

Testimony of Chairman Jay Julius
Lummi Nation
U.S. Senate Committee on Commerce, Science and Transportation
Hearing Entitled: “Feeding America: Making Sustainable Offshore Aquaculture a
Reality”
October 16th, 2019

Chairman Wicker, Ranking Member Cantwell, members of the Committee, thank you for the opportunity to testify on both the threats and benefits of offshore aquaculture.

Located in the Northwest corner of Washington State, the Lummi Nation and its people represent the largest fishing tribe in the country. Since time immemorial the Lummi people have relied on the Salish Sea and the fisheries it provides for ceremonial, subsistence and economic purposes. Our lives and culture depend on the health and sustainability of its resources and our right to harvest these resources is protected by our treaty with the United States. Native salmon stocks are already under tremendous pressure and struggling to survive. Habitat destruction, pollution, lack of forage fish are but a few of the threats facing salmon.

In August of 2017, an environmental disaster took place in the Salish Sea and directly impacted the Lummi Nation. The desires of a foreign corporation, Cooke Aquaculture, to negligently exploit our waters lead to the massive release of a pollutant, approximately 240,00 Atlantic salmon, an invasive species, into our waters. The Lummi Nation incurred significant expense in trying to clean up the mess created by Cooke. We declared a state of emergency, and it was literally all hands-on deck as our fishing fleet stopped everything they were doing to capture the Atlantic Salmon and clean up the spill. It’s important to note, this industry was operating in our waters without our consent. This industry has the potential to adversely impact our ability to exercise our treaty-reserved rights.

Having seen firsthand how poor aquaculture policy can threaten fragile ecosystems and endangered fish stocks, I have several suggestions on principles for future aquaculture policy.

First, the rights of treaty tribes need to be protected. It is not uncommon for aquaculture facilities to be sited in areas that are an integral part of the usual and accustomed fishing places of the Lummi Nation. Consequently, as part of the permitting process for these facilities, the federal government is required to ensure

that treaty rights are not abrogated or impinged upon by any permitted project. This right was recognized by the Federal courts who, in *Northwest Sea Farms v. United States Army Corps of Engineers*, blocked the permitting of an offshore aquaculture facility because of its potential impacts on treaty fishing rights of the Lummi Nation.

Second, there should be a ban on non-native finfish aquaculture. The risks of disease, pollution, predation and interbreeding are far too great, particularly in my region where we are struggling to recover native species. Certain forms of net pen aquaculture externalize the true costs of the industry while ensuring that a few multinational corporations reap tremendous economic benefits while endangering our way of life. Nutrient loading (phosphorus and nitrogen), toxic heavy metals, predation, competition, colonization and disease all accompany certain forms of net pen aquaculture.

Third, regional differences and priorities need to be respected. While full scale offshore aquaculture may be acceptable in some regions of the country, it is not appropriate in many regions, including the waters where my people fish.

Finally, there needs to be strong environmental protections and enforcement of those laws. The Cooke disaster happened because of weak laws and little or no inspections or enforcement from either the State of Washington or Federal government.

While aquaculture presents many threats, it has also been essential keeping the fishing traditions of the Lummi people alive. Due to habitat destruction, previous management practices by state and local governments, climate change, and many other reasons, the fish populations in the Salish Sea have been decimated and are a fraction of their historic levels. In order to maintain even the most meager of fisheries my people have relied on finfish and shellfish hatcheries to maintain our way of life and provide for our families.

Lummi Nation started a hatchery program in 1969, but it wasn't until 1975, a year after the Boldt Decision that the hatchery program shifted to focus on releasing juvenile salmon to enhance the waters surrounding Lummi Nation. Today, the Lummi Nation has become one of the major producers of Chinook and Coho salmon in the Salish Sea. Hatcheries are an important part of aquaculture, and when done correctly, can help to supplement wild fish populations, provide a resource for tribal and non-tribal fishermen and an important food source for endangered species, such as Orcas. Under Phase II of the Boldt Decision, hatchery fish are Treaty fish, mitigation for lost habitat.

It is both the treaty and trust responsibility of the Federal government to ensure that future aquaculture policy both support and enhance our Nation's hatchery infrastructure.

Under the United States Constitution, our Treaty with you is the Supreme Law of the Land and a healthy Salish Sea is essential to our Treaty Rights, our identity as a people, our culture, and our *Sche lang en*, our way of life.

Thank you for the opportunity to testify and I look forward to answering any questions.