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COMMISSION**

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SEPTEMBER, 1986



Agreements Reached for Fall Off-Reservation Hunting Seasons: Deer, Bear, Waterfowl



The Wisconsin Chippewa and the Wisconsin Department of Natural Resources concluded another round of negotiations which provide for the 1986 Off-Reservation Treaty Deer Season, and for the first time, a bear hunt.

Details of both agreements, as well as the 1986 Waterfowl Agreement, were announced Tuesday, September 2, during a joint press conference at Lac Courte Oreilles.

Some of the highlights of the 1986 deer hunt agreement include:

- 1) An early season beginning September 13 - November 16, for bow and gun, which includes the weekend prior to state gun deer season.
- 2) A new permit system providing for one antlerless deer permit which is good for all units except those that have closed.
- 3) No concurrent state jurisdiction for second violation of hunting deer without a permit or in a closed unit (exclusive of tribal jurisdiction for all offenses, unlike last year.)

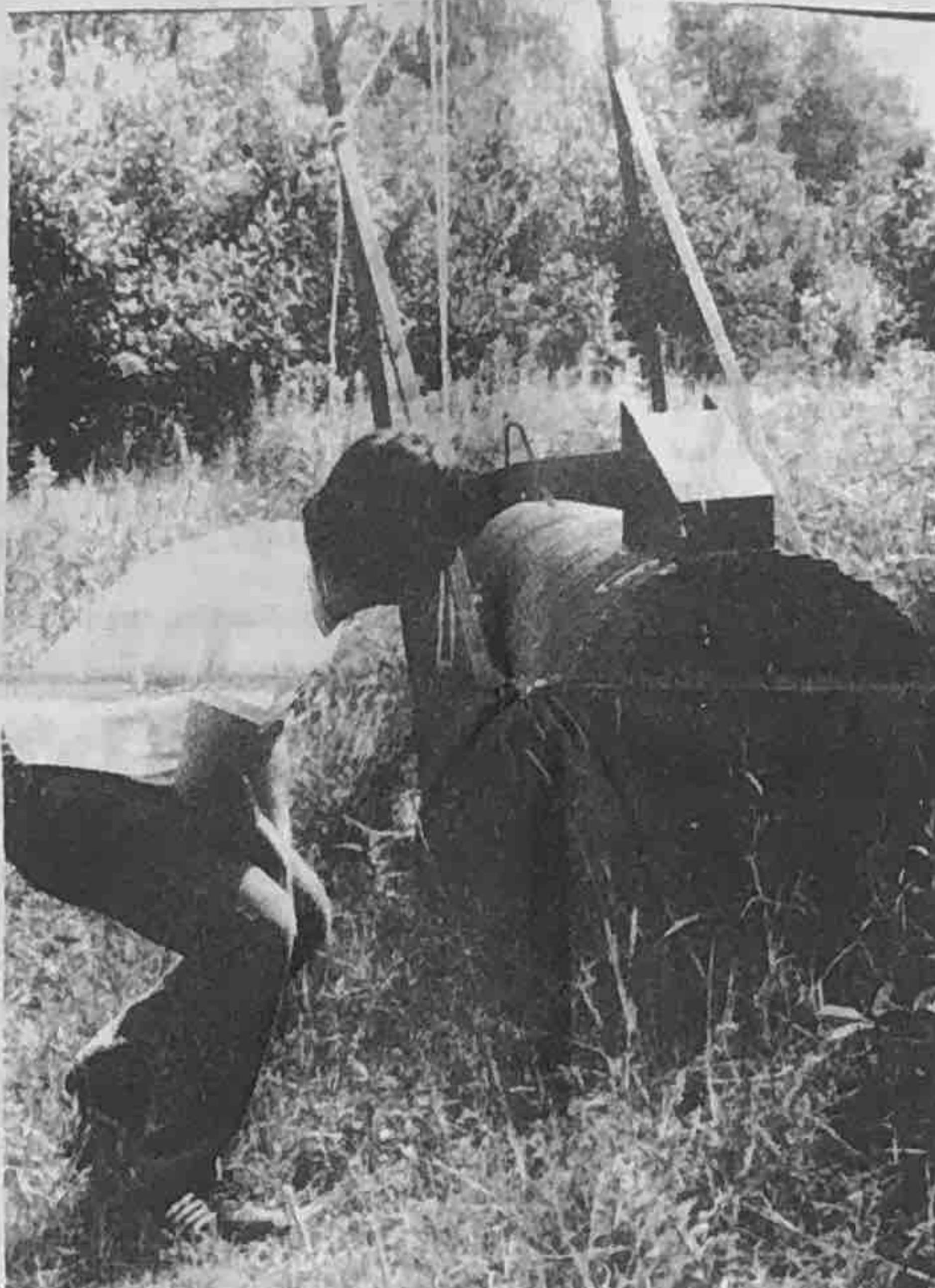
Seasons:
Gun: September 13 - November 16 and November 22 - December 13.
Bow: September 13 - November 16 and December 6 - December 31

Permits:
Under the permit system Chippewa hunters no longer need separate permits for each unit on which they plan to hunt. Permits are good for two week periods until 75% of the quota is taken, then it is good for 7-day periods, with the exception of the state gun deer season when permits are good for a 9-day period for all units.

Quotas:
The total antlerless deer quota is set at 1,766 with an unlimited antlered quota. This compares to the 1985 quota which allowed 1,331 antlerless and 2,266 antlered deer.
Quotas per unit are as follows:

Unit	Quota	Unit	Quota
1	25	27	0
2	87	28	25
3	47	29a	28
4	35	29b	29
5	55	30	37
6	25	31	45
7	25	32	10
8	50	33	0
9	50	34	37
10	40	35	133
11	45	36	83
12	40	37	40
13	72	38	35
14	37	39	50
15	38	40	25
16	25	42	25
17	25	43	34
18	38	44	56
19	25	45	50
20	10	46	10
21	10	47	10
22	25	48	10
22a	0	49	25
23	10	50	10
24	10	52	25
25	10	57	10
26	10	57a	10
		57b	10
		58	10
		78	25

(1985 total - 1331 antlerless - 2662 antlered)
1986 Off-Reservation Bear Agreement: Highlights



Mike Pluciniski checks the cub bear caught in DNR's live trap on the Bad River Reservation. The trap was set following complaints of bear near dwellings.

1985 Deer Hunt
Tribal Harvest - 1,380
State Gun Harvest - 66,500
State Bow Harvest - 10,500

Bear

The 1986 Off-Reservation Treaty bear hunting season will open September 13 and run through October 31. The agreement allows for a maximum total harvest of 60 adult bears.

All tribal hunters must first obtain a tribal permit and a bear carcass tag prior to hunting bear.

Lawful bear hunting hours are as follows:

Date	Open (a.m.)	close (p.m.)
September 13 - 17	6:00	7:15 DST
September 18 -		
October 1	6:15	7:00 DST
October 2 - 9	6:30	6:45 DST
October 10 - 16	6:30	6:30 DST
October 17 - 25	6:45	6:15 DST
October 26 - 31	6:00	5:00 CST

Bears can only be taken with fire arms, bow and arrows, or crossbows. Prior to taking a bear, hunters must obtain a tribal permit and a bear carcass tag. The carcass tag and registration tag may only be removed at the time of butchering or when prepared by a taxidermist. Tribal members must exhibit and register the bear or the bear hide with claws, head and teeth with the bear carcass tag at a tribal registration station no later than 5 p.m. of the next work day after it was killed.

Further details and provisions for hunting bear should be obtained from tribal conservation departments or from biologists at the Great Lakes Indian Fish & Wildlife Commission.

Waterfowl

The migratory bird hunting season was developed by the Chippewa Tribes and the United States Fish & Wildlife Service (USFWS) through the regulatory process of the Mississippi Flyway Council. The Wisconsin Department of Natural Resources (WDNR) was consulted throughout the process and an agreement was reached which provides for an off-reservation migratory bird hunt for the second season.

Open seasons for 1986 are as follows:

Open Seasons

a) No tribal member shall take migratory birds except during the open seasons as provided by this section. All seasons are inclusive and refer to 1986.

- | | |
|---|----------------------------|
| (1) All Ducks (except
(except Canvasbacks) | September 19-November 12 |
| (2) Scaup-only | November 12 - 28 |
| (3) Canada Geese | September 25 - October 31 |
| (4) Other geese (snow geese,
blue geese, white-fronted geese). | September 25 - November 12 |
| (5) Coot and gallinule | September 19 - November 19 |
| (6) Sora and Virginia rails | September 15 - November 19 |
| (7) Common Snipe | September 15 - November 19 |
| (8) Woodcock | September 15 - November 19 |

Locales may be closed by the Great Lakes Indian Fish & Wildlife Commission (GLIFWC) which has been delegated the authority to close a locale sometime during the period of September 19 through 12 noon on October 4 (opening of the state season). A locale will be closed if GLIFWC, USFWS, and the WDNR feel that the waterfowl distribution in the area has been significantly altered by Indian hunting pressure. GLIFWC will then undertake reasonable efforts over a 48 hour period to notify tribal migratory bird hunters that the closure will occur.

Bag limits: The daily bag limit is reached when the point value of the last duck taken plus the total value of ducks already taken during that day reaches or exceeds 100 points.

Point values are as follows:

- (1) 100 points: Hen Mallard, Black duck.
- (2) 70 points: Wood duck, Red head, Hooded Merganser.
- (3) 35 points: Drake Mallard, Pintail, Ring-necked Duck, Goldeneye, Bufflehead, All other duck species not listed.
- (4) 20 points: Blue-winged teal, green-winged teal, wigeon, gadwall, shoveler, scaup, common merganser, Red-breasted merganser.

Bag and possession limits are as follows:

- | | | |
|--|--|--|
| (1) Scaup (during
late scaup season,
otherwise 20 pts.
during regular
season | 5 | 10 |
| (2) Canada geese | 3 | 6 |
| (3) Other geese | 5 minus the number
of Canada geese
taken (including no
more than 2 white-
fronted geese) | 10 minus the num-
ber of Canada geese
possessed (includ-
ing no more than 4
white-fronted geese) |
| (4) Coot and
gallinuel | 15, singly or in
aggregate | 30 |
| (5) Sora and
Virginia Rails | 25, singly or in
aggregate | 25 |
| (6) Common Snipe | 8 | 16 |
| (7) Woodcock | 5 | 10 |

Significantly, the agreement bans the use of lead shot as well as prohibits numerous baiting and decoying tactics. Details of permissible and prohibited hunting methods are obtainable at tribal conservation offices or at GLIFWC offices.

Also forbidden is the taking of canvasback ducks. Because of their precarious status, hunting of canvasbacks is prohibited in the eastern half of the U.S. for the fall of 1986. There are few canvasbacks in Wisconsin and the tribes did not harvest any in 1985, so the impact on the harvest should be nil.

Jurisdiction for enforcement of the off-reservation migratory bird hunt has been given to tribal wardens, GLIFWC wardens as well as USFWS and WDNR wardens.

New Off-Reservation Permit System

Off-Reservation Natural Resources Harvesting Permit

The tribes of the Voigt Inter-tribal Task Force have decided to adopt a single permit which would be required to participate in any off-reservation treaty season. This permit is called the Off-Reservation Natural Resources Harvesting Permit.

Tribal members can obtain the permit from any tribal conservation office. When the permit is obtained the member will be asked to indicate the season(s) in which they wish to participate. Tribal members will be able to add or delete seasons to their permit at any time. Members are required to carry this permit while hunting, trapping, ricing, or fishing off the reservation.

When obtaining the off-reservation harvesting permit tribal members should consider carefully the seasons in which they wish to participate. Although there is no reason why a member could not indicate all seasons on the permit, for each season indicated the individual will receive

notices, information and regulations concerning that season. In many instances questionnaires on the members' participation in the season will be sent. To avoid receiving all this mail members should indicate only those seasons they are interested in. Remember, if you forget a particular season, a season can be added to the permit at any time.

There are many advantages to a single permit system that will make the exercise of your off-reservation treaty rights all the more enjoyable.

If we know who is interested in participating in each season we may distribute information on regulations and opportunities for hunting, fishing, trapping or ricing directly to those members. This information could include regulation booklets, season openers and closures, changes in seasons and important notices. This would keep tribal members informed of any changes in regulations or season or unit closures and hopefully prevent any conflicts with conservation wardens.

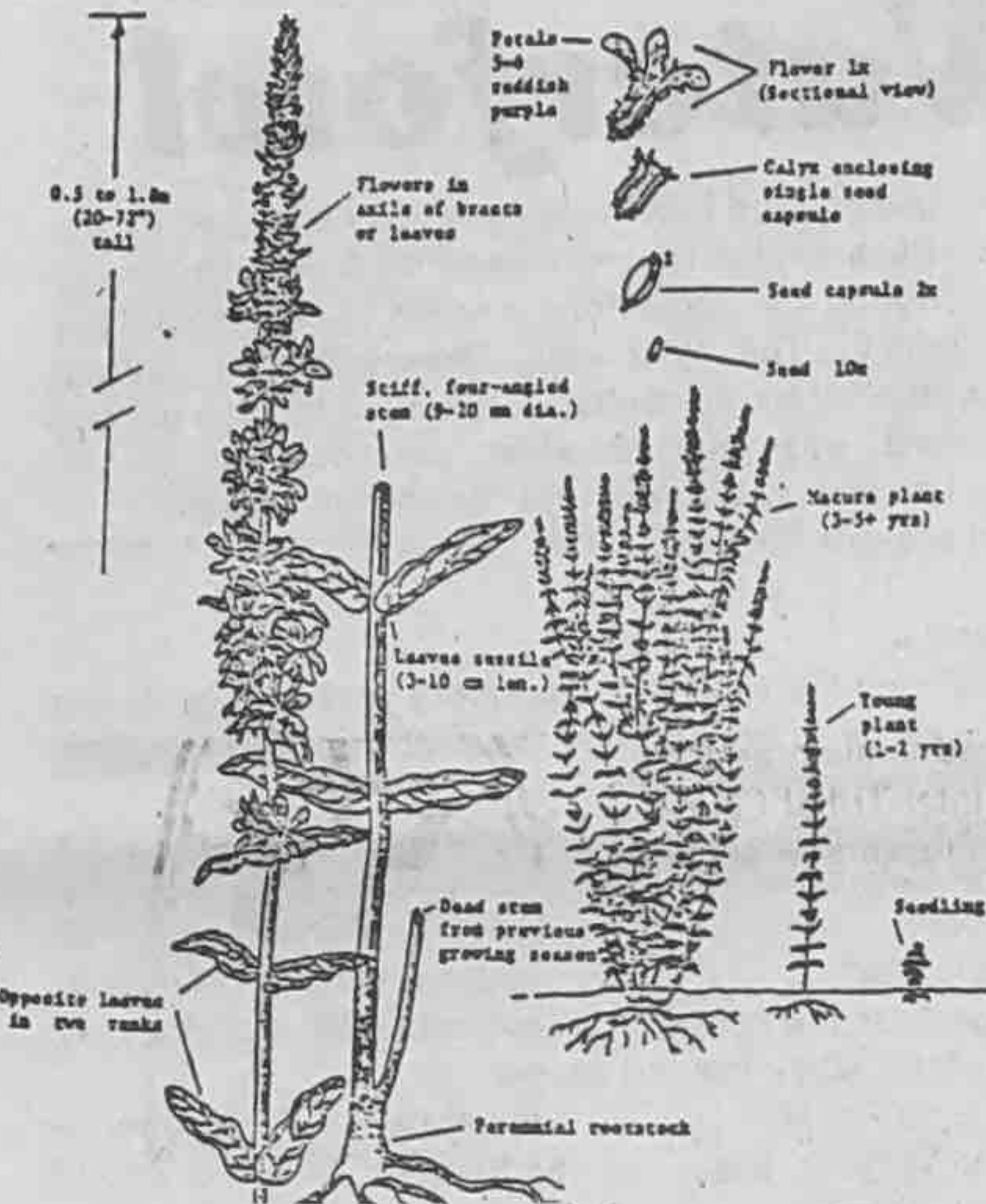
Another advantage of a single permit system is that only 1 trip to the tribal office will be required for a permit rather than frequent trips for a permit for each individual season.

The third advantage is that the evaluation of tribal harvests for many seasons can only be performed through mail surveys. A single permit would give us information on who was interested in participating in a season. In this way we could contact those individuals who obtained a permit and not every tribal member.

We have tried to develop the off-reservation natural resource harvesting permit so that the exercise of treaty rights will be easier. We are hoping that the permit will help tribal members to be aware of all regulations governing off-reservation seasons. There is no doubt that this permit will make it easier for Commission biologist to document the benefits tribal members receive from the exercise of their treaty rights. We hope that all members will do their part in ensuring that this permit becomes a success.



Raising the flag at the commencement of Grand Portage's pow-wow.



Purple Loosestrife a Serious Threat

The following document is presented to you in order to illustrate the seriousness of the purple loosestrife threat. Purple loosestrife has long been recognized as posing a danger to native wetland vegetation and wildlife. Many wetland habitats in the east, where loosestrife was first introduced, have been rendered useless to waterfowl and other wildlife by loosestrife infestations. These large monospecific stands are virtually impossible to eliminate once they have been established. It has been suggested by many authors that purple loosestrife is the second largest threat to wetlands in North America (after wetland drainage for agriculture) and the largest threat to wetlands in northern Wisconsin.

The tribes need to be aware of the threat that purple loosestrife poses to the wetland communities of northern Wisconsin. Infestations of this noxious weed can do as much to limit waterfowl hunting and wetland trapping as a nuclear waste dump, Exxon mine or racist organization. I recommend that the tribes adopt a stance on this issue which calls for immediate and decisive action on the identification of problem areas, control of the spread of purple loosestrife, and eradication of local populations.

A common pattern of experience can be seen in the invasion and establishment of purple loosestrife. First there is a long period where loosestrife occurs at relatively low densities. All of the serious infestations occurred under conditions that suggest that water-

borne seeds or propagules were responsible for dominance of loosestrife in the local habitat.

Second, all of the habitats dominated by loosestrife were occupied by stressed or disturbed native vegetation. Drainage of deep water basins, flooding of shallow basins or seasonal drawdowns of impoundment pools were all characteristic of the areas of heavy infestations.

Lastly, once the local infestations were established all available control measures were inadequate in providing control with reasonable expenditure of funds and effort.

Impacts of Lythrum on Wetland Habitats and Wildlife

The replacement of a native wetland plant community by a monospecific stand of an exotic plant does not need a refined assessment to demonstrate that a local ecological disaster has occurred.

In New York, where loosestrife has been present for many years, large percentages of shallow impoundment marshes have become solid stands of loosestrife thus substantially degrading waterfowl production sites.

Lythrum is not eaten by any furbearers. In fact, muskrats may facilitate the spread of loosestrife by cutting and leaving the stems. With rising water levels, these cuttings float out to open water and are driven against surface vegetation on adjacent shores. Loosestrife quickly becomes established in these areas.

Throughout all the literature I have read concerning purple loosestrife the most critical aspect of control has

been elimination of newly established stands. Since purple loosestrife is a relative newcomer to the northland we have a chance to address the problem before it becomes irreversible. I recommend that the Task Force address the problem of purple loosestrife infestations by proposing a joint control and eradication program with WDNR including the use of herbicides where necessary.

Most of the following material has been excerpted from "Spread, Impact and Control of Purple Loosestrife in North American Wetlands" by: D.Q. Thompson, R.L. Stuckey and E. Kiviat, 1980.

Introduction

Purple loosestrife (*Lythrum salicaria*) is an erect, perennial wetland herb that probably became established in the estuaries of the Northeast in the mid 1800's. Since then, it has steadily expanded its local distribution and now poses a serious threat to native emergent vegetation in shallow water marshes throughout the northeast and north central regions.

Purple loosestrife is most easily identified during its long season of bloom (mid-July to mid-September). At this time the characteristic long reddish-purple flower spikes can be readily identified at 100 yards.

L. salicaria's affinity for wetland habitats in Europe is closely reflected in its invasion of North American sites. Its optimum habitats include fresh water marshes, open stream margins and alluvial floodplains.

Loosestrife is a prolific seed producer with each plant

Tribes Participate in Mississippi Flyway Council

Both GLIFWC Executive Administrator Jim Schlender and Wildlife Biologist Tim Andryk addressed the summer meeting of the Mississippi Flyway Council in Des Moines, Iowa last month. GLIFWC has been working with the Council, which formulates recommended regulations for the migratory bird seasons in the Mississippi Flyway and represents an inter-state and international effort.

Schlender made a presentation concerning the tribal waterfowl hunting seasons and regulatory process, and Andryk reviewed the 1985 off-reservation treaty waterfowl hunting season proposal for the Wisconsin and Michigan ceded territories with the technical section.

Andryk explained the joint assessment monitoring of the early September hunt, which was performed by GLIFWC personnel as well as staff from the Wisconsin Department of Natural Resources (WDNR) and the United States Fish and Wildlife Service (USFWS).

The technical section

foresaw no biological impact from the tribal hunt or harm to the state hunter opportunity, according to Andryk, and subsequently passed the tribal proposal on to the Flyway Council with their analysis of the impact.

The Council saw no biological problems with the tribal proposal either and therefore included the proposal as part of the Council's package of hunting regulations recommendations to the USFWS.

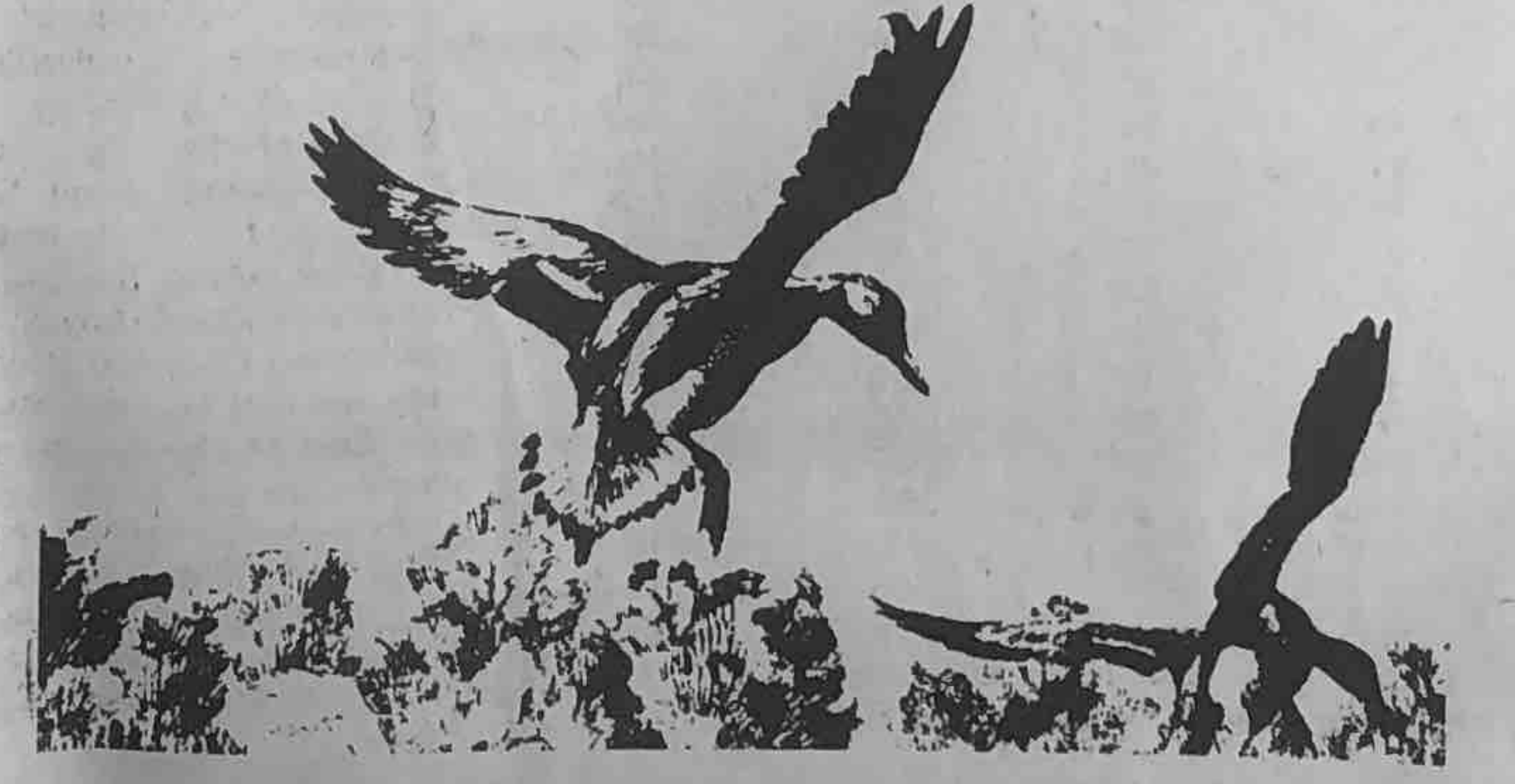
Andryk reports that the Council expressed appreciation for GLIFWC's technical expertise in developing and monitoring the tribal waterfowl hunts as well as for active participation and membership on the technical section.

Waterfowl Status in the Mississippi Flyway: Ducks:

The prairie pothole region of southern Canada and the Dakotas (where the majority of Mississippi Flyway ducks breed) continued to recover

from the severe drought during the 1979-84 period. Numbers of waterfowl breeding ponds increased substantially in the Dakotas and in various regions of the Canadian Prairie Provinces. Because of the improved water conditions and the relatively restrictive hunting regulations in 1985, numbers of breeding mallards and total ducks increase 16% and 14%, respectively, over the long term average, but remained 24% and 14%, respectively, below the long term average. The 1986 fall flight forecast for the Mississippi Flyway was 18% higher than 1985's, but still is the second lowest on record.

The 1986 fall flight predicted from Wisconsin is 26% higher than the 1985 forecast. There appears to be a substantial increase in breeding duck populations in Wisconsin and Minnesota. The increase may be attributed to improved wetland conditions in 1986 and the low 1985 harvest attributable to the weather related early departure of local ducks in 1985.



Tribal Government: Why is it? What is it?

The fact that tribes are sovereign is not a new development in our history. Rather tribal sovereignty reflects the status of tribes recognized from the beginning of non-Indian settlement in the United States and Canada. Both the English and the French governments recognized Indian tribes as independent, self-ruling nations. Consequently, England and France dealt with the tribes through treaties and on a government-to-government basis.

This recognition of tribal sovereignty was continued by the U.S. government following the War of Independence. Although eventually the overwhelming pressures of white settlement across the country forced Indian people to move and devastated tribal communities, and although tribes lost most of their land, either through conquests or treaty, they still retained their identity as tribes, and their legally-recognized status as governments.

In the mid-1800's a federal trust responsibility to the tribes was recognized. Reservations also came to be established on as well as providing them with permanent land bases (reservations) in the mid-1800's.

The manner in which the federal trust responsibility has been administered throughout the years has fluctuated, and those resultant policies have greatly affected the ability, or inability, for tribes to effectively function as governments. Originally, payments and land allotments were made to individuals rather than to the tribe, providing little resource for the tribe as a unity of government to act.

However, in 1934 the United States Congress passed the Indian Re-Organization Act (IRA), recognizing that policies of assimilation and/or termination hitherto forwarded by the federal government were failing. The IRA provided for the formalization of tribal governments through written

constitutions and charters. It is important to note that this act did not give the tribes their governments, but rather reaffirmed their governments and activated a policy that was supportive of tribal government.

Given the support needed, tribal governments have strengthened, and the result has been dramatic improvements in tribal communities as tribes have more effectively been able to make key decisions for themselves.

Improvement resulting from the efforts and initiatives of tribal governments are seen in social services and education, in economic development ventures, in provision of legal services and improved tribal courts, and in the areas of developing law enforcement and natural resource management.

The United States was founded in recognition of people's need to self-govern, make decisions about themselves by themselves. Tribal governments affirm those principles. To have local administrative decisions made in Washington, D.C. or through the channels of a remote bureaucracy failed both to properly involve the individuals affected by the decisions or to properly recognize local needs.

In 1973 another breakthrough occurred for tribal government in the form of the Indian Self-Determination Act which enabled tribes to contract for and fully administer federal funds for services which previously had been provided by the bureaucracy. This, again, allowed them the ability to make more independent choices based on needs unique to each tribe. The strides most tribes have made show that the individual tribes are more effective administrators of their own programs than their "federal tutors."

Today tribal governments vary slightly in form from tribe to tribe. Most have a tribal council. In Minnesota the council



Above, the Lac du Flambeau Tribal Council meets for a monthly session. Chairman Mike Allen sits left of center. Members of the Council include, from the left: David Vetternecht, Henry St. Germaine, Jerry Big John, Julie Valliere, Vick Doud, Mike Allen (Chairman), Jerry Maulson (Vice-Chairman); George Brow, Gene Soulier, George Christianson, Bill Ackley. Not shown is Patty Manor.

is sometimes referred to as the Reservation Business Committee. The number of representatives on a tribal council vary according to tribe - some have five; others have up to twelve. Council members are elected by the tribal public. Usually tribes have annual staggered elections, replacing half of a council each year and providing for a two year term of office.

Tribal Chairman, Vice-Chairman and Secretary/Treasurers are elected to their positions by the tribal public in some tribes. Others have the newly-elected council vote to determine the leadership.

Tribal Councils operate under the guidance of a constitution adopted by the tribe. Most councils meet regularly on a monthly basis, although council meetings are called when the need arises.

Tribal councils make decisions regarding the diverse needs of the community. Through resolutions they pass

laws and support or reject proposed initiatives in the areas of economic development, law enforcement, social services and education. Frequently the council is also active in the management of tribal businesses, such as Bingo or tribally-owned factories.

Profits from tribal businesses as well as monies from federal grants or yearly contracts provide the tribe with a budget. The council makes budgetary decisions regarding the use of the monies and determines the priority needs of the tribe.

Besides the management of the tribe, many tribal council representatives especially the chairman and vice-chairman, become involved in carrying out responsibilities with state and federal government. They must work with elected representation at both levels to assure that the tribe's interests are being considered in various matters of legislation, for instance, and must participate in the annual con-

gressional consideration of tribal budgetary needs.

They are also frequently appointed to state or federal committees which make recommendations regarding Indian social services, education or hunting and fishing activities. Also, they participate in national Indian organizations, which meet to discuss the issues relating to tribes in the United States and determine directions the tribes should take. Several such organizations are the National Congress of American Indians and the National Tribal Chairman's Association. There are several others as well as state-level organizations such as the Great Lakes Inter-Tribal Council, which represents Wisconsin tribes.

All in all the role of the tribal council is considerable and complex as tribes deal not only with the management of their own communities, but with the issues of statewide and national concern. The political, social, legal and economic

aspects of tribal government make effective networking of multi-level governmental contacts a necessity.

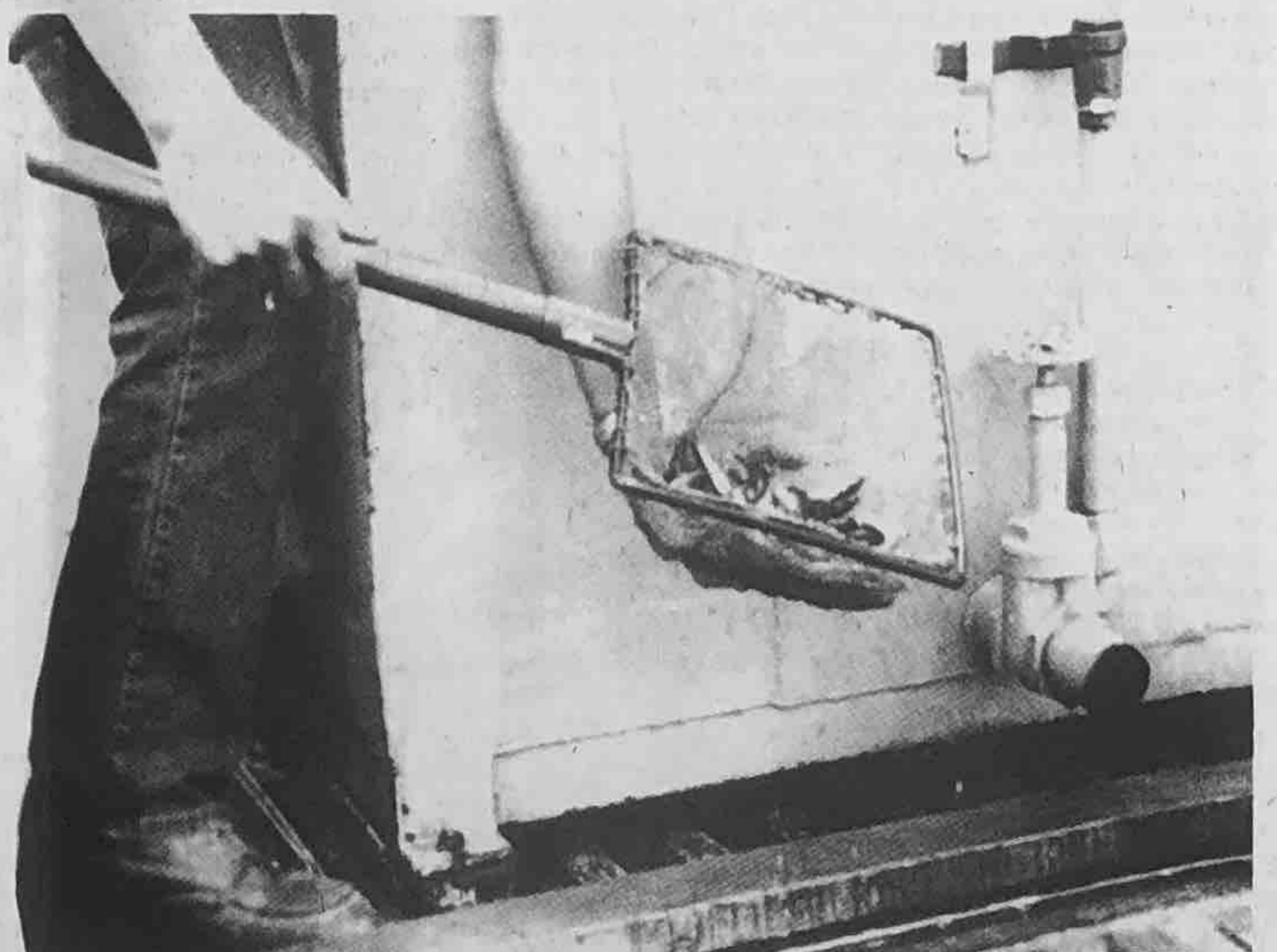
The tribal governments and leadership of today, and of times past, need to be congratulated for their dedication to the improvement of their tribes which have enabled them to drive through the numerous frustrations and complications towards improved communities and government.



St. Croix Tribe / DNR Stock Lake



Attending the joint stocking efforts were, from left, Stan Johannes, DNR; Gordon Arbuckle, GLIFWC warden for the St. Croix area; Ben Skinaway, Vice-President of the St. Croix Tribal Council; and David Jacobson, DNR.



Walleye and muskie fingerlings to be stocked in Big McKenzie Lake as a joint effort between the St. Croix Tribe and the Wisconsin Department of Natural Resources-Northwest District.

On August 15, 1986, the St. Croix Chippewa Tribe and the Wisconsin Department of Natural Resources-Northwest District jointly participated in efforts to help stock walleye and muskie fingerlings in Big McKenzie Lake located in Burnett and Washburn Counties.

The joint stocking was undertaken as a result of proceeds realized from the first annual, "Ollie Taylor Memorial Ice Fishing Contest," held on Big McKenzie last February.

The successful contest was attended by over 600 en-

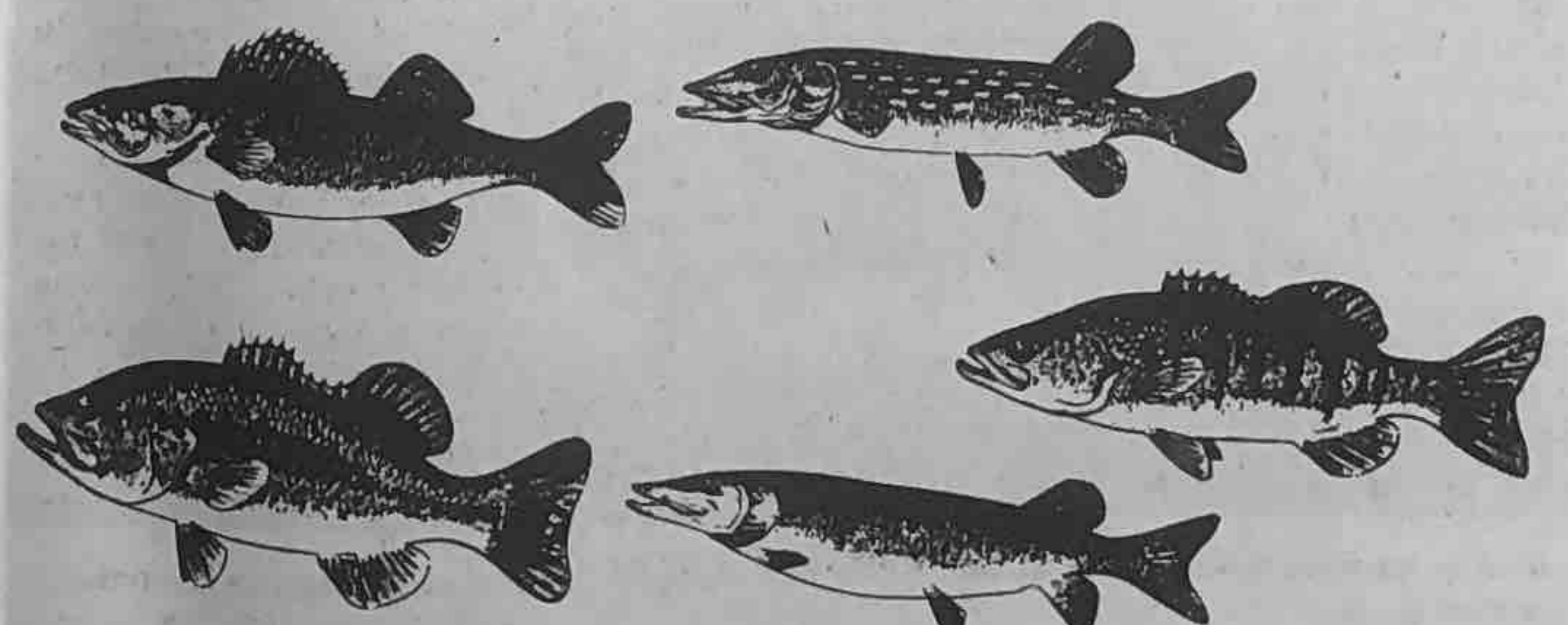
thusiastic entrants. Due to the turnout of the event the St. Croix Tribal Council will hold the contest as an annual event.

Consistent with the Tribe's long standing commitment to the protection and enhancement of fish and wildlife resources located near the St. Croix Reservation, proceeds from the contest each year will be utilized by the St. Croix Fish and Wildlife Department for conservation, enhancement, and improvement of those resources.

Originally, the Tribe wished to provide \$500.00 to assist

Washburn County and the DNR to renovate the Big McKenzie Public Access. However, due to stated opposition by the Washburn County Board to tribal involvement on the boat landing renovation the tribe will now provide the money to the DNR, this year, to assist in its walleye and muskie stocking efforts of Big McKenzie Lake.

The St. Croix Fish and Wildlife Department is currently in the planning stages for the 2nd Ollie Taylor Memorial scheduled for February 14, 1986.



Ricing Regulations



Wild Rice



HISTORY

Wild Rice, (Manomin) was grown in the Lake Superior region for over 2500 years. Anthropologists acknowledge that the harvest of this indigenous plant started as early as 800 A.D. and through time has developed great religious and social significance among the Chippewa people.

Gathering of wild rice was completed in early autumn of the Chippewa's industrial year. Family clans would gather and establish a rice camp upon the shoreline of area lakes and rivers. Working in a cooperative fashion, rice was harvested, processed, then packaged for the coming year.

After the harvest was completed annual religious festivals were held. The wild rice harvest represents a pinnacle of the natural cycle in which the earth's air, soil, water, sun and animal matter come together to provide the Chippewa with a life sustaining food source. Many Chippewa communities retain this close bond with the eth as evident by Bad River and St. Croix's Annual Wild Rice Pow Wows.

Upon contact with European Society wild rice became an economic commodity. The Conreurs du bois (i.e. Voyageurs) established trading posts throughout Michigan, Wisconsin and Minnesota to exploit the region's fur resources. The Northwest Company is known to have purchased wild rice from the Chippewa as early as 1804 in both Minnesota and Wisconsin. Today's Northwoods visitors can purchase wild rice still harvested by centuries old traditions at reservation outlets.

Traditional Harvesting and Processing

The harvesting and processing of wild rice was traditionally done in a cooperative fashion among family and friends. The harvesting process requires participation of two individuals. While the canoe was being "poled" through the rice beds a partner used "ricing sticks" to bend down the stalks and knock off ripe kernels.

Once the canoe was full of rice kernels drying was completed on sheets of birch bark. Rice was then parched over an outdoor fire to loosen husks. After this process several people would use long wooden pestles to pound the rice.

"Dancing" was then done by someone wearing clean moccasins. Poles, placed upon both sides of the rice receptacle, were leaned upon so that the person's body did not rest on their feet when dancing the rice.

Rice was then winnowed. This process used the wind to blow away the husks as the heavier grain fell onto tanned hides.

Upon completion of processing, rice was packaged in bags woven of bark and sewed across the top for sealing.

Pure Wild Rice vrs Cultivated Wild Rice

Wild rice continues to grow as it has for thousands of years, along the edges of lakes and rivers systems in Northern Wisconsin and Minnesota. Elements such as weather conditions and a natural cycle have a direct relationship to the supply of this indigenous food.

Indigenous rice is a gourmet product characterized by differing lengths of grain and diverse colors.

In comparison cultivated rice growers utilize intensive agricultural production methods and machine processing. Manipulation of environmental conditions and genetics enable farmers to grow wild rice which cooks equally with brown rice blends (i.e. Uncle Bens, Golden Grain, etc.)

Take the opportunity to taste the distinct difference in gourmet wild rice produced by Lake Superior Chippewa Reservations.

Conservation And Management Of The Resources

The region's indigenous wild rice beds play a key ecological role in the regions wetlands. Wetland areas of

Lake Superior are characterized by having high levels of nutrients and a great diversity of plant and animal life. Wild rice is a vital link in this chain supporting migratory waterfowl, furbearers, and the fisheries.

Unfortunately wild rice abundance and distribution in Wisconsin has been drastically reduced and is now classified as a scarce resource under the Wisconsin Administrative Code. Minnesota's wild rice resource has also experienced declines. Scientific studies have identified the reasons for this trend including pollution, increased water levels, shoreline development, high beaver populations, vegetation competition, and carp, purple loosestrife, an exotic plant species, was commonly found and is considered a threat to wild rice wetlands throughout the region.

Tribal governments have established ricing ordinances to protect this valuable resource both on reservations and ceded lands.

The Great Lakes Indian Fish and Wildlife Commission and Wisconsin Department of Natural Resources established a joint scientific working group to develop a wild rice protection and enhancement program in 1985. Since the establishment of the working group, GLIFWC Biologists have inventoried natural rice sites including mapping of rice beds from aerial photos, collection of bottom samples, completion of water quality analysis, and surveys of growth density patterns. Future plans are now underway to expand enhancement efforts and improve future yields.

The Great Lakes Indian Fish & Wildlife Commission is looking into the production of a pamphlet to assist wild rice management efforts. For information contact Jim Thannum at GLIFWC, (715) 682-6619.

The protection, monitoring, and enhancement of Lake Superior's wild rice resource will insure future supplies of this valuable commodity while protecting ecological relationships centuries old.

For each of the closed ricing lakes listed in the administrative code as amended by Natural Resources Board action on August 9, 1984, the appropriate tribe to contact for concurrence in opening each lake is as follows:

A. North Central District

1. Forest County - Mole Lake
2. Oneida County - Lac du Flambeau
3. Vilas County - Lac du Flambeau

B. Northwest District

1. Ashland County - Bad River
2. Bayfield County - Lac Courte Oreilles
3. Burnett County - St. Croix
4. Douglas County - Allouez Bay - Red Cliff - Mulligan Lake - Lac Courte Oreilles
5. Polk County - St. Croix
6. Sawyer County - Lac Courte Oreilles
7. Washburn County - St. Croix for all listed lakes except Tranus, Bear and Long; Lac Courte Oreilles is the contact for the latter 3 lakes
8. Barron County - St. Croix for all lakes except Red Cedar Lake; Lac Courte Oreilles is the contact for that lake

Off-Reservation Ricing Regulations 1986

This fact sheet summarizes the tribal law applicable to ricing; it is not a complete statement of the law. If you wish to see your tribe's ordinance, contact your tribal conservation department.

PLEASE NOTE: The state's position is that the treaty right to rice does not apply to rivers where the bank is privately owned, or to flowages where the bed is privately owned. If you are ricing in such places without a state license or outside of state rules you may be subject to state prosecution.

STICKS

Only smooth, rounded, wooden ricing sticks are permitted for use. No mechanization is allowed.

BOATS

Only canoes or ricing boats not longer than 17 feet nor wider than 38 inches are permitted. They must be poled or paddled. Neither motors nor rowing is permitted while ricing.

HOURS

Ricing hours are from 10:00 a.m., CDT, to sunset.

TRIBAL ID

Carry your picture ID, if you have one. If you do not, carry other ID approved by your tribe for ricing. Show your ID to tribal, GLIFWC, and state or local enforcement officers upon request. Cooperate with personnel enforcing your tribe's ordinance.

OFF-RESERVATION NATURAL RESOURCES HARVESTING PERMIT

You must get an off-reservation natural resources permit and it must be validated for ricing. This is available at your tribe's conservation office.

WASTE

Do not waste, injure, or destroy any natural resource while ricing.

PENALTIES

Your tribal court will hear all cases arising under your tribe's ricing ordinance. Tribal Court may assess you a forfeiture of up to \$500 per violation, and may order a suspension of off-reservation ricing privileges for a period of time set by the court.

The state may prosecute you for violations of state criminal law and for resisting a conservation warden or false impersonation of a warden.

OPEN SEASONS, REGULATED LAKES

There is no closed season on any lake except those listed below. You may not rice in the listed lakes until they are opened by a tribal conservation department and/or the Wisconsin DNR.

Barron County: Bear, Beaver Lake, Red Cedar.

Bayfield County: Totogatic.

Burnett County: Bashaw, Big Clam, Big Sand, Briggs, Gaslyn, Long, Mud (town of Oakland), Mud (town of Swiss), Mud Hen, Spencer, Trade.

Douglas County: Allouez Bay, Mulligan Lake.

Forest County: Atkins, Riley, Big Rice, Wabigon.

Oneida County: Big, Big Lake Thoroughfare, Bary, Little Rice Rice, Spur.

Polk County: Balsam Branch, Big Round, East, Glenton, Little Butternut, Nye, Rice, White Ash.

Sawyer County: Musky Bay (sec. 10 and 11, T39N, R9W, in Big Lac Courte Oreilles).

Vilas County: Allequash, Little Rice, Nixon, Irving Aurora, West Plum, Devine, West Ellerson, Michey Mud, Frost, Sand, Sugar Bush Chain.

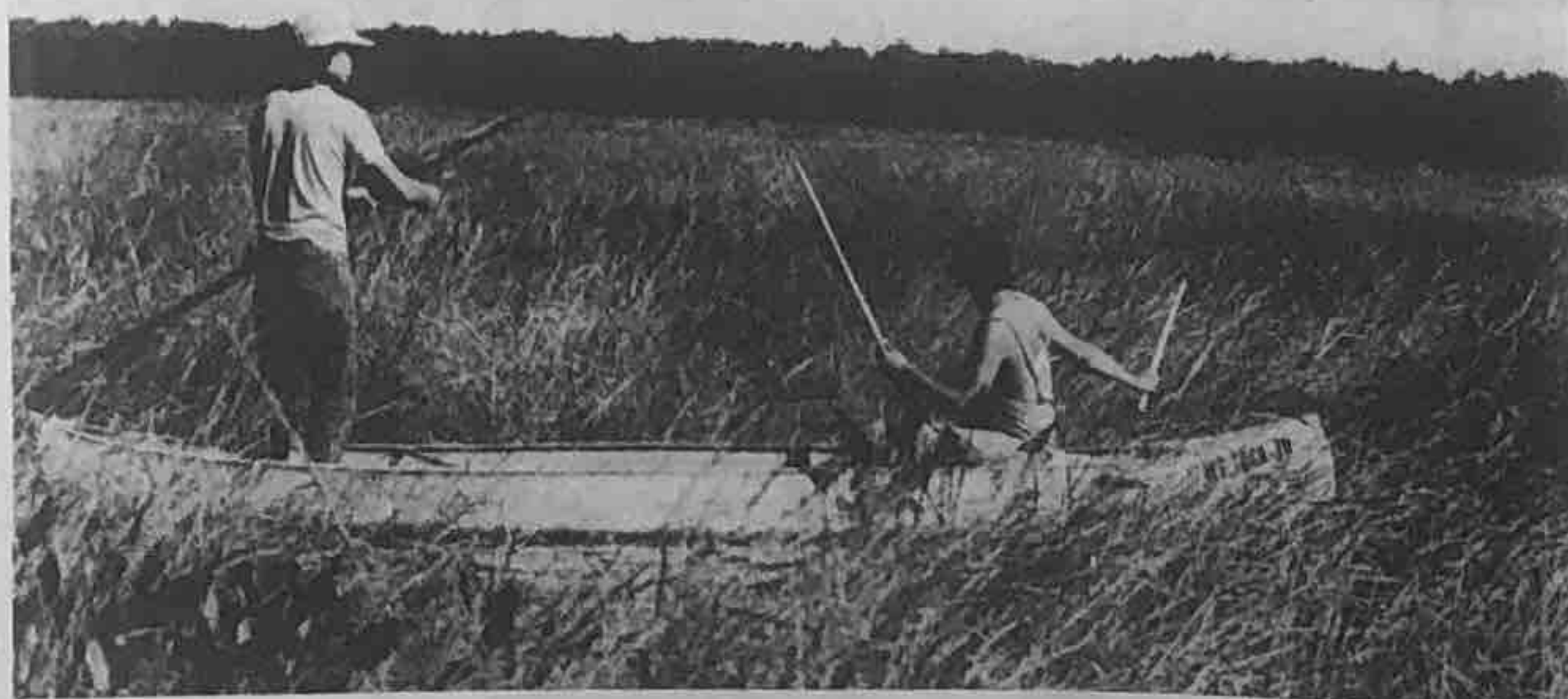
Washburn County: Bear, Gilmore, Little Mud, Long, Mud, Nancy, Rice, Spring, Tranus.

QUESTIONS

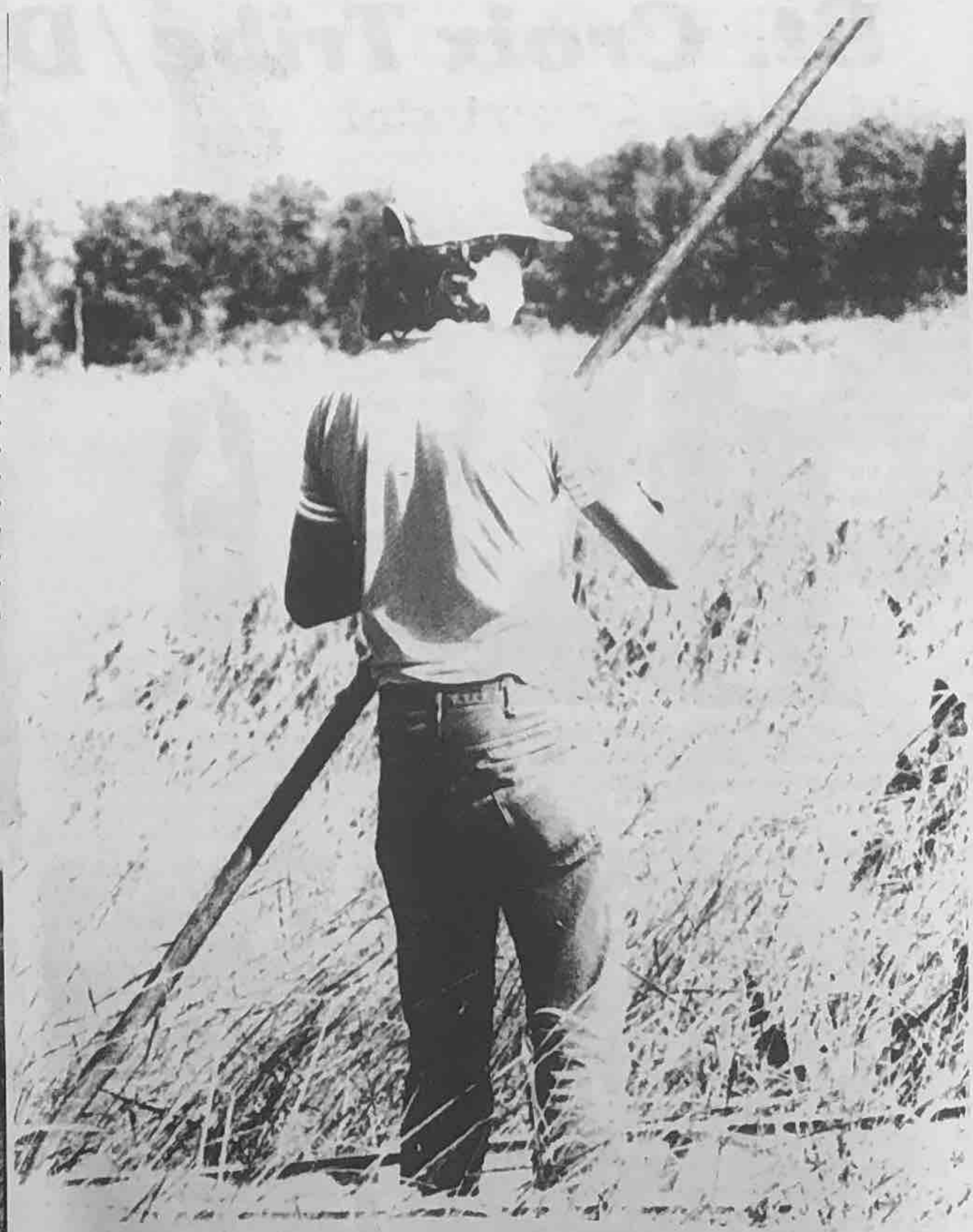
If you have any questions regarding your rights and responsibilities during the 1986 Off-Reservation Ricing Season, or if you wish to see a complete copy of your tribe's ordinance, please contact your conservation office or the Great Lakes Indian Fish and Wildlife Commission.

CONSERVATION DEPARTMENTS

Bad River	682-4212
Lac Courte Oreilles	634-8934
Lac du Flambeau	588-3303
Mole Lake	478-2604
St. Croix	349-2195
Red Cliff	779-5805
Great Lakes Indian Fish and Wildlife Commission	682-6619



Rice is knocked using ricing sticks. Little has changed in harvesting methods over the centuries.



While ricing one man poles the canoe gently through the rice beds while another knocks the rice into the canoe's bottom.

Commission on Community/Tribal Relations Seeks to Resolve Racial Problems

Tribal relations group holds info session

LAC COURTE OREILLES - Many questions regarding the off-reservation treaty rights of the Chippewa were forwarded during the second meeting of Governor Earl's recently appointed Commission on Community Tribal Relations at Lac Courte Oreilles Friday morning.

The meeting, which was intended to be informational for the Commission's members, featured James Schlender, executive director of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) and former Voigt Task Force Chairman and George Meyer, lead negotiator for the Wisconsin Department of Natural Resources (WDNR), as speakers.

Schlender provided an overview of treaties and litigation and Meyer discussed negotiations and the socio-economic impact of treaty rights.

• Treaties & Litigation — Schlender began by delineating the various Chippewa treaties, remarking that in the 1825 the United States government made a conscious decision to take land by treaty and recognize distinct land boundaries. The 1825 Treaty gave tribes a legally recognized title to land as differentiated from aboriginal title, he said.

Following the 1825 Treaty came the Treaty of 1837, "The Lumberman's Treaty" and the Treaty of 1842, "The Miner's Treaty," in which the Chippewa relinquished land due to pressure for lumber and minerals, respectively, but in which rights to hunt, fish and gather on the ceded lands were retained.

Schlender also mentioned the 1850 Presidential Removal Order which threatened to relocate the Chippewa.

In 1852 the Wisconsin Legislature petitioned the president to allow the Chippewa to stay, and in the 1854 treaty tribes were given permanent reservations, the Removal Order never being effected.

Schlender also noted that in 1934 Congress passed the Indian Re-Organization Act, recognizing the need for tribal government and allowing tribes to organize as governments under federal law.

Throughout the course of U.S. history, Schlender noted, federal policy has varied towards the tribes, ranging from promoting termination, resettlement, and assimilation to self-determination, many of these policies having "devastating effects on the tribes."

Schlender briefly reviewed the 1972 Gurnee Decision which preceded the Voigt Decision and affirmed the fishing rights of the Bad River and Red Cliff tribes.

The Voigt Decision, he said, began when two Lac Courte Oreilles tribal members went ice fishing across the reservation line. A court case ensued, entitled: Lac Courte Oreilles vs. the State of Wisconsin.

In litigation, the need to implement the rights led to a process of negotiations.

Schlender said the principle points to remember regarding treaty rights is that the tribes gave up 16 million acres of land and negotiations are perceived as a call to give up more.

He also mentioned the "Reserved Rights Doctrine," which indicates that treaties are not a grant of rights to the Indian people, but from them. "In fact," he said, "these are property rights." The ownership of more property, he indicated, is not a measure of inequality in the United States.

• Negotiations — Meyer began by explaining that social and economic impacts of treaty rights are not dealt with during negotiations. This is an exclusion, he said, which is legally correct, but which "can be devastating for communities."

After 3½ years of negotiations failing to address the deepening concerns of the communities, Meyer felt it was important for the Commission to carry through on its responsibility to address these problems.

Meyer said that the Voigt case is currently being litigated. Matters to be decided regard what methods can be used, subsistence vs. commercial use, and ultimately the degree of state regulation of treaty hunting, fishing and gathering.

Negotiations were begun to avoid a series of minor court cases while the above-mentioned points were being determined by the court.

The DNR entered negotiations, he said, recognizing the sovereign governmental status of the tribes, the permanency of treaty rights, and that a confrontational attitude had failed in other states.

Meyer said that 14 agreements negotiated between the tribes and the State indicate the process has been successful.

He also listed five areas which the DNR considers to be major issues for the public from a social and/or economic standpoint. They are: 1) Hunting from vehicles on public road; 2) Deer shining; 3) Use of gillnets in inland waters; 4) The amount of fish being sought by the tribes on an annual basis; 5) Commercial sale of fish and game.

• Questions & Concerns — Jeff Long, Boulder Junction, Commission co-chairman, asked if negotiations affect the court case.

Meyer responded that the negotiated agreements will not be put before the court.

Another question which was discussed extensively was the need for closed negotiations. Meyer indicated that closed negotiations are legally correct, although he felt it had provoked undue animosity from the general public.

Bill Murphy, Wisconsin Conservation Congress, felt that public access to negotiations would decrease hostility by keeping the public informed throughout the process.

Schlender said that the tribes had consciously chosen to keep negotiations closed, recognizing public antagonism toward this decision.

Schlender felt that open negotiations would allow the DNR to manipulate public sentiment during the process, for one.

Secondly, he said, the tribes feared sensationalism and distortion from the press.

Murphy suggested the tribes should consider "leasing their rights" to the sportsmen as a way of benefiting both sides and to gain peace in the north.

Other items of discussion were the need for education, the need for communities to work together to promote the area mutually, and the determination of the actual impact of Chippewa off-reservation hunting and fishing.

Ruth Goetz, Wisconsin Division of Tourism, will be polling the region's businesses to ascertain whether 1985 and 1986 registered a decline in local business.



James Schlender, former Chairman of the Voigt Inter-Tribal Task Force and currently the executive director of GLIFWC, gave an overview of the treaties and litigation to Commission members as part of an educational session.



George Meyer, lead negotiator for the Department of Natural Resources, provided part of an overview for the Governor's Commission on Community/Tribal Relations.

PARR Questions Governor's Commission



PARR official questions commission

To the Editor:

Not too long ago representative Jim Holperin released his views about PARR, the Governor's Commission, and about myself as more or less just looking to get on TV.

After attending, as a spectator, the first Governors Commission meeting in Minocqua, it could be said there are doubts on just where this commission is going.

Much concern was stressed for tourism, this is understandable and good. However, some approaches mentioned to finding a solution to our problem certainly put doubt in my mind on where these individuals were coming from.

1. Spend more money on tourism promotion. (Great).

2. Keep the treaty issue out of it?

3. Keep the issue from hitting the front pages and away from medias as much as possible (if not all together). (In other words "Smoke over the real problem.")

4. Educate our non-Indians and non-Tribal children by busing them to reservation schools and let them visit and learn the Indian culture and ways.

This is a great idea, however, there was no mention

of bringing the tribal children to our off-reservation schools and allowing them learning about our American heritage and culture.

I do believe Americans have a great heritage and the blending of so many different races and cultures has proven this. Who was to assimilate with whom?

In the mid-19th century when the Chippewas addressed the Great White Father in Washington, D.C., they asked they be allowed to stay in Minnesota, Wisconsin and Michigan and not be sent west among the savage's (Souix).

They said they were learning the ways of the white man and understood they must in order to survive as a people. It makes one wonder just what was going on in the good old days.

This Governors Commission is suppose to find ways to get the harmony back that has been lost because of the Voigt Decision.

Yet, not get involved with the special court granted tribal rights given by Voigt.

How does one find solutions to problems that have been caused by an Issue without addressing it? Is hiding an Issue behind a billboard the answer?

Is putting the blame on people and organizations who are opposed, the answer?

Is busing our children to reservation schools the answer? How many more questions will be put before us if this is the intent of this commission?

As for as myself grandstanding or just wanting to get on TV - Mr. Holperin, I am elected to the position I presently hold in "PARR" and am proud that the people have put their trust in me.

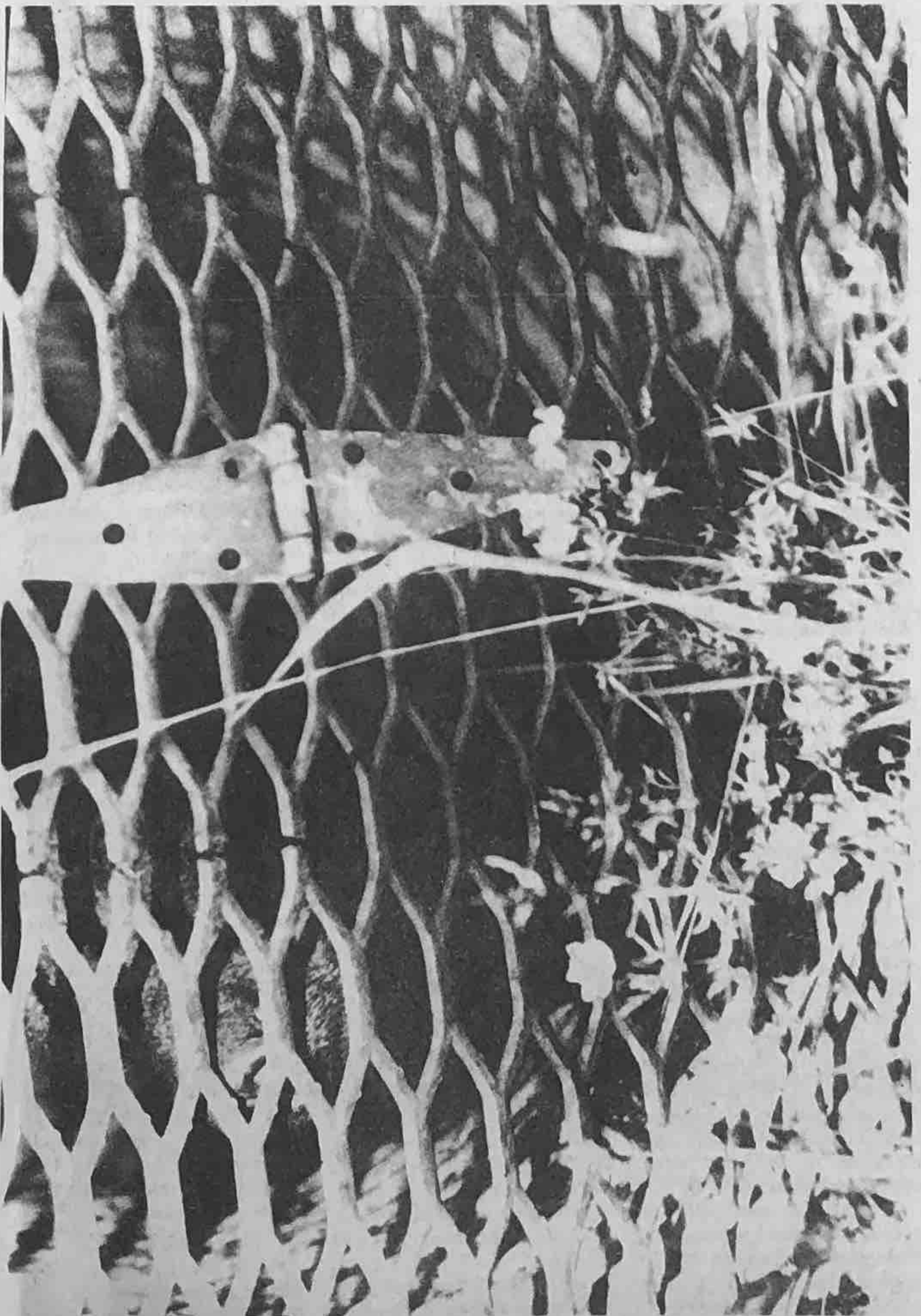
You are also elected to your position and hope you can say the same. I receive no pay for my position, you do.

I feel a responsibility to our membership and those who have kept us going through their donations and surely wouldn't have to be doing this job if our elected state and federal representatives would be doing theirs.

Mr. Holperin, I personally respect your opinions even if you have them in the wrong ballpark. This is a right we both have.

I will continue to speak out for "PARR", and against the Voigt inequities no matter now you come at me or us and certainly hope our PARR membership approves.

If not, they have the right to replace me at our elections, just as we have the right to replace our state and federal representatives (those not hearing the pleas of the people) at election time this fall.



Speaking of bear, one was caught in a DNR live trap at Odanah recently.

Exxon DEIS A Close Look

Special report
by Susie Isaksen
1986, Northcountry Journal

"Meeting a permitting standard is not equivalent to no impact, but DNR consistently takes this approach," says Waltraud Arts, blasting the DNR's analysis of the \$540-million mine Exxon proposes to build in northeastern Wisconsin near Crandon.

"Reading the document leaves the impression that there will be no adverse environmental consequences. That's nonsense!" she says, also calling the Draft Environmental Impact Statement (DEIS) "slipshod" and "inadequate."

Arts, the state Department of Justice Special Public Intervenor for Mining, is charged with assuring that public interests are brought forth and defended. Her comments appear in the written testimony she submitted on the DEIS. For scientific expertise in preparing the comments, she drew extensively upon two other commentators hired by the Office of the Public Intervenor.

Dr. Douglas S. Cherkauer, associate professor, Department of Geological and Geophysical Services at UW-Milwaukee, looked at how the mine will affect groundwater. Dr. Arthur S. Brooks, associate professor at the Center for Great Lakes Studies at the UW-Milwaukee, reviewed surface water impacts. The Brooks study was funded with donations from Trout Unlimited, Wisconsin Wildlife Federation, Sierra Club and Audubon Society.

Arts and the two professors, armed with plenty of legal and scientific expertise, blasted the DEIS on the following issues:

1) Mine dewatering

"The DEIS is damned by its own conclusion," Arts contends, citing the sentence which says the proposed measures "may not fully mitigate measures" may not fully mitigate mine dewatering impacts.

The impacts arise because the mine will have to be pumped to keep it from filling up with groundwater. With the exception of Oak Lake, the surface waters in the area are intimately connected with groundwater. Without somehow replenishing surface waters to compensate for the pumping, all but one of the lakes surrounding the mining area would, according to Arts, "drop below levels necessary to protect public rights. There would be dramatic adverse affects to lake fisheries. Skunk Lake would become a wetland. Wetlands would be completely dewatered."

The DEIS proposes to pump groundwater into the lakes except for at Skunk Lake where treated water pumped out of the mine would be used. The plan sounds feasible enough. However, according to Brooks, "Groundwater in the area tends to be hard and alkaline with a relatively constant temperature. The surface waters tend to be softer, more acidic and tends to follow atmospheric temperatures on a seasonal and daily basis."

In summer and winter, when the temperature difference between pumped-in mitigation water and surface waters will be greatest, the lifecycles of fish and other organisms could be upset.

"Natural temperature cycles often serve as cues for biological events such as fish spawning and insect development," Brooks explains. Furthermore, he points out: "The sudden discharge of water of different physical and chemical quality could adversely shock

organisms which are acclimated to normal surface water conditions.

"Little Sand Lake (one of the lakes in the mining impact study area) may be used as an example of how addition of mitigation water to surface water could alter the natural chemical balance," Brooks says. "The lake is described (in the DEIS) as an unstratified seepage lake containing soft water and an acidic pH averaging 5.4. The effects of mitigation pumping will increase the hardness over six fold and the pH will rise to 6.6. Although the expected changes are within the limits of water quality criteria, they do alter the natural chemistry of the lake significantly and would result in changes in the species of organisms inhabiting the lake. The environmental impact of such changes are not disclosed in the DEIS."

"Plant nutrients such as nitrogen and phosphorus will also increase in Little Sand lake because the range of concentrations of these elements in the groundwater is greater than those cited for lake itself. Increase algal productivity could result, further altering the ecology of the lake and the quality of water moving from the lake into its outflow creek and on to Rolling Stone Lake."

"Other chemical constituents in the mitigation water, such as heavy metals, would also raise the concentration of these elements of the lake. If treated mine water is used for mitigation in addition to groundwater, the expected concentrations of heavy metals would be higher still."

"The net effect of mitigation pumping will be to disperse toxic metals from the project site through a diffuse system of streams and lakes. The general effects described for Little Sand Lake would be similar for other water bodies receiving mitigation water."

Cherkauer raises additional questions by looking at the computer models used to fully mine how far lake levels are expected to drop as a result of mine dewatering. "Impacts on lake seepage presented in the DEIS may be low by as much as 60 percent," he says.

If the seepage is greater than predicted, much more mitigation water would be needed. This possibility leads Cherkauer to conclude: "It is obvious that the DEIS may be painting a much rosier picture of water quality impacts than is warranted."

The idea of needing far more water than planned plus the possibility of groundwater contamination leads Arts to ask: "Will there be enough water of sufficient quality to adequately mitigate the losses? The DEIS, by not analyzing the worst case (greatest drops in lake levels), fails to tell the public whether their rights will be protected."

She is also concerned that the DEIS proposes mitigation for lakes only. "Wetlands impacts are not addressed even though 600 acres would be affected."

"Stream impacts are dismissed just as cavalierly. The decrease in groundwater flow (resulting from mine dewatering) will lower stream water levels, decrease velocity and width and alter flow. Stream fisheries, especially trout habitat, would suffer serious impacts since stream flows and groundwater discharges are related to successful spawning. The benthos, vital to the foodchain, are also affected."

The DEIS does not mention any of these problems.

Nor does the DEIS propose adequate monitoring of groundwater levels as they relate to mine dewatering.

Says Cherkauer: "The monitoring system as presently defined will never be adequate to decide whether flow reductions are mine related or not." Such a determination is essential right now, Exxon may refuse to activate or even install surface water mitigation systems if flow reductions are not proven to be mine related.

Furthermore, Exxon will be required to replace or deepen any of the 27 private drinking water wells in the area if they run dry. Here again, proof of mine-relatedness could prove essential.

Cherkauer suggests an easy remedy, the installation of monitoring sites outside the mining impact zone where data could provide for comparative analyses.

The DEIS fails to solve yet another groundwater problem. When the mine is closed and the pumping stops, water levels will rebound. Then, says Cherkauer, "water will come into contact with freshly exposed sulfide minerals. In southwest Wisconsin those conditions have led to oxidation of the sulfides and an increase in sulfates and some metals in the groundwater. It has taken many decades after mine closure for the problem to appear. Yet at Crandon, wells near the mine will only be monitored for 34 years after closure and 28 years after the main recovery of water levels. That time may be insufficient to detect the problem."

2) Effluent discharge

It is generally agreed that Exxon can meet surface water quality criteria set for Swamp Creek, where pipes will dump treated mining wastewater. However, says Arts, it is "untenable" and "illogical" to conclude that there is no impact because "an activity can meet a permitting standard." Furthermore, she said, "During low flows, the concentrations of heavy metals in the stream would be three times the concentrations before discharge."

"The pollutants will go somewhere and impact analysis must be done on this question," she said, expressing concern about the accumulation of metals that Brooks says will occur in the benthos and bottom sediments of both Swamp Creek and the Wolf River.

Brooks says the heavy metals are likely to be consumed by foraging minnows in Swamp Creek, thereby contaminating the food chain and bioaccumulating in predatory fish and waterfowl.

Swamp Creek, at the point where the effluent will be discharged, supports a warm-water fishery with 31 species of fish. It, like the rest of the area to be impacted by the mine, is in the Wolf River watershed.

3) Erosion

The DEIS describes the plans proposed to reduce siltation of streams and lakes but it does not specify how these controls will be required and what happens if the controls are inadequate. Nor does it suggest any monitoring of erosion control structures and devices.

"The choice of whether to use a method of erosion control and which method to use should not be left to the worker in the field," says Arts, suggesting that there be "enforceable assurances that reasonable and adequate measures will be taken."

"The destruction of vast areas of prime aquatic habitat can be accomplished in a matter of hours if proper erosion controls are not implemented," adds Brooks. "If there is any breach of the sedimentation ponds, siltation

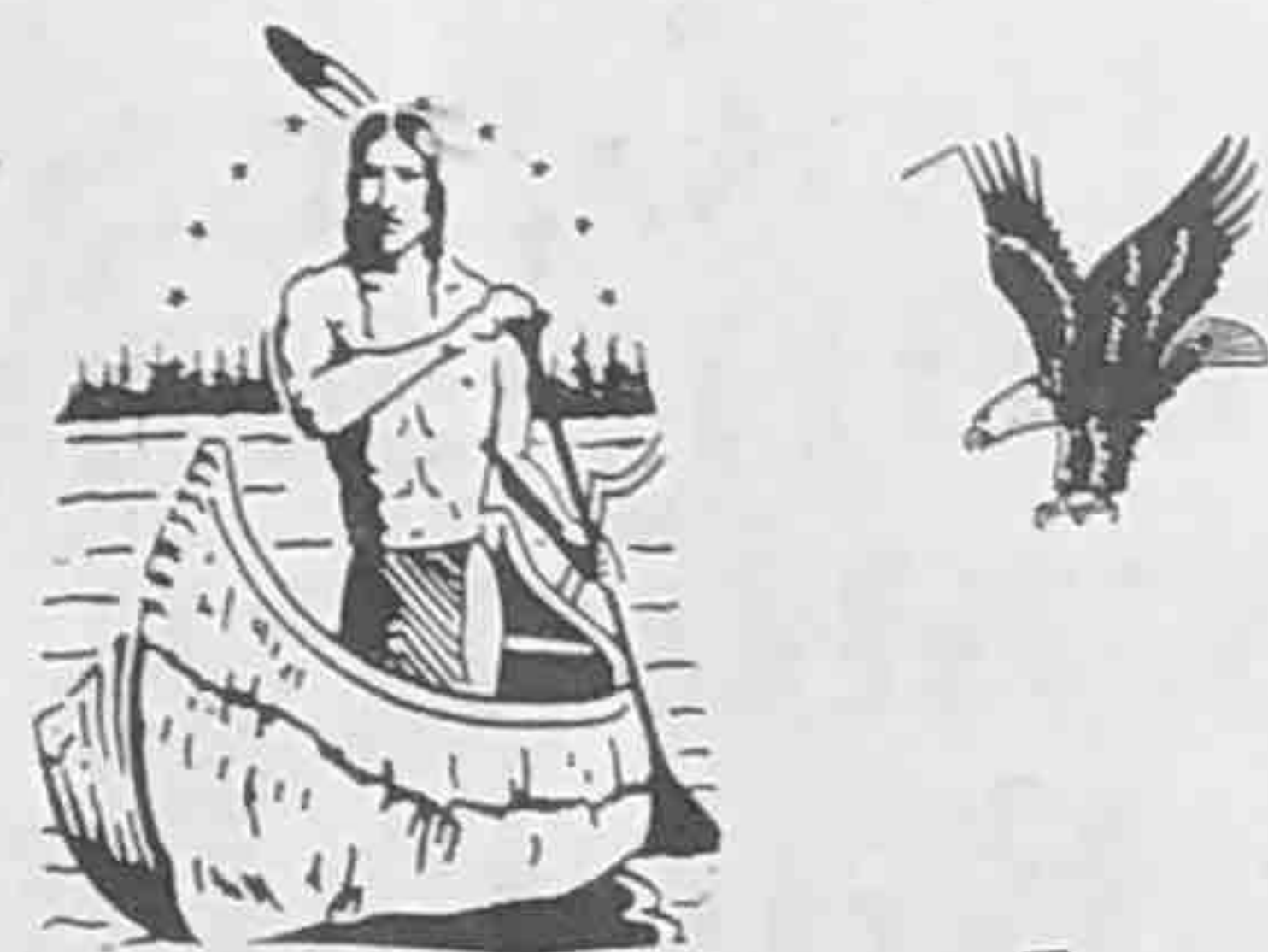
Dates Corrected

The timetable for the Exxon mine permitting process was changed by an order issued recently by the state Division of Hearings and Appeals.

The final Environmental Impact Statement, previously scheduled for completion in October, will now be released November 19. That new date sets the Master Hearing back one month. The Master Hearing is now scheduled to commence March 24.

Alternative groundwater quality standards must be filed (by parties already officially named to the proceedings) by December 24.

The draft EIS, released in May generated over 400 written and oral comments.



Mole Lakes Blue Grass Festival



Brenda Nelson sings on the large stage at the Bluegrass Festival under the large greeting Welcome To Mole Lake.



The crowd at the 11th Annual Great Northern Bluegrass Festival gathered to hear the performers. For four days, the entertainers kept the crowds coming back.



Orange Blossom Special performs at the Festival as a crowd begins to gather at the fence.

barriers of curtain walls, the effects on trout habitat could be devastating. Reduced stream flows resulting from the groundwater drawdown would further aggravate the situation by reducing the ability of the stream to recover naturally. Lakes receiving sediments would be permanently affected as no natural cleansing process would remove added solids."

Brooks recommends that soil erosion controls be especially stringent where construction activities cross streams: for installation of utilities rights-of-way across and under stream beds, for the building of bridges and culverts for the access road and rail spur, and for the placement wastewater discharge

facilities at Swamp Creek.

The final EIS, says Brooks, should include a contingency plan for dealing with a breach in soil erosion controls. Also, he says, "adequate on-site staff should be provided by the DNR to ensure proper implementation of the specified soils erosion abatement measures."

DNR response "There will be no wholesale changes, no major revisions," Bob Ramharther told Northcountry Journal when asked how the DNR will respond to the comments presented by Brooks, Cherkauer and Arts.

Ramharther, the Exxon mine permitting team coordinator at the DNR, said the DNR is changing and revising its lake-level modeling to

reflect a worst-case situation "so bad that it would never actually occur." The new information, he said, will be incorporated into the Final EIS.

Also, Ramharther says the Final EIS will include more background information explaining how the DNR did consider bioaccumulation of metal in natural food chains downstream when setting limits for the effluent discharge at Swamp Creek.

"All and all, there will be extensive rewriting," Ramharther said. "The Final EIS will contain more explanation, more background information, and additional analysis. But I foresee no changes in central issues."

Loosestrife

(continued from page 2)

capable of producing over 100,000 seeds. Once seeds have been set by even a few plants within a watershed colonization to the limits of high water is practically assured.

Seed dispersal is by drift or flow on the water surface. Dispersal can also occur in dried mud on birds feet, fur of muskrats or mink or on turtle shells. Purple loosestrife can reproduce from fragments of cut stems. Therefore, muskrat cuttings or mechanical clippings can hasten the spread and dominance of the plant.

Purple loosestrife has the ability to displace native wetland vegetation, including important waterfowl food items and wild rice.

Minimizing Spread and Impacts

The following management strategy is suggested for wetlands in the north central US.

Local Eradication

The local manager can successfully follow a program of local eradication if the wetland is isolated. The key to this effort is an annual search during July and August to locate the flower spikes. Field crews should be sent to these sites with instructions to hand pull all loosestrife plants, including root crown. All pulled material must be carried from the marsh because loosestrife can reproduce vegetatively. If

seedlings are established in the vicinity of the parent plant, herbicides should be applied. With diligent follow-up and continuous surveillance, local eradication is feasible.

Local Control

Once *L. sclicaria* is established and one or more years of seed production has occurred the opportunity to attempt local eradication has been greatly reduced. The key to coping with established loosestrife is to avoid any manipulations that might stress the native vegetation. Standard waterfowl management practices of early drawdown is an open invitation to purple loosestrife dominance. Lastly avoid any stress to the native plant community.

Potential Impacts on Resources Important to Tribes

Purple loosestrife poses threats to three very important resources on which the tribes depend, wild rice, furbearers, and waterfowl.

The preferred habitat of purple loosestrife, stream margins and shallow water marshes, is also the preferred habitat of wild rice. There is no doubt that, given the change, purple loosestrife will out-compete and completely take over a wild rice bed. Loosestrife is already found in the Kakagon Sloughs on the

Powell Marsh on Lac du Flambeau Reservation and this poses an imminent danger to the wild rice there. In addition, there are 7 off-reservation rice beds there. In addition, there are 7 off-reservation rice beds with purple loosestrife in the immediate vicinity (on the same body of water, less than 400 yards from the rice). A total of over 350 acres of rice (both on and off reservation) is threatened by loosestrife infestations.

The Citizens Purple Loosestrife Task Force has been surveying the extent of purple loosestrife infestations in Wisconsin but this information is not complete. It is highly likely, however, that other wild rice beds are presently being threatened by loosestrife.

When loosestrife dominates a wetland it substantially reduces the wildlife use that the wetland receives. Waterfowl do not use loosestrife for nesting cover and therefore a marsh dominated with the plant will contribute next to nothing in terms of waterfowl production. Great expanses of waterfowl production areas in the East have been rendered useless to waterfowl by loosestrife infestations.

Although muskrats and mink use wetlands which contain purple loosestrife, they do not eat the plant. Muskrats may use loosestrife for house building but a monotypic stand of loosestrife will not support any muskrats.

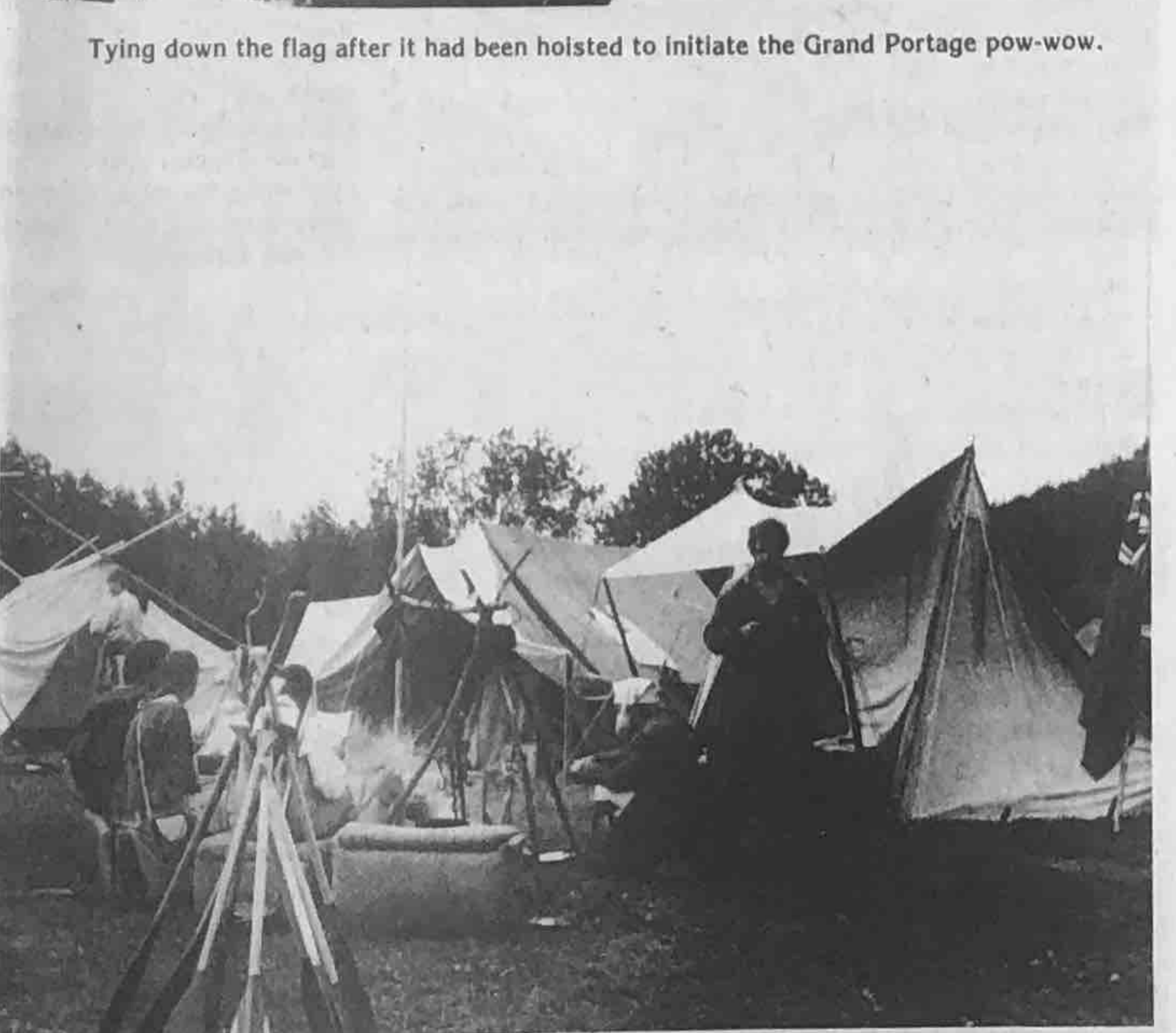
Grand Portage Celebrates Rendezvous Days



While the voyageurs are camping, canoeing, and playing traditional games, Grand Portage's traditional pow-wow is also in full swing during Rendezvous Days.



Tying down the flag after it had been hoisted to initiate the Grand Portage pow-wow.



Even the cooking is done as it was in the days of the first voyageurs. Rendezvous Days offer a colorful insight into history re-lived, both in terms of the Indian population and the early white settlement.

Parties to Exxon Case

Parties to contested case Exxon hearing are named North Country Journal, August, 1986, R-3, Box 494, Poynette, WI 53955

At a pre-hearing conference July 10, those to have formal involvement in proceedings determining the extent and content of permits to be written for the Exxon mine were named.

Also, in the first pre-hearing order issued by the state Division of Hearings, the 11 attorneys representing the various parties were notified of almost-monthly deadlines in their "search for discovery," a process by which all witnesses and evidence must be identified in advance of the master hearing.

The master hearing, an administrative trial conducted by the Division of Hearings for the purpose of defining permits, is scheduled for February 24, 1987. Only "parties" and "interested parties" may participate. Immediately preceding the master hearing, there will be a public informational hearing at which anyone may make unsworn testimony not subject to cross examination.

Parties named at the pre-hearing conference have the right to name and depose witnesses (require individuals to appear for sworn interrogations preceding the hearing), conduct cross-examinations and enter evidence. In turn, they are subject to being called for pre-hearing interrogations (depositions) and are automatically included in any post-hearing lawsuits.

"Interested Persons" are more casually involved in that they will have the right to testify and call witnesses at the master hearing. They do not have rights to pre-hearing discovery. Nor will they be named in post-hearing lawsuits.

Parties to master hearing
Exxon Corporation
Department of Natural Resources
Office of the Public Intervenor
Town of Lincoln (in Forst County)
Town of Nashville (Forst County)
Forst County

Potawatomi Tribe of Forest County
Menominee Tribe
Sokaogan Chippewa Community
Wisconsin's Environmental Decade

Carole L. Boltz of Wausau.

Interested parties

Great Lakes Indian Fish & Wildlife Commission, Odanah, Wis.

Karl A. Fate of Rhinelander

Al Gedicks of La Crosse

Mary Lu Lewis of Pearson, Wis.

Merlin A. Kuske of Green Bay

Robert M. Talasek of White Lake, Wis.

Wolf River Conservation Club

Robert Van Zile of Crandon

George E. Rock of Green Bay

Wis. Resources Protection Council (Pickerel-Crandon Chapter)

Arnold Gumprecht of Pickerel, Wis.

Alvia H. Schafer of Pickerel

North Woods Ltd. Partnership of Eland

Mineral Heights Ltd. Partnership

Herbert Buettner of White Lake

Hugo Petters of White Lake

Gound Hemlock Lake Protection assoc.

Jerry Statz of Green Bay

Henry L. Jaron of Crandon

Robert A. Stillings of Appleton

Wolf River Lakes and Streams Association

Wolf River Watershed Alliance

Wisconsin Trout Unlimited

Forest Mineral Ltd. Partnership

Wis. Resources Development, Antigo

Warren R. Otto of Pearson, Wis.

Leon Rose of Pearson

Rollingstone Lake Protection & Rehabilitation District, Pearson

Wis. Resources Protection Council

(Rusk County Citizens Action Group)

Evelyn Churchill of Ladysmith

Sierra Club - John Muir Chapter

Wisconsin Wildlife Federation

Wisconsin Audubon Council

Harold A. Levin, Grayslake, Ill.

Madison Audubon Society

Citizens for a Better Environment

Lamprey catches pay from the Milwaukee Journal

Marquette, Mich. — Lamprey eels probably rate as the last thing Great Lakes sport fishermen want to see. However, anglers who land one of the parasitic eels are eligible for a reward.

The US Fish and Wildlife Service want lampreys obtained by fishermen from Lakes Superior, Michigan and Huron, and the agency is offering an incentive to get them. The number of eels caught by anglers serves as an index to their abundance, according to John Heinrich at the Sea Lamprey Control Office in Marquette, Mich.

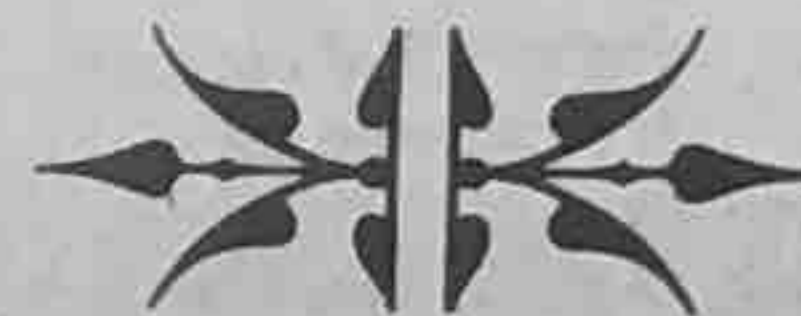
He said the Marquette Biological Station at 446 E. Crescent St. is the main collection center for lampreys obtained by anglers from Michigan waters of Lake Superior, but the eels also are accepted at the US Forest Service office in Bessemer.

Department of Natural Resources offices, sport shops and hardware stores are cooperating with the Fish and Wildlife Service in other locations to accept lampreys.

There are as many as 50 collection sites at Lake Michigan ports and 30 along Lake Huron, Heinrich said. Signs are posted at many of the major Great Lakes ports where the eels are sought, with local collection centers listed.

Heinrich said fishing lures are given to fishermen in exchange for lamprey eels. Northport Nailers are the type of lures being used to reward cooperating anglers at present, he said. About 3,000 lampreys were turned over to the USFWS by Great Lakes fishermen last year, according to Heinrich.

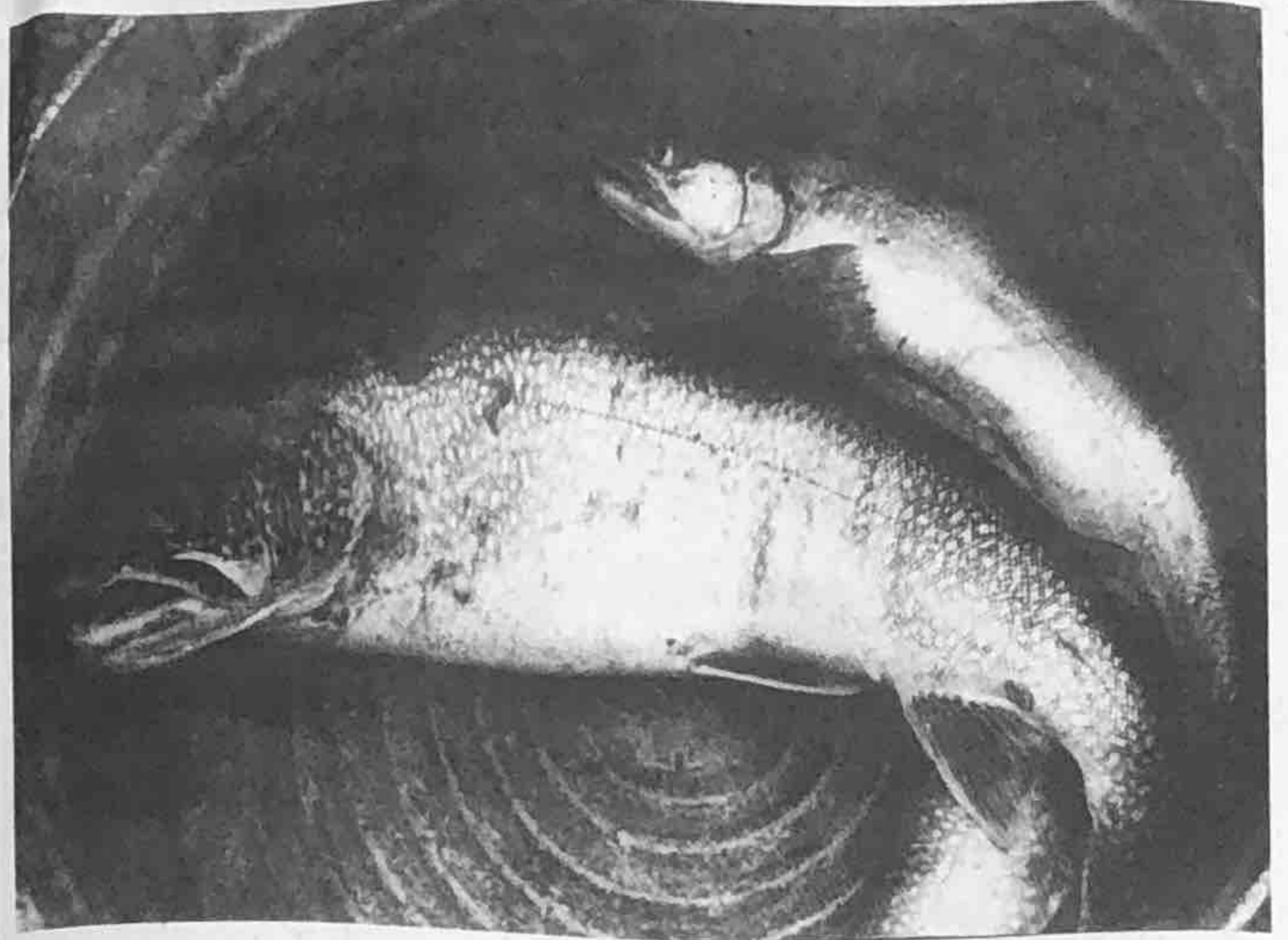
Unfortunately there are many Americans today who do not realize that tribal governments exist, much less understand how and why they operate. For some reason our history classes, our classes in civics and/or government, fail to mention a most interesting and unique situation in the United States pertaining to the numerous tribes which are self-governing, sovereign, "domestic, dependent" nations.



Commercial Fisherman: Big Boat and Small Boat



Butch Deschampe, Grand Portage fisherman, has returned from his morning life in his small skiff. It will be unloaded and GLIFWC fishery technician Ed Duhaime will measure and weigh the fish and take scale samples from the lake trout. Butch usually arrives back on shore around 6 a.m.



Part of the mornings catch waits to be cleaned and dressed. Nice-looking fish!



Butch's son watches as Ed measures his father's catch.



Careful records are kept of all measurements taken of the fish and sent to GLIFWC's office in Odanah where Mark Ebener, Great Lakes Fishery Biologist, collates the information for assessment.



The gulls know when Butch has finished cleaning and is about to toss them the remains.

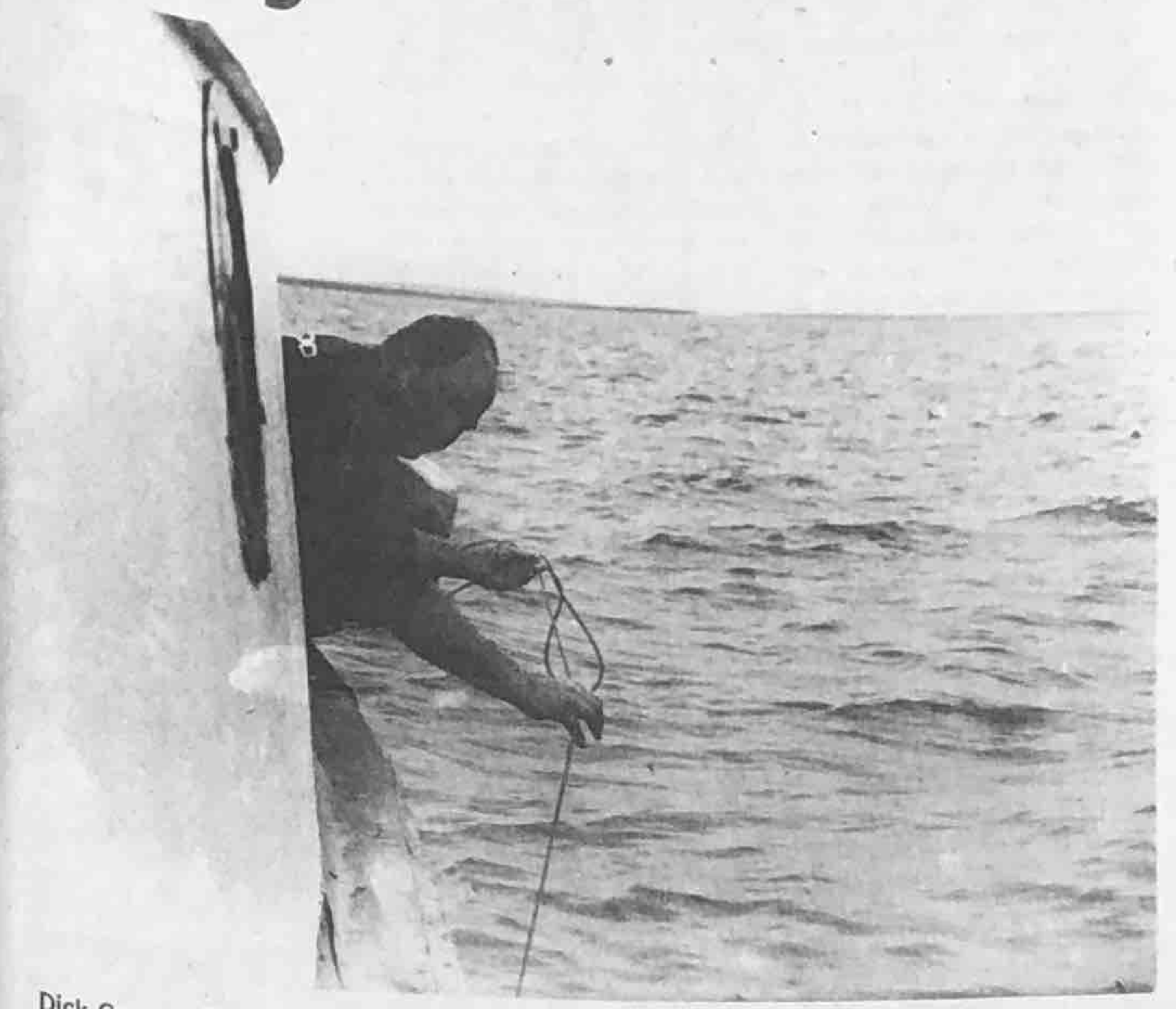


Butch cleans and fillets his catch at a small stand behind his fish shed.

Lake Superior Treaty Fishermen



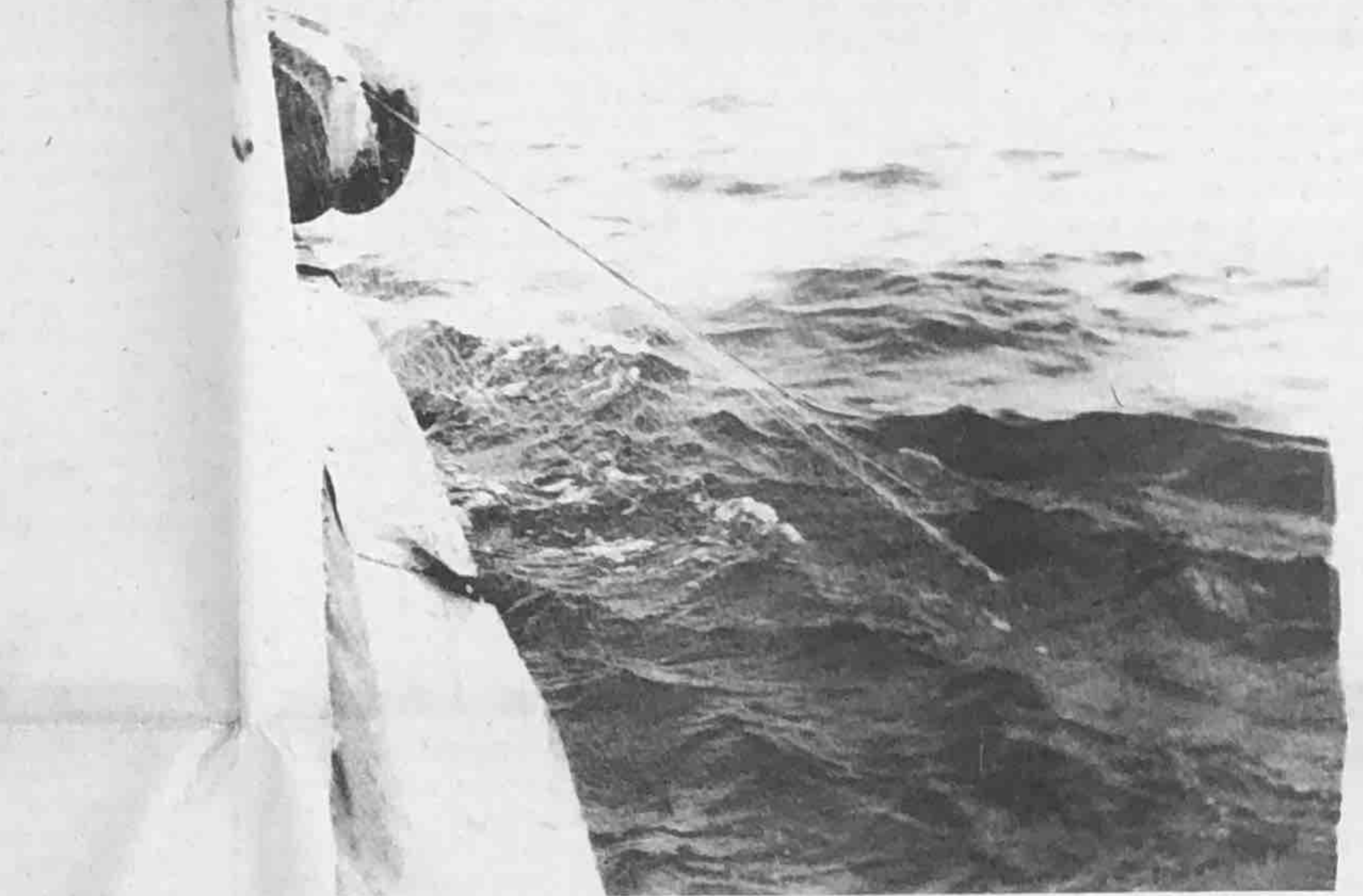
Dick Gurnoe's fishing tug "Marianne".



Dick Gurnoe, Red Cliff's Tribal Chairman and a commercial fisherman, is at home on the great lake.



Dick Gurnoe swings a lake trout up into the tug for one of his partners to untangle out of the net.



The gill net is being lifted from the depths of Lake Superior.



Mike, foreground, Richard, Jr., and Dick Gurnoe are busily working fish out of the nets.



As Richard, Jr. watches the net being lifted, Dick untangles a lake trout and Mike makes sure the net doesn't tangle as he places it in a box to be set again.



After the entire net is lifted, it is once again set off the back of the tug. Mike Gurnoe is setting the net, making sure nothing is tangled.

Great Lakes Water Protection

Water Supply Management
Reprinted from The Great Lakes Reporter, Vol 3, No. 2, Spring, 1986, a publication of the Center for the Great Lakes

When the state of Nebraska told farmer Joy Sporhase that he couldn't irrigate the Colorado portion of his stateline bean field from a well 55 feet inside of Nebraska, he decided to put up a fight. That decision, back in 1976, eventually took him all the way to the U.S. Supreme Court, which ruled in his favor in 1982. The ruling changed the assumptions of more than a century of U.S. water law and had far-reaching effects on the binational protection and management of a vast body of water — the Great Lakes — whose westernmost shores are more than 700 miles from Sporhase's well-watered farm.

The details of those effects, along with background on lake levels, a history of Great Lakes diversion and consumptive use, an analysis of current Great Lakes water management systems, and recommendations for strengthening them, are presented in a new report from The Center for the Great Lakes. Titled **The Law and the Lakes: Toward a Legal Framework for Safeguarding the Great Lakes Water Supply**, the report combines material from a series of Center-commissioned papers by water law experts with discussions from a December 1985 seminar on the legal issues of Great Lakes diversion and consumptive use. The seminar, held in Cleveland, was co-sponsored by The Center for the Great Lakes and Case Western Reserve University's Canada-U.S. Law Institute.

The legal papers themselves have been published as a special winter 1986 issue of Case Western Reserve's *Journal of International Law* and are also available from The Center.

Before the U.S. Supreme Court's precedent-shattering ruling in *Sporhase v. Nebraska*, the U.S. federal government had mainly left questions of water use to the states unless that use involved navigation. As demands have increased, many states have begun to develop permit systems; but their authority remains limited by generations of common law. That law is based, in the East and Midwest, on a tradition of *riparian rights*: the right of shoreline property owners to use water adjoining their land as long as it has no adverse effect on their neighbors' use of the water. In the West, water law also reflects a long-standing tradition of *appropriative rights*: allocations awarded to users by the order in which they staked their claims.

The judges in the Sporhase case upset this ancient tradition by ruling that water is a legitimate article of interstate commerce and

thus subject to federal control. In order to prevent (or exert control over) diversion of it, a state would not only need to present arguments that supported its economic need for the water but also that documented present and projected uses needed to protect the health and welfare of its citizens. Proof would also be needed that a state (or private owner within a state) is using appropriate conservation measures in managing its water, the judges concluded.

The Canadian federal government, like its neighbor to the south, has traditionally had minimal involvement in questions of water use management. Authority rests mainly with the provinces. In Quebec, that authority is based on the Civil Code, modified by recent environmental laws. In Ontario, it is determined, much as in the States, by common law based on riparian rights. Although Canada is theoretically not directly affected by U.S. Supreme Court decisions, provincial leaders, like their counterparts in U.S. state capitols, have become increasingly concerned about the implications of the Sporhase and other recent U.S. court decisions for management of the binational Great Lakes.

The most dramatic response to this binational concern to date was the signing of the Great Lakes Charter in 1985 by the region's eight governors and two premiers. The drafting of the Charter was the most visible product of a year-long task force study on regional water use management conducted under auspices of the Council of Great Lakes Governors. The task force's conclusion was that the current patchwork of laws and court tradition is not adequate to assure regional control if demand for water increases and if proposals are made for massive new diversion — to serve a growing but dry U.S. Southwest, for instance.

By endorsing the Charter, the region's leaders strongly implied opposition to interference in Great Lakes management from beyond the region and without regard for the lakes' fragile ecosystem. They also confirmed their commitment to coordinated management of their shared resource and to developing a process for notifying each other before taking any unilateral action that would affect the lakes' supply.

The recommendations contained in The Center's new report are intended as an action-oriented follow-up to The Charter.

A Call for Action

International water law experts commissioned by The Center for the Great Lakes to study current and future management options for the Great Lakes water supply have

concluded that a coordinated region-wide approach is necessary to protect the lakes' ecosystem and assure an adequate supply for future needs.

The most effective first steps to assure such protection, they further agreed, will be legislative endorsement and administrative action to carry out the goals and principles of the Great Lakes Charter.

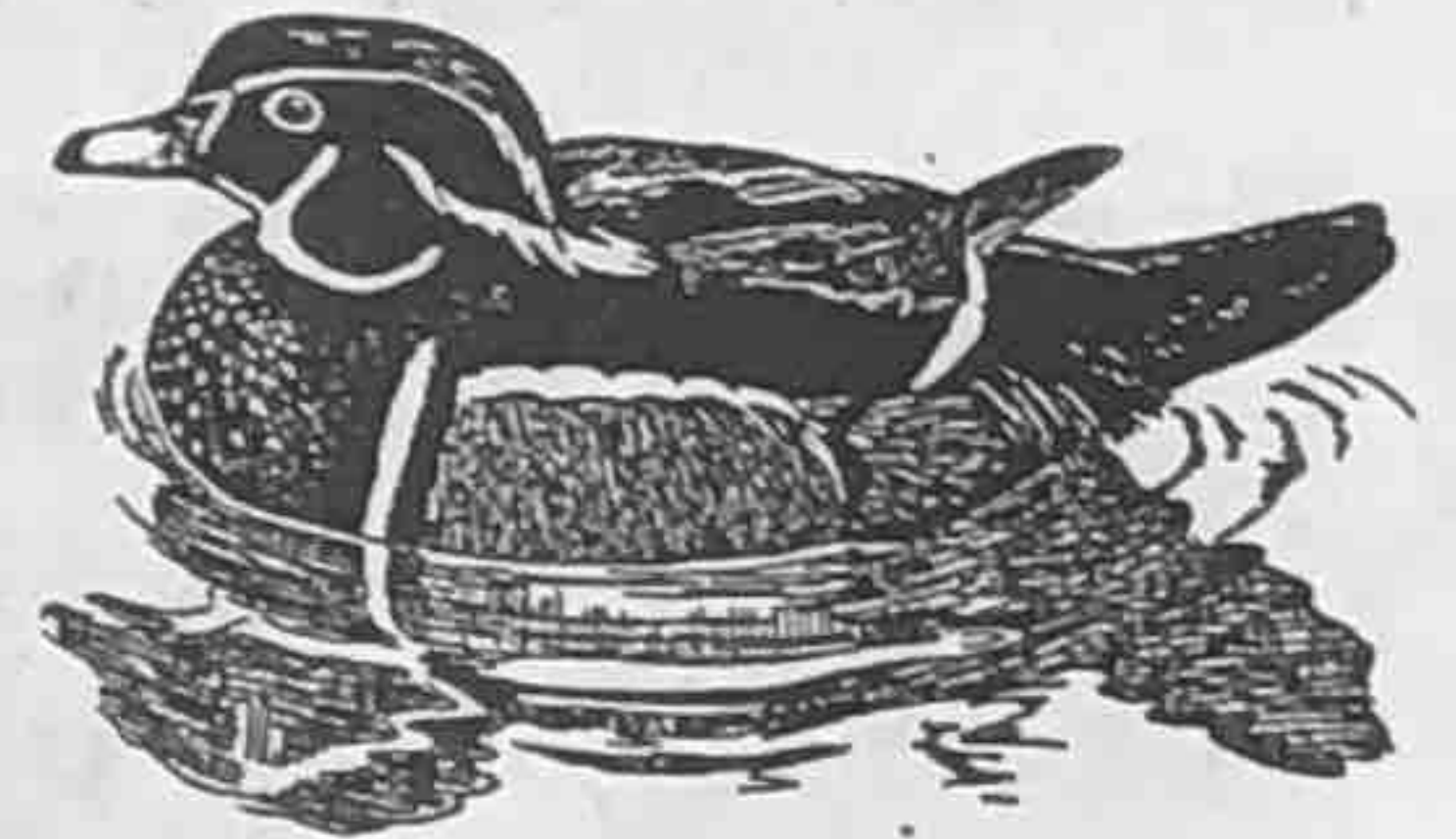
Donna Wise, Center president, noted that "it may be difficult for many of us to imagine a water scarcity at the moment, as the Great Lakes continue to set new high level records. But whether water levels are high or low, we need to be concerned about the long-term implications of fragmented management for this interconnected system."

The legal experts concluded that the most critical weaknesses of the region's current water management system are: the lack of a consistent region-wide data base on which to make allocation decisions; fragmented and sometimes conflicting legislation among the various jurisdictions; the absence of a cooperative, basin-wide management program; and an institutional structure with limited and, in some cases, unclear authority over water management.

The Center's recommendations, based on these conclusions and on consultation with the region's interested public at a conference on diversion held last December in Cleveland, include: (1) establishment of a region-wide data base on water use as soon as possible and development of a long-term plan to assure cooperative funding for its maintenance. (A Council of Great Lakes Governors task force is already working to determine the kinds of data needed and an appropriate storage system); (2) development of the Great Lakes governors and premiers of a research agenda to determine the environmental, economic and social impacts associated with diversion and consumptive use proposals for Great Lakes water; (3) enactment of legislation in each state and province that is consistent with provisions of the Great Lakes Charter; and (4) development by the region's governors and premiers of a working document for a comprehensive, ongoing Basin-wide Water Management Program. This document should be represented for public review, when complete, and submitted to the region's legislative bodies for endorsement.

When all such steps are taken, however, and the region's "house is in order," Donna Wise, Center president, said "much will still remain to be done. Our report recommends consideration, at that time, of a wide range of additional options at federal and international levels."

Waterfowl Survey



Compiled by:
Timothy Andryk
Biological Services Division
-Wildlife Section
Great Lakes Indian Fish and
Wildlife Commission
July 1986

1985 Fall Waterfowl Migration in the Chequamegon Bay - Kakagon Slough Area of Northern Wisconsin

Introduction

A waterfowl monitoring program has been initiated in northern Wisconsin by the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). A combination of fall migration and spring breeding pair surveys are conducted annually in local areas of tribal interest to provide supplementary information to general statewide surveys. The data obtained is utilized for developing tribal waterfowl hunting regulations, assessing the impact of tribal hunts, and for providing assistance to tribal and state waterfowl conservation programs.

The Chequamegon Bay - Kakagon Slough area is a major fall waterfowl staging area in northern Wisconsin. However, until this survey began in 1984, there had been no systematic monitoring of this staging area and little information exists on the size and composition of this area's fall waterfowl population. The objectives of this annual survey are to:

1. Determine dates for arrival, departure and peak concentration of the major waterfowl species using the Chequamegon Bay-Kakagon Slough area in fall.
2. Develop an annual index to the numbers of major waterfowl species using the Chequamegon Bay-Kakagon Slough area during the fall.

Kakagon Sloughs

Puddle ducks constituted 88% of the ducks identified in the Kakagon Slough area from 10 September through 16 October and 74% during the entire survey. The peak concentration on 16 September and the subsequent 62% decrease in the following count on 23 September reflect the cold front (drop of roughly 30 degree F) that occurred in northern Wisconsin on 19 September and the subsequent departure of large numbers of puddle ducks (Andryk et al. 1986). The major departure of puddle ducks occurred roughly 10 days earlier in 1985 than in 1984 and approximately 15 days before the opening of the 1985 state waterfowl hunting season.

The 1985 peak concentration of puddle ducks in the Sloughs occurred 6 weeks earlier than the average peak concentration dates for the statewide and northern Wisconsin averages. The relatively early peak puddle duck concentration in the Sloughs appears attributable to the predominance of the staging teal and the lack of migrant puddle ducks arriving in the area after the early migrating teal and other local puddlers have left.

Seventy percent of the ducks identified in the Sloughs after 16 October were diving ducks. Counts fluctuated between 43 and 175 before complete freeze-up the third week in November.

Results of an aerial survey on 24 September indicated that the ground count on 23 September recorded 91% of

the total ducks observed during the aerial count. As with the Bay count, there was much variability in numbers of each species between the ground and aerial counts. Consequently, the aerial count was probably a more accurate indicator of total numbers, but the ground count was a more accurate predictor of percentages of each species present.

Assuming that the ground surveys observed 91% of the ducks present at the peak count on 16 September, the 1985 peak concentration in the Kakagon Sloughs was roughly 860 ducks (97% puddle ducks). The 1985 peak count was 20% less than the 1984 peak count.

The September peak concentration of puddle ducks appears to mostly consist of local breeding ducks staging in the Sloughs prior to their southward migration. The decrease observed between the 1984 and 1985 peaks was not reflected in the statewide breeding duck survey, which depicted a significant increase in 1985 for this region of the state. The statewide survey though, may not be specific enough to detect changes in the Chequamegon Bay region. Continuation of current Chequamegon Bay area spring breeding duck surveys and fall duck surveys should provide more insight into the relationship between local breeding populations and late summer staging populations.

Hunter bag checks on opening weekend showed an average for the Kakagon Sloughs of 0.8 ducks/hunter, which is roughly the same as the Wisconsin statewide average for ducks/hunter/day. However, the average for most of the hunters in the Sloughs represented 2 days of hunting, and thus actual hunter success was lower than the average. The hunters felt their hunting success was much less than previous opening weekends and expressed their dismay at the late opening date. Our counts indicated that waterfowl abundance in the Sloughs on opening day was approximately 61% less than that at the peak concentration in mid-September.

Canada Geese

Unprecedented high numbers of Canada Geese in northern Wisconsin arrived in early October when Canada experienced an early winter storm. At the peak concentration, a minimum of 100,000 Canada geese were estimated to be in Ashland, Bayfield, Douglas, and Iron Counties on 2 October.

For the first time, significant numbers of Canada geese were observed during fall counts on Chequamegon Bay. From 1 October through 19 November, counts on the Bay fluctuated from 33 to 601 with an average of 258 geese/count. Geese were apparently night roosting on the Bay and moving into alfalfa and small grain fields surrounding the Bay during the day to feed. The geese were typically observed departing at dawn from the Bay, most likely in response to the heavy fishing and waterfowl hunting pressure that the Bay experiences during the fall. Consequently, it appeared that by the time we were able to check all 10 observation stations around the Bay, large numbers of geese had already departed for the day, and thus our counts missed many geese that were night roosting on the Bay.

The largest concentration of night roosting geese on Lake Superior appeared to be in the vicinity of the mouth of the

Bad River, as we regularly observed during early October at least 10,000 geese flying into that area at sunset. These were informal counts from the northern end of the Bad River Reservation, since the remoteness of this area precluded more accurate systematic counts. This area is 3 miles from the nearest road and roughly 10 water miles from the nearest public boat landing, and thus was subject to very little disturbance and appeared to attract many more night roosting geese than Chequamegon Bay.

Results and Discussion

The peak concentration of diving ducks on the Bay was about a week later than the average peak diving duck concentrations of the statewide, Indiana north, and Green Bay-Lake Michigan regions of Wisconsin. In 1984, under what appeared to be a more normal migration the diving duck peak was two weeks later than the statewide and northern Wisconsin average peaks. Consequently, the diving duck migration chronology in Chequamegon Bay appears substantially later than the rest of the state, which is puzzling considering Chequamegon Bay is at the far northern end of Wisconsin.

The late peak concentration on the Bay may be due to ducks moving into the Bay from inland lakes and ponds that freeze over earlier. However, during the 1985 peak concentration, the weather was too warm for freezing conditions to exist on inland waters, and in 1984 the uniform gradual build-up was most likely the result of incoming migrants rather than the abrupt movements of inland ducks responding to freeze-up. Historically, in Green Bay, inland ducks moving into the Bay in response to inland freeze-up results in a longer occupation of the Bay but does not affect the peak concentration dates.

Ducks on the Bay departed quickly after the peak concentration with the onset of partial freeze-up in mid-November. The majority of the scaup had departed by the November 14 opening of the state's special scaup season.

The 1985 peak count of 1410 ducks was 65% higher than 1984's peak count of 857. This increase was more likely due to the shorter compressed migration in 1985, rather than an increase in diving duck populations. Available information suggests that diving duck breeding populations in Canada experienced no significant increase in 1985 (U.S. Fish and Wildlife Service and Canadian Wildlife Service 1985, U.S. Fish and Wildlife et al. 1985).

Results of an aerial survey on 11 November indicated that the ground survey that morning tallied 54% of the total duck number observed from the air. There was much variability though in numbers of each species observed between the aerial and ground counts. The observers for both counts felt that the aerial count was a more accurate indicator of total duck numbers, but species delineation was not as precise from the plane and thus the ground count was probably a better indicator of the percentages of each species present.

Assuming that ground observers tallied 54% of the total numbers present at the peak count on 5 November, then the 1985 peak fall concentration on the Bay was roughly 2600 ducks.





Licensing Nuclear Plants

Licensing Reform Legislation Overview
by Ken Bossong - July 31, 1986

INTRODUCTION

For the past six months, Congress has been considering what is euphemistically known as nuclear licensing "reform" legislation. The key elements of this legislation are:

- (1) approval of standardized "system and subsystem" nuclear plant designs for ten years with a near-automatic ten-year renewal;
- (2) separate "pre-approval" of nuclear plant sites; and
- (3) a single, combined construction permit/operating license, based on "essentially complete design," coupled with burdens of proof for pre-operational hearings so high as to make it practically impossible for citizen intervenors to meet them.

Only a cursory NRC inspection at the conclusion of construction would be necessary before the reactor could begin operating. There would not be an opportunity to review issues that can only be addressed when a plant is ready to go on line such as the quality of the utility's employee training program or its present financial & managerial qualifications. Theoretically, citizens could again participate before the plant begins operating; however, the threshold for citizen participation is set so high that, practically speaking, there would be no opportunity for public intervention on issues such as construction quality, emergency planning, etc.

Backfits & Cost-Benefit Analysis

The bills would place into law the NRC's recently adopted, and faulty, backfit rule which governs when safety alterations may be mandated in existing plants. This would make it much more difficult to change the rule in the future. Additionally, the legislation allows the NRC to consider cost when considering safety requirements. This is contrary to the spirit and intent of the Atomic Energy Act which made public safety the basis for mandating changes.

Status of the Legislation in Congress

Presently, congressional support for enacting some form of licensing "reform" legislation is strong. In fact, if put to a vote today, such legislation might be approved overwhelmingly. However, the bills now before Congress are poorly understood by most members.

There is much agreement in Congress that the NRC is a failure and has lost public confidence. Yet, concern about acid rain and the "greenhouse effect" has persuaded many members that they must "retain the nuclear option." The Chernobyl accident coupled with the number of domestic nuclear plants that are experiencing long delays and massive cost overruns has underscored Congress' perceived need "to do something" in the way of regulatory reform. In addition to the current licensing reform bills, momentum is building to make the NRC a single administrator agency.

In late February 1986, a majority of the members of the House Energy and Commerce Committee's Subcommittee on Energy Conservation and Power wrote chairman Edward Markey (D-MA) of their interest in moving a licensing reform bill this year. Markey responded by offering to host a series of "negotiations" between safe energy groups and nuclear industry representatives.

Given the alternative of having unacceptable legislation enacted, the safe energy groups agreed to participate in the negotiations. The participating groups included Public Citizen (Ken Bossong), Union of Concerned Scientists (Ellyn Weiss), Environmental Action (Dave Culp), Environmental Policy Institute (Dave Berick), Nuclear Information & Resource Service (Bea Trapasso), and U.S. PIRG (Kathleen Welch).

Rather than just discuss a hypothetical "second generation" of nuclear power plants, the safe energy groups broadened the agenda to address what they considered a more pressing concern: the safety of the plants now operating. The negotiations began in early April and continued through mid-July. The substance of these discussions is now being reviewed by Markey's subcommittee staff.

While these negotiations were proceeding, though, licensing reform initiatives began moving elsewhere as well. A subcommittee of Senator McClure's Energy and Commerce Committee held hearings on licensing reform in mid-April; no date is set for mark-up of the bill. A subcommittee of Senator Simpson's Environment and Public Works Committee is also considering its own licensing reform bill. The Senate committees will likely wait for the House to act first.

Of possibly greater significance is the interest in licensing reform shown by the relevant subcommittee of Rep. Morris Udall's Interior Committee. In May, Udall told a national gathering of nuclear industry representatives that he hoped to mark up licensing reform legislation in 1986. He also suggested that he might try to move such legislation during a possible 1986 lame duck session after the November elections -- possibly tacking licensing reform onto the Price-Anderson Act bill. To make good on this, Udall convened a series of hearings in June and July to solicit input from the NRC, the nuclear industry, and safe energy groups. Whether he will now move to mark up licensing reform legislation remains uncertain.

All is not as bleak as this might suggest. No bill has yet been marked up. The safe energy groups have done a good job of broadening the focus to safety problems at current plants. Even strongly pro-industry members concede that any legislation must arguably "make plants safer" although the bills are silent on how to do this.

Safe Energy Groups Response

Even among the safe energy community's allies in Congress, it is not credible to argue that the NRC has failed to assure plant safety but resist making any changes. Thus, the strategy of ignoring the issue or fighting licensing reform is apt to be unsuccessful. Further, while safe energy groups may succeed in preventing

legislation from passing this year, they will likely find themselves in the same or a worse position when the new Congress convenes in 1987. The safe energy community is therefore compelled to respond in some manner.

The best strategy seems to be one of regaining the high ground by offering an alternative package of genuine nuclear reforms. These reforms include removing the promotional (i.e. pro-nuclear) language of the Atomic Energy Act and instead mandating some form of national least-cost planning to govern future power plant construction. Bringing the weapons production reactors presently run by the Department of Energy under NRC jurisdiction has also been proposed.

Another option would be to condition future nuclear construction on advance state approval of specific plants. States should have a role consistent with their duty to protect their citizens (i.e. states should be able to say "no"). Further, pre-operational hearings for any new plants would be mandatory to consider such issues as quality assurance, management competence, financial qualification, employee training, and emergency planning.

fundamental institutional changes in the NRC itself could also be addressed in reform legislation. Reforms could include expanded public access to nuclear safety information and reversing NRC's efforts to close its meetings to the public. An independent Nuclear Safety Board could be set up to investigate accidents and "near-misses" and recommend changes; Senator Biden (S.2291) and Rep. Udall have introduced legislation (S.2291) to this effect. Similarly, an independent NRC Inspector General could be established to investigate cases of agency misconduct; such a bill has already been introduced by Rep. Gedjenson (D-CT).

Significantly, the NRC already has the authority to approve standardized designs, without additional legislation. Legislating standardization is a Trojan Horse the nuclear industry is using to shorten the licensing process by inhibiting public participation.

Early Site Approval

Under the bills, utilities could receive site approval for a nuclear plant up to ten years before beginning construction. As with standardized designs, the bills provide no criteria for site selection. Among the issues that are not addressed are population density, ease of evacuation, environmental impacts, distance from high-level waste repositories, or site impacts on decommissioning.

Moreover, the NRC presently has early site approval regulations on its books that have never been used. This may reflect the lack of need for early site approval. It also suggests that legislation need not be enacted until the existing regulations are tested.

One-Step Licensing

From the industry's point of view, one-step licensing (i.e. removing the public from participation after construction begins) is the crux of licensing "reform" proposals.

Utilities would receive a combined construction permit and operating license at the same time. Citizens would find it difficult to participate in the process before the combined licenses were granted because the issues that could be considered would be limited. For example, questions about the

standardized designs would not be reviewable (or subject to lawsuit).

The bills make no provision for citizens or states to address such questions as emergency preparedness and evacuation plans, the utility's financial and managerial qualifications to operate a proposed reactor, or even the need for the facility. As now written, the bills provide virtually no opportunity for interested parties to acquire information or intervene during the construction phase. It would be difficult to assess whether a plant was in conformity with a standardized design, site approval criteria, or the terms of its one-step construction/operating license.

This legislation would make it easier to build nuclear reactors by severely curtailing the opportunities for citizens and local or state governments to oppose reactor siting or to fight safety problems and the de facto moratorium in place since 1978. Thus, enacting any of the licensing reform bills now before Congress could give the nuclear industry a major psychological boost and improve its standing with potential investors for new plants.

Standardized Plant Designs

The legislation is intended to encourage a new generation of "standardized" nuclear plants. Standardized reactor designs could receive NRC approval and could be renewed every ten years. However, the bills would allow the NRC to subsidize the industry by indefinitely deferring design licensing fees (worth about \$1.5 million/design).

Though standardization could in theory provide safety advantages, the bills do not mandate that future plants be built using standardized designs. In fact, rather than limiting the number of plant designs that could be employed in the future, the nuclear industry wants no limits on the number of designs that could be "standardized." Consequently, there could be dozens of "standardized" designs thereby replicating the present pattern (and problems) of multiple customized designs. "Standardization" could exist in name only with none of the advantages of true standardization.

Further, the bills provide no criteria governing the designs that could be standardized or the level of detail required in designs submitted to the NRC for approval. The bills do not consider such issues as designing future plants to reduce the volume of radioactive wastes or facilitating decommissioning. The bills would not even require an increased level of safety over existing plants. In fact, the bills would permit current faulty designs to be standardized. The bills would not require that approved standardized designs address the many outstanding unresolved generic safety issues that exist at the 100 currently licensed plants and the 20 or so under construction.

The bottom line therefore is that congressional support continues for a pro-industry Price-Anderson bill. The Senate Energy and Natural Resources Committee, for example, has reported out a measure that would limit liability in the event of a major accident to \$2.4 billion. The House Interior Committee's bill would limit liability to \$6.5 billion (following the Chernobyl accident, the Committee reduced the proposed limit from \$8 billion to \$6.5 billion).

At this time, the best

Price-Anderson bill under consideration is a very moderate measure that would limit liability in the event of a major accident to \$2.4 billion (following the Chernobyl accident, the Committee reduced the proposed limit from \$8 billion to \$6.5 billion).

At this time, the best Price-Anderson bill under consideration is a very moderate measure introduced by Senator Stafford which would provide full victim compensation but possibly over a lengthy period of time. Votes in the Senate and House committees, which will shortly be taking up the bill are going to be close; presently it's an uphill fight.

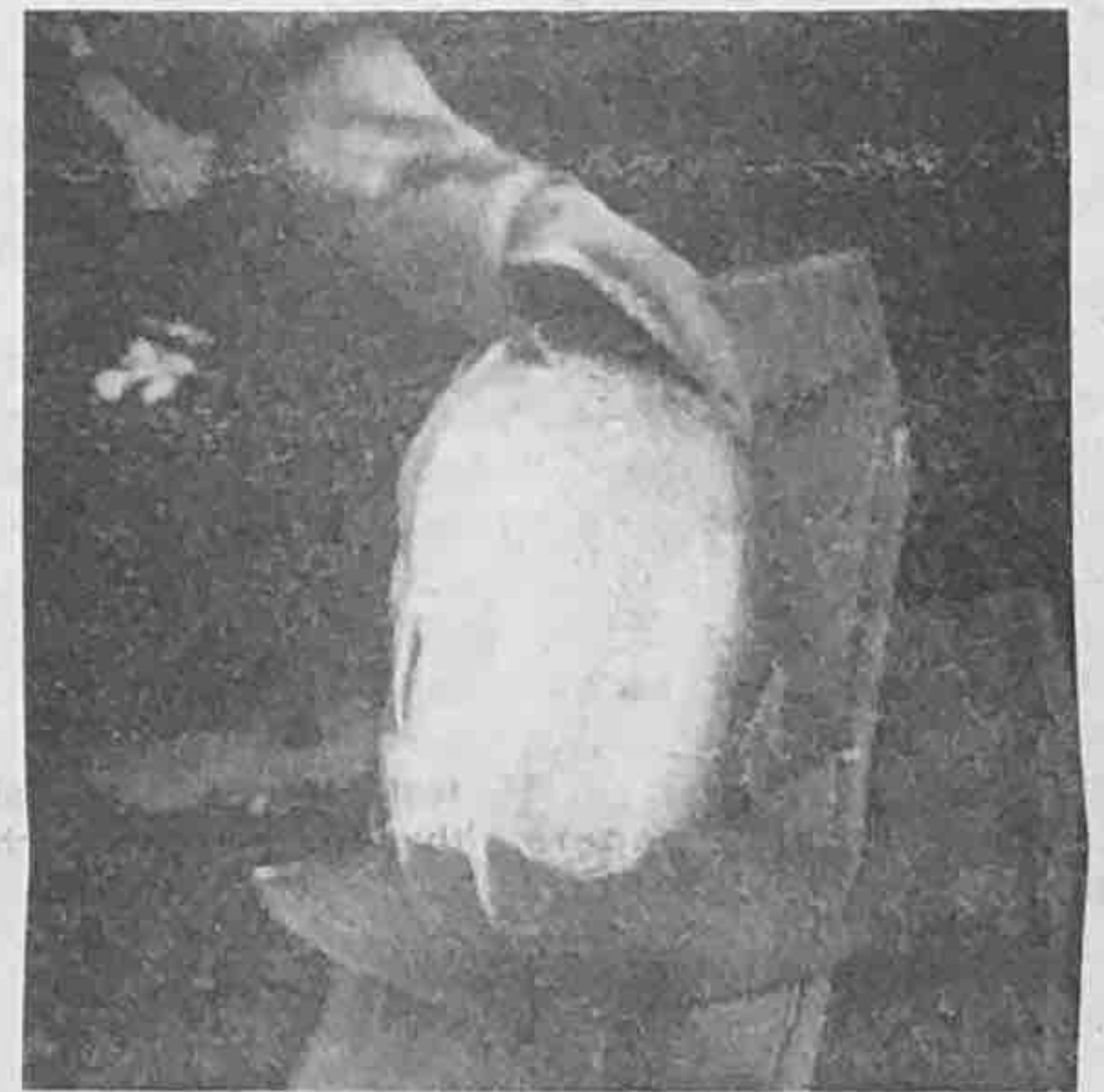
Additionally, congressional interest in enacting some form of nuclear plant licensing "reform" legislation has increased dramatically. Support in Congress for such legislation is presently overwhelming in some key committees each though few members have any real sense of what the current proposals mean or would accomplish. In a nutshell licensing reform, as envisioned by the industry, would



facilitate the construction of new nuclear plants primarily by eliminating most opportunities for public oversight and participation. Enactment would also serve as a factor endorsement of continued reliance on nuclear power.

To stem the pro-nuclear tide in Congress, your help is needed now. Please review the enclosed materials on the Price-Anderson Act and licensing reform legislation. Contact your legislators and urge that they support strong, safe energy policies by opposing licensing reform and enacting a pro-safety Price-Anderson bill. Likewise, alert your members to these issues and have them contact their representatives. Try to have your local papers and radio or TV stations address these issues. And make Price-Anderson and licensing reform key issues in the upcoming election campaigns.

Please contact us if you would like further information. Sincerely,
Ken Bossong, Director
Critical Mass Energy Project
of Public Citizen



Measuring lake trout - part of GLIFWC's on-going assessment.

Michigan Dispute

reprinted from Win Awenen Nistotung

As part of his decision, United States District Court Judge Richard Enslen in Grand Rapids gave the three northern Michigan fishing tribes 90 days to identify their joint and individual needs for the Consent Order funds and to identify the needs that should receive priority attention at a hearing July 2 in Grand Rapids.

The hearing was the result of a suit filed by the Grand Traverse Band of Ottawa and Chippewa Indians against the Sault Ste. Marie Tribe of Chippewa Indians and Bay Mills Indian Community which asked the court to determine whether each tribe was entitled to a specific portion of the federal and state monies owed to the tribes as a result of the Consent Order signed in March, 1985. They also asked the court to determine whether they had to participate in the Chippewa/Ottawa Treaty Fishery Management Authority for purposes other than promulgating joint treaty fishing regulations.

The other two tribes wanted settlement monies to be distributed by the Management Authority.

Judge Enslen also stated that ownership of the trust funds was jointly held by the tribes and were intended to be used to adjust "post-Agreement fishing conditions." Judge Enslen defined these as conversion of fishing operations to accommodate the changes mandated by the Consent Order and to compensate and provide assistance to fishermen who are injured by such changes. He further said that that did not

necessarily mean that each tribe was entitled to a one-third share.

Judge Enslen also stated that the tribes must decide jointly, working through the Management Authority how to spend the funds which should go toward both jointly and individually operated and controlled programs.

He found that unanimous consent of the tribes is required for the expenditure of funds. Once needs have been prioritized by the tribes, a budget should be prepared involving, if necessary, an arbitrator, to assist the tribe to formulate the budget.

The issue of the federal government's \$1.5 million contribution to the trust fund reverting back to the federal government upon the expiration of the Consent Order, was not acted upon because the government has agreed to withdraw this proposal.

Also the judge said that the court lacks the authority to control BIA funding that was not part of the Consent Order but did say that the Bureau should not use Consent Order funding to the tribes for their fisheries programs.

In addition, he said the Treaty Waters Conservation Office should be in Sault Ste. Marie, instead of another site as discussed at several Management Authority meetings.

The lack of agreement among the three tribes as to how Consent Order funds were to be used had prevented the tribes from receiving most of the federal and state monies due them under the Consent Order.

Results of the 1986 Aerial Survey of Northern Wisconsin Wild Rice Beds

Enclosed are lists of bodies of water we surveyed for the plane, with the acres of rice we observed and approximate density of the rice bed. We have already sent ricing regulation fact sheets and a copy of a model tribal ricing ordinance to each tribe.

Note that on the list of 1986 rice beds, there is an "o" after waterbodies that do not have a closed period and thus do not require a tribal conservation department and/or the Wisconsin DNR to open them. All other lakes listed must either be opened by a tribal conservation department and/or the Wisconsin DNR in order for tribal members or non-Indians to rice on them. The bodies of water that do not have regulated opening dates are either rivers or flowages that DNR does not feel they have regulatory authority over, or relatively new rice lakes that have not been incorporated yet into the state rule making process.

By tribal-state agreement the DNR cannot open a lake for ricing unless the designated tribe concurs in the opening. Once the tribe and the DNR agrees that a lake should be opened, signs at the public landings on the lake must be posted indicating the lake will open for ricing in 24 hours. I have enclosed a list of the individual tribe that is the DNR's contact for opening lakes in each county.

Northwest Wild Rice

Overall, rice acreage and density this year appears favorable, but not as good as in 1985 because of high spring May-June water levels in some drainages. There were some notable exceptions as some lakes experienced large increases. Lake Totogatic in southern Bayfield County (near Cable) is the most notable, going from roughly 8 acres of sparse density rice in 1985 to about 200 acres of dense rice stands in 1986. In the same area, Lake Pacwawong (northern Sawyer Co. by Seeley) supported roughly 100 acres of dense rice beds in 1986. Blaisdale Lake in western Sawyer Co. (roughly 12 miles northeast of Winter) went from about 19 acres of medium dense rice in 1985 to roughly 90 acres of medium dense rice in 1986. The other notable rice lake in northwest Wisconsin is Big Clam Lake in central Burnett Co. (near Siren) which supported roughly 200 acres of dense rice stands. The Briggs Lk. - Loon Lk. - Gull Lk. chain of northern Burnett Co. also has excellent rice this year, supporting a total of approximately 112 acres of dense rice stands.

Northeast Wisconsin

Overall, wild rice density and acreage were favorable in the northeast Ceded Territory and experienced less of a decrease from 1985 than the decrease experienced in the northwest. However, high May-June waterlevels and competing aquatic plants (especially water lily and water shield) did substantially reduce rice density and acreage on a few rice lakes, resulting in a decrease in total rice acreage and density of the Northwest.

Western Oneida County supported the most extensive rice beds in the northeast. The Thoroughfare between highway 32 and Big Lake (just east of Three Lakes) supported about 160 acres of the densest rice we observed on the survey. Spur Lake, .3 miles south of Three Lakes supported roughly 110 acres of dense rice, and Rice Lake 4 miles northwest of Three Lakes supported approximately 120 acres of medium dense rice stands. A backwater section of the Wisconsin River in Onieda County (5 miles northwest of Rhinelander by highway 47) supported roughly 120 acres of dense rice stands. The Wisconsin River in Lincoln County supported a total of about 280 acres of rice, but that was mostly in small beds (2 to 3 acres) scattered along a 25 mile stretch of river from Tomahawk to Merrill, with the most harvestable stands just north of Merrill at the mouth of the Copper River.

The most notable wild rice lakes in Vilas County were Island Lake (6 miles east of Manitowish Waters), which supported approximately 90 acres of medium to dense rice stands, and Irving Lake which also supported 90 acres of medium to dense rice stands. The most notable Lake in Forest County was Little Rice Lake (5 miles west of Crandon) which supported roughly 70 acres of dense rice stands.



Wild Rice Surveys from Plane and from Boat



Tim Andryk and Mike Isham and the plane they flew in to conduct the 1986 aerial survey of northern Wisconsin wild rice beds. They used the survey information to develop lists of lakes, rivers, and flowages that supported wild rice in 1986, the acres and density of each bed and the location. These lists were then distributed to tribal conservation departments and wild ricers prior to the ricing season.



Aerial view of rice beds on the Manitowish River in Vilas County.



Ron Parisien and Mike Isham collecting bottom samples from this year's extraordinary rice bed in Totogatic Lake, southern Bayfield County. The samples will then be analyzed for bottom nutrients to determine how that relates to wild rice acreage and density.



Wildlife Aides Ron Parisien and Mike Isham analyzing the water chemistry and quality of water in various rice beds.

Waterfowl Survey

1986 Waterfowl Breeding Populations in the Chequamegon Bay and Powell Marsh Areas of Northern Wisconsin

Compiled by:
Timothy Andryk
Wildlife Section - Biological Services Division Great Lakes Indian Fish and Wildlife Commission
July 1985

high lake density region of northwestern Wisconsin, located at the corners of Vilas, Iron, and Price counties. Situated in the center of this area is its largest block of waterfowl habitat, the 10,000 acre Powell Marsh. The south half of Powell Marsh is part of the Lac du Flambeau Indian Reservation (LDF) and the north half is a state wildlife area. This marsh is an open marsh-bog wetland, interspersed with and surrounded by lakes and upland hardwoods. The remainder of the Powell Marsh survey area consists of the Highland State forest and Lac du Flambeau reservation, which are characterized by lakes, streams, and marsh-bog wetlands.

Results and Discussion

Results are species specific for the two most common breeding ducks observed, mallards and blue-winged teal. Wood ducks were observed, in comparable numbers, however, aerial surveys are not an adequate inventory technique for wood ducks. Consequently, the wood duck data was combined with that of other species.

Chequamegon Bay Area

The breeding habitat surveyed in the chequamegon Bay area had an estimated breeding duck density of 12.3 ducks/mi². This is less than the 1985 estimate of 16.2 ducks/mi² (Andryk 1985), but the 1985 survey was conducted on 27 April before major concentrations of spring migrants departed, leading to an inflated density estimate. The 1986 estimate of 12.3 ducks/mi² is higher than the 1986 estimate of 5.6 ducks/mi² for the northern low density region of Wisconsin. However, the regional estimate is extrapolated over both wetland and non-wetland habitats, while the Bay estimate represents only wetland habitat actually surveyed. Consequently, the two estimates are not comparable.

Mallards appeared to be the most abundant breeding duck in the Bad River and Fish Creek sloughs with the highest density observed in Fish Creek. Redbreasted mergansers appeared to be the most common breeding duck along the Bay shoreline. Redbreasted mergansers breed on the Bay, as we commonly observe their broods in summer.

Eighteen black ducks were observed in the Bay area, mostly in the Bad River Reservation Sloughs. This is roughly the same number of black ducks that were observed in spring of 1985. Black ducks are a traditional breeder in the Kakagon Sloughs of the Bad River Reservation and because of their precarious status (U.S.

Fish and Wildl. Serv. et al. 1985, U.S. Fish and Wildl. Serv. and Canadian Fish and Wildl. Serv. 1985) their numbers are closely monitored during this survey.

Powell Marsh Area

The estimated breeding duck density for the Powell Marsh area was 13.0 ducks/mi², a 55% increase over the 1985 spring estimate. The 1986 density estimate was also 30% greater than the 1986 statewide survey estimate of 10.0 ducks/mi² for this northern Wisconsin region, but the difference may be due to less wetland habitat in the overall region. The region during the 1986 survey had a lower density (estimated at roughly 1/4 less) of deep water marsh and open water wetlands (the wetland types on which ducks are most commonly observed in northern Wisconsin) with a higher occupancy of wetland habitat by ducks (roughly twice the percent occupancy) than the Powell Marsh area. Consequently, differences between this survey and the statewide survey should be treated with caution.

Mallards appeared to be the most common breeding duck in the Powell Marsh area, which is consistent with the results of the 1985 survey and the results of the 1986 survey of the northern Wisconsin high density region. Mallard density estimates increased 2 to 3 fold in the Powell Marsh survey area and in the Powell Marsh proper. The statewide survey also depicted a substantial increase (56%) in mallard populations from 1985 in this northern region.

As in 1985, the most common breeding duck species observed in the Powell Marsh proper were mallards and blue-winged teal. This intensively managed portion of Powell Marsh appeared to experience a 66% increase in breeding ducks over the 1985 numbers.

Aerial crews observed an estimated 53% of the ducks in the area that was ground truthed in 1986 and 42% in 1985 (Andryk 1985), which are relatively high rates when compared to aerial observation rates of 20 and 30% common on statewide surveys. Consequently, the technique of conducting a total waterfowl count by fixed-wing of all breeding habitat in the 170 mi² survey area appears valid.

As in 1985 ground survey crews recorded significant numbers of shovellers in the Fish Creek Sloughs which the aerial crew did not observe. Other breeding waterfowl species observed in the Bay include: wood duck, hooded merganser, wigeon, and canvasback.

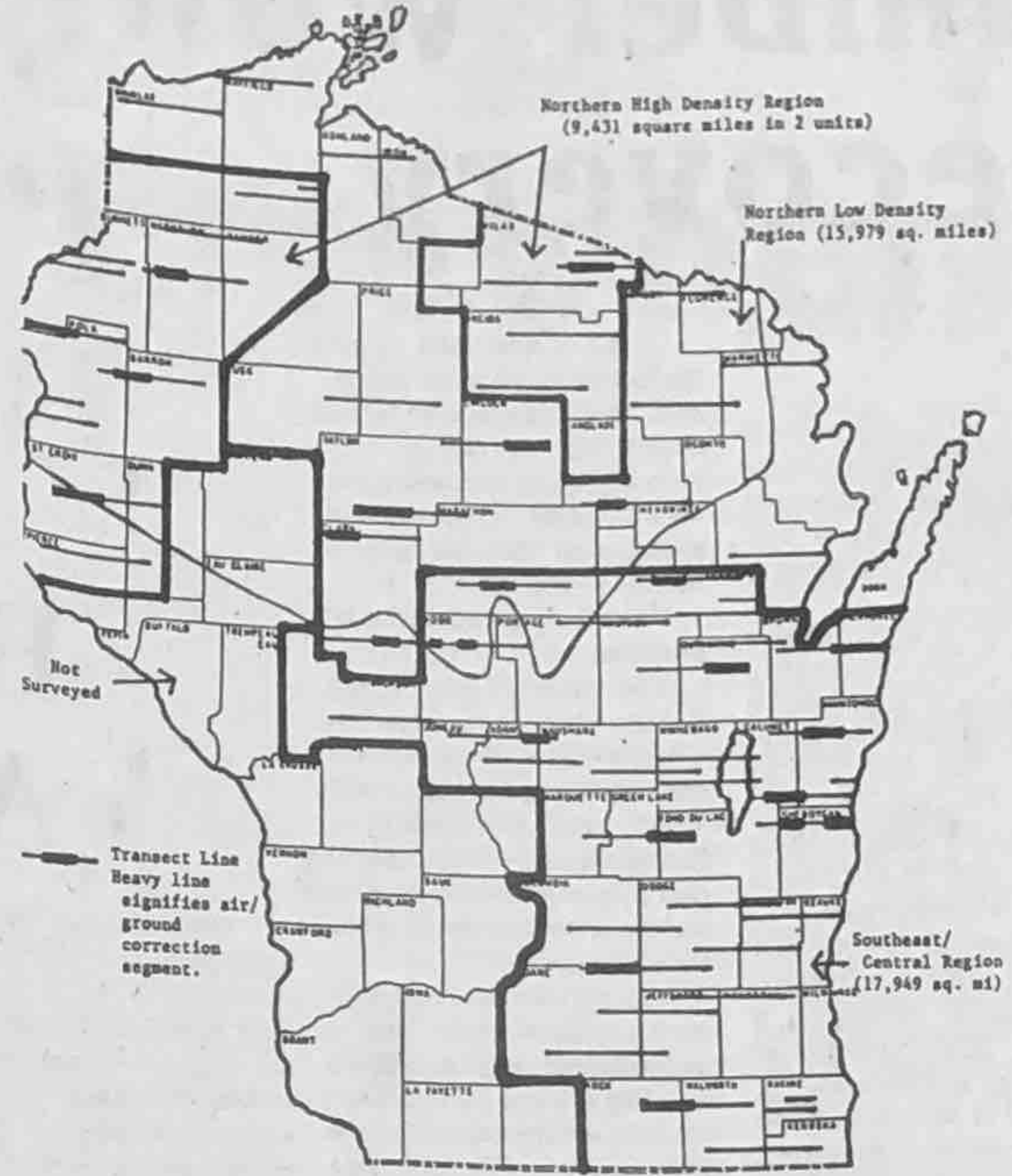


Fig. 3 Survey regions and transect locations for the Wisconsin statewide breeding waterfowl survey.

Wisconsin Breeding Duck Populations 1973-1986
Wisconsin Department of Natural Resources
Great Lakes Indian Fish and Wildlife Commission
Douglas Fendry, Timothy Andryk, Terry Sheafor, Richard Hunt, John Wetzel
June 1986

Introduction

Statewide breeding waterfowl and habitat surveys have been conducted in Wisconsin from 1973 through 1986. This survey documents waterfowl and wetlands trends and allows the Wisconsin Department of Natural Resources to make harvest regulations based on current breeding waterfowl populations.

Results and Discussion Ducks

Survey results separate mallards and bluewinged teal from other ducks. Wood ducks are included with "Other Species" because wood ducks are not adequately inventoried using aerial surveys. It should be emphasized that population indices for bluewinged teal in northern Wisconsin and "Other Species" in all regions should be treated with caution due to low sample sizes.

The total breeding duck index increased 26 percent from 1985. A 20 percent change is considered significant for this survey. Total duck populations were 12 percent higher than the 13 year average.

Mallard

Mallard population indices increased about 2 fold in the southeast/central region, about 1.5 fold in the northern high region and remained the same in the northern low region compared to 1985. Statewide mallard populations increased 67 percent.

High air/ground correction factors resulted in the large increase in the mallard index. Numbers of mallards seen by aerial observers did not indicate as large an increase in numbers of breeding mallards. Aerial observers saw an 11 percent increase in mallards in the southeast/central region, no change in the northern high region, a 46 percent increase in the northern low region and a 12 percent increase statewide.

Canada Geese

Breeding Canada goose populations are increasing in Wisconsin, but were not included in this report in previous years due to low sample size. Forty-two Canada geese were observed in the southeast/central region in 1986, which gives a population index of 3500 birds. Sample sizes were too low in the northern high and northern low regions (8 and 3 respectively) to provide reliable population indices.

Canada goose numbers do not necessarily represent breeding populations because Canada geese do not breed their first year. Therefore, this index is a total population index.

Blue-winged Teal

The blue-winged teal index increased about 3 fold in the southeast/central region, and decreased 41 percent in the northern high region and 61 percent in the northern low region compared to 1985. Statewide blue-wing teal populations increased 30 percent.

High air/ground correction factors also affected bluewing teal numbers. Aerial observers saw a 46 percent decrease in blue-winged teal in the southeast/central region, 52 percent decrease in the northern high region, no change in the northern low region and a 44 percent decrease statewide.

Wetlands

Type I, II and VI wetlands increased in the southeast/central and northern high region and decreased in the northern low region in 1985. Waterfowl were observed most frequently in Type IV and V wetlands.

Changes in the more permanent wetland types (III, IV and V) may be due to the way wetlands have been recorded. In previous years, a designated observer recorded all wetland data. This resulted in wetlands being recorded on either side of the plane depending on flight direction as the plane does not fly transects in the same direction every year. Therefore, individual wetlands may have been missed if the plane flew in the opposite directions on succeeding years. Wetlands will now be recorded on the north side of the plane, regardless of flight direction.

Survey Areas

The Chequamegon Bay survey area is located in northwestern Wisconsin along the south shore of Lake Superior. The largest block of waterfowl habitat in this area is the 15,000 acre slough system associated with the Kakagon and Bad Rivers on the northern portion of the Bad River Indian Reservation. The sloughs comprise an approximately equal mixture of bottomland hardwoods and open marsh. The marsh supports extensive stands of wild rice and pondweeds along with other important waterfowl food and cover plants. The remainder of waterfowl habitat in this area consists of Lake Superior bays and inlets adjacent to upland shores, and the Fish Creek sloughs, 1,000 acres of open marsh and flooded hardwoods at the southwest end of Chequamegon Bay.

The Powell Marsh survey area is a 195 mi² portion of the

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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, Odonah, WI 54861. The name is an Ojibewa word for paper. Some of the elders referred to the treaties as gitchi-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 Spreutels

2. 1986 Wisconsin breeding waterfowl data.

Species	Birds Seen By Aerial Observers	Expansion Factor ^a	Aerial Population Index	Air/ground Correction Factor	Population Index ^b
Mallard Region^c					
SEC	362	82.52	29872	0.39	76600
NH	110	96.73	10640	0.2	53200
NL	76	163.89	12456	0.43	29000
Subtotal					158800
Blue-winged Teal Region					
SEC	100	82.52	8252	0.13	63500
NH	40	96.73	3869	0.3	12900
NL	20	163.89	3278	0.38	8600
Subtotal					85000
Other Duck Species^d Region					
SEC	90	82.52	7427	1	7400
NH	56	96.73	5417	0.19	28500
NL	32	163.89	5244	0.1	52400
Subtotal					88300
Canada Geese Region					
SEC	42	82.52	3466	1	3500
NH	8	96.73	774	0.2	3900
NL	3	163.89	492	1	500
Subtotal					6900

^aExpansion factor is square miles in region divide by square miles in sample.
^bNumbers rounded to nearest 100.
^cSEC = Southeast Central, NH = Northern High, NL = Northern Low
^dIncluded are wood duck, black duck, shoveler and pintail in SEC; wood duck, ring-neck, hooded and red-breasted merganser in NH; wood duck, black duck, green-winged teal, and red-breasted merganser in NL.

Timber Wolf Recovery

Timber Wolf Recovery In Wisconsin

MADISON, WI — Wisconsin is planning a home for one of nature's most family-oriented yet misunderstood creatures ever to walk the earth - the Eastern Timber Wolf.

The wolf is a shy, elusive creature with a highly developed social order. But it also is the victim of misinformation and hate, the subject of centuries of persecution by humans who believed it a demon, a killer of children, a cunning conspiring beast.

So a team of 13 biologists and other experts is seeking public help in developing a recovery plan aimed at establishing a self-sustaining population of wolves that can live in harmony with people and their natural surroundings.

The team, organized by the Department of Natural Resources, has scheduled nine meetings to explain the turbulent and unfortunate history of the wolf and to seek public understanding that will allow it to become a part of Wisconsin's future.

"We have our work cut out for us," said Richard Thiel, wolf biologist with the Bureau of Endangered Resources at the Department of Natural Resources. "Only 15 timber wolves remain in Wisconsin. As many as 25,000 may have once roamed our forests and prairies."

The settlers who came in the early 1800's feared for their safety and livestock and worked to exterminate the wolf. Bounties established in the 1800s were not removed until 1957 - then just one known wolf remained here and it was killed by a car in 1958, Thiel said. From 1958 to 1975, no timber wolves were found in Wisconsin.

Joining Thiel and other Department officials on the Timber Wolf Recovery team are representatives of the U.S. Forest Service and the Wisconsin County Forests Association. Their goal is to have a self-sustaining population of timber wolves in northern Wisconsin. Key to the effort is public participation.

The nine public forums will be held in September, with emphasis on northern Wisconsin where wolf habitat is best, according to wildlife staff specialist Terry Valen, a member of the team. The meeting dates, times and locations:

September 22, Park Falls High School, Park Falls

September 22, University of Wisconsin, Student Union, Madison

September 23, UW-Stevens Point, College of Natural Resources Building, Stevens Point

September 23, Florence High School, Florence

September 23, UW-Barron County campus, Rice Lake

September 24, Superior Senior High School, Superior

September 25, University of Wisconsin-Green Bay, Green Bay

September 25, Milwaukee Area Technical College, Milwaukee

All meetings statewide are scheduled from 7 - 9 p.m.

"The purpose of these meetings," said Valen, "is to listen to the concerns of the public. We will be there to answer questions and present some basic information about wolves in Wisconsin. But the DNR doesn't have a recovery plan - there's nothing to vote on. We're going to be there to listen."

"We know the wolf's biological and habitat needs," said Thiel. "But three factors make wolf recovery very tenuous: Few of the young survive. Wolves need lots of space. And they fall prey to human killers."

Thiel explained the three problems:

Survival of the young: Because only one male and one female in a wolf pack mate, only 5 to 6 pups are born each year and few survive. Biologists suspect that canine parvo virus, a disease common and preventable in dogs, is killing wolf pups.

Space: Wolves need wild, remote places where land is undeveloped and roads are few. The average wolf pack territory in northern Wisconsin is 100 square miles, an area roughly four times the size of the City of Wausau and its suburbs. Such inaccessible areas provide solitude and protection from people.

People: An estimated half of Wisconsin's wolves die each year. Of those, half die from gunshot wounds. It's illegal to shoot timber wolves. The federal fine is \$10,000; the state fine is \$2,000.

"Some people are violently against wolves because they eat meat, deer in particular," said Thiel.

According to research done by Thiel and his associates, 55 percent of the wolf's diet is comprised of deer; 16 percent is beaver, 10 percent is snowshoe hare and the remainder is mice, squirrels, muskrats and other small mammals.

"But there is no record of wolves ever attacking a human, in Wisconsin or anywhere else in the United States," said Thiel. "Wolves don't eat people. That's fairy tale stuff. They avoid contact of any kind with people. It's rare that anyone would ever see a wolf."

Before a successful recovery plan can be developed the biologists admit that public concerns must be understood and public misconceptions about the wolf must be corrected.

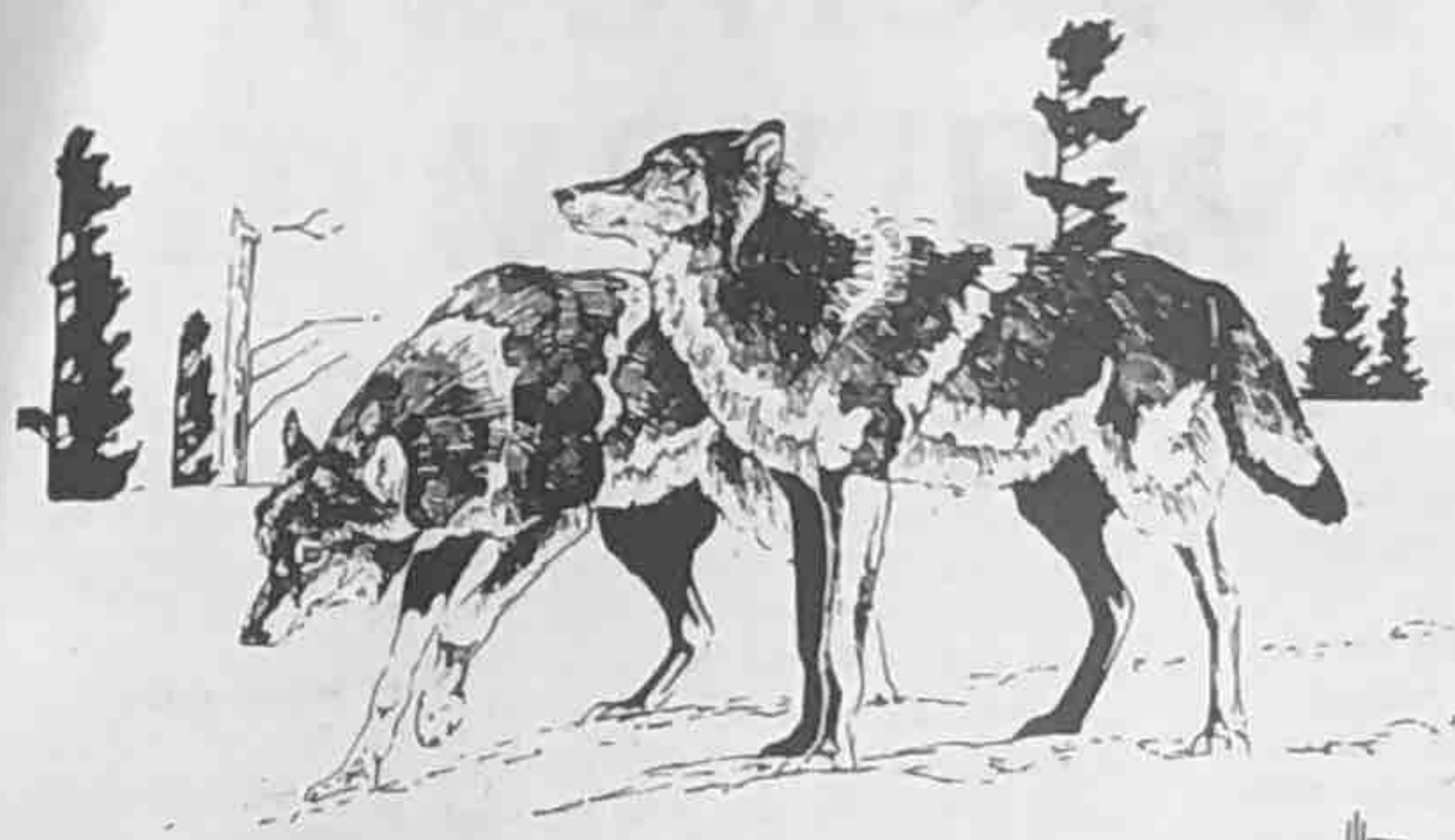
"Wolves are very much a part of Wisconsin's natural wildlife heritage, although some do not want wolves in the state," said DNR Secretary C.D. Besadny. "We hope to work with people of all views in developing a timber wolf recovery plan that will be acceptable and successful."

The Bureau of Endangered Resources will coordinate the plan, Besadny said.

"Developing a recovery plan that people will accept is the key to saving the wolf," insisted Ron Nicotera, director of the Bureau. "Without the help of our residents the timber wolf will become extinct in Wisconsin. We may develop a recovery plan, but people hold the fate of the wolf in their hands."

Said Thiel: "It's difficult to predict how long it will take before our goal of a self-sustaining wolf population is achieved. So many factors enter into the picture. But if Wisconsin citizens can support the recovery effort, someday we may restore the wolf to its rightful place in our natural heritage."

"Few may ever get the opportunity to catch a glimpse of a wolf or hear them howl on a moonlit night... but there's really no thrill quite like it."



Electrofishing for Assessment

Electrofishing has once again begun for GLIFWC staff. According to Neil Kmiecik, inland fisheries biologist, there are tentative plans to electrofish 33 lakes which are within eight different counties in the ceded territory. The majority of the lakes to be electrofished were speared in 1985 and 1986 or during one of those years.

This summer's electrofishing began on July 14 and will run for approximately 15 weeks, ending October 31. This year's electrofishing crew are: Butch Mieloszyk, Mark Soulier and Thomas O'Connor. The guys work four nights a week, and spend the majority of the night on the lake.

Looking at the boat from shore, one might think they were being invaded by aliens. The boat is brightly lit with "Booms" extending 12 feet out in front of the boat. The Booms are 16 foot poles, which are approximately 5 feet apart. These Booms have three flexible steel droppers dangling from them. The current goes through these droppers and stuns the fish so the species desired can be netted and stored in a holding tank. From the holding tank the fish are identified, measured, clipped if necessary and are then released.

GLIFWC staff are attempting to get an idea of the relative abundance of age 0 walleye (walleye produced this year) either through natural reproduction or stocking, said Kmiecik. Staff will also be able to evaluate the success of stocking on certain lakes.

GLIFWC and the Department of Natural Resources (DNR) personnel have joint electrofishing plans for population estimates on fingerling walleye in several lakes. They plan to team shock to cover the entire shoreline, Kmiecik said.

According to Kmiecik, GLIFWC staff has begun their electrofishing early, compared with the DNR. He said the DNR normally begin their work at the end of August or September. By beginning earlier GLIFWC will be able to extend their field season work and will be able to cover more area.



Mark Soulier, left, and Butch Mieloszyk are busily loading the boat. Each night before shocking, the boat has to be loaded and the shocking equipment hooked up.



Butch Mieloszyk climbs into the electrofishing boat to check equipment and supplies before heading out for a nights shocking.



Neil Kmiecik, left, and Butch Mieloszyk are preparing to shove off.

News from Here & Elsewhere

Indian Casino Gambling In Michigan Declared Illegal

CINCINNATI, OH (IPN) - The U.S. 6th Circuit Court of Appeals upheld a Western Michigan District Court decision that commercial casino-style gambling operations conducted on Indian tribal grounds are illegal. The appellate court referred to the Organized Crime Control Act of 1970, which extends federal rather than state jurisdiction over Indian tribes, as a basis for its decision.

After the Keweenaw Bay Indian Community issued a license to Frederick and Sybil Dakota in 1984, allowing them to operate a gambling business for profit, the Dakotas conducted blackjack, craps and poker games in a building located within the boundaries of Keweenaw Bay territory.

In June of 1985, the district court issued a statement that the Dakotas' gaming operations violated federal law. The Dakotas, both enrolled members of the community, were ordered by the court to close their business. The court also ordered the tribal council to stop issuing gambling licenses.

The Dakotas appealed the decision, contending their business did not violate Michigan law. The appeals court unanimously ruled that the district court was correct.

"The activities at issue in this case are not, as defendants would have it, simply poker and blackjack," the appeals court wrote. "Rather, as the district court concluded, the Dakotas are engaged in commercial casino gambling. Such enterprises are illegal in Michigan."

"We believe our decision today presents no threat to Indian sovereignty, but rather only underscores the supremacy of federal law," the court wrote.

Wisconsin Limits Indian Liquor Sales

MADISON, WI (IPN) - The Wisconsin Attorney General ruled on July 28 that privately owned liquor stores on Indian reservations must abide by Wisconsin liquor laws.

Reservation businesses are required to have a state liquor license, which counts towards the municipality's quota, and a license from the tribal council, said Attorney General Bronson La Follette in a formal opinion. The opinion is restricted to privately owned businesses.

The opinion was requested by Forest County District Attorney Kevin Kelley, regarding the Sokaogan Mole Lake Chippewa Community Reservation.

Treaties Enforceable, Says Gubernatorial Candidate

MADISON, WI (IPN) - The state cannot properly enforce treaties that were made with Indians a hundred years ago when times were different and there were no motor boats and flashlights, said an independent Wisconsin gubernatorial candidate August 14.

"If they (the Indians) want to get out there with a birch bark canoe, they're entitled to," said Darold Wall. "But I say we should go by the grounds the treaties were laid by."

Wall, 39, a Chippewa County real estate agent who lives in Cadott has near run for public office but decided to challenge the incumbent Governor Anthony Earl.

"I don't have the answers. I've just got a lot of questions that I would seek to find the answers to through common sense," said Wall.

Wisconsin hunting and fishing seasons have been tense in recent years, as Indian hunters and fishermen have moved to assert tribal rights reserved by treaty and backed by court decisions.

Navajo Relocation Must Be Completed - Swimmer

WASHINGTON, DC (IPN) - Assistant Secretary of the Interior Ross Swimmer recommended sticking to the original relocation plan for the Navajo and Hopi families still in the Joint Use Area, at a House panel meeting on July 19. "You can't undo what's done," Swimmer said.

Rep. Bill Richardson (D-NM) said the relocation plan was "a comedy of errors, an abysmal failure" costing taxpayers about \$70,000 for each relocated family.

"We've spent \$100 million and we don't know how many people are there," said Rep. Manuel Lujan (R-NM). "Is anyone thinking of other solution than moving people?"

Navajo Chairman Peterson Zah said, "If the Navajos had a choice to move or stay, the majority would stay. We treat the land as our mother." Swimmer had testified the most of the Navajo families would relocate willingly.

Ralph Watkins, chairman of the Navajo and Hopi Indian Relocation Commission, suggested that all Navajos who want to be moved be allowed to relocate instead of relocating only those living on Hopi land.

Watkins said the federal government should provide the money within three years for the Navajos who have agreed to move.

The present relocation plan has been described as a failure. Eighty four million dollars has been spent on relocation this year. The amount appropriated by Congress was \$22 million.

Swimmer said the original plan was hampered because triple the anticipated number of families signed up than were anticipated and there has been a problem of a lack of water on the relocation land.

By January of 1988 a 400,000 acre New Lands area will be developed to accommodate the remaining 250 families to provide for homes, grazing lands, roads and a temporary water supply, according to the BIA director. Swimmer proposed that the Navajo families be professionally counseled to help them adjust to relocation.

Both Swimmer and Watkins said they do not know how many families still live on the Hopi land.

Debt Ceiling Limitation Legislation

The following language was added to the Debt Ceiling Limitation Bill by Senator Bill Bradley, Democrat, New Jersey, on the morning of August 1, 1986. Absolutely no opposition was voiced by any of the U.S. Senators as regards the addition. The purpose was to add amendatory language to provide clarification of tax exemption for the Treaty Indian fishery.

A. Notwithstanding any other provision of law -

(1) Income derived by an Indian from fishing, whether from commercial or subject to, or taken into account in determining, any income tax imposed by the Internal Revenue Code of 1954, by any other provision of federal law, or by any laws of the state or political subdivisions of the state.

(2) Any activities conducted by any Indian in connection with fishing shall not be subject to any tax imposed by the Internal Revenue Code of 1954, by any other federal law, or by any laws of a state or political subdivision of a state, if the rights of such Indian to fish are provided for, or secured by, any treaty or other provision of federal law, regardless whether such rights are limited to subsistence or commercial fishing.

B. Provisions of Subsection A shall apply notwithstanding any other provision of federal law that may be enacted on or after the date of enactment of this act, unless such subsequent provisions of federal law specifically cites this section.

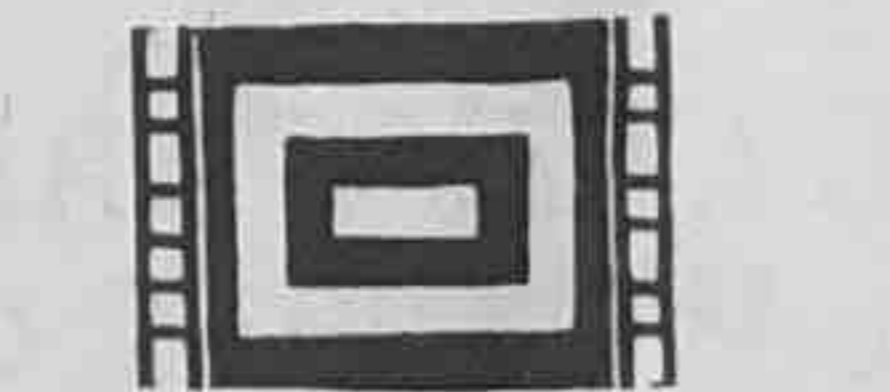
The above language has been attached to the Senate version of the Debt Ceiling Bill as amendatory language. Senator Bill Bradley will guarantee support for the same throughout the remaining legislative process. The bill is now being submitted to the House Ways and Means Committee. The Chairman of that Committee is Congressman Dan Rostenkowski. Senator Bill Bradley will talk to him personally and request they add the same amendatory language to the House Bill version.

If it goes through, the House without any changes, then we will be okay. However, if its debated and torn apart on the House Side, it will be forced into conference by the Senate and the House and we would have to monitor this.

All tribes and Indian organizations are requested to send letters of support directly to:

Congressman Dan Rostenkowski
Chairman, House Ways & Means Committee
2111 Rayburn House Office Bldg.
Washington, D.C. 20515
(202) 225-4016

Respectfully,
Jewell Praying Wolf James Lummi Treaty Task Force
Lummi Indian Tribe



Dann Sisters' Shoshone Treaty Case Wins Court Round

RENO, NV (IPN) - A twelve-year court battle over Shoshone lands posted a victory for two Indian sisters on August 1.

Mary and Carrie Dann, both Western Shoshone Indians are on the favorable end of a ruling by Judge Bruce R. Thompson that they have unlimited grazing rights on former tribal lands and that the land use was lawful under Western Shoshone tribal title until 1979.

The victory in the U.S. District Court keeps alive the tribe's claim that it never gave up as much as 16 million acres of western land which the government contends it gave up under a decision by the Indian Claims Commission.

"We do not feel we won," said Jon O'Connell, the sisters' lawyer. "The Dannes' position has always been they were asserting Western Shoshone national title. . . that the whole purpose of this thing was to assert tribal rights."

The sisters were acting in retaliation to a government suit that they trespassed on B.L. range and for interfering with the bureau's ability to control the lands. The Dannes claimed the tribe never relinquished its aboriginal rights to 16 million acres of land across western Nevada and into adjoining states.

In 1980 Thompson ruled the sisters were not trespassing and rejected tribal claim to the public lands. The 9th Circuit Court sent the case back to Thompson, saying the Shoshones had not accepted and never received a \$26 million award they were supposed to receive for lost tribal lands.

Anti-Indian Resolution Law Gains Louisiana Supporters

NEW ORLEANS, LA (IPN) - There were no Indian representatives at a meeting in which state legislators decided to support in principle, a Utah-drafted resolution that calls on Congress to prevent Indian tribes from having taxation and other governmental powers over on Indians on-reservation land.

Members of the Energy and Natural Resources Committee of the National Conference of State Legislatures directed that the resolution be rewritten for a formal vote at the committee's next meeting in Washington this fall.

"I was really surprised at the broad base of support," said Utah Sen. Glade Sowards (R-Park City), chairman of the committee. "Usually you have some more liberal legislators who think you're trying to block the rights of minorities. But there was no opposition to the concept of the resolution." The resolution opposes allowing Indian tribal governments civil authority over whites, including the power to levy taxes which is reserved for state and local governments.

"It basically opposes any extension of governmental powers to a body not elected by the people it governs," said Duchesne County Attorney Dennis Draney. Draney drafted the resolution.

The proposal is a result of a boundary dispute between the towns of Roosevelt and Duchesne, and the Uintah and Ouray Reservation in northeastern Utah. County officials have appealed a Supreme Court ruling that restores the reservation's original boundaries, doubling the size of the reservation and enveloping the non-Indian towns of Roosevelt of Duchesne.

"The question is if you have a boundary dispute between the towns of Roosevelt and Duchesne, and the Uintah and Ouray Reservation in northeastern Utah. County officials have appealed a Supreme Court ruling that restores the reservation's original boundaries, doubling the size of the reservation and enveloping the non-Indian towns of Roosevelt of Duchesne."

"I am certainly not anti-Indian. I am not indicting the Indian tribes," Sowards said. "But I am firmly opposed to any law that would subject U.S. citizens to any government which they have not right to elect."

New Bill Could End Indian Water Dispute

WASHINGTON, DC (IPN) - Legislation authorizing the transfer of over 22,000 acre feet of unallocated water from the federal Central Valley Project in Northern California to the Mission Bands of North San Diego County would resolve a 17-year water rights dispute between the Indians and the water districts of Vista and Escondido.

At a hearing before the Senate Select Committee, Sen. Pete Wilson (R-CA) suggested it would be cheaper to pump water from the Colorado River than from the Central Valley Project hundreds of miles to the north.

Wilson said he had asked the Interior Department if it was possible, but that he had not received an answer.

The Central Valley water would supplement inadequate supplies from the San Luis Rey River, which provides water for the La Jolla, Rincon, San Pasqual, Pauma, and Pala Bands. The settlement in the proposal involves the Five Mission Bands, The Escondido Mutual Water Company and Vista Irrigation District.

The river that once flowed freely to the Indians was diverted to Vista and Escondido in 1985, which resulted in water rights lawsuits that hurt the trial economies.

Vista and Escondido would guarantee the Indians 7,000 acre feet of water per year from the San Luis Rey River through their storage and convenience facilities. An Indian water authority would be established to receive CVP deliveries for irrigation, municipal, industrial, commercial, mining or recreational use.

"This agreement is a unique model that results in a win-win situation for everyone concerned," said House Rep. Ron Packard (R-CA). "Under the terms, all parties will share existing water facilities, costs of production, storage and delivery. It is a system of pay-as-you-go for the Indians, and avoids the necessity of constructing costly facilities at federal expense."

"The bill specifically provides that provision of water to the Mission Indians shall not result in any added water costs for any CVP customers," said Alan Cranston (D-CA).

Vista Irrigation District and the Five Mission Bands supported the measure sponsored by Wilson, Cranston and Packard.

Yakima Nation Asserts Jurisdiction In Fishing Cases

YAKIMA RESERVATION, Wash. (IPN) - Sentences of five and more years imposed on Yakima fishermen by a federal court have resulted in a stridently sovereign stance by the Yakima Nation Council, which moved unanimously August 6 to order 6 Yakima defendants not to turn themselves into federal prison and instead remain within Yakima jurisdiction on the reservation.

The six Yakima fishermen include David Sohapp, Sr., a respected traditional elder. They were to report to Lompoc Federal prison in California, two of them to begin serving five year terms, when the tribe asserted its right to try the men in tribal court under charges of breaking tribal fishing laws.

The tribe's position is that the United States has no jurisdiction over treaty Indians involved in the exercise of treaty fishing rights.

"The men are free on bond," according to Jack Fiander, appointed special prosecutor on the case by the tribe. "We're trying to proceed with our trial of these men in an uninterrupted manner. The federal court tried them and we (Yakima Nation) did not interfere. Now we must have that right," said Fiander.

The 7,000-member Yakima tribe supports the action, said the special prosecutor. "Not so much in the support of the individual men," he stressed, "but in the support of the sovereign right of the nation to regulate fishing among tribal members."

The controversial fishing case stems from a "sting" operation by federal agents in 1982 - 1983. Thirteen fishermen (one woman) were convicted of selling fish illegally. Six were Yakimas and the others were from the Umatilla and Warm Springs tribes. The sting operation, known locally as the "Salmon Scam," was organized under a mistaken assumption that Indians were poaching up to 40,000 fish in one section of the Columbia River. Later studies conducted by the National Marine

Fisheries Services indicated fluoride emissions by an aluminum plant were responsible for the fish decline.

The Indians' attorneys contend that the case should not have gone to federal court in the first place. The federal prosecutors, the attorneys argue, proceeded under a 1979 federal law called the Lacey Act. The Lacey Act was intended by congress as a way to empower the federal courts to prosecute non-Indian that broke tribal laws.

Among the 13 defendants who were convicted, four received probation and nine prison sentences. Four facing prison terms have turned themselves in to the federal authorities.

At the moment, there appears to be no danger of the federal marshalls affecting arrests on the Yakimas within the reservation. U.S. Marshall in charge Paul Nolan said they would rather the BIA police execute the warrants.

The Yakima Nation action in this case is reminiscent of the assertions of sovereignty by the Onondaga Nation when it granted sanctuary to Dennis Banks in 1983 and the Mohawk Nation in 1979, when it refused to allow New York state to serve warrants on its traditional chiefs.

There is definite popular support for David Sohapp, Sr., 70, one of the convicted fishermen. "He is a very traditional person and a religious leader," said Hazel Umtuch, a councilwoman.



Women Elected To Indian Education Board

MADISON, WI (IPN) - Three state women were appointed to serve on the American Indian Language and Culture Education Board.

PORTLAND, OR (IPN) - Nine Indian fishermen convicted after a 1983 "salmon scam" operation have agreed to surrender to Yakima tribal lawmen in a test of the authority of federal courts.

Indian Casino Owners Will Appeal

LANSING, MI (IPN) - The owners of a now closed Keweenaw Bay Indian gambling operation have asked the U.S. 6th Circuit Court of Appeals to reconsider the decision which shut down their business.

Frederick and Sybil Dakota, whose gaming operation was licensed by the Keweenaw Bay Indian Community, asked the court to rehear the case because the court's July decision was "contrary to the basic federal law principles," said Douglas Endreson, attorney for the Dakotas.

The Dakotas received their license from the tribe in 1984, allowing them to operate a gambling business for profit. They conducted blackjack, craps and poker games in a building located within the boundaries of Keweenaw Bay territory. But in 1985, the district court issued a statement that the Dakota's gaming operations violated federal law.

The latest petition, which was filed by the Dakotas and the tribe, asks all 11 judges of the appellate court to hear the case as a single court, but to delay action until the U.S. Supreme Court decides a similar case out of California.

Politicians Line-Up

Dennis Boyer, Labor-Farm Party candidate for Attorney General, called upon Attorney General La Follette to initiate an investigation into a joint federal/state law enforcement operation that led to heavy fines and imprisonment of commercial fishermen in the Bayfield area.

Boyer took part in an investigation sponsored by the Lake Superior Green Party.

"Operation Gillnet" bears all the marks of an entrapment operation," said Boyer.

"Fishermen were repeatedly invited to make sales of fish beyond their quota. The law enforcement authorities did not make arrests upon the first violations. Instead, they enticed additional violations which were used to charge multiple offenses in subsequent prosecutions. It also appears that there was some effort made to identify

those fishermen whose economic distress would make them susceptible to repeat violations.

"These are repugnant law enforcement practices. They are especially repugnant when used to disrupt the livelihoods of self-employed fishermen.

"My investigation of this matter leads me to suspect that the State of Wisconsin intends to wipe out commercial fishing on Lake Superior.

"I heard information from fish biologists which suggests that the State is engaging in fish management practices that endanger Lake Superior native species far more than commercial fishing.

"State salmon stocking appears to threaten the natural balance of the lake. State agencies have failed to do an adequate assessment of the consequences of the introduction of exotic species.

Hermening Backs Abrogation

HAYWARD — Kevin Hermening, Republican candidate for the 7th District congressional seat now held by Dave Obey, issued a policy statement on Indian Treaty Rights at a fund-raising breakfast held in Hayward Tuesday.

He said if elected he would seek co-sponsors to a House of Representatives bill to establish a presidential commission to accomplish the following:

- Abrogation of all Indian treaties from 1776 to the present stating that though the treaties are important historical documents, citizenship should have made null and void any extraordinary rights and privileges provided for in the treaties.

"The whole thing bothers me because of the trend I see in Wisconsin to wipe out small business and the family farm. The last few years have brought us utility holding companies, interstate banking, job blackmail by multinational corporations, and the growth of big agribusiness. In all these struggles, the State of Wisconsin has lined up with the economic giants against the people.

"What is most disturbing is that those of us urban dwellers who consider ourselves environmentalists have been persuaded by the State that Wisconsin is defending the environment from greedy individuals who disregard ecological concerns. As the State rush to approve the Exxonmine shows us, it is becoming more a matter of the State aiding the monopolies.

"This matter with the commercial fishermen has deepened my belief that we need decentralized economic development, community control, and economic democracy."

- A 10 year phase-in to

Indian official criticizes Hermening

from the Daily Press

RESERVE - Gaiashkibos, Reserve, elected chair of the Lac Courte Oreilles Tribe after reviewing the Republican candidate for the 7th Congressional District Kevin Hermening's Indian treaty rights policy, issued the following statement:

The Tribal Governing Board from several years back has made a policy not to react to inflammatory statements that are not in agreement with the tribe's best interests. However, in this case I will make an exception.

"Mr. Kevin Hermening is looking for and has found a platform and that platform is

abrogation. To be eligible, Native Americans would have to have lived at least three of the last five years on a reservation and be 50 percent or more of Indian ancestry. Each qualifying individual should be granted a certain acreage of land and an established development grant to be provided on a decreasing scale over the phase-in period.

- After 10 years, no extraordinary federal assistance would be provided to any Native American. However, rights and federal programs would be available.

According to Hermening advantages of the program to Native Americans would be "self-determination with dignity, independence from federal interference, complete naturalization and national acceptance."

Advantages to taxpayers would be "reduction of special-interest inequities, lessening of attitudinal discrimination, acceptance of Native American citizenship and long-range cost reduction."

Advantages to the federal government would be, "reversal of inappropriate procedures, fulfillment of humane responsibility resolution of a sensitive issue."

Hermening proposed a commission of 27 members, to be composed of one non-Native American representative from each of 12 regions across the United States and one Native American representative from each of 12 Indian regions across the United States, two non-Native American Department of Interior officials, one presidentially-appointed representative.

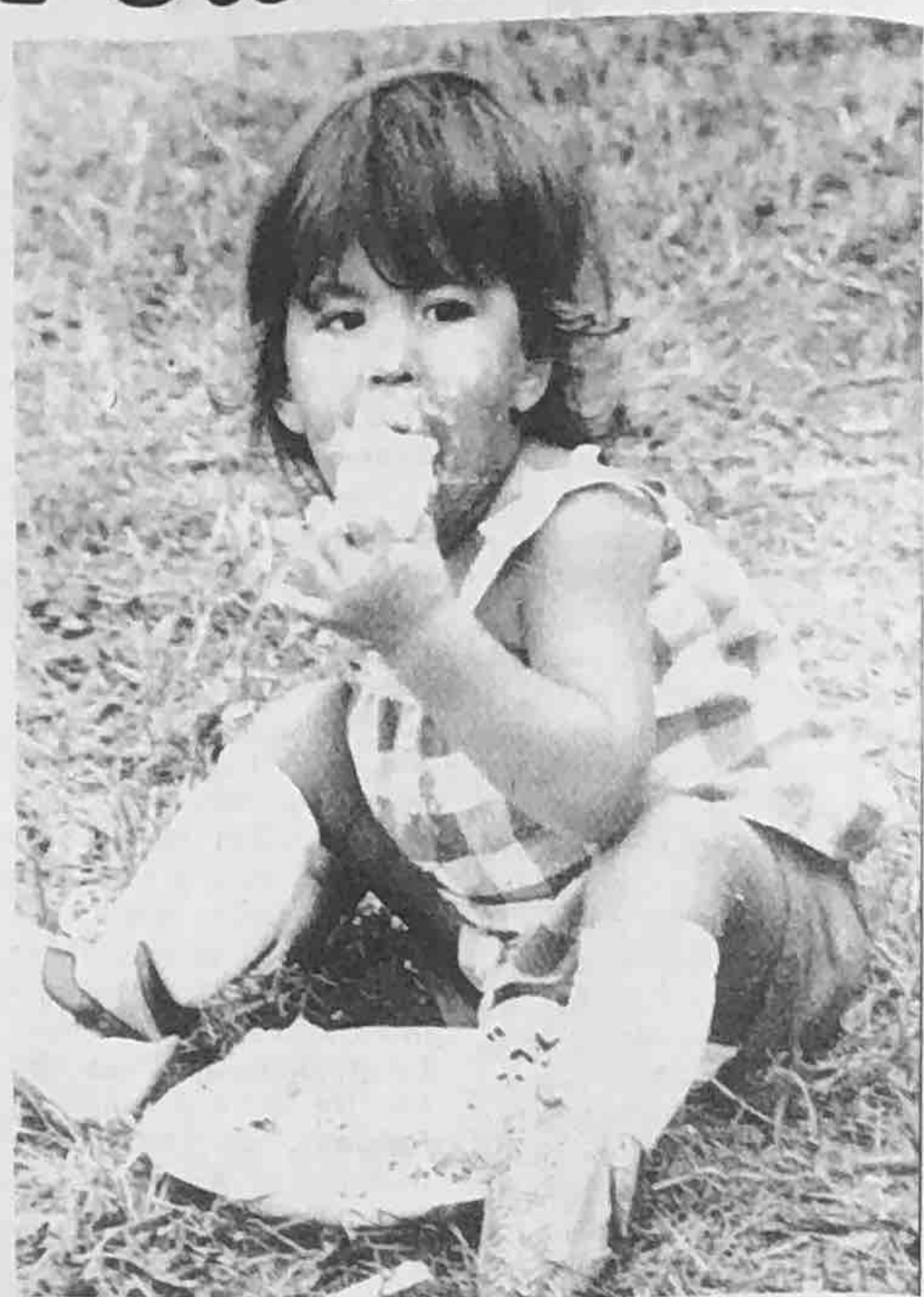
Hermening said this was the first of many policy stands on important issues that he will be announcing in the upcoming weeks.

around election time when it becomes popular for some candidates to jump on an anti-Indian bandwagon.

"For example Bill Plizka ran an anti-Indian campaign several years back and I ask the voters to review his accomplishment in that regard. It will become quite apparent that he didn't accomplish a damn thing.

"In closing — it is the same old song and dance — i.e. rhetoric, that will divest Indians of their inherent rights and defranchise the tribe of our homeland and that would ultimately allow land grabbers, according to Hermening's plan, to get the rest."

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