

**TESTIMONY OF
JOSEPH PAVEL, VICE-CHAIRMAN
OF THE SKOKOMISH TRIBE OF WASHINGTON STATE
BEFORE THE HOUSE APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
May 3, 2011**

I am Joseph Pavel, Vice-Chairman of the Skokomish Tribe of Washington State. I would like to thank the Subcommittee for the opportunity to present testimony on the FY2012 Interior and Related Agencies Budget.

The Skokomish Indian Reservation is a rural community located at the base of the Olympic Peninsula with a population of over 1000 people. The 5300 - acre Reservation is a fraction of the 2.2 million acre of the Tribe's Treaty area. The Skokomish Tribe appreciates the work of the Subcommittee and asks that you provide increased funding in areas that are key to the continuing development of tribal communities.

I. BUREAU OF INDIAN AFFAIRS PROGRAMS

A. Law Enforcement. The Skokomish Tribe respectfully requests increased funding for our law enforcement programs within the Bureau of Indian Affairs.

Since 1997, the Skokomish Department of Public Safety has grown from one (1) untrained officer, to six (6) Washington State certified/Washington State equivalency trained or BIA certified law enforcement officers. Our officers provide day-to-day law enforcement services on the Reservation. They are also responsible for patrolling the 2.2 million acres that make up our treaty protected fishing and hunting areas. To be fully staffed at a baseline minimum for the area and scope of service that the Skokomish Department of Public Safety is tasked with, we need a total of eighteen (18) officers. Thus, we are almost 80% below what is needed to safely serve our community.

In 2010, we had more than 100 "Part One" offenses - manslaughter, rape, domestic violence, child abuse, assault with a weapon, burglary, and arson and a reported 275 offenses for lesser crimes, like assault with no weapon, drug selling or manufacture, and vandalism. In many of these incidents alcohol or other substances were involved. These statistics are more than startling - they are heartbreaking. This means that every third day last year someone was the victim of a violent crime. When an act of violence occurs in our community it usually involves one tribal member hurting another tribal member, and in a number of these cases it is a family member. Thus, the Skokomish Tribal Council has made public safety and addressing criminal behavior in our community a top priority. We have dedicated all the available resources that we have to make our community safe. While we greatly appreciate the \$40,000 increase to our law enforcement base funding, which we received last year, this was the first increase in law enforcement funding that we received in more than a decade. We urge Congress to continue to make tribal law enforcement funding a priority and provide at least the requested \$5.1 million for law enforcement programs.

We also strongly support the \$1 million request for Conservation Officers. These law enforcement professionals serve a vital role in ensuring that our fishermen are able to properly exercise their rights to the treaty-protected resources. Just this last winter, we experienced an incident where non-Indians were firing guns over the heads of our tribal members, who were properly gathering oysters on a beach. While local law enforcement agencies are investigating this incident, we believe that if we had the resources for additional conservation officers to be stationed at key gathering locations we might be able to avoid these kinds of incidents in the future.

This is just one incident of members, exercising their treaty protected rights, being placed in danger or harassed. We fear these incidents will escalate as competition for access to scarce resources grows, especially on the Skokomish River – one of the only rivers on the Olympic Peninsula with a viable sports fishery. Each August, there is what we call “combat fishing” on the River. This is where the sports fishermen stand shoulder-to-shoulder casting their lines in the River. Unfortunately, during this time the Council hears reports from our people about the conflicts between the treaty fishermen and the sports fishermen. Again, we think a strong conservation law enforcement presence could help prevent these conflicts from occurring and escalating.

B. Tribal Courts. Having a fair and qualified judiciary is the bedrock of any government’s justice system. Skokomish has long understood this. In 1963, the Skokomish Tribe was the first Tribe in the Northwest (and one of the first in the country) to institute a tribal court.

Today, Tribal Courts handle huge criminal, civil and juvenile dockets, which could not be handled by the already over burdened state and federal courts. At the close of 2010, Skokomish had 447 open cases ranging from criminal cases to child welfare cases. Because of the number of outstanding open criminal cases, last year the Bureau of Indian Affairs awarded the Tribe one-time funding in the amount of \$130,000 for the Tribe to hire a probation officer. We proposed this model because we found that, without a probation officer, our judges and prosecutors had to use their limited time and resources to monitor the activities of the many criminal defendants in our court system.

This Probation Office has resulted in a great deal of success in clearing criminal cases and providing support for our tribal members to exit the criminal justice system. However, we are concerned that after 2011 this funding will be gone. And we will then return to the system where criminal defendants must appear in court for every matter involving their case and that the only option for the court to monitor a defendant’s activities is to remand him to custody. These options are much more costly, both in terms of money and human capital, than relying on a probation officer, who a defendant can report to and who can monitor the defendant’s conduct and make recommendations to the court.

Thus, we urge Congress to support Tribal Courts and provide at least the \$2.5 million that the Administration has requested and encourage the BIA to fund and support Tribal probation officers for Tribal Courts.

II. ENVIRONMENTAL PROTECTION AGENCY

The Skokomish Tribe urges the Subcommittee to maintain funding for key environmental programs, in particular, funding for Puget Sound restoration efforts. We urge the Subcommittee to reject the EPA's proposed \$30 million cut to this program for FY 2012. This funding is critical to the collaborative efforts to restore the health of the Puget Sound, and in particular the Hood Canal—the Jewel of the Puget Sound. The program is vital to the Tribe's efforts to manage and protect our treaty protected resources in the Hood Canal.

The threat to Hood Canal is a direct threat to the economy of the Skokomish Tribe and our members. More than 90% of the families on the Skokomish Reservation are supported by Treaty harvesters – men and women who exercise their treaty rights to gather resources to provide for their families. If these resources are not available, it means that 90% of the families on the Reservation do not get a paycheck.

III. INDIAN HEALTH SERVICE

The Skokomish Tribe strongly supports the \$4.6 billion requested for the Indian Health Service, which is a significant increase of \$571,433,000 over the FY 2010 enacted level. In particular, the Tribe appreciates the \$89 million increase for Contract Health Care.

While we have a tribally-operated ambulatory clinic staffed with dedicated professionals, our people experience significant geographic and financial barriers to health care. Our Contract Health funds are extremely taxed due to the number of patients who require a higher level of care than what is available at our health facility and limited access to specialty providers. We must continue to refer outside of our facility for such care. The lack of a local IHS-funded hospital further increases the financial burden our CHS budget must endure for inpatient care.

The Tribe would like to suggest the IHS consider as a demonstration program the creation of a team of specialty providers who could provide rotating services to the Tribes in the Puget Sound region. We believe this kind of creative programming and use of limited resources could allow us to better utilize our limited CHS funds. We appreciate the requested \$10,000,000 increase for the Catastrophic Health Emergency Fund (CHEF), as this will decrease the burden of high cost cases.

We are pleased to see continued efforts in the alcohol and substance abuse area. Although abuse of prescription drugs continues to be a highly problematic area, we now are seeing a rise in heroin addiction. We believe the rise in heroin use is due to diminished access to prescription medications. As we see the destruction of adults from substance abuse, we can only hope we can work with our youth and future generation towards breaking the addiction cycle. This will require a concentrated effort on behavioral health and related issues.

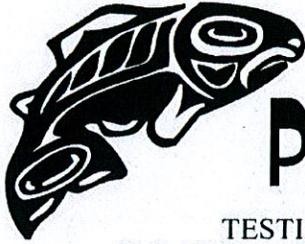
Finally, while we greatly appreciate specific grant opportunities and will continue to apply for grants to address our budget shortfalls, grants can some time take away from our core mission, which is meeting the health care needs of our members and the community. In particular, because many grants do not allow for staffing, we must rely upon existing staff to

carry out the grant. We believe additional funding dedicated to clinic staff would greatly enhance our ability to continue to deliver quality health care.

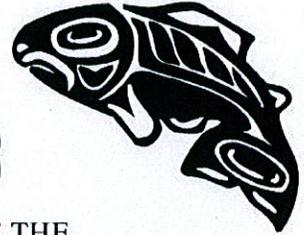
IV. TRIBAL HISTORIC PRESERVATION PROGRAMS

In 1995, Congress began encouraging tribes to assume historic preservation responsibilities as part of self-determination. These programs conserve fragile places, objects and traditions crucial to tribal culture, history and sovereignty. As was envisioned by Congress, more tribes qualify for funding every year. Paradoxically, the more successful the program becomes, the less each tribe receives to maintain professional services, ultimately crippling the programs. In FY 2001, there were 27 THPOs with an average award of \$154,000. Currently there are 115 tribes operating the program, each receiving less \$72,000. We join the National Congress of American Indians and the National Organization of Tribal Historic Preservation Officers in supporting the requested \$3 million increase in funding for this program.

Conclusion. The Tribe thanks the Subcommittee for the opportunity to present testimony on these important issues.



Puyallup Tribe of Indians



TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS BEFORE THE
U.S. HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES
FISCAL YEAR 2012
May 4, 2011

Mr. Chairman, my name is Lawrence W. LaPointe, Vice-Chairman of the Puyallup Tribe of Indians. The Puyallup Tribe is an independent sovereign nation having historically negotiated with several foreign nations including the United States in the Medicine Creek Treaty of 1854. This relationship is rooted in Article I, Section 8, of the United States Constitution, federal laws and numerous Executive Orders. The governing body of the Puyallup Tribe of Indians is the Puyallup Tribal Council which upholds the Tribe's sovereign responsibility of self-determination and self-governance for the benefit of the 4,263 Puyallup tribal members and the 25,000 plus members from approximately 355 federally recognized Tribes who utilize our services. The Puyallup Reservation is located in the urbanized Seattle-Tacoma area of the State of Washington. The 18,061 acre reservation is a "checkerboard" of tribal lands, Indian-owned fee land and non-Indian owned fee land. Our reservation land includes parts of six different municipalities (Tacoma, Fife, Milton, Puyallup, Edgewood and Federal Way).

The following written testimony being submitted to the U.S. House Appropriations Subcommittee documents the Puyallup Tribe's views on the President's FY 2012 Federal Budget. On February 14, 2011, President Obama delivered his FY 2012 Budget to Congress. The Budget proposal focuses on job creation and the beginning steps to reducing the nations projected deficits in FY 2011 and 2012. Within the budget, *\$2.4 billion is provided for the Operation of Indian Programs. This represents an overall increase of \$23.7 million from current levels. For the Indian Health Services, \$4.6 billion is provided, an increase of \$571.4 million over the FY 2010 level.* We appreciate the increased funding provided for the operation of Indian programs within the Bureau of Indian Affairs and the Indian Health Services. However, the years of inadequate funding and the effects of inflation has impacted the Tribe's ability to fully exercise self-determination and self-governance. As negotiations proceed on the FY 2012 budget and future appropriations, efforts to insure adequate funding is provided for the operation of Indian programs will be paramount. To preserve the increased funding levels realized in FY 2010 and contained in the proposed FY 2012 budget for the Bureau of Indian Affairs and Indian Health Services, the increases should be viewed by Congress and the Administration as new "base funding" amounts with annual increases to meet actual need. Specific issues and needs are;

Department of Interior – Bureau of Indian Affairs

- **Public Safety & Justice:** The *FY 2012 Budget request includes \$354.7 million for BIA Public Safety & Justice.* This represents a *\$20 million increase* which is fully supported by the Puyallup Tribe. The *\$84.9 million for Tribal and BIA detention and corrections funding is of great importance to the Puyallup Tribe.* Within this amount, *\$11.4 million is directed to fund operations and O&M costs at newly-constructed facilities.* In FY 2009, the Puyallup Tribe received a Department of Justice ARRA grant, in the amount of \$7.9 million to construct a 46 bed corrections facility. The Tribe has mobilized the Project Team, addressed all Special Conditions of the Grant Award, completed facility environmental documentation, design and established a Groundbreaking Ceremony for Spring/Summer 2011. The Project will be completed and be on-line by the end of Fiscal Year 2012. The Puyallup Tribe has submitted a P.L. 93-638 contract request to the B.I.A. for Operations and Maintenance funding for the new Puyallup Corrections facility. *We are requesting support from the Subcommittee on our contract request to*

the B.I.A. for the O & M funding for the Tribe's Adult Corrections facility, estimated at \$1.3 million annually. In addition, we have submitted a P.L. 93-638 contract request to the B.I.A. for Tribal Court funding, including pre-award and start-up funding. In F.Y. 2010, the B.I.A. was able to fund only one-third of actual need of pre-award and start-up funding requests. We are requesting support from the Subcommittee on our contract request for Tribal Court funding and to fund pre-award and start-up funding at 100% level of need, approximately an increase of three times the F.Y. 2010 base funding.

- **Natural Resources Management:** The Puyallup Tribe as stewards for land and marine waters in the Usual and Accustomed fish, shellfish and wildlife areas has treaty and governmental obligations and responsibilities to manage natural resources for uses beneficial to the tribal membership and the regional communities. Despite our diligent program efforts, the fisheries resource is degrading and economic losses are incurred by Native and Non-native fishermen and surrounding communities. Our resource management responsibilities cover thousands of square miles in the Puget Sound region of the State of Washington with an obligation to manage production of anadromous, non-anadromous fish, shellfish and wildlife resources. Existing levels of support are inadequate to reverse the trend of resource/habitat degradation. For FY 2012, \$162 million is provided for natural resource programs, which is a \$5 million increase over the FY 2010 funding level. As the aboriginal owners and guardians of our lands and waters it is essential that adequate funding is provided to allow Tribes to carry-out our inherent stewardship of these resources. *The Puyallup Tribe will continue to secure increased funding for our Fisheries Management program and request, at a minimum, Hatchery Operations and Maintenance be funded at the proposed F.Y. 2012 budget level.* The Timber, Fish and Wildlife (TFW) and U.S./Canada Pacific Salmon Treaty programs has allowed for the expansion of tribal participation in the state forest practice rules and regulations and participation in inter-tribal organizations to address specific treaties and legal cases which relate to multi-national fishing rights, harvest allocations and resource management practices. *We request Subcommittee support to provide funding for the T.F.W. and U.S./Canada Pacific Salmon Treaty programs at the F.Y. 2010 enacted budget level* The Puyallup Wildlife Management program has been the lead agency in management activities to benefit the South Rainier elk herd since 2004. The South Rainier elk herd is the primary stock of elk harvested by the Puyallup Tribe. The Tribe has not only established more reliable methods for population monitoring, but has also been proactive in initiating habitat enhancement projects, research and land acquisition to ensure sustainable populations of elk for future generations. Funds that are available to the Tribe have been on a very competitive basis with a limited amount per program via USFWS Tribal Wildlife grants and the B.I.A. Unresolved Hunting and Fishing Rights grant program. *We request Subcommittee support to provide base funding to the Tribes Wildlife Management Program in the amount of \$100,000 through the B.I.A. Unresolved Hunting and Fishing Rights program in FY 2012 Appropriations.*
- **Education:** The FY 2012 Budget request funding of \$795 million for the Education program, a decrease of \$3.8 million from current levels. We operate the pre-K to 12 Chief Leschi Schools which included a verified 2008-2009 School student enrollment of 910 + students, including ECEAP and FACE programs. With an increasing number of pre-kindergarten enrollment, Chief Leschi Schools will exceed design capacity in the near future. Additional education facility space will be required. Additional, the cost of operation and maintenance of the Chief Leschi School facilities continues to increase in the areas of supplies, energy and student transportation costs. The Tribe will work with Congress and the BIE to increase funding in FY 2012, including; *Tribal Grant Support Cost for Tribally Operated Schools - \$72.3 million; Student Transportation - \$73 million; School Facilities Accounts - \$109.8 million in facilities operations and \$76 million in facilities maintenance; and Indian School Equalization Formula (ISEF) - \$431 million.*

- **Transportation/Indian Reservation Roads Program:** The President's FY 2012 includes \$556 billion for the Department of Transportation six-year surface transportation reauthorization proposal. Within the FHWA \$70.5 billion budget request is \$600 million dollars to implement the newly-titled "Tribal Transportation Program". This would fund the Indian Reservation Roads and IRR Bridge Programs. *This request is a \$136 million increase over the current level for the IRR and IRR Bridge programs.* The Puyallup Tribe will continue to work with the President and Congress to ensure adequate funding is provided to these critical programs. *It should be noted, the Puyallup Tribe opposes any changes to the current funding formula under 25 CFR 170 Section C. We fear that unless there is a provision in the reauthorization of SAFETEA-LU that provides for urban Tribes that have enormous roads funding needs but do not own the roads.* This could be achieved through a special provision in the next legislation that protects small land based and urban based Tribes. *Also, the Tribe requests that in the next reauthorization of SAFETEA-LU, Tribes be granted greater flexibility to use their IRR dollars for roads that provide access to treaty protected resources.* Specifically, we have approximately 50 miles of "private" roads that provide the only viable access to Tribal fisheries facilities at the headwaters and southern portions of the Puyallup River. These facilities require daily and weekly access and they include a fish ladder, rearing ponds, and spawning survey access points. Under current BIA regulations, the BIA and DOT will not let the Tribe use IRR dollars to make improvements to these roads, thus important treaty protected resources are in danger. *We will continue to work with the Administration and Congress on the reauthorization of SAFETEA-LU to ensure that any legislative and administrative proposals for authorization equally benefit both large and small land based Tribes.*

- **Operations of Indian Programs & Contract Support Costs:** The President's F.Y. 2012 budget is in drastic need for increased funding for the B.I.A. Operations of Indian Programs. Within the Operations of Indian Programs is the Tribal Priority Allocations (TPA). The TPA budget functions include the majority of funding used to support on-going services at the "local tribal" level, including; natural resources management, child welfare, other education, housing and other tribal government services. These functions have not received adequate and consistent funding to allow tribes the resources to fully exercise self-determination and self-governance. Further, the small increases "TPA" has received over the past few years has not been adequate to keep pace with inflation. *The Puyallup Tribe is requesting support from the Subcommittee to fund the Operations of Indian Programs at the F.Y. 2012 request of \$2.4 billion and fund Contract Support costs at the 100% level of need.* We further request support from the Subcommittee to increase funding for Indian Child Welfare (TPA) by \$45 million; Increase Urban Indian Child Welfare programs by \$15 million; and increase B.I.A. Child Welfare Assistance by \$55 million.

Department of Health and Human Services – Indian Health Service

- In FY 2010 passage and permanent reauthorization of the "Indian Health Care Improvement Act (IHCIA)" was realized as part of Patient Protection and Affordable Care Act (PPACA). For the past 10 years Tribes have been working with Congress on the reauthorization of IHCIA to ensure that the Indian health care delivery system is strengthened and funded at levels necessary for the health, welfare and rights of Indian people and sovereign governments. While health care reform remains a major political issue, Congress must realize the impact repeal of the PPACA would have on the general health of Native Americans and Alaskan Natives. Indian Country strongly supports health care reform and seeks to ensure that Indian people and health programs benefit from reformed systems. Decades of underfunding has driven the Indian Health system to become cost-effective, innovative and collaborative, all in an effort to eliminate atrocious medical practices, failing facility conditions, unreliable funding and services. The permanent reauthorization of the IHCIA was a major step towards addressing these

negative factors. The Puyallup Tribe strongly requests your continued support of the Indian Health Care Improvement Act and its permanent reauthorization.

- While Health Reform and reauthorization of the IHCA are important and necessary steps towards improving the quality of health care in Indian Country, inadequate funding is the most substantial impediment to the current Indian Health system. The Puyallup Tribe has been operating healthcare programs since 1976 through the Indian Self-determination Act, P.L. 93-638. The Puyallup Tribal Health Authority (PTHA) operates a comprehensive ambulatory care program to the Native American population in Pierce County, Washington. The current patient load exceeds 9,000, of which approximately 1,700 are Tribal members. There are no Indian Health Service hospitals in the Portland Area so all specialties and hospital care have been paid for out of our contract care allocation. The Contract Care allocation to PTHA has been significantly inadequate to meet the actual need since F.Y. 2004 when the Puyallup Tribe subsidized Contract Health with a \$2.8 million dollar contribution; in F.Y. 2005 PTHA shifted to a priority status. By F.Y. 2009 the tribal subsidy had reached a staggering \$6 million dollars. Given that the PTHA service population is only comprised of 17% Puyallup Tribal members, tribal budget priorities in F.Y. 2010 and 2011 has made continued subsidies to the PTHA financially difficult for the Puyallup Tribe. *The FY 2012 Budget requests \$4.6 billion in discretionary budget authority for the Indian Health Service. This represents a \$571.4 million increase over current FY 2010 levels. For Health Services programs the Budget request is \$4.166 billion, an increase of \$508 million of FY 2010 levels.* Included within the increases are funding for Contract Support Costs (\$461.8 million), Contract Health Services (\$948.9 million) and \$211.7 million Alcohol and Substance Abuse funding. The Tribe fully supports funding increases for existing I.H.S. programs and will work Congress to continue efforts to increase funding for I.H.S. and the critical programs administered by this Agency.

Non-B.I.A. - Internal Revenue Service

- The controversy of the Internal Revenue Service (IRS) policy of treating health benefits provided by Tribes to their members as taxable income continues to have a direct impact on Tribes and members. Initially, the IRS took issue with health benefits being provided to members by Tribal Governments. Due to the ongoing inadequate funding of the IHS, some Tribes commenced using "tribal revenue" to supplement the health services offered by the IHS. This includes providing private health insurance coverage for their members to help offset inadequate funding of the IHS. The IRS asserted that the "general welfare exclusion" doctrine has been applied to benefits provided by both tribal and non-tribal governments and to be excluded from taxable income, a health benefit must be provided by applying a standard of financial need. In contrast, other benefits, such as, Medicare and Veterans Administration are excluded from gross income and are not based on a standard of financial need. Recently, the passage and permanent reauthorization of the Indian Health Care Improvement Act include language to exempt medical health care Tribe's provide to their members. Other tribally provided benefits, such as education, meals for elders and housing continue to be pursued by overly aggressive IRS enforcement agents as taxable events. The Puyallup Tribe is experiencing this type of IRS scrutiny on benefits provided to our members. The IRS has a responsibility to carry-out the government-to-government relationship in which the United States has failed to provide health care as promised and IRS Indian Tribal Governments Office (ITG) needs to be a voice on these issues for Tribes. Not an adversary. However, IRS continues its efforts to tax other social and cultural benefits Tribe's provided their members. We will continue to work with Congress on the development of legislation to refocus the IRS regarding benefits provided by Tribes to members.



Northwest Indian Fisheries Commission

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**TESTIMONY OF BILLY FRANK, JR., CHAIRMAN
THE NORTHWEST INDIAN FISHERIES COMMISSION
BEFORE THE HOUSE INTERIOR, ENVIRONMENT AND RELATED AGENCIES
APPROPRIATIONS SUBCOMMITTEE
ON THE FY-2012 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS &
ENVIRONMENTAL PROTECTION AGENCY
May 4, 2011**

Mr. Chairman and other Honorable Members of the Subcommittee, I am Billy Frank, Jr., Chairman of the Northwest Indian Fisheries Commission (NWIFC). It is indeed a privilege for me to be among the distinguished cadre of Northwest Tribal Leaders who are also here to present the funding requests of their people. Their strong support and encouragement gives our organization focus and direction and helps make us successful in protecting and enhancing their treaty rights. To meet the many natural resource management responsibilities required of the tribes, I submit the following requests for the Bureau of Indian Affairs (BIA) and the Environmental Protection Agency (EPA).

SUMMARY OF FY-2012 APPROPRIATIONS REQUEST

Bureau of Indian Affairs

Rights Protection Implementation Account

- Increase Western Washington Fisheries Management by \$8.643 million from the amount contained in the President's FY-2012 budget to a total of \$17.146 million.
- Restore the Washington State Timber-Fish-Wildlife Project to the FY-2010 enacted levels of \$2.736 million.
- Increase Salmon Marking by \$1.4 Million from the amount contained in the President's FY-2012 budget to a total of \$2.4 million.
- Increase U.S./Canada Pacific Salmon Treaty by \$694,000 from the amount contained in the President's FY-2012 budget to a total of \$4.8 million

Fish, Wildlife and Parks Account

- Support the Fish Hatchery Maintenance account at \$5.452 million as requested in the President's FY-2012 budget.

Environmental Protection Agency

- Support the Tribal General Assistance Program (GAP) at \$71.375 million as requested in the President's FY-2012 budget.
- Support the Multimedia Tribal Implementation Grants Program at \$20 million as requested in the President's FY-2012 budget.
- Restore the Puget Sound Geographic Program to the FY-2010 enacted level of \$50 million.

National Requests

- We also support the budget priorities and funding requests of the National Congress of American Indians.

On behalf of our 20 member tribes, I am here today to speak to our FY-2012 natural resource management funding requests for the BIA and the EPA. But before I do that, I must first acknowledge the outstanding support this Committee has given to us in the past couple of years. You listened to our story and have helped us greatly with your actions that supported our needs. We are also pleased that the FY-2012 President's budget continues to be supportive of the northwest natural resources funding requests and includes many of the Committee's actions from the last two years.

TRIBES, TREATY RIGHTS AND TRUST OBLIGATIONS OF THE FEDERAL GOVERNMENT

Indian tribes have always inhabited the watersheds of western Washington, with cultures based on harvesting fish, wildlife, and other natural resources in the region. In the mid-1850s, a series of treaties were negotiated between the federal government and the tribes in the region. Through the treaties, the tribes ceded most of their land, but in doing so, reserved certain rights to fish, hunt and gather to protect their way of life.

The promises of the treaties were quickly broken in the decades that followed as the tribes were systematically denied their treaty-protected rights by the State of Washington. In 1974, the tribes won a major victory in *U.S. vs. Washington* (Boldt Decision), which reaffirmed their treaty-protected fishing rights. The ruling, which has been upheld by the U.S. Supreme Court, established the tribes as co-managers of the resource and determined they were entitled to 50 percent of the harvestable number of salmon returning to Washington State waters. More recent federal court rulings and solicitor opinions upholding treaty-reserved rights have further expanded the role and responsibilities of the tribes as natural resource managers. Those rulings, combined with the interconnectedness of all natural resources, mean that tribal participation is essential in nearly all aspects of natural resource management in the region.

The tribes from the Pacific Northwest have stepped forward and have embraced co-management. Today, the tribes have developed sophisticated natural resource programs designed to protect and enhance their treaty rights. Tribal programs, based on deep cultural and philosophical underpinnings, have served as the backbone of salmon recovery, providing the technical, policy and legal framework for this incredibly difficult task. Tribes perform complicated harvest, hatchery and habitat management tasks that neither the state nor the federal government can effectively carry out. Tribal programs, largely funded by the BIA, serve as a *de facto* arm of the federal government as it labors to uphold its trust obligations to the tribal people. These funds are contracted or compacted by the tribes through the Indian Self-Determination and Education Assistance Act. Under this Act, tribes were delegated authority to provide their own services created by the federal trust responsibility. It is because of the role that tribes play in protecting their rights that they require adequate, long-term, and stable funding.

JUSTIFICATION OF FY-2012 APPROPRIATIONS REQUEST

BUREAU OF INDIAN AFFAIRS

- **Increase Western Washington Fisheries Management by \$8.643 million from the amount contained in the President's FY-2012 budget to a total of \$17.146 million**

Over the past several years, the tribes and the NWIFC have requested an increase of \$12 million in the base Western Washington Fisheries Management program. In FY-2010, Congress heard our plea and increased the national Rights Protection Implementation account by \$12 million with \$3.386 million of this going to the Western Washington Fisheries Management Program. This increase was very much appreciated and will go towards meeting many of our needs. However, we once again ask Congress to address the remaining identified needs of the NWIFC and our member tribes. *We respectfully request an increase of \$8.643 million from the amount contained in the President's FY-2012 budget to a total of \$17.146 million which is consistent with our needs assessment presented in FY-2010 to this Committee.*

- **Restore the Washington State Timber-Fish-Wildlife Project to the FY-2010 enacted levels of \$2.736 million**

The Congressional increase to the Rights Protection Implementation subactivity in FY-2010 of \$12 million was allocated to all programs within this element including the Washington State Timber-Fish-Wildlife Project. However, the President's FY-2012 budget did not carry forward the entire FY-2010 increase. The Washington State Timber-Fish-Wildlife Project was reduced by \$10,000. *Thus, we respectfully request that this account be restored to maintain the FY-2010 funding level.*

- **Increase Salmon Marking by \$1.4 Million from the amount contained in the President's FY-2012 budget to a total of \$2.4 million**

The Salmon Marking line item was funded at \$1.0 million by the FY-2010 increase in the Rights Protection Implementation subactivity. These funds are used to mark salmon at tribal hatcheries and to use these marked fish to scientifically monitor salmon populations and watersheds in Western Washington, pursuant to the federal requirement to mass mark Pacific salmon reared in facilities funded by federal dollars. *We respectfully request an additional \$1.4 million to fully implement more extensive selective fisheries targeted at these marked fish.*

- **Increase U.S. Pacific Salmon Treaty by \$694,000 from the amount contained in the President's FY-2012 budget to a total of \$4.8 million**

The Pacific Salmon Treaty Act of 1985 charges the United States Section of the Pacific Salmon Commission with the responsibility for implementation of the Pacific Salmon Treaty, a bilateral treaty with Canada. Tribes assist in meeting the Federal Government's obligations in implementing the treaty by participating in cooperative research and data gathering programs. *We support the U.S. Section's recommendation to fund the Department of the Interior, BIA at \$4.8 million, an increase of \$694,000 from the amount contained in the President's FY-2012 budget.*

- **Support the Fish Hatchery Maintenance account at \$5.452 million as requested in the President's FY2012 budget**

Tribal fish hatcheries in western Washington are part of the largest fish hatchery system in the world. Tribal hatcheries produce 50% of the coho salmon and 33% of the Chinook salmon in Puget Sound and the coast of Washington. These hatcheries provide fish that significantly contribute to both non-Indian recreational and commercial harvest, as well as for tribal fisheries. Today, hatcheries also play a large role in recovering pacific salmon, many of which are listed

under the Endangered Species Act. A comprehensive needs assessment study was conducted in FY-2006 by the BIA at the request of Congress which identified a level of need of over \$48 million in necessary hatchery maintenance and rehabilitation costs. *We support the funding of this account at \$5.452 million as requested in the President's FY-2012 budget.*

ENVIRONMENTAL PROTECTION AGENCY

- **Support the Tribal General Assistance Program (GAP) at \$71.375 million as requested in the President's FY-2012 budget**

We support full funding of the EPA Indian General Assistance Program (GAP) at the \$71.375 million amount requested in the President's FY-2012 budget. This funding has built essential tribal capacities and remains critical to the tribes' ability to sustain their important water quality programs. *We support the increase of \$8.5 million from the FY10 enacted level which is included in the President's budget.*

- **Support the Multimedia Tribal Implementation Grants Program at \$20 million requested in the President's FY-2012 budget**

This program was initially included in the President's FY-2011 budget request. It will allow the EPA to provide targeted multimedia (cross discipline) grants to tribes for implementation of federal environmental programs. This program logically follows the capacity building function under the Tribal GAP, as noted above. This program is a substantial investment from within the EPA and will continue to build a firm foundation for environmental protection. Tribes in western Washington are ready to partner with EPA to begin this implementation program. *We support \$20 million for the Multimedia Tribal Implementation Grant program funding, which is included in the President's FY-2012 budget.*

- **Restore the Puget Sound Geographic Program to the FY-2010 enacted level of \$50 million**

Marine resources are very important to our member tribes. The Puget Sound Geographic Program provides essential funding that will help protect, restore and enhance Puget Sound. Tribes will continue to seek funding from this EPA account, in coordination with the Puget Sound Partnership. Such funding will allow the tribes to participate in the necessary scientific work, implementation measures, and policy discussions on issues that affect our treaty rights. *We support restoring this program to the FY-2010 enacted level of \$50 million.* With this level of funding, collaborative work can continue on key marine issues, salmon recovery, land use management and regulatory changes.

CONCLUSION

Mr. Chairman, and Members of the Committee, we know that it is difficult to allocate scarce federal funds at this time. However, we believe that the management work that we perform to protect our valuable resources and to help fulfill the trust obligation of the federal government continues to be worthy of your support.

Thank you.



SQUAXIN ISLAND TRIBE

**Written Testimony of Chairman Dave Lopeman, Squaxin Island Tribe
Presented by Ray Peters, Inter-Governmental Liaison to the Tribal Council
to the House Interior, Environment and Related Agencies Appropriations Subcommittee
On the Fiscal Year FY 2012 Budgets for the
Bureau of Indian Affairs and the Indian Health Service
May 4, 2011**

On behalf of the Tribal Leadership and members of the Squaxin Island Tribe, I am honored to submit our funding priorities and recommendations for the FY 2012 Budgets for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS). The FY2012 President's proposed budget presents a renewed opportunity for the U.S. government to live up to the promises made to American Indian/Alaska Native (AI/AN) Tribal governments. We want to thank this Subcommittee for their long standing support and urge your consideration of the following requests:

Tribal Specific Requests:

1. **\$1 Million Increase for Northwest Indian Treatment Center (NWITC) Residential Program in IHS**

Regional Requests and Recommendations

The Squaxin Island Tribe is actively involved in the collective Northwest Tribal efforts and supports the requests and recommendations of:

1. **Northwest Portland Area Indian Health Board**
2. **Affiliated Tribes of Northwest Indians**
3. **Northwest Indian Fisheries Commission**

Self-Governance and National Requests and Recommendations:

Bureau of Indian Affairs

1. **TPA General Increase - Provide \$82.9 million (10% increase over FY2010)**
2. **Contract Support Costs - Provide \$50 million Increase for BIA to Fully Fund Contract Support Cost (CSC), Including Direct CSC; and Provide \$5 million for the Indian Self-Determination (ISD) Fund**
3. **Increase funding to the Office of Self-Governance to fully staff the office for the increase of Tribes entering Self-Governance**

Indian Health Service

1. **Fully Fund Current Services - Provide \$532 million for IHS and Tribal Pay Costs, Inflation and Population Growth; Staffing for New/Replacement Facilities and Health Care Facilities Construction Previously Approved Plan**
2. **Contract Health Services (CHS) - Provide \$118 million Increase for CHS**
3. **Contract Support Costs (CSC) - Provide \$122 million for IHS to Fully fund CSC**
4. **Office of Tribal Self-Governance (OTSG) - Increase \$5 million to the IHS OTSG**

We support all requests and recommendations of the **National Congress of American Indians (NCAI)** and the **National Indian Health Board (NIHB)**.

Squaxin Island Tribe Background

The Squaxin Island Tribe is located in southern Mason County, near Shelton, Washington in the 6th Congressional District. The Tribal government and its economic enterprises constitute the largest employer in the county with over 1,250 employees. The Tribe is a signatory to the 1854 Medicine Creek Treaty and is a Self-Governance Tribe. The Tribe has a current enrollment of 1,017 and an on-reservation population of 426 living in 129 homes. Squaxin has an estimated service area population of 2,747; a growth rate of about 10%, and an unemployment rate of about 30% (according to the BIA Labor Force Report).

TRIBAL SPECIFIC REQUESTS JUSTIFICATIONS:

1. \$1 Million Increase for Northwest Indian Treatment Center (NWITC) Residential Program in IHS

"D3WXbi Palil" meaning "Returning from the Dark, Deep Waters to the Light" – NWITC has not received an adequate increase in its base Indian Health Service budget since the original Congressional set-aside in 1993. **An increase of \$ 1 Million would restore lost purchasing power and meet the need to add mental health and psychiatric components to treatment. This increase would allow NWITC to continue its effective treatment of Native Americans.**

The Squaxin Island Tribe operates the NWITC located in Elma, Washington (6th congressional district). NWITC is a residential chemical dependency treatment facility designed to serve American Indians from Tribes located in Oregon, Washington and Idaho who have chronic relapse patterns related to unresolved grief and trauma. NWITC is unique in its integration of tribal cultural values into a therapeutic environment for co-occurring substance abuse and mental health disorders.

NWITC has over 15 years of experience providing residential treatment with culturally competent models and is accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), an international accrediting organization for behavioral health programs. The NWITC is also certified by Washington State Division of Alcohol and Substance Abuse (DASA) Division of Behavioral Health and licensed by the Department of Health.

Approximately 180 clients are treated at the NWITC each year. In 2009, the NWITC served 193 patients from 28 tribes. In 2009, the NWITC added intensive case management and crisis support to alumni in order to continue to promote positive outcomes for clients. Our base allocation in 1994 was \$850,161. In 2010 it was \$994,877. If value equity to the 1994 baseline were maintained, the 2010 allocation would have been \$1,250,895. Despite funding challenges, NWITC has continued to develop and deliver innovative, culturally appropriate services to meet increasingly complex demands.

Let me share just one of the many NWITC success stories: *X came into treatment referred by a tribe on the Kitsap Peninsula. He came pressured by court but did not believe he could change – nor did he really want to. While in treatment his spirit awakened and he came to believe in a different possibility. He is now a chemical dependency counselor. He writes each year on the anniversary of his admission to thank us for his changed life. He sends pictures of the children he is raising and tells us their lives are also changed.*

It is critical to increase the NWITC's annual base allocation from IHS in order to sustain the current services to the tribes of the Northwest. **We respectfully request the Subcommittee to increase the annual base allocation for the NWITC by \$1,000,000 additional dollars to guarantee that patients can be admitted based on need, not State funding streams, and that culturally infused, integrated and comprehensive treatment services and recovery support services will be maintained.**

Self-Governance and National Requests and Priorities:

Squaxin Island was one of the first 30 tribes in the nation to enter into a Self Governance Compact with the Federal government. Today, the Tribe establishes its own priorities and budgets for funds previously administered by the BIA and IHS. In order to effectively carry out the transfer of federal activities to Tribes under the Indian Self-Determination and Education Assistance Act, ***we respectfully request this Subcommittee to protect and support the President's FY2012 proposed increases for Indian Affairs programs and to support the following additional program increases:***

1. TPA General Increase - Provide \$82.9 million (10% increase over FY2010) for General Increase

TPA is one of the most important funding areas for Tribal governments. It covers such needs as scholarships and higher education funding, human services, economic development and natural resources management. This funding has steadily eroded due to inflation and population growth. The effects of rising costs of travel, equipment, supplies, and purchased services have been compounding for years while the Native American population has increased at 1.6% per year. Since Tribes have the flexibility to use TPA funds to meet the unique needs of their individual communities, they are the main resources for Tribes to exercise their powers of Self-Determination and Self-Governance. *We respectfully urge the Subcommittee to provide at least a 10% (\$82.9 Million) "general increase" over the FY 2010 enacted level for TPA in order to maintain these programs and services.*

2. Contract Support Costs - Provide \$50 million Increase for BIA to Fully Fund Contract Support Cost (CSC), Including Direct CSC; and Provide \$5 million for the Indian Self-Determination (ISD) Fund

Contract support costs are the key to Self-Determination for Tribes. Full funding of CSC covers the fixed overhead costs that a Tribe must incur to operate a BIA program or facility as required under the Indian Self-Determination and Education Assistance Act. When CSC is not fully funded, Tribes are forced to utilize limited direct program services dollars or Tribal resources to cover these shortfalls. Further, contract support costs directly funds jobs-- and those jobs directly enhance services for education, law enforcement and other essential governmental services across Indian Country. *We respectfully urge the Subcommittee to fund these essential services and not permit Indian agreements to remain the only government contracts that are not fully funded.*

3. Increase funding to the Office of Self-Governance to fully staff the office for the increase of Tribes entering Self-Governance

IHS REQUESTS

The President's FY2012 proposed increase for the IHS represents a significant increase of \$571 million (14.1%) over the FY 2010 enacted level. This represents a positive step toward meeting the overwhelming \$22.1 billion needed to bring parity in health care for American Indians and Alaska Natives. Last year, permanent reauthorization of the Indian Health Care Improvement Act (IHCIA) was included as part of the Patient Protection and Affordable Care Act (ACA). Effective implementation of the IHCIA requires an investment in Indian health to ensure that Indian health care delivery system is strengthened so that American Indian/Alaska Natives (AI/ANs) and Indian health programs benefit from these reformed systems.

We respectfully urge this Subcommittee to hold Indian health program harmless and to protect and support the President's FY2012 proposed increases for IHS programs from budget roll-backs, freezes and rescission. We offer the following additional recommendations:

1. Fully Fund Current Services - Provide \$532 million for IHS and Tribal Pay Costs, Inflation and Population Growth; Staffing for New/Replacement Facilities and Health Care Facilities Construction Previously Approved Plan

Mandatory costs increases are necessary to maintain the current level of services. These "mandatories" are unavoidable and include medical and general inflation, pay costs and population growth. Maintaining current services is a fundamental budget principle. *We respectfully urge the Subcommittee to provide an increase necessary to maintain the current level of care.*

2. Contract Health Services (CHS) - Provide \$118 million Increase for CHS

This increase of \$118 million is a modest increase compared to the estimated needs of \$1 billion! At present, less than one-half of the CHS need is being met, leaving too many Indian people without access to necessary medical services. *We respectfully urge the Subcommittee to provide to address this critical need.*

3. Contract Support Costs (CSC) - Provide \$122 million for IHS to Fully fund CSC

For FY2012, the estimated shortfall is \$153 million. Investing funds here is wise. No part of the IHS budgets is more highly scrutinized than are the funds awarded under these contracts. There is a transparency and accountability here that is unrivaled in other government contracting work. Adequate CSC funding assures that Tribes have the ability to deliver the highest quality health care services to their members. *We respectfully urge the Subcommittee to fund these essential services and not permit Indian agreements to remain the only government contracts that are not fully funded.*

4. Office of Tribal Self-Governance (OTSG) - Increase \$5 million to the IHS OTSG

As of 2011, there are 334 Self-Governance (SG) Tribes managing approximately \$1.4 billion in funding. This represents 59% of all federally-recognized Tribes and 33% of the overall IHS funding. The Office of Tribal Self-Governance (OTSG) supports Tribes operating programs under the Tribal Self-Governance Amendments of 2000. The Self-Governance process serves as a model program for health care reform implementation and builds Tribal infrastructures to provide quality services to AI/AN people. *We respectfully urge the Subcommittee to provide an increase to provide for adequate implementation of this Act.*

On behalf of the Squaxin Island Tribal Council and Tribal members, thank you for this opportunity.