



Northwest Indian Fisheries Commission

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Northwest Tribal Perspectives on The Endangered Species Act

Testimony to the Subcommittee on Fisheries, Wildlife and Water
Senate Committee on Environment and Public Works
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Chairman Chafee and honorable members of the Senate Subcommittee on Fisheries, Wildlife and Water, I am Billy Frank, Jr., Chairman of the Northwest Indian Fisheries Commission. The Commission has served the Treaty Indian Tribes in western Washington since 1975 in natural resource management, supporting their fisheries, hatchery management and environmental protection programs. The tribes co-manage natural resources in our region with the state pursuant to the U.S. vs Washington (Boldt) Decision of 1974. We retain treaty-protected rights to harvest and the federal government has an ongoing trust responsibility to the tribes to support this right through the protection of indigenous fish, wildlife and plant resources, *and* their habitat. The resources the tribes co-manage provide far-reaching economic and cultural benefits to all who live in the Northwest. These are critical issues to us, and we appreciate being invited to speak to you regarding the Endangered Species Act.

The goals and objectives of the Endangered Species Act of 1973 are more essential today than they have ever been. Worldwide, nearly 16,000 species face extinction, including 800 species of fish. In the Pacific Northwest, 26 species of fish and wildlife have been protected by this law over the years. In our area, Puget Sound Chinook, Hood Canal/Strait of Juan de Fuca Summer Chum and Lake Ozette Sockeye were listed as "threatened" under ESA in 1999.

To some, such listings are abstract names in the Federal Register. To us, they are signs of a decaying environment and of an eco-system faltering under the pressures of an ever-growing and expanding population and short-sighted exploitation of the Earth. The rapid decline of these resources is directly related to habitat destruction, which should remind us all to conserve land and water resources, so our descendants can have the fish and wildlife abundance we have enjoyed in past generations. The ESA has been an important tool in the ongoing effort to protect and restore species the tribes have depended on culturally and economically for thousands of years. It has helped return the mighty eagle and the grey whale from the brink of extinction. It has helped bring attention to the plight of the salmon and it has helped bring some badly needed

funding to the effort to turn the tide on salmon decline. It is important for you to know that salmon are keystone species in the Northwest. If they are healthy, it is a sign that other life is healthy, including humans. If they are not healthy, it does not bode well for any of us.

Many resources in the Pacific Northwest are in trouble because of growing human populations, urban sprawl, pollution, over-allocation of water, climate change and lack of wisdom and vision by non-tribal governments. Sadly, the federal government has done a poor job, overall, of implementing ESA with respect to the listed salmon species in the Northwest. Emphasis placed on harvest and hatcheries in the response has been largely misdirected while the major cause of resource decline—habitat degradation—has been largely ignored. The tribes have grown hoarse trying to get federal officials to understand these things, and yet these officials continue to hammer on harvest that has been severely curtailed for two decades, and hatcheries that are already being reformed. To them, it is low hanging fruit. To us, the approach has been short-sighted and misdirected. The reason for this is apparent. Using long-term vision and providing the leadership needed to deal with habitat challenges means taking a strong stand for modifying the way major industries such as agriculture and development, do business—something that should have been done long ago. But lobbyists for short-term economic interests are strong and well-financed, and have been highly resistant to meaningful change. When such lobbies can sway the federal government from the path of fair and reasonable implementation of the law it is sad to behold. And when the federal government fails to provide rightful leadership, it is tragic.

It is also tragic when federal agencies fail to comprehend and respect treaty law. Treaties are the supreme law of the land, according to the U.S. Constitution. They are sacred contracts between sovereigns. Yet they have often been disregarded in the implementation of ESA. The tribes have a treaty-protected right to harvestable levels of fish. It is our culture, our tradition and our lifeblood. The federal government has a trust responsibility to assure that the tribes have meaningful harvest opportunities. We have voluntarily embraced the principles of government-to-government relations and co-management with the federal and state governments, as well as the comprehensive allocation process that was born out of the Boldt Decision of 1974 and the 1978 U.S. Supreme Court confirmation of that decision. Treaty law supercedes the ESA, and it calls for harvestable levels of fish. Yet the federal agencies have not been able to implement ESA with any degree of adequacy—a “last resort” law actually intended to prevent species from going extinct.

The restoration of fisheries in the Northwest will benefit the overall economy. It will help spur the rejuvenation of communities on the coast, the Puget Sound and other inland waters. It will help enhance the tourism industry and inspire greater comprehension of stewardship throughout our region. It will improve the health of our rivers, marine waters and our overall eco-system. I have always spoken for the salmon, in the hearing rooms of Congress and the courtrooms of this nation, in the council chambers of the tribes and in public statements. My fellow tribal members and I have worked hard to protect the resource, and the habitat that sustains it, because we have always known that salmon are the keystone species of the Northwest. They are our miners' canary, the measuring stick of the overall physical, economic and spiritual well-being of our region. If salmon runs return to our rivers in great numbers, it means we have cool, clean waters and healthy bays, rivers and streams. That means healthy people. There is a critical need for Congress and for people throughout the nation to understand the value of stewardship and

ecosystem management, the unbreakable link between vibrant natural resources and healthy people. When I talk about managing salmon, that is what I am talking about.

Tribal governments take salmon management very seriously, just as we have taken co-management with the state and federal governments very seriously. The path to recovery is one we must travel together, and it's one that must be traveled for the benefit of future generations. That is why it is critical for federal investments in Northwest salmon recovery programs to continue, and increase, rather than decrease, funding levels as program needs continue to be identified.

Those who make the mistake of blaming the demise of wild stocks on harvest in our region are thinking of a different era. Today, Indian and non-Indian fisheries are governed by management principles that are truly responsive to all harvest impacts and total fishery impacts are constrained to sustainable levels for all stocks. Still, wild salmon populations continue to decline. Why? Because the primary cause for the decline of wild salmon is loss and degradation of spawning and rearing habitat. And eco-system-level habitat needs have not been adequately respected.

Those who think this issue is a matter of choosing between salmon and people are sadly mistaken. Healthy Northwest communities are connected with healthy runs of salmon. It has always been that way, and it always will. As a species that swims through both fresh and salt water throughout the region, the salmon is a living gauge of our overall quality of life. In addition to harvest and habitat, we must look at other factors affecting the health of wild salmon populations. Take salmon hatcheries, for example.

Once viewed by many simply as factories for producing salmon, now we are reforming hatchery practices to help recover and conserve wild salmon populations while providing limited fisheries for Indian and non-Indian fishermen.

Tribes have made efforts over the past decade to reduce impacts of hatcheries on wild salmon stocks - such as carefully timing releases of young hatchery salmon into rivers to avoid competition for food and habitat with young wild salmon. Funding challenges have at times hindered efforts to apply a comprehensive, systematic approach to hatchery reform, although funding has been provided in the last few years to conduct much-needed research, monitoring and evaluation of hatchery practices at the approximately 150 tribal, state and federal hatchery facilities in western Washington. Continued funding for this effort will be critical to its overall success. Yet this Congress has chosen to zero the tribes out in funding for hatchery reform. It makes no sense for that to be the case. Tribal natural resource managers have consistently proved their mettle and their ability to be cost-effective. Tribal natural resource managers are on the rivers, and they know better than anyone, anywhere, what is needed to save the salmon in their respective watersheds. Tribes need funding for hatchery reform. Cutting our natural resource funding is a giant step backward in tribal/federal relations.

Federal legislation has created an independent Hatchery Scientific Review Group to provide scientific oversight for tribal, state and federal hatchery practices and to provide recommendations for implementation of hatchery reform strategies. A top priority of the tribal

and state co-managers under the hatchery reform initiative has been to complete Hatchery Genetic Management plans for each specie at each hatchery on Puget Sound. The plans provide a picture of how stocks and hatcheries should be managed, and will serve as a tool for implementing hatchery reform. The plans are especially important in light of efforts to respond to ESA listings of salmon species in western Washington. Already, some salmon enhancement facilities have been switched from producing hatchery fish solely for harvest to restoring wild fish through broodstocking and supplementation. Such efforts help preserve and rebuild wild salmon runs that might otherwise disappear.

Hatchery reform has just been one part of an integrated strategy for salmon recovery we have pursued. The tribal and state co-managers have also responded to declining wild salmon populations by developing highly conservative harvest management plans. The goal has been to restore the productivity and diversity of wild salmon stocks from Puget Sound and the Washington coast to levels that can support treaty and non-treaty fisheries.

As I've pointed out, the tribes conduct extremely conservative fisheries to protect weak wild salmon stocks. Tribal fishermen are literally at the end of the line when it comes to most salmon fisheries. Under treaties with the U.S. government, tribes are required to take their share of the salmon in traditional harvest areas, mainly in bays and at river mouths. This allows tribal fishermen to target only healthy runs that can support harvest.

With *all* the efforts expended so far, and in spite of the ESA listings, native salmon continue to be in danger, a fact that jeopardizes the overall economy of our region as well as the cultural identity of the tribes and the health of everyone who lives in the Northwest. Why? Again, the answer is habitat. There is a desperate need for habitat protection and restoration. Healthy estuaries are needed, as well as natural riparian areas, spawning grounds and rearing habitat-if salmon are to survive. These things take care, and require long-term vision.

Habitat protection and restoration projects, hatchery reform and improved salmon management planning are just some of the ways that the treaty Indian tribes in western Washington are working to protect, enhance and restore wild salmon populations.

Wild salmon recovery in western Washington is a biologically simple, but politically difficult task. All the fish need is clean, cool water, adequate spawning and rearing habitat, and adequate numbers of returning adult salmon to spawn, and they will take care of the rest.

Providing for those needs is the hard part.

The treaty tribes and state have been working on salmon restoration efforts for decades. These efforts won't conclude until there are healthy wild salmon populations that can support harvest by both Indian and non-Indian fishermen, and until there is real restoration of ecosystem functions with clean water, good habitat and salmon stocks capable of providing ongoing economic and cultural benefits to tribal and non-tribal communities. Any other measure of success should be unacceptable to everyone.

As an example of current efforts, tribes in the Puget Sound region have been working hard with others to develop a comprehensive recovery plan for Puget Sound Chinook. The Shared Strategy process delivered an unprecedented plan for 14 watersheds and the Sound to the federal agencies on June 30. To create this plan, the tribes have worked with federal, state and local governments, landowners, business interests, and environmental groups. As part of this effort, recovery goals and comprehensive recovery plans have been developed for all listed Chinook salmon stocks in the Puget Sound region. Specific recovery plans have been developed for each watershed to guide how harvest, habitat and hatcheries will be managed. It will require such collective efforts and good will to achieve recovery.

CONCLUSION

Tribes are "on the line" full time when it comes to managing salmon. Our biologists and managers don't just visit the rivers, the Puget Sound and the coast on occasion. They are there all the time. Tribes are also the co-managers of the resource. We have managed, and depended on the salmon resource from time immemorial. For thousands upon thousands of years, our elders have taught us how to care for this great resource of the Pacific Northwest. For all of these reasons, it is critical for the federal government to invest more salmon restoration and management funding directly to the tribes. A strong tribal fisheries management infrastructure is by far the most productive investment the federal government can make in this regard, and ESA is a vital tool to help achieve this.

There is a responsibility for leadership in salmon restoration at the local level. It must include effective collaboration between tribal, local, state and federal governments. There is also a need for improved leadership in Congress and the Administration. Federal legislation should serve as both a carrot and a stick. On one hand it should provide effective incentives for "good behavior" and support the process of recovery administratively. On the other hand, it should provide effective mechanisms to discourage "bad behavior."

However, restoration of the Pacific Northwest salmon resource must involve more than protecting what currently exists. It must bring increases in the numbers of fish, so our harvests can be restored. Salmon is a gift we always respect, one that sustains us in every sense of the word. If there are modifications in the Endangered Species Act, it is critical for the federal government to acknowledge and fulfill its trust responsibility to the tribes, and to stand up for the implementation of treaty law.

Thank you.