

Wisconsin Tribal Conservation Advisory Council Meeting Minutes
Tuesday, October 8, 2008
Oneida, Wisconsin

Roll Call:

Present: FCPC (Nate Guldan), Oneida (Pat Pelky, Jennifer Hill-Kelley), Menominee (Jonathan Pyatskowit), Ho-Chunk (Bill Hopinkah), LCO (Brett McConnell), St. Croix (Katie Stariha), LDF (Chad Miller, Bob Frank), Mole Lake (Roman Ferdinand)

Others Present: Sherrie Zenk-Reed (NRCS), Tony Bush (NRCS), Tom Cogger (NRCS), Jim Thannum (GLIFWC), Jerry Thompson (NRCS), JoAnn Cruse (APHIS), Chris Borden (NRCS), Greg Yakle (NRCS)

NRCS Update

Jerry Thompson will be giving the NRCS update today. Federal government passed a continuing resolution which is discretionary through March 6, 2009. NRCS is working with less money this year. Actual allocations for programs have not been distributed yet and they will not know until the week of Oct 22. EQIP will supposedly get an allocation. OMB is doing a full blown audit of NRCS and 900 contracts were pulled to be audited 702 are EQIP. NRCS is trying to meet Thursday (October 9) deadline for audit (2007 and 2008 EQIP contracts).

None of the program rules have come out yet and they may not be out until last week of October or first part of November. Wisconsin NRCS is looking at an EQIP and WHIP sign up of November 1 through January. Bail out is potentially affecting our programs. Right now they are looking at 22.4 million for state in EQIP, 1 million less than last year. Until after the election they are flying by the seat of their pants, nothing probably really resolved until then.

WHIP is changing; biggest change is the fact that NGO's, NPO's, and state government agencies can no longer participate in WHIP only Tribes and individuals. Trout Unlimited, Pheasants Forever, DNR, etc. used to get a lot of WHIP money, so now the Tribes may get more WHIP money.

National Fish Habitat Action Plan looking for people that have money to do fish and habitat work. They have staff but don't have funds. Focusing on Driftless Area and Great Lakes Basin in Wisconsin which means all Tribes are included. The director would like to come to the next WTCAC meeting to make a presentation.

EQIP in new Farm Bill will have energy component in it (Food Conservation and Energy Act is name of new Farm Bill). NRCS is trying to figure out practices to put in that relate to conservation and energy. Solar and wind are options and they are wondering if the Tribes can tribes take advantage of this. If anyone has ideas please email them to Jerry but remember the ideas must relate the EQIP program as a whole.

Pat Leavenworth responded to issues presented to Tom Craft in Madison. Jon handed out letter from Pat Leavenworth on this subject (attached). State technical committee supported our 90% recommendation. Feds need to make a decision because it does not specify which groups are socially disadvantaged.

Ash seed collection is ongoing. Plant Materials center has put out a bulletin to collect ash seed this year. They would store them for Tribes.

Jerry handed out NRCS careers brochure. There are possible internships available this summer for students. Many, many retirements coming up, and NRCS will be needing employees. Jim Thannum suggested getting an appropriation through WTCAC to support summer internships with NRCS for Tribal students. Sherrie needs to have resumes and interviews done by first week in December for the internships.

APHIS Update

JoAnn Cruse gave the update. EAB was found in Ozaukee County, WI around Aug 1. They also found beetles in a trap in Washington County. Appears to be small, tight area, but hard to detect. They think we will see changes in that area next year. The infestation currently appears to be within a 2 mile radius. Found no reason why it started at initial site, not campers, etc. There are at least 12 dead ash trees and it appears to have been there 4 or 5 years. This is a lightly populated area. There are other trees in the area that are symptomatic. Quarantine includes Sheboygan and Fond du Lac counties (8 to 10 miles from these counties). Beginning Oct 1 mills can receive ash logs as long as they process the logs by May 1 of following year (bugs do not emerge until June and will be destroyed). They are currently in negotiations with 3 or 4 firms that want to move ash logs. Houghton County, MI had a find and has limited the movement of ash logs after October 1 and they must be utilized before May 1. EAB was also found in Delta County, WI (east of Escanaba) and by Sault Ste. Marie as well. There was also another find just south of WI border in IL.

Traps have been taken down in WI, if Tribes have any suspect specimens, please let them know. Traps nationwide have found EAB in places that it wasn't known to exist. These locations include Missouri, Lake County, Illinois, and Virginia.

Gypsy moth statewide totals extremely high this year. Additional counties will probably be added to quarantine. MN and Iowa numbers are also extremely high.

Treasurer's Report

Bret gave handout on financial status with NRCS agreements (attached).

At next meeting present small project final reports and turn in invoices if your project is done.

If we need to use money on different work plan items, no amendment needed, if something new then an amendment is needed.

Wildlife Subcommittee

Jerry discussed it. It is a subcommittee of the State Technical Committee. The group has not met in quite sometime; this committee takes a look at Wildlife and Fish Habitat Improvement needs and makes recommendations to Pat Leavenworth for new practices, new species, new prioritization of species, etc.

Bob Frank from Stockbridge-Munsee volunteered to be the representative to this group from WTCAC.

MOTION: Motion to appoint Bob Frank to the Wildlife Subcommittee. Motion by FCPC, seconded by Oneida. All ayes, zero opposed, Stockbridge-Munsee abstained, motion carried.

Annual Report

Use this as report to NRCS as well as a document to seek appropriations from Congress. Once we have the template, get all the Tribe's to write up what they have done in template format. Document how we use these funds and what finds were matched with these funds. Pictures are very, very nice. Elders and kids go a long way because it shows community involvement. Jerry will check to see if we can use NRCS funds to produce report (if we can we may need to amend the agreement).

Update on 106 Status

All Tribes gave an update on the status of each Tribe's 106 MOU.

WTCAC Meeting Schedule

A rotating schedule for the regular WTCAC meetings was established so that we make sure that we hold our meetings throughout the state. The order we came up with is as follows:

LCO – Next meeting scheduled for November 3 and 4
FCPC
St. Croix
Ho-Chunk
Menominee
Red Cliff
Stockbridge-Munsee
Bad River
Lac du Flambeau
Mole Lake
Oneida

Amendment to Oneida Invasive Species Small Grant Project

Oneida asked to revise their Invasive Species Small Grant work plan (attached). They received a grant for chemicals and helicopter and therefore reduced the funding request from \$44,129 to \$29,499. They also wanted to extend Invasive Species Intern for 1 quarter.

MOTION: Motion to accept Oneida's amended proposal. Motion by Ho-Chunk, seconded by St. Croix. All ayes, zero opposed, Oneida abstained, motion carried.

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AFTER LUNCH WTCAC WENT INTO EXECUTVIVE SESSION

Strategic Planning Session

We need to start planning workshops, getting policies and procedures in place. Chris handed out a Strategic Planning document (attached) and he will split the document into 2 different documents (an internal document that has more of a task list and a document to present to outside organizations to give an overview of WTCAC's goals and mission) and send to me to email out. PLEASE make comments on the 2 documents once I send them out and bring to the November 4 Strategic Planning Meeting from 8 - 12 at LCO.

Lack of comments mean you are in 100% agreement with what we are doing.

Vision Quest

Vision Quest has not been paid on its April and May invoices and is charging us interest.

MOTION: Motion to pay the April Vision Quest invoice for \$4,499.40 and to pay the May Vision Quest invoice for \$4,663.46 upon receipt of the final report and a signed form containing either the Employee Identification Number or Social Security Number for Vision Quest or Sylvia Redschlag. Motion by Oneida, seconded by FCPC. Motion carried unanimously.

Jonathan will be going to Black River Falls to meet with Sylvia on October 8 and he will be joined by Bill Hopinkah and JoAnn Cruse (APHIS) to try and settle this matter.

Judicare

David Armstrong from Judicare attended. He will be the attorney from Judicare assisting us. He distributed a handout on WTCAC legal issues (attached). They were contacted several years ago by Jean and had ups and down with the 501c3 process. He is new, replacing the guy that originally worked on it.

Judicare needs resumes for each WTCAC Tribal Rep. PLEASE send these to Pat Pelky Put in email!!

We will use the table in the 2005 Labor Force Report for the Judicare eligibility for their services.

He can put together a packet once a year on fiduciary duties and give a little training. This is a good way to cover ourselves.

David stated that it would be beneficial for us to be incorporated so he is checking on the status of incorporation.

We need to change by-laws back to incorporated and incorporate a conflict of interest policy. Need to have in the by-laws if we decide not to indemnify the officers through insurance. If you are a member, just to let you know we don't have an insurance policy on you.

Jerry will ask if we can use NRCS money for board member insurance. Chris Borden will send us a contact on the insurance.

We need to get a 1099 filled out for contractors. Judicare will be able to help us for 1 year to get on our feet.

501c3 is a 2 tier fee. We will have an annual fee of \$20 for incorporation and also a fee for 501c3 on an annual basis (David will email us the exact amounts).

We will have to file a form 990 for our income. He will give us a sample 990. We would have to file on what we have paid out.

If we give out small projects we need to give out a 1099.

How to acquire appropriations

Jim Thannum (GLIFWC) gave a presentation on the process for acquiring federal appropriations and earmarks. He passed out an outline that he followed for his presentation (attached). He also handed out the testimony by GLIFWC that got our FY2005 and FY2006 earmarks (attached), not only did the testimony by GLIFWC help us get the earmarks, but Jean Buffalo was instrumental in getting them because of all of her hard work and dedication to WTCAC.

At the following website you can check the results of the PART reviews performed on different federal programs and agencies:

www.whitehouse.gov/omb/expectmore or www.whitehouse.gov/omb/part/

AINEA Conference

AINEA is requesting WTCAC to make a presentation on timeline and how we got to where we are now. We discussed that it might be a better idea to have a round table discussion with WTCAC members as well as Pat Leavenworth and others from NRCS that got WTCAC started.

We also discussed the possibility of each of us getting up and talking about things we have done with EQIP, WHIP, and WTCAC funds.

We also asked discussed the possibility of using some workshop funds to fund some students to attend, they may do a career night or afternoon for students. Could we sponsor students across the country? Jerry is checking into it.

WTCAC 2005 Agreement # 69-5F48-5-044

8) Organize and sponsor three workshops addressing unique tribal conservation needs. \$30,000			
	FY2007	FY2008	FY2009*
	\$ -	\$ 10,000.00	\$ 20,000.00
Remaining balance:	\$ -	\$ 10,000.00	\$ 20,000.00
9) Hire a consultant to assist WTCAC with developing a strategic plan.*			\$ 203,457.05
	FY2008		
	\$ 10,000.00		
Remaining balance:	\$ 10,000.00		
#2 1/17/07 Advance Error by FNM		\$ (4,292.62)	
#8 3/14/08 Training costs applied to advance		\$ 3,276.04	
#9 4/29/08 LCO Logging Road Demo project		\$ 1,016.58	
	\$ -		
Items paid that were not in 2005 Agreement.			
#1 12/4/06 Ex. Dir. Salary paid for Aug. 06, Oct. 06 & Nov. 06. A 2006 agreement item		\$ 17,499.99	*Changed with

WTCAC 2006 Agreement # 68-5F48-6-036					
SF-270	Submit Date	Signed date	5/9/2006	Expiration*	9/30/2010
#					
	1) Organize and sponsor eight meetings per year to address WTCAC needs and priorities. \$90,300				
	\$30,100/yr x 3 = \$90,300				
#1	1/31/07 Board expenses 10/06 to 1/07				
#7	9/7/07 Board expenses 7/1/06 to 7/31/06??				
#8	3/14/08 Board expenses 10/1/07 to 12/31/07				
#10	8/11/08 Board expenses 1/1/08 to 7/31/08				
	Remaining balance:				
	2) Contractual Salary and Expenses for WTCAC Coordinator. \$156,000				
	Salary \$40,000/yr x 3 = \$120,000				
	Misc., etc. \$12,000/yr x 3 = \$36,000				
#1	1/31/07 January Executive Director fees				
#2	3/13/07 February Executive Director fees				
#3	4/6/07 March Executive Director fees				
#4	5/4/07 April Executive Director fees				
#5	6/6/07 May Executive Director fees				
#6	7/6/07 June Executive Director fees				
#9	4/29/08 Final payment for Executive Director				
	Remaining balance:				
	3) Assist member Tribes on implementing pilot conservation projects not authorized within existing				
	USDA Conservation Programs \$21,000				
Appr.	GLFWC Invasive Species				
	Remaining balance:				
	Agreement beginning balance	\$ 267,300.00			
	Agreement remaining balance	\$ 173,146.62			
	Agreement calculated balance	\$ 180,094.62			

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

P. O. Box 9 ─ Odanah, WI 54861 ─ 715/682-6619 ─ FAX 715/682-9294

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Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN

Bad River Band
Red Cliff Band
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

FY 2005 Testimony

United State House of Representatives

Committee on Appropriations

Subcommittee on Agriculture, Rural Development, FDA and Related Agencies

by

**James H. Schlender, Executive Administrator
Great Lakes Indian Fish and Wildlife Commission**

Date: March 25, 2004

Agency Involved: Natural Resource Conservation Service

Summary of FY 2005 Testimony: The Commission requests Congress support funding for conservation programs as authorized under the Farm Security and Rural Investment Act of 2002 including:

- \$1 billion in for the Environmental Quality Incentives Program (EQIP), and
- \$60 million for the Wildlife Habitat Incentives Program (WHIP).

The Commission also requests Congress restore \$275,000 in funding for the Wisconsin Tribal Conservation Advisory Council (WTCAC) eliminated by the Administration in FY 2005.

Disclosure of USDA Grants Contracted: The Commission is an intertribal organization which, under the direction of its member tribes, implements federal court orders governing tribal harvests of off-reservation natural resources and the formation of conservation partnerships to protect and enhance natural resources within the 1836, 1837, and 1842 ceded territories. Under the USDA's Environmental Quality Incentives Program, the Commission contracted \$10,000 in FY 1998 and an additional \$40,000 in FY 1999. In addition, the Commission also contracted EQIP Education Grants funded by USDA and the University of Wisconsin Extension Service for \$29,940 in FY 1998 and \$20,000 in FY 2001. Under the WHIP program, GLIFWC contracted \$2,400 in FY 2003.

Mr. Chairman, Members of the Committee, my name is James H. Schlender. I am the Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission (Commission). Our eleven member tribal governments thank you for considering our testimony regarding programs funded by USDA's Natural Resource Conservation Service. The Commission's testimony stresses three major objectives:

- provide funding for the Environmental Quality Incentives Program (EQIP) at \$1 billion nationally and support intertribal and tribal efforts to participate in conservation partnerships;
- provide funding for the Wildlife Habitat Incentives Program at \$60 million nationally to support efforts to protect and enhance wildlife and fish habitats; and
- restore funding for the Wisconsin Tribal Conservation Advisory Council (WTCAC) at \$275,000 annually.

Background: The Commission is comprised of eleven (11) sovereign tribal governments located throughout Minnesota, Wisconsin, and Michigan. The Commission's purpose is to protect and enhance treaty-guaranteed rights to hunt, fish, and gather on inland territories ceded under the Chippewa treaties of 1836, 1837, and 1842; to protect and enhance treaty guaranteed fishing on the Great Lakes; and to provide cooperative management and protection of these resources. The Commission participates in a wide range of cooperative management activities with local, state, federal, and foreign governments. Some of these activities arise from court orders, while others are developed in general government-to-government dealings between tribes and other governments.

EQIP Supports Tribal Partnerships to Control Purple Loosestrife in the Bad River and Chequamegon Bay watersheds: Purple loosestrife (*Lythrum salicaria L.*) is an exotic perennial plant first recorded in Wisconsin in 1940. As purple loosestrife spread throughout wetland ecosystems, it reduced carrying capacities for muskrats, water birds, and mink and degraded the quality of migratory waterfowl production sites.

In 1998, the Commission began a 5-year project under USDA's Environmental Quality Incentives Program (EQIP) to control purple loosestrife in the Bad River and Chequamegon Bay watersheds. Under this project, the Commission utilized funding from the BIA's Noxious Weed Program to control loosestrife on public lands located in the Chippewa ceded territories and utilize funding from EQIP to control loosestrife on private lands with land owner consent - - orchards, dairy farms, etc. This program integration promotes conservation partnerships to protect critical habitat on a watershed basis including:

- Kakagon and Bad River Sloughs - the largest, healthiest, fully functioning estuarine system in the upper Great Lakes Basin and is listed as a National Natural Areas Conservancy Landmark (National Registry 1983) - **Bad River Tribe**

- Fish Creek Sloughs Refuge - an important area for waterfowl nesting/ staging, and northern pike spawning; and Sioux River Refuge - important wetland, waterfowl staging area, and critical steel head trout spawning habitat - **WI DNR**
- Whittlesey Creek - this newly established refuge possesses critical habitat for salmon spawning and reintroduction of rare native brook trout strains – **USFWS**, and
- Apostle Islands National Park – **National Park Service**

In addition to its EQIP Purple Loosestrife Control program, the Commission has also completed two EQIP education grants. Under these grants, the Commission: 1) prepared and published educational materials to prevent the spread of purple loosestrife, leafy spurge, and other invasive plants; 2) established an Internet GIS web site (i.e. see www.glifwc-maps.org) to assist landowners, state and federal agencies, non-profit conservation organizations, and tribes in developing and implementing invasive plant control strategies within watersheds; and 3) promoted cooperative control projects through technical assistance and educational materials/presentations.

The Establishment of the Wisconsin Tribal Conservation Advisory Council and EQIP Funding Set-asides have Increased Program Participation by Indian Nations in Wisconsin: The Wisconsin Tribal Conservation Advisory Council (WTCAC) was established for the purposes of: 1) identifying tribal conservation issues, 2) advising the USDA Natural Resources Conservation Service on more effective ways to deliver USDA programs, and 3) assisting the Indian Nations of Wisconsin in accessing USDA resources. This Tribal Conservation Advisory Council was organized in March 2001 and is the first such council formed in the country as authorized under the 1995 Farm Bill.

One of the responsibilities of the WTCAC, at the request of the NRCS State Conservationist, is to review and recommend funding for conservation proposals from the 11 federally recognized tribes in Wisconsin. In FY 2003, the WTCAC was allocated \$440,000 for this effort and recommended numerous tribal EQIP contracts including:

Supporting Tribal Aquaculture Development: The St. Croix Tribe contracted \$43,162 in EQIP funding to assist the tribe in installing an aquaculture effluent treatment system at its St. Croix Waters Aquaculture facility. St. Croix also contracted \$19,918 in EQIP funding to improve water volume and quality for the rearing of food fish and walleye and perch fingerlings for restocking efforts on local lakes.

Decommissioning Abandoned Wells: The Bad River Tribe contracted \$5,550 and Lac du Flambeau contracted \$10,026 in EQIP funding to decommission abandoned wells on their Reservations that are a potential source of groundwater contamination.

Controlling Shoreline Erosion: The Lac du Flambeau Tribe contracted \$40,000 in EQIP funding to provide stream bank and shoreline stabilization, critical area planting, tree and shrub establishment, grade stabilization structure, and heavy use area protection on Flambeau and Pokegama Lakes. The erosion is causing sedimentation, adverse effects on water quality, as well as aquatic and riparian habitat damage.

The St. Croix Chippewa Tribe contracted \$18,750 in EQIP funding to install a grade stabilization structure to control soil erosion upstream of the confluence of the Yellow River and the St. Croix River. This erosion is impairing wild rice beds downstream on the St. Croix River.

Stream Corridor, Wetland, and Wild Rice Restoration Project: The Sokaogon Chippewa Community contracted \$47,780 in EQIP funding to restore the natural flow that was altered in Swamp Creek, remove nuisance plant species, reseed wild rice, remove debris from stream banks and beds, and control erosion on a tribal access road.

Forest Restoration Project: The Bad River Tribe contracted \$40,000 in EQIP funding to plant white pine, red pine, balsam fir, and white spruce on 1,120 acres of tribal lands that, left untreated, would regenerate to aspen and increase erosion problems. This is the first step in promoting and restoring forest biodiversity on lands cut-over in the 1920's.

Wildlife Habitat Incentives Program (WHIP): NRCS's WHIP program provides a flexible funding resource to Wisconsin that enables local communities to form conservation partnerships between private landowners, local conservation districts, counties, and tribal governments. Again the WTCAC combined with a WHIP program set-aside of \$33,000 in Wisconsin resulted in numerous tribal WHIP contracts in FY 2003. Through this process NRCS was able to establish Tribal WHIP contracts for such diverse projects as wild rice seeding, walleye spawning habitat restoration, stream bank protection, and native grass seeding.

Unfortunately, the success of Wisconsin Tribes in contracting FY 2003 EQIP and WHIP funding from NRCS is not found among GLIFWC's member tribes in Michigan as documented by the table below.

GLIFWC/ Member Tribes	EQIP Funding Contracted FY 2003	WHIP Funding Contracted FY 2003
<u>Michigan</u>		
Lac Vieux Desert	None	None
Keweenaw Bay	None	None
Bay Mills	None	None
<u>Michigan Total</u>	\$0 - contracted by 3 MI GLIFWC tribes \$0 - contracted all MI tribes	\$0 - contracted by 3 MI GLIFWC tribes \$0 - contracted all MI tribes

GLIFWC/ Member Tribes	EQIP Funding Contracted FY 2003	WHIP Funding Contracted FY 2003
<u>Wisconsin</u>		
Bad River	\$40,000 forest restoration/erosion control; \$5,550 decommission abandoned wells	None
Red Cliff	Did not apply for FY03 projects	\$1,350 stream bank protection project
St. Croix	\$43,162 aquaculture waste storage facility; \$2,000 aquaculture hatchery well project; \$18,750 erosion control project	\$10,000 walleye spawning habitat restoration
Sokaogon	\$47,780 stream corridor & wetland restoration project	\$3,000 Rice Lake wild rice seeding
Lac Courte Oreilles	Did not apply for FY03 projects	\$3,000 wild rice seeding
Lac du Flambeau	\$40,000 to address shoreline erosion concerns; \$10,026 decommission abandoned wells	\$3,000 Powell Marsh native grass seeding
GLIFWC	Did not apply for FY03 projects	\$1,200 Jackson Box Flowage wild rice seeding; \$1,200 Manitowish River wild rice seeding
<u>Wisconsin Total</u>	\$207,268 - contracted by GLIFWC member tribes in Wisconsin; \$440,000 - allocated to 11 Tribes statewide	\$22,750 - contracted by GLIFWC and 5 member tribes \$33,000 - allocated for 11 tribes statewide

GLIFWC takes the following lessons from these circumstances:

- Funding for tribal projects in Wisconsin is directly attributable to active outreach toward and integration of tribes into the budgeting process of NRCS state offices.
- A tribal advisory council consisting of the tribal representatives and funded by NRCS can effectively link tribes with the NRCS and result in more funding directed toward tribal projects.
- Set asides for tribal projects from NRCS state office funding allocations is critical to ensure that tribes are able to access their fair share of those allocations.

GLIFWC requests Congress restore funding for WTCAC at \$275,000 in FY 2005 thereby ensuring tribal communities in Wisconsin have the technical resources needed to address their conservation needs.

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James H. Schlender, Executive Administrator
Great Lakes Indian Fish and Wildlife Commission (GLIFWC)

Date: April 8, 2005

Agency Involved: USDA - Natural Resource Conservation Service

Summary of FY 2006 Testimony:

Re-affirm support for local decision making: The success of the U.S. Department of Agriculture's Environmental Quality Incentives Program (EQIP) and Wildlife Habitat Incentives Program (WHIP) is due in large part to a program structure that stresses local decision making.

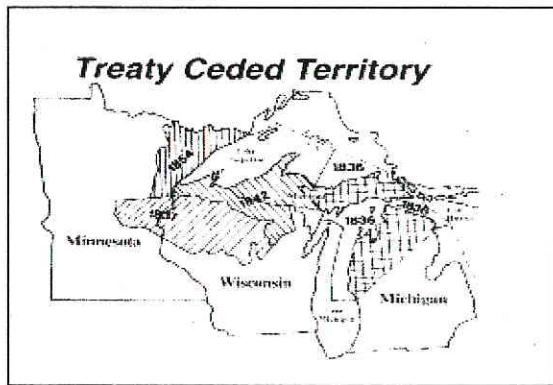
Restore \$275,000 for the Wisconsin Tribal Conservation Advisory Council: GLIFWC requests Congress restore \$275,000 in funding for the Wisconsin Tribal Conservation Advisory Council (WTCAC) eliminated by the Administration in FY 2006.

Maintain EQIP and WHIP program funding: GLIFWC supports the Administration's budget request for \$1 billion for the Environmental Quality Incentives Program (EQIP) and \$60 million for Wildlife Habitat Incentives Program (WHIP).

Disclosure of USDA Grants Contracted: GLIFWC is an intertribal organization which, under the direction of its member tribes, implements federal court orders governing tribal harvests of off-reservation natural resources and the formation of conservation partnerships to protect and enhance natural resources within the 1836, 1837, and 1842 ceded territories (See map). Under the USDA's Environmental Quality Incentives Program, GLIFWC contracted \$10,000 in FY 1998 and an additional \$40,000 in FY 1999. In addition, GLIFWC also contracted EQIP Education Grants funded by USDA and the University of Wisconsin Extension Service for \$29,940 in FY 1998 and \$20,000 in FY 2001. Under the WHIP program, GLIFWC contracted \$2,400 in FY 2003.

Mr. Chairman, Members of the Committee, my name is James H. Schlender. I am the Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). Our eleven member tribal governments thank you for considering our testimony regarding programs funded by USDA's Natural Resource Conservation Service. GLIFWC's testimony stresses three major objectives: 1) Re-affirm support for local decision making in EQIP and WHIP programs; 2) restore funding for the Wisconsin Tribal Conservation Advisory Council (WTCAC) at \$275,000 annually; and 3) provide funding for the Environmental Quality Incentives Program (EQIP) at \$1 billion and Habitat Incentives Program at \$60 million and support intertribal and tribal efforts to participate in conservation partnerships.

Background: GLIFWC is comprised of eleven (11) sovereign tribal governments located throughout Minnesota, Wisconsin, and Michigan. The Commission's purpose is to protect and enhance treaty-guaranteed rights to hunt, fish, and gather on inland territories ceded under the Chippewa treaties of 1836, 1837, and 1842; to protect and enhance treaty guaranteed fishing on the Great Lakes; and to provide cooperative management and protection of these resources. The Commission participates in a wide range of cooperative management activities with local, state, federal, and foreign governments. Some of these activities arise from court orders, while others are developed in general government-to-government dealings between tribes and other governments.



Re-affirm support for local decision making: GLIFWC's success in contracting and implementing USDA's EQIP and WHIP programs is due in large part to a program structure that stresses local decision making. This local decision making process includes: 1) identification of local conservation problems; 2) establishment of local priorities, ranking systems, and cost share rates; and 3) selection of options that best solve problems based upon local environmental conditions. GLIFWC requests Congress reaffirm its support for community based decision making structures within USDA's EQIP and WHIP programs and closely scrutinize any proposals to impose top down ranking systems that may attempt to mandate a one size fits all philosophy.

Local decision making within the EQIP program results in successful efforts to control purple loosestrife in the Bad River and Chequamegon Bay watersheds and built conservation partnerships: Purple loosestrife (*Lythrum salicaria L.*) is an exotic perennial plant first recorded in Wisconsin in 1940. As purple loosestrife spread throughout wetland ecosystems, it reduced carrying capacities for muskrats, water birds, and mink and degraded the quality of migratory waterfowl production sites.

GLIFWC completed a five year EQIP project to control purple loosestrife in the Bad River and Chequamegon Bay watersheds at a cost of \$50,000. GLIFWC incorporated a

watershed strategy utilizing funding from the BIA's Noxious Weed Program to control loosestrife on public lands and NRCS EQIP funding to control loosestrife on private lands with land owner consent. GLIFWC also incorporated an integrated pest control strategy utilizing both chemical controls and biological controls - beetles that feed exclusively on purple loosestrife. The beetles were grown and released on a number of sites as a long term control measure. Field assessments indicate that the beetles have established themselves at the release sites. The use of GPS and GIS technology enabled GLIFWC to document the effectiveness of this invasive species control strategy.

GLIFWC has also completed two EQIP education grants in support of its purple loosestrife and leafy spurge control efforts. Under these grants, the GLIFWC: 1) prepared and published educational materials to prevent the spread of purple loosestrife, leafy spurge, and other invasive plants; 2) established an Internet GIS web site (see <http://www.glifwc-maps.org/>) to assist landowners, state and federal agencies, non-profit conservation organizations, and tribes in developing and implementing invasive plant control strategies within watersheds; and 3) promoted cooperative control projects through technical assistance and educational materials/presentations.

These EQIP education grants provided an informational foundation for the Northwood's Weed Initiative (NWI). The Northwood's Weed Initiative (NWI), a partnership including: NRCS, GLIFWC, The Nature Conservancy, USFWS, USFS, WDNR, UWEX and private citizens, is working to slow the spread of leafy spurge and other invasive plants that have been identified in the area. This invasive plant poses a threat to tribal gathering rights as it will disrupt plant communities, out-competing native plants used by tribal members. The first efforts to control and contain leafy spurge were begun on private lands within the ceded territory. An educational poster on leafy spurge is in the development phase and will be distributed state-wide.

Wisconsin Tribal Conservation Advisory Council: The Wisconsin Tribal Conservation Advisory Council (WTCAC) was established for the purposes of: 1) identifying tribal conservation issues, 2) advising the USDA Natural Resources Conservation Service on more effective ways to deliver USDA programs, and 3) assisting the Indian Nations of Wisconsin in accessing USDA resources. This Tribal Conservation Advisory Council was organized in March 2001 and is the first such council formed in the country as authorized under the 1995 Farm Bill. GLIFWC requests Congress restore funding for WTCAC at \$275,000 in FY 2006 thereby ensuring tribal communities in Wisconsin have the technical resources needed to address their conservation needs.

WTCAC and EQIP funding set-asides increase program participation by Indian Nations in Wisconsin: One of the responsibilities of the WTCAC, at the request of the NRCS State Conservationist, is to review and recommend funding for conservation proposals from the 11 federally recognized tribes in Wisconsin. The WTCAC was allocated \$88,000 in WHIP funding and \$1,100,000 in EQIP funding over FY 2003 and FY 2004. These resources enabled tribes to conserve and protect natural resources through a number of innovative projects including:

Supporting aquaculture development: Tribes have taken a leadership role in integrating aquaculture projects into USDA's EQIP program including: 1) Red Cliff's construction of a wetland filtration system as part of Red Cliff's Coaster Brook Trout Restoration Project at \$75,000 – which was critical in supporting the selection of Red Cliff for the state's new \$3 million aquaculture training facility; 2) St Croix's installing an aquaculture effluent treatment system at its St. Croix Waters Aquaculture facility at \$43,162 and establishment of nutrient management of fish waste at \$3,780; and 3) St. Croix's contracting of \$19,918 to improve water volume and quality for the rearing of food fish and walleye and perch fingerlings for restocking efforts on local lakes. NRCS is now working with Lac Courte Oreilles (LCO) on plans to expand the fish rearing ponds currently operated by the tribal hatchery.

Decommissioning abandoned wells: Tribes have used EQIP funding to decommission abandoned wells that are a potential source of groundwater contamination including: 1) \$5,500 contracted at Bad River; 2) \$10,026 contracted at Lac du Flambeau; and 3) \$45,800 at the Sokaogon Chippewa community.

Controlling Shoreline Erosion on Wisconsin lakes: EQIP funding has been used to provide shoreline stabilization to prevent sedimentation, adverse effects on water quality, and aquatic habitat damage including projects on: 1) the Chippewa Flowage and Skull Island and Middle Three Sisters Islands by LCO at \$225,000; 2) Flambeau and Pokegama Lakes by Lac du Flambeau at \$40,000; and 3) Big Sand Lake in Burnett County by St. Croix.

Wetland and Wild Rice Restoration Project: The Sokaogon Chippewa Community contracted \$47,780 (EQIP) to restore the natural flow that was altered in Swamp Creek, remove nuisance plant species, reseed wild rice, remove debris from stream banks and beds, and control erosion on a tribal access road. St. Croix contracted \$18,750 (EQIP) to install a grade stabilization structure to control soil erosion upstream of the confluence of the Yellow River and the St. Croix River impaired wild rice beds downstream on the St. Croix River. LCO used \$7,050 (WHIP) to re-establish wild rice and install 100 wood duck houses and 12 loon nesting platforms. These efforts build upon the tribe's earlier success in establishing wild rice beds on Billy Boy Flowage.

Stream Corridor Restoration Projects: Tribes used WHIP funding for habitat projects to support efforts to establish spawning migrations of coaster brook trout from Lake Superior through stream habitat work in Graveyard Creek (i.e. by Bad River at \$15,732) and in Red Cliff Red Cliff Creek (i.e. by Red Cliff at \$10,000).

Forest Restoration and Protection Project: The Bad River contracted \$74,988 to plant white pine, red pine, balsam fir, and white spruce on tribal lands that, left untreated, would regenerate to aspen and increase erosion problems. Lac du Flambeau contracted \$54,160 in EQIP funding for Forest site preparation on 200 Acres, Forest stand improvement on 250 acres, a prescribed burn on 223 acres, and three water control structures.

Michigan tribes begin to access NRCS EQIP and WHIP funding: The success of Wisconsin tribes experienced in contracting EQIP and WHIP funding from NRCS is now starting in Michigan. In 2004, the Lac View Desert Band contracted EQIP funding to construct two walleye rearing ponds at \$100,000. The tribe also received an additional \$11,000 in WHIP funding to drill wells for the ponds.

The Keweenaw Bay Indian Community contracted \$50,000 in WHIP funding to construct a walleye rearing pond. Keweenaw Bay also contracted \$20,000 to establish buffer zones to protect coastal wetlands from sedimentation from stamp sands in Keweenaw Bay. Unfortunately, the Bay Mills Indian Community has yet to receive funding through USDA's EQIP or WHIP programs and is looking to rectify this problem in the future.

Once projects move into the implementation phase at Keweenaw Bay and Lac View Desert, GLIFWC will also begin assessing and documenting program delivery to its member tribes in Minnesota.

Tribal contributions to NRCS: It is important for Congress to acknowledge that while NRCS has provided tribes with fiscal resources, tribes have also provided assistance to NRCS in meeting their conservation mission. GLIFWC, and its professional biologists, have taken a leadership role in assisting NRCS in preparing: 1) Wisconsin Biology Technical Note 4 Wild Rice Seeding Guidelines; 2) Wisconsin Biology Technical Note 5 Invasive Plant Species Control; and 3) Wisconsin Practice Standard 595 Pest Management—Aquatic Invasive species.

GLIFWC takes the following lessons from these circumstances:

- Funding for tribal projects in Wisconsin is directly attributable to active outreach toward and integration of tribes into the budgeting process of NRCS state offices.
- A tribal advisory council consisting of the tribal representatives and funded by NRCS can effectively link tribes with the NRCS and result in more funding directed toward tribal projects.
- Set asides for tribal projects from NRCS state office funding allocations is critical to ensure that tribes are able to access their fair share of those allocations.
- The lessons learned in Wisconsin are useful in supporting efforts to bring NRCS programs to Michigan tribes given those tribes are provided an adequate commitment of staff time and fiscal resources.

A partnership integrating WTCAC, the State NRCS offices, and financial resources from USDA's EQIP and WHIP programs enables Tribal Nations to directly address conservation needs that are prioritized within their respective communities. We ask Congress to support increased funding for these programs and re-affirm support for local decision making processes.

- 1) Introduction - What is the federal budget process (i.e. who makes what decisions and when)
 - a. Two years prior to a fiscal year Federal Agencies prepare budget requests justified by GPRA performance measures and OMB PART program rankings
 - i. For example last spring I worked documents tribes submitted to the BIA central office regarding Minneapolis Area priority funding requests for the 2010 BIA budget.
 - ii. What are GPRA performance measures?
 - iii. What are OMB PART reviews?
 - b. OMB (Office of Management and Budget) reviews agency budget requests and directs the Agencies to increase, decrease or maintain each Agency's overall funding – this is called a “Pass Back”.
 - i. Agency funding decisions are often based on political priorities of the Administration – Example Bush’s “Faith Based Funding Initiatives”.
 - ii. Sometimes the Administration (i.e. President, their political appointees, and OMB) will identify specific programs for elimination claiming wasteful spending or ineffectiveness – again political often strategies play into this.
 - c. Then on the first Monday in February, the President will submit his FY 2010 budget to Congress detailing expenditures for each federal agency's budget along with projected tax revenue and an estimated budget surplus or deficient.
 - d. The Congress then passes an advisory budget plan establishing broad budget targets for all Federal Departments and Agencies.
 - e. The House and Senate then invite testimony on the President's budget.
 - i. Agency heads testify before Congressional Committee's justifying their budget as submitted to Congress – Agency Heads (and all Agency staff) have to legally support the President's budget.
 - ii. Congressmen/Senate Committees sometimes submit a document commenting on a proposed agency's budget – For example the Senate Select Committee on Indian Affairs commonly comments upon the BIA, HIS, HUD, EPA and other Administration budgets submitted for the coming fiscal year.
 - iii. Individual Congressmen/Senators or a group of Congressmen/Senators may submit written comments on an Agency's proposed budget and programs/earmarks they would like to see funded.
 - iv. Outside witnesses are sometimes invited to provide oral testimony before the Committee – sometimes hearings are scheduled and sometimes they are not.
 - v. Outside witnesses are usually invited to submit written testimony to the Committee which becomes part of the Congressional record.

- f. Appropriations Committee's sometimes request that agency's comment on testimony requesting funding for specific projects – this is referred to as a "capability Statement".
- g. The House and Senate Subcommittee Appropriations members then meet and "mark-up" the President's budget making funding recommendations that are then included in a report.
- h. Once the House and Senate Subcommittee's have made their federal funding recommendations in their report the recommendations are then finalized by the full House and Senate Appropriations Committees.
- i. Often the House and Senate funding bills have different priorities and funding levels – the differences are then worked out in the Conference Committee.
- j. Once the Conference Committee finalizes the joint funding bills, both the full House and Senate must approve them.
- k. The President then signs the appropriations bill making it law or he veto's the spending bill.
- l. If the President veto's the Agency's spending bill and the House and Senate have enough votes, they can vote to override the President's veto.

***** Critical background information needs to be collected.**

- 2) What do you have to know to effectively impact this process?
 - a. Who in the Agency is involved in preparing the budget – two years in advance?
 - i. Identify key agency contacts that need to be briefed on your request on the local, state, regional, and national level.
 - b. Thomas – a key resource - Library of Congress Web Site.
 - i. What Congressional and Senate Committee's impact the federal appropriation process related to Agriculture Department funding?
 - ii. Not all Congressman and Senators are created equal – those with seniority often hold powerful positions on Appropriations Committees – who from Wisconsin is on those Committees.
- 3) What do you have to know specifically about WTCAC to effectively impact this process?
 - a. When did WTCAC get its first Congressional earmark?
 - b. Who supported funding for the earmark/add-on?
 - c. Did the Administration eliminate the earmark/add-on in its budget the following year?
 - d. Did Congress restore the earmark the following year after it was eliminated by the Administration?
- 4) Broadly assess the current situation
 - a. Large federal deficit with war and fiscal crisis
 - b. Political initiatives against Congressional Earmarks

- i. Past abuse by Congress involving tribes brought down the Republican Congress.
- ii. Greater power exerted by the Executive Branch
- iii. Be aware of the ongoing game in which Republicans propose massive cuts to federal programs which are restored by Democrats who are then painted as big tax and spenders.
- c. Greater stress is now being placed on program effectiveness – OMB PART reviews
- d. Budget system failed to produce a budget on time in recent years
 - i. FY 08 budget Omnibus bill
 - ii. FY 09 budget approved until first week in March 2009
 - iii. President is supposed to submit FY 2010 budget to Congress by the first Monday in Feb. of 2009, yet we will not have a finalized 2009 budget that was suppose to be completed by October 1, 2008.

5) Assess the current situation related to USDA and NRCS

- a. What are the funding trends generally for USDA, NRCS and WTCAC?
 - b. Is NRCS conservation funding increasing?
 - c. Are the number of NRCS earmarks and amount of funding for earmarks increasing, decreasing or staying the same.
 - d. Did the NRCS programs tribes use receive “Adequate”, “Moderately Effective”, or “Effective” OMB PART ratings?
 - e. How can I find this out?
 - f. Regarding past WTCAC earmarks – who supported the earmarks?
 - g. Which staff members of the delegation are familiar with WTCAC, its importance, and its accomplishments?
- 6) GLIFWC time-line of Appropriations work – what we do and when
- a. **January:** Start monitoring Congressional Delegates for Appropriations Forms.
 - Provide a Strategy Recommendation and Related Information to the January Board of Commissioners Meeting (Memo from James Thannum to James Zorn attached).
 - Update the soft funding binder which shows the history of all soft funding sources for GLIFWC.
 - b. **February:** Continue monitoring for Appropriations forms. Due dates generally begin around mid-February.

-Keep member tribes informed if a Congressional Delegate in their area is requesting appropriations form and provide those forms to them.

-Issue a Tribal Alert updating the Board of Commissioners and Voigt Intertribal Task Force on upcoming House and Senate Testimony Deadlines. (Copy of February 15, 2007, Tribal Alert attached). **Note: This Tribal Alert provides the language for**

tribes to include in support of GLIFWC's appropriations request. Example below:

Example: The Tribe also supports funding for the Great Lakes Indian Fish and Wildlife Commission in the amount of \$4,266,000 to meet its BIA needs, and \$300,000 to meet its EPA needs, as outlined in the Commission's testimony submitted to this Subcommittee. The Tribe is a member of the Commission, which assists the Tribe in protecting and implementing its treaty-guaranteed hunting, fishing and gathering rights.

-GLIFWC Staff travel to Washington, D.C. to meet with Congressional Delegates and their Staff.

Forms to watch for due date in February: Rep. Kagen and Rep. Stupak

- c. **March:** Issue a Tribal Alert again updating the BOC and VTF of House and Senate Testimony Deadlines (March 5, 2007, Tribal Alert attached).

Forms to watch for due date starting early March: Senator Coleman, Senator Levin, Senator Klobuchar, Senator Kohl, Senator Stabenow.

Provide an update to the Board of Commissioners at their March meeting (memo attached).

- d. **April** Develop written testimony for submission to the House and Senate Subcommittees on Interior, Environment and Related Agencies who appropriate funds for the BIA and EPA. House and Senate written testimony is normally due in April as well as any oral testimony. (March 27, 2007, memo outlining written and oral testimony deadlines with instructions attached).

Submit Witness Disclosure form for scheduled Oral Testimony to the House of Representatives (sample attached).

Samples of Written Testimony

Samples of Oral Testimony

Provide final testimony to Congressional Delegates and their staff as well as Sonosky, Chambers, Sachse & Endresen.

- e. Legislative Consultants monitor process and offer to assist staffers to preparing letters of support for GLIFWC funding, answer questions, and troubleshoot.
- f. GLIFWC monitors House and Senate mark-ups with Legislative consultants.
- g. GLIFWC monitors Conference Committee mark-up.

- h. GLIFWC attempts to identify members of the transition team to impact the next budget process.

7) Recommendations to WTCAC:

- a. Need to start now to justify how past funding was spent – report of accomplishments – COF model.
- b. Need to identify why continued WTCAC funding being requested is a high priority given the fiscal crisis and war.
 - i. use hard economic times and subsistence gardening
 - ii. use health/diabetes crisis in Indian country to justify the need for traditional foods
- c. Need to prepare a needs assessment ASAP and gain tribal leaders support.

WTCAC
October 2008, Legal Issues:

1. State Incorporation

- a. In response to questions at the August WTCAC meeting:
 - i. GLITC is incorporated under the laws of the state of Wisconsin
 - ii. While at least two tribes do have business codes that could be used to incorporate there is an inherent sovereignty problem with an inter-tribal organization incorporating under them.

b. Current State Status

- i. I have the paperwork to bring WTCAC up to date with the state.
 - 1. A new designated agent is needed
 - 2. A \$20.00 filing fee must accompany the form.

2. 501 (c)(3) Application.

- a. I still need biographical information for all officers and board members.
- b. I will need financial information for at least the past year on WTCAC.
- c. Sample conflict of interest policy
- d. Rules for dissolution

3. Judicare Representation

- a. Wisconsin Judicare Inc. may provide assistance to a group if:
 - i. The group is primarily composed of persons eligible for Wisconsin Judicare services, or
 - ii. The groups principal activity is to deliver services to persons who would be eligible for Wisconsin Judicare Services
 - iii. And, the group provides a statement to that effect and that they do not have funds for representation.
 - iv. The president or a designated officer must sign a certification to that effect.

4. Other Matters

- a. Board Member Insurance
- b. Standard Operating Procedures for Accounting
- c. Fiduciary Duties of Board Members

INCOME ELIGIBILITY GUIDELINES
EFF. 2/15/08

WISCONSIN JUDICARE INCOME GUIDELINES
125% OF POVERTY GUIDELINES
Eff. Date 2/15/08

<u>Family Size</u>	<u>Poverty Guidelines</u>	<u>Annual</u>	<u>Monthly</u>	<u>Weekly</u>
1	\$10,400	\$13,000	\$1,083	\$250
2	14,000	17,500	1,458	337
3	17,600	22,000	1,833	423
4	21,200	26,500	2,208	510
5	24,800	31,000	2,583	596
6	28,400	35,500	2,958	683
7	32,000	40,000	3,333	769
8	35,600	44,500	3,708	856
Each Add.	3,600	4,500		

200% OF POVERTY GUIDELINES
Eff. Date 2/15/08

This chart is used for Wisconsin Judicare's Maximum Income Ceiling and for Ho-Chunk and Life Grant Applicants

<u>Family Size</u>	<u>Poverty Guidelines</u>	<u>Annual</u>	<u>Monthly</u>	<u>Weekly</u>
1	\$10,400	\$20,800	\$1,733	\$400
2	14,000	28,000	2,333	538
3	17,600	35,200	2,933	677
4	21,200	42,400	3,533	815
5	24,800	49,600	4,133	954
6	28,400	56,800	4,733	1,092
7	32,000	64,000	5,333	1,231
8	35,600	71,200	5,933	1,369
Each Add.	3,600	7,200		

250% OF POVERTY GUIDELINES
Internal Revenue Taxpayer Assistance Program
2008

<u>Family Size</u>	<u>Poverty Guidelines</u>	<u>Annual</u>	<u>Monthly</u>	<u>Weekly</u>
1	\$10,400	\$26,000	\$2,167	\$500
2	14,000	35,000	2,917	673
3	17,600	44,000	3,667	846
4	21,200	53,000	4,417	1,019
5	24,800	62,000	5,167	1,192
6	28,400	71,000	5,917	1,365
7	32,000	80,000	6,667	1,538
8	35,600	89,000	7,417	1,712
Each Add.	3,600	9,000		

WISCONSIN JUDICARE
GROUP CLIENT ELIGIBILITY WORKSHEET

1. Name of Group: _____
2. Address: _____
3. Phone Number: _____
4. Contact Person: _____
5. Nature and Purpose of Organization: _____

6. Who are the members of the group? _____

7. How many would be eligible for Wisconsin Judicare services? _____
8. What documentation is there that members are primarily eligible for Wisconsin Judicare services (attach copies)? _____

9. What documentation is there that organization lacks and has no practical means of obtaining funds to retain private counsel (attach copies)? _____

10. State nature of representation requested by the organization: _____

11. Funding Source: _____
Date: _____

Approved _____ Disapproved _____

Executive Director

To be renewed N.L.T. _____.
(one year from date of approval)

TRIBAL OR GROUP ELIGIBILITY CERTIFICATION

I, _____, declare: I am the _____
(Officer)
of the _____.
(Tribe or Group)

I am presently familiar with the income of our members as families and individuals, or I have reviewed records in my custody that contain this information.

I have been supplied a copy of Wisconsin Judicare's eligibility guidelines dated _____, and have reviewed the income and asset limits contained in those guidelines.

Our Tribe/Group is primarily composed of members who meet Wisconsin Judicare's eligibility requirements, or the population we serve is primarily composed of members who meet Wisconsin Judicare's eligibility requirements. We have no other funds or means of securing private counsel.

Executed this _____ day of _____, 20____.

WISCONSIN JUDICARE, INC.
ATTORNEY RETAINER AND AUTHORIZATION AGREEMENT

1. The Wisconsin Tribal Conservation Advisory Council, hereby authorizes Wisconsin Judicare, Inc., and/or any attorney or legal assistant designated by Wisconsin Judicare, Inc., to assist in filing Articles of Incorporation and applying for 501(c)(3) tax status.

2. I understand that this agreement does not provide for an appeal, if any, nor does this agreement provide for subsequent enforcement of rights I may have under this claim.

3. I understand that I must enter into a separate agreement with Wisconsin Judicare, Inc. to undertake an appeal in the above matter or to obtain representation in any other matter.

4. I agree to cooperate with Wisconsin Judicare, Inc. in representing me in the above matter, to be available if necessary for interviews, meetings, hearings, or trials.

5. I agree to promptly inform Wisconsin Judicare, Inc. of any changes in my address, phone, or other means of communicating with me, and to respect Wisconsin Judicare's professional judgment concerning my case. If Wisconsin Judicare, Inc. cannot locate me after a diligent search or I fail to respond to Wisconsin Judicare's inquiries, Wisconsin Judicare, Inc. may seek approval from the court to withdraw from my case or may choose to proceed no further if my case is not yet before a court.

6. I certify that all information I have provided concerning my eligibility for legal services and my case is correct and complete to the best of my knowledge and belief. I agree to promptly notify Wisconsin Judicare Inc. of any change in my financial circumstances, residence, or other facts which may affect my eligibility for legal services in the above matter. It is understood and agreed that financial eligibility information regarding clients is subject to disclosure to the Legal Services Corporation as a condition of funding of Wisconsin Judicare, Inc.

7. Wisconsin Judicare, Inc. will not charge me any attorney's fee for services provided under this agreement. However, I may be asked to pay out-of-pocket expenses which are not waived by an agency or court in which the above claim is decided. These expenses may include filing and service fees, costs for obtaining information necessary for my case, witness or guardian ad litem fees, costs of depositions and transcripts and similar costs. Wisconsin Judicare, Inc. will attempt to limit such costs to what is necessary to successfully pursue my claim, shall promptly notify me of the need to obtain these funds, and shall determine whether these costs can be secured in other ways.

8. If I advance money for costs noted in Paragraph 7 above and the agency, court, or other party(ies) directs that these costs shall be reimbursed, Wisconsin Judicare,

Inc. shall forward such reimbursement to me. However, if Wisconsin Judicare, Inc. advances costs in my case, they may retain any funds ordered or tendered to pay those costs.

9. It is agreed and understood that at the end of the case any client trust funds payable to the client will be returned to the client provided a current mailing address has been provided to Wisconsin Judicare or the attorney representing the client. It is also agreed and understood that if Wisconsin Judicare is unable to locate the client to return these funds, such funds will become the property of Wisconsin Judicare six months from the date the client's case is closed and will be used for services to other low-income clients.

10. It is agreed and understood that Wisconsin Judicare may be prohibited by its funding sources from pursuing certain types of litigation and other advocacy. It is agreed and understood that if continued representation of the approved case would involve a prohibited activity, Wisconsin Judicare and the attorney providing representation through the Wisconsin Judicare program have the right to withdraw from the approved case.

11. Should I wish to complain about the services of Wisconsin Judicare, Inc., I shall use the Client Grievance Procedure which is stated on my application for Wisconsin Judicare, Inc. services.

12. Should I wish to stop this agreement, I will promptly inform Wisconsin Judicare, Inc. of this desire in writing. Wisconsin Judicare, Inc. may withdraw from representing me due to changes in my financial eligibility or other reason permitted by law so long as my legal rights are not unduly prejudiced thereby and the withdrawal complies with Wisconsin Supreme Court rules on this subject.

I acknowledge the acceptance of the terms of this agreement by my signature below.

Dated: _____

Signed: _____

Article I. Purpose

The purpose of the conflict of interest policy is to protect this tax-exempt organization's (Organization) interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the Organization or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

Article II. Definitions

1. Interested Person- Any director, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.
2. Financial Interest- A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:
 - a. An ownership or investment interest in any entity with which the Organization has a transaction or arrangement,
 - b. A compensation arrangement with the Organization or with any entity or individual with which the Organization has a transaction or arrangement, or
 - c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Organization is negotiating a transaction or arrangement.
3. Compensation- includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

Article III. Procedures

1. Duty to Disclose

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with governing board delegated powers considering the proposed transaction or arrangement.

2. Determining Whether a Conflict of Interest Exists

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.

3. Procedures for Addressing the Conflict of Interest

- a. An interested person may make a presentation at the governing board or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
- b. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- c. After exercising due diligence, the governing board or committee shall determine whether the Organization can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
- d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Organization's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

4. Violations of the Conflicts of Interest Policy

- a. If the governing board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

Article IV Records of Proceedings

The minutes of the governing board and all committees with board delegated powers shall contain:

- a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing board's or committee's decision as to whether a conflict of interest in fact existed.
- b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Article V Compensation

- a. A voting member of the governing board who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.
- b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.
- c. No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

Article VI Annual Statements

Each director, principal officer and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person:

- a. Has received a copy of the conflicts of interest policy,
- b. Has read and understands the policy,
- c. Has agreed to comply with the policy, and
- d. Understands the Organization is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

Article VII Periodic Reviews

To ensure the Organization operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.
- b. Whether partnerships, joint ventures, and arrangements with management organizations conform to the Organization's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

Article VIII Use of Outside Experts

When conducting the periodic reviews as provided for in Article VII, the Organization may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.

Article I. Purpose

The purpose of the conflict of interest policy is to protect this tax-exempt organization's (Organization) interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the Organization or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

Article II. Definitions

1. Interested Person- Any director, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.
2. Financial Interest- A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:
 - a. An ownership or investment interest in any entity with which the Organization has a transaction or arrangement,
 - b. A compensation arrangement with the Organization or with any entity or individual with which the Organization has a transaction or arrangement, or
 - c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Organization is negotiating a transaction or arrangement.
3. Compensation- includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

Article III. Procedures

1. Duty to Disclose

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with governing board delegated powers considering the proposed transaction or arrangement.

2. Determining Whether a Conflict of Interest Exists

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When conducting the periodic reviews as provided for in Article VII, the Organization may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted.

DISSOLUTION

Upon the time of dissolution of the corporation, assets shall be distributed by the Board of Directors, after paying or making provisions for the payment of all debts, obligations, liabilities, costs and expenses of the corporation, for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a tribal, state, or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a Court of Competent Jurisdiction, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

WHAT IS A "FIDUCIARY DUTY" ?

- Each board members owes a legal duty of good faith, full disclosure, fair dealing, and undivided loyalty to the corporation.
- In other words, directors must positively renounce anything that is unfair.
- The fiduciary duty imposes a duty that is higher than the morals of the work-a-day world, the marketplace, and the trodden crowd.

PURPOSE OF FIDUCIARY DUTY:

- The purpose of the fiduciary duty is to remove all temptation since it recognizes the weakness and frailty of human nature.
- A breach typically occurs where directors or officers self deal to their own benefit and to the detriment of the corporation.

TYPES OF FIDUCIARY DUTIES:

- **conflict of interest:** this potentially can occur whenever the corporation is considering entering into a contract with one of its board members (e.g. a lease, an employment contract, sale of stock, etc.). The affected board member in such a situation has a potential for divided loyalties. To avoid problems, the minutes should show that the board member disclosed the potential conflict, that there was a full discussion about how the proposed deal was in the best interests of the corporation, and that the board member with the conflict abstained from the vote. The bottom line, however, is that the proposed transaction must actually be in the best interest of the corporation.
- **Duty of Loyalty:** A director has a duty to act for the benefit of the corporation. A director's fiduciary duty is one of undivided loyalty to the company on whose board he or she sits. That duty encompasses all of the elements of loyalty, care and fair dealing implicit in a fiduciary relationship.
- **The Duty to Act in Good Faith:** Directors must act in the best interests of the corporation and its members or stockholders. More specifically, the Duty to Act in Good Faith prohibits members of the board of directors from: (1) failing to act in the face of a known duty to act; (2) acting in a manner unrelated to a pursuit of the corporation's best interest; and (3) maintaining a sustained or systematic failure to provide oversight.
- **Competing with the corporation:** Violates that fundamentals of duty of undivided loyalty.
- **Usurpation of corporate opportunity:** directors cannot divert for themselves business opportunities that rightfully belong to the corporation.

FISCAL YEAR 2009 TRENDING BUDGET FIGURES

BU Name - 5230xxx

	Income	Budget	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	TOTAL	links
	BIA IRMP Grant (Year one)	87000													0	
	Expense Line	Total	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	TOTAL	
Personnel																
IRMP Team Leader (0.5FTE), Admin. Asst.(.25 FTE)	31,360	2613	2613	2613	2613	2613	2613	2613	2613	2613	2613	2613	2613	31360	#REF!	
Overtime	0														0	
Fringe Benefit 35%	10,976	915	915	915	915	915	915	915	915	915	915	915	915	10976	#REF!	
Transp. Per Diem	0													0		
Sub-Contracting Services:																
UW Mil Comm Outreach,																
C.Johnson IRMP team training, Radisson meeting cost	23,000													3300	#REF!	
Employee Incentive	0													0	0	
Uniforms															0	
Training & Education	0														0	
Mileage Reimbursement	600														0	
Promotion / Items															0	
Special Events															0	
Meeting Expense															0	
I/T Advertising - Kali Ads	0														0	
I/T Printing	5,426	452	452	452	452	452	452	452	452	452	452	452	452	452	4526	
Indirect Costs 17.3%	0	0	0	0	0	0	0	0	0	0	0	0	0	0	#REF!	
Direct Costs																
TOTALS		3980	3980	3980	3980	3980	3980	3980	3980	3980	3980	3980	3980	51062		

Summary	47,762
personnel, F, IDC, incentive expenses	3300
internal expenses	0
Direct costs %	0.00%



Wisconsin Tribal Conservation Advisory Council

Small Projects Grant

PROJECT PROPOSAL

Amendment Proposal: Extension of the Invasive Species Specialist Internship

Name of Project: Cost Determination for *Phragmites australis* and Garlic Mustard (*Alliaria petiolata*) Control

Location: Oneida Reservation, WI

Sponsoring Tribe: Oneida Nation of Wisconsin

Contact Person: Tony Kuchma, Wetland Coordinator
Meghan Merryfield, Invasive Species Specialist

Project Goal: To provide information to WTCAC and NRCS to amend the current Pest Management Standard to allow funding for invasive species management on tribal lands.

Project Objective: To determine the costs associated with methods for controlling *Phragmites* and Garlic Mustard within the Oneida Reservation.

Project Task: Document methodology, cost and success rate associated with the control of *Phragmites* and Garlic Mustard within culturally significant areas on the Oneida Reservation.

Present Status of the Project:

Mechanical control of Garlic Mustard was completed at the study site in June of 2008. Research plots have been established to demonstrate the effectiveness of herbicide application which will occur after the first frost when most native species are dormant. Additional funding has been secured through a BIA grant (\$10,000) to pay for the herbicide control.

The locations of the *Phragmites* study have been identified and mapped. Aerial spraying will occur on approximately 29.6 acres. Twenty three (23) additional areas will be hand sprayed to compare the effectiveness of various control methods. Additional funding is secured through the Fox River Natural Resource Damage Assessment (NRDA) settlement to pay for the majority of aerial spraying.

Given the additional funding that has been secured and the amount of field work required to carry out the work plan, funding for the continuation of the intern position is requested for the first quarter of Fiscal Year 2009. Approval of this amendment will provide assurance that the project tasks will be carried out successfully. The current Invasive Species Specialist intern has been instrumental in developing the work plan and this proposed amendment would be utilized to apply the skill set developed by the Invasive Species Specialist during her tenure with the Oneida Nation.

Remainder of Fiscal Year 2008 Budget (July 28, 2008 through September 30, 2008)

<u>Cost Category</u>	<u>Cost</u>	<u>Revision</u>
Materials:		
2.5 Gallons Roundup Original Max	\$55	\$0.00
2.5 Gallons Habitat	\$955	\$0.00
2.5 Gallons Preference Surfactant	\$25	\$0.00
Labor:		
Salary of Invasive Species Specialist Intern	\$4,512	\$4,512
Control:		
Contract with Canadeo Lawn Care (\$300/acre)	\$1,350	\$0.00
Contract with Skyline Helicopters	\$8,290	\$0.00
FY 2008 TOTAL	\$15,187	\$4,512

Fiscal Year 2009 Budget (October 01, 2008 through September 30, 2009)

<u>Cost Category</u>	<u>Cost</u>	<u>Revision</u>
Materials:		
2.5 Gallons Roundup Original Max	\$55	\$0.00
2.5 Gallons Habitat	\$955	\$0.00
2.5 Gallons Preference Surfactant	\$25	\$0.00
Labor:		
Salary of Invasive Species Specialist Intern 1 st quarter FY 2009		\$6,720
Summer Intern	\$6,720	\$6,720
Administrative:		
10% of Salary of Wetland Coordinator (Including fringe benefits and indirect costs)	\$6,067	\$6,067
10% of Salary of Restoration Specialist (Including fringe benefits and indirect costs)	\$5,480	\$5,480
Control:		
Contract with Canadeo Lawn Care (\$300/acre)	\$1,350	\$0.00
Contract with Skyline Helicopters	\$8,290	\$0.00
FY 2009 TOTAL	\$28,942	\$24,987

10% Tribal Contribution:

5% Salary of Wetland

5% Salary of Wetland Program Coordinator \$3,033

Total Match

ASSISTANCE REQUESTED: Financial _____ Amount Requested \$29,499 _____

Other (explain) _____

Wisconsin Tribal Advisory Council Approval

Title

Date

COUNCIL USE ONLY

Does this project meet one or more of the NRCS Funding Authority criteria's. (Check all that apply)

- New conservation practice development Conservation trials
 Pilot practice for research and education Conservation demonstrations
 Conservation planning Conservation technical assistance

Does this project provide public benefit? Yes No

Which WTCAC element does this project primarily address?

- Land Conservation Community Development
 Water Management Social or Cultural Enhancement

Does this project address the WTCAC Earmark Agreement Plan of Work?

Yes No

List the Plan Of Work Goal, Objective and Task(s) _____

Does this Proposal have the potential to be completed in 18 months?

Yes No

September 8, 2008

Jonathan Pyatskowit
WTCAC President
PO Box 910
Keshena, WI 54135

Dear Mr. Pyatskowit:

Thank you for your letter dated August 15, 2008 with recommendations for the EQIP Program. I have asked my staff to review your requests, and I am in the process of evaluating Item 1.

In Item 1, the Wisconsin Tribal Conservation Advisory Council (WTCAC) asked for the addition of 12 practices to the EQIP list of eligible practices. Unfortunately, it is too late to include them for the 2009 fiscal year beginning October 1, 2008. I will be discussing with the Assistant State Conservationist for Programs the feasibility and appropriateness of including these practices in EQIP for the 2010 fiscal year, beginning October 1, 2009.

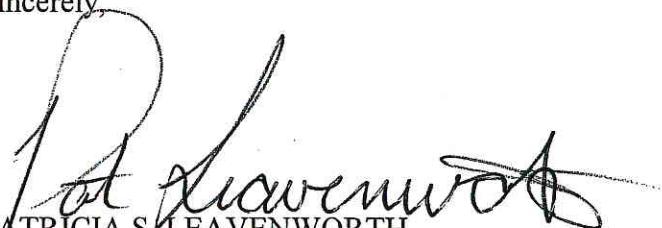
A few of the practices are already available in WHIP. In order to include new practices, we need to have extensive documentation as to their application, purpose, how they are implemented, and the costs of implementation. As a first step, it would be helpful if you ask the WTCAC members who requested practices to work with their NRCS tribal liaisons to outline how the practices will be used (purpose), and under what conditions they will be used (applicability). Once that is done, the steps needed to actually implement each practice need to be shown, along with the types and quantities of inputs required (for example, 3 hours of unskilled labor to hand pull invasive weeds, 2 ounces of Plateau per acre, etc.). The tribal liaisons may contact Jan Whitcomb for examples of documentation for existing practices. It is not necessary to actually provide prices for inputs at this time. In most instances, that can be done in Madison.

In Item 2, WTCAC requests treatment of invasive species in public right of ways. The program rules are clear that only lands which are part of an agricultural operation are eligible. I have no authority to waive or change this rule.

In Item 3, WTCAC requests multi-year treatments on the same area to control invasive species. Under Pest Management, the Tribal Nations are eligible for payment for the control of aquatic invasives. The installation year and two years follow up spot treatment are factored into the one time payments made under this practice. That is the maximum allowable. Under the old Farm Bill, this was considered an incentive payment, and was intended to allow a participant to see if a practice would work for them. These payments were never intended to be a continual, unending payment. You may consider working through the National Office or other avenues available to you to change this in the Farm Bill and resulting rules.

In Item 4, WTCAC requests an increase the EQIP cost share rate to 90 %. I have no authority to increase payments beyond the statutory limits. The new Farm Bill allows up to 90 % for Limited Resource Farmers, Beginning Farmers, and Socially Disadvantaged Groups. In the current Fiscal Year which ends September 30, 2008, we offered up to 90 % for Limited Resource Farmers and Beginning Farmers. It is my intention to offer up to 90 % for all three categories in FY 2009.

Sincerely,



PATRICIA S. LEAVENWORTH
State Conservationist

cc:

Jerry Thompson, WI Tribal Liaison, NRCS, Fall Creek, WI
Don A. Baloun, ASTC-Programs, NRCS, Madison, WI

Wisconsin Tribal Conservation Advisory Council Draft Strategic Plan October 2008

INTRODUCTION:

Established in ___, the Wisconsin Tribal Conservation Advisory Council is a (Insert organizational structure here) that (Insert a short, we do what for whom where statement here)

VISION:

MISSION:

Make Federal conservation programs work on Tribal Lands through government to government education and demonstration.

WTCAC Goal Summary

Goal 1. Technical Recommendations

Provide technical recommendation to the NRCS State Conservationist and others regarding how Federal programs can work better from a technical standpoint on tribal lands.

Goal 2. Policy Assistance

Provide policy assistance to the NRCS State Conservationist and others regarding how USDA programs can work better from a policy standpoint on tribal lands.

Goal 3. Facilitate Information Sharing Between Governments

Serve as a conduit of information between individual Tribal Governments, Federal Government agencies, and Tribal General Public in order to improve outcomes.

Goal 4. Organizational Development

Establish a strong organizational structure and develop organizational capacities.

Goal 5. Sustainable Funding

Secure the funding needed to continue the mission of WTCAC

WTCAC Goals, Objectives, Strategies and Tasks

Goal 1. Technical Recommendations

Provide technical recommendation to the NRCS State Conservationist and others regarding how Federal programs can work better from a technical standpoint on tribal lands.

Objective 1. Successfully implement small project efforts.

Strategy 1: Track status of each Tribe's small projects

Tasks:

1. Jerry Thompson will identify all by contract number
2. Will need a hard copy report on each project
3. Develop boilerplate for these reports to get a common look and feel
4. Create 2008 Annual Report – solicit Renae Anderson's help
5. Evaluate available funds for small reports based on small project status and October 7th Treasurer's report

Goal 1. Technical Recommendations Continued:

Objective 2. Provide technical recommendation to the NRCS State Conservationist and others regarding how Federal programs, especially EQIP and WHIP, can work better from a technical standpoint on tribal lands. Improve access to Technical Assistance to the Tribal Nation Governments from the Federal Government.

Strategy 1: WTCAC will design a system to handle cases when requests exceed available funding. Diversity of projects makes prioritization difficult

Strategy 2: WTCAC will create a system for collating cost data

Strategy 3: WTCAC will begin working with other States to share thoughts on technical, funding, and efficiency issues

Strategy 4: WTCAC will implement a system for sharing strategies regarding securing matching funding

 **Strategy 5:** WTCAC will survey its membership to determine reasons for the variability in the level of participation in WTCAC among the tribes, and develop strategies lessening the variability

Objective 3. Improve access to Technical Assistance to the Tribal Nation Governments from the Federal Government.

Strategy 1: WTCAC talk with NRCS representatives to develop an understanding of:
Tasks:

1. Establish base level of support to expect from the liaisons regarding program application paperwork
2. Establish base level of Engineer, Civil Engineering Technician (CET) and Soil Conservation Technician (SCT) assistance available in the different acres of the State
3. Establish whether there are opportunities to improve WTCACs internal capacity through earning Job Approval Authority, and other technical certifications
4. Determine how much time the Liaison's CETs, SCTs, and Engineers have committed to tribal projects as a part of their official job duties
5. Discuss the administrative process for programs with NRCS representatives in order to identify opportunities for efficiencies

Goal 2. Policy Assistance

Provide policy assistance to the NRCS State Conservationist and others regarding how USDA programs can work better from a policy standpoint on tribal lands

Objective 1. Influence Technical Standards and Program Dockets

Note: Brett will relate his experience this Spring to the group at the October 7 meeting Folks need to think about EQIP and WHIP now, the rules will be published soon and a signup is likely at the start of the calendar year.

Strategy 1: Establish a Spring Program Process Review to formulate and communicate the changes WTCAC would like to see.

Strategy 2: Provide periodic and standardized feedback regarding what works to the NRCS

Strategy 3: WTCAC talks with NRCS representatives to develop an understanding of:

- The degree of programmatic flexibility that exists for adding additional practices to the NRCS Program dockets (WHIP, EQIP, Small project) in order to identify opportunities.
- The timing and process of the decision making process regarding how the new flat rate system will take into account limited income farmers, and see whether it makes sense to adapt some of the accommodations to work with some tribal entities.
- How new or innovative practices will work in the new flat rate system will adapt to innovative practices
- How the WTCAC can quantitatively affect flat rates.
- How to influence Statewide resource concern prioritization
- What action WTCAC would need to take in order to secure a higher level of WHIP funding in the future

Strategy 4: WTCAC will present cogent, science based documentation regarding the validity of specific new approaches to the NRCS in order to affect *two* changes to the EQIP and or WHIP Docket by 1-08. As an example, documentation regarding the relative value of fish cribs, in comparison to half log structures, as spawning and nursery areas.

Strategy 5: WTCAC will develop a plan that results in better utilization of EQIP dollars by Oct. 2008.

Strategy 6: WTCAC will develop a system for assuring that when surplus funds are projected to be available there is a timely system for encourage use of the funds

Goal 2. Policy Assistance Continued:

Objective 2. Open up communications with other groups nationally in order to improve outcomes.

Strategy 1: Check with the other 14 Tribal Conservation Advisory Councils to see what types of strategic priorities they have developed

Strategy 2: Communicate with INCA regarding their plans for Farm Bill feedback and determine whether there are opportunities to provide them with additional thoughts from WTCAC. (Jerry Thompson will contact Dick Goobe (sp?))

Goal 3. Facilitate Information Sharing Between Governments

Serve as a conduit of information between individual Tribal Governments, Federal Government agencies, and Tribal General Public in order to improve outcomes. (*Note this as a two way conduit. Tribes should know about Federal opportunities and Federal agencies should know about opportunities to further their missions through working with tribes.*)

Objective 1. Plan and Implement Educational and Demonstration Workshops

Strategy: Implement FY 2009 workshops presently funded under existing agreements

Notes: \$30,000 in funds available, Sept 30 2009 is the deadline for spending funds.

Tasks:

1. Discuss the potential for hiring a conference organizer. GLIFWC has been identified as a potential contractor. Co-sponsoring conferences with other organizations should also be discussed
2. Brainstorm, prioritize and make decisions at October 7th meeting
3. Assign responsibilities for planning events
4. Notes on five opportunities the Planning Committee identified to date.
 - Stream Crossing design training – UWEX was identified as a possible primary partner
 - Invasive Species – GLIFWC was identified as a possible primary partner
 - Wild Rice – GLIFWC was identified as a possible primary partner
 - America Indian and Alaska Natives NRCS Employee Conference, scheduled for the end of July 2009. WTCAC involvement might involve: sponsoring some WI Tribal students with scholarships, help on sessions and tours. Jerry is on the planning committee. Conference could serve as a way to network with the other 14 state Tribal Conservation Advisory Councils. It might be possible to invite INCA, have a joint session with INCA, state TCACs and tribal conservation districts to share information and develop plans to work together on common issues. This would also present an opportunity to showcase the work WTCAC has done, with NRCS staff and leadership.
 - NRCS cultural training (NEDS Course)

Goal 3. Facilitate Information Sharing Between Governments Continued:

Objective 2. Develop and Implement Public Relations Plan

Notes:

1. Renae Anderson is available to help.
2. WTCAC would like to promote regionally and Nationally, the Council's ability to implement cutting edge projects
3. Need a means of communicating successes and needs. Circle of Flight Annual publication might provide a good SOP
4. No annual report distributed, is one developed? Should one be developed?
5. Uniqueness of individual tribal need makes it difficult to communicate the importance of WTCAC to Internal audiences
6. WTCAC should implement a plan for engaging private foundations
7. WTCAC should engage other agencies Bureau of Indian Affairs, Indian Health Service, US Environmental Protection Agency, US Forest Service. Funding and partnerships being a crucial element of this engagement. Mark Kuester was identified as a very important BIA contact especially regarding matching funding
8. WTCAC could benefit from further analysis, documentation and public information regarding the public benefits of projects (field tours etc.). Idea sharing regarding technical issues, administrative issues, and costs could be a possible benefit

Strategy 1: Develop WTCAC Website

Tasks:

1. Discuss Website development
2. Establish objectives
3. Assign responsibilities
4. Develop content
5. Launch site
6. Update site

Goal 4. Organizational Development

Establish a strong organizational structure and develop organizational capacities.

Note: The Planning Committee had extensive discussion regarding basic WTCAC organization. Major issues included:

1. Reflecting the importance of sustainability and cultural traditions in planning and activities
2. Importance of determining the appropriate organization structure to adopt
3. Importance of determining level of overall complexity of operations, and extent of activities, short term and long term ("Who we are and who we want to be")
4. Importance of deciding whether an Executive Director is appropriate to hire at this point and what tasks would an Executive Director be responsible for (Pro - right person could do a great job and seen as necessary to significantly increase to educational and advocacy component of WTCAC operations , Con – high degree of operational complexity, sustainability of funding for position, WTCAC member turnover, and variability of tribal commitments were all considered significant issues)
5. Discussion regarding tasks for an executive director
 - a. Tasks being developed for conference planning, project summary documents, and web site development may be distinct enough to make it a contractor type position. Some local talent may be easy to identify, Putting out an RFP may be the way to go to solicit interest. Should be discussed on the Oct. 7th. Tightness of timeframe was discussed and importance of making decisions soon was discussed. WTCAC members may be too busy to take these items on without help.
 - b. All reps should be involved in these decisions
 - c. This list of things we need help with really needs to be developed ASAP, assign responsibilities, and see what is left, and contract this.

Objective 1. Establish the WTCAC as a legal entity

Strategy 1: Resolve issues related to establishing organizational structure

Notes:

- Judicare, the organization providing the WTCAC with legal assistance needs a fair amount of information in order to complete the WTCAC's application for official status as an organization.
- In the discussions with Judicare, incorporation with the State of Wisconsin not seen as necessary except to simplify fed application. State incorporation status will likely fade away because paper work was not filed, this might be advantageous.
- Rules for dissolution and mention of conflict of interest policy is the needed detail regarding the bylaws (David will check to see whether these need to be specifically written into the bylaws)
- Judicare needs a low income member to be represented, Jeannie had a Judicare card, if no one is eligible, David can help with certification of organization.

- David mentioned that once the application is complete WTCAC will need to come up with the \$500 filing fee to include with the application.
- David mentioned that eventually an IRS2848 form will need to be filled out.
- Discussion took place regarding the advantages of having the earmark going directly to WTCAC. David suggested this would go smoother once WTCAC had 501C3 status, but David advised that at that point it would be advantageous to have a treasurer with accounting experience because things get more complicated.
- The timeframe is a bit unknown, once David gets everything he needs from the group it will take him a couple of weeks to get stuff ready to send in. The IRS would take somewhere around six months to process.
- David suggested that WTCAC could proceed as an unincorporated association with the State of Wisconsin (David will see if we need anything additional to go this way) Corporation status does have some indemnification benefits over unincorporated, but WTCAC seems to have fairly low exposure to liability at this point
- The general thought of the group was to operate as an association because it would lessen dependency on State laws, and therefore better from a seventy standpoint
- It was mentioned that GLIFWC and GLITC are associations. David will speak with the lawyer from GLITC regarding their experience and see if there are some applicable standard operating procedures because they operate in a similar way as the WTCAC, i.e., working together to make it easier to access funds. David will get info for the group on how GLITC did it so WTCAC will have more info to make decision
- It was discussed that board member insurance may still be a good idea
- The group should probably look at fiscal policy establishment
- In order to manage risk, regular updates on operational status will need to be established, i.e., a regular president's, secretary, treasurers, and employees or contractors' reports.
- A discussion regarding the benefits of 501C3 status covered; opportunities to access to federal and private funds, proving WTCAC as a serious group, raising funds without paying taxes.
- David mentioned that WTCAC would have to start filing an IRS 990 form.
- David will check to see if WTCAC would have to register with the State as a charitable organization if they wanted donations to be deductible for a donors State taxes.

Tasks:

1. Council needs to discuss and come to a decision regarding what type of organizational structure is appropriate for the WTCAC
2. Roman will ask GLIFWC about the benefits of their organizational structure
3. Need biographical information, including address and contact information, from everyone including tribal reps. This information should be sent to Pat.
4. Jonathan will obtain needed census data from all tribes

5. Brett will obtain spreadsheets for all three earmarks
6. Need to get Vision Quest and Ritchie Brown's Employer Identification Numbers (EIN's) or equivalent information
7. Need clarification from David regarding differences between an Association versus a corporate structure
8. Brett will get bank records
9. Develop policy regarding contract development
10. Develop conflict of interest policy and dissolution policy, Chris Borden will provide examples.
11. Provide Judicare with project descriptions for each small project (Pat will get these from Jerry).
12. Research insurance for members (will need a decision on organizational type)
13. Brett will get copies of all the Agreements to Judicare

Objective 2. Establish Operational Standards for the WTCAC

Tasks:

1. Contract Writing Procedures – Jerry will research the bidding requirements
2. Small Project Standard Operating Procedures
 - Acceptance letter
 - Reporting expectations
 - Incorporate project updates into WTCAC meeting agendas
 - Boilerplate reporting format
3. 106 MOU Development (only 2 of 11 are presently completed) Status of the remaining nine need to be addresses at the October 7 meeting
4. Member indemnification (Insurance) needs to be discussed
5. Conflict of Interest policy
6. Project ranking SOP for EQIP and WHIP
 - Tracking equity of distribution of funds
 - Consideration of immediacy of need
 - Tracking maximum cap may be needed in the future
 - Follow up on the 90% cost share issue before the October 7 meeting
7. Develop SOP on how WTCAC holds and publicizes public meetings
8. Develop generalized meeting schedule and hosting order
9. Consider Fiscal Control and Employment Policies (Chris Borden will provide examples)
10. Discuss incorporation of remote meeting technologies into the WTCAC bylaws.
11. Assign responsibility for preparing 990 tax forms to the treasurer in the WTCAC bylaws.

Goal 5. Sustainable Funding

Secure the funding needed to continue the mission of WTCAC (continuation of earmark or creation of a funding mechanism that will result in a similar outcome)

Objective 1. Develop a Funding Plan

Notes on Planning Committee Discussions:

Financial assistance for projects i.e., EQIP and WHIP set asides and special project funding work well.

Money to run the meetings is the bare minimum to keep the organization functioning.

It is projected that funding will run out in 2010 without further funding allocations .

Concern was expressed that securing funding from the participating Tribal Governments would be problematic.

Planning Committee also discussed the potential benefits to programmatic flexibility of the WTCAC receiving the earmark directly.

1. Dependant on GLIFWC presentation and work plan development
2. Review and comment on Admin Rules (there is a 30 days window for comments) Jerry tracks this.

Strategy 1: Take steps to secure additional earmark fund for FY 2009

Tasks:

1. After consultation with Judicare and others, decide on an organizational structure and become recognized as said structure
2. Have a conversation with Jim Tannem (jthannem@glifwc.org 715-682-6619 ext. 137) to help determine the best approach
3. Get letters of support from Tribal Chairs
4. Develop justification document based on past accomplishment
5. Present the benefit of the existing approach to legislative aides, ask for the desired level of assistance, and follow up with the contacts.

Identified Strengths to Consider in Planning:

1. WTCAC was the first in the Nation
2. Pat Leavenworth's strong commitment to making things work
3. WTCAC members became a good team through a bit of a trial by fire, so should be able to function even better now that the wrinkles are ironed out
4. WTCAC provides the WI NRCS with high quality opportunities for outreach
5. WTCAC makes possible a higher level of Farm Bill program usage on Tribal Lands
6. WTCAC gives the NRCS State Conservationist and the Tribal Liaison's a few less things to worry about.
7. WTCAC allows tribes better access to Farm Bill funds and allows the tribes to influence technical standards and policy issues.
8. Funding necessary for the functioning of WTCAC came from congressional earmarks. Pursuit of future earmarks is planned in order to continue the work of WTCAC.
9. WTCAC members are skilled planners with practical knowledge of technical natural resource issues on tribal lands. This perspective is one of the key things that WTCAC brings to the table from a technical standpoint. This perspective can also help formulate practical policy.
10. WTCAC is seen as working well on a State Level. The Council's role form a regional or national perspective is not currently defined
11. Signs of improvement include specific mention of tribal concern in the Farm Bill, FSA recognizing wild rice and sugar bush as a crop, inclusion of Wetland Restorations in EQIP Docket.
12. Liaison relations work very well, access is really facilitated
13. NRCS engineering assistance works well to limit project costs
14. In the 2000 Farm Bill tribes were specifically mentioned in the legislation for the first time.
15. Commitment on the part of tribes and tribal reps to WTCAC strong
16. Tribal resource managers provide stability in an environment of rapidly changing Tribal Council make up.
17. WTCAC council Member commitment is strong
18. Council has strong abilities to get projects done
19. WTCAC successful in getting cutting edge projects approved and completed
20. There are a lot of committed members therefore new responsibilities can be assigned without an overwhelming extra commitment on anyone's part.
21. Tribes' relationship with NRCS is newer than their relationships with the BIA etc.