

**TESTIMONY TO THE HOUSE COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE FOR INDIAN AND INSULAR AFFAIRS**

Hearing on H.R. 6368, the Indian Buffalo Management Act
Presented by Ervin Carlson, President, InterTribal Buffalo Council
December 5, 2023

INTRODUCTION AND BACKGROUND

Chairman Hageman and esteemed members of the Indian and Insular Affairs Subcommittee, my name is Ervin Carlson, and I am a member of the Blackfeet Nation of Montana and serve as the President of the InterTribal Buffalo Council (ITBC). Please accept my sincere appreciation for this opportunity to present testimony to the members of this committee.

I am here today to present testimony on H.R. 6368, the Indian Buffalo Management Act (IBMA), and encourage passage of this legislation to create a Tribal buffalo restoration and management program within the Department of Interior. I also want to express our deep appreciation to Congressman Doug LaMalfa as the prime sponsor of this bill, to Congressmen Cole, and Obernolte as well as to Congresswomen Peltola and Torres for their co-sponsorship. We understand the LaMalfa and Peltola offices are reaching out to other offices to also co-sponsor and for that we extend our further appreciation. While he is no longer with us, I must also express my thanks and admiration to the late Congressman Don Young, the Dean of the House, and a hero to the American Indian and Alaska Native people on so many issues including the passage of this legislation through the House in the last Congress. We should pass this bill because the Indian people need it but also as a tribute to our dear friend Don Young as a lasting testament to his legacy. Finally, I wish to thank Chair Hageman for taking time in her busy schedule to meet with me the last time I was here in DC. We are also most pleased to see this legislation endorsed by the National Wildlife Federation, the Wildlife Conservation Society, the World Wildlife Fund, the Nature Conservancy, the National Congress of American Indians and the National Bison Association, among others.

Historical records indicate that in the 1840s the buffalo population in North America was estimated at 30 million and, at its peak, experts believe there may have as many as 60 million buffalo across the vast landscape of what would become the United States. At the time of Christopher Columbus' arrival in the New World, somewhere between 7 to 18 million American Indians populated North America. During these early years, Indians and buffalo successfully coexisted and, a sacred, spiritual relationship developed between them. Indians were dependent on buffalo for food, shelter, essential tools and clothing, and the buffalo became an integral component of Indian culture and religion. To this day, you will hear many Indian people refer to a buffalo as "my relative."

As Indians were forced onto reservations, buffalo were slaughtered by the thousands. Much of the slaughter was undertaken by the greed of the buffalo hunters who stripped the buffalo for its hide as the factories of the east could not get enough. More often than not, the meat was not even harvested, while Indians forced onto reservations could have used every ounce of it. Imagine what our ancestors must have thought about allowing all that protein to simply rot on the prairie. We must be honest and point out that the U.S. military believed that if the buffalo could be eliminated, the "Indian problem" in America could be solved. A US military leader who was deeply involved in the

so-called Indian Wars of the Great Plains brutally stated, "If I could learn that every buffalo in the northern herd were killed, I would be glad...The destruction of the herd would do more to keep Indians quiet than anything else that could happen." The greed of the buffalo hunters and the strategy of the government were successful and, in the last three to four decades of the 1800's literally tens of millions of buffalo were slaughtered resulting in less than 500 buffalo remaining at the turn of the century. With the demise of the buffalo and the confinement of Indian Tribes to reservation lands, Indians lost their primary food source, lifestyle, and independence. Sitting Bull, the great and eloquent Sioux Chief said, "A cold wind blew on the prairie on the day the last buffalo fell. A death wind for my people."

By the early 1900s, a growing number of Americans realized the error of trying to eliminate the buffalo. President Teddy Roosevelt played a significant role in buffalo conservation efforts in the early 1900s and then conservation began on a wider scale in the mid-1900's. By 1990, approximately 25,000 buffalo were held in public herds and approximately 250,000 buffalo were in private herds. A small number of Indian Tribes had also established small herds on Tribal lands. In 1991, approximately 10 Indian Tribes, committed to buffalo restoration with approximately 1,500 buffalo among them, organized the ITBC and approached Congress for federal funding. An early supporter was Senator Conrad Burns of Montana. In 1992, ITBC began receiving federal funding through Congressional earmarks. Sometimes we were included in the President's budget and other times supported administratively but only at the discretion of whomever was in a senior position at the Bureau of Indian Affairs in any given year. With very small appropriations, and funding that was never ensured from one year to the next, ITBC has nonetheless assisted many Tribes to restore buffalo, enhance existing herds and provide necessary technical assistance.

In an effort to formalize as a national Indian organization, ITBC petitioned for and was granted a federal charter in 2009 under Section 17 of the Indian Reorganization Act. Today, ITBC is comprised of 84 federally recognized Indian Tribes in twenty-one (21) states with sixty-four (64) buffalo herds, including some that are quite small. In just the last year six more tribes have passed resolutions and requested membership including the Bays Mills Indian Community and the Lac Vieux Desert Band of Lake Superior Chippewa both of Michigan, the Eastern Shawnee Tribe, the Comanche Nation and the Pawnee Nation, all of Oklahoma, and the Miccosukee Tribe of Florida. The member tribes of the ITBC currently have a combined population nearing one million tribal members.

For Indian Tribes, the restoration of buffalo to Tribal lands signifies much more than simply conservation of the national mammal. Tribes enter buffalo restoration efforts to counteract the near extinction of buffalo that was analogous to the tragic history of American Indians in this country. Today's resurgence of buffalo on Tribal lands, largely through the efforts of ITBC, signifies the survival of the revered Tribal buffalo culture as well as the survival of American Indians and their culture.

FUNDING HISTORY

As indicated above, ITBC has received appropriated funding since 1992 in varying amounts and through various methods including the President's budget, Congressional earmarks, or administrative action. ITBC has approached Congress annually for funding, but actual allocations of

funding awards have been at the discretion of the Bureau of Indian Affairs from various line items. However, the annual Congressional appropriation to ITBC does illustrate long-standing Congressional support and provides evidence that buffalo restoration and management is not a limited or one-time project but is more akin to a recurring program. Presently, ITBC enters into annual Indian Self Determination and Education Assistance Act contracts with the Bureau of Indian Affairs for Tribal buffalo restoration and management. However, this contractual relationship remains tenuous without an actual statutorily authorized buffalo program within the BIA and at times BIA officials have recommended that we seek a Congressional authorization for this program.

FEDERAL COMMITMENT TO TRADITIONAL FOOD SOURCES

Article XI of the 1868 Treaty of Fort Laramie guarantees Tribes access to buffalo “so long as buffalo may range.” The Tribes considered this language as a perpetual guarantee. Unfortunately, like many other treaty provisions, the Federal Government failed to live up to this promise. Congressional adoption of the IBMA now provides an opportunity for the Federal government to honor a commitment to American Indians to access buffalo, similar to the commitment to Tribal fish commissions. Recently, the United States Supreme Court examined the 1868 Fort Laramie Treaty and upheld Tribal hunting rights in the *Herrera* decision.

The Federal government has had a long-standing and justifiable commitment to Tribal fish commissions and treaty fishing rights following the well-known *Boldt* decision. That federal district court case gave the fishing Tribes co-management authority over salmon with the States, access to half of the returning salmon and steelhead each year and declared the security of Indian fishing rights was a trust obligation of the United States. This case stands for the proposition that all American Indians have a right to their traditional foods, and therefore, this ruling supports a Federal trust responsibility to return buffalo to Tribes, in the same manner the Federal government has protected the security of Tribes to access fish. It would be helpful if ITBC and the buffalo tribes had some degree of parity, funding-wise, relative to the tribal fish commissions and their tribes.

INDIAN BUFFALO MANAGEMENT ACT

Adoption of the Indian Buffalo Management Act will create a program within the Bureau of Indian Affairs that will truly help our Tribes. While funding will depend on annual appropriations, the IBMA should create some degree of parity with other Tribal wildlife programs. Additionally, the IBMA will solidify the contractual relationship between the BIA and ITBC, or individual Tribes should they choose to seek an ISDEAA contract. Hopefully this will eliminate our present situation where funding is so uncertain. Without funding, many current buffalo herds would undergo a devastating impact and possibly liquidation. Years of effort to restore and develop herds could be lost as many ITBC Tribes have few alternate resources to assist with buffalo programs.

The IBMA will allow ITBC to provide more meaningful Tribal Herd Development Grants to create the necessary infrastructure to provide buffalo to a larger segment of the Indian community. This in turn will lead to greater self-determination and food-sovereignty opportunities for Tribes through production of their own traditional foods and creation of economic opportunities. An expansion of the Herd Development Grants will increase on-reservation buffalo related jobs and

infrastructure development including water development, range management, fence construction and repair, construction of corrals, and handling equipment, and will help pay for supplemental feed. Increased herd development grants will further allow Tribes to market buffalo for economic development through branding, advertising, and developing enough product to meet consumer demands. Tribes, unlike off-reservation agriculture producers, have limited access to traditional financing due to limitations of utilizing Tribal trust land for collateral. Thus, without enhanced Herd Development Grants, Tribes remain at a disadvantage in herd expansion and marketing.

The Indian Buffalo Management Act will enhance ITBC's ability to serve as a meaningful partner to Federal agencies involved in buffalo management. ITBC collaborates with the National Park Service, the U.S. Forest Service, and the USDA Animal and Plant Health Inspection Service on buffalo management issues. However, this involvement is limited by a scarcity in resources. The IBMA will enhance population management through roundups and distribution of surplus buffalo to Tribes from the Badlands, Theodore Roosevelt, Grand Canyon, Yellowstone and Wind Cave National Parks. Translocation of surplus buffalo from those parks (including quarantine at Yellowstone) to Tribes prevents needless slaughter when the parks reach their carrying capacity and fulfills restoration objectives. However, ITBC and Tribal participation is often limited due to a lack of resources for transport.

The IBMA will enhance the objective to reintroduce buffalo into the diets of Indian populations to prevent and treat diet related diseases including diabetes which is prevalent. An increase in funding will allow Tribes to have sufficient product for cultural purposes, product to sell at reasonable costs for Tribal members and product to market hopefully on a larger scale. Further, enhanced funding will allow ITBC to develop concrete evidence of health benefits that will facilitate ITBC partnerships with health programs to prevent and treat diet related diseases in Native populations. We have built one trailer for cultural harvest and have funding for a second trailer. The first trailer has been very well received by Indian people on whose reservations we have taken it. It is providing a source of protein and connecting Indians people to cultural and harvest practices that in some cases had almost disappeared with the demise of the buffalo.

The IBMA will reinforce on-going technical services from ITBC to Tribes, which are currently provided by a very limited staff of three people, for wildlife management, ecological management, range management, buffalo health, cultural practices, and economic development. Adoption of the IBMA will allow ITBC to enhance current training sessions (national and regional) designed to enhance Tribal buffalo handling and management.

Additionally, the IBMA will support ITBC staff educational presentations to school-age youth, tribal buffalo managers, and others. The topics of these presentations range from buffalo restoration, conservation efforts, and the historical, cultural relationship between buffalo and American Indians. Current funding limits outreach, educational efforts, and staff training.

Indian buffalo herds are grass-fed and, hormone and antibiotic free. This creates a lean final product that would help fill a niche in meat production markets. ITBC strives to develop these markets for buffalo meat and products for interested member-Tribes at the local and national level. The IBMA would facilitate creation a centralized herd—made from the member-Tribes' buffalo—in a

centralized location to create a steady source of buffalo for markets. This herd could also be used to exchange buffalo among the member-Tribes to enhance each herd's genetic diversity.

When Don Young first introduced the legislation, a couple of offices asked us to meet with representatives of the cattle industry to see if they had concerns. As a result of those meetings, we made a number of changes to the legislation and were pleased that the industry then told us and those congressional offices that their concerns had been met. Further changes have been made to the bill this year to make it consistent with the Rules of the House of Representatives adopted at the beginning of the 118th Congress.

CONCLUSION

HR 5153, the Indian Buffalo Management Act, will further efforts to restore buffalo to Tribes on a broader scale and to establish a Tribal buffalo industry for job creation and new revenue for Tribal economies. ITBC ultimately hopes to restore Tribal herds large enough to support local Tribal health needs and achieve economically self-sufficient herds.

ITBC and its member Tribes are appreciative of past and current support from Congress and the Administration. However, we urge the Committee to adopt the IBMA to create a buffalo restoration program and demonstrate Congressional commitment to Tribes to access this critical, traditional food source.

I would like to thank this Committee for the opportunity to present testimony and I invite you to visit ITBC Tribal buffalo projects and experience firsthand their successes. The ITBC leadership and staff would be pleased to respond to any questions Committee members or staff may have.