

**Donna Thompson, Vice Chair, Fort Hall Business Council, Shoshone-Bannock Tribes
House Appropriations Subcommittee on Interior, Environment and Related Agencies
American Indian and Alaska Native Public Witness Days (March 8, 2023)**

My name is Donna Thompson, and I serve as the Vice Chair of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes (Tribes) located in southeast Idaho. The Tribes are very grateful to Chairman Mike Simpson, our Representative, for all of his efforts over the years to improve services and facilities for the Tribes. We also appreciate the bipartisan efforts of this Subcommittee to protect and increase critical funding for tribal programs and services so that the federal government can better meet its solemn treaty and trust obligations.

The Tribes fully support the increases in funding for the IHS, the BIA, and other programs for tribal governments in the FY23 Omnibus Appropriations Bill. However, much more needs to be done to address the chronic underfunding of tribal programs and to honor the treaty and trust responsibility. **We cannot exercise our treaty rights under the Fort Bridger Treaty of 1868 if the federal government does not protect the natural resources and ensure the health and well-being of our people.** While the Tribes have many needs, in this testimony, I will focus on the following: (1) Reclamation of the Gay Mine Superfund Site; (2) Salmon Restoration – Columbia Basin Initiative; (3) Fort Hall Reservation Boundary Survey Review; (4) BIA Road Maintenance; (5) BIE Teacher and Counselor Salaries; (6) Johnson O’Malley Program; (7) Interstate 15/86 Wildlife Conservation Corridor; (8) BIA Wildland Fire Programs; and (9) Advance Appropriations and Mandatory Funding for Contract Support Costs for the IHS.

Strategic Planning for Reclamation and Remediation of the Gay Mine Superfund Site

The Gay Mine is an open pit phosphate mine that operated from 1946 until 1993 on approximately 7,000 acres of the Fort Hall Indian Reservation. After closing in 1993, minimal reclamation activities commenced under the Bureau of Land Management’s (BLM) and Bureau of Indian Affairs’ (BIA) oversight, with many having now begun to fail with sloughing from high walls of the pits left behind from mining activities. In 2010, the US Environmental Protection Agency (EPA) entered into a Unilateral Agreement Order (UAO) with Simplot and the FMC Corporation to conduct a Remedial Investigation and Feasibility Study under the Comprehensive Environmental Response, and Compensation Liability Act (CERCLA), known as Superfund, process to conduct a Human Health and Ecological Risk Assessment and begin the remediation of soil, vegetation, and water contamination. Superfund work at the site continues with discussions surrounding what risks the site may pose to Tribal members, animals, and plants and how the responsible parties will begin cleaning up this site.

Despite the progress on the remediation efforts, no additional reclamation efforts to restore the land to use have occurred. The site has 158 pits, ranging in size from 15-20 acres, many with high walls that reach more than 50 feet high. There are 57 mill shale piles with over 30 million tons of overburden. While the remediation process is underway, work must be done to truly reclaim the pits and mill shale piles in order to utilize the area for future development purposes. The Tribes would like to lead a comprehensive strategic effort to study and plan the reclamation of the site, including taking down the dangerous high walls. This is critical for human and wildlife safety, cultural preservation, and to support multiple uses of the area. Since CERCLA (remediation) and reclamation efforts are completed independent of each other, the reclamation

investigation will not impede the remediation investigation and will likely benefit the ongoing data gathering activities at the Gay Mine area. ***We respectfully request the Subcommittee to direct BLM and BIA to enter into an agreement with the Tribes to undertake a strategic study to develop a long-term reclamation plan for the Gay Mine area.***

Salmon Restoration – Columbia Basin Initiative

In 1991, the Tribes successfully petitioned the federal government to list the Snake River sockeye salmon as an endangered species in Idaho. Since then, two species of Chinook salmon and steelhead have also been listed as threatened in Idaho. At one time, tens of thousands of sockeye salmon would return to the Snake River every year, but now, even after decades of targeted recovery work spending many millions of dollars, less than 600 sockeye salmon return each year on average! While overfishing and climate change have certainly impacted salmon populations, the dams on the lower Snake River have made an arduous 900-mile journey nearly impossible for salmon populations. Although the Tribes appreciate the federal government's efforts, the current approach to salmon restoration is simply not working. The salmon are running out of time and a more comprehensive approach is required. The Tribes are grateful that Chairman Simpson has offered such an approach with the "Columbia Basin Initiative". The plan calls for the removal of the four lower Snake River dams while also investing in energy projects to replace the lost hydropower energy from the dams; ensuring that agriculture producers can still efficiently transport their goods; providing resources for local communities; and enhancing conservation programs. Just last September, NOAA released its final report on Columbia Basin salmon which stated: "For Snake River stocks, the centerpiece action is restoring the lower Snake River via dam breaching." ***While we understand that this Subcommittee cannot authorize the removal of the four lower Snake River dams, we request that the Subcommittee provide funding for projects related to dam removal and salmon restoration under the Subcommittee's jurisdiction that may need appropriations.***

Fort Hall Reservation Boundary Survey Review

In 2012, the Tribes requested the BIA and BLM Cadastral Survey office to investigate and determine whether the federal survey of 1873, which was used to draw the boundaries of the Fort Hall Reservation, was consistent with the land boundary descriptions for the Reservation set forth in the Executive Order of June 14, 1867, and Articles 2 and 4 of the Fort Bridger Treaty of 1868. The 1867 Executive Order promised the Tribes 1.8M acres of land, however, the Tribes only received 1.2M acres when the exterior boundaries of the Reservation were drawn following the 1873 survey. Under an agreement with the Tribes, the BLM undertook a review of the historical documents, maps and correspondence of the federal and state agents responsible for the boundary of the Reservation and issued a report in 2018. However, the Tribes have serious concerns regarding the thoroughness, veracity and accuracy of the research, survey standards and conclusions in the report. The Tribes have expressed these concerns to the BIA and have requested that an engineering firm and surveyor review the BLM Report and a historian conduct further historical research on the establishment of the Reservation. ***The Tribes request that the Subcommittee direct BIA to conduct a review of the Fort Hall Boundary Survey.***

Increased Funding for BIA Road Maintenance Program

Due to continued flat or small increases in funding for the BIA Road Maintenance program our Transportation Department has been unable to keep up with regular road maintenance. Without a

significant increase of road maintenance funding, the life of roads, bridges and other transportation facilities is drastically reduced resulting in increased risks for highway fatalities and injuries. The Tribes have numerous farm-to-market roads, and over 420 miles of paved roads. **Due to the lack of maintenance, paved road mileage is decreasing, as paved road failures are turned into gravel roads due to a lack of proper maintenance.** At least three-quarters of our roads are in danger of road failure due to road cracks and potholes. The Road Maintenance funding that the Tribes currently receive from the BIA only covers on-going minor maintenance needs but higher priced maintenance needs are not within our budget. Even worse, the BIA has been slow to provide funding to the Tribes for both FY22 and FY23. While the Tribes can use FHWA funds for maintenance, this takes away from our ability to do needed construction projects. The Tribes need at least an additional \$500,000 in Road Maintenance funding to allow the Tribes to repair spring road damage, striping, and chip sealing. The recently passed Bipartisan Infrastructure Law (BIL) authorizes \$54M in FY24 for the BIA Road Maintenance program, but funding in FY23 was only \$39.2M. ***The Tribes request that the Subcommittee appropriate the fully authorized amount of \$54M for BIA Road Maintenance and urge BIA to provide funding in a timelier manner.***

Increased Funding for BIE Teacher Salaries and Funding for School Counselor

The Tribes remain concerned about competitive salaries for teachers at the Shoshone-Bannock Jr./Sr. High School (School), a Tribally controlled BIE school on the Reservation. The current funding levels prevent providing competitive salaries for current and new qualified teachers without using our carryover funds. In this school year, entry level wages for a certified teacher at the School are currently set at \$41,017.60 (\$146,481.40 of carryover is being used to cover this) as compared to \$42,991 for the rest of Idaho. Using Idaho's guidelines for teacher salaries we would have to use \$160,188.80 of carryover funds to cover teacher salaries this school year and over \$173,655.80 for next school year. This is not sustainable for the School in the long term. While the BIE has informed the School (and other schools) that additional funding was provided for teacher salary increases and that the School should be following the BIE teacher salary schedule, the BIE does not provide funding to the School based on teacher positions (FTEs) but rather on a per student basis making it impossible to fully account for teacher salaries. Further, the School is simply not receiving enough funding to meet the BIE teacher salary schedule. As a result, the School is having great difficulty in recruiting and retaining high quality certified teachers. Furthermore, there is a significant need to provide technology training to help prepare students for trades upon graduation, but the School does not have a full-time Career/Technology teacher. Providing these types of training opportunities would increase the graduation rate and help more students be career ready. The school also has an urgent need for a full-time guidance counselor to assist the 120 enrolled students to be college and career ready. In addition, the School needs a dedicated School Resource Officer (SRO) for the safety of our students. ***We urge the Subcommittee to increase funding for teacher salaries to enable the School to be competitive with non-BIE schools and to provide additional funding for key staffing positions that make our school safer and better prepare our students for college and/or future careers.***

Increased Funding for Johnson O'Malley (JOM) Program

JOM funding provides programming and services for over 1,250 American Indian students in the Fort Hall area to address culture, language and academic dropout prevention. Our JOM funding is divided between three public school districts: Blackfoot, American Falls, and Pocatello, along with 40 Early Childhood Intervention students, at a cost of \$61.42 per student. Nearly 30 years

ago, the JOM program was providing funding at approximately \$125 per student, but funding levels have not kept pace with student population growth. At current levels, there is not enough funding to hire full-time staff to help assist with academic tutoring and student support or a certification course for teachers on tribal history. ***The Tribes request that the JOM program be increased to provide funding of \$125/student as was appropriated in 1995.***

Interstate 15/86 Wildlife Conservation Corridor

The Fort Hall Reservation has two interstates within our exterior boundaries that require specific wildlife conservation actions to maintain the health, safety, and well-being of people travelling on those interstates as well as the wildlife who winter along those interstates. The Tribes have provided notice to various agencies about the heightened risk of wintering big game animals causing motor vehicle accidents along the interstate corridor and require additional funding to improve the corridor to promote wildlife conservation and public safety. The project would include the following components: 1) a wildlife exclosure fence for ~21.5 miles of I-15/86; 2) approximately ~21.5 miles of wildlife shelter and wind erosion control along the I-15/86 wildlife fencing project; and 3) feasibility studies to evaluate a minimum of 3 wildlife crossings (bridges or underpasses) along I-15/86. ***The Tribes request that additional funding be allocated for BIA Tribal Wildlife programs to fund specific projects to promote wildlife conservation corridors.***

Additional Funding for the BIA Wildland Fire Program

The effects of climate change have increased costs to wildland fire mitigation for the Fort Hall Reservation. The Reservation is located in an area with relatively frequent wildfires across our shrub-steppe and forested mountains each year. The Tribes have worked extensively in the past 15 years with the local BIA Wildland Fire crews to manage high fuel loads and to meet conservation objectives associated with forest and woodland health. However, additional funding is needed for annual allocations for fuels projects to increase our preparedness to meet challenging wildfire behavior, protect Tribal members homes and agricultural enterprises in our rural areas, and to ameliorate the effects of catastrophic wildfires by reducing the fuel loads in strategic areas. Based on prior appropriations, the Tribes estimate that a minimum of \$1 million per year in additional funding for the next five years is required to implement fuels projects in the Bannock Creek and Mount Putnam areas in collaboration with our local BIA Wildland Fire Department. ***The Tribes request that significant additional funding be provided for the BIA Wildland Fire program in order to provide for specific Tribal projects.***

Advance Appropriations and Mandatory Contract Support Costs for the IHS

The Tribes are very appreciative that advance appropriations for the Indian Health Service (IHS) was included in the FY23 Omnibus Appropriations. Advance appropriations are critical for IHS in order to maintain continuity of funding, especially for the recruitment and retention of healthcare professionals. In addition, while the Tribes support the President's FY23 Budget Request for mandatory appropriations for the Indian Health Service in concept, at a minimum, the provision of contract support costs (CSC) should be made mandatory. CSC are mandatory for tribes operating health programs under P.L. 93-638 contracts with the IHS, yet the funding for these costs are still funded through discretionary appropriations. Further, it is critical that CSC cover all costs normally associated with running a program for IHS. ***The Tribes request that the Subcommittee continue to include advance appropriations for the IHS, reclassify CSC as mandatory, and ensure that CSC covers all costs normally incurred by IHS.***