



# LUMMI INDIAN BUSINESS COUNCIL

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**Testimony of the Honorable Timothy J. Ballew II,  
Chairman of the Lummi Nation  
Before the House Appropriations Subcommittee on  
Interior, Environment and Related Agencies on the FY 2015 Budgets  
for the Bureau of Indian Affairs and the Indian Health Service Programs**

Good Morning and thank you Mr. Chairman and distinguished Committee members for the opportunity to share with you the appropriation priorities of the Lummi Nation for the FY 2015 budgets for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS).

### **Background Information**

We are the Lhaq'temish, "The Lummi People". We are the original inhabitants of Washington's northernmost coast and southern British Columbia and is the third largest Tribe in Washington State serving a population of over 5,200. The Lummi Nation is one of the signatories to the Point Elliot Treaty of 1855. The Lummi Nation is a fishing Nation and for thousands of years we have worked, flourished and celebrated life on the shores and waters of the Salish Sea which is referred to as Puget Sound. We have drawn our physical and spiritual sustenance from the marine tidelands and waters of the Salish Sea since time immemorial, and we understand the challenge of respecting our traditions while making progress in a modern world - to listen to the wisdom of our ancestors, to care for our lands and waterways, to educate our children, to provide family services and to strengthen our appropriate ties with neighboring communities and jurisdictions.

### **Lummi Specific Requests – BIA and Bureau of Indian Education (BIE)**

- +\$200,000 funding to continue the Lummi Nation's successful water rights restoration and management program and all water litigation expenses. (BIA)
- +\$2.2 million Emergency Funding is needed to improve water supply for Skookum Creek and Lummi Bay Salmon Hatcheries (BIA):
  - +\$800,000 New Skookum Creek Hatchery intake
  - +\$700,000 New Nooksack River Pump Station for Lummi Bay Facilities
- +\$500,000 additional funding for more staff to address ESA impacts on Treaty Fishing Right. (BIA)
- +\$540,600 for Lummi Nation Head Start and Childcare Center: for new Head Start busses, additional funding for child and adult care food program (CACFP) and for childcare expansion funding. (BIE)
- +1,586,600 million for the Lummi Nation School (LNS): for school teacher retirement, teacher and staff professional development, Coast Salish institute for training, vocational training for students and for facilities expansions. (BIE)

### **Lummi Specific Requests – Indian Health Services**

- +\$20,000,000 million to allow for Indian Health Service & Department of Health and Human Services to provide minimal funding to the Lummi Nation under the preventive

health and to allow for a modern medical facility, staffing, equipment, and to upgrade and bring the right cutting-edge public and community health care services. (IHS)

### **Lummi Specific Requests Justifications – BIA/BIE**

- **+\$200,000 – funding to continue the Lummi Nation’s successful water rights restoration and management program and water litigation expenses:** The Lummi Nation has worked collaboratively with state and local governments since 1998 to resolve conflicts over water allocation in the Nooksack River watershed. These collaborative efforts have resulted in the locally funded development of substantial, high quality technical work products needed for knowledge based decision making about water allocation by all parties. After spending five years attempting to negotiate a settlement agreement to resolve the conflict, the Lummi Nation determined that a resolution would be more likely if the negotiation occurred within the framework of a lawsuit focused on quantifying the Lummi water rights to instream flow. In June 2011 the Lummi Nation filed a litigation request seeking a declaratory action that (1) quantifies the Lummi Nation’s instream flow water rights, (2) establishes a time immemorial priority date for this water right, and (3) enjoins the State of Washington from taking actions that do not protect the tribal water right. Although the United States has appointed a litigation team and hired technical experts, a lawsuit has not been filed to date. The Congress should direct the Bureau of Indian Affairs and the Department of Justice to file the requested lawsuit so that this long-standing conflict can be resolved. Funding is needed to support tribal technical and legal staff participation in the litigation and associated settlement negotiations and to respond to technical support needs of the parties.
- **+\$800k – New Skookum Creek Hatchery intake:** Emergency funds are needed to replace Skookum Creek Salmon Hatchery; water intake was damaged by deadly land slide and continues to be threatened by potential land slides; 2.5 million Coho and 700,000 spring Chinook are at risk.
- **+\$700k – New Nooksack River Pump Station for Lummi Bay Hatchery:** Emergency funds request needed to move the Nooksack River Pump Station; this station supplies water to Lummi Bay salmon Facilities, intake water supply is drying up due to siltation and logs jams cutting off the water source; One million Coho, 1 million Fall Chinook and 700,00 Chum Salomon are at risk.
- **+\$500k – Additional funding to support additional staff to address ESA impacts on Treaty Fishing Rights:** is needed because our compliance workload has tripled under the Endangered Species Act, and has increased our staff needs; for salmon monitoring, compliance, research, and habitat restoration.
- **+\$540,600 for Lummi Nation Head Start and Childcare Center for the following (BIE):** Current busses require frequent repair and maintenance and the cost to replace and purchase 3 news busses is \$96,000 each. Reimbursement for CACFP does not meet need to adequately fund and provide basic food and nutritional services to the students and \$20,000 is needed. There are two rooms available at the child care center and no funds to fully operate the rooms with a need for up to five (5) additional staff and start up supplies for total of \$232,600.
- **+1,586,600 million for the Lummi Nation School (LNS) for the following (BIE):** \$215,405 annually for school teacher retirement to match state benefits, as the LNS loses

certified staff to state positions on annual basis. \$315,000 for teacher and staff professional development which LNS budgets \$9,000 less per teacher ratio compared to the state, \$8,000 for Coast Salish institute for training for up to 35 teachers for cultural training/curriculum, \$48,200 for vocational training for up to 20 students and \$1 million for facilities expansions—physical activity and weight training facility.

### **Lummi Specific Requests Justifications – IHS**

- **+\$20 million to allow for Indian Health Service & Department of Health and Human Services to provide minimal funding:** to the Lummi Nation under preventive health and to allow for a modern medical facility, staffing, equipment, and to upgrade and bring the right cutting-edge public and community health care services.
  - **\$1.5 million** to help our people to live longer and more healthy lives by reducing preventable deaths and the burden of ill health associated with drug use, smoking, high blood pressure, obesity, etc., and understanding for preventive care and early intervention;
  - **\$250,000** to reduce the burden of disease and disability in life by focusing on preventing and recovering from the conditions with the greatest impact, including dementia, anxiety, depression and drug dependency by establishing a gerontology and disability department staffed by experts in these fields to assist with resource development and intentional fully accessible community health care living;
  - **\$250,000** to protect the Lummi community from infectious diseases and environmental hazards, including the growing problem of infections that resist treatment with antibiotics, toxins and substance abuse paraphernalia risks in the environment through the establishment of the Lummi Nation Public Health Care Authority environmental branch staffed by experienced social stakeholders, community and medical providers;
  - **\$500,000** to support families to give children and young people the best start in life, through working with increased outreach health visiting and school nursing, family nurse partnerships and prevention based to support troubled families by utilizing funding to support mobile health, school based health promotion, and treatment;
  - **\$100,000** to improve health in the workplace by encouraging employers to support their staff, and those moving into and out of the workforce, and to live healthier lives;
  - **\$17,300,000 million** to build and develop a medical facility that can provide a comprehensive mix of natural and science based medicine for health screenings, treat those with cancer, identify diabetes related health conditions, obesity, heart disease, physical therapy and pain clinic, occupational therapy, obstetrics that includes a birthing center, day surgery. We are in need of short term in-patient behavioral health supports, state of the art X-Ray, MRI and CT scans for early detection of chronic internal medical conditions and to provide accurate pathways to treatment.
  - **\$100,000** to develop our own capacity and capability to provide professional, scientific and delivery expertise to our people, our partners and other stakeholders through becoming established within the tribal health sciences communities as a health care services center of excellence and knowledge.

### **Committee Direction to Department of Interior (DOI) Requests**

- Direct the BIA to coordinate with the Department of Justice (DOJ) and Indian Law and Order Commission to eliminate competitive grant funding process with DOJ.
- Direct the DOI and BIA to fully fund tribes operating costs for the implementation of the Violence Against Women Reauthorization Act of 2013 (VAWA).

### **Committee Direction to DOI Requests Justifications**

- Direct the DOI and BIA to coordinate with the Indian Law and Order Commission to eliminate competitive grant funding process with DOJ for tribes by enacting legislation. The main focus will be to address the issues related to eliminating competitive grant funding process with tribes while implementing alternatives to competitive grant funding. It would allow tribes to be fully funded and/or be funded on an annual basis by accessing DOJ tribal grants via P.L. 93-638 contracts, self-governance compacts, P.L. 102-477 funding agreements and/or appropriate tribal funds at base funding levels/block grants.
- Full funding and resources are needed to fully implement the Violence Against Women Reauthorization Act of 2013 (VAWA). Tribes across Indian Country that have sophisticated and credible court systems need to prepare for VAWA provision of tribes' inherent power to exercise "special domestic violence criminal jurisdiction" (SDVCJ) over certain defendants, regardless of their Indian or non-Indian status, who commit acts of domestic violence or dating violence or violate certain protection orders in Indian country. Attaining full funding will allow tribes to fully benefit from VAWA.

**Regional Requests:** The Lummi Nation supports the requests of the Affiliated Tribes of Northwest Indians, the Northwest Portland Area Indian Health Board and the Northwest Indian Fisheries Commission, that is beneficial to the region and our tribal interests.

**National & Self-Governance FY 2015 Budget Priorities:** In general, all BIA and IHS line items should be exempt from any budget rescission and discretionary funding budget reductions, so that existing health care services and administrative government functions can be delivered.

#### **BIA**

- Fully fund CSC that is consistent with the 2012 Supreme Court decision in the *Salazar v. Ramah Navajo Chapter* case.
- Increase funding to the Fish Hatchery Maintenance funding from \$6.8 million to \$15 million.

#### **IHS**

- Provide \$728.8 million increase to the Indian Health Service over the FY 2014 President's proposed budget.
- Program Services Increases from FY 2014 budget: \$20.4 million increase for dental health services, \$47.9 million increase for mental health services, \$31.8 million increase for Alcohol and Substance Abuse Programs (ASAP) and \$181.2 million increase to provide for Purchased/Referred Care (PRC).

Thank you for this opportunity to provide Lummi Nation appropriations priorities for FY 2015. Hy'shqe.