



THE NAVAJO NATION

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**Testimony of Vice-President Jonathan Nez of the Navajo Nation
Before the
United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Hearing on Tuesday, May 16, 2017**

Yá'át'ééh. Good morning Chairman Calvert and Ranking Member McCollum and members of the subcommittee. My name is Jonathan Nez and I am the Vice-President of the Navajo Nation. I appreciate this opportunity to provide testimony to the committee to address the Navajo Nation's funding priorities and needs in fiscal year 2018. For purposes of this testimony, we did not have the benefit of the President's 2018 budget request, but considering talks of budget cuts, we encourage this committee to hold the line against any proposed cuts in the 2018 budget request. I also commend this subcommittee for working on a bi-partisan basis to provide increases in funding for Indian programs for fiscal 2017. As you well know, Indian Country is very far from sufficient funding, however it is still good to see an incremental increase. I encourage the subcommittee to maintain this positive trend.

Natural Resources

The Navajo Nation is the largest Indian reservation in the U.S. with about 17.2 million acres of land. Our Natural Resources Division oversees our natural resources with 12 departments: Land, Agriculture, Forestry, Enforcement, Parks/Recreation, Museum, Archaeology, Fish & Wildlife, Abandoned Mines/Uranium, Historic Preservation, and Water Resources. We request an increase of \$3.56 million of additional funding for Natural Resources, emphasizing these priorities.

- **Water Resources Program.** This program implements Navajo's water code and federal law, monitors ground and surface water, monitors climate, develops drought information, oversees dams, GIS Database archive, and coordinates Intergovernmental water resources. Navajo requested an additional \$1.5 million to plan, design, secure clearance and permits and construct water facilities that serve Navajos in remote areas.
- **Forest Management.** This department manages 596,728 acres of commercial forest and 4,818,815 acres of woodlands. Navajo will complete a forest management plan this year and implement it in fiscal 2018. Implementation includes biological and archaeological clearances, NEPA, administration, trespass enforcement, vegetation and timber sale management and road maintenance and construction. Navajo requested an additional \$245,000 for these activities.
- **Division of Fish and Wildlife.** This division implements and enforces Navajo and Federal law to conserve, protect and restore Navajo's fish, wildlife, endangered species and plants. Navajo requested an additional \$1 million to replace safety equipment, to add fish culturists, to replace stocking tanks aerators for hatchery ponds, personnel and operational expenses, to monitor priority plants and animal species, expedite biological reviews and clearances, fill botanist vacancies, and add biologists and wildlife technicians and other personnel.
- **Bennett Freeze Area Development.** The Bennett Freeze goes back to Congressional legislation enacted in 1934 that sought to clarify the western boundary of the Navajo Nation, but created ambiguity as to ownership. In 1966, as a result of litigation, the Commissioner of Indian Affairs Robert Bennett ordered a "freeze" on development in a 1.5-million-acre area. Due to subsequent legislation and litigation, no development occurred in the area for many years. In 2006, the Navajo and Hopi tribe reached a settlement agreement and the freeze ordered by the

Commissioner on Indian Affairs was lifted. Homes and infrastructure are in poor condition. There is the lack of needed housing, roads, schools, health centers, etc. The Navajo Nation has since been working on bring development back to the area. This development requires a huge amount of funding and, as a start, we requested about \$20 million in order to start on construction and repair of houses and infrastructure, as well as to implement a management plan for agriculture, permit administration, range management and conservation plans, water resources, fence construction, and additional employees, enhance livestock economy.

Public Safety

Our public safety division includes a Criminal Investigations, Department of Corrections, Training Academy, Police Department, and 7 police districts. We requested an additional \$3.05 million based on Interior guidelines, however we estimate that it would take at least \$74 million in additional funding to ensure proper law enforcement, detention and judiciary services.

- **Criminal Investigations & Police Services.** The Navajo Nation Police Department (NNPD) currently has 199 patrol officers, 35 criminal investigators, and 5 internal investigators. With about 174,000 people residing on the Navajo Nation and 199 patrol officers, we have 11.4 patrol officers/10,000 citizens, which is less than the national average of 24 officers/10,000. Assuming vacancies are filled, NNPD would have to hire 142 more patrol officers to close the gap. Also, criminal investigations needs approximately 30 more positions to address cases effectively. In 2015, officers responded to about 213,600 service calls and made 25,700 arrests. The deficit in police officers and the vast travel distances results in increased response times, which allows more bad actors to evade crime. Police vehicles are also subject to wear and tear due to the significant service territory. As of last year, NNPD had about 254 vehicles -- 86 of these units have more than 150,000 miles. Navajo requested an additional \$1.472 million to increase the number of full time criminal investigators and the number of police officers.
- **Detention and Corrections.** The Navajo Nation operates 6 Adult Detention Facilities with 345 bed spaces and 4 juvenile detention facilities with 98 bed spaces. All facilities provide daily 24-hour supervision and other services to ensure full compliance with mandated standards. We request an increase of \$1.47 million to fully staff the facilities to operate at full capacity.
- **Tribal Courts.** Our judicial system has 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 a variety of cases. With average of 4,000 cases per year, we are in dire need of funding for additional judges and court personnel. We requested an additional \$107,000 to fund new positions. The recurring funds currently allocated is insufficient to fund operational and facilities costs. We also require additional funding to replace outdated and substandard judicial courthouses, two of which are in modular buildings.

Education.

There are 244 schools located on and near the Navajo Nation in Arizona, New Mexico, and Utah that serve approximately 85,000 Navajo students in kindergarten to twelfth grade. There are 32 Bureau of Indian Education operated schools and 34 tribally control schools or grant schools that serve approximately 15,000 students. The remaining 70,000 students are in state, chartered or private schools located in 17 state public school districts on or near the Navajo Nation. In order to have more educational involvement and oversight, the Navajo Nation Council enacted legislation that created the Department of Diné Education (DODE) and the Navajo Nation Board of Education. The Navajo Nation also developed the Dine' Content Standards that includes Diné language, culture, history, government and character development. Over the past 9 years, DODE

spent significant resources to develop the Dine' School Accountability Plan, that was officially approved by the U.S. Departments of Education and Interior on September 27, 2016. This is a major accomplishment to improve the academic achievement gap while using Dine' Content Standards. The ultimate goal of the Navajo Nation is to seek recognition as a "State Education Agency." In order to achieve this goal we need sufficient funding to meet the standards.

- Higher Education Scholarships. In 2014, our Office of Navajo Nation Scholarship and Financial Aid received 10,069 scholarship applications, but they could only fund 6,035. We request an additional \$3.393 million for scholarships for an additional 1,600 plus students. Due to multiple delays from continuing resolutions, we also request Congress forward fund scholarship, similar to forward funding of Tribally Controlled schools and Universities.
- Johnson O'Malley Assistance Grants. Navajo's JOM program provides supplementary financial assistance to public schools to meet the unique and specialized educational needs of Native students that may include language courses, tutoring, school supplies, counseling, etc. The Navajo Nation subcontracts with 27 school districts and other organizations to provide services to 41,627 Native students. Due to an increase in student count and sites, the Navajo Nation requests a \$269,000 increase in funding to address the unmet needs.
- BIE Facilities Construction, Repair & Replacement. The Navajo Nation appreciates the \$63.7 million increase in education construction in the 2016 and 2017 budget, which allowed replacement of 2 Navajo schools, the Cove Day School and Little Singer Community School. Currently, 31 Navajo BIE schools are in "poor condition" as rated by the BIA Facilities Management and Construction. Our students and teachers have no choice but to use dilapidated facilities. We support increased funding to repair and replace school facilities in poor condition, but more funding is needed to address the longstanding list of facilities concerns.

Human Services

Our Navajo Division of Social Services provides many services to families, children and individuals through its 7 departments and programs: Self-Reliance, Child Care & Development, Development Disabilities, Navajo Children and Family Services, Navajo Treatment Center for Children and their Families, Family Services, and the Navajo School Clothing Program. Our yearly funding has not kept up with increasing costs of services. As such, we requested an additional \$1.83 million of funding with emphasis on the following priorities:

- Social Services. This Department administers several programs and services such as adult/elder Protective, Crisis Intervention, Adult/elderly case management, adult/elderly in-home care, youth foster care, protective service intervention for child abuse and neglect, sexual abuse, physical & emotional trauma and emergency shelter for children and mental health services. The Navajo Nation had requested a \$288,000 increase in funding for these services.
- Welfare Assistance. The Department of Family Services handles cases involving placement of children, adults and elders in-residential care, adult in-home care, institutional care, foster care and group homes, youth/child(ren) emergency shelter home, burial assistance, assistance to individuals and families with financial assistance during temporary financial hardship. Because this program is important and with the cost of personnel and operations increasing, we request increased funding. The Navajo Nation had requested a \$1.45 million increase in funding.
- Indian Child Welfare Act (ICWA). Our ICWA unit provides case management assistance to all Navajo children placed in state custody throughout the United States. The Navajo Nation needs additional social workers to meet the Child Welfare League of America (CWLA) caseload ratio of 30 cases per Social Worker. In fiscal 2014, ICWA caseload totaled 577 cases with 11

social workers; this is equivalent to 52 cases per social worker, 73% more cases per social worker than what is recommended by CWLA. Eligible Navajo Indian children who received ICWA services totaled 1,185. The Navajo Nation requested a \$95,000 increase in funding.

Health

The Navajo Nation appreciates the bi-partisan increases in fiscal 2017 funding for the Indian Health Service (IHS) and we request Congress continue the momentum in 2018. Our top priority areas for 2018 funding rank as follows: (1) Health Care Facilities Construction (“HCFC”) - \$170 million; (2) Sanitation Facilities Construction (“SFC”) - \$150 million; (3) Preventive Health Services - \$125 million and (4) Maintenance & Improvement - \$120 million. Our priority areas reflect the great need for health care infrastructure and construction.

Funding increases for Health Care and Sanitation Facilities Construction are currently being used by Navajo to design the new Alternative Rural Health Center in Dilkon, Arizona, which is projected to serve over 60,000 primary care visits per year. We urge Congress to continue funding these projects until completion. Also, the outstanding priority list for HCFC totals \$2.5 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 (GIMC), cited by the U.S. Commission on Civil Rights as an “utter disaster.” We urge Congress to start funding HCFC at \$170 million yearly so GIMC will see construction in 14 years versus 20 years under the pre-2016 funding levels.

Environment

On August 5, 2015, the U.S. Environmental Protection Agency (EPA) and other parties caused a massive spill of toxic contaminants into the Animas and San Juan River from the Gold King Mine (GKM). As a result, farmers lost a significant portion of their crops which resulted in long-term financial harm. The 2017 appropriations language directs EPA to explore all legal and financial recourses to compensate individuals for damages and to report to the committees within 60 days of enactment on the details and timeline for such efforts as well as plans for stakeholder engagement. Our ultimate goal is to see that these individuals are compensated and we encourage the committee to make this their goal despite EPA’s recent legal decision to not compensate. EPA’s decision is not just and fair and every effort should be made to rectify it.

Despite GKM issues with EPA, the Navajo Nation does work with EPA as they fund our environmental programs to deal with solid and hazardous substances, underground storage tanks, water systems, radon, air pollution and pollution monitoring. The recent cuts in funding to EPA negatively affects the Navajo Nation’s ability to deal with environmental issues on the reservation. As such, we encourage this committee not to cut funding for environmental programs for which tribes are eligible.

Office of Surface Mining Reclamation and Enforcement

We urge you to support continued funding for the Certified Tribal and State programs, which provide 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, the federal government has a treaty responsibility, as well as a trust obligation, to both protect and assist the Nation 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.