

## **Written Testimony of the Chairman Michael Fairbanks of the White Earth Nation**

Submitted to the House Committee on Appropriations Subcommittee on Interior, Environment,  
and Related Agencies

On behalf of the White Earth Band of Ojibwe, we are grateful for the opportunity to share our Nation's priorities and concerns regarding federal policy affecting Indian Country. The White Earth Reservation was established by the Treaty of 1867 and comprises a 36-mile-by-36-mile land base in northwestern Minnesota. Our homelands are central to the identity, culture, and economic future of our people. However, decades of underinvestment in infrastructure, natural resource protection, and essential government services continue to create significant challenges for our communities. Our testimony today highlights several urgent priorities for the White Earth Nation: transportation infrastructure, tribal stewardship of federal lands within our reservation boundaries, law enforcement capacity, and the protection of our treaty-protected natural resources and waters.

### **Tribal Stewardship of the Tamarac National Wildlife Refuge**

A top priority for the White Earth Nation is restoring tribal stewardship over lands within the Tamarac National Wildlife Refuge, which lies within the boundaries of the White Earth Reservation. The refuge was established under the 1935 Collier Agreement between the Biological Service—now the U.S. Fish and Wildlife Service—and the Bureau of Indian Affairs. Although these lands are located within the White Earth Reservation and contain culturally significant areas used by our people for generations, the Tribe currently has limited authority in their management.

The federal government has undertaken significant reductions in force across many federal land management agencies, including a 20% reduction at the U.S. Fish and Wildlife Service, including in Minnesota. As federal agencies face declining personnel and resources, it is increasingly important to explore management approaches that maintain effective stewardship while recognizing the role of Tribal Nations whose homelands encompass these lands.

Increasing tribal stewardship of the federal estate offers a practical and proven solution. This model will not only work with the US FWS and the Tamarac in Minnesota, but should be a blueprint that is applied to other agencies within the DOI such as the BLM, the National Park Service, and the Bureau of Reclamation on a nationwide basis. Tribal people served as the original stewards of the lands and waters that now make up the federal estate including the Tamarac Refuge. The Indian Self-Determination and Education Assistance Act (ISDEAA), which celebrated its 50<sup>th</sup> anniversary last year, has demonstrated for five decades that Tribal Nations can effectively administer federal programs through self-determination contracts authorized under Public Law 93-638, often delivering services with greater efficiency, stronger local control, and traditional tribal knowledge.

Consistent with this model, the White Earth Nation would welcome the opportunity to work with the Department of the Interior and the U.S. Fish and Wildlife Service to establish a 638 self-determination contract allowing the Tribe to re-assume traditional stewardship responsibilities for the Tamarac National Wildlife Refuge. Such an agreement would empower the Tribe while ensuring the continued protection of wildlife habitat, conservation goals, and public access to the refuge. Tribal stewardship would also provide a practical solution at a time when federal staffing reductions are limiting agencies' ability to fully manage the lands entrusted to them.

The White Earth Nation respectfully requests that the Committee support the development of tribal stewardship agreements for federal lands within reservation boundaries.

Supporting tribal stewardship would build on the proven success of the Indian Self-Determination and Education Assistance Act while ensuring that these lands are responsibly stewarded for future generations. If the federal government is reducing its land management workforce, Tribal Nations stand ready to step forward as partners to ensure these lands are responsibly stewarded.

### **Reservation Transportation Infrastructure**

The White Earth Reservation spans a large rural land base with numerous reservation roads connecting isolated communities to schools, health care facilities, employment centers, and essential services. Maintaining this transportation network is critical for public safety, emergency response, and economic development across our reservation. However, we do not receive sufficient funding to maintain and upgrade these roads. While our responsibilities for maintaining transportation infrastructure have remained constant, funding available through the BIA road maintenance program has declined significantly, and rising construction, fuel, and equipment costs have made it increasingly difficult for the Tribe to maintain safe road conditions.

The disparity between tribal transportation funding and the resources available to states and local governments is particularly stark. State and local transportation departments generally maintain roads using dedicated tax bases and far greater per-mile funding levels, while Tribal Nations must maintain extensive road networks with limited federal allocations and no comparable revenue base. Nationally, tribes face an estimated \$13–14 billion transportation infrastructure backlog across Indian Country. For our tribe, these limitations have produced a significant infrastructure backlog of our own. The Tribe's Long Range Transportation Plan identifies \$30 million in road repairs and upgrades needed to maintain safe and reliable transportation corridors across the reservation. Without additional investment, the Tribe is frequently forced to make difficult decisions about which roads to repair and which must continue to deteriorate, sometimes reverting paved roads to aggregate surfaces due to failing roadbeds and insufficient resources for reconstruction.

The upcoming reauthorization of the Nation's surface transportation programs presents an important opportunity to address these challenges. The current authorization, enacted through the Infrastructure Investment and Jobs Act (IIJA), expires on September 30, 2026, and the House Committee on Transportation and Infrastructure has begun holding hearings to prepare the next bipartisan, multi-year surface transportation bill. The IIJA made important progress by increasing funding for the Tribal Transportation Program (TTP), supporting the Tribal Transportation Self-Governance Program, providing tribal transportation safety set-asides, improving coordination between tribal governments and surrounding jurisdictions in transportation planning, and creating competitive grant opportunities for tribal bridge and road infrastructure improvements. These programs are essential for Tribal Nations with large rural land bases and limited tax bases. As Congress develops the next surface transportation authorization, these tribal transportation programs must receive robust, sustained funding so that Tribal Nations like White Earth can address longstanding infrastructure backlogs, including the \$30 million in needed road repairs across our reservation, and ensure that tribal communities have safe, reliable transportation

infrastructure. Increasing the base formula funding for the Tribal Transportation Program will be essential to providing Tribal Nations with predictable resources needed to maintain roads, improve safety, and support economic development across Indian Country.

### **Law Enforcement and Public Safety**

Public safety within the White Earth Reservation remains a critical concern. The White Earth Tribal Police Department (WETPD) protects a large rural land base and serves multiple communities on tribal lands. Like many tribal law enforcement agencies across Indian Country, the WETPD faces ongoing challenges related to recruiting and retaining qualified officers.

These challenges are driven largely by disparities in compensation, benefits, and retirement eligibility compared to neighboring state, county, and municipal law enforcement agencies. While tribal officers perform the same duties—responding to emergencies, investigating crimes, and protecting public safety—they often lack access to the retirement and benefit systems available to many other law enforcement officers. As a result, tribal departments rapidly lose trained officers to surrounding jurisdictions that offer stronger compensation and long-term retirement security.

This challenge is not unique to White Earth. According to the Department of the Interior, tribal communities need more than 13,000 additional law enforcement officers to meet the FBI's Community Safety standards, yet federal public safety programs serving Indian Country are funded at only approximately 13 percent of need. These gaps leave many tribes without sufficient law enforcement coverage to adequately patrol vast reservation lands and respond to emergencies.

To address these disparities, the White Earth Nation strongly supports passage of the Parity for Tribal Law Enforcement Act, bipartisan legislation that would help tribal police departments recruit and retain officers by providing tribal law enforcement personnel with access to federal retirement, pension, death, and injury benefits comparable to those available to other federal law enforcement officers. The legislation also removes administrative barriers to allow qualified tribal officers operating under self-determination contracts or compacts to enforce federal law.

Providing parity in benefits and authority is essential to building a stable tribal law enforcement workforce. For police departments like ours, improving retirement and benefit parity would significantly strengthen recruitment and retention while helping ensure that Tribal Nations can maintain the professional public safety workforce necessary to protect their communities. We respectfully urge Congress to support and pass the Parity for Tribal Law Enforcement Act and continue strengthening federal investments in tribal public safety programs, ensuring that tribal law enforcement agencies have the resources necessary to recruit officers, retain experienced personnel, and provide the level of public safety protection that tribal citizens deserve.

### **Environmental Justice and Protection of Treaty Resources**

The White Earth Nation continues to confront significant environmental challenges affecting our treaty-protected lands and waters. One of the most prominent examples is the controversial Enbridge Line 3 Replacement Project, which now runs through our treaty territory and across watersheds connected to the headwaters of the Mississippi River. We strongly opposed the new Line 3 route proposed in 2015. It crosses our treaty-ceded lands and watersheds that support

subsistence and cultural practices vital to our people like fishing and wild rice harvesting. Despite our concerns, state and federal regulators approved the project while largely treating the Tribe as another interested party and disregarding our sovereign status and treaty-protected interests.

The Army Corps of Engineers approved federal permits without completing its own Environmental Impact Statement or meaningful tribal consultation, and these approvals occurred during the COVID-19 pandemic, when opportunities for public engagement were limited. The consequences of this process became clear during construction when the pipeline pierced an aquifer, resulting in the loss of approximately 2.4 million gallons of groundwater.

This experience reflects a broader pattern across Indian Country in which tribal concerns are often sidelined during federal permitting decisions affecting treaty lands and resources. The White Earth Nation urges Congress to strengthen and enforce meaningful tribal consultation requirements across federal agencies to ensure that Tribal Nations are fully engaged as sovereign governments in decisions that affect our treaty territories, natural resources, and cultural survival.

### **Bureau of Indian Education**

The White Earth Nation operates the Circle of Life Academy, a Bureau of Indian Education (BIE)–funded tribal school serving students within the reservation. Like many tribally controlled schools across Indian Country, Circle of Life Academy faces persistent challenges in recruiting and retaining qualified teachers, largely due to disparities in retirement benefits and compensation compared to surrounding school systems. To ensure tribal schools have the resources necessary to support Native students, the White Earth Nation joins Tribal Nations across Indian Country in requesting \$1.8 billion in funding for the Bureau of Indian Education.

At the same time, addressing teacher retention will require policy reforms that place tribally controlled schools on equal footing with other federal education systems. The White Earth Nation therefore supports the Parity for Tribal Educators Act, which would allow teachers at tribally controlled schools to access the same federal retirement benefits available to educators at BIE-operated schools. Providing retirement parity will help tribal schools recruit and retain experienced educators and ensure Native students have access to consistent, high-quality instruction. The White Earth Nation respectfully urges Congress to support \$1.8 billion in funding for the Bureau of Indian Education and pass the Parity for Tribal Educators Act so schools like Circle of Life Academy can maintain a stable teaching workforce serving tribal students.

### **Conclusion**

The priorities outlined above—transportation infrastructure, tribal stewardship of federal lands, public safety, environmental protection, and tribal education—reflect the federal government’s continuing trust and treaty responsibilities to Tribal Nations. The White Earth Nation respectfully urges Congress to support these efforts through robust funding, strong tribal consultation requirements, and policies that strengthen tribal self-determination.

Miigwech. Thank you for your consideration.