



Hook, Line, and Sinker

The Official Newsletter of The New Ulm Area Sport Fishermen

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From The President Some Food for Thought

Note: This article was taken from the November 13, 1992 issue of DNR News Releases.

Tentative 1837 Treaty agreement reached between Mille Lacs Band and Minnesota.

The Mille Lacs band of the Chippewa and the State of Minnesota have reached a tentative agreement in the lawsuit concerning the hunting, fishing, and gathering rights on the 1837 Treaty ceded territory. The tentative agreement, which was reached last week, outlines the major provisions of a proposed lawsuit settlement. Details of the agreement have not yet been finalized. The Minnesota State Legislature and the Mille Lacs Band government must approve the final agreement in order for it to be put in effect. Minnesota Department of Natural Resources (DNR) Commissioner Rod Sando, who has represented the state in the negotiations, said, "Our objective in these negotiations was to provide protection for the state resources, fair access to those resources for all, and an equitable resolution that addresses the needs and rights of all Minnesotans, Indian and non-Indian alike. I believe this agreement accomplishes that."

Major provisions of the agreement include: Recognition of Band hunting, fishing, and gathering rights, limited by a Band Conservation Code and the other provisions of the agreement; Prohibition of commercial harvest of big game, game fish, and timber; Establishment of a tribal fishing zone of about 6,000 acres on Lake Mille Lacs, which is 4.5 percent of the lake; Opportunities for Band-regulated sport angling by non-Band members in the tribal zone; Fishing in the tribal zone managed

by the Band so that the harvest is similar to that on the rest of the lake (approximately 4 pounds per acre in a typical year); No spearing or netting of game fish except for sustenance in the tribal zone on Lake Mille Lacs and other limited waters in east-central Minnesota only; Transfer of 7,500 acres of land to the Band, with lands to be selected through a process that includes input from affected local governments and the public; Agreement not to construct casinos on the transferred lands; Payment from the State to the Band of \$10 million over five years; Placement of 50 percent of the payment in a fund which, for 10 years, may only be used for environmental and natural resource management and law enforcement.

Don Wedll, commissioner of Natural Resources for the Mille Lacs Band, said, "The Band feels that there is a unique opportunity in this settlement to meet the needs of Band members and the needs of the State. This settlement is consistent with the State's treaty rights settlements with other Bands."

The tentative agreement can only be implemented with the approval of the Minnesota State Legislature and the Mille Lacs Band government. "We plan to submit the agreement to the Legislature in January when the Legislature convenes," Sando said. "We know that citizens in the Mille Lacs area and around the state are concerned about the details of the agreement.

We have listened to those concerns and they have helped shape our negotiating positions throughout this process. Now we will work to inform legislators about agreement details so that they can take appropriate action for all the citizens of Minnesota."

Wedll said that "by postponing the litigation for 60 days, we have created a window of opportunity to see if both governments can approve the settlement. The Band government has begun to meet with Band members to discuss the settlement. The Band Assembly has the responsibility for ratifying the agreement for the Band, just as the State Legislature has the responsibility for the State."

This agreement was reached after more than two years of work. The Band originally brought suit against the State in August 1990, claiming that Band members retained hunting, fishing, and gathering rights under the 1837 Treaty between the Band and the federal government. The Band and the State have been actively pursuing a negotiated settlement as well as preparing for litigation, which was scheduled to begin in February 1993.

According to Sando, court decisions in other states have often recognized the existence of Indian rights in similar cases. In Wisconsin, the federal court ruled that the bands retained their rights under the same 1837 Treaty. The court determination in that case was that the Wisconsin bands were entitled to 50 percent of the annual

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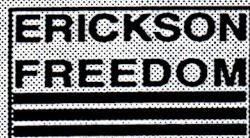
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harvestable surplus of such things as game and fish.

"While we were prepared to go to court if we could not negotiate an agreement that provided both resource protection and fairness for all Minnesotans, the risks of litigation were substantial," Sando said. "Through this settlement both the Band and the State have been able to maintain control of the resolution, have recognized our common concerns for sound conservation, and have worked to serve the needs of our individual constituents.

"This is a good agreement," Sando said. "I will be working very hard in the next several months to help people understand it and the promise it holds for the future of the state resources and our ability to enjoy

them."

According to Wedll, "Wise and appropriate management of our resources has always been a concern of Band members. The commitment of the Band to continue cooperative resource management embodied in this agreement is one we are comfortable making."

Over the years, Minnesota has successfully negotiated treaty rights amendments with three other Bands. Sando said those agreements have been beneficial to the Bands and the State and have been a valuable tool in managing Minnesota's resources. He said the negotiated agreements have made Minnesota and the Indian governments models of cooperation in resolving treaty rights disputes.

Clean Water Act Reauthorization

By Peter Lavigne

Note: This article is reprinted from the September 1992 issue of River Voices Magazine.

Active involvement in the Clean Water Act reauthorization offers an important opportunity for river protection groups to expand beyond the traditional foci of corridor protection struggles, local fights over discharge permits, wetlands preservation and all the other tremendously important and tremendously time-consuming site-by-site battles. Active involvement in the Congressional reauthorization is critical to the success of all the local and state battles because the Clean Water Act, like most other federal environmental protection statutes provides the foundation as "enabling legislation" for state and local enforcement. Citizen suits for discharge violations are authorized by the Clean Water Act, wetlands protection arises in large part from the "dredge and fill" provisions of section 404, sewage treatment facilities

are regulated and sometimes paid for under the Construction Grants program and on and on. The provisions of the Clean Water Act affect large amounts of what river protection groups use as tools, and fight as problems every working day in local towns and statehouses.

What You Can Do

It's tough to break away from the daily grind, take a broader approach and get your group involved with federal legislation but don't let that discourage you. Few efforts are more important and some wins in the Clean Water Act can have a tremendous effect on the ultimate success of local efforts. Opposition groups like the deceptively named "Clean Water Industry Coalition" whose members include the automobile, chemical, mining, oil, pulp and

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paper, and the U.S. Chamber of Commerce are working to gut current provisions and to block any legislation which significantly expands protection efforts. Your local efforts to strengthen the Clean Water Act can make a tremendous difference in Congress-particularly if your Representative or Senator serves on any of the Environment, Ways and Means, or Appropriations committees or subcommittees dealing with the Clean Water Act.

First: Join the Clean Water Network-a rapidly growing coalition of over 330 national state and local environmental, labor, community, and minority associations. The Clean Water Network steering committee has put together a wonderful 12-page "National Agenda for Clean Water: Prevent, Protect, and Enforce" endorsed by all the member groups. Robyn Roberts is the Outreach Coordinator for the coalition and she puts together monthly updates on the many reauthorization bills, and sends information on congressional strategies, the best times to lobby your local members of Congress and very informative position papers each month. Issues covered this year include: CWA enforcement, toxins, sediments, combined sewer overflows,

wetlands protection, polluted run-off, beach pollution, water conservation, and toxins and fish. Upcoming issues include: Presidential Candidates water views (October), CWA implementation (November), and funding for clean water needs (December). Although the coalition is expanding, at this time, participation by local and regional river protection groups is very low (approximately 25 of the 300 plus organizations). The coalition needs the support of grassroots, so get involved. Dues are voluntary and your group can join by contacting Robyn Roberts, Clean Water Network, 1350 New York Avenue NW, Suite 300, Washington DC 20005. (202) 624-9357.

Second: Share information about the importance of the Clean Water Act with your community and political officials. Use the information you gather in your newsletters, membership appeals, and contacts with members. Use your personal contacts with legislators to talk about the importance of addressing river issues in a comprehensive and ecologically sensible way and speak out against the misleading, disrupt and delay and destroy tactics of the resource abuse crowd and the big money industry coalitions.

Editorial

Is the ice thick enough yet? This is a question I have heard quite a bit lately. No matter what you hear about the ice thickness on any body of water you are better off checking it yourself. Ice thickness can vary from day to day and from one area of the lake to the next. You can't always take someone else's word for something that can be as life threatening as falling through the ice. They say that two inches of clear, solid ice will generally support one person on foot. Four inches of ice is generally enough to support ice fishing. Five inches for a snowmobile. Ten to twelve inches for a car or a small truck. These are only guidelines and will vary under different conditions.

Usually new ice is stronger than old ice. Ice formed by melting snow, refrozen ice, or ice made by water forcing through and then freezing is not as strong as that made

by direct freezing. Snow also has an effect on ice formation. Snow insulates the ice and slows the rate of ice formation. As ice forms it is constantly changing shape and exerting great forces, causing buckles and heaves in the ice called pressure ridges. These can be dangerous and should be avoided if possible.

If you do go through the ice you need to get out as soon as possible. Always try to go out the same way you came on the ice. The ice was good until you broke through so that is where you should try to get out. I always carry two short lengths of wooden dowel with sharp nails driven into the end, with a small cord between the two so they can be hung around the neck. The most important single thing that you can do when you go on the ice this winter is always check the ice as you go. I hope you will all have a safe winter season.



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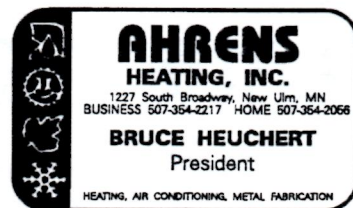
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Mille Lacs Fishing Trip

We still have openings for the trip. It is not too late for you to join us in the fun we always have on this northward trek. We have warm, comfortable, fully equipped houses waiting for us when we arrive at approximately 8 PM on January 15th. If you go on this trip once you won't ever want to miss it again. If you are interested in going or would like more information, come to the next meeting or give Mike Deinken a call at 359-9650.

Membership Drive

During the months of October and November we held a membership drive, and it was a huge success. As of November 30th we have signed up twenty-seven new members. Twenty of these new members were signed up by three current members. They are, Mel Rosenau with eight new members, Jerry Carlson with seven new members, and Jim Hulke with five new members.

Newsletter to expand

Starting next year we will be expanding the newsletter by another page. This sounds like a simple operation but it is not. Along with selling more advertising space we will need more articles to fill this page. I am asking for your help in this. If you know of a business that you think might be interested in advertising in our newsletter I would appreciate it if you could take the time and talk to them. The rate for ad space is twenty dollars for a single space and thirty-five for a double space. This price is good for one years worth of advertising. We could use more articles from you members. If you have a favorite fishing story, humorous or serious, could you jot it down and send it to me? We will also be taking letters to the Editor. So if you have an idea you would like to share or an opinion to express, please write it down and send it to me. I hope you have enjoyed our newsletter this past year. We look for bigger and better things to come. Thank you for your support.

Club Calendar

Meeting--December 17th, 1992 7:30 PM Turner Hall Upstairs
Mille Lacs Fishing Trip--January 15-17, 1993
Ice Fishing Contest Clear Lake--January 24th.

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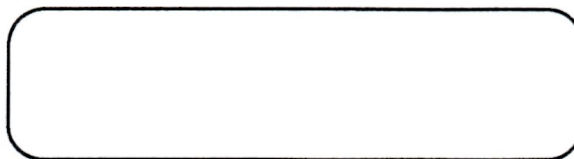
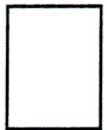
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