

November 3, 2006

Docket Management Facility (USCG-2006-2567)
U.S. Department of Transportation
Room PL-401
400 Seventh Street, S.W.
Washington, DC 20590-0001

Re: Docket No. CGD09-06-123
U.S. Coast Guard Water Training Areas, Great Lakes

To Whom It May Concern:

The following comments are submitted on behalf of the Red Cliff Band of Lake Superior Chippewa Indians and their Treaty/Natural Resources Division.

The Red Cliff Band of Lake Superior Chippewa Indians (Red Cliff Band or Tribe) is a federally recognized Indian Tribe established June 1, 1936, upon meeting the criteria of the Indian Reorganization Act of 1934. The Tribe's ancestral home is located on the southern shores of Gitchi Gumee, Lake Superior, on the coastal tip of the Bayfield Peninsula located in northern Wisconsin. The Red Cliff Reservation spans 14,093 acres with 22.3 miles of Lake Superior shoreline. The Apostle Islands extend from the tip of the peninsula and form a 22 island archipelago creating the Apostle Island National Lakeshore.

The Tribe maintains treaty rights to fish the waters of Lake Superior which have been reaffirmed in both state and federal courts. The Red Cliff Natural Resources Department co-manages the areas of Lake Superior defined by these decisions in conjunction with its State agency counterpart, the Wisconsin Department of Natural Resources.

The Lake Superior commercial fishery as a whole has an estimated U.S. dollar value of \$1,827,723.00 and produces 2,459,256 total pounds of fish per year. The total pounds of fish harvested in WI-2 for the year during 2005 were 1,828,077 pounds. By far the largest amount of fish harvested from Lake Superior comes from the Apostle Island Region, Red Cliff's home fishing grounds. The Red Cliff Commercial Fishery is perhaps the largest in the western region of Lake Superior and is composed of 40 licensed fishermen. A Tribal subsistence fishery has also been ongoing in the region, providing fish for tribal members and their families.

Tribal members of the Red Cliff Band have much higher levels of fish consumption than national averages used in fish advisory establishment and water quality criteria derivation. Documented fish consumption levels of the Red Cliff Band have exceeded 1.5 lbs/person/week of fish from Lake Superior. Consumption of fish is important in

battling diabetes and heart disease. Increase in Omega-III oils in the diet combat these diseases and can be readily found in Lake Superior fish.

The Red Cliff Band has been working diligently with the Department of Defense and other agencies to clean up military grade ordinance in Lake Superior which was improperly disposed of. Currently, the Tribe has a Memorandum of Understanding with the United States Department of Defense that provides funding for the development of a Strategic Project Implementation Plan, as well as for the design and implementation of mitigation and restoration plans for the lake. These plans will provide the basis for the proper disposal of more than 400 tons of unexploded Department of Defense ordinance, scattered over a 25 square mile area in the western arm of Lake Superior. To date the Tribe has completed the Strategic Project Implementation Plan and is in the design phase of mitigation and restoration activities.

The Tribe maintains a Memorandum of Understanding with the US Coast Guard (USCG) which allows Red Cliff to inspect tribal commercial fishing vessels. More importantly, this memorandum gives the Tribe the right to handle infractions by its tribal members within the confines of the Red Cliff Tribal Court.

The Red Cliff Band cannot overstate that the process of the creating the live fire zones has not followed generally accepted protocol. The Tribe was not contacted by the USCG in connection with the establishment of the live fire zones nor with respect to the public hearing process. In fact, a live fire training exercise has already occurred in the western arm of Lake Superior. More remarkably, the exercise occurred prior to the public hearing process and without any notice to the Tribe.

The Tribe objects to the creation of the “Safety Zones” as well as their permanent nature and believe that there is no need to permanently prevent public use of these areas. Four of the seven “Safety Zone” sites proposed by the USCG in Lake Superior fall into lake trout and lake whitefish fishing grounds that Red Cliff regularly utilizes. Lake trout and lake whitefish are the main species of harvest for Red Cliff fishermen. In fact, proposed Lake Superior Zone #5 appears to encompass an area of the Gull Island Refuge which has been established for the rehabilitation of lake trout in Wisconsin waters of Lake Superior.

If the Tribe had been contacted, the USCG would have been informed that the Tribal Commercial fishery operates in Wisconsin from November 28th through September 30th and in Michigan from November 28th through October 31st. The most productive fishing occurs during the early spring and late fall following the established negotiated fishing seasons. This period of increased productivity coincides with the proposed timing of the live fire training sessions for the USCG. Such a situation obviously presents hazards to our membership and disruption to our fishery that is not acceptable.

Again if the USCG had notified the Tribe, they would have also been informed that the Tribe is currently going through a process of removing ordinance from Lake Superior. In

addition, they would have been notified that the Tribe is adamantly against the intentional introduction of contaminants to Lake Superior.

The Red Cliff Band is concerned with all of the 34 different sites covering a total of 2300 square miles of the Great Lakes, but the majority of our interest lies in the waters of Lake Superior specifically within the 1842 ceded territory. Our main concerns are:

1. Impeding the Red Cliff Band of Lake Superior Chippewas in exercising treaty rights established via the Treaty of 1842 to fish the waters of Lake Superior.
2. Increased introduction of contaminants to Lake Superior.
3. Interference with remediation efforts to remove unexploded DOD ordinance from Lake Superior.

For all of the foregoing reasons the Red Cliff Band of Lake Superior Chippewa Indians strongly opposes the establishment of the proposed Safety Zones within Lake Superior as well as all the Great Lakes. The Tribe will use all necessary avenues to stop the creation of these "Safety Zones" and the intentional introduction of contaminants associated with these activities in Lake Superior.

Sincerely,

Patricia R. DePerry
Honorable Tribal Chairwoman
Red Cliff Band of Lake Superior Chippewa Indians