



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

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**Testimony of
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On the

**Native American Fish and Wildlife Resources
Management Act of 2004
S. 2301**

**Before the
Committee on Indian Affairs
U.S. Senate**

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Mr. Chairman, members of the Committee, on behalf of the Columbia River treaty tribes, I would like to thank you for this opportunity to provide testimony on the Native American Fish and Wildlife Resources Management Act of 2004. My name is Olney Patt, Jr. and I am the Executive Director of the Columbia River Inter-Tribal Fish Commission. The Commission was formed by resolution of the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of the Warm Springs Reservation of Oregon and the Confederated Tribes and Bands of the Yakama Nation for the purpose of coordinating fishery management policy and providing technical expertise essential for the protection of the tribes' treaty-protected fish resources. Both independently and through their Commission process, the Columbia River treaty tribes have worked cooperatively, and with some success, with the states and federal agencies, as well as with private landowners, to restore populations of the shared salmon resource. The Columbia River treaty tribes see this bill as opportunity to provide a framework for tribes to deal with specific on-reservation resource management issues as well as to provide a national framework that can allow tribes, states and the federal government to also successfully address regional management issues where there are shared natural resources.

I want to note that I will focus on a couple of key elements of this bill in my testimony today and that I will supplement the record with additional written testimony within a few weeks.

Since 1977, our Commission has contracted with the BIA under the Indian Self-Determination Act (P.L. 93-638) to provide technical expertise essential for the protection

of the tribes' treaty-protected fish resources. Through a governing body of leaders from four tribes working together to protect their treaty fishing rights and a staff of biologists, hydrologists, law enforcement personnel, and other experts advising tribal policy-makers, this Commission has demonstrated that tribes are able to coordinate with a multitude of parties on a regional, national, and international level. What we have learned during the history of the Commission is that through better regional coordination and cooperation, we can spend more time working with state and federal land water managers on developing shared resource management strategies and less time in court.

Since the tribes formed the Commission, we have seen the development and implementation of a cooperative harvest management plan for the Columbia River. In the late 1960's and through the 1970s, the tribes spent much time in court debating how the tribes and states should share the conservation burden of the shared salmon resource. By the late 1980s, the tribes and states had come to an agreement on a harvest plan for co-management of this resource, with some agreement on production programs. This plan, though currently under revision, has largely replaced the annual litigation over the conservation and harvest management of the shared salmon resource that originates in the Columbia River.

On an international scale, in the early 1980s we witnessed a dangerous coastwide decline in Chinook salmon stocks from southeast Alaska, through British Columbia, and throughout the Pacific Northwest. The need to deal with this conservation crisis helped to push the U.S. and Canada to reach an agreement on the Pacific Salmon Treaty in 1985. Under the Treaty, there is now a management structure through which the parties can share technical information and develop strategies to deal with management problems concerning the shared salmon resource. The Columbia River treaty tribes, along with the western Washington treaty fishing tribes, were significant participants in the negotiation of that Treaty and continue to play a significant role in its implementation.

Now each of the examples I've outlined deal with complex, multi-jurisdictional management issues. More often than not, we would anticipate that individual tribes would use the management planning and resource inventory structure outlined in this bill to address on-reservation resource management issues. At the same time, this resource inventory and management planning process may have an application for shared resources off reservation, such as salmon. In either case though, this bill acknowledges the importance of the tribes to participate in the resource planning and management of resources they reserved to themselves through the treaty process with the United States, or that have been recognized through executive orders, statutes, judicial decrees, or through other methods. Just as importantly, the structure and process laid out in the bill can help to prevent 'surprises' to resource users on the a reservation or, particularly in the case of shared resources that may be taken by tribal members off-reservation, the planning process can help to prevent surprises for non-tribal members off-reservation.

This bill, by specifically allowing tribes to opt-in to the resource inventory and planning process, recognizes that the needs of individual tribes differ within regions and across the continent. This bill does not force any tribe to undertake the resource inventory and

management planning process provided in this bill. Undertaking a resource inventory and survey would only occur at the request of a tribe, the development of a resource management plan would then follow at a pace set by each individual tribe. Nor would this bill require any tribe to abandon a current management plan, co-management agreements, or any other working resource management plan. It does offer the promise of a structure and the resources that can be utilized by all tribes, at their option, in developing new plans or in revising old management plans.

I would like to note an important element in this bill: Section 202 of the bill provides a framework to increase the educational opportunities for tribal members to gain the knowledge and training necessary to manage tribal resources. It also provides an opportunity for tribes to coordinate and cooperate with other tribes, with universities and with others as appropriate on technical and scientific issues associated with resource management.

We see great promise, both for tribes and for natural resource management, in the development of tribal cooperative research units at universities across the country. Within the Columbia River basin, this Commission, working with its member tribes, identified a critical regional need for additional facilities to handle genetics work associated with regional salmon restoration activities. On behalf of its member tribes, the Commission entered into a Memorandum of Agreement with the University of Idaho to site these facilities at the University's aquaculture research facility. Building upon that agreement, and acknowledging the desire of other tribes in the basin to participate in the opportunities offered by our arrangement with the University, we have worked with the University to outline a memorandum to establish a cooperative research unit that other tribes can join as well.

The formation of that tribal cooperative research unit with the University of Idaho provides several benefits: it allows the tribes' to have their own staff driving the research agenda and working on resource issues of importance to the tribe; it offers tribal staff the opportunity to reach out to the non-tribal community through teaching assignments at the University; and it provides a place for tribal members attending the University to take on undergraduate or graduate degree research work. All of this would be accomplished in a cooperative, coordinated research forum that could include other state or federal researchers, as the tribes might determine is appropriate. I would note that it is important that we insure that the opportunities laid out for tribal students in this section of the bill, especially as to the development of the cooperative research unit system, are integrated with the opportunities and work of the Indian College System.

I also want to touch upon another section of the bill dealing with hatchery programs. As we've learned in the Pacific Northwest, hatcheries can be a part of the problem - but can also be a significant part of the solution - in ensuring the sustainability of a fishery resource. It all depends upon how the goals and objectives of a hatchery program are reached by a tribe or in some situations, by a tribe in coordination with other co-managers. The section of the bill that provides for assistance to the tribal hatchery programs is geared to dealing with both strictly on-reservation tribal hatchery program activities as well as

situations where tribal hatchery programs may be located at least partially off-reservation. In addition, it provides an opportunity for a tribe, or tribes, to enter into cooperative agreements with federal agencies to either co-manage a hatchery program or takeover the management of a hatchery program. In either case, we would anticipate that funding for such hatchery management or co-management programs would originate initially with the cooperating agency, either the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, and not originate within the programmatic budget of the Bureau of Indian Affairs. We could have already utilized these provisions within the Columbia River basin to enter into mutually beneficial cooperative programs but were hampered by the federal agency's lack of Congressional authority to do so. This section of the bill would allow us to take advantage of such a cooperative venture in the future.

For the reasons I've laid out in my testimony today, the Columbia River treaty tribes support the general concepts and opportunities provided in language of the Native American Fish and Wildlife Resources Management Act of 2004. We would welcome the opportunity to work with you, other members of the Committee and with your staff to fine tune the bill to ensure that it meets the needs of all of the tribes within the United States and to ensure its passage during this Congress.