

**Statement of Eugene “Ribs” Whitebird
District III Representative, Tribal Council, Leech Lake Band of Ojibwe
Leech Lake Reservation, Minnesota**

**Public Witness Hearing on Native American Issues
House Interior Appropriations Subcommittee**

May 3, 2011

My name is Ribs Whitebird, and I am a Member of the Tribal Council of the Leech Lake Band of Ojibwe located on the Leech Lake Reservation in northern Minnesota. Thank you, Chairman Simpson, Ranking Member Moran, and other Members of the Committee for holding this important hearing and for providing me the opportunity to testify today. The Band deeply appreciates this Subcommittee’s efforts to protect funding for critical Indian programs in furtherance of the United States’ treaty and trust responsibilities to Indian tribes and Indian people. We extend our heart-felt gratitude to you for your commitment in making sure that the United States lives up to its solemn obligations.

Even though the Leech Lake Reservation has numerous needs on which I could testify today, my testimony instead focuses solely on the Band’s long struggle with the Bureau of Indian Affairs (BIA) to replace our high school facility at the Bug O Nay Ge Shig School (High School), which is administered and funded by the Bureau of Indian Education (BIE), given how dire this need is. We estimate that the cost to replace the high school facility is approximately \$25 million, which includes a 42% BIA administrative cost of \$7.4 million. We do not understand why the United States can spend billions of dollars on its many wars and also rebuild other countries, like Iraq, but is seemingly indifferent to helping children in its own country. Education is the key to the future, and we must invest in our children if the United States is to maintain its competitive edge in the world. However, when it comes to Native American and our children, the history is tragic and filled with broken promises.

First, I would like to take a moment to thank Representative McCollum and Ranking Member Moran for their efforts on this issue to urge the BIA to step up to the plate. We are deeply grateful for their support, especially given how extremely frustrated we have been by the utter lack of responsiveness of OMB and DOI in addressing this problem as well as their seeming callousness to this core fiduciary responsibility to provide adequate educational facilities for our children.

History of Indian Education

Before discussing the specific needs of the High School, I would like to briefly discuss the history of Indian education in America. As this Subcommittee is well aware, federal laws, treaties, and policies acknowledge the federal government’s obligation to provide for the education of American Indian children.

After formation of the United States, Indian tribes ceded hundreds of millions of acres of our

homelands to the federal government to help build this nation. In return, the U.S. made promises to make the resulting reservations permanent livable homes, including providing for the education, health, and general welfare of reservation residents. These treaty promises were made in perpetuity, remain the supreme law of the land, and do not have an expiration date. However, as you know and as tribal leaders are stating in these hearings today, these promises have not been kept, and our children suffer because of it.

Pressing Need to Replace High School Facility at Bug O Nay Ge Shig School

The Bug O Nay Ge Shig School (School) is located in Bena, Minnesota, operated by the Leech Lake Band of Ojibwe and governed by the Bug O Nay Ge Shig School Board. The School serves nearly 300 Native American children in grades K-12 who commute from 14 communities located within five counties within a 70-mile radius of the School. The School was founded in 1975 with 35 Ojibwe students from the Leech Lake Reservation in response to parental concerns that public schools were not meeting the academic and cultural needs of Ojibwe students. Since that time, the School has transformed itself into a magnet school, teaching state-approved curricula with Ojibwe cultural components. Given the educational opportunities the School provides to Native American students, enrollment in the School overall has steadily increased over the years. The enrollment increase is a testament to the strong educational achievement at the school given that students typically will choose to go to other schools when school facilities, such as at the High School, are deficient and present health and safety hazards.

The elementary and middle school facilities are in satisfactory condition, but the High School is in dire need of replacement. The current High School facility is a metal-clad pole barn, formerly used as an agricultural building. One-third of the high school facility was destroyed in a gas explosion in 1992. The facility has serious structural and mechanical deficiencies and lacks proper insulation. The facility does not meet safety, fire, and security standards due to the flimsiness of the construction materials, electrical problems, and lack of alarm systems. Further, the building lacks a communication intercom system, telecommunication technology, and safe zones, which puts students, teachers, and staff at great risk in emergency situations.

Also, the facility jeopardizes the health of the students and faculty due to poor indoor air quality from mold, fungus, and a faulty HVAC system. The facility also suffers from rodent infestation, roof leaks and sagging roofs, holes in the roofs from ice, uneven floors, poor lighting, sewer problems, lack of handicap access, and lack of classroom and other space. These are just a few of the facility's numerous deficiencies. Due to the unsafe and undesirable condition of the High School, many students leave after middle school to attend the public high school. Students are embarrassed about the condition of the High School, resulting in a negative image of the School in the community and a lower matriculation rate.

The High School is on the BIA's list of schools in need of replacement and has exceeded its life expectancy by decades. The BIA categorizes the high school facility as being in "poor" condition. The BIA Midwest Regional Office for the Office of Indian Education Programs compiled a report in 2007, expressing strong concerns about the electrical problems, potential fire issues, and student safety. The BIA Office of Facilities, Environmental, Safety, and Cultural Management had documented the numerous and serious deficiencies of the High School.

Further, in responding to a letter inquiring about the High School from Ranking Member Moran, BIA Assistant Secretary Larry EchoHawk stated in a letter dated February 28, 2011:

The Bug O Nay Ge Shig High School shows evidence of continuing deterioration . . . Due to the type of construction of the Bug O Nay Ge Shig High School, improvements to the school such as expansion or construction of one building for classrooms or administrative space is not an optimum solution. **Preliminary evaluations indicate that the building should be replaced** (emphasis added). The estimated date of replacement will depend on the priority ranking of the high school and amount of funds available to correct school facility deficiencies through education construction appropriations.

The High School is among the more than 70 schools funded by the BIE that are in poor condition. DOI is working at glacial pace and has only replaced a total of 10 schools on a list of 14 schools generated over 7 years ago. Currently, DOI is engaging in a negotiated rule-making process before issuing a new priority list for school construction, which it anticipates issuing no sooner than May 1, 2012. This situation greatly alarms us because it shows that DOI does not have a plan of action to address these dire needs even though these schools have been in this condition for a long time. There is an urgent need to replace the High School, and we ask for your assistance on this, especially considering that the lives of children are at stake.

Urgent Need for Action to address BIE Construction Backlog

The discussion of the construction needs of Indian schools has been ongoing for more than a decade. Federal officials testify, point fingers, and yet nothing has been resolved. When we have met with the BIA and OMB over the past couple of years, they each tell us that it is not their agency's fault but the other agency's fault that there is no funding to replace the High School. BIA tells us that they have no money for school construction and to talk to OMB, and OMB tells us that they provide funding to BIA for construction and that BIA is not utilizing the funding effectively. At the end of the day, DOI and OMB are quick to blame each other but provide no solutions, forcing our children to shoulder the burden. Further, it is extremely difficult navigating the byzantine BIA bureaucracy and its layers to obtain school construction information.

This run-around is unacceptable. Section 7101 of Title VII of the No Child Left Behind Act (NCLB) states:

It is the policy of the United States to fulfill the Federal Government's unique and continuing trust relationship with and responsibility to the Indian people for the education of Indian children. The Federal Government will continue to work with . . . Indian tribes . . . toward the goal of ensuring that programs that serve Indian children are of the highest quality and provide for not only the basic elementary and secondary educational needs, but also the unique educational and culturally related academic needs of these children.

In accordance with its obligation to Indian children, the United States must work with us to seek a solution to this problem instead of ignoring the issue and finger pointing.

We recognize that previous Administrations had a hand in creating the BIE construction backlog, which is at least \$1.3 billion; however, looking at the current Administration's funding requests since it has been in office, it seems that – despite statements to the contrary – the need to improve BIE school facilities is not a priority. The FY12 budget request for Indian school construction funding is \$52.1 million, which is a proposed cut of \$61 million from the FY10 enacted level (and FY11 CR level of \$113 million). The Administration justifies this proposed budget cut by pointing to Recovery Act funding for BIE school construction needs. However, we all know that one-time funding under the Recovery Act of \$277.7 million for BIE construction will not address the tremendous backlog and that there needs to be sustained increased funding over multiple years to truly address this need.

These cuts for Indian school construction represent a disturbing trend that spans both the Bush and Obama Administrations and both parties' control of Congress. The enacted levels for Indian school construction over the past 7 fiscal years have steadily and rapidly declined. The FY05 enacted level for Indian school construction was \$263.3 million, the FY06 enacted level was \$208.9 million, the FY07 level was \$204.9 million, the FY08 level was \$142.9 million, the FY09 level was \$128.8 million, the FY10 level was \$113 million, and as noted above, the proposed level for FY12 is an appalling \$52.1 million.

The Administration's failure to request and Congress' failure to appropriate sufficient funding for BIE school construction is unconscionable in light of recent DOI Office of Inspector General reports finding "severe deficiencies" at BIE schools that "have the potential to **seriously injure or kill students and faculty** and require immediate attention to mitigate the problems."¹ 1/3 of the 183 BIE schools are in poor condition and in significant need of repair or replacement. Of the 4,495 education buildings in the BIA inventory, half are more than 30 years old and more than 20% are older than 50 years. On average, BIA education buildings are 60 years old, while the national average for public schools is 40 years.

Conclusion

As noted above, the United States owes our students the opportunity to attend school in a safe environment that maximizes their educational opportunities. Instead, our students attend high school in a sub-standard, dangerous environment that is not conducive to learning. This affects their self-worth, creates feelings of inferiority, and sends a message to them that their education and even their lives are unimportant.

We plead and urge the Committee to work with DOI to quickly develop a comprehensive plan of action and to quickly find the funding to address the construction needs at the High School and at all other BIE schools. The federal government's responsibility for the education of Indian people is in response to specific treaty rights; and anything less than full funding of Native education programs signifies increased negligence of its trust responsibility.

¹ Department of the Interior Office of Inspector General Flash Report, *Bureau of Indian Affairs and Bureau of Indian Education: Schools in Need of Immediate Action*, C-IN-BIA-0008-2007 (May 2007) (emphasis added).

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

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• MEMBER TRIBES •

MICHIGAN

Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN

Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band

Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

FY 2012 TESTIMONY

HOUSE COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

BY

JAMES E. ZORN, EXECUTIVE ADMINISTRATOR

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION (GLIFWC)

AGENCIES – BUREAU OF INDIAN AFFAIRS AND ENVIRONMENTAL PROTECTION AGENCY

1. **BIA RIGHTS PROTECTION IMPLEMENTATION**: AT LEAST \$30,451,000 (same as FY 2010 appropriation). **GLIFWC**: AT LEAST \$5,619,000 (proportionate allocation within RPI program).

Agency/Program Line Item: Dept. of Interior, Bureau of Indian Affairs, Operation of Indian Programs, Trust-Natural Resources Management, Rights Protection Implementation, Great Lakes Area Resource Management.¹

Funding Authorizations: Snyder Act, 25 U.S.C. s. 13; Indian Self-Determination and Education Assistance Act, (P.L. 93-638), 25 U.S.C. ss. 450f and 450h; and the treaties between the United States and GLIFWC's member Ojibwe Tribes, specifically Treaty of 1836, 7 Stat. 491, Treaty of 1837, 7 Stat. 536, Treaty of 1842, 7 Stat. 591, and Treaty of 1854, 10 Stat. 1109.²

2. **EPA GREAT LAKES RESTORATION**: \$350,000,000. **TRIBAL NEED**: \$25,000,000. **GLIFWC NEED**: \$1,200,000 (estimated annual need).

Agency/Program Line Item: Environmental Protection Agency, Environmental Programs and Management, Geographic Programs, Great Lakes Restoration.

Funding Authorizations: Clean Water Act, 33 U.S.C. s. 1268(c); and treaties cited above.

GLIFWC'S GOAL – A SECURE FUNDING BASE TO FULFILL TREATY PURPOSES

For over 25 years, Congress has funded GLIFWC in fulfillment of non-discretionary treaty obligations and associated federal court orders. GLIFWC's conservation, natural resource protection, and law enforcement programs also provide a wide range of associated public benefits and assure participation in management partnerships in Wisconsin, Michigan and Minnesota. The two elements of this funding request are:

¹ The requested BIA funds reflect GLIFWC's allocation of this line item that also funds the 1854 Treaty Authority.

² The rights guaranteed by these treaties, and the associated tribal regulatory and management responsibilities have been affirmed by various court decisions, including a 1999 US Supreme Court case.

1. BIA RIGHTS PROTECTION IMPLEMENTATION: AT LEAST \$30,451,000. In FY 2010, Congress provided \$30,451,000 in RPI funding, with GLIFWC's proportionate share in the amount of \$5,619,000. Due to the current uncertainty, GLIFWC's FY 2011 budget is unknown.

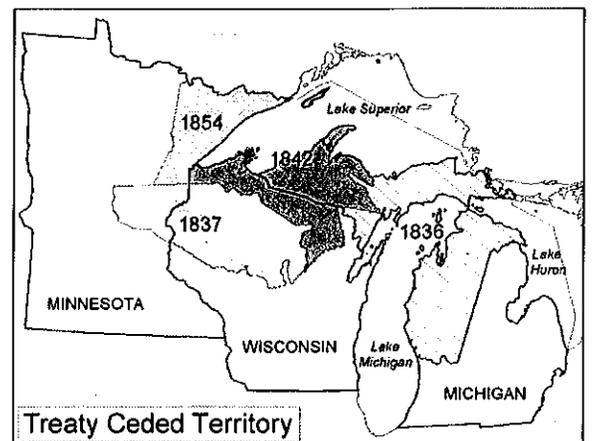
Stable funding at FY 2010 levels has allowed GLIFWC to fill vacant positions, restore some funding to tribal courts and registration stations, reinstate fish and wildlife assessments, and meet a portion of its expanding harvest monitoring requirements. It does not meet all of GLIFWC's program needs, but stable funding at this level acknowledges the current budget climate while allowing GLIFWC to meet core functions and respond to growing demands for its services. GLIFWC recently estimated the full cost of its program at approximately \$9,870,000, including: \$5,619,000 currently provided through the RPI line item, approximately \$1,800,000 provided by grants and other "soft" funding in FY 2010, and \$2,451,000 in unmet needs, including funding for research and assessments of threats to the ceded territories, for conservation enforcement officers, and to provide up-to-date public information using current technologies.

2. EPA ENVIRONMENTAL PROGRAMS AND MANAGEMENT: \$350,000,000. GLIFWC supports continued funding for the Great Lakes Restoration Initiative (GLRI) at the Administration's proposed FY 2012 level of \$350,000,000. It also recommends that at least \$25 million be provided to the BIA for tribes, to ensure they are able to undertake projects that contribute to the protection and restoration of the Great Lakes. Funding provided through the BIA should be made available under the Indian Self-Determination and Education Assistance Act (ISDEAA). In 2010, GLRI funding awarded through the ISDEAA was virtually the only GLRI funding that was available before the 2010 field season, allowing the early implementation of projects to realize substantial "on-the-ground" ecosystem benefits.

Sustained funding for GLIFWC at the FY10 level of approximately \$1.2 million, will enable GLIFWC to sustain jobs that will allow it to fully participate in the decision-making processes that affect the treaty rights of its member tribes, ensure that decisions are based upon sound science, and implement specific habitat and human health research projects relevant to the subsistence, economic and cultural needs of tribal communities.

CEDED TERRITORY TREATY RIGHTS – GLIFWC'S ROLE AND PROGRAMS

Established in 1984, GLIFWC is a natural resources management agency for eleven member Ojibwe Tribes regarding their ceded territory (off-reservation) hunting, fishing and gathering treaty rights. These ceded territories extend over a 60,000 square mile area in a 3-state region. GLIFWC's mission is to: i) ensure that its member Tribes are able to exercise their rights for the purposes of meeting subsistence, economic, cultural, medicinal, and spiritual needs; and ii) ensure a healthy, sustainable natural resource base that supports those rights. GLIFWC is a "tribal organization" as defined by the Indian Self-Determination and Education Assistance Act. It is governed by a Constitution ratified by its member Tribes



and by a Board composed of the Chairs of those Tribes.

GLIFWC operates a comprehensive ceded territory hunting, fishing, and gathering rights protection/implementation program through its staff of 65 full time biologists, scientists, technicians, conservation enforcement officers, policy specialists, and public information specialists. Its activities include: i) natural resource population assessments and studies, ii) harvest monitoring and reporting, iii) enforcement of tribal conservation codes in tribal courts, iv) funding for tribal courts and tribal registration/permit stations, v) development of natural resource management plans and tribal regulations, vi) negotiation and implementation of agreements with state, federal and local agencies, vii) invasive species eradication and control projects, viii) biological and scientific research, including fish contaminant testing, and ix) development and dissemination of public information materials.

JUSTIFICATION & USE OF THE REQUESTED FUNDS

For over 25 years, Congress has recognized GLIFWC as a cost-efficient agency that plays a necessary role in: i) meeting specific federal treaty and statutory obligations toward GLIFWC's member Tribes; ii) fulfilling conservation, habitat protection, and law enforcement functions required by federal court decisions affirming the Tribes' treaty rights; iii) effectively regulating harvests of natural resources shared among the treaty signatory Tribes; and iv) serving as an active partner with state, federal and local governments, with educational institutions, and with conservation organizations and other non-profit agencies.

Particularly relevant to the requested EPA funds, Tribal members rely upon treaty-protected natural resources for religious, cultural, medicinal, subsistence, and economic purposes. Their treaty rights mean little if contamination of these resources threatens their health, safety, and economy, or if the habitats supporting these resources are degraded.

With the requested stable funding base, GLIFWC will:

1. MAINTAIN THE REQUISITE CAPABILITIES TO MEET LEGAL OBLIGATIONS, TO CONSERVE NATURAL RESOURCES AND TO REGULATE TREATY HARVESTS: Although it does not meet all GLIFWC's needs, sustained funding at FY 2010 levels would go a long way in facilitating continued tribal compliance with various court decrees and intergovernmental agreements governing the tribes' treaty-reserved hunting, fishing and gathering rights. It also enhances GLIFWC's capability to undertake work and participate in relevant partnerships to tackle ecosystem threats, such as invasive species, habitat degradation and climate change, that harm treaty natural resources.

2. REMAIN A TRUSTED ENVIRONMENTAL MANAGEMENT PARTNER AND SCIENTIFIC CONTRIBUTOR IN THE GREAT LAKES REGION: With the requested EPA funding base, GLIFWC would maintain its role as a trusted environmental management partner and scientific contributor in the Great Lakes Region. It would bring a tribal perspective to the interjurisdictional mix of Great Lakes managers³ and would use its scientific expertise to study issues and geographic areas that are important to its member Tribes but that others may not be examining.⁴

³GLIFWC currently participates on a regular basis in the Binational Program to Restore and Protect Lake Superior,

3. MAINTAIN THE OVERALL PUBLIC BENEFITS THAT DERIVE FROM ITS PROGRAMS: Over the years, GLIFWC has become a recognized and valued partner in natural resource management, in emergency services networks, and in providing accurate information to the public. Because of its institutional experience and staff expertise, GLIFWC provides continuity and stability in interagency relationships and among its member Tribes, and contributes to social stability in the context of ceded territory treaty rights issues.

GLIFWC has built and maintained numerous partnerships that: i) provide accurate information and data to counter social misconceptions about tribal treaty harvests and the status of ceded territory natural resources, ii) maximize each partner's financial resources and avoid duplication of effort and costs, iii) engender cooperation rather than competition, and iv) undertake projects and achieve public benefits that no one partner could accomplish alone.

OTHER RELATED APPROPRIATIONS CONCERNS

1. Full Funding of BIA Contract Support Costs: GLIFWC seeks full funding of its contract support costs and supports the Administration's FY 2012 proposed increase of \$29.5 million from FY 2010 levels. GLIFWC anticipates its FY 2011 indirect cost shortfall to be approximately \$207,000, and this does not take into account the shortfall for all of its direct contract support costs. These shortfalls significantly inhibit GLIFWC's ability to restore program cuts and service capacity.

2. BIA Conservation Law Enforcement Officer Program: GLIFWC supports BIA's proposal for \$1 million in FY 2012 to support conservation officers like those employed by GLIFWC. This program will assist tribal conservation enforcement programs in protecting and monitoring natural resources, and may be particularly important in light of proposed cuts to the Department of Justice Community Oriented Policing Tribal Grant program.

3. BIA Circle of Flight Tribal Wetland & Waterfowl Initiative: GLIFWC supports BIA funding of the Circle of Flight Tribal Wetland & Waterfowl Enhancement Initiative for Michigan, Minnesota, and Wisconsin. The Circle of Flight program is a long-standing tribal contribution to the North American Waterfowl Management Plan that has leveraged matching partnership funding on a 3 to 1 ratio. In 2010, this program was awarded a Department of Interior "Partners in Conservation" Award.

International Joint Commission and SOLEC forums, the Great Lakes Restoration Initiative, and the implementation of agreements to regulate water diversions and withdrawals under the Great Lakes Charter, Annex 2001.

⁴ With the requested FY 2012 funds, GLIFWC would: i) continue a ceded territory wild rice enhancement project; ii) facilitate tribal review and input on the re-negotiation of the Great Lakes Water Quality Agreement and any implementing activities; iii) continue to participate in the development and implementation of the Lake Superior Lakewide Management Plan; iv) build upon its long-standing fish contaminant analysis and consumption advisory program by testing additional species, testing in a wider geographic range, and testing for chemicals of emerging concern; and v) enhance its invasive species and animal disease prevention, monitoring and mitigation programs, particularly given the potential impacts of climate change, the recent discovery of viral hemorrhagic septicemia (VHS) in Lake Superior and the potential migration of the Asian Carp into the Great Lakes.

**TESTIMONY OF TOM MAULSON, PRESIDENT
LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS
HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
MAY 3, 2011**

As President of the Lac du Flambeau Tribe of Lake Superior Chippewa Indians, located in Wisconsin, I am pleased to submit this testimony, which reflects the needs and concerns of our Tribal members for the upcoming fiscal year 2012. We would like to thank the Committee, particularly this Subcommittee, for supporting Indian programs throughout the FY 2011 appropriations process. We understand Congress' concern for our country's depressed economy and that it must respond by tightening the belt of the federal government. In the face of these circumstances, we particularly appreciate the support you have shown our programs.

I. BUREAU OF INDIAN AFFAIRS

Education. The President has made education one of his core priorities nationwide. Investing in educating our children is an investment in our future. An educated workforce creates economic opportunities, allows individuals and families to be self-sufficient, and, as a whole, allows us to be competitive in national and global markets. Education is one area where a relatively small amount of investment leads to long-term savings and benefits.

Because the Tribe's children attend public schools, Johnson O'Malley funding provides the core of the Tribe's education program. In our Tribe, JOM money funds a counselor/mentor position at the local high school. This position is particularly important as our children transfer from an elementary school that is over 90% Indian to a high school in which they are the minority. We believe this rough transition is part of the reason why our native students at Lakeland Union High School have had a graduation rate of 56-61% over the last four years. While we deeply appreciate that the President's request did not cut funding for the program, we would like to take the opportunity to remind the Subcommittee that this is an important program that deserves full funding.

Higher education is even more important as the overall workforce becomes college educated. Tribal communities must continue to evolve with other communities. Higher education is needed for our children to learn the skills necessary to enter the workforce, to be innovators, and to lead our Tribal governments. President Obama has repeatedly expressed his commitment to national education programs, and in his address to Indian Country he made a commitment to honor "obligations to Native Americans by providing tribes with the educational resources promised by treaty and federal law." We embrace that commitment, but we want to remind you that the need for support does not lie only with high schools. Our students who want to pursue higher education need our continued support.

The Budget proposes \$2.164 million for Special Higher Education Program Scholarships to support Indian students working for graduate degrees. We strongly support the SHEP program, and are concerned that funding for it has remained flat over the last couple of years. Tribal communities have made great strides in educating their youth. Those strides are evident in the fact that more Indian students are attending and graduating from colleges and other post-

secondary institutions. However, tribal communities must continue to evolve with other communities. The national and global economy has changed – students must earn graduate degrees to remain competitive. After making progress in Indian education, Indian students cannot be allowed to fall behind again because of lack of access to higher education programs.

One area of education that requires additional attention is job training and technical education. We propose an increase in adult basic education. At Lac du Flambeau, we would use any increase in this account to fund technical training at a local technical college. In the area of job training, we would use increases to double the number of scholarships for such areas as heating/ventilation/air conditioning, welding or culinary arts. This would be the training our members need to rejoin the workforce.

Natural Resources and Conservation Officers. Tribes are leaders in natural resource protection and BIA natural resource funding is essential to maintain our programs. Lac du Flambeau has a comprehensive Natural Resources Department and dedicated staff with considerable expertise in natural resource and land management. Our activities include raising fish for stocking, conservation law enforcement, collecting data on water and air quality, developing well head protection plans, conducting wildlife surveys and administering timber stand improvement projects on our 86,000-acre Reservation. We greatly appreciate the slight increases natural resources programs have recently received.

We would like to remind Congress that, in addition to being important cultural and environmental resources for current and future generations, natural resources provide many Tribes and surrounding communities with commercial and economic opportunities. Whether Tribes use those resources to sell licenses for hunting or recreational fishing, or operate commercial fisheries, these resources often provide much needed economic resources for families and Tribes. As you all know, each and every economic opportunity today is invaluable, and should not be taken lightly. To ensure that these opportunities continue, these resources must be protected. We fear that the natural resource budget will be cut without understanding the importance they play in our economies.

One of the critical elements of our Natural Resource program is our Conservation Law Enforcement Officers. These officers are primarily responsible for enforcing hunting and fishing regulations related to the exercise of treaty rights, but they also have a much larger role in law enforcement. They are often the first to respond to emergency situations; and are the first line of defense for any meth labs found on or near the Reservation. These officers play an integral part in protecting our cultural and economic resources, as well as assisting with the most important role of protecting public safety. We would like to express our thanks to President Obama for including \$1 million for Conservation Law Enforcement in his FY 2012 Budget Request. However, this amount will be divided among Tribes nationwide. We respectfully request that the amount provided for these CLEOs be increased to assist Tribes that are not able to supplement the funding be better able to administer their Conservation Law Enforcement program.

Housing Improvement Program. The HIP is a critical program for Tribes like Lac du Flambeau, providing much-needed money to renovate dilapidated housing. This is an especially

critical need in Northern Wisconsin, where substandard housing can have serious health and safety consequences in the winter, and especially at a time when President Obama has requested reduced funding for heating assistance programs. On average, Lac du Flambeau receives about \$38,000 annually – enough to improve a single home, leaving the waiting list for HIP services increasingly long each year. We are grateful that President Obama did not cut funding for this program in his FY 2012 request, but we would like to remind the Subcommittee that the current funding is already inadequate in our state, and states like it, where the average temperature from December through March is 5-10 degrees at night.

Great Lakes Indian Fish and Wildlife Commission. Related to the Tribe's natural resource needs, we would like to voice our continuing support for the **Great Lakes Indian Fish and Wildlife Commission (GLIFWC)**. The Tribe is a member of the Commission, which assists the Tribe in protecting and implementing its treaty-guaranteed hunting, fishing and gathering rights. We would also like to take this opportunity to express the need to maintain the Tribal set-aside from the Great Lakes Restoration Initiative at \$3 million.

II. Environmental Protection Agency Programs

Clean Water Program. The Clean Water Program provides grants to tribes under Section 106 of the Clean Water Act to protect water quality and aquatic ecosystems. The Lac du Flambeau Clean Water program maintains and improves water quality as development continues for the tremendous amount of surface water within the exterior boundaries of our Reservation. According to the 2000 Census, the Lac du Flambeau Reservation includes nearly one-half of all of the water area (56.34 square miles) within the Wisconsin Indian Reservations. The Tribe's GIS Program indicates that there are 260 lakes covering 17,897 acres, 71 miles of streams, and 24,000 acres of wetlands within the Reservation. Surface waters cover nearly one-half of the Lac du Flambeau Reservation. Funding to maintain clean waters on our Reservation has already decreased below the minimum required to maintain our program, and the President has proposed a cut to the national program. We ask the Subcommittee to protect funding for this program important to the health of our communities.

Clean Air. Tribal communities have the authority, through the Tribal Authority Rule, to implement Clean Air Act regulatory programs and to conduct air quality monitoring, emissions inventories, and other studies and assessments. They are eligible for funding through the Environmental Protection Agency to conduct these programs and services. However, when the EPA first increased its funding for these activities, relatively few Tribes were conducting clean air activities. This funding has remained the same, although more and more Tribes are taking over these Clean Air programs. During the past ten years, the funding has ranged between \$10.7 and \$13.3 million. As more Tribes are applying for this funding, the funds are becoming increasingly inadequate. We respectfully request that these funds be increased to assist Tribes in administering their Clean Air Act programs and activities.

III. INDIAN SELF-DETERMINATION ACT CONTRACT SUPPORT COSTS

Inflation, Cost of Living, and Fixed Costs. We fully support the increase that President Obama has requested for these contract support costs – providing an increase of \$29.4 million for the Tribal government programs, and \$63.3 million for the Indian Health Service. Again, this is a relatively small investment that will protect against a need for greater funding in the future. Under the Indian Self-Determination Act, many Tribes have assumed responsibility for providing core services to their members. If these services were provided by the federal government, employees would receive pay cost increases mandated by federal law, but Congress and Interior have historically failed to fulfill their obligation to ensure that Tribes have the same resources to carry out these functions.

One particular element of these contract support costs is the cost of health insurance, which is increasing every year. In order for us to maintain a \$10/hr employee (approximately \$20,000/yr), the Tribe faces an associated health care benefit cost of \$20,350 for a family health insurance plan. When the Tribe is forced to supplement under-funded BIA and IHS programs in order to cover these costs, direct services to our members suffer. We have less money available to provide counseling to students, collect water samples, put more officers in the field, provide basic health service, etc. Without full funding of Contract Support Cost funding, the Tribe will continue to decrease services to our tribal membership because we cannot afford to absorb these costs.

IV. INDIAN HEALTH SERVICE

Contract Health. A need that is expressed to the Subcommittee every year is increased funding for the Indian Health Service, and particularly in contract health care funding. This request is constant because contract health care funding is so important to the basic health and well-being of our communities, and is historically and continually tragically underfunded. Again we would like to express our appreciation to President Obama, and this Subcommittee, for providing increases to contract health care funding over the past couple of years. I do not want this to go unappreciated. We strongly support the \$89.6 million increase for contract health services proposed for the FY 2012 Budget. However, even at this level only half of the need is being met. We would request that an additional \$118 million be provided. We believe this modest funding increase, would increase access to necessary care for a significant number of Indian people.

Dental Health. We fully support the increase that the President has requested for Dental Health. However, this increase is for Commissioned Officers' pay costs, population growth, and inflation. No increase is provided to expand services to already under-served populations. Dental services in Indian Country, like most health services, are extremely limited, and routine procedures are generally unavailable. It has been reported that only 25% of Indian people had access to dental care in 2008. While this is unacceptable in its own right, with growing evidence that dental health directly impacts the health of our hearts and cardiovascular systems, adequate dental health is necessary to protect the overall health of our communities. We respectfully request that an additional \$10 million above the President's request be provided for Dental Health.

**Testimony of Donald Rodgers
Chief, Catawba Indian Nation
Before the
House Interior Appropriations Subcommittee
Tuesday, May 3, 2011**

FY 2011 Economic Development-Related Appropriations Requests:

- **Catawba Market - \$787,500.** Office of Indian Energy and Economic Development, Bureau of Indian Affairs; or Housing and Urban Development, Economic Development Initiatives.
- **Dave Lyle Boulevard Extension to Catawba Reservation - \$9.7 million.** Interior, Bureau of Indian Affairs, Indian Reservation Roads Program and Road Maintenance Program; or Transportation, Federal Transit Administration, Capital Investment Grants.
- **Catawba Indian Nation Ride Share Program - \$165,000.** Transportation, Federal Transit Administration; Buses and Bus Facilities.
- **Catawba Summer Youth Program - \$212,260.** Labor, Employment and Training Administration – Training & Employment Services.
- **Support for Carcieri Fix.**

Introduction. For the last several years, I have had the privilege of testifying before this Subcommittee. I want to begin my testimony by expressing my appreciation for the support that this Committee has provided to the Catawba Tribe as my administration has worked to address budget and audit issues that had accumulated over prior years. With the support of Chairman Simpson, Ranking Member Moran, Congressman Cole and the Committee as a whole, the Bureau of Indian Affairs took action that allowed the Catawba Tribe to receive several million dollars in funds that had been allocated to the Tribe, but that we could not access. Just two weeks ago, we have been told that a debt the Tribe had to the BIA was being forgiven – a critical step as we work towards self-sufficiency. Your support then and now means a great deal to the Catawba people and on their behalf you have our heartfelt “thank you!”

The Catawba Indian Nation takes very seriously our alliance and close relationship with the United States. Notably, during the Revolutionary War, the Catawba Indian Nation stood with the American colonists in their struggle for independence from the dictatorial mandates of King George III. Catawba scouts accompanied then-General George Washington on many of his campaigns. Ever since, the Catawbas have always answered the call of country, living up to their half of the Tribe’s government-to-government relationship with the United States - and we will continue to do so.

Federal Support for Smaller, Economically Disadvantaged Tribes Seeking Self-Sufficiency. I am here today to urge this Subcommittee to invest Federal dollars in programs that support economic development for smaller tribes that have limited resources but, like the Catawba, are committed to achieving economic self-sufficiency. Our Settlement Act specifically refers to the “policy of the United States to promote tribal self-determination and economic self-sufficiency” and it is about fulfilling this promise

of support for economic self-sufficiency that I appear before you today. The limitations in our Settlement Act significantly inhibit our ability to achieve economic self-sufficiency. As is the case with many Native American tribes, the Catawba Indian Nation struggles with poverty and its related issues. In the 2000 Census, the Catawba Indian Nation had a per capita income of just \$11,096. The estimated current unemployment rate among the Catawba is more than double that of the state of South Carolina, which itself has very high unemployment. The tribe currently has no operating economic development ventures.

In our case, the Catawba Indian Nation is one of a handful of federally recognized tribes that do not enjoy the range of sovereign powers possessed by most federally recognized Indian nations. Under the terms of our Settlement Act we possess what I would term "second class tribal sovereignty." For example, the state government has enormous civil and criminal jurisdiction on our lands, far in excess of that commonly accorded to states over other tribes. Additionally, in the area of gaming, we are not authorized to establish gaming operations pursuant to the Indian Gaming Regulatory Act. Instead, we are limited to two bingo halls, neither of which has been in operation since the state adopted a lottery that consumes most of the gaming dollars spent in our state. It is our hope that we can reestablish one of those bingo operations in the very near future. It is also our hope to come back to the Congress and ask for amendments to our Settlement Act that would restore some of our lost sovereignty and free-up our economic potential. We remain committed to being good citizens and good partners with the State of South Carolina, as we have been since the founding of the United States.

History of the Catawba. Since time immemorial the Catawba have lived in the Piedmont generally and along and upon the Catawba River specifically. In ancient times, the Catawba lived off the land and the river, hunting for game, fishing for shad, eels and other fresh water species, and farming corn, beans and squash. The tradition of pottery making among the Catawba, unchanged since before recorded history, links the lives of modern Catawba to our ancestors and symbolizes our connection to the earth and to the land and river we love. No less today, the sovereignty of the Catawba Indian Nation and our survival as a distinct people upon the earth is tied to our lands and the river. Like our pottery, the Catawba people have been created from the earth, and have been shaped and fired over time and so have survived many hardships to provide a living testament to our ancestors and to this place we call home.

The Catawba world was transformed by contact with European explorers and colonists. The Catawba's first encounter with Europeans was with the Spanish explorer Hernando de Soto, in 1540, and then with Juan Pardo in 1566. The Europeans brought guns, which made hunting easier, but they also brought disease, including small pox, which repeatedly decimated the tribe. Encroachment by settlers reduced Catawba lands. In 1760, the Catawbas entered into the Treaty of Pine Hill with the British authorities, which established a 15-mile square reservation in South Carolina. Although the Catawba honored the treaty, the Government of South Carolina and white settlers did not, encroaching further upon Catawba land such that by 1826 only a small number of Catawbas remained, occupying one sq. mile.

Regrettably, in 1959, the Congress enacted the Catawba Tribe of South Carolina Division of Assets Act which terminated the tribe's Federal recognition and liquidated the tribe's 3,434 acre reservation.

After a long struggle, and only after the tribe threatened to invoke its treaty rights to 225 square miles of South Carolina, did Congress act in 1993 by passing the Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993, which restored the trust relationship between the Catawba Indian Nation and the United States. This law also had the effect of settling treaty-based Catawba land claims on terms highly favorable to the State of South Carolina.

FY 2012 Economic Development-Related Appropriations Requests. Although we believe that the Catawba should have the same rights as other tribes, until Congress corrects this, we are focusing our efforts on ways to develop a diverse economy within the rights we currently possess. We ask that in your funding determinations you consider in general the tribal budgets of the Federal agencies listed above which provide significant funding to smaller tribes, as well as specifically the requests that we have listed and which are set forth in greater detail below:

Catawba Market - \$787,500. The Market will be located in the State of South Carolina, in the county of York, just outside the city of Rock Hill and adjacent to the Catawba Indian Nation. The Catawba Indian Nation has already secured funds to purchase a 2-acre tract, prepare the site, and cover architectural design of a convenience store. We need additional funds to construct the building, purchase equipment, and provide for start-up costs to open the store. There is only one other similar store within a five mile radius of the reservation. The store would allow Tribal members quick access to groceries and supplies without the undue burden of traveling to get what they need. The store is on a main road that is well traveled with approximately 3900 cars per day and would also receive traffic from the local community adding to the profitability of the store. This project serves as a HUD-defined "area-benefit activity" because approximately 65% of our tribal households had an income less than 80% of the median income for the area. The area is primarily residential with no existing industrial or manufacturing entities. All of our 2,600 Tribal members will benefit because the income generated from the future business venture will help the Tribe provide more programs or serve as matching funds for future grant opportunities. In addition, a possible convenience store on this parcel of property will provide employment and job training opportunities for several people. A convenience store could employ approximately six Cashiers, two Clerks, one Assistant Manager, and one General Manager. Eight positions could be filled with unskilled labor and there is opportunity for advancement as they learn the business.

Dave Lyle Boulevard Extension to Catawba Reservation - \$9.7 million. The Dave Lyle Boulevard Extension has been a long-identified need for York County, Lancaster County and the Catawba Indian Nation. The full 9 mile project would provide a critical connection between the counties, creating an "outer loop" south of the Ballantyne portion of I-485. This entire project is estimated at \$165,088,300 including bridges, interchanges, and a 4 lane roadway for approximately 9 miles. The Catawba Indian Nation is requesting this appropriation to fund the approximately 1.5 mile portion from

the end of the current Dave Lyle to its 300 acre property off Sturgis Road, known as the Carroll Tract. The Tribe has dedicated 150 acres of this land for economic development, however access is extremely limited at this time. As the only Federally recognized Indian Tribe in the state, we unfortunately qualify as a Distressed Area, as outlined in Section 301 of the Public Works and Economic Development Act of 1965. Especially in these difficult times, the creation of construction jobs in the near future and establishing employment opportunities along the corridor in the long-run will assist in lowering unemployment and improving the quality of life of our people. In addition, improved access to our property will increase the awareness of the history and cultural heritage of the Catawbans, improving our small tourism economy.

Catawba Indian Nation Ride Share Program - \$165,000. Transportation is a primary concern for tribal members on the Catawba Reservation. A major part of the transportation problem for tribal members is getting to work. The unemployment rate on the reservation is twice that of the surrounding county. Many tribal members are unemployed because they do not have reliable transportation. Another transportation problem for tribal members is getting to appointments that they need to be at. Money to support the transit program will allow us to continue providing these services to tribal members in need.

Catawba Summer Youth Program - \$212,260. In 2009, the Tribe established a Job Training and Life Skills program with the financial assistance of Palmetto Youth Connections. This program was extremely successful, resulting in a number of the participants securing permanent work. The Tribe would like to repeat this program in 2011 and 2012, focused on 2 functional areas: First is the main function of restorative services by working with unemployed, underemployed adult tribal members ages 17 and up to obtain and retain work. The second function is to develop the preventative part by creating a program for tribal youth ages 15 - 23. By providing these services as a preventative measure for the younger population, we hope to work towards reducing the number of unemployed and underemployed adults in the years to come. If provided with this funding, the Catawba Indian Nation Vocational Program will be able to purchase curriculum, pay for stipends, job training and WorkKeys testing, hire additional staff to provide case management, and hire a part time child care staff member for youth who are parents of young children. Having child care on location will significantly reduce the cost of transportation and create a more accessible program for tribal members.

Support for Carcieri Fix. The Supreme Court's decision in *Carcieri v. Salazar* was bizarre and would be very destructive to any tribe it is applied to. Although we believe that the Catawba Indian Nation would satisfy the requirements set forth by the Supreme Court, the doubt the decision creates is harmful to our economic development efforts. We urge this Subcommittee to support the Carcieri "fix."

Conclusion. I thank you for this opportunity to talk about the needs of the Catawba Indian Nation. Your support for our people and, indeed, for all Native peoples is greatly appreciated and truly in the best traditions of the government-to-government relationship.

**Prepared Remarks by the Honorable Colley Billie, Chairman of the Miccosukee Tribe of
Indians of Florida Committee on Appropriations, Subcommittee on Interior, Environment,
and Related Agencies for FY2012 Appropriations
Tuesday, May 3, 2011**

Chairman Simpson, Ranking Member Moran, Subcommittee Members, on behalf of the Miccosukee Tribe of Indians of Florida, thank you for the opportunity to appear before this committee to briefly discuss several issues of importance to the Miccosukee Tribe of Indians of Florida. When I was sworn in as Chairman in January 2010, I made several commitments to the Miccosukee People. I committed to good governance, protecting and enhancing our sovereignty, economic development, and environmental stewardship. As elected officials, you understand the great honor, but also the great responsibilities of leadership. As noted in my prepared remarks, we need your support in several areas related to our Tribe, Indian Country, as well as our home, the Florida Everglades. Today I am going to discuss programs at the Interior Department including the National Park Service and Bureau of Indian Affairs.

Carcieri v. Salazar Fix: Action Needed in the 112th Congress

Before I go any further, I wish to thank Representative Tom Cole, as well as the rest of this Subcommittee, for their efforts last year to try to enact a legislative fix to address the harmful effects of the U.S. Supreme Court decision, Carcieri v. Salazar. As you are aware, since 1934, the Department of Interior has construed the Indian Reorganization Act to allow the Secretary of the Interior to place lands into trust status for all federally recognized Indian tribes. The Carcieri decision has overturned this principal by not allowing the placement of lands into trust for certain Tribes. If this mistaken interpretation of the Indian Reorganization Act is not corrected, it will lead to unequal treatment of currently federally-recognized Tribes; threatening tribal sovereignty, economic self-sufficiency, and self-determination. It will also create long-term challenges to public safety and criminal jurisdiction across Indian Country, and put in serious risk important and much needed land acquisitions for schools, housing, health clinics, and protection of tribal sacred sites. On behalf of the Miccosukee People, I strongly urge the 112th Congress to take concrete and immediate steps to correct this issue. The longer you delay action, the more Indian Country will suffer.

Dispelling Myths About Federal Tribal Programs

I want to commend this Committee's oversight efforts. Your taking a closer look at the management practices of the Department of Interior, as well as regulatory overreach by the National Park Service, is necessary and long overdue. We are living in challenging economic times and, as I will discuss today, the Department of the Interior and its many bureaus are unnecessarily making every day life more difficult for the Miccosukee Tribe and the Miccosukee People. Working together, in substantive government-to-government and sovereign-to-sovereign partnership, we will begin to fix these problems through better communication and consultation. As Chairman of the Miccosukee Tribe, on behalf of the Miccosukee People, I have already met with several Members of Congress and agency officials to discuss some of these issues. But we need to do much more. And Congress, particularly, needs to step-up and do more to correct the mismanagement.

I have two issues that I would like to discuss in more detail. One, we need to dispel the myth that federal tribal assistance programs are no longer needed because of Indian Gaming. Two, I will ask for your support about an environmental catastrophe in the making in our home, the Florida Everglades. On this latter point, I am sure that it is not everyday that witnesses come before this Committee not to ask for funding, but rather to save the federal government millions of dollars. As you are all well aware, the U.S. Constitution explicitly recognizes Indian Tribes as sovereign governments. Furthermore, the U.S. has historically developed a legal policy based on federal trust responsibility towards Native Americans and Indian Tribes. In 1942, the Supreme Court held in Seminole Nation v. United States, that the federal government has charged itself with moral obligations of the highest responsibility and trust. The Congress has a unique and important role in this process. Nevertheless, we all know that in practice, this federal trust responsibility has not worked as well as it should.

There is a misperception in popular culture and, regrettably, among some in the Congress, that federal Tribal assistance programs are comparable to welfare. Nothing could be further from the truth. Federal Tribal assistance programs are designed and used to further assist the federal government to carry out its legal and moral duty towards Indian Country—a legally binding special relationship that the United States has voluntarily created by its actions and policies.

Some tribes, like the Miccosukee Tribe, have Indian Gaming. Through Indian Gaming, many Indian Tribes have been able to defeat the vicious cycle of poverty and economic stagnation. These enterprises help achieve significant improvements in the areas of health, housing and education. While not all Indian Tribes have Indian Gaming, even those that have successful gaming businesses have been severely affected by worldwide economic crisis.

Federal tribal assistance programs should never be considered gifts by the federal government, but rather well established commitments. Federal tribal assistance programs are simply what the word means: assistance. This program provides much needed supplemental funds for vital tribal programs for the young, elder and infirm, as well as for tribal judicial systems. The proceeds from Indian Gaming, even for those Gaming Enterprises that are very successful, are simply not enough to provide for all of these vital services.

We applaud Subcommittee efforts to maintain and increase federal funding for tribal healthcare, education, social services and other vital programs. I urge you to take a close and hard look at these programs and make sure that they are not de-funded or under-funded. The incidence of Indian Country poverty continues to be among the highest of any minority group in the United States. Federal tribal assistance programs are a critical component of the Tribes' plan to achieve self-sufficiency. Therefore, federal tribal assistance programs must be maintained at the current levels or increased. The Miccosukee People, however, recognize that in this new era of fiscal responsibility and spending restraints, there may come a time when a program needs to be de-funded. The Miccosukee People have such program for you: a very expensive, scientifically un-sound and arbitrary Interior Department bridging project that will cause great harm to the Florida Everglades and to the Miccosukee People.

Everglades Bridging, an Environmental Disaster in the Making

As many of you in this Subcommittee are aware, in addition to utilizing the proceeds from Indian Gaming to finance vital services for the community, the Miccosukee Tribe and the Miccosukee People also use these proceeds to honor and protect our sacred, religious and traditional stewardship of the land. We do this by supporting sound projects that are designed to protect and save our ancestral home, the Florida Everglades.

As the Chairman of the Miccosukee Tribe, I am humbled, but at the same time, proud to represent to you that no one in the history of the United States has done more to protect the Florida Everglades than the Miccosukee People. Our unwavering commitment to protect, save, restore and preserve the Florida Everglades is based on well-rooted historical and religious reasons. The Florida Everglades is today, as it has been for centuries, the home of the Miccosukee People. We have invested, and continue to invest, our human and economic resources in making sure that future generations of Miccosukees, Floridians, and the world will have a clean and environmentally-sound Everglades.

“We must honor the earth, from where we are made” is not a slogan but a central tenet of the Miccosukee People. When the Everglades hurt, we hurt. For years our Tribe has struggled to have an equal place at the table with regards to Everglades Restoration. As this Subcommittee well knows, the Miccosukee People’s commitment to the protection of the Florida Everglades is well-documented. Our commitment to Everglades Conservation is un-wavering.

In 2008, the Interior Department and U.S. Army Corps of Engineers decided to build a one mile-long bridge at the eastern end of the Tamiami Trail (U.S. Highway 41), which runs east to west through the Florida Everglades and the Miccosukee Tribe, connecting Miami-Dade County and Collier County. The price tag at the time was \$81 million. The Miccosukee Tribe immediately realized that this project was fiscally and scientifically unsound. We filed for a declaratory and injunctive action in Federal District Court. The Judge agreed with our arguments, labeling the project as an “environmental bridge to nowhere.” On November 13, 2008, the judge issued a temporary injunction against the project and temporarily stopped further construction until all federal laws, rules and procedures, such as the *National Environmental Policy Act*, were complied with. Unfortunately, Congress was misinformed and mistakenly led to intervene the following year.

On March 11, 2009, Congress passed the Omnibus Appropriations Act of 2009. In this Appropriations Act, language was inserted that authorized the expenditures of funds already allocated for this project and to continue construction, “notwithstanding any other provision of law.” By inserting this provision, Congress deliberately overruled the federal injunction and divested the federal courts of subject matter jurisdiction over this important matter. This legislative maneuver was done without any input from the Miccosukee Tribe, its representatives or other advisors in Florida and Washington, D.C. We believe that the “notwithstanding any other provision of law” language used to start this bridge work violates our Constitutional rights and goes against several existing federal laws including the National Environmental Policy Act (“NEPA”); Native American Graves Protection and Reparation Act (“NAGPRA”); the American

Indian Religious Freedom Act (“AIRFA”); and the National Historic Preservation Act (“NHPA”), among others.

The Miccosukee Tribe can find no better example in recent Everglades restoration history of the dangers of misguided federal largesse and counter-productive environmental legislation than this One Mile Bridge. It symbolizes all that is wrong with an arbitrary appropriation maneuver conducted without consultation with the government and people that the legislation will affect. It is emblematic of the what the Government Accountability Office (GAO) said in 2007 about the Comprehensive Everglades Restoration Plan (CERP): there is “little assurance” that the CERP will be effective because the agencies and officials are not using any overarching sequencing criteria for the work, but rather focus on availability of funds. *See South Florida Ecosystem: Restoration Is Moving Forward but Is Facing Significant Delays, Implementation Challenges, and Rising Costs (GAO-07-520, May 31, 2007).*

In this One Mile Bridge project, the National Park Service and the United States Corps of Engineers have, like in previous occasions, instead of working with the Miccosukee as true partners to save the Everglades, largely ignored our ideas. The concerns of the Miccosukee People were ignored. Less expensive, safer and scientifically available alternatives supported by the Miccosukee Tribe and the former Commandant of the U.S. Army Corp of Engineers for the region were also ignored.

In January 2010, the University of Miami released a study that supports our position that a Culvert Approach will be just as effective as bridging. Under the Culvert Approach, the focus will be on clearing existing culverts, which are small tunnels or bridges under the Tamiami Trail. Also adding additional culverts where necessary, and clearing a large swale area south of each culvert. This will be accomplished following the Time Sequence Plan detailed in CERP. The Culvert Approach will save millions of dollars of taxpayers’ money and will deliver the same amount of water to the Everglades National Park as the current proposal. In contrast to the elevated bridge approach represented by the One Mile Bridge, or any future bridges, the cost of the Culverts Approach will be significantly less and will potentially save the federal government close to \$400 million dollars.

We have yet to receive a detailed, verifiable cost-estimate on the One-Mile Bridge. There seems to be \$60,000,000 in the President’s current budget for Mod Waters, \$8 million of which will be used for Limited Reevaluation Report (LRR) work that specifically includes the One-Mile bridge. In 2009, the FY10 Omnibus included \$234 million for NPS construction projects, including the One-Mile bridge. This Subcommittee has the power to direct the Secretary of the Interior to exercise his discretionary authority to stop construction of this One Mile Bridge and to do the required studies. This is the right thing to do from a scientific, fiscal and practical perspective. With the aforementioned in mind, no additional bridging should be authorized or appropriated by the Congress for the Florida Everglades. We strongly recommend using the Culverts Approach first while simultaneously performing all the necessary studies. Thank you for allowing me this time to share the thoughts of the Miccosukee People with you. There is much good work to be done. The Miccosukee People and I look forward to working with you.