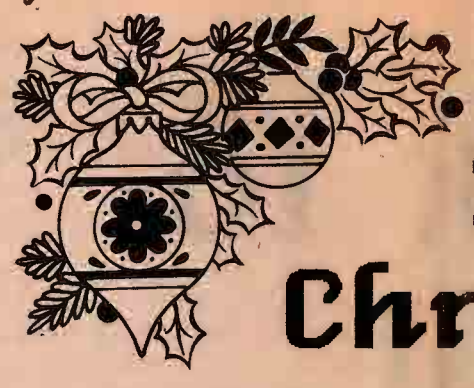


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Merry
Christmas

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MASINAIGAN

A CHRONICLE OF THE
LAKE
SUPERIOR
OJIBWAY
JANUARY, 1986

Star Lake In Good Shape!

GLIFWC/WDNR Surveys Show No Damage

The following is a report on the results of fall electrofishing surveys done cooperatively between the Wisconsin Department of Natural Resources (WDNR) and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC).

Significantly, the survey shows that Star Lake was not damaged by the 1986 spring spearing season and maintains a healthy walleye stock.

The survey also indicates that the tribal quota of 10% was very conservative because the initial population estimate, based on a 1986 survey, was low. In fact, most quotas were "inappropriate" because they were derived from old survey data or a fishery manager's educated guess.

Also significant was the fact that the two agencies, WDNR and GLIFWC, were able to join forces and work towards a cooperative study of the walleye populations in the various lakes. It is a step forward towards cooperative management of the resources for the betterment of those resources.

The report plus statistics follows as written by Neil Kmiecik, GLIFWC inland lakes biologist. He and his staff have spent many night-time hours on the lakes in order to collect the data necessary to make informed decisions about fish management.



Ron Parisien busily decorates the Commission's Christmas tree. Good job Ron!

FALL ELECTROFISHING

Fish might as well be invisible. We usually never see them unless they're stuck on something - either a hook or a spear or a fork. Studying something that's "invisible" can be a problem. Even when fish are caught and facts presented, people often think kindly of them as either a fisherman's "tall tale" or a biologist's educated guess.

From late summer through late fall 1986, GLIFWC staff attempted to develop facts about walleye populations. During this period small walleye (called fingerlings because they are about as long as a finger) move into shallow water at night. Using a "shocking" boat and travelling close to shore, our crew stunned walleye fingerlings with about 4 amps of electricity and, 2 persons standing in the front of the boat, collected them with long-handled dip nets. Fingerlings were then placed in a large "horse" tank. After about an hour of shocking, all fish were measured (in some lakes fish were marked by clipping a fin) and released.

We focused most of our effort on surveying lakes where spearing occurred during spring 1986. Of the 30 lakes surveyed by GLIFWC, 23 were speared this past spring. Another 3 lakes speared in 1986 were surveyed by the DNR and this data is also included in the accompanying table. Of the 6940 walleye speared during spring 1986, 99% were taken from this group of 26 lakes. It should be noted that a total of 16 lakes were

surveyed by both GLIFWC and DNR. Data in the table are for all surveys combined. In addition, both agencies coordinated their survey work on 9 lakes so that population estimates for fingerling walleye could be made.

A relatively simple way of interpreting the surveys is to focus on CPE (catch per effort of number of fingerlings per mile). First of all, five lakes had a CPE of 0. The walleye populations in four of these lakes are dependent on stocking (see Table) and no fingerlings were found because no walleye were stocked in 1986. The other lake with a CPE of 0, Upper Clam, is not stocked and has no natural reproduction of walleye.

Secondly, three lakes had a CPE of less than 3 fingerlings per mile. Two of these lakes had walleye populations that appear to be dependent on stocking. The fact that a few walleye fingerlings were found was likely because fingerlings were stocked this year. Overall, it looks like lakes with walleye populations entirely dependent on stocking have relatively low CPE's. The third lake, Balsam (Polk Co), did have a self-sustaining population for many years; however, in recent years the population appears to have declined so that stocking is now needed to bolster whatever natural reproduction may be occurring.

Within this group of 8 lakes where fingerling CPE was either 0 or less than 3, only Thunder (Oneida Co) and Big Sand (Vilas Co) were not speared. Of the 6 speared lakes, no fish were taken from two and spearer harvest ranged from 3 to 118 in the other four lakes.

Thirdly, the remaining lakes had a CPE of 4 or more. In fact, the majority of lakes (21 of 25) had a CPE of 15 or more. The wide range in CPE's (4 to 100 fingerlings per mile) illustrates just how much the number of naturally produced fingerlings can vary from lake to lake (just as numbers can vary considerably within a lake from year to year). In lakes with both stocking and natural reproduction CPE's were also quite variable (1 to 84 fingerlings per mile); however, when CPE's exceed 15, I think the benefit of stocking should be questioned.

(continued on page 10)



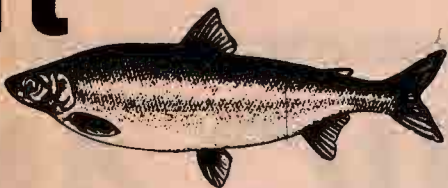
The December pow-wow at Northland College brought out many young dancers.

Survey Data

LAKE SURVEYED	NUMBER OF AGE 0 WALLEYE	CPE: AGE 0 PER MILE	NUMBER OF WALLEYE SPEARED IN 1986	SOURCE* OF WALLEYE	1986 QUOTA	COUNTY	AGENCY DOING SURVEY
Balsam	17	1.0	118	Both	309	Polk	GLIFWC/DNR
Tomahawk	217	8.6	257	Both	605	Oneida	GLIFWC/DNR
Lucerne	63	10.3	0	Both	0	Forest	GLIFWC
North Twin	399	15.4	78	Both	507	Vilas	GLIFWC/DNR
Grindstone	194	18.5	90	Both	109	Sawyer	DNR
Big McKenzie	1035	26.2	0	Both	153	Burnett	GLIFWC/DNR
Lac Vieux Desert	563	32.4	130	Both	519	Vilas	GLIFWC/DNR
Presque Isle	419	47.6	195	Both	228	Vilas	GLIFWC
Star	1364	58.5	792	Both	209	Vilas	GLIFWC/DNR
Plum	1470	58.8	371	Both	345	Vilas	GLIFWC/DNR
Big St. Germain	876	59.2	197	Both	260	Vilas	GLIFWC/DNR
Squirrel	864	83.9	753	Both	421	Oneida	DNR
Butternut	35	4.5	125	Natural	276	Forest	GLIFWC
Pelican	71	5.7	58	Natural	577	Oneida	GLIFWC
Namekagon	209	15.4	1	Natural	587	Bayfield	GLIFWC/DNR
Minocqua	143	15.5	262	Natural	424	Oneida	GLIFWC
Big Arbor Vitae	405	17.3	273	Natural	366	Vilas	GLIFWC/DNR
Shell	263	17.9	57	Natural	406	Washburn	GLIFWC/DNR
Round	586	18.9	442	Natural	556	Sawyer	GLIFWC/DNR
Island	150	32.6	0	Natural	183	Vilas	GLIFWC
Nelson	342	46.2	2	Natural	1830	Sawyer	GLIFWC/DNR
Planting Ground	295	50.9	64	Natural	315	Oneida	GLIFWC
Chippewa Flowage	2026	65.8	17	Natural	11460	Sawyer	GLIFWC/DNR
Catfish	437	82.5	0	Natural	315	Vilas	GLIFWC
Flambeau Flowage	1274	83.3	2560	Natural	2987	Iron	GLIFWC
Butternut	2245	100.2	0	Natural	162	Price	GLIFWC/DNR
Upper Clam	0	0.0	0	Neither	220	Burnett	GLIFWC
Big Sand	0	0.0	0	Stocked	227	Vilas	GLIFWC
Big Round	0	0.0	22	Stocked	50	Polk	GLIFWC/DNR
Thunder	0	0.0	0	Stocked	0	Oneida	GLIFWC
Pine	0	0.0	30	Stocked	82	Forest	GLIFWC
Lac Courte Oreilles	9	0.4	3	Stocked	176	Sawyer	DNR
Sand	26	2.4	0	Stocked	0	Burnett	GLIFWC/DNR

* Natural = walleye are entirely from natural reproduction, Stocked = all walleye are from stocked fish, Both = fish were stocked in the 1980's and reproduction is occurring, Neither = no stocking or reproduction.

Tribes Look to Lake Trout Stocking



LAKE TROUT STOCKING IN LAKE SUPERIOR

BY
MARK EBENER
GREAT LAKES
BIOLOGIST

Tribal Involvement

Great Lakes Indian Fish and Wildlife Commission member tribes currently exercising off-reservation commercial fishing rights in Lake Superior may be stocking hatchery reared lake trout into the Lake by 1988. No Chippewa tribe in Wisconsin, Michigan or Minnesota now stocks hatchery-reared lake trout into Lake Superior. The Keweenaw Bay, Red Cliff and Bad River tribes have all indicated interest in stocking lake trout, but only Keweenaw Bay currently has the funds available for stocking fish.

The decision to stock lake trout represents a willingness by the tribes to: 1) increase the scope of their fishery management capabilities, 2) support their respective commercial fisheries, and 3) to aid the process of re-establishing self-sustaining populations of lake trout in Lake Superior.

In late October of this year I was informed that GLIFWC would be receiving 100,000 fertilized lake trout eggs from the Iron River National Fish Hatchery in Iron River, Wisconsin some time in January 1987.

Since then, discussions have been held between GLIFWC and a private fish hatchery in Wisconsin where the eggs could be hatched and raised to yearling size for stocking; yearling lake trout are 13-18 months old, 5-6 inches in length and there are 18-25 yearlings per pound. The tribes will be stocking anywhere from 25,000 to 80,000 fish depending on hatching success, the number of tribes involved and tribal funds available for stocking.

The initial stocking in 1988 by the tribes will be minimal in comparison to the 4.6 million fish that the Lake Superior Lake Trout Management Plan recommends on a yearly basis for Lake Superior, but tribal stocking of lake trout will probably increase in years to come.

Ironically, part of the reason that the tribes have decided to stock lake trout may result in the tribes not being able to stock fish in 1988. In 1984, there was a massive mortality of lake trout in both federal and state hatcheries due to supersaturation of nitrogen in the water source for the hatcheries. This year the Iron River hatchery, the tribes' source of eggs, lost the entire 1986 year class of lake trout to an unknown infectious agent. A report from the task force investigating the mortality stated: "inadequate volumes of water, questionable water quality, excessive loading for

the available water quantity and quality, marginal nitrogen supersaturation, and unidentified infectious agents were cited as potential and possible sources" of the mortality. The use of surface water as the sole source of water for the Iron River hatchery is believed to be the main reason for problems there. The Iron River hatchery is a new, state-of-the-art hatchery completed in 1983 or 1984. Because of the complete mortality at Iron River only 760,000 federally-raised lake trout will be available for stocking into Lake Superior in 1987 and only three management units in Michigan waters will receive fish. No federal fish will be stocked into Wisconsin or Minnesota waters. State hatcheries cannot begin to make up for the loss of the federally-raised lake trout.

Because of the above problems the tribes recognized the need to take lake trout stocking into their own hands instead of depending on state and federal hatcheries. However, the disease problem still exists at Iron River, the source of the fertilized lake trout eggs the tribes plan on using for stocking fish. The private hatchery in Wisconsin, after extensive communications with the Iron River hatchery manager, believes the eggs will not infect his hatchery and still wants to raise fish for the tribes. If it is discovered that the eggs do transmit the unknown disease, then the tribes stocking plans will have to wait another year or so.

An Overview of Stocking by Other Agencies

State, provincial and federal fisheries agencies have stocked roughly 63 million hatchery reared lake trout and 5.4 million fertilized lake trout eggs into Lake Superior since 1951. The various life stages of lake trout have been stocked as part of a much larger effort to re-establish self-sustaining populations of lake trout in Lake Superior, a process known as lake trout rehabilitation. The long-range goal of the Lake Superior Lake Trout Management Plan is: "to rehabilitate the lake trout stocks such that they are self-sustaining and capable of supporting a yield of 4 million pounds annually". To reach the goal of lake trout rehabilitation also requires effective lamprey control, an increase in abundance of forage fish and maintaining the annual mortality rate on lake trout at 50% or less. Stocking is but one component of the overall plan for rehabilitating Lake Superior lake trout populations.

Yearling lake trout have been the dominate early life stage used for stocking in Lake Superior but fry, fingerlings and adults have been stocked.

Yearling fish appear to survive much better than fry or fingerlings and it would be extremely expensive to stock adult fish. Adult fish have been stocked only when hatcheries have perceived a need to reduce or eliminate their brood stock. Approximately 54.4 million yearling lake trout have been stocked into Lake Superior with nearly half being stocked into Michigan waters:

Jurisdiction	Total Number Stocked (millions)	Percent yearlings
Michigan	31.3	92
Minnesota	7.5	85
Wisconsin	12.7	78
Ontario	11.4	81

Of the lake trout stocked into US waters 73% have come from the federal hatchery system.

Stocking of these hatchery reared yearlings has resulted in some natural reproduction, but there is now limited evidence to suggest that for hatchery reared lake trout to contribute to the rehabilitation process they must be stocked at extremely high densities because they are less efficient at reproducing than are wild or lake-produced lake trout. Several ongoing analyses have indicated that wild lake trout contributed more to reproduction than stocked fish, even though stocked fish were 2-4 times more abundant than wild fish. As a result, the Lake Superior Lake Trout Management Plan recommends a minimum stocking rate of 900 yearling fish per square mile of waters 240 ft and less within United States waters. The Ontario Ministry of Natural Resources is stocking lake trout at higher densities than in the United States waters.

There is concern among biologists involved in writing the Plan that the stocking rates may be too high for specific areas of Lake Superior where abundance of wild fish is high or increasing. Stocking yearling lake trout on top of already high densities of wild fish, in combination with an expanding population of siscowet trout, may only serve to negatively impact the wild populations. Specific criteria for reducing the stocking rates in areas with good natural reproduction are being developed.

A possible reason for the inefficient reproduction by hatchery fish is that the rearing process and time they spend in the hatchery erodes behavioral mechanisms necessary for selecting the best substrate to spawn on. Even when hatchery-reared lake trout are released on historically good spawning grounds they do not return to that site to spawn, but instead spawn in areas that are not

conducive to reproduction. If the biological mechanism that tells lake trout where to spawn is set in the early life stages (egg or fry) then hatchery reared fish lack the "homing instinct" necessary to bring them back to the good spawning grounds.

The Wisconsin Department of Natural Resources has developed a unique method to help

lake trout utilize historically important spawning grounds and test the "homing instinct" ability of lake trout. The process involves placing fertilized lake trout eggs into what has been termed "astro-turf" sandwiches and then stocking the astro-turf sandwiches onto unused spawning reef. By placing the unhatched eggs onto good spawning substrate it is hoped that once the eggs hatch and the fish matures, it will have been imprinted as to where to return to spawn. The astro-turf project was begun in 1980 and thus far 5.4 million eggs have been seeded on two reefs in the Apostle Islands area of Wisconsin. The first spawning lake trout should have returned to the reefs in 1986 but those fish would be mainly males, not the important females. Results of the study are inconclusive at this time, but the project could yield significant biological information and reduce the need for stocking the more expensive yearling fish.

If the study does prove to be successful other states and the tribes will probably move into the astro-turf sandwich project. Until that time, the stocking of hatchery reared yearling lake trout will continue and involvement by the tribes in that process will increase.



Environmental Perspectives

A Monthly Column
by Alan Ruger

Are diversions from the Great Lakes a solution to water-level problems? We're seeing erosion of private and public land, destruction of millions of dollars worth of capital improvements, all caused by high lake levels, levels which haven't been seen in recorded history.

But actually lake levels are only a few feet higher than average heights observed since the mid-19th century when systematic record-keeping began. Such a rise can, however, dramatically affect buildings constructed on a gently sloping shore.

Unfortunately for those affected by erosion, present lake levels may reflect only the beginning of a rise in the levels of the Great Lakes. Radiocarbon dating methods show that peaks 5 to 7 feet higher than present existed at least 3 times during the past 2000 years and remained at these levels for about 100 years.

Some claim that manipulation of lake levels to assist shipping and hydroelectric interests is the problem, but this does not appear to be consistent with the record, or at least, such manipulation would not contribute significantly to the high water levels.

It is obvious that inadvertent shoreline development during the past 150 years is the real culprit. Development on vulnerable coastal areas by European settlers who were ignorant of, or ignored prehistoric indications that water levels had been much higher, is the problem. These developments may now be jeopardized by the true normal water level variations.

The Great Lakes are a vast source of fresh water (the largest in the world), and as such are critical to the 37 million inhabitants of the region. Twenty-six million people depend on the lakes for drinking water. The International Great Lakes Diversions and Consumptive Uses Study Board projects a five-fold increase in consumptive use of Great Lakes water by the year 2035.

Large regional depletion of ground water has occurred in southern Arizona, the High Plains, and California. These areas will not have the water to increase agricultural productivity to meet the world food demand. Great Lakes water will be looked upon as a source to supply the demands for increased irrigation.

Is diversion of Great Lakes water a viable solution to erosion problems? I don't believe so for several reasons. The effects of increased diversions or consumptive uses are not well understood. Long-term environmental impacts of lake level diversions would result in reduced erosion, but wetlands that are critical to native plants, fish and

wildlife would experience major disruptions. Great Lakes bays and harbors may show increased concentrations of pollutants. Significant adverse economic impacts on navigation and hydro-electric power generation may also be seen.

We cannot "engineer" a solution to erosion problems if lake levels are on a long-term increase. The costs would be prohibitive, even if solutions of this type were feasible.

On the other hand, the present two-foot rise may in fact be a temporary phenomenon, and it may be a century or more before levels rise significantly again. We don't know.

We do know that once diversions commence to the water-starved portions of the country, they won't be easily stopped. The economic, political, and institutional forces will be in place. It will be too late then to claim beneficial water uses on the Great Lakes.

If an error is to be made, it should be made on the side of protecting the resource and protecting it for the long-term, for future generations. Diversions may appear to be a solution but are actually less than even a "quick fix." Diversions are not a solution, but if instituted, may in fact be the problem for us and for future generations living near the Great Lakes.

***** NO COMMENT

"Exposing second graders to problems like overpopulation and the need for conservation makes them susceptible to the idea we have to attack problems on a planetary level. This ...diminishes national sovereignty. It requires its citizens to adopt certain values, such as the ideal of religious tolerance..."--Vicki Frost, explaining how "anti-Christian" textbooks used in public schools teach youngsters "evolution, occultism, pacifism and one-worldism," and why these books should be banned from schools. (The Tennessean, July 15, 1986)

Note: If you would like to comment on this column, or any other aspect of the Commission's environmental work, I would be happy to hear from you. Please write me at:

Great Lakes Indian Fish and Wildlife Commission
P.O. Box 9
Odanah, WI 54806

This column does not necessarily reflect the policy of GLIFWC or the Commission's member tribes.

Exxon Pulls Out

Ashland Daily Press
Thursday,
December 11, 1986

RHINELANDER (AP) - Exxon Corp. on Wednesday suspended efforts to develop its proposed \$540 million copper and zinc mine at Crandon in Forest County, blaming the weakness in metals markets.

"It's an economic decision," Barry Hansen, Exxon's permitting manager and a 10-year veteran on the project, said.

"In recent months, it has become increasingly apparent that the metals mining industry probably will not recover in time to justify a major investment in the Crandon mine as early as next year when we would expect permits to be issued," project general manager Donald Achtien said in a prepared statement.

In Madison, Gov.-Elect Tommy Thompson said he would try to develop an economic development program for northeast Wisconsin to replace the project.

"They made their decision; now we have to move forward," Thompson said.

Both Thompson and Linda Bochert, executive assistant to Department of Natural Resources Secretary C.D. Besadny, said they accepted Exxon's explanation that mineral prices were behind the

decision.

"You don't have to look at metal prices very long to understand why they reached the conclusion they did," Ms. Bochert said.

Exxon had already scaled back the project once, and decided to mine ore containing higher concentrations of zinc before it began mining ore containing more copper.

Achtien said Exxon would resume its efforts to obtain mining permits "when conditions warrant."

Hansen said the company was not abandoning the project, and would "maintain a presence" in the state. "But he said he didn't know when the company might restart the permit process."

He said Exxon's Crandon office will be closed and the 11-member staff in Rhinelander will be significantly reduced.

"It is a real economic blow to our part of the state," Sen. Lloyd Kincaid, D-Crandon, said. "But I don't think Exxon has written the state of Wisconsin off."

He estimated that Exxon has spent \$60 million to \$70 million developing the ore deposit. Exxon said it intended to maintain its mineral rights and surface property intact.

The senator said another problem was,

"there were too many constraints on the permitting process. I particularly blame the extremists within the environmental movement that are trying to close northern Wisconsin."

The DNR had issued its final environmental impact statement on the Crandon project in November, and a master public hearing was scheduled for March 24.

Natural Resources Board Chairman John Lawton of Madison said he was relieved that the mine would no longer be a major political issue.

"There is a sense of relief that there isn't going to be this continuing political struggle," Lawton said. "But there is some concern for the people around Crandon who face the possibility of employment evaporating."

Exxon's proposed zinc and copper mine was to be built about eight miles south of Crandon and two miles east of the Mole Lake Indian Reservation.

During its 36-year life, the mine would have employed about 620 people.

The DNR estimated the Crandon deposit contained about 67.4 million tons of recoverable ore. Approximately \$220 million in taxes were anticipated from the project.



Tom Connors and Joe Rose join in the dance at Northland College.

Legislative Update: Nuclear Waste

BY
CAROLINE PETTI,
WASHINGTON
REPRESENTATIVE

As long as the problem has existed, nuclear waste has been the source of controversy. But, nothing fans the flames of debate more than nuclear waste siting decisions, particularly when they are perceived to be politically motivated ones.

Such was the case on May 28, 1986, when the U.S. Department of Energy (DOE) announced its intentions to 1) select sites in Washington, Nevada, and Texas for investigation as the nation's first waste repository, and 2) simultaneously cancel similar investigations towards development of a second repository previously underway in eastern and mid-western states.

To many, the two-part decision was designed to win support for Republican candidates in the November elections and to garner support for the faltering first repository and waste storage programs.

But, did the strategy work? Was Secretary of Energy John Herrington correct in his optimism on May 28th that the Department had reached an "important milestone" and that the program had taken a "significant step forward"? Or, as many believe, was this the beginning of the end of the DOE program? The consequences of the May 28th decision in the 99th Congress and in November's elections would suggest the latter.

99th Congress Expresses 'No Confidence' in DOE Waste Program

What DOE failed to appreciate was the extent to which such blatant political manipulation of waste facility siting decisions would take its toll on the overall credibility of the program. In one stroke, DOE managed to destroy whatever credibility the program and the agency might have enjoyed.

The reaction in Congress was swift, albeit not exactly statesmanlike. It so happened that the vehicle for debate was the FY'87 Energy and Water Development Appropria-

tions bill wherein funds for DOE waste programs were contained. In the House, where second-repository states are proportionately better represented, funds were cut from the second repository program and left completely intact for the first repository program. To add insult to injury, an effort to cut funding from the first repository program along with the second was overwhelmingly defeated by a vote of 351-68!

Citizen groups were not so quick to turn on their counterparts in Texas, Washington, and Nevada. In response to the unseemly parochialism being exhibited by Members of Congress, citizen organizations, from all states previously or presently under consideration for nuclear waste facilities, united to form the National Nuclear Waste Task Force. Taking the view that no state is safe with the DOE program such as it is, the Task Force sought to convince the Congress that across-the-board cutbacks in all DOE programs were warranted.

Thanks to the leadership of Senator Hatfield (R-OR), Chair of the Senate Appropriations Committee, just such a compromise was crafted. It passed the Senate and eventually cleared the full Congress as part of the FY'87 spending bill. As a means of rebuke for the May 28th decisions, DOE waste program funds were cut down to little more than half what the Reagan administration had requested (from \$769 million to \$420 million) and no funds were provided for drilling exploratory shafts in targeted states: clearly a setback for an agency hoping to win Congressional approval for its actions.

1986 Election Results

In spite of DOE's best efforts to win votes for the Republican party, deferral of the second repository program had decidedly less than the desired effect. In only two states can this action clearly be credited with contributing to the victory of Republican

candidates—in the New Hampshire gubernatorial race where incumbent John Sununu (R) narrowly managed to retain his seat and in Wisconsin gubernatorial and Senate races where Tommy Thompson (R) and Bob Kasten (R) won those respective seats.

In most states, however, the decision either had no effect or was not an issue. And, ironically, in western states still on the nuclear waste hook, DOE politicking with the program actually worked against Republican candidates. In Washington and Nevada, where nuclear waste was a hot issue in the campaign, Democrats Brock Adams and Harry Reid, respectively, were able to take Senate seats away from the Republicans.

Outlook for the 100th Congress

The variety of countervailing forces at work in the 100th Congress makes it difficult to predict the fate of the nuclear waste program over the coming year. Clearly, winning Congressional approval of the proposed Monitored Retrievable Storage facility in Tennessee will be a high legislative priority for DOE. But, while there is general agreement that there are serious problems with the way DOE is running the repository program, there is not any clear agreement on how best to solve the problems.

That many are dissatisfied with DOE actions including many of the original authors of the National Nuclear Waste Policy Act, could make for a serious legislative effort to come to some solutions. Ideas such as the establishment of an independent commission to review DOE execution of the program and/or a transference of authority for the program away from DOE to a more independent (and more credible) entity are proposals that may be entertained. In any case, we can be sure that DOE nuclear waste programs will be the subject of intense scrutiny and debate over the coming year.

Letter to the Editor

We as the Lake Superior Chippewa Bands of the Ojibwa Nation must realize the importance of this meeting! We are no longer working for ourselves, or for our families. We have a much bigger responsibility. We are working for the people of the tribes.

We have a political war on our hands, and it's time we gather our forces and come together as one, as a nation, as a government and fight them with their own weapons, the law and the people who enforce it.

Right now our leaders need our support. They need people who have courage to use their knowledge in the defense of the tribes. It's time to overcome our incompetence and self-doubt. If we care about ourselves and the people who put us here, we must extend a hand to our leaders. They should demand that respect, but they don't. They feel it should be earned and then given in our traditional manner. We all know in our hearts, that it is well-deserved.

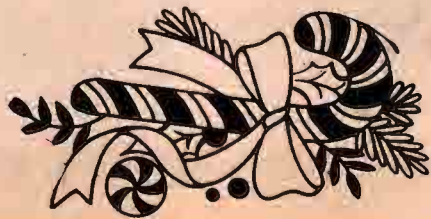
As you all know, this is the most crucial time in the history of our governments and right now our leaders need competent professionals, not the "I DON'T CARE" attitude, because if nobody cared, we wouldn't be here and have what we have today. It is time to leave your personal feelings at home.

We no longer need to be at war with our own kind. We need each other now more than we ever did before, whether we want to admit it to ourselves or not. The people outside our reservations are waiting for us to show our incompetence. We have made enough mistakes to learn from; now it's time to go on. It's time to get serious and do what we do best to the highest of our ability. As our great war chief, Great Martin, once said, "We are fighters, and we will continue to fight, if that's what it takes."

We as tribes owe it to our ancestors who have gone on before us to fight for what is rightfully ours. They died fighting for this land for the next generations. We have to pass it on to our children and those to come. We owe it to them as well.

There is no time to think about ourselves and our own needs. The Great Spirit will take care of that as he has always done in the past. Our ancestors need to be put to rest; they need to know that they will not be put on display or be contaminated. They of all people deserve that respect. This is a necessity if we are to survive this war. Now I leave you with this thought, "UNITED WE STAND, DIVIDED WE FALL."

Sincerely,
Mary L. Van Zile,
Enrollment clerk assist.,
Mole Lake Reservation



EPA POLICY FOR THE
ADMINISTRATION OF
ENVIRONMENTAL
PROGRAMS ON INDIAN
RESERVATIONS

November 8, 1984

INTRODUCTION

The President published a Federal Indian Policy on January 24, 1983, supporting the primary role of tribal governments in matters affecting American Indian reservations. That policy stressed two related themes: (1) that the Federal Government will pursue the principle of Indian "self-government" and (2) that it will work directly with Tribal Governments on a "government-to-government" basis.

The Environmental Protection Agency (EPA) has previously issued general statements of policy which recognize the importance of Tribal Governments in regulatory activities that impact reservation environments. It is the purpose of this statement to consolidate and expand on existing EPA Indian Policy statements in a manner consistent with the overall Federal position in support of Tribal "self-government" and "government-to-government" relations between Federal and Tribal Governments. This statement sets forth the principles that will guide the Agency in dealing with Tribal Governments and in responding to the problems on environmental management on

American Indian reservations in order to protect human health and the environment. The Policy is intended to provide guidance for EPA program managers in the conduct of the Agency's congressionally mandated responsibilities. As such, it applies to EPA only and does not articulate policy for other Agencies in the conduct of their respective responsibilities.

It is important to emphasize that the implementation of regulatory programs which will realize these principles on Indian Reservations cannot be accomplished immediately. Effective implementation will take careful and conscientious work by EPA, the Tribes and many others. In many cases, it will require changes in applicable statutory authorities and regulations. It will be necessary to proceed in a carefully phased way, to learn from successes and failures, and to gain experience. Nonetheless, by beginning work on the priority problems that exist now and continuing in the direction established under these principles, over time we can significantly enhance environmental quality on reservation lands.

POLICY

FOR RESERVATIONS, CONSISTENT WITH AGENCY STANDARDS AND REGULATIONS.

In keeping with the principle of Indian self-government, the Agency will view Tribal Governments as the appropriate non-Federal parties for making decisions and carrying out program responsibilities affecting Indian reservations, their environments, and the health and welfare of the reservation populace. Just as EPA's deliberations and activities have traditionally involved the interests and/or participation of State Governments, EPA will look directly to Tribal Governments to play this lead role for matters affecting reservation environments.

3. THE AGENCY WILL TAKE AFFIRMATIVE STEPS TO ENCOURAGE AND ASSIST TRIBES IN ASSUMING REGULATORY AND PROGRAM MANAGEMENT RESPONSIBILITIES FOR RESERVATION LANDS.

The Agency will assist interested Tribal Governments in developing programs and in preparing to assume regulatory and program management responsibilities for reservation lands. Within the constraints of EPA's authority and resources, this aid will include providing grants and other assistance to Tribes similar to that we provide State Governments. The Agency will encourage Tribes to assume delegable

In carrying out our responsibilities on Indian reservations, the fundamental objective of the Environmental Protection Agency is to protect human health and the environment. The key

note of this effort will be to give special consideration to Tribal interests in making Agency policy, and to insure the close involvement of Tribal Governments in making decisions and managing environmental programs affecting reservation lands. To meet this objective, the Agency will pursue the following principles:

1. THE AGENCY STANDS READY TO WORK DIRECTLY WITH INDIAN TRIBAL GOVERNMENTS ON A ONE-TO-ONE BASIS (THE "GOVERNMENT-TO-GOVERNMENT" RELATIONSHIP), RATHER THAN AS SUBDIVISIONS OF OTHER GOVERNMENTS.

EPA recognizes Tribal Governments as sovereign entities with primary authority and responsibility for the reservation populace. Accordingly, EPA will work directly with Tribal Governments as the independent authority for reservation affairs, and not as political subdivisions of States or other governmental units.

2. THE AGENCY WILL RECOGNIZE TRIBAL GOVERNMENTS AS THE PRIMARY PARTIES FOR SETTING STANDARDS, MAKING ENVIRONMENTAL POLICY DECISIONS AND MANAGING PROGRAMS RESPONSIBILITIES, (i.e., responsibilities which the Agency has traditionally delegated to State Governments for non-reservation lands) under terms similar to those governing delegations to States.

Until Tribal Governments are willing and able to assume full responsibility for delegable programs, the Agency will retain responsibility for managing

programs for reservations (unless the State has an express grant of jurisdiction from Congress sufficient to support delegation to the State Government). Where EPA retains such responsibility, the Agency will encourage the Tribe to participate in policy-making and to assume appropriate lesser or partial roles in the management of reservation programs.

4. THE AGENCY WILL TAKE APPROPRIATE STEPS TO REMOVE EXISTING LEGAL AND PROCEDURAL IMPEDIMENTS TO WORKING DIRECTLY AND EFFECTIVELY WITH TRIBAL GOVERNMENTS ON RESERVATION PROGRAMS.

A number of serious constraints and uncertainties in the language of our statutes and regulations have limited our ability to work directly and effectively with Tribal Governments on reservation problems. As impediments in our procedures, regulations or statutes are identified which limit our ability to work effectively with Tribes consistent with this Policy, we will seek to remove those impediments.

5. THE AGENCY, IN KEEPING WITH THE FEDERAL TRUST RESPONSIBILITY, WILL ASSURE THAT TRIBAL CONCERNS AND INTERESTS ARE CONSIDERED WHENEVER EPA'S ACTIONS AND/OR DECISIONS MAY AFFECT RESERVATION ENVIRONMENTS.

EPA recognizes that a trust responsibility derives from the historical relationship between the Federal Government and Indian Tribes as expressed in certain treaties and Federal Indian Law. In keeping with that trust responsibility, the Agency will endeavor to protect the environmental interests of Indian Tribes when carrying out its responsibilities that may affect the reservations.

6. THE AGENCY WILL ENCOURAGE COOPERATION BETWEEN TRIBAL, STATE AND LOCAL GOVERNMENTS TO RESOLVE ENVIRONMENTAL PROBLEMS OF MUTUAL CONCERN.

Sound environmental planning and management require the cooperation and mutual consideration of neighboring governments, whether those governments be neighboring States, Tribes, or local units of government. Accordingly, EPA will encourage early communication and cooperation among Tribes, States and local governments. This is not intended to lend Federal support to any one party to the jeopardy of the interests of the other. Rather, it recognizes that in the field of environmental regulation, problems are often shared and the principle of comity between equals and neighbors often serves the best interests of both.

7. THE AGENCY WILL WORK WITH OTHER FEDERAL AGENCIES WHICH HAVE RELATED RESPONSIBILITIES ON INDIAN RESERVATIONS TO ENLIST THEIR INTEREST AND SUPPORT IN COOPERATIVE EFFORTS TO HELP TRIBES ASSUME ENVIRONMENTAL PROGRAM RESPONSIBILITIES FOR RESERVATIONS.

EPA will seek and promote cooperation between Federal agencies to protect human health and the environment on reservations. We will work with other agencies to clearly identify and delineate the roles, responsibilities and relationships of our respective organizations and to assist Tribes in developing and managing environmental programs for reservation lands.

8. THE AGENCY WILL STRIVE TO ASSURE COMPLIANCE WITH ENVIRONMENTAL STATUTES AND REGULATIONS ON INDIAN RESERVATIONS.

In those cases where facilities owned or managed by Tribal Governments are not in compliance with Federal environmental statutes, EPA will work cooperatively with Tribal leadership to develop means to achieve compliance, providing technical support and consultation as necessary to enable Tribal facilities to comply. Because of the distinct status of Indian Tribes and the complex legal issues involved, direct EPA action through the judicial or administrative process will be considered where the Agency determines, in its judgment, that: (1) a significant threat to human health or the environment exists, (2) such action would reasonably be expected to achieve effective results in a timely manner, and (3) the Federal Government cannot utilize other alternatives to correct the problem in a timely fashion.

In those cases where reservation facilities are clearly owned or managed by private parties and there is no substantial Tribal interest or control involved, the Agency will endeavor to act in cooperation with the affected Tribal Government, but will otherwise respond to noncompliance by private parties on Indian reservations as the Agency would to noncompliance by the private sector elsewhere in the country. Where the Tribe has a substantial proprietary interest in, or control over, the privately owned or managed facility, EPA will respond as described in the first paragraph above.

9. THE AGENCY WILL INCORPORATE THESE INDIAN POLICY GOALS INTO ITS PLANNING AND MANAGEMENT ACTIVITIES, INCLUDING ITS BUDGET, OPERATING GUIDANCE, LEGISLATIVE INITIATIVES, MANAGEMENT ACCOUNTABILITY SYSTEM AND ONGOING POLICY AND REGULATION DEVELOPMENT PROCESSES.

It is a central purpose of this effort to ensure that the principles of this Policy are effectively institutionalized by incorporating them into the Agency's ongoing and long-term planning and management process. Agency managers will include specific programmatic actions designed to resolve problems on Indian reservations in the Agency's existing fiscal year and long-term planning and management processes.

(continued on page 5)

Conference on Environmental Issues



Children at the Northland College pow-wow wait for the next dance.

A Glossary of EPA-administered Programs

Safe-Drinking Water Act. This Act regulates public water supply systems and the underground injection control and sole source aquifer programs. EPA is currently drafting rules to implement the 1986 amendments authorizing EPA to treat tribes as states for purposes of delegating program responsibility. Region V contact for this program is Richard Freeman.

Clean Water Act: The CWA regulates any point-source (e.g., pipe, ditch) of water pollution by requiring every person discharging effluent in a navigable water to first get a permit. Permits are issued either by EPA or by states with delegated authority to do so. The CWA also provides for "sec. 404" permits, issued by the Army Corps of Engineers, prior to the dumping of dredge or fill material in waters, including wetlands. The CWA passed Congress last year with "Indian" amendments similar to the SDWA, but Pres. Reagan vetoed the bill for other reasons. Congressional leaders plan to reintroduce the bill in January. Charles Sutfin is the Region V Director of the CWA program.

Comprehensive Environmental Response, Compensation and Liability Act. "Superfund law". CERCLA, the hazardous waste clean-up law, was recently amended to allow tribes to be treated as states, similar to the SDWA and CWA Bill models. EPA rule-making will be required to implement the change.

Resource Conservation and Recovery Act. RCRA regulates the production, transportation, and disposal or destruction of hazardous materials, including such common items as dry cleaning wastes. RCRA was reauthorized in 1984 without addition of any "Indian" language. EPA thus retains direct responsibility for enforcing RCRA on Indian reservations. RCRA and CERCLA are both under the direction at Region V of Basil Constantelos.

Clean Air Act. The Clean Air Act aims to protect the nation's air quality by establishing standards that "dirty" areas are supposed to improve while standards for "clean" areas are designed to prevent significant deterioration of air quality. At Region V, David Kee is the program director.



Conference

(continued from page 4)

"This is the first time in my dealing with federal agencies to see the enthusiasm and genuineness I've seen here." Hillary Waukau, Menominee Legislature.

"The EPA Indian Policy could set the standard for federal agency - tribal relationships." James Schlender, GLIFWC Executive Administrator.

"You have a golden opportunity right now to get a lot of mileage in implementing the policy statement. Don't blow it." Gaiashkibos, Lac Courte Oreilles Tribal Chairman.

Such were some of the reactions to the Environmental Issues Conference organized by the Environmental Protection Agency's (EPA) Region V and the National Congress of American Indians (NCAI), hosted December 3 and 4 by the Oneida Tribe.

EPA and NCAI called the conference in order to familiarize the tribes with agency initiatives for addressing environmental problems on Indian lands, and to familiarize EPA with the tribes in the agency's Region V (Wisconsin, Michigan, Minnesota, Ohio, Indiana, and Illinois). To this end, approximately 20 of the Region's top staff, led by Valdis Adamkus, Regional Administrator, and Frank Covington, Deputy Regional Administrator, spent two days lecturing, discussing, answering questions, and informally conferring with representatives of the one dozen tribes who braved the fog, rain and snow to attend the meeting.

Underlying much of the interaction at the meeting was the EPA Indian Policy statement* and the methods by which its implementation is being achieved. Now two years old, the statement is still the only federal agency policy affirming outright the government's commitment to deal with Indian tribes on a government-to-government basis. Substantial progress, in the form of gaining federal statutory amendments recognizing the governmental authority of Indian tribes to regulate environmental matters on their reservations, and authorizing EPA to deal with tribes as it deals with states, has already been made in implementing the Policy. Impediments to Policy implementation, and ways to overcome them were, however, very much on all participants' minds.

Adamkus cited two main problems with tribal involvement in environmental regulation: statutory limitations on a federal level, and lack of resources and skills (although not interest) on a tribal level. The two problems are intertwined since the federal environmental statutes which authorize EPA to delegate environmental responsibilities to the states also authorize EPA to partially fund state activities, and most of those statutes do not count tribes as states. For the past two years EPA has been working with Indian organizations to remove limitations on its authority to delegate responsibility to tribes and to fund them.

Progress on the statutory front was reported by Charles

Sutfin, Region V's Water Division Director, Richard Freeman, Region V's representative on the Safe Drinking Water Act Indian Primacy Workgroup, and Leigh Price, on leave from the EPA Office of Federal Activities to teach law at Arizona State University, and Basil Constantelos, Region V's Hazardous Waste Management Division Director. The Safe Drinking Water Act, which regulates public water systems and underground waste injection wells, was amended in 1986 to allow EPA to treat tribes as states, except where infeasible or inappropriate. EPA has until December 1987 to promulgate rules on implementing the Act's "Indian" language, and has already come out with a draft version. The Superfund law, which provides for clean-up of hazardous waste sites, was also recently amended to include similar Indian provisions. The Clean Water Act Reauthorization bill, which was pocket vetoed by President Reagan for other reasons, would also have allowed EPA to treat tribes as states for delegation and funding purposes. The Clean Water Act bill is expected to be re-introduced, possibly as the first bill of the 100th Congress, and acted upon quickly.

Tribal representatives expressed reservations on how EPA had gone about drafting its Safe Drinking Water Act implementation rules. EPA was criticized for not seeking tribal input in the draft rules, for proposing a minimum 10% matching requirement on grants under the Act, and for being tied to the EPA-state model rather than exploring new avenues to implement the Policy through the Act. EPA was warned by Jim Schlender not to "confuse the tribes' sovereign decision-making ability with their administrative capability."

Leigh Price observed that the SDWA's language allowing EPA not to treat tribes as states if inappropriate can be used to the tribes' benefit, for instance allowing EPA to waive the grant matching requirements. David Siegler, GLIFWC Policy Analyst, suggested that the flexibility conferred by the language could allow EPA to "partially" delegate authority to tribes; recognizing tribal authority to set environmental standards, but retaining enforcement responsibilities at a federal level.

Most tribal representatives expressed concern that the processes the EPA institutes now should take tribal concerns fully into consideration and should establish an on-going two-way flow of communication. "We cannot go from one meeting to another one six months later and deal with environmental problems that way," Oneida's Lloyd Powless remarked.

Indian Health Service, the BIA, and the United States Geological Survey were all represented at the meeting. Chuck McCuddy from the BIA, Great Lakes Agency, expressed satisfaction that tribes were able to recognize environmental problems "because the Bureau has been pretty lax as far as I'm

concerned." Reinforcing a tribal call for greater federal inter-agency cooperation, which was enthusiastically met by the agency representatives present, Hillary Waukau wanted it clear that the tribes by working with EPA "are by no means intending to waive BIA's trust responsibility for Indian affairs."

A measure of the enthusiasm generated by the conference was the series of unscheduled meetings that were held late into the evening on the first night, and again at breakfast on the second day. A special session on the EXXON mine was organized, as well as an inter-agency planning meeting, and a process-analysis meeting. The second day's agenda was adjusted to make room for an EPA response session to a list of tribal process objectives.* Frank Covington relayed EPA Administrator Lee Thomas's admonition that the agency will do all it can to implement the policy, but will not raise unrealistic tribal expectations. EPA will prepare a written response, supplementing Covington's extensive oral response, to the list of tribal concerns.

Lac Courte Oreilles Chairman Gaiashkibos perhaps summarized the feelings of most conference participants when he concluded his remarks to EPA saying, "Work with us; help us protect our land and our resources, and we'll go a long way together."

*See EPA Policy for the Administration of Environmental Programs on Indian Reservations, page 4.

RADON

A special presentation was made by EPA's air division staff on radon, a newly recognized health hazard. Tribal members should be aware of the risk of radon, since many reservation areas may be subject to higher than average radon emission.

What is it? Radon is a radioactive gas naturally occurring in the ground. When it is released into outdoor air it is diluted to the point where it is usually not considered a health hazard. When it is trapped inside a house, the gas can accumulate to concentrations associated with risk.

What can it do? Radon may create a greater possibility of developing lung cancer.

How does it get in the house? Radon will enter a basement or crawl space through cracks in the walls or floor, at piping entries and similar openings. Once there it can distribute into upper floors.

How do I know if there's radon in my house? Much of the Upper Midwest is in geological areas where radon may be found. Home testing kits can help you determine if your house is collecting radon. Beware: houses right next door to each other can have vastly different radon readings.

What if I do find radon? Often relatively simple and inexpensive improvements can retard the entry of radon.

For more information: EPA has information on radon generally, on radon reduction, and on where to obtain monitoring devices. Contact them at 230 S. Dearborn Street, Chicago, IL 60604, (312)353-2205.

Lamprey Comeback Feared

(The following is an AP article run in the Dec. 5 issue of the Milwaukee Journal)

The number of sea lampreys, the blood-sucking parasitic fish that evolved before the dinosaur, is growing in the Great Lakes and experts fear it may threaten the waters' sport and commercial fishing.

Anglers and biologists report that lampreys are increasing in northern parts of lakes Michigan and Huron, where they prey on popular sport and commercial fish such as trout, salmon and whitefish.

Biologists say the lamprey contributed to the devastation of the Great Lakes fishery in the 1940s and 1950s before a control program was set up by the United States and Canada, and they fear the lamprey may do it again.

"My personal opinion is that it's a big problem," said Asa Wright, a biologist for the Michigan Department of Natural Resources. "We don't want to let the problem get ahead of us. It took us 20 years to bring it under control before."

Emil Dean, Lake Michigan charter boat captain, said six of the trout he had caught last summer had lampreys attached to their sides. Other fishermen on Lakes Michigan and Huron reported that about half the large trout they had caught had been victims of lamprey attacks.

"I had more lampreys on fish we caught this year than in quite a few years," said Dean, who fishes out of Manistee.

Lampreys latch onto fish with suction-cup mouths, causing a large wound, and spend about 12 to 20 months draining fluids and sometimes killing the fish.

Biologists say the lampreys are breeding rapidly in the deep, cold waters of the St. Marys River, which separates Lakes Superior and Huron.

Some biologists fear that the river system already may be a fertile lamprey hatchery, spoiling control efforts far from the river. Lampreys tagged in the river have been found as far away as Lake Erie.

The St. Marys is not treated with a chemical that kills lampreys - though dozens of smaller Great Lakes tributaries are - because it would cost too much, said Randy Eshenroder, senior scientist with the Great Lakes Fishery Commission in Ann Arbor.

"There's no question that in northern Lake Huron there's far, far more lampreys than there should be," Eshenroder said. "The question is what are the economics? You can lose a couple million dollars worth of fish and it might not be worth it to treat the river."

Biologists say a lamprey can kill 40 pounds or more of fish as it matures to a length of about 18 inches.



Miss Bad River whirls to the quickened beat of the drum at Northland College's pow-wow.

GLIFWC Staff Wishes A



Administration

Administration involves the personnel who are responsible for implementing the program decisions and policies made by the eleven member Board of Commissioners and supportive staff.

The Board of Commissioners consists of one representative, generally the tribal chairman, from each of the member tribes. They determine the direction and priorities of the various divisions and decide how the monies should be allocated.

GLIFWC's Executive Administrator James Schlender and Deputy Administrator Patricia Zakovec are responsible for organizing the budget, the staff and the programs based on the wishes of the board.

Both are also involved in maintaining contacts with various related organizations and in acting as spokespersons in many instances for the GLIFWC.

The Executive Director, particularly, is involved with numerous speaking engagements as a representative of GLIFWC and lobbies for the interests of the tribes at the local, state and

national level. The Deputy Administrator also administers personnel matters.

The Deputy Administrator is responsible for the budget. With the help of two staff, Accountant Etta Burns and Assistant Accountant Gerald DePerry, she makes sure that all expenditures are accountable, organizes and administers the budget and works closely with the Bureau of Indian Affairs in establishing a yearly contract.

Support Staff

Keeping the wheels of the commission turning on a day-in day-out basis falls largely to the support staff of three secretaries, who answer calls, keep track of complicated schedules and make sure reports and letters are out in a timely fashion.

Typical of many organizations, GLIFWC's competent secretarial staff keeps everything going smoothly and provides the basic underpinnings on which other staff depend to achieve their stated goals.

Secretaries include Rose Wilmer, executive secretary, Kim Padjen and Delores O'Claire.



Jim Schlender, executive administrator.



Jim Thannum, natural resource development specialist.



Resource Development

One of the newest positions at the GLIFWC offices is filled by Jim Thannum, a resources development specialist. He is exploring ways both to enhance the value and the use of the resources for the member tribes and to expand Commission services.

For instance, he is seeking ways to improve the utilization of wild rice, a valuable resource which has been traditionally harvested by the

Chippewa for generations.

In addition he is seeking to assist tribal trappers and fishermen in the utilization of their harvests.

Basically, his job entails looking at the resources which the tribes have and developing the means of maximizing their use and developing the role of the Commission in terms of a long-range benefit to the member tribes.



GLIFWC secretaries are standing from left, Rose Wilmer, executive secretary; seated, Delores O'Claire, secretary; and Kim Padjen, secretary.



Pat Zakovec, deputy administrator.



GLIFWC wardens are, seated from left, Richard Semasky, Gordon Arbuckle, David Rantanen, Gerald White and Ken Rusk. Standing from left, Eugene DeFoe, Thomas St. Arnold, dispatcher, and Clayton Hascall. Not pictured is Maynard Whitebird.



Policy Analysis

One policy analyst, David Siegler, assists the tribes and GLIFWC in the areas requiring a knowledge of law and legislation.

The policy analyst participates in all negotiations and drafts the appropriate ordinances for each season once an agreement has been reached.

He, along with the environmental biologist, drafted a comprehensive response to the Department of Energy's Draft Area Recommendation Report regarding a nuclear waste disposal site.

Besides assisting in the preparation or interpretation of various legal documents, he keeps track of current legislation which may affect the tribes' treaty rights or activities.



Mike Cardinal, supervisory warden.



Enforcement

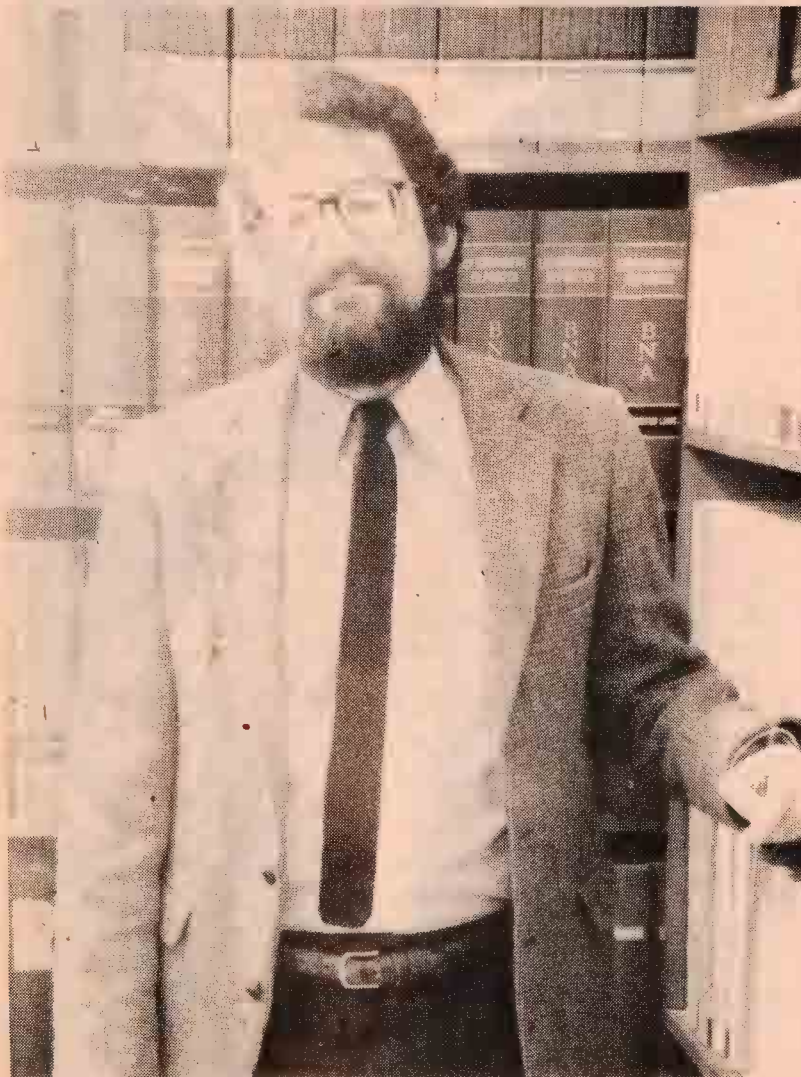
Nine wardens, including Chief Mike Cardinal, compose the enforcement staff which assists the tribes in regulating the off-reservation hunting, fishing and gathering seasons.

In Wisconsin tribal councils adopt ordinances, generally based on an agreement between the tribes or with the WDNR, to govern off-reservation seasons. Once those ordinances are adopted a set of regulations is in effect, and those regulations are enforced through GLIFWC wardens, tribal wardens or state wardens. Michigan tribes have adopted on-going ordinances which regulate their seasons on and off-reservation.

GLIFWC wardens are stationed at each of the six Wisconsin tribes with two at Keweenaw Bay regulating the commercial fishing as well as the various hunting, trapping and gathering seasons. Wardens monitor each season and cite offenders into either state or tribal court, depending on which is appropriate to the offense.

The wardens are all fully trained and certified law officers and are required to participate in on-going training and fitness tests.

GLIFWC wardens include Clayton Hascall, Gene DeFoe, Maynard Whitebird, Ken Rusk, Gordon Arbuckle, Gerald White, Dick Semasky and David Rantanen.



David Siegler, policy analyst.



Happy Holidays to All!

Biological Services

A staff of seven biologists and three technicians assist the eleven member tribes in resource management and assessment projects related to off-reservation hunting, fishing and gathering activities.

The work done by the biological staff is similar to that of state fish and wildlife agencies, but it is also different because it reflects the priorities and values of the tribal communities, as articulated by their leaders.

One biologist, Mark Ebener, and a technician, Mike Plucinski, work with the Great Lakes fishery, most particularly Lake Superior. Much of their work is involved with assessment of lake trout and whitefish harvests and populations.

From their data collected in the areas near the Grand Portage Reservation in Minnesota, in western Michigan and on the Keweenaw Bay Reservation, they are able to advise the tribes on appropriate regulations to govern the tribal commercial fisheries.

The Great Lakes fishery biologist as well as the department head, Tom Busiahn, maintain contact with various state, national and international agencies concerned with the management of the Great Lakes and participate in several technical and advisory committees.

Similarly, two inland biologists, Niel Kmiecik and Dale Shively, are involved in the assessment of inland lakes. Assisting inland biologists is technician Butch Mieloszyk.

They have developed a comprehensive data base on lakes in the ceded territory and have done extensive assessment through electro-shocking

and netting. Several projects are done co-operatively with the Wisconsin Department of Natural Resources.

The information gathered assists member tribes in making decisions regarding seasons, bag limits and quotas. The biologists' findings are a significant contribution to the decisions made during negotiations for interim agreements with the WDNR.

Two wildlife biologists, Jon Gilbert and Peter David, focus primarily on the deer population, furbearers, waterfowl and wild rice. They are assisted by technician Ron Parisien.

They assist the tribes in setting up appropriate registration and tagging procedures, have performed population surveys and monitor the harvest for each season.

Wildlife staff contribute significantly to negotiations both with the WDNR and, in the case of waterfowl, with the U.S. Fish and Wildlife Service.

Environmental Biologist Alan Ruger is working with the problems posed by pollution or habitat degradation which affect the well-being of the resources on treaty-ceded lands.

He has been involved extensively with the issue of radioactive waste disposal, pollution in the Great Lakes, the proposed EXXON mine near the Mole Lake Reservation, and has been working with a project identifying pollution problems on reservations of member tribes.

The biological staff also includes numerous seasonal and part-time positions. Currently, Mike Isham and Sam Quagon are working part-time entering data into computer files



Thomas Busiahn, biological services director.



Left, Butch Mieloszyk, fisheries technician and Neil Kmiecik, inland biologist.



Mark Ebener, great lakes biologist.



Standing, Peter David, wildlife biologist and Ron Parisien, wildlife technician.



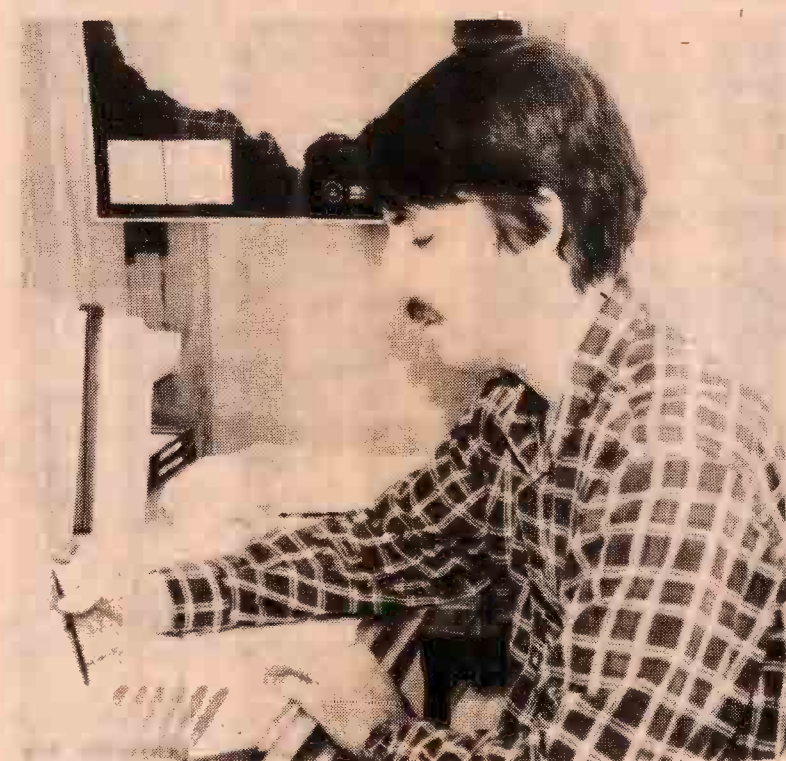
Alan Ruger, environmental biologist.



J. Dale Shively, inland biologist.



Mike Plucinski, fisheries technician.



Jon Gilbert, wildlife biologist.



Mike Isham, part-time wildlife aide.



The Economics of Trapping, Part II

by Jim Thannum, GLIFWC Natural Resource Development Specialist

MICRO-ECONOMIC DEMAND ANALYSIS:

The micro-economic analysis shall review marketing relationships on a localized level stressing a review of rural fur buyers, local auctions, direct marketing to brokers or buyers, large auctions, and direct marketing to the tourist industry. The importance of fur grades shall also be reviewed due to the role of grades in fur marketing.

Rural Fur Buyers

Rural fur buyers have a long history of involvement in the fur industry as both agents for larger companies and independent entrepreneurs. Many rural fur buyers also offer trapping supplies for sale and provide advice on handling furs.

There are three primary advantages in marketing under-utilized furbearers species to rural fur buyers;

1. Tribal trappers can be present to immediately accept or reject bids from rural fur buyers.
2. Tribal trappers can be paid instantly improving the cash flow of their trapping enterprise.
3. If checks bounce a tribal member is more likely to collect from a local ongoing establishment.

Tribal members marketing to rural fur buyers shall also experience disadvantages;

1. Fur prices are set by international market conditions. Rural fur buyers are therefore middlemen who have to buy furs below the actual value to minimize their risks and make a profit. This in turn results in lower prices paid to tribal trappers.
2. In some areas fur buyers contact each other and attempt to fix prices.

When marketing to local fur buyers, tribal trappers should let several prospective buyers sort and grade furs, then request them to compute their best price. In advising each rural fur buyer that several bids are being accepted on the exact same furs tribal trappers can increase competition and possibly get better prices on their furs.

Local Auctions

Trappers' associations have become involved in coordinating auction services for their members using a variety of methods, including open bids, sealed bids, lot numbers of graded species, and consignment sales. The National Trappers Association has been contacted to provide additional information on local sales which may assist tribal trappers through either direct involvement with the Wisconsin chapter or formation of tribal auctions.

The Wisconsin chapter of the National Trappers Association has encountered serious I.R.S. problems with becoming involved in auctions due to their non-profit status. Individual members of the association have now taken it upon themselves

to organized these local auctions to maintain the benefits of increased prices for local trappers. Usually 3 - 4 auctions are held throughout Wisconsin each year with one of the largest held in Fond du Lac.

The process utilized during many auctions is as follows;

1. Trappers receive lot numbers
2. Four or five buyers go through each trappers fur and write down specific prices by animal.

EXAMPLE:

Trapper Lot Number - 1
Lake Superior Fur Company
John Doe
TOTAL: \$140 - Beaver
TOTAL: 150 - Muskrats
TOTAL: 125 - Fishers

3. Buyers then put a price card for each trapper in a specific envelope which is then picked up by the trapper.
4. The trapper then reviews the prices bid for each species of fur and picks out those buyers paying the highest price on a given species. Trappers can often establish a minimum price for their furs thereby presenting a sale that they feel is unfair.

The first auction in an area usually requires direct contact with buyers (i.e. formal invitations from a group of trappers) detailing types of quantities of fur to insure adequate competition. While some auctions draw in trappers on a state wide basis others are organized on a district wide basis. These auctions usually bring in \$125,000 - \$150,000 in total fur sales.

Trappers organizations have also developed specialty auctions for under-utilized species such as beaver. It is estimated that 400-500 beaver furs are needed to draw in buyers. Maine has successfully developed these specialty auctions drawing in major fur buyers from both New York City and Montreal.

It is recommended tribal trappers participating in such auctions require all transactions be completed in cash, certified check, or a letter of credit less than 7 days old to protect themselves against bad checks. This was a serious problem in West Virginia auctions forcing trappers to establish a consignment sales system. The West Virginia Trapping Association takes furs from its members, markets them, then repays association members based upon the prices received. A consignment fee of 5-6% is charged to cover selling and transportation costs.

In review local auctions provide trappers with the opportunity to assemble large numbers of furs which draw in large buyers paying premium prices to fill contract orders.

On the negative side, trappers having high lot numbers often receive lower prices than earlier lot numbers due to the fact that as time goes by, buyers fill their orders or reach their credit limits. Buyers may also decide to boycott the auction to depress prices or attempt to fix prices. The National Trapping Association felt that overall trappers were

happy with fur auctions because in most cases higher prices were realized.

Shipping to Brokers or buyers

The majority of raw furs in the United States come to a central collecting point in New York City. The New York area remains a key fur manufacturing area where garment making skills have been passed from generation to generation.

Trappers have traditionally encountered problems in selling directly to these large fur manufacturing firms such as;

- prices paid are not the same as those advertised.
- grading evaluation standards differ between trappers and major buyers.
- trappers receive delayed payments from brokers having private treaties with manufacturers.
- occasionally reputable brokers do not pay trappers for furs.

In general trappers will experience greater risk selling directly to brokers or fur houses in comparison to other options.

Large Auctions

Large American and Canadian fur auctions have greatly impacted fur markets in recent years. Since large auction companies are bonded trappers are able to limit their risks. These auction companies recover expenses and make profits by charging trappers for grading, cleaning, and sales commissions.

Many large fur auctions have the ability to stabilize markets through refusing sales at artificially low prices and provide large buyers collections of similar quality furs enabling trappers to receive better prices.

On the negative side these large auction companies usually advance trappers only a partial payment upon receipt of furs until a formal sale has been made. Once a sale is completed the trappers account is settled.

The Ontario Trappers' Association traditionally was one of North America's largest fur sales every February during its annual convention.

DIRECT MARKETING AND THE TOURIST INDUSTRY:

The ability of member tribes to sell fur products directly to the tourist segment is dependent upon factors such as traffic flows, tribal tourism facilities, and the regional economic base.

West Virginia has incorporated historical elements into local fur auctions providing an opportunity for public education on the fur trade traditions and direct sales of lower quality furs as souvenirs.

In March, buckskinners (i.e. Mussel loaders), fur buyers and trappers get together for an annual convention. Commission member

tribes looking for new ways to promote tourism activities may wish to seriously examine combining historical activities and fur auctions.

FUR GRADES IN RELATIONSHIPS TO MARKETS:

The quality of furs have a direct impact on the prices received by trappers. Factors such as primness, shape, stretching, proper fleshing and presence of holes are closely reviewed when determining grade. Furs are currently graded in four categories;

GRADE DESCRIPTION

I's	Fully Prime, well handled
II's	Lower end that most manufactures will accept
III's	Badly rubbed, unprime, damaged pelts
IV's	Furs so badly damaged they have little value

The importance of quality should be examined by Voigt representatives when establishing fur harvest seasons. Below is a price break down provided by the Wisconsin fur harvest report December 1985;

In short it is more profitable for tribal trappers to harvest greater numbers of animals when furs are prime than obtain longer trapping seasons. Since the ceded lands cover a wide area it is best for Voigt representatives to confer directly with tribal trappers to establish specific harvesting periods (when animals in their areas possess prime coats.)



SUMMARY

It is important to acknowledge that trapping is not a viable method to "get rich quick". During the 1981-1982 Wisconsin harvest season fur prices were at a 5 year high providing trappers with an average income of only \$500 annually. Since the 1981-1982 season average fur harvest values have declined, stabilized, and begun to recover. International fur markets in Europe have now stabilized and project an annual growth rate of 1-2% given the U.S. dollar does not gain strength. The Pacific Rim countries of Hong Kong, Japan, Taiwan and Korea are likely to play a major role in international fur markets demonstrating a period of unparalleled growth.

The graphs attached to the report illustrate the changing role market price has on resource demand. In the case of beaver harvest price does not have as drastic an impact on harvest levels in comparison to muskrats. When beaver prices dropped from an average pelt price of \$19.00 in 1980 to \$10.37 in 1984, there remained a



stable pressure on the resource averaging between 18,719 and 24,766 animals harvested. When muskrat prices dropped from \$6.36/average pelt to \$2.69/average pelt, harvest levels dropped from 968,821 to 612,883 animals. As muskrat prices stabilized and begun to increase from \$3.08 to \$3.37 per average pelt, harvest levels increased from 667,656 to 913,427 animals between 1983-1984 and 1984-1985 seasons.

Given these market conditions the Great Lakes Indian Fish and Wildlife Commission should acknowledge trapping as a supplemental source of income and management tool to stabilize spring water levels and protect stream fisheries.

Below are recommendations for further action which have the greatest potential of increasing under-utilized furbearers, such as beaver and muskrats:

(Tribal Trappers)

1. Become involved in the National Trapper's Association gaining access to information on changing market conditions and participation in fur auctions.
2. Participate in locally sponsored training workshops which will improve the quality of furs and allow for a higher rate of return.

3. Coordinate marketing efforts among tribal trappers to minimize the cost of obtaining cooperative bids from rural fur buyers.
4. Increase the quality of furs harvested by improving hide skinning and care techniques.

(Great Lakes Indian Fish and Wildlife Commission)

1. Initiate a trapper's survey similar to that of Wisconsin's to compile and report fur harvest levels and values back to tribal trappers.
2. Based on input from trapper's surveys examine the feasibility of sponsoring trappers education workshops through the National Trappers Association, which will improve quality of raw furs.
3. Distribute current lists of Wisconsin fur buyers and the economic analysis on furbearers to tribal trappers.
4. Negotiate a quota for tribal trappers to participate in Wisconsin's beaver control program and actively participate in the selection of control sites which may assist wild rice production on ceded lands.

(Tribal Governments)

1. Examine the potential of initiating a tribal fur auction in coordination with tribal tourism promotion campaigns.



ATTENTION TRIBAL TRAPPERS
TRAPPER'S INTERNATIONAL MARKETING SERVICE SCHEDULE FOR FUR PICK-UP

LOCATION	DATE	TIME
Grand Portage, MN (R.B.C. Office)	Jan. 2, 1987	8:00-8:30 a.m.
Bemidji, MN (Pamida parking lot)	Jan. 3, 1987	12:00-1:00 p.m.
Wadena, MN (Four Seasons Motel- Best Western Ask for Room #)	Jan. 3, 1987	6:00-7:00 p.m.
Pembine, WI (Junction Hwy 141 and 8)	Jan. 5, 1987	3:00-3:30 p.m.
Crystal Falls (Junction Hwy 2 and 69)	Jan. 5, 1987	4:30-5:00 p.m.
Ashland, WI (Holiday House- Best Western)	Jan. 5, 1987	8:00-9:00 p.m.
Odanah, WI (St. Mary's School)	Jan. 6, 1987	8:30-9:00 a.m.
Wakefield, MI (Dépt. of Natural Resources)	Jan. 6, 1987	10:00-11:00 a.m.
(Lanse, MI (Marina parking lot near Celotex)	Jan. 6, 1987	3:00-4:00 p.m.
Sault Ste. Marie (Ramada Inn)	Jan. 8, 1987	6:00-8:00 p.m.

For more information call Ken Tolmie 807-344-9424

Bishop Explains Treaty Rights

INDIAN TREATY RIGHTS

The following article on treaty rights was the basis of remarks made by The Rt. Rev. William C. Wantland, Bishop of Eau Claire, at the Wisconsin Indian Education Association meeting held on October 16 at the Oneida Reservation.

One of the greatest problems facing Native Americans is the problem of "Treaty Rights". The average non-Indian citizen of the United States assumes that somehow, Treaty Rights involve special consideration for Indians, or the granting of special rights not granted to other citizens.

The United States Commission on Civil Rights, in its June, 1981, report made the following observations in regard to the backlash against Indians in the 1970's:

"Many reasons have been given to explain and to justify the backlash. One explanation argues that, although there is a significant reservoir of sympathy for their situation, excessive political and material demands by Indians have soured the basically favorable disposition of the American people. From this viewpoint, it is said that the backlash is not racial or even political but is, rather, opposition to the excesses of the activists. An 'equal rights' theory is often advanced to argue that Indian political power and control over Indian destiny is antithetical to the American system of equality and that Indian interests must give way to those of the larger society."

"Many individuals in the Indian world have placed a different construction on the backlash. They argue that the non-Indian interests, both governmental and private, that have been unfairly profiting at Indian expense have found there individual advantages disrupted by Indian legal and political victories and have organized to recapture their preferential position. In this view, the backlash is identified as a vocal minority of vested interests."

"A major difficulty in evaluating what has appeared to be a backlash against Indians is that most Americans do not have any frame of reference for distinguishing normality from change. Mel Tonasket, of the Confederated Tribes of the Colville Reservation in Washington, has stated:

I think a lot of the backlash coming from the common citizens is mainly out of ignorance because of the lack of educational systems to teach anything about Indians, about treaties...When the population really doesn't know what the rights are and what the laws say, they have to make judgment decisions based on what the media puts out to them or what a politician says."

"Chairman Arthur Flemming of the U.S. Commission on Civil Rights observed after listening to several days of testimony on Indian issues from a range of citizens in Washington State:

It is clear to me from the testimony we've listened to, that there are a great many adults who do not have any understanding of the treaties, of

tribal government, and the implications of it, and so on, and they are reacting from a position of no knowledge."

This lack of knowledge and ignorance of Treaty Rights was also reflected by the American Indian Policy Review Commission of the U.S. Senate in 1977:

"One of the greatest obstacles faced by the Indian today is his drive for self-determination and a place in this Nation is the American public's ignorance of the historical relationship of the United States with Indian tribes and the lack of general awareness of the status of the American Indian in our society today."

Alvin Zientz, a member of the Indian Rights Committee of the ACLU, makes it clear that the arguments against Indian treaty rights predicated on the idea that such rights deny rights to other Americans is without any logical legal standing:

"As a matter of principle, there is no conflict whatever between Indian treaty rights and the 14th amendment, none whatever. The 14th amendment says simply that if you're going to have different treatment of different groups, there must be a rational basis for that difference. There is obviously a rational basis for the separate treatment of Indian groups, and that basis is the transactions which they made with this nation. They have in effect entered into a contract, and it is no more a denial of my 14th amendment rights that Indians continue to receive the benefits of the agreement they made than it is a denial of my rights that any groups that sold land to the United States Government gets paid for their land."

Basis of Treaty Rights

When, then, is the basis of Indian Treaty Rights? And how does that basis affect the relationship between Indian peoples and other Americans?

At the time Columbus "discovered" the New World, the North American continent was inhabited by over 400 Indian Nations and Tribes. These Native Nations were sovereign in every respect, and were treated as such by most of the European Nations. Treaties were entered into by the European and Indian governments.

A treaty is a contract between sovereign nations, and assumes a certain level of equality between the contracting parties.

After the Independence of the American States and the establishment of the present U.S. Government, the United States continued to make treaties with Indian Nations as agreements between equals. Indeed, the Indian population was as great as the white population at that time. It is generally recognized that treaties as between equal sovereigns were made by the United States with Indian Nations until the time of Andrew Jackson.

Thereafter, treaties were made by the United States as a dominant sovereign, and the Indian Nations were seen as

dependent sovereigns. The United States Supreme Court, in fact, declared Indian Nations to be dependent or quasi sovereign governments in its landmark decision of Worcester v. Georgia in 1832.

Thereafter, until 1871, treaties were made with Indians primarily to obtain cession of land, or to limit Indian rights. Even though many of the Indian Nations were never at war with the United States, and thereafter never were defeated in battle, the treaties made during this period were never made as between equals. Not one treaty gave any advantage to a single Indian government.

By the time Congress cancelled the treaty-making process in 1871, well over 600 treaties had been made between the United States and the various Indian Nations.



Rt. Reverend William C. Wantland.

Legal Effects of Treaties

Perhaps it would be wise to review the legal effects of treaties, and the place of Indian treaties in 20th century American law.

Article II, Section 2, Clause 2 of the U.S. Constitution declares:

"The President shall...have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur..."

Article VI, Section 2, of the Constitution provides:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States shall be the Supreme Law of the Land."

Treaties, as the "Supreme law of the land," are therefore superior to the law of any State. As the Constitution says, in regard to treaties; "(T)he judges in every State shall be bound thereby, anything in the Constitution or Laws of any State to the contrary notwithstanding."

While the United States continued to make treaties with Indian Nations until 1871, there had long been complaints from the U.S. House of Representatives that agreements with Indians should involve the Representatives as well as the Senators. Largely due to these complaints, in 1871, Congress passed what is now 25 USCA 71:

"No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or

power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired."

This statute ended the treaty making period of Indian-U.S. relations. However, the statute kept all previous treaties in full force and effect. For a number of years after the 1871 act, the United States Government entered into "Agreements" with various Indian Nations. These Agreements were virtually the same thing as treaties, except ratification was by both House and Senate of the U.S. Congress, as well as by the legislative body of the Indian Nation. For example, in December of 1897, an Agreement was executed between the United States and the

Seminole Nation of Oklahoma providing for allotment of land in severalty. This agreement was ratified by the General Council of the Seminole Nation and by the U.S. Congress in the summer of 1898, and has the same effect as a treaty.

However, after 1903, with very few exceptions, the United States ceased making Agreements, and simply passed legislation through Congress which imposed upon the Indian nations whatever terms or conditions the U.S. Government wished.

The Basis for this action was the provision of Article I, Section 8, Clause 3 of the Constitution: "The Congress shall have power...To regulate commerce with...the Indian tribes..."

In 1903, the U.S. Supreme Court, in the case of Lone Wolf v. Hitchcock, declared that the Commerce Clause of the U.S. Constitution gave to congress "plenary power" over Indian Nations. The result of this decision was that Congress may unilaterally repeal treaties, remove Indian people from their land, or even take the land. As recently as 1953, Congress has unilaterally taken rights away from Indian Nations and partially abrogated solemn treaties by granting certain Indians sovereign rights to the States without the knowledge or consent of the Indian Nations. (PL-280)

However, in spite of the "plenary power" clause of the Constitution, and the fact that virtually every Indian treaty has been limited or broken, the Indian treaties still remain a part of the supreme law of the land, and are generally upheld in the Courts of the United

States. Indeed, these Treaty Rights mark the whole basis for the existence of Indian Nations, and the rights and privileges of their citizens.

Rights Reserved, Not Granted

Unfortunately, most non-Indians assume that Indian treaties make a grant of special rights or privileges to Indians, and therefore are unfair. The truth of the matter was set out by the Supreme Court in 1905: An Indian treaty is "not a grant of rights to the Indians, but a grant of rights from them" (U.S. v. Winans). The purpose of an Indian treaty was not to give rights to the Indians but to remove rights they already had.

Nearly every treaty made involves the cession of land by the Indian Nation to the United States. In the cession of land, the Indian Nation agreed to give up the land in exchange for the protection of rights not specifically surrendered in the treaty, and in exchange for payment. The payment made by the United States might include money, but often also included payment of health or educational services. Thus, the provision of health and educational benefits to Indian Nations is not a form of welfare, but a sort of paid up insurance policy; a policy paid for by the Indians with millions of acres of land.

Two recent examples might illustrate the concept of reservation of rights. In the 19th century, Indians in Wisconsin and Washington State entered into a series of treaties, ceding land to the United States, land which the Indians owned totally and completely. Such ownership is called "fee simple absolute" ownership in legal terms.

When a land owner has fee simple absolute title, the owner may sell the full title to a buyer, or may sell only a partial interest in the land, reserving the rest of the title to himself. We are all familiar with the land owner who sells the surface interest in land, but retains (or reserves) the title to the minerals under the land. While the surface owner has the right to farm or build on the land, the former owner, and his heirs forever, have the reserved right to go on the land and prospect for the minerals.

The Washington and Wisconsin treaties reserved to the Indian peoples and their descendants the right to hunt and fish on the ceded land, just as the mineral owner had reserved the right to drill for oil or mine for coal.

When the State Governments and the non-Indian citizens challenged these reserved rights in the 1960's and 1970's, the U.S. District Courts (the Boldt case in Washington and the Voigt decision in Wisconsin) affirmed the treaty rights of the Indian Nations. These affirmations have been upheld by the Circuit Court of Appeals.



Racism and the Church

In spite of the fact that the treaties are clearly the law of the land, and the Federal Courts have upheld these treaties, and the treaty reservations follow simple real property law principles, numerous local governments and citizens' groups have attacked these Treaty Rights. These attacks have resulted in numerous acts of physical violence and racist actions against Indian peoples. The backlash of the 1970's has carried over to the 80's. Tragically, these racist actions reflect total ignorance of Treaty Rights, as noted by the U.S. Commission on Civil Rights in its 1981 report.

The Episcopal Church has been very aware of these matters, and at the General Convention meeting in Anaheim, California, in September of 1985, Resolution B-007a was passed as the stated policy of the Church. Because of its importance, that Resolution is reproduced in full:

"Whereas, The United States of America has entered into solemn treaties with the many Indian Nations and Tribes, which treaties have been duly ratified by the U.S. Senate, and become the supreme law of the land; and

"Whereas, in these treaties, the Native American people have reserved unto themselves and their descendants certain rights and health and education benefits, in exchange for the cession of most of their land; and

"Whereas, continuously since the days of Chief Justice Marshall, Indian Nations within this Republic have been recognized as 'dependent sovereign nations', entitled to internal autonomy; and

"Whereas, Native American people currently face a growing tide of racism, erosion of treaty rights, and constant attacks on tribal sovereignty and self determination; and

"Whereas, Native American members of The Episcopal Church are asking the Church to speak out; therefore be it

"Resolved, the House of Bishops concurring, That the National Committee on Indian Work be instructed by the 68th General Convention of The Episcopal Church to request all agencies of the Church to advocate and support the honoring of all Indian treaty rights and the right to internal autonomy and self-determination of Indian Nations and Tribes."

Thus, The Episcopal Church recognizes the Treaty Rights of Indian Nations and peoples, and advocates and supports the honoring of those rights. The Church must work to educate its own members, and all citizens of the United States, to understand and respect these Treaty Rights. As the 1984 Oklahoma Consultation on Indian Ministries observed:

"The average person is ignorant of Indian Rights, and is ignorant of his ignorance." It is this "ignorance of ignorance" which we, as Christians, must combat.

GLIFWC/WDNR Surveys

(continued from page 1)

There was no relation between number of adult walleye speared in spring and number of fingerling walleye collected in fall. For example, look at Catfish Lake and the Flambeau Flowage. Note that CPE in Catfish Lake (Vilas Co), where no spearing took place, was high (82.5 fingerlings per mile) and similar to CPE in the Flambeau Flowage (83.3), the lake with the highest spearing harvest in 1986 (2560 fish).

Another interesting point is that CPE in Star Lake (Vilas Co) was relatively high (58.5 per mile), an indication that good numbers of walleye fingerlings were produced. In fact, not only was reproduction good but it was somewhat of a surprise. Prior to 1986, the last time Star Lake was surveyed was back in 1968. Because there was no current data to indicate just how strong walleye reproduction was or how abundant the adult population was, the DNR had planned to stock several thousand fingerlings in 1986. Obviously, these plans were cancelled soon after the first electrofishing survey. Furthermore, claims made this spring by several DNR officials about over-harvest and about damage

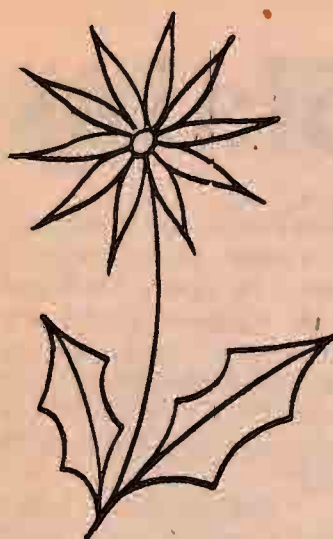
to the walleye fishery were not based on fact and, as it turns out, were unfounded. What is evident, is that the tribal quota was very conservative both because only 10% of the estimated total allowable catch was allocated to the tribe and because the population estimate was low to begin with.

Besides Star Lake, Upper Clam Lake (Burnett Co) is a good example of how important it is to set realistic quotas using up-to-date information and, why we need to review and revise some of the 1986 quotas. The quota developed for Upper Clam was 220 and yet the lake has neither a naturally reproducing nor a stocked population of walleye. At Best, there may be a handful of walleye in the lake, but a quota of 220 is both inaccurate and misleading. On the other hand, Lucerne Lake is an example of a lake that has walleye but no quota. In general, inappropriate quotas resulted from the fact that they were derived using "pseudoscience", that is, old survey data or a fishery manager's educated guess (or both).

As already mentioned, GLIFWC and DNR crews coordinated their

survey work on 9 lakes and developed estimates for number of fingerlings in a lake. These estimates were used to test and refine a formula which allows us to predict the number of fingerlings in a lake just by shocking the shoreline once. Simply put, the formula is a "short-cut" which gives reliable data in, at least, half the time. Both agencies also began studying whether we could reduce our sampling effort further by surveying only a certain portion of a shoreline rather than the entire shore. This information still needs to be analyzed.

On November 4, DNR and GLIFWC biologists met as a Technical Working Group. Results of surveys during 1986 were reviewed and exchanged. In general, biologists from both agencies understand well the responsibility attached to managing the fishery resource in Northern Wisconsin. A cooperative management effort between the State of Wisconsin and the tribes in future years can benefit the resource, as well as, state and tribal fishers. The cooperative effort shown by both agencies during electrofishing this fall indicates that we are moving in that direction.



Tribal Member Responds to Mullaly

(Reprinted from The Sawyer County Record, Wed., Dec. 3)

To The Record,

Mr. Paul Mullaly is at it again! My patience with this individual has compelled me to write this letter.

His blatant exaggeration of the truth, his attempt to convince the intelligent folk in the Hayward area that Indian people are contacting him regarding dissatisfaction with their tribal government is an insult to both Indian and non-Indian.

Apparently, he judges Indian people by himself. If it was not such a serious matter, it would be funny. I equate his ridiculous accusations in the same category as I would if I was told the Israeli Mossad approached the Nazi SS to help them locate Nazi war criminals. It is ludicrous!

We Indian people may disagree with each other from time to time regarding tribal policies, etc. So what? Non-Indians disagree all the time. However, we want you to know we love each other; the tribal governing board members are our brothers and sisters. We will and we can solve our

problems; we would never consider approaching an individual like Mr. Mullaly, who is attempting to undermine and destroy everything we believe in as Indians—our culture, religion, and traditions. We do not need the likes of him to advise us.

I consider it an insult that he is attempting to circulate such untruths; it only emphasizes his imperialistic strategy: "divide and conquer." It will not work; we know and have known too many like him.

I come from a traditional Indian background; however, in closing, I will quote from his Bible. I would suggest that Mr. Mullaly could profit and perhaps gain some insight by adhering to the following scripture: "There are six things the Lord hates, seven that are detestable to Him: haughty eyes, a lying tongue, hands that shed innocent blood, a heart that devises wicked schemes, feet that are quick to rush into evil, a false witness who pours out lies, and a man who stirs up dissension among brothers." Proverbs 6: 16-19

Respectfully,
/s/ Harold (Bishiki) Frogg
Stone Lake



UTAH CATTLEMEN WANT INDIAN RESERVATIONS ABOLISHED

SALT LAKE CITY, UT (IPN) - The Utah Cattlemen's Association passed a resolution calling for the abolition of Indian reservations and the Bureau of Indian Affairs because of what the ranchers say are rights inequalities between Indians and non-Indians.

The Cattlemen said they are concerned about court decisions that expand the boundaries of the Ute Indian Reservation. The association said the government should work to protect the rights of private landowners and citizens.

The cattlemen are only one of many Indian rights abrogation groups that have become active in the northwest and central United States.

Paul DeMain, from the office of Gov. Anthony Earl of Wisconsin, recently sent a letter to the Native American Press Association calling their attention to an upcoming conference being sponsored by Protect America's Rights and Resources, scheduled tentatively for April 20-21, 1987.

"Representatives confirmed include the Inter-State Congress for Equal Rights and Responsibilities, SPAWN and members from Montana, Arizona, Michigan, Minnesota and Utah," said DeMain.

According to DeMain's letter, PARR has apparently aligned themselves with the National Rifle Association, who are currently seeking sponsors for a treaty abrogation bill. Representatives from the NRA will be among the keynote speakers at the conference.

"There is a definite need for Indian rights groups to network and defend the treaty rights issues," said DeMain.

WIND RIVER TRIBES WANT RADIOACTIVE FILINGS MOVED

RIVERTON, WY (IPN) - The state of Wyoming and the Wind River Indian tribes are requesting that the Susquehanna uranium mill tailings pile should be moved away from populated areas and water supplies.

The Department of Energy has recommended the 900,000-ton pile of radioactive tailings be stabilized at its current site between Riverton and the St. Stephens Mission on the Wind River Reservation.

American Nuclear Corp. has submitted a proposed plan to move the pile to its licensed uranium mill tailings pond in the Gas Hills area.

John Themelis, manager of the project for the DOE, said the agency is waiting for a proposal that would dictate how much of the cost the state would pay.

The DOE said the state would have to propose a method to offset the cost of moving the pile if that alternative is selected.

If the pile is stabilized at the current site, the DOE will pay 90 percent of the cost. The Wyoming legislature has already appropriated \$1.9 million of the state's share.

Nancy Freudenthal, the state's attorney for intergovernmental affairs, said American Nuclear's proposal is still considered informal at this time.

"We're still moving forward and are optimistic about it," she said. "We all have the same goal in mind."

INDIAN CHILD WELFARE PROGRAMS HURTING

WASHINGTON, DC (IPN) - The economic crunch of the Gramm-Rudman-Hollings deficit reduction legislation is being felt by the Title II of the Indian Child Welfare Act.

Title II, administered by the BIA, provides funds for the ICWA programs operated by tribes and organizations. The first Gramm-Rudman 4.3 percent cut of 1986 required almost \$4.9 million to be cut from its \$113.2 million budget. The entire amount was taken from the \$8.8 million child welfare budget, a reduction of over 55 percent.

A preliminary survey of tribes and Indian organizations in nine states revealed that more than 75 percent of all applications were denied funding. The proposals that were approved were done at reduced levels.

A \$2.1 million supplemental appropriation to the ICWA was approved by Congress and signed into law in July. The BIA was also ordered to take the remaining funding cuts from the in-house administrative budget so the child welfare programs would not be so adversely affected.

According to Indian Affairs, the newsletter of the Association on Indian Affairs, Inc., the BIA intends to resist the congressional order to redistribute its funding cuts and is withholding \$1.8 million from the child welfare programs.



Bad River Drum plays for Northland College pow-wow.

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MASINAIGAN, is (usually) a monthly publication of the public information office of Great Lakes Indian Fish & Wildlife Commission, P.O. Box 9, Odanah, WI 54861.

The name is an Ojibwa word for paper. Some of the elders referred to the treaties as glitchi-masinaigan or big paper. As such, MASINAIGAN focuses on treaty rights issues of the Chippewa around the Great Lakes.

Subscriptions are free on request. If you have questions or comments, write the above address or call 715/682-6619.

Co-Editors/ Writers: Sue Erickson, Lynn Spreutel



Re-awakening Tradition



It's Christmas time...a time of gift-giving, goodwill, a spiritual season. The day honors the Christ child, the Star, a miraculous birth, and the message of love and redemption sent by God. Our religious holidays, traditions, ceremonies are one and the same with our society and are hallowed, providing a precious base to our existence. America values highly the right to religious freedom and most American citizens take the practice of their religion as a basic right. Few of us could imagine being told that the recognition of Christmas was wrong and should not be practiced.

Although religious repression is something ordinarily attributed to communist countries, Indian traditionalists have only been allowed to practise their religion openly in the United States since 1978 when the Freedom of Religion Act was passed, according to Victoria Gokee, Red Cliff. Gokee facilitated a Traditional/Spiritual Workshop at Red Cliff, December 10-11.

Because demands were placed on Indian people to assimilate and adopt European religions and custom, much of the Ojibewa culture has been lost to current generations.

To provide for a re-awakening of that belief system and an understanding of the ceremonies which are part of it, the Red Cliff Alcohol and Other Drug Abuse Women's Discussion Group (AODA) decided to provide an opportunity for spiritual learning.

Presentors at the workshop included Ben Skinaway, St. Croix, Keeper of the Big Drum and member of the Midewiwin Society; Eileen Skinaway, St. Croix, Keeper of the Women's Drum and member of the Midewiwin Society; Sidney Brown, Montana Blackfeet, counselor with the Native Family Renewal Program, Portland; and Gabriel Sharp, Colorado Indian Tribes, social worker in Phoenix.

The Megis Shell and Madeline Island

One significant aspect of the Ojibewa beliefs is the story of the Megis Shell. The Megis Shell, a gift of the Great Spirit, first appeared in the east and was a guide to the Anishinabe people who migrated westward following the sighting of the Megis Shell. The Shell stopped in four places along the way and was last seen at Madeline Island.

Gokee says the fact that Megis was last seen on the Island makes it significant to the Anishinabe (Ojibewa), besides the fact that Indian burial grounds are on the Island and historic treaties were signed there.

Another reason why the Island is considered sacred is that it was the place of the first Midewiwin. As the story was recounted by Gokee, a young boy was carried in his cradle board by his mother. She hung the board on a tree while going to fetch something. When she returned, the cradleboard was empty. The boy had disappeared, but returned years later as an old stooped man. The Spirits had taken him as a youth to teach the ways of the Midewiwin and the learning of the religion had taken a lifetime. But as a consequence, the first Midewiwin was established on Madeline Island.

The Midewiwin

The Midewiwin Society, a sacred society, was briefly discussed by a workshop participant, Larry Long, who had participated in a Midewiwin ceremony in Canada. Much of the Midewiwin is secret and cannot be publically recounted.

But Long said inside the Midewiwin lodge a central fire burns and the doors, facing to the four directions from which the spirits blow, are each watched by a Midewiwin member. Inside, he said, a great power can be felt.

He said around the lodge, tipis are set up and in each something about the significance of each item used in the ceremonies is explained. The Midewiwin is performed entirely in the Ojibewa language and the ceremonies are planned for different purposes, one of which can be healing.



Sidney Brown, Montana Blackfeet, prepares sage to be burned prior to her presentation at the "Tradition and Spirituality Workshop" held at Red Cliff on December 8 and 9. Behind her, assisting with the preparation of the sage, is Marvin DeFoe, Red Cliff.

Ceremonial Drums

Distinct from the dance or social drums used for most pow-wows, the Ojibewa have ceremonial drums, to be used only for specific religious occasions.

The Drum came to the Anishinabe through the vision of a Sioux woman, according to Eileen Skinaway. The woman lived at the time of Indian massacres by the calvary and settlers. A vision came to her describing the Drum and charging her with the mission to carry it to all Indian tribes. The first Drum was constructed by the Sioux, and then it was carried east to other tribes in Minnesota, Wisconsin and Michigan. Each tribe fashioned their own Drum, using a small piece of the original.

During the process of assimilation, many tribes lost their ceremonial drums, as did Red Cliff and Bad River, according to Gokee. But St. Croix managed to retain their drum. In fact the tribe has several ceremonial drums and ceremonies are performed every couple months.

The Drum, however, refers to more than the instrument; it refers to a membership and a roster of songs which are represented by the membership.

As described by Skinaway, St. Croix's Big Drum has 18 membership songs, although more than 18 people belong to the Drum. For instance, the women's song, one membership song, represents four lead women and sixteen servant women, who all dance when their song is played.

Belonging to the Drum are the Drumkeeper (perhaps two); the Caretaker; First Chief, Second Chief, Third Chief, Fourth Chief; four Lead Singers (representing the four directions); drum warmers; the Pipebearer; the women (the decision-makers); and perhaps others represented by songs such as the Belt Song.

Each person in the Drum has specific duties and each must know their song. When their song is played, those members dance and offerings are given following the dance.

The offerings, which can be tobacco, money, blankets, are bundled following the ceremony and given away to visiting drumkeepers.

There are other forms of the ceremonial drums, such as the Women's Drum at St. Croix. These Drums may have more or less songs than 18. The songs that are sung represent traditional songs of the Ojibewa people and are quite distinct from the songs heard at a social pow-wow. The structure of the Drum may vary according to tribe and communities as well.

Gokee says that Red Cliff is in the process of re-establishing their ceremonial drum, but the process is a long one and much remains to be learned in order to do it correctly. Even the construction of the drum in an intricate process.

Tradition and Healing

"Native Americans need to return to their traditions. Out of that will come a relationship to the external world," says Sidney Brown, who received the National Recognition Award from the National Council on Alcoholism in 1980 for her program on Native Self-Actualization.

Indian people have been taught that everything about them is wrong, she said, and that everything about them must change. This has scarcely been conducive to a sense of self-worth. For herself, she explained, it took time even after receiving a Master's Degree to recognize herself as being thought of as something different than a "breed."

Both Brown and Gabriel Sharp have gone through periods of despair, alcoholism, and in the case of Sharp, attempted suicide. Both have found the strength and



Gabriel Sharp, social worker from Phoenix, talked about discerning the messages that come from within us.



Eileen and Ben Skinaway, St. Croix, are both Drumkeepers and members of the Midewiwin Society.

power to overcome their problems and begin a healing process through the Great Spirit and an understanding of the traditional beliefs of their people. Both have learned through listening to their elders, their teachers.

Brown incorporates tradition Indian culture in her workshop, which is aimed at promoting self-awareness and healing. For instance, she began her workshop with the burning of sage. The sage was passed and each participant inhaled the smoke and wafted it about them. Sage, she said, represents honesty, and honesty helps us to know ourselves.

Following a chart of the Life Cycle, Brown took people through the stages of life from birth to death, emphasizing the need to establish a positive identity and, especially, the ability to listen. From the ages 30-60, Brown says, we are "teachable" if we have learned to listen. From 60 on we are elders, perhaps qualified to be teachers, but just as importantly, qualified to continue as parents and grandparents which are significant roles.

Brown also emphasized the need to care about oneself and others; to learn to feel and accept our feelings; to maintain relationships, and to respect ourselves and others.

"Being traditional," she said, "isn't being poor. It is providing well for the family. If there is more than is needed for the family, it can be given to the community."

In fact, traditionally Indian wealth was measured in the amount that was given away rather than what was accrued.

Brown also uses the traditional "talking circle" in groups. She defines it as a "traditional American Indian way" of presenting important principles in a manner which allows people to listen and experience the concepts without interruptions.

The group leader talks to the people in the circle, but expresses innermost thoughts and feelings rather than talking to anyone specifically. No one replies and what is said in the group is respected. Following the leader, the person to his left is given an opportunity to express himself. Sometimes the leader passes an eagle wing or a stone from a Sweatlodge which will help participants "connect with the talking circle."

Brown leads participants to discussion, self-analysis, and honesty within a context of traditional belief and custom, always affirming the elders and the wisdoms which are found in traditional Ojibewa beliefs.

The path back to beginnings is long and the learning process complex, but the need to revitalize traditional beliefs was universally affirmed throughout the two-day workshop, which was able to touch only briefly on the ceremonies and teachings of the Anishinabe.



The two-day workshop was sponsored by the Alcohol and Other Drug Abuse Women's Discussion Group. Facilitator for the event was Victoria Gokee, pictured above on the left, with guest speaker Eileen Skinaway, a drumkeeper and member of the Midewiwin Society at the St. Croix Reservation.

News from Elsewhere

INOUE NAMED TO INDIAN AFFAIRS COMMITTEE

WASHINGTON, D.C. (IPN) - The Democratic Steering Committee, on Nov. 21, named Sen. Daniel Inouye (D-HA) as the chairman of the Select Committee on Indian Affairs.

As the chairman, Inouye will have jurisdiction over legislation that affects Native Americans and Native Hawaiians.

"Native Hawaiians are considered a native American people in some, but not all, of our federal programs and policies," Inouye said. "I hope to take legislative steps to correct this situation."

Inouye said he would primarily address issues concerning Native American education, health and land management.

Inouye said that a recent Native Hawaii Health Needs Study presented to "Congress in 1986 revealed that Native Hawaiians face the worst health problems and availability of medical services of any group in Hawaii."

He discussed several proposals, including Indian Health Care Amendments, that were approved by the Select Committee and the Senate but died in the House.

The measures would have set up new health care and disease prevention programs while providing scholarships to Hawaiians entering health related professions.

The Native Hawaiian Health Care Act would have brought native Hawaiian community health facilities to each Hawaiian island. The measures might be revived in the upcoming 100th Congress, which opens in January.

The Select Committee also approved a proposal that will appropriate funds for Native American Art and Culture Institutes.

SUPREME COURT RULES IN FAVOR OF JICARILLA APACHES

WASHINGTON, DC (IPN) - Several oil companies, including Exxon, Southland Royalty and Unicorn Producing, must pay the Jicarilla Apache Tribe of New Mexico more than \$300,000 in oil and gas recovered from their reservation, ruled the Supreme Court on Nov. 17.

The ruling let stand a 10th U.S. Circuit Court of Appeals decision that was appealed to the Supreme Court by the oil companies. The Supreme Court refused to hear the case.

The Jicarilla own a 742,315 acre reservation in New Mexico. Since the early 1950s, the tribe has leased reservation land for oil and gas production.

The tribe contended that royalties due to them should be calculated under a "dual accounting" method which bases the royalty payment on the higher of two pricing schemes.

A federal district court agreed, and ordered the companies to pay \$343,738 in additional royalties to the tribe.

The oil companies, in seeking a review by the Supreme Court, argued the government should pay \$300,00 for failing to insure the method of accounting most advantageous to the tribes was used in negotiating the Indian leases.

The government said that because the oil companies reaped the benefits of the gas and oil, the companies should pay the additional royalty. Tribal attorneys also opposed the Supreme Court review, saying the appeals court decision should stand.

SHOSHONES WILL OPEN NUCLEAR PROTEST

MERCURY, NV (IPN) - A delegate from the Western Shoshone Indian Nation, which claims part ownership of the Nevada Test Site under an 1863 treaty, will read a statement giving American Peace demonstrators permission to enter the facility to protest continued underground nuclear testing.

Actor Martin Sheen and as many as 100 anti-nuclear protestors will risk arrest by trespassing at the entrance of the Department of Energy facility, said Vip Short, an organizer for the protest by the group who call themselves American Peace Test.

Short said the demonstrators want to block the road leading to the 1,350 acre site at Mercury, 60 miles northwest of Las Vegas. They plan to hinder DOE and government contracted employees from reporting to work, said Short.

"We have no animosity towards the workers," said Short. "We want to see them keep their jobs, but we want to see the test site converted to peaceful uses."

The US government has been testing nuclear weaponry above and below the Nevada desert since 1951.

ELK WILL BE RELEASED AT RED LAKE RESERVATION

ST. PAUL, MN (IPN) - The Minnesota Department of Natural Resources announced that it will not be using airplanes and tranquilizers for the roundup of elk to be released on the Red Lake Indian Reservation.

The 1985 Legislature ordered the department to remove the elk before they damaged crops. Two attempts since then have failed, said the Minneapolis Star and Tribune.

One elk drowned, two were injured and later destroyed and two others were shot after wandering off the reservation during the previous attempts.

The current plan is to corral the 30 to 35 elk in Marshall County using hay, oats and molasses as bait, the newspaper said.

The animals will then be trucked to the reservation and released, said the Tribune.

DEER DECLINE

KESHENA, WI (IPN) - Due to the reports of a sharply declining white-tail deer herd, the Menominee Indian Reservation is considering the adoption of a conservation code, said tribal officials.

RECORD HARVESTS IN OREGON

PORTLAND, OR (IPN) - Indian fishermen on the upper Columbia River in Oregon have sold \$1.4 million worth of salmon this year. According to Chris Carter, economist for the Wildlife Department, fishermen all over the state are experiencing record harvests.

STOCKBRIDGE-MUNSEE BINGO HALL OPENS

BOWLER, WI (IPN) - The new Stockbridge-Munsee Indian bingo facility opened on Nov. 22, filling 350 of its 650 player capacity.

Construction on the facility began in Sept. and the main contractor finished work about two weeks ago, said Tammy Pecore, acting manager. The hall will operate five nights per week.

Until the new hall opened, the tribe ran a low-stake bingo operation at its tribal offices twice a week. The old facility seated 100 players and had no kitchen.

"We moved everything down from the tribal office yesterday; all the bingo supplies, office supplies, tables and chairs," said Pecore.

"A lot of people in the community are working with the tribe on a voluntary basis," said Cassie Moede. "I'm not playing bingo; it's just pride. I just want to be part of it."

Bingo hall profits will be used for Stockbridge-Munsee economic development efforts, Pecore said.

"Instead of government funds, we would use the profits from bingo (for economic development)," she said.

The hall is located five miles west of Gresham and five miles east of Bowler on Highway A.

COLUMBIA RIVER TRIBES CRITICIZE POWER PLAN

BOISE, ID (IPN) - Columbia River Indian tribes, state and federal fish and wildlife agencies and the Northwest Power Planning Council have publicly criticized a Bonneville Power Administration plan to increase its sales of surplus electricity to California, said an attorney for the National Wildlife Federation.

The groups fear that the fish in the Columbia and Snake rivers could be adversely affected by energy development.

"We should be seeking every avenue to improve the conditions for Columbia River salmon and steelhead, not make them worse," said Terence Thatcher, a Portland attorney for the wildlife federation.

The wildlife federation said increased transmission capacity might threaten Columbia River fish by reducing water flowage and reducing spillage of water past the Columbia and Snake river dams.

Young salmon and steelhead migrating to the ocean need adequate water flow, said the federation.

"By squeezing the maximum amount of power out of the Snake and Columbia River flows for surplus power sales to California, it is very likely Idaho's wild fish runs will suffer," said Idaho Attorney General Jim Jones.

"All the BPA has done is conducted an environmental assessment and it said there would be no adverse effect on the anadromous fish runs, but I know it will be an adverse impact."

Thatcher said the BPA failed to prepare a complete environmental impact study on its plans.

"We believe any increases in the transmission lines should be

coupled with strict policies aimed at improving the conditions for anadromous fish in the Columbia River Basin," said Thatcher. "Until we have such policies, bigger power sales to California constitute a threat to the long-needed efforts to restore our depleted fish resources."

COURT RULES INDIANS OWN BURIAL ARTIFACTS

WASHINGTON, DC (IPN) - The Tunica-Biloxi tribe is the rightful owner of artifacts buried with their ancestors, ruled the Louisiana court of appeals.

Litigation over ownership of Indian artifacts began in 1974, seven years after Leonard Chartier uncovered a Tunica-Biloxi site and removed more than two tons of artifacts from the site including beads, stoneware, iron kettles, knives, muskets, pottery, European ceramics, crucifixes, rings and bracelets. His work centered on excavating Indian burials.

The state court ruled in 1983 that the tribe owned the artifacts and did not have to compensate Chartier for the discovery and excavation of the artifacts. The appellate court upheld the decision on Oct. 15, 1986.

Indian burial goods "rightfully belong to the descendants for such disposition as the descendants may deem proper," said the court.

Donald Juneau, private counsel and Richard Dauphinais of Native American Rights Fund represented the tribe.

SETTLEMENT RESTORES TREATY TO MUCKLESHOOT TRIBE

NARF NEWS RELEASE BOULDER, COLORADO:

The federal court's approval of a recent agreement between Puget Sound Power and Light Company and the Muckleshoot Indian Tribe of Washington will mean a milestone water and fisheries settlement to the Tribe. The agreement, which was signed October 31st, is in repayment for

the power company's 1910 diversion of the White River. It achieves in settlement what the Tribes had sought in its litigation efforts since 1972.

According to attorneys for the Tribe, which included the office of the Tribal Attorney for the Muckleshoot Tribe and the Native American Rights Fund, the agreement represents a four-fold increase in water flowage in the White River from 30 cubic feet per seconds (cfs) to 130 (cfs). That, in turn, will dramatically improve the spawning and rearing habitat for the salmon. Besides increasing the minimal flow to 130 cfs, Puget Power will also provide additional water to facilitate migration of adult fish upstream through the reservation. Finally, the power company has agreed to construct and, for a designated period of time, maintain a large fish hatchery on the White River for the Tribe's operation.

The Tribe had previously settled with the City of Auburn, Washington for diversion of Coal Creek. The Creek supplied water to the White River and was used by salmon for spawning and rearing. In that settlement, the Tribes will receive a fish enhancement facility on Coal Creek and 3.8 cfs of flow from the Creek.

The agreement was reached only days before the parties were scheduled to begin an intensive trial in federal court. In 1972, the Muckleshoot Tribe filed a suit charging that Puget Power had wrongfully diverted water belonging to the Tribe. Following the diversion, the spawning and rearing habitat were impaired severely, impacting the Tribe's ability to maintain and develop its fishery resources.

Following the October 31 agreement, tribal authorities stated they looked forward to reestablishing the traditional fishing area on the White River. With the increase in flows, it is expected to take only three years to realize a marked increase in the number of harvestable salmon. The hatchery is expected to be completed within 2 years of the settlement date.

New Staff



Gerry DePerry was welcomed aboard as the new bookkeeper for GLIFWC.



Peter David is the new wildlife biologist for GLIFWC.