



THE NAVAJO NATION

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**Testimony of Russell Begaye, President of the Navajo Nation  
Before the  
United States House of Representatives Committee on Appropriations  
Subcommittee on Interior, Environment, and Related Agencies  
Hearing on Thursday, May 10, 2018**

Yá'át'ée'h. Good morning Chairman Calvert, Ranking Member McCollum and members of the subcommittee. My name is Russell Begaye and I am the President of the Navajo Nation. I appreciate this opportunity to provide testimony to the committee to address the Navajo Nation's funding priorities and needs in fiscal year (FY) 2019. First and foremost, I commend this subcommittee for working on a bi-partisan basis to increase funding for Indian programs for fiscal 2018 despite the President's request for budget cuts. As you well know, Indian Country is very far from sufficient funding, however it is good to see an incremental increase. Despite these increases, we are concerned that the President's FY 2019 budget calls for cuts again. Therefore, we again request that the committee to continue a positive funding trend for FY 2019.

**Bureau of Indian Affairs Reorganization**

The Navajo Nation opposes Department of Interior (DOI) reorganization pending meaningfully open, detailed, and respectful tribal consultations, as required by statute, Executive Order, and the Departmental Manual. We have not been consulted so far about this or related major decisions. For example, we recently learned after-the-fact that DOI had reassigned the BIA Navajo Regional Director, which we then promptly informed DOI that we opposed. We also recently learned that DOI has proposed to split Navajo operations into two or three regions. Instead of improving efficiency and effectiveness, that would increase bureaucracy, red tape, and possibly conflicting federal decisions affecting Navajos. Tribal Nations should not be divided into regions based on water or range management. Because of the numerous, significant effects of DOI reorganization on Tribal Nations, DOI must consult about that with us. We therefore urge Congress to include language in appropriation legislation to withhold funding for DOI reorganization pending meaningful consultations with Indian tribes.

**Public Safety**

Our main funding priority this upcoming fiscal year is public safety. Our public safety division includes a Criminal Investigations, Department of Corrections, Training Academy, Police Department, and 7 police districts. We requested an additional \$4 million based on Interior guidelines, however we estimate that it would take at least \$74 million in additional funding to ensure proper law enforcement, detention and judiciary services.

- **Criminal Investigations & Police Services.** The Navajo Nation Police Department (NNPD) currently has 199 patrol officers, 35 criminal investigators, and 5 internal investigators. With about 174,000 people residing on the Navajo Nation, we have 11.4 patrol officers/10,000 citizens, which is less than the national average of 24 officers/10,000. Assuming vacancies are filled, NNPD would have to hire 142 more patrol officers to close the gap. Furthermore, our criminal investigations unit needs about 30 more positions to address cases effectively. In 2015, officers responded to about 213,600 service calls and made 25,700 arrests. The deficit in police officers and the vast travel distances results in increased response times, which allows more bad actors to evade crime. Police vehicles are also subject to wear and tear due to the

significant service territory. As of last year, NNPd had about 254 vehicles -- 86 of these units have more than 150,000 miles. Navajo requested an additional \$2.3 million to increase the number of full time criminal investigators and the number of police officers.

- **Detention and Corrections.** Navajo operates 6 Adult Detention Facilities with 345 beds and 4 juvenile detention facilities with 98 beds. All facilities provide 24-hour supervision and other services to ensure full compliance with mandated standards. Staffing has been a challenge due to funding and training. One of our new facilities recently received a certificate of occupancy, which means staffing is required to get it fully operation. We request an increase of \$1.3 million for operations and maintenance and to staff the facilities to operate at full capacity.
- **Tribal Courts.** Navajo has one Supreme Court and trial courts in 11 judicial districts. There are 3 supreme court justices and about 13 judicial court judges that handle about 52,000 cases every year. With average of 4,000 cases per year, we are in dire need of funding for additional judges and court personnel. We requested an additional \$500,000 to fund new positions. The recurring allocated funds is insufficient to fund operational and facilities costs, as well as replacing outdated and substandard judicial courthouses and two are in modular buildings.

### **Welfare Assistance – Human Services**

As part of our budget submission, we highlighted welfare assistance as one of our priorities. Our Department of Family Services (DFS) utilizes this funding to handle cases involving placement of children, adults and elders in-residential care, adult in-home care, institutional care, foster care and group homes, youth/children emergency shelter homes, burial assistance, assistance to individuals and families with needs during temporary financial hardship. DFS manages about 777 cases per month, which is an increase of 12% from 2015. The number of children in need of foster care also increases every year with 2,108 in 2016 as compared to 1,305 in 2015. Despite the need, funding has been cut in the past couple of years. Due to cuts, DFS had to shut down a youth shelter home for teenage children and the children were placed in off reservation facilities. Current funding has also not kept up with increasing cost of services. The Navajo Nation requested a \$4 million increase in funding.

### **Natural Resources**

Our Natural Resources Division oversees our natural resources and about 17.2 million acres of land through 12 departments: Land, Agriculture, Forestry, Enforcement, Parks/Recreation, Museum, Archaeology, Fish & Wildlife, Abandoned Mines/Uranium, Historic Preservation, and Water Resources. We emphasized the following priorities in our budget submission to Interior.

- **Forestry Program.** The forestry department manages 596,728 acres of commercial forest and 4,818,815 acres of woodlands. Navajo requested an additional \$138,000 to implement biological and archaeological clearances for timber treatment, NEPA clearances, providing thinning treatments for areas prone to high wild land fire risk, and additional planting of trees where natural regeneration is not occurring.
- **Water Resources Program – Drought Relief.** The Navajo Nation consist of semi-arid land where drought conditions continue to exist. Since Navajo people travel long distances to haul water for their livestock, the backlog in construction of over 96 livestock water facilities and maintenance of 125 needs to be addressed. Navajo requested an additional \$783,000 to plan, design, secure permits and construct water facilities in remote areas and fund personnel costs. Navajo also requested an additional \$420,000 for operation and maintenance of the stream and precipitation gage network, and bringing climate monitoring network back in service, and for assisting and administering New Mexico and USDA Rural Development funded projects.

- Division of Fish and Wildlife. This division implements and enforces Navajo and Federal law to conserve and protect fish, wildlife, endangered species and plants. Navajo requested an additional \$320,000 for additional personnel, upgrade safety equipment, replace failing fish hatchery equipment and aerators to improve water quality. Navajo also requested an additional \$321,000 to address personnel and operational needs for the Natural Heritage Program to meet the additional NEPA clearance requirements, to improve monitoring of plant and animal species, to provide technical advisory support, address federal listing of sensitive species and improve technical reports.
- Heritage and Historic Preservation Department (NNHHPD). The NNHHPD protects and preserves Navajo cultural heritage and traditions. The Navajo Nation has an agreement with the National Park Service to assume certain responsibilities under the National Historic Preservation Act, 16 USC 470a et seq. Navajo requested an additional \$19,000 for employee costs and new positions to handle compliance and consultation responsibilities, to decrease review time and to help scan and digitize archaeological inventory reports and forms.

### **Education**

We are very concerned about President Trump's proposed deep cuts to the Bureau of Indian Education. We request that the committee ignore the President's proposal and continue to fully fund these programs. Also, as part of our FY 2019 budget priorities, we requested an additional \$1.25 million to \$13 million for scholarships for an additional 187 students. This requested increase was based on Interior budget requirements, but our ultimate need is \$64.3 million to fund all our applicants. Navajo receives about 12,800 applications/year, however only 1,074 students were funded in 2015. Of these students, 494 received their associates degree, 236 obtained their bachelors degree, 76 obtained their masters degree and 8 received their doctorate.

### **Housing Improvement Program**

In recent years, there have been cuts every year to our Housing Improvement Program even though there is a need to provide decent housing. The Navajo Nation has a very high unemployment rate, which creates a high rate of poverty and high number of residents who live in substandard housing. We requested an additional \$1.5 million in funding.

### **Healthcare**

The Navajo Nation appreciates the increases in fiscal 2018 funding for the Indian Health Service. Our funding increases for Health Care Facilities Construction (HCFC) are currently used to complete the design of the new Alternative Rural Health Center in Dilkon, Arizona. This facility is projected to serve over 34,391 primary care visits per year until 2025. Subsequently, increased funding for Sanitation Facilities Construction will improve the overall health of those served. We urge Congress to continue Navajo Nation priority health care facilities projects until completion (including the Health Care Facility in Pueblo Pintado, New Mexico and the Health Center in Bodaway Gap, Arizona). The only inpatient facility on the outstanding priority list for HCFC is the Gallup Indian Medical Center (GIMC), cited by the U.S. Commission on Civil Rights as an "utter disaster." We continue to urge Congress to start funding HCFC at \$170 million yearly so GIMC will see construction in 14 years versus 20 years under the pre-2016 funding levels.

### **Bennett Freeze Area Development**

In 1966, as a result of litigation of boundary dispute, the Commissioner of Indian Affairs Robert Bennett ordered a "freeze" on any development in a 1.5-million-acre area. Due to subsequent

legislation and litigation, no development occurred in the area. In 2006, the Navajo and Hopi tribe reached a settlement agreement and the “freeze” was lifted. However, the damage was done and homes and infrastructure are in poor condition. There is the lack of needed housing, roads, schools, health centers, etc. The Navajo Nation is working on bringing development back to the area, but it requires funding and we continue to request about \$20 million in order to start construction and repair of houses and infrastructure, as well as to implement a management plan for agriculture, permit administration, range management and conservation plans, water resources, fence construction, and additional employees, enhance livestock economy.

### **The Office of Navajo and Hopi Indian Relocation (ONHIR)**

The Navajo Nation appreciates the previous appropriation of funds to expedite the completion of home construction for Relocates. This has greatly accelerated the provision of the promised housing benefit. However, we are at a critical juncture where unfulfilled obligations remain while there is a push to close the office. In separate written testimony on ONHIR, we highlight the unfulfilled obligations of the federal government to the Relocates as well as problems with ONHIR. We also highlight our objection to characterizations made in a recently released Government Accountability Office report on ONHIR. We urgently request that this Subcommittee intervene to ensure that the relocation efforts are not ended while some Relocates lack access to basic infrastructure such as water, power, and sanitation. It is critical that the United States fulfill its promises to provide Relocates with decent and livable homes.

### **Environment – Gold King Mine**

On August 5, 2015, the U.S. Environmental Protection Agency (EPA) and other parties caused a massive spill of toxic contaminants into the Animas and San Juan River from the Gold King Mine (GKM). The 2017 appropriations language directs EPA to explore all legal and financial recourses to compensate individuals for damages and to report to the committees within 60 days of enactment on the details and timeline for such efforts as well as plans for stakeholder engagement. As of this date, we have yet to see farmers compensated. We encourage this committee to continue its oversight over this issue.

### **Navajo Indian Irrigation Project (NIIP)**

The Navajo Nation requests that the cap be lifted on appropriations for construction and that appropriations for construction be increased so Bureau of Reclamation can complete construction of all 11 blocks of NIIP. An estimated 75,000 acres have been developed out of the 110,630 acres of federal responsibility. Based on a Bureau of Reclamation memorandum dated June 16, 2016, the total cost of completion of NIIP is approximately \$556.49 million and NIIP Gallegos Dam and related structures is about an additional \$286.2 million.

### **Office of Surface Mining Reclamation and Enforcement**

We urge you to support continued funding for the Certified Tribal and State programs, which provide funding for the Navajo Abandoned Mine Land programs and activities.

### **Conclusion**

In conclusion, the Navajo Nation entered into a treaty with the United States in 1868. As such, the federal government has a treaty responsibility, as well as a trust obligation, to protect and assist the Nation in securing our land and resources, and developing a sustainable permanent homeland. The priorities outlined by the Navajo Nation seek to strengthen the sacred trust relationship and assist the Navajo Nation in furtherance of self-determination and tribal sovereignty. Thank you.