



# 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 2018 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS &  
ENVIRONMENTAL PROTECTION AGENCY**

**May 16, 2017**

Chairman Calvert and members of the Subcommittee, for the record my name is Edward Johnstone and I am the Treasurer of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is comprised of the twenty tribes that are party to *United States v. Washington*<sup>1</sup> (*U.S. v. Washington*), which upheld the tribes' treaty-reserved right to harvest and manage various natural resources on and off-reservation, including salmon and shellfish.

On behalf of the NWIFC, I am here today to speak specifically to our Fiscal Year 2018 natural resources management and environmental program funding requests for the Bureau of Indian Affairs (BIA) and Environmental Protection Agency (EPA). These programs are necessary to meet the many natural resources management responsibilities required of the tribes, including the management of Pacific salmon fisheries that contributes to a robust natural resource-based economy and the continued exercise of tribal treaty rights to fish.

## **SUMMARY OF FISCAL YEAR 2018 (FY18) 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 \$5.442 million for Climate Change**
- ❑ **Provide \$10.378 million for Hatchery Operations and Maintenance within BIA Fish, Wildlife & Parks Subactivity**
- ❑ **Provide \$273.0 million for Contract Support**
- ❑ **Provide \$30.355 million for Cooperative Landscape Conservation**
- ❑ **Provide \$830,000 for Watershed Restoration**

### **Environmental Protection Agency**

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

---

<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 NWIFC has also identified an additional need of \$4.5 million for RPI Climate Change, bringing our total request for RPI to \$56.5 million. The FY17 enacted level provides \$39.661 million for RPI.

A summary of the accounts of interest to us within RPI is further identified below. However, please note that a breakdown of these accounts is not provided in the BIA's FY17 Greenbook.

- **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 supports the tribes to co-manage their treaty-reserved resources with the state of Washington, and to continue to meet court mandates and legal responsibilities. For example, funding supports harvest planning, population assessments, data gathering for finfish, shellfish, groundfish, wildlife, and other natural resource management needs.

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

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 funding supports the tribes' participation in the Timber, Fish and Wildlife Agreement – a collaborative intergovernmental and stakeholder processes between Washington state, industry, and tribes.

- **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 U.S. Section of the Pacific Salmon Commission (PSC) with the responsibility for implementation of the PST, a bilateral treaty with Canada. Tribes assist the federal government in meeting its obligations to implement the treaty, by participating in various fisheries management exercises including cooperative research and data gathering activities. This funding request will provide sufficient resources to support tribes to continue effective participation 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. Since 2003, Congress has required that all salmon released from federally funded hatcheries are marked for conservation management purposes and has provided funding to implement this mandate. This funding allows tribes to mark salmon at tribal hatcheries and to use these marked fish to scientifically monitor salmon populations 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 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 need to assess the potential impacts to tribal treaty-reserved 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 watershed and site-specific science-based activities to meet their particular needs.

Fish, Wildlife & Parks Projects/Fish, Wildlife and Parks Subactivity

- **Provide \$10.378 million for Hatchery Operations and Maintenance within BIA Fish, Wildlife & Parks Subactivity**

We respectfully request \$10.378 million specifically for Hatchery Operations and Maintenance; an increase of \$2.002 million over the \$8.378 million provided for these programs in FY16. 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. Hatcheries are a necessary component of fisheries management because of the lack of natural spawning salmon production due to habitat degradation. As a result, 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 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 respectfully request \$273.0 million, which would maintain funding at the FY17 enacted level. We also support the reclassification of Contract Support Costs (CSC) as mandatory funding beginning in FY18. Funding for this function is provided to tribes and 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 Cooperative Landscape Conservation**

We respectfully request \$30.355 million; an increase of \$20.399 million over the FY17 enacted level of \$9.956 million. Funding for this program will support tribal capacity to participate in and provide input on climate change issues that impact fisheries and other treaty-reserved resources. It will also allow tribes to provide their perspective on climate change adaptation and resiliency necessary to protect their treaty-reserved rights, which is informed by both traditional ecological knowledge and scientific research.

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

We respectfully request \$830,000 for the western Washington treaty tribes. Funding has historically been contained in the Forestry Subactivity – Forestry Projects – Watershed Restoration account and supports our Salmon and Steelhead Habitat Inventory and Assessment Program (SSHIAP). SSHIAP is a vital program to the western Washington tribes, because it provides essential environmental data management, analysis, sharing, and reporting support to tribal natural resource management. 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 (GAP)**

We respectfully request \$96.4 million; an increase of \$30.924 million over the FY17 enacted level of \$65.476 million. GAP is important because it provides the capacity for tribes across the nation to develop and operate essential environmental protection programs. These programs help our member tribes address environmental issues such as water pollution, which impacts tribal health and safety, as well as treaty-reserved resources.

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

We respectfully request \$50.0 million; an increase of \$22.0 million over the FY17 enacted level of \$28.0 million. This Geographic Program provides essential funding that will help protect and restore Puget Sound – an estuary of national significance. Funding for this program is essential for tribes because it supports our participation in a broad range of Puget Sound recovery work, including, scientific research, resource recovery planning, implementation, and policy discussions on issues that affect our treaty rights.

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

We respectfully request \$5.0 million for EPA Beyond GAP and accompanying legislative language that would specifically allow tribes to use this funding for implementing tribal programs. We also request an increase to the tribal allocations in EPA CWA §104, §106 and §319, and CAA §103 and §105 programs to allow for media-specific implementation priorities. This Beyond GAP request would advance the EPA/tribal partnership from solely funding capacity building to funding environmental programs capable of implementing a broad range of management activities necessary to protect health and safety, as well as treaty-reserved resources.

### 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 and economies. Thank you.