

Gillnets out of Mille Lacs (before a crash) benefits everyone

The obvious answer to addressing the gillnet exploitation of Mille Lacs walleye is to ban the gillnets. But it's not that easy. That is why PERM is reaching out to its members, the public, political leadership, and why PERM commissioned two studies on these issues.

The 1999 treaty harvest agreement (in lieu of a true Phase II hearing) created an opportunity, under cover of a legitimate right, for exploitation. The opportunity is driven in part by conditions that did not exist, or be imagined, at the time of the treaty. Conditions such as SUVs that allow people to travel hundreds of miles the same day as putting gillnets into Mille Lacs, combined with high-powered boats and high-tech monofilament gillnets.

Exploitive exercise of treaty rights ignores the common good for both tribal members and the Mille Lacs economy. Holding on to gillnetting trades away opportunities for tribal and region-wide economic vitality. The Mille Lacs tribe's return on netted fish doesn't come near the millions of dollars spent by anglers.

It's similar to the classic "tragedy of the commons" dilemma, when multiple parties, acting independently and rationally for their own self-interest, ultimately deplete a shared limited resource, even when it's clear that the result not in anyone's long-term interest.

Except that the DNR protects gillnets by blocking the anglers' take. Then the DNR can explain the glaring contradiction of tolerating gillnets during spawning with, "the biomass can handle it."

The DNR even contradicts tolerating gillnets when they point out "tribal fishery exploitation rates" as the problem, adding that it's "not the sport anglers fishing with hook and line." Do they remember crashes begin a little at a time, then all at once, as they learned from Red Lake?

Given these downsides, why would the tribes continue in-your-face gillnetting during spawning season?

- * To reinforce "tribal sovereignty."

- * To back up claims for expanded reservation boundaries.

- * To make up for not getting all of a proposed settlement in the mid 1990s. And from being disenfranchised so long, which often comes with feelings of contempt and the proverbial "chip on the shoulder."

- * Because they can. Ceded territory was legally transferred by the 1837 treaty, but the transfer included a covenant (profit) giving the holder of the covenant (Indians) the right to right to hunt, fish, and gather wild rice from the land they transferred.

Any limits on these rights?

There are, including:

- * Indians may voluntarily place limitations upon themselves, regulating their members' exercise of off-reservation treaty rights. They could even voluntarily impose certain (or all) state regulations on tribal members. They could enforce the regulations on themselves within tribal courts. Or they could grant enforcement authority to the state.

- * Those explicit or implicit in the treaty, most specifically, the President's express power to amend or revoke the treaty.

- * Those by police powers of the state for conservation, although the standard set by the Supreme Court is relatively high.

- * Those imposed by

the "well established" power of Congress to modify Indian treaties unilaterally. Indians would still have the protections of contract law, plus the protections (including compensation) afforded all property owners by the "takings" clause of the Fifth Amendment. Congress could even negotiate a new treaty in a much more straightforward manner than the courts ever could.

Voluntary limits: Why they would not

- * Little to fear there is political will for a Presidential Order to revoke the rights. Or for Congress to exercise its right to unilaterally modify Indian treaties.

- * It could lower the profile of the concept of "tribal sovereignty." Not infringing on that right in the least, but downplaying it.

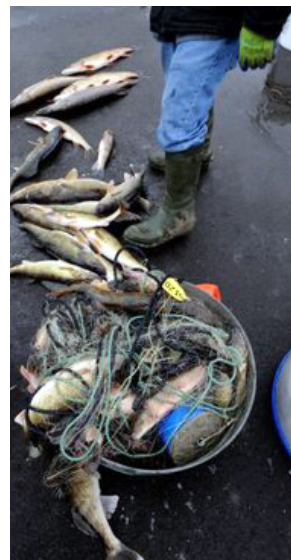
- * It could reduce the need for "co-management," and for the taxpayer-funded Great Lakes Fish and Wildlife Commission, which, like any bureaucracy, has a (job generating) life of its own.

Voluntary limits: Why they would

Indians could voluntarily place limits upon themselves, without giving up treaty rights, or any implication of authority over tribal members by the State of Minnesota.

Two alternatives

If the public and political leadership's understanding of the issues grows, and public opinion demands action, one of two things could happen. If push comes to shove, the Supreme Court's 1999 decision



Trophy Muskie Gillnetted at Mille Lacs

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"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, that is the only thing that ever has."

Margaret Mead

Member/Board Meetings

PERM Member meetings are held on the FIRST Monday of the month. Meetings are at 7:30 p.m. in the Conference Room at the Cinema Professional Building, 657 Main Street, in Elk River.

PERM Board meetings are held after Member meetings in March, June, September, and December.

Study: Mille Lacs economy suffers as treaty regulations limit fishing and hunting rights for residents

(BOSTON -August 2, 2012) Since a 1999 Supreme Court ruling upholding the fishing harvest rights of the Mille Lacs Chippewa Band of Chippewa's, the Minnesota DNR has increased the band's allocation of fish on Lake Mille Lacs to over 142,000 pounds of fish. In response to the ensuing scarcity, the Minnesota DNR has imposed restrictions on residents not bound by the treaty. These regulations stifle the local Mille Lacs economy, 14.7 percent which are dependent on industries related to hunting and fishing and leisure and hospitality.

A study from the Beacon Hill Institute in Boston finds that, as a result of the federal government allocation,

- personal income is lower by \$10.4 million, and \$1.5 million in the accommodation and food service industry in Mille Lacs;
- employment is lower by 97 jobs;
- labor income is lower by \$1.4 million;
- value-added is lower by \$2.8 million

and total output is down by \$5.6 million;

- The economic damage caused by the harvest treaty has reduced state and local tax collections by \$433,000

The negative economic impact of the treaty harvest rights also affects tax collections for the state and local governments. Taxes levied on employee wages and salaries lose \$13,000 in revenue, while household taxes – namely personal income and property taxes—drop by \$62,000 and corporate income taxes and fees drop by \$18,000. State and local sales tax fall by \$389,000, by far the largest loss of revenue.

The institute used a variety of data sources and methodologies including the Bureau of Labor Statistics and Bureau of Economic Analysis as well as its own State and Metropolitan Area Competitiveness Index. It contrasted income and other factors with Cass Counties which served as a benchmark. See full study at perm.org.

Study: Minnesota's Mille Lacs Band of Chippewa does not live in poverty. Income on par with Mille Lacs County

(BOSTON -July 23 2012) An extensive income analysis by the Beacon Hill Institute at Suffolk University finds that Chippewa Band families and households, on average, are not living in poverty. The finding does not justify expansion of fishing, hunting and gathering rights to meet income needs of the Chippewa Band.

The average incomes of the Chippewa Band are well above several measures of low and moderate income used by federal agencies and a local Minnesota group. Moreover, while average incomes of Chippewa Band's smaller families and households continue to trail those of Mille Lacs County as a whole, incomes of the Chippewa Band's larger families outpace those of Mille Lacs County as a whole.

The income statistics are important because they address issues resulting from a U.S. Supreme Court ruling in 1999 that enabled to court to exercise jurisdiction in a treaty case dating back to 1847. While the court upheld the right of the Chippewa "equal" and apportionable share of the take of fish in the treaty areas" how exactly to define "moderate standard of living" underpinning the cap on fishing and hunting has been unclear.

Using federal data, BHI concluded by examining both family and household income that the Chippewa Band has achieved incomes that cannot be considered low and are on par with the local population as a whole. While some disparities exist among single and

two person households such gaps evaporate when comparing larger households. See full study at perm.org.

2006-2010: Five-Year Average Family and Household Income (\$)				
Median Family Income	1 person	2 persons	3 persons	4 persons
Chippewa Band	NA	40,096	57,763	64,250
Mille Lacs County	NA	49,049	54,318	63,110
Difference	NA	-8,953	3,445	1,140
Median Household Income				
Chippewa Band	17,500	43,523	58,984	70,809
Mille Lacs County	21,946	52,591	58,708	65,737
Difference	-4,446	-9,068	276	5,072

PERM LEGAL FUND RAFFLE

GILLNETS OUT OF MILLE LACS!

BAN THE GILLNET



1



DPMS A-15 223 Remington

Hard-working gun by US mfr of AR-15s for police, military, competition. Many accessories available.

2



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Top notch quality in a classic rifle with wood stock. Very reliable. Savages are known for their accuracy.

3



Mossberg 835 Ulti-Mag 12 gauge Camo

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4



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5



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Most advanced auto-loading rimfire rifle built. Proprietary bolt system for stability, reliability, accuracy.

6



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Mossberg standard of quality. Accurate, and light-weight. Perfect go anywhere, do anything rimfire 22.

7



CVA Wolf 50 caliber Muzzleloader

Lightweight, easy to maneuver. Tool-free Quick Release Breech Plug, DuraSight 1-piece scope mount.

Images may vary slightly from actual item
All Federal firearms laws apply

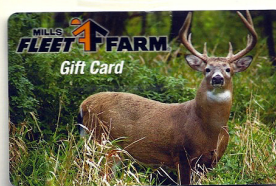
8



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4-1/8" drop-point. Rosewood handle, brass butt and guard. S30V steel (Rockwell 59-61.) Titanium aluminum nitride coated.

9



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10

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Les Kouba & Bud Grant



Shoulda Been There
James Meger & Bud Grant



Ready to Rise
By James Meger

Drawing October 4, 2012

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*This is a critical year for Mille Lacs
and time to take action!
See inside*

PERM Members CALL TO ACTION

We must all work together regardless of political affiliation to help our DNR bring sanity to the Mille Lacs gillnetting situation. That starts with getting gillnets out of Mille Lacs!

Call your legislators, Governor, Attorney General, DNR Commissioner. Demand that they take action and get involved, and publicly address treaty harvest issues. Ask them to:

- Challenge the massive gillnetting of Mille Lacs walleye, and the wasting of

northern pike by walleye gill-netters.

- Challenge the DNR's contradictory approach to conservation in which spawning walleye are always everywhere protected—but not in Mille Lacs.

- Challenge the “co-management” bureaucracy's lack of transparency. (Treaty harvest quotas are always established behind closed doors.)

- Explore big-picture, long-term solutions rather than always increasing treaty harvest quotas with the gillnets.

Mark Dayton, while campaigning at Game Fair, said, "I believe that all hunting and fishing in Minnesota should be done under the same rules."

Now hold his feet to the fire. Let Gov. Dayton know you believe in his vision. Call and remind him about his “everyone hunting and fishing by the same rules” and ask him to pitch in.

(And remember, now is the time to ask all the candidates where they stand on gillnetting in Mille Lacs.)

Gillnets out from page 1

Do they remember crashes begin a little at a time, then all at once, as they learned from Red Lake?

(which led to an agreement in lieu of a full Phase II allocation) could be revisited (as invited by the court.) This could trigger a true Phase II hearing, in which “moderate standard of living” is typically considered. That's why PERM commissioned “The Standard of Living of the Mille Lacs Band of Chippewa” study. (See page 2.)

Or, demand for transparency and public scrutiny could encourage the tribe's exploration of more cooperative solutions. These solutions would consider big picture, “highest and best use,” and fully integrated alternatives that increase the economic vitality and quality of life for the whole Mille Lacs economy.

That's why PERM commissioned the Economic Impact of the Treaty Harvests on Mille Lacs study as well, again, thanks to its generous supporters. (See page 2)

No claim is made that the study is definitive, but it does shine a light on the issues.

And it opens the door to exploring big picture solutions based on cooperation instead of endless legal wrangling.

