



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

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Joint Committee on Finance

Paper #180

Tribal Gaming Revenue Allocations

Elk Herd Monitoring (DNR -- Fish, Wildlife and Recreation)

[LFB 2001-03 Budget Summary: Page 469, #5]

CURRENT LAW

The Department of Natural Resources is responsible for monitoring and managing the elk herd in the Chequamegon National Forest in portions of Ashland, Bayfield, Price, and Sawyer Counties. Twenty-five elk were released near Clam Lake into a 720 square mile study area of the Forest in May, 1995. The population of the herd is now estimated at 80 to 90 elk. DNR monitors herd dispersal and makes population census flights and ground checks. The agency also monitors deer activity and concentration within the primary elk range, impact on rare plants, monitoring of wolf pack activity in areas occupied by elk, and verification of habitat use.

GOVERNOR

Provide an additional \$27,000 annually from tribal gaming revenues to support field monitoring and management plans, including potential harvest plans, for the state wild elk population. Funds would continue to support the ongoing elk reintroduction project in the Clam Lake area, as well as aid in assessing other regions of the state for reintroduction possibilities.

DISCUSSION POINTS

1. Under the provisions of 1999 Act 9, DNR received base funding of \$172,400 and 0.5 position from tribal gaming revenues for elk management and reintroduction activities throughout the state. Further, DNR is reviewing the possibility of establishing a second elk herd in the state, with the Black River State Forest being considered as a potential release site.

2. While it may be argued that this past action sets a precedent for the continued appropriation of tribal gaming revenues to facilitate elk reintroduction, others have raised concerns regarding the use of gaming compact revenues for this purpose. From this perspective, it may be appropriate to entertain considerations regarding alternative funding sources.

3. Eight tribal gaming agreements contain government-to-government memorandum of understanding (MOU) that relate to the use of additional compact payments, and two agreements propose an economic development fund. A common element in most agreements is a provision that the Governor undertake his best efforts within the scope of his authority to assure that monies paid to the state under the agreements are expended for specified purposes. With certain exceptions, these purposes are: (a) economic development initiatives for the benefit of tribes and/or Native Americans around Wisconsin; (b) economic development initiatives in regions around casinos; (c) promotion of tourism within the state; and (d) support of programs and services of the county in which the tribe is located. Several of the MOU add a fifth purpose relating to either law enforcement or public safety initiatives on the reservations. However, two of the amended compact agreements do not include MOU on government-to-government matters and are silent on the issue of how the state uses tribal gaming revenue. It could be argued that these revenues are unrestricted and may be used for any purpose. Elk reintroduction does not clearly fall within the specified criteria. However, to the extent that the elk reintroduction program is seen as promoting elk viewing and future hunting and related tourism, it could be argued this use of tribal gaming revenue may be consistent with the compact MOU.

4. Since one of the goals of the elk management program is to support a herd large enough for a viable hunting season, the fish and wildlife account of the conservation fund may be viewed as an appropriate funding source for these activities. Given that forest lands are currently being used as habitat for elk and will likely be used for any expansion of the herd, the forestry account of the conservation fund is another possible source of funding.

ALTERNATIVES TO BASE

1. Provide \$27,000 annually from the following funding source to support field monitoring and management plans, including potential harvest plans, for the state wild elk population. Funds would continue to support the ongoing elk reintroduction project in the Clam Lake area, as well as aid in assessing other regions of the state for reintroduction possibilities.

- a. tribal gaming revenue allocations (the Governor's recommendation)

Alternative 1a	PR
2001-03 FUNDING (Change to Base)	\$54,000
(Change to Bill)	\$0

b. fish and wildlife account

Alternative 1b	PR	SEG	TOTAL
2001-03 FUNDING (Change to Base)	\$0	\$54,000	\$54,000
(Change to Bill)	- \$54,000	\$54,000	\$0

c. forestry account

Alternative 1c	PR	SEG	TOTAL
2001-03 FUNDING (Change to Base)	\$0	\$27,000	\$27,000
(Change to Bill)	- \$27,000	\$27,000	\$0

2. Maintain current law.

Alternative 2	PR
2001-03 FUNDING (Change to Base)	\$0
(Change to Bill)	- \$27,000

Prepared by: Rebecca Hotynski