



YAKAMA NATION TESTIMONY
TO THE U.S. HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEE
FOR THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
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Provided by:

Stephen Selam, Executive Secretary
Yakama Nation Tribal Council

Addressing The Following Agencies and Programs:

Appraisal and Valuation Services; Bureau of Indian
Affairs; Cncl. of Environmental Quality; Bureau of
Indian Education

I. Introduction

Chairman Simpson, Ranking Member Pingree and distinguished members of the House Appropriations Subcommittee on the Interior, Environment and Related Agencies, I submit this testimony on behalf of the Confederated Tribes and Bands of the Yakama Nation (“Yakama Nation”). The Yakama Nation is a sovereign Tribal Nation with reserved rights and privileges pursuant to the 1855 Treaty between the United States and the Yakamas (“Treaty”).¹ In our Treaty, the Yakama Nation reserved rights that extend broadly throughout our 12-million-acre Treaty Territory. Article II of our Treaty established a 1.4-million-acre Reservation – lands for the Yakama Nation’s exclusive use and benefit. Article I and Article III of our Treaty further established our reserved and perpetual right to access, use, and derive income and other benefit from lands stretching from the North Cascade Mountains down to the Columbia River, and from the crest of the Cascades east to the Snake River – our Treaty Territory.

The United States and the Yakama Nation co-exist as partners. This includes the shared responsibility of managing resources, applying laws, and enforcing police powers across the Yakama Nation’s Treaty Territory. The Yakama Nation does this for the benefit of its more than 11,000 enrolled Yakama citizens. The United States does this to fulfill its federal trust and Treaty obligations it owes to the Yakama Nation.

II. Federal Trust Relationship

The federal trust relationship is a unique legal and moral obligation that the United States has towards federally recognized Tribal Nations. It stems from treaties, statutes, court decisions, and executive orders, and it forms the foundation of the unique government-to-government relationship between the United States and Tribal Nations. The federal trust relationship is a complex and evolving concept, but it remains a cornerstone of federal Indian law and policy.

Recent actions taken by the current Administration underscore the critical need for clarity on one of the federal trust relationship’s fundamental principles: Tribal Nations are *political* entities. Changes in federal policy can create uncertainty and challenges for Tribal Nations, particularly when new administrations reinterpret or disregard established trust principles. We urge you to remind the current Administration that we share a *political* relationship with the United States. This distinction is especially important in the context of the federal government’s trust obligation to provide Tribal Nations and their citizens with much-needed government services that are carried out through federal programs.

Tribal Nations, unlike states, lack the tax revenue base to withstand federal funding freezes or reductions, making us especially sensitive to any disruption in resources. These programs are not simply

¹ See Treaty with the Yakamas, U.S. – Yakama Nation, June 9, 1855, 12 Stat. 951.

handouts; they are the continuation of a centuries-long *political* relationship, a fulfillment of trust and Treaty obligations, and a crucial component of our ability to self-govern and thrive as sovereign nations.

Given the foregoing, the Yakama Nation respectfully requests that the Appropriations Subcommittee take every action at its disposal to ensure there are no pauses, restrictions, decreases, or cancellations of Tribal-federal program funds, as such actions would have devastating impacts for Tribal Nations across this country. In addition to preserving existing funding levels, the Yakama Nation respectfully requests that you prioritize the following critical items, which have not received adequate attention or remain underfunded:

III. Appraisal Backlog for Probate, Leasing, and Trust Transactions (AVSO and BIA)

The Yakama Nation has engaged with the Appraisal and Valuation Services Office (“AVSO”) in government-to-government consultation, and initiated the process of developing the model for standardized mass appraisals. This is intended to address the backlog of probate appraisals that exists at the Yakama Nation. Mass appraisals will accelerate the completion and approval of probate appraisals. Success depends not only on there being sufficient funding to complete development of the model, but also sufficient staffing within AVSO and the realty services section of the Bureau of Indian Affairs (“BIA”) to implement this project. We ask that you please ensure this project continues to receive the resources it needs to succeed.

Besides probate, appraisals are critical to many federal functions, including federal leasing and federal trust transactions. The Yakama Nation Appraisals Program is a federal trust function administered through federal contracts pursuant to the Indian Self-Determination and Education Assistance Act (Public Law 93-638). Current funding appropriated under the Yakama Nation’s 638 contract for appraisal services only allows for the hiring of a *single full-time appraiser*. This single appraiser’s workload is driven by requests that come directly from the BIA’s realty services section. With only one full-time appraiser, the Yakama Nation Appraisals Program lacks sufficient resources to effectively manage a heavy, federally driven appraisal workload. The Yakama Nation asks for an additional appropriation of \$120,000 to its appraisal services 638 contract to cover the expense of a second full-time appraiser.

IV. Public Safety Law Enforcement Funding (BIA-OJS)

The Yakama Nation Police Department is another federal trust function administered through a 638 contract. With only 20 patrol officers funded for the 12-million-acre Treaty Territory and 1.4-million-acre Reservation – the largest Treaty Reservation in Washington State – we have roughly a quarter of the officers needed to adequately protect our communities. Despite repeated requests, even simply to keep pace with inflation, federal funding for our law enforcement 638 contract has remained stagnant for two decades. The BIA’s Office of Justice Services is constrained by its own budget limitations, leaving the Yakama Nation Police Department to grapple with increasingly complex challenges while being forced to do more with less, year after year. While we appreciate that all communities need more law enforcement funding, we cannot ask our citizens for patience when they reasonably demand better public safety.

The Yakama Nation faces an overwhelming confluence of public safety crises. We have experienced a surge in violent and property crimes, the highest rate of Missing and Murdered Indigenous Women/People in the region, and a terrifying rise in Latin American gang and cartel-related drug activity, including the pervasive and deadly fentanyl epidemic. Our current law enforcement resources are woefully insufficient to address these escalating threats. The Yakama Nation Police Department urgently needs additional officers, updated equipment, and improved public safety infrastructure to effectively serve the community’s public safety needs. We ask for any additional appropriations you can provide.

V. Treaty Resources: Columbia Basin Fisheries Restoration (BIA)

When the Yakama Nation signed its 1855 Treaty and reserved fishing rights in the Columbia Basin, around 17 million salmon and steelhead returned to the Columbia River each year. Today, we are lucky if we see 2 million fish return. For over four decades, salmon recovery funding has failed to keep pace with

the level of mitigation required to offset the 5-11 million salmon that are killed each year because of the impacts of the federal hydroelectric system.

Due to insufficient operations and maintenance funding, the Columbia Basin Hatcheries are not meeting the mitigation goals established when the dams were constructed. While the Pacific Northwest reaps the benefits of the Federal Hydro Power System, salmon and steelhead populations continue to fall well below the levels promised to affected Tribal Nations. The federal government has obligations under its Treaty with the Yakama Nation, as well as under the Northwest Power Act and other federal laws, to restore healthy and abundant native fisheries in the Columbia Basin. These efforts must be prioritized and properly resourced.

The Yakama Nation's fisheries and wildlife 638 contract funding from the BIA needs to be increased. We need to keep pace with inflation rates and expand our capacity to implement restoration projects for Treaty fisheries. The Yakama Nation's fish and wildlife programs are also facing human resources challenges as intergovernmental efforts with federal agencies, states, and Tribal Nations continue to grow and as regional fish restoration efforts expand in scope to include intersectional energy, water, transportation, and recreation efforts. The Yakama Nation's current 638 contract funding level is inadequate to recruit additional personnel and expertise to address intergovernmental efforts and regional needs, especially in light of recent reductions in the Federal workforce. We ask for additional appropriations to support the restoration of our Treaty fisheries.

VI. Forest Management – Direct Federal Duty (BIA)

The Yakama Reservation includes a 650,000-acre forest situated on eastern slopes of the Cascade Mountains. Federal forest management practices, coupled with the escalating effects of persistent drought events and shifting weather patterns, have significantly increased the risk of insect infestations, disease outbreaks, and catastrophic wildfires within the Yakama Forest. The Yakama Nation employs a sustainable approach to forest management, carefully balancing the needs of our natural resources and our desire to responsibly carry out harvest activities to treat the Yakama Reservation's forested areas.

The BIA Forestry Program at the Yakama Agency is severely hindering our ability to manage and protect the Yakama Forest. Last year the BIA completed only two timber sales from the Yakama Forest and harvested around 35 million board feet, roughly a quarter of the annual allowable cut approved under our Forest Management Plan. This is a stark indicator of the Program's dysfunction. As far back as 2014, the BIA Director himself acknowledged that the Program was "on the verge of collapse." A decade later, this dire assessment remains true. The chronic understaffing and lack of support for the BIA Forestry Program at the Yakama Agency has reached a crisis point.

The present status of the BIA Forestry Program at the Yakama Agency represents a functional abrogation of the BIA's direct service obligations and a dramatic breach of its federal trust responsibility. Mismanagement, characterized by chronic understaffing and neglect, has brought the BIA Forestry Program to a near standstill. The National Indian Forest Resource Management Act and its implementing regulations establish express trust duties for the federal management of Indian forests. The BIA's failure to fulfill these duties not only jeopardizes the health and productivity of the Yakama Forest, but also undermines the Yakama Nation's sovereignty and ability to manage our own resources. Without a fix, the Yakama Nation will continue to suffer the following consequences:

- *Lost Revenue:* The inability to conduct timber sales at a reasonable pace deprives the Yakama Nation of crucial revenue that supports essential services for our people. The BIA is effectively forcing the Yakama Nation to accept these losses through its own neglect.
- *Economic Damage:* Yakama-owned logging companies have been driven out of business due to the lack of available timber from the Yakama Forest. This, in turn, threatens the viability of the Yakama Nation's commercial mill, jeopardizing over 200 jobs held by Yakama members.

- *Wildfire Risk:* The inability to apply needed treatments to the Yakama Forest increases the risk of extreme wildfires that threaten our ecosystem and surrounding communities.

The Yakama Nation can no longer afford to endure the consequences of this mismanagement. The federal government must provide the BIA with the resources necessary to fulfill its trust obligations to the Yakama Nation. This includes increased funding to support staffing levels commensurate with the needs of the Yakama Forest and the mandates of the National Indian Forest Resource Management Act. We urge you to act decisively to restore the functionality of the BIA Forestry Program and ensure that the Yakama Nation receives the full benefit of its forest resources. By investing in our Forest Management Plan, we can ensure the long-term health and productivity of the Yakama Forest, reduce the risk of devastating wildfires, help put people back to work, and contribute to the United States' timber supply needs.

VII. Tribal School Construction (BIE)

The Yakama Nation Tribal School stands as a stark example of the Bureau of Indian Education's ("BIE") chronic failure to meet its obligations to provide safe and adequate educational facilities for Tribal students. This nearly 70-year-old building, riddled with structural deficiencies and outdated infrastructure, has been assessed as being in "poor" condition by the BIE's own Facility Condition Index. Yet, despite this alarming designation, the current BIE construction funding model places the Yakama Nation Tribal School on a waiting list with a projected timeline of 25 to 30 years for a replacement facility. This is unacceptable.

The BIE's school replacement funding is woefully inadequate to address the overwhelming need across Indian Country. Over 80 tribal schools are currently ranked in "poor" condition, languishing on waiting lists that stretch decades into the future. This systemic neglect perpetuates a cycle of educational inequity that has plagued Tribal communities for generations. To rectify this injustice, we ask that you take immediate action and advocate for the following measures:

- *Increase BIE School Replacement Funding:* A significant increase in dedicated funding is crucial to address the backlog of school construction projects and ensure that Tribal students have access to safe and modern learning environments.
- *Prioritize Projects with Matching Funds:* Granting the BIE the authority to prioritize projects where Tribal Nations contribute matching funds will not only accelerate the construction process, but also foster a sense of shared responsibility and investment in the success of Tribal schools.
- *Expedite Project Approval:* Streamlining the BIE's project approval process will eliminate unnecessary delays and ensure that construction projects can move forward efficiently.

The Yakama Nation, along with countless other Tribal Nations, cannot stand idly by while our children are forced to learn in substandard conditions. Our children deserve nothing less than a quality education in a safe and nurturing environment. We ask that you act with urgency to provide the BIE with the resources and authority it needs to fulfill its trust responsibility and ensure that Tribal students have the opportunity to reach their full educational potential.

VIII. Closing

The federal government's trust and Treaty obligations must be upheld through sustained support for federal programs that benefit our Tribal communities. Fulfilling the requests outlined in this testimony represents a crucial step toward honoring these obligations and empowering the Yakama Nation to self-govern and thrive as a sovereign entity.

Thank you for your attention to these important matters affecting the Yakama Nation.