

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

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•Member Tribes•

MICHIGAN

Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN

Bad River Band
Red Cliff Band
Sokaogon Chippewa
Lac Courte Oreilles Band
Lac du Flambeau Band
St. Croix Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

TESTIMONY

of

JAMES E. ZORN

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of the

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

Before the

SENATE COMMITTEE ON INDIAN AFFAIRS

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**Testimony of James E. Zorn, Policy Analyst
Great Lakes Indian Fish and Wildlife Commission**

Mr. Chairman and Members of the Committee, my name is James E. Zorn and I am a Policy Analyst with the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). On behalf of GLIFWC's eleven member tribes, thank you for the opportunity to appear before you today. It was nearly ten years ago to the day that GLIFWC provided testimony to this Committee on a bill designed to support and enhance tribal natural resources programs.

GLIFWC is honored to have this opportunity to re-engage with Congress on these important issues and to participate in the dialogue on how the United States can and should support tribal programs. GLIFWC stands ready to play whatever role it can in helping the Committee, and ultimately the entire Congress, understand the importance of tribal natural resource management programs not only for tribal communities, but for the Nation as whole.

While much may have changed since we last appeared before you, much more has remained the same:

- Tribal natural resource management programs are integral to the physical, social, cultural, economic and spiritual well-being of tribal communities as those communities strive to provide for the underlying lifeways that are at the heart of their society and culture.
- Despite many continuing challenges and unmet needs, tribal natural resource management programs are successful because they are based upon a sound foundation of culturally-appropriate principles, as well as upon sound biology and science.
- Tribal natural resource management programs provide conservation, health, and safety benefits beyond tribal communities to the general public.

We hope that this report on the status of GLIFWC's natural resource management program helps provide a portion of the documentation necessary for Congress to understand that:

- Tribal natural resource management programs protect and conserve natural resources for everyone, protect and enhance habitats and ecosystems for everyone, produce economic benefits and development for everyone, protect public health and safety for everyone, and promote cooperation and partnerships that are effective and efficient for everyone; and
- Congressional recognition and support of tribal natural resource management programs is necessary public policy not only in terms of honoring this Nation's commitments to tribes in treaties and under the trust responsibility, but also in terms of preserving and protecting this Nation's natural resource wealth and heritage for generations to come.

I. GLIFWC'S MEMBERSHIP AND PURPOSE

GLIFWC is a natural resources management agency exercising delegated authority from its 11 member federally-recognized Ojibwe¹ tribes in Wisconsin, Michigan and Minnesota regarding their ceded territory (off-reservation) treaty rights.²

Each of its member tribes has entered into one or more treaties with the United States, under which the tribes reserved off-reservation hunting, fishing and gathering rights in the lands ceded to the United States.³ These treaties represent a reservation of rights by each signatory Tribe individually and by all signatory Tribes collectively, as well as a guarantee of those rights by the United States.

Courts, including the United States Supreme Court in its 1999 *Minnesota v. Mille Lacs* ruling, consistently have recognized and upheld the treaty rights of GLIFWC's member tribes.⁴

¹The tribes also are referred to as Chippewa, or, in their own language, *Anishinaabe*.

²GLIFWC member tribes are: in Wisconsin – the Bad River Band of the Lake Superior Tribe of Chippewa Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, St. Croix Chippewa Indians of Wisconsin, Sokaogon Chippewa Community of the Mole Lake Band, and Red Cliff Band of Lake Superior Chippewa Indians; in Minnesota – Fond du Lac Chippewa Tribe, and Mille Lacs Band of Chippewa Indians; and in Michigan – Bay Mills Indian Community, Keweenaw Bay Indian Community, and Lac Vieux Desert Band of Lake Superior Chippewa Indians. See Attachment 1 for a map showing where these tribes and the treaty cession areas are located.

³ See Treaty of 1836, 7 Stat. 491; Treaty of 1837, 7 Stat. 536; Treaty of 1842, 7 Stat. 591; and Treaty of 1854, 10 Stat. 1109.

⁴See *People v. Jondreau*, 384 Mich 539, 185 N.W. 2d 375 (1971); *State of Wisconsin v. Gurnoe*, 53 Wis. 2d 390 (1972); *Lac Courte Oreilles v. Voigt (LCO I)*, 700 F. 2d 341 (7th Cir. 1983), *cert. denied* 464 U.S. 805 (1983); *Lac Courte Oreilles v. State of Wisconsin (LCO III)*, 653 F.Supp. 1420 (W.D. Wis. 1987); *Lac Courte Oreilles v. State of Wisconsin (LCO IV)*, 668 F.Supp. 1233 (W.D. Wis. 1987); *Lac Courte Oreilles v. State of Wisconsin (LCO V)*, 686 F.Supp. 226 (W.D. Wis. 1988); *Lac Courte Oreilles v. State of Wisconsin (LCO VI)*, 707 F.Supp. 1034 (W.D. Wis. 1989); *Lac Courte Oreilles v. State of Wisconsin (LCO VII)*, 740 F.Supp 1400 (W.D. Wis. 1990); *Lac Courte Oreilles v. State of Wisconsin (LCO VIII)*, 749 F.Supp. 913 (W.D. Wis. 1990); *Lac Courte Oreilles v. State of Wisconsin (LCO IX)*, 758 F.Supp. 1262 (W.D. Wis. 1991); *Lac Courte Oreilles v. State of Wisconsin (LCO X)*, 775 F.Supp. 321 (W.D. Wis. 1991); *U.S. v. Bresette*, 761 F.Supp. 658 (D. Minn. 1991); *Mille Lacs Band v. State of Minnesota*, 861 F.Supp.

The rights apply to public lands and waters located within the ceded territories, and include the right to harvest virtually all natural resources found there.

In fact, the historical record is clear – the tribes would not sign these treaties until the United States agreed that they could continue their way of life on the ceded lands to meet their subsistence, economic, cultural, spiritual and medicinal needs.⁵ As a number of federal courts have found, one of the primary purposes of these treaties is to provide a permanent right for the tribes to make a moderate living off of the ceded territory lands and waters by engaging in hunting, fishing and gathering as they had in the past.⁶

With these treaties and treaty rights in mind, GLIFWC was established in 1984 pursuant to a Constitution developed and ratified by its member tribes. It is an intertribal organization within the meaning of the Indian Self-Determination and Educational Assistance Act (PL 93-638). Since its inception, GLIFWC has entered into a contract with the Bureau of Indian Affairs pursuant to the Act, with funding

784 (D. Minn. 1994); *Mille Lacs Band v. State of Minnesota*, 952 F.Supp. 1362 (D. Minn. 1997); *Mille Lacs Band v. State of Minnesota*, 124 F.3d 904 (8th Cir. 1997); *Minnesota v. Mille Lacs Band*, 199 S.Ct. 1187 (1999).

In affirming the Ojibwe’s treaty rights, the courts, including the United States Supreme Court, relied on a number of key principles regarding treaty interpretation. Indian treaties, like treaties with other any other nation, are the supreme law of the land as provided in the United States Constitution. They take priority over state laws, cannot be abrogated or terminated by implication, and the rights that they guarantee to the Indians are considered constitutional rights.

⁵After carefully examining considerable historical evidence surrounding the treaty negotiations, the courts have concluded that GLIFWC’s member tribes intended to reserve, and the United States intended to guarantee, the right to continue the Ojibwe’s traditional way of life. *See, e.g., Lac Courte Oreilles Band (LCO III)*, *supra* note 4, at 1426; *Mille Lacs Band v. State of Minnesota*, 952 F. Supp. 1362, 1393. *See also* Section II, below, for a discussion of Ojibwe culture and lifeways. The courts also looked at the historical record since the treaties were signed and found that there has been no action by Congress or the President to terminate these rights, and that “statehood” by itself does not take away the rights. *See, e.g., Minnesota v. Mille Lacs Band*, 199 S.Ct. 1187 (1999).

⁶*See, e.g., Lac Courte Oreilles Band (LCO III)*, *supra* note 4, at 1426 (a “permanent” guarantee “to make a moderate living off the land and from the waters . . . by engaging in hunting, fishing and gathering as they had in the past. . . .”); *Mille Lacs Band v. State of Minnesota*, 952 F. Supp. 1362, 1393 (“[T]he 1837 treaty provides the Bands the *right* to continue a way of life based on hunting, fishing and gathering”) (emphasis in original).

provided on a regular basis by Congress.

GLIFWC's ultimate responsibility is twofold:

- To ensure that its tribes and their tribal members are able to meet their subsistence, economic, cultural, medicinal and religious needs through the exercise of their ceded territory natural resource harvest and management treaty rights; and
- To ensure a healthy, sustainable natural resource base in the ceded territories.

This responsibility is reflected in GLIFWC's Mission Statement:

- To assist member tribes in the conservation and management of fish, wildlife and other natural resources throughout the ceded territories, thereby ensuring access to the traditional pursuits of the Ojibwe people;
- To facilitate the development of institutions of tribal self-government so as to ensure the continued sovereignty of its member tribes in the regulation and management of natural resources;
- To protect ecosystems in recognition that fish, wildlife and wild plants cannot long survive in abundance in an environment that has been degraded; and
- To infuse traditional Ojibwe culture and values in all aspects of its mission.

To accomplish this mission, GLIFWC's member tribes have delegated particular duties and authority to carry out a ceded territory natural resource management and regulatory program.⁷ This program is designed to assist the tribes in meeting:

- Each tribe's sovereign obligation to its members to provide for their health and welfare in accordance with tradition and custom;

⁷Each delegation of responsibility or authority can be traced to a particular document, such as GLIFWC's Constitution, the Charters of GLIFWC's two Committees, and various other intertribal agreements and enactments, or to a particular action by GLIFWC's governing bodies. In addition, GLIFWC's job for its member tribes is in the intertribal off-reservation context and then only to the extent of specific delegations from its member tribes. As for areas beyond these delegations and for on-reservation natural resource management, the tribes retain their individual sovereign prerogatives.

- The legal requirements of an effective ceded territory tribal self-regulatory system to conserve natural resources and to protect public health and safety;
- The tribes' legal responsibilities to each other in the context of their collectively reserved rights, i.e. intertribal co-management; and
- The tribes' legal obligations to other sovereigns, i.e. co-management with state governments and federal agencies.

As outlined below in more detail in Section IV, GLIFWC's staff of biologists, scientists, technicians, conservation enforcement officers, public information specialists, and policy advisors carry out a comprehensive treaty rights protection and implementation program under the direction of member tribes. Activities include:

- Natural resource population assessments and studies;
- Monitoring and reporting on the harvest of fish, wildlife and plants;
- Developing natural resource management plans and conservation codes;
- Providing law enforcement officers to enforce tribal off-reservation conservation codes and to participate in regional emergency services networks;
- Providing funding for tribal courts and tribal registration/permit stations;
- Negotiating and implementing agreements with state, federal and local agencies;
- Implementing protocols between member tribes and states for determining natural resource harvestable surpluses and treaty harvest limits/quotas;
- Invasive species eradication and control projects;
- Biological and scientific research;
- Natural resource and habitat rehabilitation, enhancement, and restoration; and
- Preparing and disseminating public information materials.

In short, GLIFWC is an intertribal agency that does its best to provide its member tribes with a high level of biological, management and other expertise. But to fully understand GLIFWC and its member tribes' treaty rights, one must understand the true basis for their existence – Ojibwe culture and lifeways.

II. THE CIRCLE OF THE SEASONS – OJIBWE CULTURE AND LIFEWAYS

GLIFWC's member tribes share a common origin, history, language, culture and treaties. They share a traditional and continuing reliance upon fish, wildlife and plants to meet religious, ceremonial, medicinal, subsistence and economic needs.

It is precisely to maintain this lifeway that the tribes reserved the rights to hunt, fish and gather in the ceded territories.⁸ In proper perspective, this reservation of sovereign rights is part of the Ojibwe's ongoing struggle to preserve a culture – a way of life and a set of deeply held values – that is best understood in terms of the tribes' relationship to *Aki* (earth) and the circle of the seasons.

For the Ojibwe,

Culture is not merely a way of doing things that all human beings living in a society do to survive, such as eat, build homes, and arrange their relationships with each other. Culture also must be understood as a system of beliefs and practices that organize these activities. For example the collection of wild rice, the spearing of sturgeon, and the hunting of deer are fundamentally different activities for these Indian people in contrast to non-Indians. When Indians undertake these activities, the harvesting, processing, distribution, and consumption of natural foods, they are not only perpetuating their ancient cultures but the resources themselves. As Algonquian people take from the environment for their own use, they conceptualize their role as hunters, gatherers, and fishermen as part of the supernatural as well as the natural world. The manner of hunting, the ritual offering left to assuage the souls of collected plants, and the use of rice, venison, and sturgeon as integral components of ceremonial feasts are activities which

⁸In affirming the treaty rights of GLIFWC's member tribes, the courts took a "snapshot" of Ojibwe life at treaty times in order to determine the nature and extent of the rights that were reserved. In reaching their decisions, the courts made extensive findings on the Ojibwe's extensive knowledge and use of natural resources where each species played a role in supporting some part of the Ojibwe's lifeway and constituted the essence of Ojibwe culture. *See, e.g., Lac Courte Oreilles (LCO III)*, *supra* note 4, at 1422-1429; *Mille Lacs Band v. State of Minnesota*, 861 F.Supp. 784, 791-793 (D. Minn. 1994).

themselves assure the perpetuation of these creatures as well as themselves.⁹

Thus, the Ojibwe are closely tied to the natural environment by a system of beliefs and practices that organize everyday life. This environmental human relationship involves a notion of geographic place that embodies the Ojibwe's human origin and historical identity, as well as the way the Ojibwe conceive their cultural reality in the modern world.¹⁰

Ojibwe culture is characterized by:

- An interdependence between a people and the natural environment that is governed by several fundamental principles including “a vast knowledge of the natural history of plants and animals, efficient means of harvest, and the social and political means to partitioning and distributing resources.”¹¹
- The use of virtually all plants and animals in their environment to supply food, clothing, shelter, medicines, building materials, tools and implements, canoes, decorative items, and paints and dyes. The Ojibwe depend upon the “complete inventory of species for their welfare and security,”¹² and, indeed, the Ojibwe “subsistence regime must be understood not in terms of a few important resources in and of themselves but the vital interlocking use of all resources.”¹³
- The organization of Ojibwe families and communities around differing activities according to

⁹CHARLES CLELAND, ET AL., THE POTENTIAL CULTURAL IMPACT OF THE DEVELOPMENT OF THE CRANDON MINE ON THE INDIAN COMMUNITIES OF NORTHEASTERN WISCONSIN 110 (1995).

¹⁰In addition to the court decisions themselves, other sources documenting the essential role that natural resources play in Ojibwe culture include: FISH IN THE LAKES, WILD RICE, AND GAME IN ABUNDANCE (James M. McClurken et al. eds., (2000); and RONALD N. SATZ, WISCONSIN ACADEMY OF SCIENCES, ARTS, AND LETTERS, CHIPPEWA TREATY RIGHTS: THE RESERVED RIGHTS OF WISCONSIN'S CHIPPEWA INDIANS IN HISTORICAL PERSPECTIVE (1991).

¹¹See CHARLES E. CLELAND, *Preliminary Report of the Ethnohistorical Basis of the Hunting, Fishing and Gathering Rights of the Mille Lacs Chippewa*, in MCCLURKEN ET AL., *supra* note 10, at 8 [hereinafter *Cleland Report*].

¹²*Cleland Report*, *supra* note 11, at 8.

¹³*Id.*, at 9.

the changing seasons as resources become available for harvest.¹⁴ As one researcher has noted, “Traditional food system use provides opportunities for cultural expression and transmission of cultural patterns from one generation to the next.”¹⁵

- Religious beliefs that guide the harvest and use of natural resources and that emphasize the existence of spirits in both animate and inanimate objects.¹⁶ “Persons” are found throughout the material and spiritual world, and all such “persons,” whether human or non-human, have rights.
- The relationship of humans to the rest of nature as one of reciprocity, and the proper attitude toward the natural world as one of humility and gratitude. Thus, the manner and rituals of harvest and use become key components to Ojibwe cultural preservation. For example, one must give thanks to the Creator both before and after harvest if the resources relied upon are to sustain themselves and make themselves continually available to meet human needs.
- Traditional ecological knowledge about plants and animals, and their habitats and habits, based upon generations of living in balance with nature that provides a wealth of information about natural processes and the impacts of human activities on them.
- The importance of language to transmit knowledge and teachings from one generation to the next. The Ojibwe language tends to wrap up many ideas into a word and involves a highly developed vocabulary for discussing particular activities, such as fishing methods, as well as more complex and abstract notions, such as the technology of maple sugar processing or the concepts of Ojibwe religion and other areas of cultural importance.¹⁷ Frequently, there are no English equivalents for Ojibwe words or expressions.

III. EXERCISING TRIBAL SOVEREIGNTY TO PRESERVE THE CIRCLE OF THE SEASONS

In accordance with these types of traditions and teachings, the Ojibwe seek to preserve a balance

¹⁴*Id.*, at 8-16; *see also* SATZ, *supra* note 10, at 1-2.

¹⁵ HARRIET V. KUHNLEIN, PH.D., OJIBWE HEALTH AND TRADITIONAL FOOD USE, CENTRE FOR NUTRITION AND THE ENVIRONMENT OF INDIGENOUS PEOPLES (1995), at 4.

¹⁶SATZ, *supra* note 10, at 2.

¹⁷*See* JOHN D. NICHOLS, *The Translation of Key Phrases in the Treaties of 1837 and 1855*, in MCCLURKEN ET AL., *supra* note 10, at 515 [hereinafter *Nichols Report*].

between the human being and the natural resources that humans rely upon, as well as between the natural world order and the supernatural world order. They understand the need to match human needs with *Aki's* capability to produce and sustain, and the need to nourish the body as well as the spirit.

Thus, for the tribal governments involved, the exercise of retained sovereign authority to manage natural resources and to regulate tribal members in the exercise of treaty rights is a necessary element of Ojibwe cultural preservation. Simply stated, ecological sustainability equates to Ojibwe sustainability.

GLIFWC and its member tribes are committed to natural resource management programs that sustain *Aki's* bounty for present and future generations. They recognize that perpetuation, enhancement and restoration of the natural resources upon which they rely are essential to sustaining tribal sovereignty, culture and society.

The court decisions affirming the Ojibwe's treaty rights serve as a reminder that tribes and tribal governments have a legal status not only in their own right but also under the United States Constitution. In exercising their treaty rights to harvest and manage natural resources, the tribes carry out sovereign powers of self-government and undertake a wide array of activities that perpetuate their culture. This means that other governments, particularly states, cannot maintain exclusive control of natural resource use and management in the ceded territories.

For ceded territory natural resource management and harvest regulation, the tribes' treaty rights have a number of important ramifications:

- A state's management authority is narrowed to a significant degree by the rights, and the exercise of a state's management authority is subject to judicial review to ensure that the rights are not infringed upon;
- A state may restrict the exercise of the treaty rights only to the extent reasonable and necessary for conservation, public health and public safety purposes;
- The tribes may prevent state regulation if they establish an effective system of tribal self-regulation that meets legitimate conservation, health or safety requirements; and
- These same principles have been applied to federal regulations that might impact the exercise of treaty rights.

Consequently, the tribes and the other governments involved have established various natural resource management and regulatory frameworks for exercising treaty rights. Some elements of these frameworks have been developed through agreements reached between the particular tribes and the state

involved, and then incorporated into a court order. Others have been ordered after contested court proceedings where the court was compelled to resolve disputed issues.

These management and regulatory frameworks meet two needs:

- From a regulatory perspective, they set forth the regulations that conserve natural resources and protect public health and safety; and
- From a management perspective, they provide for coordination and cooperation between the governments involved.

An important aspect of cooperation and coordination lies with the tribes themselves. For example, in the Treaty of 1837, each signatory tribe reserved the hunting, fishing, and gathering rights for itself and its members. However, at the same time, all treaty signatory tribes reserved the same set of rights collectively and these rights may be exercised by each tribe throughout in the ceded territory.

Given these individually-reserved yet intertribally-shared rights, the tribes individually and collectively must:

- Undertake effective management programs, and adopt and enforce regulations consistent with reasonable and necessary conservation, public health and public safety standards;
- Stay within the total tribal allocation of natural resources; and
- Engage in intertribal co-management to preserve their system of tribal self-regulation by effectively managing and regulating treaty rights.

This is where GLIFWC fits in. It functions on an intertribal basis, in accordance with sovereign delegations from its member tribes, to coordinate co-management among the treaty signatory tribes and with other governments, and to undertake a comprehensive ceded territory natural resources management and regulatory program on their behalf.

IV. GLIFWC'S OFF-RESERVATION NATURAL RESOURCE MANAGEMENT PROGRAM

Just as the tribes' relationship to *Aki* is all encompassing during the course of the seasons' circle, so too is GLIFWC's natural resource management program. It is part of its member tribes' comprehensive intertribal self-regulatory system of management plans and conservation codes that govern a broad range of treaty rights activities, including fishing, deer hunting, bear hunting, small game and furbearer hunting/trapping, wild rice gathering, and wild plant and forest products gathering.

GLIFWC's program is designed to secure the exercise of treaty rights to meet subsistence, economic, ceremonial, medicinal, and religious needs, as well as to protect and enhance the natural resources and habitats involved.

The information, data and analysis resulting from GLIFWC's management and research activities are available to and used by conservation agencies of other jurisdictions as they carry out their own natural resource management programs. In addition, more abundant and healthier natural resources resulting from GLIFWC's natural resource and habitat enhancement activities provide benefits beyond the tribal communities to the general public.

A. Biological Services. GLIFWC's Biological Services Division conducts a variety of fish, wildlife and plant assessments, monitors tribal harvests, assists in tribal permit issuance and animal registration, and provides other management assistance. Particular areas of work include:

1. Harvest Management – Determine available harvestable surpluses and then monitor and prepare regular reports on tribalceded territory harvest levels for a wide range of species, including fish (such as walleyes, muskellunge, lake trout, and whitefish), wildlife (such as white-tailed deer, black bear, and furbearers), and plants (such as wild rice and other wild plants). For example:

- Lake Superior – Monitoring and preparing reports on tribal commercial fishing harvest in the 1842 ceded territory of western Lake Superior.
- Inland Lakes – Monitoring and preparing reports on tribal treaty fishing in over 160 lakes in northern Wisconsin, east central Minnesota, and the western Upper Peninsula of Michigan. This includes complete on-site monitoring of all off-reservation open water spearing and netting to obtain actual harvest statistics and other data for research purposes from the harvested fish.
- Wildlife – Monitoring and reporting on tribal treaty harvests of white-tailed deer, black bears, furbearers, and other animals. This is done by gathering registration data for quota species, such as deer and furbearers, and by conducting harvest surveys for other species, such as migratory birds.
- Wild Plants – Monitoring and reporting on treaty harvest of wild rice and a variety of other wild plants and non-timber forest products.
- Harvestable Surplus/Quota Determinations – Analyze population data, run population computer models, and interact with other agencies to determine the harvestable surpluses for species subject to quota management, and then work with the tribes to declare treaty

harvest quotas and monitor harvest to ensure that it remains within those quotas.

2. Population Studies, Assessments, and Research – Conduct a variety of population studies, assessments, and related research, such as:

- Lake Superior Lake Trout Studies – Identify discrete stocks of lake trout, estimate their relative abundance, and determine their movements. Captured fish were measured, sexed, tagged, and aged. Other fish were implanted with data-gathering computer chips to record water temperature and depth profiles. This data is being used in bioenergetics models for lake trout and sea lamprey populations.
- Lake Sturgeon Project – Gather information on the distribution and movement of juvenile sturgeon in and around the Bad River and its tributaries in northern Wisconsin.
- Walleye Population Studies – Collect a myriad of data on walleyes during spring and fall. For example, in 2001, spring walleye population estimates were conducted on 17 lakes, and fall juvenile recruitment surveys were conducted on 120 lakes.
- Pine Marten Study – Radio-collaring of pine martens in the Chequamegon National Forest to monitor their home range and spatial interactions, and to examine field metabolic rates.
- Wild Rice – Sample and determine the relative abundance of each year’s crop in over 40 ceded territory wild rice waters. Acreage and density of rice stands are measured and used to calculate a wild rice abundance index each year.
- Wild Plants – Evaluate the effects of logging practices on understory plant species.
- Chronic Wasting Disease (CWD) – With the discovery of CWD in Wisconsin’s deer herd, sample deer harvested by tribal members to determine whether CWD has spread to the ceded territories.

3. Habitat Enhancement and Exotic Species Control – With the goal of providing healthy, fully-functioning ecosystems that will provide for the sustainability of the natural resources they support:

- Wild Rice Enhancement – Seeding either to enhance existing wild rice beds, or to reestablish traditional wild rice beds that have been harmed over the years by habitat degradation. In 2001, for example, over 3.5 tons of green rice was “seeded” in 15 waters in Wisconsin and the Upper Peninsula of Michigan. Also, studies are underway to examine

the effects of sediment density on wild rice growth and on the effect of motor boats on turbidity levels in wild rice beds.

- Waterfowl Habitat Enhancement – As part of the intertribal Circle of Flight initiative, a number of wetlands that provide waterfowl habitat in the ceded territories have been restored or preserved.
- Sea Lamprey Control – As a cooperating agency with the United States Fish & Wildlife Service, work to control and reduce the sea lamprey population by trapping lamprey ascending various Lake Superior tributaries and gathering data on their distribution and abundance. Sea lamprey is a non-native species that kills more lake trout in Lake Superior each year than human harvest.
- Noxious Weed Program – Monitor and control a wide range of invasive plants, and, in particular, a purple loosestrife control program, creation of a database of non-native plants found in the ceded territories, educational outreach activities with public land managers and private landowners, and an exotic plant web site containing basic information on the ecology of several noxious weeds, a slide library for identifying invasives, educational resources, and links to other Internet resources.

4. Contaminant Studies/Human Health Research – Research projects and fish consumption advisories to help prevent contamination of natural resources and to help tribal members maximize the health benefits from a traditional diet.¹⁸ For example:

- Lake Superior Dioxin Study – Assessment of dioxin levels in Lake Superior whitefish, lake trout, siscowet, herring and sturgeon.
- Lake Superior Fish Contaminant Studies – Assessment of mercury, PCB, and

¹⁸ “[T]here is a relationship between use of traditional Ojibwe food and the health and well-being of Band members.” KUHNEIN, *supra* note 15, at 39. The holistic physical and mental health benefits of traditional food use include: the improvement of diet and nutrient intake; the prevention of chronic diseases (such as obesity, diabetes, cardiovascular diseases and hypertension, gall-bladder disease, and dental disease) associated with the consumption of non-traditional foods; the opportunities for physical fitness and outdoor recreation associated with harvesting traditional foods; the opportunity to experience, learn, and promote cultural activities; and the “opportunity to develop personal qualities desired in Ojibwe culture such as sharing, self-respect, pride, self-confidence, patience, humility and spirituality.” *Id.*

organochlorine levels in Lake Superior lake trout, whitefish, siscowet, and herring.

- Wild Rice Contaminant Study – Study that characterizes heavy metal concentrations in wild rice plants in 8 Wisconsin lakes and that builds upon previous research published in the February 2000 edition of the journal “The Science of the Total Environment.”
- Environmental Monitoring at Specific Sites – Gather baseline data on water quality and on heavy metals in wild rice, mussels, and fish near potential ceded territory mine sites.
- Mercury-in-Fish Project – Over the past seven years, GLIFWC has instituted an unprecedented lake-specific mercury advisory program to help tribal members and the general public consume fish as part of a healthy diet.¹⁹ The health benefits of eating fish are well known, but they can be undermined if the fish are contaminated.

GLIFWC has developed a system for sampling and testing walleye and muskellunge fillets, and then disseminating consumption advisories for specific lakes based upon the mercury contaminant data for that lake. This allows harvesters to make informed decisions about where they should fish and how much fish they should eat from a particular lake.

This is particularly important for tribal members. State fish consumption advisories are based upon the presumed consumption patterns of sports anglers. Tribal members who engage in subsistence harvests tend to eat fish in greater quantities, particularly at certain times of the year, than their angler counterparts.

¹⁹Much of the mercury-in-fish project has been carried out with funds provided by grants from the DHSS Administration for Native Americans and the Agency for Toxic Substances and Disease Registry. This illustrates how GLIFWC’s base funding provided through its Self-Determination Act contract with the Bureau of Indian Affairs (BIA) provides important matching funds to obtain other funds. As is the case for tribes throughout the country, GLIFWC’s BIA funding is not sufficient to meet all aspects of a comprehensive natural resource management program.

In seeking other funding, GLIFWC’s BIA funding provides the basic infrastructure for carrying out new projects or initiatives. Special projects are thus supported by GLIFWC’s regular staff of scientists, professionals, and administrators, and directed by GLIFWC’s existing governance structure, all of which is primarily funded through GLIFWC’s BIA Self-Determination Act funding. This allows GLIFWC to take advantage of the economies of scale of its entire organization while expanding its service and project capabilities.

GLIFWC has sampled and analyzed over 1,900 walleye filets harvested from 137 previously un- or undersampled Wisconsin lakes. It has combined its data with that previously collected by the state, with a resulting mercury database of nearly 5,000 walleye filets. In addition, GLIFWC has collected 94 walleye samples from 7 Minnesota lakes and 181 walleye samples from 14 Michigan lakes.

The elements of this project are:

- Collecting and testing walleye and muskellunge for mercury content – GLIFWC tests in 22 long term study lakes on an alternating year basis. The goal is to provide a 10-year data set for researchers to assess mercury trends in northern Wisconsin waters. GLIFWC also will test an additional 42 lakes in the next 3 years.
- Communication of testing results through Geographic Information System (GIS) maps – Lake-specific color-coded mercury advisory maps are developed. Since 1995, these maps have been used by tribal members and the general public to identify lakes and sizes of *ogaa* (walleye) low in hazardous methyl mercury. They are distributed to tribal communities at registration stations, through GLIFWC's newspaper and other publications, and through GLIFWC's web site (www.glifwc.org).
- Linkages with Health Care Networks – This information is provided to health care providers (Indian Health Service and others). Maps and data are distributed to clinics, to tribal health care providers serving the WIC program, and at local and regional nursing conferences.

5. Technical Assistance/Expert Advice – Provide technical assistance and expert advice to member tribes in the development of their ceded territory natural resource management plans and harvest regulations, in negotiation or litigation involving the treaty rights, and on interagency cooperative projects.

B. Conservation Law Enforcement and Emergency Services. GLIFWC's Conservation Enforcement Division maintains a staff of officers who are responsible for enforcing the tribes' off-reservation conservation codes and for participating in regional emergency services networks.

1. Officer Training – All GLIFWC officers are fully-certified and have the basic peace officer qualifications of surrounding jurisdictions. In addition to completing basic police recruit training, they must attend 40 hours of in-service training each year. This training includes crowd control techniques, defensive arms and arrest tactics, medical response, search and rescue, hunting and firearm safety, accident investigation, and firearms certification, among others.

2. Community-Based Enforcement – Working out of satellite offices on member tribes’ reservations so that they are familiar with the communities they serve, GLIFWC’s officers:

- Maintain scheduled enforcement tours of duty that provide response capability, regular patrols, and prevention services seven days a week.
- Investigate possible violations of tribal off-reservation conservation codes, gather and preserve evidence, issue citations into tribal courts, and testify at trial.
- Serve conservation-related warrants, summonses and complaints as directed by tribal courts.

3. Community Safety Programs – GLIFWC officers are certified instructors for hunter safety, boater safety, snowmobile safety and off-road vehicle safety courses. They regularly conduct sessions for tribal members and the general public.

4. Emergency Services – As fully trained law enforcement officers and certified medical emergency first responders or emergency medical technicians (EMTs), GLIFWC officers play an important role in the overall law enforcement and public safety infrastructures of the predominantly rural ceded territories. GLIFWC’s officers often are called upon to assist both within the tribal and surrounding communities. Examples of how GLIFWC’s officers have been called upon include:

- Emergency Response – GLIFWC officers have a track record of “being there” when needed for:
 - Medical Emergencies – Including car accidents, snowmobile accidents, heart attacks, and births.
 - Search, Rescue and Recovery – Including boat rescues on Lake Superior, ice rescues, searches for lost persons, drownings, and lost airplanes.
 - “Officer Down” and Weapons Incidents – Among first to arrive on the scene where officers from other agencies have been shot and where there have been weapon threats or other civil disturbances.
 - Natural Disasters – Including floods and tornados.
- Interagency Training Exercises – GLIFWC officers have participated in various interagency training sessions, including cold water rescue, hazardous materials

identification, firearm safety, Great Lakes commercial fishing vessel safety inspection, first aid/first responder, and crowd control/civil disturbances.

- Other Tribal, State and Federal Law Enforcement – GLIFWC’s Officers often are the first to detect violations of other tribal laws or of state or federal conservation or criminal laws, and frequently are asked by the agency of primary jurisdiction to secure a site, detain a suspect, preserve evidence, and provide testimony.

C. Judicial Services. GLIFWC provides funding for the tribal courts of each of its member tribes to ensure the infrastructure necessary to prosecute and adjudicate alleged violations of off-reservation conservation codes and to deter future violations.

D. Public Information and Education Activities. GLIFWC’s public information and education activities increase public knowledge and understanding of tribal off-reservation natural resource harvest and management, as well as of tribal sovereignty and tradition. One of the primary goals is to raise public awareness and diminish conflict over the tribes’ treaty rights. Examples of these types of activities include:

- Presentations by biologists, scientists and attorneys/policy analysts at schools, civic organizations, various public forums and professional conferences.
- Publication and dissemination of publications, such as a quarterly newspaper, reports on tribal off-reservation harvests, research reports, booklets describing tribes and their treaty rights, and peer-reviewed professional articles.
- Production of videos for use at presentations or by others at schools, conferences, meetings, or seminars.
- Training sessions for state and federal agencies and for educational conferences on tribes, treaty rights and Ojibwe culture.
- Information displays at local and state fairs, trade and sport shows, tribal pow-wows, and education and professional conferences.

E. Traditional Environmental Knowledge. GLIFWC has undertaken a project to capture the wild plant traditional ecological knowledge (TEK) of tribal elders. Elements of this project include:

- Compiling TEK Information – Geographic information system (GIS) maps on wild plants were prepared that integrated geographic features (lakes, rivers, roads, and the like) with information from the original survey maps of the ceded territories that showed vegetation coverages at the

time of the surveys in the mid-1800s. Using these base maps as tools, tribal elders provided information regarding traditional harvest sites, plants harvested, the uses for the plants, perceived threats to wild plant resources, and stories and teachings about wild plants.

- Compiling Corresponding “Scientific” Information – Using information and data reported in studies, research, commercial forest products harvest reports, and professional journals and literature, a baseline data report was prepared on understory plant frequency in the ceded territories and how logging over the years may have effected them. These scientific papers and materials are now part of a library system for storing, retrieving, disseminating, and archiving information on the ecology, habitat, traditional uses, and threats to wild plants harvested by the Ojibwe.
- Integrating TEK and “Scientific” Information – A report assessing the wild plant resources of the ceded territories was prepared that integrated the TEK provided by tribal elders with the data and information provided by “scientific” methods and knowledge. The report identified threats to wild plant resources, provided wild plant research recommendations, and recommended a number of wild plant enhancement initiatives. In addition, the TEK documented during this project is being used to provide input on a wide range of decisions and projects affecting the wild plant resources found in the ceded territories.
- Providing Wild Plant Information to Tribal Communities – A primary goal of this project was to expand opportunities for the exercise of treaty gathering rights by facilitating the inter-generational sharing of knowledge on wild plant uses and proper harvest methods, preparing wild plant habitat maps, and providing regulatory information. Some of the tools that are now available to tribal members include a calendar showing when certain plants are “in season” and an interactive CD. This CD contains wild plant inventories and databases that list hundreds of plants found in the ceded territories, their Ojibwe language names, the tribal elders who passed on their knowledge about them, and their traditional uses. It also contains snippets of video interviews of tribal elders talking about wild plants and passing on teachings about them.

V. GLIFWC’S CO-MANAGEMENT ACTIVITIES

As discussed above in Section III, GLIFWC’s entire natural resources management program is an exercise in co-management between its member tribes. The tribes share the off-reservation treaty rights, and they consequently share collective cultural and legal responsibilities for protecting them.

The other aspect of GLIFWC’s co-management responsibilities lies with local, state, federal and foreign governments. Because the treaty rights extend to areas of shared jurisdiction and use, these other governments are compelled, whether legally or practically, to acknowledge the rights and associated self-

regulatory systems, as well as to integrate GLIFWC and its member tribes as natural resource management partners.

In addition, GLIFWC has established relationships and undertaken projects with colleges and universities, non-governmental organizations and associations, and other natural resource stakeholders, including private landowners. GLIFWC recognizes that natural resource stewardship is a responsibility shared by a broader community beyond governmental natural resource management agencies.

A. Intergovernmental Co-Management Processes and Institutions. GLIFWC participates in a number of formal intergovernmental co-management processes and institutions, such as:

1. Lac Courte Oreilles v. State of Wisconsin Requirements – Court orders in this case provide for GLIFWC and tribal participation in any Wisconsin Department of Natural Resources (WDNR) committee involving the natural resources found in the Wisconsin portions of the ceded territories. These orders generally require the WDNR to recognize tribal representatives as official members of species advisory committees and any other committees that manage or deal with either particular species themselves or their habitats. They also require all reasonable efforts to reach consensus on committee decisions. GLIFWC’s biologists have been designated to serve as tribal representatives on these committees.

2. Mille Lacs Band v. State of Minnesota Requirements – The court orders in this case also establish an extensive system of coordinated ceded territory management between the tribes and state. The parties agreed to a comprehensive set of protocols establishing formal tribal/state committees specifically authorized to address issues and seek consensus as each party exercises its respective management authority in the ceded territory.

3. National Forest Memorandum of Understanding (MOU) – Ten of GLIFWC’s member tribes have entered into an MOU with the USDA-Forest Service’s Eastern Region covering four National Forests in Wisconsin and Michigan. The MOU acknowledges the tribes’ gathering rights in the Forests, sets forth stipulated elements of a tribal self-regulatory system for implementing those rights, and a comprehensive government-to-government consultation process on any Forest Service decision in those Forests affecting the tribes’ rights.²⁰

²⁰The tribal/Forest Service MOU illustrates two important considerations. First, the United States’ treaty obligations and trust responsibility extends to any federal agency whose actions might effect the tribes’ rights, the natural resources subject to the rights, or the supporting habitats and ecosystems. For GLIFWC and its members tribes, such agencies include not only the Bureau of Indian Affairs, but also the USDA-Forest Service, United States Fish and Wildlife Service, National Park

4. Binational Program to Restore and Protect Lake Superior – The Binational Program is a programmatic commitment by the United States and Canada pursuant to the Great Lakes Water Quality Agreement. Its purpose is to restore and protect Lake Superior by achieving consensus on goals and specific actions by all governments involved around the lake, including federal, states, provinces, and tribes. GLIFWC serves on the Program’s Task Force and Workgroup. GLIFWC staff serve as the United States Co-Chairs for the Workgroup’s habitat and terrestrial wildlife committees, and are members of the Workgroup’s chemical and aquatic committees. These committees have been charged with the responsibility of preparing and implementing the Lake Superior Lakewide Management Plan (LaMP).

5. Great Lakes Fishery Commission (GLFC) – The GLFC was established by the 1955 Convention on Great Lakes Fisheries between Canada and the United States.²¹ The GLFC coordinates Great Lakes fishery research programs and makes recommendations for achieving maximum sustained productivity of fish stocks. It also carries out sea lamprey control projects and is the primary institutional caretaker of the Joint Great Lakes Strategic Fishery Management Plan. GLIFWC has ratified this Plan and serves on a number of GLFC’s bodies comprised of federal, state, provincial and tribal representatives, including the Committee of the Whole, Council of Lakes Committees, Lake Superior Committee, and Law Enforcement Committee.

6. Technical Committees of the United States Fish and Wildlife Service (USFWS) Mississippi Flyway Council – These technical committees, comprised of federal, state and tribal biologists, advise the Flyway Council on the status of waterfowl populations and their habitat.

7. Cooperative Law Enforcement – To ensure effective enforcement of tribal conservation

Service, Environmental Protection Agency (EPA), Army Corps of Engineers, and United States Coast Guard, among others.

Second, other than the BIA, none of these federal agencies fall within the scope of the Indian Self-Determination Act. With limited exceptions, such as with the EPA for particular on-reservation environmental programs, these other agencies generally do not have funding specifically dedicated to implement federal treaty obligations and trust responsibilities or to provide funding directly to tribes in the same manner as under the Self-Determination Act. Thus, for example, the Forest Service has not provided any funds to GLIFWC or its member tribes for implementing the National Forest MOU. This strains existing the already limited tribal human and financial resources that must redirected meet the MOU’s additional responsibilities.

²¹See 16 U.S.C. § 931 (1994) *et seq.*

laws, GLIFWC's member tribes generally authorize state conservation wardens to enforce their off-reservation conservation codes, citing violations into tribal court. Similarly, to ensure effective enforcement of state conservation laws, the Wisconsin Department of Natural Resources and GLIFWC have entered into a credential agreement whereby GLIFWC wardens are deputized to enforce state laws in to state court. Similar arrangements are in place for some tribal officers in Minnesota, and efforts are underway to broaden credential agreements in the three states where GLIFWC's officers patrol.

B. Specific Co-Management Projects. A few examples of GLIFWC's many co-management projects include:

1. Fish Population Assessment Activities – GLIFWC works with the Michigan, Minnesota and Wisconsin departments of natural resources to coordinate an agreed-upon assessment program for ceded territory waters, both for Lake Superior and inland. For Wisconsin, much of this work stems from the 1991 joint fishery assessment undertaken by the USFWS, BIA, WDNR, tribes, and GLIFWC.²² For Minnesota, the state and the tribes are undertaking a joint walleye population study on Mille Lacs Lake as part of the co-management responsibilities set forth in the *Mille Lacs Band v. State of Minnesota* case.

2. Upper Peninsula Coastal Wetland Project – This project is designed to protect and enhance nearly 3,000 acres of wetlands and associated uplands in the Lake Superior and St. Mary's River watersheds. Funds were provided to GLIFWC and its member tribes by the BIA through the tribal Circle of Flight initiative and to Ducks Unlimited by the North American Wetlands Conservation Fund grant. Partners include the tribes and GLIFWC, and the State of Michigan, USDA-Forest Service, Gogebic County (Michigan), Ducks Unlimited, and a number of other non-governmental conservation organizations.

3. Furbearer Research – GLIFWC's biologists have undertaken a multi-year study of fishers, pine martens, and bobcats in the Chequamegon-Nicolet National Forest. Aspects of this study include home range and habitat usage, species interaction, and developing a habitat suitability index model. The USDA-Forest and WDNR are cooperators and financial contributors to this research.

4. Lake Sturgeon Project – GLIFWC, the Bad River Tribe, and the USFWS have joined to gather data on the distribution and movement of juvenile sturgeon in and around the Bad River and its tributaries. This river has one of only four known sturgeon populations that spawn in Lake

²²See BUREAU OF INDIAN AFFAIRS, U.S. DEP'T OF THE INTERIOR, CASTING LIGHT UPON THE WATERS: A JOINT FISHERY ASSESSMENT OF THE WISCONSIN CEDED TERRITORIES (1991).

Superior tributaries.

5. Lake Superior Research Institute, UW-Superior – GLIFWC and the University of Wisconsin-Superior have entered into an agreement establishing the Environmental Health Laboratory within the University's Lake Superior Research Institute. This laboratory has undertaken a number of studies regarding the health effects for Indian people associated with consuming fish contaminated with toxics. It is a major partner in GLIFWC's mercury-in-fish project and tests most of the fish samples as part of that study.

6. Purple Loosestrife Invasive Species Project – GLIFWC has undertaken a long-term project to control and reduce purple loosestrife (an invasive non-native plant that supplants native species including wild rice) in the Bad River watershed. Among its cooperators on this project are the USDA-Natural Resource Conservation Service, local county highway departments, local town and municipal governments, the Nature Conservancy, local 4-H Clubs, and private landowners. One part of the project is to educate private landowners about loosestrife control and to provide eradication services at a landowner's request.

C. Benefits of Co-Management Partnerships. GLIFWC has built partnerships with a wide range of governmental and non-governmental entities, such as :

- Federal, state, and local government agencies (*e.g.* State departments of natural resources, United States Fish and Wildlife Service, USDA-Forest Service, USDA-Natural Resource Conservation Service, Great Lakes Fishery Commission, United States Coast Guard, Environmental Protection Agency, Agency for Toxic Disease and Substances Registry, and Canadian federal and provincial governments);
- Schools, colleges, and universities (*e.g.* University of Wisconsin-Madison, University of Wisconsin-Superior, Northland College (Ashland, Wisconsin), University of Minnesota, Michigan State University, and the Lac Courte Oreilles Ojibwe Community College); and
- Conservation groups (*e.g.* Ducks Unlimited, the Sharp-Tail Grouse Society, the Natural Resources Foundation, the Nature Conservancy, and local lake associations).

Through these partnerships, the parties have achieved public benefits that no one partner could have achieved alone by:

- Identifying mutual natural resource concerns, and implementing joint conservation and enhancement projects (*e.g.* wild rice restoration, waterfowl habitat restoration and improvement projects, and exotic species control projects);

- Providing accurate information on state and tribal harvests and on the status of natural resource populations (*e.g.* joint fishery assessment activities and jointly prepared reports);
- Maximizing financial resources to avoid duplication of effort and costs (*e.g.* coordinating annual fishery assessment schedules and sharing personnel/equipment);
- Contributing scientific research and data regarding natural resources and public health (*e.g.* furbearer/predator research, fish consumption/human health studies, and other fish contaminant research particularly regarding mercury); and
- Engendering cooperation rather than competition (*e.g.* cooperative law enforcement and emergency response, joint training sessions, mutual aid emergency services arrangements, and cross-credential agreements).

Indeed, given budget realities faced by governments across the nation, many activities and projects that non-tribal governments wish to pursue or services they wish to provide would not be possible without the contribution of tribal human and financial resources.

VI. CONCLUSION – AFFIRMING IMPORTANT NATIONAL VALUES

Tribal natural resource management programs touch the very core of federal Indian law and policy – the preservation of historically and culturally significant activities of Indian people, the fulfillment of federal promises made to the tribes by treaty, the protection of significant Indian subsistence and economic activity, the enhancement of self-government by the tribes, and the encouragement of government-to-government dealings between tribes, the federal government, and other governments. Congress carries an important obligation to promote and support these programs upon which tribes rely to maintain their sovereignty, culture and society.

This Committee's sensitivity to the needs of tribal natural resource management programs provides the opportunity to reexamine and reaffirm our Nation's public values. As this Committee knows well, there was much opposition and social unrest in Wisconsin in the 1980s as the *Lac Courte Oreilles v. State of Wisconsin* case worked its way through the courts and the tribes began exercising their treaty rights under protection of federal court order. Tribal members fishing in northern Wisconsin's waters were met by angry protesters, violence, harassment, and abuse.²³

²³For a thorough documentation of what took place at northern Wisconsin's boat landings, *see* *Lac du Flambeau v. Stop Treaty Abuse-Wisconsin*, 843 F.Supp. 1284 (W.D. Wis 1994), *aff'd* 41

However, at the case's end, when both the tribes and the state accepted the rulings of the court and simultaneously issued statements accepting the court's final judgment,²⁴ the tone was set, as Wisconsin's Attorney General recognized,

to open a new chapter in state, community and tribal relations. . . . The long legal struggle is over. It is time to recognize, as the Court has, that both sides have rights. . . . It is now up to the State and all the people of Wisconsin to build on a relationship that we have begun.²⁵

To be sure, as GLIFWC hopes that this testimony shows, the exercise of tribal sovereignty through natural resource management programs provides great overall public value. But, in the words of one prominent scholar who examined the situation in Wisconsin,

[T]here is a last, and truest, reason why Chippewa rights . . . should endure forever in Wisconsin. That reason – which goes beyond the wise use of public funds, good conservation practices, the community good will that flows from cooperation and even the fact that the air will no longer be tinged with racism – is that these rights are organic and grew out of a context that has dignity and deserves to be honored. This transcends the pervasive principle of our legal system that promises ought to be kept. Even more than that, on their merits these were fair promises, fair when made, even fairer today given that most of their companion promises have been torn away.

Indian people have an ability to stretch their minds, to search far back and far ahead. The Chippewa were thinking in those terms at treaty time-thinking of the long procession back ten thousand years or more, thinking of an equally long procession out ahead. Those treaties were signed amid the din of a collision of cultures, but the Chippewa held firm to their world view, as best as they could.

That world view was lodged in federal treaties – it became law. It matters that the world view is now law. But it matters, too, that this law is a wise law, a just law,

F.3d 1190 (7th Cir. 1994). *See also*, SATZ, *supra* note 10, at 101-124.

²⁴*See* SATZ, *supra* note 10, at 100.

²⁵State of Wisconsin's Acceptance of Judge Barbara Crabb's Final Judgment, Statement by Attorney General James E. Doyle, Jr., May 20, 1991, *reprinted in* SATZ, *supra* note 10, at 195.

with roots deep in history, minority rights, land title, sovereign prerogatives and a historical trust obligation. The Chippewa negotiators did the right thing, they looked across the prairie and felt the summer in the spring, and we should honor that view by reaffirming our promise that it may continue, with the full and welcoming support of the state and federal governments, forever.²⁶

²⁶Charles F. Wilkinson, *To Feel the Summer in the Spring: The Treaty Fishing Rights of the Wisconsin Chippewa*, 1991 WIS. L. REV. 375, 413-414 (1991).

ATTACHMENT 1

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

MEMBER TRIBES AND CEDED TERRITORIES

