

**Written Testimony of the Southwest Tribal Fisheries Commission
Regarding the
"Status of Tribal Fish & Wildlife Programs"**

**Before the
United States Senate
Committee on Indian Affairs**

**Submitted by
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INTRODUCTION

Mr. Chairman and Members of the Committee, on behalf of the Southwest Tribal Fisheries Commission (SWTFC) and member Tribes from New Mexico, Arizona, Colorado, Utah, Nevada and Southern California, I would like to thank you for the opportunity to submit written testimony regarding tribal fish and wildlife management and enhancement issues.

Our statement will address fisheries management matters facing southwest Tribes. The purpose of our testimony is to provide the Committee: 1) information on the recently organized SWTFC, its purpose, membership and background 2) an overview on the status of Indian fisheries programs in the Southwest, specifically as it relates to the role of recreational fisheries (and viable recreation-based economies) in building tribal conservation programs, and 3) a closing perspective on the prevailing need among tribes to build and fund fish and wildlife management capacity.

SWTFC PURPOSE, MEMBERSHIP & BACKGROUND

Purpose: SWTFC is a grassroots, non-profit organization formed in September 2002 to assist Tribes in the southwest United States develop and organize a comprehensive and collaborative approach to securing the futures of their respective fisheries management programs and support tribal capacity building. The SWTFC purpose is to mobilize Tribes to work in a coordinated and strategic fashion to secure and enhance tribal recreational fishing programs and to advance meaningful resource management projects and initiatives on tribal lands that strike a sustainable balance between economic development and stewardship of tribal fisheries resources. Major objectives of the SWTFC include: 1) supporting the professional development and sustainable funding of tribal fisheries resource management and conservation capabilities, 2) restoring and expanding Southwest tribal recreational fishing programs that promote sustainable economic development and sound fisheries conservation on tribal lands, and 3) advocate tribal initiatives and self-determination by building meaningful, well-coordinated partnerships with tribal, state, federal and local interests on issues of common concern.

Membership: Work on developing the SWTFC was initiated in September 2002 with a one-year funding contract with the Bureau of Indian Affairs (BIA). The recently established (April 2003) Charter and Articles of Incorporation of the SWTFC defines its membership as being “...open to any Federally-recognized Indian Tribe located in the states of Colorado, New Mexico, Arizona, Utah, Nevada and Southern California that has an interest in advancing economic development and natural resource management capabilities within the region”, a geographic designation that is purposely consistent with the Southwest Region of the Native American Fish and Wildlife Society. Although the SWTFC’s charter ultimately provides for a broader geographic tribal membership base, much of the effort and interest in developing the SWTFC, has been focused around Tribes in the four-corner-state region of the Southwest (Arizona, New Mexico, Colorado and Utah) where the threats and issues surrounding tribal recreational fishing programs (detailed in the following “Background” section) are immediate.

The SWTFC Articles provide for a one-Tribe, one-vote system among member-Tribes in governing the SWTFC, with each member-Tribe appointing a representative (Commissioner) to the Commission. A Board of Officers (President, Vice President, Secretary/Treasurer) has been duly elected from the body of member-Tribe Commissioners, and provides management oversight and direction to the SWTFC in accordance with its Articles of Incorporation and By-Laws. An Executive Director has been retained under the BIA base-funding arrangement and has assumed the lead in developing the organization and coordinating the preparation of a Southwest Tribal Fisheries Strategy and an Operating Budget.

I have been appointed as Executive Director. I am the former Director of the White Mountain Apache Tribe Tribal Fish and Wildlife Department, from which I have gained valuable and solid hands-on experience in managing tribal programs and in working with various government agencies and private interests.

SWTFC organizational and planning meetings held in the nine months since its inception have been attended by the following list of participating Tribes:

ARIZONA

Navajo Nation*
 White Mountain Apache
 Hualapai Tribe
 Kaibab Paiute Tribe
 San Carlos Apache
 Salt River Pima Maricopa
 Gila River
 Fort McDowell Yavapai Nation
 Hopi Tribe
 Colorado River Indian Tribes

NEW MEXICO

Mescalero Apache*
 Jicarilla Apache*
 Pueblo of Sandia
 Pueblo of Laguna
 Pueblo of Cochiti
 Pueblo of Acoma
 Pueblo of Zuni
 Pueblo of Isleta
 Santa Clara Pueblo
 San Juan Pueblo
 Tesuque Pueblo
 Nambe Pueblo

COLORADO/UTAH

Southern Ute Tribe*
 Ute Mountain Ute Tribe*
 Ute Tribe U&O (UT)*

**Tribal resolutions supporting
 SWTFC membership (as of 5/1/03)*

SWTFC's contract with the BIA further provides for the development of a strategic plan that includes completing an assessment of the various tribal programs and their respective fisheries needs and management priorities. This process will further aid in

developing specific management goals and objectives for the SWTFC as it develops its tribal membership and operational capacity.

SWTFC Background – Tribal Resource Management Challenges:

The southwest holds a unique diversity of landscapes and accompanying resource management challenges, with Tribes of the region exercising stewardship over large expanses of lands and fish and wildlife resources. Southwest Indian reservations typically reflect large, contiguous tracts of land, within which Tribes, to varying degrees, employ their own management and regulatory structures over fish and wildlife resources.

For years, many of these Tribes have developed and are heavily reliant on their natural resources based economies. In particular, recreational fishing programs have matured into important components of tribal social fabric and economic viability. With Tribes being ineligible for long established federal-aid conservation funding programs authorized under the Pittman-Robertson, Dingell-Johnson, and Wallup/Breaux acts, tribal recreational programs have carried the heavy burden of generating revenues that enable these Tribes to fund important conservation work on their lands. In addition to providing high quality regional recreational fishing opportunities, southwest tribal resources and programs also play significant roles in regional conservation efforts, with a number of Tribes having been at the forefront in the development of successful native-fish conservation and recovery programs for species such as the Apache trout in Arizona, the Colorado River cutthroat trout in Utah, the Rio Grande cutthroat trout in New Mexico, and various desert fish species along the Colorado, Rio Grande and Gila & Salt River basins.

For over 60 years, the U.S. Fish and Wildlife Service (USFWS) has assisted southwest Tribes with their recreational and native fish management programs by operating fish hatcheries on tribal lands, rearing fish to stock tribal waters within the region, and providing technical assistance and funding to various tribal programs. Over this same period, a number of Tribes progressed in developing viable recreation-based enterprises that continue to create local employment and support tribal economies, and in some cases, even serving to partially fund tribal fish & wildlife conservation programs.

In developing these core tribal enterprises and conservation programs, southwest Tribes have relied upon the network of National Fish Hatcheries in the region, some located and operated on tribal lands, to support their fisheries programs. Congress has been extremely supportive of these programs and has directed USFWS to provide expert and technical assistance to the Tribes with the express goal of moving toward tribal control and management of the facilities located on tribal lands. Since 1988, Congress has explicitly urged the USFWS to contract, through the P.L. 93-638 process, existing fish rearing facilities and management programs to Tribes, when Tribes demonstrated their readiness for such transfers of administration.

Despite this history, USFWS Indian Assistance Programs have steadily declined in the past few decades as a result of shifts in USFWS policy and funding priorities that have occurred with the passage of the *Endangered Species Act* and related environmental mandates. A clear example of this shift is reflected in the November 2000 closure of the

Mescalero National Fish Hatchery located on the Mescalero Apache Reservation in New Mexico. Before its closure, the Mescalero facility supplied and supported recreational fishing programs for 17 Tribes in New Mexico, Arizona and Southern Colorado. Beyond the Mescalero example, USFWS budgeting and policy debates regarding the ongoing operation and maintenance of other existing National Fish Hatchery operations on tribal lands (namely, the Alchesay-Williams Creek NFH Complex on the Fort Apache Indian Reservation in Arizona) continue to persist, with further cuts to important hatchery facilities and related tribal programs remaining as threats to the ongoing development of tribal economies and conservation programs.

In response to these trends and associated risks, the affected Tribes established the SWTFC to develop and organize a more comprehensive and collaborative approach to secure the futures of their recreation economies and fisheries management programs; and to further build tribal capacity in managing all fisheries (recreational and native restoration) on tribal lands. In addition, the SWTFC seeks to expand regional fisheries by assisting southwest Tribes that have expressed interest and that have necessary resources to explore the feasibility of developing tribal aquaculture facilities and/or recreational fish rearing facilities while building effective regional “cooperatives” in the process. Accordingly, the mission of SWTFC is *“to advance Tribal self-determination and Tribal stewardship of fisheries resources through the professional development and support of Tribal resource management programs, and through supporting sustainable economic development on Southwestern Tribal lands by enhancing recreational fishing and public recreation opportunities.”*

SOUTHWEST RECREATIONAL FISHERIES – Characteristics and Status

National Fish Hatchery Facilities Sustaining Tribal Fisheries Programs:

As noted earlier, southwest Tribes have recreational fishing programs that rely upon the network of NFH facilities in the region for both warm and cold-water fish stocks to support those programs. The relatively arid nature of the southwest United States combined with the prevalence of native fish species that, generally, do not serve as viable game fish, present conditions that require fish hatcheries to sustain recreational fishing programs. Furthermore, certain NFH facilities in the region also play critical roles in restoration and recovery efforts involving various native fish species, as reflected in the examples of the Apache trout, Bonytail chub, Razorback sucker and Gila trout.

As a result of the 2000 closure of the Mescalero NFH and prevailing drought conditions throughout the southwest that have adversely impacted production of other cold-water hatcheries (namely, the Alchesay-Williams Creek NFH in Arizona), the status of tribal recreational fisheries has been declining over the past few years. Tribes affiliated with the SWTFC have experienced across-the-board reductions in their allocation of cold-water fish stocks in recent years, while production and stocking of warm-water species (primarily Channel catfish and Largemouth bass) have been maintained at relatively consistent levels during this same period.

The following outlines the network of key USFWS National Fish Hatchery facilities in the southwest that raise and stock both cold and warm water fish species on tribal lands (including those NFH facilities not located on tribal lands):

NFH Facility	Hatchery Type/Fish	No. Tribes Served	Others Served	Status/Comments
Mescalero NFH – located on Mescalero Apache Reservation, NM	Cold Water/ Cutthroat, Rainbow and native Gila trout	NM – 14 AZ – 2 CO – 1	State of NM, Gila National Forest (NM), Tonto National Forest (AZ) – Gila trout	Facility closed - Tribe attempting reopen by securing underlying renovation and operational funding, through EDA and BIA, respectively.
Alchesay-Williams Creek NFH – located on Fort Apache Indian Reservation, AZ	Cold Water/ Brook, Rainbow, Brown, Cutthroat and native Apache trout	AZ – 7 NM – 14 CO – 2	U.S. Military Bases (various exotic trout), State of Arizona (Apache trout)	Complex of 2 separate hatchery operations experiencing reduced production levels due to drought conditions and deteriorating facilities.
Inks Dam NFH	Warm Water/ Channel catfish and Largemouth Bass	All Tribes having warm water, put-and-take fisheries	N/A	Hatchery production and distribution data not yet reviewed by SWTFC.
Willow Beach NFH (AZ)	Cold Water/ Rainbow Trout, and native Razorback sucker, Bonytail chub	Select tribes in NW Arizona	N/A	Hatchery production and distribution data not yet reviewed by SWTFC.
Jones Hole NFH (UT) and Uvalde NFH (TX)	Jones Hole – cold water Uvalde – warm water	Jones Hole – Utah Tribes Uvalde – NM, AZ, CO tribes	N/A	Hatchery production and distribution data not yet reviewed by SWTFC.

The Mescalero NFH facility (NM), when operational, raised and stocked catchable trout in reservoirs, impoundments and other cold water fisheries on the following southwest Indian reservations:

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|----------------------------|-------------------------|-------------------------|
| Mescalero Apache (NM) | Isleta Pueblo (NM) | Jemez Pueblo (NM) |
| Laguna Pueblo (NM) | Jicarilla Apache (NM) | Picaris Pueblo (NM) |
| San Ildefonso Pueblo (NM) | San Juan Pueblo (NM) | Zia Pueblo (NM) |
| Nambe Pueblo (NM) | Santa Clara Pueblo (NM) | Sandia Pueblo (NM) |
| Acoma Pueblo (NM) | Tesuque Pueblo (NM) | Southern Ute Tribe (CO) |
| White Mountain Apache (AZ) | Navajo Nation (AZ) | |

At its peak (1990), the Mescalero NFH produced and stocked approximately 500,000 catchable trout on tribal lands, with its average annual production in the years leading up to its closure being approximately 300,000 fish per year.

The Alchesay-Williams Creek NFH facility (AZ) raises and stocks catchable trout in reservoirs, impoundments and other cold-water fisheries on the following southwest Indian reservations. This list includes those recently added tribal programs that have been provided limited stocks of sport fish as a result of the closure of the Mescalero NFH in 2000:

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|-------------------------------|------------------------|---------------------|
| White Mountain Apache (AZ) | San Carlos Apache (AZ) | Navajo Nation (AZ) |
| Fort McDowell (AZ) | Hopi (AZ) | Kaibab/Paiute (AZ) |
| Salt River Pima Maricopa (AZ) | Mescalero Apache (NM) | Isleta Pueblo (NM) |
| Jemez Pueblo (NM) | Jicarilla Apache (NM) | Picaris Pueblo (NM) |

San Ildefonso Pueblo (NM)	San Juan Pueblo (NM)	Zia Pueblo (NM)
Nambe Pueblo (NM)	Santa Clara Pueblo (NM)	Acoma Pueblo (NM)
Sandia Pueblo (NM)	Zuni Pueblo (NM)	Tesuque Pueblo (NM)
Southern Ute Tribe (CO)	Ute Mountain Ute Tribe (CO)	

At its peak (2000), the Alchesay-Williams Creek NFH Complex produced and stocked approximately 1.1 million catchable trout on tribal lands, with its average annual production in the years since this peak declining to approximately 800,000 fish per year due to drought impacts. Furthermore, these lower production levels are being parceled and spread among more tribes as a result of the Mescalero NFH closure.

Other NFH facilities that have contributed to tribal recreational fisheries programs but, [no specific data or information has been obtained for this report, include the **Uvalde NFH in Texas** (warm-water species) and the **Jones Hole NFH in Utah** (cold-water species). Both of these NFH sites produce sport fish that are stocked on tribal lands, while primarily serving other federal and state agency customers.

Southwest Game & Sport fish species: With a few exceptions, both cold and warm-water recreational fishing programs in the southwest are largely based and rely upon game-fish species that are not native species. This situation exists due to the general absence, or extremely limited availability and distribution of southwestern native fish species that provide high recreational and commercial value to support recreational fishing programs. Unlike those conditions found in the northwest United States with the various salmon species, or the Great Lakes region of the country with its walleye, Northern pike, Lake trout and other native sport fish species, southwest Tribes – like their State game and fish management counterparts in the southwest – have developed recreational programs and economies that revolve around game fish species that are raised in hatchery facilities.

Exceptions to this rule include the native Apache trout found in Arizona’s White Mountain region and the native Colorado and Rio Grande cutthroat trout found in select waters in northern New Mexico and southern Colorado and Utah region. In all these cases, the natural distribution of these native fishes is limited to specific geographic areas within the southwest thereby limiting any potential recreational opportunities to those specific areas of the region. Furthermore, management efforts with these rare and isolated native species are typically geared toward limited recovery and restoration programs, further restricting their potential contribution to a more comprehensive regional recreational fishery.

The overwhelming majority of these non-native game fish species are stocked in man-made, artificial habitats on tribal lands in the southwest. The recreational fishing programs of Tribes affiliated with the SWTFC typically feature small reservoirs and impoundments that were originally constructed for multiple use water storage (irrigation, livestock, etc.). In some cases, the facilities have been fully dedicated to tribal recreational development. Tribes having high-elevation, mountainous reservoirs typically support year-round cold water fisheries dominated by the various trout species, while those having lower-elevation reservoirs in warmer and more arid climates typically support warm water fisheries (bass, catfish) – or manage fisheries that seasonally fluctuate between stockings of cold water species in fall and winter months, and warm water species in spring and summer months.

Southwest tribal fisheries management obligations, however, are by no means limited to addressing recreational programs alone. Many southwest Tribes hold lands that support natural watersheds and associated riparian and wetland habitats having a variety of native fish species. Tribal recreational fishing programs and management approaches have typically been modified and enhanced to accommodate these native fish restoration and recovery efforts, with SWTFC affiliated Tribes continuing to partner with the USFWS and other key agencies in advancing these management efforts. A successful and notable example of these efforts can be found in Arizona with the White Mountain Apache Tribe’s Apache trout recovery program. The program has advanced to the point where this native trout species (reared in the Alchesay-Williams Creek NFH Complex) is being considered for de-listing under the *Endangered Species Act* and serves as an integral part of the Tribe’s recreational fishing program.

BUILDING TRIBAL FISHERIES MANAGEMENT CAPACITY

In confronting these complex resource management challenges with the current complement of funding sources and management capabilities, southwest tribal fish and wildlife programs are overwhelmed. SWTFC Tribes have stewardship responsibilities over a diversity of resources that include a wide variety of species (both game and non-game) and habitats found on their diverse and expansive lands. In many cases, southwest Tribes are challenged with the obligation to administer balanced and scientifically sound management approaches that are not only sustainable relative to their natural resource and recreation-based economies, but that are additionally responsible to an increasing array of native species management concerns.

Southwest Tribes continue to struggle in developing and funding the management capacity needed to adequately address these diverse fish and wildlife resources. SWTFC Tribes have programs that vary widely, but all typically depend upon limited BIA funding and technical assistance programs, combined with USFWS assistance to address all tribal management needs. Again, these tribal needs continue to outpace existing management program capacities, regardless of where these capacities originate.

Furthermore, while SWTFC Tribes value their working relationships with the BIA, USFWS and other agencies, and desire to build on those partnership, the prevailing need among these Tribes is to improve and enhance their own internal capabilities in managing tribal fish and wildlife resources. In facing these capacity-building challenges, SWTFC Tribes seek to develop reliable funding mechanisms for fish and wildlife management programs, which are fundamental to tribal sovereignty and self-determination. SWTFC Tribes desire to advance these capacity-building objectives, which include supporting the sustainable development of tribal recreation-based enterprises, including recreational fishing programs. While not fully addressing tribal needs, these recreational programs provide important sources of revenues that supplement tribal economies and local employment, and, in some cases, partially contribute to the development of tribal fish and wildlife conservation programs.

CONCLUSION

With these balanced economic and conservation principles in mind, the SWTFC and its member Tribes are working to develop meaningful partnerships with tribal, state, federal and local interests to pursue initiatives that promote sustainable economic development and enhance conservation capacity-building on tribal lands. Immediate efforts include: 1) supporting the Mescalero Apache Tribe as it moves forward with New Mexico State University and regional Tribes in securing renovation and operating funds needed to reopen its valuable cold-water hatchery facility; 2) supporting Arizona's White Mountain Apache Tribe as it pursues renovation funding for the Alchesay-Williams Creek Complex to restore/increase the production capabilities of the facility in meeting the needs of the 23 Tribes it currently serves, and 3) to work with the USFWS in securing the operations of other NFH facilities serving tribal warm and cold water recreational fishing programs (including Inks Dam NFH, Willow Beach NFH, Jones Hole NFH and Uvalde

NFH). Other related efforts include assisting Tribes with the feasible development of tribal aquaculture and rearing facility networks or cooperatives that are targeted to address growing recreational and native fish management needs within the region.

The SWTFC has also served as a valuable vehicle to communicate with the BIA and USFWS on important fisheries issues impacting our member Tribes. Officials from these federal agencies have attended all of our meetings and have been particularly supportive and helpful to our efforts. Our Tribes have also benefited from this interaction and all agree that better communication, improved dialogue, mutual understanding and respect have resulted from our discussions in the past nine months.

With regard to other policy implications, SWTFC hopes that our work will be incorporated into the larger ongoing "trust reform" efforts within the Department of the Interior. SWTFC Tribes share the concern about the past and current trends in trust reform regarding assignment of priorities and distribution of funding for the Indian trust. Of the more than \$700 million appropriated in recent years in the name of "trust," SWTFC Tribes are particularly frustrated by the fact that very little, if any, of this "new" money has flowed into tribal resources management programs. Most of this money has been spent on accountants (ironically, the now defunct Arthur Andersen Company), computer systems and systems designing, the efforts to conduct historical accounting on the trust fund accounts, and in other areas not associated directly with tribal programs. This is ironic and sad given the vast land and resources on tribal lands that have been and continue to be ignored by the Department of the Interior. Through focused and strategic planning with our federal partners SWTFC hopes that we will be successful in elevating our resources needs within the larger "trust reform" debate.

We appreciate the Senate Committee on Indian Affairs' support in holding this hearing and for providing the SWTFC the opportunity to address the status of tribal fish and wildlife programs in the southwest. Thank you.