

TESTIMONY OF THE NISQUALLY INDIAN TRIBE

Before the
United States House of Representatives
Committee on Natural Resources

In Support of H.R. 7515
The Nisqually Clear Creek Hatchery Land Transfer Act of 2026

Submitted by Ken Choke, Chairman
Nisqually Indian Tribe
2026

Chair Hageman, Ranking Member Hoyle, and Honorable Members of the Subcommittee on Water, Wildlife, and Fisheries, my name is Ken Choke and I have the honor of serving as Chairman of the Nisqually Indian Tribe. I am grateful for the opportunity to appear before you today in strong support of the Nisqually Clear Creek Hatchery Land Transfer Act of 2026, introduced by Congresswoman Marilyn Strickland and advanced in the Senate by Senators Patty Murray and Maria Cantwell.

I come before you not simply as a tribal leader, but as someone who once stood in the shallows of Clear Creek myself, working at that hatchery, counting fry, watching over the future of our salmon runs with my own hands. The Nisqually people have fished the Nisqually River since time immemorial. Salmon are not a commodity to us. They are culture, ceremony, sustenance, and identity. When the salmon are healthy, we are healthy. When they struggle, so do we.

This legislation asks for something straightforward: that the federal government transfer ownership of hatchery facilities; facilities that it does not fund, does not staff, and does not maintain to the Tribe that has operated it faithfully for decades. This is not a request for special treatment. It is a request that the law catch up with the reality that already exists on the ground.

Who We Are and What Clear Creek Means to Us

The Nisqually Indian Tribe is a federally recognized tribal nation with reserved fishing rights guaranteed under the Treaty of Medicine Creek, signed in 1854. The Medicine Creek Treaty guarantees the Tribe is entitled to a fair share of the harvestable salmon in the Nisqually River basin. For us, that treaty promise is not a historical abstraction. It is a living obligation that shapes every decision we make about our fisheries.

The Clear Creek Hatchery is the cornerstone of our ability to ensure there are salmon for our future generations so that they may enjoy that treaty right. The Clear Creek Hatchery is located on the eastern bank of the Nisqually River within the Nisqually Reservation and Joint Base Lewis-McChord and it produces 3.0 million of Chinook and 1.0 million coho salmon smolts each year.

The hatchery is recognized as the one of the most successful Chinook hatchery in all of Puget Sound. Without it, meeting our harvest goals and conservation obligations would be impossible.

But the hatchery's importance extends beyond the Tribe. Each fall, the Nisqually people give away thousands of pounds of returning adult salmon to our neighbors, which include military families stationed at JBLM, veterans, and members of the surrounding community. Approximately 2,000 people line up for that giveaway. That generosity is not an afterthought. It is an expression of who we are and of our belief that the river's abundance belongs to all who depend upon it.

The Problem: Ownership Without Accountability

The situation the Subcommittee is being asked to remedy is frankly an anomaly. One that has persisted far too long at the expense of the Nisqually people and the salmon we are trying to recover.

The U.S. Fish and Wildlife Service (“USFWS”) holds title to the hatchery buildings and associated facilities at Clear Creek. That is the entirety of the federal government's current involvement. USFWS provides no operational funding. It provides no maintenance funding. It provides no staff. Day-to-day operations, fish rearing, facility upkeep, and equipment repair all fall entirely on the Nisqually Tribe, funded from our own tribal resources.

For over twenty years, we have been maintaining a federal building at our own expense. Roofs, plumbing, mechanical systems, and water quality infrastructure all have been repaired and sustained by Nisqually tribal funds alone. And because USFWS holds title, we are legally barred from applying for federal grants through the Bureau of Indian Affairs to help cover those costs. We are, in effect, penalized for being responsible stewards of property that the federal government owns but declines to support.

The buildings are aging. The infrastructure needs significant investment. We have deferred repairs that we should not have had to defer. Every year that this ownership structure remains in place, the gap between what the facility needs and what we can afford to provide on our own grows wider. At stake is not just the hatchery itself, but the millions of salmon smolts it produces and the entire recovery program those smolts make possible.

What H.R. 7515 Does — and Why It Is the Right Solution

H.R. 7515 is a concise and carefully drafted piece of legislation. Section 1 directs the Secretary of the Interior, acting through the Director of the U.S. Fish and Wildlife Service, to convey to the Nisqually Indian Tribe all right, title, and interest of the United States in and to the covered infrastructure and to do so within 90 days of enactment, at no cost to the Tribe, and subject only to valid existing rights.

The bill's definition of "covered infrastructure" is specific and comprehensive. It encompasses the operational heart of the Clear Creek Hatchery as depicted on maps finalized in December 2024: five asphalt rearing ponds; two dams; a fish ladder; an incubation room; forebays, raceways, and pollution abatement ponds; three springs and five wells; a water tower; and associated pipes, electrical and communication conduits, security fencing, and roads across both the Upper and

Lower Sites. This is not a partial conveyance. It is a complete transfer of the physical infrastructure the Tribe has maintained and operated for over two decades.

The bill does not appropriate a single dollar of new federal spending. It does not create a new program or a new agency obligation. The Secretary is simply required to finalize maps and legal descriptions, make them publicly available through USFWS offices, and execute the conveyance. If there is a discrepancy between map and legal description, the map controls. Minor errors may be corrected by mutual agreement between the Secretary and the Tribe. The mechanism is straightforward and the timeline is reasonable.

Once title transfers, the impact will be immediate and significant. The Nisqually Tribe will be legally eligible to apply for BIA capital improvement funding; federal programs that currently bar us from applying precisely because we do not hold title to the structures we maintain. The Tribe will also be able to invest more of its own funds into the hatchery without the fear that the facilities would one day be recaptured by the federal government.

We can develop a capital improvement plan, address deferred maintenance, and make the long-term investments this facility needs to continue producing millions of salmon smolts each year. We note with appreciation that FWS Director Nesvik has expressed support for this transfer. That support reflects a shared recognition that the current arrangement serves no one well.

Treaty Obligations and the Federal Trust Responsibility

The Committee should understand that this transfer is not merely a matter of administrative tidiness. It is directly connected to the federal government's treaty and trust obligations to the Nisqually Indian Tribe.

The Treaty of Medicine Creek guaranteed the Nisqually people the right to take fish at our usual and accustomed grounds in common with citizens of the territory. The federal courts have interpreted that right to mean a meaningful opportunity to harvest fish and not a theoretical entitlement rendered hollow by conditions that make harvest impossible. The Clear Creek Hatchery is how the Nisqually Tribe ensures that the Nisqually River can actually support a harvestable salmon population. To allow the hatchery to deteriorate for want of a title transfer that costs the federal government nothing is to allow treaty rights to erode by bureaucratic inaction.

We ask this Committee, and the full Congress, to see this bill for what it is: an act of treaty fulfillment. The federal government made a promise to the Nisqually people 172 years ago. Passing this legislation is one concrete step toward keeping it.

Conclusion

The Nisqually Tribe has done everything right. We built a salmon recovery program that works. We operate one of the most productive hatcheries in Puget Sound. We give our harvest to our neighbors. We invest our own resources in a federal facility for twenty-plus years without complaint. We are not asking for anything we have not already earned.

We ask only that the title to the Clear Creek Hatchery buildings be transferred to the Tribe that built its program around them, that operates them every single day, and that depends on them to fulfill a treaty promise that predates the State of Washington itself.

On behalf of the Nisqually Indian Tribe, I respectfully urge the Committee to report H.R. 7515 favorably and to advance it to the full House without delay. The salmon will not wait. Our people have waited long enough.

Thank you, Chair Hageman, Ranking Member Hoyle, and members of the Subcommittee. I welcome your questions.