



Northwest Indian Fisheries Commission

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

**TESTIMONY OF BILLY FRANK, JR., CHAIRMAN
NORTHWEST INDIAN FISHERIES COMMISSION
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
ON THE FISCAL YEAR 2015 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS &
ENVIRONMENTAL PROTECTION AGENCY**

April 8, 2014

The Northwest Indian Fisheries Commission (NWIFC) is comprised of the 20 tribes that are party to the *United States v. Washington*¹ (*U.S. v. Washington*). To meet the many natural resources management responsibilities required of the tribes, I submit the following requests for the Bureau of Indian Affairs (BIA) and the Environmental Protection Agency (EPA).

SUMMARY OF FISCAL YEAR 2015 (FY15) APPROPRIATIONS REQUESTS

Bureau of Indian Affairs

- ❑ **Provide \$17.146 million for Western Washington Fisheries Management**
- ❑ **Provide \$3.082 million for Washington State Timber-Fish-Wildlife**
- ❑ **Provide \$4.844 million for U.S./Canada Pacific Salmon Treaty**
- ❑ **Provide \$2.4 million for Salmon Marking**
- ❑ **Provide \$6.582 million for Fish Hatchery Maintenance**
- ❑ **Provide \$3.35 million for Fish Hatchery Operations**
- ❑ **Provide \$246.0 million for Contract Support**
- ❑ **Provide \$9.948 million for Cooperative Landscape Conservation**
- ❑ **Provide \$725,000 for Watershed Restoration**

Environmental Protection Agency

- ❑ **Provide \$96.4 million for General Assistance Program**
- ❑ **Provide \$50.0 million for Puget Sound**

In February 2014 the treaty Indian tribes in western Washington celebrated the 40th anniversary of *U.S. v. Washington* (Boldt decision). The decision reaffirmed tribal treaty-reserved rights to half of the harvestable salmon returning to the state and was later expanded to include shellfish and some marine fish species. This landmark ruling is one of the greatest civil rights decisions in the history of the United States. Moreover, the ruling established the tribes as co-managers and brought responsible salmon management to Washington by requiring that salmon be managed river-by-river and that harvest limits be clearly defined.

Today, however, we find that the resource has diminished to the point that the tribes are catching fewer fish with a 50% share than they were at the time of the Boldt decision when they were

¹ *United States v. Washington*, Boldt Decision (1974) reaffirmed Western Washington Tribes' treaty fishing rights.

catching less than 5% of the harvest. The treaty-reserved rights are at grave risk today as the resources they are dependent on are disappearing. Wild salmon and their habitat continue to decline despite massive reductions in harvest and a significant investment in habitat restoration. For this reason the western Washington treaty tribes brought to the federal government our Treaty Rights at Risk (TRAR) initiative asking that the federal government meet their obligations to the tribes and their treaties by taking charge of salmon recovery. We requested that the federal government implement their fiduciary duties by better protecting the tribes' treaty-reserved resources. The federal government has a non-discretionary obligation to provide adequate funding to the tribes to allow them to protect and preserve these treaty rights. Salmon are critical to the tribal cultures, traditions and their economies and by fulfilling these federal obligations by addressing our TRAR – we will recover the salmon populations.

We are generally pleased with the President's FY15 Budget Request, which includes and builds on many of the Subcommittee's actions from the past few years. It continues funding for science and technology, including research and analysis for sustainable management of our natural resources and climate adaptation. On behalf of our 20 member tribes, I am here today to speak specifically to our FY15 natural resources management and environmental program funding requests for the BIA and the EPA.

JUSTIFICATION OF REQUESTS

Bureau of Indian Affairs

Rights Protection Implementation Subactivity

Tribes in the Great Lakes and Pacific Northwest with similar treaty-reserved rights have collectively identified that no less than \$49.5 million for Rights Protection Implementation is necessary for essential tribal treaty rights management. We continue to support the President's emphasis to fund science and technology activities related to climate issues. This will provide our tribes the capability to identify, respond and adapt to the impacts of our changing climate. It will also support scientific research, monitoring and analysis that are essential to the management of natural resources. It is important that tribes be provided the maximum flexibility to develop specific science-based activities to meet their particular needs. We support a proportionate allocation of these funds that is consistent with and proposed in the FY14 budget. A summary of the 4 accounts of interest to us within RPI are further identified below.

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

We respectfully request \$17.146 million, an increase of \$8.854 million over the President's request of \$8.562 million. The increase in FY14 restored funding back to the FY10 level and was very much appreciated. However, we once again ask Congress to address the remaining identified needs of the NWIFC and our member tribes. 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-Wildlife**

We respectfully request \$3.082 million, an increase of \$337,000 over the President's request of \$2.745 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 for tribal TFW programs to fully participate in the TFW process.

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

We respectfully request \$4.844 million, an increase of \$549,000 over the President's request of \$4.295 million. 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 activities. 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**

We respectfully request \$2.4 million, an increase of \$1.328 million over the President's request of \$1.072 million. 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. This amount is required to fully implement more extensive selective fisheries targeted at these marked fish.

Fish, Wildlife and Parks Subactivity

- **Provide \$6.582 million for BIA Fish Hatchery Maintenance**

We support the President's request of \$6.582 million. 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. 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 \$3.35 million for BIA Fish Hatchery Operations**

We respectfully request \$3.35 million, an increase of \$1.575 million over the President's request of \$1.775 million. This increase reflects the needs of the western Washington treaty tribes. 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. Hatcheries are a necessary part of fisheries management because of the lack of wild salmon production due to habitat degradation. They continue to play a vital role in supporting tribal fisheries and are now essential for maintaining the treaty right to harvest fish. Without hatcheries tribes would have very few fisheries and their treaty rights would be rendered meaningless.

Other Subactivities and Accounts

- **Provide \$246.0 million for BIA Contract Support**

We support the President's request of \$246.0 million. 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. These funds are critical as they directly support our governmental functions, which allow us to fully exercise our right to self-govern. The amount requested is expected to fully fund the estimated need in FY15.

- **Provide \$9.948 million for BIA Cooperative Landscape Conservation**

We support the President's request of \$9.948 million. Funding for this program will help provide the tribal capacity needed to participate and provide scientific input on climate change issues. This will also 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 for BIA Watershed Restoration**

We respectfully request \$725,000, an increase of about \$475,000 over the FY14 operating plan. Funding for this program is contained in the Forestry Subactivity – Forestry Projects – Watershed Restoration account and supports our Salmon and Steelhead Habitat Inventory and Assessment Program. This allows us to continue to provide environmental data management, analysis, and reporting support. It also supports the on-going efforts to develop information sharing and exchange tools and would continue to support our tribes' ability to adequately participate in watershed resource assessments and salmon recovery work.

Environmental Protection Agency

- **Provide \$96.4 million for EPA General Assistance Program**

We support the President's request of \$96.4 million. This funding has built essential tribal capacities and remains critical to the tribes' ability to sustain their important water quality programs. 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**

We respectfully request \$50.0 million, an increase of \$25.0 million over the President's request of \$25.0 million. The Puget Sound Geographic Program provides essential funding that will help protect, restore and enhance Puget Sound, an estuary of national significance. Funding for this program will allow the tribes to participate in the necessary scientific work, implementation measures, and policy discussions on issues that affect our treaty rights. It allows the tribes to participate in implementing the Puget Sound Action Agenda and to also implement a wide range of projects aimed at improving the health of Puget Sound by 2020.

CONCLUSION

We are sensitive to the budget challenges that Congress faces. We respectfully urge you to continue to support our efforts to protect and restore our great natural heritage that in turn will provide for thriving communities and economies. Thank you.