

**TESTIMONY OF VICE-CHAIRMAN JOSEPH PAVEL
THE SKOKOMISH TRIBE OF WASHINGTON STATE
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE
ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
FISCAL YEAR 2014 BUDGET
APRIL 24, 2013**

I am Joseph Pavel, Vice-Chairman of the Skokomish Tribe of Washington State. I would like to thank the Subcommittee for the opportunity to present testimony on the FY 2014 appropriations for American Indian/Alaska Native programs within the Interior Department, Indian Health Service and Environmental Protection Agency. The Skokomish Indian Tribe is responsible for providing essential governmental services to the residents of the Skokomish Indian Reservation, a rural community located at the base of the Olympic Peninsula with a population of over 2,000 people, including approximately 700 Tribal members. The Tribe provides services through various departments – Tribal Administration, Community Development, Information Services, Early Childhood Education (including Head Start), Education, Health Clinic, Housing, Legal, Natural Resources, Public Safety, Public Works, and Tuwaduq Family Services. The Tribal government also works closely with community members to identify needs and prioritize services. Adequate federal funds are critical to the Tribe’s ability to address the extensive unmet needs of our community.

I. BUREAU OF INDIAN AFFAIRS

Law Enforcement. We support the President’s proposal to increase funding for BIA Public Safety and Justice Programs. The Skokomish Department of Public Safety (SDPS) provides 24/7 law enforcement services for the Tribe. SDPS is responsible for patrolling and enforcing justice both within the Tribe’s 5,300-acre Reservation, and throughout the Tribe’s 2.2 million-acre Treaty area where the Tribe has Treaty-protected hunting, fishing and gathering rights. SDPS currently has a Chief of Police, 7 full-time officers, and 1 part-time officer. Despite SDPS’s best efforts, it cannot meet all of its responsibilities unless staffing is increased.

Officers respond to all manner of calls for police services including a wide range of felonies and misdemeanors. They patrol both land and water in Hood Canal Basin, enforcing Tribal laws, treaty rights, court orders, and federal and state statutes. Staff is stretched thin. In addition to its primary responsibilities in patrolling the Reservation and the usual and accustomed areas where Tribal members make their living fishing and hunting, the SDPS performs other necessary duties. For example, the SDPS officers (who are cross-deputized) assist the Mason County Sheriff’s Office and the Washington State Patrol. The SDPS is also tasked with first response in the event of a natural disaster or emergency management situation.

But with only 4 officers available for day-to-day patrol duties, individual officers often work alone. Understaffing exposes both the community members in need of assistance and SDPS officers to undue danger. Unfortunately, this is SDPS’s reality. To meet mandated responsibilities, staffing must be increased. Vacancies due to illness, training and other leave force the Chief of Police to handle patrol duties. Budget limitations severely restrict overtime. Often gaps in shift coverage go unfilled relying on an “On Call” response. This gravely increases the risk to the safety of the community and creates service gaps affording opportunities for increased criminal activity. A memorandum of understanding with the Mason County Sheriff’s

Office helps to fill some of these gaps on an as-needed basis. However, the costs are significant and there are times when a Deputy simply is not available.

The SDPS strives to get the most from every dollar spent and is constantly working to improve in every aspect. An outdated Records Management System (RMS) was recently replaced. The new RMS will provide more succinct statistical crime data and will be instrumental in the proactive deployment of SDPS personnel. A new community policing plan is also in place, as well as a new training plan. But because of limited funds, progress is slow.

Today, the Skokomish Reservation faces many of the same issues as other communities. Domestic violence and substance abuse critically impact the Tribe. The Skokomish Tribe also hosts visitors from the surrounding communities as well as a large tourist trade. This is the avenue through which narcotics are brought into the Reservation. With the drug trade comes many other associated undesirable issues – theft, burglary and poaching, to name a few. There is a sense of helplessness in the community, resulting in crimes often going unreported. SDPS does not have the resources to effectively stem the tide of this illicit activity.

In order for the Skokomish Tribe to ensure safety, service and protection of the community, an immediate and dramatic increase in staff is needed. To properly carry out its responsibilities SDPS needs another 7 officers. Dedicated resources for investigations, community policing and crime prevention alone require a minimum of 3 additional officers. The Tribe simply cannot provide these resources so necessary for the protection of our community without the additional funding assistance of the Federal government.

Tribal Court. The Skokomish judiciary handles a high volume of cases relative to our community's population. The Court currently has over 262 open criminal, civil, and family court cases. The Skokomish Tribal Court is in the midst of a major restructuring project as a result of the Tribe's unwavering commitment to providing meaningful access to justice for all of its community members. Specifically, the Tribe has recently begun providing public defense services to its Tribal members who are facing criminal charges. In addition, the Tribe has recently recruited a new prosecutor, probation officer, and a pool of Tribal Court judges who are actively working to encourage alternatives to incarceration, while reducing criminal recidivism.

We support the President's proposal to increase funding for Tribal Courts, but the increase proposed is not enough. To protect the tribes from the adverse impacts of sequestration and the demands on our courts, we respectfully request that Congress increase funding substantially so that the Tribal Court in cooperation with the Public Safety Department can continue its momentum in improving our judiciary to reflect the needs and values of the Skokomish community. This includes fully implementing the Tribe's retrocession from Public Law 280, consistent with the standards for implementation of the Tribal Law and Order Act of 2010, and ensuring that our most vulnerable community members are fully protected through proper implementation of the newly amended Violence Against Women Act.

Natural Resources. We strongly support the President's proposal to increase funding for Trust-Natural Resources Management programs by \$34.4 million over FY2012 levels. Increased funding to foster sustainable stewardship and development of natural resources and support fishing, hunting and gathering rights on and off-reservation, is essential to our people who depend on natural resources for their livelihood.

For example, the Pacific Salmon Treaty grant supports the Tribe's federally mandated salmon sampling program. Throughout the entire salmon season, and to ensure proper

management of the resources, we must collect scale and coded-wire tag samples from Chinook and Coho, and scale samples from Chum on 20% of our catch. This information is used to determine run size and allows fisheries managers to properly structure the fisheries. Current funding levels have been sufficient to achieve this goal; however, with sequestration, we are facing cuts in FY 2013. Without proper funding for this program, it will become very difficult, if not impossible, for the Tribe to ensure the safety of ESA-listed salmon which may result in a loss of a Treaty-reserved resource and our members' ability to support themselves from that resource. We urge Congress to increase the current level of funding for this vital program.

Hatchery cyclical maintenance funds are also invaluable for supporting the Federal government's investment in tribal hatcheries. Most tribal hatcheries are underfunded and each year brings more decay to the facilities. Here too, adequate funding for hatchery maintenance is imperative to prevent these important pieces of the salmon restoration puzzle from crumbling away. Because of habitat destruction, the only reason we continue to have salmon for Treaty-harvest activities is the operation of salmon hatcheries. Congress cannot allow the main pillar of this all important Treaty right to take a reduction in funding.

Five years ago the Tribe was able to cobble together a wildlife program consisting of one biologist and one technician. The program is partially funded by Timber, Fish, and Wildlife funds of about \$95,000; the Tribe supplements the program with an additional \$35,000. The Tribal program needs additional funding to staff three dedicated wildlife enforcement officers who will not only enforce the Tribe's regulations, but ensure that poaching of the Tribe's wildlife resources does not occur from outside entities who sometimes fail to recognize the Tribe's Treaty rights. Sequestration will make it all but impossible for us to continue to properly manage our resources. We request additional funds in the amount of \$240,000, so we will have stable funding for a complete wildlife program.

Transportation. The Moving Ahead for Progress in the 21st Century (Map-21) bill was enacted in July 2012. The legislation requires that federal grant funds be awarded through State DOTs. In the past, we had the option of receiving funding through the BIA as a 638-contract. We are finding with our two current Scenic Byways grants that going through the State DOT costs more and the projects take twice the amount of time to complete. The Tribe would like to see an amendment to MAP-21 that reinstates our right to either directly receive funds or have the funds come through the BIA.

II. INDIAN HEALTH SERVICE

The Skokomish Tribe supports the President's proposal to increase funding for the Indian Health Service. We have a Tribally-operated Ambulatory Health Center located in a relatively remote geographic area and continue to face financial barriers to the effective provision of health care services. Our Contract Health Service (CHS) funds are insufficient to meet needs and we urge that federal funds for those be increased in light of the rising cost of health care and the serious health issues our patients face such as cancer, diabetes, and heart disease.

Among the problems are the increases we are seeing in oral health costs on the Reservation. Federal funding has not kept pace. Dental problems are common among low income households and drug users. In many instances, when dental problems are finally dealt with they require specialized dental care, which the Tribe lacks resources to provide. Further compounding the problem is if our CHS funding is spent, Tribal members without dental

insurance are more likely to forego the necessary specialized dental care. Instead, we are seeing an increase of individuals with oral health issues seeking alternative relief through over-the-counter analgesics or visiting the emergency room of the local hospital. Since emergency rooms are not staffed for dental treatment, Tribal members are given narcotics to control their pain, but the need for treatment still remains. Poor oral health can lead to negative effects on general health. With an already stretched CHS budget here at Skokomish we are in need of funding to address the rise in negative health care costs.

The increase in oral health care problems further confirms the extensive on-going health problems arising from substance abuse. Federal funds are needed not only for drug and alcohol treatment, but also to address the medical and dental needs that the addiction has caused.

In addition, related to mental health, we have identified a need for a youth mental health facility. While there are youth substance abuse treatment facilities, there are no facilities available to treat mental health issues for youth who do not have any substance abuse issues. We urge Congress to direct the IHS to report on its effort to develop a youth behavioral health facility to meet the growing mental health needs of our Native youth.

III. NATIONAL PARK SERVICE, TRIBAL HISTORIC PRESERVATION PROGRAMS

In 1995, Congress began encouraging tribes to assume historic preservation responsibilities as part of self-determination. These programs conserve fragile places, objects and traditions crucial to tribal culture, history and sovereignty. As was envisioned by Congress, more tribes qualify for funding every year. Paradoxically, the more successful the program becomes, the less each tribe receives to maintain professional services, ultimately crippling the programs. In FY 2001, there were 27 THPOs with an average award of \$154,000. Currently there are 141 tribes operating the program, each receiving less \$51,000. We fully support the President's proposal to increase funding for the Historic Preservation Fund.

IV. ENVIRONMENTAL PROTECTION AGENCY

EPA has long lacked sufficient funds for State and Tribal Assistance Grants (STAG). These funds provided grant money for a wastewater treatment plant. We still need approximately \$12 million to fully build our core Reservation plant. The President's FY2014 budget would reduce funding for some STAG grants with small increases to others. We urge Congress to increase funding for these grants as that would be a tremendous benefit to the tribes.

V. CONTRACT SUPPORT COSTS – BIA and IHS

We are very concerned that the President's proposed budget would cap contract support costs for tribally contracted services with the BIA and IHS in this and future years. We urge Congress to fully fund all contract support costs and to resolve all outstanding BIA and IHS contract support costs claims.

Conclusion. The Tribe thanks the Subcommittee for the opportunity to present testimony on these important issues.