



# The Confederated Tribes of the Colville Reservation



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## Prepared Statement of the Honorable Mel Tonasket, Council Member Confederated Tribes of the Colville Reservation

### House Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies

### Public Witness Hearing—Native Americans

May 16, 2017

Good morning Chairman Calvert, Ranking Member McCollum, and members of the Subcommittee. On behalf of the Confederated Tribes of the Colville Reservation (“Colville Tribes” or the “CCT”), I thank you for this opportunity to provide testimony today.

**The CCT recommends that the Subcommittee (1) provide a \$10 million increase to Bureau of Indian Affairs (BIA) Forestry for reforestation of Indian forests and additional forestry personnel; (2) maintain current funding levels for BIA law enforcement; and (3) maintain current funding levels for activities carried out by Indian tribes under various Environmental Protection Agency (EPA) programs.**

### BACKGROUND ON THE COLVILLE TRIBES

Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is, as the name states, a confederation of twelve smaller aboriginal tribes and bands from all across eastern Washington State. The Colville Reservation encompasses approximately 1.4 million acres and is located in north central Washington State. The CCT has nearly 9,500 enrolled members, making it one of the largest Indian tribes in the Pacific Northwest. About half of our tribal members live on or near the Colville Reservation.

### PROVIDE INCREASE TO BIA FORESTRY FOR REFORESTATION AND ADDITIONAL FORESTERS

The Colville Tribes joins the Intertribal Timber Council’s request that the Subcommittee (1) increase BIA Forestry Projects Forest Development by \$5 million for replanting and thinning; and (2) increase BIA Forestry (TPA) by \$5 million for the hiring of 67 additional foresters.

In 2015, the Colville Tribes endured the most destructive fire on an Indian reservation in recorded history. The North Star and Okanogan Complex fires collectively burned more than 255,000 acres on the Colville Reservation—nearly 20 percent of the total land base. Approximately one-fourth of the commercial timber land on the Reservation burned or was affected, which included 788 million board feet of timber.

These two fires were part of the worst wildfire season in Washington state history that saw more than 121 fires ignited during a four-day period from August 10-14, 2015. The 2015 fires statewide resulted in the deaths of three firefighters, a non-firefighting fatality, 21 injuries, and ultimately burned more than 1 million acres. 2015 marked the first year ever that Washington state officials asked residents to volunteer to assist in fighting wildfires.

In the next few years, the single biggest task will be replanting trees burned during the 2015 wildfire season. Although the Colville Tribes has and continues to seek alternative funding sources, the only dedicated federal source of replanting funds for Indian forests is the BIA forestry account. The BIA has a statutory obligation under the National Indian Forest Resources Management Act to replant Indian forest land. The BIA's average annual reforestation budget, however, is approximately \$3.2 million for tribes *nationwide*.

The BIA's entire \$3.2 million budget for forest restoration would cover planting of less than 11,000 acres. At current funding levels, this would mean that hundreds of thousands of acres of forest land burned on the Colville Reservation in 2015 may not be replanted for decades, if ever. In contrast to the obstacles the CCT must endure given the limitations of the BIA's reforestation budget, the U.S. Forest Service is already implementing its plans to replant the 9,095 acres of national forest land affected by the 2014 and 2015 fires.

The CCT has traditionally relied on forest products and stumpage as primary sources of revenue to fund tribal government programs. The long-term damage to the CCT's economy and government will be felt for decades unless extensive replanting can take place soon. The loss of forest lands will also have a lasting cultural impact on the Colville Tribes and its members. The fires devastated big game populations, cultural plants, and culturally significant sites reservation-wide.

Also important is additional BIA funding for foresters, which are essential personnel to increasing the tribal timber harvests. The BIA remains responsible for a wide range of critical forestry functions in its capacity as trustee. These functions include environmental clearances and approval and oversight for timber and salvage log sales, and the lack of forestry staff to perform these and other trust functions directly constrains harvest levels.

## MAINTAIN BIA LAW ENFORCEMENT FUNDING

There is a constant need for additional funding for tribal law enforcement and detention operations. The CCT requests that this account continue to be funded at the \$373,460,000 level for FY 2018.

As the Subcommittee is aware, large land-based tribes usually lack a sufficient number of tribal police officers. The Colville Tribes is no different. This often results in police response times in excess of four hours. There are occasions when the Colville Tribes has only a single officer on duty for the entire 1.4 million acre reservation.

To make matters worse, the Colville Tribes has seen a rash of gang violence and drug smuggling activity in recent years, including trafficking activity with ties to Mexican cartels. Other Indian tribes have similar or even more harrowing stories. There is a constant need for additional funding for tribal police officer salaries within the BIA's budget. Repeated requests by the Colville Tribes to renegotiate its law enforcement 638 contract with the BIA in recent years have been rejected because of the lack of additional base funding, a point that has been raised in congressional hearings.

The BIA law enforcement account has seen much needed increases during the past few years. These programs continue to be underfunded relative to need, and the Subcommittee should ensure that there is no regression in these funding levels.

### MAINTAIN CURRENT FUNDING FOR TRIBAL EPA PROGRAMS

Finally, the Colville Tribes requests that the Subcommittee maintain current funding levels for several tribal EPA program activities, which include the following:

Tribal General Assistance Program (GAP): This small EPA grant has resulted in tens of millions of dollars of cleanup work and planning on and around the Colville Reservation. As a direct result of the GAP program, the Colville Tribes initiated investigations to the Upper Columbia River Remedial Investigation Feasibility Study undertaken by the EPA and Teck Metals of British Columbia, the cleanup of a smelter site in Northport, Washington, removal of lead contaminated soil from people's yards in Northport, cleanup of a wood treatment plant in Colville, sampling and cleanup of lead contaminated soil from Indian Allotments and private home sites along the Columbia River near the Canadian border, among others. These actions, many of which occurred outside of the Colville Reservation, benefited the entire area and its population. None of these activities would have occurred without the GAP program.

Clean Water Act Section 106 Program: This program partially supports water quality monitoring at 50 sites, upgrading and enforcing water quality standards, performs snow water measurement, well head protection, pollution discharge permits, coordinates NPDES and Corps of Engineers permits, prepares annual Tribal Assessment Reports for water quality, and provides a vital basis for water quality standards and discharge permits.

Clean Water Act Section 319 Program: This program funds non-point source pollution control activities, including enforcement and permitting of the Colville Tribes' water quality standards code, and planning and project implementation for timber sales and forest management activities. More money should be made available to tribes with large reservations and vast water resources.

Wetland Program: This program enables the Colville Tribes to monitor, assess, and map wetlands on the Colville Reservation. It also enables the Tribes' staff to streamline and eliminate contradictions or inconsistencies in regulatory laws and updates shoreline management codes.

Clean Air Act Section 105 Program Accomplishments: The Colville Reservation comprises four airsheds delineated by mountains and rivers. The Colville Tribes achieved "treatment as a state"

status under the CAA program in 2004 and uses these funds to provide intensive monitoring of outdoor and indoor pollution levels and daily public notification during wildfire smoke events, in addition to numerous other activities benefiting the surrounding communities.

CERCLA 128a – Hazardous Waste Response Program: Funding from this program allowed the Colville Tribes to complete the following activities: Conducted fourteen Phase 1 and twenty-two Phase 2 environmental assessments; assisted twenty-eight responsible parties to achieve cleanups; conducted forty-five pre-demolition asbestos inspections; completed closure of twenty underground storage tanks; and provided enforcement oversight and cleanup response direction for remediation and closure of a gasoline spill site on State Route 21 adjacent to the Sanpoil River.

The Colville Tribes was unable to ascertain from budget documents how much of the funding appropriated to the programs identified went to Indian tribes. Whatever those enacted funding levels may be for FY 2017, however, the Colville Tribes requests that the Subcommittee maintain those levels specifically for the tribal allocation for each program.

Finally, with regard to tribal EPA programs, the Colville Tribes recommends the Subcommittee consider directing the EPA to make two changes relating to tribal funding. First, the EPA should restrict tribal program grant funds to Indian tribal governments, rather than funding tribal organizations or consortia (which are not tribal governments) or funding off-reservation work (which is a state responsibility). The second would be to encourage the EPA to fund tribes in block grants based on a single comprehensive work plan agreed upon by tribes and the EPA. This would reduce spending on grant administration and increase productivity and personnel time on solving real environmental problems.