



# Northwest Indian Fisheries Commission

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**Testimony of Billy Frank Jr., Chair,  
Northwest Indian Fisheries Commission  
to the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast  
Guard  
Subcommittee of the Committee on Commerce, Science, and  
Transportation**

The western Washington Tribes wish to thank this Sub-Committee for the opportunity to provide our perspective on the need for a national ocean policy.

The treaty tribes of western Washington have been stewards of our lands and waters since time immemorial. Sustainability has been the central theme of our management philosophy. Preserving our fish and wildlife resources, as well as access to them, is essential to our economic, cultural, and spiritual well being. This importance has always been understood by our people and is why our hunting and fishing rights are secured by treaty with the United States. The breadth and scope of current tribal involvement in all aspects of natural resource management underscores how central it remains to tribal life today.

The western Washington Treaty Tribes regard the federal government as a partner and trustee charged with the conservation and protection of ocean resources and the tribe's treaty reserved right to harvest those resources sustainably for generations to come. This partnership and trust relationship must be recognized within the development of a national ocean policy and incorporated within the resulting ocean governance structure. In recognition of this relationship and duty, we provided the Interagency Ocean Policy Task Force with these initial seven recommendations for their consideration:

- The national ocean policy should support regional approaches to managing ocean issues, including clearly defining mechanisms for engaging individual states and tribes and supporting existing regional ocean governance entities;
- Provide adequate funding for implementing the nation ocean policy, including regulatory entities;
- The national ocean policy should set forth clear, well-designed coordination mechanisms among all managers of ocean resources;
- The national ocean policy should actively promote and support the transition to ecosystem-based management, including needed assessments, monitoring, and research;
- Engage treaty tribes early in developing guidelines for marine spatial planning and adopt an integrated and adaptive approach for this planning effort;
- The national ocean policy should support greater research on offshore renewable energy, including examining the potential impacts to coastal communities and resources as well as supporting the associated planning processes; and
- The national ocean policy should acknowledge and address the unique threat climate change poses to ocean and coastal resources and communities.

We commend the Interagency Ocean Policy Task Force for their thorough inquiry and the nine recommended priority objectives contained within the Interim Report. They set an ambitious schedule for policy development - including holding six regional hearings, numerous conference calls - and diligently staying focused on the task. We are appreciative of their direct engagement of the tribes in a government-to-government relationship during this process. Appropriately, the solicitation of tribal input was timely and allowed for substantive dialog on the issues. We wish to thank the task force and their staff for this. It is our desire that the momentum gained by this effort can be translated into the adoption and implementation of the recommended priority objectives for a national ocean policy.

We agree with the Interim Report's recommendation to form a National Ocean Council composed of principal- and deputy-level officials from the Administration. This governance structure is necessary to ensure high-level engagement on ocean issues that has been lacking in the past. Upon establishment this council must have clear operational and procedural rules as well as identified overarching principles to guide its decision-making process. Clearly stated principles and procedures will instill consistency in management actions and promote greater trust by those whom the decisions affect.

The treaty tribes in western Washington are supportive of the recommendation for tribal representation on the Governance Advisory Committee to the National Ocean Council. This is both appropriate and necessary to fulfill the federal government's treaty trust responsibilities. Much of the National Ocean Council's work will have a direct bearing on the abundance and/or access to tribal trust resources. Consequently, inclusion of tribal perspectives and providing for their direct participation in developing these policies must occur. Adequate funding should be provided to tribes to support the necessary meeting preparations and intra-tribal coordination of policy issues that will be expected of these representatives.

The inclusion of tribal perspectives in the development of ocean and coastal policy is necessary if we are to jointly manage these shared trust resources with the United States in a comprehensive and sustainable manner. The treaty reserved fishing and hunting rights of Western Washington tribes are place-based. That is to say, the tribes cannot exercise their treaty rights outside of their usual and accustomed areas. Consequently, how species respond or adapt to climate change or how access to these resources may be hindered is a major concern to the tribes. Even minor changes in resource abundance or access can result in severe impacts to tribal communities, both from a cultural and economic standpoint.

Marine spatial planning is a concern because it creates the potential for use conflicts within tribes' usual and accustomed areas. Continuation of traditional practices (hunting, fishing, gathering) and access to trust resources is a priority for the tribes. Tribes desire a process that comprehensively balances onshore, nearshore and offshore activities. A governmental forum (tribal/state/federal) that provides for input of regional or local management concerns is needed. This process must recognize federal trust responsibilities and the need to manage trust resources in a co-management relationship with the tribes. The process must be structured to engage the tribes in meaningful dialog on a government-to-government basis, and not merely soliciting tribal comments in the same manner and timeframe as non-tribal stakeholders.

Congress and this Subcommittee also have a vital role to play in developing a national ocean policy. Adequate funding of the Omnibus Public Lands Act of 2009 is important in order to fully implement the Interim Reports' recommended objectives. Title XII of this Act initiates several programs within the National Oceanic and Atmospheric Administration that will be critical for the informed management, use, and preservation of our ocean, marine, and coastal resources. We are supportive of the core objective of this legislation to utilize state/tribal/federal partnerships to address emerging natural resource management issues.

We believe the new programs envisioned by this legislation will be important to facilitate the transition to greater ecosystem-based management of our ocean and coastal resources. A national ocean policy needs a strong grounding in science. This legislation captures the basic elements that a national ocean policy should promote including the establishment of comprehensive monitoring, assessment, and research programs that coordinate and integrate the various entities currently engaged in these activities. We recommend that a pilot project focused on refining the management approach for rockfish populations off the Olympic Coast of Washington be enacted to demonstrate how this concept would work.

In closing, the pressures on the marine environment and resources are far too great and complex not to have a national ocean policy. Long-term management goals and objectives should be developed to address climate adaptation, with the aim to improve regional ocean governance. Climate change and ocean acidification are real problems that will require substantive action across all levels of government. Effects are being felt now by the tribes in their daily lives within our communities as the natural resources we depend upon and reserved by treaties with the United States are becoming increasingly impacted.

Preserving and restoring the health of our ocean and coastal areas and the abundance of the associated natural resources should be our collective goal. We need to focus our energy on continuing to move forward, to improving our management approaches and better integrating our existing governance structures. We must guard against those that wish only to revisit old debates over allocation of and access to resources which serve only to distract focus and stymie progress toward greater resource protection, conservation, and restoration.

The tribes welcome the opportunity to work in partnership with Congress and the federal government on these important issues to ensure that our shared trust resources can be passed on to future generations.

Thank you for allowing me this opportunity to share the views of the western Washington tribes on a national ocean policy.