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Testimony Presented by President Fawn Sharp, Quinault Indian Nation at the Legislative Hearing on S. 1733, Clean Energy Jobs and American Power Act before the Senate Committee on Environment and Public Works

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Washington, D.C.

Oral Testimony

Senator Boxer, Senator Inhofe and members of the Senate Committee on Environment and Public Works, it gives me great pleasure to present testimony today on behalf of the Quinault government. The Quinault Indian Nation greatly appreciates the efforts of the Committee. My testimony was prepared after consultation with several tribes and organizations, including the National Congress of American Indians.

I applaud the Committee for expanding S. 1733 to include important tribal provisions that were not in the House bill, H.R. 2454:

1. Inclusion of Bureau of Indian Affairs (BIA) funding as an eligible purpose of Department of the Interior (DOI) natural resources adaptation funding, an extra, alternative funding possibility for natural resources adaptation on the lands of Indian tribes

2. Inclusion of tribal land as an eligible recipient of funds under the Supplemental Agricultural reductions program which significantly increased and extended funding from 0.25% for 2 years to 1% or greater for the life of this bill

3. Require consultation with the Secretary of the Interior when the Environmental Protection Agency (EPA) determines the tribal set-asides

I have reviewed the adaptation provisions of the recently released Chairman's proposed amendment to S. 1733 and express overwhelming appreciation and support for these additional provisions that were not included in the original version of S. 1733. I have identified them in more detail in the expanded version of my testimony for the record.

We urge Congressional leadership to move forward with legislation to help the United States prepare and adapt for the challenges of climate change and attain goals of energy independence and security. We look forward to working with Congress and the Administration in the development of climate change legislation to ensure that tribal needs and concerns are adequately addressed.

1. Indigenous peoples, including American Indians, Alaska Natives, and Hawaiian Natives, are among the most vulnerable to the adverse effects of climate change in the world.

This fact is recognized by the Intergovernmental Panel on Climate Change. In the United States, according to the General Accountability Office, eighty-six percent of Alaska Native Villages are threatened by flooding and erosion because of warming temperatures, 31 villages are imminently threatened, and 12 villages have opted to relocate permanently. A few years ago, several Indian Tribes in southeast Louisiana were devastated by hurricanes Katrina and Rita. Tribal communities in this country are becoming climate change refugees.

Since 1928, my neighbor to the North, the Hoh Tribe, has been plagued with flooding every ten years. The result is severe soil erosion that has reduced the reservation from 443 acres to 400 acres; the loss of approximately 800 feet of tribal lands along an 1800-feet stretch of the Hoh River. For more than a decade the Hoh Tribe has been aggressive in efforts to get the reservation relocated before extreme river flows, increases in sea level, or a tsunami completely wash the land, the people and the future of the Hoh Tribe into the ocean.

2. The Quinault Nation is proactively addressing the uncertainties and impacts of climate change by developing risk assessment, preparation, adaptation, and mitigation plans by July of 2010.

These plans are to identify and prioritize the values to be protected, using a combination of western science and traditional knowledge. Natural resources, our fish, forests, wildlife, and water are vital to our culture, economy, and continuity as a community. We rely upon these resources to provide employment, economic opportunity, income, foods, and medicines.

Because of chronic underfunding of our natural resources programs, our ability to prepare and mitigate for effects of climate change is extremely limited. Despite these challenges, we have cobbled together staff, resources and partners to undertake critical projects. We recently completed the first phase of a long-term adaptation project to restore ecosystem functions in the Upper Quinault River through the installation of engineered log jams in collaboration with the National Park Service, Forest Service, local property owners, and others. The project was designed to stabilize water flows and channel structure from extreme flows, provide spawning and rearing habitat for salmon, and protect roads and property from excessive erosion. It will require several years and millions of dollars to complete; thankfully, members of the Administration and Congress have been very supportive. The Quinault Nation assigned this long-term, expensive, project a high priority to protect our Blueback (a unique run of sockeye). The Blueback has sustained our culture and economy for millennia. Quinault Nation and other tribes are capable stewards whose initiatives can be multiplied with federal support in climate change legislation.

3. We are heartened that the Senate and House climate change bills – the American Clean Energy and Security Act and the Clean Energy Jobs and American Power Act -- have recognized the nation-to-nation relationship between the federal government and tribes, by including us in many critical provisions, like renewable energy, domestic adaptation, and natural resources adaptation.

We seek to be sovereign partners in climate change programs. We seek equitable shares of the allocations provided to states and tribes for the provisions relating to renewable energy, energy efficiency, domestic adaptation, and natural resources adaptation.

The Chairman's mark and the original Senate bill provide 3% of the natural resources adaptation fund to tribes. This will not adequately or equitably provide for tribal needs nor recognize the importance of natural resources to this nation. The overall allocation for natural resources adaptation should be significantly increased. I suggest that tribes receive more than 5% of the allocation provided to states and tribes for renewable energy, energy efficiency, domestic adaptation, and natural resources adaptation, given that tribal infrastructures and natural resources are disproportionately impacted by climate change. Tribal lands hold vast renewable energy potential, yet tribal governments are provided very little federal support for those efforts particularly compared to states. Furthermore, since the federal government recognizes that Indian Country has a housing

shortfall of 200,000 homes, that an acre of Indian forest land receives one-fourth the per-acre funding of national forests, and only a handful of the 564 federally recognized tribes are engaged in adaptation planning, compared to over 60% of states, we believe our requests are reasonable.

5. The Committee should direct the Government Accountability Office (GAO) to prepare a report on "Climate Change and Tribal Nations in the Lower 48".

There have been two GAO reports on the impacts of climate change to Alaska Native Villages, once in 2003 and again in 2009. A report on climate change and tribal nations in the lower 48 would document for Congress and the Administration the widespread cloud of destruction that awaits our reservations, our people and our livelihood.

6. Section 372, "Additional Provisions Regarding Indian Tribes", should contain a disclaimer to protect treaty and other federally-reserved tribal rights.

Section 372(a) Pertains to the Federal Trust Responsibility. However, this is not a customary tribal savings provision. Customary tribal saving provisions directly safeguard tribal rights from potential diminution by federal statutes.

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I appreciate the opportunity to testify before this committee and request that the record be left open for a length of time so that we may address the legislation provisions in detail. Thank you.