



Northwest Indian Fisheries Commission

**TESTIMONY OF ED JOHNSTONE, TREASURER FOR
NORTHWEST INDIAN FISHERIES COMMISSION
BEFORE THE HOUSE OF REPRESENTATIVES APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
ON THE FISCAL YEAR 2021 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS,
FISH & WILDLIFE SERVICE AND ENVIRONMENTAL PROTECTION AGENCY**

February 11, 2020

Chair McCollum, Ranking Member Joyce, 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 in western Washington that are party to *United States v. Washington*, which upheld the tribes' treaty-reserved right to harvest and manage 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 2021 appropriations. These programs support tribes to carry out their natural resource management responsibilities including the management of Pacific salmon fisheries, which contribute to a robust natural resource-based economy and the continued exercise of tribal treaty rights.

SUMMARY OF FISCAL YEAR 2021 (FY21) APPROPRIATIONS REQUESTS

Bureau of Indian Affairs

- Provide \$58.4 million for Rights Protection Implementation (collective request)
 - Provide \$17.146 million for Western Washington Fisheries Management
 - Provide \$3.423 million for Washington State Timber-Fish-Wildlife
 - Provide \$6.255 million for U.S./Canada Pacific Salmon Treaty
 - Provide \$3.4 million for Salmon Marking
 - Provide \$4.5 million for Climate Change
- Provide \$15.0 million for Fish, Wildlife & Parks Projects (non-TPA)
- Provide \$953,000 for the Salmon and Steelhead Habitat Inventory and Assessment Program within the Tribal Management/Development Program Subactivity
- Fully Fund Contract Support Costs
- Provide \$2.0 million for Western Washington Treaty Tribes' Wildlife Management
- Provide \$30.355 million for Tribal 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 \$50.0 million for Puget Sound Geographic Program

JUSTIFICATION OF REQUESTS

Bureau of Indian Affairs

- **Provide \$58.4 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 \$1.0 million for a salmon tagging and marking trailer, \$4.5 million for RPI Climate Change, plus increases to meet Pacific Salmon Treaty commitments, which brings our total request for RPI to \$58.4 million; \$16.657 million above the FY20 enacted level of \$41.743 million. A summary of the accounts of importance to us within RPI are further identified below. However, please note that a breakdown of these accounts for FY19 is not provided in the Indian Affairs FY20 Budget Justification and the FY21 Budget Justification is not yet available.

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

We respectfully request \$17.146 million; an increase of \$6.47 million over the FY18 enacted level of \$10.676 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, and other natural resource management needs.

- **Provide \$3.423 million for BIA Washington State Timber-Fish-Wildlife (TFW)**

We respectfully request \$3.423 million, which would maintain the FY18 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 \$6.255 million for BIA U.S./Canada Pacific Salmon Treaty**

We respectfully request \$6.255 million, which would maintain the FY20 enacted level. This request is consistent with that of the Pacific Salmon Commission (PSC) and is necessary to implement the newly revised Pacific Salmon Treaty (PST) agreement. The Pacific Salmon Treaty Act of 1985 charges the PSC with the responsibility for implementation of the bilateral treaty with Canada. Tribes assist the U.S. federal government in meeting its obligations to implement the treaty by participating in fisheries management exercises including cooperative research and data gathering activities. This funding supports our tribes' participation in the bilateral PST process.

- **Provide 3.4 million for BIA Salmon Marking**

We respectfully request \$3.4 million; an increase of \$2.063 million over the FY18 enacted level of \$1.337 million. \$2.4 million is requested for ongoing tagging and marking operations, and \$1.0 million is requested for an additional automated tagging trailer needed to keep pace with demand. Since 2003, Congress has required that all salmon released from federally funded hatcheries are marked for conservation management purposes and has provided some 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.

The NWIFC uses automated trailers to provide effective and efficient centralized tagging and marking services to our 20-member tribes. However, an increasing demand for these important services exceeds our current capacity. An additional automatic trailer is needed to ensure we meet the requirements of salmon marking and tagging at tribal hatcheries.

- **Provide \$4.5 million for BIA Climate Change**

We respectfully request \$4.5 million for RPI Climate Change for our member tribes. The BIA did not fund this program in FY18 and FY19, however there were many successful tribal projects and programs in FY16 and 17. Funding for this program would provide tribes the capacity to identify, respond and adapt to the impacts of our changing climate on treaty-reserved resources.

- **Provide \$15.0 million for BIA Fish, Wildlife & Parks Projects (Non-TPA) for Hatchery Operations and Maintenance**

We respectfully request \$15.0 million for Hatchery Operations and Maintenance within the Fish, Wildlife and Parks Projects account; an increase of \$5.059 million over the \$9.941 million provided for these programs in FY20. More specifically, we request \$8.0 million for Hatchery Operations and \$7.0 million for Hatchery Maintenance. This 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. Without hatcheries, tribes would lose their most basic ceremonial and subsistence fisheries that are central to our tribal culture.

- **Provide \$953,000 for BIA Salmon and Steelhead Habitat Inventory and Assessment Program (SSHIAP) (within the Tribal Management/Development Program)**

We respectfully request \$953,000 within the Tribal Management/Development Program for SSHIAP; \$343,000 above the FY20 enacted level of approximately \$610,000. 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 resource management. It also supports our tribes' ability to adequately participate in watershed resource assessments and salmon recovery work.

- **Fully Fund BIA Contract Support Costs**

We respectfully request that Congress fully fund Contract Support Costs (CSC). We also support the reclassification of CSC as mandatory funding. Funding for this function ensures that tribes and tribal organizations have the capacity to manage federal programs under self-determination contracts and self-governance compacts.

- **Provide \$2.0 million for Western Washington Treaty Tribes' Wildlife Management**

We respectfully request \$2.0 million for western Washington treaty tribes' wildlife management programs from an account within the Bureau of Indian Affairs Trust – Natural Resources Management Activity. The member tribes reserved the right to fish, hunt and gather natural resources throughout their ceded territories. Part and parcel with the tribes' reserved right to hunt and gather outside of their reservation boundaries, is the necessity to co-manage wildlife resources with the State of Washington. Requested funding will provide capacity to participate

in state-tribal co-management forums, the development of wildlife management plans, development and enhancement of tribal hunting codes, and the design and implementation of applied research projects. These capabilities are fundamental to the protection of our tribes' treaty-reserved rights and resources.

- **Provide \$30.355 million for BIA Tribal Climate Resilience**

We respectfully request \$30.355 million; an increase of \$15.399 million over the FY20 enacted level of \$14.956 million. Funding for this program will support tribes to participate in climate change issues that impact treaty-reserved resources, as well as promote resiliency to change.

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 \$2.791 million over the FY20 enacted level of \$5.209 million. Funding from this competitive grant program supports the conservation of wildlife and their habitat, including species that are culturally or traditionally important to tribes.

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 FY20 enacted level of \$65.476 million. We also respectfully request: 1) accompanying bill or report language that would improve flexibility in the GAP to ensure individual tribal priorities and implementation activities would be eligible; and 2) \$5.0 million for a regional pilot project that would demonstrate how flexibility to implement individual tribal priorities through a self-governance model can benefit tribes, EPA and the environment. The GAP builds tribal program capacity to begin to address environmental issues, which impact tribes' health, safety, and treaty-reserved resources.

- **Provide \$50.0 million for EPA Puget Sound Geographic Program**

We respectfully request \$50.0 million; an increase of \$17.0 million above the FY20 enacted level of \$33.0 million. 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, and policy discussions that affect our treaty rights.

CONCLUSION

We respectfully urge the Subcommittee to continue to support our efforts to protect and restore treaty-reserved resources and the communities and economies dependent upon them. We greatly appreciate your attention to our requests and we thank you for your continued commitment to tribes.