

# GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

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## • 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

Fond du Lac Band  
Mille Lacs Band

Red Cliff Band  
St. Croix Chippewa  
Sokaogon Chippewa

## FY 2017 TESTIMONY – BUREAU OF INDIAN AFFAIRS AND ENVIRONMENTAL PROTECTION AGENCY

### HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

MICHAEL J. ISHAM, CHAIRMAN

### GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)

#### 1. DEPARTMENT OF INTERIOR, BUREAU OF INDIAN AFFAIRS, OPERATION OF INDIAN PROGRAMS

- a. **TRUST-NATURAL RESOURCES MANAGEMENT, RIGHTS PROTECTION IMPLEMENTATION (RPI)** – At least the Administration’s proposed **\$40,161,000** and a proportionate share for **GREAT LAKES AREA RESOURCE MANAGEMENT** (the overall need for which is at least \$11,454,603).
- b. **TRUST-NATURAL RESOURCES MANAGEMENT, TRIBAL MANAGEMENT/DEVELOPMENT PROGRAM (TM/DP)**: At least the Administration’s proposed **\$14,266,000** and the TM/DP requests of GLIFWC’s member tribes.
- c. **TRUST-NATURAL RESOURCES MANAGEMENT, TRIBAL CLIMATE RESILIENCE**: At least the Administration’s proposed **\$13,056,000**.
- d. **TRUST-NATURAL RESOURCES MANAGEMENT, INVASIVE SPECIES**: At least the Administration’s proposed **\$6,770,000**.
- e. **TRIBAL GOVERNMENT, CONTRACT SUPPORT**: At least the Administration’s proposed **\$278,000,000**.

**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.<sup>1</sup>

#### 2. ENVIRONMENTAL PROTECTION AGENCY

- a. **ENVIRONMENTAL PROGRAMS AND MANAGEMENT, GEOGRAPHIC PROGRAMS, GREAT LAKES RESTORATION**: The current allocation of **\$300,000,000** and the creation of a Tribal program with funds of at least **\$25,000,000**. **GLIFWC’s Need: \$1,200,000**.
- b. **STATE AND TRIBAL ASSISTANCE GRANTS, CATEGORICAL GRANTS, TRIBAL GENERAL ASSISTANCE PROGRAM**: At least the Administration’s proposed **\$96,375,000**.

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

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<sup>1</sup> 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 have been affirmed by various court decisions, including a 1999 US Supreme Court case.

## GLIFWC's FY 2016 FUNDING REQUEST HIGHLIGHTS

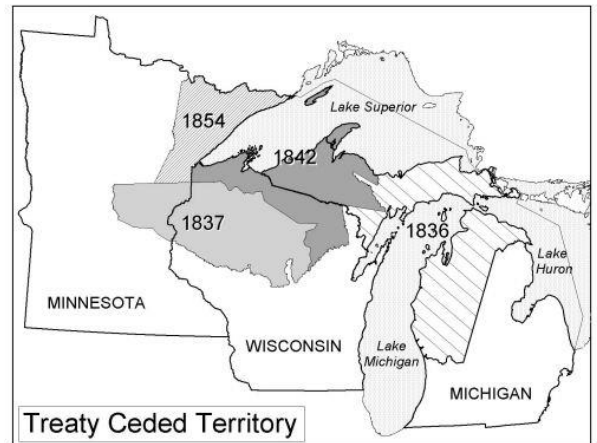
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1. GLIFWC would be pleased to accept an allocation of appropriated RPI funding that is in the same proportion as it has currently been receiving, while rejecting the notion that the RPI line item is open for a competitive process.
2. A tribal program within the Great Lakes Restoration Initiative funded with at least \$25,000,000 in funding, and GLIFWC's request of \$1,200,000.
3. Full funding for contract support costs, as required by the ISDEA Act.
4. Sufficient funding in the Tribal Management and Development line item for GLIFWC's member tribes to fulfill their needs for reservation-based natural resource programs.

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

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For more than 30 years, Congress has funded GLIFWC to implement comprehensive conservation, natural resource protection, and law enforcement programs that: 1) ensure member tribes are able to implement their treaty reserved rights to hunt, fish, and gather throughout the ceded territories; 2) ensure a healthy and sustainable natural resource base to support those rights; and 3) promote healthy, safe communities. These programs also provide a wide range of public benefits, and facilitate participation in management partnerships in Wisconsin, Michigan, and Minnesota.



## GLIFWC's PROGRAMS – PROMOTING HEALTHY COMMUNITIES AND EDUCATING TRIBAL MEMBERS THROUGH TREATY RIGHTS EXERCISE

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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 in Minnesota, Wisconsin, and Michigan.<sup>2</sup> GLIFWC employs 83 full-time staff, including natural resource scientists, technicians, conservation enforcement officers, policy specialists, and public information specialists.

GLIFWC strives to implement its programs in a holistic, integrated manner that is consistent with the culture and values of its member tribes, especially in light of tribal lifeways that the exercise of treaty rights supports. This means not only ensuring that tribal members can legally exercise their rights, but supporting community efforts to educate them about the benefits (physical, spiritual, and cultural) of harvesting and consuming a more traditional diet, as well as promoting intergenerational learning and the transmission of traditional cultural and

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<sup>2</sup> GLIFWC's programs do not duplicate those of the Chippewa-Ottawa Resource Authority or the 1854 Treaty Authority. GLIFWC also coordinates with its member tribes with respect to tribal treaty fishing that extends beyond reservation boundaries by virtue of the Treaty of 1854 and the reservations' locations on Lake Superior.

management practices. These programs, in turn, promote healthy communities by encouraging healthy lifestyles, intergenerational connections, and cultural education.

GLIFWC and its member tribes thank Congress, and particularly this Subcommittee, for its continuing support of these treaty obligations and its recognition of the ongoing success of these programs. There are two main elements of this FY 2016 funding request:

**1. BIA GREAT LAKES AREA MANAGEMENT (WITHIN THE RPI LINE ITEM):** A proportionate share of the \$40,161,000 proposed by the Administration for the RPI line item, including the proposed \$2,500,000 increase. The Administration's proposed increase for climate change in RPI for FY 2017 is greatly appreciated, but competition for funding has no place in this line item. RPI provides funding for tribes and tribal commissions to meet Federal court litigated responsibilities. Fulfilling these obligations cannot be the focus of a competitive process. GLIFWC has always supported allocating increases to the RPI line item in the historically proportionate amounts.

GLIFWC has testified about the fact that the need is consistently greater than RPI funding, and the impacts that underfunding has on treaty rights programs. RPI climate change funding has allowed GLIFWC to undertake a new climate change program to better understand the physical, chemical and biological changes occurring in ceded territory ecosystems, develop and implement adaptive management strategies to address those changes, and provide technical assistance to GLIFWC member tribes. This program is in its infancy, and continued support would allow it to be further developed and integrated into GLIFWC's overall programs.

Tribes can only protect the resources that support their rights if they undertake relevant scientific and technical analyses that inform the design and implementation of adaptive natural resource management activities. To this end, maximum flexibility should be provided to GLIFWC and its tribes to define for themselves the science and research activities best suited to the needs of their member tribes and the particular issues within their region. GLIFWC would gladly accept funds in proportion to overall RPI funding, as provided in FY 2016.

**2. EPA Environmental Programs and Management: \$300,000,000. GLIFWC: \$1,200,000.** GLIFWC supports continued funding for the Great Lakes Restoration Initiative (GLRI) as an important non-regulatory program that enhances and ensures coordinated governance in the Great Lakes, as well as substantive natural resource protection and restoration projects. GLIFWC supports funding the GLRI at \$300 million, the level that has been provided since 2011. Effective Great Lakes programs throughout the basin require a consistent funding level of \$300 million.

GLIFWC also recommends that at least \$25 million be provided through a distinct tribal program to fulfill treaty obligations, meet trust responsibilities, and achieve tribal self-determination and self-governance in protecting and restoring the Great Lakes. A separate tribal component should allow for greater flexibility to allow tribes to develop the programs that are of the highest priorities to their communities, rather than having priority projects designed for them by federal agencies.

Sustained funding for GLIFWC at approximately \$1.2 million will enable GLIFWC to augment its current natural resource protection and enhancement activities. It will also allow GLIFWC to maintain its participation in interjurisdictional governance structures, including the implementation of the revised Great Lakes Water Quality Agreement (GLWQA). With GLRI funding, GLIFWC has been able to provide active support on numerous implementing Annexes, including the Lakewide Action and Management Plan, Aquatic Invasive Species, Chemicals of Mutual Concern, and Science Annexes.

GLRI funding has also allowed GLIFWC to continue to provide culturally relevant and targeted mercury-based consumption advice for fish. Tribal members are disproportionately impacted by the presence of mercury in fish due to their higher rate of consumption. Contaminated fish threaten the tribes' ability to exercise their treaty guaranteed right to harvest fish off reservation throughout the ceded territory.

## **RESULTS AND BENEFITS OF GLIFWC'S PROGRAMS**

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**1. MAINTAIN THE REQUISITE CAPABILITY TO MEET LEGAL OBLIGATIONS, TO CONSERVE NATURAL RESOURCES AND TO REGULATE TREATY HARVESTS:** While more funding would increase program comprehensiveness, sustained funding at the FY 2017 level supports tribal compliance with various court decrees and intergovernmental agreements that govern the tribes' treaty-reserved hunting, fishing and gathering rights. Funding for science and research enhances GLIFWC's capability to undertake work and participate in relevant partnerships to address ecosystem threats that harm treaty natural resources, including those related to climate change.

**2. REMAIN A TRUSTED MANAGEMENT AND LAW ENFORCEMENT PARTNER, AND SCIENTIFIC CONTRIBUTOR IN THE GREAT LAKES REGION:** GLIFWC has become a respected and integral part of management and law enforcement partnerships that conserve natural resources and protect public safety. It brings a tribal perspective to interjurisdictional Great Lakes management fora 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. 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.

**4. ENCOURAGE AND CONTRIBUTE TO HEALTHY TRIBAL COMMUNITIES.** GLIFWC works with its member tribes' communities to promote the benefits of treaty rights exercise. These include the health benefits associated with a more traditional diet and the intergenerational learning that takes place when elders teach youth. In addition, GLIFWC sponsors a camp each summer where tribal youth build leadership skills, strengthen connections to the outdoors, and learn about treaty rights and careers in natural resource fields.