



Testimony of the Honorable Timothy J. Ballew II, Chairman of the Lummi Nation Before the House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies: FY 2017 Budgets for the Bureau of Indian Affairs (BIA), Bureau of Indian Education (BIE), and Indian Health Service (IHS) Programs

First of all, thank you Mr. Chairman, and distinguished Committee members, for this opportunity to share with you the appropriation priorities of the Lummi Nation for the FY 2017 budgets.

Background Information

Prior to European contact and colonization the Lummi People were known as the *Lhaq'temish*. We are the original inhabitants of the Salish Sea, also referred to as Puget Sound, Washington State. The Lummi Nation is the third largest Tribe in Washington State serving a population of over 5,000 members. The Lummi Nation is one of the signatories to the Point Elliot Treaty of 1855. For thousands of years we have worked, flourished, and celebrated life on the shores and waters of the Salish Sea. 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 / BIE

- **+\$200,000** – BIA funding to continue the water rights restoration and management program and all water litigation expenses.
- **+\$800,000** – BIA emergency funding needed to improve water supply for Skookum Creek Hatchery.
- **+\$800,000** – BIA funding to improve water supply line from Nooksack River to Lummi Bay Salmon Hatchery.
- **+\$500,000** – BIA funding to address commercial shellfish closure impacts due to upriver water pollution.
- **+\$500,000** – BIA funding to address shellfish enhancement due to water pollution and shellfish beds closures.
- **+\$500,000** – Additional BIA funding for staff needed to address Endangered Species Act (ESA) impacts on Treaty Fishing Rights.
- **+\$250,000** – BIA funding to implement Lummi Nation's Climate Change Mitigation and Adaption Plan.
- **+\$540,600** – BIE funding for Lummi Nation Head Start and Childcare Center: new Head Start buses, additional funding for the Child and Adult Care Food Program (CACFP), and for childcare expansion funding.
- **+\$1,586,600** – BIE funding for the Lummi Nation School (LNS): school teacher

retirement, teacher and staff professional development, Coast Salish Institute (CSI) for training, vocational training for students, and for facilities expansions.

Lummi Specific Requests – IHS

- **+\$20 million** – IHS funding to allow for Indian Health Service & Department of Health and Human Services to provide minimal funding to the Lummi Nation under the Health Care Facilities Construction Program to allow for a modern medical facility, staffing, operating costs, and equipment.

Lummi Specific Requests Justifications – BIA/BIE

- **+\$200K** – Funding to continue the Lummi Nation’s successful water rights restoration and management program and water litigation expenses:
 - Nooksack River salmon stocks are depleted and disappearing; salmon are needed for commercial, ceremonial, and subsistence purposes are disappearing.
 - Nooksack River watershed is over-allocated; demand for the limited water supply is increasing and State instream flow rules are not effective and are not enforced.
 - Federal protection under the ESA is needed for instream flows and restoration.
 - Most of the expensive technical water work has been completed on a cooperative basis with the State and County governments.
- **+\$800K** – Emergency funds are needed to replace Skookum Creek Salmon Hatchery water intake. The intake was damaged by large land slide and continues to be threatened by potential landslides; 2.5 million Coho and 700,000 spring Chinook are at risk.
- **+\$800K** – Funding to improve water supply line from Nooksack River to Lummi Bay Salmon Hatchery Phase 1: The existing system only provides 850 gallons per minute (GPM) to our hatchery. To increase production to a level that will sustain tribal and non-tribal fisheries alike, we need to increase our water supply four-fold. This request is for one of four phases.
- **+\$500K** – Funding to address commercial shellfish closure impacts to harvesters: Washington State and the Federal Government, with its trust responsibility, have failed to enforce the Clean Water Act standards against polluting dairies and other entities within the Nooksack River watershed. The resulting water quality degradation has caused conditional closure in Lummi’s shellfish beds. We request relief for these harvesters and their families.
- **+\$500K** – Funding needed to mitigate for loss of commercial shellfish beds in Portage Bay because failing water quality and inadequate enforcement resulted in Lummi harvesters losing 500 acres of productive tribal shellfish beds. We need to enhance other tribal shellfish beds for mitigation.
- **+\$500K** – Additional funding to support staff on addressing ESA impacts related to Treaty Fishing Rights. Salmon habitats need time to recover, hatcheries have been developed to mitigate for salmon impacts due to habitat degradation. The rehabilitation to damaged habitat will take many years. Nooksack River salmon have been listed under the ESA. The Hatchery Genetic Management Plans, pursuant to the National Oceanic and Atmospheric Administration (NOAA) and the ESA recovery guidelines, impose additional unfunded requirements for monitoring and conservation measures which will require more staff.
- **+\$250K** – Climate Change Plan: funding to support additional staff to implement Lummi Nation’s Strategic Energy Plan to evaluate current and future energy needs and resources on the Lummi Reservation, identify options for improving energy efficiency, and develop renewable energy sources. Programs will conduct energy

audits on tribal and residential facilities, develop high energy standards for new construction, pursue purchasing green power, pursuing photovoltaic electricity production, and geothermal heating and cooling.

- **+\$540K** – Funding for Lummi Nation Head Start and Childcare Center for the following: current busses require frequent repair and maintenance and the cost to replace and purchase three (3) new busses is at \$96,000 each. Reimbursement for the CACFP does not meet the need to adequately fund and provide basic food and nutritional services to the students; \$20,000 is needed to offset extreme poverty of students. There are two rooms available at the Childcare Center and no funds to fully operate the rooms. There is a need for up to five (5) staff with start-up costs and supplies at the expense of \$232,600.
- **+\$1,586,600** – Funding for the LNS for the following: \$215,405 annually for school teacher retirement to match State benefits, as the LNS lose certified staff to State positions on an annual basis; \$315,000 for teacher and staff professional development, which the LNS budgets \$9,000 less per teacher ratio compared to the State; \$8,000 for the CSI to train up to 35 teachers for cultural training/curriculum; \$48,200 to train up to 20 students for vocational training; and \$1 million for facilities expansions that include a physical activity and weight training facility.

Lummi Specific Requests Justifications – IHS

- **+\$20 million for a modern medical facility, staffing, operating costs, and equipment:** 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, and 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.

Committee Direction to DOI Requests

- Direct the DOI and BIA to provide increase via tribal-base funding instead of through grants to Tribal governments.
- Direct the DOI and BIA Law Enforcement Branch to solicit and assist Tribal governments who incur incarceration costs and are interested in developing their own Tribal Specific Corrections Plan.

Committee Direction to DOI Requests Justifications

- The grant process for every single tribe is ineffective and tribal leaders have been advocating for years to move away from grant funding. New BIA funding streams should be distributed using formulas that include consultation with all tribes. This would allow individual tribes to have control over their funding and operate under the Indian-Self Determination Act.
- This will provide tribes with corrections services consistent with that plan to negotiate with the BIA Law Enforcement branch their fair share of operational costs identified in annual appropriations.

Committee Direction to IHS National Requests

- Direct IHS to support the existing structure of funding for the Methamphetamine and Suicide Prevention Initiative (MSPI) and the Domestic Violence Prevention Initiative (DVPI) and allocate additional funding.

- Direct IHS to reauthorize and fund the Special Diabetes Program for Indians (SDPI) at \$200 million with five (5) year renewal.
- Direct IHS to support the efforts of Tribes to address their own health care facilities.
- Direct the Centers for Medicare and Medicaid Services (CMS) to solicit and assist Tribal governments interested in developing their own Tribal Specific Medicaid Plan.

Committee Direction to IHS National Requests Justifications

- The current MSPI and DVPI funding structure allows the Lummi Nation to continue to receive funding and any future changes could negatively impact the Lummi Nation's allocation for addressing drug, suicide, and domestic violence.
- The Lummi Nation, along with a consortium of Northwest Tribes, receives SDPI funding in order to address the alarming and growing issue of diabetes. It is vital to these communities that funding continue after the September 30, 2017 expiration date.
- Direct IHS to annually solicit Joint Venture and Small Ambulatory Health Clinic applications from Tribes and assist Tribes to overcome deficiencies in their application such that their application can be approved in subsequent years.
- This will help Tribes provide health care services consistent with that plan to negotiate with CMS to develop approvable plans and health care delivery systems.

Regional Requests: The Lummi Nation supports the requests of the Affiliated Tribes of Northwest Indians (ATNI), the Northwest Portland Area Indian Health Board (NPAIHB), and the Northwest Indian Fisheries Commission (NWIFC), which are beneficial to the region and our tribal interests.

National & Self-Governance FY 2017 Budget Priorities: In general, all BIA and IHS line items should be exempt from any budget rescission and discretionary funding budget reductions.

BIA

- Fully fund Contract Support Costs (CSC): seek permanent full funding for contract support costs that will not come at the expense of direct program funding or retained tribal shares without deduction from tribes' amounts to cover federal reconciliation.
- Increase the Fish Hatchery Maintenance funding from \$6.8 million to \$15 million.
- Increase funding to the Detention/Correction funding from \$95 million to \$150 million and increase contracts funds with county correctional facilities.

IHS

- Provide \$814.8 million increase to the IHS over the FY 2017 President's budget request.
- Fully Fund Contract Support Costs (CSC): provide increase over the President's FY 2017 request needed to fund the CSC shortfall and to fulfill its contract obligation.
- Program Services Increases from FY 2016 budget: +\$17 million increase for dental health services, \$54.2 million increase for mental health services, \$49.5+ million increase for Alcohol and Substance Abuse Programs (ASAP) and \$198.2 million increase to provide for Purchased/Referred Care (PRC).

Lastly, we ask that you support the \$9 million in the President's budget for the Fishery Disaster Mitigation Fund. Thank you (*Hy'shqe*) for this opportunity to provide Lummi Nation appropriations priorities for FY 2017.