



UTE INDIAN TRIBE

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House Committee on Natural Resources Subcommittee on Indigenous Peoples of the United States Tribal Infrastructure: Roads Bridges and Buildings

Testimony of The Ute Indian Tribe of the Uintah and Ouray Reservation

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Introduction

Chairman Gallego and Members of the Subcommittee, thank you for the opportunity to provide testimony on tribal infrastructure needs for roads, bridges and buildings. The Ute Indian Tribe's Uintah and Ouray Reservation is the second largest reservation in the United States. We have more than 5,000 miles of roads in our tribal transportation system, and 827.9 of those miles are Bureau of Indian Affairs (BIA) and tribal roads, as well as many bridges. Many of these have not been properly maintained for well over 30 years. After years of neglect, our tribal transportation experts have calculated that the cost to improve these roads is in excess of \$1.3 billion dollars.

As an initial matter, we strongly oppose the comments by few of the Subcommittee's members claiming that this hearing was outside of the Subcommittee's jurisdiction. The roads, bridges and buildings on our Reservation are vital to our homelands, members and economies. We do not have the time to wait for the House Transportation and Infrastructure Committee, which oversees the roads and bridges of the entire United States, to focus on tribal roads and bridges. While we agree that the Transportation and Infrastructure Committee should live up to its trust responsibility and hold hearings on our seriously neglected and underfunded tribal infrastructure, we support Chairman Gallego's effort to bring this issue to the forefront through this Subcommittee hearing. We also ask the members who complained about this jurisdictional issue to immediately petition the Transportation and Infrastructure Committee to hold hearings on tribal infrastructure.

We appreciate the Subcommittee's attention to tribal infrastructure including roads, bridges, and buildings. As an energy producing tribe, we have significant infrastructure needs that are directly related to our economic success. In addition, infrastructure is critical to the well-being of our communities. Lack of reliable and safe infrastructure makes it difficult and more expensive to provide essential governmental services to our members. Failing infrastructure also increases costs for the Federal government to provide services and equipment. We ask that the Subcommittee continue to pursue this issue, seek new and increased sources of funding for tribal infrastructure, and provide the resources necessary to meet the federal government's obligation to provide for our homelands and to support tribal economic development.

Infrastructure Needed to Support Indian Energy Development

The roads and bridges on our Uintah and Ouray Reservation are old, were not constructed to support the tremendous oil and gas development on our Reservation, and have not been adequately maintained by the Federal government and BIA. As a major energy producer, the Ute Indian Tribe has a strong tribal economy and plays a significant role in our regional, state and national economy. We lease about 400,000 acres for oil and gas development. We have about 7,000 wells that produce 45,000 barrels of oil a day. We also produce about 900 million cubic feet of gas per day. Each year, the Tribe generates hundreds of millions of dollars in economic activity.

This level of activity cannot be sustained without safe and adequate roads and bridges. Our energy development fuels our tribal economy as well as the regional, state and national economies. If domestic energy production is to continue, the Federal government must provide the necessary infrastructure to allow that to happen. In short, infrastructure drives energy production.

The roads and bridges that we are speaking of are the same ones that carry our children in school busses, our patients in ambulances, our police officers and fire department employees who are responding to life threatening emergencies, and our elders and families. We all recognize that it is wrong to endanger any of these people, but that will continue to happen if we do not act now. Tribes like ours should not have to decide between energy production and public safety.

Our roads, bridges and buildings were never built to sustain the combination of snow and ice, delayed maintenance, and heavy use by the oil and gas industry. We need serious investments in tribal infrastructure to support our energy and economic development and provide our members with safe homelands. These are the homelands that the United States promised us in treaties and agreements and must be fulfilled.

Tribal Participation in Infrastructure Projects

Tribal consultation must be a priority for any infrastructure projects that may affect tribal interests. The Federal government cannot advance federal funds for on or near reservation projects, or for rail or other transportation systems, that will have a direct impact on the Tribe and our members, without involving the Tribe in the planning process. It is vital that we work together to develop infrastructure projects that will best serve our community and surrounding communities. We should be working together as a team to improve the lives of everyone. Our Tribe is tired of seeing roads and other right of ways constructed through our Reservation with no input or consultation with the Tribe.

We also want to be sure that the Tribe and all of Indian Country can benefit from the Administration's work to support infrastructure. However, we are concerned the we will not qualify for the President's "public-private partnerships" infrastructure plan. Please be sure that we are not left out of this important infrastructure endeavor simply because our often-remote and rural reservation roads are not in a position to generate tolls, to help repay their construction costs

It is also important to note that we are already doing our part. We have expended tens of millions of dollars of our own tribal funds to build new buildings, including a new Justice Facility,

and address as many road and bridge repairs as possible, but we cannot afford and should not be expected to fund our Reservation infrastructure on our own.

In response to the Administration's 2017 infrastructure initiative and request for shovel ready projects, we provided a list of projects. These are still vital projects for our Reservation that would save lives, cut back on more-costly replacements in the future, and support tribal economic development. In addition to shovel-ready road, bridge, and parking lot construction projects, we are working to develop a 1,000-megawatt natural gas-fired power plant on our Reservation to capitalize on our natural gas resources. This project will create jobs, lower energy costs and improve our environment.

We are also seeking infrastructure funding to provide water storage and water delivery projects on our Reservation. For decades, the Federal government and the State of Utah has diverted water from our Reservation through the Central Utah Project to support non-Indian irrigators, cities and towns on the Wasatch Front. These diversions were based on agreements that were to provide for water storage and water delivery projects on our Reservation. These projects never materialized and the Federal government has a legal commitment and responsibility to provide these projects.

Like many tribes, we have a growing number of infrastructure needs. We are doing our part. We recently spent more than \$36 million to construct a new Justice Center after BIA condemned its original detention center on our Reservation and we spent years on BIA's priority construction list with no action. We also need a new school to provide proper education for our youth. The Federal government must live up to its treaty and trust responsibilities to provide a us a homeland.

Support for the Addressing Underdeveloped and Tribally Operated Streets Act

The Ute Indian Tribe also supports S. 1211, the Addressing Underdeveloped and Tribally Operated Streets (AUTOS) Act. The AUTOS Act has already been approved by the Senate Committee on Indian Affairs. The AUTOS Act would provide a number of tools and increased funding to support tribal roads and bridges. Below we offer testimony on a number of provisions in the AUTOS Act that the House should explore in similar legislation.

First, we support the streamlined NEPA Categorical Exclusion process included in the AUTOS Act. We also encourage the Subcommittee to go a step further and afford tribes the right to manage their own environmental compliance particularly for on-reservation roads and bridges. This requires, among other things, allowing the tribes who wish to do so, the right to make their own governmental decisions on the timing and the scope of the NEPA inquiry on an on-reservation roads project on their own reservation.

While environmental concerns are always important, to properly address those concerns, NEPA should be a locally driven undertaking that takes into account local environmental conditions. It should also allow those who live in the immediate area to assess whether a greater harm would be caused by failing to move forward with the proposed infrastructure versus

environmental concerns. In addition, a proper NEPA inquiry should always be based upon the timeliest and most accurate information available.

Today, tribal projects across the country are held up by well-intended people that have never been to the Indian reservation where a roads project is proposed to be located. Thus, many of those individuals are basing their conclusions and their NEPA comments on what they have read and not on what they know or have seen for themselves. To make matters worse, many environmental studies and data used in completing assessments are out of date or not site specific. As a result, they often fail to incorporate actual or changed conditions in our local area.

Our tribal members live or work on our Reservation. They will never allow their own homeland and its environment to be ruined by poorly thought-out development. The Ute Indian Tribe, and not anyone else, should be in charge of NEPA reviews on our Reservation.

Second, we support the AUTOS Act provisions to return the BIA bridge program to a stand-alone status. Tribes should not be forced to decide between the safety of a bridge and the safety of the road leading up to that bridge. This is one system, and safe bridges without safe roads still get people injured or killed.

However, the amount proposed in the AUTOS Act to fund tribal bridges is obviously inadequate. If we really want to make progress, the \$16 million proposed needs to be a minimum of \$160 million until the federal government starts to make a real dent in the tribal bridge safety backlog.

Third, the amounts proposed for tribal roads in the AUTOS Act is also clearly inadequate. As noted above, our tribal transportation experts calculated that the cost to just improve roads on our Reservation is in excess of \$1.3 billion or \$267,683 per mile. Given that the Tribe only receives \$5.8 million per year to improve our roads, at this rate of funding, improvements will take 228 years to complete at FY 2019 dollars.

Fourth, the funding proposed for roads maintenance is even more deficient because it is targeted for roads that, as stated above, already require major improvements. In 2018, our total federal roads maintenance budget, for our entire Reservation was around \$500,000. This is approximately \$603 per mile. This is insufficient to maintain roads in an area with heavy snow fall, winter weather, and icy conditions.

Conclusion

The Ute Indian Tribe strongly supports the Subcommittee's oversight and investigation into the conditions of tribal infrastructure. Without adequate roads and bridges we cannot support energy and economic development on our Reservation. On our Reservation, energy development funds our government and the services we provide our members, provides thousands of jobs, domestic energy supplies, and support our tribal, regional and national economies. We support and ask that the Subcommittee propose new and expanded funding sources for infrastructure that supports energy development on Indian reservations.