and logging of this species has been said to be akin to mining; that is nonrenewable. Additionally, conservation biologists fear that the abundance of a number of woodland wildflowers are in decline, at risk to increased deer herbivory and other factors, and have begun scattered exclosure experiments to follow these changes.

As populations of native species has declined, gradually the populations of non-native species have increased. Wood edges are filled with Eurasian old-field herbs that have begun to make their inroads into the woods. Non-native shrubs, like Asian honeysuckle and buckthorn, are slowly moving away from city and developed areas and following water courses into interior forests.

Finally, the further and further push of roads and ATV trails into more of these out-of-the-way places portends greater changes in these alien advances as weeds follow roads. All of these changes have been in



Dr. James Meeker

the wrong direction, speaking to the need for active restoration efforts.

The decline of native plant populations and their failure to regenerate due to deer browse and competition from the non-natives has been a slow, unapparent process that has affected what we "expect" the north woods to look like.

Our image of the woods: the degree of canopy structure and woody debris, the diversity of native, spring wildflowers, the abundance of conifer regeneration, the sizes of the canopy trees, has all been altered. In other words, we don't know what a functional northern hemlock hardwood forest "ought to look like" because we have very few models to look at.

If we agreed that something needs fixing, how could restoration proceed? An active restoration project needs a two track approach, requiring efforts both on an extensive scale (over large tracts of land), and at the individual stand level (how an individual manages their north 40).

Resource managers have used the term "Ecosystem Management" to describe conservation efforts over large tracts of land. Although for the most part this term appears to me to be more like an idea looking for an application, one hopeful effort has been put forth by the US Forest Service.

They call the process Landscape Area Design (LAD), and it has identified the best of the remaining tracts of cedar, hemlock and older growth hardwoods within their jurisdiction.

These areas will be presented for protection of biodiversity in the new forest plans as part of the Forest Service's multiple use doctrine.

At present, however, these preservation areas fall short of their conservation objectives due to their small size (these sites are generally less than 1000 acres) and the problems of conifer regeneration and deer numbers as suggested earlier.

A needed further step in the process is to surround these identified biologically diverse areas with restorative buffer zones. This would eliminate even-age management and the perpetuation of young forests in these buffer areas, replacing them with an emphasis on restoration using selection cut silviculture. This would effectively create larger blocks of closed canopy forest. At the stand level we need a form of biodiversity tithe, or offering. Owners of typical 40 acre stands should (See Ethnobotanical thoughts, page 15)



A few lonesome pine stand among a regrowth of young aspen in the Chequamegon-Nicolet National Forest. Aspen regenerates quickly unlike other species, such as white pine and yew, whose presence in forests is diminishing. (Photo by Sue Erickson)



Giizhik, northern white cedar

By Karen Danielsen
GLIFWC Forest Ecologist

Odanah, Wis.—Giizhik (northern white cedar), a most sacred plant for the Ojibwe, purifies the body and wards off evil. Every part of giizhik may be used for innumerable medicinal, ceremonial, and functional purposes. All aspects of Ojibwe life find grace with giizhik.

The flat, scale-like leaves may be burned to produce a pleasantly aromatic healing incense. For religious ceremonies, this incense serves to purify individuals, tobacco pipes (opwaaganag), and other sacred objects.

This incense may also be used to fumigate lodgings after outbreaks of contagious diseases. Those with knowledge soak or boil the green leaves of giizhik to create potent medicinal infusions or decoctions to be used to relieve headaches and coughs, and to purify the blood.

Long arching boughs (giizhikaandagoog) often adorn the roofs, walls, and floors of ceremonial lodges. Around many sacred fires, giizhikaandagoog form protective circles. Homes may be shielded from disease and evil by hanging giizhikaandagoog above entryways. In addition, giizhikaandagoog may be used for fragrant bedding materials.

Many find the wood of giizhik to be particularly useful because of its light weight, elasticity, strength, and the ease in which it can be split. Giizhik



Leonard Sam, Mille Lacs Band of Ojibwe, and Don Wedll, Mille Lacs Commissioner of Natural Resources harvest cedar in the Chequamegon-Nicolet National Forest. The cedar wood will be used as a framework for a birchbark canoe. (Photo by Karen Danielsen)

wood provides the framework for sturdy, yet buoyant, birch bark canoes and flexible toboggans.

The fibrous giizhik bark may be used for the construction of carrying bags (giishkashkimodan) and to line the interior walls of lodges to guard against inclement weather.

The geographical range of giizhik extends from southeastern Canada to northeastern United States and west through the Great Lakes states, with

additional isolated stands occurring in the Appalachian Mountains.

This tree often grows in swamps and on cool, moist, nutrient-rich sites; in both pure and mixed forest stands with associated tree species including balsam fir (zhingob), white spruce (gaawaandag), tamarack (mashkii-gwaatig), black ash (aagimaak), and maple (aninaatig).

Occasionally, giizhik grows in drier upland sites with yellow birch

(wiinizik), paper birch (wiigwaasimitig), balsam poplar (maanazaadi), eastern white pine (zhingwaak), eastern hemlock, and aspen.

The number of giizhik appear to be declining at alarming rates, especially in the Great Lakes states. As you may recall in previous Masinaigan articles written by Jim Meeker, deer herbivory appears to have serious damaging effects on the growth and, ultimately, the survival of giizhik.

Giizhik may also be injured by insects, fungal infections, and herbivory by hares and porcupines. However, the harm caused by these agents appear to be much less severe than that caused by deer.

Jim reminds us that saplings of giizhik must grow "past the snow line, through the 4-5 feet susceptible growth stage, before it is unaffected by deer." He warns that "this stage may take 15-30 years."

Northland College, under Jim's direction and with assistance from GLIFWC, continues to monitor the effects of deer herbivory on giizhik.

Certainly, tribal members rely on both giizhik and deer (waawaashkeshi). Should humans attempt to manage forest resources to correct perceived imbalances?

Some may claim, with validity, that giizhik and waawaashkeshi communicate such that human interference may not be necessary. Of course, giizhik may also be communicating to humans a signal for help.

Ethnobotanical thoughts, continued

(Continued from page 14)

nurse logs and the slow release of nutrients, and tip-up mounds for tree and herb regeneration.

Even if these landowners are not part of the larger continuous canopy areas mentioned above, techniques for regenerating sensitive conifers should be encouraged.

Plantings of non-preferred conifers like balsam and white spruce could be planted in small donut shaped plantings, to be followed 6-8 years later by plantings of cedar, yew and hemlock in the hole of the donut, to create a conifer camouflaged planting.

At the moment these restoration ideas are not widespread. No management agency is actively addressing the deer issue and their chronic affects on vegetative communities. As suggested previously in this column, there are no agency led systematic efforts to monitor vegetation in these regards.

In addition, there are no incentives nor encouragement to assist the small landowner in restoration efforts. For example, the state tree nurseries do

not even grow hemlock or yew for landowners to begin local restoration projects (perhaps they feel it is a waste, due to the high deer pressure!).

Managed forest programs administered by the State offer property tax incentives to encourage sound forestry practices, and yet, individuals who wish to set aside a small portion of their managed forests for biodiversity are often met with resistance.

The Chequamegon-Nicolet National Forest has almost completed their biodiversity assessment through the LAD process, yet there are major questions about whether they will apply an effective ecosystem management approach on lands surrounding their small reserves.

When asked about reducing deer numbers and the concerns for conifers, they dodge the question by stating "that's the State's job", and that "they have no hand in deer management."

Apparently, the Forest Service has not yet recognized that by reducing the amount of young, early successional forests over large tracts of federal land

they can achieve the same ends (lower deer numbers in the area).

If you are concerned about these issues, help out. Ask the State and the US Forest Service why they don't monitor the effects of deer herbivory on forest composition. Ask the state nurseries why hemlock and Canada yew are not available for planting. If you are a part of, or wish to be a part of the Managed Forest Law, inquire on the feasibility of conservation tithing as

part of the management plan. With these efforts we may begin to restore our collective vision of the northern forests.

With our renewed vision, our grandchildren may see moss-covered logs in conifer-rich ravines and abundant, spring wildflowers growing under towering sugar maples and basswoods.

(Jim Meeker is Associate Professor of Natural Resources and Biology at Northland College, and active in regional conservation issues.)



Waawaashkeshi (deer). (Photo by Sue Erickson)



Wild rice harvest down sharply in 1998

By *Charlie Otto Rasmussen*
 Writer/Photographer

Odanah, Wis.—Destructive thunderstorms, rice worm infestation, uneven ripening and perhaps even the mild winter may have reduced the yield of the fall wild rice harvest by more than fifty percent, according to preliminary data.

"I'm anticipating the harvest will be down," said GLIFWC biologist Peter David. "Rice worms were high in many places and people reported empty hulls or light rice."

The warm summer preceding the harvest coupled with low water levels had led many biologists to predict a good crop, but even small rice stands ripened unevenly and limited the availability to harvesters.

"It was a strange growing season," said Reggie DeFoe, Fond du Lac. "We didn't have a lot of rain and water levels were low."

David speculated that the mild winter of 1997-98 may have also limited productivity.

Wild rice seeds require low over-winter oxygen levels to break dormancy the following year. If the ice covering rice beds was too thin and allowed water plants to make higher amounts of oxygen (elevated photosynthesis), many seeds may have remained dormant. Distinctly modest yields on southern waters seemed to support the theory, David said.

A mid-September storm that swept through the northern tier of the ceded territory wiped out much of the later wild rice crop that did occur. Rice lakes from eastern Minnesota to Upper Michigan were pounded by rain and high winds, sending ripe grain into the water.

"It was a hard, heavy rain," DeFoe said. "When you get a storm like that at this time of year, a lot of rice is lost."

Lac Vieux Desert tribal member Archie McGeshick said that same storm claimed virtually all the rice on Crooked Lake, Michigan near the Wisconsin border.

Of course, that's not all bad. Wild rice is an annual plant and requires sowing each fall to grow the following year.



Launching a canoe at Fond du Lac's Perch Lake on the opening day of the 1998 wild rice season. (Photo by C.O. Rasmussen)

Veteran ricers may recognize this past season as a "seeding year," when a large portion of the harvest is naturally distributed for future crops.

In areas where seeding was required to establish new beds and to restore lost ones, GLIFWC, several of its member tribes, as well as state and federal resource agencies purchased freshly harvested grain and scattered it back into ceded territory waters.

David said that it typically takes three to five years of seeding to establish a new wild rice bed.

GLIFWC staffers are wrapping up a survey of all off-reservation ricers—state and tribal—to pinpoint 1998 harvest totals. A comprehensive report on the season will be complete in February 1999.



A Fond du Lac ricer poles a canoe toward shore on Perch Lake, Minnesota. (Photo by C.O. Rasmussen)

Fond du Lac Natural Resource Management Division

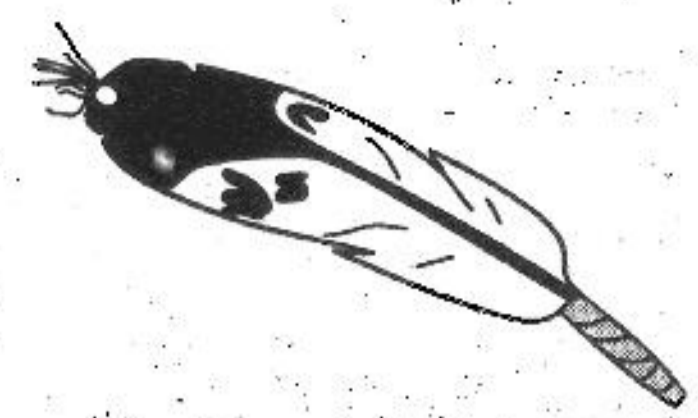
**LAKE OPEN FOR
 HARVESTING WILD RICE
 FROM 9:00 AM TO 12:00
 8/26/98
 8/28/98**

Call the FDI Conservation Enforcement Office at 879-1494 for more information,
 or the FDI Natural Resources Program at 879-1759.

Ferdinand Martineau
 Ferdinand Martineau
 Resource Management Director



Rez Talk



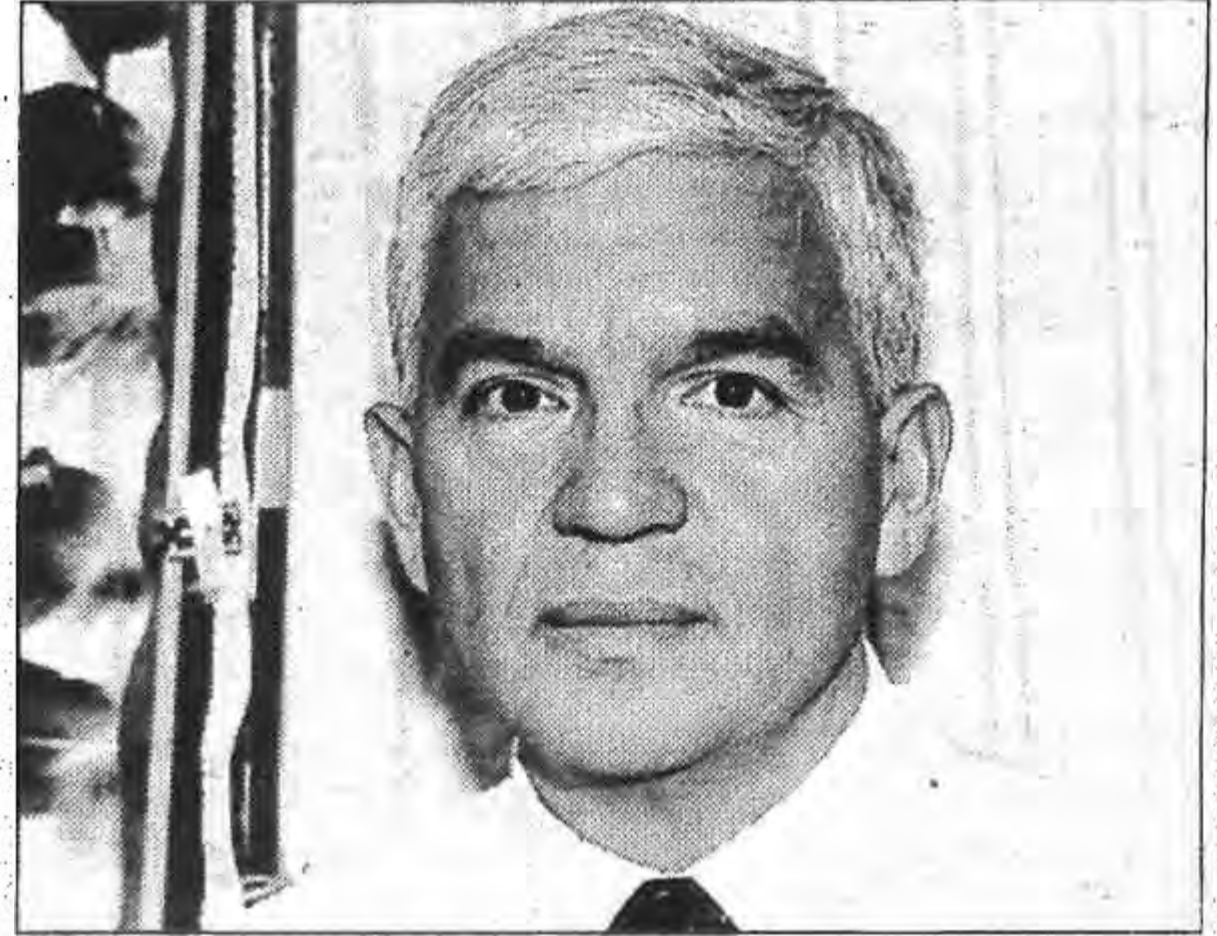
How would you feel if the US Supreme Court ruled against Mille Lacs in the treaty rights case?



Ken DeFoe Jr., Fond du Lac
 I'd be pretty upset. Treaty rights were established for the Indians. When is the federal government going to stop taking and start giving? We agreed to live on reservations and they promised health care, welfare, and housing. If our rights are going to be taken away we should be compensated. There's a lot of Indians that can't afford to go to the grocery store. I hunt for six families that rely on deer meat. What's going to happen to them?



Kelly Smith, Fond du Lac
 I think the federal government should honor the treaties. They already took everything we had. It makes no sense. They want everyone to abide by the rules but themselves. This should be a matter between us and the federal government. We made this treaty before Minnesota was a state. I just went hunting in the 1837 territory and got a couple of deer. We should be able to hunt and fish in our treaty areas.



Ernest St. Germaine, Lac du Flambeau
 I would feel raped. A lot of people in Wisconsin don't know what is at stake. But, as a judge I trust the judicial system and think the court will do what's right. To me it's a no-brainer.

MOU to be signed between U.S. Forest Service and tribes

By Sue Erickson
Staff Writer

Odanah, Wis.—Five years of talks between the U.S. Forest Service (USFS) and GLIFWC's Voigt Intertribal Task Force (VITF) may soon be concluded with the signing of a Memorandum of Understanding (MOU) between the Tribes and the USFS, according to Forest Supervisor Lynn Roberts, Chequamegon-Nicolet National Forest, who addressed a November 5th VITF meeting.

Although tribes have been exercising off-reservation gathering rights in the National Forest system for three years, the harvest has been under temporary, negotiated agreements.

The MOU will provide permanent off-reservation harvesting regulations. The agreement also provides for consideration of species important to the tribes in forest management and tribal involvement in planning.

"It is a far reaching agreement which will assist the tribes in implementing their treaty reserved gathering rights on Forest Service lands," says Jonathan Gilbert, GLIFWC wildlife section leader, who has been working closely with USFS staff during the MOU process.

The MOU recognizes the management of Forest Service lands will impact the resources tribes gather. Therefore, the MOU addresses the interaction of the USFS and the tribes in regard to forest and project planning, Gilbert says.

The MOU has three stated purposes: 1) to establish a framework for a cooperative, government-to-government relationship between the tribes and USFS; 2) to establish agreed upon parameters under which the tribes can exercise their gathering rights; and 3) to manage and enhance ecosystems and communities that support the natural resources tribes harvest.

A meeting of the USFS and the tribes will be scheduled within 90 after the MOU becomes effective. This is where the real work will begin, Gilbert says. "The completion of the MOU is not the end of the journey, but rather the beginning. This MOU sets out lots of work for us to undertake."

Both the tribes and the USFS will have much to learn about each other in order to work effectively and cooperatively, he says. This will include understanding each party's goals and decision-making processes. "The business of developing a government to government interaction will take time and effort on everyone's part."



Representatives of the U.S. Forest Service (USFS) brought welcome news to the November 4th VITF meeting at Lac Vieux Desert. The Memorandum of Understanding (MOU) between the Forest Service and Tribes, five years in process, has cleared all the hurdles in the Forest Service and should be set to sign. USFS presenters above include: Joe Mitchell, USFS tribal liaison, Washington, D.C.; Lynn Roberts, Chequamegon-Nicolet National Forest supervisor, and Paul Strong, Chequamegon-Nicolet Forest public information officer. (Photo by C.O. Rasmussen)

Mahmingay (gathering)

Tribal members gather balsam boughs

By Sue Erickson,
Staff Writer

Lac Courte Oreilles, Wis.—Early as it may seem, some communities have already begun to decorate for the upcoming Christmas season—lights are strung and balsam garlands twist around street light poles. With the eagerness to dress store windows, homes, and streets with Christmas regalia, it is not surprising that bough gathering begins in October to fill the seasons' demand for wreaths and garland.

Among those out combing the forest for balsam branches this fall were seven students from the Lac Courte Oreilles Ojibwe School under the supervision of the Ojibwe Culture class instructor, Duck White.

These students, in addition to members of other GLIFWC member bands, gathered balsam boughs this fall for sale to area businesses engaged in the construction of garlands and wreaths. However, they harvested under a tribal, off-reservation commercial gathering code.

Prior to spending a day in the Chequamegon National Forest adjacent to the Lac Courte Oreilles reservation, White made sure he had the necessary tribal permits for off-reservation gathering.

He also briefed the students on balsam gathering basics. For instance, trees should be carefully clipped, so as not to leave them damaged. Buyers also want the boughs to be a uniform size, roughly 20"-24."

Special poles to hold the gathered boughs were constructed the day before at school. A "t" shaped bough-holder, roughly 7 feet high with a 2 foot tee lashed near the bottom, served to stack and hold the gathered boughs so they could be piled neatly and easily transported.

While gathering of balsam boughs for Christmas wreaths is not a "tradi-

tional" pursuit, White points out that the Ojibwe gathered the flat-needled balsam for constructing temporary shelters during the summer. The flat needle makes the balsam boughs lay more closely and, therefore, provide a compact covering.

White also made sure that the students were given asemaa (tobacco) to put down prior to harvesting the balsam. This, he says, shows respect to the trees whose boughs will be taken and thankfulness that this is provided by nature for the people's use.

The students were bused into the Chequamegon-Nicolet National Forest near Moose Lake where they searched for reasonably thick stands of balsam. Working as two-person teams, they entered the woods in search of suitable branches. One would clip the boughs and the other pile the clippings onto the bough-holder, which would fill quickly if plenty of balsam were available in the area.

The days' harvest will be sold, White says, and the proceeds given to the schools' student council which sponsors student events. Boughs sell for about 18 cents a pound.

Gathering balsam boughs is only one aspect of gathering covered by the Ojibwe Culture Class. During the year, students will also be taught how to tap maple sap from the sugar bush, strip birch bark, and strip the inner bark of basswood which is used for sewing birch bark items. Fishing, spearing, compass work, snaring, ricing, and fire building are other skills learned through the class.

Shortly, White says they will learn to brain-tan deer hide, producing a soft leather for moccasins or dance outfits. White also works with kids who have completed hunter safety class on skinning a deer both on the ground and hanging up.

Off-reservation gathering in the National Forest has been exercised by GLIFWC member tribes primarily in Wisconsin since 1995 with the number of tribal participants increasing annually.

Off-reservation gathering requires a permit and is exercised under a tribally-adopted code regulating off-reservation national forest gathering activities.

Gathering permits for both personal and commercial use are available. Tribal commercial gathering permits allow tribal members to gather forest products for commercial purposes. Conifer boughs, such as balsam boughs,



Duck White, Outdoor Skills and Recreation Class instructor, Lac Courte Oreilles Ojibwe School, shows student Jessica Lindlief how to stack balsam boughs on a pole made to transport the boughs. The class spent a day in the Chequamegon-Nicolet Forest gathering boughs as part of a curriculum which includes numerous hunting, fishing, and gathering activities. (Photo by Sue Erickson)

princess pine (a low-growing moss-like shrub), and ginseng are all harvested for commercial purposes by tribal members.

According to Great Lakes Indian Fish & Wildlife Commission (GLIFWC) Forest Ecologist Karen Danielson the number of tribal commercial gathering permits have increased annually since 1995.

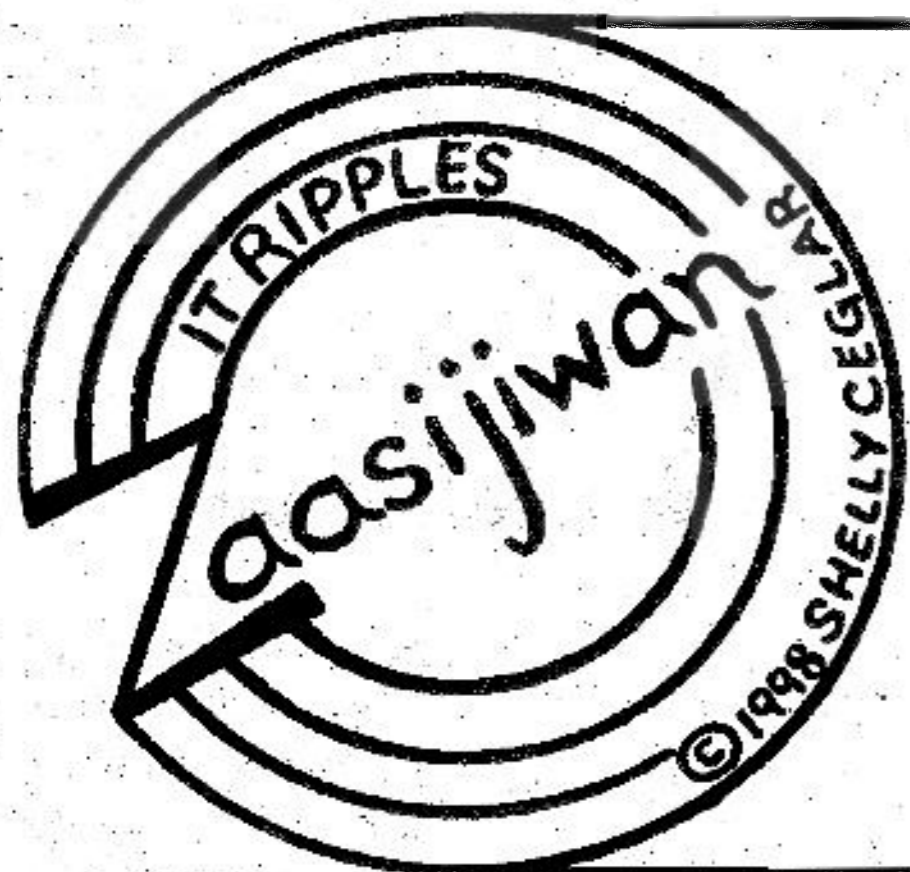
In 1995 thirty-one permits were

issued. This rose to 110 in 1996 and 227 in 1997 with conifer boughs attracting the most interest from tribal members.

Although off-reservation gathering is allowed on all National Forests within the ceded territory, most of the activity to date is focused in the Chequamegon-Nicolet Forest.

Like other off-reservation, treaty seasons, gathering is monitored by GLIFWC wardens.





Biboon — It is Winter

Biboong, gisinaa agwaajing. Zoogipong abinoojiiyag, minwendamoog. Zoogipon ina geyaabi? Gaa mashi. Daa-aadizooke a'aw aadizookewinini. Gidaa-nandagikendaamin.

(When it is winter, it is cold outside. When it is snowing children, they are happy. It is snowing is it? yet? Not yet. He can tell traditional stories that storyteller. We should seek to learn something.

Bezhiq—1

OJIBWEMOWIN (Ojibwe Language)

Double vowel system of writing ojibwemowin.

—Long vowels: AA, E, II, OO

Mewaayaak - as in father

Geyaabi - as in jay

Miigwechiwedan - as in seen

Zoogipon- as in moon

—Short vowels: A, I, O

Daga - as in about

Mikan - as in tin

Niibowa - as in only

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

—Generally the long vowels carry the accent.

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

VTI—Verbs/ Transitive/Inanimate

Call them the to it verbs. First learn the command root word and then add prefixes and suffixes to speak of I, You, We, We all, You all and They. VTI action transfers it or those non-living things Class I end in "an!". Class II end in "en!", "in!", or "oon!"

Waabandan!—See it!

Miigwechiwedan!—Be thankful for it!

Miijin!—Eat it!

Minikwen! — Drink it!

Biinitoon! — Clean it!

Niizh—2

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

A. Nindayaanan niizho mangaanibaajiganan.

B. Daga biitookonayen! Gichi-noodin agwaajing.

C. Ningii-mikaan i'iw wiiaasaaboo adoopowing.

D. Apane gisinaag, nimiijin naboob.

E. Megwaayaak niwii-ashamaag ingiw bineshiiyag.

F. Boozhoo! Aaniin ezhichigeyan?

G. Inashke! Niibowa zoogipon noongom.

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

Niswi—3

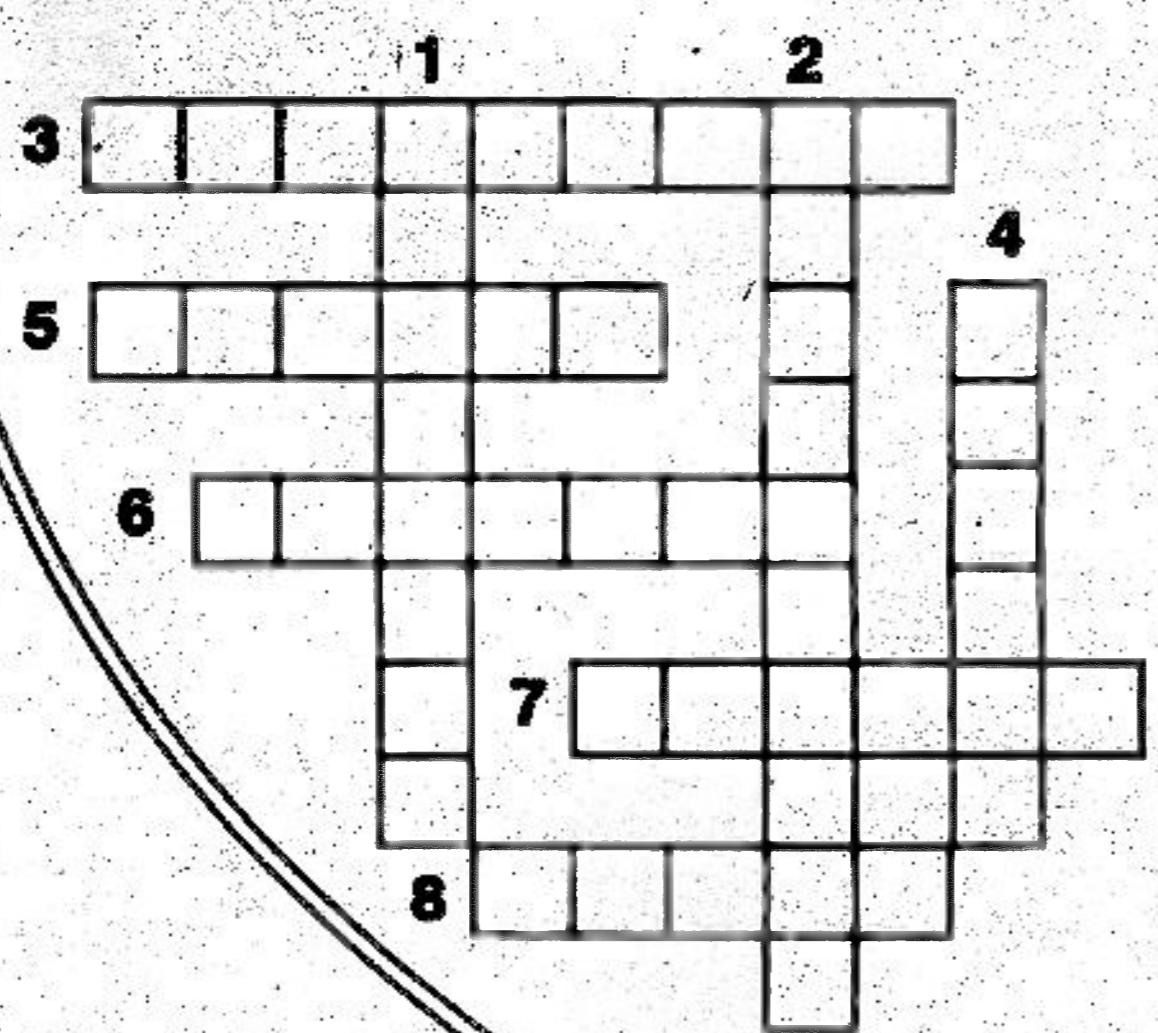
IKIDOWIN ODAMINOWIN (word play)

Down:

- 1. bird
- 2. outside
- 4. it is windy

Across:

- 3. see it
- 5. den, cave
- 6. it is cold weather
- 7. eat it'
- 8. always



Niiwin—4

Conjugations VTI's—Class I

Mikan!—Find it! Baakinan!—Open it!
 Nimikaan (an)—I find It (them).
 (prefix ni, nin (before k, z, g, d), nind (before vowels), nim (before b). Suffix aan)
 Gimikaan (an)—You love It (them).
 (Prefix gi or gid (before vowels) Suffix aan)
 Omikaan (an)—He or She finds It (them).
 (Prefix o or od and suffix aan)
 Add a nonliving thing to make a full statement.

Goojitooni! Try it!
Translation below.

Ni ___ aan
 Gi ___ aan
 O ___ aanan
 Gi ___ aanan
 Nim ___ aan

- 1. ___mik___, iniw makakoon imaa.
- 2. ___baakin___ i'w makak.
- 3. ___miigwechiwend___, ina onow wiisiniwinan?
- 4. Miikanaang, ___gii-waaband___ i'iw waanzh.
- 5. Naawakweg, ___baakin___ o'ow ishkwaandem.

Translations: **Niizh—2** A. I have them two shovels. B. Please wear layer (long underwear)! It's very windy outside. C. I found that meat broth on the table. D. Always when it is cold, I eat soup. E. In the woods, I am going to feed those birds. F. Greetings! What are you doing? G. Look! Plenty it is snowing now. **Niswi—3** Down: 1. Bineshii 2. Agwaajing 4. Noodin Across: 3. Waabandan 5. Waanzh 6. Gisinaa 7. Miijin 8. Apane. **Niiwin—4** 1. S/he finds them, those baskets there. 2. You open it that basket. 3. You give thanks for them, do you? these foods? 4. By the trail, I did see It that den. 5. When it is noon, I open it this door.
 *Ojibwe language special 4th person is spoken as if inanimate—to show where action goes. 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.

Wolf Camp offers unique experiences to Wisconsin youth

By Hans Veenendaal
Freelance Writer

Red Cliff, Wis.—Wolf Camp isn't your usual summer camp. You won't find a large mess hall, nor any cabins filled with bunk beds.

Activities aren't planned according to timetables or charts; rules aren't posted high up on the walls, and breakfast, well, it's never exactly at eight-thirty, sharp.

What you will find is a group of tents gathered in the northwoods of Wisconsin and a fire circle with a Lake Superior view. If you walk around for a while, you may find the smoke-shed where freshly caught fish is smoked. And if you take a close look, you'll may even find the sweat lodge tucked away in a small clearing.

What makes Wolf Camp noteworthy isn't just its peaceful location or its rustic decor. It's uniqueness lies in the people who volunteer their time to work with the boys and girls who come there—people like Dee Bainbridge, from Red Cliff, who tells traditional Ojibwe stories and Diane Defoe, a school teacher from Red Cliff who teaches youth how to harvest and work birchbark.

Listening to dreams

Wolf Camp was born out of dreams. Youth service providers at Red Cliff knew they had to provide more positive activities for young men and women.

The children wanted to go camping and learn more about their culture: how to hunt, fish and gather, how to make traditional crafts, and how to listen to and tell their myths and legends.

Both youth and adults came together in a dream talking circle. Out of their discussions came the idea to form a summer camp that would allow young people to learn and have fun in a traditional setting.

The Sand River came forward in the dreams of the adults, and a camp site



Charles Mitchell, Red Cliff, helps Sonny Daniel steady his aim. The boys had the opportunity to practice their newly-learned skills in a marksmanship contest. (Photo by Hans Veenendaal)

was chosen near the mouth of the river where families had often come together during the summer. Youth noted that wolves had been appearing in their dreams, and thus came the name of the camp.

From its original concept, Wolf Camp has now grown into two week-long camps, one for girls, held this year in late July, and one for boys held in early August.

Turning boys into men

This year's boys camp included not just youngsters from Red Cliff, but also a group of twelve young men from Milwaukee. "Boys to Men, Hang Tough," and "Big Brothers/Big Sisters of Milwaukee" (organizations that target inner-city youth) coordinated a cultural exchange with Dick Young of Red Cliff in which youth from Milwaukee would join the Wolf Camp.

To continue the exchange, the youth from Red Cliff will go to Milwaukee this coming spring to participate in a "Rites of Passage" program.

The focus of these exchanges is to prepare young boys to enter adult life.

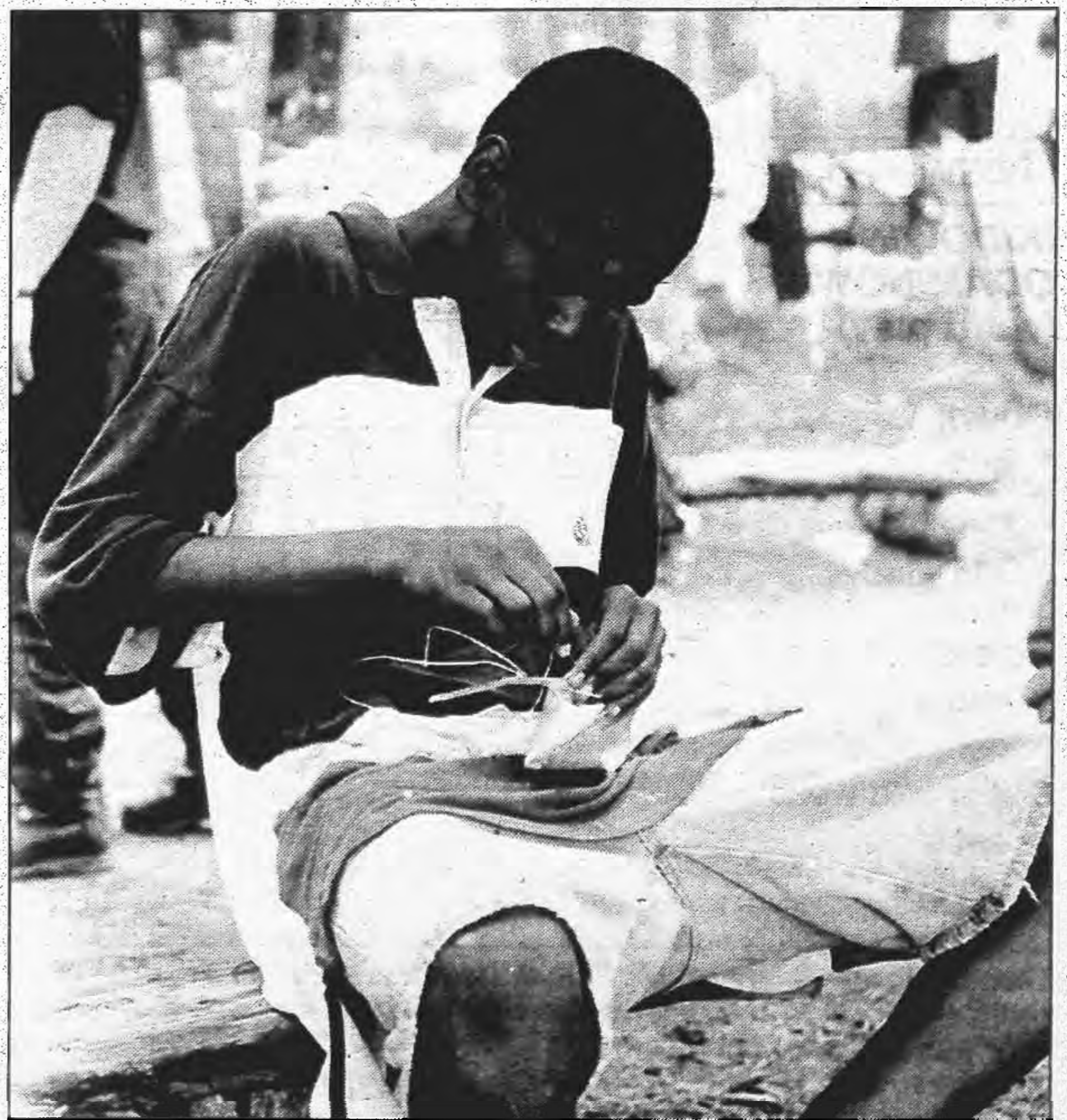
A new experience

For most of the boys from Milwaukee, Wolf Camp was their chance to go camping for the first time. The five-day camp was filled with many new experiences for all participants. Boys could learn how to canoe and kayak on Lake Superior.

They could practice their aim with a tomahawk, bow and arrows, or a small-caliber rifle. They competed in races and marksmanship tournaments, and, in a much needed retreat from the woods, played basketball at the Red Cliff Youth Center.

Youngsters also participated in a variety of cultural activities. They learned to make dream-catchers and small birchbark canoes. They listened to elders tell stories and participated in sweat lodge ceremonies. Many activities were taught by tribal members from Red Cliff and Bad River.

Wolf Camp ended with a sharing circle of youths and adults. As each person spoke honestly of his feelings about the camp, new ideas began to form for next summer and for a continuing relationship between the two groups.



James Skinner from Milwaukee concentrates on completing his miniature birchbark canoe. Youth from Red Cliff and Milwaukee had the opportunity to make these and other traditional crafts at Wolf Camp. (Photo by Hans Veenendaal)



Requests to change lake names on the rise

Minneapolis, Minn. (AP)—With 11,842 lakes, some duplicative—even derogatory—names were bound to have slipped through the cracks.

Take mud—not pretty, but the most common lake name in Minnesota, topping 200. Or how about Jap Lake in the far northeastern tip of the state?

"I have seen an increase in the number of people proposing lake name changes," said Glen Yakel, supervisor of hydrographics with the state Department of Natural Resources. "I used to get an inquiry about once every three months. Now, it's about once a week."

In 1991, one of the state's Mud Lakes was changed to Mallard Pass. Earlier this week, another started its journey to become Golden Pond.

"It's a rather slow process," Yakel said, adding that the unhurried pace is intentional to ensure that people have given proper thought to such a lasting decision.

Minnesota in 1995 became the first state to require its counties to rename geographic features—19 lakes, streams and points in all—with the word "squaw" in them. Some American Indians claim the word is derived from an Indian word for female genitalia.

In the 1960s, some Minnesota names were changed after the U.S. Geological Survey's Board on Geographic Names outlawed the use of two racial epithets on geographic features.

The state usually doesn't initiate name changes. It leaves that up to private citizens. Standard procedure requires a petition with 15 signatures, a public hearing before county commissioners, and the OK of the DNR before a change can even be considered.

Then it's sent to the federal board, which decides whether the name will be changed in official federal records. That may take up to a year.

"The key here is the feds publish a decisions list once a year," Yakel said. "It's a mapmaker's bible."

Minnesota in 1995 became the first state to require its counties to rename geographic features—19 lakes, streams and points in all—with the word "squaw" in them.

—Associated Press

Yakel emphasized that when geographical names change, there is no mandate to print new maps. It simply means that information is updated the next time maps are printed.

Members of the Izaak Walton League in Owatonna one day hope to be on those maps. About five years ago, they adopted a tributary that runs into the Straight River. At least twice a year, members of the conservation club clean up and mow around the river.

"Every official place that we looked, we could not find a name for this stretch of waterway. It was named an undesignated tributary," said member Gary Schwartz, who initiated a push to name it Izaak Walton Creek after the famous 17th-century English writer and fisherman.

The group formally presented their petition earlier this year and hasn't heard back from the federal board yet. Although it will be worth it if the creek finally gets a proper name, Schwartz said it took considerable time and effort.

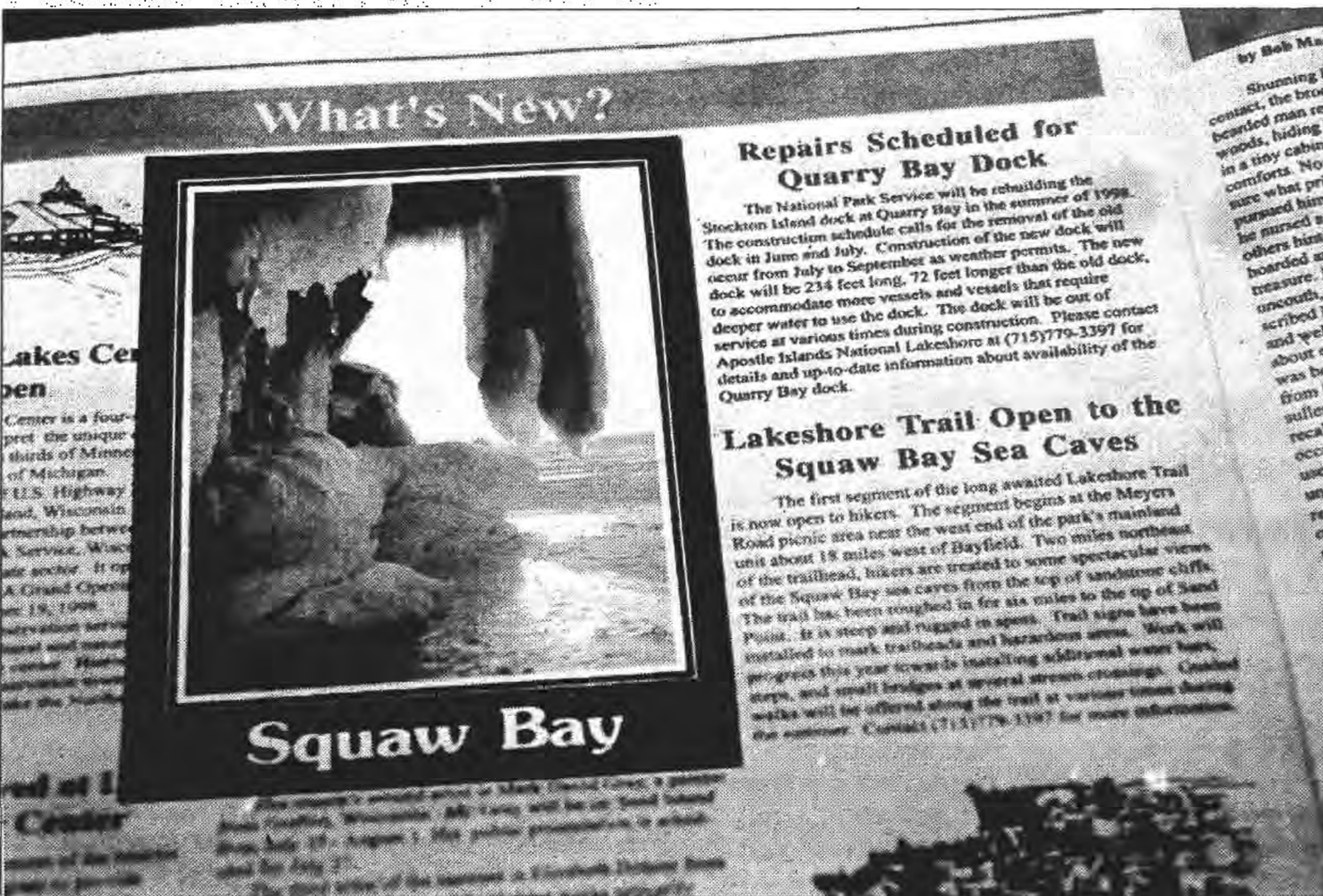
"It's really a pain," Schwartz said. "It's not an easy process. You need to go through at least two governmental bodies."

So far this year, the DNR has received about 10 formal proposals for waterway name changes and forwarded them to the federal board. That's about double the number in years past, Yakel said.

Three lakes in Chaska were among those proposals. For instance, a lake that the locals had called Brickyard Clayhole for years showed up on some maps as Sun Lake.

"All three of them had names that people kind of called them, but they weren't the names that were officially recognized by the DNR," city manager David Pokorney said.

(Reprinted from the Duluth News-Tribune.)



Wisconsin is dotted with places holding the title "Squaw." There are Squaw bays, lakes, and creeks. Since most of these places are both beautiful and interesting sites, why label them with a title held to be both derogatory and objectionable by Wisconsin's Indian population and others? Above is an advertisement for the Squaw Bay Sea Caves near Cornucopia, Wisconsin and a postcard picturing the site in winter. (Photo by Sue Erickson)

Arizona board rejects new name for controversial Squaw Peak

Phoenix, Ariz.—Squaw Peak, the controversial name for a mountain in Phoenix, will not change despite pleas from American Indian groups who oppose the use of the word "squaw" as derogatory. The Arizona State Board on Geographic and Historical Names unanimously rejected the proposed new name, Iron Mountain, because that name already has been used in the nearby Superstition Mountains.

The Indian groups have been trying to rename the mountain because they say the word squaw is derived from the American Indian word for female genitalia, which some tribal members find disparaging. Leading the

fight are two teen-age girls from the Pima Nation, who say they will continue to try to change the name.

Board members said they rejected the name because it was already taken, not because some believe it is derogatory. Chairman Time Norton told Native American Report (NAR) the board welcomes other suggestions.

It's 'Squaw Peak' for now

"We have not received another proposal, so right now the name is going to stay Squaw Peak," Norton said. "We're not looking at whether it's de-

rogatory; that isn't the focus of our board. I think everyone has their own personal opinions and it's an emotional issue."

"The name's open for grabs, because we haven't received a new proposal," said Leslie Anderson, the board's assistant. "I could get 10 proposals tomorrow and the whole process would begin again. It doesn't end just because we didn't rename it Iron Mountain."

All suggestions for new names must go through the board, which then tries to determine a name that will hold up over time. If names are continually changed, Anderson told NAR, the re-

sults could become confusing for those trying to find specific features on a map.

The two girls vowed to continue their attempts to change the name. "I will not give up on this issue. It is important and I don't care if it takes another two years or two decades. I will not quit," one of the girls, Delena Waddle, said in an open statement to the press.

For more information, contact: Tim Norton or Leslie Anderson, Arizona State Board on Geographic and Historical Names, (602) 542-4035; Pima Nation Community Relations (602) 850-8056.

Parties seek to resolve Indian treaty issues on Great Lakes

Five Michigan Indian tribes, the state of Michigan and the United States government have agreed to initiate a collaborative process to resolve Indian treaty hunting and fishing issues under terms of the 1836 Treaty of Washington.

The five Michigan tribes include two Upper Peninsula tribes—the Sault Ste. Marie Tribe of Chippewa Indians (Sault Ste. Marie) and the Bay Mills Indian Community (Brimley)—and three Lower Peninsula tribes—the Little Traverse Bay Band of Odawa Indians (Petoskey), the Grand Traverse Bay Band of Ottawa and Chippewa Indians (Suttons Bay), and the Little River Band of Ottawa Indians (Manistee).

In 1978, three Michigan tribes gained federal court affirmation of treaty-reserved rights to fish in Great Lakes waters covered by the 1836 Treaty in a decision by Judge Noel Fox. Since then, two additional tribes with ancestral ties to treaty signatories have received federal recognition and are now eligible to exercise treaty-reserved rights.

Issues to be addressed in the agreed-upon process include tribal fishing in Great Lakes waters following the March 2000 expiration of a 1985 court-ordered agreement, which currently regulates tribal treaty fishing.

SOLEC focuses on basin-wide ecosystem indicators

By Ann McCammon Soltis, GLIFWC Policy Analyst

Buffalo, NY—The third State of the Lakes Ecosystem Conference (SOLEC) was held in Buffalo, New York on October 21-23, 1998. The conference takes place every two years and is intended to focus on the health of the Great Lakes ecosystem and the factors that impact it.

SOLEC 98 focused on basin-wide indicators of ecosystem health. These indicators need to be established as a basis for more reliable monitoring and assessment. Conference participants discussed and evaluated a proposed list of indicators that are intended to represent the condition of Great Lakes ecosystem components. These include nearshore waters, coastal wetlands, and human health.

According to Anne Barnes, Environmental Specialist for the Bad River tribe, one comment that emerged from several of the discussions was the need for an organized structure for the indicators. This structure might be based on scale (basinwide, lake, or site specific), or on the degree of ecosystem impairment.

"Conference delegates also emphasized that some indicators may be appropriate for one lake and not for another, stressing that the SOLEC indicators, while important, cannot completely substitute for specific lake indicators," Barnes noted. Draft indicators for Lake Superior have been developed by the Binational Program to Restore and Protect Lake Superior.

For more information about SOLEC 98 or any of the proposed indicators, please contact Ann McCammon Soltis at GLIFWC, P.O. Box 9, Odanah, WI 54861 or phone (715) 682-6619.

Additionally, the parties have agreed to seek a legal interpretation from the federal court regarding whether the 1836 Treaty also reserved inland fishing and hunting rights to signatory tribes. This issue was not specifically addressed in the 1978 decision.

Under terms of the collaborative agreement reached earlier this week in Traverse City, the tribes will jointly develop a proposal for Great Lakes fishing, and forward the proposal to the state early in 1999.

The state will review the proposal to identify areas of agreement or disagreement. The parties will then have a one-year period to negotiate or litigate disputed issues before the current regulatory process expires in March 2000.

The collaborative process agreed upon by the parties is intended to legally clarify the full extent of hunting and fishing rights retained under provisions of the 1836 Treaty, and to provide a regulatory framework for future tribal fishing activity on the Great Lakes treaty waters.

(Reprinted from the **Office of the Great Lakes Activity Report**, a publication of the Mich. Department of Environmental Quality. For information contact Jim Ekdahl (906) 228-6561.)



Protection of Great Lakes water quality continues to be of international concern, but measures require governmental support and action as well as reliable monitoring systems. (Photo by Amoose)

IJC releases Ninth Biennial Report on Great Lakes Water Quality

The International Joint Commission (IJC) released the *Ninth Biennial Report on Great Lakes Water Quality* on July 22. The goal of the report is to rejuvenate action on the part of governments and bring solutions and resolution to ongoing problems and issues affecting the Great Lakes.

The IJC made 19 recommendations that present a number of specific targets and deadlines to help achieve the agreement's purpose and measure progress toward this end. Recommendations are made in the areas of:

- initiating and completing remediation of contaminated sediment;
- reducing and eliminating sources of air pollution containing specific toxic and persistent toxic substances;
- reducing pollution to the Great Lakes from agricultural land;
- funding research about endocrine disruption in humans and wildlife;
- adopting a strategy relating to dioxins and furans;
- identifying and eliminating specific uses of mercury
- developing a detailed program for the systematic destruction of PCBs; and
- monitoring of nuclear facilities and toxic chemicals used at nuclear facilities, as well as the effects of certain radioactive elements.

The U.S.-Canadian Great Lakes Water Quality Agreement has been renegotiated twice in the past 26 years to include current issues such as persistent

toxic substances. It is scheduled to be reviewed again this year. The IJC firmly believes, "...the present Agreement is sound, effective and flexible. Review and renegotiation are not necessary. Rather, the governments need to renew and fulfill their commitments and focus on implementation, enforcement and other actions to achieve the Agreement's purpose."

The issue of persistent toxic substances has not been resolved and the IJC again stresses the importance of virtually eliminating the input of these contaminants to the Great Lakes system. There is overwhelming evidence that certain persistent toxic substances impair human intellectual capacity, change behavior, damage the immune system and compromise reproductive capacity.

The report states, "Injury has occurred in the past, is occurring today, and unless society acts now to further reduce the concentration of persistent toxic substances in the environment, the injury will continue in the future."

The IJC continues to focus on persistent toxic substances in the Great Lakes, but also recognizes the impact of many other stressors including land use patterns, increasing shoreline development, habitat modification, biological contamination and nutrient input. All must be considered and resources should not be transferred from one issue to another.

(Reprinted from **Office of the Great Lakes Activity Report**. Contact <http://www.ijc.org> for more information.)

Four Midwest states and GLIFWC receive funding to control aquatic nuisance species

Four Midwest states and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) have received funding from the Great Lakes-Big Rivers Region of the U.S. Fish and Wildlife Service to implement approved aquatic

nuisance species management plans. State and tribal agencies from Michigan, Minnesota, Ohio and Wisconsin received a combined total of \$133,500.

Funding was provided for implementation action of three plans approved

by the intergovernmental Aquatic Nuisance Species Task Force the Ohio and Michigan state plans and the St. Croix River Basin interstate plan.

The St. Croix River Basin plan is the first interstate plan to be funded and represents the work of a multi-agency interstate and tribal task force. Agencies to receive funding include the Ohio, Minnesota, and Wisconsin Departments of Natural Resources, Office of the Great Lakes Michigan Department of Environmental Quality, and GLIFWC.

Nonindigenous aquatic nuisance species, such as the zebra mussel, ruffe, and round goby, are not native to an area and cause, or have the potential to cause, significant damage to native fishes, fish communities and aquatic habitat.

At least 4,000 nonindigenous plants and 2,300 nonindigenous animals are now established in the United States. Biologists consider non-indigenous species invasions second only to habitat destruction as a cause of species decline and endangerment.

Nonindigenous species have a variety of impacts on human activities and the environment. Some choke waterways used for navigation and recreation while others clog intake pipes.

Billions of dollars will be spent to control these invaders in the Great Lakes and Midwest in the next 10 years. Na-

tionally, the cost of nonindigenous species prevention and damage control is estimated to exceed \$120 billion.

The federal provision allowing states with management plans to receive funding was very beneficial. It allowed us to develop a 'road map,' on how we wanted to address the many issues involved in aquatic nuisance species control, said Environmental Specialist Mark Coscarelli of the office of Great Lakes, Michigan Department of Environmental Quality.

The program also allowed us to get visibility on the subject, which we had been struggling with in the past. Based upon our completed plan and the increased visibility, the State of Michigan authorized an additional \$100,000 to assist in the implementation of our management plan. The promise of federal funding from the Service really began the entire process.

This program has really been a model of success for grant programs, said U.S. Fish and Wildlife Service Great Lakes-Big Rivers Regional Director William Hartwig.

We are proud that agencies within the region have stepped forward to address the problem of aquatic nuisance species. The agencies all developed excellent plans which will certainly have a positive affect on the environmental quality of the entire region.

The U.S. Fish and Wildlife Service is the principal federal agency responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people.

The Service manages the 93-million-acre National Wildlife Refuge System comprising more than 500 national wildlife refuges, thousands of small wetlands, and other special management areas. It also operates 66 national fish hatcheries and 78 ecological services field stations.

The agency enforces federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts.

It also oversees the Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state wildlife agencies.

The Great Lakes-Big Rivers Region also includes the states of Indiana, Illinois, Missouri, and Iowa. To find out more about programs and activities of the Service in the Great Lakes-Big Rivers Region, please visit us on the World Wide Web at <http://www.fws.gov/r3pao>.



Zebra mussels are a nonindigenous aquatic nuisance species and can cause, or have the potential to cause, significant damage to native fishes, fish communities and aquatic habitat. At least 4,000 nonindigenous plants and 2,300 nonindigenous animals are now established in the United States.

Boaters need to check watercraft for zebra mussels

Duluth, Minn.—A discovery of zebra mussels on a boat moored in the Duluth-Superior harbor has prompted state officials to warn boaters to be especially cautious to avoid transporting this harmful exotic species.

Doug Jensen, Exotic Species Information Center coordinator for the University of Minnesota Sea Grant Program, found that on September 27, a 20-foot sailboat removed from the Duluth-Superior harbor for transport to the Twin Cities was heavily-infested with zebra mussels.

Until now, the infestation in the Duluth-Superior harbor has been relatively mild compared to other areas of the Great Lakes.

"This provides evidence that zebra mussels are alive and well in the harbor," said Jensen. "This is the first time we've found a boat so heavily-infested in this area. Boat owners taking their watercraft from the harbor should take extra time and care to inspect and remove zebra mussels."

Jensen said the owners didn't notice the young, half-inch-long zebra

mussels on the hull, so they could have transported the exotic species to uninfested waters or violated state laws that prohibit transport of zebra mussels.

Jensen reports that the concerned owner removed the mussels with a brush and promised to take it to a car wash to jet spray off any remaining mussels. The boat was moored all summer at a private dock in shallow water near Hearing Island, Park Point.

"This is a good example of why public awareness and cooperation are important to prevent the spread of zebra mussels," said Jensen.

According to Jay Rendall, DNR Exotic Species Program coordinator, the incident underscores the need for boaters to be especially diligent. "So far, we haven't found any zebra mussels in inland waters in Minnesota, and we want to keep it that way," said Rendall.

"Our rules and regulations reinforce that it's important to prevent the spread of zebra mussels and other prohibited species, but it's the cooperative and voluntary action by boaters that is making the real difference."

In Minnesota, it is unlawful to transport zebra mussels or aquatic plants on a public road. Violators are subject to misdemeanor or civil penalties.

Zebra mussels attach to hard surfaces, such as boat hulls and motors and can also attach to aquatic plants. This makes it important for boaters to remove all plants from their boat and trailer, and to empty water from livewells and bait buckets before leaving infested waters.

Another area of the state where boats could potentially transport the harmful exotic is Lake Pepin, a widening of the Mississippi River. The zebra mussel population in this area has grown to over 20,000 mussels per square yard.

"Boat owners who moored their watercraft over the summer in Duluth or the lower Mississippi are the ones most likely to be transporting zebra mussels," said Rendall. "Those boaters should be prepared to clean their boats before leaving boat accesses."

(Reprinted from Minnesota Sea Grant)

The mining track record of Rio Algom, Ltd.

Crandon mine proposal, Wisconsin

In January 1998, Exxon sold its 50% share of the Crandon mine project to its partner, Rio Algom Ltd., which formed a new subsidiary called the Nicolet Minerals Company.

Exxon, however, still retains an interest in the zinc-copper project. If the state of Wisconsin ever permits the project, Exxon would receive a net profits royalty of between 2.25% and 3.75% (indexed to the price of zinc), plus a \$5 million bonus should production begin.

The new sole owner of the Crandon project is a giant in the industry, and has a far more controversial mining record in North America than Exxon has ever had. Rio Algom is a Toronto-based mining company with interests in copper, molybdenum, coal, tin, zinc, silver, uranium, and an international metals distribution business.

Many of Rio Algom's projects have been found to have caused environmental and economic damage. In each case where mine reclamation (cleanup) has begun, significant time passed between site closure and cleanup work, adding extra costs for the company and causing needless environmental damage. Nearly all of Rio Algom's mines have suffered early or unexpected closures—resulting in massive layoffs and economic upheaval.

Elliot Lake uranium mines, Ontario

Rio Algom was originally the Canadian arm of the world's largest mining firm, London-based Rio Tinto Zinc (RTZ). In 1955, RTZ acquired a substantial interest in several Ontario uranium mines near the northern shore of Lake Huron, collectively known as the Elliot Lake complex.

During the U.S. nuclear weapons buildup of the 1950s-60s, there were 12 mines in the area, employing over 10,000 workers. These mines were combined under Rio Algom in 1960, and over the next 30 years were identified with one of the world's most notorious examples of radioactive contamination.

By 1976, Ontario officials documented that all 55 miles of the Serpent River system, including more than a dozen lakes, were badly contaminated. The wastes from the Elliot Lake mines are acid-generating due to sulfides, and highly-radioactive due to the inefficiency of uranium milling.

Typically, more than 85% of the radioactive byproducts, (radium and radon) end up in the waste tailings. The report also pointed out that there were no fish living in the entire river downstream from the mining wastes (another company there, Denison, also contributed to the problems).

Through 1978, more than 30 tailings dam failures (this number is the total from both companies) were reported. And as recently as August 1993, Canada's Atomic Energy Control Board (AECB) charged Rio Algom with one count of failure to prevent a "reasonably foreseeable" waste spill.

A power failure at Stanleigh caused a 2 million liter (500,000 gallons) spill of radioactive and chemically contaminated water in McCabe Lake. All but one of the mines were closed by 1990, and the last, Stanleigh, closed in 1996.

In 1992, RTZ sold its 51.4% stake in Rio Algom, explaining that it was to avoid competition with other North American interests such as its Kennecott Copper affiliate (operator of the Ladysmith mine in Wisconsin).

However, industry experts interviewed by the Canadian mining industry newspaper *The Northern Miner* said that more important were "the potential liabilities related to the decommissioning of Rio's Elliot Lake, Ontario uranium mine."

Reports of the Ontario Workman's Compensation Board (1969) and the Royal Commission on the Health and Safety of Workers in Mines (1976), showed abnormally high levels of lung cancers among Elliot Lake miners. Homer Seguin, former United Steelworkers of America (USWA) Area Coordinator for Northeast Ontario, says "Rio Algom has a terrible track record in terms of protection of the environment and protection of workers in the workplace."

Former USWA National Director for Health and Safety Kenneth Valentine wrote in 1980 that the companies at Elliot should have their license revoked since "untold numbers of people have died" from miners' dust exposure (silicosis) and radiation-linked lung cancer.

The provincial health ministry estimated miners' lung cancer cases to

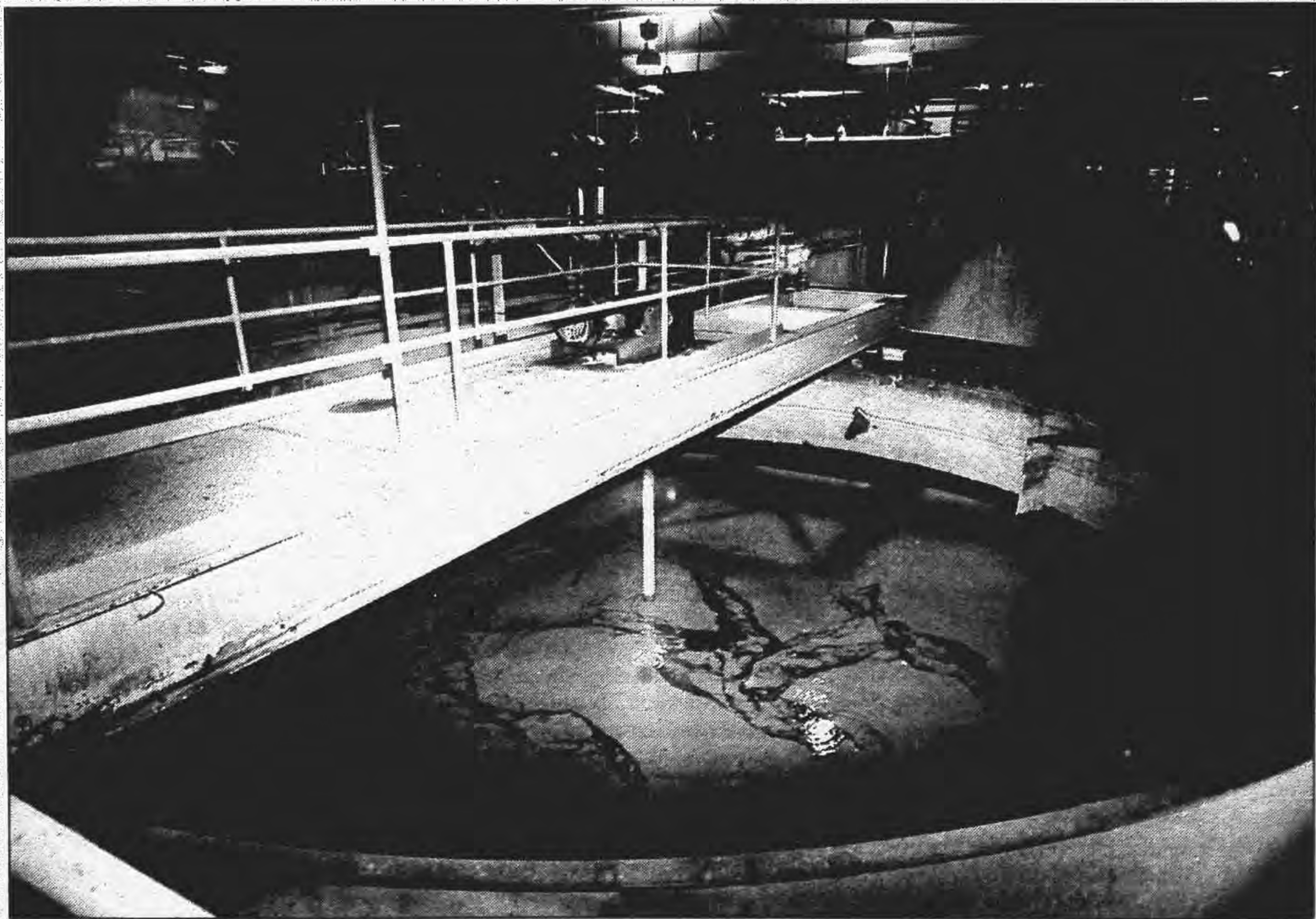
exceed average rates by 300-500 percent.

Since they have closed, Rio Algom's Stanleigh, Quirke, and Panel mines have received decommissioning licenses from the Atomic Energy Control Board.

This was the stamp of approval needed to proceed with reclamation plans that involve flooding the highly radioactive and acid-producing sulfide wastes behind dams.

This reclamation concept was the cheapest alternative available to Rio Algom, in that no further relocation or engineered covers over the tailings was required.

The approved plans were dubbed by critics as "Flood and Flee," due to Rio Algom's ultimate goal of handing its Elliot Lake properties back to Canada. (Quirke operated from 1956-61 and 1970-90 and produce 46 million tons of tailings and waste rock. Panel operated in 1958-61 and 1979-90, and produced 16 million tons of wastes. Stanleigh operated in 1957-68 and 1983-96, with 20 million tons of wastes produced.) (See *Mining*, page 26)



The Stanleigh Mine, closed in 1996, crushed and processed ore in order to produce uranium. (Photo by Amoose)

Over 200 rally against Crandon mine at Wisconsin State Capitol

Madison, Wis.—Over 200 opponents of the Crandon mine on Saturday, October 17, braved a downpour at the State Capitol in Madison, to demonstrate that there is still more work to be done to stop the mine. They marched to the Department of Natural Resources, demanding that the state agency stop the mine permit process until the mining company, Rio Algom, Ltd., of Toronto, shows one example of a safe metallic sulfide mine, as required under the state's new Mining Moratorium Law.

Mine opponents traveled from around the state; busses and vans came from Shawano, Bowler, and Green Bay. The rally was sponsored by the Wolf Watershed Educational Project (WWEP), which co-founder Zoltan Grossman described as a statewide alliance of Native American nations, sportfishing groups, grassroots environmental organizations, unionists and students. Ladysmith resident and longtime mining opponent Roscoe Churchill put the rally in the context of a three-decade fight to prevent a mining district across northern Wisconsin.

"What's a little water among friends?" asked Fran Van Zile, of the Mole Lake Sokaogon Chippewa Community, whose wild rice beds are one mile downstream from the proposed mine. Fred Ackley and Bill Koenen of Mole Lake also spoke, and related that despite the new law, site testing still continues, threatening groundwater and adjacent surface waters. Laura Manthe of the Oneida Nation offered support, and Oneida tribal member Barbara Munson read a poem about the Wolf River, a pristine waterway which is also downstream from the proposed mine site.

Democratic gubernatorial candidate Ed Garvey spoke on the anti-environmental record of Republican Governor Tommy Thompson. In a nationally televised debate the night before, Garvey pledged that there would "be no Crandon mine" if he is elected. The state media reported taxes and mining as the two major issues in the debate. Garvey has been a pro bono attorney for the new town board in Nashville, which recently rescinded a Local Agreement with the mining company.

Town Chairman Chuck Sleeter spoke of the action as one way to stop the mine on the local level, and a way to bring together Indian and non-Indian town residents. Speakers also focused attention on three northeastern Wisconsin Assembly races. Len Pubanz, a co-founder of Protect Our Wolf River (POWR) in Shawano, is one of the Democratic challengers who takes a stance critical of mining and supportive of tribal sovereignty.



This well-traveled banner has been seen at a variety of public informational meetings, rallies, walks and legislative hearings throughout Wisconsin over the last six years. The legacy of mining has many Wisconsin residents concerned about both the short and long term impact the proposed mine near Crandon, Wis. could have on the Wolf river and the watershed. (Photo by Sue Erickson)

White Lake residents George Rock, Robert Schmitz, and Herb Buettner, all sportsmen and leaders of the Wolf River Watershed Alliance, related the history of perseverance of local people in fighting the Crandon mine proposal, and protecting the Wolf River from other threats.

The river is classified as a state Outstanding Resource Water (ORW) and is a National Wild and Scenic River in the Menominee Reservation. Rio Algom is proposing "settling ponds" next to a tributary of the Wolf, in order to process the mine wastewater. When mixed with water, sulfides can create sulfuric acid. Nashville resident Tom Ward,

Forest County chair of the Wisconsin Resources Protection Council (WRPC) questioned the DNR's acceptance of new groundwater standards. WRPC executive secretary Al Gedicks criticized the DNR for dragging its heels in requiring Rio Algom to submit an "example mine" under the moratorium law—open for ten years and closed for ten years without polluting the environment.

Despite the rain, many young people turned out for the rally, University of Wisconsin-Stevens Point students Meghan Mueller and Angie Gonzalez pointed out that students can play a key role in stopping the mine. In the monthly WWEP meeting following the rally, over 50 participants planned actions to spotlight the mining issue during the election season. They to remind supporters that, no matter who is elected, the fight will continue on many different fronts—local, state, federal, and tribal—after the election.

(Reprinted from the Wolf Watershed Educational Project)

Monitoring mining impacts focus of EPA conference Effective monitoring requires far-reaching assessments

By Ann McCammon Soltis
GLIFWC Policy Analyst

Denver, Colo.—Mining activities in the United States (not including coal mining) produce between 1 and 2 billion tons of waste annually. Historically, these wastes have polluted thousands of miles of streams and hundreds of thousands of acres of land. Remediation of existing pollution and biomonitoring to detect mining related impacts was the subject of a EPA sponsored conference held on October 27-29, 1998 in Denver, Colorado.

A number of general sessions provided federal, state and environmental group perspectives on mining. The Director of the Center for Science in Public Participation (CSPP) gave a presentation that focused on problems

associated with characterization of mine sites. Many of these problems are similar to those that have been identified during study of the proposed Crandon site, including inadequate waste rock characterization and inadequate water balance calculations.

According to GLIFWC Mining Specialist John Coleman, the conference provided a wealth of information about the latest research on bioassessment and biomonitoring techniques. "Biomonitoring to detect mine related impacts, especially those related to heavy metals concentrations, will be vital if federal and state agencies grant the permits necessary to mine the Crandon deposit," Coleman said.

Staff took the opportunity to display maps showing GLIFWC's work on existing and potential mine sites in the ceded territory and met with staff of

the CSPP, U.S. Geologic Survey—Biological Resource Division, and the Environmental Protection Agency to discuss hydrologic modeling, bio-monitoring, and mapping at the proposed Crandon site.

Technical sessions during the conference focused on biotic and abiotic influences on biological integrity. These sessions evaluated biomonitoring and assessment approaches at both site-specific and regional levels. Presentations also focused on which species or species assemblages to use in biomonitoring programs.

For example, aquatic mosses are being used to measure the relative concentrations of metals in waterbodies and to assess the bioavailability of those metals. These data are particularly useful when metals concentrations might otherwise be undetectable.

Although the conference focused on mining in western states, a number of lessons can be applied to mining in Wisconsin. First, a complete understanding of a particular site is necessary so that natural variation can be distinguished from mine related impacts.

Second, many factors influence the toxicity of metals in the environment, so extensive data collection on parameters other than metals concentrations must be part of any monitoring program.

Finally, once a site has been contaminated by mining waste, remediation is difficult and expensive.

If you would like more information on the conference, please contact John Coleman at GLIFWC's Madison office (608) 263-2873 or Ann McCammon Soltis at the Odanah office (715) 682-6619.

The mining track record of Rio Algom, Ltd.

(Continued from page 24)

In 1996, Rio Algom set an additional Can.\$60 million aside for future reclamation costs at its remaining Elliot Lake mines. In the next few years, four other closed mines will have closure and reclamation plans licensed and regulated by the AECB.

(They are: Pronto, 1955-60 and produced four million tons of waste [2 million of which came from the Pater copper mine]; Lacnor, 1957-60, 3 million tons of waste; Nordic, 1957-68, 12 million tons; and Spanish American, 1958-59, where 400,000 tons of wastes were dumped into Olive Lake. In 1994, 35 years after the mine closed, tailings in Olive Lake were moved to deeper water and the lake level raised to cover the wastes. Three more Rio Algom mines, Milliken, Buckles, and Pater are considered reclaimed.)

In all, more than 100 million tons of wastes considered by Canada's regulators as "perpetually hazardous" were deposited at Elliot Lake by Rio Algom, Ltd.

Poirier copper-zinc mine, Quebec

The Poirier mine produced copper and zinc from 1966 to 1975, and closed due to low copper prices, putting 200 miners out of work. The 123-acre site, located about 200 kilometers north of Rouyn-Noranda, Quebec, is classified by Canadian regulators as one of the province's worst toxic waste dump, due to acid mine drainage.

When Rio Algom sold the mine in 1985 for one Canadian dollar, it insisted the buyers take out a Can.\$1.5 million mortgage to cover future cleanup costs. The threat of cleanup costs scared away investors, and generated a scandal when a Quebec Environment Department official (who was also an investor in the mine) pressed a colleague to go easy on Rio Algom and avoid the cleanup.

The reclamation plan has as yet not been approved, but its estimated costs will be Can.\$10-20 million. A new Quebec law has made the former operator, Rio Algom, responsible for site cleanup.

East Kemptville tin mine, Nova Scotia

The East Kemptville tin mine in Nova Scotia operated from 1984 to 1992, when it shut down prematurely due to poor tin prices and high production costs. The mine had been projected to operate for 17 years.

Almost immediately after the mine opened, local residents found that Big Meadow Brook and the Tusket River were a muddy brown color from runoff at the mine site.

In 1986, the Department of Fisheries and Oceans charged Rio Algom under Section 33 of the Fisheries Act. As a result, Rio Algom was forced to subdivide the tailings area (to settle out solids) and to treat effluents prior to discharge. A reclamation plan was conditionally approved in 1994, but incidents of uncontrolled discharges of wastewater and windblown tailings were reported through that year.

In 1996, Rio Algom reported that acidity levels and costs at the mine were higher than expected and could result in a longer decommissioning period. In 1997, Rio Algom reported that it expects to treat the water "for a number of decades before the generation of acid ceases naturally."

Lisbon uranium mine & mill, Utah

The Lisbon uranium operation, located near Moab, Utah, began operations in 1972 but closed in 1988, putting 150 miners out of work. Rio Algom is now decommissioning the site, which contains 4 million tons of uranium mill tailings.

Groundwater contaminated by seepage from the tailings dump is being pumped to evaporation ponds. At the former mill site, soil contaminated due to processing and ore storage is being collected and put into the tailings dump. Rio Algom reported in 1997 that the tailings are now covered with a soil and clay liner.

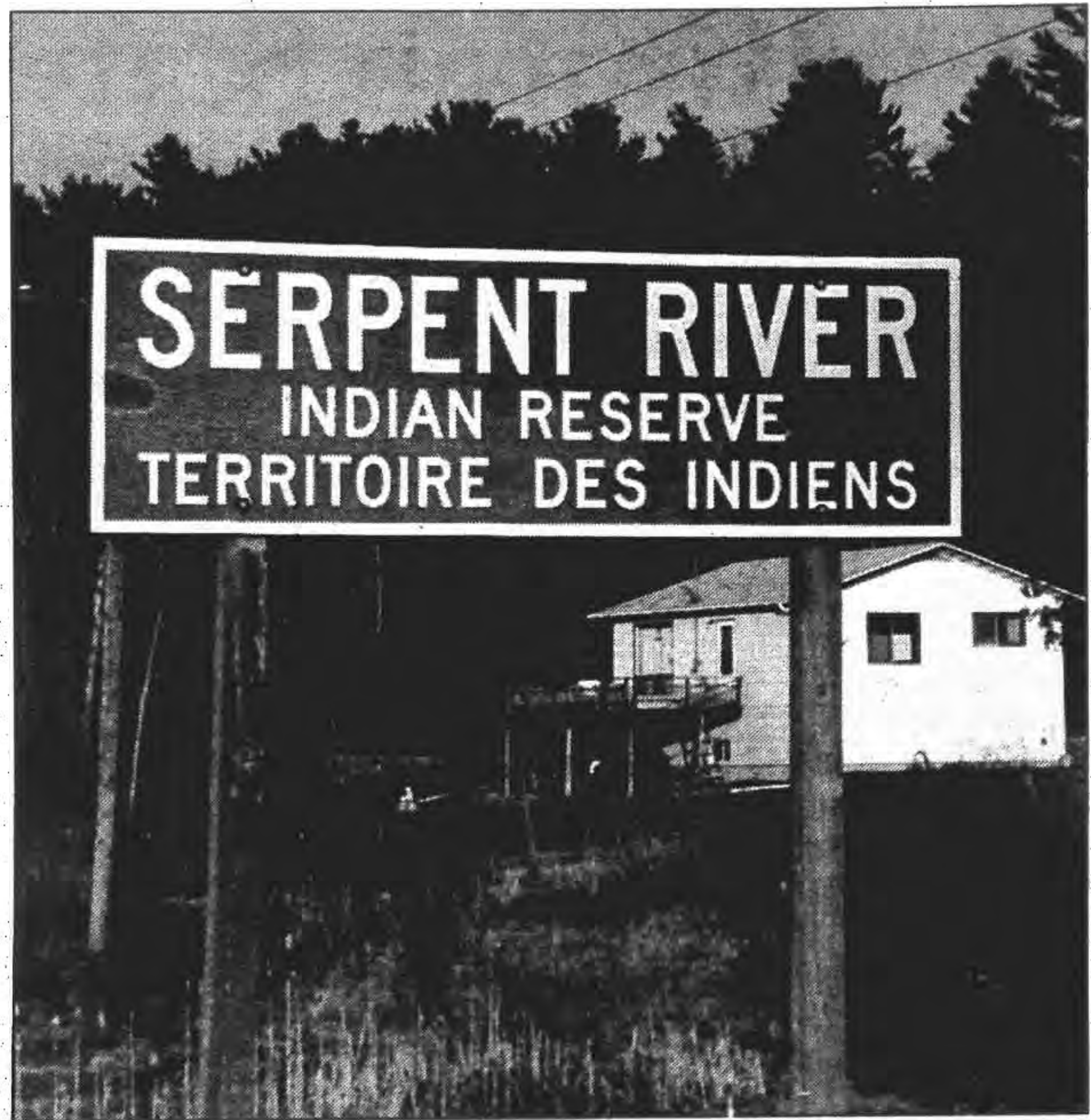
Mill tailings at Rio Algom's U.S. uranium mines (run by its wholly-owned subsidiary Rio Algom Mining Corporation or RAMC) are regulated under Title II of the Uranium Mill Tailings Radiation Control Act of 1978.

The U.S. Department of Energy (DOE) describes Type II tailings as "...a long-term hazard to public health and safety. The most hazardous radioactive constituent in uranium mill tailings is radium which has a very long half-life. Radium, besides being hazardous itself, produces radon, a radioactive gas whose decay products can cause lung cancer. This makes mill tailings hazardous for thousands of years."

Quivira uranium mine & mill, New Mexico

In 1989, Rio Algom acquired Kerr-McGee's Quivira Mining Company at Ambrosia Lake, New Mexico. The properties consist of a mill and nine "closed" underground mines. Although surface facilities are now gone from each mine, Rio Algom is recovering uranium via solution mining in some of the mines.

Mine water is circulated through the mines and treated to recover the uranium. Contaminated groundwater at



The cost of Rio Algom's mining for the Serpent River Indian Reserve, Ontario, Canada is difficult to measure. While the mine provided jobs for some tribal members, mining-related health problems and environmental degradation dwarf short-termed benefits. (Photo by Amoose)

the site is also pumped and treated for uranium recovery. Ambrosia Lake is also the home of America's largest uranium tailings dump, consisting of 30 million tons of waste.

Although the company reports progress on decommissioning the site, Rio Algom also reported that it suffered a dam failure in September 1997 when heavy rains knocked out the wastewater discharge outfall and weir. In 1997, the company guaranteed \$24 million to the U.S. Nuclear Regulatory Commission for Quivira's decommissioning activities.

Smith Ranch uranium mine, Wyoming

Rio Algom is extracting uranium in Wyoming via "in situ leaching." This method of mining involves injecting water with added oxygen and sodium bicarbonate into rock formations to dissolve the uranium.

The mixture is then pumped to a surface processing plant for separation. Issues and concerns with this type of mining include: groundwater contamination in aquifers outside of the target zone, difficulties with restoring groundwater quality post-mining, and surface spills. In addition, Rio Algom has recently opened major base metal mines

in Chile (Alumbrera—gold, copper), and Colombia (Cerro Colorado—copper, zinc).

To date, minor environmental problems, such as locally contained spills, have been reported. Rio Algom has financial interests in the Highland Valley mine (copper, silver, molybdenum) and the Bullmoose coal mine in British Columbia; and the Polaris mine in the Canadian Arctic (zinc and lead). Clearly, Rio Algom's track record must be further examined by Wisconsin citizens, and local, state, and federal agencies, in assessing its Crandon permit application.

No matter what stance one may have on the safety of metallic sulfide mining, the question of whether this specific company would be a good corporate citizen is open to question. Notably, in its 1997 annual report, Rio Algom comments on risks associated with its various projects that must be "carefully managed." Among these risks is, "...the potential for permitting delays to affect the feasibility of the Crandon project in Wisconsin."

(Editor's note: This article was researched and written by the Mining Impact Coalition of Wisconsin, Inc. and the Wolf Watershed Educational Project. References omitted by MASINAIGAN.)

Urgent request

Relief aid for the indigenous communities of Nicaragua

Bad River Reservation, Odanah, Wis.—The Bad River Natural Resources Department developed a relationship in 1997 and early 1998 with the indigenous communities of the Bosawas Reserve which is located along the Atlantic Coast of Nicaragua.

The funds, supplied by the Wisconsin Chapter of The Nature Conservancy via a funding request made to the Rodney Johnson and Katherine Ordway Stewardship Endowment were used to facilitate a two-way exchange between the two indigenous groups. The exchange enabled each to benefit from the other's experience and expertise as caretakers of natural resources within their traditional homelands.

Most recently these indigenous communities have been devastated by Hurricane "Mitch." Emergency relief from international governments, private voluntary organizations and the Nicaraguan government has begun to arrive, however, the majority of the indigenous people in the most seriously affected areas, such as Jinotega, Matagalpa and the Northern Autonomous Region are still awaiting assistance.

Spokespersons for the Miskito and Mayangna indigenous people living in the BOSAWAS Biosphere Reserve, located in the mountainous region of Jinotega and the Northern Autonomous Region have reported 23 communities, (12,916 people) currently without homes and food.

Alistar International, which is a tax-exempt, non-profit corporation in the State of Washington, has an office established in Managua and has been working with these indigenous groups for the past three years. They report that the 48 communities in the four northern territories of the Reserve remain isolated and cut off from emergency assistance. These communities are situated along the Bocay

and Coco Rivers and their tributaries. Nearly all of Nicaragua's bridges have been destroyed, and many of the roads washed away.

The only access to these communities is by helicopter, as the rivers are not yet navigable.

Bad River and Alistar seek donations— Alistar is the only agency serving the indigenous population

In a joint effort to assist these communities, the Bad River Tribe is establishing a drop-center for material aid. We are soliciting critical items which are needed immediately such as rice, beans, medicines, plastic sheeting or tarp, blankets, disposable diapers, clothing, and water purification tablets. In addition monetary funds are needed immediately to purchase as much food and supplies as possible in Nicaragua.

Monetary donations can be made to Alistar International, 600 - 108th Avenue NE, Suite 1014, Bellevue, Washington, 98004; (tel) 425-451-1080 (fax) 425-451-9681 (email) foundation1@alistar.com. Contact person is Nicole Gabelein.

Material aid can be directed through the Bad River Natural Resources Department at Odanah, Wisconsin. Natural Resource Department Staff will coordinate efforts with Alistar to ensure that the indigenous population will directly receive this aid.

Any questions, please contact Donna Lynk or David Parisien at the Bad River Natural Resources Department, (Tel) 715-682-7123, (fax) 715-682-7157 or (email) brnrd@win.bright.net.

Wisconsin National Forest American Indian Council hosts Native American Day

Editor's note: The Wisconsin National Forest American Indian Council (WNFAIC) is organized as a voice of American Indian and Alaskan Native Forest Service employees within the Forest Service. The WNFAIC is affiliated with the National American Indian Council (NAIC) and serves a diverse group of people from many tribal backgrounds sharing many common interests. It acts as a resource to the Chief and National Leadership Team through its Eastern Region representative to the NAIC and to the Leadership Team for the two National Forests in Wisconsin for the purpose of addressing matters associated with American Indians.



The Waswagoning Youth Dance Group, Lac du Flambeau Elementary school, demonstrate Ojibwe dance in traditional outfits to participants at the U.S. Forest Service Native American Day held November 3rd at the Lake of the Torches Convention Center, Lac du Flambeau, Wis. (Photo by Jim St. Arnold)

A Native American Day was presented for U.S. Forest Service and tribal employees at the Lac du Flambeau reservation this fall. The day was sponsored by the Wisconsin National Forest American Indian Council. The agenda included presenters on Native American programs in the Forest Service, treaty rights, spirituality, story-telling, a sampling of traditional foods, as well as an opportunity to enjoy the music of the Gishkūmon (sharpened-stone) Drum from Lac du Flambeau who are pictured above. (Photo by Jim St. Arnold)

The 1850 Removal Order

(Continued from page 7)

were subject to removal, and the long-term results of treaty-making with Indian tribes have sometimes had consequences far beyond those imagined by federal policy makers.

Americans were delighted when the acquisition of tribal lands, such as those obtained in 1837 and 1842 from the Lake Superior Ojibwes, brought untold riches including 19 million acres of land, 100 billion board-feet of timber, 13.5 billion pounds of copper, three-quarters of the U.S. iron ore production for a fifty year period, water resources and ports, power sites, quarries, and a vast quantity of fish, fowl, and game.

All of this was cheaply acquired for only a few thousand dollars, some odds and ends of equipment, and a few thousand acres of reservation lands. But in the process, the Ojibwe people of the 19th century stubbornly (and very wisely) refused to surrender their right to hunt, fish, and gather as well as the "other usual privileges of occupancy," of their lands, thereby preserving these privileges for future generations. At the negotiations for the 1837 treaty, for example, Chief Flat Mouth insisted on reserving these rights, commenting that "without the lands, and the Rivers & Lakes, we could not live."

In 1837, when the United States secured a treaty in order to open the pine forests of northern Wisconsin to the lumberjacks, and in 1842, when the United States secured another treaty that led to the copper mining boom in the north which allowed the Lake Superior region to lead the world in copper production by 1890, the Ojibwes clearly understood that they would not have to leave the lands on which they hunted, fished, and gathered. Indeed, they were adamant in their insistence that they would not leave their communities. A federal official noted in 1853, "they would sooner submit to extermination."

The 1850 Removal Order

Unfortunately, Ojibwe bands in Wisconsin and Michigan represented a political opportunity to Whig politicians in newly created Minnesota Territory, which was organized by an act of Congress on March 3, 1849. The idea of removing Ojibwes from Wisconsin and Michigan to Minnesota Territory had special appeal for some Minnesotans.

Removal would mean transferring annuity payments from La Pointe to the new territory, where former Pennsylvanian Alexander Ramsey, recently appointed governor and the titular head of the Whig party, would also garner a considerable number of patronage jobs from Democratic Wisconsin.



A mural at the Lac du Flambeau (Lake of the Torches) tribal administration building depicts traditional Ojibwe spearing of walleye using torches for light. Walleye has always been a significant subsistence food for the Ojibwe people. (Photo by Sue Erickson)

The payment of Indian annuities in Minnesota would not only bring money to individual traders but would also have an important impact throughout the territory as funds passed through many hands due to an economic multiplier effect.

Minnesotans convinced President Taylor (who had once served as a commandant of forts in Wisconsin and Minnesota) to issue the following executive order on February 6, 1850:

The privileges granted temporarily to the Chippewa Indians of the Mississippi, by the Fifth Article of the Treaty made with them on the 29th of July 1837 "of hunting, fishing and gathering the wild rice, upon the lands, the rivers and the lakes included in the territory ceded" by that treaty to the United States; and the right granted to the Chippewa Indians of the Mississippi and Lake Superior, by the Second Article of the treaty with them of October 4th 1842, of hunting on the territory which they ceded by that treaty, "with the other usual privileges of occupancy until required to remove by the President of the United States, are hereby revoked; and all of the said Indians remaining on the lands ceded as aforesaid, are required to remove to their unceded lands."

The Executive Order was a cover or screen by which Minnesota entrepreneurs and politicians hoped to mask a bold scheme to bring Wisconsin and Michigan Ojibwes into the Minnesota territory in order to capture their annuities and provide patronage appointments.

The removal of Wisconsin's Winnebagoes (known today as Ho-Chunks) had provided considerable revenue to frontier entrepreneurs, and Minnesotans believed that the Ojibwe removal presented similar opportunities.

And so, although there was little interest on the part of white residents of either Wisconsin or Michigan for the removal of the Lake Superior Ojibwes, Minnesotans proceeded with their scheme.

Chief Buffalo and other chiefs who steadfastly opposed removal responded to the news of the Executive Order by sending messengers to Ojibwe villages to ascertain if any depredations had been committed against whites. Buffalo knew of no such instances.

Failing to uncover any incident that might have sparked the president's action, the chiefs convened councils throughout the ceded territory to discuss the situation and to plan their strategy for opposing "the sudden order" of the U. S. government.

A vigorous lobbying campaign of Michigan and Wisconsin legislators, various missionary groups, regional newspapers, and many local whites aided the Lake Superior Ojibwes in their resistance to the Executive Order.

Meanwhile, Minnesota Territorial Governor Ramsey and La Pointe sub-agent John Watrous sought to lure the Ojibwes of northern Wisconsin and Michigan's Upper Peninsula to Minnesota. To accomplish their goal, they had moved the payment site for the 1850 annuity from La Pointe to Sandy Lake

on the east bank of the upper Mississippi River, a location that was several hundred difficult canoe and portage miles from Ojibwe villages in Wisconsin and Michigan.

Watrous urged the Indians to bring their families to Sandy Lake for the payment, but neither he nor other federal officials made adequate arrangements to feed, shelter, or otherwise provide for the Indians there. Indeed, deliveries of annuity goods and rations were delayed until the "pelting rain and snows of autumn" nearly trapped the several thousand Ojibwes who had traveled to that remote location.

Watrous was fully aware that the call summoning the Indians to Sandy Lake had come at a time when the season was "far advanced" and the means for transporting supplies "limited."

The federal government's handling of the annuity payment at Sandy Lake—especially its failure to provide adequate provisions for the Ojibwes who traveled there—had serious consequences. When food supplies ran out shortly after the arrival of the first contingent from Wisconsin, infectious diseases appeared in the makeshift Ojibwe camps and spread rapidly.

The Indians had to trade their annuity claims for spoiled food and other shoddy provisions that merchants sold at highly inflated prices. As winter set in, many Indians burned their canoes for firewood and returned to Wisconsin carrying their belongings on their backs. (See Ojibwe, page 29)

Ojibwe and non-Indians oppose Removal Order

(Continued from page 28)

Some four hundred Ojibwes, mostly able-bodied men, died from illness, hunger, and exposure—170 at Sandy Lake and another 230 on the return trip. "So alarming was the mortality," commented one eyewitness, "that the Indians complained that they could not bury their dead."

Many whites in Wisconsin and in the Upper Peninsula of Michigan strongly opposed the removal of the Ojibwes. The Indian Office received numerous letters from prominent citizens advising that the removal of the Lake Superior Ojibwes was "not required by the interests of the citizens or Government of the United States, and would in its consequences in all probability be disastrous to the Indians." As a result of such protestations, Commissioner of Indian Affairs Lea recommended that the presidential executive order "be so modified as to permit such portions of those bands as may desire it to remain for the present in the country they now occupy."

Meanwhile, Lake Superior Ojibwe leaders representing twelve bands protested Subagent Watrous' efforts to remove them to unceded lands. Chief

Buffalo, together with other La Pointe Band leaders and chiefs from bands at Lac du Flambeau, Trout Lake, Pelican Lake, Bad River, Chippewa River, Lake Chetek, Lac Courte Oreilles, Long Lake, Pukwawa, St. Croix, and Ontonagon, addressed a letter to President Millard Fillmore refuting Watrous' continued assertion that the Ojibwes had agreed to remove when they signed the 1842 Treaty at La Pointe.

Buffalo and the co-signers of the letter asked for permission to travel to Washington to meet with President Fillmore and to speak with him "face to face." This demonstration of enthusiastic support for the Ojibwes throughout the Great Lakes region undoubtedly explains why the suspension of the Executive Order remained in effect.

On February 27, 1854, two years after Chief Buffalo's trip to Washington, the Wisconsin legislature advised federal officials that "the Ojibwe Indians in the region of Lake Superior are a peaceable, quiet, and inoffensive people, rapidly improving in the arts and sciences; that they acquire their living by hunting, fishing manufacturing maple sugar, and agricultural pursuits: that many of them have intermarried with

the white inhabitants, and are becoming generally anxious to become educated and adopt the habits of the 'white man.'"

Wisconsin legislators urged federal officials not to impose removal upon the Lake Superior Ojibwes and recommended that laws be adopted to "encourage the permanent settlement of those Indians as shall adopt the habits of the citizens of the United States." Finally, the legislators, who could not ignore the interests of the traders in northern Wisconsin, requested that all future annuity payments be made at La Pointe.

The restoration of La Pointe as the site for the annuity payment in October 1853 awakened new hope among the Indians of Chief Buffalo's band. "America does not contain a happier company than is congregated on this island tonight," Reverend Leonard Wheeler reported immediately after the payment.

The suspension of the Executive Order and the restoration of their annuity payments at La Pointe were viewed as such positive signs by Lake Superior Ojibwes that Mackinac Agent Gilbert advised Commissioner Manypenny that the Ojibwes would "sooner submit to extermination" than submit to any call for their removal.

Indeed, when former Agent Watrous tried to secure reimbursement for expenses incurred during his abortive removal operations, he was told by Agent Herriman, "in relation to the indebtedness of the Removal fund, I cannot pay it of course as there is no fund, as you are aware, for that purpose."

Commissioner Manypenny had determined to lead federal Indian policy regarding the Lake Superior Ojibwes in a different direction than that which Governor Ramsey and Watrous had pursued. Treaties that Manypenny personally negotiated with a number of tribes in 1854 included provisions for reservations. And so did the treaty negotiated with the Ojibwes that year.

The 1854 treaty provided the first reservations for the Lake Superior Ojibwe bands in Michigan (at L'Anse and at Ontonagon), in Wisconsin (at Bad River, Red Cliff, Lac Courte Oreilles, and at Lac du Flambeau), and in Minnesota (at Fond du Lac and Grand Portage). Through Article 11 of the Treaty of 1854, moreover, the Ojibwes had obtained assurance that "all annuity payments to the Chippewas of Lake Superior, shall hereafter be made at L'Anse, La Pointe, Grand Portage, and on the St. Louis River; and the Indians shall not be required to remove from the homes hereby set apart for them."

In the years following 1854, the United States government established additional Ojibwe reservations for the Mississippi and Pillager Bands in Minnesota, concentrating them progres-

sively onto smaller areas of land, while recognizing their right to continue utilizing ceded lands for subsistence purposes.

Treaties negotiated by the Canadian government with Indian tribes in the 1870s, including Treaty No. 3, provided for the creation of reserves and recognition of the right to hunt and fish on undeveloped Crown lands. In the U.S. in the 1930s, the St. Croix and Mole Lake bands received reservations in Wisconsin under the Indian New Deal of Commissioner of Indian Affairs John Collier.

Today, after nearly five centuries of contact with Europeans, the Ojibwe peoples of the U.S. and Canada continue to share many experiences and concerns. Both the U.S. and Canadian governments continue to deal with issues pertaining to their rights with considerable hesitation.

The objectives of Ojibwe people on both sides of the border are similar with regard to questions of self-determination and tribal sovereignty. Reservations and reserved rights are what remain of the original Ojibwe land holdings. Ojibwe reservations, albeit small islands of land within a vast continent of non-Indian land holdings, assure the maintenance and survival of Ojibwe culture and the Ojibwe people.

As a non-Indian resident of the Great Lakes region whose grandparents, mother, and wife sought refuge here from oppression abroad, I have come to appreciate the great debt non-Indians owe to the Ojibwes and other Native American peoples of North America. Much of the past treatment of the Ojibwes by the U.S. and Canadian governments at all levels is a shameful record.

All Americans and Canadians need to understand that there are moral, ethical, and legal reasons why non-Indians should respect the history, culture, and tribal sovereignty of the Ojibwe peoples. Indeed, respect for the reserved rights of the Ojibwe peoples is an index of the commitment of the American and Canadian peoples both to the rule of law and to their faith in democracy.

(Editor's note: Dr. Satz is Dean of the College of Professional Studies and Office of University Research at UW-Eau Claire where he also directs the Wisconsin Indian History, Culture, and Tribal Sovereignty Project. He is the author of many publications including the award-winning *Chippewa Treaty Rights: The Reserved Rights of Wisconsin's Chippewa Indians in Historical Perspective* which is available from the Univ. of Wisconsin Press, (800) 621-2736 and award-winning *Classroom Activities on Wisconsin Indian Treaties and Tribal Sovereignty* which is available from the Wis. Department of Public Instruction, (800) 243-8782.)



At Madeline Island's Ojibwe Memorial Park a weathered gravestone marks the burial site of one Ojibwe ancestor. Nearby is what remains of a traditional burial ground. (Photo by Sue Erickson)



Pimatiziwin

"Living life in a spiritual way"

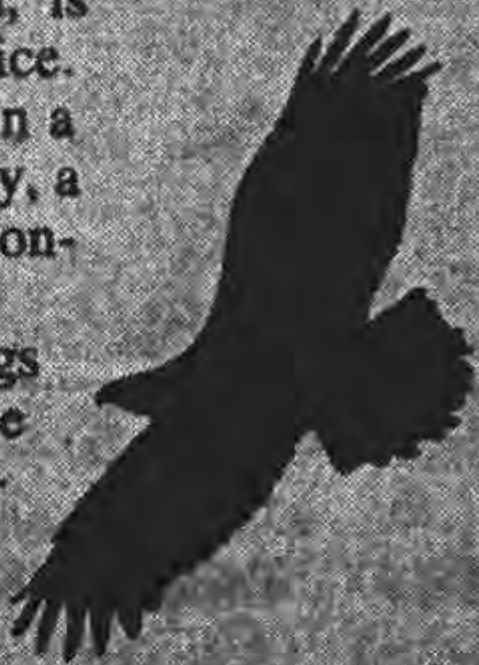
GLIFWC's 1998 annual poster, Pimatiziwin, is now available through the Public Information Office. Pimatiziwin (life in the Great Spirit or living life in a spiritual way) reflects the core of Ojibwe spirituality, a cultural value system, and another dimension of consciousness or awareness.

Recognition of the spirit of all other living things in our environment brings with it respect and a sense of balance in the living world, with each being possessing its own role and value. It also recognizes and gives thanks to the Great Spirit (Creator) who provides for all.

The poster features a painting by Ferguson Plain, Ojibwe artist, Forest, Ontario. The painting depicts a traditional Medicine Wheel with four eagle feathers overlapping a little boy, traditional dancer holding an owl fan and a dancing wand. There is also an eagle representing the spiritual protector of all First Nations.

The Medicine Wheel can be interpreted in several ways. It represents the Four Sacred Directions, also the four races of man—red, yellow, black and white. The symbol demonstrates diversity within the whole circle. The whole circle is balance, harmony, and completeness.

For a free copy of the poster and explanatory brochure write to: GLIFWC, Public Information Office, P.O. Box 9, Odanah, WI 54861 phone (715) 682-6619 or e-mail pio@win.bright.net. Additional copies of the poster are \$2.00 each.



What should Indian Country expect in 1999?

(Continued from page 8)

halftruths and mis-perceptions has been identified in the goals and objectives of the NCAI Strategic Plan for the 105th Congress—that is, to defend and protect the tribes' sovereignty and advance our needs.

In coordination with the tribal leadership, NCAI will assist in orchestrating a forum to refine these objectives for the 106th Congress, based on our experiences and lessons learned during the 105th Congress.

These objectives include: (1) a campaign to educate the Congress, the Administration and the general public; (2) a campaign to improve communications and tribal networking; and (3) a public relations campaign to coordinate access to the media.

A key factor for the tribes in 1999 is to build on the foundation that we have established and sustain our tribal unity. Indian Country has begun a movement that has been escalating at an impressive pace.

A good example has surfaced in California where the tribes are advancing a campaign to be treated fairly as governments. Their theme—"Tribes Self-Reliance Initiative"—is based on a simple, appealing notion. They are

talking about taking care of themselves. This is something to which every American can relate. The message is clear, direct and easy to support.

Clearly, it takes an enormous amount of energy to fight and win these battles. We must maintain our active presence in Washington, D.C., in order to cause the political leadership to take notice of our clout and influence on the system.

Our collective efforts through national and regional organizations such as NCAI, the National Indian Gaming Assoc., the National Indian Health Board and the National Indian Education Assoc. are essential to preserve our sovereignty, treaty rights and unique cultural way of life in the American society.

I firmly believe that we must first stay focused and engage in what is necessary and essential to protect and defend our rights, then move on to what is possible; and then suddenly, we will be accomplishing the impossible—that is where we are going. And that is how we will motivate our people, leadership and staff to continue to win these political battles and advance our cause.

(Ron Allen is president of NCAI and chairman of the Jamestown S'Klallam Tribe in Washington.)



Lac Courte Oreilles elder Gene Begay explains what it means to be an Anishinaabe man. The Madeline Island Treaty Conference featured daily talking circles where participants gained a better understanding of Ojibwe culture. (Photo by C.O. Rasmussen)

Ojibwe artists wanted

Masinaigan is still looking for an Ojibwe artist to provide us with line drawings for use in the *Masinaigan* and other GLIFWC publications.

Artwork can include Ojibwe floral designs, dancers, traditional items and activities such as hunting, fishing and gathering, etc.

Please call Lynn or Sue at (715) 682-6619 or e-mail us at pio@win.bright.net for more information.

Miigwech!



Wetland restoration underway at Fond du Lac

(Continued from page 13)
Looking ahead

DeFoe said that he is encouraged by the support that state, federal, and private organizations have shown by providing financial and technical assistance.

"A blend of many groups is making this possible," DeFoe said.

Contributions from the North American Wetland Conservation Act, U.S. Fish and Wildlife Service, MDNR, Natural Resources Conservation Service, Carlton County SWCD, National Audubon Society, and several corporate sponsors are facilitating Fond du Lac's restoration efforts.

While dismantling the ditch system altogether is cost prohibitive, rice harvesters, duck hunters, and trappers can all look forward to good harvest opportunities in the coming decade. □



Sergeant Kenneth Rusk, GLIFWC Enforcement Division, was recently recognized with the "Eagle Spirit" Award from the Bureau of Indian Affairs (BIA), Great Lakes Agency. The award acknowledges positive attitude and team spirit, which Rusk demonstrated in assisting BIA staff on projects on the Chippewa Flowage. The award is presented to individuals who are "dedicated to helping, doing a good job, and enjoying every step of it." Congratulations Ken! (Photo by C.O. Rasmussen)



Alicia Warner, a recent graduate of the Hunter Safety Education Course presented at Lac Courte Oreilles this fall by GLIFWC and the Wisconsin Department of Natural Resources, models a blaze orange vest presented to each graduate by Whitetails Unlimited. This year's class graduated 49 students, including 27 tribal members and seven adults. (Photo by Ken Rusk, GLIFWC Warden)

Legislative update continued

(Continued from page 9)

Gorton-Gover compromise on means testing to be included (Section 129)

NCAI understands that the substitute on means testing negotiated by Senator Gorton and Assistant Secretary for Indian Affairs Kevin Gover will be included in the Omnibus bill. While the substitute is an improvement over the original provision, NCAI has consistently opposed this compromise.

The new language will not impact FY 1999 funding and will require the BIA to produce a report by April 1, 1999 that suggests methods for redistributing tribal TPA based on relative need and tribal revenues. However, the language could create problems with treaty rights and confidentiality of information. In addition, NCAI opposed the language because of an abject failure to consult with tribal governments in its development.

Once again there is a report required of the Secretary of Interior, and tribal leader participation in the process will be essential to ensuring that the report is accurate and protects tribal government rights.

Shakopee land-into-trust provision removed in a hollow victory—(Section 130)

This provision would have singled out the Shakopee Tribe and stripped their rights to have the Secretary of Interior consider whether or not to take land into trust on their behalf. The land in question is 593 acres that is contiguous to the Shakopee's 831-acre Reservation.

The Tribe bought the land from the State several years ago and plans to use it for future housing needs, not earning. Section 130 was removed, but only after the Minnesota Area Office of the BIA denied the Tribe's application for land-into-trust, because the Tribe was too wealthy to show a "need" for land into trust.

This opinion has very troubling implications, and shows a myopic interpretation that ignores the need for tribal government jurisdiction. The opinion also

foreshadows a possible Catch-22 where tribes with resources are unable to have land placed into trust, and tribes without resources are unable to purchase land to be placed into trust.

Land-into-trust issues are becoming more controversial, and loom in the future as another battlefield to protect tribal jurisdiction and rights.

Internet gaming

On July 23, 1998, the full Senate voted, 90-10, to attach a version of Senator Jon Kyl's (R-AZ) Internet gaming bill (S. 474) to the Commerce, Justice, State Appropriations bill. Senator Larry Craig (R-ID) offered a second degree amendment that would have exempted tribal activities under the Indian Gaming Regulatory Act, but this amendment was defeated 1882.

The Kyl internet gaming legislation would seemingly ban internet gaming, but then provide exceptions for most forms of gaming but Indian gaming. Even more troubling is the fact that the Kyl language would authorize state law enforcement jurisdiction on tribal lands.

The House version of the appropriations bill contained no such provision. At this point it remains unclear whether the final Omnibus Appropriations bill will contain internet gaming legislation.

TEA-21 Amendment

Senator Ben Nighthorse Campbell successfully offered an amendment to the BIA Construction portion of the Interior Bill to delete language that provided up to 6% of funds transferred for the Federal Highway Trust Fund to be used by the BIA for federal administrative costs.

The deletion of this language makes the FY 1999 Interior Appropriations Bill consistent with the recently enacted TEA-21, making all funding available to Indian roads and bridges from FRWA subject to the Indian Self-Determination Act requirements.

However, the House still has the 6% language in its version of the Interior Bill. At this point, it is unclear which version will prevail in the final Omnibus bill. □



Treaty Staff starts its journey to D.C.



Bo Hammond, Lac Courte Oreilles, brings the Treaty Staff into the village of Lac du Flambeau, putting on the first of the many miles he will run as part of the journey to D.C. (Photo by Sue Erickson)



Bo Hammond, Lac Courte Oreilles, hands off the Treaty Staff to Gary Kmiecik, a teacher at the Lac du Flambeau school who volunteered to run miles from Lac du Flambeau to Minocqua. (Photo by Sue Erickson)

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