

GREAT LAKES INDIAN FISH AND 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
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

TESTIMONY

of

JAMES E. ZORN

**EXECUTIVE ADMINISTRATOR,
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION**

on

ASSEMBLY BILL 502

submitted to the

**WISCONSIN STATE ASSEMBLY
COMMITTEE ON NATURAL RESOURCES**

FEBRUARY 1, 2012

WRITTEN TESTIMONY
OF
JAMES E. ZORN, EXECUTIVE ADMINISTRATOR
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

Mr. Chairman and Members of the Committee, my name is James E. Zorn, Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission (Commission or GLIFWC). Thank you for the opportunity to submit written testimony on Assembly Bill 502.

At the outset, it must be noted that due to the short timeframes involved, I have not had the opportunity to discuss these comments with GLIFWC's governing Board of Commissioners or Voigt Intertribal Task Force. However, I would be remiss if I did not offer the following thoughts on this bill and the initial analysis that has been provided by my staff. GLIFWC's governing Board has discussed wolf management on a variety of occasions; it is on record in opposition to the public take of wolves in Wisconsin, as well as in Minnesota and Michigan. AB502, because it would establish a public take of wolves in Wisconsin, is counter to GLIFWC's Board's established position.

The Commission's governing bodies may have additional comments on this legislation, and I would urge the legislature to talk with the tribes directly on a government-to-government basis as well as under the auspices of the *Lac Courte Oreilles v. Wisconsin* case, commonly known as the *Voigt* case.

Wolves are a species of great significance to the Anishinaabe. We understand wolves to be educators, teaching us about hunting and working together in extended family units. Wolves exemplify perseverance, guardianship, intelligence, and wisdom. Moreover, in the Anishinaabe creation story we are taught that Ma'iingan (wolf) is a brother to Original man. The two traveled together throughout the earth naming everything. Once this task was completed, the Creator said that the two had to take separate paths, but indicated that whatever happened to one would happen to the other. Each would be feared, respected, and misunderstood by the people that would later join them on earth. Thus, the health and survival of Anishinaabe people is tied to that of Ma'iingan. We can do no less than to fully support efforts to protect, promote acceptance, and ensure healthy and abundant populations of wolves for it is our own future that we are also considering.

This unique relationship with Ma'iingan brings with it unique responsibility. For the Anishinaabe, the cultural significance of wolves and the responsibility of the tribes to manage the wolf resource in Wisconsin in a culturally appropriate way cannot be overstated. The recovery of Ma'iingan in this State represents a tremendous success that is restoring a cultural as well as an ecological cornerstone to the region. This recovery must be protected and preserved to the maximum extent possible.

The Commission is concerned that many of the provisions of the bill significantly undermine the protection of Ma'iingan within the treaty ceded territories. Although sufficient time has not been provided to perform an in-depth legal analysis of the ramifications of this bill, it is clear that the State does not have unfettered discretion to exercise its management prerogatives to the detriment of the tribes' treaty reserved rights in ways that would be contrary

to the requirements of the *Lac Courte Oreilles v. Wisconsin* case. The State may not legislate away the tribes' treaty rights; similarly, legislating to the detriment of treaty resources through the legislative establishment of a State wolf hunting and trapping season may not be used to accomplish the same end.

For the Commission, the appropriateness of a wolf harvest does not hinge primarily upon some minimum number of animals comprising the current wolf population. More importantly, it hinges on whether wolves are fully restored and will be sufficiently protected to ensure the healthiest and most abundant future for our brother and ourselves. From this perspective, the Commission cannot support the bill. More specific background information and comments on various provisions of AB 502 follow.

I. GLIFWC – BACKGROUND AND ROLE WITH RESPECT TO ACTIVITIES IN THE CEDED TERRITORIES AFFECTED BY AB 502

GLIFWC was founded in 1984 as a natural resources management agency exercising delegated authority from its 11 federally-recognized Ojibwe¹ member tribes in Wisconsin, Michigan and Minnesota. Those tribes have reserved hunting, fishing and gathering rights in territories ceded to the United States in treaties with the United States.

GLIFWC's Voigt Intertribal Task Force comprises ten of those tribes.² GLIFWC and the Task Force were established by the tribes to protect and regulate the use of off-reservation natural resources. They serve the tribes by conserving and managing off-reservation fish, wildlife, and other resources, helping in the development and enhancement of institutions for tribal self-regulation of natural resources, and protecting the habitats and ecosystems that support those resources.

II. AB 502 CANNOT UNDERMINE THE CONSULTATION REQUIRED UNDER VOIGT CASE STIPULATIONS

Whatever Ma'iingan harvesting regulations are contained in the bill, the DNR must consult with the Voigt Intertribal Task Force, as required by the *Voigt* case, before taking

¹ The tribes also are referred to as Chippewa, or, in their own language, Anishinaabe.

²GLIFWC's Voigt Task Force member tribes are: the Bad River Band of the Lake Superior Tribe of Chippewa Indians, Fond du Lac Band of Lake Superior Chippewa Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, Keweenaw Bay Indian Community, Lac Vieux Desert Band of Lake Superior Chippewa Indians, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Mille Lacs Band of Chippewa Indians, Red Cliff Band of Lake Superior Chippewa Indians, St. Croix Chippewa Indians of Wisconsin, and Sokaogon Chippewa Community of the Mole Lake Band.

harvest and or management actions, including establishing a public hunt, that would impact Ma'iingan in the ceded territory.

III. AB 502 DIRECTLY CONFLICTS WITH THE EXISTING STATE WOLF MANAGEMENT PLAN

The provisions of this bill directly conflict with the existing State Ma'iingan management plan. The current management plan states that a public harvest would only be considered if other control activities such as government trappers, law enforcement officer controls, and landowner controls do not adequately maintain the population near the appropriate goal.

The Fish and Wildlife Service (FWS) has an ongoing role with regard to wolf management. It has stated that although it does not specify how delisted wolves are to be managed, “. . . the agency ensures that they [the States] implement management and protective measures that effectively conserve the wolves in their states.” This bill directly conflicts with the State's existing management plan; it may not protect wolves in a way that would ensure effective conservation. This bill and the manner in which it has been rushed through the Assembly raises significant questions about whether the FWS should step in and retake authority for wolf management in the state.

IV. CONCLUSION

AB 502 is troubling for the reasons outlined above. The current bill represents an unnecessary and ill-considered rush to enact sweeping changes to Ma'iingan management in the State. Ma'iingan management should be undertaken in a thoughtful, biologically based manner and should be consistent with State management plans. In light of the *Voigt* case obligations, it must also occur in consultation with individual tribes and the Voigt Intertribal Task Force.