

INSIDE

HONOR takes issue with WCApg. 2
 Tribes object to emergency rulespg. 3
 Mining protestedpg. 4
 The Right to be Differentpg. 5
 GLIFWC Conference Reviewpg. 6-11
 LCO Ojibwa Schoolpg. 12

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MASINAIGAN

(Pronounced Muz in i ay gin)



A CHRONICLE
 OF THE LAKE
 SUPERIOR
 CHIPPEWA

NOVEMBER/
 DECEMBER 1990

Cooperation a key to 1990 progress

A letter from GLIFWC Board Chairman Donald Moore

As we are about to roll into 1991, I believe it is good to pause and reflect on the year and recount achievements which are too often forgotten as we rush on in pursuit of the next problem or issue. As I think of the "1990 version" of progress, one of the recurring words is "joint." Steps taken towards tribes and non-Indian organizations working together in several arenas have made that word, "joint," key to appreciating what the year 1990 has witnessed.

about the implications of terminology, such as co-management vs. cooperative vs. joint, the heart of the matter is that people have been able to come together on behalf of a commonly recognized goal—preservation and enhancement of the resources.

In the area of resource management for instance, we can see a number of achievements. Many of those reflect a cooperative effort, whether it be between the Great Lakes Indian Fish and Wildlife Commission (GLIFWC) and the Wisconsin Department of Natural Resources (WDNR) or the U.S. Fish and Wildlife Service (USFWS); or between local communities and individual tribes. Some of those joint ventures included:

□ A joint fisheries assessment with strong tribal participation which will result in a better knowledge of the inland fisheries.

□ Joint wildlife studies in the areas of sharp-tailed grouse translocation; wild rice management and restoration; a predator study; and waterfowl habitat enhancement.

(See Cooperation, page 5)



Donald Moore



Hibernation was the topic of study at the Bad River Headstart this month. Above, Ron Parisien, GLIFWC wildlife Technician, brought several animals to display to the youngsters including a fisher, a bear and a badger.

WDNR responds to GLIFWC queries on fish management policies



(Editor's note: In the last issue of MASINAIGAN we ran a front-page article based on a letter from Jim Schlender, GLIFWC's executive director, to Secretary C.D. Besadny, WDNR. Schlender poses a number of questions related to management decisions, particularly in regard to the closing and then re-opening of certain lakes to ice-fishing. Schlender also questions the lack of tribal notification and WDNR's policy of "openness.")

Secretary Besadny responded, requesting that his letter be run in the next issue of MASINAIGAN also on front page. In order to provide the reader with a reference, we are running Schlender's letter as well.

Readers may determine for themselves whether the "how, why and who" of certain WDNR management decisions are clearly explained. From MASINAIGAN's standpoint, some questions remaining unclear.

Some of the questions that remain are: Why are "watched lakes" watched if they are not threatened, and if they are threatened, why aren't they more closely watched rather than by a sampling of two lakes? Do they need to be watched at all?

If the setting of a zero walleye bag limit from November 1 to March 1 has never been implemented as stage two of WDNR's plan, has the "season wide" bag limit ever been achieved?

Dear Secretary Besadny:

Over the years, as we and our employees have worked on resource management issues—sometimes at odds and sometimes in cooperation—it has always been our fundamental assumption that, whatever our differences, we share a common goal: wisely managed, sustainable natural resources. With this goal in mind, I am writing to ask some questions about recent fishery management decisions, and express some concerns about the Department's decision-making process. I hope that you can take the time to answer my questions and put my concerns to rest.

This year, the Department established a "watch list" of 41 lakes, where walleye harvest by anglers was expected to be closed after November 1. The list consists of lakes where the Wisconsin Administrative Code requires a daily bag limit of two or one based on tribal quota declarations. The Department set the bag limit at three instead of two or one. My first question is: by what authority did you override Wisconsin Administrative Code NR 20.037(a), re-

quiring bag limits of two or one on the 41 "watched" lakes?

We applaud the Department for increasing its efforts to monitor the harvest of fish by state-licensed anglers. This year, the Department is monitoring angler harvest on a total of 24 lakes in the ceded territories, a substantial increase from previous years. However, only two of the surveyed lakes are on the "watching." My second question is: by what means is the Department "watching" the harvest on the other 39 lakes?

On September 26, the Department issued a press release stating that walleye angling will remain open through the winter on all of the 41 "watched" lakes. This decision was well received in many quarters, and was probably welcomed by those who publicly threatened a "revolt" if winter harvest of walleye was indeed closed. No one likes to see unnecessary regulation on fish harvest. Nevertheless, the press release was not informative about how the decision was made. My third question is: What information and rationale was used to decide that all 41 lakes

would remain open? In other words, what changed your mind?

In 1988, the Department essentially closed walleye angling by emergency order after Labor Day on two lakes where harvest surveys indicated that 35% of the population had been harvested by the end of August. This is a conservative management approach based on agreed-upon standards, and was supported by GLIFWC. Preliminary data on angler harvest through August of this year, provided by the Department to GLIFWC, indicates that five of 24 surveyed lakes should be closed to further angler harvest of walleye, if the Department followed the same conservative approach as it did in 1988. This data is subject to correction, and GLIFWC has agreed not to make public use of the data until it is final. Nevertheless, in the interest of protecting fish populations from excessive harvest, I must ask a fourth question: Why has the Department not closed walleye fishing, as it did in 1988, on lakes where current harvest equals or exceeds 35% of the estimated population? Again, what changed your mind?

We watch the Department's decision-making process from the outside, with little "inside" information about how decisions are made. The one thing I can say about the Department's decisions is that they are a constant source of surprise. Reading the newspaper, I see that at least one legislator was also taken by surprise with the Department's most recent press release on walleye harvest regulations. Therefore I must express my strong concern about the apparent lack of consistency and accountability in the Department rule-making processes.

In this regard, I wish to remind you of your policy of openness regarding policy decisions within the Department. While I do not share your interpretation of the Wisconsin Open Meetings Law as it applies to particular Department

employees, I am concerned about the apparent lack of openness regarding the decision to keep all of the "watched" lakes open. Is the policy of openness being applied consistently? I must presume that this type of decision is a "policy" decision, and that it was discussed at the technical and policy levels within the Department. Yet, I am not aware that notice was provided to GLIFWC or the public generally of the Department meetings when the policy was discussed and the decision finally made.

In light of the Department's policy of openness, I have a number of requests. First, as a standing request, I ask that in the future GLIFWC be informed in the advance of meetings where policies such as the one here are to be discussed and decided upon, including staff briefings and meetings with individuals from other agencies or departments. Second, when, where and by whom was the decision on the "watched" lakes discussed and made? Finally, can you assure me, contrary to what some have suggested, that the Department's decision was made to protect the resource rather than to foster political interests or to scapegoat the Chippewa tribes? My perspective is that the consequences of fishing up to or beyond acceptable limits, whether by spear or by pole, must be objectively applied guided by the resource's best interest and ascribing neither blame nor improper motive.

Thank you in advance for your attention to and consideration of my requests. I trust that together we can work toward the goal of sound resource management. The Tribes are asking me the questions which I now pose to you and I wish to ensure that I can answer them with the proper information.

Very truly yours,
 James H. Schlender
 GLIFWC Executive
 Administrator

Dear Mr. Schlender:

I appreciate the opportunity to respond to your questions about our recent decision to continue the walleye angling bag limit on 41 northern lakes at 3 per day rather than lowering the limit to 0 on November 1, 1990. My staff has previously passed this information on to your staff both verbally and in writing.

As a result of the Chippewa tribe's spearfishing quota declarations in March, 1990, 41 lakes in northern Wisconsin needed to have their daily walleye bag limit adjusted pursuant to NR 20.037. From last year's experience, we also knew that lowering the bag limits to 2 or 1 would significantly raise the potential for conflict in northern Wisconsin and cause increased danger to Chippewa spearfishers. I want to reduce tensions in the ceded territory, not aggravate them.

As a result, we decided to implement the season-wide bag limit reduction in two stages: (1) a 3 walleye bag limit from May 5 to November 1 and (2) a 0 walleye bag limit from November 1 until March 1. This combination of regulations will produce the same harvest reduction as a 2 bag limit. We followed the principles set forth in NR 20.037 to protect the fishery, but implemented the reduced bag limits in a manner sensitive to the protection of the Chippewa spearfishers exercising their spearfishing rights.

Thank you for your compliment on our increased monitoring efforts for state angling this year. The 24 lakes we monitored statistically represent all of the lakes that are tribally speared because they were randomly chosen. The results of these surveys can be used to judge the state harvest levels on all of the lakes. Both state and tribal biologists agree with this sampling design.

The Department essentially closed off the angling harvest on Balsam and Trout Lakes in 1988 due to exploitation that we pro-

jected would exceed 35% later in the year. At present, there are no lakes among those surveyed where exploitation equals or exceeds 35%. We are continuing to monitor the state harvest this fall and may yet adjust the state harvest on these lakes if the data shows it necessary to protect the fishery.

As you know, most Department meetings are open to the public. However, only a limited number of such meetings are actually subject to the Open Meetings Law with the resulting public notice requirements. While we intend to work with the tribes on all formally constituted committees, as agreed in the court stipulations, it will be virtually impossible to give notice of all Department staff meetings. Many are called on short notice. Again, such notice is not required by the Open Meetings Law.

Our decision was made to protect the resource and was not in response to political interests or to make a scapegoat of the Chippewa tribes. Our analyses indicate that exploitation risks within the court-approved 1-in-40 action level, and should remain so through the remainder of the open water season. As I mentioned previously, if our ongoing creel surveys indicate that exploitation risk will go beyond this risk level, we are prepared to take appropriate action at that time.

Thank you for your concern regarding our management of the state angling fishery. I hope that my responses to your questions satisfy your concerns.

I do have one request to make of you. In the last copy of the "Masinaigan" I noticed that you printed your letter prominently on the first page. I respectfully request that in the next copy of the "Masinaigan" you place this reply just as prominently.

Sincerely,
 C.D. Besadny
 Secretary

HONOR objects to WCA activities

Use of tax dollars questioned

By Sharon Metz
HONOR Executive Director

If all treaties were abrogated tomorrow, Native Americans would still be here as an important part of the American scene. No matter what the outcome of the court decisions, lawsuits, efforts to unilaterally "modify" treaty provisions, Congressional actions, and posturing, local and state governments will find themselves ultimately dealing with their neighboring tribes in face-to-face conversations and dialogue. It seems reasonable that government-to-government negotiations should be the beginning point rather than a last resort position. Expense and acrimony is costly for both sides.

Counties, like many other groups, have their own lobby organizations. In Wisconsin, for instance, many counties belong to and pay dues to the Wisconsin Counties Association, (WCA) who monitors state legislation and lobbies for the counties at the state level. In turn, the WCA is a part of the National Association of Counties organization (NACo) located in Washington, DC. NACo lobbies the Federal government on matters that affect counties.

Because of court decisions upholding the legal rights of Native American tribes to hunt, fish and gather, there has been great animosity against the six Chippewa tribes in Wisconsin. In addition, two counties, Brown and Outagamie, have spent over \$300,000 of county tax dollars and filed a lawsuit against the Oneida tribe, seeking to disestablish them as a tribe, and erase the boundaries of the 65,000 acre Oneida reservation. (The suit was recently dismissed by Federal Judge Thomas Curran.) Northern Counties in the Chippewa ceded territory are worried because the Chippewa may soon exercise their right to harvest timber on public (county) lands, thus reducing revenue to the counties.



Sharon Metz (right), HONOR director, accepts an award from Project Equality at an award luncheon in Milwaukee. HONOR was recognized for its efforts to counter racism against Native Americans.

Mark Rogacki, Executive Director of WCA, has for the last two years spent considerable time, effort, and it is presumed, county money to use these situations as an impetus to organize counties from all over the United States, which are on or near Indian reservations, into a National Coalition on Federal Indian Policy (NCFIP).

Because the goals of the NCFIP are to change the provision of Indian treaties, force negotiations at the national, instead of local level, and urge Congress to exercise its plenary power over the tribes, the tribes and human rights organizations throughout the country have been outraged. NCFIP does not recognize tribal sovereignty.

The meetings, organized by WCA, in the fall of 1989 met with protests demonstrations by Native Americans from around the country. The subsequent meeting in February of 1990 in Salt Lake City resulted in demonstrations that made the national news, and in the Governor of Utah repudiating the "coalition" effort. The Montana delegation walked out. The WCA

activity was at least a contributing factor to several Wisconsin counties pulling out of WCA. Not to be deterred, WCA called another meeting in June of 1990 for all interested counties. Only six elected county representatives attended the meeting. Three or four other attendees were "designees" of their county board supervisor. Again, there were more tribal people present than county board supervisors.

Of special concern to the more moderate county observers, who are concerned about the use of their dues money, are the allies that WCA has chosen to affiliate with. For instance, the Citizens for Equal Rights Alliance (CERA), headed up by Bill Covey of Big Arm, Montana, is an umbrella organization for anti-treaty groups all over the country, including the STA and PARR groups from Wisconsin. (By bringing hundreds of protesters to boat landings in Wisconsin, these two groups have cost Wisconsin \$2 million for law enforcement costs in each of the past two years.) The CERA organization is clear

about its goals, to get the Federal Government to act on behalf of the dominant culture. As they say in their publication (March 1990), "At the heart of all Indian problems is the tribal claim to sovereignty."

Another organization, that the WCA has been working with is S/SPAWN (Steelhead Salmon Protection and Wildlife Network) from Washington. Barbara Lindsay is the Executive Director. Tribes and environmentalists have referred to S/SPAWN as the STA and PARR groups of the Northwest because of its efforts against the tribes there. S/SPAWN has both a non-profit status and a lobbying arm permit. Both Lindsay and Covey have played prominent and participatory roles in helping Rogacki organize NCFIP. Both Bill Covey and Barbara Lindsay have been at the table of several of the meeting organized by WCA. Bill Covey is a County Supervisor in Montana, Barbara Lindsay has acted as a proxy for a county board supervisor in the State of Washington.

It came as no surprise to many that S/SPAWN recently voted to change its name to "National Coalition on Federal Indian Policy!" Under this new name, (no change in purpose has been mentioned), the organization has the potential to BECOME the umbrella organization that the counties will come under. The name change was commented on in the CERA November newsletter. After noting that the National Coalition of Federal Indian Policy conference name was similar to that of the Rogacki group and "could be confusing," he encouraged county commissioners to join the Rogacki group because "it is working toward the same goals that CERA is."

The NCFIP strategy seems clear. First this small coalition will hold its meetings at the same time, place and dates as the NACo meetings, so that its members, TRAVELING ON COUNTY TAX DOLLARS, can also attend NCFIP

meetings. Further, NCFIP will exert every pressure on NACo to lobby Congress to change treaties and/or legislatively reverse court decisions that favor the tribes.

NACo is well aware of this effort and thus far has adopted a moderate approach, aimed at negotiations and recognition of treaties as the Supreme Law of the Land.

Besides the obvious costs to tribes in terms of countering the claims of anti-treaty groups, some member groups of NCFIP are causing civil disruptions that have hit the national news because of the hate and racial slurs manifested at boat landings and fishing sites. The law enforcement to protect the legal rights of Native Americans costs every one tax money.

Perhaps inspired by David Duke, candidates who have pledged to work toward diminishing the treaty rights are being fielded in local and state elections by member organizations in Wisconsin and elsewhere.

Tribes, church groups, human rights organizations and many citizens are urging respectful government-to-government negotiations, upholding treaties as a matter of honor, and full recognition of tribal sovereignty. Many citizens do not understand that their county tax dollar, in the form of dues paid to the WCA, may be being used to organize efforts against Native American tribes.

According to an investigation by the Milwaukee County Executive (requested by HONOR) a September (1990) reception sponsored by the WCA at the Milwaukee County museum featured a non-Indian, dressed as an Indian serving buffalo meat to guests. Several guests were offended and asked that this activity be stopped. The guests were then removed from the event, after being subjected to vulgar and offensive language. Perhaps because of the request for an investigation, Mark Rogacki, in news interviews, subsequently threatened to sue HONOR.

In November of 1990 the WCA published a letter, (originally an unsolicited letter to the Opinion page of the Wall Street Journal) by a Canadian economics professor who stereotyped Indians, encouraged abolishment of reservations, and included clan mothers of the Mohawks in the same category as armed thugs. The piece, "Welfare, not Cowboys, kill Indians," was so racist its appearance was denounced by the Bayfield County Board, who censured Mark Rogacki for including it on a 17-0 vote. Besides the racist overtones of the letter, it was wrong on a number of the facts and statistics, which were refuted by prominent historian, writer, and anthropologist, Nancy Lurie.

HONOR has been monitoring and reporting on WCA activities regularly, and will continue to do so since it seems perfectly proper that public officials and public money deserve public scrutiny. Of real concern to many is the possible WCA alliance with anti-treaty groups who have been decried by churches, editorial boards, environmentalists, and moderates of both political parties, from around the country.

Although WCA has taken the organizing lead, the problem deserves the attention of every dues paying county member of the National Association of County organizations, since that is the organization that is being looked to by NCFIP, to carry its agenda and assist in lobbying Congress.

As a final note, a less costly and reasonable solution has been proposed. That solution is so simple that it seems logical that WCA would pursue this alternative. That alternative—negotiations on a government-to-government basis with local tribes, will only happen when respect and understanding replace the path of animosity and hostility being followed by the WCA, its NCFIP program, and a minority of U.S. counties.

1990 witness report reveals violence, racism & ineffective law enforcement at landings

A report documenting 279 incidents of violence, racism and ineffective law enforcement at Chippewa spearfishing sites was presented by representatives of the Midwest Treaty Network at a November 12th meeting of the Wisconsin Legislature's American Indian Studies Committee at the Capitol, Madison.

Incidents in all three categories—violence, racism and ineffective law enforcement—were most marked in Vilas County, according to findings of the report.

However, Vilas County Sheriff Jim Williquette is quoted as dismissing the report as a "fabricated bunch of bull," according to an Associated Press article in the November 14th, Daily Press, Ashland, Wisconsin.

The report points out that law enforcement efforts which have failed to prevent violence, racism and interference with legal rights cannot be held as effective, despite numbers of officers and costs. Putting more patrol personnel on the scene is useful only if enforcement officers act against offenders.

The document is a 135 page collation of information from the reports of 120 witnesses who were on spearfishing landing sites during the 1990 spring and who recorded incidents related to the three above-mentioned categories. Video and audio tapes are also part of the report which was assembled by the Midwest Treaty Network. Some of the information used in the report was also taken from newspaper accounts.

A summary of the report's conclusions is as follows:

Violence

Conclusion: "Incidents of violence deterred Chippewa spearfishers from exercising their treaty rights" because: a.) it was widespread throughout the season and the ceded area 2.) it was directed at 5 of the 6 Chippewa bands exercising their rights; 3.) it interrupted

spearfishing and deterred some from fishing; 4.) Vilas County accounted for 46% of violent acts.

Ineffective Enforcement

Conclusion: "Most law enforcement was ineffective due to its failure to establish a legal deterrent to disruptive protest activity. It also frequently failed to prevent or halt violent or life threatening acts by protesters."

The conclusion was based on the following reasons: a.) announced plans to disrupt spearfishing, a legal activity, were unchallenged by state government and law enforcement officials b.) life threatening situations developed and spearfishers were injured because law enforcement procedures were ineffective against protester actions; c.) spearfishing was halted by law officials when life threatening situations developed d.) enforcement failed to prevent violence in 8 of the 12 counties where spearfishing took place, and 60% of the unchecked violence occurred in Vilas County.

Racism

Conclusion: "Racism was ex-

pressed in slightly different terms in 1990 compared to 1989. It was more hidden from the media and tended to be coupled with threats of physical and sexual violence."

Supportive information included: a.) 88% of reported racist occurrences recorded were in Vilas and Oneida Counties; b.) racist and violent incidents peaked simultaneously and when law enforcement was least effective; c.) protest leaders' perceived need to tone down overt racist behavior, coupled with statements from business and religious institutions against racist behavior, helped make it less publicly acceptable; d.) the passing of the American Indian Studies Committee Education Bill in the State Legislature contributed towards a long term solution to institutional racism.

Definitions used to identify racism, violence and ineffective law enforcement are provided within the report as well as detailed accounts of incidents and quotes.

The report is available from the Midwest Treaty Network, 731 State Street, Madison, Wisconsin 53703; phone (608) 238-9642.



Protesters are taken to jail after crossing police lines at spearfishing landings during the 1990 Chippewa spearfishing season.



Protesters at Catfish Lake block the lake access attempting to prevent spearfishing boats from leaving the shore.

Koehn responds to article: "Welfare, not cowboys, kill Indians"

(The following letter was sent to all County Board Chairs and Wisconsin Counties Association Board of Directors, in response to the article "Welfare, not cowboys, kills Indians.")

The Bayfield County Board voted to "censure" the editor of the Wisconsin Counties magazine for allowing the above mentioned article to be printed in its publication. This "censure" represents the frustration of many county board members with the actions of the current WCA director.

The director, in my view has thrown the credibility of the WCA out the window. This article reportedly was only an opinion piece in the Wall Street Journal. Typically these are not the kinds of editorial efforts that get much coverage in major newspapers and are not first page material. Apparently WCA found this article, paid for the rights (how much did this cost?) and ran it as a feature item, a feature item that is offensive, inflammatory, and about as narrow-minded as can be. The name call-

ing, innuendo, and disrespect displayed by the article has no business in a journal which is paid for and supported by tax dollars.

For too long the WCA board has allowed its executive director to run amuck. From Utah to Washington D.C., WCA is becoming synonymous with the treaty abrogation effort. On the local front Northern counties have been asked to spend thousands to support WCA and legal staff in this quest. In addition, the director mismanaged the convention scene and now the feature article, "Welfare, not cowboys, kills Indians."

This biased article comes at a time when anti-treaty organizations are gearing up to protest the upcoming spring treaty fishing season. Protests that have been racial attacks on my friends and neighbors in northern Wisconsin. Protests that have been ugly and violent. WCA needs to call attention to many examples of county and tribal cooperative efforts. Time must be devoted to education and solution. Instead WCA produces hate mail

under the guise of "feature articles."

Wisconsin Counties need leadership that solves problems, not leadership that becomes part of the problem. WCA no longer represents the best interests of Bayfield County of the citizens of Wisconsin. Working together we can turn this around and make WCA an effective and credible lobby for our counties and their needs by replacing the current executive director.

Sincerely,
Frank K. Koehn
Bayfield County
Board Supervisor



Emergency rules imposed on fishermen

Motives and process questioned

Madison—Concerns regarding the lack of input from affected groups and the "emergency" status of a WDNR emergency ruling (see sidebar for ruling) were directed to the WDNR Advisory Board during a public hearing in Madison on November 22nd.

Representatives of the Bad River and Red Cliff Bands of Chippewa as well as from the non-Indian commercial fishery testified during the morning hearing, with tribal leaders calling in question the impact of the ruling on the state-tribal Lake Superior commercial fishing agreement.

The emergency ruling, which the Board ultimately voted to adopt, imposes strict limitations on the lake trout catch due to concern over the decline in the lake trout population. The rule imposes regulations governing the 1991-1995 fishing seasons and restricts the use of gillnets. A 30 day extension on gill-net restrictions was ultimately granted by the Board as a matter of concession.

Tribal representatives felt the emergency ruling, which provided for no advance tribal input and no notification, jeopardized the status of the tribal-state agreement which was negotiated to regulate the commercial fishery.

Milt Rosenberg, attorney for

the Red Cliff Band of Chippewa, stated that the ruling "really poisons the wells" for the plan some DNR and tribal representatives were intending to carry out because it ignores the tribal-state agreement's provisions for annual talks.

Rosenberg noted that prior to imposing rules on the tribes there is supposed to be a 60 day notice that the DNR intends to terminate the agreement.

"There was no notice," Rosenberg stated, "yet the language of this ruling clearly states that you want this in place in case of termination."

Rosenberg indicated he felt the state was employing tactics which would undermine the agreement by first legislating that the rules could be imposed on the tribes. The next step in the sequence would then be termination of the agreement and then implementation of the new rulings on the tribes.

Red Cliff Tribal Chairperson Patricia DePerry clearly stated her disapproval of the procedures employed by the WDNR in enacting the emergency rule. "I don't like games. I don't like lies," she told the Board. "I am dismayed that the department could do so much to deter a meaningful agreement."

DePerry referred to a confer-

ence call between the tribes and the state on September 19th during which the TAC was discussed and accord was reached. "Nothing was said at that time about an 'emergency'," she noted.

The emergency status of the proposed ruling was also questioned by Joe Dan Rose, Bad River Fishery biologist, who also referred to the Sept. 19th conference call. "During this call neither the State nor the Tribes indicated or expressed a concern that the fishery was in a state of emergency," he said.

However, Rose noted, a number of concerns about the fishery were discussed, including the problem of onboard sorting and subsequent retention rates.

"During the call it was agreed that these and other issues would be jointly examined by State and Tribal biologists and that we would be provided with a reasonable amount of time to identify and develop creative, workable solutions. ..."

A meeting on October 4th did occur, Rose said, between state and tribal biologists. "At this time tribal biologists were presented with the proposal to combine the WI-1 and WI-2 TACs into a single total which would be allocated equally between state and tribal fishermen.

At the time, Rose said, the State did not initiate any discussion regarding onboard sorting and retention rates nor did they indicate any sense of urgency in that the fishery may or may not be in immediate danger."

When Bad River first reviewed the proposed emergency rules, Rose said, they were unaware that the rules included specific provisions for regulation of the treaty fishery. No notification had been provided by the WDNR.

"We found the inconsistencies between what the State was saying and what they were actually doing to be very discouraging and not at all conducive to effective government to government relations or effective cooperative management of the Lake Superior fishery.

Impact on non-Indian commercial fishery

James Selgeby, Director of Research for the Lake Superior Research Center, provided testimony that the lake trout population in Lake Superior has been seriously declining.

He noted that during the 1970's the lake trout population had "responded dramatically" to the rehabilitation efforts that were initiated in the 1960's.

However, in subsequent years the rate of rehabilitation slowed and has "actually gone backwards." He noted that few fish larger than 22" are available in fished areas and those are not large enough to reproduce.

While sharing the concern over the lake trout population, representatives of the tribes and non-Indian commercial fishery suggested that the commercial fishery was getting "hammered" because of the predicament.

Jeff Bodin, Bodin Fishery, Bayfield, WI stated that the DNR's plan "comes to us done, with no involvement in the process."

Bodin noted that four years ago another WDNR emergency ruling took away 20,000 tags from the non-Indian commercial fishermen.

Bodin also referred to the rehabilitation effort that was successful through the 1970's. That rehabilitation effort was stopped in the commercial fishing areas, he noted. However, the Superior Harbor has benefited from a substantial re-stocking program.

Bodin objected to the late notification regarding the rule, which he received on October 25th. "There is no emergency. There is plenty of time for due process," he said.

While protecting lake trout, the restrictions imposed on commercial fishermen through the ruling will also decrease the quantity of whitefish commercial fishermen may be able to take. The total impact on the non-Indian commercial whitefish industry was estimated at a loss of about \$120,000 for the non-Indian commercial fishery.

DNR Emergency Rules

1. Reduce the total annual kill of lake trout in Wisconsin waters of Lake Superior from 105,000 fish (estimated) in the 1987-90 fishing seasons to 81,200 fish in 1991-95. In the eastern lake trout rehabilitation zone the kill will drop from 93,000 fish at present to 69,200 fish. In the western non-rehabilitation zone (W-1), the kill will remain stable at 12,000 fish.

2. Allocate 11,600 lake trout to the state-licensed commercial fishery, 39,600 to tribal commercial and home-use fisheries, 2,000 to assessment fisheries, and 28,000 to the state-licensed sport fishery.

3. Eliminate the size limit for lake trout caught in gill nets and establish a 25-inch maximum size limit on lake trout caught in entrapping nets.

4. Require all lake trout caught in large mesh gill nets in waters less than 55 fathoms to be kept and tagged, and limit the total amount of large mesh gill net that can be set to 1,000 feet of net for every eight (8) lake trout tags received by an individual commercial or home-use fisher. Fishing of large mesh gill nets in waters less than 55 fathoms will not be permitted once all lake trout tags are used or the maximum footage of gill net has been used.

5. Require an information tag to be attached to each gang of gill nets indicating the date and amount of net set, to permit the Department to monitor and enforce large mesh gill net catches.

6. Prohibit the use of gill nets within 1/4 mile of any entrapping nets, and entrapping nets within 1/2 mile of other entrapping nets, to encourage increased use of entrapping nets.

7. Prohibit the placement of gill nets from a boat in Lake Superior waters from January 15 through March 31, to reduce the amount of gill nets that are set and lost due to shifting ice floes. Lost nets result in resource waste, increased kill of lake trout, and fouling of sport trolling areas.

8. Permit siscowet and lake trout caught in waters 55 fathoms and deeper to be sorted prior to being tagged, to encourage the selective harvest of siscowet smaller than 20 inches in length. The October 1990 Health Guide for people who eat sport fish from Wisconsin waters of Lake Superior recommends that no one should eat siscowet larger than 20 inches in length.

9. Require all dead lake trout smaller than 25 inches in length caught in entrapping nets to be retained and tagged, and permit live lake trout smaller than 25 inches to be selectively sorted prior to being tagged. This will reduce the total annual mortality of spawning-size lake trout (those larger than 25 inches).

10. Establish a set of regulations to be enforced against tribal fishers in case an agreement is not negotiated in a reasonable period of time, including: 1) Allocate the tribal share of the lake trout equally between the Red Cliff and Bad River Bands; 2) Permit tribal fishers to use large mesh gill nets with a minimum mesh size of 4-1/4 inch (stretch measure) and 50 meshes deep from November 28, 1990, through September 30, 1991; and 3) Require tribal fishers to use large mesh gill nets with a minimum mesh size of 4-1/2 inch (stretch measure) and 30 meshes deep as of November 28, 1991.



Butch Deschampe, Grand Portage commercial fisherman sorts his catch.

Partnerships—More than a buzzword in WA

The Washington Department of Fisheries (WDF) is implementing the Regional Fisheries Enhancement Group Program. The program was partially initiated by the 1989 Washington Legislature, completed via additional legislation and finally signed into law earlier this year by Governor Gardner. Comprised of knowledgeable local citizens, twelve regional enhancement groups, each covering different watershed(s), are being developed. The enhancement groups will include local citizen volunteers, with technical expertise provided by Fisheries.

Here is how the program works: each group will propose salmon enhancement projects to an advisory board that will review and make recommendations to the Director of Fisheries. The budget for projects will be generated by surcharges on sport salmon licenses (\$1), commercial salmon licenses (\$100), charter boat licenses (\$100) and private contributions. The surcharges begin in 1991. The projected annual revenues created from the surcharges is about \$765,000.

The program is designed to improve sport and commercial fisheries, promote environmental awareness and foster cooperation between interest groups. Groups are already organized in seven of the twelve designated regions.

To become a regional enhancement group, a group of citizens need only apply to WDF. This group, once approved, will be assisted by the program coordinator to help organize them and assure compliance with the program rules. Part of the requirements will be to develop articles of incorporation, and become established as a non-profit 501(C)(3) organization with tax-exempt status. If a regional group is not established by January 1, 1991, start up funds committed by the Legislature will be distributed by the fisheries director to already established groups.

For more information, contact program coordinator, Loren Stern at the Washington Department of Fisheries, 115 General Administration Building, Olympia, Washington, 98504, (206) 586-6267.

(Reprinted from SFI bulletin, a publication of the Sport Fishing Institute.)

Sports fishery takes no responsibility in trout issue

Following a WDNR-sponsored public information meeting at WITI, Ashland, December 1, Joe Rose, Bad River Tribal Hatchery Manager expressed concern over the failure of the sports fishery to take responsibility in the current "emergency" in the lake trout population.

Rose, who labelled the information meeting as an after-the-fact "window-dressing" on the part of the WDNR, said that a large sport and charter contingent was represented who are "more than willing to support any or all regulations of the state and tribal commercial fishery."

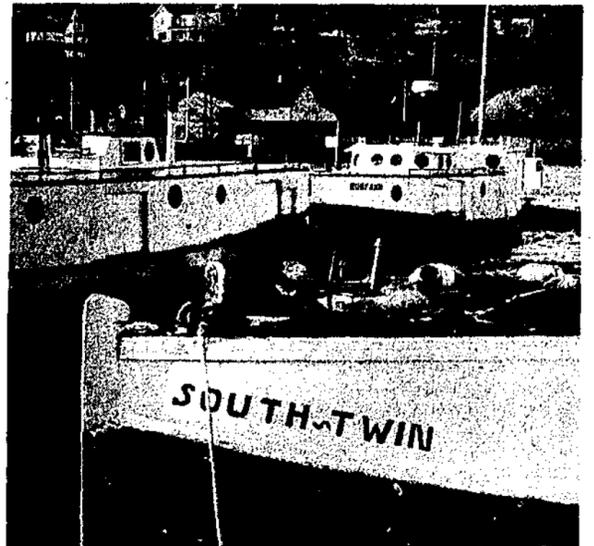
The emergency ruling, however, did not reduce the sports fishing quota, Rose noted. The sports lake trout quota, in fact, is up from 25,000 to 28,000 fish. Meanwhile, the commercial fishery takes the

whole impact of the reductions as well as the blame.

"As a single user group they (the sports fishery) have the largest allocation," Rose stated. "They have equal, or rather increased, opportunity for the resources, but they still want cutbacks from everyone else."

However, he was concerned because there is no acknowledgment that they as a user group have an impact or should be held partially responsible for any management that is adopted.

Rose felt that the objectivity of the meeting was impaired by "fingerpointing." Those representing sports interests seem to be taking the opportunity to "jump on" those gillnetters," he said. Rose felt this attitude was overtaking the real issue which should be the fishery.



GLIFWC completes 4th tagging season

A fourth successful season of tagging lake trout and whitefish by the Great Lakes Indian Fish & Wildlife Commission (GLIFWC) on their fall spawning grounds was recently completed, said Mike Plucinski, GLIFWC fisheries technician.

The data collected will be valuable in determining stock discreteness, exploitation rates, and seasonal distribution of these species. A total of 210 lake trout and 423 whitefish were tagged and released this fall. Fishermen who return tags (of any agency) with the necessary information (i.e. area caught, length and weight if possible) will receive \$5.00 rewards from GLIFWC.

Plucinski would like to thank the Keweenaw Bay Fisheries Department Biologist Mike Donofrio and Technician Evelyn Smith and GLIFWC Fisheries Aide Gene Mench for their help.

Thanks also to GLIFWC wardens Captain Billy Jondreau, Leslic Haataja, Don Shalifoc and Warren Swartz for their assistance and use of the Enforcement Divisions' Ojibwa Lady.



Milt Rosenberg, Red Cliff attorney testifies before the WDNR advisory board objecting to the imposition of the proposed emergency rules.

Mining/nuke waste issues provoke protest

Company wants permit to mine gold in forest

By Mary Jo Kewley
Wausau Daily Herald

A Canada-based company will apply for a permit in January to use an underground mine to extract 3 million tons of copper and gold from the Chequamegon National Forest.

State, federal and company officials said Monday they expect to begin the permit process on the 80-acre site along the north fork of the Yellow River, in the Taylor County town of Westboro.

Project manager Joe Sandberg, E.K. Lehmann and Associates, Minneapolis, said recent test drill samples were "very encouraging."

Two other companies are pursuing plans to establish open pit mines in northern Wisconsin. Kennecott Corp. is awaiting state approval of a permit to mine 1.9 million tons of copper near Ladysmith. State officials expect to begin the permit process in January for Noranda Exploration Co.'s plans to mine an 8 million-ton lead, zinc and silver deposit near Tripoli in western Oneida County.

Though plans are preliminary, Sandberg said E. K. Lehmann

hopes to develop a shaft mine that would be in operation for 10 years. He said the mine would employ 100 to 125 people.

State geologist Thomas Evans said the project includes a 24-foot diameter shaft mine. Once established, tunnels are drilled parallel to the orebody. When the minerals are removed, the tunnels are refilled with waste rock.

The project also would include two tailings basins and a milling facility, Evans said. The milling facility will produce two concentrates—one copper and the other gold—which would be shipped out-of-state for refining, he said.

Robert Ramharter, state Department of Natural Resources environmental analysis specialist, said that once notice of intent and a permit application are received, the state will begin a preliminary environmental impact study.

"In most cases, it (a shaft mine) is generally preferable, because of the impacts to the surface," Ramharter said.

Ramharter said test drill samples show a 1.6 percent grade of copper ton, and 0.12 ounces of gold per ton. Using a rough esti-

mate of \$1 per pound for copper and \$350 per ounce for gold, Ramharter estimated the gross value of the deposit at \$234 million.

With an estimated \$75 million in mining costs, Ramharter said the company has a gold and copper deposit worth roughly \$160 million.

Mining opposition groups expressed concern Monday over the company's plans.

"They can't leave anything alone, not the forest, not the rivers," said Wisconsin Greens member Rick Whaley, Milwaukee.

The Greens, which also oppose Kennecott Corp.'s plans to build an open-pit copper mine at Ladysmith is an environmental group opposed to mining development.

Another mining opponent, Wisconsin Resource Protection Council Al Gedicks, La Crosse, called the plan an example of "wilderness protection eroded under the pressure of mining company lobbyists."

Because the mining site is located in the Chequamegon National Forest, the company also must apply for mining permits from the federal government.

Two agencies oversee the federal government application. Underground impacts are controlled by the Bureau of Land Management, while surface effects are governed by the U.S. Forest Service.

Steve Volz, Bureau of Land Management geologist, said he will meet with Lehmann officials in January to discuss the federal mining lease.

"This is a small mine," Volz, Rollan, Mo., said. "I don't anticipate a lot of environmental degradation."

Ramharter and Volz said the state and federal government will cooperate to produce a joint environmental impact statement. Each will make decisions independently.

"The federal government and the state are trying to come up with an integrated process to meet technical and environmental regulations," Volz said.

Don Bilyeu, public information officer at the Chequamegon National Forest, said the mining company must comply with the forestry plan and federal regulations.

"We need to make sure we have all our ducks lined up before we do anything," said Bilyeu, Park Falls. "Mining is going to have a big impact on what we do in the next few years. It's not something we shortcut."

(Reprinted with permission from the author.)



Anti-mining activists protest the proposed Flambeau mine near Ladysmith, Wisconsin. Protestors march against Ladysmith mine

Despite the frigid weather, a crowd of about 500 concerned citizens marched from the WDNR offices in Ladysmith, WI to the Flambeau Mining Compound on Nov. 12th. Marchers carried signs and placards displaying their opposition to the proposed mine site

near Ladysmith and the WDNR, who is considering a permit for the mine. "Go home!" some passers-by would shout at the determined marchers as they filed through town. "We are home. We live here!" came the reply from the line

of protestors, many of whom were Ladysmith residents.

The town of Ladysmith and Rusk County were, in fact, well-represented during the protest. Contrary to some reports, protestors were not the so-called "professional-protestors" either, but rather represented a cross-section of society.

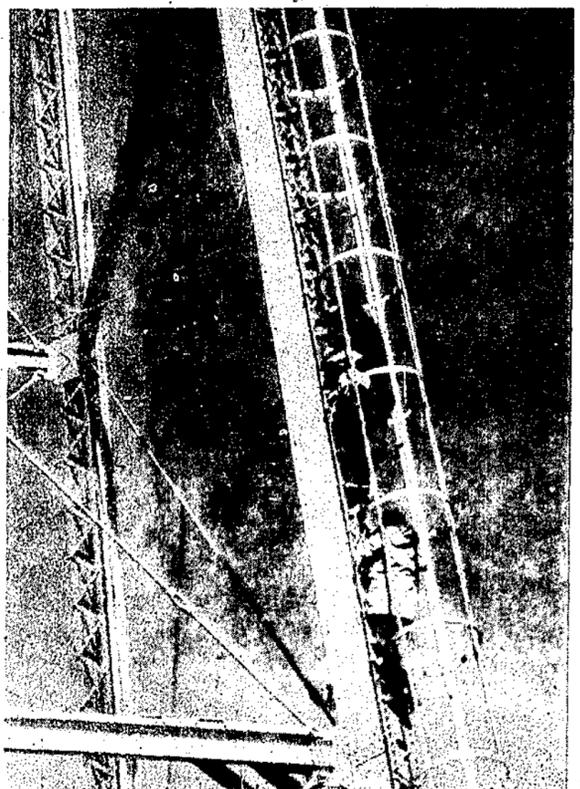
Young, old, hippies, yuppies, Indians, non-Indians, rich and poor marched together towards the mine site that day, expressing a common value—that of land over money. The promise of a \$200 - \$500 million project and a short-term boom economy obviously had not impressed a single marcher.

Flambeau Mining Co. is subsidiary of Kennecott Mining, which in turn is affiliated with a British firm, Rio Tinto Zinc, one of the world's leading mining companies. Protestors expressed concern over the poor environmental track record of RTZ worldwide.

They also charged Flambeau Mining with lobbying state and local governments in order to gain endorsement for the open pit mine and going around the will of the general public.

Many of the marchers also testified during public hearings held earlier this fall in Ladysmith. A final determination from the State on the mine permit is expected in early January.

Representatives of the six Bands of Ojibewa in Wisconsin were among the many other groups and organizations at the protest. Also present were representatives from the Midwest Treaty Network, the Green Network, Wisconsin Resource Protection Council; People Against Kennecott/RTZ; and Rusk County Citizens Action Group.



Mining protestors climb other Ladysmith water tower as part of the protest. Several climbers were later arrested.



Signs and costumes visually portrayed the marchers' protest.

Wisconsin's radioactive status and future

Recently the Nuclear Regulatory Commission (NRC) announced its intentions to deregulate 'low level' nuclear waste. It is aggressively seeking to declassify approximately 30% of low level (yet deadly) radioactive waste to what it calls "below regulatory concern" (BRC).

The BRC deregulation would result in the legal dumping of radioactives into local landfills, sewers and waters rather than into facilities designed to contain them safely. Wisconsin is especially vulnerable to the transport and receipt of high and low level radioactive wastes because of various laws and lack of laws, and because of its geology and nuclear power plants.

Wisconsin stands a good chance of being sited as the nation's high level nuclear waste site. It could be sited for 'temporary' above ground storage ('MRS') or permanent below ground storage ('repository').

The Federal government has already initiated its "Mission Plan" for an above ground Monitored Retrievable Storage (MRS) facility—Wisconsin will be producing the cement storage casks for this 'temporary' radioactive waste facility via operations at the WEPCO Point Beach Nuclear Plant on the shores of Lake Michigan.

The Federal Dept. of Energy

(DOE) continues to pursue its 'Crystalline Project' for below ground storage of high level nuclear wastes in granite type rock.

Wisconsin is well endowed with this 'crystalline' rock and was in fact sited earlier this decade to be the nation's 'second' repository because of it. Back then (1985) Wisconsin communities organized and rallied against the radioactive plan which has since gone underground. Now, the Feds are not telling where they intend to site the nation's nuclear dumps although they have a very 'crystalline' idea.

Presently the Dept. of Energy is quietly/feverishly working to site and develop a national rad waste storage facility. Why? Because the Federal government is scheduled by law to take title to the nation's nuclear waste in 1998; also because nuclear power plants are rapidly running out of cooling/storage pools for spent nuclear rods.

Transportation and 'emergency response preparedness' plans are in the works. 'Agreements' have already been made with other regional compacts, but none as yet with the Midwest High Level Compact. Since there has been no successful federal siting of a MRS or repository, it stands to reason that they are saving the best news for last.

Tim Danton, Chicago based

coordinator for the national nuclear waste transportation project informed the Wis. Radioactive Waste Review Board (RWRB) in May of this year that the "Midwest Compact will play a major role" in the program. He did not elaborate, and it is sure that he will not be 'revving' engines loudly when he initiates the training program for Rad waste truck drivers in 1990 or 1991.

Why are the repository/MRS plans and developments being handled so quietly? A likely reason is that the Dept. of Energy (DOE) and nuclear industry have found that the more information the public has, the more public opposition rises to block the radioactive agenda (i.e. Nevada, once sited, eventually refused to host the first high level repository due to public pressure. A mutual law suit ensues between Nevada and the Federal Government.

Michigan, recently sited as the nation's low level repository, has lawfully maneuvered to refuse the nation's glowing garbage due to public pressures as well...MI had to sue the Federal government using the 'Freedom of Information Act' to learn that they had indeed been sited).

The Dept. of Energy and nuclear industry are surely seeking to bypass what they consider to be a royal public pain: the obstacle of public outcry to the radioactive

agenda. They surely support bill H.R. 3849 which would legally promote federal secrecy through blocking access to federal government publications and limiting the federal Depository Library Program.

The mining/energy/weaponry industries are ultimately responsible for implementing the construction and use of the radioactive waste storage facilities since they are the generators of the waste. They have historically had a heavy hand in repressing public information as well as disempowering democracy and environmental protections.

In Wisconsin, a Canadian mining company took the state to court and won the Noranda vs. WI decision rendered public mineral core sample information 'legally' secret.

Mining interests created the 'local agreements' law (ss144.839) which in effect made it possible for mining companies to override local ordinances and protections in Wisconsin. Subsequently, the world's largest mining company Rio Tinto Zinc (RTZ) designed and entered into a 'local agreement' with a 'selected few'. The agreement bypassed the town moratorium against mining at the Ladysmith site. The local community is valiantly challenging, however, if resistance fails, the

mine could soon begin operations).

Company politicking and involvement in the legislative process has lowered Wis. ground water standards and permitted companies to obtain variances, modifications and exemptions on environmental 'rule' standards. Curiously enough, the mining industry has also been responsible for silently creating the Wisconsin mining law which provides a 'legalized' mechanism for the dumping and importation of radioactive wastes at mining sites and/or at mining waste sites.

The well camouflaged 'bomb' of truth is that under Wis. law, a permit to mine is a permit to dump radioactives. (see the Wisconsin Metallic Mining Reclamation Act' (ss. 144.80—ss144.94)) The Wisconsin 'Metallic Mining Reclamation Act' (MMRA) has made Wisconsin much more vulnerable to the national radioactive waste agenda and to uranium mining. It gives the Wisconsin Department of Natural Resources (DNR) powers and duty over radioactive waste site explorations and over standards for toxic and radioactive wastes, their storage and disposal. It exempts federally contracted mining/radioactive waste site operations from state regulation.

Wisconsin is made yet more vulnerable to the national radioactive waste agenda and to uranium

mining by the fact that a mining company is not required to show a need for a waste facility (in order to get a 'license') as other applicants for solid waste facilities must do—s144.(2)(n). Also, a mining company is not required to attempt to obtain local waste approval when siting its waste facilities, as other solid waste operators must to do [s.144(1m)(c)].

Another state law allows 'backfilling' of the mine. One cannot help but wonder what this backfill would consist of, especially since 'refuse' can be legally imported. It is equally frightening to realize that State statute 66.122 gives mining companies the right to invoke police powers for siting of the waste.

Mining companies have further greased the 'machine' by enacting law 144.83(e) which gives the DNR the power to accept and expend gifts from mining companies! The mining industry refers to the Wisconsin mining law as a 'national model'. The truth is that these 'model laws' coupled with federal nuclear energy/nuclear waste/weaponry policy have put democracy, environment, and public health at an unprecedented risk in Wisconsin and elsewhere.

(The above paper was written by Karen Harvey, Council Member, Upper Great Lakes Green Network. Footnotes omitted.)

The right to be different

American Indians are still struggling for basic legal rights

by Vine Deloria, Jr.

Back in 1954 the Supreme Court issued its landmark ruling in *Brown* declaring that separate but equal facilities in education were unconstitutional. It thereby followed that the separation of the races by state and federal laws were also unconstitutional. A year later the Blacks began the Montgomery bus boycott and the civil rights movement got under way. By the early 1960s freedom riders were challenging segregation on public transportation and at luncheon counters in the South. The 1963 March on Washington demonstrated a national will to erase segregation from the nation and succeeding years showed the movement to have made significant progress. A series of civil rights acts followed which ensured that Blacks would receive protection in voting, housing and employment.

The civil rights movement was historic because it brought together law and theology in one simple but compelling concept. Christianity had preached equality before God; American jurisprudence preached equality before the law; but American society practiced neither. When Blacks began to demand that American society practice what it

preached, both lawyers and theologians found themselves unable to resist following the dictates of their conscience and intellectual beliefs. Faith and works coincided and the churches and legal profession became involved in closing the gap between rhetoric and reality.

In the late 60s, as the civil rights movement declined, the American Indian community began to demand its legal and moral rights. Government property was invaded and tribal leaders talked seriously about making the federal government fulfill its treaty promises. One protest led to another and finally in 1973 the movement reached a climax with the occupation of Wounded Knee, South Dakota, on the Pine Ridge Indian Reservation. Trials of the leadership of the American Indian Movement occupied everyone's attention for the next several years. By the mid-70s Indians had recovered somewhat from the trauma of Wounded Knee and Congress authorized the American Indian Policy Review Commission to survey conditions of Indians in the United States and make recommendations concerning reforms which should be initiated by the government.

The American Indian Policy Review Commission was a dismal failure. The commission report failed to clarify the situation of American Indians; it issued a bulky report with over 200 recommendations which were basically housekeeping items of a technical nature. An indication of the status of Indians following the abolition of the Indian Affairs Subcommittee in the Senate and the authorization of a temporary Senate Select Committee on Indian Affairs

which must be periodically renewed by Senate resolution. With the onset of the Carter and Reagan administrations Indian water rights, energy resources and federal funding came into jeopardy. Today unemployment on reservations reaches staggering percentages. The Supreme Court has recently ruled against Indians in two important water rights cases. But the recent trend of decisions in the highest court indicated that the tide had definitely turned against Indians; Indians have lost a majority of cases taken to the Supreme Court in the last five years.

There is a definite correlation between the success of the Black community and the failure of the Indian community in achieving confirmation of legal and civil rights. As early as 1937 the NAACP Legal Defense and Educational Fund had systematically planned an attack on the *Plessy* doctrine of separate but equal. A select group of legal theoreticians spent many hours discussing the implications of the *Plessy* doctrine attempting to find a strategy for overturning it. Finally it was decided that emphasis would be placed on the word "equal" and cases would be taken in the field of education which would show that maintenance of separate institutions for education were inherently unequal because they denied the informal fellowship and social skills which full and free association contributed to both white and black.

A series of cases taken in border states made several states construct separate institutions for the legal and medical training of Black students. The idea of maintaining separate institutions was not only costly to the states, it was exceedingly difficult to prove that the

institutions were equal in the education they provided. Step by step the NAACP worked its way through all the logical and moral implications of what it meant to be equal in the United States and the barrier to full participation in American society by the Black community began to fall. Almost every knowledgeable person knew by the early 1950's that the *Brown* decision would eventually be articulated by the Supreme Court. The only question concerned which case it would be that would overturn *Plessy* and articulate a modern statement of civil rights under the Constitution.

The subsequent civil rights movement was successful because the Supreme Court had already declared segregation to be unconstitutional. Protestors arrested for exercising their constitutional rights might be convicted in state or county courts but they could look ahead to appeals to the Supreme Court where they were confident of reversal and moral justification. Civil disobedience was possible because the civil disobedience was being directed against laws that were outmoded and needed only to be tested and brought to the Supreme Court for reversal. Thus before the protestors marched they were confident that both law and morality were on their side. Churches and private attorneys were eager to assist in tearing down the remaining barricades and could look optimistically toward the day when all levels of government would follow the directions of the Constitution in the field of human relations. Even with the recent administration attempting to reverse the progress of civil rights, most of the victories achieved by the Black community in the 1950s and the 1960s have been retained.



Indian protests, on the other hand, served to dramatize the plight and conditions of Indians. American society was already aware of the wrongs committed against Indians a century before and had a sufficient reservoir of guilt to be sympathetic to Indian overtures. But the Indian protestors did not have a clear legal or moral point to their protests. No program for land reform, for treaty protection, or social rehabilitation emerged from the Indian protests. Both the churches and the legal profession wanted to help Indians but aside from providing defense attorneys for Wounded Knee activists and giving small grants as seed money for community development projects by Indian communities there was little that either theologians or lawyers could do to help provide basic and permanent reform in the field of Indian Affairs.

The Indian victories of the early 70s—the return of Blue Lake to Taos Pueblo, the passage of the Alaska Native Land Settlement Act, the repeal of the Menominee

Termination and the several victories in the Supreme Court—were dependent on a mood of sympathy in the country and not upon and profound understanding of the necessary steps to make permanent improvements in the status of the Indians. The general public, the Indians, the churches and the legal profession were all pleased that Indians were receiving a modicum of justice but many of the victories did not seem to correspond to a general march of progress by Indians. Eastern land claims got blown completely out of proportion and people misunderstanding what they represented became angry that Indians were using the courts to confuse and confound land titles in the eastern United States. Indians started to look like a persistent annoyance and public sympathy vanished. And Indian progress vanished shortly thereafter.

Blacks are materially better off than they were before the civil rights movement began. They now have freedom of association and a bevy of federal laws which protect them from formal intrusions on their civil liberties by states, counties and cities. Indians are not materially better off than they were before Alcatraz. No single concept dealing with the rights of Indians has been clarified and placed beyond the reach of Indian adversaries. Courts and legislatures move back and forth in dealing with Indian rights. State governments frequently force test cases on water rights, civil and criminal jurisdiction, taxing powers, social program eligibility and other topics which are of critical importance in maintaining Indian reservations as viable societies. Indian legal and political organizations, (See *Indians*, page 12)



Two GLIFWC wardens from Keweenaw Bay topped their class during 14 weeks of Basic Police Recruit Training in Marana, Arizona. Bill Jondreau, right, took honors in academics and Don Shalfoe in firearms.

Cooperation a key to 1990 progress

(Continued from page 1)

□The development of community-tribal cooperation in fisheries management. I refer particularly to Fish for the Future, Cable and the Red Cliff and Bad River Bands as well as to the Long Lake Chamber of Commerce and the St. Croix Band, and other tribes/communities in their respective enhancement projects.

□Successful completion of the first "Circle of Flight," a cooperative tribal-USFWS initiative aimed at improving habitat for waterfowl.

□A large scale joint wild rice re-seeding project between GLIFWC, WDNR and USFS.

□Tribes taking an active pro-environmental stance, with particular mention of GLIFWC's involvement with the Red Cliff mercury study as well as tribal and environmental groups joining in opposition to the proposed mine sites at Ladysmith.

□The development of a proposed Environmental Health Laboratory, a cooperative project

between UW-Superior, GLIFWC and the Center for Lake Superior Environmental Studies.

In the area of enforcement 1990 saw:

□Increased dialogue between GLIFWC and local/state enforcement officials in developing enforcement for spearing landings.

□Steps towards the cross-deputization of GLIFWC wardens with state conservation wardens, with cross-deputization of some wardens imminent.

In the social arena, 1990 also provided some positive changes. Once again these have been possible because individuals and organizations, both tribal and non-Indian, have been able to recognize a problem—racism and misunderstanding—and have jointly sought to find solutions. A few examples of progress in this area include:

□The passing of the American Indian Studies Committee Education Bill and development of curriculum designed to provide more public education in the areas of

tribal government, culture and treaties.

□An overwhelming demand for information regarding tribes and treaties from schools, churches and civic organizations showed a public willing to learn.

□A growth in treaty support groups, not only in Wisconsin, but nationally. Both HONOR and the Midwest Treaty Network (which represents a number of local support groups) have expanded significantly.

□Increased awareness of treaty issues by educators prompted both by the new curriculum bill and efforts of organizations such as WEAC in providing informational forums for teachers.

□The development of tribal-community committees, initiated by Gov. Thompson, to explore avenues of economic development which would mutually benefit tribes and non-Indian communities.

These are but a few of the strides we have made in 1990. I believe they account for a good

deal of progress and also know they result from a great deal of effort and a growing commitment to work together.

Working jointly is not easy. It requires perseverance and the willingness to learn about and from each other. That experience can sometimes be painful, but it can, and has, also brought about accomplishments that benefit all.

Survival of the Earth and survival of the Tribes as self-regulating, culturally intact and respected governments continue to be sacred and purposeful objectives for tribal people. We can be thankful for the opportunities the past year has provided to join with others in pursuing those goals.

With that in mind, heedful of our accomplishments without losing sight of the many problems that still lie ahead, I would like to say "Megwetch" to all member tribes, individuals and organizations who have been a part of tribal progress in 1990 and a welcome to the challenges of 1991.

News from the Northwest

A Skunk Is A Skunk Is A Skunk

By Bill Frank, Jr., NWIFC Chairman

It's an old story. Over the generations, those who have wanted Indian lands and resources have somehow felt they were there for the taking. Somehow they have been able to justify in their own minds the use of deceit and murder to achieve these ends. Never mind that the cultures and civilizations they attempted to destroy in the process are thousands of years old. Never mind justice. Never mind nature. Just get rich. That's what counts. Never mind the consequences that must be borne by the earth and its inhabitants. Build concrete cities. Cut down all the trees. Pollute the waters. Who cares? As long as there is gas to burn, microwave dinners to eat and football games to watch... who cares?

The Indian cares. For a thousand generations, Indian civilization has been based on caring for nature and her gifts. Our culture, our economy, our religion, our very survival has been based wholly on our relationship with Mother Earth. Despite all that we have been through over the past few hundred years, we are still here, and we still care.

Here, in Washington State, the development of cooperative resource management has proved a logical recourse to confrontation between the Indian and non-Indian people over resource management and environmental protection. It has benefited all people, and it has benefited the salmon and other creatures. It is the path we should all choose to take into the next century. But it must be based on a foundation of mutual respect, and of recognition of one another's rights, and most importantly on the conservation of earth's true treasures—abundant resources and ample clean water.

There are those who disagree. An organization calling itself United Property Owners of Washington (UPOW) is actively engaged in the effort to steal Indian resources. UPOW is comprised of the same people who comprised S/SPAWN, an anti-Indian political organization that has been branded racist by the churches, as well as other organizations of good conscience. There no longer is such an organization as S/SPAWN. The mother organization is now called the National Coalition on Federal Indian Policy (NCFIP). But whether they call themselves UPOW, or S/SPAWN or NCFIP, a skunk is a skunk is a skunk. It smells the same, whatever you call it.

(Reprinted from Northwest Indian Fisheries Commission News, Vol. XVI, Number 3, 1990)

Washington Governor acclaims tribal/state co-management

Governor Booth Gardner says Washington State leads the way in the nation in the development of favorable tribal/state relations.

Speaking at the first annual review of the Centennial Accord recently, Governor Gardner said the state is committed to the implementation of the accord, which provides a framework for progressive government-to-government relations between the state and the Indian tribes.

The accord was signed by the governor and tribal officials last year following years of successful co-management of the fishery resource and successful development of cooperative environmental protection efforts, such as the Timber-Fish-Wildlife Agreement. While cooperative resource management and environmental protection efforts have led the way in drawing together state and tribal

efforts and programs, the accord also extends to other economic and social issues. It is seen by state and tribal officials as the vehicle to carry government-to-government relations into the 21st century.

The governor has instructed all appointed state agency administrators to implement the policies and spirit of the accord throughout their agencies. Both the state administrators and the tribes have agreed that the agencies have fallen short of doing so, and that they need to concentrate their efforts on more effective implementation of the accord.

"Policy without implementation is not policy," said Gardner in reaffirming his commitment to the accord and the continued development of good state/tribal relations.

State and tribal officials agreed there is a need to achieve more

progress with the implementation of the accord; they also agreed that the state/tribal relationship in Washington has vastly improved over the past several years and that this improved relationship has been beneficial to Indian and non-Indian citizens alike. Gardner also pointed out that the accord is in the final running for a national award.

"I feel good about our progress," said Governor Gardner.

Participants in the first annual accord meeting, held at Sea-Tac, agreed on the need for more regular Indian/non-Indian gatherings, improved public education efforts by the state on the accord, and improved communication with state agencies.

(Reprinted from Northwest Indian Fisheries Commission News, Vol. XVI, Number 3, 1990)



GLIFWC's 7th annual conference

GLIFWC's Seventh Annual Conference, entitled "Finding Common Goals," provided an opportunity for participants to address the issues of treaty rights from a variety of perspectives. Discussions ranged from the broadly-sweeping national issues to a closer examination of local impact of treaty rights on tribes and communities.

The conference, held October 24-25 at the Holiday Inn, Duluth, sought to provide both a better understanding of tribal rights and sovereignty as well as forum for Indian and non-Indian representative to explore areas of mutual concern.

The following articles review the major ideas presented in the plenary panels. Not covered are the twelve break-out sessions which related to more specific interests, such as the Great Lakes commercial fishery, waterfowl management, environmental issues, the inland fishery, the relevance of Chippewa culture in resource management, and the problems of inter-cultural communications.



Addressing the conference participants during the panel presentation entitled Treaty Issues Which Face Us Today are, from the left, Attorney Doug Endreson, Sonosky, Chambers and Sachse, Inc.; Jim Zorn, GLIFWC Policy Analyst (panel moderator); Henry Buffalo, Fond du Lac Tribal Attorney and David Siegler, Bad River Tribal Attorney.

Treaty issues which face us today

National issues

Attorney Doug Endreson, Sonosky, Chambers and Sachse, Inc., Washington, D.C., provided an overview of national issues of tribal concern. Endreson indicated that he had identified five national issues which will affect tribal treaty and sovereignty rights.

Three of those issues are to be heard before the U.S. Supreme Court and two are awaiting Congressional action.

Supreme Court Action

Two cases which will be heard by the Supreme Court include the Noatak Case, which addresses the issue of a state being sued by an Indian Tribe; and the Potawatomi Tax Case, which relates to the collection of cigarette taxes and issues of sovereign immunity.

A third case which the Supreme Court may decide to hear addresses the taxability of Indian owned fee land on reservation.

Endreson noted that this term of the Supreme Court, which opened on October 1, is the first term with Justice Sauder. Sauder's outlook on Indian rights issues is not known, so this increases the unpredictability of the Court's decision. The Noatak Case from Alaska involves the collection of money damages for interference

with treaty rights and the ability for tribes to recover taxes unlawfully collected by the state.

The Noatak Case, Endreson noted, held that tribes can sue states for money damages in federal courts and, also significant, held that Indian villages can qualify as tribes.

Endreson explained that the case evolved when the state of Alaska refused to administer federal funds to Indian tribes.

Under the Constitution, he said, Congress has the right to override state's immunity to suit. The issue is whether the Court will hold that a rationale will eliminate a state's immunity to suit. Also significant to the case, is that it does not include injunctive or declaratory relief for things that the state will or might do in future, but rather is limited to things that have happened in the past.

In the Potawatomi Smoke Shop Case the holding from the 10th Circuit Court of Appeals is that the

State of Oklahoma cannot require a tribal smoke shop to collect the cigarette taxes. This holding was based on the fact that Oklahoma is not a PL 280 state and finding the Colville Decision to be inapplicable because Oklahoma did not take jurisdiction under PL 280.

Endreson explained that PL 280 does not confer any taxing authority on a state or confer civil regulatory authority on a state (from Brian Decision, MN).

Another issue in the case pertains to sovereign immunity, Endreson said. Whether the Court will permit suit against tribes for back taxes or for injunctive declaratory relief is a matter of interest.

Concern is high, he noted, because results have been disappointing in Supreme Court. It is difficult to anticipate the decision because of the inconsistencies in previous rulings, he said.

The heart of this case, according to Endreson, is the conflict

"Options make the situation more complex, but because they are presenting opportunities not available before. Defining objectives is an internal matter and other courses are strategic choices to implement those defined objectives." —Doug Endreson

between tribes and states over taxation of commerce with non-Indians.

Tribes have had a difficult time progressing in economic development because of the unpredictability, he commented. They need a firm holding from the Court for tribes and states to negotiate a settlement where they either face an all or nothing possibility.

The third significant case which may be heard by the Supreme Court is a Ninth Circuit Court Case. The holding from the Ninth Circuit was that a county can levy a property tax on Indian owned fee lands on reservation. The Ninth Circuit Decision said that the General Allotment Act permitted that taxation. It has been sent back to court to resolve if the checker-board pattern on reservations would interfere with the political and economic security of tribe, Endreson said.

Congressional Action

A significant piece of legisla-

tion, entitled the Duro legislation, will be coming before Congress. It results from a holding that Indian tribes do not have criminal jurisdiction over non-member Indians on reservation.

This, Endreson related, has created a lot of problems on reservations considering the large populations of non-member Indians on various reservations.

A Congressional Bill has been introduced creating a clause which defined Indian as any person who is an Indian person for purposes of general jurisdiction. The definition, however, has a sunset clause as of Sept 30, 1991.

A second matter before Congress regards the reorganization of the Bureau of Indian Affairs (BIA). Both the House and Senate Appropriations Committees' reports emphasize no reorganization can occur unless and until a reprogramming request is submitted and approved to the appropriations committee, Endreson said.

Also, effective consultation

must occur with tribes before that approval. The House version of the bill actually prohibits use of funds without that approval, he said.

Essentially, the five actions described by Endreson are significant judicial and Congressional decisions which are impending and will have an impact on tribes and the exercise of their sovereignty in the future.

The Power of Options

In the past the tribes have looked at litigation, negotiation and Congressional legislation as ways of defining objectives and resolving a problem, Endreson noted.

The litigation solution produced tremendous results during the Self-Determination period, he said, but now many issues are much more complex and not comparable to the regulatory issues confronting tribes and courts today.

"The solutions sought by tribes," he said, "are strategic (See National Issues, page 10)

Treaty issues in Minnesota

Henry Buffalo, attorney for the Fond du Lac Band of Chippewa, provided an overview of issues current in the state of Minnesota.

Buffalo pointed out that the Minnesota experience in relation to treaty issues is somewhat diverse. But the state has witnessed the development of tribal governments as responsible resource managers both on and off reservation.

Litigation vs. Negotiation.

While on-reservation management experience has been much longer than off-reservation, Buffalo noted, it has included a long term relationship with the state government. Buffalo defined the relationship as one which allows the tribes in Minnesota to look at alternatives to litigation for the resolution of differences.

One of the oldest examples, he said, is the Leech Lake Agreement from the 70s, a settlement which occurred as the result of a law suit filed between the State and the Leech Lake Reservation.

The State of Minnesota has

two treaty areas of concern today, Buffalo stated. Those are the 1854 Treaty Area, in the northeast ceded territories involving three Bands and the 1837 Treaty Area in the south involving the Mille Lacs Reservation.

Reviewing the current situation, Buffalo noted that in 1986 the Grand Portage Band of Chippewa filed a lawsuit against the State. Discussions were initiated by the State to see if any agreement short of long term litigation was possible. The three affected Bands, Grand Portage, Fond du Lac and Nett Lake, participated. By 1988 an agreement was reached.

The Bands sought an opportunity to at least attempt to develop a relationship, Buffalo said, to achieve re-introduction of themselves as a regulatory body in the ceded area, a status which had lacking for over 80 years.

Buffalo noted that a common thing in this type of litigation is that tribal governments and courts exercise their authority over Band members. However, the regulatory powers are there if and only if

a tribe can show its regulatory authority.

It was also the belief at the time of the agreement that it would provide the resources and time to develop self-regulation capabilities, which is significant for acceptance of exclusive self-regulation, Buffalo explained.

The agreement with the State of Minnesota set aside the judicial dispute and a body representing the three Bands, the Tri-Band Authority, was formed.

Since then the Fond du Lac Band dropped out of the agreement, Buffalo said, due to on-reservation disputes. However, the other tribes continued on to utilize the Tri-Band, now known as the 1854 Authority.

In Fond du Lac, the tribal government has sought guidance as to how the government should develop its plans for the future in regard to off-reservation treaty rights.

An 1854 Commission, composed of constituent members appointed by the Reservation Business Committee (RBC), was instituted to develop off-reservation codes. The 1854 Commission has also been part of the ongoing process of examining the issues regarding the best strategy to utilize for the reaffirmation of the off-reservation rights.

Fond du Lac, in meantime, continues to maintain a presence in the ceded territory, Buffalo said. The Band provides exercise of rights under a code adopted by the Band and in an unwritten agreement with State that they would recognize and not interfere with the exercise of its rights during this interim period.

Buffalo also remarked on the differences of the long term litigation experience in Wisconsin and the alternative to that seen in MN.

"The affirmation of rights are hard won," he noted. "One thing that drives that forward is that in the last several years in the Supreme Court tribal rights have not been very successful. Victories in court may not always be victories. Tribal leaders have a very chal-



Manning the registration table at the GLIFWC annual conference were, from the left, Annette Crowe, bookkeeper; Carol Jensen, receptionist; Leanne Thannum, Biological Services Division administrative assistant; Kim Padjen, Enforcement Division administrative assistant and Dawn Bresette, Intergovernmental Affairs Division administrative assistant.

lenging situation in making decisions when considering litigation vs. discussions and agreement."

Participation in FERC re-licensing

Other issues in Minnesota which relate to off-reservation rights and tribal sovereignty were also reviewed by Buffalo. Significant to the tribes, he said, is the Federal Energy Regulatory Commission (FERC) re-licensing procedures.

There are ongoing re-licensing procedures by various hydroelectric dams existent on may bodies of water in the ceded territory. FERC has jurisdiction over re-licensing of these entities and the tribes are presented with the first opportunity in fifty years to have an impact on those re-licensing procedures.

The introduction of hydroelectric systems hammed many resources, Buffalo commented. "It is important for the tribes to be involved," he said, because tribal participation in FERC re-licensing will allow tribes to seek mitigation

of those damages or restoration of the natural resources.

Water Quality Issues

Another important area for tribal involvement is in water quality, Buffalo stated. The Minnesota Tribe has a water quality laboratory which has provided information regarding many on-reservation concerns. The Tribes should expand that involvement to water quality issues off-reservation as well.

Government to Government Relationships

A fourth issue in Minnesota mentioned by Buffalo is the seeking of a definition of "government to government" relationships. The interpretation of government to government relationships between tribes and states and the implementation of that relationship is an ongoing issue, he stated.

Buffalo sees a difference between Wisconsin and Minnesota tribal relationships. "Minnesota appears to have a much more mature and sophisticated relationship with more history behind it. That

isn't there in Wisconsin," he observed.

However, in Minnesota there "are still glitches that occur," he said. The relationships "do evolve, people change and a constant tinkering with the mechanism is needed to continue providing benefits to both tribes and state."

Education—a common goal

Education was the last major issue in Minnesota mentioned by Buffalo. The public still requires an understanding of what it means when we talk about treaty rights, he said. This includes an understanding of its implication when treaty rights are asserted in the ceded territories.

Buffalo sees a need for continued involvement in schools. "There is a void in educational systems. Nothing is taught about tribal governments as legitimate governments," he said. This should be a common concern to tribes and states as we seek understanding in regard to the governments. (See Wisconsin Issues, page 10)



Henry Buffalo, Fond du Lac Attorney.

"Finding Common Goals"

Common questions about treaties

Are the tribes depleting the resources?

"Are the tribes depleting the resources?" The simple answer is "No," according to Thomas Busiahn, GLIFWC Biological Services Director. But, he said, simple answers don't do justice to the complex resource management issues that we face today.

Implicit in this question—Are the tribes depleting the resources?—is the assumption that natural resources should not be depleted, that they should be renewable, sustainable, managed for present and for future use. This assumption is held by many people in America today, Busiahn noted, more people now than ever before in history.

Yet many renewable natural resources have been plundered, liquidated, or destroyed since the Chippewa treaties, including the buffalo, the white pine, the passenger pigeon, the fisheries of the Great Lakes. "To those who say that's all in the past, Busiahn said, "look at the current decline of migratory waterfowl and songbirds, the current pollution of ground-

water by agricultural chemicals, and the current push to mine sulfide ore from an open-pit on the bank of the Flambeau River in Rusk County, Wisconsin."

The history of natural resources in the United States shows that sustainability did not even occur in the thought of non-Indian Americans until the middle of the nineteenth century, Busiahn noted, with the visionary writings of a few like George Perkins Marsh.

By the turn of the century, different philosophical concepts of resource conservation had gained popular support. For example John Muir was the founding father of today's wilderness preservationists, and Gifford Pinchot, the first director of the Forest Service, educated a generation of foresters in sustainable but intensive utilization of resources.

Since then, Busiahn stated, the entire twentieth century has been characterized by a growing public awareness of the principle that humans depend on sustainable ecosystems, and sustainable eco-

"The goal is to import cash from more affluent regions of the country. This priority favoring commercialized recreation sets up potential conflicts with the tribal right to use natural resources for subsistence, for sale, and for ceremony." — Tom Busiahn

systems depend on human stewardship.

However, American conservationists "discovered" the concept of sustainable resources in the same way that Columbus "discovered" America. Someone else was there first. The native cultures of North America were the first to recognize the connections between Man and his environment. American conservation writers from Thoreau to Leopold have acknowledged the debt that the conservation movement owes to the Native American culture and worldview," he commented. To the conservation movement, Indians were the symbol of a glorious past, but today Indian people are more than symbols. They are becoming partners and leaders within

the environmental movement, and are helping to build a glorious future.

Back to the question, are the tribes depleting the resources? No, but within the context of history, the question itself appears ridiculous.

Yet, Busiahn related, Indians tribes are linked in the media and by anti-Indian groups with resource depletion, especially of fish. The move to blame Indians and treaty harvest for depletion has been interpreted as racism, as economic warfare, and as plain old greed. From a fishery manager's perspective, it supports the axiom that a shared fishery will produce conflicts among users, especially if the resource is scarce or if there is much uncertainty about its pro-

duction.

While tribal and state-licensed fisheries share biological management objectives, they differ in the uses and values placed on the resources. Here again, it is useful to take a historical perspective.

The Chippewa people of seven generations ago harvested fish, wildlife, and plants from the wild for their livelihood. The lands and natural resources were in a sustainable balance with the human economy.

Surplus production of local resources was used, Busiahn said, and there was little "importing" of goods from other regions. "Resource management" meant using resources when they were plentiful, harvesting a variety of resources, and distributing the harvest within the community so that everyone benefited.

At the time of the land cession treaties, the Chippewa had long engaged in commerce with the French, British, and Americans, and used manufactured goods. Nevertheless, the people were an

integral part of the landscape in a way that is almost unimaginable today.

In modern times, the ecosystems of Lake Superior and the surrounding lands are viewed very differently. Conventional wisdom is that tourism is the foundation of the economy, and commercialized recreation is the highest and best use of fish and wildlife resources. "The goal is to import cash from more affluent regions of the country," Busiahn stated. "This priority favoring commercialized recreation sets up potential conflicts with the tribal right to use natural resources for subsistence, for sale, and for ceremony."

To understand the complexity of resource management issues, we should also look to more recent history. The uses and values of the American public toward natural resources are constantly evolving. For example, the sport of angling is changing very rapidly. The number of anglers has stopped increasing, and future declines are

(See Tribes, page 9)



Taking time to chat during the annual conference were, from the left, Eugene Taylor, St. Croix tribal chairman and Robin Jaeger, Superintendent, Great Lakes Agency Bureau of Indian Affairs.

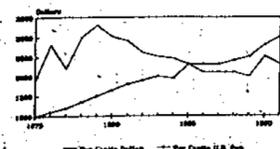
Does the treaty harvest ruin tourism?

by James Thannum
GLIFWC Natural Resource
Development Specialist

Introduction

Economic misconceptions regarding Indian people are common and have a long history. For example, many people have heard, "Indians get everything for free!" What is not commonly known is non-Indians have a higher per capita annual expenditure than Indians as can be seen on the following graph. The Congressional Research Service has projected FY 91 expenditures at \$3,007 for non-Indians and \$2,281 for Indians.

PER CAPITA EXPENDITURE, U.S. & INDIAN
FY 1991 - FY 1991, in current dollars



For 6 years anti-treaty organizations have claimed that the spearfishing activity of Chippewa Bands has ruined northern Wisconsin's tourism economy. This article will examine some of the overall trends in Wisconsin's tourism sector, examine some characteristics of the state's sportfishing industry, compare harvest rates, and question some of the basic assumptions regarding claims that Chippewa spearfishing is responsible for the demise of northern Wisconsin's tourism economy.

Overview of Wisconsin's tourism economy

The Wisconsin Department of Tourism estimated tourists brought over \$5.4 billion into the state in 1989 directly supporting 87,716 jobs throughout the state. Of these expenditures 27% are from January through May (5 months), 44% from June through August (3 months), and the remaining 29% from September through December.

The displacement of small obsolete resorts was taking place prior to the Voigt Decision. A 1981 Tourism Industry study reported, "Resort problems were shown to increase with the age of the resort. Those that appear to be having the most significant problems, however, were built prior to 1930. Twenty-five percent of these resorts were shown to have declining occupancy trends. This may be attributed to the declining quality of these resorts due to their age and the fact that 60% of their owners have not made any improvements or done upkeep since the resort was built." The study went on to state, "37% of the resort owners in Indianhead Country and 29% in the Northwoods Council said they planned to convert their resort within the next three years, implying second home ownership may rise in northern Wisconsin, whereas resort room supply may continue to decline."

State and Federal income tax structures, allowing interest deductions for second home purchasers as one of the few remaining tax right offs, will likely continue this trend into the next decade. Wisconsin's tourism markets have continuously changed over the decades due to shifts in population structure and new lifestyles. Tourism experts such as Rollie

Cooper, U.W. Extension Recreation Resource Center, have emphasized that the country's aging population, growth in two income households, and increased population of single-parent families hold potentials for great impacts upon Wisconsin's resort industry. Failure to meet the specialized needs of these growing markets will result in continued displacement of small resorts possessing obsolete facilities. One such example is that two-income households often find it difficult to coordinate long periods of time off and therefore rely more on extended weekend trips. Unfortunately, many northern Wisconsin resorts require a 1-week minimum stay, thereby excluding themselves from a growing market.

Characteristics of WI's sportfishing industry

Every 5 years, the USFWS and Bureau of Census undertake a comprehensive survey of Fishing, Hunting, and Wildlife Associated Recreation. This survey provides a wealth of information from which a profile of Wisconsin's sportfishing industry can be summarized and basic questions answered.

1. Who is fishing in the state?
In 1985, anglers spent 28,867,200 fishing days in Wisconsin waters. Residents made up 78% of these fishing days as compared to 22% accounted for by non-residents. Furthermore, Wisconsin residents spent 97% of their fishing days in the state and only 3% in other states.
2. Where are anglers fishing?
The USFWS survey breaks the

(See Tourism, page 11)

Why do Indians have special rights?

Jim Zorn, GLIFWC policy analyst, briefly addressed the issue of treaty rights as "special rights" given to Indians. From that assumption, people are sometimes led to believe that they are also "unequal" rights.

Zorn explained that the treaty rights of the Chippewa are the same as rights any sovereign would have and retain to exercise sovereignty over their members.

People become confused because tribes were "conquered in an incomplete way and enjoy a special relationship with federal government," Zorn commented. "However, the bottom line is that tribes still have powers that were not legally taken away."

Common principle of international law, he explained, were applied when discoverers came here, and the tribes were treated as nations. "Our precursors treated tribes as other nations and tribes were viewed as having powers other nations would have."

Zorn also emphasized the treaty rights are reserved rights, not rights given tribes because they are Indian people. Tribes gave up certain rights when signing agreements or treaties but they also kept other rights, which have never been sold or relinquished.

Treaty rights are based on common legal principles we face everyday, Zorn said, such as principles of contract law and property law principles. As long as terms of agreement are there, it doesn't matter how old the agreement might be.

Another area of confusion relates to the canon of construction,



James Zorn, GLIFWC policy analyst.

that treaties should be interpreted as tribes understood them. This, he explained, is a principle of law. When one party controlled an agreement, it will be construed in favor of the weaker power. This, he said, is a basic canon of law, not just Indian law.

"Why this is so surprising in Indian law, I don't know," Zorn said, "because it is also common in non-Indian law. So is the idea of selling property and retaining rights, which is not uncommon practise. Mineral rights are not new or unusual."

If people question why they can't I spear or why Indians have

special privileges, the bottom line is that non-Indians could spear, Zorn related. Those that have authority, the tribes or state government, to allow this make those choices, he said. The State could choose to do the same thing. The government will choose how it allows its citizenry to harvest. In the case of Wisconsin, the State chose to allocate opportunity more than fish; however, they could opt to allow spearing.

"So it's not a matter of special rights," Zorn concluded, "but the fact that the non-Indian government chooses to regulate in a different way."

Can tribes responsibly manage the resources?

According to Robert Jackson, BIA biologist, Great Lakes Agency, the answer to the topic question is an emphatic "yes!" In substantiation of that "yes" he provided an overview of the tribal resource management program capabilities throughout the Minneapolis Area Office region.

One of the first requirements to manage the resources is the authority to do so, Jackson pointed out. Tribes have that authority through the treaties signed by the federal government and in which tribes reserved rights. These rights, Jackson noted, were re-affirmed through courts which also identified tribal responsibilities.

As sovereign nations with governmental powers, tribes generally retain management, regulatory and enforcement authority, Jackson said. Tribal resource management responsibility results from court orders and court-ordered consent decrees such as the Voigt Decision and U.S. vs. Michigan which describe specific qualifications for tribes to exercise their governmental powers.

Besides regulatory authority, successful resource management



requires a resource base, Jackson acknowledged. In the Minneapolis Area, which involves the states of Minnesota, Wisconsin and Michigan reservation inland waters equal 900,000 acres, and there are 1.2 million acres of forest land, Jackson said. In the ceded territories there is nearly 25 million acres of land and water.

Dollars for resource management comprises a third component necessary for successful management. Jackson has seen a dramatic increase in funding for tribal resource programs from \$1.6 million in 1983 to nearly \$13 million in 1991 for tribal and inter-tribal resource management programs.

Dollars provide the personnel necessary for management programs. Twenty-two of thirty reservations in the MAO affecting over

98% of the on-reservation land base. 250 biologists, technicians and conservation officers are employed through tribal resource management programs. Personnel provides enforcement, judicial regulation as well as conservation management, Jackson stated.

In addition to tribal programs, four inter-tribal organizations are also involved in resource management programs in the MAO. These include GLIFWC, the Chippewa-Ottawa Treaty Fishery Management Authority, the 1854 Authority and the Minnesota Chippewa Tribe.

Accomplishments bespeak success

While the components for sound management are available to the tribes, the accomplishments through tribal and inter-tribal programs detail their effectiveness.

Fish hatcheries were the first item on Jackson's list of achievements. Twelve tribal hatcheries or rearing components are operating in the MAO with Red Lake and Lac du Flambeau, begun in 1929

(See Can Tribes, page 10)

State-Tribal relationships: Possibilities for change

The opening panel on October 25th looked from a variety of perspectives at both the problems which impeded effective state-tribal relationships as well as areas which illustrate growth and the potential for improvements.

As Bad River Tribal Chairman Donald Moore stated during his welcoming comments, the purpose of the conference was to identify common goals, whether in regard to treaty issues or environmental issues. "We are all trying to mesh in an effort to make a better world."

Boyle stresses acceptance of treaty rights as a first step

Representative Frank Boyle, (D) 73rd District, emphasized his own personal growth during the last 18 months as he has come to know and understand Indian people. From this experience he promotes the necessity to accept and enjoy the enrichment the Indian communities provide as well as the responsibility to be direct and emphatic in the denouncement of racist tactics.

"The uniqueness Native American give to this country is still alive," he noted in opening. "I am just beginning to sense the subtleness of their connection with nature and the gentleness the Indian people lend to the earth."

Conflict not of rights, but of racism

The fundamental step to promote change and resolve conflict as posed by Boyle was the recognition and elimination of racism both within individuals and institutions. That, he feels, is the foundation which will lead to problem resolution.

After 500 hundred years of overt and covert governmental genocidal policy, which reduced the Indian population from 6 million in 1492 to 175,000 in 1980,

Boyle stated he was glad to see the tribes still survive and that the culture and uniqueness has been retained. "That is phenomenal and a test of human endurance," he commented. "We need to look at the treaty rights struggle as a witness to the tremendous fighting spirit that has kept that culture alive."

Boyle briefly referred to the nation's track record on racism, commenting on the coinage of General Sherman's phrase from the 1870s when Sherman under the Grant administration declared: "The only good Indian is a dead Indian."

The country, Boyle said, embarked on a process of extermination early in its history. Those attitudes remain today and are witnessed in actions such as at the Wisconsin County Board Association meeting this fall when they engaged in making fun of Indian culture and heritage, he said.

"The exercise of treaty rights is not a conflict of rights. It is a conflict of racism," Boyle stressed. He feels the non-Indian community must come to grips with inner fears and prejudice and discover that there is room for other people and other races in this state.

Steps being taken

As Chairman of the American Indian Study Committee, Boyle directed some of his comments towards the committee's work. He noted that the committee is dedicated to resolving problems of racism in the state and to resolving problems confronting the Indian people of this Wisconsin.

Boyle described a major economic development package being presented to the legislature this fall which was worked on in sub-committee for an entire year.

The proposal calls for the creation of a revolving loan fund to assist Indian communities in economic development efforts,



Mark Heckert, left, listens as Representative Frank Boyle, 73rd District speaks to the participants at the conference.

matching funds in the Department of Tourism, and the creation of economic development zones which would encourage businesses to locate on reservations.

The proposal, he stressed, was put together and will be executed by Indian people.

Band-aid solutions won't work

Boyle said he has learned we are not going to buy out rights. "We cannot throw money at Indian people and tell them to go away. That's a dead issue," he commented.

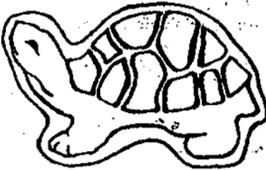
It is also unrealistic to apply quick fix economic solutions to complicated problems of a people being deprived of their culture and heritage. "We will listen to Indian people," he said. "Solutions will be Indian introduced and Indian executed."

Boyle views treaty rights as

opening up Indian heritage and culture to the state of Wisconsin, which is valuable for both cultures and a positive protection for the earth and the resources as exemplified in the Northwest.

"The protection the treaty rights gives us is probably the most important protection the environment of Northern Wisconsin will ever have," Boyle concluded.

"It is important in terms of protecting us from potential disastrous impacts of mining or dumping of untreated ballast water in Duluth Harbors. We can work together and use the protective measures of treaty rights."



Improved communications essential for change

Doug Morrissette, WDNR, Office of Tribal Cooperative Management, looked at problems in communication as ones which need to be addressed in order to promote more effective state-tribal working relationships.

"Communication seems so simple, but so often is the most difficult thing we do," he commented.

Morrissette identified the WDNR, GLIFWC and the Tribes as three components which affect the possibilities for change in state-tribal relationships. Of those, he addressed the first.

He noted his office, that of Tribal Cooperative Management in the WDNR, was created in Feb., 1990. That in itself is a step toward change.

He also indicated that Secretary Besadny "does strongly support the implementation of treaties and following through on all the stipulations assuring that the Native American has the rights and can exercise those rights without being harassed by racist people."

The responsibility given to his office is to build a relationship with the tribes in Wisconsin and "it is not going as fast as I thought it would go," he said. "It takes time and I am willing to spend all the time necessary to make this office work."

Morrissette identified some other positive measures taken during the past year, particularly in the mini-budget passed for this year where funds were included for various projects with GLIFWC.

These include:

ONative American Cultural Awareness Training for the WDNR staff. While the WDNR is aware that some of its staff do not believe in treaties, there are also many who know we have to do a better job. The WDNR plans to follow through and provide staff training before March 1, 1991.

OCOoperative resource management agreements. \$50,000 was set up for various wildlife projects, including planting of 3,200 lbs of wild rice this fall to help re-establish historical rice lakes.

Another possibility for change identified by Morrissette will be the conclusion of litigation. The tribes, he said, have been in court for 16 years. Each new decision or

lack of a decision impairs working relationships and the process has to be repaired.

"I would like to get over the court process and get on with the business at hand," he said. "These are not only resource management concerns but environmental concerns that are present out there that tribes share as well as the State."

GLIFWC's annual conference and other educational efforts were noted as significant to change by Morrissette. WDNR staff participated in the conference and should do so in the future. Opportunities to come together to discuss concerns should be expanded for the state and tribes, he said. Misunderstandings and lack of exchange on data and how we apply it, was identified as an obstacle to improved relationships. He referred to the WDNR's closing of ice-fishing, "then like magic" restrictions were release—no lake closures, no bag limit reductions.

Understandably the Tribes wonder how this happens, and we will set up a clarification meeting, Morrissette said. Although the WDNR probably has the best information base of any state on walleye populations and management, "we have got to learn to share it and not make decisions in a vacuum," he said.

Morrissette also highlighted social change fostered at the local level by groups such as Fish for the Future who worked with the Bad River Band on a re-stocking effort. "We should participate with this as well," he said, although it is hard to be involved from Madison.

Improving professional working relationships and using a "common sense approach," were also mentioned as means to promote change. Morrissette feels personality conflicts can impeded working relationships, but they need to be set aside.

Finally, he mentioned a need for continued educational efforts as an area which is important and which needs improvement. That effort should involve all groups, he said, including the Tribes, GLIFWC, BIA, the WDNR and the State.

"We have to do a better job," Morrissette concluded. "Progress is happening, slower than I like, but I think progress will continue."

Stop scapegoating, Close doors to extremist groups Set policy to guide state-tribal relations

Robin Jaeger, Superintendent of the Great Lakes Agency, BIA, echoed the sentiments expressed by Rep. Boyle in clearly calling for an end of scapegoating the Chippewa and acceptance of racist behavior.

Continued silence on the issues raised by racist propaganda groups against treaty rights will only undermine the growth of positive state-tribal relationships.

Historical

While some people look at the past five or six years of controversy in Wisconsin, with the attendant demonstrations and court cases, Jaeger stated that the deterioration of a state-tribal relationship began many years ago. In fact, he said, "It's been downhill since the time of the treaties."

The last 150 years were quiet, he said, until some Indians started asserting rights under treaties. Then people started asking questions: "What's this stupid talk about sovereignty? Why are resorts closing? Why is the North losing business? Why is unemployment so high? Why are bag limits reduced?"

Some people are led to believe these problems didn't exist prior to spearfishing, Jaeger noted, but in actuality they are caused by other factors.

If the facts are known, Jaeger indicated, the problems are not the result of spearfishing. However, he said, "an extremist group of racist individuals has led the way in blaming Indians for the economic stagnation Wisconsin has experienced."

Jaeger noted that racist groups have been successful in focusing non-Indian frustrations, insecurity, fear of the unknown and anger on the Chippewa. In Wisconsin those groups have also "instigated racist actions, mob actions under the guise of freedom of speech and freedom



Robin Jaeger, Great Lakes Agency Superintendent, Bureau of Indian Affairs.

of expression," he said. Jaeger denounced the notion that spearfishing is driving away tourists, commenting that many of Wisconsin's resorts are old and need improvements. In the Hayward area alone, he said, 240 resorts have shut down and others are in danger.

Some are led to believe that spearfishing is the cause of this decline, but fail to mention the serious, negative impact created through the unruly protests and demonstrations.

They also fail to remember the large seasonal swing in employment experienced in several of the North's major industries, such as timber and tourism.

While the Wisconsin legisla-

ture talks of plans, promises of funds to ease the problems in the North, little seems to materialize, according to Jaeger, who sees the legislature as "doing relatively little to foster a healthier economic climate."

Rather, he noted, this economic situation has been used to exploit the fear and frustration among non-Indians by PARR and STA, who focus on the exercise of treaty rights and blame tribal rights as the root of the North's ills.

People are led to believe that their livelihoods are threatened by treaties, Jaeger noted, as these groups distribute propaganda filled with "outright falsehoods and blatant lies... such as Indians receive free medical care, free food, free

homes and they all get \$20,000 a year."

Inconsistent fisheries management by WDNR

Jaeger also called for a more honest and less manipulative style in regard to the WDNR fisheries management policies as fundamental to the promotion of a cooperative spirit. Some of the WDNR actions have actually promoted public scapegoating on the Chippewa, he noted.

In 1979 a WDNR fisheries management plan forecasted that the walleye demand would outstrip supply, Jaeger commented. This plan, he said, was written five years before spearfishing commenced.

Today WDNR officials will even state spearfishing does not have a negative impact on fish populations. Yet it seems contradictory that they reduce the bag limits and close certain lakes.

"Why are those lakes being close, bag limits being instituted?" Jaeger asked. "There needs to be an admittance that a major reason has been the overfishing by non-Indians and that imprecise management has been conducted."

The Chippewa, he said, regulate their own members and must assure that regulation or lose it to the state. They have an excellent system, but to the uneducated observer the WDNR seems to be implying that, if it were not for spearfishing, we would not have to close lakes or reduce bag limits.

"We need to remove fear of the unknown regarding the status of the fishery resource which has caused fear and conflict," he said. "We need to stress public information programs."

The media also has a significant role, not to present just stories but to resolve conflict through forums, investigative reporting, features and editorials which stress the facts. "I believe most people opposed



WOJB Radio taped each session of the conference. Conference tapes are available from WOJB Radio for anyone interested in purchasing them.

to treaty rights and not racially biased are ignorant of the facts, Jaeger stated. "I also believe that people who know the facts and still oppose them, are racially biased."

State and federal agencies, local governments, chambers of commerce should immediately correct the slanted and maliciously inaccurate, outright lies that PARR and STA would lead the public to believe are the facts, Jaeger stated.

The handling of the issue of "cooperative, joint, co-management" is causing further problems

in the state, Jaeger continued.

On one hand the WDNR states that sharing decision making authority with the Chippewa and other user groups would be constitutionally prohibited, and they have stated they cannot and will not give away management authority.

"People are given the impression that the Chippewa are trying to control the resources of the state and that is a complete mischaracterization of what the Chippewa see as joint management," Jaeger (See State-Tribal, page 10)

Community Leadership: Pull together or pull apart



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Speaker Jim Anderson, Executive Director of the Northwest Indian Fisheries Commission, Washington, looked at the options available when faced with controversy. Sharon Metz, Director, HONOR, provided strategies for pulling people together, and Red Cliff Tribal Chairperson Patricia DePerry looked at personal communication skills necessary to develop constructive, rather than destructive, relationships.

Options in conflict from the Northwest experience

Jim Anderson, Northwest Indian Fisheries Commission director, is a veteran of the treaty rights battle as it has been played out in the Pacific Northwest. Following ten years of violence, litigation and confrontation, the state and tribes found a path which led to co-management of the resources.

Anderson indicated that when we face the question to negotiate or fight, we face a choice which is as old as time. Even pre-historic

creatures, if faced with another, had the choice to fight and destroy each other; run; or develop some kind of peaceful co-existence.

In making those choices today, and particularly in regard to the treaty conflicts, Anderson said that we must first determine what the consequences of each action might be.

Looking at the history of white-Indian relationships, Anderson described the years of settlement and treaty-making as a form of co-existence—an option exercised, he said, until the tribes became strong.

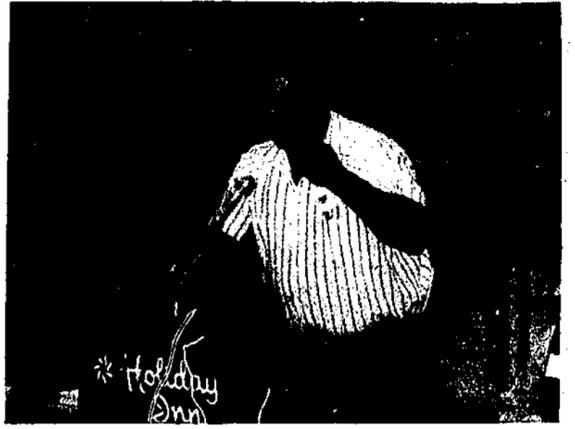
Treaties facilitated co-existence, Anderson noted, through agreements. Whites told the tribes, "You take the mushrooms; we'll take the land. You take half the fish; we'll take the land; you take the swamps, we'll take the land."

Everything went fine until tribes in the twentieth century began exercising power. Then, Anderson said, non-Indians tried to "kick people around," but found the tribes were able to fend for themselves.

Through history, the non-Indian has sent a clear message to the tribes, he said, and that is you can't trust the non-Indian government—not with your future, your resources or your children. Half of the treaties made were never ratified; many were broken prior to ratification. Attempts were made to stamp out tribal culture, destroy ceremonies and children were taken away.

The inability to trust the non-Indian is obvious, he noted, when you have organizations like the Wisconsin Counties Association and people like Barbara Lindsay, WA, executive director of the National Coalition on Federal Indian Policy, who Anderson described as an aggressive anti-Indian activist.

However, despite the conflict and the lack of trust, tribes should not lose sight of the goal. For the Northwest, Anderson said, it was



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In the Northwest, Anderson related, the Tribes came to realize that there is an appropriate time for different actions—a time to ignore,

a time to fight, and a time to cooperate.

The mechanism for determining the right choice, he said, is the objective. The objective determines the choice.

Through a slow process, cooperation was developed, and the State came to realize that tribes can bring benefits to the resource as a whole and that management can be accomplished in a complimentary fashion.

A decade ago the suggestion that the tribes, state, federal government, sports groups and so on would be working together for resource management would have been called "radical" in the Northwest. But today it is a reality.

While this does not mean the tribes have totally let go of the club or totally trust the State, it does mean that some level of trust has been built and that in the Northwest, tribes and the state are going to be facing the 21st century as partners with a common goal—protecting and preserving the resources.

A common agenda and how to achieve it

The anglo-American is accustomed to looking at "What tribes need?" Sharon Metz, executive director of HONOR, commented at the beginning of her presentation. But today, Metz feels we are moving towards a place where tribes can tell the anglos what they need—environmental integrity, for one.

While this is by no means a "newsflash" for the tribes, who have understood this for generations, Metz noted, it is new for the dominant society.

An environmentalism, and the value system which lies behind it in terms of preservation of and respect for the ecosystem does comprise a common agenda for Indian and non-Indian alike. It is also an agenda which requires Indian leadership.

Metz, who served as a representative in the state legislature, drew on her knowledge of political campaign tactics for the method to encourage support of the common agenda.

First of all, she said, don't use too much time trying to convince people you know will never be swayed. And don't spend much time with those that are already staunch allies. Aim at the "mushy middle," the people who need more information and are undecided. Those are the people who, if informed, can sway the day.

A second strategy is to target a variety of groups. Use people who are comfortable in business to talk with chambers of commerce; environmentally-minded supporters to work with environmental organizations; those who enjoy social groups to work in those organizations.

When they all come together in the end, you will find that lots of people have received the information through the networking process.

Also in the political vein, Metz suggested that tribes take a good look at re-apportionment which follows two years after the census. Apportionment is important in the

voting process, she said, because it is illegal to split communities. Tribes should take a good look at the lines and how their communities may be divided.

Metz also emphasized the need to build communications, which she noted is one of today's fastest growing industries. While she feels it is important to encourage Indian youth to enter communication fields, she also stressed that "you don't need a degree." Many people within the Indian community have gifts and assets that can be tapped, and these should be maximized and encouraged.

The tribes are in a good position today to teach, Metz feels. "I think that the dominant society is hungry—hungry for values, for leadership. We have no heroes—hungry for anchoring, centering and balance and connectedness. The dominant society is poor, not in dollars, but in spirit," she said.

In that area the Tribes have the potential to lead and to assist in making those connections.



Presenting closing remarks at the end of the conference is GLIFWC Executive Director Jim Schlender (center). Also pictured are HONOR Executive Director Sharon Metz (left) and Northwest Indian Fisheries Commission Executive Director Jim Anderson.

Conflict resolution requires change and communication

Red Cliff Tribal Chairperson Patricia DePerry feels that the application of personal communication skills is also applicable to developing better relations among tribes and communities, the state and various organizations.

DePerry emphasized that certain basic rules of effective communication are relevant no matter what role is being played. These rules she cited as patience, listening with an inner ear and discarding hidden agendas.

While much from past experience does influence our attitudes, DePerry feels we need to be aware of those biases and feelings before attempting to work through difficult communication systems.

"I grew up when being Indian wasn't cool," she said, and these experiences left many scars. However, DePerry has learned that those things also need to be placed in a perspective in order to deal effectively with the present.

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about what we are or what 'Indian' means, and to pursue acceptance of one as an Indian and another as a non-Indian," she said. "From that point we can work towards a common goal."

DePerry also pointed out that we need to accept diversity and differences. While we may not like what someone or some organization does, we still have to respect each other and "we don't have to hate," she commented.

Pointing to Red Cliff's experience, DePerry noted that the Tribe and elements of local government, county and town, have been interacting successfully for many years. "I attribute that to the ability to communicate—not asking for approval, but for understanding and acceptance," she said.

Leaders in Wisconsin are charged with bringing people together to achieve common goals, she noted, goals which deal with preservation of our natural resources. In order to succeed in that

charge despite situations of conflict and controversy, those leaders are going to have to exercise good communication skills.

This may entail questioning old attitudes and behaviors. Justifications such as "that's the way I was raised or that's the way it is," simply won't pass for leaders to be effective today, DePerry noted.

Leaders have to be willing to change and empower themselves, she said, in order to stimulate that change and improvement within their communities. Without that ability common goals will not be found and situations will not be improved. Like the cycle of abuse which passes from one generation to another, conflict rather than harmony will continue to degrade the state, local communities, individuals and the resources, unless leaders are willing to evolve themselves.

"There is hope for change," DePerry concluded, "but we cannot let the past dictate the future."



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(continued from page 7)

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The point is that treaty hunting, fishing, and gathering occur in a rapidly changing context, and tribal leaders need to be aware of what their neighbors are doing.

Conclusion

So, are the tribes depleting the resources? On the contrary, Busiahn said, the tribes of the Great Lakes Indian Fish and Wildlife Commission have taken on major responsibilities for maintaining and enhancing the resources of the ceded territories, in order to maintain and enhance the value of the treaty rights.

Tribal management approaches sometimes differ from those of the states, but they are designed to protect the resources for the future. Different people may value natural resources for different reasons, but tribal members and tribal leaders know all too well that no one benefits from depleted resources, Busiahn concluded.

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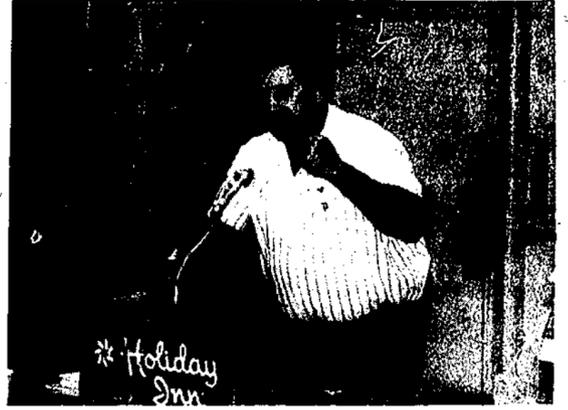
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DUPLICATE EXPOSURE

Can tribes responsibly manage the resources?

(Continued from page 7)

and 1936 respectively, representing the oldest programs.

Fish production, in turn, measures the success of the hatcheries. In this area Jackson reported a substantial increase with 90 million fish produced in 1990.

He also remarked that the Leech Lake facility in Minnesota and the Lac du Flambeau Hatchery in Wisconsin possess technology which rivals the most progressive state and federal fish culture facilities in Midwest.

Upgrading of tribal fish production efforts are also underway with both the Lac Courte Oreilles and Keweenaw Bay reservations planning expansion and a new plan is set for a Red Cliff hatchery.

Jackson reported that nearly \$200,000 is available to continue upgrading hatchery operations and a new BIA/Dept. of Interior project, Legacy 99, will add \$400,000 for continued hatchery upgrades from 1992 to 1999.

The Great Lakes

Within the Great Lakes fishery, Jackson noted that tribes are currently functioning as equal resource managers with the state on technical and policy committees of the Great Lakes Fisheries Commission. As signatories to the Strategic Management Plan of the



Great Lakes Fisheries, tribes, he said, share management responsibility with other state, provincial and federal agencies.

Inland lakes

In regard to inland lakes, Jackson noted that the most recent initiative is participation in the Status of Fisheries Resources Study in Northern Wisconsin Inland Lakes. The study is a joint effort between tribal, state and federal resource managers. In regard to the study, GLIFWC has developed new capabilities for developing fish population data for managing the joint fishery, he pointed out.

Another more recent tribal initiative is in regard to developing aquaculture as a potential tribal industry.

St. Croix completed a research phase on a multi-million dollar accelerated growth salmon aquaculture ancillary products and pro-

cessing project, Jackson said. With state of the art equipment this will be the aquaculture showcase of the midwest. Other tribes are also considering expanding hatchery operations into related aquaculture projects.

Wildlife

While tribal wildlife programs are not yet as diverse as fisheries, Jackson feels the Circle of Flight Waterfowl Initiative may be cornerstone for further development. Sixteen reservations and 1854 Authority have identified 30 diverse waterfowl projects to begin increasing, enhancing and managing waterfowl habitat throughout the Great Lakes Region with the plan.

Tribal Conservation Enforcement

Conservation enforcement is the oldest and largest division in tribal resource management, Jackson said. Tribes employ well-trained, professional officers, many of whom have recently been cross-deputized in Minnesota with state officers. Jackson noted a tremendous increase in cooperation between state and tribal officers in Minnesota.

He also noted that the Native American Fish & Wildlife Society (NAFWS) organized excellent training for tribal officers in the

region this summer.

Other areas

In other areas of resource management Jackson mentioned the tribes significant contributions to the recreation industry. On-reservation camping, boating, biking, hiking, skiing and fishing are being encouraged and developed. He gave particular mention to the high quality cross-country ski trail at the Grand Portage Reservation.

Another area of increasing involvement and awareness is in environmental issues. Jackson noted that GLIFWC's tribal environmental biologist position provides area tribes with the primary expertise and advocacy for sound environmental protection.

An unequivocal YES

Tribes have proven time after time that they are competent, professional resource managers, Jackson concluded, noting phenomenal in the accomplishments of resource management programs within a short time.

With that he feels he can answer the question, "Can tribes responsibly manage the resources?" with an unequivocal yes. Tribes, he stated, are as competent and capable as any state or federal agency—the only shortfalls are funding and manpower.



GLIFWC staff listen intently to one of the guest speakers during the annual conference. Above, from the left are Dawn Bresette, Intergovernmental Affairs Division administrative assistant and Rose Wilmer, executive secretary.



Students from the Lac Courte Oreilles Ojibwa High School participated in many of the sessions at the Annual Conference.

National issues continued

(Continued from page 6)

choices, not processes by which tribes define their own objectives. The question is which process or combination of processes is most likely to produce the desired results."

For instance a loss in the Noatak Case will show tribes there is a need to switch tactics, perhaps from courts to Congress, he said. Enderson feels that Congress today takes that responsibility very seriously and is willing to look at the issues and seek just solutions.

"Power is having options, in any negotiations," he stated. "Today tribes have options which were not available before. Options make the situation more complex, but because they are presenting opportunities not available before. Defining objectives is an internal matter and other courses are strategic choices to implement those defined objectives."

Wisconsin Issues

(Continued from page 6)

David Siegler, Bad River Tribal Attorney, looked at Wisconsin issues by relating to eras—both past and contemporary eras of treaty rights. Currently, he sees the tribes moving into an era which will produce more certainty and predictability in relation to the meaningful exercise of off-reservation treaty rights.

Historical eras

In a broad historical sense Siegler sees the era up until the 1837 and/or 1842 Treaties as the "Aboriginal Right Era." This he defined as the exercise of hunting, fishing and gathering rights prior to governmental impingement on those rights.

The "Treaty Era," extended to 1888 and involved the "treatyization" of off-reservation hunting and fishing rights. However, ironically, the treaties did not begin a new era in exercise of treaty-confirmed rights, but rather put in motion activities which denied the Chippewa opportunity to exercise those rights. This occurred with increased settlement in the treaty ceded territories and ultimately as regulations were passed restricting hunting and fishing activities.

The years between 1888 and 1983 Siegler are entitled the "Sup-

as the state hired wardens to enforce state conservation codes. Those regulations were enforced also against the Chippewa, essentially denying them the exercise of their treaty rights.

Contemporary eras

The period from 1983 through 1988 Siegler called the "Interim Agreement Era," which was initiated when the Supreme Court refused to accept to review the Voigt Decision, thus re-affirming the treaty rights. At that point, Siegler said, the State realized it would have to deal with treaty rights in a different fashion.

The Interim Agreement Era is marked by a series of temporary, annual agreements through 1988 which governed the exercise of off-reservation rights.

This era, Siegler noted, is also marked by institutional development. It gave rise to the Voigt Inter-Tribal Task Force, the Great Lakes Indian Fish and Wildlife Commission, and the tribes enhanced their own biological expertise and resource management as they became increasingly conversant with the issues involved in resource management.

This era was also marked by uncertainty for tribal members. Regulations for harvest were established on a yearly basis, so

members did not know from year to year what to expect. Towards the end of this era, Siegler noted, certain regulations became consistent, but still did not provide a real or permanent plan.

The "Transitional Era," which Siegler says began in 1988 and still involves us today, is marked by the trials in Voigt, Phase II, or the regulatory trials. Those have included walleye-musky regulations, deer regulations, and timber, which awaits a decision. Regulations for all resources were not tried, he said. Some were agreed to by stipulation.

The cardinal feature of this era to Siegler is the gradual replacement of uncertainty with certainty. Instead of annual interim agreements which could be revised each year, "something with an aspect of permanence to it" is being developed. Stipulations from the court with rules under which tribes will exercise rights now exist. When a decision on timber is reached, a complete, permanent code will be in place.

The permanent regulations provide a specific value, according to Siegler, and that is the value of

certainty, which also provides the ability to plan for the longer term and how these rights are going to be used to the Tribes' best interest.

Forexample, Siegler explained that until the regulatory decision on deer was reached, it was unwise for anyone to invest anything in a commercial deer venture. Perhaps the rules would be too oppressive to allow any profitability. Similarly, a timber decision must be awaited before a tribe, or a tribal member, can invest in an informed way, he said.

While certainty has been increased through the regulatory trials, "everything is not crystal clear," Siegler commented. Not everything surrounding fishing is clear. For instance, the court has provided a walleye-musky decision and a deer decision which seems to address walleye and musky as well. A period of adjustment will be required to clarify outstanding issues.

Nevertheless, Siegler felt it was significant that the Tribes now "stand on the threshold of an era where they can implement the rights in a planned and long term way."

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State-Tribal relations continued

(continued from page 8)

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State-tribal policy needed

This state needs to look at the Centennial Accord signed in 1989 between the governor of Washington and 26 tribes, Jaeger recommended. The Accord, he said, is recognized nationally as a model for state-tribal relationships. Through it the State of Washington has seen improved communications, established relationships for meaningful discussions, recognized sovereign status, and avoided court cases by allowing for settlement between the state and tribe through more control of issue resolution.

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Although the authority remains with the state, it doesn't prohibit the WDNR from building consensus in the formation and implementation of natural resource policies.

"The State needs a state-tribal government relations policy which recognizes the government-to-government relationships between state and tribes and the legal rights granted under treaties," Jaeger states. "That policy would provide direction to conservation field and administrative staff who may be unaware of their roles and responsibilities regarding government-to-government relationships between the state and tribes."

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Possibilities for change do exist, local efforts take the lead

Jaeger noted several areas of positive progress which have already occurred within the state. For one, he feels PARR and STA are losing influence as "responsible citizens speak out against such shameful, radical, narrow-minded opinions." He feels people must continue to oppose deception.

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The Long Lake Chamber of Commerce took a lead and requested residents not to demon-



strate and even accompanied tribal members out on the lake. Cable area citizens in Fish for the Future initiated a cooperative stocking program with Bad River.

Cooperative agreements between the DNR and GLIFWC have been developed in regard to fishery management, cultural awareness and wildlife management. The state and tribes have a joint agreement on the management of the Lake Superior Fishery, Jaeger continued.

There are areas of progress which indicate potential for change. Positive movements are afoot, such as the USFWS-GLIFWC-WDNR joint fishery assessment funded by the WDNR and BIA. Those things need to be fostered, while the scapegoating, misinformation and fear-mongering need to be cut at the quick by those concerned for the future of the people and resources of the State, Jaeger concluded.

Tribal-state funding opportunity presented

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He mentioned several criteria that are necessary for tribes and states to reach an understanding relationship.

First, Heckert feels the State must recognize that tribes contribute to the resource base of the state in fisheries, wildlife and other resources. 152 million acres of land compose reservations in the U.S., he noted. This, he said, provides a substantial resource base essentially ignored or denigrated by state and federal governments.

Heckert also feels that the states need to recognize that tribes are legitimate managers of this resource and need to increase funding for management of reservation and in-common resources. The states need to be supportive of tribal funding requests for fish and wildlife programs.

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projects, Heckert noted.

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Tribes, Heckert indicated, contribute significantly to hunting and fishing opportunities, but tribes have been precluded from receiving money from these programs.

To correct this oversight, NAFWS has formed a proposal to the federal government which will include tribes. The proposal, he said, is called the "Tribal Technical Involvement Plan."

The plan outlines how tribes may participate in a meaningful manner in these programs of recreational fisheries and wildlife management, Heckert stated.

NAFWS is requesting both the tribes and states to look at the plan, review it and provide comments and details on how tribes and states may cooperate in this plan.

Heckert feels that the proposal provides an important opportunity for tribal-state cooperation in meaningful management and as such, offers another possibility for meaningful change.



Can tribes responsibly manage the resources?

(Continued from page 7)

and 1936 respectively, representing the oldest programs.

Fish production, in turn, measures the success of the hatcheries. In this area Jackson reported a substantial increase from 90 million fish produced in 1990.

He also remarked that the Leech Lake facility in Minnesota and the Lac du Flambeau Hatchery in Wisconsin possess technology which rivals the most progressive state and federal fish culture facilities in Midwest.

Upgrading of tribal fish production efforts are also underway with both the Lac Courte Oreilles and Keweenaw Bay reservations planning expansion and a new plan is set for a Red Cliff hatchery.

Jackson reported that nearly \$200,000 is available to continue upgrading hatchery operations and a new BIA/Dept. of Interior project, Legacy 99, will add \$400,000 for continued hatchery upgrades from 1992 to 1999.

The Great Lakes

Within the Great Lakes fishery, Jackson noted that tribes are currently functioning as equal resource managers with the state on technical and policy committees of the Great Lakes Fisheries Commission. As signatories to the Strategic Management Plan of the



Great Lakes Fisheries, tribes, he said, share management responsibility with other state, provincial and federal agencies.

Inland lakes

In regard to inland lakes, Jackson noted that the most recent initiative is participation in the Status of Fisheries Resources Study in Northern Wisconsin Inland Lakes. The study is a joint effort between tribal, state and federal resource managers. In regard to the study, GLIFWC has developed new capabilities for developing fish population data for managing the joint fishery, he pointed out.

Another more recent tribal initiative is in regard to developing aquaculture as a potential tribal industry.

St. Croix completed a research phase on a multi-million dollar accelerated growth salmon aquaculture ancillary products and pro-

cessing project, Jackson said. With state of the art equipment this will be the aquaculture showcase of the Midwest. Other tribes are also considering expanding hatchery operations into related aquaculture projects.

Wildlife

While tribal wildlife programs are not yet as diverse as fisheries, Jackson feels the Circle of Flight Waterfowl Initiative may be cornerstone for further development. Sixteen reservations and 1854 Authority have identified 30 diverse waterfowl projects to begin increasing, enhancing and managing waterfowl habitat throughout the Great Lakes Region with the plan.

Tribal Conservation Enforcement

Conservation enforcement is the oldest and largest division in tribal resource management, Jackson said. Tribes employ well-trained, professional officers, many of whom have recently been cross-deputized in Minnesota with state officers. Jackson noted a tremendous increase in cooperation between state and tribal officers in Minnesota.

He also noted that the Native American Fish & Wildlife Society (NAFWS) organized excellent training for tribal officers in the

region this summer.

Other areas

In other areas of resource management Jackson mentioned the tribes significant contributions to the recreation industry. On-reservation camping, boating, biking, hiking, skiing and fishing are being encouraged and developed. He gave particular mention to the high quality cross-country ski trail at the Grand Portage Reservation.

Another area of increasing involvement and awareness is in environmental issues. Jackson noted that GLIFWC's tribal environmental biologist position provides area tribes with the primary expertise and advocacy for sound environmental protection.

An unequivocal YES

Tribes have proven time after time that they are competent, professional resource managers, Jackson concluded, noting phenomenal in the accomplishments of resource management programs within a short time.

With that he feels he can answer the question, "Can tribes responsibly manage the resources?" with an unequivocal yes. Tribes, he stated, are as competent and capable as any state or federal agency—the only shortfalls are funding and manpower.



GLIFWC staff listen intently to one of the guest speakers during the annual conference. Above, from the left are Dawn Bresette, Intergovernmental Affairs Division administrative assistant and Rose Wilmer, executive secretary.



Students from the Lac Courte Oreilles Ojibwa High School participated in many of the sessions at the Annual Conference.

Wisconsin Issues

(Continued from page 6)

David Siegler, Bad River Tribal Attorney, looked at Wisconsin issues by relating to eras—both past and contemporary eras of treaty rights. Currently, he sees the tribes moving into an era which will produce more certainty and predictability in relation to the meaningful exercise of off-reservation treaty rights.

Historical eras

In a broad historical sense Siegler sees the era up until the 1837 and/or 1842 Treaties as the "Aboriginal Right Era." This he defined as the exercise of hunting, fishing and gathering rights prior to governmental impingement on those rights.

The "Treaty Era," extended to 1888 and involved the "treatyization" of off-reservation hunting and fishing rights. However, ironically, the treaties did not begin a new era in exercise of treaty-confirmed rights, but rather put in motion activities which denied the Chippewa opportunity to exercise those rights. This occurred with increased settlement in the treaty ceded territories and ultimately as regulations were passed restricting hunting and fishing activities.

The years between 1888 and 1983 Siegler are entitled the "Sup-

as the state hired wardens to enforce state conservation codes. Those regulations were enforced also against the Chippewa, essentially denying them the exercise of their treaty rights.

Contemporary eras

The period from 1983 through 1988 Siegler called the "Interim Agreement Era," which was initiated when the Supreme Court refused to accept to review the Voigt Decision, thus re-affirming the treaty rights. At that point, Siegler said, the State realized it would have to deal with treaty rights in a different fashion.

The Interim Agreement Era is marked by a series of temporary, annual agreements through 1988 which governed the exercise of off-reservation rights.

This era, Siegler noted, is also marked by institutional development. It gave rise to the Voigt Inter-Tribal Task Force, the Great Lakes Indian Fish and Wildlife Commission, and the tribes enhanced their own biological expertise and resource management as they became increasingly conversant with the issues involved in resource management.

This era was also marked by uncertainty for tribal members. Regulations for harvest were established on a yearly basis, so

members did not know from year to year what to expect. Towards the end of this era, Siegler noted, certain regulations became consistent, but still did not provide a real or permanent plan.

The "Transitional Era," which Siegler says began in 1988 and still involves us today, is marked by the trials in Voigt, Phase II, or the regulatory trials. Those have included walleye-musky regulations, deer regulations, and timber, which awaits a decision. Regulations for all resources were not tried, he said. Some were agreed to by stipulation.

The cardinal feature of this era to Siegler is the gradual replacement of uncertainty with certainty. Instead of annual interim agreements which could be revised each year, "something with an aspect of permanence to it" is being developed. Stipulations from the court with rules under which tribes will exercise rights now exist. When a decision on timber is reached, a complete, permanent code will be in place.

The permanent regulations provide a specific value, according to Siegler, and that is the value of

certainty, which also provides the ability to plan for the longer term and how these rights are going to be used to the Tribes' best interest.

Forexample, Siegler explained that until the regulatory decision on deer was reached, it was unwise for anyone to invest anything in a commercial deer venture. Perhaps the rules would be too oppressive to allow any profitability. Similarly, a timber decision must be awaited before a tribe, or a tribal member, can invest in an informed way, he said.

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National issues continued

(Continued from page 6)

choices, not processes by which tribes define their own objectives. The question is which process or combination of processes is most likely to produce the desired results."

For instance a loss in the Noatak Case will show tribes there is a need to switch tactics, perhaps from courts to Congress, he said. Enderson feels that Congress today takes that responsibility very seriously and is willing to look at the issues and seek just solutions.

"Power is having options, in any negotiations," he stated. "Today tribes have options which were not available before. Options make the situation more complex, but because they are presenting opportunities not available before. Defining objectives is an internal matter and other courses are strategic choices to implement those defined objectives."

State-Tribal relations continued

(continued from page 8)

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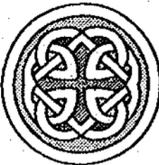
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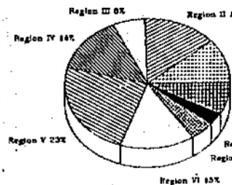


Tourism continued

(Continued from page 7)

state into nine (9) management units throughout the state. The 1837 and 1842 ceded territories cover primarily Regions I and II and account for 25% of the State's recreational fishing days. In Region I, northwestern Wisconsin, residents account for 1.6 million fishing days and non-residents slightly more. In comparison, in Region II, northeastern Wisconsin, residents account for over 3 million fishing days and non-residents slightly less than 1 million fishing days.

DISTRIBUTION OF WISCONSIN FISHING PRESSURE BY MANAGEMENT UNIT: 1985



Info from the 1985 National Survey of Fishing, Hunting, and Wildlife-Associated Expenditures: Wisconsin

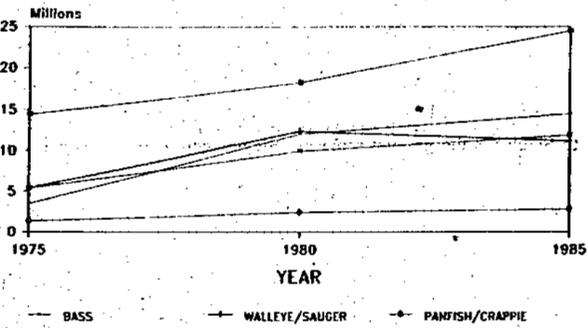
The difference between the two regions' number of resident and non-resident fishing days can be explained by the fact that northwestern Wisconsin is more dependent upon the Minneapolis/St. Paul market while northeastern Wisconsin is more dependent upon the Milwaukee market.

3. What species are they fishing for and what are the projected harvests?

Species targeted by Chippewa spearfishing, walleye and musky, account for only 18% of the fishing days spent in the state, while in comparison anglers spend more days fishing for panfish and northern pike.

The following graph illustrates trends in the number of fishing days spent in pursuit of given species over a 10-year period from data tables of three USFWS surveys 1975, 1980, and 1985. From 1980 to 1985 USFWS surveys show a either stable or increased fishing pressure on most species, while walleye experienced a slight drop in the number of fishing days.

WISCONSIN DAYS OF FISHING PRESSURE



New staff



Ed White, inland fisheries technician.



Gail Pufall, part-time Public Information Office manager.



Carol Jensen, receptionist.



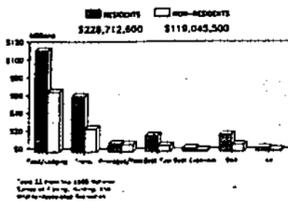
It is interesting to note, this reduction in the number of days spent in pursuit of walleye occurred before major spearfishing activities were undertaken by Chippewa tribes, (i.e. the 1985 walleye harvest was only 2,761 fish), or any reduction in bag limits were imposed by the WDNR.

4. How much money do anglers spend and who benefits from these expenditures?

The 1980 USFWS Survey of Fishing, Hunting, and Wildlife Associated Recreation projected in-state trip related expenditures of residents at \$147 million and non-residents at \$119 million. In comparison, 5 years later the USFWS projected 1985 in-state trip related expenditures at \$228 million for residents and \$119 million for non-residents. While non-resident expenditures remained relatively stable, resident in-state expenditures increased 95% over this 5 year period.

The direct benefactors of these expenditures range widely from food/lodging establishments to gas stations to bait shops as illustrated to the right.

1985 IN-STATE TRIP RELATED EXPENDITURES FOR FISHING

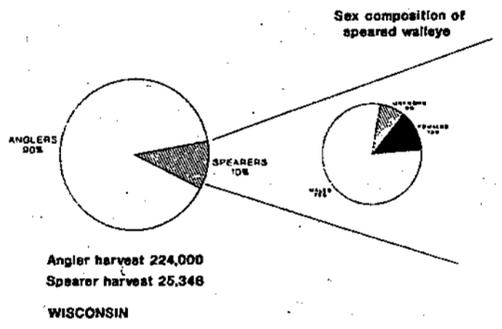


Comparison of harvests between anglers and tribes

Based upon WDNR creel census, the annual angler harvest from the ceded territories is approximately 672,000 walleye of which 2/3 would comprise juvenile fish (i.e. 448,000) and 1/3 adult fish (i.e. 224,000). WDNR creel surveys estimate the annual musky harvest at 14,167 fish.

The Chippewa Bands harvested 25,348 walleye, 303 musky and 483 fish of other species during the 1990 Spring Spearfishing Season. Of the 25,348 walleye harvested approximately 80% were males based upon sex distribution surveys.

1990 ADULT WALLEYE HARVEST FROM LAKES IN THE 1837 AND 1842 CEDED TERRITORIES



By these figures it is hard to understand how one user group, responsible for 90% of the adult harvest, can claim that another user group, responsible for 10% of the adult harvest, will destroy tourism in northern Wisconsin.

The impacts of the tribal harvest upon tourism

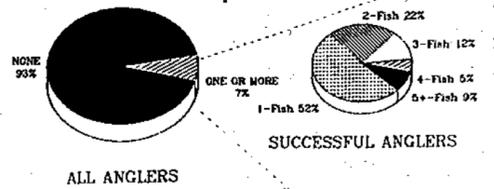
Impacts of bag limit reductions on tourism are debatable despite claims otherwise. Lowered bag limits have little impact upon the average angler. WDNR creel data estimates only 7% of all anglers catch walleye and of these the majority catch three or less fish.

Some resort owners expressed a three bag limit was ok, but if a nearby lake had a 5 bag limit, they believed people were drawn to those

"Even with substantial increases in tourism expenditures, Chippewa tribes are still being made convenient scapegoats for obsolete, poorly managed resorts which fail to capture changing markets." —James Thannum

lakes. The variable bag limit issue will be the real issue, since some perceive it as an unfair marketing advantage.

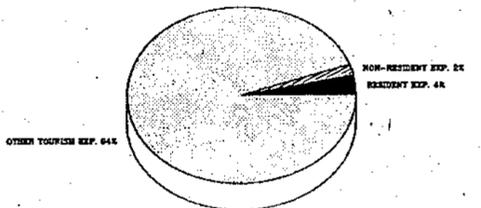
PERCENT OF CEDED TERRITORY ANGLERS CATCHING 0-5 WALLEYE 1980-87



Based upon 20,901 WDNR interviews

While nobody can deny that angling in-state trip expenditures are substantial, taken in perspective they are only a small percentage of the state's overall tourism expenditures of \$5.4 billion dollars.

PERCENT OF WISCONSIN TOURISM DEPENDENT UPON FISHING EXPENDITURES



1985 FISH. EXP. V 1981 TOTAL TOURISM EXP.

Despite claims by anti-treaty organizers over the last 6 years, Wisconsin's tourism sector is not a one-industry town comprised solely of sportfishing expenditures. It is interesting to note, in the summer and fall of 1987 Jack Grey, Survey Conductor for the U.W. Extension interviewed 1,704 people from area motels, resorts, and private campgrounds and concluded, "while 100% of the visitors could have fished, only 8.3% said it was the main reason for the trip. Most people go for the scenic beauty or family vacation experience."

Dick Matty, Director of the Wisconsin Department of Tourism, stated this spring, "We're pleased to say that, although unscientific, there is no real negative impact (i.e. from treaty conflicts). Recently, at the Chicago Sport Show, one of the largest shows we attend, of all the people requesting Wisconsin information, not one person asked about the spearfishing issues, so we see no real negative effect at this time."

Recent room tax data from Minocqua's town treasurer's office also leads a person to question claims that spearfishing has ruined northeastern Wisconsin's tourism economy. A December 8, 1990 Milwaukee Sentinel article stated, "Tax receipts have more than doubled since the town began collecting the tax in 1986 and grew from 24%-30% annually since 1987; that spending on lodging will likely top \$3.5 million this year as compared to \$1.7 million four years ago; and that the Minocqua area had a higher growth rate than the Wisconsin Dells area and City of Lake Geneva over the same period of time." (See related article below)

Even with substantial increases in tourism expenditures, Chippewa tribes are still being made convenient scapegoats for obsolete, poorly managed resorts which fail to capture changing markets.

Room tax data shows spearing hasn't hurt Minocqua tourism

By Rick Romell, Milwaukee Sentinel Staff Writer

Tourism in Minocqua, the community at the heart of the conflict over Chippewa Indian spearfishing, has shown strong growth despite the long-standing dispute, figures from the town treasurer's office indicate.

While some people have contended that the spearfishing controversy endangers North Woods tourism, room tax receipts collected by the Town of Minocqua suggest otherwise.

The receipts, which reflect spending on lodging, have more than doubled since the town began collecting the tax in 1986.

The tax provides an objective, readily available indicator of the tourism economy. "Minocqua has nothing to cry about," Chippewa spearing leader Tom Maulson said Friday. "Tourism here is well and it's going to continuously escalate," he said.

Judy Allen, tourism executive director of the Greater Minocqua Chamber of Commerce, agreed that the room tax figures indicate that area tourism as a whole has been growing strongly.

"I don't think there's any question about that at all," Allen said. But she said, some resorts especially those that depend heavily on people who go sport fishing, had been hurt badly by Chippewa spearing.

Overall, however, the room tax receipts suggest that Minocqua's tourism economy has done very well since the controversy erupted over treaty-guaranteed rights of Chippewa to spear fish in northern Wisconsin waters. The Chippewa began off-reservation spearing in 1985.

Spending in hotels, motels and other lodging in Minocqua likely will top \$3.5 million this year, the tax receipts indicate. Four years ago, spending on lodging stood at about \$1.7 million.

Both figures are estimates. Complete 1990 receipts are not yet available, and Minocqua did not begin collecting the room tax until May 1986.

The annual projections, along with actual receipts for 1987 through 1989, show that hotel-motel spending in Minocqua grew by 24% to 30% a year through 1989.

That's a better rate of growth than two other prominent Wisconsin tourism communities—the Wisconsin Dells area and the City of Lake Geneva—showed over the same period.

Minocqua's estimated July-through-September receipts for 1990 are up only 5% from 1989. But while the growth rate has slowed, Minocqua still topped the third-quarter performance of Lake Geneva and the Dells.

Summer spending on lodging in the Dells area actually declined from 1989, tax receipt figures show. Lake Geneva's 1990 third-quarter figures were not available, but a city official said they would show little, if any, growth over last year.

Minocqua is not the only place in the Northwoods touched by the treaty rights dispute. But if any community's tourism were to be hurt, Minocqua might be the most likely candidate. It has been the center of anti-spearfishing action and the town most closely associated with the conflict.

The room tax figures, while providing an overall glimpse at the health of Minocqua tourism, mask some details.

The figures do not reflect problems faced by certain individual resorts. Nor do they reflect that the spearfishing controversy itself fills hotel rooms for at least two weeks each spring, as police, reporters and others flood the area.

(Reprinted from the December 8th edition of the Milwaukee Sentinel.)

Booshoo! Ahneen! LCO School welcomes you

A full-force infusion of "Indian" into an Indian school was the dynamic brought to the Lac Courte Oreilles Ojibwe High School when Eddie Benton accepted the position of superintendent early last summer.

Benton does not interpret a "culture-based curriculum" as the inclusion of a few Anishinabe (Ojibwe/Chippewa) beadwork classes into an otherwise non-Indian curriculum. Rather he seeks to incorporate the philosophic and spiritual foundations of the Anishinabe lifeview into every aspect of education.

That's one of the reasons the school's general assembly each Monday morning begins with a Tobacco Ceremony and prayer spoken in the Anishinabe language.

Gary Beasau, LCO Ojibwa School principal, led the ceremony last Monday before proceeding with a re-cap of the week's business.

"Booshoo!" he began and was answered by a roaring "Booshoo!" in response from the elementary kids. Assembly business included preparation for the Christmas programs, scores of the staff vs. senior boys basketball game, and an update on Ms. Johnson's Tornado Slide fundraising project.

Superintendent Benton is, himself, a veteran educator, in terms of both the traditional Anishinabe (Chippewa) and Chomokaman's (white man) edu-

cational systems. Among many pro-Indian achievements, Benton founded the Little Red School House in Minneapolis; authored the well-known book of Anishinabe creation stories, *The Mishomis Book*; and is a spiritual leader within The Three Fires Society, a Midewin Lodge.

Benton stresses that true culture-based education can be achieved not by changing the subject matter, but rather the context in which a subject is presented.

To explain, he describes an imaginary circle on his desk for a lesson in math, Anishinabe style. The circle can be presented as the Sacred Circle, a concept fundamental to Anishinabe spiritual teaching, he explains. That circle can then be further defined in terms of the Four Directions (in Chomokaman terms: East, West, North and South), another teaching common to Anishinabe spirituality.

From that point, lines can be drawn to show the circle divisible into quadrants. This, he concludes with a smile, would be a culture-based presentation of geometry.

Benton, a casually dressed and approachable superintendent in blue jeans, has a quick smile and soft voice. There's nothing stuffy, stiff or yuppy about this superintendent...nor his staff...nor the school. He emphasizes teamwork in the task of educating, and students are definitely part of the

team. "It's 'we' not 'me' here," he explains.

One product of that teamwork is quickly apparent to the visitor's eye in the form of a newly erected Lodge adjacent to the school. Wisps of smoke rise out of the chimney of the long, white, traditionally styled wigwam in the rear of the school.

The Lodge, Benton, notes, was recently completed and one of the first projects of the school year. Every student in the K-12 school had a part in its construction, he is quick to add.

The Lodge itself is significant because it has always been the setting for Anishinabe teaching—the original classroom of the Anishinabe—and continues today to be integral to the learning and growth of the people.

Classes are held in the Lodge daily as part of the total educational experience of this school. However, Benton adds, the Lodge is not just for the school but for the community as a whole.

The school has a staff of 54, this includes one Ojibwe language instructor, Mary Hart, and two culture teachers, "Duck" Donald White and Jerome Smith. Stoney Larson is assistant principal. Culture and language are specifically taught through all grade levels, not only in classroom format, but throughout the school and through conversation.

Even the signs indicating the bathrooms are in Ojibwa, so if you visit, you better know what your reading! Similarly, other signs and items bear the correct Anishinabe term, putting language into an everyday context.

The school also reveals a comfortable atmosphere. Students seem relaxed, friendly and well-mannered. There's a feeling of family and caring which is not present in so many educational institutions.

This is a feeling Benton and his staff generate and encourage, using trust and respect as the motivators towards good behavior and performance rather than rigid disciplinary methods.

"One of the first things I did was get rid of 'detentions,'" Benton relates, objecting to the negative behavior-mod philosophy used in so many schools. He prefers to replace detentions with trust and respect. "This is an Indian school, you know," he adds.

One child, he related, would have started school on detention, had the previous system which didn't seem to be effective, been carried forth.

"I trust the children, until I am shown otherwise," he states, "and I expect them to trust me until I show them a reason not to."

That trust, he continues to explain, puts additional responsibility on all of us so that we do not betray it.



LCO Ojibwa School students line up for lunch and provide the photographer with a variety of reactions.

Laura Carley, a junior at the LCO Ojibwe High School, is enjoying school this year. Previously, she attended school at the Hayward Public School, but said she was uncomfortable.

Prejudice remains, she noted, in both staff and children at the public school. Carley said it was reflected in attitudes and ways in which Indian students were treated. Some of this may have been inadvertent.

"I was afraid to ask questions. Somehow if we (Indian kids) had questions, we were made to feel dumb. People talked differently to us—real slow and loud sometimes, like we couldn't understand or hear."

During the winter-spring semester last year, Carley attended the Flandreau Indian School in Flandreau, South Dakota. That experience was more positive, but she was homesick and the school was very strict.

This year she's back home; her grades have improved, and she's got a smile on her face. Laura Carley is feeling good about herself at the LCO Ojibwe High School.

And that's what the school is all about—Anishinabe kids feeling good, looking good and doing good.

The buzzzzword is.... (a column of personal opinion)

by Amoose

If Indians are participating in a fishery assessment, it can't be valid or objective. I think that was the point Dean Crist, STA leader, was making in a recent AP article. Never could understand why the media goes to him for comments all the time, but I think he made a point—you can't trust the other guy.

Let's see: Crist was quoted as saying: "Asking (the Indian commission to be objective about the treaty issue is like asking the PLO to be objective about the Palestinian question." (AP, The Daily Press, Dec. 11, 1990)

Yeah, that's what he said! It's sorta like those protestors at the landing that say Indians can't be trusted to count their own fish and report it correctly.

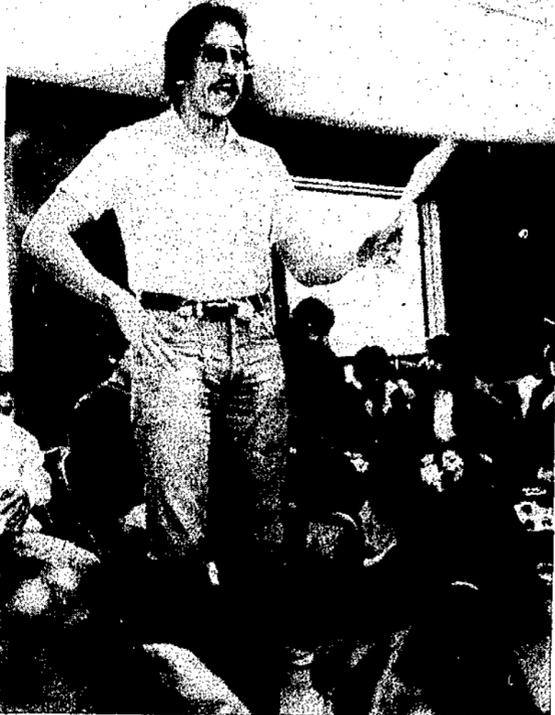
I'd like to say that, being Indian myself, I know our counting skills are up-to-date and pretty good. I remember learning to count myself at an early age, using that song, "One little, two little, three little..." Cute kid's song. You probably remember that one, too.

Anyway, since I know we know how to count, I feel pretty good about the Indians being out there doing the assessment. But I wonder about those Shomokaman (white people).

They can't count fish very accurately. Look at the walleye harvest. Indians know down to the last fish how many they took during the spring spearing season. But the non-Indian tells us they think they took somewhere around 600,000. They say it's an "educated guess." Well, if you have to guess when you count, how can you trust 'em to be accurate in an assessment, I'd like to know?

One day they close down ice fishing on some lakes because of overharvest, and a week later they open it again because it's safe... getting everybody all excited and riled up in between times. Seems to me, they don't know what the "status of the fishery" is! But I guess that's why we're doing that joint assessment, so maybe we will finally find out.

Maybe the biggest obstacle to effective fishery management is the lack of trust. I wonder how many more generations this will last?



Gary Beasau, principal, LCO Ojibwa School addresses a Monday morning general assembly.

Indians struggling for basic rights continued

(Continued from page 5)

the Congress and state legislatures all deal with the immediate crisis of the moment. No long-term planning is evident in any activities dealing with Indians. Whatever appears politically expedient for the moment becomes policy until another crisis arises.

American Indians need the assistance of the churches and the legal profession. Fundamental discussions on the nature of the Indian moral and legal claim against the United States government and American society need to be held. Clarification of the goals and direction of Indian policy need to be done. People recognize the need for reviewing the present status of Indians and making some recommendations regarding future programs and directions. Unfortunately the tendency has been to gather Indians together and ask them for a list of their problems. Following the presentation of the list, organizations and legislatures begin to winnow out those aspects which are politically sensitive and a few reforms of a minor nature are usually initiated. Then Indian country lapses into a state of inertia.

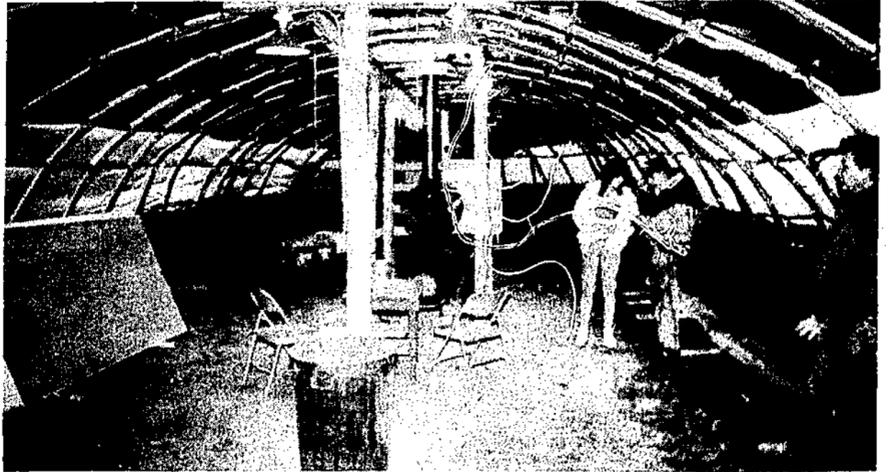
Indians stand approximately where Blacks stood in 1937. They are confronted with one powerful legal-political doctrine which encompasses all efforts toward reform and which places Indians beyond the reach of constitutional protections. In 1903 the Supreme Court handed down *Lone Wolf v. Hitchcock* which declared that the Con-

gress had, and had always possessed, plenary power over Indian affairs. This power was supposedly vested in Congress by the commerce clause and made a great many things involving Indians a political matter which could not be resolved by litigation. Since Congress had forbidden treaty-making in 1871, the natural exercise of the political power through treaties was denied to Indians even though the status of Indian tribes was continued as distinct political entities already connected with the United States by formal treaty provisions.

The American public must be educated in a step by step process so that when the final decision is articulated and Indians do receive a measure of constitutional protection for their communities, there will not be a great outcry against the status which is finally defined. During the civil rights movement the arguments over civil rights asked why Blacks couldn't have the same legal protections as other Americans? The question was rarely asked in influential circles why Blacks wanted to be the same as other Americans. Today people ask why Indians want to be different. The question which must emerge is why they don't have the right to be different. The fundamental task for our times is to gather together a select group of the best thinkers in theology and jurisprudence and discuss what necessary concepts are involved in developing a strategy for confirming the

right of American Indians to live in a different manner than other Americans. The same question might be asked on behalf of the Amish, the Appalachian whites, the rural Blacks and the Mexican American communities in New Mexico. Wherever there are small longstanding communities which see themselves as distinctive groups and have a history which distinguishes them from other Americans, the question of the right of a group to maintain itself as a particular group is vital and important for the future of our country. Only a combination of theologians and legal thinkers, together with selected and concerned members of the Indian community, can begin to formulate the proper theory to accomplish the task of establishing a definite body of rights for Indian tribes. Legal theories and theological concepts must be examined to see which tenets of belief and which doctrines of law speak to each other and can act in a supporting role in both presenting a legal case and educating the public on the basic morality of the case which is presented. Indians need to understand the complexity of general legal and theological thought and find ways to adapt familiar concepts and doctrines in these fields to the particular situation in which they find themselves.

(Reprinted with permission from *Grapevine*, a publication from the Joint Strategy and Action Committee, Inc.)



The newly constructed lodge adjacent to the LCO School will serve as a classroom. The Lodge has traditionally been an educational setting for the Ojibwa people.

MASINAIGAN STAFF: (Pronounced Muz in i ay gin)

- Susan Erickson Editor
- Lynn Spreutels Assistant Editor
- Amoose Photographer



MASINAIGAN (Talking Paper) is a bi-monthly publication of the Great Lakes Indian Fish & Wildlife Commission, which represents thirteen Chippewa tribes in Michigan, Minnesota and Wisconsin.

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

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

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

Tribal values reject mines, protect environment

Mining photographs by Sue Erickson

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However, despite the feeling that public hearings were a facade, those who came patiently waited their turn to testify during the long, hot mid-July days because the concerns in regard to the mining issue are so critically important to them and the northern region.

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○ Proximity to the river. As Michelle Stowder, a Ladysmith resident, indicated, the mine proposes to be 140' from the river, "allowing an open pit copper mine to be closer than a private citizen can build a home."

○ The unavailability of core drilling samples to the public. These samples indicate what minerals are available and are allowed to be kept secret. Fears that radioactive materials might be involved led to many demands that the samples be made public.

○ Manipulation of local government and disregard for public sentiment. Kennecott had previously approached Rusk Co. in regard to the mining project and had been rejected in 1982 and 1987 through a moratorium on mining passed by the town of Grant. However, in 1987 a state budget amendment passed which allowed mining companies to circumvent local zoning codes and deal directly with the County Boards. Kennecott was successful in negotiating an agreement with the Rusk County Board, hence circumventing the community's moratorium and mining codes.

○ Inadequate knowledge regarding impact of leachates. The potential for pollution of major riverways and groundwater was a major concern as the entire ecosystem of the area could be adversely impacted for years to come—including dairy farms, wetlands, nesting eagles, the fishery, and, of course, humans.

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○ Concern over Rio Tinto Zinc and Kennecott's poor record in relation to pollution. In the Wildlife Federation's list of the nation's top 500 polluters, Kennecott's Corporation, Utah mine ranked in

9th place. The DNR refuses to consider Rio Tinto Zinc's track record in its permitting decision.

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○ Fears that the responsibilities to restore the area will be neglected when the mining is complete.

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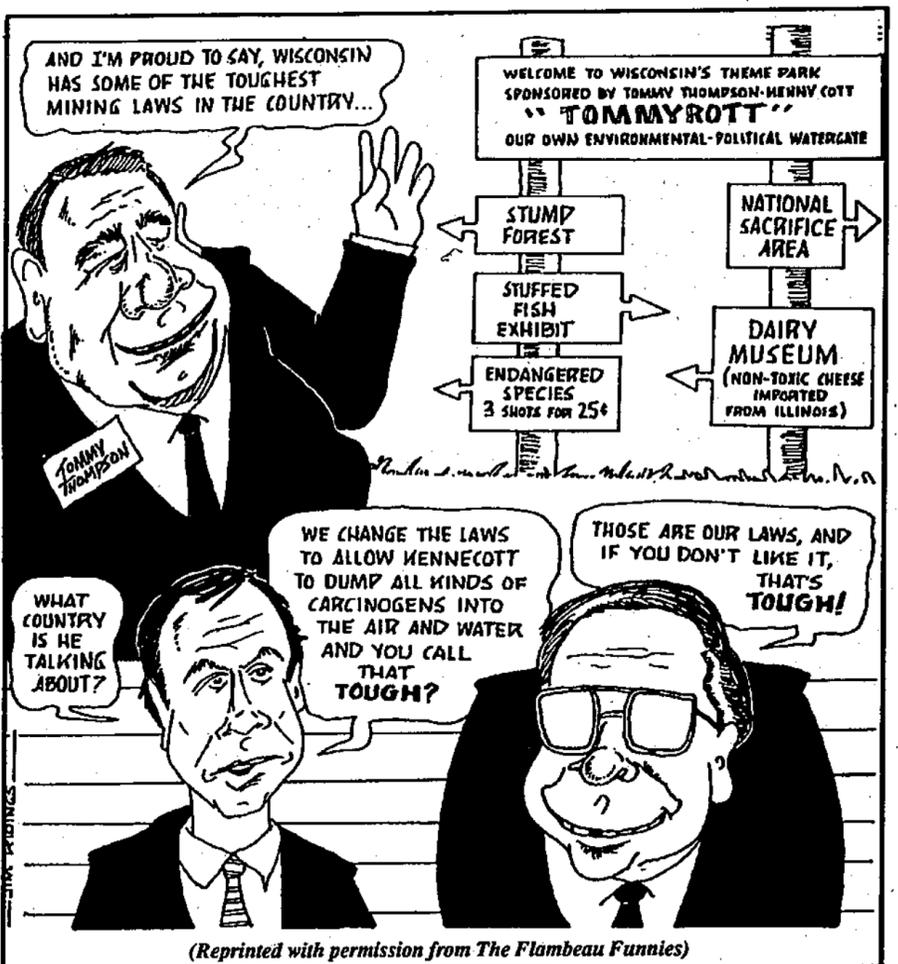
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Mining has strong potential in Wisconsin

By Ron Seely
Wisconsin State Journal

While everyone else is talking about a financial slump, the people in the mining industry are talking about the boom—the boom they say will come in the 1990s.

That, the mining people say, is when mining metals will again become an important part of the state's economy.

Today in Wisconsin there is only one operating mine, the Jackson County Iron Corporation near Black River Falls. This is ironic for a state that has a miner on its state seal.

There are, however, as many as 15 companies exploring the state for mineral deposits, according to

James Klauser, mining consultant to the Wisconsin Association of Manufacturers and Commerce (WMC). And these companies are not letting the current economic picture cloud what looks like a promising future.

"Wisconsin has substantial potential," Klauser said. "These people are looking at markets in the 1990s and the year 2,000. They're looking at world markets far down the road."

Meredith E. Ostrom, head of the Wisconsin Geological and Natural History Survey, said Wisconsin is on the threshold of its third mineral frontier, the first two being discovery of lead ore in southwestern Wisconsin in the early 1800s and the discovery of

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(See Mining, page 20)

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Sentinel Staff Writer

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Mining opponents will argue at the master hearing that permits should not be granted because of insufficient knowledge about how the excavation might pollute groundwater and the Flambeau River, which flows within 150 feet of the proposed mine site, said Teddy Styczinski, spokesman for the Rusk County Citizens Action Group.

An environmental impact statement by the Department of Natural Resources says on-site

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"We're quite confident that even under the most adverse conditions, there would be no adverse impact—the delivery of contaminants to the river would be very minor," said Robert Ramharter, DNR mine project manager.

Wisconsin boasts some of the nation's toughest environmental regulations, and the new mine will have less impact than one proposed by the Kennecott Corp. — Flambeau Mining's parent company — in the 1970's, Larry Mercado, vice president of Flambeau Mining, said during an interview with editors of the Milwaukee Sentinel.

The early proposal — abandoned in 1976 due to strong local opposition and falling copper prices — would have included deep-tunnel mining and a processing plant,

along with associated piles of mineral water, or tailings. Metals leaching from tailings have contaminated ground and surface water around many mines across the country.

Flambeau's current mining proposal will tap just the top 225 feet of a copper and gold deposit discovered by Kennecott in 1968. Because ore near the surface is quite pure, containing 10% copper, it will be economical to ship it to existing processing facilities and smelters outside Wisconsin, Mercado said. Besides saving the cost of building new processing facilities, this will reduce pollution at the site, he said.

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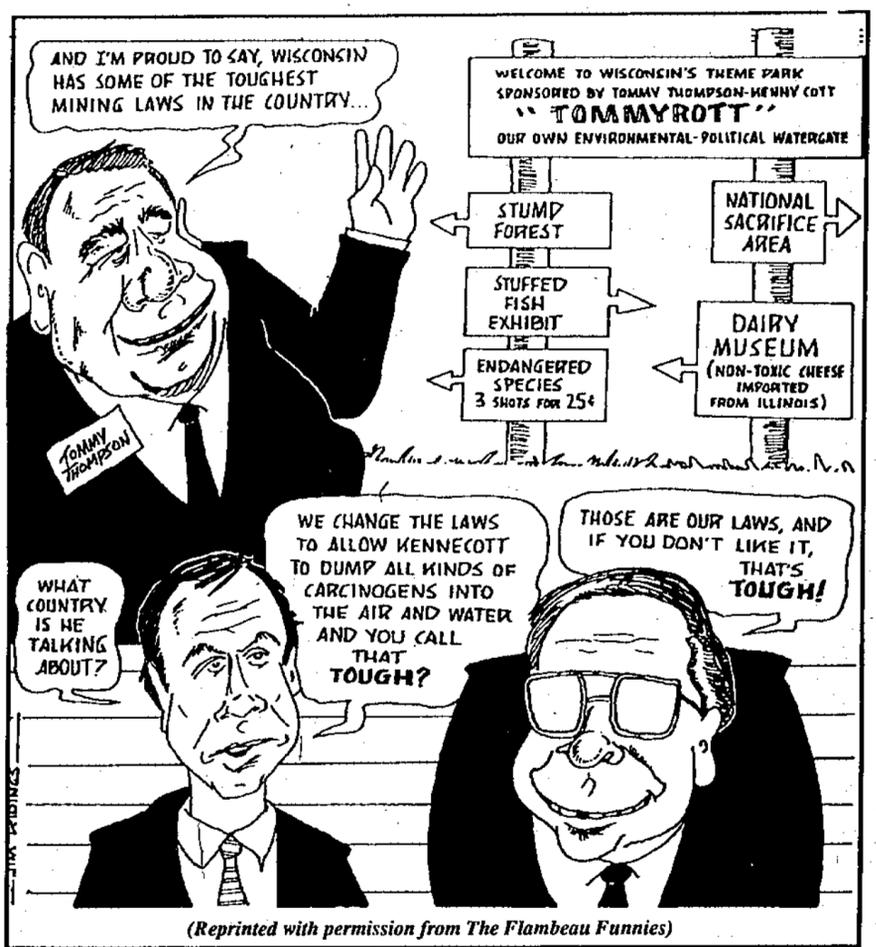
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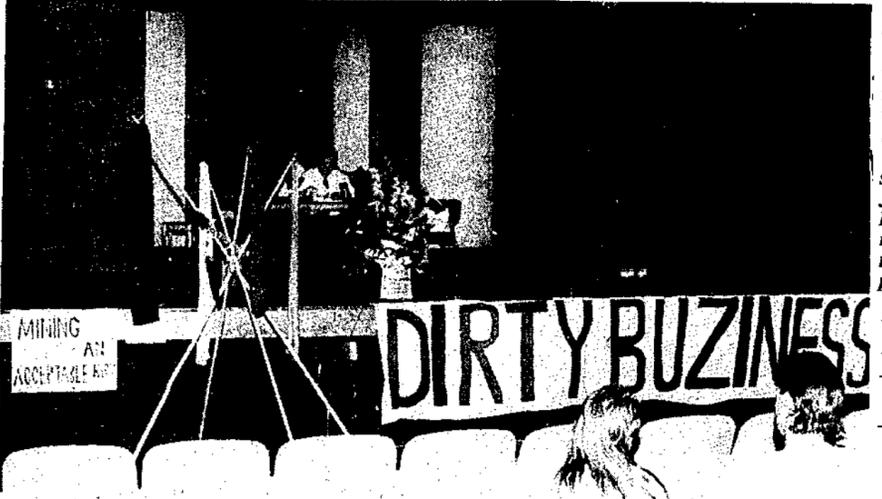
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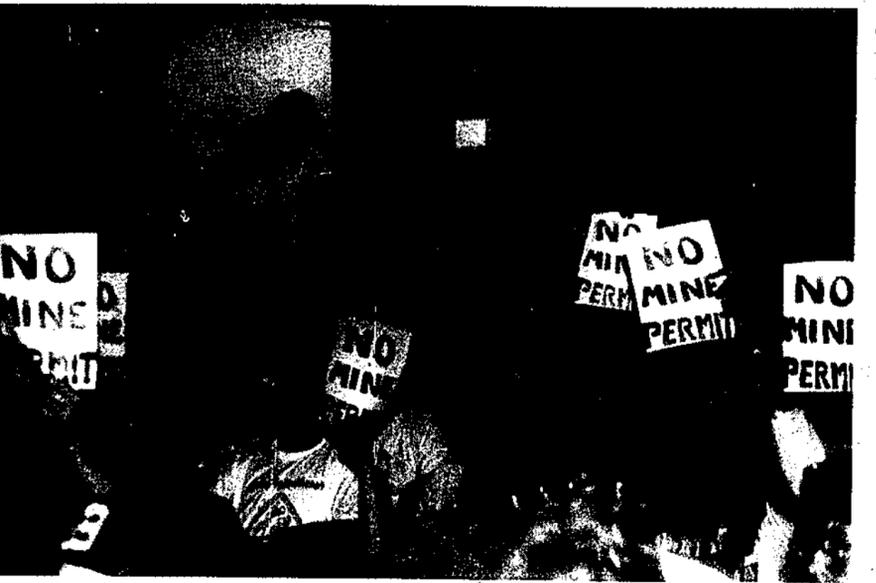
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DUPLICATE EXPOSURE

Treaty rights provide avenue for environmental protection

Tribes say firm NO! to mining

The Chippewa Bands in Wisconsin took a strong position in the opposition to the Ladysmith Mining proposal, with Lac Courte Oreilles (LCO) in bringing the matter to court.

Gaiashkibos, LCO Tribal Chairman, testified that LCO went on official record asking for a regional impact statement which would take into account the safety of the ceded territories in the northern third of Wisconsin where Chippewa exercise off-reservation treaty rights.

Other Chippewa Bands as well as the Great Lakes Indian Fish and Wildlife Commission, which represents 13 Chippewa Bands in Wisconsin, Minnesota and Michigan, supported LCO in requiring a regional impact statement on the basis of treaty rights.

Gaiashkibos, who traveled to London in May in order to address the Rio Tinto Zinc Board of Directors in regard to tribal concerns found little satisfaction from the effort.

During testimony, Gaiashkibos states: "It became quite apparent to me there that the Board of Directors for the RTZ Mining Company has very little knowledge about the Indian People, the native people, in northern Wisconsin or the treaties that we entered into with the United States Government. I asked the Board of Directors whether they would abide by the treaties and their response was that my microphone was cut off. This leads me to believe that they have no interest whatsoever in even knowing what the treaties say and even understanding how our interests are affected."

The need for a regional impact statement was underscored by Gaiashkibos in his statements. He emphasized that any impact felt by Lac Courte Oreilles would be jointly felt by five other Chippewa Bands in northern Wisconsin who share the treaty right to hunt, fish and gather in ceded territory.

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We have dealt with DNR for many years. We have been in litigation with DNR for many years. We have found continually that they are dedicated not towards appreciating our rights, not towards working with us, but primarily attempting to take from us. The DNR continually attempts to say the resources belong to the State. We reject many of the things the DNR says and we find that the quality of what they have put into the environmental impact statement reflects their previous relationship with us.

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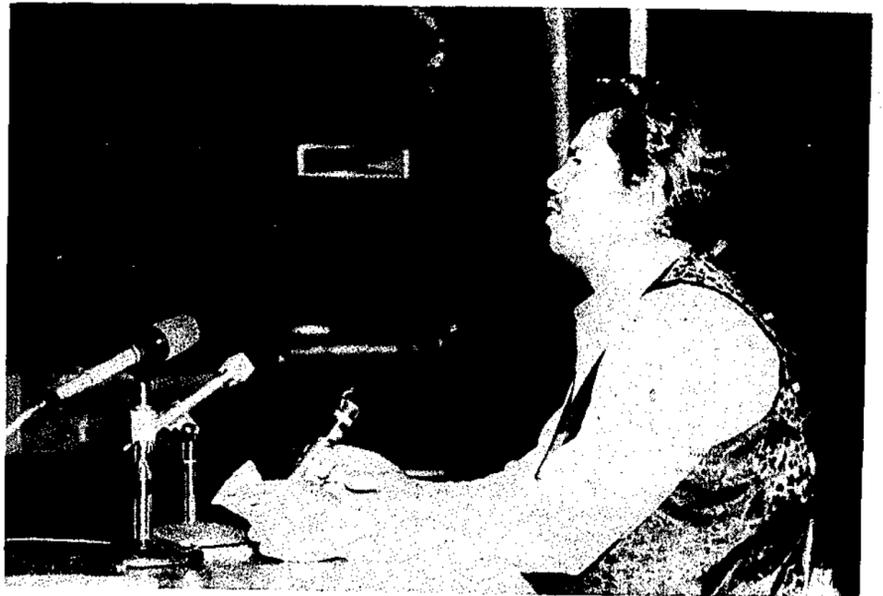
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Bad River raises issue of federal trust responsibility

The testimony opposing the proposed mine site and asking for a regional impact statement from the Bad River Band was delivered by Matt O'Claire, Bad River Tribal Council member. A number of questions are raised by Bad River in the course of the testimony. It is as follows:

Pursuant to the now famous Voigt Decision, Bad River has, along with the other Bands of Lake Superior Chippewa reserved the right to access, occupy, and harvest, natural resources found within the Chippewa homeland in northern Wisconsin through the Treaties of 1837, 1842, and 1854. Needless to say, the present an future ecological integrity of these resources is of extreme concern to the Chippewa.

Contemporary legal interpretations of these Treaties between the Lake Superior Chippewa and the United States Government have defined various elements of their implementation including the legal recognition of a distinct geographical area commonly referred to as the "Ceded Territory." The proposed open pit copper mine near Ladysmith, Wisconsin is found within the Ceded Territory.

At this time I find it extremely appropriate to clarify that the present and future access to the entire Ceded Territory and the resources contained therein is guaranteed by treaty, to all Bands of the Lake Superior Chippewa.

Therefore, the concerns raised by the Bad River Band regarding potential environmental degradation subsequent to the initiation of open pit mining activity at any site located within the Ceded Territory poses some very interesting questions as to just what the Wisconsin Department of Natural Resources is empowered to protect. Also, what role the United States Government and their trust responsibility to the Chippewa might play in a situation such as this where private economic interests threaten to diminish the ecological integ-

ity of natural resources shared in common by the Chippewa and Wisconsin citizens.

The Bad River Band is of the opinion that both the State of Wisconsin and the United States Government have a responsibility to protect the interests of their citizenry and to recognize that long term environmental protection is much more important for Wisconsin Citizens and the Lake Superior Chippewa than the short term economic gains promised by politically powerful and profit hungry private interests.

Bad River opposes the approval of the permits necessary for the initiation of an open pit copper mine near Ladysmith, Wisconsin on the basis that this will in fact do little, more for Northern Wisconsin's future than open the door for the systematic development of a large mineral district within the Ceded Territory.

Inadequate environmental protection laws and standards such as those found within Wisconsin are conducive to the development of a large mineral district encompassing the entire Ceded Territory. Whose interests are indeed being protected?

Are tribal members and State Citizens alike being subjected to the possibility of a northern Wisconsin with contaminated surface and ground water reserves? ... To airborne contaminants possibly carried throughout the Ceded Territory by prevailing winds and rainwater deposition? ... To fish and wildlife species unfit for human consumption? ... To Wild Rice and other Sacred plants which would no longer nourish and heal the people? ... As Anishinabe people we know that our very survival is threatened when our Mother Earth fails to receive the respect and protection which she deserves and needs to sustain our lives.

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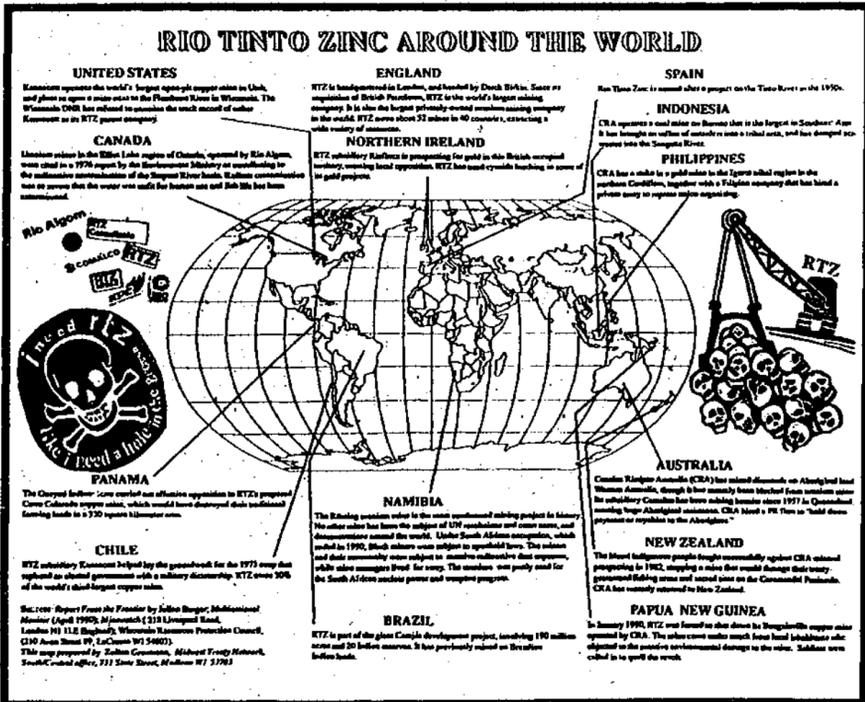
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Treaty rights provide avenue for environmental protection

Tribes say firm NO! to mining

The Chippewa Bands in Wisconsin took a strong position in the opposition to the Ladysmith Mining proposal, with Lac Courte Oreilles (LCO) in bringing the matter to court.

Gaiashkibos, LCO Tribal Chairman, testified that LCO went on official record asking for a regional impact statement which would take into account the safety of the ceded territories in the northern third of Wisconsin where Chippewa exercise off-reservation treaty rights.

Other Chippewa Bands as well as the Great Lakes Indian Fish and Wildlife Commission, which represents 13 Chippewa Bands in Wisconsin, Minnesota and Michigan, supported LCO in requiring a regional impact statement on the basis of treaty rights.

Gaiashkibos, who traveled to London in May in order to address the Rio Tinto Zinc Board of Directors in regard to tribal concerns found little satisfaction from the effort.

During testimony, Gaiashkibos states: "It became quite apparent to me there that the Board of Directors for the RTZ Mining Company has very little knowledge about the Indian People, the native people, in northern Wisconsin or the treaties that we entered into with the United States Government. I asked the Board of Directors whether they would abide by the treaties and their response was that my microphone was cut off. This leads me to believe that they have no interest whatsoever in even knowing what the treaties say and even understanding how our interests are affected."

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RIO TINTO ZINC AROUND THE WORLD

UNITED STATES
Kennecott operates the world's largest open pit copper mine in Utah, and plans to open a new mine in the Flamingo area in Wyoming. The Wisconsin DNR has refused to examine the track record of other Kennecott or RTZ projects.

CANADA
Ladysmith mine in the Upper Lake region of Ontario, operated by Rio Algom, was closed in 1974 after the Government Ministry of Environment issued a report on the radioactive contamination of the St. Lawrence River basin. Ladysmith continues to be a source of the water in the St. Lawrence and the Great Lakes basins.

CHILE
RTZ subsidiary Kennecott held by the government for the 1973 coup that replaced an elected government with a military dictatorship. RTZ owns 50% of the world's third largest copper mine.

BRAZIL
RTZ is part of the great Carajás development project, involving 100 million acres and 20 billion dollars. It has previously mined on 500,000 acres in the Carajás area.

ENGLAND
RTZ is headquartered in London, and headed by David E. Shaw. Since its acquisition of British Petroleum, RTZ is the world's largest mining company. It is also the largest privately owned uranium mining company in the world. RTZ owns about 75 mines in 90 countries, extracting a wide variety of resources.

NORTHERN IRELAND
RTZ subsidiary Redfern is preparing for gold at the Redfern copper-gold mine, mining local copper. RTZ has used cyanide leaching on some of its gold projects.

NAMIBIA
The RTZ uranium mine is the most controversial mining project in history. No other mine has been the subject of UN resolutions and court cases, and it is the only uranium mine subject to international law. The mine and its activities are subject to numerous resolutions and agreements, which are being violated for every RTZ mine and project used for the South African nuclear power and weapons program.

AUSTRALIA
Crestmore (Rio Algom subsidiary, CRA) has opened Australia's largest lead-zinc mine. Although it has recently been shut down from uranium mining, CRA has been mining lead-zinc since 1977 in Queensland. CRA has a mine in a gold area in the Igarka region in the northern Territory. CRA has a 9% share in a copper mine that has been closed, pending an appeal to the High Court.

NEW ZEALAND
The highest indigenous people struggle successfully against CRA's proposed mining in 1982, stopping a mine that would damage the country's government fishing areas and natural sites on the Coromandel Peninsula. CRA has recently resumed its operations.

PAPUA NEW GUINEA
In January 1980, RTZ was forced to shut down its Bougainville copper mine operated by CRA. The mine came under attack from local inhabitants who objected to the mine's environmental damage to the area. Soldiers were called in to quell the revolt.

INDONESIA
CRA operates a coal mine in Sumatra that is the largest in Southeast Asia. It has brought an influx of workers into the area, and has dumped its wastes into the Sangha River.

PHILIPPINES
CRA has a mine in a gold area in the Igarka region in the northern Territory. CRA has a 9% share in a copper mine that has been closed, pending an appeal to the High Court.

SPAIN
Rio Tinto Zinc is owned and operated by the Spanish Government. The mine is the largest in the world.

DUPLICATE EXPOSURE

55% score above level in GLIFWC mercury study

Results from mercury testing in fish samples taken from various northern Wisconsin lakes as well as Lake Superior have been received at the GLIFWC offices.

Test results, performed by Center for Lake Superior Environmental Studies, UW-Superior, indicate that about 55 percent of the samples had mercury concentrations above the level at which health advisories are issued in regard to consumption of fish. That level in the Great Lakes states is 1/2 (.50) parts per million (ppm).

Concentration levels ranged from a low of .07 micrograms of mercury per gram (parts per million) in one of the Lake Superior fish to a high of 1.37 parts per million in the largest walleye from Trude Lake, Iron County. (see table for total breakdown)

The mercury testing project, which was outlined in the spring edition of the MASINAIGAN, was coordinated by GLIFWC environmental biologist Judith Pratt.

In addition to the results from the study, she includes some educational comments on the nature of mercury and how it affects the environment and human beings. Those are as follows:

forms in the ecosystem. The silvery form of mercury which you find in a thermometer is not the culprit responsible for fish consumption advisories. But, it can be transformed into the more toxic methylmercury. The methylation of the mercury occurs in and on the sediments of a waterbody. This process changes the mercury to an organic form, by the addition of the methyl group. A living body, being interested in energy, looks at this form of mercury and it looks like food. The body also "eats" the methylmercury as if it were food.

Mercury in the body

Unfortunately for the body, it absorbs almost all of the methylmercury which enters and excretes less (the 1/2 life is about 72 days). This means it accumulates in bodies (throughout the organic muscle, not just in the fat like PCBs). Organic mercury can pass the blood brain barrier, where they destroy selected brain cells. They can also easily pass across the placental barrier. Red blood cells of a fetus have 20-30% more than the mothers red blood cells. Fetal nerve tissue is very sensitive to the effects of organic mercury.

Mercury in the ecosystem

Mercury is a naturally occurring element. This heavy metal is liquid at normal temperatures. Native mercury is mainly associated with cinnabar—a red sulfide of mercury. Mercury enters the ecosystem through various routes. It has been used in a variety of products, including pesticides, paints, batteries and tooth fillings. In addition, industry and utilities have released mercury to the environment.

Mercury forms

Mercury is found in various

Mercury in fish

The amount of mercury which you will find in a fish depends greatly on the species and size of a fish. The predator species, such as walleye, end up with the most mercury contamination. As they eat more, they accumulate more mercury. Consequently, the bigger fish are more likely to have higher levels of mercury.

Risk Assessment

Heavy consumption of contaminated fish products may pose a substantial health risk. The risk

Lake	County	Species	Date Collected	Type of Sample	Size (inches)	ug Hg/g tissue (ppm)
Bardon (Whitefish)	Douglas	Walleye	4/20/90	Individual	15	0.23
Bardon (Whitefish)	Douglas	Walleye	4/20/90	Individual	18.5	0.56
Bardon (Whitefish)	Douglas	Walleye	4/20/90	Individual	22.3	0.60
Diamond Lake	Bayfield	Walleye	5/1/90	Composite	17.6, 16.7, 15.2	0.54
Diamond Lake	Bayfield	Walleye	5/1/90	Composite	18.2, 18.0, 18.0	0.50
Diamond Lake	Bayfield	Walleye	5/1/90	Individual	23	1.19
Kentuck Lake	Vilas	Walleye	4/24/90	Composite	15.0, 15.3, 15.4	0.46
Kentuck Lake	Vilas	Walleye	4/24/90	Individual	19.4	0.37
Lac Vieux Desert	Vilas	Walleye		Composite	15.7, 15.1, 15.1	0.21
Lac Vieux Desert	Vilas	Walleye		Composite	18.9, 19.1, 18.3	0.41
Lake Superior		Menominee		Composite	11.8, 12.9, 11.5	0.07
Lake Superior		Trout		Composite	18.9, 18.9	0.16
Lake Superior		Herring		Individual	20.9	0.11
Nebagamon	Douglas	Walleye		Composite	15.4, 15.0, 15.6	0.33
Nebagamon	Douglas	Walleye	5/23/90	Individual	18.1	0.78
Nebagamon	Douglas	Walleye	5/23/90	Individual	22.4	0.55
Papoose Lake	Vilas	Walleye		Composite	15.9, 15.6	0.54
Papoose Lake	Vilas	Walleye		Composite	17.5, 17.4	0.45
Papoose Lake	Vilas	Walleye	4/25/90	Individual	20.7	0.59
Presque Isle	Vilas	Walleye	4/25/90	Composite	15.1, 15.2, 15.8	0.61
Presque Isle	Vilas	Walleye	4/25/90	Composite	18.0, 18.4, 19.6	0.26
Presque Isle	Vilas	Walleye	4/25/90	Individual	22.5	0.32
Squaw Lake	Vilas	Walleye	4/12/90	Composite	15.0, 15.1, 15.6	0.71
Squaw Lake	Vilas	Walleye	4/14 & 4/17/90	Composite	18.2, 18.5, 18.0, 18.0	0.75
Sand Lake	Barron	Walleye	4/21/90	Individual	15	0.19
Trude Lake	Iron	Walleye	5/4/90	Composite	17.5, 17.0, 17.0	0.69
Trude Lake	Iron	Walleye	5/4/90	Composite	21.5, 20.0, 20.0	0.93
Trude Lake	Iron	Walleye	5/4/90	Individual	25	1.37
Upper Eau Claire	Bayfield	Walleye		Composite	16.9, 16.3, 16.2	0.46
Upper Eau Claire	Bayfield	Walleye		Composite	17.9, 20.5, 21.7	0.62
Upper Eau Claire	Bayfield	Walleye		Individual	22.5	0.81

assessment process is very complex, with the objective to estimate the probability of adverse health effects from exposure to a toxic agent. Though the carcinogenic status indicates mercury is not likely to cause cancer, it does effect the central nervous system, causes reproductive impairments and birth defects, and can be mutagenic (causes genetic mutation). For these reasons fish consumption advisory risk assessments provide for a margin of safety, in order to protect human health.

Risk management

The management of risk must also consider economics, politics, law and social aspects when decisions are made. The legal limit for total mercury in fish and fishery products in the U.S.A. is 1 ppm (parts per million). Within the Great Lakes region policy and decision makers use a more stringent .5 ppm as the basis for issued consumption advisories.

Benefits of eating fish

Due to the high levels of

omega-3 in fish oil, fish is an excellent source of so called "good" cholesterol. Fish is also low in calories and high in protein, and is a good alternative to red meat. Fish should be consumed in limited amounts, if mercury (or other toxics) is detected in amounts exceeding the safe levels, which is .5 ppm for mercury.

Advice

If you follow the advice found in fish consumption advisories you

can be confident that you are avoiding adverse health effects. The advice is more stringent for women who plan to have children or are pregnant. You can be selective of the size and species of the fish you consume. Be sure to have women and children eat the small fish. In addition, I recommend Lake Superior Whitefish because it is abundantly available. It is a lean fish. It is not a predator species and does not have contaminant levels which are the cause of fish consumption advisories.

Eagles again menanced by industrial pollutants poured into Great Lakes

By Jeff Alexander
Grand Rapids Press Bureau

MANISTEE—Nearly 20 years after the federal government banned the pesticide DDT, record levels of other man-made pollutants are being found in bald eagles nesting along the Great Lakes, researchers say.

DDT was banned in 1972 be-

cause its effects on eagles nearly wiped out the nation's symbol.

While the eagle population has rebounded in Michigan since then, those increases have been largely restricted to inland areas where fish and birds eaten by eagles are not as contaminated as those taken from the Great Lakes.

Many eagles are unable to reproduce along the Great Lakes be-

cause DDT residuals and other chemicals are disrupting reproductive processes and contaminating offspring, said William Bowerman IV, a scientist at Michigan State University's Pesticide Research Center.

"Eaglets from Great Lakes nesting areas have the highest contamination levels ever recorded in the U.S.," Bowerman said Tues-

day during an eagle research trip along the Manistee River.

"The contamination levels we're finding in eaglets on the Great Lakes are roughly six times higher than those nesting in inland Michigan, and 30 percent higher than eaglets from the Columbia River in Washington and Oregon," he said.

Those findings support earlier claims that toxic chemicals discharged into the Great Lakes by industries and oozing from contaminated lake sediments are poisoning fish, birds and mammals. "The eagle data tells us there are still some problems with contaminants in the Great Lakes," Bowerman said.

In inland Michigan, the eagle population is thriving. There are now about 175 pairs of nesting eagles in Michigan, Bowerman said.

But the chemicals found in adult eagles along the Great Lakes has researchers concerned because of their effects on reproduction.

Scientists from the U.S. Fish and Wildlife Service, for example, have found massive levels of pollutants in nonviable eagle eggs taken from nests along the shores of Lake Michigan and Lake Huron.

One egg collected from a site on Lake Huron near Alpena was so contaminated it qualified as toxic waste, said Timothy Kubiak, an environmental toxicologist at the

Fish and Wildlife Service East Lansing office.

"That was the most contaminated sample analyzed by the Fish and Wildlife Service, and it came from an area that everybody thought was relatively clean," Kubiak said.

While scientists say it is safe to drink and swim in Great Lakes water, people are warned against eating large amounts of fish taken from the lakes.

Earlier this year, a U.S.-Canadian panel said that Great Lakes pollution poses a potential health threat to the region's 35 million residents. Some 16 fish-eating predators in the Great Lakes have been affected by toxic chemicals,

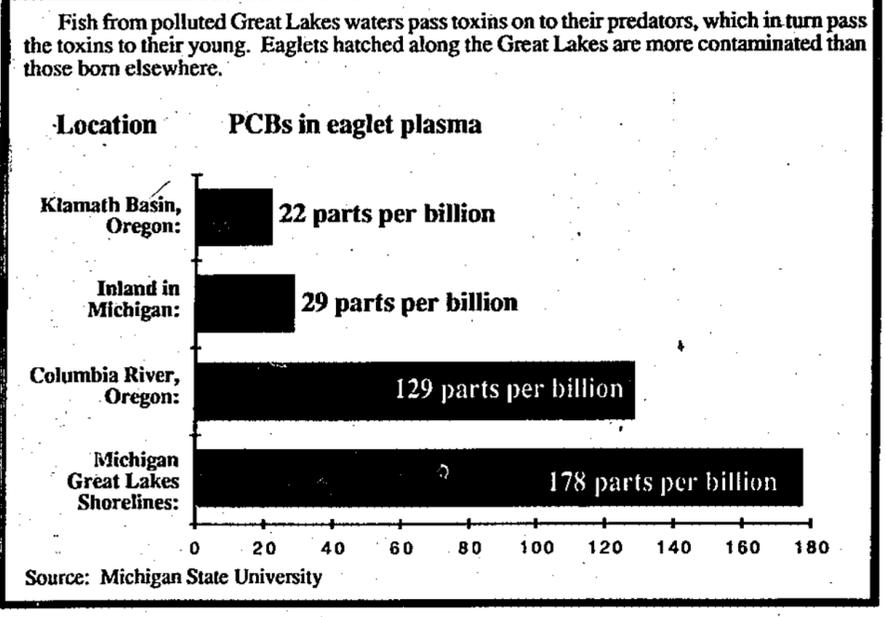
studies have shown.

Despite pledges from politicians to clean up the Great Lakes, many companies in Michigan and elsewhere in the region continue to dump toxic chemicals into the lakes, government records show.

Environmentalists said the eagle research reinforces the need to halt discharges of persistent toxic chemicals into the Great Lakes.

"How can we justify putting more chemicals in lakes with the effects we are already seeing in eagles and other wildlife?" said Dave Zaber, an environmental toxicologist at the National Wildlife Federation's Ann Arbor office.

(Reprinted from Grand Rapids, Press.)



Fish hatchery may ease tensions, Thompson says

Wausau, Wis.—AP—Gov. Tommy G. Thompson says a newly approved \$246,000 expansion of a Colby fish hatchery should help defuse tensions over Chippewa spearfishing rights in northern Wisconsin.

The governor on Thursday also endorsed \$10 million worth of construction and renovation work on other fish hatchery projects to make more walleye available for stocking lakes in the north.

"I think this is a giant step forward to alleviate some of the problems in northern Wisconsin," Thompson said in a telephone conference from Madison.

Work will begin immediately on installing an aeration system at the Winding Creek Hatchery in Marathon County, Thompson said. The hatchery raises about 350,000 walleye from fingerlings to 5 inches for stocking in northern lakes.

Adding the aeration system will increase the capacity of rearing ponds to 1 million walleye each growing season, the governor said.

Additional fish will be ready for stocking in a year, said Thompson, who is seeking reelection against Democrat Tom Loftis in November.

The Building Commission, which approved money for the

aeration system, earlier approved expansion of a hatchery at Lake Mills in Jefferson County. Thompson said that move would relieve pressure on northern hatcheries for stocking southern lakes.

Walleyes are the most popular game fish taken for food in Wisconsin, according to Department of Natural Resource figures. More than 600,000 walleyes are taken each year by anglers, the DNR says.

Thompson said an aggressive lake restocking program would address some of those concerns. He said he also supported con-

struction of a new \$8 million hatchery at Spooner and a \$2 million renovation of a hatchery in Woodruff, projects that need legislative approval.

Completion of all three hatchery projects would produce another 2.8 million walleye for stocking into northern lake each year, the governor said.

Thompson said the more expensive project, if approved by the Building Commission, would be included in the 1991-92 state budget he will submit to the Legislature.

(Reprinted from Associated Press)



"So, whadda want, mister?" This snapping turtle was not having a happy day.

Happenings on the anti-treaty front

PARR plans night protests at boat landings

The group's leader says efforts to quell uproar didn't get results

Wausau, Wis.—AP—Protect Americans' Rights and Resources, a group opposed to Indian treaties in northern Wisconsin, will organize boat-landing protests during next spring's Chippewa spearfishing season, Chairman Larry Peterson said.

For the last two seasons, PARR either has urged protesters to stay away from the landings at night or has left it up to individual members to decide what to do.

The group's operations board voted recently to change the policy and endorse nighttime protests, Peterson said.

"The board concluded that PARR efforts of the past, to calm the controversy created by Chippewa spearfishers' pillage of spawning fish by PARR not organizing nighttime protests, has been taken without merit by public officials, churches, some news media and allowed for further escalation of treaty rights," Peterson said in a statement.

Another anti-treaty group, Stop Treaty Abuse-Wisconsin, has coordinated hundreds of sometimes

rowdy protesters at spearfishing boat landings, claiming the treaties give Indians unequal rights compared with others.

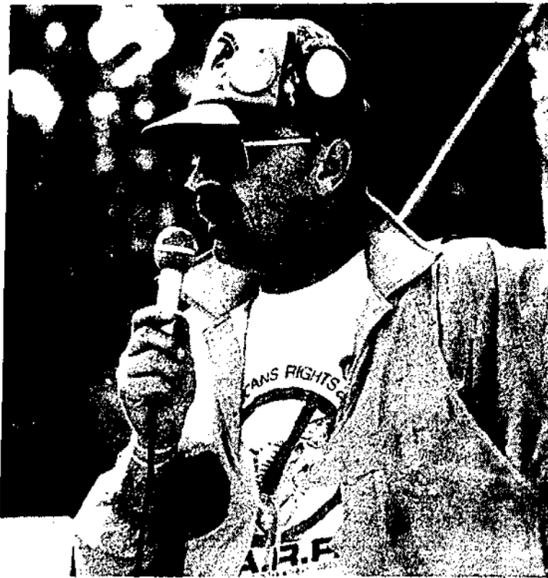
The demonstrations, which have included racial slurs and rock-throwing, have led to arrests and forced law enforcement to spend millions of dollars to keep the peace.

A year ago, PARR organized afternoon rallies to protest spearfishing, but crowds were small. Some PARR members have complained that nighttime protests were the only way to keep public attention focused on the issue.

This year, PARR also mounted a petition drive seeking the recall of US Rep. Dave Obey (D-Wis.), but the effort fell far short of the needed signatures.

Stop Treaty Abuse-Wisconsin spokesman Dean Crist of Minocqua has said people from Park Falls, where Peterson lives, have asked Crist's group to organize a chapter in the area.

(Reprinted from the Associated Press.)



Larry Peterson, PARR President.

Judge Kennedy acquits Crist on boating charge

Following a 4 1/2 hour trial, Judge Robert A. Kennedy Sr. of Crandon ruled July 5th that the state had not proved Brian M. Crist, 43, of Eagle river, had violated the boating laws in connection with an incident on Minocqua Lake last April 22 during the Chippewa Indian spearfishing season.

The judge made the ruling late Thursday following a trial in Oneida County Circuit Court in Rhinelander.

Crist, who has been active in the Stop Treaty Abuse organization which opposes spearfishing, had been charged with failing to yield to avoid a collision between his boat and a boat operated by David J. Peterson, 35, one of the Lac du Flambeau spearing activists.

Peterson was also cited for the same offense and will appear before Judge Mark A. Mangerson.

Crist and his brother, Dean of Minocqua, the acknowledged leader of STA and a frequent critic of Chippewa Indian treaty rights, said after the trial that District Attorney Patrick O'Melia had prosecuted the case for political reasons. O'Melia said the wardens had filed the complaint and his duty was to prosecute.

Wardens Dan Mezer, Robert Schepper, Thomas Kroepflin and Thomas Weninger testified for the state and said it appeared neither boat operator made an effort to avoid the head-on collision. Supporting Crist in his version of the incident were Douglas Drossart and Charles Russell Gilomen.

Crist was represented by Neal Nielsen of Nielsen & Nielsen Attorneys of Eagle River.

(Reprinted from Vilas County News Review, July 11, edition.)

Ruling upholds dismissal of charge against Crist

Madison, WI.—AP—A State Appeals Court has affirmed the dismissal of charges against Indian treaty-rights opponent Dean Crist, who was arrested for refusing to leave a meeting between state and tribal leaders.

In a ruling released Tuesday, the court found that Crist was properly asserting his right under the state open meetings law to attend a scheduled meeting of a governmental body and should not have been denied access or arrested.

"Because the evidence is sufficient to demonstrate that a team of state negotiators was present representing the State of Wisconsin in its negotiations with the Lac du Flambeau Band of Lake Superior Chippewa Indians, there was sufficient evidence for the court to conclude that the meeting in question was subject to the state's open meetings law," the Appeals Court said in a ruling written by Judge Gordon Myse.

Crist, co-founder of Stop Treaty Abuse-Wisconsin, was arrested March 10, 1988. He was charged with disorderly conduct when he refused to leave a meeting between Chippewa Indians leaders and state officials.

He wanted meeting open
Crist said the meeting should be open to the public because it involved negotiations over the Chippewa tribe's exercise of off-reservation spearfishing, hunting and timber-cutting rights under 19th century treaties.

His group has been vehement in its opposition to tribal treaty rights, which have been affirmed by federal courts since 1983.

Government officials argued that the state open meetings law did not apply to the case because just one person, Atty. Gen. Don Hanaway, was negotiating on the state's behalf with the Lac du

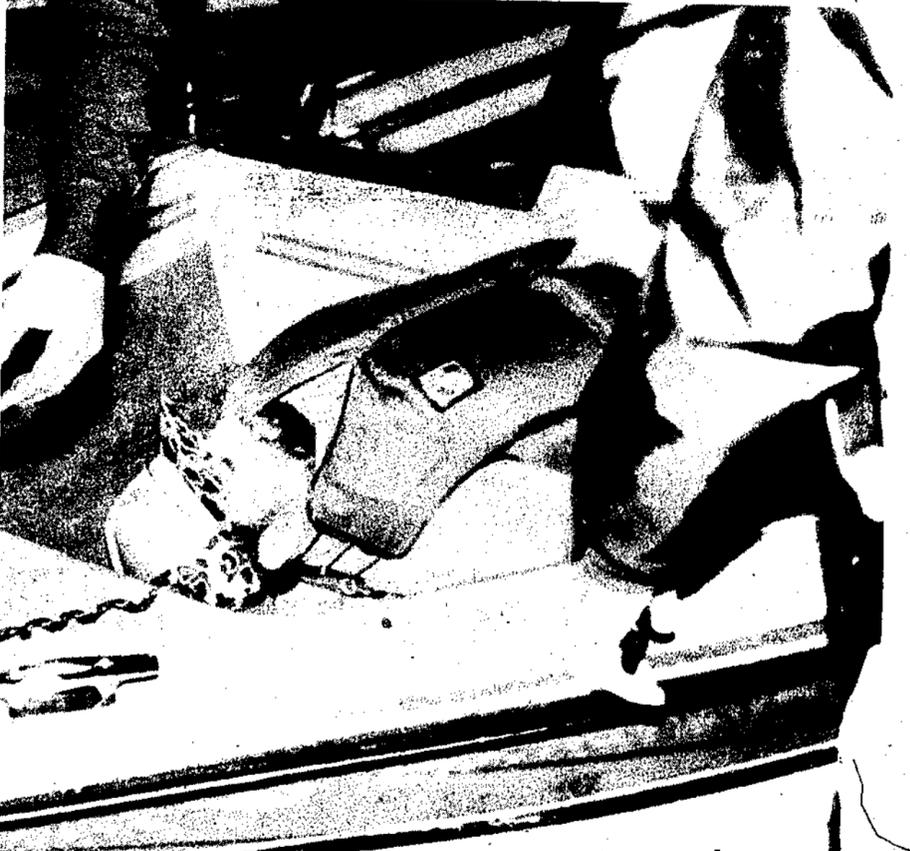
Flambeau Chippewas.

Oneida County Circuit Judge Patrick J. Madden later dismissed the charge.

with Madden and found that Hanaway and his negotiators constituted an official governmental body.

(Reprinted from the Associated Press)

The Appeals Court agreed



Stop Treaty Abuse leader Dean Crist waits for enforcement to haul him out of his boat during an arrest this spring.

Opponent is fined in firing of shots near spearfishermen

Gordon man must pay \$500 and is placed on a year of probation

Superior, Wis.—AP—An opponent of Chippewa treaty rights has been convicted in Douglas County Circuit Court of endangering safety and harassment concerning shots fired in the vicinity of Indian spearfishermen at Lower Eau Claire Lake.

Glenn Knauss, of Gordon, in the western part of the county, was fined \$500 after being found guilty Monday. He also was placed on one year of probation, ordered to provide 60 days of community service and to forfeit his shotgun.

Knauss said he didn't shoot at Red Cliff Reservation spearfishers Andrew Gokee and Francis Gauthier as they slowly drifted past his lakeside home April 30, 1989. He said he took his 12-gauge pump shotgun outside about 10:30 p.m. in search of skunks. There were no skunks, but he shot six shells anyway—not in the direction of the lake—but because his 4 and 5-year-old children wanted a demonstration of "the big gun," he said.

Knauss said he had demonstrated other weapons to them that day.

Gokee and Gauthier testified they'd heard shots fired from the direction of Knauss' land and that bullets whizzed past them. Their

testimony was supported by two state game wardens, Tom White and Len Fromhok, who had been nearby in another boat. The pair said they went on land and found Knauss in his yard.

Joined anti-treaty group

Under cross-examination by prosecutor Harley Stark, Knauss said he had joined an anti-treaty group, Protect Americans' Rights and Resources, a week before the shooting incident.

He testified that he has a degree in political science and has constitutional concerns about treaty rights.

Defense attorney James Cirilli argued that the type of shotgun Knauss used couldn't have fired the 376 yards from the house to the lake. He suggested that the spearfishermen might have mistaken debris falling from budding trees or the activity of wildlife for bullets.

Judge Michael Lucci rejected that theory. Gokee and Gauthier "experienced a very scary feeling, a projectile flying close by them," Lucci said before delivering his verdict. "That's an experience that stands out in your memory and can't be mistaken for a bird. . . I think there was some kind of ammunition. . . close enough to cause a definite danger to them."

(Reprinted from the Associated Press)

Treaty Beer on the skids again

The third boycott of Treaty Beer in Cincinnati, Ohio has succeeded according to Sharon Metz, Executive Director of Lutheran Human Relations Association of America (LHRAA) and national coordinator for HONOR (Honor Our Neighbors Origins and Rights).

Dixie Brewing Company, New Orleans, informed Metz that it was "unaware of the negative connotation of the Treaty Beer issue" and that as of February 1990, "we discontinued our involvement with Treaty Beer and its promoters." (See *Dixie Brewing Company, letter reprinted at the right.*)

The profits of Treaty Beer, promoted by Dean Crist, President of Stop Treaty Abuse (STA), are used to lobby Congress to diminish the treaty, rights of Native Americans.

LHRAA called for the first boycott in July of 1987 and was joined by numerous civic, tribal, religious, and human rights groups. Hibernia Brewing Company of Eau Claire, WI subsequently stopped brewing the beer. Crist then found a new brewer, Hudephol-Schoen-

ling Brewery in Cincinnati, Ohio and attempted to market the beer in the state of Washington. The boycott was resumed with the community leaders and public officials publicly repudiating the product. The Washington distributors refused to handle the product and Hudephol-Schoenling quit brewing it.

In spring of 1989 Crist again attempted to produce and market the beer, and contracted with Dixie Brewing Company in New Orleans as the brewer and his brother set up a distributorship in Washington. At that time the HONOR chapter in Washington, civic, religious and tribal leaders again repudiated the beer in that state and LHRAA and HONOR called for a national boycott. The boycott was again successful; Dixie Brewing quit brewing Treaty Beer and the distributorship in Washington closed.

"Treaty Beer symbolizes racism—you think it's been stamped out and it keeps reappearing," said Sharon Metz. She added that "If Crist makes a fourth attempt we'll boycott it again. We're getting good at it."

Dear Ms. Metz,

Over the past few months the Dixie Brewing Company has received several letters from those who were concerned about the issues surrounding Treaty Beer. As a small, independent, family-owned regional brewery, we were unaware of the negative connotation of the Treaty Beer issue and we would like to thank each of you who took the time to make known your concerns. We would also like you to know that, as of February 1990, we discontinued our involvement with Treaty Beer and its promoters.

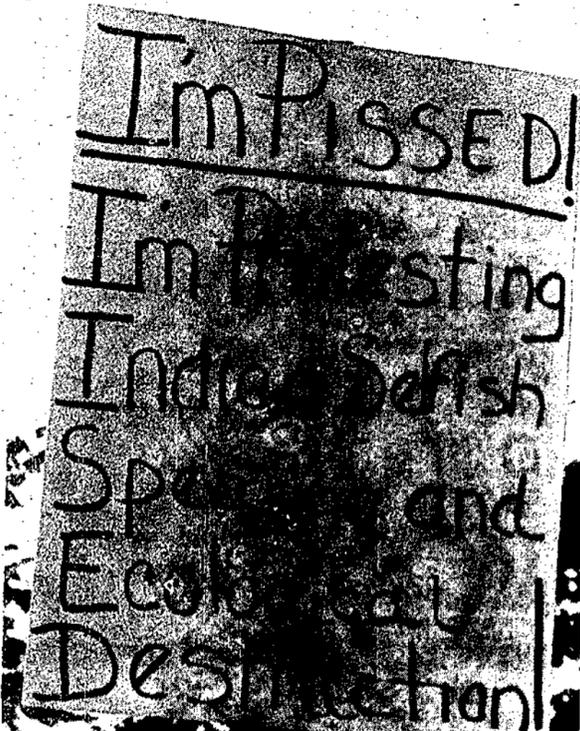
Many who wrote seemed to be under the impression that Treaty Beer was Dixie Beer in a different package. For the record, we would like you to know that Dixie Beer and Dixie Amber Light Beer are never packaged under any other label, each label has its own brewer. We would like to ask your support of our small, regional brewery and if you are ever in New Orleans please stop by and say hello.

Once again, thank you for taking the time to inform us of the issues and of your concern.

Very truly yours,

DIXIE BREWING COMPANY, INC.

Kendra E. Bruno
Kendra E. Bruno
President



A popular slogan at STA and PARR rallies as well as on the landings.

America's original sin and the legacy of white racism

By Jim Wallis

The United States of America was established as a white society, founded upon the genocide of another race and then the enslavement of yet another.

To make such a statement today is to be immediately accused of being rhetorical or, worse yet, of being "reminiscent of the '60s." The reaction is instructive and revealing. The historical record of how white Europeans conquered North America by destroying the native population and how they then built their new nation's economy on the backs of kidnapped Africans who had been turned into chattel are facts that can hardly be denied. Yet to speak honestly of such historical facts is to be charged with being polemical or out of date. Why?

One reason is that racism is no longer a hot topic. After the brief "racial crisis" of the '60s, white America, including many of those involved in the civil rights movement, has gone on to other concerns. Also, the legal victories of black Americans in that period, as far as most white Americans are concerned, have settled the issue and even left many asking, "What more

do blacks want?

Federal courts have recently interpreted civil rights legislation—originally designed to redress discrimination against black people—as applying to the grievances of whites who believe affirmative action programs have "gone too far." In addition, popular racial attitudes have changed, attested to by the opinion polls and the increased number of black faces appearing in the world of sports, entertainment, the mass media, and even politics. After all, The Cosby Show was recently the highest-rated TV series in the country, and Jesse Jackson is still a serious contender for the presidency.

Indeed, in the two decades since the passage of momentous civil rights legislation, some things have changed and some things haven't. What has changed is the personal racial attitudes of many white Americans and the opportunities for some black Americans to enter the middle levels of society. (The word "middle" is key here, insofar as blacks have yet to be allowed into the upper echelons and decision making positions of business, the professions, the media, or even the fields of sports and entertainment where black

"progress" has so often been celebrated.) Legal segregation has been lifted off the backs of black people with the consequent expansion of social interchange and voting rights, and that itself has led to changes in white attitudes.

What has not changed is the systematic and pervasive character of racism in the United States and the condition of life for the majority of black people. In fact, those conditions have gotten worse.

Racism originates in domination and provides the social rationale and philosophical justification for debasing, degrading, and doing violence to people on the basis of color. Many have pointed out how racism is sustained by both personal attitudes and structural forces. Racism can be brutally overt or invisibly institutional, or both. Its scope extends to every level and area of human psychology, society, and culture.

Prejudice may be a universal human sin, but racism is more than an inevitable consequence of human nature or social accident. Rather, racism is a system of oppression for a social purpose.

In the United States, the original purpose of racism was to justify slavery and its enormous

economic benefit. The particular form of racism, inherited for the English to justify their own slave trade, was especially venal, for it defined the slave not merely as an unfortunate victim of bad circumstances, war, or social dislocation but rather as less than human, as a thing, an animal, a piece of property to be bought and sold, used and abused.

The slave did not have to be treated with any human consideration whatsoever. Even in the founding document of our nation, the famous constitutional compromise defined the slave as only three-fifths of a person. The professed high ideals of Anglo-Western society could exist side by side with the profitable institution of slavery only if the humanity of the slave was denied and disregarded.

The heart of racism was and is economic, though its roots and results are also deeply cultural, psychological, sexual, even religious, and, of course, political. Due to 200 years of brutal slavery and 100 more of legal segregation and discrimination, no area of the relationship between black and white people in the United States is free from the legacy of racism.

In spiritual and biblical terms, racism is a perverse sin that cuts to the core of the gospel message. Put simply, racism negates the reason for which Christ died—the reconciling work of the cross. It denied the purpose of the church: to bring together, in Christ, those who have been divided from one another, particularly in the early church's case, Jew and Gentile—a division based on race.

There is only one remedy for such a sin and that is repentance, which, if genuine, will always bear fruit in concrete forms of conversion, changed behavior, and reparation. While the United States may have changed in regard to some of its racial attitudes and allowed some of its black citizens into the middle class, white America has yet to recognize the extent of its racism—that we are and have always been a racist society—much less to repent of its racial sins.

And because of that lack of repentance and, indeed, because of the economic, social, and political purposes still served by the oppression of black people, systematic racism continues to be pervasive in American life. While constantly denied by white social

commentators and the media, evidence of the persistent and endemic character of American racism abounds.

The most visible and painful sign of racism's continuation is the gross economic inequality between blacks and whites. All the major social indices and numerous statistics show the situation to be worsening, not improving. The gap between white and black median family income and employment actually widened in the decade between 1970 and 1980, even before Ronald Reagan took office. And the Reagan administration has been like an economic plague to the black community; black unemployment has skyrocketed, and the major brunt of slashed and gutted social services has been borne by black people, especially women and children.

All of this has especially affected black youth, whose rate of unemployment has climbed above 50 percent. The last time I checked the unemployment rate for young black people in Washington, D.C., it was 61 percent. The very human meaning to such grim statistics can be seen in the faces of the kids in my inner-city neighborhood. They (See America's original, page 22)

Happenings on the anti-treaty front continued

STA changes its attorney

Stop Treaty Abuse/Wisconsin fired its lawyer Thursday, claiming Sanyer attorney Fred Hatch "wasn't accepting direction," a spokesman in Minocqua said.

STA leader Dean Crist announced that Rhinelander lawyer Richard Sommer would represent the organization in legal matters, including its challenge of a state fishing harassment law.

STA has organized sometimes rowdy demonstrations, at northern boat landings each spring in recent years when Chippewa Indians exercised court-affirmed 19th century treaty rights to spear spawning walleye.

The protests, which have attracted hundreds of demonstrators have forced state and local law enforcement agencies to spend millions of dollars to keep the peace.

"It's not that we don't like Fred," Crist said. "He wasn't accepting direction from the board. We're just moving on."

Hatch refused to criticize Crist or STA for the decision.

Crist is always "willing to take his whole case to the people," Hatch said. "That's a refreshing breeze



Fred Hatch, former STA attorney.

up here. But do I subscribe to his every nuance? No."

(Reprinted with permission from the Milwaukee Sentinel.)

Meyer says Crist's attack is 'dangerous reasoning'

Dean Crist's court attack on Wisconsin's hunter harassment law is a "dangerous line of reasoning" that could end all hopes of protecting state sportsmen from today's anti-hunting movement, a DNR official said this week.

"The average citizen could be severely impacted by this challenge," said George Meyer, law

enforcement division director for the Department of Natural Resources in Madison.

Under the arguments brought forward by Crist and his attorneys, Meyer said it would be legal for anti-hunters to stand near a hunter's deer stand banging pots and pans in opposition "as long as they didn't force him to leave his stand."

"Crist is saying that as long as state hunters, fishermen and trappers aren't totally denied their outdoor privileges, it is all right for opponents to reduce their catch as part of legal protest activities," said Meyer.

"But we don't view that as freedom of speech. We view it as harassment. You basically end up taking the right away, making it impossible for the person to fish, hunt, spear or whatever.

"We are encouraged by the support of the National Rifleman's Association and the Wildlife Legislative Fund of America," Meyer said.

Crist, a Minocqua business owner and spokesman for Stop Treaty Abuse/Wisconsin, is challenging the constitutionality of the harassment law in a court case involving two citations he received this spring of allegedly harassing Chippewa Indians.

The Indians were exercising their off-reservation treaty rights on Plum and Catfish lakes in Vilas County at the time Crist was cited for making large boat wakes to disrupt the spearing. The Indians' right to spearfish public lakes has been upheld by several federal court rulings since 1983.

In his briefs to the court, Crist argues that making boat wakes to disrupt the success of spearfishing is a "constitutionally protected right of free expression that cannot be inhibited."

Crist claims he did not prevent

Injunctions against four treaty opponents dropped

An injunction against four treaty rights opponents originally issued by Vilas County Circuit Court Judge James Mohr based on the state's new hunter harassment law has been dropped by Langlade County Circuit Court Judge Jensen.

Mohr approved a restraining order, requested by Chippewa Indian tribes, to keep Dean Crist and Patrick Long, both of Minocqua, and Brian Crist and Chuck Gilman, both of Eagle River, 100 yards or more away from boat landings and boats being used by Chippewa spearfishers.

The tribal request also asked for punitive damages from the four individuals for fish that were not harvested because of their actions.

Jensen said the restraining order, filed by the Lac du Flambeau tribes, was improperly filed and gave the tribe 20 days to refile. A tribal lawyer filed a motion to refile without prejudice that would have allowed the tribe to drop the issue for now, but open it again at a later date.

A lawyer representing the four defendants, all Stop Treaty Abuse/Wisconsin members, countered with a request that Jensen dismiss the charges with prejudice, which Jensen did.

Jensen's decision will prevent tribal attorneys from opening that suit again, Crist said. (Reprinted from The Lakeland Times, July 10, 1990 issue.)

2 law agencies fault spearing payment

State defends stance on expenses

Superior—AP—The Douglas County Sheriff's Department and Superior police say they won't get back from the state about \$16,000 of what they spent on monitoring boat landings during this spring's Chippewa spearfishing season.

Law enforcement agencies across the state were reimbursed nearly \$1.7 million this month for costs incurred while lending officers to control crowds of protesters at the landings.

Rick Risler, deputy director of the state's Emergency Police Services, said the state has been a little more cautious in approving expenses this year than in the previous two years.

The Sheriff's Department received \$40,000 of the \$51,000 reimbursement it requested. The Police Department received \$16,000 of the \$21,000 reimbursement it requested.

Many agencies unknowingly overbilled the state by charging for officers they sent to the boat landings and their replacements, Risler said.

As in the case of the Superior police this year, the agencies were reimbursed only for the field officer and the overtime for a replacement, he said. The regular cost of having an officer on duty, already in each department's budget, was borne by each agency.

"My understanding prior to spearfishing was that they would be hiring the officers from us and would incur all the costs we incurred," Superior Police Chief Doyle Barker said.

The Douglas County Sheriff's Department also billed the state for items that couldn't be reimbursed, Risler said. He cited training and a radio as improper items, but noted that extra handcuffs and officer jumpsuits were

covered by the state.

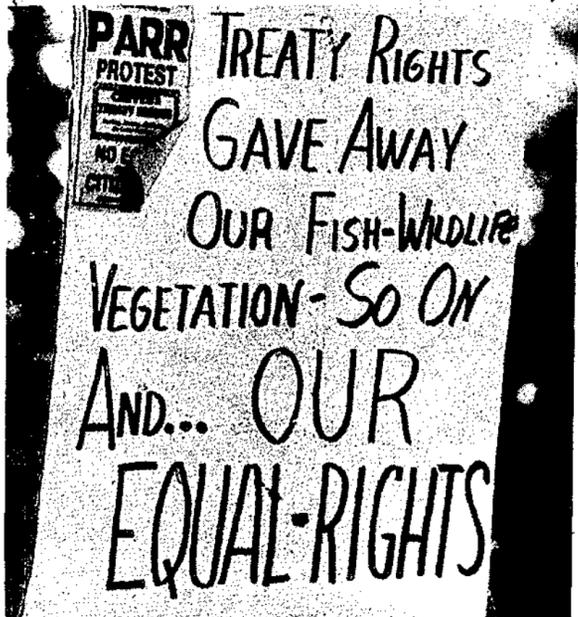
"We paid everything we could justify," he said.

Douglas County Sheriff Richard Lindberg isn't satisfied by the explanation, saying his office had to buy the radio to facilitate working with the officers from other cities and counties.

There's plenty of money allocated by the Legislature to cover the costs, he said, referring to \$2.1 million included in the state's 1990 budget earmarked for reimbursing law enforcement agencies for spearfishing costs.

Risler said that, of the nearly \$1.8 million in claims submitted by more than 107 agencies, only \$177,000 wasn't reimbursed. He said the state could have asked the agencies to pay back what was overpaid to them in the previous two years.

(Reprinted from the Associated Press)



One of the many signs seen at PARR and STA rallies, which target Indian rights rather than resource protection.

the Chippewa from exercising their treaty right to spearfish, but only that he reduced the success of their spearfishing.

"It needs hardly to be noted here that this arrest took place in the context of a public controversy and 'spirited public debate' that would make any demonstration over the virtues of hunting, trapping or fishing look like a church picnic by comparison," the brief said.

"The whole purpose of the defendant at the scene of this incident was to manifest his opposition to spearfishing and create the political atmosphere necessary to

bring it to a halt.

"... That he is entitled to the free expression of those opinions cannot be disputed, and the government has no right to prohibit that because it may be offensive or disagreeable or a source of controversy in society," the brief said.

Crist's attorney is William A. Schroeder of Rhinelander.

While Wisconsin hunters haven't seen the anti-hunting demonstrations that hunters in some southern states have, Meyer said there is no doubt the protests will spread to Wisconsin.

"You would have to have your head in the sand if you don't think we will see that activity at some

point," said Meyer. "The law was proposed this year to get it in place before the protest activity begins—and anti-hunters strengthen their lobbying position."

As to Crist's claim that the harassment law was passed with protection of Chippewa spearfishers in mind, Meyer said it was only a small factor.

"Treaty right might have been a factor and they might have helped pass the law faster, but nonetheless, the major push of this law is protection of non-Indian hunters, trappers and fishermen from harassment," Meyer said.

(Reprinted from Three Lakes News)



Circles upon circles: A look at the Pow-Wow

By Sherrole Benton, Freelance Writer

Indian people can find a sense of affirmation and renewal around the pow-wow circle — inside and outside. While Indians are often isolated within the dominant society, the pow-wow offers a place where Indians are the majority and where they can share a common world view.

The pow-wow is place of creativity, dance, song and unity. It is a place to view spectacular spiritual and earthly beauty. It's also a place to begin searching for answers, identity and lost cultural knowledge.

"See, these people, they're searching for something. They're searching for the traditional way. They think they'll find it here. Somebody will tell them about it on the microphone or something. Right now they're lost. That's why they have pow-wows now," according to Joe Shabaish, a Big Drum elder from Fon du Lac, Minnesota.

The pow-wow, as we know it today, evolved from the sacred Big Drum societies, Shabaish said. The Sioux were the first people to have the sacred drums. They used it in ceremonies with tobacco offerings, prayers and special sacred songs, he said.

Archie Mosay, a Mide elder from Balsam Lake, Wisconsin, said the sacred drum came from a dream.

"The spirits spoke to a woman in a dream and gave her the sacred drum. It was sent to protect the people from sickness and war with whiteman," Mosay said. The woman gave the drum and its songs to the men to carry for the people. Then the sacred drum was sent to each reservation in a bundle, so it would spread out among Indian people, he said.

"Now, you see, we don't feud with the whiteman any more," Mosay said.

Sacred drums are made from wood, hides and the labor of men and women. The symbols used on the drum represent life, direction and the quality of the universe.

The pow-wow drums are simply big bass drums from the white man's marching bands. There's nothing sacred about a pow-wow drum, Mosay said.

The pow-wow began to evolve from the sacred drum ceremonies about 30 years ago, and became an informal social gathering. People put them on like a show or circus.

"That's what they do out west. The white people run the pow-wows, gather the Indians, put on a show for the white people and charge so much money to get in," Mosay said.

Many of the traditional dances are from old ceremonies like the Sneak-up, Two Step, Snake Dance, (a spring ceremonial), Jingle Dress, and the traditional dancing, Shabaish said. Most of the contemporary fancy dancing and pow-wow songs are from the Dakotas. The Crow Hop, Fancy Dance and Fancy Shawl, Break Dance, and general hopping around are new things, he said.

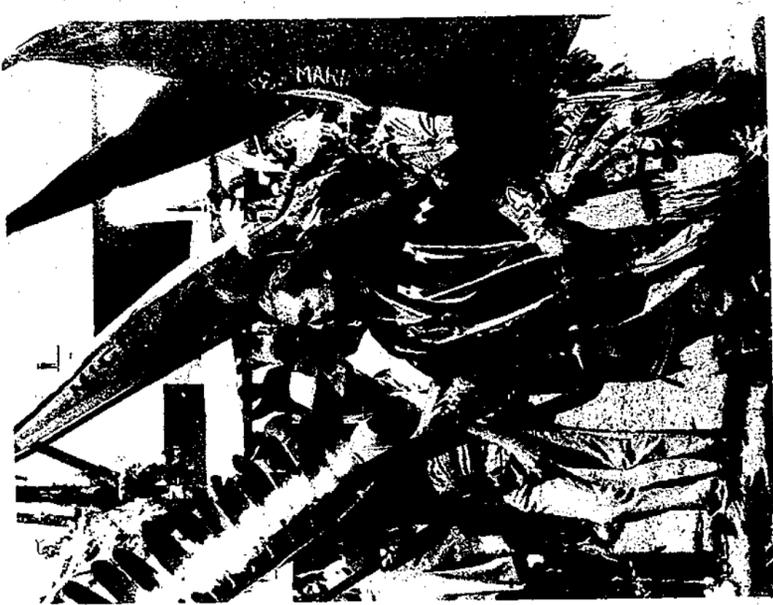
"Changes in the pow-wow happen so fast, I can't keep up with them all," Shabaish

While the elders and long-time pow-wow people would like to see the old ways preserved better, the young people forge ahead in finding new ways to express their cultural identity and creating new meanings for their cultural practices. Perhaps this demonstrates the truth of the old cliché: the only thing that is for certain is change itself.



Photos by Amoose Staff Photographer





Tribes say firm NO! to mining

Bad River continued

(Continued from page 14)
Tribes fully supports the position, testimony, and efforts, of the Lac Courte Oreilles Band of Lake Superior Chippewa regarding the Flambeau Mining Company's application for permits to build and operate an open pit mine in Rusk County Wisconsin.

"Furthermore, Bad River recognizes that the regional ramifications of this decision could impact the six bands of Lake Superior Chippewa throughout the entire Ceded Territory far into the future."

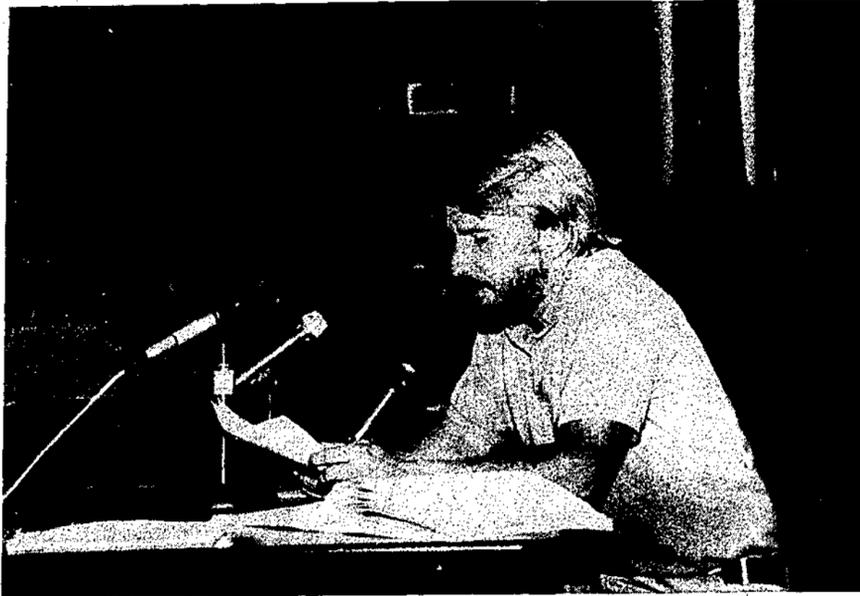
On behalf of the Bad River Band I request that a Regional Environmental Impact Statement be performed.

Busiahn notes distrust of hearing process

The following is testimony provided by GLIFWC Biological Services Director Thomas Busiahn at the Master Hearing.

My comments are made as an employee of the Great Lakes Indian Fish and Wildlife Commission, which serves thirteen Chippewa tribal governments in the States of Michigan, Minnesota, and Wisconsin. These tribes ceded lands to the United States by treaty in 1836, 1837, 1842, and 1854. The proposed mine lies within the territory ceded in the Treaty of 1837.

Though their lands were ceded to the US government, the Chippewa retained tribal usufructuary rights to use the living resources of the ceded territories. Modern tribal governments authorize their citizens to exercise those rights through permits and regula-



Tom Busiahn, Director of GLIFWC Biological Services Division, testifies at the public hearing in Ladysmith.

tions. Tribes monitor the harvest of the resources, monitor the populations and habitats from which harvest is taken, enforce tribal regulations, and adjudicate violations of the regulations in tribal courts.

The Chippewa tribes are recognized by the United States and in international forums as legitimate, sovereign governments. Tribal governments are actively fulfilling their diverse roles, serving their citizens, and interacting with other sovereign governments, such as that of the State of Wisconsin.

For many years, the tribal governments have sought recognition of their unique status and role within their traditional homelands. Their struggle continues today, as

states, counties, and anti-Indian activists oppose the exercise of tribal government powers. Nevertheless, the Chippewa people, with their long memories and strong perseverance, fully expect their governments to regain their rightful place in the family of governments that operate within the boundaries of the United States.

The word in the Northwoods today is that this mine is a foregone conclusion; that the permit will be issued; that the administration of the State of Wisconsin is in bed with multi-national mining interests; that citizens are powerless to prevent the degradation of the Flambeau River; that the Flambeau mine is a pre-cursor to a dozen or more mines scattered in a broad arc across the state. If the rumor mills are correct, then this hearing is a sham. The Environmental Impact Statement, with its dozens of vague and conditional statements about pollution from the mine, does nothing to allay these concerns. Time will tell.

Mining of sulfide ore deposits, such as found in the ceded territories, has never been done without significant pollution of surrounding lands and waters. If the proposed mine, and others that may follow, are permitted to contaminate the water and living resources

of the ceded territories, such contamination will poison the Chippewa people and others who use those resources. I believe the Chippewa people and tribal governments will use every resource at their disposal to prevent this from occurring.

I say this with the experience of a decade of working with the Chippewa governments and people. My experience tells me that the tribes do not oppose industrial development, but that they do oppose non-sustainable, polluting development—development that leaves future generations with poisons in the environment and fewer options for living.

The Wisconsin ceded territories and the Wisconsin mineral district envisioned by mining companies are one and the same. If the corporations and the State of Wisconsin do not learn to work with the tribes to prevent pollution and preserve water quality, then the future is surely one of conflict and despair.

For the sake of all the people of the North, I urge you to deny the permit as proposed, or to issue the permit with strict non-degradation standards for water quality.

I also request a Regional Impact Statement with significant participation from the tribes be completed.

GLIFWC biologist questions environmental safety of mine

Judy Pratt-Shelley, GLIFWC biologist, provided testimony as an environmental biologist concerned with preserving the environment on behalf of the Chippewa Tribes. Her testimony is as follows:



Judy Pratt-Shelley, GLIFWC Environmental Biologist.

The Great Lakes Indian Fish and Wildlife Commission (GLIFWC) works with 13 Bands of Lake Superior Chippewas in the exercise of their off-reservation rights which were retained in Treaties with the United States Government signed in 1836, 1837, 1842, and 1854. The ceded territory covers parts of the States of Wis., Minn., and Mich., and portions of the Great Lakes Superior, Michigan and Huron. The rights retained in the Treaties are highly valued and the resources which are the subject of the rights must be protected to insure the continuation of the Chippewa culture and spiritual freedom.

The State of Wis. should be commended for developing water quality rules. However, the rule-making process and the rules that resulted are far from perfect. The steps required by law were taken; unfortunately the WDNR board opted to ignore legitimate recommendations by various committees including The Assembly Natural Resource Committee. Committee Chair Rep. Spencer Black was quoted in a press release as stating, "Because the Department abdicated its responsibility to protect the environmental quality of our surface waters, it became necessary for the legislature to step in and do the job. That shouldn't be necessary, but in this case we felt that the Department was heavily influenced by the polluters. To allow our natural resources to be contaminated for the short term profit of a few large corporations is very shortsighted. I believe we have a moral obligation to future generations to protect our environment. Allowing increased levels of toxic pollutants in our waters would leave a poisoned legacy to our next generation. Black noted that many of the objectionable portions of the WDNR rules were added at the request of

industrial polluters after the chance for public comment had been cut off. This rule making process was completed with the Environmental Protection Agency placing necessary conditions for protection of the environment on the approval of the water quality standards.

Even though WI water quality standards were conditionally approved by the EPA, this does not guarantee that the standards are adequate to protect the integrity of the aquatic ecosystem. For example, the FEIS states that Hydrogen Sulfide will probably be present in the effluent as a by-product of the sulfide precipitation step of the wastewater treatment system. The FEIS further states that Hydrogen Sulfide can be extremely toxic to fish and aquatic life at low concentrations. Since the laboratory detection limit for hydrogen sulfide is much higher than the level at which the compound is toxic; and in light of the rapid increase in knowledge of contaminant toxicity and their various routes of deposition, any new discharges should be put on hold until there is evidence that the current standards are adequate to protect the resource from existing discharges.

In the lab, criteria are established by a process where a specific amount of a contaminant is mixed with a specific amount of clean (See GLIFWC biologist, page 22)

If the rumor mills are correct, then this hearing is a sham. The Environmental Impact Statement, with its dozens of vague and conditional statements about pollution from the mine, does nothing to allay these concerns. Time will tell.—Tom Busiahn



The grim reaper appeared during the public hearings at Ladysmith High School. Dead fish forecasted the effects of mining on the fishery in the Flambeau River. Cassandra Dixon, one activist who appeared as a grim reaper, was removed from the auditorium by police after repeatedly placing a fish on the stage where Hearing Examiner Schwartz sat.

Mining continued

(Continued from page 13)

consin Legislature passed a law easing the tax burden on mining companies in the state.

While mining in the state may still be a few years away, Klauser said exploration and development is pumping much-needed money into the economically depressed northwoods.

Klauser, who is also a consultant to Exxon, said Exxon's payroll during the development of its Crandon mine is about \$1 million each year. There are 30 people working there, Klauser said.

The potential of the Crandon mine is a good example of what mining can do for the northwood's economy, Klauser said. He cited the following statistics from Research and Planning Consultants, a consulting firm hired by Exxon:

- Construction is scheduled to start in 1985 and will take four to five years. During construction, Exxon will spend \$992.3 million. Of that amount, 88 percent or \$809 million could be spent in Wisconsin.

- Almost 1,000 people would be hired for construction jobs with a total construction payroll of \$265 million.

- When the mine goes into operation (probably in 1990 or 1991) there will be 870 jobs at the Crandon site and 2,000 additional jobs in other parts of the state. Total personal income generated would be \$13.4 billion. Seventy billion dollars of gross sales would translate into Wisconsin business volume increases of \$127.4 billion.

- The mine would operate for about 25 years and produce 3.5 million tons a year.

(Reprinted with permission from the Madison-Wisconsin State Journal)

10 Problems With Wisconsin Mining Laws

1. The law takes away local control from the affected community by allowing a mining company to negotiate with a "local impact committee" to get exemptions from local zoning ordinances, leaving local communities powerless to curtail the mine if the DNR issues the permit.
2. The law suppresses public participation in the DNR's decision making process by causing the decision to issue a permit to be based on a contested case hearing which is run like a court case and costs thousands of dollars to participate in.
3. The law does not insure that the mining company will pay any taxes. The state's former severance tax, which levied a set tax on each ton of ore extracted has been replaced with a Net Profits Tax which levies a tax only after the first \$250,000 of declared profits (after deductions). This has created loopholes which the corporations can slip through by creating shell corporations such as Flambeau Mining, Inc. that will not show profits, while still making a hefty bundle for the parent company which is not liable for WI state mining taxes.
4. The law does not require the parent company to be the permit holder. The parent company can again play the shell game by creating and dissolving paper corporations to hold the permit, making it difficult to pin legal responsibility anywhere in the event of environmental problems further on down the road.
5. The laws allow the mining companies to keep secret the analysis of their core samples. Therefore, the public and the DNR are left in the dark about precisely what the waste piles will contain, making it impossible to adequately plan for and evaluate the environmental hazards.
6. Mining companies are not required to show any need for the mineral to be extracted or for a waste dump in order to get a permit from the DNR. If they feel they can make a profit, that is enough to allow the plan to proceed.
7. Local citizens are left out of any part in the decisions on the siting and regulation of mining waste dumps. All authority is given to the DNR.
8. The actual day to day operations of a mine are not regulated by state laws, only by Department of Natural Resource rules, and the DNR has the power to grant exceptions, variances, or modifications to any of these rules at its sole discretion. Flambeau Mining has requested six exemptions already, and they haven't even moved one shovel full of dirt.
9. The DNR has adopted Maximum Contaminant Levels which it permits in our water. Beyond these levels our water would be unfit to drink. Rather than require that all pollution from mining be kept to an absolute minimum, the DNR has chosen to take no action as long as MCL's are not exceeded. This type of permissive attitude is far too lenient in light of the fact that the DNR has identified nearly 200 bodies of water in the state whose fish are already too contaminated to be eaten.
10. State law allows mining in our State Parks, State Forests, and School Trust Lands. Exploratory leases have already been signed in some areas. These areas were set aside in a public trust for future generations and should be off limits to all mining.

(Reprinted with permission from The Real Flambeau News, June 1990)

Flambeau Mining continued

(Continued from page 13)

will be segregated, with those containing 1% or more sulfur piled on plastic lining that prevents leaching.

After the deposit is mined out in six years, Flambeau will spend two years reclaiming the site, Mercado said. Spoil piles will be pushed into the pit, the area will be covered with topsoil, then planted with grass, shrubs and trees. An 8.5-acre wetland will be developed to replace a wetland of the same size that would be destroyed by the mine.

Styczynski, 65, who fought the earlier proposal, said he has seen beautiful areas of Colorado and elsewhere ruined by mining.

"Their data is insufficient—it's all assumptions and speculation," said Styczynski, a dairy farmer who also serves as chairman of the Rusk County Democratic Party. "Clean water is more valuable than gold, and we've got to protect that."

The mine has been projected to generate \$240 million to \$562 million in corporate revenue, depending on prices in the world metal market.

Mercado dismissed claims by some Chippewa treaty rights supporters that the protests over spring spearfishing have been backed by large mining companies seeking to exploit natural resources.

Treaty rights don't affect the mine because "this is all private land, and we also own the mineral rights," Mercado said. He added that he knew of no mining companies now exploring mineral deposits in northern Wisconsin and that exploration generally precedes mining by a decade or more.

(Reprinted with permission from the Milwaukee Sentinel.)

Michigan Indians want fishing rights

Baraga, MI—AP—For years, commercial fishing on Lake Superior has been a one-way trade: Indian fishermen from Wisconsin can come to Michigan, but Michigan bands can't cross the other way.

Now a Michigan band of Chippewas that wants its share of Wisconsin lake trout is threatening to ignore the state boundary and follow its own hunting and fishing rules.

"What we're asking for is out share of the quota," Joseph O'Leary, the lawyer for the Keweenaw Bay Band of Lake Superior Indians said. "It's only fair. We're all Lake Superior Chippewa, all party to the same treaty."

The Michigan Chippewas, based in Lake Superior's Keweenaw Bay near Baraga, has about 2,700 members, 1,200 of them living on the L'Anse Reservation and about 10 of them fishing in Lake Superior.

Western Lake Superior tribal fishing rights in both states as well as Minnesota are covered by the same 1842 treaty, which involved giving up land to the federal government.

Wisconsin Chippewas with the Bad River and Red Cliff bands

routinely fish in parts of Lake Superior that belong to Michigan, since Michigan's rules allow it. However, no Michigan Indian fishermen are allowed by Wisconsin's rules to fish in Wisconsin's part of the lake.

Michigan Indians shunned

The Keweenaw Bay tribe asked in 1986 to join in Wisconsin's negotiations on Indian fishing rights but was turned away. The Wisconsin bands again are about to negotiate Lake Superior limits for lake trout. Michigan and Minnesota Chippewas again are not invited.

"We think we're getting a raw deal. They're negotiating harvest of lake trout and we're excluded once again," Tribal Chairman Fred Dakota said as his council decided to force a treaty issue by extending its own hunting and fishing rules to include Wisconsin.

Those rules allow subsistence hunting for deer, bear and small game. The tribal rules include permits, bag limits and seasons that differ from the State of Michigan. Theoretically, the band's action would allow its members to hunt in Wisconsin without a Wisconsin

hunting license.

The Michigan Indians risk tickets for illegal hunting and fishing, said George Meyer, administrator of the Wisconsin Department of Natural Resources' Enforcement Division.

Meyer said the Keweenaw Bay band was unlikely to win its Wisconsin fishing claim. He said the Wisconsin attorney general's office said in 1986 that the treaty right did not extend to the Michigan band because it did not join Wisconsin Chippewas in court battles to use those rights.

Meyer said the two Wisconsin bands also were worried about having to split their yearly lake trout quota of 40,000 fish.

Overfishing charged

Michigan officials, meanwhile, have blamed the two Wisconsin bands for overfishing in the lake. Michigan Gov. James Blanchard last year tried to convince the U.S. Department of the Interior to take over regulation of Indian fishing in Lake Superior, but Interior Secretary Manuel Lujan refused, saying the states can manage the resource best. Michigan

proposals at the time would have banned Wisconsin tribal fishermen from parts of the lake.

Representatives from the Wisconsin DNR and the Red Cliff and Bad River bands briefly discussed the Keweenaw Bay Chippewas'

request in a telephone conference call this week.

Doug Morrisette, director of Wisconsin's Office of Tribal Cooperative Management, said Thursday that state lawyers were evaluating the issue.

"You know ... we have Wisconsin fishermen participating in the Michigan fishery," Morrisette said. "It's rather sensitive, I would say."

(Reprinted from the Milwaukee Journal, September 22nd edition.)



The nets must all be in the water. Drying racks for fish nets sit empty near Houghton, Michigan.

Keweenaw Bay seeks funds for lake trout hatchery, opposes pulp mill proposal

Keweenaw Bay is waiting for news, good news or bad news, on several proposals which will impact the fishery. The Tribe's proposed fish hatchery project looks promising and would enhance the fishery, but is not final as yet.

On the other hand, Meade Corporation wants to site a pulp mill on the Ontonagon River, a major tributary to Lake Superior, and the impact of that proposal could threaten the well-being of the fishery.

Seeking to strengthen the Lake Superior fishery, the Keweenaw Bay Reservation has submitted a proposal for a new tribal fish hatchery, according to KB biologist Mike Donofrio.

Specifically, the proposal is

for a lake trout hatchery at Sand Point. Funds have been obtained through an Administration for Native Americans (ANA) grant for preliminary work, states Donofrio.

The Tribe expects to receive about \$400,000 in federal funds for the hatchery project. Donofrio estimates the hatchery would be able to stock about 100,000 lake trout, 10,000 brook trout and 10,000 steelhead fingerlings in Lake Superior in 1991.

The stocking, he said, would serve to offset the tribal catch of about 90,000 lbs. of fish. Stocking would take place between Cooper Harbor and Big Bay, were tribal commercial fishermen net.

Surveying of the grounds is in the process and a design for the

new facility will be developed through a hired consultant.

The facility would greatly enhance hatchery activities that KB has already been performing on a smaller scale. Currently, the Tribe does hatch lake trout eggs using Heath trays and plans to collect eggs during the fall assessment process.

Donofrio says the goal is 100,000 lake trout fry which will be incubated by the Tribe in a small building currently used for hatchery purposes.

A tribal hatchery and stocking effort would serve to enhance current stocking programs as run by state and federal governments, but also provide for stocking which would benefit the tribal commercial fishery in years to come.

While the hatchery proposal waits in the wings, the Keweenaw Bay Tribe has gone on record in opposition to a proposed new pulp mill at the Town of Arnhem, 15 miles north of Baraga.

The James River Corp. had previously proposed a major pulp mill at the site but pulled out in February, 1990 due to opposition, according to KB biologist Mike Donofrio.

However, the Meade Corporation has now submitted a proposal for a major pulp mill on the Ontonagon River which the Tribe opposes due to pollutants which would harm the fishery.

This proposal also waits in the wings for final decisions, with an Environmental Impact Study (EIS) in process.



GLIFWC biologist Mark Ebener and Keweenaw Bay biologist Mike Donofrio pack up after a day of assessment activities.

Bad River Biologist responds to accusations

(Continued from page 5)

Are these examples indicative of respect? Are these examples noteworthy contributions to the present and future integrity of the fishery for all user-groups? I think not!

The tribes have always recognized that for some strange reason, their activities are constantly under much more scrutiny than similar non-tribal entities. In a way this is good because it forces us to be highly accountable for our actions. As a distinct user group within the treaty reserved shared Lake Superior fishery resource, we feel that this same level of accountability to which we are held should be expected of all user groups and management agencies.

It is extremely naive for the sportfishery to believe that their impact upon the fishery are mini-

mal. It is extremely foolish to blame temporary trends or the future fate of a shared fishery on a single element which uses that fishery. It is disrespectful to point a finger without being able to examine oneself critically.

In light of the current progress which has been made to cooperatively manage a shared fishery, we must separate fact from fiction. We must not let the racially motivated sentiments of a small number of bitter individuals dictate or influence government to government relations, effective resource management or public opinion. I feel that the claims offered by the previous speaker are completely without merit and challenge him to prove any of the accusations he has already so hastily made.

Critical examination and false accusations are indeed two different things. We need your help in separating fact from fiction.



Fish assessments has been just one aspect of activities for GLIFWC fisheries staff. They also worked with the USFWS Lamprey Control Program this spring and summer setting lamprey traps to assist with a lamprey population study.

Indians on Lake Superior draw fire

(continued from page 5) population among the islands isn't that great but it really isn't that bad, either," he told the newspaper.

The current management agreement between the DNR and the Indians establishes an annual harvest quota of about 80,000 lake trout with 37,000 assigned for sport and white commercial use and 43,000 for Indian commercial fishermen.

Talks to begin

Kemen said that negotiations would begin soon with the Bad River and Red Cliff Bands for a new commercial fishing agreement. He said it was likely that an attempt would be made to reduce the allowable catch of lake trout

for both tribal and white fishermen.

In the meantime, Sorenson said he had been invited to submit his charges to the Board of Natural Resources when it meets this week in Phillips.

"I'll be presenting evidence that supports our contention," he said. "And I'll be showing the board videotapes of discarded Indian gill nets loaded with dead, spoiled and wasted fish."

Sorenson said the public stand taken by the charter captains was like suicide.

"We are telling everyone who will listen that fishing is so poor it is not worth the price of charter. And we are telling them why. So

(See Indians, page 24)

DNR and Tribes make no progress in fishing dispute

By Dave Murray

Tribal Chairman, Department of Natural Resources directors, and a representative of the U.S. Interior Department went through the motions of meeting August 21 as the Executive Council disagreed on a proposed modification in the 1985 Consent Agreement and prepared reports for a September 7 session with Federal Judge Richard Enslin.

The Executive Council, designed to solve disputes arising from the 1985 Consent Agreement, had been ordered by Enslin last June to meet quarterly. The meetings are to promote communication and, especially, to mitigate the plight of small-boat fishermen who were displaced by the January 1 closing of Hammond Bay to tribal fishing, following attempts by the tribes to modify the agreement in April.

While they met August 21, tribal leaders from the Grand Traverse Band of Ottawa-Chippewa Indians, the Sault Ste. Marie Tribe

of Chippewa Indians, and the Bay Mills Community said they have had no communication from the Department of Natural Resources Director David Hales or DNR Fisheries Chief John Robertson since the June Court hearing.

State officials believe Enslin simply wants to be updated as to how well their efforts to mitigate the effects of closure of Hammond Bay on Bay Mills fishermen are working, said Kevin Smith, attorney for the state. The state, he said, was not ordered by Enslin in June to do anything else. Smith said he thought the lines of communication between the tribes and the state had been "wide open."

Tribal leaders say Enslin wants the state to produce a mitigating plan because the plan the state presented in June did not deal with Hammond Bay closing, but, rather, was an outline of what the state already was supposed to be doing under the Consent Agreement.

The plan the state presented in June included providing trap net

operations (boats and tackle) to the Grand Traverse Band of Ottawa-Chippewa Indians and Sault Ste. Marie Tribe of Chippewa Indians, improved access to the lake for small-boat and large-boat operators, and assistance with marketing strategies.

The trap net operations were required by the 1985 Consent Decree, as was marketing assistance from the state.

The state did permit a Spring fishery from May 4 to May 25 in Hammond Bay for 20 small-boat fishers from Bay Mills on a one-time basis. A cold, rainy May, however, resulted in poor fishing conditions.

The tribes are seeking a limited seasonal fishery for small-boat gill net fishermen in Hammond Bay, which would include: fishing from May 1 to the Friday before Memorial Day weekend, fishing from October 1 to December 31, but not during November, allowing a time for trout spawning; restricting the numbers to only 20 crews in boats

25-foot long or smaller; and fishing from December to April by 10 crews, with similar restrictions to the May fishery, in a Lake Michigan area open to Grand Traverse tribal fishermen but which hasn't been used in three years.

The state is still waiting for tribes to show a need for mitigation, said Smith.

"We're looking at two factors: one, a long-term replacement for Hammond Bay, and two, a short-term resolution to this year's Spring fishery needs," Smith said. "Because of poor fishing weather this year and a reduced fishing effort, the re are fish available and the state sees no need to amend the agreement. The short-term mitigation was resolved through the May fishing."

Smith said the state has provided one complete trap net operation to the Sault tribe but the tribe has not found a crew for it. A second boat, Smith said, has not been delivered, because it has hydraulic problems and is being re-

paired.

Providing the Sault tribe with trap net equipment, state officials believe, makes areas available to the small-boat fishermen, primarily of the Bay Mills Community, because trap net operations can work farther from the shore. Tribal nets outside the Les Cheneaux Islands, however, often have gill nets next to trap nets.

In the state's mitigation strategy presented to Enslin, the executive summary reads, "Only the tribes in their management of the fishery can undertake mitigation for the changes which may result through implementation of the transition provision at Hammond Bay." The state contends the problem rests with distribution of fisheries to new areas, which then becomes an inter-tribal issue.

The strategy further reads: "We have worked closely with the tribes and are delivering much-needed assistance in matching access needs to under-utilized stocks (of whitefish). We are providing

managerial expertise to the Tribes and doing all we can to assist the tribes in utilizing the fishery provided by the Agreement."

The state has allowed access at DeTour through use of the public docks, and, according to Smith, the state is reconstructing two or three other sites and building an access for large boats at Hammond Bay. The state also was to issue permits to tribal fishermen enabling them to use public sites for access.

Tribal fishermen tend not to use public access sites to avoid harassment from other fishermen. Many of the permits, however, were issued for federal sites before the U.S. Fish and Wildlife Service was notified, making them useless, said Faith McGruther, executive director for the Chippewa-Ottawa Treaty Fishery Management Authority. Some permits were for private property that did not have adequate loading and docking facilities, she added. Other sites, she said, were merely cleared of brush

(See DNR, page 24)

Tribal Council balks at mining plans

By Holly Hirsch
Lakeland Times Reporter

As expected, Lac du Flambeau Tribal Council members passed a resolution opposing mining at two sites southwest of Minocqua. I don't think people know the after-effects of the mining," Tribal Chairman Mike Allen said. "They think of it as bringing in employment and money, but it's not as important as the loss of the area."

According to Allen, treaty rights retained by the tribe and five other northern Wisconsin Chippewa tribes may be used to prevent the mining.

"We want to have a say, and we do," Allen said. "The treaty is a very powerful tool. I don't know if they can go ahead with this because of the treaty. The area is not only protected by the state, but by the treaty."

A council member echoed the chairman's stand. "We'll send the proposal to get

other tribes to go with us but I don't think there will be any question about that," Betty Graveen said. "The northwestern part of the reservation is pretty full of minerals and we're definitely not going to let them mine it."

"We're involved whether they like it or not," Allen said.

Board's going ahead

Oncida County Board of Supervisors Chairman Tony Lorbetske said the board will go ahead with the mining plans.

"We agreed to work with the mining companies—and there are more than just Noranda—on county-owned land to see if we could work out some kind of agreement," he said. "I do believe quite strongly if we can meet all requirements from the DNR (Department of Natural Resources), we are in favor of the mining coming in."

Lorbetske said he and the board are concerned with retaining the

quality of air and water, but mining is necessary.

"If everyone felt we shouldn't do mining in this great land of ours, we'd have no automobiles, no utensils on the table, no stoves; some mining has got to be done," Lorbetske said. "I guess everyone has a right to take a stand on what they believe in, but I still think the board will go ahead. This may be a long way down the road."

The mining area in question is southwest of Minocqua near the Willow Flowage. Noranda, a Toronto-based mining company, has found deposits of zinc, silver, copper, lead and small amounts of gold in each of two test holes. The company has operated an exploration unit in Rhineland since 1972. Drilling is not expected to begin for three or four years, after a long permitting process is completed.

(Reprinted with permission from the Lakeland Times.)



Mike Allen, Lac du Flambeau Tribal Chairman.

Another site proposed for mine

LdF rejects proposal

Three weeks prior to the Laddysmith hearings, another mining proposal, this time in Oneida County, near the Lac du Flambeau Tribe, was being forwarded. LdF Chairman Michael Allen strongly objected.

In Oneida County it is the Noranda Exploration Inc., Toronto, Ontario, that will be applying for a state permit to mine south of the Willow Flowage in the Town of Lynne.

Mineral deposits have been located on several thousand acres of county forestland that are currently leased to Noranda.

Allen based his objections on the risks imposed by mining to the environment and the necessity to protect tribal treaty rights on those lands.

Joe Young, LdF tribal attorney, was quoted in the June 23rd Milwaukee Sentinel as stating that "The tribe has a right to harvest fish out of water that has a potential for being polluted. Somehow I think they have a right to raise a concern."

However, Oneida County Board Chairman Anton Lorbetske was identified in the same article as disagreeing with tribal concerns. He is quoted as saying "I really don't foresee a problem," and that the DNR "is doing a fine job of preserving the water and the timber resources and whatever."

GLIFWC biologist questions environmental safety of mine continued

(Continued from page 20)

water and its effects are tested. We find a very different situation in nature, simply because man has already placed literally tons of other substances in the environment. The synergistic effects of discharge should be considered with the vast variety of substances already in a system—not just a specific parameter or just the specific discharge.

We need to look at the entire living system as a whole. As Native American culture teaches us, man is a part of his surroundings, a strand in the web. Man depends on the earth and should strive to live in harmony within the bounds of nature. A system must be devised that not only takes into account the newest technologies, but also the understandings of cultural beliefs. We must look at the ecosystem as a whole when protecting the environment and its health.

In the 1984 book *Contaminant Effects on Fisheries* Kerr and Dickie consider measuring the health of aquatic ecosystems, by identifying vital signs and symptoms much like the physician

The Federal Court has ruled that the DNR has the fiduciary obligation of managing the natural resources within the ceded territory for the benefit of current and future users. (Judge Barbara Crabb, March 3, 1989) The DNR has no obligation to ensure issuance of discharge permits for activities which will degrade the resource, simply because a technical review concludes that the project would meet established criteria, which have yet to be proven adequate.—Judy Pratt

monitors the health of an individual. Ecosystems should get their annual check-ups by ecosystem practitioners. However, as medical science is re-discovering, prevention is still the best medicine. Vallentyne (1974) in his book *The Algal Bloom* put the matter in these terms:

"Our knowledge of ecosystems today is equivalent to that of the human body in the latter part of the 18th century... Based on this analogy, we should not be too surprised if, in the latter part of the 20th century, we are afflicted with environmental ills equivalent to epidemics of typhoid fever, chol-

era and bubonic plague that characterized earlier times... But to the environmental physicians who will look back on us from the vantage point of the 23rd century, they will rightly attribute our misstatements and misunderstandings to ignorance of the causes of environmental problems."

The people of the State deserve a Department of Natural Resources that they can trust with the priceless resources at stake, not a body that changes value of the resource and the policies that affect it with the political whims of the elected leaders or their appointed board members.

The Federal Court has ruled that the DNR has the fiduciary obligation of managing the natural resources within the ceded territory for the benefit of current and future users. (Judge Barbara Crabb, March 3, 1989) DNR has no obligation to ensure issuance of discharge permits for activities which will degrade the resource, simply because a technical review concludes that the project would meet established criteria, which have yet to be proven adequate.

Some of the purposes of the National Environmental Protection Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; and to enrich the understanding of the ecological systems and natural resources important to the Nation. These are the values we must focus on to ensure adequate protection for the environment.

Sec. 101 (B) (4) of NEPA

reads "preserve important historic, cultural, and natural aspects of our national heritage, and maintain, whenever possible, an environment which supports diversity and variety of individual choices;"

Sec. 101 (B) (6) of NEPA reads "enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources;"

The FEIS which was prepared for this project is merely a required statement of expected impacts. It is not a tool of environmental protection as NEPA is intended to be.

I have many concerns with the environmental impacts outlined in the FEIS. I also am concerned about the fact that NEPA Sec. 101 (B) (4), and (6) are not addressed in the review process. If treaty rights are beyond the scope of the EIS then they must be addressed at a different phase in the process. Obviously they fit into Sec. (B) (4) of NEPA as important historic and cultural aspects, and preservation is directed by the act.

This society as a whole is

wasting non-renewable resources.

This violates Sec. 101 (B) (6) which directs to approach the maximum attainable recycling of depletable resources. The State should be complying with this aspect of NEPA instead of promoting mining the remaining deposits. Once they are mined, they are gone for good. If left in the earth the minerals will become more valuable as other supplies are depleted. The State should not provide the fix this society craves for the limited minerals simply because they have not learned how to break their habit of consuming large quantities of virgin minerals, particularly when learning to use recycled minerals could put society on the road to recovery.

Due to numerous uncertainties in the FEIS which does not protect the integrity of the environment, I must recommend the no action alternative of the FEIS. □

America's original sin and the legacy of white racism

(Continued from page 17)

know they have no job, no place, no future, and therefore no real stake in the country. As one commentator has put it, society has ceased to be a society for them. Alcohol, drugs, poverty, family disintegration, crime and jail have replaced aspirations for a decent life and a hopeful future.

It is the economy itself that now enforces the brutal oppression of racism, and it happens, of course, invisibly and impersonally. In the changing capitalist order, manufacturing jobs are lost to cheaper labor markets in the Third World or to automation while farm labor becomes extinct; both historically have been important to black survival. In the new "high-tech" world and "service economy," almost the only jobs available are at places like McDonalds.

Increasingly, we see a two-tiered economy emerging: one a highly lucrative level of technicians and professionals who operate the system, and the other an impoverished sector of unemployed, underemployed, and unskilled labor from which the work of servicing the system can be done. That blacks are disproportionately consigned to the lowest economic tier is an indisputable proof of racism. The existence of a vast black underclass, inhabiting the inner cities of our nation, is a testimony to the versatility of white racism 20 years after legal segregation was officially outlawed.

The pain of economic marginalization is made worse by the growing class distinctions within the black community itself. Middle-class blacks, having taken advantage of the legal gains of the '60s, have further distanced themselves from the poor black population. Never has the class and cultural split in the black community been so great. In Atlanta, Washington, D.C., and other cities, a black elite prospers and lives an entirely different social existence, not in proximity to but in full view of an increasingly resentful and angry black underclass.

In Washington, D.C. subway routes follow class and racial lines, carrying middle class commuters around downtown, through gentrified areas of the city, and out into the suburbs—avoiding black ghettos. The buses running along the affluent white and black "gold coast" of 16th street are new and air-conditioned, while just two blocks away, old, hot, and broken down buses run along the infamous 14th Street corridor through a major black ghetto. All this exists under a black city government.

To be fair, the increase in black political power over municipal governments has given black political leaders all the problems of modern urban life, including inadequate city budgets, without any real power or leverage to change the national policies and priorities that create the problems in the first place. Nevertheless, transcending the growing barriers between the

relatively affluent middle class and the impoverished underclass is one of the most important and problematic challenges facing the black community.

The cold economic savagery of racism has led to further declines in every area of the quality of life in the black community—health, infant mortality, family breakdown, drug and alcohol abuse, and crime. The majority of black children are now born to single mothers; a primary cause of death for young black men is homicide; and nearly half of all prison inmates in the United States now are black males.

Despite landmark court decisions and civil rights legislation, two-thirds of black Americans still suffer from education and housing that is both segregated and inferior. Such conditions, along with diminishing social services, lead to despair, massive substance abuse, and criminality, and the fact that this reality is still surprising or incomprehensible to many white Americans raises the question of how much racial attitudes have really changed. In the face of such structural oppression, the deliberate rollback of civil rights programs during the Reagan administration becomes even more callous. The resurgence of more overt forms of white racism and violence, as exemplified by the incidents in Howard Beach, New York; Forsyth County, Georgia; and other places is quite foreboding as yet another occasion when the disoriented alienation of poor whites is

displaced an expressed against blacks instead of at the system that oppresses them both and has always sought to turn them against each other.

The connection of racism to U.S. militarism should, by now, be painfully clear. First, increased military spending causes cuts in social services to the victims of the system who are disproportionately people of color. Second, the military definition of national security puts a prior claim on vast material, scientific, and human resources that could otherwise be directed toward achieving justice, which then is proclaimed as not being a practical financial option. Third, lacking other educational and job opportunities, racial minorities are herded into dehumanizing military service in disproportionate numbers and then assigned to combat units. And finally, young black men from the ghetto face the defined enemies of the United States on the field of battle, usually other people of color from the Third World—in places such as Vietnam and Central America—where they kill and are killed.

The failure of the mostly white, middle-class peace movement in the United States to make such connections and enter into a vital political partnership with oppressed racial minorities is a primary reason for the ineffectiveness of that movement. Even in the peace movement, racism becomes a debilitating force that robs us of op-



Walleye fingerlings from the Bad River Hatchery, approximately five weeks old.

Sturgeon surgeons put female fish on river radio

By David Gunn, Science Writer,
Wisconsin Sea Grant

MARINETTE—Like interstate truckers talking on CB radio, 20 female lake sturgeon are now "on the air" in the Menominee River, broadcasting from tiny radios surgically implanted by researchers during July.

Friday, Aug. 10, biologists Tom Thuemler and Fred Binkowski located all 20 of the sturgeon with a hand-held radio receiver. The successful hook-up means a two-year project to reveal the spawning secrets of these ancient and mighty fish is off to a good start.

The Wisconsin Department of Natural Resources (DNR) and the University of Wisconsin-Milwaukee Center for Great Lakes Studies are cosponsoring the study, which received major start-up funding from Wisconsin Sea Grant. The July field work also included a sturgeon census financed by Wisconsin Public Service.

Thuemler, the DNR's Marinette area manager, and Binkowski, an associate scientist at UW-Milwaukee, are directing the study.

"It's very difficult to study fish behavior in the wild. You can't just get down in the water, strap on a scuba tank and follow a sturgeon around for six months," Binkowski said.

"The radio tags are the next best thing," he added. "We can study the fish on a daily, or even hourly, basis."

The two-year study should answer questions about female sturgeon during the critical months before spawning: Do they move in groups or singly? What is their winter habitat? Do they quit feeding as they prepare to spawn? How often and how long does each fish spawn? Where do they spawn?

To get those answers, the researchers will monitor the fish for at least one day of every other

week, from now through the spring spawning season.

"This is a majestic fish," said Binkowski, noting that adults are often six feet long, weigh 60 or more pounds, and can live more than 100 years. "When sturgeon spawn, they thrash so violently in the shallow water that the vibrations can be felt on shore."

Sturgeon interest many scientists because the various species have changed very little in the last 50 million years. They are all closely related to fish that evolved about 400 million years ago.

Because they have no natural predators and live so long, Binkowski said the lake sturgeon is the "king of beasts" in Wisconsin's lakes and rivers.

"But the sturgeon needs help if it's ever going to flourish again in Wisconsin," he said.

Early Great Lakes fishermen regarded sturgeon as a nuisance that destroyed nets and other gear, and they killed every fish they could catch, burning the carcasses or simply leaving them to rot.

In the late 1800s, however, a market developed for sturgeon caviar, oil and fish glass, and the species was nearly fished to extinction. Almost four million pounds of sturgeon were taken from Lake Michigan in 1880. By 1903 the catch was down to 60,000 pounds and falling.

Binkowski said the fish have been slow to recover from such exploitation because they do not reproduce until they are more than 20 years old, and the females only spawn every four to six years.

Although lake sturgeon are not an endangered species in Wisconsin, they are on the state's "watch" list and are extinct in several other states. Binkowski doubts there will ever be enough fish for a commercial harvest in Wisconsin.

The July field study was a complicated operation. DNR personnel captured the sturgeon with electrofishing boats, which use a



UW-Milwaukee scientists Fred Binkowski and Berri Forman implant a radio in a female lake sturgeon, while DNR personnel in "electrofishing boats" capture, measure and tag more of the fish from the Menominee River. The July field study was the first phase of a two-year project to study the spawning behavior of these ancient and mighty fish. (Sea Grant photo by David Gunn)

small electric current to attract the fish and momentarily stun them within netting range.

After being weighed and measured, large females were placed in a tank with anesthetic drugs. The patient was then placed

UW-Milwaukee, served as the sturgeon surgeons. After making a two-inch cut in the belly, they inserted the radio, applied disinfectant and antibiotics, and stitched up the wound.

The fish were then returned to the river and watched closely until they could swim away under their own power. All the fish did so successfully.

"Suturing was the hardest part, because of their thick hides and layers of muscle," Forman said. "And the mucus on their skin made everything very slippery."

Each transmitter is the size of a size-D flashlight battery and has a thin, 20 inch long antenna that trails behind the fish. A unique signal identifies each of the 20 fish and can be detected a quarter-mile away.

While Binkowski and Forman ran the field hospital, Thuemler coordinated the activities of more than 20 men and women and five DNR boats: the hospital boat, a transport and tagging boat, and three electrofishing boats. The Michigan DNR provided a fourth electrofishing boat.

DNR personnel caught, measured and tagged more than 2,000 sturgeon during the two-week field study. The fish ranged from 10 inches to almost six feet in length, and some weighed more than 40 pounds.

Based on the number of fish caught in two sweeps of the river, Thuemler estimated that a total of 6,500 sturgeon live between Marinette and the White Rapids Dam 47 miles upriver. But he said probably less than 300 of these exceed the 50 inch minimum for anglers.

The DNR biologist noted that a sturgeon census taken 10 years ago yielded similar results. "Right now, the populations in those sections of the river look like they're holding their own," Thuemler said.

The census and radio study will also help researchers under-

stand how several hydroelectric dams on the Menominee River affect spawning and the survival of young fish.

Although the deep pools created by the dams may provide good habitat for the big fish, Thuemler said the dams block migration upstream, and dam-regulated changes in river flow may disrupt spawning and egg development.

River flow is typically greatest during the daytime hours of peak generation, according to Thuemler. At night the flow is reduced to save water for generating the next day's electricity.

Both Thuemler and Binkowski said these changing water levels may leave some eggs "high and dry" at night, and wash others away during daytime peaks. Binkowski said he hopes the Federal Energy Regulatory Commission will consider the study's results during the upcoming relicensing of the dams.

"The licensing period is for up to 50 years," he said. "So we'll have to live with whatever is done for 50 years."

"Run of the river—keeping river flow at its natural level at all times—is probably the best solution for all the fish," Binkowski said. "It's the closest thing to a natural situation on a dammed river."

Later work may include filming lake sturgeon under the winter ice and radio-tagging sturgeon in Green Bay. Binkowski noted that the Menominee River is probably the major source of sturgeon for the bay.

The river forms much of the Wisconsin-Michigan border, and the Wisconsin and Michigan DNRs are working together to restore sturgeon to their abundant historical levels in the river and Green Bay.

Anglers can help the study and the DNRs' sturgeon restoration efforts by releasing any fish with an antenna trailing from its belly, Thuemler said. □

Great Lakes sportfishing expected to decline

The image of grandpa taking his grandkids fishing every weekend isn't the norm these days. Today, grandpa is doing other things with his free time. And that spells trouble for people in the Great Lakes who make their living catering to fishing enthusiasts.

As the population ages they fish less, according to a new report by New York Sea Grant researcher Chad Dawson. An assistant professor of Environmental Science and Forestry at the State University of New York, Dawson presented his report on *The Demand for Great Lakes Sportfishing: Some Future Marketing Implications* at the National Outdoor Recreation Trends Symposium this spring.

Dawson predicts that by the year 2025, the number of people fishing the Great Lakes will level off with little potential for growth. Since sportfishing contributes significant income to the region's economy, new ways of attracting fishing enthusiasts to the Great Lakes must be found, he said.

Fishing is critical to the

region's economy. In 1985, 3.8 million anglers spent nearly \$2 billion in the Great Lakes area. Each person spent an average of \$34 dollars a day on fishing-related expenses. In Minnesota waters of Lake Superior, anglers generated more than \$3 million for the North Shore economy during 1989.

Today, most people who fish often are between the ages of 25 and 34. Most live in the Great Lakes region and travel less than 100 miles one way to get to the lakes.

As this population grows older, they will fish less, Dawson said. People have to be physically and financially healthy to fish the Great Lakes from a boat, he explained, and as people age, they may—for physical reasons—put their attention and leisure dollars elsewhere.

"We should encourage more young people to take up fishing and inspire more grandparents to teach young people to fish," Dawson said. But to hook these new young anglers, marketing also has to reach people beyond the region. Promoting the Great Lakes as a good place to fish has to be done

nationally and internationally, he added.

The industry should also move beyond its traditional image as a sport of adult white males, Dawson said. If the sport is to grow, it must be promoted to women, minorities, and urban youth.

Two new programs may boost sportfishing in the Great Lakes. The Council of Great Lakes Governors recently kicked off a tourism campaign called "The Great Lakes, North America's Fresh Coast." Sportfishing could easily become a component of this campaign, Dawson said, since the Great Lakes have world-class trout and salmon fishing.

Great Lakes Sea Grant programs are also trying to increase interest in sport fishing by helping related businesses, such as charter boat operators, and by educating the public on fisheries biology and fish consumption advisories.

Dawson's research is part of a Great Lakes Sea Grant Network project.

(Reprinted from the *Seiche* newsletter, July 1990 edition.)



A precocious bear cub peeks down from its treetop perch on the Bad River Reservation.



Ken Couture, Bad River Hatchery, checks a mini-fyke net in one of Bad River Hatchery's rearing ponds this summer. The hatchery produced over 10,000 walleye fingerlings which were stocked into reservation waters throughout the summer. Over six million fry, including some received from the U.S. Fish and Wildlife Service, were also stocked by hatchery crew in on-reservation waters. Approximately one million fry were stocked in off-reservation waters.



Happy Halloween
from the Great Lakes Indian Fish
& Wildlife Commission staff





America's original sin and the legacy of white racism

(Continued from page 22)

opportunities to work toward a more just and peaceful nation.

The strategies for how black people must confront and many overcome the ever-changing face of white racism in America must always originate within the black community itself. White allies have and can continue to play a significant role in the struggle against racism when black autonomy and leadership are sufficiently present to make possible a genuine partnership. But an even more important task for white Americans is to examine ourselves, our relationships, our institutions, and our society for the ugly plague of racism.

Whites in America must admit the reality and begin to operate on the assumption that theirs is a racist society. Positive individual attitudes are simply not enough, for as we have seen, racism is more than just personal.

All white people in the United States have benefited from the structure of racism, whether or not they have ever committed a racist act, uttered a racist word, or had a racist thought (as unlikely as that is). Just as surely as blacks suffer

in a white society because they are black, whites benefit because they are white. And if whites have profited from a racist structure, they must try to change it.

To benefit from domination is to be responsible for it. Merely to keep personally free of the hint of racist attitudes is both illusory and inadequate. Just to go along with a racist social structure, to accept the economic order as it is, just to do one's job within impersonal institutions is to participate in racism in the '80s.

Racism has to do with the power to dominate and enforce oppression, and that power in America is in white hands. Therefore, while there are instances of black racial prejudice against whites in the United States today (often in reaction to white racism), there is no such thing as black racism. Black people in America do not have the power to enforce that prejudice.

White racism in white institutions must be eradicated by white people and not just black people. In fact, white racism is primarily a white responsibility.

We must not give in to the popular temptation to believe that

racism existed mostly in the Old South are before the 1960s or, today, in South Africa. Neither can any of our other struggles against the arms race, war in Central America, hunger, homelessness, or sexism be separated from the reality of racism.

The church must, of course, get its own house in order. It is still riddled with racism and segregation. The exemplary role of the black church in the struggle against racism offers a sharp indictment to white churches, which still mostly reflect the racial structures around them.

The church still has the capacity to be the much-needed prophetic interrogator of a system that has always depended upon racial oppression. The gospel remains clear. The church still should and can be a spiritual and social community where the ugly barriers of race are finally torn down to reveal the possibilities of a different American future.

Jim Wallis is editor of *Sojourners* and a pastor of *Sojourners Community Church*. Reprinted with permission from *Sojourners*, Box 29272, Washington, D.C. 20017.



GLIFWC staff and the Bad River Wisconsin Conservation Corps (WCC) joined forces in the removal of purple loosestrife from wetlands this summer. The plant is considered a pest because it takes over wetland regions, crowding out other species vital to healthy wetlands. To rid an area of loosestrife, hand removal must be undertaken. Pictured above, from the left, are WCC crew members: Robert Cloud, Stan Maday, Jr., and Robert Leoso.

DNR and tribes make no progress in fishing dispute

(Continued from page 21)

Access to waters ceded by treaty, however, means more than just providing an access site, said William Rastetter, attorney for the Grand Traverse Band.

"The closing of the sheltered bay areas (Hammond, Big Bay De Noc) and limiting Grand Traverse Bay forces small-boat fishermen to travel in unsafe, exposed waters," Rastetter said. Some fishermen must travel 15 miles or more to get to fishing sites, he said, when the boats, 16-feet to 25-feet long, should not be more than one or two

miles from shore in the open water.

John Case, a 62-year-old fisherman from the Little Grand Traverse Band of Ottawa, was killed Tuesday, August 21, when his 18-foot boat was swamped in Lake Michigan. He had his son had to travel about seven miles to their fishing site from their access point. A lake squall arose too quickly for them to get back, their motors stalled.

Both men were wearing flotation devices, but only Case's son managed to survive the rough waters. Case's body has yet to be found.

There were two ironies:

•When the squall was swamping Case's boat, Rastetter was giving the tribal presentation at the Executive Council meeting and speaking about the needs of small-boat fishermen for safe harbors.

•The place where the Case's boat swamped was less than a mile from Fishermen's Island, a state park where the tribes requested an access site, but had been denied by the state within the past two years, according to Grand Traverse Conservation Captain William Bailey.

(Reprinted with permission from the *St. Ignace News*.)



GLIFWC wardens joined Michigan enforcement personnel in providing a Hunter Safety Course this fall. Above part of the course involves practical lessons on the range. Young hunters take aim.

Joint action plan underway

(Continued from page 3)

among those who depend on fishing for their livelihood or lifestyle. The outcry in response to tribal harvest of fish by spear and net raises many questions about the real impact in comparison to other factors that affect fish populations. Commercial, residential, and recreational development on waterfront property has altered aquatic habitat. Aerial deposition of acid

and heavy metals is producing effects that are just now being measured. Highways, bridges, dams and cranberry bogs have had enormous impact. Non-native species threaten to cause fundamental changes in lake ecology. Last, but probably not least, angling with hook-and-line is conducted with increasing sophistication and technology. Is spearing a threat? Or will spearing save the fisheries

by focussing attention on them?

The action plan sets out two objectives. First, the governments will prepare a report on the status of the northern Wisconsin inland fishery, emphasizing walleye, muskellunge, pike, and bass. Second, they will develop increased capabilities for generating new fish population data that is necessary for managing the joint fishery.

The report will be based on an outline already approved by the Steering Committee, including a historical background, a summary of the status of fish populations, a report on utilization of the resource by all user groups, a summary of current management institutions and techniques, and finally a description of future needs and recommendations. The target date for release of the report is early April 1991, coinciding with the peak of public interest in the spearing season.

The second objective is being carried out now, as the federal funds have already purchased three new electrofishing boats for collecting fish population data. GLIFWC and USFWS crews are in the field assessing stocks of juvenile walleye that will make up the harvestable adult walleye populations in future years.



Taking a break during the training session. GLIFWC wardens pictured above are, from the left: Michael Morrin, Red Cliff; Warren "Chris" Swartz, Keweenaw Bay; Donald Sharfoe, Keweenaw Bay; Lieutenant Gerald White; Jack Lemieux, Bad River; Lieutenant Richard Semasky; Leslie Haataja, Keweenaw Bay; William Jondreau, Keweenaw Bay; and Ken Rusk, Lac Courte Oreilles.

Soldiers, Mohawks clash; 82 injured continued

(Continued from page 7)

The clash at the reserve on the south shore of the St. Lawrence River shifted attention away from Kahnatesake, near Oka, where the military has surrounded about 50 Mohawks in a drug and alcohol treatment center.

Mike Myers, an American chief who is trying to reach a settlement in the Oka standoff, said

Tuesday night that the battle in Kahnawake "is certainly toughening the attitude of the Mohawks in Kahnatesake."

The Mohawks had erected barricades in front of approaches to the Mercier Bridge, a major commuter link to Montreal, following a botched provincial police raid on an Indian roadblock at the Mohawk settlement in Kahn-

satake on July 11.

A police officer was killed in that assault, which was launched to enforce a court order that the Oka roadblock be dismantled.

Troops dismantled the Oka roadblock after the Mercier Bridge barricades were removed by troops and Mohawks late last month.

(Reprinted from *Associated Press*)

Indians on Lake Superior draw fire

(continued from page 21)

who will come here now? We'll survive this summer but unless something is done, the future is non-existent. We'll go under and so will motels and restaurants and everyone else who benefits from charter fishing.

"The bottom line for me is that if we can't bring about a change in what is happening, 19 years of a business I love is over."
(Reprinted from the *Milwaukee Journal*.)



The Two States of Wisconsin continued

(Continued from page 9)

Cooperative management efforts in other areas of the country have been extremely successful. From 1974 to 1987 cooperative management of the fishery resource by tribal governments and the state of Washington have increased the fish populations to where salmon harvests have increased 29% (i.e., 6,534,064-8,409,063) and steelhead harvests have increased 68% (i.e., 94,500-158,800).

In a March 1990 *Sports Afield* article, Ted Keravotic examined the issue of hunting and fishing rights and noted, "Arizona's experience may provide a model for other states: Indians retain or reacquire hunting and fishing rights on certain lands; here tribal mem-

bers can subsistence hunt and fish under regulations more liberal than those provided by the state itself. Meanwhile, because of careful fish and wildlife management, the tribes are also able to offer sportsmen recreational experiences that are qualitatively better than those available on public lands. . . . "As far as Native Americans having more liberal seasons and bag limits on public lands, this is a right of theirs that has been almost universally upheld in our court system. It is something all of us will either have to live with or be willing to purchase back at no small cost."

In the coming months, the tribes, USFWS, and the WDNR will undertake a joint assessment

of northern Wisconsin's fishery resource funded by State and Federal Government sources. It is hoped this new initiative will provide the catalyst for cooperative relationships between the tribes and the state, thereby insuring harvest opportunities for future generations of tribal and non-Indian user groups.

(Copies of this booklet are available through the GLIFWC offices by writing to: GLIFWC, Public Information Office, P.O. Box 9, Odanah, WI 54861 or phone (715) 682-6619. The first copy is given out free of charge, and bulk copies can be purchased at 60¢ each.)

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