



Testimony of Pueblo of Laguna Governor Virgil A. Siow
Before the House of Representatives Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies
May 17, 2017

Good afternoon Chairman Calvert, Ranking Member McCollum and Members of the Subcommittee. I am Virgil A. Siow, Governor of the Pueblo of Laguna. The Pueblo of Laguna is located in the western part of New Mexico, about 45 miles west of Albuquerque, and both Interstate 40 and the famed Route 66 cross our lands. I represent 8,786 enrolled Pueblo of Laguna members. Thank you for holding this hearing to examine the critical funding needs of Indian Country. The Pueblo currently has the following priorities which are longstanding and must be addressed: 1) Bureau of Indian Affairs (BIA) water rights negotiation and litigation support funding; 2) Bureau of Indian Education school construction funding; 3) Indian Health Service and the Affordable Care Act including Medicaid and funding for tribal health programs; 4) BIA contracted programs - underfunding for critical positions; 5) Environmental Protection Agency cuts and the Pueblo's funding need for oversight of clean water and cleanup of the Jackpile Mine Superfund site on the Pueblo; 6) critical need to ensure the National Park Service Advisory Council on Historic Preservation continues to be funded for its outreach to Tribes; 7) Fish and Wildlife Service Tribal Wildlife Grants; and Bureau of Land Management. I recognize that our list is long but these are the needs for our Pueblo.

Bureau of Indian Affairs Programs

Litigation/Negotiation Funding for Water Rights: A state of New Mexico district court has ordered that we simultaneously pursue both settlement negotiations and trial preparation in the general stream adjudication of the Rio San Jose basin (*State of New Mexico v. Kerr-McGee*, filed in 1983), which will determine the Pueblo's water rights. For the period 2014 – 2016, the United States through BIA has provided \$290,750 of the overall funding need of the Pueblo for its attorneys and experts. While the United States, as trustee for the Pueblo, is involved in the case, there are also other Indian tribes involved and the Pueblo has hired its own lawyers and experts to protect and advance its separate claims. The Pueblo competes with numerous other tribes across the nation for these funds. Funding to this office must be increased substantially as this process includes all future water uses of the Pueblo. For the years 2014 – 2016, the Pueblo expended \$2.7M of its own funds to protect the water resource that the United States, as trustee, has a responsibility to protect. We ask that the funding for the Pueblo of Laguna be increased through the funds provided to the BIA Southwest Regional Office Water Resources Office by the Deputy Director for Trust.

BIA Contracted Programs

The Pueblo of Laguna has P.L. 93-638 contracts for a number of its programs including: Law Enforcement, Detention, Pueblo Courts, Fire Protection, Realty, Social Services, Road Maintenance, Water/Agriculture, Rangeland and Natural Resources. These programs assist the Pueblo in provision of essential governmental services to Laguna members and the community.

All of these BIA funded programs lack sufficient funding and the Pueblo must provide its own funding to allow for appropriate levels of service. Of particular concern is the funding received for staffing of the Detention facility. In 2015, BIA completed a staffing analysis for the Detention programs task levels and post assignments to ascertain minimum staffing requirements for safe and efficient operations. The BIA analysis disclosed a need for 18 additional FTEs. The cost for hiring 18 FTEs is approximately \$637,000, plus \$291,000 in added associated costs (equipment, training, medical exams, uniforms, etc.) for a total need of \$924,600. Since this assessment, no additional funding has been provided by BIA to hire recommended staff. We ask that BIA provide this funding.

BIA Hazardous Fuels Program

Lack of adequate funding for this program has resulted in an increase on the Pueblo of overstocked timber and woodland resources that are vulnerable to fire. Over the past few years, funding for this program has been declining or shifting off-reservation. With increased funding the Pueblo could address hazardous fuels and protect the community and other valuable resources.

Bureau of Indian Education

Last year, the Pueblo of Laguna, Laguna Department of Education was one of ten applicants selected to have its severely outdated and dilapidated BIE funded Laguna Elementary School replaced. The 2017 appropriations request lacks the funds necessary for new school construction. Instead, there is merely an allocation of \$133 million for operation and maintenance and emergency repairs, not new construction. The Appropriations Committee requires the Bureau to submit an allocation plan to the Committees for campus-wide replacement and facilities replacement within 30 days of enactment of the DOI Environment, and Related Agencies Appropriations Act. BIE is directed to reallocate \$2 million from 2016 unobligated balances in order to accelerate advance planning and design to replace schools. The Pueblo has completed the planning phase and is ready to begin the design phase and move to the construction phase when the design is complete. There is no funding provided in the 2017 budget allocations for construction. We ask that funding be made available for the construction of the new Laguna Elementary School. The planning phase opinion of probable construction costs is approximately \$25,000,000. The Pueblo requests that these funds be made available in the 2018 budget so that construction may begin and our students can move into a facility that provides modern learning environment.

Indian Health Service:

Repealing the Affordable Care Act (ACA) severely impacts the Laguna People. We have recently established the Laguna Healthcare Corporation for the purpose of providing access to quality healthcare services for our members and others qualified to receive services. As you are aware, the United States has a trust responsibility to provide healthcare services to federally recognized Indian tribal members. The healthcare services at the IHS Acoma, Laguna and Canoncito (ACL) facility have been severely underfunded for decades. The Pueblo suffers from a constant changeover in staffing and overall diminishment of services. Referrals to specialists for services have been non-existent, except for individuals who are in critical need. Astonishingly, the 2017

appropriations includes only \$14 million for purchased/referred health care, which is woefully inadequate to serve the needs of American Indians across the nation. Through ACA's expansion of Medicaid, our members have been able to access quality healthcare outside of ACL. However, proposed changes to Medicaid directly impact their ability to continue to do so. We urge that any modifications to the ACA adequately address the continuing responsibility of the United States to provide adequate health care to its Indian citizens.

Laguna has established a Community Health and Wellness Department (CHWD) through a P.L. 93-638 contract with IHS. One of the programs administered by the CHWD is the Community Health Representative (CHR) program. Under-funding to the CHR program adversely affects the Pueblo's ability to promote wellness and disease prevention to over 4,000+ tribal members who reside on Pueblo lands. The CHR program places trained staff in the homes of some of our most at-risk tribal members – shut-ins and elders -- who cannot easily leave their homes and live far from clinics. Sufficient funding is critical.

National Park Service:

The Pueblo appreciates that the 2017 appropriations contains \$10.4M for grants to Tribes under the Historic Preservation Fund. The Pueblo received funding through NPS and NPS Historic Preservation Grants to have a full time Tribal Historic Preservation Office. This has allowed the Pueblo to have meaningful participation and input to protect and preserve the cultural resources of the Pueblo both off and on the Pueblo's land. However, there is a need for additional staff for this office to address the numerous inquiries and issues presented for review. Additionally, the Pueblo has been an active participant in the National Park Service's Advisory Council on Historic Preservation. The Pueblo would like to see additional funds for staff and to facilitate tribally approved cultural impact studies.

Bureau of Land Management

The Rio Puerco Management Plan is reportedly near completion (and has been for several years now) and identifies a variety of checkerboard lands within the exterior boundaries of the Pueblo of Laguna designated as available for disposal. These lands are within the Land Claim put forth by the Pueblo of Laguna to the Indian Claims Commission. The checkerboard nature of these lands (leased entirely by the Pueblo) create management and jurisdictional challenges for the BLM, State, and Pueblo, and make trespass control a major challenge. The Federal government should transfer the checkerboard lands to the Pueblo to save management costs and improve the Pueblo's authority to address trespass issues.

Fish and Wildlife Service

The Pueblo requests increased funding for Tribal Wildlife Grants. These grants work. They are one of the very few funding opportunities for Pueblos and Tribes to implement on-the-ground conservation of culturally important species and areas without substantial strings attached or cost-share required. The funding for these grants has become smaller and the number of tribes competing for it has become larger. Additional funding for the Tribal Wildlife Grant program is

an efficient way to maintain habitats that support countless other protected species. Additionally, Fisheries funding assists the Pueblo, which receives fish from the U.S. Fish and Wildlife Service for economic development. We urge continued support for this program, as well as for Tribal Fish Hatcheries such as the one at Mescalero.

Environmental Protection Agency:

EPA provides about 85% of the Pueblo's funding for environmental oversight and monitoring. The proposed cuts to the EPA budget are very alarming. Clean air, clean land, and especially clean water are critical to the Pueblo's way of life, and are more often than not adversely affected by off-reservation activities.

Superfund: We need continued funding and support for the Jackpile Uranium Mine Superfund site, and for the EPA's actions to appropriately pressure the Principally Responsible Parties (PRP) for clean-up compliance. The Laguna people want reclamation of land contaminated by the uranium mine and protection of the water flowing through the site for future use. We also want the removal of the Homestake tailings pile near Milan, NM, and increased efforts to mitigate the toxic plume contaminating both the shallow and deeper aquifers. The Nuclear Regulatory Commission has indicated that drinking water aquifers are being impacted by Uranium and Selenium. These groundwater sources are crucial for the continued existence of all people in, and development of, the region. The risk of greater contamination continues to threaten all local inhabitants, including both Acoma and Laguna Pueblos downstream of the site.

Adequate funding for solid waste management on native lands is necessary because most Pueblos and Tribes lack sufficient tax base to support efficient systems (including recycling). Current policy reduces the ability of the EPA to support necessary activities on native lands. Additional support is needed to avoid a return to the open dump sites, or increased landfill use where recycling is not supported, resulting in higher management and cleanup fees.

Clean Water Act: 106 Funding (Clean Water Act Section 106) - Funding for this program is critical for the Pueblo to protect its water resources. Any reduction will negatively impact the Pueblo's ability to protect water resources for itself and downstream users.

Conclusion:

On behalf of the Pueblo of Laguna people, I thank you for the opportunity to testify today and to provide our views and priorities for funding.