



HOOPA VALLEY TRIBAL COUNCIL

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Chairman Joe Davis

**Written Testimony of Joe Davis, Chairman
Hoopa Valley Tribe
Submitted to the House Interior, Environment and Related Agencies
Appropriations Subcommittee
On the Fiscal Year FY 2024 Budgets for the
Bureau of Indian Affairs, Indian Health Service and Related Agencies
March 9, 2023**

On behalf of the Hoopa Valley Tribal Council and our citizens, it is an honor to provide our funding priorities and recommendations for the FY2024 Budgets for the Bureau of Indian Affairs (BIA), Indian Health Service (IHS), and Related agencies. First, ***we strongly urge this Committee to protect the Federal trust and treaty obligations as you consider Tribal program funding for FY 2024.*** While the United States has yet to fully live up to the promises it has made to Tribal nations, the Hoopa Valley Tribe (“Tribe”) continues to pursue our goals in building a strong and prosperous economy and providing necessary public services to our citizens. Second, the Tribe is one of the initial Tribes to enter into a Compact of Self-Governance with the United States in both the Departments of the Interior and Health and Human Services. We have had great success in implementing Tribal Self-Governance, but we are still woefully underfunded in many of our critical programs, services, functions and activities. The following summarizes our priority funding requests and justifications.

I. Hoopa Valley Tribe Specific Requests

1. \$800,000 Increase – Law Enforcement – Special Agents in Charge – BIA
2. \$740,000 – Hoopa Office of Emergency Services (OES) – BIA
3. \$750,000 – Social Services/Indian Child Welfare Act – BIA
4. \$160,000 – Forestry – BIA
5. \$1.25 million Base Funding Increase – Wildland Fire – BIA
6. \$750,000 Increase – Fisheries – BOR and Related Agencies
7. \$50,000 – Irrigation – BIA
8. \$900,000 Annual Allocation – Hoopa Valley Public Utility District (Operation/Maintenance) – IHS
9. \$3.6 million Increase – Clinic Staffing, Recruitment & Retention (Human Resources) – IHS
10. \$760,000 – Emergency Medical Services (Ambulance) – IHS

SUPPORT NATIONAL and REGIONAL FY 2024 BUDGET Requests and Recommendations for the BIA and IHS - by the National Congress of American Indians, National Indian Health Board, National Indian Education Association, and Affiliated Tribes of Northwest Indians.

II. Background on the Hoopa Valley Tribe

The Tribe is located in northeast Humboldt County, California along the Trinity River, approximately fifty-nine miles east of Eureka and 272 miles north of Sacramento. The Hoopa Valley Indian Reservation (Reservation) is approximately 89,400 acres of forest and mountain land ranging in elevation from 320 to 5,000 feet.

III. Hoopa Valley Tribe Specific Requests/Justifications

1. \$800,000 Increase – Law Enforcement – Police Officers and Special Agents in Charge (SACs) – BIA

The Hoopa Valley Tribal Police Department (HVTPD) was officially formed in 1984. In November 2016, the Department of Justice consented to the Tribe's request for re-assumption of concurrent Federal criminal jurisdiction over the Indian Country of the Tribe. To allow all Tribal, Federal and State partners involved sufficient time to establish appropriate guidelines and procedures to effectuate concurrent Federal jurisdiction in the Tribe's jurisdiction, the Tribe subsequently entered into a Memorandum of Understanding with the U.S. Attorney for the Northern District of California, the District Attorney for the County of Humboldt and the Sheriff of the County of Humboldt.

Since that time, the HVTPD has provided enforcement at all three levels of authority, with inadequate and minimal funding provided from BIA. As a result, HVTPD has been unable to meet the BIA's assessment of the Department, which identified a need for 15 officers to function properly. Presently, HVTPD has seven full-time officers. The costs of hiring, training and outfitting an officer is on average \$100,000/officer. To meet this shortfall and hire the necessary officer, the Tribe is requesting an increase in BIA Law Enforcement funding. Further the need for additional BIA Special Agents in Charge (SAC) is for more than on-the-ground response. We need BIA support for processing Special Law Enforcement Commissions (SLEC) applications, assisting with officer training and other administrative matters. California is a big State and deserves at least 3 SACs.

2. \$740,000 – Hoopa Office of Emergency Services (OES) – BIA

OES is a Tribal emergency management program established in 2011 to develop and implement emergency management plans and programs for the Tribe. OES is responsible for coordinating emergency management activities, including planning, training, and response operations, and for working closely with Tribal, state, and federal partners to ensure effective emergency response and recovery. OES provides a service to all community members, both Tribal members and non-Tribal members. The program is a critical service that plays a vital role in the safety and well-being of the entire Hoopa Valley community. Unlike state and local county emergency management programs, Tribal emergency management programs do not have annual funding or compact agreements. Emergency management and response is particularly challenging due to the remote and rugged terrain. Therefore, the requested funding will assist with operations, will enable OES to have more control over the emergency management resources available to the Tribe, and to better meet the needs of the Tribal community in emergency situations.

3. \$750,000 – Social Services/Indian Child Welfare Act – BIA

The Tribe receives inadequate funding to properly administer services to our abused and neglected elders, dependent adults and children. These disparities include inadequate funding for Indian Child Welfare Act (ICWA) cases. The Tribe has the second largest ICWA caseload in the State of California.

There is no funding for ICWA attorneys and only enough funds for one ICWA social worker (whereas our caseload dictates the need for 3 to 5 case managers). Further, there is no funding support for our at-risk youth. The requested funding will be used to address these shortfalls including prevention activities to address drug, alcohol, violence and abuse.

4. \$160,000 – Forestry – BIA

The Forestry Department (Forestry) receives compact funding which has averaged \$849,013 over the last 6 years. In 2017, the payment was \$812,325; however, these funds were underpaid, and the funding has not increased for well over a decade. In 2008, the end of the Timber Harvest Initiative funds had a detrimental impact on Forestry's ability to cover wages for personnel and Arch and Geological surveys producing required NEPA documentation. As a result, the continued lack of funding and uncertainty of funding is negatively impacting our workforce retention and operations. Separately, we have experienced delays in processing of timber sale contracts and timber sales payments from the BIA. This is very troubling and has placed additional burden on existing staff. It is crucial for the Department's to receive reimbursements from the BIA in a timely manner.

5. \$1.25M Base Funding Increase – Wildland Fire – BIA

The Hoopa Valley Tribe Self-Governance base amount for Wildland Fire preparedness has not increased for 24 years. The Hoopa Valley Tribe is one of two Tribes within the Pacific Region that took advantage of the 1999 opportunity to dedicate their staff and resources to complete the only approved Fire Management Planning Analysis (FMP). This enabled the Tribes to receive updated funding for their operation of BIA wildland fire programs. Now in 2023, Hoopa is still one of two Tribes to meet the 90 International Association of Machinists and Aerospace Workers (IAM) Chapter 3 Wildland Fire Management Preparedness policy combined with a legitimate approved method of funding needs analysis. In the face of a very real and probable risk of catastrophic wildland fire, there is a life and death need for the Tribe to have a base funding increase of \$1.25 million for wildland fire preparedness. Timely reimbursements are critically needed. The delay is resulting in detrimental and negative impacts.

6. \$750,000 Increase – Fisheries – BOR and Related Agencies

The Fisheries Department (Fisheries) is charged with the health and safety of the Trinity River, the fish, and water quality. Fisheries emphasizes the United States trust responsibility in defending and protecting the Trinity River which holds cultural, historical, and sacred significance to our people. Fisheries requires funding to assist with the hiring and retention of specialized personnel; equipment; operational, maintenance, and legal expenses; and the renovation of a conservation hatchery project.

7. \$50,000 – Irrigation – BIA

The Hoopa Valley Public Utilities District (HVPUD) is a duly chartered entity of the Hoopa Valley Tribe. Per the Charter and By-Laws of HVPUD, the District is responsible for maintaining and managing the irrigation system within the Reservation. Per the Self-Governance Compact and Funding Agreement with the BIA, the HVPUD receives \$47,416 on an annual basis to operate and manage Hoopa's entire irrigation infrastructure. This amount has remained the same since the early 1990's. The cost to operate and maintain the irrigation system greatly outweighs the funding that is received. These expenses include staffing, fuel, parts, pumping costs, repair and replacement from normal wear and tear, repair due to vandalism and damage, heavy equipment costs, etc. HVPUD has spent more than its annual funding

allocation trying to remedy the irrigation pumping issue. HVPUD requires an increased annual allocation for the irrigation funding provided in the BIA Self-Governance Funding Agreement.

8. \$900,000 Annual Allocation – Hoopa Valley Public Utility District (Operation/Maintenance) – IHS

The HVPUD provides critical health and safety related services to the residents of the Reservation, including safe drinking water, irrigation services, fire flow, sanitation facilities (water and septic installation) and solid waste management. In addition, HVPUD facilitates the broadband and energy related projects on behalf of the Tribe. For 42 years, HVPUD has provided essential utility services to this Tribal community with zero allocated funding to support the operation and maintenance of the largest Tribal water utility in the State of California.

The Hoopa Valley wide system (Public Water System #: 0605126) consists of 2 water treatment facilities, 20 water storage tanks, 14 pumping facilities, 13 distribution systems and miles and miles of waterlines of various age, make, and size. HVPUD lacks the means to adequately cover the operations and maintenance of our public water system, which are the functions, duties and labor associated with the daily operations and normal repairs, replacement of parts and structural components, and other activities needed by a water system to preserve its capital assets to continue to provide safe drinking water.

The IHS has a trust responsibility to provide service to Indians including healthcare. Safe drinking is a critical component of having a healthy community for hydration, cooking and sanitation uses.

9. \$3.6M Increase– Clinic Staffing, Recruitment & Retention (Human Resource) – IHS

K'ima:w Medical Center (KMC) is a rural ambulatory clinic and entity of the Tribe. The expenses for locums to fill critical positions has grown exorbitantly. At the height of the COVID- 19 pandemic, KMC had over 30 vacancies. In FY2022 alone, KMC had to utilize 8 different locum agencies and 27 different locum providers. Staff cover multiple duties and roles to carry out health services. Clinical staff, both nurses and providers, are currently majority locums/travelers. This has led to high salary costs, but also barriers for continuity of care and an increased burden on staff who are recruiting, training, and orienting new staff members every few months. While third-party revenue and grants help cover some operating costs, the resources put into recruitment and retention are increasing exponentially, and sadly, we aren't even achieving the goal of full permanent staffing. KMC remains at a disadvantage when competing with appropriately funded urban organizations.

10. \$760,000 – Emergency Medical Services (Ambulance) – IHS

Given the transportation challenges of our rural residents, coupled with not having emergency care at our local health facility, ambulance services are critical for mitigating harm and saving lives. Our ambulance service has been a cornerstone for care within our community for two decades. Private ambulance services do not cover rural areas because it is not lucrative (less calls and greater distance to travel), as is our case. In 2022, KMC Ambulance responded to 1,257 calls. We rely on unstable funding to subsidize our ambulance department, such as Measure Z/O. Although clearly demonstrating how vital ambulance services are for our community, KMC does not receive the needed HIS funding to support these operational costs.

IV. I appreciate the opportunity to provide our **FY2024 BIA, IHS, and related agency budget priorities** of the Hoopa Valley Tribe and respectfully respect your support of these requests.