

## TESTIMONY OF MAULIAN DANA, AMBASSADOR, PENOBSCOT NATION

Thank you for continuing to hold these public witness hearings. I think it is always important to hear directly from the tribal leaders about how these various federal programs are working on the ground. While there are many issues that face the Penobscot Nation, my testimony today will focus on funding for programs at the Environmental Protection Agency (EPA) and Bureau of Indian Affairs (BIA) that we utilized to manage and protect our lands, wildlife, forest and water. We ask that the Subcommittee provide some increase in funding to the BIA for forestry management, game wardens and water resources management. These programs focus on managing trust assets that the federal government has an obligation to help us protect and are critical for providing food to our community. However, funding for these programs has been stagnant for many years, which means we cannot even keep up with inflation. Additionally, we ask that the Subcommittee either provide increases in funding or include explanatory language in the report for the FY2020 appropriations bill that addresses the need to increase funding for programs at the EPA that tribal governments rely on for managing their water, air and lands. This includes the EPA's Sections 106 and 319 Clean Water Act Programs, and Sections 103 and 105 Clean Air Act, Air Quality Programs. Funding for the Penobscot Nation from each of these programs has decreased since FY2018. This testimony also briefly addresses our other priorities including funding for tribal courts, the Housing Improvement Program, Education Scholarships, and the Indian Health Service.

The Penobscot Nation has approximately 2,400 citizens and over 123,000 acres in land holdings. Although our lands historically covered much of what is now the State of Maine, our land holdings became scattered after enactment of a land claim settlement between us, Maine and the federal government in 1980. Our various territories can be a three-hour drive from each other. Additionally, our land base includes about 200 islands located within approximately 80 miles of the Penobscot River. Most of our land is undeveloped forest land and our seat of government and largest housing community are located on our largest island, called Indian Island. We have limited economic resources and rely on the federal government to meet its trust responsibility by providing us with federal funds for certain programs that we then use to leverage for additional competitive grant funding. We understand that the Interior, Environment and Related Agencies Appropriations bill has one of the smaller dollar amount allocations each year, but we provide this testimony to remind Congress that this appropriations bill is the fundamental bill that fulfills the bulk of the federal government's trust responsibility to tribal nations. Additionally, while most of the programs funded by this bill are viewed as focusing on lands and resources, these programs are critical to Native people and our continued survival. So, the bill is more than trees and animals; it funds direct services to Native people, and protects our food and water sources.

**Management of Natural Resources, Wildlife, Land and Water.** Many of our tribal citizens continue to hunt moose, deer, bear and fish on a regular basis and rely on access to traditional plants for medicinal and cultural purposes. Every tribal member has the right to acquire one moose per year. This animal can help feed an entire family for most of the year. Those who do not expect to use the entire meat from the animal will donate any extra meat to our elder pantry to assist in providing food for our elders. Food from the moose is supplemented with deer, bear and fish. Having access to these traditional foods cuts down on the costs of groceries significantly, but it also reduces health disparities such as Type II Diabetes among our people.

Additionally, many Penobscot citizens have small guiding businesses where they are hired by outsiders to guide them on their hunting and fishing expeditions. Given the limited job opportunities in our community, income from guiding services is critical for individual Penobscot citizens.

Given the importance of our land, wildlife, forestry and water to our daily living and long-term survival, the Penobscot Nation's Department of Natural Resources runs several programs focused on management and protection of these resources: a Tribal Forest Management Program; Wildlife Management Program; Natural Resource Law Enforcement (Game Warden) Program; Fisheries Management Program, and Water Resources Management Program. We currently receive limited money from the BIA for our Forest Management, Game Warden and Water Resources programs, and the funding we do get from the BIA has been stagnant with no increase in at least the past five years. So, an increase is needed in order to even cover the same services due to inflation, but we desperately need additional funding to expand our existing services. We receive no funding from the BIA for our Wildlife Management Program or our Fisheries Management Program, and have to compete with states and others through competitive grant programs at the EPA to fund these programs.

Our Forestry Program operates in accordance with a long-term forest management plan that was formally approved by the BIA, but the BIA fails to provide sufficient funding for us to implement the plan. Approving the plan, but failing to provide adequate funding makes no sense.

Additionally, the Penobscot Nation's Game Warden Service is the primary law enforcement entity responsible for monitoring our lands and wildlife on which there are no housing developments, which is the vast majority of our land. They enforce our tribal Fish and Wildlife laws and regulations and help us properly manage our wildlife populations from over harvesting. They also provide an important public safety function for hunters who may get lost or injured. We need one additional game warden to order to provide a basic level of service, and could really use some additional assistance from the BIA for our game warden service.

The Penobscot operates a limited Water Resources Management program using funds from the BIA, but as described below, we have a separate, but related, Water Resources Management program using EPA funding.

We ask that the Subcommittee work with the BIA to determine the full amount of the shortfall needed to fully implement tribal forestry, game warden and water resource programs, and begin to make some improvement in funding for these programs.

Because we receive such little funding from the BIA, we are forced to apply for competitive grant programs at the EPA, which requires us to compete with states and municipal governments, who the federal government does not have a trust responsibility to. This also requires us to establish separate, but related programs, with EPA funding to cover some of our needs that are not addressed with BIA funding. This is an administrative burden and not cost efficient, but is the situation we are in given the significant shortfall in funding from the BIA.

For instance, the Penobscot Nation relies on EPA's Section 319 Clean Water Act Program to prevent and reduce non-source point runoff contamination within the portion of the Penobscot River that runs through our territory. This includes runoff from agriculture, road construction, and erosion of the River's bank. Our sustenance fishing activities and traditional gathering activities depend on healthy water quality. Wildlife also needs healthy water quality in order to thrive in their habitats. Our Water Resources Program conducts water quality sampling and analysis in order to help protect and improve existing water quality conditions. This data is shared with both the federal EPA and the Maine Department of Environmental Protection, as these agencies are jointly responsible for regulation of water quality in Maine.

We also rely on EPA's Sections 103 and 105 Clean Air Act, Air Quality Programs, which we use to monitor indoor and outdoor air quality within our territory. Air quality is very important to our tribal nation as we sit at the tailpipe of the country's wind streams, and the pollution is washed from the sky onto our lands and lakes, streams and River, and wildlife. Our outdoor monitoring focuses on airborne mercury, particulate matter, and acid precipitation with three monitoring stations within our territories. Our indoor monitoring focuses on mold and radon, with indoor mold contamination being our biggest problem in our climate. Over the past twenty years, funding for States from these programs has grown, but funding for tribes remains stagnant. We ask the Subcommittee to look into this.

While these EPA monies are critical to our ability to manage and protect our natural resources, the funding is unreliable because it is competitive and only lasts one to two fiscal years. This makes it hard for us to hire and retain good professional staff. We recently lost an excellent wildlife biologist because we do not have secure funding that covers multiple funding years. We encourage the Subcommittee to consider including set-asides within EPA programs for tribal governments or directing the EPA to offer more multi-year grants for tribal governments.

**The Need To Strengthen Tribal Courts.** Opioid abuse continues to be our most urgent public health and safety risk. While the entire New England region and State of Maine is facing this epidemic, the problem is exacerbated within our small tribal community where many families are related and have lived for hundreds of years. We are making some progress with the help of a recent grant from the federal Substance Abuse and Mental Health Services Administration, and the BIA hiring a drug investigator to focus on assisting the tribal nations in Maine. However, it has become glaringly clear that we cannot adequately tackle this problem without building the capacity of our tribal judicial system, and specifically our Healing to Wellness drug court. Two statistics deeply concern us: almost 80% of our child welfare cases within the past five years involved parental opioid abuse; and almost half of the households that our Social Services program serves are perceived by staff to have one or both parents with a substance abuse problem. The Penobscot Nation has its own law enforcement and tribal court system, which we believe is the best way to address this problem. We run a successful medically-assisted Suboxone Treatment Program and Healing to Wellness Court, and our law enforcement officers are trained to provide NARCAN to individuals suffering from opioid overdoses. Our Healing to Wellness drug court is making significant progress for those who participate in it, but we do not have the capacity to serve everyone, and our SAMHSA grant funds cannot be used for court capacity building. Increasing funding for tribal courts is a critical need. We also support the

continuance of the Tiwahe initiative, which seems to be helping some tribal nations, but we believe that more tribes should have access to it. We also ask that the Subcommittee include tribes, such as the Maine tribes, that are subject to congressionally-approved restrictive settlement acts in the explanatory report for the FY2020 bill, as our tribal courts face similar obstacles to those in Public Law 280 States.

**Indian Health Services.** I want to thank the Subcommittee for continuing to prioritize funding for the Purchased/Referred Care program, and ask that you continue to do so. That program has become critical to providing our citizens with health care. Cancer and opioid abuse are becoming the leading causes of death amongst our people. I am not aware of any family that is not being impacted by these two dangers. Our health facility mainly provides primary care and we contract with local non-tribal facilities to provide the secondary care required for cancer treatment. This is expensive, and we are reliant on the Purchased/Referred Care program for covering these costs. Additionally, our clinic provides Suboxone for those addicted to opioids, and this is a costly treatment. Lastly, we are deeply concerned about the IHS' decision to reprogram approximately \$72 million within the agency's FY 2019 Services appropriation account to pay for FY 2019 Section 105(l) lease obligations as required under the Indian Self-Determination and Education Assistance Act (ISDEAA). The reprogramming is going to negatively impact Clinical Services, Preventive Health, and Other Services, and we need the Subcommittee to try to get this under control since the IHS has not done so yet.

**BIA Housing Improvement Program (HIP).** This program located within the BIA is critical to the Penobscot Nation as it supplements the limited federal funding for housing that we receive from the U.S. Department of Housing and Urban Development (HUD). The President's budget usually recommends eliminating this program because it is viewed as duplicative of the HUD programs, but it is not. We are viewed as a small tribe and per HUD's funding methodology we do not receive much funding from HUD. The BIA's HIP program allows us additional funding to focus on the poorest and neediest people in our community. We use these funds primarily for repairing roofs and siding of existing homes, and in some cases we have combined these funds with other federal non-HUD funds to perform major renovations. We do not receive much funding from this program, but the funding that we do receive is immensely important to those tribal citizens living in our cold and wet climate. The BIA is very efficient at administering these funds to need-justified projects. We urge the Subcommittee to continue funding this vital program.

**BIA Adult Education & Scholarships.** As a non-gaming tribal nation, the Penobscot Nation focuses our efforts on getting our citizens educated. Education is our best chance for economic development, self-sufficiency, and mitigation of the historical trauma caused to generations of our citizens from failed federal policies. We use the limited federal funding we receive to provide some assistance to every tribal citizen who is attending an educational or vocational institution. This is mostly in the form of helping to pay for books, but also includes tuition assistance. The cost of education has sky-rocketed in our country, but it is critical to our tribe. Our goal is to get as many of our citizens educated in some type of vocation or profession so as to minimize their need for government services and increase their ability to contribute to our community's economy and well-being. We ask that the Subcommittee provide some type of increase in this program for FY2020.