

WRITTEN TESTIMONY OF GLORIA TOM

DIRECTOR

NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE

BEFORE THE SUBCOMMITTEE ON WATER, OCEANS, AND WILDLIFE

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INTRODUCTION

Good afternoon Chairman Huffman, Ranking Member McClintock and distinguished members of the U.S. House of Representatives, Committee on Natural Resources, Subcommittee on Water, Oceans and Wildlife. My name is Gloria Tom and I am the Director of the Navajo Nation's Department of Fish and Wildlife. The Navajo Nation is located in the Southwest and consists of approximately 18 million acres, which is approximately the same size as the state of West Virginia. The Navajo Nation is the largest Indian Tribe in the United States.

My comments today are intended not only to provide this Subcommittee with a better understanding of the Navajo Nation and how we manage our wildlife resources and how the Recovering America's Wildlife Act and the Wildlife Corridors Conservation Act can help, but to also provide you with an overview of tribal wildlife conservation efforts and the challenges tribes, in general, face in wildlife conservation and how Recovering America's Wildlife Act and the Wildlife Corridors Conservation Act can also help tribes.

Tribal Nations have been blessed with a diverse array of fish and wildlife, many of which are biologically and culturally important to Tribes. While some species are thriving, many more are facing increasing challenges and are in steep decline. The Recovering America's Wildlife Act and the Wildlife Corridors Conservation Act are essential pieces of legislation that will provide the resources necessary for wildlife conservation and connected landscapes.

The Navajo Nation's Department of Fish and Wildlife (NNDFW) consists of a well-established, comprehensive wildlife management program that encompasses big game management, recreational and native fish management, wildlife law enforcement and endangered species management. NNDFW also owns and operates the only tribal Zoo in the country where injured/orphaned animals are cared for and the facility serves as a great educational tool for our people. In addition to managing wildlife for biological and scientific purposes, we also manage our wildlife resources for the Navajo people, as many Navajos rely on these resources for spiritual, cultural and traditional uses. A large part of the Navajo way of life is centered on wildlife, the land and other natural resources.

Like the Navajo Nation, Tribes have some of the most accomplished natural resource programs in the nation and tribes protect hundreds upon hundreds of wildlife species and their habitat. Proper preservation and enhancement of species are critical to tribal culture, sustenance, and exercise of treaty rights. Treaty-reserved rights to fish, hunt, and gather are of central spiritual, cultural, subsistence, and economic importance to Tribal nations. In fact, they are central to our identity. We cannot practice our religion and culture, we cannot properly teach our children and support their intellectual growth, we cannot fish, hunt and gather forever if there is no longer abundant and healthy fish, wildlife, and plants, no longer clean air, and no longer healthy habitats for our sacred lands.

As such, tribes have taken intelligent, creative, and responsible co-management of our fish, wildlife, and plant resources very seriously. There are countless stories that exemplify excellent fish and wildlife resource management, a few of which are outlined below.

SUCSESSES IN WILDLIFE MANAGEMENT

- *The Navajo Nation* – NNDFW and the U.S. Fish and Wildlife Service joined efforts to secure convictions of individuals poaching bald and golden eagles on Navajo land for illegal selling of feathers and eagle parts. These convictions were

in U.S. District Court and is significant because one conviction resulted in the individual sentenced to serve 6 months in jail. This was the first time a Native American served jail time for violations to federal laws protecting Eagles. The eagle poaching issue has led to the creation of the Navajo Nation Eagle Sanctuary where feathers naturally molted from captive, non-releasable eagles are distributed to Navajo tribal members for spiritual, cultural and traditional uses. This somewhat alleviates the need for black market feathers and eagle parts and aids in the conservation of Bald and Golden Eagles. Other aggressive management efforts have resulted in a viable Desert bighorn sheep population that grew from less than 30 animals to well over 300 animals in 20 years. The Navajo Nation also has the first and only Natural Heritage Program associated with an Indian tribe that manages, monitors and protects rare, sensitive plant and animal populations on the Navajo Nation and serves to maintain the Navajo Endangered Species List. Finally, NNDFW's Native Fish Management Program was created as part of the San Juan River Recovery Implementation Program (RIP), which is responsible for recovering endangered fish species in the River. Our program operates a fish monitoring station on the river and raises endangered Razorback Suckers for release into the San Juan River system. The Navajo Nation collaborates with the U.S. Fish and Wildlife Service and the Bureau of Reclamation and other tribes and state agencies on this project.

- *Confederated Salish and Kootenai Tribes (CSKT)* – Based in Montana, the CSKT led and directed efforts to achieve wildlife and wetland mitigation on the reconstruction of the main highway route through the center of the Reservation, resulting in the construction of 43 wildlife underpass crossing structures and one large overpass named “The Animals Bridge” on U.S. Highway 93. These state-of-the-art wildlife crossings provide critical wildlife habitat connectivity and improve public/wildlife safety from the thousands of animal crossings occurring each year. From painted turtles to grizzly bears, nearly every type of four-legged animal found on the Reservation utilize these highway crossings and they have become a model highway design for wildlife connectivity across the country.
- *Eastern Band of Cherokee Indians (EBCI)* – The EBCI Natural Resources Department is working to build upon generations of Cherokee stewardship and manage terrestrial and aquatic species of concern through an EBCI Wildlife Action Plan. Modern-day Cherokee lands located in the southern Appalachians harbor tremendous biodiversity and rare species that receive focused population monitoring and habitat protection efforts from EBCI biologists. These species include three ESA listed bat species, the federally endangered Carolina northern flying-squirrel, the eastern elk, and many neo-tropical birds and salamanders. The EBCI is also successfully working with multiple government and non-profit partners to restore native aquatic species to EBCI watersheds such as the eastern hellbender, sickelfin redhorse, and multiple freshwater mussels. Sustained wildlife conservation efforts within the EBCI aboriginal landscape are critical to preserving ecosystem services, economic resources, and cultural values for future generations.
- *Western Washington's 20 treaty Tribes* actively manage wildlife to protect, conserve, and restore many of the Pacific Northwest's most iconic species. The tribes' management efforts include a wide array of activities, including protecting ESA-listed salmon species through habitat restoration, ensuring science-based conservation of important biological and cultural resources, and conducting research to better inform wildlife management. Examples include:
 - In partnership with Washington State, Tribes returned the Nooksack elk herd to a sustainable population through a large-scale elk translocation project.
 - Tribes are also establishing baseline ecological information of the elk herds in the Indian and Elwha valleys prior to removal of two fish-blocking dams on the Elwha River from 2011-14.
 - On the Olympia Peninsula, Tribes are collecting data to provide a detailed understanding of cougar and bobcat populations. Data on habitat use patterns, home range size, relative abundance, productivity, prey selection and survival rates are essential to understanding wildlife health in the ecosystem. Across Puget Sound and the Washington Coast, the tribes are collaborating with numerous partners to restore, enhance and protect estuarine and riverine habitats to increase natural productivity of salmon stocks, including those that are ESA-listed. These projects often have multiple benefits for a wide range of species.

- *Lower Brule Sioux Tribe* – The Lower Brule Sioux Tribe of South Dakota has a long track record of restoring native species to its Tribal lands. Perhaps the most notable effort has been the restoration of black-footed ferrets. Ferrets were first released in 2006 and a population was quickly established. Since becoming involved in ferret recovery, the Tribe has been a leader in several aspects of ferret recovery. The Tribe was the first to request and receive a scientific recovery permit for the reintroduction of ferrets, which has since been used by other Tribal, federal, and private land sites. The Tribe is an active member of the Black-footed Ferret Recovery Implementation Team and the Black-footed Ferret Friends Group. The Tribe has drafted and implemented a management plan for black-footed ferrets and designated ferrets as a priority species in the Tribe’s multi-year Wildlife Conservation Plan for its Tribal lands. When plague outbreaks created serious challenges to the Tribe’s ferret recovery program, the Tribe stepped up and became the only Tribal partner in a study that occurred across 7 western states that tested an experimental plague vaccine that one day might prevent plague outbreaks from occurring.

Tribal nations have built these accomplished programs despite a long history of being under funded and exclusion from federal funding opportunities.

HISTORY OF UNDERFUNDED TRIBAL WILDLIFE CONSERVATION EFFORTS

Tribes proudly carry the responsibility, and bear the financial burden, not only of conserving and managing wildlife on tribal lands, but also of participating in collaborative and co-management processes and activities to conserve and manage wildlife on private, state, and federal lands throughout ceded lands and beyond. Yet, tribes lack access to revenue streams necessary to support the level of engagement needed. For example, tribes are not eligible to receive state hunting and fishing license revenues and federal excise tax revenues, where our counterparts in the state fish and wildlife agencies do receive revenues through state hunting and fishing activities and through the Federal Aid in Wildlife Restoration and Sport Fish Restoration programs (Pittman-Robertson/Dingell-Johnson). This is despite the fact that tribal lands and waters are used to justify state allocations, tribal members hunt and fish too and pay the taxes that fund these programs, and many non-tribal recreationists visit tribal lands and communities to hunt and fish.

In 2000, Congress created the State and Tribal Wildlife Grants Program to provide supplemental funds to state fish and wildlife agencies and tribal wildlife conservation programs aimed at the recovery of threatened and endangered species and programs that aimed to prevent the need for those emergency responses in the first place. Since 2003, only \$60 million dollars has gone to Tribes through the Tribal Wildlife Grants program – a mere fraction of what is needed. These grants are competitive and they basically result in tribes competing against each other for Tribal Wildlife Grant funding and tribes are reluctant to apply for funding that may be one-time funding for long term projects. Management of wildlife requires long-term stable funding. Successful wildlife management cannot be carried out one piece-meal project at a time. Development and implementation of wildlife management plans and regulations requires programmatic resources. Wildlife management is a long-term commitment to stewardship, not a one-time project. And, put simply, stewardship requires resources. For example, tribes need to develop and implement management plans and tribes need funding to study population trends and develop science-based management strategies. Tribes need to monitor those strategies and adaptively manage them while coordinating with our state and local partners and ensuring compliance.

On the Navajo Nation, NNDFW is responsible for managing wildlife on 18 million acres of trust land and with current funding sources in Fiscal Year 2019, allocations equates to approximately \$0.20/acre (see table below). In comparison, the state of West Virginia, which is of comparable land base of 15.5 million acres, manages their wildlife with approximately \$2.86/acre. The Department is grossly underfunded and understaffed.

Funding Source	Dollar Amount
Navajo Nation General Funds	\$1,646,503
Fish and Wildlife Enterprise Funds (Revenues)	\$800,000
BIA PL 93-638 Contract Funds	\$552,567
BOR San Juan River Native Fish Management	\$511,089

TOTAL	\$3,510,159
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RECOVERING AMERICA’S WILDLIFE ACT OPPORTUNITIES

Recovering America’s Wildlife initiative presents tremendous opportunities for all tribes, including the Navajo Nation, in continuing to build and expand existing wildlife management programs. The Tribal Title in Recovering America’s Wildlife Act would provide \$97.5 million in dedicated funding for tribal nations. With the passage of Recovering America’s Wildlife Act, tribes will improve capabilities to:

- Manage wildlife and habitat on their lands as well as collaborate across jurisdictions (e.g., with states, private landowners, etc.) to protect migrating wildlife.
- Assist in the recovery of threatened and endangered species.
- Manage, control and prevent invasive species and diseases.
- Improve wildlife management capabilities to protect, manage and conserve wildlife resources on tribal lands.

Through Recovering America’s Wildlife Act, the Navajo Nation will:

- Establish an Invasive Species Management Program that would monitor and manage invasive plant and animal species. Big game monitoring indicates animal diseases are being transmitted from domestic livestock to big game species such as bighorn sheep, mule deer and elk.
- Establish an Information and Education Program that includes conservation education and public information. In comparison to state wildlife agencies, the Navajo Nation severely lacks a comprehensive conservation education program.
- Improve outdoor recreation facilities for tribal and non-tribal outdoor recreationists who hunt/fish or engage in other outdoor recreation activities on the Navajo Nation.
- Expand our Wildlife Law Enforcement program and our technical wildlife management program by employing additional Wildlife Conservation Officers, Wildlife and Fish Biologists, Wildlife and Fish Technicians, Botanists, Zoologists, Public Information Officers/Educators and other technical staff.
- Expand much needed wildlife conservation programs and research opportunities to enhance wildlife populations and habitats on the Navajo Nation.

Tribal nations have worked for years to ensure a Tribal Title was added to this legislation, and now that it is included, tribes are enthusiastically supporting its passage. The tribal title was developed with the support of numerous tribes across the nation. The Tribal Title reflects critical issues facing tribes, such as ensuring long-term, stable and consistent funding that acknowledges tribal sovereignty and Indian self-determination. Tribes also met with House and Senate members to discuss the why it is critical for tribes to be included in Recovering America’s Wildlife Act. As of this week, well over 60 tribes have provided support letters endorsing the Tribal Title and Recovering America’s Wildlife Act, and organizations such as the Native American Fish and Wildlife Society and the Affiliated Tribes of Northwest Indians, adopted resolutions in support of the legislation as well. These numbers continue to grow as the nation’s sovereign tribes learn more about this opportunity to finally secure much-needed resources for wildlife conservation that has been virtually been non-existent (those letters and resolutions have been submitted for the record). Tribes have also received support from the Association of Fish and Wildlife Agencies and numerous environmental and conservation organizations.

WILDLIFE CORRIDORS CONSERVATION ACT OPPORTUNITIES

Tribal lands and waters provide vital habitat for hundreds of wildlife species and also serve as and include important corridors for wildlife across larger landscapes. Nationally, tribes have exhibited leadership in identifying and maintaining the pathways wildlife and fish need to move through the landscape to migrate, breed, and find food, water, and cover.

Between 2011 and 2013, NNDFW developed a climate-change vulnerability assessment for priority wildlife and plant species and habitats on the Navajo landscape. A key adaptation strategy identified in the report is the conservation of movement and migratory corridors for wildlife species. Conservation of these movement corridors, especially those along natural features like riparian areas have the potential to yield significant benefits for multiple species. Connectivity analyses also provide another useful tool for identifying potential movement corridors under future climate scenarios. The Navajo Nation is already modeling habitat suitability data for Mule Deer to develop specific, on-the-ground habitat restoration and management plans.

The Southern Ute Tribe in Colorado spent the past 20 years identifying corridors between tribal and federal lands to help manage deer and elk populations. Between 2004 and 2010 the tribe conducted an extensive study using GPS radio collars to track mule deer movements. They began a similar study for elk in 2013. Tribal nations in the region are also coordinating on their wildlife corridors work. The Southern Ute Tribe has been working with the Ute Mountain Ute tribe located in southwestern Colorado and the Jicarilla Apache Nation, located in northwestern New Mexico, to create a system of corridors to provide habitat for species like elk, bighorn sheep, mule deer and pronghorn. Together, those three tribes combined represent 1.8 million acres of land.

The Wildlife Corridors Conservation Act will support the work tribes have been doing and provides a much-needed framework and funding mechanism to manage and implement a system of national corridors. This legislation will support the tribes in their efforts to allow wildlife and fish to continue to move through tribal and adjacent lands and waters by providing federal recognition of Tribal Wildlife Corridors nominated by tribes. Designation of tribal corridors will enable tribes to apply for funding through the Wildlife Management Grants Program established in the bill. Funding is essential to the maintenance and restoration of a successful corridors program.

Official recognition of Tribal Wildlife Corridors is part of a broader nationwide program that would be established by the Wildlife Corridors Conservation Act to improve efforts to maintain and restore wildlife connectivity in the United States. The bill would also establish National Wildlife Corridors on federal lands; fund voluntary projects allowing wildlife to cross private lands; and establish a database to increase the information available on what wildlife need to keep moving.

Importantly, this bill also addresses one of the main challenges facing migratory corridors – coordination across federal agencies, states, and private landowners. Wildlife and corridors cross borders and jurisdictions. Management plans historically have not. The tribal title increases cooperation and coordination with the managers of adjacent federal lands on wildlife habitat connectivity. The bill also increases cooperation with adjacent private landowners by explicitly allowing consideration of Tribal corridors when implementing Farm Bill programs such as the Conservation Reserve and Conservation Stewardship Programs.

CONCLUSION

In conclusion, it is clear the Pittman Robertson/Dingell Johnson Act has benefited all 50 states since its adoption. With Recovering America's Wildlife Act, Congress now has the opportunity to provide much needed funding to the 573 federally-recognized Indian tribes across the country that have wildlife management responsibilities on tribal lands. The development of the Tribal Title is not only evidence of the need, but also evidence of the collaboration and solidarity of tribes on this issue and the critical role that sovereign tribes have in protecting this nation's wildlife and wild places. Tribes, including the Navajo Nation, view this Act as one of the best opportunities to begin to address the historical inequities of minimal funding for tribal wildlife management. With its broad range of support, including mutual support from states and tribes, Recovering America's Wildlife Act can foster improved coordination and collaboration and elevate wildlife management across the nation – with the goal of more abundant fish, flora and fauna for both tribal and non-tribal members for many future generations to come. Recovering America's Wildlife Act also benefits the states as they are

adjacent to tribal lands and a key partner in wildlife conservation across the country, as wildlife do not recognize jurisdictional boundaries.

Additionally, Tribes have always known how important it is for wildlife and fish to be able to move through the landscapes where they live. Energy development, climate change, and other threats make it especially important that we take steps now to make sure wildlife and fish won't get cut off from important habitats, or lose the opportunity to migrate. The Wildlife Corridors Conservation Act recognizes and supports tribal efforts to maintain wildlife connectivity, respects tribal sovereignty and interests, and is part of an important larger program on wildlife connectivity in the United States. This common-sense legislation will streamline the work that is already happening on the ground by creating mechanisms for regional and national coordination and funding for the implementation of corridors projects.

Thank you for your time and this opportunity to provide this testimony on Recovering America's Wildlife Act and Wildlife Corridors Conservation Act.