



A member of the Yakama Nation fishes below the Horn Rapids Dam in Washington.

Credit: Scott Butner.

NATURAL RESOURCES

The vitality and sustainability of natural resources is integral to the health of American Indian and Alaska Native peoples, communities, cultures, and economies. It also has demonstrable positive impacts on surrounding communities. The ecological practices tribal peoples have cultivated for millennia are inherently sustainable and practical. They have been tested over time and have contributed to cultural survival. Today, tribes are using their unique knowledge and skills in concert with modern management practices to produce real accomplishments and model programs of excellence. Indian Country is full of examples where tribes and their citizens have shaped the successful restoration and sustainable management of fragile natural resources through a commitment to stewardship that often requires arduous, though rewarding, collaboration with states, local governments, and other stakeholders in larger ecosystem management efforts.

For example, over 700 acres of the Nisqually River's estuary have been reclaimed due to the unprecedented cooperation of tribal, federal, state, and local governments. The Nisqually Tribe served as the lead entity for the Salmon Recovery Program, and helped leverage nearly \$1 million from four neighboring organizations that share the watershed region. A groundbreaking estuary restoration project emerged, and ultimately resulted in one of the most extensive salmon habitat restoration projects in western Washington. In late 2011, the effort was

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recognized by President Obama with the first and only Coastal America Partnership Award.

The benefits of federal investment in tribal natural resources management reverberate widely and can support tribes in creating jobs; maintaining tribal societal cohesion; forming healthy tribal and non-tribal communities and relations; developing innovative approaches to addressing pervasive unemployment and poor health brought on by environmental factors; and diminishing strain on land management and law enforcement services, among other things.

Federal support for natural resources has not matched the value of tribal ecological knowledge and natural resources for tribal peoples and for the nation.

Fiscal Year 2013 presents an important opportunity for the federal government to invest in sustainable futures for tribes and for all Americans by contributing to tribal natural resource management. Such an investment will foster tribal economic self-sufficiency, cultural revitalization, and collaborative working relations across jurisdictions.

In particular, there must be an increase in funding for Bureau of Indian Affairs (BIA) natural resource programs. Consider that this funding has declined incrementally over decades more precipitously than other Department of the Interior (DOI) natural resource programs. And yet tribes continue to be ineligible for dozens of natural resource programs across the federal agencies that are otherwise available to states, local governments, and other entities. BIA programs are often the only source of funding to protect tribal lands. Yet, the funding inequities are

profound: per acre funding for Forest Service lands is three times the per acre funding for tribal forest lands; per acre funding for the DOI invasive species program is five times the per acre funding for the BIA's Invasive Species Program; and the BIA's percentage allocation of funding across the six DOI agencies under the Cooperative Landscape Conservation Initiative is a meager 0.12 percent.

Many of the BIA trust natural resources programs discussed below experienced substantial cuts over the past decade. Further reductions through a potential 9 percent cut from sequestration pursuant to the Budget Control Act of 2011 in FY 2013 would eliminate jobs, stymie economic activity at a critical time for tribes, and curtail co-benefits in indirect economic activity, cross jurisdictional collaboration, and the excellence in natural resource management that tribes contribute to the national economy.

Key Recommendations

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Rights Protection Implementation

- *Increase funding to \$40 million for the BIA Rights Protection Implementation.*

The BIA Rights Protection Implementation Program has a clear and direct relationship with the federal trust obligation to tribes. This program supports the implementation of the tribal rights secured by treaties and other legal obligations, enabling 49 tribes in the Pacific Northwest and Great Lakes regions and their five umbrella intertribal fish and wildlife organizations to exercise their off-reservation hunting, fishing, and gathering rights.

Several tribes and intertribal organizations—including the Nisqually Tribe, Menominee Tribe, Warm Springs Tribe, Lower Elwha Klallam Tribe, Quinault Indian Nation, and Swinomish Indian Community—have implemented outstanding natural resource management practices, often in collaboration with other stakeholders. These efforts have been lauded in regional and national forums and serve as proven innovative models in an era where multi-jurisdictional cooperation and synergistic programming are essential aspects of a sustainable economic approach to national development.

Increasing funding for BIA Rights Protection Implementation from \$30.45 million in FY 2010 to \$40 million in FY 2013 is a wise investment that is consistent with the federal trust responsibility to tribes. This funding is also essential for the protection of tribal economic, subsistence, cultural, and medicinal practices, as well as the sustenance of healthy, productive tribal nations and their surrounding states, local governments, and neighboring communities.

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DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Cooperative Landscape Conservation Initiative

- Provide \$8.75 million in funding for the Cooperative Landscape Conservation Initiative.

Tribal peoples, lands, and infrastructure are disproportionately impacted by climate change. Tribal governments experience unique challenges relative to other governments in their access to federal resources with which to plan and address those impacts. Disparities in funding and capacity complicate and extend existing tribal needs in relation to climate change. Consider that while other DOI bureaus focus primarily upon lands and natural resources and have existing personnel to implement climate programs, the BIA has a responsibility to include a focus on people, tribal governments, and the necessary services to uphold the quality of life, including health, tribal infrastructure, and economic development as part of any climate change initiative.

Though disproportionately impacted due to infrastructure issues and remoteness, many tribal governments do not have sufficient personnel to respond to the impacts of climate change. This reality underscores the inequity in the FY 2012 DOI budget request for \$175 million to fund the Cooperative Landscape Conservation Initiative that included only \$200,000 for the BIA. Tribes request \$8.75 million of the Initiative's FY 2013 budget to remedy this inequity and enable the BIA to address tribal natural resource management in an effective manner and to build tribal capacity to plan and implement programs in the face of climate change. This funding level was justified in a report submitted to the House Interior Appropriations Subcommittee in May 2011.²⁶

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Water Management, Planning and Pre-Development Program

- Restore funding to the FY 2003 level of \$8.298 million for the BIA Water Management, Planning, and Pre-Development Program.

The BIA Water Management, Planning, and Pre-Development Program is a Trust Natural Resources program, and funds are used to assist tribes in protecting and managing their water resources, thereby reflecting the federal trust obligation to tribes. However, from FY 2003 to FY 2010, funding for this program declined 32 percent from \$8.298 million to \$5.624 million. To meet the significant tribal need and honor treaty rights, funding should be restored to the FY 2003 level of \$8.298 million.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Water Rights Negotiation/Litigation Program

- Restore funding to the FY 2003 level of \$10.923 million for the BIA Water Rights Negotiation/Litigation Program.

The Water Rights Negotiation/Litigation program is a Real Estate Services program, and funds are used to defend and assert Indian water rights. Access to quality water and the exercise of water rights continue to be significant health and governance issues for tribes and other communities, especially in light of major environmental events of the past few years. Consider that the Western Governors' Association recognizes the need to resolve water rights to prepare for the oncoming changes in water quality and quantity predicted and now occurring in its region as a result of climate change.²⁷

However from FY 2003 to FY 2010 funding for this program declined 30 percent, from \$10.923 million to \$7.685 million. Tribes request that FY 2003 funding levels of \$10.923 million be restored so that water rights can be resolved.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Endangered Species Program

- *Restore funding to the FY 2002 level of \$3 million for the BIA Endangered Species Program.*

The BIA's Endangered Species Program is the only program that provides tribes with technical and financial assistance to protect endangered species on Indian trust lands. From FY 2002 to FY 2010, funding for this critical program declined 58 percent to \$1.249 million. Tribes request that FY 2002 funding levels of \$3 million be restored so that endangered species can be protected into the future.

BIA Fish and Wildlife Programs

Three key programs that empower tribes to manage reservation fish and wildlife resources across the nation are Tribal Management and Development (TMD), Wildlife and Parks, and Natural Resources programs. These programs help meet the growing national demand for outdoor recreation and tourism, as well as aid with the protection of millions of acres of habitat necessary for the conservation of fish, wildlife, and plant resources. These programs also employ more than 500 tribal staff who help the United States meet its trust responsibility to tribes. If base funding for these programs were reduced by 9 percent in FY 2013 due to sequestration, at least 50 critical management jobs would be lost, along with hundreds of resource-harvesting jobs and millions of dollars in economic benefits associated with tourism and outdoor recreation.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Tribal Management and Development (TMD) Programs

- *Provide \$20 million for base and programmatic funding for the BIA Tribal Management and Development Programs.*

From FY 2002 to FY 2010, funding for the Tribal Management and Development Program (TMD) declined 40 percent from \$9.333 million to \$5.638 million. During the same period, several decades-old, recurring TMD programs were eliminated. These included the Lake Roosevelt Management, Upper Columbia United Tribes, Wetlands/Waterfowl Management, and Intertribal Bison Cooperative programs. Congress restored funding for these programs in FY 2010, and the BIA restored them to the budget request structure in FY 2011. This funding needs to continue in FY 2013. These investments will substantially strengthen tribal conservation successes and meet the federal government's trust responsibility. Of the \$20 million requested, \$5 million is for Conservation Law Enforcement Officers. The BIA recognizes the critical need that tribes have to enforce fish and game laws on their lands and included a budget justification for this amount in its FY 2012 budget process.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Wildlife and Parks Tribal Priority Allocations

- *Fund Fish Hatchery Operations at \$3 million.*
- *Fund Fish Hatchery Maintenance at \$5.5 million.*
- *Increase the Wildlife and Parks Tribal Priority Allocation to \$10 million.*

The 88 tribal fish hatcheries across Indian Country provide essential jobs, food, and revenue for tribes, as well as inspiration and opportunities for tribal youth to pursue environmental careers.

Tribal standards in fisheries management are high because the tribes are highly dependent upon these operations and because many tribal peoples recognize their responsibility to steward and sustain their natural resources. These programs create additional jobs, advance economic self-sufficiency, and reduce costs by promoting cooperation and local economic growth.

At the request of Congress, the BIA conducted a comprehensive needs assessment study in FY 2006 which identified a \$48 million need in hatchery and rehabilitation costs. The President's FY 2012 budget included \$7.452 million to begin to cover these costs. In this context, funding levels of \$5.5 million for Fish Hatchery Maintenance and \$3 for Fish Hatchery Operations in FY 2013 at 88 tribal fish hatcheries across the country are small investments that will lead to significant returns.

The base Tribal Priority Allocations (TPA) funding for tribal fish and wildlife protection activities has remained flat for years, at just under \$5 million. Funding for Wildlife and Parks TPA should be increased by \$5 million in FY 2013 to expand the capacity of tribal fish and wildlife management departments to meet the needs of their communities and to work with federal, state, and local partners.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Natural Resources Tribal Priority Allocations

- *Increase funding to \$10 million for the Natural Resources Tribal Priority Allocations.*

The Natural Resources program fulfills the federal trust obligation through improved management, protection, and development of Indian land and natural resource assets. Funding for this Tribal Priority Allocation (TPA) program has remained flat for years at just under \$5 million. Funding for the Natural Resources program should be increased by \$5 million in FY 2013. This investment will substantially increase tribal land and resource management capabilities and increase economic independence through generating revenues for tribal economies. By enhancing tribal economies through this program, the economic costs of social decline (e.g., increased need for law and order, social services, and health services) are decreased, resulting in cost savings.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Invasive Species Program

- Provide \$5 million in funding to the Invasive Species Program.

The Invasive Species Program provides critical funds to tribes to control noxious and invasive species. Invasive species cause approximately \$3 billion in damage on Indian trust land.²⁸ Invasive species have a particularly disproportionate impact upon tribes because such species affect plants, animals, and other wildlife that are essential to tribal members for sustenance, medicines, ceremonies, cultures, and economic health.

This BIA program, funded at \$3 million in FY 2010, is the only funding stream designated to address invasive species on tribal trust land. In contrast, DOI spends at least \$1.3 billion each year to address invasive species on non-Indian lands, which amounts to over four hundred times more proportional funding on non-Indian land than on Indian land. The BIA program should be a critical interlocking element of the Department's Invasive Species Crosscut Initiative since tribal trust land is often contiguous to other federal lands.

In light of the disproportionate impact invasive species have upon tribes, the significant disparity in funding between non-tribal and tribal land under DOI's jurisdiction, and the contiguous nature of many tribal and non-tribal DOI land areas, a \$2 million increase to \$5 million in BIA's Invasive Species Program is an equitable and reasonable request.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

Fish and Wildlife Service's Tribal Wildlife Grants Program

- Provide \$8 million in funding to the Fish and Wildlife Service's Tribal Wildlife Grants Program.

After years of declining allocations, the State and Tribal Wildlife Grants Program received \$90 million in FY 2010—representing a \$15 million increase from FY 2009, with \$7 million provided to tribes. This is the only program that expressly allows tribes to address climate change impacts on their natural resources, and it will be a key program in the coming decades as tribes and the nation address climate change influences on natural resources. Given past underfunding of this initiative, tribes request an increased appropriation to \$8 million.

FORESTRY

Of the total 56 million acres of federal Indian trust land, 18 million acres are forest lands, within which 5.7 million acres are designated for commercial forestry. At present, there is at least a one million acre backlog in forestry management on federal Indian trust land. Tribal and US Forest Service (USFS) forests share 2,100 miles of common boundaries. Combining sound business practices, traditional ecological knowledge, modern techniques, and an inherent respect for the land, many tribes engage in superb sustainable forestry management practices that are recognized as innovative national (and international) models. Indian trust forests are significantly more productive, generating on a per-acre basis about 250 percent of the harvest produced by comparable USFS lands. With an allowable harvest of 700 million board feet, commercial forestry on Indian lands is a key economic activity for over 80 tribes. Additionally, several timber tribes are engaging in biomass projects to generate renewable energy and jobs for tribal people and the surrounding community.

These tribal achievements and initiatives demonstrate high return on federal dollars, which tribes accomplish in profoundly inequitable circumstances. In an era where federal funding commitments must demonstrate high return, tribal forests and their management are a strong and essential investment.

Tribes demonstrate excellence in profoundly inequitable circumstances, which justifies a call for a redirection of existing federal forest funding to further leverage the high level of tribal management and return in the forestry sector. In 1993 and 2003, independent reports prepared for Congress on BIA Forestry found that on a per-acre basis, tribal forests received about one-third of the funding provided to forests managed by the USFS.²⁹ Funding parity would require an additional \$120 million a year from a starting point of \$50 million.

The funding disparities have only widened since 2003. From 2004 to 2009, in comparing generally equivalent non-tribal and tribal programs, the budgets for USFS National Forest Products and Bureau of Land Management Public Domain Forest Management increased over 25 percent, while the BIA budgets for Tribal Priority Allocation Forestry and Forestry Projects increased only 3.8 percent and declined 0.7 percent, respectively. Furthermore, tribes are barred from accessing other federal forestry programs such as the Forest Service Community Forestry Assistance Act, and from using federal funds to service tribal forest lands, such as the Forest Service's somewhat paradoxically titled Tribal Forest Protection Act.

DEPARTMENT OF THE INTERIOR

Interior - Environment Appropriations Bill

BIA Forestry

- Provide \$31.2 million in BIA Forestry Tribal Priority Allocations.
- Provide \$23.6 million to BIA Forestry Projects.

Increasing funding for BIA TPA Forestry Projects from \$25.6 million to \$31.2 million—which matches the percentage increases for USFS and BLM from 2004 through 2009 described above—will spur needed long-term incremental progress toward BIA Forestry base funding parity. BIA Forestry Projects must be increased by \$6 million, to \$23.6 million, to treat an additional 30,000 acres of the BIA's one million acre forest development backlog, which will increase Indian timber jobs, harvest, and value; improve forest health; contribute to carbon sequestration; and produce woody biomass for national renewable energy initiatives.

ENVIRONMENTAL PROTECTION AGENCY

Interior - Environment Appropriations Bill

Great Lakes Restoration Initiative

- Maintain funding at \$3 million for the Great Lakes Restoration Initiative.

Tribes in the Great Lakes region have joined together to establish a tribal-federal-state collaboration, which stands as a model for replication across the country. This initiative received an overall allocation of \$475 million in FY 2010 for restoration activities in the Great Lakes region. Of this amount, \$3 million was allocated to tribes. Funding for tribes under the Great Lakes Restoration Initiative should be maintained in FY 2013 at the FY 2010 enacted level.

DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC AGENCY (NOAA)

Commerce, Justice, Science Appropriations Bill

NOAA Regional Ocean Partnership Grant

- *Provide \$20 million to the NOAA Regional Ocean Partnership Grant.*

The Regional Ocean Partnership Grants Program is a new competitive grant program within the National Ocean Service that was proposed in the FY 2011 President's budget request to advance regional ocean partnerships. Tribes supported the NOAA request for FY 2012 of \$20 million for this grant program. Regional ocean governance mechanisms facilitate the effective management of ocean and coastal resources across jurisdictional boundaries by improving communications, aligning priorities, and enhancing resource sharing between state, local, tribal, and federal agencies.

DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC AGENCY

Commerce, Justice, Science Appropriations Bill

Pacific Coastal Salmon Recovery Fund (PCSRF)

- *Provide \$110 million to the Pacific Coastal Salmon Recovery Fund.*

The Pacific Coastal Salmon Recovery Fund (PCSRF) addresses watershed restoration and salmon recovery work for both Endangered Species Act listings and populations, and is critical to meeting trust obligations codified in treaties, laws, and other legal instruments regarding Indian fishing rights. This fund originated the groundbreaking multi-governmental collaborative project in salmon habitat restoration that was led by the Nisqually Tribe and recognized by President Obama with the nation's first and only Coastal America Partnership Award in late 2011. The President's FY 2012 budget included \$65 million for PCSRF, and \$80 million was appropriated in FY 2010. Tribes support an increase of \$45 million from the FY 2012 level as a wise investment in a program that creates a ripple effect including economic, ecological, social, cultural, legal, and intergovernmental co-benefits.