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

Yá'át'ééh. Good afternoon Chairman Calvert and Ranking Member McCollum and members of the subcommittee. My name is Russell Begaye and I am the President of the Navajo Nation. I appreciate this time to provide testimony before this committee. This testimony addresses the Navajo Nation's budgetary priorities and needs in fiscal year 2017 for the following agencies: the U.S. Department of Interior, the Indian Health Service, and the U.S. Environmental Protection Agency. Specifically, I will discuss our programs and priorities for Natural Resources, Public Safety and Justice, Environmental Quality, Safety of Dams, Healthcare, Human Services and the Environment.

On behalf of the Navajo Nation, I commend this subcommittee for working on a bi-partisan basis to provide increases in funding for Indian programs for fiscal 2016. As you well know, Indian Country is very far from full, or even sufficient funding, however it is still good to see an incremental increase. I encourage the subcommittee to maintain this positive trend.

Before addressing specific funding areas, I want to highlight the significant delay in receiving federal funds. It takes at least 2 ½ months for the nation to receive its funds after the President signs a continuing resolution or the appropriations bill. This delay is unacceptable. For example, in the past, it has prevented students from receiving higher education scholarships, which has directly resulted in some dropouts. We are once again being threatened with this delay. We implore this committee to work with the administration to resolve this bureaucratic delay.

### **Natural Resources**

The Navajo Nation is the largest Indian reservation in the United States with about 17.2 million acres of land, or larger than 11 the states in the union by comparison. Our Division of Natural Resources oversees our vast natural resources and it is divided into 12 departments: Agriculture, Forestry, Resource Enforcement, Parks & Recreation, Museum, Archaeology, Land Department, Fish & Wildlife, Abandoned Mine Lands/Uraniun Mill Tailings Remedial Action, Historic Preservation, and Water Resources. Our Nation requests an increase of \$1.37 million of additional funding to our budget for Natural Resources. We also support the increases in the President's Interior budget pertaining to Natural Resources Management, however we do want to give emphasis the following priorities.

- **Wildlife and Parks Program**. The Navajo Nation Division of Fish and Wildlife is responsible for conserving, protecting, enhancing and restoring the nation's fish, wildlife, and plants through the implementation and enforcement of Navajo and Federal laws. Funding for additional personnel is needed to conduct research on fish and wildlife, provide oversight and monitoring hunting and fishing activities, provide law enforcement patrol for poachers and other criminal activities, provide oversight of endangered species, provide animal control, operate the Navajo zoo and many other activities.
- **Water Resources Program**. Our Water Resources Program oversees our water resources as well as implementing Navajo's water code, implementing federal law, monitoring ground and

surface water, monitoring climate, developing drought information, operating and maintaining dams, GIS Database and library archive, and coordinating Intergovernmental water resources. We need additional funding for personnel and increasing operations and maintenance cost.

- Forest Management. Our Forestry Department manages 596,728 acres of commercial forest and 4,818,815 acres of woodlands. The department is involved in forest management, woodland management, forest development, forest marketing and forest management, and forest inventory and planning. We need additional funding for personnel and basic operations and maintenance costs in order to complete the tasks of the department.

### **Real Estate Services – Environment Quality Program – Historic Preservation**

Our Navajo Nation Historic Preservation Department is responsible for protecting, preserving and managing our cultural resources. We support the increases in the President's budget, however we need additional funding for personnel and operation costs in order to ensure compliance with the National Historic Preservation Act, to perform needed assessments and archaeological field services. We request an increase of \$895,000 for this budget.

### **Resource Management Construction – Safety of Dams**

The Navajo Nation's Water Resources Department operates and manages 14 dams within the reservation. We support the increase in the Presidents budget, however we need additional funding for personnel, program operations, intergovernmental projects, reports on drought conditions, technical assistance, and, in the area of Safety of Dams, completion of dam operations & maintenance manuals, complete inundation maps, completion of emergency action plan table top exercises, repair of riprap, and installation of fencing. We request an increase of \$797,000 of additional funding for this budget.

### **Public Safety**

Generally, we support the increases in the President's Interior budget concerning Public Safety and Justice, however to provide adequate safety, we still need additional funding. We estimate that it would take \$74 million in additional funding to ensure proper law enforcement, detention and judiciary services. Here are some of our public safety priorities:

- Criminal Investigations & Police Services. There are 145 police officers on the ground who responded to about 213,600 service calls and made 25,700 arrests last year. The ratio of police officers is approximately 8 per 10,000 people, which is far less than the average 22 officers per 10,000 people of other rural areas. Furthermore, these officers monitor over 17.2 million acres of Navajo land. The deficit in number of police officers and the vast distances to travel results in increased response times, which allows more bad actors to get away with crime. As such, the Navajo Nation needs more police officers, as well as criminal investigators, to handle the large volume of service calls and criminal cases every year. Police vehicles are subject to wear and tear due to the significant service territory. Currently, our public safety team has about 254 vehicles -- 86 of these units have more than 150,000 miles.
- Detention and Corrections. The Navajo Nation has 6 adult and 3 juvenile detention facilities. Two of these detention facilities are old facilities and the nation is in the process of planning for replacement, which will require additional funding. As with any new facilities, additional funding for staff, operations and maintenance is also required.

- Tribal Courts. Our judicial system is a two-level court system: one Supreme Court and trial courts in 11 judicial districts. There are 3 supreme court justices and about 13 judicial court judges that handle about 52,000 cases every year involving all types of cases such as civil, criminal, traffic, family civil, domestic violence, dependence, delinquency, probation, peacemaking. With an average caseload of 4,000 cases per year, we are in sore need of funding for additional judges. We also require additional funding to replace a couple outdated and substandard judicial courthouses. Two of these courthouses are in modular buildings.

### **Human Services**

Our Navajo Division of Social Services provides a variety of services to families, children and family units through its 7 departments, which include the Department of Self Reliance, Child Care & Development, Development Disabilities, Children and Family Services, Mental Health Treatment Center, and School Clothing and Special Projects. We requested an increase of \$2.48 million of additional funding to our budget for human services. We are concerned with downward trend of Welfare Assistance in the latest budget. Here are some of our priorities:

- Welfare/General Assistance. This department handles a variety of cases including elderly services, in home care, crisis intervention, foster care, protective service intervention, youth emergency shelter home, children home placement, temporary family financial hardships, burial assistance, child abuse and neglect, domestic abuse, sexual abuse, physical and emotional trauma, behavioral and mental health, ICWA, housing improvement, etc. Because these services are vital to the well being of our Navajo people and because the cost of personnel and operations increasing, we ask you support increased funding for this area.
- Housing Improvement Program. This program provides housing repair, renovation and construction of homes for the very low-income Navajo families. The families who receive services from this department do not qualify for mortgage programs under NAHASDA. In 2015, the program had 954 applicants but was only able to provide 8 homes, meeting only 0.8% of demand. Increased funding will result in directly building new homes for our neediest families.

### **Health**

The Navajo Nation appreciates the bi-partisan increases in funding for the Indian Health Service (IHS) realized in fiscal 2016 and we request Congress continue the momentum in 2017. Our top priority areas and 2017 funding request rank as follows: (1) Health Care Facilities Construction (“HCFC”) - \$137 million; (2) Sanitation Facilities Construction (“SFC”) - \$103 million; (3) Purchase/Referred Care (PRC) - \$96 million; (4) Hospitals & Health Clinics - \$1.9 billion; and (5) Maintenance & Improvement - \$77 million.

Our priority areas reflect the great need for health care infrastructure and construction. Our facilities are out of date and crumbling, which in turn heightens our need for Maintenance & Improvement and PRC funding. The outstanding priority list for HCFC totals \$2 billion to complete, but this is not representative of the need in Indian country. The last facility on the list is the Gallup Indian Medical Center, which was cited by the U.S. Commission on Civil Rights as an “utter disaster.” We urge Congress to start funding HCFC at \$137 million yearly so GIMC will see construction in 14 years versus 20 years under the pre-2016 funding levels.

The Navajo Nation has over 4,500 homes lacking funding for adequate water and sewer facilities, resulting in a \$344 million need for SFC funding. This program saves lives and money by reducing the need for hospitalization. Infant mortality rates and mortality rates for gastroenteritis and other environmentally-related diseases have seen a reduction of about 80 percent since 1973 due in great part to this program.

### **Environment - Gold King Mine Incident**

On August 5, 2015, the U.S. EPA and other parties caused a massive spill of toxic contaminants into the Animas and San Juan River from the Gold King Mine. As a result of the spill, Navajo land and its people had to endure significant hardships over the past 7 months. Canals and waterways that fed crops and livestock were forced to close. Some farmers lost all their crops; many lost a significant portion of their crops. Many farmers will suffer long-term financial harm, such as the alfalfa producers who rely on regrowth of their crops from the same seeds through a number of years—seeds which have been destroyed due to the Gold King Mine spill.

The Navajo Nation also spent substantial sums responding to the Gold King Mine Spill. We have been working hard to recover our costs, but despite U.S. EPA's promises to work cooperatively to compensate those harmed by the spill, we have yet to recover virtually any of our costs—more than 6 months later. So far, our requests are met with resistance, delays, and counter-demands by the U.S. EPA for more information. The U.S. EPA has even suggested that it will only reimburse a small fraction of the costs we incurred, unreasonably second guessing the precautions the Nation took to protect our people from the harms caused by the U.S. EPA's misdeeds. This does not meet with the promises made by Gina McCarthy in the immediate aftermath of the spill to work quickly to compensate the victims. The Nation deserves to be reimbursed.

We also have yet to determine the full extent of the impacts to human, animal, and plant health. Even the safety of the water remains unknown and unpredictable, as the toxic contaminants and heavy metals lurk in the River, waiting to be re-suspended during storms and the expected heavy runoff this spring. The Navajo people rightly have lost trust in the U.S. EPA and in the water and the ranchers and farmers need their money now. They cannot wait any longer.

### **Office of Surface Mining Reclamation and Enforcement**

The U.S. Office of Surface Mining Reclamation and Enforcement is proposing elimination of Certified Tribal and State Programs in their FY2017 Budget Proposal, which eliminates funding essential to continue the management of abandoned mines on the Navajo Nation. We urge you to support continued funding for the Navajo Abandoned Mine Land programs and activities.

### **Conclusion**

In conclusion, the Navajo Nation entered into a treaty with the United States in 1868. As such, this federal government has a treaty responsibility to both protect and assist tribes in protecting our land and resources, and developing a sustainable permanent homeland. The priorities outlined by the Navajo Nation seek to strengthen the sacred trust relationship and assist the Navajo Nation in furtherance of self-sufficiency and tribal sovereignty. Thank you.