



MAKAH TRIBAL COUNCIL

P.O. BOX 115 • NEAH BAY, WA 98357 • 360-645-2201

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**Testimony of Councilman Nate Tyler, Makah Tribal Council, Makah Indian Tribe
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Public Witness Hearing - March 9, 2023**

Dear Chair Simpson and Ranking Member Pingree:

My name is Nate Tyler, Councilman on the Makah Tribal Council, the governing body of the Makah Indian Tribe. My testimony focuses primarily on the Department of the Interior (DOI), the Environmental Protection Agency (EPA), and the Indian Health Service (IHS), as well as a few priorities which cross agencies. These priorities support critical capacity and funding gaps in our remote community. We thank the Subcommittee for your important role in ensuring that these essential programs continue to be funded, and for the opportunity to testify.

The Makah Tribe is indigenous to the northwest tip of Washington State at the confluence of the Pacific Ocean and the Strait of Juan de Fuca. Our current Reservation is approximately 47 square miles and our Usual and Accustomed Fishing Area (U&A) covers an area of approximately 1,550 square miles of marine territory. The existence and well-being of the Makah people have always been closely tied to our relationship with the environment, especially the ocean. 99% of the Makah community rely on local fishing, shellfish, or hunting resources for a portion of their diet. Our valuable treaty fisheries support over 50% of our natural resources-based economy.

Overarching and/or Multi-Departmental Priorities:

Coastal Resilience Investments: The Makah Tribe is already seeing the impacts of ocean acidification, drought, warming oceans and streams, harmful algal blooms, severe winter storms and erosion, and wildfire on our treaty resources, economy, and public health and safety. Impacts of changing ocean conditions on our treaty fisheries are a primary concern of the Tribe, as our fisheries support our economy, food security, and cultural and spiritual wellbeing. Additionally, all of our critical infrastructure, including schools, healthcare, government operations, water treatment and public safety, and 60% of homes are located within the Tsunami Inundation Zone (TIZ). Flooding and erosion impacts also drive the urgency for relocation planning. We urge the Subcommittee to expand coordinated funding across your jurisdiction to facilitate collaborative climate resilience research, mitigation, and action, particularly on tribal land. We are already investing our own funds on resilient infrastructure including but not limited to: \$7 million for new housing out of the TIZ, \$5 million to relocate our Headstart building, over \$220,000 on armoring and erosion at our businesses. We also support the new direction of the BIA Tribal Resilience Program grants, which now fund relocation implementation and multi-year relocation coordinators. This program could be significantly expanded or a new funding source could be created to address the immediate coastal resilience and relocation infrastructure needs of Tribes.

Water Shortages and Infrastructure Needs: The Makah Tribe experiences severe seasonal water shortages, which are projected to worsen with climate change. These shortages impact drinking

water availability and are a barrier to adequate housing, relocation, and economic development. These issues are compounded by aging water infrastructure that leaks and risks contamination. Previous water infrastructure funding has come from IHS and EPA's Safe Drinking Water Act tribal program (for IHS ineligible costs). The Makah Tribe currently has 10 active water infrastructure projects with the IHS and four projects on the IHS Sanitation Deficiency System (SDS) list. Our unfunded SDS projects cost over \$26.5 million, with only \$21.7 million eligible for IHS funding. The National Indian Health Board (NIHB) recommends funding the SDS program at \$2.28 billion in FY24.¹ The Subcommittee should provide coordinated funding and direction for EPA and IHS to partner to expedite the completion of priority water projects.

Self-Governance Funding Models and Compact Negotiation: We recommend that the Subcommittee transition tribal funding across IHS, DOI, and EPA from issuing grants to a self-governance model of funding. Consistent with sovereignty and self-governance, Tribes should receive unrestricted funding directly (not via state block grants) to ensure that we have the flexibility to use the funding to best address the unique needs of our communities. We further recommend that the Subcommittee expand existing compact funds across all three agencies and support negotiation on compact funds, as was originally intended.

Department of Interior Appropriations Priorities: We support expanded funding for DOI to support programs benefiting tribal governments. DOI funding priorities include:

- ***THPO Funding:*** The Subcommittee should fully fund the Historic Preservation Office fund. Our Tribal Historic Preservation Office (THPO) is critical to the protection of our treaty resources and the resilience of our community.
- ***Native Language Revitalization Initiative:*** We support the 10-year national initiative to revitalize native languages, with DOI as lead agency. The Makah Language, Q^wi·q^wi·diččaq, is considered critically endangered. Our language program has primarily been funded in a piecemeal fashion on grant money. Reliable and secure federal funding to support the baseline operations of the Makah Language Program would provide immediate benefit to our language revitalization efforts. We urge the Subcommittee to fund DOI to develop a language revitalization capacity fund to support the urgent needs of language programs like ours.
- ***Litigation Support Funding:*** In the past, end of year BIA litigation support funding has been an important funding source for our marine mammal program. We recommend that the Subcommittee continue to make these funds available.
- ***National Parks Staffing & Co-Management:*** The Subcommittee should provide funding to fully staff the National Parks Service. In remote areas like Washington's Olympic Peninsula, Park staff are critical partners to ensuring the protection and management of sensitive natural and cultural resources and sites. The National Parks Service should coordinate with Tribes to prioritize hiring tribal members into Parks Service jobs, particularly in remote locations and where Parks are now co-located with traditional lands. The Subcommittee should also continue to fund DOI for co-management collaborative decision-making with Tribes over federal lands and resources including National Parks.
- ***Wildfire Management:*** Decades of fire suppression management on the West Coast, in addition to climate change, is a major contributor to the recent unprecedented wildfires. It

¹ National Indian Health Board. Advancing Health Equity Through the Federal Trust Responsibility: Full Mandatory Funding for the Indian Health Service and Strengthening Nation-to-Nation Relationships. Accessed March 2, 2023. https://www.nihb.org/legislative/budget_formulation.php

also results in the loss of medicinal plants that our management historically supported. The need to reinstitute traditional controlled burn management practices is clear. We support funding to address wildfire risk, especially to collaboratively reinstitute traditional burn management practices that have successfully managed wildfire risk for thousands of years.

- **Renewable Energy Capacity:** Transitioning to renewable energy is an important emergency preparedness, energy sovereignty, and climate resilience strategy for the Tribe. We are seeing unprecedented federal investment in renewable energy infrastructure that is not accompanied by investment in tribal capacity to support our planning and engagement efforts. As a result, we are currently spending significant tribal hard dollars and staff time to engage with multiple federal agencies on renewable energy. We need at least one new full-time staff position to support renewable energy policy and planning, as well as funding to support workforce development. Ideally, this funding would be through a compact or multi-year agreement (perhaps via the Office of Indian Energy) to support permanent capacity building.
- **Renewable Energy: BOEM Programmatic EIS:** Congress should dedicate funding to support a robust and science-based programmatic Environmental Impact Statement to assess the cumulative impacts of the proposed offshore wind development for the California Current Ecosystem. We are deeply concerned that offshore wind leasing on an unprecedented scale is proceeding in our region in the absence of a robust scientific understanding of the potential cumulative impacts to the environment and consequently to Makah treaty rights.
- **BIA/DOT Road Maintenance Program:** This program is chronically underfunded. The Makah Tribe receives only \$55,000/year to maintain 85.3 miles of road with 30 routes and 65 sections. The Tribe supplements this at over \$240,000/year. We urge the Subcommittee to fully fund this program.

Indian Health Service Appropriations Priorities: IHS is chronically underfunded with the overall budget covering only a fraction of our health care needs. This is a health equity issue; American Indians face high health disparities and are less likely to have health care coverage and access. We support the FY24 recommendations of the NIHB to fully fund the IHS at \$51.24 billion² and urge the Subcommittee to implement their recommendations. IHS needs mandatory and advance appropriations to ensure the stability of our healthcare programs. IHS is the only health-related service that is unfunded when the federal government shuts down. Funding priorities to support the Makah Tribe's Sophie Trettevick Indian Health Center (STIHC) include:

- **Clinic Relocation & 105L Leasing:** The Tribe is close to relocating the STIHC out of the TIZ, a top priority for the Makah Tribal Council. However, due to ongoing supply chain issues and inflation, costs for this project continue to rise. Permanently funding the 105(l) leasing program and contract support costs at 100% of the need would facilitate our relocation efforts. Additional IHS funding to cover the shortfall and/or the cost of medical equipment purchases would help us complete this project.
- **Workforce Recruitment, Retention, and Training:** Provider shortages and maintaining a trained medical and administrative workforce at STIHC remains a challenge. We need funding to support workforce development and suitable housing for clinic staff in our remote location. The Subcommittee should fully fund the IHS Scholarship Program and support the Loan Repayment Program to help address this issue.

² National Indian Health Board. Advancing Health Equity Through the Federal Trust Responsibility: Full Mandatory Funding for the Indian Health Service and Strengthening Nation-to-Nation Relationships. Accessed March 2, 2023. https://www.nihb.org/legislative/budget_formulation.php

- ***Mental and Behavioral Health, Substance Abuse:*** We continue to see the impacts of COVID-19 on mental and behavioral health in our community. We need direct funding for mental health provider shortages, expansion of services, and training for providers on treatment approaches. The Subcommittee should fund programs authorized but unfunded under the Health Care Improvement Act (Secs. 702, 704, 705, and 715). We also recommend that all IHS Behavioral Health Initiatives allow for Tribes to receive funds through Title I and Title V compacts to ensure the best use of funds. We also need new IHS funding to develop substance abuse treatment programs in remote clinics like STIHC.
- ***IT Modernization:*** The existing RMPS system is outdated and cannot meet our evolving healthcare needs without substantial investment in IT infrastructure. The current systems regularly disrupt services, negatively impact patient health, complicate coordination with specialists and pharmacies, and are a significant administrative and staffing burden. The Subcommittee should fund tribal healthcare IT modernization and related broadband, including reimbursement for Tribes modernizing their own IT. We also request congressional direction for the funds to be distributed equitably and expediently among direct service Tribes, self-governance compact Tribes, and IHS areas.
- ***Community Health Aide Program (CHAP) Expansion:*** Congress should expand and fully fund the CHAP program for Tribes in the lower 48. Makah is in a remote area, like the Alaska CHAP program was originally designed for. Due to our location, the burden of traveling to specialists outside our healthcare system is huge. CHAP providers allow for more efficient use of funds and help reduce this cost. The CHAP program increases the number of Makah health care providers who stay in Neah Bay, reducing high cost of turnover and supporting continuity of care. CHAP creates education pathways and professional wage jobs for tribal members and increases Makah values-based practices, knowledge, and skills.

Environmental Protection Agency Appropriations Priorities: We support EPA funding to continue comprehensive and science-based ecosystem management and environmental restoration and conservation. Funding priorities for EPA include:

- ***Program Capacity Funding – Human Health & Environment:*** Congress should expand funding for EPA programs that support tribal capacity to protect human health (i.e. CWA106 Water Quality and CAA105 Air Quality programs) and the environment (i.e. Brownfields, and National Estuary Program capacity and capital projects funds).
- ***Superfund Program:*** Expand EPA funding to support a comprehensive analysis, full Remedial Investigation, and Feasibility Study of the Warmhouse Beach Superfund Site on the Makah Reservation that address the Tribe’s concerns. This includes modeling the risk of environmental bioaccumulation in human health assessment.
- ***RCRA and Tanks Branch:*** Expand EPA’s Leaking Underground Storage Tank (LUST) funding to support EPA’s and the Tribe’s continued leadership in addressing the US Air Force clean-up project on the Makah Reservation. This funding should allow EPA to continue funding the Makah Tribe to provide review and expertise necessary to complete the project.

Thank you for the opportunity to provide testimony on behalf of the Makah Tribe. We look forward to working with the Subcommittee, legislators, and agencies on these priorities. Please contact Makah Tribal Council Chief of Staff, Adriene Bowechop (cos@makah.com or 360-640-1817) with any questions.