

**Testimony of John D. Johnson, Sr., President
Lac du Flambeau Band of Lake Superior Chippewa Indians
to the House Appropriations Subcommittee
on Interior, Environment and Related Agencies
March 8, 2023**

On behalf of the Lac du Flambeau Band of Lake Superior Chippewa Indians, I am pleased to submit testimony concerning the Tribe's FY 2024 funding needs primarily in the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) accounts.

Our Tribe faces many challenges as we engage in activities designed to protect and preserve our culture, despite a long history of efforts to destroy it. As leaders, we have the role as protectors. We protect our natural resources which are the "backbone" of our culture, and have provided for our sustainability through the generations. We are protectors of our community which has struggled through a drug epidemic that has ravaged our families, through the loss of life, incarceration, and the removal of tribal children from their biological homes. We also protect, by keeping our roads safe and navigable, for our law enforcement and first responders, our bus drivers getting our children to and from school safely, our medical transport drivers helping our members make sure they have access to essential care, and our employees, so they can make it to work to provide essential services for our community members. We are protectors of our land despite efforts to further encroach upon and minimize our role as protectors. Finally, we are protectors of our legacy to preserve our Anishinaabe traditions by working to keep our families together so that they can pass on our traditions, our stories, and our resiliency to the next generation.

We urge the Subcommittee to direct the BIA and IHS to reexamine outdated funding formulas, and push these agencies to develop and implement more transparent formulas that consider the geographical challenges that each Tribe faces. These challenges have a direct impact on how far Federal appropriations cover our operating costs. One additional request would be to decrease agency preference for competitive grant funding opportunities in annual appropriations and focus more on providing more direct recurring funding to Tribal programs. Set-aside funding that has been directed to competitive grants too often does not reach rural communities. Increasing our recurring base funding would be a better use of the funds.

I will begin by requesting more BIA funding to support our fish hatcheries. Our current hatchery facility is 25 years old and supports 260 lakes within our reservation boundaries. The hatchery is responsible for fish production, stocking of various life stages (egg, fry, fingerling) of several different fish species (walleye, musky, brown trout, perch) and fish management, which includes the performance of many different annual fisheries management surveys throughout the year. In 2022, this cold/cool-water facility stocked over 14 million fry and 212,000 fingerling fish in an effort to support a growing sustenance and sport fishery program. While many non-natives fish our lakes for recreation, a majority of our tribal members fish for sustenance.

Despite this production, our hatchery is working with much of the equipment that was installed when it was originally opened. Facility upgrades and staffing increases are estimated to cost us an additional \$500,000 to improve our program. In recent years, we have experienced major equipment failures, leading to significant decreases in fish production, poor quality of collected

eggs and hatched fry numbers, and significant losses of fingerling fish. Many of the parts needing replacement are no longer in production and we find ourselves working to find creative ways to maintain, repair, and keep the hatchery equipment functioning. The hatchery also has significant infrastructure needs, in terms of repairs and replacements. Funding needs go beyond the hatchery's physical improvements, but also include monies to support additional staffing, to be able to properly manage all of the bodies of water within the reservation boundaries. Our staff handles egg collection, fish production, pond management, fisheries management, and fish culture all with only one crew when many other facilities have multiple crews assigned to only one of those aspects. This limits not only our production, but also our data collection, which is very important in fisheries management.

Please increase BIA public safety funds to support the expanding needs of our tribal law enforcement department. We alone require an additional \$432,000 this year to retain our current 24-FTE law enforcement program and hire and recruit two additional officers, one detective, one evidence technician, and two additional surveillance operators. Narcotic and drug crimes are the most significant crimes and public safety problems we face. Methamphetamine, Heroin, and Heroin/Fentanyl arrests have exploded in our community over the past six years, as well as the number of drug-related overdose calls our officers are called upon to respond. Our department is made up of eleven full and part-time officers, two administrative support staff, and three full-time surveillance staff. We average a 3-to-1 ratio in calls for service, when compared to the nine local area law enforcement agencies closest to Lac du Flambeau.

Our department struggles with officer retention as many of these local agencies can offer positions with better pay, better retirement benefits, and fewer service calls. We have increased our hourly salary adjustments for officers in our budget to remain competitive with the area law enforcement agencies but sacrificed one of our vacant officer positions to do so. The challenge with retirement benefits is that under the Tribe's plan it takes 10 years of employment to be fully vested. In comparison, under the State of Wisconsin's retirement plan, it only takes five years. We typically lose our officers within three years of employment, due to our existing retirement plan. Due to the high number of calls in our department's service area, along with the rural location of our reservation, it is imperative that our officers are well trained so that they remain safe and can capably respond to the needs of our community. In order to accomplish this, we need funds to make significant upgrades to the vehicles and equipment that our officers depend upon to meet this demand. Approximately 80% of our law enforcement vehicles have over 100,000 service miles, and are at risk of being deemed unsafe for patrol within our community. Our department has also struggled to replace equipment that has been deemed unserviceable due to wear and tear putting all of our officers at risk. Dependable vehicles and equipment can mean the difference between life or death for our officers as well as the community members they are sworn to protect.

We also need additional BIA Road Maintenance Program funding to support our Tribal Roads department. Our Roads inventory funding formula has been subjected to a freeze since FY 2013, impacting the available maintenance funding, regardless of how many miles we may add to our maintenance list. The Midwest Region has been stripped of its snow and ice funding, and

regardless of efforts to bring this matter to the attention of regional and federal contacts we have been largely ignored. Our efforts to maintain existing equipment, and replace outdated equipment, has never been higher. We are also faced with facility and equipment concerns as we perform much of our work in outdated and unsafe facilities. In addition to the wide range of services that our Tribal Roads department provides, the increasing weather-related events in northern Wisconsin have increased the reliance on our department to respond and to always be available to respond. While recent funding has increased the monies available to municipalities, it has not been enough to address the problems created by years of underfunding where Tribes have had to bridge the funding gap. Roads maintenance and construction funding allocations should not be determined by using a population-based formula, and should return to a mileage-based formula.

By significantly increasing funding for the BIA Road Maintenance Program, this Subcommittee can demonstrate its willingness to assist tribes and the BIA replace aging heavy road maintenance equipment. It has become even more challenging to find replacement parts for equipment. The time has come to provide additional funds to help tribes, such as ourselves, replace plow trucks, front end loaders, graders, sanders, and wings. In northern Wisconsin, this equipment helps to provide all-season road access. It is crucial to the health and welfare of every citizen residing on the Lac du Flambeau reservation.

We urge the Subcommittee and Congress to strengthen and support the Indian Child Welfare Act (ICWA). The ICWA has allowed our Tribe to keep the decision-making authority, as it enables the Tribe to maintain and protect the sanctity of the Anishinaabe family unit. The ICWA is one significant legislative action that provides the opportunity to protect the preservation of the tribal family unit and tribal culture, values, and norms.

The Tribe manages its on-reservation lands through its Land Management Program. This program oversees approximately 480 residential and business leases, researches and purchases fee simple lands for the Tribe, processes fee lands into trust status through the Department of the Interior's Bureau of Indian Affairs (BIA), processes all land use development applications and assists with everyday realty concerns on tribal land. The Department also identifies and researches right of way/easement issues for our Tribe. These efforts have been hampered due to a lack of timely assistance from the BIA Realty Services Program. It has been sporadic at best. We are requesting the BIA to take a more proactive role in responding to the concerns of the LDF Tribe in a timely manner. The frequent delays from the BIA in responding to time-sensitive issues negatively impact our ability to meet the critical needs of our Lac du Flambeau Tribal Members for past, present and future generations. We are also requesting significant improvements in the ability of the BIA personnel to provide us with timely assistance and support to process our leasing transactions, fee to trust applications, and right of way issues. The ongoing delays in each of these areas have created unnecessary hardships for our Tribe and our tribal membership. We urge the Subcommittee to direct the Assistant Secretary-Indian Affairs to assess the sufficiency and productivity of Agency and Regional office staffing arrangement and make changes to better respond to Tribal needs. Too many BIA personnel do not work in the office and access to their remote work numbers is difficult to obtain or calls to numbers go unanswered. This must change.

We have worked to increase our Tribal Land base for the purpose of addressing issues related to housing, economic development, protection of our cultural and historic resources, and sustainable hunting and gathering. These actions have allowed our Tribe to increase our jurisdictional authority, and strengthened our efforts to exercise our sovereignty over this ever-expanding land base within the exterior boundaries of the Lac du Flambeau Reservation.

As some of you may be aware, our Tribe has been the subject of state and national media attention over the past several weeks as we exercised our tribal authority to respond to a decades-long issue involving expired rights-of-way (ROW) easements on several roads that trespass across tribal property. For years, our tribal leaders have attempted to engage in good-faith negotiations with the Town of Lac du Flambeau and the Title companies that represent the property owners that had been trespassing daily since the ROWs expired. We requested assistance from the BIA, as part of their federal trust responsibility to the Tribe, and have been met with weak attempts to help resolve this miscarriage of justice. Our recent response, through the installation of road barricades on each of the expired ROW roads was a direct result of years of disrespect from the BIA Ashland Agency office, the Town of Lac du Flambeau, and the Title companies, and an unwillingness to treat our sovereign tribal nation with the respect it rightfully deserves.

Our Tribal leaders have been portrayed as villains, both through the press and social media, and through statements made by publicly elected officials representing this Congress, State government, and local officials. These statements have been made with little effort or regard for the truth, nor in reaching out to our leaders to engage in honest conversations. The first elected official to reach out to meet with the Tribe directly was Wisconsin Governor Tony Evers. He was respectful and listened to our concerns. BIA leadership representatives reached out to request time to speak with our tribal leaders, but when we jointly agreed to meet in person, they responded that they could not meet until the end of February. It was evident that they did not view this issue as a high priority.

Our Tribe signed treaties with the United States that are older than the State of Wisconsin. We honored the treaties that removed us from thousands of acres of land. We now reside on a 12- by-12 mile reservation. These treaties are valid contracts. We only ask that our treaty rights be honored by the United States with the same respect and reverence as we place upon the U.S. Constitution and its Bill of Rights.

We have spent decades educating federal officials to treat us as a sovereign Tribal nation. We have tried to teach them the importance of learning the differences and values of each tribal nation, as well as the importance of according each nation, and their leaders, with the respect that they deserve. Many of the problems that have led to our current situation in Lac du Flambeau could have been prevented if there had been mutual respect and “good faith” and offering room for discussion and honest negotiations when disagreements arose. Dramatic measures are often taken when a people are not heard. That should never occur between the Indian nations and the United States so long as there is a true government-to-government relationship that is honored by both parties.

Thank you for affording the Lac du Flambeau Band the opportunity to testify.