

**Testimony of
J. Bruce Tafoya, Governor
Santa Clara Pueblo
Before the
House Interior Appropriations Subcommittee
Thursday, April 25, 2013**

Introduction. Thank you, Chairman Simpson, Ranking Member Moran, and members of the Subcommittee, for this opportunity to testify on the FY 2014 Federal budget. My name is J. Bruce Tafoya. I am the Governor of the Santa Clara Pueblo. My testimony will focus on:

- **BIA Disaster Funding.**
- **Building New Health Facilities – Funding the Joint Venture Construction Program.**
- **Funding for Self-Governance Initiatives at BIA and IHS.**

As the Subcommittee works on the FY 2014 Interior appropriations budget, I would urge your continued commitment to fulfilling the Federal trust responsibility. In very important ways, this Subcommittee is empowered to do the most in that regard by providing adequate funding to meet the basic needs of Indian country. We appreciate that the Subcommittee has sought to increase funding levels in the past. In this age of sequestration, we urge you to continue this support to offset the effects of sequestration, which unfairly and disproportionately fall on Indian Country.

Las Conchas Wildfire. In the summer of 2011, the Santa Clara Pueblo was devastated by the Las Conchas Fire, at that time the largest wildfire in New Mexico history. Although mercifully no lives were lost and no homes were burned, we still saw our traditional and treasured homeland and spiritual sanctuary, the Santa Clara Canyon, practically destroyed. We estimate that more than 16,000 acres of our forest lands burned in this fire and, together with the lands that we lost in the Oso Complex Fire of 1998 and the Cerro Grande Fire of 2000, 80% of our forests and a huge part of our heritage has been destroyed. In addition, the fire burned thousands of acres of our traditional lands that are outside our current reservation and that continue to hold cultural sites and resources of great importance to us. This area encompasses our lands of origin, the P’opii Khanu - the headwaters of our Santa Clara Creek, and numerous cultural and traditional sites. In addition, the loss of the forest is devastating to wildlife and wildlife habitat, recreational resources, and to the purity of our water - which we use for irrigation and many traditional purposes. In the last decade we have faced four forest fires that have threatened our forests – the Oso, Cerro Grande, South Fork and Las Conchas fires – and none of them originated on our lands. Although fate plays its part, we have suffered horrible consequences largely due to the failure of others to properly guard in some fashion against causing a fire. Throughout this tragedy, the Santa Clara people have shown extraordinary courage and determination to persevere and to begin the long road to recovery so that, while my generation may never see the canyon in its glory again, that will not be said of the next generation.

Awaiting the Next Disaster – Post-Fire Flooding. Because the Santa Clara Canyon has been stripped of its vegetation, the Pueblo is at tremendous risk of flooding. Over 50% of the Santa Clara Pueblo watershed burned during the Las Conchas fire. Due to the high severity of the burn, there has been a dramatic reduction in the infiltration rates in the burned area – the soil is now what is termed by soil scientists as “hydrophobic.” This has resulted in a four-to eight-fold

increased runoff and sediment/debris flow into the Santa Clara Creek, posing a severe threat to the lives and safety of the people of Santa Clara Pueblo and increasing the potential for widespread property damage. The channel through Santa Clara Pueblo no longer has the conveyance capacity necessary to safely pass large post-fire flows. Hundreds of residential structures, as well as several public structures are at risk from flood and debris flows if more action is not taken.

A mere 1 inch rain event over 8 hours, or what hydrologist refer to as an average monsoon season storm, on August 21, 2011 led to intense flooding and the emergency evacuation of Santa Clara and US Army Corps of Engineer personnel. This rain event resulted in a Presidential Disaster Declaration. As the Department of the Interior, Interagency Burned Area Emergency Response (“BAER”) Team noted in a July 17 report, the intense flames from the fire burned trees and vegetation off the steep slopes of the canyon and heated the soils causing severe damage to the natural resources of the area and placing the downstream tribal members of the Santa Clara Pueblo at risk to extreme flooding. The post-fire watershed effects were rife for massive landslides and debris flows which occurred on August 21, 2011. The August 21, 2011 event produced massive debris (including boulders) and severe mud flows to the canyon bottom. The Canyon reservoirs were overwhelmed (over topped) by this average rainfall event following the fire and are now full of sediment, and now pose a potential flood risk if not dealt with immediately. Flood protection emergency measures put in place after the Las Conchas fire were inches away from being compromised. It is important to note that this storm was an isolated thunderstorm over a small portion of the Santa Clara watershed (one drainage) and not over the entire watershed (what hydrologist refers to as a general storm). If the rain event of August 21, 2011 had occurred over the entire post fire Santa Clara Pueblo watershed, the Santa Clara Pueblo would have been devastated.

We are only at the beginning of the flood mitigation and forest recovery effort. The fire has raised numerous, interrelated, short and long-term concerns for Santa Clara and other surrounding communities, almost all of which intersect with Federal laws and regulations. First, during the summer monsoon season, every afternoon, we will face the threat of a thunderstorm that will send torrents of water and debris down the Santa Clara Canyon and Creek, creating a huge risk of dam failure and catastrophic flooding for our homes, public buildings and irrigation system. Second, we must address the environmental impacts of this fire. This includes the physical health impacts from the huge quantities of smoke, as well as the devastating emotional impact to our community of such a great loss. It also includes water quality impacts as tons of ash, debris and other materials flow into the Santa Clara Creek affecting fisheries, wildlife consumption, agriculture and cultural uses, and safety issues within our Santa Clara Canyon due to the destabilized landscape resulting in falling boulders and dead and down trees. This runoff flows into the Rio Grande, affecting water quality for communities like Santa Fe that are downstream or that use the Rio Grande. Third, we are still assessing how to recover from the loss of an unprecedented amount of cultural resources and sites, from damage to sacred places, to the loss of animal and plant species that have been integral to Santa Clara cultural and spiritual practices for generations. Fourth, Santa Clara has suffered extended financial impacts, including not only the direct efforts to address the fire, but also the closure of Puye Cliff Dwellings, the reduction in arts and crafts sales and the decline in tourists and visitors to our hotel. Fifth, we still need fire suppression resources to protect the remaining 20% of our forests. Finally, we must address the long term restoration of the forests. This is a project that we anticipate will take

several decades but one to which we have already set our minds.

We ask the Subcommittee to support additional funding for Interior Burned Area Emergency Response (BAER) teams, as well as additional resources for the Bureau of Indian Affairs to assist Santa Clara Pueblo and other impacted tribes who experience devastating natural disasters.

Developing a New Health Facility – Refunding the Joint Venture Construction Program of the Indian Health Service. The Santa Clara Health Center (SCHC) was built in 1981 and was not designed for the number of patients presently seen there. From FY 2007 to FY 2009, annual patient visits to the Health Center surged from 14,878 to 27,884, or 87%. Such a dramatic increase in patient visits has pushed the Health Center well beyond its capacity to effectively serve its clients. Santa Clara has retained consultants to advise on the design of a new facility. Santa Clara has approached the Indian Health Service about participating in the Joint Venture Construction Program, which provides that if a tribe provides a facility, the Indian Health Service will commit for a minimum of 20 years to staff and equip that facility. The program is very successful but completely reliant on Congress making the financial commitment to the staffing levels. Santa Clara has been advised by the IHS that they only have such a commitment for three more facilities, which are already in the works, and that Congress would have to renew its financial commitment for additional tribes to participate in this program. Santa Clara asks that Congress make that commitment.

National & Self-Governance Budget Priorities. In general, all Bureau of Indian Affairs (BIA) and Indian Health Services (IHS) line items should be exempt from any budget recessions and discretionary funding budget reductions. More specifically, Santa Clara urges the following:

Bureau of Indian Affairs

- Fully Fund Contract Support Costs (CSC).
- Fully Fund Fixed Costs/Pay Costs. Historically, Tribes have been disadvantaged because they have never received Fringe Benefit Fixed Cost adjustments.
- Tribal Priority Allocations. For two decades, inadequate funding for Tribal priority allocations has hindered Tribes from fully exercising their right of Self-Governance.
- Law Enforcement
 1. Fully fund all of the provisions of the Tribal Law & Order Act of 2010 that authorize additional funding for law and order programs that affect Indian Tribes, for FY2014 and beyond; and
 2. Increase funding for Bureau of Indian Affairs Law Enforcement by \$30 million, including an increase in funds for officer recruitment and training; and for Tribal detention facilities operations and maintenance.
- Education
 1. Provide \$24.3 million in funding to the Johnson O'Malley (JOM) program;
 2. Provide \$263.4 million for Bureau of Indian Education (BIE) School construction and repair;
 3. Provide \$5.0 million to support Tribal Education Departments (TEDs);
 4. Provide \$36.0 million for Title III-A grants under the Higher Education Act; and
 5. Provide \$431.0 million for the Indian School Equalization Formula (ISEF).

- Office of Self-Governance (OSG) – Provide increased funding to the OSG to fully staff the office for the increase in the number of Tribes entering Self-Governance. We vehemently oppose any consolidation of the OSG within DOI. Self-Governance is a process that will continue to allow Tribes to govern at the local level to address the needs of our citizens and our communities.

Indian Health Service:

- Contract Support Costs (CSC) – Fully Fund CSC.
- Mandatory Costs – Provide \$304 million increase to maintain current services. Mandatory cost increases are necessary to maintain the current level of services. These “*mandatories*” are unavoidable and include medical and general inflation, pay costs, phasing in staff for recently constructed facilities, and population growth.
- Indian Health Care Improvement Fund – The purpose of IHCIF is to address deficiencies in health status and resources within the Indian health system and to promote greater equity in health services among Indian Tribes.
- Contract Health Services (CHS). CHS funds are used to purchase essential health care services, including inpatient and outpatient care, routine emergency ambulatory care, transportation and medical support services.
- Alcohol and Substance Abuse Programs – Provide \$40 million increase.
- Adequate Funding for Implementation of the Indian Health Care Improvement Act (IHCIA).
- Office of Tribal Self-Governance - In 2003, Congress reduced funding for this office by \$4.5 million, a loss of 43% from the previous year. In subsequent years, this budget was further reduced due to the applied Congressional rescissions. As of 2012, there are 337 Self-Governance (SG) Tribes managing approximately \$1.4 billion in funding. This represents almost 60% of all federally-recognized Tribes and 33% of the overall IHS funding.

Conclusion. Never again in our lifetime will we see our traditional and treasured homeland and spiritual sanctuary, the Santa Clara Canyon, as we have known it. It will take generations for our community and lands to recover from the devastation of this fire. But this is our only homeland; it is the place we have been entrusted with since time immemorial. While we intend to devote the resources we can to the healing of our land and the protection of our community we do not have the resources to do it alone. We turn in this hour of need to our Federal trustee and ask for your sustained assistance in addressing this calamity and assuring the remediation of our sacred homeland. At the same time, we ask the Congress to support the Joint Venture Construction Program so that Santa Clara, and other tribes, through their own commitment of financial resources, can speed the improvement of health facilities in Indian Country. We also ask Congress to address the other budget needs set forth in this testimony.