

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294



• MEMBER TRIBES •

MICHIGAN

Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN

Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band

MINNESOTA

Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

Fond du Lac Band
Mille Lacs Band

FY 2014 TESTIMONY

HOUSE COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

BY

JAMES E. ZORN, EXECUTIVE ADMINISTRATOR

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)

AGENCIES – BUREAU OF INDIAN AFFAIRS AND ENVIRONMENTAL PROTECTION AGENCY

1. BIA RIGHTS PROTECTION IMPLEMENTATION: \$36,722,000. Great Lakes Area Resource Management: \$7,067,000 (Administration's proposed allocation).

Agency/Program Line Item: Dept. of Interior, Bureau of Indian Affairs, Operation of Indian Programs, Trust-Natural Resources Management, Rights Protection Implementation, Great Lakes Area Resource Management.

Funding Authorizations: Snyder Act, 25 U.S.C. s. 13; Indian Self-Determination and Education Assistance Act, (P.L. 93-638), 25 U.S.C. ss. 450f and 450h; and the treaties between the United States and GLIFWC's member Ojibwe Tribes.¹

2. BIA CONTRACT SUPPORT: At least the **\$231,000,000** amount requested by the Administration, provided this amount meets the full contract support funding required by the Indian Self-Determination and Education Assistance Act.

Agency/Program Line Item: Dept. of Interior, Bureau of Indian Affairs, Operation of Indian Programs, Tribal Government.

Funding Authorization: Indian Self-Determination and Education Assistance Act, (P.L. 93-638), 25 U.S.C. ss. 450f and 450h.

3. EPA GREAT LAKES RESTORATION: \$300,000,000. TRIBAL NEED: \$25,000,000. GLIFWC NEED: \$1,200,000 (estimated annual need).

Agency/Program Line Item: Environmental Protection Agency, Environmental Programs and Management, Geographic Programs, Great Lakes Restoration.

Funding Authorizations: Clean Water Act, 33 U.S.C. s. 1268(c); and treaties cited above.

¹ Specifically, the Treaty of 1836, 7 Stat. 491, Treaty of 1837, 7 Stat. 536, Treaty of 1842, 7 Stat. 591, and Treaty of 1854, 10 Stat. 1109. The rights guaranteed by these treaties, and the associated tribal regulatory and management responsibilities have been affirmed by various court decisions, including a 1999 US Supreme Court case.

GLIFWC'S GOAL – A SECURE FUNDING BASE TO FULFILL TREATY PURPOSES

For nearly 30 years, Congress has funded GLIFWC to meet non-discretionary treaty obligations and to comply with associated federal court orders. GLIFWC implements comprehensive conservation, natural resource protection, and law enforcement programs that ensure member tribes are able to exercise their treaty reserved rights to hunt, fish, and gather throughout the ceded territories, and that ensure a healthy and sustainable natural resource base to support those rights. These programs also provide a wide range of public benefits and assure full participation in management partnerships in Wisconsin, Michigan, and Minnesota.

GLIFWC and its member tribes thank this Subcommittee for its strong support of these treaty obligations for the past 30 years and for its continuing recognition of the hard work undertaken to implement its programs. In addition to increasing its support for treaty rights protection in FY 2012, the Subcommittee fully endorsed the Administration's request for an increase in RPI funding for FY 2013. Unfortunately, no FY 2013 appropriations bill was passed to recognize these increases. With the FY 2012 RPI funding, leveraged with other funding sources, GLIFWC still faced \$2,636,000 in unmet needs. Funding at the proposed FY 2014 level would begin to address these unmet needs. For more detail, the three elements of this FY 14 funding request are:

1. BIA GREAT LAKES AREA MANAGEMENT: \$7,067,000. This program falls within the Rights Protection Implementation (RPI) line item, which the Administration proposed at \$36,722,000 for FY 2014. Funds provided to GLIFWC under the RPI program ensure that GLIFWC's member tribes continue to comply with federal court orders by ensuring effective implementation of tribal self-regulatory and co-management systems.

In previous fiscal years, GLIFWC and other Treaty Commissions testified about chronic underfunding of the Rights Protection Implementation line item and the impacts of that underfunding on GLIFWC's programs. The increases in the Great Lakes Area Resource Management line item in FY 2010 allowed the Commissions to restore some program cuts that had resulted from previous funding shortfalls. Sequestration will undo many of these restorations. For example, for GLIFWC, sequestration threatens its long-standing fish contaminant and consumption advisory program, fall juvenile walleye recruitment surveys, tribal court and registration station funding, and Lake Superior lamprey control and whitefish assessment programs. Any of these cuts will have a greater impact now, when demand for GLIFWC's services across the ceded territories is increasing as more tribal members are exercising their rights to put food on their tables during difficult economic times. Funding at the proposed FY 2014 level would protect GLIFWC programs from these cuts.

2. BIA CONTRACT SUPPORT: At least **\$231,000,000**, consistent with the Indian Self-Determination and Education Assistance Act's requirement for full contract support funding. GLIFWC does not support the Administration's proposal to institute individual statutory caps, in part because there is no funding to cover any shortfalls without undermining service capacity.

3. EPA Environmental Programs and Management: \$300,000,000. GLIFWC supports continued funding for the Great Lakes Restoration Initiative (GLRI) at the Administration's proposed FY 2014 level of \$300,000,000. It also recommends that at least \$25 million be

provided to the BIA for tribes, to ensure they are able to undertake local projects that contribute to the protection and restoration of the Great Lakes.

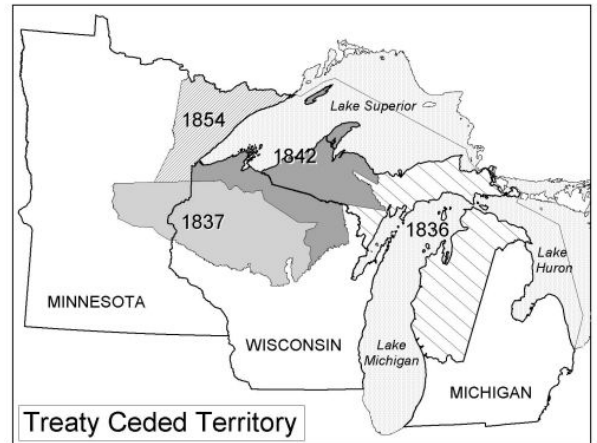
Sustained funding for GLIFWC at approximately \$1.2 million will enable GLIFWC to maintain its protection and enhancement activities throughout the ceded territories. These activities are especially important at a time when state and federal agencies are stepping back from on-the-ground protection work due to budget constraints. Protection activities are imperative – protecting resources from degradation is much more effective and cost-efficient than restoration activities. It makes no sense to let resources degrade, only to spend more money on restoration. The benefits of GLIFWC protection and restoration activities are not only felt by its member tribes, but benefit all communities that use the ceded territories.

Funding provided through the BIA should be made available under the Indian Self-Determination and Education Assistance Act (ISDEAA). In 2010, GLRI funding awarded through the ISDEAA was virtually the only GLRI funding that was available before the 2010 field season. This enabled tribes to begin project implementation much earlier and realize substantial “on-the-ground” ecosystem benefits early.

CEDED TERRITORY TREATY RIGHTS – GLIFWC’S ROLE AND PROGRAMS

Established in 1984, GLIFWC is a natural resources management agency of eleven member Ojibwe Tribes with resource management responsibilities over their ceded territory (off-reservation) hunting, fishing and gathering treaty rights. These ceded territories extend over a 60,000 square mile area that extends to Minnesota, Wisconsin, and Michigan.

Through its staff of 66 full-time biologists, scientists, technicians, conservation enforcement officers, policy specialists, and public information specialists, GLIFWC’s mission is to: i) ensure that its member tribes are able to exercise their Treaty-protected rights to meet subsistence, economic, cultural, medicinal, and spiritual needs; and ii) ensure a healthy, sustainable natural resource base to support those rights. GLIFWC is a “tribal organization” as defined by the Indian Self-Determination and Education Assistance Act, governed by a Constitution that is ratified by its member tribes and by a Board composed of the Chairs of those tribes.



JUSTIFICATION AND USE OF THE REQUESTED FUNDS

1. MAINTAIN THE REQUISITE CAPABILITIES TO MEET LEGAL OBLIGATIONS, TO CONSERVE NATURAL RESOURCES AND TO REGULATE TREATY HARVESTS: Although it does not meet all GLIFWC’s needs, sustained funding at the FY 2014 level would go a long way in facilitating continued tribal compliance with various court decrees and intergovernmental agreements governing the tribes’ treaty-reserved hunting, fishing and gathering rights. It also enhances GLIFWC’s capability to undertake work and participate in relevant partnerships to tackle ecosystem threats that harm treaty natural resources, including invasive species, habitat

degradation and climate change.

2. REMAIN A TRUSTED ENVIRONMENTAL MANAGEMENT PARTNER AND SCIENTIFIC CONTRIBUTOR IN THE GREAT LAKES REGION: GLIFWC would maintain its role as a trusted environmental management partner and scientific contributor in the Great Lakes Region. It would bring a tribal perspective to the interjurisdictional mix of Great Lakes managers² and would use its scientific expertise to study issues and geographic areas that are important to its member Tribes but that others may not be examining.³

3. MAINTAIN THE OVERALL PUBLIC BENEFITS THAT DERIVE FROM ITS PROGRAMS: Over the years, GLIFWC has become a recognized and valued partner in natural resource management. Because of its institutional experience and staff expertise, GLIFWC has built and maintained numerous partnerships that: i) provide accurate information and data to counter social misconceptions about tribal treaty harvests and the status of ceded territory natural resources, ii) maximize each partner's financial resources and avoid duplication of effort and costs, iii) engender cooperation rather than competition, and iv) undertake projects that achieve public benefits that no one partner could accomplish alone, as the Department of the Interior highlighted in its FY 2014 Budget in Brief.⁴

OTHER RELATED APPROPRIATIONS CONCERNS

1. Rights Protection Litigation Support: Litigation support funds are used to defray costs associated with litigation to affirm and implement treaty reserved rights. Defraying these costs, such as those associated with ongoing negotiations with states in on-going co-management activities preserves base funding for GLIFWC's program costs.

2. Rights Protection Evaluation and Research Activities: GLIFWC supports the Administration's proposed \$3.5 million for evaluation and research activities in the Rights Protection Implementation line item, provided this funding goes to RPI tribes and intertribal commissions to carry out the evaluation and research activities that will lead to the development of implementation and management strategies to deal with the many changes that are occurring throughout the ceded territories.

²GLIFWC currently participates on a regular basis in the Binational Program to Restore and Protect Lake Superior, International Joint Commission and SOLEC forums, the Great Lakes Restoration Initiative, and the implementation of agreements to regulate water diversions and withdrawals under the Great Lakes Charter, Annex 2001.

³ With the requested FY 2014 funds, GLIFWC would: i) continue a ceded territory wild rice enhancement project; ii) facilitate tribal input and participation in the implementation of the revised Great Lakes Water Quality Agreement; iii) continue to participate in the development and implementation of the Lake Superior Lakewide Management Plan; iv) build upon its long-standing fish contaminant analysis and consumption advisory program by testing additional species, testing in a wider geographic range, and testing for chemicals of emerging concern; v) enhance its invasive species and animal disease prevention, monitoring and mitigation programs, particularly given the potential impacts of climate change, the recent discovery of viral hemorrhagic septicemia (VHS) in Lake Superior and the potential migration of the Asian Carp into the Great Lakes, and vi) enhance its capacity to protect ceded territory natural resources by responding to development proposals such as those related to mining.

⁴ The FY 2014 Budget in Brief highlights GLIFWC's wild rice restoration and management activities, done in partnership with the states of Wisconsin, Minnesota, and Michigan, as well as GLIFWC's participation in joint fisheries management on Lake Superior. See pages DH-84 and DH-85.