



# Northwest Indian Fisheries Commission

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## Committee on Natural Resources

### Subcommittee on National Parks, Forests and Public Lands

*March 3, 2009*

Honorable Raúl M. Grijalva, Chairman

Oversight Hearing on *"The Role of Federal Lands in Combating Climate Change"*

*Specific Topic:*

*"How Climate Change is Affecting Tribes and What Can Be Done About It"*

Chairman Grijalva and honorable members of the Subcommittee, I am Billy Frank, Jr., Chairman of the Northwest Indian Fisheries Commission. It has been my pleasure to testify in front of the committees of the United States Congress for more than thirty years on behalf of the twenty Treaty Indian Tribes in Western Washington. Today I will share my thoughts with you pertaining to tribes and climate change—the impacts we are witnessing and the things we tribes propose be done about it.

I have been fortunate to be able to travel extensively across this continent and spend time with my Indian brothers and sisters of many tribes. I can personally attest to the fact that the impacts of climate change are, in fact, hurting both people and resources in the continent's interior and from coast to coast. When Hurricane Katrina ripped through the south in 2005, much attention was devoted to the unfortunate victims in New Orleans. But no one heard of the Chalmette Tribe that was completely washed away. Everything they had was destroyed, after having lived near what is now New Orleans for thousands of years. In Alaska, more than 125 Alaskan Native organizations have signed a resolution urging stronger action from Congress, as they rightfully blame climate change for endangering their lives and culture as even the mighty polar bear finds it harder and harder to survive, and peoples' houses fall into the sea, giving way to melting ice. On the East Coast, storms rage more severe due in some measure to dynamic changes in the Gulf Stream, and our own Pacific Ocean temperatures and de-oxygenated currents have resulted in killer storms and massive fish kills. All of these impacts, and much more, are brought about or enhanced by climate change, and as you know the vast majority of scientists today attest to the fact that man's pollution and exploitation are the primary cause of this phenomenon. As an indigenous person, whose parents told him the stories and taught him the things their parents taught them, I bring to you today the memories of a thousand generations, accumulated from this continent. As such I can tell you that there has been climate change before. But there has never been climate change like we are seeing today, and certainly not the kind of impact brought on so widely through the infestation of man.

As a representative of tribal leaders, I speak to you today on behalf of our people and our culture. I also speak to you on behalf of our jurisdiction. Let there be no mistake. This is

a jurisdiction-related issue. Tribes are sovereign governments, and have been for a long, long time. They provide services to their citizens and watch out for their interests, as best they can, a task made much more difficult by the broken promises of our federal trustee. Tribes are also sovereign nations, and in that capacity, many of them signed treaties with the United States as they were asked to relinquish millions of acres of land for settlement. Treaties are, by definition, contracts between sovereign nations. They are also, as defined in the United States Constitution, the Supreme Law of the Land. When our leaders of seven generations ago signed treaties with officials of your government, they reserved certain rights and resources, on and off reservation, which have nonetheless been consistently trampled upon—a fact made all the more unbearable by the blind eye that past federal officials have turned to our plight.

The fact is that the tribes are typically hit first and hardest by the impacts of climate change. One of the primary reasons this is true is that our cultural resources, our foods, our water, our medicines—everything that makes us who we are—is hit first and hardest. We live on the oceans and on the rivers. We work hard to protect our people and our resources, but we still too often find ourselves ignored by our trustee, and we find that the states and counties allow people to move in on our lands overharvest our cultural resources—from berries to mushrooms—that make us who we are, even as the waters warm and the forests turn brown from intensifying heat and resulting insect infestations and rot. We see lights from houses built high on our hillsides now, and fear the impacts of the poisons that fill our rivers and seas.

Most of the studies and debates on potential climate change, along with its ecological and economic impacts, have focused on the ongoing buildup of industrial greenhouse gases in the atmosphere and a gradual increase in global temperatures. This line of thinking fails to consider another potentially disruptive climate scenario. It ignores recent and rapidly advancing evidence that Earth's climate repeatedly has shifted abruptly and dramatically in the past, and is capable of doing so in the future—to a degree that we, nor our ancestors, have ever experienced before—largely due to man's impact.

Our traditional knowledge and science demonstrates that Earth's climate can shift gears faster than anyone ever thought possible, establishing new and different patterns that can persist for decades and even centuries. Strange as it may seem, even as the Earth continues to warm gradually, large regions may experience disruptive shift into colder climates. Our ancestral memory, is backed by archaeological science. It fools some people to see more snow in some areas, but the fact is that this trend may well continue, and even bring us closer to another ice age. There are those who still foolishly say it is arrogant for man to think his activities can impact the weather. Yet, I say the real fool is one who thinks he can predict, with full accuracy, what will occur when mankind messes—as he already has—with Mother Nature.

Sadly, we have passed the tipping point with climate change. Thousands of scientists here in the United States and all over the world agree this is true. The United States has been shamefully slow to respond to this massive problem, and has, in fact, continued to be the world's greatest consumer and polluter—choosing for years to pretend the problem

doesn't exist, and in some cases even denying it. There will be many changes due to man's transgressions and disrespect for Mother Earth. There will be sea level rise and there will be some species we cannot save. There will be changes in our forests and there have already been many changes in our waters. The fact is that we must take firm action now, and listen no longer to those who would deny, very foolishly, that climate change, does not exist. It does, and we are in it.

### **Anticipated Impacts on The Northwest**

Global warming modeling published by the University of Washington's Climate Impacts Group in two reports commissioned by King County and the Puget Sound Action Team found that the Pacific Northwest warmed up faster (2.3 degrees) than elsewhere on the planet (1.1 degrees Fahrenheit) during the 20th century.

By 2050, average annual temperatures for the Pacific Northwest could be up to 5 degrees higher than they were during the last 30 years of the 20th century. What will this likely mean to us in the Northwest?

1. Wetter winters with more intense rainfall. Drier summers. Earlier spring snowmelt. More frequent and more intense storms.
2. Significant retraction of the snowline in our mountains due to warmer winters - reducing our water "warehouse."
3. Rise in sea level by as much as 3.3 feet in the South Sound and 1 foot at Neah Bay by 2100
4. Increased acidification of ocean water will slow or impair growth of shellfish and other species, and some species may not survive.
5. Earlier onset of spring (already 2 weeks early in parts of the Puget Sound region).
6. Inundation and shift of habitat types in existing salt marshes, mud flats, and beaches.
7. Change in salinity, stratification, nutrient cycling and ocean productivity affecting the Puget Sound food web and expanding the existing dead zones.
8. Lack of summer creek/river flows to maintain salmon runs in some watersheds, severe reductions in others.
9. Disruption to species when spring conditions trigger earlier hatching and migration or warm winter temperatures cease to trigger hibernation.
10. Increases in pests and diseases that affect crops, shellfish and forests throughout the region.
11. Intensified storm water problems: far more massive and regular flooding, erosion, and combined sewer overflows.
12. Favorable conditions for even more invasive species.
13. Negative economic effects on fisheries, hunting and gathering as well as agriculture, forestry, tourism, and even hydropower.

Our new President speaks very affirmatively, as do members of Congress, about the fact that climate change is a reality. The fact that your members have brought "non-believers" in climate change before you to effectively and courageously accuse them of lying for

profit speaks for itself. We applaud that, and we plead with you to take strong and collaborative action now. There is no time to waste. We are now in a position of adapting to pending change and trying to minimize effects. These are efforts that the Federal and Tribal, as well as State governments must work on together—cooperatively—at every opportunity.

Intertwined with climate change and every bit as severe is ocean acidification. Our oceans are poisoned. Man has put too many poisons into the air for far too long, creating challenges with acid rain which we have known about and done little about, for decades. The problem is not just atmospheric; it has reached into both surface waters and ground waters and the pollutant-problems have multiplied many times over. We have come to realize that no place on Earth is safe from this challenge. Even Alpine Lakes—places as high as one could possibly hike, are as polluted as every other part of the Earth. The same carbon dioxide that is creating the warming effect in our atmosphere is dissolving in our oceans, creating a dangerous increase in the PH of our oceans. Together, we must work to remedy this situation. There is nowhere else to go!

### **So, What Can We Do Together?**

First, I want to re-emphasize that tribes have not been sitting on their hands. Our scientists and other workers are actively working, stretching every possible dollar, in watersheds throughout our region, to restore habitat, from stream banks to wetlands, and we work hard to convince our state and local governments that it makes no sense to keep on with business as usual, placing natural resource management on the back burner. Even in tough financial times, if we do that, what makes sense to place on the front burner? Education? What sense does it make for us to educate our children in the classroom if we simultaneously trash the planet that sustains them? Jobs? There ARE no jobs without natural resources and the environment. Natural resource management must be placed on the front burner where it belongs. Period.

In the Northwest, there are important instances in which this has led to highly positive results, ranging from the U.S.-Canada Salmon Treaty to the Timber-Fish-Wildlife/Forests and Fish program. But, frankly, because we live in a “growth” region, much of the urban sprawl has continued and it has been a huge challenge to catch up with the impacts of growing exploitation and development. Part of the lesson man must learn from history is that it is suicidal to overpopulate, over-develop and over-exploit. The impacts of all environmental problems are inter-related, and sustainability is key to all environmental challenges, including climate change.

We have participated, government-to-government, with such processes as the Puget Sound Initiative, and more to the point with climate change, the Governor’s Climate Change Initiative. This initiative, launched by Governor Gregoire in 2007, convened a task force and a number of subcommittees. Two related legislative bills, and climate change-related bills currently being considered by the State Legislature, are just starting points. Along with other participants, we realize that a resilient system would be more able to handle change. We must create robust habitat areas, such as wide stream riparian

zones and multilayered intertidal shoreline and upland areas. For example, if increasing water temperatures or a drop in water volume will stress a stream, a thick canopy of tree cover can help minimize the impact.

We also know it is important to make hard decisions that are fair but effective. We recognize the need to focus resources in areas that will give longer-term benefits. For example, modeling shows that rainfall-dependent (i.e., lower lying) watersheds will be less affected by global warming than snow-fed watersheds. Such conditions should be considered as we plan for restoration and protection work. The need for water reclamation is very apparent. Reclaimed water is water that has already been used for one purpose, has been treated and can be reused for certain types of use (irrigation, for example). Due to state mismanagement, our rivers are over-allocated, and we must build the infrastructure now for distribution of reclaimed water—it isn't cheap. We will not be able to afford to use potable water for nonpotable needs in the future. It is critically important to leave water in creeks and rivers to support fish wildlife. It is a treaty-protected right.

We have a major problem with storm water in the Northwest. We need to reduce the need for storm water combined systems by separating sanitary waste from storm water. New capitol improvements must consider the effects of long term climate change to ensure that salmon and other natural resources critical to tribes will have enough water. Toxic chemicals and nutrients in urban runoff must be curbed. Standards must be adopted to greatly reduce impervious surfaces and infiltrate all storm water on-site, rather than conveying it to streams.

Septic systems have got to be cleaned up or replaced with clean and efficient sewer systems. It is urgent that we eliminate septic system problems because their contributions to dead zones, such as those in Hood Canal, will be amplified by climate change.

It is important to support the efforts of tribes with forest lands to consider setting Cap and Trade programs, which can be effective tools for reducing pollution and protecting human health and the environment. These systems provide efficient incentives for early pollution reduction and innovations in control technologies and work well inter-governmentally, providing multiple benefits, including greenhouse gas emission control.

Today, most regulatory actions taken by local, state and federal agencies—those which ARE enforced—are taken without consideration of potential climate change impacts. For example, new coastal structures should be designed for a higher sea level or buildings must be set back so that structural controls are not needed at all. We must be vigilant that regulations and ordinances are completely thought out. Wherever possible, the choice must be made to keep open spaces rather than build, to go with permeable rather than impermeable surfaces, and to end forestland conversion. Society needs to go on a Low-Carbon Diet. From driving vehicles fewer miles and carpooling/using mass transit to planting more trees and weatherizing houses and apartments, every citizen can and must be educated to help reduce the output of greenhouse gases.

People have got to be made more aware of Environmental Justice. The most needy in our society may be forced to pay more of their budgets for basic needs such as drinking water, energy and food because of climate change. Also, as has been pointed out, tribes live close to the water. It's our culture, and we depend very directly on the fish and wildlife that depend on a healthy ecosystem. We stand to lose the most from the impacts of climate change.

For many people, the issue of climate change feels like a distant idea, not an imminent threat. They're wrong, and they need to know it. We must all understand that action is needed—now. Education is, of course, one of the great things we can do—together. Tribes have too often been a voice in the wilderness on natural resource issues. We have warned, almost always without being heard, that Mother Earth must be respected, that she is fragile and delicate—that we must never take more than we need as humans, and always use all that we take. We have warned, for a very long time, that we must always think of the needs of our descendants to come—for seven generations and more, and be aware that every action we take today affects those descendants in either a good or a bad way. These principles, known by many today as sustainability, are as valuable as they ever have been. Had they been heeded when we began to warn non-tribal people about them, we would not have the climate change challenges we face today. These lessons, which have been passed to us by our ancestors, must become part of all of our legacies. As I have pointed out, we know we have passed the tipping point with climate change. There are motions in action upon our Mother Earth which we cannot stop. But we can adapt, and we can do things to minimize their impact. The lessons of our ancestors are lessons of respect, human dignity and brotherhood. They are lessons of hope.

The State of Washington passed legislation three years ago, HB 1495, as well as subsequent legislation, which made it easier for tribes and Indian teachers to convey these lessons of Traditional Knowledge, from our culture of stewardship to our languages, in classrooms across the state. Although many more of our people now complete high school and achieve higher education degrees than before, we ask you to consider increasing your commitment to Indian education. We ask you to consider legislation that would achieve similar tasks as HB 1495 on a national scale. We also ask that Congress take a stand to, once and for all, acknowledge that tribes, and the stewardship ethic we hold dear, has much to offer all citizens across this great nation, particularly in this time of dire environmental challenge. Let it be a message of truth—that in building this nation, much has been taken from the tribes unfairly, and that the human rights of the Indian people, including their treaty-protected rights, have never been understood or enforced—and that the time has come for the Native People of this land to receive their due acknowledgement, rights and respect. Let this statement from Congress also be one to educate your citizens about the great value of considering our long held values as values that have much to teach citizens from all walks of life who now call themselves Americans.

Change and/or enforce the Rule of Law. In some cases, you will need to develop new laws. In some cases, you will need to enforce existing laws. But you must work with us to identify those things that are harmful to our people and our culture—and to stop/control

them. As it is, and as it has been from the beginning of our contact with one another, your people are harming these precious things. It is a direct violation of our treaties and of your trust responsibility to us. When it comes to climate change, it must begin with an assessment. Our scientists work in our watersheds and on our marine waters day in and day out, year in and year out. This assessment must be done in collaboration with us. It is a little known fact that the Tulalip Tribes have achieved the first ever full-river climate change assessment—anywhere. In a nutshell, it was found that the removal of the forest canopy and wetlands had weakened the abilities of the system to withstand floods and other impacts that will be greatly increased by the sea level rise and increased storms resulting from climate change. Effective actions obviously begin with knowledge, and that tribe is working to remedy that situation with new ideas as well as traditional ones—and, like other tribes facing similar problems, will continue to need your help to do so.

There is need for a comprehensive collaborative natural resources/environmental management plan—not just in our Pacific Northwest, but nationwide—that incorporates tribes across the country and the Federal as well as other governments. There is need for legislation calling for such a plan, and for adequate funding to back it up, and there is need for such a plan NOW. We wish to work with you to develop this legislation, as decision-makers.

We have a new Administration and I think there is no surprise in the fact that this is something our Indian Nations have prayed for and are thankful for. Our budgets have been cut back, and we have been virtually ignored for far too long. But there is new hope on the horizon. The President's selection of Carol Browner, former Director of the Environmental Protection Agency, as his Climate Change Director, certainly helps substantiate that hope. When she was EPA Director, she selected one of our tribal leaders from the Pacific Northwest, Terry Williams from the Tulalip Tribes, to head her new Office of Indian Affairs. It was the first time in the history of the United States that such an office had been formed by the EPA, and Terry did a splendid job. We look forward to more of the same.

I must be honest. We are still waiting to see some desperately needed financial support for natural resource management requests. Those must be honored because they are needs that directly affect our treaty-protected rights and they are most assuredly inter-related with resources impacted by climate change. We will be watching that closely, of course.

But today I will simply remind you that we face a huge challenge with climate change, and that it is a challenge we must all face—together.

Realizing this, the tribes served by the Northwest Indian Fisheries Commission and those served by the Columbia River Inter-Tribal Fish Commission conducted high level meetings and strategy sessions leading up to the inauguration of President Obama, and, together, published a booklet that we make available to you today. "Treaty Tribal Natural Resources Management in the Pacific Northwest includes the specific requests being made, collectively, by the 24 treaty fishing tribes of the Pacific Northwest. These requests focus on the needs of salmon and other natural resources, and on the Federal trust

responsibilities to the tribes. We ask you to note that among these priority needs and requests is the following statement on climate change:

“Climate change is real and its effects are already being felt in the rivers and streams of the Pacific Northwest. Tribes are leaders in the region in restoring riparian habitat, which is a key measure to address climate change effects. Natural resource management, climate change and energy independence are closely linked as the Northwest endeavors to safeguard salmon and other species.”

We ask you to further note that we made five priority requests of the Obama Administration and the 111<sup>th</sup> Congress to fulfill its trust responsibilities as they relate to climate change. We ask you to support these priority requests:

1. Uphold the Interior and Commerce departments' commitments to abide by the terms of Secretarial Order 3206: American Indian Tribal Rights, Federal Trust Responsibilities, and the Endangered Species Act.
2. Implement salmon recovery plans and other natural resource restoration plans while supporting and harmonizing the exercise of tribal treaty rights.
3. Develop and coordinate with tribes on a national energy policy to address climate change that is compatible with treaty rights and fish habitat (e.g., reduce peak demands through conservation and offset climate change pressures on salmon).
4. Involve tribes in climate change solutions in Indian Country, including carbon offsets, habitat protection, and energy conservation.
5. Reach out to tribes as governmental partners to address climate change.

I thank you for inviting me to testify today, and I ask that you continue to consider tribal input on climate change as well as all natural resource and environmental issues on an ongoing basis, on a government-to-government basis.

Our strength in facing the many challenges that exist today will be greater with greater understanding of treaty-protected rights, the Federal Trust responsibility to the tribes and the responsibilities we all share to the generations to come.

Thank you.