

**HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES**

WRITTEN TESTIMONY OF THE NEZ PERCE TRIBE

APRIL 27, 2018

Honorable Chairman and members of the Committee, as Chairman of the Nez Perce Tribal Executive Committee, I would like to thank you for the opportunity to provide testimony on behalf of the Nez Perce Tribe (Tribe) as the Committee evaluates and prioritizes FY 2019 appropriations for the Indian Health Service (IHS), Bureau of Indian Affairs (BIA), Environmental Protection Agency (EPA), U.S. Forest Service (FS), and U.S. Fish and Wildlife Service (FWS) in relation to the needs of tribal nations. On behalf of the Tribe, I want to acknowledge and thank this Subcommittee for your efforts, on a longstanding, bipartisan basis, to understand the needs of Indian Country and advocate for increased appropriations to the many programs in your jurisdiction that benefit our citizens, our tribal governments, and all members of our communities.

As with any government, the Tribe performs a wide array of work and provides a multitude of services to its tribal membership as well as the community at large. The Tribe has a health clinic; a tribal police force; a social services department; and a comprehensive natural resources program that does work related to forestry, wildlife management, land services and land management, habitat restoration, air quality and smoke management, water quality and sewer service, and also operates one of the largest fisheries departments of any tribe in the nation working on the recovery of listed species under the Endangered Species Act (ESA). The Tribe has a comprehensive administrative framework that provides extensive services on the Nez Perce Reservation. These programs are necessary and vital for a sovereign nation that preserves and protects the Treaty rights of the Nez Perce People and provides day-to-day governmental services to its members and surrounding communities.

The Tribe has long been a proponent of self-determination for tribes and believes our primary obligation is to protect the Treaty-reserved rights of the Tribe and our members. All of the work of the Tribe is guided by this principle. As a result, the Tribe works extensively with many federal agencies and proper funding for those agencies and their work with, for, and through tribes is of vital importance. This work cannot be accomplished unless the U.S. continues to affirm and follow through on its trust responsibility to Indian tribes by properly funding programs. The Tribe supports the National Congress of American Indians' publication titled "Investing in Indian Country for a Stronger America," a comprehensive guide on recommendations for FY 2019 funding of tribal programs.

Environmental Protection Agency

The Tribe works closely with EPA on a large number of programs that are essential to the health and safety of the 18,000 tribal and non-tribal citizens residing within the Nez Perce Reservation and that also protect the Treaty-reserved resources of the Tribe that the U.S. has a trust obligation to preserve. These programs include: the Clean Water Act 106 Program; the Clean Water Act

319 Program; Nonpoint Source (NPS) Pollution Prevention Program; the Indian General Assistance Program; the Brownfield Program; the Underground Storage Tank Program; the Delegation of Nez Perce Federal Implementation Plan; the Clean Air Act 103 Grant-Nez Perce Tribe Air Quality Project; and the EPA Region 10 Pesticide Circuit Rider Program. In total, for FY 2018 the Tribe currently implements over \$1.5 million in programmatic funding under these programs. The Tribe recommends the Indian General Assistance Program be funded at \$75 million, the tribal allocation under the Clean Water Act 106 program be increased to 20 percent, \$13 million for Tribal Air Quality Management, \$80 million for the Brownfields program, and \$13 million be provided in lieu of the percent cap on tribal funding for NPS pollutant control.

Indian Health Service

The Tribe currently operates Nimiipuu Health, a health care clinic on the Nez Perce Reservation. The main clinic is located in Lapwai, Idaho, with a satellite facility located 65 miles away in Kamiah, Idaho. Nimiipuu Health provides services to approximately 4,000 patients each year. Annually, this computes to 40,000 medical provider visits which do not include pharmacy or laboratory visits. This workload is very costly. Our expenditure total for FY 2017 was \$15,309,300 and Purchased/Referred Care (P/RC) costs for outpatient services for FY 2017 totaled \$3,757,215.

For FY 2019, the Tribe supports continuing the \$5.5 billion in funding enacted for FY 2018, at a minimum. This funding amount will allow tribes to pay costs, maintain current services, and allow IHS, tribal, and urban programs and facilities to keep up with medical and non-medical inflation and population growth. The Tribe appreciates the \$33.8 million increase in funding for P/RC provided in FY 2018 and recommends that amount be preserved or increased by \$20 million to continue to meet the P/RC spending needs of tribal health facilities.

The Tribe supports \$717 million for FY 2019 contract support costs and the inclusion of bill language to classify this appropriation as indefinite so that additional funds may be provided if needed, as it was in FY 2018. In addition, because full funding of these obligations is so important to Indian Country, the Tribe supports reclassifying contract support costs for the BIA and IHS as mandatory and not discretionary. However, this change in funding should not be accomplished or be off-set by reducing other funding for these agencies that would adversely affect services or programs. Finally, this funding should not be unnecessarily reduced by excessive set-asides for administration. The Tribe also recommends permanent, mandatory funding of the Special Diabetes Program at \$150 million per fiscal year.

Bureau of Indian Affairs

The Tribe appreciates the 7% increase in overall funding for BIA in FY 2018 and requests that amount be maintained for FY 2019. The Tribe also supports the indefinite appropriation for contract support costs and that at least the \$241.6 million appropriated in FY 2018 be provided in FY 2019. These costs should be reclassified from discretionary to mandatory. The Tribe also requests the FY 2019 Interior appropriations bill include a “*Carciери* fix” to address legal issues that have arisen related to the transfer of land into trust which has created uncertainty over the

status of lands. This uncertainty only stifles and impedes economic development in Indian Country.

In relation to the BIA Public Safety and Justice account, the Tribe advocates for maintaining the \$405.5 million in funding for law enforcement, of which \$31 million was for tribal courts, that was enacted within that account in FY 2018. The Nez Perce Reservation spans 1,200 square miles covering five counties and has a mixture of tribal and non-tribal residents. The Tribe provides a full service law and justice program. The Tribe has a fully trained and staffed police force, a fully staffed tribal court, a prosecutor, a public defender, and other personnel to perform related administrative functions. Currently, the Tribe contributes \$1,882,576 annually to cover the shortfall in BIA funding for the Tribe's law enforcement, \$527,984 for judicial services/probation, \$390,832 for prosecutorial services, \$256,636 for public defender services, and \$300,000 for prisoner boarding. This supplemental funding is derived from tribal taxes on goods and fuel and tribal gaming revenues that would otherwise be used for other tribal governmental services. The funding for these programs needs to be maintained and ultimately increased to account for shortfalls in funding the Tribe has to absorb in order to continue the operation of these vital services on the Reservation.

The Tribe requests total funding of \$35 million be provided for Scholarships and Adult Education and Special Higher Education Scholarships and that funding for the Johnson O'Malley program be substantially increased from the \$14.9 million provided in FY 2018. Per student funding has decreased as the funding has remained static for many years. These increases will help address the rising costs of attending college. The Tribe also supports \$2.5 million, if not an increase, for Tribal Education Departments and increases for Tribal Colleges and Universities that support institutions like Northwest Indian College that operates a satellite campus on the Nez Perce Reservation.

The Tribe also relies on the BIA for funding for our work related to endangered species and protection of the Tribe's Treaty resources, including Chinook and steelhead salmon. The funding is used to supplement research efforts of the Tribe relative to other sensitive species. The Tribe recommends a \$1 million increase for the BIA Endangered Species Program. This account provides tribes with technical and financial assistance to protect endangered species on trust lands. Also, the Tribe recommends an increase of \$2.8 million for BIA Natural Resource Tribal Priority Allocations which will help increase tribal land and management capabilities.

In addition, the funding provided under the BIA Rights Protection Implementation monies are critical to support the exercise of treaty reserved, off-reservation hunting and fishing for tribes. The Tribe supports total funding in the amount of \$40.2 million, the FY 2018 enacted level, at a minimum. BIA single-line dollars provide the foundation for core program administration and treaty rights protection activities, such as harvest monitoring. These efforts are central to the Tribe's fisheries management responsibilities as established by the Treaties and further delineated in court decisions regarding implementation of hunting and fishing Treaty rights. It is important to understand that this funding is not for equipment but is used for job creation.

The Tribe also supports \$15.3 million in funding for the BIA Fish, Wildlife and Parks. As stated earlier, the Tribe has invested a significant amount of personnel and resources in the restoration

of salmon through our fisheries programs. The states of Oregon, Washington, and Idaho, as well as sports fisheries, directly benefit from this work. These programs have been successful with funding under the Tribal Management and Development Program which is critical for the Tribe's management of fish and wildlife. We recommend funding in the amount of \$14 million for the Tribal Management and Development Program.

U.S. Fish and Wildlife Service and U.S. Forest Service

The Tribe relies heavily on funding sources within the FWS and the FS. First, the operations of Kooskia National Fish Hatchery are funded by FWS. The Tribe manages this facility pursuant to the terms of the Snake River Water Rights Act of 2004 (Act). FWS requires full funding for the operations of this important facility to ensure the U.S. meets its obligations under this Act. Second, the FWS-administered State and Tribal Wildlife Grants program is an important and cost-effective expenditure for the government and is one of the few sources of funds tribes can tap into for wildlife research. Since 2005, we have received five such grants that have allowed us to work on diverse issues such as gray wolf monitoring, bighorn sheep research, rare plant conservation, and Condor habitat research. Continued funding for the State and Tribal Wildlife Grant program will allow recipient tribes to build capacity and maintain involvement in key conservation issues. The Tribe strongly urges this Subcommittee to increase funding for these competitive grants to \$66 million and increase the tribal share by \$2 million, as they provide a large return for a small investment.

We thank the Subcommittee for its efforts to include language in the FY 2018 Interior appropriations bill for wildfire disaster funding that treats wildfires like other natural disasters and emergencies to help prevent funds from having to be diverted from forest management.

The Nez Perce Reservation and its usual and accustomed areas are rich in natural resources and encompass eleven national forests. The Tribe works closely with each forest's administration to properly manage its resources on behalf of the Tribe. These range from protecting and properly managing the products of the forest to providing habitat for the vast wildlife in each one such as elk, deer, bighorn sheep and wolves. Increased funding is necessary so that the FS can meet these trust obligations and continue to work with tribes on a government-to-government basis without being hampered by lack of funding to fill positions.

With regard to management of bighorn sheep, the Tribe would like to note that the Subcommittee has included report language over the last several years that encourages research related to disease transmission between domestic sheep and bighorn sheep. The Tribe encourages this type of research mandate to be restricted to laboratory settings and not be allowed to occur in the field where impact and harm would be more difficult to control. The bighorn sheep populations within the Tribe's aboriginal territories are too fragile and too important to be put at risk.

Thank you for the opportunity to testify today. As you can see, the Tribe does a tremendous amount of work in a variety of areas. It is important that the U.S. continue to fund this work and uphold and honor its trust obligations to tribes.