

**Lee Juan Tyler, Chairman, Fort Hall Business Council, Shoshone-Bannock Tribes
House Appropriations Subcommittee on Interior, Environment and Related Agencies
American Indian and Alaska Native Public Witness Days (May 7, 2024)**

My name is Lee Juan Tyler, and I serve as the Chairman 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 in the FY 24 appropriations so that the federal government can better meet its solemn treaty and trust obligations. 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) Law Enforcement; (3) BIA Road Maintenance; (4) BIE Teacher and Counselor Salaries; (5) Johnson O'Malley Program; (6) BIA Wildland Fire Programs; (7) Advance Appropriations for IHS and BIA and Mandatory Funding for Contract Support Costs; (8) Consistent Funding for Infrastructure; (9) Fort Hall Reservation Boundary Survey Review; and (10) Salmon Restoration – Columbia Basin Initiative.

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. 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, to conduct a Human Health and Ecological Risk Assessment and begin the remediation of soil, vegetation, and water contamination. Despite 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 50 feet high walls that are failing. There are 57 mill shale piles with over 30 million tons of overburden. While the remediation process is underway, work can and 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. This is critical for human and wildlife safety, cultural preservation, and to support multiple uses of the area. The Tribes are grateful that the Subcommittee included language in last year's House Interior Appropriations Report directing the BLM to initiate a reclamation study in coordination with the Tribes to better understand what is needed to reclaim the land. Unfortunately, this language was not included in the final Joint Explanatory Statement, and instead was replaced with language directing BLM to provide a status report. ***The Tribes respectfully request the Subcommittee to again 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.***

Increased Funding for Law Enforcement

The federal government has a treaty responsibility to provide law enforcement for the Tribes. The Fort Hall Police Department (FHPD) provides law enforcement for the Fort Hall Reservation under a 93-638 Contract with the BIA. Under the BIA staffing formula, the FHPD should have at least 25 officers, but due to significant underfunding for law enforcement from the BIA, the FHPD only has a total of 14 officers. At this staffing level, the FHPD has just 2 officers to patrol the entire 550,000-acre Reservation, which spans four counties, in 12 hour shifts. This has led to significant burn out among our officers with many leaving to work for other agencies for higher pay. Further, the FHPD has only 6 dispatchers, meaning that there is routinely just 1 dispatcher per shift. Additionally, funding from the BIA only covers salaries, but does not fund operations, which must be covered by the Tribes. According to the BIA's recently issued "Report to Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2021" as required by the Tribal Law and Order Act, law enforcement in Indian Country is underfunded by a staggering \$1.47B. Further, the Report estimates that 13,640 full time employees (FTE) are needed for law enforcement in Indian Country, but just 2,005 FTEs are funded. This lack of funding is creating dangerous conditions on the Fort Hall Reservation and throughout Indian Country. ***The Tribes request that the Subcommittee honor the federal treaty and trust responsibility by fully funding law enforcement at the level of need, \$1.724B, as identified by the BIA.***

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. 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 Tribes appreciate the Subcommittee's attempt to increase funding for this critical program last year with Road Maintenance funded at \$50.2M in the House Interior Appropriations Report. However, in the final Joint Explanatory Statement, Road Maintenance was once again flat funded at \$39.2M. The Bipartisan Infrastructure Law (BIL) authorizes \$56M in FY25 for the BIA Road Maintenance program, and the program should be funded at the intended and authorized level. ***The Tribes request that the Subcommittee appropriate the fully authorized amount of \$56M for BIA Road Maintenance.***

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. 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. 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.***

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.***

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. The Tribes appreciate that additional funding has been provided for base pay for firefighters in the BIL and in the FY24 Appropriations, but there are significant concerns about how this funding can be used to cover employer taxes and indirect costs associated with this additional funding. Even further, 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 targeted Tribal projects.***

Advance Appropriations and Mandatory Contract Support Costs for the IHS and BIA

The Tribes are very appreciative that advance appropriations for the Indian Health Service (IHS) was included in the FY23 and FY24 Appropriations. Advance appropriations are critical for IHS

in order to maintain continuity of funding, especially for the recruitment and retention of healthcare professionals. Similarly, advance appropriations for the BIA would provide continuity for key programs such as law enforcement and help to ensure that the federal government upholds its treaty and trust responsibilities even when the federal government is shutdown. In addition, mandatory contract support costs for Tribes undertaking 638 contracts with the IHS and BIA should be treated as mandatory and not funded through discretionary appropriations. ***The Tribes request that the Subcommittee continue to include advance appropriations for the IHS, provide advance appropriations for the BIA, and treat contract support costs as mandatory instead of being funded through discretionary appropriations.***

Funding for Infrastructure

As the Tribes strive to achieve prosperity in the 21st century, outdated water, electrical, gas, and road systems limit the Tribe's prospects for economic growth. Tribal infrastructure is substandard and over time, short-term piecemeal efforts to repair and replace sections of water and electrical lines have resulted in our current dire state of infrastructure on the Reservation. The BIL has provided significant funding to address some of these issues, but a more consistent approach to funding tribal infrastructure is required to provide the long-term infrastructure improvements needed for economic growth. ***The Tribes urge the Subcommittee to provide increased funding for all construction accounts to help build the needed infrastructure in Indian Country.***

Fort Hall Reservation Boundary Survey Review

An 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 an 1873 survey. In 2018, at the request of the Tribes, the BLM undertook a review of the historical documents, maps, and correspondence of the agents responsible for the boundary of the Reservation. However, the Tribes had serious concerns regarding the conclusions in the report. The Tribes appreciate that the Subcommittee included language in the Interior Appropriations Report directing the BIA to conduct a review of that report. Since that inclusion, the BIA has engaged with the Tribes on this issue. We have had productive conversations on potential next steps and are continuing to pursue solutions that will eventually restore lands to the Tribes.

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! 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; ensuring efficient transport of agricultural goods; providing resources for local communities; and enhancing conservation programs. ***We request that the Subcommittee provide increased funding for Tribes for salmon restoration projects.***