

Senator Baldwin
709 Hart Senate Office Building
Washington, D.C. 20510

Senator Johnson
328 Hart Senate Office Building
Washington, D.C. 20510

Dear Senators:

We write to inform you of our opposition to the proposed legislation that would direct the Secretary of the Interior to reissue final rules relating to delisting the gray wolf in the Western Great Lakes and Wyoming under the Endangered Species Act (“ESA”). This proposed bill comes as a surprise to us, since neither of you reached out to ask how it would impact our rights and treaty-protected resources. The treaty-protected resources of the Ojibwe bands include gray wolves in the territory ceded to the United States under the Treaties of 1837 and 1842 (“ceded territory”), which has become the northern third of the State of Wisconsin.

You both have stated that management of the gray wolf, or Ma’iingan in Anishinaabemowin, should be undertaken by the state. However, the Wisconsin Department of Natural Resources (“WDNR”) has demonstrated that it is unable to effectively manage the gray wolf population under the state’s current statutory and regulatory framework, as evidenced by Wisconsin’s botched February 2021 wolf hunt. That hunt yielded an excessive removal of wolves that surpassed the state’s hunting quota and consumed the tribes’ entire treaty-protected share of wolves through the actions of state-licensed hunters in just three days. The hunt was ill-advised not only because of its brutality, occurring as it did during wolf breeding season, but also because such hunts destabilize packs, causing dispersal and increasing livestock predation.

While you have asserted that wolves in Wisconsin are recovered for purposes of delisting under the ESA, Wisconsin’s February 2021 hunt demonstrates that this is not so. One of the requirements for a finding of recovery and delisting under the ESA is a determination that the species in question is no longer imperiled by “the inadequacy of existing regulatory mechanisms.” 16 U.S.C. § 1533(a)(1)(D). The recent experience of the February 2021 wolf hunt establishes that Wisconsin’s existing regulatory mechanisms are not up to the task of enabling effective management of the state’s wolf population.

We are not alone in our belief that Wisconsin’s wolf management practices are inappropriate and unlawful. As you likely are aware, a Wisconsin state court enjoined WDNR from issuing any licenses for the planned November 2021 wolf hunt due to a lack of procedural safeguards and because the state’s regulatory scheme violated the Wisconsin constitution. In addition, the six Ojibwe bands in Wisconsin last year sued WDNR in federal court for its failures in wolf management and violation of off-reservation treaty rights. The tribes’ request for preliminary injunctive relief in that federal lawsuit was sidelined only because the state court acted first to halt further wolf hunting under the state’s unlawful and inadequate management framework.

If the gray wolf is delisted, and WDNR implements another hunt as required under Wisconsin law, Wisconsin's problematic legal framework for regulation and oversight of state-licensed wolf hunters and trappers will again threaten the wolves and Ojibwe treaty rights. Wisconsin has shown a lack of understanding of, and often a complete disregard for, tribal wolf protection and management efforts. Over the past year, some Wisconsin leaders have explicitly tried to divest the Ojibwe tribes of their treaty rights by setting artificially high hunting quotas for the express purpose of nullifying the tribal treaty share. Tribal treaty rights are federal in nature, the supreme law of the land, and not subject to diminishment because of Wisconsin's political infighting.

Wisconsin's actions have shown that protection of the gray wolf is subject to change with the state political winds. Your proposed legislation comes at a particularly bad time – with state wolf planning under revision – creating incentives for the state lawmakers to set a low population goal in the hope that you will bail them out with a legislative delisting. This misguided legislation continues a long history of disproportionately targeting the gray wolf – the first endangered species ever to be legislatively delisted by Congress. This proposed legislation also disregards the fact that many Americans nationwide believe that wolves should remain protected. In 2013 for example, approximately one million Americans voiced opposition to the proposal to strip endangered species protections from gray wolves. In addition, widespread public opposition to the wolf hunt has been routinely disregarded by the Wisconsin DNR Board, making federal protections even more important.

Senator Baldwin, you have recognized that tribes work to protect Wisconsin forests, lakes, and rivers to ensure that they will be there for the next generation. We remind you that our work also extends to protection of the species that populate this landscape, such as the gray wolf. That work is imperative to the perpetuation of all species upon which we depend and upon which our descendants will depend. You also have spoken in the past of your trust and treaty responsibilities to tribes, as well as the importance of tribal sovereignty.

We are disappointed that you introduced this bill without consulting the eleven federally recognized tribes in Wisconsin to learn our position on what level of protections should apply to Ma'iingan. If you had spoken with us, you would have learned about our efforts to protect Ma'iingan, and the important role they play in the ecosystem, and in our culture.

We, the federally recognized bands of Ojibwe in Wisconsin, oppose the legislation to delist gray wolves and believe that the gray wolf should remain protected under the ESA.

Bad River Band of Lake Superior Chippewa
Lac Courte Oreilles Band of Lake Superior Chippewa Indians
Lac du Flambeau Band of Lake Superior Chippewa Indians
Red Cliff Band of Lake Superior Chippewa Indians
Sokaogon Chippewa Community
St. Croix Chippewa Indians of Wisconsin