



# Northwest Indian Fisheries Commission

6730 Martin Way E., Olympia, Washington 98516-5540  
Phone (360) 438-1180 [www.nwifc.org](http://www.nwifc.org) FAX (360) 753-8659

**TESTIMONY OF EDWARD JOHNSTONE, TREASURER  
NORTHWEST INDIAN FISHERIES COMMISSION  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON  
INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
ON THE FISCAL YEAR 2014 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS &  
ENVIRONMENTAL PROTECTION AGENCY  
April 24, 2013**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide testimony on the Fiscal Year (FY) 2014 Interior, Environment and Related agencies appropriations. My name is Edward Johnstone and I am the Treasurer of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is comprised of the 20 tribes that are party to the *United States vs. Washington*<sup>1</sup> (*U.S. vs. Washington*). It is a privilege for me to be among our distinguished northwest tribal leaders who are also here to present their funding requests. To meet the many natural resources management responsibilities required of the tribes, I submit the following requests for the Bureau of Indian Affairs and the Environmental Protection Agency.

## **SUMMARY OF FY14 APPROPRIATIONS REQUEST**

### **Bureau of Indian Affairs**

- ❑ Provide \$17.146 million for Western Washington Fisheries Management
- ❑ Provide \$3.082 million for Washington State Timber, Fish and Wildlife
- ❑ Provide \$4.844 million for U.S./Canada Pacific Salmon Treaty Implementation
- ❑ Provide \$2.4 million for Salmon Marking
- ❑ Provide \$6.843 million for Fish Hatchery Maintenance
- ❑ Provide \$2.6 million for Fish Hatchery Operations
- ❑ Provide \$230.0 million for Contract Support
- ❑ Provide \$10.0 million for Landscape Conservation
- ❑ Provide \$725,000 for Watershed Restoration

### **Environmental Protection Agency**

- ❑ Provide \$96.375 million for General Assistance Program
- ❑ Provide \$50.0 million for Puget Sound

## **TREATY RIGHTS AT RISK AND THE FEDERAL TRUST OBLIGATION**

Last year we brought to your attention an initiative that we have been pursuing – our Treaty Rights at Risk (TRAR) initiative. The treaty rights of the western Washington treaty tribes are in imminent danger. Salmon are critical to the tribal cultures, traditions and their economies. The treaty-reserved right to harvest salmon continues to decline due to ongoing loss of habitat. All of

---

<sup>1</sup> *United States vs. Washington*, Boldt Decision (1974) reaffirmed Western Washington Tribes' treaty fishing rights.

this is due to the inability to restore salmon habitat faster than it is being destroyed. Wild salmon and their habitat continue to decline despite massive reductions in harvest and a significant investment in habitat restoration.

The federal government has a fiduciary responsibility and an obligation to protect these treaty-reserved natural resources. This obligation is met through policy and funding support that is provided to tribes to allow them to perform the necessary management responsibilities to protect these resources. Without this continued support the treaties will have no meaning as these natural resources disappear. The tribes' treaties are constitutionally-protected and have been confirmed by the federal courts, including the U.S. Supreme Court. As a signer to these treaties, the federal government has an ongoing, non-discretionary obligation to provide adequate funding to the tribes to allow them to protect and preserve these treaty rights.

On behalf of our 20 member tribes, I am here today to speak specifically to our FY14 natural resources management funding requests for the BIA and the EPA. But before I do that, I must first acknowledge the outstanding support this Subcommittee has given to us over the years. You listened to our story and have helped us greatly with your actions that supported our needs. We are also pleased that the FY14 President's budget continues to be supportive of the northwest natural resources funding requests, which includes and builds on many of the Subcommittee's actions from the past few years. In addition to our specific requests described below, we also support the budget priorities and funding requests of the National Congress of American Indians.

## **JUSTIFICATION OF REQUESTS**

### **Bureau of Indian Affairs**

- **Provide \$17.146 million for BIA Western Washington Fisheries Management**

Over the past several years, the tribes and the NWIFC have requested an increase of \$12.0 million in the base Western Washington program. The increase in FY10 was very much appreciated, however, we once again ask Congress to address the remaining identified needs of the NWIFC and our member tribes. The President's FY14 budget contains \$9.613 million. *We respectfully request \$17.146 million.* Funding for this program allows for continued treaty harvest management, population assessment, habitat protection and data gathering for finfish, shellfish, groundfish, wildlife and other natural resource management needs. Funds provide the necessary capacity for the treaty tribes to co-manage the resources with the state of Washington and to meet court required mandates.

- **Provide \$3.082 million for BIA Washington State Timber, Fish and Wildlife**

The Congressional increase to Rights Protection Implementation in FY10 of \$12.0 million was allocated to all programs within this sub-activity including the Washington State Timber-Fish-Wildlife (TFW) program. The President's FY14 budget contains \$3.082 million. *We support funding this account at \$3.082 million.* Funding for this program is provided to improve forest practices on state and private lands while providing protection for fish, wildlife and water quality. This will provide the necessary funding to tribal TFW programs to fully participate in the TFW process.

- **Provide \$4.844 million for BIA U.S./Canada Pacific Salmon Treaty Implementation**

The Pacific Salmon Treaty (PST) Act of 1985 charges the United States Section of the Pacific Salmon Commission with the responsibility for implementation of the PST, a bilateral treaty with Canada. Tribes assist in meeting the Federal Government's obligations in implementing the treaty by participating in cooperative research and data gathering programs. The President's FY14 budget contains \$4.844 million. *We support funding this account at \$4.844 million.* This will provide sufficient funding to ensure that the tribes can continue to participate effectively in the bi-lateral PST process.

- **Provide \$2.4 million for BIA Salmon Marking**

Funding for this program was mandated in 2003 by Congress that required all salmon released from federally funded hatcheries be marked so they could be identified for conservation purposes. This allows tribes to mark salmon at tribal hatcheries and to use these marked fish to scientifically monitor salmon populations and watersheds in Western Washington. The President's FY14 budget contains \$1.171 million. *We respectfully request \$2.4 million.* This amount is required to fully implement more extensive selective fisheries targeted at these marked fish. This request is also important in part because marking costs are increasing as tribal hatchery production continues to increase.

- **Provide \$6.843 million for BIA Fish Hatchery Maintenance**

Tribal fish hatcheries in western Washington are part of the largest fish hatchery system in the world. These hatcheries provide fish that significantly contribute to both non-Indian recreational and commercial harvest, as well as for tribal fisheries. The President's FY14 budget contains \$6.843 million. *We support funding this account at \$6.843 million.* Funding for this program is provided to tribes nationwide based on the ranking of annual maintenance project proposals. Today, hatcheries also play a large role in recovering pacific salmon, many of which are listed under the Endangered Species Act. A comprehensive needs assessment study was conducted in FY06 by the BIA at the request of Congress which identified a level of need of over \$48.0 million in necessary hatchery maintenance and rehabilitation costs.

- **Provide \$2.6 million in funding for BIA Fish Hatchery Operations**

Funding for this program is provided to tribal hatcheries to support the rearing and releasing of salmon and steelhead for harvest by Indian and non-Indian fisheries. The President's FY14 budget contains \$1.85 million. *We respectfully request \$2.6 million.* This increase reflects the needs of the western Washington treaty tribes. Hatcheries are necessary part of fisheries management because of the lack of wild salmon production due to habitat degradation. Without hatcheries tribes would have very few fisheries and their treaty rights would be rendered meaningless.

- **Provide \$230.0 million for BIA Contract Support**

Funding for this function is provided to tribal organizations to ensure they have the capacity to manage federal programs under self-determination contracts and self-governance compacts. Historically Indirect Contract Support has been drastically underfunded, yet they are a critically funding source as they directly support our governmental functions, which allow us to fully exercise our right to self-govern. The President's FY14 budget contains \$230.0 million. *We*

*support funding this account at \$230.0 million.* Direct Contract Support is also an important piece of this funding.

- **Provide \$10.0 million in funding for BIA Landscape Conservation**

Funding for this program will provide the tribal capacity needed to participate and provide input on climate change issues. The President's FY14 budget contains \$10.0 million. *We support funding this request at \$10.0 million, of which \$2.0 million is respectfully requested for the western Washington treaty tribes.* This will allow tribes to provide their perspective on climate change adaptation in the form of traditional ecological knowledge necessary to protect their treaty rights.

- **Provide \$725,000 in funding for BIA Watershed Restoration**

Funding for this program supports our Salmon and Steelhead Habitat Inventory and Assessment Program. The FY12 appropriations provided a total of \$390,000 to western Washington treaty tribes. *We respectfully request \$725,000 for the Northwest Indian Fisheries Commission.* This will allow us to continue to provide environmental data management, analysis, and reporting support to our member tribes. These services and functions would continue to support our tribes' ability to adequately participate in watershed resource assessments and salmon recovery work.

### Environmental Protection Agency

- **Provide \$96.375 million for EPA General Assistance Program**

This funding has built essential tribal capacities and remains critical to the tribes' ability to sustain their important water quality programs. The President's FY14 budget contains \$72.631 million. *We respectfully request \$96.375 million.* Funding for this program continues to provide the capacity for tribal environmental protection programs nationwide. This allows tribes to address their most fundamental needs such as inadequate drinking water and basic sanitation.

- **Provide \$50.0 million for EPA Puget Sound**

The Puget Sound Geographic Program provides essential funding that will help protect, restore and enhance Puget Sound. Tribes will continue to seek funding from this EPA account, in coordination with the Puget Sound Partnership. Such funding will allow the tribes to participate in the necessary scientific work, implementation measures, and policy discussions on issues that affect our treaty rights. The President's FY14 budget contains \$17.15 million. *We respectfully request \$50.0 million.* Funding for this initiative allows tribes to participate in implementing the Puget Sound Action Agenda. Tribes also implement a wide range of projects aimed at improving the health of Puget Sound by 2020.

### CONCLUSION

We know that it is difficult to allocate scarce federal funds at this time. However, we believe the management work that we perform to protect our valuable resources and to help fulfill the trust obligation of the federal government continues to be worthy of your support. Thank you.