



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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TESTIMONY OF
The Honorable Joel Moffett, Chairman
Columbia River Inter-Tribal Fish Commission
Regarding the Bureau of Indian Affairs Fiscal Year 2015 Budget
Appropriations Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives
April 7, 2014

Mr. Chairman and members of the subcommittee, the Columbia River Inter-Tribal Fish Commission (CRITFC) is pleased to share its view on the Department of Interior, Bureau of Indian Affairs' (BIA) FY2015 budget. We have specifically identified the following funding needs and one request for review:

- 1) **\$7.7 million for Columbia River Fisheries Management under Rights Protection Implementation**, (\$3.1 million above the Request), to meet the base program funding needs of the Commission and the fisheries programs of our member tribes;
- 2) **\$4.8 million for U.S./Canada Pacific Salmon Treaty**, (\$500k above the request), to implement obligations under the recent agreements adopted by the U.S. and Canada;
- 3) **\$500 thousand for Youth Program Initiatives** (supports the Request);
- 4) **\$352.5 million for Public Safety and Justice**, of which \$716,00 supports enforcement of federal laws at In-Lieu and Treaty Fishing Access Sites on the Columbia River;
- 5) **\$3.1 million in Rights Protection Implementation and \$10 million for Cooperative Landscape Conservation** to assist tribes in climate change adaptation and planning; and
- 6) **\$1.25 million to the Office of the Secretary of Interior's Leadership and Administration Activity** for Federal/Tribal collaborative analytical work and consultations during domestic reconsideration of the Columbia River Treaty.

History and Background:

CRITFC was founded in 1977 by the four Columbia River treaty tribes: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe. CRITFC provides coordination and technical assistance to these tribes in regional, national and international efforts to protect and restore our shared salmon resource and the habitat upon which it depends. Our collective ancestral homeland covers nearly one-third of the entire Columbia River Basin in the United States, an area the size of the State of Georgia.

In 1855, the U.S. entered into treaties with the four tribes¹ whereupon we ceded millions of acres of our homelands to the U.S. In return, the U.S. pledged to honor our ancestral rights, including the right to fish. Unfortunately, a perilous history brought the salmon resource to the edge of

¹ Treaty with the Yakama Tribe, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957

extinction with 12 salmon and steelhead populations in the Columbia Basin listed under the Endangered Species Act (ESA).

The CRITFC tribes are leaders in fisheries restoration and management working in collaboration with state, federal and private entities. We are principals in the region's efforts to halt the decline of salmon, lamprey and sturgeon populations and rebuild them to levels that support ceremonial, subsistence and commercial harvests. To achieve these objectives, our actions emphasize 'gravel-to-gravel' management including supplementation of natural stocks, healthy watersheds and collaborative efforts.

The programs in this testimony are carried out pursuant to the Indian Self-Determination and Assistance Act. Our programs are integrated as much as possible with state and federal salmon management and restoration efforts.

Columbia River Fisheries Management within Rights Protection Implementation:

We are succeeding. The salmon, returning in greater numbers, tell us so. But along with success, management issues increase the complexity, requiring greater data collection and more enforcement burden. Funding shortfalls prohibit the achievement of tribal self-determination goals for fisheries management, ESA recovery effort, protecting non-listed species, conservation enforcement and treaty fishing access site maintenance. We request an increase of \$3.1 million over FY2014 for a new program base of \$7.7 million for Columbia River Fisheries Management.

The BIA's Columbia River Fisheries Management line item is the base funding that supports the fishery program efforts of CRITFC and the four member tribes. Unlike state fish and game agencies, the tribes do not have access to Dingell-Johnson/Pittman-Robertson or Wallop-Breaux funding. The increase will be directed to support the core functions of the fisheries management programs of the Commission's member tribes, namely enforcement and harvest monitoring.

In 2008, CRITFC and its member tribes struck three landmark agreements: 1) the Columbia Basin Fish Accords with federal action agencies overseeing the federal hydro system in the Columbia Basin², 2) a 10-Year Fisheries Management Plan with federal, tribal and state parties under *U.S. v OR*, and 3) a new Chinook Chapter of the Pacific Salmon Treaty³. These agreements establish regional and international commitments on harvest and fish production efforts, commitments to critical investments in habitat restoration, and resolving contentious issues by seeking balance of the many demands within the Columbia River basin. While through these agreements the Tribes have committed to substantial on-the-ground projects with some additional resources from the Bonneville Power Administration, the overall management responsibilities of the tribal programs have grown exponentially without commensurate increases in BIA base funding capacity. For example, the tribes' leadership in addressing Pacific Lamprey declines is this species' best hope for survival and recovery. The tribes' are also addressing unmet mitigation obligations, such as fish losses associated with the John Day and The Dalles dams.

The funding provided through the BIA to support tribal fishery programs is crucial to the tribes'

² The Nez Perce Tribe is not a Columbia Basin Fish Accord signatory

³ See *Salmon Win A Triple Crown* at http://www.critfc.org/text/wana_109.pdf

and CRITFC's ability to successfully carry out tribal rights protection, including these agreements, by providing sound technical, scientific and policy products to diverse legal, public and private forums.

U.S./Canada Pacific Salmon Treaty under Rights Protection Implementation:

The U.S. and Canada entered into the Pacific Salmon Treaty in 1985 to conserve and rebuild salmon stocks, provide for optimum production, and control salmon interceptions. The treaty established the Pacific Salmon Commission (PSC) as a forum to collaborate on intermingled salmon stocks. The U.S. Section of the PSC annually develops a coordinated budget for tribal, state and federal programs to ensure cost and program efficiencies. Congress increased funding in 2000 in order to implement the 1999 Agreement, but funding has significantly eroded since then. In 2008, the U.S. and Canada adopted a new long term Treaty agreement after nearly three years of negotiations. Both parties agreed to significant new management research and monitoring activities to ensure the conservation and rebuilding of the shared salmon resource.

For tribal participants in the Pacific Salmon Treaty, the U.S. Section has identified a program need of \$4,800,000 for participating tribes. These funds provide for direct tribal participation with the Commission, panels and technical committees. The funding enables the tribes to assist in Treaty implementation and facilitates management protecting trust resources. This funding maintains tribal resource assessment and research programs structured to fulfill required Treaty implementation activities. The FY 2015 recommended level for this program is an increase of \$520,000 above the FY2014 enacted level. Our request correlates to the U.S. Section's recommendation.

Youth Program Initiatives:

The Columbia River Treaty Tribes place an emphasis on preparing our youth for careers in Natural Resources Management. However, our tribes, like tribes nation-wide, struggle to overcome barriers to Science, Technology, Engineering, and Mathematics achievement, high drop-out rates, and low percentages of students pursuing natural resources majors. Our Place-Based Workforce Development Initiative seeks to address these barriers through a blend of technical assistance, inter and externship opportunities and a summer Salmon Camp.

Public Safety and Justice, Criminal Investigations and Police Services:

Public safety continues to be a high priority for CRITFC and our tribes. Our conservation and criminal enforcement officers are the cornerstone of public safety in the popular and heavily used Columbia Gorge area patrolling 150 miles of the Columbia River, including its shorelines in Oregon and Washington. In this area we are the primary provider of enforcement services at 31 fishing access sites developed pursuant to PL87-14 and PL100-581 for use by treaty fishers. CRITFC's officers have obtained BIA Special Law Enforcement Commissions to aid our efforts protecting and serving tribal members and federal trust properties along the Columbia River. We are also very pleased that the BIA has created OJS District 8 and housed it in Portland. CRITFC entered into a PL93-638 contract with BIA in February 2011 for enforcement services along the Columbia River. That contract currently provides funding for two enforcement positions.

It's important that CRITFC build its enforcement capacity above the level of the two officers currently funded by the BIA Office of Justice Services. Our immediate priority is to add two

officers. Funding for two additional officers would cost \$313,560 plus indirect. Full funding for this project would be a total budget of \$716,053 plus indirect which would support four officers, a sergeant and a dispatcher.

Cooperative Landscape Conservation:

The Treaty Right is feeling the effects of Climate Change. Shifts are occurring in salmon run timing, and berry and root ripening cycles. We support the President's request of \$10 million to implement the DOI Climate Change Policy for Indian Tribes, Alaska Natives and Native Hawaiians. Specifically, these funds support the BIA Tribal Climate Change Program which will integrate climate change adaptation strategies into its policies and planning for support for the tribes, Alaska Natives and Native Hawaiians. The BIA needs these resources to support active engagement of tribes, Alaska Natives and Native Hawaiians in the Landscape Conservation Cooperatives and the Climate Science Centers and to ensure adequate Government-to-Government consultation on all issues with climate effects.

Columbia River Treaty Modernization:

The Columbia Basin tribes are a coalition of fifteen (15) tribes whose rights, as well as management authorities and responsibilities, are substantially affected by the implementation of the Columbia River Treaty. In order for Treaty modernization to succeed, the Columbia Basin tribes need to continue to coordinate internally and with other regional and national entities, as well as continue their analytical evaluation of the Treaty including the impacts of climate change, while the State Department evaluates the Regional Recommendation and completes their national interests review.

A Request for Review of Salmon Mass-Marking Programs:

CRITFC endeavors to secure a unified hatchery strategy among tribal, federal and state co-managers. To that end, we seek to build hatchery programs using the best available science and supported by adequate, efficient budgets. A Congressional requirement, delivered through prior appropriations language, to visibly mark all salmon produced in federally funded hatcheries should be reconsidered. We have requested that federal mass-marking requirements, and correlated funding, be reviewed for compatibility with our overall objective of ESA delisting and with prevailing laws and agreements: *US v Oregon*, Pacific Salmon Treaty and the Columbia Basin Fish Accords⁴. Salmon managers should be provided the latitude to make case-by-case decisions whether to mark fish and, if so, in the appropriate percentages.

In summary, through combined efforts of the four tribes supported by a staff of experts, we are proven natural resource managers. Our activities benefit the region while also essential to the U.S. obligation under treaties, federal trust responsibility, federal statutes, and court orders. We ask for your continued support of our efforts. We are prepared to provide additional information you may require on the Department of Interior's BIA budget.

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⁴ Letter from Bruce Jim, Chairman, Columbia River Inter-Tribal Fish Commission to U.S. House of Representatives Chairmen Frank Wolf, Mike Simpson and Doc Hastings, July 11, 2011