



THE COWLITZ INDIAN TRIBE
TESTIMONY OF THE HONORABLE GREG HITCHCOCK, VICE CHAIRMAN
U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

March 9, 2023

Summary of Agency/Program and Funding Requests

- 1. *Increased funding for BIA Law Enforcement, Transportation and Tribal Public Safety***
 - 2. *Increased funding for IHS and Tribal Healthcare***
 - 3. *Increased funding for BIA Climate Change and Tribal Resource Protection***
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INTRODUCTION AND BACKGROUND

Thank you Chairman Simpson, Ranking Member Pingree, and distinguished Members of the Subcommittee for this opportunity to provide testimony on behalf of the Cowlitz Indian Tribe. The Cowlitz Indian Tribe has lived in what is now southwest Washington since time immemorial. In the 1850's, the federal government attempted to persuade Cowlitz to leave its traditional territory and relocate to the Olympic Peninsula to share a reservation with another Tribe. Cowlitz refused, and the federal government, without the necessary congressional authorization, opened up Cowlitz lands to non-Indian settlement. Soon those lands were lost and the Cowlitz people were scattered throughout southwestern Washington and northern Oregon. Despite repeated requests by the Tribe to establish a reservation within its traditional territory, no land was ever set aside. Due in part to the Tribe's landless status, the Tribe was forced to submit to the Department of the Interior's lengthy federal acknowledgment process, and after twenty five years, in 2002, the Department finally confirmed its federal recognition. The Tribe then had to fight to establish its Reservation, and in 2015, after years of administrative delays and litigation (Cowlitz was the first tribe to have land taken in trust after the Supreme Court's *Carcieri* decision), the Department finally acquired land in trust for the Tribe's Reservation, ending over 150 years of the Tribe not having a federally protected land base.

Since that time Cowlitz has been working to establish its government, engage in economic development to support its government and members, and continue to preserve its cultural traditions and the natural resources in the Columbia River Basin that are so central to those traditions. The Tribe currently has nearly 5,000 members. The Cowlitz Reservation is located near Ridgefield, Washington (Clark County), and our Tribal government offices are in Longview, Washington (Cowlitz County). Federal funding is crucial to support the Cowlitz Tribe's efforts to protect its sovereignty, engage in self-determination and economic development, and provide for its members. The Tribe greatly appreciates the Subcommittee's dedication to providing Indian Country with critically needed funding. The Tribe requests that the Subcommittee prioritize funding for public safety and law enforcement, healthcare, climate change, and resource protection.

The Forever People

I. BIA LAW ENFORCEMENT/TRIBAL PUBLIC SAFETY

As the Cowlitz Indian Tribe continues to work toward economic self-sufficiency, it must establish a sound infrastructure to support its continued economic growth and member services. The Cowlitz Indian Tribe Public Safety Department (CITPSD) was formed soon after the Tribe's Reservation was established to enforce the Tribe's constitution, laws and regulations, and protect and secure the Tribe's lands, natural resources, economic ventures, members, staff, and the public. The Tribe's Legal Department defends and upholds the Tribe's sovereignty, while the Tribal Court provides a venue where civil and criminal matters are heard and reviewed. These inter-tribal government elements are critical for the Tribe's growth and must be in place as economic development increases on and off the Reservation.

The Tribe's current personnel numbers for its public safety functions, including the CITPSD, Tribal Courts, Legal Department, Emergency Management Department and Indian Child Welfare (ICW) Department have outgrown the available facilities. The CITPSD operates out of three modular trailers on the Reservation. There are currently fourteen officers to patrol a large service area covering the Reservation and tribal properties outside the Reservation (stretching north to Toledo, WA). Officers also provide cooperative assistance to the cities of Ridgefield and La Center (in partnership with the Clark County Sheriff's Department). In 2021, the CITPSD responded to hundreds of calls including assault, weapons violations, vehicle theft, trespassing, drugs, and many others. The CITPSD currently lacks office space, a detention processing area, and holding cell(s). Public access is limited to a 5 by 5 entry area, and there are no safe or secure spaces for storing evidence, equipment, training, or records. The CITPSD will need to hire additional officers next year and add staff again in the next two years, but there is no space for them.

The Tribal Court, operating under the Tribe's civil and criminal code, is staffed with a Judge and Tribal Court Administrator. The Tribal Court currently operates within one of the CITPSD modular buildings. The types and number of cases it can handle are limited due to the minimal space and staffing levels. The Cowlitz Legal Department advises on all facets of Indian law, governance, and contracts, and represents the Tribal Government, Council, and Tribal Departments. The Legal Department consists of four attorneys and one paralegal who largely function remotely, but have a small desk in the CITPSD trailer with the Tribal Court. The economic development on the Reservation, particularly the new hotel opening in 2023, will increase the caseload for the Tribal prosecutor, and more space for additional staff will be required. The ICW Department currently extends over three locations in Dupont, Vancouver and Longview; ICW anticipates that it, too, will need additional staff and space to support its ability to take jurisdiction of ICW cases. The Emergency Management Department (EMD) currently operates in one of CITPSD's modular buildings. The EMD prepares for emergencies and assists Cowlitz Tribal members with disaster recovery programs, disaster planning and prevention. For the Tribe to continue to effectively provide all these essential services, a public safety building is needed to house the Tribal government police and legal infrastructure. A consolidated public safety building would provide space for proper officer training, detainment, evidence storage, and adequate court facilities for all cases. It also would improve security, emergency management, and safety for tribal members, tribal police, staff, and the public. But funding for such public safety facilities is extremely limited.

According to a 2018 BIA analysis, the amount needed to fund the most basic law enforcement and detention services in Indian Country is \$1.54 billion.¹ That number has only increased, and the funding made available in annual appropriations is nowhere near this estimated need. A substantial increase in funding for BIA and tribal law enforcement and facilities is desperately needed to begin to address the public safety and law enforcement needs facing Indian Country.

Transportation infrastructure funding also is needed to support our public safety functions. The BIA Tribal Transportation Program (TTP) is woefully inadequate and has been underfunded for years. Cowlitz receives approximately \$800,000 in TTP funds a year and is responsible for over 60 miles of public roadway. This funding barely makes a dent in our transportation infrastructure needs: we must maintain and improve existing roads, build new roads and infrastructure to support our economic and community growth, and supplement operation of our public transit service, which spans over 1,800 square miles and five counties providing rural connectivity from Olympia to Vancouver. The inadequacy of TTP funding is further exacerbated by BIA unwillingness to include additional BIA-owned mileage into the National Transportation Facility Inventory, which forces tribes to identify these new roads as tribally owned, without receiving additional funding to maintain them – effectively taking on unfunded government liability. Tribes also cannot compete for grant programs like RAISE without specific tribal set asides, as the ranking criteria do not support awards to tribes. Congress must appropriate more TTP funds, to support tribal public safety and economic growth.

II. INDIAN HEALTH SERVICE (IHS) AND TRIBAL HEALTHCARE

According to the Washington State Department of Health, Center for Health Statistics, last year Clark County saw a 20 percent increase in overdose deaths and a 30 percent increase in emergency services from 2020-2021; Cowlitz County reported a 30-40 percent increase in overdose deaths; and in King County, overdose death rates were up by 150 percent, with 2023 on track to continue that growth. Non-lethal opioid overdoses also surged in King County, and emergency service visits increased by 150 percent from 2021. The Cowlitz Indian Tribe compacts with IHS under the Indian Self-Determination and Education Assistance Act (ISDEAA), and provides drug treatment and mental health services from its four clinics, located in Vancouver (Clark County), Longview (Cowlitz County), DuPont (Pierce County) and Tukwila (King County). The Tribe provides state of the art drug treatment services including medication-assisted treatment (MAT) through its healthcare clinics. The Tribe generously makes those services available to anyone who needs them, Native and non-Native — our clinics serve thousands of patients every year. Drug treatment provided by licensed, caring professionals is among our most important resources to mitigate the impacts of the current opioid epidemic.

Additional federal funding is needed to expand delivery and increase access to these services. Providing culturally appropriate addiction treatment and mental health services is particularly important for the large number of American Indians and Alaska Natives served by the Cowlitz clinics, as these populations suffer disproportionately from substance abuse, mental health, and other health problems. In addition to funding from IHS, Cowlitz has been able to obtain some grant funding, but the need far exceeds available resources.

¹ National Congress of American Indians (NCAI) FY 2022 Budget Request at 43, available at https://www.ncai.org/resources/ncai-publications/NCAI_IndianCountry_FY2022_BudgetRequest.pdf.

Cowlitz also would like to expand its health care services to all its members, who are fairly dispersed as the result of the Tribe's history and long period of landlessness — the Tribe has members living throughout the country. Cowlitz would like to use Tribal funds and third-party resources to provide access to health services to members of the Tribe and their families who reside anywhere in the United States, whether or not they are within the Tribe's purchased/referred care delivery area (formerly contract health services delivery area). Although this would support tribal self-determination and sovereignty, would not require any increase in ISDEAA funding, and would not impact how ISDEAA funds are currently allocated, or otherwise impact the amount of funding a tribe is entitled to receive from IHS in an ISDEAA agreement, Cowlitz is concerned that existing IHS policy may not allow it. IHS should support this practice.

III. INCREASED FUNDING FOR BIA CLIMATE CHANGE AND TRIBAL RESOURCE PROTECTION

The Tribe appreciates that additional funding has been provided to BIA and EPA in recent years to address climate change, through annual appropriations, the Bipartisan Infrastructure Law, and the Inflation Reduction Act, but more funding is needed to address the significant challenges that tribal communities face in responding to climate change, and corresponding efforts to protect tribal natural and cultural resources and ongoing economic stability. Climate change threatens tribal communities with myriad adverse impacts. Increased wildfires in the Pacific Northwest have had profound impacts on our traditional lands and associated cultural and natural resources. Traditional fish, game, plants and other resources fundamental to our culture, our diet, our traditional medicines and beyond have been affected, threatened or lost. Not to mention regional infrastructure, homes, precious belongings, and livelihoods are being put at risk year after year.

Warming temperatures, rising sea levels, and changing hydrology in the Columbia River Basin represent an existential threat to salmon and a broad array of wildlife and natural resources indispensable to the Cowlitz people. Not only do we face fundamental changes to our traditional way of life, but the literal loss of our ability — and that of our neighbors in the communities we share — to live in our historic lands. Our namesake county, Cowlitz County, was ranked by the Federal Emergency Management Agency (FEMA) in 2020 as most at risk for coastal flooding² and, along with our broader southwest Washington homeland, faces very real climate resiliency deficits and the need for focused assistance to prevent devastating physical, economic, social and cultural loss. Flood risk is only expected to increase in the future with warmer winters, flashier storms, and more moisture falling as rain instead of snow.

Increased funding for federal programs and grants focused on climate change solutions and response, and related natural and cultural resources protection is needed. This includes increased funding for BIA climate resilience programs to support tribal adaptation planning and training, to help sustain tribal ecosystems and natural and cultural resources, economies, infrastructure, human health, and safety. And critically, funding for salmon recovery and habitat restoration is urgently needed to address the salmon extinction crisis and interrelated climate crisis in the Columbia River Basin.

² Thomas Frank, Riskiest Spot for Rising Seas Is 50 Miles from the Ocean (Nov. 25, 2020), available at <https://www.scientificamerican.com/article/riskiest-spot-for-rising-seas-is-50-miles-from-the-ocean/>.