

**Testimony Before the House Subcommittee on Interior, Environment and Related Agencies
Fiscal Year 2014 BIA, BLM and IHS Budget
Presented by Dennis Smith, Chairman
Shoshone-Paiute Tribes of the Duck Valley Reservation
April 7, 2014**

Chairman Calvert, Ranking Member Moran, and members of the Subcommittee, my name is Dennis Smith. I am Chairman of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation. I am pleased to submit testimony concerning the FY 2015 Budget for the BIA, BLM and IHS. I thank this Subcommittee for its steadfast support of Indian tribes and for its understanding of the work that remains for tribes and the federal government to build up Indian communities in accordance with the bipartisan goal of Indian self-determination.

Duck Valley is a large, remote and rural reservation that straddles the Idaho-Nevada border along the east fork of the Owyhee River. It encompasses 450 square miles in Elko County, Nevada and Owyhee County, Idaho. Duck Valley is 140 miles from Boise, Idaho, a city of over 200,000, and 100 miles from Elko, Nevada, a city of 18,000. Many of our 2000 Tribal members make their living as farmers and ranchers, though a number of them are employed by the Tribes.

With our remote location, the Tribes' provision of on-reservation services to our members, such as health care and public safety, is critical. We assume most duties of the BIA and IHS under self-governance compacts, although the BIA continues to provide law enforcement and detention services on the Reservation. We also carry out other federal programs on behalf of HUD, the Federal Highway Administration, and other agencies. Although we are pleased to see some increases proposed for the BIA and IHS in the President's FY 2015 budget request to Congress, they are not commensurate with our needs. The insufficient funding for programs and services as well as unpaid contract support costs compromises our ability to carry out these programs and to serve our members. And these difficulties are further compounded by the severe drought conditions persisting in the region.

We encourage this Subcommittee to build on the modest increases in the President's budget for these essential Tribal programs.

Our priorities for FY 2015 include:

1. Recovering Unpaid Contract Support Costs – This Committee has recognized that tribes are entitled to full funding from the IHS and BIA for contract support costs. And it rejected the Administration's earlier proposal to cap contract support costs used to administer tribes' self-governance agreements. However, the IHS still owes us more than \$4.5 million in past contract support cost claims. I wrote to Director Roubideaux asking her to speedily settle our unpaid claims. We sure could use the money now. The shortfalls our compacted health programs suffered from 1995 to the present time have diminished our services on our remote Duck Valley Indian Reservation. Since 2007, our hospital has become a clinic and we do not have an emergency room. Tribal members must drive two to three hours to the nearest hospital in Elko, NV, or in Boise, ID. Combined with the sequestration cuts we had to absorb last year, the December 22, 2013 article in the Washington Post sure got it right when it reported that when the

federal government reneged on its agreement to fully compensate the Shoshone-Paiute Tribes for the costs we incurred to operate the Owyhee Community Health Facility, no one noticed. But when other Indian Self-Determination Act contracts and agreements were broken with hundreds of Indian tribes and the debt rose to \$2 billion, then everyone noticed and federal contractors joined our court battle, “alarmed that the practice might eventually ensnare them as well.” We encourage this Subcommittee to press IHS to settle our old claims fairly and immediately.

2. Additional Federal Support for Drought. Continued drought in the west is causing great hardship to our ranchers and farmers as the costs of water and feed increase. Without additional federal support from agencies funded by this Subcommittee or through other federal program assistance measures, families who have practiced husbandry for generations will be pressed to abandon their traditional livelihoods and members will be forced to leave the Reservation in search of jobs. In addition, the drought is forcing us to have very tough discussions with the upstream water users, which will create problems should we be forced to restrict the water use. We have met with representatives from USDA, FSA, NRCS, BIA and the Nevada Task Force to discuss alternatives. We observe that over the last decade, non-BIA bureaus have grown at a considerably faster rate than BIA. To help us mitigate the effect of this drought, we encourage the Subcommittee to ensure that BIA program increases in the FY 2015 and future year budgets are at the same or higher levels than the non-BIA bureaus of the Department.

3. Increase funding for the BIA’s Law Enforcement Special Initiatives Program – To provide alternatives to incarceration for juvenile offenders from Duck Valley and other Northeastern Nevada tribes and invert the oft-used model of “detention first, treatment second,” we have nearly completed renovation of the 18-bed Duck Valley Juvenile Services Center. In addition, we are one of three tribes in the country selected by the BIA to participate in a pilot project administered by the BIA Office of Justice Services to create a model “alternatives to incarceration” program for tribal communities. However, IHS reticence in deliberations to develop an appropriate treatment program as well as limited funding, particularly for housing treatment personnel, jeopardize our ability to execute these programs.

We are working closely on the pilot with the BIA (OJS) and the Substance Abuse and Mental Health Services Administration (SAMHSA), within DHHS. The IHS, however, has remained absent from our deliberations on how best to implement a pilot project suited to our needs on Duck Valley. Because both IHS and the Tribes could benefit from collaboration to develop a model program that could be used in Duck Valley and elsewhere, it would be helpful for IHS to work closely as our partner in this important endeavor, and we welcome their help.

And although the BIA plans to add \$250,000 to our recurring base funding to implement the pilot project, the funding is sufficient for only a skeletal staff of several people – including a part-time administrative assistant, a probation officer, and two clinicians – and would not cover housing. Without housing assistance, we will be hard pressed to get the personnel in place by October 1, 2014, when our pilot project should begin. Additionally, the funds fall far short of the \$3.5 million that we estimated would be needed to both amend our tribal code and develop a fully-functional and sustainable treatment center for juveniles, which would include staff such as a physician, nurse, psychologist, and psychiatrist, a halfway house, a transition shelter, a

traditional sweat lodge to help heal at-risk tribal youth, and housing for treatment personnel and staff.

I urge the Subcommittee to increase the BIA's "Special Initiatives" subaccount for FY 2015 and include statutory language to make clear that such funds may be used for the purchase or lease of temporary trailers or modular units to house personnel associated with law enforcement, corrections, probation, tribal courts, or professionals serving youth and adults in detention or on probation. The President's budget proposes only modest changes in BIA's "Special Initiatives" budget – which is funded at \$7.2 million, about half the level it received in FY 2013 – and requests only \$3.4 million for Public Safety and Justice Employee Housing. With increased funding and flexible use of these funds, we can implement and grow our pilot project by ensuring that there is housing for needed personnel. We will make do in the interim. We also support restoring the \$4 million cut from the BIA's Housing Improvement Program (HIP). At \$8 million in the current budget, this program is grossly underfunded for tribal housing needs.

4. Fund the Owyhee Initiative within the Bureau of Land Management (BLM). The Owyhee Initiative is a joint effort by ranchers, recreationalists, County and State officials, and the Shoshone-Paiute Tribes to protect, manage and appropriately use lands in Owyhee County, Idaho. In 2009, Congress passed the Omnibus Public Land Management Act of 2009, Pub. L. 111-1. Our subtitle of that Act is the Owyhee Public Land Management (§§ 1501-1508) program and section 1508 authorizes such sums "as are necessary." One-time funding several years ago allowed us to purchase two Cessna planes and equipment and hire staff to patrol public lands and report violations of cultural and religious sites to BLM officials.

We seek *recurring* BLM funds, however, to continue this important work to protect cultural sites and establish a Reserve Ranger Program to engage tribal youth in cultural and related activities during the summer. The legislation requires to the Interior Secretary to coordinate and enter into agreements with us to "protect cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes," and to share in the management of cultural resources. Additional funding to BLM will help us implement these important programs and help our youth. One-time funding undermines our ability to perform this work.

5. Telecommunications (fiber optics) – The Tribes urgently need to build as well as improve fiber infrastructure over five miles for connectivity among Fish, Wildlife & Parks, Tribal Headquarters, Juvenile Services Center, Fire Station and the Owyhee Community Health Facility. The health center serves as the Wide Area Network (WAN) hub for the Tribes' and health center's computer network. Connectivity among these facilities and programs would alleviate the long-term monthly recurring cost we pay to an Ethernet Circuit provider (\$8000 per month; \$96,000 annually). Our budget need of \$250,000 would cover the cost to construct new fiber networks among the buildings and cover construction inspection fees. This figure, however, is 29% of the BIA's proposed FY 2015 budget of \$856,000 Telecommunications Improvement and Repair Program. This program is a component of the BIA's Other Program Construction account. Like so many programs, it must be increased if remote, rural communities like Duck Valley are to improve telecommunications networks and break down communication barriers that persist.

6. East Fork Owyhee Salmon Steelhead Recovery and Reintroduction Project – We seek to return Chinook salmon and steelhead trout to Duck Valley and the State of Nevada through an innovative “trap-and-haul” program. Dam construction along the Columbia and Snake Rivers eliminated salmon from the State of Nevada. Duck Valley is unique in that it supports two major tributaries to the Snake River. Earlier this year, we financed a promising pilot study that found that habitat in the East Fork of the Owyhee River may support a summer rearing capacity of between 3,300 and 43,000 juvenile steelhead trout and from 3,600 to 41,000 Chinook salmon. With additional funding of approximately \$210,000 for the next three years, we can complete our habitat surveys of the East Fork Owyhee River, including obtaining data on non-summer river conditions, as well as an assessment of the Bruneau River habitat.

We propose to transport adult fish from Lower Granite Dam or Hells Canyon Dam and release the fish above China Dam into the East Fort Owyhee River to spawn. Emigrating juvenile fish would later be captured and released downstream from passage carriers on the Snake River to complete their migration to the Pacific Ocean. Adult salmon originating from the East Fork Owyhee River would later be captured in the lower Snake River and transported back upstream.

BIA’s Trust-Natural Resources Management program budget would not increase at all under the President’s FY 2015 budget (\$184 million), and in fact the Fish, Wildlife & Parks program would be cut by about \$250,000 (to \$13.6 million). As noted in the President’s budget justification, a “significant part of the Natural Resources activity is executed under contracts and grants with tribes.” An increase to the BIA’s Trust-Natural Resources budget can help us.

7. Quagga Mussel Issue (invasive species) – The FY 2015 budget proposes to maintain funding at FY 2014 levels for invasive species (\$6.7 million). We seek funds to add an additional boat-washing station at the Wildhorse Reservoir near the reservation for the boat launch we lease. This will ensure that boaters who then transport their boats to tributaries of the Columbia and Snake Rivers do not transfer invasive species. We will also be working with Nevada State officials to improve existing state laws concerning this issue.

8. BIA Fire Protection - Although this Subcommittee will provide significant funding to the Interior Department for wildfire suppression and prevention to ensure public safety, especially in the drought-stricken west, BIA has a small fire protection budget of \$1.2 million for FY 2015, which is inadequate to reimburse tribes for firefighting services. We support fire suppression efforts by the BIA the Reservation and understood that costs we incurred in support of fire suppression are to be reimbursed by the BIA. We estimate that we have expended \$138,000 in fire suppression activities for which we have not been reimbursed, some dating back to 2012. Delay in payments forces the Tribes to take funds from other programs. We have a very good relationship with our fire-fighting partners at BIA, but the slow reimbursement of the funds creates problems for us. If the Interior Department budget is “designed to provide stable funding for fire suppression,” we request that Indian tribes be reimbursed for the fire suppression services we provide. Please ensure that the Tribes are timely reimbursed for our expenditures.

We urge the Subcommittee to support and build on the President’s budget request to meet Indian health and safety needs and to strengthen our community. Thank you for affording me the opportunity to present testimony.