



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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TESTIMONY OF
Jaime A. Pinkham, Executive Director
Columbia River Inter-Tribal Fish Commission
Regarding the Bureau of Indian Affairs Fiscal Year 2020 Budget
Appropriations Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives
March 6, 2019

Madam Chair and members of the subcommittee, the Columbia River Inter-Tribal Fish Commission (CRITFC) is pleased to share its view on the Department of Interior, Bureau of Indian Affairs' (BIA) FY2020 budget. We have specifically identified the following funding needs and one request for review:

- 1) **\$10.2 million for Columbia River Fisheries Management under Rights Protection Implementation**, (\$5.5 million above current level), to meet the base program funding needs of the Commission and the fisheries programs of our member tribes;
- 2) **\$5.2 million for U.S./Canada Pacific Salmon Treaty under Rights Protection Implementation**, (\$757K above current level) to implement obligations under the recent agreements adopted by the U.S. and Canada;
- 3) **\$8.0 million for Tribal Climate Resilience under Rights Protection Implementation** for treaty based climate change adaptation and planning (\$6 million above current level);
- 4) **\$966K within Public Safety and Justice, Columbia River** to support full enforcement of federal laws at In-Lieu and Treaty Fishing Access Sites on the Columbia River; and
- 5) **\$28.0 Million for a one-time investment in a new program within Tribal Management & Development Programs – Columbia River Treaty Fishing Sites Operations and Maintenance** - to support work at the 31 In-lieu and Treaty Fishing Access sites through 2045.

History and Background: CRITFC was founded in 1977 by the four Columbia River treaty tribes: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe. CRITFC provides coordination and technical assistance to these tribes in regional, national and international efforts to protect and restore our shared salmon resource and the habitat upon which it depends. Our collective ancestral homeland covers nearly one-third of the entire Columbia River Basin in the United States, an area the size of the State of Georgia.

In 1855, the U.S. entered into treaties with the four tribes¹ whereupon we ceded millions of acres of our homelands. In return, the U.S. pledged to honor our ancestral rights, including the right to fish in all Usual and Accustomed locations. Unfortunately, a perilous history brought the salmon resource to the edge of extinction with 12 salmon and steelhead populations in the Columbia Basin listed under the Endangered Species Act (ESA).

¹ Treaty with the Yakama Nation, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957

The CRITFC tribes are now globally-recognized leaders in fisheries restoration and management. We are principals in the region's efforts to halt the decline of salmon, lamprey and sturgeon populations and rebuild them to levels that support ceremonial, subsistence and commercial harvests. Columbia River fish stocks form the core of high value fisheries from the interior West to Southeast Alaska valued in the hundreds of millions of dollars. To achieve these objectives, our actions emphasize 'gravel-to-gravel' management including supplementation of natural stocks, healthy watersheds and collaboration with state, federal and private entities.

Columbia River Fisheries Management within Rights Protection Implementation: Salmon, returning in the greatest numbers since federal dam construction, tell us we're succeeding. But with success management increases in complexity requiring greater data collection and enforcement. Funding shortfalls are prohibiting the achievement of tribal self-determination goals for fisheries management, ESA recovery efforts, protecting non-listed species, conservation enforcement, harvest monitoring and treaty fishing access site maintenance.

The BIA's Columbia River Fisheries Management budget supports the core fishery program efforts of CRITFC and our member tribes which span across three time zones. We request an increase of \$5.5 million over current levels for a new program base of \$10.2 million. This increase will prioritize support for enforcement, harvest monitoring, implementation of our four primary agreements including negotiations to modernize the Columbia River Treaty.

CRITFC and our member tribes are principal implementers of actions laid out in three landmark agreements: 1) the recently extended Columbia Basin Fish Accords with federal action agencies overseeing the federal hydro system in the Columbia Basin², 2) a new 10-Year Fisheries Management Plan with federal, tribal and state parties under *U.S. v. Oregon*, and 3) a new Chinook Chapter of the Pacific Salmon Treaty³. These agreements establish regional and international commitments on harvest and fish production efforts, commitments to critical investments in habitat restoration, and resolving contentious issues by seeking balance of the many demands within the Columbia River basin. While the Tribes have committed to substantial on-the-ground projects through these agreements with some additional resources from the Bonneville Power Administration, the overall management responsibilities of the tribal programs have grown exponentially without commensurate increases in BIA base funding capacity. For example, the Congress recently enacted the Endangered Salmon Predation Control Act, P.L. 115-329, which recognizes that CRITFC and its member tribes assist the region in managing sea lion predation in the Columbia River. The tribes are also addressing unmet mitigation obligations such as fish losses associated with the John Day and The Dalles dams.

Rights Protection Implementation funding takes on even greater importance as funding for State co-management agencies has become inconsistent or decreased. Below are other priority need areas for CRITFC and our member tribes.

Workforce Development: CRITFC's Workforce Development Program helps prepare tribal members of all ages for jobs and careers in natural resources management by providing hands-on, culturally relevant experiences in Science, Technology, Engineering and Math (STEM). Since 2010, CRITFC has held a week-long Salmon Camp for middle school students in collaboration with our member tribes. In 2014, CRITFC began offering paid internship and

² The Nez Perce Tribe is not a Columbia Basin Fish Accord signatory

³ See *Salmon Win A Triple Crown* at http://www.critfc.org/text/wana_109.pdf

research experiences for college students interested in fisheries and natural resources when funding was available. CRITFC strives to build a tribal workforce pool of respected and skilled Native American scientists, policy analysts, technicians and managers that serve the tribes' fisheries and natural resource management program needs.

Columbia River Treaty Modernization: The Treaty reserved rights of CRITFC's member tribes, as well as management authorities and responsibilities, are substantially affected by the Columbia River Treaty. While the Columbia River Treaty is evergreen and continues to provide benefits to both the U.S. and Canada through coordinated flood risk management and hydropower production the Regional Recommendation urges modernization by incorporating Ecosystem Function as a third primary purpose of the treaty. This necessary amendment would enhance the Columbia River Treaty to provide built-in principles in a pro-active, comprehensive manner rather than reacting in a piece meal approach to individual salmon listings under the Endangered Species Act. Rights Protection Funds can allow the Columbia Basin tribes to continue collaborating with the states, federal agencies and regional stakeholders to provide technical analyses in support of the negotiations with Canada being led by the State Department.

U.S./Canada Pacific Salmon Treaty under Rights Protection Implementation: The U.S. and Canada forged the Pacific Salmon Treaty in 1985 to conserve and rebuild salmon stocks, provide for optimum production, and control salmon interceptions. The treaty established the Pacific Salmon Commission (PSC) as a forum to collaborate on intermingled salmon stocks. The U.S. Section of the PSC annually develops a coordinated budget for tribal, state and federal programs to ensure cost and program efficiencies. The 2008 agreement, which expired at the end of 2018, represented a step forward in ensuring the conservation and rebuilding of the shared salmon resource. The Parties recently completed revisions to the 2008 agreement. The revised agreement, which builds on past efforts, is in the process of final diplomatic approval and will last through 2028. The revised agreement carries additional data requirement to implement.

For tribal participants in the Pacific Salmon Treaty, the U.S. Section has identified a program need of \$5.2 million for the twenty-five participating tribes to implement the revised agreement. These funds provide for direct tribal participation with the Commission, panels and technical committees. This funding maintains tribal resource assessment and research programs structured to fulfill required Treaty implementation activities, which protect trust resources. Our FY2020 recommended level for this program is an increase of \$757,000 above the FY 2018 level and correlates to the U.S. Section's recommendation.

Tribal Climate Resilience under Rights Protection Implementation: The Columbia River Treaty Tribes are feeling the effects of climate change now. Our First Foods are being affected including shifts in salmon run timing and berry and root ripening cycles. In 2015, climate-related stress in the form of historic forest fires and the loss of up to 400,000 sockeye salmon due to elevated water temperatures are just a few concrete examples of the climate crisis impacts and why there needs to be continued funding to help the tribes collaborate with public, private and the non-profit sector to develop adaptation strategies to protect species at risk.

Public Safety and Justice, Criminal Investigations and Police Services: Public safety continues to be a high priority for CRITFC and our tribes. Our conservation and criminal enforcement officers are the cornerstone of public safety in the popular and heavily used Columbia Gorge area patrolling 150 miles of the Columbia River, including its shorelines in Oregon and Washington. In this area we are the primary provider of enforcement services at 31

fishing access sites developed pursuant to P.L. 87-14 and P.L. 100-581 for use by treaty fishers. CRITFC's officers possess BIA Special Law Enforcement Commissions to enhance protection and service to tribal members and federal trust properties along the Columbia River. CRITFC entered into a P.L. 93-638 contract with BIA in February 2011 for enforcement services along the Columbia River. That contract currently provides funding for two enforcement positions.

Our immediate priority is to add two patrol officers, one sergeant, one investigator and one dispatcher. Full funding for this enforcement need is \$966,000 which would support a total of four officers, one sergeant, an investigator and a dispatcher.

New Program— Columbia River Treaty Fishing Sites Operations and Maintenance: Long term reliability of Operations and Maintenance funding for the 31 federally owned In-lieu and Treaty Fishing Access sites is in jeopardy. A fund to provide long-term O&M was envisioned under an MOU between the U.S. Army Corps of Engineers and BIA. However, the fund will exhaust in 2022, a full twenty-three years short of its projected life due to delayed capitalization, erosion of principle and poor market conditions. We recommend three actions to provide stability for the sites. First, the BIA should place all 31 Treaty Fishing Access Sites on the federal property management inventory system to aid annual operations and maintenance funding; Second, the BIA should provide an analysis of the site's needs requested by Congress since 2016; Third, we recommend a one-year, one-time investment of \$28 million to recapitalize the BIA's O&M fund. This recapitalization will ensure O&M functions through 2045.

A Request for Review of Salmon Mass-Marking Programs: CRITFC aspires to a unified hatchery strategy among tribal, federal and state co-managers. To that end, we structure hatchery programs using the best available science, regional expertise. A Congressional requirement to visibly mark all salmon produced in federally funded hatcheries circumvents local decision-making and should be evaluated. We request that federal mass-marking requirements, and correlated funding, be evaluated for compatibility with ESA delisting objectives and with prevailing laws and agreements: *U.S. v. Oregon*, Pacific Salmon Treaty and the Columbia Basin Fish Accords. Salmon managers should be provided the latitude to make localized, case-by-case decisions whether to mark fish and, if so, in the appropriate percentages.

In summary, we are proven natural resource leaders. Our activities benefit the region while also essential to the U.S. obligation under treaties, federal trust responsibility, federal statutes, and court orders. We ask for your continued support of our efforts. We are prepared to provide additional information you may require on the Department of Interior's BIA budget.

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