



Northwest Indian Fisheries Commission

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**TESTIMONY OF EDWARD JOHNSTONE, TREASURER
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**

March 24, 2015

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 2016 (FY16) 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 \$4.5 million for Climate Change
- ❑ Provide \$6.582 million for Fish Hatchery Maintenance
- ❑ Provide \$3.796 million for Fish Hatchery Operations
- ❑ Provide \$272.0 million for Contract Support
- ❑ Provide \$30.355 million for Tribal Climate Resilience
- ❑ Provide \$830,000 for Watershed Restoration

Environmental Protection Agency

- ❑ Provide \$96.4 million for General Assistance Program
- ❑ Provide \$50.0 million for Puget Sound
- ❑ Provide \$5.0 million for Beyond GAP

We are generally pleased with the President's FY16 Budget Request, which includes and builds on many of the Subcommittee's actions from the past few years. It contains funding to support the tribal treaty right, including research and analysis for sustainable management of our natural resources and climate adaptation. The treaty-reserved rights are at grave risk today as the resources they are dependent on are disappearing and the reason the western Washington treaty tribes brought to the federal government our Treaty Rights at Risk Initiative. On behalf of our 20 member tribes, I am here today to speak specifically to our FY16 natural resources management and environmental program funding requests for the BIA and the EPA.

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

JUSTIFICATION OF REQUESTS

Bureau of Indian Affairs

Rights Protection Implementation Subactivity

The 41 tribes in the Great Lakes and Pacific Northwest with similar treaty-reserved rights have collectively identified that no less than \$52.0 million for Rights Protection Implementation is necessary for essential tribal treaty rights management. The President's FY16 budget includes \$40.138 million for RPI, an increase of \$4.718 million over the FY15 enacted level of \$35.420 million. A summary of the accounts of interest to us within RPI are further identified below. However, a breakdown of these accounts in the BIA's Greenbook is not provided for FY16.

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

We respectfully request \$17.146 million, an increase of \$8.614 million over the FY15 enacted level of \$8.532 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 continue to meet court mandates and legal responsibilities.

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

We respectfully request \$3.082 million, an increase of \$346,000 over the FY15 enacted level of \$2.736 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 \$564,000 over the FY15 enacted level of \$4.28 million. The Pacific Salmon Treaty (PST) Act of 1985 charges the United States Section of the Pacific Salmon Commission (PSC) 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 bilateral PST process.

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

We respectfully request \$2.4 million, an increase of \$1.328 million over the FY15 enacted level 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.

- **Provide \$4.5 million for BIA Climate Change**

We respectfully request \$4.5 million for Climate Change for our member tribes, an increase of \$3.109 million over our FY15 allocation. The FY15 appropriations provided a total of \$3.224

million, of which our member tribes received \$1.391 million. Funding for this program will provide tribes the capacity to identify, respond and adapt to the impacts of our changing climate. There is a glaring need to assess the potential impacts to resources in the face of climate change, which brings different challenges for every tribal community. It is important that tribes be provided the maximum flexibility to develop specific science-based activities to meet their particular needs.

Fish, Wildlife & Parks Projects

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

We respectfully request \$6.582 million, an increase of \$82,000 over the FY15 enacted level of \$6.5 million. Tribal fish hatcheries in western Washington are part of the largest fish hatchery system in the world. Funding for this program is provided to tribes nationwide based on the ranking of annual maintenance project proposals. 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 need of over \$48.0 million in necessary hatchery maintenance and rehabilitation costs.

- **Provide \$3.796 million for BIA Fish Hatchery Operations**

We respectfully request \$3.796 million, an increase of \$1.939 million over the FY15 enacted level of \$1.857 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 in the U.S. and Canada. 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 lose their most basic ceremonial and subsistence fisheries that are central to our tribal culture.

Other Subactivities and Accounts

- **Provide \$272.0 million for BIA Contract Support**

We support the President's request of \$272.0 million, an increase of \$26.0 million over the FY15 enacted level of \$246.0 million. We also support the President's legislative proposal to reclassify CSC as mandatory funding beginning in FY17. 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.

- **Provide \$30.355 million for BIA Tribal Climate Resilience**

We support the President's request of \$30.355 million, an increase of \$20.407 million over the FY15 enacted level of \$9.948 million. Funding for this program will contribute to the tribal capacity needed to participate and provide input on climate change issues. It will assist tribes in being able to provide their perspective on climate change adaptation in the form of traditional ecological knowledge necessary to protect their treaty rights.

- **Provide \$830,000 for BIA Watershed Restoration**

We respectfully request \$830,000, an increase of \$455,000 over the FY15 operating plan. The FY15 operating plan provided a total of \$375,000 to western Washington treaty tribes. Funding is contained in the Forestry Subactivity – Forestry Projects – Watershed Restoration account and supports our Salmon and Steelhead Habitat Inventory and Assessment Program. This provides environmental data management, analysis, and reporting support and maintains on-going efforts to develop information sharing and exchange tools. It also supports 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, an increase of \$30.924 million over the FY15 enacted level of \$65.476 million. This funding has built essential tribal capacities and remains critical to the tribes’ ability to sustain their important environmental protection programs. Funding for this program continues to provide the base capacity for tribal environmental protection programs nationwide.

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

We respectfully request \$50.0 million, an increase of \$20.0 million over the President’s request of \$30.0 million. The FY15 appropriations provided a total of \$28.4 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.

- **Provide \$5.0 million for EPA Beyond GAP**

We respectfully request \$5.0 million. The President’s FY16 budget did not include any proposed funding for this new initiative. We request an annual increase to the EPA CWA 104 budget for a water pollution implementation program. Increasing the tribal allocation will allow for an immediate expansion and response to specific implementation needs. This will provide targeted funds to our member tribes for implementation of federal environmental programs and to initiate our “Beyond GAP” request. This initiative would move the EPA/tribal partnership from capacity building and limited programmatic support to a more comprehensive and consistent funding to achieve fully functional tribal environmental programs capable of implementing a broad range of necessary environmental activities.

CONCLUSION

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.