

Testimony of Council Member Willie Frank III
Nisqually Indian Tribe
Before the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, & Related Agencies
February 11, 2020

Summary of Budget Requests:

- I. Bureau of Indian Affairs – Increase funding for “Western Washington Program”
- II. Environmental Protection Agency – Increase funding for “Puget Sound Program”
- III. Bureau of Indian Affairs – Increase funding for “Tribal Resilience Program”

Introduction and Background

Good morning Chairwoman McCollum, Ranking Member Joyce, and Honorable Members of the Subcommittee on Interior, Environment, and Related Agencies. My name is Willie Frank III and I have the honor of serving as a Council Member for the Nisqually Indian Tribe. Thank you for the opportunity to testify regarding the Tribe’s funding priorities within the Subcommittee’s jurisdiction. It is also an honor to appear before this Subcommittee to continue my father, Billy Frank, Jr’s, lifetime commitment and fight to protect our salmon, water, and environment.

The Nisqually Indian Tribe has treaty reserved rights secured in the Treaty of Medicine Creek of 1854 and upheld in the Federal Courts in *U.S. vs Washington*, also known as the Boldt Decision, in 1974 and in numerous decisions in the intervening 46 years. These rights include, at their most fundamental of understanding, the ability to continue to exist as the Nisqually Indian Tribe in return for allowing the peaceful settlement of Americans in our region. The tribal leaders that were signatory to the Treaty envisioned perpetual survival of our people, our traditions and cultures, our use of our homelands, and the access and use of the natural resources that have been central to our existence since time immemorial.

Access and use of our treaty secured natural resources has been diminished significantly over time. Specifically, the salmon of the Nisqually River have decreased in numbers over the past 25 years to the point where there are two species listed as threatened under the Endangered Species Act (ESA), the Fall Chinook salmon and the steelhead trout; and there are two more candidates for future listing considerations, the unique Nisqually late chum and the coho salmon.

As recently as the 1980’s, and throughout time, the Nisqually Indian Tribe regularly fished 8 months a year on the river that bears our name. By 2015, fishing time has been constrained to a mere 8 days to conserve the diminishing resource for future generations. Eight days is not using our homelands and waters as promised; 8 days is not practicing our cultures and traditions; 8 days is not honoring the promises contained in the Treaty of Medicine Creek.

I. Bureau of Indian Affairs – Increase funding for “Western Washington Program

The Boldt Decision reaffirmed our Tribe’s right to co-manage fishery resources with the State of Washington. To honor this federal decision and many other court decisions upholding tribal

rights, the Department of Interior provides Tribal funding under the Rights Protection Implementation Program. Particularly, the Western Washington Program provides specific federal funding to meet its treaty obligations to Western Washington Tribes, including the Nisqually Indian Tribe.

The Nisqually Indian Tribe has utilized this vital federal funding to revive our precious fish resources and to build a strong and dedicated Natural Resources Program. The Tribe has over 50 staff in eight different programs that utilize science-based management of our fisheries. These eight different programs include shellfish management, environmental management, two salmon hatcheries, salmon recovery, Geographic and Information Services, and a marine-based restoration, research and dive program.

However, the funding levels of this program are simply not enough. The Tribe is putting all its efforts into the survival of our fisheries, stretching every dollar. The federal government must ensure that it is meeting its treaty obligations and provide appropriate funding. Our obligations to manage under the Boldt Decision and the ESA are growing more complicated as our world continues to change. Unfortunately, the fiscal resources have failed to fully support the proper management of our trust resources and treaty protected rights.

II. Environmental Protection Agency – Increase funding for “Puget Sound Program”

There are many issues challenging our salmon’s very survival in the Nisqually River and throughout Puget Sound. The Puget Sound is our regional icon and it has been designated as an estuary of National Significance under the Clean Water Act. The Puget Sound represents the promise of a clean, healthy, and vital environment that is central to our lives in Western Washington. It is as important to all of us in the region as the Great Lakes and the Everglades are to those areas.

The plight of the salmon is also the plight of our people. Losing our promised and generational connection to the salmon and the river and our traditional practices has long lasting impacts on our communities. When we have salmon, when we have time on our river, when we eat our traditional foods and practice our culture we are healthy. When these things are lacking, we too are at risk. Our physical, emotional, and spiritual health is directly and permanently connected to our river and our salmon. Saving salmon is saving our people.

We are not alone feeling the impact of disappearing salmon runs. Our brothers the Orca of Puget Sound are also struggling. The Southern Resident Killer Whales, salmon eaters like us, are now listed as threatened under the ESA and are slowly slipping away into extinction. We all watched helplessly in shock and horror the vision of the mother Orca carrying her dead baby for 18 days in Puget Sound in 2018. As go the salmon, goes the Orca and the Nisqually People.

Under the EPA’s Puget Sound Program, the Nisqually Indian Tribe receives important funding to conduct research and implement programing to revitalize the salmon population. Compared to other nearby bodies of water, salmon in the Puget Sound have a much lower survival rate. Federal funding allows our researchers to understand why this is happening in the Puget Sound.

Once we have an understanding of the cause we can provide the best measures to protect the salmon.

Last year, the Administration proposed to completely eliminate the Puget Sound Program. I want to thank the Committee and Congress for ensuring that this vital funding continues. The Nisqually Indian Tribe requests that this Subcommittee ensures that program remains this year and into the future. We also request an increase in the funding available for us to tackle the complicated issues in Puget Sound commensurate with the challenges we are facing and at levels similar to the Great Lakes and Chesapeake Bay and provide us all with a sense of hope.

III. Bureau of Indian Affairs – Increase funding for “Tribal Resilience Program”

Finally, climate change is real and is having dramatic and significant impacts on our people and the resources we depend upon. As a result of sea levels rising, we are seeing changes to the Nisqually Delta habitat in ways that are impacting salmon survival. The culturally important plant species that we use for our food, medicine, and crafts are becoming scarcer as their range is being reduced with rising temperatures and changes in the timing and magnitude of rainfall.

We have invested a tremendous amount of time and resources to protect and restore our watershed while increasing resiliency, but the changes are occurring at a pace that is challenging to match with our efforts alone. We need to increase the pace and magnitude of our efforts while working on solutions to the climate change that imperils the very resources that we all care for and are dependent for our very survival.

Last fiscal year, the Administration proposed to eliminate this program completely. The Nisqually Indian Tribe requests that this Subcommittee continues to support the Bureau of Indian Affairs Tribal Resilience Program. Western Washington Tribes are on the frontlines of climate change, and the Administration must not turn a blind eye on our efforts.

Water Quality Regulations

Although this is not a request for additional funding, we need to use the platform provided today to raise an important issue with this Subcommittee. We have significant concerns by the recent rollback of environmental protections of our water quality standards in Puget Sound by the EPA. We worked closely with previous administrations over a period of 10 years or more to develop regulations that protect our people as they exercise their treaty rights and consume their traditional foods. They recognized the need to reduce the risk of fish consumption to those communities most at risk. The roll back of those regulations shifts the health risk back to those communities, including the members of the Nisqually Indian Tribe. This is unacceptable and we need your help putting back in place regulations that protect our fish eating people. We urge the Subcommittee to use any and all of its appropriations powers to address this situation.

Conclusion

We need your continuing leadership and support for us all to be successful. We are relying on your bold response to a changing world with actions and investment equal to the problems we

are trying to resolve. We will continue to use collaboration and cooperation with our neighbors to protect, restore, and recover the resources that we all value as central to our lives.

I appreciate the opportunity to testify to the Subcommittee today. I am available to answer any questions that the Subcommittee may have regarding my testimony.