



# Northwest Indian Fisheries Commission

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**TESTIMONY OF BILLY FRANK, JR., CHAIRMAN  
NORTHWEST INDIAN FISHERIES COMMISSION  
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON  
INTERIOR, ENVIRONMENT AND RELATED AGENCIES  
ON THE FISCAL YEAR 2013 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS &  
ENVIRONMENTAL PROTECTION AGENCY  
March 28, 2012**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide testimony on the Fiscal Year (FY) 2013 Interior, Environment and Related agencies appropriations. My name is Billy Frank, Jr. and I am the Chairman of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is comprised of the 20 tribes that are party to the *United States vs. Washington*<sup>1</sup> (*U.S. vs. Washington*). It is a privilege for me to be among our distinguished northwest tribal leaders who are also here to present the funding requests of their people. Their strong support gives our organization focus and direction and helps make us successful in protecting and enhancing their treaty rights. To meet the many natural resource management responsibilities required of the tribes, I submit the following requests for the Bureau of Indian Affairs (BIA) and the Environmental Protection Agency (EPA).

## **SUMMARY OF FY 2013 APPROPRIATIONS REQUEST**

### **Bureau of Indian Affairs**

#### **Rights Protection Implementation**

- ❑ Provide \$17.146 million for BIA Western Washington Fisheries Management
- ❑ Provide \$2.777 million for BIA Washington State Timber, Fish and Wildlife (TFW)
- ❑ Provide \$4.8 million for BIA U.S./Canada Pacific Salmon Treaty (PST) Implementation
- ❑ Provide \$2.4 million for BIA Salmon Marking

#### **Fish, Wildlife and Parks**

- ❑ Provide \$5.452 million for BIA Fish Hatchery Maintenance

#### **Contract Support**

- ❑ Provide \$228 million for BIA Contract Support

### **Environmental Protection Agency**

- ❑ Provide \$50 million for EPA Puget Sound
- ❑ Provide \$96.375 million for EPA General Assistance Program (GAP)
- ❑ Provide \$20 million for EPA Multi-media Tribal Implementation Grants Program

### **National Requests**

- ❑ We also support the budget priorities and funding requests of the National Congress of American Indians.

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<sup>1</sup> *United States vs. Washington*, Boldt Decision (1974) reaffirmed Western Washington Tribes' treaty fishing rights.

## **TREATY RIGHTS AT RISK AND THE FEDERAL TRUST OBLIGATION**

We have had the opportunity to discuss this with some of the Subcommittee members, as well as the Administration, but we also wanted to highlight an initiative that we have been pursuing – our Treaty Rights at Risk initiative. The treaty rights of the western Washington treaty tribes to harvest salmon are in imminent danger. The danger exists due to the inability to restore salmon habitat faster than it is being destroyed. The federal government has an obligation to the tribes to protect their constitutionally-based treaty rights. By fulfilling these federal obligations and implementing our requested changes to protect and restore salmon habitat, I have no doubt that we will recover the salmon populations. It is imperative that we are successful with this initiative as salmon are critical to the tribal cultures, traditions and their economies.

The tribes have developed sophisticated natural resource programs designed to protect and enhance their treaty rights. Tribal programs have served as the backbone of salmon recovery, providing the technical, policy and legal framework for this incredibly difficult task. Tribes perform complicated harvest, hatchery and habitat management tasks that neither the state nor the federal government can effectively carry out. It is because of the role that tribes play in protecting their rights that they require adequate, long-term, and stable funding.

On behalf of our 20 member tribes, I am here today to speak to our FY 2013 natural resource management funding requests for the BIA and the EPA. But before I do that, I must first acknowledge the outstanding support this Subcommittee has given to us over the years. You listened to our story and have helped us greatly with your actions that supported our needs. We are also pleased that the FY 2013 President's budget continues to be supportive of the northwest natural resources funding requests and includes many of the Subcommittee's actions from the past few years. Our specific requests are further described below.

## **JUSTIFICATION OF REQUESTS**

### **Bureau of Indian Affairs**

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

Over the past several years, the tribes and the NWIFC have requested an increase of \$12 million in the base Western Washington Fisheries Management program (WW). In FY 2010, Congress heard our plea and increased the national Rights Protection Implementation account by \$12 million with \$3.386 million of this going to the WW Program. This increase was very much appreciated, however, we once again ask Congress to address the remaining identified needs of the NWIFC and our member tribes. The President's FY 2013 budget contains \$8.66 million. *We respectfully request \$17.146 million, an increase of \$8.486 million over the President's FY 2013 budget.* This request is consistent with our needs assessment presented in FY 2010 to this Subcommittee. This will provide new monies for shellfish, groundfish, enforcement, habitat, wildlife and other natural resource management needs.

- **Provide \$2.777 million for BIA Washington State Timber, Fish and Wildlife (TFW)**

The Congressional increase to Rights Protection Implementation in FY 2010 of \$12 million was allocated to all programs within this sub-activity including the Washington State Timber-Fish-Wildlife Project. The President's FY13 budget contains \$2.777 million. *We support funding this account at \$2.777 million as requested in the President's FY 2013 budget.* This will provide the necessary funding to tribal TFW programs to fully participate in the TFW process.

- **Provide \$4.8 million for BIA U.S./Canada Pacific Salmon Treaty (PST) Implementation**

The Pacific Salmon Treaty Act of 1985 charges the United States Section of the Pacific Salmon Commission with the responsibility for implementation of the Pacific Salmon Treaty, a bilateral treaty with Canada. Tribes assist in meeting the Federal Government's obligations in implementing the treaty by participating in cooperative research and data gathering programs. The President's FY 2013 budget contains \$4.364 million. *We support the U.S. Section's recommendation to fund the BIA at \$4.8 million, an increase of \$436,000 over the President's FY 2013 budget.* This will provide sufficient funding to ensure that the tribes can continue to participate effectively in the bi-lateral PST process.

- **Provide \$2.4 million for BIA Salmon Marking**

These funds are used to mark salmon at tribal hatcheries and to use these marked fish to scientifically monitor salmon populations and watersheds in Western Washington, pursuant to the federal requirement to mass mark Pacific salmon reared in facilities funded by federal dollars. The President's FY13 budget contains \$1.068 million. *We respectfully request an additional \$1.332 million to fully implement more extensive selective fisheries targeted at these marked fish.* This is the true need as determined by the tribes at the request of Congress.

- **Provide \$5.452 million for BIA Fish Hatchery Maintenance**

Tribal fish hatcheries in western Washington are part of the largest fish hatchery system in the world. These hatcheries provide fish that significantly contribute to both non-Indian recreational and commercial harvest, as well as for tribal fisheries. Today, hatcheries also play a large role in recovering pacific salmon, many of which are listed under the Endangered Species Act. A comprehensive needs assessment study was conducted in FY 2006 by the BIA at the request of Congress which identified a level of need of over \$48 million in necessary hatchery maintenance and rehabilitation costs. This account has been increased over the last few years to better reflect the tribal need and the backlog of maintenance projects requested for tribal hatcheries. The President's FY13 budget contains \$4.838 million. *We support funding this account at \$5.452 million as previously requested in the President's FY 2012 budget.*

- **Provide \$228 million for BIA Contract Support**

In FY 11 these funds received an increase of \$53.56 million over the FY10 enacted level of \$166.0 million. The President's FY13 budget contains \$228.0 million. *We support funding this account at \$228.0 million as requested in the President's FY 2013 budget, an \$8.8 million*

*increase over the FY 2012 enacted level. By not fully funding Contract Support it hampers the tribes' ability to fully exercise their right to self-govern and requires tribes to use direct program dollars to fund the required contract support functions.*

### **Environmental Protection Agency**

- **Provide \$96.375 million for EPA General Assistance Program (GAP)**

This funding has built essential tribal capacities and remains critical to the tribes' ability to sustain their important water quality programs. The President's FY 2013 budget contains \$96.375 million for the nationwide GAP. *We support funding this account at \$96.375 million as requested in the President's FY 2013 budget.*

- **Provide \$20 million for EPA Multi-media Tribal Implementation Grants Program**

This program was initially included in the President's FY 2011 budget request but it did not receive an appropriation. These funds would allow the EPA to provide targeted multimedia (cross discipline) grants to tribes for implementation of federal environmental programs. This program logically follows the capacity building function under the Tribal GAP, as noted above. The President's FY 2013 budget did not include any funding for this new initiative. *We respectfully request \$20 million for this program as previously requested in the President's FY 2012 budget.* This program will provide targeted grants to tribes for implementation of federal environmental programs and would move the EPA/tribal partnership from capacity building to implementation of these important environmental programs. Identifying western Washington as a pilot for designing an EPA Indian program implementation strategy would build on the current investment EPA has made in tribal program development.

- **Provide \$50 million for EPA Puget Sound**

The Puget Sound Geographic Program provides essential funding that will help protect, restore and enhance Puget Sound. Tribes will continue to seek funding from this EPA account, in coordination with the Puget Sound Partnership. Such funding will allow the tribes to participate in the necessary scientific work, implementation measures, and policy discussions on issues that affect our treaty rights. The President's FY 2013 budget contains \$19.289 million. *We respectfully request \$50.0 million, an increase of \$30.711 that restores this program to the FY 2010 enacted level of \$50 million.* With this level of funding, collaborative work can continue on key marine issues, salmon recovery, land use management and regulatory changes.

### **CONCLUSION**

We know that it is difficult to allocate scarce federal funds at this time. However, we believe the management work that we perform to protect our valuable resources and to help fulfill the trust obligation of the federal government continues to be worthy of your support. Thank you.