



UTE INDIAN TRIBE

P. O. Box 190

Fort Duchesne, Utah 84026

Phone (435) 722-5141 • Fax (435) 722-5072

U.S. House of Representatives Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies

Testimony on American Indian/Alaska Native Programs

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My name is Gordon Howell. I am the Chairman of the Business Committee for the Ute Indian Tribe of the Uintah and Ouray Reservation. Thank you for inviting me to testify today.

The Ute Indian Tribe asks that Congress and this Subcommittee focus on two areas where increased attention and funding can make a significant impact for the Tribe and much of Indian Country. Those areas are tribal justice systems and energy development on Indian lands.

First, the Tribe asks that Congress and this Subcommittee fulfill its trust responsibilities and provide adequate law enforcement to keep the peace on our Reservation. While this Subcommittee has provided small increase in Bureau of Indian Affairs (BIA) law enforcement funding over the past 3 years, none of those increases have actually made their way down to our Reservation. Our Reservation is served by only 8 federally funded police officers. Our Reservation, which the second largest in the United States and is larger than the State of Connecticut, has less police officers than many small towns.

The shortage of police officers leaves us with only 2 or 3 officers per shift to cover all of the communities within our boundaries, many of which are more than 60 miles apart. This results in lengthy response times, and has left us with an ever increasing number of unsolved crimes. To make matters worse, over the last 5 years, these 8 officers have been subject to inconsistent Congressional budgets and dramatic funding cuts from sequestration. While we are pleased that the BIA is requesting an additional \$1.6 million to hire and support additional officers in Indian country, we know that when \$1.6 million is distributed nationwide, it will not even cover the increase in gasoline prices that our local police departments have had to contend with over the last few years.

In part because of this absence of law enforcement, over the last few years, our communities have seen a significant increase in gang activity and sale of illegal drugs. In just the last few weeks, we have even seen gang affiliated youth shooting at each other out of moving cars, leaving our people and our homes caught in the crossfire. As a tribal member, it is painful for me to see our tribal youth falling victim to this type of dangerous behavior, yet with no help from BIA, I feel almost powerless to stop it.

Things have gotten so bad over the last 5 years that today, state and county police officers are regularly making illegal arrests of tribal members on our own Indian lands, simply because there were no BIA officers available to respond to those police calls. While we have been attempting to negotiate a fair and honorable policing agreement with state and county governments, this has proven difficult to do because of the shortage in officers they question our ability to police our own lands. We have even been forced to go to federal court, just to protect our own tribal jurisdiction, because of BIA law enforcement failures.

To make matters worse, about 10 years ago, the BIA condemned and closed our tribal jail. Because the federal government has taken no action to replace it, and because the Ute Tribe considers tribal justice, for both the victims and the perpetrators, to be such a high priority, we are spending in excess of \$36 million of our own tribal funds to replace that facility and to build a new space for our tribal court.

We have been working closely with the BIA on this effort, and it is our sincere hope that once it is completed, the BIA will request, and you will fund, the money necessary to operate this important facility. In the interim, due to funding limitations, the BIA is only allowing us to use 10 temporary rental beds at our local county jail. So, until that new building is completed, even when we can bring a successful prosecution we have no place to put that convicted individual.

Along with the rest of Indian Country, the Ute Tribe was pleased with the passage of the Tribal Law and Order Act of 2010 (TLOA) and the more recent Violence Against Women Act (VAWA). These acts of Congress led us to believe that the United States had finally started to understand the problems that we are facing at the local level and were prepared to help. However, 4 years after the passage of TLOA, we have seen no increase in officers, no increase in law enforcement equipment, and no increase in drug, gang or crime prevention.

Congress cannot simply pass laws authorizing change. Congress must also appropriate the funding needed so that BIA and Indian tribes can make change happen at the local level. Despite all of the important Congressional findings and statements made at hearings, and in the passage of TLOA and VAWA, tonight many of our local police calls, including those involving domestic violence, still go unanswered. Even when an officer is available to answer a call, it is difficult to bring a successful prosecution because the officer often arrives long after the crime was completed and evidence is lost, destroyed or tainted.

In addition to no increase in law enforcement officers, we have also seen no increase in tribal court funding to prosecute the individuals that do get caught. In fact, most of the funding for our tribal court comes from the Tribe, not the BIA. Without this funding, how are we supposed to implement provisions of TLOA, VAWA and the Sex Offender Registration and Notification Act?

Finally, while we support efforts to decrease recidivism rates in on-reservation crime, we feel strongly that the BIA is once again advancing an "initiative" that has little chance of success. Most of the crime in my community, as with crime in most Indian communities, is driven by the

abuse of alcohol and illegal drugs. This problem has long been known by Congress, BIA and the Indian Health Service. Yet, once again, the President's budget fails to request a single dollar for new residential treatment programs to help our tribal members who suffer from these addictions. Without treatment for the underlying cause of on-reservation crime, I cannot help but question just how successful we can expect this new anti-recidivism "initiative" to be. If we are going to tackle on-reservation crime we need more treatment facilities in addition to all the other basic elements of a law enforcement system. It really is that simple.

Next, the Ute Indian Tribe again asks that Congress and the Administration begin taking Indian energy seriously. The Ute Tribe is a major oil and gas producer, but we are only able to produce about 10 percent of our capacity because of limited BIA funding for energy development and the totally unworkable federal permitting system. The Tribe leases about 400,000 acres for oil and gas development including about 7,000 wells that produce 45,000 barrels of oil a day. We also produce about 900 million cubic feet of gas per day. Despite our successes, our oil and gas industry partners cite federal permit processing as their single biggest business risk.

We ask that Congress and this Subcommittee support our efforts by directing the Department of the Interior to create an Indian Energy Permit Streamlining Office and appropriating the necessary funding for this office. This office is supported by a number of energy tribes in our region including the Coalition of Large Tribes which recently passed a resolution supporting the creation of this office.

Similar to Section 365 of the Energy Policy Act of 2005, which created a "Pilot Project to Improve Federal Permit Coordination" on federal land, Congress should co-locate energy permitting staff and resources from BIA, the Bureau of Land Management (BLM), the Environmental Protection Agency, the Fish and Wildlife Service, the Office of Natural Resources Revenue, the Army Corps of Engineers, and the United States Department of Agriculture within a new energy technical assistance and permitting office at the existing Office of Indian Energy and Economic Development Division of Energy and Minerals Development Office in Lakewood, Colorado.

This office could then bring the same streamlining and federal permit coordination to Indian lands that was already been provided for federal lands in areas of high demand for energy development. This office would have its own line authority to review and approve our energy permits and applications without duplicating what other BIA Regional and Agency Offices or BLM offices are doing today, unless individual tribes choose to continue to rely on their local BIA and BLM offices.

Energy development on Indian lands needs the same focus and attention as energy development on federal lands, if not more. Energy producing tribes provide jobs, revenue and investment on often remote or rural reservations. Energy development on our lands supports our tribal government, allows us to provide services to tribal members, and makes us less dependent on federal budgets.

In addition to streamlining and coordinating permitting, we ask this Subcommittee to redirect the tens of millions in the President’s FY 2015 Budget slated for energy development on federal lands to Indian energy development. For the second year in a row, as you can see in the chart below taken from page DH-23 in the Department of the Interior’s Budget in Brief, the President is proposing no increase in funding for energy development on Indian lands, even though he is providing substantial increases in other Interior energy programs.

POWERING OUR FUTURE			
(dollars in millions)			
	2014	2015	
	Enacted	Request	Change
RENEWABLE ENERGY			
Bureau of Land Management	29.1	29.2	+0.2
Bureau of Ocean Energy Management	34.0	33.4	-0.6
Bureau of Reclamation.....	1.1	1.2	+0.1
U.S. Geological Survey	5.4	6.4	+1.0
Fish and Wildlife Service.....	11.1	13.6	+2.5
Bureau of Indian Affairs.....	8.0	8.0	0
Office Insular Affairs	3.0	3.0	0
Subtotal	91.6	94.8	+3.2
CONVENTIONAL ENERGY AND COMPLIANCE			
Bureau of Land Management	133.4	154.8	+21.4
Bureau of Ocean Energy Management	132.9	136.4	+3.4
Bureau of Safety and Environmental Enforcement.....	202.6	204.6	+2.0
U.S. Geological Survey	27.1	34.2	+7.1
Fish and Wildlife Service.....	3.1	3.1	0
Bureau of Indian Affairs.....	2.4	2.4	0
Office of Natural Resources Revenue.....	119.4	122.9	+3.5
Subtotal	620.9	658.4	+37.5
TOTAL, POWERING OUR FUTURE	712.5	753.2	+40.7

In fact, BIA has the smallest conventional energy budget in the entire Department. BIA’s \$2.4 million budget is a mere 1.5 percent of the \$154.8 million budget that the President is proposing for BLM. This is outrageous and a failure of the federal government’s trust responsibilities. The Tribe asks that this Subcommittee to redirect those funds from BLM to the BIA where additional energy expertise is needed to help tribes develop their resources and provide valuable jobs and revenues.

Of course, BLM currently provides some energy related services on Indian lands, including the processing of Applications for Permits to Drill and inspections of oil and gas operations. To the extent BLM Offices continue to provide these services, this Subcommittee should use appropriations language to direct the BLM “to prioritize permits and inspections on Indian trust and fee lands,” and to direct “that any fees collected for processing Applications for Permits to Drill (APD) on Indian lands shall be included in the State or Field Office budgets where an APD is being processed.”

Thank you for your consideration of this testimony, I will be happy to answer any questions.