



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #519

Fisheries Management on Tribal Lands (DNR -- Fish, Wildlife, and Recreation)

[LFB 2005-07 Budget Summary: Page 358, #10]

CURRENT LAW

Under 1997 Act 7 (the 1997-99 biennial budget bill), DNR was authorized to enter into a cooperative agreement with the Lac du Flambeau tribe regarding license reciprocity for fishing and hunting approvals, as well as for ATV and snowmobile registrations.

GOVERNOR

Require DNR to provide \$50,000 annually to the Lac du Flambeau band of the Lake Superior Chippewa to support fisheries management activities on reservation lands.

DISCUSSION POINTS

1. Under current law, in 1997 the Lac du Flambeau band entered into an agreement with the state under which they agree to limit their treaty-based, off-reservation rights to fish in exchange for permission to issue certain DNR fishing licenses and stamps as an agent of DNR. The band also allows other DNR agents to issue these licenses and stamps on the Lac du Flambeau reservation. The band further agrees to not sell its own permits to hunt and fish on reservation lands. In return, DNR pays the Lac du Flambeau an amount equal to the amount that the band would have received if the band had sold its own licenses on the reservation. The payment is made from a program revenue appropriation with base level funding of \$100,000 annually. The program revenue is provided from tribal gaming revenue paid to the state under the terms of the state-tribal gaming compacts. In 2003-04, this payment totaled \$8,200. Unspent funding from the appropriation reverts to the Indian gaming receipts appropriation in the Department of Administration and lapses

to the general fund.

2. Payments made to the band under the bill are to be used for fisheries management activities on reservation lands. To date, annual payments have remained below \$10,000, limiting the scope of potential fisheries projects on tribal lands. The \$50,000 annual payment included under the bill would be made in addition to the annual transfer of license sales revenue, and would be used for the same purpose. Plans for the increased funding include fish stocking activities and general tribal fish hatchery upkeep and maintenance. Although the \$100,000 in base-level annual tribal PR is expected to be adequate to fund the additional payment for the biennium, if the appropriation were insufficient to meet required payments in any year the remainder would be paid from the fish and wildlife account of the conservation fund. Currently, the fish and wildlife account receives \$3 million annually in tribal gaming revenues separate from payments made under the license reimbursement provision.

3. To the extent that tribal fish management work would generally benefit any anglers utilizing the resource, it may be argued that providing the tribe with additional funds to carry out fisheries management activities is appropriate. Further, as the source of funding is an allocation of tribal gaming revenues, some would argue that it is appropriate to allocate these funds to make payments supporting tribal fishery management activities.

4. Alternatively, it may be argued that DNR and the State are meeting the terms of the agreement negotiated with the tribe in 1997. While funds would be provided from base-level tribal gaming revenues, any unexpended or unencumbered funds would lapse to the general fund. Therefore, maintaining current law would increase general fund revenue in the 2005-07 biennium.

ALTERNATIVES

1. Adopt the Governor's recommendation to require DNR to provide \$50,000 annually from tribal gaming compact revenues to the Lac du Flambeau band of the Lake Superior Chippewa to support fisheries management activities on reservation lands. (As this would be an allocation from base-level funding in an existing appropriation, no direct expenditure adjustment is required.)

2. Maintain current law (an additional \$50,000 annually would lapse to the tribal gaming revenue appropriation).

<u>Alternative 2</u>	<u>GPR-REV</u>
2005-07 REVENUE (Change to Bill)	\$100,000

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