



Northwest Indian Fisheries Commission

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**TESTIMONY OF ED JOHNSTONE, TREASURER
NORTHWEST INDIAN FISHERIES COMMISSION
BEFORE THE HOUSE OF REPRESENTATIVES APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
ON THE FISCAL YEAR 2019 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS,
FISH & WILDLIFE SERVICE AND ENVIRONMENTAL PROTECTION AGENCY**

May 9, 2018

Chairman Calvert, Ranking Member McCollum, and Honorable Members of the Subcommittee, for the record my name is Ed Johnstone and I am Treasurer of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is comprised of the twenty tribes that are party to *United States v. Washington*¹ (*U.S. v. WA*), 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 natural resources management and environmental program funding requests for the Bureau of Indian Affairs (BIA), Fish & Wildlife Service (FWS) and Environmental Protection Agency (EPA) Fiscal Year 2019 appropriations. These programs support the natural resource 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 (FY19) 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 \$3.207 million for Washington State Timber-Fish-Wildlife
 - Provide \$5.2 million for U.S./Canada Pacific Salmon Treaty
 - Provide \$2.4 million for Salmon Marking
 - Provide \$4.5 million for Evaluation and Research Activities – Climate
- Provide \$10.378 million for Fish, Wildlife & Parks Projects for Hatchery Operations and Maintenance
- Provide \$830,000 for the Salmon and Steelhead Habitat Inventory and Assessment Program within the Tribal Management/Development Program Subactivity
- Provide \$273.0 million for Contract Support Costs
- Provide \$30.355 million for Cooperative Landscape Conservation/Climate Resilience

Fish & Wildlife Service

- Provide \$8.0 million for Tribal Wildlife Grants

Environmental Protection Agency

- Provide \$96.4 million for General Assistance Program
- Provide \$5.0 million for “Beyond GAP”
- Provide \$28.0 million for Puget Sound Geographic Program

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

JUSTIFICATION OF REQUESTS

Bureau of Indian Affairs

- **Provide \$56.5 million for BIA 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 to support essential tribal treaty-reserved resource 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; \$16.339 million above the FY18 enacted level of \$40.161 million. A summary of the accounts of interest to us within RPI is further identified below. However, please note that a breakdown of these accounts for FY18 is not provided in the Indian Affairs FY19 Budget Justification.

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

We respectfully request \$17.146 million; an increase of \$7.142 million over the FY17 enacted level of \$10.004 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 \$3.207 million for BIA Washington State Timber-Fish-Wildlife (TFW)**

We respectfully request \$3.207 million, which would maintain the FY17 enacted level. 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 process between the state, industry and tribes.

- **Provide \$5.2 million for BIA U.S./Canada Pacific Salmon Treaty**

We respectfully request \$5.2 million; an increase of \$183,000 over the FY17 enacted level of \$5.017 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 \$1.148 million over the FY17 enacted level of \$1.252 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 Evaluation and Research Activities – Climate**

We respectfully request \$4.5 million for Evaluation and Research Activities – Climate for our member tribes. The FY17 total enacted level for both Great Lakes and Northwest tribes was only \$2.0 million dollars. FY16 provided a much larger total for Great Lakes and Northwest tribes at \$5.442 million, of which our member tribes received \$2.382 million. However, even at FY16 funding levels our allocation was \$2.118 million below identified needs. Funding for this program will provide tribes the capacity to identify, respond and adapt to the impacts of our changing climate.

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

We respectfully request \$10.378 million specifically for Hatchery Operations and Maintenance within the Fish, Wildlife and Parks Projects account; an increase of \$453,000 over the \$9.925 million provided for these programs in FY17. 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 habitat degradation has greatly diminished natural spawning populations. As such, hatcheries 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 rebuilding Pacific salmon stocks listed under the Endangered Species Act. Funding for Fish Hatchery Maintenance is provided to tribes nationwide based on the ranking of annual project proposals.

- **Provide \$830,000 for BIA Salmon and Steelhead Habitat Inventory and Assessment Program (SSHIAP) (within the Tribal Management and Development Subactivity)**

We respectfully request \$830,000; \$475,000 above the amount specified in the FY18 omnibus to be transferred from the Forestry Program to the Tribal Management/Development Program to support SSHIAP. SSHIAP is a vital program to the western Washington tribes because it provides essential environmental data management, analysis, sharing and reporting to support tribal natural and treaty-reserved resource management. It also supports our tribes' ability to adequately participate in watershed resource assessments and salmon recovery work.

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

We respectfully request \$273.0 million; an increase of \$37.0 million above the FY18 enacted level. We also support the reclassification of Contract Support Costs (CSC) as mandatory funding. 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/ Climate Resilience**

We respectfully request \$30.355 million; an increase of \$20.399 million over the FY18 enacted levels 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.

Fish & Wildlife Service

- **Provide \$8.0 million for FWS Tribal Wildlife Grants**

We respectfully request \$8.0 million for the nationwide Tribal Wildlife Grants program; an increase of \$3.791 million over the FY18 enacted of \$4.209 million. Funding from this competitive grant program is used to develop and implement programs for the conservation of wildlife and their habitat, including species of Native American cultural or traditional importance. These grants are often critical to conservation programs that work to avoid ESA listing.

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 FY18 enacted level of \$65.476 million. We also respectfully request accompanying bill or report language that would improve flexibility in the GAP to ensure individual tribal priorities and implementation activities would be eligible. The GAP builds tribal program capacity to begin to address environmental issues such as water pollution, which impacts tribal health, safety, and treaty-reserved resources. However, GAP does not support tribes to implement those programs.

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

We respectfully request \$5.0 million for a regional pilot project known as “Beyond GAP” for the 29 tribes in Washington. GAP and media-specific EPA grant programs do not fully support tribes to develop, operate and implement essential environmental programs necessary to protect their rights, resources, lands and health. This request advances a longstanding EPA/tribal partnership by moving beyond mere tribal capacity building to promoting tribal programs capable of implementing a broad range of management activities. At the national scale, increases in tribal allocations for EPA Clean Water Act §104, §106 and §319, and Clean Air Act §103 and §105 programs to allow for media-specific implementation priorities is also necessary.

- **Provide \$28.0 million for EPA Puget Sound Geographic Program**

We respectfully request \$28.0 million, which would maintain the FY18 enacted level. 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.

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.