

August 30, 2024

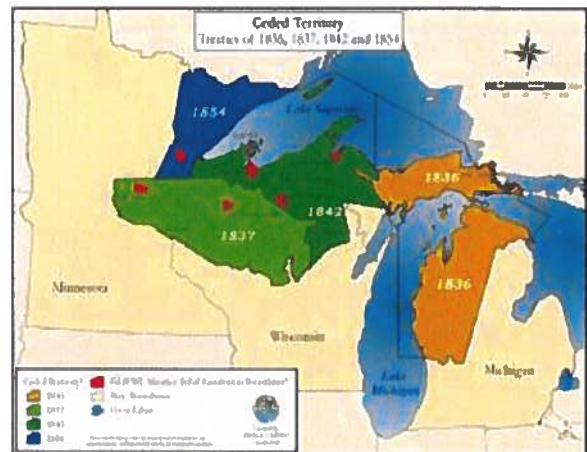
VIA ELECTRONIC MAIL

Regional Administrator Debra Shore
US EPA Region 5
77 W. Jackson Blvd
Chicago, IL 60604

Deputy Secretary Steven Little
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, WI 53703

Boozhoo Regional Administrator Shore and Deputy Secretary Little:

The undersigned Tribes¹ hereby assert our treaty reserved rights to harvest aquatic and aquatic-dependent resources in territories ceded to the United States in the Treaties of 1837² and 1842.³ This letter and assertion pertain to the portions of the ceded territory located in what is now the State of Wisconsin. These rights have been reaffirmed by United States federal courts in the *Lac Courte Oreilles v. State of Wisconsin* line of cases,⁴ and include the harvest of aquatic and aquatic dependent resources.⁵ The Clean Water Act requires state and federal governments to consider these asserted rights when setting and reviewing water quality standards.



The undersigned Tribes are all members of the Voigt Intertribal Task Force (Task Force) of the Great Lakes Indian Fish and Wildlife Commission (Commission), a body that exercises

¹ Bad River Band of Lake Superior Chippewa Indians, Fond du Lac Band of Lake Superior Chippewa, Keweenaw Bay Indian Community, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, Lac Vieux Desert Band of Lake Superior Chippewa Indians, Mille Lacs Band of Ojibwe, Red Cliff Band of Lake Superior Chippewa Indians, Sokaogon Chippewa Community, and the St. Croix Chippewa Indians.

² 1837 Treaty with the Chippewa, 7 Stat. 537.

³ 1842 Treaty with the Chippewa, 7 Stat. 591.

⁴ See, *Lac Courte Oreilles v. Voigt (LCO I)*, 700 F.2d 341 (7th Cir. 1983), cert. denied 464 U.S. 805 (1983); *Lac Courte Oreilles v. State of Wisconsin (LCO III)*, 653 F. Supp. 1420 (W.D. Wis. 1987); *Lac Courte Oreilles v. State of Wisconsin (LCO IV)*, 668 F. Supp. 1233 (W.D. Wis. 1987); *Lac Courte Oreilles v. State of Wisconsin (LCO V)*, 686 F. Supp. 226 (W.D. Wis. 1988); *Lac Courte Oreilles v. State of Wisconsin (LCO VI)*, 707 F. Supp. 1034 (W.D. Wis. 1989); *Lac Courte Oreilles v. State of Wisconsin (LCO VII)*, 740 F. Supp. 1400 (W.D. Wis. 1990); *Lac Courte Oreilles v. State of Wisconsin*

⁵ Lake Superior fishing rights are not adjudicated in this line of cases but may be asserted separately.

delegated authority over the exercise of the Tribes' off-reservation treaty reserved rights. The Task Force is also charged with recommending actions to address environmental degradation that may impair the opportunity for tribes to secure the full exercise of their ceded territory rights.

The unsuppressed use of fish, manoomin (wild rice), and other aquatic and aquatic-dependent beings⁶ in Wisconsin is impaired and not adequately protected for future generations. The above-mentioned treaties reserved not only our rights to hunt, fish, and gather, but more broadly, the right to continue our lifeways. These lifeways depend on the unsuppressed use of these beings for spiritual, cultural, medicinal, subsistence, and economic purposes now and for future generations. Wisconsin's water quality standards currently do not provide adequate protection to ensure the health and sustainability of these beings.

These treaty-reserved resources belong to all treaty-signatory Tribes, and harvest and management are coordinated intertribally. As such, we believe that an intertribal approach to Wisconsin's water quality standards review will be the most efficient and effective way to proceed. Thus, we have delegated to the Voigt Intertribal Task Force, the responsibility to oversee and facilitate intertribal and intergovernmental coordination with the EPA and State. The Task Force will, in turn, rely on the assistance of staff of the Great Lakes Indian Fish and Wildlife Commission and our member tribes, who have the subject-matter expertise to support the Task Force.

The Task Force has provided comments on the State's initial draft triennial review workplan. Those comments reflect the Task Force's initial priorities for this review, including a review of fish consumption rates to more appropriately reflect the consumption rates of our members, the establishment of a designated use for wild rice waters, and the establishment of a sulfate standard designed to protect manoomin (wild rice).

Our Tribes have long sought a greater role in ensuring that water quality standards adequately protect, and where necessary restore, the beings that we depend on to continue our lifeways. We look forward to undertaking that work and creating standards that protect those beings for the next seven generations.

We have asked Ann McCammon Soltis, the Commission's Director of Intergovernmental Affairs, at amsoltis@glifwc.org to assist in coordinating the next steps and look forward to beginning this process.

⁶ Docket 1607 "Wild Non-Commercial Plants Used by the Ojibwa People." *Lac Courte Oreilles Indians v. State of Wis.*, 775 F. Supp. 321 (W.D. Wis. 1991) (May 15, 1990).

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Sincerely,

Robert Blanchard, Chairman
Bad River Band of Lake Superior
Chippewa Indians


Bruce Savage, Chairman
Fond du Lac Band of Lake Superior
Chippewa

Doreen Blaker, President
Keweenaw Bay Indian Community

Louis Taylor, Chairman
Lac Courte Oreilles Band of Lake Superior
Chippewa Indians

John Johnson, Sr., President
Lac du Flambeau Band of Lake Superior
Chippewa Indians

Jim Williams, Jr., Chairman
Lac Vieux Desert Band of Lake Superior
Chippewa Indians



Virgil Wind, Chief Executive
Mille Lacs Band of Ojibwe

Nicole Boyd, Chairwoman
Red Cliff Band of Lake Superior Chippewa
Indians

Robert Van Zile, Chairman
Sokaogon Chippewa Community

Thomas Fowler, Chairman
St. Croix Chippewa Indians