



Northwest Indian Fisheries Commission

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**ORAL TESTIMONY BEFORE THE
HOUSE COMMERCE, JUSTICE, SCIENCE AND RELATED AGENCIES
APPROPRIATIONS SUBCOMMITTEE
ON THE FY 2010 BUDGET FOR THE DEPARTMENT OF COMMERCE
BY BILLY FRANK, JR., CHAIRMAN
THE NORTHWEST INDIAN FISHERIES COMMISSION
April 2, 2009**

Thank you for the opportunity to appear before this Committee and provide oral testimony on the Department of Commerce FY 2010 appropriations. My name is Billy Frank, and I am the Chairman of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is made up of the twenty tribes party to the *United States vs. Washington* litigation. The NWIFC supports an increase in funding for both the NOAA Fisheries and the NOAA-National Ocean Service (NOS) budgets. These budgets, while only sketchy at the moment, should be strong and robust and support key federal and state partnerships with the twenty (20) Treaty Indian Tribes in Western Washington.

SUMMARY OF FY 2010 APPROPRIATIONS REQUEST

NWIFC Specific Requests:

- \$110 Million for the Pacific Coastal Salmon Recovery Fund with a \$14 million allocation for the twenty (20) affected Treaty Tribes and the Northwest Indian Fisheries Commission in Western Washington for their management responsibilities (NOAA/National Marine Fisheries)**
- \$3.17 million for the Tribal Ocean Ecosystem Initiative (NOAA/National Ocean Service)**
- \$67 million for Pacific Salmon Treaty Chinook Annex (NOAA/National Fisheries Service)**

Justification of Requests:

\$110 Million for the Pacific Coastal Salmon Recovery Fund with a \$14 million allocation for the twenty (20) affected Treaty Tribes in Western Washington and the Northwest Indian Fisheries Commission

The Pacific Coastal Salmon Recovery Fund (PCSRF) is a multi-state, multi-tribe program established by Congress in FY-2000 with a primary goal to help recover wild salmon throughout the Pacific Northwest and Alaska. The PCSRF seeks to aid the conservation, restoration and sustainability of Pacific salmon and their habitats by financially supporting and leveraging local

and regional efforts. Recognizing the need for flexibility among tribes and the states to respond to salmon recovery priorities in their watersheds, Congress earmarked the funds for salmon habitat restoration, salmon stock enhancement, salmon research, and implementation of the 1999 Pacific Salmon Treaty Agreement, as well as related agreements. PCSRF is making a significant contribution to the recovery of wild salmon throughout the region.

The tribes' overall goal in the PCSRF program is to restore wild salmon populations. The key tribal objective for use of these funds is to restore and protect important habitat that promotes the recovery of ESA listed Puget Sound Chinook, Hood Canal Summer chum, Puget Sound steelhead, Lake Ozette sockeye, and other salmon populations in the Puget Sound and Washington Coast. These species are essential for western Washington tribes to exercise their treaty-reserved fishing rights consistent with *U.S. vs. Washington* and *Hoh vs. Baldrige*. These funds will also support policy and technical capacities within tribal resource management departments to plan, implement, and monitor recovery activities.

Since the program's inception our member tribes have used PCSRF monies for a wide variety of fish habitat improvement projects, including the removal of fish passage barriers, the opening of stream access, the restoration and protection of instream and estuarine habitat. Equally important, the tribes have used these funds to support the scientific salmon recovery approach that makes this program so unique and important. Related to this scientific approach has been the tribal leadership effort that developed and has been implementing the ESA-listed Puget Sound Chinook recently approved by NOAA.

Unfortunately, the PCSRF monies have decreased over the past few years from the original amount of \$110 million that was appropriated in 2002. While in FY-2009, we saw an \$80 million appropriation which was a modest increase from the previous fiscal year, we remain concerned about this program funding level as the past Administration sought to decrease funding to \$35 million. The tribes originally were slated to receive 10% of the overall amount, but with the declining base, the tribal amount has dwindled precipitously. Restoration of these monies to the \$110 million level will support the original intent of Congress and enable the federal government to fill its obligations to salmon recovery and the tribes.

\$ 3.17 million for Tribal Ocean Ecosystem Initiative from the National Ocean Service

The Hoh River Tribe, Makah Tribe, Quileute Tribe, and the Quinault Indian Nation have deep connections to the marine resources off the coast of Washington. They have pioneered cooperative partnerships with the state of Washington and the federal government in an effort to advance the management practices in the coastal waters. However, to be an effective partnership, the Tribes and their partners need additional funding. These requests are as follows:

Intergovernmental Policy Council (IPC) \$1.10 million

The four tribes, the state of Washington and NOAA National Ocean Service, through the Marine Sanctuary Program, have formed the Intergovernmental Policy Council (IPC) which is intended to strengthen management partnerships through coordination and focus of work efforts. Through this partnership, the entities hope to maximize resource protection and management, while respecting existing jurisdictional and management authorities. While the IPC has received some funding from the Marine Sanctuary

Program, the current funding does not provide for full participation in activities that will build the partnerships necessary to coordinate management and research activities within the Olympic Coast National Marine Sanctuary.

For the IPC to continue to expand its capacity for program operations through technical staff participation and development of collaborative research efforts, a long-term program funding source is needed. The parties need \$1.10 million in FY-2010 to support their IPC efforts to transition into an ocean ecosystem-based management system. A forum and coordinating body such as the IPC will need the capacity to collect and organize information that will propel discussions and recommendations into decisions and actions.

Rockfish Assessment and Habitat Mapping \$2.07 million

The Hoh River Tribe, Makah Tribe, Quileute Tribe, Quinault Indian Nation and the state of Washington hope to conduct a five-year ocean monitoring and research initiative to support and transition into an ecosystem-based management of rockfish. The proposal would augment the existing NOAA Northwest Science Center trawl survey data with additional state and tribal survey data from areas currently not sampled on the continental shelf and slope. It would also expand the existing groundfish port sampling program for the region. Both of these data sources are essential to evaluate stock status and abundance. Finally, it would accomplish a comprehensive assessment of the coastal ecosystem and its associated species groups.

Effective management of the ocean ecosystem and its associated resources requires the development of baseline information against which changes can be measured. This initiative will expand on and complement existing physical and biological databases to enhance ecosystem-based management capabilities. In turn, this will support ongoing efforts by the state and tribes to become more actively engaged in the management of offshore fishery resources.

Effective conservation actions for rockfish and other groundfish species will depend on accurate knowledge and distribution of sea-floor habitat types and species found within the region. The establishment of this finer-scale biological database is an essential step toward improving the region's forecasting capability of stock status and abundance.

The economic value associated with effective marine resource protection is huge. Not only are marine areas crucial for our natural resources and those that use them; they are bridges of commerce between nations and continents. Healthy oceans are essential if we value stable climates that will sustain our economies and our lives. Tribes must be partners in the efforts to research, clean up and restore the environs necessary to deal with identified problems.

\$67 Million for the Pacific Salmon Treaty Chinook Annex

Adult salmon returning to most western Washington streams migrate through both U.S. and Canadian waters and are harvested by fishers from both countries. For years, there were no restrictions on the interception of returning salmon by fishers of neighboring countries.

In 1985, after two decades of discussions, the Pacific Salmon Treaty (PST) was created through the cooperative efforts of the tribes, state governments, U.S. and Canadian governments, and sport and commercial fishing interests. The Pacific Salmon Commission (PSC) was created by the United States and Canada to implement the treaty, which was updated in 1999, and most recently in 2008.

The most recent update of the treaty gave additional protection to weak runs of Chinook salmon returning to Puget Sound Rivers. The update also provides compensation to Canadian and Alaskan fishers for lost fishing opportunities, while also funding habitat restoration throughout the region.

The PSC establishes fishery regimes, develops management recommendations, assesses each country's performance and compliance with the treaty, and is the countries forum to reach agreement on mutual fisheries issues. As co-managers of the fishery resources in western Washington, the tribes' participation in implementing the PST is critical to achieve the goals of the treaty to protect, share and restore salmon resources. In addition to serving on the policy level at PSC, tribal representatives participate on the many committee and work groups that provide technical support to implement the treaty.

The PSC partners are requesting \$67 million to implement the 2008 Pacific Salmon Treaty Chinook Annex. These funds will be used for fishermen adjustments, coded wire tagging and analysis, and watershed specific habitat restoration projects.

BACKGROUND

When our tribal ancestors signed treaties, ceding millions of acres of land to the United States government, they reserved fishing, hunting and gathering rights in all traditional areas. These constitutionally-protected treaties, the federal trust responsibility and extensive case law, including the U.S. vs. Washington decision (1974), all consistently support the role of tribes as natural resource managers, both on and off reservation. In Washington State, these provisions have developed into a generally successful co-management process between the federal, state and tribal governments. These arrangements have helped us deal with many problems, but still require additional support to meet the many new challenges such as air and water pollution, climate change, and energy development.

However, over the past eight years, the federal government has not fully supported key natural resource management programs. There is no question that this jeopardizes the bond of trust between our governments. It also jeopardizes management programs and infrastructure critically important to co-management and to the health and vitality of natural resources, and the tribal and non-tribal people they sustain. The timing of funding cuts could not be worse. We are facing many environmental and natural resource management challenges in the Pacific Northwest, caused by human population expansion and urban sprawl, increased pollution problems ranging from storm water runoff to de-oxygenated or "dead" areas in the Hood Canal, parts of Puget Sound and in the Pacific Ocean. The pathway to the future is clear to us. The federal, state and

tribal governments must strengthen our bond and move forward, together, with the determination and vigor it will take to preserve our heritage. Together, we must focus on the needs of our children, with an eye on the lessons of the past.

OUR MESSAGE

Our message to you now is that achieving such objectives requires adequate funding. The tribes strive to implement their co-management authority and responsibility through cooperative and collaborative relationships with the state and local communities. We constantly seek ways to restore and manage these precious natural resources in a manner that can be supported by all who live in this area. The work the tribes do benefits all the citizens of the state of Washington, the region and the nation. But the increasing challenges I have described and the growing demand for our participation in natural resource/environmental management requires increased investments of time, energy and funding. Restoring and protecting these natural resources is essential to the economy and the quality of life that is so valued by those who live in the Northwest.

We are sensitive to the budget challenges that Congress faces. Still, we urge you to increase the allocation and appropriations for priority ecosystem management initiatives. The need for an ecosystem-based management approach for Washington's marine waters have come into sharp focus in recent years with major studies by the U.S. Commission on Ocean Policy and the Pew Charitable Trust. For the sake of sustainable health, economies and the natural heritage of this resource, it is critically important for Congress and the federal government to do even more to coordinate their efforts with state and tribal governments.

As frequently attributed to Chief Seattle (Sealth), tribes believe all things are connected. That is why we believe only through a holistic ecosystem management approach can we find success in achieving a healthy environment and robust natural resources which requires adequate funding.

CONCLUSION

Clearly, western Washington tribes are leaders in the Northwest salmon recovery effort. The tribes possess the legal authority, technical and policy expertise, and effective programs to address impacts on wild salmon from harvest and hatcheries.

The tribes are strategically located in each of the major watersheds, and no other group of people is more knowledgeable about the natural resources than the tribes. No one else so deeply depends on the resource for their cultural, spiritual and economic survival. Tribes seize every opportunity to coordinate with other governments, and non-governmental entities, to avoid duplication, maximize positive impacts, and emphasize the application of holistic ecosystem management. We continue to participate in resource recovery and habitat restoration on an equal level with the state of Washington and the federal government because we understand the great value of such cooperation.

We ask that Congress help us in our efforts to protect and restore our great natural heritage and support our funding requests. Thank you.