

TESTIMONY OF LEVI D. CARRICK, SR.
CHAIRMAN – GREAT LAKES RESOURCES COMMITTEE
OF THE
CHIPPEWA OTTAWA RESOURCE AUTHORITY
BEFORE THE
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
UNITED STATES HOUSE OF REPRESENTATIVES
ON
MARCH 18, 2016

Mr. Chairman and Members of the Subcommittee:

My name is Levi D. Carrick, Sr., and I appear here today in my capacity as Chairman of the Great Lakes Resources Committee (GLRC) of the Chippewa Ottawa Resource Authority (CORA). CORA is an inter-tribal resource management organization established by five (5) federally-recognized Indian tribes in the State of Michigan. They are: the Bay Mills Indian Community; the Grand Traverse Band of Ottawa and Chippewa Indians; the Little River Band of Ottawa Indians; the Little Traverse Bay Bands of Odawa Indians; and the Sault Ste. Marie Tribe of Chippewa Indians. GLRC addresses issues of management, preservation and enhancement of all species and habitats which are within the Great Lakes resources. I also am proud to serve as the President of the Bay Mills Indian Community.

I requested the opportunity to testify before this Subcommittee in order to personally express CORA's appreciation for the *Rights Protection Implementation Program* (RPI) funding request for CORA, contained in the Presidents' FY2017 Budget for the Department of the Interior. RPI Program funds enable CORA's tribes provide for the exercise by their members of the reserved right to hunt, fish, trap and gather on the lands and waters ceded to the United States by our ancestors in Article 13 of the Treaty of March 28, 1836. That cession covers the eastern Upper Peninsula of Michigan and the northern 2/3 of the Lower Peninsula, as well as large portions of the upper three Great Lakes – Lakes Huron, Michigan and Superior.

I am sure that the importance of treaty reserved rights to Indian tribes and their members has been expressed in testimony before this Subcommittee many times, but that importance can never be overstated. Treaty hunting, fishing and gathering rights were essential to the existence of our ancestors and continue to be essential to our existence as Indian people; they preserve our access to culturally significant resources which are intimately connected to traditional ways of life. This importance is not symbolic; tribal members continue to rely on the ability to harvest natural resources for both commercial and subsistence purposes. It is our life way.

The tribes have always believed that these treaty reserved rights continue to exist, and were not extinguished or diminished by any act of the federal government. Unfortunately that was not a belief shared by the State of Michigan, which prosecuted tribal members for hunting, fishing and gathering at times or with methods which State law prohibited. This situation continued until the United States filed suit against the State of Michigan in 1973. It resulted in a decision in *United States v. Michigan* in 1979 upholding the right to fish in the ceded waters of the Great Lakes. This right was implemented by court-facilitated negotiations among the federal, state and tribal parties, that produced two Consent Decrees which provided for the allocation and management of the Great Lakes fisheries in the treaty area; the first one was entered in 1985 for a period of 15 years, and a successor agreement was entered

in 2000 for a period of 20 years, ending in August, 2020. It is that Decree which is listed as “Chippewa/Ottawa Treaty Fisheries” under CORA in the FY 2017 Green Book RPI Programs.

The CORA tribes receive base funding through the “Treaty Fisheries” line item for the following activities: to establish conservation-based fishing regulations; conduct biological monitoring of the fishery; carry out resource protection and enhancement programs and activities; staff conservation enforcement departments and adjudicatory bodies to resolve violations of the regulations; and provide an intertribal voice to coordinate and cooperate with the federal, state and international organizations which address Great Lakes resource matters.

The Great Lakes “model” provided a template for the parties in *United States v. Michigan*, who voluntarily entered into negotiations to resolve the scope of rights reserved by Article 13 in the inland 14 million acres of land and water of the cession. In 2007, their efforts produced a permanent Consent Decree, which encompasses the nature and extent of the right to hunt, fish, trap and gather by tribal members as regulated by their respective tribes; establishes protocols by which the resources are allocated between tribal and state-licensed harvesters; and provides collaborative resource management procedures for the CORA tribes and the State of Michigan.

The terms of the Inland Consent Decree envision the following responsibilities for the tribes: significant expansion of the tribes’ conservation enforcement programs; creation and maintenance of inland biological monitoring, assessment, restoration and enhancement programs; growth in tribal adjudicatory systems’ staffing, administration and financial support; and expansion of intertribal management mechanisms and procedures. It is the trust responsibility of the United States to provide stable, recurrent funding by which the Court Decree can be implemented by the tribes.

This element of the trust responsibility was finally recognized by the Administration and included in the Interior Green Book as an RPI Program for FY 2013. In response, the Congress appropriated \$461,000 for CORA in RPI funds, an amount which allowed each tribe to initiate permanent programs, albeit very small ones. This amount was increased by this Committee to \$1,605,714.00 in FY 2016, and is the amount requested by the Administration for these purposes in the FY 2017 Green Book for RPI Programs, listed as “Chippewa/Ottawa Inland Consent Decree”.

One final item is included in the RPI FY 2017 budget for all intertribal resource management organizations, which is entitled “Evaluation & Research Activities – Climate Change”. CORA supports the Administration’s proposed \$2.5 M increase for climate change activities, but does not support the Administration’s proposed competitive process for distributing this increase, in the event that it is approved by this Congress. CORA’s position is that competition for funding derogates the trust responsibility embodied by the RPI line item. The recipient tribes and tribal commissions receive RPI funds to carry out responsibilities established and ordered by Federal courts as the culmination of years of litigation. A competitive process for any portion of the resource management activities tribes undertake to fulfill their adjudicated responsibilities is a breach of the trust responsibility masquerading as fiscal accountability. CORA instead supports an allocation of those funds among the organizations based on the percentage that each listed inter-tribal organization will receive in RPI funds, as compared to the total amount requested for all RPI purposes for FY 2017. This is the same method used in previous Fiscal Years, and it has worked well. For CORA, that proportionate amount is \$681,355.

CORA tribes have participated in intertribal management and regulation of natural resources since 1982. For decades, we have been at the forefront of efforts to protect, enhance and restore the natural environment so that all human beings can enjoy the fish, wildlife and plants of our region for

generations to come. Already, the U.S. Fish and Wildlife Service is asking to consult on what type of resource management regime should replace the Great Lakes Consent Decree in 2020. The CORA tribes have proven to be an effective partner with agencies of the United States, the States, and the province of Ontario to manage our natural resources to the seventh generation and beyond.

For these reasons, the CORA tribes respectfully request your support for FY 2017 RPI funding at the level of \$4,746,355.00 in recurring base funding, which is the amount outlined for CORA in the RPI portion of the Department of Interior's Green Book for FY 2017, plus CORA's proportionate share of the "Climate Change" line item.

Thank you for your consideration. If you have any questions, I am pleased to answer them.