

GREAT LAKES INDIAN FISH & 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

August 31, 2004

Honorable Terry Musser, Chair
Special Committee on State-Tribal Relations
Wisconsin Joint Legislative Council
P.O. Box 2536
Madison, Wisconsin 53701-2536

Dear Representative Musser,

Thank you for your letter of July 30, 2004, inviting the Great Lakes Indian Fish and Wildlife Commission to suggest issues for consideration by the Legislative Council's Special Committee on State-Tribal Relations. Perhaps you recall that I served on the predecessor to the current Committee, the American Indian Study Committee, for about eight years during the 1980's. Your letter is a welcome reminder of how GLIFWC and the Committee can and should work together on matters of mutual concern arising in the context of GLIFWC's member Tribes' off-reservation treaty rights. I look forward to rekindling GLIFWC's relationship with you and the other members of the Committee

As I am sure you recall, GLIFWC's Voigt Intertribal Task Force is the body that directs our work in the Wisconsin 1837 and 1842 ceded territories and which carries out a number of responsibilities for member Tribes under the requirements of the *Voigt* case. The Task Force offers two suggestions for the Committee's consideration:

1. Chronic Wasting Disease (CWD) as it relates to the Tribes' off-reservation treaty rights affirmed in the *Voigt* case. As you know, CWD has not yet been found in wild deer in the ceded territories where the Tribes may exercise their rights, and the Tribes wish to keep it that way. The Task Force seeks the Committee's assistance in examining possible inadequacies in existing laws that fail to appropriately reduce the risks associated with potential pathways by which CWD could spread into the ceded territories. Such pathways may involve the risks posed by captive deer and elk regarding inadequate fencing, the movement of diseased animals from game farm to game farm, or diseased animals escaping from game farms and infecting wild deer. In addition, the transport and disposal of harvested deer carcasses from a CWD-infected area in another part of the state into a non-infected area is another possible pathway that is not presently dealt with under Wisconsin law.
2. Interjurisdictional Law Enforcement Issues in the Ceded Territories. The Task Force seeks the Committee's assistance in exploring statutory amendments that would ensure and enhance GLIFWC's partnership role in the emergency services networks of Northern Wisconsin. GLIFWC has adequate authority from its member Tribes

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and does not need the Legislature's authorization to carry out the Tribe's inherent law enforcement authority over tribal members exercising treaty rights. Nevertheless, there are practical issues that arise as GLIFWC's officers interact with other law enforcement agencies as each goes about their respective jobs in the ceded territories.

For example, there are issues of how and when GLIFWC may provide mutual assistance to other agencies in times of public emergency or might otherwise intervene should they observe a serious crime in progress. There are also issues of when and how GLIFWC officers are able to use the radio frequencies of state and county enforcement agencies. And, I believe there was one instance a few years ago where a GLIFWC officer was assaulted but the perpetrator could not be charged properly with assault of a law enforcement officer under state law because of the "technicality" that GLIFWC officers are not statutorily-recognized law enforcement officers.

Perhaps some of these practical issues may be resolved by looking at how GLIFWC and its officers could be incorporated in relevant statutory definitions relating to law enforcement agencies and their officers. GLIFWC does not want to expand its jurisdictional authority or to be a primary enforcer of state laws. Rather, it wants to ensure that its officers are in a position to assist other enforcement agencies in times of need and to help protect public health and safety. In addition, as the assault situation illustrates, GLIFWC also has an interest in enhancing the safety of GLIFWC's officers in the performance of their duties.

The Task Force has not developed any particular proposals at this time, but is interested in working with the Committee, Committee staff and GLIFWC staff in examining these issues and in working together to draft appropriate legislation for the Committee's consideration.

Again, thank you for your letter. Please feel free to contact me or James Zorn of GLIFWC's staff at any time to follow up on these matters.

Regards,

/s/

James H. Schlender
Executive Administrator

cc: Voigt Intertribal Task Force
GLIFWC Division Heads
Jonathan Gilbert, GLIFWC Wildlife Section Leader