

Natural Resources



The vitality of natural resources is integral to the health of American Indian and Alaska Native communities, cultures, sustenance, and economies. The ecological practices tribal peoples have cultivated for millennia are inherently time-tested, sustainable, and practical. As such, they are gaining increasing validation by the larger society as valuable tools in efforts to protect natural resources and address climate change. Simultaneously, because tribes rely deeply upon their natural resources, the effects of climate change are disproportionate and profound.

For centuries and to this day, the value of tribal ecological knowledge and natural resources to tribal peoples and the nation have not been matched with tangible support. Now is the time to match that support, as climate impacts proliferate.

Addressing decades of neglect in the federal trust responsibility requires fair and equitable opportunities as a first practical step, not enhanced assistance. Dozens of natural resource programs across the federal agencies that have assisted state and local governments for decades still deny tribes the mere opportunity for access because of barriers in statutes, regulations, and/or practices.

The Bureau of Indian Affairs (BIA), which administers many key tribal natural resource programs within the Department of the Interior (DOI), consistently experiences funding increases at lower



rates and funding decreases at higher rates than their DOI counterparts. Though tribal lands compose approximately 16 percent of the lands under DOI oversight, its Climate Change Adaptation Initiative sought \$138 million and \$171 million in funding in FY2010 and FY2011 respectively, of which only \$0 and \$200,000 was directed at BIA.

Key Recommendations

DEPARTMENT OF THE INTERIOR

Interior, Environment Appropriations Bill

Climate Change Adaptation Initiative

- Provide \$15 million in funding.

Tribal peoples, lands, and infrastructure are disproportionately affected by climate change and tribal governments experience unique challenges that are difficult to plan for and address, putting them behind other governments in terms of preparation. The disparities and tribal needs are multilayered. Within the context of DOI, while other DOI bureaus focus primarily on lands and natural resources and have existing personnel to implement climate programs, BIA must focus on many other things, including tribal infrastructure, services, and economic development, and many tribal governments do not have sufficient personnel to develop climate action plans. It is profoundly unjust that the FY2011 DOI budget request for \$171.3 million to fund the Climate Change Adaptation Initiative provided only \$200,000 (and \$0 in FY2010) to the BIA. Tribes request \$15 million of the Initiative's FY2012 budget to remedy this inequity, to address tribal natural resources, and to build tribal capacity to plan and implement programs in the face of climate change.

DEPARTMENT OF THE INTERIOR

Interior, Environment Appropriations Bill

BIA Water Management, Planning and Pre-Development Program

- Restore funding to the FY2003 level of \$8.298 million.

The BIA Water Management, Planning and Pre-Development program (Water Resources) is a Trust Natural Resources program, and funds are used to assist tribes in protecting and managing their water resources. From FY2003 to FY2010, funding for Water Resources declined 33 percent from \$8.298 million to \$5.624 million. To meet the significant tribal demand and honor treaty rights, funding should be restored to the FY2003 level.



DEPARTMENT OF THE INTERIOR

Interior, Environment Appropriations Bill

BIA Water Rights Negotiation/Litigation Program

- Restore funding to the FY2003 level of \$10.923 million.

The Water Rights Negotiation/Litigation program (Water Rights) is a Real Estate Services program, and funds are used to defend and assert Indian water rights. From FY2003 to FY2010, funding for Water Rights declined 30 percent, from \$10.923 million to \$7.685 million. The need to resolve water rights claims is particularly important for tribes, states, and other stakeholders as population growth and climate change affect the water resources supply and demand.

DEPARTMENT OF THE INTERIOR

Interior, Environment Appropriations Bill

BIA Endangered Species Program

- Restore funding to the FY2002 level of \$3 million.

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 FY2002 to FY2010, funding for this critical program declined 59 percent to \$1.249 million.

BIA Fish and Wildlife Programs

Three key programs that empower tribes to manage reservation fish and wildlife resources across the nation are Tribal Management/Development (TMD), Wildlife and Parks, and Natural Resources. These programs help meet the growing national demand for outdoor recreation and tourism and provide aid to protect millions of acres of habitat necessary for the conservation of fish, wildlife, and plant resources.

DEPARTMENT OF THE INTERIOR

Interior, Environment Appropriations Bill

BIA Tribal Management and Development (TMD) Programs

- Provide \$20 million for base and programmatic funding.

From FY2002 to FY2010, funding for the TMD program declined 40 percent from \$9.333 million to \$5.638 million. During the same period, several decades-old recurring TMD programs were eliminated.



These programs included the Lake Roosevelt Management, Upper Columbia United Tribes, Wetlands/Waterfowl Management, and Intertribal Bison Cooperative. Congress restored funding for these programs in FY2010, and the BIA restored them to the budget structure in FY2011. These actions need to continue in FY2012. These investments will substantially increase 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 has recognized the critical need that tribes have to enforce fish and game laws on their lands and has included a budget justification for this amount in its FY2012 budget process.

DEPARTMENT OF THE INTERIOR

Interior, Environment Appropriations Bill

BIA Wildlife and Parks Tribal Priority Allocations

- Increase funding for Fish Hatchery Maintenance by \$2.148 million to \$5 million.
- Increase funding for Fish Hatchery Operations by \$1.5 million.
- Increase the Wildlife and Parks Tribal Priority Allocation to \$20 million.

BIA conducted a comprehensive needs assessment study in FY2006 at the request of the Congress, which identified a \$48 million need in hatchery and rehabilitation costs. In FY2010, Fish, Wildlife and Parks received a welcome yet still inadequate \$4 million increase for Fish Hatchery Operations and Maintenance projects.

For Fish Hatchery Maintenance, tribes request a \$2.148 million increase in funding, to a total amount of \$5 million for FY2012, and an additional \$1.5 million in operations for FY2012 at 88 tribal fish hatcheries across the country.

The base Tribal Priority Allocations (TPA) that funds tribes' 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 \$15 million in FY2012 to expand the capacity of tribal fish and wildlife management departments to meet the needs of their communities and work with federal, state, and local partners.

DEPARTMENT OF THE INTERIOR

Interior, Environment Appropriations Bill

BIA Natural Resources Tribal Priority Allocations

- Increase funding to \$20 million.

The Natural Resources program fulfills Indian trust responsibilities through the strategy of improved management, protection, and development of Indian land and natural resource assets. Funding for this TPA program has remained flat for years, at just under \$5 million. Funding for the Natural



Resources program should be increased by \$15 million in FY2012. This investment will substantially increase tribes' land and resource management capabilities.

DEPARTMENT OF THE INTERIOR

Interior, Environment Appropriations Bill

BIA Rights Protection Implementation

- Increase funding to \$49.5 million.

This BIA program supports the exercise of off-reservation hunting, fishing, and gathering rights for 49 tribes located in the Pacific Northwest and Great Lakes regions and their five umbrella intertribal fish and wildlife organizations. These rights are secured by treaties and specific legal adjudications.

Congress increased funding for Rights Protection Implementation in FY2010 to \$30.451 million, and tribes appreciate this recognition of previous underfunding. The FY2012 request to provide a further increase of \$19 million is based on the critical role of these resources in tribal economic, subsistence, cultural, and medicinal practices; the direct impact of climate change on these resources (e.g., loss of fisheries habitat, invasive species); and the growing need for intertribal and intergovernmental coordination on natural resource adaptation in response to climate change.

DEPARTMENT OF THE INTERIOR

Interior, Environment Appropriations Bill

BIA Invasive Species Program

- Provide \$5 million in funding.

The Invasive Species program (formerly called Noxious Weed Eradication) provides critical funds to tribes to control noxious and invasive species. Invasive species are particularly harmful to tribes because they affect plants, animals, and other wildlife that are essential to tribal members for sustenance, medicines, ceremonies, cultures, and economic health.

Invasive species cause \$120 billion in damage each year across the United States, with roughly \$3 billion on Indian trust land. Federal Invasive Species spending on non-Indian lands is at least \$1.3 billion each year. On average, the Interior Department spends five times more on non-Indian land than on Indian land for invasive species.

This is the only funding stream that provides invasive species protection to Indian trust land. It is a critical element of the department's Invasive Species Crosscut Initiative, particularly as tribal trust land is often contiguous to other federal lands. Funding for this program declined 50 percent from \$2 million in FY2002 to \$1 million in FY2009. In FY2010, funding for this program increased to \$3



million. While this investment is appreciated, persistent inequity in funding compared to non-Indian federal lands and the disproportionate impact of invasive species on Indian trust land justifies a request for \$5 million for FY2012.

DEPARTMENT OF THE INTERIOR

Interior, Environment Appropriations Bill

Fish and Wildlife Service's Tribal Wildlife Grants Program

- Provide \$8 million in funding.

After years of declining allocations, the State and Tribal Wildlife Grants Program received \$90 million in FY2010, a \$15 million increase from FY2009, 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 influence on natural resources. Given past underfunding of this initiative, tribes request an increased appropriation to \$8 million.

DEPARTMENT OF THE INTERIOR

Interior, Environment Appropriations Bill

BIA 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. In 1993 and 2003, independent reports prepared for Congress on BIA Forestry found that tribal forests received about one-third of the funding provided to forests managed by the U.S. Forest Service (USFS) on a per-acre basis. The 2003 report found that BIA Forestry needed an additional \$120 million a year, for a total of \$170 million annually, to achieve per-acre funding parity with USFS lands. Since then, the funding disparities have widened.

- Provide \$31.2 million in Forestry Tribal Priority Allocations.

Between FY2004 and FY2009, comparing programs with roughly equivalent functions, the USFS National Forest System Forest Products Program and BLM Public Domain Forest Management Program budgets increased more than 25 percent (to \$333 million and \$10 million respectively), while the funding for the BIA Tribal Priority Allocations for Forestry and BIA Forestry Projects experienced a 3.8 percent increase and 0.7 percent decrease respectively (\$25.5 million and \$17.6 million), adjusted for inflation. Meanwhile, tribal forests are significantly more productive than USFS forests, generating on a per-acre basis about 250 percent of the harvest on USFS lands. These disparities must be addressed, particularly in light of the federal government's trust responsibility for tribal



natural resources, the 2,100 miles of common boundary that USFS and tribal forests share, and the fact that climate change affects all lands—it does not heed political/jurisdictional boundaries.

- Provide \$23.6 million for BIA Forestry Projects.

To remedy historical funding inequities and address the need for co-management of common forests, we request an increase to account for the above-mentioned disparity between federal and tribal forests (during FY2004-FY2009). Specifically, the BIA Forestry Tribal Priority Allocations should be increased by \$5.6 million, for a total of \$31.2 million. The BIA Forestry Projects line item should be increased by \$6 million to \$23.6 million, to be divided between BIA Forest Development (\$5 million) and the Timber Harvest Initiative (\$1 million). While this request is far short of the 2003 report recommendation that BIA's total Forestry budget be increased \$120 million annually to achieve per-acre parity with the USFS, it is an important step in the right direction.

ENVIRONMENTAL PROTECTION AGENCY

Interior, Environment Appropriations Bill

Great Lakes Restoration Initiative

- Maintain funding at \$3 million.

Tribes in the Great Lakes region have joined together to establish a model of federal-state-tribal collaboration, which there is great interest in replicating across the country. This initiative provides an overall allocation of \$475 million in FY2010 for restoration activities in the Great Lakes region. Of this amount, \$3 million is allocated to tribes. Funding for tribes under the Great Lakes Restoration Initiative should be maintained in FY2012 at the FY2010 enacted level.



Authorize or Enhance Tribal Access to Federal Natural Resource Programs



The Administration and Congress must grant tribal governments and entities access to federal natural resource programs from which they have been excluded for statutory, regulatory, policy, and programmatic reasons. Tribal eligibility must be achieved through statutory amendments, annual authorizations, regulatory amendments, and administrative interpretations enabling such eligibility. Noteworthy programs include:

Coasts and Estuaries

DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
COASTAL ZONE MANAGEMENT ACT

The health of America's coasts is essential to the vast biodiversity of species in our nation's waters. Tribes located on coastal zones and Great Lakes depend heavily on them for the vitality of their



communities, economies, subsistence practices and cultures. The Coastal Zone Management Act is a key federal program providing coastal states and territories approximately \$87 million per year to preserve, protect, restore, and enhance the resources of the nation's coastal zone.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

COASTAL ZONE MANAGEMENT ESTUARINE RESEARCH RESERVES

This program provides more than \$20 million per year to states and territories. It excludes tribal government participation in the development, acquisition, monitoring, research, education, operation, and facilities construction for National Estuarine Research Reserves for the purpose of creating natural field laboratories to gather data and educate people about the natural and human processes occurring within the estuaries of the coastal zone.

DEPARTMENT OF THE INTERIOR

FISH AND WILDLIFE SERVICE

COASTAL WETLANDS PLANNING, PROTECTION AND RESTORATION ACT

This Act provides competitive matching grants to coastal states for coastal wetlands conservation projects. The Coastal Wetlands Planning, Protection, and Restoration Act (Section 305, Title III, Public Law 101-646 U.S.C. 3954) established the National Coastal Wetlands Conservation Grant Program to acquire, restore, and enhance wetlands in coastal states.

ENVIRONMENTAL PROTECTION AGENCY

OFFICE OF WATER, OFFICE OF WETLANDS, OCEANS AND WATERSHEDS,

OCEANS AND COASTAL PROTECTION DIVISION

NATIONAL ESTUARIES PROGRAM

This program, authorized under Section 320 of the Clean Water Act (CWA), provides approximately \$35 million per year to states and local governments to evaluate, plan for, and implement protection of estuaries in the United States that are deemed to be threatened by pollution, development, or overuse. EPA implements this program and oversees all National Estuaries Program (NEP) activities in 28 estuaries. Tribes are not directly eligible for funding under this statute, but rather use funding from other CWA programs to participate. Tribes should not have to divert resources from other programs to participate.



Conservation and Recreation

**DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
LAND AND WATER CONSERVATION FUND**

The Land and Water Conservation Fund, established in 1965, enables four federal land management agencies as well as state and local governments to acquire lands for outdoor recreation, help preserve wildlife habitat, maintain the pristine nature of wilderness areas, and provide clean water. The Fund accumulates approximately \$900 million annually from designated sources.

**DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND**

This Fund provides approximately \$73 million per year to any state or territory to assist in developing programs for the conservation of endangered and threatened species. Tribes are not eligible to receive funds directly from this program but only through states, which contradicts the nation-to-nation relationship between the federal government and tribes.

Forests

**DEPARTMENT OF AGRICULTURE
U.S. FOREST SERVICE
COOPERATIVE FOREST ASSISTANCE ACT**

Given the increasingly disadvantageous funding trends for tribal forests relative to other forests, tribes must have access to other forestry programs. The principal programs administered by the Forest Service under the Cooperative Forest Assistance Act (CFAA) are the Forest Legacy Program and the Forest Stewardship Program. The Forest Legacy Program (\$76 million in FY2010) assists states in acquiring conservation forest land. The Forest Stewardship Program (\$29 million in FY2010) helps states manage state and private lands. In both cases, tribal governments and landowners cannot directly participate. Rather, the state determines whether funding will trickle down to them. Tribes receive virtually zero funding from either program. This arrangement is inconsistent with the nation-to-nation relationship between the federal government and Indian tribes.

