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## Proper Economic Resource Management

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PROPER ECONOMIC RESOURCE MANAGEMENT NEWSLETTER

## After six years of failed treaty management on Mille Lacs— IT'S TIME FOR A CHANGE

By Dick Sternberg on behalf of PERM

Following the "bite of a lifetime" in 2002, Mille Lacs anglers experienced the direct opposite in 2003—the worst fishing ever. After it became apparent in early season that the walleye kill would fall hundreds of thousands of pounds below the safe harvest level, PERM representatives met with DNR officials in June and again in July in an attempt to convince them to make a regulation change that would allow more summertime harvest. But our suggestions were rejected because the DNR wants "stability" so that they can evaluate the present regulations. In addition, they stated that the Mille Lacs input group was also in favor of stability, although the input group members we contacted did not reflect that sentiment.

We responded to the stability argument by pointing out that even though the detail of the regulations has changed many times in recent years, the intent has remained the same: Allow harvest of small fish while protecting practically all of the large ones. The result of this philosophy was not difficult to predict—a scarcity of small fish and a glut of big ones. Because the results of the present regulation philosophy are apparent, there is no need for continued stability for the purpose of assessment.

After failing to convince DNR biologists that a change was needed to bring the population back into balance, PERM representatives contacted the Governor's office and requested a meeting to discuss the Mille Lacs regulation problem and

the effects that overly tight regulations were having, not only on the walleye population but also on angler and business interests. We are still waiting for the Governor's scheduler to set a date.

In the meantime, we are working with Commissioner Merriam and John Guenther, the newly appointed Director of the Division of Game and Fish, to work out the problem. We believe there is still a good chance of a favorable regulation change in time for the 2004 season.

The data on the following pages makes a strong case for a regulation change. The information was collected from DNR gill netting, trawling and creel surveys.

...continued on page 6

## From the Chairman

...by Pat Doroff

Our feature article this issue is the latest report by Dick Sternberg concerning the Mille Lacs Lake fishery. This is the third year Mr. Sternberg has reviewed the DNR's own data for Mille Lacs, digested its meaning, and offered recommendations on how to proceed with managing Minnesota's premier walleye lake. Mr. Sternberg, himself a former biologist with the DNR, brings a common sense approach to dealing with issues resulting from treaty fisheries management. His work has been instrumental in achieving a realistic "safe harvest level" for Mille Lacs walleyes. Now he has focused his recommendations on setting a harvest regulation for sport anglers that will be good for the health of the fishery, and lead to a better fishing experience for anglers. As he has done each year, Sternberg sent his latest findings to the DNR for their review. Last month the DNR indicated in an Outdoor News article, that it would consider changing the regulations for Mille Lacs this coming season. Let's hope they agree with Sternberg's analysis of the data, and make the changes necessary to ensure a healthy fishery and allow walleye anglers a few fish for the fry pan!

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We are still awaiting a decision from the U.S. 8th Circuit Court of Appeals on whether or not a lawsuit over the existence of the Mille Lacs Indian Reservation should go to trial or not. Earlier, the District Court in St. Paul dismissed the suit brought by Mille Lacs County, saying that the plaintiffs had not demonstrated that the Mille Lacs Band's assertion that the reservation established in 1855 continues to exist has caused them any harm. We are hopeful that the Appellate Court will reverse the lower court decision and send the case back for trial so that the issue can be resolved on the merits of the case. This issue does have significant implications on natural resource management in and around Mille Lacs Lake. If the Band were able to re-establish their old reservation, tribal members would be able to exercise even greater harvest rights in the area. A state court

judge has ruled that White Earth tribal members could exercise hunting rights on private property on the White Earth Reservation. Exercising treaty rights on private property was one of the main things we prevented when PERM helped the landowners in the 1837 Treaty off-reservation hunting and fishing rights lawsuit. But the protections won in the 1837 case could be lost for those who own property inside the old Mille Lacs Reservation.

\*\*\*

The U.S. Supreme Court will decide an important case called *United States of America v. Billy Jo Lara*. This case will shed some light on the source and extent of tribal sovereignty and jurisdiction. Does tribal authority stem from the powers granted by the U.S. Congress, or is it derived from a pre-Constitutional inherent tribal sovereignty? Can tribal sovereignty be used to deny U.S. citizens their Constitutional rights? Can Congress, by passing a law that recognizes tribal sovereignty, empower tribes to deny a citizen his or her Constitutional rights? How does federal law, state law and Indian law fit into our Constitutional government? These are just some of the key questions involved in this case. PERM attorney, Randy Thompson, has filed an amicus brief on behalf of Citizens Equal Rights Foundation (CERF). PERM has donated \$1,000 to CERF to support their work. A lot more information on this landmark case can be found on the CERF/CERA web site at [www.citizensalliance.org](http://www.citizensalliance.org). PERM recommends you consider joining CERF/CERA. Just check them out on the web. I am sure you will find them to be worthy of your support.

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I want to wish everyone a joyful and prosperous 2004. I hope to see you at our Spring Pig Roast in Wahkon in May and our Spring Auction in June. For details, see our ads on page 8. In the meantime, have a safe winter, and good luck catching those fish through the ice!

## Yet another reason we need to resolve the Mille Lacs Reservation boundary issue.

By Clare Fitz, Chairman  
Mille Lacs County Tea Party

As of this writing, we are still waiting for a decision from the 8th Circuit Court of Appeals on whether or not Mille Lacs County's court case will be heard. That case, as you are aware was dismissed and the dismissal is currently in appeals court. As you know, that case asks the court to make a judgment as to whether or not the former 1855 Mille Lacs Reservation, which includes the Townships of Isle Harbor, South Harbor and Kathio and the cities of Chama, Wahkon and Isle, still exists. In other words, do those of us who live in those areas live on an Indian reservation or not?

**As we wait, more storm clouds have appeared on the horizon.**

The United States Supreme Court, on January 21, 2004, will hear oral arguments on *United States v. Billy Jo Lara*. While the technical issue is whether Mr. Lara can be prosecuted twice, both by an Indian tribe and by the federal government, for the same crime, the important issues are **whether federal Indian policy is subject to constitutional restraints or whether it is "common law" that can be changed by Congress without those constraints, and also, whether any sovereignty that Indian tribes may possess is an inherent sovereignty that precludes the United States Constitution or whether it is sovereignty delegated to the tribes by Congress.**

Mr. Lara is an enrolled member of the Turtle Mountain Band of Chippewa Indians but broke the law on the North Dakota reservation of the Spirit Lake Nation of which he is not a member.

In 1990, the Supreme Court held, in *Duro v. Reina*, that tribes do not have criminal jurisdiction over non-Indians or Indians who are not members of that particular tribe or band. In 1991, Congress passed an amendment to the Indian Civil Rights Act that recognized "the inherent power of Indian tribes...to exercise criminal jurisdiction over all Indians." This legislation, in effect, reversed the *Duro* v. *Reina* decision.

So the constitutional issue is whether Congress can overrule the Supreme Court's *Duro* decision.

**So what does that mean to those of us who live in, or own property in, the contested 61,000 acres of Mille Lacs County?** If, in fact, Congress has the authority to create inherent sovereignty for Indian tribes that gives them jurisdiction over non-member Indians, then what would stop Congress from giving tribes jurisdiction over non-Indians who live on Indian reservations?

In fact, two bills currently in Congress (S.578 and H.2242) would do exactly that, giving the tribes jurisdiction over "all places and persons within Indian country". The language of these identical bills "affirms and declares that the inherent sovereign authority of an Indian tribal government includes the authority to enforce and adjudicate violations of applicable criminal, civil and regulatory laws committed by any person on land under the jurisdiction of the Indian tribal government".

The Mille Lacs Band statutes state that "The jurisdiction of the...Mille Lacs Band...shall extend to all persons...within the exterior boundaries of the Mille Lacs...Reservation...The Mille Lacs Reservation shall mean all land within the exterior boundary described in the Treaty of 1855...The [Mille Lacs Band] Commissioner...shall have powers of regulation over all matters of land, air, water..."

The Band, in their effort to avoid an answer from the courts on whether or not the former Mille Lacs Reservation still exists, has assured the court that they have no intention of enforcing their laws on non-Indians. That assurance is nebulous at best.

If the Department of Justice were to prevail in this lawsuit, those of us who reside in, or own property in, northern Mille Lacs County could end up under the jurisdiction of the Band without the protections of the U.S. Constitution.

# Battle shaping up over who owns Tulalip tidelands

## Tribes, homeowners in dispute

By Jennifer Langston, Seattle Post-Intelligencer Reporter

**Editor's note:** The following article from the Seattle PI has been sent to us from United Property Owners (UPO) as an example of the growing aggressive positions being taken by many tribes across the country. UPO can be reached at [www.unitedpropertyowners.org](http://www.unitedpropertyowners.org).

Saturday, November 1, 2003

**TULALIP INDIAN RESERVATION** — Irma Erickson has never denied anyone access to her private strip of beach.

But she balks at regulations that could allow tribal members to walk across her pier at any time — whether she's throwing a dinner party or sunbathing.

On a reservation where non-Indians own most of the developed waterfront, the Tulalip tribes contend treaty agreements and executive orders signed in the 1800s gave them ownership of the reservation's tidelands.

Many landowners disagree — some, such as Erickson, have unearthed yellowed land titles showing that allotments sold to whites nearly a century ago included the tidelands that have become their front yards.

The tribes are now proposing to regulate, charge rent on and allow tribal access to docks, bulkheads, beach stairs, boathouses and other structures built on tidelands below the reservation's high water mark.

They say the proliferation of beach amenities are damaging ecologically important marine habitat, ripping up nets and cutting them off from their traditional fishing grounds.

"Some of our people's concern is we can't walk the beaches," said Stan Jones Sr., a 77-year-old fisherman and vice chairman of the Tulalip Board of Directors. "We're not looking for a battle, we just don't want to have to climb over things. "And if they're hurting the salmon, that's a concern." Here and elsewhere, several trends are fueling the dispute: suburban sprawl spilling onto reservation lands; new wealth allowing tribes to assert control over their resources; and non-Indian landowners refusing to submit to a government in which they have no voice or vote.

Non-tribal landowners own nearly 47 percent of the Tulalip reservation's property and most waterfront homes. Many believe

they have claims to the tidelands. Recently, they formed the Tulalip Community Land Owners Association, raising \$25,000 for a potential legal battle and researching the original land grants for their beachfront properties.

They've also joined a nationwide network of activists fighting tribal attempts to assert jurisdiction and taxing authority over non-Indians.

"We've been asleep out here, loving our waterfront, but this has awakened a sleeping giant," said Kim Halvorson, a biotech executive whose family owns six homes along Priest Point.

"This is becoming more like a fiefdom or a dictatorship than a community." But the Tulalip tribes contend they're not trying to regulate private property. They're just trying to rein in shoreline development on tidelands they've always owned.

Concrete bulkheads can starve beaches of sand, turning them into barren rocky cobbles where forage fish can't spawn.

And docks and boathouses can shade and kill eelgrass, a marine plant that harbors so much diversity it's been compared to a tropical rainforest.

Before the infusion of casino profits, the tribes didn't have the manpower to police the problem or enforce lease agreements for structures plopped on their property.

Now they do.

### Shoreline development

From his new boat, Robert Myers, a fisheries enforcement officer for the Tulalip tribal police, points out how easy it is to tell who owns which stretch of waterfront.

The tribes' beaches have pristine cliffs, with eagles roosting in madrona trees, bushy shordines and piles of tangled driftwood armoring the banks.

The private stretches are lined with miles of vertical seawalls holding back earth on which beachfront homes, summer retreats and cabins were built.

They shore up docks and sandy driveways covered in barbecue grills, boat motors, crab pots, chaise lounges and herbs grown in antique fishing crates.

Beach stairs that appear to defy the laws of physics zigzag down cliffs.

Lance Williams, a Tulalip fisherman, said the ever-increasing number of buoys landowners have anchored offshore to moor their boats is pushing him out of prime fishing areas.

They rip holes in salmon nets the size of a car. "You try to avoid them but sometimes the tide catches you and sucks you into them," said Williams. Myers has watched the intensity of shoreline development change over the years.

Simple boathouses evolve into fancy beachfront homes and docks that once served rowboats are enlarged to handle 50-foot yachts. In some cases, he said, work has been done without permits or permission.

"I've seen it ever since I started here 20 years ago," he said, "and it's just gotten worse in terms of the encroachment."

No one disputes that private landowners own part of the beaches. The disagreement centers on the strip of land that's flooded and exposed with the changing tides.

Across the Northwest, cases involving ownership of tidelands, lake bottoms and river beds have played out in the courts with different results.

On the Lummi Reservation, for example, landowners were ordered by a judge this year to remove bulkheads built on tribally owned tidelands.

But in an earlier case on the Port Madison Indian Reservation, courts ruled that the Suquamish tribe couldn't claim ownership of disputed tidelands.

"It's come up in a lot of different places," said Robert Anderson, director of the Native American Law Center at the University of Washington.

"But each is really a case-by-case specific inquiry into the facts."

### Relationships under strain

Across the country, critics contend tribal governments flush with gambling profits are causing widespread conflicts with their neighbors.

"It is severely straining what should be good relationships," said Barb Lindsay, executive director of Property Owners United, a Redmond-based organization that fought a lawsuit ultimately allowing tribes to harvest shellfish on private beaches.

On the Tulalip reservation, those tensions are bubbling to the surface.

Non-tribal property owners, for example, were upset by a recent decision to raise their sewer and water rates by 43 percent regardless of how much water a household uses.

Some complain they learned about the tribes' proposed shoreline regulations only after someone saw a small green flier posted at a bus stop. They had to make copies and stuff notices into mailboxes themselves.

A public hearing brought out hundreds of non-tribal landowners, bristling at the prospect of paying leases on docks that have been there for decades. They worry tribal staff could deny repairs on structures that keep their homes from slumping into the sea, despite exemptions in the rules allowing it.

"If my bulkhead should fail, which is my front porch, I would have to go to the tribes for a repair and they could say no," Erickson said.

Cal Taylor, who sat on the Tulalip Board of Directors for 12 years, said these power struggles are almost inevitable on a reservation with so many non-Indian residents. "They think of Tulalip as their home because some of them have been here for generations," he said.

"Sometimes they forget about the rights of the tribal members."

Landowners say they share the tribes' goal of protecting Puget Sound's shorelines, which support a vast web of marine life.

They disagree on who should enforce the rules, saying they're willing to submit to Snohomish County's stringent shoreline regulations.

In the meantime, landowners hope the tribes will work with beachfront homeowners on a plan that protects the environment — and their rights.

"The mood of the discussions has been anxious but conciliatory," said Bob Anderson, a former Everett mayor who recently sold a longtime home on the Tulalip Reservation.

"The hope in people's minds is let's resolve this amicably — let's try not to torch this thing because that's not the way to live together."

## Volunteers needed! ...by Lisa Mueller, Events & Shows Committee

PERM needs volunteers. The heart of any successful grass-roots organization is its volunteers. The following is a list of some of the events, shows and fundraisers PERM puts on or participates in. Its easy to get involved, just see the Get Involved section below for whom to contact, or just attend one of our regularly scheduled meetings.

Most of the help we need involves just a little support work. While we are always looking for someone to chair an event or function, really what we need most are people who can give a few hours of their time carrying out simple tasks, spelled out clearly by the event chairman. Things that may include: **1)** Collecting merchandise from local businesses for events in their area. **2)** Making a few phone calls. **3)** Helping out with ticket sales. **4)** Helping to find other local volunteers to work at the event. None of these tasks are too overwhelming, but they all take time, and can all be best accomplished by volunteers from the local area in which the event takes place.

PERM also attends several sport shows. These shows require many hours to staff a vendor booths. The work is not complicated or difficult. In fact, it's often quite fun meeting many other outdoor enthusiasts in a sport show environment, but we need help staffing the PERM booth. Duties will involve; **1)** Passing out current information and PERM Newsletters to showgoers. **2)** Helping customers fill out raffle tickets and forms for PERM merchandise. **3)** Booth set-up and tear-down. Nothing too complicated, just chip in and help out the person in charge of the booth that day.

The following is a list and approximate times and places for some of the functions we do each year. Each newsletter has more specific times and dates for up-coming events. If you can help out in any way, please contact one of the people listed in the **Get Involved** section of this paper.

- January or February:**
  - PERM's Annual Metro Area Fundraiser Minneapolis/St. Paul and surrounding area
- February:**
  - 3 days St. Cloud Sportsmen's Show St. Cloud, MN
- February or March:**
  - 3 days Walleye Expo Shakopee, MN
- March:**
  - 3 days Musky Expo Blaine, MN
  - 6 days Northwest Sports Show Minneapolis, MN
- April:**
  - PERM's Annual Spring Pig Roast Wahkon, MN
- June:**
  - PERM's Annual Spring Auction Ogilvie, MN
  - PERM's Annual Hillman Area Fundraiser Hillman, MN
- August:**
  - 6 days Game Fair Anoka, MN
  - PERM & EMCSC Trap Shoot Pierz, MN
  - 5 days Aitkin County Fair Aitkin, MN
  - 5 days Crow Wing County Fair Brainerd, MN
- September:**
  - PERM's Annual Fall Auction Mille Lacs Lake Area
- December:**
  - PERM's Brainerd Area Fund-raiser Brainerd, MN

Plus PERM often has a booth or float in several local city festivals like Isle, Wahkon and Onamia.

## Get involved!

Everyone is invited to attend one of the monthly meetings.

**PERM Monthly Meeting  
Elk River**  
1st Tuesday of each month  
7:30pm  
Broadway Pizza  
Hwy 10, 2 miles east of Elk River

**Lake Mille Lacs Area  
Chapter**  
2nd Thursday  
7:30pm  
Wahkon City Hall,  
Wahkon, MN

Help Save Minnesota. All you have to do is show up. Like any other volunteer grassroots movement, there are many ways you can help. Spread the word by handing out our newsletter. Sell raffle tickets. Help run booths at our events. Hand out PERM materials at your local events. Organize a PERM event or presentation in your town or local club. We welcome merchandise donations for fundraising auctions, raffles, and door prizes. We also welcome donations of fishing and hunting trips. Get involved! Turn to PERM!

**Albertville**  
Lisa Mueller  
763/497-4682

**Finlayson**  
Leonard Schaeffer  
320/233-7133

320/272-4702  
**Pierz**  
Hank Dombovy  
320/277-3539

**Anoka**  
Pat Doroff  
763/427-5694

**Hopkins**  
Howard Hanson  
612/868-3148

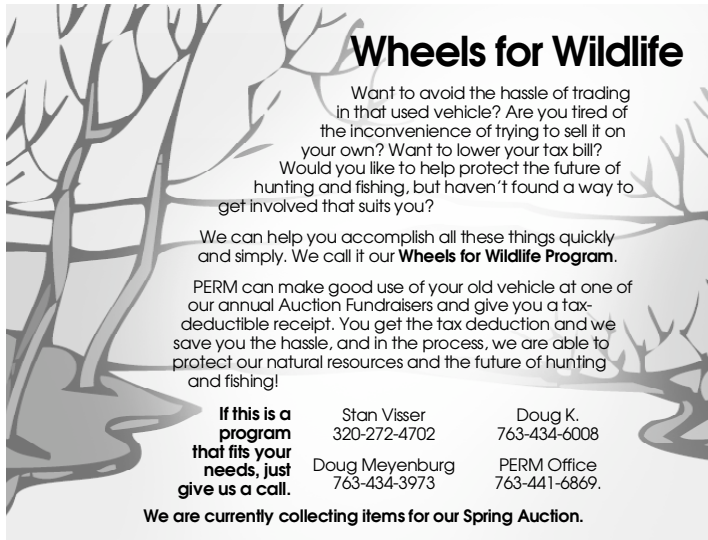
**Wahkon**  
Howard Thurber  
320/495-3694

**East Bethel**  
Doug Meyenburg, Jr.  
763/434-3973

**Isle**  
Joe Karpen  
320/676-8834

**Zimmerman**  
Scott Ebner  
763/856-4223

**Ogilvie**  
Stan Visser



## Wheels for Wildlife

Want to avoid the hassle of trading in that used vehicle? Are you tired of the inconvenience of trying to sell it on your own? Want to lower your tax bill? Would you like to help protect the future of hunting and fishing, but haven't found a way to get involved that suits you?

We can help you accomplish all these things quickly and simply. We call it our **Wheels for Wildlife Program**.

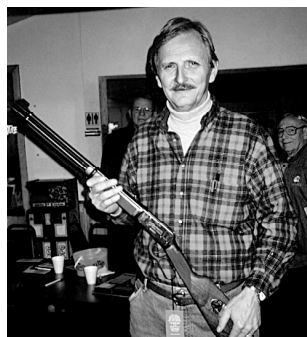
PERM can make good use of your old vehicle at one of our annual Auction Fundraisers and give you a tax-deductible receipt. You get the tax deduction and we save you the hassle, and in the process, we are able to protect our natural resources and the future of hunting and fishing!

<b>If this is a program that fits your needs, just give us a call.</b>	Stan Visser 320-272-4702	Doug K. 763-434-6008
	Doug Meyenburg 763-434-3973	PERM Office 763-441-6869.

**We are currently collecting items for our Spring Auction.**

## PERM's Annual Brainerd Area Fundraiser takes in \$9,500!

Great food, lots of raffles, and fabulous auction items, made this year's event at the Old Waterfall in Brainerd, Minnesota a great place to be this past December 6th. PERM would like to thank all the area merchants who donated prizes. We want to thank all the volunteers who worked so hard, especially Hank Dombovy who chaired the event. Thanks to the folks at Lakeland Catering and the Old Waterfall for hosting the event. We also want



to thank Dave Schubert for donating his auctioning services. And finally, thank you to all who attended and generously contributed to making the fundraiser a financial success!

**Stan Dobosenski of Brainerd, MN proudly displays the PERM Commemorative Winchester Model 94 30-30 Rifle he purchased on auction at PERM's Brainerd Area Fundraiser.**

## Summer Raffle Drawing Winners

The drawings for our Summer \$5 Dollar Raffle and the Polaris ATV were held December 2, 2003 at Broadway Pizza in Elk River, MN.

Congratulations to the winners listed below. Thank you to everyone who participated.

### \$5 Dollar Raffle Winners:

- 1) Browning 30-06 BLR - Mike Bauer - Crystal, MN. #346
- 2) Browning 12 ga. Gold Hunter - Kurt Kettner - Elk River, MN. #830
- 3) Gun Safe - David Norgard - Ft. Ripley, MN. #2054
- 4) Hunting Knife - Bill Savage, Pequot Lakes, MN. #1655
- 5) Diamond Pendant - Jay Guerin - Shoreview MN. #1798
- 6) Hand Crafted Rod with Reel - John Blommer - St. Joseph, MN. #2158
- 7) Set of 3 PERM Wildlife Prints - Michael Gargstad - Brainerd, MN. #1135

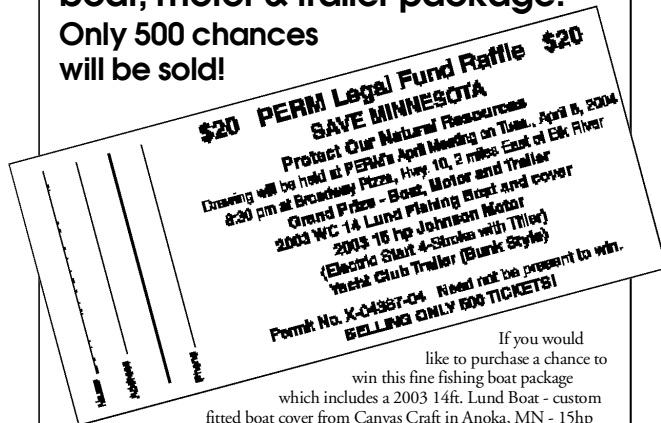
### Polaris Magnum 330 ATV & Trailer Winner:

Al Lillebo - Elk River, MN #176



Lisa Mueller (L), Patty Weitganant (C), and Jim Wille (R) drawing the winning tickets from PERM's Summer Raffles.

**Don't miss your chance to win this boat, motor & trailer package. Only 500 chances will be sold!**



If you would like to purchase a chance to win this fine fishing boat package which includes a 2003 14ft. Lund Boat - custom fitted boat cover from Canvas Craft in Anoka, MN - 15hp Johnson outboard motor and Yacht Club trailer from Riverview Sport Marine in Elk River, MN - Just fill out the ticket stub in this paper, clip it out and send it with your check to PERM Boat Raffle - 657 Main St. #210 - Elk River - MN - 55330. Tickets are \$20.00 each. We will mail your actual ticket stubs back to you. **Minimum of two tickets per order please.**

## PERM Membership Benefits Package

Join or renew your membership to PERM and receive a members only discount coupon packet with over \$500.00 worth of savings at dozens of area businesses.

Offers include discounts at motels and resorts, restaurants, gas stations, grocery stores, bait shops, auto service stations, hardware stores, lumber yards, boat and marine shops, sporting goods stores and much more. Also included in the package are your PERM Membership Card, and a PERM Logo Bumper sticker.

**Join PERM now and receive your membership benefits package today!**

### Join PERM today!

PERM, Cinema Professional Building,  
657 Main Street #210, Elk River, MN 55330

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Membership \$: \_\_\_\_\_ Extra Legal Fund Donation \$: \_\_\_\_\_

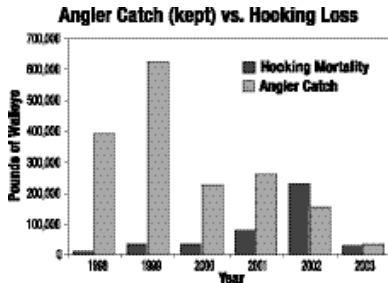
#### Membership Options

- 1 Year Individual - \$25     5 Year Individual - \$100  
 2 Year Individual - \$45     Annual Corporate/Club - \$100

PERM is a non-profit 501(C)3 corporation.  
Donations are tax deductible.

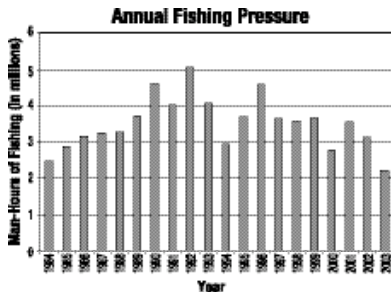
**Thank you for your help and support!**

## It's time for a change *...continued from page 1.*



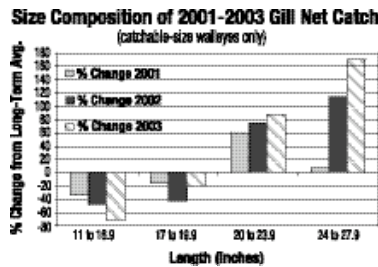
**Discussion:** Since treaty management began in 1998, ever-tightening slot limits combined with a reduction in the population of legal-sized fish, has resulted in a sharp decline in the poundage of walleye kept by anglers. In fact, the poundage kept in 2003 was only about 5 percent of that in 1999. At the same time, the poundage of walleye lost to hooking mortality showed a sharp increase from 1998 to 2002, peaking at 228,282 pounds for the 2002 season. What upset so many anglers was the fact that hooking mortality in 2002 far exceeded the poundage actually kept.

The total kill for 2003 was 66,493 pounds, only about one-third of that in 1985, the next lowest year on record. The astoundingly low harvest resulted in a noticeable attitude change among anglers. Not only was the bite very slow, but when they did catch a fish, they couldn't keep it. So they solved the problem by going elsewhere.



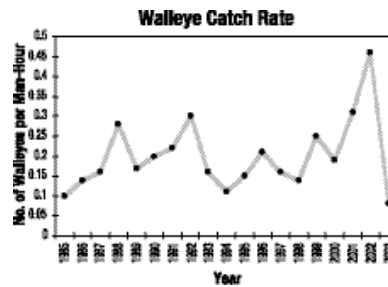
**Discussion:** Even though fishing pressure on most of Minnesota's large lakes has shown sharp increases in recent years, the trend on Mille Lacs has been downward. In fact, the amount of fishing in 2003 was at a 20-year low. To make matters even worse for resorters and other business interests that rely on Mille Lacs anglers, 73% of the total fishing pressure for the year occurred before mid-June, explaining why the summer and fall business was the slowest most observers had ever witnessed.

The "tough bite" got most of the blame for the lack of interest by anglers, but as one resorter observed, "We've had poor fishing years before, but people still went fishing because they could keep most of what they caught. Now they can't, and that's the difference."



**Discussion:** This graph demonstrates the effects of slot limits that have targeted the smaller walleyes in recent years and clearly explains why it has become so difficult to catch a "keeper." In 2001, the number of walleyes in the 11- to 17-inch size group was already 33 percent below the long-term average while the number in the 20- to 24-inch group was 60 percent above the long-term average. The trend toward fewer small fish and more big fish has continued and even accelerated in 2002 and 2003. The 11- to 17-inch group is now down 71 percent while the 20- to 24-inch group is up 88 percent and the 24-inch-plus group, 171 percent.

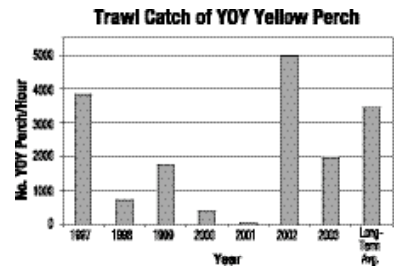
While stability of regulations is a goal of the DNR and some resorters, it is now obvious that the present regulations have created a serious population imbalance and should not continue.



**Discussion:** Fishing success, which is usually measured in terms of number of walleyes caught per man-hour of fishing, has always been highly variable on Mille Lacs, ranging from 0.1 to 0.3 walleyes per hour in most years. The main factors affecting the catch rate are the abundance of catchable-size walleyes and the abundance of baitfish, particularly young-of-the-year yellow perch. If walleyes (especially the smaller, more catchable ones) are numerous and baitfish scarce, the bite is likely to be hot and vice versa.

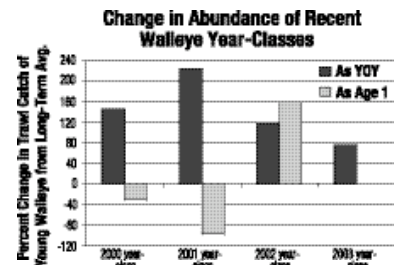
The erratic nature of the bite has always been a concern to fisheries managers because it results in a "boom-or-bust" walleye harvest. In arguing for more restrictive size limits, the DNR frequently pointed to the million-pound-plus walleye harvest in 1992 which was followed by a harvest of only about 200,000 pounds two years later. Supposedly, tighter slots would help smooth out the curve.

But as this graph clearly shows, the ultra-tight slots of the post-treaty era have had the opposite effect. Not only did the catch rate drop from its highest ever (.46/hr) in 2002 to its lowest ever (.08/hr) in 2003, the walleye kill dropped 82% in the same period. Never has the downturn from one year to the next been this severe.



**Discussion:** The abundance of young-of-the-year (yoy) baitfish, especially yellow perch, is a major factor in determining the willingness of walleyes to bite. Perch hatch in early spring, but do not reach the size necessary to interest walleyes until mid-summer. Following two particularly weak year classes in 2000 and 2001, due at least in part to the continuing build-up of large walleyes, the "bite" at the start of the 2002 season was phenomenal. The hot bite became apparent at the beginning of the ice-fishing season and continued well into the summer of 2002. But in late summer, when walleyes begin to feed heavily on yoy perch from the huge 2002 hatch, the bite began to fade. By season's end, anglers were struggling to catch fish, and the problem grew even worse in 2003.

The moderate perch hatch of 2003 signals an improvement in fishing for the 2004 season, but it is unlikely the bite will be anything even close to that seen in 2002.



**Discussion:** DNR trawl catches show that the size of all walleye-year-classes since the year 2000 have all been well above average, with the strongest year-class coming in 2001. But in the case of both the 2000 and 2001 year-classes, the numbers were seriously depleted by the time the fish reached a year of age, most likely as a result of predation by the increasing population of large walleyes. In fact, the exceptionally strong 2001 year-class went from 225% above average to 98% below average within one year. The 2002

*...continued on next page.*

## It's time for a change *...continued from previous page.*

year class survived well to age 1, probably because the large 2002 year-class of yellow perch relieved the predation pressure. As the situation now stands, future walleye fishing in Mille Lacs depends greatly on the 2002 year-class and possibly on the 2003 year-class, assuming it does not meet the same fate as the 2000 and 2001 year-classes.

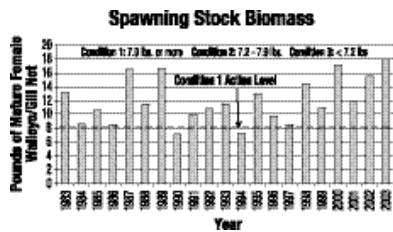
As long as the Mille Lacs walleye population remains heavily skewed toward the larger size classes, the threat of heavy cannibalism of young-of-the-year walleyes will persist.

### Condition Levels

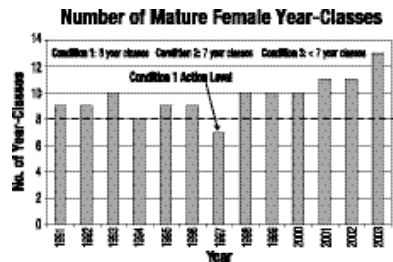
The five-year plan adopted in 2002 is conditional, meaning that the regulations will depend on the status of the walleye population—the healthier the population, the more liberal the regulations may be. The population's health is defined by the following criteria, as determined by the annual fall gill-net survey:

- Spawning stock biomass (pounds of mature female walleye per gill net).
- Number of mature female walleye year classes.
- Pounds of walleye per gill net.

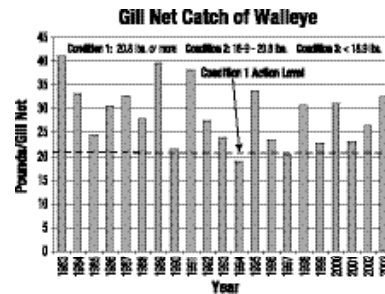
Based on these annual measurements, the overall health of the population will be rated as Condition 1 (all three criteria at 110% or more of historic lows), Condition 2 (any of the criteria are between 100 and 110% of historic lows) or Condition 3 (any of the criteria at historic lows).



**Discussion:** Spawning stock biomass has been in Condition 1 in all but 2 years out of the 21-year historic baseline period (1983-2002). The lowest biomass occurred in 1990, when there were only 7.2 pounds of mature females per gill net. The 2003 biomass was 18 pounds per gill net, which is the highest on record and more than double the Condition 1 action level.



**Discussion:** The number of mature female year classes is now at 13, the highest on record and well above the Condition 1 action level of 8. The fact that both the number of year classes and the mature female biomass are both at historic highs should put to rest the Band's argument that there is a shortage of spawning stock.



**Discussion:** The poundage of walleye per gill net increased dramatically in 2003 and is now at 32.4, well above the Condition 1 level of 20.8 and the highest in the last eight years. The increase was probably related to the record-low angler walleye harvest in 2003.

With all three indicators well above Condition 1 action levels, the stage is now set for more liberal fishing regulations in 2004.

### Summary, Conclusions & Recommendations

The lowest fishing pressure in the last 20 years resulted in the lowest walleye catch since creel records have been kept. The total 2004 walleye kill (lbs. kept + hooking mortality) also set a record low—by a wide margin. The lack of anglers, especially in summer and fall, resulted in a tremendous hardship for the Mille Lacs fishing economy, with many resorts and bait dealers reporting a drop in business of 50% or more. One launch operator saw his business fall off by more than 90%.

The walleye catch rate (.08 walleyes per hour) was the lowest on record, but that figure includes the number of walleyes released. In terms of walleyes kept by anglers, the catch rate was only .01 per hour, meaning that an angler had to fish almost 100 hours to catch a keeper.

The DNR blames the poor fishing in 2003 on the large perch hatch in 2002. But there have been even larger perch hatches in the past and they have not resulted in such slow fishing. What compounded the problem is the fact that the "slot fish" (17 inches and under) now make up a much smaller percentage of the population than they have in previous years. Since the larger fish that remain are considerably more difficult to catch than the smaller ones, the drop in the catch rate is understandable.

As an integral part of their latest five-year plan, the DNR and Band agreed on a set of indicators that would be used to

monitor the health of the walleye population. All of these indicators are well above the "Condition 1" action levels. In fact, two of the indicators, spawning stock biomass and number of year classes of adult females, are at historic highs. And the total gill net catch was 56 percent higher than the Condition 1 action level. This means that the walleye population is strong enough to allow more liberal fishing regulations and a substantial increase in harvest.

Two other factors further support liberalization:

- The rebound in baitfish numbers. With the perch population now in the average range, the bite is likely to be within normal bounds.
- The "underage" resulting from the record-low 2003 walleye harvest. With a safe harvest level of 550,000 pounds for the 2003 season and deductions of only 66,492 pounds (angler kill), 70,536 pounds (Band kill) and 7,600 pounds (overage from 2002), there is an underage of 405,372 pounds that will carry over to the final four years of the five-year plan. That underage will be prorated, resulting in an annual underage of 101,343 pounds.

Although the 2004 safe harvest level has not been announced, it logically should be higher than the 2003 level, based on the increase in all of the Condition factors. Let's assume the 2004 safe harvest level is 600,000 pounds minus a 100,000-pound deduction for the possible Band Catch. That would leave a 500,000-pound quota for angler kill, with an underage "cushion" of 101,343 pounds should that catch be exceeded.

While it is clear that regulations can and should be liberalized, the highly skewed size distribution of the walleye population means that the new regulations will have to be carefully tailored. With much of the population nearing the end of its life span, the harvestable fish severely depleted and a great deal of cannibalism of young walleyes in recent years, there is serious concern about the future. Whatever regulation is chosen, it should not focus the harvest on the 17-inch-and-under size class, which has been badly overfished already.

We believe the DNR should establish length regulations that protect more of the walleyes under 17 inches while allowing a reasonable harvest of larger fish. One possibility would be a harvest slot of 17 to 21 inches with one fish over 28 inches and a limit of 4. Or, to be more conservative start the season with a 17- to 19-inch harvest slot and then switch to a 17- to 21-inch slot when the night ban goes off in early June. Not only would these regulations help promote walleye population balance, they will give anglers a chance to harvest a larger share of the sportfishing allocation.

If at all possible, the new regulations should take effect in January 2004. This move could salvage what will almost surely be a disastrous ice-fishing season if current regulations remain in place.

## PERM's Spring Pig Roast

Sunday, May 2, 2004

11:30 am

The Wahkon Inn  
235 North Main Street  
Wahkon, Minnesota



LIVE AUCTION    RAFFLES    GREAT FOOD!

**For advance tickets, call Joe at 320/676-8834**

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1/04

## Check out the great raffle we have this winter!

### \$5 PERM Legal Fund Raffle \$5 SAVE MINNESOTA

#### Protect Our Natural Resources

Drawing will be held at PERM's April Meeting on Tuesday, April 6, 2004, 8:30 pm at Broadway Pizza, Hwy. 10, 2 miles East of Elk River

1. Special PERM Rifle Browning BARMKII 270 from Capra's Sporting Goods, Blaine, MN
2. Special PERM Shotgun Browning Gold Hunter 12 Ga. from Capra's Sporting Goods
3. Apeko Fish Finder/Plotter from ProSports, Ramsey, MN
4. Spotting Scope with stand
5. Diamond and Sapphire Necklace from Jewelers By Design, Maplewood, MN
6. Custom Rod and Reel from Marv Carlson
7. Set of three PERM Limited Edition Wildlife Art Prints - "Opening Day on Lake Mille Lacs", "Shoulda Been There", and "Ready to Rise"

Need not be present to win.

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If you would like to purchase a chance to win one of these excellent prizes, just clip out this ticket, fill it out and send it with your check to: PERM

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Tickets are just \$5 each and we will mail your stubs back to you. Minimum of two tickets per order please.

## PERM's Annual Spring Auction

Saturday, June 5, 2004

10:00am

Stan Visser's Residence  
3 miles north of Ogilvie on Hwy 47

**Support PERM and have a great time!** The Auction begins at 10:00 am and runs until we are out of goodies (about dark). Lunch will be available on the grounds.

supplies, antiques, memorabilia, chain saws, athletic gear, gift certificates, fishing/hunting trips, resort stays, and other items that you find at a general auction.

We need items donated or consigned to make our auction successful. Items donated have been new or used: guns, wildlife art, tools, motorcycles, trailers, boats, motors, fishing equipment, hunting

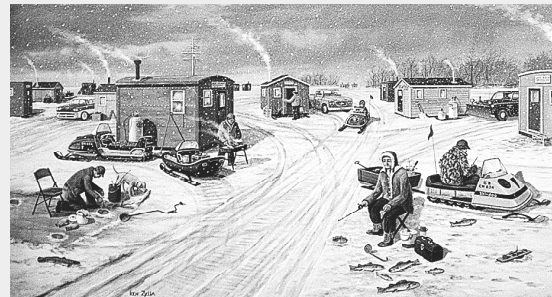
**Consignments Welcome**

Donations of home-baked pies, bars, cakes, cookies, etc. for the day-long bake sale are much appreciated.

**Contributions are tax deductible.**

**To donate merchandise or for more information call:**

Doug Meyenburg, Jr. 763-434-3973,  
Stan Visser 320-272-4702 or Joe Karpen 320-676-8834



"Shanty Town" by Ken Zylla

PERM is proud to offer 2,500 special edition prints by Ken Zylla titled "Shanty Town." A true reflection of Ken's renowned style, this ice fishing scene is sure to stir the memories of all present and former northland residents, as well as intrigue those not lucky enough to have spent some time at Minnesota's most treasured winter pastime.

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