

Blainbrook 'Save Minnesota' 2010

Fishing industry insider speaks on impact of treaty harvest rights

Pete Maina, Save Minnesota 2010 keynote speaker, has been involved in the sports fishing industry for years, and is a well-known Muskie fisherman. He has been a long time supporter of fishing and tourism in general and a spokesman for sportsmen.

He first became an advocate in the 1990s, back when the Hunting and Angling Club had rallies at the capitol in St. Paul. Maina pointed out that it's easy to get caught up with the latest gadgets and showing people how to get nice big fish. But the bottom line is that "you can't catch something that isn't there."

Maina was involved in the early days of his career with groups protesting tribal spring spearing in Wisconsin after a court decision allowed it. But, he said, "All of them basically weren't as organized as the PERM group."

Another difference was that PERM and CERA "showed all sides" of the issues. That got him to thinking about more than just the resource itself and how it affected him personally. It got him to realize how big these issues were from an equal rights standpoint. He saw that much of these issues were based on race, "something we shouldn't have on any particular issue in the country. It's kind of a double standard."

Maina said PERM and CERA helped him to understand that maybe some of the biggest losers were the Indians themselves. "These fishing issues were initially based on helping a people who had experienced injustice," according to Maina. They were a group of people who have had more government help than any other group of people. "But in reality, how much better off is the average Native American in the reservation system? That may be the biggest consideration of all."

It is definitely an economic question as well. "It is a huge thing," Maina said, and described having watched the fishing resort and guide businesses collapse. Wisconsin also has a "co-management" arrangement. The DNR and GLIFWC set "safe allowable harvest" limits based on tribes' declaration of what their harvest of walleye will be. Limits vary by lake and can change up or down, so "that's a disaster every single spring," he said.

Being directly involved with the DNR and the public, Maina found a backlash



Pete Maina, keynote speaker at Blainbrook

from having separate rights for different groups of people. Maina said he preaches selective harvests, healthy fisheries, and encourages people not to keep too many fish. But because of the inequities, there is a backlash. He saw people who won't limit catches to help a fishery, because they "don't want them to get it." It's one

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Blainbrook 'Save Minnesota' 2010

Speaker lineup another win for Blainbrook attendees

This year PERM's Blainbrook 'Save Minnesota' event included a full roster of speakers who added to the festivities. Informative talks came from Rep. Tom Hackbarth, PERM President Doug Meyenburg, attorney Randy Thompson, and keynoter Pete Maina. Presentations were woven in with the dinner, door prize drawings, and hunt for silent auction deals.

Summaries of the presentations are included in this newsletter so all PERM members and supporters can get these insights. Hopefully, they can then get the word out to all their friends.

This year, event organizers rolled out a new raffle system that was more streamlined and hopefully more exciting.

PERM would like to build on this and is asking for more ideas from members. Check out a postcard enclosed with this newsletter. It is a way members can help.



Diane Wyatt wins Grand Door Prize from Boardview Lodge

Thanks to all the volunteers and prize donors who help make the event a success!

CERA Conference

Betrayed Trust of the American People

March 7 - 8

Arlington, VA

Minnesota Muskie Expo

April 9, 10, & 11

Ganglehoff Center

Concordia University, St Paul

Sportsmen to Save Minnesota

Fundraiser and Banquet

Friday, April 23

Henry's Banquet Center, Foley

Proper Economic Resource Management

Cinema Professional Building
657 Main Street, Suite 102
Elk River, MN 55330

763-441-6869
www.perm.org
savemn@perm.org

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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 second 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.

Annual Meeting is held the second Monday of March.

Carcieri, the City of Isle, and Mille Lacs County

By Clare Fitz, Mille Lacs Equal Rights Foundation

It is obvious that the Mille Lacs Band is testing the U.S. Supreme Court’s *Carcieri v. Salazar* decision with their application to place additional land—22 acres within the city limits of Isle—in trust. The process of placing fee land into trust here means transferring ownership of the land to the federal government for the use of the Mille Lacs Band. Transferring fee land into trust not only removes it from the tax rolls—Isle reports that it will lose \$51,850 each year in taxes—but also exempts it from the jurisdiction of the city, county and state. It does not relieve the city and county from their obligation to provide services, such as police or firefighters, to the area placed in trust.

The facts are that John Collier, Indian Commissioner in the FDR administration, wanted Congress to authorize fee to trust transfers by the Department of the Interior, as has been done for years using Sec. 5 of the Indian Reorganization Act as their claimed authorization. However, history shows that Congress rejected that notion, and in passing the IRA specifically restricted fee-to-trust transfers to congressional actions and specifically limited those fee-to-trust transfers to tribes that were recognized in 1934.

In 1937, John Collier, in a letter to Senator Elmer Thomas, who was then the chairman of the Senate Committee on Indian Affairs, furnished a list of the tribes that were recognized under the Indian Reorganization Act. The Mille Lacs Band is not included on that list, and rightfully so, since the Mille Lacs Reservation had been disestablished in 1863-64 and former band members required to remove to the White Earth Reservation, which was a recognized tribe. While it is true that some Mille Lacs band members were allowed to remain, they were not a recognized entity by the federal government.

The recent Supreme Court decision, *Carcieri v. Salazar*, is saying that the Bureau of Indian Affairs, under the Interior Department, has acted without authority in putting land into trust for tribes not recognized at the time Congress passed the IRA in 1934. Whether land erroneously placed in trust by the Interior Dept. will remain in trust remains to be seen. The land where the Mille Lacs Band’s wastewater treatment plant is located is an example.

We as Mille Lacs County citizens must stand firm. No more illegal fee-to-trust!

Sportsmen to Save Minnesota Annual Event

The Sportsmen to Save Minnesota is hosting its annual Banquet and Fundraiser.

Friday, April 23

Henry’s Banquet Center in Foley

Festivities will include a steak dinner, live auction, raffles, and a talk on issues facing hunters and anglers. Also featured

will be a PERM Commemorative 30-30 Marlin rifle, engraved for this event.

Tickets are \$25 and can be purchased from Doug Meyenburg - 763-434-3973, Hank Dombovy - 320-277-3539, or with credit card online at perm.org. Tickets are limited. Last year tickets were sold out.

CERA/CERF 2010 Annual Conference

Citizens Equal Rights Alliance and Citizens Equal Rights Foundation are co-hosting their annual conference entitled: Betrayed Trust of the American People

Sunday and Monday, March 7 - 8
Holiday Inn in Arlington, Virginia

The conference will include nationally recognized speakers, as well as attorneys

with experience with federal Indian policy.

The conference will be held at Holiday Inn Arlington at Ballston, Virginia, near Reagan International Airport. Call 877-834-3613 for reservations.

Registration is \$140, \$190 for couples. Make checks payable to CERF and mail to P.O. Box 0379, Gresham, WI 54128.

Thanks Volunteers!

The PERM Board extends a sincere Thank You to volunteers who helped with getting auction items and raffle prizes, event set-up, raffles, auctions, logistics, takedown, and clean up. You made the event the Blainbrook event a success. The volunteers include:

- Bill Baxter
- Marv Carlson
- Hank Dombovy
- Russell Dombovy
- Howard Hanson
- Don and Pam Heaton
- Jerry Hobbs
- Doug Koldzienski and Lori
- Doug Meyenburg
- Lisa Mueller
- Robert Olson
- Jeff Popp
- Mark Rotz
- Steve Scapanski
- Craig Schmidt
- Stan Visser
- Leon and Patty Weitgenant

Thanks too, to guest speakers Tom Hackbarth and Randy Thompson, professionals Byron Robyn, auctioneer and Roger Sampson, engraver who helped with discounts, and Pete Maina, who donated his speaking fees.

From the Chairman's Podium ...

Thought I would pass along a few comments I made at PERM's Save Minnesota Dinner in Blainbrook in case you missed it. And a few more thoughts that came up since then.

The message to take away that evening is that PERM is still fighting for hunters and anglers. We're trying to get Red Lake opened up to all sport fishermen, as the federal government had wanted it in the first place. When the states became states, all the navigable waters were given to the people of that state to regulate and to use for all citizens. They did not mean to have Red Lake be part tribal, part non-tribal.

The laws are there. A U.S. Supreme Court decision says the state of Minnesota owns and shall use that lake for everybody in the state, not just the tribe. The DNR admits there is a Supreme Court decision but that "this is the way we've been doing business for 75 years so we're just going to continue doing it that way."

We are still looking out for those fishing Mille Lacs. The take isn't fair and we'll continue working on that. And on the use of gillnets. Still wonder what happened to those ghost gillnets. I see the Mille Lacs regs are out, courtesy of DNR, GLIFWC, and Mille Lacs Band. We get a decrease for non-band anglers again. Even after two years of minimal harvests, we haven't put a dent in our portion of the harvest.

Non-band walleye take last year was about a quarter of the allotted amount. That's even less than it looks because it includes hooking mortality. The costly taxpayer-supported co-management bureaucracy and slot limits have taken the shine off a premier sport fishing destination. And it shows in the Mille Lacs area economy. PERM's goal this year will be to shine a light on this story.

It was good to see Pete Maina at Blainbrook and get his views on protecting fisheries for the benefit of anglers and the fishing industry. Pete and I spoke on the steps of the Capitol many years ago.

I'd like to thank everybody who came, braved the weather, and helped PERM raise a few bucks to fight for equal hunting and fishing rights. It was nice to see the group from the Rice Area Sportsmens Club. They put on a real nice fundraiser for us in Foley every year.

Want to thank all the volunteers who put this together. They put a lot into it and it showed. We tried some new ideas this year that worked out well. It got us thinking we should get more input from our members. Look for the postcard with this newsletter and give us your opinion.

Hope you can get in some ice fishing before the ice goes out.

Doug

Look for PERM at the



April 9, 10 & 11

Ganglehoff Center

Concordia University in St. Paul

235 Hamline Avenue
Southwest corner Marshall & Hamline
Exit Snelling Avenue
South to Marshall, East to Hamline

PERM Volunteers Needed!

(Call Patty 763-360-3777)

Excerpt, published with permission from OUTDOOR NEWS January 29, 2010

Pike regs

By Joe Fellegy

The Pioneer Press ran a Roundtable-inspired piece about the DNR Fisheries section's review of some of its experimental pike regs—like maximum and minimum size limits, and protective slots (length zones)—aimed at variously influencing the pike populations on 100-plus waters. The piece quoted a darkhouse spearing enthusiast who feels the number of lakes with experimental pike regs should be reduced to make life easier for spearers. DNR biologists weighed in with their mixed bag of findings.

For me, one sentence stood out: "The Lake Mille Lacs protective slot of 24 to 36 inches has only slightly improved the size

of pike in that lake, but it has helped to keep the pike kill under quotas."

Unsaid was that "quotas" (more often called "safe harvest levels," a softer term) refers to taxpayer-financed state/tribal treaty fisheries co-management. Each spring around 4 or 5 tons of Mille Lacs pike, including many trophies, are killed as incidental by-catch in the political spawning-time tribal walleye gill net fishery.

This monstrosity is so successfully insulated from the politics it would normally demand, that state resource managers, angling groups, journalists, and legislators almost never talk about it.

Activist highlights common ground, working together

Long-time activist and PERM Board member Howard Hanson explained common ground with an early experience. He had spoken at an early PARR rally in Minoqua, WI. They had been protesting tribal harvest rights at boat landings. Hanson told them to go to the State Capitol and challenge legislators about proper economic issues instead of turning it into an “us against them” race issue.

In spite of this, Hanson was labeled a “racist” in a GLIFWC newsletter article about the rally. Early on, PERM members learned they would be labeled “racist” by those opposed to legitimate concerns over civil rights and equal protection of the law. “That nasty word is their number one weapon but it also goes against God’s law about bearing false witness against your neighbor.” he said.

Over the years, Hanson has reached out to members of different tribes, most recently in ice fishing trips with a Minnesota tribal elder. Hanson said his new friend told him, “Tribal government is tyrannical.” He went on to tell Hanson that he is for Indians getting their equal rights, and against the commercial gill

netting. “This is what Citizens Equal Rights Alliance has been working on for 20 years.” Hanson added.

Other examples of Hanson’s outreach are the panels that he puts together at the annual CERA conferences. They consist of three or four Indians from different states who all want the same thing regarding the rights most Americans take for granted.

In his search for Indians seeking common ground, Hanson recently heard about Lee Ann Ragains. This Choctaw/Arapaho Indian lady is working to abolish the “BIA Trust” system. She sees the system as a form of slavery, since Indian tribes are all wards of the federal government and treated as dependents. She is asking that the President issue an Emancipation Proclamation freeing the Indian people. Hanson is helping her connect with CERA and spread her idea as far as possible.

In another arena highlighting common ground, Hanson spoke about a landmark Supreme Court ruling in Feb. 2009 called the *Carcieri* decision. He explained how CERA, a 25-state network of organizations, including PERM, taught

Rhode Island how to defend against a land claim for a tribal casino. A CERA group also filed an amicus brief. CERA helped Rhode Island prevail in that landmark fee land-to-trust land lawsuit.

For years, the Dept. of the Interior had gotten away with their open-ended interpretation of the 1934 Indian Reorganization Act according to Hanson. The intent to help tribes, by taking fee land off state, county, and local tax rolls and putting it into un-taxable trust for tribes, was exploited and abused. The advent of tribal casinos greatly expanded these transfers. Finally, the Supreme Court, in its CERA backed *Carcieri vs. Salazar* decision exposed Interior’s lack of authority to create these fee-to-trust maneuvers.

In Minnesota, the state describes these transfers as a local issue. But the loss of taxable land “is not local. It affects all citizens. It’s a statewide issue.” Hanson said. He encouraged everyone to get involved, and “spread the word to all your friends to join PERM” and help get the state to stop the wholesale transfer of fee land into trust land.

Maina, from page 1

“Maina said he couldn’t put a number on it, but that the economic impact was ‘huge,’ and ‘significant.’”

of the side effects of having separate rights based on race.”

Maina said he also sees problems between the DNR and GLIFWC management. GLIFWC is completely paid for by the taxpayers. “They have all the money they could possibly deal with, they can do whatever they want, and look great doing it, and of course do things the DNR can’t do.”

Maina saw how this upsets DNR people. They have lower budgets, different rules, and are charged with co-managing with a group of people “who don’t necessarily want to co-manage friendly.”

He is aware of hard feelings in which the DNR doesn’t want fisheries to succeed so they can say “we told you so.” They believe the DNR should be managing the fisheries and shouldn’t have to co-manage.

Maina said he couldn’t put a number on it, but that the economic impact was “huge,” and “significant.” The more a business depends on a fishery, the more it is impacted by these inequities. “From an economic standpoint, it’s a tough deal.”

Maina said he regrets not having put more time into addressing these issues. He recognized that he and others in the industry are often concerned about running their business and with political correctness, especially in an environment where the “racist” label is so quickly used against anyone who speaks up.

Maina pointed out how much people complain, “but don’t know what they can do about it.” He said it was important

to get out the message about the bigger picture—the economic impact and properly exercising rights for the long term. This is the place to focus on, going forward.

He said the arrangement now is “not good for anybody,” and “PERM has done a good job getting the word out about this.”



Activists reunite, share podium. Pete Maina, left, wife Esther, and Howard Hanson

Impact of treaty fishing rights scrutinized

This past year PERM asked attorney Randy Thompson to look into the situation at Mille Lacs on the 10th anniversary of the 1999 Treaty Rights case. Implementation of the Court's ruling has dramatically affected the non-band harvest and economic viability of Minnesota's premiere sports fishery. Thompson was asked to speak at the Blainbrook event to update PERM members on his exploration thus far.

A key point to be made according to Thompson is to understand that the 1837 Treaty Rights litigation ending with a Supreme Court decision in 1999 is still "ongoing." How can it be ongoing when the case went all the way to the Supreme Court, which ruled 5-4 against the State?

Thompson explained that any treaty rights case has two phases, and that we have only gone through phase one. Phase one is about whether or not a treaty right exists. On that score, the Supreme Court affirmed that the 1837 Treaty's harvest privileges still existed.

Phase two is about the exercise of treaty rights that are confirmed. Thompson then discussed the significance of a phase two decision regarding treaty rights.

Thompson then went on to explain why there was no phase two decision. It was because the State chose to enter into an agreement with the tribe regarding the limits of harvest privileges. The State saw an agreement as a way of protecting the harvest from the possibility of an overly restrictive phase two interpretation.

As a result, slot limits were reorganized to reduce non-band harvests. They were set so the most abundant fish by size cannot be kept. What could be kept was further reduced by counting "mortality," from all the hook-and-release activity to accommodate the slot limits, as part of the non-band harvest.

PERM's concern has been the long-term impact on a premiere sports fishing destination under the State's approach to dealing with court-affirmed treaty harvest privileges. PERM predicted that people

would avoid Mille Lacs, and that resorts and the area's fishing industry would die out. Looking at the issue from an economic standpoint, Thompson noted that the unemployment rate in the Mille Lacs area was among the highest in the state. He strongly believed that this was "not a coincidence."

The Treaty Rights harvest privilege issue is not going to go away, according to Thompson. He believes the time is right for looking at the impact of how the harvest privilege issue is being handled.

Thompson then described his efforts and how further exploration would include alternatives for long-term protection of the Mille Lacs fishery in a way that benefits all Minnesotans.



Rep Hackbarth airs views on 2010 legislature

Rep. Tom Hackbarth brought his common sense approach to government and politics to Blainbrook. He gave a brief overview of the top issues he sees coming up at the 2010 legislature.

The next budget deficit was first up. The state just finished dealing with a \$5 billion plus deficit. It will now be facing the same situation again in 2010. Rep. Hackbarth thought Gov. Pawlenty did a good job with his un-allotment of expenditures. "Some say that the Governor walked away from dealing with the deficit, but that's not what happened," according to Hackbarth. "He took a leadership role to get the job done." He hoped the Governor would be appealing the court's ruling against the un-allotment.

Now the legislature will be back in session February 4 and again faces a multi-billion dollar deficit. "We're going have to cut government in order to balance the budget," said Hackbarth, "It's just not

possible to continue on the same track as we are now."

A second issue was spending the money raised by the Lessard-Sams Outdoor Heritage tax. Rep Hackbarth was an original sponsor of the bill in the House. He lost authorship when Democrats achieved a majority. Since then, the bill evolved and what passed was far different from "what should have been passed." according to Hackbarth. This legislative session will see more proposals for spending this money, which in many cases is being taken from the hunters and anglers for whom the Heritage Act was initially intended.

Another important issue is the Vikings stadium. Rep. Hackbarth recognized that Minnesota did spend tax dollars on the Twins and Gopher stadiums. He thinks taxpayers have had enough, especially now that Minnesota is facing billion dollar deficits. However, he still believes the

Vikings are important, which is why he is proposing slot machines at the Canterbury Downs and Running Aces horse racing tracks. These should be private entities but taxed to raise funds for a Vikings stadium. He estimates that the arrangement would raise \$125 million annually, more than enough for the estimated \$50 million per year needed for debt service on a stadium.

Keeping up with legislation

Follow Rep. Hackbarth's bill to allow gambling at racetracks, HF2578—and all bills at the legislature—by going to either: www.house.leg.state.mn.us/ www.senate.leg.state.mn.us/



CERA regional workshop yields in-depth view of federal Indian policy

CERA's Midwest Federal Indian Policy Workshop last October covered a broad range of issues. A major theme was how three Supreme Court decisions, *Carcieri v. Salazar*, *Hawaii v. Office of Hawaiian Affairs*, and *United States v. Navaho Nation*, challenge the Bureau of Indian Affairs' expansion of "tribal sovereignty," and its drift from constitutionally-sound policies and decisions.

The *Carcieri* decision restricts wholesale "fee-to-trust" transfers of land to "Indian Country." It may also open the door to rescinding transfers now recognized as ineligible. Most were not surprised to learn that efforts to reverse *Carcieri*'s impact are already underway.

The Village of Hobart in Wisconsin is a case study in the misuse of the fee-to-trust process. Hobart faces a deliberate attempt to cannibalize its property and tax base and extinguish its existence as a political entity. Hobart recently sponsored a study by the Beacon Hill Institute. Although embargoed because of the "devastating" nature of its findings, the study will be a key part of Hobart's legal defense.

In Minnesota, the Mille Lacs tribe is testing the *Carcieri* decision by applying to place 22 acres within the city limits of Isle, MN in "trust." *Carcieri* specifically makes the Mille Lacs tribe ineligible for taking such "fee-to-trust" action.

Attendees heard how the Census Bureau aggressively promotes "tribal sovereignty" and "restoration" of ceded reservations. It "restores" reservations by simply re-labeling territory on maps as "Indian reservation." The Bureau recently tried to designate tribal governments as the "relevant" government for census activities for towns in both Mille Lacs and Oneida reservations. Only an immediate and highly vocal response by such communities across the U.S. got the Bureau to drop such an obvious ploy.

Also covered was how a group of Nebraska feedlot operators are challenging the Environmental Protection Agency. The EPA is using the Clean Water Act to override state sovereignty by reclassifying certain citizens as Indians, and a specific territory, Thurston County, as being in an Indian reservation.

Attendees also heard about a new tactic in which tribes get attention by calling in the United Nations. They bypass federal and state governments in order to create publicity about "tribal sovereignty."

Finally, attendees learned how Congress, reacting to Nixon's legacy, provided state, county, municipal, and even local districts with a powerful tool—mandated coordination. Unfortunately, it is as unknown as it is effective. Lack of awareness becomes a bigger problem in 2010, when a new law calling for "cooperating government planning" takes effect. This law encourages local governments to waive their coordination rights, keeping them on the sidelines regarding federally managed land.

The two-day event held in Nisswa, Minnesota received enthusiastic reviews from attendees. The regional workshop was co-sponsored with CERA by the Mille Lacs Equal Rights Foundation, Shawano County Concerned Property Taxpayers Association, Northeast Wisconsin Citizens for Equal Rights, and the Foundation for Common Sense.

Cobell, from page 8

plaintiffs' claims for these accounts.

There is no language in the settlement that appears to resolve the tribal trust mismanagement cases, including the one-hundred plus cases filed in addition to the Cobell litigation, which are pending before various federal courts. These cases could result in additional liability to the United States in excess of \$100 billion.

Still, a defining element of the settlement, according to Eloise Cobell, is that it does not preclude additional litigation. The finality of the \$7 billion offer under the Bush administration—covering a range of tribal and individual cases and possible future trust matters—may have made the current smaller \$1.4 billion offer the more attractive one.

Not that there have been no other alternatives for addressing fractionated land. Consider the following that are being used to one degree or another. Tribes have used a number of their own strategies to consolidate their land holdings or augment

their tribal land base. These include:

- Tribal acquisition programs
- Management strategies in land tenure
- Land consolidation efforts
- Tribal probate codes
- Financing programs
- Estate planning
- Encouraging members to write wills
- Tribal inheritance codes
- Land rights education
- Curriculum development
- Developing archives
- Historical accounting
- Improving access to land records
- Business development

Another alternative could be to foster the development of cooperatives. That would be more in keeping with America's free—more or less—market economy. It would benefit Indians themselves and not tribal governments. Cooperatives have a long history of success, especially here in Minnesota. Cooperatives also might be a compromise between the Dawes and

the Indian Reorganization Acts. That is, between Dawes' attempt to assimilate Indians by turning them into free market farmers, and John Collier's attempt with the IRA to demonstrate the superiority of socialism by making reservations shining examples of collectivism.

Congress, States, and local governments need to look seriously at alternatives for how fractionated lands can be returned to productive use while protecting both Indian and non-Indian property owners. Congress should not rush approval of the Cobell settlement with the ILCA component as proposed.

PERM members can ask their Congressional representative to get Legislative Counsel and Congressional Research Service reports on any proposed legislation related to the Cobell Settlement Agreement before voting on it. These reports should be made available to the public. Then citizens can foster more-informed decisions by their representatives in Congress. The new deadline is Feb. 28.

(Learn more at cobellsettlement.com.)

Thanks to our Blainbrook 'Save Minnesota' donors and sponsors!

Please patronize these generous supporters of PERM and its mission



Why Join PERM

PERM is a non-profit, tax-exempt conservation club dedicated to balanced solutions to natural resource management issues. PERM believes that public natural resources should be managed for ALL citizens—not just special interests or those with political access and clout.

PERM continues to raise awareness about balanced solutions to natural resource management. And it keeps members informed about these issues. This newsletter has more examples.


PERM members are passionate about the cause. Working together gets results!

Your support is critical for you to be heard while state bureaucracies and tribal "governments" make decisions about Minnesota's economic resources.

PERM succeeds because you're part of it. Stand up with your friends. Send a membership contribution today.

Last chance to get your raffle tickets! Drawing on April 12

Mail coupon below to PERM office or buy online at www.perm.org

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	<table border="0"> <tr> <td>1. Browning ABolt 270 WSM</td> <td>2. Marlin XL7 30-06 Package</td> </tr> <tr> <td>3. Mossberg 930 12 Gauge</td> <td>4. Remington Model 597 22 Caliber</td> </tr> <tr> <td>5. Savage 64F 22 Long Rifle</td> <td>6. CVA Wolf 50 Caliber</td> </tr> <tr> <td>7. Remington 870 Exp 12 Gauge</td> <td>8. Savage 64F 22 Long Rifle</td> </tr> <tr> <td>9. Remington Model 597 22 Caliber</td> <td>10. Set of PERM Prints</td> </tr> </table> <p style="text-align: center;"> Drawing will be held on April 12, 2010 8:30 pm at the Cinema Professional Building, 657 Main St., Elk River Need not be present to win. </p>		1. Browning ABolt 270 WSM	2. Marlin XL7 30-06 Package	3. Mossberg 930 12 Gauge	4. Remington Model 597 22 Caliber	5. Savage 64F 22 Long Rifle	6. CVA Wolf 50 Caliber	7. Remington 870 Exp 12 Gauge	8. Savage 64F 22 Long Rifle
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Yes, I want to support PERM!

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(We will fill in stubs and mail you the tickets.)

Enclosed is \$ ____ for Membership Join / Renew

__ 1 yr - \$25 __ 2 yr - \$45 __ 5 yr - \$100 __ 1 yr Corp / Club - \$100

\$ ____ Other as a tax-deductible contribution Total enclosed \$ ____

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Clip and mail to: PERM, 657 Main Street, Suite 102, Elk River, MN 55330.

ADDRESS SERVICE REQUESTED

Cobell settlement boost for tribal governments, BIA

Secretary of Interior Salazar last Dec. 8 announced a proposed settlement of the case of *Eloise Pepion Cobell v. Ken Salazar, Secretary of the Interior*.

Cobell v. Salazar was filed as a challenge to fix a hundred years of federal mismanagement of Individual Indian Money trust fund accounts. There is little to oppose in settling the historic accounting claims. However, a reactivation of the Indian Lands Consolidation Act of 1983 is being proposed as a part of this settlement.

If included, the *Cobell* settlement would bundle honest accounting with a program too controversial to stand by itself. Why else would Congress be asked to approve an un-finalized court settlement and then given only 24 days to do it? After 14 years in litigation? That's always a red flag.

The ILCA component does reflect legitimate concern about the fractionalization of Indian lands. Too much fractional ownership has created

economic gridlock, eliminating the economic potential of 128,000 parcels of Indian-owned land. "Checkerboarding," in which land sales mingle allotment and fee simple properties, adds to the gridlock.

The proposed *Cobell* solution is to greatly increase the involvement of the same federal agency that created the problem in the first place—a system as purely bureaucratic as can be found anywhere in federal government.

The ILCA would be revived with \$2 billion taxpayer dollars, three orders of magnitude over current funding. It would greatly increase the size of the very federal Indian Trust program that has been continually mismanaged—and cost an estimated \$5 billion to investigate.

The ILCA component of *Cobell* would allow Interior and the BIA to purchase fractionated land and transfer these lands to tribal governments. This variation on fee-to-trust would dwarf the current system, especially given the limitations

imposed on fee to trust actions by the recent *Carciari* decision. Up to \$60 million could be used for educational scholarships to encourage owners to sell their allotment properties to the BIA.

This vast expansion of the ILCA program would bypass state sovereignty over land within state jurisdiction. In areas where checkerboarding is a problem, such as around the White Earth reservation in Minnesota, transferring more land to tribal government could create new pressures on remaining fee simple properties.

Some tribal members themselves have raised concerns that a lawsuit over accounting errors has ended up including a settlement for damages. Originally, it was thought that Supreme Court affirmation of misstatements of IIM accounts, on the order of billions of dollars, could then be leveraged in legal pursuit of adjustment of all IIM account balances. Instead, *Cobell* includes a \$1.4 billion payment to settle