TESTIMONY

OF

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OF THE
LITTLE TRAVERSE BAY BANDS
OF
ODAWA INDIANS

Before the

SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

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Testimony of Frank Ettawageshik, Tribal Chairman
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Mr. Chairman and Members of the Committee, my name is Frank Ettawageshik, Tribal Chairman of the Little Traverse Bay Bands of Odawa Indians.

I am here today with the humbling task of speaking on behalf of the *ad hoc* Tribal Caucus of the Great Lakes Regional Collaboration. I am honored by the faith and trust that the Tribal Caucus has placed in me to express perspectives and sentiments that speak to: i) the important role that Tribal Nations play in the Collaboration and ii) how the Collaboration Strategy might be implemented in way that not only will achieve its ultimate goal of protecting and restoring Great Lakes ecosystems, but that also is faithful to this Nation's treaty obligations and trust responsibilities toward Tribal communities.

The Tribal Caucus has coordinated Tribal participation under the Collaboration's Framework Agreement on the Executive Committee and on the various Strategy Teams. It will continue this role under the recently-approved Strategy Implementation Agreement. In providing the Tribal Caucus's voice today in the context of its coordinating role, I do not presume to officially represent any particular Tribal government or Tribal governing body beyond that voice.

The Collaboration's Strategy to Restore and Protect the Great Lakes exemplifies the region coming together to support protection and restoration of the Great Lakes. The Collaboration partners and the Great Lakes stakeholder community can be proud of this unified effort. The Strategy is not an all encompassing solution to Great Lakes' problems. Nevertheless, its priorities and recommendations create an effective blueprint worthy of the political, economic and community commitment that will be necessary to realize its vision. It must be used as the guide to make correct fiscal and substantive policy decisions by all levels of government, by the private sector and by households throughout the Great Lakes Basin.

I. SUMMARY OF OVERRIDING TRIBAL CAUCUS PERSPECTIVES

At the outset, I wish to highlight some primary points from the Tribal Caucus's perspective. The remainder of my testimony then provides background information and additional detail to support these points:

- **The Framework Agreement recognized Tribal issues and perspectives as an overarching issue for an important reason – for the over 35 Tribal Nations on the United States side of the Great Lakes Basin, ecological sustainability and Tribal sustainability go hand in hand.** The same is true for our relative First Nations in Canada. Tribal communities are intricately tied to the natural environment to meet their subsistence, economic, cultural, spiritual and medicinal needs. This interdependent and

reciprocal relationship between humans and the rest of nature will not endure if natural resources are too scarce, too contaminated or too degraded to meet Tribal needs and support Tribal culture.

- **The Tribal Caucus is very pleased that the Strategy aligns so well with the values, traditions, and needs of Tribal communities.** We all can be very proud that the Great Lakes region answered President Bush's call to set forth a consensus-based, action-oriented Strategy for preserving and restoring Great Lakes ecosystems. The Collaboration represents an unprecedented alignment of priorities and guiding principles among Tribal Nations, states, cities, industry and business, non-governmental organizations, and everyday citizens.

- **The needs of the Great Lakes and the Collaboration's action plan to address them truly represent both a national and an international imperative.** As the Strategy clearly demonstrates, the benefits flowing from Great Lakes ecological sustainability in harmony with economic vitality extend to the rest of our Nation and across our borders. Moreover, from the unique aspect of the United States' relationships with Tribal Nations, furthering the goals of the Strategy through funding of Tribal environmental and natural resource programs fulfills specific national obligations and policies embodied in:

  - Treaty obligations under various treaties between the federal government and Great Lakes Tribal Nations.

  - The federal trust responsibility toward Tribal Nations.

  - Numerous executive orders and statutes, such as the Indian Self-Determination and Educational Assistance Act, the Clean Water, and the Clean Air Act.

  - Various court decisions affirming the treaty and other reserved rights of Great Lakes Tribal Nations.

- **The Strategy is a sound and effective blueprint for better focused and more efficient programs to address its priorities, yet we must be vigilant in implementation to not oversimplify the nature and extent of the ecological imperatives we face or the programs and actions that must be undertaken to address them.** The Tribal Caucus recognizes the need to prioritize immediate actions and budgetary commitments as we begin to implement the Strategy. However, we are concerned that even further shortening of the list of priorities contained in the Strategy, simply for the sake of improved program efficiencies or cost savings, will short-change what needs to be done. We must keep in mind a number of key points as we proceed with implementation:

- The Great Lakes region is comprised of a number of complex and diverse ecosystems. There is a risk of over-portraying the Great Lakes as a single ecosystem. Creating a "short list" of priority actions carries the associated risk of abandoning or undercutting currently successful programs, such as the lakewide management planning efforts. It also creates a risk of proceeding on a "least common denominator" basis or on a pared down list of actions developed for immediate political expediency.

- The Tribal Caucus is sensitive to this Nation's current fiscal and budgetary climate. Tribal Nations face many of the same dilemmas as others in this regard. Nevertheless, we must not sacrifice our ability to achieve the Strategy's goals under the guise of trying to achieve "more bang for the buck." Ours is a Nation of vast financial wealth and resources. Great Lakes protection and restoration clearly falls within primary governmental functions at all levels. The political will to make correct budgetary and substantive policy decisions must be nurtured. The correct decisions will lead to the appropriate application of our Nation's wealth and associated actions to the task at hand.

- The federal government must maintain a leadership role in setting the appropriate tone and taking the appropriate actions in response to this unprecedented Strategy. We are encouraged by the significant commitments and actions already undertaken by other Collaboration partners – Tribal, state and local governments, industry and business, non-governmental organizations and everyday citizens. We are witnessing an amazing momentum and confluence of energy among all Collaboration partners to make good decisions and significant financial commitments from tight budgets. We ask Congress and the Administration to do its part as well.

- The federal government plays an important role in ensuring the continuing capabilities of Tribal natural resource and environmental management programs. Those programs are particularly vulnerable to budget reductions. Any reduction in funding for a Tribal program, even a reduction that would be considered small by others, could result in the elimination of that program. In some cases, simply losing funding for a single Tribal staff member can eliminate or significantly reduce the ability of a Tribal Nation or Tribal agency to hold up their end of the bargain relating to the protection or restoration of Great Lakes ecosystems.

- The Strategy goes a long way to identify actions that can be undertaken to progress toward better-protected and more-restored Great Lakes ecosystems. Nevertheless, we can and should do more whenever possible. For example, the Tribal Caucus would like to see a more aggressive schedule for reducing mercury emissions from coal-fired utility plants. Moreover, there are other areas where the Tribal Caucus

would like to see a more rapid and effective response to compelling problems, such as the control of invasive species through the implementation of more effective ballast water controls both under existing Clean Water Act authority and under new legislation.

The Tribal Caucus appreciates the Committee's sensitivity toward and consideration of these perspectives. The other Collaboration partners have been particularly welcoming and supportive of Tribal concerns. The Collaboration has engendered mutual trust and respect among those interested in advancing Great Lakes protection and restoration. The Great Lakes Tribal Nations remain committed to that end, and will support and advance both the terms and the spirit of the Strategy wherever and whenever possible. They trust that Congress and the other partners involved will do the same.

II. TRIBES OF THE GREAT LAKES BASIN

The United States portion of the Great Lakes Basin is home to over 35 federally recognized Indian Tribal Nations who, although distinct and unique in their own right, have common history, culture and traditions, especially in their relationship to the natural environment and dependence on natural resources for subsistence, economic, cultural, spiritual and medicinal purposes.[1]

Great Lakes Tribal Nations have historical, spiritual and cultural roots in the Great Lakes Basin stretching from time immemorial. Tribal Nations continue to occupy and use their ancestral homelands with a notion of geographic place that embodies views of their origin, migrations and historical identity, the way Tribal cultural reality is perceived in the modern world, and the social and political means to partitioning and distributing resources. These connections between Tribal Nations and the Great Lakes are evident in the willingness to accept the responsibility of restoring and protecting the Great Lakes.

Tribal Nations understand that the whole earth is an interconnected ecosystem. The health of any one part is related to the health of the whole. Tribal Nations have a spiritual and cultural responsibility to protect the waters of the Great Lakes as part of a greater overall effort to protect Mother Earth.

For Tribal Nations of the Great Lakes Basin, ecological sustainability and Tribal sustainability go hand in hand. Tribal Nations recognize the reciprocal relationship between humans

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[1]For additional background on the culture and history of Great Lakes Tribal Nations and their relationship to the natural environment, the following documents from the Great Lakes Regional Collaboration Appendix are attached and incorporated by reference: 1) *Tribal Nations Issue and Perspectives*; 2) *Haudenosaunee Environmental Task Force Position on the Great Lakes*.

and the rest of the natural world. Religious beliefs, including a spiritual interdependence and connection between all living and non-living things, guides Tribal members in the harvest and use of natural resources for subsistence, ceremonial, medicinal, ceremonial, spiritual or economic purposes.

The use of traditional foods is uniquely beneficial for members of Great Lakes Tribal Nations, including:

- the improvement of diet and nutrient intake;
- the prevention of chronic diseases associated with the consumption of non-traditional foods;
- the opportunities for physical fitness and outdoor activities associated with harvesting traditional foods;
- the opportunity to experience, learn, and promote cultural activities; and
- the opportunity to develop personal qualities desired in Tribal culture such as sharing, self-respect, pride, self-confidence, patience, humility and spirituality.

For Tribal Nations of the Great Lakes Basin and their members, the relationship to the natural environment, especially the Great Lakes, and dependence on natural resources for subsistence, economic, cultural, spiritual and medicinal purposes means little if there are insufficient resources, or if the available resources are contaminated or degraded to the point that they are unusable. It is important to remember the health benefits of traditional foods are quickly outweighed by the risks posed by the contaminants contained therein. For Tribal members "food security" means having traditional food sources that are both sufficient and free from contaminants.

III. ENVIRONMENTAL AND NATURAL RESOURCE PROGRAMS OF GREAT LAKES TRIBAL NATIONS AND TRIBAL AGENCIES

In light of the importance of the Great Lakes to Tribal Nations within the basin, many Tribal Nations and several intertribal agencies engage in a diversity of significant environmental and natural resource management programs that are consistent with the Great Lakes Regional Collaboration Strategy. The nature of the programs of each particular Nation or agency is contingent on the funding available and the needs or priorities of the community involved. With regard to the relationship between funding and these programs:

- Important federal funding sources for Tribal programs include:

  - Bureau of Indian Affairs funds provided pursuant to the Indian Self-Determination and Educational Assistance Act;

  - United States Fish and Wildlife Service funds provided under a variety of project-specific authorizations; and

- Environmental Protection Agency funds provided under the Clean Water Act, the Clean Air Act, the Tribal General Assistance Program, and other authorizations.

- Discretionary revenue generated from Tribal economic enterprises serves to supplement federal and other funding for these programs for some Tribal Nations.

- Because of the myriad of funding paths for Tribal environmental and natural resource programs, individual Tribes must ensure their ability to pursue their own funding path and work with whatever resources are available to them.

- Since Tribal environmental and natural resource management programs are particularly vulnerable to budget reductions, any reduction in funding for a Tribal program, even a reduction that would be considered small by others, could result in the elimination of that program. In some cases, simply losing funding for a single Tribal staff member can eliminate or significantly reduce the ability of a Tribal Nation or Tribal agency to hold up their end of the bargain relating to the protection or restoration of the Great Lakes ecosystem.

The Strategy recognizes that maintaining base level funding for Tribal programs is necessary so that Tribal Nations are able to both provide for the health and welfare of their communities and so that Tribal Nations can remain effective partners in Great Lakes protection and restoration efforts. Despite their fiscal and staffing limitations, Tribal Nations and their agencies are particularly efficient delivery systems for environmental and natural resource programs. More importantly, they often provide the only delivery mechanism of such programs for Tribal members. Tribal Nations need to provide services, such as fish contaminant testing and consumption advisories focused on the specific waters fished by Tribal members, because no other government or agency does so in such a focused manner. Tribal members need to know which fish are safer to eat from the waters that they fish. Generalized fish consumption advisories do not accomplish this.

In addition to the value of Tribal environmental and natural resource programs to Tribal members, there are significant overall public benefits that result from Tribal programs. If Tribal Nations fulfill their responsibilities toward Tribal members, benefits will flow to federal, state and local governments, their constituents and surrounding communities. These benefits include enhanced water quality, increased numbers of fish with reduced levels of contaminants, improved aquatic, wetland and upland habitat, and protection from invasive species, as well as numerous others.

Depending on the availability of funding and the extent of the particular governmental infrastructure, efforts Great Lakes Tribal Nations undertake in their role as partners in the protection and restoration of the Great Lakes ecosystem include:

- Operation of fish hatcheries and involvement in a variety of fish stocking programs in the Great Lakes.

- Harvest management, monitoring and regulation for a variety of fish, plant and animal species within the basin.

- Development of natural resource management plans and conservation codes.

- Population studies and assessments for a variety of fish, plant and animal species within the basin, including lake trout studies.

- Monitoring and restoring water quality of Great Lakes tributary streams and rivers through development of watershed management plans, repair of road and stream crossings, stream bank stabilization, habitat inventories, invertebrate surveys and fish assessments.

- Participation in joint efforts to protect Great Lakes tributary waters by placing watershed land in conservation easement status.

- Adoption of burn barrel ordinances and initiation of burn barrel outreach and elimination programs.

- Habitat enhancement within the basin for various plants, fish and animal species including wetland protection and restoration as part of the Circle of Flight initiative in conjunction with the United States Fish and Wildlife Service.

- Exotic species control including work in conjunction with the United States Fish and Wildlife Service to control and reduce sea lamprey populations.

- Voluntary efforts to reduce the presence of mercury by providing thermometer exchanges, cleaning up household hazardous waste and progressing toward making Tribal facilities mercury free.

- Research projects and fish consumption advisories, based largely on sampling of fish or other traditional foods, to help prevent contamination of natural resources and to help Tribal members maximize the health benefits from a traditional diet.

- Incorporation of alternative energy technologies and incorporation of energy conservation measures in new construction.

- Establishment of household and agricultural waste disposal depots.

- Conducting public information and education activities.

Many of the programs just mentioned are the result of Tribal Nations or Tribal agencies partnering with federal, state and local governments, colleges and universities, non-governmental organizations, conservation groups and private landowners in cooperative efforts to protect and restore the Great Lakes Ecosystem. Such partnerships are necessary for several reasons:

- Because treaty rights often extend to areas of shared jurisdiction and use, other governments are compelled, whether legally or practically, to acknowledge the rights and associated self-regulatory systems and to integrate Tribal Nations as natural resource management partners.

- When dealing with fish and wildlife, the tendency of the resource to migrate across governmental boundaries necessitates co-management of the resource to ensure collection of accurate information on state and Tribal harvests and on the status of natural resource populations.

- Pollution in air and water is transient. Contaminants discharged upstream or upwind directly affect those downstream and downwind. Cross-jurisdictional partnerships help to track pollutants as they move and to monitor levels of contaminants in resources such as fish and plants.

Importantly, inter-governmental and other partnerships allow the parties to achieve public benefits that no one partner could achieve alone. Some examples of the public benefits of these partnerships include:

- Identifying mutual natural resource concerns, and implementing joint conservation and enhancement projects (*e.g.* wild rice restoration, waterfowl habitat restoration and improvement projects, and exotic species control projects).

- Providing accurate information on state and Tribal harvests and on the status of natural resource populations (*e.g.* joint fishery assessment activities and jointly prepared reports).

- Maximizing financial resources to avoid duplication of effort and costs (*e.g.* coordinating annual fishery assessment schedules and sharing personnel/equipment).

- Contributing scientific research and data regarding natural resources and public health (*e.g.* furbearer/predator research, fish consumption/human health studies, and other fish contaminant research particularly regarding mercury).

- Engendering cooperation rather than competition (*e.g.* cooperative law enforcement and emergency response, joint training sessions, mutual aid emergency services

arrangements, and cross-credential agreements).

IV. IMPLEMENTATION OF THE GREAT LAKES REGIONAL COLLABORATION STRATEGY

The Great Lakes Regional Collaboration Executive Committee recently approved the *Strategy Implementation Framework* to guide implementation of the Strategy and to define the continuing role of the Collaboration. The Framework sets forth a process to ensure ongoing coordination of activities promoting the goals and priorities of the Strategy. A continuing commitment to implementation of the Strategy through the efforts of the Collaboration partners is important to advance the Strategy's goals of protecting and restoring the Great Lakes.

When viewed through the lens focused on protection and restoration, the needs of the Great Lakes are many and diverse. The Great Lakes Regional Collaboration Strategy aims to identify and prioritize those needs. It is crucial to remember, however, that the Strategy is neither a cure all nor an end all.

To fully address the goal of protecting and restoring the Great Lakes and to ensure that important needs of the region are not left behind, the priorities set forth in the Strategy should serve as a substantive and fiscal policy decision making guide for the region, but not an exclusive set of actions. As the Strategy is implemented by the partners and the greater stakeholder community, it will be important to follow the Strategy priorities while allowing room for parties to engage in programs utilizing resources and funding outside of the parameters of the Strategy. A program beneficial to the Great Lakes should not be turned away or cast aside simply because it does not fit into the neat box created by the Strategy.

There has been significant pressure on the Collaboration partners to develop a list of "near term" actions to begin implementation of the Strategy. Consensus on "near term" actions has been difficult to reach. Regardless of any consensus on "near term" actions to implement the Strategy, protection and restoration of the Great Lakes cannot be oversimplified by the creation of a list.

As the Strategy is implemented the partners must keep an eye on the "Big Picture." That is, the focus must be on addressing the challenges of the Great Lakes ecosystem by making the Collaboration greater than the sum of the particular actions carried out in its name. This requires the ability to look past any "action" lists that are developed and even past the specified Strategy team priorities to remember that, as set forth in the Strategy, the end is to protect and restore the Great Lakes and the means must be by whatever vehicles are available. Implementation must include continued support for currently successful programs in the region in addition to the creation of new programs. For Tribal Nations and their treaty ceded territory agencies such as the Great Lakes Indian Fish and Wildlife Commission (GLIFWC), the Chippewa Ottawa Resource Authority (CORA) and the 1854 Authority, at the very minimum this means continued support for existing programs.

V. FUNDING FOR ENVIRONMENTAL AND NATURAL RESOURCE PROGRAMS

As noted, the focus of implementing the Strategy needs to be on the "Big Picture" goals of protection and restoration of the Great Lakes ecosystem. Similarly, the focus within the context of funding Great Lakes environmental and natural resource programs must look beyond the four corners of the Strategy document to ensure continued support for programs that may not have been specifically captured by the Strategy or its appendices, but that still relate directly to it or will further its priorities and principles. For both Tribes and the Great Lakes region, this means keeping all doors open when it comes to the goals of protection and restoration of the Great Lakes. By doing so, our opportunities to engage in beneficial programs are not constrained by a set of priorities or funding sources that are artificially limited by the current political or budgetary climate.

While Tribal Nations recognize the need, from both the standpoint of efficiency and fiscal responsibility, to prioritize and coordinate programs within the region, this cannot serve as a justification or excuse for giving the region as a whole, and Tribal Nations in specific, less from a funding perspective. As these streamlining efforts go forward, the federal government's unique trust and treaty obligations to Tribal Nations must remain an overarching consideration and cannot be compromised in the process.

The Strategy should not be used as a means to force us into a situation where we have to bargain against ourselves as a region or within the Tribal stovepipe itself to get funded as we should or even simply to maintain our base funding. Despite the uncertainties of the budgetary process, the Strategy must serve as a guide for all levels of government, the private sector and households throughout the Great Lakes Basin for making to correct fiscal and substantive policy decisions at every opportunity.

VI. CONCLUSION

The Great Lakes Regional Collaboration Strategy sets forth important priorities for protection and restoration of the Great Lakes. The collaborative effort to achieve these goals must go forward, guided by, but not limited by, the priorities and principles enumerated in the Strategy. A key to successful implementation of the Strategy, both for Tribal Nations and for the region, is to support and promote the spirit of the Strategy by whatever means possible.

Tribal Nations and Tribal agencies are valuable partners in this process, providing a multitude of environmental and natural resource programs that efficiently deliver services to Tribal communities that in turn benefit surrounding communities. The need for continuing Tribal programs is given patent recognition by the Strategy, as is the coexisting need for base funding for these programs. As guided by the blueprint of the Strategy, Tribal Nations will and must maintain their ability to engage in beneficial programs notwithstanding artificial limitations imposed by priorities, funding sources or potential misguided substantive policies controlled by others.

The Strategy provides us all with an agreed upon path to follow to achieve the "Big Picture" goal of protection and restoration of the Great Lakes. Now it is up to everyone, both in and outside the region, to build on the priorities and principles set forth in the Strategy; to let the Strategy be their guide for making the right choice at every fork in the road.