

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 2018 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 **\$39,661,000** provided in FY17 and a proportionate share for **GREAT LAKES AREA RESOURCE MANAGEMENT**.
- b. **TRUST-NATURAL RESOURCES MANAGEMENT, TRIBAL MANAGEMENT/DEVELOPMENT PROGRAM (TM/DP)**: At least the **\$11,266,000** provided in FY17 and the TM/DP requests of GLIFWC's member Tribes.
- c. **TRUST-NATURAL RESOURCES MANAGEMENT, INVASIVE SPECIES**: At least **\$6,770,000**, the amount provided in FY17.
- d. **TRIBAL GOVERNMENT, CONTRACT SUPPORT**: Full funding, estimated to be at least **\$278,000,000**, as provided in FY17.

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. ENVIRONMENTAL PROTECTION AGENCY

- a. **ENVIRONMENTAL PROGRAMS AND MANAGEMENT, GEOGRAPHIC PROGRAMS, GREAT LAKES RESTORATION**: The historical allocation of **\$300,000,000** including a tribal program of no less than **\$15,000,000**.
- b. **STATE AND TRIBAL ASSISTANCE GRANTS, CATEGORICAL GRANTS, TRIBAL GENERAL ASSISTANCE PROGRAM**: At least the FY 17 amount of \$65,476,000.

Funding Authorizations: Clean Water Act, 33 U.S.C. s. 1268(c); Water Infrastructure Improvements for the Nation Act, Pub. L. 114-322 s. 5005; and treaties cited above.

Funding through these programs fulfills federal treaty, trust and contract obligations to GLIFWC's member Tribes, providing vital resources to sustain their governmental programs. We ask that Congress maintain these programs and provide funding at no less than FY17 levels.

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 have been affirmed by various court decisions, including a 1999 US Supreme Court case.

GLIFWC's FY 2018 FUNDING REQUEST HIGHLIGHTS

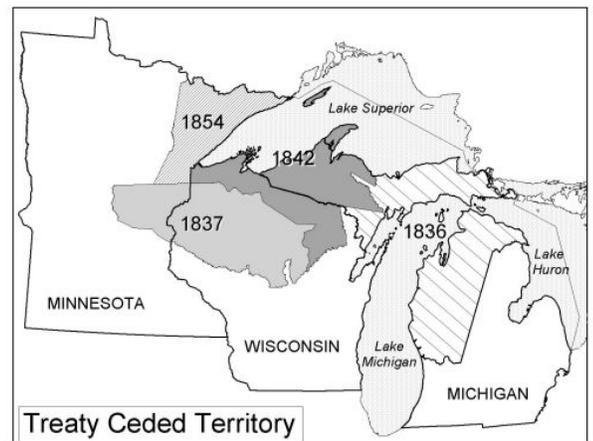
1. GLIFWC would be pleased to accept an allocation of appropriated RPI funding that is in the same proportion as it has currently been receiving.
2. Full restoration of Great Lakes Restoration Initiative funding to its historical \$300,000,000 level, with a total tribal set-aside of no less than \$15,000,000.
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 AND LEGAL OBLIGATIONS

For more than 30 years, Congress has funded GLIFWC to implement comprehensive conservation, natural resource protection, and law enforcement programs that: 1) protect public safety; 2) 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

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.² GLIFWC employs 86 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 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 inter-generational learning and the transmission of traditional cultural and management practices.

² 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.

These programs, in turn, promote safe and 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 2018 funding request:

BIA GREAT LAKES AREA MANAGEMENT (WITHIN THE RPI LINE ITEM): A proportionate share of the \$39,661,000 provided in 2017 for the RPI line item. The FY 2017 increase of \$2,000,000 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.

There is a long history of federal funding for treaty rights protection and implementation programs. For more than thirty years, Congress and each Administration have appropriated funding for these programs. 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. The federal government, as a treaty signatory, is required to uphold treaty rights. It has appropriately chosen to invest in our programs as efficient, cost-effective service delivery mechanisms at the appropriate governmental level to implement federal court orders and to protect and restore the natural resources on which the treaty rights are based.

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.

EPA Environmental Programs and Management: \$300,000,000. 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, fulfillment of international agreements, and substantive natural resource protection and restoration projects. GLIFWC appreciates the directive in the FY 2017 Appropriations explanatory statement that tribal programs are to be maintained at no less than the FY 2016 level. GLIFWC supports consistent funding for the GLRI at \$300 million, the level that has been provided and received unwavering bipartisan support since 2011.

GLIFWC also recommends that at least \$15 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 the GLRI allows 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 Management, Aquatic Invasive Species, and Chemicals of Mutual Concern Annexes.

Sustained GLRI funding also allows GLIFWC to augment and leverage its current natural resource protection and enhancement activities, including providing culturally relevant and targeted mercury-based consumption advice for fish. Because of their higher rate of consumption, Tribal members are disproportionately impacted by the presence of mercury in fish. Because of this, 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

- 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.