



**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 2026 Appropriations**

February 18, 2025

Chair Simpson, Ranking Member Pingree, and Honorable Members of the Subcommittee on Interior, Environment and Related Agencies, thank you for the opportunity to testify on Fiscal Year (FY) 2025 Appropriations. Our testimony focuses on funding needed for energy development and law enforcement. 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 in northeastern Utah and is the second largest in the United States covering roughly 4.5 million acres. The Tribe has approximately 2,700 members and over half of our members live on the Reservation.

INDIAN ENERGY DEVELOPMENT

Energy mineral development on our Uintah and Ouray Reservation and the Uintah Basin as a whole has been truncated by severe deficiencies in federal investment in this mineral rich region. Our testimony does not just touch on issues important to our Tribe. Rather, these are issues that impact the nation as a whole. We are calling on Congress to invest in energy development in the Uintah Basin for the economic and environmental betterment of the nation.

Our Tribe relies heavily on revenue from oil and gas development on its Reservation. In fact, more than 91 percent of our Tribal government revenues come from energy development. We use these revenues to fund our government and provide essential services to our members through 60 Tribal departments and more than 450 Tribal employees. Energy development on our lands supports thousands of jobs and hundreds of millions of dollars in economic development. Despite having developed strong and longstanding partnerships with our industry partners, the Tribe cannot tap into the full potential of its vast mineral estate due to limited access to refineries capable of processing black wax and yellow wax crude. The relative remoteness of the Uintah and Ouray Reservation, combined with limited means of transportation, have forced the Tribe to rely on refineries in Salt Lake City with limited capacity to process crude oil.

The Ute Indian Tribe requests that this Subcommittee direct the Bureau of Indian Affairs (BIA) to use some of the money that you appropriate to them to turn over control of our Ute Indian Energy Development leases, business development Agreements and related documents to our Tribal government under a federally approved Tribal Energy Development Agreement (TERA). These TERAs were authorized by the Congress following years of bi-partisan studies, hearings, GAO Reports and related efforts. The Ute Indian Tribe met all of those Congressionally mandated

pre-requisites, over 20 years ago- yet because of the bureaucratic system at DOI our TERA has yet to be approved.

The Tribe requests that until that transfer happens, you continue to fully fund those federal divisions and federal employees who give us the required approvals necessary to keep our tribal domestic oil and gas business operating at a peak level. We simply cannot afford to become an unintended consequence of unexplored changes and poorly planned Congressional and Administrative budget cuts. The Ute Indian Tribe, with it's industry partners, has been producing domestic oil and gas since the 1940's and we now produce almost 80% of the oil and gas coming out of the State of Utah.

Please let me assure you that the Ute Indian Tribe produces some of the cleanest oil and gas in the United States and has some of the most stringent, locally controlled regulation. This local regulation ensures that our production does not harm our local environment; including our air, water, animals and flora. Unlike most oil and gas companies, our owners, also known as tribal members, actually live, work and raise their children right next door to our production sites. Anyone who questions their concern for our local environment just needs to come to a Ute Tribal Membership meeting. I can assure you that our members are very vocal and demanding if they see anything that threatens their Treaty environment, none of them are going to allow harm to their families, or to the aboriginal land that they have fought so hard to protect.

The House Natural Resources Committee and Senate Indian Affairs Committee spent years, working in a bi-partisan way, to craft the tribal/federal Tribal Energy Resources (Management) Agreement language that is codified in federal law. We know this because the Ute Indian Tribe was a major stakeholder in this effort. Once that law was enacted, we spent even more years crafting the Tribal Energy Resource Agreement and we proposed to implement that new federal policy.

Unfortunately, even though over twenty years have elapsed, past administrations from both political parties have not gotten around to implementing this statutory required process. This has cost the American Taxpayers a huge amount of unnecessary federal taxpayer money and in our opinion weakened US regulation of Ute oil and gas production. Production in a location that many "so called" federal regulators have never visited and that many could not find on a map.

Let us emphasis again, we take tribal oversight very seriously. Our people work there, raise their children there and live there themselves. These are our treaty lands, air, water, flora and animals. And, unlike other oil and gas producers whose emphasis is on monetary success, there is not enough money in this world to make us endanger those Treaty Resources or the lives of our children. We are proud of the fact that when, for example, producers or non-Indian governments have proposed new oil and gas transportation systems; like roads, rail and the like, it has been our tribal environmental staff who have insisted upon flora protection, wildlife crossings and air and water quality systems, and that it has been our local tribal members, not federal regulators, who have sounded the alarm when pipe and other production equipment starts to deteriorate over time. We have spent, and will continue to spend, our own tribal income to hire the best petroleum engineers, fish and wildlife experts, environmental specialists, air and water quality experts and

whoever has been shown to be necessary to protect our lands, our neighbors and our members from our chosen business.

We would also ask you to take the second part of my request seriously. We know that transferring federal authority to the Tribe will take time, and we do not want to see our production slow in the meantime. This means that we need this Congress to fully fund the BIA, BLM and those DOI divisions that currently have lease, business agreement and right of way authority over our tribal business until that transfer of decision making can be put in place. We have already seen important and cost-effective federal divisions, like the Indian Energy Service Center in Denver defunded by past Administrations even though doing that made and makes no sense. That one location provided highly professional services to a multitude of Tribes without requiring a multitude of federal staff and federal office locations and costs. Those are the exact types of things that need refunded and kept in place if this Congress is really serious about curtailing federal expenditures.

Energy development in Indian Country continues to be hampered by staffing shortages at the Bureau of Indian Affairs. In the past decade, there have been two telling Government Accountability Office (GAO) Reports on the resource and capacity issues at the Bureau of Indian Affairs (BIA) hindering energy development in Indian Country. GAO Report 15-502 discussed, among other issues adversely impacting energy development, how some BIA offices lack the skills or adequate staff resources to effectively review energy-related documents. GAO Report 17-43 reemphasized this staffing issue, stating that “[w]ithout current workforce information on key skills needed for energy development, tribal goals and priorities, and potential workforce resource gaps, BIA may not have the right people with the right skills doing the right jobs in the right place at the right time and cannot provide decision makers with information on its staffing needs going forward.”

Even though BIA resources and staffing issues relating to energy development in Indian Country have been repeatedly flagged by GAO, these issues remain on a severe downward trend. Since the latter of the aforementioned GAO reports was published, for example, over half of the contractor workforce at the Division of Energy Mineral Development has been laid off as a result of severe diminishment in the Division’s passback budget. Exacerbating this issue are the increasingly onerous procedures and requirements for hiring new staff, which renders it impossible to fill essential positions with qualified staff in a timely manner.

Tribal leaders from across this country have long expressed opposition to costly and unnecessary federal regulation of what seems to us to be every decision that Tribes and their professionals make. While real and needed federal assistance is always appreciated, please accept the fact that some Tribes, like mine, have outlived the need for a baby sitter and can now make many basic decisions for ourselves. We do not need to continue to see a large percentage of every dollar that is appropriated used to fund a well -intended federal bureaucracy to “oversee” every little thing. Many of us moved past that years ago.

As you know, when we need help we are not afraid to ask for it, and we will continue to do that. Simply, respect us the way you respect state officials doing the same thing and direct the BIA to control its knee jerk call for new federal regulations and a new “oversight” staff every time

a new idea arises. Having more federal regulation and federal bureaucracy does not always lead to better decision making.

At the same time, the answer is not to just eliminate federal employees and entities without first ascertaining what they do and talking to the Tribes who work with them. Some of these, like the BIA's Indian Energy Service Center, were established at our request to serve a needed purpose, and they were eliminated by a past administration without any real alternative in place. No tribal consultation, no real evaluations of the cost effective nature of their operation, they were simply eliminated as what we feel was no more than an effort to look like the BIA was cutting its spending. Collateral damage can be extremely harmful, and again all we ask you to do is talk to Tribes before making irreversible decisions.

FUNDING FOR BIA LAW ENFORCEMENT AND DETENTION STAFF

The BIA and its Office of Justice Services (OJS) lack the funding to fulfill the United States' treaty and trust responsibilities to maintain safety in our tribal communities. The Uintah and Ouray Reservation is the second largest Indian reservation in the United States, comprised of 4.5 million acres. On average, we have a total of three officers per shift to patrol this entire area. This is not sufficient to patrol and respond to calls for help on a Reservation larger than the State of Connecticut.

Providing law enforcement to our Reservation is a federal responsibility. Due to the lack of funding for BIA Law Enforcement, the Tribe has provided funding for additional Tribal officers to supplement the availability of the BIA. Currently, there are 15 law enforcement officers available to patrol the entire reservation and the Tribe is required to fund half of those officers to ensure public safety given BIA shortfalls. The Tribe also provides over 50% of on-reservation law enforcement services, including radios, patrol vehicles, and other necessary equipment.

Funding for detention services is also inadequate. Congress stopped the appropriations to the BIA and the Department of Justice for law enforcement, detention, and tribal court construction when the Ute Tribe was near the top of the construction priority list. Consequently, after the BIA Detention center was condemned and forced to close in 2006 due to unsafe conditions the Tribe was forced to expend \$36 million of its own Tribal funds to build a new Tribal Justice Center on our Reservation. The Tribe contributed another \$1 million of our own funds to cover the costs of start-up costs including necessary equipment and supplies.

The Tribal Justice Center was completed in 2016 using BIA Division of Facilities Management approved plans, which complied with all applicable federal size and use specifications. The Tribe entered into a Memorandum of Agreement (MOA) with the BIA to authorize federal occupancy of the building and detention areas of the building in exchange for a federal contribution to the operation and maintenance of those spaces. Even though the Tribal Justice Center holds a federal certificate of completion, federal certificate of occupancy, and a federal health and safety compliance certificate, it remains mostly empty due to the lack of funds to provide sufficient BIA Detention Officers to staff the building.

The Tribal Justice Center is a 100 bed facility, to which the BIA has been granted oversight through the MOA. The BIA has implemented four phases with the goal of ultimately reaching full capacity. The facility remains at the first phase of implementation permitting the detainment of only 10 inmates at a time and BIA does not even have the funding to operate at this phase. Phase one requires a staff of 13 Correction Officers, however the BIA is only able to employ a total of four Correction Officers due to a lack of funding.

Our Tribal members, instead of being housed in a detention facility on their reservation, are shipped off the reservation to county jails which the BIA pays to rent bed space. The BIA pays county detention facilities every two weeks to send 30 or more adults and 10 youth to county detention facilities when our Tribal Justice Center has the capacity to hold these individuals. Scarce funding that is needed to staff the Tribal Justice Center is being diverted to off reservation facilities. These Tribal members are detained outside of our jurisdiction, without access to Tribal services, and far away from their families and the Tribal Court. Additionally, prisoners are often released from jail or not picked up on warrants due to the lack of space and additional costs of housing them off our Reservation. This creates a public safety issue for our Tribe.

An additional challenge to the recruitment of Correction staff and Law Enforcement Officers is the lack of housing. BIA employees have to rely on government housing which is generally maintained by the BIA. However, the Consumer Pricing Index regulates the amount a tenant is charged by considering the surrounding areas average rent prices off the Reservation and applying that rate to the Reservation. Due to recent oil and gas production, the application of the Consumer Price Index results in extremely high rental rates compared to what is common in most rural areas. The cost of rent is too expensive. In 2020, the Tribe built four homes for BIA law enforcement officers in Myton, Randlett, Fort Duchesne, and White Rocks, but these homes have never been occupied due to the high rent that is required and the lack of funding.

Congress chronically underfunds BIA law enforcement and detention services. The base funding must be increased by three to five times the current levels to meet the Tribe's needs. We respectfully request that this Subcommittee honor its treaty, trust, and law enforcement obligations to the Ute Indian Tribe and provide additional funding for the BIA that is needed to provide law enforcement officers and fully staff the Tribal Justice Center at the needed capacity.

CONCLUSION

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.