

**Testimony of Joseph Wildcat, President
Lac Du Flambeau Band of Lake Superior Chippewa Indians
Before the House Appropriations Subcommittee
on Interior, Environment and Related Agencies
Concerning EPA, BIA, BIE and IHS Programs in the FY 2020 Budget
March 7, 2019**

My name is Joseph Wildcat, I am the President of the Lac du Flambeau Band of Lake Superior Chippewa Indians, located in Vilas, Oneida and Iron Counties Wisconsin. Our Tribe of 4,000 members is the largest employer in Vilas County. Together with tribal enterprises, the Tribe employs 800 individuals, with nearly one in four of our 190 employees paid in full or in part with appropriations made under this Subcommittee's jurisdiction. Our reservation has one of the densest concentrations of fresh water in the country and it is our obligation to safeguard the waters, fish, waterfowl, animals and vegetation for our great grandchildren. The bounty we draw from 260 lakes, 71 miles of streams and rivers, approximately 42,000 acres of forested land and roughly 42,000 acres of water and wetlands, help feed our members, improve their health and generate jobs. We also have treaty rights and lands that provide hunting, gathering and fishing opportunities in Wisconsin, Minnesota and Michigan for our members. We are working hard to build and maintain a stable, healthy tribal community, amid many challenges.

The Tribe thanks the Subcommittee for its leadership and bipartisan commitment to Indian tribes which honors the Nation's trust responsibility to the Indian people. The Tribe appreciates that Congress provided increased funds in FY 2019 for BIA, IHS and EPA programs and the other programs across the federal government. The 35-day partial government shutdown put a lot of stress on our community which we never want to experience again.

My testimony addresses EPA, BIA, BIE and IHS programs that are vital to the Lac du Flambeau Band. There is an interconnectedness among these programs which help promote healthy tribal members and communities; essential building blocks for stable communities. It is also essential to understand that clean, air water and land are required in order for us to have a healthy community. Without these key ingredients, and adequate Federal resources, our members cannot hunt, fish and gather animals, plants and medicines which are safe for them to eat.

I. NATURAL RESOURCES (EPA AND BIA)

The Tribe has one of the leading tribal Natural Resources programs in the Country. Our program includes a Fish Hatchery for several species of fish, Fisheries Management, Waterfowl habitat protection, Great Lakes Restoration Initiative, Wild Rice Restoration, Conservation Law Enforcement, Wildlife protection, Historic Preservation, and numerous environmental programs, including Water Resources. Our Natural Resources Department employs fish/wildlife/wild rice technicians, fish hatchery operators, hydrologists, environmental specialists and administrators, many of whom are paid in full or in part with EPA and BIA funds and critical to our work protecting the resources that were promised to us in our Treaties. We urge the Subcommittee to increase FY 2020 funds for the BIA and EPA Natural Resources programs that are critical to protecting our culture, our health and our economy; part of Wisconsin's \$19 billion hunting, fishing, recreation and tourism industry.

The Subcommittee and Congress has once again restored \$300 million for the Great Lakes Restoration Initiative for FY 2019 (flat funding for the last few years). Even with existing funding, we struggle to meet the demands we face to maintain clean air, water and lands from the many contaminants that threaten our community. The highest concentrations of mercury tainted lakes are in Wisconsin's northern most counties, including Vilas and Oneida. Minnesota and Wisconsin again lead the nation with mercury-contaminated lakes. The Wisconsin Department of Natural Resources continues to list 146 lakes where fish health mercury advisories remain in place. Our lands and waters are also threatened by mineral exploration and mineral leasing sites, combined with relaxed regulatory enforcement by State and Federal agencies. There are approximately 100 Mines, Mineral Exploration and Mineral leasing sites within the Lake Superior Watershed. We cannot eat contaminated fish that are otherwise a staple of our diet. Chronic Wasting Disease (CWD) is another threat to our treaty protected resources. CWD has been detected in deer in our ceded territories and is moving closer to the Reservation's deer population. We need Federal resources if we are to properly monitor, manage and report ongoing environmental threats.

A. Underground Storage Tank Fund (LUST). The \$1-\$2 million appropriation available to Tribes for cleanup under the Leaking Underground Storage Tank (LUST) program is inadequate for Indian Country. Insufficient funds result in ongoing contamination of ground waters that threaten tribal resources. We have spent almost a decade working with State and EPA officials to clean up the Tower Standard/Haskell Lake, a LUST site located within the Tribe's exterior boundaries. This site is contaminated with petroleum, benzene, lead, dibromethane, and other contaminants. EPA recently estimated that \$1.7 million was required for "interim" action measures for the site. This estimate would consume nearly the entire FY 2019 LUST cleanup budget appropriated for the Nation's 573 Federally-recognized Tribes. The Haskell Lake is one of 23 LUST sites on our reservation alone.

In 2015, we engaged in consultation with EPA and together we agreed on the steps to take to assess and remediate the Haskell Lake site. Since then, EPA has walked back most of the commitments it made to us and reversed an earlier commitment that it would clean up the LUST site pursuant to Tribal standards. We do not have confidence in EPA's latest recommended interim action because the site assessment EPA relies on is incomplete in its content and because an associated evaluation omits EPA's own data regarding known contaminants of concern (COC). We encourage the Subcommittee to instruct EPA in report language to fully engage in meaningfully consultation with Tribes, especially Tribes that have "treatment as a State" status under the Clean Water Act, as we do, and honor Tribal cleanup standards when developing interim and final action plans to remediate LUST sites located on reservations. Please increase funds for EPA's LUST program dedicated to Tribes to include funding for site cleanup and Tribal program support.

B. Trust-Natural Resources Management. In FY 2019, Congress appropriated \$206.8 million for the BIA's Trust-Natural Resources Management programs, a \$2.7 million increase from FY 2018. We greatly appreciate the increase, but given the importance of natural resources to our culture and economy, more Federal resources are required. Our Tribe alone needs nearly a \$500,000 increase for our Tribal Fish Hatchery Operations and Tribal Management/Development Program for FY 2020.

C. Circle of Flight: Wetlands Waterfowl Program. We urge the Subcommittee to continue to provide support for the BIA Circle of Flight Program. This modest BIA program

supports Tribal efforts throughout the Great Lakes Region to restore and preserve wetlands and waterfowl habitat and enhances wild rice gathering within Tribal territories throughout the three states along the Mississippi flyway.

D. Great Lakes Restoration Initiative. Thank you for restoring the \$300 million appropriation for the Great Lakes Restoration Initiative. For the Tribes of Wisconsin, the Great Lakes represent the lifeblood of our culture and the foundation of our economies. Please consider an increase in funding for the Initiative in the FY 2020 budget so Tribes can do more.

E. EPA Tribal General Assistance Program. For FY 2019, Congress approved \$65.4 million for the Tribal general assistance program (GAP). The Tribal GAP program provides base funds to assist Tribes build their environmental capacity to assess environmental conditions, utilize available data and build their environmental programs to meet local needs. While we strongly support the Tribal GAP funding, that funding is limited to capacity building and it is critical that we expand Tribal EPA funding to include program implementation.

II. BIA and BIE APPROPRIATIONS

A. Law Enforcement. The Tribe is working collaboratively with our state and local partners to address drug trafficking and gang activity on and off the reservation. There remains a great need for cooperation among the Tribe, the State and federal law enforcement agencies to address the significant impact of drug trafficking on the public safety of our community.

As a Tribe in a P.L. 280 state, we have long suffered from the lack of sufficient support by the federal government for our law enforcement and tribal court needs. We have one full time judge who handle a range of cases ranging from domestic abuse orders to child support enforcement. In addition, we have three court clerks and a prosecutor. We greatly appreciate the Committee's support of \$13 million for Tribal justice systems for Tribes in P.L. 280 states. We provide an important service to the people of our Reservation that if we did not perform, the state courts would have to perform. We urge Congress to continue this funding in the FY 2020 budget.

Related to this is the need to provide specific funding for conservation law enforcement officers. Our conservation officers, provide a critical role in the management of our natural resources and sometimes are the first line in identifying drug and other illegal activities on the Reservation.

B. Indian Education. In FY 2019, Congress maintained \$34.9 million for Adult Scholarships and \$2.9 million for special higher education scholarships. We recommend this Subcommittee continue to support and increase funds for these programs that provide needed support to tribal members seeking higher education.

The Lac du Flambeau Public School and Lakeland Union High School educate our tribal youth. The High School is approximately 23% Native American and 86% of high school graduates went on to attend four- and two-year colleges/technical schools, 9% entered the workforce or pursued other activities and 5% entered the military. For this reason, we appreciate the Committee's continued funding of the Johnson O'Malley Program (\$14.9 million for FY 2019). JOM funds address the unique cultural needs of Indian students attending public schools through

a supplemental program of services planned, developed and approved by the Local Indian Education Committee, comprised of parents of eligible Indian students. Indian children deserve the supplemental programs that JOM funds enable that honor and celebrate their Native heritage and help them grow into confident, well-adjusted adults who give back to their families.

C. Road Maintenance Program. The Tribe appreciates Congress including a \$1.1 million increase in funding for the Road Maintenance Program for FY 2019. We believe a \$10 million increase is justified for FY 2020. Recent funding increases have been prioritized by Congress for use on gravel school bus routes, thus limiting the Tribes that receive additional funds. At \$90,000 annually, we receive about \$1,285 per mile from the Program to maintain our BIA-owned roads. Our budget is actually closer to \$2 million annually. A year's road maintenance budget can be consumed in the winter months alone removing snow and salting/sanding roads to ensure freedom of movement. Transportation barriers undermine federal and tribal efforts to improve Native health, educate our youth and attract businesses and jobs to remote, rural communities like ours. The Road Maintenance Program is a jobs program and well-maintained roads save lives. Please consider unrestricted increases to this important public safety program.

III. INDIAN HEALTH SERVICE PROGRAMS

The Tribe appreciates the Committee's commitment to increase funding for the IHS. Our IHS allocations account for about one-third of our health program budget. The Tribe operates the Peter Christensen Health Center, Dental Program, a Family Resource Center, and an In-patient Treatment Center with a total annual operating budget in excess of \$24 million. These programs are vital to ensuring the support and preservation of family life and wellbeing by providing such services as outpatient mental health, inpatient & outpatient alcohol and other drug abuse, and psychological consults. The Health Center provides quality health care and offers a full range of family medical services by Board Certified family physicians, advanced practice nurse practitioner and physician-assistants serving 5,500 patients and providing 48,000 patient appointments annually. Together, our Tribal Health Program employs a staff of 150 individuals. The Tribe asks that Congress continue to prioritize funding increases to the IHS budget in FY 2020.

We are seeing how important proactive and preventive health services are for our community. In particular, like the rest of the Nation, our community continues to deal with the opioid epidemic. It has tragically claimed the lives of Lac Du Flambeau members. Approximately 60 percent of the Tribe's annual births result in opioid-addicted babies. In 2017 alone, 48 of the Tribe's 80 births resulted in opioid-addicted babies. Early treatment is critical. We urge the Subcommittee to increase funds for preventive health programs such as Drug Endangered Children (DEC) and Drug Endangered Elders (DEE). These programs can save lives and empower our Tribe to help our citizens address addictions and mental health issues, especially targeting our tribal youth. Please continue to prioritize increases in FY 2020 IHS funding for Hospitals and Clinics, mental health, substance abuse treatment and P/RC funds so that we can take a proactive stance by investing wisely in preventive health services.

Thank you for the opportunity to provide testimony concerning the FY 2020 budget.