

**Testimony of
J. Michael Chavarria, Governor
Santa Clara Pueblo
Before the
House Interior Appropriations Subcommittee
Friday, March 18, 2016**

Introduction. Thank you, Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee, for this opportunity to testify on the FY 2017 Federal budget. My name is J. Michael Chavarria. I am the Governor of the Santa Clara Pueblo. My testimony will focus on:

- **Emergency Disaster Funding;**
- **Fighting Wildfires: Tribal Forest Protection Act;**
- **IHS Joint Venture Program Funding;**
- **Funding Self-Governance Contracting of National Park Service Functions;**
- **Funding Tribal Historic Preservation Officers; and**
- **EPA: Indian General Assistance Program.**

As the Subcommittee works on the FY 2017 Interior appropriations budget, I would urge your continued commitment to fulfilling the Federal trust responsibility. In very important ways, this Subcommittee is empowered to do the most in that regard by providing adequate funding to meet the basic needs of Indian country. We appreciate that the Subcommittee has sought to increase Indian program funding levels in recent years.

Las Conchas Wildfire. In the summer of 2011, the Santa Clara Pueblo was devastated by the Las Conchas Fire, at that time the largest wildfire in New Mexico history. Although mercifully no lives were lost and no homes were burned, we saw our traditional and treasured homeland and spiritual sanctuary, the Santa Clara Canyon, practically destroyed. We estimate that more than 16,000 acres of our forest lands burned in this fire and, together with the lands that we lost in the Oso Complex Fire of 1998 and the Cerro Grande Fire of 2000, 80% of our forests and a huge part of our heritage has been destroyed. The fire burned thousands of acres of our traditional lands that are outside our current reservation and that continue to hold cultural sites and resources of great importance to us. This area encompasses our lands of origin, the P'opii Khanu - the headwaters of our Santa Clara Creek, and numerous cultural and traditional sites.

The loss of the forest is devastating to wildlife and wildlife habitat, recreational resources, and to the purity of our water - which we use for irrigation and many traditional purposes. In the last decade we have faced four forest fires - the Oso, Cerro Grande, South Fork and Las Conchas fires - and none of them originated on our lands. Although fate plays its part, we have suffered horrible consequences largely due to the failure of others to properly guard in some fashion against causing a fire. Throughout this tragedy, the Santa Clara people have shown extraordinary courage and determination to persevere and to begin the long road to recovery so that, while my generation may never see the canyon in its glory again, that will not be said of the next generation.

Preventing the Next Disaster – Post-Fire Flooding. Because the Santa Clara Canyon has been stripped of its vegetation, the Pueblo is at tremendous risk of flooding. Over 50% of the Santa Clara Pueblo watershed burned during the Las Conchas fire. Due to the high severity of the burn, there has been a dramatic reduction in the infiltration rates in the burned area – the soil is now what is termed by soil scientists as “hydrophobic.” This has resulted in a four-to eight-fold increased runoff and sediment/debris flow into the Santa Clara Creek, posing a severe threat to the lives and safety of the people of Santa Clara Pueblo and increasing the potential for widespread property damage. The channel through Santa Clara Pueblo has lost the conveyance capacity necessary to safely pass large post-fire flows. Hundreds of residential structures, as well as several public structures are at risk from flood and debris flows if more action is not taken.

Indeed, since that fire, the Pueblo has been the subject of five Presidential Disaster Declarations, principally involving catastrophic flooding. This flooding has wiped out the existing water control structures within the canyon. As a result, the Pueblo is in greater danger today of a catastrophic flood that could result in a major loss of life and property than it was in the immediate aftermath of the fire. This danger, which as a statistical certainty will occur, hangs over the head of the Pueblo every moment of the day during the monsoonal season.

The Army Corps has partnered with Santa Clara to undertake a number of projects to address the fallout from these natural disasters, and has put in place some important safeguards. However, these safeguards are temporary and although they have widened our margin of safety, they do not guarantee it in certain scenarios. We still need a permanent solution. We are still at the beginning of the flood mitigation and forest recovery effort. The fire raised numerous, interrelated, short and long-term concerns for Santa Clara and other surrounding communities, almost all of which intersect with Federal laws and regulations.

We must address the environmental impacts of this fire. This includes the physical health impacts from the huge quantities of smoke, as well as the devastating emotional impact to our community of such a great loss. It also includes water quality impacts as tons of ash, debris and other materials flow into the Santa Clara Creek affecting fisheries, wildlife consumption, agriculture and cultural uses, and safety issues within our Santa Clara Canyon due to the destabilized landscape resulting in falling boulders and dead and down trees. This runoff flows into the Rio Grande, affecting water quality for communities like Santa Fe that are downstream or that use the Rio Grande. We are still assessing how to recover from the loss of an unprecedented amount of cultural resources and sites, from damage to sacred places, to the loss of animal and plant species that have been integral to Santa Clara cultural and spiritual practices for generations. Santa Clara has suffered extended financial impacts from the direct efforts to address the fire, as well as the closure of Puye Cliff Dwellings, and subsequent reduction in arts and crafts sales due to the decline in tourists and visitors to our hotel. To protect the remaining 20% of our forests, we need fire suppression resources. Finally, we must address the long term restoration of the forests. This is a project that we anticipate will take several decades but one to which we have already set our minds.

Fighting Wildfires: Further Implementation of the Tribal Forest Protection Act. The Tribal Forest Protection Act (Public Law 108-278) authorizes the Secretaries of Agriculture and Interior to give special consideration to tribally-proposed stewardship contracting or other projects on Forest Service or BLM land bordering or adjacent to Indian trust land in order to protect the

Indian trust resources from fire, disease, or other threat coming off of that Forest Service or BLM land. These stewardship agreements are an important tool for fighting the ever-growing threat of wildfires in the West. In New Mexico, where the Santa Clara Pueblo has experienced devastating consequences from four wildfires over the last 20 years, all of which originated off of tribal lands, the wider use of such agreements could have greatly mitigated the impact of these fires. Empowering tribal governments as caretakers to protect tribal lands by managing adjacent federal lands is a smart policy. **Santa Clara urges the Committee to support the expansion of this program by both the Department of Agriculture and by the Department of the Interior.**

Developing a New Health Facility – Funding the Joint Venture Construction Program at the Indian Health Service. Santa Clara applied last year to participate in the IHS Joint Venture Construction Program under which the Pueblo would build and equip a new \$45 million hospital clinic if IHS promised to staff it for 20 years. Our application was not successful, although we were placed on a waiting list if any of the successful candidates drop out. The Joint Venture program is a powerful tool to get new facilities in place through a Tribal-IHS partnership. Santa Clara's health center was built in 1981 and was not designed for the number of patients presently seen there. From FY 2007 to FY 2009, annual patient visits to the Health Center surged from 14,878 to 27,884, or 87%. Such a dramatic increase in patient visits has pushed the Health Center well beyond its capacity to effectively serve its clients. **We remain committed to fund and ultimately construct a health facility to provide adequate healthcare to our people, but for this to work Congress must fund and, indeed, expand the Joint Venture program.**

Funding Tribal Historic Preservation Officers. The preservation of tribal sacred sites is of the highest priority for tribes and is also of national importance. In recent years, as more tribes have created the position of tribal historic preservation officers (THPO) pursuant to the National Historic Preservation Act, the federal funding for those THPOs has stayed flat, meaning that the same funds are distributed among far more recipients. This funding is not sufficient to support a THPO (much less a staff to implement the specific duties a THPO is responsible to do). Also, funding has been tied to reservation acreage, but many sites are off-reservation and that is not a good metric. As a result, it is difficult for THPOs to assist federal agencies with their preservation compliance responsibilities, and perform other important tribal duties and functions. **We urge this Subcommittee to increase funding for historic preservation in the Interior budget.**

Self-Governance Contracting of National Park Service Functions. Santa Clara is a self-governance tribe, meaning that we have assumed control of federal programs and funds for many functions at our reservation. As a self-governance tribe, we can similarly assume functions at National Park Service units. With the transfer of the Valles Caldera, which is adjacent to our reservation and holds many sites sacred to us, to the National Park Service we are interested in assuming certain National Park Service functions. **Santa Clara urges the Committee to continue funding for contracting tribal self-governance programs.**

EPA: Indian General Assistance Program (GAP). The Indian General Assistance Program (GAP) within the EPA budget provides funding for tribes to maintain environmental programs addressing underground storage tanks, illegal dumping, recycling and other issues. The Santa Clara Pueblo relies on GAP funding for its core program to address environmental issues that are

important to our community members. **We strongly urge you to protect GAP from any cuts and indeed to increase funding.**

EPA Drinking Water Program Funding – The Pueblo encourages continued funding of EPA Tribal Drinking Water technical assistance programs. These programs are assisting tribes in attaining compliance with local drinking water systems and providing resources to get operators certified in managing a system in a responsible manner. Training on regulations such as the new Revised Total Coli-form Rule provide important information on the sampling plans needed for systems to protect water customers and meet operating standards. As the events in Flint, Michigan demonstrate local water systems need technical support to protect the health of its community users. EPA Tribal Drinking Water technical assistance programs are an effective tool to help local tribal systems operate safely and develop plans and train personnel so these worst case scenarios can be avoided.

Conclusion. Never again in our lifetime will we see our traditional and treasured homeland and spiritual sanctuary, the Santa Clara Canyon, as we have known it. It will take generations for our community and lands to recover from the devastation of these fires. But this is our only homeland; it is the place we have been entrusted with since time immemorial. While we intend to devote the resources we can to the healing of our land and the protection of our community we do not have the resources to do it alone. We turn in this hour of need to our Federal trustee and ask for your sustained assistance in addressing this calamity and assuring the remediation of our sacred homeland. At the same time, we ask Congress not reduce funding in critical EPA programs like the GAP fund, as these programs make a significant impact at a local level and we ask for your support as we seek to invest in our health care systems in partnership with the Indian Health Service.