



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

729 NE Oregon, Suite 200, Portland, Oregon 97232

Telephone 503 238 0667

Fax 503 235 4228

TESTIMONY OF
The Honorable Gerald Lewis, Chairman
Columbia River Inter-Tribal Fish Commission
Regarding the Bureau of Indian Affairs Fiscal Year 2013 Budget
Appropriations Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives
March 28, 2012

Mr. Chairman 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) FY2013 budget. We have specifically identified three funding needs and one allocation recommendation:

- 1) **\$7.7 million, an increase of \$3,054,000 above the President's Request for Columbia River Fisheries Management within the Rights Protection Implementation account to meet the base program funding needs of the Commission and the fisheries programs of its member tribes, specifically to implement federal court-ordered management obligations, including efforts for species listed under the Endangered Species Act, and;**
- 2) **\$4.8 million, an increase of \$436,000 above the President's Request, for U.S./Canada Pacific Salmon Treaty within the Rights Protection Implementation account to implement new obligations under the recent agreement adopted by the U.S. and Canada under the Treaty, and;**
- 3) **\$328 million for Public Safety and Justice, Criminal Investigations and Police Services – of which \$718,00 supports enforcement of federal laws at in-lieu and treaty fishing sites on the Columbia River. This supports the President's Request;**
- 4) **We request that the subcommittee direct the BIA to allocate Rights Protection Implementation accounts at the 2008 percentages unless or until account holders receive a rationale or justification for a variance.**

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 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.

In 1855, the U.S. entered into treaties with the four tribes¹ whereupon we ceded millions of acres of our homelands to the U.S. In return, the U.S. pledged to honor our ancestral rights, including the right to fish. 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).

Today, the CRITFC tribes are leaders in fisheries restoration and management working with state, federal and private entities. CRITFC's member tribes 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. To achieve these objectives, the tribes' actions emphasize 'gravel-to-gravel' management including supplementation of natural stocks, healthy watersheds and collaborative efforts.

The programs in this testimony are carried out pursuant to the Indian Self-Determination and Assistance Act. Our programs are integrated as much as possible with state and federal salmon management and restoration efforts.

Columbia River Fisheries Management within Rights Protection Implementation

We are succeeding. The salmon, returning in greater numbers, tell us so. But along with success, management issues increase the complexity, requiring greater data collection and more sophisticated analyses. Funding shortfalls prohibit the achievement of tribal self-determination goals for fisheries management, ESA recovery effort, protecting non-listed species, conservation enforcement and treaty fishing access site maintenance. We are seeking an increase of \$3,054,000 over FY2012 for a new program base of \$7,712,000 for Columbia River Fisheries Management.

The BIA's Columbia River Fisheries Management line item is the base funding that supports the fishery program efforts of CRITFC and the four member tribes. Unlike state fish and game agencies, the tribes do not have access to Dingell-Johnson/Pittman-Robertson or Wallop-Breaux funding. The increase will be directed to support the core functions of the fisheries management programs of the Commission's member tribes.

In 2008 CRITFC and its member tribes successfully concluded lengthy negotiations resulting in three landmark agreements: 1) the Columbia Basin Fish Accords with federal action agencies overseeing the federal hydro system in the Columbia Basin², 2) a Ten-Year Fisheries Management Plan with federal, tribal and state parties under *U.S. v OR*, and 3) a new Chinook Chapter of the Pacific Salmon Treaty.³ 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 through these agreements the Tribes have committed to substantial on-the-ground

¹ Treaty with the Yakama Tribe, 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

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

projects 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 tribes' leadership in addressing Pacific Lamprey declines is this species' best hope for survival and recovery. The tribes are also addressing unmet mitigation obligations, such as fish losses associated with the John Day and The Dalles dams.

Compounding the challenges in implementing tribal fish management agreements are the impacts that climate change will have on the interior Columbia Basin and the tribe's treaty resources. The University of Washington Climate Impact Group predicts new challenges to salmon management due primarily to thermal effects and runoff timing changes. The CRITFC is being asked to develop mitigation and adaptation strategies on behalf of our member tribes. CRITFC and its member tribes currently have insufficient funds to do the technical work and allow policy-level participation in the co-management arena.

The funding provided through the BIA to support tribal fishery programs is crucial to the tribes' and CRITFC's ability to successfully carry out tribal rights protection, including these agreements, by providing sound technical, scientific and policy products to diverse public and private forums. Lost purchasing power through rising costs, inflation and lack of pay-cost adjustments to tribal funding has further challenged us to deliver these essential services.

U.S./Canada Pacific Salmon Treaty under Rights Protection Implementation

For tribal participants in the Pacific Salmon Treaty, the U.S. Section has identified a program need of \$4,800,000 for BIA.

The U.S. and Canada entered into 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. Congress increased funding in 2000 in order to implement the 1999 Agreement but funding has significantly eroded since then. In 2008, the U.S. and Canada adopted a new long term Treaty agreement after nearly three years of negotiations. Both parties agreed to significant new management research and monitoring activities to ensure the conservation and rebuilding of the shared salmon resource.

The \$4,800,000 provides for direct tribal participation with the Commission, panels and technical committees. The funding enables the tribes to assist in Treaty implementation and facilitates management protecting trust resources. This funding maintains tribal resource assessment and research programs structured to fulfill required Treaty implementation activities. The FY2012 recommended level for this program is an increase of \$436,000 over the President's Request and \$600,000 above the FY2012 enacted level. Our request correlates to the U.S. Section's recommendation.

The tribal management programs provide needed beneficial and technical support to the U.S. Section. The Pacific Salmon Commission relies heavily on the various technical committees established by the Treaty. The work of these Committees is integral to the task of implementing fishing regimes consistent with the Treaty and the goals of the Parties. Numerous tribal staff appointed to these committees and all of the tribal programs generate data and research to support their efforts. For example, indicator stock tagging and escapement monitoring provides key information for estimating the parties' annual harvest rates on individual stocks, evaluating impacts of management regimes established under the Treaty, and monitoring progress toward the Chinook rebuilding program started in 1984.

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 PL87-14 and PL100-581 for use by treaty fishers. CRITFC's officers have obtained BIA Special Law Enforcement Commissions to aid our efforts protecting and serving tribal members and federal trust properties along the Columbia River. We are grateful for the support of the BIA Office of Justice Services in obtaining the SLECs. We are also very pleased that the BIA has created OJS District 8 and housed it in Portland. Beginning in February 2011, CRITFC entered into a PL93-638 contract with BIA for enforcement services along the Columbia River. That contract provides funding for two enforcement positions.

It's important that CRITFC build its enforcement capacity above the level of the two officers currently funded by the BIA Office of Justice Services. Our immediate priority is to add two officers. Funding for two additional officers would cost \$313,560 plus indirect. Full funding for this project would be a total budget of \$716,053 plus indirect which would support four officers, a sergeant and a dispatcher.

In summary, through combined efforts of the four tribes supported by a staff of experts, we are proven natural resource managers. 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.

CRITFC Staff Contact: Charles Hudson, (503) 731-1257, (hudc@critfc.org)