

**UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES**

**TESTIMONY OF JOEL MOFFETT
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APRIL 7, 2014 PUBLIC WITNESS HEARINGS ON NATIVE AMERICAN ISSUES

Honorable Chairman and members of the Committee, as Vice-Chairman of the Nez Perce Tribal Executive Committee, I would like to thank you for the opportunity to provide testimony on behalf of the Nez Perce Tribe to this Committee as it evaluates and prioritizes the spending of the United States regarding IHS, BIA, EPA, the Forest Service and the Fish and Wildlife Service in relation to the needs of tribal nations for Fiscal Year 2015.

As with any government, the Nez Perce Tribe does a wide array of work and provides a multitude of services to the tribal membership as well as the community at large. The Nez Perce Tribe has a health clinic with a satellite office, a tribal police force, a social services department, a comprehensive natural resource program that does work in forestry, wildlife management, land services and land management, habitat restoration, air quality and smoke management, water quality and sewer service, and one of the largest fisheries departments of any tribe in the nation working on recovery of listed species under the Endangered Species Act. The Nez Perce Tribe conducts its extensive governmental functions and obligations through a comprehensive administrative framework, which is necessary for a sovereign nation that oversees and protects the treaty rights of the Nez Perce People in addition to providing the day to day governmental services to its members and the surrounding communities. The Nez Perce Tribe has long been a proponent of self determination for tribes and believes its primary obligation is to protect the treaty-reserved rights of the Nez Perce Tribe and its members. All of the work of the Tribe is guided by this principle. As a result, the Tribe works extensively with many federal agencies and proper funding for those agencies and their work with, for and through Tribes is of vital importance. This work cannot be accomplished unless the United States continues to affirm and follow through on its trust responsibility and properly fund programs.

Indian Health Services

The Nez Perce Tribe currently operates a health care clinic on the Nez Perce Reservation, Nimiipuu Health. The main clinic facility is located in Lapwai, Idaho and a satellite facility of the main clinic is located 65 miles away in Kamiah, Idaho. Nimiipuu Health provided service to 3,820 patients last year. These 3,820 patients represented 47,673 visits which does not include pharmacy and laboratory visits but only medical provider visits. Our expenditure total for FY2013 was \$13,489,355. Our Purchased/Referred Care costs for outpatient services for FY2013 was \$4,320,830.

Although the Nez Perce Tribe supports the proposed \$200 million increase in funding over the FY14 levels proposed by the President, it is important to note that this increase still lags far behind where funding should be to offset the growth in the programs and medical inflation and in

reality funding should be higher. Also, the \$50 million dollar increase in funding proposed for purchased and referred care is vital, but it too falls well short of the true need in Indian country as is illustrated by the spending needs of just the Nez Perce clinic. Finally, the Tribe fully supports the \$617 million that has been proposed by the President to be allocated for Contract Support Costs. Requesting full funding of these obligations is an important and is appreciated.

Bureau of Indian Affairs

The Tribe supports the funding levels for contract support costs proposed in the President's budget of \$251 million dollars as well as the increased funding overall for the Bureau of Indian Affairs. The Tribe also supports the Presidential budget request to include a Carcieri fix to address legal issues that have arisen related to the transfer of land into trust. This Supreme Court decision has led to dozens of court challenges that now brings into question the status of trust land of all tribal governments, regardless of when they were federally recognized. This uncertainty will only stifle and impede economic development in Indian Country. A legislative amendment to restore the sovereign status of these lands to the state they were prior to this court decision is needed now.

The Tribe supports the \$12 million dollar commitment in the President's budget to address child and family welfare in Indian Country and job training issues. This Tiwahe initiative is important as it recognizes the significant gap in culturally sensitive social service programs and the high unemployment due to lack of adequate job training that plagues reservation communities. Continued study and development of solutions to these issues is important to help address the systemic problems faced in this area.

In relation to the Bureau of Indian Affairs Public Safety and Justice budget, the Tribe advocates for at least the \$351.9 million dollars in funding proposed in the President's budget. The Nez Perce Reservation covers 1200 square miles and covers five counties and has a mixture of tribal and non-tribal residents. The Tribe provides a full service law and justice program, beginning with a fully trained and staffed police force, tribal court, prosecutor and related administrative functions. Currently, the Nez Perce Tribe contributes over \$718,000 per year to cover the shortfall in BIA funding for the Tribe's law enforcement, \$195,000 for judicial services, \$339,000 for prosecutorial services, \$92,000 for public defender services and \$300,000 for prisoner boarding. This funding comes from tribal taxes on things such as tobacco levied by the Tribe and tribal gaming revenues. The funding for these programs needs to be increased to account for the shortfalls in funding the Tribe has to absorb to continue the operation of these vital services on the Reservation.

In relation to education, the Tribe requests \$42 million for Johnson O'Malley Funding, \$5 million for tribal education departments and \$88.2 million for tribal colleges such as the Northwest Indian College that operates a satellite campus on the Nez Perce Reservation. It should also be noted that scholarship funding provided by the BIA has remained static for the past decade while the cost of attending college has risen faster than can be accounted for by simple inflation. The Tribe is currently working to set up an educational endowment to supplement the BIA education funds but the BIA funds need to be increased.

The Tribe also relies on the BIA for funding for its work related to endangered species and protection of the Tribe's treaty resources including Chinook and steelhead salmon. The funding has also been used to supplement the research efforts of the Tribe relative to other sensitive species. The BIA Endangered Species Program should be restored at \$3 million dollars as it provides tribes with the technical and financial assistance to protect endangered species on trust lands but funding of this program has declined significantly over the last 8 years. Also, the BIA Natural Resource Tribal Priority Allocations should be increased to \$10 million as this funding has remained flat for years at just under \$5 million. This expenditure will help increase tribal land and management capabilities.

In addition, the funding provided under the BIA Rights Protection fund is critical as it supports the exercise of off-reservation hunting and fishing for tribes like the Nez Perce and it should be funded at \$49.5 million dollars. The BIA single-line dollars do provide the foundation for core program administration and treaty rights protection activities, such as harvest monitoring and conservation enforcement. And of course, these efforts are central to the Tribe's fisheries management responsibilities as established in the treaties and further delineated in litigation regarding implementation of hunting and fishing treaty rights. It is important to understand that this funding is not for equipment but is used for job creation and this funding has stayed static.

The Nez Perce Tribe utilizes the Pacific Coast Salmon Recovery Fund and it should be funded at \$110 million dollars. The Nez Perce funding received under this budget is used to rear 300,000 local stock coho smolts at Dworshak and Kooskia hatcheries in the Clearwater River Basin. We also truck an additional 550,000 coho smolts from a lower Columbia River hatchery (Eagle Creek Hatchery) up to the Clearwater for release. Based on PIT tag information, 15,000 coho adults from our Clearwater releases crossed Bonneville Dam in 2011 where they provided a fishery for tribal and non-tribal fisheries on the Columbia River. Over 5,000 swam on to cross Lower Granite Dam where they continued to provide a fishery, provide broodstock for the hatchery program and spawners in the wild. Continued appropriations for this fund will allow this successful work to continue.

The Tribe also supports funding for the BIA Wildlife and Parks Tribal Priority Allocations of \$3 million dollars and \$6 million dollars as these funds allow for important work to be done on fish recovery through hatchery operation and maintenance. As stated earlier, the Tribe has invested a large amount of its personnel and resources in the restoration and recovery of this important resource through its fisheries programs. The State of Idaho directly benefits from this work as well through its sports fisheries. These programs have been successful but more work needs to be done. The Tribal Management and Development Program also needs increased funding. The Tribe recommends \$20 Million for base and programmatic funding. This program is critical for fish and wildlife management of the Tribe.

Fish and Wildlife Service, Forest Service Cultural Protection

The Tribe relies heavily on funding sources within the Fish and Wildlife Service and the Forest Service. First, the Tribal Wildlife Grants program administered by the U.S. Fish and Wildlife Service is a cost effective expenditure for the government. This small pot of money has resulted in huge returns from the Tribe's perspective. Since 2005, we have received four such grants that

have allowed us to work on such diverse issues as gray wolf monitoring, bighorn sheep research, and rare plant conservation. Continued funding for the Tribal Wildlife Grant program will allow recipient tribes to build capacity and maintain involvement in key conservation issues. It should be noted that this competitive grant does not simply dole out funds for projects but awards grants based on the quality of the proposal. As mentioned above, the Tribe has received four grants under this program totaling \$800,000 based on the quality of our research work. Funding for these grants was reduced in FY12 and FY13. The Tribe strongly urges this committee to increase this funding to \$8 million as it provides a large return in work for a small investment. It is also one of the few sources of funds tribes can tap into for wildlife research.

The Tribe also supports increased funding for the work of the Forest Service in the protection of treaty reserved resources of tribes. There should be \$31.2 million dollars allocated for BIA Tribal Forestry Priority Allocations and \$23.3 million for BIA forestry projects. The Nez Perce Reservation and its usual and accustomed areas are rich in natural resources and encompass eleven different national forests. The Tribe works closely with each forest administration to properly manage its resources on behalf of the Tribe. These range from protecting and properly managing the products of the forest to managing the vast wildlife in each one such as elk, deer, bighorn sheep and wolves. Increased funding is necessary so that the Forest Service can meet these trust obligations and continue to work with tribes such as the Nez Perce on a government to government basis. Finally, there should be \$15 million dollars allocated for the Tribal Historic Preservation Office Program and \$4 million dollars for repatriation to help ensure tribal remains and cultural properties are protected to the greatest extent possible.

Environmental Protection Agency

The Nez Perce Tribe currently implements, on behalf of the Environmental Protection Agency, the Federal Air Rules for Reservations program (FARR) and receives funding from the State and Tribal Assistance Grants Program and Tribal General Assistance Grants. The \$31 million dollar increase in the President's budget for these grants is important and is supported by the Tribe. The FARR program monitors air quality and regulates field burning throughout the Nez Perce Reservation. The Tribe is located in Region 10 of the EPA and this increase in funding is needed for Tribes to meet their air quality needs and operate programs under the delegation of the EPA.

In addition to the air quality program, the Nez Perce Tribe is working with other Idaho Tribes on studying of fish consumption rates which is important in protecting the health of tribal members. Funding for this work is important. The Tribe is also currently in facilitated discussions with the State of Idaho that are being funded through grants from the EPA. The facilitated discussions involve the Tribe adopting water quality standards to improve the water quality on the Nez Perce Reservation. The Tribe also relies heavily on contract support dollars for our water resource programs such as storage tank remediation and watershed restoration.

Thank you for the opportunity to testify today. As you can see, the Nez Perce Tribe does a tremendous amount of work in a variety of areas. It is important that the United States continue to fund this work and uphold and honor its trust obligations to tribes.