



# 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 2017 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS &  
ENVIRONMENTAL PROTECTION AGENCY**

**March 17, 2016**

The Northwest Indian Fisheries Commission (NWIFC) is comprised of the 20 tribes that are party to the *United States v. Washington*<sup>1</sup> (*U.S. v. Washington*). We are pleased with the President's FY17 Budget Request, which includes and builds on the support of the Subcommittee. It contains funding to support the tribal treaty right, including research and analysis for critical and sustainable management of our natural resources. Our treaty-reserved rights are at risk today as the resources they are dependent on are disappearing and the reason our 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 FY17 natural resources management and environmental program funding requests for the Bureau of Indian Affairs (BIA) and Environmental Protection Agency (EPA). To meet the many natural resources management responsibilities required of the tribes, I submit the following requests for the BIA and EPA.

## **SUMMARY OF FISCAL YEAR 2017 (FY17) APPROPRIATIONS REQUESTS**

### **Bureau of Indian Affairs**

- ❑ **Provide \$56.5 million for Rights Protection Implementation (collective request)**
  - **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 \$10.38 million for BIA Fish, Wildlife & Parks Projects**
- ❑ **Provide \$273.0 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**

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<sup>1</sup> *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 (RPI) is necessary for essential tribal treaty rights management. The President's FY17 budget includes \$40.161 million for RPI, an increase of \$2.523 million over the FY16 enacted level of \$37.638 million. The NWIFC has identified an addition need of \$4.5 million for RPI Climate Change, bringing our total request for RPI to \$56.5 million. A summary of the accounts of interest to us within RPI are further identified below. A breakdown of these accounts in the BIA's Greenbook is not provided for FY17.

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

We respectfully request \$17.146 million, an increase of \$8.614 million over the FY16 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 FY16 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 FY16 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 \$1.332 million over the FY16 enacted level of \$1.068 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 \$2.118 million over our FY16 allocation. The FY16 appropriations provided a collective (Great Lakes and Pacific Northwest) total of \$5.442 million, of which our member tribes received \$2.382 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/Fish, Wildlife and Parks Subactivity

- **Provide \$10.38 million for BIA Fish, Wildlife & Parks Projects**

We support the President's request of \$10.38 million, an increase of \$2.002 million over the FY16 enacted level of \$8.378 million. Funding for this program is for Fish Hatchery Operations and Fish Hatchery Maintenance. Funding 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. Tribal fish hatcheries in western Washington are part of the largest fish hatchery system in the world. Hatcheries are a necessary component of fisheries management because of the lack of wild salmon production due to habitat degradation. A critical component to fisheries management is the hatchery production, which play a vital and necessary role in supporting tribal fisheries. They 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. Hatcheries also play a large role in recovering pacific salmon, many of which are listed under the Endangered Species Act.

Funding for Fish Hatchery Maintenance is provided to tribes nationwide based on the ranking of annual maintenance project proposals. A comprehensive needs assessment study for our Western Washington tribes 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.

Other Subactivities and Accounts

- **Provide \$273.0 million for BIA Contract Support**

We support the President's request of \$273.0 million, an increase of \$1.0 million over the FY16 enacted level of \$272.0 million. We also support the President's legislative proposal to reclassify CSC as mandatory funding beginning in FY18. 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 respectfully request \$30.355 million, an increase of \$20.4 million over the FY16 enacted level of \$9.955 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 the 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 FY16 enacted level of \$65.476 million. This funding has built essential tribal capacities and remains critical to the tribes' ability to sustain important environmental protection programs central to the protection of treaty-reserved resources and healthy communities. 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 \$19.966 million over the President's request of \$30.034 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 FY17 budget did not include any proposed funding for this new initiative. We request that legislative language be incorporated into the appropriations bill to specifically allow for implementation of tribal programs. We further request an increase to the tribal allocations of program funding in EPA CWA 104, 106 and 319, and CAA 103 and 105 budgets to allow for media-specific implementation priorities. Increasing tribal allocations will allow for an immediate expansion and response to specific implementation needs identified in our Beyond GAP request. The Beyond GAP initiative would advance the EPA/tribal partnership from capacity building and limited programmatic support to more comprehensive and consistent funding supportive of tribal environmental programs capable of implementing a broad range of necessary environmental activities while improving both efficiency and accountability.

### CONCLUSION

We respectfully urge the Subcommittee to continue to support our efforts to protect and restore our treaty-reserved rights that in turn will provide for thriving communities, cultures and economies. Thank you.