

# GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION



## • 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 2020 TESTIMONY – BUREAU OF INDIAN AFFAIRS AND ENVIRONMENTAL PROTECTION AGENCY  
HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
MICHAEL J. ISHAM JR., EXECUTIVE ADMINISTRATOR  
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)**

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

- a. **TRUST-NATURAL RESOURCES MANAGEMENT, RIGHTS PROTECTION IMPLEMENTATION (RPI)** – At least the **\$40,273,000** provided in FY19 and a proportionate share for **GREAT LAKES AREA RESOURCE MANAGEMENT**.
- b. **TRUST-NATURAL RESOURCES MANAGEMENT, TRIBAL MANAGEMENT/DEVELOPMENT PROGRAM (TM/DP)**: At least the **\$12,036,000** proposed by the House and Senate in FY19 and the TM/DP requests of GLIFWC's member tribes.
- c. **TRUST-NATURAL RESOURCES MANAGEMENT, INVASIVE SPECIES**: At least **\$6,773,000**, the amount proposed by the House and Senate in FY19.
- d. **TRIBAL GOVERNMENT, CONTRACT SUPPORT**: Full funding, estimated to be at least **\$242,000,000** in FY19.

**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 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 18 and FY 19 amounts 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 FY19 levels.

<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 2020 FUNDING REQUEST HIGHLIGHTS

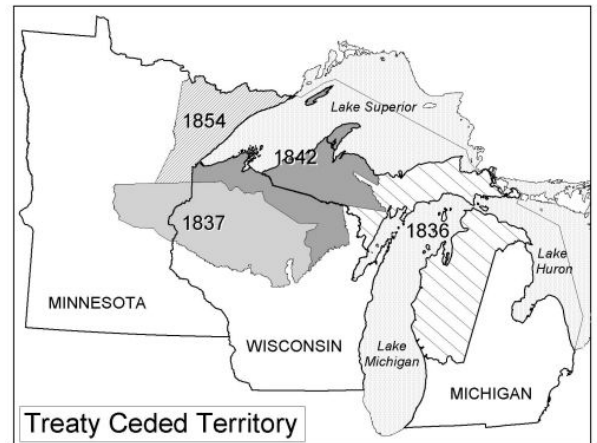
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1. GLIFWC would be pleased to accept an allocation of appropriated RPI funding that is in the same proportion as it currently receives.
2. Full restoration of Great Lakes Restoration Initiative funding to its historical \$300,000,000 level, with no less than \$15,000,000 for a distinct tribal program.
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 and to fund the Circle of Flight wetlands program.

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

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For 35 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

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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 over 80 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-

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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.

generational learning and the transmission of traditional cultural and management practices. 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 2019 funding request:

**BIA GREAT LAKES AREA MANAGEMENT (WITHIN THE RPI LINE ITEM):** A proportionate share of the \$40,273,000 as provided in 2019 for the RPI line item. The FY 2019 increase of \$112,000 is greatly appreciated. GLIFWC continues to support 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 governmental level most appropriate to implement federal court orders and to protect and restore the natural resources on which the treaty rights are based.

GLIFWC's holistic approach to protecting treaty rights and the natural resources that support them requires that we undertake a variety of activities that promote tribal lifeways and inform natural resource management activities. These include scientific, technical and policy analyses, promotion of healthy foods, and language revitalization. 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 be pleased to accept funds from the RPI account in the same proportion as it received in FY 2019.

**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 supports consistent funding for the GLRI at \$300 million, the level that has been provided and received unwavering bipartisan support since 2011.

GLIFWC appreciates the directive in the FY 2018 Consolidated Appropriations Act's explanatory statement that EPA should work with tribes and the BIA to develop a proposal for a distinct tribal program within the GLRI. GLIFWC is working with those agencies to develop such a program. GLIFWC understands that in 2020, the program will be funded at \$15 million. This will help ensure that tribes have the flexibility to develop the programs that are of the highest priorities to their communities, fulfills the spirit of self-determination, meets treaty obligations, and carries out federal trust responsibilities.

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 Action and Management Plan, 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. This includes enhancing GLIFWC's participation in interagency efforts to assess the impacts of mining waste (stamp sands) on an important whitefish and lake trout spawning reef in Lake Superior, and to explore remediation options and strategies.

## **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 2019 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.