

From the Eagle's Nest

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Gary Rankel (right), receives the Chief Sealth Award from president, Ron Skates in Traverse City, Michigan.

SOCIETY HONORS BIA GRANTS ADMINISTRATOR

by Karen Lynch, NAFWS

It's been an eventful and rewarding 30 years for Gary Rankel, Indian country's chief administrator of Indian fish and wildlife programs. Eventful, in that he saw the development of tribal fish and wildlife programs since the 1970s. The rewarding part came when he was nominated for making "significant and positive impact" upon Native American natural resources.

Rankel received the Native American Fish & Wildlife Society's 2003 coveted Chief Sealth Award during the Society's 21st annual meeting in Traverse City, Michigan.

"It is a real honor," said the former U.S. Fish & Wildlife Service fishery biologist, about the award. "It makes me feel as if my career has meant something. It is just very satisfying to receive this award and to be placed in that circle of folks that have received it."

As a long time member of the Native American Fish & Wildlife Society, Rankel was recognized for his "work and support toward tribes' efforts to oversee the federal trust responsibility contracts with tribes."

Rankel's career began in 1971, as a fisheries biologist providing technical services to tribes in Nevada and California, at the Reno Fisheries Assistance Office, U.S. Fish & Wildlife Service (USFWS). "At that time," said Rankel, "I worked closely with the Pyramid Lake Paiute

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Conservation Officer of the Year



Biologist of the Year



U.S. FISH & WILDLIFE SERVICE LISTENS TO TRIBES

Editor's Note: The following address by Steve Williams, Director of the U.S. Fish & Wildlife Service was delivered to the Society's membership during the National Conference of the Native American Fish & Wildlife Society in Traverse City, Michigan on May 19, 2003.

I'm honored to be here today in Indian Country, and pleased to speak directly to tribes and tribal leaders.

With your unique ties to the land and wildlife, you have much to teach us about treating these natural resources with the respect they deserve. Your insights should be heard, and I can tell you this now with conviction: *The U.S. Fish and Wildlife Service is listening.*

I'd like to talk to you about the Service's Native American Policy, its mission of conserving and protecting wildlife, and how that mission squares with the values that Native Americans hold dear. I won't deny that there is much left to be done. But today I'd like to talk about some of the progress we've made since tribes and the Service established this policy in

1994.

Specifically, I'll point to our achievements in terms of funding; communication; government-to-government relations between the Service and the tribes; technical assistance; training; and respect for Native American religious and cultural practices.

History of Working with Tribes

The U.S. Fish and Wildlife Service first began working with Native Americans more than 100 years ago. In 1872, the **McCloud Wintu** Tribe, of the Sacramento Valley, played a key role to establish the first salmon hatchery, along the McCloud River in the Pacific Northwest.

The Service – known in those days as the U.S. Fish Commission – faced suspicion from members of the McCloud Wintu Tribe, that were concerned that the hatchery would

(See page 7 - Listens -)



Director of the U.S. Fish & Wildlife Service, Steve Williams, delivered the Keynote address during the national conference opening session.

224 MEMBER TRIBES

Agdaagux Tribal Council/Akiachak Native Community/
Akiak Native Community/Akutan Traditional Council/
Alakanuk Traditional Council/Alderville Indian Band/
Allakaket Village Council/Arapaho Business Council/
Asa'carsamiut Tribal Council/Atmautluak Traditional
Council/Barona Band of Mission Indians/Bay Mills In-
dian Community/Beaver Tribal Council/Big Sandy
Rancheria/Birch Creek Village Council/Blackfeet Tribe/
Bois Forte Reservation/Bridgeport Indian Reservation/
Caddo Indian Tribe of Oklahoma/Catawba Indian Na-
tion/Chalkystik Village Council/Chemehuevi Indian
Tribe/Cherokee Nation/Chevak Traditional Council/
Cheyenne & Arapaho Tribes of Oklahoma/Cheyenne
River/Sioux Tribe/Chippewa Cree Tribe of the Rocky
Mountain Reservation/Chippewa of Nawash Band/
Chistochina Village Council/Chittimacha Tribe of Louisiana/
Citizen Potawatomi Nation/Clarks Point Village Council/
Coeur d'Alene Tribe/Colorado River Indian Tribes/
Confederated Tribes/Comanche Tribe/Confederated
Tribes of Coos. Lower Umpqua and Siuslaw Indians/
Confederated Salish & Kootenai Tribes/Confederated
Tribes of the Goshute Reservation/Confederated Tribes
of Grande Ronde/Confederated Tribes of Siletz Indians/
Confederated Tribes of the Umatilla Reservation/Crow
Creek Sioux Tribe/Eastern Band of Cherokees/Eastern
Pequot/Ekwok Village Council/Elk Valley Rancheria/
Ely Tribe/Evansville Tribal Council/False Pass Tribal
Council/Fond du Lac Band of Lake Superior Chippewa/
Fort Belknap Community Council/Fort Independence
Paiute Tribe/Fort McDowell Mohave Apache/Fort
Mojave Indian Tribe/Fort Sill Chiricahua Warm Springs
Apache/Fort Peck Assiniboine Sioux Tribe/Grand
Traverse Band of Ottawa and Chippewa/Hannahville
Indian Community/Hoopa Valley Tribal Council/Hopi
Tribe/Hopland Band of Pomo Indians/Houlton Band of
Maliseets/Husla Tribal Council/Hydaburg Cooperative
Association/Iowa Tribe of Kansas & Nebraska/Iowa Tribe
of Oklahoma/Iqurmiut Traditional Council/Jamestown
S'Klallam Tribe/Jicarilla Apache Tribe/Kaibab Band of
Paiute Indians/Karuk Tribe/Kaw Nation of Oklahoma/
Kenaitze Indian Tribe/Ketchikan Indian Corporation/
Keweenaw Bay Indian Community/Kickapoo Nation of
Kansas/Klamath Tribe/Klawock Cooperative Associa-
tion/Kodiak Tribal Council/Kotlik Traditional Council/
Lac Courte Oreilles Band of Lake Superior Chippewas/
Lac du Flambeau Chippewa/Lac Vieux Desert Chippewa
Tribe/Leech Lake Chippewa Tribe/Little River Band of
Ottawa Indians/Little Traverse Bay Bands of Odawa In-
dians/Louden Village Council/Manokotak Village
Council/Manzanita Band of Mission Indians/Marshall
Traditional Council/Mashantucket Pequot Tribe/
McGrath Native Village Council/Menominee Indian
Tribe/Mentasta Tribal Council/Mescalero Apache/
Micosukee Tribe/Mississippi Band of Choctaw Indians/
Modoc Tribe of Oklahoma/Morongo Band of Mission
Indians/Nambe Pueblo/Nanawalek IRA Council/
Narragansett Tribe/Native Village of Aika/Native Village
of Barrow/Native Village of Deering/Native Village of
Eklutna/Native Village of Elm/Native Village of Eyak/
Native Village of Fort Yukon/Native Village of Goodnews
Bay Traditional Council/Native Village of Kotzebue/
Native Village of Kwinhagak/Native Village of Mekoryuk/
Native Village of Shaktoolik/Native Village of
Shishmaref/Native Village of St. Michael/Native Village
of Wales/Native Village of White Mountain/Navajo Na-
tion/Nenana Native Council/Nez Perce Tribe/
Nightmute Traditional Council/Ninilchik Traditional
Council/North Fork Mono Rancheria/Northern Chey-
enne Tribe/Nottawasippi Huron Band of Potawatomi/
Nulato Tribal Council/Oglala Sioux Tribe/Ojibway 1850
Treaty Council/Oneida Indian Nation/Oneida Tribe of
Indians/Organized Village of Kwethluk/Osage Nation/
Ottawa Tribe of Oklahoma/Passamaquoddy Tribe/
Pedro Bay Village Council/Penobscot Indian Nation/
Picayune Rancheria of Chukchansi Indians/Pilot Point
Traditional Council/Pilot Station Traditional Council/
Poarch Band of Creek Indians/Pokagon Band of
Potawatomi Indians/Ponca Tribe of Nebraska/Port
Gamble S'Klallam Tribe/Prairie Band of Potawatomi
Nation/Pueblo of Acoma/Pueblo of Cochiti/Pueblo of
Isleta/Pueblo of Jemez/Pueblo of Laguna/Pueblo of
Pojoaque/Pueblo of San Ildefonso/Pueblo of Santa Ana/
Pueblo of Santa Clara/Pueblo of Taos/Pueblo of
Tesuque/Pueblo of Zia/Pueblo of Zuni/Pyrmaid Lake
Paiute Tribe/Qawalangin Tribe of Unalaska/Quapaw
Tribe/Qugan Yavagunin Tribe/Quileute Tribe/Rainy
River Band/Red Cliff Band of Lake Superior Chippewas/
Red Lake Band of Chippewa Indians/Redwood Valley
Little River Band of Pomo Indians/Salt River Pima-
Maricopa Indian Community/San Carlos Apache Tribe/
San Pasqual Band of Indians/Santee Sioux Tribe of Ne-
braska/Santo Domingo Tribe/Sault Ste. Marie Chippewa
Band/Scotts Valley Band of Pomo Indians/Seminole
Tribe/Seneca-Cayuga Tribe/Shoalwater Bay/Shoshone-
Bannock Tribes/Shoshone-Paiute Tribe of Duck Valley/
Shuswap Nation/Sisseton-Wahpeton Sioux Tribe/Sitka
Tribe of Alaska/Six Nations of Canada/Soboba Band of
Mission Indians/Southern Ute Tribe/Spirit Lake Sioux
Tribe/Spokane Tribe/Squaxin Island Tribe/St. Croix
Tribal Council/St. Regis Mohawk Tribe/Standing Rock
Sioux Tribe/Swinomish Tribal Community/Stevens Vil-
lage Council/Stillaguamish Tribe/Summit Lake Paiute
Tribe/Swinomish Tribal Council/Tanana Tribal Council/
Three Affiliated Tribes/Tlingit & Haida Central Council/
Tohono O'odham Nation/Tribal Government of St.
Paul/Tsawwassen Indian Band/Tuolumne Me-Wuk
Tribal Council/Turtle Mountain Band of Chippewa In-
dians/Ugaskik Traditional Village/Unga Tribal Council/
Upper Sioux Community/Ute Indian Tribe/Ute
Mountain Ute Tribe/Walker River Paiute Tribe/
Wampanoag Tribe of Gay Head/White Earth Reserva-
tion of Minnesota/White Mountain Apache Tribe/
Wichita & Affiliated Tribes/Winnebago Tribe of Ne-
braska/Yakutat Tlingit Tribe/Yankton Sioux Tribe/
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FROM THE EAGLE'S NEST

Is a communication tool to inform and facilitate the exchange of NAFWS news and information nationally, including Canada. We seek relevant information from our members and others who are interested. However, at times we do have limitations, so please understand if we should select another vehicle for your valued information.

This written testimony to the U.S. Senate Committee on Indian Affairs was delivered by Executive Director, Ira New Breast on June 3, 2003 and will suffice as the Executive Director's Message. The Honorable Ben Nighthorse Campbell serves as Chairman of this committee.

Mr. Chairman and Distinguished Committee Members:
My name is Ira New Breast, Executive Director of the Native American Fish and Wildlife Society (Society) and an enrolled member of the Blackfeet Tribe of Montana. I would like to respectfully thank you for the opportunity to present written testimony to the Senate Committee on Indian Affairs and speak to you on the development of the Native American Fish and Wildlife Management Act (NAFWMA).

The Society is a national non-profit established in 1982 by tribal, leaders, fishery and wildlife biologists, conservation law enforcement officers, land-use managers, planners, and fish and wildlife technical specialists. The Society serves as a platform, from which Tribes can network on a wide-range of national, regional, area, and local topics. The organization offers federal, state, tribal and international governments, as well as private organizations and the general public, to share formal and informal information surrounding fish and wildlife issues. The Society is dedicated to the sound management and prudent use of tribal fish and wildlife resources, and accomplishes this through charitable; training opportunities, assembly, technical coordinate assistance, education, administrative counsel support, circular publications and internet media. As tribes recognize themselves as sovereign governments operating in perpetuity, the Society embraces its role to provide assistance for the interminable future.

Through the Society membership, there is a relationship with Tribes intrinsic and imbued with a unique national perspective and insight. It is particularly reflective to much of the basic fish and wildlife program needs common to Tribes throughout Indian country. The Society is not a substitute for Government-to-Government relationships with tribes. It cannot speak for a tribe/s, and not all tribes participate within the Society. However, because of our relationship we are logically equipped to report knowledgeably on the challenges, obstacles and impediments facing tribes as they strive to develop and sustain fish and wildlife management programs.

This testimony's intent is to draw your attention to an important area of oversight and unmet needs. The scope of which is vital to tribal efforts to realize sustainable tangible management practices for their fish and wildlife natural resource. It is our hope that your findings from our testimony and the testimony of the other distinguished speakers will justly and morally lead to conclude that the enactment of the NAFWMA is necessary to ensure a future of fish and wildlife resources for tribes and the general American public.

It is a complex undertaking to expect members of congress to embrace and value the cultural, spiritual and historic connections to the resource forming the basis and foundation of tribal management efforts. Indeed, each tribe is unique, yet there is a fundamental regard for the resource. It is these connections that form the basis for Tribal resource management decisions striving to balance resources for "future generations" and provide for current tribal interests. It is then your discretion, and our entreat, to ask that congress objectively concede this as a valid factor of critical importance in weighing the development of the NAFWMA for America's tribes.

The Federal Indian trust responsibility is a legal duty on the part of the United States to protect Indian land and resources, fulfill treaty, congressional agreement and executive order obligations, and carry out mandates of federal/judicial law for the benefit of American Indians and Alaska Natives. No less than international and other domestic duties. Congress's highest trait exemplifies the good American conscience, tribes rely on your honest willingness to champion and bond your actions to edicts of this land but also to rest your fortitude on the words of good intent. In this era of expanding international leadership and responsibilities for the country, what better way to build

EXECUTIVE DIRECTOR'S MESSAGE



'The intent of this testimony is to draw your attention to an important area of oversight and unmet needs, the scope of which is vital to tribal efforts to realize sustainable tangible management practices for their fish and wildlife natural resource.'

international confidence than by demonstrating excellence in the overall treatment of indigenous domestic sovereigns. In the face of mounting energy and resource use, and to address solutions, express an example of the best commitment to the environment by enacting this legislation which ensures quality standards and integrity of management for present and future resource needs. Indian country's interest in the environment is embodied, inherent and evident, our fellow Americans dearly share this interest in their own valid way. As the country and world consumes it is prudent for our leaders to invoke measures that unite all efforts to provide a future of quality environmental resource standards and presence.

Protection of tribal trust resources is the cornerstone of the federal Indian trust responsibility. The majority of tribal conservation activities are contracted directly by tribes from the federal government, under authorization of the Indian Self-Determination and Education Assistance Act of 1993 (ISDEA, PL. 93-638).

Funding under the ISDEA, either by direct service contracts with the BIA or through Self-Governance agreements, provides the base from which tribes manage their natural resources. Unfortunately, this funding has shrunk by more than 20% in the last five years. This is due primarily to a massive cut made by congress in 1996 to the portion of the BIA budget which goes to tribes to provide services to their members (known as the Tribal Priority Allocations account). Subsequently, additional congressional cuts have occurred almost yearly, coupled with congressionally mandated rerouting of funds to "people based" service programs. The result has been severe reductions in tribes' ability to protect their cherished natural resources. Each tribe that seeks federal funding for projects or programs out of the scope and policy of agency funding must petition directly to the Senate and House Appropriation Committees. This avenue is generally beyond the financial and resource scope of tribal fish and wildlife capabilities.

A difficulty for tribes struggling to develop and sustain fish and wildlife programs is that authorizing language for the assortment of federal conservation programs largely fail to include tribes as eligible to participate. One example is the federal aid in fish and wildlife restoration and recreation legislation, commonly known as Pittman-Robertson, Dingle-Johnson and Wallop-Breaux. These authorized levies of excise taxes proceed approximately \$450 million annually to states, territories and the District of Columbia. Native American populations, Indian land masses, and Indian water bodies are used to inflate formula factors that decide allocations, and Native Americans pay the taxes. Taxation without representation plays a role here. Native Americans appreciate better than most the burden that states face in funding fish and wildlife management, equity at the cost of the resource is not our strategy or intent, rather we call attention to the unfair injustice and await our trusted leaders' resolve. The Endangered Species Act (ESA), Section six is absent of language affording tribes a means of capacity to manage their resident endangered species or species of concern. Over 30 ESA animal species and numerous plant species fall within the jurisdiction of tribes. Current federal agency resources fall short of filling the management gap of need, and more than often play an obstructive compliance role in the economic development activities of poverty stressed tribes. The NAFWMA would greatly assist the United States to offset these shortfalls and ensure the integrity of the resource designed for protection and management.

An important issue is the encroachment of states on the jurisdiction of the Tribes in all areas of government activity, including fish and wildlife authority. Tribes look to congress to preserve and fairly protect our interests. The factors leading to state infringement on Tribal lands and interests are many. At the core is a misled understanding of funding processes and allocations, a long history of misunderstanding and subjugation of Indian culture and society and a failure to embrace and acknowledge the special trust commitment made by this country's great forefathers and their contemporaries. It is erroneous for state leaders and state civil resource employees to assume that their attempt to have controlling authority over Indian lands will bring about solutions that will satisfy the state

(See page 5, Dir. Message.)

(Director's Mes. - cont. from p. 3 -)

citizenry, the state tax payers. Any new burden of authority for the states on Indian lands will be paid for by the state's residents, in state taxes, states easily overlook the special relationship Native Americans have with the law of the land. Congress, do your constituents know that their state governments are leading them down this one way endless financial road of commitment? It is in the American peoples interest to protect Native American, Alaska Native interest from states' unfair encroachment. One demonstrative method is to enact the NAFWMA to ensure tribes' capacity to manage their resource for the benefit of the environment and all American people.

Federally recognized tribes of the lower 48 states have jurisdiction over a reservation land base of more than 55 million acres, or 85,938 square miles. Alaska Native lands comprise another 45 million acres. Additionally, some tribes control resources outside of their reservations due to federal court decisions and voluntary cooperative agreements that allow a co-management status between tribes and states. These lands are called ceded and usual and accustomed areas and equal over 38 million acres. In these areas, tribes maintain co-management jurisdiction for fisheries and wildlife management and utilization. Thus, tribal lands coupled with the ceded, usual, and accustomed areas total a natural resource base of over 140,625 sq. miles, containing more than 730,000 acres of lakes and over 10,000 square miles of streams and rivers. Thus, if Native American owned land were combined, it would constitute the *fifth largest state* in the U.S.

In Indian Country, tribes are unique governmental, political, social and cultural entities operating on a government-to-government basis nationally and internationally. The language describing a treaty, congressional legislation or agreement, executive order, and supreme court statute is unique to each tribe and molds the governing nature of each individual tribe's distinctive system of governance and authority. The contemporary culture of each tribe is as autonomous today as it was in the past, distinctive and independent. Native Americans are unique in tribal and individual heritage and are collectively unique as an integrated ethnic group. On the surface, facilitating the interests of a wide range of individual tribes may appear daunting. In practice, once embraced the diversity and distinguishing richness of Native American cultures offers an extraordinary meaningful experience.

Indian reservation lands are diverse in habitat and represent many of the fish and wildlife species that naturally occurs in the lower United States. The various habitats supporting game populations are extensive and persist in a pristine state throughout most of Indian country. Stressed economies at poverty levels have had the effect of safeguarding the habitats against development and destruction. As a result, an extensive faunal presence can be found throughout Indian lands.

Typically, Indian lands are adjoined by a variety of jurisdictions in rural settings. Tribes and other managing authorities recognize the importance of cumulative eco-system management. Playing an effective management role in the immediate and surrounding environmental community is recognized as a necessity to ensure the best interest of the fish and wildlife resource, a resource that does not recognize boundaries or jurisdictions.

The challenges of the past continue to confront tribes today, where tribes maintain a grassroots identity inherently close to its own needs. Fundamental conservation management practices enhance the potential for immense resource growth. Through the implementation of optimum management practices for the fish and wildlife, the best tribal and associated resource interest can be achieved.

One role for the proposed legislation is to further encourage the

(See next column)

CONSERVATION OFFICERS ASSOCIATION MEETS IN MICHIGAN

During the National Conference in Traverse City Michigan the Tribal Conservation Officers Association held a session to discuss the further development of a charter group within the NAFW Society.

The group initially began talks for an association during the Alaska 2002 National Conference and wanted to look at setting up a framework from which they could collectively voice concerns within the Society and externally to Tribal and Non-Tribal Affiliates.

For the Session, Ron Skates, the Society Chairman and The Society Executive Director provided examples of organizational By-Laws and Articles of incorporation to the group for consideration in documenting the associations structure. Those Officers at the session will review documents.

For the interim, the Society's Executive Director, Ira New Breast shall provide a coordinating role for the association to assist the group in their formulation.

The Society is asking for cooperation from the Tribes and their Conservation Programs to provide information on their officers names, title/rank, department addresses and e-mail addresses. There are no fees to include program officers or participate. Tribal programs or Tribal officers need not be current NAFWS members to be included with this list.

For any additional information you can contact the Society office or e-mail Ira New Breast at iranb@nafws.org. Thank You.

establishment and continuation of tribal fish and wildlife codes and programs. Tribes of the United States function at different developmental levels of fish and wildlife management. A number of tribes find it difficult to institute fish and wildlife programs because of a combination of economic and political barriers. Other tribes have well established successful programs with scientific, administrative and law enforcement capacity. Funds for successful programs are made available through federal legislation, litigation, mitigation, executive order, agreement, or contract/grant. Other tribes operate programs that rely primarily on the tribe's general fund or revenues generated by their hunting and fishing permitting process, where the size and scope of operations are proportional to the amount of permitted services available or utilized.

Among the challenges tribes face, they must contend with two common misconceptions, one is that tribes are federally funded throughout their needs, and the other is that Indian casinos serve every tribe and their needs. This is not true.

Tribal programs of low capacity consist of one or more conservation officers enforcing tribal and federal codes. Technical management is provided through limited levels of assistance by the US Fish and Wildlife Service, Bureau of Indian Affairs and other federal agencies. For most state agencies, fish and wildlife assistance to tribes is not common because of

(See Dir. Mes. - Cont. on p. 6)

18th Annual Conference Southwest Region

August 11-14, 2003

Hyatt Regency Tamaya Resort
Santa Ana Pueblo

ESA & Tribal Water Rights
Tribal Showcase - Santa Ana Pueblo
Native Religious Use of Eagles Compatible with Conservation
Wildlife Law Enforcement

Wildlife Management
Fisheries Management
Traditional Feast

SACRED SITES HONORED WITH DAY OF PRAYER

BOULDER, CO - Colorado joined the rest of the nation with a sunrise prayer in observance of Native American Sacred Places on June 20, 2003.

The Native American Rights Fund (NARF) offices in Boulder hosted this day of prayer inviting the community of Denver to share in a morning of prayer, song, and commemoration for sacred sites around the country.



A sacred sites prayer gathering was held in Boulder, CO at the Native American Rights Fund (NARF). John E. Echohawk (left), executive director of NARF shakes hands with John Emhoolah of Denver who conducted the prayer ceremony.

Steve Moore, an attorney at NARF honored the memory of Leonard Lefthand who fought for the preservation of Kootenai Falls, a sacred site of the Kootenai people. "I learned from Leonard, the importance of sacred sites and his work is unfinished. Because of him, I am here because he lived this

battle and he knew it better than me."

Moore said that despite the government's attempts to destroy Native people, they still survived and prospered. "It was their own manifest destiny and Natives will always be here, no matter what. They are connected to the earth and because of their umbilical cord connection, it will never be broken."

NARF advocates for sacred site protection, religious freedom efforts and cultural rights. Through utilizing its

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(Dir. Message, cont. from p. 6)

jurisdiction and in-state limited and/or priority department management funds.

At times, private organizations supplement tribal management efforts. This is infrequent as private management assistance is either governed by current organizational policy and requires a match of purpose, mission or funds with that of a tribe before dedicated funds can be considered. As such private organizations may not have an awareness or relationship with tribes to feasibly assess and render potential services.

Although limited, current grants and contracts play a needed role in project work. The problem of pre-determined fish and wildlife management funds is a complicated maze while the process is not equipped to meet many tribal management needs. Compliance with grants and contracts can be burden overall operational resources and be time consumptive.

Tribal fish and wildlife management needs are straightforward. They combine capable personnel supported by proficient resource capitol driven by a clear objective and purpose that encourages the affected public and governing body to embrace and support the best interests of all current and future aspects of the fish and wildlife resource.

Tribes have a large need to understand fundraising and communicate awareness of their needs to the general public. Internally, tribes, Indian organizations and fundraising affiliates can facilitate grant writing proficiency and teach methods of donor participation. Support for creating capacity in this area is necessary.

Training needs involve biological technical capability, law enforcement, educational, administrative, and an understanding of marketing services. Contracting and obtaining training instruction services figure as a prominent challenge. Training location bears importantly on a tribe's ability to participate as travel costs can impede attendance. The frequency of available training, and level of training (i.e. beginner, intermediate, & advanced) are factors among experience of needs.

Tribal fish and wildlife programs have frequent major capitol asset turn-over which is typically difficult to address under tribal budget allocations. Resource supplementation assistance is essential to ensure basic operations capabilities. Miscellaneous operational needs of support equipment and material (i.e. Office supplies, firearm ammunition, handheld radios, GPS units, publication capabilities, internet, bullet proof vests, uniform/work clothes, gasoline, maintenance...) are periodic ancillary logistical forms of aid that allow tribal capacity.

Information dissemination is an essential need to tribes. Intertribal information publications play a vital role to network and generate awareness through building bridges, cooperatives and partnerships. Tribes can benefit from the sincere interest held by the general public and their ability to champion the needs of the fish and wildlife resource.

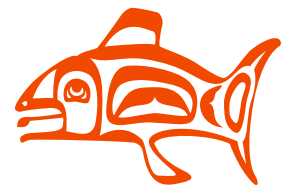
A comprehensive fish and wildlife data inventory and survey of biodiversity and human resources in Indian country is a tribal need that is crucial to assess and measure achievements and target areas for maximum effect.

Programs that facilitate Native American bison conservation and management is dearly needed. Tribes view buffalo as a fundamental wild resource, basic to contemporary existence and among the cumulative fishery and wildlife needs of tribes.

The Native American Fish and Wildlife Management Act is a long awaited measure that will conscript funding and impart legal process to tribes as they realize development and sustainable fish and wildlife conservation for the benefit of the resource and the people of Indian country and the United States.

Tribes rely on the strength of congress to exercise legislative authority to ensure natural resource interests, and to protect tribes from unjust exterior pressures, and eliminate disparities, where do we go if you cannot prevail for us? Much of our hope and ways of life to enjoy our natural destinies dutifully rests with this body.

resources to protect First Amendment rights of Native American religious leaders, prisoners, and members of the Native American Church, and to assert tribal rights to cultural artifacts and remains in compliance with Native American Graves Protection and Repatriation Act.



U.S. FISH & WILDLIFE SERVICE AND CS & KT HOLD NEGOTIATIONS

The U.S. Fish & Wildlife Service and Confederated Salish & Kootenai Tribes held negotiation meetings in Washington, D.C., to further discuss the potential for an Annual Funding Agreement for certain programs, functions, activities and services for those portions of the National Bison Range Complex that lie within the Flathead Indian Reservation.

The discussion focused on the expectations of the tribes and the service, what areas of refuge management are inherently federal, and the Federal Register list of functional areas of refuge management that can be contracted

(- Listens - Cont. from p.1)

infringe on their traditional fishing opportunities. An agreement was worked out whereby the salmon caught by hatchery workers were handed over to the McCloud Wintu after spawning took place. What gradually developed was a mutually beneficial relationship based on trust.

Over the years, members of the McCloud Wintu Tribe became critical hatchery employees. By 1879, several dozen were working at the hatchery, handling the fish, drawing the seine, picking over the eggs and working in the cold, swift waters of the McCloud River.

Since then, the relationship between the Service and Native American tribes has come to be based on partnerships. Later on, I'd like to describe the programs the Service has developed that help us work directly with tribes. But first, I have very important news regarding funding, which will greatly strengthen our partnership with you.

Tribal Landowner Incentive Program and Tribal Wildlife Grant Funds to be Available

I am very proud to announce that the Service will soon request proposals for its new Tribal Landowner Incentive Program and Tribal Wildlife Grants.

These new grant programs are critical, because they

under an Annual Funding Agreement.

"A lot of progress was made in increasing our mutual understanding in these key areas," said Paul Hoffman, Deputy Assistant Secretary for Fish and Wildlife and Parks, who is the lead negotiator for Interior. Although no agreement has been reached regarding which areas of refuge management would actually be part of the potential agreement, there were extensive discussions about all the available program areas and what level of federal oversight would be required.

"There is a lot of work that needs doing before we have the

significantly increase the funding for federal wildlife grants in Indian Country. The final guidelines emphasize sustainability of fish and wildlife populations; habitat conservation; partnerships; and enhancing capacity.

The Tribal Landowner Incentive Program provides matching funds of up to 75 percent for projects carried out by federally recognized tribes to benefit at-risk species. \$4 million is available under this program.

Tribal Wildlife Grants are awarded competitively to enhance wildlife and their habitats on tribal lands. This program will put nearly \$10 million on the ground this year.

As grant proposals start arriving from Indian Country, the U.S. Fish and Wildlife Service can get a handle on tribal priorities. This information will help the Service to better quantify your needs. It will make us better partners for tribes of all sizes that want to build capacity for wildlife management.

The Tribal Landowner Incentive Program and the Tribal Wildlife Grants exist because they were driven by tribal governments across Indian Country. Tribes led the campaign on Capitol Hill for money to fund fish and wildlife management projects. They will strengthen communication and government-to-government relations

basis for an Annual Funding Agreement," said Tribal Chairman Fred Matt.

Both sides are not discussing details of the negotiations since negotiations are still taking place. Hoffman defended the fact that the negotiations are not open to the public. "Nobody negotiates contracts or discusses personnel matters in public," he said. The Montana Congressional delegation was advised of the meeting times and invited to attend.

between the Service and Indian Country. They will also provide funding for conservation efforts, as well as technical assistance and training.

As you develop grant proposals, I invite you to work closely with the Fish and Wildlife Service Native American liaison in your region. If you have questions or need guidance, ask your liaison for help.

I want to say a few words about the liaisons. To improve communication with tribes, as called for in our Native American Policy, we established these positions in our regional offices. Liaisons develop activities in tandem with Fish and Wildlife Management Assistance and other Service programs. They strive to make Service expertise accessible to Native American tribes. They are dedicated to earning your trust and building a stronger relationship with you.

The liaisons put special emphasis on supporting your youth practicum. The Service is proud to be part of this effort, because we believe it combines Native American cultural values and traditional beliefs with the best of modern science.

What's more, it provides a solid foundation for young people who may want to become natural resource managers. Whether they choose to put their

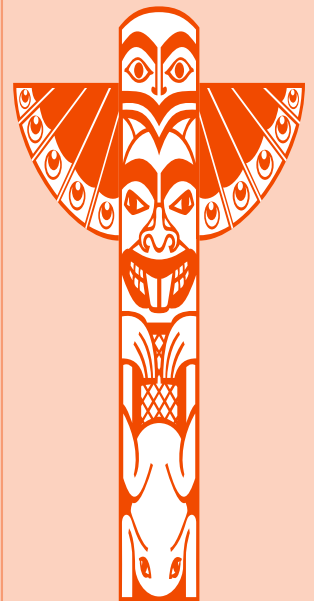
(See page 8 - Listens -)

(- Grants - Cont. from p.5)

Contributions and Partnerships: To what extent does the proposal incorporate partnerships and display a commitment to the project from other non-Federal partners in the form of cash or in-kind contributions?

The Service Native American Liaison in each region will coordinate a process to screen proposals and score them according to the nationally uniform ranking criteria. For example, in Region 6, a review team will be comprised of six reviewers, one individual from each of the Service programs that includes Ecological Service, Federal Aid, Fisheries, Migratory Birds, Law Enforcement, and Refuge, and the regional BIA wildlife biologist.

A national panel will review the regionally scored proposals and provide recommendations to the Service Director for projects to be approved for funding. The Regional Native American Liaisons will serve on the national panel, in addition to other Service and federal agency personnel, as appropriate, and as may be identified by the Director. The Director will make the final determination for grant approval.



(Sealth, Cont. from p. 1)

Tribe.

“Then in 1977, I moved to Arcata, California and established the Arcata Fisheries Assistance Office managing Pacific Salmon on the Klamath River with the Yurok Tribe.”

After working in Arcata, he was off to Washington D.C. to learn about the budgeting process. It was in 1984 when he started work in his current position as Chief of the Branch of Fish & Wildlife Recreation at the Bureau of Indian Affairs.

“One of the most exciting things that I’ve witnessed,” said Rankel summarizing the years from the 1970s to the present, “is that tribes are managing their programs and really taking the bull by the horns and managing their own programs, they have their own biologists, their own wardens, their own fish hatcheries, their own big game management programs, they’re doing everything.”

Thinking back 30 years ago, Rankel remembered when he first started work in Nevada, when the USFWS was doing most of the work for tribes. “I remember tribes like Pyramid Lake, Summit Lake, and Walker River didn’t have biologists. Now they do. And Pyramid Lake

now has a huge fishery staff and Summit Lake has biologists and that’s just another example of the type of changes that have occurred.”

If it were not for the Voight court ruling in the Northwest and the Boldt decision in the Great Lakes in the 70s and 80s, these intertribal fish and wildlife organizations may not have been established said Rankel. “The Voight case was a heated situation back in the 80s where Indian hunting and fishing rights were challenged by groups and we worked closely with the tribes advocating for their rights.

After the Boldt decision in the 70s the Northwest Indian Fisheries Commission was established to assist 20 tribes in western Washington with their off-reservation salmon.

“These court rulings in the Northwest and Great Lakes have enabled us to assist with the off-reservation exercise of hunting and fishing rights in these areas of the country.”

As a result of increased funding in Indian country, tribes are able to do much more in their programs. “Not only are these intertribal fish and wildlife organizations leaders

in their field but they work hand-in-glove with the state departments of natural resources, federal agencies, and are every bit capable in their management capabilities as any federal or state agency around. And that has happened within the last 30 years.

“It’s really been rewarding to see that,” said Rankel.

L. John Lufkins, president, Executive Council, Bay Mills Indian Community in Brimley, Michigan, takes heed of Rankel’s “unwavering support” for tribes’ efforts to protect, enhance, and manage their natural resources.

Bay Mills Indian Community is one of the many tribes directly benefiting from Mr. Rankel’s dedication to tribal natural resource protection.

“The tribe has fought in state and federal courts for 30 years,” said Lufkins “to ensure that rights under its 1836 Treaty to hunt, fish, and gather were honored by the State of Michigan. That fight has so far centered on the right to fish in ceded Great Lakes waters. We would not have been able to declare victory without Rankel.

“All in Indian country know that tribal assertions of the

primary right to, and responsibility for natural resources has generated years of controversy, and often litigation. Those controversies have never hindered Mr. Rankel’s efforts to assist the tribes in their efforts, Lufkins added.”

Rankel mentions that his program’s focus is self-determination for tribes. “I just think it’s going to keep evolving for tribes,” he said. “Most of the big court cases have been resolved. It is pretty much up to the tribes as what they want to do with their resources.”

Much would depend on other sources besides BIA funding he mentioned. Yet, he envisions that tribes will be able to do more but only with additional funding from other sources. “The influence of the Endangered Species Act (ESA) upon tribal programs is not going to go away. It is going to increase and tribes are going to have to respond. Because of this act, tribes have had to abide by several different federal regulations involving threatened and endangered species by redirecting their fish and wildlife resources just to deal with the ESA.”

“I always believed the main value of the Society is simply the networking”

“What I hope tribes will do is to keep talking to each other. The Native American Fish & Wildlife Society is an excellent organization for tribes to communicate with each other. Tribes from all over the country, the southwest, the east coast, the west coast, have no common mechanism to talk to each other. I always believed the main value of the Society is simply the networking. All of the biologists in the country, all the tribal game wardens can get to meet each other and exchange ideas and help each other out and give each other new ideas, that is very valuable—I hope that never goes away,” said Rankel.

With all the positive
(See next page - Sealth-)

(Listens - Cont. from p. 7)

expertise to use on tribal lands, or in a federal or state agency, we all benefit.

As you know, the Native American Policy calls for increased technical assistance to tribes and seeks to combine Native practical knowledge about the environment with the technical skills and expertise of the U.S. Fish and Wildlife Service.

Historically, our partnership has always benefitted from collaboration in fisheries management. The Service’s Fish and Wildlife Management Assistance program has been at the forefront of the effort to expand its ties with Indian Country.

In the 1970s, many tribal governments started developing their own fish and wildlife management programs, with financial assistance from the Department of Interior. Today, some tribes possess technical capabilities similar to state or federal agencies. There are more than 100 fish hatcheries and rearing facilities operated by Native American tribes. But tribes

still look to the Service’s Fish and Wildlife Management Assistance program as a trusted partner in fish and wildlife conservation, one that provides technical assistance and supplements tribal capabilities.

Where native fish populations are depleted, the National Fish Hatchery System provides fish, broodstock, eggs, fish health services, and propagation technologies that support re-introduction of native species.

These species are integral to tribal culture. Many provide a meaningful economic resource, and all are natural treasures to be restored and conserved. For example:

■ Tribes are essential partners in recovering Apache, Gila and cutthroat trout in the West.

■ “Coaster” brook trout and lake sturgeon are being restored in the tribal waters of the Great Lakes region.

■ Tribes are involved in all aspects of conserving imperiled populations of Pacific

salmon, steelhead, and bull trout.

■ On the horizon is a spectacular opportunity to take technical assistance and collaboration on fisheries management to the next level. I am referring to the recently completed Fisheries Strategic Plan. Two Native American groups – the Great Lakes Indian Fish and Wildlife Commission and the Northwest Indian Fisheries Commission – spearheaded an effort to establish a sound basis for inter-governmental cooperative action.

Another Service program providing technical assistance is the **Partners for Fish and Wildlife**, which works with private landowners and tribes to restore habitat. In 2001, nearly 100 habitat restoration agreements were developed on tribal lands in the United States:

■ In Northeast Maine, for example, the **Houlton Band of Maliseets** worked with the Partners program to restore

(See p. 18 - Listens -)

FROM NARC AGENT TO THE PROTECTION OF WILDLIFE

by: Karen Lynch, NAFWS

Performing meaningful work is a reward in itself, and for Navajo Conservation officer, Eddie Benally, protecting fish and wildlife brought such an honor when he was awarded "Conservation Officer of the Year" by the Native American Fish & Wildlife Society at its annual banquet and awards ceremony in Traverse City, Michigan.

This award recognizes tribal conservation officers for their "hard work and dedication" on behalf of tribal fish and wildlife resources.

"Officer Benally worked to educate the Navajo people and officials about wildlife law enforcement," said Gloria Tom, director of Navajo Nation Department of Fish and Wildlife. "Not only has he educated the public about wildlife, but he displays outstanding commitment, courage and dedication to the resources."

Benally, a member of the Navajo Nation, said the award means much to him because protecting animals has to be a

purposeful undertaking.

"As Native people, it should be our priority to be animal caretakers. And being a conservation officer, I find it is meaningful that we must protect anything that flies, walks, crawls, swims, or burrows. I enjoy my work."

Benally knew from an early age that law enforcement would be his calling. He credits his uncle, a marshal who never carried a gun yet reminded him of Andy Griffith in the earlier days of television.

Upon deciding to become a law enforcement officer and completing training, he took a job as a Navajo Nation patrol officer in 1988. In this capacity, he served on a special response team to handle riot situations, in which he was one of 50 officers trained for SWAT, sniper response, and drug eradication.

"It was then that I became interested in drug law enforcement and handling the common reservation bootleggers," he said. "I only did it for a short time."

(See next column)

Thereafter, he found himself apprehending drug criminals and those possessing narcotics and illicit drugs with a Federal Drug Narcotics Task Force in Gallup, New Mexico.

"If I understood drugs, I would still be a narcotics agent, but the experience changed my overall perspective and I needed to move on, to find

said, "takes a daily toll on officers' time and vehicles. If we're not checking lakes for fishing permits or boating violations, then we're surveying the area for poachers or monitoring the archeological sites to make sure they are safe. Then we also keep an eye out for any illegal logging if we're in the mountain areas. It is an



Eddie Benally (left), Conservation Officer of the Year accepts award from Ron Skates, president of the Native American Fish & Wildlife Society.

(Sealth- Cont. from p.8 -)

changes in Indian country and fish and wildlife programs, Rankel said he is preparing to retire toward the end of 2004.

Fred Paquin at the Sault Ste. Marie Tribe said Rankel's retirement would mean "losing institutional memory and Indian country loses a strong advocate for issues and it is particularly unfortunate that he will retire. He has been a great asset to Native natural resource management."

To this, Rankel said he will continue to be a member of the Society and will continue to attend the annual meetings. He said, "After I retire, it's not that I'm going to walk away from Indian fish and wildlife. This is where most of my friends are and this area has been my whole career."

Another reward coming from a 30-year career with Indian fish and wildlife dedication, Rankel and his wife, Avis would like to settle in a location they haven't yet determined.

"Of course I will do a lot of good fishing, that is, if we're not attending some sort of country music festival or taking in a Green Bay Packers game -- maybe even doing a little traveling about the country.

"Definitely, I'd like to travel to Scotland where my wife is from."

In 1969, Rankel received a B.S. degree in Zoology from the University of Wisconsin - Milwaukee. In 1971, he received a Masters degree in fisheries management from the University of Idaho.

something with more purpose," said Benally.

And move on he did. He was hired by the Navajo Nation Department of Fish & Wildlife as a conservation officer, a job that he considered his next adventure. Going from the world of drugs to preservation of wildlife was a contrast in itself he said. "It took me awhile to adjust. At first I felt bad taking fishing poles away from kids or from anyone not having a fishing permit. Of course I only gave warnings to kids that had no fishing permits."

"Fishing and hunting violations are some of the most common illegal activities on the Navajo reservation," said Benally. "Possessing a loaded gun and hunting out of season, plus we deal a lot with road-hunters, people sitting in the back of a truck shooting at game."

With only four Navajo Nation conservation officers to cover 17 million acres, Benally

expansive area to cover."

The agreement between the Navajo Fish & Wildlife Department and the U.S. Fish & Wildlife Service (USFWS) acknowledges the need to protect birds and animals, whether they are threatened or endangered. The agreement recognizes the applicable federal conservation laws, such as the Eagle Protection Acts, Lacey Act, and the Migratory Bird Treaty Act.

For the past two years, in a tribal-federal partnership agreement, Benally worked with the U.S. Fish & Wildlife Service special agents to enforce federal laws. Special agent Curtis Graves who worked with Benally to enforce violations of the Navajo Eagle Protection laws and the Bald Eagle Protection Act said, "Benally's commitment and dedication to enforce the laws although very difficult to do, has made our job easier because of our coordination efforts.

(Cont. on p.11 - Navajo Ofcr.)

NATIONAL CONFERENCE 2003



Photo (top left) - Dave Conner, administrative officer at Red Lake Band of Chippewa Indian Tribe, addressed a question to the U.S. Fish & Wildlife Services Director, Steve Williams during the conference keynote session.

Photo (Middle left) - Conference participants await the traditional feast held at the Grand Traverse Band tribal center.

Photo (lower left) - The Great Lakes shoot team took first place in the Conservation Officers shoot competition.

Photo (top right) - Bob Gartner (left) and Gary Rankel take a break.

Photo (middle right) - Conference opening ceremony as tribal conservation officers post flags to begin the conference.

Photo (lower right) - Closing ceremony on the final day of the conference.

FOND DU LAC BIOLOGIST AWARDED FOR RESTORATION OF WILD RICE

by: Karen Lynch, NAFWS

Larry Schwarzkopf, a biologist at Fond du Lac Reservation in northeastern Minnesota, received the Society's Biologist of the Year award this year, in part, for his efforts in the restoration of wild rice (manomen) to the Anishinabe people.

Schwarzkopf, surprised and humbled, said, "through the years, one becomes overwhelmed with the work that we've tried to accomplish for the tribe. It is nice that someone thought I was doing good things."

The restoration of manomen is a success many times over. The cultural significance of this resource to the Anishinabe cannot be understated. Tribal members not only feed their families but are able to market the rice as well. From a purely biological perspective, manomen serves as a sort of barometer for the health of the environment and seeing expansive acres of the green and golden fields dancing in the wind tells us that mother earth is healing.

Along with the restoration of wild rice, Schwarzkopf conducts research, in coordination with the University of Minnesota-Duluth, to determine the presence of mercury and PCBs in the St. Louis River. "We are trying to stop mercury contamination — at least in this region of Minnesota, Wisconsin and Ontario," he said. The mitigation efforts have increased because the mercury levels in our fish are increasing by three to five percent annually.

Schwarzkopf has also established a Lake Sturgeon restoration program to the upper St. Louis River, calling this a "fun project". Once an abundant source of sustenance of the Fond du Lac Band, they are still important to the traditional harvest. Restoration of these prehistoric fish will require a long-term program that will establish and support a naturally reproducing population of lake sturgeon.

Schwarzkopf said that these environmental projects the tribe conducts require a significant amount of funding. He has been critical to the planning, implementation and administration of grants for projects. "A lot of my work ends up being administrative," he said. "But I do try to get out

into the field a bit to help with maintaining equipment and yes, I do miss doing biology work".

"I like solving problems and finding creative solutions to environmental, natural resource problems."

Jeff Besougloff, deputy director of the Environmental Protection Agency's (EPA) American Indian Environmental Office, said that Schwarzkopf played a vital national role in getting EPA's Indian General Assistance Program through his testimony before Congress in support of the program. "Through his efforts nearly every tribe in the nation has an Indian General Assistance Program grant as the cornerstone of their environmental protection program."

Robert Peacock, Chairman of the Fond du Lac business committee concurs with Besougloff. "Our natural resources department has grown substantially in large part to Mr. Schwarzkopf's efforts. He performs a broad range of administrative responsibilities, including grant writing, federal and state funding requests and lobbying".

Schwarzkopf offered his gratuitous thanks to the Fond du Lac tribe for their continued support and notes, "project funding has been very helpful as well".

"There has been a huge change since the 1980s," said Schwarzkopf, "because of the increased support from the Federal government and agencies like the Bureau of Indian Affairs and the EPA kicking in money toward environmental programs".

The changes have not only been here at Fond du Lac but for many Indian reservations across the country. I hope to see bigger programs and there's still a lot that needs to get done."

Before coming to Fond du Lac, Schwarzkopf was a student teacher and landed the job at FDL when he saw a job listing for a fish biologist. "I got the job and although we had very little in financial resources but we were able to obtain funding from Congress and eventually hired technicians and a full staff."

Schwarzkopf received a degree in fisheries from the University of Minnesota-Duluth and teaches Life Science to middle school students.



Larry Schwarzkopf (left) receives the 2003 Biologist of the Year Award from Ron Skates, during the Society's national conference in Traverse City, Michigan.

(Navajo Ofcr. - Cont. from p. 9 -)

"He not only knows the local people and the area, but he communicates in Navajo to find out the locations of various eagle nests. He's well aware of the problems that are on the Navajo reservation and brings a background of law enforcement to the table."

Thomas Karabanoff, a resident agent in charge at the Albuquerque USFWS, supervised several operations with Benally. One case involved the purchase of eagle and hawk parts and carcasses in interstate commerce, activities contrary to the Bald and Golden Eagle Protection Act, Conspiracy Laws, and the Migratory Bird Treaty Act.

"This arduous operation tested Officer Benally's expert undercover skills and work ethic, and his dedication to protect wildlife resources. His abilities and commitments became evident under difficult operational circumstances that involved extended travel, abnormal working conditions and complex enforcement activities."

He added, "The case is currently being prosecuted by the U.S. Attorney's Office in the District of New Mexico.

In another case, an illegal hunt involved felony violations

of the Lacey Act, the Navajo Tribal Game Code and BIA laws that regulate use of another person's identity, fraud and conspiracy which is also currently being prosecuted."

Since 2000, while working in covert cases with entities such as the USFWS has produced results said Benally, "but I would like to see tribes exercise some authority over non-Indians on the Navajo reservation. Currently, tribal game codes do not extend to non-Indian violators.

"That's one of our biggest challenges now, to devise an agreement to allow tribes and the Bureau of Indian Affairs' law enforcement to enforce game codes on everyone."

Whether pushing for changes of tribal game laws, educating reservation communities about wildlife, or teaching hunter education, Benally balances job with another meaningful area of his life: his two daughters, nine year-old Raelle and five year-old Cheyenne.

"Because of them, this award means much to me and being a parent it is hard because I love the work I do. My kids give up things and I give up things. It's one of those sacrifices that we make."

NORTHWEST TRIBES RESTORE TRADITIONAL FISHERIES

By Ben Ikenson, USFWS

Chinook Salmon
Before flowing into the Pacific Ocean, the Columbia River rips through the Northwest, gathering force from the many tributaries that feed it. As snow melts in early spring and adds more turbulence to its deafening cascades, salmon shimmer against the relentless white splash, hoisting themselves upstream to spawn.

For centuries, Indians in the region marveled at such spectacles from their perches on wooden scaffolds, where they used long-handled handmade dip nets to harvest the migrating fish.

"When the yellow flowers of Cum-See (Indian celery) appear, the Indians are called to the river (the Columbia River)," said Terry Courtney Jr., a traditional scaffold fisher and a member of the Confederated Tribes of Warm Springs in north-central Oregon.

Salmon are endangered today and members of the Confederate Tribes — descendants of people who fished from

scaffolds with dip nets for countless generations — are now using digital thermographs, solar-powered feeders, and electric aerators to help put fish back into the river.

Teamed with the U.S. Fish and Wildlife Service and the state of Oregon, the Confederated Tribes of Warm Springs are conserving the only remaining native wild spring Chinook salmon — and steelhead trout — populations within the 10,000-square-mile Deschutes River drainage, a tributary of the Columbia River that flows from the snow-capped Cascade Mountains. The tribes are working in the Warm Springs River and the Shitike Creek on their 640,000-acre reservation.

Courtney explained the customary belief and practice of sustainable harvest. "There are unwritten laws that must be obeyed," he said. "They relate to respect for the fish and for others. They must be honored or there will be no fish."

In *The Way We Lived*, Malcolm Margolin wrote of a similar reverent attitude toward the river and the salmon in what is now California: "The Indians of

northwestern California were very competent at building fish dams that could have easily reduced or even wiped out the run of fish. Instead, a series of laws and regulations, respected and strictly enforced throughout the river system, ensured that only an appropriate number of salmon would be caught, that upstream people would receive their fair



share, and (most importantly) that an optimal number of salmon would eventually reach their spawning grounds."

Today at the Warm Springs Reservation, helping these fish not only bows to culture and a traditional conservation ethic, it also promises to redevelop a significant component of the regional economy through sport, commercial, and Indian fishing.

"The Indians' wealth and health depends on the fish," said Courtney.

The cooperative restoration efforts are satisfying their wishes to manage natural resources on tribal lands.

"The U.S. Fish and Wildlife Service and the Confederated Tribes of Warm Springs have a long-standing relationship," said the federal agency's Native American liaison Scott Aikin. "It is built not only on technical partnering efforts but also on policy development. The tribe played an integral role in helping the service craft Secretarial Order 3206: American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act of 1997. This document has served nationally to foster strong working relationships between

the service and tribes, and the Warm Springs example really reflects the intent of that order."

Aikin added, "The tribe's traditional knowledge of the ecosystem and the salmon's role in it is vitally important to successful fish conservation in the Deschutes Basin. The service and tribe continually work together, melding their areas of

knowledge into an effective process to protect this remaining wild stock of salmon."

In their technical partnership with the service, the Confederated Tribes have been remarkably innovative and persistent in increasing chances for the salmon. For more than 25 years, they have worked with the Fish and Wildlife Service and the state of Oregon

to monitor various aspects of salmon life history, including spawning, seaward migration, egg production, harvest, and adult returns.

The Warm Springs National Fish Hatchery began stocking reservation waters with salmon and trout in 1978. Cooperatively managed by the Confederated Tribes and the Fish and Wildlife Service, the hatchery produces eggs, inch-long fry, and two-inch-long fingerlings. Controlled conditions, free from predators, allow the fish to grow as large as possible, giving them a better chance of surviving the 298-mile journey to the Pacific Ocean when they are released.

Each year approximately 750,000 smolts — about 16 months of age — are released into the Warm Springs River to join wild smolts on their journey to the ocean, where they feed and grow for 1 to 4 years before making their return to the Warm Springs River to spawn, continuing the salmon's life cycle.

Still, fish experts estimate that less than 1 percent of young salmon in the Columbia River Basin survive to return and spawn. Even under natural conditions, the egg-to-adult survival rate of naturally spawned salmon is low, ranging from 0.1 percent to 10 percent, depending on a number of factors, including many which have led salmon to decline.

"Overfishing and overharvest are the cause of our problems," said Courtney, stressing that Indians "...were already conserving before the white man invented the word."

For more than a century, wild

WEAPONS OF MASS DESTRUCTION FOR TRIBES

by: Alan Veasey, UAB

In past editions of *From the Eagle's Nest*, we described the hazardous materials training provided jointly by NAFWS and the University of Alabama at Birmingham (UAB).

The articles discussed hazmat courses we have provided to Tribes using grant funds from the National Institute of Environmental Health Sciences (NIEHS). Our hazmat trainings have been teaching people to respond to an accidental release of hazardous materials.

Now we are concerned about possible terrorist attacks, attacks that could involve weapons of mass destruction (WMDs).

Tribes have expressed interest in WMD training, so we are adding a WMD Awareness course to our future training

lineup. We ran a very successful pilot WMD Awareness course at the NAFWS National Conference in Traverse City, Michigan in May. In this article, we will answer some common questions about WMDs and provide some information on the WMD Awareness course and NAFWS/UAB training.

What are WMDs?

Weapons of Mass Destruction are substances that are capable of causing a Mass Casualty Incident (MCI): an incident resulting in injury, illness, or death to a large number of people. We can use the word "BNICE" [Biological, Nuclear (or Radiological), Incendiary, Chemical, and Explosive] agents. We have been providing this in our First Responder Awareness Level

(See p. 13 - WMD-)

(See page 13 - Restore-)

(Restore, -Cont. from p. 12 -)

salmon populations have been in decline beginning as a result of unrestricted fishing. Canneries appeared along the river in the 1860s, and commercial fishing used seines at the mouth of the Columbia River, the "doorway" through which countless fish needed to pass to get to the ocean. So many fish were caught that draft horses were used to haul the nets from the water. Fish wheels — giant water-powered nets that "wheeled" fish in — were eventually employed, scooping up tens of thousands of fish.

One modern invention that instantly exacerbated the plight of salmon and altered the natural ecology of the river is the 20th century dam. The advent of dams beginning in the 1930s made it harder for young salmon to migrate to sea. Those that did return faced new challenges migrating to their spawning grounds. The river was transformed into a series of pool-like lakes, which confuse the migration instinct in salmon and slow the out-migration of young salmon, making them more vulnerable to predators.

Salmon now face additional problems, including water pollution. Also, water temperatures are higher due to dam and power plant operations and because streamside vegetation has been clear-cut and grazed by livestock, eliminating natural shade. Diversions, dam operations, and natural flood and drought have changed water levels.

Human impact most directly affected the historic fisheries of the Confederated Tribes when the 1957 construction of the Dalles Dam on the Columbia River inundated many significant fishing areas, including Celilo Falls, the oldest continuously occupied area in Oregon, where people have lived and fished for 10,000 years.

"Celilo Falls was what we now consider a mall," said Courtney. "It was where all the people came to shop and trade." Although the U.S. government invested \$4 million compensation in economic development when the dam was built, according to Veronica Tiller's Guide to Indian Country, an authoritative reference to Native American tribes and reservations in the United States, "The consensus among tribal members was that no amount of money could replace the social and spiritual value of the fisheries which had been at the heart of lower mid-Columbia life for thousands of years."

The more than 3,500 members of the Confederated Tribes of Warm Springs trace their ancestry to the Wascos, Paiutes, and Upper and Lower Deschutes bands of Walla Walla. The Wasco bands lived primarily as fishers and traders in permanent settlements along the Columbia River. The Upper and Lower Deschutes bands of Walla Walla lived upriver from the Wascos, moving their villages in summer and winter to follow game and harvest berries. The Paiutes lived as nomadic hunters and gatherers in the high plateau country south of the Columbia River. The Wascos and the Upper and Lower Deschutes bands of Walla Walla were among tribal groups comprising an extensive economic network on the mid-Columbia region that depended heavily on the Columbia River and its resources, particularly the salmon.

The persistence of the Confederated Tribes in their collaborative efforts to conserve salmon is spawning impressive results. Spring chinook, aided by those efforts and favorable ocean conditions, returned in record numbers in 2000 and 2001.

The work did not go unnoticed. The Department of the Interior bestowed one of fourteen 2002 Environmental Achievement Awards upon the Confederated Tribes of Warm Springs. The awards recognize government agencies, contractors, and others for exceptional achievements in environmental stewardship.

Of course, stewardship is an ongoing endeavor to sustain a world that sustains us. Or, as Courtney said, "Salmon need cold, clean water to survive — as we do."

Ben Ikenson is a writer for the U.S. Fish and Wildlife Service who's based in Washington, D.C. He is also a freelance writer. His articles on wildlife conservation have appeared in regional, national, and international magazines, including Americas, Earth Island Journal, Texas Parks and Wildlife magazine, North American Sportsman Magazine, New Mexico Magazine, and American Indian Report.



Alan Veasey, University of Alabama, conducts a class on Weapons of Mass Destruction during the Society's national conference in Traverse City, Michigan.

(WMD, Cont. from p. 12)

hazmat courses. For example: chlorine, a gas commonly used in water treatment plants, was used as a chemical warfare agent in World War I. Likewise, organophosphate insecticides are very similar to chemical nerve agents and gasoline is a powerful incendiary agent. Substances such as these are commonly used, stored, or transported in many communities or jurisdictions and could be used as WMD agents by terrorists. Biological agents might be used to infect us with diseases such as anthrax or smallpox.

How Could WMDs be Used by Terrorists?

Currently, fear in the United States exists that terrorists may use WMD to achieve their political or social goals to inflict massive loss of life, injury, or sickness; disrupt normal activities; overwhelm response of resources to cause widespread fear and panic. Terrorists may attempt to achieve their goals by using WMDs to harm people, property, or the environment.

One possible scenario is the release, ignition, or detonation of a WMD in a highly populated area or at a heavily attended event. This could injure, sicken, or kill large numbers of people. However, terrorists might also attempt to achieve their goals by selecting environmental or infrastructure targets. For example, they might contaminate surface water or ground-

water supplies, or target food supplies or livestock. Infrastructure targets such as transportation or manufacturing facilities are also liable to attack.

In addition to attacking the obvious targets such as major cities, military installations, and large manufacturing facilities, terrorist may also select minor targets that they consider "soft", or not as well protected, as targets of opportunity.

What does the WMD Awareness Course Cover?

The NAFWS/UAB WMD Awareness course is designed for first responders to terrorism incidents involving WMDs. The course is practical and is intended for firefighters, law enforcement personnel, emergency medical technicians, public works employees, and anyone who may be involved in the initial response to a potential WMD incident.

The course provides an understanding of terrorism and the potential threat of WMD incidents. An overview of WMD-related hazards is provided using the BNICE mnemonic device. It also provides a detailed coverage of how to use the federal Emergency Response to Terrorism Job Aid.

The Job Aid is a valuable tool that spells out step by step actions that should be taken in the initial response to a terrorism incident. It is designed to be used in first response to a WMD incident in much the same way that the DOT Emergency Response

(See page 14 - WMD -)

USFWS Native American Liaison Update

by Patrick Durham



It was good to see so many friends at the National Conference in Little Traverse last month. I was glad

that we were able to get the Director of the Fish and Wildlife Service, Steve Williams, out to meet so many of you. I think it is important for the Service to make the most out of the opportunities to meet with Society members and was pleased with the number of Service staff in attendance.

Region 3 Director, Robyn Thorson and Assistant Director of External Affairs, Tom Melius both made special efforts to attend as well and I am appreciative of this.

I need to thank the Native American Liaisons from the various Regions for making it to the conference as well. We had some final business to cover in preparation for our new Tribal grant programs and the Society's national conference always seems to be the best venue. The Native American Fish and Wildlife Society is a valuable partner to the Fish and Wildlife Service and I look forward to continuing and enhancing the relationship.

(See page 14 - WMD -)

Guidebook is used in response to a hazmat incident. Everyone who attends the course will be provided free course materials including a copy of the Job Aid. A CD-ROM containing reference material will be provided on request.

How Can I Get Involved in the Training Program?

After September 1st of this year, we will be scheduling the WMD Awareness course in addition to the hazmat courses we are currently offering. We strongly encourage attending the First Responder Awareness hazmat course before the WMD course because the hazmat course provides a good foundation for understanding WMDs. Courses are organized by tribal members or officials who recruit from their area to attend the training. Maybe we will be coming to your area in the future. If so, you can simply sign up with whoever is hosting the class.

If we are not scheduled to come to an area near you, maybe you should consider hosting a course. The most important part of hosting a course is being able to get enough people together who

want to attend. In some cases, it may require recruiting people from several tribes, communities, or organizations. We will also need a suitable training room with tables and chairs for the trainees, a projector screen, and a few other simple items. We will provide the audio/visual equipment, handouts, and other teaching materials needed for the training.

Watch for More Information in Future Issues

In addition to the First Responder Awareness Level and WMD Awareness courses, the NAFWS/UAB program offers several other courses. These courses were highlighted in the Late Fall 2002 edition of From the Eagle's Nest. They include: First Responder Operations Level, Hazardous Materials Technician, Incident Management Systems, Clandestine Drug Labs, and Special Safety and Health Topics. For more information on the First Responder Awareness course, see the article in the Spring 2003 edition. We will try to provide more information on the NAFWS/UAB training program in future issues. In the mean time, be safe and we hope to see you in class.

A couple of interesting things are going on with the Service right now. Our Division of Refuges has transferred approximately six hundred surplus handguns to the Bureau of Indian Affairs, Office of Law Enforcement Services (OLES) in Albuquerque, NM. Smith and Wesson 9 millimeter, model 4046 .40 caliber, and Sig Sauer .40 caliber models will be available for possible donation to Public Law 93-638 tribal law enforcement contracted or compacted programs. Some holsters and gun belts also will be available. The OLES will consider request on a first-come-first-served basis.

Tribes may submit a letter of interest to the OLES on tribal letterhead, which must contain the following information:

- Name of the Tribal Law Enforcement Program;
- Contract Number;
- Expiration date of the program period; and
- Justification of the need for the weapons.

Omission of any of this information will delay OLES' response to the tribe's request. Letters should be signed by the Tribal Chairperson and mailed to:

Bureau of Indian Affairs
Office of Law Enforcement Services

Attention: OLES Property Management Specialists
P.O. Box 66
Albuquerque, NM 87103

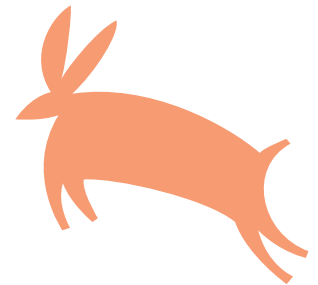
The Tribe will be responsible for transporting weapons. For more information, please contact Marie Chee, OLES Property Management Specialist, or Sally Hernandez, Indian Self-Determination Specialist, at (505) 248-7937.

Good News: Tribal Wildlife Grants and Tribal Landowner Incentive Program

I've mentioned the Tribal Grants programs already. These are the Tribal Wildlife Grants and the Tribal Landowner Incentive Program. By now, most of you are familiar with the lengthy wait we have been going through. I am aware that many have had proposals ready for months now. Good news: they've been approved and will soon be published in the federal register, so please get in touch with your FWS Regional Tribal Liaison for complete information. This is good news, we have been expecting this for a long time and we're ready to start working with you.

This year alone these programs will put about \$14 million on the ground in conservation projects. What this will mean to the Service is that in coming years, the personal interaction and the opportunities to partner with tribes will become much more visible. The Fish and Wildlife Service is hopeful that your successes with these programs will help meet the increasingly important natural resource management challenges throughout Indian Country.

As always, please call (202) 208-4133 or e-mail (pat_durham@fws.gov) if I can be of any assistance to you.



If you are interested in hosting a course on Hazardous Materials or Weapons of Mass Destruction, or would like more information on the training, you can contact Cynthia Rouillard with NAFWS at 303-466-1725, or Lisa McCormick with UAB at 205-934-8013 or lcrafft@uab.edu.

HABITAT & RANGE CONDITION ANALYSIS WORKSHOP

The Bureau of Indian Affairs, South Dakota State University, Native American Fish and Wildlife Society, and the Lower Brule Sioux Tribe worked cooperatively to conduct a Habitat and Range Condition Analysis Workshop at the Sylvan Lake Facilities of Custer State Park on June 2-5, 2003.

The U.S. Forest Service, South Dakota Game, Fish and Parks, Bureau of Land Management, U.S. Geological Survey and Triple 7 Bison Ranch also provided assistance in conducting this workshop.

The workshop provided information to tribal biologists and managers for evaluating range condition in grasslands, shrublands, and woodlands as relates to the needs of a variety of wildlife species as well as coexisting livestock populations. There were numerous field trips to grassland, sage-grassland intermix, and woodland sites where the group identified common grasses and other plants. They were exposed to methods for obtaining long-term data on microhabitat conditions at range sites and managing for multiple use. Elk, deer and turkey habitat was discussed as it related to range conditions and sustainability. The use of a holistic grazing technique was demonstrated at Triple 7 Bison Ranch.

There were 12 participants representing the following tribes: Rosebud, Three Affiliated, Pork Peck, Crow, and Lower Brule. The participants were provided with delicious meals and spacious accommodations.

TRIBAL OFFICIALS TO ISSUE OTTER, BOBCAT CITES TAGS

USFWS Outlines Requirements at National Conference

By Charlie Otto Rasmussen, Staff Writer

City, Mich.—Great Lakes Indian Fish & Wildlife Commission member bands along with Indian tribes across the United States are discussing elements of an international treaty designed to protect endangered species from overharvest. If approved by the U.S. Fish & Wildlife Service (USFWS), tribal officials will oversee the tagging of river otter and bobcat pelts through the federal CITES program.

"This allows tribal members to continue with traditional ways of trapping and selling furs and is an opportunity for tribes to use their sovereign rights," said Little River Band Wildlife Biologist Nate Svoboda on May 20 at the Native American Fish & Wildlife Society (NAFWS) annual meeting in Traverse City.

CITES tags—named for the Convention on International Trade in Endangered Species of Wild Fauna and Flora—must be attached to certain animal skins including some furbearers and alligators in order to export them to international markets outside of the U.S. The USFWS recently approved CITES programs for the Little River Band of Ottawa Indians and Grand Traverse Band of Ottawa and Chippewa Indians in Michigan.

The absence of tribal CITES programs has made it difficult for tribal trappers to sell furs. In the past, federal officials denied CITES authority to Great Lakes tribes, insisting that tribes participate under state programs. Some tribes felt this



Tribal natural resource officials are in the process of implementing CITES programs for fur-bearing animals. Above, a Great Lakes Indian Fish & Wildlife Commission game warden places a CITES tag on an otter trapped by a Lac Courte Oreilles member during the treaty harvest season in northern Wisconsin.

was an affront to their sovereignty and ability to self-regulate, as well as making the process of obtaining tags unnecessarily cumbersome for their tribal trappers. Without a properly attached CITES tag, fur buyers and many taxidermists decline to purchase or handle pelts.

Although the USFWS sparingly granted CITES authority to five U.S. tribes from 1977 to 1988, the agency is now ready to sign on additional tribal natural resource departments. Clifton Horton, USFWS wildlife biologist, highlighted the application requirements for tribes seeking CITES authority at the NAFWS conference. Tribes are asked to submit current harvest regulations and season dates along with a forecast of how many CITES export tags might be needed each year.

"Our goal is to turn these applications around as quickly as possible," Horton said, estimating the process could take three to six months. "The bottom line is ensuring sustainability of animal populations."

Countries from across the globe enacted the CITES Treaty in 1975 to protect endangered plant and animal species from unregulated trade. By 1977, thirty-six states and one tribe, the Navajo Band, had established federally-endorsed CITES programs. Southern alligator hides represent the vast majority of CITES animal exports, followed by bobcat and river otter from the contiguous United States. Lynx, wolf and brown bear fur are included in Alaskan exports.



CALENDAR

August 19-21, 2003 –

General Module Training and Examination for Water and Wastewater Operators. Inter Tribal Council of Arizona, Reno, Nevada. For more information contact ITCA at (602) 258-4822.

September 9-11, 2003 –

Workshop on Mining Impacted Native American Lands 2003. EPA Rocky Mountain Regional Hazardous Substance Research Center, Reno, Nevada. For more info contact www.epa.gov/tbnrml.

September 10-13, 2003 –

International Association of Fish and Wildlife Agencies 93rd Annual Meeting. Madison Wisconsin. For more information contact Jess@delaneymeeingevent.com.

September 10-14, 2003 –

Society of Environmental Journalists 13th Annual Conference. New Orleans, Louisiana. For more information contact www.sej.org/go/conference2003.htm.

October 22-24, 2003 – 11th **Annual EPA Region IX Tribal Conference.** Pechanga Resort and Casino, Temecula, California. For more information contact jsherman@pechanga.org.

October 27-29, 2003 – **Annual Brownfields Conference.** Oregon Convention Center, Portland Oregon. For more information contact www.brownfields2003.org.

November 20-23, 2003 – 25th **National Conference "Celebrating Our Journey, Sharing Our Vision".** American Indian Science & Engineering Society (AISES) 2003 National Conference. Albuquerque, New Mexico. For more information contact <http://www.aises.org/>.

WAMPANOAG TRIBE SOVEREIGN IMMUNITY UPHOLD

The following is the text of the June 11 ruling by the Hon. Richard F. Connon, in the case of Jerry Wiener, of the town of Aquinnah, vs. the Wampanoag Aquinnah Shellfish Hatchery Corp. and the Wampanoag Tribal Council of Gay Head Inc.

INTRODUCTION

Plaintiff Jerry Wiener, building inspector and zoning officer of the town of Aquinnah, filed this action seeking to enforce the town's Zoning By-law against the defendant Wampanoag Tribal Council of Gay Head, Inc., a federally recognized tribe of Native Americans, and its Shellfish Hatchery Corporation.

BACKGROUND

The following is taken from the summary judgment record. Plaintiff Jerry Wiener is the Building Inspector and Zoning Officer for the Town of Aquinnah. Defendant Wampanoag Tribal Council of Gay Head ("the Tribe") is a federally recognized Native American Tribe. The Tribe owns approximately 7.2 acres of coastal lands known as "the Cook lands", the Cook Lands are at the center of the present zoning dispute.

In 1974, the Tribe, which was not yet federally recognized filed a land claim based upon the transfers of public land in the Town violated the Indian Non-Intercourse Act. In 1983, the Tribe and the Town wished to settle this litigation and entered into an agreement dated Sept. 8, 1983 entitled, "Joint Memorandum of Understanding Concerning Settlement of the Gay head, Massachusetts Indian Land Claims" ("the Settlement Agreement").

In March of 2001, the Wampanoag Aquinnah Shellfish Hatchery (WASH) began construction of a shed and pier without obtaining a special permit and building permit under the Town By-law. On March 30, 2001, Wiener served the Tribe's Chairman, Beverly Wright, as agent for the Hatchery,

with a cease and desist letter. The Tribe contended that its construction activities were not subject to local permitting requirements (i.e. the Aquinnah Zoning By-law). The Tribe did not, however, appeal the cease and desist order pursuant to the Town By-law or General Laws Chapter 40A.

Thereafter, on May 1, 2001, Wiener filed this action in Superior Court seeking an injunction enjoining the Tribe from construction on the Cook Lands without a permit and a declaratory judgment of the extent to which the Tribe is subject to local laws requiring the issuance of a building permit. The parties entered into a stipulation that the Tribe would comply with the cease and desist order pending further court order.

The Tribe removed the case to the Federal District Court of Massachusetts on June 1, 2001. On July 12, 2001, the Tribe filed an answer and counterclaim alleging in Count I that Wiener's lawsuit to enforce the Town's Zoning By-law violates the Tribe's federal common law sovereign immunity, and alleging in Count II that Wiener's lawsuit intrudes upon the Tribe's sovereignty in violation of Article 1, Section 8 of the United States Constitution. The Tribe's counterclaim seeks a declaration that the Tribe is immune from the Town's cease and desist order and that the Town has non-exclusive jurisdiction over the Tribe and the Cook Lands. Cross-motions for summary judgment were filed in the District Court in November of 2001 and a hearing was held on March 6, 2002. On September 30, 2002, the District Court (Woodlock, J.) concluded that federal subject matter jurisdiction was lacking and remanded the case back to

Dukes Superior Court.

DISCUSSION

The Tribe contends that it is entitled to judgment as a matter of law because it enjoys tribal sovereign immunity from civil suit and this Court therefore lacks jurisdiction to hear this case. It is well established that tribes of Native American people, recognized as such by the United States, are distinct, independent, political communities, retaining their original natural rights and enjoying an inherent sovereignty. *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 55 (1978); *Wampanoag Tribe of Gay Head v. MCAD*, 63 F. Supp. 2d 119, 123 (D. Mass. 1999). Accordingly, as a matter of federal law, a recognized Native American tribe is immune from suit in a state court unless Congress has abrogated tribal immunity in that setting or the tribe has waived its sovereign immunity or consented to suit. *C&L Enterprises, Inc. v. Citizen Band Potawatomi Indian Tribe of Oklahoma*, 532 U.S. 411, 414 (2001); *Puyallup Tribe, Inc. v. Department of Game of State of Washington*, 433 U.S. 165, 172-173 (1977); *United States v. United States Fidelity & Guaranty*, 309 U.S. 506, 512 (1940).

An abrogation of tribal immunity cannot be implied and Congress must unequivocally express that purpose. *C&L Enterprises, Inc. v. Citizen Band Potawatomi Indian Tribe of Oklahoma*, 532 U.S. at 418; *Wampanoag Tribe of Gay Head v. MCAD*, 63 F. Supp. 2d at 123. In determining Congressional intent, statutes passed for the benefit of dependent Native American tribes are to be liberally construed, with ambiguities resolved in favor of the tribe. *Cotton Petroleum Corp. v. New Mexico*, 490 U.S. 163, 177 (1989); *Bryan v. Itasca County*, 426 U.S. 373, 392 (1976); *Rhode Island v. Narragansett Indian Tribe*, 19 F.3d 685, 691 (1st Cir.), cert. den., 513 U.S. 919 (1994). Nonetheless, this general rule does not command a determination in the face of congressionally manifested

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ADDRESS TO NAFWS AT NATIONAL MEETING

My name is Rodges Ankrah, and I am here on the behalf of Jeff Besougloff, Deputy Director of the USEPA's American Indian Environmental Office.

- We have been asked to talk about trends in National Priorities

- I will be focusing on a couple of trends that have significant impact on how we approach environmental management priorities.

- The first is the advent of e-gov, or electronic government

- The second is accountability

- Jeff also asked me to address some [Clean Water Act Section] 106 funding issues that have arisen, which I will touch on at the end, and which are related to the trends and their impacts.

What is e-gov

- It is many things, from easily accessible websites to paperless permitting systems

- It has become more pervasive at all levels of government.

- Key among the changes or impacts of e-gov are the wider availability of data and

information and the speed with which this information can be compiled and analyzed.

What does e-gov mean to Tribal Program Managers

- It changes how we set priorities

- There is a greater emphasis on providing data first, rather than relying on the prevention principle.

- Outcomes (changes in the environment or human health) take precedence over outputs (numbers of inspections, conferences organized).

- There is greater pressure for specificity in both pointing out problems, and moving towards solutions - "being able to state exactly what do you plan to do, and why you plan on doing it that way".

- There is a greater emphasis on using the data that's available as a basis for action, rather survey for new sources of data first.

- Change in Accountability

- Greater expectations of using technology to make a difference, and to where resources are going and what they are helping to achieve - "bang for the buck".

- Not enough to just say that "we can't or we can", but rather to move towards being able to say what we intend to do, based on what information, and how we will know we are making a difference.



MORE CONTROL OVER THEIR TRADITIONAL LANDS AND RESOURCES

PROVINCE AND SEVEN FIRST NATIONS SIGN JOINT WORKING AGREEMENT

Saskatchewan Environment and an association of seven First Nations signed an agreement today in Prince Albert, committing to work together to explore business opportunities in the forests on their traditional lands.

The Ahtahkakoop, Beardys-Okemasis, James Smith, Muskoday, One Arrow, Sturgeon Lake and Wahpeton-Dakota First Nations' traditional territories include the Nisbet, Fort-a-la-Corne and Canwood provincial forests, also known as the island forests.

The First Nations will work with the province to assess possibilities for a broad range of forestry activities, including harvesting and processing, reforestation and silviculture, training, science and technology, agro-forestry, forest protection and inventory.

"This agreement will help ensure that area First Nations can more fully participate in and benefit from forestry activities in their traditional areas," Environment Minister Buckley Belanger said. "It will help us to explore new opportunities for collaboration and partnerships while continuing to support and build upon existing commitments to established forest operators in the island forests."

"This unique agreement, the result of a great deal of hard work, is a step in the right direction," Federation of Saskatchewan Indian Nations Vice-Chief Greg Ahenakew said. "Our task is to work closely with Saskatchewan Environment and other stakeholders in these forests. We look forward to the employment, value-added activities and new partners that will be a direct result of this agreement."

As a first step, the First Nations Island Forests Management Association Inc. and Saskatchewan Environment will work together to prioritize which opportunities to focus on right away. An initial priority will be to convert current annual harvesting rights held by member bands to a three-year Term Supply Licence.

Following completion of land use planning processes currently underway for the island forests, the Province will work with the seven First Nations toward a longer-term licence for the unallocated portion of the sustainable harvest.

For More Information, Contact:

Al Willcocks Environment Prince Albert Phone: (306) 953-2486 Email: awillcocks@serm.gov.sk.ca Gene Kimbley First Nations Island Forests Management Associatio Prince Albert Phone: (306) 953-8900.

The Native American Fish & Wildlife Society has a new address. We are now at 8333 Greenwood Blvd., Ste. 260, Denver, CO 80221. We still have the same telephone number.



riparian habitat along the Meduxnekeag (MA DUCKS NA KEG) River.

In New Jersey, the **Nanticoke Lenni-Lenape Tribe** worked with the Partners program to restore native grasses and wildflowers, which will benefit native species that inhabit grasslands.

In Wisconsin, the **HoChunk Tribe**, the Partners program and other groups restored 57 acres of wetlands habitat.

In Wyoming, the **Shoshone and Arapaho tribes** worked with the Partners program to revamp their irrigation systems and create fish passages for species such as the cutthroat trout.

Native American tribes are often understandably skeptical when the Federal government seeks to get involved with projects on tribal land. But the evolving partnership between the Service and the tribes will gradually lead to more collaboration and – most importantly – greater trust.

Several other Service programs have been actively involved with tribes. The division of Law Enforcement provides training; and the National Eagle Repository and Office of Subsistence Management help Native Americans to preserve their religious and cultural practices.

■ Each year, our **division of Law Enforcement** and the **Native American Fish and Wildlife Society** sponsor a law enforcement training program. Since 1999, Service special agents have trained more than 450 Native American conservation officers to enforce wildlife law. These conservation officers represent more than 120 tribes throughout the United States. Specialized instruction runs the gamut from developing tribal

game and fish codes to identifying waterfowl to handling firearms.

■ Since the early 1970s, our **National Eagle Repository** in Denver has collected eagle carcasses to provide their feathers to Native Americans for religious purposes.

I am well aware that the discrepancy between supply and demand of feathers can result in a three-year wait, and I want you to know that the Service is continually working to improve this process.

Earlier this year, the Service implemented a procedure for Canadian First Nations to bring personally owned eagle items into the United States for religious and cultural use.

Along similar lines, as most of you know, the Service has supported the Zuni Pueblo in establishing its own eagle aviary, supplying the tribe with molted feathers from live birds.

■ Since 1990, the Fish and Wildlife Service's Office of Subsistence Management and other Federal agencies have managed subsistence hunting, trapping and fishing on Alaska's public lands. Alaska Natives serve on 10 regional advisory councils playing key roles in subsistence management decisions.

Each year, the Service provides funding to non-profit groups run by Alaska Natives, which manage polar bears, walrus and sea otters in accordance with the Marine Mammal Protection Act.

With an eye toward strengthening the partnership between the Service and Alaska Natives for future generations, most national wildlife refuges in Alaska conduct at least one youth science camp each year.

Like the Youth Practicum that

you sponsor, the camps integrate Western science and management with traditional ecological knowledge – which is often provided by Alaska Native elders.

So over the years, the U.S. Fish and Wildlife Service has developed several key programs to deliver services to Indian Country. Meanwhile, Native American tribes have become increasingly sophisticated natural resource managers in their own right. Your partnership with the Service has evolved, and today, you rightfully expect to participate fully in national fisheries and wildlife initiatives.

The new grant programs that I've described today will make that happen:

■ They will *help to ensure* that the Native American Policy is carried out on the ground.

They will *support you* in conserving fish and wildlife resources on tribal lands.

■ And they will *make it easier for you* to preserve the religious and cultural traditions that you hold so dear.

Let's use this opportunity to work together and conserve the land and wildlife we care about so much.

In closing, I would like to personally thank you all for your efforts to support hunting and fishing in this country. I challenge you to pass on your unique and important connection to our fishing, hunting and trapping heritage. These activities are woven into the fabric of your culture, and they provide a model for all of us – to connect with and respect nature and to participate fully in its life and death cycles.

You have much to teach us all: respect for the land and water, respect for fish and wildlife, and respect for one another. Thank you.

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intent to the contrary, and in all cases, congressional intent must be determined by examining the face of the statute, the surrounding circumstances, and the legislative history. *Rosebud Sioux Tribe v. Kneip*, 430 U.S. 584, 587 (1977); *Rhode Island v. Narragansett Indian Tribe*, 19 F.3d at 691.

The plaintiff first argues that in passing the Federal Act, Congress abrogated the Tribe's sovereign immunity with respect to suits like the present one. However, the Federal District Court of Massachusetts has examined the relevant provisions of the Federal Act and concluded that they do not constitute an unequivocal expression of intent to abrogate the Tribe's sovereign immunity. See *Wampanoag Tribe of Gay Head v. MCAD*, 63 F.Supp.2d at 123-124. The District Court explained that while Sections 1771e and 1771g of the Federal Act "prescribe the limits of the Tribe's jurisdiction over members and non-members of the tribe and over the settlement lands they do not speak to the question of the extent to which Massachusetts may exercise jurisdiction over the Tribe itself. Indeed, these provisions are altogether silent on the question of tribal sovereign immunity." Id. at 124. The Court stated "jurisdiction over tribal lands simply does not confer jurisdiction over the tribe itself" Id. Finally, the Court noted that Congress has no difficulty expressing in plain terms any limitations it intends upon the

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HONORING NATIONS AWARDS

The Harvard Project on American Indian Economic Development at Harvard's John F. Kennedy School of Government, Honoring Contributions in the Governance of American Indian Nations ("Honoring Nations") identifies, celebrates, and shares outstanding examples of tribal governance among the more than 550 Indian nations in the United

States.

This year's 16 finalists were chosen from a pool of 114 applications from 61 Indian nations and 13 inter-tribal collaborations. At each stage of the selection process, applications are judged on the criteria of effectiveness, significance, transferability, creativity, and sustainability.

A few of those honored here are:

• Cultural Resources Protection Program, Natural Resources Department, Confederated Tribes of the

Umatilla Indian Reservation, Pendleton, OR. The tribes developed their own cultural resources protection program, a 15-year-old program is a leader in educating non-Indian agencies about pertinent laws and treaties, strengthening cultural resource laws and policies, crafting government-to-government relationships, training other tribes, and incorporating Native knowledge into a field historically dominated by non-Indians.

• Honoring our Ancestors: The Chippewa Flowage Joint Agency Manage-

ment Plan, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Hayward, WI. The Joint Agency Management Plan brings together three governments -- the Lac Courte Oreilles Band, the State of Wisconsin, and the U.S. Department of Agriculture Forest Service -- to co-manage the Chippewa Flowage, a 15, 300-acre reservoir created in 1923 that inundated a tribal village. Taking into account the cultural, aesthetic, and economic value of the Flowage, the Plan provides a framework

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sovereign immunity of Native American tribes, as evidenced by the language of the Maine Indian Claims Settlement Act. This Court concurs with the District Court's sound reasoning in the Wampanoag case.

This Court acknowledges that in negotiating the Settlement Agreement the Town intended to bargain not merely for a hollow right to apply substantive zoning law to the environmentally sensitive Cook Lands but also for the practical power to enforce that law against the Tribe in a judicial forum. However, absent clear consent by the Tribe to such judicial intervention, this Court is constrained to conclude that the Town received a right but no remedy, to the detriment of the citizens of not only the Town but also the Commonwealth. In the view of this Court, said result is patently unfair. "If injustice has been worked in this case, it is not the rigid express waiver standard that bears the blame, but the doctrine of sovereign immunity itself. But it is too late in the day, and certainly beyond the competence of this court, to take issue with a doctrine so well established." American Indian Agricultural Credit Consortium, Inc. v. Standing Rock Sioux Tribe, 780 F.2d at 1379. Accordingly, the Tribe is entitled to judgment as a matter of law on the complaint and on Count 1 of its

counterclaim.

ORDER DATED: June 11, 2003
Richard E Connon, Justice of the Massachusetts Superior Court; ORDERED that the complaint be DISMISSED. It is hereby ORDERED that the defendants' motion for summary judgment on Count I of their counterclaim be ALLOWED.

Judgment shall enter DECLARING that the Tribe retains its sovereign immunity from civil suit to enforce the Town's zoning ordinance and the March 30, 2001 Cease and Desist Order issued by the Building Inspector

"This is a great victory for the Tribe," said Tribal Chairperson Beverly Wright, "The court correctly applied the law. Our federal settlement act provides that the Wampanoag Tribe will be treated like the other Tribes of our country; this decision is consistent with the treatment of other tribes nationwide." Wright added, "We are so glad the court found for us. The ruling confirms what we've known all along."

"We have ancient roots in this area and we take seriously our responsibility to be stewards of the land and live in harmony with our neighbors." Mrs. Wright.

This case is Weiner v. Wampanoag, Dukes Superior Court, No. 2001-0027.

For more information about The Wampanoag Tribe or this issue, please contact Atty Douglas Luckerman @ 781-861-6535.

LONG-TIME SOCIETY MEMBER WILL BE MISSED

TOPPENISH – Frances Renee Bushman, 53, of Toppenish, went to the Creator on May 5, 2003 at her home. She was born April 22, 1950 in Toppenish to Archie and Florence (Jack) Bushman. Frances grew up in Toppenish. While attending grade school she was known as a graceful, compassionate, feisty, and caring person.



Frances was a beautiful person and a remarkable young woman. Her ambitious need for life drove her to finish high school.

Having a positive attitude and a will to succeed in life, Frances attended Central Washington University in 1970. Her go-getting traits lead her in art, calligraphy, photography, pottery and English literature. Frances returned home to Toppenish in 1971. Her most favorite places lie between Mount Adams Lake, Mount Adams and Potato Hill. There she spent many days camping, fishing, hiking and berry picking.

Frances became a mother and built a home for her children. In it she shared books, music and love. She enjoyed embroidery, sewing, drawing, painting, plating and decorating. Over time her home grew with treasures of books, records, pictures, Indian art, and her most precious Lord of the Rings collectibles. She opened her home to all her family: brothers, sisters, her children, grandchildren, nieces, nephews and anyone who was friend.

Being a lady, Frances left knowledge of trust, love and history to all that would pay attention. She took the time to give comfort and was there whenever she was needed. Her lengthy participation in the Toppenish Pow-Wow, including entering the Tee-Pee contest, working the concession stand, and sitting on the Pow-Wow committee as Treasurer for seven years. You could always find her in the kitchen at the Longhouse and memorials. If life ever got hard for her, Francis found hope and comfort with the Faith Lutheran Church, McKinley Indian Mission Church of Jesus Christ and "Washat" Longhouse.

Frances R. Bushman was a dedicated employee to the Yakama Nation. She began exploring her career options with Maternal Child Health in 1974, Law and Justice in 1978, Community Home Resources in 1979, and Area Agency on Aging in 1981. In 1982 Frances started work as an Office Assistant III for Wildlife. Within a few years and several promotions she was placed in charge of the Yakama Nation's Public Hunting Program, transforming it into open of the most respected public hunting programs in the northwest for many years Frances represented to the Yakama Nation in the **Native American Fish & Wildlife Society** an organization involving natural resources for tribes across the United States. Frances participated in celebrations, sport shows, state conferences, archery competitions, softball tournaments, and yearly employee lunches. Her Christmas party enchiladas, prepared each year with love were enjoyed by all. Frances will be remembered for her 27 years of dedicated service to the Yakama Nation and its people. We thank you Frances for inspiration and courage you have given us. You will forever live in our hearts and minds.

Frances is preceded in death by her Mother, Father, Grandmother Rose Jack, Brother Tommy Bushman, and nephew Shawn Lewis.

She lives on through her children Benjamin Nelson, son; Bobbie Jo Nelson, daughter; Michael David Nelson, son; Alex Mejia, son-in-law; grandchildren Summer Rayne Nelson, granddaughter, Windcloud Johnathon Mejia, grandson; brothers Ronald "Bumpy" Bushman, Mike Bushman and Robert Bushman.

A memorial service was held Saturday, May 17, 2003 at the Faith Lutheran Church in Toppenish, intersection of Highway 22 and 97.



(- Nations - cont. from p.18 -)

for the three parties to coordinate management activities and decisions through a consensus-based approach.

- Trust Resource Management, Office of Support Services, Confederated Salish and Kootenai Tribes, Pablo, MT. For more than three decades, the Confederated Salish and Kootenai Tribes (CSKT) have been building capable governing institutions and taking over management of resources and programs previously managed by outsiders. Recognizing that self-

management both allows the tribal government to determine its own priorities and has positive bottom-line effects, CSKT is a leader in incorporating tribal values into natural resource management and in delivering first-rate services to its 7,000 citizens.



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