



LUMMI INDIAN BUSINESS COUNCIL

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**Testimony of the Honorable Clifford A. Cultee, Chairman
Lummi Nation
FY 2012 Appropriations for the
United States Department of Commerce
Before the
House Appropriations Subcommittee on Commerce, Justice, Science
And Related Agencies**

Good morning to the distinguished Committee Members. Thank you for this opportunity. I am honored to present the appropriations request of the Lummi Nation for fiscal year 2012 to the Department of Commerce. Today I am presenting a long-term, strategic plan described in a sustainable set of coordinated proposals to address the prolonged economic and cultural disaster and the suffering of our people. This strategy is a comprehensive approach combining habitat restoration, environmental monitoring and assessment, with Lummi Hatchery infrastructure improvements.

Lummi Nation Specific Total Request is: \$11,650,000

This funding is being requested under the 1855 Treaty of Point Elliot, Secretarial Order No. 3206, entitled “American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act (ESA), and Section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act.

Lummi Nation 2012 Budget Requests

+ \$750,000 *Monitoring and Assessment Program to include:*

- *Habitat restoration program support*
- *Environmental and fisheries monitoring program*
- *Lummi Natural Resources Department policy staff support*

+ \$10.9 million - *Salmon/Shellfish Hatcheries*

- *\$6,716,000 Lummi Bay and Skookum Hatchery Improvements*
- *\$4,184,000 Lummi Shellfish Hatchery Improvements*

Regional Requests

The Lummi Nation supports the FY 2012 Requests of the Northwest Indian Fisheries Commission

National Requests

The Lummi Nation supports the FY 2012 Requests of the National Congress of American Indians

Justification of Requests - Lummi Nation Specific Total Request is: \$11,650,000

+ \$750,000 Monitoring and Assessment Program

+ \$10.9 Million for Lummi Hatchery Infrastructure- Stock Re-Building Program

The Lummi Nation requests funding to support this strategic plan to eliminate the Tribe's dependence upon the Fraser River Sockeye salmon stock and to account for lost fishing opportunities imposed by the ESA. The Lummi Nation appropriation requests represent an investment in a sustainable strategy to maintain a future moderate living for fishermen as guaranteed by the treaty 1855 Point Elliot Treaty, affirmed by the U.S. Supreme Court (1979).

The Lummi Nation currently operates two salmon hatcheries and one shellfish hatchery that support tribal and non-tribal fisheries in the region. Lummi Nation hatcheries were originally constructed utilizing Department of Commerce funding received from 1969-1971. Since that time Hatchery operations and maintenance funding from the Bureau of Indian Affairs has been used. At the time of construction, those hatcheries were cutting edge.

Original Hatchery infrastructure needs to be repaired, replaced or completely modernized. Lummi Nation fish biologists estimate that these facilities are now operating at 40% of their productive capacity. Through the operation of these hatcheries, the Tribe annually produces 1 million fall Chinook salmon, 2 million Coho salmon, and 6.5 million shellfish seed and 300,000 pounds of clams. These production numbers simply do not provide the fishing opportunity and associated economic benefits necessary to offset the financial loss caused by the Sockeye Salmon Fisheries Disaster. To provide sufficient salmon stock resources and shellfish harvest opportunities on an annual basis to the Lummi Fishing Fleet, the hatchery operations and associated infrastructure require rehabilitation.

The hatchery infrastructure improvement plan represents an investment that increases the immediate annual return and is a long-term sustainable activity.

Detailed Hatchery line-itemized descriptions are listed below:

- 1. Lummi Nation Skookum Creek Hatchery - \$725,000**
 - a. \$725,000 New Raceways** – Replace originally constructed infrastructure that is deteriorating and falling apart.

- 2. Lummi Bay Hatchery - \$5,991,000**
 - a. \$5,536,000 Nooksack River Pump Station** – The project will increase annual production by 300% by providing additional water to the hatchery. The major limiting factor to production at this facility is lack of freshwater. This project will ensure adequate water supply to achieve needed production levels.
 - b. \$455,000 Rearing Pond Improvements**
Repair and pave juvenile rearing pond and restructure adult ladder and attraction complex.

3. **Lummi Shellfish Hatchery -\$4,184,000**

- a. **\$484,000 Improvements at Shellfish Hatchery** - Repair and expand current facility to increase seed production by improving heating & cooling systems, live feed production, and growout tank space
- b. **\$2,400,000 Build a Geoduck-Specific Hatchery** - The current facility could then be dedicated to oyster and manila clam production. Increased seed production will increase enhancement activities on Lummi tidelands to create jobs for tribal harvesters and support the West Coast shellfish industry and associated businesses.
- c. **\$1,300,000 Repair the Seapond Tidegates** – Improving circulation within the Lummi Bay Seapond will improve production at both the shellfish and Lummi Bay salmon hatcheries and production of manila clams in the seapond.

Background Information

The Lummi Nation is located on the northern coast of Washington State, and is the third largest Tribe in the State, serving a population of over 5,200 people. The Lummi Nation is a fishing Nation. We have drawn our physical and spiritual subsistence from the rivers, marine tidelands, and marine waters since time immemorial. Lummi has rights guaranteed by the 1855 Treaty of Point Elliot to harvest fish, shellfish, and game in our Usual and Accustomed area. The Boldt decision of 1974 re-affirmed that right, and designated Lummi as a co-manager of a once abundant salmon fishery. Now, the abundance of wild salmon is gone. In 1985, the Lummi fishing Fleet landed more than 15 million pounds of finfish and shellfish. In 2001, the combined harvest was approximately 3.9 million pounds. The remaining salmon stocks do not support tribal fisheries, and the Nation is suffering both spiritually and economically.

In 1973, the Endangered Species Act (ESA) was passed. The ESA should have resulted in improved salmon habitat and more resources for salmon habitat restoration, but the ESA has become a “double-edged sword”. Today, the ESA has impacted Tribal hatchery production and Tribal harvests for commercial, subsistence, and ceremonial purposes. Tribal dependence on salmon and the timing of economic development results in Tribal members and Tribal governments bearing a disproportionate burden for the conservation of listed species. Lummi Treaty fishers are directly impacted by the listing of Puget Sound Chinook, Bull trout, and Puget Sound steelhead. Secretarial Order 3206, entitled “American Indian Tribal rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act”, specifically states that “...the Departments will carry out their responsibilities in a manner that... strives to ensure that Indian Tribes do not bear a disproportionate burden for the conservation of listed species...”. The Lummi Nation is actively engaged in recovering listed salmon species in our watershed, restoring critical habitat, and monitoring listed population to determine which factors adversely affect those populations and other critical but non-listed species. The Lummi Nation cannot, however, continue to recover salmon and maintain our way of life without appropriations from the Federal Government.

Continuous Sockeye Fisheries Disaster Declaration

In 2008, the Department of Commerce reissued the sockeye fishery disaster declaration in a statement contained in a letter to Lummi Nation, (see letter from Secretary Department of Commerce, November 3, 2001). The declaration conforms with the findings of the Congressional Research Services – “CRS Report to Congress, Commercial Fishery Disaster Assistance, (RL-34209). For more information, see CRS Report RS21312, by Eugene H.Buck.

In 2010, the Fraser river sockeye salmon run was the largest is recorded history. After years of sitting on the beach, the Lummi sockeye fleet was able to harvest sockeye salmon again. One good year, however, does not make up for the previous years of continuous fisheries disasters and associated loss of financial and cultural benefits. To account for the lack of a consistent sockeye salmon fishery and to make up for the lost fishing opportunity attributed to habitat degradation and subsequent salmon population crashes, the Lummi Nation plans to bolster both finfish and shellfish production from its facilities.

Hatcheries ensure future salmon stock populations large enough to support our families and our way of life, until such time as the habitat is able to sustain harvestable levels of salmon. The Lummi Nation recognizes that hatcheries alone will not restore salmon stocks to historical levels. The Lummi Natural Resources Department allocates a substantial amount of time, effort, and funding to improving and monitoring freshwater habitat, managing and monitoring Tribal harvest activities, and is intent upon restoring ecosystem function in the Nooksack River Basin.

By improving hatchery production of shellfish, chum salmon, coho salmon, and Chinook salmon, the Lummi Nation will create a reliable backup resource to salmon fishers; decreasing Tribal dependence on the sockeye fishery. Additionally, we seek to raise the value of these harvests through advanced marketing, the introduction of a fisher’s market and shellfish growout operations for shellfish products.

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On behalf of the Lummi Nation, Hy’shqe.