



Newsletter of the Chippewa Ottawa Treaty Fishery Management Authority, 'Conserving for Future Generations'

SEVEN SOVEREIGNS SIGN 2000 CONSENT DECREE



TRIBAL FISHING IN THE NEW MILLENNIUM — In a moving ceremony overlooking Lake Superior, seven governments signed a new 20-year fishing agreement for the 1836 treaty ceded waters. Bay Mills hosted the historic Aug. 7, 2000, occasion where the State of Michigan, the United States, Bay Mills Indian Community, Sault Ste. Marie Tribe of Chippewa Indians, Grand Traverse Band of Ottawa and Chippewa Indians, Little River Band of Ottawa Indians and Little Traverse Bay Band all approved the new Consent Decree, solemnized by the signature of U.S. District Court Judge Richard Enslen, who also attended the signing ceremony. Members of negotiating teams from the seven parties proudly pose after signing.

The 2000 Consent Decree, under which 1836 tribes will regulate their treaty fishery, went into effect Sept. 7. After two years of negotiations, the historic document was signed by seven governments: Bay Mills Indian Community, Grand Traverse Band of Ottawa and Chippewa Indians, Little River Band of Ottawa Indians, Little Traverse Bay Bands of Odawa Indians, Sault Ste. Marie Tribe of Chippewa Indians, the United States and the State of Michigan.

The new agreement is the product of changes that occurred over the past 15 years. Since 1985, the fishery and its users had changed significantly. Two new 1836 tribes, Little Traverse Bay Band and Little River Band, had gained federal recognition. The tribes had developed an effective tribal system of regulation, conservation and enforcement, becoming involved in every aspect of the fishery. Fish populations had changed and moved over time. As 2000 approached, the tribes felt entitled to share the massive areas that had been restricted to state-licensed fishers.

The 1985 Consent Decree took a zonal approach to user allocations. In the 2000 Decree, the zonal approach

was dropped. The lakes are still placed on a grid system, but management will be accomplished by species.

At the heart of the decree is the rehabilitation of lake trout. Due to a number of factors, biologists have never been able to achieve their target mortality rate for lake trout. Biologists think that by reducing those factors affecting mortality — such as fishing and sea lamprey predation — natural reproduction in Lakes Huron and Michigan could be achieved. To that end, the new agreement reclassifies deferred areas as primary rehabilitation zones. These zones are subject to target mortality rates in order to control historical spawning sites and lamprey control, increase lake trout abundance, and provide more fish for all users.

Total allowable catches (TACs) will be calculated and used to achieve target mortality rates. Under the new agreement, the size limit for sport fishers is increased, while some tribal fishers will convert from gill nets to trap nets. This move also allows expansion of small boat gill net fisheries for the new tribes, Little River Band of Ottawa Indians (Manistee area) and Little Traverse Bay Band of Odawa

Indians (Petoskey area), both recognized in 1995.

For the state, the major foundation of the agreement was the voluntary conversion some tribal fishers from large boat gill net operations to trap nets. Approximately 14 million feet of gill net from Lakes Michigan and Huron will convert to trap net by 2003. The state agreed to fund Sault Tribe, Grand Traverse Band and Little Traverse Bay Band for a Bay de Noc operation currently run by the state.

Current state licenses will be turned over to the tribes to reissue to tribal fishers. To get these reissued licenses, tribal gill net fishers must give up their gill nets and vessels. A strong incentive for tribes was nine trap net slots in new waters in Lake Michigan and Lake Huron.

The reduction of gill net tug operations also expands opportunities for new tribal trap netters and small boat gill netters.

The 1836 treaty ceded fishery is split 50-50 between the tribes and the state; each will develop management plans for areas where each has exclusive fishing territories. This also means that more assessments may have to be conducted in order to effectively manage the resource.

Biologists developed methods of management for each species:

Lake Trout — Biologists developed a model to predict lake trout population over time, predicting target total allowable catch (called "TAC"). Calculated in the TAC is commercial, recreational, tribal subsistence all within the TAC.

This allows an estimate on amount of effort: the amount of fish available leads to allocation. This scheme protects the resource while remaining flexible. If trout are over-harvested one year, they can be protected the next year.

Whitefish — Where tribes and state share the resource, TACs will be developed and will not be exceeded. Tribes will manage where they fish exclusively.

Salmon — All tribal salmon fishing will take place within

one mile of shore. Lake Huron tribal fishing remains the same, while state stocking in this area will be reduced 50 percent — from 500,000 to 250,000. In northern Lake Michigan, Little Traverse Bay Band and Grand Traverse Band have salmon fishing areas exclusive to each tribe.

Walleye and Perch — These species will be managed by area, depth, season, and gear. The Technical Fishery Committee (TFC) will be responsible for assessments to gather data for harvest limits. (The TFC is made up of tribal, state and federal biologists.)

Herring and Menominee — The tribes and the state each have their own plan to manage herring. If needed, the TFC will have some ability to review herring for a future potential allocation.

To oversee the treaty fish

See "2000," Page 4



COTFMA MEETING BRIEFS

CORA also meets; CORA Board and Committee officers elected

COTFMA ADJOURNS, CORA CONVENES AUG. 31

SAULT STE. MARIE — Chippewa Ottawa Treaty Fishery Management Authority held its monthly meeting Aug. 31 in Sault Ste. Marie. Sault Tribe Board member Fred Paquin and Conservation Committee Chairman Vic Matson Sr. represented Sault Tribe. Grand Traverse Band's Chairman Robert Kewaygoshkum attended along with Natural Resource Committee Chair John Concannon. Little River Band's chairman, Bob Guendhardt, and Natural Resource Commission Chairman John Coon attended for Little River Band. Bay Mills Chairman Jeff Parker along with Bay Mills Conservation Committee Chairman Tim Kinney represented Bay Mills. Melanie Vanderlooven represented the Bureau of Indian Affairs and Jerry McClain the U.S. Fish and Wildlife Service.

Little Traverse Bay Band representatives sat in on the COTFMA meeting.

REPORTS

In Conservation Committee Reports, Matson reported Sault Tribe discussed year 2000 issues.

Kinney reported that a Bay Mills trap netter with Sault Tribe helpers wants to fish the Munising area. Sault Tribe Attorney Jim Jannetta informed him that the trap netter can fish under the new regulations when the new code is approved (and takes effect).

Concannon said Grand Traverse discussed year 2000 issues and asked about conversion monies. Jannetta said he will work with GTB to get the funds transferred.

Koon reported that LRB discussed year 2000 issues.

Little Traverse Bay Band told the group that they are also waiting for trap nets. They have one, possibly two, interested fishers.

In Information and Education, Jennifer Dale asked for approval to mount an updated salmon net marking safety campaign to include Lake Michigan. The board told her to go ahead, and to add maps for the new areas on Lake Michigan.

In the past month she assisted the Bickerman Group, and reporters covering the Consent Decree signing ceremony; helped acquaint a

Michigan State graduate student (studying the '85 Consent Order) with tribal fisheries personnel and committees; and, is working to get out information about the new agreement. The website was updated.

For Resource Development, Bucko Teeple reported closing out the Great Lakes Fishery Trust grant. He attended a Mille Lacs planning conference, and is preparing for an ANA grant proposal coming up in October.

Inter Tribal Fisheries Assessment Program Director Tom Gorenflo reported on the 1999 results of the contaminant monitoring program. All results are below FDA triggers, he said. ITFAP staff will keep an eye on dioxin levels in whitefish, which are higher than they thought. Gorenflo said that three lake trout are tested every year in the program. Whitefish are generally a lot lower in contaminants than lake trout. The state's Department of Environmental Quality (DEQ) sampled whitefish in Lake Michigan as very high in dioxin. The cause is not known. "Our guess is diet changes," said Gorenflo. Now, ITFAP is taking extra samples, and while the fish tested were below FDA levels, some were above state advisory levels for the general population, but are still able to be sold.

In Lake Huron, PCBs are good news — way below trigger levels, even in larger lake trout. The wild card is dioxin.

PCBs are at an all time low since 1978. Generally, PCBs are an indicator of contaminant levels — if PCBs are high, others generally are, too; and, if they are low, so are the others.

This year, they tested in Lake Michigan near Naubinway. The lab results will be back by mid-winter.

ITFAP sent a letter to the International Joint Commission to protest its broad generalizations about Great Lakes fish consumption. "We hear that sort of thing from private groups, not from government groups," said Gorenflo. "We picked out some of their statements and addressed them."

LTBB Chairman Gerald Chingwa said Little Traverse would like to be included in that protest.

BUSINESS

The Credit Card policy was

brought back to the table, but the board took no action, noting that COTFMA is dissolving, so the policy is moot.

By vote, COTFMA staff was accepted as interim CORA staff.

Bay Mills Fisheries Biologist Ken Gebhardt reported working on GIS mapping of tribal access sites. He proposed sharing the maps with USFWS, which is now looking at critical habitats of piping plover. The USFWS would take tribal access sites into account when considering piping plover critical habitat. The proposal was okayed by the board.

Gebhardt acknowledged Bucko Teeple's contributions and all tribal biologists cooperation on the six month project.

COTFMA adjourned, but did not close out.

CORA convenes

The group reconvened as CORA — the Chippewa Ottawa Resource Authority.

The CORA governing body is comprised of the member-tribes chairman and chairs of the natural resource entity of each tribe. The natural resource entity is Sault Tribe's and Bay Mills' conservation committees, GTB's natural resource committee, Little River Band's Natural Resource Commission, and LTBB's Natural Resources Commission.

The CORA charter calls for the selection of officers as the first order of business. Since election of officers takes place every November, an interim chairman, Jeff Parker, was nominated and voted in. Bob Guendhardt was selected as interim vice chairman, Bev Aikens was appointed as Secretary.

CORA voted to accept the interim staff and retain them.

Tom Gorenflo was appointed interim director of the Biological Services Division, which takes over from ITFAP.

CORA adjourned.

GLRC

The Great Lakes Resource Committee convened. Under the CORA Board is the Great Lakes Resource Committee (GLRC), charged under the Consent Decree with "promulgating tribal fishing regulations for and making other management decisions concerning tribal fishing in the 1836 Treaty waters." GLRC serves as the intertribal management body for the treaty

fishery in 1836 treaty waters, invested with broad powers to carry out its charge.*

Its first order was to elect a chairman. Gerald Chingwa's nomination was approved. Vic Matson Sr. was voted in as vice chairman.

Chingwa called for agenda items. Set on the agenda was approval of regulations, litigation budget amendment, water diversion issues, and consultation permits.

Matson brought forward approval of the "Chippewa Ottawa Resource Authority Commercial, Subsistence, and Recreational Fishing Regulations for the 1836 Treaty Ceded Waters of Lakes Superior, Huron, and Michigan." The Code was passed with the conditions that it be reviewed in 45 days. (Any changes require a 30-day notification.)

Two motions concerning the Code passed: adding wording in section E on page 17 to make a clarification on gear use; and to delay regulations effective date until Sept. 7 (the same date the 2000 Consent Decree goes into effect).

Each tribe will be responsible for notifying its conservation officers. As directed by the GLRC, CORA staff will print up regulations the day following the meeting and send them out to all the fishers.

CORA staff member Jane TenEyck requested amending the litigation budget to cover Bickerman's last bill (which involved moving a line item of the budget). It was approved. The Committee also decided that each tribe will be reimbursed for \$2,500 in legal expenses they covered during negotiations — writing codes, conference calls or travel, for example.

Chingwa brought forward the matter of Great Lakes water diversions. He is concerned about the possibility of diversions and wanted to know the extent of the tribes' involvement. Gorenflo updated him: for the past decade COTFMA has had observer's status on the Great Lakes Fishery Commission, which is considering representation on the GLRC. COTFMA has gone on record twice opposing any water diversions from the Great Lakes, he said.

A motion for the GLRC to go on record opposing Great Lakes water diversions

passed.

Jannetta addressed consultant permits. Both the new code and the Consent Decree require that consultants who are not members of CORA tribes to obtain permits, he said. After discussion it was decided that CORA staff could issue permits, but the permits must also be ratified by GLRC.

The meeting was adjourned.

COTFMA PREPARES TO CLOSE SHOP SEPT. 28

COTFMA met at the Big Abe building in Sault Ste. Marie, Mich. Grand Traverse Band joined by conference call, Christine Mitchell sitting in for chairman Robert Kewaygoshkum. Sault Tribe was represented by Board Member Fred Paquin and Conservation Committee Chairman Vic Matson Sr. Little River Band was represented by its chair, Bob Guendhardt, and Natural Resource commissioner, Bob Koon. Bay Mills' chairman and Conservation Committee chairman, Jeff Parker and Tim Kinney, attended.

Superintendent Anne Bolton represented the BIA and project leader Jerry McClain represented the USFWS.

REPORTS

In Conservation Committee reports, Koon asked for a number of clarifications for recreational and subsistence regulations. He found out from Gorenflo and Tierney that "hooks" is defined as any kind of hook, not just hook and line. Recreational regulations are the same as the state's, including the state's recent change to allow three fishing lines per fisher. A subsistence license is needed to use more than three lines. A catch report is required for subsistence. Subsistence permits need not specify grid, just a point of reference.

* According to the tribal management plan adopted by the 2000 Consent Decree, GLRC "has broad authority to protect, preserve, and manage the fishery resources, promulgate regulations, coordinate law enforcement activities, participate in intergovernmental fisheries or environmental bodies, gather biological information, coordinate with other governments and agencies to promote and take measures necessary to protect fish habitat and the environment, and develop methods for limiting harvest."

LIMITED LAKE HURON DISTRIBUTION STUDY CONDUCTED THIS FALL UNDER NEW AGREEMENT

BAY MILLS — A fish distribution study will be conducted in the Bay Mills small boat gill net zone in northern Lake Huron this fall to determine distribution of whitefish and incidental species like lake trout in a targeted whitefish gill net fishery. The results will allow tribal, state and federal agencies to determine the amount of gill net effort that can be fished without compromising the health of other species.

Bay Mills Indian Community will issue a permit and conduct the study, using one fisherman with onboard daily monitoring. The study begins Oct. 3 and ends Dec. 31.

Under the terms of the permit, no more than 1,000 lake trout can be harvested during the three-month study. This

quota, in addition to recreational, and state and Canadian commercial harvests, will ensure that Lake Huron lake trout mortality will not exceed recommended levels for rehabilitation.

All live lake trout captured during the study will be counted and released.

Gill net gangs will be set in each of two depth strata in northern Lake Huron's Hammond Bay in grids 505 and 506. One strata is 75 to 150 feet in depth; the other strata is 150 feet and greater. Gill nets will be marked in accordance with Chippewa Ottawa Resource Authority (CORA) rules and regulations: each gang of gill nets, which are set from the bottom, are clearly marked at each of its two ends with a buoy on the surface. CORA urges caution

in navigating around these nets.

Six to twelve 1,000-foot gill net gang lifts will occur in each depth strata every month. State, federal, tribal and university biologists have determined the minimum and maximum amount of effort necessary to statistically compare catches among depth strata and seasons. Additional catch trigger levels will ensure that excessive catches do not occur during the study.

The Michigan Department of Natural Resources, Bay Mills Fishery Program and the U.S. Fish and Wildlife Service will rotate onboard monitoring duties. They will collect data on location, water depth, season, water temperature, gill net effort, and number of each fish species captured.

Valuable information will be

gathered in the study by biological sampling. Information collected from representative samples of lake trout and whitefish will include length, weight, scale samples, sex ratio, spawning condition, incidence of lamprey marks, fin clips, and diet data. Whenever possible, biological information will be collected from lake sturgeon.

The Technical Fishery Review Committee, made up of state, federal and tribal biologists, was charged with developing a statistically valid and conservative plan for the original study. The current study continues to gather more information during the fall fishery in order to identify depth strata and months in which gill net fishing can occur with minimal lake trout catch.

In addition to the assess-

ment fishery in 75 feet and greater depths, nine small boat gill net vessels have been permitted to target whitefish in waters less than 75 feet in the Bay Mills small boat gill net zone starting Oct. 1. Both the small boat fishery and assessment fishery are a result of the extensive negotiations among state, tribal and federal representatives that resulted in the new agreement.

For more information, contact Bay Mills Fishery Biologist Ken Gebhardt at 906-248-3241; ITFAP Director Tom Gorenflo at 906-632-0072; MDNR Fisheries Division at 517-373-1280; MDNR Fisheries Biologist Jim Johnson, Alpena Office, at 517-356-3232; or, USFWS Project Leader Jerry McClain, Alpena Fishery Resources Office, at 517-356-3052.

COTFMA conducts safety campaign

Late July through early September, COTFMA Public Information and Education program conducted a salmon net safety campaign targeting recreational boaters.

The campaign has been conducted for a number of years.

Posters were prepared to caution boaters. The cautions were posted by the staff from Bay Mills Fisheries Program, Little Traverse Bay Band Biological Services, and Grand Traverse Band's Biological Services.

The Public Information program sent out the following press release, and requested it be broadcast over the US Coast Guard mariner's channel and new recreational boater channel:

"Boaters in northern Lake Huron from July through October should be

aware of the possible presence of tribal commercial salmon fishing nets.

During their recreational boating and fishing activities, boaters should exercise extreme caution during low-light or bad weather conditions when navigating this area.

Posters depicting what the nets look like and contact numbers for help have been posted.

Each net has large orange floats that are 6 inches by 14 inches spaced at intervals of 300 feet or less. The license number of the tribal fisher is on the net.

In over 15 feet of water, net ends are marked with 5-foot staffs above the water surface, colored with at least 50 percent reflective orange coloring and a 12-inch by 12-inch orange flag on

top.

In less than 15 feet of water, no staff is required at the net ends. This is to ensure staffs don't fall over and become a safety hazard, and boaters will still see the large orange floats. Fishers from the Bay Mills Indian Community (BMIC), Sault Ste. Marie Tribe of Chippewa Indians (SSMTCI), the Little River Band of Ottawa Indians (LRB) and the Grand Traverse Band of Ottawa and Chippewa Indians (GTB) are all required to uniformly mark their nets in the above manner.

For more information contact COTFMA Executive Director Faith McGruther at 906-632-0043, cotfma@up.net."

Notice to Boaters

POSSIBLE SALMON GILL NETS NORTHERN LAKE HURON FROM JULY TO OCTOBER

Please exercise extreme caution while boating in these areas during gill net season.

Salmon gill nets: Orange surface floats on the water surface at 300-foot intervals.

➤ Visibility will be limited during low-light or bad weather conditions.

➤ **WARNING:** Tampering with these or any other legally set nets is a violation of State and Federal law.

Please contact one of these agencies if you need more information:

U.S. Coast Guard St. Ignace, MI 906-643-9191	Chippewa-Ottawa Treaty Fishery Management Authority 179 W. Three Mile Sault Ste. Marie, MI 49783 906-632-0043	Michigan DNR P.O. Box 77 Newberry, MI 49868 906-293-5131
Chippewa County Sheriff's Dept. City-Co. Building, Court St. Sault Ste. Marie, MI 49783 906-635-6355	Mackinac County Sheriff's Dept. 100 N. Marley St. St. Ignace, MI 49781 906-892-6156	

Notice to Boaters

POSSIBLE SALMON GILL NETS NORTHERN LAKE MICHIGAN SEPTEMBER—OCTOBER*

*For the 2000 fishing season.

Please exercise extreme caution while boating in these areas during salmon season.

Salmon gill nets: Orange surface floats on the water surface at 300-foot intervals.

➤ Visibility will be limited during low-light or bad weather conditions.

➤ **WARNING:** Tampering with these or any other legally set nets is a violation of State and Federal law.

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cotfma.org gets Internet award

Chippewa Ottawa Treaty Fishery Management Authority web site (<http://www.cotfma.org/>) has been selected the Great Lakes Information Network Site of the Month for October 2000. The announcement will coincide with GLIN's new feature on Native Americans on the web.

"... we think your site is a wonderful resource for information on fishery management issues and we'd like to take this opportunity to highlight your offerings to the larger Great Lakes regional audience," wrote Christine Manninen, GLIN Webmaster.

Ontario Ministry of Economic Development, Trade and Tourism; the U.S. EPA, Great Lakes National Program Office; Environment Canada's GLIMR (now Our Great Lakes); and the U.S. Fish and Wildlife Service, Great Lakes-Big Rivers Region are some of the other agencies honored with this designation, according to Manninen.

A Great Lakes Commission project, the Great Lakes Information Network (GLIN) is a gateway to the Great Lakes region of North America. Its data holdings and services cover the environment, economy, tourism, education, history, demographics and much more. Launched in 1993, GLIN is now averaging more than 2 million hits per month, according to Manninen.

Partnership is the core of GLIN, and toward that end GLIN regularly highlights the web sites of their regional partners. Being a Site of the Month partner ensures seamless integration of resources between the two web sites. GLIN Site of the Month partners typically see a measurable increase in traffic on their site and are also contributing to increased usage of GLIN, according to Manninen.

Visit GLIN at <http://www.great-lakes.net>.

Where Manoomin grows, the Anishnabeg grow

By Sharlene Myers, Bay Mills News Writer

Under lowering September skies, handfuls of wild rice float in the wind and settle on the waters of the Back Bay. Tracey Brown, natural resources specialist for the Bay Mills Biological Services Department, is seeding the once widespread plant. She is aided in her efforts by Bob

Dickinson and five members of his Wildlife Management class from Bay Mills Community College, paddling three canoes.

Once indigenous to the area, wild rice (manoomin to the Anishnabe) has all but disappeared from the local ecosystem. Efforts are under way to restore the plant to its natural habitat.

Wild rice seeding began in Bay Mills in 1993, under the BIA-funded Circle of Flight program for wetland/waterfowl enhancement. Spectacle Lake has been a seeding site since 1993, and the Back Bay since 1995.

The wild rice planted in Spectacle Lake did not thrive, and after five years, the biological staff abandoned their

efforts. But this year shoots appeared, apparently from dormant seeds. "It seeded itself," said Brown, "and is doing really good on its own."

That is the ultimate goal of the program — to establish a self-propagating crop that people can rice in the future, she added. "We will plant every year until it doesn't need it anymore," she said.

Circle of Flight funds enabled Bay Mills Indian Community to purchase 700 pounds of rice from Great Lakes Indian Fish and Wildlife Commission (GLIFWC) for seeding. Efforts were concentrated this year in one area of Back Bay judged most favorable to produce a successful crop. A quiet area likely to be undisturbed by man is the best

location, as a motor boat, or even a paddle, can dislodge the shallow root system of the wild rice plants.

Seeding is a dirty business as the BMCC students can attest. The seeds have to be kept wet in order to germinate and develop a notable "barnyard" smell that is left on your hands. The loose chaff sticks to clothing and hair, and can be very uncomfortable if it gets into your eyes or mouth, cautioned Brown.

Restoration of wild rice is important not only for its benefits to wildlife and renewing the natural balance of the ecosystem, but to the spiritual and cultural life of Anishnabe people. As Dickinson told his students, "When the rice grows, you grow."

GTB HOLDS FAIR & FEAST

Courtesy Dave Spinneken, Editor, Grand Traverse Band News

The Grand Traverse Band Natural Resources Department held their annual Fair and Feast Sept. 9 on the Peshawbestown Pow Wow Grounds. The day was filled with demonstrations and contests and lots of fun activities for both children and adults. Hunting, Fishing, Trapping and Gathering licenses were made available for the 2000 season, and there were interesting and informative activities such as water quality monitoring, recycling education, bow and arrow shoot, skeet shoot, door prizes, and many others.

Some of this year's prize winners for some of those activities are:

Skeet Shoot Winners:

1st Place – Duke Maniteau, who took home a new deluxe two-gun case as a prize, and

2nd Place – Dale Pitawanakwat, who won a gun case.

Bow Shoot Winners:

1st Place - Richard Harp, who won a 3-D deer bow target.

2nd Place – Brian Marek, who took home a bow target.

Trout Pond Winners:

Sonia Chippewa – won the Grand Prize of a new rod and reel, a tacklebox, and a fillet knife

Russel Hart – rod and reel

Ryan Memberto – rod and reel

Jared Broome – rod and reel

Cody Antoine – rod and reel

Jeanna Hall – rod and reel

Jazzmon Koon – rod and reel

Silas Broome – rod and reel

Josh Olsen – rod and reel

Natural Resources Fair & Feast Volunteers:

Rosemary Chambers-Antoine

Tom Antoine

Duke Maniteau

Larry Koon

Jazzmon Koon

Jack Chambers Sr.

George E. Bennett

Dodie Chambers

Gordon Chippewa

Cynthia Chippewa

The "reel" fun came at the end of the feast, when the trout pond was emptied of most of its water and the kids dropped their poles and caught all of the trout by hand! Good job, kids!!

The Natural Resources Department thanks all of the volunteers who came out to help.

Youth Services provided most of the funding. Without their help, the Fair and Feast would not have happened.



Sience Instructor Bob Dickinson sows wild rice in Waishkey Bay, Lake Superior.

2000 Consent Decree in effect September 7

From "2000, page 1

ery, the 2000 Consent Decree names an Executive Council with biological and law enforcement standing committees. The Technical Fishery Committee is a consensus committee with more structure and well-defined roles than its predecessor, the Technical Fishery Review Committee.

The law enforcement committees are the same, but will also be responsible for organizing more group patrols.

A new entity, the Citizen Advisory Committee, was established to provide insight and feedback on problems, issues, and concerns related to the agreement.

A mutual development

coordinated workplan, a minimum staffing level commitment, and a toll-free phone line for complaints, paid for by tribes and staffed by MDNR, were also mandated by the new Decree.

The Consent Decree was signed August 7, 2000, in a special ceremony atop a Bay Mills Indian Community bluff overlooking Lake Superior. Two years ago, the parties began negotiating a new agreement, with mediator John Bickerman coming onboard the last year. Bickerman said at the ceremony that he found the experience "extraordinary." Bickerman added that the most important consequence of the negotiations is the relationships parties built through the process.

Negotiators avoided a court battle by committing to weekly negotiation sessions. The 1985 Consent Decree expired in May, but the parties were able to agree to fishing under

status quo regulations through the 2000 fishing season and obtaining an extension from the Court.

"An interesting dynamic occurred," said Bickerman. "The core group decided not to let negotiations fail."

A major breakthrough in the difficult seven-sovereign negotiation was state commercial fishers offer to sell their trap net fishery to the state. The trap net fishery would be furnished to tribal fishers to convert from gill net gear to trap net gear, which would please the state a great deal. Tribes and the state take opposing views on gill net gear. Tribes think an experienced fisher can set his nets, targeting by mesh size, to catch his target species with the selective gill net. The state sees gill nets as indiscriminate killers. So, the elimination of 14 million feet of gill net from the lakes was an important inducement for the state. Tribal fishers volun-

teered, so the conversion will take place even earlier than the state wished.

At the signing ceremony, U.S. District Court Judge Richard Enslin threw away his prepared speech and addressed the assembly from his heart. He characterized the new Consent Decree as far different from the last, at once more positive and less negative by offering opportunities to all, and requiring continued cooperation. He both advocated and explained his decision to use alternate dispute resolution, where conflict is resolved by parties:

"People build trust. They grow friends on the other side of the table," he said. "Negotiations can be so lengthy, emotional, and difficult. There's a sense of relief when it is over. There's no false sense all the problems will disappear. The only one who can resolve dispute is you."

"Tribal Fishing" is published by the Chippewa Ottawa Treaty Fishery Management Authority Public Information program. The program is administrated by the Bay Mills Indian Community Newspaper Dept.

Please direct all inquiries to Jennifer Dale, 12140 W. Lakeshore Dr., Brimley, MI 49715, 906-248-3241.

Permission must be obtained to reprint any matter in this newsletter. Submissions and letters welcome at the above address. Please use your full name & address.