

**TESTIMONY OF  
D. ROBERT LOHN, REGIONAL ADMINISTRATOR  
NORTHWEST REGION, NATIONAL MARINE FISHERIES SERVICE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
U.S. DEPARTMENT OF COMMERCE**

**BEFORE THE  
COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE**

**ON  
TRIBAL FISH AND WILDLIFE MANAGEMENT PROGRAMS IN THE PACIFIC  
NORTHWEST**

**JUNE 4, 2003**

Good afternoon, Mr. Chairman, and honorable members of the Committee. Thank you very much for inviting me to share some comments about NOAA Fisheries relations and cooperation with tribal governments in the Pacific Northwest on fisheries issues. There are 43 tribes in the Pacific Northwest, 30 of which have federally recognized fishing rights. It is with the 30 tribes possessing trust and/or treaty fishing rights that we have our most frequent contact. We have repeatedly stressed to the region's leaders, tribal and non-tribal, the importance of our co-management and trust relationship to the tribes. NOAA Fisheries enjoys a positive working relationship with our Pacific Northwest tribal partners. We view that relationship as crucial to the region's future success in recovery of listed salmon.

I would now like to give the Committee an overview of the types of interactions we routinely have with the tribes of the Northwest Region.

**Tribal Communication and Coordination**

**Northwest Region (NWR) Tribal Liaison**

To improve our coordination and communication with Northwest tribes, the NWR established a regional tribal liaison position in 2000. That position provides a point of contact for tribal officials and staff members uncertain about NOAA Fisheries program contacts. Coordination includes answering specific questions to clarify uncertainty and resolving more general questions about the consultation process and procedures. In these ways we have been able to address such specific issues as: FERC relicensing consultations (White River and Cowlitz Projects), resource management actions (Confederated Tribes of the Warm Springs Reservation of Oregon (grazing and forestry) Coquille (forestry) and Confederated Tribes of the Grand Ronde (forestry, including a multi-year consultation on forest management plan). Additionally, the NOAA

Fisheries divisions and branches within our region have virtually daily contact with tribal programs in such areas as research, fisheries, hydropower, and hatcheries.

### **NWR-Tribal Commissions Semi-Annual Meetings**

We have semi-annual policy-level discussions with the two regional fisheries commissions (Columbia River Inter-Tribal Fish Commission (CRITFC) and the Northwest Indian Fisheries Commission (NWIFC)). We use these meetings to keep our respective organizations informed of programmatic developments and to share issues of concern. The meetings involve the tribal commissioners and key policy staff (from a total of 24 tribes), along with my senior policy staff and me. We believe these meetings are mutually beneficial and greatly improve our communication and coordination.

We have stressed that our government-to-government relationship and trust responsibility is to tribal governments, not intertribal organizations (a point often emphasized by tribal governments themselves). To reinforce our appreciation of this unique relationship, last year my senior staff and I met with all six tribal governments in the Columbia Basin, representing tribes with fishing and co-management authorities.

### **FCRPS Implementation**

The Federal Columbia River Power System is operated in accordance with a NOAA Fisheries biological opinion pursuant to the Endangered Species Act (ESA). The opinion places substantial requirements on the Bonneville Power Administration, the US Army Corps of Engineers, and the Bureau of Reclamation to operate the system to protect listed salmon and steelhead and to conduct off-site mitigation to improve the habitat and productivity of the listed fish. Many of the steps taken under this biological opinion also benefit non-listed stocks of these fish, including those important to the tribal governments in the Columbia River Basin.

The requirements of the ESA lead us to concentrate resources on opportunities to conserve listed species. For the habitat, research, monitoring, and evaluation projects, this can, in some cases, cause us to prioritize toward projects that focus on listed species. While we also seek to coordinate ESA obligations with ongoing projects that benefit non-listed stocks, we recognize that the increases in BPA funding have been focused on FCRPS actions that are necessary to avoid jeopardizing the continued existence of threatened and endangered salmon. Inevitably, the tribes, as well as state and local interests, have a capacity for projects that extend beyond BPA's capacity and authority. Therefore, we seek to coordinate and partner resources to maintain support for tribal projects that are directed toward long-term restoration and protection of watersheds by the kinds of actions that help assure that additional stocks of salmon will not require ESA protection in the future.

In overseeing the hydro system operations under the biological opinion, we have tried to assure full opportunity for tribal participation. These operations are overseen, to a significant degree, by a committee called the Implementation Team (IT) and various work groups reporting to the IT. The IT and its work groups are composed of federal, state, local utility, and tribal

representatives. Last year, in response to tribal requests to hold some meetings outside the Portland area, at sites nearer the reservations, we held our first “off-site” meetings. The IT met in Boise, Idaho to be more conveniently located for the Shoshone-Bannock, Shoshone-Paiute, and Burns Paiute Tribes. Another meeting was held at Grand Coulee (sponsored by the Spokane Tribe of Indians and the Confederated Colville Tribes). It was held over two days to include a tour of Lake Roosevelt by the tribes to illustrate concerns associated with lake management decisions made by the IT.

### **Regulation Coordination**

We routinely share draft documents and incorporate informal comments and suggestions from NWIFC, CRITFC and interested tribes when we are developing regulations and implementing ESA 4(d) rules that provide for tribal management plans. Further, we coordinate with the commission and interested tribes when engaging in stock assessments, species status reviews, and so forth.

### **Pacific Coastal Salmon Recovery Fund**

The Pacific Coastal Salmon Recovery Fund (PCSRF) was established in FY2000 to provide grants to the States and Tribes to assist state, local and tribal salmon conservation and recovery efforts. The PCSRF was requested by the Governors of the States of Washington, Oregon, California and Alaska to help restore Endangered Species Act listings of west coast salmon and steelhead populations as well as in response to the harvest restrictions placed on Southeast Alaskan fishers through the 1999 Pacific Salmon Treaty. Each year, PCSRF funding is earmarked for Pacific Coastal and Columbia River tribes.

There are 35 tribes involved in the PCSRF program. There are five major program areas: (1) Salmon Habitat Protection and Restoration; (2) Watershed and Sub-Basin Planning and Assessments; (3) Salmon Stock Enhancement; (4) Salmon Research, Monitoring and Evaluation; and (5) Public Outreach and Education. The tribal funding for each year has been identified for Pacific Coastal Tribes and Columbia River Tribes, as follows:

FY 2000	\$6M - Pacific Coastal Tribes \$2M - Columbia River Tribes
FY 2001	\$7.4M - Pacific Coastal Tribes \$2.5M - Columbia River Tribes
FY 2002	\$11.0M - Pacific Coastal Tribes \$4.0M - Columbia River Tribes
FY 2003	\$8.9M - Pacific Coastal Tribes \$3.0M - Columbia River Tribes

NOAA Fisheries has developed Memoranda of Understanding (MOUs) with the three Intertribal Commissions on the use of PCSRF funds by member tribes (CRITFC, NWIFC, and Klamath River Inter-Tribal Fish and Water Commission). Under the MOUs, the commissions have developed project identification and selection processes in order to select proposed projects that meet the requirements of the PCSRF. The commissions provide grant administration services, including grant reporting on behalf of the member tribes.

In addition to the tribal commissions, funds are made available to seven individual tribes that are not members of either fish commission: The Confederated Colville Tribes; Shoshone-Bannock Tribes; the Confederated Tribes of the Grand Rhonde; the Coquille Tribe; The Confederated Tribes of the Siletz Reservation; the Chehalis Tribe; and, the Round Valley Tribe. The PCSRF program has provided a unique opportunity to form partnerships with the tribes in order to benefit salmonid populations.

### **Initiatives with Tribes**

#### **Secretarial Order**

In 1997, the secretaries of Commerce and the Interior signed a joint Secretarial Order (SO), *American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act*. After years of informal application of the order, the NWR with NWIFC developed guidance for applying SO principles to habitat-related (ESA) Section 7 consultations with federal action agencies in which a tribe, tribes, and/or NWIFC may have an interest. This small, but significant, step is being tested as a pilot program in western Washington. If it proves successful, we will work on other sections of the SO, to be jointly identified by NWR and the tribes, as well as with other tribes in the region for adaptation to their particular situations.

#### **Groundfish**

At tribal request we met to discuss concerns surrounding groundfish fisheries. Recently, severe cutbacks were required in the groundfish fisheries all along the west coast. As a result of tribal concerns and to take advantage of opportunities to share management, research, and monitoring expertise with tribal and state co-managers, we have formed a groundfish committee, including state representation, to address concerns about Washington Coastal Groundfish areas, to coordinate information for presentation to the Pacific Fishery Management Council.

#### **Tribal Advisory Boards/Committees**

The NWR Tribal Liaison serves on the advisory committees to the Northwest Indian College's Tribal and University Program and Haskell Indian University's Environmental and Natural Resources Program. These activities provide invaluable opportunities to not only assist the professional development of the Indian students but also to help increase tribal student awareness and interest in NOAA Fisheries.

As stated earlier, Mr. Chairman, all of us in the NWR take our trust responsibilities to the tribes very seriously. We are proud of the advances in our relationships with regional tribes that have been made in the last few years and look forward to even greater advances in the years to come.

Mr. Chairman, that concludes my prepared testimony. Again, thank you for this opportunity to appear before you today. I would be pleased to answer any questions you or members of the Committee may have.