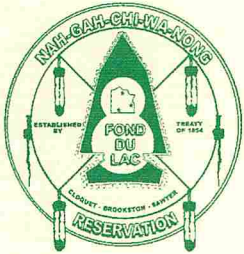


# Fond du Lac Band of Lake Superior Chippewa Reservation Business Committee

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**Kevin R. Dupuis, Sr.**

Secretary/Treasurer  
**Ferdinand Martineau, Jr.**

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Dist. II Representative  
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Executive Director,  
Tribal Programs  
**Miyah M. Danielson**

Executive Director,  
Tribal Enterprises  
**Terry Savage**

January 26, 2021

Representative Rick Hansen, Chairman House Environment and Natural Resources  
Finance and Policy Committee  
Representative Josh Heintzeman, Republican Lead  
State Office Building  
100 Rev Dr Martin Luther King Jr Boulevard  
St. Paul, MN 55155

Dear Representative Hansen and Representative Heintzeman:

I am writing today on behalf of the Fond du Lac Band of Lake Superior Chippewa (the Band) in support of the legislative proposals in HF 219 modifying provisions of the farmed cervidae bill. We appreciate and support the changes proposed by Representative Ecklund to address the rapid spread of Chronic Wasting Disease (CWD) in Minnesota.

CWD is a highly contagious and deadly neurological disease that affects the cervid family (deer, elk, moose, reindeer, and caribou).<sup>1</sup> In the last few years the disease has proliferated across the state. Minnesota first identified a CWD-positive wild deer in 2010.<sup>2</sup> Since then, Minnesota has confirmed 108 cases of CWD in wild deer.<sup>3</sup> Ninety of those cases were from the last three years alone.<sup>4</sup> CWD has also infected eleven captive cervid facilities in the state, resulting in the need for complete eradication of many herds due to wide-spread outbreaks of the disease.<sup>5</sup>

The Band has a significant interest in preventing the spread of CWD as it poses a direct threat to our treaty-guaranteed rights to hunt wild *waawaashkeshi* (white-tailed deer), *mooz* (moose), and *omashkooz* (elk) on our reservation lands and within our ceded territories. The exercise of these treaty rights today supports tribal sovereignty in a variety of ways and honors the sacrifices our ancestors made to

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<sup>1</sup> Chronic Wasting Disease Management, Minn. Dep't Nat. Resources, <https://www.dnr.state.mn.us/cwd/index.html> (last visited Jan. 7, 2021).

<sup>2</sup> CWD-Positive Wild Deer in Minnesota (2010-Present), Minn. Dep't of Nat. Resources, <https://arcgis.dnr.state.mn.us/portal/apps/webappviewer/index.html?id=684225e9f26e49f682523bab80e481e9> (last visited Jan. 7, 2021) (identifying the six counties as Crow Wing, Olmsted, Fillmore, Houston, Winona, Dakota).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Distribution of Chronic Wasting Disease in North America, U.S. Geological Survey, <https://www.usgs.gov/media/images/distribution-chronic-wasting-disease-north-america-0> (last visited Jan. 7, 2021).



protect our traditional way of life. Harvesting activities and the consumption of traditional foods, like deer meat, promote health in tribal communities and connection to cultural lifeways. The exercise of these treaty rights also translates into tangible economic benefits for tribal individuals, businesses, and communities. The value of hunting wild food cannot be understated.

In this regard, CWD poses an existential threat to tribal sovereignty. The uncontrolled spread of the disease could decimate wild cervid populations in Minnesota and impact the Band's ability to sustain our traditions and culture.<sup>6</sup> Because deer, moose, and elk continue to be a significant source of lean, healthy protein within tribal communities CWD also perpetuates harm to the sustainable economies and overall health of tribal communities.

Unfortunately, the continued spread of CWD in the State of Minnesota demonstrates the ineffectiveness of the state's current response. CWD continues to spread through captive and wild cervid deer populations in Minnesota due to shortcomings in the existing regulations and lack of effective coordination among state agencies. Concentrating deer and elk in captivity increases the likelihood of direct and indirect transmission,<sup>7</sup> and because there is no known cure for CWD, and infected deer can transmit the disease for up to two years before they ever show signs of infection,<sup>8</sup> robust preventative management of the disease is essential.<sup>9</sup> One of the best ways to do this is to prevent contact between wild and captive populations, limit the transportation of cervids, cervid carcasses, and cervid biological material from CWD endemic areas within the state, and prohibit the importation of cervids and cervid carcasses from outside the state.<sup>10</sup> Despite these known best management practices, current regulations of captive cervid facilities remain woefully inadequate.

The Band and other tribes in the state of Minnesota have had ongoing conversations with the Board of Animal Health over the last three months to share our concerns on its proposed regulatory

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<sup>6</sup> Studies on the population-level effects of CWD in deer have suggested that high prevalence can lead to a decline in white-tailed deer populations. Edmunds et al., Chronic Wasting Disease Drives Population Decline of White-Tailed Deer, PLOS ONE (2016) ("A chronic disease that becomes endemic in wildlife populations has the potential to be population-limiting and the strong population-level effects of CWD suggest affected populations are not sustainable at high disease prevalence under current harvest levels.").

<sup>7</sup> CWD Overview, CWD-Info.Org, <http://cwd-info.org/cwd-overview/> (last visited Jan. 26, 2020).

<sup>8</sup> Talking Chronic Wasting Disease with U of M, Univ. of Minn. News and Events (Oct. 28, 2020), <https://twin-cities.umn.edu/news-events/talking-chronic-wasting-disease-u-m>.

<sup>9</sup> "Long incubation periods, extremely subtle signs of early clinical disease, absence of a reliable and practical ante-mortem diagnostic test, environmental contamination with an extremely resistant infectious agent, and incomplete understanding of transmission combine to limit options for controlling or eradicating CWD and underscore the importance of prevention." CWD Overview, CWD-Info.Org, <http://cwd-info.org/cwd-overview/> (last visited Jan. 26, 2020).

<sup>10</sup> AFWA Best management Practices for Prevention, Surveillance, and Management of Chronic Wasting Disease, Ass'n Fish & Wildlife Agencies (Sept. 2018), [https://www.fishwildlife.org/application/files/5215/3729/1805/AFWA\\_CWD\\_BMPS\\_12\\_September\\_2018\\_FINAL.pdf](https://www.fishwildlife.org/application/files/5215/3729/1805/AFWA_CWD_BMPS_12_September_2018_FINAL.pdf).

Representative Hansen and Representative Heintzeman

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amendments to the Farmed Cervidae Rule. Despite feedback from the Tribes, these amendments remain too limited in scope to effectively address the CWD crisis. The Band has serious concerns about the Board's narrow interpretation of current law and its regulatory authority. We believe that

the changes in Representative Ecklund's bill will address some of these gaps and help clarify common sense and necessary regulations for farmed Cervidae. The time has come to take responsible action to safeguard Minnesota's deer, moose and elk herds. The modifications to Minn. Stat. § 35.155 in HF 219 are a good first step.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Dupuis, Sr.", with a stylized flourish at the end.

Kevin R. Dupuis, Sr.,  
Chairman

CC: Representative Rob Ecklund