

**Hearing: House Committee on Appropriations
Subcommittee on Interior, Environment & Related Agencies
Friday March 18, 2016
Myra Pearson, Tribal Chairwoman, Spirit Lake Tribe
Subject: Spirit Lake Tribe**

I would like to thank you for the invitation to present testimony on behalf of the Spirit Lake Tribe.

I am Myra Pearson, I serve as the elected Chairwoman for the Spirit Lake Tribe, located in northeastern North Dakota and within the Great Plains Region. The Spirit Lake Reservation was established by the Treaty of 1867 and currently consists of more than 250,000 acres of land. There are more than 7,250 enrolled members of the Spirit Lake Tribe, and our reservation currently has a population of approximately 6,200 people, consisting of enrolled members, non-enrolled members, and non-Indians. Most of the enrolled members of the Spirit Lake Tribe reside either on the Spirit Lake Reservation or within the immediate region.

The Spirit Lake Tribe, along with many tribes in our region, has been working diligently to develop and strengthen our self-governance infrastructure, community based services and economy. As we endeavor to improve the conditions within our community we have faced many challenges by virtue of demographics and resource deficiencies. These challenges have hindered our efforts to meet short-term goals and to implement meaningful long-term plans.

Tribal Priority Programs (TPA): Like many tribes in the Great Plains Region, the Spirit Lake Tribe lacks significant and stable sources of governmental revenue to provide for the many needs within our community. TPA is a group of programs within the Office of Indian Program Budget that provides funding for BIA Agency Operations, Tribal PL 93-638, and BIA Regional Office Field Operations, all of which are essential services for our Tribe. This funding is critical to the provision of community safety based services, judicial services, human services, transportation, economic development and self-determination contracts. Stable funding is essential regardless of classification as a Direct Service Tribe or a Self-Governance Tribe and should be provided to a level that meets the needs of our tribal communities.

1) Public Safety and Justice: The Spirit Lake Tribe, like other tribes in the Great Plains Region, exercises broad jurisdiction over criminal and civil matters. We do so despite the fact that funding for first responders and justice system service personnel is consistently well below the demonstrated and most basic need. The historical base funds provided have failed to account for the needs associated with higher than average rates of violent crimes, substance abuse and related offenses. BIA law enforcement at Spirit Lake has historically been underfunded in terms of equipment, training, and staffing. The Spirit Lake Tribe has made numerous attempts to work with federal partners to resolve these law enforcement deficiencies and yet today we only have approximately 6 full time patrol officers working in shifts to provide law enforcement on our reservation. These deficiencies pose a threat to the lives of the officers serving our community and to the safety of our community as a whole. The lack of sufficient and stable funding for first responders exacerbates our higher than average rates of crime and fosters criminal activities within our borders. Furthermore, these factors directly affect the safety of our members, comprise our ability to diversify our economies and hinder our abilities to collaborate with other jurisdictional authorities thereby jeopardizing our sovereignty. The federal trust responsibility, which is affirmed by our treaties and even the earliest United States Supreme Court cases, supports the premise that federal funding needs to be substantially increased to a base line that supports the

provision of professional law enforcement services necessary to respond to crimes within our jurisdiction.

Construction and Operation of Post-Adjudication Facilities and Services: Beyond first responder issues and despite the high rates of violent crime and substance abuse related offenses, there is little to no base line funding to construct holistic treatment based facilities within our tribal community. Once again, absent such services for court-involved individuals we are left with a justice system that is ill equipped to reduce recidivism and foster a healthier, safer community. Reliance upon other forms of federal funding offered through DOJ is not the answer. Such funding sources, while helpful, are not stable funding sources that will support long-term change. Establishing an on-reservation inpatient treatment facility is a top priority for the Spirit Lake Tribe. Treatment and counseling services are essential to addressing the unmet needs of court-involved youth, adults and families.

Alternatives to Incarceration: Beyond incarceration there are many programs and services that need to be implemented for court involved individuals. While treatment based programs are a top priority at Spirit Lake, we would also benefit greatly from basic alternatives to incarceration such as a community service program and probation. The Spirit Lake Tribe needs base funding for such programs, which would help to hold offenders accountable while also providing valuable services to the tribe.

2) Tribal Courts: The Tribal Law and Order Act of 2010 and Title IX of the VAWA has had little impact within our region predominantly due to the fact that the BIA funding currently provided fails to address even the most basic court services needed. Absent funding to develop effective court interventions, staff tribal courts and support essential court related costs, violent crime and drug related offenses continue to rise within our community. The Spirit Lake Tribal Court is currently comprised of three divisions and staffed with a three clerks of court, two judges and a receptionist. The Tribal Court is a busy place and although we were able to build a courthouse several years ago, operational costs for that facility as well as appropriate staffing levels to meet the demands of the case load continue to be problematic. Additionally courtroom security, services of process and necessary technological updates remain unmet needs for our tribal court.

Furthermore, our tribal judges are extremely limited in terms of sentencing and alternatives to incarceration. Detention facilities are not readily available for juvenile or adults and with no access to nearby inpatient treatment facilities there are significant transportation costs. There is rarely, if ever, sufficient funding to make inpatient treatment for substance abuse, mental health or co-occurring a viable option. The end result is that most offenders appearing before Tribal Court are sentenced to relatively short periods of detention with little to no rehabilitative or prevention based services available to them. For individuals who are not facing criminal sanction but rather civil commitments the challenges are even greater due to lack of transportation and nearby services. In light of recent federal legislation such as the TLOA and the VAWA, the Tribal Court needs increased base line funding to support professional judges, public defense programs, probation and reentry services, as well as administrative support. In the Great Plains Region alone the estimated unmet needs for tribal courts is close to \$4 million dollars.

3) Human services: Services for children, the elderly and the disabled are intrinsically linked to our ability to foster healthier and safer communities. Child and protective services, child and family case management, ICWA, general assistance, emergency assistance, burial assistance and

child assistance are all included within this priority area. Historically the Spirit Lake Tribe has struggled to provide these services due to funding shortages, which cripple our ability to hire and retain professional service providers. It comes as no surprise, given the higher than average rates of violence and substance abuse related offense in our jurisdiction, that the caseload facing our human service providers are disproportionately high. Our staff to case ratios in child protection and child and family case management are 4-5 times higher than the ratios recommended by professionals in the field.

In recent years the Spirit Lake Tribe has lost several young children to violent crimes, including children in protective care. The Spirit Lake Tribe desperately needs funding levels to increase in this area if we are going to be able to make the systemic changes necessary to prevent further untimely deaths of our children and our elders. In the Great Plains Region alone an estimated \$1.3 million dollars is needed to address the unmet need through the FY 2017 regional Budget.

4) Bureau of Education: In terms of education there is a lack of local control regarding tribal laws, accreditation and standards. Tribal Education Offices need to be funded in order to eliminate middle management, provide more local controls and effectuate overall cost savings. Far too much of the existing BIE budget is used to pay the salaries of high level BIE officers when those funds should be put to use in our schools providing culturally relevant education to our children. The Tribal Education Departments must be supported to develop culturally relevant curriculum in our schools. This should begin at the pre-school level and continue throughout the grade school and post-secondary educational programs. Additionally our schools require funding for repairs, maintenance and operation.

5) Road Maintenance: Within our region and more specifically the Spirit Lake Tribe, current funding for road construction, repair and maintenance is funded at less than 15% of the need. The Spirit Lake Reservation has experienced significant damage to this vital infrastructure for more than a decade due in large part to the flooding issues in our area. Roads are a basic infrastructure need to not only ensure transportation needs are met but also to ensure that we are able to foster economic growth and development. The Spirit Lake Tribe requires additional funding to address the unmet needs for roads repair and maintenance.

6) Housing: The housing crisis facing the Spirit Lake Tribe is a top priority for our government. Many of the houses that are on the reservation have fallen into serious disrepair and the Tribe lacks sufficient funding to adequately repair and maintain those houses. The houses have issues such as black mold, inadequate windows and doors, and structural damage. It is essential that funding be increased to provide the Spirit Lake Tribe with sufficient funds to rehabilitate or repair existing structures. Additionally as our Tribal population continues grow, many of our members have been forced to relocate off the reservation due to housing shortages. It is essential that funding be increased to assist the tribe providing safe and suitable homes for our tribal members to meet our needs and prevent the displacement of our members.

7) Trust and Natural Resources: Protecting our lands and natural resources is vital to the preservation of our home and our tribe. With rising waters, agricultural needs leases have become increasingly important to people in our community. In terms of land management the backlog of land appraisals need to be addressed and funds need to be increased to assist us with the management of our trust and natural resources.

8) Economic Development: As unemployment rates on the Spirit Lake Reservation continues to far exceed the national average, the Spirit Lake Tribe has struggled to attract and develop viable businesses to the reservation. While the community safety and infrastructure issues relating to facilities, roads and lands exacerbate these difficulties, the Tribe continues in attempts to develop a strong, stable and diverse economy. To this end the Spirit Lake Tribe has made attempts to pursue renewable energy projects, manufacturing projects and to develop a small business sector. Several of these attempts have met with success, however several have not due in large part to inadequate physical or legal infrastructure or lack of resources to proceed. The Spirit Lake Tribe needs funding to support economic development projects, including renewable energy projects, small business sector projects and projects to develop commercial codes and other necessary legal infrastructures.

The Indian Guaranteed Loan Program funding needs to be restored and the tribes need access to formula based funding for economic development projects. The Spirit Lake Tribe also requests and supports permanent funding for contract support costs.

9) Welfare Assistance: In light of the high unemployment rates, violent crime, drug related crimes and child welfare issues, the Spirit Lake Tribe requests the full continuation of Child Assistance funding. Child Assistance funds are essential to the provision of safe and living homes for children in need of care. These funds support the needs of children placed in foster, private, residential and group homes and must be continued.

We ask Congress to continue to support TPA programs as they support essential services to our tribal communities.

Budget Increase Needs for the Spirit Lake Tribe:

Tribal Priority Area	FY 2016/ Current Funding	FY 2017 Need
1) Public Safety and Justice	-	\$748,800
2) Tribal Courts	\$210,696	\$311,515
3) Social Services	-	\$407,509
4) Economic Development	-	-
5) Bureau of Indian Education		
Job Placement Training	\$102,904	\$333,458
Early Childhood Tracking	\$749,083	\$786,537
6) Road Maintenance	\$253,094	\$10,109,955
7) Housing (HIP)	\$14,378	\$399,000
8) Trust and Natural Resources	\$57,096	\$189,798
9) Enrollment	\$36,333	\$64,203
10) Welfare Assistance	-	\$1,017,813
11) ICWA	\$67,313	\$174,405
12. JOM	\$72,906	\$480,400