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Treaty Natural Resources Division  
Red Cliff Band of Lake Superior Chippewa Indians**

**Lake Superior Co-Management (LSCM): Treaty-based Commercial and Subsistence  
Fishery Management on Lake Superior**

**BIA TRIBAL MANAGEMENT/DEVELOPMENT PROGRAM: AT LEAST \$514,000** (increase of \$250,000 from FY15 allocation within TMD program), in partial fulfillment of an estimated total TMDP need of at least \$657,632. *The President's FY16 budget has a proposed increase of \$5,019,000 for TMD program.*

**Agency/Program Line Item:** Dept. of Interior, Bureau of Indian Affairs, Operation of Indian Programs, Trust-Natural Resources Management, Tribal Management/Development Program

**Purpose:** Allow Red Cliff compliance with court decisions that dictate harvest, biological monitoring, and enforcement in Lake Superior management units WI-1 and WI-2. Address co-management responsibilities and protect fishery resources of the Treaty subsistence and commercial fishery on 11,017 sq. miles (7,051,090 acres) in Lake Superior management units WI-1, WI-2, MI-2, MI-3, MI-4 and MI-5.

**Funding History for Red Cliff LSCM Activities:** BIA has recognized the unmet needs and co-management authority that Red Cliff has on Lake Superior, allocating one-time funding support in the following fiscal years above Red Cliff's current TMDP funding level:

FY10: \$500,000 Fisheries Management  
FY12: \$250,000 Fisheries Management  
FY14: \$250,000 Fisheries Management  
FY15: \$200,000 Fisheries Management  
\$250,000 Trust Management Improvement Project

**Justification**

Red Cliff authorized 43 commercial licenses in a treaty-protected fishing area that spans 6 Management Units, 2 U.S. States, and 7,051,090 surface acres on Lake Superior. Reported gillnet effort of 8,597,495 feet resulted in the commercial harvest of 6 species totaling 1,366,200 dressed pounds (2013 harvest data).

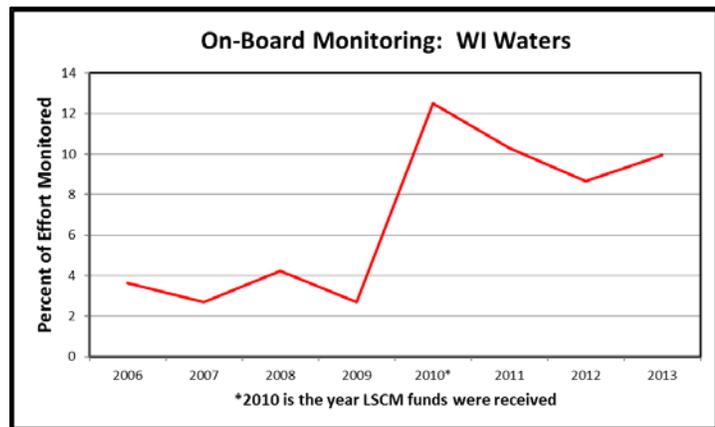
Management authority of this magnitude requires conservation enforcement, on-board monitors, independent fishery assessments and population modeling to ensure sustainable harvest of target fish species. Lake Superior Co-Management (LSCM) is a scientifically rigorous program with

data driven outcomes. LSCM activities are propelled by an intense desire from the Tribe to independently manage its own treaty fishery while simultaneously being necessitated to fulfill the regulatory requirements of agreements negotiated with the State of Wisconsin, and to adhere to harvest guidelines and tribal codes for fishing activities in Michigan waters of Lake Superior.

More than ever, present-day sustainable fisheries management on Lake Superior extends past harvest quotas and enforcement. Continued abundance of native, wild fish stocks requires the capacity of tribal management staff to also consider the effects of aquatic invasive species, climate change and regional mining threats. Red Cliff is held with the responsibility of managing all aspects of the health and well-being of Lake Superior for seven generations. It is through this lens that LSCM benefits the multiple user groups and surrounding communities on Lake Superior. Fully implemented, LSCM is designed to meet and adapt to ever-changing threats.

*Program Element 1: On-board Monitoring of Tribal Commercial Fishery*

Program Element 1 provides that a Fish Monitor be on-board a licensed big boat during net lifts. The Fish Monitor collects data on grid, effort, depth, species catch, and throwback. Fish Monitors typically collect sampling data such as fish lengths, stomachs and otoliths while on-board as well. The agreement with the State of Wisconsin requires that 7% of all fishing effort for whitefish and lake trout be monitored (graph right). Monitoring benchmarks of the other fisheries within the LSCM program are dictated by department monitoring objectives to ensure sustainable commercial fish harvest.



The commitment to on-board monitoring is substantial. If the program were to monitor 7% of the reported 8,597,495 feet of gillnet effort in 2013, it would require 120 days on the lake each fishing season, assuming individual daily effort of 5,000 feet. The funding increase being proposed would budget for 2 Monitors on staff to fulfill this role.

*Program Element 2: Conservation Law Enforcement Officers (CLEO)*

Program Element 2 is absolutely essential for the safe harvest of wild fish. Tribal enforcement authority extends 7,000,000 surface water acres with 9 dockside landings in 2 states. Red Cliff

Wardens perform grid patrols on ice or open water, monitoring effort and gear. They patrol refuge boundaries and restricted use areas by boat for illegal fishing. Vehicle travel to landings to perform dockside checks is frequent. CLEO is certified to perform US Coast Guard safety checks of big boats, and they act as first responders on Lake Superior for the Tribe and general public alike. On-reservation vehicle patrols and hunting enforcement also fall under CLEO responsibilities as part of the overall TMD program.

Accomplishments by Red Cliff's CLEO Department in 2013 include:

- 194 contacts with fishermen, primarily at dockside landings
- 10 big boats recertified with US Coast Guard safety check protocol
- 418,945 feet of gillnet checked during grid patrol on the lake
- Frequent patrol of refuge boundaries during open water period
- 3 people in distress rescued with CLEO performing first response

The funding increase being proposed would allow Red Cliff to maintain 3 CLEO on staff.

### *Program Element 3: Fishery Assessments, Data Analysis and Population Modeling*

The scientific rigors of the LSCM program are carried out through multiple objectives in the Fisheries Department. When Red Cliff Fisheries performs independent fish assessments on the research boat, 6 staff are needed each day assessment nets are lifted. Data from fish assessments is used to monitor population trends and contributes to SCAA modeling efforts. Lab work is performed at the office to age otoliths and scales with an electron microscope. Genetic samples and stomach contents are sent out for further testing. Gear and mechanical maintenance is carried out in the Department's shop.

Commercial boats are licensed through the Fisheries Department in conjunction with the Fish Committee and Tribal Council. Tags are distributed to fishermen along with effort allocations. The harvest and monitoring database is continually updated as reports are submitted so the CPE for next season can be calculated. Home Use Fishermen come to the Fisheries office to report and receive tags.

Accomplishments by Red Cliff's Fisheries Department in 2013 include:

- 11 interagency meetings resulting in quota updates for 6 Lake Superior Management Units
- 967 otoliths aged with electron microscope
- Over 300 lake trout stomach samples sent for diet analysis
- 47,500 feet of assessment nets lifted during 4 independent fishery assessments

The funding increase being proposed would budget for 4 biological staff to fulfill this role.

## **Red Cliff: A Tribal Fishing Community**

The Red Cliff reservation has 22 miles of coastline on Lake Superior. Commercial and subsistence fishing on the big lake is part of daily life for many of its tribal members. Accounts of fishing with nets for whitefish date back centuries, and it is as embedded in Red Cliff tradition as the harvest of wild rice. Commercialization of traditional harvest methods is also significant in Red Cliff history, as noted in this historical excerpt:

The Red Cliff reservation, a third member of the La Pointe Agency group, is about 24 miles by rail from Ashland. It contains 191 Indians, a particularly industrious and deserving lot of people. A good many of the Red Cliff Indians obtain their chief employment at the Bayfield sawmills, and many others have until recently earned a fair subsistence by fishing with nets in the bay along the border of the reservation. Their fish they would pack and ship in kegs to the market, working on a cooperative system. Now the State of Wisconsin has adopted laws which forbid their net fishery, although the Treaty of 1854 between the Tribe and the United States Government guarantees them this privilege. They cannot understand the conflict of State laws with Federal treaties, and still consider themselves entitled to fish, though they have made no attempt to assert their rights aggressively since some of the fishermen were arrested by the State authorities.

- 28<sup>th</sup> Annual Report of the Board of Indian Commissioners, 1896

The above excerpt also demonstrates the contentious relationship that historically has existed between the State and Tribe. It wasn't until over 75 years later when the criminal prosecution of a tribal member by the State for fishing resulted in the Gurnoe Decision (1972), at which time the treaty right to engage in fishing activities on Lake Superior was reaffirmed. Through the ensuing decade, Red Cliff began to exercise their co-management authority on the lake with the development of a Conservation (wardens) and Fisheries Department.

Red Cliff is one of the most economically disadvantaged tribes in the Midwest. With a reservation land base of only 8,000 acres, Red Cliff relies on the reservation-based fishing rights on Lake Superior for economic vitality. Experiences in the fishing industry is a unifying story of the membership, whether its lifting nets in rough seas or picking herring from nets on the dock during the fall fishery. Continuation of the LSCM program allows Red Cliff to ensure one of this country's great wild fish stocks will continue to be sustainably harvested for the betterment of Red Cliff's economic vitality, cultural identity, and for the multiple user groups that benefit from the fishery in the greater Apostle Islands area of Lake Superior.