

**Testimony of  
J. Michael Chavarria, Governor  
Santa Clara Pueblo  
Before the  
House Interior Appropriations Subcommittee  
Thursday, April 7, 2014**

**Introduction.** Thank you, Chairman Simpson, Ranking Member Moran, and members of the Subcommittee, for this opportunity to testify on the FY 2015 Federal budget. My name is J. Michael Chavarria. I am the Governor of the Santa Clara Pueblo. My testimony will focus on:

- **Emergency Disaster Funding.**
- **Building New Health Facilities – Funding the Joint Venture Construction Program.**

As the Subcommittee works on the FY 2015 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 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. 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.

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.

Indeed, since that fire, the Pueblo has been the subject of four Presidential Disaster Declarations, principally involving catastrophic flooding. This flooding has wiped out the existing water control structures within the canyon. As a result, the Pueblo is in greater danger today of a catastrophic flood that could result in a major loss of life and property than it was in the immediate aftermath of the fire. This danger, which as a statistical certainty will occur, hangs over the head of the Pueblo every moment of the day during the monsoonal season.

The Army Corps has recommended the construction of a dam within the canyon. **We urge that this activity be funded and commenced immediately, using emergency funding, if necessary.** 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. 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. This disaster is not just a potential; with the current lack of protection in place, it will happen. As American citizens, this is unacceptable. The federal government has it within its power to appropriate funds towards mitigating an inevitable flood event that is the direct result of improperly maintained federal lands. With no action, the flood will happen; it will cause millions of dollars of damage and potentially the loss of human life. We request a dam project for the safety of our citizens and the protection of our community.

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. 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. Santa Clara has suffered extended financial impacts from the direct efforts to address the fire, as well as the closure of Puye Cliff Dwellings, and subsequent reduction in arts and crafts sales due to the decline in tourists and visitors to our hotel. To protect the remaining 20% of our forests, we need fire suppression resources. 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.

**Fighting Wildfires: Further Implementation of the Tribal Forest Protection Act.** The Tribal Forest Protection Act (Public Law 108-278) authorizes the Secretaries of Agriculture and Interior to give special consideration to tribally-proposed Stewardship Contracting or other projects on Forest Service or BLM land bordering or adjacent to Indian trust land in order to protect the Indian trust resources from fire, disease, or other threat coming off of that Forest Service or BLM land. These stewardship agreements are an important tool for fighting the ever-growing threat of wildfires in the West. In New Mexico, where the Santa Clara Pueblo has experienced devastating consequences from four wildfires over the last 20 years, all of which originated off of tribal lands, the wider use of such agreements could have greatly mitigated the impact of these fires. Empowering tribal governments as caretakers to protect tribal lands by managing adjacent federal lands is a smart policy.

Santa Clara urges the Committee to support the expansion of this program by both the Department of Agriculture and by the Department of the Interior.

**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.

**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.