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Spring 1990

WCA continues push for federal change in Indian policy

A strategy to get the National Association of Counties (NACo) to adopt and lobby for changes in Federal Indian Policy was the agenda for "a sparsely attended coalition" meeting organized by the Wisconsin Counties Association (WCA) in Washington, D.C. this month, according to Sharon Metz, coordinator of HONOR (Honor Our Neighbors Origins and Rights).

Metz, who attended the meeting of the recently formed National Coalition on Federal Indian Policy, reports that the meeting included only six elected officials and that ten participants adopted a strategy for lobbying NACo.

In an HONOR release, she also points out that should the Coalition's efforts with NACo fail, plans are under way to form a national coalition on its own.

hard to abrogate Indian fishing rights in the Northwest.

Also participating from King County, WA was UPOW (United Property Owners of Washington), another organization opposing Indian rights in that state.

Metz reports that "an attorney from South Dakota complained that South Dakota had declared a 'year of reconciliation with the tribes' and the Governor was apprehensive about endorsing the resolution.

The meeting was a follow-up to a previous meeting, also organized by the WCA, in Salt Lake City, Utah for the purpose of organizing the National Coalition.

Only those counties who endorsed the resolution approved at the controversial Salt Lake City meeting early this year — which was repudiated by several Governors, picketed by the tribes, and censured by others — were seated at the table. These were Douglas, Washburn, Ashland, Jackson, Brown, Burnett and Outagamie Counties from Wisconsin and three individuals from Washington, Montana, and South Dakota.

Keith Ferries, WCA president, left the meeting on Friday, to fly to a NACo meeting in Denver, which was being held simultaneously. Ferries was to urge NACo to incorporate the agenda of the National Coalition on Federal Indian Policy into their program and structure, Metz states.

At a time for tribal comment on Friday afternoon, thirteen tribal representatives, including four tribal chairmen, several Indian county board members, and the director of the Great Lakes Inter-Tribal Council (GLITC) told the group that: 1) they opposed the formation of a national coalition when the problems were local and should be solved at home 2) that Congress

Anti-treaty groups active with WCA

"It looks like the WCA has become the convening organization for anti-treaty groups from around the country, who may or may not be county board members," Metz observed. "If NACo is going to respond to these ten people, four of whom aren't elected county officials, it will damage its own integrity."

Interestingly, several participants were officers or directors of other noted anti-treaty organizations. Among them were Bill Covey, President of Citizens for Equal Rights Alliance (CERA), which is a national umbrella organization for PARR, STA, and similar groups.

Also seated at the meeting was Barbara Linsay, executive director of S/SPAWN (Steelhead Salmon Protective Association & Wildlife Network), King County, Washington. S/SPAWN has fought long and



A traditional sunrise ceremony began the 440 mile 1990 Peace Run from Pipestone, MN to Lac du Flambeau last April. The run, organized by Mitch Walkingelk of Pipestone, was a response to the violence which characterized the 1989 spearfishing season.

was not the appropriate place to address the thirty seven complaints by the group 3) that the proposal to form a "conciliation" process in the department of justice was unnecessary and redundant, and 4) that the whole process was designed to diminish the exercise of rights that were granted by treaties with the U.S. government.

Referring to the National Coalition on Federal Indian Policy, Metz commented, "This group should recognize the positive models of cooperation that are on-going between tribes and other entities and that there are many non-Indians, church and civic groups who stand with Native Americans on these issues. The appeal for a congressional involvement in the exercise of treaty rights, based on a 'majority rule' principle often translates

into a 'might makes right' policy." Metz urged participants to recognize tribal sovereignty and the merit of government-to-government relationships and called the Washington meeting "foolish, expensive, and time-consuming" when the parties can talk to each other back home.

The meeting adjourned with the Coalition resolving to launch a major lobbying effort at the July NACo meeting in Miami to embrace its resolution, endorse the coalition, and assist them in lobbying Congress.

Background

County representatives from twelve states attended a meeting in Salt Lake City last January. The meeting was called in order to discuss forming a new coalition to

lobby for federal action on treaty issues. Thirty-seven inter-governmental issues affecting tribes, counties and states were identified.

The meeting drew protest from Indian leaders who felt the essential goal of the meeting was to abrogate or, more politely speaking, modify Indian treaties.

At that meeting a coalition was not formed, but the group decided to work through NACo, pressing Congress to hold hearings "to examine intergovernmental problems" caused by Indian policy and to establish a "conflict-resolution procedure."

As one county board member is quoted as saying at the Salt Lake City gathering, the group wanted to put NACo's "feet to the fire" on Indian issues. (Wisconsin State

Journal, Sunday, Jan. 21, 1990)

National publicity prompted by the demonstrations from Indian representatives who were refused participation in the conference gave WCA and the Salt Lake City meeting a "black eye." According to the WI State Journal report, WI Senate Majority Leader Joe Stroh labeled the meeting "a public relations disaster."

Following the Salt Lake City fiasco, on March 17, 1990 a "network get-together of National Coalition conferees" was held in Washington, D.C. This was billed by the WCA as "an informal update on matters of interest to coalition participants and was to discuss NACo's response as well as future direction and formalization of the coalition."

Co-management: A problem of power

While co-management was the subject of testimony provided to the American Indian Study Committee, a legislative liaison committee chaired by Rep. Frank Boyle (D), the word was frequently avoided during the day long hearings at Telemark Lodge, Cable, June 13th.

Representative Boyle invited tribal chairpersons from Wisconsin's six Chippewa Bands as well as representatives from the Great Lakes Indian Fish and Wildlife Commission, the WI Department of Natural Resources (WDNR), and the WI Conservation Congress to provide testimonies before the committee.

James Schlender, GLIFWC executive director noted, "The effect of all the attention on the term co-management has been to divert attention from the need to develop consensus and meaningful cooperation in managing the resources of this state."

The questions to be addressed he

"Chippewa tribes are not just another user group, but are distinct from other users by virtue of the treaty right and tribal government status." — James Schlender



Leo LaFornier, Red Cliff vice-chairman.

later noted relate to power and the willingness to share power. "When a tribe opposes development, are they to be merely consulted as another user group or will their differences be enough to stop or change the course of development?" Schlender asked, pointing to the central question of power.

He emphasized that, "Chippewa tribes are not just another user group, but are distinct from other users by virtue of the treaty right and

tribal government status."

Schlender also commented on a number of barriers to joint management (a term he substituted for the worrisome term of co-management). Among the barriers cited were: 1) lack of trust and need for accountability; 2) a current system built without regard to treaty rights; 3) philosophical differences, such as what may be sustainable development; 4) fear and uncertainty about the status of the resource.

The Red Cliff Tribe recognizes its right not only to harvest the resources of the ceded territory. It also recognizes its right to manage the resources. In carrying out its management responsibilities, it also recognizes that it is not the sole manager. — Leo LaFornier

Recommendations provided by Schlender involved obtaining assessment of joint projects that have been completed; removal of impediments blocking joint management; promotion of local, grassroots leadership; and provision of a joint management policy.

Tribal chairmen also emphasized the need for meaningful participation in the decision-making

process. Mike Allen, Lac du Flambeau Tribal Chairman, stated that "only with affirmation of tribal sovereignty can Lac du Flambeau work with the state."

Leo LaFornier, Red Cliff Vice Chairman, noted the Lake Superior Agreement, which involves the state, Bad River and the Red Cliff Bands of Chippewa, as an example of possible joint management. Agreements such as these, he noted, are possible only if done "in a respectful government-to-government relationship."

LaFornier recommended the appropriation of funds for joint tribal/local programs, continued dialogue, increased monitoring and study of the fishery to close the "credibility gap" on the status of the fishery, and legislative support of the concept of co-management.

"The Red Cliff Tribe recognizes its right not only to harvest the resources of the ceded territory. It also recognizes its right to manage the resources. In carrying out its management responsibilities, it also recognizes that it is not the sole manager," LaFornier noted.

While government-to-government relations and the need for recognition of the tribes' exercising power in resource management

decisions was clear throughout the testimony of tribal representatives, concerns regarding the status of the natural resources were also indicated, calling in question the state's proven ability to solely manage the resources for the good of all.

As Eugene Taylor, St. Croix Tribal Chair, stated the mercury contamination in the state's fish population is an issue of extreme concern to the tribes whose women and children consume the fish.

Permission for development in scarce wetlands as well as permission for mining activities which may further damage the environment were other areas where tribal leaders called in question the propriety of the DNR being the "sole" manager of the natural resources.

While state leaders indicated interest in working cooperatively with the tribes, the unwillingness to share real power was reiterated through the testimony.

While not appearing at the hearing, Senator Lloyd Kincaid, 12th District, provided a written statement supporting his "objections to any co-management proposal." Kincaid's objection, like those of other state representatives, resides in the power invested in the WDNR through state statute.

Kincaid cited s. 29.174, which, he says indicates "that the regulatory and management authority of Wisconsin's fish and game resources is granted to the DNR."

"Until the Legislature changes this policy, it (WDNR) will continue to govern the activities of the DNR," Kincaid stated in his written testimony.

State representatives indicated that though they are willing to listen to the tribes and work on cooperative projects, the tribes would have no power to impact policy-making because of Wisconsin law which gives that authority solely to the state.

As tribal testimony had earlier indicated, a state resource management policy, which was developed without regard to treaty rights, may need to be addressed by the legislature if seeking to seriously address co-management.

Testimony was also open to the public in the afternoon, with representatives the Wa Swa Gon Treaty Association, as well as other pro-treaty and pro-environment groups, testifying as to the benefits of tribal participation in decision-making. Stop Treaty Abuse (STA) members testified in opposition to recognition of tribal rights.

Cooperative projects enhance natural

Joint stocking venture succeeds Millions of fry stocked

The real hallmarks of the 1990 spring season did not make big splashes on the news scene, but nevertheless made large strides in both healing social wounds and managing the resources for the benefit of everyone.

The Long Lake Chamber of Commerce with the St. Croix Band of Chippewa and the Cable Area Chamber with the Bad River and Red Cliff Band initiated grassroots fishery management projects this spring which promoted good feelings, sound working relations, and a management product.

For the Long Lake area the product was a jointly performed assessment of Long Lake's walleye population. For the Cable area the product was the rearing and stocking of millions of walleye.

Both are stories of local people who were able to set differences of opinion in a perspective that allowed room for productive, joint activities.

Over a million walleye fry arrived at Lake Namekagon, near Cable, Wis., last month. Transported from the Bad River Tribal Hatchery, they represented only part of successful hatch of fertilized walleye eggs that are to be stocked in Cable area lakes this year.

The stocking project was initiated following a resolution from the Cable Area Chamber of Commerce which both affirmed the treaty rights of the tribes and resolved, along with the Bad River Tribe, to commit themselves to protecting the natural resources of the area.

The stocking project ensued as a result of that commitment and so did a lot of hard work.

Members of Fish for the Future, an ad hoc committee of the Cable Area Chamber of Commerce, joined the Bad River and Red Cliff hatchery crew and tribal spearers in collecting and fertilizing eggs in order to replenish the walleye stock in several Cable area lakes.

That project brought them out onto the lakes at night during spearing. Hatchery crew and Fish for the Future members waited in separate boats to be signaled by an Indian spearfisherman if a female with eggs was caught.

Once signaled they pulled aside the spearer's boat and proceeded to milk and fertilize the eggs on the lake. Twenty-six quarts of eggs were obtained after several nights of spearing.

Both Red Cliff and Bad River received 13 quarts of eggs which have been hatched on the respective reservations. Bad River Fishery Specialist Joe Dan Rose labels the project as exceedingly successful so far. The eggs, he said, were very healthy, and the hatch yielded more than first estimates.

The project, Rose says, represents a combined effort and commitment between the tribes and the Cable Chamber of Commerce to improve the resource on behalf of all user groups.

It's required both a financial commitment and one of many donated hours, he says. But the time and energy have paid off for all involved.

The first hatch which yielded 400,000 fry were stocked into both Cable-area rearing ponds and Lake



Spearers wait patiently as eggs are taken from a female walleye. In front, from left, Bad River Fisheries Specialist Joe Rose; Phil Rasmussen and Bill Skyes, Fish for the Future.

Namekagon, from where the eggs were taken. An additional 300,000 fry were stocked into the north end of the lake, with another 700,000 placed into rearing ponds donated and tended by Fish for the Future.

According to Phil Rasmussen, Fish for the Future, the fry will be reared to 6" fingerling size before being planted this fall. Rasmussen estimates about 17,000 fingerlings will result from the rearing effort.

Lakes targeted for stocking include Lake Namekagon, Lake Owen, the Pike Lake Chain and the Eau Claire Lakes Chain.

Matt O'Claire, Bad River Tribal Council member, accompanied Rose in the fry to Cable. O'Claire noted that Fish for the Future members and the tribes have been working closely since early spring in planning the project.

"It's success to date has been like icing on a cake," O'Claire commented. "While we are all ultimately working towards improving the resource, we've also made new friends and found common goals. That alone would have made the venture a success, even if the eggs had failed to hatch."

Joint resolution protecting natural resources

WHEREAS, The Cable Area Chamber of Commerce and the Bad River Tribal Council have always been concerned with the protection and maintenance of our natural resources, and now agree that it has become necessary for certain peace-keeping efforts be the concern of all citizens in our area, and

WHEREAS, The Cable Area Chamber of Commerce and the Bad River Tribal Council have agreed to cooperate, protect the tourist business from detrimental publicity, and to insure the opportunity of sharing the natural resources, and

WHEREAS, The Bad River Tribal Council and the Cable Area Chamber of Commerce have agreed by mutual cooperation to oppose prejudicial attitudes and to counter the lack of understanding while recognizing the legality of those exercising treaty rights on Southern Bayfield County lakes.

NOW, THEREFORE BE IT RESOLVED, that the Cable Area Chamber of Commerce and the Bad River Tribal Council are jointly committing themselves to the on-going protection of our natural resources, the exchange of important information, the benefit of local business, and to promote the personal safety of those exercising legal fishing rights.

The above resolution was signed by Joanne Cleary, President, Cable Area Chamber of Commerce and Donald Moore, Chairman, Bad River Tribal Council



Joe Dan Rose, Bad River Fisheries Specialist, tests the water temperature before stocking fry.



Phil Rasmussen, Fish for the Future, stirs eggs after being fertilized.



Freshly taken walleye eggs are fertilized.



The fertilized eggs are rinsed in a screen-bottomed box by Joe Rose, Bad River Fisheries Specialist.



Members of Fish for the Future greet a truck load of walleye fry hatched at the Bad River Tribal Hatchery at Lake Nebagamon. Over a million were stocked in the lake and others were transferred to rearing ponds to be raised to fingerlings.

resources and community relations

Long nights on Long Lake

About dusk six or seven members of the Long Lake Chamber of Commerce gathered at a local dock with gear for a night's outing on the vast Long Lake during early spring. They were joined by Lee Newman, Biological Technician, Office of Fisheries Assistance, US Fish & Wildlife Service (USFWS), and Marty Soulier and Ed White, fisheries aides, GLIFWC.

The two agencies combined forces in order to expedite the electrofishing survey of the 4,000 acre lake. Using two electro-shocking boats, one from GLIFWC and one from USFWS, the process of patrolling the far-reaching shoreline of Long Lake moved a bit faster.

The project moved faster yet with the assistance of the Chamber members who volunteered their help, boats and fuel on a nightly basis in order to expedite the survey.

Each electrofishing boat requires two men up front netting the stunned fish. Manning the nets was one of the tasks shared by the local volunteers, who also helped during the measuring and fin-clipping process.

Despite the odd and long hours of work, from dusk to dawn, the electrofishing crews were jovial and enjoyed one another's company. A spirit of camaraderie in accomplishing a difficult but needed task prevailed.

According to Becky Martin, Chamber member, the long hours in the boats at night provided an opportunity for everyone to become well-acquainted — swapping stories and even gaining an education on constellations as well as fish.

All together the Chamber members spent four nights with the re-electro-shocking and tagging and another two nights in re-capture.

Positive problem-solving

The nights spent out on Long Lake surveying the walleye population were a result of some grassroots problem solving efforts taken by the Long Lake Chamber of Commerce following the 1989 spring spearing season which had resulted in ugly protests. The Chamber noticed a decline in business during the '89 season.

According to Dan Lubenzsky, Chamber member, they attributed

to the decline in business to 1) a reduction of the walleye bag limit to three and 2) negative publicity from the protests that spring.

The Chamber decided to meet with the St. Croix Band as an initial step in addressing their problem. A phone call produced the first meeting, which Lubenzsky described as "tense for the first two minutes" before it "eased right up."

"We're like buddies now," he states, noting that the Chamber and the Tribe have since had a series of meetings which have been exceedingly helpful and educational for both the tribal and the chamber.

Neil Kmiecik, GLIFWC inland fisheries biologist, attended one such meeting and explained the Safe Level of Harvest figures and the relationship of the assessment process to the walleye quotas.

Kmiecik explained that following a survey of the lake, the walleye quota for the sports fishery could be reduced to one walleye.

This news caused concern for both the Chamber and the Tribe. The Tribe took action by reducing their quota, and the Chamber decided to assist with performing an electrofishing survey of the walleye population so that the survey could be completed.

Martin explained that the Chamber is concerned about educating all user groups about the status of the fishery. "We want to inform area people and tourists about what's going on in the lake," she said. She feels it is important that all people are conscientious about their use of the resource and work together in order to enhance rather than deplete the Lake.

While Martin would not call herself a treaty rights advocate, she feels that opposition should be directed at ideas not at the people. As a person who had been in the ranks of protestors during the 1990 season, she feels that this year she is acting as a "realist." "We are trying to deal with the problems and provide a positive perspective for all," she commented.



Two electrofishing boats were used to assess the vast 4,000 acre Long Lake. On the left is the USFWS boat which was manned by Lee Newman from the Office of Fisheries Assistance. The GLIFWC shocking boat, right, was crewed by Marty Soulier and Ed White, GLIFWC fisheries aides.



Long Lake volunteers ready for a full night of electro-fishing.



Lee Newman, USFWS, Office of Fisheries Assistance takes and measures stunned fish. Volunteers help record the information. The fish are then released.



GLIFWC's electrofishing boat glides by a residence on the shore of Long Lake. Netters in the front of the boat scoop up stunned fish which are later fin-clipped and released.



Arriving with a replacement crew, volunteers from the Long Lake Chamber of Commerce approach an electrofishing boat.

GLIFWC & DNR look at joint projects

Administrators for the Great Lakes Indian Fish & Wildlife Commission (GLIFWC), a natural resource agency of the Chippewa Tribes, and the State of Wisconsin's Department of Natural Resources (DNR) announced reaching preliminary agreement for their respective agencies on joint efforts in four areas following a meeting last month at the Lac Courte Oreilles Indian Reservation.

"Cooperation in resource management has long been practiced among the Chippewa Tribes. We welcome the opportunity to extend this cooperation with the State of Wisconsin."

—James Schlender

Both the DNR and GLIFWC officials agree that the long-term best interest of the resources in northern Wisconsin will best be served by joint management efforts. "Cooperation in resource management has long been practiced among the Chippewa Tribes," said James Schlender, GLIFWC executive administrator. "We welcome

the opportunity to extend this cooperation to the State of Wisconsin." The areas of mutual interest to be covered by memorandums of understanding or other agreements include 1) law enforcement, 2) wildlife management, 3) fisheries management and 4) cultural awareness. The State and the Tribes, through the DNR and GLIFWC, can accomplish many things within their existing legal authorities when there is a strong base of cooperation to build upon.

"We need to build a record of successful cooperation and get beyond rhetoric that can serve as a barrier. Together we must discuss how we can mutually protect and enhance the resources in northern Wisconsin," C.D. Besadny, DNR secretary said. "We have started and I'm excited about the agreement we are announcing and excited about what progress the future can hold."

Effective conservation enforcement is vital to resource protection in Wisconsin. It's not likely, based on present funding situations in the state, that there will be many more warden positions budgeted. There is the need to look for alternatives.

"We need to build a record of successful cooperation and get beyond rhetoric that can serve as a barrier."

—C.D. Besadny

One of the most logical alternatives is to achieve a highly interactive conservation law enforcement program between the Great Lakes Indian Fish and Wildlife Commission and the Department of Natural Resources. The Department and GLIFWC will within the next six months, or sooner if possible, negotiate a memorandum of understanding implementing this highly cooperative conservation law enforcement program. The program addresses the establishment of long term training, credential issuance, work coordination and liability.

In the 1990-91 fiscal year, using the \$20,000 appropriated to the Department in the recent budget bill, a pilot state conservation law enforcement training program for GLIFWC wardens will be developed and implemented. Hoping to achieve understanding, GLIFWC will develop and implement a cultural awareness course for affected

DNR employees including state conservation wardens within the same time frame.

Finally in the law enforcement effort, GLIFWC has extended an invitation for selected DNR employees to participate in intertribally training based on federally approved tribal regulations which is slated for July of this year. A state-sponsored training program on the federal court approved regulations for reserved hunting, fishing and gathering rights will also be developed and implemented for state conservation wardens and other affected WDNR employees.

Protection of the habitat is crucial to wildlife management and the need for ongoing management on public lands in the ceded territory is very evident. By expansion of a longstanding agreement between GLIFWC and DNR we can enhance the wildlife habitat through restoration efforts, direct seeding for regeneration, and installation of waterlevel control devices. Similarly joint initiatives could involve enhancement of wetlands for waterfowl, improvement of forest environment habitat, prescribed burning and fire control work as well as

forest regeneration.

The potential for cooperation extends to other wildlife management areas, such as a comprehensive study of changes in upland predator populations, natural areas work, and goose management. Jonathan Gilbert, GLIFWC wildlife biologist, emphasized that whatever projects are adopted they must be of direct benefit to the resources and be of a visible nature so that both agencies can point to a product of the cooperative effort undertaken by the state and the tribes.

Fisheries management has a long history of cooperation that can be expanded. A joint report on the status of the fishery should be compiled using the population assessment work that has been done by the Technical Working Group since 1985 when the tribes began spearfishing. There have been several joint efforts including Great Lakes trout work through the Lake Superior Committees. More work can be done in the area of population assessment, monitoring of hook and line harvests, and habitat enhancement.

The fourth area deals with cul-

tural awareness. A program developed by GLIFWC will be delivered to several hundred Department employees. Tribal consultation with Department District Directors and the office of Tribal Cooperative Management will serve as the basis for this program. Schlender noted that an understanding of the tribal view of man's relationship to the earth and other species underlies philosophies governing management priorities. "To work effectively together," he said, "appreciation of such basic philosophies and values must be fostered."

"The Department, GLIFWC, and the Tribes can accomplish many things within their existing legal authorities and we are commencing to build on that," Besadny added. "We are anxious to get on with the doing phases of the resource work that needs to be done and are not devoting time to debating what we are going to call it."

Within the next several weeks, respective staff from both GLIFWC and the Department will be meeting to flesh out memoranda in the four areas mentioned. Future announcements will outline details of joint efforts. □

Zebra Mussels and the commercial fishing industry

The zebra mussel (*Dreissena polymorpha*) is a mollusc with a striped shell that grows to about four centimeters and may live up to five years.

A native species of Europe, zebra mussels were discovered in North America in Lake St. Clair in June 1988. They were most likely introduced by a ship discharging ballast water picked up in a European port.

Several factors have allowed the zebra mussel to spread quickly and prolifically. These include its fertility (one mussel can produce 30,000 eggs annually), its freefloating larval stage, its ability to travel attached to boat hulls and the ease with which it can adapt to its new habitat in the Great Lakes. Populations of the mollusc have been found in Lake St. Clair, Lake Erie, at the mouth of the Welland River at Lake Ontario and near Cornwall in the St. Lawrence River.

Scientists predict the zebra mussel will eventually spread to all of the Great Lakes with varying impact, depending on water temperature and calcium content. In addition, there are concerns that they will appear in inland lakes and rivers, because they attach themselves to boats moving between different waters.

What kind of damage are they causing?

Zebra mussels attach themselves to solid surfaces, in many cases building up colonies several layers thick. Reefs, boats, piers, breakwalls, water intake pipes, rocks, aquatic plants and even other animals such as clams and crayfish have been covered by the molluscs. Reports on reefs near Pelee Island have shown counts as high as 30,000 mussels per square metre.

Large concentrations of zebra mussels have also been found attached to municipal, power plant and industrial water intake pipes in both Ontario and the United States. As a result, water flow is significantly reduced, in some cases by more than 50 per cent. Removing the mussels and preventing further build-up is difficult and expensive. It is estimated that the costs will run into hundreds of millions of dollars around Lake Erie alone.

How Zebra Mussels affect the commercial fishing industry

Little is known about the damage zebra mussels can cause to fisheries. However, the potential for harm is great. They consume plankton, possibly reducing the amount

of food available for the young of some fish species. They colonize spawning shoals, potentially decreasing the survival rate of fish eggs.

The zebra mussel is probably responsible for improving water clarity in western Lake Erie, but this condition may drive the light-sensitive walleye to deeper waters, away from traditional feeding areas, with a resultant loss in inshore fishing. There are also dangers that zebra mussels could transfer parasites and diseases to native fish.

Commercial fishing gear, including nets left in the water for long periods, can become encrusted with zebra mussels. The molluscs' sharp shells can cut hands.

The mussels also attach themselves to nooks and crannies on boat hulls and can enter cooling systems, leading to costly repair and replacement work. Mussels attached to hulls add drag, increasing fuel consumption.

How you can help clean up and control zebra mussels

Zebra mussels are here to stay. They have a few natural predators such as fish (freshwater drum, sturgeon, carp) and waterfowl, particularly diving ducks, but predation by these species is not sufficient to

keep the zebra mussel population under control. Ongoing studies are aimed at better understanding their biology, and ways to control them. In the meantime, there are several methods commercial fishermen can use to cope with them.

Removing zebra mussels is difficult and sometimes impossible. But there are a few methods that, depending on the size of the boat and seriousness of the problem, may prevent them from spreading to other waterbodies:

□ **Do not move your boat from an infested lake to another without completely cleaning it first.** Transporting zebra mussels from infested to non-infested waters is the only way the pest can be spread.

□ **Always take your boat out of the water and inspect it before entering inland waterways from the Great Lakes.**

□ **Zebra mussels in their early stages are hard to spot.** Pass your hand over the bottom of the boat. It feels grainy, you may have zebra mussels. Do not take a chance, clean them off.

□ **If they're large enough, zebra mussels can be easily spotted.** They do cling stubbornly to surfaces and it will probably take some effort to knock them loose. Be careful, the shells can be very sharp and you

could cut yourself.

□ **To clean off your boat hull, the best tool is a paint scraper or blasting with water pressure of at least 250 pounds per square inch.**

□ **On wood, aluminum or steel boats, zebra mussels effectively remove the first layer of paint when they attach.** Scrape down to the bare wood or metal and repaint. With fiberglass boats be extra careful not to break the gelcoat or glass.

□ **Certain polymer waxes on the market appear to discourage zebra mussel attachment.** However, you still must check your hull because they attach themselves to places such as drain holes and speedometer brackets. Anti-fouling paints are not a method of control.

□ **Zebra mussels can also get into intake pipes and clog the cooling systems of boats.** The only solution, in this case, is to replace the pipes, since the mussels are almost impossible to remove once they get in. Also, it is recommended that you keep an eye on the temperature gauge if you spend long periods in heavily infested lakes such as Lake Erie, Lake St. Clair and parts of Lake Ontario.

□ **Encrusted nets are best cleaned by leaving them out in warm, dry weather for two or three days.** Gill nets on reels should also

be left out. Most of the mussels will fall off, and the ones left behind will be easily removed.

□ **If it's hot and dry, leave your boat out of the water for two or three days, and the mussels will die and drop off.**

□ **Use garbage containers or bags to dispose of the zebra mussels.** Do not leave scrapings on shorelines because the mussels may be returned to the lake by wave action.

If you follow these suggestions and check your boat carefully, you could help protect valuable fish habitat and save millions of dollars in repair work.

Special suggestions for the baitfish industry

Various markets, both domestic and export, have indicated concern over the water used to transport live fish. If zebra mussel larvae are present in the water, it could cause an outbreak of the mollusc in previously uninfested waters.

To prevent the introduction of zebra mussels elsewhere, transport live fish in non-lake water such as well water or municipal water, after chlorine has dissipated. Do not move water from one lake to another, even in small amounts.

(Reprinted from Ministry of Natural Resources, Canada.)



Butch Deschampe, Grand Portage small boat commercial fisherman harvests whitefish from Lake Superior.

Researchers study link between contaminants and fish

Even though PCBs were banned in 1979, researchers estimate Lake Superior contains 21 tons of the contaminant. They cause cancer in laboratory animals and are linked to behavioral problems in humans.

Fish in Lake Superior have PCB levels 50 times higher than fish in other nearby remote lakes in Minnesota and Canada, according to scientists at the Freshwater Institute in Winnipeg. Since Lake Superior is a relatively clean lake, why are fish in Lake Superior more contaminated with PCBs?

"We can't trace high amounts of contaminants to regional sources," said Steven Eisenreich, professor, civil and mineral engineering. "The reason fish have comparatively high PCB levels must be because of the way contaminants circulate through the Lake Superior ecosystem." According to Eisenreich, the answer may be found in small particles, which are probably a major key to the way contaminants move.

PCBs are hydrophobic; they attach to small suspended particles in the lake, such as dead algae, instead of dissolving in the water or settling to the bottom of the lake. As the particles move from surface waters to the bottom and back up again, contaminants are circulated throughout the ecosystem, making them more available for uptake by other organisms, such as algae, zooplankton, and ultimately fish.

In a multidisciplinary project, Eisenreich and four other researchers will study how these particles control the movement of PCBs and similar contaminants in Lake Su-

perior.

Eisenreich will study how contaminants are taken up by organic matter, such as living and dead algae, and how they are recycled between the water column and the bottom of the lake.

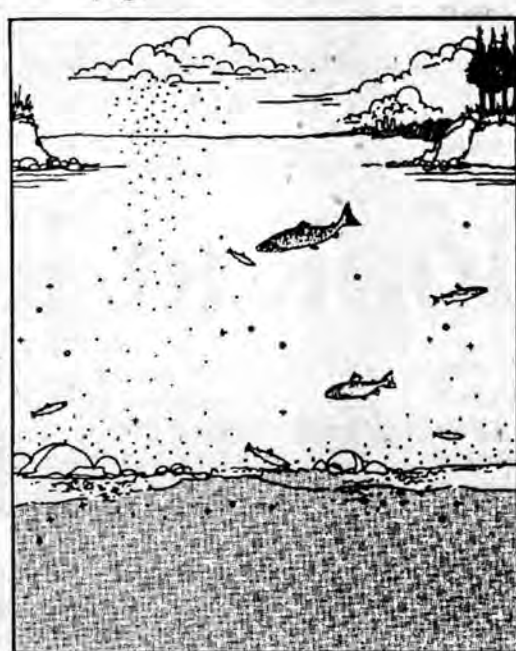
"If you follow where the organic matter moves, you find out where the contaminants move too," Eisenreich said.

Deborah Swackhamer, associate professor, environmental and occupational health, will study how contaminants enter the food chain through algae, which forms the base of the food chain. This is important because algae can accumulate large amounts of contaminants — up to 100,000 times the amount found in lake water. More than 99 percent of the contaminants in top predators — such as fish — are accumulated through the food chain, Swackhamer said.

Sculpin, a bottom-dwelling fish, may move contaminants further up the food chain since they are a major food source for lake trout and siscowet trout. If the sculpin are contaminated with PCBs, trout will be, too.

Anne Hershey, assistant professor, biology—University of Minnesota Duluth, will study how sculpin become contaminated from eating prey near the lake bottom, which researchers believe is rich in contaminants.

Bacteria, which feed on organic matter, are important agents in the decay of organic contaminants. They also help recycle nutrients in lakes. Because very little is known about the amount or productivity of



The movement of contaminants in Lake Superior may influence how they are taken up by fish. Contaminants enter the lake from the atmosphere and attach to particles in the lake, including dead algae and organic material. Some particles settle to the bottom; others are recirculated up through the water column, where they are absorbed by algae, zooplankton, and ultimately fish. Some contaminants "evaporate" from the lake and reenter the atmosphere.

bacteria in Lake Superior, Professor Randall Hicks will determine how many heterotrophic bacteria are in the lake, how fast they grow, and how they decompose natural organic matter.

"We want to know how quickly bacteria degrade organic matter as it settles into the sediments of Lake Superior and if bacteria prefer to consume organic matter from terrestrial or aquatic sources," he said. Hicks will determine the source of organic matter in the lake. Although some organic matter — such as leaves and nutrients from runoff — is from the land, most is probably produced by the lake's bacteria, algae, and zooplankton, he said.

In previous studies, Eisenreich found that up to 90 percent of the contaminants entering Lake Supe-

rior come from the atmosphere. Contaminants also leave the lake and re-enter the air in a process similar to evaporation. John Gulliver, associate professor, civil and mineral engineering, will measure the rate at which contaminants move between the lake's surface and the atmosphere to determine how wind and waves affect the movement of contaminants.

Gulliver will add fluorescent dye to an area of water, creating a small cloud that simulates contaminants. He will then measure movement of the cloud and tracer concentrations within it. According to Gulliver, this measurement technique has never been applied to a large lake before.

(Reprinted from Seiche newsletter, April 1990 edition.)

Zebra Mussel invasion prompts legislation

In early March Senator John Glenn (D-OH) and Congressman Henry Nowak (D-NY) introduced in the Senate and House respectively, the "Nonindigenous Aquatic Nuisances Act of 1990" a bill to contain the spread of the Zebra Mussel (*Dreissena polymorpha*), and to prevent the inadvertent introduction of new exotic species to U.S. waters via ballast water exchange. The bill, S.2244 and HR.4214, is designed to:

- Require the Coast Guard, NOAA and the Fish and Wildlife Service to collaborate to set ballast water management requirements for any ship entering a U.S. port;
- Set a "zero tolerance" level, since ballast water from even one ship can introduce a new species;
- Require that the Fish and Wildlife Service be permitted to conduct random testing of ballast water for biological content; and
- Establish an enforcement mechanism, including fines or a mandatory return to deep sea ballast exchange areas.

The proposed legislation also calls for the establishment of research programs to develop control methods, study basic Zebra Mussel biology, monitor distribution, investigate impacts on the health of humans and indigenous species and explore possible beneficial uses of the mussel.

Emphasis would be placed on non-chemical, environmentally safe control methods.

These mollusks, indigenous to Europe, were introduced into the U.S. via ballast water exchange, probably sometime in 1986. They

have since become established and have spread from the Lake St. Clair system into Lake Erie toward Lake Ontario, to the detriment of native species and the frustration of water utilities. The mussels attach themselves to objects in strong flowing currents, making water intake pipes ideal habitat. Their prolific reproduction is choking water supplies in several Lake Erie cities and threatening to displace native species and their food supplies.

Zebra Mussels are eventually expected to infest some two-thirds of the continental United States.

S.2244 has been referred to the Committee on Environment and Public Works. The Senate Great Lakes Task Force, under Senator Moynihan, is expected to request a field hearing in the near future. In the House, the bill has been referred to three subcommittees of the Committee on Merchant Marine and Fisheries.

They are: the subcommittee on Coast Guard and Navigation; Fisheries and Wildlife Conservation and the Environment; and Oceanography and Great Lakes.

A second piece of legislation was introduced by Merchant Marine Committee members Congressmen Dennis Hertel (D-MI) and Bob Davis (R-MI) to provide funds for research into zebra mussel control measures. The House Merchant Marine Committee is supporting a \$4.5 million budget request for fiscal 1991 targeted for Sea Grant and the Great Lakes Environmental Research Laboratory.

(Reprinted from Sierra Club, Great Lakes Washington Report, Volume IV, Number 3.)



A tribal commercial fisherman unloads his catch in Houghton, Michigan.

Mercury levels in fish prompt GLIFWC survey

by Judy Pratt
GLIFWC Environmental Biologist

Mercury characteristics and exploitations

Mercury is a naturally occurring element which is highly toxic among its other characteristics. It was heavily exploited during the industrial revolution. The toxic mercury based compounds were used extensively as bactericides, fungicides, insecticides and pharmaceuticals. Mercury has high electrical and thermal conductivity, and has been used in electrical conductors, switches and coolants. Mercury's ability to form amalgams is why mercury is used in dental fillings and in metal recovery. Also, its brilliant yellow compounds, as well as its toxicity is the reason it was the base for paints.

Sources of mercury

Sources of mercury in the environment past and present include chlorine, pulp and paper, mining and refining, and electric industries; laboratories, hospitals, and dental applications; agricultural pesticides; burning of fossil fuels; incinerators; cement manufacturing, paints, and catalysts. Once in the ecosystem, the mercury cycle throughout the biosphere. Mercury is deposited via the atmosphere in addition to in place and point sources.

Methylmercury

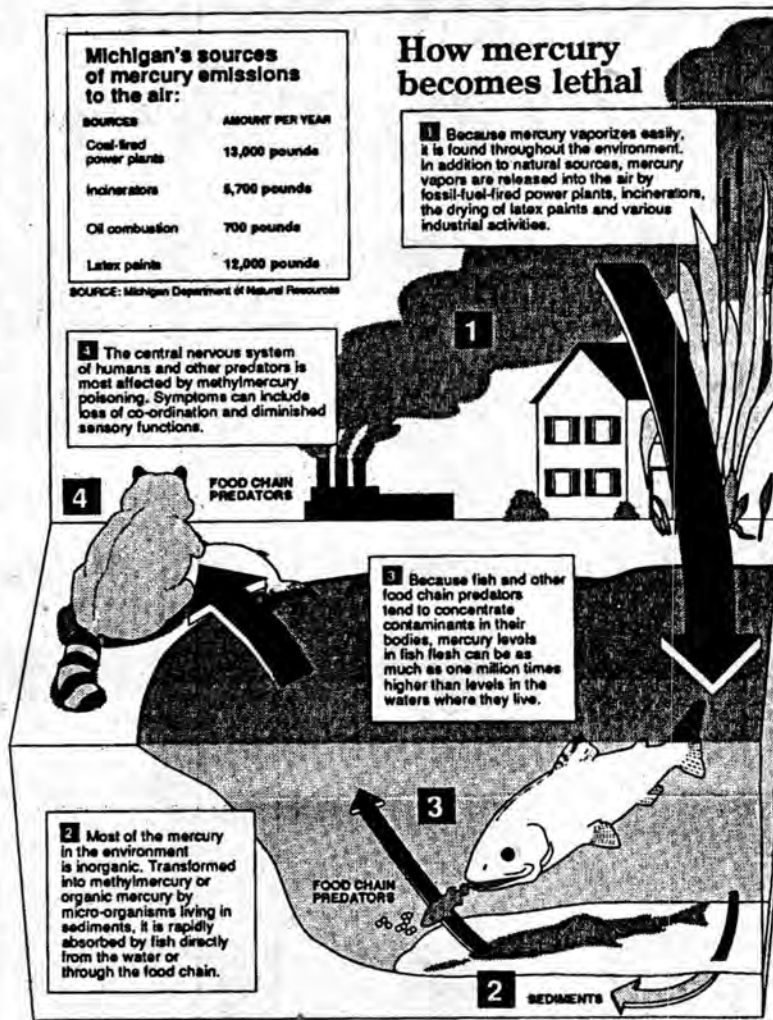
Once in lake sediments, organisms convert mercury to methylmercury which is more toxic and the concern of pollution control. Methylmercury is neurotoxic, teratogenic, and has been shown to be mutagenic. It bioaccumulates and concentrates up the food chain to the top predators, and almost all that is present in food is absorbed when eaten. The 1/2 life of methylmercury is about 72 days. This means 1/2 of the mercury in your body will be discharged in 72 days (providing you don't add to your body burden of mercury during this time). Please see illustration "How mercury becomes lethal" printed in "Seiche" Mn. Sea Grant Ap. 88.

Project collection

GLIFWC member Tribes are concerned about fish toxics, and directed that GLIFWC staff get fish analyzed for mercury levels. Fish were collected from 12 lakes this year for the purpose of mercury analysis. Collection occurred during the spring population estimations by inland fisheries personnel, from spearers during spring spearing, and by WDNR on Lake Nebagamon. A local news reporter also accompanied GLIFWC on a special trip to electroshock Upper Eau Claire lake in Bayfield Co. in order to write an article about the project.

Background

Following the 1987 spring spearing season, WDNR notified GLIFWC that there was a mistake in the advisory — Butternut Lake was mistakenly



GLIFWC, WDNR and USFS undertake cooperative study of northern WI predators

Jonathan Gilbert
Wildlife Biologist

What is happening to Wisconsin's bobcat population? Is it in trouble, as some people claim, or does it remain in good health as others claim? No one disputes that Wisconsin's fisher population is increasing in size and distribution. What effect does this increase have on the fisher's prey species or on other predator populations? Pine martens are currently being re-established in Wisconsin. Will these smaller predators find enough prey to survive and reproduce? Coyote populations are at all time highs and their distribution throughout the state is increasing. What effect will this range expansion and population increase have on small game populations?

These are among the questions which will attempt to be answered during the course of a cooperative study of Wisconsin's mammalian predatory species. Great Lakes Indian Fish and Wildlife Commission (GLIFWC), the Wisconsin Department of Natural Resources (WDNR) and the Nicolet National Forest began the first year of a decade long study into the interaction between 4 predator species (bobcats, fishers, pine martens and coyotes) this past winter.

The idea for this study is not new. It has been a concern of wildlife biologists and researchers for several years. As predator species were re-established in the state and as other predator populations have increased in size and distribution, biologists from WDNR, GLIFWC and USFS have wondered what these predators are eating. Is there enough prey in the northern Wisconsin environment to support

these animals or are they competing for a limited prey base? Even more interesting is the hypothesis that some predators, particularly fishers, may be preying upon other predators. There has been an apparent decline in bobcat populations in areas occupied by large numbers of fishers. Are the fishers to blame?

As important as these questions are, no single agency has been able to gather enough funds to fully support an expensive, long term study such as this. I have been successful in bringing together three agencies, Wisconsin Department of Natural Resources, U.S. Forest Service, and GLIFWC to share in the partial funding of this project.

The study is being conducted in the Nicolet National Forest, in the Fisher/Marten closed area on the Eagle River District. This area was chosen for several reasons. According to Bill Creed, WDNR research biologist and long time advocate of predator research, this closed area has the highest predator density of any place in Wisconsin and as such is ideal for a study of the interaction between predators. Also according to Creed this closed area also has the only established population of pine martens in Wisconsin. Tony Rinaldi, Wildlife Biologist in the Nicolet National Forest and supporter of the interaction study says the Forest Service is interested in learning the habitat requirements of the pine marten and the fisher because they may require forest structure and function typically found in old growth forests. Finally, the Nicolet National Forest is one of only a few National Forests in the country which has a operating Geographic Information System. This computerized mapping and analysis system will greatly aid in the study design and in the evaluation of home range characteristics and habitat preferences of study animals.



Ron Parisien holds an immobilized pine marten with a radio telemetry collar.

The study began in the winter of 1989-90 when bait stations were set out in an attempt to locate predator species, especially bobcats. Bobcats were chosen first because they do not occur in large numbers and may prove the most difficult animal to capture. If the idea is to study the interaction of animals then we must have animals marked which live in the same vicinity. It made sense to first try for bobcats and then target the other species in the area occupied by the cats.

After 2 months of running bait stations only 2 sets of bobcat tracks were observed, confirming our fears that few bobcats lived in this area. Nevertheless, a trapper was dispatched to attempt a capture. After 6 weeks of trapping we had one near miss when only the hair on the leg was caught.

As spring approached bobcat trapping was put on hold until next fall and fisher/marten trapping began. Ron Parisien, GLIFWC wildlife technician and I placed out

box traps (on loan from WDNR) in areas identified as being used by fishers and martens during the bait station work. We were assisted by Bruce Kohn, WDNR researcher, Joe Kastenholz, Eagle River district biologist and Mike Steck, USFS fisher trapper. We were successful in capturing and placing radio collars on 3 pine martens and two fishers during this trapping phase.

No one has ever tried to capture these animals during the spring in Wisconsin and we had no idea if it would work. I was very pleased with our results. We will be following our marked animals with our telemetry equipment during the life span of the radio collars. During this summer we will again try to trap more fishers and martens. In the fall, bobcats and coyote trapping will be continued. The winter will see more fisher and marten trapping and soon. The object is to have animals "on the air" in this area continuously during the life of the

study.

As mentioned earlier, although three agencies have generously contributed funds to the study there are still unmet needs. We are actively searching for other funding sources and we will be unable to fully implement the project until more funds are secured. However, I am confident that once we begin to see positive results from the first year of research, we will be successful in finding the funds to complete the full scale study.

This study is a prime example of the work which can be accomplished when the State of Wisconsin, US Forest Service and the Bands of Lake Superior Chippewa cooperate in resource management and research. This research need would go unmet if it were not for such cooperation. I think it is a credit to all involved that we have gotten this project off the ground. Now we must work more diligently to bring the project to a successful completion.



Ron Parisien, GLIFWC wildlife technician and Bruce Kohn, WDNR place bait in fisher/marten traps.



Joe Kastenholz (left) and Mike Steck, USFS assemble live traps while Bruce Kohn, WDNR and Ron Parisien, GLIFWC wildlife technician prepare bait for fisher and pine marten trapping.



An immobilized pine marten recovers in a trap. Note the radio telemetry collar around his neck.

Tribal hatcheries in full swing this spring



Walleye fingerlings crowd an inside runway at the Lac du Flambeau hatchery.



Inside the Lac du Flambeau tribal hatchery racks of bell jars are used to hatch fertilized eggs.

Spring brought the usual rush of activity at tribal hatchery operations. The collection of eggs and delicate incubation processes which come with the spawning season kept many crews busy around the clock.

Tribal hatchery operations vary in size and sophistication, ranging from Lac du Flambeau's full-scale operation, replete with indoor and outdoor runways and rearing ponds, to a system such as at Lac Courte Oreilles which uses the space-efficient Big Redds for hatching.

Several hatcheries took eggs from speared walleye for hatching v successful results.

Reports on results from Chippewa hatcheries are as follows:

Bad River Tribal Hatchery	4.5 million walleye fry
Lac du Flambeau Tribal Hatchery	27 million walleye fry 715,000 walleye fingerling 50,000 musky fry 1,200 musky fingerlings 15 million white sucker fry 25,000 brown trout fingerlings 106,000 rainbow trout fingerlings 38,000 brook trout fingerlings
St. Croix Tribal Hatchery	691,000 walleye fry stocked in rearing ponds (to be stocked in Sand Lake, No. Sand, Rooney, Lipsett, Yellow, Red Lake, and Big Round Lakes)
Lac Courte Oreilles Tribal Hatchery (facility under construction)	500,000 walleye fry



Bad River hatchery crew member Hilary Butler, Jr. "shuttling" males to be used in the spawning operation.



Tim Debrot, GLIFWC warden adjusts one of the Big Redds used to hatch walleye eggs at the Lac Courte Oreilles tribal hatchery.



Bad River Fisheries Specialist, Joe Dan Rose places fertilized eggs into water hardening trays. The eggs will absorb water for 6-10 hours before being placed into incubators.

Vandalism obstructs Sea Lamprey studies

By Mark Ebener
GLIFWC Great Lakes Biologist

Since April 25th, the Great Lakes Section of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) has been trapping adult spawning-phase sea lamprey on thirteen tributaries to Lake Superior. Fyke nets and portable assessment traps were placed on the Nemadji, Black, Amnicon, Middle, Bad and Red Cliff Creek in Wisconsin, and the Ontonagon, Firesteel, Misery, Traverse, Otter, Silver and Huron in the Upper Peninsula of Michigan.

Five fisheries aides from the Red Cliff, Bad River and Keweenaw Bay tribes were hired to monitor the nets and traps, and two Red Cliff commercial fishermen volunteered their time to trap the Traverse River.

Trapping has been successful thus far, but as in previous years problems abound. Eight to twenty-two inches of snow in the Upper Peninsula combined with several inches of rain early in May greatly increased water levels in the rivers breaking and rendering fyke nets

inoperable in the Huron, Silver, Firesteel and Ontonagon Rivers. Sport fishermen continued to vandalize nets on the Traverse and Ontonagon Rivers.

Vandals opened the gate on the Misery River allowing hundreds of lamprey upstream of the barrier. Otters continue to chew holes in fyke nets on the Amnicon and Firesteel Rivers allowing lamprey to escape the nets. High water levels in the Upper Peninsula caused Sea Lamprey Control Staff in Marquette to chemically treat the Nemadji, Black and Middle Rivers earlier than scheduled virtually eliminating the possibility that we will catch many lamprey on those rivers.

On the brighter side we seem to be doing very well capturing lamprey on most rivers. Red Cliff Creek is producing good catches although small in number, the Traverse River catch is double the catch in previous years, and catches on the Ontonagon Rivers have been better than I expected considering we have not trapped that river before.

The Bad River continues to har-

bor the largest population of lamprey in all the tributaries being trapped and catches from the Bad make up nearly two-thirds of the total catch. Catches and initial population estimates by river are printed to the right.



Tributary	Number caught	Number marked	Number released	Population estimate	Date
Bad River	415	383	53	3,000	June 13
Misery River	87	87	11	700	June 7
Amnicon River	85	85	5	1,400	June 8
Firesteel River	34	34	3	400	June 7
Ontonagon River	30	30	6	150	June 7
Traverse River	29	29	2	400	June 1
Red Cliff Creek	8	6	1	50	June 11
Black River	3	3	0	-	June 8
Huron River	2	2	0	-	June 1
Silver River	1	1	0	-	June 1
Middle River	1	0	0	-	June 8
Nemadji River	0	0	0	-	June 8
Otter River	0	0	0	-	June 1
Total all rivers	692	657	81	6,100	



Portions of teeth from the Sea Lamprey can be observed even though the mouth is closed. The lamprey latch on to fish with its sucking disk and teeth.



Lifting a lamprey trap from the Bad River Falls are (from the left) Phyllis Lemieux, Bad River WCC Crew member.

Obstacles to tribal resource management explored at 8th NAFWS conference

by Cristine Milton
NAFWS Public Information/
Education Director

Woven into the theme of "Tribal Resource Management Strategies for the 90's: Beyond Biological Management" at the 8th Annual National Conference of the Native American Fish & Wildlife Society were undercurrents of "Cooperative Strategies" and "New Federalism."

This early April gathering in Rapid City, South Dakota brought close to three hundred tribal, federal, state and private sector natural resource specialists and decision-makers together from around the country. Under a newly created format designed to constructively seat representatives from various factions together on the same panel, participants were given the opportunity to publicly define "perspectives," "obstacles," and "strategies for resolution" of those many dimensions facing tribal fish and wildlife efforts. The dynamics of self-determination, funding economic alternatives, environmental

issues, and education garnered the spotlight during this four-day conference held deep in the heart of Sioux Country.

While defining perspectives and exploring attitudes, panelists grappled with and identified those issues that have become obstacles to not only tribal natural resource efforts, but to tribal self-determination. Panelists, ranging from tribal leaders to Washington D.C. Representatives to Bureau Area Directors, are to be commended for their candid assessments and constructive exploration of solutions.

Hosted by the Plains Region of the Native American Fish & Wildlife Society, the conference was also co-hosted by the Oglala Sioux Tribe Parks and Recreation Authority of Pine Ridge. The aggressive agenda for this meeting of the minds included an opening segment on the National Tribal Natural Resource Perspective and Profile, which included some big gun panels on "Trust Responsibilities: Coordination of Federal Resources toward Tribal Natural Resources" and "Cooperation and Cooperative

Strategies: Tribe-to-Tribe, Federal-to-Tribe, State-to-Tribe, Bureau-to-Tribe, Indian Organization-to-Tribe, Canadian Natives-to-Native Americans." Speakers for this segment ranged from Tim Wapato (Executive Director, Administration for Native Americans) and Steve Heeley (Deputy Minority Staff Development and Counsel for the Senate Select Committee on Indian Affairs) to David Lester (Executive Director, Council of Energy Resource Tribes) and Marvin Weatherwax (Blackfeet Tribe).

Other panels included: 1.) Environmental Dimensions which addressed environmental protection concerns and jumped in to tackle a field rapidly gaining prioritization in Indian Country. Kestus "Casey" Ambutus (Regional Indian Program Coordinator, US EPA), Gay Kingman (Interim Executive Director, NCAI) and John Persell (Director, Tribal Water Research Laboratory, Leech Lake Reservation) joined other national representatives on this panel as they clearly addressed immediate environmental needs and concerns.

2.) Economic Development: Our Natural Resource Future which provided insight into bio-economic futures, while the often prohibitive program costs of trapping into these opportunities was also explored.

3.) Natural Resource Education which looked at the more practical concerns facing Indian Country fish and wildlife personnel.

The last day of the Conference was devoted to technical and law enforcement presentations where political, fiscal and bio-economic strategies were temporarily laid aside to deal with the grass roots technical concerns of the day-to-day workings of natural resource personnel.

"Wildlife/Fisheries — Plans, Acts and Programs" allowed for discussion of the North American Waterfowl Plan, National Park Surplus Wildlife, National Fisheries Academy Training Programs, and Cooperative Management in Minnesota. USFWS Special Agent, John Cooper, challenged information and entertained the audience as only he can do with his multi-topical presentation on "Re-

lations and Issues in Law Enforcement and Technical Areas." Law Enforcement updates, contracting, and upcoming training curricula were discussed at length by Pat Zakovec (NAFWS President of the Board and 1854 Authority Coordinator) and Kirk Beattie (University of Wisconsin Stevens Point). "Endangered Species" reports were aptly presented on the Black-footed Ferret, Wolves, Grizzlies, Montana Bald Eagle Management Plan, and the Swift Fox by presenters with such extensive expertise in the field that space limitations do not allow their reference herein.

Other representatives from private industry, the Canadian Ministry of Natural Resources, the Black Hills National Forest, the Native People Committee of the American Fisheries Society, and various tribal programs rounded out the presentations with additional insight into the many realms of tribal resource management and opportunity.

In addition to the provocative, illuminating and candid dialog issuing from the panels, was the inclusion of a new component to this

year's conference which truly set the tone for directions of the future. Student educational outreach was targeted this year as a necessary component to the success of any tribal natural resource endeavor and the Society was pleased to include two student segments into the Rapid City gathering. A special concurrent "Fish, Wildlife and Environment Youth Workshop" was included whereby various local Pine Ridge junior and senior high school students were able to attend this NAFWS workshop designed to encourage natural resource awareness and futures for Indian Youth.

The Society was pleased to welcome participants from all around the country, but was especially pleased to include representatives from neighboring Canadian Bands and Programs. Just as our wildlife and fish know no borders, so too can there be no borders limiting Indian Country. Noteworthy is an International Native American Fish & Wildlife Symposium planned for the future.

(Complete coverage of the conference is available from NAFWS.)

LDF WCC targets community conservation projects

LAC DU FLAMBEAU, WI—The Wisconsin Conservation Corps (WCC) Board recently awarded \$75,700 to the Lac du Flambeau Band of Lake Superior Chippewa for the purpose of working on diversified recreational and conservation projects. A crew of 7 young men and women from the local community will be employed to complete this work.

Veteran crew leader John Brown will provide supervision for the crew and will assign daily work tasks. The project's implementation and future continuity will be under the direction of Larry J. Wawronowicz, Director, Natural Resources Department-Lac du Flambeau Chippewa.

The entire work plan provides for a wide variety of conservation related activities. Controlled burns will take place over 470 acres of the Powell Marsh and 30 acres of the East Boundary Road area. In addition, the Lac du Flambeau crew will be participating in erosion control along Flambeau and Long Lakes.

Timber stand improvement is another item on the agenda for WCC's Lac du Flambeau crew. The Silver Beach and East Boundary units are the sites for the planting of 33,000 seedlings across 45 acres, and 68 acres of pine release and shelterwood improvement will take place also.

Other conservation projects include the clearing of forest access roads for the benefit of wildlife and fire control personnel, and a wild rice enhancement program which will involve the planting of 250 lbs.

Leadership, traditional values emphasized at youth institute

Over thirty participants, ranging in age from five to adult participated in the Great Lakes Area Youth Leadership Institute this June at the Red Cliff tribal campground.

Culturally oriented, the two week program had several activities and events that put a strong emphasis on the body and mind of today's Native American youth.

"We wanted to maintain our cultural identity," said Ernie St. Germaine, Camp Director.

Participants in the camp learned how to make moccasins, weave baskets, skin and tan a deer hide and had lessons in the Ojibwa language.

"We also want to use the camp to promote junior tribal councils on the reservation," he added, "and build an interest in leadership among our tribal youth."

Those who attended the camp also learned about respect, cooperation, listening, and building self-esteem.

Each of the camp participants received a piece of string to wear around their neck and were given a bead to put on the string for each bit

of knowledge they received.

The beads themselves represent acts that occurred between a counselor and a youth participant, a sharing of information and knowledge, and were looked upon with high regard and respect. At the end of the camp the participants were then asked to tell the other participants what each of the beads represented.

This program will also incorporate several other events throughout the year, a Rice Camp in September in which the participants will help in the gathering and processing of wild rice, a Frost Camp in January to learn about survival in the winter, and a Sugar Camp in April for Maple sap gathering.

In the past, several of the counselors at the camp have participated in events with each other in order to promote similar ideas, however this is the first that many of them have participated in this type of camp.

"One good thing about this camp," said Denise Sweet, one of the adult supervisors, "the kids are not just sitting around being bored." "We are accomplishing a lot for

Indian Fish and Wildlife Commission (GLIFWC), U.S. Forest Service (USFS), and the Wisconsin Department of Natural Resources (WDNR) conservation specialists will be held for the benefit of the Flambeau crew. Corps members will be attending safety, first aid, job seeking skills, and Wildfire classes during their year of service. Interesting environmental and life skills

seminars will be held as well.

The WCC is a state agency which, along with sponsors like the Lac du Flambeau Chippewa, allows previously unemployed men and women between the ages of 18 and 25 to take part in conservation projects throughout the state. The corps also offers an \$1800 educational bonus or a \$500 cash bonus with the completion of one year of service.



Lac du Flambeau Wisconsin Conservation Corps Assistant Crew Leader, Scott Poupart and Crew Member Chris Peterson, build wood duck boxes.

GLIFWC awarded WCF grant

The Wisconsin Community Fund (WCF), a public foundation making grants to grass roots groups working for social change throughout Wisconsin, announced 10 new grantees for the Spring of 1990. The Community Funding Board, made up of community activists representing different geographic areas, issues and constituencies, decided to fund projects addressing the following issues: racism, Native American culture, pesticides, Hispanic youth, interracial and inter-generational relations and lesbian parenting.

Great Lakes Indian Fish and Wildlife Commission, located in Odanah, is an organization whose purpose is to protect and enhance Treaty guaranteed rights to hunt, fish, and gather on inland territories ceded under the Chippewa Treaties of 1837, 1842 and 1854; to protect and enhance Treaty guaranteed fishing on the Great Lakes; and to provide co-management of these resources. The Wisconsin State Legislature has appropriated limited funds to develop curriculum on Indian history and treaties. This

curriculum will not be available to schools until September 1991! The WCF grant will go to print and distribute "Chippewa Treaty Rights" information to northern Wisconsin schools a year earlier than the Legislature had planned.

Other WCF grantees from this Funding Cycle include: Anishinabe Nijji, Hayward; Madison Treaty Rights Support Group, Madison; Oneida Longhouse, Oneida; Sokaogon Chippewa Community, Mole Lake; East Side Housing Action Coalition, Milwaukee; Esperanza Unida, Milwaukee; Lesbian Parenting Network, Madison; Ecumenical Refugee Council, Milwaukee; and Citizens Against Pesticides, Madison.

A total of almost \$300,000 has been given out to community groups since WCF's inception in 1982. In addition, over \$20,000 worth of Lotus Software and computers have also been awarded to Wisconsin not-for-profit groups in the last year. The Wisconsin Community Fund is proud to have served progressive social change during the last eight years.

Regional training attracts tribal judges

On May 9-11, seventeen tribal judges and court personnel representing 10 tribal and inter-tribal court systems from Michigan, Minnesota and Wisconsin attended a training session at the University of Wisconsin-Stevens Point.

Sponsored by the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) — ANA Program, the session was aimed at providing the tribal court personnel with information and training in court procedure concerning evidence and objections.

Kathryn Tierney, attorney for the Sault Ste. Marie Tribe of Chippewa, was the trainer and set up the intensive three day program as a lecture in the morning session with mock courts set up in the afternoon.

Tierney also developed a court book with recommended court forms and court procedures for handling evidence and objections.

The training session was set up as part of a grant the Great Lakes Indian Fish and Wildlife Commission received from the Administration for Native Americans program through the U.S. Department of Health and Human Services and was the result of a needs survey conducted of tribal judges in the Minnesota, Wisconsin and Michigan areas.

As a result of the positive response of this past training, and at the request of the tribal court personnel in attendance, additional training is being planned for this fall.



Participants in the Great Lakes Area Youth Leadership Institute peel poles to construct a lodge.

the growth of these kids," she added.

Participants in the camp came from as far away as Eau Claire, Lac du Flambeau and Mole Lake.

The Great Lakes Area Youth

Leadership Institute was funded with grants from Wisconsin Department of Health and Social Services, Indian Health and Social Services and the Otto Bremmer Foundation.

Beginning of the Trail

At the threshold of a decade
Westand together, you and I;
Open hands to the Creator,
Eyes uplifted to the sky.

We see in our tomorrows
No need to further fail;
Together we'll find sunshine
At the beginning of the trail.



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Obey on treaty rights

As you know, since the court decisions came down on the Chippewa treaty rights issue I have publicly expressed my disappointment with those decisions and have tried to take every reasonable action to bring about a situation which would be more fair to all parties involved.

- Senator Kasten and I introduced legislation to try to limit spearing by the tribes.
- I have joined Congressman Robert Davis of Michigan in asking for a Presidential Commission to review the impact of those court decisions.
- I informed the various tribes that I could not support their request for additional federal funding if they did not take into account the needs of their neighbors on this issue.

□ After the Lac du Flambeau tribe turned down the compromise suggested by Governor Thompson, I wrote the Bush Administration asking whether there was any chance that they would change their minds and now support some kind of federal action to change the impact of those court decisions. Secretary of Interior Manuel Lujan sent me a letter on January 29, 1990, indicating that the Bush Administration is sticking with the position of President Reagan and Presidents before him in opposition to any federal action to overturn or alter those court decisions.

□ One month later, Congressman Roth and I and Senators Kasten and Kohl supported the request of a number of local Chambers of Commerce leaders asking for Senator Inouye, the Chairman of the Senate Indian Affairs Committee, to come to Wisconsin to try to help move the situation forward.

We are hopeful that Senator Inouye's visit to Wisconsin can help the state and tribes resume discussions about how to reshape this situation in a more reasonable and fair direction.

Senator Inouye attended some 11 different meeting between the State of Washington and the Puyallup tribe and helped them to hammer out a new compromise more in keeping with twentieth century realities, a compromise that was signed by the Governor and tribal leaders just last month. He offered to try to do the same thing in Wisconsin if both sides to the court suit—the state and the tribes—were willing to resume discussions. That was a useful first step and I hope that it leads to more.

Meanwhile, Wisconsin is faced with the prospect of another controversial spring. I am very pleased by the efforts made by a number of local Chambers of Commerce in the Vilas-Oneida area to work out a new temporary agreement with the Flambeau tribe under which the Flambeau would agree to scale back their spearing activities. That agreement would enable non-tribal hook and line fishermen to take up to three walleyes a day on the affected lakes. That is not as many as we would like, but it is certainly better than the zero which the court provided.

I do not represent the Flambeau tribe in Congress; they are largely in the district represented by Congressman Roth. But I have been working with the local leaders in the Flambeau area, nonetheless, because of the seriousness of the problem. The Wisconsin congressional delegation will continue to work as closely as possible with the Governor to provide whatever assistance we can.

As serious as this problem is, it is no more serious than the treaty problems encountered in states like Maine, Connecticut, New York and Arizona. In Maine, for instance, the situation was a lot more serious than hunting and fishing. The courts ruled that the tribes owned half the land in the State of Maine which meant that the people who owned homes on that land did not even have clear title to their homes. If they could overcome these problems, I'm confident that we can too if people work to bring everyone together rather than tearing the state apart.

There is often a tendency to focus only on rights, but problems are usually solved only when people also focus on their obligations and this question is no different. That is the only way this issue will be resolved in a manner which is fair to everyone.

(Reprinted from Dave Obey Reports, a flyer produced by David Obey, Wisconsin's 7th District.)

Treaty Beer dumping a good sign

OLYMPIA, WA—The second dumping of Treaty Beer by Washington residents is "a good sign," according to tribal officials.

"It is a sign of the great progress we have made in Indian/non-Indian relations," said Bill Frank, Jr., chairman of the Northwest Indian Fisheries Commission (NWIFC). "Not every problem is solved. Not every ill cured. But we have proven beyond all doubt that supporting each other and working together on common objectives makes sense. Treaty Beer does not."

Treaty Beer promoter Dean Crist admitted defeat in late May in his second effort to sell Treaty Beer in Washington State. Crist, who is also president of Stop Treaty Abuse, Inc. (STA), an anti-Indian organization based in Wisconsin, announced that he lost \$100,000 in his efforts to bring Treaty Beer to the Pacific Northwest. The beer, which has been called "hate in a can" was being sold to raise money to fight Indian treaties.

"The ousting of Treaty Beer from our state does not put an end to anti-Indian activities. There are still some groups and individuals who oppose Indian rights. But the negative reaction of the public to Treaty Beer again demonstrates that these groups and individuals are a radical fringe element. Whether we are talking about natural resource management, environmental protection, cultural and human rights issues or economic stability, it makes good sense for the Indian and non-Indian to respect one another and to work together."

When Crist first tried to introduce the beer in Washington two years ago, he failed in part because



distributors would not accept the product. This time he set up his own distributorship (Sportsman Distributing, Inc. of Fife), but the consumer would not accept it. "It was the person on the street who refused to buy the product, the business that refused to handle it, and the radio stations that turned down Treaty Beer advertising dollars, who defeated this racist product this time," said Frank.

After the initial media splash and collectors' buying frenzy, most people forgot about Treaty Beer. But an organization consisting of human rights groups, churches, environmental organizations, the timber industry, Trout Unlimited, the tribes, and HONOR (Honor Our Neighbors' Origins and Rights) did not forget. From the beginning, this group worked to contact stores and taverns throughout Washington and calmly inform them about the immoral nature of the product.

Even most stores that tried to sell the beer eventually saw the light. At

last count, Treaty Beer was being sold in only six stores and taverns in the state. Crist had, in truth, found it very difficult to get his beer into businesses. One after another, they turned him down flat.

"If it were 20 years ago, he might have been able to sell it in this state," said NWIFC Chairman Bill Frank. "But now we have co-management and the majority of the people in the state want to do the right thing. They want justice. They want cooperation. We've got a peaceful state now, and cooperative resource management is working well."

As president of STA, Crist has for years been a primary organizer of anti-Indian protests in the Great Lakes region. Operating out of his pizza parlor in Minocqua, Wisconsin, he has waged campaigns which often turned violent against Indian spearfishers and he has made public statements supporting white supremacist organizations.

(The above release was written by the NWIFC.)

Youth cover 70 miles in weekend run



Fond du Lac to create Ceded Territory Commission

(Reprinted from The Pine Knot, May 24th edition)

At the May monthly open Reservation Business Committee (RBC) meeting held May 10th in the Fond du Lac (FDL) gym, a motion was made by District 1 Rep. Clifton Rabideaux and seconded by Herman Wise Dist. II Rep. and passed with no dissenting votes to create a 1854 Ceded Territory Commission.

The commission was the idea of FDL band member Jeff Savage and at his request a motion was made to create a 12 member commission to research and solicit the views of concerned Fond du Lac band members into how the tribal government should deal with our treaty rights

and related issues and concerns. Savage stressed the fact that this was to be a commission not a committee so the decisions of this group would be considered seriously.

Two referendum votes on not approving an "agreement" with the "state" seems to have left the band and the RBC in a stalemate on how to proceed on this sensitive and very important issue. Hopefully the commission will hold public hearings, do surveys and ultimately hold a referendum vote on how to proceed with a consensus of tribal will.

Interested parties willing to commit time and effort on this commission should contact their district representatives or council members.

Approximately 35 runners began the trek from Bad River to Red Cliff and back Saturday morning following ceremonies at Odanah. The spiritual run, aimed at honoring and thanking an awakening Mother Earth, gained additional participants for the return run from Red Cliff.

The run, sponsored jointly by the Bad River TRAILS and the Red Cliff Alcohol and Drug Abuse (AODA) Programs, drew participants from both Indian and non-Indian communities who came from as far as Milwaukee, Lac du Flambeau and Lac Courte Oreilles.

Spiritual ceremonies highlighted both the start and conclusion of the race with Delores Bainbridge, a traditional elder and educator, providing an Ojibwe prayer and presenting the spiritual flag staff to the runners.

Many of the runners were youth associated with the TRAILS program.

Bob Dashner, Director, Bad River Trails, expressed pleasure at the stamina and spirit displayed by many of the youthful participants who ran much of the distance with few rests. Victor Pouppart, a 12 year old from Lac du Flambeau, was singled out for the extraordinary effort he displayed during the day.

However, the run was not confined to youth. Notably Jon Anderson, Lac Courte Oreilles, a veteran of both Grandma's and the Boston Marathon runs, kept the pace with all the runners, young and old.

A feast and pow-wow held at the Bad River Community Center hosted about 300 people who joined in the celebration of spring and the completion of the run. Ceremonies honored the runners as well as those supportive of the event.



The Mole Lake Wood Industries, Inc. began production in April of both custom-sized and standard pallets. The industry is tribally owned and operated by the Sokaogan Chippewa Community. Although the emphasis is on pallet production, the company also produces cutstock, such as stringers and boards.



The 1st pallet produced by the Mole Lake Wood Industries Inc. was autographed by workers.

Portions of Crabb's decision undefined for tribes

by James Zorn
GLIFWC Policy Analyst

Wisconsin's Chippewa Tribes may hunt deer off-reservation from early September to December 31, but may not harvest more than 50% of the deer from any management unit, according to a recent ruling in the on-going Voigt treaty rights trial. On May 9, 1990, Federal District Court Judge Barbara B. Crabb issued the long-awaited decision on deer hunting and on the hunting and trapping of small game and furbearers. The deer trial was held in August of 1989.

Judge Crabb ruled that the Tribes may not hunt deer during the summer months, but that the tribal season may open the day after Labor Day and remain open until December 31. She also ruled that the Tribes may not hunt deer at night by the use of a flashlight, a method commonly known as shining. Tribal regulations proposed to the court would have allowed hunting for antlered deer to begin in July and shining to begin on September 1.

The Judge found that summer

hunting and shining presented sufficient public safety concerns to warrant their prohibition. Regulations proposed by the State of Wisconsin sought to prohibit tribal hunting on the day before the state deer season. The Judge rejected this proposal.

The decision also addressed two other major long-standing issues in the case — hunting and trapping on private lands, and the allocation of resources between the Tribes and the State of Wisconsin.

At the request of the State of Wisconsin, Judge Crabb ruled that the Tribes may not harvest more than 50% of the deer and other species. "[A]ll of the harvestable natural resources in the ceded territory are declared to be apportioned equally" between the Tribes and non-Indians, Judge Crabb held. This equal allocation of resources applies to each species and to each harvesting unit, with a few exceptions. In some instances, Judge Crabb noted, the Tribes may not be able to obtain their share of the resources from a particular location because of factors beyond their

control such as harassment of the tribal members who are exercising their reserved rights.

The 50/50 allocation is conditioned upon no portion of the harvestable resources being exempted from the apportionable harvest. This aspect of the decision raises a number of questions about its applicability to some of the court's previous rulings. It is unclear at this time how the deer decision affects Judge Crabb's earlier decision in the walleye/muskellunge trial.

In the fish decision, Judge Crabb ruled that the Tribes could harvest up to 100% of the "safe harvest level" of walleye and muskellunge. "It is important to note that Judge Crabb used terms that have entirely different meanings in the two decisions." In the fish decision, "safe harvest level" generally refers to a small portion of the fish population available for tribal harvest. For walleye, that portion is as low as 12% of the total population. In contrast, the "harvestable" portion of a particular resource generally refers to the part of a population that can be harvested without harm to the

resource. For walleyes this portion is 35% of the adult walleye population. "What portion of the walleye population must the Tribes and State share equally?" asked James Schlender, GLIFWC's Executive Administrator. "The 12% safe harvest level or the 35% level?"

As to whether the Tribes may authorize hunting on privately-owned lands, Judge Crabb ruled that only those privately-owned lands enrolled in Wisconsin's Forest Crop Land or Managed Forest Land tax programs are available to the Tribes. At this time, the Tribes may not hunt on other privately-owned lands even if the owner has consented to tribal hunting. The Judge also ruled that tribal members may not place traps on privately-owned beds of flowages and streams regardless of the owner's consent.

The majority of deer and small game issues between the Tribes and the State were resolved by agreement without the need for court proceedings. Judge Crabb found those agreements to be reasonable and incorporated them into her decision.

For the most part, the Tribes' proposed regulations on the hunting and trapping of small game and furbearers were made part of the pre-trial agreements.

In reaching her allocation ruling, Judge Crabb examined the Chippewa's understanding of the Treaties given the modern-day competition for resources between Indians and non-Indians. She noted, "Neither the Indians nor the United States anticipated a time when the natural resources of the ceded territory would be scarce. However, that is what happened." This unexpected scarcity, according to Judge Crabb, "makes it impossible to fulfill the tribes' understanding that they were guaranteed the permanent enjoyment of a moderate standard of living, whatever the competition from non-Indians. It also makes it necessary to try to determine how the parties would have agreed to share the resources had they anticipated the need for doing so."

In reflecting upon Judge Crabb's ruling, I view Judge Crabb's examination of Chippewa

understanding of totally unanticipated circumstances as a "particularly interesting aspect of this decision." Treaty rights cases always involve a historical analysis of what the parties understood at the time treaties were entered into. However, generally courts do not make conclusions as to what the parties understood without the benefit of expert testimony. To my knowledge, no expert has testified in this case what the Chippewa would have understood their share of the resources to be in totally unforeseen circumstances.

The parties to the Voigt case presently are awaiting Judge Crabb's ruling from the timber trial which was held in February of 1990. That decision is not expected until sometime later this year. The damages phase of the trial has been rescheduled from September 1990 to March 1991 to accommodate the post-trial briefing activities associated with the timber trial. Pre-trial discovery for the Tribes' claims for damages against the State for deprivation of treaty rights is underway.



GLIFWC Great Lakes Fisheries Technician, Mike Plucinski (left) and Bad River WCC Crew Leader, John Denomie, measure, weigh and tag a lake sturgeon to determine movement and population estimates of the sturgeon in the Bad River. GLIFWC is offering a \$5.00 reward to anyone returning a tag and supplying information on where and when the sturgeon was caught.



Mike Plucinski (left) and John Denomie are shown suturing a female sturgeon after the eggs were removed. The eggs were then taken to the Bad River fish hatchery to be reared. The sturgeon were primarily captured in gill nets, and some by the use of a lasso with the assistance of the Bad River WCC. Updates on the lake sturgeon project will be in future issues of the MASINAIGAN.

Letters to the Editor

Reader sees treaty rights as key to environmental protection

Dear Editor:

The First Baptist Church of Norristown, Pa., youth organization, presented a program on Earth Day, April 22nd, linking environmental concerns with Indian treaty rights issues. What better vehicle to focus on treaties and what better time to arouse awareness of anti-treaty activity than during the Chippewa spearfishing season?

Since news coverage East of the Mississippi is scant concerning treaty issues, most people attending were totally unaware that a controversy existed.

The program included the HONOR videotape "Treaties, Truth and Trust," and the audience, mostly teenagers, oohed and ahhed at the reading of Chief Seattle's letter. Then everyone rallied around treaty support posters for photographs. It was gratifying to witness the concern for the spears in far-off Wisconsin.

While America was pounding its chest about the 20th anniversary of an "Earth Day," we know the original concept of Earth Day is as old as the first Indian treaty when our great-grandfathers' negotiated with the Federal Government to preserve a habitable environment for their descendants.

While America scrambles at the eleventh hour to counter environmental damage, we know it wouldn't have been this way if they had listened to Indian warnings when way back in 1854 Chief Seattle said "Contaminate your bed, and you will one day suffocate in your own waste."

It would be easy for Indian people to be smug with an "I-told-you-so" attitude, but we are all in the same sinking boat together. Environmental concern, however, is just one more reason to support the validity of Indian treaties as legal tools of environmental protection.

Sandra Cianciulli
Norristown, PA

Dear Editor:

Due to the efforts of a cross-section of concerned members of the community, the "Coming Together of Peoples" was celebrated on May 6, 1990 at Northland College (see resolution reprinted to the right). The event was a first step toward healing of wounds that have been inflicted on all peoples, as a result of the tensions caused by the treaty rights controversy.

The event offered an opportunity for participants to share in a Sacred Pipe Ceremony, offer prayers, and join together in the Peace Tree Planting Ceremony. The exchange of songs, poems, along with a Feast allowed those in attendance to unite in hearts, minds, and spirit.

Heartfelt Thanks is extended to all who joined the circle. The ad hoc organizing committee wishes to give special thanks for the Pipe Ceremony conducted by Joe and Rodney Shabaiash, Sawyer, Minn., and Gene Bell, Highbridge, Wis., with the assistance of six Pipe Carriers. Prayers and support were offered by Dee Bainbridge and Matt O'Claire, Ashland, Wis., Fr. Dave Lusson, Mellen, Wis.

Larry Balber, Red Cliff, is to be acknowledged for sharing the legend of the Peace Tree Ceremony, from Chief Jake Swamp, Hogansburg, NY, and Sue Erickson for reading the World Constitution and donating the trees. The Grandmothers represented by Dolores Martin, Odanah, and Bertha Kurki, Highbridge, are thanked for leading the Water Ceremony.

Peaceful Women, Frank Montano, Eric Sorenson and Steve Eckels expressed their thoughts and feeling through music. Finally, thanks goes

out to WOJB Radio, Reserve, Wis, KDLH TV, Duluth, Minn, Kriss Osbakken, Superior Telegram, Mary Rehwal, Pat Juett and those who wish to remain anonymous, for the fine advertising and coverage of the event, the Northland College Peace Studies faculty and students for their cooperative donations, the local stores who contributed paper goods, including IGA, EconoMart, Super Value, and Pamida and to the cooks who provided food for the feast!

Megwetch, Kiitos, Merci, Tack sa mycket, Mit Besten Wunschen, Danke Schon!

Sylvia Cloud, Odanah
Jan Penn, Highbridge

Dear Editor,

The state of Wisconsin and its Attorney General's Office must stop spending our tax dollars in futile efforts to undermine Native American treaty rights and tribal sovereignty. The tribes, and the treaties, are important safeguards that can protect Wisconsin's environment from the damaging effects of mining and other exploitative corporate pursuits.

The state should enact a moratorium on new and proposed mining related activity in the ceded territory of northern Wisconsin until a comprehensive regional Environmental Impact Assessment is prepared, and until co-management of natural resources is established by the state and the Chippewa Nation.

Our current state officials, of both dominant political parties, are now scrambling to create a better image for themselves on the "Indian" issue. They want to avoid the "t" word (treaties) and they never mention the "s" word (sovereignty). They pretend they can over-rule the tribes and turn back federal law — they only seem to differ on how to sweep the treaties out of their way. The biggest hoax will be on the non-Indian people who believe these politicians, while we lose our environment to corporate profit.

Economic and environmental justice must be given priority. Treaty issues, the failure to assure adequate and accessible day care and health care, along with the poor efforts at protecting the environment by both the Democratic and Republican parties, are among the many reasons I joined an independent party that fights for the people of our land. I joined the Labor-Farm Party and engaged the political process by running for public office.

I hope and encourage our readers to consider doing likewise in this fall's election. Let's offer a real choice to the people who currently don't have a voice in the chambers of government. Let the voice of our community for economic and environmental justice have the final word.

Sincerely,
Andrew F. Heidt
City of Madison Common Council Member
—District 9, Madison, WI

A Scandinavian's view on treaties, walleye and herring

Dear Editor:

We got to get us more herrings. All you Sweds, Norwegians, Finn Landers, dem Danes, and ja Icer Landers too, you is all eating too much of dem trouts, walleyes, and mushiees.

We need dem herrings. You know where dem herrings is gone too? Canada dat's where. Dem government guys gave em away to Canada de signed dis treaty paper with Canada in 1846 so all dem herrings swimmid up North and dose Frenchies get to eat em.

Talk to dem government guys to throw away dat treaty paper. He gets da votes and we get dem herrings.

Scandeehorens Unite! Hoop it up for herrings!

Sven Otto Swedsonrud (SOS)
Bob Olson
Ashland, Wis.

In response to the tensions created by the Indian Treaty Rights controversy, we the undersigned are gathered at the Coming Together of Peoples, on May 6, 1990, in Ashland, WI to affirm our belief that in the circle of life what affects one, affects all. "In our joy and in our sorrow, what happens there to another happens to me." (Meister Eckhart)

The sense of co-responsibility for healing wounds inflicted upon the life force within our universe compels us to unite in upholding the principles of The World Constitution.

The World Constitution

PREAMBLE

Human beings share a common responsibility to preserve and protect the survival of our Mother Earth. We agree to sustain a quality of life which will allow people of all colors, races and creeds to exist and prosper. We also agree to consider how our actions may influence future generations.

ARTICLE I

Human being are born with certain fundamental rights, including the right to live in dignity, the right to preserve our rich cultural heritage, and the right to a healthy environment. These rights transcend age, sex, nationality and ethnic origin.

ARTICLE II

As citizens of the Earth, we share certain rights and responsibilities. We have a right to exist in harmony with our environment, and we also share a responsibility to protect all land and life from destruction. We recognize that the Earth is alive, and therefore is vulnerable to contamination, infection and disruption of the natural balance of life. No one has the right to unbalance the harmony of life in a way which would endanger our life-sustaining environment.

ARTICLE III

Since the history of the world has so far been marred by acts of unkindness, greed and violence, we vow to dedicate ourselves to peace as a way of life. To live in accordance with the laws of nature, we recognize as fundamental principles: justice, kindness, understanding, humility, generosity, dignity, honesty, integrity, hospitality, freedom, liberty and tolerance. In all our actions we agree to consider these 12 principles.

ARTICLE IV

We, the people of peace, hereby endorse and ratify this constitution, with a vow to overcome the desire for revenge and to resolve any future conflicts in a peaceful manner. In all our actions, we agree to consider how we may influence our children seven generations to come.

Ending a moral outrage

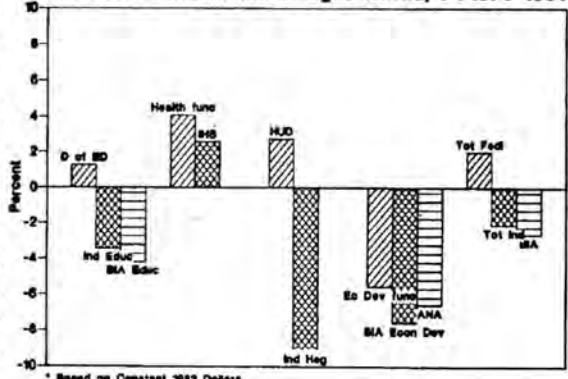
The Senate Select Committee on Indian Affairs (SSCIA) has unanimously approved recommendations to increase the FY91 Indian budget by \$1 billion, "to bring Federal spending for Indian programs into line with comparable Federal spending for other U.S. citizens." Of the proposed \$1 billion increase, 84% is for housing, health, and education. Specific recommendations for budget increases, as well as a request that the Senate Budget Committee hold an oversight hearing on federal spending for Indian programs, were included in the SSCIA's March 9, 1990 letter to the Senate Budget Committee. Members of the House Committee on Interior and Insular Affairs requested much smaller increases for Indian programs.

According to Senator Kent Conrad (ND), the decline in Indian budgets is "a moral outrage." His view, expressed February 28 at the Indian budget overview hearings of the SSCIA, seems to be shared by other members of the SSCIA. Research commissioned by the SSCIA documents trends in Indian-related federal spending from FY1975-1991. Per capita federal spending in FY 1991 is estimated at \$3,007 for non-Indians and \$2,281 for Indians. Many of the graphs included in this study, prepared by the Congressional Research Service of the Library of Congress, are used here to illustrate this dismal trend of underfunding for Indian programs.

The Congressional Research Service (CRS) study confirms what many people already knew: that the Reagan and Bush administration budgets had especially horrible effects on Indian health, housing, economic development, and education. During FY 1982-1991, in constant 1982 dollars, spending for Indian housing decreased an average of 19.99% per year, Indian education spending dropped an average of 3.4% annually, and health expenditures grew an average of only 3.53% annually (3% less than the growth in overall federal health spending).

This decline in federal spending, accompanied by an annual increase of 3.79% in Indian population, has exacerbated high unemployment, poor health, and inadequate education.

Graph 1
Comparison of Real* Change Ratios (In Percent)
In Federal and Indian Budget Areas, FY1975-1991

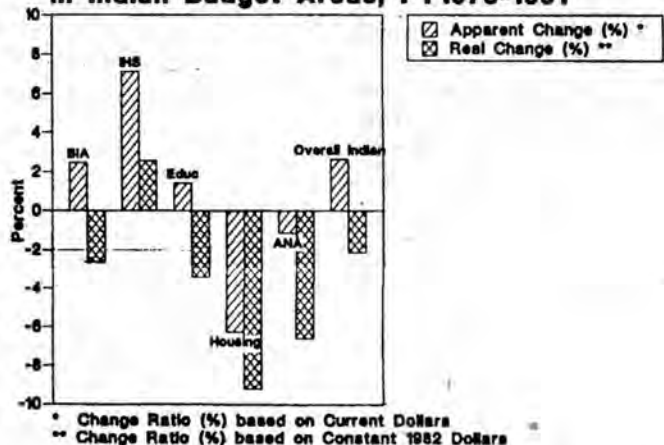


Relocation by underfunding Indian economic development?

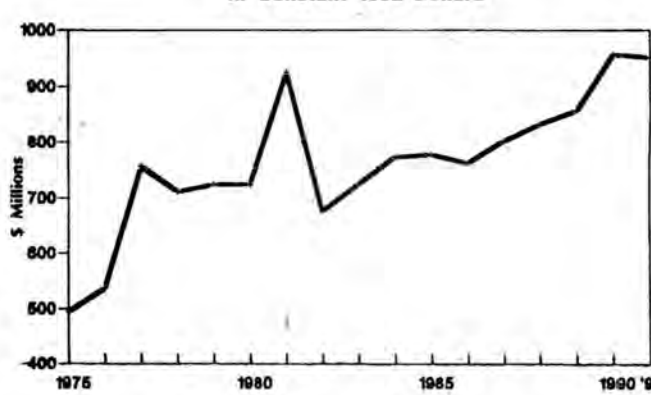
The Indian-related budget analysis showed that in constant 1982 dollars all Indian-related spending areas have lagged behind their equivalent federal spending areas (see graph 1). The Congressional Research Service (CRS) report emphasizes constant-dollar figures, which are adjusted for inflation. All major spending areas except Indian Health Service (IHS) have declined from FY1975-1991 (see graph 2). But, at 2.58 percent, even the average annual increase in the IHS budget during FY1975-1991 was less than the 4.09 percent increase for all other federal health outlays (see graphs 1 and 3).

Graph 4 shows that per-capita federal spending between 1975-1991 increased for non-Indians, but began decreasing for Indians in 1979. Because most Indian reservations are particularly dependent on federal spending, reduced funding has had devastating effects. For example, among the Navajos, the nation's largest tribe, about 70% of all income and employment is derived from federal funds and government jobs. In 1980, of the nation's ten largest tribes, Navajo median family income was lowest. Conversely, Navajo unemployment and poverty were the high-

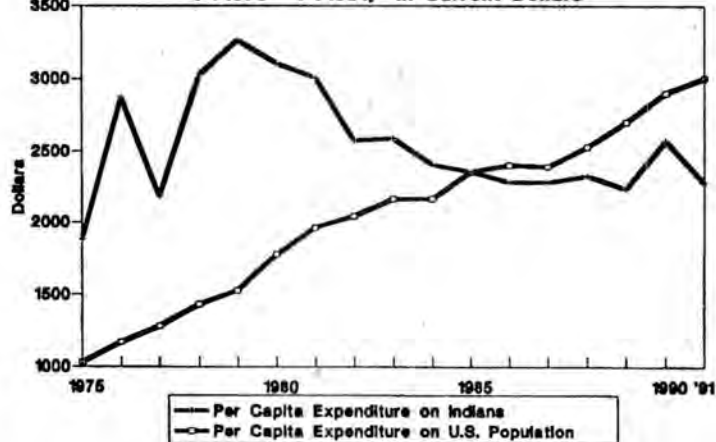
Graph 2
Apparent Vs. Real Change Ratios
In Indian Budget Areas, FY1975-1991



Graph 3
Indian Health Service Budget, FY1975-91
In Constant 1982 Dollars



Graph 4
Per Capita Expenditure: US Pop. & Indian Pop
FY1975 - FY1991, in Current Dollars



est, according to the U.S. Bureau of the Census. By eliminating thousands of government jobs, the Indian budget cuts of the Reagan administration crippled an already lethargic Navajo economy.

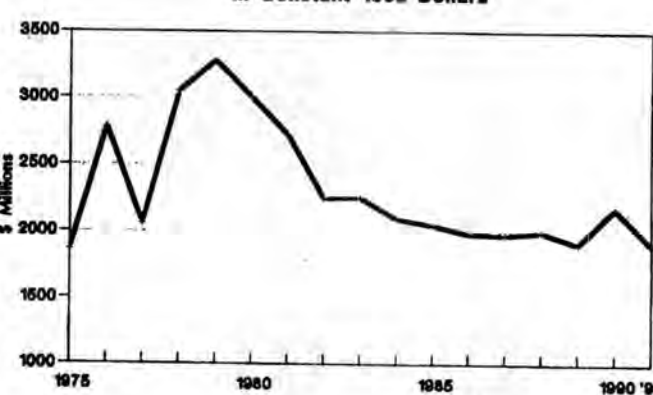
Unless and until the amount of private capital on reservations is significantly increased, Indians will remain particularly vulnerable to decreases in federal spending. The federal government is therefore obliged to fulfill its trust responsibility by providing adequate funding for Indians. Instead, federal spending on housing and economic development have declined.

Federal funds allocated primarily for Indian economic development have always been insufficient. Between FY1975 and 1991, the total for both the Bureau of Indian Affairs (BIA) economic development program and the Administration for Native Americans (ANA) averaged just under \$100 million per year. From FY1975-1991, the BIA economic development program fell an average of 7.59% per year while the ANA budget declined an average of 6.59% per year. Economic development budgets were being cut at a time when the Indian population grew 3.79% per year. When eco-

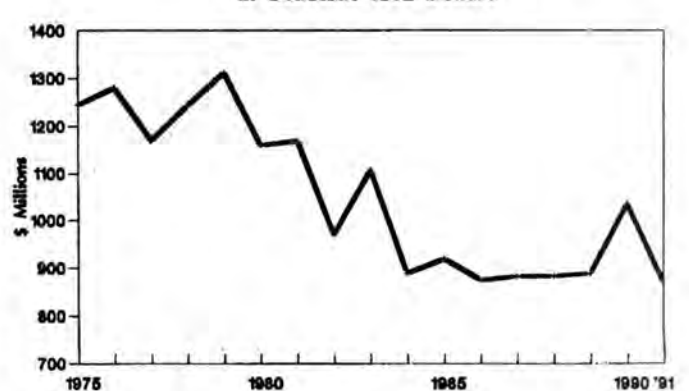
Graph 5
Indian Housing Budget in HUD, FY1978-91
In Constant 1982 Dollars



Graph 6
Overall Indian Budget, FY1975-91
In Constant 1982 Dollars



Graph 7
BIA Total Budget, FY1975-91
In Constant 1982 Dollars



omic development programs are so underfunded is it any wonder more Indians live off reservation than on? Some critics ask if the government's real Indian policy is relocation through underfunding.

The SSCIA recommends adding \$13.3 million to the ANA FY91 budget to bring its total allocation to \$45 million. An additional 1.8 million is requested for the BIA's economic development program, bringing its total allocation to \$16.4 million. Elimination of government jobs during the Reagan administration, the increase in Indian population, and the trend which decreased dollars earmarked for Indian economic development, makes the modest increase proposed by the SSCIA seem unrealistic to meet the challenge of meaningful tribal economic development. Indian economies can not live on bingo alone.

In 1962 the department of Housing and Urban Development (HUD) began building houses on Indian reservations. Since 1963, over 70% of all housing built on Indian reservations has been supplied by HUD. Since 1979, funds for Indian housing within HUD have consistently declined (see graph 5). Last year, only 1,743 new houses were started, a decrease of 58% below the average number of new houses HUD started each year for Indians during the 1980s. Bush's FY1991 budget contains no HUD money for new Indian housing.

The BIA estimates that over 51,000 new homes are needed on reservations, and 40,000 more Indian houses need major renovation. Yet the BIA budget has no money for new housing for either FY1990 or 1991. The BIA estimates that its FY91 budget will allow only 5% of all reservation renovation needs to be met. The additional \$5.34 million for BIA housing recommended by the SSCIA would permit new construction, and bring the total BIA housing budget to \$25.6 million.

More money for Indians?

BIA: The SSCIA recommends adding \$232.5 million to the overall BIA FY91 budget. This increase would begin to restore the damage done by reducing BIA budgets (see graph 7). The Operation of Indian Programs (OIP) accounts for 86% of the total BIA budget. Within the OIP, educational spending comprises 31% of the budget. The plummeting in the BIA's education budget (see graph 8) would finally be reversed if the additional \$53.6 million recommended by the SSCIA is added.

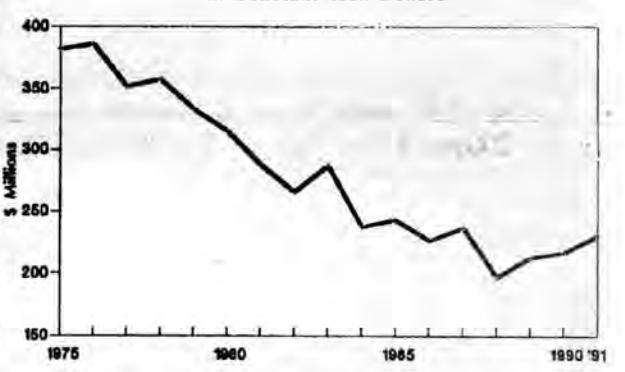
The SSCIA budget increase is urgently needed to improve instruction, boarding, and dormitory operations for 40,000 Indian children.

Other major SSCIA endorsed increases in the OIP portion of the BIA budget include \$27.8 million more for tribal services (primarily social services, tribe/agency operations, and self-determination services) and \$24.7 million more for natural resources development (including tribe/agency operations, mining, forestry, and agriculture). The SSCIA also endorsed \$48.1 million more for construction, which includes irrigation, buildings, housing, and roads.

DEPARTMENT OF EDUCATION: In 1990, more than 400,000 American Indian/Alaskan native students were enrolled in elementary and secondary schools. If the SSCIA budget increase is enacted, the Office of Indian Education in the U.S. Education Department would get an additional \$48.9 million, thereby reversing the trend of decreased funding which began in 1979 (see graph 9). The proposed \$80.9 million increase in "Impact Aid" would increase per-capita payments to school districts enrolling students whose parents live and work on federal or Indian lands.

INDIAN HEALTH SERVICE: If approved, the SSCIA recommendation that \$430 million more be added to the FY1991 Indian Health Service budget would bring the total IHS budget to \$1.725 billion. This (See Moral Outrage, page 12)

Graph 8
BIA Education Budget, FY1975-91
In Constant 1982 Dollars



The Civil Rights Act of 1990: Some Opposing Arguments

With 40 Senate co-sponsors and 171 House co-sponsors, the Civil Rights Act of 1990 is moving rapidly through Congress. The identical House and Senate bills (H.R. 4000 and S. 2104) would restore and strengthen the laws against employment discrimination that were severely restricted by five Supreme Court decisions last year. The Senate Labor and Human Resources Committee recently passed S. 2104 by an 11 to 5 vote. A Senate floor vote is expected in mid-May, with the House to follow soon after.

In response to the bill's strong momentum, opponents have begun to articulate their arguments against the bill. Attorney General Thornburgh has recommended a presidential veto of Congress's bill, charging that it would lead to racial quotas in the workplace. This quota argument stems from a concern about the bill's provision that would shift the burden back to the employer to prove the "business necessity" of an employment practice that adversely impacts women and minorities. Opponents assert that putting this burden on the employer would set impossible new standards



for businesses. It is claimed that these "impossible" standards would force employers to adopt a "silent practice of quota hiring and promotion" to avoid potential lawsuits.

In fact, until the Supreme Court's decision in *Wards Cove v. Atonio* (one of the five decisions addressed in the bill), this standard of employer responsibility was the controlling law for more than a decade. In addition, the standard worked. In dozens of cases, employers successfully justified job requirements under the pre-*Wards Cove* standard. Moreover, they did so without feeling inclined to adopt quotas to protect themselves in the future.

In its mark-up, the Senate committee clarified some of the bill's more controversial measures. The new language makes it clear that

punitive and monetary damages would be awarded only in intentional discrimination cases, where discrimination was "malicious and egregious." In disparate impact cases (such as the *Wards Cove* case), where employment practices "unintentionally" resulted in discrimination against women and minorities, employers would not be required to pay punitive damages. Plaintiffs in disparate impact cases would be eligible for legal fees, reinstatement, or two years of back pay.

The Court's decision in *Martin v. Wilks* would permit people who were not parties to an employment discrimination case to challenge a consent decree—a court-approved agreement between two parties who have settled a dispute—years after the case was resolved. This decision opened up the possibility for endless litigation of consent decrees, and it undermined effective civil rights enforcement. The new language affirms the bill's requirement that courts make "reasonable attempts consistent with the constitutional requirement of due process of law" to contact any person potentially concerned with a case. If an

individual felt discriminated against by a particular court-ordered resolution, she or he could still file an employee discrimination complaint, but could not challenge the consent decree once the notification period had passed.

(Reprinted from FCNL Washington Newsletter, May 1990)



Robert (Boozie) Leoso, Bad River, dances at the Mt. Pleasant Pow-wow this spring.

Great Lakes Indian Fish & Wildlife Commission's 7th Annual Conference Exploring Common Goals



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Recycling continued

(Continued from page 5)

Market development aids

To help develop expanded markets for products made of recycled materials, the law provides an opportunity for businesses to obtain financial assistance. From the DNR, Department of Development, and the Wisconsin Housing and Economic Development Authority, \$8.25 million is available for grants, start-up and expansion loans, loan guarantees and rebates. The emphasis will be on projects and/or equipment that process recyclables; produce saleable products made at least partially out of recycled materials; develop new ways to reuse wastes; and/or create stable, long-term markets for recycled materials.

Government purchasing

To help assure markets, the law requires state and local government agencies and authorities to write purchasing specifications that encourage the purchase of recyclable products and discourage the purchase of single-use disposable products. In addition, state and local governments will be required to use paper of 10% recycled material in 1991 and of 40% recycled material by 1995.

Out-of-state wastes

By 1995, a community from out of state will be able to send solid wastes to Wisconsin only if the community has an effective recycling program and is located in a state that has an effective landfill siting program. Also, the law creates a new fee for out-of-state waste disposed of or incinerated in Wisconsin after January 1, 1995.

Landfills

While the bulk of the 52-page law deals with recycling, there are sections containing changes in other solid waste laws. One of those sections, on landfill siting, does the following: 1) requires an initial site report for all new landfills; 2) prohibits siting of new landfills in a third class city if there are two or more existing facilities in that city; and, 3) requires landfill operators to be licensed.

Medical wastes

Operators of medical waste incinerators that began operating after January 1, 1990, must test for emissions of toxic substances and have their test results analyzed by the DNR and submitted for publication to the municipality in which they are located. A fee of up to \$1 per ton of medical waste burned may be assessed by the municipality in which the facility is located.

Litter, diapers

New sections on litter laws increase the penalty to \$500 and make it easier for DNR wardens to issue citations. When it comes to diapers, the law creates an exemption from sales and use taxes for diaper services and for cloth diapers.

(Reprinted from Wisconsin Department of Natural Resources, PUBL-IE-041.)

The 12 criteria of an effective recycling program

1. Public education component.
2. Requirement that occupants of single-family residences, buildings containing two or more dwelling units, and commercial, retail, industrial and governmental facilities in the region either separate wastes or take their mixed wastes to a sorting facility.
3. Requirements that landlords of buildings containing 5 or more dwellings provide containers for source separation and encourage tenants to use them.
4. Requirements that owners of commercial, retail, industrial and governmental facilities either take their wastes to separation facilities or encourage occupants to recycle wastes. Those choosing the latter option must provide containers and transport the sorted waste to a recycling facility.
5. System of collecting separated wastes from single-family residences.
6. System for processing and marketing recyclable materials.
7. Fees for solid waste collection that are based on volume and that generate enough revenue to equal the responsible unit's costs for solid waste management. This criterion does not apply to units that separate at least 25% of solid wastes collected.
8. Prohibition on landfilling or incinerating wastes that are separated for recycling.
9. Provisions for the management of wastes that are not separated for recycling consistent with the highest feasible priority for solid waste management.
10. Enforcement.
11. Staff, supplies and equipment necessary to implement the program.
12. Reasonable effort to reduce, to the maximum extent possible, materials that are landfilled or burned without energy recovery.

Administration continued

(Continued from page 5)

will significantly benefit the Great Lakes."

Melanie Griffin, Sierra Club Associate Representative, acknowledged that specific provisions to control seven persistent chemicals identified by the IJC as critical have not been stripped in the compromise between the Senate leaders and the Administration.

Griffin noted, however, that the Administration supported several other provisions like the thirty-year exemption on second round residual risk regulation for coke ovens, a major polluting industrial process in the Great Lakes. As well, said Griffin, "we heard not a word from the Administration as Rep. Gerry Sikorski (D-MN) fought, since last October, to extend the controls in

the Senate bill to the House."

The House Committee on Energy and Commerce addressed this issue in early April by passing a bill that would require control on about 190 chemicals, including the seven critical ones, for both major polluters and 90% of pollution from area sources (smaller polluters). The Senate bill requires only a listing of categories of area sources that EPA determined present a health or environmental risk.

Environmental organizations signing the January 10 letter are continuing to work with EPA, the State Department and other agencies to achieve the objectives specified in the letter.

(Reprinted from Sierra Club, Great Lakes Washington Report, Volume IV, Number 3.)



Sam Bates, Bad River tribal member residing at Lac du Flambeau, wears a new bustle at the TRAILS pow-wow, Bad River, following a run between Bad River and Red Cliff.

LCO WCC receives grant

HAYWARD, WI—The Wisconsin Conservation Corps (WCC) Board recently awarded The Lac Courte Oreilles Band (LCO) of Lake Superior Chippewa a yearly WCC work/training program. Supplying people power, wages, safety equipment, and educational opportunities for local youth, WCC will benefit the local economy and natural resources.

A crew of 9 young men and women from the local community will be employed to complete the work scheduled.

Veteran Crew Leader Mic Isham will provide supervision and be responsible for assignment of

daily work tasks. Project implementation and future continuity will be under the direction of Donna Churchill, Tribal Council Representative, and Leslie Ramczyk, Conservation Director.

Work plan goals provide for a wide variety of conservation, recreational, and timber stand activities. Wildlife species will benefit greatly from efforts to study and maintain populations. White-tailed deer numbers will be monitored, minnows will be collected for the rearing of musky, predator track counts will be taken, and fish cribs will be constructed. In addition, the WCC-LCO crew will be participat-

ing in mapping the locations of eagle and osprey nests.

WCC Corps Members will participate in implementing a wild rice management plan. 600 lbs. of wild rice will be collected for reseeding in Squaw Lake, Blueberry Creek, and Bays of the Chippewa Flowage. North American waterfowl, which has always coexisted with wild rice, will flourish because of this plan.

A wide variety of hatchery work is also included as part of project goals. Two buildings will be erected at the LCO Fish Hatchery, rearing pond dikes will be maintained to prevent erosion and silt

runoff, and rearing ponds will be inoculated. In addition, 100,000 walleye fingerlings will be cropped and one million northern and walleye eggs will be collected for the reseeding of hatchery ponds.



Snowmobile trail improvements are scheduled over five miles of reservation trail, and 12 signs will be installed for safety purposes. Work to maintain wildlife openings and create cover for fish will round out project conservation goals.

The timber industry will benefit from work to improve woodlots. 60 acres of timber stand improvement includes plantation release, installation of forest management signs, and the reseeding of an old logging road.

The LCO crew will also be participating in workshops with USFS and WDNR conservation specialists. Corps members will be attend-

ing safety, first aid, CPR, and job seeking skills classes during the year. In addition wildfire suppression, life skills, and environmental information for corps members will be a part of project goals.

The WCC offers local groups like LCO the opportunity to take advantage of the youth work force at a minimal expense. The cooperation of the local sponsor group with the WCC provides work for previously unemployed men and women, ages 18-25. In addition to paychecks, a successful year of completion qualifies the corps member for a scholastic bonus of \$1800 or a \$500 cash bonus.

MASINAIGAN STAFF:

(Pronounced Muz in i ay gin)

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

Letters to the editor and guest editorials are welcomed by MASINAIGAN. We like to hear from our readership. The right to edit or refuse to print, however, is maintained. All letters to the editor should be within a 300 word limit. Submissions should be received by the 10th of the month in order to be included in the upcoming edition.

Letters to the editor or submitted editorials do not necessarily reflect the opinion of the Great Lakes Indian Fish and Wildlife Commission.

Moral outrage continued

(continued from page 11)

Service budget would bring the total IHS budget to \$1.725 billion. This increase, of 35% over the FY 1990 appropriation, is urgently needed to improve Indian health. The CRS estimates that the cost of medical care will increase 8.4% in FY 91 (based on the Consumer Price Index). Such escalation of medical costs, accompanied by rapid growth in Indian population, have cancelled the slow increase in IHS appropriations documented in graph 3.

Lack of political power is the obvious reason Indian budgets have declined. Citizen action now will help the SSCIA achieve parity for Native Americans in relation to spending for all other U.S. citizen. Because American Indians and Alaska natives comprise less than

one percent of the U.S. population, action by non-Indians and Indians is urgent and essential. Send letters urging members of the House and Senate Budget Committee to support the FY 91 Indian budget in-

crease, proposed by the SSCIA.

(Reprinted from Indian Report, Spring 1990 edition. Indian Report is a publication of the Friends Committee on National Legislation.)

Graph 3
Indian Education in Educ. Dept., FY 1975-91
In Constant 1982 Dollars

