

**Testimony of Delano Saluskin, Tribal Council Member, of the Yakama Indian Nation on the
Proposed FY 2019 Budget for Matters Pending Before the House Appropriations
Subcommittee on the Interior, Environment and Independent Agencies
May 9, 2018**

Chairman Calvert, Ranking Member McCollum and distinguished members of the House Appropriations Subcommittee on the Interior, Environment and Related Agencies. I am Delano Saluskin, and I have the honor of serving as an elected official on the Tribal Council of the Yakama Nation where I chair the Legislative Committee.

We want to express our deep appreciation to Chairman Calvert and others on this subcommittee who have continued to stand by our nation's commitment to its Indian tribes. In enacting the FY 18 Appropriations bill you have demonstrated once again that Indian affairs is a bi-partisan area where members of both parties know, as did Supreme Court Justice Hugo Black when, in 1960 in opining on Indian law wrote "Great nations, like great men, should keep their word."

The Confederated Tribe and Bands of the Yakama Nation is a federally recognized Indian Tribe and are signatories to the 1855 Treaty with the Yakama, 12 Stat. 951. Our aboriginal territory included more than 12 million acres of land that would now be viewed as much of central Washington, stretching from Mt. Rainier to the west, the town of Twisp to the north, the Palouse to the east, and the Columbia River to the south. Our reservation now consists of 1.377 million acres in south central Washington State. Pursuant to provisions in our Treaty, we retain hunting, fishing and gathering rights on open and unclaimed lands throughout our aboriginal territory. These rights have been affirmed repeatedly by the highest courts of the lands and we exercise these rights to this day, not the least of which is our right to fish in the main stem of the Columbia River according to seasons and regulations established by our government.

We express our appreciation as you have allowed for some growth in federal funding for important tribal programs and resisted proposals that seem terribly disconnected to the reality of life in Indian country that would have severely cut back funding to some of the most impoverished people in the United States. We understand the need to balance the budget but first we need to get to the point where we have something even remotely resembling parity with the rest of the population outside Indian Country. There is no better example of the disparity between the amount of funding provided to general programs and the funding provided to Indian programs than to look to what the Federal government spends on health care for various federal beneficiaries. The Indian Health Service spends \$3,300 per Indian for health care. You spend \$7,500 on Federal employees for health care, \$8,600 for Federal prisoners for health care, \$8,700 for Veterans for health care and \$12,800 per beneficiary for Medicare.¹ Are we really worth less than a quarter of a Medicare recipient, 40 percent of a federal

¹ Sources of information: Indian Health Service Tribal Budget Formulation Workgroup (February 2018) and GAO Report 17-379 (June 2017)

prisoner and a third of a Veteran, even when so many of our people are proud Veterans? There are similar comparative figures relative to law enforcement and natural resource management. Please point out these disparities to your colleagues on the Budget Committee and to Chairman Frelinghuysen when he provides your 302(b) allocations and ask if they can see cutting funding for our people as anything but a travesty. Tell them about our lack of infrastructure, our water systems, our homes, schools and our roads and ask them if, in good conscience, they can cut our budgets. Get us to parity first Mr. Chairman, and then let's have a discussion about balanced budgets. Until then, any further cuts to our services only aggravate the unjust inequities that the Federal government perpetuates in Indian Country year after year.

Forestry - An area where this disparity hits us hard is the BIA's Forestry budget. The allocations for this budget are feeble as it is. We have 650,000 acres of forested land, the largest tribally owned forest in the United States, but we cannot cut timber until we have complied with myriad Federal regulations including environmental regulations. We do not object to those regulations and we are proud of the leadership role we have played in managing our forests in a manner that protects the habitat of the Northern Spotted Owl and salmon, but we are not able to undertake sustainable harvest practices unless we have sufficient staff to manage the work required. **Presently the BIA has 33 vacancies within its Yakama Agency Branch of Forestry. As a result, not one new timber sale was approved in 2017!** Compare that to the fact that, in theory, we have an annual allowable harvest of over 140 million board feet of timber.

We are leaving much timber standing simply because the BIA can't staff the necessary jobs. We were able to undertake some salvage cuts from the Cougar Creek fire in 2017 but were not able to undertake planning beyond that. We have complained to the BIA about filling these federal agency positions and have met with the senior officials both regionally and at headquarters, but nothing seems to change. It is not clear to us whether the earmark ban would prevent you from directing the BIA to fill these empty FTEs at the Yakama Agency Office. If not please do so, if so then please direct to them to report back to you with 45 days as to how they plan on filling these FTEs positions. Like the Salazar litigation this is a clear mismanagement of the federal government's trust responsibility to properly manage our land. It should not require a law suit on our part to ensure these FTEs are filled so that we can utilize our forest products. This has historically been a major source of income to our tribal government and an important source of employment for our people. We have a saw mill that has historically employed hundreds of people and there is a huge demand for wood. The BIA's present operations at its Yakama Agency makes no sense and are contrary to its own 2014 Tiger Team Report when they sent a team to our Reservation and agreed that the positions needed to be filled but then did not implement the team's recommendations. Clearly, the BIA has a problem in its Human Resources (HR) area as they just seem incapable of hiring people to fill slots where their employment charts show vacancies. Please help in this regard.

We also support the testimony presented to you from the Intertribal Timber Council including the requested \$5 million so that BIA can directly hire 67 foresters; an increase in BIA Forestry Project Development for thinning and replanting; the provision of \$35 million to the Office of Wildland Fire for tribal lands that were burned in 2015 (including a substantial amount on our

Reservation); an increase in Fuels Management Funding to \$206 million, including \$10 million for Reserved Treaty Rights Lands; the restoration of funds to the Joint Fire Science Program and expanded support of the Anchor Forest initiative including direction to the USFS to implement the Anchor Forest Final Report.

A New School – Our existing Yakama Nation Tribal School was built in 1965 by the Yakima Catholic Diocese. As such, it is now over a half century old. It was built after a fire burned the old BIA Agency and Tribal Council building and housed BIA and Tribal staff until 1978. After they moved into a new office building, we began using the facility as an alternative school in 1979. The school was told it needed to remove its Facilities Management Information System (FMIS) deficiencies and was able to partially address those deficiencies with limited ARRA funding by adding portables and making other improvements however much still needs to be done. There is very limited storage on the property and our plumbing, air-conditioning, heating and electrical systems have serious problems and the boiler is too outdated to be able to properly serve the facility. We need fields for track, softball, baseball and football as well as lighting for those fields, bleachers, a concession stand and even parking. Our youth are eager to learn and we have a waiting list. We would like to build a new school including one that our students can take pride in instead of one that is lacking in so much.

We shared the concern of many tribes that when the BIA came up with their 2016 school facilities replacement list that seven of the ten schools were all on the Navajo Reservation while the Director of the BIE was himself a Navajo and while the public was not allowed to know who the members of the review team were. We are sure that there are schools at Navajo in need of replacement, but the process did not engender much confidence. The process was flawed by the fact that we could not post to the FMIS system as we were not allowed access to it. The BIA then changed that system as well.

In the Consolidated Appropriations Act for 2018 Congress provided a total of \$238 million for education construction at the Bureau of Indian Education, of this amount \$105 million was allocated for replacement school campus construction. The Administration requested only a total of only \$80 million for education construction in Fiscal Year 2018, so thank you for increasing that allocation. This funding is sorely needed to address the poor condition of schools across Indian Country. Incredibly, in its Fiscal Year 2019 budget request the Administration has requested even less – \$73 million – for education construction and proposes to zero out funding for replacement school campus construction. We hope you will again reject the suggested cut and will undertake a serious initiative at addressing the backlog of school construction needed in Indian country. We also recommend increased funding for Adult Vocational Training.

Wapato Irrigation Project – The Wapato Irrigation Project (WIP) is one of the largest in the BIA's system and the Bureau has allowed it to fall apart with an immense backlog in deferred maintenance. Like the Forestry Branch, the BIA also has a tremendous number of vacancies in positions that are supposed to be filled so that this project can operate and that agriculture can survive in one of the premier fruit, hops and grape growing regions in the entire United States. The WIP has been the recipient of numerous IG and GAO studies, each time with the auditing

agencies making specific recommendations that are then ignored by the BIA. A project that historically had more than 120 employees now is staffed with only 48. The WIP Project Administrator himself has identified the need for a minimum of 93 employees, nearly double the current level. Basic work that is essential for the project to be viable is not taking place.

It appears that the major reason for these vacancies is once again poor HR work, i.e. the inability to comply with the federal hiring process. WIP administrators indicate it can take a year or even two to hire basic laborer positions and even longer for professional positions. WIP endeavored to hire 24 positions last year and succeeded in filling only a fraction of them. There seems to be a lengthy process of updating and approving position descriptions; rounds of advertising; and an application process and security checks that take months to accomplish. WIP ends up losing candidates who cannot wait for months and years and simply take other jobs. It is absurd.

On a somewhat brighter note, the BIA did hire the Irrigation Training and Research Center (ITRC) associated with Cal Poly who have assisted in the preparation of the Wapato Irrigation Project Draft Modernization Plan. Since this Subcommittee has expressed interest and concern with WIP over the years, we will submit a copy of the ITRC report to you. It is a good plan that will result in more land within WIP becoming productive. This is a big step in overcoming the fact that at one time 30,000 acres of the land within the exterior borders of WIP was idle and not producing any crops and therefore unable to pay into the WIP O&M fund. We hope this Subcommittee will do everything in its power to assist in the implementation of the ITRC plan.

Public Safety - On February 7, 2018 the Yakama Tribal Council declared a public safety crisis and enacted an emergency resolution (T-057-18) responding to increased criminal activity on the Reservation and in particular to rampant crime taking place in the small town of White Swan. We have held community and program meetings with the Public Safety Officers to coordinate a response and authorized actions that could result in immediate exclusion, jail times, fines, suspension of Treaty-reserved hunting, fishing and gathering rights and banishment. We have hired clerks and police officers at the White Swan Police substation who just started last week.

This whole situation is exacerbated by the fact that since the Yakama Nation retroceded from the partial PL 280 jurisdiction that took place here, the Washington State Patrol has refused to patrol the Yakama Reservation including on major roads such as Highway 97 which has led to an increase in DUIs, vehicular accidents and investigations of fatality accidents involving Indians and non-Indians. We are very much in need of supplemental funding for our law enforcement efforts and any help or direction your committee can give to the BIA would be most appreciated.

Again, we appreciate the support this Subcommittee has demonstrated and we ask you to undertake an initiative whereby funding to Indian tribes is not considered an earmark. These are basic human services that the US committed to provide to our people. We do not view services to tribal people as earmarks nor should a system that delivers water or provides other basic aspects of infrastructure be considered discretionary.