

# DePERRY TO HEAD COMMISSION



Raymond DePerry, recently appointed by the GLIFWC's Board of Directors as Henry Buffalo's successor, will assume the role of Executive Administrator early in August.

DePerry has been working as the tribal attorney for the Red Cliff Reservation for the past two years. He has also served on the Red Cliff Tribal Council and represented the tribe on the Voigt Task Force.

As a result of his experience, DePerry comes to the Commission versed in the issues surrounding Voigt and tribal resource management.

DePerry is a native of the Red Cliff Reservation, graduating from the Bayfield High School in 1970. He continued his studies at the University of

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*"The job of education is one of the foremost as the Commission moves on," says DePerry.*



## GEEGO-İKAY

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**Great Lakes Indian Fisheries Commission**

# GLIFWC ANNUAL CONFERENCE

## A KALEIDOSCOPE OF PERSPECTIVES

A landmark occasion for the GLIFWC was the successful presentation of its first annual conference, held at Telemark Lodge, Cable, Wisconsin on June 28 and 29. With over eighty registered participants and 27 speakers, the two days were crowded with information, new directions and opinions on topics ranging from the legal and political ramifications of treaty rights, to the threats of nuclear waste and acid rain, to needs for improved conservation education. The unique mix of specifically biological concerns and information with that of social and political problems provided an interesting and expansive overview of current tribal involvements.

Speakers represented a variety of state and national organizations, commissions, tribes and citizen groups concerned with conservation issues and resource management. In some instances, it provided a forum

to become acquainted with agencies and people involved in comparable programs and promoted a spirit of better understanding and a need for cooperation, which seemingly is considered the key to resource preservation by all.

Experiences of other states in comparable situations regarding treaty rights were shared by speakers from Minnesota, Michigan and Wisconsin. Sam Deloria, Director of the American Indian Law Center, University of New Mexico, gave insights into national trends. Having participated in the struggles of the state of Washington, Deloria indicated that after years of friction and combat between sports fishermen, the state, and the tribes, the attitude of cooperative resource management has finally resulted in assuring sufficient fish available for all user groups to harvest. It is his hope that others can benefit from the Washington experience to avoid the antagonisms and become more quickly involved in cooperative problem solving.

George Meyer, Wisconsin

Department of Natural Resources chief negotiator, similarly encouraged cooperation and a sense of satisfaction with Wisconsin's achievements through the negotiating table. "The interim agreement process is the blueprint of the future for agreements," he said, and indicated the public has seen governments solve differences without bloodletting. Meyer also said that if the majority of the public was opposed to the negotiations, the DNR would have heard from them. He did not feel a few hundred Equal Rights for Everyone people could be considered indicative of the majority.

A hearty thanks goes to all those who took time to attend the conference, speakers and participants, and to provide ideas and insights. The conference, due to that enthusiasm and support, provided another step up the ladder towards cooperative management and a better environment for all.

Next year may measure our success and again take a new look at needed directions.



# BUFFALO RESIGNS: Meegwaetch Henry!

Henry M. Buffalo, Jr., Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC), has been providing leadership and direction from the inception of GLIFWC through its formative years. He has successfully paved paths of progress for all member tribes in establishing a forum, through the Commission, for the Chippewa people in which they may have an effective voice in self-regulation and management of resources.

It is with a sense of indebtedness to Buffalo, and his family, for his endeavors that the GLIFWC accepted his resignation from the position of Executive Administrator last May.

Buffalo, a graduate of the University of Wisconsin Law School, and son of the late Chief Henry Buffalo, Red Cliff, came to the Commission from his position as Red Cliff tribal attorney. He brought with him experience in negotiating an agreement on Lake Superior commercial fishing between the Red Cliff tribe and the

state of Wisconsin, his legal expertise, and a sense of mission generated by his father. With that he has been most instrumental in building the Commission from its embryonic form two years ago into its present-day status representing ten tribes in three states and housing a staff of fourteen persons.

The growth in a short space of time, while also indicative of need for

the Commission, can be attributed to the insight, drive and dedication of Buffalo in pushing forward when and where necessary to assure the growth and influence of the GLIFWC.

The Commission owes also a special thanks to members of Henry's family, who have had to share so much of his time and life over the past several years due to the demands of travel and long, irregular working hours.

Buffalo will be working with the Fond du Lac Tribe in the near future. Although the benefits of his leadership will be missed at GLIFWC, they will continue to be felt among the tribes.

## DePERRY

(continued from page one.)

Wisconsin-Steven's Point, graduating from there in 1970 with a Bachelor of Science in social work.

However, the ensuing years saw him working largely in the field of education, first as home-school coordinator for Lac du Flambeau Elementary school and then working with the Upward Bound Program at UW-Steven's Point. In 1973 he was appointed Director of Indian Education at UW-River Falls, a position which he filled until 1978 when he began to consider a degree in law.

DePerry's decision to study law, he says, came in the late 70's because he then could see the tribes beginning to assert their treaty rights into the court system, an effort which he wanted to help foster.

He graduated from the Antioch Law School, Washington, D.C. in 1982, having also taken some preparatory training in law prior to entering law school. Following

graduation he returned to Red Cliff to the position of tribal attorney.

DePerry says he views the Commission as an essential focal point for fostering tribal treaty rights. He also views it as a critical instrument by which pertinent biological and resource data can be collected, analyzed and put to constructive use so that tribes can continue to enjoy those essential rights.

The Commission, he says, is also a means to educate the public and "still fears that resources may be destroyed, ruined or depleted." To him, "the job of education is one of the foremost as the Commission moves on."

Finally, he feels that communications established thus far with the state departments of natural resources, state agencies and public groups with environmental concerns, such as Equal Rights for Everyone or sports groups, will have to be continued or encouraged to promote a common understanding for the protection of the resources.

## BUSIAHN APPOINTED TO AFS COMMITTEE

Tom Busiahn, chief biologist for GLIFWC, was recently appointed as a member of the American Fisheries Society's Fisheries Reorganization Committee.

The purpose of the committee, as explained by AFS President John Hughes, is "to formulate a proposal for the reorganization of the U.S. Federal Government's role in this nation's fisheries resource affairs."

AFS is concerned with what they term "the progressive deterioration of federal support and initiative for effective conservation and management of the nation's fishery resources." One of the major problems the committee will be facing is that of "fractionation of administrative responsibility among several departments of the federal government," with no single department strong enough to promote effective programming or battle for funds.



**GEEGO-İKAY** is an Ojibway word which translates to *fishing*. It is the name for this new newsletter published

by the Great Lakes Indian Fisheries Commission. *Geego-ikay* will be published every two months with special editions when needed.

**GEEGO-İKAY** is intended to highlight some of the activities of the Commission and of Tribal fishermen. Ideas for stories are encouraged.

If you would like to receive the newsletter regularly then let us know—also, let us know what you think of it. Send your comments, suggestions or requests to GLIFC GEEGO-İKAY, P.O. Box 9, Odanah, WI 54861 or call Walt Bresette at 715/682-6619.



# THE LACEY ACT: *What's happening?*

Tribal court is the proper place to prosecute violators of the Lacey Act, which allows for federal prosecution of state conservation regulations, according to U.S. District Judge Barbara Crabb. Her decision dismissed a six-count indictment against two Red Cliff commercial fishermen, Wilfred and Gilmore Peterson.

They were accused of selling over 2,700 pounds of lake trout to state undercover agents during "Operation Gillnet."

Red Cliff tribal attorney, Raymond DePerry, says that the Petersons' case may come to tribal court if evidence indicates a need to prosecute. Subsequent to Crabb's decision, George Meyer, DNR Enforcement Division, indicated to De Perry that all the evidence held by the state to date is open to his review and that the DNR staff is willing to assist with his investigation of both federal and state evidence in any way possible. DePerry hopes to begin the review by the end of the summer.

Discrepancies between penalties in federal court and those in tribal court have already created some public controversy. DePerry says that the maximum penalty allowable by federal law in tribal court is \$500 per count and possible loss of fishing licenses. Under the Lacey Act the penalties in federal court allow a maximum of \$20,000 per count for a criminal offense and/or five years of imprisonment.

DePerry says that Wilfred Peterson has indicated concern to him that he has already been forced to defend himself in federal court, expending considerable sums in that action. Peterson feels a second trial, this time in tribal court, would force a repeat of that defense and expense and would be unfair, says DePerry.

Several non-tribal defendants convicted under the Lacey Act argued in their defense that the amendments to the Lacey Act, signed into law in 1981, were never clearly publicized. They claimed the amendments greatly increased penalties for offenses, penalties of which they were never made aware.

The Lacey Act was amended and signed into law by President Reagan on November 16, 1981. The Lacey Act Amendments of 1981 (Public Law 97-79) effectively combine two preceding conservation acts, the Lacey and the Black Bass Acts, into a single comprehensive statute.

The Lacey Act was originally passed in 1900 to outlaw interstate traffic in birds and other animals illegally killed in their state of origin. It was one of the first federal wildlife laws and was aimed at "pot

hunters," people who killed large amounts of wildlife for sale. Its intent was to assist the states in enforcing their conservation laws. The Black Bass Act of 1926 provided federal sanctions for the illegal interstate transportation of black bass taken, and it was later expanded to cover all species of fish. The Act provides for adding American Indian law as one of the underlying laws which is a basis for a violation of the act.

Significant changes in the 1981 amendments to the Lacey Act include the increase in maximum civil and criminal penalties, and that offenders can be charged with felony.

The amendments also afford protection to special of wildlife and to rare plants not covered under the preceding Lacey Act.

The 1981 changes make violation involving fish subject to the same penalties as those for wildlife and add strict liability of forfeiture provision for all fish, wildlife, or plants involved in a violation of the Act.

Some prohibitions under the act include:

1. To import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken or possessed in violation of any law, treaty, or regulation of the U.S., or in violation of any Indian tribal law.
2. To import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce (A) any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any state or in violation of any foreign law, or (B) any plant taken, possessed, transported, or sold in violation of any law or regulation of any state.
3. Within the special maritime and territorial jurisdiction of the United States (A) to possess any fish or wildlife, taken, possessed, transported, or sold in violation of any law or regulation of any state or in violation of any foreign law or Indian tribal law...
4. Having imported, exported, transported, sold, purchased or received any fish or wildlife or plant imported from any foreign country or transported in interstate or foreign commerce, to make or submit any false record, account, label or identification thereof.
5. To attempt to commit any of these prohibitions.
6. To import, export, or transport in interstate or foreign commerce any container or package containing any fish or wildlife unless the container or package has previously been plainly marked, labeled, or tagged in accordance with regulations issued jointly by the Secretaries of the Interior and Commerce.

## 83-84 DEER SEASON REPORT

A summary report of the 1983-84 off-reservation treaty deer season in Wisconsin has been compiled by GLIFWC wildlife biologist Jonathan Gilbert, Lac du Flambeau, and will be used during the current negotiations with the Wisconsin Department of Natural Resources for the 1984-85 off-reservation deer hunt season.

The report, which gives a number of breakdowns on the treaty hunt per each reservation and in each

deer-hunting unit, also indicates that treaty hunters took 1.9% of the total harvest for the season.

State-licensed gun and bow hunters harvested a total of 33,427 deer during the 1983-84 hunt, including 21,810 buck and 11,559 doe. Treaty hunters harvested 644 deer during the season, 235 of those were buck and 404 were doe.

Copies of the complete report are available at the GLIFWC office.







William Brakken, executive director of the Wisconsin Conservation Corps, recently completed a tour of the Bad River Conservation Corps project at the Bad River Fishery. The project director, Chuck Connors, right, gave Brakken a guided tour. Brakken told an adult walleye used by the fishery for spawning and data collection.

## BAD RIVER HATCHERY: *Successful Season with WCC*

The Bad River Fish Hatchery reports the most successful year since the inception of the hatchery. In the hatchery's May report, Fred Vande Venter, Fisheries Director, indicated that this spring's hatch-out resulted in approximately 7,200,000 fry.

The hatchery crew captured over 1500 adult walleye and obtained over 120 quarts of fertilized eggs, representing some 20,500 individual eggs. Because of Bad River's successful season, they were able to supply 14 quarts of fertilized eggs to the White Earth Indian Reservation in Minnesota, in exchange for fingerlings and technical assistance in the wild rice study to be conducted this year. They also provided 200,000 fry to Lac Courte Oreilles in exchange for fingerlings.

Vande Venter notes that the nets constructed by the Fisheries Jobs Bill crew were instrumental in the success of the spring hatchery netting operations. Also assisting during the spring spawning were members of the Wisconsin Conservation Corp, Bad River Project, under the direction of

Chuck Connors, project leader.

WCC crew members assisted with the maintenance of trap nets, collecting the adult walleye for spawning and assessment purposes and with the gathering of spawn from adult walleye, as well as with the incubation process. Connors says the crew was also involved in the expansion of the rearing ponds and with taking a creel census at the time.

A significant aspect of the spawning season was the simultaneous collection of data on the captured walleye. Vande Venter says they were able to carry out a population survey/estimate as well as acquire other biological data which will provide the fishery with data base on the resource.

Other fishery projects which are going to be pursued, with the assistance of the WCC crew, include tests for the effects of acid rain on lakes and streams; the completion of a wildlife inventory of the sloughs for both game and non-game species, and in-land lake fish population surveys.

## MORE AND MORE FISH



### NEW CULTURE FACILITY: LAC DU FLAMBEAU

The new fish culture facility at the Lac du Flambeau Fish Hatchery was dedicated in May. Dewey Schwalenberg, hatchery director, says the new culture facility signals "new beginnings" for the hatchery as it moves into a fish culture program.

The fish culture facilities are divided into extensive and intensive fish culture units. The extensive facilities provide for fish culture in warm/cool water ponds ranging from  $\frac{3}{4}$  to  $5\frac{1}{2}$  acres in size. Intensive culture facilities include 40' raceways, which are used to produce game fish with prepared feeding formulas.

Schwalenberg anticipates the addition of twenty raceways, plus a cold water pumping system through the use of Community Development Block Grant funds. This, he says, will allow the hatchery to rear trout as well.

Lac du Flambeau's hatchery program has four components, including fish culture, a stocking program, fish research, and fisheries management. Currently the fisheries program annually stocks 35 reservation lakes with Muskellunge and walleye fry and fingerlings.

The dedication of the new facility provided the public and press a tour of the facility. Schwalenberg says the tour emphasized what had been done in the past with very limited resources and what they are doing with available resources.

Hatchery manager, Willis Allen, was also cited at the dedication for 15 years of hard and dedicated service to the hatchery. Schwalenberg says Allen ran the hatchery on an extremely limited budget for a number of years, yet the program grew. The current progress is a tribute to his determination and perseverance at the facility.

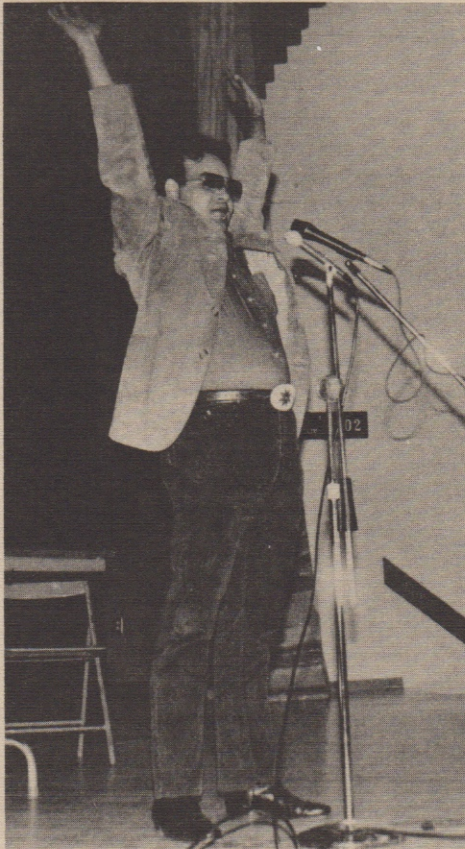


# PUBLIC FORUMS ON VOIGT

Dissemination of factual information and a public airing of questions regarding the Voigt decision has been the aim of a series of public forums. Forums have been held in Eau Claire, Ashland, Rhinelander, Madison, and two more are scheduled for Superior and Milwaukee.

Typically, a panel of three or four presentors provides background information on the Chippewa tribes, treaties and issues involved with the implementation of treaty rights. Following the panel presentation, written questions are accepted from the audience and answered.

Questions at the forums focused largely on the possibility of abrogating the treaties, depletion of the resources through spearing and gill netting, and the ability of the tribes' to manage and regulate the resources.



Jim Schlender addresses a public forum in Rhinelander.

In a recent forum at Rhinelander, GLIFWC Executive Administrator, Henry Buffalo, explained some of the provisions of the tribe's inland open-water fishing code to the public, pointing out that spearing and gill-netting

activities were, through provisions in the code, both severely restricted and closely monitored.

James Schlender, Chairman of the Voigt Inter-Tribal Task Force, told participants at the Rhinelander forum that an attitude of cooperation and mutual respect is needed between the state and tribal governments to successfully negotiate an open-water fishing agreement for inland lakes.

"Doyle pointed us back to the table," he said, and encouraged that acceptance of positive negotiations rather than the development of an "adversarial" posture.

Schlender applauded the progress which has already been made in Wisconsin, commenting that three interim agreements have been reached between the tribes and the Wisconsin Department of Natural Resources — deer hunting, ice-fishing and trapping. Other states have taken years to reach agreements on treaty rights, he said. Schlender also praised the leadership and attitude of Governor Anthony Earl in leading the state towards successful negotiations.

Regarding the issues of treaty abrogation, or re-negotiation of the treaties with the federal government, Buffalo told forum attendees that treaty rights are comparable to property rights or inheritance rights. Using Rockefeller as an example, he questioned whether a group could

simple decide that Rockefeller's decendants were no longer entitled to their inheritance. "Can their inheritance rights just be taken away?" he asked.

The treaty rights of the Chippewa, Buffalo explained are similar to property rights, they have been reserved through a series of treaties, or contracts. Primarily, with those rights comes the responsibility of properly managing the resources involved.

Buffalo also commented that the treaty rights of the Chippewa are not individual rights, allowing individual tribal members to hunt, fish and gather without regulation. Those rights, he said, are granted to the tribes, and the tribal governments have the responsibility of management and enforcement.

Also present on the panel in Rhinelander was Tom Maulson, Lac du Flambeau; presentors representing area tribes were usually part of all forums, and like Maulson, provided information about their specific activities. Maulson described the Lac du Flambeau fisheries program, which successfully put 27,000 walleye fry into Lac du Flambeau this year.

In general, all presentors encouraged an open discussion of facts with the public, and also a spirit of co-management of the resources by Indian and non-Indian users.

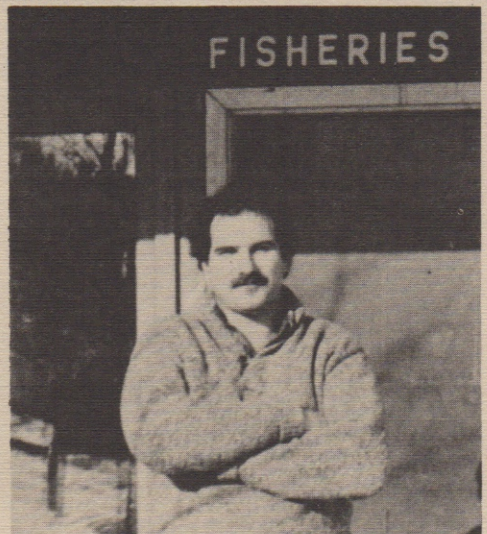
## NEW BIOLOGIST AT RED CLIFF

The Red Cliff Fisheries Department recently welcomed a new fisheries biologist to its staff. Charles Bronte accepted the position vacated by Thomas Busiahn, presently Supervisor of the Biological Services Division, GLIFWC.

Bronte was born and raised in western New York State. He graduated from the State University of New York in 1979 with a B.S. in biology. He worked as a research biologist for the State University of New York's Environmental Resources Center at Fredonia, before accepting a graduate research assistantship at Murray State University, Kentucky.

His thesis research involved the assessment of a net fishery on fish stocks of two western Kentucky reservoirs. While in graduate school,

Bronte held temporary positions with the Tennessee Valley Authority and National Marine Fisheries Service in Seattle.



Chuck Bronte



## L.C.O. vs. VOIGT: A NEW TOOL?

*The following speech was delivered by Kris Kalka, Friends of the Earth, at the GLIFWC Annual Conference.*

As I travel to the reservations to get Indian opinions on mining, pesticide pollution, acid rain and other important issues, I get the feeling that as a non-Indian person, I am a Johnny-come lately in being concerned about the environment and how it affects my life, and the lives of the people around me.

I have been told, "Are you just not concerned about this? Indian people have been revering nature for years, and foretold the impending doom to the environment when you first came across this country." It is my sense that even though tribal leaders have not usually been "beating the drum" so to speak about environmental dangers, it does not mean that they haven't been working in their own quiet ways to preserve what is here and to affect changes in what is wrong. We, in the environmental movement, have issued loud protestations about all the various ways in which our environment is assaulted, but we forget about our Indian neighbors who have been quietly living their lives close to nature which we drive our carbon monoxide and lead emitting automobiles to work, seal ourselves up in high rise offices to make policy, and pound the concrete on our way to lobby important government officials.

This is a forum on Indian treaty rights, focusing specifically on LCO vs. Voigt and what I have said regarding environmentalism is more than a little relevant to the issues at hand.

What are some of the major concerns of Friends of the Earth, Audubon, Sierra Club, and the state groups like WRPC?

Endangered species protection, preservation of wilderness lands, preservation of wild and scenic rivers, conservation of resources like water, land and air are our concerns in a nutshell. I believe our Indian neighbors are equally if not more concerned with these same issues.

How do we go about meeting these concerns? We protect endangered species by preserving and protecting habitat. We protect wild lands and rivers by urging energy conservation to eliminate the need for new dams and coal or nuclear power plants. We urge preservation and conservation of water, land and air by opposing toxic waste dumps, mining, and misuse and over use of these resources.

It is my belief, and sometimes I am a lone voice crying in the wilderness about this, that LCO vs. Voigt could be the best new legal tool that has come along in decades to accomplish preservation and protection of our wilderness and natural resources.

In researching for articles about LCO vs. Voigt I have delved into the history and philosophy behind treaty rights and have learned that what we are told via the mainstream news media and what is the real case are two extremely different subjects.

Because of this discrepancy, groups of people who call themselves environmentalists have jumped on the bandwagon that is decrying the treaty rights for fear the resources will be "all used up" by the Indians.

We have only to take a short peek back in history to see what has been lost, and who is responsible for losing it, to see that there is something inherently wrong in this position.

What are the endangered or missing species of animals in Wisconsin? The buffalo, elk, timber wolf, moose, and bald eagle, to name a few.

Who is largely responsible for the decline or disappearance of these species? Not the Indian.

We non-Indians have come a long way in resource management since the days of massacring entire herds of buffalo and leaving the carcasses to rot in the sun, but we have a long way to go yet.

In our zeal towards game management we do things like poison woodlands with herbicides to affect habitat, kill off one species of fish to stock a water with another. We license and regulate the taking of game or fish and have created a hunting and fishing based tourist industry. Some of these concepts I agree are necessary and some are abominable. Those of you who know me, know where I stand.



We have also been guilty of applying the double standard. When hunters come up in droves, combing our woods like orange armies and the statewide take is 600,000 deer, this is called a harvest. When Indian people in a special season take 600 deer, it is called a slaughter. There is some major inconsistency here in this terminology.

I am not saying that no Indian person has overstepped the bounds and taken more than is legally or morally right, but in hearing reports of Indian people violating, I can only think of the instance at home when my husband found three deer carcasses a month before deer season, rotting in the woods. The hind quarters were taken and the rest of the deer was left for the crows. A report to the DNR brought a warden out to look at the evidence but he told us he could do nothing. This is not the first time we have found such a sight in our woods and it will surely not be the last. I think of our neighbors who take deer before and after season, and who during season shoot anything that moves, not honoring property boundaries, not checking first to see if it is a buck or doe, but shooting first and asking questions later. For them it is some sort of macho sportsmanship, but these same people get quite hyper and excited about the Indians having "unlimited rights." In the first place their concept about "unlimited rights" is wrong. In the second place it is like the pot calling the kettle black.

I think we have to look back to the 1800's and see what the treaties really say, to understand what is going on here. Much of what I have to say on this was discussed yesterday, but let me reiterate.

What we have to remember here is that the 7th Circuit Court of Appeals, did not, in their decision on LCO vs. Voigt, grant the Chippewa people a "new" or unlimited right to resources.

As the Indian people understood it, they were signing away immense parcels of land but they were not signing away a way of life that included hunting and fishing for sustenance.

I am not one to dwell in the past and I don't believe LCO leaders are either. In my discussions with people like Walt Bresette, James Schlender and Rick Baker, I have understood that while protecting the rights of their people through a legal and valid treaty, they realize this is the modern world, and modern restraints have to be a part of utilizing the rights and resources.

So where does this leave environmentalists in dealing with Indians and their resource use rights? It actually leaves us on both sides in a much better position than we realize.

In looking over the treaties of 1837, 1842 and 1854, each one mentioned the need to open up more "Indian" land for the purpose of mineral exploration. Mineral exploration is one of the singly most critical issues facing northern Wisconsin today. The ramifications of the ecological effects of mineral mining on Wisconsin are astounding, and will surely effect resources utilized by sportsmen, recreationists, Indians and environmentalists, as well as affecting those people who at this point in time just don't give a damn.

In the zeal of management we have tried to apply laws to Indian people that we apply to Illinois tourists and Wisconsin residents, forgetting that Indian people have an inherently different concept of what the resource is and how it is used.

Nobody, Indian or non-Indian, can fish in a stream that has been polluted with lead and mercury from mining tailings. Black bear and whitetail deer will be chased out of the forest that is contaminated with heavy sulfide air pollution from the excavating and milling of copper ore. All promises of reclamation aside, not one single game species can live in an abandoned open pit mineral mine.

When the Indian rights to hunt, fish and gather wild rice were reaffirmed, the necessity for habitat for these resources was also affirmed. And this is where environmental groups and Indians can join forces like never before. It is the question of habitat and preservation that is synchronous between the two groups of people and their concerns. Could LCO vs. Voigt not only assure the Chippewa people the right to resources, but also be used as a legal tool to stop a coppermine that threatens species habitat? It is an avenue that is yet to be explored, and we in the environmental camp can do ourselves a great injustice to ignore the possibility of cooperation with our Indian neighbors whose concerns are as valid as our own.



### **Fish & Wildlife Commission**

The Great Lakes Indian Fish and Wildlife Commission was begun in recognition of the traditional pursuits of the Native American people and the deep, abiding respect for the circle of life in which our fellow creatures have played an essential life-giving role. As governments who have inherited the

responsibilities for protection of our fish, wildlife, and plants, we are burdened with the inability to effectively carry out our tasks as protectors and managers. This is especially true now that the state and federal courts have recognized our traditional claims. We have never intended to abandon our responsibilities.

## **VOIGT TASK FORCE GLIFC MERGE**

The consolidation of the Great Lakes Indian Fisheries Commission with the Voigt Inter-Tribal Task Force was announced by Henry M. Buffalo, Executive Administrator, at the April meeting, essentially creating the Great Lakes Indian Fish and Wildlife Commission with ten member tribes.

With the issues of tribal regulation of hunting, fishing and gathering on ceded territories the primary responsibility of the Voigt Inter-Tribal

Task Force (which was formed following the Supreme Court's ruling upholding Treaty rights in January, 1983) the correlation between the Task Force's needs and goals and those of the GLIFC were obvious. In an attempt to provide consolidated, efficient, and cost effective service to the Great Lakes region's tribes on matters of treaty rights as well as resource management and enforcement programs, combining the two related bodies seemed natural.

The merger, of course, created greater areas of responsibility for the Commission by adding inland waters on ceded territories and wildlife management. As a consequence, the Commission has added staff to provide the services required by all member tribes. Additional staff to date include two biologists, an assistant public information officer, a bookkeeper and a policy analyst.

Another goal of GLIFWC is to provide education and information to both Indian and non-Indian professionals involved in fish and wildlife management through the accumulation and analysis of biological data.

The governing body of the GIFWC is composed of a representative from each member tribe, either the tribal Chairperson, or his designee. Two committees to make recommendations to the Commission have also been established, the Great Lakes Indian Fisheries Committee and the Voigt Inter-Tribal Task Force Committee.

### **Feds Sign Interagency Agreement On Tribal Fishery Resources**

*In May, two U.S. Department of Interior agencies signed an "Agreement on Policy Trusteeship of Tribal Fishery Resources." Signatories for the U.S. Fish & Wildlife were Robert Jantzen, Director and Ray Arnett, Assistant Secretary for USF&W Parks. Signing for Indian Affairs was Ken Smith, Assistant Secretary and John Fritz, Deputy Assistant Secretary. The following is a reprint of the agreement.*

As the basis for more effective representation by the Department of the Interior on matters associated with the conservation of fishery resources, it is the objective of the Bureau of Indian Affairs (hereinafter called the Bureau) and the U.S. Fish and Wildlife Service (hereinafter called the Service) to formalize the policy to be applied by both agencies in helping Indian Tribes meet their obligations in managing such resources. This policy originates from the desire of both agencies to coordinate more closely their respective programs and roles regarding Indian fishery management programs, and thereby minimize independent action in discharging the trust responsibility they share inherently.

Fishery resources are major assets in the social, cultural, and economic life of the Tribe, and must be managed by the Tribes for maximum contribution to Tribal welfare in perpetuity, but in a manner which provides for the long-term conservation of the fishery resources.

The Bureau is the agency primarily responsible for assisting Tribes in the administration of Indian trust property, and for protecting and implementing treaties, laws, and regulations pertaining to the affairs and welfare of the American Indian. The Bureau, in its capacity as trustee, and on the basis of its government-to-government relationship with the Tribes, is the lead agency for the Secretary of the Interior in fulfilling Departmental trust responsibilities, which include assistance in Tribal pursuit of self-determination goals. Therefore, the Bureau's role is essential in supporting the tribes wherever they are held to be co-managers of fishery resources. It is the mission of the Bureau to develop, apply, and preserve a firm national policy for the conservation of tribal fishery resources.

The Service is recognized as the Department's principal fact-finding arm and scientific authority on fishery resource matters. It shares with the Bureau the obligation to assist in fulfilling Secretarial trust responsibilities, including attainment of Tribal self-determination goals. Congressional mandates, Federal court decisions, administrative policy, and departmental guidelines and direc-

tives firmly establish the basic intent of Service obligations to provide technical, fishery-related assistance to Tribal governments, through or on behalf of the Bureau.

The primary responsibility for implementing Tribal fishery management programs rests with the Tribal governments and the Bureau, incorporating as necessary technical assistance provided by the Service. The Service recognizes that Tribal governments are responsible for making management decisions on the conservation of natural resources under their jurisdiction, and, except as otherwise provided for in Federal law, that the Service's role does not entail the management of Tribal fisheries.

Service activities and assistance directed at resources co-managed by Tribes and States will be developed in consultation not only with the respective State(s) but, through or on behalf of the Bureau, with the affected Tribes or their representative intertribal organizations as well. Related Service projects funded by the Bureau must have concurrence of the Tribes involved.

In assisting Tribes with the management of fishery resources, the Service will be guided by common standards of protocol for government-to-government interagency action as well as by accepted principles of resource stewardship. Where goals and objectives of Tribal fishery resource management conflict with those of the Service's Fishery Resources Program, Service responsibilities and initiatives will be guided by program objectives, consistent with relevant court decisions regarding Tribal treaty fishing rights, Federal conservation statutes, and with trust responsibilities of the Department of the Interior. Whenever fisher-related goals and objectives of Tribal government are perceived by the Service to be contrary to those of its program, i.e., inimical to the resources affected, the Service will provide the Bureau and the Tribe(s) with timely notice and request discussions to consider objections and resolve differences prior to taking action. In addition to technical assistance, the Service will also provide from the hatcheries it operates those species of fish that fulfill resource restoration or mitigation requirements generally, and, as determined jointly by all parties sharing responsibility for the resource, Tribal and State management needs specifically.

Memoranda of agreement covering broad cooperative actions will be drawn up as needed by the two agencies, with advice from Tribal governments. The details and expected contributions of specific field projects will be covered by Regional/Area Office agreements, executed and signed by representatives of both agencies who have been authorized to take such action. Field agreements will outline in detail the nature, location, and extent of cooperative projects; their purposes, costs, and reporting requirements; and the source and amount of funds or contributions to be utilized.



# GURNOE ASSUMES RED CLIFF CHAIR

Richard Gurnoe, veteran council member and former tribal chairman, was returned to the position of Red Cliff Tribal Chairman following tribal council elections on July 3. Gurnoe's predecessor in the position was Joseph Brette, who held the tribal chair last year.

Gurnoe has had about twenty years experience in tribal government, sitting on the council and serving five years as Chairman. Gurnoe has also served for one year as Chairman of the Great Lakes Indian Fisheries Commission, and is the current representative from Red Cliff to the Voigt Task Force.

Gurnoe, who owns his own boat, is a commercial fisherman by trade. Gurnoe and his wife, Eleanore, have seven children. Gurnoe intends to be active in his role as tribal chair and Task Force member and would like to keep a close eye on negotiations in regard to treaty rights.

Gurnoe's involvement in treaty hunting and fishing rights is longstanding and direct, as witnessed in State vs. Gurnoe case which resulted in the affirmation of treaty-right commercial fishing on the Great Lakes for Red Cliff tribal members.

**NOTICE TO READERS:** Following this issue the stories of the Great Lakes Treaty fishers in Geego-Ikay will be consolidated in the publication MASINAIGAN. If you are on the mailing list you will continue to get monthly updates of Geego-Ikay. However, in the future, major stories and other fishy material will be included and sent to you in MASINAIGAN.

## TREATY FISHERIES INFORMATION

*GLIFWC will be a distribution center for a variety of public information relating to tribal fishing and the Great Lakes fishery. This newsletter is only one method of getting the information out. We also have brochures, biological reports, bibliographies, and are planning slide shows for public presentation. If you would like more information about the Great Lakes Indian Fish and Wildlife Commission, write GLIFWC, P.O. Box 9, Odanah, WI 54861 or call 715/682-6619.*

## FISHY?

Yah! Senator Lloyd Kincaid, Crandon Democrat, seemed to go fishing for reasons to oppose the recent open-water fishing agreement, and came up with a real sucker. Kincaid proclaimed that the agreement was likely to promote inter-tribal racism because it allowed Lac du Flambeau "preferential treatment" in the selection of six near-reservation lakes to be open to motor trolling. Apparently he didn't feel the tribes, who all were part of negotiating the agreement in the first place, could handle such an inequity without feuding. He probably forgot that the tribes aren't members of Equal Rights for Everyone, Inc. and are able to handle a few allowances here and there.

## SIGNS ALONG THE TRAIL

Speaking at the GLIFWC Annual Conference, Keweenaw Bay Tribal Chairwoman Myrtle Tolonen indicated that Keweenaw Bay representatives had met with Dr. Ronald Skoog, Michigan DNR, and that the cordial tone of the meeting may lead to negotiations on the Great Lakes fishery and regarding the impact of fishing off-reservation. She said the feeling of the meeting led her to believe the state and tribe will be talking soon and that the state will not contest the rights affirmed by the Voigt decision.

June 22 marked the date of an agreement between the State of Wisconsin and the Voigt tribes for regulating subsistence open water fishing for the 1984 treaty season. With limited tribal spearing and gill-netting being several of the primary issues in the lengthy and controversial negotiating process, the final agreement was a compromise for both parties. Carefully monitored and limited spearing is allowed, but gill-netting is disallowed with the exception of Escanaba Lake, Vilas County.

July 11-12 saw the return of negotiators to the table, this time to initiate negotiations on the 1984-85 deer season.



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