



## Testimony of the Ute Indian Tribe of the Uintah and Ouray Reservation

### U.S. House of Representatives Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies Fiscal Year 2024 Appropriations

March 9, 2023

#### INTRODUCTION

Chair Simpson, Ranking Member Pingree, and Members of the Subcommittee on Interior, Environment and Related Agencies, thank you for the opportunity to testify on Fiscal Year (FY) 2024 Appropriations. Our testimony focuses on funding needed for energy development, law enforcement, infrastructure, and access to broadband. The United States, including Congress, must fulfill its trust and treaty obligations to Indian tribes and address chronic underfunding of federal programs supporting tribes.

The Ute Indian Tribe of the Uintah and Ouray Reservation is a major energy producer and a large land base tribe. Our Reservation in northeastern Utah is approximately 150 miles east of Salt Lake City and is the second largest in the United States covering about 4.5 million acres. The Tribe has about 2,700 members and over half of our members live on the Reservation.

#### INVESTMENT IN INDIAN ENERGY

The Ute Indian Tribe has a long history of responsible energy development on our Reservation. The Tribe is a major oil and gas producer and uses revenues from energy production to fund the Tribe's government and provide services to Tribal members. Using revenues from energy development, our Tribal government provides services to our members and manages the Reservation through 60 Tribal departments and agencies including land, fish and wildlife management, housing, education, emergency medical services, public safety, and energy and minerals management. The Tribe is also a major employer and engine for economic growth in northeastern Utah.

The Bureau of Indian Affairs (BIA) needs significant increases in funding to support Indian energy development. While we have made some increases in BIA support for energy development over the past 10 years, much more is needed. The BIA needs more petroleum engineers, geologists, realty staff, and others with energy experience. The Government Accountability Office (GAO) has long reported that the BIA lacks the human capital needed for efficient energy permitting.<sup>1</sup> Without proper staffing and expertise within BIA, Indian energy development is subject to unnecessary delays in a permitting process that already takes too long.

Indian energy development brings economic investment and infrastructure projects to otherwise remote and rural reservations. Tribal energy development also has a positive global

---

<sup>1</sup> U.S. Government Accountability Office, GAO-18-693T, *Energy Infrastructure Permitting: Factors Affecting Timeliness and Efficiency* (2018), <https://www.gao.gov/products/gao-18-693t> ("2018 GAO Report").

impact. Tribes are uniquely positioned to protect the environment and be a leader in domestic energy development. The energy we develop comes from our homelands—we live here. The Tribe has centuries of experience in stewardship and decades of experience in responsibly developing tribal energy. Investing in tribal energy is a sustainable alternative to pushing energy production abroad to countries that lack sufficient environmental regulation and safety standards as the United States.

In FY 2023 the President proposed \$67 million for Indian energy and minerals activities. This is an improvement over past Administrations, but still falls far short of federal funding needed. In comparison, President Biden proposed \$167 million for the Bureau of Land Management's energy and minerals activity. The BIA budget needs to be significantly increased to support tribal energy development so that the Tribe can fully and sustainably develop our energy resources to benefit our communities and contribute to domestic energy production.

### **FUNDING IS NEEDED FOR TRIBAL LAW ENFORCEMENT**

BIA law enforcement is another area of significant and serious chronic underfunding. In FY 2023, the President proposed about a \$100 million increase in BIA law enforcement funding. While any increase is desperately needed, the President should propose a \$400 million increase to about double the BIA law enforcement budget. Increases are needed at this level so that BIA can fulfill its treaty and trust obligations to provide adequate law enforcement in tribal communities.

Like a lot of large land base tribes, the Ute Indian Tribe is forced to invest its time and resources to provide law and order on the Reservation. A decade after our BIA jail was condemned and with no funding in sight, in 2017 we opened a \$38 million Tribal Justice Center. Yet, 6 years later, BIA is only able to provide enough staff to run about one-quarter of the facility. Meanwhile, BIA continues to use federal dollars to house detainees in county facilities or even further from home.

It is not enough to build law enforcement facilities, human infrastructure is needed to keep our community safe. BIA does not provide enough police officers and the Tribe is forced to fund half of the officers patrolling our Reservation. Even still this is not enough officers to patrol the second-largest Indian reservation in the United States. Each shift only includes about 3 officers patrolling our 4.5-million acre Reservation, which is larger than the State of Connecticut. The lack of officers strains their ability to protect and serve the Tribal community.

Congress must increase BIA base funding for law enforcement by 3 or 5 times over current levels. The Tribe currently expends its own resources to fund law enforcement officers who supplement BIA law enforcement. In addition, we are forced to provide over 50 percent of on-reservation law enforcement services, including radios, patrol vehicles, and other necessary equipment. We are also pressing BIA to allow our tribal Fish and Wildlife Officers to get Special Law Enforcement Commissions (SLECs) and BIA Academy Training to help with law enforcement, but run into roadblock after roadblock trying to get these SLECs issued.

The lack of funding for BIA law enforcement prevents us from implementing the very laws Congress passed to provide safety on our Reservation. We cannot enforce the Violence Against Women Act, the Tribal Law and Order Act, and provide safe communities if Congress does not provide sufficient funding and flexibility to support law enforcement on our Reservation. It is time for Congress to provide the funding necessary to keep tribal communities safe.

### **FUNDING FOR INFRASTRUCTURE**

Even with the investments made under the American Rescue Plan Act and the Infrastructure Investment and Jobs Act, basic infrastructure in Indian country and on our Reservation is far behind the rest of the United States. As a large land base tribe, we oversee and manage an infrastructure network the size of a small state. Much more is needed to meet the United States' treaty and trust obligations to our Tribe.

For example, delivery of safe drinking water to our Tribal community is one of our highest priorities. The Ute Tribal Water System (UTWS) provides water to a vast majority of our members living on the Reservation for domestic, commercial, municipal, and industrial (DCMI) purposes. The UTWS diverts and treats water from Whiterocks and Uria Heap Springs, which is delivered through nearly 60 miles of pipelines and numerous valves, hydrants, and water meters.

Our UTWS has been evaluated and assessed by a couple of different engineering firms. The first found that multiple improvements for environmental health and better water management within the UTWS were needed. Then in 2014, another engineering firm observed or was made aware of the following concerns related to our UTWS: continued poor surface drainage and vegetation in spring collection fields; insufficient fencing around springs that could allow livestock to contaminate water sources; rusted, leaking, or overflowing water storage tanks, freezing or burst water pipes in the winter throughout the system; vandalism of UTWS structures; and a strong need for a hydraulic model to understand water flow within the system.

Yet, federal underfunding has made it difficult to maintain, provide, and ensure our Tribal members have access to safe drinking water. Since 2018, the Tribe has made an effort to improve our internal monitoring and auditing procedures related to the quality of the water delivered by our UTWS. This effort is hindered by the lack of consistent and available funding sources to rehabilitate, improve, and expand access to our UTWS and remains a significant and serious issue for the majority of our Tribal members.

In addition, funding for water storage is essential for our Reservation. Irrigation and other related Tribal water projects cannot be successful in an arid environment without water storage infrastructure. The Federal government has acknowledged on many occasions its obligation to manage water projects through storage facilities, yet the Tribe continues to face water storage deficits on a regular basis. The Tribe has sought to develop viable, environmentally sound storage facility options that will regulate the flows of Reservation streams and provide an ample and dependable water supply for the Tribe. We ask that the Federal government fulfill its obligations to provide the water infrastructure promised and needed for our homelands.

## TRIBAL BROADBAND ACCESS

Similar to infrastructure generally, even with recent funding from Congress, tribal broadband access remains low. In a July 2022 report, the GAO examined federal funding programs that have supported tribal broadband, barriers both tribes and providers face, and the extent of federal agencies' focus on tribal broadband access issues.<sup>2</sup> Despite these investments, GAO found that persistent barriers continue to limit the ability and interest of tribes to participate in federal broadband programs, including fragmentation of federal programs and difficult application requirements.

In response to the COVID-19 pandemic, Congress provided \$1 million to the Department of Commerce's National Telecommunications and Information Administration (NTIA), however, a lack of staff, expertise, and delays have prevented the use of this funding during the most difficult period of the COVID-19 pandemic. The Infrastructure, Investment and Jobs Act provided an additional \$2 billion for the Program, but many of the same issues remain in deploying this funding. As stated in the 2022 GAO report, despite the increase in federal funding for broadband programs people on, "tribal lands remain among the most underserved populations in the nation."

In a separate effort to expand broadband on Indian reservations, the Federal Communications Commission created the Rural Tribal Priority Window to provide broadband spectrum licenses to Indian tribes in February 2020. The Tribe obtained a 2.5 GHz band spectrum license during the priority window in October 2020 and quickly partnered with a majority Native American and women-owned business to provide design, installation, commissioning, and maintenance for our broadband infrastructure. However, in our attempts to use our spectrum license, we face jurisdictional issues, lack of available broadband infrastructure, and "last-mile" connectivity issues.

The Tribe's projects are also subject to federal regulations and environmental reviews that constrain and limit our attempts to expand broadband infrastructure. We face difficulties accessing capital and obtaining private partners to develop broadband infrastructure. The Tribe also must continuously push back against private companies who do not obtain necessary rights-of-way across tribal jurisdiction or consider cultural resources in their own broadband buildouts within our Reservation. Tribal-specific rules that address our unique issues for use of our spectrum license are needed. Overall, we need relaxed timelines, access to planning funds, additional funding guarantees to execute plans, and dedicated funds to build out infrastructure.

## CONCLUSION

Thank you for the opportunity to testify on these critical funding issues. Congress must uphold its trust and treaty responsibilities to the Ute Indian Tribe and other tribes. Chronic underfunding of programs supporting Indian tribes continues to plague our ability to develop our resources, promote our economies, and provide safe communities.

---

<sup>2</sup> U.S. Government Accountability Office, GAO-22-104421, *Tribal Broadband: National Strategy and Coordination Framework Needed to Increase Access* (2022), <https://www.gao.gov/products/gao-22-104421> ("2022 GAO Report").