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INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2013

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

MICHAEL K. SIMPSON, Idaho, *Chairman*

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NOTE: Under Committee Rules, Mr. Rogers, as Chairman of the Full Committee, and Mr. Dicks, as Ranking Minority Member of the Full Committee, are authorized to sit as Members of all Subcommittees.

DAVID LESSTRANG, DARREN BENJAMIN, JASON GRAY,
ERICA RHOAD, and COLIN VICKERY,
Staff Assistants

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Printed for the use of the Committee on Appropriations

PART 8—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2013

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DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS FOR 2013

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

WEDNESDAY, MARCH 21, 2012.

PUBLIC WITNESSES

Mr. SIMPSON. We will call this meeting to order. The ranking member will be here shortly, and then we are going to have votes at 2:00 that are going to last for about 40 minutes. So our schedule will be thrown off, but we knew that.

Good afternoon, and welcome to the first of two public witness hearings this afternoon and again tomorrow morning. The Subcommittee will be hearing from a cross section of individuals representing a wide variety of issues addressed by this subcommittee.

The Chair will call each panel of witnesses to the table, one panel at a time. Each witness will be provided with 5 minutes to present their testimony. We will be using a timer to track the progress of each witness. When the button turns yellow, the witnesses will have 1 minute remaining to conclude his or her remarks. The members will be provided an opportunity to ask questions of our witnesses, but in the interest of time, the chair requests that we keep things moving in order to conclude this afternoon's testimony at a reasonable hour.

And I am not going to yield to my ranking member from Virginia, because he is not here yet, unless you would like to make his opening statement. Do you have a quote for us? Jim always gives us a quote that we wait for.

I thought we were going to miss the quote. So now I would be happy to yield to the gentleman from Virginia for an opening statement, so that we can get the quote of the day.

Mr. MORAN. We will facilitate things. The only thing you ever listen to is the quote. You have no idea what the context is. All right. This is a line from John Muir, who I know you are all familiar with.

Mr. SIMPSON. The Ghost and Mrs. Muir. Was he an actor in that film?

Mr. MORAN. No. John actually, as you know, was one of the real founding fathers of the environmental movement internationally, but he said, "Climb the mountains and get their good tidings. Na-

ture's peace will flow unto you as sunshine flow unto trees. The winds will blow their own freshness into you, and the storms, their energy, while cares will drop off like autumn leaves."

And so since that just kind of a moment of zen, Rick Healy has provided us another quote as well. Do you want to hear the second quote?

Mr. SIMPSON. Sure. Let's do the other one.

Mr. MORAN. Since I am going to forego my opening statement——

Mr. SIMPSON. Okay.

Mr. MORAN [continuing]. In favor of these quotes that are much more articulate than I will ever be. "The spring came but once a century instead of once a year, a burst forth with the sound of an earthquake and not in silence. What wonder and expectation there would be in all the hearts to behold the miraculous change." That is appropriate to the fact that springtime has bloomed here in Washington and makes us very conscious of how blessed we are with all the Japanese cherry trees and the landscaping around the Capitol. So it is a good time to be hearing from our public witnesses, and with that, Mr. Chairman, let's go ahead and get on with the agenda.

Mr. SIMPSON. Thank you. I will call our first panel up to the table. Greg Conrad, the Executive Director of the Interstate Mining Compact Commission; Gregory—yes. Sit from right to left, I guess. Gregory DiLoreto. Is that close?

Mr. DILORETO. That is perfect.

Mr. SIMPSON. Okay. The President Elect of the American Society of Civil Engineers; Dr. Robert Gropp, the Chairman of the USGS Coalition; Kasey White, the Director of the Geoscience Policy, the Geological Society of America, William Becker, the Executive Director of the National Association of Clean Air Agencies, and Jeffrey Hales, a Member of the American Thoracic Society.

Mr. Conrad, go ahead.

WEDNESDAY, MARCH 21, 2012.

INTERSTATE MINING COMPACT COMMISSION

WITNESS

GREG CONRAD

Mr. CONRAD. Good afternoon, Mr. Chairman. My name is Gregory Conrad. I serve as Executive Director of the Interstate Mining Compact Commission, an organization representing 24 States that regulate coal and hard rock mining operations and restore abandoned mine lands pursuant to the Surface Mining Control and Reclamation Act. I am here today to present the views of the Compact's member States concerning the fiscal year 2013 budget request for the Office of Surface Mining. I am also appearing on behalf of the National Association of Abandoned Mine Land Programs, which represents 30 States and Indian tribes that operate in our reclamation programs.

In its proposed budget OSM is requesting $57.3 million to fund Title V grants to states and Indian tribes for the implementation

of their regulatory programs, a reduction of $11 million or 15 percent below the fiscal year 2012 enacted level. OSM is also requesting $307 million for state and tribal AML grants, a reduction of $180 million.

Mr. Chairman, these are admittedly tough times for state and federal budgets. As a result, some hard choices need to be made about how we spend limited dollars in an efficient and effective way, and environmental protection associated with coalmining operations is no exception. One of the critical decisions with respect to programs under the Surface Mining Act is who will take the lead in implementing the Act's requirements. Once we agree upon that, it is incumbent upon both state and Federal Governments to prioritize funding decisions to support the lead agencies.

Congress crafted a state lead approach under SMCRA whereby state governments were vested with exclusive regulatory authority to implement programs for both active mining operations and AML reclamation. The Act also provides for grants to states that meet 50 percent of their program operating costs under Title V and 100 percent for AML projects under Title IV.

Once again in 2013, we are faced with a decision about the extent to which the Federal Government will support these funding commitments under SMCRA and the State Lead Concept Program implementation. OSM's budget proposes to move us away from those commitments and concepts. States are struggling to match federal dollars for these programs and signals from Federal Government that it is wavering in its support concerning both dollars and confidence in the state's ability to run effective regulatory and AML programs will do little to build confidence.

This is not the time to reverse the course that Congress has set for its support of State programs over the last several years. In this regard it should be kept in mind that a 15 percent cut in federal funding translates to an additional 15 percent cut for overall program funding for many states.

We, therefore, urge the Subcommittee to reject OSM's proposed cut of $11 million for State Title V Grants and restore the grant level to $70 million as supported by state funding requests.

It is important to note that OSM does not disagree with the states' demonstrated need for the requested amount of funding for these grants. Instead, OSM's solution to the cuts comes in the way of an unrealistic assumption that the states can simply increase user fees. IMCC's polling of its member states confirmed that it will be difficult, if not impossible, for most states to accomplish this feat at all, let alone in less than 1 year.

Turning now to the AML Program, based on SMCRA fee collections the fiscal year 2013, mandatory appropriation for state and tribal AML grants should be a $488 million. Instead, OSM has only budgeted $307 million, a reduction of 180 million. This would be accomplished by eliminating payments to those states and tribes that has successfully certified completion of their highest priority reclamation sites. From the beginning of SMCRA in 1977, to the latest amendments in 2006, Congress promised that at least half of the money generated from fees collected within the boundaries of the state or tribe would be returned for use as described in the Act. Breaking the promise of state and tribal share funding will

upset 10 years of negotiation that resulted in the balance and compromise achieved in the 2006, amendments to SMCRA.

We, therefore, respectfully ask the Committee to continue funding for certified States and tribes at the statutorily-authorized levels and to turn back any efforts to amend SMCRA in this regard.

Finally, we oppose OSM's proposal to drastically reform the distribution process for AML funds to non-certified States through a competitive grant program. This proposal will completely undermine the balance of interest and objectives achieved by the 2006 amendments. Among other things, the proposal would seat authority for both emergency and non-emergency funding decisions to an advisory council. Aside from the time delays associated with this approach, it leaves many unanswered questions regarding the continued viability of state and tribal AML programs where they do not win in the bidding process. It also upsets the predictability of AML funding for long-term project planning.

We urge the Subcommittee to reject this unjustified proposal, delete it from the budget, and restore the full mandatory funding amount of $488 million. We would request that resolutions to this effect adopted by both the AML Association and IMCC, along with a comprehensive list of questions regarding the legislative proposal be included in the record of this hearing.

Thank you very much.

[The statement of Greg Conrad follows:]

Statement of Gregory E. Conrad, Executive Director, Interstate Mining Compact Commission on Behalf of the Interstate Mining Compact Commission re the FY 2013 Proposed Budget for the Office of Surface Mining before the House Interior, Environment and Related Agencies Appropriations Subcommittee -- March 21, 2012

My name is Gregory E. Conrad and I serve as Executive Director of the Interstate Mining Compact Commission, on whose behalf I am appearing today. I appreciate the opportunity to present this statement to the Subcommittee regarding the views of the Compact's 24 member states on the Fiscal Year (FY) 2013 Budget Request for the Office of Surface Mining Reclamation and Enforcement (OSM) within the U.S. Department of the Interior. In its proposed budget, OSM is requesting $57.3 million to fund Title V grants to states and Indian tribes for the implementation of their regulatory programs, a reduction of $11 million or 15% below the FY 2012 enacted level. OSM also proposes to reduce mandatory spending for abandoned mine lands (AML) program by $180 million pursuant to a legislative proposal to eliminate all AML funding for certified states and tribes.

The Compact is comprised of 24 states that together produce some 95% of the Nation's coal, as well as important noncoal minerals. The Compact's purposes are to advance the protection and restoration of land, water and other resources affected by mining through the encouragement of programs in each of the party states that will achieve comparable results in protecting, conserving and improving the usefulness of natural resources and to assist in achieving and maintaining an efficient, productive and economically viable mining industry.

OSM has projected an amount of $57.3 million for Title V grants to states and tribes in FY 2012, an amount which is matched by the states each year. These grants support the implementation of state and tribal regulatory programs under the Surface Mining Control and Reclamation Act (SMCRA) and as such are essential to the full and effective operation of those programs. Pursuant to these primacy programs, the states have the most direct and critical responsibilities for conducting regulatory operations to minimize the impact of coal extraction operations on people and the environment. The states accomplish this through a combination of permitting, inspection and enforcement duties, designating lands as unsuitable for mining operations, and ensuring that timely reclamation occurs after mining.

In Fiscal Year 2012, Congress approved $68.6 million for state Title V grants. This continued a much-needed trend whereby the amount appropriated for these regulatory grants aligned with the demonstrated needs of the states and tribes. The states are greatly encouraged by the significant increases in Title V funding approved by Congress over the past three fiscal years. Even with mandated rescissions and the allocations for tribal primacy programs, the states saw a $12 million increase for our regulatory programs over FY 2007 levels. State Title V grants had been stagnant for over 12 years and the gap between the states' requests and what they received was widening. This debilitating trend was compounding the problems caused by inflation and uncontrollable costs, thus undermining our efforts to realize needed program improvements and enhancements and jeopardizing our efforts to minimize the potential adverse impacts of coal extraction operations on people and the environment.

In its FY 2013 budget, OSM has once again attempted to reverse course and essentially unravel and undermine the progress made by Congress in supporting state programs with adequate funding. As states prepare their future budgets, we trust that the recent increases approved by Congress will remain the new base on which we build our programs. Otherwise, we find ourselves backpedaling and creating a situation where those who were just hired face layoffs and purchases of much needed equipment are canceled or delayed. Furthermore, a clear message from Congress that reliable, consistent funding will continue into the future will do much to stimulate support for these programs by state legislatures and budget officers who each year, in the face of difficult fiscal climates and constraints, are also dealing with the challenge of matching federal grant dollars with state funds. In this regard, it should be kept in mind that a 15% cut in federal funding generally translates to an additional 15% cut for ***overall*** program funding for many states, especially those without federal lands, since these states can generally only match what they receive in federal money.

It is important to note that OSM does not disagree with the states' demonstrated need for the requested amount of funding for Title V regulatory grants. Instead, OSM's solution for the drastic cuts comes in the way of an unrealistic assumption that the states can simply increase user fees in an effort to "eliminate a de facto subsidy of the coal industry." No specifics on how the states are to accomplish this far-reaching proposal are set forth, other than an expectation that they will do so in the course of a single fiscal year. OSM's proposal is completely out of touch with the realities associated with establishing or enhancing user fees, especially given the need for approvals by state legislatures. IMCC's polling of its member states confirmed that, given the current fiscal and political implications of such an initiative, it will be difficult, if not impossible, for most states to accomplish this feat at all, let alone in less than one year. OSM is well aware of this, and yet has every intention of aggressively moving forward with a proposal that was poorly conceived from its inception. We strongly urge the Subcommittee to reject this approach and mandate that OSM work through the complexities associated with any future user fees proposal in close cooperation with the states and tribes before proposing cuts to federal funding for state Title V grants.

At the same time that OSM is proposing significant cuts for state programs, the agency is proposing sizeable increases for its own program operations ($4 million) for federal oversight of state programs, including an increase of 25 FTEs. In making the case for its funding increase, OSM's budget justification document contains vague references to the need "to improve the implementation of existing laws" and to "strengthen OSM's skills base." More specifically, OSM states in its budget justification document (on page 60) that "with greater technical skills, OSM anticipates improved evaluation of permit-related actions and resolution of issues to prevent unanticipated situations that otherwise may occur as operations progress, thereby improving implementation of existing laws". In our view, this is code language for enhanced and expanded federal oversight of state programs. However, without more to justify the need for more oversight and the concomitant increase in funding for federal operations related thereto, Congress should reject this request. The overall performance of the states as detailed in OSM's annual state program evaluation reports demonstrates that the states are implementing their

programs effectively and in accordance with the purposes and objectives of SMCRA.1

In our view, this suggests that OSM is adequately accomplishing its statutory oversight obligations with current federal program funding and that any increased workloads are likely to fall *upon the states*, which have primary responsibility for implementing appropriate adjustments to their programs identified during federal oversight. In this regard, we note that the federal courts have made it abundantly clear that SMCRA's allocation of exclusive jurisdiction was "careful and deliberate" and that Congress provided for "mutually exclusive regulation by either the Secretary or state, but not both." *Bragg v. West Virginia Coal Ass'n*, 248 F. 3d 275, 293-4 (4th Cir. 2001), cert. denied, 534 U.S. 1113 (2002). While the courts have ruled consistently on this matter, the question remains for Congress and the Administration to determine, in light of deficit reduction and spending cuts, how the limited amount of federal funding for the regulation of surface coal mining and reclamation operations under SMCRA will be directed – to OSM or the states. For all the above reasons, we urge Congress to approve not less than $70 million for state and tribal Title V regulatory grants, as fully documented in the states' and tribes' estimates for actual program operating costs.[2]

With regard to funding for state Title IV Abandoned Mine Land (AML) program grants, Congressional action in 2006 to reauthorize Title IV of SMCRA has significantly changed the method by which state reclamation grants are funded. Beginning with FY 2008, state Title IV grants are funded primarily by mandatory appropriations. As a result, the states should have received a total of $488 million in FY 2013. Instead, OSM has budgeted an amount of $307 million based on an ill-conceived proposal to eliminate mandatory AML funding to states and tribes that have been certified as completing their abandoned coal reclamation programs. This $180 million reduction flies in the face of the comprehensive restructuring of the AML program that was passed by Congress in 2006, following over 10 years of Congressional debate and hard fought compromise among the affected parties. In addition to the elimination of funding for certified states and tribes, OSM is also proposing to reform the distribution process for the remaining reclamation funding to allocate available resources to the highest priority coal AML sites through a competitive grant program, whereby an Advisory Council will review and rank AML sites each year. The proposal, which will require adjustments to SMCRA, will clearly undermine the delicate balance of interests and objectives achieved by the 2006 Amendments. It is also inconsistent with many of the goals and objectives articulated by the Administration

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1 While not alluded to or fully addressed in OSM's budget justification document, there are myriad statutory, policy and legal issues associated with several aspects of the agency's enhanced oversight initiative, especially three recently adopted directives on annual oversight procedures (REG-8), corrective actions (REG-23) and Ten-Day Notices (INE-35). IMCC submitted extensive comments regarding the issues associated with these directives and related oversight actions (including federal inspections) on January 19, 2010, July 8, 2010 and January 7, 2011.

[2]We are particularly concerned about recent OSM initiatives, primarily by policy directive, to duplicate and/or second-guess state permitting decisions through the reflexive use of "Ten-Day Notices" as part of increased federal oversight or through federal responses to citizen complaints. OSM specifically addresses this matter in its budget justification document (on page 69) where it states that "OSM has an obligation under section 521 of SMCRA to take steps to ensure that all types of violations, including violations of performance standards *or permit conditions and violations of permitting requirements,* are corrected if the state does not take action to do so. Aside from the impact on limited state and federal resources, these actions undermine the principles of primacy that underscore SMCRA and are likely to have debilitating impacts on the state-federal partnership envisioned by the Act.

concerning both jobs and environmental protection. We urge the Congress to reject this unjustified proposal, delete it from the budget and restore the full mandatory funding amount of $488 million. A resolution adopted by IMCC last year concerning these matters is attached. We also endorse the statement of the National Association of Abandoned Mine Land Programs (NAAMLP) which goes into greater detail regarding the implications of OSM's legislative proposal for the states and tribes, a copy of which I would like to submit for the record.

We also urge Congress to approve continued funding for the AML emergency program. In a continuing effort to ignore congressional direction, OSM's budget would completely eliminate funding for state-run emergency programs and also for federal emergency projects (in those states that do not administer their own emergency programs). Funding the OSM emergency program should be a top priority for OSM's discretionary spending. This funding has allowed the states and OSM to address the unanticipated AML emergencies that inevitably occur each year. In states that have federally-operated emergency programs, the state AML programs are not structured or staffed to move quickly to address these dangers and safeguard the coalfield citizens whose lives and property are threatened by these unforeseen and often debilitating events. And for minimum program states, emergency funding is critical to preserve the limited resources available to them under the current funding formula. We therefore request that Congress restore funding for the AML emergency program in OSM's FY 2013 budget.

One of the more effective mechanisms for accomplishing AML restoration work is through leveraging or matching other grant programs, such as EPA's 319 program. Until FY 2009, language was always included in OSM's appropriation that encouraged the use of these types of matching funds, particularly for the purpose of environmental restoration related to treatment or abatement of AMD from abandoned mines. This is a perennial, and often expensive, problem, especially in Appalachia. IMCC therefore requests the Committee to once again include language in the FY 2013 appropriations bill that would allow the use of AML funds for any required non-Federal share of the cost of projects by the Federal government for AMD treatment or abatement.

We also urge the Committee to support funding for OSM's training program, including moneys for state travel. These programs are central to the effective implementation of state regulatory programs as they provide necessary training and continuing education for state agency personnel. In this regard, it should be noted that the states provide nearly half of the instructors for OSM's training course and, through IMCC, sponsor and staff benchmarking workshops on key regulatory program topics. IMCC also urges the Committee to support funding for TIPS, a program that directly benefits the states by providing critical technical assistance. Finally, we support funding for the Watershed Cooperative Agreements in the amount of $1.2 million.

Attached to our testimony today is a list of questions concerning OSM's budget that we request be included in the record for the hearing. The questions go into further detail concerning several aspects of the budget that we believe should be answered before Congress approves funding for the agency or considers advancing the legislative proposals contained in the budget.

Mr. SIMPSON. Thank you. Mr. DiLoreto.

WEDNESDAY, MARCH 21, 2012.

THE AMERICAN SOCIETY OF CIVIL ENGINEERS

WITNESS

GREGORY E. DILORETO, P.E.

Mr. DILORETO. Thank you. Well, Mr. Chairman and members of the Subcommittee, again, my name is Gregory E. DiLoreto, and I am the President Elect of the 141,000 members of the American Society of Civil Engineers. I am also the Chief Executive Officer for the publicly-owned Tualatin Valley Water District, which serves over 200,000 customers in the Portland, Oregon, metropolitan area, and I am a licensed professional engineer in Oregon in both civil and environmental engineering.

So I am pleased to be before you today to talk about EPA's proposed budget for 2013. Unfortunately, the President's proposed budget continues an underfunding trend for our critical infrastructure in water and wastewater. The proposal is to reduce spending for fiscal year 2013 from 2012, from 2.3 billion to 2 billion, which is a cut back of nearly 15 percent in federal funding for our aging water and wastewater systems.

Now, most of you may have seen the ASCE's 2009 report card on America's infrastructure in which we gave the grade to water and wastewater a D minus. Since then we have undertaken a series of four economic studies to talk about what happens to this investment or lack of investment in our water and wastewater systems.

In 2011, our report, "Failure to Act," under investment in water and wastewater, we talked about what does that D minus mean for our water and wastewater systems, and the answer is sobering. Our water infrastructure in the U.S. is clearly aging, our wastewater systems are aging. Our fundings indicate that investment needs will continue to escalate.

In fact, if we continue to invest at the rate we have been for the last several years, we will face an $84 billion shortfall by 2020, and even if we increase the way we do our projects through sustainability, more effective means, the gap continues to grow as we need to maintain our drinking water systems, wastewater systems, and comply with ever-increasing regulations for our drinking water quality and wastewater.

So this 84 billion gap, just some other numbers to help, leads to 147 billion in increased costs for businesses, a further 59 billion for households, but in the worst case we estimate that the U.S. could lose nearly 700,000 jobs by 2020. The U.S. economy is expected to decrease by $416 billion from the GDP.

But I like to put it in terms that we can all understand. The cost of under-investing could cost each American family $900 per year in increased water rates and in lost wages.

The most recent Clean Water Needs Survey from EPA put the total wastewater needs at some $300 billion as of January 1, 2008, which included nearly 200 billion in wastewater treatment, another

64 combined sewer, and 42 storm water management, and even our small communities at $23 billion. And those numbers are not likely to have improved in the 4 years since we did that study. EPA reports, though, that 335 billion and 82 billion of needs are potentially eligible for the State Revolving Fund Program and the Nonpoint Source Fund.

Although America spends billions on infrastructure each year, drinking water systems face an annual shortfall of $11 billion in needed funds. I was at a recent meeting here this past week with the Association of Metropolitan Water Agencies in Washington, DC, and as I talked with my fellow chief executives that run the largest water utilities in the United States, we all had the same common concern, and that is as we get regulations, we also have to spend the money on those, and that does divert some money from the operations of maintenance and repair and expansion of our water systems and our wastewater systems.

So but nevertheless, the agency's drinking water budget for 2013 represents a 4 percent decrease of 965 million. Now, we know as well as everyone else that you are dealing with a number of deficits, the growing federal debt, but the remedies for these problems should not come at the expense of our critical public health systems, drinking water and wastewater systems.

And I would also like to note that the program that we use the most, the State Revolving Fund, is a loan program. Money is loaned out to those of us in the water and wastewater business and is repaid back for re-loaning out to other folks and other agencies that can be used.

Therefore, ASCE recommends an appropriation of 2 billion of the Clean Water State Revolving Fund, and an appropriation of 1.5 billion for the Safe Drinking Water Fund for 2013.

Thank you.

[The statement of Gregory DiLoreto follows:]

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TESTIMONY OF
THE AMERICAN SOCIETY OF CIVIL ENGINEERS
BEFORE THE
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
U.S. HOUSE OF REPRESENTATIVES
ON THE
ON THE FY 2013 BUDGETS OF
THE ENVIRONMENTAL PROTECTION AGENCY
AND THE UNITED STATES GEOLOGICAL SURVEY
MARCH 21, 2012

Mr. Chairman and Members of the Subcommittee:

The American Society of Civil Engineers is pleased to appear before the Subcommittee today to present its views on the budgets of the U.S. Environmental Protection Agency (EPA) and the U.S. Geological Survey (USGS) for Fiscal Year 2013.

A. THE ENVIRONMENTAL PROTECTION AGENCY

The president's proposed budget plan for EPA in FY 2013 continues an unfortunate administration trend of short-changing America's critical public-health infrastructure. The president proposes to reduce spending on drinking-water and wastewater infrastructure from the $2.388 billion enacted in FY 2012 to $2.025 billion—a cutback of fully 15 percent in federal funding for aging water infrastructure in the face of mounting needs.

ASCE has undertaken a series of four economic studies to identify the long-term consequences to the nation's economy due to our deteriorating infrastructure.

In December 2011, our report, *Failure to Act: the Economic Impact of Current Investment Trends in Water and Wastewater Infrastructure,* answers the question of how the condition of the nation's deteriorating wastewater and drinking-water infrastructure impinges on economic performance.[1] In other words, how does that D– for water treatment and transmission affect America's economic future? The answer is sobering. Water infrastructure in the U.S. is clearly aging, and investment is not able to keep up with the need. Our findings indicate that investment needs will continue to escalate.

[1] The full report is at www.asce.org/failuretoact

We found that, if current trends persist, by 2020 the anticipated capital funding gap will be $84 billion. Even with the increased use of sustainable practices and cost-effective development of other efficiency methods, the growing gap between capital needs to maintain drinking-water and wastewater treatment infrastructure and investments to meet those needs will likely result in unreliable water service and inadequate wastewater treatment.

Our analysis assumes that the mounting costs to businesses and households will result in a number of scenarios or choices:

- Doing nothing and living with water shortages, and higher rates (rationing though price increases); major outlays by businesses and households, including expenditures incurred by moving to where infrastructure is still reliable, purchasing and installing equipment to conserve water or recycle water, and increasing reliance on self-supplied water and wastewater treatment (i.e., installing individual wells and septic waste systems when municipal facilities and services are not available options).
- Responses to failing public infrastructure will vary by location, size, household characteristics, and type of business. Expenditures due to moving, or from installing and operating new capital equipment for "self-supply," are estimated for households, commercial establishments, and manufacturers.
- Movement across regional boundaries and relocation of businesses outside of the U.S. is certainly a response that may be triggered by decreasing reliability of public water and sewer systems.
- Households and businesses that do not self-supply are assumed to absorb the higher costs that are a consequence of disruptions in water delivery and wastewater treatment due to worsening infrastructure. The assumption for this category is that these households and businesses will pay the $84 billion associated with the 2020 capital gap in terms of higher rate costs over and above the baseline projected rates for water and wastewater treatment.

The $84 billion funding gap may lead to $147 billion in increased costs for businesses and a further $59 billion for households. In the worst case, the U.S. will lose almost 700,000 jobs by 2020.

By 2020, the average annual effect on the U.S. economy is expected to be $416 billion in lost GDP. Putting the problem in terms we can all understand, the average family household budget will increase about $900 annually to cover the cost of increased water rates and lost income.

Our 2009 *Report Card for America's Infrastructure* gave the nation's wastewater and drinking-water systems identical grades of D–, marking them as systems in near total failure. We estimated then that the physical condition of many of the nation's 16,000 wastewater treatment systems was poor due to a lack of investment in plants, equipment, and other capital improvements over the years, while federal funding under the Clean

Water Act State Revolving Loan Fund (SRF) program had remained flat for more than a decade. Federal assistance has not kept pace with the needs, yet virtually every authority agrees that funding needs remain very high, a condition that has not improved in the last two years.

As a snapshot at a moment in time, the *Report Card* identifies five-year funding needs; it does not answer critical questions about the impact of delayed or reduced investments in key infrastructure systems as the nation grapples with its aging public works.

The most recent "Clean Water Needs Survey" from EPA put the total wastewater and stormwater management needs for the nation at $298.1 billion as of January 1, 2008. This amount includes $192.2 billion for wastewater treatment plants, pipe repairs, and buying and installing new pipes; $63.6 billion for combined sewer overflow correction; and $42.3 billion for stormwater management. Small communities have documented needs of $22.7 billion. These numbers are unlikely to have improved with the passage of four years of continuing under investments.

In addition to the $298.1 billion in wastewater and stormwater needs, the report documented needs of $22.8 billion for nonpoint source pollution prevention and $23.9 billion for decentralized wastewater (septic) systems. An estimated $334.5 billion and $81.5 billion in needs are potentially eligible for assistance from EPA's Clean Water State Revolving Fund and Nonpoint Source Control Grant programs respectively, the agency reported.

Meanwhile, the nation's drinking-water systems also face staggering public investment needs over the next 20 years. Although America spends billions on water infrastructure each year, drinking water systems face an annual shortfall of at least $11 billion in funding needed to replace aging facilities that are near the end of their useful life and to comply with existing and future federal water regulations. The shortfall does not account for any growth in the demand for drinking water over the next 20 years. Nevertheless, the agency's drinking-water budget proposal for FY 2013 represents a four percent decrease from the FY 2012 enacted budget of $965 million.

We recognize of course that Congress is dealing with enormous deficits and a growing federal debt, but the remedies for these problems must not come at the expense of programs aimed at protecting public health from the dangers of increased contamination in our rivers, lakes and streams and our drinking-water supplies.

ASCE recommends an appropriation of $2 billion for the Clean Water State Revolving Loan Fund (SRF) and an appropriation of $1.5 billion for the Safe Drinking Water Act SRF in FY 2013.

B. **UNITED STATES GEOLOGICAL SURVEY**

The U.S. Geological Survey (USGS) is one of the nation's foremost science agencies. It produces the scientific data essential for the protection of the quality of economically vital water resources, for the prediction of earthquakes and volcanoes, for the cataloging of America's vast biological resources and for dozens of other critically important technical needs.

We support the administration's overall FY 2013 budget request for the USGS, which is $1.1 billion, an increase of $32.75 million (three percent) over the FY 2012 appropriation. Nevertheless, we remain concerned that the FY 2013 budget request contains cuts in many programs that are offset by increases in other areas. We are troubled by the proposed budget of $210 million for the Survey's water resources programs.

Among the programs being cut from the FY 2012 level are the Groundwater Resources Program's studies of regional groundwater availability (a reduction of $2 million and 11 employees); the National Water Quality Assessment Program (NAWQA), which is responsible for providing nationally consistent descriptions of current water-quality conditions and changes in water quality in the nation's aquifers and freshwater streams ($6 million and 35 employees); and the National Streamflow Information Program, which supports the vitally needed streamgaging network ($2.8 million, with no reduction in staff).

NAWQA is one of the nation's major sources of information on the flow and volume of rivers, streams and groundwater formations. The least harmful effect of these cuts would postpone the implementation of real-time technology for water-quality monitoring necessary to public health programs at the state and local levels. At their worst they would eliminate funding for monitoring and assessment of groundwater in 33 states. This information is used to identify contaminants in public drinking-water wells and manage groundwater to meet future needs for potable drinking-water and uncontaminated irrigation flows.

The USGS operates approximately 7,000 stream gages nationwide. These gages provide real-time data typically are recorded at 15- to 60-minute intervals, stored onsite, and then transmitted to USGS offices every one to four hours, depending on the data relay technique used, through the stream-gauging program. These data are used to predict floods, allocate water supplies, provide water flow data for publicly owned treatment works (POTWs), and assist in the design of flood-resistant bridges. We urge the Congress to restore funding for these programs to preserve essential scientific data collection and analysis.

ASCE recommends an appropriation of $1.2 billion for the USGS in FY 2013.

Mr. SIMPSON. Thank you. You bring up a very important issue. Several of us have been trying to figure out how we are going to fund these systems. I have heard that the backlog maintenance of wastewater and water systems in this country is about $700 billion. At $1.5 billion a year, it is going to take us 300 years to address just the backlog. We have got to find a different way to fund these systems, frankly, and I do not have the answer to it, but there are several of us that are looking at it.

Mr. DILORETO. Very good, and we would like to help. ASCE has thrown out some ideas about the 700 billion, and clearly, it is a partnership between the Federal Government and those in local government.

Mr. SIMPSON. Dr. Gropp. Is that right?

Mr. GROPP. Gropp.

Mr. SIMPSON. Gropp.

WEDNESDAY, MARCH 21, 2012.

USGS COALITION

WITNESS

DR. ROBERT GROPP

Mr. GROPP. Thank you, Mr. Chairman, Mr. Moran, members of the Committee. I have prepared my official remarks for the record, and my glasses broke this morning, so I am going to paraphrase a little bit if you do not mind. So I will do my best to try to hit the high points and watch the clock. So I can see that.

My name is Robert Gropp. I am Director of Policy for the American Institute of Biological Sciences and also the Chairman of the USGS Coalition. The GS Coalition is an alliance of more than 70 organizations committed by a unified commitment to supporting the efforts of the USGS and the continued vitality of its scientific research and data programs for the Nation.

The USGS Coalition has requested and encourages Congress to do all you can to provide the USGS with a fiscal year budget of 1.2 billion. That is slightly more than what the President has requested. We know that would restore $49 million in proposed cuts, as well as provide about 50 million that would help fully fund fixed costs, bolster some new scientific initiatives, as well as help account for what are identified in the budget as facility costs essentially that by the GS's own admission will, there is a cut in there, 4.4 million, that will result in increased costs as they struggle to maintain and have increased maintenance on facilities and equipment.

In short, as you all know and the USGS is the Nation's science agency, land-based science agency. Its mission goes beyond the public lands every day to impact and affect positively the lives of every American, whether it is through risk mitigation for natural or humanist hazards, earthquakes, tsunamis, wildfire mitigation, forecasting, or providing the science needed by our resource managers to inform wise natural resources management, assess, monitor water or mineral or energy resources. It is a vital resource that

no other agency provides, and its track record of providing unbiased data is quite impressive.

Again, the USGS provides a unique blend of scientific information, and its reorganization has helped it dramatically improve its ability to respond to timely questions and issues. And so through its new organization it is able to bring to bear a unique blend of scientific expertise to solve and inform our most challenging questions, whether it is in, again, biology, ecosystem science, water, or minerals and energy.

A couple of our concerns in the President's budget request include the number of cuts to the Water and Minerals Programs. We support the proposed increases. We think they are all very timely and very useful investments, and we encourage you to do all you can to support those and provide that funding.

There is a great concern that some of the cuts could hinder long-term data continuity. The USGS through stream gages or water monitoring ground water assessments has a unique capacity to provide data that informs everything form civil engineering and local municipal water programs on up, and there is a real concern that the agency needs, and I think they are working to do it, but really needs the resources to ensure the continuity of that data collection.

Again, we want to, on behalf of the USGS Coalition, thank the members of this committee particularly for your longstanding and bipartisan efforts to restore and make important investments in the USGS. Your efforts, particularly last year to help manage how Landsat VII may or may not be funded. We deeply appreciate that. There is a great concern that if that were to come over, that devastates a lot of core science programs.

So we, again, want to thank you all for your efforts, and we stand ready to help you to the extent we can to identify priorities or what have you, and, again, our hope is that recognizing the constraints you are in, that at least the President's request, but if you can restore a little, that would be outstanding and greatly appreciated.

[The statement of Robert Gropp follows:]

USGS Coalition

Testimony of the
USGS Coalition
Dr. Robert Gropp, Chairman

Regarding the
U.S. Geological Survey
FY 2013 Budget Request

To the
United States House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

March 21, 2012

Chairman Simpson, Ranking Member Moran, and members of the Committee, thank you for the opportunity to appear before you this afternoon to discuss the fiscal year 2013 budget request for the United States Geological Survey. My name is Robert Gropp and I am appearing in my capacity as chairman of the USGS Coalition.

Summary

The USGS Coalition appreciates the opportunity to provide testimony about the President's budget request for the United States Geological Survey (USGS) for fiscal year (FY) 2013. The USGS Coalition urges Congress to appropriate at least $1.2 billion for the USGS in fiscal year 2013.

The USGS is uniquely positioned to address many of the nation's greatest challenges. The USGS plays a crucial role in assessing water quality and quantity; reducing risks from earthquakes, tsunamis, floods, landslides, wildfires, and other natural hazards; providing emergency responders with geospatial data to improve homeland security; assessing mineral and energy resources (including rare earth elements and unconventional natural gas resources); and providing the science needed to manage our natural resources and combat invasive species that can threaten natural and managed environmental systems and public health.

The USGS Coalition is an alliance of over 70 organizations united by a commitment to the continued vitality of the United States Geological Survey to provide critical data and

services. The Coalition supports increased federal investment in USGS programs that underpin responsible natural resource stewardship, improve resilience to natural and human-induced hazards, and contribute to the long-term health, security, and prosperity of the nation.

Essential Services for the Nation

Established by Congress as a branch of the Department of the Interior in 1879, the U.S. Geological Survey has a truly national mission that extends beyond the boundaries of the nation's public lands to positively impact the lives of all Americans. The USGS plays a crucial role in protecting the public from natural hazards, assessing water quality and quantity, providing geospatial data, and conducting the science necessary to manage our nation's living, mineral, and energy resources. Through its offices across the country, the USGS works with partners to provide high-quality research and data to policymakers, emergency responders, natural resource managers, civil and environmental engineers, educators, and the public. A few examples of the USGS' valuable work are provided below.

The Survey collects scientific information on water availability and quality to inform the public and decision makers about the status of freshwater resources and how they are changing over time. During the past 130 years, the USGS has collected streamflow data at over 21,000 sites, water-level data at over 1,000,000 wells, and chemical data at over 338,000 surface-water and groundwater sites. This information is needed to effectively manage freshwaters -- both above and below the land surface -- for domestic, public, agricultural, commercial, industrial, recreational, and ecological purposes.

The USGS plays a pivotal role in reducing risks from floods, wildfires, earthquakes, tsunamis, volcanic eruptions, landslides, and other natural hazards that jeopardize human lives and cost billions of dollars in damages every year. Seismic networks and hazard analyses are used to formulate earthquake probabilities and to establish building codes. USGS monitors volcanoes and provides warnings about impending eruptions. Data from the USGS network of stream gages enable the National Weather Service to issue flood warnings. The bureau and its federal partners monitor seasonal wildfires and provide maps of current fire locations and the potential spread of fires. USGS research on ecosystem structure informs fire risk forecasts.

USGS assessments of mineral and energy resources – including rare earth elements, coal, oil, unconventional natural gas, and geothermal – are essential for making decisions about the nation's future. The Survey identifies the location and quantity of domestic mineral and energy resources, and assesses the economic and environmental effects of resource extraction and use. The agency is mapping domestic supplies of rare earth elements necessary for widespread deployment of new energy technologies, which can reduce dependence on foreign oil and mitigate climate change. The USGS is the sole federal source of information on mineral potential, production, and consumption.

USGS science plays a critical role in informing sound management of natural resources on federal and state lands. The USGS conducts research and monitoring of fish, wildlife, and vegetation – data that informs management decisions by other Interior bureaus regarding protected species and land use. USGS science is also used to control invasive species and wildlife diseases that can cause billions of dollars in economic losses. The Survey also provides critical information for resource managers as they develop adaptive management strategies for restoration and long-term use of the nation's natural resources in the face of environmental change.

Research conducted by the USGS is vital to predicting the impacts of land use and climate change on water resources, wildfires, and ecosystems. The Landsat satellites have collected the largest archive of remotely sensed land data in the world, allowing for access to current and historical images that are used to assess the impact of natural disasters and monitor global agriculture production. The USGS also assesses the nation's potential for carbon sequestration. Other Interior bureaus use USGS research on how climate variability affects fish, wildlife, and ecological processes to inform natural resource management decisions.

Funding Shortfall

Over the years, Congress has worked in a bipartisan fashion to restore damaging budget cuts proposed by Administrations from both parties. These efforts have paid dividends and helped the USGS continue to provide answers to the challenging questions facing decision-makers across the country.

The President's fiscal year 2013 budget request for the USGS is $1.1 billion. The budget request contains $49.5 million in program reductions in valuable, long-standing programs that offset increases in other areas. The proposed budget cuts would have significant negative impacts on core scientific capabilities of the USGS.

Proposed budget cuts in the fiscal year 2013 USGS budget request include:

- $6.5 million for Water Resources Research Act Program
- $6.0 million for National Water Quality Assessment Methods Development and Monitoring
- $5.0 million for Cooperative Water Program Interpretive Studies
- $5.0 million for Mineral Resources
- $3.3 million for Hydrologic Networks and Analysis Information Management and Delivery
- $2.0 million for Toxic Substances Hydrology Methods Development and Assessments

We urge Congress to support the budget request plus work to restore these and other detrimental cuts. An appropriation of $1.2 billion would provide the USGS with approximately $50 million that could shore up critical research programs, enhance new research efforts, and fully fund "fixed costs" and "operational efficiencies."

Notably, the proposed budget requests $10.8 million for fixed costs. Although we applaud the agency for including these expenses in the budget request, we are not certain that this request will fully cover these expenses. Moreover, we are concerned about $4.4 million in proposed operations and maintenance "efficiencies." According to USGS budget documents: "The proposed reduction will degrade the condition and performance of the USGS real property portfolio.... In turn, the USGS expects to see an increase in the frequency with which equipment and facility components will need more costly emergency repairs and replacements, as well as a shortening of the overall life cycle of our real property assets."

The budget request does not propose transferring responsibilities for Landsat satellites from NASA to USGS. We appreciate congressional efforts last year to ensure that the USGS would not assume budget authority for the Landsat satellites. Such a move would have likely compromised core USGS science programs as the costs of the satellites rose significantly in future years.

Conclusion

We recognize the financial challenges facing the nation, but losing irreplaceable data can increase costs to society today and in the future. The USGS Coalition requests that Congress appropriate at least $1.2 billion for the USGS in fiscal year 2013, a level that will support critical USGS programs that improve the nation's environment, health, safety, quality of life, and future economic growth.

The USGS Coalition appreciates the subcommittee's past leadership in strengthening the United States Geological Survey. Thank you for your thoughtful consideration of our request.

Mr. SIMPSON. Thank you. I appreciate that. Yes. We tried to make sure that NASA did not send over the Landsat Satellite without the money, which, unfortunately, the budget was proposing to do.

Kasey White.

WEDNESDAY, MARCH 21, 2012.

GEOLOGICAL SOCIETY OF AMERICA

WITNESS

KASEY WHITE

Ms. WHITE. Good afternoon.

Mr. SIMPSON. Good afternoon.

Ms. WHITE. Thank you for the opportunity to be here today and testify in the 2013 budget request for the USGS. My name is Kasey White, and I am the Director for Geoscience Policy at the Geological Society of America. Founded in 1888, GSA is the oldest professional Geoscience Society in North America. We have over 25,000 members representing academia, government, and industry in all 50 states and 90 countries.

On behalf of GSA I would like to request that Congress fully fund the 2013 request to the USGS and restore the cuts in the request to key programs. The USGS plays a vital role in understanding and documenting mineral and energy resources, researching and monitoring potential natural hazards, monitoring the effects of climate change, and determining and assessing water quality and availability. These truly are some of the greatest issues facing society. Despite the critical role played by the USGS, funding for the survey has been stagnant in real dollars for about a decade now.

Although we believe that the USGS could effectively and efficiently use a lot more money, it could really help increase the pace and scope of research on a number of policy-relevant areas, we recognize the physical restrains and feel that the request plus restoring some of these cuts would allow them to continue to conduct quality science in a number of these issues.

As Rob said, the USGS is one of the Nation's premiere science agencies. About 70 percent of its budget is for research and development, and this research and development underpins all of the activities of the Department of the Interior but also communities across the Nation. They use it for land use planning, emergency response, natural resource management, engineering, and education.

So I would like to highlight just a few areas in which USGS research contributes to some of these important issues. Natural hazards remains a major cause of fatalities and economic losses worldwide. We saw this just last night or today with the earthquake in Mexico, and the combined historical and recent geological records show that many areas in the U.S. are susceptible to volcanoes and to earthquakes, and we will continue to have those here, and a better scientific understanding of hazards will reduce future losses and better forecasts of their occurrence and magnitude and allow for better planning and mitigation in these areas.

We would urge Congress to increase funding to the USGS to modernize and upgrade its natural hazards monitoring and warning systems and support the proposed increases for early warning systems in the budget request.

Another area USGS contributes to is energy and mineral resources. They are critical to national security and economic growth. The USGS is the sole federal information source on minerals production and potential end consumption. That is why we are really concerned about the proposed $5 million cut in mineral resources and the Nation's ability to develop safely these new resources.

In addition, many emerging energy technologies such as wind turbines and solar cells depend on rare earth elements and critical materials that do not have really diversified sources. China produces virtually all of them, and increases in research at USGS can help our Nation ease our dependence on these foreign sources.

The devastating droughts last year pretty much across the Nation remind us of our dependence on water, and greater scientific understanding is necessary to better understand surface water and ground water to have safe water resources in the future, and USGS's proposal to establish national ground water monitoring will really help give us some of that baseline information to allow us to plan.

As Rob mentioned, we are concerned about cuts in some of the water programs, the water research, Water Resources Research Act Program, water quality assessments, and Cooperative Water Program Interpretative Studies really provide some key information to local communities to help them plan their water.

And, again, we are grateful to this committee for their support. The leadership on USGS agree that we are very grateful for your comments on Landsat. Yes, to plan and to allow the USGS to continue to do a lot of this research that I have mentioned and have the budget to do those things and not have Landsat take over, even though Landsat is very important and has contributed a lot for natural resource exploration.

Thank you very much.

[The statement of Kasey White follows:]

Testimony of the
Geological Society of America
Kasey White
Director for Geoscience Policy

Regarding the
U.S. Geological Survey
FY 2013 Budget Proposal

To the
U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior Environment, and Related Agencies

March 21, 2012

Summary

The Geological Society of America (GSA) urges Congress to fully fund the FY 2013 request for the U.S. Geological Survey (USGS) and restore cuts in the request to key programs. The USGS is one of the nation's premier science agencies. It addresses many of society's greatest challenges, including mineral and energy resources, natural hazards, climate change, and water availability and quality. Despite this critical role, funding for the USGS has stagnated in real dollars for more than a decade.

The Geological Society of America supports strong and growing budgets for the U.S. Geological Survey and thanks the committee for its support of USGS. Increased federal funding for Earth science is needed to protect lives and property for natural hazards, stimulate innovations that fuel the economy, provide national security, and enhance the quality of life. Approximately three quarters of the USGS budget is allocated for R&D, as its research underpins the activities of the Department of the Interior and communities across the nation.

The Geological Society of America, founded in 1888, is a scientific society with over 25,000 members from academia, government, and industry in all 50 states and more than 90 countries. Through its meetings, publications, and programs, GSA advances the geosciences, enhances the professional growth of its members, and promotes the geosciences in the service of humankind. GSA encourages cooperative research among earth, life, planetary, and social scientists, fosters public dialogue on geoscience issues, and supports all levels of earth science education.

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Broader Impacts of the U.S. Geological Survey

The USGS is one of the nation's premier science agencies. Approximately three quarters of the USGS budget is allocated for research and development. In addition to underpinning the activities of the Department of the Interior, this research is used by communities across the nation. Through its offices and partnership across the country, the USGS data and resources are utilized by policymakers, emergency responders, natural resource managers, engineers, educators, and the public. USGS research addresses many of society's greatest challenges, including natural hazards, mineral and energy resources, climate change, and water availability and quality.

- Natural hazards – including earthquakes, tsunamis, volcanic eruptions, floods, droughts, wildfires, and hurricanes – remain a major cause of fatalities and economic losses world-wide. A failure to prevent natural hazards from becoming natural disasters will increase future expenditures for disaster response and recovery. Recent natural disasters provide unmistakable evidence that the United States remains vulnerable to staggering losses. 2011 was a record year for natural disasters in the United States, with 12 separate billion dollar weather/climate disasters in 2011, with an aggregate damage total of approximately $52 billion. This record year breaks the previous record of nine billion-dollar weather/climate disasters in one year, which occurred in 2008. An improved scientific understanding of geologic hazards will reduce future losses through better forecasts of their occurrence and magnitude, and allow for better planning and mitigation in these areas. We urge Congress to increase funding for the USGS to modernize and upgrade its natural hazards monitoring and warning systems and support the increases for early warning in the budget request.

- Energy and mineral resources are critical to the functioning of society and to national security and have positive impacts on local, national, and international economies. Improved scientific understanding of these resources will allow for their better management and utilization, while at the same time address economic and environmental issues. The USGS is the sole federal information source on mineral potential, production, and consumption. USGS assessments of mineral and energy resources – including rare earth elements, unconventional natural gas resources, and geothermal resources – are essential for making informed decisions about the nation's future. Many emerging energy technologies – such as wind turbines and solar cells – depend on rare earth elements and critical minerals that currently lack diversified sources of supply. China accounts for 95 percent of world production of rare earth elements although it has only 36 percent of identified world reserves (USGS, 2010). The increases proposed for rare earth research USGS will help ease our dependence on these foreign sources.

- Improved understanding of geologic processes in Earth's history can increase confidence in the ability to predict future states and enhance the prospects for mitigating or reversing adverse impacts to the planet and its inhabitants. In addition, USGS research on climate impacts is used by the Department of the Interior and local partners to make informed decisions.

- The devastating droughts in 2011 reminded us of our dependence on water. The availability and quality of surface water and groundwater are vital to the well being of both society and ecosystems. Greater scientific understanding of these resources—and communication of new insights by geoscientists in formats useful to decision makers—is necessary to ensure adequate and safe water resources for the future. The establishment of a National Groundwater Monitoring Network will expand our understanding of this critical resource.

- Research in Earth science is also fundamental to training and educating the next generation of Earth science professionals. A recent study *Status of the Geoscience Workforce 2011* by the American Geosciences Institute found:

  > "The supply of newly trained geoscientists falls short of geoscience workforce demand and replacement needs. According to the U.S. Bureau of Labor Statistics there were a total of 262,627 U.S. geoscientist jobs in 2008, and in 2018, the projected number of U.S. geoscientist jobs will be 322,683, a 23 percent increase. These projections do not include replacements due to attrition. Given the age demographics of the geoscience discipline, we expect a 12 percent replacement rate for attrition. With this adjustment, aggregate job projections are expected to increase by 35 percent between 2008 and 2018....The majority of geoscientists in the workforce are within 15 years of retirement age. Even in oil and gas companies, which typically offer the highest salaries of all geoscience employing industries, the supply of new geoscientists is short of replacement needs. By 2030, the unmet demand for geoscientists in the petroleum industry will be approximately 13,000 workers for the conservative demand industry estimate."

- Science and technology are engines of economic prosperity, environmental quality, and national security. Federal investments in research pay substantial dividends. According to the National Academies' report *Rising Above the Gathering Storm* (2007), "Economic studies conducted even before the information-technology revolution have shown that as much as 85% of measured growth in US income per capita was due to technological change." Likewise, the National Commission on Fiscal Responsibility and Reform, headed by Erskine Bowles and Alan Simpson, said: "We must invest in education, infrastructure, and high-value research and development to help our economy grow, keep us globally competitive, and make it easier for businesses to create jobs." Earth science is a critical component of the overall science and technology enterprise. Growing support for Earth science in general and the U.S. Geological Survey in particular are required to stimulate innovations that fuel the economy, provide security, and enhance the quality of life. Earth Science provides knowledge and data essential for developing policies, legislation, and regulations regarding land, mineral, energy, and water resources at all levels of government.

- GSA supports the efforts of USGS, NASA, NOAA and OSTP to examine a future path forward for the Landsat satellites that maintains funding for other key programs within USGS. The Landsat satellites have collected the largest archive of remotely sensed land data in the world, an important resource for natural resource exploration, land use planning, and assessing water resources, the impacts of natural disasters, and global agriculture production. GSA thanks the committee for its insight that the future Landsat mission would overwhelm the USGS budget request and your support for studies to develop a path forward for this important program.

Budget Shortfalls

GSA supports the FY 2013 budget request for the U.S. Geological Survey and the increases provided for key areas such as hydraulic fracturing research, early earthquake warning, establishing a National Groundwater Monitoring Network, and invasive species research. However, we are concerned about cuts in some programs and ask that these areas be restored. Some proposed cuts of concern in the budget request include:

- $6.5 million for Water Resources Research Act Program
- $6.0 million for National Water Quality Assessment Methods Development and Monitoring
- $5.0 million for Cooperative Water Program Interpretive Studies
- $5.0 million for Mineral Resources Program.
- $3.3 million for Hydrologic Networks and Analysis Information Management and Delivery
- $2.0 million for Toxic Substances Hydrology Methods Development and Assessments

We urge Congress to support the FY 2013 budget request and restore these and other detrimental cuts. We recognize the financial challenges facing the nation, but losing irreplaceable data can increase costs to society in the long term.

Thank you for the opportunity to provide testimony about the U.S. Geological Survey. The Geological Society of America is grateful to House Appropriations Subcommittee on Interior, Environment, and Related Agencies for its leadership in strengthening the U.S. Geological Survey over many years. For additional information or to learn more about the Geological Society of America – including GSA Position Statements on water resources, mineral and energy resources, climate change, natural hazards, and public investment in Earth science research – please visit www.geosociety.org or contact Kasey White at kwhite@geosociety.org.

Mr. SIMPSON. Thank you.

Mr. MORAN. We appreciate both of you speaking up on behalf of the USGS. Thank you. It means a lot that you could come here. Obviously, we are aware of the water infrastructures. It's important that ASCE weigh in on them and give us the data that we need.

Excuse me, Mr. Chairman.

Mr. SIMPSON. William Becker.

WEDNESDAY, MARCH 21, 2012.

NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES

WITNESS

S. WILLIAM BECKER

Mr. BECKER. Thank you, Chairman Simpson, Ranking Member Moran, Congressman LaTourette. My name is Bill Becker. I am the Executive Director of the National Association of Clean Air Agencies. We are known as NACAA. We are an association of air pollution control agencies in 45 States and over 165 metropolitan areas across the country. The Federal Clean Air Act gives our members the primary responsibility for implementing our Nation's clean air programs.

Our message today, we support the President's request for a $65.8 million increase in federal grants for State and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act.

So you are probably wondering why with all the competing funding requests you are receiving these difficult economic times air pollution control agencies should receive any bump in federal funding, much less an increase of $65.8 million, and there are at least three very important reasons.

First and most importantly, while we have made significant progress in cleaning up our Nation's air, much more needs to be done. The sad fact is that there are literally tens of thousands of people dying in this country every year from air pollution, and over 100 million people live in areas still violating one or more of the health-based air quality standards. This has led to a series of air pollution problems ranging from respiratory and cardiovascular disease, damage to lung tissue, impaired breathing, heart attacks, IQ loss, cancer, and even death.

And it is probably fair to say that more people die or get sick from air pollution in this country than from almost any other problem that this subcommittee is facing today.

The second reason we are asking for an increase in federal grants is because the Federal Government has fallen, we believe, woefully behind in meeting its financial commitment under the Clean Air Act to fund state and local air pollution control programs. Sections 103 and 105 of the Clean Air Act authorize the Federal Government to provide grants up to 60 percent of the cost of State and local air quality programs, while state and local agencies must provide a 40 percent match.

In reality, the Federal Government has not provided 60 percent. They provided less than 25 percent of our budgets while state and local governments supplied the remainder, over three-quarters. A study we conducted a couple of years ago documented a $550 million shortfall between the amount the Federal Government should provide in federal grants for our programs and the amount it currently provides.

Clearly the President's budget request for a $65.8 million increase, while modest in scope, will be extremely helpful in trying to fill this gap. These funds are the lifeblood of our programs. We use them to carry out most of our core responsibilities under the Clean Air Act, including the development of strategies to attain and maintain health-based air quality standards, the compilation of emission inventories, the installation of air pollution monitors, the development of programs to ensure that facilities are complying with our Nation's clean air rules, and the establishment of innovative and flexible strategies for industries to find a more cost-effective way of meeting their obligations and many others.

However, in light of these funding gaps, most state and local agencies are finding it difficult to keep their essential programs operating. These agencies have had to scale down programs that protect public health and have had to reduce their staffs. As a result states and localities are now more dependent than ever on receiving their fair share in federal grants.

And the final reason we are seeking additional federal grants is that our responsibilities under the Clean Air Act are increasing substantially this coming year, well beyond our core program tasks. This year alone we have to adopt new programs based upon a revised health-based standard for lead, for nitrogen dioxide, and for sulfur dioxide, as well as to continue implementing new responsibilities for particulate matter and ozone. Each of these activities requires a whole set of additional responsibilities. As I mentioned, inventories, strategies, monitoring, and so forth.

So in conclusion, the members of NACAA urge you to support the President's budget request of a much-needed $65.8 million increase over last year's level. These funds will go a long way toward protecting the public health from serious adverse affects, and we hope that you will respond favorably.

Thank you very much.

[The statement of S. William Becker follows:]

NACAA
national association of clean air agencies

Testimony of S. William Becker
Executive Director of the National Association of Clean Air Agencies
before the House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
March 21, 2012

Good afternoon. I am Bill Becker, Executive Director of the National Association of Clean Air Agencies (NACAA). NACAA is a national, non-partisan, non-profit association of air pollution control agencies in 45 states, the District of Columbia, four territories and over 165 metropolitan areas. The members of NACAA have the primary responsibility under the Clean Air Act for implementing our nation's clean air program. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. The comments we offer are based upon that experience. The views expressed in these comments do not necessarily represent the positions of every state and local air pollution control agency in the country. Thank you for this opportunity to testify on the FY 2013 proposed budget for the United States Environmental Protection Agency (EPA). NACAA supports the President's request for a $65.8-million increase in federal grants for state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act – part of the State and Tribal Assistance Grant (STAG) program (for a total of $301.5 million).

Air Pollution is a Significant Public Health Problem

With all the competing requests Congress must address, one may ask why air quality programs should receive additional funding. The answer is that dirty air poses a significant risk; tens of thousands of people die prematurely every year. In fact, it would be fair to say that more people die from air pollution than from almost any other problem under this Subcommittee's jurisdiction. Many more people suffer serious health problems as a result of air pollution, including aggravation of existing respiratory and cardiovascular disease; damage to lung tissue; impaired breathing; irregular heart beat; heart attacks; adverse effects on learning, memory, IQ, and behavior; and cancer.

While federal, state and local clean air programs have made tremendous progress, millions of people in this country continue to breathe unhealthful air. EPA estimated that about 124 million people lived in areas that violated at least one of the health-based National Ambient Air Quality Standards (NAAQS) in 2010.[1] EPA's data on toxic air pollution showed that *everyone* in the United States had an increased cancer risk of over 10 in one million (one in one million is generally considered "acceptable") in 2005.[2] Finally, air pollution also harms vegetation and land and water systems, impairs visibility and causes other adverse impacts.

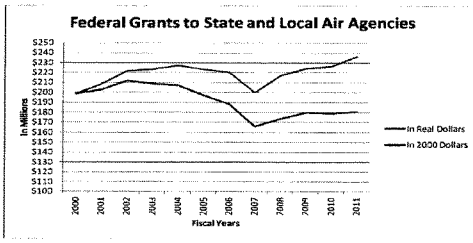
[1] *Our Nation's Air: Status and Trends Through 2010* (February 2012), EPA, www.epa.gov/airtrends/2011/.
[2] National Air Toxics Assessment for 2005 - Fact Sheet, www.epa.gov/ttn/atw/nata2005/05pdf/sum_results.pdf.

The Current State of Funding for Air Quality Programs

Funding for state and local air pollution control programs comes from several sources, including state and local appropriations; the federal permit fee program under Title V of the Clean Air Act; state and local permit and emissions fee programs and federal grants under Sections 103 and 105 of the Clean Air Act. Section 103 has usually funded specific monitoring efforts (e.g., particulate matter monitoring), while Section 105 supports the foundation of state and local air quality programs, including, but not limited to, personnel.

The Clean Air Act authorizes the federal government to provide grants up to 60 percent of the cost of state and local air quality programs, while state and local agencies must provide a 40-percent match (as per Section 105). In reality, however, the federal government provides less than one-quarter of the total state/local air budget, while state and local governments supply over three-quarters (not including income from Title V permit fees). Furthermore, numerous air quality agencies receive no Section 105 grants and must supply all of the funds to implement federally mandated programs to attain and maintain the national air quality standards.

Not only do federal funds provide a small share of the cost of Clean Air Act programs, those grants have actually decreased in purchasing power over the years due to inflation. As the following chart shows, this decline between FY 2000 and FY 2011 has equaled 9 percent.



Because of current economic conditions, many state and local air agencies are finding it difficult to keep essential programs operating. Many have had to reduce or eliminate programs that protect public health and have had to reduce their staffs. As a result, states and localities are more dependent than ever on their federal grants.

In this time of limited state and local resources, where state and local governments are straining to maintain existing programs, additional federal funding is needed to meet the ongoing and ever-increasing responsibilities and challenges of air quality programs. A 2009 NACAA funding study documented an annual shortfall of $550 million in federal grants for state and local air programs.[3] While the proposed increase would not solve all our funding problems, it is critically needed to help fill the gap in our efforts to attain and maintain healthful air quality.

[3] *Investing in Clean Air and Public Health: A Needs Survey of State and Local Air Pollution Control Agencies* (April 2009), NACAA, http://www.4cleanair.org/Documents/Reportneedssurvey042709.pdf.

An EPA study from March 2011 highlighted the cost effectiveness of air quality programs, showing that the benefits from the Clean Air Act have outweighed the costs by over 30 to one.[4] Moreover, an EPA White Paper from last year reported that environmental protection, including air quality, has had a significant positive effect on our economy in general and job creation in particular.[5] Certainly additional jobs, a healthier and more productive workforce and fewer health-care expenditures are all beneficial to our economy and should be encouraged through Congressional appropriations, such as grants to state and local agencies.

Permit Fees Cannot Fill the Gap

Some believe that the permit and emission fee program under Title V of the Clean Air Act is the answer to the state and local air agencies' financial problems. Unfortunately, this is not so for several reasons. First, the fees must support *only* the operating permit program (and associated program support) and *must not* be used for other activities. Second, fees only apply to major sources and do not cover the significant costs related to non-major sources, which include minor source permits, monitoring, enforcement, compliance assistance, etc. Third, fee revenue is decreasing due to reductions in the emissions on which they are based.

Increases in costs for air quality programs (except for permit programs themselves) are not addressed by Title V permit fee programs. The Clean Air Act's fee program, while essential to state and local efforts, is not the solution to the funding problem. Federal grants must be expanded to meet the significant resource requirements.

The Increases Will Support Essential Programs

The President's proposed budget calls for a much-needed increase of $65.8 million over FY 2012 levels for several very important activities. We urge Congress to provide the amount of increased grants the Administration is recommending, but to allow state and local air agencies the flexibility to determine which activities are most in need of additional funds in their areas. While there is a need for additional funds for a myriad of programs and activities at the state and local levels, most agencies find that they will require additional grants primarily for two major categories: core programs and monitoring.

Core Activities – We are gratified that the President's request calls for additional grants to support state and local air agencies' core programs. These activities are the very foundation of our programs and include current day-to-day activities, as well as new and innovative efforts to address additional requirements. As EPA issues updated health-based NAAQS, state and local air agencies must prepare or update State Implementation Plans (SIPs). Specifically in FY 2013, state and local air agencies must implement the revised lead, nitrogen dioxide (NO_2), and sulfur dioxide (SO_2) NAAQS, and the current particulate matter (PM), and ozone NAAQS. This

[4] *The Benefits and Costs of the Clean Air Act Amendments from 1990 to 2020* (March 1, 2011), EPA, http://www.epa.gov/air/sect812/feb11/summaryreport.pdf.
[5] *Empirical Evidence Regarding the Effects of the Clean Air Act on Jobs and Economic Growth*, EPA White Paper (February 9, 2011), http://www.epa.gov/ocir/pdf/hottopics/2011_0208_white_paper.pdf.

includes the 1997 $PM_{2.5}$ NAAQS, the 2006 24-hour $PM_{2.5}$ NAAQS, the one-hour ozone NAAQS (through anti-backsliding requirements), the 1997 eight-hour ozone NAAQS, and the 2008 eight-hour ozone NAAQS. To develop these SIPs, state and local air agencies must compile emission inventories, carry out sophisticated modeling, significantly expand and operate monitoring networks, adopt and enforce regulations and address complex multi-pollutant and multi-state transport issues, among others. Additionally, agencies must continuously reassess and change SIPs as they are implemented. All of these important activities require significant resources.

Monitoring – State and local air agencies are facing a host of ongoing and additional monitoring requirements to address standards for ozone, lead, NO_2 and SO_2 that are either new or have been revised. In addition to monitoring for the health-based criteria pollutants, additional monitoring of toxic air pollutants is necessary. These monitoring activities provide information about the amount of pollution in the air and, later, about how successful our control strategies have been. In order to accomplish this monitoring, these agencies must purchase and operate additional ambient air monitoring equipment. While the budget request for air quality monitoring in FY 2013 would not address *all* our additional monitoring needs, it would certainly help clean air agencies to expand their monitoring programs.

EPA is proposing to begin the process of shifting funds for fine particulate matter ($PM_{2.5}$) monitoring from Section 103 authority, where no match is needed, to Section 105, which would require additional matching funds. We strongly urge that these funds remain under Section 103 authority, as they have in the past. For individual agencies that have concerns about the matching requirements, this will ensure that they can continue receiving these monitoring funds. Additionally, we are concerned that EPA is proposing to reduce the total amount specifically set aside for fine particulate matter monitoring, based on the theory that state and local air agencies will fill in the reduced amount as part of their matching funds. However, as many agencies are already over matched and would not be adding to the funds set aside for $PM_{2.5}$ monitoring, this important monitoring program could suffer. We recommend that EPA allot the same amount for $PM_{2.5}$ monitoring as it did last year and leave the entire amount under Section 103 authority.

Conclusion

The President's budget request calls for a much-needed increase in grants to state and local air quality agencies at a time when they are required to take on significant new responsibilities and continue their current efforts. While these increases would not completely address the enormous funding deficit that these programs face, they would be very helpful to state and local air quality programs.

NACAA recommends, therefore, that Congress appropriate an amount consistent with the President's FY 2013 request for federal grants to state and local air quality agencies under Sections 103 and 105 of the Clean Air Act, which is $305.1 million. This represents an increase of $65.8 million above the FY 2012 appropriated amount.

Thank you for this opportunity to testify on this important issue and for your consideration of the funding needs of state and local air quality programs as they work to improve and protect public health.

Mr. LATOURETTE [presiding]. Thank you very much.
Dr. Hales.

WEDNESDAY, MARCH 21, 2012.

AMERICAN THORACIC SOCIETY

WITNESS

DR. JEFFREY B. HALES

Dr. HALES. Thank you, Mr. Chairman, Mr. Moran. I appreciate the opportunity to speak today. I am testifying on behalf of the American Thoracic Society, which is a large society of clinicians and researchers dedicated to respiratory health of which I am a member. I am a pulmonary physician. I practice long-term and critical care medicine at Virginia Hospital Center in Arlington, Virginia, and I have got three important messages I want to make today.

First is air pollution is a serious health problem; second, EPA funding for clean air programs should be increased, and third, we should let the EPA do its job.

As a pulmonary physician I spend my days treating patients with serious lung conditions such as asthma, COPD, emphysema. Through a combination of medicines, procedures, and lifestyle modifications I work together with these patients to help control their chronic disease, but there is one thing that neither I nor my patients can control, and that is the air that they breathe.

Air pollution plays a major role in causing and exacerbating underlying respiratory illness, and from my years of clinical experience I know that Arlington and the Washington, DC, area has more than its fair share of code orange and code red air pollution days. When those happen, my office is inundated with phone calls from patients suffering from respiratory illness; the hospital is filled with patients suffering severe respiratory disease and respiratory failure. In most of these cases the patients did nothing wrong other than happen to be unlucky enough to breathe polluted air.

I am personally not a researcher, but I am a clinician, and my clinical observations on the impact of air pollution are confirmed by a large number of reviewed, peer reviewed clinical studies both here in the United States and abroad. The science that documents the adverse effects of air pollution on human health is comprehensive, consistent, and compelling, and despite the significant advances the U.S. has made in controlling air pollution over the past years, people still get sick and die because of air pollution.

The American Lung Association notes that over 50 percent of Americans, 154 million people, live in communities that have experienced at least one bad air quality day in the recent past. Air pollution is widespread, it makes people sick, and can kill. It remains a serious health problem in the United States.

Fortunately, the EPA can and does make a difference in air quality, and I urge continued funding and support for the EPA Air Quality Programs. I agree with the previous speakers' support for the Administration's proposed $65 million increase in grants to

state and local air agencies. The increased support for community level of air pollution programs is well justified, but what is not justified is the Administration's proposed cut to the Diesel and Retrofit Program. This Retrofit Program provides support to local communities to replace old diesel engines in school buses, transit buses, and commuter trains with newer and more efficient engines. This Retrofit Program yields immediate and long-term improvements in air quality. The funding should be restored.

The EPA also has a small but scientifically-rigorous program on the health effects of air pollution. By supporting researchers who have published research on the health effects, the results of EPA Clean Air Research Program provides policymakers scientific understanding needed to make policy judgments with confidence. I believe the EPA has good science and has led to good decisions.

However, research programs have been flat funded for several years. I urge Congress to provide a substantial increase in the fiscal year 2013 budget to begin to address these important research issues.

The EPA is also charged with developing and maintaining an air pollution monitoring network. Unfortunately, we know that the current monitoring network is weak and inadequate. There are not enough monitors to adequately gauge, accurately gauge air pollution associated with highways and other high traffic areas. This means that we are effectively underestimating the pollution that we are exposed to, and hence, under-appreciating the risk that air pollution poses to our Nation's health.

The EPA needs to incorporate more recent technology into our monitoring programs. These upgrades will give us more accurate information. I urge the committee to provide additional funds to expand and update the Air Quality Programs.

The last point I would like to make is that we need to let the EPA do its job. In the last 2 years the House has repeatedly passed legislation that would block, weaken, or even delay the authority to improve the Nation's air quality. When implemented, air quality standards such as the Cross State Air Pollution Rule, the Mercury and Air Toxicants Rule, and the Boiler Rule would save thousands of lives, prevent heart attacks and asthma attacks. The health savings from these rules will far exceed the compliance costs and yet the House has repeatedly blocked these measures.

I strongly urge the Committee and all members of the House of Representatives to restrain from extraneous policy writers, to let the EPA do its job in protecting America's health by improving our air quality.

Thank you.

[The statement of Jeffrey B. Hales follows:]

Statement of the American Thoracic Society
Before the House Interior and Environment and Related Agencies Appropriations Subcommittee
regarding
the fiscal year 2013 budget
Presented by Jeffrey B. Hales MD
Wednesday, March 21, 2012

Summary: EPA Funding Recommendations (Dollars in Millions)

Science and Technology	
• **Clean Air and Climate**	**131.0**
• **Indoor Air and Radiation**	**7.6**
Research	
• **Air, Climate and Energy**	**107.0**
Environmental Program & Management	
• **Clean Air and Climate**	**315.0**
• **Indoor Air and Radiation**	**33.7**
EPA Budget - total	**8,344.0**

The American Thoracic Society appreciates the opportunity to testify before the House Interior and Environment Appropriations Subcommittee regarding the FY2013 budget of the Environmental Protection Agency. The Environmental Protection Agency is charged with the mission of protecting Americans from pollution in the nation's air, water and land. This is an important mission and one that deserves financial resources commensurate with the task.

I am Jeffrey Hales MD and I am a Division Chief of the Pulmonary and Critical Care Medicine at the Virginia Hospital Center in Arlington Virginia. Today, I am speaking on behalf of the American Thoracic Society. The American Thoracic Society, founded in 1905, is an independently incorporated, international education and scientific society which focuses on respiratory and critical care medicine. The Society's members help prevent and fight respiratory disease around the globe through research, education, patient care and advocacy. The Society's long-range goal is to decrease morbidity and mortality from respiratory disorders and life-threatening acute illnesses. As such, we have a keen interest in the impact that EPA's regulatory and enforcement actions have on respiratory health.

Nearly all lung diseases are impacted by air pollution. How well or poorly our lungs perform is contingent on the quality of the air around us, making the impact of air

pollution inescapable. Air pollution remains a primary contributor to the high prevalence of respiratory diseases.

For over 100 years, the American Thoracic Society has conducted scientific, public health and educational programs to fight air pollution and to improve the quality of the air that we breathe. We remain strong supporters of the Clean Air Act and its amendments. We can attest to the significant impact that the Clean Air Act has had in improving the quality of our nation's air.

Cleaning up our nation's air is having a profound impact on public health and health expenditures. EPA recently released a report noting that the Clean Air Act yields $30 in savings for every one dollar spent to control air pollution. In 2010 the Clean Air Act prevented 160,000 premature deaths, 1.7 million asthma attacks, 86,000 emergency room visits, and 130,000 heart attacks. The EPA report builds on a similar cost benefit analysis done by the Office of Management and Budget during the Bush Administration that also showed that the Clean Air Act standards were an economic benefit for the U.S.

While the economic story of the Clean Air Act is impressive, it is the human story that matters most. Every heart attack prevented and every asthma attack averted mean less economic demands on our health care system. It also means that somebody's loved one is still alive, still healthy, and still being a productive part of the community.

The Clean Air Act has made great strides; however, much remains to be done. It is estimated that one in 10 Americans live in areas that consistently violate EPA standards for ozone and particulate matter pollution, while nearly one third of Americans live in areas that have incurred violations for short-term ozone. Research has shown that air pollution is causing the premature death of literally thousands of people each year due to complications from exposure to air pollution.

EPA and Research Funding: Air pollution has an adverse impact on the health of Americans. The good news is that, as a direct result of EPA's action, America's air is cleaner today than in previous years. The bad news is that our scientific understanding of air pollution has advanced so that we can more fully comprehend the pernicious effects of air pollution at lower levels. In addition to higher death rates for cardiovascular and respiratory diseases, research has also shed light on more subtle health effects influenced by air pollution such as lower birth weight and loss of IQ points.

Continued research on the health effects of air pollution is essential to help parents understand how air pollution may impact their children with asthma; for clinicians trying to manage patients with chronic respiratory disease; and to help guide EPA staff and the Administrator to set NAAQS standards at the appropriate level to protect public health. In order to sustain these critical research efforts, the American Thoracic Society recommends an increase in funds for the EPA Office of Research and Development Clean Air research-related programs.

EPA and NAAQS Monitoring: In addition to establishing standards for air pollution limits, the EPA is also charged with developing and maintaining a network of monitors

that measure the level of pollution in our nation's air. Unfortunately, we know the current monitoring network is inadequate. There are not enough monitors to accurately gauge air pollution associated with highways and other high traffic areas. This means that we are effectively underestimating the pollution that we are exposed to, and hence, under-appreciating the risk air pollution poses to our nation's health.

Additionally, the existing monitoring network relies on outdated technologies. With appropriate funding, a new generation of air pollution monitoring could be implemented that would improve the timeliness of air pollution monitoring and more rapidly make that information available to the public. New monitoring systems could make use of improved individual monitors and harness the power of satellite imagery and monitoring to replace the current outdated monitoring network. The American Thoracic Society strongly urges Congress to provide EPA the funds necessary to upgrade the air pollution monitoring network.

EPA and Diesel Retro Fits and Radon Program: The American Thoracic Society is concerned that the President's budget has proposed cutting the EPA diesel retro fit program by 50%. As you probably know, the program provides grants to state and local governments to upgrade diesel engines in school buses, trucks and other types of transit. By adopting the latest diesel engine technology, cities and states can significantly reduce the air pollution in their community. We are also concerned with the proposal to eliminate the radon program. We note that the President has proposed similar reduction in previous budgets, which Congress has rejected. We urge Congress to again restore the EPA diesel retro fit program and the radon program.

EPA Standard Setting – Mercury and Air Toxics Rule: The EPA has recently finalized rules on a number of important public health standards under the Clean Air Act. Most recently, EPA released a final rule that will for the first time address toxic air pollution released from coal and oil fired power plants. The health benefits from this rule are significant. EPA estimate that when the rule is fully implemented in 2016, 11,000 premature deaths 4,700 heart attacks, and 130,000 asthma attacks will be prevented each year.

Today, 17 states already have implemented, or are in the process of implementing, state-based rules on mercury pollution. Because of the state actions, and the actions of responsible electric companies, over 50% of power plants have already installed pollution control equipment to reduce mercury and other toxic emissions. The final rule will require all power plants in all states to install readily available pollution control technology by 2015.

EPA and the Cross State Air Pollution Rule: EPA has also issued a rule to reduce "downwind" emissions – air pollution that crosses state borders and prevents neighboring states from protecting their citizens from the adverse health effects of air pollution. The final rule replaces the Clean Air Interstate Rule that was found lacking by the courts in 2008. Ironically enough, the courts have issued a stay in implementation of the Cross State Air Pollution Rule (CSAPR). The American Thoracic Society strongly supports CSAPR and notes the significant health benefits that Americans will enjoy once the rule is fully implemented including: over 13,000 premature deaths avoided,

15,000 heart attacks avoided,19,000 emergency room visits avoided, and 400,000 days of aggravated asthma avoided. These avoided adverse health outcomes will yield $120-$280 billion in cost savings.

EPA and Industrial Boilers: EPA also has issued rules to reduce mercury and air toxic emissions from industrial boilers. The final rule takes practical steps to reduce air pollution from the thousands of industrial boilers found in communities across America, but does it in a way that is sensitive to the needs of boiler operators. Of the 1.5 million industrial boilers in the U.S., 86% are not impacted by this because they burn natural gas and meet emissions standards. The next 13% of boilers will be able to meet the rule with tune-ups and annual inspections. The rule targets the remaining 1% of boilers in large industrial facilities for more significant investments of air pollution control.

EPA and Congress: Despite the many important steps EPA is taking to reduce air pollution and improve our nation's health, Congress seems intent on blocking EPA's efforts. The House of Representatives has repeatedly passed legislation to block, impair, or delay EPA efforts to implement health based rules under the Clean Air Act. We urge the House of Representatives to reconsider its position on EPA regulations. The American Thoracic Society strongly urges this subcommittee to refrain from adopting legislative riders in the fiscal year 2013 Interior and Environment Appropriations bill that would weaken or delay EPA's authority to implement Clean Air Act rules.

EPA and Climate Change: The ATS believe climate change is real and requires an immediate response. While still preliminary, there is sufficient research documenting the severe adverse human health effects climate change will bring. Research has demonstrated the spread of malaria to higher elevations due to rising temperatures. Research has also documented that higher concentrations of CO2, higher heat and a lengthened spring will mean more intense, prolonged, and severe pollen season for patients with pollen allergies. Higher temperatures will increase heat-related deaths in both major US cities and rural areas.

We also believe that the success of the EPA Clean Air Act holds valuable lessons for Congress and the EPA as it considers climate change. The technology used to reduce traditional pollutants like ozone and particulate matter can also be used to address greenhouse gas emissions.

The American Thoracic Society is playing an active role in addressing global climate change. In May 2010, the American Thoracic Society hosted a workshop on the respiratory health effects of global climate change. The workshop report was published in the March 15, 2012 issue of the Proceedings of the American Thoracic Society. The report provides guidance on the known and likely respiratory health effects of climate change as well as posing valuable research questions to further our understanding of how climate change is impacting human health. The American Thoracic Society is pleased to share a copy of this report with the Subcommittee.

On behalf of the American Thoracic Society, we appreciate the opportunity to comment on the FY13 budget for the Environmental Protection Agency.

Mr. LATOURETTE. Thank you, Dr. Hales, and thank all of you for your testimony. We appreciate your appearance here. There has been a bloodless coup if you had not noticed. Mr. Simpson left, and he has to go and take care of the budget resolution. He is one of our members on the Budget Committee.

Just a couple of comments. Mr. DiLoreto, being from Oregon I am sure you are aware of Mr. Blumenauer's work, and it all comes down to money, and I have been happy to join him on his quest to start a water infrastructure trust fund that somebody has got to pay for. They will not even let me into the Coke and Pepsi plants in my districts anymore because we suggested that, there should be some kind of fee on that.

To our friends from the USGS, I had the director in my office, and I asked her specifically about the President's budget, and she seemed happy. So maybe double back and make her unhappy. I understand she has to be a team player, but she did not express the concerns that you have expressed today. So I appreciate you being here.

Mr. Moran, do you have anything?

Mr. MORAN. Thank you, Steve.

Let me just reiterate my appreciation for the two folks who spoke so eloquently on behalf of the USGS and for underscoring the need for water infrastructure. As Mike has said, we have got to figure out a way to pay for it, and I do not see where we are going to get the money in discretionary spending to pay for the safe drinking water, waste water treatment systems, and the like, that we are in desperate need of funding.

And I want to thank our two witnesses, one of whom I know, we have spoken before on the importance of clean air. So clean air, safe drinking water, and the critical role that USGS plays, are all important to the work of this Subcommittee.

In terms of mining, again, we are going to have to have some form of fee. It does not seem to be an outrageously large fee, and I understand that your role is to oppose the fee on behalf of the association, but somehow we have got to figure out how to pay for abandoned mine constructions and the like.

I want to thank all of you. Good testimony. Thanks very much for taking your time.

Mr. LATOURETTE. Thank you very much, and the first panel goes with our thanks, and we will now hear from the second panel. We will be joined in the second panel by Edward Hallock, who is the President of the Association of State Drinking Water Administrators from the State of Delaware; Elias Longoria Jr., who is a Councilmember from the City of Edinburg, Texas; Nsedu Witherspoon, who is the Executive Director of the Children's Environmental Health Network; Elizabeth Hoffman, the President of the Cancer Survivors' Against Radon; and Dusty Donaldson, the Executive Director of the Dusty Joy Foundation.

Thank you all for coming, you observed the first panel, and we will follow the same sort of rules. The lights will flash, and we appreciate your coming here. We appreciate your testimony, Mr. Hallock, we will start with you.

WEDNESDAY, MARCH 21, 2012.

ASSOCIATION OF STATE DRINKING WATER ADMINISTRATORS/STATE OF DELAWARE

WITNESS

EDWARD HALLOCK

Mr. HALLOCK. Okay. Thank you very much for the opportunity to speak today. My name is Ed Hallock. I am the President of the Association of State Drinking Water Administrators, and I am also the Administrator of the Drinking Water Program for Delaware.

ASDWA represents the State Drinking Water Programs and their efforts to provide safe drinking water to more than 275 million Americans. We respectfully request that for fiscal year 2013, the Subcommittee appropriate funds for three programs at levels to help ensure appropriate public health protection for Americans.

The Public Water Supply and Supervision Program. States are responsible for ensuring compliance with federal regulations for over 90 contaminants and for overseeing approximately 155,000 public water systems, but state activities go well beyond simply ensuring compliance at the tap. They administer very challenging multi-faceted programs.

The number of federal regulations continues to grow while at the same time the federal funding support has been basically flat. State Drinking Water Programs are under critical phases of implementing a series of new risk-based drinking water rules, and this challenge is playing out in the context of the current economic crisis. States have often been expected to do more with less and have always responded with commitment and ingenuity, but State Drinking Water Programs are now in crisis. Insufficient funding increases the likelihood of contamination that puts public health at risk.

The fiscal year 2012 appropriated levels for the PWSS Program was $105 million or a bit less than $2 million per state, and the President has asked for an increase in fiscal year 2013 of only $4 million over the fiscal year 2012 budget. This amount is simply inadequate. We respectfully request that Congress appropriate $200 million for the PWSS Program to more appropriately account for the federal mandates and the enormity of the task facing states.

The Drinking Water State Revolving Loan Fund. The primary purpose of the DWSRF is to improve public health protection by providing loans to improving drinking water infrastructure, thus facilitating water system compliance with the regulations. The payback on the investment in the program has been exceptional, $12.4 billion in grants and $2 billion in ARRA funds since 1997, have been leveraged by states into nearly $24 billion in infrastructure loans for projects that improve public health protection for millions of Americans.

The DWSRF Program request in the President's budget for the past several years has exhibited a disappointing downward trend, $850 million requested for fiscal year 2013, versus $1.4 billion appropriated by Congress in fiscal year 2010. At the same time EPA's most Recent Needs Survey in 2007, indicated that drinking water system needs total $335 billion over the next 20 years.

So ASDWA respectfully requests $1.287 billion for fiscal year 2013 funding for the DWSRF Program. This was the amount appropriated in fiscal year 2011, and ASDWA believes this is an appropriate funding level on an ongoing basis.

Finally, the State Drinking Water Security Responsibilities. Since the events of September, 2001, as well as more recent experience in natural disasters, states have taken extraordinary measures to meet the security and emergency response-related needs of the drinking water community. States have provided assistance, training, information, and financial support to their systems.

After 7 years of supporting State Security Programs through a small grant of approximately $5 million in EPA's appropriation, no funds have been provided for this purpose since fiscal year 2009, and none are requested for fiscal year 2013.

ASDWA respectfully requests $10 million in fiscal year 2013 funding for the State Security Initiatives.

So a number of incidents in the U.S. over the past several years having led to illnesses or deaths from unsafe drinking water serve as a stark reminder of the critical nature of the work the Safe Drinking Water Programs do every day and the danger of inadequately-funded programs. Vibrant and sustainable communities are dependent on a safe and adequate supply of drinking water. A strong drinking water program supported by the federal and state partnership will ensure that the quality of drinking water in this country will not deteriorate and in fact, will continue to improve so that Americans can be assured that a glass of water is safe to drink no matter where they travel or live.

I know the Subcommittee will be considering many worthy funding requests for a lot of different programs, but it would be hard to argue that anything is more important than safe drinking water. So an increase, even a relatively modest increase in the PWSS Grant would help a great deal in allowing state security on this important work, and I would respectfully request to have submitted into the record a copy of, "The Public Health Protection Threatened by Inadequate Resources," a study that we did in 2003, by the Association of State Drinking Water Administrators.

Okay. Thank you.

[The statement of Edward Hallock follows:]

Association of State Drinking Water Administrators

Testimony to the House Committee on Appropriations;
Subcommittee on Interior, Environment, & Related Agencies
March 12, 2012

Who We Are: Edward G. Hallock, President, on behalf of the Association of State Drinking Water Administrators (ASDWA), is pleased to provide testimony to the Interior, Environment and Related Agencies Subcommittee on FY 13 Appropriations for the U.S. Environmental Protection Agency. ASDWA represents the state drinking water programs in the fifty states, territories, District of Columbia, and the Navajo Nation in their efforts to provide safe drinking water to more than 275 million consumers nationwide.

Summary of Request:

ASDWA respectfully requests that, for FY-13, the Subcommittee appropriate funding for three state drinking water programs at levels commensurate with Federal expectations for performance; that ensure appropriate public health protection; and that will result in enhancing economic stability and prosperity in American cities and towns. ASDWA requests $200 million for the Public Water System Supervision (PWSS) program; $1.287 billion for the Drinking Water State Revolving Loan Fund (DWSRF) program; and $10 million for state drinking water program security initiatives. A more complete explanation of the needs represented by these requested amounts and justification for these requested levels follows.

How States Use Federal Funds:

States Need Increased Federal Support to Maintain Overall Public Health Protection: State drinking water programs strive to meet public health protection goals through two principal funding programs: the Public Water System Supervision Program (PWSS) and the Drinking Water State Revolving Loan Fund (DWSRF) Program. These two programs, with their attendant state match requirements, provide the means for states to work with drinking water systems to ensure that American citizens can turn on their taps with confidence that the water is both safe to drink and the supply is adequate. In recent years, state drinking water programs have accepted additional responsibilities to work with all public water systems to ensure that critical drinking water infrastructure is protected; that plans are in place to respond to both natural and manmade disasters; and that communities are better positioned to support both physical and economic resilience in times of crisis.

Vibrant and sustainable communities, their citizens, workforce, and businesses all depend on a safe, reliable, and adequate supply of drinking water. Economies only grow and sustain themselves when they have reliable water supplies. Over 90% of the population receives water used for bathing, cooking, and drinking from a public water system. Firefighting also relies on potable water from public water systems to ensure public safety. Even people who have their own private wells to meet their daily water needs will visit other homes or businesses served by a public water system. As important as public water systems are to the quality of water we drink and our health, the majority of water produced by public water systems is used by businesses for a variety of purposes, including processing, cooling, and product manufacturing. The availability of adequate supplies of water is often a critical factor in attracting new industries to communities. Public water systems -- and the cities, villages, schools, and

businesses they support -- rely on state drinking water programs to ensure they are in compliance with all applicable Federal requirements and the water is safe to drink. A number of incidents in the U.S. over the past several years that have led to illnesses or deaths from unsafe drinking water serve as stark reminders of the critical nature of the work that state drinking water programs do every day and the dangers of inadequately funded programs,

The PWSS Program: To meet the requirements of the Safe Drinking Water Act, states have accepted primary enforcement responsibility for oversight of regulatory compliance and technical assistance efforts for over 155,000 public water systems to ensure potential health-based violations do not occur or are remedied in a timely manner. Over 90 contaminants are regulated in Federal drinking water regulations and, the pace of regulatory activity has accelerated in recent years. Since 1996, state drinking water programs have participated in the development and implementation of over 25 new Federal regulations and strategic initiatives designed to enhance the protection of public health. States are also implementing an array of proactive initiatives to protect public health from "the source to the tap." These include source water assessments and protections; technical assistance with water treatment and distribution; and enhancement of overall water system performance capabilities. In recent years, states have also taken on an increasingly prominent role in working with Federal and local partners to help ensure sufficient water *quantity*. In short, state activities go well beyond simply ensuring compliance at the tap.

The DWSRF Program: Drinking water in the U.S. is among the safest and most reliable in the world,but it is threatened by aging infrastructure. The DWSRF program is helping, but greater levels of Federal support are needed. The payback on this investment has been exceptional. In the core DWSRF program, $12.4 billion in cumulative capitalization grants and $2 billion in American Reinvestment and Recovery Act (ARRA) funds since 1997 have been leveraged by states into nearly $22 billion in infrastructure loans to small and large communities across the country. Such investments pay tremendous dividends -- both in supporting our economy and in protecting our citizens' health. State drinking water programs have also used DWSRF funds to support the technical assistance and training needs of numerous small drinking water systems and to help these often challenged water systems obtain the technical, managerial, and financial proficiency needed to meet the requirements of the SDWA.

State Drinking Water Security Responsibilities: State drinking water programs are critical partners in emergency planning, response, and resiliency at all levels of government. State primacy agencies provide key resources and critical support regardless of whether the emergency is rooted in terrorism, natural disasters, or cyber intrusions. States continually work toward integrating security considerations throughout all aspects of their drinking water programs. Technological advances in contaminant detection and decontamination capabilities, new economic risk and impact analysis models, and enhancements in cyber security techniques also demand state program awareness, implementation, and outreach to the water community.

Why Increased Funding is Urgently Needed:

State Drinking Water Programs are Hard Pressed: States must accomplish all of the above-described activities, and take on new responsibilities, in the context of the continuing economic downturn. This has meant operating with less state-provided financial support – which has historically compensated for inadequate Federal funding. State drinking water programs have often been expected

to do more with less and states have always responded with commitment and ingenuity. However, state drinking water programs are now in crisis and are stretched to the breaking point. Insufficient Federal support for this critical program increases the likelihood of a contamination event that puts the public's health at risk.

State Funding Gap Continues to Grow; States Cannot Keep Up: Although the 1996 SDWA Amendments authorized the PWSS Program at $100 million per year, appropriated amounts have only recently reached that authorized level – a level that now, more than 16 years from the date of those amendments, falls far short of the need. $105 million was appropriated for the PWSS program in FY 12. The President's FY 13 budget requests $109 million for the PWSS grant -- an amount that is woefully inadequate for the enormity of the task faced by state drinking water programs. A few years ago, state drinking water program administrators identified an annual shortfall nationally of approximately *$360 million* between available funds and those needed to administer their programs. That gap only continues to grow and has a number of negative consequences. Many states are simply unable to implement major provisions of the newer regulations, leaving the work undone or ceding the responsibility back to EPA where it is likely to languish because of EPA's own resource constraints and lack of "on the ground" expertise. This situation has created a significant implementation crisis in several regions of the country and ultimately delay implementation of critically needed public health protections.

FY 13 Request Levels and SDWA Program Obligations:

The PWSS Program: The number of regulations requiring state implementation and oversight as well as performance expectations continue to grow while at the same time, the Federal funding support necessary to maintain compliance levels and meet expectations has been essentially "flat-lined" or included only meager increases. Inflation has further eroded these inadequate funding levels. State drinking water programs are hard pressed to understand a justification for these funding levels since they are engaged in the critical phases of implementing the LT 2/Stage 2 Rule cluster (two sophisticated and complex initiatives to control disinfection by-products and microbial contaminants), the recently promulgated Ground Water Rule, and changes to the Lead and Copper Rule. States want to offer the flexibilities allowed under these and other rules to local water systems; however, fewer state resources mean less opportunity to work one-on-one with water systems to meet their individual needs. Looking ahead, states expect that new rules for perchlorate and carcinogenic volatile organic carbon compounds will be forthcoming in the near future as well as revisions to the Total Coliform Rule.

ASDWA respectfully requests that the FY 13 funding for the PWSS program be appropriated at $200 million. *This figure begins to fill the above-described resource gap and is based on the expense of implementing new drinking water rules, taking on a number of other new initiatives, and accounting for the eroding effects of inflation.*

The DWSRF Program: States were very encouraged by the $1.387 billion appropriated for the DWSRF in FY 10 but are disappointed at the subsequent downward trend -- $963 million in FY 11 and $919 million in FY 12 and the alarming Administration request of $850 million for FY 13 – a figure not seen since 2008. The primary purpose of the DWSRF is to improve public health protection by facilitating water system compliance with national primary drinking water regulations through the provision of loans to improve drinking water infrastructure. Water infrastructure is needed for public health protection as well as a sustainable economy, as explained above. States have very effectively and

efficiently leveraged Federal dollars with state contributions to provide assistance to more than 8,500 projects, improving health protection for millions of Americans. According to the most recent figures available, this equals a 177.4% return on the Federal investment. Approximately 72 percent of projects and 38 percent of assistance has been provided to small communities (serving less than 10,000 people). However, EPA's most recent National Drinking Water Infrastructure Needs Survey (2007) indicated that water system needs total $334.8 billion over the next 20 years to comply with SDWA mandates. States believe the $2 billion in ARRA funds and the FY 10 appropriated level were very substantial down payments on addressing those needs and filling the infrastructure gap. In light of these indicators of success and documented needs, we believe funding at the $1.287 billion level will better enable the DWSRF to meet the SDWA compliance and public health protection goals for which it was designed.

ASDWA respectfully requests $1.287 billion in FY 12 funding for the DWSRF program. *This was the amount appropriated in FY 11 and ASDWA believes this is an appropriate funding level on an ongoing basis.*

Security Responsibilities: After seven years of supporting state security programs through a small grant of approximately $5 million in EPA's appropriation, *no funds* have been provided for this purpose since FY 09 and none are requested for FY 13. State drinking water programs need funds to continue to maintain and expand their security activities, particularly for small and medium water systems and to support utility-based mutual aid networks for all drinking water systems. It is very difficult to understand why this grant has been zeroed out of EPA's proposed budget. Given the realities exemplified by ongoing Homeland Security initiatives, the goals of the National Infrastructure Protection Plan, and the lessons learned from Hurricanes Katrina, chronic flooding in the Midwest, and most recently, from the 2011 Northeast experience with Hurricane Irene and Tropical Storm Lee, state drinking water programs are working more closely than ever with their water utilities to evaluate, assist, and support drinking water systems' preparedness, response, and resiliency capabilities. States continue to expand their efforts to reflect a more resilient "all hazards" approach to water security and to focus their efforts toward smaller water systems. These systems rely heavily on the states to help them meet their needs and identify potential funding sources.

ASDWA respectfully requests $10 million in FY 12 funding for the state security initiatives. *These funds would be commensurate with the security tasks state drinking water programs must take on.*

Conclusion

In conclusion, ASDWA respectfully recommends that Federal FY 13 budget needs for the provision of safe drinking water be adequately funded by Congress. A strong drinking water program supported by the Federal-state partnership will ensure that the quality of drinking water in this country will not deteriorate and, in fact, will continue to improve – so that the public can be assured that a glass of water is safe to drink no matter where they travel or live. States are willing and committed partners. However, additional Federal financial assistance is needed to meet ongoing and ever growing regulatory and security needs. The financial needs of these programs is particularly acute when one considers that the Budget Control Act sequestration may well cut an additional 9% from whatever is ultimately appropriated. In 1996, Congress provided the authority to ensure that the burden would not go unsupported. For Fiscal Year 2013, ASDWA asks that the promise of that support be realized.

Mr. LATOURETTE. Thank you very much.
Mr. Longoria. Welcome. Thank you.
Where is Edinburg, Texas?

WEDNESDAY, MARCH 21, 2012.

CITY OF EDINBURG, TEXAS

WITNESS

ELIAS LONGORIA JR.

Mr. LONGORIA. I am going to give you a little handout here, if you do not mind.

Mr. LATOURETTE. Sure.

Mr. LONGORIA. It is deep south Texas, about 15 miles from the Texas/Mexican border.

Mr. LATOURETTE. Okay. Great. Well, welcome.

Mr. LONGORIA. Thank you. Good afternoon, Mr. Chairman, Mr. Moran. I am Elias Longoria, and I am an elected City Councilmember from the City of Edinburg, Texas, located in the 15th Congressional District of Texas, and my testimony today is related to the Wastewater Sewer System Programs that fall under our jurisdiction of the Environmental Protection Agency.

Today I appear before you to share with you some very important economic statistics from the City of Edinburg, about some important jobs coming to the city, creating even as we speak. We are seeking counsel regarding the dilemma the city is facing on how to improve infrastructure upgrades needed to keep up with the city's booming economy and services to seven colonias just outside the city that depend on our facilities.

Edinburg, as I mentioned, is located 15 miles from the Texas/Mexican border. It is a city of 77,000 people, a city that has grown to this population from less than 20,000 in 1960. It is now one of the fastest growing areas in south Texas. Soon we will have two new major manufacturing companies, one for produce and one for denim, which will be opening in the area, offering 1,600 new jobs to the community.

There is a new plant called Santana Textiles, which through the help of Governor Rick Perry and the State of Texas Enterprise Zone Program, as well as some tax incentives by the city, is expanding and opening their plant in August. They will offer 800 new jobs.

The other new 800 jobs will be brought by a company called Don Hugo Produce, which was formerly located in the City of Chicago. They find that the city offers everything that they need to be moving produce from Mexico into the eastern part of the United States.

Also our airport which previously was used as a military defense airport has been converted now to general aviation after World War II and is slowly but surely becoming a commercial airport, which we will need to adequately service the community of Edinburg. In fact, FedEx Ground has just opened a new ground station, 100,000 square-foot building, and all their ground station will be based out of the City of Edinburg.

Edinburg also assists seven nearby rural areas known as colonias in south Texas. As described by the Federal Reserve Bank of Dallas, colonias date back to the early 1950's. They were using marginally agricultural land, lands that lay in floodplains and other rural properties to develop and created unincorporated subdivisions. They divided the land into small lots, put little or no infrastructure, and then sold it to low-income individuals seeking affordable housing.

Colonia residents generally have very low incomes. Per capita annual income for the Texas counties bordering Mexico where most of the colonias are located tend to be much lower than state average. These communities clearly are overburdened, but they also provide many of the workers that fuel the growth of the Rio Grande Valley's economy. Like it or not, many of these city's services end up being provided to these residents of the seven nearby colonias.

The city government provides to the city's residents and the colonias sewer and water treatment, fire fighting assistance, police assistance, emergency management assistance, and airport services in case of an emergency or natural disasters. The Rio Grande Valley of Texas seeks a port of entry or egress, such as this airport, located along the Texas/Mexican border, and in short, during this period of growth, the city is working hard to make certain that its citizens and the businesses that have located in our community continue to have the necessary services for a good quality of life as well as being able to attract even more jobs.

I fully understand that Congress is out of the earmark business. However, I am here today to share with you a major dilemma the city faces regarding its sewer plant and water plants, airport, and law enforcement funding.

The city's population continues to grow because the city is working hard to add jobs, fight off the devastating economic effects of the recession, and do our part to stimulate economic growth. My job today on behalf of the citizens of Edinburg is to ask you, the Federal Government, to do an assistance with the City and federal dollars to help us address the cost of building a much-needed $11 million sewer plant and an $8 million water plant.

We are here for suggestions of any way that that could happen. Unfortunately, for the citizens of Edinburg they cannot afford both to pay for more necessary improvements to the city's utilities and also assist the other surrounding unincorporated communities as well as the seven colonias. The City has been faced with fines from the federal EPA because its burgeoning population is pushing the water and sewer facilities to their limits.

This current state of affairs does not do us any good, and certainly, does nothing for the city. Either we have to work together to find federal dollars to help the citizens of Edinburg get through these rough spots or the city will have to turn away businesses who are eager to invest brick and mortar and jobs to the City of Edinburg.

The same goes for our airport. When FAA tells us that we need more volume in order to access money from the Airport Improvement Act to expand our runway, the city responds it cannot get more volume with a runway that is too short for planes. It is the

proverbial question of which comes first, the chicken or the egg. This is a good example of a government program that is not serving the communities it was designed to serve.

Finally, because of our proximity to the Texas/Mexican border, we also need federal dollars to spend on border security due to the horrible problems that Mexico is allowing to spill over the Texas side of the border from Mexico. This is a national problem, but part of that battle is being fought on the local level by our city law enforcement officers.

Today, I invite this committee to hold a hearing in Edinburg, tour the airport, the seven local colonias that Edinburg services, and let us show you exactly why we need help from the Federal Government. These dollars we need from the Federal Government will be used carefully to help the city continue to be able to support its population growth as well as prove to you that the city is doing its part to stimulate the economy.

Our area is one of the fastest growing areas in the United States, and we need help from the Federal Government to make certain we continue to grow, add jobs, and allow the people of Edinburg and South Texas to prosper.

Thank you for the opportunity to testify, and I am open to any questions you may have.

[The statement of Elias Longoria Jr. follows:]

TESTIMONY OF ELIAS LONGORIA OF EDINBURG, TEXAS

Good morning Mr. Chairman and Members of the Subcommittee on Interior and Environment. I am Elias Longoria, an elected City Councilman from the City of Edinburg, Texas, located in the 15th Congressional District of Texas. My testimony today is related to the waste water and sewer system programs that fall under the jurisdiction of the Environmental Protection Agency.

Today, I appear before you to share with you some very important economic statistics from the City of Edinburg and tell you about some important jobs the City is creating even as we speak, and to seek your counsel regarding a dilemma that the City faces—how to fund the infrastructure upgrades needed to keep up with the City's booming economy and service the seven Colonias just outside the City that depend on our facilities.\

Edinburg Population and Economy Both Are Booming

Edinburg is located deep in South Texas, approximately 15 miles from the Texas/Mexican border. We are a city of 77 thousand people. The City has grown to this population from less than 20,000 in 1960, and is now the fastest growing city in South Texas.

Soon, we will have the grand opening of two major manufacturing and produce facilities which will add over 1,600 jobs to the City's employment rolls.

These two new plants are of enormous importance not only to the City but to the Nation. They are two important examples of what a community can do during the deepest economic recession our Country has faced in many, many years.

First, there is the new plant being established by Santana Textiles, the largest denim manufacturer in the world. Through the help of Governor Rick Perry and grants from the State of Texas Enterprise Zone Program as well as tax breaks extended by the City of Edinburg, the company is having the grand opening of the plant in August. This plant will hire 800 new employees to make denim in Edinburg, using US cotton and exporting the finished product all over the world.

The other new plant will house a major Don Hugo produce operation formerly located in Chicago. It will be opening its doors in Edinburg on April 2012, and the Don Hugo Company will hire 800 new employees to staff it. Don Hugo is a produce importer and is moving to Edinburg because of Edinburg's proximity to the border of Mexico in re cognition of the fact that Mexico is shipping the lion's share of its produce through South Texas areas, making South Texas the largest importer of Mexican produce in the USA. Don Hugo is also taking advantage of similar tax breaks from the City and will become one of the biggest employers in the area.

These two new businesses are working on the final details of their new business venture in Edinburg, as I deliver my remarks today.

Also, our airport, which previously was used as a military defense airport and was converted to general aviation after WWII, is slowly but surely becoming a commercial airport, which it will need to be to adequately service Edinburg's business community. In fact, Fed Ex Ground has opened a new ground station in Edinburg close to our airport.

Edinburg also assists seven nearby rural areas known as colonias in South Texas. As described by the Federal Reserve Bank of Dallas, Texas colonias date back to at least the 1950s. Using agriculturally marginal land, land that lay in floodplains, or other rural properties, developers created unincorporated subdivisions. They divided the land into small lots, put in little or no infrastructure, then sold them to low-income individuals seeking affordable housing. Colonia residents generally have very low incomes. Per capita annual income for all Texas counties bordering Mexico-where most of the colonias are located-tends to be much lower than the state average. These communities clearly are overburdened, but they also provide many of the workers that fuel the growth of the Rio Grande Valley economy. Like it or not, many of the City's services end up being provided to the residents of the seven nearby Colonias.

The City government provides to the City's residents and the Colonias sewer and water treatment, fire fighting assistance, police assistance, emergency management assistance, and airport services in case of an emergency or natural disaster that requires people living in the Rio Grande Valley of Texas to seek a port of entry or egress, such as our airport and highways located north of the Texas/Mexican border. In short, during this period of growth, the City is working hard to make certain that its citizens and the businesses that have located in our community continue to have the necessary services for a good quality of life as well as being able to attract even more jobs.

Edinburg's Challenges

I fully understand that the Congress is out of the earmark business. However, I am here today to share with you a major dilemma the City faces regarding its sewer plant and water plants, airport, and law enforcement funding.

The City's population continues to grow because the City is working hard to add jobs, fight off the devastating economic effects of the recession, and do our part to stimulate economic growth. Thus, my job today on behalf of the citizens of Edinburg, Texas is to ask you what the federal government can do to assist the City with federal dollars other than earmarks to help us address the cost of building an $11 million sewer plant and an $8 million water plant.

Do you have suggestions as to where the City might find the public resources to build these plants that will support our economic development? Unfortunately, the citizens of Edinburg cannot afford both to pay for more necessary improvements to the City's utilities and also assist the other surrounding unincorporated communities as well as the seven Colonias. Yet, the City has been faced with fines from the federal Environmental Protection Agency because its burgeoning population is pushing the water and sewer facilities to their limits.

This current state of affairs does not do any of us any good, and for certain, the City will have to either work with you to find federal dollars to help the citizens of Edinburg get through these rough spots, or the City will begin to turn away businesses that are eager to invest in bricks and mortar and jobs in Edinburg.

The same goes for our airport, when FAA tells us that we need more volume in order to access money from the Airport Improvement Act to expand the runway, the City responds that it cannot get more volume with a runway that is too short for commercial planes. It's the proverbial

question of which comes first, the chicken or the egg. This is a good example of a government program that is not serving the communities it was designed to serve.

Finally, because of our proximity to the Texas/Mexican border, we also need federal dollars to spend on border security, due to the horrible problems that Mexico is allowing to spill over into the Texas side of our border with Mexico. This is a national problem, but part of that battle is being fought on the local level—by our City's law enforcement officers.

An Invitation for You to See the Problems First Hand

Today, I invite this committee to hold a hearing in Edinburg, tour the airport, the seven local Colonias that Edinburg services and let us show you exactly why we need help from the federal government. The dollars that we need from the federal government will be used carefully to help the City continue to be able to support its population growth as well as prove to you that the City is doing its part to stimulate the economy.

Come down to Edinburg, let the Mayor and I escort you to tour the Rio Grande Valley of Texas, see the Mexican border first hand, see the issues we face with drought and the need for irrigation, see the impressive farm land that produces sugar cane, feed grains, cotton, citrus, vegetables, and cattle, hogs and sheep, as well as the oil and gas industry, solar energy and renewable fuel, and what these industries mean to Edinburg and South Texas in terms of jobs, jobs, jobs.

Conclusion

Our area is one of the fastest growing areas in the USA, and we need help from the federal government to make certain we continue to grow, add jobs, and allow the people of Edinburg and South Texas to prosper. Thank you again for the opportunity to testify before the Subcommittee on Interior Appropriations today, and of course, I am prepared to answer any questions you may have for me or the City.

Elias Longoria

Mr. LATOURETTE. Thank you very much. Could you just tell us who is the member of Congress that represents Edinburg?

Mr. LONGORIA. I believe it is Kay Bailey Hutchinson.

Mr. LATOURETTE. Well, she is a Senator.

Mr. LONGORIA. Senator. Oh, Congress. Rubén Hinojosa. I am sorry.

Mr. LATOURETTE. Okay. Good. Thank you.

Ms. Witherspoon, welcome.

WEDNESDAY, MARCH 21, 2012.

CHILDREN'S ENVIRONMENTAL HEALTH NETWORK

WITNESS

NSEDU OBOT WITHERSPOON

Ms. WITHERSPOON. Thank you. Mr. Chairman, Mr. Moran, thank you very much for the opportunity to have this hearing and to testify before you today. My name is Nsedu Witherspoon, and I am the Executive Director for the Children's Environmental Health Network, and this year the Network is celebrating our 20th anniversary. I will briefly summarize my written testimony which has been submitted for the record.

The Network is a national non-profit organization focused on children's health, and like parents and grandparents, I am sure that you all want children to have the best chance possible to grow up healthy and productive, and we certainly want the same thing.

Thus, I am here today to highlight the important role that the EPA plays in our Nation's health, especially the health of our children and provide a look at how the EPA does this.

The environments in which our children live and grow, learn and play shape certainly their health and their future. For example, researchers are understanding more and more about the fetal origins of disease and the health in later years. Research has found that children who are exposed in the womb to higher levels of a common pesticide at age eight had lower IQs and poorer working memory.

We know that children can be more susceptible and more vulnerable than adults when exposed to toxic chemicals. We have much more to learn about how to protect children from harmful exposures in their environments. For example, synthetic chemicals that mimic or block hormone function known as endocrine disruptors affect a developing body's vital activities and normal functioning.

We have much to learn about how to identify those hormone mimics and how to protect human health from this category of chemicals. Epidemiologists are seeing increasing rates of asthma. They have approximately doubled between 1980, and 1995, and they are on the rise again. Childhood cancers which have increased 20 percent since 1975, and autism, the diagnosis has increased more than ten times in the last 15 years.

I am not saying that environmental exposures are the sole reason for these increases; however, it is clear that such exposures do play some role in the modern pediatric epidemics. That is why EPA's activities have a great impact on children's health and development. EPA's Office of Child Health Protection leads and coordi-

nates the agency's efforts to protect children from environmental hazards. The Children's Health Research Centers of Excellence are conducting phenomenal research to help protect children from environmental hazards.

EPA's Office of Research and Development oversees research to improve toxicity testing and to better understand children's exposures as its many activities that will impact children's health.

The Pediatric Environmental Health Specialty Units are a unique resource network for the Nation's pediatricians and parents doing valuable work with very small budgets. The National Children's Study is looking at environmental influences on the health and development of more than 100,000 children across the United States, following them from before birth until age 21. EPA has specific expertise to offer the National Children's Study if the Congress provides the agency with the resources to contribute.

A variety of EPA programs and activities are vital to support community and State efforts to protect children's health in environments that are unique to children such as the school and the childcare settings. Unsafe environmental conditions harm children's health and undermine attendance, achievement, and productivity.

We urge you to support EPA's activities for health school and childcare settings such as the Indoor Air Quality Tools for Schools Program. EPA and its partners in public health such as the National Institute for Environmental Health Sciences and the Centers for Disease Control and Prevention and local and state agencies, they are faced with tough budgetary times and ever-increasing needs.

We recognize the fact and the challenges that you are facing. While you are deciding on appropriations for fiscal year 2013, please do not compromise the mission of a vital guardian of our health, the EPA. Your investment in programs and initiatives that protect children's health will be repaid by a healthier generation with brighter futures.

We also urge you to direct the EPA to assure that all of its activities and programs, including regulations, guidelines, assessments, and research specifically consider children.

Thank you, again, for the opportunity to testify, and thank you for your concern about the environmental health of our children. I am certainly happy to answer any questions you may have.

Thanks, again.

[The statement of Nsedu Obot Witherspoon follows:]



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Testimony of Nsedu O. Witherspoon, MPH
Executive Director, Children's Environmental Health Network
Before the Subcommittee on Interior, Environment, and Related Agencies
United States House Committee on Appropriations

March 21, 2012

Thank you for the opportunity to testify before you today. My name is Nsedu Witherspoon and I am Executive Director of the Children's Environmental Health Network (CEHN). This year, the Network is celebrating its 20th anniversary as a national non-profit organization whose mission is to protect the developing child from environmental hazards and promote a healthier environment. I serve on advisory committees for the Environmental Protection Agency (EPA) and the National Institute for Environmental Health Sciences (NIEHS) representing children's environmental health protection.

We at the Network thank Chairman Simpson and Ranking Member Moran for holding this hearing on the important issues related to appropriations to agencies within your jurisdiction. I urge the Subcommittee to help all children grow up in healthy environments by embracing its role in protecting our environment and our health. Investments in programs that protect and promote children's health will be repaid by healthier children with brighter futures. Thus, to safeguard the health and the future of millions of children, CEHN urges the Subcommittee to provide funding at or above the requested levels for the following EPA activities:

- Office of Children's Health Protection
- Children's Environmental Health Research Centers of Excellence
- Office of Research & Development
- School and Child Care Environmental Health
- The Pediatric Environmental Health Specialty Units
- The National Children's Study

CEHN also urges full funding of all activities that advance healthy school and childcare environments for all children.

As epidemiologists see increasing rates of asthma, learning disabilities, and childhood cancers; as parents seek the causes of birth defects; as researchers understand more and more about the fetal origins of disease, policy makers must do a much better job of understanding and acting on the connections between children's health and the environments in which they spend their time.

These environments include but go beyond home, school, and childcare settings. A growing number of studies are finding unexpected impacts of prenatal environmental exposures on health in later years. For example, prenatal exposures to either a common air pollutant or a common pesticide have both been linked to lower IQs and poorer working memory at age 7.

Thus, the Agency should be directed to assure that all of its programs build on and respond to the growing evidence of the importance of prenatal exposures to a child's health and future.

This evidence also highlights the shortcomings of the Toxic Substances Control Act, which does not adequately protect human health, including that of vulnerable populations such as children. The Network urges you, as members of Congress, to support the long overdue reform of this important statute to give priority to the protection of human health under this law.

These studies reinforce the basic facts of pediatric environmental health, supported by sound science as well as a solid consensus in the scientific community. A variety of factors, such as children's developing systems, their unique behaviors and differing exposures, mean that children can be more susceptible than adults to harm from toxic chemicals. Standards and guidelines that are based on adults cannot be assumed to be protective of children. The EPA programs of highest importance in the protection of children are described below.

EPA's Office of Children's Health Protection – EPA's efforts to protect children from environmental hazards have been led by the Office of Children's Health Protection (OCHP) since 1997. Despite an effective track record, funding for OCHP has been level, at approximately $6 million, since its creation. CEHN strongly supports an increase in funding for OCHP for its work on environmental health in the home, school and child care settings. This valuable work includes the office's interagency work promoting healthy housing and healthy children, where we find that environmental interventions result in great cost savings, not to mention the health problems averted, such as asthma episodes and lead poisoning cases. There is great interest but few resources for these approaches. Last year the office received 265 high quality applications for grants to fund holistic approaches to improve children's health in underserved communities but had funds for only 13. OCHP -- and the Agency -- must also build on the research on prenatal exposures, an area of growing concern. OCHP should help health care providers better understand the science and in translating these findings for clinical consultation and communicating with patients. CEHN urges the Subcommittee to provide funds above the proposed level for OCHP.

Children's Environmental Health Research Centers of Excellence – The Centers, jointly funded by EPA and NIEHS, play a key role in providing the scientific basis for protecting children from environmental hazards. With their modest budgets, which have been unchanged over more than 10 years, these centers generate valuable research. We were pleased to see the commitment by EPA's Office of Research & Development to this program in the budget language and are eager to see them move forward with their objectives of looking at child care and school environments and their importance to children's health. A unique aspect of these Centers is the requirement that each Center actively involves its local community in a collaborative partnership, leading both to community-based participatory research projects and to the translation of research findings into child-protective programs and policies. The scientific

output of these centers has been outstanding. It was these centers, for example, that generated the findings I mentioned earlier about connections between prenatal exposures and lower IQ at age 7. We urge you to provide full funding for these centers.

Office of Research & Development (ORD) – This office is critical in efforts to understand environmental impacts on children's health. Children's environmental health is a priority of the Agency's strategic plan and we were pleased to see the mention in the 2013 budget supporting continued research on children's issues. Yet the funding and research dedicated to this area is not specifically listed or identified in the plan. If this area is indeed a priority, where are measurable goals on this area of research? Where is the documentation of the amount and type of research conducted as well as how the protection of children is given priority throughout ORD? We ask that your subcommittee direct the office to improve transparency by tracking and reporting on the funding and research across the office dedicated to children's environmental health.

ORD's focus on sustainability in its work is commended; no truly sustainable development paradigm could be developed without protecting children and their future. Children's environmental health is an issue that cuts across all of ORD's programs. For example, EPA's National Health and Environmental Effects Research Laboratory scientists are protecting children's health through the development of cost-effective methods to test and rank chemicals for their potential to cause developmental neurotoxicity. Historic methods using laboratory animals are expensive and time consuming. To date, only a small number of the thousands of chemicals currently in commerce have been assessed for their potential toxicity and for their effects on the child's developing nervous system. These new testing methods can screen in hours to days instead of months to years and will provide faster, less expensive ways of assessing potential toxicity.

These new testing methods, however, do not replace the need for continued research in childhood exposures and health effects. Our understanding is that of the $81 M proposed for the grants program, only $6.3M is targeted to children's research (for the centers mentioned above). Much of the research in this field cannot be conducted in a short time frame and requires sustained funding if scientists are to conduct research and measure effectiveness.

School and Chlid Care Environmental Health – In America today, millions of infants, toddlers and preschoolers, often as young as 6 weeks to 4-years of age, spend 40-50 hours a week in childcare. Yet, little is known about the environmental health status of the nation's childcare centers or how to assure that these facilities are protecting this highly vulnerable group of children. Environmental health is rarely if ever considered in licensing centers or training childcare professionals. Similarly, about 54 million children and nearly 7 million adults —20% of the total U.S. population—spend up to 40 hours per week inside school facilities every week. Unfortunately, many of these facilities contain unsafe environmental conditions that harm children's health and undermine attendance, achievement, and productivity. Thus, it is vital that EPA maintain and expand its activities for healthy school and child care settings, such as the Indoor Air Quality Tools for Schools program.

Pediatric Environmental Health Specialty Units -- Funded jointly by EPA and the Agency for Toxic Substances and Disease Registry, the Pediatric Environmental Health Specialty Units (PEHSUs) form a valuable resource network, with a center in each of the U.S. Federal regions. PEHSU professionals provide medical consultation to health care professionals on a wide range of environmental health issues, from individual cases of exposure to advice regarding large-scale community issues. PEHSUs also provide information and resources to school, child care, health and medical, and community groups to help increase the public's understanding of children's environmental health, and help inform policymakers by providing data and background on local or regional environmental health issues and implications for specific populations or areas. We urge the Subcommittee to provide, at a minimum, $800,000 for EPA's portion of this program in FY 2013.

National Children's Study – The National Children's Study (NCS) is examining the effects of environmental influences on the health and development of more than 100,000 children across the United States, following them from before birth until age 21. This landmark longitudinal cohort study – involving a consortium of agencies including the EPA and NIEHS – will be one of the richest research efforts ever geared toward studying children's health and development and will form the basis of child health guidance, interventions, and policy for generations to come. After years of preparation, the Main Study will begin in FY2013. This vital study requires the participation of multiple agencies, including the EPA. CEHN urges the Subcommittee to provide $1 million or more in FY 2013 to ensure that EPA has sustained funding for the necessary infrastructure for data access and the ability to collaborate with its partners on the NCS..

Children's health and healthy children must be an on-going priority for this and every Administration

Since the Network's creation 20 years ago, great leaps forward have been made. We commend the EPA for its great progress in recognizing children's unique susceptibilities to environmental toxicants. More remains to be done, however. The Network urges the Subcommittee to direct the Agency to assure that all of its activities and programs -- including regulations, guidelines, assessments and research -- specifically consider children.

The Agency's work must always assure that children and other vulnerable subpopulations are protected, especially poor children, minority children, farmworker children, and others at risk. A wonderful example doing just that is the Agency's long-awaited decision to limit emissions of mercury and other toxicants from power plants. Mercury is a potent neurotoxin, which can permanently damage a child's sensitive nervous system. If we want our children to reach their full potential, we need to get mercury out of their environment. This proposal is a practical, cost-effective and vital step toward this goal. Other benefits of this rule will be decreased exposures to pollutants that can cause cancer or trigger asthma attacks.

Thank you for the opportunity to testify on these critical issues, and thank you for your concern about the environmental health of children. I would be happy to answer any questions you may have.

Mr. LATOURETTE. Well, we thank you very much for being here and sharing your observations.

Ms. Hoffman.

WEDNESDAY, MARCH 21, 2012.

CANCER SURVIVORS AGAINST RADON

WITNESS

ELIZABETH HOFFMAN

Ms. HOFFMAN. I am Elizabeth Hoffman. I am President of CanSAR, Cancer Survivors Against Radon, a non-profit organization.

The dangers of radon are real. I have never smoked, nor have I have been around second-hand smoke, and I have lung cancer. I first tested our home after my half of my left lung was removed, along with the 5 centimeter mass, malignant mass. My home tested at over twice the action level for radon.

My journey began in '03, when I went to my G.P. because I had a persistent dry cough and an intermittent pain below my left shoulder blade. He ordered a chest X-ray, which showed the mass. I underwent surgery, daily chest radiation, and my series of chemo.

'06, the cancer came back as fluid in my chest. A chest catheter was inserted so fluid could be drained at home, and I underwent my second series of chemo.

'08, the cancer spread to my brain and my right lung. I had Cyberknife brain radiation and third series of chemo.

2011, there were 12 new lesions on my brain, and I underwent whole brain radiation. Later that year a CT showed new growth in my left lung. I am currently undergoing my fourth series of chemo.

After I came home from my lung surgery, I researched radon. I wanted my challenges, my life to count for something, so a group of us came together to put a face on the dangers of radon. We began CanSAR. Some of my colleagues from CanSAR are here with me today.

Barb is a lung cancer survivor like myself. Gloria and Marlene behind me both lost their husbands to radon-induced lung cancer. We are counting on you to right the wrong that has been allowed to go on for far too long. It is unacceptable that more than 21,000 American lives are lost each year due to this preventable disease.

From my perspective cutting our Nation's Radon Program is the exact opposite of what is needed. According to EPA's own Inspector General's 2008 report nearly 2 decades after passage of the 1988 Indoor Radon Abatement Act, exposure to indoor radon continues to grow.

Today an American dies every 28 minutes from radon-induced lung cancer. According to the Today Show report, an estimated 70,000 classrooms contain toxic radon levels. One of every 15 homes in our country contain toxic levels of radioactive radon gas.

The hard reality is that this program's voluntary nature has proven to be ineffective. A simple, inexpensive test is all that is required during the real estate transaction to know if a problem exists. According to the American Association of Radon Scientists, the

2013, proposed budget cuts will zero-line EPA's State Indoor Radon Grant Program and eliminate EPA regional office support.

The overall impact will be the systematic elimination of our country's outreach and education efforts as they pertain to radon. Fewer of our buildings will be tested and more will not be fixed. Consumers will no longer have a state or tribal program to protect their interests in dealing with unregulated contractors.

Classrooms in our country with toxic levels of radon will never be identified and fixed so our children can learn in a safe environment. Our soldiers and their families living in military housing containing toxic levels of radon will continue to be put at risk.

This is not acceptable. Last year EPA announced a new initiative, the Federal Radon Action Plan, which does not have funding or accountability. This does not make sense. The time for a real commitment from our elected officials in requiring radon risk reduction is required. This requires your support in mandating a fully-funded national regulatory program, and the return on your commitment is potentially great, more than $2 trillion of healthcare savings, as well as saving lives.

To date the cost of my treatment has exceeded $800,000. Every radon-induced lung cancer survivor or family member of those who have lost their battle has a story to share with you. This is why on behalf of CanSAR I specifically ask for the following.

Number one. Properly fund the EPA radon budget to the 2011, levels for a minimum period of 5 years. A fully-funded national radon budget of 24 to $26 million per year will yield a positive investment on your return. Using EPA's own numbers, the overall value of a life saved is $7.9 million. According to EPA, 687 lives were saved through testing and mitigation in 2011. This means you invested $24 million to recoup 5.4 billion.

Number two. Require EPA to regulate radon under the authority provided by your colleagues in 1988. If EPA is not the right agency to get the job done, then please require the right agency to take over the program. A properly-regulated national radon program will also provide a positive return on your commitment by saving thousands of lives every year.

Please accept my request. I have no interest in blaming anyone for my condition. Blame does not have a place in the lives of cancer members. Instead, a fresh focus on addressing the radon problem in our country must begin today. You can make that happen. You can save more than 21,000 American lives each year.

Thank you.

[The statement of Elizabeth Hoffman follows:]

Elizabeth Hoffmann, radon induced lung cancer survivor
President of CanSAR (Cancer Survivors Against Radon) www.cansar.org

This testimony concerns the U.S. Environmental Protection Agency, Indoor Radon and Toxins Program and concerns the following budget categories: **Radon Program (FY 2013 PB: $2.2M, FY 2012 Enacted: $4.1M, FY 2013 Change: -$1.9M),** a disinvestment of $1.9 million eliminates oversight for the State Indoor Radon Grants **Radon Categorical Grants (FY 2013 PB: $0.0M, FY 2012 Enacted: $8.0M, FY 2013 Change: -$8.0M)**

My name is Elizabeth Hoffmann. I have never smoked nor have I been around second-hand smoke, but I have lung cancer. My home of over 22 years tested at twice the action level for radon (8.6 Pico-curies). I first tested our home at age 37, after half my left lung was removed along with a 5cm malignant mass.

I had never heard of radon. After my diagnosis, my cousin who is a registered nurse asked if we ever tested our home for radon. The answer at that time was no. The question was, 'What's Radon?"

My journey began in September of 2003. I went to my General Practitioner because I had a dry persistent cough (I just thought my allergies were acting up) and an intermittent pain below my left shoulder blade. Luckily, he ordered a chest X-Ray which showed the 5cm mass in my lower left lobe. The same month, I underwent surgery, had my first series of aggressive chemo drugs followed by daily chest radiation.

August 2006 the cancer returned as fluid in my chest cavity, over 4 liters. A chest catheter was inserted so my sister-in-law could continue to drain my chest twice a week at home. I also had my second series of chemo.

September 2008 the cancer returned again, this time in my brain. Along with 11 new nodules spread between both lungs. I had Cyberknife brain radiation and my third series of chemo.

June 2011 a follow-up MRI showed at least a dozen new lesions in my brain. I underwent daily whole brain radiation. December 2011 a CT showed new growth in my left lung. I am currently under going my fourth series of chemo.

After I came home from my lung surgery I researched radon. I wanted my story, my life to count for something. So a group of us came together to put a face to the dangers of radon. We began CanSar (Cancer Survivors Against Radon). The survivors, the victims, and the family members of radon-induced lung cancer individuals including my colleagues from CanSAR that are here with me today – Barb is a lung cancer survivor; Gloria and Marlene lost their husbands to lung cancer; and, Kyle lost his dad to lung cancer and is a cancer survivor himself – are counting on

you to right the wrong that has been allowed to go on for far too long. The loss of more than 21,000 lives lost each year due to this preventable disease is no longer acceptable.

From my perspective, cutting our nation's radon program is the exact opposite of what is needed.

According to EPA's own Inspector General's 2008 report1 ("Nearly two decades after passage of the 1988 Indoor Radon Abatement Act (IRAA), exposure to indoor radon continues to grow. Efforts to reduce exposure through mitigation or building with radon-resistant new construction have not kept pace."), the radon problem in our country is getting worse, not better. We have more buildings with toxic radon levels today than in 1988, which is when your colleagues passed the Indoor Radon Abatement Act – a law with the main goal of indoor and outdoor radon levels being the same. Twenty five years later, an American dies every 28 minutes from radon-induced lung cancer. According to a TODAY SHOW report, an estimated 70,000 classrooms2 contain toxic radon levels. One of every 15 homes in our country contains toxic levels of radioactive radon gas. Does this sound like a successful voluntary program to you? Does this sound like a program that should be cut or eliminated? I sincerely hope not. The hard reality is that this is a program that's voluntary nature has proven to be ineffective. With the evident ineffectiveness of the program, why hasn't EPA taken steps to regulate? After all, the Administrator was given the authority to regulate some 25 years ago.3 How many more lives need to be taken by this preventable disease before EPA wakes up? A simple, inexpensive test is all that is required during the real estate transaction to know if a problem exists.

According to the American Association of Radon Scientists (AARST), the Fiscal Year 2012 radon budget saw $3.8 Million in cuts to regional, school and technical support programs. In addition, 2012 saw EPA's first draft budget eliminate the only existing asset the nation possesses for a National Institute of Standards and Technology reference point for radon[4], the chamber at the EPA Radiation and Indoor Environments National Laboratory (RIENL.). The chamber's budget was eventually reduced by over 50% for 2012. In analyzing the FY 2013 budget, AARST notes that proposed cuts will zero-line EPA's State Indoor Radon Grant (SIRG) program and eliminate EPA regional office support. At the end of the Fiscal Year 2013 budget process, we've gone from nearly $24 million in funding just a few short years ago to less than $10 million in funding today. Does this make sense to you?

The overall impact, according to AARST, will be the systematic elimination of our country's outreach and education efforts as they pertain to radon. A majority of our 45 state and tribal

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[1] June 3, 2008 EPA Office of Inspector General's Report No. 08-P-0174.

[2] EPA's most current estimate, according to Dr. William Field, UIOWA, are 90,000 classrooms at risk.

[3] IRRA See Chapter 15, section 2670

[4] National Institute for Standards and Technology – this radon chamber is the only remaining government operating.

radon programs will be forced to close or eliminate their public outreach programs.[5] Basic data collection on radon risk reduction will no longer occur. Fewer of our buildings will be tested, and when a problem is found, it will not be fixed. Consumers will no longer have a state or tribal program to protect their interests in dealing with unregulated contractors. Low income citizens will no longer receive free radon test kits or objective advice on radon risk reduction. More than 70,000 classrooms in our country with toxic levels of radon will never be identified and fixed so our children can learn in a safe environment. Our soldiers, and their families, living in military housing containing toxic levels of radon will continue to be put at risk. I mention our soldiers because after the Department of Defense made little progress in its part of the Federal Radon Action Plan [6], and toxic levels of radon was recently found in hundreds of military homes in Okinawa, as well as in a school. But the greatest impact of all is the more than 21,000 lives that will continue to be lost each year. For those of us who are reminded each day of the importance of preventing radon-induced lung cancer, this is not acceptable.

EPA gave no warning of its proposed elimination of the SIRG program to its state and tribal partners. A common sense timeline was not discussed among the stakeholders to allow state and tribal programs to plan for the elimination of funding. This doesn't make sense. Last year, EPA announced a new initiative, the Federal Radon Action Plan, which doesn't have a funding or accountability plan. Could there be a national multi-agency radon risk reduction program without funding or accountability?[7] This doesn't make sense, either. In fact, nothing EPA has done with preventing radon-induced lung cancer seems to make much sense. Maybe the time has come for another agency to take over the radon program. Regardless, the time has come for a real commitment from our elected officials in requiring radon risk reduction become a priority. This commitment requires your support in mandating a fully funded national regulatory program. And the return on your commitment is potentially great – more than $2 trillion in healthcare savings[8], as well as thousands of lives saved each year.

As someone who is reminded each day of the importance of radon risk reduction, I don't want others to experience the emotional and financial burden I've gone through. To date, the cost of my treatment has exceeded $800 thousand dollars, and those that I love continue to bear witness to my battle with this horrible disease. Every radon-induced lung cancer survivor, or the family of those who have lost their battle, has a story to share with you. Unfortunately, our stories are all too similar. This is why, on behalf of the members of CanSAR, I specifically ask for the following:

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[5] I understand that AARST will be submitting written testimony with statements summarizing state impacts.
[6] http://www.epa.gov/radon/agency.html
[7] http://www.epa.gov/radon/pdfs/Federal_Radon_Action_Plan.pdf
[8] An estimate since the program's inception based on the total lives saved since 1988.

1. Properly fund the EPA radon budget to FY2011 levels for a minimum period of 5 years. A fully funded national radon budget of $24 to $26 million dollars per year will yield a positive return on your investment. Using EPA's own numbers, the overall value of a life saved is $7.9 million dollars. According to EPA, 687 lives were saved through testing and mitigation in 2011. This means you invested $24 million dollars to recoup $5.4 billion dollars. This makes sense.

2. Require EPA to regulate radon under the authority provided by your colleagues in 1988. Section 2670 of the Indoor Radon Abatement Act clearly outlines this authority. If EPA isn't the right agency to get the job done, then require the right agency to take over the program. A properly regulated national radon program will also provide a positive return on your commitment by saving thousands of lives each year. Again, this makes sense.

Please accept my request as one free from a perspective of partisan politics. I have no interest in blaming anyone for my condition. Blame does not have a place in the lives of CanSAR members. Instead, a fresh focus on addressing the radon problem in our country must begin today. You can make that happen. More than 21,000 lives lost each year to this preventable disease is no longer acceptable.

We can't do it alone. We are literally dying. We need your help to save lives.

I'd like to close with some very powerful words: Grant me the Serenity to accept the things I can not change, Courage to change the things I can and Wisdom to know the difference.

Respectfully submitted,

Elizabeth Hoffmann
President, Cancer Survivors Against Radon www.cansar.org
4147 S. 5th Place
Milwaukee, WI 53207
414-315-3601

[1] **June 3, 2008 EPA Office of Inspector Generals' Report No. 08-P-0174**

"Nearly two decades after passage of the 1988 Indoor Radon Abatement Act (IRAA), exposure to indoor radon continues to grow. Efforts to reduce exposure through mitigation or building with radon-resistant new construction have not kept pace."

Mr. LATOURETTE. I thank you very much for your testimony, and since the hearing is recorded and written down, I noticed that you have displayed a number of photographs on the table. I wonder if you could just for the record describe who is depicted in those photographs.

Ms. LINNERTZ. These are all members of CanSAR, Cancer Survivors Against Radon. These are people that did not know they were living with high levels of radon until they were diagnosed with lung cancer.

You may be interested here especially in this young lady who is from Ohio. She passed away about 3 weeks ago. This is my husband in Illinois. We were living with high levels of radon. Illinois has 40 percent of the homes, almost 40 percent of the homes, as does Ohio, with over 4.0 Pico-curies per liter of air.

Linda is from Pennsylvania, Gail is from Iowa. I have known all of these people since '06, the ones that were alive. Unfortunately, we lost several of them in 2010, and 2008, and they are not alive now. Here is Debbie, who is a third grade teacher in Washington. California is represented here with two people, Glenn and Leona, and Leona passed in '09, and Glenn is in very serious condition. Denny also was in Ohio. He was a real estate person who said to his clients, previously I did not say too much about radon, but now having been diagnosed with lung cancer and living with high levels of radon, I insist everyone get their homes tested before taking occupancy.

This is Marlene's husband, Bob. These people are all over the country. Almost every state is represented here.

Mr. LATOURETTE. That is why I asked you. Thank you very much.

Ms. Donaldson, thank you for being here.

WEDNESDAY, MARCH 21, 2012.

DUSTY JOY FOUNDATION

WITNESS

DUSTY DONALDSON

Ms. DONALDSON. Thank you. As a patient advocate, lung cancer survivor, and founder of a 501(c)(3) non-profit organization dedicated to advancing lung cancer education, early detection, and compassion for those impacted by the disease, I am here to testify on behalf of more than 20,000 Americans who will die from radon-induced lung cancer this year.

Thank you for granting me the opportunity to respond to the announcement that EPA funding for radon programs may be reduced.

I was diagnosed with lung cancer 6 years ago. Only 15 percent of lung cancer patients survive 5 years, so I believe I have a responsibility to speak out for those unable to speak. I am grateful for your time and attention.

According to the EPA more than 20,000 Americans will die from radon-induced lung cancer this year. Radon kills more Americans each year than AIDS, drunk driving, drowning, or home fires. Approximately 17,000 Americans will die from AIDS this year, 10,839

will die as a result of drunk driving, 3,650 will drown this year, and 3,500 will die in home fires. These other risks are well known, but the American public knows so little about the risks of radon.

Dorothy Blosser from Virginia's Shenandoah Valley is one person who never smoked but died from lung cancer. Dorothy was a Mennonite pastor's wife. After her diagnosis her family discovered the radon level in the home was nearly ten times the EPA action level.

Lung cancer is the number one cancer killer. It kills nearly twice as many women as breast cancer, three times as many men as prostate cancer. In fact, lung cancer kills more people than breast, prostate, colon, and pancreatic cancers combined.

While lung cancer is the number one cancer killer, it is the least funded in terms of federal research dollars. One reason lung cancer research is underfunded is because of the stigma associated with this disease. Maybe it is subconscious but people assume anyone with lung cancer brought it upon themselves, like the early days of AIDS.

Consider that approximately 79,000 U.S. smokers will be diagnosed with lung cancer this year, yet nearly twice that number, 147,000 who are former or never smokers, will also be told you have lung cancer. Although the EPA estimates that more than 20,000 lung cancer deaths are due to radon, considering that approximately 34,000 Americans who never smoked will be diagnosed with lung cancer this year, the number of radon-induce lung cancer deaths could be even higher.

Radon is the number one cause of lung cancer in people who never smoked, and for those with a history of smoking, radon exposure greatly increases their risk for developing lung cancer. According to the American Cancer Society each year approximately 3,400 Americans die from lung cancer caused by second-hand smoke. Radon-induced lung cancer claims six times as many lives. Across the country restaurants, office buildings, and schools have become smoke free. Although the air in these buildings may be smoke free, radon in these buildings is killing 55 Americans each and every day.

Many never smokers are battling lung cancer. Abby, a 14-year-old girl from Macon, Georgia, has been fighting stage four lung cancer since she was nine, and there is Taylor Bell, a former college athlete who interned for Senator Richard Burr. She was diagnosed with lung cancer at the age of 21. In Texas there is Gerald Dash, a former college football player who had a double lung transplant. Gerald fights for every day he gets to spend with his wife and two daughters. I would love to tell you about Daveed, Lila, Julie, Marian, Brittney, Katherine, Bo, Melissa, and many more, but time constrains me.

The Dusty Joy Foundation supports the EPA's work of warning the public about radon. One easy way to reduce lung cancer deaths is to fund radon awareness. While radon is a serious and potentially deadly problem, the test is inexpensive and easy, and if there is a problem, fixing it is quick and less expensive than most home improvement projects.

Our non-profit organization distributes free radon test kits to targeted residents in North Carolina and Virginia, along with EPA-radon awareness materials. If funds for radon programs are re-

duced, a message would be sent that radon awareness is unimportant, that more than 20,000 Americans do not matter. Our organization's good work would also be hindered. Please do not perpetuate the cruel and false assumption that people with lung cancer deserve it.

In light of these facts we actually request an increase in funding for the EPA's Radon Awareness Program.

Thank you, again, for your time and attention to this life-saving matter.

[The statement of Dusty Donaldson follows:]

Dusty Donaldson Testimony
Dusty Joy Foundation
www.dustyjoy.org

Subcommittee on Interior, Environment, and Related Agencies
Rayburn House Office Building, Room B308
1:30 pm, March 21, 2012

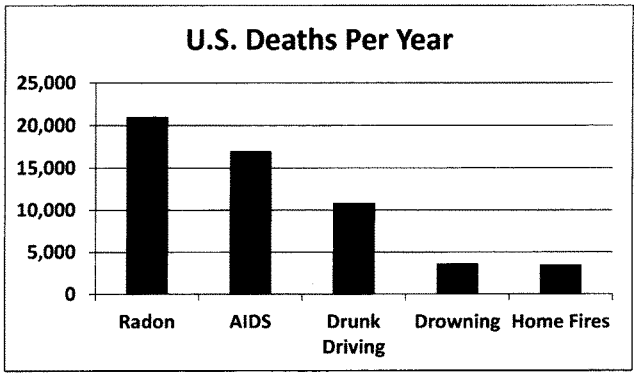
Testimony from: Dusty Donaldson, executive director & founder

Organization: Dusty Joy Foundation, a 501 (c)(3) public charity with a mission to promote lung cancer education, early detection and compassion for those impacted by lung cancer.

RE: Reduced Budget for EPA Radon Programs

Dear Subcommittee on Interior, Environment, and Related Agencies:

As a patient advocate, lung cancer survivor and founder of a 501c3 nonprofit organization dedicated to advancing lung cancer education, early detection and compassion for those impacted by the disease, I am here to testify on behalf of more than 20,000 Americans who will die from radon-induced lung cancer this year. Thank you for granting me the opportunity to respond to the announcement that EPA funding for radon programs may be reduced. I was diagnosed with lung cancer six years ago. Only 15 percent of lung cancer patients survive five years, so I believe I have a responsibility to speak out for those unable to speak. I am grateful for your time and attention.



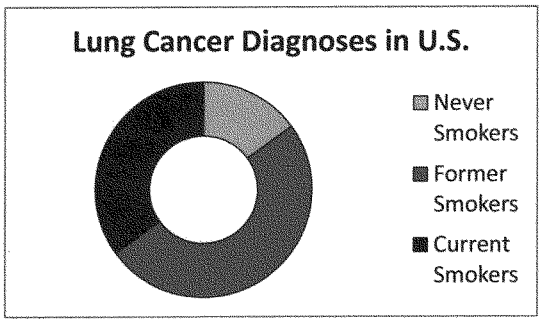
According to the EPA, more than 20,000 Americans will die from radon-induced lung cancer this year. Radon kills more Americans each year than AIDS, drunk driving, drowning or home fires.[1] Approximately **17,000** Americans will die from AIDS this year;[2] **10,839** will die as a result of drunk driving;[3] **3,650** will drown this year;[4] and **3,500** will die in home fires. [5] These other risks are well known. But the American public knows little about the risks of radon.

[1] U.S. Environmental Protection Agency website www.epa.gov/radon/
[2] U.S. Department of Health & Human Services website: http://www.aids.gov/hiv-aids-basics/hiv-aids-101/overview/statistics/
[3] Centers for Disease Control website, http://www.cdc.gov/motorvehiclesafety/impaired_driving/impaired-drv_factsheet.html
[4] Factsheet on Centers for Disease Control website, www.cdc.gov/homeandrecreationalsafety/water-safety/waterinjuries-factsheet.html
[5] U.S. Fire Administration/FEMA website, www.usfa.fema.gov/citizens/home_fire_prev/

Dorothy Blosser from Virginia's Shenandoah Valley is one person who never smoked but died from lung cancer. Dorothy was a Mennonite pastor's wife. After her diagnosis, her family discovered the radon level in the home was nearly 10 times the EPA's action level.

Lung cancer is the number one cancer killer. It kills nearly twice as many women as breast cancer and three times as many men as prostate cancer. In fact, lung cancer kills more people than breast, prostate, colon and pancreatic cancers combined.

While lung cancer is the number one cancer killer, it is the least funded in terms of federal research dollars. One reason lung cancer research is underfunded is because of the stigma associated with this disease. Maybe it's subconscious; but people assume anyone with lung cancer brought it upon themselves, similar to the early days of AIDS.



Consider that approximately 79,000 U.S. **smokers** will be diagnosed with lung cancer this year. Yet, nearly twice that number—147,000—who are **former or never smokers** will also be told, "You have lung cancer."

Although the EPA estimates more than 20,000 lung cancer deaths are due to radon, considering that approximately 34,000 Americans **who never smoked** will be diagnosed with lung cancer this year, the number of radon-induced deaths could be even higher. Radon is the number one cause of lung cancer in people who never smoked. And for those with a history of smoking, radon exposure **greatly** increases their risk for developing lung cancer.

According to the American Cancer Society, each year approximately 3,400 Americans die from lung cancer caused by second-hand smoke. Radon-induced lung cancer claims six times as many lives. Across the county, restaurants, office buildings and schools have become smoke free. Although the air in these buildings may be smoke free, radon in these buildings is killing 55 Americans each and every day.

Many never smokers are battling lung cancer. Abby, a 14-year-old girl from Macon, Georgia, has been fighting Stage IV lung cancer since she was nine. And there's Taylor Bell, a former college athlete who interned for Senator Richard Burr. She was diagnosed with lung cancer at the age of 21. In Texas, there's Jerrold Dash, a former college football player who had a double lung transplant. Jerrold fights for every day he gets to spend with his wife and two daughters.

I would love to tell you about David, Lila, Julie, Marian, Brittany, Kathryn, Beau, Melissa and many more, but time constrains me.

The Dusty Joy Foundation supports the EPA's work of warning the public about radon. One easy way to reduce lung cancer deaths is to fund radon awareness. While radon is a serious and potentially deadly problem, the test is inexpensive and easy. And, if there is a problem, fixing it is quick and less expensive than most home improvement projects.

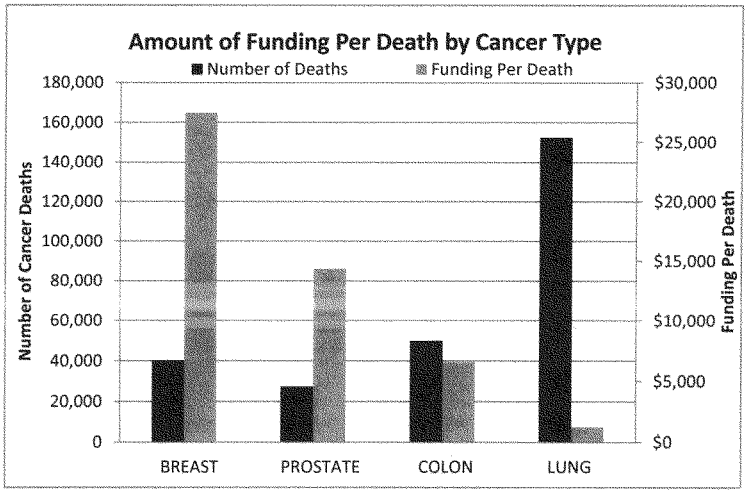
Our nonprofit organization distributes free radon test kits to targeted residents in North Carolina and Virginia, along with EPA radon awareness materials. If funds for radon programs are reduced, a message would be sent that radon awareness is unimportant…that more than 20,000 Americans do not matter. Our organization's good work would also be hindered. Please do not perpetuate the cruel and false assumption that people with lung cancer deserve it. In light of these facts, we actually request an *increase* in funding for the EPA's radon awareness program.

Thank you again for your time and attention to this life-saving issue.

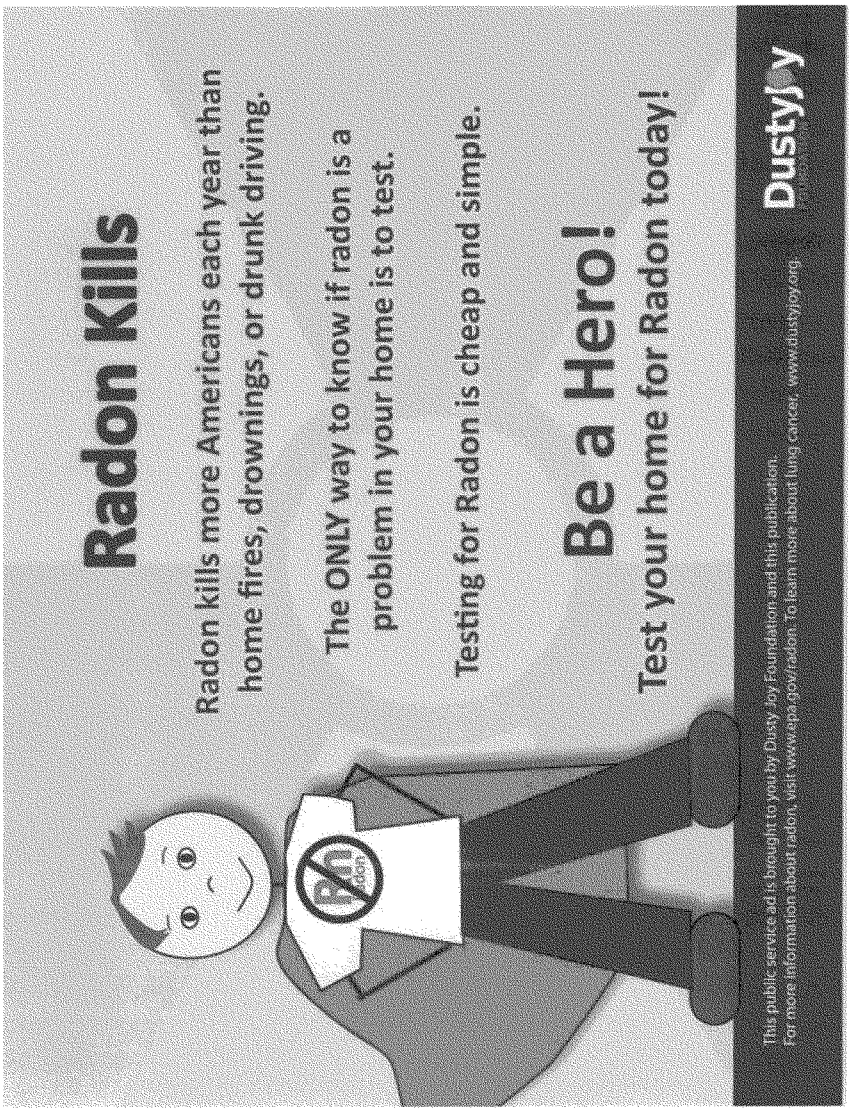
Warm regards,

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Dusty Donaldson Testimony
Dusty Joy Foundation
www.dustyjoy.org



Mr. LATOURETTE. I thank you, and I want to thank all of you for sharing your testimony and your stories. We appreciate it very much.

Just a couple of quick comments before I ask Mr. Moran if he has some observations. Mr. Hallock, one of the problems that we continually face, I am a child of the '60s and '70s, and in those days there was a lot of free money for wastewater improvement, what people described as free money. Today the rules have continued but the money has not, and, it is why when we had the fellow from the Civil Engineers, we have got to figure it out. You cannot in my part of the world, where the pipes have been in the ground since the Great Depression, expect these communities to come up with the necessary resources to meet all the rules that are being forced on them. People can only afford so much in a water and sewer bill, and so we are going to have to be creative, and it is going to have to be both parties that are going to have to be creative and figure out the mess. So I appreciate it.

Mr. Longoria, how long is your runway that you talked about?

Mr. LONGORIA. I do not have the detail of the runway right now. Fifty-six hundred feet.

Mr. LATOURETTE. Well, that is pretty short, and I think that Mr. Moran and I and others will be happy to work with your member to talk about it. I mean, the AIP Program is not the subject or the jurisdiction of this subcommittee, but I am more than familiar with it, and in order to qualify you have to be what is called a reliever airport, that would relieve, if there is a problem in another airport, the planes could land there. Not very many planes can land in a 5,600 foot runway, but we will work with you folks.

Mr. LONGORIA. Thank you.

Mr. LATOURETTE. And we appreciate it very much.

Mr. LONGORIA. Thank you.

Mr. LATOURETTE. Relative to radon, just so I am clear, when I purchased a home here in Mr. Moran's district, he is actually my Congressman when I live here. That is why I go back to Ohio on a regular basis. That is not true. He is a great Congressman. But there was a requirement that we have the home tested as part of Virginia law, and so my question would be, and I know that that is not the answer because there has to be the real estate transaction, but if there were a universal legislation similar to what apparently is in Virginia, where at the time of transfer you had to have the radon testing, what sort of impact do you think that that would make on the problem?

Ms. HOFFMAN. Huge. Right now no one is talking about it for some of the reasons that you heard today, but also people do not think that it is major concern. The news is not talking about it enough and then with the cuts, that would send the wrong message.

So if there is regulation out there that would mandate testing of homes, schools, be it with a real estate transaction or with mandatory testing and that it has to be mitigated with licensed contractors as another aspect of it, that would be huge.

Mr. LATOURETTE. Okay.

Ms. HOFFMAN. That would be absolutely huge.

Mr. LATOURETTE. Go ahead.

Ms. LINNERTZ. Presently there is no State in our Nation that demands radon testing at the point of sale. There are some municipalities and there may be some real estate agents that mandate it, but no state has that as a law.

Mr. LATOURETTE. And I am glad you brought that up, because do you know, Jim? Is it Fairfax County, or what is it?

Mr. MORAN. It must be local because we require it upon transfer of residential property. So if it is not State law, then it must be a local law.

Mr. LATOURETTE. Yes.

Ms. LINNERTZ. Right.

Mr. LATOURETTE. You know, just my sense is that so many things are already attached to point of sale, transactions that in my opinion are not worthwhile, but this seems to be something——

Ms. LINNERTZ. Certainly.

Mr. LATOURETTE [continuing]. That is worthwhile.

Ms. HOFFMAN. Absolutely.

Ms. LINNERTZ. Certainly.

Mr. LATOURETTE. If we, for instance, at point of sale required you to update your electrical system so your family does not burn to death in an electrical fire, this seems to be a reasonable extension of that, and, again, I will talk to Chairman Simpson, but I know that we would be happy to work on some, you know, around here it is the carrot and the stick approach. So if the state does something good, sometimes we reward them, and if they do not, sometimes you smack them around.

I think that we can talk about this, and I really appreciate, I did not know the statistics on the difference between tobacco-related lung cancer and radon. So I have learned something today, and I appreciate it.

Ms. DONALDSON. Thank you, and if I might just add one more comment to what Gloria and Liz were saying about, you were talking about real estate transactions, Gloria had enlightened me about, Gloria, where was that? Was that in your home state where it is mandatory that the buyer at least receive information. Could you explain that a little bit?

Ms. LINNERTZ. When my husband died and the oncologist told us that radon was a known cause of lung cancer, my husband only lived 6 weeks after his diagnosis, I heard it on TV again, and I researched, and I tested our house. I went to my state legislator, and I said, there has to be a law so people do not have homes with high levels of radon. We were living with over four times the EPA action level.

We did get passed in Illinois a very, very firm Radon Awareness Act, which is a notification act so everybody that buys a home is notified of the fact that radon is present and that it is a class A carcinogen, and they must have this sign-off sheet saying that the seller has tested the level as such and such. They have never tested or they tested and mitigated and the level is such and such.

Previous to that law only 8 percent of the people were testing their home for radon at the point of sale. That number has gone up to toward 40 percent since '08, when it was passed.

Mr. LATOURETTE. I think that it is a great step forward, but my experience is people are so anxious to get into their homes, nobody

would ever lose a home to termites if everybody did what they were supposed to do. So I am not a big government guy, but it seems to me that like lead paint, like so many other things that you can find in a real estate transaction, that is a reasonable point.

Ms. DONALDSON. This is the radon test kit. It is as simple as this.

Mr. LATOURETTE. Well, the one I had in my house was a little bigger. It looked like——

Ms. DONALDSON. Yes.

Mr. LATOURETTE [continuing]. A dehumidifier.

Ms. DONALDSON. It can be fancier.

Mr. MORAN. Thank you, Steve.

Mr. LATOURETTE. Sure.

Mr. MORAN. I understand from our excellent staff that one idea would be to have school children, perhaps in science classes, take it home with them and check their own home. The discussion would then probably spread to include other homes. It would not take much tweaking to suggest that that might be an initiative that the Administration would implement with the money that is now available.

Ms. DONALDSON. Excellent idea. Excellent.

Mr. MORAN. Far-reaching affects.

Mr. LATOURETTE. How much does that——

Ms. DONALDSON. Well, you can buy it at Lowe's for about 20 bucks, and it is a self mailer. Both ways it is no postage, and you can buy it, well, we buy it at a discount because we are a non-profit, and we buy wholesale, but our organization spends $4.50 on a radon test kit.

Mr. MORAN. So a school system, for example, could buy them in quantity at wholesale prices——

Ms. DONALDSON. Absolutely.

Mr. MORAN [continuing]. So it might be affordable. Well, it is something we should talk about.

Mr. LATOURETTE. Again, my thanks to all of you, both listed and unlisted, who shared your stories with us and you go with our thanks.

Ms. DONALDSON. Thank you.

Ms. HOFFMAN. Thank you.

Mr. LATOURETTE. Let me just ask Mr. Moran's opinion. I have been told that at 2:15, which is about now, we are going to have four votes. I am reluctant to just have a couple of the witnesses from the next panel and then——

Mr. MORAN. Well, I mean, it is going to be a good 15 minutes.

Mr. LATOURETTE. Do you want to get started?

Mr. MORAN. Let's see if we could get the first couple of witnesses in because otherwise they are going to have to hang around for quite awhile.

Mr. LATOURETTE. Okay. With that we are going to call up our next panel with the understanding that we will probably be interrupted before you are able to complete the entire panel. First if we could ask Nancy Perry to come forward, who is with the American Society for the Prevention of Cruelty to Animals; Nancy Blaney, the Animal Welfare Institute; Mary Beth Beetham, the Defenders

of Wildlife; Brad Brooks from the Wilderness Society; and Greg Knadle from the National Fish and Wildlife Foundation.

So we have about 12 minutes before Mr. Moran and I have to go catch a series of votes, and there are four votes, and included in there will be a motion to recommit, so we are probably looking at an hour plus or minus.

So with that——

Ms. PERRY. No pressure.

Mr. LATOURETTE. Yes. Basically anybody that can summarize their statement in a minute or less will get full funding. The rest of you are going to have to move on.

I appreciate you being here, and Ms. Perry, let's start with you. Thank you for coming.

WEDNESDAY, MARCH 21, 2012.

THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

WITNESS

NANCY PERRY

Ms. PERRY. Thank you so much. It is a great opportunity for the American Society for the Prevention of Cruelty to Animals to be here today. We are the very first humane organization to be formed in the Western Hemisphere back in 1866, and we have more than 2.5 million supporters that we are representing here today.

Our birthright is in the prevention, the effective prevention of cruelty to animals, and in particular when we started equine protection was one of the primary issues that Henry Bergh focused on. So it is all too appropriate that we are here today to speak to you about the Bureau of Land Management's efforts to manage wild horses and to offer some suggestions for change.

We certainly know that these horses were to be treated humanly under Congress's demands when they passed the Wild and Free-Roaming Horse and Burro Act in 1971, an act that passed due largely to the pressure of many school children, millions of them around the country, that really believe that these horses should be preserved for future generations. Those school children are adults now and in society. Many of them are our members. They remember that as one of their most important civic acts that they ever conducted, and so they continue to feel very strongly about making sure that these horses are preserved as historical icons, protected, treated humanly, never, never the subject of abuse.

In the 40 years BLM has been managing these horses, we have seen a real deterioration in the way the herds have been treated and in a non-stop cycle of roundup and removal, which has been disruptive for the herds and the horses, harsh treatment for the horses in the process, and very tough on taxpayers as a result of taking too many horses off the ranch.

So there has been an acknowledgement by BLM that there is a need for change. They recognize that. We applaud the agency for recognizing that, and we want to work with them. We have a cou-

ple suggestions for the committee in how they can help institute some positive change.

We have four ideas in particular, and they are articulated in our written testimony, so I will be very brief. We think that first we need to abide by the "Do No Harm Principle," and we need to make sure that language is in the Interior Appropriations Bill this year that has been in past bills that ensures that wild horses are never killed by mass euthanasia and never commercially sold.

We also hold that there will be an equilibrium instituted between the number of removed horses and the adoption program so that we are abiding by the principle that we ask the American people to abide by right now in tough economic times. We need to live within our means, and the agency has not been doing that, and that is why they keep coming to the committee asking for more money.

We think that on-range management should be prioritized, and finally, we think that humane and transparent methods need to be instituted for all the roundups so that we do not have anymore tragedies.

Let me first mention on the mass euthanasia and commercial sale issue. This stems from a problem back in 2004, when a back-room deal was instituted called the Burns rider, former Senator Burns made amendments to the Wild Free-Roaming Horse and Burro Act on a massive omnibus appropriations bill, and in doing so he made sure that horses would be available for commercial sale, which is the equivalent of slaughter, and our recent polling in January of 2012, showed that still very strong, in fact, growing public support against horse slaughter. Eighty percent of Americans and 72 percent of rural Americans feel very strongly on this issue. That needs to be protected against.

So the ASPCA requests that the committee include language provided in our testimony that repeats what has been in past approps bills that would ensure that no horses are sold commercially and that the BLM never reconsiders as it did in 2008, a mass depopulation approach to solving a messy problem that they had created.

We also think this idea of equilibrium is very important. We know that a certain number of horses can be adopted every year, three to 4,000. No more than that should ever be taken off the range without a clear plan for how we are going to pay for that cost that we are accruing. It just makes common sense. So I think that is fairly obvious. I will not belabor it.

But we should not delay the inevitable need for the third point, which is on-range management, and there are a couple ways to accomplish that. Wild horses under the Act were to always be left on the range, and on-range management was supposed to be the priority method of management.

There are two things that the committee can encourage the agency to do more of, and that is more fertility control. This is very effective, tested over decades, and right now BLM is taking the step to control or contracept 2,000 mares, and that is an excellent step but not nearly enough. They should be contracepting as many horses as they plan to remove and removing the smaller number. So that needs to be reversed, and the Committee can certainly encourage the agency to do that.

There also have been more than 19 million acres that were originally habitat for wild horses that have been utterly zeroed out, and so the 47,000 horses we have in holding that taxpayers are paying for right now could be rereleased on that land. BLM needs to use some of the money that you provide them to study that land for proper habitat, and as soon as possible rerelease those horses.

Finally, there have been all too many very unfortunate incidents in recent roundups that have demonstrated the need for standard operating procedures to be instituted by the agency to ensure no horses endure outright cruelty during these roundups. We have seen and documented foals being run such extreme distances that their hooves literally soften and slow off and the horses have to be destroyed. Horses have been driven to physical exhaustion. Horses and burros have literally been physically assaulted with helicopter skids, and this has been captured and documented over and over again. We have seen excessive and inappropriate use of electric prongs, beating horses with whips, kicking horses, and slamming metal gates and metal panels against horses' legs and bodies, and the twisting and pulling of horses' tails. There are better ways to conduct roundups, and there is never an excuse for one of these incidents.

BLM does acknowledge this, and they want to work on protocols. The Committee could encourage them to expedite that procedure.

One thing we would also ask is that video cameras be installed on the helicopters for public transparency. This would assure the public who currently probably spends a lot of BLM's time with their worries, they would be able to be assured that those roundups are conducted without harming horses.

So I want to thank you for this opportunity to mention these important points and thank the committee for its investment in this issue and for helping us bring to being the original vision of the Wild Free-Roaming Horse and Burro Act and protect these horses.

Thank you so much.

[The statement of Nancy Perry follows:]

ASPCA
WE ARE THEIR VOICE

TESTIMONY
House Appropriations Subcommittee on Interior, Environment and Related Agencies
Fiscal Year 2013
Submitted by Nancy Perry, Senior Vice President of Government Relations
American Society for the Prevention of Cruelty to Animals
March 12, 2012

On behalf of our 2 million supporters, The American Society for the Prevention of Cruelty to Animals (ASPCA) appreciates this opportunity to testify before the House Appropriations Subcommittee on Interior, Environment and Related Agencies. Founded in 1866, the ASPCA is the first humane organization established in the Americas and serves as the nation's leading voice for animal welfare. The ASPCA's mission is to provide effective means for the prevention of cruelty to animals throughout the United States, and for that reason we request the Department of the Interior consider the following concerns regarding BLM's Wild Horse and Burro Program when making FY13 appropriations.

Wild Horses

In the forty years since the Bureau of Land Management (BLM) was first charged with protecting our country's wild horses and burros, Americans have witnessed BLM's Wild Horse and Burro Program deteriorate into a continuous cycle of roundups and removals with little regard to the preservation-focused mandate dictated by The Wild Free-Roaming Horses and Burros Act (the Act). Our wild horses and burros are to be revered as historical icons, treated humanely, and managed fairly and respectfully on our public lands. We appreciate BLM's recognition that there is a great need for reform in the Wild Horse and Burro Program. We applaud its effort to incorporate the use of on-the-range management methods such as immunocontraception and to find alternatives to long-term holding of wild horses. However, further and significant reformations must be swiftly incorporated.

Prohibit BLM funding for euthanasia or sale of wild horses as management methods

In December 2004, Congress passed the Consolidated Appropriations Act for Fiscal Year 2005 which contained a provision that amended the Wild Free-Roaming Horses and Burros Act to allow for the sale of certain groups of wild horses and burros. This instant transfer of title from the U.S. government to the individual purchaser revokes the animal's status as a protected equine and makes it vulnerable to the still-thriving horse slaughter industry. Additionally, in 2008 BLM publicly announced that it was considering using its statutory authority to destroy old, sick, or unadoptable wild horses and burros for the first time by implementing mass euthanasia as a population control method. The roar of public opposition that followed forced BLM to quickly withdraw the proposal. However, both the sale provision and the language allowing for the destruction of wild horses and burros remain in the law. The ASPCA requests that the committee include the following language in the appropriations bill that specifically prohibits funding programs or projects that subject wild horses and burros to the possibility of slaughter or euthanasia as a means of population control: "Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products."

Ensure that removals do not exceed adoption demand

The majority of BLM's budget is spent caring for wild horses in long-term holding facilities. The budget requested for BLM's Wild Horse and Burro Program has necessarily increased each fiscal year, as has the portion of the budget that funds the care of wild horses in long-term holding facilities. Unfortunately, instead of letting these wild horses remain in their natural habitats as part of their established herds, their family structures have been disrupted and they have been removed to fenced facilities where taxpayer dollars go for their care. There are now as many or more wild horses in holding facilities as in the wild. Without substantial change in management techniques, the number in holding facilities will only increase and taxpayer dollars will be further wasted in ever increasing amounts. The ASPCA believes wild horses belong in their natural habitats and should not be subject to the terror of removals nor the confines of holding facilities without hope of return to the range or adoption.

Adoption rates have varied between 3,000 and 4,000 horses since 2008. During that same time period, BLM has rounded up and removed approximately 7,800 annually, several thousand above the adoption demand, thereby guaranteeing most of those wild animals will be kept in taxpayer-funded holding facilities for the remainder of their lives. Warehousing horses in holding facilities does nothing to manage the on-range populations and only delays the inevitable need for more preventative management. This cycle must be broken. The ASPCA encourages BLM to limit the number of horses removed from the range to the number matching current adoption demand.

Prioritize on-the-range management over roundup and removal

The Wild Free-Roaming Horses and Burros Act makes clear that on-the-range management should be preferred over roundup and removal as the primary method of wild horse management. There are multiple ways BLM can reform its program to favor on-the-range management methods.

The ASPCA realizes that there are situations where population control is necessary, and we appreciate BLM's public recognition that fertility control methods such as immunocotraception must be a significant part of wild horse population management. Porcine Zona Pellucida (PZP), the contraceptive vaccine that has been used in managing horse and deer populations for decades, was recently registered by EPA and is now commercially available. For the past two years, BLM has capped its goal for vaccinating horses at 2,000 horses per year. For PZP to become a serious part of the solution, its use must be increased to levels that will significantly impact population growth. As part of President Obama's proposed FY13 budget for BLM, the Wild Horse and Burro Program requested a $2 million increase specifically for research and development of population-control methods. The ASPCA recommends that the requested funds go toward prioritizing the use of humane, reversible fertility control when it is necessary to stem the population growth of wild horse or burro herds.

In addition to escalating its use of immunocontraception, BLM must also reconsider Herd Management Areas (HMAs) that have been zeroed out as wild horse and burro habitat and make them available for reintroduction. Over 20 million acres of HMAs originally designated as wild horse and burro habitat have been zeroed out and horses have been removed and placed in holding facilities. This 40-year pattern has resulted in American taxpayers paying more each year for the cost of privatized care when millions of acres of habitat are available. The ASPCA recommends that the committee direct BLM to reestablish zeroed out HMAs as viable wild horse and burro habitat wherever possible.

Require humane and transparent roundup operations

Finally, the ASPCA requests that, when roundups are necessary, the committee charge BLM with establishing humane and transparent standards and procedures for those operations. Observers have witnessed horses suffering and dying due to brutal roundup practices. Foals have been run over such extreme distances that they literally have lost their hooves, mares have been driven to the point of physical exhaustion, and a burro was physically assaulted with helicopter skids. BLM recognizes a need to reform its roundup protocol. The ASPCA applauds this acknowledgement and asks that the committee encourage BLM to expedite its development of Standard Operating Procedures for roundups that incorporate animal welfare standards. No roundups for removal or any other purposes should occur without procedures in place that will ensure these incidents are never repeated. For the public to continue to invest in this management program and to allow this agency to have any authority over these animals, it is vital that no horses or burros are harmed at the hands of BLM agents or contractors. We also urge the committee to designate funds for researching, and developing protocols that take into consideration the impact of separating family groups of wild horses during removals. To allow for more visibility of roundup operations, and thus more accountability, we urge the committee to designate funds for the installation of video cameras on helicopters and at trap and holding sites.

Thank you for this opportunity to testify before the committee. We appreciate the steps BLM has already taken to reform the Wild Horse and Burro Program, and we look forward to working with the agency on this issue in the future. With the help of the committee, the BLM Wild Horse and Burro Program can hopefully achieve sustainability and comply with the mission of the Wild Free-Roaming Horses and Burros Act: to protect and preserve these animals as historic American icons.

Mr. LATOURETTE. Thank you for coming. Thank you for your testimony.

Ms. Blaney, you are up, and to our other witnesses I think that will be it until we vote, so I apologize for that. Thank you for being here.

WEDNESDAY, MARCH 21, 2012.

ANIMAL WELFARE INSTITUTE

WITNESS

NANCY BLANEY

Ms. BLANEY. My name is Nancy Blaney. I am here testifying on behalf of the Animal Welfare Institute. I will be addressing White-Nose Syndrome activities of the Fish and Wildlife Service, U.S. Geological Service, Forest Service, and BLM, and also touching briefly on the horse and burro issue as well.

This Subcommittee is well aware of the destruction being wrought by White-Nose Syndrome. When I submitted my testimony on March 12 it was in 19 States and four Canadian Provinces. It is now in 20 States. Since then it has been confirmed in Alabama, as well as in the Great Smokey Mountains National Park.

In January new estimates from Fish and Wildlife put the death toll of that at at least 5.7 million, and you are well aware of the significant agricultural and public health impacts of the deaths of so many bats.

The money that has been spent so far on addressing this problem has yielded crucial results, mapping of the Geomyces destructans, the fungus' genome, and identifying its origin, scientifically concluding that Geomyces destructans does, indeed, cause White-Nose Syndrome, because that question was open for a little while, and that is important to the development of management strategies.

Ongoing projects that are untaken by these agencies include detailed studies of the transmission of the fungus, possible means of mitigation, improving detection, and developing a better understanding of bats' resistance and susceptibility to the fungus and of the persistence of the fungus in the environment.

We appreciate the attention this subcommittee has given to the problem. We are requesting a modest increase in funding for the four main agencies involved in these activities in order to build upon the progress that we have seen so far and so that we can continue to try to get a handle on this.

For the U.S. Fish and Wildlife Service, which is the lead government agency in this and supports all of the working groups under the White-Nose Syndrome National Plan, we ask that the Committee maintain the President's fiscal year 2013, recovery fund request, which includes 1.897 million within that amount for White-Nose Syndrome, and we request that that be supplemented by an additional $500,000 in the General Program Activities Account for Fish and Wildlife.

These funds would support the following. Interagency coordination. You can imagine Fish and Wildlife is coordinating the wildlife

or the White-Nose plan over all the federal agencies, state agencies, tribal agencies, and private organizations.

Identifying priorities for applied research. Some of the research that has gone on so far has involved tracking how the fungus affects the chemical processes in bat systems because they are so delicate.

Support the state wildlife agencies and conservation action for bat species already in decline due to White-Nose Syndrome.

We are asking the Subcommittee also to maintain the $1 million increase requested in the President's budget for the U.S. Geological Survey, whose Wildlife Health Center is one of the key agencies in identifying the fungus, doing necropsies on bats to identify where it has appeared. This money would allow enhancements to USGS's surveillance and diagnostic capabilities and support research on such topics as immunology and pathogenesis, vaccine development, which is very crucial, the prevalent and survival of the fungus in cave environments, and modeling disease processes.

In fact, it was the USGS study that provided the first direct evidence that Geomyces destructans, in fact, causes White-Nose Syndrome. So that was a very important research project on their part.

Mr. LATOURETTE. We were just told we have 2 minutes.

Ms. BLANEY. Two minutes. Okay.

Mr. LATOURETTE. For us to vote.

Ms. BLANEY. Oh, you have only got 2 minutes left?

Mr. MORAN. What do you want to do? Do you have much longer?

Ms. BLANEY. The only other thing we are asking for is additional funding for National Park Service, BLM, and U.S. Forest Service. As a matter of fact, BLM and the U.S. Forest Service, which are trying to comply with the subcommittee's directive of last year, are actually working on a plan now to try to already protect northwest bat species because they are already worried about the influx of Geomyces destructans and White-Nose into the northwest.

And we also endorse the ASPCA's testimony on wild horses and burros and ask for the inclusion of the No Kill Language in the Subcommittee's report.

[The statement of Nancy Blaney follows:]

Animal Welfare Institute

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TESTIMONY

United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
Fiscal Year 2013

Submitted by Nancy Blaney, Senior Policy Advisor, Animal Welfare Institute
March 21, 2012

On behalf of the Animal Welfare Institute, I want to thank Chairman Simpson, Ranking Member Moran, and the distinguished Members of the subcommittee for this opportunity to testify before you regarding funding for White-Nose Syndrome activities of the U.S. Fish and Wildlife Service, U.S. Geological Service, Bureau of Land Management, and the U.S. Forest Service; and regarding the Wild Horse and Burro program of the Bureau of Land Management.

Since Congress last received testimony on the devastation being wrought on bat populations by White-Nose Syndrome (WNS), the picture has grown more alarming. In January, the U.S. Fish and Wildlife Service released new estimates of the death toll: Having now spread to 20 states (it was 19 as of the date this testimony was submitted, but it has since been confirmed in Alabama, as well as in the Great Smoky Mountains National Park) and 4 Canadian provinces, with over 200 sites affected, WNS has caused the deaths of at least 5.7 million hibernating bats. Mortality rates at many affected sites continue to be at or near 100 percent. Insect-eating bats provide pest-control services worth at least $3.7 billion, and possibly as much as $53 billion, per year to U.S. agriculture. When the death toll stood at 1 million, scientists estimated that that many bats could have eaten nearly 700 tons of insects per year. With the disappearance of bats due to White-Nose Syndrome—necessitating greater use of pesticides and raising the price of food for consumers—our country's agriculture industry is at risk of serious economic losses that will likely be noticeable in four to five years. There are public health impacts as well due to greater numbers of disease-carrying insects.

The above-mentioned agencies have been hard at work to understand the fungus, *Geomyces destructans*, involved in the deaths of so many bats, to identify steps to control and prevent its spread, and assist states with WNS oversight, surveillance, research, education, and outreach. Scientists succeeded in mapping the genome of the fungus and identifying its origin. Now, having also been able to conclude that *Geomyces destructans* does indeed cause WNS, they are in a better position to deal with it. Projects underway include but are not limited to: detailed studies of the fungus, its transmission, and possible means of mitigation; improving WNS detection techniques; and developing a better understanding both of bats' resistance and susceptibility to infection and of the persistence of the fungus in the environment.

We very much appreciate Congress' concern over this wildlife, environmental, and economic disaster, and the steps it took in the FY 2012 appropriations redirecting $4 million in Fish and

Wildlife Service spending to WNS, and instructing the Bureau of Land Management and U.S. Forest Service to prioritize research related to WNS and the inventorying and monitoring of bat resources on agency lands. There is a need, however, for new funds to support the many research, surveillance, prevention, and mitigation efforts needed to address this increasingly urgent problem. As noted above, much has been accomplished since the disease was first detected and scientists are on the verge of accomplishing a good deal more. Modest increases in the agencies' budgets for WNS will prevent the unraveling of this hard-won progress.

U.S. Fish & Wildlife Service: +$2.397 million (Accounts: Recovery Fund, and General Program Activities)

The U.S. Fish and Wildlife Service leads the federal government's WNS efforts and supports all of the Working Groups under the White-Nose Syndrome National Plan. We ask the committee to maintain the President's FY 2013 Recovery Fund request of $81.909 million, including **the requested $1.897 million within that amount for WNS, to be supplemented by an additional $500,000 for WNS in the General Program Activities account**.

These funds are need for the following: (1) **Interagency coordination**, providing and relaying scientific information and guidance to and among Federal and State agencies, tribes, landowners, recreation, and conservation groups to ensure best practices on WNS-related issues, such as research findings, status of disease spread, and fungus decontamination procedures; (2) Identifying priorities for **applied research** that will assist in combating WNS and managing its spread, and funding projects that support these goals; (3) **Support to state wildlife agencies** to conduct disease surveillance, monitor bat populations, implement conservation measures, and conduct research; and (4) **Conservation action for bat species in decline due to WNS,** including assessing populations and spectrum of threats and providing guidance on needs of species to Federal and State agencies and private land owners.

U.S. Geological Survey: +$1million + 1 FTE (Account: Ecosystems Mission Area, Wildlife Program)

We ask the committee to maintain the $1 million increase requested in the President's FY 2013 budget in order to allow enhancements to USGS's WNS surveillance and diagnostic capabilities, and to support research on topics such as the following: (1) **Immunology and pathogenesis** (the origin, development, and resultant effects of WNS); (2) **Vaccine development**; (3) **Prevalence and survival** of WNS fungus in cave environments; and (4) **Modeling** WNS disease processes.

These activities support the goals of the following working groups of the National Plan: (1) Diagnostics; (2) Disease Management; (3) Epidemiological and Ecological Research; (4) Disease Surveillance; and (5) Conservation and Recovery

National Park Service: +$300,000

We ask the committee to provide $300,000 for the National Park Service's WNS efforts, which include the following: (1) **Preventing WNS spread** by conducting visitor decontamination and monitoring flow of visitors on an as-needed basis; (2) **Conducting on-the-ground surveillance** of disease; and (3) **Monitoring** for disease presence or absence on NPS lands.

These activities support the goals of the National Plan Disease Management Working Group.

Bureau of Land Management: +$1 million (Account: Management of Land and Resources (MLR), Fish and Wildlife Activity)

In order for the Bureau of Land Management (BLM) to comply with Congress's FY 2012 directive to "prioritize research related to White Nose Syndrome in bats and the inventory and monitoring of bat resources on Bureau-administered lands," we ask the committee to provide $1,000,000 for BLM's WNS efforts. This will fund conducting bat inventories of the BLM's presently known caves and abandoned mines, which will support the goals of the National Plan Disease Management Working Group.

U.S. Forest Service: + $1.5 million (Accounts: Research and Development, Forest & Rangeland Research (FRRE), National Forest System, Wildlife and Fisheries Habitat Management)

In order for the Forest Service (USFS) to comply with Congress's FY 2012 directive to "prioritize research related to White Nose Syndrome as well as inventory and monitoring of bat resources on Forest Service lands," we ask the committee to provide $1,500,000, to be divided between the Research and Development branch and the National Forest System branch. With this level of funding, the USFS will be able to undertake the following: (1) **Research** on topics such as enhancing environmental conditions for bat survival in the face of WNS, possible biological controls for WNS, and ways to measure the status and fitness of bat populations; (2) **Preventing WNS spread** by conducting visitor decontamination and monitoring flow of visitors on an as-needed basis; (3) Conducting on-the-ground **surveillance** of disease; (4) **Monitoring** for disease presence or absence; and (5) **Managing** forests to optimize bat habitat.

These activities support the goals of the Disease Management, Epidemiological and Ecological Research, and Conservation and Recovery Working Groups of the National Plan.

Wild Free-Roaming Horses and Burros Act (WFRHBA)

The wild horse is as much a symbol of American heritage as the image of Uncle Sam and baseball. Currently, these wild horses are at risk of mistreatment by the Bureau of Land Management (BLM), which misuses most of its budget to round up and warehouse wild horses and burros to make room for privately owned cattle. Wild horses have been removed from over 19 million of the 52 million acres allocated to them by Congress. Since 2004, wild horses have been at risk of being sold to killer-buyers who make a profit by sending horses to slaughter for human consumption. **AWI requests that any increase in appropriations under the WFRHBA be solely used for implementation of humane, on-the-range management methods such as immunocontraception versus unnecessary roundup. AWI strongly encourages that this "no-kill" language also be maintained to ensure the BLM does not kill healthy wild horses and burros:**

"Provided, that appropriations herein made shall not be available for the sale or destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors."

Mr. MORAN. Very good. Thank you.

Mr. LATOURETTE. Thank you very much, and to our witnesses, we will be back as quickly as we can, and Ms. Perry and Ms. Blaney, if you want to stay, you are more than welcome to, but if you have had enough of this, you can be on your way with our thanks, and if you felt rushed, we will call on you first just for any closing observations you want to make if you feel you need to do that when we get back.

Ms. BLANEY. Thank you, Congressman.

[Recess]

Mr. LATOURETTE. With permission from Mr. Moran's staff, we will take copious notes until he arrives. We are going to proceed, and I see Ms. Perry and Ms. Blaney accepted our invitation to leave even though they were having a great time.

So Ms. Beetham—is it Beetham?

Ms. BEETHAM. Yes.

Mr. LATOURETTE. Okay. Thank you for being here and the floor is yours.

WEDNESDAY, MARCH 21, 2012.

DEFENDERS OF WILDLIFE

WITNESS

MARY BETH BEETHAM

Ms. BEETHAM. Thank you, sir.

Mr. Chairman, Ranking Member, and members of the Subcommittee, thanks for the opportunity to testify. I am Mary Beth Beetham, Legislative Director with Defenders of Wildlife. Founded in 1947, Defenders has more than 1 million members and supporters, and we are dedicated to the conservation of wild animals and plants in their natural communities.

Wildlife and its habitat are valuable national assets. Even in the face of dire fiscal realities, investments in the protection of wildlife and habitat are a wise choice for our Nation. Wildlife-related recreation is a $122 billion-per-year industry. Defenders opposes any further cuts to programs that conserve wildlife and habitat, and we were very pleased to see some modest but crucial increases in the President's budget, and we are hoping the Subcommittee will do its best to fund them.

We support the following increases in their quest for the Fish and Wildlife Service budget: $4 million that will help to ensure siting of renewable energy projects in a way that prevents harm to species such as golden eagles, seabirds, bats, and desert tortoise; 5.4 million for a praiseworthy new cooperative recovery initiative to support more efficient efforts across landscapes to recover listed species on National Wildlife Refuges and surrounding lands. We also support the additional increases for the National Wildlife Refuge system that will go to baseline inventory and monitoring, challenge cost-share projects with partners and volunteers, and law enforcement.

In addition, for endangered species we support the $1 million increase for consultations on pesticides that includes the development

of protocols to determine safe levels of exposure, the $1.6 million increase to support progress in listing more than 250 candidate species, many of which have awaited protection for years, and a $12.3 million increase for the Cooperative Endangered Species fund to provide assistance to States to protect listed species.

The Environmental Contaminants Program has been flat since 2001. We support the $1.3 million increase to help expedite and complete more restoration for natural resource damage cases. Defenders, however, was disappointed to see the elimination of the important Wolf Livestock Loss Demonstration Program. It helps livestock owners coexisting with wolves. We urge restoration of this funding.

In the Forest Service request, we were concerned to see that the Administration has again proposed merging a number of accounts, including Wildlife and Fisheries Habitat Management into the Integrated Resource Restoration Account. Defenders supports continuing IRR as a 3-year pilot as directed by Congress in the final fiscal year 2012 bill, but the Agency must first demonstrate its ability to adequately protect fish and wildlife habitat in a consolidated program under the smaller pilot.

In the Bureau of Land Management budget, we were extremely pleased with the $15 million increase that will go for comprehensive sage grouse conservation in 10 western States. And I have heard Chairman Simpson speak on several occasions about his concern about the sage grouse decline and a potential ESA listing, so we are hoping the Subcommittee will be able to fund this.

In the BLM budget, we also support the $7.1 million increase for renewable energy that will help fund regional land use planning studies and environmental reviews that will help avoid areas with potential natural resource conflicts. Also in the BLM budget, we support the resource management planning increase, $4.7 million that is needed to help address 47 plans under revision and another 45 that need revision. This program has been cut by nearly 25 percent since fiscal year 2010.

For the USGS, we support the $16.6 million increase for ecosystems that includes $1 million for research on white nose syndrome that is devastating bat populations and climate. And in climate and land use change, we support the $500,000 increase for Climate Science Centers and the $6.5 million increase in science support for DOI Bureaus.

Finally, Defenders supports the increase of $104.7 million for the Land and Water Conservation Fund. A portion of the LWCF total is for an Interior-Forest Service Collaborative Land Acquisition Program to protect strategic landscape-scale projects that at the same time meet core agency acquisition priorities. This innovative initiative will help to bring larger conservation benefits and build resilience across landscapes with scarce dollars.

Again, thank you for the opportunity to testify.

[The statement of Mary Beth Beetham follows:]

TESTIMONY OF MARY BETH BEETHAM
DIRECTOR OF LEGISLATIVE AFFAIRS, DEFENDERS OF WILDLIFE
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
MARCH 21, 2012

Mister Chairman, Ranking Member and Members of the subcommittee, thank you for the opportunity to testify. I am Mary Beth Beetham, Director of Legislative Affairs for Defenders of Wildlife. Founded in 1947, Defenders has more than one million members and supporters and is dedicated to the conservation of wild animals and plants in their natural communities.

Wildlife and its habitat are valuable national assets. Even in the face of dire fiscal realities investments in the protection of wildlife and habitat are a wise choice for our nation. Wildlife related recreation is a $122 billion a year industry.[a] Moreover, protecting wildlife and its habitat also supports healthy natural systems that provide clean air and water, food, medicines and other products. The value of benefits provided by natural habitats in the U.S. is estimated at more than $2 trillion per year.[b] Defenders was deeply disappointed in the large cuts for wildlife programs initially included in H.R. 2584, the FY 2012 House Interior, Environment, and Related Agencies appropriations bill, and we appreciated the more balanced levels provided in H.R. 2055, the Consolidated Appropriations bill. Defenders opposes further cuts to crucial programs that conserve wildlife and habitat, and we support the modest but crucial increases in the President's request.

Fish and Wildlife Service

We urge the subcommittee to do as much as possible to protect the accounts of the Fish and Wildlife Service (FWS), our nation's premier wildlife conservation agency. We strongly support the following modest increases in the President's request and oppose one disappointing decrease:

Renewable Energy – A crucial $4 million increase associated with renewable energy development that includes $1.5 million for Endangered Species Program Consultation, $750,000 for Conservation Planning Assistance, $750,000 for Migratory Bird Management and $1 million for the Office of Law Enforcement. This increase will help to ensure siting of renewable energy projects in a way that prevents harm to species such as golden eagles, seabirds, bats and desert tortoise.

Cooperative Recovery – A praiseworthy new initiative to implement recovery actions for species listed under the Endangered Species Act on National Wildlife Refuges and surrounding lands. The $5.4 million increase includes $2.5 million for Refuges, $883,000 for Partners for Fish and Wildlife, $800,000 for Fisheries Population Assessment, $770,000 for Adaptive Science and $400,000 in the Endangered Species program. This initiative will support more efficient efforts across landscapes to recover threatened and endangered species.

Endangered Species –

- A $1 million increase to support consultations on pesticides that may impact listed species including the development of protocols to determine safe levels of exposure. This increase is vital to facilitate likely needed consultations on several hundred pesticides out of at least 739 pesticide cases identified by the Environmental Protection Agency that are scheduled for review by 2022.

- A $1.6 million increase for listing species. This funding will support progress in listing more than 250 candidate species, many of which have awaited protection for years.
- A $12.3 million increase for the Cooperative Endangered Species Fund to provide assistance to states to protect threatened and endangered species.
- A $998,000 reduction for the Wolf Livestock Loss Demonstration Program that assists livestock owners co-existing with wolves. In light of the recent delisting of wolves in the Northern Rockies and Western Great Lakes and potential expansion of wolves into California, it is important to continue this valuable program which is intended to both compensate ranchers for livestock losses due to wolves and to implement proactive, nonlethal methods to prevent these losses. We urge restoration of this funding.

National Wildlife Refuge System (NWRS) – A net increase of $9.1 million for NWRS Operations and Maintenance in the request includes not only the $2.5 million for Cooperative Recovery but also $3 million for baseline inventory and monitoring of refuge resources, $3.6 million for Challenge Cost Share projects with partners and volunteer groups, $1 million for law enforcement, and $1.4 million for priority operations. Even with the increase, the request is still $8 million below the FY 2010 level, even though refuges need an annual increase of a least $8 million just to keep fuel in trucks and pay for rising utilities and other costs. Moreover, in 2011, devastating disasters including tornadoes, wildfires, hurricanes, an earthquake, and a tsunami caused more than $190 million in damages to the Refuge System, an amount that totals nearly 40 percent of its budget that will put the System at further risk without supplemental disaster funding.

Cooperative Landscape Conservation and Adaptive Science – Threats to the conservation of our natural resources are increasingly large-scale and complex. Combined with decreasing financial resources, there is a need to work more effectively and efficiently across jurisdictional boundaries. This comprehensive initiative is helping the natural resource management agencies improve landscape-level coordination of conservation efforts and provide science and technical capacity to tackle today's complex environmental problems. We oppose any cuts to this activity.

Environmental Contaminants – A $1.3 million increase in this program that has been flat since 2001 to help expedite and complete more restoration activities for Natural Resource Damage Assessment and Restoration cases.

International Affairs – An $83,000 increase which is the FY 2012 level with fixed costs to sustain vital efforts to provide crucial capacity building, education, and training for priority species and habitats of global concern and for the growing permitting, research and monitoring workload for species subject to trade, including native U.S. species.

Office of Law Enforcement and Migratory Bird Management – In addition to the increases requested for these two programs related to renewable energy development, Defenders wishes to underscore their vital importance for wildlife conservation in our nation. In FY 2011, the Office of Law Enforcement's 143 inspectors processed approximately 167,000 declared shipments of wildlife and wildlife products worth more than $2.7 billion and the 219 special agents investigated nearly 13,000 cases, from breaking up smuggling rings to working with states to protect U.S. game species from poaching. The Migratory Bird Management program is working to reverse precipitous declines in U.S. bird populations including native Hawaiian birds, ocean birds, coastal shorebirds, arid lands birds, and grassland birds.

Other key grant programs – In addition to the increase for the Cooperative Endangered Species Fund referenced above, we support the President's request for the Multinational Species Conservation Fund, $9.98 million, for the Neotropical Migratory Bird Fund, $3.8 million, and for the State and Tribal Wildlife grants, $61.3 million.

Forest Service and Bureau of Land Management

The Bureau of Land Management (BLM) and the U.S. Forest Service (FS) are crucial to the conservation of wildlife and habitat in the United States, yet their resources are not adequate to meet significant challenges. A top priority for Defenders is ensuring that renewable energy development on these lands proceeds in a balanced way that maintains the ecological integrity of our public lands and waters, conserves wildlife habitat and populations, and contributes to agency efforts to successfully recover our most imperiled wildlife. We urge strong oversight to ensure that any energy development is done in an environmentally sensitive fashion. Given their large land ownerships it is imperative that both participate fully in landscape level conservation and management efforts.

FS Integrated Resource Restoration (IRR)/Wildlife and Fisheries Habitat Management – The budget has again proposed merging a number of accounts, including Wildlife and Fisheries Habitat Management, into an integrated budget. However, Defenders supports continuing IRR as a 3-year pilot as directed by Congress in the final FY 2012 Omnibus appropriations bill so that the agency can demonstrate its ability to adequately protect habitat for fish and wildlife under the consolidated program. We urge no less than the FY 2012 level of $140 million for Wildlife and Fisheries Habitat Management. Even at that level, the program would be nearly $25 million below the FY 2001 inflation adjusted level.

FS Land Management Planning/Inventory and Monitoring – The budget has again proposed merging these two programs into a single line item. As with IRR, we are concerned about such a consolidation unless the agency can demonstrate its ability to carry out its responsibilities under these two programs, especially given that in the coming year, the Forest Service will finalize and begin to implement a new forest planning rule that requires sufficient funding for critical inventory and monitoring activities, including the assessments that will be fundamental to the implementation of the new planning rule. We urge no less than the FY 2012 level for each of these two programs: $39.9 million for Land Management Planning and $161.7 million for Inventory and Monitoring.

FS Collaborative Forest Landscape Restoration Program (CFLRP) – We support the administration's request of $40 million for the CFLRP, a unique program that was established specifically to create job stability, achieve reliable wood supply, restore forest health, and reduce the costs of fire suppression in overgrown forests.

FS Forest and Rangeland Research (FS R&D) – Defenders supports the administration's request of $292.8 million for FS R&D. Within FS R&D our highest priority is the Wildlife and Fish Research and Development program that supports science-based fish and wildlife management on National Forest System lands and beyond such as grappling with the question of how changes in snow pack will impact wolverines and other climate vulnerability assessments.

BLM Sage Grouse – A critically needed increase of $15 million in the BLM Wildlife Management program for sage grouse conservation in 10 western states includes $10 million for amendments to

Resource Management Plans, $2.5 million for on-the-ground habitat restoration, and $2.5 million for inventory, monitoring and mapping. Almost half of all sagebrush habitat has been destroyed and this loss has been compounded by fragmentation of the remaining sage-grouse habitat. Over the 42 years between 1965 and 2007, population decline was estimated at 3.1 percent each year. This modest funding increase is desperately needed to support a broad effort to stop this iconic bird's decline and avert the need for listing under the Endangered Species Act.

BLM Renewable Energy – An increase of $7.1 million for renewable energy includes support for regional land use planning studies and environmental reviews of potential wind energy zones. These studies will help to identify future renewable energy zones that will avoid areas with potential natural resource conflicts, including wildlife conflicts (especially sage grouse, golden eagles, desert tortoise or other sensitive species).

BLM Resource Management Planning – Another crucial increase is $4.7 million for Resource Management Planning in this program that has been cut by nearly 25 percent since FY 2010 and needed to help address 47 plans under revision and another 45 that need revision.

BLM Challenge Cost Share – Defenders supports a total of $7.5 million, same as the FY 2012 level for proactive wildlife and habitat conservation projects on the ground with partners.

U.S. Geological Survey

The U.S. Geological Survey provides the basic science necessary for conservation of fish, wildlife and habitat. We urge support for the following increases in the request:

Ecosystems – A $16.6 million increase that includes $1 million for research on White Nose Syndrome that is devastating bat populations. The base program also supports crucial scientific efforts needed to avoid harm to birds, bats, desert wildlife, and other species that could be impacted by the development of wind and solar energy.

Climate and Land Use Change – A $500,000 increase for the National Climate Change and Wildlife Science Center/DOI Climate Science Centers and a $6.5 million increase in Science Support for DOI Bureaus to address scientific needs in planning for adaptation to climate change.

Land and Water Conservation Fund (LWCF)

Finally, each day, 6,000 acres of open space in the U.S., including wildlife habitat, is lost to fragmentation and destruction. Once these lands are lost, they can never be recovered. Defenders supports the requested increase of $104.7 million for LWCF. A portion of the LWCF total, about $108 million, is for an Interior-Forest Service collaborative interagency land acquisition program to protect strategic landscape-scale projects that at the same time meet core agency acquisition priorities. This innovative initiative will help to bring larger conservation benefits and build resilience across landscapes with scarce dollars. Thank you for the opportunity to testify.

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[a] The Economics Associated with Outdoor Recreation, Natural Resources Conservation and Historic Preservation in the United States www.nfwf.org/Content/ContentFolders/NationalFishandWildlifeFoundation/HomePage/ConservationSpotlights/TheEconomicValueofOutdoorRecreation.pdf

[b] Ibid

Mr. LATOURETTE. Thank you very much for your patience and your testimony.

Mr. Brooks.

WEDNESDAY, MARCH 21, 2012.

THE WILDERNESS SOCIETY

WITNESS

BRAD BROOKS

Mr. BROOKS. Thank you. My name is Brad Brooks and I work for the Wilderness Society in Boise, Idaho. I am here today to provide comments on behalf of my organization on the importance of investing in public lands, and I appreciate the opportunity to be here. So thank you and members of the committee.

Even though he is not here, I also want to thank Congressman Simpson from my home state. This past year, I harvested a mule deer buck, as well as a bull elk in proposed Boulder-White Clouds Wilderness, which I believe I also see featured on the wall behind you. It is a place that is near and dear to both of us and it will hopefully someday get the protections it deserves. On that note, I appreciate the Congressman has done to protect Idaho's way of life.

Investments in recreation in our public lands are important not only to me but to many of the people that live and work in the West. Nationally, over $1 trillion and 9.4 million jobs are contributed to the U.S. economy every year from outdoor recreation, resource conservation, and historic preservation. The funding programs that facilitate this economic engine are what I want to highlight for you today.

The past 4 years I have worked in Idaho's Clear Water Basin as a member of the Clear Water Basin Collaborative, whose goal is to protect the economic and ecological health of the land, water, and communities within the basin. This is a group comprised of conservationists, timber companies, outdoor vehicle enthusiasts, travel representatives, and a wide array of public interests. In the past, the Clear Water Basin was ground zero for conflict over public lands management, but I am here to tell you those days are largely gone.

We have been working together to meet our mutual interests and the federal funding for restoration as part of the Collaborative Forest Landscape Restoration Program has been a cornerstone of our collaborative work. Our 1.4 million acre Selway-Middle Fork project is project to cut up to 150 million more feet of timber, create 370 jobs—which is significant in rural Idaho—treat thousands of acres of noxious weeds, decommission unneeded roads, improve salmon spawning habitat, and improve big game winter range.

This project will do a lot of good work and it would not be possible if the Collaborative Forest Landscape Restoration Program were not fully funded, as it was this past year and as it is proposed in the President's budget this year at $40 million. I ask you to please continue fully funding this program that is simultaneously helping us in Idaho to both create jobs and restore the landscape.

More importantly, it is helping us to move beyond the conflict that has defined public lands management for the past several decades.

The Land and Water Conservation Fund has had an equally important role in preserving our recreation economy and way of life in Idaho. Outdoor recreation is a vital part of Idaho's economy with active outdoor recreation alone supporting over 37,000 jobs and bringing in $154 million in tax revenue, which is significant to Idaho. Idaho's recreation economy is largely based in the natural amenities provided by our public lands and waters whether it is hunting for a bugling bull in the Boulder-White Cloud Mountains, fly-fishing in the world-famous waters of the Henry's Fork of the Snake River, or mountain-biking in the world-class singletrack outside of Boise.

People come to Idaho to experience these world-class recreation resources and LWCF has helped sustain and invest by providing access and protecting them for our children and our grandchildren to enjoy. We urge the Subcommittee to provide $450 million for the program in fiscal year 2013, which is half of the authorized amount deposited into LWCF each year.

We also continue to support funding for the National Landscape Conservation System, such as Idaho's own Morley Nelson Snake River Birds of Prey area, which has the highest raptor nesting density in the United States.

Lastly, Legacy Roads and Trails is a program that has contributed significantly to improving infrastructure, creating jobs, and providing clean drinking water in Idaho. This program has helped to repair or construct 40 bridges, as well as improving trail conditions on over 1,100 miles of trail and decommissioned several hundred miles of unneeded roads. Legacy Roads and Trails provides real dollars that are spent in physical, on-the-ground work. The money provides jobs for rural Idaho homes and heavy machine operators, jobs that are important in counties where unemployment hovers well above the national average. We ask that you fund Legacy Roads and Trails at $75 million.

I have given you a snapshot of how several federal programs benefit my home State of Idaho, but you would hear the same story from anyone living in the West. The bottom line is that these programs serve as an investment in our public lands and our way of life that has a rate of return that can be measured for generations to come. These federal programs support jobs, communities, and the environment.

Thank you for your time and appreciate you for being here today.

[The statement of Brad Brooks follows:]

Written Statement of Brad Brooks
Idaho Deputy Regional Director at The Wilderness Society
before the U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Regarding the FY 2013 Interior and Related Agencies Appropriations Bill
March 21, 2012

The Wilderness Society (TWS) represents more than 500,000 members and supporters who share our mission to protect wilderness and inspire Americans to care for our wild places. We thank the subcommittee for the opportunity to submit comments on the Fiscal Year 2013 Department of the Interior and Related Agencies Appropriations Bill.

We understand that tough budgetary decisions will need to be made in upcoming years, however, when deciding on funding that affects hundreds of millions of Americans, we must take into account the full economic, social, environmental and cultural value of the many programs managed by this subcommittee. The Interior, Environment, and Related Agencies bill supports millions of jobs, improves our infrastructure, encourages economic investment in local communities, keeps our air breathable, our water clean and our wildlife and outdoor spaces protected, and in many ways makes our country unique and prosperous.

Visitation to our public lands represents a hugely critical part of part of regional economies across the nation. Spending by forest, refuge, park, and BLM land visitors alone is over $40 billion annually and sustains nearly 1 million full and part time jobs. In addition, conservation programs are pivotal to the success of the outdoor recreation industry, which contributes $730 billion annually to the economy while supporting nearly 6.5 million jobs across the country.

To invest in these critical programs that provide jobs, and protect the health and economic well being of local communities, we urge bold, immediate action in support of conservation funding for Fiscal Year 2013. Specifically, TWS recommends:

Land and Water Conservation Fund
LWCF remains the premier federal program to conserve our nation's land, water, historic, and recreation heritage. It is a critical tool to acquire inholdings, expand public lands, and protect national parks, national wildlife refuges, national forests, wild and scenic river corridors, national scenic and historic trails, the Bureau of Land Management lands, and other federal areas. The companion LWCF state grants program provides crucial support for state and local park acquisitions, recreational facilities, and trail corridors. LWCF also funds two other important state grant programs – the Forest Legacy Program and Cooperative Endangered Species programs – that ensure permanent conservation of important forest lands and threatened and endangered species' habitat.

- *TWS supports funding LWCF at the proposed $450 million*, a level which will support the program in continuing to assist land management agencies manage the public lands more efficiently and cost-effectively. This is achieved through strategic inholdings acquisition which reduces internal boundary line surveying, as well as right-of-way conflicts and special use permits. Also, LWCF investments in important wildlife and recreational habitat ensure

that public lands stay public for hunters, anglers, and other outdoor recreationists for generations to come.

BLM Onshore Oil and Gas Policy
The BLM is implementing important management reforms of its oil and gas program that should lead to a better balance between oil and gas development on public lands, and the protection of the many natural resource values that were put at risk by previous policies. The Administration has proposed the following reforms of the BLM's oil and gas program, which *TWS supports:*

- *A fee on onshore federal operators designed to bring in $10 million per year for the I & E program*
- *Continuation of the $6,500 APD fee first approved by Congress for FY 10*
- *A $4.00 per acre fee on non-producing onshore leases*
- *Repeal of Sec. 365 of EPACT which diverted lease rental revenues to fund the "Permit Streamlining Pilot Offices", and prohibited the BLM from charging APD fees (the latter provision in effect overridden by Congress in the FY 10 appropriations bill)*
- *Initiation of a new rule to raise royalty rates for federal onshore oil and gas leases, with a goal of raising oil and gas revenues by $1 billion over ten years (royalty rates under consideration are not discussed in the budget proposal, however)*

BLM Rapid Ecological Assessments
TWS supports completion of the BLM's initiative to develop Rapid Ecological Assessments. Once completed, these assessments will be of vital importance in assuring the BLM makes appropriate management decisions in conformance with its multiple-use mandate.

BLM Wilderness
The budget proposal of $18.568 million for wilderness management in the BLM is a strong proposal, but is still 6% lower than the FY '11 enacted level, the funding level necessary to ensure resource and visitor safety in the 221 wilderness areas managed by the BLM.

- *TWS urges Congress to support at least the $18.568 million in the FY13 budget.*

BLM's National Landscape Conservation System
The Bureau of Land Management's (BLM) National Landscape Conservation System (Conservation Lands) comprises some 27 million acres of congressionally and presidentially designated lands and waters, including National Monuments, National Conservation Areas, Wilderness, National Scenic and Historic Trails, and Wild and Scenic Rivers. Stewardship of the Conservation Lands' many units provides jobs for thousands of Americans while supporting vibrant and sustainable economies in surrounding communities. The Conservation Lands provide immeasurable public values from modest investments: outstanding recreational opportunities, wildlife habitat, clean water, wilderness, and open space near cities. We ask Congress to:

- *Support the Administration's FY 2013 proposal of $69.5 million to ensure the natural, cultural, and historical resource protection provided by the Conservation Lands for the American public.*
- *Restore the Challenge Cost Share Program at full funding of $19 million. This is a cross-cutting program within DOI, which provides a 1:1 match for volunteer activities.*

Renewable Energy

TWS is a strong proponent of transitioning our country to a sustainable energy economy by developing our renewable energy resources quickly and responsibly. We believe renewable energy is an appropriate use of the public lands when sited in areas screened for habitat, resource, or cultural conflicts. With the resources requested in the FY 2013 budget, TWS hopes the Department will continue to work to meet and exceed the President's goal of siting over 10 gigawatts of renewable energy on public lands by the end of this year through expedient environmental review, suitability screening, and energy zone identification to find suitable places for needed renewable energy projects. In particular, TWS urges Congress to:

- *Support the request for a $15.3 million increase for renewable energy programs across Interior from FY 12 enacted, bringing the FY 13 request to $86.5 million.*
- *Support the Department's request to fund BLM's renewable energy activity at $26.8 million, a $7.1 million increase from FY 12 enacted.*
- *Support the proposed increase of $3.7 million for the Fish and Wildlife Service to review and permit renewable energy projects.*

National Wildlife Refuge System Funding

The National Wildlife Refuge System is the world's finest network of protected lands and waters. Designed to conserve our fish and wildlife resources, refuges are located in every state and territory and provide enormous economic benefit for their local communities. Every year, the System attracts 45 million tourists, hunters, fishermen, and other recreationists, generating $1.7 billion in sales, sustaining nearly 27,000 jobs annually, and contributing over $185 million in tax revenue. The Refuge System has been under increasing fiscal strain, however, with an operations and maintenance backlog of over $3 billion.

- *We urge Congress to support the Refuge System by approving funding at the President's recommendation of $494.8 million.*

National Forest Restoration

TWS appreciates recent efforts to shift forest management priorities towards restoration. Programs like Legacy Roads and Trails and Collaborative Forest Landscape Restoration are key to ensuring restoration efforts are successful and Congress should continue to prioritize funding for these programs. For the past four years, the Legacy Roads program has provided an essential source of funding to simultaneously restore healthy watersheds and improve recreational access in the national forests by focusing on roads and trails where lack of maintenance threatens water quality and aquatic species. The success and broad bipartisan support for the Collaborative Forest Landscape Restoration program speaks for itself. We also look forward to the results of the 3-region test pilot for Integrated Resource Restoration (IRR). However, we do not recommend that the IRR pilot program be expanded until the test regions have had several years to prove that IRR can create improved restoration outcomes without a loss of program transparency and accountability. To achieve forest restoration goals in FY 13, TWS recommends that Congress:

- *Fully fund the Collaborative Forest Landscape Restoration Program at $40 million;*
- *Partially restore Legacy Roads and Trails funding by providing $75 million.*
- *Continue the Integrated Resource Restoration (IRR) as a 3-region pilot program, and work closely with the Forest Service and stakeholders to ensure transparency and accountability for the activities and outcomes of the pilot program.*

National Forest Wilderness and Recreation

America's National Wilderness Preservation System is an international model for land conservation. Yet our wilderness areas are suffering from a lack of funding. Trail maintenance, law enforcement, monitoring, and user education are all significantly underfunded, leading to an erosion of wilderness values and a diminution of the experience for wilderness visitors. Without adequate resources, our wilderness areas and the recreation opportunities they provide will continue to suffer. In order to stretch limited dollars in the face of growing needs, the Recreation, Heritage and Wilderness program has grown increasingly reliant on partnerships to accomplish work. While beneficial in terms of leveraging funds and community outreach, this has the side effect of making the program particularly vulnerable to budget cuts.

- *We urge Congress to support wilderness and recreation by retaining FY12 funding levels of $281.2 million for the Recreation, Heritage and Wilderness Program.*

National Forest Trails

The Forest Service trails system serves Americans with over 50 million visitor days of cross-country skiing, hiking, horseback riding, mountain biking, and off-road vehicle use each year. The National Forest System is responsible for 153,000 miles of trails, but only 21 percent are currently maintained to standard. The trail maintenance backlog had reached $296 million as of FY 2010, and the backlog continues to grow despite the fact that the trails program leverages thousands of hours of trail work from volunteers and youth organizations each year. The miles of trails have grown 56.9% since 1977 to accommodate the 376% growth in annual visitor-days on the trail system. However, the trails maintenance and reconstruction budget line item has remained flat since the 1980 increasing only 1.75% after adjusting for inflation. In addition, the lack of sufficient funds to maintain trails to standard continues to leave trails closed or unsafe for visitors, and creates avoidable environmental degradation that is costly to undo. Despite these tremendous and growing needs, in FY12 the trails budget was cut 4% to $81.982 million.

- *The FY13 President's Budget proposes a negligible increase to $81.985 million, and we strongly recommend Congress support at least that level of funding, but consider increasing it in light of the direct impact this program has on millions of Americans' recreational experiences.*

Council on Environmental Quality

CEQ serves as the principal environmental policy advisor to the President. CEQ has broad statutory responsibilities for advising the President in the development of environmental policies and legislation; assessing and reporting trends in environmental quality and recommending appropriate response strategies; and overseeing implementation of NEPA. Additionally, CEQ has a lead role in facilitating the development and permitting of utility-scale renewable energy projects – projects which will reduce foreign energy dependence and create jobs. CEQ's staff ranged from 50-70 in the 1970s and '80s, but it is currently staffed by only 24 FTEs.

- *Additional resources will enhance CEQ's ability to continue its mission of protecting the public health, safety, and environmental quality of our communities by implementing our Nation's environmental policies.*

Landscape Level Science and Conservation

TWS supports the budget request for funding Cooperative Landscape Conservation and Adaptive Science at $33.1 million, an increase of $856,000. This funding supports the operations of 14 Landscape Conservation Cooperatives.

Mr. LATOURETTE. Well, thank you. And I will make certain I convey to Mr. Simpson your observations.

Mr. MORAN. He is quite an athlete, too. Did you read his bio?

Mr. LATOURETTE. No. What does he do?

Mr. MORAN. Oh, he is a mountain climber. Were you not at the Olympic level or something? Tell us a little, just real quickly——

Mr. BROOKS. I do not want to kill any rumors that are circulating but I was not an Olympic athlete. I do serve on the Board of the American Alpine Club and have traveled the world climbing.

Mr. LATOURETTE. What the heck are you reading?

Mr. MORAN. It was pretty impressive. Maybe it was just saying that he might have been up there, but it was pretty good.

Mr. BROOKS. And I also went to school on a soccer scholarship as well.

Mr. LATOURETTE. Well, there you go. That must be it.

I said your name was Knadle. Is that right or is that——

Mr. KNADLE. That is correct.

Mr. LATOURETTE. All right. Well, then, Mr. Knadle.

WEDNESDAY, MARCH 21, 2012.

NATIONAL FISH AND WILDLIFE FOUNDATION

WITNESS

GREG KNADLE

Mr. KNADLE. I am Greg Knadle, Vice President for Government Affairs, National Fish and Wildlife Foundation. It is very nice to be sitting on this side of the table as opposed to that side of the table where I used to sit.

First of all, I want to say thank you to both you, Mr. LaTourette and Mr. Moran and your staff, on 2012, not just the Foundation's number but that bill in the end was very good considering where it started. And it took a lot of hard work on you guys' behalf and I appreciate that. And I think the community appreciates that more than you know.

Mr. MORAN. And especially Mike Simpson——

Mr. KNADLE. Absolutely.

Mr. MORAN [continuing]. You would not be the first man to say that but——

Mr. KNADLE. Absolutely.

Mr. MORAN [continuing]. Mike was terrific and, you know, we should thank him.

Mr. KNADLE. Absolutely. And Brad here mentioned some numbers from an economic study. That actually was a study that the National Fish and Wildlife Foundation commissioned. We took a very conservative look at the existing data on how outdoor recreation, conservation, and historic preservation, what their impact on the economy is. Very conservatively, the roughly $23 billion of federal investments in those programs—most of which are in the Interior bill—produce a $1 trillion economy, 9.4 million jobs, and more than $100 billion in federal, state, and local tax revenue of which 55 billion is federal revenue. Twenty-three billion investment, 55 billion return. That was the National Fish and Wildlife Foundation

study. We are actually doing phase two of that study right now to fill in the gaps and have it be a more accurate, complete number. It is accurate; it just does not include everything.

The Foundation hit a milestone this year. Over 27 years, we took $576 million in federal funds and we now hit $2 billion in on-the-ground conservation. We did it with less than 5 percent overhead to the government and fewer than 100 staff. So we consider that quite a milestone. We are here to request the President's request for our appropriation. That is $7.5 million in Fish and Wildlife Service, $3 million in Forest Service, and $3 million in BLM. That money is the seed money that allows us to go out and get corporate money, get private money, get additional state money and federal money, pull those together, get all the partners around the table, and put it on the ground for conservation.

Last year, that appropriation of $13.5 million, we actually generated $130 million in conservation that we put out on the ground. That includes grantee match; that is everything. So I think that is quite a substantial return on investment.

Now, I am glad both of you are here because we also enter into cooperative agreements with agencies, one of which is the EPA. One of our biggest partners is the Environmental Protection Agency, and two of the programs we run for them—one is in the Chesapeake Bay and it is the Nutrient Sediment Reduction Grants and Small Watershed Grants, $8 million and $2 million respectively. At least that was last year's level. And then we run about $10 million in Great Lakes money to reduce invasive species, to improve water quality, et cetera. So we are really happy to be working with the EPA on those programs and we will continue to keep your staff up to date on the details and how that is going.

Lastly, I just want to mention that our reauthorization bill has been introduced in the Senate. It is a bipartisan bill widely supported, noncontroversial. The only reason it has not been marked up yet is because it got bumped by the transportation bill in the Senate. We hope to be marked up in the near future, and when it gets over here to the House side, we hope for your support.

Again, thank you for all you have done and we look forward to working with you.

[The statement of Greg Knadle follows:]

TESTIMONY OF GREG KNADLE, VICE PRESIDENT, GOVERNMENT RELATIONS
NATIONAL FISH AND WILDLIFE FOUNDATION
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES REGARDING
FY 2013 BUDGET FOR THE U.S. FISH AND WILDLIFE SERVICE, BUREAU OF LAND MANAGEMENT AND FOREST SERVICE

Mr. Chairman and Members of the Subcommittee:

Thank you for the opportunity to submit testimony regarding FY 2013 funding for the National Fish and Wildlife Foundation (NFWF). **NFWF's FY 2013 appropriations request will be matched dollar for dollar with non-federal funds to conserve fish, wildlife and their habitats through local partnerships.**

We believe that NFWF is a sound investment in a time of constrained budgets because of our proven track record and statutory requirement to leverage federal funding with private contributions to maximize conservation benefit. We appreciate the Subcommittee's past support and respectfully request your approval of funding at the following levels:

- **$ 7.525 million through the U.S. Fish and Wildlife Service's Resource Management General Administration appropriation;**
- **$ 3 million through the Bureau of Land Management's Management of Lands and Resources appropriation; and**
- **$ 3 million through the Forest Service's National Forest System appropriation.**

Since its inception, NFWF has leveraged nearly $576 million in federal funds into $2 billion in on-the-ground and in-the-water conservation with less than 5% aggregate overhead to the federal government and fewer than 100 staff nationwide.

NFWF was established by Congress in 1984 to catalyze private investments to conserve fish, wildlife and their habitats. NFWF is required by law to match each federally-appropriated dollar with a minimum of one non-federal dollar. We consistently exceed this requirement by leveraging federal funds at a 3:1 average ratio while building consensus and emphasizing accountability, measurable results, and sustainable conservation outcomes.

The goal of NFWF is to ensure abundant wildlife species in order to allow the economic health of our nation to continue. The key elements of our approach include: (1) leverage, (2) efficiency, (3) partnerships, (4) transparency, and (5) measurable outcomes.

A positive example of this approach is our ongoing response to the 2010 Deepwater Horizon oil spill. As you know, NFWF took immediate action following the oil spill to help protect the species most at risk. NFWF's long-standing relationships with federal and state agencies, scientists, and on-the-ground conservation organizations were invaluable in assessing local wildlife needs and shaping effective responses. In the first phase of its Gulf response, NFWF invested in 22 projects which are now delivering results in Louisiana, Mississippi, Alabama, Florida and Texas. This first phase of projects was financed using $8.8 million from the Recovered Oil Fund for Wildlife, established by BP with proceeds from the sale of oil recovered

from the spill site, as well as a $2.25 million commitment from Walmart. Since then, NFWF has invested an additional $14.1 million from the Recovered Oil Fund for Wildlife and other sources — $22.9 million total — to bolster populations of species affected by the spill in advance of formal restoration efforts. These investments have helped to pilot cost-effective conservation approaches and build capacity in the region to sustain conservation outcomes. With our federal and private partners, more than 500,000 acres of coastal of freshwater wetland habitat was established to benefit a variety of migratory birds. Other investments have increased the number of sea turtle hatchlings by over 100,000 and are ensuring the survival of an additional 800-1,000 adult and juvenile sea turtles annually.

NFWF Partnerships

With the Subcommittee's support, FY 2013 funds will support our long-standing partnerships and new initiatives with the U.S. Fish and Wildlife Service (FWS), Bureau of Land Management (BLM), and Forest Service (FS). Some of our priority initiatives for FY 2013 are described below.

Chesapeake Bay, Great Lakes, and Long Island Sound: Watershed health plays an important role in fish and wildlife conservation and has been a feature of NFWF's grantmaking since establishing our partnership with the Environmental Protection Agency (EPA) in 1998. In the last decade, NFWF has formed strategic public-private partnerships to restore and protect fish and wildlife habitat while improving water quality in the Chesapeake Bay, Great Lakes, and Long Island Sound. Federal partners in the programs include EPA, Department of Interior agencies, Forest Service, USDA's Natural Resources Conservation Service, NOAA, and others. NFWF leverages various federal funds for these partnerships but, more importantly, has attracted private contributions from corporations and other private foundations. Through these partnerships, federal agencies are able to leverage resources with NFWF's corporate sponsors to increase the impact any one of them could have alone. NFWF's watershed grant programs continued positive results in 2011 with priority project requests far exceeding available funds.

Path of the Pronghorn: In 2009, NFWF and our partners identified the Green River Basin of Wyoming (Basin) as a priority area for coordinated conservation efforts. The Basin supports significant populations of sage grouse, mule deer, pronghorn and elk. These species are threatened by habitat fragmentation, subdivision, fencing across key migration corridors, increased mortality along local roads and highways, and conflicts with expanding energy development on their wintering range. In partnership with FWS, BLM, USDA's Natural Resources Conservation Service, Walmart and the Turner Foundation, NFWF has focused its grants to address these threats including improvements to fencing so that pronghorn and other wildlife can migrate more easily, reducing the effects of roads on wildlife, and protecting key parcels where subdivision and development threaten the entire migration corridor. With NFWF support, 121 miles of barbed-wire fencing has been modified to enable movement through the corridor by pronghorn, 23,000 acres of habitat is now protected through voluntary conservation easements and the State of Wyoming is constructing state-of-the-art highway crossings for wildlife. Success in this region is being used as a model to develop other wildlife corridor initiatives in the Northern Rockies.

Jobs and Economic Benefits from Conservation Investments

In 2011, NFWF commissioned a report by Southwick Associates that revealed that investments in natural resource conservation have a strong positive impact on local jobs and economies. The report examines existing data on the economic value of natural resource conservation, outdoor recreation and historic preservation. It calculates the total U.S. economic impact of these three areas as $1.06 trillion dollars. This includes 9.4 million jobs and $107 billion in federal, state and local tax revenues.

NFWF Reauthorization

The National Fish and Wildlife Foundation Reauthorization Act (S. 1494) was introduced in August 2011 with strong bipartisan support. S. 1494 renews NFWF's direct appropriations authorization level of $30 million for an additional five years. The $30 million authorization includes $20 million annually through the Department of the Interior; $5 million annually through the U.S. Department of Agriculture (USDA); and $5 million annually through the Department of Commerce. S. 1494 affirms the original purposes of NFWF and strengthens NFWF's ability to raise private dollars, work with federal agencies more effectively, reduce bureaucratic burdens, and maximize conservation outcomes. Importantly, S. 1494 will ensure NFWF's ability to save money for the federal government through efficient grant administration, effective collaboration, and significant leverage through private sector contributions.

S. 1494 is sponsored by Chairwoman Boxer and includes the following co-sponsors: Baucus (D-MT), Bingaman (D-NM), Cardin (D-MD), Cochran (R-MS), Collins (R-ME), Murkowski (R-AK), Roberts (R-KS), Snowe (R-ME), Tester (MT), Thune (R-SD), Udall (D-NM), and Whitehouse (D-RI). A legislative hearing by the Senate Committee on Environment and Public Works is expected in March 2012. A companion bill in the House of Representatives is pending.

Conclusion

For nearly three decades, NFWF has been at the forefront of national conservation activity. With our partners, NFWF has contributed to some of the nation's most important conservation programs, invested millions in worthy and successful projects, and spearheaded programs to conserve our nation's most treasured natural resources. We have a successful model of coordinating and leveraging federal funds and attracting support from the private sector to address the most significant threats to fish and wildlife populations and their habitats. NFWF currently has partnerships with 14 federal agencies and more than 50 corporations and private foundations.

Meaningful and measurable outcomes, evaluation, and accountability are NFWF's building blocks to ensure maximum conservation impact. We are working directly with the federal agencies and our other partners to maximize results and produce sustainable conservation outcomes. To that end, the Foundation is incorporating monitoring and evaluation into our programs to measure progress, promote adaptive management, demonstrate results, and continuously learn from project investments. We look forward to building on our partnerships with FWS, BLM and FS in FY 2013 and appreciate the Subcommittee's continued support of these collaborative efforts.

Background on National Fish and Wildlife Foundation

As of FY 2011, the Foundation has awarded over 11,600 grants to national and community-based organizations through successful partnerships with the Department of Interior Agencies, USDA's Forest Service and Natural Resources Conservation Service, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and others. This collaborative model brings together multiple federal agencies with state, tribal and local governments and private organizations to implement coordinated conservation strategies in all 50 states.

We work directly with federal and state agencies and our other partners to measure progress, promote adaptive management, demonstrate results, and continuously learn from project investments. NFWF's grant-making involves a thorough internal and external review process. Peer reviews involve federal and state agencies, affected industry, non-profit organizations, and academics. Grants are reviewed by the NFWF's science and evaluation team before being recommended to the Board of Directors for approval. By law, Congressional offices are notified 30 days in advance of any grant that will be given out in their district or state that includes more than $10,000 in federal funds.

Mr. Chairman, we greatly appreciate your continued support and hope the Subcommittee will approve funding for the Foundation in FY 2013.

Mr. LATOURETTE. Well, thank you very much to all of you for your testimony.

And were you an Olympic athlete?

Mr. KNADLE. As you can tell, I am a world-class athlete.

Mr. LATOURETTE. Just checking. And Mr. Brooks, you could do a lot to defend wildlife if you just got Boise State to change the color of their football fields so the birds did not——

Mr. BROOKS. I am working on it, Congressman.

Mr. LATOURETTE. Thank you. I appreciate that very much.

I did have just one thing for Ms. Beetham, the pesticide piece that you were talking about.

Ms. BEETHAM. Um-hum.

Mr. LATOURETTE. We had Administrator Jackson in here maybe a month ago and we got a big problem—thankfully, not in Cleveland—but in Ohio with bedbugs. We talked about where they are going to go with their pesticide rules and so forth and so on, but the anomaly to me is they have discretionary authority, if they choose, to regulate things that do not fall within the pesticide category. What we are finding is that all of these snake oil salesmen are popping up on the radio and they are saying if you buy this for 35 bucks, it is going to solve your bedbug problem and it does not do anything. I think it is a rip-off to the consumers. Down in Cincinnati, it was isopropyl alcohol and the apartment burned down, a whole family is out of—so anything you can do in your pesticide work with the Administrator and have her exercise her discretionary authority to protect consumers by the same time she is dealing with the protocols for pesticides would be greatly appreciated.

Ms. BEETHAM. Okay.

Mr. LATOURETTE. Thanks.

Ms. BEETHAM. Thank you.

Mr. LATOURETTE. Well, thank you very much.

And Jim?

Mr. MORAN. I am all set for witnesses. Nice to see you again, Greg.

Mr. LATOURETTE. Well, thanks for coming. Appreciate it.

Our fourth panel this afternoon will be John Calvelli, who is with the Wildlife Conservation Society; Christy Plumer, who is with the Nature Conservancy; Reid——

Mr. HAUGHEY. Haughey.

Mr. LATOURETTE [continuing]. Haughey. Thank you, Reid. Reid Haughey, the Wilderness Land Trust; Terra Rentz from the Wildlife Society; and Kevin Boling from the Land and Water Conservation Fund Coalition.

Well, again, thank all of you for coming. The rules are the same, the lights are the same, and, again, we appreciate your patience while we went off and voted. But welcome, and we look forward to hearing from you.

Mr. Calvelli, you are first.

WEDNESDAY, MARCH 21, 2012.

WILDLIFE CONSERVATION SOCIETY

WITNESS

JOHN F. CALVELLI

Mr. CALVELLI. Good afternoon, Mr. LaTourette and Ranking Member Moran. Thank you for the opportunity to testify again. My name is John Calvelli. I am the executive vice president of Public Affairs at the Wildlife Conservation Society. WCS was founded in 1895 through the efforts of Teddy Roosevelt with the mission of saving wildlife and wild places across the globe. Today, WCS manages the largest network of urban wildlife parks in the United States led by our flagship, the Bronx Zoo. And our fieldwork helps address threats to over 25 percent of the Earth's biodiversity in more than 60 countries around the world.

WCS requests maintain fiscal year 2012 levels for the Forest Service International Program and supports the President's fiscal year 2013 request for Fish and Wildlife Service's Multinational Species Conservation Fund. Today, I would like to share stories about the U.S. investment in global conservation through these programs, specifically, help improve governance and conserve our planet's natural wealth.

We are experiencing a crisis. The illegal trade in wildlife and timber is booming across Africa and Asia. Criminalized syndicates often also trading in narcotics and weapons are systematically capturing and killing wildlife to sell on the black market. CRS estimates that illegal wildlife trade is valued at approximately $20 billion a year, making it the third-largest illegal trade globally. This industry is fueled by demand from countries like China and the United States for exotic pets and goods such as bushmeat, ivory, pelts, and traditional medicines. And now with the internet, the illegal trade in wildlife and plant products can reach more buyers than ever before. Two U.S. agencies are combating these illicit activities: the Fish and Wildlife Service and the Forest Service International Program.

In Sumatra, about 50 tigers were killed each year between 1998 and 2002 to benefit illegal trade in East Asia. The number is significant as around 400 Sumatran tigers remain in the wild. In Chad, elephants of Zakouma National Park went from 3,800 to 542. This 86 percent reduction was due to killing at the hands of organized poaching groups of Chadian origin. That killing trend has been halted by the creation of African parks and WCS' work over the past 2 years. Unfortunately, there is a similar crisis underway currently in Cameroon.

This is not just the case with wildlife. Illegal timber trade is directly impacting American economic interests. For example, industry reports estimate that U.S. roundwood, sawn wood, and panel exports could increase by approximately $460 million each year if illegal logging was eliminated.

Despite these alarming examples, all hope is not lost. With support from the Fish and Wildlife Service and the Forest Service International Programs, WCS' work with local governments to

build capacity and to improve governance in order to combat the illegal wildlife trade.

I will give one example. In 2010, I visited Zambia's Luangwa Valley where WCS helped establish community markets for conservation, or COMACO, to combat extreme impacts of poaching and food insecurity. The purpose of COMACO is simple. By providing families with alternative sustainable livelihoods, poaching will be significantly reduced and wildlife will be preserved. COMACO now supports 47,000 farming families, many of whom have seen their annual income more than double. The sale of COMACO, its wild organic brand of food products developed with the assistance of General Mills, has injected more than $1.3 million into the rural economy, and surveys indicate that 30 percent of wildlife species have significantly increased the number with others stable or showing a positive trend. This effort began with a small grant from the African Elephant Conservation Fund, one of the Multinational Species Conservation Funds.

More than 100 years ago, President Teddy Roosevelt understood the importance of preserving and protecting our natural heritage for future generations. He also realized this required the United States to lead this effort globally to ensure success. We look forward to working with you and all of our partners in government to ensure that our Nation continues to be a global leader in conservation.

Thank you for the opportunity to testify.

[The statement of John Calvelli follows:]

Testimony of John F. Calvelli
Executive Vice President, Public Affairs, Wildlife Conservation Society
Submitted to House Appropriations Subcommittee on Interior, Environment & Related Agencies
March 21, 2012

Chairman Simpson, Ranking Member Moran, Members of the Subcommittee: Thank you for the opportunity to submit testimony on FY13 Interior, Environment and Related Agencies Appropriations Act. My name is John F. Calvelli, Executive Vice President of Public Affairs with the Wildlife Conservation Society (WCS), which was founded with the help of Theodore Roosevelt in 1895 with the mission of saving wildlife and wild places worldwide. Today WCS manages the largest network of urban wildlife parks in the United States led by our flagship the Bronx Zoo. WCS helps address threats to over 25 percent of Earth's biodiversity in 60 countries around the world, employing more than 4,000 full-time staff including 170 Ph.D. scientists and 100 veterinarians, while generating $414 million in economic activity annually.

The American conservation tradition is based on promoting sustainable use of our natural resources in order to preserve the world's species and environment for future generations. In recognition of the current fiscal constraints, it is important to note that effective natural resources management and conservation can have indirect benefits as well, including contributing to local economies and building capacity in developing countries. The Department of the Interior (DOI) reports that, in 2010, 476 million people visited national parks, refuges and public lands, contributing an estimated $47 billion in economic activity and supporting 388,000 jobs. Additionally, revenues generated by the DOI continue to exceed its annual appropriation. In 2011, DOI revenues reached $13.2 billion in contrast to the FY11 enacted funding for DOI of $11.8 billion.

On a global level, by supporting conservation, the U.S. is increasing capacity and governance in developing nations and supporting sustainable industries at home and abroad. For example, the U.S. Forest Service (USFS) and U.S. Fish and Wildlife Service (FWS) are working to combat illegal trade in wildlife and plants, which not only devastates the impacted species around the world, but also undercuts the success of legitimate U.S. industries. It is estimated that the flow of illegal timber into the global marketplace alone results in the loss of approximately $1 billion annually to U.S. forest industries as American businesses are undersold by the cheaper illegal supply. Additionally, with support from FWS, WCS trains eco-guards and park rangers to combat poaching and the illegal wildlife trade in high conflict nations, like the Democratic Republic of Congo and Chad. The illegal trade in wildlife and wildlife products spreads diseases and is often affiliated with criminal networks trading drugs and weapons. WCS has also established Wildlife Crime Units comprising of informants that assist in alerting law enforcement authorities of potential criminal activity. Eco-guards and Wildlife Crime Units are often first steps to expanding governance in these countries and play a critical role in protecting imperiled species. This testimony will highlight both domestic and international programs at DOI and the Department of Agriculture (USDA) that are shaping the future of conservation.

America's Great Outdoors (AGO): WCS is pleased with the Administration's agenda to protect and effectively manage our natural areas by encouraging American citizens, community groups, and all levels of government to share a leadership role in preserving our natural heritage. Facilitating coordination of natural resource management across a variety of federal agencies, along with states and the private sector, allows for more efficient use of limited financial resources and greater integration of strategies across actors ensuring better leverage of

implementation activities and actions. WCS appreciates the inclusion of the Crown of the Continent eco-region as an AGO priority landscape. WCS has been actively working in this ten-million-acre region, which is still home to nearly all of North America's large mammals, to identify the highest-quality habitat for sensitive species, like lynx, elk and mountain goats. WCS also supports the AGO Initiative's emphasis on landscape-scale conservation promoting landscape connectivity and the protection of wildlife corridors. This connectivity is particularly important for some of the wide-ranging species that are conservation priorities for WCS, such as the wolverine, Pronghorn antelope, and grizzly bear. WCS supports the President's FY13 budget request of $33.1 million for Cooperative Landscape Conservation and Adaptive Science, which will apply landscape-scale conservation science partnerships and facilitate the production and dissemination of data and tools. This facilitation is integral to developing regional strategies for preserving wildlife corridors and promoting habitat connectivity.

National Park Service Director's Call to Action Initiative: WCS applauds the NPS Director's "Call to Action," which, among other things, sets the goal of restoring and sustaining three wild bison herds to native landscapes by 2016 (Action 26). In 1905, Theodore Roosevelt and WCS's William Hornaday established the American Bison Society (ABS), which succeeded in bringing bison back from the brink of extinction. ABS efforts included the relocation of bison from the Bronx Zoo to federally established herds, like Wind Cave National Park and Wichita Mountains Wildlife Refuge. WCS is working toward the ecological restoration of bison, which will allow bison to fully interact with the many native species and ecological systems across their range.. Bison continue to sustain and provide cultural value to Native Americans and Indian Tribes. Over 60 tribes are working to restore bison to over 1,000,000 acres of Indian lands in places like South Dakota, Oklahoma, New Mexico and Montana. Bison production on private ranches is in its strongest economic condition in more than a decade with herds located in all fifty states. The inclusion of bison in the NPS Director's Call to Action highlights the icon significance of bison in the U.S. and the need to further recognize the role of this animal in our national heritage.

U.S. Fish and Wildlife Service

State and Tribal Wildlife Grants Program (SWG): The State and Tribal Wildlife Grants program gives states and tribes funding to develop and implement comprehensive conservation plans to protect declining wildlife and habitats before protection under the Endangered Species Act is necessary. This important program is supported by more than 6,200 organizations that have formed a national bipartisan coalition called Teaming with Wildlife of which WCS is a steering committee member. WCS recommends Congress appropriate at least $61.3 million for State and Tribal Wildlife Grants to implement State Wildlife Action Plans. This funding level is consistent with the President's FY13 budget request. In helping to leverage these funds, WCS continues its highly successful conservation grant program with financial support from the Doris Duke Charitable Foundation. As of 2011, the grants, which require a 1:1 match, support non-profit conservation organizations managing applied, on-the-ground projects focused on implementing priority conservation actions for landscape scale resiliency. Priority is given to projects protecting areas of high biological value and designated as a high priority in a strategic habitat conservation plan. Since the grant program was established in 2006, WCS awarded more than $8.1 million for 87 wildlife conservation projects across 46 states, including funding the State of Idaho's work to protect wildlife corridors. In addition to the domestic investments by DOI, WCS supports the department's international programs that have a broad global impact. The remainder of my testimony will focus on international investments at DOI and USDA.

Multinational Species Conservation Fund (MSCF): Global priority species--such as tigers, rhinos, African and Asian elephants, great apes, and marine turtles--face constant danger. The U.S. has a legacy of leading international wildlife conservation efforts for these species and the MSCF program exemplifies this by being the only dedicated source for global species conservation by any government donor. MSCF programs have helped to sustain wildlife populations by controlling poaching, reducing human-wildlife conflict, and protecting essential habitat, while promoting U.S. economic and security interests in far reaching parts of the world. Despite their modest funding levels, these programs have an outsize impact because they consistently leverage three or four times as much in matching funds from corporations, conservation groups, and national governments making them highly efficient. For example, as a result of the Great Ape Conservation Fund, the first ever sentencing of an illegal Sumatran orangutan owner and trader took place in Sumatra, Indonesia in 2012. The seven-month prison sentence is only the third for Indonesia, despite orangutans being strictly protected under Indonesian law since 1924. Working in conjunction with WCS's Wildlife Crime Unit, the Indonesian government confiscated Julius, a three-year-old male orangutan, when his owner was trying to sell him. Julius is currently being cared for by the Sumatran Orangutan Conservation Programme, where he is socialized with other orangutans in an effort to prepare him for an eventual return to the forest. In July 2011, the government of Thailand arrested tiger poachers operating in the Western forest Complex, one of Thailand's most important protected areas and a critical landscape for tigers and other wildlife. The poachers, who had originally fled when confronted by rangers, left behind an abundance of evidence including animal body parts, insecticides used to poison tigers, and a cell phone containing incriminating images, like the individuals posing over a dead tiger. This capture was an achievement of the SMART patrol, a systematic, evidence-based adaptive management program designed to increase monitoring and enforcement in areas important to conservation. WCS receives funding from the Rhino-Tiger Conservation Fund to help train rangers in countries like Thailand on SMART patrol methods. WCS supports the President's FY13 budget request of $9.98 million for MSCF. Additionally, WCS requests that Congress ensure that proceeds raised from the sale of MSCF semipostal stamps are supplementary funds to annually appropriated funds pursuant to section 2(c)(1)(B) of the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Public Law 111-241).

Wildlife Without Borders Global and Regional Programs:. These programs are a great investment in addressing cross-cutting threats to ecosystems and wildlife such as disease outbreaks, human-wildlife conflict, and the bushmeat trade. Wildlife Without Borders (WWB) is making lasting impacts through capacity building, technical support and training, local community education and citizen science. Created in 2010, the WWB Critically Endangered Species Conservation Fund has provided over $570,000 in grants to protect the most imperiled species on the planet. A portion of this funding is helping to expand a successful WCS project in the Patagonian steppe of Argentina designed to prevent human-wildlife conflict between goat herders and the extremely rare Andean cat. When a goat has recently given birth, a puppy is purchased and given to the herder. The puppy is taught to nurse from the mother goat alongside the kid, imprinting the puppy and resulting in social bonds. By adulthood, this "guard dog" becomes the goat herd's greatest protector, fending off carnivore predators, such as the Andean cat. Since acquiring the guard dogs, participating families have had no goats killed, resulting in herding livelihoods being protected and fewer retribution killings against these critically endangered cats. In FY13, WCS recommends funding the Wildlife Without Borders Global and Regional Programs commensurate with the FY12 appropriated level of $6.2 million.

U.S. Forest Service, International Program
The Forest Service International Program (FSIP) levels the playing field in international trade for U.S. timber producers and reduces illegal logging by providing specialized experience. This improves the sustainability and legality of timber management overseas, which translates to less underpriced timber on the world market. FSIP, through partnerships with USAID and the U.S. Department of State, helps to improve the resource management in countries of strategic importance to U.S. security. Resource scarcity and unregulated extraction of natural resources—whether it be water, food, timber, or minerals—has tremendous potential to stimulate unrest and corruption, both of which undermine democracy, rule of law and stability. FSIP is supporting a Pamir Trans-boundary initiative between Tajikistan, Afghanistan, Pakistan and China to help facilitate management of the region's biodiversity and the impact of wildlife diseases, encourage sustainable economic development and ecotourism, and promote diplomacy and cooperation. Conservation in the Pamir Mountains directly impacts its two endangered flagship species—the Marco Polo sheep and snow leopard—and the human communities that reside in this strategically important region of central Asia. FSIP has increasingly leveraged modest funding from Congress to make a big impact for the U.S. taxpayer. For every federal dollar invested in FSIP, four additional dollars is leveraged in matching funds and other contributions from partners. The FY13 President's Budget request reduces funding for this vital program to $4 million. Restoring support for this program to FY12 enacted levels of $8 million is needed to sustain and enhance these important activities.

U.S. National Park Service, International Program
In 1961, the U.S. government initiated its first international conservation program with the creation of the Office of International Affairs (OIA). Since then, this office has facilitated technical assistance and exchange projects with counterpart agencies globally building on the legacy of American leadership in national parks management. OIA is also the managing agency for World Heritage Sites located in the United States. Thanks to this program, NPS is working on collaborative areas of trans-frontier concern, including at the Beringia Shared Heritage Initiative, and providing technical support to the US – Russia bilateral environment working group led by the U.S. State Department, which WCS has been involved with as part of our ongoing conservation efforts in Arctic Alaska. The international work conducted by NPS is not only about helping other countries protect their parks and heritage. It is about bringing home best practices and learning from international engagement that could benefit the American national park system. WCS recommends $1 million for this office in FY13 and encourages a strategic conversation with stakeholders that would draw on common objectives of parks and protected area management particularly in trans-frontier collaborative initiatives.

In conclusion, I appreciate the opportunity to share WCS's perspectives and make a case for increased investment in conservation in the FY13 Interior, EPA and Related Agencies Appropriations Act. Conservation of public lands is an American tradition and, as far back as 1909, Theodore Roosevelt recognized that the management of our natural resources requires coordination between all nations. Continued investment in conservation will reaffirm our global position as a conservation leader, while improving our economy and building capacity and good governance in developing countries. Thank you.

Mr. LATOURETTE. Thank you very much for your testimony. We appreciate it.

And Plummer or Plumer?

Ms. PLUMER. Plumer.

Mr. LATOURETTE. Plumer, okay. Got it. Thank you for being here. You are up.

WEDNESDAY, MARCH 21, 2012.

THE NATURE CONSERVANCY FISCAL

WITNESS

CHRISTY PLUMER

Ms. PLUMER. Thank you. My name is Christy Plumer. I am the director of Federal Land Programs for the Nature Conservancy. Thank you for this opportunity to testify on the Nature Conservancy's recommendations for the fiscal year 2013 House Interior, Environment, and Related Agencies Appropriations Bill.

The Nature Conservancy is an international nonprofit conservation organization working around the world to protect ecologically important lands and waters for nature and people. As we enter the fiscal year 2013 budget cycle and another year of this challenging physical environment, the Conservancy continues to recognize the need for fiscal austerity. The Conservancy wishes to thank the Subcommittee for the final fiscal year 2012 Consolidated Appropriations Act funding levels for the Department of Interior and U.S. Forest Service conservation programs.

As the Subcommittee begins to tackle another difficult budget cycle, the Conservancy stresses our concerns that wildlife and land conservation programs should not shoulder a disproportionate share of cuts in this budget. Our budget recommendations this year do not exceed the President's budget request except for a few instances where we recommend fiscal year 2012 funding levels.

Additionally, as a science-based and business-oriented organization, we believe strongly that the budget levels we support represent a prudent investment in our country's future based upon the tangible economic and society benefits natural resources provide to the American people.

The Conservancy supports the President's fiscal year 2013 budget request of $450 million for the Land and Water Conservation Fund with the aim of continuing to work toward full funding for this program. The President's America's Great Outdoors Initiative is the prominent focus in this annual LWCF budget and it includes several top-priority landscapes, including the Rocky Mountain Front/Crown of the Continent Conservation Area in Montana, Wyoming, and Idaho, as well as the Longleaf Pine Conservation Area in Florida, Georgia, and South Carolina.

This year, the Conservancy is specifically supporting 18 biologically rich LWCF project areas at a total of $94 million. The Conservancy is supporting $60 million for the Forest Legacy Program and the important partnership this program represents with the States to support public recreational access for hunting and fishing, to protect wildlife habitat for working forests, and to en-

hance outdoor experiences. The Conservancy enthusiastically supports $60 million for the Cooperative Endangered Species Conservation Fund. The Conservancy and its partners have used the Habitat Conservation Plan and Recovery Land Acquisition Programs to conserve key habitats for numerous threatened, endangered, and at-risk species to help avoid conflicts of ESA issues.

The Conservancy appreciates the Subcommittee's ongoing commitment to both the USGS-led Climate Science Centers, as well as the Department of Interior's Landscape Conservation Cooperatives, and efforts to ensure integration and coordination of these initiatives with existing efforts such as the Joint Ventures and the National Fish Habitat Partnerships. The Conservancy supports the Cooperative Alliance for Refuge Enhancement Coalition's request of $495 million for the Refuge System O&M. We also appreciate the Subcommittee's support for Collaborative Forest Landscape Restoration Program and demonstration of collaboratively developed forest restoration plans at a large scale. We recommend fiscal year 2012 funding be sustained for this program with $40 million to restore large forest landscapes.

We also appreciate the Subcommittee's ongoing support for the Hazardous Fuels Reduction Program to remove overgrown brush and trees through a variety of methods leaving the forest in a more natural condition that is resilient to wildfires. We believe it is essential to keep at least level funding for this program.

The Conservancy also strongly endorses sustainable funding levels for cooperative programs such as the State and Tribal Wildlife Assistance Program, NAWCA, Joint Ventures, Multinational Species, and other programs such as Partners for Fish and Wildlife and the National Fish Habitat Initiative. We look forward to working with you, Mr. LaTourette, Mr. Moran, and members of the subcommittee and full committee as you address the ongoing needs for conservation investments to sustain our Nation's heritage of natural resources. Thank you.

[The statement of Christy Plumer follows:]

The Nature Conservancy
Protecting nature. Preserving life.™

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Statement of The Nature Conservancy
Fiscal Year 2013 Interior, Environment and Related Agencies Appropriations
Committee on Appropriations, U.S. House of Representatives
March 21, 2012

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the Nature Conservancy's recommendations for Fiscal Year 2013 appropriations. My name is Christy Plumer and I am the Director of Federal Land Programs for the Conservancy. The Nature Conservancy is an international, non-profit conservation organization working around the world to protect ecologically important lands and waters for nature and people. Our mission is to conserve the lands and waters upon which all life depends.

As we enter the FY2013 Budget cycle and another year of this challenging fiscal environment, the Conservancy continues to recognize the need for fiscal austerity. The Conservancy also wishes to thank this Subcommittee for the final FY2012 Consolidated Appropriations Act funding levels for Department of Interior and U.S. Forest Service conservation programs. As this Subcommittee begins to tackle another difficult budget cycle, the Conservancy stresses our concerns that the wildlife and land conservation programs should not shoulder a disproportionate share of cuts in this budget. Our budget recommendations this year do not exceed the President's budget request except for a few instances in which we recommend FY2012 funding levels. Moreover, as a science-based and business-oriented organization, we believe strongly that the budget levels we support represent a prudent investment in our country's future that will reduce risks and ultimately save money based on the tangible economic, recreation and societal benefits natural resources provide each year to the American people. We look forward to working with you, Mr. Chairman, and Members of the Committee, as you address the ongoing needs for conservation investments to sustain our nation's heritage of natural resources that are also important to the economic vitality of communities across this country.

Land and Water Conservation Fund (LWCF). The Conservancy supports the President's FY2013 Budget request of $450 million for the Land and Water Conservation Fund with the aim of continuing to work toward full funding for the program. The President's America's Great Outdoors Initiative is the prominent focus of this annual LWCF Budget, and includes several top priority landscape conservation areas for the Conservancy including the Rocky Mountain Front/Crown of the Continent (MT/WY/ID) and Longleaf Pine Conservation Area (FL/GA/SC). This year, the Conservancy is specifically supporting 18 biologically rich land acquisition projects totaling $94.122 million. Some of our priorities include the continuing phased acquisition of the Montana Legacy Project, Florida's northern refuges (St. Marks and St. Vincent's), Silvio O. Conte NFWR within a four state integrated landscape, and Francis Marion NF in South Carolina. We are also pleased to support the Administration's proposals for investing in conservation easements on the working ranches of FL's Everglades Headwaters NWR & Conservation Area, KS's Flint Hills Legacy Conservation Area, ND and SD's Dakota Grasslands Conservation Area, and MT's Rocky Mountain Front Conservation Area. All of these projects exemplify landscape scale conservation through the cost effective means of conservation easements.

Forest Legacy. We support $60 million for this program, and specifically 3 projects – Pascagoula River Conservation Lands, Carter Mountain Working Forest Conservation Easement, and Discover Woods – totaling $7.41 million. We hope this year to complete the acquisition of these important lands that will provide recovery for wildlife habitat and rare species, public recreational access for hunting and fishing, and outdoor experiences for financially disadvantaged children and those with special needs.

Endangered Species. The Conservancy enthusiastically supports $60 million for the Cooperative Endangered Species Conservation Fund (CESCF). The Conservancy and its partners have used the Habitat Conservation Plan (HCP) and Recovery Land Acquisition Programs to conserve key habitat for numerous threatened, endangered and at-risk species and, thus, to help avoid conflicts over ESA issues. It has been an important catalyst for several local government-led HCPs that facilitate urban development and streamline permitting of essential transportation and energy infrastructure. In one part of Riverside County, CA, a single HCP has facilitated development of transportation infrastructure that alleviates congestion and creates jobs in this rapidly growing area. The plan facilitates development on over 700,000 acres through acquisition of 153,000 acres in new conservation lands. We also support continued endangered species funding for the Table Rocks Area, OR, to protect critical habitat for the threatened vernal pool fairy shrimp, and funding for the Upper Colorado River Endangered Fish Recovery Program, recovery funds for the San Juan River Basin Recovery Implementation Program, and fish hatchery needs associated with the recovery plans in this region.

Climate Change. Fish, wildlife, and their habitats are and will continue to be profoundly impacted by climate change, regardless of our successes in reducing greenhouse gas emissions. If we are to get out ahead of such change to avoid disastrous losses in critical habitat and the species that depend on that habitat, we must develop the place-based science to make informed, cost-effective management investments. The Conservancy appreciates the President's commitment to respond to the global climate challenge, and this Committee's sustained leadership in supporting cooperative, science-based programs to respond to the global climate challenge help ensure resilient land and seascapes. In particular, we welcome this Committee's ongoing commitment to both the USGS-led Climate Science Centers as well as DOI's Landscape Conservation Cooperatives, and efforts to ensure integration and coordination of these initiatives with existing efforts such as the Joint Ventures and National Fish Habitat Partnerships.

National Wildlife Refuge System. The Conservancy supports the Cooperative Alliance for Refuge Enhancement Coalition's request of $495 million for Refuge System O&M. This is the President's request and represents the funding necessary to maintain management capabilities for the Refuge System in FY13. It is an $8.3 million increase and takes into account the freeze on federal salaries.

Collaborative Forest Landscape Restoration. We appreciate the Committee's support for Collaborative Forest Landscape Restoration (CFLR) and demonstration of collaboratively-developed forest restoration plans at a large scale. We recommend FY12 funding be sustained for CFLR with $40 million to restore large forest landscapes, provide jobs that sustain rural economies, reduce the risk of damaging wildfire, address invasive species, improve wildlife habitat and decommission unused, damaging roads. We are monitoring many CFLR projects closely and are very encouraged by progress to date. We also recommend reauthorization of stewardship contracting, a vital tool for forest landscape restoration.

Wildland Fire Management. We appreciate the Committee's ongoing support for the Hazardous Fuels Reduction to remove overgrown brush and trees through a variety of methods, leaving the forest in a more natural condition that is resilient to wildfires. We believe it is essential to keep at least level funding for this program. Funding reductions will result in greater, more damaging wildfires and larger federal and state outlays for emergency wildfire suppression, with more damage to life, property, and natural resources. We note that fuels reduction also creates jobs: for every $1 million invested, approximately 16 full-time equivalent jobs are created or maintained, along with more than half a million in wages and over $2 million in overall economic activity. We urge you to repeat your instructions in the FY2012 conference report regarding allocation of hazardous fuels funding. Community protection is a vital goal of the hazardous fuels program and strategic treatment of natural wildland areas that supply water, wood, recreation, and wildlife habitat protects communities and the resources citizens are also essential. We note that the President's Budget for FY13 has a disturbing focus on protecting structures at the expense of wildland natural areas. Significant progress to protect communities and natural areas has been achieved since 2001 with a roughly equal allocation of funding between the wildland urban interface and wildlands. Shifting too much funding away from wildlands will forestall treatments in strategic forest locations where treatments may prevent mega-fires, and will allow fuels to regrow on acres already treated that need maintenance with controlled burns. We recommend $317 million for Hazardous Fuels Reduction in the Forest Service budget, with $76 million for wildland and $241 million for wildland urban interface, and $183 million for Hazardous Fuels Reduction in the Department of the Interior budget, with at least 25% allocated for treatment of wildlands necessary to achieve the conservation missions of the Fish and Wildlife Service, National Park Service and Bureau of Land Management.

Integrated Resource Restoration. We appreciate the Committee's work to create an Integrated Resource Restoration (IRR) pilot in the Consolidated Appropriations Act of 2012, allowing Forest Service Regions (Northern, Intermountain, and Southwestern) to test the integrated budget approach. The Conservancy has actively followed implementation of the pilot in the 3 regions and expects an increase in restoration outcomes to result. The Conservancy believes it is premature to take this pilot national, so we support continuation of the pilot for a second year. Important lessons will be learned from the pilot and this information is necessary if full implementation of IRR is to succeed.

Watershed Protection, Cooperative State Fire Assistance and Landscape Scale Restoration. Forest health problems and fire management are most effectively and efficiently addressed at large scales. The Nature Conservancy recommends support for watershed restoration and leveraging state funding to address wildfire risks and begin cooperative Landscape Scale Restoration. Our recommendations include funding at the FY12 enacted levels for Legacy Road and Trail Remediation, with $45 million for the National Forest System, $86 million for State Fire Assistance and $18 million for the new Landscape Scale Restoration program, to coordinate cost-effective investment in fuels treatments.

Forest Health Management. America's forests are threatened by a growing number of non-native pests and diseases. The Conservancy asks the Committee to maintain funding at the FY2012 enacted level, which totals $112 million. This funding is necessary to address effectively the most economically and ecologically damaging pests, including the Asian Longhorned Beetle, Emerald Ash Borer, Hemlock Woolly Adelgid, Sudden Oak Death, thousand-canker disease of walnut, and the goldspotted oak borer.

Forest Service Research Program. We support the President's request for the Forest Service Research program to maintain funding of research to improve detection and control methods for the Emerald Ash Borer, Hemlock Woolly Adelgid, goldspotted oak borer, thousand cankers disease, and other non-native forest pests and diseases.

State Wildlife Grants. The Conservancy endorses the Teaming with Wildlife Coalition's support for robust funding for this important program. Strong federal investments are essential to ensure strategic actions are undertaken by state and federal agencies and the conservation community to conserve wildlife populations and their habitats. We also support the Administration's request to maintain the current program match requirement of 65:35 to help fiscally-impacted states.

Migratory Bird, Joint Ventures and Fish Habitat Partnership Programs. The Committee has consistently provided vitally important investments for a number of migratory bird programs. Such investments are essential to reverse declines in bird populations through direct conservation action, monitoring and science. We urge the Committee to fund the President's request for such established and successful programs as NAWCA and the Joint Ventures, and the Migratory Bird Management Program. We support the President's request for the FWS Coastal Program and Partners for Fish and Wildlife Program and request strong funding this year for the National Fish Habitat Initiative, particularly in light of the recent Memorandum of Understanding announced between the Secretaries of Interior, Commerce and Agriculture in support of the Initiative.

International Programs. There are large unmet needs for international conservation. When well-managed, international conservation contributes much to human welfare in the developing countries and globally. Recognizing the current fiscal situation requires a measure of austerity, we support the President's FY13 request for the FWS' Multinational Species Conservation Funds, the international wildlife trade programs, and Wildlife Without Borders. These programs have already been cut and are currently below the FY10 enacted levels; further cuts would be very damaging. We also support a line item and funding for the U.S. Forest Service's International Programs at its FY12 enacted level of $8 million.

Environmental Protection Agency. TNC acknowledges that reductions in EPA's budget are necessary to support national deficit reduction. We believe the overall President's Budget request of $8.34 B for EPA, which represents a $105 M decrease from the FY12 enacted amount, is appropriate. However, Congress should remain mindful of the relatively small size of EPA's discretionary budget as it considers where additional budget cuts should occur government-wide. Congress should avoid disproportionate cuts to EPA's ecosystem-oriented water programs because those programs have such wide-reaching and beneficial impacts throughout the country. We also continue to support the allocation of sufficient funds for innovative strategic planning programs like the Healthy Watersheds Initiative, which embraces a whole-system planning approach to water resource management. This program should be endorsed as a means to enable Federal and state programs to protect and restore freshwater habitats at large scale through more bang-for-the-buck actions.

Thank you for the opportunity to present The Nature Conservancy's recommendations for the FY2013 Interior, Environment and Related Agencies Appropriations Bill.

Mr. LATOURETTE. Thank you very much for your time and testimony.

Mr. Haughey, we are ready for you.

WEDNESDAY, MARCH 21, 2012.

WILDERNESS LAND TRUST

WITNESS

REID HAUGHEY

Mr. HAUGHEY. Thank you. Mr. LaTourette, Mr. Moran, thank you for the opportunity to speak with you today. My name is Reid Haughey. I have the privilege of serving as the president of the Wilderness Land Trust. We are a small, focused non-profit. We work cooperatively with landowners who have property within designated and proposed wilderness areas to acquire their lands and make them part of the wilderness that surrounds them.

I am here in front of you today to thank you for your longstanding support for the in-holding accounts within the Land and Water Conservation Fund and specifically for the support last year in 2012 for those accounts and then to ask for that support yet again in this upcoming year.

We believe that an appropriation of between 3 and 5 million to each of the land management agencies within the Land and Water Conservation Fund will enable them to acquire the high priority wilderness in-holdings that are within the system from willing sellers when they become available. We are not asking Congress to undertake a new program, but we are asking that the support be there to continue to complete the wildernesses that have already been designated.

The fiscal year 2013 President's budget request does not include in-holding funding for the Forest Service. There is a new recreational access program that has been proposed. We are not here to comment on the merits of that program. It should be considered and funded as is appropriate, but we do not believe that it should be an either-or situation where in-holding accounts are cut in favor of that program. The in-holding accounts have a 50-year track record of success of completing projects that Congress has already undertaken through designation, treating landowners fairly and appropriately and furthering the mission of the wildernesses that have been preserved.

The consistent funding for the in-holding accounts is vital. Our experience has been over our 20-year history of work is that these properties become available about once a generation. So a large program is not called for but a small program that is consistently there is very important to be able to accomplish the mission that it was trying to do.

Since last year, when we came and spoke to the Committee, we have transferred a total of nine properties into federal ownership, and of those properties that were paid for out of the in-holding accounts, the average price of those properties was just under $77,000 a piece. These are small properties but they are vital to the lands that surround them. They are so vital to the lands that

surround them that many of the constituents who support these properties in that same year donated $3,500,000 worth of property in support of the program.

There is much more work to be done. There are roughly 400,000 acres of in-holdings within the designated wilderness across the United States. We need to keep this small program in place so that we can continue to work on that, continue to treat the landowners who own land within wilderness areas respectfully and meet their wishes and the promises that they were made that the Federal Government would be willing to buy the property when the time came for them to sell.

So in this upcoming year, the number of in-holders in a number of different States have approached us about acquiring their lands, and we hope to be back before you next year with stories of what funding was able to accomplish.

I appreciate your support and time.

[The statement of Reid Haughey follows:]

Testimony of:
Mr. Reid Haughey, President
The Wilderness Land Trust

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
March 21, 2012



Chairman Simpson, Ranking Member Moran and Members of the Subcommittee, my name is Reid Haughey and I am the President of the Wilderness Land Trust. We are a small not-for-profit organization focused on protecting designated wilderness by working cooperatively with landowners who own private property within designated and proposed wilderness areas. We acquire such properties from willing sellers with the intent to transfer ownership to the United States.

Last year our Board Chair, Jim Blomquist, testified that continued modest funding of the Inholding Accounts for the four land management agencies within the Land and Water Conservation Fund is vital to the success of securing and preserving wilderness designated by Congress, while treating private landowners within these areas fairly.

I am before you today to thank you for your support for such modest funding in 2012 and to ask for that support once again. An appropriation of between $3 and 5 million to each of the land management agencies, the Forest Service, the Bureau of Land Management, the Fish and Wildlife Service and the National Park Service, is sufficient to enable the agencies to acquire high priority inholdings from willing sellers.

We are not asking Congress to undertake a new acquisition program, or significantly expand federal ownership. We ask that Congress continue to complete the wilderness preservation it has undertaken, and to provide private landowners who wish to sell the opportunity to transfer their land within designated wilderness to public ownership.

The Fiscal Year 2013 President's Budget Request does not include funding for the Forest Service Critical Inholdings account, substituting a new Priority Recreational Access program. We are not here to comment on that program, except to say that it cannot take the place of the Inholdings Account which has a 50 year track record

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of proven success and a different focused mission. Any new program should be evaluated and considered as a project for Congress to review as a matter of course, not substituted within administrative accounts for a long-supported effort by Congress to complete the work it has already determined to undertake, through funding the inholding accounts.

Consistent funding for the inholding accounts is vital. Without consistent funding, numerous opportunities to acquire private parcels within designated wilderness areas and other congressionally identified areas worthy of protection will be lost, often for at least another generation.

We spoke with you last year about several critical acquisitions that could not have been completed without a commitment to inholding acquisition:

- The successful transfer to public ownership of the last remaining 640-acre private inholding in the Hells Canyon Wilderness of Arizona, which completed the wilderness, preserved the canyon for which it was named and ended 37 years of on and off litigation between the landowner and BLM over access;
- The completed acquisition of the trail trailhead and parking lot for the West Maroon Pass Trail, the most used trail segment in the wilderness system, which was built on private land the Forest Service assumed it owned, since it owned everything around it.
- The purchase by the Trust of three private properties in the newly designated Owyhee Wildernesses, which controlled the access to Little Jacks Creek Wilderness and the North Fork Owyhee Wilderness.

We have now completed and transferred the three properties in the Owyhees, creating a trailhead along the Mud Flat Road for Little Jacks Creek and securing the public's access to it and the North Fork Owyhee Wilderness. The Trust is now working with another landowner interested in selling the land they own that controls access to two more Owyhee Wilderness areas.

Since last year, a total of nine properties in five states, Arizona, California, Colorado, Idaho and Washington have been transferred to federal ownership by The Wilderness Land Trust. Other organizations have done additional work. The average purchase price of the four properties we transferred this past year that were paid for through the inholding accounts was $76,958 apiece. Pretty low. The support you showed for these transactions inspired the donation of just over $3.5 million of wilderness inholdings in the same period through our organization. This exemplifies the commitment of your constituents to the acquisition of wilderness inholdings and the fair treatment of inholding landowners.

There is more work to be done. Within the boundaries of our federally designated Wilderness Areas there remain more than 400,000 acres of privately owned land. While the Wilderness Act defines Wilderness Areas as places where "the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain," private landowners rightly retain their rights to build roads, homes and other buildings, extend utilities, and extract minerals and timber.

We have projects ready to go and queued up with the owners of inholdings within wilderness. Additional opportunities are emerging in the Owyhees Wilderness Areas and throughout the west. For example –

- The owners of several family owned mining claims and timber lands within designated wilderness in Washington State have approached us and want to sell their properties to be included in the wilderness that surrounds them.
- A 90 year old horseback rider who owns land in the Ventana Wilderness of California has decided to curtail her wilderness horsewomanship and sell her property deep within the Ventana.
- Deep in the Weminuche Wilderness of southwest Colorado are 160 acres of private land that has road access. The owner has decided to sell. We want to add it to the wilderness that surrounds it, rather than have it go to another owner who will simply continue to try to develop it and use the designated wilderness as a backdrop for his real estate scheme.

Additional owners in multiple States have approached us. If you fund the inholding accounts, we will be back next year with more stories of success completing already designated wilderness and helping those private landowners, who often feel trapped within designated wilderness, but were promised that their land would be purchased at a fair market price if they chose to sell.

In summary, continued consistent funding of the inholding accounts is vital. Without such funding, significant opportunities to acquire private parcels within our designated wilderness areas will be lost for at least another generation. We urge your support of funding for these account.

Thank you for the opportunity to testify. We greatly appreciate your time and consideration and the support of the Subcommittee in securing these appropriations. I am happy to answer any questions at this time.

Mr. LATOURETTE. Listen, we appreciate your testimony and your patience.

And Ms. Rentz, we are with you.

WEDNESDAY, MARCH 21, 2012.

THE WILDLIFE SOCIETY

WITNESS

TERRA RENTZ

Ms. RENTZ. Excellent, thank you. Well, good afternoon. I really appreciate the opportunity to testify here before you today. My name is Terra Rentz. I am the assistant director of Government Affairs for the Wildlife Society.

The Wildlife Society represents 11,000 professional wildlife biologists and managers across the U.S. and Canada who are dedicated to an excellence in wildlife stewardship through science and education, and I just want to talk to you briefly today about the Society's priorities for fiscal year 2013 and then refer you to my written testimony for a more detailed discussion.

While the Wildlife Society fully understands the limits of the current fiscal situation, I am sure as you all also agree, we feel that Congress has the responsibility to serve as stewards of our Nation's wildlife and natural resources and to ensure that the investments of our previous generation's for wildlife conservation are not squandered.

Our land and natural resource management agencies have built a strong foundation of responsible science-based wildlife management and conservation over the past century, and they need the resources necessary to sustain this work, particularly with increasing threats for invasive species, urban sprawl, and a changing climate. Within the U.S. Fish and Wildlife Service, the State and Tribal Wildlife Grants Program, which I know you are all very familiar with, is one of these key programs. It is the only federal program that supports States in preventing wildlife from becoming endangered, and it is also one of the primary programs supporting the implementation of the comprehensive wildlife conservation strategies or, as you know them, State Wildlife Action Plans. The Society recommends that Congress appropriate $70 million for the State and Tribal Wildlife Grants Program for 2013 and also support the continuation of a reduction in the nonfederal match requirements from 50 percent to 35 percent.

The National Wildlife Refuge System provides an invaluable network of lands for wildlife conservation, and many years of stagnant budgets have increased the operations and maintenance backlog for the system. Refuge visitors often show up and find visitor centers closed, hiking trails in disrepair, and habitat restoration programs eliminated. The need for the Wildlife Refuge System is well over $900 million, but as a member of CARE this year, the Cooperative Alliance for Refuge Enhancement, we recommend that Congress provide $495 million for the operations and maintenance of the National Wildlife Refuge System.

The Bureau of Land Management lands support over 3,000 wildlife species and more than 300 listed and proposed listed species and more than 1,300 sensitive plant species. However, the BLM currently only has one biologist for every 591,000 acres of land, and with rising costs for threatened and endangered species management continue to rise, this is an increasing concern. In addition, the Wildlife and Threatened and Endangered Species Management Programs have been forced to pay for the compliance activities of BLM's grazing, energy, and non-wildlife-related programs, eroding the ability to conduct proactive conservation activities on their lands. Given the underfunding of BLM's wildlife programs combined with the tremendous expansion of energy development across their lands, we recommend an appropriation of $55 million for BLM's Wildlife Management Program.

The Society appreciates the commitment of the BLM for addressing the problems associated with wild horse and burro management, and it is on this point that we would actually have to disagree with our colleagues at SPCA and AWI earlier today. This year, the President requested an increase of $2 million for research and development of contraception and population control. However, we at the Society are concerned about the BLM's emphasis on fertility control and do not support the addition of no-kill language in that bill. Horse are already above appropriate management levels, which is a term set by the BLM in most areas and have been that way for many, many years. And we believe that additional funding should be requested to correct the habitat damage that has occurred due to overpopulation of these animals. The requested $77 million for BLM should be provided if they continue removing excess horses from the range at a reasonable rate and if they focus additional resources on habitat restoration.

Within the U.S. Geological Survey, the Cooperative Fish and Wildlife Research Units provide technical assistance and consultation on natural resource issues, participate in education of graduate students, and provide continuing education for natural resource professionals. In fiscal year 2001, Congress fully funded these units allowing productivity to rise to record levels. Since then, though, budgetary shortfalls have resulted in current staffing vacancies of nearly one-quarter the professional workforce. To fill these vacancies and restore seriously eroded operational funds and enhance national program coordination, $22 million should be appropriated for the Cooperative Fish and Wildlife Research Units.

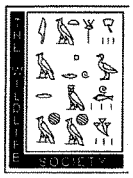
The Society appreciates the funding of $25.5 million fiscal year 2012 for the National Climate Change and Wildlife Science Centers. As these centers play a pivotal role in addressing the impacts of climate change on fish and wildlife by providing essential scientific support, and we recommend that Congress fund the centers at the requested $26.2 million.

And finally, in fiscal year 2011, the Forest Service combined several programs and budgets, including vegetation and watershed management, wildlife and fisheries habitat management, and forest products into a single integrated resource restoration activity budget. Our national forest and grasslands are essential to the conservation of our Nation's wildlife and habitat and as such, much like our colleagues at Defenders, we are concerned with this merg-

er because it makes accountability to stakeholders and to Congress more difficult. However, with these reservations noted, we urge Congress to support the request of $793 million for the Integrated Research Restoration Program.

And with that, I want to thank you for considering the recommendations of wildlife professionals and we at the Society are happy to provide you with any assistance.

[The statement of Terra Rentz follows:]



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9 March 2012

House Appropriations Subcommittee on Interior, Environment, and Related Agencies
B-308 Rayburn House Office Building
Washington, D.C. 20515

Testifying for The Wildlife Society on Public Witness Day:
Terra Rentz
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The Wildlife Society appreciates the opportunity to provide testimony on the FY 2013 budget for the Department of Interior, Environment, and Related Agencies. The Wildlife Society was founded in 1937 and is a non-profit scientific and educational association representing over 11,000 professional wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. Our mission is to represent and serve the professional community of scientists, managers, educators, technicians, planners, and others who work actively to study, manage, and conserve wildlife and its habitats worldwide.

U.S. Fish and Wildlife Service

The **State and Tribal Wildlife Grants Program** is the only federal program that supports states in preventing wildlife from becoming endangered. It is also the primary program supporting implementation of comprehensive wildlife conservation strategies, known as State Wildlife Action Plans, which detail conservation actions needed on the ground in every state to keep common species common. Funding assistance for these state wildlife agencies is one of the highest priority needs for wildlife in order to prevent further declines in at-risk wildlife populations in every state. These grants also provide key funding to federally-recognized tribal governments for wildlife management and conservation. **We recommend Congress appropriate $70 million for State and Tribal Wildlife Grants in FY 2013. We also ask that Congress support continuation of a reduction in the non-federal match requirement from 50 percent to 35 percent**, relieving some of the onus of providing adequate matching funding from severely cashed-strapped states.

The Cooperative Alliance for Refuge Enhancement (CARE) is a diverse coalition of 22 wildlife, sporting, conservation, and scientific organizations representing over 14 million members and supporters. A comprehensive analysis by CARE determined the **National Wildlife Refuge System** needs $900 million in annual operations funding to properly administer its nearly 150 million acres, educational programs, habitat restoration projects, and much more. Many years of stagnant budgets have increased the Operations and Maintenance backlog; refuge visitors often show up to find visitor centers closed, hiking trails in disrepair, and habitat restoration programs

eliminated. Invasive plant species are taking over on refuges, requiring $25 million per year to treat just one-third of its acreage, and illegal activities such as poaching are on the rise, requiring an additional 209 officers ($31.4 million) to meet law enforcement needs. **We recommend that Congress provide $495 million in FY 2013 for the Operations and Maintenance of the National Wildlife Refuge System.** Additionally, The Wildlife Society **supports the increase of $3 million for the Refuge System's Inventory and Monitoring program,** which is needed to provide the Service with the necessary information to guide effective use of funds.

The **North American Wetlands Conservation Act** is a cooperative, non-regulatory, incentive-based program that has shown unprecedented success in restoring wetlands, waterfowl, and other migratory bird populations. This program has remained drastically underfunded despite its demonstrated effectiveness. **We recommend a small increase over the FY 2012 funding level of $35.5 million, to bring the funding to $40 million in FY 2013.**

The **Neotropical Migratory Bird Conservation Act Grants Program** supports partnership programs to conserve birds in the U.S., Latin America and the Caribbean, where approximately 5 billion birds representing 341 species spend their winters, including some of the most endangered birds in North America. **The Wildlife Society recommends Congress fund the Neotropical Migratory Bird Conservation Act at $6.5 million in FY 2013.**

The Wildlife Society supports adequate funding levels for all subactivities within the **Endangered Species Program.** Endangered species recovery efforts can ultimately lead to delisting, resulting in significant benefits to species through state management efforts. Currently, all subactivities within the program are understaffed while the costs for management of listed species continue to rapidly escalate. **We recommend Congress match the President's request for the Endangered Species Program and provide $179.7 million in funding in FY 2013.**

The voluntary **Partners for Fish and Wildlife Program** provides financial and technical assistance to landowners to restore degraded habitat on their property. With over two-thirds of our nation's lands held as private property, and up to 90 percent of some habitats lost, private lands play a key role in preserving our ecosystem. We urge Congress to provide **$60 million in support of the Partners for Fish and Wildlife Program** in order to allow landowners to help contribute to land and wildlife preservation.

Through its **International Affairs office**, FWS works with many partners and countries in the implementation of international treaties, conventions, and projects for the conservation of wildlife species and their habitats. International trade, import, and transportation of wildlife species can have a huge impact on America's security, economy, and environment. Careful regulation of imports and implementation of international policies is an important task. We ask Congress to support FWS in protecting our economy, our environment, and our national security by providing a necessary **$13.054 million in support of FWS International Affairs.**

Bureau of Land Management

BLM lands support over 3,000 species of wildlife, more than 300 federally proposed or listed species, and more than 1,300 sensitive plant species. Historically, the **Wildlife and Fisheries Management (WFM) and the Threatened and Endangered Species Management (TESM)**

programs have been forced to pay for the compliance activities of BLM's energy, grazing, and other non-wildlife related programs, eroding both their ability to conduct proactive conservation activities and their efforts to recover listed species. Given the significant underfunding of the BLM's wildlife programs, combined with the tremendous expansion of energy development across the BLM landscape, we recommend Congress appropriate **$55 million for BLM Wildlife Management.** This will allow BLM to maintain and restore wildlife and habitat by monitoring habitat conditions, conducting inventories of wildlife resources, and developing cooperative management plans. We support the proposed increase of $15 million for sage grouse conservation efforts; this kind of broad-scale, landscape based conservation is exactly what is needed to manage and conserve sage grouse across their range.

Increased funding is also needed for the **Threatened and Endangered Species Management Program,** to allow BLM to meet its responsibilities in endangered species recovery plans. BLM's March 2001 Report to Congress called for a doubling of the Threatened and Endangered Species budget to $48 million and an additional 70 staff positions over 5 years. This goal has yet to be met. In light of this, **we strongly encourage Congress to increase overall funding for BLM's endangered species program to $33 million in FY 2013.**

The Wildlife Society appreciates the commitment of BLM to addressing the problems associated with **Wild Horse and Burro Management**. The president has requested an increase of $2 million for research and development on contraception and population control. The Wildlife Society is concerned about BLM's emphasis on fertility control. Given that horses and burros have been maintained above the Appropriate Management Level for many years, we believe that additional funding should be requested to correct the habitat damage that has occurred due to overpopulation of these animals. **The requested $77.068 million should be provided to BLM if they continue removing excess horses from the range at a reasonable rate and focus additional resources on habitat restoration.**

U.S. Geological Survey

The basic, objective, and interdisciplinary scientific research that is supported by the USGS is necessary for understanding the complex environmental issues facing our nation today. This science will play an essential role in the decision-making processes of natural resource managers as we adapt to climate change, and it will help protect our water supply and conserve endangered species. More investment is needed to strengthen USGS partnerships, improve monitoring, produce high-quality geospatial data, and deliver the best science to address critical environmental and societal challenges. **The Wildlife Society supports funding of at least $1.2 billion for USGS in FY 2013**.

The **Ecosystems Program** of USGS contains programmatic resources for fisheries, wildlife, environments, invasive species and the Cooperative Fish and Wildlife Research Unit. The Ecosystems unit is a new department within USGS resulting from the recent reorganization that strives to maximize research and support for comprehensive biological and ecosystem based needs. **The Wildlife Society supports the President's request of $177.85 million for USGS's Ecosystems Department in FY 2013.** Within Ecosystems, **we support the request of $49.4 million for the Wildlife Program**. Additionally, we appreciate the requested addition of $1

million to support research and surveillance of White Nose Syndrome and of $2.2 million for research on hydraulic fracturing and its effects on land use, terrestrial wildlife, and habitats.

The **Cooperative Fish and Wildlife Research Units** (CFWRUs) are managed under the Ecosystems Department and conduct research on renewable natural resource questions, participate in the education of graduate students, provide technical assistance and consultation on natural resource issues, and provide continuing education for natural resource professionals. In FY 2001, Congress fully funded the CFWRUs, allowing unit productivity to rise to record levels. Since then, budgetary shortfalls have caused an erosion of available funds, resulting in a current staffing vacancy of nearly one quarter of the professional workforce. In order to fill current vacancies, restore seriously eroded operational funds for each CFWRU, and enhance national program coordination, **the FY 2013 budget for the CFWRUs should be increased to $22 million.** This would restore necessary capacity in the CFWRU program and allow it to meet the nation's research and training needs.

The Wildlife Society appreciates the FY 2011 funding of $25.5 million for the **National Climate Change and Wildlife Science Center**. This center plays a pivotal role in addressing the impacts of climate change on fish and wildlife by providing essential scientific support. In order for this role to be fully realized, **The Wildlife Society recommends that Congress fund the National Climate Change and Wildlife Science Center at the requested $26.2 million in FY 2013.**

U.S. Forest Service

Our national forests and grasslands are essential to the conservation of our nation's wildlife and habitat, and are home to about 425 threatened and endangered, and another 3,250 at-risk species. In FY 2011, the Forest Service combined several programs and budgets, including Vegetation and Watershed Management, Wildlife and Fisheries Habitat Management, and Forest Products into a single Integrated Resource Restoration activity budget. We are concerned with this merger because it makes accountability to stakeholders and Congress more difficult. However, with these reservations noted, we urge Congress **to support the request of $793 million for the Integrated Resource Restoration program in FY 2013**.

Integral to management of our natural resources is a deep understanding of the biological and geological forces that shape the land and its wildlife and plant communities. The research being done by the USFS is at the forefront of science, and essential to improving the health of our nation's forests and grasslands. Furthermore, it will play a key role in developing strategies for mitigating the effects of climate change. We urge Congress to provide **$300 million in FY 2013 for Forest and Rangelands** to support this high-quality research.

Thank you for considering the recommendations of wildlife professionals. Please contact Laura Bies, Director of Government Affairs at (301) 897-9770 x 308 if you require further information or have any additional questions.

Mr. LATOURETTE. Well, thank you very much for your testimony. And I know we would eventually get conflict between——

Ms. RENTZ. It is interesting.

Mr. LATOURETTE. Yeah, it was the Wild Horse and Burro issue.

Mr. Boling, Land and Water Conservation Coalition, thank you for being here.

WEDNESDAY, MARCH 21, 2012.

LWCF COALITION

WITNESS

KEVIN BOLING

Mr. BOLING. Thank you, Mr. LaTourette and Ranking Member Moran. I am Kevin Boling. I am a resident of Coeur d'Alene, Idaho, and I am pleased to appear here today on behalf of the Land and Water Conservation Fund in support of the $450 million Land and Water Conservation Fund budget proposed by the Administration for fiscal year 2013. The Coalition represents a broad array of groups across the Nation from the Trust for Public Land to the Nature Conservancy, ones you are familiar with to ones you may not be so familiar with like the Alaska Dirt Divas. But in all seriousness, the Coalition is large and diverse and it brings together people from all walks of life committed to conserving the Nation's natural resource heritage. I want to spend my time today talking to you about my personal experiences with the Forest Legacy Program and the acquisition of public access and in-holdings for the national monuments.

Just a little bit of background about me. I spent summers with my grandfather on his Cat logging, decided that would be a good way for me to make a living, got a degree in forestry from the University of Idaho in 1974, spent the next three-and-a-half decades managing major landowner properties in Idaho from logging manufacturing, saw wood manufacturing and public affairs, and in the last 5 years, closed approximately $90 million worth of land sales and conservation easements.

So I come here from a private sector perspective. And I have seen how Land and Water Conservation funding works to maintain privately owned working forests in these important small, rural communities. And I have worked with funds that this Committee has provided to create several conservation easements in North Idaho advantaged to put grizzly bears and working forest together and managed to preserve travel corridors between important ecosystems. And I have seen how important it is for the acquisition of properties that have been in effect captured by the creation of the national monument.

McArthur Lake is located about halfway between Bonners Ferry and Sandpoint. It happens to be a critical link between two major ecosystems—one, the Bitterroot ecosystem from Montana with the Idaho Selkirk ecosystem on the west. This corridor has been subjected to a phenomenal amount of residential development over the last 20 to 25 years, except for the private forestland that remains in the center of this corridor. And the Forest Legacy Program Land

and Water Conservation Fund allows the working forest in that corridor to in effect extinguish their development rights and continue to focus on managing those forests going forward for the taxes they provide, for the logs and jobs they provide, and managed by a private—not a public—agency, which we think is a good thing.

The reason why these funds are important to continue this work is that a private owner sitting across the table from a public agency in terms of the negotiations takes several years and a phenomenal amount of human capital and company capital to make it happen, and it is important that if you enter into those negotiations, at the end of it you are dealing with a partner that can close the deal. And in the event that that funding disappears or is diminished, these opportunities are going to diminish and go away as well, because even in these tough economic times, many of these properties are still worth more with a home on them or a subdivision development than a forest investor can see their way to manage over the long term for that same property.

So I personally believe it is an important expenditure of federal funds that in effect extinguishes the development rights and allows these lands to continue to be managed for forestry, working farms, working ranches.

In other cases, outright fee purchase is the only option, and I understand that you, Mr. LaTourette and Ranking Member Moran, have had experience in the Cuyahoga National Forest and the Rappahannock National Refuge where that kind of opportunity was used where you have private lands captured within a national purpose. Frequently, the private lands and the national purpose lands are at odds with one another in terms of their eventual goals and it only seems right that a willing seller/private owner would have the opportunity to take that value of that property and invest it somewhere else.

Finally, the Coalition understands the severe financial constraints under which you are operating. They also believe that America simply cannot afford to lose the private sector activity this program helps inject into the economy and the recreational opportunities it provides. And in closing, I would like to thank you for your dedication and service and ask that you support the $450 million appropriation.

[The statement of Kevin Boling follows:]

Testimony of Kevin Boling
On behalf of the LWCF Coalition
In Support of the Land and Water Conservation Fund
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member
March 21, 2012

Mr. Chairman, Ranking Member Moran, and Honorable Members of the Subcommittee:

Thank you for the opportunity to present testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2013 Interior Appropriations Bill. My name is Kevin Boling, I am a resident of Coeur d'Alene, Idaho and owner of The Boling Company, a forestland investment company. I am pleased to be appearing today on behalf of the Land and Water Conservation Fund (LWCF) Coalition. The Coalition represents a broad array of groups and individuals across the country who value land conservation and outdoor recreation with members from ranging from business leaders to sportsmen to conservation organizations.

In a career spanning thirty years, I have had the great good fortune to combine a personal passion for the outdoors with a career in forest management, planning and investment. During the two decades that I managed Potlatch Corporation's logging and forestry operations, I became aware of the challenges for private landowners in the face of changing land use patterns and development pressures. Beginning in 2002, I managed extensive timberland investments for Forest Capital Partners and, later, oversaw the successful closing of land and conservation easements sales valued at $87 million. I worked on several transactions funded through the Land and Water Conservation Fund and experienced firsthand its importance in helping communities and landowners work together to maintain privately-owned working forests while protecting public values.

Like the esteemed Chairman, my Idaho roots run deep. My earliest memories are of summers spent in Fernwood and St. Maries with my grandfather, an Idaho logger. As a young and eager helper, I would sit next to him on his Cat, riding back and forth from the landing to the trees he had felled, jump off the Cat, grab the chokers and winch line and set the drag for him, jump back on the Cat and ride back down to the log landing. I think I was nine or ten the first summer I got to log with him. It turns out those early days sitting next to Granddad led to a long and rewarding forestry career. Moreover, it connected me to the forest community and the land ethic of the people whose lives are intertwined in that forest web. It is these connections that motivate me to appear before you today.

I appreciate this opportunity to advocate for The Land and Water Conservation Fund (LWCF), America's premier federal program to ensure that we all have access to the outdoors. Whether it is a local community park or playground, or the vast expanses of our federal public lands, Congress created the LWCF in 1964 to guarantee America's natural, historical and outdoor recreation heritage. In 1968, Congress had the wisdom to

authorize an income stream of $900 million annually for LWCF from offshore oil and gas leasing revenues – not taxpayers' dollars. With an average of over $6 billion coming in from offshore leasing royalties annually (and significantly more expected in future years), $900 million for the LWCF account is a reasonable conservation offset to offshore energy development. It only makes sense as we draw down some natural resources, that we reinvest a portion of the proceeds to conserve other natural resources.

LWCF is a time-tested program with remarkable range, reaching all Americans. Each of us has likely visited a local or state park, trail or fishing access site that has benefitted from it. In total, more than 40,000 LWCF state assistance grants have added value to every state and 98 percent of the counties across the country. Each year, millions of Americans as well as international tourists visit our national parks and forests, hunt, fish or bird watch at our national wildlife refuges, or hike along our national trails. Yet, few are aware of the added protection that the LWCF program provides to our public lands. From Gettysburg to Yosemite, and countless places in between, LWCF funding has protected our natural, cultural, historical and recreation legacy, preserving our uniquely American landscapes, stories and traditions.

Continued strategic LWCF investments in inholdings and conservation easements protects the asset that is our public lands, preventing incompatible development, creating management efficiencies, and enhancing access to outdoor recreation opportunities. During my tenure at Forest Capital, with the help of a conservation partner, we worked on the conveyance of 6,600 acres of Forest Capital timber holdings to the Siskiyou National Monument south of Medford, Oregon. This represented the best possible outcome to meet the management needs of the public agency, the financial considerations of Forest Capital, and the interests of the local community. From the vantage point of the private landowner, having a reasonable expectation that LWCF funding would be made available for the purchase was critical in our decision to invest time and manpower towards this conservation outcome at the Siskiyou.

Increasingly, LWCF funding is playing an important role in landscape scale protection. This doesn't involve extensive federal purchases of land. Rather, open space, clean water and wildlife habitat can often be preserved by partnering with private landowners to sustain working landscapes and keep land on the tax rolls. Conservation easements purchases allow ranchers and farmers to remain responsible land stewards, as they have for generations. Today, LWCF funding is needed to protect working lands from the Everglades Headwaters to the Dakota Grasslands to the Rocky Mountain Front. These projects – stunning in scale and impact to local communities and traditional landscapes – are relatively small and strategic in terms of federal investment.

I know you understand this firsthand, Mr. Chairman. Thanks to your support, LWCF funding has contributed substantially to the conservation of working farms and ranches along the South Fork of the Snake River. Over the last decade and a half, a unique partnership of landowners, local communities, conservation partners, and federal agencies has resulted in the permanent protection of what the U.S. Fish and Wildlife Service has dubbed one of our country's most sensitive and unique natural areas. Today,

this continuous corridor of conservation easement-protected lands is keeping the ranching traditional alive. With 350 recreational visitor days per year along the South Fork Snake, it is also providing a major economic driver in East Idaho.

The Forest Legacy Program, funded under LWCF since 2004, has partnered with states and private landowners to protect over 2 million acres of working forests in 42 states and the Commonwealth of Puerto Rico. Even during tough economic times, with presumably fewer private buyers out there, the reality is that these properties are still worth more to a second-home or subdivision developer than today's forest investor is willing or able to invest in them on a long-term basis. Through the purchase of development rights today, the timberland owner is no longer held hostage to future development considerations. They can focus on the full measure of long-term forest management opportunities and protect conservation values, while continuing to pay property taxes, produce logs for local mills and, importantly, preserve private sector jobs for rural communities.

One such example is the McArthur Lake Corridor in northern Idaho. Several years ago, while a manager at Forest Capital, I oversaw the conveyance of development rights over 3,943 acres utilizing Forest Legacy funding. An important wildlife travel corridor between the Bitterroot and Selkirk ranges, this ownership was already surrounded by considerable rural residential development, so preventing further development was critical. This year, the State of Idaho has requested a Forest Legacy Program grant of $4 million to protect an additional 6,000 acres of working forests lands across the McArthur Lake Wildlife Corridor. Stimson Lumber Company, the landowner, is contributing over $1 million in donated land value. Stimson will continue sustainable timber harvest operations of approximately 2.5 million board feet annually supporting about 33 full-time forest products jobs plus another 69 full-time in other related sectors of the economy. By guaranteeing public access to these lands in perpetuity, the easement will also help to support numerous local businesses that are part of Idaho's outdoor recreation economy – which statewide supports 37,000 jobs and accounts for over $2 billion annually in retail sales and services This is a win-win that maintains vital timber industry jobs and production while supporting the local tourism and recreation economy.

If we are serious about creating jobs and getting the economy back on track, conservation spending on LWCF is not only a wise, but an essential investment. Today, outdoor recreation and tourism represent a major part of the U.S. economy, one that America still dominates globally, and one that represents opportunities for sustained economic growth in rural and urban communities across America. A recent report from the National Fish and Wildlife Foundation tells us that, together, outdoor recreation, natural resource preservation and historic preservation activities support 9.4 million jobs (1 out of every 15 jobs in the U.S.) and contributes $1.06 trillion annually to our economy. The popularity and demand for opportunities to recreate on public lands will only increase as our population grows and these natural places increase in aesthetic and economic value.

I am an avid outdoorsman and my most treasured memories are of time spent in Idaho with family and friends, hunting and fishing, skiing and camping, and rafting our magnificent rivers. Across the country, LWCF purchases within federally-designated areas, as well as conservation easements across private lands, are protecting our most threatened waterfowl, trout and big-game habitat. These federal dollars often provide leverage for significant state, local and private investments in land protection as well. Furthermore, LWCF funding can play an increasingly important role in making public lands public by ensuring that sportsmen and other outdoor enthusiasts have access to favorite hunting grounds, trout streams, and trails. With changing land use and ownership patterns, historic recreational access is being cut off or blocked in many areas. Strategic LWCF purchases can defuse conflicts with private landowners by securing permanent access. Additionally, they serve to connect existing public lands and create expanded parking and trailhead access for the public. Conservation easement acquisitions through the Forest Legacy Program compensate private landowners who have often provided voluntary public access to lands, thereby ensuring permanent public access to prime hunting and fishing lands.

Mr. Chairman and members of the Subcommittee, I join with the LWCF Coalition and many others across the nation in urging you to support funding for the Land and Water Conservation Fund. This year, the Administration's budget request includes high-priority, now-or-never, willing seller projects across our national parks, wildlife refuges, forests and other public land. It makes investments in state-side LWCF grants including local parks and trails, and in non-federal protection of working forests, key wildlife habitat, and other irreplaceable outdoor resources. It also expands LWCF investments in landscape conservation, hunting and fishing access, civil war heritage sites, and national trails. These are priorities I think we can all agree upon.

We understand the severe financial constraints under which you and this Congress are operating. At the same time, we recognize that America simply cannot afford to lose the public opportunities that LWCF provides, or the activity it injects into the economy. It is a program that enables local communities and private landowners to make economically sound choices to protect the natural, cultural and recreation resources we all commonly share. I therefore respectfully ask that you support the Administration's FY 2013 recommendation of $450 million for LWCF program. At one-half the authorized funding level for the program, this represents a measured proposal that spreads limited resources wisely across urgent and diverse LWCF priorities and programmatic goals.

In closing, I thank you for your dedication and service. I can think of no greater legacy for my three lovely granddaughters than the conservation of our traditional working landscapes, and the protection of our recreation lands, clean waters and wildlife heritage.

Kevin Boling
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Mr. LATOURETTE. Thank you very much. I will make sure that I mention to Chairman Simpson your observations.

Just on Land and Water Conservation, I know that all of you know and the Senate marking the transportation bill they actually do $700 million, which is nice. If we ever do a transportation bill in the House, I have an amendment to double it to $600 million and it just sort of makes sense that the royalties and fees from drilling and exploration be utilized. It is already authorized to the tune of $900 million, and we should get it as high as we can.

I would say, you know, a couple of you mentioned willing seller. And one of the hurdles that I and others have faced as we approach this is that it is not a Republican-Democrat thing; it is an East-West thing. The chairman of the Natural Resources Committee in particular, I mean he sees it as, the government is just out there looking around to snatch land from unwilling sellers. My biggest experience has been with the Trust for Public Land on the Cuyahoga Valley National Park and I would encourage you all to work with everybody to come up with the best willing seller language that eliminates that argument. And so anyway, that will help us move forward.

And lastly, I am going to bite. What are the Alaskan Dirt Devils? Divas, excuse me. What might those be?

Mr. BOLING. It is a small group of folks near Anchorage, Alaska, who enjoy using outdoors for mountain biking, I believe.

Mr. LATOURETTE. Okay. Great. I will Google them when we are done with the hearing.

And Mr. Moran, have you got anything? Okay. Well, thank you all very much for your testimony. I appreciate it.

Our last panel on this public witness day is going to be comprised of Ms. Sorenson-Groves of the National Wildlife Refuge Association, Mr. Chandler of the Marine Conservation Institute, Mr. Christensen of the Friends of Deer Flat Wildlife Refuge, Ms. Patterson from the Friends of the Potomac River Refuge, and Mr. Paddock from the Friends of Refuge Headwaters.

Okay, same rules, same lights apply. And Ms. Sorenson-Groves, welcome and we are anxious to hear from you.

WEDNESDAY, MARCH 21, 2012.

NATIONAL WILDLIFE REFUGE ASSOCIATION

WITNESS

DESIREE SORENSON-GROVES

Ms. SORENSON-GROVES. Thank you. And just for the record, we like the LWCF request but we are a little happier with the transportation, you know, number, too.

But my name is Desiree Sorenson-Groves. I am with the National Wildlife Refuge Association, and I am speaking on behalf of our organization and over 190 refuge affiliate groups just like the other ones here on this fantastic refuge panel. Thank you so much for having this and having these friends appear. I mean I can talk about national issues and I can give you a big picture, but these folks who came here on their own dime can talk about what is hap-

pening on the ground in ways that I just cannot. I visit refuges but they know firsthand what is going on on the ground.

So the Refuge Association, Friends Group, and the CARE group—you heard from a few of our partner organizations in the CARE group—sportsmen and conservation groups, we all agree that the refuge system—we hope that you will fund it at $495 million for fiscal year 2013. And that represents just what is needed to maintain management capabilities, which is what we call it, simply what they are doing right now. And that is the minimum needed because we take into account the salary freeze. And to get these groups to all agree on something, as you might imagine, can be a little daunting, but we do.

But we are all particularly concerned about what might happen to the refuge system should sequestration happen or a very large funding cut. So I am going to talk a little bit about what a 9 to 10 percent cut would do to the refuge system. We estimate a loss of about 500 positions, and of those, 300 would be visitors' services staff. This is particularly concerning because these are the people who oversee friends and volunteers. And without the staff to oversee the volunteers, then you lose all that work and effort. And that is really important because friends and volunteers do 20 percent of the work on National Wildlife Refuges. To lose that is enormous, but that is one of the things that is on the table. We have talked to Fish and Wildlife Service and that is something that would be a realistic impact from a 10 percent cut. They would have to look at something like that.

We also estimate that many refuges would have to simply close. That means no staff, no access, only an occasional visit by a law enforcement officer. Those would be probably small refuges, those with three to four staff, something like Mason Neck, perhaps. And then it would be refuges that use a lot of money to run them, so something like Midway out in the Pacific which costs an enormous amount to run.

We are also concerned that the system could at least have some impacts to law enforcement officers, but, you know, even a loss of one officer could have a huge impact. An independent review in 2005 recommended a force of 845 full-time law enforcement officers, but the system has only about a quarter of that right now. And since that report, the system has grown by 50 million acres with the addition of the Pacific monuments by President Bush and visitation has grown by 15 percent.

Another crucial program that could be severely impacted by cuts is the refuge system's fire budget. Over 50 percent of the lands in the system are actually fire-adapted ecosystems, which means that prescribed fire as a management tool is not just important; it is essential, so essential in fact that if funds from the Department of Interior's Hazardous Fuel Reduction Program are reduced as proposed in the President's budget, it would have dire consequences. Prescribed fire is one of the most effective habitat management tools for game species like elk and deer in the West, but also for endangered species like the Florida panther in the East. And prescribed fires reduce catastrophic wildfires which threaten people's lives and property.

And last, I would like to talk briefly about an aspect of the refuge system's budget, which they actually have no control over but has severe impacts to their operations. From fiscal year 2005 to 2011, the refuge system sustained about a little under $700 million worth of damages from natural disasters. So tornados, fires, hurricane, flooding, a tsunami, you know, the earthquake here on the East Coast last year—damages just last year were $200 million but they have only received about $250 million to address those so the rest has gone to the backlog.

As you heard from Mr. Knadle earlier, refuges are economic engines and they are a good investment. According to a recent report by the Southwick Associates, refuges annually generate more than $32 billion in ecosystem services and $4.2 billion in economic activity. That means for every $1 that you appropriate to run the refuge system, $8 is returned in economic activity, $65 for ecosystems services. So it is a very good value.

I hope that you will think about our request and do the best you can. I hope that you all visit a National Wildlife Refuge soon and, well, I guess none of us were invited to go down with James Cameron to the Marianas Trench, which is where he is, National Wildlife Refuge right now, but maybe we will all get to see the fruits of his labor in a new movie, perhaps the Abyss II.

[The statement of Desiree Sorenson-Groves follows:]

Desiree Sorenson-Groves
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TESTIMONY
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2013 APPROPRIATIONS
March 21, 2012

Mr. Chairman and Members of the Subcommittee:

On behalf of the National Wildlife Refuge Association (NWRA) and its membership comprised of current and former refuge professionals, Friends organization affiliates and concerned citizens, thank you for your strong support for the National Wildlife Refuge System (NWRS). The NWRA appreciates the opportunity to offer comments on the fiscal year 2013 Interior Appropriations bill.

The meaningful funding increases in fiscal years 2008-2010 allowed the System to emerge from years of chronic funding shortfalls. But unfortunately, those substantial gains are undermined by more than $17 million in cuts to the System's funding in fiscal years 2011 and 2012 that equate to a larger loss of over $41 million when annual increases in refuge fixed costs are factored in. Consequently, we support the President's 2013 budget request of $495 million because it will maintain existing management capabilities. Should across-the-board sequestration cuts of 9-10% take effect in FY13, the impacts to the Refuge System would be devastating and could force FWS to close or end major programs at more than 130 refuges.

We respectfully request the Subcommittee support the following funding allocations for programs in the NWRS and the U.S. Fish and Wildlife Service (FWS):

- **$495 million for the Operations and Maintenance (O&M) accounts of the NWRS including $23 million for Inventory and Monitoring, $39 million for Refuge Law Enforcement, $80 million for Visitors Services, $3.8 million for Challenge Cost Share, $2.5 million for Cooperative Recovery and $5 million for the Pacific Marine Monuments;**
- **$57 million for FWS for Preparedness and Hazardous Fuels Reduction (under DOI);**
- **$30 million for the National Wildlife Refuge Fund;**
- **$700 million for the Land and Water Conservation Fund (LWCF), including $150 million for the NWRS;**
- **$33 million for Landscape Conservation Cooperatives (LCCs) in the FWS;**
- **$37 million for the FWS construction account for large scale refuge restoration projects, visitor facility enhancements, visitors centers and energy efficiency projects;**
- **$60 million for the FWS' Partners for Fish and Wildlife Program;**
- **$61.5 million for the State and Tribal Wildlife Grants Program;**
- **$39.4 million for the North American Wetlands Conservation Fund;**
- **$6.5 million for the Neotropical Migratory Bird Fund;**
- **$8.4 million for Wildlife Without Borders;**
- **$7.5 million for the National Fish and Wildlife Foundation (NFWF) in the FWS' Resource Management General Administration appropriation.**

National Wildlife Refuge Funding – O&M and Construction
The NWRA chairs the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 22 sporting, conservation, and scientific organizations representing more than 15 million Americans that supports increased funding for the Refuge System. After a century of chronic under-funding, increases in fiscal years 2008 – 2010 put the Refuge System on a path to full funding. But cuts in fiscal years 2011 and 2012 totaling $16.2 million *($40.5 million decrease in real dollars*) is reversing the gains made and puts damaging workforce downsizing plans on the table should an across-the-board sequestration cut of 10% occur in FY13. Should that happen, CARE estimates that FWS will be forced to close or end major programs at more than 130 refuges, eliminate more than essential 200 wildlife management jobs, cut more than 35 visitor services jobs needed to mobilize the System's 40,000 volunteers and administer recreational programs, and cut law enforcement staff by more than 40 officers leaving a force of only 170 when 845 are needed.

These cuts are particularly harmful because the System is already having to respond to damages from natural disasters. From fiscal years 2005-2011, the Refuge System sustained $693 million in damages from natural disasters such as tornadoes, fires, hurricanes, flooding, a tsunami and an earthquake. The damages in 2011 alone were almost $200 million, approaching half of the System's operations and maintenance funds for the year. Of the $693 million in damages, Congress appropriated $254 million in emergency supplemental funding and the remaining $439 million has been added to the Refuge System's $2.5 billion deferred maintenance backlog.

NWRA respectfully requests that the Committee provide **$495 million in FY 2013 for Refuge System Operations and Maintenance (O&M),** essentially level funding from FY12. We estimate that refuges would need *at least* $527 million in fiscal year 2013 to maintain management capabilities from fiscal year 2010; this request would only maintain status quo at current funding levels. The current federal salary freeze still leaves Refuges needing at least $8 million to absorb other fixed costs. CARE estimates that the Refuge System needs at least $900 million in annual funding to properly administer its 150 million acres and remains committed to aiming for this goal.

Refuges have almost $1 billion worth of construction needs, including the replacement of deteriorating structures that are becoming more expensive to maintain. We request **$37 million for the System's construction budget**, including funds for large-scale habitat restoration and small-scale visitor facility enhancements. Funds for new visitor/administration centers, including those at the Potomac River Refuges near Washington D.C. and the Sherburne NWR outside Minnesota's Twin Cities, will provide a net benefit in efficiencies and in economic impact. Refuges with a broad range of programs create more service industry jobs and more income for local communities.

Supporting Prescribed Fire to Reduce Catastrophic Burns
Fire as a wildlife habitat management tool is one of the most important items in the FWS tool chest but it is also perhaps the least understood. Unfortunately, the President has called for a 23% decrease to DOI's Hazardous Fuel Reduction program, which would have a negative impact on the FWS fire program. Prescribed burns reduce the occurrence of catastrophic fires and protect our most vulnerable communities and habitats. For instance, prescribed burns are used extensively in Florida where lightning strikes would normally cause fires annually or every couple of years. Consequently, when lightning caused a fire in the middle of the night at the Arthur R. Marshall Loxahatchee NWR in Palm Beach last year, the wildfire burned only 13 acres and extinguished itself despite record drought conditions. However, at the Alligator River NWR in North Carolina,

a lack of resources to do the amount of prescribed burning needed led to a wildfire that burned more than 45,000 acres on the refuge and adjacent lands, burning deep into the soil, and cost almost $15 million to contain. A combination of hydrology restoration and prescribed burns would have reduced the fire's intensity and containment costs. We urge maintaining current capabilities for **FWS at $57 million for FY 2013 for Hazardous Fuel Reduction and Preparedness** funding.

Supporting Jobs, Economic Activity and Leveraging American Volunteerism
Refuges are economic engines and a good investment. According to a recent report by Southwick Associates, refuges generate more than $32.3 billion in ecosystem services and $4.2 billion in economic activity, returning over $65 and $8 respectively for every $1 appropriated by Congress.

Refuges are job creators: more than 32,500 jobs – largely in the private sector – are attributed to refuge-related activities. And on a national level, each $5 million invested in the Refuge System's appropriations (salary and non-salary) impacts an average of 83.2 jobs, $13.6 million in total economic activity, $5.4 million in job-related income and $500,000 in tax revenue.

Refuges are vital places for the American people to connect with nature and get involved. Currently, refuge Friends and volunteers do approximately 20% of all work on refuges. In 2011, these 1.5 million hours equated to roughly 8 volunteers for every 1 Refuge System employee. Without staff to oversee volunteers, their commitment and passion is lost, as is their desperately needed contribution to the System. **We request $80 million for Visitors Services for the NWRS.**

Protecting the Public and Refuge Resources – NWRS Law Enforcement
In 2005, the International Association of Chiefs of Police (IACP) conducted a first of its kind analysis of law enforcement (LE) needs for a land management agency, focusing on the Refuge System. They recommended a force of 845 full-time LE officers to adequately protect visitors and taxpayer resources; but the System has only a little more than one quarter of that amount with 246 officers for the 150-million-acre System. Further, since the report was completed in 2005, the System has grown by 50 million acres with the addition of the Pacific monuments by President Bush and visitation has grown by 15% from 37 million visitors in 2005 to over 45 million in 2011.

Using Science to Guide Adaptive Management
The FWS and the Refuge System are developing landscape level strategies to address habitat changes due to shifting land use, increasing human population, the spread of invasive species and changing climates. We strongly support the FWS initiative to establish Landscape Conservation Cooperatives (LCCs) to bring the best science to help local, state and federal agencies make the most educated management decisions. We recommend an allocation of **$33 million to fund LCCs** in FY13 and **$23 million for the System's Inventory and Monitoring program.**

Commitment to Refuge Communities – Refuge Revenue Sharing
The Refuge System uses net income derived from things like use permits and timber harvests to make payments to local counties or communities to offset lost property tax revenue, and relies on Congressional appropriations to the Refuge Revenue Sharing program to compensate for the shortfall between revenues and obligations. Due to declining revenue and lack of appropriations, the Service has been paying less than 50% of its tax-offset obligations since 2001. This has a measurable impact on local communities that is felt even more starkly in difficult economic times – and it creates severe strain in relations between the federal units and their local community, threatening the goodwill and partnerships that are keystones of successful conservation. NWRA

requests **$30 million for the Refuge Revenue Sharing Program**, which, in recognition of the President's proposal to zero out funding, is still only about half of what is needed. The NWRA also calls for a review of the Refuge Revenue Sharing Act of 1935 as amended, and consideration of conversion to a Payment-in-Lieu of Taxes (PILT) program to be consistent with other federal land management agencies and to provide Refuge communities with more equitable payments.

Partnerships and Strategic Growth

We strongly support $3.8 million in FY13 for Challenge Cost Share (CCS). Partners are the key to successful conservation; no federal or state agency can do it alone. Because of this, we support programs that leverage federal dollars such as the CCS program. Partner organizations such as local volunteer "Friends" groups leverage these funds to give American taxpayers more bang for their buck for projects like trails, education, boardwalks and habitat restoration.

The Partners for Fish and Wildlife Program is another powerful tool for working with private landowners to collaboratively conserve refuge landscapes. The program consistently leverages federal dollars for conservation, generating between $4-$10 in conservation return for every $1 appropriated, and has been key to the success of many iconic landscape conservation projects. If funded at its authorized level of $75 million, the program would net at least $300 million worth of additional conservation. NWRA requests an **FY 13 appropriation of $60 million for the Partners for Fish and Wildlife Program**, a $5 million increase to maintain current capabilities.

NWRA also calls upon Congress to **fund the Land and Water Conservation Fund (LWCF) at $700 million**. Created in 1965 and authorized at $900 million per year (*more than $3 billion in today's dollars*), the LWCF is our most important land and easement acquisition tool. With more than 8 million acres still unprotected within existing refuge boundaries, and the need to establish key wildlife corridors and connections between protected areas, the LWCF is more important than ever. NWRA strongly supports the new Collaborative Conservation requests of the Departments of Interior and Agriculture, bringing together several federal agencies around a common goal. NWRA supports the following projects and those advocated by refuge Friends organizations:

- Everglades Headwaters NWR & Conservation Area (FL) - $50 million;
- Bear Lake NWR (ID) -- $1.5 million
- Bear River Migratory Bird Refuge (UT) – $2.5 million;
- Blackwater NWR (MD) – $2.5 million;
- Cache River NWR and White River NWR (AR) – $8 million;
- Cokeville Meadows NWR (WY) -- $1.5 million
- Connecticut River - Silvio O. Conte NFWR (NH, VT, MA, CT) – $12 million;
- Flint Hills Legacy Conservation Area (KS) – $5 million;
- Great Bay NWR (NH) and Rachel Carson NWR (ME) -- $4 million
- Middle Rio Grande NWR (NM) - $1.5 million;
- Rocky Mountain Front Conservation Area (MT) – $19 million;
- Rhode Island NWR Complex (RI) – $5 million;
- Southeast Louisiana Refuge Complex (LA) – $3 million;
- St. Marks NWR/Longleaf Pine (FL) – 33 million
- St. Vincent NWR (FL) -- $1 million

The NWRA believes the Refuge System can meet its responsibilities to the American people with collaboration and sufficient funding and we urge Congress to help the FWS meet these obligations.

Mr. LATOURETTE. Maybe. Well, thank you very much. And that necklace is beautiful by the way.

Ms. SORENSON-GROVES. Thank you. You know, I was hoping that Ms. Lummis might be here——

Mr. LATOURETTE. Yeah, sure. Sure.

Ms. SORENSON-GROVES. Yes, because we have jewelry.

Mr. LATOURETTE. I am actually glad my wife is not here because it would set me back a little bit. Thank you very much.

Mr. Chandler, thank you. Welcome.

WEDNESDAY, MARCH 21, 2012.

MARINE CONSERVATION INSTITUTE

WITNESS

WILLIAM CHANDLER

Mr. CHANDLER. Thank you, sir. Members of the committee, my name is Bill Chandler; I am vice president for Government Relations with Marine Conservation Institute, a nonprofit organization based in Bellevue, Washington. We are also a member of the CARE Alliance. I think this is sort of a CARE party today. We do support the President's request for $495 million for the refuges operations and maintenance and we are especially interested in the marine monuments that President George W. Bush created in 2006 and 2009. These monuments included 12 National Wildlife Refuges, more than 20 coral islands and atolls and large areas of the oceans scattered across the Pacific. Together, they protect some of the most pristine coral reef ecosystems in the world and they are truly treasures that merit their status in the National Wildlife Refuge system.

If I might, Mr. Chairman, I would like to share a map with you all to give you a little orientation about the vast area where the Fish and Wildlife Service must operate. This map indicates why managing the monuments is both challenging and expensive. The only way to move people and goods in this region is via ship or plane, and as you know, those are not cheap. But nevertheless, the Fish and Wildlife Service has to manage these places.

Furthermore, although the monuments make up one-third of the refuge system in terms of area, they receive approximately $6 million a year right now out of the refuge budget. That is roughly 1.5 percent. Now, in the best of all possible worlds, we would love to see the budget for the monuments enhanced. In fact, we think it could use another $3.5 million allocated out of the request. And I know that there is probably going to be lots of requests from other people to try to squeeze that $495 million in various ways. But I would like to point out that if we could bring the spending of the monuments to about $9.5 million, there is a good rationale to do this.

First of all, they get about $5.5 million now that is allocated to managing Papahanaumokuakea, which was the first monument established by Bush in the Northwestern Hawaiian Islands. Most of that covers the Fish and Wildlife Service's share of operating the Midway Airfield, which they are required by statute to do. The re-

mainder pays for fuel, salaries, transportation of people and supplies, and so forth.

In talking with the Fish and Wildlife Service, the estimate to maintain current capabilities at Midway and deal with the increased fuel costs, contract costs, staff salaries, and so forth that the Fish and Wildlife Service is facing, they really need a total of $7.4 million just to manage the Midway situation. We believe this $1.9 million gap should be closed. I should point out that the Midway Airport, of course, is the only safe harbor for a plane crossing the Pacific and that is why it is required to be maintained in an open situation. They could also use another $600,000 for a couple of staff people out there to actually do natural resource management work.

Moving now to the three latest monuments established by the President, these in my opinion are severely underfunded and we think they could use an additional million dollars above their current budget. I should point out that the Fish and Wildlife Service has already missed its deadline for having these monument plans finished. They were supposed to have that done in 2011. They are not even close to getting those done, and one of the reasons is they just do not have the staff. So that million dollars would cover things like a manager for the Marianas Trench National Monument—they have never had one as yet—and also one for the remote Pacific islands. A manager has been put at Rose Atoll, but the other two have been vacant since the monuments were created.

They also need a public planner to help get those plans done. They have got the usual costs of administration and travel. They have got a serious problem with eradicating endangered species to trespassers introduced to some of these islands without the Fish and Wildlife Service knowing it because there are no people on some of these places. So we have a law enforcement issue here that we are working with the Service, the Coast Guard, and NOAA to try to solve.

That money would also pay for a cost assessment of the two wrecked vessels that we have mentioned to the Subcommittee before. They are lying on two of the islands. And it would help issue more scientific permits such as that requested by Mr. Cameron to do his dive. Right now, they only have enough time, money, and staff to put out about three research permits a year for each monument. They would like to increase that significantly because they are getting a lot of requests for scientific research and they have to vet those very carefully.

So in summary, without additional funds, the Fish and Wildlife Service will not be able to meet its full operational requirements at Midway and that could cause some of the visitation out there to stop. Biological surveys and dealing with invasive species would be cut back significantly. The scientific exploration mandate would not be met. And the law enforcement efforts out there are going to remain spotty and nonexistent at some of the islands.

So I thank you for your time, gentlemen, and I will be happy to answer any questions you may have, and we look forward to working with the Subcommittee. I go out to Hawaii quite a bit to find out what is going on at these places and I might have some information that would be useful to you.

[The statement of William Chandler follows:]



William Chandler, VP for Government Affairs March 12, 2012

The Honorable Michael K. Simpson, Chair
Appropriations Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives, RHOB B-308
Washington, DC 20515

Mr. Chairman and Members of the Subcommittee:

Marine Conservation Institute, based in Bellevue, WA, is a nonprofit conservation organization that uses the latest science to identify important marine ecosystems around the world, and then advocate for their protection. As a member of the Cooperative Alliance for Refuge Enhancement (CARE), we support the US Fish and Wildlife Service (USFWS) National Wildlife Refuge System (NWRS), particularly the monuments and refuges that conserve marine environments. I wish to thank the members of the Subcommittee on Interior, Environment, and Related Agencies for the opportunity to submit written testimony to support the President's Request of $494.8 million in FY 2013 for the NWRS. This is an $8.8 million increase over the FY 2012 enacted level. Marine Conservation Institute recommends $3.53 million of that increase be allocated for the management of our nation's unique marine monuments.

President George W. Bush established four marine national monuments in the Pacific Ocean: Papahānaumokuākea Marine National Monument, Marianas Trench Marine National Monument, Pacific Remote Islands Marine National Monument, and Rose Atoll Marine National Monument. Together, these monuments protect approximately 335,348 square miles of marine habitat, and constitute about one-third of the entire Refuge System. The four monuments include 12 marine refuges and more than 20 islands, atolls and reefs spread across the Pacific Ocean. Each monument was designated because of its individual ecological and cultural uniqueness.

Papahānaumokuākea Marine National Monument
Papahānaumokuākea Marine National Monument, also referred to as the Northwestern Hawaiian Islands, is home to millions of seabirds, an incredible diversity of coral reef species (including deep-sea corals), and the highly endangered Hawaiian monk seal. Approximately 90% of Hawaii's green sea turtles nest in the monument, as do about 99% of the world's population of Laysan albatross and 98% of the black-footed albatross. These islands are also important to Native Hawaiians for culture, history, and religion.

Pacific Remote Islands Marine National Monument
The Pacific Remote Islands Marine National Monument contains some of the last remaining, relatively intact coral reef and pelagic ecosystems in the Pacific Ocean. Any one of the seven coral islands within the monument contains nearly four times more shallow water, reef-building coral species than the entire Florida Keys. The monument provides habitat for an estimated 14 million seabirds and many threatened or endangered species, such as leatherback, loggerhead, and green sea turtles; humphead wrasse; bumphead parrotfish; and the globally depleted giant clam. An estimated 200 seamounts, most of which have yet to be identified or explored, are predicted to exist in the pelagic zone within 200 nautical miles of the seven islands. Seamounts are important biodiversity hotspots because they provide habitat and localized nutrients for many species in the vast pelagic waters of the Pacific.

Rose Atoll Marine National Monument
Rose Atoll Marine National Monument is home to a very diverse assemblage of terrestrial and marine species, many of which are threatened or endangered. Rose Atoll supports 97% of the seabird population of American Samoa, including 12 federally protected migratory seabirds and 5 species of federally protected shorebirds. Rose Atoll is the largest nesting ground in the Samoan Islands for threatened green sea turtles, and is an important nesting ground for the endangered hawksbill turtle. Rose Atoll also provides sanctuary for the giant clam, whose population is severely depleted throughout the Pacific Ocean.

Marianas Trench Marine National Monument
The Marianas Trench Marine National Monument protects areas of biological, historical and scientific significance. The monument is home to many unusual life forms found in its boiling and highly acid waters, highly diverse and unique coral reef systems (more than 300 species of stony coral), and an astonishingly high population of apex predators, including large numbers of sharks. The monument also encompasses the Mariana Trench, the deepest ocean area on Earth, which is deeper than Mount Everest is tall.

Marine National Monument Management Implementation
President Bush gave the Department of the Interior (US Fish and Wildlife Service) management responsibility over the three newest monuments, while the Department of Commerce has primary responsibility for managing fishing in the outer waters of each monument. Although it has been over three years since their designation, very little funding (<$200,000 annually) has been added specifically for managing the Rose Atoll, Marianas Trench, and Pacific Remote Islands Marine National Monuments. As a result, monument plans and fishing regulations have not been completed and most islands remain essentially unmanaged and unmonitored.

It is imperative that USFWS establish appropriate management measures to adequately protect the land, waters and seafloor of all four marine monuments. In particular, the USFWS must have adequate funds to finalize management plans for the three newest monuments, hire adequate personnel, provide transportation to visit the islands on a regular basis, develop plans to restore damaged reefs and lands, and consult with the National Oceanic and Atmospheric

Administration and the US Coast Guard to provide proper surveillance and enforcement of illegal activities such as trespassing and illegal fishing.

Restoration actions are needed at most of the islands, including restoring natural habitats, removing discarded equipment and structures from past military occupations, and dealing with old waste disposal sites. Additionally, human exploration and occupation introduced many invasive species to the islands which should be removed.

For example, two fishing vessels that grounded in the Pacific Remote Islands Marine National Monument have yet to be removed and are currently devastating the surrounding coral ecosystems. In 1991, a 121-foot Taiwanese fishing boat sank on Palmyra Atoll; in 2007 an abandoned 85-foot fishing vessel was discovered on Kingman Reef. These two islands are home to some of the most pristine coral reefs in the world. The Palmyra wreck sits directly on the reef and continues to damage the ecosystem by leaching iron into the water which has accelerated the rapid growth of a nuisance corallimorph, *Rhodactis howesii*. According to a recent report by the US Geological Service, more than 740 acres of the coral habitat has been smothered and destroyed so far by the corallimorph whose growth continues to be promoted by the wreck's presence.

A recent study by L. Wegley, et al. on nearby Kingman Reef, indicates that the live coral cover surrounding the wreck has decreased to less than 10% of its original size due to accelerated algae growth and corallimorph infestation. The reef destruction extends 1.5 kilometers along the reef horizontally, and was observed spreading down the reef slope to approximately 35 meters. As this growth continues unabated, it is expected to spread towards the north facing shoreline where fragile coral gardens are located.

Appropriations Needs

Marine Conservation Institute requests that the subcommittee increase funding for NWRS operations by $8.8 million to a level of $494.8 million in FY 2013 to better manage our nation's refuges. We recommend that $3.5 million of that amount be allocated to the marine monuments, which now receive approximately $200,000 annually. USFWS responsibilities in the Pacific Islands have increased substantially since the designation of the monuments in 2009, but funding has not followed suit.

Additional monument funding would allow USFWS to properly manage Midway Atoll Airfield, and more adequately protect and restore the Papahānaumokuākea Marine National Monument. Furthermore, the additional funding would allow USFWS to provide adequate management of the three newest monuments. Funding is needed to hire managers for Marianas and Pacific Remote Islands (a Rose Atoll Manager has been funded over the last several years); hire one public planner position to aid in management responsibilities; and pay for associated administrative costs such as office space costs and travel expenses. Additional funds would also continue to address nuisance and invasive species that are hurting native wildlife populations,

and hire additional law enforcement officers to combat illegal entry and fishing. The remaining funds would pay for an initial cost assessment for removal of the two shipwrecks mentioned above that are damaging coral reef habitats.

Thank you for the opportunity to share our views.

Sincerely,



William Chandler

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Mr. LATOURETTE. That would be great.
Mr. CHANDLER. Thank you.
Mr. MORAN. I am supposed to meet somebody at my office
Mr. LATOURETTE. Sure.
Mr. MORAN [continuing]. At 4:00. I wonder if we could hear from John next if you do not mind.
Mr. LATOURETTE. Do whatever you want. I just want to ask Mr. Christensen, is Deer Flat either in Idaho, Washington, or Virginia? I am developing a theme here. But with your understanding, Mr. Christensen, we will skip over you for a second and we will get to Joan Patterson to accommodate Mr. Moran's schedule.
So welcome.

WEDNESDAY, MARCH 21, 2012.

FRIENDS OF THE POTOMAC RIVER REFUGES

WITNESS

JOAN PATTERSON

Ms. PATTERSON. Good afternoon, Mr. LaTourette and Mr. Moran. My name is Joan Patterson and I am speaking on behalf of the Friends of the Potomac River Refuges and its 136 members. But perhaps more importantly, I am here speaking to you as a mother. I would like to share with you how important the National Wildlife Refuge System is to communities, families, and individuals, and how involvement in our Nation's effort to conserve our wildlife heritage can change lives and foster citizenship.

I have been a volunteer and a Friends member on National Wildlife Refuges since 1995. Back then, my husband and I were living near Portland, Oregon, in a small community where a refuge had recently been established. At the time, we were anxiously awaiting an adoption assignment and I got involved in the Friends of the Tualatin River National Wildlife Refuge to keep from going crazy. My involvement in the refuge system began in Oregon but my commitment to it began in China.

A few months after joining the Friends, we finally got approval from the U.S. and Chinese Government to adopt. Shortly thereafter, I stood along the Pearl River in Guangzhou with my baby girl in my arms and I was wondering if it was fair to take her away from this rich cultural heritage. What would life in America offer her? Standing there I could feel the smog in the city and I saw the river polluted and it was bubbling. And it struck me that what we could offer her was a culture rich in wildlife with incredible landscapes, clean air and water.

Since that moment, Maggie and her younger sister have explored the wonders of refuges in Oregon and Northern Virginia. They have had the chance to observe and investigate many ecological concepts that most urban youth only read about. They have learned how their daily decisions impact habitats and their communities. They have come to Capitol Hill to advocate for refuge system needs. They are becoming good citizens. Maggie was in this building just last month speaking up for online education.

Every child should have these same opportunities. We need to tap into resources at refuges to educate the next generation and foster civic responsibility. The Potomac River Refuges in Northern Virginia lack the resources to provide a robust education and volunteer program. In 2006, budget cuts suspended most of the biological programs and curtailed maintenance. The one full-time staff member who is responsible for visitor programs now must dedicate most of his time to managing the resources. We are that subsequent funding increases stopped the bleeding. However, if sequestration occurs, we expect all visitor services programs to be eliminated. And two of the three refuges in this complex could be closed. If this happens, the over a quarter of a million public school students in our area might never have the chance to connect with nature and further their development of civic skills.

While volunteers can supplement some of these losses, they cannot do it all. Refuges need staffing and facilities to recruit and train volunteers. Friends groups and volunteers contribute nearly 20 percent of all the work hours on refuges. At Potomac, volunteers are picking up trash—we are doing it Saturday and you are welcome to join us—mowing, conducting outreach programs, and other things. Can we do more? Yes. But without staff to oversee and interact with volunteers, projects go undone. Volunteer retention is also difficult. Keeping these refuges open and functioning is important to your constituents.

Last fall, on a bitterly cold, rainy day, we hosted a festival at Occoquan Bay National Wildlife Refuge. A young mother and her four children came and all were unprepared for the weather. Mom was wearing flip-flops and she and one of the little girls were wrapped in black garbage bags. The oldest boy came up to me and gave me a dollar saying my mother wants you to have this. His mother loves plants and was glad to have this place to take her children. This family was living in the homeless shelter. But that did not stop this wonderful woman from showing her appreciation for the natural heritage we all share and demonstrated to her children how important it is to support it. I hope all of us will follow her example.

While we realize that our country is facing difficult economic times and we must all share in the challenges of the recovery, we respectfully ask you to support a budget of $495 million for the National Wildlife Refuge System.

I thank the Subcommittee for giving us the opportunity to provide this testimony.

[The statement of Joan Patterson follows:]

March 12, 2012

Joan Patterson, President
Friends of the Potomac River Refuges
12638 Darby Brooke Court
Woodbridge, Virginia 22192

TESTIMONY
FOR THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2013 APPROPRIATIONS

Mr. Chairman and Members of the Subcommittee:

On behalf of the Friends of the Potomac River Refuges and its 136 members, we would like to thank the committee for their strong support of the National Wildlife Refuge System and for giving us the opportunity to submit testimony. We are a nonprofit volunteer organization whose purpose is to promote conservation, awareness, and appreciation of the wildlife and habitats of the Potomac River National Wildlife Refuge Complex and to provide assistance to Refuge programs. We urge you to show your continued support of the National Wildlife Refuge System by approving the President's FY 2013 budget request of $495 million for the operations and maintenance of the world's premier system of public lands and water set aside to conserve America's fish, wildlife, and plants. This level of funding will maintain existing management capabilities.

Potomac River National Wildlife Refuge Complex
The refuges that comprise the Potomac River National Wildlife Refuge (NWR) Complex are approximately 25 miles from Capitol Hill in northern Virginia. They border the Occoquan River as it meets the Potomac River. The complex is made up of three refuges: Elizabeth Hartwell Mason Neck NWR, Occoquan Bay NWR, and Featherstone NWR.

Elizabeth Hartwell Mason Neck NWR is in Fairfax County, Virginia and is the oldest and largest refuge within the Complex containing 2,277 acres. Residents of the Mason Neck Peninsula saw the need to preserve bald eagle habitat and worked with Fish and Wildlife Service to create the first national wildlife refuge specifically created for the protection of bald eagles. The newest refuge in the complex is Occoquan Bay NWR, which was 640-acres of military surplus lands, that now provides essential habitat for over 200 species of birds and has been designated by Audubon as an Important Bird Area. The smallest refuge in the complex is Featherstone NWR containing 325 acres of marsh and riverine habitat important to both waterfowl and eagles.

In addition to providing critical habitat for wildlife in an urban environment the refuges are places where residents and visitors can enjoy nature and experience the diversity of plants and animals. Visitors enjoy birding, photography, hiking, hunting, and even biking and kayaking. Students, whether from surrounding school districts or those schooled at home, come to the refuges to observe environmental concepts and gain an appreciation for environmental stewardship. Many a scouting merit badge has been earned learning about wildlife and

volunteering on a refuge.

Current Challenges and Needs
Even though there were meaningful funding increases to the National Wildlife Refuge System in fiscal years 2008-2010 the Potomac River Refuges still struggle with the impacts of budget cuts in fiscal year 2006. At that time the staff was reduced from eight to six full-time employees.

Effects of FY 2006 Cuts: As a result of those budget cuts two positions were eliminated and have not been replaced. Biological programs have been generally suspended and maintenance has been curtailed. Research and investigation on the refuge by graduate and local universities have mostly been eliminated since there is no staff available to oversee the programs. Some habitat management is continuing, however monitoring of the treatments and management actions are not being conducted.

Maintenance of the six-miles of trails, nine-miles of roads, and other facilities has been reduced and delayed. When storm events wash debris or drop trees across trails or roads they may remain obstructed for weeks reducing the public's access to the refuge. Maintenance that is deferred continues to be added to the Refuge System's $2.5 billion deferred maintenance backlog.

Law Enforcement: The presence of a law enforcement officer has improved safety. Prior to his arrival the refuges were plagued with prostitution, homeless camps, poaching, drugs, gangs, and illegal trespass. These refuges are in an urban area and so they will never be crime free, but the presence of law enforcement has greatly reduced illegal activities and improved safety for visitors and wildlife. The International Association of Chiefs of Police did an analysis of the Refuge System's law enforcements needs in 2005. The Association recommended a force of 845 full-time officers yet the Refuge System only has 246 officers to protect resources and visitors on the 150 million acre System. We ask that you budget $39 million for Refuge Law Enforcement.

Visitor Services: While over 1.8 million people live within 20 miles of these refuges in the Washington Metropolitan Area, services for potential visitors are very limited. The refuges lack the facilities to greet and orient visitors. For years the Potomac River Refuges have been on the Service's short list for a visitor/administration building, yet nothing has happened. The Refuge System has almost $1 billion worth of construction needs. Staff is currently housed in an office park miles away from the refuges. Without facilities and staffing the Service is only able to reach approximately one percent of the surrounding population. Visitor enhancements will provide greater efficiencies and economic impacts. Refuges that offer a board range of programs generate more visits, create more jobs, and provide more income to the local communities.

Volunteer Programs: Refuges need the staffing and facilities to draw visitors in, entice them to volunteer, and become stewards of the refuge and their communities. Friends groups and other volunteers contribute nearly twenty percent of all the work hours on refuges. At Potomac, volunteers are picking up trash, mowing, presenting interpretive programs, organizing festivals, and assisting staff. Could we do more? Yes, but there are obstacles that prevent volunteer programs from reaching their full potential. Without staff to oversee and interact with volunteers, projects are not done and volunteer retention is difficult. The National Wildlife Refuge System needs to invest $80 million in Visitor Services in order to capitalize on the opportunities to

involve the public in fulfilling its mission.

Challenge Cost Share Program: The Challenge Cost Share program has allowed our Friends organization to leverage our time and funds to help our local refuges complete small-scale projects. We, along with other partners, have constructed overlooks and sun shelters, created interpretive signs, hosted festivals, equipped environmental education programs, and removed invasive species. In 2011 the cost share program was shelved while reforms could be made. We ask that you re-establish the Challenge Cost Share program and provide $3.6 million in funding.

The Tale of Two Refuges

Sequestration

The Friends of the Potomac River are very concerned about the devastating impact across-the-board sequestration cuts of 9-10 percent in FY 2013 will have on our refuges and the entire Refuge System. If sequestration occurs refuge management estimates there will just enough funds to pay salaries and utilities. The impacts will affect wildlife and visitors.

Impacts on Wildlife: Managing the habitat will be staff's first goal, however management will not be as effective. The deer population, which is managed through hunts, will explode. The increased browsing of the forest floor reduces bio-diversity and decreases forest regeneration. This will affect creatures from chipmunks to the bald eagles. Invasive animal and plant species will consume native species and acres of habitat. The Northern Snakehead and other non-native species will have more opportunity to consume and displace native species. Mason Neck NWR has the largest blue heron colony in the Mid-Atlantic. Mile-A-Minute, a very aggressive herbaceous plant, has been found there and left unchecked it could smother trees that the rookery depends upon. The grasslands at Occoquan Bay NWR must be burn or mowed for nesting grassland birds. The burn program was eliminated with the loss of the biologist, and now the mowing program is in jeopardy.

Impact on Visitors: If sequestration goes into effect all refuge led visitor service programs will be eliminated. The part-time visitor service intern will be released. There will be no ranger led programs, youth fishing events, festivals at Mason Neck NWR, or scouting programs. The Fall Festival that the Friends organize will be suspended because the entire staff is involved the event and there will be no overtime funds to pay them.

Access to the refuges will be reduced. Trails and roads that are obstructed by storm events will be closed. There will be no extended hours during the summer or weekends. Regular trail and road maintenance will be deferred. Vaulted toilets will be cleaned every few weeks instead of weekly and portable toilets will be closed.

Friends and other volunteers will not be able to compensate for all of these loses. To assist with managing the habitat, volunteers need oversight and training, but there will be no funds to pay for the training. The Friends organization is willing to expand our interpretive programs; the challenge will be access, safety, and the quality of wildlife viewing.

Opportunities to Embrace

The Potomac River Refuges are the epitome of an urban wildlife refuges. Residential and

industrial developments border the refuges. The surrounding land uses create additional stresses for the refuges such as stormwater runoff, illegal trespass, and invasive species. But the surrounding communities provide these refuges and the entire Refuge System with the exceptional opportunity to engage the public and increase their awareness of the National Wildlife Refuge System and its role in conservation.

In 2011 the National Wildlife Refuge System created a vision to guide the management of the System during the next decade and beyond. The new vision seeks to make wildlife conservation more relevant to the public and engage them in the National Wildlife Refuge System. With 80 percent of Americans now living in urban or suburban areas the System is placing special emphasize on helping urban America connect with and understand the benefits of its wildlife heritage.

What better place to engage the American people than at the Potomac River Refuges? Increasingly the population has become more racially and ethnically diverse; in Prince William County less than half of the population is reported as non-Hispanic and of one race. These refuges have the potential of embracing all Americans and sharing with them our wildlife heritage.

In Summary

Wildlife Refuges matter to your constituents. Last fall, on a cold rainy day, we hosted a festival on Occoquan Bay NWR. A young mother and her four children came and all of them looked unprepared for the weather. The oldest boy gave me a dollar saying, "My mother wants you to have this." The family was living in homeless shelter, but that did not stop this wonderful woman from showing her appreciation for the natural heritage we all share and demonstrating to her child how important it is to support it. I hope all of us will follow her example.

Our members realize that our country is facing difficult economic times and we must all share in the challenges of the recovery. We thank you for the meaningful funding increases allowed the System in fiscal year 2008-2010 that provided stability to our refuges. We respectfully ask you to support the following funding allocations for the National Wildlife Refuge System that will allow the System to maintain existing management capabilities:

- $495 million for the operations and maintenance accounts of the National Wildlife Refuge System including:
  - $39 million for Refuge Law Enforcement
  - $80 million for Visitor's Services
  - $3.8 million for Challenge Cost Share
- $37 million for the Fish and Wildlife Service construction account

The Friends of the Potomac River Refuges invite all the members of this Subcommittee, your family, and staff to visit our refuges. Please take some time from your hectic schedules, travel the 25 miles or so and enjoy one of the Potomac River Refuges. Watch the wildlife, enjoy the scenery and relax.

Mr. LATOURETTE. I thank you very much. Mr. Moran, do you want a moment with Joan before you depart us? Do you have any questions of anybody?

Mr. MORAN. No, I am all set. Thank you.

Mr. LATOURETTE. Okay. Thank you very much.

Mr. MORAN. Thank you very much.

Mr. LATOURETTE. Thank you.

And Mr. Christensen, thank you for your accommodation. Now we will hear from the Friends of Deer Flat. Welcome.

WEDNESDAY, MARCH 21, 2012.

FRIENDS OF DEER FLAT WILDLIFE REFUGE

WITNESS

ROBERT C. CHRISTENSEN

Mr. CHRISTENSEN. I appreciate the opportunity to be here today. At first, when I was selected, I am not sure I appreciated it but I do now.

My name is Bob Christensen, and I am a retired wildlife biologist. I worked 30 years with the U.S. Bureau of Reclamation. I am here today on behalf of the Friends of Deer Flat Wildlife Refuge and its 80 members, also its 500 or more volunteers.

My first experience with a wildlife refuge was at Fish Springs National Wildlife Refuge, which is on the south end of the Great Salt Lake Desert, one of the most remote wildlife refuges in the 48 States. I worked there a summer as a biological aide and I gained an appreciation for all of the planning and the work and the sweat that goes into creating, maintaining, and enhancing these icons of wild America. While I was there at Fish Springs, I met a man we call him Trapper Jim and he lived there at the refuge. He was granted lifelong, well, opportunity to live there and he lived in a dugout next to one of the desert springs. And most of the time he spent trapping muskrats and in the summertime he spent in his underground hole there just trying to keep cool. But he claimed that if you drank from the alkaline waters of the desert springs there and then walked to the refuge every day, it would keep you clean both inside and out.

Anyway, my coworkers and I one time, we were listening to Jim in his little hut there; we like to listen to some of his stories he told. He told a lot of yarns. But we were listening to him. He had just skinned out a muskrat and he had put the glands up on a little shelf above his counter and he was drinking his coffee and talking to us and spinning his yarns, and meanwhile, these glands rolled off his dusty shelf and plopped into his coffee cup and we kind of looked at each other and snickered and wondered what was going to happen. And he eventually picked up the coffee cup and tasted it and his eyes kind of a puzzled look in his eyes and he took another sip and he kind of sloshed it around in his mouth and smacked his lip and gulped it down and he said, you know, that is the best cup of coffee I have ever had.

Now, I tell you that because each refuge has its own history and heritage, each has its own story to tell, and each has its own intrin-

sic value on the American landscape. They are all different. They are all different characters. And this is true of Deer Flat National Wildlife Refuge where I have been a volunteer for many years. And it is one of the oldest refuges in the National Wildlife Refuge System. Last month, we celebrated its 103rd birthday.

Deer Flat serves as a refuge and a breeding ground for migratory birds and other wildlife with emphasis on wintering water fowl. The refuge received about 225,000 visitors last year, and that is pretty significant for a pretty small refuge. And it is up from—we had about 100,000 in '96 and so now we are at 225. Interpretive and educational outreach programs provided by the refuge having in recent years reached over 6,000 young people with different ethnic backgrounds and have also influenced another 9 to 11,000 people in our Environmental Education Programs. And much of this has been due to volunteers as well as to interns that we have been able to keep on staff.

The Friends of Deer Flat realize the economic times that we are in and that funding increases are not necessarily feasible, but we know that at current budget levels, as Desiree explained, we can barely keep things moving along. And there will be actually some losses, particularly if we lose these Challenge Cost-Share Grants. We will have to reduce our volunteer outreach and environmental programs by 20 to 30 percent. If we go to the 10 percent reduction, then that will kind of double that. If we lost all of our grant monies for Challenge Cost-Share, then our outreach programs would be reduced by 40 to 60 percent.

And another thing that we are concerned about is fire suppression and invasive weed control programs, they will be seriously diminished also. And we have had public input on that. The people would like to see us do a better job on the refuge.

The refuge currently has no law enforcement officer and, of course, maintaining the status quo or reducing the budget would not help us there at all. We would not be able to provide any law enforcement.

We hope that you will support the Deer Flat Refuge and the other 556 refuges across the country by maintaining at least the status quo funding for the refuge system and the funding, particularly the Challenge Cost-Share Program at $3.6 million level.

On behalf of the Friends of the Refuge, we thank you for the opportunity to come and testify today.

[The statement of Robert Christensen follows:]

March 21, 2012

Robert C. Christensen, Treasurer
Friends of Deer Flat Wildlife Refuge
13751 Upper Embankment Rd
Nampa, Idaho 83686

TESTIMONY
FOR THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2013 APPROPRIATIONS

Mr. Chairman and Members of the Subcommittee:

On behalf of the Friends of Deer Flat Wildlife Refuge and its 80 members, we would like to thank the committee for giving us the opportunity to submit testimony in support of the National Wildlife Refuge System. We are a nonprofit volunteer group that "...is committed to promoting, protecting, and providing resources to preserve and enhance the Deer Flat National Wildlife Refuge as a treasure for the enjoyment of present and future generations."

Background on Deer Flat National Wildlife Refuge

Deer Flat National Wildlife Refuge (Deer Flat NWR) is one of the oldest refuges in the National Wildlife Refuge System. Last month we celebrated its 103rd birthday. The refuge is located in Southwestern Idaho about 25 miles from Boise, Idaho, the state capitol. Deer Flat NWR is comprised of two separate units. The largest and most accessible is the Lake Lowell Unit comprising about 10, 588 acres located immediately south and west of the city of Nampa. The other sector, less accessible, is comprised of 101 islands (totaling about 1200 acres) in the Snake River--distributed along 113 river miles from the Canyon-Ada County line in Idaho, to Farewell Bend in Oregon.

Deer Flat NWR serves as a refuge and breeding ground for migratory birds and other wildlife--with emphasis on wintering waterfowl. Thousands of mallards and Canada geese spend a portion of the winter months at Lake Lowell. The refuge provides nesting habitat for two pair of bald eagles and two pair of osprey and numerous shore and wading birds such as the great blue heron, double-crested cormorant, and western grebe. The Snake River islands provide the refuge's primary nesting habitat for resident Canada geese.

The refuge received an estimated 225,000 visitors in FY11. Recreation pursuits include the "big six" priority wildlife-dependent opportunities typical of national wildlife refuges: fishing, hunting, wildlife viewing and photography, environmental education and interpretation. Other activities include boating, swimming, horseback riding, and hiking. In addition, interpretive and educational outreach programs provided by refuge staff and volunteers have, in recent years, reached about 6,000 people of varied ethnicities, while

environmental education activities have influenced another 9,000 to 11,000 young people living in the greater Boise area.

Of particular interest is "Discover Wildlife Journeys," an inquiry-based field trip curriculum developed by Deer Flat NWR staff; Friends of Deer Flat; Northwest Nazarene University; and Canyon County Parks, Recreation and Waterways. To allow local students to have access to this new curriculum, the Friends of Deer Flat started a busing scholarship program to fund elementary students' transportation to the refuge. This past year over 1,200 local school students participated in this hands-on experience.

Many of these programs would not be possible without the efforts of the over 500 volunteers who annually log in 11,000 to 12,000 volunteered hours.

Funding Level Impacts

The Friends of Deer Flat realize the difficult economic times that we are experiencing and that funding increases are not feasible during this time of budget constraints. However, we respectfully ask that you seriously consider the adverse effects that budgetary shortfalls will have on the operational capacity of the National Wildlife Refuge System.

Status Quo - At Current Budget Levels:

Even at current levels, there will be adverse impacts on the ability of the Service to maintain the present infrastructure and programs because of inflationary costs on overhead, equipment, and maintenance activities. There will be loss of opportunities to enhance refuge habitats, curtail invasive species, provide safer and more interactive visitor experiences, and obtain essential scientific data.

For example, at Deer Flat NWR increased costs of doing business would most likely result in the loss of Challenge Cost Share Grants that in recent years have helped fund two intern positions. This would adversely affect volunteer, outreach, and/or environmental education programs, as well as hamper the collection of onsite scientific data from which to make local management decisions.

Loss of intern positions would be projected to result in the following reductions.

Effect on volunteers: **Reduction of up to 20%**
Effect on interpretation/outreach: **Reduction of about 30%**
Effect on environmental education: **Reduction of about 28%**

Law Enforcement - The refuge currently has no law enforcement officer—maintaining status quo would not ameliorate this situation. The law-abiding refuge users could have

less enjoyable experiences on the refuge because they would continue to be adversely impacted by those who flaunt the rules.

At 10% Reduction in Funding:

With a 10% reduction in funds there would be obligatory cuts in staffing, maintenance activities, and public outreach and environmental education opportunities in the refuge system. There will be even more significant loss of opportunities to enhance refuge habitats, curtail invasive species, provide safer and more interactive visitor experiences, and obtain essential scientific data.

At Deer Flat NWR the following impacts would be expected:

Without Challenge Cost Share Grants, the refuge would be unable to fund both the environmental education specialist and the volunteer coordinator intern positions, and because of other more pressing duties, full time staff would be unable to do as much volunteer coordinating or environmental education/outreach as the interns are able to do. The inability to hire summer biological technicians would seriously hamper the collection of valuable scientific data on the refuge.

Based on numbers which the refuge experienced before intern programs were available to Deer Flat NWR, the following adverse effects would be expected to occur.

Effect on Volunteers: **Reduction of up to 40%** -- Based on the number of volunteer hours from before the refuge had a volunteer coordinator, we would predict that due to lack of a volunteer coordinator, volunteer hours at Deer Flat NWR would be reduced to about 7,000. Also, many volunteer efforts may go unrecognized. The refuge visitor center may not be able to be kept open on Saturdays--as it is now staffed by volunteers.

Effect on Interpretation/Outreach: **Reduction of about 60%** -- There would be a reduction in the number and scale of special events due to lack of planning assistance from interns as well as a reduction in off-site events that staff could attend. There would also be a reduction in the number of "Wild about Life lectures" (a monthly outreach program). These effects would result in a reduction to 2,500 participants.

Effect on Environmental Education: **Reduction of about 55%** -- There would be a reduction in the total number of on and off-site programs that staff would have time to participate in or time to recruit/coordinate volunteers to staff such programs. This would include a reduction in the number of "Discover Wildlife Journeys" field trips that could be provided for local school children; each field trip requires four guided stations, and with other pressing assignments, staff would have little time to recruit sufficient number of volunteers to staff a large number of those field trips. We project a reduction to 4,000-5,000 total participants in environmental education programs.

Effect on Refuge Visitations: **Reduction of 10% to 20%** -- Loss of visitation would be expected as a direct and indirect reduction in the outreach and educational programs listed above. We project a reduction to lower than 200,000 visitors during the year.

Law Enforcement: At 10% funding reduction, the refuge would have no hope of obtaining its own law enforcement officer. Law-abiding refuge users would continue to be adversely impacted as stated under the status quo scenario.

Fire Suppression and Invasive Species: These control programs would be drastically reduced because of the prohibitive costs of manpower and herbicides. Weedy species such as Scotch thistle and white-top, especially on the Snake River Islands, would range out of control and become more of a plague to neighboring private lands. The longer these infestations go uncontrolled, the more effort and expense it will require to tackle them in the future.

Request for Appropriations at no lower than Status Quo Levels:

We respectfully ask the Subcommittee to approve appropriations for the National Wildlife Refuge System at no lower than the status quo levels. The Friends of Deer Flat believe that maintaining stewardship over the Deer Flat NWR and the National Wildlife Refuge System are vital to the well-being of our nation. How diminished our lives would be without the sounds of wildlife and the opportunity to view them in their natural habitats. Additionally, the National Wildlife Refuge System conserves natural ecosystems that provide support to local economies by cleaning water, regulating climate, reducing flood risk, and pollinating crops. The Refuge System upholds the American value of public lands and as Hugh Hammond Bennett, the first NRCS Chief, stated, "If we take care of the land, it will take care of us."

We again extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System and respectfully request the Interior Appropriations Subcommittee allocate $495 million for the Refuge System's FY13 Operations & Maintenance budget, $61.5 million for State Wildlife Grants, $39.4 million for North American Wetlands Conservation Act grants, $3.6 million for the Challenge Cost Share program, and in addition, fund the LWCF at $700 million with $150 million for the National Wildlife Refuge System.

We hope you will support the Deer Flat National Wildlife Refuge and all of the 556 refuges across the country by maintaining adequate funding for the National Wildlife Refuge System. On behalf of the Friends of Deer Flat Wildlife Refuge we thank you for considering our requests.

Sincerely,
Robert C. Christensen, Treasurer
Friends of Deer Flat Wildlife Refuge

Mr. LATOURETTE. Well, I thank you very much for your testimony.

And Mr. Paddock, we have come down to you. You are our last witness today. Welcome.

WEDNESDAY, MARCH 21, 2012.

FRIENDS OF THE REFUGE HEADWATERS

WITNESS

TODD PADDOCK

Mr. PADDOCK. Thank you. And I guess I am the last and you are the last.

Mr. LATOURETTE. That is right.

Mr. PADDOCK. All the others have worn out the members of the Subcommittee. So I will try to be brief.

The Upper Mississippi National Wildlife and Fish Refuge begins in Minnesota and it stretches 260 miles down through Wisconsin and Iowa and Illinois. So it is a very large refuge. And it is an important one. We get 3.7 million visitors a year and that is more than Yellowstone, for example. The reason is this is not a refuge that has fences. It is not distant from where people live. It is our backyard. You often can be in the refuge and not know it. And that does not mean, though, that it is not a vital refuge. For me, it is easy for me to talk about this because I am there probably a couple hundred hours a year. I fish, I hunt, I kayak, I canoe, I picnic, I swim with my wife, with friends. I am there a lot and I know how many other people use it as well. I am not that unusual to be honest.

I have never been in a place in that refuge, no matter how far I would walk or canoe, gone over the ice where there was not another person nearby who might come around the corner. Over and over I thought I got away from everyone and I was wrong. And that is, again, because this is a place that is used. It is a wildlife refuge, it is for wildlife, but it is a paradise for people.

I am sure you know that Minnesota is known as the land of 10,000 lakes, but not where I live. We are the land of the upper Mississippi River. That is just the truth. I guess you could call it the land of 10,000 backwaters of the river and islands. It is 240,000 acres of marshes and wooded islands and bottomland forests and upland prairies and more. And we have 300 species of birds, 100 species of fish, 150 species of mammals. We have 250 eagle nests, 5,000 nests of herons and egrets. We also are one of the four major flyways for the United States for migrating birds, and they need the water, the food, the protection that is there when they are migrating. And that is one of the things that a refuge provides. It is one of the reasons it began.

If there was a 10 percent cut, the reason it would have a big impact for us is because we are already operating on an austere budget. For example, we have four law enforcement officers for four States and 3.7 million visitors. That is really an impossibility. We have no fisheries biologists. This is a refuge that is based entirely on the efforts—and no fisheries biologists when, like, Asian carp

are coming and we know they are coming, there is not a lot we can do. Certainly, we cannot have an expert there to plan for how to address it because there is no such position. Similarly, we have no forester. Fifty thousand acres of bottomland forest and no forester. These positions exist, that part of our plan, but they are vacant. We do not have the money to hire them.

If you were to visit the city I am from, Winona, and this is not unusual for river towns that are next to this refuge, you would see boats on the street and the side yards and the front yards and the backyards. They are kayaks, they are canoes, they are pleasure boats, they are fishing boats, they are hunting boats, they are airboats, which are what trappers use, and it is just another example of how important this refuge is. And people really do care. They truly care and they will pay for it.

Minnesota, we passed a constitutional amendment to provide through sales tax on everything that is bought and sold that provides hundreds of millions of dollars a year to be spent on land purchases, water quality, and more. We care about environment to the point of saying we will spend more on it. They passed a similar law—although now they are waiting on their legislature to actually put it in effect.

So I just want to let you know that if there was a cut of 10 percent, there would be further reductions. I asked the staff, what would you do? They said, well, no weekend visitor hours, no weekend visitor services. Special services like hunting for the disabled will be eliminated. We will also reduce law enforcement. We will reduce school programs. These are things that I do not think anyone wants to happen and that is what I am asking you to help stop, to not let this happen.

Thank you.

[The statement of Todd Paddock follows:]

Todd Paddock
President, Friends of the Refuge Headwaters
717 Main St
Winona, MN 55987-3333

Testimony before the House Appropriations Subcommittee
On Interior, Environment and Related Agencies
Concerning Fiscal Year 2013 Appropriations
March 21, 2012

Chair and Members of the Subcommittee:

On behalf of the Friends of the Refuge Headwaters (FORH), thank you for giving us the opportunity to speak before you about the fiscal year 2013 Interior Appropriations bill and the impact this bill will have on the Refuge we support: the Upper Mississippi River National Wildlife and Fish Refuge (Upper Miss Refuge). We ask that you to support the President's funding proposals for programs in the NWRS and the U.S. Fish and Wildlife Service (FWS).

Below I will begin by briefly describing FORH, the Upper Miss Refuge, and use of the Refuge by 3.7 million visitors per year. With respect to the Upper Miss Refuge in particular, I will explain the importance of the following allocations:

- $495 million for Operations and Maintenance (O&M) of the NWRS. This includes $80 million for Visitor's Services, and $39 million for Refuge Law Enforcement;
- $700 million for the Land and Water Conservation Fund (LWCF). This includes $150 million for the NWRS.

You have been strong supporters of the National Wildlife Refuge System (NWRS), and we thank you for that. Yet the Refuge System has endured significant cuts during the last two fiscal years, the cuts reduced an already austere budget, and they have negatively impacted the people who use the Upper Miss Refuge and who deeply care about it, as well as the wildlife that is the reason for the Refuge's existence. I will illustrate this to you below, and show how additional cuts will have harmful consequences out of proportion to any money saved by carrying them out. Finally, I will describe how deeply people care about the Upper Miss Refuge and their commitment to paying for its proper management.

While our testimony will focus on the Upper Miss Refuge, we are very proud to be part of the National Wildlife Refuge System. We don't presume to speak on behalf of the more than 550 Refuges, nor from the more than 230 Friends groups. But we are confident that those Refuges share similar challenges and successes, and if you could hear the testimony of more Friends you would find many of the same themes below.

The Friends of the Refuge Headwaters (FORH)
FORH is an all-volunteer group that began in 1997. Our mission is to support the Refuge's goals of sustaining diverse and abundant wildlife as well as providing compatible recreation, education, and interpretation to the public. Our current activities include sponsoring public outings for fishing, birding, canoeing, planting trees, removing invasive species, surveying

Refuge users, holding public events with expert speakers, monthly meetings, and advertising and communicating through print, electronic, and social media.

The Upper Mississippi River National Wildlife and Fish Refuge
The Refuge winds through 261 miles of the Upper Mississippi River across four states: Minnesota, Wisconsin, Iowa, and Illinois. It comprises 240,000 acres of bottomland forests, wooded islands, marshes, backwaters, and upland prairies. It has more than 300 species of birds, more than 100 species of fish, and more than 50 species of mammals, as well as 250 bald eagle nests and 5000 heron and egret nests. The Refuge is part of one of the four major waterfowl migration flyways in the U.S., where birds must find reliable food, water, and resting places: during fall migration you can find hundreds of thousands of waterfowl using the Refuge on a single day.

But the Upper Miss Refuge is not just for wildlife. It's also a paradise for people. Minnesota is known as the land of 10,000 lakes and there are just as many lakes in Wisconsin, but not the part of Minnesota and Wisconsin where I live. We live in the land of the land of the Mississippi River, and thankfully, the land of the Upper Mississippi National Wildlife and Fish Refuge.

Public Use of the Upper Miss Refuge
So I will now describe for you how much people use this Refuge and how deeply they care about it. That's not hard for me to do, because I'm one of them. I'm out on the Refuge a lot and for many reasons. I fish year-round, from my boat, shore, or ice, and in the fall I hunt on the Refuge. You'll find my wife and I on backwaters or pools in our canoe or kayaks, sometimes with friends, exploring and observing wildlife. We take walks through the bottomland forest or upland prairie, on trails, on ice-covered channels in the winter, or on levees. We walk or drive to observation platforms to watch birds. We often join with friends to take one or more boats to an island shore for a picnic. On a warm summer day we may swim at the riverside bathing beach directly across the river from Winona.

People like us make 3.7 million visits per year to the Refuge to hunt, fish, watch wildlife, boat, canoe, camp, or just walk. That's because the Refuge is not put away behind a fence or distant from the cities that dot the river. It's our backyard. That's why it's so heavily used by families, schools, colleges, youth groups such as Boy Scouts and Girl Scouts, and many others. If you drive through my town—Winona, Minnesota—or through other towns and cities along the river, you'll see boats on trailers parked in side-yards, driveways, and often on the street. They're fishing boats with rod holders and trolling motors, pleasure boats with picnic and swimming gear, or hunting boats painted camo and surrounded by a cattail fence, or airboats used by trappers. Inside our garages, in the backyard, or on the side of the house you'll find canoes and kayaks.

Any week of the year that you go out into the Refuge, you'll find people: a couple of dozen anglers in boats and on shore at a pool below a dam (the Refuge receives more than 1 million visits annually for fishing), a group of boats pulled up on the sandy beach of an island to swim and picnic on a summer day (more than 1.3 million visits for such activities), bunches of duck hunters heading out from landings on a fall morning (300,000 waterfowl hunters), or birdwatchers lining the sides of an observation platform (300,000 visit to observe wildlife or for

education). And they're not just in the easy-to-reach places. You've canoed far back into a remote maze of islands, pulled your ice-fishing sled as far down a channel as you can stand, or stalked through the forest with your gun until you may be lost. And you think you're alone. Around the corner comes another person, maybe doing the same thing you are, but just as likely there for another reason. But they wouldn't be there if the Refuge was not.

The Austerity in which the Upper Miss Refuge Operates

The Refuge is understaffed for many positions and has been for years. For example, four law-enforcement officers patrol 261 miles of river and 240,000 acres over four states with over 3.7 million visitors. That is an impossible task. Not only is that level of enforcement inadequate for the safety and protection of visitors and wildlife, but it is a threat to the officers themselves. The officers patrol alone and are often far from other enforcement agencies. Imagine how it feels to cruise toward an isolated island beach at night to confront 100 intoxicated people—and you're alone. For another example, two Rangers and four Visitor Services Coordinators plan and carry out activities with thousands of visitors and must often simply say no to requests for programs from schools, youth groups, and many others.

Other key positions are simply vacant. The Refuge has 51,000 acres of floodplain forest but no Forester, getting guidance instead from the U.S. Army Corps of Engineers Forester. Yet those same forests are declining due to invasive insects, plants, and trees such the Emerald Ash Tree Borer beetle, Buckthorn shrub, Oriental Bittersweet vine, and Black Locust tree. There is likewise no Fisheries Biologist, a position that provides a crucial link to states. Thus the Refuge has little or no say in fish management, fishing tournaments, commercial fishing, fishing seasons, fishing methods, or even catch limits, though fishing is an extremely popular activity on the Refuge and has large impacts on it. Even in the face of an advancing threat like Asian Carp, which have caused severe harm to fish populations and injuries to boaters, the Refuge can do little. In addition, there is no Private Lands Biologist to reach out to adjacent private landowners and help them restore fish and wildlife habitat on their lands through both FWS and USDA programs.

In other cases lack of funding means the Refuge cannot carry out its obligations. Currently the Refuge has authorized $2.25 million for land acquisition through the LWCF and has land acquisitions waiting for either appraisals, signed purchase agreements, or final closing to fulfill its obligations for these funds.

Consequences of the FY2011-2012 Budget Cuts for the Upper Miss Refuge

The FY2011 and 2012 cuts have had many negative consequences, but I will mention just two. First, the Refuge has reduced the number of people it hired seasonally, most of whom are young people taking part in the Student Temporary Experience Program (STEP). As a result, high-school and college students lost an important path for gaining direct on-the-job experience. Second, the Refuge has reduced its outreach programs for the general public at weekend and evening events, most often within the communities adjacent to the Refuge. Not only does this mean less education, interpretation, and recreation for children and adults, but it also means fewer volunteer opportunities on the Refuge, fewer contacts between Refuge staff and volunteers and local citizens and leaders, and a decrease in tourists who support local economies.

Consequences of a 10% Budget Reduction for the Upper Miss Refuge
The Refuge is understaffed and absorbed cuts in FY 2011 and 2012. To carry out a further cut of 10%, the Refuge would eliminate special hunts for the disabled, youth, and others requiring special accommodations. All weekend environmental education and interpretation programs would be eliminated. Visitor centers would not provide weekend or evening hours for the public. In addition, there would be reductions in environmental education programs for schools, weekend outreach/interpretation programs regarding fish and wildlife and other refuge programs, restoration projects with state and other federal agencies, oversight of trust species (bald eagle, endangered species), and law enforcement including search and rescue operations, drug enforcement and accident investigations, hunting and fishing contacts, refuge trespassing, and habitat destruction. Clearly, these actions will have harmful consequences for wildlife and for the people who use the Refuge, and they can be avoided.

Economic Benefits of the Upper Miss Refuge
The authors of an economic study that is now eight years old[1] found that the Refuge generated over $19 million annually in expenditures and economic value, $98 million in economic output, 1,266 jobs with an income of $21.4 million, and federal, state and local taxes of $10.4 million. Given the importance of Refuge to the economies in four states and in the lives of the several million people who use it, the budgets for the two refuges is remarkably small. So funding of the Refuge has huge leverage. That's one of the reasons why reducing the budget will have such large negative consequences and increasing the budget would have similarly large positive consequences.

Public Commitment to the Upper Miss Refuge
The people who use it have strong feelings about the Upper Miss Refuge. We truly care, because it's a big part of our lives. That Refuge is part of our regional heritage, just as the National Wildlife Refuge System is part of our national heritage. We also have strong expectations for it. We want it taken care of so that it's there not just for us, but also for our children and grandchildren and beyond. That's why this region's biggest news last week was that all three species of Asian carp had been caught in the river in one day by commercial fishermen. That news made us scared, depressed, and to be honest, angry. Because those fish threaten the Refuge that we care about so much, we saw that threat coming years ago, and there was a failure to address it.

We're also willing to pay for management of the Refuge. In 2008, by statewide referendum, Minnesotans voted by a large margin to increase our sales tax by 3/8ths of one percent for three decades. 80% of the new revenues are dedicated to protecting, restoring, and improving wildlife habitat, surface waters and ground water, and parks and trails. Iowans passed a similar amendment in 2010, but are waiting on their Legislature to put their wishes into action. I'm confident the voters of Wisconsin would do the same if they had the opportunity, as would the voters of many other states. We Americans care deeply about our lands, waters, and wildlife. Doing so is a proud part of our history, as evidenced by more than a century of commitment to our National Wildlife Refuge System. We ask that you carry on this tradition.

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[1] Caudill, J. 2004a. The Economic Effects of the Upper Mississippi River National Wildlife and Fish Refuge: Baseline and Effects of Alternatives. U.S. Fish and Wildlife Service, Arlington, VA. 32 pp.

Mr. LATOURETTE. Well, listen, thank you and thank all of you. All of you touched upon sequestration. The good news is I do not think sequestration is going to occur because it was just too horrible. Nobody ever thought we would find ourselves with sequestration because we are supposed to have done our jobs, which we did not do. The budget that will be debated next week and some alternatives I think will accommodate sequestration without the 10 percent cuts that you are talking about. So that is the good news.

The bad news is that people in your line of activity and others are going to have to get involved in this budget debate because all the pressure of last year's budget and this year's budget is on non-defense discretionary spending. Now, how does it get there? You have one party, my party that does not want to talk about revenues. You have the other party that wants to use the middle-class entitlement programs of Medicare and Social Security to beat the snot out of my party. You cannot get there unless you address both of these things. So the chicken way out of it is to continue to ratchet down this small percentage of the budget that is non-defense discretionary that has the disastrous effects that you are describing. If you all and people like you let us get away with it, well, then bad things are going to continue to happen.

I have no problem saying to some of my wealthy friends, look, you got to be part of the solution, and, you know, you cannot pay 14 percent. You need to pay what I pay. And I have no problem saying to a retired person that Social Security was not designed to sustain you for as many years in retirement as you worked. But we got to get there. If we do not get there, again, you know, the average life expectancy of a Member of Congress is 8 years, and so the tendency is to just wait it out, and not have to make a tough decision, and nobody is ever going to be mad at us. But we are really at the point where we cannot do it. It is like the Asian carp. The clock is ticking.

So as you go out and talk to all your members and your visitors and everybody else, America needs to get involved in this budget discussion because it is ordering priorities but it is also recognizing that there is a finite set of resources. Even if you tax the richest one percent, it does not fix the problem.

So anyway, good news is no sequestration; bad news is we are in a lot of trouble. I want to thank you all for being here. I appreciate your testimony. And if you have anything come up as we begin our markup on some of the other things that occur, stay in touch with Mr. Simpson or Mr. Moran's staff and I am sure that we can accommodate you.

So thanks so much for being here.

THURSDAY, MARCH 22, 2012.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

PUBLIC WITNESSES

Mr. SIMPSON. The Committee will come to order.

Good morning, and welcome to the second day of our public witness hearing. This morning, the Subcommittee will be hearing from a cross-section of individuals representing a wide variety of issues addressed by this subcommittee.

The Chair will call each panel of witnesses to the table, one panel at a time. Each witness will be provided with 5 minutes to present their testimony. We will be using a timer to track the progress of each witness, and when the button turns yellow, the witness will have 1 minute remaining to conclude his or her remarks. Members will be provided an opportunity to ask questions of our witnesses, but in the interest of time, the Chair would request that we keep things moving in order to conclude this morning's testimony at a reasonable hour.

Mr. SIMPSON. I am happy to yield to my friend, Mr. Moran, for any remarks that he might have.

Mr. MORAN. No, I am fine.

Mr. SIMPSON. No quote of the day?

Mr. MORAN. Well, I do, but I think it is a little ponderous for this hearing. I am going to save it for another time.

Mr. SIMPSON. I have a really——

Mr. MORAN. You really want it?

Mr. SIMPSON. Yeah, yeah.

Mr. MORAN. Okay. Well, this one is from Margaret Mead.

Mr. SIMPSON. Margaret Mead?

Mr. MORAN. Yeah, and since we have—representatives of the public here, and this is a day to hear from them, the quote is that "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has." So this is kind of a push for more civic advocacy on behalf of their priorities, and——

Mr. SIMPSON. Are you going to put together a book of all these quotes?

Mr. MORAN. I do not know.

Mr. SIMPSON. Because I like them.

Mr. MORAN. Do you really? Well, I appreciate that. I probably would not have sustained this if you had not shown some interest. It is getting to be a little bit of a burden for the staff.

Mr. SIMPSON. I am going to have to go get a Bartlett's quotation book.

Our first panel is Robert Lynch, President and CEO of Americans for the Arts, and Stanley Tucci, the award-winning actor, writer, producer and director, for Americans for the Arts.

Welcome to our hearing this morning. Who is first? Okay. Go ahead, Bob.

THURSDAY, MARCH 22, 2012.

AMERICANS FOR THE ARTS

WITNESSES

ROBERT LYNCH
STANLEY TUCCI

Mr. LYNCH. Well, first of all, thank you so much for having us here for this testimony, and I have submitted written testimony to you, so I am not going to go through that written testimony but I wanted to make a few comments about the value of your support for the National Endowment for the Arts and for the appropriation level of $155 million that we have this year, and that figure, $155 million, aligns closely this year with President Obama's fiscal 2013 request, which is what we are supporting.

For context, I will just point out that that gets us to the 1980 level for the National Endowment for the Arts. Five years actually before I got here to Washington, it was at $155 million, and some day the hope is to get back to the 1992 level of $176 million. But $155 million is the support level in these troubled times that we hope can occur.

Mr. MORAN. What would it be adjusted for inflation? Do you have that number?

Mr. LYNCH. It would be over $300 million adjusted for inflation from that high of 176.

But I want to point out also that I want to thank both Chairman Simpson and Ranking Member Moran and fellow Subcommittee members for the work last year that you did in fighting off two amendments at least that were brought to the House Floor and would have greatly reduced or eliminated the National Endowment for the Arts, and that was noticed by the arts community and we thank you so much for that.

This week is St. Patrick's Week, the week of celebration for Irish-Americans. It used to be St. Patrick's Day but now it is the entire week.

Mr. SIMPSON. Some of us think it is St. Patrick's Year.

Mr. LYNCH. And I actually had the opportunity to take some time and Google every district of every member of the Committee and noticed in every district there were art and music and theater and dance and literature celebrations honoring St. Patrick's Day, some nonprofit organizations and many of them supported by the National Endowment for the Arts. And then I had the opportunity to go to an event on Tuesday night where the leader of the Republic of Ireland, the taoiseach, Enda Kenny, was speaking, and interestingly, he got up there and what he said is, come to Ireland this year, come to Ireland next year, and why should you come? He said hear our music, see our theater, enjoy our dance, visit our muse-

ums, bring your credit cards. And so I think it is interesting that I see nations have the opportunity to work with the French government last year and the Netherlands government and the Chinese government, all of them looking to have our American citizens come there to enjoy the arts that they support in those countries in order to create tourism abroad and also to be able to benefit the people from those countries.

And so it is another example of what your support through the National Endowment for the Arts does. It creates the kind of opportunity here through the arts for people to come, and one of the things that is interesting that the Department of Tourism talks about is that cultural tourists, when they come here, they spend more money than any other kind of tourist and they stay longer, and they like to go to places that are not necessarily New York City but might be Boise, Idaho, or other parts of the country. They want an authentic experience. So I am excited about some of the things that we are seeing there that can attract people to our country.

Now, the arts today, there is some tough news for the arts as there is for every other industry in America. We have seen that many nonprofit organizations are struggling to maintain their bottom lines. In fact, 45 percent of nonprofit arts organizations ended the year with a deficit in 2009, 45 percent. Now, 2 years ago I came to the Committee and I talked about the fact that we at Americans for the Arts thought that nonprofit arts organizations were going to take a financial hit and that they might lose as much as 20 percent of their budgets across the board, and we were right about that. Nonprofit arts organizations have taken a hit.

But I was wrong about a second thing that I brought to the attention of the committee. I thought that from the data we saw that some 10 percent of them were going to go out of business, but they proved very resilient. They proved very, very strong and far fewer than that went out of business. That is what you read about in the papers. But in fact, they are mission driven. They are not bottom line driven. They are looking to make better communities and they will do whatever it takes to stay in business and the kind of help that they get, the little tiny bits of help that they get from something like the National Endowment for the Arts makes all the difference in the world.

Now, that is the tough news. The good news is, they continue to have, these nonprofit arts organizations, a wonderful reputation for being economic drivers in America, revitalizing communities, creating jobs. I have mentioned figures in the past from our arts and economic prosperity study but $166 billion economic impact for the arts in America from the nonprofit arts community, 5.7 million jobs created and sustained across America, and $30 billion of tax monies coming to federal, state and local coffers. That I think is a great contributor and a consistent and steady contributor.

In the year of the founding of the National Endowment for the Arts, 1965, there were 7,000 of these nonprofit organizations. Today, we know that there is 113,000 of them in smaller places all across the country. Four state arts agencies have become 50 state arts agencies because of the investment of the National Endowment for the Arts and the matching money that you create, and the

200 local arts agencies that our organization served back in 1965 are now 5,000 local arts agencies funding, serving and sustaining those 113,000 other organizations, and that is only the nonprofit. There are 800,000 other organizations that are for-profit businesses—a local music store, a dance school, Broadway Hollywood. And so with that, we are seeing that 4.25 percent of all businesses in America are arts businesses, small as they may be.

I would point out that in Idaho's 2nd Congressional District, Reno, that there is 2,133 arts-related businesses that employ 6,539 people. Congratulations. And in Virginia's 8th District, we know that there are 2,842 arts-related businesses employing 12,700 people. That is, I think, exciting and powerful at the local level, and nationally, we know that there is 904,000 of these businesses.

What I see when I look at the National Endowment for the Arts is that through programs that they have, they are continuing to track on providing access to all Americans to the arts and at the same time fostering economic development, economic growth. And I looked at some of the Committee members and I saw that in Representative Cole's district in Oklahoma a $10,000 Challenge Grant supported Global Oklahoma, which fostered interest in and celebration of all the different diverse cultures that were there in that particular district. In Representative Calvert's district in Riverside——

Mr. MORAN. Would you just repeat—I did not hear that, Bob. Would you just repeat the last point that you made just once more?

Mr. LYNCH. I actually would like to say for a great example of arts activity in America something that happened in Representative Cole's district in Oklahoma a $10,000 Challenge Grant supported Global Oklahoma, a festival featuring different cultural traditions, and the festival brings together cultures of the world to promote appreciation and understanding of peoples that are in that district are from throughout the world through art and food, a terrific example. And in Representative Calvert's district, a $15,000 Access Grant supporting creation and presentation of a multidisciplinary work that celebrated the local Native American culture.

On the placemaking side, the investments through things like Our Town and other programs are supporting livable, sustainable neighborhoods and enhanced quality of life through the arts, and I noticed that in Representative Lummis's district a $50,000 Our Town grant supports a pilot program in which public art is integrated into a low-income housing community in Casper. In Representative Simpson's district, Chairman Simpson's district, a $100,000 Our Town grant will support community engagement by the Trey McIntyre Company, allowing the Trey McIntyre Dance Company to stay home as opposed to touring and work with the people there.

So with all of this, I think that we are seeing a valuable and a forward-thinking approach by Chairman Landesman at the National Endowment of the Arts, and the NEA seems to constantly be evolving with the times but still ensuring quality programming reaching all of our communities.

I would like to take a moment simply to say a word of thanks to someone who is not here but I know that Congressman Norm Dicks, who has been a great member of this Committee for so long, is retiring and the arts are losing a friend with Congressman

Dicks. He has worked with both of you very strongly and alongside Ranking Member Mike Simpson created increases in the National Endowment for the Arts and so I just wanted to say a word honoring him.

So in conclusion, I respectfully request that the Subcommittee fund the National Endowment for the Arts at the President's request of $155 million. It is my profound hope, whether this time or in the future, that the Subcommittee can do even more for the citizen participation in the arts, and continue to demonstrate the wonderful leadership, the belief in the nonprofit arts sector and the support for the NEA that you have done. To me, if we continue to do that, we get what you are actually helping to create: a better citizenry, better towns, a better Nation, and even perhaps a better world. The cultural community is ready to assist you, and I thank you for the honor of testifying.

[The statement of Robert Lynch follows:]

Written Testimony in Support of FY 2013 Appropriations for the National Endowment for the Arts

Submitted by Robert L. Lynch, President and CEO of Americans for the Arts

House Appropriations Subcommittee on Interior, Environment and Related Agencies

March 22, 2012

Americans for the Arts is pleased to submit written testimony to the House Appropriations Subcommittee on the Interior supporting FY 2013 funding for the National Endowment for the Arts (NEA) at a level of $155 million, which aligns closely with President Obama's Fiscal 2013 Budget Request.

I would first like to thank Chairman Mike Simpson, Ranking Member Jim Moran, and fellow Subcommittee members for the opportunity to testify on behalf of the arts and culture this morning. We are especially grateful for your demonstrated leadership over the past year in protecting funding for the NEA. As you are well aware, two separate amendments were brought to the House Floor during the consideration of the Fiscal Year 2011 Continuing Resolution and again during last summer's Interior Appropriations Fiscal Year 2012 floor debate that threatened to impose further funding reductions for the NEA.

Thanks to the direct intervention of the Chairman and the Ranking Member, whose floor statements were instrumental in opposing further cuts, NEA funding was ultimately preserved. The arts community owes you and your colleagues a debt of gratitude for your public stance in support of the NEA's critical federal leveraging dollars. Those dollars help support creative sector jobs, improve community access to high quality artistic programming, spur innovation, and strengthen the country's nonprofit arts infrastructure. Thank you again for your unwavering support.

I want to take this opportunity this morning to mostly talk about an improving nonprofit arts landscape and the role the NEA plays in that improvement. This is not to say there are no challenges. According to our new 2012 *National Arts Index*, nonprofit arts organizations are still struggling to maintain their bottom lines as government and private-sector support for the arts decreases due to the economic downturn. Even as the country continues to move out of the worst of the recession, nonprofit arts organizations are not immune to the prevailing economic realities. 45 percent of them ended the year with a deficit in 2009—an increase from 36 percent in 2007. Our research shows that this closely mirrors the recession's impact on other types of nonprofit organizations.

But upon closer inspection of the nonprofit arts, a resilient industry built upon a solid foundation for future growth is revealed. Despite the current harsh economic landscape, the creative sector has maintained its well-earned reputation as one of the country's premier economic drivers. I come before you today with news that the nonprofit arts are playing a true leadership role in

restoring our economy. The arts are about jobs. The arts are about the revitalization of communities. The NEA is the signature federal resource that enables nonprofit arts organizations and institutions to leverage relatively modest federal seed money and maximize their influence.

You have heard me cite the numbers from our studies before, but they bear repeating. Especially as our elected officials are tasked with assessing what priorities to fund while the nation struggles to balance its books and still provide essential services. Our *Arts & Economic Prosperity III* study shows that the nonprofit arts industry generates $166 billion in economic activity every year, supporting 5.7 million jobs in the United States and generates nearly $30 billion in government revenue.

Since its creation in 1965, the NEA has grown the arts and culture sector significantly. The year of its founding, there were fewer than 7,000 nonprofit arts organizations; today there are 113,000. Five state arts agencies have blossomed to 50 and some 200 local arts agencies to 5,000. The NEA's one-to-one matching grant requirement has created a positive economic domino effect that promotes communities, businesses, and local government working in unison to deliver quality arts programming. And this creates jobs. Also since that time, the number of artists in the United States has grown from 560,000 to 2.2 million—now accounting for 1.5 percent of the total workforce.

And that is just the nonprofit side of the ledger. Our analysis of Dun & Bradstreet data shows that there are an additional 800,000 for-profit arts businesses such as film, design, and architecture firms with 3.3 million people on the payroll. Our 2012 *Creative Industries* study provides a research-based approach to understanding the scope and importance of the arts to the nation's economy. Arts-centric businesses from nonprofit museums, symphonies, and theaters to for-profit film, architecture, and advertising companies represent 4.25 percent of all businesses and 2.15 percent of all employees nationwide.

As of January 2012, Idaho's 2nd Congressional District is home to 2,133 arts-related businesses that employ 6,539 people. Virginia's 8th Congressional District is home to 2,842 arts-related businesses that employ 12,705 people. Nationally, there are 904,581 businesses in the United States involved in the creation or distribution of the arts. Arts are the cornerstone of tourism. Arts travelers are ideal tourists—they stay longer and spend more. The U.S. Department of Commerce reports that the percentage of international travelers who include arts and culture events during their stay has increased annually for the last six years. The arts industry generates $150 billion annually in consumer spending domestically and the U.S. export of goods has increased to the point where is it running a $41 billion trade surplus.

As you can see, the arts are big business. The NEA is helping lead the way for the nonprofit aspects of this business to continue aiding in our nation's recovery.

The creative community's rate of return to federal and state coffers would be the envy of any industry. Whether it is through supporting state arts agencies, Blue Star Museums, Art Works grants, the tried and true Mayors Institute on City Design (MICD), or the innovative Our Town initiative, the NEA is the nation's most recognized partnership between the government and culture and plays a crucial role in fostering a highly developed creative sector.

The NEA, under the leadership of Chairman Rocco Landesman, has fully grasped the challenges of its primary role of ensuring access to the arts to all Americans through their signature grants but also by providing a range of programming and research that addresses and measures changing audiences and artistic delivery. The cornerstone grant programs like Art Works, Challenge America Fast Track Grants, and Our Town continue to advance distinctive cultural art forms, promote artistic access across the country, and help revitalize communities. Some examples include:

- **Representative Tom Cole's District (OK-4):** Midwest City, OK. A $10,000 Challenge grant supported "Global Oklahoma," a festival featuring different cultural traditions. "The festival brings together the cultures of the world to promote appreciation and understanding of the peoples of the world and Oklahoma's rich and diverse heritage. This understanding is developed through exhibits, entertainment, food, school displays, and art." Past artists have included vocalists Mihn Tuyet, Quynh Vi, and Quang Le, as well as violinist Kyle Dillingham and guitarist Edgar Cruz.
- **Representative Ken Calvert's District (CA-44):** Riverside, CA. A $15,000 Access grant in the presenting category supports the creation and presentation of a multidisciplinary work at the Culver Center for the Arts. Visual artist Lewis Desoto and mezzo-soprano Erin Neff will create a new work based on the local Native American story.
- **Representative Jose Serrano's District (NY-16):** Bronx, NY. **A** $25,000 Access grant to DreamYard's Out of School Programs will support the largest arts education provider in the Bronx whose programs reach 8,500 K-12th grade students annually during in-school and out-of-school hours. The program aims to "empower all those who are a part of the work to be confident, creative leaders through rigorous artistic development, academic enrichment, and a commitment to social justice."

The NEA continues to be pivotal for investments in local cultural programming. Chairman Landesman continues to build upon the proven successes of the NEA grants models with inventive agency initiatives that recognize the changing landscape and their unique position to help strengthen communities through partnerships with local and state governments, the business sector, and the nonprofit arts.

With these guiding principles in mind, the creative placemaking concept of Our Town was born. According to the NEA, "Communities across our nation are engaging design and leveraging the arts to create livable, sustainable neighborhoods with enhanced quality of life, increased creative activity, distinct identities, a sense of place, and vibrant local economies that capitalize on existing local assets." A limited amount of grants ranging from $25,000 to $125,000 are made to improve quality of life, sustainability, and livability of communities with the arts as an anchor toward those goals.

Artists, designers, community organizations and government agencies work to together to systematically "Improve their quality of life; Encourage creative activity; Create community identity and a sense of place and Revitalize local economies." Recent examples of these types of innovative grants include:

- **Representative Cynthia Lummis' District (WY-At Large):** Casper, WY. A $50,000 Our Town grant will support a pilot process by which public art is integrated into a low-

income housing community in Casper. An experienced artist will be selected to work with developers and residents to design and plan for public art and green space that will serve as a gathering place for residents of the housing complex and the local community.

- **Representative Mike Simpson's District (ID-2):** Boise, ID. A $100,000 Our Town grant will support community engagement and outreach performances by Trey McIntyre Project (TMP). TMP will remain in its home base of Boise rather than tour in order to catalyze cross-cultural involvement with the arts and to collaborate with the City to bring dance performances into the everyday lives and environments of hospitals, schools, and public places.

- **Shreveport, LA**: A $100,000 Our Town grant will support technical design for *Common Link*, an arts-based interactive transportation and information station in the new Shreveport Common cultural district which transforms a neglected, nine-block "square" in the western part of downtown Shreveport. The station will be a pilot for other future stations throughout Shreveport.

These are just a few of the locally valuable and forward-thinking projects that have been funded by the NEA recently. I want to acknowledge the work that Chairman Landesman and the agency have done to address the ever-changing arts landscape. Today, audiences are absorbing and participating in the arts in many different ways. The NEA is constantly evolving with the times while still ensuring quality arts programming reaches all our communities. We are excited that the administration has proposed doubling Our Town funding to $10 million in grant funds.

I want to take a moment before I close to salute a true champion of the arts not only in his native Washington State and his beloved Bremerton, but nationally and in this subcommittee. Appropriations Ranking Member Norm Dicks has been invaluable as a Member of Congress. His retirement means that the nonprofit arts community is losing a friend and congressional cohort who was a tireless advocate for the NEA and all our federal cultural institutions. During his tenure as Chairman, Representative Dicks oversaw exponential increases in funding for NEA working alongside then Ranking Member Mike Simpson, and I want to express the deep sense of gratitude shared by all in the nonprofit creative sector for his service to our country and on behalf of the arts. Thank you again, to you and your staff for your devotion to our nation's cultural resources.

In conclusion, I respectfully request that the Subcommittee fund the National Endowment for the Arts at the President's Request of $155million. Recent decreases in funding have led to fewer grants and less leveraging support that impact jobs in every state. Recent efforts by the agency to streamline the grants process and trim administrative costs have led to incremental boosts for all grant categories across the board. It is my profound hope that the Subcommittee can do even more for citizen participation in the arts by continuing to demonstrate leadership, believing in the nonprofit arts sector and by supporting the NEA.

The cultural community stands ready to assist you in supporting these fundamentally important programs and initiatives. Thank you for the honor of testifying before the Subcommittee today.

Mr. SIMPSON. Thank you, and thanks for bringing up Norm. We are all losing a great friend, and unfortunately, the country is losing a great representative in having Norm retire. I called him a chicken the other day, a quitter.

And I have to admit, when I think of Oklahoma, I think of football, not art.

Stanley, go ahead.

Mr. TUCCI. Thank you.

I am very honored to be here today before the House of Representatives Appropriations Subcommittee on the Interior, Environment and Related Agencies testifying on behalf of an increase to $155 million for the National Endowment for the Arts for fiscal year 2013.

You asked me to speak extemporaneously, but I said I would not because if I did, all of the funding would be cut. So I am going to read what I wrote.

I have always felt that the arts are a necessity and not a luxury. That is a bold statement, I know, but here is why. Both sets of my grandparents emigrated from Italy at the turn of the century. None were educated beyond the 8th grade. My father went to Buffalo State Teachers College, now part of the SUNY system. The SUNY system is also what I went through as well, the conservatory at SUNY Purchase. He studied fine art and then he went on to Columbia graduate school receiving his masters in fine art. He taught high school art for 40 years, everything from printmaking, sculpture, silkscreen, pottery, jewelry making, calligraphy, painting and drawing. He was given a sabbatical in 1972 to study figurative sculpture in Florence for a year, and we all followed.

The exposure to the art, architecture and the food of Italy was life changing for me and it very strongly influenced my aesthetic as an actor, as a writer and a director, but this aesthetic was already being formed unbeknownst to me by my exposure to art on a regular basis since the day I was born. Besides his teaching job, my father sketched, painted and sculpted at home in the evenings after dinner, and he taught art on Saturdays and summers locally to make extra money, for as we know teachers' salaries are nothing to brag about. I will be back next year to talk about that.

But along the way, I was very often by his side learning to work in all the mediums he was exploring himself and teaching his students. I spent many summers in the very well-equipped art room in the posh suburb of Chappaqua, New York, near where we lived and where he taught. The summer school class was filled with students, some of whom had come from poorer sections of New York City to stay with families in Westchester and take art courses, a sort of like fresh air program. All of them adored and respected my father because he treated them with respect by recognizing and bringing to the fore their individual artistic talents and abilities. These guys, these kids, had never before been given the time, the materials, the environment and the opportunity to create something of themselves, for themselves that ultimately ended up pleasing so many others around them.

Now, why do I bring that up? I bring it up because art, not unlike athletics, is a sure way to find and make use of the best in all of us, and I do not mean just fine art, but music, dance and

film. And so for this reason, I feel that we must not look at the arts as an adjunct to society, but as a vital and integral part of society. Sometimes the arts make us think, sometimes they make us see things as we have never before, sometimes they simply entertain and sometimes, if we are lucky, they do both.

A society that nourishes art will always benefit not only culturally but economically, as Bob just pointed out. If we look at the number of jobs that are created by the arts alone and their positive fiscal impact on any given community, city, state or country, the numbers speak for themselves. You cannot really argue with it in the end. It is a great—it is a bargain, really. This is too often overlooked by so many who consider the arts a drain on the finances of any social entity. But an increase in funding, even during financially tough times, will only reap benefits in the long run.

I have followed and know only too well the strained relationship that the NEA has had with Capitol Hill over the years, and I can understand the reticence on the part of legislators to increase or even continue its funding, but I urge that the focus not be on those few works that might offend a certain group or individual, but rather on all the extraordinary visual art, theatre, music and film that sprang from programs, schools, museums, theatre and dance companies funded and sustained by the NEA.

But unfortunately, art is not a thing that is easily defined. It is amorphous, it is interpretive, it is subjective. If it were not, it would be mathematics. Now, imagine us all going to the theatre on a Saturday night and watching someone solve mathematical equations for two and a half hours. No, thank you. I will just meet you at the party afterward.

But this inability to define art is what causes us great strife. Are we all to like the same music, painting or film? No. It is impossible. Why, even caring husbands and wives argue about such things. Except for my films, of course, which everyone loves.

So art is elusive. Is it all good? No. Is it all bad? No. Is all dance beautiful? No. Some of it is just indulgent and annoying. Do we wish that some conceptual art would remain just that? Yes. Can art be elitist? Yes. Need it be? No. In fact the arts are a great leveler. They bring people of all walks of life together by giving them common experiences through so many mediums and in so many venues. They are an apparatus, a vehicle for healthy social interaction of people of all ages.

Like sports programs, arts programs give all children and teens, but particularly those at risk, a place to go and create something positive during those rather ambiguous hours between the end of the school day and when a parent comes home from work. They teach the intellect. They grow the imagination. They strengthen the spirit. They encourage competition. They instill a work ethic. They inspire the soul. And they make us proud as individuals, as a culture and as a nation. The examining and reflective nature of all artistic disciplines helps us to better understand who we are as a people, for our generation and for other generations to come.

It is true that art cannot always be good, but it can be and is good for us. As history shows us, the arts not only help define who we are as a people but they are one of the deciding factors that clarify the distinction between a society and a great nation.

I respectfully ask the Subcommittee to increase the NEA budget for fiscal year 2013 to $355 million—oh, I am sorry. I said $155 million. And thank you for the opportunity to present witness testimony.

I want to also take this time to publicly recognize and thank the Subcommittee for supporting the NEA and so many New York area nonprofit arts organizations and institutions that have specifically touched my life since its inception in 1965. They have helped shape my childhood, my career and now, as a father, my children's appreciation of the arts.

Some of those that I have had direct contact with are the Katonah Art Museum, which is a Blue Star Museum in the town that I grew up in, that provides free admission to active military-duty families from Memorial Day to Labor Day; the Classic Stage Company where I worked, and the Classic Stage Company has received multiple NEA grants throughout the years including Shakespeare in American Communities grant, which supports performances and educational activities that introduce middle and high school students to the power of live theater. SUNY Purchase, which is my alma mater, has been repeatedly recognized by the NEA for its excellence in theater. There is no other school quite like it in the country, I think. The Ensemble Studio Theater where I worked when I was very young and had hair, they have received several NEA grants throughout their storied history including a Challenge America grant, a grant program for projects that extend the reach of the arts to underserved populations. The Jacob Burns Film Center, which is in Pleasantville, New York, not far from where I live, is a prime example of the access facilitated by NEA grants. This is an extraordinary center, a film center, that has received a grant every year since 2007, enabling it to bring big names to a small town and to present film series such as the International Understanding Through Film series. Sarasota Film Festival that I have participated in quite a few years in a row, they have received NEA recognition in 2007, in part for its commitment to community involvement. This is becoming a very important film festival that I also think brings, not that Sarasota needs a lot of money but, you know, it helps. And of course, the Tribeca Film Institute, which recently won two NEA Access to Artistic grants for their professional development program. The SUNY Purchase Neuberger Museum of Art, which is an extraordinary museum gallery on the campus of SUNY Purchase.

And I think for me, one of the most important ones is, I would like to express my appreciation for the support the NEA has given to the Sundance Institute. The Sundance Institute began with a grant from the NEA and they have been repeatedly recognized for their commitment to the discovery and development of independent artists and audiences, and I serve on the board of trustees and as a creative advisor for the screenwriters and directors labs. Multiple Access to Artistic Excellence grants have provided critical support for the institute's Film Forward program, which offers emerging screenwriters, directors, producers and composers the opportunity to support and resources needed to successfully create work. This really is an extraordinary thing that has completely changed the landscape of filmmaking as we know it. Without Sundance and

without the NEA's support for Sundance, independent film would have all but disappeared in this country.

So thank you so much.

[The statement of Stanley Tucci follows:]

Written Testimony in Support of FY 2013 Appropriations for the National Endowment for the Arts

Submitted by Stanley Tucci, actor, writer, producer, and director

House Appropriations Subcommittee on Interior, Environment and Related Agencies

March 22, 2012

I am very honored to be here today before the House of Representatives Appropriations Subcommittee on the Interior, Environment and Related agencies to testify on behalf of an increase to $155 million for the National Endowment for the Arts (NEA) for Fiscal Year 2013. I have always felt that the arts are a necessity and not a luxury. A bold statement, I know. But here is why. Both sets of my Grandparents emigrated from Italy at the turn of the century. None were educated beyond the 8th grade.

My father went to Buffalo state teacher's college, now part of the SUNY system, to study fine art and then onto Columbia graduate school receiving his masters in fine art. He taught high school art for 40 years. Everything from printmaking, sculpture, silkscreen, pottery, jewelry making, calligraphy, painting and drawing. He was given a sabbatical in 1972 to study figurative sculpture in Florence for a year and we all followed. The exposure to the art, architecture, and food of Italy was life changing for me and very strongly influenced my aesthetic as an actor, writer and director.

But this aesthetic was already being formed unbeknownst to me by my exposure to art on a regular basis since the day I was born. Besides his teaching job, my father sketched, painted, and sculpted at home in the evenings after dinner, and taught art on Saturdays and summers locally to make extra money, for as we know teachers' salaries are nothing to brag about.

Along the way I was very often by his side learning to work in all the mediums he was exploring himself and teaching his students. I spent many summers in the very well equipped art room in the posh suburb of Chappaqua, New York near where we lived and where he taught. The summer school class was filled with students, some of whom had come from poorer sections of New York City to stay with families in Westchester and take art courses, a sort of fresh air program. All of them adored and respected my father because he treated them with respect by recognizing and bringing to the fore their individual artistic talents and abilities.

They had never before been given the time, the materials, the environment and the opportunity to create something of themselves, for themselves that ultimately ended up pleasing so many others around them. My point here is that art, not unlike athletics, is a sure way to find and make use of the best in all of us. I don't mean just fine art, but

music, dance, and film. For this reason we must not look at the arts as an adjunct to society, but a vital and integral part of society. Sometimes the arts make us think and see things as we have never before, sometimes they simply entertain and sometimes, if we are lucky, they do both.

A society that nourishes art will always benefit not only culturally but economically. If we look at the number of jobs that are created by the arts alone and their positive fiscal impact on any given community, city, state, or country, the numbers speak for themselves. This is too often overlooked by so many who consider the arts a drain on the finances of any social entity. But an increase in funding, even during financially tough times, will only reap benefits in the long run.

I have followed and know only too well the strained relationship that the NEA has had with Capitol hill over the years and can understand the reticence on the part of legislators to increase or even continue its funding, but I urge that the focus not be on those few works that might offend a certain group, or individual, but rather on all the extraordinary visual art, theatre, music, and film that sprang from programs, schools, museums, theatre and dance companies funded and sustained by the NEA.

Unfortunately art is not a thing easily defined. It is amorphous, interpretive, and subjective. If it weren't, it would be mathematics. Now, imagine us all going to the theatre on a Saturday night and watching someone solve mathematical equations for two and a half hours. No thank you, I'll just meet you at the party afterward.

But this inability to define art causes us great strife. Are we all to like the same music, painting or film? No. It's impossible. Why even caring husbands and wives argue about such things. Except for my films of course which everyone loves.

So art is illusive. Is it all, good? No. Is it all, bad? No. Is all dance, beautiful? No. Some of it's just indulgent and annoying. Do we wish that some conceptual art would remain just that? Yes. Can art be elitist? Yes. Need it be? No. In fact the arts are a great leveler. They bring people of all walks of life together by giving them common experiences through so many mediums in so many venues. They are an apparatus, a vehicle for healthy social interaction of people of all ages.

Like sports programs, arts programs give all children and teens, but particularly those at risk, a place to go and create something positive during those rather ambiguous hours between the end of the school day and when a parent comes home from work. They teach the intellect. They grow the imagination. They strengthen the spirit. They encourage competition. They instill a work ethic. They inspire the soul. And they make us proud. As individuals. As a culture. And as a nation. The examining and reflective nature of all artistic disciplines helps us to better understand who we are as a people, for our generation and for other generations to come.

It is true art cannot always be "good", but it can be and is good for us. As history shows us, the arts not only help define who we are as a people but they are one of the deciding

factors that clarify the distinction between a society and a great nation. I again respectfully ask the Subcommittee to increase the NEA budget for Fiscal Year 2013 to $155 million and thank you for the opportunity to present witness testimony.

I want to also take this time to publicly recognize and thank the Subcommittee for supporting the NEA and the many New York area nonprofits arts organizations and institutions that have specifically touched my life since its inception in 1965. They have helped shape my childhood, my career and now, as a father, my children's appreciation of the arts.

Katonah Art Museum: As a Blue Star Museum, the Katonah Art Museum provides free admission to active military duty families from Memorial Day to Labor Day through a partnership with the NEA and Blue Star Families.

Classic Stage Company: The Classic Stage Company has received multiple NEA Grants throughout the years including a Shakespeare in American Communities Grant, which supports performances and educational activities that introduce middle and high school students to the power of live theatre and the masterpieces of William Shakespeare. These grants drastically increase access to the arts for underserved schools and communities.

SUNY Purchase: SUNY Purchase has been repeatedly recognized by the NEA for its excellence in theater. Multiple NEA grants over the past decade have supported the production of performances ranging from Henry James's *Turn of the Screw* to Henrik Iben's *Dollhouse*, making these productions accessible to SUNY students and the surrounding community.

Ensemble Studio Theater: The Ensemble Studio Theater in New York City has won several NEA grants throughout its storied history including a Challenge America Grant, a grant program for projects that extend the reach of the arts to underserved populations -- those whose opportunities to experience the arts are limited by geography, ethnicity, economics, or disability.

Jacob Burns Film Center: The Jacob Burns Film Center in Pleasantville, New York is a prime example of the access facilitated by NEA grants. The Film Center has received a grant every year since 2007, enabling it to bring big names to a small town, and to present film series such as the International Understanding Through Film Series.

Sarasota Film Festival: The Sarasota Film Festival received NEA recognition in 2007 in part for its commitment to community involvement. The Festival hosts programs that bring the art of filmmaking to students in regional public and private schools and are completely free, fostering year-round creative and cultural development in the Sarasota region. Specific year-round programs target varied audiences including independent and student filmmakers, at-risk and under-served youth, arts organizations in a variety of disciplines, and social service agencies.

Tribeca Film Institute: The Tribeca Film Institute recently won two NEA Access to Artistic Grants for their professional development program, Tribeca All Access, which provides artists from underserved communities with access to industry professionals and other resources to help them move forward to complete their narrative and documentary projects.

SUNY Purchase Neuberger Museum of Art: The SUNY Purchase Neuberger Museum of Art is a recipient of multiple NEA Access to Artistic Excellence Grants which provide critical funding to foster and preserve excellence in the arts and provide access for all Americans.

I want to further express my appreciation for the support the NEA has given to the **Sundance Institute** which has been repeatedly recognized for its commitment to the discovery and development of independent artists and audiences and where I serve on the Board of Trustees and as a Creative Advisor at the Screenwriters and Directors Labs. Multiple Access to Artistic Excellence grants have provided critical support for the Institute's Film Forward Program, which offers emerging screenwriters, directors, producers, and composers the opportunity, support, and resources needed to successfully create new work.

Mr. SIMPSON. Thank you. And I was just reading an article on Delta's magazine on the flight back this time and it was talking about the film festivals around the country, around the world actually. Cannes was number one. But if you looked at it, Sundance had the highest attendance of just about any of them.

Mr. TUCCI. Yes.

Mr. SIMPSON. I appreciate your testimony and thanks to both of you for being here today. This Committee, as you noted, has been very supportive of the arts and will continue to be, and we will do what we can in this budget. I suspect this year we will also have to again fight off some amendments from some people that would like to do away with a lot of the arts.

And it is very interesting when you talk about what the arts are, it is different for everybody. We had a gentleman from Idaho out here not too long ago who actually made saddles, an old cowboy, and he did the leather work. I mean, they were world class. He is as much an artist as anybody that sits down with a palette of paint and paints a picture. So they are different for everybody, and oftentimes, as you said, they are controversial and, you know, that is okay. That is what it is supposed to be.

So I appreciate you both being here today and testifying, and we will do what we can. Jim?

Mr. MORAN. Thank you, Mike. I think we agree on the importance of the arts. Certainly, we have a pragmatic rationale that it is such an economic driver within communities, both urban and rural, but beyond that, it is a reflection of our values as a society. It is just so integrally important in defining who we are as a Nation. It helps us empathize with others, people who are different. More than any other vehicle for enabling us to do that, are the arts and humanities. So we appreciate your taking the time to testify, but most importantly thank you for what you do all year long on behalf of the betterment of our society.

Mr. SIMPSON. Representative Cole.

Mr. COLE. I was delighted to arrive in time to play my customary role as a foil for the Chairman. You remind me, however indirectly, of the 2005 Boise State-O.U. game. It has been going on a lot of years. It never stops.

I do have one—and I was disappointed to see of all the grants you mentioned, mine was the smallest in the testimony. But seriously——

Mr. MORAN. But it had the highest impact. That was the point he was making. It was worldwide, yours. It was global.

Mr. COLE. Well, we always do the most with the least, you know.

But seriously, Chairman Simpson and I have the duty to sit on the Budget Committee, which frankly sets the overall targets for spending. It does not get down to programmatic levels. And we and others on that committee spend a lot of time defending the appropriated part of the budget, which this is a very small part of but a very important part. I could not agree more with what you had to say.

But I would just ask you, as you advocate for the specific things, all these types of programs are under pressure because we have not been able to come to grips with our entitlement problem. We spend a lot of time talking about it. There is going to be a lot of

different ways to do that and we are going to fight over them, hash over them, but sometime, probably next year, we are going to sit down, I think, as a Congress once we know what the distribution of positions are and hopefully come to grips with this because the biggest threat you face is not somebody crafting a piece of art that somebody did not like, and again, this is a miniscule part of an enormous budget, so it is pretty hard to argue that this would make any substantial contribution to the deficit problem. But if we do not have more people engaged in really working through how we deal with Medicare, Medicaid and Social Security, these things, they will disappear. Because people go after "the easy things" first. They do not want to deal with the real problems. The real problems are big.

So I know that is not on your topic and not your responsibility but I would just ask, as you do have the opportunity to interact with a lot of members and influence a lot of people, just get them to think about the big problems and have the courage to put solutions on the table. And right now we are not seeing enough people in elected office willing to put solutions on the table and then split the different or divide, and I think that you could help your cause by trying to focus attention on that as well.

And again, thank you for what you do. It is a wonderful organization. It has done enormously wonderful things and impacted lives, and thank you for taking your time to be here to testify.

Mr. TUCCI. It is a pleasure.

Mr. SIMPSON. Thank you. And Tom brings up a very important point, that the biggest threat really is the deficit that we are facing. Unfortunately, there are people who are trying to focus more and more of the debt problem on a smaller and smaller part of the budget, and frankly, you cannot address the debt problem by focusing on small amounts of discretionary spending.

So I appreciate you being here. Betty, did you have anything?

Ms. MCCOLLUM. Good morning. I was with people in my district who are very passionate about supporting the arts, and I said I need to get down to show my public support for the arts. So all politics is local, but I really appreciate you being here. This is how we express ourselves in a democracy, so the arts are important to our democracy. Thank you for being here.

Mr. SIMPSON. Thank you both.

Mr. TUCCI. Thank you.

Mr. LYNCH. I just wanted to point out one thing for Congresswoman McCollum, and that is that we had the opportunity to bring our conference to Minnesota and the economic impact of that, but my members wanted you to know that there is 2,037 businesses that are arts-centered businesses in your district with 8,867 jobs, which you know of, but I think it is good to be in the record as well. And with Congressman Cole, the same thing. One of the things that I think the arts can do is to contribute back dollars to that budget process, even in a district in Oklahoma where the chairman of my board, Ken Ferguson, comes from and says to say hello, 1,389 businesses and 3,658 jobs. So we are trying to do our part to help you with the budget process.

Mr. SIMPSON. Thank you. And for your annual conference, Boise is a beautiful place. I will just throw that out. Thank you for being here today.

Next we have Hunter Rawlings, III, and Deborah Frances Tannen, Professor of Linguistics at Georgetown University, the National Endowment for the Humanities, and Mr. Rawlings, President of the Association of American Universities for the National Endowment for the Humanities.

THURSDAY, MARCH 22, 2012.

NATIONAL ENDOWMENT FOR THE HUMANITIES

WITNESSES

HUNTER RAWLINGS, III
DEBORAH FRANCES TANNEN

Mr. RAWLINGS. Good morning. Thank you very much for inviting me to speak. I appreciate the opportunity. I am from the State of Virginia, and Ranking Member Moran, it is a pleasure to see you and other members of the Subcommittee.

I want to take us back to August of 1769. In August of 1769, the 18-year-old James Madison left his home in Orange, Virginia, and went up to the College of New Jersey. There, he took the exams that were given to the freshmen who had finished their first year at the college of New Jersey and he passed those exams, so he became a sophomore. And the reason he passed those exams was that his Latin and his Greek were very strong and that was the test of a student in those days. He was, in other words, a humanities student.

At the College of New Jersey, he took the curriculum that all students took in those days, and that was primarily Latin and Greek and natural philosophy and philosophy of the Scottish Enlightenment, thinkers like Adam Smith and David Hume, and he did very well. He also learned how to debate, to discuss issues, to make an argument. He took the full curriculum for 2 years, and by working very hard he graduated after 2 years. He, in other words, took advantage of advanced placement credit and he worked especially hard and skipped the senior year and he graduated.

At the end of that period of 2 years of study, like most humanities majors, he had no idea what to do with himself. He did not get a job. He did not know what job to get, and so he did what most humanities majors do in these days. He went to the president of a college and he said could I stay and spend another year, I would like to study Hebrew and theology with you, and the president being a good president, said you may certainly do that, and James Madison thereby became Princeton's first graduate student. A year later, he had finished that course of study, and he still did not know what to do. So like many a humanities major, having now graduated twice, so to speak, he went home and lived with his parents.

Now, we would consider this today a failed education. He had taken a bunch of useless courses, ancient stuff like Latin and Greek, and he had prepared himself for absolutely nothing in the

way of a job and so he spent the next 4 years living at home with his parents tutoring his younger siblings and writing nostalgic letters to his friends from the old days at the College of New Jersey.

James Madison never did find a job. Instead, a job of course found him. The revolution occurred, and James Madison became the founder of our republic. How did he do that? He did that because he had had a really strong humanities education, and so at the end of this period of time in 1776, he became one of those people that the Americans began to look up to, and within short order he had been elected from his own district in Virginia to the state assembly in Virginia. He was then the principal architect of the Constitution. Why was that? Because his friend, Thomas Jefferson, sent him two trunk loads of books from Paris where Jefferson was living and Madison began what became known as the most important piece of scholarship in American history. He studied what federations had been in history in order to prepare himself to go to Philadelphia to work on the federal convention.

In Philadelphia, even though he was only 35 years old, he became the best known of all the advocates for the new Constitution. Why? Because he was trained well in the humanities. He was an oracle of information on European history, on ancient Greek and Roman history, on confederacies. He was the author of the Virginia Plan, which was eventually adopted as the basis for the Constitution.

Once the Constitution was completed, it had to be ratified in the states. What did Madison do? He went to New York and joined Alexander Hamilton writing the Federalist Papers in order to promote ratification in New York. When he finished there, he rushed back to Virginia and led the fight for ratification in Virginia. During all of this time, he used his humanities education to make the case. The Constitution was ratified and you know what happened next. Madison went to become a member of the House of Representatives. There, he wrote the Bill of Rights and then became Secretary of State and then President for two terms.

Now, the point I want to make in this story is, this was a person who finished college with a humanities major and had no idea what to do with himself, but his humanities education had prepared him for what would become a lifetime of service to the United States, and he died at the age of 85 having continued to work constantly in public service all his life. So the story of James Madison is a good story of a humanities major who, like me when I finished college, had no idea what to do with himself, and I remember very well when I decided I wanted to go into academia, all my uncles said what in the world are you going to do with an education in Latin and Greek; you cannot get a job. And even after I got a job teaching, they said when are you going to get a real job. Because the humanities are somehow seen as beneath the real world but I am here to tell you this morning they are not. They are in fact essential to an educated citizenry. And the reason the humanities are important is that we want to be training and educating citizens who can make complicated decisions in a complicated world.

We spend in this country billions of dollars on science, and I am glad we do because we need good science, but many countries

spend billions of dollars on science. Even autocratic, dictatorial countries spend money on science because they see it as a way forward. In the Soviet Union, science was prized. It was put up on a pedestal. It was important. It was critical. And today, China is spending billions of dollars on science in order to catch up with us.

But those countries do not do the humanities well at all. Why not? Because the humanities require freedom. You cannot do the humanities without freedom. Why is that? Because the humanities are about values, and dictators do not like having values on the table for debate and discussion. One of the things that makes us a very great country and it is one of the reasons that Madison created us the way he did is that we are free to debate ideas, to take them wherever they will go, so in teaching and in scholarship, we can talk freely about our ideas, bad ideas, good ideas, and they all have to be put on the table and fought over, and that is the way James Madison foresaw the country, a place where you can have free debates about ideas so the humanities can only exist in a strong way in free countries, and that is why the humanities are weak in places like China because you cannot express yourself freely. In this country, we can.

So to me, the humanities endowment is our way of saying as a Nation, we believe in freedom. We believe in the opportunity to discuss ideas wherever they will take us. Bad ideas, good ideas, they have to go into the public forum and they have to win debates. Otherwise they lose and they are discredited. At least we get to discuss them.

So I am proud of being a humanist and I eventually did get a job in spite of my uncle's belief that I never would, and I am pleased to be able to come to you this morning and talk about the humanities because I am a really strong believer in them.

I am not going to spend a lot of time on the budget. Clearly, I support Chairman Leach's request for $154 million. That seems to me to be a minimal commitment to something as important as the humanities. I hope that you will be able to support Chairman Leach's priorities. The Bridging Cultures project, which he has brought forward as chairman of NEH, is an important statement, I think, about what the country wants to do and to say to the world, and it seems to me that is one of the most important functions of the NEH, to say publicly to the world, we support freedom, we support free ideas, we support free debate. That is the only way, it seems to me, we are going to make James Madison proud of the product that he created. Thank you very much.

[The statement of Hunter Rawlings, III, follows:]

Testimony to the House Appropriations Subcommittee on the Interior, Environment, and Related Agencies on FY13 funding for the National Endowment for the Humanities

Hunter R. Rawlings III, President of the Association of American Universities

March 22, 2012

Chairman Simpson, Ranking Member Moran, and Members of the Subcommittee:

On behalf of the Association of American Universities (AAU), an organization of 59 leading U.S. public and private research universities, I thank you for the opportunity to express the association's strong support for the federal role in the humanities through the National Endowment for the Humanities (NEH). The humanities are critical to our nation's understanding of history and the civil discourse needed in our republican form of democracy. At a time when our nation faces substantial challenges, the federal commitment to the humanities should be sustained.

To this end, AAU urges Congress to fund the NEH at a level of $154.3 million in FY13. In particular, AAU strongly supports restoring funding to the competitive grant programs, beginning with a modest increase of $2.6 million in FY13, as outlined in the agency's FY13 budget request.

AAU believes that Congress must take steps to reduce federal spending and address the nation's growing debt. We need to do this in a smart and balanced way that allocates money in a manner that gives us the best chance of improving our future. Unfortunately, deficit-reduction efforts have thus far focused almost exclusively on domestic discretionary spending – which is approximately one-sixth of the budget, yet includes most of the federal government's priority spending for long-term economic growth and prosperity. Reducing the federal deficit in FY13 and beyond cannot, and should not, fall solely on non-security, domestic discretionary spending. Serious deficit reduction efforts must put the entire federal budget on the table, including entitlements and defense spending, and additional revenues generated through tax reform and measures to improve economic growth. Efforts to reduce the federal deficit in FY13 should not preclude prudent federal spending on agencies, such as the NEH, which will pay dividends into the future.

We believe that there is an important and legitimate federal role in supporting the humanities as a strategic national priority. Federal support of the humanities complements federal investments in the sciences and engineering. Our nation's long-term economic success depends on cultivating a broadly educated workforce ready to compete in a knowledge-based, global economy. The humanities programs funded by the Endowment represent the core fields of knowledge and capacities that enrich individuals, provide a foundation for success in a wide range of careers, undergird our civic institutions, support strategic national interests, and help advance sound public policymaking in addressing the challenges of the 21st century. The high-quality projects supported by the NEH reach millions of Americans each year.

With the federal government's current focus on jobs, it is worth noting that a robust humanities education is seen as a benefit by the vast majority of employers. A national survey by the Association of American Colleges and Universities showed an overall rejection of the trend towards narrow technical training at the college level: 73 percent of employers want colleges to place more emphasis on critical thinking and analytic reasoning. Degrees in the humanities do not limit job opportunities, they expand them. There are countless examples of individuals who used their humanities degrees to propel them into a career not necessarily associated with those degrees. For example U.S. Army General Jack Keane received his undergraduate degree in philosophy.

The NEH is the only federal agency tasked with advancing the entire range of academic fields in the humanities. At its peak in 1979, NEH was funded at $403.3 million in 2006 inflation-adjusted dollars. Support has steadily declined over time, including cuts in FY11 and FY12, and Congress must begin to re-invest in the agency.

AAU supports $154.3 million in FY13 funding for the NEH. This is an $8 million increase above the FY12 funding level and the same level proposed in the NEH FY13 budget request. In particular, AAU is committed to restoring funding to the Endowment's highly competitive, peer-reviewed grants to $71.4 million in FY13, a modest increase of $2.6 million. The NEH's core grants programs – including Research, Education, Preservation and Access, Challenge Grants, Public Programs, and Digital Humanities – have been disproportionately cut over the past decade, yet they remain at the center of the agency's mission to create, preserve, and disseminate knowledge in the humanities. These highly competitive grants are renowned for their quality and have led to demonstrable economic, educational, social, policy, and national security benefits. For example, NEH grants fund research projects involving individual scholars and teams of interdisciplinary researchers and education seminars bringing faculty and teachers of all grade levels together to develop classroom resources that directly benefit students. As previously noted, these NEH grants are highly competitive. In FY11, the agency was able to fund only 16 percent of the competitive proposals it received.

Continued funding erosion for core competitive grant funds would have a significant impact on the Endowment's ability to support humanities research and education into the future. Over time, the combined impact of budget cuts and inflation has reduced the number, diversity, and buying power of NEH grants, directly affecting faculty, researchers, students, and the broader public. Moreover, continued funding erosion has consequences not only for continuing efforts to understand and highlight our history, culture, and civic values but also for our economic competitiveness and national security, as our most pressing and complex problems worldwide will not be solved by science alone. In fact, many scientists and engineers appreciate the role of the humanities in their higher education, because their liberal-arts coursework has amplified their effectiveness as a scientist or engineer.

Competitive Funding for Graduate Students

AAU continues to support efforts to better engage humanities graduate students. While the NEH does not currently provide direct support for graduate students, we support the continuation of current policy allowing graduate students to participate in select NEH programs. This provides opportunities for collaboration among students and faculty similar to what takes place in the sciences, and helps to sustain the pipeline of young humanities researchers and scholars. We look forward to working with the Administration and Congress over the long term to develop direct program support for graduate students. We believe that NEH is uniquely positioned to promote a higher level of collaboration between faculty and graduate students in a manner that helps to provide our nation with talented and knowledgeable individuals who will contribute to a culturally-competent workforce.

Bridging Cultures

AAU also supports the agency's FY13 budget request of $9 million for Chairman Leach's Bridging Cultures initiative, which is designed to renew and reinforce the bridges between the different cultures and viewpoints that are part of the fabric of American life. This represents an increase of $5.5 million above the FY12 funding level. In the current stage of this initiative, NEH participants are collaborating with educators and state humanities councils to produce materials such as books, films, exhibitions, and other public programming for local, regional, and national audiences. With the funding requested for FY13, the Endowment would invite proposals for a new set of programs focused on such Bridging Cultures themes as "Becoming American" and "Connecting Local to Global: History of Trade, Migration, and the Movement of Ideas." AAU applauds the attention Chairman Leach is paying to the need for improved civil discourse, and we believe that colleges and universities can play a role in facilitating this in the coming years. In fact, dozens of AAU campuses participated in Chairman Leach's state civility tour, which was an important launching pad for the Bridging Cultures Initiative.

Related to the Bridging Cultures initiative, it is important that the nation recognize the link between the humanities and national security issues, as we strive to improve our armed services' understanding of the social, cultural, behavioral, and political forces that shape the views of regions of the world of strategic importance to the U.S. Indeed, analysts in the major national intelligence and security agencies are to a great extent humanists and social scientists.

Humanities Data

AAU also supports a small but important partnership noted in the Endowment's FY13 budget request. As described in the FY13, as well as the FY12 budget request, NEH is committed to a multi-year partnership with the American Academy of Arts and Sciences to sustain the *Humanities Indicators Project* – a system for collecting national data on the humanities. The system has provided policymakers and university

administrators with a valuable statistical tool for informing decision-making in all areas of the humanities, including employment of humanities graduates and public understanding of the humanities.

Conclusion

AAU encourages the Subcommittee to consider the importance of the humanities in our society and NEH's vital role in supporting the humanities. NEH helps colleges and universities around the country ensure that the humanities remain central to their missions and to the cultural life of the nation. NEH, as the largest federal supporter of the humanities, broadens public awareness of and participation in the humanities through teaching, scholarship, and research. Along with the larger humanities advocacy community, AAU encourages Congress to fund the NEH at $154.3 million in FY13 to maintain our nation's capacity to address complex challenges by advancing an educated and competitive workforce.

Mr. COLE [presiding]. Dr. Tannen.

Ms. TANNEN. I do thank you for the honor and privilege of addressing you today, and I am a resident of Virginia as well.

I guess I am best known as the author of a book called You Just Don't Understand that was on the New York Times bestseller list for nearly 4 years. It was number one for 8 months. It has been translated into 31 languages, the 31st just added last week, Romanian. I have written 22 books, half of them for scholarly audiences, half for general audiences, and because of that book as well as two others that were New York Times bestsellers and others as well, I am often asked to comment on radio and television and image reviewed by newspapers.

But what I want to talk about today is the early support that I got from the National Endowment for the Humanities and the role that that played in laying the foundation for the work that later led to this wide audience, so I guess I would say that the ways the NEH helped me helped so many other people, a wide range of people in their daily lives.

I came to Georgetown in 1979. My salary was $17,000. It was not enough to live on in Washington. And I would have had to teach that first summer just to pay the rent. It was a little tiny place over a garage in Georgetown, but even that I would have needed to supplement it to pay the rent, but I got a summer stipend from NEH that was $2,000, but it made the difference between teaching that summer and actually having a summer to do my research, and maybe most important, it was an early sign of confidence that the work I was doing was worth something.

In 1985, I organized a huge summer institute at Georgetown, self-supporting. Students paid. Six hundred people came from all over the United States as well as abroad to study the kind of linguistics I was doing. It was a summer institute. I got a grant from NEH to have a concurrent institute that brought 25 college and university teachers from across the country and people came from New Hampshire to Hawaii, 25 college teachers who were able to take advantage of what the institute was doing and then take that back to their students, all the students that they would be teaching over the years. And that again was a very small grant, something like $25,000, that paid summer stipends for the 25 people as well as faculty to teach them.

That same summer, I got a very small grant, $3,500 from the D.C. Humanities Council, and that is funded by the NEH's Division of State Programs, and what I did was put on a little program, a public program about conversations between women and men. So we hired actors from a little theater group and they acted out these scenarios. We got some free publicity because I and a couple of other faculty members went on the Donahue show, which at the time was a very small, just starting out local show, so because of that, people came from all over Washington, attended this, and it was one of the first signs that I had that this work on how communication between women and men could be understood as linguistic differences had a broad appeal, and so all of this was laying the seeds, planting seeds for what I later was able to write about.

One more grant I got from NEH, a basic research grant that gave me a year off from teaching in order to develop in more detail

my work which if you looked at it at the time would seem very technical, very academic, very limited, poetic features in every conversation, comparing the language of everyday conversation with the language of literature. But it is that scholarly work that may seem to be a very limited audience that really laid the foundation for the work that I was later able to build on in writing books that just about anybody could read and take advantage of.

After the book You Just Don't Understand was published and the reaction that it got, I did not seek any more funding because I did not need it anymore. But I did try to repay my debt to NEH by serving on panels and by reading proposals, and I think this is—I want to mention that because it is another way that the work of NEH is enhanced by a lot of volunteer work by academics. Yeah, you get these proposals, nobody pays you. You read the proposals and rate them. If you are on a panel, you get hundreds of grants that you have to take your time that you do not get paid for reading them and rating them and then coming and spending days on those panels.

It is maybe a little bit surprising to hear from a linguist at a panel like this because they get support from NSF, and that is true. There is a formal branch of the field that gets support from NSF. The work I do has something to do with human relationships and psychologists get a lot of support from NIMH for that. The kind of research that I do and linguists like me do that is the role of language in everyday life really does not have any other source of support. In fact, that institute that I ran was called Humanistic Approaches to Linguist Analysis, and that has kind of been my goal in all of this.

But the amounts of money that are required for this kind of research are really very small compared to what is required for scientific laboratories or large psychological studies, and I will echo what my colleague said about we all know the importance of science. In the current issue of New York Review of Books, there is an essay by Freeman Dyson, the great Princeton physicist, and he said science is a creative interaction of observation with imagination, and he was talking about the importance of the arts for the sciences, and again echoing some of what you just heard, the United States has been the source of global innovation not because we are a nation of technicians. What informs our technology is our imagination and creativity and these are the domains of the humanities.

So that is the gist of what I wanted to say, just to give you a personal account of the huge difference that can be made by these small grants in the humanities.

Before I close, I want to thank you for one more thing. It is the hugest gift that anyone could be given, and I suspect I am not the only one to have gotten this gift from an NEH grant, but I do not think it could ever be guaranteed by a funding institution, but at that 1985 linguistic institute that I ran that was supported by the NEH institute, one of those college and university professors who came to take part in that became my husband. So for that very special gift, I want to thank you.

[The statement of Deborah Frances Tannen follows:]

Summary Statement by Deborah Tannen
University Professor, Department of Linguistics
Georgetown University, Washington, DC

Mr. Chairman and Members of the Committee: I am honored and grateful to have the privilege of addressing you this morning. I am university professor and professor of linguistics at Georgetown, and have published twenty-two books, half of them for scholarly audiences and half for general audiences. Among the latter, three have been New York Times best sellers. One of those three, You Just Don't Understand: Women and Men in Conversation, was on the New York Times best seller list for nearly four years, including eight months as #1, and has been translated into thirty-one languages. In addition to my academic writing, I frequently write for magazines and newspapers, and appear on television and radio news and information shows. I would like to speak this morning about how early support from the National Endowment for the Humanities has helped me help people in their everyday lives. I hope that my testimony will give you an idea of the enormous difference that can be made by relatively modest NEH grants.

I have been on the Georgetown University faculty since receiving my Phd in linguistics in 1979. That very first year I received an NEH summer grant. My annual salary as a beginning assistant professor was $17,000, not enough for me to live on in Washington, DC. I would have had to spend the summer teaching in order to pay my rent, had I not been fortunate enough to receive an NEH Summer Stipend. It was not a very large amount of money: $2000, if I remember correctly. But it made it possible for me to spend the summer doing research and, maybe most important, it was an invaluable vote of confidence in the research I was doing on the relationship between speaking and writing.

In 1985 I directed a Linguistic Institute at Georgetown, which was attended by six hundred scholars from around the country and the world. I also received a grant from NEH to direct a concurrent Institute that brought to the site of the larger institute twenty-five college and university faculty who taught linguistics-related courses in states from New Hampshire to Hawaii. The theme of the NEH-supported Institute was "Humanistic Approaches to Linguistic Analysis." This made it possible to broaden the impact of the larger institute, through college teachers, to innumerable college students across the country. Crucially, this gave support to a kind of linguistics that is concerned with the role of language in everyday lives--the subfield of linguistics that is most relevant to, and most popular among, undergraduates.

That same summer I received a small grant from the DC Humanities Council, which is funded by NEH's Division of State Programs, to mount a public presentation about communication between women and men. This is a paradigm case of the huge rewards gleaned from a very small amount of money made available by NEH. Thanks to free publicity provided when I and several colleagues from the Institute faculty appeared on a local radio show, a wide range of community members attended the public presentation and benefitted from the expertise of a panel of faculty already present at the Institute. We were able to pay small stipends to actors from a local theater group to dramatize scenarios representing typical conversations between women and men. The overwhelming response we received from the audience was, for me, the first external evidence of the wide appeal of a linguistic approach to understanding communication between men and women, which led to my writing the book that became the four-year best seller You Just Don't Understand. All this for the very modest grant of $3500 from the DC Community Humanities Council.

The next year I received a Basic Research Grant from NEH to develop in more depth my research on the relationship between the language of conversation and the language of literature. This may seem like a technical topic, but it allowed me to deepen my understanding of the poetic power of everyday conversation, and its ability to involve speakers and listeners. I want to emphasize that the years I spent studying technical aspects of the language of conversation gave me the scholarly basis for understanding how conversation works, without which I would not have been able to translate my research into books, articles, and media appearances that everyone can understand and use to improve their lives.

I have tried to repay the NEH by serving on a review panel and by regularly reviewing grant proposals sent to me from numerous different divisions. I would like to emphasize this contribution to the work of the Endowment which may not be readily obvious: innumerable professors take time to review proposals without pay, and panel members receive hundreds of applications to read carefully and rate, thus making a donation of untold hours of their time, in addition to the days they devote to taking part in panel meetings. I mention this because it is one of many ways that the Endowment's work is enhanced way beyond the comparatively modest financial investment made by American taxpayers.

When people think of the humanities, they tend to think of the fields of history, literary criticism, classics, and so on. You may be surprised to be hearing support for NEH from a scholar from the field of linguistics. Indeed, there is a more formal type of linguistics which can be supported by the National Science Foundation, and there is a great deal of psychological research into human relationships that is supported by the National Institutes of Mental Health. But scholars who do research like mine -- approaching language as a humanistic enterprise, a matter of human beings talking to each other in their daily lives -- have few places to turn other than the National Endowment for the Humanities. The amounts of money we need for our research are very small compared to the requirements of scientific laboratories and large-scale psychological studies. Yet the impact in terms of enlightening human understanding is enormous.

Everyone is aware of the importance of the sciences in improving lives. But, as the great Princeton physicist Freeman Dyson writes in the current issue of the New York Review of Books, "Science is a creative interaction of observation with imagination." The United States has been the source of global innovation not because we are a nation of technicians; what informs our technology is our imagination and creativity, and these are the domain of the humanities.

In my testimony today, I hope to have showed, by recounting my own experience, how NEH support -- relatively small grants to a young scholar -- was crucial in providing time to further my research, in giving me early evidence of the broad popular interest in that research, and by constituting a vote of confidence that translates into more creative work. I have told of my personal experience to underscore that the NEH is a precious source of support for work that has power to touch the lives of every American, support that is not available from any other source. I am personally grateful for the continued funding by the United States Congress for the National Endowment for the Humanities. In fact, I will end by thanking you for the most precious gift that any individual can receive -- although it is a gift that cannot be guaranteed by any granting institution but of which I am certain I am not the only beneficiary: It was at the NEH-supported Institute for college faculty which I directed in 1985 that I met my husband. For that greatest of all gifts, even if it was given unintentionally, I would like to thank you.

Mr. MORAN. We will give NEH a tip.

Ms. TANNEN. And he was born on St. Patrick's Day, by the way.

Mr. COLE. Let me just say as an old Victorian historian, as the father of a son who is writing, I hope to God, finally his dissertation in philosophy, both of you give me enormous hope.

Mr. Moran.

Mr. MORAN. I know that you share my love of the humanities, Tom, and this is one of the nice things about this Committee, that we have some tangential input into promoting them. Tom is always reading every time I go on a trip. He is always deep into a book. And I do not know what we would do without the humanities. The little push that this program provides to people who otherwise would have to give up is useful. Some potential authors would say, you know, that there is no way I can spend the summer writing a book or the ideas that are in my head, because I am just going to have to go and do something else to put food on the table. NEH helps and oftentimes is there for them. So I thank you for your comments, Deborah.

And Mr. Rawlings, how wonderful it would have been to be an undergraduate in your classics course at Cornell. Here you are the President of the university and you went back and you taught a classics course to undergraduates. Cornell is such an outstanding institution, and I know they were having some trouble and they brought you back after you had been president for many years. To pull that sprawling campus together and give it some meaning, some focus, some purposefulness in terms of what students and graduate students do when they get out, and your impact on so many thousands, countless lives, is just priceless. I appreciate you for all that you have done throughout your life on behalf of the humanities and others' ability to appreciate them. So thank you.

Mr. RAWLINGS. Well, thank you very much. I just thought if James Madison could go up and help Alexander Hamilton with the ratification process in New York, it was the least that I as a Virginian could do for New Yorkers.

Mr. MORAN. Well, I appreciate that perspective too. But, you know, your whole statement was extemporaneous. I wish it had been written down, but it was just from the mind and heart, and we thank you.

Mr. RAWLINGS. Thank you.

Mr. COLE. Mrs. Lummis.

Mrs. LUMMIS. No questions, but I deeply appreciate you being here today and your advocacy for the humanities.

Mr. RAWLINGS. Thanks.

Mr. COLE. Ms. McCollum.

Ms. MCCOLLUM. Well, I wish I would have studied Latin harder. That is all I can say.

Mr. RAWLINGS. It is not too late.

Ms. MCCOLLUM. Talk to my Latin teacher. And tell my son there are other careers for linguists besides living abroad in Japan, teaching at Japanese universities. Maybe you can help me bring him home with us.

I think the story that you tell is impactful. If we are to be creative, if we are to be successful as human beings and if we are to be successful as a country, we have to take the time to sit, reflect,

read and have an open mind. The humanities, the arts, the environment, the sciences, religion, they all come together, and you are the home of all that. Thank you for being here today, and sharing stories both past and present that remind us of how interconnected the humanities are to everything that we do. We all are, after all, human, so thank you.

Ms. TANNEN. In the spirit of there is hope, I started out just moving to Greece and teaching English there for several years, and I came back.

Mr. MORAN. That is so true about China and Russia. No matter how much they invest in science, no matter how many people they put into "productivity", they are never going to have the innovative and creative capacity that we have, and it is because of the humanities. Thanks for coming.

Mrs. LUMMIS [presiding]. Thank you both so much.

Mr. RAWLINGS. Thank you for the opportunity.

Mrs. LUMMIS. We would now like to call up our next panel. It consists of Mr. Ulrich, Dr. Grossman, Mr. Hein, Mr. Cassidy and Ms. Pierpont, and so if you would all join us at the table? So Ulrich on the end. Next to Mr. Ulrich, Dr. Grossman, please. Next to Dr. Grossman, Mr. Hein. Next to Mr. Hein, Mr. Cassidy. And certainly last but not least, Ms. Pierpont.

Ms. MCCOLLUM. And I think for the first time in history, two women are sitting at the head of this table.

Mrs. LUMMIS. It is my pleasure and honor actually to welcome you to the table, and especially my dear friend Paul Ulrich, who is from Wyoming.

Now, let me tell you a little bit about Paul before we all began. Paul Ulrich and his family are the perfect marriage between what our previous speaker spoke of, and that is the intersection of science and art. Paul's grandparents, Carl and Shirley Ulrich, are world-class fossil preparers, and for people who are artists in the preparation of artistic fossils for display, people who know them can walk in a room and across the room they can tell that a fossil was prepared by Carl Ulrich. He is a world-class fossil artist, preparer. These people have for three generations been an intersection of art and geology, and Paul is here in his capacity as a member of the board of directors of the Wyoming Humanities Council. But it shows you how the geologist in him, and he is an oil and gas company executive by professor, but he is by avocation and first love someone who works in that intersection between art and geology and science and the humanities, and he is also just a wonderful, dear individual. So I am delighted, Paul, that you are here today and delighted to welcome you. Would you begin?

THURSDAY, MARCH 22, 2012.

WYOMING HUMANITIES COUNCIL, REPRESENTING THE FEDERATION OF STATE HUMANITIES COUNCILS

WITNESS

PAUL ULRICH

Mr. ULRICH. Madam Chair, Representative, thank you very, very much. It is a significant honor for me to be here testifying, and testifying in front of you, my dear friend. Thank you for the kind words for the family. I will carry that message on.

First and foremost, though, I need to carry a message about the Wyoming Humanities Council and the state-federal partnership, and I will walk through that and then I would love to take some questions.

I have got a bit of written testimony here that I will try to walk through, but I will probably talk a little bit off the cuff as well. As mentioned, my name is Paul Ulrich. I am from Wyoming. And given some of the previous speakers, I think it is important to cover a little bit of background. First and foremost, several years ago, if you would have asked me to describe what the humanities was, I would have had a very, very difficult time doing that. Today is a different story. I had the opportunity to enter the board of directors of the Wyoming Humanities Council and I have learned over the past several years truly what humanities is, and bottom line is, it is the experiences, it is the stories, it is the ideas and the words that we share every day amongst ourselves, whether it is around a beer or a water cooler or through a music festival or an arts festival or a reading discussion. It is all those wonderful things that make us, us, and all those wonderful things that we share.

So I wrote down a few notes, stories and ideas and words that connect us. They allow us to address challenges. Most importantly for me, they have allowed me and others in Wyoming to listen and learn from each other, and not only from my neighbor but from somebody from back East or somebody from across the world that I may have not or others may have not ever had experience before. When you grow up in a small town in Wyoming, Matetsi, Wyoming, where I went to elementary school, we had a population of a little over 500. We are at about 300 today. So my 10 classmates and I did not have much of a chance to explore the world except for the library and the programs that the Wyoming Humanities Council bring to small libraries like that across our great state. It allows us to explore and to learn.

Most importantly, when you come from a science background, as the chairman mentioned, my family are all scientists, geologists, paleontologists, you lean that direction during the day. In the evenings when you are reading and discussing what you have read and discussing what you have learned, that is the human experience. That is what humanities is all about. And that is why I and I suspect all of us have a passion for it, whether or not we identify it as humanities. Our lives are meant to be shared, and the humanities is a perfect vehicle for that. It brings us together. It allows us to listen and learn from each other.

And the reason I am here to testify today, down to the brass tacks, I am here to request $154.255 million for the National Endowment for the Humanities, and out of that, $44 million for the state humanities councils for fiscal year 2013. Last year, councils reached 5,700 communities across the Nation. Hundreds of programs in each Congressional district serve hundreds of thousands of students, teachers, health care professionals, veterans and more.

And in 2011, on average, these local councils, these state councils, 56 of them, are leveraging $5 for every dollar that the NEH provides us. That is a heck of a return on your investment. And these are leveraged in the small communities across the Nation. We receive our core funding through the state-federal partnership as a line of the NEA budget, and we have received throughout the past through special initiatives such as We the People funding as well, and that has been awfully important to these state humanities council budgets.

Real-world needs—dozens of councils offer family literacy programs which in the past year alone have benefited hundreds of families in rural and urban communities. Dear to my heart, I am a veteran. Councils serve veterans. The Missouri council offers creative writing workshops and mentoring for veterans, literature and medicine in Maine now offered by 26 other councils, provides invaluable resources for caregivers of returning veterans.

After Hurricanes Irene and Lee hit last year, the New York council swiftly distributed funds from the NEH chairman's discretionary grant to provide relief to 31 small cultural organizations.

Most importantly from my standpoint in Wyoming, these councils reach small communities that do not get reached. Idaho, Let's Talk About It, a reading and discussion program, has been very successful. In Wyoming, we are doing things this year regarding Giving Voice, which is an outcome of Civility Matters, and that program in itself is going to give us an opportunity to listen and learn from under-heard individuals, most importantly, as I mentioned, veterans, to some extent also youth, individuals and families below the poverty line and those struggling with mental health issues. We work with about 9,800 organizations across the Nation including Minnesota's council traveling exhibit, Why Treaties Matter, and many other organizations.

We touch a lot of small museums, small populations that otherwise would not be reached by the humanities and would not understand what these dollars are leveraged for. In sum, we serve the citizens' real-world needs. We nurture their communities' cultural institutions and we preserve our Nation's cultural heritage.

By partnering with over 9,800 local organizations, our councils achieve a fivefold return on your federal funding, the funding you provide us. The councils ensure that this federal investment benefits the public as a whole, citizens in every Congressional district and 5,700 communities in ways both intangible and concrete. The humanities programs made possible by the federal funding to the councils simply make our communities a better place to live.

Mr. Chairman, thank you.

[The statement of Paul Ulrich follows:]

Testimony on behalf of the Federation of State Humanities Councils
Prepared for the House Appropriations Subcommittee on the Interior, Environment, and Related Agencies by Paul Ulrich, Board member, Wyoming Humanities Council; Addressing the National Endowment for the Humanities, March 22, 2012.

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to present testimony on behalf of the state humanities councils, the state affiliates of the National Endowment for the Humanities. I am a member of the board of the Wyoming Humanities Council. I am here to request **$154.255 million** for the National Endowment for the Humanities and **$44 million** for the state humanities councils for FY 2013.

As full partners of the NEH, councils receive their core funding through the Federal/State Partnership line of the NEH budget and use that funding to leverage additional funds from foundations, corporations, private individuals, and state governments. In 2011, every federal dollar the councils awarded through grants to local institutions leveraged, on average, $5.00 in local contributions. Councils further extend their resources by forming programming partnerships with organizations and institutions throughout their states.

We are requesting a funding increase for FY 2013 for the councils because cuts over the past two years have had serious consequences for the communities and institutions the councils serve. A recent survey by the Federation of State Humanities Councils revealed that councils have had to shrink their grants program significantly, even though requests for council funding have increased due to the troubled economy. These reductions in turn have led to fewer dollars leveraged and therefore even less funding for local organizations and communities.

Cuts in the number and size of council grants to local organizations have especially hurt rural communities, where humanities council programs are often the only cultural resources available. Although councils have worked hard over the past few years to diversify their funding, most major funders are in larger cities and prefer to support work in their own communities, and the cuts in federal funding therefore affect rural areas disproportionately.

But I come before you today not to dwell on losses. My real purpose is to talk about gains—how our communities and our nation as a whole will benefit from increased funding to the state councils. I first want to emphasize that **state humanities council programs serve critical needs**. Dozens of councils, for example, support family literacy programs, which make a significant difference in the lives of participants—low-income families, immigrant families, or simply families that need help to engage with words and ideas. Last year more than 200 families participated in the Florida Humanities Council's six-week Prime Time reading programs, which included English-Spanish bilingual programs in several farmworker communities. Connecticut's Family Read program, operating primarily in the state's urban areas, fosters a culture of literacy in many public schools and community-based agencies where it is most needed, helping to address an achievement gap that is among the largest in the nation. The New York Council for the Humanities partners with local libraries to offer Unidos, a program in which parents and their 9- to 11-year old children have bilingual discussions about personal and historical issues based on books they have read together.

Council programs also serve other critical needs. The Literature and Medicine program, created by the Maine Humanities councils and now offered by 26 other councils, improves patient care and enables overtaxed medical personnel to find the renewed energy and inspiration to continue in the profession. By expanding into VA hospitals, the program provides invaluable resources for caregivers of returning veterans. The Missouri council has gone directly to the veterans themselves with a program that offers creative writing workshops and mentoring for veterans.

Thirty-one organizations in the state of New York can attest that councils serve critical needs. After Hurricanes Irene and Lee hit last year, the New York Council for the Humanities swiftly distributed funds from an NEH Chairman's Discretionary Grant to provide relief to small cultural organizations in the affected area, prompting a director at one museum to observe, "The council's response reflects an understanding of how best to serve the urgent needs of cultural institutions."

Council funding ensures that humanities programming is widely available to the general public. Councils reached 5,700 communities across the nation in 2011, including rural towns, suburban communities, and urban neighborhoods. Councils supported programs in every congressional district and served hundreds of thousands of students, teachers, health care professionals, seniors, veterans, and many more.

Council programs help communities and institutions not adequately served through other means. In rural communities council programs are often the only cultural resources available. For more than 25 years the Idaho Humanities Council has offered the "Let's Talk About It" reading and discussion program, which now totals 75 scholar-led programs annually and is especially popular with small libraries lacking the resources to plan and seek funds for their own programs. The program's outreach to small communities is so powerful that it attracted the attention of a corporate sponsor that has provided about one-third of the program's cost for the past decade. "Montana Conversations" provides up to 200 programs annually for communities with populations of 2000 or less. The South Dakota council reports that in their sparsely populated state, "libraries, cultural centers, and museums often serve entire communities that stretch for miles, and these are the very institutions in need of the programming support that the South Dakota council can provide."

But it is not just rural states that face these issues. In California, where libraries have had to cut many services, the council joined forces with the California Center for the Book to create California Reads, a reading and discussion program. The council awarded more than $400,000 to 52 library jurisdictions serving 65 percent of the state. The project not only encouraged civic conversation throughout the state, but also offered a much-needed boost to libraries. In state after state, where cuts in state budgets are slowly starving both government and private institutions, councils have been compelled to step in and try to help fill the gap.

Council programs also serve communities whose stories and issues have too long been overlooked. The Oklahoma Humanities Council supported "Carry the Fire," a Native Humanities forum hosted by the Chickasaw Nation Division of Arts and Humanities to create a dialogue among tribal members, students, and the general public. The Forum explored issues important to the tribal community but unknown to many members of the public, such as

comparisons of indigenous humanities to the humanities in general, the importance of the study of the humanities to Native people and others, and indigenous thinking and learning styles.

In my own state of Wyoming, the council has made a special effort to engage those who have been left out of the mainstream conversations. Our program "Giving Voice: A Wyoming Listening Project" launched a dialogue series last summer called "Government, God, Google, and Guns." We sent a traveling tent to summer festivals and interviewed Wyomingites about issues that matter to them. The staff used YouTube and online film and book discussions to extend the conversation. The project will continue this year, targeting partnerships that will foster listening to the voices of youth, individuals and families below the poverty line, and those struggling with mental health issues.

Council programs improve the quality of K-12 education. One of the many casualties of the poor economy has been the reduction in state support for the educational structure. Councils have significantly lessened the impact of these cuts on teachers and students. The Teacher Enrichment Program in Texas addresses the dual, interconnected problems of teacher training and teacher retention. Heeding studies that suggest that many teachers abandoned the profession in part because they feel ill prepared to teach their subjects, and recognizing the high cost of teacher turnover, the council created teacher institutes designed to provide intensive, deep-content enrichment using top-quality faculty. The council pays particular attention to early-career teachers working in low-performing schools—another example of councils stepping in where the need is greatest and no one else is providing help.

Many councils offer teacher institutes, providing what is typically the only professional development in the humanities offered in their states. But councils also improve K-12 education in other ways. Several councils sponsor National History Day, which was recently awarded a National Humanities Medal by the President. Councils involve students in Chautauqua programs, student writing programs, and civics education. They conduct teacher award programs and provide such teacher resources as exhibits and curriculum materials, often expanding accessibility by making both available online. And they do all this at a lower cost than anyone else, without any sacrifice of quality.

Council programs contribute to the civic health of their communities. Using texts and discussion techniques steeped in the humanities, councils allow community members to engage in dialogue with each other around issues that are both local and global. Council-supported community conversations from Maryland to Indiana to Nebraska to Washington bring a humanities perspective to discussions of community problems that allow for respectful airing of diverse viewpoints and movement toward possible solutions. Councils also engage citizens in the civic life of their communities by supporting thousands of reading and discussion groups; Chautauquas; discussions around exhibits, films, and lectures; Museum on Main Street tours and programs, conducted in partnership with the Smithsonian, and much more.

Councils extend resources through partnerships. Councils worked with an estimated 9,800 organizations in 2011. These included museums, libraries, schools, universities, senior centers, veterans' hospitals, churches, social service agencies, corporations and local businesses, chambers of commerce, state tourism offices, radio and television stations, and many more.

Councils also fostered lasting partnerships among the groups with whom they worked. The Minnesota Humanities Center's traveling exhibit, "Why Treaties Matter," which explores relationships between Dakota and Ojibwe Indian Nations and the U.S. Government, demonstrates collaboration in many directions. The council developed the exhibit in consultation with the Minnesota Indian Affairs Council and the National Museum of the American Indian, and they have worked with dozens of agencies in Minnesota to create programming around this important topic. One host institution said that "Partnering with the Minnesota Humanities Center on 'Why Treaties Matter' isn't just about putting an exhibit up for a month. It's about working with local organizations to increase our capacity to engage audiences and provide multiple interpretive experiences and opportunities. Getting the exhibit is great, but it's this interaction and education that continues to shape our institutions well after the month is over."

And finally, funding allocated to councils makes good economic sense. As we know, councils protect local economies through their support for struggling organizations that have seen other funding sources decline or disappear. In addition, every federal dollar that councils award leverages, on average, more than $5 for programs carried out by local organizations. Even when grants are modest, council support has helped small organizations save programs, staff positions, and even organizations themselves.

Council funding and programming yield other economic benefits. The many council-sponsored book festivals that take place throughout the country are an undeniable economic boon for their host cities. The annual Virginia Festival of the Book, created more than a decade ago by the Virginia Foundation for the Humanities, has seen increases in audience, partners, participating authors, and programs each year. The Director of Economic Development of the City of Charlottesville estimates the economic impact of the Festival at more than $1 million.

The Museum on Main Street tours enliven small-town economies by attracting audiences for the exhibits and accompanying programs that are sometimes larger than the populations of the towns themselves. Councils provide support for cultural heritage tourism efforts to draw additional visitors—and their dollars—to local economies. In Ohio, where increased tourism is one of the state's three economic development initiatives, the council has played a key role in helping organizations develop their tourism capacity. In the small town of Somerset, grants from the council have funded speakers to help the town understand the unique value of their local architecture. This has led to a public archeology project, also partly funded by the council, and a variety of increased services to attract visitors. The growth in visitors has in turn prompted the development of new businesses in the town—a town which, in the words of the council, "is well on its way…to becoming a heritage travel destination unlike any other in the state." Small beginnings, large economic payoff.

The state humanities councils invigorate their state's cultural institutions, K-12 education, civic health, and local economies. By partnering with over 9,800 local organizations, the councils achieve a five-fold return on their federal funding. The councils ensure that this federal investment benefits the public as a whole—citizens in every congressional district and 5,700 communities in 2011. In ways both intangible and concrete, the humanities programs made possible by the federal funding to the councils simply make our states better places to live.

Mrs. LUMMIS. Thank you so much, Paul. I deeply appreciate your testimony and your presence here today and your friendship.

Rather than take questions now, we will go through the panel and take questions then. So I now would like to welcome Dr. Grossman.

THURSDAY, MARCH 22, 2012.

AMERICAN HISTORICAL ASSOCIATION

WITNESS

DR. JAMES GROSSMAN

Mr. GROSSMAN. Thank you, and I want to thank the members of the Subcommittee for the opportunity and the honor of testifying in support of funding for the National Endowment for the Humanities.

Congresswoman McCollum, I can share your sensibilities, having one daughter who has spent the last 2 years teaching English in a Spanish public school and another one who is about to head off to Tbilisi to learn Georgian and Chechen. So we can discuss this issue of parenting at some other point long distance. Thank God for Skype.

I am testifying on behalf of both the American Historical Association, which I serve as the Executive Director, and the National Humanities Alliance, a coalition on which I serve as a member of the board of directors.

For fiscal year 2013, we strongly urge the Subcommittee to provide no less than $154.3 million in funding—I have rounded a little bit. Outside of the sciences, we tend to be somewhat less exact sometimes. This is what we humanists do. We trade in uncertainty, and that is what we contribute to our national culture—which is the same amount requested by the Administration. This represents a modest $8.2 million increase over the final 2012 appropriation of $146 million. The NEH budget has suffered a significant reduction over the last 2 years, more than $21 million, which is 13.2 percent, in the last two fiscal years.

I have had the privilege and the good fortune to co-direct an NEH summer seminar for college teachers, similar to the one that Professor Tannen referred to earlier, on how historians use biography in our teaching and research. The participants were faculty members from teaching-oriented colleges and universities. We read biographies of individuals who shaped American history. We talked about how historians reach broad audiences by writing biography and how we use biographical materials in our classrooms to bring history alive to students interested in individual stories. We exchanged ideas about how we integrate our reaching and research and how we create new knowledge through the study of individuals in historical context. This is what the NEH does, supports programs like this. And this work is important beyond our campuses. The research and teaching supported by the NEH are central to understanding not only our own heritage but also foreign cultures and languages.

We can neither formulate informed foreign policy or even military strategy nor compete in the global marketplace without continuing to support research and teaching in these areas. That support is currently inadequate, especially given the limits of other sources of funding. Our inability to support the work of young scholars through the fellowships program that I benefited from early in my career and that Professor Tannen referred to is akin to plowing under our seed corn. Young scholars need the kind of opportunity that I had in 1985 to write books that launch careers. Currently, NEH funds only one-sixth of its applicants. I have served on enough peer review panels to know that many more proposals merit support.

I have also worked with NEH staff for more than two decades and have been consistently impressed by the efficiency and fairness with which they have dealt with a budget that has precipitously declined in real dollars. I have also seen the damage that has taken place because the endowment can no longer support humanities infrastructure and projects in the way that it should.

We do our humanities work well in the United States. American higher education remains the best in the world, a beacon for students across the liberal arts disciplines and an inspiration for the teaching and modeling of creative and critical thinking. I was at a conference in Beijing in October and had the opportunity through a translator—I do not have those sorts of linguistic skills—to speak with many of my colleagues. What was interesting was that the younger Chinese scholars are planning to send their children to the United States for liberal arts education. They know where one gets a good education.

The research and education programs funded by the NEH are essential to maintaining the quality that enables American universities to attract these students from across the world. This brings money into our economy and it builds ongoing networks as graduates return home as leaders in business and government.

The work of the NEH benefits all Americans in other ways as well. The humanities are a lifelong enterprise and a public resource. Think about the educational role of our museums and libraries for Americans of all ages and backgrounds. Perhaps some of you might have seen the exhibition a few blocks away at the Folger Shakespeare Library last year on the history of the King James Bible. NEH support enables a version of that exhibition and others on Ben Franklin and Abe Lincoln to travel to Laramie, Wyoming, and other towns and cities across the Nation. NEH grants enable institutions like the Idaho State Historical Society—sorry the chairman has left—and the Mountain Home Public Library to preserve the thousands of photographs, maps and oral histories that document our heritage.

The NEH has also moved aggressively in developing digital resources that have transformed how people discover and experience the past. To this generation of students, if it is not online, it does not exist. From a first grader doing a school report on Abraham Lincoln to high school seniors trying to understand the complexities and historical context of the American experience in Central Asia, their first destination is the Internet. Digital humanities programs supported by the NEH help ensure that students have ready

access to the best scholarship. Through its EDSITEment website, the NEH makes it easy for high school teachers to find high-quality materials specifically oriented towards teaching and learning.

In light of what Congressman Cole said earlier, I recognize that the subcommittee confronts difficult and complex choices in allocating priorities. My colleagues and I remain grateful for the strong support that the Subcommittee has demonstrated for the NEH in the past, and we hope that you will continue to consider the endowment as a vital investment in the Nation's global competitiveness, the strength and vitality of our civic institutions, the preservation and understanding of our diverse cultural heritage and the lives of our citizens. Thank you.

[The statement of James Grossman follows:]

Written Public Testimony of Dr. James R. Grossman, Executive Director
American Historical Association

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

On behalf of the American Historical Association & the National Humanities Alliance
March 12, 2012

Introduction

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to testify in support of FY 2013 funding for the National Endowment for the Humanities (NEH). I am James Grossman, Executive Director of the American Historical Association. This statement is submitted on behalf of both the AHA and the National Humanities Alliance (NHA), a coalition on which I serve as a member of the board of directors.

Funding Overview

For FY 2013 we strongly urge the Subcommittee to provide no less than $154.3 million in funding for the National Endowment for the Humanities, the same amount requested by the Administration. This represents an $8.2 million increase over the final FY 2012 appropriation ($146 million). The NEH budget has suffered a significant funding reduction over the last two years -- more than $21 million (13.2%) between FY 2010 and FY 2012, almost entirely in program funds. In addition, the agency is still trying to recover from cuts totaling nearly 40 percent that were made in the mid-1990s.

At its nominal funding peak in FY 1994, NEH's total budget was equivalent to $271.5 million in 2012 inflation-adjusted dollars. At its peak in real dollars in FY 1979, the agency's appropriation equaled $455.8 million in current dollars – three times the FY 2012 level. I have worked closely with NEH staff for more than two decades, and I have been consistently impressed by the efficiency and fairness with which they have dealt with these cuts; but I have also seen the damage that has taken place because the Endowment can no longer adequately support humanities infrastructure and projects.

Impact of the President's Budget

Program Funds - At the level proposed by the Administration, the FY 2013 NEH budget would nearly equal its FY 2011 level ($154.7 million). However, the proposed increase would still restore only $5 million in program funds, which are proposed at $124 million in FY 2013, compared to $118.6 million enacted for FY 2012 (still far below the $140 million enacted for FY 2010). The remaining $3 million of the proposed increase for FY 2013 would be set aside for administration to help cover anticipated relocation costs associated with the pending redevelopment of the Old Post Office.

Competitive Grants - Within the President's request, funding for NEH competitive grants would increase by $2.6 million, from $68.8 million in FY 2012 to $71.4 million in FY 2013. This

includes small increments for each of the NEH's core program divisions and offices: Research, Education, Preservation & Access, Challenge Grants, Digital Humanities, and Public Programs. We are pleased to see these increases, as we have been especially concerned about the long-term erosion of funding suffered by competitive grants programs, which stand at only 40% of their value (in real dollars) in FY 1994.

Although modest, the increments proposed by the President would have a significant impact. For example, at the proposed FY 2013 level, the NEH Research Division could make 24 more awards than in FY 2012. This means that an additional 22 individual scholars could receive fellowships, and two more collaborative research projects could receive continuing support. This kind of support is vital for humanities faculty. It enables recipients to devote themselves to intensive, systematic research—the kind of research needed to produce new understandings of American and world history and literature. NEH's continuing support can enable a long-term project to continue, leveraging additional institutional support, and providing unique research opportunities for participating graduate and undergraduate students. Similarly, the NEH Education Research Division could enable 265 additional teachers to revitalize their knowledge of the humanities through participation in summer workshops; approximately 33,000 high school students would benefit from this valuable professional development for teachers.

National Needs

The NEH founding legislation articulates the imperative of federal support for the humanities: *"An advanced civilization must not limit its efforts to science and technology alone, but must give full value and support to the other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future."* At a time when globalization has connected the world's societies and economies, and when America plays a central role in political developments in every continent, the wisdom of this statement is more evident than ever. We cannot afford to abandon the study of America's and the world's languages and literatures, religions and governments, traditions and innovations. Without the knowledge that the humanities provide, we cannot understand our own past or the present condition of the world.

We do our humanities work well in the United States. American higher education remains the best in the world—a beacon for students across the liberal arts disciplines and an inspiration for the teaching and modeling of creative and critical thinking. The research funded by the NEH is essential to maintaining that standing, which enables American universities to attract students from every continent eager for the value of an American liberal education.

This is not, however, an argument for complacency; it is not a defense of the status quo. The same technological forces that are transforming the physical, biological, and social sciences are transforming the humanities as well. Humanists are using the new resources of the digital age to reformulate age-old questions about human experience and find new answers for them; to explore new ways of making the humanities accessible and relevant. The NEH has played a leading role in supporting this work, not only financially but through such initiatives as its acclaimed "EDSITEment" web site, which effectively spreads the word about the superb digital resources that NEH grants have made available to teachers.

The NEH's impact extends well beyond our classrooms and research institutes. The humanities are a lifelong enterprise and a public resource. America's museums, libraries, and other cultural institutions play a central role in humanities education. Partly thanks to the NEH, they now offer a range of digital resources that have already transformed the way in which the general public discovers and experiences the past and the world of culture. Like universities, these institutions can do more—especially if the NEH, which has played a vital role in mobilizing new digital techniques and designing more creative approaches to the integration of educational and cultural institutions, can continue to support these efforts.

The NEH Role

The NEH is the lead federal agency with the mission to create, preserve, and disseminate knowledge in the humanities—knowledge that is essential to healthy public culture in a democratic society. Each year, NEH awards hundreds of competitive, peer-reviewed grants to a broad range of nonprofit educational organizations and institutions, and to individual scholars, throughout the country. Grantees include two- and four-year colleges, universities, research institutes, museums, historical societies, libraries, archives, scholarly associations, K-12 schools, television/film/radio producers, and more. These grants help support educational advancement; professional development; and institutional activities for thousands of students, teachers, faculty, and others engaged in the humanities in communities across the U.S. every year. By enhancing the work of our cultural institutions, colleges, and universities, they create jobs because such institutions attract tourists and students from abroad. The American economy, as much as its public culture, benefits from high quality work in the humanities.

The NEH stands at the center of much of this work. The reputation of the NEH's peer review process helps its grantees attract significant non-federal funding for humanities projects nationwide. More than once, I have seen NEH funded projects attract and benefit from further support provided by corporations and foundations. These funders specifically asked about the process by which these initiatives had won NEH funding, and made clear that the viewed NEH peer review as a certification of quality.

But the support that the NEH can provide for such projects today does not meet the needs of our nation's best work in the humanities. The demand for humanities project support far exceeds available funding, rendering NEH grants extremely competitive. In FY 2011, NEH received 5,710 grant proposals representing $552.6 million in requested funds, but could fund only 905 (15.8%) of these applications. This figure is strikingly low when compared to recent rates as high as 32% reported by grant-making agencies like the National Science Foundation.

Underfunding is pervasive. There is too little money for digital humanities projects, which often represent the cutting edge in teaching and research, and for the public film, radio, television and digital media projects that reach a national public; for professional development for teachers who need (and want) to learn how to use new media in humanities education; for preserving great collections, many of them fragile and in need of conservation, as state support dwindles; for challenge grants to help institutions build their own capacities and offer the kind of leverage that attracts new donors and builds habits of philanthropy; and for the individual fellowships and collaborative research projects that promote new understandings of the past and the present.

Without stronger support, enterprises from university research to public education will lose capacity, and as they do our ability to deal with the complexities of the world will dwindle.

Conclusion

I am especially grateful for this opportunity to testify on behalf of funding for the National Endowment for the Humanities. I represent two organizations, but I also speak as a historian whose work has benefitted from NEH support. I wrote my first book on an NEH fellowship, and I will immodestly note that this book has been read by thousands of college and high school students as part of their history education. Scholars at the outset of their careers need similar opportunities to generate such work, and I lament the decline in resources available to the NEH to provide such support.

I have also spent considerable time on the other side of the NEH's table, serving on peer review panels across a wide range of program areas. No system is perfect; but the NEH peer review process allocates funding according to merit more fairly and effectively than any other of which I am aware. I regularly encourage colleagues to serve on NEH review panels not only because such experience is useful to the preparation of future applications, but more important because I consider this activity an essential aspect of our public roles as humanities scholars. If we do not support the work of the NEH, if we do not lend our time and expertise to the rigorous process of peer review, we cannot ask our fellow citizens, the taxpayers of the United States, to lend their support as well.

This Subcommittee stands as steward to many of our nation's greatest shared cultural and natural resources, and we recognize that you face especially difficult and complex choices in crafting the FY 2013 Interior appropriations bill. We are also deeply grateful for the strong support that the Subcommittee has demonstrated for the NEH over the years. We hope that you will continue to consider the NEH as a vital investment in the nation's global competitiveness, the strength and vitality of our civic institutions, the preservation and understanding of our diverse cultural heritage, and the lives of our citizens. Thank you for the opportunity to be heard.

The American Historical Association is a non-profit membership association founded in 1884 and chartered by Congress in 1889 to promote historical studies and the dissemination of historical research. As the largest and oldest historical society in the United States, the AHA serves historians representing every historical period and geographical area. Our 14,000 members include academics at universities, two- and four-year colleges, museums, historical organizations, libraries and archives, as well as also independent historians, students, K–12 teachers, government and business professionals, and other individuals who, whatever their profession, possess an abiding interest in history.

The National Humanities Alliance was founded in 1981 to advance public support for the humanities. With 104 organizational members, the Alliance encompasses a broad range of humanities-related disciplines and institutions, and is the only organization that represents the humanities community as a whole. Its members, and the thousands of teachers, scholars, humanities organizations and institutions they represent, use NEH grants to maintain a strong system of academic research, education and public programs in the humanities.

Mrs. LUMMIS. Thank you, Dr. Grossman. If I were a basketball referee, I would be fired because I have been pretty liberal with the clock.

So I will ask Mr. Hein to pay note to the little device in front of you, and when you see it go red, start to wrap up, and we gratefully welcome your attendance today. Welcome.

THURSDAY, MARCH 22, 2012.

PRESERVATION ACTION

WITNESS

ERIK M. HEIN

Mr. HEIN. Thank you very much for the opportunity to be here today, and I will try very hard to keep my remarks to the 5-minute limit. The pressure is on.

I would like to shift gears slightly and talk about historic preservation. I am Erik Hein. I am the President of Preservation Action, which is the only national grassroots advocacy organization dedicated only to federal preservation policy, and I am also a graduate of the humanities program at Penn State University, so I am very sympathetic to the remarks of those who preceded me.

The National Historic Preservation Act is an amazing document. It establishes core principles for the preservation of our heritage and a collaborative process that lets people help determine what is worth saving, and it rejects the notion that the only way to preserve something is for the government to own it. It is designed to encourage partnerships and to give every American community the opportunity to access our collective heritage, and at the same time helping them to find their own sense of place.

Key to this process was the creation of the State Historic Preservation Offices. To help fund the SHPO offices, as we often refer to them, in 1976 Congress established the Historic Preservation Fund. Modeled after the Land and Water Conservation Fund, it is authorized to receive $150 million per year, although it has never actually received that, and it is derived from lease revenues from the Outer Continental Shelf. A portion of this funding on a matching basis is given to SHPOs to help them complete federal reviews, National Register nominations and to administer the Federal Rehabilitation Tax Credit program, which in 2011 leveraged over $4 billion in investment and created over 55,000 jobs. And to keep these programs moving, we would like to request level funding, which is in line with the Administration's request, of $46.925 million, to be precise, for fiscal year 2013.

Also key to this process are Tribal Historic Preservation Offices, or THPOs, who carry out many of the same functions as SHPOs but on tribal lands. Each year, as we recognize more tribes, new THPOs are added. In 1996 when the program began, there were only 12. Today, there are over 130. Unfortunately, funding has not kept pace so each new THPO means less money to go around. Therefore, we would like to see a small increase in THPO funding to $9.7 million from the Administration's request for level funding at $8.9 million.

The National Historic Preservation Act also recognizes the funding need for the restoration of nationally significant places. With this in mind, we would also like to request $10 million from the Historic Preservation Fund for a fully competitive grant program administered by the SHPOs. This represents only one-third of the total previously funded through the Save America's Treasures and Preserve America programs that used to serve this purpose. Last year, rather than reducing funding for these programs, the Administration requested the elimination of all $30 million in funding by saying it would allow the Park Service to focus available resources on managing national parks and other primary responsibilities. As a steward of more than 27,000 historic structures and 66,000 archaeological sites and the department managing components of the National Historic Preservation Act, we would argue that preservation is our primary responsibility.

Unfortunately, the Administration also proposes a $1.4 million reduction in cultural resource stewardship, a reduction in construction and major maintenance, and a 50 percent cut for National Heritage Areas which for the record we would like to see level funded. At the same time, there is $215 million proposed for natural resource stewardship programs, which is twice the amount of cultural stewardship programs, and a more than 50 percent increase to the Land and Water Conservation Fund, which is used primarily for land acquisition. But why does there have to be this tension between natural and cultural resources or between park and non-park programs? Why does it have to be feast versus famine? Last year, Preservation Action convened a task force that included 11 national historic preservation organizations and we issued a report that analyzes this problem and concludes there needs to be increased levels of leadership, partnership, innovation and, above all, visibility.

To achieve this, we have issued a set of no-nonsense solutions that do not require a great deal of funding, and they attempt to maximize return on investment. You will find those recommendations in our written testimony. We would welcome the opportunity to work with members of this committee to find a way to help facilitate these changes.

Our Nation's cultural resources and natural resources are both important. We believe that they are not an either/or proposition. During this time of widespread discussion on jobs and investment in infrastructure, we respectfully ask that you consider investment in our cultural resources, the preservation of our great American heritage and the jobs that go along with historic preservation as a vital part of the equation.

[The statement of Erik Hein follows:]

PRESERVATION Action

Testimony Submitted to the Appropriations Subcommittee on the Interior, Environment and Related Agencies, U.S. House of Representatives, regarding the FY13 appropriations for State and Tribal Historic Preservation Offices, historic preservation project grants and National Heritage Areas.

Request:

- $46.925 million in appropriations from the Historic Preservation Fund for State Historic Preservation Offices (SHPOs).
- $9.7 million in appropriations from the Historic Preservation Fund for Tribal Historic Preservation Offices (THPOs)
- $10 million in appropriations from the Historic Preservation Fund for a Historic Preservation Grant Program run through SHPO offices
- $17.4 million in appropriations from the Preservation and Recreation Account for National Heritage Areas

Funding for the Historic Preservation Fund and for the Preservation and Recreation Account – Core Sources of Funding for the Federal Functions Outlined in the National Historic Preservation Act of 1966

We would like to respectfully request $66.2 million in appropriations for the Historic Preservation Fund (HPF). Recognizing our nation's economic challenges, this number represents a funding level approximately 17% less than FY 2010, and about 18% higher than the President's request - but still substantially less than 50% of the $150 million authorized from the HPF each year. We would also like to request level funding for National Heritage Areas of $17.4 million, paid for out of the Preservation and Recreation account.

Beginning with the HPF, we ask that this funding be allocated at $46.925 million for State Historic Preservation Officers (SHPOs), which is level with FY 2012 and equal to the President's request, $9.7 million for Tribal Historic Preservation Offices (THPOs) – which is a slight increase of 10%, and $10 million for a fully competitive historic preservation grant program administered by the SHPOs in consultation with the National Park Service. This would restore some degree of programmatic capabilities lost with the elimination of funding for Save America's Treasures and Preserve America in FY 2011.

SHPOs carry out a substantial portion of our Federal historic preservation program that provides citizens the tools needed to revitalize, rehabilitate, and protect the places that give meaning to America. They also assure state and local input into the designation of the cultural resources that are important to them. Funding for SHPOs, leverages investments through local

jobs, non-federal contributions and long-term economic development. In 2011, the Rehabilitation Tax Credit, administered by SHPOs, leveraged over $4 billion in private investment and created over 55,000 jobs. SHPOs, as required by the National Historic Preservation Act, also review federal projects for their potential impact on historic sites. In 2011, 140,600 projects were reviewed. Another vital component administered by the SHPOs, the Certified Local Government Grant program which, in 2011 provided small grants and assistance to 1,800 communities throughout the nation.

THPOs carry out many of the same functions as SHPOs, but on tribal lands. While the THPOs are exempt from matching requirements, over the life of this program, tribes overmatch the federal funds by a factor of between 5 and 10 to one. There are currently over 130 THPOs, compared to only 12 in FY96 when the program was first funded. Unfortunately, the amount of funding annually appropriated to the THPO program has not kept pace with this expansion. It is important to keep in mind that this expansion is the result of the recognition of tribes, not from out of control growth of a program. Thus, the addition of new THPOs each year without additional funding actually means substantial budget cuts for the tribes recognized by the program. With the growing popularity of outdoor recreation, tourism and amateur treasure-hunting, under-funding this program jeopardizes the irreplaceable cultural artifacts from thousands of years of American civilization.

We are also respectfully request $10 million for the establishment of a fully competitive historic preservation grant program administered by SHPOs. Recognizing the difficult economic times we are in, and our country's need to better leverage our existing programs, this request represents only one third of the total previously funded through the Save America's Treasures and Preserve America programs. In FY 2011, funding for the Save America's Treasures and Preserve America programs – collectively representing slightly over $30 million was completely eliminated, leaving no dedicated federal funding stream solely for the purpose of restoring, rehabilitating and surveying historic places of national importance. The justification for this, as published in the Interior Budget in Brief document last year, was so that the National Park Service could "focus available resources on managing national parks and other primary responsibilities." We take great exception to this observation.

The "Organic Act of 1916" created the National Park Service in the Department of the Interior "...to conserve the scenery and the natural and historic objects and the wild life therein ..." Since 1933, the NPS has managed the Historical American Buildings Survey, the Federal government's oldest historic preservation program responsible for the creation of more than 556,900 measured drawings, large-format photographs, and written histories for more than 38,600 historic structures and sites. The National Historic Preservation Act of 1966, which forms the basis of our Nation's federal historic preservation program within the Department of the Interior, further expanded the role of the NPS in the designation and maintenance of historic resources. Coupled with the fact that the NPS is the steward of more than 27,000 significant structures, 66,000 archaeological sites and 115 million objects in museum collections, one could argue that not only is historic preservation a core part of the mission of the NPS, it helps define it.

We would be happy to work with a broad group of legislators, preservationists, agencies and organizations to define the program to meet strict performance metrics – assuring a sensible and balanced program for restoring and sustaining our places of national significance and a good return on investment.

We are also seeking level funding ($17.4 million) for National Heritage Areas, paid for out of the National Recreation and Preservation Account. National Heritage Areas, of which there are 49, have been individually designated by Congress because their natural, cultural, historic, and scenic resources are considered uniquely representative of the American experience. While the National Park Service provides technical assistance and funding, 85% of the support for National Heritage Areas comes from the impacted regions through private, state, and local government sources. The federal seed monies provided have spurred grassroots conservation efforts that are self-determining, self-defined and thereby reflective of their individual values in a national context.

Recognizing concern about the sustainability of Heritage Areas, recently, legislation has been introduced, which Preservation Action supports, that would formally define the program and establish performance metrics, and paths to self-sufficiency – so that we can get the best return on our national investment. The Administration's proposed 50% reduction in funding for National Heritage Areas, so that they can focus resources on park operations and other critical partnership programs is disingenuous. In past attempts to cut this funding, Interior and the NPS have cited the lack of the program legislation that is now on the table – when they know full well of its existence – because they helped to draft it. Cutting funding by 50% because the legislation does not exist yet is counterproductive – unfairly harming the very program they are attempting to better define. Given the economic value of Heritage Areas, the number of jobs they produce (estimated at 152,324, paying $3.2 billion in wages), and their ability to tie together history, place, tourism and environment – we believe they are a good investment and support small business.

The National Park Service is More Than Just Parks

Preservation and conservation are intertwined. In implementing the National Historic Preservation Act, there was recognition of this fact by placing the primary responsibility for both federally owned and non-federally owned resources of national significance within the Department of Interior, who subsequently assigned responsibilities to the National Park Service. Yet there seems to be an ongoing tension between natural resources or "parks" and their broader responsibilities for non-park based "partnership programs." In the Administration's budget, we are looking at continued level funding for SHPOs and THPOs, no funding replacing the $30 million in project grants eliminated by not funding Save America's Treasures and Preserve America, a 50% cut to National Heritage Areas, a $1.4 million reduction in cultural resource stewardship, and reduced funding for construction and major maintenance (in the face of an enormous maintenance backlog). At the same time there is $215 million proposed for natural resource stewardship programs (twice the amount of cultural), and a proposed increase of $104 million to the Land and Water Conservation Fund – used primarily for land acquisition. We should be prepared to increase our investment in preserving the very assets we already own as well as new ones. How can we continuously ignore the $150 million

annual commitment made through the Historic Preservation Fund (a number established in the 1970's mind you) when according to the National Park Service, only 58.5% of our historic structures are considered to be in good condition.

Based upon several years of similar trends, this past year, Preservation Action convened a Task Force consisting of eleven national historic preservation organizations, examined this problem, and published a series of findings and recommendations in a report called "Aligned for Success, Recommendations to Increase the Effectiveness of the Federal Historic Preservation Program." Among the Task Force's findings are that the current structure of the federal historic preservation program does not "provide for the levels of leadership, public and private partnerships, advocacy, innovation and visibility required to realize the transformative vision for historic preservation set forth in the 1966 Act." The Task Force also found that there exists a competition for resources between park-based and non-park based cultural resources – a finding directly related to the funding choices made by the National Park Service.

To correct the problem, the Task Force recognizes that visibility for the historic preservation program is key so that it can get the resources needed to fully realize the vision of the National Historic Preservation Act. These no-nonsense solutions don't require tremendous a lot of funding – attempting to maximize return on investment, and better positioning existing resources:

- Realign the responsibilities for Preservation Partnership Programs within the National Park Service under a Deputy Director for Historic Preservation and Heritage who reports to the Director of the National Park Service
- Designate a Senior Policy Officer for Historic Preservation and Heritage in the Department of Interior as a Special Advisor for Heritage to the Secretary of the Interior
- Make the Advisory Council on Historic Preservation Chairman a full-time position
- Designate a senior staff position for historic and cultural resources on the President's Council on Environmental Quality (CEQ)

We would welcome the opportunity to work with members of this Committee to find a way to facilitate these changes, and to provide encouragement or instruction to the National Park Service and the Department of Interior to make them happen. The result would be a more effective program, and one better able to sustain itself while at the same time focusing on our national heritage.

Our nation's cultural resources and natural resources are BOTH important. We believe that they should not be an either-or proposition. Further, during this time of economic challenge, and widespread discussion on investments in infrastructure, we respectfully ask that you consider investment in our cultural resources, the preservation of our heritage, and the jobs that go along with historic preservation as a vital part of the solution.

Preservation Action is a non-profit grassroots advocacy organization founded in 1974. Our membership is made up organizations and individuals throughout the United States who share an ongoing interest and concern in our nation's federal historic preservation programs.

Mrs. LUMMIS. Thank you, Mr. Hein, and we deeply appreciate your testimony too. As someone who is married to a guy who has never seen an old building he did not want to fix up, and who has probably taken more buildings to the National Trust for Historic Preservation process in Wyoming than anybody else and who was on the board of advisors of the National Trust for Historic Preservation for many years, loved it, and I have done many, many historic preservation trips and tours in my role as a spouse, so I have a certain affinity for what you are trying to accomplish, and if I did not, I could never go home.

I would like to welcome now Mr. Cassidy, who is the Vice President of the National Trust.

THURSDAY, MARCH 22, 2012.

NATIONAL TRUST FOR HISTORIC PRESERVATION

WITNESS

TOM CASSIDY

Mr. CASSIDY. Thank you, Madam Chairman and members of the Subcommittee. I appreciate this opportunity to present the National Trust for Historic Preservation's fiscal year 2013 budget recommendations. My name is Tom Cassidy and I am the Vice President of Government Relations.

The Nation faces a challenging fiscal environment. We recognize the need for fiscal restraint and cost-effective federal investments. However, we do not believe that preservation, conservation and recreation programs should suffer from disproportionate funding reductions. We look forward to working with the Committee as it addresses the challenge of sustaining our Nation's rich heritage of cultural and historical resources but also generates the economic vitality of communities throughout the Nation.

The Historic Preservation Fund, as Erik described, is the principal source of funding to implement the Nation's historic preservation programs. The President proposes level funding. While we appreciate that is not a cut, we recommend the Committee provide a modest increase for the HPF, reflecting both the ongoing demands of preservation services from SHPOs and the increasing number of tribes who qualify for HPF funding.

We would also like to work with the Committee to restore a program of competitive matching grant funding such as was formerly provided by Save America's Treasures to restore and preserve significant historic resources.

I would also like to address the cultural resources stewardship account within the Park Service operations budget. Two-thirds of our national parks were created to protect our most important cultural and historic resources yet there is a longstanding disparity between funding for cultural and natural resource programs. This problem continues in the fiscal year 2013 budget, which proposes an increase in natural resources stewardship but a reduction for cultural resources. We urge the Committee to at least restore the cultural resources account to its fiscal year 2012 enacted level.

Of the nearly $11 billion of deferred maintenance needs for NPS, $3 billion is for the 27,000 properties in park units listed on the National Register. More than 40 percent of historic buildings in our parks are in fair or poor condition. Without funding, the condition of these properties will continue to deteriorate and become more expensive to repair and preserve in the future. Therefore, we recommend the Committee restore the proposed $15 million cut from the repair, rehabilitation and maintenance accounts and provide funding at the fiscal year 2012 enacted level.

The National Trust is conducting fundraising efforts to address this gap, most recently and successfully in Wyoming at the White Grass Dude Ranch in Grand Teton National Park but private money must be matched by federal funds. We also very much appreciate the Committee's inclusion of language in the fiscal year 2012 conference report recognizing that historic leases can provide a cost-effective and innovative solution to mitigate the maintenance backlog of historic properties. We are working with the Park Service and private partners to successfully implement such leases and bring investment to rehabilitation expenses.

We also are disappointed the Administration has proposed a 50 percent decrease in funding for the National Heritage Areas. The proposed reduction would severely impair the sustainability of individual NHAs. A recent actually 2012 study of the Park Service found that without funding to replace the NPS investment, few NHAs are expected to survive longer than a few years. During these challenging times, every program that receives federal funding needs to justify its worth and deliver substantial benefits to the American public. NHAs more than meet this test. They are community-driven partnerships that advance conservation and economic development and where each federal dollar is leveraged by $5½ of non-federal investments. We urge the Committee to maintain funding at the enacted level.

Finally, the Bureau of Land Management oversees the largest and most diverse body of cultural resources of any federal land management agency yet BLM receives the least amount of cultural resources money per acre of any agency. We strongly support the president's fiscal year 2013 request of a modest and well-justified increase for the cultural resources management account.

I feel that I have to talk about the Land and Water Conservation Fund since I still have 18 seconds left to go, and we would support robust funding for the LWCF. Many of the Nation's most significant and cultural landscapes have been permanently protected through LWCF investments including the Flight 93 National Memorial, Minidoka National Historical Park, Gettysburg National Military Park, and we support the Administration's request for the Park Service Civil War Sesquicentennial Units and the American Battlefield Protection program grant.

Thank you very much.

[The statement of Tom Cassidy follows:]

NATIONAL
TRUST
FOR
HISTORIC
PRESERVATION

Statement of the National Trust for Historic Preservation
Fiscal Year 2013 Interior, Environment and Related Agencies Appropriation
Committee on Appropriations, U.S. House of Representatives
March 22, 2012

Mr. Chairman and Members of the Subcommittee, I appreciate this opportunity to present the National Trust for Historic Preservation's recommendations for Fiscal Year 2013 appropriations. My name is Thomas J. Cassidy, Jr. and I am the Vice President of Government Relations and Policy. The National Trust is a privately-funded nonprofit organization chartered by Congress in 1949. We work to save America's historic places to enrich our future. With headquarters in Washington, D.C., 12 field offices, 29 historic sites, and partner organizations in 50 states, territories, and the District of Columbia, the National Trust protects significant historic sites and advocates for historic preservation as a fundamental value in programs and policies at all levels of government.

The nation faces a challenging fiscal environment. The National Trust recognizes there is a need for fiscal restraint and cost-effective federal investments. However, we do not believe that preservation, conservation and recreation programs should suffer from disproportionate funding reductions. We look forward to working with you, Mr. Chairman, as you address the ongoing needs for investments to sustain our nation's rich heritage of cultural and historic resources that also generate the economic vitality of communities throughout the nation.

Historic Preservation Fund
The Historic Preservation Fund (HPF) is the principal source of funding to implement the nation's historic preservation programs. Like the Land and Water Conservation Fund, its dedicated revenues are generated from oil and gas development on the Continental Shelf.

The National Park Service distributes HPF grants that are matched by State Historic Preservation Offices (SHPOs) and Tribal Historic Preservation Offices (THPOs). Inadequate HPF funding limits support for preservation activities such as survey, inventory, public education, and project review for the federal Historic Rehabilitation Tax Credit (HTC), State and Tribal Historic Preservation Plans, and the National Register of Historic Places. The HTC is the most significant federal investment in historic preservation. It has catalyzed the rehabilitation of more than 38,000 buildings throughout the nation. Since its creation 30 years ago, the HTC has created 2 million jobs and leveraged nearly $100 billion in private investment.

The President proposes level funding for the Historic Preservation Fund at the FY12 enacted level of $55.9 million. While we appreciate there is not a cut to this program, we recommend that the Committee provide a modest increase for this program reflecting ongoing demands for preservation services and the increasing number of Tribes who qualify for HPF THPO funding.

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We also look forward to working with the Committee to restore a program of competitive grant funding, such as formerly provided by Save America's Treasures, to provide matching grants to restore and preserve significant historic resources such as the Star Spangled Banner, the World Trade Center's Vesey Street Stairway, Freedmen's Cemetery Memorial Park in Alexandria, Virginia and the Chesterfield Schoolhouse in Bancroft, Idaho.

National Park Service: Operation of the National Park System, Cultural Resources Stewardship
Two-thirds of our National Parks were created to protect our most important historic and cultural resources. Over the past two decades, the National Park Service (NPS) has added over 30 new parks, which are predominantly cultural and historical in value. However, funding for cultural resources stewardship has not receiving support commensurate with natural resources stewardship. During the FY10 budget hearings, then Acting National Park Service Director Dan Wenk stated that NPS had been neglectful of cultural resources. A report of the National Academy of Public Administration (NAPA) found that during the FY99 – FY06 period the NPS bolstered stewardship of natural resources by an additional $77.5 million. However, during this same period, funding for park cultural programs *decreased* by 28 percent. Since the release of the NAPA report we have seen no significant effort by NPS to create funding parity between natural and cultural resources in the Park Base Operations Funding. And, although the FY13 budget requests an increase in natural resources stewardship, there is a reduction proposed for cultural resources. We urge the Committee to at least restore the cultural resources stewardship account to its FY12 enacted levels.

National Park Service: Facility Operations & Maintenance
Of the nearly $11 billion deferred maintenance needed for NPS, $3 billion is for the 27,000 properties in National Park units listed on the National Register of Historic Places. According to a report issued by the National Academy of Public Administration, *Saving Our History: A Review of National Park Cultural Resource Program (2008),* more than 40 percent of historic buildings and structures in our national parks are in fair or poor condition. Without funding, the condition of these properties will continue to deteriorate and become more expensive to repair and preserve in the future. Therefore, we recommend that the Committee restore the proposed $15 million cut from the repair, rehabilitation, and maintenance accounts and provide funding at the FY12 enacted level. The National Trust is conducting fundraising efforts to address the gap – most recently and successfully at White Grass Dude Ranch in Grand Teton National Park – but private money must be matched by federal money. Continued loss of federal maintenance money will reduce the opportunity to raise private funds for the preservation of these important structures.

The Administration is proposing a significant reduction in the line-item Construction account, most of which funds new construction. We are concerned, however, that the proposed reduction not adversely impact important rehabilitation of historic structures.

National Park Service: Leasing Historic Structures in National Parks
We appreciate the Committee's inclusion of language in the FY12 Conference report recognizing that historic leases provide a cost-effective and innovative solution to mitigate the maintenance backlog of historic structures. We are working with the NPS and private partners to successfully implement such leases and bring private investment to rehabilitation expenses.

One promising new and cost-effective opportunity for the NPS to address the backlog of historic maintenance in the parks is through the recently signed MOU establishing "Historicorps," a new

cooperative among NPS, the other federal land agencies, and several NGOs, including the Student Conservation Association and The Corps Network.

National Park Service: National Heritage Areas
We are disappointed that the Administration has proposed a nearly 50 percent decrease in funding for the National Heritage Areas (NHAs). The proposed reduction, justified as "encouraging self-sufficiency," would severely impair the sustainability of the program and the individual NHAs that Congress has established. A recent NPS study found "without funding to replace the NPS investment, few NHAs are expected to survive longer than a few years." NPS Northeast Region, *Report of Impacts and Operation Strategy for Sunsetting National Heritage Areas (2012)*.

During these challenging economic times, every program that receives federal funding needs to justify its worth and deliver substantial benefits to the American public. NHAs more than meet this test. They are congressionally designated places where community driven partnerships advance heritage conservation and economic development. Heritage areas have a proven record of fostering job creation and advancing economic, cultural, historic, environmental, and community development through their leverage of each federal dollar by $5.50 of non-federal investments. We urge the Committee to maintain funding for NHAs at the FY12 enacted level.

Bureau of Land Management: National Landscape Conservation System
The Bureau of Land Management's (BLM) National Landscape Conservation System (National Conservation Lands) includes 27 million acres of congressionally and presidentially designated lands, including National Monuments, National Conservation Areas, Wilderness, Wilderness Study Areas, National Scenic and Historic Trails, and Wild and Scenic Rivers.

The National Conservation Lands protect some of our country's most significant historical and cultural resources, yet the BLM's ability to steward these resources is undermined by insufficient funding averaging $59.6 million, or just $2.20 per acre. The National Conservation Lands are just one-tenth of BLM managed lands but they host one-third of all BLM's visitors. This high visitation rate has resulted in increased needs to protect and steward historic and archaeological sites from looting and reckless off-road vehicle use. Without sufficient funding, the BLM also struggles to complete essential resource protection, such as signing trails, closing illegal and unnecessary routes, and inventorying and protecting cultural sites.

We support the Administration's FY13 request of $69.549 million, a proposed increase of $4.58 million over the FY12 enacted level, to prevent critical damage to the resources found in these areas, ensure proper management and provide for a quality visitor experience. This funding level would enable BLM to hire essential management and law enforcement staff, monitor and protect natural and cultural resources, close unauthorized routes that fragment fragile ecosystems, and undertake needed ecosystem and species restoration projects.

Bureau of Land Management: Cultural Resources Management
The BLM oversees the largest, most diverse, and scientifically most important body of cultural resources of any federal land managing agency, including 21 National Historical Landmarks, 5 World Heritage Sites, and more than 263,000 documented cultural properties. However, yet BLM receives the least amount of cultural resources money per acre of any federal agency. In the 34 years since the enactment of the Federal Land Policy and Management Act (FLPMA) only 8 percent of the land managed by the BLM has been surveyed for cultural resources. Understanding the location and significance of cultural resources on BLM land creates greater

certainty in decision making about land uses including energy development, recreation, and resource protection. Proactive survey for cultural resources is also required under the National Historic Preservation Act. A long term goal of surveying 20 percent of BLM land would be a significant step towards helping our nation efficiently and cost effectively develop energy resources on our public lands. We strongly support the President's FY13 request of $17.325 million for Cultural Resources Management, an increase of $1.22 million over FY12 enacted.

Land and Water Conservation Fund (LWCF)
The National Trust supports robust funding for the Land and Water Conservation Fund. Many of the nation's most significant historic and cultural landscapes have been permanently protected through LWCF investments, including the Flight 93 National Memorial, Minidoka National Historic Site, Lewis and Clark National Historic Trail, Gettysburg National Military Park, Martin Luther King Jr. National Historic Site, Canyons of the Ancients National Monument, and Harpers Ferry National Historic Park. We strongly support the Administration's FY13 request for NPS Civil War Sesquicentennial Units and American Battlefield Protection Program Grants.

Advisory Council on Historic Preservation
We are concerned that the Administration proposes a 6.2 percent reduction for the operating budget of the Advisory Council on Historic Preservation (ACHP). Although the overall request for the ACHP is an increase over FY12 enacted, this is solely because of an increase of $1.3 million included specifically for the agency's move from its headquarters in the Old Post Office.

The National Trust recommends a continuation of FY12 enacted funding, plus the $1.3 million for the required move requested by the President. In addition, we suggest the Committee include report language recommending the President appoint a full-time Chairman. Such a recommendation was made by the ACHP membership at its November, 2011 meeting, as did a task force of historic preservation organizations, including the National Trust. We believe a full-time Chairman would enhance the effectiveness of the ACHP.

Environmental Protection Agency: Office of Sustainable Communities (OSC)
The National Trust supports the President's FY13 request for funding EPA's Office of Sustainable Communities (OSC). OSC is helping America's communities become more sustainable by encouraging the renovation of historic buildings and the revitalization of older neighborhoods. Repurposing older buildings—particularly those that are vacant—reduces the need for construction of new buildings and the consumption of land, energy, materials, and financial resources that they require.

The FY13 funding request would enable OSC to continue its technical assistance to tribal, state, regional and local governments and to remain a strong partner with the U.S. Department of Transportation and the U.S. Department of Housing and Urban Development in the Partnership for Sustainable Communities. It will also support such programs as *Building Blocks for Sustainable Communities, Greening America's Capitals, Smart Growth Implementation Assistance,* and *Smart Growth Implementation Assistance for Coastal Communities.* For example, in Concord, New Hampshire, OSC helped identify ways to support redevelopment of historic properties in the downtown core that comply with new energy-efficiency and green building standards while also conforming to historic preservation codes.

Thank you for the opportunity to present the National Trust's recommendations for the FY 2013 Interior, Environment and Related Agencies appropriations bill.

Mrs. LUMMIS. Thank you, Mr. Cassidy, and you are right about White Grass. It is fantastic and I highly recommend anybody who has a chance to get out to Grand Teton National Park, go see the efforts they are making to preserve those historic structures.

Ms. Pierpont is with the preservation officers, and we welcome you.

THURSDAY, MARCH 22, 2012.

NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

WITNESS

RUTH PIERPONT

Ms. PIERPONT. Thank you very much. I am Ruth Pierpont, President of the National Conference of State Historic Preservation Officers, and I am also the New York Deputy State Historic Preservation Officer, or SHPO for short, as Erik said.

On behalf of Jan Gallimore, the Idaho SHPO, Mary Hopkins, the Wyoming SHPO, Kathleen Kilpatrick, who is the Virginia SHPO, and all the SHPOs across the country, I would like to thank the chairman, Ranking Member Moran and all the members of the subcommittee for your support of SHPOs and for the opportunity to testify before you today. I also want to take one second to thank Mr. Hinchey and Mr. Serrano as a New Yorker for all their support, and Mr. Hinchey should not be allowed to retire but nobody asked me, so anyway.

The National Historic Preservation Program is an outstanding example of federalism with the National Historic Preservation Act setting the policy and the states through the SHPOs administering the program which has flourished for the past 46 years. This year, our theme is Preservation Equals Return on Investment. This return on investment takes many forms including economic development, job creation, community livability and sustainment of America's heritage. Even in an economic downturn, investment in preservation has been sustained and continues to be a driving force. The Federal Historic Preservation Tax Credit program, which is administered by the SHPOs in partnership with the National Park Service, is a shining example of how this program works. As Erik mentioned, in 2011 these rehabilitation task credits stimulated over $4 billion in private investment and created over 55,000 jobs in a wide range of both general and specialized skills. Preservation's return on investment also equals heritage tourism. In 2010, the Department of Commerce conducted a survey of international visitors' activities. This survey found that visiting America's national parks ranked tenth but visiting America's non-national park historic sites ranked third. And, by the way, number one and two were shopping and dining, so I cannot complain about that.

As you know, it is the SHPOs who assist these non-federal historic sites and work with the communities to help maintain, rehabilitate and use their historic assets and resources. These are the places that international and domestic tourists alike come to visit, places like Chesterfield, Idaho, Alexandria, Virginia, Summit Ave-

nue in St. Paul, Minnesota, and closer to my home, Ithaca, New York, and of course Jackson Hole, Wyoming, which I had the pleasure to visit a couple of years ago. And we do this on a shoestring budget of less than 50 million federal dollars which is a small fraction of the National Park Service's $2.6 billion budget. As they say in infomercials, but that is not all. For less than that $50 million, in 2011 the return on investment for American taxpayers also included reviews of over 140,000 federal undertakings, over 100,000 National Register eligibility opinions, over 1,000 new listings on the National Register, surveys of over 20 million acres to determine the presence or absence of cultural resources, and this is all in addition to the $4 billion in private investment and 55,000 jobs through the tax credit program.

In a brief aside, while these statistics are I think very impressive, I do need to underscore what has been mentioned previously, the continued need for a historic preservation grant program. In the states, we certainly understand the need for fiscal austerity but it is disappointing to see job-creating grant programs such as Save America's Treasures and Preserve America go unfunded. And while these were successful programs, Congress also has the option of running a grant program through the SHPOs as authorized by the National Historic Preservation Act. While a much greater need exists, there is no question that a $5 million to $10 million capital grant program would create jobs, spur economic development and help communities preserve their historic heritage, catalyzing even greater economic opportunities.

I want to emphasize that SHPOs are very grateful to have experienced modest operating funding increases over the past couple of years. This is why our fiscal year 2013 operational funding request is level funding from fiscal year 2012 at $46.925 million. We also support $9.7 million for the Tribal Historic Preservation Offices.

And here is a quick trivia question. You do not really have to get this but I will ask it anyway. Aside from fiscal year 2012, which other year did SHPOs receive around $27 million, the highest year? It was 1979. So inflation aside, you can see that SHPOs are very efficient with their resources although we are reduced to maintaining very basic and minimal services and unable to take on other activities that are called for under the National Historic Preservation Act.

So in conclusion, thanks to this very efficient federal-state partnership, people across the Nation from rural communities to large metropolitan cities can walk down the streets and realize that the historic structures that make up the places that they live in are more than just bricks and mortar. Rather, they are building blocks from our past fulfilling the needs of today. Thank you.

[The statement of Ruth Pierpont follows:]

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Ruth Pierpont, President
National Conference of State Historic Preservation Officers and
Deputy Commissioner for Historic Preservation,
New York State Office of Parks Recreation and Historic Preservation
Testimony before the
U. S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
The Honorable Mike Simpson, Chairman

March 12, 2012



Request:

- $46.925 million for State Historic Preservation Offices (SHPOs)
- $10 million for a Historic Preservation Grant Program to be run though the SHPOs.

Funded through withdrawals from the Historic Preservation Fund (16 USC 470*h*) U. S. Department of the Interior's National Park Service Historic Preservation Fund (HPF).[1]

Preservation = ROI = Federal-State Partnership

In 1966 Congress, recognizing the importance of our heritage, enacted the National Historic Preservation Act (NHPA16 USC 470), which established historic preservation as a federal government priority. Instead of using federal employees to carry out the Act, the Department Of Interior and the Advisory Council on Historic Preservation opted to partner with the States and use SHPOs to: 1) locate and record historic resources; 2) nominate significant historic resources to the National Register of Historic Places; 3) foster historic preservation programs at the local government level and promote the creation of preservation ordinances; 4) provide funds for preservation activities; 5) comment on federal preservation tax projects; 6) review all federal projects for their impact on historic properties; and 7) provide technical assistance to federal agencies, state and local governments and the private sector. And, States contribute to the federal government half the operating cost.

[1] The NCSHPO also supports the Tribal Historic Preservation Officer's FY13 request of $9.7 million.

Preservation = ROI = Job Creation

Historic preservation creates jobs. Whether it is through the historic tax credit program, preservation grants, or other rehabilitation avenues, preservation creates skilled, principally local, jobs. The following are excellent examples of how historic preservation creates jobs and job training:

- In 2011, while slowly climbing out of a national recession, there were nearly 1,000 new historic tax credit projects started, averaging 55 jobs per project. The private investment in the approved and completed projects in 2011 totaled $4.02 billion.[2]
- When compared to new construction, $1 million spent to rehabilitate a building will create 5-9 more construction jobs and 4.7 new jobs will be created elsewhere in the community.[3]
- In California $1 million of rehabilitation creates five more jobs than manufacturing $1 million worth of electronic equipment. In Oklahoma $1 million of rehabilitation creates 29 more jobs than pumping $1 million worth of oil.[4]

Preservation = ROI = Economic Development

From Rupert, Idaho to Alexandria, Virginia, historic preservation plays a key role in creating, maintaining, and growing these communities while preserving their historical significance. The Federal Rehabilitation Tax Credit program is an important driver in economic development. The program benefits communities by:

- Increasing the value of the rehabilitated property returning vacant or underutilized structures to the tax roles.
- Encouraging protection of landmarks through the promotion, recognition, and designation of historic structures, and acting as a catalyst for further community renewal.
- Upgrading downtowns and neighborhoods and often increasing the amount of available housing within the community.

In 2011, still in the midst of a recession, **the federal rehabilitation tax credit spurred $4.02 billion in private investment**, created over 55,400 skilled, local jobs and nearly 7,500 moderate and low income housing units. All of which brings in both short and long-term economic opportunities for the community.

According to the Major of Dubuque, Iowa, Roy D. Buol, "The City of Dubuque views historic preservation as a key component of sustainability with its economic, environmental, and social/cultural benefits. Preservation enhances the vibrancy of neighborhoods and our community, instilling pride and value through increased property values, as well as enhanced quality of life, sense of place and neighborhood pride. Preservation translates into economic prosperity through creation of new jobs, retention of existing jobs especially in construction trades, stimulation of private investment, tourism and business growth, and financial investment in property improvements."

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[2] "Federal Tax Incentives for Rehabilitating Historic Buildings – Statistical Report and Analysis for FY2011" National Park Service
[3] ***The Economics of Rehabilitation***, Donovan Rypkema
[4] *The Economics of Historic Preservation*, Rypkema 1998:13

Heritage tourism also creates jobs, new businesses, builds community pride and can improve quality of life. SHPOs are essential, ground level partners in identifying historic places and providing research for tourism interpretation. According to the Department of Commerce's "2010 Cultural Heritage Traveler" report of activities that international visitors participate in, touring America's non-National Park historical places ranks third, behind only shopping and dining. Visiting America's non-National Park Historical Places, Cultural Heritage Sites, and America's Small towns all rank above visiting National Parks – where the bulk of federal money is spent.

Activity Participation while in the U.S.	2009 (percent)	2010 (percent)	Point Change
Shopping	90	90	0.3
Dining in Restaurants	86	86	0.0
Visit Historical Places	**68**	**68**	**0.2**
Sightseeing in Cities	60	59	-0.9
Art Gallery/Museum	41	41	-0.1
Cultural Heritage Sites	**40**	**41**	**0.7**
Visit Small Towns	**36**	**37**	**1.5**
Amusement/Theme Parks	32	34	2.1
Visit National Parks	**34**	**34**	**0.2**
Concert/Play/Musical	30	29	-0.3

Department of Commerce, Office of Travel and Tourism Industries "2010 Cultural Heritage Traveler"

Preservation = ROI = America's Heritage

Preservation honors the significant places of American history at the local, state and national levels through creating historic districts and listing resources in National and State Historic Registers. State Historic Preservation Officers, through the authority of the National Historic Preservation Act are there to assist, support and encourage communities with their efforts. National Register recognition by the Secretary confirms citizens' belief in the significance of their community. That recognition, in turn, builds community pride and stable, livable neighborhoods such as Pocatello, Idaho and Ithaca, New York. Further, this neighborhood improvement comes from individual, private investment, not from federal programs.

The National Historic Preservation program is one of assistance, not acquisition. The federal government does not own, manage, or maintain responsibility for the historic assets in the National Historic Preservation program. Instead, the program, through the SHPOs, provides individuals, communities, and local and state governments the tools they need to preserve and utilize their historic heritage for the betterment of their community and the Nation.

Preservation = ROI = Money Well Spent

Federal funding for SHPOs is money well spent. Under the Administration's Program Assessment Rating Tool, management of Historic Preservation Programs received a score of 89%, indicating exemplary performance of mandated activities. Reinforcing this finding is the December 2007 National Academy of Public Administration (NAPA) report "BACK TO THE

FUTURE: A Review of the National Historic Preservation Program", and the 2009 National Parks Second Century Report, which called for fully funding the Historic Preservation Fund.

NAPA, a non-profit, independent coalition of top management and organizational leaders, found that the National Historic Preservation Program "stands as a successful example of effective federal-state partnership and is working to realize Congress' original vision to a great extent. However, the Panel concluded "that a stronger federal leadership role, greater resources, and enhanced management are needed to build upon the existing, successful framework to achieve the full potential of the NHPA on behalf of the American people."[5]

2011 State Historic Preservation Offices' Accomplishments

SHPOs used their HPF allocations well in 2011. While virtually every state continues to experience staffing and operation reductions, SHPOs are still charged with implementing the requirements of the NHPA to the fullest extent. Highlights of 2011 historic preservation accomplishments include:

- Reviewing 140,000 Federal undertakings within 30 days
- Leveraging over $4.02 billion of private investment in the rehabilitation of commercial historic properties under the Federal Rehabilitation Tax Credit (FRTC) program.
- An estimated 55,458 jobs created by the FRTC program in 2011.
- 7,470 low and moderate income housing units created through the FRTC.
- Approximately 20.5 million acres surveyed for the presence and *absence* of cultural resources and over 610,700 properties evaluated for their historical significance.
- 1,061 new listings in the National Register of Historic Places.
- 104,700 National Register eligibility opinions.
- 37 new communities became Certified Local Governments (CLGs).
- Under local law, CLG's newly designated 57,000 properties, and 66,300 properties took part in local preservation review, programs, and incentives.

Conclusion

On behalf of all 57 SHPOs, I'd like to thank you Chairman Simpson, Ranking Member Moran, and members of the House Appropriations Subcommittee on Interior, Environment and Related Agencies for the opportunity to submit testimony.

Historic preservation recognizes that what was common and ordinary in the past is often rare and precious today, and what is common and ordinary today may be extraordinary - fifty, one hundred or five hundred years from now. I would like to thank the committee for their commitment to historic preservation. The federal government plays an invaluable role in preserving our nation's history and through our partnership, SHPOs stand committed to identify, protect, and maintain our Nation's historic heritage. Thank you.

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[5] NAPA, "BACK TO THE FUTURE: A Review of the National Historic Preservation Programs" December 2007, p. 29

Mrs. LUMMIS. Thank you very much, and I want to thank the whole panel for their testimony.

Before I yield to my colleagues, I have a quick question for Mr. Ulrich. The We the People program was something that NEH funded through the councils but the reduction of about $7 million in funding has caused to the councils specifically over time has caused the elimination of such programs as We the People from being funded at the council level. Have you been able to make up for those funds through other sources?

Mr. ULRICH. Chairman Lummis, most of the councils are struggling to make up those significant reductions in funds. A lot of that is through obviously working towards increasing private donations and et cetera but the short answer is no. We are hopeful, however, that through NEH's line item on Bridging Cultures that the majority of those funds can flow to the state humanities councils. We are certainly strong believers that the closer you can get those tax dollars to the communities and the small and rural communities we certainly deal with in Wyoming, the better off you are going to be and the more effective those dollars are going to be spent, but the short answer, not yet.

Mrs. LUMMIS. Thank you. And once again, I want to thank the panel and yield to my colleague, Mr. Moran.

Mr. MORAN. Thanks, Ms. Lummis. We have votes, we are told, between 11:00 and 11:30 so I think in consideration of our subsequent panelists, I am going to pass on asking questions and we will try to get as many in because it is probably going to be almost an hour of votes that we have ahead of us.

Mrs. LUMMIS. Ms. McCollum.

Ms. MCCOLLUM. Well, I would just like to say that this committee took a strong bipartisan stance, with the chairman's leadership with Saving America's Treasures; I was glad to see the President did not zero out in his budget but was disappointed at the funding level. So we thank you for your testimony.

Mrs. LUMMIS. Thank you, panel. You are dismissed, and we are very grateful for your being here today.

The next panel includes Mr. Kiernan, Mr. Werner, Mr. Lightizer—did I get that right? What is the correct pronunciation?

Mr. LIGHTIZER. Lightizer.

Mrs. LUMMIS. Lighthizer, of course. Ms. Tulipane.

Ms. TULIPANE. I am right here.

Mrs. LUMMIS. And did I pronounce that correctly? Okay. And Ms. DeCoster, um-hum. It would help if I had my reading glasses on. And Mr. Doyle, please. Okay. So do we have you in order? Kiernan——

Mr. KIERNAN. Right here.

Mrs. LUMMIS [continuing]. Werner, Lighthizer, Tulipane, DeCoster, Doyle. Thank you and welcome. We will begin with Mr. Kiernan with our apologies if we have to interrupt you for votes. But please do begin. Welcome.

THURSDAY, MARCH 22, 2012.

NATIONAL PARKS CONSERVATION ASSOCIATION

WITNESS

THOMAS C. KIERNAN

Mr. KIERNAN. Great, thank you very much. Madam Chairman, thank you very much, and members of the committee, thank you. Tom Kiernan with NPCA. And Mr. Chairman, it is wonderful that you joined us this morning.

Since 1919, NPCA has been the leading voice of the American public to protect and enhance our National Parks. And on behalf of our over 600,000 members and supporters throughout the country and in every State, we are pleased to be here to testify before you.

Mr. Chairman, we do recognize the extraordinary challenging times that you and the Committee have in this budget climate to identify spending priorities. First, we do want to thank you for your work over the last couple years. This committee has been doing its absolute best to protect the funding for the National Parks. And we want to recognize that, thank you for that. We also want to acknowledge the work of this committee to keep the Appropriations Bill free from policy riders and we very much appreciate that. And last thanks to you, personally, Mr. Chairman. You spearheaded a letter back to the Super Committee for commonsense approach to dealing with the deficit and we want to particularly thank you very much for that letter this past fall.

I am here to argue on behalf of healthy funding for the National Parks. We believe that they very much need to be, in these challenging times, a high priority for funding. Investing in our National Parks is something that is investing in our future as a country and very much in the economic vitality throughout the country. And my written testimony includes a number of new studies but to summarize it by saying that National Parks create American jobs. In particular, they generate $31 billion of economic activity and support 258,000 jobs throughout the country.

The Obama Administration acknowledges quite recently with the President's announcement in the executive order to increase tourism throughout the country, which we wholly support. Unfortunately, the budget that they proposed is not fully consistent with that because they are putting forward a budget with a $22 million reduction in base operations to the Park Service. And that does clearly concern us. It could lead to approximately 200 FTEs in the Park Service being eliminated, could potentially be—depending upon how they do it—600 seasonal employees. And it is, as this committee knows well, the seasonal employees that are the frontlines in meeting, greeting, ensuring the safety of the visitors throughout the National Parks.

We cannot realistically hope to encourage tourism to the National Parks at the same time that we are cutting the budget. And we are duly concerned we may be sliding back into that era of endangered rangers and of shuttered visitors' centers and of dirty or closed bathrooms through the country and unsafe roads and buildings and visitors' centers in the National Parks. That is not what

we want to go back to, especially at a time that we are trying to increase tourist activity through the National Parks throughout the country.

So a concern on the park funding side, also want to talk about the construction budget for the National Parks. Over the last two years, that budget has been cut by 35 percent, an $84 million reduction in the construction budget. And we can empathize with the viewpoint that delaying some of those construction projects may need to be needed to deal with the budget challenges, but in reality what we are doing is increasing the backlog, the maintenance backlog, which is currently $11 billion in total, $3 billion for critical systems in the park system. And at the current funding level, that backlog is growing. The Park Service estimates it is increasing by $300 million per year. So we believe we need to increase the construction budget; otherwise, we are just making that backlog larger and more of a problem for future years.

The third main program that I want to speak about is the LWCF program. We do understand that it can be an easy target from a budget perspective, but LWCF is not a luxury program from our viewpoint. Funding the Land and Water Conservation Fund is about improving the management efficiency, at least in the Parks domain in our National Parks. It enables the Park Service to more efficiently deal with the fire risks; it helps them more efficiently deal with invasive species, removing some of the obstacles to recreation and wildlife movement in the Parks and it helps facilitate the conservation of historic resources.

So LWCF we strongly support and very much want to thank you, Congresswoman Lummis, for your and other members of the committee's support for the Wyoming State School lands purchase. That is a very high priority for us to help protect Grand Teton National Park.

From the American public's perspective, the polling and support for the National Parks could not be stronger. Even during the very significant economic recession over the last many years, 85 percent of the American public is still calling for funding increases in our National Parks so that they are ready to serve the American public for a second hundred years.

With that mentioned of the coming Centennial in 2016, let me just say that NPCA, the National Park Foundation, the National Park Hospitality Association in collaboration with the Park Service held America's Summit on National Parks this past January. The parks community is coming together to craft a common agenda for the parks as we approach the 100th anniversary. And that community is very much looking forward to working with this Committee and supporting this committee in giving the parks the right budget so that the parks can be prepared for a second hundred years of extraordinary service to the American public.

So thank you very much again for your past support for parks. We have got the Centennial out there and we have got the community organized to support you in well funding the parks.

[The statement of Tom Kiernan follows:]

Statement of Thomas C. Kiernan, President
National Parks Conservation Association
House Appropriations Subcommittee on Interior, Environment and Related Agencies
March 12, 2012

Mr. Chairman, Ranking Member Moran, and members of the subcommittee, I am Tom Kiernan, President of the National Parks Conservation Association (NPCA). I appreciate the opportunity to testify on behalf of our more than 600,000 members and supporters from every state and congressional district to provide our views regarding appropriations for the National Park System for the upcoming fiscal year. Since 1919, NPCA has been the leading, independent, private voice in support of promoting, protecting and enhancing America's national parks for people from all walks of life to learn from, be inspired by and enjoy – now and on into the future.

We respect that it will be a challenge again for you to sort out and balance competing, often conflicting demands for limited federal resources; we understand the difficult task you face. I commend each of you for your commitment and for your fortitude in going forward even with the specter of an unprecedented sequestration looming over all our heads. I particularly want to compliment you, Mr. Chairman, for your courage in spearheading the letter calling on super committee members to consider all options in addressing the federal deficit last year. Putting common sense ahead of ideology, you demonstrated the kind of serious, responsible leadership needed to resolve the problems our country faces and we admire you tremendously for it.

I am here to argue that during these times especially, investing in the national parks should be an American priority. Providing adequate funding for the national parks is more than simply another expenditure; it is an investment in our nation's future with tangible returns that are particularly significant now as we continue to try to recover from this long economic downturn.

We've noted before that for every federal dollar spent on the national parks, at least four dollars are generated in economic value to the public at large. Adequately funded national parks create jobs, sustainable businesses and vibrant communities. The national parks are reliable economic engines: visitors to the National Park System contributed more than $31 billion to local economies and supported 258,000 jobs in 2010, an increase of $689 million and 11,500 jobs over 2009, according to recently published data by the park service and Michigan State University. The same data showed that visitors to Yellowstone spent $334 million, supporting almost 5,000 jobs, and City of Rocks supported 85 jobs through $6.3 million in visitor spending. These are just two illustrative examples of the economic impact of park units on local communities.

According to a 2011 study from the McKinsey Global Institute commissioned by the Interior Department, the national parks make up 60% ($33 billion) of Interior's overall contribution to the economy due to outdoor recreation. The study also determined that for every two people employed by the national parks, another job was created in local economies. In one example, Glacier National Park led to 18,000 local jobs, accounting for 25% of the jobs in the restaurant sector, and 50% of jobs in the lodging sector.

But people won't come to the parks if their experience isn't enjoyable or if it's marred by parks in poor condition and lacking necessary staff.

In January, NPCA, the National Park Hospitality Association, and the National Parks Foundation, in collaboration with the National Park Service, convened an unprecedented event called America's Summit on National Parks. The gathering, which included hundreds of diverse community, education, economic, business, tourism, health care, conservation, youth, and political leaders, reinforced the strong support for national parks among a wide cross-section of the American public. The nonpartisan nature of support for national parks was evident there, and at the subsequent White House Conference on Conservation. Summit participants agreed on a set of principles to guide national park-related policies, opportunities and funding as we prepare for the 2016 centennial. The principles—which include a focus on funding—quickly garnered endorsements from nearly 100 businesses, philanthropic, conservation, tourism and recreation groups, and many more continue to sign on. Efforts launched at the summit continue. We all look forward to working with you to help ensure the federal government does its part to perpetuate the American story and values through the national parks.

This February, President Obama signed an Executive Order to promote tourism in the United States, and at the time Secretary Salazar noted that, "By investing in our parks and promoting them to visitors, especially internationally, we can have the dual benefit of an improved National Park System and a stronger economy that produces more jobs." Unfortunately, the administration's FY 2013 budget request for the National Park Service is just not consistent with their lofty and ambitious pronouncements. We ask you to find a way to do better.

With an overall request for the Park Service that is essentially flat, the administration would increase funding for specific, targeted activities under park service operations by $13.5 million. These include some additional money for the administration's priorities, but mostly funding for a lot of things that really just have to be paid for, such as the presidential inauguration. The problem is that under the administration's budget, these worthwhile things would come at the expense of base park operations – the very account that keeps the parks open and functioning and keeps rangers on the job. We were disappointed that the administration simultaneously claimed to provide funding for fixed costs while cutting budgets at the park level by nearly $22 million; we respectfully ask your subcommittee to find the funds to prevent this staff cut at a time when we are seeking to enhance the tourism economy and keep parks protected. The damage these cuts would do to the gains and improvements made as a result of this subcommittee's laudable efforts are not theoretical. This cut would result in the loss of more than 200 FTE, which depending on how those cuts are apportioned, could eliminate as many as 600 seasonal ranger positions. It makes no sense to market our national parks to international visitors while cutting the funding necessary for the parks to serve those very visitors when they arrive.

National parks are among the most visited locations in America. According to Forbes, eight of the top 25 U. S.travel destinations are national parks. If the administration is serious about

promoting tourism as a boon to the economy, funding for the national parks – and especially base park operations – should really be increased rather than kept flat or reduced. What kind of impression will it make on visitors if the parks are allowed to return to the days of missing rangers, shuttered visitor centers, dirty restrooms, deteriorating resources, dangerous roads and trails, and reduced interpretive and educational programs? Not a very good one, I suspect. At the very least, we are hopeful the subcommittee will improve on the administration's request and provide more adequate and realistic funding for base park operations and fixed costs.

NPCA fully supports helping the Park Service understand, prepare for, and respond to climate-driven changes unfolding in national parks throughout the country. Planning in advance for things such as increasing wildfires, invasive species, and coastal flooding is needed.

We're also worried about the continuing trend of reductions in the national parks construction account and the impact that will have on the continually growing deferred maintenance backlog.

Last fall, NPCA released a report entitled *Made in America: Investing in National Parks for our Heritage and Our Economy*, which highlighted the jeopardy in which continual, incremental cuts place our national parks, the heritage they protect, and the experiences they provide. Over the last two years, NPS discretionary funding has been reduced 6%; operations funding has been reduced $25 million; and construction has been cut by 35%, or $84 million, contributing to a 66% decline in that account since FY02 in today's dollars. Total discretionary funding for the National Park Service is more than $400 million—or 14%–below FY02 in today's dollars.

The construction cut is proposed despite a maintenance backlog of more than $3 billion for the most critical systems, and a total deferred maintenance backlog of more than $11 billion. The backlog is attributable to chronic funding deficiencies in several categories, including operations, transportation and construction. These deficiencies have forced park managers to make choices between what needs to be done and what absolutely must be done immediately to keep facilities up and running and visitors safe and satisfied for the time being. The longer needed repairs and maintenance to facilities is put off, the more expensive and difficult they become. The National Park Service needs almost $700 million annually just to keep up with the backlog, yet receives just half that. We realize deferring projects is one mechanism to minimize cuts to other accounts in an austere climate, but we fear we are getting to the point where there is nothing left in that account, and that is compounding the problem and the long-term threat to our national heritage.

We are pleased that the administration recognizes the need to continue to fund the Land and Water Conservation Fund (LWCF), so that critical lands like the state lands in Grand Teton National Park can be protected. It's important to recognize that there are so many LWCF needs that continue to go unfunded, with a backlog of more than $2 billion for NPS acquisitions. There are currently more than 2.6 million acres of private inholdings in national parks, and when there are willing sellers, there is broad public support for acquisition because people want to see public access for recreation and intact parks that don't suffer from incompatible development.

Removing privately owned inholdings and completing parks actually makes their administration and resource management more efficient and cost effective, thereby freeing up money for other needs. Purchasing inholdings from willing sellers can help facilitate better invasive species control and water quality, reduce fire risks, remove obstacles to recreation and wildlife management, and facilitate conservation of historic resources. At the moment, with real estate prices at rock bottom, there are many good deals to be had from willing sellers. We are hopeful the president's LWCF request will accommodate what is necessary to carry out the purchase and exchange of Wyoming state lands to benefit Grand Teton National Park and other timely needs. We appreciate this subcommittee's bipartisan understanding of the value of the program and hope we can work with you to continue support in FY13.

It seems as if there's always a good deal of talk on Capitol Hill about what the American people want, expect and deserve. Phrases such as those are thrown about fairly readily on both sides of the Capital on both sides of the aisle. The views of the American people about their national parks are pretty clear. Their love affair with the national parks spans time, region, economic status and political persuasion. As reflected in a recent Harris poll, national parks are among the most popular roles for the federal government. The National Park Service is arguably the most popular federal agency and the park ranger may be the most recognizable and appreciated federal public servant. Statistics show that support for national parks has remained strong and even increased with the recent downturn in the economy. A 2010 poll found that nine out of ten Americans have visited a national park and six out of ten did so within the past two years. Despite concerns about the economy and the federal deficit, 88% of Americans say it is either extremely important or quite important to protect and support the national parks. And with the park service centennial in mind, 85% of voters surveyed favor giving national parks enough funding so they are fully restored and ready to serve the public for the next 100 years.

By taking care of our national parks, this subcommittee can make a statement that Congress can still do some things well. Despite a political scene that is so divisive and dysfunctional at so many levels, Americans from all walks of life and political persuasions cherish our national parks and want them protected. This subcommittee can make a statement that it understands that, and that the Congress is still capable of hearing them. And at the same time, it can make an investment in local economies and help recapture the U.S. share of the tourism market by ensuring parks are well protected and maintained and visitors have a safe and inspiring experience.

As the milestone 100th anniversary approaches, the parks will be more and more at the forefront of people's minds, and more and more Americans will be drawn to visit a national park or park unit. We hope they will be proud of what they find and take pride in their experience and heritage. Whether this happens or not is, in no small measure, a function of the actions this subcommittee and your colleagues in Congress undertake.

Again, thank you for the opportunity to testify.

Mr. SIMPSON. Thank you.
Mr. KIERNAN. Thank you very much.
Mr. SIMPSON. Mr. Werner.

THURSDAY, MARCH 22, 2012.

PARTNERSHIP FOR THE NATIONAL TRAILS SYSTEM

WITNESS

GARY WERNER

Mr. WERNER. Mr. Chair, members of the Committee, I am Gary Werner. I am here from Wisconsin representing the 35 organizations that are partners with the Park Service, the Forest Service, Bureau of Land Management, and indeed with you in the stewardship of an important portion of our public land heritage. And I want to thank you and your predecessors on this Committee for the strong support over the last two decades that you have given for the 30 congressionally authorized National Scenic and Historic Trails—and actually I should pass a map down this way—which, as you can see, Mr. Chairman, they extend for over 50,000 miles through 49 of the States, through 80 National Parks, 70 National Wildlife Refuges, over 100 wilderness areas, and just as importantly, through 465 state parks. And also, just as importantly, they extend the values of these public lands but they also go through 100 of the metropolitan areas of over 50,000 population in the country, so providing opportunities to connect people close to home with our natural, historic, and cultural heritage.

And Wyoming, of course, has the distinction of having the most trails, five national historic trails and one scenic trail. Idaho of course has a crossroads of Continental Divide, Nez Perce, Oregon, California trails. Minnesota has the distinction of having some of the more spectacular portions of the longest national scenic trail, the North Country Trail. And Virginia here, you have Potomac Heritage, you have Appalachian, you have the Overmountain Victory, and you have the Captain John Smith Chesapeake, so a real treasure house of these resources.

You know that you authorized these trails as public-private partnerships, and we are proud to say that our commitment as your partners remains strong. We are proud to report to you that for the second year in a row in 2011 we conservatively recorded over 1,150,000 volunteer hours among our organizations. That amounted to over $24 million of labor value plus another $8 million of financial value, about 33 million that we are directly contributing to the 26 million or so that you are providing to the three agencies that administer and manage these trails. That amount of volunteer labor amounts to 556 full-time employees, so we are extending the federal workforce, your workforce by that amount. But we are also, more importantly, engaging thousands of citizens all across the country in stewardship of our American public heritage. And we think that is one of the geniuses of the National Trail System to have this public-private involvement.

For 2013, we have a couple of requests. In the operations for the three agencies for the trails, we are asking for 16.2 million for the

Park Service for the 23 trails that it administers; for the Bureau of Land Management, about 8.9 million for the three trails it administers and the 10 trails it manages on the public lands in the west; for the Forest Service, 9.1 million for six trails it administers and 16 trails that it manages.

We also support very strongly the Administration's request of 69.5 million to fund the overall 26 million acres of the National Landscape Conservation System in the Bureau of Land Management. We also, like the National Parks Conservation Association and others, strongly support the Administration's $49 million for the Land and Water Conservation Fund and including about $40 million for acquisitions along 17 of the trails.

There are two quick things I want to say that we need some specific help from the committee. You have tried in the past and it did not quite work. The Bureau of Land Management budget does not recognize funding directly for the National Scenic and Historic Trails, nor the wild and scenic rivers. Rather, they draw funding from about 15 to 20 sub-activity accounts to fund the trails. We are asking that you provide direction to the Agency to set up sub-activity accounts for these components of the National Landscape Conservation System. You did that two years ago in your report language, but the Office of Management and Budget told the Agency to disregard your guidance. And the Agency would love to comply if they were given the right nudge I think.

The second thing is the agency budgets are putting travel ceilings on the ability of their staff to go out and meet with the partners that are essential for making these trails work. And we would hope that you could give some guidance to perhaps revisit the understanding that being able to meet with your partners is essential to doing the work of particularly projects that are as extensive as the National Trail System.

So once again, I want to thank you for your strong support.

[The statement of Gary Werner follows:]

Partnership for the National Trails System
222 S Hamilton St. #13 Madison, WI 53703 Phone: (608) 249-7870
www.pnts.org Fax: (608) 257-3513

GARY WERNER, EXECUTIVE DIRECTOR **March 22, 2012**
STATEMENT TO THE
U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT & RELATED AGENCIES

Mr. Chairman and members of the subcommittee:

The Partnership for the National Trails System appreciates your support over the past 18 years, through operations funding and dedicated Challenge Cost Share funds, for the national scenic and historic trails administered by the National Park Service. We also appreciate your increased allocation of funds to support the trails administered and managed by the Forest Service and for the trails in the Bureau of Land Management's National Landscape Conservation System. To continue the progress that you have fostered, the Partnership requests that you provide **annual operations funding for each of the 30 national scenic and historic trails** for Fiscal Year 2013 through these appropriations:

- **National Park Service: $16.21 million** for **administration** of **23 trails** and for coordination of the long-distance trails program by the Washington office. **Construction: $380,000** for the **Ice Age Trail** and **$200,000** for the **Pacific Crest Trail.**
- **USDA Forest Service: $9.096 million** to **administer 6 trails** and **$1.2 million** to manage parts of **16 trails** administered by the NPS or BLM. **$1 million** for **Iditarod Trail** construction.
- **Bureau of Land Management:** to **coordinate its National Trails System Program: $250,000**; to **administer** these trails: **Iditarod Trail: $700,000**, the **Camino Real de Tierra Adentro Trail: $230,000,** the **Old Spanish Trail: $350,000** and to **manage** portions of **10 trails** administered by the Park Service or the Forest Service: **$4 million**; **$3,140,000** for operating five National Historic Trail interpretive centers; **Construction: $300,000** for the **Pacific Crest Trail.**

- We ask that you **appropriate $4.5 million** for the **National Park Service Challenge Cost Share Program** and continue to **direct one-third** ($1,500,000) for **national scenic and historic trails or create a separate $1.5 million National Trails System Challenge Cost Share Program.**
- We ask that you add **$500,000** to the **Bureau of Land Management's Challenge Cost Share Program** and **allocate it for the national scenic and historic trails it administers or manages.**

We ask that you appropriate from the **Land and Water Conservation Fund** for land acquisition:

- to the **Forest Service: $7.25 million** for the **Pacific Crest Trail, $1.5 million** for the **Florida Trail; $2.65 million** for the **Old Spanish Trail; $3.24 million** for the **Appalachian Trail, $1.5 million** for the **Nez Perce Trail; $3 million for the Continental Divide Trail; $45,000 for the Pacific Northwest Trail; and $15,000 for the Arizona Trail;**
- to the **Bureau of Land Management: $3.5 million** for the **Oregon Trail** in Oregon, **$732 thousand** for the **Pacific Crest Trail** in Oregon, and **$1 million** for the **Oregon, California, Mormon Pioneer, and Pony Express Trails** in Wyoming;
- to the **Park Service: $6.2 million** to continue work with the **State of Wisconsin** for the **Ice Age Trail, $2 million** for the **North Country Trail, $2.5 million** for the **New England Trail, $1.125 million** for the **Appalachian Trail, $4 million** for the **Ala Kahakai Trail,** and **$450,000** for the **Overmountain Victory Trail.**

National Park Service

The **$16.21 million** we request for **Park Service operations** includes increases for some of the trails to continue the progress and new initiatives made possible by the additional funding Congress provided over the past seven years. We support the Administration's requested funding for the new **Star Spangled Banner** and **Washington-Rochambeau National Historic Trails** and we request **$400,000** for the Park Service to implement planning and administration for the **New England National Scenic Trail.**

We request an **increase of $626,000** to expand Park Service efforts to protect cultural landscapes at more than 200 sites along the **Santa Fe Trail,** to develop GIS mapping, and to fund public educational outreach programs of the Santa Fe Trail Association. An **increase of $780,000** for the **Trail of Tears** will enable the Park Service to work with the Trail of Tears Association to develop a GIS to map the Trail's historical and cultural heritage sites to protect them and to develop interpretation of them for visitors. We request an **increase of $346,000** to **$866,000** for the **Ala Kahakai Trail** to enable the Park Service to work with E Mau Na Ala Hele, the Ala Kahakai Trail Association, and other community organizations to care for resources on the land and with the University of Hawaii to conduct archaeological and cultural landscape studies along this trail.

We request an **increase of $193,000** to **$1,708,000** for the **Appalachian Trail** to expand the highly successful "Trail to Every Classroom" program of the Appalachian Trail Conservancy. The **$1,483,000** we request for the **4,200 mile North Country Trail** will enable the Park Service to provide greater support for the regional GIS mapping, trail building, trail management, and training of volunteers led by the North Country Trail Association. This funding will also enable the Park Service to move the administrative office for the North Country Trail to Michigan for more efficient and effective collaboration with the North Country Trail Association. The **$1,389,000** we request for the **Ice Age Trail** includes a **$535,000 increase** to build partner and citizen capacity for protecting the natural, cultural and recreational resources on the Ice Age NST and Ice Age Trail lands as well as to provide NPS with a property manager for NPS-owned lands.

Construction: We request that you appropriate for trail construction projects **$380,000** for the **Ice Age Trail** and **$200,000** for the **Pacific Crest Trail** in the national parks crossed by the trail.

Challenge Cost Share programs are one of the most effective and efficient ways for Federal agencies to accomplish a wide array of projects for public benefit while also sustaining partnerships involving countless private citizens in doing public service work. The Partnership's member organizations applaud the Administration's decision to restore these highly effective programs of the **Park Service, Bureau of Land Management, and Fish and Wildlife Service**. We request that you **fund all of them** and appropriate **$4.5 million in Challenge Cost Share** funding to the **Park Service** for FY13 as a wise investment of public money that will generate public benefits many times greater than its sum. We ask you to **continue to direct one-third of the $4.5 million** for the **national scenic and historic trails** to continue the steady progress toward making these trails fully available for public enjoyment. We suggest, as an alternative to the annual allocating of funds from the Regular Challenge Cost Share program, that you create a separate **National Trails System Challenge Cost Share** program with **$1.5 million** funding.

We support the Administration's requested **$934,000** for the **Connect Trails to Parks** project to enhance the public's understanding of the National Trails System and its relationship to the National Park System.

USDA - Forest Service

As you have done for several years, we ask that you provide additional operations funding to the **Forest Service** for administering five national scenic trails and one national historic trail, and managing parts of 16 other trails. We ask you to appropriate **$9.096 million** as a separate budgetary item specifically for the **Arizona, Continental Divide, Florida, Pacific Crest, and Pacific Northwest National Scenic Trails**

and the Nez Perce National Historic Trail within the over-all appropriation for **Capital Improvements and Maintenance for Trails**. Full-time managers have been assigned for each of these trails by the Forest Service. Recognizing the on-the-ground management responsibility the Forest Service has for **838 miles** of the Appalachian Trail, more than **650 miles** of the North Country Trail, and sections of the Ice Age, Anza, Caminos Real de Tierra Adentro and de Tejas, Lewis & Clark, California, Iditarod, Mormon Pioneer, Old Spanish, Oregon, Overmountain Victory, Pony Express, Trail of Tears and Santa Fe Trails, we ask you to appropriate **$1.2 million** specifically for these trails.

Work continues, supported by funds you provided over the past ten years, to close several major gaps in the **Florida Trail**. In 2011 Florida Trail Association volunteers maintained 1,143 miles and completed 8 major construction and restoration projects along the Trail. The Partnership's request of **$9.096 million** above includes **$2.5 million** to enable the Forest Service and FTA to continue this maintenance, to control invasive species, do ecosystem restoration, and otherwise manage **4,625 acres** of new Florida Trail land.

The Partnership's request of **$9.096 million** above also includes **$2 million** for the **Pacific Crest Trail, $2.2 million** for the **Continental Divide Trail, $1 million** for the **Pacific Northwest Trail, $826,000** for the **Nez Perce Trail**, and **$570,000** for the **Arizona Trail.** Some of the additional funds requested will enable the Forest Service to develop Comprehensive Management Plans for the latter three trails. We also request **$1 million** of **additional funding** for construction of sections of the **Iditarod Trail**.

Bureau of Land Management

While the **Bureau of Land Management** has administrative authority only for the **Iditarod, El Camino Real de Tierra Adentro, and the Old Spanish National Historic Trails**, it has on-the-ground management responsibility for **641 miles** of five scenic trails and **3,115 miles** of eight historic trails administered by the National Park Service and U.S. Forest Service. The bureau recognized the significance of these trails by including them in the **National Landscape Conservation System** and since FY02 has provided funding for each of them. The Partnership applauds these decisions of the Bureau and encourages its staff to budget specific funding for each of these trails.

Although considerably more money is needed to fully administer the **National Landscape Conservation System** and protect its resources, we support the Administration's request of **$69.549 million** in **base funding** for the System for FY 2013 and ask that you appropriate as **new permanent base funding $250,000 for National Trails System Program Coordination, $700,000** for the **Iditarod Trail, $230,000** for **El Camino Real de Tierra Adentro Trail, $350,000** for the **Old Spanish Trail,** and **$4,000,000** for management of the portions of the ten other trails under the care of the Bureau of Land Management. For trail maintenance we request **$300,000** for the **Pacific Crest Trail** and **$50,000** for the **Nez Perce Trail;** and request **$3,140,000** to operate **five historic trails interpretive centers.**

We ask you **to fund** the Bureau's **Challenge Cost Share** program and to add **$500,000** directed for projects for the National Trails System as you have done for many years with the Park Service's Challenge Cost Share program.

To promote greater management transparency and accountability for the National Trails and the whole **National Landscape Conservation System**, we urge you to request expenditure and accomplishment reports for each of the NLCS Units for FY12 and to direct the Bureau to include unit-level allocations by **major sub-activities** for each of the scenic and historic trails, and wild and scenic rivers -- as the Bureau has done for the monuments and conservation areas -- within a **new activity account** for the National Landscape Conservation System in FY13. Existing accounts for Wilderness Areas and Wilderness Study Areas should also be included in this new National Landscape Conservation System activity account. The Bureau's lack of a unified budget account for National Trails prevents the agency from efficiently planning, implementing, reporting, and taking advantage of cost-saving and leveraging partnerships and

volunteer contributions for every activity related to these national resources.

Land and Water Conservation Fund

The Partnership applauds and supports the Administration's intention to provide **$449.934 million for the Land & Water Conservation Fund.** We request that you provide at least this amount to keep on a trajectory to achieve annual full funding for the **LWCF** and that you make the specific appropriations for **national scenic and historic trails** detailed at the beginning of this statement and below.

FOREST SERVICE: The **$7.25 million** we request for the **Pacific Crest Trail** will continue to support the acquisition underway by the **Forest Service** Lands Team and the **Park Service** National Trail Land Resources Program Center, protecting 3 miles of PCT in Washington, .5 mile in Oregon, and 8 miles (including taking 3.4 miles off of roads) in California. The **$1.5 million** requested for the **Florida Trail** will continue another successful collaboration between these two agencies to protect 30 tracts and 3.4 miles of the Trail along the Suwanee River. We request **$2.65 million** to protect a section of the **Old Spanish Trail** in the Carson National Forest, **$3.240 million** to protect sections of the **Appalachian Trail in the Cherokee, Pisgah and George Washington/Jefferson National Forests,** and **$1.5 million** to acquire land in Hell's Canyon of the Snake River in Oregon to protect sites along the **Nez Perce Trail.**

BUREAU of LAND MANAGEMENT: We request **$732,000** for the Cascade Siskiyou National Monument that will preserve a section of the **Pacific Crest Trail** in Oregon, **$3.5 million** to purchase land along the Big Sandy River in Oregon for the **Oregon Trail**, and **$1 million** to protect sections of the **Oregon, California, Mormon Pioneer, and Pony Express Trails** along the Platte River in Wyoming.

PARK SERVICE: The National Trails System Act encourages states to assist in the conservation of the resources and development of the national scenic and historic trails. Since FY2000 **Wisconsin** has matched $13.6 million Federal LWCF funding with $27.7 million to help protect 67 miles of the **Ice Age National Scenic Trail** by purchasing 51 parcels totaling 7727 acres. Another 40 parcels are under negotiation, appraisal or option to purchase. The requested **$6.2 Million** will continue this successful Federal/State/local partnership for protecting land for the **Ice Age Trail**. We request **$2 million** to close gaps in the **North Country Trail, $4 million** to acquire one parcel for the **Ala Kahakai Trail**, **$2.5 million** to acquire three parcels for the **New England Trail**, and **$1.125 million** to acquire parcels in Pennsylvania and Vermont for the **Appalachian Trail**.
The Partnership strongly supports the new **"National Rivers and Trails Initiative"** funding line for FY 2013 as a first step to providing consistent annual funding to acquire the land needed to complete Congressionally authorized trails. We urge you to provide considerably more than the $4 million requested by the Administration since the LWCF funding requests above total more than $15 million.

Private Sector Support for the National Trails System

Public-spirited partnerships between private citizens and public agencies have been a hallmark of the National Trails System since its inception. These partnerships create the enduring strength of the Trails System and the trail communities that sustain it by combining the local, grass-roots energy and responsiveness of volunteers with the responsible continuity of public agencies. **They also provide private financial support for public projects, often resulting in a greater than equal match of funds.**

The private trail organizations' commitment to the success of these trail-sustaining partnerships grows even as Congress' support for the trails has grown. In **2011 the trail organizations fostered 1,157,493 hours** – an **increase of 4%** over 2010 - of documented volunteer labor valued at **$24,724,054** to help sustain the national scenic and historic trails. The organizations also raised **private sector contributions of $8,740,790** to benefit the trails.

Mr. SIMPSON. Thank you. We are going to have votes. In fact they started right now, but I would like to get through this panel if we could please. So if everybody could summarize their remarks because the next panel is going to have to wait until 12:30 when votes will be over. And I figured you would rather be here than wait until 12:30. So go ahead, Jim.

THURSDAY, MARCH 22, 2012.

CIVIL WAR TRUST

WITNESS

O. JAMES LIGHTHIZER

Mr. LIGHTHIZER. Thank you. Mr. Chairman, members of the Committee, my name is Jim Lighthizer. I am president of the Civil War Trust. I would like to echo what the two previous figures say and thank you all for your support and the staff I might add over the past two years. I know it has been a very, very difficult time economically but you all have been tremendously supportive and I thank you.

The Civil War Trust is a membership-based organization with 55,000 members around the country, and I come here to speak in support of the American Battlefield Protection Program and the funding that goes with it. I think the members of this committee are very much aware of how it works. Suffice it to say it is the sesquicentennial and it is a one-to-one match program, and since I got to come up with the one, it is helpful when you have a heightened public awareness like we have got during the sesquicentennial. It is kind of get while the getting is good.

So I come before you to thank you for your past support to ask that you do the best job you can consistent with reality and funding going forward and to tell the Congresswoman from Wyoming that my wife and I are going to be spending a large sum of money for us in your state at a dude ranch this summer. So just remember the door swings both ways, okay?

Thank you, Mr. Chairman.

[The statement of O. James Lighthizer follows:]

CIVIL WAR TRUST

Saving America's Civil War Battlefields

Civilwar.org

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Testimony of O. James Lighthizer, President
Civil War Trust

Before the Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives
March 22, 2012

Introduction

Mr. Chairman and members of the subcommittee, thank you for the opportunity to speak to you today. My name is James Lighthizer, and I am the President of the Civil War Trust. I come before you today to respectfully request that the House Appropriations Subcommittee for Interior, Environment, and Related Agencies fund the Civil War Battlefield Preservation Program (CWBPP), financed through the Land and Water Conservation Fund in the Department of Interior, at its authorized amount of $10 million.

I would like to start by providing a little information about our organization. The Civil War Trust is a 55,000-member nonprofit organization — the only national one of its kind — dedicated to preserving America's remaining Civil War battlefields. To date, the Trust has permanently protected more than 32,000 acres of hallowed ground in 20 states, most of it outside National Park Service (NPS) boundaries.

I am here today to discuss with you the highly effective federal land conservation program that has made much of our success possible: the Civil War Battlefield Preservation Program (CWBPP). This authorized competitive matching grants program, operated through the National Park Service (NPS) American Battlefield Protection Program office, requires a 1 to 1 federal/non-federal match, although on many occasions the federal dollars are leveraged much more than 1 to 1. The program has successfully promoted cooperative partnerships between state and local governments and the private sector to preserve targeted, high priority Civil War battlegrounds outside NPS boundaries. Since it was first funded in Fiscal Year (FY) 1999, the program has been used to protect more than 17,500 acres of our nation's hallowed ground.

Battlefield Lands are Our Shared American Heritage

These battlefield lands are an irreplaceable part of our shared national heritage. These lands are consecrated with the blood of brave Americans who fought and died to create the country we are today. By preserving these hallowed grounds, we can rightfully honor all who made the ultimate sacrifice, whether it was on the rolling fields of Gettysburg or the sandy beaches of Fort Wagner.

Development threatens to erase these sacred sites; living history – our shared history – will consequently fade into distant memory. The private sector organizations engaged in battlefield preservation – and we are just one among many nonprofit battlefield preservation groups – are competing with developers to acquire this land. Once these hallowed grounds are lost, they are lost forever.

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We estimate that 30 acres of battlefield lands are lost every day. These lands, when preserved, serve as outdoor classrooms to educate current and future generations of Americans about this defining moment in our nation's history. In addition, preserved battlefields are economic drivers for communities, bringing in tourism dollars that are extremely important to state and local economies.

With the sesquicentennial commemoration of the Civil War underway, now is the opportune time to reaffirm our national commitment to the protection of these hallowed grounds. Throughout the sesquicentennial, millions are expected to learn about our nation's unique history by visiting Civil War sites around the country. This anniversary provides the perfect opportunity to promote preservation of Civil War battlefields.

Origins of the Program

In 1990, Congress created the Civil War Sites Advisory Commission (CWSAC), a blue-ribbon panel composed of lawmakers, historians and preservationists. Its goal: determine how to protect America's remaining Civil War battlefields. In 1993, the Commission released a study entitled "Report on the Nation's Civil War Battlefields." The report identified the 384 most historically important Civil War battlegrounds and further prioritized them according to preservation status and historic significance. Eighteen years later, this landmark report and a recent update conducted by NPS remain our guide for targeting only the most historically significant remaining Civil War battlefields.

In addition to creating a prioritized list of battlefield preservation targets, the Commission also recommended that Congress establish a federal matching grant program to help the nonprofit sector save high-priority Civil War battlefields. The Commission's proposal for a federal matching grant program was the genesis of the Civil War Battlefield Preservation Program.

Congressional Funding and First Successes

Five years after the "Report on the Nation's Civil War Battlefields" was released, Congress acted upon the Commission's recommendation by setting aside $8 million over a three-year period from the Land and Water Conservation Fund for Civil War preservation matching grants. Grants were competitively awarded through the American Battlefield Protection Program (ABPP), an arm of NPS. Funding was solely for acquisition of properties outside NPS boundaries at battlefields identified in the 1993 report. Land could be purchased from willing sellers only; there was — and there remains — no eminent domain authority.

Thanks to the new program, there began an unprecedented and almost-immediate surge in Civil War battlefield preservation. The $8 million appropriation generated $24 million for land acquisition by encouraging state and private investment in battlefield land protection. The program inspired the Virginia and Mississippi legislatures to appropriate

$3.4 million and $2.8 million, respectively, to meet the federal match. The Civil War Trust alone contributed $4 million in private sector funds to meet the match. As a result of the non-federal funds generated by the program, battlefields like Virginia's Brandy Station and Manassas received a new lease on life. In addition, other sites such as Prairie Grove in Arkansas, Champion Hill in Mississippi, and Bentonville in North Carolina — just to name a few — were substantially enhanced. Largely because of the success of those first three years, Congress appropriated an additional $11 million for the program in FY2002.

Authorization of the Program

The Civil War Battlefield Preservation Program was first authorized through the Civil War Battlefield Preservation Act of 2002. Supporters on Capitol Hill felt that authorization of the program would convey to the Department of the Interior Congressional intent regarding the program's goals and objectives. The bipartisan bill formally tied the program to the 1993 CWSAC report, creating a federal conservation program with a highly focused, prioritized list of acquisition targets. It also provided for an annual appropriation of up to $10 million per year — the level originally recommended by the Commission in 1993. The Civil War Battlefield Preservation Act was passed with the unanimous consent of both the House and Senate in the fall of 2002, and was signed into law by President Bush on December 17, 2002 (P.L. 107-359). Authorization has provided funding predictability for the program's non-federal partners, encouraging continued private-sector involvement in battlefield preservation.

Program's Continued Successes and Reauthorization

Since the program was first funded in FY1999, Civil War Battlefield Preservation Program grants have been used to protect 17,500 acres of hallowed ground in 14 states. Among the many battlefields that have benefited from this program are: Antietam, Maryland; Averasboro, North Carolina; Chancellorsville, Virginia; Chattanooga, Tennessee; Corinth, Mississippi; Harpers Ferry, West Virginia; Mill Springs, Kentucky; and Prairie Grove, Arkansas.

The Civil War Battlefield Preservation Program was reauthorized as part of the Omnibus Public Land Management Act of 2009 (H.R. 146), which President Obama signed into law on March 30, 2009 (P.L. 111-11).

Urgent Need for Funding

We thank the House Appropriations Subcommittee on Interior, Environment and Related Agencies for providing $9 million for the Civil War Battlefield Preservation Program in FY2012. This appropriation has allowed for the preservation of many historically significant lands at battlefields such as: Bentonville, North Carolina; Franklin, Tennessee; Gettysburg, Pennsylvania; New Market Heights, Virginia; South Mountain, Maryland; and Perryville, Kentucky.

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To build off the successes of the program in FY2012, we respectfully ask the House Appropriations Subcommittee on Interior, Environment, and Related Agencies to fund the Civil War Battlefield Preservation Program at its authorized amount of $10 million. We recognize that these are difficult economic times and appreciate the constraints on this Subcommittee as you work to draft an appropriation bill that meets the needs of the agencies and programs under your jurisdiction. However, we believe that now, as we commemorate the 150th anniversary of the conflict that shaped our nation, is the opportune time to provide robust funding for the Civil War Battlefield Preservation Program.

Funding at this level will allow for the continued success of the program and the preservation of key battlefield lands that will serve as lasting, tangible legacies for the sesquicentennial. In addition, with time rapidly running out to forever protect these hallowed grounds, funding for this program will soon no longer be necessary. We estimate that in the next ten years the remaining Civil War battlefield lands will be either paved over or protected. That is why we must act now in order to preserve as much key battlefield land as possible before time runs out.

Conclusion

There is no question that the Civil War was a defining moment in our country's history. For four long years, North and South clashed in hundreds of battles that reunited our nation and sounded the death knell for slavery. More than 625,000 soldiers and 50,000 civilians perished as a result of the war.

Preserved battlefields not only honor the memory of our Civil War ancestors, but all of our nation's brave men and women in uniform. Further, preserved battlefields serve as outdoor classrooms to teach new generations of Americans about the significance of the Civil War — and remind them that the freedoms we enjoy today came at a terrific price.

Mr. Chairman, I sincerely hope you and your subcommittee will consider our request to provide funding of the Civil War Battlefield Preservation Program at its authorized level of $10 million. We look forward to working with you and other subcommittee members on battlefield protection and other historic preservation issues. Thank you for the opportunity to address the committee.

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Mr. SIMPSON. And, you know, you can come over the pass, into Idaho, too.

Mr. LIGHTHIZER. That is where all the rich people are.

Mr. SIMPSON. Go ahead.

THURSDAY, MARCH 22, 2012.

NATIONAL RECREATION AND PARK ASSOCIATION

WITNESS

BARBARA TULIPANE

Ms. TULIPANE. Hi, I am Barbara Tulipane with the National Recreation and Park Association. Thank you for this opportunity.

NRPA represents local parks so although we like parks, we really focus on the community parks and the state parks. I am here today to talk about funding for LWCF, specifically, the State Assistance Program. I am trying to be very fast so I am going to cut right to the chase.

First, we ask that you provide ample funding for LWCF, especially for the State Assistance Program. Second, we ask that you choose to direct the LWCF investment to state and local communities by allocating 40 percent of total LWCF appropriations to the State Assistance Program. It is important to note that over the last 25 years, the State Assistance Program has received only 11 percent of total LWCF funding, but the reality is that local parks are where the Americans are. We do not have to worry about attracting visitors. Our parks are being overrun and yet we only receive 11 percent.

Third, we ask that you specify that no state assistance dollars are to be used for the DOI's proposed Competitive Grant Program, which will diminish the current ability of this program to serve more people in more communities.

Funding LWCF in 2013 is a sound fiscal policy and good for national health and the economy for all the reasons you know, investment in local economies, jobs, et cetera, et cetera. We strongly oppose changing the funding formula to allow a new Competitive Grant Program. The distribution formula to the States is tried and true and it does not need fixing. One hundred percent of the funding is equitably distributed among States based on a formula approach which does not favor one Congressional District or partisan affiliation over another. We urge the Committee to prohibit any diversion of LWCF State Assistance Funds from their original intended purpose.

We ask that you adopt three simple recommendations: provide ample funding for LWCF, allocate a minimum of 40 percent of total LWCF funding to the State Assistance Program, prohibit any diversion of formula funds to a DOI Competitive Grant Program. Local parks and recreation agencies are not merely amenities; they are essential for the health and the vitality of the American public. As the authors of this Act clearly understood nearly 50 years ago when they mandated that 60 percent of LWCF funding should go to the State Assistance Program, the benefits of this program have been invaluable and every member of this subcommittee can point

to what it has done to his or her community. Please continue to strengthen this legacy of conservation for all Americans.

Thank you.

[The statement of Barbara Tulipane follows:]

Testimony of Barbara Tulipane, President and CEO
National Recreation and Park Association

Committee on Appropriations, Subcommittee on Interior,
Environment and Related Agencies
Fiscal Year 2013 Appropriations
March 22, 2012

Thank you Chairman Simpson, Ranking Member Moran, and other honorable members of the subcommittee for this opportunity to comment on the Fiscal Year 2013 Interior Appropriations bill and, specifically, the Land and Water Conservation Fund.

The National Recreation and Park Association (NRPA) is a nonprofit organization working to advance parks, recreation and environmental conservation efforts nationwide. Our members touch the lives of every American in every community every day. Through our network of approximately 20,000 citizen and professional members we represent park and recreation departments in cities, counties, townships, special park districts, and regional park authorities, along with citizens concerned with ensuring close-to-home access to parks and recreation opportunities exist in their communities.

In Fiscal Year 2012, you provided $322.9 million for the Land and Water Conservation Fund (LWCF), with $45 million of that amount allocated to the State Assistance Program. You also specified that zero State Assistance dollars were to be used for the Department of Interior's (DOI) proposed competitive grant program. We thank you for investing in conservation through the LWCF, and especially thank you for investing in states and local communities through the State Assistance Program and for protecting the integrity of that program.

As this committee works to craft the Fiscal Year 2013 Interior Appropriations bill, NRPA makes three requests. First, we ask that you provide ample funding for the LWCF; second we ask that you choose to invest in local communities by allocating 40 percent of total LWCF appropriations to the State Assistance Program; and third we ask that you, once again, deny the DOI the ability to deprive states and local communities of funding by specifying that zero State Assistance dollars are to be used for the DOI's proposed competitive grant program.

We recognize that you face difficult decisions relative to Fiscal Year 2013. However, the LWCF is budget neutral, having been authorized with a dedicated funding source of oil and gas leasing revenues. Over $6 billion a year is provided through these leases, and the funding provided to the LWCF is a minuscule fraction of this amount. Zeroing out the LWCF would negatively impact our country, especially at the state and local levels. There is a common misconception that LWCF is merely a federal land acquisition program. Nothing could be further from the truth, as the LWCF State Assistance Program provides dollar-for-dollar matching grants to states and local communities for the construction of outdoor recreation projects. The land purchased with LWCF State Assistance funding remains the property of the state or local government, and the facilities developed through the LWCF remain publicly accessible in perpetuity.

The LWCF State Assistance Program ensures that local communities, such as Blackfoot, Idaho, have places where adults and children can go to recreate and enjoy the outdoors. It is a means by which this committee can provide investment to local communities, and for Fiscal Year 2013, we are asking this committee to make the investment by allocating a minimum of 40 percent of total LWCF appropriations to the State Assistance Program. Current law requires that a minimum of 40 percent of LWCF appropriations be provided to the federal land acquisition program, and we are merely asking for you to invest in local communities by allocating the same percentage amount to the State Assistance Program. Evidence of the impact of such an allocation is clear when you consider that in Fiscal Year 2012 California received approximately $3.6 million through the State Assistance Program. Had 40 percent of LWCF appropriations been allocated to the State Assistance Program, the state would have received more than $11 million. Minnesota received $738,000 in Fiscal Year 2012, but would have received more than $2.2 million with a 40 percent allocation.

There are many viable reasons for such an allocation. One seemingly simple reason is access. Not everyone in America has access to our amazing National Park System, but everyone does have access to local outdoor spaces and recreational facilities provided through their state and local community. Additionally, accessibility to physical activity through outdoor recreation is crucial to reaping the benefits of healthy lifestyles and reducing health care epidemics such as childhood obesity.

Close-to-home public parks and recreation are available to every age, ethnicity, gender, and socio-economic class in every community, both urban and rural, of every state. Is there any other program that so effectively treats all individuals so equally? This is made possible because LWCF funding has always been allocated by formula through the State Assistance Program, whereby a portion of funds are equally allocated among all states and territories and the remainder is allocated based on population. This ensures that 100 percent of the State Assistance funding is equitably distributed throughout the nation. This formula currently does not favor one congressional district or party affiliation over the other, or projects that can gain the most national visibility. That would radically change under the DOI's proposal whereby more than one-third of the State Assistance's funding would be used for a DOI-administered competitive grants program. The DOI proposal would effectively decrease the amount of funding provided to each state as only a small number of projects would likely be funded. For example, Ohio would have lost approximately $950,000 in FY 2012 LWCF funding under the DOI proposal. Additionally, more rural states, such as Wyoming, would have to expect a loss of funding as only urban projects of national significance could compete for the grants. The distribution formula used for the past 47 years has yielded equitable results as 98 percent of America's counties have received State Assistance funds. In Fiscal Year 2012, this committee ensured equal allocation among the states by specifically directing that zero dollars were to be spent on a competitive grant program in the Fiscal Year 2012 Appropriations bill. NRPA supports repeating that language in Fiscal Year 2013 and rejecting any ongoing or future efforts by DOI to do otherwise. Absent directive language, the DOI has authority to implement its program.

LWCF State Assistance: Addressing National Issues on the Local Level

Few programs can address so many national priorities as effectively as the LWCF State Assistance Program does, with so few dollars and without negatively impacting the federal budget.

The National Park Service documented in a March 2011 report that the $40 million appropriated to LWCF State Assistance in 2010 made a direct impact on park and recreation facilities in or near 221 local communities, helped communities make 5,905 new acres available for outdoor recreation use and enjoyment, and helped "encourage active participation to strengthen the health and vitality of the citizens of the United States pursuant to the original intent of the Act." While the LWCF State Assistance program annual benefits hundreds of local communities, local communities are in need of more recreational resources. As documented by the National Park Service, our country faces more than $18 billion in unmet need for outdoor recreational resources.

LWCF State Assistance Stimulates Jobs and Local Economies

According to a study by Southwick in October 2011, the economic impacts of outdoor recreation, natural resource conservation, and historic preservation activities in the United States contributed a minimum of $1.06 trillion to the economy, created a $107 billion return on investment to federal, state and local governments through tax revenue, and supported 9.4 million jobs. The National Association of State Park Directors reports that America's state park system contributes $20 billion to local and state economies. Impressively, this section of the economy continues to grow even during the ongoing economic recession, and thus has enormous potential to immediately create new jobs. For example, the Outdoor Industry Association reported in October 2011 that the outdoor recreation industry grew at a rate of 4.1percent in 2010 and 5.9 percent in 2011. As more people are using the outdoors, more jobs are being created, and nowhere is outdoor recreation more prevalent than state and local outdoor recreation areas.

Virtually every community in New York has acquired and/or developed outdoor recreational facilities with the help of the LWCF State Assistance Program. As a result, the New York active outdoor recreation economy supports 130,000 jobs across New York, generates nearly $800 million in annual state tax revenue, and produces $11.3 billion annually in retail sales and services.

Arizonans also recreate close-to-home in local parks and venues. Parks like the De Anza Trail help the Arizona active outdoor recreation economy support 82,000 jobs across Arizona, generate nearly $350 million in annual state tax revenue, and produce almost $5 billion annually in retail sales and services.

Without the continued support of this committee for the nation's treasured state and local parks and recreation sites, Congress would effectively contribute to state and local unemployment rates and deeper budget deficits.

Public Health

The LWCF State Assistance Program plays a critical role in advancing parks and recreation that directly contributes to fighting our nation's obesity and "Type 2" diabetes epidemics. Several medical studies have shown that there is a strong correlation between proximity to

recreational facilities and parks and increased participation in physical activity. It is estimated that obesity costs the United States government about $344 billion in medical-related expenses by 2018, accounting for approximately 21 percent of health care spending. The CDC currently estimates 65percent of adults and 16 percent of children are overweight or obese, and even small improvements in the lifestyles of Americans would yield marked health improvements and contribute substantially to decreasing the nation's rising health care costs. In fact, CDC notes that the creation of or enhanced access to places for physical activity led to a 25.6 percent increase in the percentage of people exercising on three or more days per week. Investing in programs such as the LWCF State Assistance Program would provide a significant return on investment through the **reduction** in health care costs by ensuring access to places for physical activity.

Environmental Benefits

The LWCF State Assistance Program not only meets important national goals and delivers tangible health and economic benefits to everyone; it also significantly contributes to protecting the environment and promoting environmental stewardship. LWCF State Assistance projects have a historical record of contributing to reduced and delayed stormwater runoff volumes, enhanced groundwater recharge, stormwater pollutant reductions, reduced sewer overflow events, increased carbon sequestration, urban heat island mitigation and reduced energy demands, resulting in improved air quality, increased wildlife habitat, and increased land values on the local level.

For example, the LWCF State Assistance Program has been a vital part of the history of Geauga Park District (GPD) in Geauga County, Ohio. LWCF State Assistance funding was used in the acquisition and development of Big Creek Park, Beartown Lakes Reservation, Burton Wetlands (a designated state nature preserve) and Swine Creek Park. Each park plays a unique role in meeting the mission of GPD, from protecting the watershed and unique geological formations to providing recreation opportunities to a diverse range of user groups.

More recently, an LWCF State Assistance grant was awarded for the preservation of 20 acres of wetlands outside of the Village of Middlefield, Ohio; home to the fourth largest Amish settlement in the world. The LWCF State Assistance Program made it possible to preserve these areas for future generations

Mr. Chairman and members of the subcommittee, local parks and recreation agencies are not merely community amenities; they are essential services necessary for the economic and environmental vitality, as well as physical wellness, of communities throughout this country. LWCF's State Assistance Program has proven itself invaluable to improving state and local economies, while simultaneously reducing long-term health care costs through increased access to physical activity. This subcommittee and Congress have the rare opportunity to achieve national goals without increasing spending or adding to the deficit, and can do so by adopting three simple recommendations: do not zero out the LWCF; allocate a minimum of 40 percent of LWCF funding to the State Assistance Program; and prohibit any diversion of formula funds to a DOI competitive grant program.

Thank you again for the opportunity to share NRPA's recommendations and your consideration of my remarks.

Mr. SIMPSON. Thank you, Barbara.
Katherine.

THURSDAY, MARCH 22, 2012.

THE TRUST FOR PUBLIC LAND

WITNESS

KATHERINE DECOSTER

Ms. DECOSTER. Thank you, Mr. Chairman and members of the Subcommittee. My name is Kathy DeCoster and I am representing the Trust for Public Lands today. And I did want to thank the members of the Subcommittee for the time you spend listening to the public over these two days and every year. I think it is unrecognized how much time you spend doing this. I wanted to say that.

Quickly, we are here to reiterate what many on this panel have already said, which is support for the Land and Water Conservation Fund, which in this budget we see it as a balance between the needs at the federal level and through the State Grants Programs for parks as Barbara mentioned and also for the Forest Legacy Program, the Civil War Grants that Jim mentioned, and the Section 6 Program. All of that money goes to States and localities to do community-based conservation at that level.

Often people ask why there needs to still be an investment on the federal level, and I think, you know, we are very appreciative of the understanding you have of the needs in Idaho and other members in their own States. I wanted to raise one example that we are experiencing with the challenges of the funding level right now at Kennesaw Mountain National Battlefield Park right outside of Atlanta. We have been working with a landowner for two years on a property. It was in the budget last year. It did not get funded. The landowner informed us last week that they would not be renewing their option and they are putting it on the market on a short sale. We hope that does not occur but that is the stress and the strain that is occurring. They were a very willing landowner, very patient landowner, and we are afraid that sesquicentennial is 2014 that we will actually be seeing houses built rather than a great park celebration. So we hope we can work that out but I just wanted to point that out.

And then on the issue of the Competitive Grants, you know, we are in a slightly different place than Barbara is in that our work at the state and local level creating parks in cities, we see a need missing. There is not a program directed at urban parks or parks in cities. When those come up, advocates have to figure out which program they can go to but there is not one just for parks and cities. So we see this Competitive Grants Program as meeting that need, how we balance out, you know, where it comes from and all that kind of stuff. We look forward to working with you on trying to figure that out, but there is an urgent need at the very local level that we see continuing to be unmet.

And lastly, just wanted to mention quickly the Community Forest Program. You have appropriated three years increasing amounts each year so they can finally get the first grant round-out.

There is a huge demand for that. It allows local communities and tribes to buy forests locally and control them and generate revenue through sustainable timber harvesting or outdoor recreation and benefit that local community. So it is kind of a new program but we appreciate your past support and hope you will continue to do that.

Thank you.

[The statement of Katherine DeCoster follows:]

Testimony of Kathy DeCoster
Vice President and Director of Federal Affairs, The Trust for Public Land
Regarding the Land and Water Conservation Fund
and other Federal Land Conservation Programs
House Appropriations Subcommittee on Interior, Environment and Related Agencies
March 22, 2012

Chairman Simpson, Ranking Member Moran, and distinguished members of the Subcommittee:

Thank you for the opportunity to testify on programs under your jurisdiction for the Fiscal Year 2013 appropriations process. I represent The Trust for Public Land (TPL), a national nonprofit land conservation organization working to protect land for people in communities across the nation. We are extremely grateful for the support members of this Subcommittee and other conservation leaders in Congress have shown for federal conservation programs during these challenging fiscal times. We recognize that the Subcommittee will again face enormous challenges in meeting the broad range of priority needs in the Interior and Environment bill this year. But we believe the American people support continued investments in conservation, even during a time of economic challenge. Most recently, on "Super Tuesday", voters in communities in Florida, Georgia and Ohio approved conservation funding measures, putting 2012's passage rate at 100% - four for four so far.

These ballot initiatives reflect the very essence of conservation in the 21st century: collaborative, leveraged, partnership-based and locally supported. Federal funding is an absolutely critical part of the conservation toolbox and provides manifold benefits to the American people. Given the limited public conservation funding at all levels of government, TPL works to leverage federal conservation dollars, bringing to bear private philanthropic support as well as state and local funding to forge workable solutions to complex conservation funding challenges.

We are especially grateful for your recognition during the Fiscal Year 2012 process that funding for programs like the **Land and Water Conservation Fund (LWCF)** is a worthwhile investment. TPL respectfully requests that you continue this commitment by supporting the President's budget request for FY 2013 for LWCF of $450 million. This amount includes $270 million for federal land purchases, $60 million for grants to states for parks and outdoor recreation, including a new competitive grant component for city parks, $60 million for the **Forest Legacy Program** and $60 million for the **Cooperative Endangered Species program**. Continued investment in this suite of LWCF programs is essential and TPL is ready to work with the Subcommittee to ensure that dollars invested are well spent on our most urgent needs. We urge you to also support the President's budget requests for the **North American Wetlands Conservation Act** and the **Community Forest Program**.

Land and Water Conservation Fund

For almost 50 years the Land and Water Conservation Fund has been the cornerstone that sustains our federal public lands heritage and remains today a compelling and urgently needed program. When Congress created LWCF in 1964, it sought to ensure that land conservation would receive funds every year by dedicating certain revenues. For most of its history, the major source of LWCF funds has been revenues from offshore oil and gas development in federal waters. LWCF activities neither require nor are designed to receive taxpayer dollars. This arrangement is built on the principle that the revenues generated from energy development and natural resource depletion should be used for the protection of other natural resources such as

parks, open space, and wildlife habitat for the benefit of current and future generations of Americans. TPL believes that this principle remains a sound one and that the American public supports using this very small percentage of OCS receipts – which annually average over $6 billion – as a conservation offset.

Federal Land Acquisitions - Every year tens of millions of Americans, as well as international visitors to our country, visit our public lands. Federal funding of land acquisition ensures that the public can access lands for these recreational and educational purposes. If accessible properties are instead sold for development or subdivision, there is no guarantee that the public will be able to enjoy the nearby public lands. Purchase can also enhance the quality of recreational experiences, encouraging greater public participation and use, and in some cases resolve public land management issues and achieve cost savings. There is a clear economic impact from these activities. A 2006 federal interagency study determined that 87.5 million people annually spend $122.3 billion on fishing, hunting and wildlife watching alone. These activities and others have significant ripple effects. The Outdoor Industry Foundation estimates that active outdoor recreation contributes $730 billion annually to the U.S. economy, supports nearly 6.5 million jobs across the U.S., generates $49 billion in annual national tax revenue, and produces $289 billion annually in retail sales and services across the country.

Among the recreation destinations whose economic and natural resource values might be significantly compromised without sufficient LWCF funding in FY 2013 are Virgin Islands National Park where TPL is working to finally connect the two sections of the national park along the shores of Maho Bay, the Sawtooth National Recreation Area in Idaho, where a conservation easement will protect the lands along the river are scenic vista at the gateway to the NRA, the California Coastal National Monument, where a property will connect visitors to two miles of the Pacific coast, and along the Pacific Crest Trail in Washington state.

Incompatible development within established federal units is a continuing concern for the public and for public land managers, and we have found that private landowners of inholdings and edgeholdings are open to and quite often seek a conservation solution. Faced with uncertainty about the availability of federal land acquisition dollars, however, many landowners find that they cannot afford to wait on a win-win outcome. Adequate and timely acquisition of inholdings through the LWCF is critical to efforts to protect the nation's public lands heritage when these time-sensitive acquisition opportunities arise. Often the window for a conservation outcome is narrow, and the availability of LWCF funds ensures that landowners can sell their properties in a timely manner. For instance, important conservation properties are available for a limited time at Kennesaw Mountain National Battlefield Park in Georgia, at the new Middle Rio Grande National Wildlife Refuge in New Mexico and at Red Cliffs National Conservation Area in Utah. Funding for Kennesaw Mountain – a national battlefield that is under severe development threat - is particularly important given the ongoing commemoration of the Sesquicentennial of the Civil War. In addition, a number of partially-completed projects at Virgin Islands NP, Sawtooth NRA, and the Carson, Uncompaghre and Superior National Forests await further funding to be completed and are included in the FY 2013 President's budget request. Recent funding levels for LWCF have been insufficient to allow agencies to complete these projects in a timely fashion and we urge your support for funding levels in FY 2013 that address these needs.

We also urge the Subcommittee to consider fully the urgent need for funding for Civil War Sesquicentennial units, national trails and recreational/hunting/fishing access projects as proposed in the FY 2013 President's budget for the National Park Service, Bureau of Land

Management and US Forest Service. TPL has pending projects eligible under each of these categories and stand ready to provide information to the Subcommittee to support these categorical line item requests.

As the Subcommittee evaluates the myriad programmatic needs and measures for making programs more efficient for the FY 2013 Interior and Environment Appropriations Bill, we look forward to working with you and your staff to ensure that funds are spent wisely on strategic and urgent conservation priorities.

National Park Service LWCF grants - Since 1965, the stateside program has provided 41,000 grants to states and local communities for park protection and development of recreation facilities. This program reaches deep into communities across our nation, supporting citizen-led efforts to conserve places of local importance. Stateside funds were an essential part of land protection in Maine's famed 100-Mile Wilderness, the northernmost and wildest stretch of the Appalachian Trail. Most recently, TPL worked with the state of Tennessee to add 1,388 acres to the popular Cumberland Trail, extending it by 19 miles, using state LWCF grant funding. To meet needs such as these as they continue to arise in all 50 states and in U.S. territories, we urge you to fund this program at $60 million.

Competitive grants - Within the $60 million requested for state LWCF grants in the President's Budget for FY 2012, the administration has proposed a new competitive grant program to invest in community parks and greenways, landscapes, and recreational riverways. This effort – which is based on an idea championed by Ranking Member Moran during the FY 2011 appropriations process – will particularly help cities and urbanized counties increase the availability of parks and green spaces for residents of our more populated areas, many of whom lack access to safe, close-to-home recreational sites. This proposed targeting of LWCF funds to areas most in need of new parks will help address the health threats many Americans – especially children – are now facing due to lack of access to parks. TPL is the nation's only national land conservation organization working to create parks in cities across the nation, and we strongly support this competitive grant program as laid out in the Department of the Interior's FY 2013 budget proposal. With our extensive experience creating parks for people nationwide, we see this type of program as meeting a critical need in the places where most people live and recreate. There is currently no federal program that addresses park needs for cities, metropolitan areas and urbanized counties. The NPS LWCF grants program – funded competitively rather than by formula - could assist TPL's work in places like the Cleveland area, where we are working to connect more people to the Cuyahoga River, in the Twin Cities, where we are embarking on fundraising for a new park in a neighborhood where access is limited and more than half the residents have incomes of less than $35,000 a year, and in New York City, where we are working along the Bronx and Harlem River to ensure more safe and accessible green space for a community now cut off from these rivers.

U.S. Forest Service Forest Legacy Program

The **Forest Legacy Program** provides extraordinary assistance to states and localities seeking to preserve important working forests. Since its inception in 1990, the Forest Legacy Program has protected over 2 million acres of forestland together with over $630 million in non-federal matching funds. For FY 2013, the President's Budget recommends projects that provide multiple public benefits that derive from forests – clean water, wildlife protection, climate change adaptation and mitigation, public access to recreation, economic development and sustainable forestry. The Forest Legacy Program has been very effective over its short history, leveraging a

dollar for dollar match to federal funds, well more than is required under the program. TPL urges your continued support for sustained investment in this strategic conservation program. Included in the FY 2013 budget are three projects where TPL is working in partnership with the states of Idaho, Vermont and Wisconsin to protect recreation access for snowmobilers and hikers, ensure jobs in the woods, buffer important federal and state conservation areas and provide strategic land conservation that fits a larger goal.

U.S. Fish and Wildlife Service – Land Conservation Grant Programs

We are grateful for the Subcommittee's historic support for U.S. Fish and Wildlife Service grant programs, including the **Cooperative Endangered Species Conservation Fund** – which leverages state and private funds and has protected threatened and endangered species habitat across the nation. Through the most recent grant cycle, for example, TPL, in partnership with the State of Washington, secured a $3.5 million grant that helped protect 2,700 acres of pristine habitat along the Methow River in Okanogan County. This habitat is considered critical spawning habitat for the endangered Pacific salmon, but benefits many other protected species as well, like Canada lynx, gray wolves, and bull trout. The Methow Watershed project leveraged $4.27 million in non-federal funding, which is more than double the non-federal match required under the program. We also urge your support for program funding at the President's Budget level of $60 million in FY 2013. The **North American Wetlands Conservation Act (NAWCA)** provides much-needed matching grants to carry out wetlands conservation, restoration and enhancement projects. We urge the Subcommittee to provide the President's Budget request of $39.4 million.

U.S. Forest Service Community Forest Program

Last but not least, we urge your continued support for the **Community Forest Program (CFP)** which received appropriations in FYs 10, 11 and 12 and now has its first-ever grant solicitation underway. This program will provide a complement to existing conservation programs by helping local communities and tribes identify, purchase, and manage important forestlands that are threatened with development. These locally led efforts can be tailored to the needs of each community, from timber revenue for local budgets to recreation access and outdoor education. Every federal dollar from CFP will be evenly matched by funding from state, local, and private sources. We believe the response to the first grant round will be substantial and that this program will generate significant interest from local entities concerned about the future of their close-to-home forests. TPL is working right now to create new community forests in California, Montana and Vermont, and we hope that the Community Forest Program funds will contribute to these efforts. Given the strong interest in community forests from coast to coast, we urge you to include the President's Budget level for CFP of $4 million in the FY 2013 bill.

Thank you again for the opportunity to participate in Public Witness Day. The programs highlighted in my testimony are critical to the future of conservation at the local, state and federal levels, reflect the continued demand on the part of the American people for access to outdoor recreation, help sustain our economy and reflect the true partnership that exists in federal conservation efforts. As ever, we are deeply thankful for the Subcommittee's recognition of the importance of these programs and urge you to maintain robust funding for them in the FY 2013 Interior, Environment and Related Agencies bill. Thank you for help and support, and for your consideration of our requests.

Mr. SIMPSON. Thanks, Katherine.
Go ahead, Robert.

THURSDAY, MARCH 22, 2012.

EAST BAY REGIONAL PARK DISTRICT

WITNESS

ROBERT E. DOYLE

Mr. DOYLE. Thank you very much, Chairman Simpson and Ranking Member Moran and members of the Committee. My name is Robert Doyle. I am the general manager of the East Bay Regional Park District in Oakland, California. We are the largest and oldest regional park agency in the Nation. I guess that would mean that we were the first created. Another way of saying it, we were created in the Depression and we are mindful of the Depression and what my parents went through and probably what your parents went through and what people did to get through that. So people in the Depression in East Bay decided to create a park system, a small miracle at that time. And we take that very seriously.

We operate 65 parks, 100,000 acres, but we also now are operating state parks, the unprecedented closing of 70 of the state parks in California because of the budget. So what falls to the locals is to pick up the slack. So as was mentioned earlier, our agency and other agencies are trying to step up and operate state parks. We also operate federal lands, Bureau of Reclamation lands, Water District lands, things like that. So we have a long history of competing for money because we are not a state agency. We are often not even recognized in some of the grant programs, so we have to really compete.

We also employ 200 young people every year in summer seasonal jobs. Those young people are getting their college education goals met by having jobs in parks. Many of them come back to the institution; many of them go on to better things. And so we are very happy and that is very important. Kids are really having a hard time funding their education, and parks help do that.

We are here today to support funding for stateside LWCF and LWCF in general and we think it is critical at this time that stateside funding be increased because of the impact on urban parks, because of the impact on state park closures, because of the impact on urban communities. Both rural and urban communities have felt this recession really tremendously. They are not traveling as much. They are going to those local parks. And those local parks, therefore, are really crowded and I think what I really want to leave you with today is we have a national crisis on obesity and health for kids.

Mr. SIMPSON. Oh, thanks for bringing that up.

Mr. DOYLE. You are very welcome. But our parks make life better for families dealing with health. Our parks make life healthier for kids. And our urban parks create the opportunity for people to learn about these beautiful lands you have up here behind you, but they come from cities more and more now and so stateside LWCF really helps with that.

We do think that a competitive program through Land and Water Conservation Fund is healthy; competition is healthy. We know that from what we do and we hope there is a way that we can find to do that.

We thank you for the time to do that and hope that specifically that local and regional parks could qualify for any Competitive grant Program. Thank you very much for your time.

[The statement of Robert E. Doyle follows:]

DATE: March 22, 2012

TO: House Committee on Appropriations; Subcommittee on Interior, Environment and Related Agencies

FROM: Robert E. Doyle, General Manager East Bay Regional Park District

SUBJECT: Support for the Land and Water Conservation Fund and State Competitive Conservation Grants

Chairman Simpson and Ranking Member Moran, it is an honor to be here today. I am Robert E. Doyle, General Manager of the East Bay Regional Park District located in the San Francisco Bay Area of California. I wish to express our Agency's support for the Land and Water Conservation Fund (LWCF) and the State Competitive Conservation Grant proposal within the National Park Service's proposed budget.

Formed in 1934 at the depth of the Depression by East San Francisco Bay residents who voted to tax themselves to protect parklands, the East Bay Regional Park District has consolidated regional county park services for two of the largest urban counties in the State of California – Alameda and Contra Costa. The District is governed by a seven-member, non-partisan, elected Board of Directors. The District is the largest regional open space park district in the country – serving 2.6 million residents and 14 million annual visitors, managing over 110,000 acres, 65 parks and over 1,200 miles of trails. About 200 miles of the District's trails are paved and provide non-motorized, safe connections to transit, schools and businesses. The District operates this regional alternative transportation network seamlessly among the 33 cities and two counties it serves. Known as the Green Transportation Initiative, the District's paved regional trail network received $10.2 million from the highly competitive Federal Department of Transportation TIGER II grant program.

It is both through our success in competing for TIGER II dollars and the historical benefits the District has experienced from the State Assistance program of the Land and Water Conservation Fund that lead us to come before you today. Throughout the 38 year history of the Land and Water Conservation Fund, the District has successfully competed for nearly $8 million in stateside grant funding for the acquisition and development of some of our most used regional parks. For example:

- Over $1.6 million to establish and develop Coyote Hills Regional Park which protects a 2,000-year old Tuibun Ohlone Indian shellmound, and offers hundreds of unique cultural and educational experiences each year.
- Over $1.4 million to establish and develop Martin Luther King Jr. Regional Shoreline in a highly industrial, urban area near Oakland International Airport, which provides access for inner-city youth to explore the San Francisco Bay.
- Over $200,000 for the development of Ardenwood Historic Farm which offers hundreds of environmental education programs for children and adults each year.

The LWCF has played a valuable role in the development of at least 15 of the 65 units in the East Bay Regional Park District system. Fully funding the State Assistance program of the LWCF would significantly benefit open space and resource conservation stewardship efforts in our region, all of California, and the entire country.

We agree the goal should be to allocate at least 40% of all Land and Water Conservation Fund dollars to the State Assistance program. Not only has our agency benefited from this fund, it is a fiscally responsible investment of federal dollars which leverages local funds by requiring state and localities to provide a 50% match. In addition, the recipients of LWCF capital investments are responsible for on-going management and maintenance costs with no additional funding obligated by the Federal government.

We should point out that despite continued and ongoing extraction of our country's natural resources, the LWCF has only been fully funded once. More than $16 billion remains in the Fund on paper as an unspent balance, but has been diverted to the general fund. The LWCF was enacted in 1964 based on the premise it would assure the availability and accessibility of land and water-based recreation opportunities for all Americans. Despite maximum revenue generation year to year, the promise of LWCF has never fully been met.

Again, we support allocating at least 40% of the Fund to the State Assistance program – and that program should not come at the expense of other creative ideas. We believe, however, the proposed Competitive Conservation Grant program is an innovative approach directing much needed resources to areas where both the need is great and community involvement is strong. By keeping this program within the LWCF, it also ensures the grant recipient manages and maintains each project in perpetuity at no additional cost to the Federal government.

As our agency competes on a near daily basis for grants and other resources, we can attest to the level of commitment and matching dollars an agency must have to be successful. We also need to point out that because we are a single purpose government agency not affiliated directly with a county or the State, we are sometimes rendered ineligible to compete directly for Federal monies. We strongly encourage the committee to include specific, directive language which ensures that all local units of government are directly eligible to apply.

As technology consumes more and more of our collective "leisure" time, we are seeing real and troubling trends in increased obesity and lack of activity. Children today spend as few as four minutes outside, yet spend an average of 7.5 hours a day in front of electronic devices. High levels of obesity, diabetes and physical inactivity exist everywhere. In every state in the nation at least 21% of the population is obese. At the same time, visitation to our National Parks and federal wild lands are down, and we are now seeing the second generation of children growing up who have never been camping.

Demographics are also rapidly changing. Latino population in San Bernardino County California is 49%; Riverside County over 45%; Mesa Arizona over 26%; both Arlington and Fairfax Counties over 15%. In the East Bay, Latino population is a little over 25%. Much of the growth in diverse population is occurring in our more populated, urban cores where access to safe, clean parks is de minimis.

We all have a stake in seeing the trends of declining health (particularly in children) and lack of outdoor experiences reverse. Making the fundamental connection between individual and community health, and accessible, well-managed parks is the goal of the international Healthy Parks, Healthy People (HPHP) initiative. HPHP responds to these alarming health trends toward childhood obesity, diabetes, depression and other maladies. Children are at special risk as behavior changes, and many immigrant and disadvantaged communities do not realize the opportunities available to them at local, regional, and state parks.

Our charge is to ensure a core appreciation for natural surroundings and outdoor activity achieve salient relevancy to both new and old populations. Full funding for the State Assistance program of LWCF would go a long way toward that end, and we strongly support that goal. As a step forward, we also think the Competitive Conservation Grant program will provide a spark to those core urban areas which have taken the heavy blows in this recession: foreclosures, budget cuts, less police and more crime, fewer safe outdoor recreational opportunities, etc. It will provide a real shot at precious additional resources that we all know can make the difference in the success or failure of a project for those communities most motivated to improve parks and open space.

These grants would support one of the core components of the America's Great Outdoors initiative by targeting urban areas which lack open space and outdoor recreational opportunities. As managers of parks and open space in and around urban centers such as Oakland, Fremont, Richmond, Concord and Hayward, we have firsthand experience in improving access to the outdoors through a busing program (Parks Express) and camperships for young people most at risk. Our parks are often the first outdoor nature experience urban children and families have, and may be the only such experience they can afford.

The cumulative open space and recreational opportunities park districts, like the East Bay Regional Park District, offer in urban areas, provide residents convenient inspirational "portals" or "gateways" to the outdoors. By building these personal relationships with nearby natural resources, regional park users learn the value of open space protection beyond their immediate communities, including federal lands such as: national parks, recreation areas, monuments, national forests and wilderness areas. The threshold experiences families have in urban regional parks help educate generations of constituents about the need to support sustainable stewardship of public lands and embrace healthy lifestyles. That, in turn, helps lead to more conservation-based sensitivities which place a high quality of life value on land conservation and park visitation. The more connections we can make with high density, urban populations about the importance of protecting open space, the more relevance federal conservation strategies have to their lives – an outcome which can clearly benefit the national conversation about health, obesity and our outdoors.

For these reasons, we strongly support the Land and Water Conservation Fund and the proposed Competitive Conservation Grants. Further, we need to ensure that independent park districts (like East Bay Regional, Big Bear Valley Recreation and Park District, Riverside County Regional Park and Open-Space District, Geauga Park District, Northern Virginia Regional Park Authority and Three Rivers Park District) are explicitly eligible to directly receive

the Competitive Conservation Grants and other types of assistance as specified in Federal legislation, implementing regulations and agency guidance inspired or modified by the dialogue on America's Great Outdoors.

Thank you for providing the opportunity to share our views.

Mr. SIMPSON. Thank you. And thank all of you for being here today. And I am sorry that we have to rush off. We have got about one minute left in this vote, which means I have to make it over to the Capitol by then. And by the way, Jim, all of these pictures are from Idaho.

We will start our next panel at about 12:30 when we anticipate being done with these votes. Thank you all.

[Recess.]

Mr. SIMPSON. I apologize for keeping you around for however the heck long we were over there voting, but unfortunately, they make us do that every now and then. We appreciate you all staying and I guess I do not have to call up this panel because this panel is now up. We appreciate it. It is sometimes hard getting hearings completed here, especially on the last day of voting. Normally they do not have votes until one o'clock and so you can do things in the morning and get them done without the interruption of votes. But on the last day, they vote whenever they can because after last votes, people are headed home for the weekend. So I appreciate you all waiting around.

First of all, Ken Pimlott, Director of the California Department of Forestry and Fire Protection for the National Association of State Foresters.

THURSDAY, MARCH 22, 2012.

NATIONAL ASSOCIATION OF STATE FORESTERS

WITNESS

KEN PIMLOTT

Mr. PIMLOTT. Yes, that is me, thank you.

Mr. SIMPSON. Yes.

Mr. PIMLOTT. And we know you all are busy so we very much appreciate the time in allowing us to speak, great opportunity to represent NASF today.

As State Foresters, we are stewards of over two-thirds of America's forests in state and private ownership. We deliver outreach, technical, financial assistance, as well as wildfire protection—that is a particular issue in the West and California—in partnership with the Forest Service state and private forestry programs. Difficult, difficult fiscal times around the country and State Foresters fully appreciate the difficult decisions that need to be made relative to spending.

Our fiscal year 2013 funding recommendations are tied to the priority Forest Action Plans that were approved as part of last year's Farm Bill. My written statements include a complete set of our priority recommendations from NASF and include that as part of our program today and particularly the Forest Stewardship and Urban and Community Forestry Programs. However, this afternoon, I just wish to highlight a few of the key areas that are important to us.

State Forest Action Plans like this one provide an assessment of forest conditions and trends in each State and identify the priority rural and urban forest landscape areas within those States. These

plans depend on a robust forest inventory and analysis program. They are managed by the USDA Forest Service Research Forest Inventory and Analysis Program and it provides unbiased data for assessing wildlife risk, insect and disease threats, and other resource questions which often span across forest ownerships. And certainly in California like the West we have multiple small landowners that make up the bulk of our forest land, and so it is important that we have the ability to reach out and work with each of those small and non-industrial as well as industrial landowners.

NASF recommends an FIA funding level of $69 million for fiscal year 2013 and supports the proposal to consolidate the program under the Forest Service Research and Development Program. We ask that direction be provided to the Forest Service to look for the most efficient ways to deliver the program, including contracting with partners such as the State Foresters who can accomplish necessary fieldwork, oftentimes at lower costs.

These Forest Action Plans provide long-term strategies for investing state, federal, and other resources to where they can make the most impact on the ground. Among the issues that the Forest Action Plans have identified as priorities include wildlife preparedness and response. Over 74,000 wild land fires burned and over 5,200 structures were destroyed in fiscal year 2011 alone. State fire assistance funding helps communities prepare for, mitigate, and respond to wildlife threats. And this is certainly important and critical to California as well as the West. We have invested numerous state fire assistance dollars both in urban interface vegetation treatments to help those communities in the Sierra Foothills that are plagued by wildfire, as well as in Southern California we have focused equipping and training firefighters in a regional training facility that help not only Cal fire but our local and federal partners in the region.

NASF supports funding for the program at no less than current enacted levels of $86 million and endorses the proposal to consolidate the program into one line item under wild land fire management. This recommended funding level was also endorsed by a broad coalition of stakeholders, and we ask that the March 19 letter be entered into the record.

Mr. SIMPSON. It will be.

[The information follows:]

March 19, 2012

The Honorable Mike Simpson
United States House of Representatives
Washington, DC 20515

The Honorable James Moran
United States House of Representatives
Washington, DC 20515

Dear Chairman Simpson and Ranking Member Moran:

The undersigned organizations collectively believe in the importance and utility of up-to-date inventory and analysis on forests in the United States. The USDA Forest Service—Forest Inventory and Analysis (FIA) Program provides critical information that enables sound policy and forest management decisions. We fully recognize the difficult decisions that come with addressing reductions to the Federal budget and ***ask your support to fund FIA at no less than current FY12 levels (i.e. $69 million) to truly provide an accurate, up-to-date inventory of America's forests.***

The FIA Program is the nation's oldest forest census—providing invaluable information about forests and informing forest policies for over 75 years. The Program collects data on everything from species composition and forest health to forest growth rates and forest products utilization. FIA data serves as the basis for determining trends in forest ownership; assessing fish and wildlife habitat; evaluating wildfire, insect, and disease risks; predicting the spread of invasive species; selecting locations for forest products facilities; and for identifying and responding to priorities identified in the State Forest Action Plans.

The Agricultural Research, Extension, and Education Reform Act of 1998 (P.L. 105-85) mandated the USDA Forest Service to partner with the states and non-governmental interests to provide a nationally consistent, annual inventory program in all states, ensuring timely availability of data and developing state-level reports. The funding reductions proposed in the President's FY13 Budget Request will disrupt the inventory cycle length and significantly delay FIA's information delivery. In fact, the President proposes these reductions at a time when the program is called on to also address contemporary issues such as producing reliable, site-specific estimates of sustainable forest biomass supplies for domestic energy production and determining the timber supply available to support local mills and local jobs.

We urge Congress to support the FIA program in FY13 at no less than $69 million. Maintaining current funding levels delivered in the most efficient way can contribute towards the original goals of the program and provide policy makers, forest managers, private investors, and others with the timely and accurate information they need to make sound decisions regarding the nation's forests.

Sincerely,

Alabama Forestry Association
Allegheny Hardwood Utilization Group, Inc.
American Forest & Paper Association
American Forest Foundation
American Forests
Applegate Partnership and Watershed Council
Biomass Thermal Energy Council
CarbonVerde, LLC
Empire State Forest Products Association
Environmental and Energy Study Institute
Forest Resources Association
Framing Our Community
GMO Renewable Resources, LLC
Great Lakes Timber Professionals Association
Hardwood Plywood & Veneer Association
Hawai'i Forest Industry Association
Kentucky Forest Industries Association
Louisiana Forestry Association
Massachusetts Forest Landowners Association
Missouri Forest Products Association
National Alliance of Forest Owners
National Association of Conservation Districts
National Association of Forest Service Retirees
National Association of State Foresters
National Association of University Forest Resources Program
National Lumber and Building Material Dealers Association
National Woodland Owners Association
Northeastern Lumber Manufacturers Association
Ohio Forestry Association
Oregon Women in Timber
Pennsylvania Forest Products Society
Pinchot Institute for Conservation
Sitka Conservation Society
Siuslaw Institute
Society for the Protection of New Hampshire Forests
Society of American Foresters
South Carolina Forestry Association
Southern Forest Products Association
Sustainable Forestry Initiative
Sustainable Northwest
Texas Forestry Association
The American Chestnut Foundation
The Forest Products Society
The Nature Conservancy
The Wilderness Society
Treated Wood Council
Virginia Forest Products Association
West Fraser - Seaboard NC Sawmill

CC: Members of the House of Representatives Appropriations Subcommittee on Interior, Environment, and Related Agencies

Mr. PIMLOTT. Thank you.

The State Forest Action Plans also identify forest health threats as a major priority around the country. Hundreds of invasive pests and diseases damage our Nation's forests every year. The Forest Action Plans utilize funding from the Cooperative Forest Health Management Program to maintain healthy and productive forest ecosystems. Again, California like the West is facing a number of forest pest, insect, and disease issues. As an example, the gold-spotted oak borer is attacking thousands of native oak trees in the San Diego area and there is the potential for that to spread throughout many of the native oaks in California creating significant fire hazard and, you know, devastation to the ecosystem and wildlife habitats. So just one of many issues that the Forest Health Program is focusing on and assisting us with in California.

NASF supports the proposed consolidation of that program, Forest Health Program, under State and private forestry and urges the program to be at the fiscal year 2012 enacted levels. The program at current levels is also supported by many diverse organizations, and we also ask that our letter of March 19 on that be entered into the record.

Mr. SIMPSON. It will be.

[The information follows:]

March 14, 2012

The Honorable Mike Simpson
United States House of Representatives
Washington, DC 20515

The Honorable James Moran
United States House of Representatives
Washington, DC 20515

Dear Chairman Simpson and Ranking Member Moran:

Representing the more than 10 million U.S. family forest owners, the 1,216 undersigned forest owners would like to show our support and gratitude to all our state service foresters. In order to ensure these trusted men and women continue to help forest owners across the country, we urge Congress to maintain funding for the Forest Stewardship Program--a program that provides boots-on-the-ground assistance to ensure the health and vitality of America's forests for generations to come.

Families and individuals steward more of America's forests than the federal government or big companies. With the largest area of forest ownership, families and individuals own 35 percent--or 251 million acres--of our nation's forests. Our forests provide clean air, clean water, recreation, renewable resources that build our homes and communities, and good-paying rural jobs. But we cannot do it alone. Every state has a network of reliable and trusted service foresters that help us make good forest management decisions. Boots-on-the-ground make all the difference.

As private forest owners, we rely on the US Forest Service Forest Stewardship Program, which provides our state foresters with the resources they need for outreach, education, and technical assistance. We are grateful for the reliable assistance our service foresters provide every day. Without this boots-on-ground assistance, forests will fall victim to an ever-increasing list of challenges, such as insects and disease, development pressures, and growing ownership costs.

The planning assistance made possible by the Forest Stewardship Program helps us realize the full potential of our land and provides us the peace-of-mind that our forests will be around for our kids and grandkids to enjoy. We hope that you will maintain current funding for this important program in the FY 2013 appropriations process so that families (and our forests) continue to reap these important benefits. We are happy to answer any questions you may have or provide additional input from the perspective of family forest owners.

Thank you for your time and consideration of this important request.

Regards,

Alabama
Russell Miller, Cullman, AL
Don Heath, Birmingham, AL
Jon H. Gould, Birmingham, AL
Robert Amason, Tuscaloosa, AL
Frances Lewis, Aliceville, AL
Rusty Lewis, Aliceville, AL
Katherine RouLaine, Coker, AL
Irvin Eatman, Eutaw, AL
James P. Jeter, Gordo, AL
Jimmy Murphree, Spruce Pine, AL
Daniel Hogue, Sr., Russellville, AL
Edward Staley, Muscle Shoals, AL
William Snoddy, Huntsville, AL
John C. Pirtle, Billingsley, AL
Derek Bryan, Brantley, AL
Paul Hudgins, Greenville, AL
Walter E. Cartwright, Greenville, AL
Bob Roberts, Pike Road, AL
Noah Poe, Prattville, AL
Rrice & Johnnie Nichols, Prattville, AL
Bill Tomlin, Prattville, AL
James Hyland, Montgomery, AL
Don C. East, Lineville, AL
Lamar Dewberry, Lineville, AL
Bruce Williams, Piedmont, AL
Eddye Williams, Piedmont, AL
Leslie Williams, Piedmont, AL
Paul Williams, Piedmont, AL
Roy Reeves, Roanoke, AL
Ted Vignola, Elba, AL
Gail Jones, Andalusia, AL
Joe Bush, Andalusia, AL
Salem Saloom, Brewton, AL
Haden Swift Tirey, Monroeville, AL
Sara N Bradley, Monroeville, AL
Jimmy Hutto, Opp, AL
Neal Dansby, Moundville, AL
John A. Stephens, Coffeeville, AL
Ben Holifield, Camden, AL
Lehman H Bass, Jr, Opelika, AL
Sidney D Beckett, Auburn, AL
Carolyn Graves Stubbs, Waverly, AL
Leroy Sellers, Waverly, AL
Billy Hildreth, Enterprise, AL

Arkansas
John Sutherland, Pine Bluff, AR
John McAlpine, Monticello, AR
Charles Westmoreland, Ivan, AR
Josh Smith, Magnolia, AR
Mike Bentley, Magnolia, AR
John S. Collins, Stephens, AR
Fred Fallis, De Queen, AR
Danny A. Wilcox, Lewisville, AR
Robert Kyle Martin, Texarkana, AR
Charles Purtle, Prescott, AR
Lynda & Luther Strother, Mill Creek Ranch, Benton, AR
Steven Burgess, Perryville, AR
Laura Shirley, Scotland, AR
Henry Wells, Sheridan, AR
Russ Matson, Little Rock, AR
Audrey Beggs, Little Rock, AR
Conrad Beggs, Little Rock, AR
Bobby D Johnson, Cherry Valley, AR
Carolyn McBay, Compton, AR
Jim Woodruff, Rogers, AR
Tim White, Russellville, AR
Larry P. Aikman, Bluffton, AR

Arizona
Bruce Bilbrey, Carefree, AZ

California
Paul Moore, Los Angeles, CA
Christopher E. Glancy, Los Angeles, CA
Tiffany Michelle Horn, Los Angeles, CA
Mike Bone, Santa Monica, CA
Eric Grimes, Glendale, CA
Veronica Raymond, Temple City, CA
M. Harlan and Regina F. Horner, del Mar, CA
Daniel Martin, Lakeside, CA
Liz Sandler, Oceanside, CA
Dave Fitz, San Diego, CA
Margaret D. Potvin, Crestline, CA
Dan & Geri Begley, Running Springs, CA

Joan Moseley, Running Springs, CA
Laura Dyberg, Running Springs, CA
Michelle French, Running Springs, CA
Robert P Moser, Ventura, CA
Wayne Miller, Orinda, CA
Catherine Moore, Felton, CA
Charles A. Oveland, Saratoga, CA
Jill Butler, Sebastopol, CA
Alice Webb, Sonoma, CA
Steve VanderHorst, Ukiah, CA
Mark D. Collins, Eureka, CA
Wayne D. Rice, Eureka, CA
Dawn Pedersen, Fortuna, CA
Barry Dobosh, Korbel, CA
John & Linda Gaffin, Myers Flat, CA
Frances J. Belden, Redding, CA
James Chapin, Redding, CA
Ron Berryman, McCloud, CA
Betsy McNeil, Oak Run, CA
Dave McNamara, Oak Run, CA
Gary Hendrix, Oak Run, CA
Lois Kaufman, Oak Run, CA
Den Corrin, Shasta, CA
Dennis Bebensee, Shingletown, CA
Gene Goodyear, Weaverville, CA

Colorado

Meg Halford, Castle Rock, CO
Howard Smith, Littleton, CO
Deward Walker, Boulder, CO
Robert J Clemans, Golden, CO
Kathy and Terry Bedbury, Conifer, CO
Paula Petrites, Conifer, CO
Carolyn Fordham, Evergreen, CO
Chris Payne, Evergreen, CO
Jim & Vicki Norton, Evergreen, CO
Tom Nelson, Evergreen, CO
Carolina Manriquez, Steamboat Springs, CO
Christine & Don Allender, Bellvue, CO
Nicki Rutt, Bellvue, CO
Scott B. Hamilton, Bellvue, CO
Scott Golden, Bellvue, CO
James G. Williams & Patti L.Williams, Estes Park, CO
Steve and Katie Soliday, Estes Park, CO
Rich Harvey, Estes Park, CO
Thomas H. Ebert, Fort Collins, CO
J Rick Scanlan, Fort Collins, CO
Ray Herrmann, Fort Collins, CO
Oliver & Donna Moore, Loveland, CO
Kristie Millsapps, Brighton, CO
Pat Smith, Greeley, CO
Jim & Carol Thalman, Pagosa Springs, CO
John Janowski, Pagosa Springs, CO
Ron Chacey, Pagosa Springs, CO
Judy Bolton, Durango, CO
Illene Pevec, Paonia, CO
Herman Ball, Lafayette, CO

Connecticut

John Hoover, Barkhamsted, CT
Greg Clarke, Coventry, CT
Sidney Organ, Ashford, CT
James H. Poole, III, Willington, CT
Cathie Peitzsch-Gibbs, Oakdale, CT
Charles Potter, Guilford, CT
Catherine Worthley, Higganum, CT
Jack Norris, Milford, CT
Kathleen Wagner, Stamford, CT

Florida

Karla Gaskins, Fort White, FL
Charles King, Green Cove Springs, FL
Ray Weinaug, JR, Hilliard, FL
Charles M. Goodowns, Sr., Starke, FL
Timothy W. Williams, Wellborn, FL
Stephen Lloyd, Daytona Beach, FL
Jeff Doran, Tallahassee, FL
John Alter, Malone, FL
Linda Basford, Marianna, FL
Sharon Driscoll, Pensacola, FL
Paul J. Langford, Pensacola, FL
Dwight O'Neal, Cantonment, FL
Jeff Hester, Century, FL
Russ Weber, Gainesville, FL
Mike Lackey, Deltona, FL

Sabato Daniele, Merritt Island, FL
Barbara C. Glancy, Homestead, FL
Terry A. Glancy, Homestead, FL
William J Richards, Palmetto Bay, FL
Marcia L. Tedesco Sanborn, Bushnell, FL
Ms Audrey Lauer, Kissimmee, FL

Georgia

Alan E. Pigg, Marietta, GA
Joseph Bryan, Fayetteville, GA
Lawrence T. Lipford, Franklin, GA
Frank H. Barron, Newnan, GA
Margaret D Pierce, Atlanta, GA
Andy McNeely, Jr., Louisville, GA
Bryan Snow, Lyons, GA
Christy Powell, Statesboro, GA
David A Kidd, Comer, GA
Guy Dabbs, Madison, GA
Tyler Verdery, Washington, GA
Buford Sanders, Watkinsville, GA
Steve L. Welch, Appling, GA
Tom Mims, Hephzibah, GA
Wanda T. Barrs, Cochran, GA
Chuck Leavell, Dry Branch, GA
Carla Rapp, Forsyth, GA
Tommy Joines, Helena, GA
Colin Maldonado, Milledgeville, GA
Ruth Eilers, Milledgeville, GA
Warren Faircloth, Warner Robins, GA
Lynda G Beam, Savannah, GA
Lawanna King, Waycross, GA
Edward I. Herbert, Waycross, GA
Jorene Turner, Fitzgerald, GA
Joel Robertson, Lumpkin, GA
James Kent, Richland, GA
Allan Tucker, Iron City, GA
Jan Mazzucco, Winterville, GA

Iowa

Jim Sheets, Ames, IA
Paul Tauke, DeSota, IA
Craig Cable, Indianola, IA
Marilyn Dorland, Osceola, IA
Russell Wilkins, Runnells, IA
Charles E Semler,MD, Story City, IA
Denny Michel, Story City, IA
John Paule, West Des Moines, IA
Jon Grace, Des Moines, IA
Carl Varley, Clive, IA
Rick Adams, Algona, IA
Wayne Fuhlbrugge, Webster City, IA
Jon and Ann Schneckloth, Charles City, IA
Susan West, Fairbank, IA
Bruce Vosseller, Plainfield, IA
Richard Kaufman, Dubuque, IA
Brian Willhite, Colesburg, IA
Jim and Jody Kerns, Dyersville, IA
Agnes Kenney, Elkader, IA
Jerry Muff, Elkader, IA
Richard B & Mary E Hyde, Elkader, IA
Tom Kenney, Elkader, IA
Dean Gotto, Farley, IA
Terry J Weller, Garnavillo, IA
James Gamerdinger, Guttenberg, IA
Harold J. Krambeer, Saint Olaf, IA
Ace and Judy Hendricks, Decorah, IA
Lora Friest, Decorah, IA
Nancy Bolson, Decorah, IA
Richard Kittelson, Clermont, IA
Jim Farnsworth, Mc Gregor, IA
James R Mc Shane Lcdr(Ret), Waterville, IA
Shannon Ramsay, Anamosa, IA
Kevin Kelly, Clarence, IA
Paul Millice, Iowa City, IA
Dennis Goemaat, Marion, IA
Larry Wiley, Palo, IA
Max D. Grover, Rowley, IA
Allen J Wagner, Springville, IA
Larry Rummells, West Branch, IA
Tim Dohrmann, Cedar Rapids, IA
George and Janelle McClain, Cedar Rapids, IA
Levi Ward, Moravia, IA
Carl D. Petersen, Mediapolis, IA
Daryl H. Bohlen, West Burlington, IA
Bob Brown, Yarmouth, IA
Robert & Joyce Saacke, Farmersburg, IA

Idaho

David B. Reay, Horseshoe Bend, ID
John and Darlene Lillehaug, McCall, ID
Frank Fish, Boise, ID
Erik Sjoquist, Bonners Ferry, ID
Gordon Sanders, Cataldo, ID
Paul Buckland, CF 948, Coeur D Alene, ID
Steve and Janet Funk, Coeur D Alene, ID
Donald N. Heikkila, Harrison, ID
Thomas Davis, Hayden Lake, ID
Eric Besaw, Saint Maries, ID
Marianne Besaw, Saint Maries, ID
Steve Cuvala, Saint Maries, ID
Donald Collins, Boise, ID

Illinois

Marion Mycynek, Des Plaines, IL
Barbara Gosh, Ingleside, IL
J. M. Tabor, Mount Prospect, IL
Brad Koschak, Spring Grove, IL
George Stone, Wilmette, IL
John and Joanne Oliver, Lake In The Hills, IL
Ted Knorring, Wheaton, IL
John W. Sims, Naperville, IL
M J Remec, Riverside, IL
Roger Grimes, Chicago, IL
Paul G Dennis Jr, Roscoe, IL
Barrie McVey, Vermont, IL
David Tebbe, Breese, IL
Eugene Van Dorn, Carlyle, IL
Rebecca Brummel, Collinsville, IL
Michael W. Jobst, Westfield, IL
Jack Wohlstadter, Havana, IL
Greg and Pat Zak, Springfield, IL
Bryan Keller, Anna, IL

Indiana

Bob Burke, Martinsville, IN
David Applegate, Zionsville, IN
Kurt Pedersen, Indianapolis, IN
Rex A Brock, Bourbon, IN
Garry D. Weybright, Syracuse, IN
Charles Boebel, North Manchester, IN
Don Bonsett, Walton, IN
Ronald Gasaway, Elizabeth, IN
Fran Squires, New Albany, IN
Frank W Gottbrath, Pekin, IN
John Seifert, North Vernon, IN
Matthew Sherck, Connersville, IN
Kerry Winter Haver, Bloomfield, IN
Phyll Thomas, Nashville, IN
Robert Woodling, Unionville, IN
Eva McCullough, West Baden Springs, IN
Wesley G Crawford, Lafayette, IN

Kansas

Rebecca Shaffer, Louisburg, KS
Ryan Neises, Ottawa, KS
Caroline Kern, Denison, KS
Bob Atchison, Manhattan, KS
Larry G. Rutter, Meriden, KS
John Weilert, Fredonia, KS
Scott A. Sjolander, Scandia, KS

Kentucky

Carolyn M Puckett, Franklin, KY
Philip Haag, La Grange, KY
Barry Joyce, Milton, KY
Stephen Perry, Pendleton, KY
Heather B. Singer, Louisville, KY
Kevin Woods, Morehead, KY
Jerry L. Adams, Winchester, KY
Mark Kamber, Lexington, KY
Ann Bowe, Lexington, KY
Robert Bauer, Frankfort, KY
Sarah Douglas Gracey, Frankfort, KY
Jared Calvert, Miracle , KY
Kevin Galloway, Maysville, KY
Roy Boggs, Prestonsburg, KY
Rick Harrell, Owensboro, KY
Matthew Adkins, Monticello, KY
Mark Wiedewitsch, Campbellsville, KY
Melven D Hack, Caneyville, KY
Belinda Wilkins-Smith, Greensburg, KY

Louisiana

Eric Gee, Covington, LA
Ginny Nipper, Homer, LA
W. Allen Nipper, Homer, LA
Albert Smoak, Shreveport, LA
Edwin Edgerton, West Monroe, LA
C. McDavid Hughes, West Monroe, LA
Debbie Dodd, Alexandria, LA
C.A. "Buck" Vandersteen, Alexandria, LA
Vance and Paula Morris, Pineville, LA

Massachusetts

Alden Bacon, Williamsburg, MA
Justamere Tree Farm, Worthington, MA
Amy Burdick, Pittsfield, MA
Wendy Zunitch, Pittsfield, MA
Sean Connors, Becket, MA
Bill & Chris Pike, Peru, MA
Christine Pike, Peru, MA
Gregory Cox, Charlemont, MA
Al Futterman, Ashby, MA
Brian LeBlanc, Lunenburg, MA
John Robbins, Concord, MA
Joan Cudhea, Middleton, MA
Nancy Delano, Duxbury, MA
Robert Delano, Duxbury, MA

Maryland

Reg. Townsend, Drayden, MD
William Reed, Drayden, MD
Dawn Balinski, Lusby, MD
Bob Weisman, Nanjemoy, MD
Howard Anderson, Chesapeake Beach, MD
H.R. Wainwright, Highland, MD
Henry R Wainwright IV, Highland, MD
Robert H Lindgren, Gaithersburg, MD
Toby M. Turpin, Silver Spring, MD
Bryan Lightner, Bel Air, MD
Julie Bell Wadsworth, Cockeysville, MD
Joseph F. Friend, Columbia, MD
Ronald Hendricksen, Havre de Grace, MD
Donald C. Outen, Timonium, MD
John and Rosemary Beever, Monkton, MD
Jack Walther, Pylesville, MD
Kimberly A. Lewis, Pylesville, MD
Kermit & Cindy Crosby, Severn, MD
Nedda Pray, Sparks, MD
Connie Hoge, Westminster, MD
Leonard Wrabel, Westminster, MD
Andrew A. Holtan, Cardiff, MD
Steve Parker, Towson, MD
Sheryl Heydt, Baltimore, MD
Gary G. Allen, Annapolis, MD
Juls & Barbara Wood, Cumberland, MD
Dottie Turner, Frostburg, MD
Charles N. Hoffeditz, Ph. D., Mc Henry, MD
Gregan Crawford, Oakland, MD
David K Sharretts, Chestertown, MD
Nevin Dawson, Chestertown, MD
Charles R MacFarland, Adamstown, MD
Matthew Carroll, Boonsboro, MD
Don & Linda Grove, Hagerstown, MD
Judith Niedzielski, Hagerstown, MD
Chester and Jane Wagstaff, New Market, MD
Ron Free, Thurmont, MD
Claude Eans, Walkersville, MD
Larry Arthur, Walkersville, MD
Robert Hess, Marion Station, MD
Dori Murphy, North East, MD
Gabrielle D. Oldham, North East, MD
Donald L. Wolle, Elkton, MD

Maine

Earlene Chadbourne, Cumberland, ME
John Schwanda, Freeport, ME
Calvin Hamblen, Gorham, ME
Fred M Mitchell, Lovell, ME
Josiah Pierce, West Baldwin, ME
Anton G. Wagner, Cape Elizabeth, ME
Janet E. Stowell, Bethel, ME
Peter A Jolicoeur, Greene, ME
Harold Burnett, Winthrop, ME
Kevin T McCarthy, Winthrop, ME
Carl H. Sanborn, Bangor, ME
David Wardrop, Bangor, ME
Andrew Abello, Edgecomb, ME

Edson R. Small Jr., Waterville, ME
Greta M. Essency, Farmington, ME

Michigan
Dean and Susan Reid, Saint Ignace, MI
Elizabeth Stone, Ann Arbor, MI
Jody G. Scott, Ann Arbor, MI
Alfred R. Glancy, Jr., Grosse Pointe, MI
Ruth Glancy, Grosse Pointe, MI
Michael H. Mansour, Lake Orion, MI
Jim Gregart, Harrisville, MI
Shawna Meyer, Grand Ledge, MI
Debra Huff, Laingsburg, MI
Scott Robbins, Lansing, MI
Joyce Hare, Portage, MI
Judith Brook, Three Rivers, MI
Mary Menold, Arcadia, MI
Jessica Turino, Manton, MI
Karen Serfass, Dafter, MI
Matthew R. Brooks, Sault Sainte Marie, MI
John Van Dyke, Trout Lake, MI
Dennis P Renken, Escanaba, MI
Gerald Grossman, Newberry, MI
Bruce Maki, Atlantic Mine, MI
Byron R. Sailor, Baraga, MI
James M. Schmierer, Houghton, MI

Minnesota
Jon P Bergin, Lake City, MN
Neal W. Chapman, Roseville, MN
Joanne Englund, Saint Paul, MN
Robert Helfinstine, Ramsey, MN
Edward and Janet King, Eden Prairie, MN
Richard Naaktgeboren, Maple Lake, MN
Clement Engen, Minneapolis, MN
Charles R. Hughes, Minneapolis, MN
Ron Reich, Bloomington, MN
Paul Omberg, Esko, MN
Richard Chalupsky, Hibbing, MN
Bruce Barker, Duluth, MN
Valiree Green, Brownsville, MN
Timothy M. Gossman, Chatfield, MN
LaVerne Hofschulte, Elgin, MN
Sarah Greenheck, Wabasha, MN
Natalie Hodapp, Mankato, MN
Ernest Schmitt, Brandon, MN
Thomas Kroll, Long Prairie, MN
Robert Perleberg, Pierz, MN
Steve Donnay, Sauk Centre, MN
Tom Witkowski, Brainerd, MN
Gary Woehler, Crosby, MN
David H Larsen, Nevis, MN
Richard Magaard, Nevis, MN
John Wallin, Pequot Lakes, MN
John F. Walte, Georgetown, MN
Perry Eide, International Falls, MN
Steve Earley, International Falls, MN

Missouri
David A Watson, Chesterfield, MO
Nancy J. Brod, DeSoto, MO
John Heckmann, Glencoe, MO
Wonder Koch, Saint Louis, MO
Steve Lovell, Saint Louis, MO
Rick Merritt, Eolia, MO
Daniel L Moncheski, Saint Peters, MO
Daniel Joseph Cunningham, La Plata, MO
Larry Lackamp, Bates City, MO
Carl Hepting, Kansas City, MO
Kirk Fine, Gladstone, MO
Martha E. Clark, Helena, MO
Nathaniel R. Forbes, Neosho, MO
Barbara J Ittner, Noel, MO
Dwight Ittner, Noel, MO
Gary Lyndaker, Gravois Mills, MO
Joe Akers, New Bloomfield, MO
Bill McGuire, Jefferson City, MO
John Fleming, Jefferson City, MO
Shelby G Jones, Jefferson City, MO
Matt Arndt, Columbia, MO
Jerry Van Sambeek, Columbia, MO
Bo Wendleton, Boonville, MO
Daniel Hatch, Licking, MO
Kevin Poe, Roby, MO
David Emerson, Ava, MO
Elizabeth Josephson, Oldfield, MO

Richard F and Esther L Myers, Protem, MO
Jay King, Willard, MO
R. Scott Brundage, Columbia, MO

Mississippi

Justin Dewberry, New Albany, MS
Mark Smith, Oxford, MS
Dennis I Wright MD, Tupelo, MS
Chad Robertson, Amory, MS
Margaret Marlin, Fulton, MS
Brendix Glasgow, Tishomingo, MS
Brant Godbold, Grenada, MS
Bryan McCartney, Grenada, MS
E L Dabbs, Brandon, MS
Betsy K Padgett, Lexington, MS
Freddy Upton, Madison, MS
Tate Ervin, Madison, MS
C. Barlow, Raymond, MS
Margaret Munford, Jackson, MS
Tony K. Morgan, Meridian, MS
Harold Anderson, Philadelphia, MS
John E. Green, Hattiesburg, MS
John Meador, Hattiesburg, MS
Daphna Hummer, Columbia, MS
Carl Blackledge Jr, Laurel, MS
Tommy Cotten, Laurel, MS
Bob Hynson, Laurel, MS
Ruth Cook, Seminary, MS
Henry A. Hudson, Jr., Sumrall, MS
William W. Powell, Gulfport, MS
Kelly Raulerson, Perkinston, MS
Mark Bullock, Bogue Chitto, MS
Travis Stewart, Liberty, MS
Mary Emma Lansing, Magnolia, MS
James D. (David) Hancock, Summit, MS
Patrick Brown, Caledonia, MS
Charles W. Dismukes, Kilmichael, MS
Andrew Self, Starkville, MS
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Ken & Bonnie Miller, Tumwater, WA
Norma Green, Tumwater, WA
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Jeffrey Pollock, Waunakee, WI
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Tina Wickham, Omro, WI

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Timothy Fink, Tornado, WV
Russ Richardson, Arnoldsburg, WV
Robert Marshall, Kenna, WV
Cinda Francis, Sandyville, WV
Bill Pepper, Charleston, WV
Denis Foley, Hedgesville, WV
Ron Gibson, Ona, WV
David J Bennett, Parkersburg, WV
Gerald William "Jerry" Waybright, Washington, WV
Jim Mitchell, Buckhannon, WV
Simeon Duke Layfield, Buckhannon, WV
Barbara Craft Myers, Valley Head, WV

Wyoming
John C. Varner, Encampment, WY
Lucy Diggins-Wold, Green River, WY

Mr. PIMLOTT. Thank you.

NASF supports the proposed landscapes scale restoration line item with the understanding expressed in the fiscal year 2013 budget. One, that the current competitive process would be formalized; and two, that options for providing flexibility for the State Foresters to apply cooperative forestry funding to respond to priorities in their Forest Action Plans are not eliminated. It is critical that we have that ability to utilize that funding in those plans.

NASF greatly appreciates and requests the continued support from the Subcommittee to further explore options for States to apply federal funds in the highest-priority areas. We believe this can be accomplished through the new landscape scale restoration line item, as well as other flexible spending options under the Cooperative Forestry Program.

In conclusion, we recognize again the difficult budget climate and are not recommending any funding increases in our priority programs. The Cooperative Forest Programs we deliver are matched dollar for dollar at the state and local level, really leveraging those funds in significant return on the federal investment.

Again, I thank you for the opportunity to testify today and happy to answer any questions or further information if you would like.

[The statement of Ken Pimlott follows:]

Written Public Testimony of Ken Pimlott
Director, California Department of Forestry and Fire Protection
On Behalf of the National Association of State Foresters

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

March 22, 2012

The National Association of State Foresters (NASF) appreciates the opportunity to submit written public testimony to the House Appropriations Subcommittee on Interior, Environment and Related Agencies regarding our Fiscal Year (FY) 2013 appropriations recommendations. Our priorities center on appropriations for the USDA Forest Service (Forest Service) State and Private Forestry (S&PF) programs. State Foresters fully appreciate the difficult choices that come with spending decisions. However, the commitment to the American people must also include making smart investments in programs that provide significant benefits to the health of our economy and our environment. We therefore recommend that FY 2013 appropriations for S&PF be held at $262 million, representing similar funding levels enacted in FY 2012.

State Foresters deliver technical and financial assistance, along with forest health, water and wildfire protection for more than two-thirds of the nation's forests. The Forest Service S&PF mission area provides vital support for delivering these services alongside other socioeconomic and environmental health benefits in both rural and urban areas. The comprehensive process for delivering such services is articulated in each of the state Forest Action Plans as authorized in the 2008 Farm Bill. S&PF programs provide a significant return on the federal investment by leveraging the boots-on-the-ground and financial resources of state agencies to deliver assistance to forest landowners, tribes and communities. As state and federal governments face extremely tight fiscal conditions, State Foresters, in partnership with the S&PF mission area of the Forest Service, are best positioned to maximize the effectiveness of the limited resources available to respond to priority forest issues and focus efforts in those areas where they are needed most.

RESPONDING TO PRIORITY FOREST ISSUES, TRENDS AND THREATS

Management activities are underway to implement the state Forest Action Plans and respond to the following trends, issues and priorities:

Forest Pests and Invasive Plants

Among the greatest threats identified in the Forest Action Plans are exotic forest pests and invasive species. The growing number of damaging pests is often a result of the introduction and spread by way of wooden shipping materials, movement of firewood and through various types of recreation. A new pest is introduced every two to three years. These pests have the potential to displace native trees, shrubs and other vegetation types in forests. The Forest Service estimates that hundreds of native and nonnative insects and diseases damage the nation's forests each year. In 2009, approximately 12 million acres suffered mortality from insects and diseases.[1] These losses impact the availability of clean and abundant water, wildlife habitat, clean air and other environmental services that may be lost or impacted due to insect and disease infestation.

[1] Man, Gary. 2010. Major Forest Insect and Disease Conditions in the United States: 2009 Update. Last accessed on March, 7, 2012 at: http://www.fs.fed.us/foresthealth/publications/ConditionsReport_09_final.pdf

Further, extensive areas of high insect or disease mortality can set the stage for large-scale, catastrophic wildfire.

In response, the Cooperative Forest Health Management program provides technical and financial assistance to states and territories to maintain healthy, productive forest ecosystems on non-federal forest lands. Funding for the Program supports activities related to prevention, suppression, and eradication of insects, diseases, and plants as well as conducting forest health monitoring through pest surveys. The Program helped combat native and invasive pests on over 766,000 acres of Cooperative lands in FY2011.[2]

NASF supports the proposed consolidation of the Forest Health Program under State and Private Forestry and urges funding the Forest Health—Cooperative Lands Program at the current FY 2012 enacted level of $49 million. Any further cuts to this program beyond those made in FY 2012 will necessitate deeper reductions in support for communities already facing outbreaks and expose more of the nation's forests and trees to the devastating and costly effects of exotic and invasive pests and pathogens. This request is supported by a strong diversity of organizations in the forestry, conservation and environmental community.[3]

Fuel Loads and Wildland Fire

More people in fire-prone landscapes, high fuel loads, drought and unhealthy landscapes are among the factors that have led State Foresters to identify wildland fire as a significant priority issue in their Forest Action Plans. These factors have created a wildland fire situation that has become increasingly expensive and complex and, in many cases, threatens human life and property. In 2011, over 74,000 wildland fires burned more than 8.7 million acres.[4] In the wake of these larger fires, the number of structures destroyed also surpassed the annual average with over 5,200 structures, including nearly 3,500 residences.[1] Of the 66,700 communities across the country currently at risk of wildland fire, only 21 percent are prepared for wildland fire.[5] NASF and many other organizations in the forestry, conservation and environmental community agrees that the Forest Service State Fire Assistance (SFA) Program is essential in addressing the threat of wildland fire on non-federal lands.[6]

SFA is the fundamental federal mechanism that assists states and local fire departments in developing preparedness and response capabilities for wildland fire management on non-federal lands. This program helps train and equip first responders who can quickly and efficiently respond to wildland fires. By directing resources to actions that help reduce the number of large wildland fires—including prevention education, preparedness activities and fuels mitigation—the SFA program directly addresses concerns over rising wildland fire suppression costs, while also reducing wildland fire risks. In FY 2011, SFA directly funded hazardous fuel treatments on nearly 202,000 acres and provided assistance to 14,724 communities as they prepare for (and mitigate the risk of) wildland fire.[2] ***NASF supports funding for the program at no less current enacted levels of $86 million and endorses the proposal to consolidate SFA into one line item.***

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[2] USDA Forest Service Fiscal Year 2013 President's Budget Justification. Last accessed February 21, 2012 at http://www.fs.fed.us/aboutus/budget/2013/fy2013-justification.pdf.

[3] Letter of support posted at www.stateforesters.org

[4] National Interagency Fire Center, Historical Wildland Fire Summaries, pg. 9. Last accessed February 1, 2012 at http://www.predictiveservices.nifc.gov/intelligence/2011_statssumm/intro_summary.pdf.

[5] National Association of State Foresters, Communities at Risk Report FY2011. Last accessed February 1, 2012 at http://www.stateforesters.org/files/2011-NASF-finalCAR-report-FY11.pdf

[6] Letter of support posted at www.stateforesters.org

Working Forest Landscapes
Working forest landscapes are a key part of the rural landscape and provide an estimated 900,000 jobs, in addition to clean water, wood products and other essential services to millions of Americans. For instance, 80 percent of renewable biomass energy comes from wood, 53 percent of all freshwater in the U.S. originates on forest land and more than $200 billion in sales of consumer products and services are provided through the nation's forests each year.[7] Working forests are necessary to help the forest products industry recover and (re)employ nearly 300,000 full-time jobs that have been lost over the past five years as a result of the economic downturn.[8]

Private forests make up two-thirds of all the forestland in the United States and support an average of eight jobs per 1,000 acres.[9] The ability of working forests to continue providing jobs, renewable energy, clean and abundant water and other important services is in jeopardy as private forests are lost to development. The Forest Service estimates that 57 million acres of private forests in the U.S. are at risk of conversion to urban development over the next two decades. The Forest Stewardship Program, Forest Legacy Program and other programs within USDA are key tools identified in the Forest Action Plans to keep working forests intact.

The Forest Stewardship Program (FSP) is the most extensive family forest-owner assistance program in the country. Planning assistance is delivered in cooperation with state forestry agencies primarily through the development of Forest Stewardship Plans. The program provides information to private landowners to help them manage their land for wildlife, recreation, aesthetics, timber production, and many other purposes. The technical assistance provided through the FSP is a gateway to other effective USDA, state and private sector programs designed to help keep working forests intact. For instance, the FSP enables landowners to participate in USDA programs including the Forest Legacy Program and Environmental Quality Incentives Program. ***NASF recommends maintaining current funding at $29 million for the Forest Stewardship Program in FY 2013. This program (and funding recommendation) enjoys support from landowners in every corner of the country.***[10]

Urban and Community Forest Management Challenges
Urban forests provide environmental, social and economic benefits to the more than 84% of Americans who live in metropolitan areas. Forest Action Plans identified a number of benefits associated with urban forests including energy savings, improved air quality, neighborhood stability, aesthetic values, reduced noise and improved quality of life for communities across the country. At the same time, the plans reported a number of threats to urban and community forests including fire in the wildland urban interface (WUI), urbanization and development, invasive plants and insects, diseases and others.

Since its expansion under the Cooperative Forestry Assistance Act of 1990 (CFAA), the Forest Service's Urban & Community Forestry (U&CF) program has provided technical and financial assistance to promote stewardship of urban forests in communities of all sizes across the country. The program is delivered in close partnership with State Foresters and leverages existing local efforts that have helped thousands of communities and towns manage, maintain, and improve

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[7] Society of American Foresters. *The State of America's Forests.* 2007.
[8] Guldin, R.W. and W. B. Smith. *Forest Sector Reeling During Economic Downturn.* 2012. Last accessed on-line at: http://www.nxtbook.com/nxtbooks/saf/forestrysource_201201/index.php?startid=1
[9] Forest2Market. *The Economic Impact of Privately-Owned Forests.* 2009.
[10] Letter of support posted at www.stateforesters.org

their tree cover and green spaces. In FY 2011, the U&CF program delivered technical, financial, educational, and research assistance to 7,172 communities in all 50 states, the District of Columbia, U.S. territories and affiliated Pacific Island nations.[11] The program reached nearly 195 million Americans (i.e., over 60% of the U.S. population) and leveraged an additional $30 million in state and local support. ***NASF and the broad urban forestry community support an appropriation of $31 million in FY 2013 for the Urban and Community Forestry Program[12].***

LANDSCAPE SCALE RESTORATION AND RESPONSE TO FY 2012 MANAGER'S STATEMENT

Members of NASF recognize the value of competitively allocating a percentage of CFAA funds to encourage innovative approaches to addressing national, regional and state-specific priorities consistent with each state's Forest Action Plan. NASF also recognizes that the ability to provide State Foresters flexibility, with appropriate accountability, to reapply a portion of their allocations is necessary to address changing forest conditions and priorities. To that end, NASF supports the proposed Landscape Scale Restoration (LSR) line item with the understanding expressed in the FY 2013 Budget Justification that the current competitive process would be "formalized" and that options for potentially establishing "funding flexibility" (per the FY 2012 Interior Appropriations Managers Statement) would not be eliminated.

NASF greatly appreciates (and requests) the continued support from the Subcommittee to further explore options for providing State Foresters the ability to apply Federal funds in the highest priority areas including, but not limited to, through the new LSR line item. Our recommended funding level for the LSR line item is contingent upon further discussions with the Subcommittee and with the Administration to better understand the budget relationships between the new line item, other CFAA programs and funding flexibility. NASF remains committed to working with the Administration, including the USDA Forest Service, Congress and other non-federal partners to further define how Forest Action Plans can best inform and enhance federal budget formulation and funding allocation decisions for CFAA programs.

IMPORTANCE OF FOREST INVENTORY DATA IN MONITORING FOREST ISSUES

The Forest Inventory and Analysis (FIA) program, managed by Forest Service Research, is the nation's only comprehensive forest inventory system for assessing the health and sustainability of the nation's forests across all ownerships. FIA provides essential data related to forest species composition, forest growth rates, and forest health data and delivers baseline inventory estimates used in state Forest Action Plans. The Program provides unbiased information that serves as the basis for monitoring trends in wildlife habitat, wildfire risk, insect and disease threats, predicting spread of invasive species and for responding to priorities identified in the Forest Action Plans.

We urge Congress to support the FIA program in FY 2013 at no less than current funding levels of $69 million and provide direction to the Forest Service to look for the most efficient way(s) to deliver the program including contracting with partners, most notably state forestry agencies, who can accomplish necessary field work at lower cost. With efficient delivery, current funding levels can contribute towards the original goals of providing a fully annualized inventory in all states and provide policy makers, forest managers, private investors, and others with the information they need to make sound decisions regarding the nation's forests.

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[11] USDA Forest Service Fiscal Year 2013 President's Budget Justification. Last accessed February 21, 2012 at http://www.fs.fed.us/aboutus/budget/2013/fy2013-justification.pdf.

[12] Letter of support posted at www.stateforesters.org

Mr. SIMPSON. Thank you. You get your funding from both State government and Federal Government, right?

Mr. PIMLOTT. Correct.

Mr. SIMPSON. What has happened to the State government funding over the last several years?

Mr. PIMLOTT. California, like many other States, are facing significant fiscal crisis. Our department alone in the last 2 years has faced about an $80 million reduction primarily to our fire protection program but we have also had to close the last of our forest nurseries and we have had to scale back some of our Forestry Assistance Programs again as we try to be more efficient and consolidate. But we are facing some difficult times with our budget. And the funding from these programs are critical to help offset some of those cuts. We are able to again leverage these dollars with what we have to really make it go further and continue to support some of the programs that we may not be able to do otherwise.

Mr. SIMPSON. Thank you.

Next, we have Tom Martin, President and CEO of the American Forest Foundation.

THURSDAY, MARCH 22, 2012.

AMERICAN FOREST FOUNDATION

WITNESS

TOM MARTIN

Mr. MARTIN. Thank you, sir. Good to see you again.

Mr. SIMPSON. Good to see you.

Mr. MARTIN. Thanks for having us here and I appreciate your taking time out of such a busy schedule. I know it is tough, these things——

Mr. SIMPSON. No problem, this is what we do.

Mr. MARTIN. And we are darn glad you are doing it.

The American Forest Foundation, as you probably remember, works on the ground with educators, with policymakers, and with landowners to make them better stewards. Our American Tree Farm System has 90,000 members across the country, 27 million acres, and all of them produce sustainably managed timber, certified to international standards. In addition, our Project Learning Tree Program work provides professional development for 30,000 educators a year in environmental education. So that is what we do, who we are. You have got my testimony so I do not really want to reiterate that but maybe a couple of stories.

I was out in Idaho earlier this week; I was in Moscow at the Idaho Forest Owners Association meeting and gave the keynote out there. But what was cool is I got a chance to talk to Steve and Janet Funk. Now, they are the national outstanding tree farmers of the year that steal sponsors. Terrific stuff. And why do they get it? Why is their forestry better than anybody else's? Well, a big part of it is they see their land being absolutely interdependent with that of their neighbors', including the Forest Service, the state-owned lands, as well as other private lands. And a few years ago—they have this beautiful creek, Wolf Lodge Creek, big blowout

because there had been a massive clear-cut up on the public forest land. The runoff came in, blew everything out. And they were able to use stewardship dollars to begin to get together a plan to restore the creek. They put in most of the money to make it work. There is a little bit of EQIP dollars in it but almost all of it was theirs. And then using stewardship dollars, they were able to get the State Service Foresters to work with the other neighbors and come up with a restoration plan for the entire creek.

The Stewardship Program is one we think is terrific because in so many ways it is the glue that holds together the forestry that happens on the ground, its connection to clean water, its connection to clean air, good habitat and, yeah, good-paying jobs. So for us, it is that kind of investment that brings together States, private folks, and the Federal Government in a way that really allows us to address problems.

The other kind of help that it gives is in areas of interdependency, and Idaho, what, 80 percent of the forest land is publicly owned? But there is this interdependency. If you are going to fight the tussock moth, if you are going to fight the emerald ash borer, you have got to figure out how to get everybody to play in the game. The help that folks get there is enormous through the Service Foresters that are supported by the Stewardship Program. So we hope that you guys will give due consideration to that program.

As well, I would like echo Ken's support for the research portion of the Forest Service budget. All of us depend on that to make good long-term decisions.

So with that, thank you. I am happy to answer any questions.

[The statement of Tom Martin follows:]

Testimony of Tom Martin, President, American Forest Foundation
For the House Appropriations Committee:
Subcommittee on Interior, Environment and related Agencies
March 22, 2012

Investments in the US Forest Service Forest Stewardship Program and the US Forest Service Forest Health Program on Cooperative Lands will help family forest owners get ahead of increasing threats from invasive pests and pathogens, wildfire, and development pressures. It is also critical that funding for US Forest Service Forest Inventory and Analysis Program and overall Forest Service Research and Development is maintained, so these programs continue to provide the information and technical resources for landowners to make informed decisions about our forests. Investments in forestry programs will help strengthen rural communities, support rural jobs, and ensure that communities that rely on the clean water and air, wildlife habitat, and forest products from these forests, don't face additional costs for these services. Additionally, we urge continued support for the Environmental Protection Agency's Office of Environmental Education, which invests in the future—our children—ensuring the next generation is well-prepared to manage our nation's natural resources.

Family forest owners are facing a "perfect storm" of threats. Wildfires, invasive species and other insects and diseases, pressures from development, shrinking forest products markets, and ownership changes make it harder than ever to keep America's forests healthy and productive. It is therefore essential we ensure these families have tools, technical information, and policy support to keep their forests as forests, for current and future generations.

The American Forest Foundation (AFF) urges the Subcommittee to maintain FY 2012 funding for programs that support good forest stewardship on our nation's 251 million acres of family-owned forests and ensure the next generation is equipped to conserve and manage these forests – for the benefit of all Americans.

Given the tight budget climate, we understand tough decisions must be made. However, we urge you to consider maintaining funding for the previously mentioned programs as a high priority, given the impact these programs have on rural families and communities, forest conservation and the future of our country's forest resources.

The American Forest Foundation is a nonprofit conservation organization that works on the ground through a variety of programs including the American Tree Farm System®, representing 83,000 Tree Farmers who sustainably manage more than 26 million acres under rigorous standards. Our mission is to help these families be good stewards and keep their forests healthy for future generations. Because we know that conserving our forests also means enabling the next generation to manage and care for them, AFF is also home to the largest environmental education program, Project Learning Tree® (PLT). Our network of coordinators in all 50 states helps train more than 30,000 teachers each year in peer-reviewed curricula, correlated to state standards. Since its inception, PLT has reached 75 million students, helping them learn how to think, not what to think, about complex environmental and natural resources issues.

Families and individuals steward more of America's forests than the federal government or corporations. Families and individuals own 35 percent of our nation's forests.[1] These private forests provide myriad public benefits—clean air, clean water, recreation, renewable resources that build our homes and communities, and good-paying rural jobs. Family forest owners invest their own time, resources, and energy into keeping their forests healthy and ensuring their children and grandchildren have the same opportunities. Sometimes families can do this on their own, but in many cases, these families need help, both technically and financially. In addition to the private, consulting forester workforce, every state has a network of reliable and trusted service foresters that help family forest owners make good forest management decisions. These boots-on-the-ground make all the difference.

Take Steve and Janet Funk, for example. Steve and Janet are our 2011 National Outstanding Tree Farmers of the Year from Subcommittee Chairman Simpson's home-state of Idaho. When the couple first purchased their Tree Farm in the early 1970's, it was in a state of total disrepair. The stream banks were heavily eroded and the forested hillsides were overstocked and severely neglected. Knowing he needed professional guidance, Steve looked toward his state forestry agency, the Idaho Department of Lands, and local extension programs. Steve proceeded to work with these professionals to complete his first Forest Stewardship management plan, with the goal of restoring water quality, wildlife habitat, and the health and productivity of his forest.

State service foresters were always available to help the Funks after a harvest, determine what species were best to plant, and determine the best management tactics for maximum productivity. Resources from the Forest Stewardship Program were instrumental in bringing the Funk's Tree Farm back to life.

With the proposed cuts to the Forest Stewardship Program, fewer family forest owners will have access to state service foresters who help millions of America's forest owners keep America's private forests healthy. These foresters provide valuable technical advice as well as help forest owners write management plans to guide the future management of their land. We simply cannot have healthy forests without foresters.

Steve and Janet Funk are just two forest landowners from a collection of more than 1,200 forest owners across the country who, in the last four weeks, signed a letter calling on Congress to maintain support for the Forest Stewardship Program. These folks can't imagine how they would continue sustainably managing our nation's forests without the assistance of our network of state foresters.

In addition to active landowners like the Funks, there is a large portion of family forest owners, estimates suggest close to 95 percent, that aren't actively engaged in the management of their

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[1] USDA, May 2008, *Who Owns America's Forests?*

lands.[2] We know from the latest trends in forest health and wildfire, that leaving nature to take its course is no longer a viable option. We must find ways to engage these landowners in active management of their woodlands. The Forest Stewardship Program provides support for state agencies to reach these landowners and help them engage in management that will improve the health of their land.

Proper forest management is critical to ensuring the long-term sustainability of our nation's forests. Every day forests across the country face threats from invasive pests and pathogens. 58 million acres of forests are at risk of being overtaken by insects, disease, and other invasive species, threatening to change the existing structure of our forest ecosystems. The implications of this forest loss on our nation's clean water supply, wildlife habitat, recreation, renewable energy supply, and rural communities would be devastating.

Pulling examples from some of the Subcommittee members' states—Last year, the Asian-longhorned beetle, which threatens 15 tree species from maples to birches, was found, for the first time, in southern Ohio.[3] In California and Arizona, the goldspotted oak borer has already killed more than 80,000 live oak and black oak trees in less than 15 years.[4] And in Minnesota, forest owners are gearing up for what would be a devastating attack of thousand cankers disease on their black walnut trees. These are just a few in a long list of invasive threats our forest owners face.

Efforts such as the US Forest Service Forest Health Program, help landowners better understand the threats they face and the management techniques which mitigate harm. In the case of the emerald ash borer, the Forest Health Program created an integrated program strategy, dedicated to reducing the adverse impacts of this pest on Northeastern area forests. Similar efforts for other threats are a main focus of these programs, ensuring our nation's forest landowners are equipped with the best knowledge to make the most informed management decisions.

US Forest Service Forest Health Programs are critical tools in identifying, mitigating and eliminating the impacts of invasive pests and pathogens. Without these programs, our nation's forests, and the livelihoods that depend on them, would be left unprotected.

Both of these programs, the Forest Stewardship Program and the Forest Health Program, must be grounded in sound science and sound forest information. That's where the US Forest Service's Forest Inventory and Analysis Program and the Agency's Research and Development Programs (R&D) come in. These programs provide irreplaceable data about our forests, the health and conditions, and give landowners the tools to know how to manage the growing threats they face. The R&D function is not only essential for providing forest management research, it is also on the leading edge of providing new information about the use of wood

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[2] Brett J. Butler. 2010. *Family Forest Owners of the United States, 2006: A Technical Document Supporting the Forest Service 2010 RPA Assessment*

[3] USDA Agriculture Research Service. 2011. *Behavior and Biology of the Asian Longhorned Beetle.*

[4] Center for Invasive Species Research, University of California, Riverside. 2011. *The Goldspotted Oak Borer.*

products through life cycle assessments. With more information about the environmental and economic benefits of using wood products, especially in the growing green building market, decision makers can make informed building material choices. And we believe as the science shows, wood is one of the top materials when it comes to reducing greenhouse gas emissions and storing carbon, reducing energy consumption and pollution, and creating jobs. With more decision makers choosing wood, family forest owners have more demand for their products which helps ensure they have the resources to reinvest in keeping their lands healthy. We urge the Subcommittee to support the Forest Stewardship and Forest Health programs and we continue to call on the US Forest Service to invest in life cycle assessment research in particular.

Steve, Janet, and our vast network of Tree Farmers also understand the importance of educating the next generation of Tree Farmers and natural resource managers. The Funks want to ensure that the next generation will take on the challenge of good stewardship and continue to conserve these lands. This is a growing concern, with 170 million acres of family forests expected to change hands in the next few decades as family forest owners increase in age.[5]

Steve and Janet, like so many Tree Farmers, do their part to educate local schoolchildren on the importance of proper forest management. In addition to hosting numerous school tours, every year, they coordinate with their state Project Learning Tree Coordinator to host more than 40 state teachers on their Tree Farm. These educators learn first-hand the many public benefits of healthy forests and the management necessary to protect these forest goods and services—information that then goes back to the classroom, reaching hundreds more schoolchildren.

Programs like the EPA's Office of Environmental Education, authorized by the National Environmental Education Act, or the US Forest Service's Conservation Education Program, help support Project Learning Tree efforts and enable more Tree Farmers, like Steve and Janet, to reach even more kids. Without these program resources, fewer kids would understand the important connection of our country's well-being to the natural world. Educating the next generation is key to conserving and maintaining healthy forests for the long-run, and these education programs make it happen.

To conclude, AFF recognizes the Subcommittee must find areas to reduce spending. We simply ask the Subcommittee to consider the impact these reductions may have on the country's more than 10 million family forest owners and every American who benefits daily from the benefits of well-managed, working forests. We urge the Subcommittee to work to maintain funding levels for the US Forest Service's Forest Stewardship Program, Forest Health Cooperative Lands Program, Forest Inventory and Analysis Program, Research and Development Program, Conservation Education Initiative, and EPA's Office of Environmental Education.

I thank the Subcommittee for giving me the opportunity to provide some insight on these programs and appreciate consideration of my testimony. I am more than happy to answer any questions on these programs and our Tree Farm network.

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[5] Brett J. Butler. 2010. *Family Forest Owners of the United States, 2006: A Technical Document Supporting the Forest Service 2010 RPA Assessment*

Mr. SIMPSON. Thank you. I appreciate you being here today, Tom.

Robert Malmsheimer——

Mr. MALMSHEIMER. Yes.

Mr. SIMPSON [continuing]. Ph.D., J.D., Chairman, Committee of Forest Policy, the Society of American Foresters.

THURSDAY, MARCH 22, 2012.

SOCIETY OF AMERICAN FORESTERS

WITNESS

ROBERT MALMSHEIMER

Mr. MALMSHEIMER. Good afternoon, Mr. Chairman.

Mr. SIMPSON. Good afternoon.

Mr. MALMSHEIMER. How are you today?

Mr. SIMPSON. Good.

Mr. MALMSHEIMER. My name is Bob Malmsheimer. I am a professor at the State University of New York, College of Environmental Science and Forestry in Syracuse. I am here today to testify on behalf of the Society of American Foresters, SAF. My testimony will focus on three key areas that directly affect programs within the Department of Interior and Forest Service budgets, forest health on public and private lands, barriers to active forest management, and specific budget recommendations. I will start with forest health.

Annual growth on U.S. forests is 32 percent higher than annual removals and greater than harvest immortality combined. This in part has led to the need for restoration on 65 to 82 million acres of national forest. We are encouraged by the Forest Service's goal to complete 4 million acres of restoration in 2012. But this is not enough to address the threats to forest ecosystems and the surrounding rural communities. Constraints on forests and forest management have led to a steady decline in the forestry-related jobs sector. From 2005 to 2010, the U.S. lost 920,000 primary and secondary forest jobs. U.S. annual timber harvests are at their lowest level since 1960s. The lack of production has led to more than 1,000 mill closures from 2005 to 2009 and lowered production levels below the 50 percent capacity at the remaining mills.

Congress took steps to increase restoration and forest treatments last year by requiring the Forest Service to increase National Forest System timber harvest from 2.4 billion board feet to 3 billion board feet. SAF supports this effort. Thank you.

Mr. SIMPSON. Um-hum.

Mr. MALMSHEIMER. I would like to next speak about one of the perceived barriers to active forest management—the Equal Access to Justice Act, also known as EAJA. Last year, the Committee included report language in its budget recommendation that addressed the complexity and conflicts often associated with EAJA. A recent study that examined Forest Service EAJA payments by Dr. Michael Mortimer and myself demonstrates the need for this language. Our results documented that EAJA fee records differ considerably among agencies. Given these inconsistencies and the con-

troversy surrounding EAJA payments, SAF supports the inclusion of reporting requirements in this year's budget.

I would like to finish today with SAF budget recommendations on several of our top priorities. SAF recommends that Congress support FIA at no less than $69 million for fiscal year 2013. SAF supports the Forest Service's state and private forestry funding, including Forest Health Management for both federal and cooperative lands. We recommend funding at fiscal year 2012 enacted levels of $112 million.

SAF supports the Administration's request to permanently reauthorize stewardship contracting within the Forest Service budget. SAF also commends the Administration for its request to fully fund the Collaborative Forest Landscape Restoration Program at $40 million. Hazardous Fuels funding is a critical component to Forest Service and DOI fuels reduction efforts. SAF recommends maintaining the fiscal year 2012 funding levels of $318 million for the Forest Service and $184 million for DOI.

Forest product funding is important to SAF and its members also. If Congress does not fund the proposed Integrated Resource Restoration line item, SAF recommends funding the budget line item at enacted 2012 fiscal year levels.

I would like to close by noting that the 41 percent decrease in the BLM's Public Domain Program would reduce from 80 to approximately 50 employees, the employees that are managing 60 million forested acres. SAF recommends funding this program at enacted fiscal year 2012 levels.

We also have two additional documents supporting elements of my testimony that we would like to submit for the record.

Mr. SIMPSON. You bet.

Mr. MALMSHEIMER. And I would like to thank you for the opportunity and I would welcome any questions that you have.

[The statement of Robert Malmsheimer follows:]

Fiscal Year 2013 Interior, Environment, and Related Agencies Budget
Testimony by Robert Malmsheimer, PhD
Chair, Committee on Forest Policy
Society of American Foresters
House of Representatives Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies
March 22, 2012

Good morning Chairman and members of the Subcommittee. My name is Robert W. Malmsheimer, and I am a professor of forest policy and law at the SUNY College of Environmental Science and Forestry. I am here today to testify on behalf of the Society of American Foresters (SAF).

The Society of American Foresters (SAF), with more than 12,000 forestry professionals across the country in all segments of the profession, believes in sound management and stewardship of the nation's public and private forests. Funding for the Department of the Interior (DOI) and the USDA Forest Service (USFS), both contained in the Interior, Environment, and Related Agencies Appropriations bill, are particularly important to maintaining and improving the nation's forests.

We would like to begin by thanking the Administration for recognizing the importance of the USFS and forestry components of the DOI and maintaining funding at approximately FY2012 Enacted levels for USFS and the Bureau of Land Management (BLM). That said, the 751 million acres of forests in the US are subject to tremendous pressures from wildfires, insects, disease, invasive species, changing climates, and more. At the same time, people are relying on forests more and more for clean water and air, recreational opportunities, hunting, fishing, forest products, and scenic values. These pressures and harsh economic times force federal agencies to look for innovative ways to complete more work with limited resources.

SAF remains deeply concerned about these issues and the overall sustainability of the nation's forests. To that end, SAF urges a focus on several key areas that directly impact the range of programs within the DOI and USFS budgets. Key areas include:

- **Forest health on public and private forestlands**
- **Addressing barriers to active forest management**
- **SAF budget recommendations**

Forest Health

As the largest professional society for foresters in the world, SAF represents the forest managers of both public and private forests in the US. Across the country, our forests are reaching a critical threshold that, if passed, could lead to even further negative impacts including: continued closures of established infrastructure; job losses to rural communities; pressure of invasive species; expanded areas of insects and disease; overstocked stands; increased risk of wildfire.

Since 1910, the US's forest area has been relatively stable, with a slight increase in the last two decades.[1] The current volume of annual timber growth is 32 percent higher than the volume of

[1] US Forest Service (USFS). 2007. *U.S. Forest Resource Facts and Historical Trends.* Available online at http://fia.fs.fed.us/library/brochures/docs/Forest%20Facts%201952-2007%20English%20rev072411.pdf; last accessed March 2012.

annual removals. This, in part, has led to the need for restoration on 65 to 82 million acres of the National Forest System (NFS), as Chief Tidwell mentioned in his testimony to the Subcommittee on February 17, 2012.[2] In 2012, the USFS is proposing to complete only four million acres of restoration on NFS lands, yielding 2.6 BBF in forest products.[3] This is not enough to combat our nation's declining forest health, especially in light of the current bark beetle epidemic in the west that has led to unprecedented numbers of dead and dying trees. This low production level on public lands pressures private forestlands, which already provide 91 percent of wood production, to meet demand.[4]

Constraints on forests and forest management have led to a steady decline in the forestry-related job sector. From 2005 to 2010 primary (forestry and logging, paper, wood manufacturing, etc.) and secondary (residential construction, furniture, etc.) employment have seen a combined reduction of 920,507 total jobs. In fact, total US annual timber harvests are at their lowest levels since the 1960s. This lack of production led to the closure of more than 1,000 mills from 2005 to 2009, which decreased overall sawmilling capacity by 15 percent, and lowered production levels below 50 percent of capacity at the remaining mills.[5]

Barriers to Active Forest Management

SAF understands that the economic downturn has impacted forest industries. However, in recent decades other factors have developed that also negatively affect the forestry profession and create barriers to active forest management. One of those barriers is the Equal Access to Justice Act (EAJA).

Last year the committee included report language in its budget recommendation that addressed the complexity and conflicts often associated with EAJA. The committee requested detailed reports on the disposition of EAJA applications, the amount of agency funds paid as the result of the Act, the names of the fee recipients and federal judges involved in EAJA cases, and the hourly rates of attorneys and expert witnesses.[6]

In 2011, Dr. Michael J. Mortimer, Director, College of Natural Resources at Virginia Tech University, and I completed a study on EAJA that examined concerns raised by interest groups, stakeholders, and Congressional members. The study, published as a peer-reviewed article in the *Journal of Forestry*, examined EAJA fees paid by USFS in litigation from 1999 to 2005. Our results, which analyzed data obtained through Freedom of Information Act (FIOA) requests and the analysis of public records, documented that federal agency EAJA fee records differed considerably. As Table 1 reflects, there was nearly a $1 million difference between the data provided in 2006 by the Secretary of Agriculture to the US Senate Committee on Energy and Natural Resources (SCENR) and the records we obtained from the USFS, and the Secretary's

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[2] Tidwell, T. 2012. *Statement of Tom Tidwell, Chief, US Forest Service before the Senate Committee on Energy and Natural Resources Concerning The President's Budget Request for the US Forest Service in Fiscal Year 2013.* March 6, 2010. Available online at http://www.energy.senate.gov/public/index.cfm/files/serve?File_id=8f60d724-f8e5-4d57-9f01-b8a6837d9f5d; last accessed March 2012.

[3] US Forest Service (USFS). 2012. *Increasing the Pace of Restoration and Job Creation on Our National Forests.* Available online at http://www.fs.fed.us/publications/restoration/restoration.pdf; last accessed March 2012.

[4] US Forest Service (USFS). 2010. *National Report on Sustainable Forests—2010.* Available online at http://www.fs.fed.us/research/sustain/2010SustainabilityReport/documents/2010_SustainabilityReport.pdf; last accessed March 2012.

[5] Smith, B.W., and Guldin, R.W. 2012. *Forest Sector Reeling during Economic Downturn.* The Forestry Source January, 2012. Available online at http://www.nxtbook.com/nxtbooks/saf/forestrysource_201201/index.php; last accessed March 2012.

[6] US Congress. 2012. Department of the Interior, Environment, and Related Agencies Appropriations Bill 112th Congress First Session Report 112-151. Available online at http://www.gpo.gov/fdsys/pkg/CRPT-112hrpt151/pdf/CRPT-112hrpt151.pdf; last accessed March 2012.

response was nearly double the total amount Department of Justice (DOJ) records indicate were paid.

Table 1: Comparison of US Forest Service Equal Access to Justice Act Payments, 1999 to 2005[7]

Forest Service FOIA Information	DOJ FOIA Information	Information provided to SCENR
$6,137,583	$3,526,632	$7,002,530

Given these inconsistencies and the controversy surrounding EAJA payments, SAF supports the inclusion of EAJA reporting requirements in this year's budget. We believe that doing so will greatly improve the transparency of EAJA payments and provide policymakers and stakeholders with standardized information that they can use to assess the Act's performance. We would also like to thank Congresswomen Cynthia Lummis for her support of this issue; we support her proposed legislation, H.R.1966 "Government Litigation Savings Act."

SAF Budget Recommendations

SAF understands that the Subcommittee has to make difficult decisions when funding federal agencies. We would like to commend the members of the Subcommittee for your continued focused efforts on forest sustainability. With this in mind, we will not give recommendations for all of the programs we support. Instead, we will focus on several of our top priorities and ask that the committee recognize that our support is not limited to the recommendations that follow.

SAF supports the FY2012 budget language to increase the NFS timber harvest from 2.4 BBF to 3.0 BBF this fiscal year. While SAF is encouraged by USDA Secretary Vilsack's announcement to increase harvest levels to 2.6 BBF in FY2012,[8] we support increased restoration efforts by the administration to restore priority watersheds. We look forward to continuing to work with Congress and the Administration to see increased restoration work.

USFS Research and Development (R&D) provides for essential research on priority areas such as disturbances (including wildfire), watershed restoration needs, local level emphasis, and strategic programs. R&D's Forest Inventory and Analysis (FIA) program is the backbone of US forestry knowledge, providing the only national census of forests across all ownerships. Through FIA, USFS (partnering with state forestry agencies and the private sector) collects and analyzes forest data to assess trends on issues such as forest health and management, fragmentation and parcelization, and forest carbon sequestration. FIA data also evaluates forest disturbance risks, such as wildfire, insects and disease, and spread of invasive species. SAF requests that Congress support FIA at no less than $69 million in FY2013.

More than 50 percent of our Nation's forests are privately owned. This makes USFS State and Private Forestry (S&PF) allocations, used in part to assist in managing these lands, essential to the health of our forests. SAF strongly supports S&PF funding including the Forest Health Management (FHM) Budget Line Items (BLI) for both federal and cooperative lands. We recommend funding FHM BLI's at FY2012 enacted funding levels of $112 million. These

[7] Mortimer, M.J., and R.W. Malmsheimer. 2011. The Equal Access to Justice Act and US Forest Service Land Management: Incentives to Litigate? *Journal of Forestry* 109(6): 352-358.

[8] US Forest Service. 2012. *US Forest Service highlights expansion of restoration of national forests and funding for Collaborative Forest Landscape Restoration projects.* US Forest Service Press Release Feb 2, 2012. Available online at http://www.fs.fed.us/news/2012/releases/02/restoration.shtml; last accessed March 2012.

dollars are critical for monitoring conditions of forest health on federal and nonfederal lands. Funds provide the assistance to prevent and mitigate insect and disease outbreaks as well as the spread of invasive species.

SAF strongly supports the Administration's request to permanently reauthorize Stewardship Contracting within the USFS Budget. The Stewardship Contracting authority is a successful tool used by the USFS and BLM to accomplish restoration work on multiple restoration projects simultaneously using funds provided by projects' timber revenues. It is also an important tool to carry out the Administration's priority Collaborative Forest Landscape Restoration Program. Without this authority, these programs would be unable to complete the work outlined in collaborative proposals. From 2006 to 2011 approximately 900 Stewardship contracts, which treated 545,625 acres, were awarded, including 208 contracts in 2011.[9]

SAF also commends the Administration for their request to fully fund the Collaborative Forest Landscape Restoration Program (CFLR). CFLR encourages collaborative, science-based ecosystem restoration of priority forest landscapes.[10] In two years, the projects selected in 2010 created 2,100 jobs and supplied approximately 2.3 MMBF.[11] To ensure CFLR's continued success, SAF and five other Steering Committee members along with approximately 140 members of other organizations, participate in the CFLR Coalition to support continued funding at $40 million.

Hazardous Fuels funding is a critical component to USFS and DOI hazardous fuels reduction efforts. Funds are used to restore forest health and resilience and reduce the cost of suppressing wildfires. In 2011, over 74,000 wildland fires burned more than 8.7 million acres.[12] These funds are also used to assist the 66,700 communities across the country currently at risk of wildland fire. SAF recommends maintaining the FY2012 funding levels of $318 million for the USDA Forest Service and $184 million for the Department of the Interior.

One of the significant changes to the FY2013 Budget proposal includes the merger of seven BLIs into the proposed Integrated Resource Restoration (IRR) Line item that was enacted as a pilot program in three regions in the FY2012 budget. SAF recommends funding the seven BLIs at FY2012 levels if the committee does not enact IRR nationally.

I would like to close by discussing the decrease in the BLM's Public Domain Program found in the FY2013 Budget Justification. The proposed $3.5 million is a 41 percent decrease in the program. This would reduce the number of employees managing 60 million acres from 80 employees to approximately 50. SAF recommends funding BLM's Public Domain Program at enacted FY2012 levels.

On behalf of the Society of American Foresters, I thank you for this opportunity.

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[9] Pinchot Institute for Conservation. 2012. *The Role of Communities in Stewardship Contracting: FY 2011 Programmatic Monitoring Report to the USDA Forest Service.* Available online at http://www.fs.fed.us/forestmanagement/stewardship/reports/documents/2011/FinalFY11USFSMonEvalReport.pdf; last accessed March 2012.

[10] US Forest Service. 2012. *Collaborative Forest Landscape Restoration Program.* US Forest Service Website. Accessible online at http://www.fs.fed.us/restoration/CFLR/index.shtml; last accessed March 2012.

[11] US Forest Service 2012. *Fiscal Year 2013 President's Budget Justification.* Available online at http://www.fs.fed.us/aboutus/budget/2013/fy2013-justification.pdf; last accessed March 2012.

[12] National Interagency Fire Center, Historical Wildland Fire Summaries, p. 9. Accessible online at http://www.predictiveservices.nifc.gov/intelligence/2011_statssumm/intro_summary.pdf; last accessed February 2012.

The Equal Access to Justice Act and US Forest Service Land Management: Incentives to Litigate?

Michael J. Mortimer and Robert W. Malmsheimer

ABSTRACT

The Equal Access to Justice Act (EAJA) provides for attorneys fees and court costs to be awarded to parties prevailing in litigation against US federal agencies. We examined EAJA awards paid by the US Forest Service from 1999 to 2005, finding more than $6 million awarded to various plaintiffs. Awards were most commonly paid to environmental litigants, although all categories of litigant stakeholders made use of the law. Although it remains uncertain whether EAJA provides an incentive to sue the US Forest Service in any specific instance, because litigation against the US Forest Service generally has a low probability of success, EAJA one-way fee shifting does alter litigation risks among potential plaintiffs. Frequent EAJA claimants often possess considerable financial resources calling into question how the purposes of the law have evolved in the last 20 years.

Keywords: national forest, litigation, fees, interest groups, courts

"Paying litigants to sue certainly encourages legal action" (Thomas 2000, p. 9). This quote by former chief of the US Forest Service, Jack Ward Thomas, expresses concerns that the Equal Access to Justice Act (EAJA; codified at 28 USC §2412 and 5 USC §5045) may be an incentive for litigation against the US Forest Service and other federal land-management agencies. The EAJA is a fee-shifting statute that allows litigants to recover attorney fees and other legal expenses (such as court filing fees) from the federal government when they successfully sue an administrative agency.

Numerous scholars have described the increasing use of litigation as a tool to influence US Forest Service land-management decisions. Jones and Taylor (1995) completed the first study, examining cases decided between 1971 and 1993. They found that the frequency of US Forest Service lawsuits increased during these 20 years and concluded that litigation was used as a tool to effect change within the agency. Malmsheimer et al. (2004) examined all published federal Court of Appeals cases from 1970 through 2001 in which the US Forest Service was a defendant. They found that the number of lawsuits involving the agency had increased since 1970 and that "judicial review of national forest management is intensifying" (Malmsheimer et al. 2004, p. 20). In the most recent and thorough examination of US Forest Service litigation, Keele et al. (2006) examined the final outcome of all cases, both published and unpublished, initiated from 1989 through 2002 in which the US Forest Service was a defendant, again finding that litigation directed against the agency had generally increased. Others have confirmed these observations (Mortimer 2002, Broussard and Whitaker 2009). For example, the Council on Environmental Quality's (2009) records indicate that the US Forest Service is the most common federal agency defendant in National Environmental Policy Act litigation. These studies suggest that litigation has become an integral aspect of US Forest Service decisionmaking and land management: "The legal environment is as important to national forest . . . management as the ecological and economic environments" (Malmsheimer et al. 2004, p. 25). The payment of attorney fees is an important component of this legal environment.

The US legal system operates under what is known as the American rule, which provides that each party in a lawsuit must bear its own legal expenses (Sisk 1993). This differs from the English rule under which the losing party pays the winner's legal costs. Fee-shifting statutes in the United States are a relatively rare exception to the American rule, providing for the recovery of legal expenses in a manner similar to the English

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rule. Although some criticize the economic incentives created by fee-shifting statues and citizen suit provisions (Benson 2006, Greve 1990), others believe that subsidizing litigation against land-management agencies through the EAJA is a socially valuable use of public resources (Nie 2008). In either case, it is indisputable that citizen suits are an important aspect of modern public natural resource management.

The EAJA is a one-way fee-shifting statute that specifically allows parties who bring successful lawsuits against federal land-management agencies to recover their costs, such as attorney fees and filing costs, directly from the agencies' budgets. The EAJA was originally intended to (1) make the federal justice system more accessible to parties defending themselves against what Congress perceived as unreasonable government action, (2) provide an incentive for citizens to contest excessive government regulation, (3) supply additional compensation for citizens who were injured by government actions, and (4) deter overreaching regulation by federal agencies (Hogfoss 1985, Sullivan 1984, Mezey and Olson 1993, Sisk 1993). By providing attorney and other fees, the Act removed some of the economic obstacles citizens face when contesting government regulation. Table 1 lists EAJA process and eligibility requirements. Although it was recognized, at the dawn of environmental public interest litigation, that a bevy of institutional obstacles existed preventing access to the federal court system (Large 1972), the EAJA was not established with that particular set of litigants in mind. It has, however, over the last 20 years evolved to address a broader class of litigant stakeholder.

Although little empirical research has been conducted regarding the EAJA's impact on land-management agencies, the law's role in potentially spurring litigation has been a topic of press and congressional investigation and speculation for nearly 10 years. Pulitzer Prize winning reporter Knudson's 2001 series in the *Sacramento Bee* entitled "Environment, Inc." presented a high-profile discussion of the environmental movement's reliance on litigation and attorney fees. In the series, Knudson focused primarily on litigation directed against the US Fish and Wildlife Service's administration of the Endangered Species Act. Knudson (2001) found that during the 1990s, 434 environmental cases were brought against the federal government and the government paid out more than $31.5 million in attorney fees. In 2006, Senator Jeff Bingaman (D-NM) requested agency information on the amount of EAJA fees paid out by the US Forest Service from 1999 through 2005. An editorial on US Forest Service litigation in *The Missoulian* [1] concluded that the EAJA "has become a self-funding mechanism for environmental groups fundamentally opposed to prevailing national forest management direction" (Missoulian 2007). Most recently, a Wyoming attorney and former Department of Interior employee claimed that the government paid environmental law firms more than $1.6 million between 2003 and 2005 for litigation involving national forests in six US Forest Service regions [2] (Budd-Falen 2009). Despite persistent interest and allegations surrounding the EAJA and US Forest Service litigation, no comprehensive empirical study and analysis (with the exception of the response to Senator Bingaman's request) has systematically examined the issue.

Table 1. The Equal Access to Justice Act fee recovery requirements (28 USC §2412(d)(2)(B) and 5 USC §504(b)(1)(B)).

Process requirements (Plaintiff must meet all)
Plaintiff must have incurred legal expenses.
Plaintiff must have prevailed in some aspect of the case.
Plaintiff must submit an application for a fee award to the court within 30 days of the final judgment.
Plaintiff must allege that the government's position was not "substantially justified."
Eligibility requirements (Plaintiff must meet one)
Individuals with a net worth of $2 million or less.
Businesses with no more than 500 employees and a net worth of $7 million or less.
Charitable or other tax-exempt 501(c)(3) organizations with no more than 500 employees.
Agricultural cooperative associations with no more than 500 employees.
Other partnerships, corporations, associations, units of local government, or organizations with a net worth of not more than $7 million and no more than 500 employees.

The effects of a particular fee-shifting policy are highly dependent on contextual variables. Characteristics of the adversaries, the relative value of the fee awards to the parties, and the parties' respective views of the strength of their cases make empirical examinations inherently challenging (Rowe 1984). This should not be surprising, because work to date has noted the complexity and uncertainty in predicting the potential effects of fee arrangements on litigation behavior as well as the unsettled state of understanding of these effects (Kritzer 2002). This study attempts to quantify and contribute to an understanding of the role of one-way fee shifting in US Forest Service litigation.

Methods

Since EAJA payment figures are not generally publicly available, we used the Freedom of Information Act (FOIA) [3] to compile EAJA payment data from the US Forest Service and the US Department of Justice (DOJ). We asked DOJ for payment information because it defends the US Forest Service in the federal court system and we believed its EAJA payment records would supplement US Forest Service records. Written FOIA requests were made to the US Forest Service on Oct. 3, 2006 and to the DOJ on Oct. 11, 2006. We received responses from the US Forest Service on Nov. 27, 2006 and from the DOJ on Apr. 11, 2007. We requested a list of all EAJA fees paid by the US Forest Service from 1990 to 2005, including the amount of EAJA fees paid, litigants' names, court decision dates, and judicial decision citations. We also requested copies of all documents containing any information regarding the payment of EAJA fees during this time.

Results

The US Forest Service and DOJ supplied differing information to our FOIA requests. The US Forest Service provided records from 1999 through 2005. The DOJ provided US Forest Service–based EAJA records from 1989 through 2006—including data from 1989 to 1998 that the US Forest Service was unable to provide. As Table 2 indicates, EAJA fee records differ considerably. For example, in 2006 the secretary of agriculture provided the US Senate Committee on Energy and Natural Resources with information about EAJA fees paid by the US Forest Service (Senate Hearing 2006). As Table 2 reflects, there is nearly a $1 million difference between the data provided in the 2006 by the secretary and the records we obtained from the US Forest Service, and the secretary's response is nearly double the total amount DOJ records indicate were paid. The EAJA has no agency re-

cordkeeping or reporting requirements, and the inconsistencies we found in the agency's and DOJ's records substantiate ongoing congressional concerns that EAJA payments are being inadequately tracked by federal agencies (Western Congressional Caucus 2009). These concerns have manifested as proposed bipartisan legislation in the prior sessions of Congress. [4]

The DOJ provided EAJA award records for 17 years (1989 through 2006)—10 more years than the US Forest Service. These records indicate that during this time the US Forest Service paid more than $6 million dollars in EAJA payments. Focusing on the overlapping years (1999 through 2006), the US Forest Service data differed considerably from the DOJ records—US Forest Service records indicated it paid an *additional* $2.5 million in this 6-year period (see Table 2).

Table 2. Comparison of the US Forest Service Equal Access to Justice Act (EAJA) fees, by year.

Year	EAJA payments ($)		Secretary of agriculture response to the US Senate Committee on Energy and Natural Resources' request ($)
	US Forest Service FOIA data	DOJ FOIA data	
1999	794,774	498,406	814,774
2000	232,348	240,710	602,698
2001	999,938	457,535	581,567
2002	626,741	704,230	1,077,441
2003	794,414	586,649	1,236,668
2004	1,412,804	571,676	1,557,804
2005	1,276,564	467,427	1,131,578
Total	6,137,583	3,526,632	7,002,530

FOIA, Freedom of Information Act
Source: Data provided by the US Forest Service, DOJ, and Congressional Research Service.

Table 3. US Forest Service's Equal Access to Justice Act (EAJA) award payments by year from 1999 to 2005.

Year	EAJA payments ($)	No. of cases/payments	Average payment ($)
1999	794,774	21	37,846
2000	232,348	12	19,362
2001	999,938	29	34,481
2002	626,741	9	69,638
2003	794,414	23	34,540
2004	1,412,804	29	48,717
2005	1,276,564	26	49,099
Total	6,137,583	149	41,192

Source: Data provided by the US Forest Service.

Payments

US Forest Service records indicated that EAJA fees were awarded in 149 instances from 1999 to 2005, resulting in the agency paying more than $6 million in fees during this 7-year period (Table 3). [5] To put these numbers in context, between 1982 and 1994 all federal agencies reported court EAJA decisions awarding $29.6 million, with an average award size of $5,250 (US Government Accountability Office [GAO] 1998). The number of cases per year in which the agency paid fees ranged from 9 cases in 2002 to 29 cases in both 2001 and 2004, with an average annual number of cases of 21. Total fee awards per year ranged from $232,348 in 2000 to $1,412,804 in 2004, with annual awards averaging $876,798. The average award per case during the 7 years was $41,192, although 18 payments exceeded $100,000 (Table 4). It is unclear whether average annual fees are increasing.

Payment Location and Recipients

We used the information from the US Forest Service records to understand where the cases supporting EAJA payments were located. These records also allowed us to learn the types and names of plaintiffs receiving EAJA fees.

We categorized the responses to our FOIA request by US Forest Service region (Figure 1). Payments per region ranged from $114,310 in Region 9 (Eastern Region) to $1,408,140 in Region 1 (Northern Region; Table 5). The number of cases ranged from four in Region 9 to 30 in Region 1. It is important to note that Region 2 did not provide data for 1999 and 2000 and that Region 8 did not provide data for 2005. This suggests that our results underestimate the number of fees paid and their total amount.

The US Forest Service records were also used to categorize the litigants receiving EAJA fee awards. We organized the fee recipients into five categories:

- Attorney/Law Firm. Fee recipients who could be easily identified as an attorney or a law firm. [6]
- Commodity Interests. Fee recipients involved in commodity production, such as ranching and grazing operations, timber companies, and mining organizations.
- Environmental Organizations. Fee recipients whose stated organizational goal was to protect some aspect of the environment.
- Individuals. Fee recipients who were individuals and not readily identifiable as attorneys (but who may include attorneys).
- Other. Fee recipients, such as Native American tribes, who could not be classified into another category

The US Forest Service records listed a fee recipient for 120 of the 149 EAJA awards the agency reported (Table 6). Eighty-three (69.2%) of these 120 recipients were environmental organizations, and more than two-thirds ($3.2 million dollars) of EAJA fees were paid to these organizations. The agency records did not allow us to determine whom attorneys or law firms represented. Thus, the number and percentage of fee recipients in the other four categories may vary from the results presented in Table 6.

Table 4. Frequency of US Forest Service Equal Access to Justice Act awards from 1999 through 2005, by dollar amount.

Award/payment amount	Frequency (no. of payments)
Less than $500	3
$501–1,000	0
$1,001–5,000	28
$5,001–10,000	16
$10,001–20,000	21
$20,001–30,000	20
$30,001–50,000	23
$50,001–75,000	14
$75,001–100,000	6
$100,001–150,000	12
$150,001–200,000	3
$200,001–300,000	3
Over $300,000	0

Source: Data provided by the US Forest Service.

The US Forest Service data allowed us to determine the litigants that repeatedly received EAJA awards. All the litigants awarded fees in more than one case were environmental groups (Table 7). Nine of these 14 groups are listed by Gambino Portuese et al. (2009) in their list of 12 most frequent parties opposing the US Forest Service in land-management cases from 1989 to 2005. In fact, The Wilderness Society is the only "high frequency party"—parties Gambino Portuese et al. (2009) found averaged two or more cases per year—that was not involved in more than one of the EAJA cases. This raises questions, which our data can not conclusively answer: do these groups litigate more because their legal costs are reimbursed, and/or do they request EAJA fees so often because they litigate often? A lack of risk to plaintiffs operating under one-way fee shifting, like the EAJA, where the plaintiff bears no possibility of having to pay the agency defendant's legal costs can theoretically favor litigation, particularly over less expensive conflict settlement options (Rowe 1984, Gambino Portuese et al. 2009).

Discussion

The challenge in analyzing our results is that we are left with perhaps more questions than with which we began. Although we can contribute to the empirical understanding of fee shifting and land-management litigation, we can not resolve the entirety of questions surrounding EAJA with any degree of certainty.

In terms of what our study can definitively tell us, we know this much. We can establish that the US Forest Service faces a formidable litigation environment and that the number of lawsuits is increasing. We found that lawsuits against the agency are accompanied by requests for legal fees under the EAJA and that the agency has paid out approximately $6 million over a 7-year period—although we acknowledge that this dollar total is imprecise. This is a relatively small percentage of the US Forest Service's annual budget, [7] and that is not surprising because only a small percentage of the thousands of projects proposed by the US Forest Service are ultimately litigated. We also found that the most common US Forest Service EAJA fee recipients, environmental groups, are also the organizations that file the most lawsuits against the agency (Gambino Portuese et al. 2009). Finally, although not homogenous, most of these frequent environmental litigants possess substantial financial resources (Table 8).

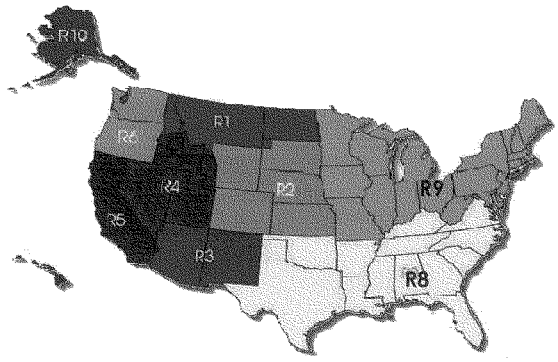


Figure 1. Boundaries of the US Forest Service regions (map was provided courtesy of US Forest Service). Note that there is no Region 7.

Table 5. US Forest Service Equal Access to Justice Act (EAJA) awards by region from 1999 through 2005.

Region[a]	EAJA payments ($)	No. of cases/payments
1	1,408,140	30
2[b]	360,776	19
3	632,908	21
4	698,645	20
5	999,239	13
6	850,584	22
8[c]	347,943	5
9	114,310	4
10	406,350	5
WO	318,689	10
Total	6,137,584	149

[a] There is no Region 7.
[b] Region 2 did not provide 1999–2000 data.
[c] Region 8 did not provide 2005 data.
WO, Washington Office.
Source: Data provided by the US Forest Service.

Table 6. Number and dollar amount of US Forest Service Equal Access to Justice Act (EAJA) award payments from 1999 through 2005, by type of fee recipient (percentages may not equal 100% because of rounding).

Type of fee recipient	No. of EAJA awards received	Dollar amount of EAJA awards ($)	Percent of EAJA award dollars (%)
Environmental	83	3,219,447	69.4
Commodity	6	400,932	8.6
Attorney/law firm	9	308,627	6.7
Individuals (may include attorneys)	11	426,124	9.2
Other	11	286,286	6.2

Source: Data provided by the US Forest Service.

By using the example of national forest litigation and of the litigants from our study, we can also establish that current use of EAJA by these plaintiffs diverges from the law's initial purpose on its passage nearly 30 years ago. As discussed earlier, the congres-

Table 7. Organizations listed as a plaintiff in more than one lawsuit against the US Forest Service that resulted in an Equal Access to Justice Act (EAJA) payments from 1999 through 2006, by number of times listed.

Organization name	No. of times listed as plaintiff in EAJA suit
American Wildlands	6
Center for Biological Diversity	6
Earthjustice	3
Forest Guardians	8
Heartwood (includes Kentucky Heartwood)	7
Idaho Sporting Congress	8
Kettle Range Conservation Group	4
Klamath Siskiyou Wildlands Center	2
League of Wilderness Defenders	4
Native Ecosystems Council	7
Oregon Natural Resources Council	5
Sierra Club/Sierra Club Legal Defense Fund	12
Swan View Coalition	4
The Ecology Center	9
Total	85

Source: Data provided by the US Forest Service.

sional intent behind the EAJA appears focused. The overarching theme behind the statute's passage was the prevention of "excessive government" regulation. The three goals of the EAJA were to "(1) encourage parties that are the subject of unreasonable federal government action to seek reimbursement for attorney's fees and other costs, (2) restrain overzealous regulators, and (3) ensure that the government pays for the costs of refining and formulating public policy" (GAO 1998, p. 8). Bill sponsor Senator Pete V. Domenici stated that the EAJA's purpose was "to redress the balance between the government acting in its discretionary capacity and the individual" (House Hearing 1980). The EAJA was intended to allow plaintiffs access to the legal system to challenge excessive regulation by the federal government, particularly where such regulations caused economic harm to members of the public. Although agencies such as the Environmental Protection Agency (EPA) typically engage in public regulation, land-management agencies, such as the US Forest Service, do not. Legal actions directed against land-management agencies are rarely brought by individuals or small businesses contesting excessive government regulation. Rather, litigation against the US Forest Service usually challenges discretionary land-management decisions. [8] Congress was informed that EAJA could be used in lawsuits contesting agency decisions. For example, during EAJA's legislative hearings federal agencies, including the EPA, warned Congress of the bill's potential to encourage excessive interference with agency decision-making (Mezey and Olson 1993). Whether Congress disregarded or underestimated these concerns is difficult to discern; however, recent events, such as the Western Congressional Caucus members' (Western Congressional Caucus 2009) and Idaho Senate Delegation's (2009) letters to DOJ, indicate that some legislators believe EAJA may not be addressing its original purposes. Congress's intention when it enacted EAJA was to address the resource disparity between private litigants and the government—the ultimate "repeat player" (see Galanter 1974). However, our findings suggest EAJA's legal eligibility requirements may not be restricting its use to groups with limited financial resources. For example, we found the organizations involved in more than one EAJA case collectively reported net assets in 2005 of more than $88 million and annual revenues of more than $116 million (Table 8).

We can also draw some informed conclusions from both the fee-shifting literature and from our findings. We recognize immediately that the behavior of any particular litigant is highly context specific and the effects of fee-shifting legislation such as EAJA are difficult to predict. Additionally, the rationale to litigate is multivariate; Armstrong (2008), e.g., lists nine plausible reasons why a party would choose litigation over alternative dispute resolution. That said, the literature is consistent in suggesting that fee shifting reduces the risk of choosing litigation for would-be plaintiffs (e.g., Rowe 1984). Litigation under the American Rule is an inherently risky conflict resolution alternative because failure to prevail can be financially costly to the parties. It is even more risky under a fee-shifting arrangement, such as the English Rule, wherein the loser pays the winners' legal expenses. This risk is shared symmetrically only if *both* parties are potentially liable for prevailing opponent's legal costs—known as two-way fee shifting—something EAJA does not require. If the US Forest Service prevails, the losing plaintiffs are *not* required to pay the government's legal fees and costs associated with defending the action. In turn, this may reduce the perceived risk of commencing litigation (Rowe 1984). Kagan (2001) suggests that the number of lawsuits brought to trial is a function of how plaintiffs perceive the "stakes" in those lawsuits. That is to say, the likelihood of success and the expected value of winning lawsuits are related directly to the number of lawsuits. Exposure to unfavorable rulings, the costs of bringing the lawsuit, and the threat of having to pay other party's legal costs all contribute to the decision to litigate. However, EAJA influences this decision process by providing for *partial* fee shifting.

Additionally, because lawsuits against the US Forest Service are unlikely to succeed in general, these suits could subsequently be classified as low-probability litigation. [9] It has been noted that "plaintiffs in . . . low-probability litigation . . . are likely to be risk seeking" (Guthrie 2000 p. 187), and more likely to prefer judicial outcomes to negotiated settlement options. Partial fee shifting's distortion of lawsuit risk presumably encourages both repeat plaintiffs and an increasing number of lawsuits. Our EAJA litigation findings—that frequent US Forest Service litigators are also frequent EAJA claimants—provide evidence of this, although as we have noted several times this relationship is not well defined or understood. The potential to avoid paying their own fees (and never having to pay their opponent's fees) means that EAJA-eligible plaintiffs do not face the same risks as do typical defendants under the American Rule (Rowe 1984). Frequent US Forest Service plaintiffs as rational, self-interested litigators would likely have some sensitivity to the monetary costs of lawsuits (Fein 1984, Greve 1990, Adler 1996, Barnett and Terrell 2001). The financial risk asymmetry created by EAJA would not be lost on such plaintiffs. Other factors must be considered as well: Malmsheimer et al. (2004, p. 24)

hypothesized that groups secure other benefits from litigation ". . . such as publicity and delay of US Forest Service action . . ." and Juni (2002, p. 93–94) likewise noted that "environmental groups' donations may suffer if [they use a nonlitigation] . . . approach [that can be] viewed as less 'splashy.'" Alternatively, it has been suggested that litigation is actually an effective means to facilitate cooperative bargaining and agreements between plaintiffs and agency defendants (Coglianese 1996). Regardless of the specific set of motivations facing a particular plaintiff—and on which we can only ponder—one-way fee shifting under the EAJA decreases the potential financial risk associated with national forest litigation.

Finally, there are various questions about which we can only speculate. We have previously mentioned the riddle of whether more frequent litigants naturally make more frequent EAJA requests for legal fees or whether more frequent EAJA awards facilitate more frequent litigation. This we can not answer. Likewise, we can not address whether the EAJA has incentivized any particular lawsuit. Nor can we quantify the role that EAJA fees might play in the overall operating budgets of potential plaintiffs—thereby framing EAJA's relative potential as an incentive—because we do not have access to these organizational finances. What little information we do have access to (Internal Revenue Service Form 990s) is inconsistent and lacking in detail among the various plaintiffs in this study. Likewise, we can not conclude that in the absence of the EAJA the number of lawsuits against the US Forest Service would subside. Finally, we can not make any claims to how paying $6 million in legal fees has affected the US Forest Service, apart from noting that, generally, the specter of lawsuits does affect agency perceptions and behaviors (Mortimer et al. 2011). In keeping with what prior scholarship has noted (see Kritzer 2002), there are formidable empirical challenges to making concrete claims on the effect of fee shifting, and it is no less the case in this instance.

Conclusion

The increasing use of litigation as a tool to influence federal public land-management agency decisions remains controversial and politically charged. Our investigation of EAJA's interaction with the US Forest Service suggests several findings important to future policy discussions and to understanding the relationships among the litigants:

1. The EAJA creates a litigation risk asymmetry that may cause stakeholders dissatisfied with US Forest Service land-management decisions to embrace litigation. Enabling this behavior through one-way fee shifting is, of course, a public policy decision, but statutory reform of any perceived inequities or undesirability associated with EAJA and one-way fee shifting would necessarily require plaintiffs to face some ". . . real prospect of out-of-pocket loss" (Guthrie 2000, p. 211).
2. There remains insufficient evidence to conclude that the EAJA is a driver for any particular plaintiff to challenge any particular US Forest Service project. Decisions to litigate are likely driven by multiple factors and policymakers should realize that EAJA reform might not eliminate or reduce US Forest Service land-management litigation. For example, some organizations' raison d'être is to initiate "public interest litigation." Even if EAJA were completely repealed, these organizations would likely continue to sue land-management agencies. Also, some national forest management decisions are so offensive to some stakeholders that litigation is probably inevitable. Additionally, as Gambino-Portuese et al. (2009, p. 22, emphasis in original) noted, "the vast majority of parties (74.4%) are only involved in one lawsuit. These are groups and individuals whose interest is in a specific US Forest Service project or activity and who use litigation to try to change *that particular* . . . land management decision." It is doubtful that these "one-timers" take EAJA's distortion of litigation risk into account when they make litigation decisions. Most importantly, many organizations have found that litigation provides an effective policy forum. It is often a more effective and less costly alternative to (1) the resources required to effect policy changes in administrative and legislative branches or (2) participate in collaborative public land-management efforts.
3. The original intent of the EAJA has drifted with its use in national forest management litigation. In our study, most EAJA payments were made to environmental interest groups with widely varying financial capabilities. We note that many are quite well financed and therefore not the class of plaintiffs for which the law was designed to provide access to the expensive federal litigation system. The increasing capabilities and sophistication of such public interest litigants, their relative financial resources, and the social desirability of an evolution in the usage of the EAJA might be

Table 8. Description and 2005 financial summary of the organizations listed as a plaintiff in more than one lawsuit against the US Forest Service, which resulted in Equal Access to Justice Act award payments from 1999 through 2006, by number of times listed.

Organization name	Net assets ($)	Revenues ($)
American Wildlands	438,600	521,833
Center for Biological Diversity	2,347,991	3,477,044
Earthjustice	28,261,755	21,086,300
Forest Guardians	511,326	764,626
Heartwood	86,539	159,435
Idaho Sporting Congress	31,657	60,428
Kettle Range Conservation Group	Tax extension filed	
Klamath Siskiyou Wildlands Center	73,199	350,684
League of Wilderness Defenders	16,171	82,996
Native Ecosystems Council	Information not available on Guidestar	
Oregon Natural Resources Council (now Oregon Wild)[a]	1,181,477	1,214,995
Sierra Club[b]	54,604,888	85,183,435
Swan View Coalition	84,040	37,891
The Ecology Center	1,166,694	3,158,765
Total	88,804,337	116,098,442

[a] Guidestar data from 2004.
[b] Agency records repeatedly list the Sierra Club as an EAJA fee recipient. Because the Sierra Club is ineligible to receive fees as a 501(c)(4) organization, the court awards were most likely awarded to the Sierra Club Legal Defense Fund.
Source: Guidestar.org., n.d.

related topics of inquiry for future policy studies of fee shifting and the EAJA.

Endnotes

[1] A newspaper in one of the most litigious National Forest System Regions (see Keele et al. 2006).
[2] Regions 1–6.
[3] 5 USC §552.
[4] HR 4717, 111th Congress.
[5] One case, which resulted in a $75,000 payment, did not list a year of payment. We omitted that case from our inventory and subsequent analysis.
[6] It is important to note that the fee recipients in the attorney category represented clients that can be categorized into one of the other categories—all attorneys and law firms represented clients in these cases.
[7] For example, the FY 2009 US Forest Service budget for the National Forest System was $1.51 billion (USDA 2009).
[8] For example see Figure 5 of Keele et al. (2006), which illustrates the types of management activities most often challenged in US Forest Service land-management litigation.
[9] During a 20-year period from 1989 to 2009, plaintiffs suing the US Forest Service prevailed on the merits in only 19.3% of the cases (based on an analysis of the database described at Keele et al. 2006). Although the effects of any one suit may be extensive, for purposes of this article, we generally consider such litigation to have a low probability of success.

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WESTERN CONGRESSIONAL CAUCUS. 2009. Available online at www.westernlegacyalliance.org/images/pdfs/doj_eaja_final_letter_11_3_09.pdf; last accessed June 10, 2010.

Mr. SIMPSON. Thank you. You bring up a couple of really good points about the EAJA funding. The reason we got on that is because nobody could really tell us who was paying out these funds. One time I asked the former chief of the Forest Service, when they go out and make any given decision—whether to, you know, do a timber sale or whatever—how much of the money is spent on making what they believe to be a good, sound scientific decision and how much trying to make it bulletproof from lawsuits? And he said between 25 and 50 percent is making a decision; between 50 and 75 percent is probably made in trying to make it bulletproof. Would we all not be better off if those resources—or at least a majority of those resources—were used in managing public lands rather than in courts? We are trying to get a handle on that but first we have to find out where the money is going which is why we put the EAJA language in there.

Stewardship contracting is something that I think everybody on this committee supports. We ran into a budgetary problem last year with the Budget Committee and how it scored and all that kind of just gobbledygook nonsense. But we are going to still push forward with that and try to get it done.

Mr. MALMSHEIMER. Great.

Mr. SIMPSON. Thank you.

Bill—hi, Bill. The executive director of the Federal Forest Resources Coalition—do you want to say your last name for me?

Mr. IMBERGAMO. Sure. It is Imbergamo.

Mr. SIMPSON. Imbergamo. I would have screwed it up totally; that is why I did not say it.

Mr. IMBERGAMO. There are debates within my family about the pronunciation so I do not take offense.

THURSDAY, MARCH 22, 2012.

FEDERAL FOREST RESOURCE COALITION

WITNESS

WILLIAM IMBERGAMO

Mr. IMBERGAMO. Appreciate the opportunity to be here on behalf of the Federal Forest Resource Coalition. Our members are mostly family-owned sawmills, mostly independent sawmills around the country. We have over 650 member companies with 350,000 workers and $19 billion in payroll, including Idaho Forest Group. Bob Bay from Idaho Forest Group is on my board. And we appreciate the support you and this Subcommittee have shown for sustainable management on these lands. Obviously, these are the lands that we need to be sustainably managed. Our mills are the ones that have to do business with the Forest Service and we have survived this downturn and we would like to persist into the future and be there for the Forest Service so they can actually manage their lands.

Sustainably managing these lands produces a lot of benefits. I do not need to tell you. You are from Idaho; it produces habitat, it produces clean water, and it produces jobs in our rural communities. And they can do more and the chiefs acknowledge this with the announcement in February about increasing the pace of management.

And while we appreciate that announcement that would involve both the chief and the secretary, we do not think it goes either far or fast enough. At the current pace that they proposed in February for treatment, it will take them 59 years to treat the 12.5 million acres that they identified as needing mechanical treatment. And as I have talked with staff about there are several Forest Service studies out there that show the actual acreage that needs treatment is considerably higher than that. To do this, they have got to reduce their unit costs.

They spend—I think Region 1, which includes north Idaho—I was just in a meeting with the deputy regional forester and they spend $35 million on NEPA compliance and they do about 7,500 acres in mechanical treatment a year. That is not tenable. So we have been trying to work with them to find ways of reducing these unit costs and they are making as many administrative steps as they can that we think some new authorities, quite designation by description, which they are currently using on stewardship contracts, using those in normal timber sales would be a way of reducing unit costs. They are frequently spending an awful lot of money marking trees that are very low value. In essence, they are still running the program as if it was a 12 billion board-foot program with very valuable timber when the reality is it is much smaller than that.

We are very thankful for your efforts in directing the Agency to increase outputs to 3.0 billion board feet in 2012 and we urge you to continue raising the bar for them in the fiscal year 2013 budget and set a goal of 3.5 billion board feet to be right now less than 10 percent of growth and less than half of the ASQs on the existing forest plans. You know, this activity takes place in counties that frequently have 20 percent or more unemployment and where poverty averages well above state averages, even in some States where some of the poverty rates are pretty stunning.

We do urge the Committee to make some new investments in National Forest Timber Management. The program has not received an increase since about 2008 and overhead, including cost pools, is eating up 124 million or 37 percent of the program. To help them keep moving in the right direction, we urge you to move that up by 36 million to 371 million and set that target of 3.5 billion board feet.

Our other two key priorities are restoring if possible the cuts in Capital Improvement and Maintenance roads budget and in the wild land Hazardous Fuels Reduction Program. We have millions of acres throughout the mountain west that did not improve in condition dramatically since 2011 and there is a real backlog and they need to keep making that investment.

And we also oppose the Administration's blanket prohibition on new roads. This would prevent the Agency from doing even prudent steps like relocating poorly designed or poorly located roads. So combined with more efforts to reduce NEPA compliance costs—and by the way, the Natural Resources Committee asked the Forest Service what they were spending on NEPA compliance, and nationwide I think the number that I got was $356 million, which is more than they are spending on state and private forestry and more than they are spending on Forest Service research——

Mr. SIMPSON. Yeah.

Mr. IMBERGAMO [continuing]. Right now. So, you know, a more focused effort to reduce NEPA compliance cost, collaboration that involves timber sales and hazardous fuel reduction will help improve the health of all the National Forests. We recognize that you are in a tough fiscal situation. Obviously, that has kind of been a refrain today. It has not been in the headlines this week either. But we think that a big part of that solution would be stopping the investments in land acquisition. We understand the priority that some place on this but right now it does not make sense to be cutting the management and infrastructure that you need to be acquiring new lands.

Last year was a demonstration of the relationship between forest health and all users of the forests, not just my members, the recreationists. The fires in Arizona destroyed hundreds of recreation cabins and caused the cancellation of 4th of July celebrations. There are still lots of campgrounds and roads that are closed. There is a campground owner in the Black Hills who is spending $100,000 a year to try to keep pine beetles out of his campground. And then the Pagami Creek fire in Minnesota closed the Boundary Waters Canoe Area for the majority of August and September last year.

So hikers, hunters, skiers all want healthy, green and growing forests and that is what my members need as well. And investing in managing those forests does not just yield timber to the mills I work for; it yields healthier forests for all those users.

So I appreciate the chance to be here and I appreciate the chance to be with some of my colleagues.

Mr. SIMPSON. Thank you, Bill.

Mr. IMBERGAMO. And thank you for letting us come out.

[The statement of William Imbergamo follows:]

Testimony Before the
Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations
U.S. House of Representatives
Regarding the
Fiscal Year 2013 President's Budget Request for the U.S. Forest Service
By
William Imbergamo
Executive Director
Federal Forest Resource Coalition
Washington, DC
March 22, 2012

Good morning, Mr. Chairman, Ranking Member Moran, and members of the Subcommittee. My name is Bill Imbergamo, and I am the Executive Director of the Federal Forest Resource Coalition (FFRC). When we testified before you last year, the FFRC was an informal coalition of regional trade associations. Now, the FFRC is a formal, 501(c)(6) trade association, representing purchasers of Forest Service and BLM timber across the country. We have members in more than 24 states, with approximately 650 member companies representing 350,000 workers and about $19 billion in payroll.

The FFRC supports sustainable management of the National Forests and Bureau of Land Management lands to produce clean water, enhance wildlife habitat, produce forest products including timber and biomass, support rural economic development, and to reduce the threats of catastrophic wildfires and insect outbreaks. Our members come from every link on the forest products value chain, from loggers to landowners and from large pulp and paper facilities to forest bioenergy plants. Our member companies are frequently located in rural areas, which have higher than average unemployment, poverty, and population loss compared to their States' averages.

Many of our member companies rely on the National Forests and BLM lands to provide a consistent and sustainable timber supply. Forest products companies also represent the lowest cost, and most effective, tool for Federal land managers to improve the health of our public lands. Increased management and forest products outputs would provide a much-needed economic boost to rural America, creating thousands of jobs, as well as increasing the pace of forest restoration on our public lands, particularly the National Forests. The health of the National Forests, the economic health of our member companies, and the health of the communities where we live and work, are inextricably linked.

Increasing the Pace of Forest Restoration: Last month, the Secretary of Agriculture announced an initiative to accelerate the pace of forest restoration on the National Forests. We applaud the Administration for recognizing the urgency of the forest health threat facing the National Forests and taking steps to address it. We are concerned, however, that the initiative announced last month by Secretary Vilsack does not go either far, or fast, enough. Some of my member companies have faced situations where the Forest Service is proposing management projects which either fail to address pressing forest health concerns, like the pine beetle epidemic

in the Rockies, or which don't go as far as local collaborative groups would like to go, such as in the Northeast Washington Forest Vision project around the Colville National Forest.

Even in these extremely challenging wood markets, some FFRC member companies have been frustrated by the Forest Service's lack of commitment to sell adequate log supplies. The result is idled investments, reduced shifts at sawmills, jobs lost to foreign competition, and a failure to position the Forest Service to help sustain or enhance a value-added, manufacturing industry that can capture greater domestic and international market share. Our member companies are extremely competitive in the global market, and only need a fairly priced raw material to capture more of those markets. The time available to capture these opportunities is limited, and we urge you to reward the Forest Service's recent initiative by investing in more aggressive in management of the National Forests.

We have worked – and will continue to work – closely with the leadership in the Forest Service and USDA to find ways of reducing overhead and making the forest products and fuels reductions program more efficient. We believe some of the steps taken by the Forest Service in their February 2, 2012 report will help achieve these efficiencies. However, other authorities, like allowing the Forest Service to use designation by description on regular timber sales, much as they do on current Stewardship contracts, will help reduce unit costs even further.

Investing in Land Management: We are very thankful to the Subcommittee for including national direction to the Forest Service to increase timber outputs from 2.4 billion board feet to 3.0 billion board feet in 2012. We urge the subcommittee to continue raising the bar for the agency and set a goal of 3.5 billion board feet for fiscal year 2013. The current annual harvest from the National Forests represents less than 10% of annual forest growth, and less than half the allowable sale quantity under existing forest plans. In many regions, the Forest Service is falling short of its own management goals; including in reacting to the pine beetle outbreak in the Rockies and in managing aspen habitat in the Lake States. Stepping up management, through formal collaboratives where they exist and normal timber programs elsewhere, will help address pressing forest health concerns while helping bolster employment in rural communities where unemployment is frequently near 20% and poverty is well above state averages. Investing in the Forest Service timber program is a very effective job creator, generating 16.5 new direct and indirect jobs per million board feet harvested.

While we appreciate the support for forest management, we urge the subcommittee to make new investments in the National Forest Timber Management line item this year. This program has not received an increase since 2008, and due to inflation it has lost about 5% of its purchasing power. Further, extraordinarily high overhead rates have further eroded the program's effectiveness. To help keep the program pointed in the right direction, we urge the Subcommittee to invest $371 million, an increase of $36 million over the current fiscal year to achieve a fiscal year 2013 target of 3.5 billion board feet.

Forest Roads, Hazardous Fuels Reduction: It is also urgent that the Subcommittee restore funding which has been cut since 2010 from the Capital Improvement and Maintenance Account, as well as the Wildland Hazardous Fuels Reduction program. These two programs are vital to maintaining access to the National Forests and in helping to reduce the massive, 90-million acre

backlog of lands which urgently need hazardous fuels reduction. The work cannot be done economically without the ability to use the Forest Service road system. We continue to oppose a blanket moratorium on new roads, because this arbitrarily restricts the agency from implementing needed management, and also prohibits the Forest Service from replacing poorly located or damaged roads with new roads which are engineered and located properly.

We appreciate the efforts of the Subcommittee to remove the arbitrary requirements for hazardous fuels reduction work in the Wildland Urban Interface (WUI), but we were troubled that the President's budget continues to focus the Forest Service's efforts there. A greater percentage of lands in need of fuels reduction are outside of the WUI, and mechanical thinning allows the Forest Service to take advantage of the wood products infrastructure to reduce treatment costs. Extensive Forest Service research shows that mechanical thinning (which included removing useable wood fiber) followed by prescribed fire is the best approach to significantly reduce threats from wildfire and forest pests.

Reducing NEPA Costs: The President's Council on Environmental Quality issued a memo on increasing the efficiency and effectiveness of environmental reviews required by the National Environmental Policy Act in December. The Forest Service has told Congress that complying with NEPA and other environmental laws costs them $356 million annually, which is more than the agency spends on timber management, or Research, or State and Private Forestry. Saving even a portion of these expenses would free up resources to actually manage forests and reduce the threat of wildfire and insect outbreaks. We urge the subcommittee to direct the Forest Service and CEQ to take more aggressive steps to reduce NEPA costs than the comparison study of two landscape restoration projects approved on February 9th.

Timber purchasers across the country report that Forest Service personnel frequently conduct exhaustive NEPA analysis, only to propose and implement small scale land management projects which do not meet the objectives the agency set out to meet. Examples include leaving higher than called for stand densities, or dropping entire units from proposed sales even though doing so leaves forest stands susceptible to insects and mortality. The Forest Service's February 2nd report on increasing the pace of forest restoration touches on this subject, but we believe direction from this subcommittee would help reinforce the urgency of directing the resources to management rather than paperwork.

When National Forests in the Lake States are up to 75% behind on their management goals for early successional habitat, and the National Forests in the Rocky Mountains are falling woefully behind in dealing with a massive, 41 million acre and growing pine beetle outbreak, finding some way of reducing NEPA costs is urgently needed.

Land Acquisition: Considering the fiscal situation facing the Nation and the backlog of both forest management and roads and facilities maintenance needs on the National Forests, we recommend no funding for the National Forest System Land Acquisition line item. It makes little sense to increase the size of the National Forest System at a time when the agency has a demonstrated backlog in maintenance and land management. We recommend that the $59 million recommended by the Administration be redirected to the land management priorities recommended above.

BLM Forest Management: The President's FY 2013 Budget includes a sharp reduction in funding for the BLM Public Domain Forest Management Program. The President's Budget proposes to reduce BLM PD Forest Management funding by nearly 40%, which will result in reduction of 40% of associated FTEs, 50% reduction in biomass volume, and 80% reduction in Stewardship Contracts. This would mean the BLM would drop from offering 123 Million Board Feet in 2012 to offering 19 Million Board Feet, a decline of over 85% of the public domain timberlands. FFRC supports funding for BLM PD Forest Management Program at no less than the FY 12 level of $9.7 million. Aggressive action is also needed to offer regeneration harvests from the O&C lands in Oregon that meet the needs of local mills. This will necessitate funding at or near FY 11 levels, coupled with strong direction to the agency to fulfill its statutory duty under the O&C Act to produce a sustainable flow of timber for local economies.

Alaska: The timber industry in Alaska faces several challenges stemming from years of controversy over the management of the Tongass National Forest. FFRC members depend upon supplies of timber from this forest, and have been hard pressed as the Forest Service has placed complete restrictions on harvest in roadless areas. Current efforts billed as "restoration" forestry have instead focused on a particular approach to fisheries management and on a transition to harvesting second growth timber that will not meet the local industries needs for decades. Steps must be taken to offer a timber sale program that complies with the National Forest Management Act and can sustain the local value added industry in order to save the capacity to manage the very small percent of the Tongass that is open to any harvest. Current policies of avoiding all litigation risk will surely cause the death of the local industry in Southeast Alaska, leaving the region dependent on a less diversified, tourism-based economy.

Forest Health and Forest Restoration: 2011 demonstrated that the poor health of our National Forests and other Federal Forests impacts everyone, from the industries that depend on useable wood fiber to casual weekend visitors to the Forests. The large fires in Arizona and New Mexico last year forced the closures of popular campgrounds, destroyed dozens of recreational cabins, and forced cancellations of Fourth of July events at popular mountain resorts. Many miles of forest roads and several campgrounds in Arizona remain closed. The large scale beetle infestation in the Black Hills has forced local campground owners to spend more than $100,000 annually to remove beetle killed trees and spray others in an effort to stop beetles from spreading off of the National Forests. The Pagami Creek fire in Minnesota disrupted popular hiking and canoeing areas in an around the Boundary Waters Canoe Area. Campers, hikers, hunters, and skiers all want to visit healthy, green, and growing forests.

In each of these cases, wood using industries, from start-up biomass plants to family run sawmills to internationally competitive pulp and paper facilities, stand ready to help the Forest Service and BLM to actively manage the public lands they oversee. Opportunities to expand this management, and the benefits that come from it, abound nationwide. We thank you for your support for our efforts to manage these lands and help our rural communities in the process.

Mr. SIMPSON. Appreciate your testimony. Thank you.
Elena Daly.
Ms. DALY. Daly.
Mr. SIMPSON. Daly, you are up.
Ms. DALY. Thank you, Mr. Chairman.
Mr. SIMPSON. You bet.
Ms. DALY. How do I turn this on?
Mr. SIMPSON. There you go.
Ms. DALY. There I go. Okay.

THURSDAY, MARCH 22, 2012.

PUBLIC LANDS FOUNDATION

WITNESS

ELENA DALY

Ms. DALY. I really do appreciate the opportunity to address you and the Committee, present the views from the Public Lands Foundation. And as you may know, we are a nonprofit organization with more than 700 members, primarily BLM employees who remain engaged and interested in public lands issues. We are independent of the Bureau, although we support it. Sometimes we are a little too independent. That is okay and really want to help make the Bureau's job better.

Some of the most significant management challenges facing the Bureau, as you are well aware, is urban development and the increased demand for access and use of public lands by a growing population, particularly in the West. And the BLM's customers are as diverse as the natural resources it manages. The public lands provide the Nation with opportunities for expanding the development of renewable energy, as well as traditional needs for oil, natural gas, coal, non-energy minerals, grazing land, and timber. Recreation, wildlife, wild horses, cultural resources, and special places are also significant attributes. And I know you are aware of that with what Idaho has particularly.

Management activities contribute to the vitality of state and local economies generating an expected $4.5 billion in 2012, primarily from energy development.

PLF, like everybody else, recognizes the reality of the funding constraints and the need to reduce the federal budget deficit. In general, we feel the Administration is seeking a very constrained budget in consideration of the fiscal issues being faced, and in that light, we are pleased with several aspects of the overall budget.

The America's Great Outdoors Initiative would provide funding for some of BLM's most underfunded programs—Recreation, Cultural Resources, and the National Landscape Conservation System. The NLCS is a unique compilation of incredible landscapes within the BLM's National System of Public Lands, which have been designated for their outstanding cultural, ecological, and scientific values. We feel that the management of NLCS has long been underfunded.

We believe that BLM's energy programs need to be fully funded as well. These programs generate the bulk of receipts from the pub-

lic lands, can have significant impacts on the ground, and should be primarily funded from appropriations or the receipts generated by the leases. Increased oil and gas inspections are important and must be funded, but we are very concerned that some of the new fees being proposed are coming ahead of the actual legislative proposals where the program changes could be fully vetted.

Of particular concern is production accountability to ensure that all producers of energy or minerals under the Mineral Leasing Act and Federal Land Policy and Management Act are accurately reporting their production to the United States. More funding for this purpose would mean improved oversight and ultimately more money for the U.S. Treasury.

The potential listing of the sage grouse as an endangered species has major implications for energy development and other uses of BLM public lands. It is essential that the BLM's funding increase be supported so that it can continue to make progress in preventing the need to list the sage grouse.

We believe the Abandoned Mine Lands fees combined with a proposed budget increase will provide a process to begin reclaiming both the safety and environmental hazards that remain after 150 years of hard rock mining on millions of acres in the West and are also pleased to see increases in several other programs which are listed in my testimony for you.

We are really pleased that in recent testimony before Congress, the Secretary announced a scaled-back proposal for the realignment of functions of the Office of Surface Mining, Reclamation and Enforcement, and the BLM. There was simply too much opposition to this effort.

However, we do have some concerns. We are very concerned about Rangeland Management Program. We know that administrative costs are being driven up by numerous factors, not the least of which is the cost of litigation. And while we support BLM's proposed pilot grazing administrative processing fee of $1 per animal unit month to assist the BLM in processing permits, we are very concerned with the proposed reduction in the Rangeland Management Program for administration of livestock grazing. The reduction far exceeds the increased revenue from the pilot program and will deeply impair the BLM's ability to meet its legal requirements on the ground. We believe funding for this program should be restored.

We are also concerned about the reduction of $12.4 million from the Alaska Conveyance Program and we consider it to be devastating to the BLM in Alaska and the U.S. Government's commitment to the State of Alaska, the Native Corporations and individual native allottees to transfer lands that have been promised to them for over 40 years. This would be roughly a 20 percent reduction in land transfer capability and will result not only in reductions in force but the loss of many of the Survey Contracts that go to individual villages in Alaska.

And last but certainly not least, while we are pleased that the Administration has requested sufficient funds to support efforts for the Wild Horse program, we remain dismayed at the seemingly unsolvable issues that continue to haunt efforts to maintain healthy horses on healthy ranges. We would like to see Congress

step in at some point and write more effective legislation and provide specific guidance, particularly to resolve the issue of spending many millions of dollars maintaining unadoptable horses. The current situation is simply not sustainable.

Mr. Chairman, we hope these comments and concerns assist you in your deliberations for the budget for BLM and we remain sincere in our efforts to assure proper management of for the National System of Public Lands. Thank you.

[The statement of Elena Daly follows:]

TESTIMONY OF ELENA DALY, VICE-PRESIDENT FOR DC AFFAIRS,
PUBLIC LANDS FOUNDATION
THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT
AND RELATED AGENCIES; COMMITTEE ON APPROPRIATIONS;
ATTENTION: OUTSIDE WITNESS TESTIMONY
FISCAL YEAR 2013 BUDGET- BUREAU OF LAND MANAGEMENT

March 22, 2012

MR. CHAIRMAN:

We thank you for this opportunity to present your committee with our views regarding the Bureau of Land Management's (BLM) budget request for FY 2013. As a national, non-profit organization with more than 700 members, comprised principally of retired, but still dedicated, BLM employees, the Public Lands Foundation (PLF) has a unique body of experience, expertise and knowledge of public land management. As retirees, we believe we offer an objective and non-bureaucratic view of what is currently happening on the National System of Public Lands (NSPL). The PLF supports the BLM and its programs, but we are independent in our views and requests. We strive to improve the effectiveness of the BLM by 1) encouraging professionalism of its employees, 2) increasing the public's understanding of and support for the proper management of the NSPL, and 3) promoting proper scientific management of lands administered by the BLM.

Overview

Some of the most significant management challenges for the BLM stem from rapid population and urban growth in the West and accompanying increased demands for access and use of the NSPL. The BLM's customers are as diverse as the natural resources the Bureau manages.

The public lands provide the Nation with opportunities for expanding the development of renewable energy as well as traditional needs for oil, natural gas, coal, non-energy minerals, grazing land and timber. Recreation, wildlife, wild horses, cultural resources and special places are significant attributes of those lands as well.

Management activities contribute to the vitality of State and local economies, generating an expected $4.5 billion in revenues for 2012, mostly from energy development.

Budget Overview

The PLF recognizes the reality of funding constraints and the need to reduce the Nation's budget deficit. In general, we feel the Administration is seeking a very constrained budget in consideration of the fiscal issues being faced by the Congress and the Administration. In that light, PLF is pleased with several aspects of the overall budget request for the BLM. In particular we are pleased to see increases in several important areas, the America's Great Outdoors Initiative, the New Energy Frontier Initiative, and Sage Grouse Conservation.

The America's Great Outdoors Initiative would provide funding for some of BLM's most underfunded programs—Recreation, Cultural Resources and the National Landscape Conservation System (NLCS). The NLCS is unique and composed of incredible landscapes within the BLM's National System of Public Lands, which have been designated for their outstanding cultural, ecological and scientific values. These areas range from red-rock deserts, rocky coasts and deep river canyons to high mountains and arctic tundra. Management of the NLCS has long been underfunded.

We believe that BLM's energy programs need to be fully funded. These programs generate the bulk of receipts from the public lands, can have significant impacts on the ground and should be primarily funded from appropriations or the receipts generated by the leases. Increased Oil and Gas Inspections are important and must be funded, but we are very concerned that some of the new fees being proposed are coming ahead of the actual legislative proposals, where the program changes could be fully vetted. Of particular concern is "production accountability" to ensure that all producers of energy or minerals under the Mineral Leasing Act and the Federal Land Policy and Management Act are accurately reporting their production to the United States. More funding for this purpose will mean more oversight and more money to the U.S. Treasury.

The potential listing of the Sage Grouse as an endangered species has major implications for energy development and other uses of the BLM public lands. It is essential that the BLM's funding increase be supported so that it can continue to make progress in preventing the need to list the Sage Grouse.

We believe the Abandoned Mine Lands fee combined with the proposed budget increase will provide a process to begin reclaiming both the safety and environmental hazards that remain after over 150 years of hard-rock mining on millions of acres in the West.

We are also pleased to see increases for land acquisition, renewable energy, resource management planning, coal management, and, other mineral resource management programs. We are also pleased to see the Secretary's proposal to reauthorize the Federal Land Transaction Facilitation Act (FLTFA) and to allow lands identified in newer BLM land use plans as suitable for disposal to be sold using FLTFA authority.

We are pleased that in recent testimony before the Congress, the Secretary announced a scaled back proposal for the realignment of functions of the Office of Surface Mining, Reclamation and Enforcement and the BLM. There simply was too much opposition to this effort.

However, we have a number of concerns with other parts of this budget proposal.

Rangeland Management Program

We are very concerned about this program. We know that administrative costs are being driven up by numerous factors, not the least of which is the burdensome cost of litigation. While we support BLM's proposed pilot grazing administrative processing fee of $1 per animal unit month to assist the BLM in processing permits, we are very concerned with the proposed reduction in the Rangeland Management Program for administration of livestock grazing. The reduction far exceeds the increased revenue from the pilot program and will deeply impair the BLM's ability to meet it's legal requirements on the ground. We believe funding for this program should be restored.

Alaska Conveyance

The reduction of $12.4 million from the Alaska Conveyance Program will be devastating to the BLM in Alaska and the U.S. Government's commitment to the State of Alaska, the Native Corporations and individual native allottees to transfer lands that have been promised to them for over 40

years. This would be roughly a 20 percent reduction in land transfer capability and will result in reductions in force and the loss of many 638 Survey Contracts for many small villages in Alaska.

Wild Horses

While we are pleased that the Administration has requested sufficient funds to support efforts for this controversial program, we remain dismayed at the seemingly unsolvable issues that continue to haunt efforts to maintain healthy horses on healthy ranges. Congress must step in at some point to write more effective legislation and provide specific guidance, particularly to resolve the issue of spending many millions of dollars maintaining unadoptable wild horses. It can't continue in this manner much longer!

Mr. Chairman, we hope these comments and concerns assist you in budget deliberations for the FY 2012 budget for the BLM. We remain sincere in our efforts to assure proper management of the National System of Public Lands.

/S/

Henri R. Bisson, President
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Mr. SIMPSON. Thank you. And thank you for your testimony. We, too, are dismayed by the proposed reductions in Rangeland Management. We have been trying to put resources in there so that the BLM can adequately manage range. The proposed reductions are unacceptable as far as I am concerned, but we will see how the Committee reacts when we start putting this budget together once we find out what our allocation is going to be.

Ms. DALY. Um-hum.

Mr. SIMPSON. If you can find a solution for these sources, let me know.

Ms. DALY. I have several but none would be popular.

Mr. SIMPSON. That is exactly the problem. I thought maybe we ought to just give them over to—what is her name? Madeleine Pickens——

Ms. DALY. Ms. Pickens.

Mr. SIMPSON [continuing]. Who wants to take them over.

Ms. DALY. At one point we offered them to the Forest Service but they were not interested.

Mr. SIMPSON. You mentioned in your testimony how much of the forest land in this country is private and state versus how much is the Federal Government's. What was that percentage?

Mr. PIMLOTT. Two-thirds. And I would probably have to defer to staff or the other panel members to get you exact numbers. Maybe Tom knows the——

Mr. MARTIN. Yeah, it is about almost 60 percent of the land is privately owned forested landscape, and most of that is owned not by the Plum Creeks or the warehouses or the IFTs. It is owned by family forest owners.

Mr. SIMPSON. It is really surprising. I had never really thought about it before and one day I saw a map that showed all the forested lands in the country and listed how much of them were privately owned and state-owned and how much of them were owned by the Forest Service. In the West it is primarily Forest Service and in the East, it is almost all privately owned.

Mr. PIMLOTT. And California is kind of a mix. It is about one-third federal land, one-third private ownership, which is predominantly what we as the State Forester in California protect and the remaining third are in local government and incorporated cities. And so it is true everybody thinks of forest land, big companies; well, certainly in California and other parts of the West it is the small landowner that makes up again in California probably two-thirds of the ownership of forest land is the small landowner.

Mr. SIMPSON. Did you put these plans together?

Mr. PIMLOTT. Yes. And every State under this Farm Bill has one.

Mr. SIMPSON. Do they then use that to determine where fuels reductions would be——

Mr. PIMLOTT. Yes.

Mr. SIMPSON [continuing]. Most effective and so forth?

Mr. PIMLOTT. Correct. We identify our priorities as required under this and that is where we focus—we actually take this as our parent document and then build a state fire plan to mirror these priorities so that we can implement it across the State.

Mr. SIMPSON. Okay. Jim, welcome. Do you have any questions or anything?

Mr. MORAN. No, I am fine, Mike.

Mr. SIMPSON. We thank you for being here today. It is, as each of you mentioned, a tight budget year and I do not see anything in the foreseeable future but tight budget years until we get our deficit under control, but there are certainly some important programs in our bill and we appreciate your input. And as we work through our budget, we will certainly keep those issues and your testimony in mind. Thank you.

TUESDAY, MARCH 27, 2012.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

PUBLIC WITNESSES—AMERICAN INDIANS AND ALASKA NATIVES

Mr. SIMPSON. The Committee will come to order.

Mr. Moran is apparently on his way and will be here in a few minutes, but good morning and welcome to the first of three public witness hearings specifically for American Indians and Alaska Native programs. Despite a somewhat abbreviated hearing schedule this year, I am proud that the Subcommittee is able to hold hearings on these very important programs. They have been and will continue to be a funding priority for this Subcommittee in a bipartisan way.

The chair will call each panel of witnesses to the table one panel at a time. Each witness will be provided with 5 minutes to present their testimony. We will be using a timer to track the progress of each witness. When the button turns yellow, the witnesses will have 1 minute remaining to conclude his or her remarks. Members will be provided an opportunity to ask questions of our witnesses, but in the interest of time, the chair requests that we keep things moving in order to conclude this morning's testimony at a reasonable hour.

I am happy now to yield to my good friend from Virginia, Mr. Moran, for any remarks he may have.

Mr. MORAN. Amen. Let's get on with the hearing.

Mr. SIMPSON. Okay. Let me tell you, I am going to screw up so many names today. Do not be offended by it.

The first panel will be Jefferson Keel, President of the National Congress of American Indians; Stacy Bohlen, National Indian Health Board; D'Shane Barnett, the National Council of Urban Indian Health; Brooklyn Baptiste, the Nez Perce Tribal Executive Committee, Tino Batt, Council Member and Treasurer of the Fort Hall Business Council; and Affie Ellis and Tom Gede, Commissioners of the Tribal Law and Order Commission. Did I get those all somewhat correct? Everybody pretty much knew who they were?

Mr. MORAN. Thank you all for making the effort to come here. You know, we are here every day, but I know it takes a lot of logistics and cost and disruptions in your schedules to get here, but Chairman Simpson and I very much appreciate this opportunity to hear from you. It is very important to us and we do appreciate the effort.

Mr. SIMPSON. It is not easy to get here from Idaho. You have to take a boat down the Missouri and then—no, I am just kidding.

Tom, do you have any opening statement?
Mr. COLE. No.
Mr. SIMPSON. Okay. Mr. Keel, you are up first.

TUESDAY, MARCH 27, 2012.

NATIONAL CONGRESS OF AMERICAN INDIANS

WITNESS

JEFFERSON KEEL

Mr. KEEL. Good morning. Thank you, Mr. Chairman, Representative Moran, Representative Cole. Thank you for the opportunity to allow us to testify this morning. This is an important matter, and we certainly appreciate all that you do on behalf of Indian Country. My name is Jefferson Keel. I am the President of the National Congress of American Indians, and I am the Lieutenant Governor of the Chickasaw Nation, and I am honored to be here on behalf of Indian Country.

In my role as the National Congress of American Indians' President, I have an opportunity to visit with tribal leaders across the country, and I know that you will hear significant testimony from many of those tribal leaders today, so I will abbreviate my time here and summarize mine as quickly as possible.

Mr. SIMPSON. Your written remarks will be included in the record.

Mr. KEEL. Thank you, sir.

Recommendations from Indian Country that were included in the President's fiscal year 2013 proposal include increases for contract support costs, some natural resources and environmental protection programs, public safety initiatives, and Contract Health Services. While the Administration's budget proposal maintains support for many critical programs, some cuts proposed represent significant setbacks to progress in Indian Country such as for education construction. NCAI looks forward to working with this Subcommittee to ensure that federal programs that fulfill the trust responsibilities to tribes continue to receive bipartisan support in the appropriations process.

Indian Country recognizes the state of the economy, the pressures on government at all levels, and the related challenges for job seekers. Tribes take the responsibility to manage federal funds as seriously as we do the federal trust responsibility to provide them, and we propose the following general recommendations for the fiscal year 2013 budget.

Continue to promote successful efficient initiatives in Indian Country that work such as self-determination programs. Critical to implementing these policies are the Bureau of Indian Affairs' funding streams for tribal priority allocations, contract support costs at the BIA and the Indian Health Service, and tribal grant support costs for tribal schools. NCAI also urges Congress to support legislation that will fully restore the Secretary of Interior's authority to take land into trust for tribes, particularly regarding the Carcieri decision. We urge Congress to retain the language included in the President's budget addressing the Carcieri decision.

I would like to discuss public safety and justice at the BIA. NCAI supports Interior's Protecting Indian Country Initiative and the Priority Goal to reduce violent crime in Indian communities. Since its inception, there has been a 35 percent overall decrease in violent crime across the four tribal communities, far exceeding the 5 percent goal. The successful program is now being expanded to two additional Recovery Act. We would like to see it expanded even further to reach even more tribes.

In the Indian Health Service, we commend the Administration for including targeted funding increases that have long been a priority for the Tribal Budget Workgroup such as for Contract Health Services, staffing and contract support costs. While all these increases are much needed, the IHS budget remains woefully short of providing full funding to the IHS system.

A very concerning cut is in Indian school construction. The fiscal year 2013 budget request for construction programs is $17.7 million below fiscal year 2012, eliminating new school construction. NCAI urges this funding to be restored. All students in America deserve a safe, secure and culturally appropriate environment in which to attend school.

A reduction affecting economic development is the proposed reduction to the Indian Guaranteed Loan Program, which would be reduced by $2.1 million. This program is the most appropriate and urgently needed source of financing for business and energy and other economic development in Indian Country. NCAI encourages Congress to restore funding for the Indian Guaranteed Loan Program.

We would also like to note that the President's budget includes a rather large reduction due to streamlining measures in the BIA, $19.7 million in streamlining measures and $13.8 million in administrative savings. We would urge respectfully that caution be taken when cutting so deeply into the BIA functions.

We look forward to working with the Members of Congress to continue to build upon our successes. Tribal leaders urge Congress to uphold its solemn promises to tribes, even as policymakers seek to reduce the deficit through spending reductions and revenue generation, and we look forward to again working with this Committee and any other of your staff to continue that progress. Thank you again.

[The statement of Jefferson Keel follows:]

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U.S. House of Representatives Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies Public Witness Hearings on American Indian/Native Alaskan Issues

Jefferson Keel, President, National Congress of American Indians March 27, 2012

On behalf of the National Congress of American Indians (NCAI), thank you for the opportunity to testify on tribal programs in the FY 2013 budget under the Interior-Environment Appropriations bill. This testimony will address programs in the Department of Interior, Environmental Protection Agency, and Indian Health Service. Full funding of the federal government's trust, treaty and statutory obligations to tribes remains a bipartisan goal for Indian Country.

In preparation for the President's budget, some agencies have consulted with tribes about programs in the budget. Recommendations from Indian Country that were included in the President's FY 2013 proposal include increases for contract support costs, some natural resource and environmental protection programs, public safety initiatives, and contract health services. While the Administration's budget proposal maintains support for many critical programs, some cuts proposed represent significant setbacks to progress in Indian Country, such as for education construction. NCAI looks forward to working with this subcommittee to ensure that the federal programs that fulfill the trust responsibilities to tribes receive bipartisan support in the appropriations process.

Indian Country recognizes the state of the economy, the pressures on government at all levels, and the related challenges for job seekers. Tribes take the responsibility to manage federal funds as seriously as we do the federal trust responsibility to provide them, and we propose the following general recommendations for the FY 2013 budget.

1) Continue to promote the successful and efficient initiatives in Indian Country that work, such as Self-Determination programs. Critical to implementing these policies are the Bureau of Indian Affairs (BIA) funding streams for Tribal Priority Allocations, Contract Support Costs at BIA and the Indian Health Service (IHS), and Tribal Grant Support Costs for tribal schools.
2) Tribes urge Congress to support legislation that will fully restore the Secretary of the Interior's authority to take land into trust for tribes (Carcieri).

NCAI has compiled recommendations on many specific programs and agencies that affect Indian Country, but, in general, NCAI urges Congress to at least hold Indian programs harmless in the FY 2013 appropriations process and exempted from across-the-board rescissions.

Public Safety and Justice

Although they have taken various forms, the public safety problems that plague tribal communities are not new. They are the result of decades of gross underfunding for tribal criminal justice systems, a painfully complex jurisdictional scheme, and a centuries-old failure by the federal government to fulfill its public safety obligations on American Indian and Alaska Native lands.

NCAI supports the Department of Interior's Protecting Indian Country Initiative and the Priority Goal to reduce violent crime in Indian communities. Last year, the Department of the Interior launched the Safe Indian Communities Initiative, a two-year program that included targeted community policing on four reservations, and the program has achieved successful and encouraging results. Since its inception, there has been a 35 percent overall decrease in violent crime across the four tribal communities. With an initial target of reducing violent crime by at least 5 percent, the initiative far exceeded this goal, achieving a 68 percent decrease in violent crime at the Mescalero Reservation in New Mexico, a 40 percent reduction at Rocky Boy in Montana, and a 27 percent reduction in violent crime at Standing Rock in North and South Dakota. The successful program is now being expanded to two additional reservations: the Rosebud Sioux Reservation in South Dakota and the San Carlos Apache Reservation in Arizona. Indian Country would like to see it expanded even further—to reach even more tribes—and we would like to see Congress appropriate adequate funding to ensure the Initiative's continued success. This Initiative has been a proven success, and these are the types of efforts that can make a real difference on the ground level, provided there is funding available to pursue them.

Indian Health Service

The President's budget request demonstrates the Administration's ongoing commitment to Indian Country and the recognition of the trust responsibility for providing health care in perpetuity to all American Indian and Alaska Native people. The increase of $116 million in the Indian Health Service (IHS) budget request was a confirmation of that commitment. Tribal leaders annually, through the National IHS Tribal Budget Formulation Workgroup, provide IHS with tribal leader priorities for the upcoming Fiscal Year. We applaud the Administration for including targeted funding increases that have long been a priority for the Workgroup, such as for Contract Health Services, staffing, and contract support costs.

While these increases are much needed, we must be clear that the IHS budget remains woefully short of providing full funding to the IHS system; and only full funding will ensure that parity is achieved in our healthcare system. Providing funding increases that addresses population growth and inflation so that current services can still be provided is vitally important.

Tribal leaders provided Congress and the Administration a blueprint to bring parity to Indian people. The Indian Health Care Improvement Act (IHCIA) includes programs and services designed to bring the IHS into the 21st century. However, authorization only creates the program, appropriations are needed to fulfill its promise. Currently, there are twenty-three unfunded provisions in the IHCIA.

Education

The FY 2013 budget request for the Construction program is a reduction of $17.7 million below FY 2012. The request cuts $17.8 million, eliminating new school construction funding. Indian Affairs will focus on improving existing school facilities as part of the Department's strategic approach to not fund new construction in FY 2013. The total FY 2013 request for Education Construction is $52.9 million. NCAI urges funding for new school construction to be restored. All students in America deserve a safe, secure, and culturally appropriate environment in which to attend school. As cited in the draft No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee Report, numerous research studies have noted the link between inadequate facility conditions and poor performance by students and teachers. The Report also underscored the fact that the quality of the school environment impacts student behavior, test scores, and teacher retention, among other issues. As of December 31, 2009, an

estimated $1.34 billion was needed to bring 64 schools ranked in "poor" condition, meaning in significant need of repair, up to "fair" condition. Continued inadequate support for school facilities will cause the unmet need for construction and repair funds to balloon. Equally disconcerting is that the FY 2013 budget directives could result in the continued elimination of funding for replacement school and replacement facilities. Delaying the replacement and repair of existing facilities not only jeopardizes student and staff safety, but also increases the amount of school funds that must be diverted to emergency repairs and other facilities maintenance—accounts which are also extremely underfunded.

Natural Resources

The vitality and sustainability of natural resources is integral to the health of American Indian and Alaska Native peoples, communities, cultures, and economies. It also has demonstrable positive impacts on surrounding communities. The ecological practices tribal peoples have cultivated for millennia are inherently sustainable and practical.

Environmental Protection Agency
Although the Environmental Protection Agency's (EPA) FY 2013 budget decreased approximately $105 million overall from FY 2012, much of the tribal set asides received increased funding. Recognizing tribes and states as the primary implementers of environmental programs the EPA continued funding its State and Tribal Assistance Grants program, which accounts for 40 percent of the EPA's budget request and is the largest percentage of the EPA's budget request. Tribes received an increase of approximately $29 million over FY 2012 appropriations to the Tribal General Assistance Program. These additional funds will assist tribes in capacity building and promote protections for the environment and human health. **NCAI strongly supports the increased proposed for the Tribal General Assistance Program.**

Bureau of Indian Affairs, Natural Resources
Tribes have voiced support for increased funding for natural resources programs in the Bureau of Indians Affairs through the Tribal Interior Budget Council, which provides input to the Department of Interior on tribal budget concerns. The President's FY 2013 budget includes some of the recommendations for natural resources. Under trust land management, the FY 2013 budget would provide increases in Trust Natural Resources of $3.5 million for the Rights Protection Implementation program and $2 million for the Tribal Management and Development program to support fishing, hunting, and gathering rights on and off reservations. The budget request would provide program increases of $1 million for the Forestry program and $500,000 for the Invasive Species program. An increase of $800,000 supports greater BIA and tribal participation in the Landscape Conservation Cooperatives, for a total of $1 million. **NCAI urges Congress to retain these proposed increases in the final FY 2013 appropriations bill.**

Supporting Tribal Governments

Bureau of Indian Affairs
The FY 2013 President's budget includes $2.5 billion in current appropriations for Indian Affairs, which is $4.6 million or 0.2 percent below the FY 2012 enacted level. The budget proposes a total of $897.4 million in Tribal Priority Allocations. Critical to implementing the Indian Self-Determination policy is the Bureau of Indian Affairs (BIA) funding streams for Tribal Priority Allocations, Contract Support Costs at BIA, and Tribal Grant Support Costs for tribal schools. NCAI supports the programmatic increases in Indian Affairs, which follow the recommendations from tribes. However, NCAI would note that the President's budget includes rather large reductions due to streamlining measures in the BIA. These reductions include $19.7 million in

streamlining measures and $13.8 million in administrative savings. Although tribes appreciate that the Administration is proposing increases to programs, NCAI would urge caution when cutting so deeply into BIA functions. **NCAI would encourage the BIA to consult with tribes on the how the proposed streamlining and administrative reductions would impact the delivery and operation of Indian programs.**

Economic Development

Indian Guaranteed Loan Program

The FY 2013 proposed budget would provide $5 million for the Indian Guaranteed Loan program, a reduction of $2.1 million from the 2012 enacted level. The Department of Interior's Office of Indian Energy and Economic Development (OIEED) Division of Capital Investment oversees the Indian Loan Guarantee Program that is the only federal guarantee program that enables eligible borrowers to obtain conventional lender financing to develop Native businesses and eligible construction, while also enabling other companies to obtain supplemental surety bond guarantees. In the last several years, significant tightening of the credit markets made loans more difficult to obtain, reducing demand for loan guarantees. The revolving credit facility of the OIEED Loan Guarantee Program can greatly assist Native borrowers seeking guarantees for lines of credit for: working capital, payrolls for hiring new employees, and assurances sufficient for sureties to provide performance bonds to tribal- and other Native-owned contractors. The OIEED's Loan Guarantee Program is the most appropriate and urgently needed source of financing for business, energy, and other economic development in Indian Country. With the promises of a broadband-enabled economy in Indian Country looming on the horizon, an expanded investment in the OIEED Loan Guarantee Program would enable operating businesses to build their technological capacity as well as to provide seed financing for new businesses to begin operations. **NCAI encourages Congress to restore funding for the Indian Guaranteed Loan Program.**

Transportation

NCAI urges an increase for the BIA roads maintenance program in FY 2013, which services 29,000 miles of Indian Affairs-owned roads. As of 2011, the backlog in deferred maintenance was approximated to be $285 million, yet the funding level for BIA roads maintenance has been at about $25 million for the last ten years.

Conclusion

We look forward to working with members of Congress to continue to build upon our successes. Tribal leaders urge Congress to uphold its solemn promises to tribes, even as policymakers seek to reduce the deficit through spending reductions and revenue generation. The obligations to tribal citizens funded in the federal budget are the result of treaties negotiated and agreements made between tribes and the United States in exchange for land and resources, known as the trust responsibility. The fulfillment of this trust responsibility is a solemn historic and legal duty.

Mr. SIMPSON. Thank you. Thank you for being here.
Stacy.

TUESDAY, MARCH 27, 2012.

NATIONAL INDIAN HEALTH BOARD

WITNESS

STACY A. BOHLEN

Ms. BOHLEN. Chairman Simpson, Ranking Member Moran, who is my long-time Congressman, and Congressman Cole, thank you so much for allowing me to be here today on behalf of the National Indian Health Board. Our organization serves all 566 federally recognized tribes solely on the provision of health care for American Indians and Alaska Natives and improving that health care. My name is Stacy Bohlen. I am the Executive Director of the National Indian Health Board. I am a Sault Ste. Marie Chippewa from Michigan, and today my remarks will only be about the Indian Health Service 2013 budget.

The National Indian Health Board is very grateful to this Congress and to this Administration for the 6 percent increase in funding to the Indian Health Service in 2012. The recent increases over the past year have made but small real gains in health for our people, and together we must protect and advance the progress that we have made.

For fiscal year 2013, for the IHS budget, we were pleased to learn that the Administration recommends a $116 million increase over fiscal year 2012. Under the new discretionary limits with 3 percent increases, that is significant, and it represents the continued commitment of the United States to honor its legal obligations and the sacred trust responsibility to American Indians and Alaska Natives. However, the increase only allows for the continuation of IHS's current services. While we recognize the budget realities we face as a Nation, we urge this Congress to adopt funding levels for the Indian Health Service that are closer to the fiscal year 2013 National Tribal Budget Formulation Workgroup's recommendations, which President Keel mentioned in his testimony as well. This workgroup recommends preserving the basic health care programs currently being funded and that would require an increase. The funding levels that are needed to enable the Indian health system to simply continue operating at its current level of service. Also contained in this category are the binding obligations that represent financial commitments previously made by the Indian Health Service. Without these increases, IHS's system would experience a decrease in its ability to care for its current service population.

Inflation, both medical and non-medical, and population growth, we urge you also to please consider this. Funding for IHS programs has not kept pace with inflation. Medicare and Medicaid accrue 5 to 10 percent increases. Not true for IHS. NIHB urges this Congress to consider inflation during the appropriations process, and we recommend a $59.9 million increase just to address those costs.

The Indian Health Service currently serves 2 million American Indian and Alaska Natives, and the service population increases at an average of 2 percent per year. In accordance with the Tribal Workgroup's recommendations, we propose a $52.4 million increase to the current services to account for population growth.

Another majority priority under current services is funding for contract support costs, as the president mentioned. Native nations in all areas operate one or more such contracts, and the ability of tribes to successfully operate their own health care systems, whether they be substance abuse or entire medical systems and hospitals, depends on this contract support cost funding. The workgroup recommends addressing the CHS shortfalls with full funding.

A current major service priority is funding for health care facilities construction for the 5-year plan. The workgroup's recommendations include $343 million for previously approved health facility construction projects in accordance with the Indian Health Service health care facilities fiscal year 2012 plan construction budget. Unfortunately, the Administration's request does not reflect this binding obligation. NIHB along with the tribes supports a $343 million increase for this purpose.

Significant program increases are required to address the overwhelming health needs in Indian Country. The recommended increases are targeted and very realistic. The workgroup recommends $688 million be added to identified programs and facilities accounts. Under that increase is the Contract Health Service program, and it is a major priority. Unfortunately, this program is so grossly underfunded that Indian Country cannot purchase the quantity and types of care needed for our people, and many of our patients are left untreated and often with very painful conditions that if addressed in a timely way would both improve the quality of life and do so at a lower cost, and the workgroup proposes, and we support, a $200 million increase for Contract Health Services.

Behavioral health was identified uniformly as a top national priority. We propose an $80 million increase. I think the Committee is aware that suicide is the number two cause of death of our children. It is an untenable statistic that needs to be addressed. This would go a long way toward helping with that goal.

We also respectfully request that the Subcommittee work to exempt the Indian Health Service from budget cuts, freezes or sequestration. Should sequestration occur, there is some protection for the Indian Health Service under the Budget Control Act but the consequences of these reductions will be tangible in terms of loss of life when it comes to American Indian and Alaska Native health. So we urge you to work and commit to protecting the Indian Health Service and our people from budget cuts and sequestration.

Finally, we ask Congress to work toward full funding of IHS and make a long-term commitment to that goal. IHS is currently funded at about 56 percent of its true need. In 2010, IHS spending for medical care was about $2,700 per person, and the average federal health care expenditure was about $7,200 per person. And on behalf of all the 566 federally recognized tribes, we ask the federal government to design and implement true funding that will fully fund the Indian Health Service.

Thank you very much for your time today and for allowing me to make these remarks on behalf of our people.

[The statement of Stacy Bohlen follows:]

MS. STACY A. BOHLEN
EXECUTIVE DIRECTOR
NATIONAL INDIAN HEALTH BOARD

Chairman Simpson, Ranking Member Moran and Members of the Subcommittee, thank you for allowing me to be here today. My name is Stacy A. Bohlen, and I serve as the Executive Director of the National Indian Health Board (NIHB)[1]. The NIHB, in service to the 566 federally recognized Tribes, offers the following written comments regarding the President's proposed Fiscal Year (FY) 2013 budget for the Indian Health Service (IHS).

First, NIHB thanks this Congress for the passage of a 6% increase in funding to IHS for FY 2012. The NIHB was pleased to learn that, for the FY 2013 IHS budget, the Administration recommends a $115.9 million increase over the FY 2012 enacted IHS appropriations. Under the discretionary spending limits of the *Budget Control Act of 2011*, this 2.7% increase is significant. This increase, as well as previous increases, acknowledges the critical health needs of our tribal communities and represent the continued commitment of the United States to honor its legal obligation and sacred responsibility to provide health care to American Indians and Alaska Natives (AI/AN).

Based on factors like population growth and medical inflation, this year's modest increase will, at most, only allow for the continuation of IHS current services. With exception of the Veteran's Administration, IHS is the only provider of direct care in the federal government, and funding levels should reflect its unique charge. Since IHS is currently funded, on average, at just 56.5% of need, this level of funding will not allow the agency to address the stark health disparities between AI/ANs and the U.S. general population. While we recognize the budget realities we face as a nation, the NIHB believes that a greater increase for the IHS is critically important and can be achieved. We urge this Congress to adopt funding levels for IHS more closely aligned with the FY 2013 National Tribal Budget Formulation Workgroup's recommendations.

National Tribal Budget Formulation Workgroup's Recommendations

The trust obligation to provide health care is paramount, and it is upon this foundation that the IHS National Tribal Budget Formulation Workgroup ("Workgroup") built its recommendations for the FY 2013 IHS budget. Each year, this Workgroup consolidates all the IHS Areas' budget formulation recommendations; develops a consensus national tribal budget and health priorities document; and presents the recommendation to the U.S. Department of Health and Human Services (HHS).[2] The NIHB supports this government-to-government process and the final recommendations developed by the Workgroup.

[1] Established in 1972, the NIHB serves all federally recognized tribal governments by advocating for the improvement of health care delivery to AI/ANs, as well as upholding the federal government's trust responsibility to AI/ANs. We strive to advance the level and quality of health care and the adequacy of funding for health services that are operated by the IHS, programs operated directly by Tribal Governments, and other programs.

[2] For copies of previous Workgroup recommendations, please visit the NIHB Budget Formulation page at http://www.nihb.org/legislative/budget_formulation.php.

For FY 2013, the Workgroup's recommendations were formally presented to the HHS on March 4, 2011, more than eleven months before the President presented his FY 2013 budget proposal to Congress. The Workgroup developed their recommendations based on the FY 2012 President's proposed budget. The recommendations focus on two types of needed increases:

1. **Current Services Increases and Binding Obligations:** *Preserving basic health care programs currently being funded.* Increases in current services are the budget increments needed to enable the Indian health care delivery system to continue operating at its current level. Current services comprise such items as federal and tribal pay cost increases; inflation; and funding for population growth. Also contained in this category are binding obligations that represent financial commitments previously made by IHS. These items must be funded in order to honor pledges made by the federal government. These binding obligations consist of health care facilities construction, staffing for new and replacement facilities, and the shortfall in Contract Support Costs. Without these increases to base funding, the Indian health care system would experience a *decrease* in its ability to care for the current service population. In this economic climate, these increases are more important than ever. **For 2013, the Workgroup recommends an increase of $743 million for these items to maintain the existing level of services.**

2. **Program Increases:** *Significant program increases are required to address the overwhelming health needs in Indian Country.* The recommended increases are made in key IHS budget accounts to enable programs to improve and expand the services they provide to Indian patients. The IHS has long been plagued by woefully inadequate funding in all areas, a circumstance which has made it impossible to supply Indian people with the level of care they need and deserve, and to which they are entitled by treaty obligation. **The Workgroup recommends $688 million be added to identified program and facilities accounts.**

Below is a highlight of a few programs targeted by the Tribal Workgroup for vital increases.

Current Services: Inflation (Medical & Non-Medical) and Population Growth: IHS faces additional financial obstacles in its ability to provide care: inflation, both medical and non-medical, and population growth. Funding for IHS programs has not kept pace with inflation, while Medicaid and Medicare have accrued annual increases of 5% - 10%. The $59.9 million requested is needed to address the rising cost of providing health care and is based on the 1.5% non-medical inflation rate and 3.3% medical inflation rate identified by OMB. However, the actual inflation rate for different components of the IHS health delivery system is much greater. **The NIHB urges this Congress to consider the rates of inflation during the appropriations process and recommends a $59.9 million increase to address these costs.**

Additional funding is also needed to address the effects of population growth on IHS' ability to provide a continued level of care. IHS currently serves 2 million AI/ANs and this service population increases at an average rate of 1.9% annually.[3] The exclusion of population growth as a factor in the President's budget request puts the level of health care services into peril by reducing the availability of services for AI/ANs. **The NIHB recommends that $52.4 million be added to Current Services to account for population growth.**

[3] IHS Fact Sheets: Indian Population (January 2011) at www.ihs.gov/PublicAffairs/IHSBrochure/Population.asp

Current Services: Federal and Tribal Pay Costs: The Workgroup recommended an $11 million increase for federal pay costs and a $13 million increase for tribal pay costs. However, the President's proposal contains a 1.7 percent pay raise for Commissioned Officers only at an increase of $2.4 million. The Workgroup members feel strongly that not only Commissioned Officers, but also Tribal and Federal IHS employees require a cost of living increase. **The NIHB recommends that Tribal and Federal IHS employees should be exempted from any federal employee pay freeze.**

Current Services: Contract Support Costs – Shortfall: Tribes in all Areas operate one or more such contracts. The ability of Tribes to successfully operate their own health care systems, from substance abuse programs to entire hospitals, depends on Contract Support Costs (CSC). Full CSC funding honors the legal duty to pay these costs, and protects health care resources intended for service delivery. A year ago, the projection to fully fund CSC was $212 million and we currently await FY 2013 projections from IHS. **The NIHB supports the Workgroup's goal of full funding for CSC.**

Current Services: Health Care Facilities Construction 5-Year Plan: The Workgroup's recommendations include $343 million for previously approved health facility construction projects in accordance with the IHS Health Care Facilities FY 2012 Planned Construction Budget, referred to as the 5-Year Plan. Unfortunately, the Administration's request does not reflect this binding obligation. If the extensive, decades-long backlog of improvements and new construction continues to be ignored, the Indian Health Care System will never achieve parity with the U.S. general health system. **The NIHB supports a $343 million increase to the Health Care Facilities Construction 5-Year Plan.**

Program Increases: Contract Health Services: The Contract Health Service (CHS) program serves a critical role in addressing the health care needs of Indian people. In theory, CHS should be an effective and efficient way to purchase needed care – especially specialty care – which Indian health facilities are not equipped to provide. In reality, CHS is so grossly underfunded that Indian Country cannot purchase the quantity and types of care needed. As a consequence, many of our Indian patients are left with untreated and often painful conditions that, if addressed in a timely way, would improve quality of life at lower cost. **The Workgroup proposes an increase of $200 million for CHS.**

Program Increase: Behavioral Health: During the Budget Formulation process, the Workgroup identified behavioral health as its top ranked health priority. As this Committee well knows, AI/ANs experience an alarmingly high incidence of mental and behavioral health disorders, including anxiety, substance abuse, and depression. These serious behavioral health issues profoundly impact individual and community health, both on and off reservation. Increased funding for Mental Health and Substance Abuse line items will allow individuals, families, and communities to begin to heal through clinical, emergency, and in-patient services; community-based prevention programming; child and family protection programs; and tele-behavioral health. **To be split equally between the two line items, the NIHB supports the Workgroup's proposal of an $80 million increase.**

Additional Budget Recommendations

Protect IHS Budget from rollbacks, freezes, rescissions, and sequestration

As a discretionary budget line, the IHS budget is subject to the across the board cuts to discretionary funding. Indian Country is thankful for the support of Congress and the Administration in recent years for significant increases to the IHS budget. However, the IHS budget has been subject to proposed budget cuts in the past. This was detrimental not only to an agency budget, but to the lives and well being of AI/ANs. Any budget cuts, in any form, will have harmful affects on the health care delivery to AI/ANs and will result in an increased loss of life. The NIHB asks the Subcommittee to work to exempt the Indian Health Service from any cuts, freezes, or rescissions.

NIHB is also very concerned about sequestration. Should sequestration occur, the two IHS budget accounts are capped at 2% in potential cuts under the *Budget Control Act of 2011*; however, the consequences of these reductions will be tangible and rob the IHS of recent modest gains in health status. Due to factors like medical inflation and population growth, even small cuts have a large impact. Further, the IHS is the only federal provider of direct care to not be fully spared from this process. This must change. If this Congress cannot avoid sequestration through alternate methods of deficit reduction, the NIHB implores this Congress to make the IHS exempt from this process.

Create a long-term investment plan to fully fund IHS Total Need

Tribes have long sought full funding of the IHS. Developing and implementing a plan to achieve funding parity is critical to the future of Indian health and to fulfilling the United Status's trust responsibility to AI/AN people. The funding disparities between the IHS and other federal health care expenditures programs still exists and in 2010, IHS spending for medical care was $2,741 per user in comparison to the average of federal health care expenditure of $7,239 per person.[4] Tribes and the NIHB ask the federal government to design and implement a true full funding plan for the IHS.

Conclusion

Although our nation has been faced with a new budget reality since the National Tribal Budget Formulation Workgroup met to develop its request for FY 2013, its recommendations remain relevant. These funding levels speak to the binding commitments, both historic and recent, the federal government has made to Tribes, and to the desperate health status of First Americans. NIHB asks that this Subcommittee give deep consideration to the true needs of the IHS, as well as Indian Country, and the federal trust responsibility to AI/ANs. The nation's debt is a pressing issue, but a solution must not be achieved through broken promises.

[4] IHS Fact Sheets: IHS Year 2012 Profile (January 2012) available at: http://www.ihs.gov/PublicAffairs/IHSBrochure/Profile.asp

Mr. SIMPSON. Thank you, Stacy. We appreciate it.
D'Shane.

TUESDAY, MARCH 27, 2012.

NATIONAL COUNCIL OF URBAN INDIAN HEALTH

WITNESS

D'SHANE BARNETT

Mr. BARNETT. Good morning. My name is D'Shane Barnett. I currently serve as the Executive Director of the National Council of Urban Indian Health, also known as NCUIH. On behalf of our 36 member organizations and the more than 160,000 urban Indians that our programs serve annually, I appreciate the opportunity to provide testimony today for the House Interior Appropriations Subcommittee.

This year, NCUIH would like to make two recommendations regarding the critical challenges facing our health programs. First, we are requesting additional funding for the Urban Indian Health Program line item. Funding for the Title V line item currently stands at $42.9 million. This number is estimated to represent approximately one-quarter of the total health care need faced by Native American and Alaska Native people who are living in urban areas. While NCUIH respectfully and strenuously advocates for full funding of the entire Indian health system, we find it necessary to point out that for the past two fiscal years, the breakdown of the Congressional appropriations process and relentless pressure to cut spending has resulted in two consecutive years of reductions to the Urban Indian Health Program line item. These reductions threaten our base funding and limit our ability to provide services to American Indians and Alaska Natives living in America's cities.

In addition, the fiscal year 2012 IHS budget eliminated nearly $1 million in grant funding that our urban communities relied upon for health promotion, disease prevention, sexual assault and domestic violence prevention, health care services for our elders, long-term care, and health services for women, children and youth, the most vulnerable members of our communities. These cuts have forced our programs to discontinue services to our patients and to lay off staff at a time when employment and job creation are more important than ever.

In addition, the challenges posed by health care reform will require that all of our programs acquire the staff and resources necessary to bill private insurance offered through state exchanges and public insurance like Medicaid, Medicare and CHIP. Cuts to state budgets and dwindling grant opportunities make our Title V base funding even more important during these difficult times. In light of the imminent challenges facing the urban Indian health programs from health care reform, the bleak budget environment on both state and federal levels, and emerging census data that is showing that more than two-thirds of American Indians and Alaska Natives are living in urban areas, NCUIH respectfully requests an increase to the Urban Indian Health Program line item of $15 million, bringing total funding to $58 million. This increase is need-

ed to offset the loss of both public and private funding opportunities to compensate for the loss of State funding, given relentless state budget cuts, to enable all of our programs to access third-party insurance dollars as health care reform is implemented and to remedy the longstanding underfunding of the urban Indian health line item.

Second, NCUIH would like to call attention to the precarious situation faced by our residential treatment centers, or RTCs. RTCs promote healing and wellness in the American Indian community by providing a continuum of substance abuse prevention, treatment and recovery services that integrate traditional American Indian healing practices with state-of-the-art clinical substance abuse treatment methodology. RTCs offer a variety of culturally competent services such as talking circles, sweat lodges and other ceremonies that have thousands of years of proven success for our people. Traditional medicine and traditional healers are made available to our patients, and many of these patients do not reside in urban areas but travel from their reservation to our programs because of the quality of the services that we are able to provide and the holistic and traditional medical care we can offer. Our RTCs create an environment of culturally appropriate support for patients that are seeking to recover from drug and alcohol addictions. By integrating patient medical care into a structured social support network, RTCs assist patients in recovering from their illness and rehabilitating their lives. RTCs reduce overall health care costs, help people recover from their addictions, return to their jobs, stay off public assistance and form positive relationships with their communities.

In the past, most of our RTCs have relied on state funding to augment modest funding from the Indian Health Service. As states are forced to make cuts in services due to their budget shortfalls, residential treatment programs have been frequently targeted for elimination. One example, in Portland, they have reduced $1.25 million to a single RTC. In Seattle, cuts took place in November of 2011 that resulted in a 50 percent loss of long-term funding, which equaled a reduction of 10 beds and a layoff of residential treatment staff who have now had to seek other employment or rely on public assistance.

In conclusion, I would just like to express my gratitude for the opportunity to testify here today. Funding for our line item has fallen far short of the parity required to keep up with medical inflation, and it falls even short of the full funding required to address the health care needs of native people living in urban areas. Even if the $58 million figure suggested by NCUIH were appropriated by Congress, this would still amount to only $362 per patient served. We are respectfully requesting your support for long-delayed funding increases in order for our programs to carry out their mission of serving the American Indian and Alaska Native people in this country regardless of where they reside. Thank you.

[The statement of D'Shane Barnett follows:]



Testimony of D'Shane Barnett, Executive Director
National Council of Urban Indian Health
House Interior Appropriations Subcommittee's Native American Witness Day
March 27, 2012

Introduction

- Hello, I'm D'Shane Barnett, Executive Director of the National Council of Urban Indian Health, also known as NCUIH. On behalf of the 36 NCUIH member organizations and the 160,000 Urban Indians that our programs serve annually, I appreciate the opportunity to provide testimony for the House Interior Appropriations Subcommittee's Native American Witness Day.

Recommendations

- This year NCUIH would like to make two recommendations regarding the critical challenges facing our health programs.
    - First, NCUIH requests additional funding for the Urban Indian Health Program line item. Funding for the Title V line item currently stands at 42.9 million dollars. This is estimated to represent approximately one quarter of the total health care need faced by Native people living in urban areas. For the past two fiscal years, the breakdown of the Congressional appropriations process and relentless pressure to cut spending has resulted in two consecutive years of reductions to the Urban Indian Health Program Line item. These reductions threaten our base funding and limit our ability to provide services to American Indians and Alaska Natives living in America's cities. The FY2012 IHS budget eliminated nearly 1 million dollars in grant funding that our urban communities relied upon for Health Promotion/Disease Prevention, Sexual Assault/Domestic Violence prevention, Elder Health, Long Term Care, Children and Youth Care, and Women's Health. These cuts have forced our programs to cut back services and lay off staff. In addition, the challenges posed by health care reform will require all of our programs to acquire the staff and resources necessary to bill private insurance offered through State Exchanges, and public insurance like Medicaid, Medicare, and CHIP. Cuts to state budgets and limited grant opportunities make our base Title V funding even more important during these difficult times. In light of the imminent challenges facing Urban Indian Health Programs from health care reform, the bleak budget environment on both the state and federal level, and new census data that shows that 64% of American Indians and Alaska Natives live in urban areas, NCUIH respectfully requests an increase

to the Urban Indian Health Program line item of $15 million dollars, bringing total funding to $58 million dollars. This increase is needed to

- offset the loss of both federal and state grant opportunities
- to compensate for the loss of state funding given relentless state budget cuts
- to enable all our programs to access third-party insurance dollars as Health Care Reform is implemented, and
- to remedy the long-standing underfunding of the Urban Health line item.

- Second, NCUIH calls attention to the precarious situation faced by our five Residential Treatment Centers, or RTCs. RTCs promote healing and wellness in the American Indian community by providing a continuum of substance abuse prevention, treatment, and recovery services that integrate traditional American Indian healing practices and state-of-the-art substance abuse treatment methodology. RTCs offer a variety of culturally competent services, such as talking circles, sweat lodges, and crafts. Traditional medicine and traditional healers are available to our patients. Many of our RTC patients do not reside in urban areas, but travel to our programs because of the quality of the services we provide and the holistic and traditional medical care we can offer.
  - Our RTCs create an environment of cultural appropriate support for patients that are seeking to recover from drug and alcohol additions. By integrating patient medical care into a structured social support network, RTCs assist patients in recovering from their illnesses and rehabilitating their lives. RTCs reduce overall health care costs by helping people get back on their feet, recover from their addictions, return to their jobs, stay off public assistance, and form positive relationships with the community.
  - Unfortunately, Residential Treatment Centers are facing an onslaught of budgetary challenges that threaten their continued existence.
  - In the past, some of our RTCs have relied on State funding to augment modest funding from the Indian Health Service. But as States are forced to make cuts in service due to budget shortfalls, residential treatment has been frequently targeted for elimination. For example, in Portland the cuts being proposed by the State of Oregon could reduce up to $1.25 million dollars in funding to RTCs. In Seattle, cuts already took place in November 2011, resulting in a 50% loss of long-term funding, a reduction of 10 beds at Thunderbird Treatment Center (TTC), and layoff of residential treatment staff. TTC is expecting to lose another 10 beds totaling approximately $700,000 in lost revenues within the past year.
  - State health care reform and budget shortfalls could eliminate and/or drastically reduce state contracts for adult and family alcohol and drug residential treatment. Additional changes to Medicaid could further reduce access to mental health and health services for residential clients.
  - NCUIH estimates that 5 million dollars in funding would assist these RTCs in surviving the next few critical years of state budget cuts and preventing hundreds of AI/AN patients from losing care which is

desperately essential to their health and well-being. Of the 15 million dollar increase requested by NCUIH for FY13, NCUIH would like 5 million dollars of this amount to be directed toward assisting our RTCs during these difficult times. Due to the nature of residential alcohol and substance abuse treatment, it takes a great deal of time and financial investment to establish a successful RTC program. If our RTCs are forced to close, the health benefits and the community services provided by RTCs are likely to disappear many, many years. The patients previously cared for at RTCs will go without residential treatment, ultimately straining public assistance budgets and increasing overall health care costs.

Conclusion

- Once again I would like to express my thanks for the opportunity to testify at the House Interior Appropriations Subcommittee's Native American Witness Day. Since the inception of the Urban Indian Health Program in 1976, Congress and the Administration have repeatedly recognized that American Indians and Alaska Natives live in urban centers as a result of the Federal Termination and Relocation policies. The Urban Indian Health Program is the tangible expression of the trust responsibility to provide health care to American Indians **regardless of where they reside**. This is a solemn promise between the United States federal government and American Indian/Alaska Native people. Urban Indian Health Programs provide high quality, culturally competent care to our communities in fulfillment of this promise.
- Funding for the Urban Indian Health Program line item has fallen far short of the parity required to keep up with medical inflation, and falls even shorter still of the full funding required to address the health care needs of the Native people living in urban areas. Even if the 58 million dollar figure suggested by NCUIH were appropriated by Congress, this would still amount to only $362 per patient served. NCUIH respectfully requests your support for long-delayed funding increases in order for our programs to carry out their mission of serving American Indian and Alaska Native people regardless of where they reside. The changes brought about by implementation of the Affordable Care Act – including the need to implement third-party billing systems - as well as the desperate situation faced by our urban programs and RTCs as a result state budget shortfalls – requires a renewed commitment to the sustainability and survival of our Title V Urban Indian Health Programs. On behalf of our 36 member programs, I thank you for your continued support.

Mr. SIMPSON. Thank you. We appreciate it.
Brooklyn.

TUESDAY, MARCH 27, 2012.

NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

WITNESS

BROOKLYN D. BAPTISTE

Mr. BAPTISTE. Good morning, everyone. I appreciate your time this morning. My name is Brooklyn Baptiste. I serve as the Chairman for the Nez Perce Tribal Executive Committee. I would like to give you guys a huge thank you for allowing us to come here this morning, especially the chairman, who is from the beautiful State of Idaho as well. We would like to say thank you to the Committee as it evaluates and prioritizes the spending needs of the United States regarding IHS, BIA, EPA, the Forest Service and the U.S. Fish and Wildlife Service as it pertains to the Nez Perce Tribe.

The Nez Perce Tribe clinic on the reservation has two facilities which last year served close to 4,000 patients, and not all tribal members but descendents as well and other tribes as well. These patients represent close to 80,000 visits, which included pharmacy and laboratory visits in addition to medical provider visits as well. You have heard testimony from the last three about the contract support costs and how vital it is and how underfunded it is and what it does actually to kind of hamstring the clinic itself as it tries to provide the best quality service. Contract support cost is huge and continually underfunded.

In addition, the tribe shortfall for fiscal year 2011 for contract support costs was close to $9 million, and this is what we are looking at for the next year as well. The Committee's work on maintaining and increasing funding is vital for the Nez Perce tribe and for our membership as they try to serve the best quality health for the members and the patients that visit the clinic as well.

The Nez Perce tribe also seeks restoration of past contract support cost claims where the tribe was not fully funded. H.R. 4031 would help provide an avenue for the affected tribes from the shortfall to find their day in court and try to explain the claims that we have, and like I said, it is trying to play catch-up on a lot of those things, but as years go on and those annual shortfalls seem to add up, it really weighs on the burden of the clinics and the health care on each reservation, even in the urban areas as well.

So we would hope that you will do your best. I know you guys do a lot of hard work for the tribes and the people out there in the Nation for their health care, and we would appreciate any help that you can give us.

The Nez Perce Tribe entered an agreement with the United States in 2005 known as the Snake River Basin Water Rights Act of 2004. A component of the agreement was to transfer approximately 11,000 acres from the Bureau of Land Management to the tribe. The lands were supposed to be surveyed in that agreement and to this day that funding has not been met, so those surveys

have not occurred. Full funding for those surveys in fiscal year 2011 budget request called for $695,000 for that fiscal year to begin that process. The tribes support a renewal of that appropriation request in the fiscal year 2013 budget. I know, Mr. Simpson, you are very familiar with the SRB and the process and how hard that was to get to that point, so we are just trying to make sure that we can follow to the letter of the agreement itself.

The Nez Perce Tribe is a founding member of the Columbia River Intertribal Fish Commission, our policy and technical coordinating agency for treaty fisheries, management for Columbia River and international fisheries. We support the testimony you will hear tomorrow Chairman Gerald Lewis. While we support the funding increase for rights protection implementation, we are concerned with the way allocations to that account have been made since 2009. Individual accounts have been reduced by as much as 40 percent and raised as much as 60 percent without explanation or rationale. We ask the Committee here that you direct the bureau to return to the 2008 allocation formula, which is consistent and effective, and we see it as the best methodology.

The Pacific Coast Salmon Recovery Fund is an example of the projects that we use under that fund. The Nez Perce Tribe utilizes the Pacific Coast Salmon Recovery Fund to stock coho smolts hatcheries in the Clearwater River Basin. We also add additional smolts from Columbia River hatchery, Eagle Creek and up to the Clearwater River for relief. Based on the PIT tag information, 15,000 coho adults from our Clearwater releases provided fishing for tribal and non-tribal members as well. Chairman Simpson is very well aware of the impact that the fisheries have on the local economy and subsistence for the tribe as well. Continued appropriation for this fund will allow this successful work to continue, and we appreciate any work that you could help us on restoring this endangered species.

Finally, the Big Horn sheep. The Nez Perce Tribe respectfully requests that the Committee not renew 2012 appropriations language contained in section 431 that prohibits federal agencies from implementing existing federal management decisions that protect struggling Big Horn sheep populations on public lands. Big Horn sheep are an important resource for the Nez Perce tribe economy but also the history and culture. We are trying to save the last pure stock of Big Horn sheep in Idaho. It is vital for the United States to honor the tribes' treaty reserve rights to continue to hunt this culturally important species on federal public land off the reservation but within the ceded territory and protected by our treaty.

On behalf of the Nez Perce Tribe, I would like to say thank you for your hard work and your due diligence on all the budgets in Indian Country. I know it is not easy defending these, and when we have such a budget crisis, it is always hard for us to move forward. So thank you very much.

[The statement of Brooklyn D. Baptiste follows:]

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENTAND RELATED AGENCIES

TESTIMONY OF BROOKLYN D. BAPTISTE
CHAIRMAN, NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

MARCH 27, 2012 PUBLIC WITNESS HEARINGS ON NATIVE AMERICAN ISSUES

Honorable Chairman and members of the Committee, as Chairman of the Nez Perce Tribal Executive Committee, I would like to thank you for the opportunity to provide testimony on behalf of the Nez Perce Tribe to this Committee as it evaluates and prioritizes the spending needs of the United States regarding IHS, BIA, EPA, the Forest Service and the Fish and Wildlife Service. I would like to give special thanks to Chairman Mike Simpson from our state of Idaho.

As with any government, the Nez Perce Tribe does a wide array of work and provides a multitude of services to the tribal membership as well as the community at large. Congressman Simpson has seen in person the variety and the quality of the work done by the Tribe. The Nez Perce Tribe has a health clinic with a satellite office, a tribal police force with 16 officers, a social services department, a comprehensive natural resource program that does work in forestry, wildlife management, land services and land management, habitat restoration, air quality and smoke management, water quality and sewer service, and one of the largest fisheries departments of any tribe in the nation working on recovery of listed species under the Endangered Species Act. The Nez Perce Tribe conducts its extensive governmental functions and obligations through a comprehensive administrative framework, which is necessary for a sovereign nation that oversees and protects the treaty rights of the Nez Perce People in addition to providing the day to day governmental services to its members and the surrounding communities. The Nez Perce Tribe has long been a proponent of self determination for tribes and believes its primary obligation is to protect the treaty-reserved rights of the Nez Perce Tribe and its members. All of the work of the Tribe is guided by this principle. As a result, the Tribe works extensively with many federal agencies and proper funding for those agencies and their work with, for and through Tribes is of vital importance.

Indian Health Services

The Nez Perce Tribe was pleased to see President Obama's budget provided for increased spending for Indian Health Services. The request for $4.422 Billion is an increase of $115.9 million over the FY12 enacted level but more is needed. The Tribe's shortfall for FY 2011 for CSC was $859,860.54. Proper funding for the operations of the clinic is imperative. The Nez Perce Tribe currently operates one health care clinic on the Nez Perce Reservation, Nimiipuu Health, with the main clinic in Lapwai, Idaho and a satellite facility 65 miles away in Kamiah, Idaho. Nimiipuu Health provided service to 3,870 patients in FY 2011. These 3,870 patients represented 79,573 visits, which included pharmacy and laboratory visits in addition to medical provider visits. Our expenditure total for FY2011 was $12,555,959. Our Contract Health Services (CHS) cost for outpatient services for FY2011 was $3,674,368. In this fiscal year for the four months ended January 31, 2012, our expenditures totaled $ 4,989,836. Annualized for

the full twelve months this will result in a cost of $14,969,508. Our CHS cost at the end of January was $2,118,537. When annualized, this amount will result in a total expenditure of $6,355,611. Our revenue from IHS for 2011 was $10,082,221 and is projected for FY 012 at $9,873,494.

In 2011 the Tribe expended $2,626,164 of third party billings collected in 2011. If expenditures continue as projected based on the first four months of FY2012, the Tribe will have to collect in third party billings $5,096,014. This will require approximately 57% more collections in third party revenue than is currently budgeted and anticipated in FY2012. The Tribe has been in priority one status for our CHS patients for nine months of FY 2011 and for the first four months of FY2012. Even in this priority one status we are already 32% over expended in FY 2012 with six identified Contract Health Emergency cases being processed for reimbursement through the CHEF funds. Priority one cases include only those circumstances where loss of life or limb will occur without treatment. All other referrals for outside treatments are placed on a deferred services list. At the end of FY2011, our deferred list totaled $516,817. At the beginning of FY2012, the patients on this deferred list were re-evaluated by the medical providers and either received treatment based on the condition reaching priority one status, remained on the deferred services list or denied services based on their condition at that time. Currently our deferred list totals $209,998 after only four months of referrals. Any shortfall in funding creates a trickle-down effect in emergency and preventative patient care.

Bureau of Indian Affairs

For the FY11 budget proposal, the BIA proposed several spending recommendations for improving trust land management that were supported by the Tribe. The Nez Perce Tribe entered into an agreement with the United States in 2005 known as the Snake River Basin Water Rights Settlement Act of 2004 (Title X of Division J of P.L.108-447, 118 Stat. 3431, et seq.). A component of the agreement was the transfer of approximately 11,000 acres of land from the Bureau of Land Management to the Tribe. The lands were supposed to be surveyed as part of the transfer. Full funding for those surveys has not been made to this date. The FY11 budget request called for $695,000 for that fiscal year to begin that process. Although that amount would not cover the full cost of the surveys, it would allow the process to begin. The Tribe supports a renewal of that appropriation request in the FY13 budget that was not funded during the past several budget cycles.

The Tribe requests more emphasis be placed on funding for contract support costs through the BIA and that it be funded fully. The Nez Perce Reservation covers 1200 square miles and covers five counties and has a mixture of tribal and non-tribal residents. Currently, the Nez Perce Tribe contributes $600,000 per year to cover the shortfall in BIA funding for the Tribe's law enforcement. This funding comes from cigarette taxes levied by the Tribe.

The Tribe also relies on the BIA for funding for its work related to endangered species and protection of the Tribe's treaty resources including Chinook and steelhead salmon. The funding has also been used to supplement the research efforts of the Tribe relative to Big Horn Sheep. The BIA Endangered Species Program provides tribes with the technical and financial assistance

to protect endangered species on trust lands but funding of this program has declined significantly over the last 8 years.

In addition, the funding provided under the BIA Rights Protection fund is critical as it supports the exercise of off-reservation hunting and fishing for tribes like the Nez Perce. It is important to understand that this funding is not for equipment but is used for job creation. The Tribe has employed two new conservation officers and an additional biologist for our programs under the funding during the last several fiscal years. The Tribe has to cover and manage a large area in fisheries related activities from the Lostine River in Oregon to the South Fork of the Salmon River and a capable and adequate staff is vital to continue this work.

The Nez Perce Tribe utilizes the Pacific Coast Salmon Recovery Fund to rear 300,000 local stock coho smolts at Dworshak and Kooskia hatcheries in the Clearwater River Basin. We also truck an additional 550,000 coho smolts from a lower Columbia River hatchery (Eagle Creek Hatchery) up to the Clearwater for release. Based on PIT tag information, 15,000 coho adults from our Clearwater releases crossed Bonneville Dam in 2011 where they provided a fishery for tribal and non-tribal fisheries on the Columbia River. Over 5,000 swam on to cross Lower Granite Dam where they continued to provide a fishery, provide broodstock for the hatchery program and spawners in the wild. Continued appropriations for this fund will allow this successful work to continue. The Tribal Management and Development Program also needs increased funding. NCAI has recommended $20 Million for base and programmatic funding. This program is critical for fish and wildlife management of the Tribe.

The Tribe supports the funding requests for the BIA Wildlife and Parks Tribal Priority Allocations. This funding is allowing important work to be done on fish recovery through hatchery operation and maintenance. As stated earlier, the Tribe has invested a large amount of its personnel and resources in the restoration and recovery of this important resource through its fisheries programs. The state of Idaho directly benefits from this work as well through its sports fisheries. These programs have been successful but more work needs to be done.

Fish and Wildlife Service and Forest Service

The Tribe relies heavily on funding sources within the Fish and Wildlife Service and the Forest Service. First, the Tribal Wildlife Grants account for a small pot of money that has resulted in huge returns from the Tribe's perspective. This competitive grant does not simply dole out funds for projects but awards grants based on the quality of the proposal. The Tribe has received funding from this grant four out of the last five years based on the quality of our research work on Big Horn Sheep. The Big Horn Sheep is a treaty resource of the Tribe that is declining rapidly within the Tribe's ceded territory. The funds from this program provide the resources to keep the research going. Funding for these grants was reduced to four million in the FY12 budget. The Tribe strongly urges this committee to increase this funding as it provides a large return in work for a small investment. It is also one of the few sources of funds tribes can tap into for wildlife research.

The Tribe also supports increased funding for the work of the Forest Service in the protection of treaty reserved resources of tribes. The Nez Perce Tribe reservation and its usual and

accustomed areas are rich in natural resources and encompass eight different national forests. The Tribe works closely with each forest administration to properly manage its resources on behalf of the Tribe. These range from protecting and properly managing the products of the forest to managing the vast wildlife in each one such as elk, deer, bighorn sheep and wolves. For example, the Payette Forest will need increased funding for monitoring over the next several years. Increased funding is necessary so that the Forest Service can meet these trust obligations and continue to work with tribes such as the Nez Perce on a government to government basis.

Similarly, the Tribe is looking for funding for solutions to help with its Bison hunt in the Gallatin National Forest near Yellowstone National Park. For the last 6 years, the Nez Perce Tribe has returned to the Gallatin to exercise its treaty right to harvest bison in that area. The treaty hunt has been successful and this year the Tribe harvested over 80 animals. However, disease transmission by the bison is a concern and therefore a ship and slaughter program used by the state of Montana to protect domestic livestock has the potential to endanger such treaty based hunts. More funding for work and research to assist in helping the Forest Service, the Fish and Wildlife Service and the National Park Service meet the treaty hunting rights of the Nez Perce Tribe and the Confederated Tribes of the Salish Kootenai is needed.

Environmental Protection Agency

The Nez Perce Tribe currently implements, on behalf of the Environmental Protection Agency, the Federal Air Rules for Reservations program (FARR). The program monitors air quality and regulates field burning throughout the Nez Perce Reservation. The Tribe is located in Region 10 of the EPA. The Tribe is currently dependent on several EPA sources for funding for the FARR. Continued funding is needed for Tribes to meet their air quality needs and operate programs under the delegation of the EPA. EPA consistently uses the Nez Perce Tribe's FARR Direct Implementation Tribal Cooperative Agreement (DITCA) program as a model of success but Region 10 is being forced to look for ways that the Nez Perce Tribe can reduce the cost of its FARR DITCA. The Nez Perce Tribe cannot cut its FARR DITCA budget without adversely impacting the Tribe's ability to protect the health and welfare of the 18,000 residents of the Nez Perce Reservation. The Nez Perce Tribe currently operates its entire FARR DITCA program for about the same cost per year as the State of Idaho operates solely an agricultural burning program, therefore, EPA gets a much bigger "bang for their buck" with the FARR DITCA program compared to the state program and is a program worthy of investment.

The Tribe was pleased to see that most tribal set asides received increased funding in FY12. Funding for these tribal programs is important. In addition to the air quality program, the Tribe is currently in facilitated discussions with the state of Idaho that are being funded through grants from the EPA. The facilitated discussions involve the Tribe adopting water quality standards to improve the water quality on the Nez Perce Reservation. The Tribe also relies heavily on contract support dollars for our water resource programs such as the storage tank remediation issues and watershed restoration. As you can see, the Nez Perce Tribe does a variety of work, sometimes instead of and sometimes on behalf of the United States but the Tribe still expects the U.S. to provide proper funding under its trust obligations.

Mr. SIMPSON. Thank you. We appreciate it.
Tino.
Mr. BATT. Good morning.
Mr. SIMPSON. Good morning.

TUESDAY, MARCH 27, 2012.

SHOSHONE-BANNOCK TRIBES OF THE FORT HALL INDIAN RESERVATION

WITNESS

TINO BATT

Mr. BATT. Good morning, Chairman Simpson, Ranking Member Moran and other members of the Committee. My name is Tino Batt. I serve as the Treasurer of the Fort Hall Business Council, the governing body of the Shoshone and Bannock tribes of Idaho.

First, on behalf of the tribes, I would like to thank you, Congressman Simpson, for your friendship and commitment to make sure the federal government fulfills its trust responsibility. My testimony will focus on the following areas: one, juvenile detention center as a regional facility; two, funding for educational and mental health services for our juvenile detention center; three, funding for 6th grade expansion for the Shoshone-Bannock Junior and Senior High School; and four, EPA support to clean up the Eastern Michaud Flats Superfund Site on the reservation; and five, funding increase for road maintenance on BIA Indian reservation roads.

Juvenile justice system in Indian Country, like the broader tribal justice system, has been crippled by federal laws and court decisions more than a century. The tribe has many of the same public safety concerns that other tribes have. However, we face the added pressure of dealing with Public Law 280. In 1963, the State of Idaho, without consent, assumed responsibility over juvenile crimes on our reservation. For almost 50 years, the state has ignored its responsibility under Public Law 280 and our youth has suffered as a result.

With no help at the state level and little help at the federal level, we took matters into our own hands and built a new justice center, which houses our police department, our courts, adult and juvenile detention center. We built a juvenile center for the vision of having it serve as a regional facility. Congress through the enactment of the Tribal Law and Order Act approved of this regional detention center aspect. We must also provide education, substance abuse and mental health services to juveniles in our custody. The detention center is often the final opportunity for rehabilitation. Our hope is that the facility can help our juveniles turn their lives around instead of becoming career criminals.

Unfortunately, the fiscal year 2013 BIA budget requests zero funding for juvenile education, and BIA refuses to let us use correctional dollars for education for our juveniles. There are 24 juvenile facilities in the BIA system, and none are receiving funding for education. We urge you to include funding for juvenile education in fiscal year 2013.

Also, to assist us in improving our juvenile program, we respectfully make two requests that would help us stretch existing dollars. First, we seek designation of our juvenile center as a regional facility. Second, we seek authorization to use detention funding for educational and mental health services for juveniles.

I would like to turn to the needs of the Shoshone-Bannock High School, a tribally controlled BIE school, which relies on Tribal Grant Support Costs (TGSC) to pay for administrative costs. The fiscal year 2013 budget request only meets 65 percent of our needs. We ask that we receive funding to meet 100 percent of our needs. Two years ago, the tribe added a 6th-grade program to the high school. Given that the elementary school on the reservation ends at 5th grade and the high school starts at the 7th grade, this left a big gap where our children had to go to different schools off the reservation for one year and then come back to the reservation. However, the BIE has refused our request to use TGSC funding for our new 6th grade by pointing to riders in the fiscal year 1995 and 1996 Interior appropriation bill as a moratorium on grade expansion. To overcome this barrier, we request report language clarifying that BIE funding can be used for costs of our 6th grade.

I have two last items. We request support in our efforts as we work with EPA to clean up the Eastern Michaud Flats Superfund Site located on the reservation due to phosphate mining. The hazardous waste from the mining is stored in unlined holding ponds causing serious contamination to the earth and groundwater. This contamination has affected our sacred hunting grounds. The EPA wants to just cover it, but southeast Idaho wants to clean it up.

Lastly, we request consideration of a one-time appropriation of $50 million to address the growing deferred road maintenance needed in Indian Country.

At this time I would like to thank you for your time and your efforts to ensure the needs of Indian people are met. Thank you.

[The statement of Tino Batt follows:]

Tino Batt, Treasurer, Fort Hall Business Council, Shoshone-Bannock Tribes
House Interior Appropriations and Related Agencies Subcommittee (03/27/2012)
The Shoshone-Bannock Tribes (Tribes) deeply appreciate the Committee's commitment to Indian country and its tremendous efforts to ensure that there is sufficient funding for critical programs and services at the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS). We especially thank our Congressman, Rep. Mike Simpson, for being not only our champion in Congress but also a champion for all of Indian country.

My name is Tino Batt, and I serve as Treasurer of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes located on the Ft. Hall Indian Reservation in southeastern Idaho. My testimony focuses on the following areas of priority: (1) administrative designation and support of our Juvenile Detention Center as a regional juvenile detention center; (2) funding for educational and mental health care services at our Juvenile Detention Center; (3) funding to start a sixth grade program and to construct a dormitory for homeless children attending the Shoshone-Bannock High School, which is administered by the Bureau of Indian Education (BIE); (4) clean up of Superfund sites on the Reservation; and (5) a funding increase for road maintenance in BIA's Indian Reservation Roads Program (IRR).

Regional Juvenile Detention Center
The Treaty of Fort Bridger, federal laws, and dozens of Supreme Court decisions all acknowledge the significant legal responsibility of the U.S. to provide for public safety on Indian lands. Sadly, the U.S. has largely fallen short in keeping these solemn promises. Reservations nationwide suffer violence at more than 2.5 times the national rate. The Fort Hall Reservation faces many of the public safety challenges common to Indian country. Public Law 83-280 adds to the challenges facing our tribal justice officials. The State of Idaho has neglected the responsibilities for juvenile delinquency matters that it assumed, without tribal consent, under Public Law 280, leaving the needs of troubled youth on our Reservation unaddressed for far too long.

Faced with a condemned police and jail building and a 110-year old courthouse and after many years of unsuccessfully seeking federal and state funding assistance, we took the initiative and took out a loan to construct a state-of-the-art Tribal Justice Center to house all of our law enforcement services, including police services, tribal courts, and adult and juvenile detention. The Center has been operational for nearly two years now and has allowed us to provide dramatically improved law enforcement services for the Reservation.

The detention facility has 80 adult and 20 juvenile beds. The adult detention program has seen higher-than-expected use of bed space, with adult bed space use at capacity much of the time. Conversely, the juvenile facility has operated at substantially less than capacity since its opening in August of 2010. We have held a total of 281 juveniles in custody (including repeat offenders) at our Center since it opened. Their average age is between 12-17. The length of their disposition order ranges from 3 to 30 days, but the average stay is 7-14 days. The juveniles come from the Shoshone-Bannock Jr./Sr. High School, Blackfoot High, Hawthorne Jr. High, Pocatello High, Highland High, and Power County schools. Detention staff attribute the low juvenile inmate population to the facility serving as a deterrent to juvenile crime. However, many of the juvenile crimes are considered "status offenses," which are crimes committed by juveniles for

which they can not be detained. The Shoshone-Bannock Jr./Sr. High School does provide limited educational services to the juveniles only if they are enrolled in its school.

We designed the Tribal Justice Center with the intention of having our juvenile detention program serve as a leading model for a regional center concept. The Juvenile Center has sufficient bed space, and we have the support from nearby tribes – including the Goshute and Blackfeet Tribes – to house juvenile offenders adjudicated in their court systems. The concept for a regional approach was supported in the Interior Department's June 2008 study titled "Master Plan for Justice Services in Indian Country." This Report detailed the deplorable state of 34 specific BIA and tribally-operated jails. (The now condemned Fort Hall Detention Center was reviewed in this Report.) The authors of the Master Plan concluded that a regional corrections approach should be part of a comprehensive plan to address Indian country detention.

Congress, through enactment of the TLOA, approved of the regional detention concept. The Act broadened the authorization for the Department of Justice (DOJ) Tribal Jails program to specifically include funding for regional detention centers. P.L. 111-211, Section 244(b). ***We ask the Subcommittee to direct the Administration to designate and foster the development of the Shoshone-Bannock Juvenile Center as a regional juvenile detention facility.***

Juvenile Detention Education, Mental Health, and Rehabilitation Services

As noted above, while our Justice Center is operating successfully, we continue to face critical funding needs for juvenile education and mental health and substance abuse services in order to make our regional juvenile detention concept a reality. Juvenile detention must include education and substance abuse and mental health services programs to provide juveniles an opportunity to become productive citizens. A juvenile's placement in a detention center is often his or her last opportunity at rehabilitation to prevent youth from falling through the cracks and becoming career criminals. As a result, they deserve our best efforts to rehabilitate them and open doors for a brighter future. Our Juvenile Center incorporates space for treatment and education components. However, funding for these essential services has lagged.

From 2008-2010, Congress held a number of hearings to examine the mental health needs of Indian country. Current funding levels account for one-third of tribal mental health needs. The rates of alcohol and substance abuse, depression, and other mental health issues among tribes are staggering. At 3.5 times the national rate, Indian youth have the highest rates of suicide among any population in the U.S. Congress, again through enactment of the TLOA, acknowledged the need to provide education and mental health services to Indian juveniles in custody. Section 241 of TLOA directs the Departments of Interior and Justice, in consultation with tribes, to develop a long-term plan for detention and alternatives to detention. As part of this plan, the BIE and IHS must coordinate with tribal and BIA juvenile detention centers to provide educational and health care services to those centers.

In past years, the BIA has denied requests from the Tribes to use BIA corrections funding to provide education, health, and mental health services to our juvenile population. There is no statutory barrier to using corrections funds for this reasonable purpose. Instead, the BIA is making an administrative decision that we believe is now overruled by Congress through enactment of the TLOA. ***We ask the Subcommittee to provide report language acknowledging***

Tribes can use BIA corrections funding for education, health, and mental health services to inmates and youth in custody at tribally operated detention centers. We also ask that the Committee direct the BIA, BIE and IHS to meet their statutory obligation to work with the Shoshone-Bannock Tribes to provide these essential services to juveniles at our Center.

In addition, the President's FY13 budget requests zero funding for educational services to youth in custody. The BIA's Juvenile Detention Education program provides educational resources for juveniles in 24 BIA funded detention facilities. In FY11, this program was funded at $619,000 and then unfortunately zeroed out in FY12. ***We ask the Committee to provide adequate FY13 funding for this program and to include report language to streamline the funding mechanisms so that tribes can access these funds more easily.***

Funding for the Shoshone-Bannock High School

The Shoshone-Bannock Jr./Sr. High School (School), a tribally controlled school administered by the BIE, began as an alternate school in 1975 for Native youth struggling to succeed in area public schools. The School operated for more than 30 years in various buildings on the tribal campus before a school was built in 1995 just west of the site of the Fort Hall Boarding School, which operated on the reservation from 1880 to 1936. The mission of the School is to educate Native American students in their culture and to prepare them for a lifetime of learning and achievement.

The School is underfunded. The funding provided by the BIE under its Tribal Grant Support Costs (TGSC) program provides $3,000 per full time student. This amounts to a funding level of less than $1 million per year for the School, an inadequate amount to provide for a quality education. The TGSC provides critical funding to cover administrative and indirect costs of exercising local authority and exercising tribal self-determination in assuming the operation of a school. The FY13 budget requests $48.253 million for TGSC. This funding level would meet only 65% of need. ***We ask that TGSC be funded to meet 100% of need.***

The Tribes added a sixth grade program to the School last year to enhance the academic success of our students. The sixth grade program was needed because the on-reservation elementary school only goes to fifth grade, which forces students to attend sixth grade at schools off the Reservation. This lack of consistency results in widespread variation in student education levels. Offering a sixth grade program will prevent these students from having to play catch up in their first semester as seventh graders, and will increase our graduation rates. The BIE cites FY95 and FY96 Interior appropriations riders to justify a moratorium on developing a sixth grade at the School. ***The Tribes request assistance in ensuring that TGSC funding can be used for the School's costs to expand to the sixth grade and that its sixth grade students can be included in BIE's annual funding formula for the School.***

The School also needs a student dormitory to address the high number of homeless students that the school serves. Based on our current data, the number of students who are homeless any given night is estimated to be between at least 8-10 children. Without a stable place to live, children have no hope at achieving a proper education, and many children in this position drop out of our School. The dorm would serve 50 students and 25 teachers / resident assistants. The dorm will afford homeless children attending the School stable housing and meals on campus, which will

decrease our drop-out rate and encourage improved study habits. ***To address this significant need, we request $11.3 million in funding to construct a 40,000 square foot student dormitory on the School campus.***

EPA Support to Clean Up Superfund Sites on Ft. Hall Reservation

There are more than 602 hazardous waste sites on or impacting Indian country with 55 EPA National Priority List (NPL) sites affecting 50 tribes. For more than 50 years, the health, environment, and safety of the residents of the Fort Hall Indian Reservation have been subjected to hazardous pollution caused by the FMC Corporation, which began phosphate mining operations on and near our Reservation lands in 1940. For decades, hazardous waste from the operation was stored or disposed of in unlined holding ponds with unknown damage and contamination done to the earth and ground water. In the late 1980s, the EPA detected arsenic, cadmium, and selenium in monitoring wells at the plant. Due to the complete disregard for the health and environment of our people, in 1990, the EPA listed the FMC site on the National Priority List as the Eastern Michaud Flats Superfund Site. FMC lined the ponds that held the hazardous waste, but it severely mismanaged the ponds, which caught fire on a number of occasions. FMC shut down operations in 2001 and dismantled the then-existing treatment system. The extent of the contamination is significant and longstanding. Decades of poison continue to pollute the air and seep into the groundwater west of Pocatello.

In recent years, we have seen the destruction of the hazardous pollution in action. Thousands of mammals and birds that have come into contact with the site have died. The site has also affected the Bottoms area, the sacred hunting grounds of the Shoshone-Bannock Tribes. The contamination of our groundwater remains a significant concern. All of this leads to the obvious concerns for the health of our people. ***We respectfully request that the Committee urge the EPA to work us to actually clean up Eastern Michaud Flats, instead of just covering it up, which is what the EPA has proposed.***

Funding Increase for Road Maintenance under BIA Indian Reservation Roads Program

Although funding for IRR Program has increased considerably over the last decade, funding for the BIA Road Maintenance Program (Program) has remained stagnant for the last 30 years. The FY13 budget requests a $235,000 cut for the Program to $25.155 million. As tribes construct roads and bridges on our reservations with IRR Program "tribal shares," these facilities are not enjoying their full useful life of 20+ years due to inadequate routine and preventive maintenance. This lack of funding is also a public safety issue that contributes to the unacceptable levels of highway fatalities and serious injuries among Native Americans, well above the national average. In 1992, Congress made a one-time appropriation of $41 million for the BIA Road Maintenance Program for the purchase of new equipment to replace antiquated equipment that tribes and BIA Regions were using for routine and emergency road maintenance needs. Funding for the program the following year then dropped $14 million to $27 million, where it has essentially remained for the last two decades. ***If there cannot be a sustained funding increase, then we request at least a one-time appropriation of $50 million for the purchase of heavy equipment and supplies, materials and fuel to address the growing deferred road maintenance needs throughout Indian country.***

Mr. SIMPSON. Thank you, Tino.
Affie.

TUESDAY, MARCH 27, 2012.

TRIBAL LAW AND ORDER COMMISSION

WITNESSES

AFFIE ELLIS
TOM GEDE

Ms. ELLIS. Good morning, Mr. Chairman, Ranking Member Moran, other members of the Committee, including my neighbor, Representative Lummis from Cheyenne, Wyoming. My name is Affie Ellis, and I appreciate the opportunity to testify on behalf of the Indian Law and Order Commission. I serve as a member of the commission along with the Tom Gede, who will address a few other matters in just a moment.

Our commission was created by the Tribal Law and Order Act, which was signed into law in July 2010. The President and leaders of Congress appointed nine commissioners, who are all volunteers, during the winter of 2010 through 2011. The commission has received funding from the U.S. Departments of Justice and Interior in the late summer of 2011 to carry out its statutory responsibilities. The commission is charged with conducting a comprehensive study of law enforcement and criminal justice in tribal communities and will recommend to the President and to Congress modifications and improvements to justice systems at the tribal, federal and state levels. The Tribal Law and Order Act made clear, however, that the commission's report would be due within 2 years of enactment. Thus, our report is due in July of this year.

Commissioner Tom Gede and I are here today to urge Congress to extend the life of the commission to allow us to complete our study, our field hearings and our analysis in order to develop a meaningful and comprehensive report. I was appointed to the commission to serve by Senate Republican Leader Mitch McConnell at the recommendation of U.S. Senator John Barrasso.

By way of background, I am a member of the Navajo Nation and I currently operate a public and government affairs firm based out of Cheyenne, Wyoming. Prior to that, I served as an Assistant Attorney General in the Wyoming Attorney General's Office. I have also spent some time working on Capitol Hill working for the late U.S. Senator Craig Thomas of Wyoming, and I also worked at the National Gaming Commission. I currently serve as an Adjunct Professor at the University of Wyoming where I teach a class on Indian law and policy. It was an honor to be selected to serve on this commission, and it is an honor to appear before you today.

The commission did not receive its funding until August of 2011, more than a year after the enactment of the Tribal Law and Order Act, and thus one of the two years that Congress anticipated for our review and study was lost. The commission organized itself throughout 2011 and it held its first public hearing in September 2011 at the Tulalip Indian Reservation in Washington State. The commission has thus far traveled to or near Indian Country for

hearings on a monthly basis since then and has met with tribal, state and federal officials with deep experience and knowledge of the problems in Indian Country.

We currently have eight upcoming hearings throughout Indian Country scheduled to occur through October 2012. This active and high-paced work is essential for the commission to accomplish its task but our work is not complete and cannot be reasonably be completed by July 2012.

The commission respectfully requests that you consider legislation that extends the life of our commission for an additional year at no cost and with no additional appropriation so that we can complete our work.

Thank you again for the opportunity to testify. Commissioner Gede will now testify as to some of the key duties assigned to the commission.

[The statement of Affie Ellis follows:]

Testimony of Affie Ellis
Commissioner, Indian Law and Order Commission

Before the
United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

On
"Extension of the Life of the Indian Law and Order Commission under the Tribal Law and Order Act"

Washington, DC
March 27, 2012

Thank you for the opportunity to testify on a matter of importance to the Indian Law and Order Commission ("the Commission"), established under the Tribal Law and Order Act of 2010 ("the Act" or "TLOA"). My name is Affie Ellis and I serve as a member of the Commission. This is the independent national advisory commission created when the Tribal Law and Order Act was passed and signed into law on July 29, 2010. The President and leaders of Congress appointed the nine Commissioners, who are all volunteers, during the winter of 2010-2011. Two of the Commissioners are former Members of the U.S. House of Representatives who were instrumental in writing and enacting TLOA, and several other Commissioners have held important posts in federal, state and tribal government. The Commission received funding from the U.S. Departments of Justice and Interior late in the summer of 2011 to carry out our statutory responsibilities. The Commission is charged with conducting a comprehensive study of law enforcement and criminal justice in tribal communities, and then to recommend to the Congress and the President modifications and improvements to justice systems at the tribal, Federal, and State levels. The Commission's report of recommendations is to be submitted two years from the date of the enactment of the TLOA, and thus, is due in late

July of this year, 2012. Commissioner Tom Gede and I am here today to urge the Congress to extend the life of the Commission to allow us to complete our study, necessary field hearings, meaningful analysis and a comprehensive report to the Congress and the President.

By way of background, I was appointed to the Commission by the Senate Republican Leader Mitch McConnell, at the recommendation of U.S. Senator John Barrasso. I am a member of the Navajo Nation and currently am the president of Ellis Public Affairs, a public and government relations firm based in Cheyenne, Wyoming. I have served as an Assistant Attorney General of the State of Wyoming, representing and advising the governor and multiple state agencies on natural resource and Indian law. Previously, I was a policy advisor for U.S. Senator Craig Thomas (R-WY) in Washington, DC, advising on natural resources, public lands, and American Indian issues. While in Washington, I also served as the Congressional and Public Affairs Director of the National Indian Gaming Commission. Currently, in addition to running Ellis Public Affairs, I teach a course focusing on American Indian law and policy as an adjunct professor in the American Indian Studies Department at the University of Wyoming. Being tapped to serve on the Indian Law and Order Commission was an honor and we are dedicated to produce a meaningful report to submit to Congress and the President.

As I have noted, the Commission did not receive its funding until August of 2011, more than a year after the enactment of the TLOA, and thus one of the two years that

Congress anticipated for our review, study and report preparation was lost. The Commission organized itself throughout 2011, and through the hard work of individually-appointed Commissioners and key staff members in the Department of Justice, the Commission was finally able to fund its operations and conduct its first field hearing in September 2011, at the Tulalip Indian Reservation in Washington State. The Commission adopted rules and elected one of its members as Chairman, the Honorable Troy Eid, former United States Attorney for the District of Colorado. Chairman Eid worked tirelessly at his own time and expense to secure the funding, detailing of staff as contemplated by the TLOA, and the administrative functioning of the Commission. He regrets he is unable to attend this hearing and testify on behalf of the Commission.

Commissioner Gede will testify as to some of the key duties assigned the Commission by the Congress. It is important to note that the trust and responsibility placed in the Commission and its Commissioners by the President, the Senate leadership and the House leadership is deeply felt and appreciated by each and every Commissioner. The Commission, with only three staff detailed to assist it, is made up of volunteers who have spent significant time and personal resources to work toward accomplishing a meaningful study and analysis of the issues of public safety in Indian country.

The Commission has thus far traveled to Indian country or near to Indian country for hearings on a monthly basis, meeting with tribal, state and federal officials with deep experience and knowledge of the problems in Indian country - including, without limitation, jail and prison management, tribal policing, federal/tribal law enforcement

cooperation, tribal/state law enforcement cooperation, tribal courts, juvenile justice, alcohol and substance abuse, grants and funding mechanisms for Indian country, and similar issues. To date, these visits and field hearings have included: Tulalip Indian Reservation; Portland, Oregon; Pueblo of Santa Ana, New Mexico; Salt River Pima Indian Community in Arizona; Agua Caliente Indian Reservation; and Washington, D.C. This active and high-paced work is essential for the Commission to accomplish its task, but its work is not complete and cannot be reasonably completed by July 2012, as contemplated by the TLOA.

As Chairman Eid set forth in his September 30, 2011 letters to Chairman Smith and Ranking Member Conyers of the House Judiciary Committee, and to Chairman Hastings and Ranking Member Markey of the House Committee on Natural Resources, the Commission respectfully requests you consider legislation that extends the life of the Commission for an additional year, at no cost, with no additional appropriation. As the Commission was unable to secure its designated funding until one year after the enactment of the TLOA, the existing two-year funding should meet the needs of the Commission in time to complete its congressionally-mandated study and preparation of its report.

On behalf of the Commission, let me extend sincere thanks for the support and confidence of Congress in the work of the Commission. And please do not hesitate to reach out to the Commission at any time with your concerns or questions. Thank you again for the opportunity to testify.

Mr. SIMPSON. Tom.

Mr. GEDE. Thank you, and good morning, Chairman Simpson, Ranking Member Moran and members of the Committee. My name is Tom Gede, and I was appointed to the Indian Law and Order Commission in December 2010 by then-House Minority Leader John Boehner. I am an attorney in Sacramento, California, and previously served as a Special Assistant and Deputy Attorney General in the California Attorney General's Office under former Congressman, then Attorney General, then again Congressman Dan Lundgren, and also teach federal Indian law at University of Pacific-McGeorge School of Law.

In my written testimony, I provided an introduction to all the members of the Committee of our nine-member commission, one of whom is our distinguished President Keel here today with us as well of the nine members of the commission, and as Affie pointed out, we are facing a very short deadline to complete this comprehensive study of improvements to public safety for American Indian and Alaska Native communities at all levels of the government. The charge Congress gave us was to examine law enforcement and public safety in Indian Country including the complex issues of jurisdiction over crimes committed in Indian Country, tribal jail and federal prison systems, rehabilitation of offenders, tribal juvenile justice systems, the prevention of juvenile crime, rehabilitation of Indian youth in custody and reducing recidivism among Indian youth. The commission is to provide the President and this Congress with a report of our recommendations for improvements to the justice system at all levels. This may include consideration of simplifying jurisdiction in Indian Country, improving services and programs focused on preventing juvenile crime on Indian lands, adjustment to the penal authority of tribal courts, and changes to the tribal jails and federal prison systems. I join Commissioner Ellis in respectfully requesting the support of the Committee and Congress for an extension of one year for the commission to complete its work.

As you may know, Congress provided that $2 million in unallocated funds from the Department of Interior and Department of Justice be used to support the commission, and so we seek no appropriation but we do need an additional year of life to the commission in order to get this comprehensive completed and our report to the Congress and the President finished. Thank you.

[The statement of Tom Gede follows:]

Testimony of Tom Gede
Commissioner, Indian Law and Order Commission

Before the
United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

On
"Extension of the Life of the Indian Law and Order Commission under the Tribal Law and Order Act"

Washington, DC
March 27, 2012

Thank you for the opportunity to testify today on behalf of the Indian Law and Order Commission ("the Commission"). My name is Tom Gede, and I serve as a member of the Commission, having been appointed in December 2010 by then-House Minority Leader John Boehner. The Commission was established under the Tribal Law and Order Act of 2010 ("the Act" or "TLOA"), signed into law on July 29, 2010. As Commissioner Ellis has reported, the President and leaders of Congress appointed the nine Commissioners during the winter of 2010-2011, but that due to funding uncertainties and budget restrictions, the funds designated for the operation of the Commission were not available for the Commission until late Summer of 2011. Therefore, we face a very short deadline to complete our final report. We have just one year to accomplish our mission, instead of the two years envisioned by the TLOA. I join Commissioner Ellis in respectfully requesting the support of this Committee and the Congress for an extension of one year for the Commission to complete its charge - a comprehensive study of public safety in Indian country and recommendations for improvements. Our elected Chairman, Troy Eid, has communicated with the relevant Committees of Congress to make the same request. Today, I would like to discuss the important work that Congress expects of the

Commission, and by a brief description, introduce the Committee to the dynamic, well-qualified, experienced members of the Commission.

Let me introduce myself. As noted, then-House Minority Leader, now Speaker of the House of Representatives John Boehner appointed me to the Commission in December of 2010. I am an attorney in private practice with Bingham McCutchen LLP and Bingham Consulting Group LLC in Sacramento, California, and previously served as the Executive Director of the Conference of Western Attorneys General, and before that as a Deputy and Special Assistant Attorney General for the State of California under Attorneys General John Van de Kamp, Dan Lungren and Bill Lockyer. Although I am an appellate lawyer and a generalist by trade, I served in the state's Attorney General's criminal division and worked extensively on Indian criminal justice issues, and have experience in Public Law 280 and issues unique to Alaska Natives. I have taught Federal Indian Law as an adjunct professor for more than ten years at the University of the Pacific - McGeorge School of Law in Sacramento.

I am especially proud of this Commission and its Commissioners, appointed by the President and the Senate and House leaders. Each appointment reflects a person of exceptional experience and judgment, appropriate to the task assigned to the Commission by the Congress. They include Commission Chair Troy Eid, who recently served as the United State Attorney for the District of Colorado, and is a member of the Navajo Bar; Affie Ellis (Navajo), public policy expert and a former Assistant Attorney General for Wyoming; UCLA Law Professor Carole Goldberg, Indian law scholar and a Justice of the Hualapai Tribal Appellate Court; Former U.S. Representatives Stephanie Herseth-

Sandlin (SD) and Earl Pomeroy (ND), who were instrumental in writing and enacting TLOA; Jefferson Keel, Lieutenant Governor of the Chickasaw Nation and President of the National Congress of American Indians (NCAI); Chief Judge Theresa Pouley (Colville) of the Tulalip Tribal Court; and Ted Quasula (Hualapai), the General Manager of Grand Canyon Skywalk Development Corporation and the former leader of the BIA Office of Law Enforcement Services.

The Commission does not have offices. It organized itself to operate, confer, travel and meet in order to accomplish its study, research, planning and to conduct field hearings. It also operates virtually -- by teleconference calls, email and the web at www.indianlawandordercommission.com. The Commission is fortunate to have loaned to us two distinguished career federal employees of the U.S. Department of Justice, to help us discharge our statutory duties, including Assistant United States Attorney Jeff J. Davis, a member of the Turtle Mountain Band of Chippewa Tribe, as our Executive Director. He is a veteran Indian Country prosecutor and tribal liaison with the United States Attorney's Office for the Western District of Michigan in Lansing. Eileen Garry, the Deputy Director of the Justice Department's Bureau of Justice Assistance, is serving as the Deputy Executive Director of the Commission. As Chairman Eid has noted, these are two extraordinarily talented and hard-working public servants, for which we are greatly indebted. The U.S. Department of Interior, Bureau of Indian Affairs (BIA), has also loaned us the services of Laurel Iron Cloud, a member of the Oglala Sioux Tribe, and a distinguished public servant with extensive knowledge of the BIA.

Congress has charged the Commission with certain key tasks. The TLOA requires the Commission to conduct a comprehensive study of law enforcement and public safety in Indian country, including key issues of jurisdiction over crimes committed in Indian country, tribal jail and Federal prisons systems, rehabilitation of offenders, tribal juvenile justice systems, the prevention of juvenile crime, rehabilitation of Indian youth in custody, reducing recidivism among Indian youth, and similar issues. The Commission is to provide the President and Congress with a report of recommendations for the necessary modifications and improvements to justice systems at the tribal, Federal, and State levels. These may include consideration of simplifying jurisdiction in Indian country, improving services and programs focused on preventing juvenile crime on Indian land, adjustments to the penal authority of tribal courts, changes to the tribal jails and Federal prison systems, and related issues. But, as Chairman Eid has testified to the Congress previously, our real role to recommend ways to strengthen justice and public safety for people living and working on and near Native American communities and lands throughout the United States. Needless to say, the task is challenging and of utmost importance. The Commission needs its full two years to complete this comprehensive study and to prepare effective and meaningful recommendations to the President and Congress.

Thank you for your support and confidence in the work of the Commission, and thank you for the opportunity to testify today.

Mr. SIMPSON. I thank all of you for testifying.

If you can simplify the jurisdictional issues in Indian Country over crimes committed on reservations or by tribal members or against tribal members and whether it is by tribal members or non-tribal members, I have been trying to understand it now for about a year. I got a book on it, and I am confused, to tell you the truth, so I suspect everyone else is too. Simplifying that would be a huge step forward. But it was a year before you got funding to start this actual commission work, so we will look at seeing what we can do to extend it. I apologize for calling you Alfie instead of Affie, but I do not have my glasses on and I grew up in a time when the song was "What's It All About, Alfie."

Ms. ELLIS. No problem, Mr. Chairman. Thanks.

Mr. SIMPSON. You bring up many other important issues that this Committee will address in this budget. Obviously we have been somewhat focused on health care and trying to address the health care needs in Indian Country. It is an important subject to this Committee, and we will do what is necessary to get that done. We have both a treaty responsibility plus a moral responsibility to make sure of that. And I have had Members of Congress say to me, we spend so much money on health care in Indian Country, way more than we do on veterans, and that is just not the case. In fact, it is just the opposite. We need a good educational program within Congress to educate Members to the amount of money we spent on health care in Indian Country versus the rest of whatever government does.

I am concerned, as you are, that the President's budget for educational services would actually build no new schools, and the need in Indian Country for new schools is truly out there. We went through some of schools that frankly you should not send children to, and we have to do something about that. So this Committee will continue to focus on those issues.

Jim.

Mr. MORAN. Just a word on the Tribal Law and Order Commission. One of the concerns that I am very much hoping can be addressed by the Commission are crimes committed particularly against Indian women off reservation that are committed with basic impunity. Too many of them have been brought to my attention that have not been prosecuted, and I would hope that there is a section of your report that addresses that. Maybe these were atypical incidents. I do not think so, though, because the statistics were troubling. It was almost culturally accepted in some areas of the country that you could commit crimes against Indian women with impunity as long as it was kind of around the margins of the reservation. Among many issues that need to be addressed, that is one of the ones I do hope that you focus on.

Mr. GEDE. If I may, Mr. Moran, that is one of the highest priorities of the commission to examine and grapple with. It is a very difficult issue and we know that the Congress is looking at some of the issues in the VAWA reauthorization but we definitely are making that one of the highest priorities.

Mr. MORAN. Good for you. Thank you.

Ms. ELLIS. Thank you.

Mr. SIMPSON. I agree with what the ranking member says. When you look at the rate of crimes against women on reservations, it is appalling, and I have talked with Secretary Echo Hawk about how they have made a concentrated effort to try to put more officers on some reservations to try to reduce the crime rate, and I understand it has been fairly successful. I talked with him about doing an oversight hearing, having him come in and testify about what is going on with these programs and how successful they have been and trying to bring in some of the other individuals that are involved. We will continue to pursue that.

Representative Cole.

Mr. COLE. Thank you, Mr. Chairman. I thank all of you for being here, and again, I would be remiss not to thank the chairman and thank him for the great work he has done in this area and building on the work Chairman Moran and before him Chairman Dicks did. We really do have a bipartisan and frankly unanimous commitment on this committee to try and do better than historically we have done. I think we have made a difference in the last few years.

I want to focus most of my questions on health care, although I share the chairman's concern on education and law enforcement too. I think we all do. But on contract support services, and Stacy, if I can use your first name?

Ms. BOHLEN. Yes.

Mr. COLE. If I can maybe start with you, but anybody else that wants to can chime in. This Committee tried to make a lot of progress last year on that front, and we appropriated a lot of money and were able to hold on to a lot of it through the conference process, and at that point—I am not being critical of the Administration, I am trying to get at what our problem is—we had the Administration come back and say gosh, you guys are giving us too much money in this area, contract support. You need to take some of it back, we are going to redirect it other places. In the course of that, I know the Chairman has this concern as I did. I said, once you start redirecting this money, there is no assurance we are going to get to redirect it. They wanted to redirect it toward dealing with our non-tribal providers and contract services so that there was a legitimate point but, again, they had one set of numbers as to what contract support was, we had a very different view, and they have since told us what the disparity us and why in their view, and are trying to work with us on it. But from your standpoint, you have considerable expertise here. What is the problem? How do we get at what the right amount to appropriate is in this particular area? And if you have any kind of idea what that would be beyond what we have been doing, that would be very helpful.

Ms. BOHLEN. Well, there is a great deal of work that is done in that area, and if I can comment just briefly on what you said previously, it is not—Indian health care is not a place where you can sort of pick a line item over another line item and have an aggregate outcome. The work that has been done on contract support costs has been absolutely critical and necessary, and while Contract Health Services is an absolutely critical area of need as well, the two cannot really be in competition with each other as I think you recognize. But there is an individual at the table who I think can answer this question better than I because he is the former

chair of the Tribal Self Governance Advisory Committee, and I would like to defer to President Keel if I may.

Mr. COLE. Sure.

Mr. KEEL. I will try. Contract Health Services, if you look at the Indian Health Service across the board, 331 tribes are self-governing tribes, and more than that, there are a number of tribes who have contracts with the federal government. The tribes in this country are the only government contractors that do not get their full contract support costs up front. If you look at Halliburton and all the other government contractors, they get their administrative costs and contract support costs up front. It is built into the contract, and they get those in order to operate those contracts right off the bat. Tribes are not in that same pool. So the bottom line, tribes are not able to fulfill those contracts because of a lack of resources, and they are simply not able to hire the right people, the right amount and the number of people to fulfill those contracts and those services to the people that they serve. And so that is the real problem.

But if you look at the difference in Contract Health, many of our tribes, many of the clinics and hospitals simply do not have the staff or the equipment to provide the services to specialized medicine that is needed and so they simply have to hire that out and they hire and send that out to other resources to provide their services. And so there is the difference.

But actually, Lloyd Miller is here. I might ask him if it is okay with you, Mr. Chairman, that he might provide just a 30-second overview of that. He will probably charge me for this.

Mr. COLE. That is why you are limiting him to 30 seconds.

Mr. SIMPSON. Identify yourself for the record.

Mr. MILLER. Thank you, Mr. Chairman and Mr. Cole, members of the Committee. My name is Lloyd Miller. I am an attorney. I represent the National Tribal Contract Support Cost Coalition. Mr. Moran, good morning, and Ms. McCollum, Ms. Lummis.

The problem last year was that the Indian Health Service did not disclose its data and this year once again is not disclosing any data it uses to make the projections it gives to the Committee. Last year in the supplemental information the Service provided this Committee, there was a fundamental error in the numbers. They compared a requirement from one year with the funding amount of another year. We called that error to the attention of the Service. The Service did not correct the numbers to the Committee. The Committee was told there would be an over-appropriation at the levels you were proposing. The number was dropped. Now the Service acknowledges there will be a $50 million to $60 million shortfall because they agree they made an error.

The Committee was misled by the Administration and it is compounded by the fact that now in the President's budget, the President no longer—the Indian Health Service is no longer telling this Committee how much the contract support requirement is projected to be in 2013. In 25 years, we have never seen a President's budget that excluded a projection of the need. So you are shooting in the dark. I will testify tomorrow on behalf of the coalition with the data we have produced from the expertise of a former Indian Health Service contract support cost expert who left the Service 2

years ago but we project that the 2013 budget will be about $99 million short.

Mr. COLE. First of all, thank you, and I would invite you to work with us because we really did try last year to get the number.

If I can just make one other point, Mr. Chairman, you have been very generous with your time. I just wanted to focus on the urban Indian just a second, Mr. Barnett. Number one, I did not realize, to tell you the truth, that we had for 2 years not increased—because the aim has been to try and do more in this area, and we certainly have two clinics in Oklahoma that do unbelievably important service for us, particularly in areas outside tribal jurisdiction. We have a lot of citizens with a lot of needs but they are in the middle of Oklahoma City where no tribe has any jurisdiction and very little in the way of—I know the Chickasaws maintain a presence now in that community.

You put a minimum dollar figure but I would like you just for a moment to make a statement about what happens to the people you cannot serve, because the reality is, they flood the institutions around them anyway. We are going to pay for this one way or the other. They almost always get better care and they would prefer to be at an urban facility, but it is not like these patients if we cannot take care of them in Oklahoma City or in Tulsa or wherever else in the country are not going to another hospital, and quite often it is indigent, uncompensated care.

Mr. BARNETT. Thank you very much, Representative Cole. That is a question that has been proposed in the past when the prior Administration actually targeted the urban Indian line item for elimination completely and they asked that same question, why are the services needed, what happens, you know, when these clinics are not there. And you steered toward the answer, which is when these clinics are not there, the patients do not receive services, and that is for several reasons. First, you know, the safety net is stretched to its capacity in almost every state that I know of. The community health centers came together and supported the urban Indian health programs because they could not serve the patients if those clinics were not present. They do not have the resources or the capacity and they do not have the ability to provide the culturally competent care that is needed as well as the individuals living in those areas often come to our programs because they do not qualify for other programs, either private or public. So when you remove the Indian Health Service out of the equation, even though they are in an urban area, they are left with no care whatsoever or they are left with county care that does not meet their needs either medically or culturally. That leads them oftentimes without services, and there is an inherent distrust between American Indians and government-run services for obvious reasons, and that does actually trickle over into county and public health services. So Indian people will at times flat out refuse to go to a county or state-run health program, and if there is not an urban Indian health program in the area, they simply will go without care until they are in the emergency room and the care becomes much more expensive, life threatening and, you know, much more difficult to address.

Mr. COLE. Thank you, Mr. Chairman.

Mr. SIMPSON. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair. I apologize for not hearing all the testimony this morning. I have been looking through it. All politics is local, and I was with MAST this morning. So, based on some of the discussion that I had with them and some of the things that you have said and the questioning, I am just going to build on this a little more.

URBAN INDIAN HEALTH

I represent the St. Paul area. We have a large urban population in Minneapolis and a significant one in St. Paul, but they are really invisible. That is because a lot of the services are not there for them. So it does put a lot of pressure onto some of our health clinics. I think we do have a good relationship in the Twin Cities between the Native American community and Ramsey and Hennepin County. But they are not being compensated properly for the care that they are giving. We have 11 Ojibwe nations and Sioux nations plus people who travel from Wisconsin in for parts of the winter or parts of the summer, back and forth, and mixed marriages where children are of both tribes. We really need to figure this out in a way that is friendly to families for a whole host of reasons. So I am planning on delving more in depth just in the Twin Cities to understand what is going on, and anything you can do to help me in my journey would be appreciated.

INDIAN YOUTH HEALTH

We talked about a lot of things, including schools. You know, I am a high school teacher. Sixth grade is important, so we need to fix that for you somehow. Another thing that is becoming a reoccurring theme that I have heard a lot, including when I was just in Wisconsin visiting with three tribes there and then again at MAST, is alcohol and prescription drug abuse. We are seeing cocaine, heroin and meth on the rise, and that was a concern in our conversation was with MAST today. It boils down to what you are working on with law and order, what health care works on with diagnosis and treatment, and what ultimately makes successful students because they have parents who are engaged. Those students are not becoming involved in gateway drugs, suicidal behavior, domestic violence, on and on.

One of the things that we saw when I was with the chairman—and it was a fabulous, enlightening trip he put together—was talking about that juvenile treatment center there and how far kids come from there? I met tribal members in Green Bay, Wisconsin, and that is the closest juvenile facility that they have. That does not support health and it does not support good outcomes and it does not support families, because the whole family has to be treated. Where are we in talking about this? I am a child of an alcoholic. It is a dirty little family secret, folks, and it needs to come out in the public if we are going to work on this. So is anybody going to talk about it here?

Mr. BARNETT. If I can just jump in briefly—oh, I am sorry, President Keel.

Mr. KEEL. Go ahead.

Mr. BARNETT. I wanted to say two quick things. One of the really sad things in your testimony is that the Green Bay Urban Indian

Health Program actually closed. The resources were not there to support it. Our programs get some base funding from Indian Health Service that they are expected to leverage with other resources, and unfortunately, when other resources go away, the base funding is not enough to sustain the program. So the Green Bay program closed.

As far as the substance abuse treatment programs, what we are seeing, you know, our programs can offer culturally competent care that impacts our community, that makes a difference, that when you look at the completion rate and the recidivism rate for our programs, it is phenomenal. They have done things that, you know, are justifiable and have a long-lasting impact, but what we are seeing is that because it is residential treatment and because it is, you know, considered a high cost of care, the funding is dwindling. Well, that care if culturally competent. That care supports the entire holistic health of that person including their education, including their employment, including their primary care, including their dental care, including all of the things that we know these people need to be healthy members of our communities, and those programs are the ones that are being targeted.

You know, our Portland program lost over a million. Our Seattle program has lost millions of dollars, has turned people away and is now laying staff off. That is not going to address the problem that you are bringing to the forefront. It is actually going to do the opposite. It is going to make it worse.

Ms. ELLIS. Mr. Chairman, I just wanted to add, the Tribal Law and Order Commission is also looking at juvenile justice systems in depth. You know, throughout travels so far, I think we have seen some real bright spots and places that are trying to tackle the issues head on. I mentioned the Tulalip Reservation. We looked at some of their juvenile justice facilities, and you know, they are really taking some steps forward, but we are also looking at other places where the system is not quite there and it is really not being helpful to young Indian kids. So it is a huge focus of our commission and something that we will discuss, I am guessing, at length in our report.

Mr. KEEL. Thank you for the question. When you talk about the health and welfare of our children, our youth, education systems within—you know, treatment facilities within Indian Country are lacking because of the lack of resources. Even in our school systems, the BIE schools, there is not enough staff because of the lack of resources. There is not staff available. And oftentimes many of these children come from broken homes. They come from backgrounds of abuse, whether it be alcohol, drugs, other types of abuse, and they struggle to find a place to fit in, and many times, and Representative Cole touched on it, when they cannot get the services in the urban areas, they do come to our facilities and they show up. The problem is, by the time they come to our facilities, they are in an acute situation so that treatment—you know, long-term treatment is not available to them so we simply put a band-aid on them and send them home.

The problem with that treatment is that we send them back to the same old environment. They go back home, and in a few years they are then the problem. And so it is a cycle that we simply need

to break. We simply do not have the resources to break that right now.

Mr. SIMPSON. Ms. Lummis.

Mrs. LUMMIS. Thank you, Mr. Chairman.

I want to thank you all for being here, and in light of the lengthy day ahead, I want to first of all thank the commissioners for their volunteer work. I was once on a commission similar, and I know that it is a lot of personal out-of-pocket expense as well as tremendous commitment of time, and I know Mrs. Ellis is well aware of the issues on the Wind River Reservation in Wyoming, and I am sure you are seeing similar problems elsewhere that local reservations are grappling with, so thank you both for your service there.

Mr. Chairman, I will follow up with you on Mr. Baptiste's discussion about the 11,000 acres and the survey and first of all why so much money for a survey, and secondly, why has it not been done already, and then also I share Mrs. McCollum's concern about the 6th grade. That does seem to be a strange lapse in continuity in youth education. So I will just follow up with you all on that. And again, I want to thank you all for your testimony this morning and acknowledge gratefully the attendance of my friend Affie Ellis from Wyoming.

Mr. SIMPSON. When I was in the 6th grade, I figured I needed a year off. You get a different answer if you talk to those kids, huh?

Thank you all for being here today. We appreciate it very much. The information you have given to us will help us in crafting the next bill.

Our next panel: Stoney Anketell, Tracy "Ching" King, John Yellow Bird Steele and Troy Weston, Richard Greenwald, Tex Hall and David Gipp. If you would kind of sit in order? Stoney down here, Tracy next. John, you are third. Good to see you again. Richard Greenwald, Tex Hall and then David Gipp. I have to run upstairs for just a second.

Mr. COLE [presiding]. All right. Thank you for very much. Stoney, we will start with you, if we may, and we are going to try to follow the order that we have on the panel. It makes it a lot easier on the court reporter.

TUESDAY, MARCH 27, 2012.

THE ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION

WITNESS

STONEY ANKETELL

Mr. ANKETELL. I was going to say good morning, Chairman Simpson and members of the Subcommittee. My name is Thomas "Stoney" Anketell. I am a member of the Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Reservation. Thank you for inviting me to testify.

The Fort Peck Reservation is a large land-based reservation in northeastern Montana that encompasses approximately 2.1 million acres. About 8,000 of our 12,000 tribal members reside on the reservation. Our greatest need is for economic development, infra-

structure, public safety and health care. I will address my comments in that order.

In economic development, our unemployment rate on our reservation is nearly 60 percent. Four in ten families live below poverty level. In order to generate more economic development, I ask this Subcommittee to take two specific steps to help us increase energy exploration on our reservation which, like the Fort Berthold Reservation, lies within the Bakken Formation.

First, direct the Department of the Interior to set drilling permits on Indian reservations at state permit levels or exempt them altogether. A BLM drilling permit on Indian land costs $6,500. That is too high. It makes us less competitive. For the same permit, a Montana drilling permit on fee lands, $75. So $75 versus $6,500.

Second, increase funding for the BIA's Office of Indian Energy and Economic Development above the $8.5 million the Administration requests so that the Department can increase full-time hires to process mineral leases and other energy development leases on Indian reservations. BIA regional and agency staffs do not have adequate expertise in energy development to issue lease and drilling permits in a timely manner so our tribe can take advantage of this unique opportunity. More staffing with better training could help clear up this backlog.

Infrastructure—the health of our community is tied to the quality of our drinking water. Since enactment of the Fort Peck Reservation Rural Water System Act of 2000, we are developing a rural water system to serve our reservation and surrounding communities with safe drinking water. EPA has determined that well water in the area is contaminated by brine plume. This project is a $200 million project. Through our Indian Self-Determination Act contracts, we have completed construction of the raw water intake facility, the water treatment plant and laid miles of pipeline. Under the federal law, operation and maintenance funding is the responsibility of the BIA. The BIA is not doing its job correctly. The BIA is behind schedule in requesting adequate operation and maintenance funding to ensure that we have adequate funds to safely operate and maintain the project. Please see that the BIA has the $1 million in operation and maintenance funding that we need for fiscal year 2013 operations of our rural water system. The BIA has only requested $750,000 for fiscal year 2013. We currently receive $200,000 in recurring operation and maintenance dollars.

Another infrastructure need is adequate funding for the BIA Road Maintenance Program. Funding for the BIA Road Maintenance Program has been flat at around $25 million for the last 30 years. It has not gone up. And it has actually been dropping over the last 5 years. This is wrongheaded. Native Americans die in motor vehicle crashes at rates two to three times the national average each year, partly because our roads were not safely designed and are not adequately maintained. Please find at least an additional $10 million from the Park Service, Fish and Wildlife Service, or other non-BIA programs at Interior to help keep reservation public roads and bridges safe.

Public safety—we greatly appreciate the increases Congress has recently provided for public safety programs but given the large

shortfall in law enforcement and correction officers, these increases do not fulfill the United States' basic trust responsibility in the area of public safety. We support the Administration's $6.5 million increase requested to fund the operations of the newly constructed detention facilities. The Fort Peck tribes received a grant from the Department of Justice to rebuild our detention facilities, which will be operational in fiscal year 2013. Please ensure that the BIA and the Interior Department's Office of Facilities Management and Construction have the resources needed to maintain detention facilities after they are built by increasing funding in fiscal year 2013.

I will end on health care. Our tribes desperately need to extend our Fort Peck Tribal Dialysis Unit from 10 to 18 stations or to construct a new dialysis on the reservation. We are at capacity, serving 33 patients six days a week. We have an additional 73 to 100 pre-renal patients, and this is a tribal program. We built this thing, we run it ourselves and we need help. We are not asking for much because we have done it all on our own, but we need help, because as you know, diabetes is such a severe problem in Indian Country, and this is the final phase of diabetes, dialysis. So if we cannot serve them, they will have to travel great distances for dialysis treatment. We ask the Subcommittee to direct the IHS to report to Congress on its efforts to address the need for dialysis treatment in Indian Country as required under the Indian Health Care Improvement Act, especially in rural regions such as the Rocky Mountain region.

Finally, we support and ask the Subcommittee to increase the Administration's $54 million increase to the Contract Health Services budget. These funds pay private health providers for services that tribes nor the IHS can perform in IHS-funded clinics and hospitals. The IHS is failing our members by not advocating for adequate health care funding, and for not promptly referring our members to private providers because they—IHS—lacks the funds to cover members' copay requirement. Only when it is life or limb does IHS authorize the use of CHS funds, oftentimes too late for the patient. I ask that this Subcommittee direct a study be conducted to examine how Contract Health Services dollars are expended by the IHS with an eye towards making recommendations to help save Native American lives and use CHS dollars more effectively. Thank you.

[The statement of Stoney Anketell follows:]

TESTIMONY OF THOMAS "STONEY" ANKETELL
ASSINIBOINE AND SIOUX TRIBES
OF THE FORT PECK RESERVATION
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE
ON INTERIOR AND RELATED AGENCIES
ON THE BIA, IHS AND EPA FY 2013 BUDGET
MARCH 19, 2012

My name is Thomas "Stoney" Anketell, I am a member of the Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Reservation. On behalf of the Fort Peck Tribes, I am pleased to present testimony on the FY 2013 Budget. We are a large, land-based tribe located in northeastern Montana. The Fort Peck Reservation encompasses 2.0 million acres. The Reservation Native American population is approaching 8,000 and our Tribal enrollment is over 12,000 members. Our greatest need is health care, infrastructure, economic development and public safety.

The Tribes' unemployment rate on the Reservation is 56%. Of our Tribal members who are working, four in ten live below the poverty level. Given the enormous unemployment and poverty rates on the Reservation, our needs for the Bureau of Indian Affairs (BIA), Indian Health Service (IHS), and Environmental Protection Agency (EPA) programs and services are substantial.

The United States has a continuing trust responsibility to assist Tribes address the basic governmental services such as safe drinking water, public safety and healthcare. More than 20 years ago, an earlier Congress noted that when there is community stability – with core governmental services being met – "Indian tribes are in the best position to implement economic development plans, taking into account the available natural resources, labor force, financial resources and markets." If the Federal government could provide greater assistance to us with these core governmental services, our members would be much better off.

Contrary to what some may think, the appropriation of funds for Tribal Governments is not a discretionary act by the United States, rather these appropriations represent the Federal government's fulfillment of its mandatory obligation under the treaties and agreements entered into with Tribal governments. We kept our word. The United States must do the same.

I. BUREAU OF INDIAN AFFAIRS

A. The Fort Peck Reservation Rural Water System. The health status of a community is directly related to the quality of our available water. That is why the Fort Peck Tribes took the lead in building the Fort Peck Reservation Rural Water System project, a Project that will provide quality drinking water to the Reservation and surrounding communities. Congress enacted the Fort Peck Reservation Rural Water System Act of 2000, Public Law 106-382, to ensure a safe and adequate drinking water supply to all of the residents of the Fort Peck Indian Reservation. Under the law, the BIA has the statutory obligation to fund the operation and maintenance of this Project. We are very excited that the BIA has included $750,000 in programmatic funding for the operation of this important Project in its Budget. However, the

cost of operating this Project in FY 2013 will be $1.0 million. Thus, the BIA will need an additional $250,000 to meet its statutory obligation with regard to the operation of the Fort Peck Reservation Rural Water Project if Congress appropriates only what the BIA has requested.

The Tribes and the Bureau of Reclamation have completed construction of many components of this $200 million project, including the raw water intake facility and the water treatment facility. The integrity of the Water Treatment facility is vital, as the EPA has determined that the well that now provide water to the City of Poplar, the seat of tribal government, home to the BIA and IHS agency and the location of the Poplar schools, is contaminated by a brine plume. Again, while the BIA budget includes $750,000 for the O&M of this important Project, more funding is needed. Specifically, an additional $250,000 is needed to fully operate the Fort Peck Reservation Rural Water System in FY 2013.

B. Office of Indian Energy and Economic Development and Road Maintenance. The Tribes are very supportive of the BIA's request for $8.5 million for energy development in Indian country. However, we are concerned that of this amount $2.5 million will be directed only at the Fort Berthold Reservation. We believe that these resources should be more equitably distributed among the tribes who are presented with the opportunities now being experienced at Fort Berthold.

The Bakken formation, which is in play at Fort Berthold extends to the Fort Peck Reservation. An April 2008 USGS Report determined that there are 3 to 4.3 billion barrels of recoverable oil in the Bakken formation alone. This represents a once in a lifetime opportunity for our Tribal government – working in close collaboration with our Federal trustee – to use the bounty of our natural resources to create jobs and spur sustainable economic development to erase the persistently high rates of unemployment and poverty on our Reservation.

However, our experience--like that at Fort Berthold a few years ago--is that the BIA Regional and Agency staff often do not have adequate technical expertise in the complex field of energy development, and they do not always appreciate that "time is of the essence" when it comes to energy development.

Consequently, the Fort Peck Agency's long delays in processing mineral leases and other critical energy development paperwork often frustrate our energy development plans and serve only to push oil, gas and other types of energy and mineral development off the Reservation. In fact, BIA approval of oil and gas leases can take so long that Indian probates have been known to open and close before any BIA action is ever taken. We know from the experience at Fort Berthold that if the BIA makes an investment in the people at the agency level to ensure that they have the knowledge and capacity to work in the field of energy development great things can happen. We believe the same opportunities exist on the Fort Peck Reservation and the BIA needs to make the same commitment that it made to the Fort Berthold Tribes to the Fort Peck Tribes.

Another disincentive to drilling on Indian lands is the $6,500 that the BLM charges for a permit application to drill on federal land, including Indian and tribal trust lands. In FY 2010, the Appropriations Committee increased this fee from $4,000 to $6,500. In theory, this fee is

intended to cover the BLM's cost of processing the drilling permit application. However, the funds collected on Indian lands are not dedicated to processing permits on Indian lands. Moreover, the fee is highly disproportionate to the $75 that the State of Montana charges to process the same kind of permit on State fee land. This is creates a disincentive for developers to consider Indian and tribal lands. We would ask that Indian lands be exempt from the BLM fee.

Closely related to economic development is the adequacy and safety of our public roads. We have seen the increased fatalities at Fort Berthold resulting from the explosion of truck traffic on the reservation resulting from oil drilling. Paved roads have deteriorated rapidly from the increased traffic, often by overweight vehicles. Please reverse the harmful trend of the last 30 years, and increase funding for the BIA Road Maintenance Program by $10 million, so that tribes can provide routine and emergency road maintenance services to ensure the safety of our existing roads. Years of budget cuts have undermined our ability to maintain our transportation infrastructure to an adequate design standard. This is a public safety issue.

C. Funding for Public Safety and Detention. The need for increased law enforcement and Tribal Courts remains a priority for the Fort Peck Tribes. We greatly appreciate the increases Congress has recently provided for public safety programs. These increases, however, are insufficient to fulfill the United States' basic trust responsibility in the areas of health and safety. Our Reservation needs more officers and the resources they require to patrol a large land base. This must be matched with additional resources for Tribal Courts and detention facilities.

I want to particularly support the $6.5 million requested to fund the operations of the newly constructed detention facilities. The Fort Peck Tribes received a grant from the Department of Justice to rebuild our detention facilities. We have entered into a contract with the BIA for the operation of this newly expanded facility and are excited. We will be operational in FY 2013. This new facility will allow us to better house and care for our prisoners close to their families and the community support that they need to become productive members of our society again. Please ensure that the BIA and OFMC have the resources needed to maintain these facilities after they are built. We lack infrastructure. When built, these facilities must be properly maintained or they will deteriorate far sooner under our harsh Montana winters.

II. INDIAN HEALTH SERVICE

Indian country continues to suffer higher rates of infant mortality, suicide, accident, alcoholism, diabetes, and heart disease when compared with other minorities and the general American population. Yet money directed to health care, especially preventative care – such as routine checkups and health education that clearly improves the quality of life and helps avoid more expensive health care costs in the future – has not been provided to Tribal communities. The Federal government has a trust responsibility to provide health care to Native Americans, an obligation that was paid for by the Native people of this county with millions of acres of land, resources, and the sacrifice of our traditional way of life.

A. Fort Peck Dialysis Center. There is a desperate need on our Reservation for a fully staffed and equipped health facility capable of providing a full range of medical services to our

members. The IHS needs to evaluate and plan the process for new facilities in Montana, including the urgent expansion of the Fort Peck Tribal Dialysis Unit to 18 stations (from 10) or construction of a new dialysis unit. We are now at capacity, serving 33 patients six days a week. We have additional 73-100 pre-renal patients. If we cannot expand our services, these patients will have to travel great distances for this life-sustaining care. The Indian Health Care Improvement Act now allows the Indian Health Service to dedicate resources to dialysis, which is an important aspect of health care in Indian communities. We request that the Subcommittee direct the Indian Health Service to report to Congress on its efforts to address the need for dialysis treatment in Indian country, especially rural areas such as the Rocky Mountain Region.

B. Contract Health. We recognize the significance of the requested $20 million increase in Contract Health Care but this increase is inadequate to address the growing health care crisis in Indian country. The Fort Peck Tribes alone need a near doubling of our inadequate Contract Health Care budget – to $11 million – to meet the growing health demands of our more than 12,000 tribal members. Far too many members are not referred out for Contract Health Care Services which their primary health care providers determine are medically necessary because we only have CHS dollars to treat life threatening illnesses and injuries.

Currently, the IHS does not refer individuals for necessary medical care, even when they have medical insurance, because the IHS does not want to pay the minimal co-pays or deductible for these services. As a result, our members do not get the care they need until it reaches the critical "life or limb" stage at which point the IHS would still only have to pay the minimal co-pay or deductible. It would seem that it would be far better public policy to pay the co-pay or the deductible for preventive care rather than let medical conditions worsen until a person's health deteriorates to a life-threatening life or limb crisis. Yet, the IHS will not reconsider its interpretation of the payor-of-last resort policy to allow for these sound health policy decisions to be made and implemented within available health care funds.

At a minimum, the Congress should request that a study be conducted to examine how CHS funds are expended and to make recommendations that will help save lives.

IV. ENVIRONMENTAL PROTECTION AGENCY

Finally, I want to express the Tribes' strong support for the increased funding for Tribal environmental programs. Specifically, I urge the Subcommittee to support the $96.3 million for the Tribal General Assistance Program (Tribal GAP program). The Fort Peck Tribes were one of the first Tribes in the country to obtain Treatment as a State Status under the Clean Water Act and one of the first to obtain Class I air designation for our Reservation. For the Fort Peck Tribes, protecting the land and resources that our ancestors fought so hard to preserve for us is our paramount mission. We work closely with our federal and State partners to accomplish this goal and appreciate the continuing support of Congress for these efforts. The Tribal GAP program is critical to maintaining tribal capacity in these areas.

Thank you for providing me the opportunity to present the views of the Fort Peck Tribes.

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Mr. COLE. Thank you very much.
Now Tracy King, Fort Belknap Indian Community.

TUESDAY, MARCH 27, 2012.

FORT BELKNAP INDIAN COMMUNITY

WITNESS

TRACY "CHING" KING

Mr. KING. Thank you, Mr. Chairman. For the record, my name is Tracy King. I serve as the President of the Assiniboine and Gros Ventre nations. I apologize for being late, Mr. Chairman.

Just like everybody else, our needs, especially in law enforcement, I believe that one meeting with the Fort Peck Nation we are looking at the oil boom in the State of Montana as well as North Dakota where law enforcement is critical because of a lot of crimes that are happening in that area with a big increase of people coming to make some dollars. Also, with our roads department, we have concerns about road maintenance because one of the things we are seeing is the folks will be coming in during the oil boom and our maintenance budget as short as it is, it is going to be more so once the movement of machinery. So it is critical that law enforcement and roads—the State of Montana collects taxes in the name of our roads so, you know, we have been trying for 20 years to make an agreement so that we could—it is probably close to a million dollars that they use us for inventory but at the same time they cannot agree to give us any money, so it puts a burden on our budget system.

We look at the roads. On December 7, 2011, I was in a car wreck, and it took, like, probably over an hour for someone to—the ambulance crew to pick me up because of a snowstorm, and so firsthand I know the system not only the roads but the IHS system where, you know, sitting on a road for an hour waiting for an ambulance, you know, I totaled my car. A cow was in the wrong lane and came over on top of me, and I broke my neck and was severely injured. According to the statistics, I should have been buried. And so those kind of things we look at is our roads are in need of repair as well as looking at the gentleman to my right, looking at health care is something that is needed.

My CEO was with me but his younger brother, who is probably in his 50s, died yesterday of diabetes, and so we have an epidemic of diabetes and cancer on Fort Belknap, so we are in a crisis with our health. And so we are in desperate need of services, especially looking—the people that were before me, any kind of a medical, you know, if there is a heart attack out south, you know, it is often two or three hours. And so I was very fortunate that I was able to walk away from a wreck, and some of the people that had heart attacks or whatnot, the cops end up being the EMTs and the ambulance because of lack of services out south.

So with all the issues we have, you know, we are wanting to build the economy within our reservations, and if we could have a little dollars into our—I believe that we could economically survive. Too many times, non-Indians come and become millionaires off the

backs of our people. And so everything is against us but hopefully, I mean, I do not believe it is—I am not against the millionaires. I respect what they make. But, you know, we as Indian people need that chance as well to become self-sufficient instead of roadblocks that are put in front of us all the time.

So thank you, Mr. Chairman.

[The statement of Tracy King follows:]

TESTIMONY OF
Mr. Tracy 'Ching' King
President
Fort Belknap Indian Community
Fort Belknap Indian Reservation, Montana

BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

March 27, 2012

I am pleased to be here today to provide input for the Bureau of Indian Affairs and Indian Health Service FY2012 Budgets on behalf of the 7,000 Gros Ventre and Assiniboine tribal members of the Fort Belknap Indian Reservation located in North Central Montana.

My testimony today is directed towards the Fiscal Year 2012 Appropriations budget of the Bureau of Indian Affairs, Indian Health Service and Education programs. Tribal governments, just like state and municipal governments, provide critical services, shape values, and promote jobs and growth on our respective reservations. Though federal spending for Indians has lost ground compared to spending for the U.S. population at large, tribal self-governments have proven that the federal investment in tribes pays off.

Our local tribal governments which address the concerns and needs of our local constituents have the most at stake, we are the party responsible for our citizens and ultimately the ones most accountable for the economic conditions, and protection and safety of our tribal members that reside in our reservation communities. The following information is provided to you through the Fort Belknap Indian Community Council and in collaboration with the programs funded through P. L. 93-638 programs contracted by our tribal government from each of the respective entities.

BUREAU OF INDIAN AFFAIRS

CORRECTIONS, LAW ENFORCEMENT & TRIBAL COURTS

Detention/Corrections

- Requesting $2,000,000. in funding for additional staffing and equipment for our detention officers working in our new the facility that is to be completed in April 2012. We need 18 staff members to cover rotating shifts, and operation and maintenance of the new facility and our remodeled older facility. The current budget for the Fort Belknap Corrections Division is $214,000. far less that what we need to operate a safe environment for offenders that will occupy our facility.

Law Enforcement

- We currently offer inadequate salaries for our law enforcement officers. Tribal police departments cannot compete for officers that are paid much higher salaries by county, state, and Bureau of Indian Affairs law enforcement agencies. Once trained in BIA academies, the officers then leave for higher paying jobs which include health insurance coverage and other benefits which attract these officers. The cost of training officers is very high and Tribes must cover their salary of the officer being trained for 12-16 weeks, and also their temporary replacements that provide law enforcement services while they are at training. Fort Belknap is requesting $1,500,000 for law enforcement services.

Tribal Courts

- Requesting $350,000. to fund needed additional staff positions such as public defenders, associate judges, and presenting officers. We also need to update computer software/data collection systems, provide staff training and update technology in our court filing system.

LAND

Tribal Land Department

- Requesting $2,000,000 to modernize our tribal land department. We need to purchase business solution that implement technology which would put all of the tribal leases and land holdings onto software programs to make them compatible with the BIA and state land departments.

ROADS MAINTENANCE

Roads Maintenance

- Our roads maintenance department is responsible for maintaining the reservation road system that encompasses the 725,000 acres of our reservation. Our current needs are to improving the roads with overlay and regular maintenance. The bridges on our roads are near the critical stage of replacement. We need $3,000,000 for these activities.

OIL & GAS & MINERALS

Gas, Oil, and Mineral Development Office

- We are desperately in need of professional staff assisting the Tribal Council in

developing an energy department within the tribal structure in order that we will have the expertise in the development of our tribal energy resources of natural gas, oil and minerals. We are requesting $200,000 for start up funds for this endeavor.

WATER

Indian Water Rights and Water Compact Settlements

- We ask that you continue to recognize the Indian Water Rights of Tribes across this country. Fort Belknap is the home of the Winters Doctrine, where Indian reserved water rights began, and is the doctrine that protects and enhances these rights beginning with the U.S. Supreme Court decision. Support for water claims in Congress now and in the future is important. We will be introducing the Fort Belknap Water Compact settlement in excess of $500 million to Congress in the near future for funding.

Irrigation Projects

- ***Requesting $1,250,000 for continued operation and maintenance of the Milk River Irrigation Project*** that provides quality water services to area farmers and ranchers for stock and crop production.

Litigation Support & Attorney Fees

- Additionally, ***we are requesting $450,000 for Water Rights Attorney fees funding under CFR 89*** to assist the Tribal Council with litigation and assistance in submitting our water compact to Congress. Nationally, we are requesting $10 million.

EDUCATION, EMPLOYMENT & TRAINING

Higher Education Scholarships

- Higher Education Scholarship funding for Indian students are needed to attract and support individuals into various professions. These students once graduated would come back to reservations and providequality professional services to our tribal members. Increase funding level by $20 million nationally.

Tribal College Funding

- Increase the amount of funding for Fort Belknap College and tribal colleges across the nation for students receiving funding in the amount of $8,000 per student as they currently only receive half of that amount. Other minority colleges receive funding for their students is twice that amount, and our students deserve the same.

Employment and Training Programs

- Requesting $2,000,000 for workforce training/development and summer youth employment programs to prepare tribal members for employment, and especially our young adults that would prepare them for future employment. We have over 400 adults and 900 youths needing assistance.

CONTRACTUAL SUPPORT

- We request that funds be provided to the Bureau of Indian Affairs for an increase in this line item for all of the P. L. 93-638 programs that Tribes across the country need to support these programs

INDIAN HEALTH SERVICE

WATER TREATMENT PLANT

- Fort Belknap requests Operation and Maintenance costs for the following public water supply operations in the reservation communities. On Fort Belknap there are five (5) different water systems that serve the communities of the Agency, Lodge Pole, and Hays. We have a total of 3,000 water users from 591 service connections and it costs $776,498 annually to operate the system. Limited customer revenue and a small tribally paid subsidy generates $234,610, leaving a balance of $543,888, which the Tribe cannot afford. We are experiencing a shortage of operation and maintenance funds. ***We are requesting an annual funding amount of $543,888.*** to pay the operation and maintenance costs of these systems.

Special Diabetes Programs for Indians & Dialysis Center for Patients

- Additional funds for our diabetes patients need increased funding to properly diagnose and treat this deadly disease. ***We strongly support a funding level of $200 million annually for SPDI for Indian Tribes*** that desperately need dialysis centers on reservations as our people have to travel great distances to receive these treatments causing great hardship to them and also a financial burden on tribes that assist dialysis patients in going to their scheduled appointments.

Substance Abuse & Mental Health Services Administration (SAMHSA)

- Request that you increase the funding to SAMHSA grants to $15 million nationwide in order that Indian tribes such as Fort Belknap can apply for these funds and services.

Indian Professionals

- We fully support the Indian Health Scholarship funding for Indian students. This is a great opportunity that will assist in attracting and supporting students into the health professions. These students once graduated would come back to reservations and provide high quality medical services to our tribal members.

Suicide and Methamphetamine Treatment and Prevention Initiative

- We fully support the an increase to $16.4 million for this program. We have had 1 suicide and 4 attempts this past month. But, we also want the IHS to develop and utilize a distribution plan of these funds in order that all Tribes share equally.

Mr. COLE. Thank you very much.

John Yellow Bird Steele, Troy Weston, good to see you again. Thanks for your hospitality. Just for the record, Chairman Simpson, Ms. McCollum and I had the opportunity to visit with you last summer, and thanks again. It was helpful and your hospitality was just unbelievably generous. Thank you.

TUESDAY, MARCH 27, 2012.

OGLALA SIOUX TRIBE

WITNESSES

JOHN YELLOW BIRD STEELE

TROY WESTON

Mr. STEELE. Congressman Cole, I thank you and Congresswoman McCollum for coming down to Pine Ridge and seeing the conditions firsthand. I am here once again like last year before your Committee. I got my council person here to address yourselves, but I would like to address something, Congressmen, to yourselves.

We got an 1868 treaty, and in 1871, your Committee in their appropriations bill put language in there that said no more treaties would be made with Indian tribes hereafter. Our relationship would be by statutes. But nothing in the prior treaties could be changed by these statutes. Now, we followed that, yourselves and ourselves, to today, that language that was put into your Appropriations Committee. I would request, Honorable Congressmen, that possibly you consider a request from myself to put some additional language into your appropriations bill, and I have got a very big concern. I can work with your staff in the very near future on this. But preserving the rights that are going to be taken from Indians across America in a settlement that Congress approved in the Cobell litigation, and I have got language here, and you can develop your own language. This is just an example of what I would request, and it is nothing in the Cobell litigation settlement shall waive any Indian tribe's right to self-government, tribal government rights under treaty or agreement, special trust relationship with the United States, property rights or land rights or the rights of any individual Indian class member which are unrelated to the claims in the litigation. That is very important. Nothing in said settlement shall affect the political relationship between the Indian tribes and its tribal citizens or members. That settlement, Honorable Congressmen, has the Indian give up all future claims, not just the claims in the historic accounting error. We understand that. That is common in lawsuits. But to give up all claims? Please.

We have got a special relationship with yourselves. We are not a special-interest group. We are not a minority. Our relationship goes back to when you first came to our country, and we want to keep that. Because of the poverty situation, four of the poorest counties in the whole United States, one, two, three and seven, are in South Dakota. I would like my councilman, Mr. Westonon, to continue, please.

[The statement of John Yellow Bird Steele follows:]

Testimony of The Honorable John Yellow Bird Steele
President of the Oglala Sioux Tribe
Before the U.S. House of Representatives Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies, March 27, 2012

Thank you, Mr. Chairman and fellow Committee Members, for coming to our Pine Ridge Reservation last year to see the conditions firsthand. We appreciate your visit.

Our Reservation covers approximately 2.7 million acres and our Tribe has more than 45,000 enrolled tribal members. We are one of the 16 sovereign nations of the Great Plains Region. The tribes in this Region have the largest geographical land base of all regions and together have a population of more than 189,000 Indian people. Extreme poverty and high unemployment are rampant throughout our Region. It is reflected on our Reservation. The 2010 Census shows Shannon County (within our Reservation) as the third poorest county in the *entire* country.

Housing, health care, education, public safety, infrastructure, and economic development are all impacted by poverty on our Reservation. Time and again, BIA and IHS budgets have fallen short to meet our many needs. Until the United States honors its treaty obligations and provides adequate base, non-competitive, funding, progress on our Reservation will continue to be elusive. We strive to improve our members' lives, but we cannot do that without infrastructure, safe housing, quality education, proper healthcare, and economic development.

Our rights, Congress's obligations to us and our unique political relationship are set forth in a series of treaties from 1825 through 1868. Significantly, the Sioux Treaty of 1868 provided for a *quid pro quo*: by the terms of the Treaty, the United States promised to provide certain benefits and annuities to the Sioux bands each year. The United States discontinued negotiating treaties with tribes in 1871 by statute, yet that statute provides that "no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871 shall be hereby invalidated or impaired." Our 1868 treaty is still in full force and effect. The appropriations we request are not discretionary; they are the fulfillment of the United States' legal and moral obligations.[1] We call upon the Congress to fund BIA and IHS at levels that reflect our true need.

Bureau of Indian Affairs (BIA) Issues:
Process - We oppose ranking and prioritizing programs in Indian Country. All the programs are of utmost importance. BIA programs are being decreased or eliminated based on the assumption that other federal agencies are fulfilling responsibilities to Tribes and Indian people. Also, tribes currently must apply for competitive grants from most agencies to try to make ends meet. Grants carry a number of drawbacks, however. They are often short term, they must be tailored to the grant's criteria not necessarily the tribes' needs, they have additional reporting requirements, and we often must wait until late in the fiscal year to learn if they have been awarded. Gains are difficult to sustain once grant funding has ended.

Most Great Plains tribes must apply for competitive grants to fund between 1/3 and 1/2 of their most basic tribal law enforcement and tribal court budgets. BIA previously funded all of these. We want funding streams consolidated, reporting requirements simplified, and federal agencies

[1] *Please refer to my testimony submitted at last year's hearing for more details on our treaties.*

to return funding and decision-making authority to the regional and reservation level.

Tribal Priority Programs - Tribal Priority Allocations (TPA) funding, base and non-base, agency or tribal, must be excluded from all reductions or any proposed freezes. The FY 2012 Administrative Savings Reduction, when applied to Agency TPA Programs, unfairly and disproportionately impacted Direct Service, Large Land Based Tribes.

Road Maintenance - Road Maintenance funding is necessary to maintain reservation roads and bridges in a safe and efficient manner. The *final* 2012 Great Plains Road Maintenance program is funded at $200,000 less than 2011. We estimate that our Region is funded at less than 15% of what is needed to provide required road and bridge maintenance. Our Tribe actually is at risk of running out of this funding by June. Increases are required.

Welfare Assistance – General Assistance, Child Assistance, the Indigent Burial Program and Emergency Assistance are all very important to our Tribe. These programs benefit many, but they must be funded at higher levels to achieve greater impacts.

Home Improvement Program (HIP) - Increase the Federal Income Poverty guideline eligibility from 125% to 225%. HIP is very important to us as many of our houses are dilapidated and have black mold, creating serious health issues. Federal funding is far below the actual need, and we request considerable increases for this significant program.

Johnson O'Malley Program (JOM) grants - These grants are the cornerstone for meeting the unique and specialized education needs of Indian students enrolled in public or non-sectarian schools. The purpose of JOM meets the focused goal of academic achievement by providing Indian students with supplemental educational programs or support so they can pursue educational opportunities and attain academic success.

Law Enforcement - We need stable, adequate federal funding for tribal justice systems and law enforcement. We were pleased with the passage of the Tribal Law and Order Act. However, there is still a lack of federal funding for basic Reservation law enforcement and court services. We need additional funding for more police officers, adequate equipment and vehicles, emergency response teams, and training, and request 100% operation and maintenance funding for correctional facilities.

Economic Development - A special category/consideration is needed for Large and Needy Tribes. Large and Needy Tribes that suffer from severe economic hardships and great challenges to economic development and lack the financial resources and infrastructure to ignite their economies should be targeted for services. The Indian Guaranteed Loan Program must be restored to full funding of at least $3 Million, and labor force and statistics should be reported annually to assist tribes in obtaining formula based funding.

Preserving Rights vis-à-vis Cobell Litigation Waiver- The Cobell litigation waiver provision causes great concern. Language, such as the following, is needed to clarify its effect: "Nothing in the [Cobell litigation] settlement shall waive any Indian tribe's right to self-government, tribal government rights under treaty or agreement, special trust relationship with

the United States, property rights or land rights, or the rights of any individual Indian class member, which are unrelated to the claims made in the litigation. Nothing in said settlement shall affect the political relationship between an Indian tribe and its tribal citizens or members."

Indian Health Service (IHS) Issues:

Overview. The Tribe's health care services are to benefit its 45,000+ eligible tribal membership and a 20,000+ user population. To that purpose, and as a "direct IHS service" operated system, there exist one hospital (at Pine Ridge), two health centers (at Kyle and Wanblee) and three health stations (Allen, Manderson, and Porcupine) on tribal lands. While our hospital is designed as a full-service one, the reality is that we are chronically under-staffed.

It is difficult to itemize our health care needs and issues, and to provide a priority list of health care services, when our community needs are in all inpatient and outpatient care. We also envision our community being able to provide more preventive care. However, I will try to identify some of our most seriously endangered patient services.

Budget Growth. The IHS's FY2013total budget request, of $4.422B, carries proposed increases to encompass some (not all) of the expected population growth and medical inflation increases needed to maintain many current program level of services. Unfortunately, the "current level" of services still only funds our Tribal community health needs at less than 55% of "health care need". This year's request builds upon the FY 2012 IHS enacted total amount off $4.31 billion and which amount was a 6% increase from FY 2011 enacted levels

We are grateful to the Appropriations Committees for their support of these increases. The US's assistance is, though, based upon Constitutional and other legal mandate for the benefit of federally-recognized Tribes and their citizen members. Yet our federal Indian health program still lags behind other direct federal health care delivery systems (e.g. VA, Federal Prisons), with an IHS spending of *$2741* per Indian patient, compared to the US average of *$7239* per patient ["IHS Year 2012 Profile", http://www.ihs.gov/PublicAffairs/IHSBrochure/Profile.asp].

Hold Harmless. During national budget deliberations, there are often decisions made to secure federal savings by either (1) budget freezes, (2) sequestrations, or (3) across-the-board spending reductions. We ask that your committee support a provision to hold our Indian health programs harmless from such cutbacks, especially given how vital these programs are, and the under-funding we currently experience.

Budget Level Recommendation. We ask that you fund the IHS at levels that will help us achieve our stated Tribal and Legislative goals of *100% of Need.* We understand that this task is not one that can be achieved overnight, but your support for a 10-15% increase ($440M to $660M) over the budget request would go a long way towards achieving this objective. We are in need of these amounts to not only maintain current services to our tribal members, but to also fulfill the promises of the recently enacted Indian Health Care Improvement act amendments.

Contract Health Services (CHS). Our Tribe and IHS service unit are still experiencing severe funding shortfalls in this category. This is due to several factors:

- Insufficient facility physicians and other staff, which defers patient treatment until a life-threatening event;
- Delayed services resulting in Life threatening events that are more costly;
- Prior year payments that consume current year funding, resulting in continued funding shortfalls that mean we never get ahead (e.g. Bennett County Hospital)
- A national Program Funding Formula that favors "compacting/contracting regions".

The latter item is of serious concern. An IHS workgroup devised a formula that now permits those Areas without an inpatient facility to receive additional, off-the-top funding from a 20% pool, and in addition to receiving an Area Allocation from the remaining CHS amounts. We strenuously object to this formula, as we are being penalized for having an understaffed facility.

Health Manpower. We are grateful to see that the Health Resources and Services Administration (HRSA) and the IHS have entered into an agreement that will transfer more National Health Service Corp (NHSC) personnel to IHS sites. We ask that these doctors and other professionals be assigned to reservation postings, where the need is the greatest. We do not support the proposed IHS health manpower decrease contained in the IHS budget request and ask that there be a modest 4% increase to this program to keep the scholarship and service obligation pipeline intact.

Indian Health Care Improvement Initiatives. We ask that the appropriations committee support funding to implement:

1. *VA-IHS Partnership Initiative*, permitting an IHS facility to treat, and bill VA for, an eligible Indian veteran care (which would require the IHS to make the veteran's co-payment in order to recover 80% cost of care); and

2. *Long –Term Care Initiative*, to establish a much needed-services for our elderly and disabled. We hope this program could include home-based care to help reduce patient travel for minor but necessary services (visiting nurse checkup, medications, physical therapy). Such a program would go a long ways towards ensuring an improved quality of life for some of our most vulnerable, as well as provide our communities with services that other regions and populations take for granted.

Sanitation, Facilities. This is a program area that is vital to maintaining the life of our structures and for improved public health conditions. We oppose the $16M+ Sanitation decrease proposed in the IHS budget request and support the IHS requested amounts for the other facility programs (Construction @ $81.4M, Maintenance and Improvement @ $55.4M, Environmental Support @ $204.3M)

IHS within Interior Account. There have been some discussions, by certain tribal organizations, that support the transfer of the IHS program and funding from the Interior budget and appropriations account, to the DHHS-Labor account. We oppose such an initiative, and as a violation of the Treaties which promised our Tribes federal aid (and programs) in exchange for land transfer and peace. See Tribal Self Governance for efforts to promote this initiative: http://www.tribalselfgov.org/____NEWSGCE/subpages/all_priorities.asp

Mr. COLE. Mr. Weston, you are recognized.

Mr. WESTON. Thank you very much. Good morning to each and every one of you, and thank you for giving me this time.

I had this big speech planned out, but our president took all of our time.

Mr. COLE. You can take the 5 minutes the president had.

Mr. WESTON. Let me begin by reiterating what the other councilman and the president have said. Our health care needs are to the point where our people die every day because of the lack of money within Contract Health, because of the priority systems that do not work at all. The priority system is that you have to—it is a life, limb and property deal. We have become a property now. We only get referred out if it is a priority one, and it does not work because we have to go travel. The nearest hospital is an hour and a half away by car driving 65 mile an hour. We bring helicopters and airplanes in there for life flight services at $22,000 a pop for the helicopter and then $9,000 on the airplane. And they are spending how much money to send them out and we take them to Rapid City and we give them Tylenol, we give them Motrin and send them home. That is the mode of our health care today.

We do not get—it costs—I have got a figure here real quick. We have—it costs our Native American people, our tribal membership, the IHS spends $2,700 per Indian patient. The U.S. average is $7,200. Now, where is the catch there?

We talk about alcoholism. The Congresswoman alluded to that earlier. We have White Clay, Nebraska, that sits 2½ miles south of Pine Ridge. Four million cans of beer per day is what they sell, and we are a dry state, or dry reservation, and we still have to prioritize if we are going to haul somebody that is drunk or a legitimate wreck or whatever. You know, something that—there is no legitimacy to this but the bottom line is, at the end of this fiscal year, the contracts, CHS does not get to pay for everybody, so they just get put on the back burner and we do not have that.

I have a lot more time, but I think I am well over limit, so I just want to say thank you for giving me this time because we have a lot of issues.

Mr. COLE. Thank you very much.

Mr. STEELE. If I may, Congressman?

Mr. COLE. Oh, certainly.

Mr. STEELE. This is my Chief of Police, Mr. Richard Greenwald. I read his testimony and he has nothing in there about the full judicial responsibility on the 100-mile by 60-mile area that he has to cover because the Supreme Court's Hicks versus Nevada where state police can operate on reservations does not apply to Pine Ridge Reservation, so they cannot come on to our reservation, and he has full responsibility for everything in the judiciary area.

Mr. COLE. Chief Greenwald.

Mr. GREENWALD. Good morning, sir.

Mr. COLE. Good morning. Good to see you again.

TUESDAY, MARCH 27, 2012.

OGLALA SIOUX TRIBE DEPARTMENT OF PUBLIC SAFETY

WITNESS

RICHARD GREENWALD

Mr. GREENWALD. Good morning, everybody. Good to see you again. It was good to have you down at Pine Ridge, and it is odd that Mr. Gipp is sitting next to me because I graduated at United Tribes Technical College.

Thank you for having us here today again. We spoke a little bit about our reservation, Pine Ridge, roughly the size of the State of Connecticut. We have a population of over 43,000 members and an unemployment rate of over 80 percent.

Overcrowding in our housing—most families, housing areas are 15 to 20 people living within a household, which causes chaos and many social and public safety issues for us. Currently, we are funded at 49 police officers, less than half of what we need according to the BIA. I brought some charts here today and stuff just to show you some numbers and some discrepancies. Sioux Falls and Rapid City are our largest two cities in the State of South Dakota, Sioux Falls with a membership of 165,000, and 67,000 in Rapid City. The total calls for service this year in 2011 shows that we surpassed both of the big cities surrounding our Indian Country here, so our—and the other thing is our officers' ratio, you know, 49. They have 115 in Rapid City and 233 in Sioux Falls. Those are not counting the county officers or the state highway patrol that are also there in their area.

Currently, because of our shortages in law enforcement and 122,000 calls for service, imagine 49 police officers trying to handle those calls for service. It is wearing my officers to the limit. I have lost probably 10 officers in the last 3 or 4 months either due to stress—we had a standoff with one of my police officers for 4 hours at gunpoint because his wife left him, because why? Because public safety took him away from her for 12-, 16-hour shifts a day, no days, did not get any time to spend at home. These are realities for my officers. They do not have backup, you know.

I come to Washington, D.C., and I wanted to grab one officer from each block and take them back with me, you know, because there is one on every corner, it seems like, and I want to take some home with me, you know.

Those are realities for us here on the Pine Ridge. One of the things that I wanted to say is that if we continue to ignore the issues that are going on on the reservation, it is going to get worse. I know I spoke to you about that when you were down in Pine Ridge. A week later, two officers of our friendship department in Rapid City who do have friendships with me—we work a big basketball tournament that is up in Rapid City together, we walk side by side with rapid City officers. They lost two police officers to a Native American that killed both of them, gunned them down in Rapid City. And the story will go on and on about property crimes, violence against each other off of the reservation. These are our memberships from our reservations moving to the cities and bring-

ing our social unrest to their cities because we are ignoring the issues that are on reservation.

Our court staff cannot handle this type of call service. I have three prosecutors and five judges on Pine Ridge, sorely understaffed. The last time they received any increases to their funding was in 1979. We gave them last year, with all these calls, 58,000 cases. There is no way the prosecutors can handle that caseload. So a lot of these things are falling through the cracks. When people are not paying for their misbehaviors, they think it is okay. It becomes a social norm for them. But when they leave our reservations and go to your cities, they bring that with them.

Two weeks ago, three weeks ago, there was a shootout in Rapid City. Five Native Americans robbed a store and shot it out with the Rapid City Police Department. Last week, another one of our Native Americans was murdered in Rapid City, possibly by another Native American. So if we keep ignoring that stuff—and these stories that I am talking about, if you look across Indian Country, it is happening to their outside neighborhoods, Mobridge, South Dakota, Rushville, Nebraska, Gordon, Nebraska, any place that is surrounding Indian Country because we have failed to properly handle what is going on in our backyard. It is ending up in your backyard.

Some good things that I want to talk about is, we have a highway safety program that we brought to Pine Ridge. It is called Sacred Cargo, and it was with funding with NHTSA, CDC and IHS, and I was to go out and educate all the people using media or local ratio stations in a way that we could get the message out to our people. We showed that we could reduce the fatality rates by over 75 percent, the serious crash injuries by over 70 percent. When I talked to the CDC at some of our meetings across the state, I asked them to start putting out numbers whenever I talk to them just about our numbers, I said, you know, I am sure the IHS is probably saving a few thousand dollars off of this, and there was a guy from CDC that said all I do is crunch numbers. He said Rich, your program has saved the government millions of dollars, not just thousands of dollars. So if we could show that if we put a little money and effort into fixing things on our reservation, in return we will save money in the long run.

So what I am here to say today is that, you know, last 2 years, we spoke about this before, there was $80 million that came down for Indian Country law enforcement while Pine Ridge and one other reservation were left out of that funding. We got zero dollars. I do not know why or what the deal was. But if you look at the chart below and you look at some of the other reservations down south as it pertains to—there are variances from the down south region to our Great Plains region. Look at the differences. Hundreds of officers in these really small reservations yet the big land-based reservation that we have got here in South Dakota and North Dakota and Montana, there is a huge discrepancy there. We are not able to handle what is coming and it is getting higher and higher.

So I know our time is getting short here, and I guess for right now, that is it, and it is really good to see you guys again and thank you for having us here.

[The statement of Richard Greenwald follows:]

STATEMENT OF CHIEF OF POLICE RICHARD GREENWALD
BEFORE THE U.S. HOUSE OF REPRESENTATIVES

Good morning Mr. Chairman. My name is Richard Greenwald and I am the Chief of Police for the Oglala Sioux Tribe's Department of Public Safety. We welcome the chance to have our voices heard as we try to provide Public Safety services for the Oglala Lakota People.

The Pine Ridge Indian Reservation, home to the Oglala Sioux Tribe, covers an area of about 60 x 100 miles – roughly the size of the state of Connecticut. Our road system consists of thousands of miles of both formal and informal roads. The formal roads are recognized when setting funding levels, but the thousands of more miles of private, unimproved roads, carved out by residents seeking to provide access to their homes, are not. They still require our services.

Our reservation covers all of Shannon and parts of Bennett and Jackson Counties in South Dakota. BIA recognizes a base on-reservation population of 43,146 residents. Our unemployment rate is at or near 80% level on a persistent basis. Like other impoverished areas, we have a severe shortage of housing. Most homes have more than one family – many have 15-20 people in a home built for the average family. The resulting chaos has created innumerable social and public safety issues for residents.

The Tribe has an intricate Justice System. It has chartered the Department of Public Safety (DPS) to provide: law enforcement and 911 services and to operate our detention-facilities and highway safety programs; it also monitors sex offenders, provides homeland security services and IHS Security. DPS operates under a 638 contract with the BIA. We have about 200 employees, including 49 sworn officers (less than half of what is needed) and 77 corrections staff, 17 in dispatch/911, 5 in Professional Standards, and another 41 who provide administrative support; and finally a small number who provide IHS Hospital and clinic security, Highway Safety, and Substance Abuse prevention for Juvenile inmates.

With its 49 officers, including command positions, DPS handled more than 122,000 calls for service in 2011. Our calls are increasing at the rate of about 20,000+ per year. This year we can expect more than 142,000 calls to be handled with the same understaffing we have now. By contrast, Sioux Falls, SD, with a population of 165,000 – nearly four times as larger, had 84,986 such calls. The chart below shows our difference in staff levels:

Jurisdiction	Population	Service Calls	# Officers	Service Base
Pine Ridge	**43,461**	**122,534 calls**	**49 officers**	**60 x 90 miles**
Rapid City	**67,956**	**112,938 calls**	**115 officers**	**city limits**
Sioux Falls	**165,000**	**84,986 calls**	**233 officers**	**city limits**[1]

Officers can easily travel 500 miles per 8-hour shift. All officers travel alone. Our manpower is so limited no one has a partner. An officer's only source of help has to come from a backup which is sometimes from more than an hour away. Our officers are often scheduled for 12-hour shifts – a situation that creates more "burn out" and increases our overtime and comp time costs. It also lowers effectiveness and increases turnover. The BIA identified the need for 120 officers for us in their unmet needs assessment. That is what they said that they would need if *they* were to operate the program. If this would happen, it would be far more expensive as they would have to pay BIA's salary rate. I only wished that we were funded at that level. My officers are among the lowest paid in South Dakota.

[1] 2011 Statistics from SD State Statistics; BIA data; OSTDPS Data Management

Added to my frustration is the $80 Million in new BIA funding for Law Enforcement over 2010 and 2011. A large portion of that money went to the FBI, who could not spend it the first year and returned it to the Treasury. The other money was allocated to other tribes – with NO ADDED FUNDING FOR PINE RIDGE. Tribes with a fraction of our size got added funds while we struggle with 49 officers for one of the largest call volumes. In 2008, before the $80 Million was added, the distribution of any new monies the Congress provided was inequitably made based on populations and land base. The following chart will show you just how out of whack the current funding system is:

Tribe	Tribal Population	# Sworn Officers	Officers per 1,000 pop.	Land Base Square Miles	# Ofcrs per 25 Sq Mi.
Seminole	**3,165**	**144**	**45.5**	**141 sq.mi.**	**25.5**
Salt River Pima	**7,313**	**125**	**17.1**	**81 sq.mi**	**38.6**
Gila River	**14,966**	**93**	**6.2**	**584 sq.mi**	**4.0**
Choctaw	**8,133**	**50**	**6.0**	**25 sq.mi.**	**50.0**
Puyallup	**24,016**	**27**	**1.1**	**29 sq.mi.**	**23.3**
Pine Ridge	**43,461**	**49**	**1.1**	**3,159 sq.mi.**	**0.4**[2]

Our tribe's land base is 22 times larger than a tribe with 144 officers; we have nearly 14 times more people! They have 25.5 officers per 25 square miles and we have .4. The results of this funding are demonstrated on the charts displayed in front of you.

In this year's budget, there is $3.5 Million in new funding proposed for Law Enforcement and $6.5 for staffing for new justice facilities opening in 2013. Where will it end up? We think it may end up in the same place it always has, in the operating budgets of other tribes. We gave the BIA our staffing needs as part of the planning efforts for our new tribal justice center, but none of these staffing projections were included in the BIA's FY 2013 proposed budget.

In the spring of 2011, before Attorney General Eric Holder's visit to Pine Ridge, senior BIA Office of Justice Services managers spent weeks with us to determine our "unmet" needs. Despite all the build up that was provided to the dignitaries who were visiting, nothing has happened to increase our force. BIA and the Tribe have agreed that based on a funding formula that includes our true population, the size of the reservation, the terrain, the number of miles of roads, and the very real dangers to public safety that we face because we live in impoverished communities; we need a minimum of 120 police officers. That's what it would take for BIA to do the job- 120 officers at BIA pay. Yet, despite all of the hoop la that occurred before AG Holder's and your own visit to Pine Ridge, we have not seen another dollar in funding.

Making our jobs harder yet is the proposed 17% cut that the called in the 2013 budget for in overall funding for in tribal programs operated by DOJ. Justice has never had stable, reliable funding for tribal law enforcement efforts. This is the reason that we have requested that you not look upon those dollars as an active source of on-going funding for public safety programs such as ours. For reasons that we have never agreed with, DOJ's Indian budgets have gone up, while BIA's has not even kept up with inflation. Now those DOJ funds are being cut by 17%. So, instead of the U.S. Government meeting its treaty obligations by funding our core law

[2] U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics Report on Tribal Law Enforcement, 2008, issued June 2011/

enforcement programs thru the BIA, it shifted what should have been our funding to another agency and then cut funding there.

Any effective law enforcement and corrections program needs an effective court system. This has to include funding for court personnel, prosecutors, public defenders and probation and parole services. If there are no consequences to unlawful conduct there is no deterrent.

Our Court and adjudication functions are administered by the Tribe, under a separate BIA 638 contract. The Supreme and Lower Courts currently operate out of the original BIA Court building in Pine Ridge, with a satellite court located on the other side of our Reservation in Kyle. As presently funded, these Court programs cannot begin to meet the needs of our community.

Our Court not only has to handle the 11,000 arrests DPS made last year, it also has to handle the Tribe's complete civil caseload. As a result we had 58,000 current and pending cases just last year, most of which remain incomplete today. Our court lacks adequate funding for our basic court staff, as well as adequate funding for its probation and parole functions. Presently, we have only five judges to handle the volume of cases I have described. No one can provide justice to our people under these circumstances.

Worse still, as a result of these shortages in our courts, increases in arrests do not result in increased convictions. Simply put, because our court is not in a position to provide the right to a speedy trial that the law demands, many cases are dismissed outright because of that delay. In its unmet needs assessment conducted in 2011, BIA identified a need for six (6) more judges to supplement the five existing jurists and it recommended an addition of 18 more positions in the AG's Office. The standard for case management indicates that a prosecutor should handle no more than 400 cases a year; our three prosecutors handle an average of 3,700 each. The result is a total lack of consequences for criminal behavior. The Federal declination rate only adds to the problem – especially for violent crimes against women.

Our current conditions are the direct result of Federal inaction and neglect. The Oglala Sioux entered into a series of Treaties and agreements with the U.S. Government with the belief that the United States would (1) protect the sovereignty of our people; (2) protect our land base and assets; (3) guarantee that the Oglala would live in communities that were safe; and (4) that we would be provided with the resources that we needed not just to survive, but to thrive. The Act of 1877, (Articles 5, 8, 9) provided that: the U.S. would "all the aid" needed to achieve a civilized society; that Congress would appropriate funds to ensure an orderly tribal government; that our people would be safe in their persons and property; and that "suitable men" among our Bands and the federal government would cooperate to maintain order. It hasn't happened yet.

Historically our relationship with the United States was with the War Department, but that changed to the Department of the Interior years ago. Now that single point of contact has eroded. Starting with the removal of health services from Interior and it continues yet today. Now, because BIA is so underfunded, we are forced to seek funds from other federal agencies, often from a competitive program which was designed to serve non-Indian governments. To make matters worse, rules for seeking these funds are more complicated and unfair. Instead of working government-to-government, we were now forced to negotiate a maze of lower-level workers in dozens of agencies just to operate our core programs like law enforcement and courts. At DOJ, for example, tribes were thrown into a competitive application process with states, some of the world's largest cities, and huge counties. When there have been "Indian Set-asides" they were generally far too small to meet our needs, thus we were and still are forced to compete with each other for the very funds we were already entitled to under our treaties. DOJ Grants, for example, are not sustainable and many of them often cost us more to operate than we receive in

funding. Even today, DOJ grants place limits on the overtime that we have to pay our officers. This is ridiculous, how can we possibly run a public safety program under these conditions? So, while DOJ adds $60 Million new dollars for financial and internet crime, the basic crime on our reservation, which claims lives and halts economic growth, is allowed to flourish.

The 1970's brought some hope with the Indian Self-Determination and Education Act - P.L. 93-638 ("638"). This law was passed to promote real SELF-DETERMINATION in the governing and managing of our affairs. It is the codified admission that our tribal sovereignty is independent of the United States and that BIA is a service agency supporting that sovereignty.

The promise of better things with 638 has never been fulfilled. Today, the government-to-government relationship promised in out treaties has been replaced by bureaucrats with an Agency-created instrument called the Annual Funding Agreement – that sidesteps the most basic requirements of P.L. 93-638. So, in short, instead of the government recognizing its obligations under P.L. 93- 638, it is treats the requirements of that statute as optional.

As you are well aware, 638 programs have historically been underfunded; and the Draconian cuts that were made to vital tribal programs such as law enforcement, in the 1980's have never been restored. The Federal structure has grown and layers of administration have been added, but our basic needs have been allowed to increase with no end in sight.

Today's social chaos and grinding poverty are the direct result of severe underfunding for Public Safety, health, and education programs. Had sufficient funding ever been available for these services, economic and community development would have occurred and our lives would be much safer than they are today. The chaos has spread into neighboring jurisdictions. Ask Rapid City, SD police officials how our crime is impacting them. Last summer, they lost two police officers to the spreading crime. Other communities in SD and Nebraska tell us the same.

Because our economy is largely based upon federal contracts and grants, it has not grown and what has grown cannot be sustained. We live from grant to grant and problem to problem. Under these circumstances you can understand why our public safety problems are so severe. Our core funding from BIA is so low, when we are forced to try to fund things like police salaries we have no guarantees and we are forced to operate our programs from that perspective. To make matters worse, many of the non-BIA dollars that we receive come with burdensome and confusing rules. If you had ever tried to straighten out a grant that was wrong in any way, you would know that employees within the DOJ often lack the ability to give us even the most basic direction on how to fix it. How can they advise us? In short, the federal decision to substitute discretionary funding and competitive grants for Treaty-based BIA entitlements has perpetuated our poverty and denied us the opportunity to build a reliable and stable infrastructure.

Among our struggles, we have some wonderful successes. But they often aren't even recognized. Our Sacred Cargo Program is a great example. Nationally, Native traffic safety numbers were abysmal – high motor vehicle deaths, low seatbelt use. But no one found a solution in decades. We did. With BIA and SD Highway Safety funds and small IHS and CDC grants, in one year, with only about $650,000, we cut vehicular deaths by 75%; serious injuries by 50-60% and saved millions of IHS dollars. CDC chose Sacred Cargo as a Best Practice, but, BIA and DOT do not see the success. Our funding levels from them remained the same or were cut. When we design and run our programs, they work! Please ask us how we did it.

Our list continues, but the 4-page limit isn't enough space: the declination rate; unfunded mandates (TLOA; Adam Walsh); limited or no collateral services for mental health, etc. etc.

But, again, we thank you, our friends and partners for allowing us to meet with you today and to be heard – and we hope your listening will actually translate into real help for us.

Mr. COLE. Chief, thank you very much.
Tex.

TUESDAY, MARCH 27, 2012.

MANDAN, HIDATSA AND ARIKARA NATION OF FORT BERTHOLD

WITNESS

TEX HALL

Mr. HALL. Thank you, Chairman Cole, Ranking Member Moran, and Congresswoman McCollum.

I am Tex Hall, the Chairman of the Mandan, Hidatsa, and Ankara Tribes on the Fort Berthold Reservation in North Dakota. I want to make a few comments about my tribe and then one about the Great Plains because I have been regional chairman for the Great Plains.

On my tribe on staffing and quarters, we have got a new clinic and that was through the efforts of Senator Dorgan. And it went kind of a roundabout way. Instead of going through the IHS, it went through the Army Corps of Engineers because that is who flooded us in 1953. But I think that kind of became a problem because then it was trouble getting staffing. But IHS did work with us and we were able to get the staffing. But the third holdup now is the quarters. We need about $12 million for 60 units of quarters. We have put in several million dollars to take down a property. We are developing lots, water, sewer, curb, and gutters, streetlights, and we just need the help from the IHS for this last piece of quarters.

So it is real critical because we are in the Bakken Formation right here and this is an Oil and Gas Expo Conference. And as you know, the Bakken is the hottest oil plain in U.S. right now and we are right smack in the middle. I call it Ground Zero because there are about 2,500 trucks coming at you every morning when you get up to try to get on the roadways. And, you know, so it is definitely a challenge to be on top of this oil plain. It is pretty hard just to say, oh, yeah, let's have oil plain right now. You have to be able to have planned development, energy corridors, infrastructure, electricity, housing, water, sewer, law enforcement. You have to have all of that or you are not going to do very well.

And so the second thing I want to talk about on oil and gas is the BLM's misguided rule called hydrofracking. And this misguided rule has never taken any tribal consultation whatsoever, which violates the Presidential Executive Order 13175 where any federal agency that is going to propose a rule that potentially has an effect either negative or whatever on a tribe must consult. Well, this rule is about to into effect and so we met with Michael Nedd, Associate Director, yesterday, and will meet with our regional director in Dickinson, North Dakota, this Thursday. And I honestly think if I did not call, BLM would have never responded. This is going to require another permit.

We have gone through boxes of permits for BIA in 2007, boxes, cardboard boxes. Where is this lease? Where is that lease? Oh, I

do not know, got to go. Here, grab it over there. And you try to find a box and you will try to find the allottee or you will try to find a travel track and then we went through the APD, the Application Permit to Drill, and then BLM gets staffed up and then they lose their staff. So they are sitting there with a lack of staff in Dickinson, North Dakota. And then EPA comes in and says you need an Air Quality Permit. I said where are you going to do that from? Denver? Yeah, yeah. Well, we can do a good job from Denver. I said no, you cannot. You cannot manage an office from Denver or Billings or Dickinson, North Dakota, when the oil plain is in Fort Berthold, North Dakota. You cannot do it. I will tell you that right now unless you are a better manager than I.

And so now, on top of that, now there is hydrofracking. It just seems like this merry-go-round never ends. And this will require another permit in the middle of the game. And we already have over 225 active wells on Fort Berthold in these last 2-1/2, maybe 3 years, and think our economy is really growing. We passed an environmental code that would fine a company up to a million dollars if you intentionally dump on our reservation. That has seemed to slow a lot of that stuff down. We passed a traffic civil code that gives us the authority to arrest—I call them—what kind of truckers do you call them? They will not listen. And it gives us the authority to finally arrest.

And so things are moving but now we have federal agencies now putting another obstacle in the middle of what we are trying to do. So I guess the only thing I could ask is through the appropriations process—this is how serious I am. This has to occur now through the appropriations process, especially when Michael Nedd is sitting across from you saying well, you know, it is over at OMB. And I said oh, I know what that means; it means you cannot do anything now. You know, but you could have talked to us a long time ago. This continues to happen to tribe after tribe over and over. It is ridiculous. This is 2012. And some of us have economies that are getting to Fortune 500 economies. For goodness sakes, we are getting slowed down by things like this. We will never have an opportunity like this. So this is again something I will request from the committee and is something I asked all three of my own congressional delegation as well.

And I will just say something briefly on roads. I do not know if Patty—oh, okay. Patty has got my picture over there. This will always be a problem for us. We get $2 million in Indian Reservation roads. The State will not help us fix our roads and the BIA has no money. We have done an engineering estimate from Interstate Engineering out of Bismarck, $100 million to fix over 1,100 miles of roads on Fort Berthold. And this crack here goes out west to Watford City. That is a state highway. And so really the road now to the left of that goes right in the ditch. And the road over to the left, well, last year we were in a flood; this year we are in a drought so we do not have to worry too much about that mud this year for now anyway. But we have to water the roads. We are going to have to lay some magnesium chloride down. And it is not cheap. I do not know the exact price but it is not cheap. But landowners or tribal members, cattle producers, horse producers, they are all complaining about pneumonia, they are all complaining

about their livestock, and they are all saying you guys got to get on top of it. Again, everybody is looking at the tribe. Nobody else wants to step forward.

And so we are looking at other avenues, but there has got to be consideration for oil and gas tribes. You know, if we could get more money that goes to the State, like I said, the State does not return $1 in taxes and we split that with the State of North Dakota. And if we could get some of those dollars back, that would go a long—I would not even be here asking for anything like that. If people who should pony up and ante up would do it, I would not even be here asking for it because the money is there. It is just not coming back to the reservation.

And so I think there was just one other thing I wanted to mention. I will just finish with one comment on the Great Plains. The Great Plains is 16 tribes, North Dakota, South Dakota, Nebraska. We have about 200,000 trust acres and about 200,000 members of those 16 tribes. We are the largest allotted reservation trust lands in the U.S. And we really had to almost drag or pull the car across the finish line to get consultation on the Cabell Trust Commission. And we do not know why; it went everywhere else—Chicago, Los Angeles, wherever else except for our region which was affected most. And so this has a huge impact on the Great Plains. And so we are going to try to continue to work and hopefully you can help us be an advocate to get the Commission to understand that anything to do with the trust fix or the fractionation or buying up fractionated shares, your biggest fractionations in the Great Plains are those 200,000 acres. It would go a long way towards addressing the problem instead of scattering all over the country. Focus on those parts of the country that need it the most.

Thank you very much. I appreciate your time.

[The statement of Tex Hall follows:]



MANDAN, HIDATSA & ARIKARA NATION
Three Affiliated Tribes * Fort Berthold Indian Reservation
Tribal Business Council

Tex "Red Tipped Arrow" Hall
Office of the Chairman

March 27, 2012

Good Morning Mr. Chairman:

My name is Tex Hall. I am the Chairman of the Mandan, Hidatsa and Arikara (MHA) Nation of the Fort Berthold Indian Reservation in North Dakota. Thank you for the opportunity to testify.

I would like to focus my remarks on five major areas: 1) our need for staff quarters for our new health facility; 2) our need for funding to address the severe damage that oil and gas development has caused to our BIA and tribal roads; 3) our need to make permanent the one-stop shop funding that you provided in FY 2012; 4) the need for additional Bureau of Indian Affairs (BIA) and Bureau of Land Management (BLM) personnel to process oil and gas permits for MHA and other tribes involved in oil and gas development and; 5) the need to legislatively postpone the use of federal funds to implement the BLM's newly proposed regulations on hydraulic fracturing.

Let me start with our health facility staff housing crisis. After many years, Congress finally authorized and appropriated funds to reconstruct the MHA tribal health facility that was destroyed by the construction of the Garrison Dam. Because this facility was destroyed by the Army Corps of Engineers, funding for the reconstruction of that facility was provided through the Army Corps' appropriation. Under that Congressional authorization, the Army Corps built the building and turned it over to the Indian Health Service (IHS) to operate and maintain upon completion. This turn-over occurred at the end of FY 2012.

The understanding was, and is, that IHS assumed all responsibility for the staffing of that facility the day that turnover took place. And, to their credit, IHS has sought and received funding to staff that new facility in both FY 2012 and in the President's Budget Proposal for FY 2013. This was due, in large part, to the efforts of this Subcommittee and I would like to thank you for your assistance.

We now need just one more crucial piece to bring this project to completion. That is funding for staff quarters for the new personnel that this Subcommittee funded in FY 2012. As you are aware, the MHA Nation in located in the Bakken Formation, the fastest growing oil and gas development area in the United States. While the oil and gas boom on the Reservation and in the region has brought with it many positive things, it has also brought us some serious problems. One of those problems is a total lack of available housing within 100 miles of our Reservation. Since the boom, every available housing unit within 100 miles of our new clinic has already been placed under contract or lease. Even when housing does open up, which is extremely rare, two and three bedroom homes are now renting for in excess of $2,500 per month, an after tax cost which no mid-level IHS funded employee can possibly afford.

We have been pressuring IHS to address this staff housing problem since well before this facility was completed, but their only response has been that since this new facility was not constructed by IHS, they feel no obligation to request funding to house the new IHS funded staff who will service this facility. This is ridiculous. I am convinced that their unwillingness to address this problem stems directly from the fact that the Tribe operates this facility under a P.L. 93-638 contract with that agency. If they were running the facility with their own staff, they would not have the luxury of ignoring this housing problem.

The bottom line is that we need a minimum of $12 million to construct homes for the 60 plus IHS funded employees that this Committee has appropriated dollars to hire. The MHA Nation has already done its part, by spending in excess of $1.6 million in tribal funds to prepare the site for these new homes and bringing in the utilities, but we simply cannot afford to construct those units.

If this funding is not forthcoming, we will not be able to recruit all of the personnel that this Subcommittee agreed that we need, and we will have to increase the salaries of the few clinical staff that we can recruit, just to allow them to pay the high costs of housing and commuting to and from work on our Reservation. This is not an effective use of federal dollars, and it will undercut our ability to deliver effective health care to our people at a reasonable cost to the taxpayer. So please help us address this problem by providing the FY 2013 staff quarters funding we so desperately need. The federal government has already spent in excess of $20 million to develop this facility and it makes no sense not to finish the job.

Next let me turn to the road safety crisis that oil and gas development has created on my Reservation. The pictures attached to this testimony will show you exactly what I mean. The Fort Berthold Reservation consists of approximately 1 million acres of land and it is served by approximately 1,081 miles of roads, over 260 of which are BIA and tribal. None of these roads were built to handle the types of heavy equipment and heavy trucks utilized by the oil and gas industry. In fact, only around 26.6 % of the roads on the Fort Berthold Reservation are paved. Another 57.7% are gravel, and our remaining roads are a mix of dirt and local materials. Most of the paved roads that we do have, or perhaps I should say did have, because many of them are now covered by nothing except lose gravel and broken pieces of asphalt, were constructed in the late 1970's and 1980's with only 2 inches of bituminous asphalt. The engineers at the time simply did not anticipate the possibility that these roads would have to withstand the types of heavy truck traffic that has come from the oil and gas boom in our area.

Since the advent of increased drilling, traffic on these federal and tribal roads has increased substantially. For example, according to a report in the Minot Daily News, printed in June of 2010, the 4.5 mile stretch of tribal highway from the Four Bears Bridge east to New Town alone saw over 6,300 vehicles a day and that traffic has increased substantially since this was reported. That is 44,506 vehicles a week and 2.3 million vehicles a year. This makes that stretch of road the busiest highway in our area. This roadway, and Highway 22 are the main routes our tribal members and other residents use to go to work, obtain healthcare, buy food and obtain other necessary goods and services. Minot Air Force Base missile crews also use this route when traveling to and from their missile facilities. Those roads have been almost totally destroyed by oil and gas related traffic.

Presently, there are so many potholes on our paved roads that the Tribe simply cannot keep up with the maintenance, especially given our all too inadequate BIA roads maintenance budget of $456,000 per year. In fact, many of our roads are so deteriorated, that we have been forced to remove the asphalt covering just to allow our cars to pass over them. We put in a patch, the patch does not hold and the next section of road just falls away. This problem is presenting a very real danger to our school busses, emergency vehicles, the general public and even the vehicles operated by the oil and gas industry itself. In short, it has become a crisis that needs to be addressed before more people are killed.

Mr. Chairman, these are federal roads, and this subjects the federal government to liability for negligent maintenance and construction. I fear every day that I will get a call telling me that a school bus full of children has tipped over killing a number of our students. I already receive almost daily calls telling me of serious accidents involving our members. In fact, we now have so many accidents on my Reservation, that my staff does not even bother to call me unless the injuries are life threatening. The situation has now gotten to be that bad.

Mr. Chairman, we realize that this is a unique situation, which requires a unique solution. That is the reason that I am here today. Very few other reservations have federal roads that are in the middle of oil and gas development of this kind. Every time we have an accident, the costs associated with those injuries dips into our IHS contact health care budget, and we are literally eating our federal student transportation, law enforcement, and ambulance budgets alive just paying for vehicle repairs. We need a solution to this problem and we need it now. That solution cannot come from the normal BIA's Indian Reservation Roads budget, because that budget was never intended to handle a problem like this. What we need is a separate one time appropriation to reconstruct our main roads in a manner which allows them to be maintained at a reasonable cost. This effort will require around $54 million. I know that this is a difficult request given what is happening with the federal budget, but if the federal government truly wants to see oil and gas development within the boundaries of the United States, it has to take responsibility for the damage that this type of production causes to its own federal roads and small communities like MHA. It's just that simple. This appropriation will not only save United States taxpayers' dollars in the long run, it will create jobs, stimulate the economy, and most importantly it will save American lives.

Now let me turn to some basic oil and gas related issues. First, I would like to thank you for providing FY 2012 funding for our "one-stop shop" which oversees and coordinates oil and gas permitting activities. In these days of high gas prices, when everyone is talking about decreasing our dependence on foreign oil, it makes no sense to have new oil and gas development on our reservation brought to a virtual halt merely because the BIA and the BLM cannot process the federal permits necessary for that drilling in a timely manner. My request today, is that you make that FY 2012 funding a part of the permanent base budget of the BIA.

For at least the past three years, the Department has sought $500,000 for the Office of Indian Energy and Economic Development (OIEED), which is within the Assistant Secretary for Indian Affairs' Office, to run the one-stop shop. The $500,000 provided to OIEED for coordinating and overseeing oil and gas activities at Fort Berthold should be reallocated to the BIA to ensure that this funding is built into the BIA "base" and available each fiscal year. Currently, as a part of OIEED funding, the positions and technical expertise supported by this funding are subject to political decision-making and not necessarily guaranteed to support the

development of tribal trust resources on the Fort Berthold Reservation. These activities are essential to managing the extensive oil and gas development on our Reservation and cannot be subject to the political winds.

This funding began with former Senator Dorgan's request that Interior to create a "one-stop shop" at Fort Berthold to improve coordination and communication between the 4 federal agencies involved in oil and gas permitting on Indian lands. These 4 agencies follow a 49-step process for approving a single oil and gas permit. In 2008, while the federal agencies struggled to permit a handful of wells within the Reservation, gas flares began to light up the night sky just over the Reservation boundary. Meanwhile leases and permits were clogging the agencies' 49-step system. However, within a couple years of establishing the "one-stop shop," Senator Dorgan reported that the "one-stop shop" had increased permit approvals by 4 times.

The success of oil and gas development at Fort Berthold and Interior's interagency coordination has been highlighted many times, including in Interior's FY 2011 and 2012 "Interior Budget in Brief" and in a January 12, 2012, Interior press release entitled, "Energy Production on Ft. Berthold Reservation in North Dakota Provides Substantial Economic Benefits to American Indian Communities - Federal partnership facilitates development of Bakken Formation resources."

The staffing and expertise that the "one-stop shop" has brought to Fort Berthold needs to be maintained. MHA Nation asks that the Appropriations Committee reallocate the $500,000 for the one-stop shop from OIEED to BIA's base budget for the Great Plains Region and the Fort Berthold Agency Office specifically. This level of funding needs to be maintained, and even increased, to keep the permit approval process running smoothly and to eliminate existing and growing permit backlogs at the BLM and Environmental Protection Agency.

Last, but clearly not least, I need your help to stop BLM from implementing its proposed hydraulic fracturing requirements. MHA and every the other oil and gas tribe in the country was shocked to learn that the BLM is planning to implement new requirements for oil and gas related fracturing activities on our reservations, especially in light of the fact that the BLM currently has no staffing for this new activity, no standardized process , and no proposed system for processing and approving these plans. This is exactly the type of federal mismanagement of oil and gas resources that tribes have been complaining about for at least the last four years.

Because time is of the essence, this Subcommittee needs to act to prevent BLM from expending any federal money to implement these new regulations and requirements in order to save domestic energy production and jobs in many states across the Country. Indian energy development would be hit particularly hard. It already takes 5 to 20 times longer to get an oil and gas permit on Indian lands. And, as you know from our past One-Stop Shop requests, BLM and the other federal agencies involved in on-reservation permitting already lack the staff required just to keep up with their current responsibilities. For this reason alone, Congress should prevent BLM from creating another requirement that it does not have any practical ability to implement.

The appropriations language that we are requesting should prohibit federal dollars from being used to implement these new hydraulic fracturing requirements until such time as the BLM takes and completes a number of prerequisites. First, the BLM needs to be required to follow the

Department's own policy on meaningful tribal consultation. Simply put, it needs to meet with the Tribes who will be impacted by these new requirements and start working with them to insure that their practical problems are addressed before these new requirements take effect.

Second, BLM should not be allowed to implement these new requirements until the Environmental Protection Agency (EPA) completes the study on hydraulic fracturing that the full House Appropriations Committee requested in its FY 2010 budget report, and until the tribes have had an opportunity to review and respond to that study. EPA expects to complete that study in 2014.

Third, BLM needs to develop a staffing and implementation plan to ensure that its review and approval of hydraulic fracturing plans will not add to the already unreasonable delays that we face in trying to get oil and gas permits approved on Indian lands. It should also be required to request and receive the funding necessary to fill those plan approval positions, and to complete the hiring and training of those individuals, before it is allowed to implement these types of new regulations.

Finally, BLM should also be required to demonstrate: 1) that it can maintain the staffing levels necessary to review and approve hydraulic fracturing plans, 2) that it has an adequate process in place to ensure that there is no duplication of existing requirements for on-reservation permits to drill and 3) that it has an implementation plan that will phase in hydraulic fracturing requirements over time, as the federal agencies and the oil and gas industry working on our reservations become familiar with these new demands. If this is not done, our oil and gas production on our reservation will cease. It's just that simple.

Thank you again for allowing me to present this testimony. I will be happy to answer any questions you may have.

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Mr. COLE. Thank you very much. I may sit in this chair but the real chairman of the committee has arrived, so I am going to start with Chairman Simpson.

Mr. SIMPSON. I do not have any questions.

Mr. COLE. Let me go ahead and quickly—because there are so many subjects we will not be able to obviously cover them all, but I do want to get back to this issue which a number of you raised for the use tax on the whole issue of energy development on some of these reservations, the permitting process, and the revenue problems that you have, legitimate governmental functions that are not flowing back.

And I guess the questions are in terms of permitting, what do you think we can do to streamline this process? Because this is like a once-in-a-lifetime opportunity. This is what gaming can be for other tribes. This is an incredible resource here that could be a game-changer on a number of these reservations. And, you know, we have seen what the uses were able to do, for instance, with their energy revenue. It has been a big changer of life for them and it has improved the quality of life.

I forgot the last witness. I was so taken by your testimony today. So I apologize. I will hold my question. Thank you very much. And I apologize very, very much, Mr. Gibb. I am an oil-and-gas guy, man. I was in this deal. Okay. Thank you very much. And I apologize. Thank you, Ms. McCollum.

TUESDAY, MARCH 27, 2012.

UNITED TRIBES TECHNICAL COLLEGE

WITNESS

DAVID GIPP

Mr. GIPP. Thank you, Representative Cole and Mr. Chairman, Ranking Member Moran. Thank you, Representative McCollum, for being the reminder on this. I appreciate that very much.

Ms. MCCOLLUM. We have got it covered, oil and gas and education.

Mr. GIPP. Well, you know, it is very unique that this subcommittee is hearing all of these witnesses because I am from United Tribes Technical College originally from the Standing Rock Sioux, which is in North and South Dakota, but our institution serves all of these tribes plus about another 70 or so numbers of other tribes around the Nation. And what is so unique about this panel is that we are going through tremendous change in this whole region in North and South Dakota. You look at what is happening in western North Dakota and northeast Montana. Economic change, health, education, transportation, certainly all of those things are very crucial to the development, particularly public safety.

And we note that in the 43 years that we have served as an institution and as an inter-tribal organization out of the Bismarck, North Dakota. We occupy an old military fort, originally called Fort Abraham Lincoln, the second one actually. The first one is where George Custer rode out to his great fame and I will not go into the

details of that one. We are at the second one built about 1900. And so we took it over in 1968, '69, and I would say it is a good example of the Indians taking over the fort this time for peaceful purposes, and we continue that mandate today. We have served thousands of students over the past 43 years.

I will get to my request very briefly and then I would like to expand a bit on some of the topics that I just mentioned. First, we are requesting that $7 million is provided through the Bureau of Indian education to United Tribes Technical College under its Indian Self-Determination Program or contract. That would be about a $2.5 million increase over our fiscal year 2012 level and under Title V of the Tribally Controlled Colleges and Universities Act.

Second, we are asking that one-time forward funding is provided for United Tribes Technical College and our colleague school located on the Navajo Reservation, the Navajo Technical College where we were left out of forward-funding program that began in fiscal year 2010. This would be one-time funding and would be about three-quarters of our appropriation for fiscal year 2012.

Third, Congressional support for a tribally administered law enforcement training center, which we have been focusing on for a number of years in light of what has been happening with the lack of public safety and issues that relate to our 20-some-odd tribes that we serve in a three-state region.

And last, we support $73.5 million request for our 27 sister tribal colleges that are funded under Titles I, II, and III of the Tribally Controlled Colleges and Universities Act. And those are the four basic things that I would speak to. I mention our base funding and I will go back a little bit on that one.

We have administered a program under appropriations authorized by Congress and through this subcommittee for the past 35 years under the Indian Self-Determination Act. This would help us maintain and continue to utilize the over 100-year-old education facilities and the 50-year-old housing that we have for our students. Second, it would help us upgrade our technology capabilities; and third, provide adequate salaries for our faculty and staff who only receive about a 2.9 percent increase this past year in terms of cost-of-living. And fourth, fund programs and curriculum improvements to address many of the things that are going on in terms of economic development in our area, particularly when you talk about the Bakken, the oil formations, the coal, and all of those other minerals that are affecting our tribes hopefully in a positive way. But the issue of training an adequately trained American Indians is a crucial part of that thing. It is not just for the corporate community; it is also for the worker. And that is what we can do and will continue to do if we have this additional funding that I speak to.

I would also point out that our issue of forward funding will be an important part of us continuing to be able to address these issues by a one-time extra appropriation of about three-quarters of our year's funding.

One of the final pieces I point out is that there is a great need for a Northern Plains Indian law enforcement academy, something we have been working on for a good 10 years, at least in terms of concept. We have an MOU with the BIA and the American Indian Higher Education Consortium to do supplemental training. But we

note—and I have been listening to our tribal leaders for the past 30 years—talking about the need for public safety, talking about the issue of attrition, of police officers that Mr. Greenwald pointed out has happened just in his area alone, the high pressure and all of those things, the need for additional training. But the issue of basic training is so crucial to the Northern Plains region. And that is what our tribes have been asking and belaboring the Bureau of Indian Affairs about for all of these years.

It simply has not been forthcoming, mostly because the current training facility at Artesia, New Mexico, is unable to really meet the demand. They are equipped to only train a maximum of 150 people at any one time throughout a given year. Unfortunately, their attrition rate is also high. We think we can do the job as well as any by providing the basic training on our campus if we have the additional assistance to be able to establish some of those things.

We have, by the way, I only have two copies but I have a copy of a simulator that we have in our law enforcement training that has been in use for the past year or so. We think we can begin to help our tribes begin to address this issue of public safety. There is a lot of data and statistics that we can provide to back up what I am talking about, but I just remind the subcommittee to take a hard look at that because we think that will be a major investment for assuring that there are safe communities and that the development we are talking about, whether we are talking about the safety of our children, our elders, or newcomers that are in our communities in terms of economic development are so necessary and crucial.

I will just point out a few other statistics very briefly. We have an 83 to 90 percent placement rate. We have about a retention rate that is 80 to 85 percent. We have a K–8 elementary school that serves our families. Here is a picture of one of our families and an outstanding student here. We cater to the needs of families and the values of American Indian families by the way.

I would just point those things out. We are accredited again from this past 2011 for 10 more years for our 25 different programs at the one- and two-year levels and we have just added three baccalaureate degree programs, one in criminal justice by the way. And so I just point those out in terms of the needs and what we think we can do in a very successful way as have in the past 43 years.

Thank you, Mr. Chairman. We appreciate all of your time.

[The statement of David Gipp follows:]

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Presented before the House Interior, Environment and Related Agencies Appropriations Subcommittee

March 27, 2012

For 43 years, United Tribes Technical College (UTTC) has provided postsecondary career and technical education, job training and family services to some of the most impoverished, high risk Indian students from throughout the nation. We are governed by the five tribes located wholly or in part in North Dakota. We are not part of the North Dakota state college system and do not have a tax base or state-appropriated funds on which to rely. We have consistently had excellent retention and placement rates and are a fully accredited institution. *Bureau of Indian Education funds represent about half of our operating budget and provide for our core instructional programs.* The requests of the UTTC Board for the FY 2013 Bureau of Indian Education (BIE)/Bureau of Indian Affairs (BIA) budgets are as follows:

- $7 million in BIE funding for UTTC for our Indian Self-Determination Act contract, which is $2.5 million over our FY 2012 level and the President's FY 2013 request. These funds, authorized under Title V of the Tribally Controlled Colleges and Universities Act, constitute our base funding. The funds are in the Tribal Technical Colleges account.
- One-time funding to forward fund United Tribes Technical College and Navajo Technical College who were inadvertently left out of the forward funding of the tribal colleges in FY 2010. This one time funding would be three quarters of the FY 2012 appropriation.
- Congressional support for a tribally-administered law enforcement training center, with focus on the vastly underserved Northern Plains area.
- $73.5 million for our 27 sister tribal colleges funded under Titles I, II, and III of the TCU Act, to fund them at the FY 2010 per Indian student level. UTTC does not receive appropriations under these titles.

Base Funding. UTTC administers its BIE funding under an Indian Self-Determination Act agreement, and has done so for 35 years. Funds requested above the FY 2012 level are needed to: 1) maintain 100 year-old education buildings and 50 year-old housing stock for students; 2) upgrade technology capabilities; 3) provide adequate salaries for faculty and staff (who did not receive a cost of living increase this past year and who are in the bottom quartile of salary for comparable positions elsewhere); and 4) fund program and curriculum improvements.

Acquisition of additional base funding is critical as UTTC has more than tripled its number of students within the past eight years while actual base funding for educational services, including Carl Perkins Act funding, have not increased commensurately (increased from $6 million to $8 million for the two programs combined). Our BIE funding provides a base level of

support while allowing the college to compete for desperately needed discretionary contracts and grants leading to additional resources annually for the college's programs and support services.

Forward Funding. There was a *glitch in the FY 2010 appropriations process* which resulted in UTTC (and Navajo Technical College or NTC) not receiving BIE forward funding. There is authority for forward funding for tribal colleges under the Tribally Controlled Colleges and Universities Act, 25 USC 1810(b)(1) and (2). This authority applies to all colleges funded under that Act, including UTTC and NTC. When the Administration requested $50 million for forward funding its FY 2010 budget, they asked for it under the line item of "tribally controlled colleges and universities" – that line item includes 27 tribally controlled colleges. However, we are funded under a different line item which is "tribal technical colleges" and thus when Congress provided the requested $50 million for forward funding, UTTC and NTC were left out.

Forward funding requires a *one-time* extra appropriation of three-quarters of a year's funding; hence, *we are requesting, in addition to our regular FY 2013 appropriation, $3,397,485 to forward fund United Tribes Technical College* (75% of $4,529,981, the FY 2010 BIE appropriation for UTTC, is $3,397,485). The total BIE FY 2012 appropriation for "tribal technical colleges" was $6,761,165 ($4,529,981 for UTTC and $2,231,184 for NTC). *To forward fund both institutions would require $5,070,873 in addition to the regular FY 2013 funds.*

Northern Plains Indian Law Enforcement Academy. We ask that Congress seriously look at the problem of addressing crime in Indian Country with an eye toward establishment of a campus-based academy for training of law enforcement officers in the Northern Plains area of Indian Country. There are cultural and legal reasons why such training should be tribally directed in order to be appropriate for the realities of tribal communities. At the same time, we realize that state and national training resources have an important role in this new endeavor. We note that the Senate Committee on Indian Affairs held hearings on law enforcement needs in Indian Country in the 110th and 111th Congresses.

We are upfront in our interest to have UTTC be the site of such an endeavor. We have a Memorandum of Understanding with the BIA and the American Indian Higher Education Consortium to provide "supplemental" in-service training to BIA and tribal police. This agreement is working out modestly well, but we need this effort to be expanded.

At this point, the BIA is depending on the basic training provided by state academies to supplement what is provided at the BIA Police Academy in Artesia, New Mexico, with additional "bridge" training for BIA and Tribal police officers being provided at Artesia and soon, we hope, at UTTC. But we firmly believe that UTTC is also well positioned to be a site where both basic and supplemental training can be provided. Among other reasons, the BIA Academy at Artesia can train only 3 classes of 50 persons annually. An academy at UTTC would allow tribal people in the Great Plains and other nearby regions a more affordable choice of training locations, minimizing the distance and long separation of trainees from their families.

In short, the BIA should be utilizing and enhancing the resources of UTTC to make a real difference in the law enforcement capability in Indian Country. Of note is that we now offer a bachelor degree in Criminal Justice and can offer college credit to trainees. Our facilities include the use of a state-of-the-art crime scene simulator. Maintaining safe communities is a critical

component of economic development for our Tribal Nations, and local control of law enforcement training resources is a key part of that effort.

SOME IMPORTANT FACTS ABOUT UTTC: We have:

- A dedication to providing an educational setting that is geared to the full range of student needs – educational, cultural, and necessary life skills.
- Renewed unrestricted accreditation from the North Central Association of Colleges and Schools, for the period July 2011 through 2021, including authority to offer all of our full programs on-line.
- A wide array of services including a Child Development Center, family literacy program, wellness center, area transportation, K-8 elementary school, tutoring, counseling, family and single student housing, and campus security.
- A semester retention rate of 82%.
- A graduate placement rate of 83% (placement into jobs and higher education).
- A projected return on federal investment of 20-1 (2005 study).
- Over 30% of our graduates move on to four-year or advanced degree institutions.
- A current student body from 63 tribes who come mostly from high-poverty, high unemployment tribal nations in the Great Plains; many students have children and dependents.
- An unduplicated count of undergraduate degree-seeking students and continuing education students of 1200.
- 76% of our undergraduate students receive Pell Grants.
- 21 two-year degree programs, twelve certificate and three accredited bachelor degree programs (Elementary Education; Business Administration; and Criminal Justice).
- An expanding curricula to meet job-training needs for growing fields including law enforcement and health information technology. We have new short-term workforce training programs for welding technology (in particular demand in ND due to the oil boom), electrical, energy auditing, and Geographic Information System technology.
- A dual-enrollment program targeting junior and senior high school students, providing them an introduction to college life and offering high school and college credits.
- A critical role in the regional economy. Our presence brings at least $34 million annually to the economy of the Bismarck region.

- A workforce of 360 people.

- An award-winning annual powwow which last year had participants from 60+ tribes and international indigenous dance groups, drawing over 10,000 spectators.

The Duplication or Overlapping Issue. The Government Accountability Office in March of 2011 issued two reports regarding federal programs which may have similar or overlapping services or objectives (GAO-11-474R and GAO-11-318SP). Funding from the BIE and the Department of Education's Carl Perkins Act for Tribally Controlled Postsecondary Career and Technical Education were among the programs listed in the reports. *The full GAO report did not recommend defunding these programs; rather, it posed the possibility of consolidation of these programs to save administrative costs.* We are not in disagreement about possible consolidation of our funding sources, so long as program funds are not cut.

BIE funds represent about 54% of UTTC's core operating budget. The Perkins funds supplement, but do not duplicate, the BIE funds. *It takes both sources of funding to frugally maintain the institution.* In fact, even these combined sources do not provide the resources necessary to operate and maintain the college. We actively seek alternative funding to assist with academic programming, deferred maintenance, and scholarship assistance, among other things.

We reiterate that UTTC and other tribally-chartered colleges are not part of state educational systems and do not receive state-appropriated general operational funds for their Indian students. The need for postsecondary career and technical education in Indian Country is so great and the funding so small, that there is little chance for duplicative funding.

There are only two institutions targeting American Indian/Alaska Native career and technical education and training at the postsecondary level—UTTC and NTC. Combined, these institutions received less than $15 million in FY 2012 federal operational funds ($8 million from Perkins; $6.7 million from the BIE). That is not an excessive amount for two campus-based institutions who offer a broad (and expanding) array of programs geared toward the educational and cultural needs of their students and who teach job-producing skills.

UTTC offers services that are catered to the needs of our students, many of whom are first generation college attendees and many of whom come to us needing remedial education. We also provide services for the children and dependents of our students. Although BIE and Section 117 funds do not pay for remedial education services, we make this investment through other sources of funding to help ensure that our students succeed at the postsecondary level.

Our Bureau of Indian Education and Perkins funds are central to the viability of our core postsecondary educational programs. Very little of the other funds we receive may be used for core career and technical educational program; they are competitive, often one-time supplemental funds which help us provide support services but cannot replace core operational funding.

Thank you for your consideration of our requests.

Mr. COLE. Well, thank you. And again my apologies for rushing us toward the Q&A and almost missing your testimony.

But let me go back. I will relay the predicate of what I was going to ask about. I do think we are in a once-in-a-hundred-year opportunity right in front of us that could be transformative for some of the poorest areas in the country. But the problems you touched on—permitting, infrastructure where we have underinvested for a long time and really need to invest at a higher level to be able to take advantage of this, and cost-sharing on a government-to-government basis really stand in the way of some of these and we could end up squandering a great opportunity.

So I would ask any of you that care to comment on those things, number one, what do we need to do specifically on the permitting? And we are not a legislative committee but we have the ability to encourage sometimes the BIA and other people since we control their budgets. Second, on the cost-sharing I would ask if any of you have sat down with your state governments? In Oklahoma we had a similar problem. We eventually have an Indian fuel tax arrangement for a certain percentage of money from our fuel tax statewide flows back to Tribal Nations to spend. In exchange, we then charge the state tax on our facilities. That is the agreement. And it comes back; it is used for governmental purposes. It is not for a per capita distribution. We build roads, education, healthcare, things that governments do with it. Are those things possible in your area?

And then, finally, in terms of the human dimension to this. I do worry—I had the opportunity to visit a number of the reservations in South and North Dakota and it was pointed out, obviously, these are pockets of very high unemployment. We have job opportunities beginning to develop here. You know, we may not always have the most trained people but we need to make sure that as many of those folks as possible have the opportunity to get work, not just tribal income but the opportunity to go work for their families. So what are the sorts of things that we can do in that regard that might help some of you that are dealing with high unemployment issues? Why do we not start with you and anybody else wants to come in, come in.

Mr. KING. Well, thank you, Mr. Cole, Congressman. I think before I get started I would just like to give you a little background on my career. You know, I got a degree in petroleum land management out of Rocky Mountain College in Billings. I went to work for the BIA for 14 years running the Oil and Gas Leasing office on the Fort Peck Reservation. Then I started a career—lost an election actually—and then went for—

Mr. COLE. That is where good careers often start.

Mr. KING. Then went to work over at Fort Berthold as a land consultant to ExxonMobil XTO/Hunt Petroleum. So things that are working I think I know about; things that do not work I think I know about. I said the same thing to the Senate. Our attorneys came up with that.

So, you know, my big frustration really is the fact that our BIA—it is not set up—let's just start at the very beginning. The leasing process, without leases there is no exploration. Fort Peck can take anywhere from a year to three years before it is approved by the superintendent. That is when it becomes a legal document, binding

document is when the superintendent signs off on it. And if it takes 3 years on a 5-year lease, that is basically tying up my land, my allotted lands for eight years. And so this is grossly unfair. So that is where we need more expertise and more staffing.

Now, at Fort Berthold, what they did was they started bringing down from Aberdeen all these realty people and kind of got them caught up—this was three or four years ago. What Tex said was absolutely right. There are boxes everywhere. Boxes, not file cabinets, boxes full of leases that needed to be approved or if they were not approvable should have been returned to the companies. And the same thing was going on at Fort Peck. What happens is sometimes when a company submits a lease for approval, there is a probate on there. The superintendent can sign for a probate but if it sits there and sits there for month after month after month, year after year, that probate will close. Now the superintendent can no longer sign that. That lease is no longer approvable. You have to go back and get all the new errors that have been established through the administrative law judge and you go back to square one. And I cannot tell you how frustrating that is to the oil and gas industry. And the federal employees act sometimes like it is no big deal. But it is a big deal and we need to make sure that we have enough staffing and enough expertise to do what needs to be done to get those leases approved.

And the same is true for the BLM. They are understaffed. They are not set up for an oil boom. This is a once-in-a-lifetime deal. We want to be economically independent, economically sovereign. That is our goal. And so we need to really staff up, gear up, get ready for this boom. Fort Berthold is way ahead of us. It is right at our doorstep. In fact, our tribe drilled the first two Bakken horizontal wells. We are the ones through our strategic partnerships that paid for the well, that drilled it, fracked it. It is just happening. They are fracking one of them as I am sitting here right now. So we are taking a proactive role in this thing. We want to be in control of our own destiny, not as a lessor.

Mr. COLE. Well, whether you address this or not—and I am taking a lot of time because I think this is an important issue and I am going to ask you guys to be briefer than I was—but could you sort of give the committee an idea of what the income flow potential here is at the tribal level and obviously sometimes this is individual allotment land for individuals as well. And I would assume you have got sort of checker-boarded jurisdiction here.

Mr. HALL. It can vary, Mr. Chairman, and we started in '07 at about 50 bucks an acre. Soon went to 100 bucks an area, and then the BIA decided to do an auction bid sale in November of '07. I think EOG Resources out of Houston bid 625. And from then it went to 1,000 and over. And so if there is another round of leasing, you can bet your dollar the allottee is in a very strong position. Nobody knew what it was. Actually, the BIA is supposed to have an appraisal on every trust transaction, so every lease should have had an appraisal. It never happened so we are just assuming the auction bid sale kind of took care of that, you know.

And so the royalty rates will go anywhere from 18 to about 22.5 percent, maybe 25 if it is a tribal drilling company. I think we started the tribal drilling company and we are promising the tribe

and the allottees, you know, I know a lot more than 18 to 22.5. And so if you can average about 800 to 1,000 barrels a day on a good Bakken horizontal well, you are doing quite well. And some of these areas are very mature on Fort Berthold, especially that partial field up on the northeastern part. And as it comes across west and then down to the river, that whole west side is in a very mature Bakken formation. And so that is kind of like in the Badlands area it costs a little bit more but you can do what they call a multi-pad. What is his name from Oklahoma?

Mr. COLE. Mr. Hamm.

Mr. HALL. Yeah, Harold Hamm originally from North Dakota is going at that. And if you have a super pad that you can drill off of, that is perfect for the Badlands because we want to maintain that scenic beauty and it is nothing better to see an oil well drilling that has got a clean, specked oil pad that is very minimal, no dust, and it is happening right in the beauty of the Badlands pumping up and down, nothing better to see that. So I think that is kind of the best practices that we are looking at, you know, to continue on. Especially at our conference coming up, we want to promote companies that are having the best practices.

And we are closing the closed-loop system where they got the pits, you know. The pad will have a pit where they got, you know, material, crude fracking material and they are basically dump pits. And so they are going to a closed-loop system. They are covering those up and everything is trucked out. You start eliminating those things in the Badlands and all that and now you are talking best practices.

So that is where we are reaching to, Mr. Chairman. We are reaching to that, you know, from finding a cardboard box for Stoney's lease to getting the best practices. And you know, I want to make this one last point and that is the one-stop shop has never really taken off. And I keep raising this issue and I am going to raise it again with Secretary Salazar. But the whole idea was to have a coordinator position at Fort Berthold to tell BLM in Dickenson and Billings you need to get here to tell BLM in Denver and EPA in Denver and all these federal agencies we have got a problem. We have got a probate that is soon to expire. We have got an active lease. We have got 60 days. You guys get over here right now and let's see what we can do to get this salvaged, this lease, because there has already been x-amount of man hours put into this lease, landowners, allottees, tribes are waiting, oil companies waiting, we are all waiting on guess who. We are all waiting on the BIA.

So that is what the one-stop shop was supposed to do. That was its intention and I cannot believe it when people will say, well, what is your idea of the one-stop? No, no. We got to get beyond that what is your idea of the one-stop shop. It is to coordinate, streamline, and to troubleshoot and get to these issues quickly and bring everybody to the table.

Mr. COLE. Thank you very much.

Mr. MORAN. Ms. McCollum.

OIL BOOM LEASING AND CRIME

Ms. MCCOLLUM. Thank you. And I thank my friends to the west of me from the Great Plains, who did a great job talking about what is going on there because this is a once-in-a-lifetime opportunity. You folks were not able to participate in the last oil boom that went through very much, were you? No. You got left out then and you do not want to get left out now. So I get it. My grandfather was from that area. I have got pictures of my kids, which might surprise Mr. Cole a little bit, standing in front of oil derricks that have our family name on them.

This is, a sudden storm. Some people saw the oil boom coming and gathering, but all of a sudden it just hit. And some of the things that you are seeing are not the fault of the federal employees in the EPA and the BIA and the BLM. They do not want to give you bad service. There are just not enough of them. Right now, the good ones are being snapped up by private industry so there is a competition going on. We have frozen federal salaries. We have increased the number of employees that are needed in order for them to feel successful every morning when they are getting to work. There must be a way to use the money that is out there from the leasing to hire the necessary employees. The revenue is there to pay for the employees. There has got to be a way that we can figure this out.

I just wanted to take a second, though, and tie this into two things. Minnesota Public Radio did a big story about some of the crime and some of the missed opportunities for local people to be trained up into some of these good-paying, high-paying jobs. There are people coming from all across the country into North Dakota and into Montana and these are not tribal lands. We want the employment going to tribal lands. I am wondering how many people are really being employed from the reservation areas into these jobs. Are people getting a fair shake at them? If they need training, what we need to do to get them trained up to have access to these jobs that pay fantastic money?

The other thing that was coming up was the increase people are seeing in crime rates, with assault and murder. There is a bad side to oil booms, too. So if you could, please talk about that. The problem has been defined about what we need to do about getting these leases moving, but what are some of the challenges this committee should be aware that you are facing? North St. Paul, the city I represented, in three square miles, had 11,000 people, and eight officers.

Mr. GREENWALD. I do not know how the funding cycle was put together and I am sure it was not anything that you guys had to do with it. It is probably something in the past, historical numbers and stuff. But you are right. A lot of these things are going to bring crime into your area. I mean you are bringing multimillion dollar machinery, different things. I went up to Bismarck to visit my son who is also in the United Tribes College right now going to college, and it costs me almost $300 a night. Before you could get a hotel for $70 a night, and their hotels are filled with these workers that are there going back and forth north from there. I mean it is crazy

when you go to North Dakota. It is hard to get a motel; it is hard to do things anymore.

With that comes crime and it is not going to be just the reservations that are going to be dealing with that. You are talking about the cities. I mean people are going to be breaking into these people's vehicles. You do not know who is coming to work in your state. You know, who are these guys that are coming to your reservations that are coming to work? We already know that one in four of our women are going to be raped in their lifetime. That is higher than anywhere in this country. You know, but who are we bringing to our reservations and how is that going to affect our law enforcement when we are already so strapped already, you know? So definitely some food for thought.

I mean we need to prepare for this stuff that is going on, including these big rigs that are coming through our reservation. Those roads are going to be torn apart like crazy. We are already dealing with that on our reservation in Pine Ridge, you know. So we anticipate that there is going to be some pipeline vehicles coming through there. They have already been routed through our reservation, so we are anticipating that is going to happen more, you know.

Mr. GIPP. To the answer, training a lot of the incoming workforce are those who have got some training talent or experience in these kinds of enterprises, so that is good. On the other hand, we have Native Americans in the tribal communities who are not yet trained. And so we are beginning to try to mobilize that effort with at least five or six of our tribal colleges that are located either right on these reservation areas, including United Tribes. And one of our goals is to train about 1,400 workers in, for example, welding. Now, that is just one of the technologies; it is not all of them. And so we need more help to make sure that we can galvanize and train all of those who want to work in this kind of a field. So that is kind of the effort and what we have begun to put together.

We are working in our case with the Nakoda College up at Fort Belknap, Fort Peck Community College, and Cankdeska Cikana at Spirit Lake as well as ourselves, and also Fort Berthold Community College could begin that process right now. But it does take some time to mobilize even if you are a community college. But we see more of our workforce becoming integrally involved with this, but we need the support to be able to do that.

Mr. COLE. Mr. Calvert.

Mr. CALVERT. I apologize for coming in late. There are a lot of things going on here at once.

Just a quick question on the BIA oil and gas exploration permitting process. Has the BIA ever used outside contractors, to process permits using fees from applicants to accelerate permit reviews?

Mr. KING. They have used outside contractors for other things, but not in oil and gas. Go ahead.

Mr. CALVERT. I guess the question I have is, can an outside contractor be brought in—there are a number of people who do this type of thing—to process applications for permits, make sure everything is filled out properly, and the forms and necessary studies have been completed, and then turn that application over to an officer at the BIA——

Mr. KING. Right.

Mr. CALVERT [continuing]. To review, to make sure the paperwork is in correct form, and then merely sign off on that application, rather than having the bureaucracy get caught up in this type of thing? Do you think that might help streamline the process? I would imagine the applicant would happily pay the outside contractor, which could be picked just as one picks contractors for environmental impact reports.

Mr. KING. I actually broached that subject to the superintendent last week, just exactly what you are suggesting. And I think it is a great idea. We need to bring in experts that can get these leases done and we need to streamline that process to bring in contractors to do the work like this. The superintendent's words were do you know how long that is going to take? You know, so let's not get lost in this thing. Let's go for it.

Mr. CALVERT. I was going to say to Mr. Chairman that this might be something we ought to look at as a possibility of moving this permitting process along. It would free up the time of the agency employees that may be, quite frankly, a little over their head in some of these issues, with respect to some of the technical issues on these applications and so forth.

Mr. KING. As I said earlier, we have strategic partnerships in place now that enabled us to drill our own wells. And that expertise that they got, they fund their own software program that was better than the Bureau's. I am very familiar with the BIA's program so it was better than TAMS. They are ideally suited for just what you are suggesting. That would be the way to go I think. And then you would not have to train, you know, federal employees, you know, and bring them up to GS–12 wages and then have them, you know, forever. Just bring in when the expert piece is needed.

Mr. CALVERT. Sure. This is a mature industry. It has been around, obviously, for well over 100 years.

Mr. KING. Um-hum.

Mr. CALVERT. We enter into these contracts; forms are filled out all the time. An applicant should not be dragged through a long process that, quite frankly, can be handled in an expedited manner. We can assist the BIA in putting together a process to use outside contractors to expedite what should be a relatively simple process.

Mr. KING. And one of the bad effects of letting it sit in the Bureau for a year, two years, three years—I have seen it three years—is that where is my money? Where is my money? They are always coming up to us, you know, the oil company paid it in. They paid it in a year ago. Where is my money? Where is my money?

Mr. CALVERT. Yeah. And——

Mr. KING. And I just cannot tell you, you know, how important it is that these people do—if what you are suggesting, Congressman Calvert, if that was implemented, we could get these leases in and out very rapidly. I even volunteered to go as a tribal councilman, go back to the Bureau—keep my seat on the council of course—but that is my expertise. I could have gotten them caught up.

Mr. CALVERT. That might be a little bit of a conflict.

Mr. KING. Yeah, they did not go for that. They did not go for that.

Mr. COLE. Just quickly because we have run a little bit over here—my fault.

Mr. ANKETELL. Mr. Chairman, I believe that, you know, all of us are wanting to be economically efficient but, you know, even with the tribal, you know, resources that we have, we could take care of our own destiny, but at the same time we have to have approval of like what you are talking about, sir. You have to have the blessings from the BIA. But I think if we could build up infrastructure, I am always thinking about our veterans that, you know, coming back from war that we need to include them in some of the different areas of this economic plan.

So I think it could be done. It is just sometimes the superintendent or the area director, they do not know what they are talking about so they just sit on it so they can pretend they are smart. Thank you.

Mr. COLE. Mr. Chairman.

Mr. SIMPSON. You guys know a lot more about this oil and gas stuff than I do because we do not have a lot of oil in Idaho. So I am going to have to learn more about that.

Mr. ANKETELL. You may find out you have more than you think.

Mr. SIMPSON. Yeah, that is right. We can hope. We can hope. I just did want to say, President Steele, thank you for the hospitality you showed us while we were out on the reservation. We enjoyed it very much. It was very educational for, I think, all the Members that were there and the staff. And Chief Greenwald, you told us out there what kept you up at night. As I think you put it—the size of the reservation, the overworked officers, and the problems that they have in trying to address the needs. And I said at the time if it keeps you up at night, it keeps me up at night. We are going to work on this, try to solve it. So I appreciate you being here today.

Mr. GREENWALD. Thank you, sir.

Mr. COLE. Last point before we move to the next panel, it should never cost $6,500 to get permits on Indian land when right next door it is $75 on non-Indian land. So that is something we need to look at, too.

Okay. I am yielding the chair back to where it belongs. We will move along a lot faster now.

Mr. SIMPSON. Okay. The final morning panel as we move in toward afternoon is Mickey Peercy, George Thurman, Charles Head, Virginia Thomas, and Harold Dustybull. I see three of the five. Okay.

Ms. THOMAS. Harold stepped out for a moment.

Mr. SIMPSON. Okay. Mickey, you are up first.

TUESDAY, MARCH 27, 2012.

CHOCTAW NATION OF OKLAHOMA

WITNESS

MICKEY PEERCY

Mr. PEERCY. Thank you, sir.

Mr. SIMPSON. You bet.

Mr. PEERCY. Hopefully, we will speed our part up so you can get out and have lunch. I have to tell you a story. I am probably the only person who remembers seeing him fast dance with Mary Fallin, Congressman Fallin. Now she is governor. Anyway, thank you.

I am Mickey Peercy, Executive Director of Health, Choctaw Nation of Oklahoma. I want to thank you for allowing us to come today. Also I wanted to thank the committee for coming to Oklahoma and coming to Choctaw, especially in August when it is hot. It was hot but we were—yeah, we can do that. We can do that. But we want to thank you for being there. It was a good chance for you to kind of see what we have going there.

So my comments today are going to be entirely on health and I am representing Chief Pyle. He sends his regards.

Appropriations in Indian Country remain severely deficient for each of the programs that we are going to talk about. It is really not acceptable. We all know that healthcare in Indian Country is seen as rationed care. In the testimony today I am going to focus on programs. I will give you some dollar figures, probably just try to stay on three or four. But in my written testimony pretty much speaks to all the programs, as well as to let you know that we do support the comments and the stances taken by the National Congress of American Indians on healthcare and also the National Indian Health Board.

So first of all, we are requesting Joint Venture increase to $90 million. We know that Joint Venture is one of those programs in Indian Country that is a win-win for everyone. The tribe is able to go in with the cooperative agreement within Indian Health Service, build a facility, and then Congress, through the Indian Health Service, provides staffing. I think that can be seen very much right now, Congressmen, with the Chickasaw Hospital as well as the clinics going in in Tishomingo and Ardmore. So that is very much a win-win situation.

Contract Health Service, you have heard discussions on that. We are asking for an increase of $200 million. I am a participant on the workgroup with the Indian Health Service, a tribal rep that is looking at trying to figure out where that 800-pound gorilla is in Contract Health and what that number is. And GAO has informed IHS to come up with the number and we are working on that and hopefully that is going to come to fruition pretty quick.

Contract support cost—I will probably spend the majority of my time talking about that and I know you had a long discussion this morning on contract support costs. Contract support costs do go directly to the tribal nations to support their health endeavors. Keep in mind if you were ever offered to get paid $50,000 a year to do a job and then someone just paid you 66 percent of that, you know, it would not be good. You have to decide to get out of the program, not starting that program initially, or come to you and ask for more money. That is what we are doing. And I think good things were said this morning in terms of the only contractor in the Nation probably that does not receive full contract support funding. We are asking an increase of $100 million over the President's request.

I want to just point out reported contract support costs shortfall is nearly $5 million annual just for the Choctaw Nation. The Presi-

dent, in his '13 budget has requested $5 million increase. That would not even take care of the Choctaw Nation, not considering the rest of the Nations. So we really do need to get a handle on contract support costs and be able to fund that at 100 percent. So we certainly see that as a focal point for my testimony today and our encouragement for you to look at that more closely. $5 million is a drop in the bucket and it is almost an embarrassment. We appreciate the money but it is certainly going nowhere to take care of the problem.

And then real quickly—it is not in my written testimony but I just heard about it this weekend—is the potential decrease in funding for Office of Environmental Health and Engineering. We are looking in Indian Health Service at a potential 20 percent decrease in funding. Keep in mind that is the line item that takes care of infrastructure in terms of sanitation facilities, clean water in Indian Country. And if you do not have clean water, you do not have sewer systems, the sanitations in, you know, that whole public health concept goes down the tubes. So I do not know if it where it is coming from, whether that be the President or I sense that it is the director of the agency. So we need to look into that, and I will send you, gentlemen and ladies, a supplement once we figure out that, but we have to keep that in mind.

Thank you. Thanks for your time.

[The statement of Mickey Peercy follows:]

Choctaw Nation of Oklahoma
PO Box 1210 • Durant, Oklahoma 74702-1210 •(580) 924-8280

Gregory E. Pyle
Chief

Gary Batton
Assistant Chief

TESTIMONY PRESENTED BY
MICKEY PEERCY, EXECUTIVE DIRECTOR OF HEALTH SERVICES
CHOCTAW NATION OF OKLAHOMA
ON THE FISCAL YEAR 2013 BUDGET
BEFORE THE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
PUBLIC HEARING ON THE INDIAN HEALTH SERVICE PROGRAMS
March 27, 2012

On behalf of Chief Gregory E. Pyle, of the Great Choctaw Nation of Oklahoma, I bring greetings to the distinguished Members of the Committee. I am Mickey Peercy, the Executive Director of Health Services. I appreciate this opportunity to provide testimony to the Committee on our top budget priorities for FY2013 in the Indian Health Service.

The Choctaw Nation of Oklahoma is the third largest Native American Tribal government in the United States, with over 208,000 members. The Choctaw Nation territory consists of all or part of 10 counties in Southeast Oklahoma, and we are proudly one of the state's largest employers. The Nation operates numerous programs and services under Self-Governance compacts with the United States, including but not limited to: a sophisticated health system serving over 33,000 patients with a hospital in Talihina, Oklahoma, eight (8) outpatient clinics, referred specialty care and sanitation facilities construction; higher education; Johnson O'Malley program; housing improvement; child welfare and social services; law enforcement; and many others.

Appropriations for Indian Country remain severely deficient for each of these programs, and it is simply not acceptable for such programs to be further debilitated by budget cuts. Thus, it is essential that programs impacting Indian Country be exempted from any sequestration for Fiscal Year 2013 and forward.

In my testimony today, I will focus on Indian health and related programs, appropriations which are critical in order to address the health disparities of Native Americans as compared to other Americans. The current funding levels have created a system of rationed health care and perpetuate these health disparities for Native people.

Joint Venture – Increase to $90 million
The Joint Venture program, although a relatively small program, remains the most innovative, timely and cost-effective means within the Indian Health Service (IHS) to acquire new or replacement health facilities for Indian Country. The IHS Joint Venture program demonstrates the shared commitment of Tribal Nations and the IHS in providing additional health facilities within the Indian health system and the staff necessary to support the facilities. This strategy has been especially effective in the Oklahoma City Area, allowing us to replace some antiquated facilities and extending health care to underserved Tribal citizens in our communities. However, the need for adequate health facilities remains great. We request that funds continue to be appropriated for the Joint Venture program on an annual basis, including the associated contract support costs and adequate operational funds.

Contract Health Services – Increase of $200 million
Contract Health Services (CHS) remain a high priority for the Choctaw Nation and many other Tribes in the Nation. CHS funds all of the referrals from Tribal and IHS facilities for specialty care that cannot be delivered at the Tribal/IHS clinic or hospital site. Referrals are often deferred or denied, due to lack of funds, despite the determination of medical need by our health providers. The Oklahoma City Area and the Choctaw Nation suffer some of the highest deferral/denial rates of CHS cases in the Nation. For example, denied or deferred cases in our health system resulted in some of our patients not receiving necessary diagnostic tests, cancer treatment or neurology services last year.

Contract Support Costs – Increase of $100 million over FY 2013 President's Request
One of the most important appropriation issues facing Indian Country is the underfunding of contract support costs (CSC), which negatively affects nearly every single Tribal Nation. This issue is especially significant for Self-Governance/Self-Determination Tribes because it protects direct service operations from sharing in overall funding reductions and limitations. Every dollar in unfunded contract support costs is a direct reduction in health care or other services to our Tribal citizens.

Contract Support Costs appropriations go directly to the Tribal Nations at the local level, with immediate positive impact on health care and other critical programs. CSC funds mandatory costs for which the federal government is legally and contractually responsible to provide. Failing to adequately fund CSC defeats the very program that has most improved health conditions for American Indian and Alaska Natives.

Tribal programs have significantly increased the quality and level of services in our health systems compared to direct service programs. Since contract support costs are fixed costs that a contractor must incur, Tribes are required to either (1) reduce funds budgeted for critical healthcare or other services under contract to cover the shortfall; (2) divert Tribal funds to subsidize the federal contract (when such Tribal funds are available); or, (3) use a combination

of these two approaches. For every $1 million that the Choctaw Nation would be required to divert from direct patient care to cover contract support costs, the Nation's health system must forego an estimated 5,800 patient visits.

The reported CSC shortfall is nearly $5.5 million annually for the Choctaw Nation alone. The President's Budget Request for Fiscal Year 2013 includes only a $5 million increase in IHS CSC funds for all 567 Tribes in the country, an amount insufficient to fund even the Choctaw Nation's shortfall for one year. This current budget request is woefully inadequate to not only address the present shortfall, but to prevent the shortfall from growing in future years. We urge you to consider the total unfunded need for CSC, which we estimate for FY 2013, will approach $100 million within the IHS.

Special Diabetes Program for Indians – Support 5 Year Reauthorization at $200 million/Year
The Special Diabetes Program for Indians (SPDI) was authorized in 1997 in response to an alarming and disproportionate high rate of type 2 diabetes in American Indian and Alaska Native people. Tribal advocacy has contributed greatly to changing the course of this once devastating health menace in Indian Country. Continued innovation and increased funding are required to further arrest the disparity and achieve equity. SDPI funding has been at $150 million since it was reauthorized in 2004. During this time nearly 400 Indian Health Service, Tribal and Urban (I/T/U) Indian health programs have assisted in developing innovative and culturally appropriate strategies, vital resources and tools to prevent and treat diabetes. Congressional funding remains the critical factor in the battle against diabetes which translates into documented improvements in blood glucose control, reduced amputation rates and decreased cases of kidney failure, just to name a few of the maladies associated with this disease. The Choctaw Nation has been an aggressive soldier in the fight against diabetes and we ask this Committee to support the crusade to ensure the continuation of the SDPI. We also request that you urge your colleagues on the Labor, Health and Human Services and Education Appropriations Subcommittee to increase funding for the SDPI program, which is administered by the Indian Health Service. Without the SDPI, the epidemic status of Type 2 diabetes will once again be a serious life-changing disease to future generations of our people.

Indian Health Care Improvement Fund – Request $45 million increase
Overall funding for the IHS remains at less than 60% of need; using the benchmark of the federal employee benefit package. Deplorably, IHS average funding per patient remains less than that expended on federal inmates. In addition to the well-documented disparate funding between the IHS and other federally funded health programs, funds among the IHS Areas are distributed inequitably. The Oklahoma City Area, specifically, suffers a funding level even below that of the average within the IHS. In order to address such inequities and resulting health disparities, the Indian Health Care Improvement Fund (IHCIF) was created to direct funding to the most severely underfunded programs first. Tribal Nations have previously recommended that the federal government implement a time-limited plan to bring all IHS Operating Units to the 80% level, and the Choctaw Nation supports that position.

In addition, the Choctaw National supports these **National Indian Program Priorities**

- **Mandatory Costs – Provide $304 million increase to maintain current services**
  Mandatory cost increases are necessary to maintain the current level of services. These *"mandatories"* are unavoidable and include medical and general inflation, pay costs, phasing in staff for recently constructed facilities, and population growth. I
- **Alcohol and Substance Abuse Programs – Provide $40 million increase**
  Alcohol and Substance Abuse Programs (ASAP) and community-based prevention activities are an integrated part of behavioral health programs needed to reduce the incidence of alcohol and substance abuse in American Indian and Alaska Native communities and to address the special needs of Native people dually diagnosed with both mental illness and drug dependency. Youth Region Treatment Centers are also funded by this line item.
- **Funding for Implementation of the Indian Health Care Improvement Act (IHCIA)**
  Implementation of the IHCIA remains a top priority for Indian Country. IHCIA provides the authority for Indian health care, but does NOT provide any funds to IHS. The American health care delivery system has been revolutionized while the Indian health care system waited for the reauthorization of the IHCIA. Resources are needed to implement all provisions of the IHCIA.
- **Office of Tribal Self-Governance - Increase $5 million to the IHS Office of Tribal Self-Governance**
  In 2003, Congress reduced funding for this office by $4.5 million, a loss of 43% from the previous year. In each subsequent year, this budget was further reduced due to the applied Congressional rescissions. As of 2012, there are 337 Self-Governance (SG) Tribes managing approximately $1.4 billion in funding. This represents almost 60% of all federally-recognized Tribes and 33% of the overall IHS funding. The Self-Governance process serves as a model program for federal government outsourcing, which builds Tribal infrastructure and provides quality services to Indian people.

We also support the testimony presented by:

- The National Indian Health Board
- The National Congress of American Indians

In closing, on behalf of the Choctaw Nation of Oklahoma, and Chief Gregory E. Pyle, thank you for the honor to provide this testimony and we respectfully urge your consideration and support of these program funding requests in the FY2013 budget for the IHS.

Mr. SIMPSON. George.

TUESDAY, MARCH 27, 2012.

SAC & FOX NATION

WITNESS

GEORGE THURMAN

Mr. THURMAN. Chairman Simpson and members of the committee, I thank you for allowing the Sac & Fox Nation time to come here for testimony. My name is George Thurman. I am the principal chief of the Sac & Fox Nation. We are a humble tribe of approximately 4,000 enrolled tribal members headquartered in Stroud, Oklahoma. And we are proud of the fact that we have a tribal member who was named the best athlete of all time, Jim Thorpe. And like Mickey said, at Sac & Fox we support the request of the National Indian Health Board and the National Congress for American Indians that have been put forward from all tribes.

But I am here to talk about two tribal-specific requests. First one is $4.8 million for our juvenile detention center. In 1996, the detention center opened its doors and was the first juvenile facility designed for American Indians and Alaska natives. It is a 60-bed, full-service, 24-hour facility providing basic detention services to all. In a recent appropriations testimony, the Department of Interior Assistant Secretary of Indian Affairs Larry Echo Hawk requested $6.5 million for staff increases at newly constructed tribal and bureau detention centers. We take great exception to this request inasmuch as the Department of Interior Bureau of Indian Affairs has never provided the full funding that was committed for the planning, construction, and operation of our juvenile detention center.

Due to the failure of the full funding commitment by federal officials not being honored and without the promise of full funding being realized, the detention center has not been able to meet the needs of tribes who need our help in guiding their children toward a successful future in a culturally and spiritually sensitive environment.

Our second tribal-specific request deals with federal corporate charters. Also within Assistant Secretary Echo Hawk's recent appropriations testimony, he states the Department of Interior is seeking an increase for $43.8 million in funding for the Strengthening Tribal Nations Initiative, yet the Department of Interior does not support our federal charters, which require no increase in federal funding and they directly address the BIA's initiatives.

We have two charters in accordance with the Indian Reorganization Act of 1934 and the Oklahoma Indian Welfare Act of 1936. In 1987, the first charter was signed by then-assistant secretary Ross Swimmer. Years upon years we have tried to put land in the trust, parcels of land, and I remember one parcel is over 30 years trying to get it in a trust. Finally, one day, we said no more. We are going to use our charter. And after we started using that charter, we have put 24 parcels of land into trust. The only opposition came in a letter from the BIA South Plains Region stating, "it is a well es-

tablished legal precedent that absent the Secretary's approval of such conveyance, trust status is not imposed." The transparent allusion that we do not understand the traditional trusteeship of the United States Government is insulting. The implications of that single sentence are the cornerstone of the resistance that has built of a wall of federal supervision and held back tribal self-sufficiency.

And now the last, we hold firm that secretarial approval was granted in the signing of the charter. Our second charter was signed May 22, 2008, by then-assistant secretary Carl Artman after consulting with him on several occasions. And I am sad to report to you today we face opposition again. The 2008 charter waits to be scrutinized by the solicitor of the Department of Interior in advisement to the National Indian Gaming Commission. While Interior review was neither solicited nor warranted, the historical resistance of the Office of the Secretary of Interior is peeking over the shoulders of the National Indian Gaming Commission.

Meanwhile, at projected $295 million in revenue is awaiting to revive a deprived economy in central Oklahoma as Assistant Secretary Echo Hawk fails to recognize the approving actions of two former assistant secretaries of Indian Affairs. As a leader of our sovereign nation, I am asking you to direct the assistant secretary of Indian Affairs to continue to federal corporate charters from the Sac & Fox Nation.

Full funding of our juvenile detention center and support of our federal charters would further the economic growth for our tribe, the community and the State of Oklahoma. The Sac & Fox Nation is proud to say we are a self-governance tribe. Given the opportunity to exercise our right of self-governance, we can make contributions to our local economies and serve the needs of our people.

Thank you.

[The statement of George Thurman follows:]

Sac and Fox Nation
920883 S. Hwy. 99 Bldg. A • Stroud, OK 74079

Principal Chief GEORGE THURMAN
Second Chief CHERYL L. McCLELLAN
Secretary JACKLYN K. WILLIAMS
Treasurer RANDLE CARTER
Committee Member STELLA NULLAKE NANAETO

TESTIMONY OF GEORGE L. THURMAN
PRINCIPAL CHIEF OF THE SAC AND FOX NATION
BEFORE THE
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
ON THE FY 2013 BUDGET FOR
AMERICAN INDIAN/NATIVE ALASKAN PROGRAMS

MARCH 27, 2012

Chairman Simpson and distinguished Members of the Committee, my name is George L. Thurman, and I am the Principal Chief of the Sac and Fox Nation. I thank you for the opportunity to present the Sac and Fox Nation's testimony before this esteemed Committee. We appreciate your dedication to righting the wrongs our people suffered in the past and suffer in the present. Thank you for supporting the increases for Indian programs. We understand the fiscal constraints of the Country and together we can provide a future that has many opportunities for self-sufficiency through Self-Governance.

Sac and Fox Nation Tribal Specific Budget Requests:

- Add $ 4.8 million to the Bureau of Indian Affairs Detentions/Corrections to Fully Funded the Sac & Fox Nation Juvenile Detention Center
- Direct the Assistant Secretary-Indian Affairs to Continue the Federal Corporate Charter for Sac and Fox –Support Tribal Economic Development

National Budget Requests:

- BIA
  - CSC: Fully Fund $8.8 million increase included in President's request
  - Fixed Costs/Pay Costs: Fully Fund – Provide $13.7 million increase
  - Fully fund all provisions of the Tribal Law and Order Act of 2010
  - Do not consolidate the Office of Self-Governance; must remain stand-alone
- IHS
  - CSC: $99.4 million over President's request
  - Mandatory Costs: $304 million increase to maintain current services
  - Indian Health Care Improvement Fund: $45 million increase
  - Contract Health Costs: $200 million increase
  - Alcohol and Substance Abuse: $40 million increase
  - Office of Tribal Self-Governance: $5 million increase
- Support the Requests of the National Indian Health Board
- Support the Requests of the National Congress of American Indians

About the Sac and Fox Nation
The Sac and Fox Nation is headquartered in Stroud, Oklahoma, and our Tribal jurisdictional area covers Lincoln, Payne, and Pottawatomie Counties. Of the 4,000 enrolled Tribal members, 2,600 live in Oklahoma. We are proud pay tribute to a Sac and Fox descendent and Great Native American, Jim Thorpe. One of the most revered Olympic athletes who have ever represented the United States; Mr. Thorpe won the pentathlon and decathlon in the 1912 Olympics.

Tribal Specific Budget Requests - $4.8 Million for Juvenile Detention Center
The passage of the Tribal Law and Order Act was applauded by the Sac & Fox Nation because we saw this as the opportunity for the federal government to finally fulfill the commitment to the Nation and fully fund our Juvenile Detention Center (JDC). In 1994, the Sac and Fox Nation Juvenile Detention Center (JDC) opened its doors after years of planning and construction made possible by funding from the Department of Interior, Bureau of Indian Affairs. The JDC is the first juvenile facility designed for American Indians/Alaska Natives as well as the first juvenile facility developed under P.L. 100-472, the Self-Governance Demonstration Project. The JDC is a full service, 24 hour juvenile detention facility that provides basic detention services to all residents to insure their health, safety and welfare and provides programs tailored to meet the specific needs of our clients. These programs include behavioral management, substance abuse, spiritual, cultural, self-esteem, arts and crafts, health and fitness, horticulture, nutrition, life skills, counseling and educational programs. The 39 Tribes included in the Southern Plains Region will support the JDC but due to underfunding and staffing shortages, the JDC cannot accommodate the detention needs of the regional Tribes.

In recent appropriations testimony provided by Assistant Secretary Larry Echo Hawk, he requested $6.5 million for Detention/Correction and an additional 18 *FTEs*. We take great exception to the this request inasmuch as the Department of Interior/Bureau of Indian Affairs has never provided the full funding that was committed for the appropriation, planning and construction process of the JDC. The Sac and Fox Nation, due to the failure of the full funding commitment by federal officials not being honored, has had to utilize funds that could have been used for other social services needs. The Sac and Fox Nation is committed to working with the Department of Interior/Bureau of Indian Affairs officials in an effort to help them fulfill their financial commitment. With the promise of full funding realized, the JDC will be ready, willing and able to meet the needs of Tribes who need our help in guiding their children toward a successful future while providing a culturally and spiritually sensitive environment.

In FY 2004, the Office of the Inspector General issues the report, "Neither Safe nor Secure" – An Assessment of Indian Detention Facilities, citing the existence of serious safety, security, and maintenance deficiencies at detention centers throughout Indian Country. One of the primary recommendations was the need to identify and remedy staffing shortages whereby Indian Affairs responded that "current facilities still remain understaffed by a total of 373 positions (74 positions for Indian Affairs direct service programs and 299 positions for programs operated by Tribes under P.L. 93-638 and

Self-Governance compacts).[1] The Sac and Fox Nation is requesting that the Bureau of Indian Affairs recommits to funding for the JDC.

Tribal Specific Request - Federal Corporate Charter

Since federal recognition as an organized Tribe, the Sac and Fox people have fought to maintain the wellbeing of our people. The Sac and Fox have persevered to maintain our sovereignty through history and into the era of Self-Governance despite broken treaties and inadequacy of federal funding.

Historically the people of the Sac and Fox Nation stood alongside many nations to seek and pave paths to new frontiers for all Tribes in the United States. This is evident in our Supreme Court victory on May 17, 1993 over the State of Oklahoma with regard to registering vehicles and issuing license plates for Tribal members.

Then, once again, the Sac and Fox Nation forged new territory in the seeking of Corporate Federal Charters in accordance with the Indian Reorganization Act of 1934 and the Oklahoma Indian Welfare Act of 1936. In 1987 the Sac and Fox Nation moved this exercise of Self-Governance forward with the signing of a Federal Corporate Charter by, then Assistant Secretary of Indian Affairs, Ross Swimmer. The key purposes of our Charter are to advance the standard of living of the Tribe through the development of Tribal resources, the acquisition of new Tribal land, the preservation of existing land holdings, the better utilization of lands, the development of a credit program for the Tribe, and the furtherance of economic industrial development within the Tribal jurisdiction.

In October of 2007, after decades of attempting to place tracts of land into trust through the process administered by the Bureau of Indian Affairs, the Sac and Fox Nation placed twenty-four tracts of land into trust in accordance with our Federal Corporate Charter. Where trust applications had been disapproved in the past by the Bureau of Indian Affairs for reasons such as not having an easement despite the fact the Sac and Fox Nation owns the adjacent property, the Sac and Fox Nation placed these twenty-four tracts into trust in accordance with the Charter and Laws of the Sac and Fox Nation. On November 6, 2007, the Sac and Fox Nation issued notice of these actions to the Secretary of Interior, the Southern Plains Regional Director of the Bureau of Indian Affairs, Oklahoma State agencies, and each respective County agency. The Sac and Fox Nation's peak of accomplishment was hit hard by opposition in a letter from the Bureau of Indian Affairs Southern Plains Region dated March 7, 2008 stating "it is a well-established legal precedent, that absent the Secretary's approval of such conveyance, trust status is not imposed." The Sac and Fox Nation holds firm that Secretarial approval was granted in the signing of the Federal Corporate Charter. We stand strong behind the foresight of the leaders of the Sac and Fox Nation that held close the vision of improving the quality of life for our people through the economic development provisions of the 1987 Federal Corporate Charter.

The insight of the leaders of the Sac and Fox Nation subsequent to those essential to the 1987 Federal Corporate Charter ignited the initiative to further extend the resources

[1] FY 2013 U.S. Department of the Interior Budget Justifications – Green Book

of the Sac and Fox Nation to improve the well being of its people by the passing of a Tribal resolution on May 13, 2008 petitioning the Secretary of Interior to approve a second Federal Corporate Charter. Consultation with then Assistant Secretary of Indian Affairs, Carl Artman, at the 64th annual NCAI Convention and Trade Show held in Denver in November 2007 and in an audience granted during a trip to Muskogee, Oklahoma in the Spring of 2008, led to the signing of a second Federal Corporate Charter on May 22, 2008. The significant intentions of the second Federal Corporate Charter were to advance the standard of living of the Nation, its citizens, other Indians, and other persons associated with the Nation, through the acquisition of new Indian land, the preservation and expansion of Indian land holdings, the development of natural resources, the better utilization of land, the development of credit programs for the acquisition, development, and improvement of lands and the reduction of fractionated heir ships. In addition the Nation could further explore economic and industrial development on Indian lands; promote economic self-sufficiency and political self-determination for Indian Tribes and members of Indian Tribes; encourage inter-Tribal, regional, and international trade and business development in order to assist in increasing productivity, improving the standard of living of citizens of Indian Tribes, and improving the economic self-sufficiency of the governing bodies of Indian Tribes.

Although the Sac and Fox Nation has two Federal Corporate Charters approved and signed by two former Assistant Secretaries of Indian Affairs, opposition has arisen again. The 2008 Federal Corporate Charter signed by former Assistant Secretary Carl Artman waits to be scrutinized by the Solicitor's office of the Department of the Interior in advisement to the National Indian Gaming Commission. A letter received from the National Indian Gaming Commission dated February17, 2012, states that "the Office of General Counsel will coordinate with the Department of the Interior, Office of the Solicitor on whether the Indian lands definition is permissible under IGRA and whether such lands are eligible for gaming under IGRA." While Interior review was neither solicited nor warranted, the historical resistance of the Office of the Secretary of Interior is peaking over the shoulders of the National Indian Gaming Commission. The current Assistant Secretary of Indian Affairs, Larry Echohawk, has diverted questions regarding Interior's position with regard to our Federal Corporate Charters to standard bureaucratic statements such as "I cannot answer at this time as it is under review by the Office of Solicitor." Attempts to seek an audience with Assistant Secretary Echohawk are weighed down with a discouraging screening process while the fate of the economy of the Sac and Fox Nation gets lost in red tape. Assistant Secretary Echohawk's written testimony to the Senate Committee on Indian Affairs on the President's 2013 Budget Request for Indian Programs in the Department of the Interior states the Department of Interior is seeking an increase for *$43.8 million in funding for the Strengthening Tribal Nations initiative* yet the Department of Interior does not support the Sac and Fox Nation's Federal Charters which require no increase in federal funding and directly address the Bureau of Indian Affairs initiatives.

The Sac and Fox Nation is proud to say we are a Self-Governance Tribe. Thank you.

Mr. SIMPSON. Thank you. Charles.

TUESDAY, MARCH 27, 2012.

CHEROKEE NATION

WITNESS

CHARLES HEAD

Mr. HEAD. Good morning, Mr. Chairman, members. Thank you for this hearing. I am Charles Head, Secretary of State for the Cherokee Nation. I am here representing Chief Baker and our tribal government. And thank you for the opportunity to share my information with you.

For several decades, Cherokee Nation has administered the Bureau of Indian Affairs, Indian Health Service Programs, and other federal programs, and this operation under contracting and compacting has allowed us to control and to administer these programs for our people.

Currently, the Cherokee Nation is the largest employer in northeastern Oklahoma and based on a recent economic development study, which shows that we have more than a $1 billion impact on northeastern Oklahoma each year. The combined revenue of the tribes' business operations helps fund the central government services while offering foundation to expand and diversify economic development and job opportunity in Oklahoma. Adequate funding for both Indian Health Service and BIA is vital to the increase of this progress and keep this progress going.

One of the most important budgetary issues facing Indian Country is insufficient funding of contract support costs, mostly for the Indian Health Service. In Indian Country, every dollar lost in contract support is one dollar diverted from direct services for healthcare, education, law enforcement, and other critical services. Under a self-governance compact with Indian Health Service and utilizing their contract support dollars, Cherokee Nation operates a sophisticated network of eight rural outpatient health clinics and W.W. Hastings Indian Hospital. Hastings Hospital is a 60-bed facility designed for 30,000 outpatient visits per year, and in 2011, we conducted 330,000 patient visits. Our overall system provided more than one million patient visits during 2011.

Cherokee Nation utilizes our contract support funds to support health services. These are fixed costs that a contractor must incur. When sufficient support cost funding is not provided, tribes must either reduce funds budgeted for critical healthcare, education, law enforcement, or other services under contract to cover the shortfall or divert tribal dollars to subsidize the federal contracts. For every $1 million that Cherokee Nation must divert from direct patient care to cover the shortfall, our health system must forgo 5,800 patient visits.

While we appreciate the President's budget for our Indian Health Services this year showing $115 million increase over 2012, the proposal calls for only a one percent increase in contract support costs. And as you have heard from other people today, this will cause more than $100 million shortfall in 2013. Fortunately, we do

not have the same shortfall for contract support for Bureau of Indian Affairs programs. However, we do also call for the protection of the BIA budget so that we can at least hold the line so that the government can help fulfill its trust responsibilities.

Cherokee Nation also joins fellow self-governance tribes in continuing to request funding increases for fundamental services provided as tribal party allocations. Of the 566 federally recognized tribes, 235 manage their own affairs under self-governance agreements with the BIA. Although these funds account for 42 percent of the federally recognized tribes, they receive only 15 percent of the funding from the BIA. The fiscal year 2013 budget being basically level with 2012 appropriation President's proposal, tribal party allocations must be protected during the budget process.

The shining example of what happens when tribes administer their own programs is our Sequoyah Schools. In 1985, the Cherokee Nation gained control of Sequoyah Schools, a former underprovided, under-performing BIA boarding school. Now, Sequoyah creates an academic environment that mirrors college preparatory schools utilizing an advantage curriculum and data collection to track student progress and school performance. Sequoyah meets Adequate Yearly Progress goals and is flourishing. And in 2011, the school produced five Gates Millennium Scholars. Just as our students strive to achieve great success, we should strive to support these students by hiring capable teachers to provide our children with equitable education.

In 2012, Congress appropriated $2 million for the STEP pilot project in the Department of Education budget. Therefore, we request the protection of the $2 million requested in 2013 for the pilot in hopes that the Subcommittee will work with the Appropriations Subcommittee on Labor, Health, and Human Services, Education and Related Agencies to ensure the pilot's funding.

It is also necessary that appropriations language direct the Department of Interior and Education to directly provide ESEA funding to the tribes chosen to participate in the pilot. Direct funding without being submitted through the state would more closely resemble self-governance funding model for the BIA and the Indian Health Service. This system has proven efficient and effective and strengthens tribal self-determination.

In conclusion, Cherokee Nation is committed to provided federal services and direct local-level programs including job creation, education, health, and law enforcement services. However, the Federal Government's current fiscal situation should and does not negate its trust responsibility to Cherokee Nation and Indian Country.

Thank you.

[The statement of Charles Head follows:]

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Office of the Chief
Bill John Baker
Principal Chief
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S. Joe Crittenden
Deputy Principal Chief
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Testimony of Charles Head, Cherokee Nation Secretary of State
Before the House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies

Tuesday March 27, 2012

Introduction: Chairman Simpson, Ranking Member Moran and members of the Subcommittee, thank you for convening this hearing on Fiscal Year 2013 Budgetary concerns regarding Native American Issues. I am Charles Head, Cherokee Nation Secretary of State and on behalf of the Cherokee Nation, I request that in setting FY 2013 Bureau of Indian Affairs (BIA) and Indian Health Services (IHS) budget priorities, the federal government uphold its Trust Responsibility to tribes.

Cherokee Nation was one of the first tribes to enter into a treaty with the United States. In that tradition, the Cherokee Nation executed a self-determination contract in 1990 under Title III of the Indian Self-Determination and Education Assistance Act (ISDEA), which gave the tribe more authority to administer its programs. In just two decades, Cherokee Nation has taken over the administration of several BIA and IHS programs, including health care, education, and law enforcement. ISDEA is a powerful mechanism that provides tribes with the opportunity to control and administer essential governmental services and engage in local economic and resource development.

Cherokee Nation is the largest employer in northeastern Oklahoma and has an economic impact of more than $1.06 billion on the State's output level, including $401 million in State income impacts, and supports 13,527 jobs in a predominantly under-developed, rural region of Oklahoma. While 3,250 people are employed in the Nation's government, an ever-increasing number of people are employed in the Nation's diverse portfolio of businesses, including hospitality, healthcare, aerospace, and technology sectors.

The combined revenue from the Tribe's business operations helps fund essential government services while offering a foundation to expand and diversify economic development and create job growth in Oklahoma. Therefore, adequate funding for both IHS and BIA is vital to maintain and increase our recent progress and strength.

Fixed Costs - Contract Support Costs (CSC): One of the most important budgetary issues facing Indian Country for the next fiscal year is the funding of contract support by BIA and IHS. In Indian Country, every dollar lost in contract support costs is one dollar subtracted from health care, education, law enforcement and other critical governmental services. The contract support cost deficiency has caused severe financial strains on Cherokee Nation's programs and facilities.

Because CSCs are fixed costs that a contractor must incur, tribes are required to either (1) reduce funds budgeted for critical healthcare, education and other services under contract to cover the shortfall; (2) divert tribal funds to subsidize the federal contract (when such tribal funds are available); or (3) use a combination of these two approaches. For every

$1 million that the Cherokee Nation must divert from direct patient care to cover contract support costs, the Cherokee Nation health system must forego 5,800 patient visits.

While the President's FY 2013 Budget request for IHS is $4.42 billion – an increase of $115.9 million over the FY 2012 enacted level –IHS sees only a very modest $5 million increase in IHS funding for contract support. The Cherokee Nation appreciates the increase, but it is less than a one percent increase over the FY 2012 enacted level. At this level, the IHS contract support cost shortfall is estimated to increase to approximately $100 million in FY 2013. This shortfall will substantially impact Cherokee Nation, which, like other tribes across the United States, operates replacement or joint venture facilities throughout our tribal jurisdiction.

The projected CSC shortfall will force the Cherokee Nation to divert investments in job creation and other important programs to avoid decreasing primary care, dental treatment, and pharmaceutical coverage. As long as the federal government maintains the status quo of inadequate funding, the United States is failing in its partnership with tribes and is ignoring its Trust Responsibility.

Fortunately, BIA does not have the same CSC shortfall crisis. Cherokee Nation appreciates the President's Budget Proposal because it increases Indian self-determination funds by $8.8 million. This increase must be protected during the appropriations process to avoid the same problems IHS has with CSC funding and BIA should be seen as a model for IHS.

We appreciate past and current efforts to reduce shortfalls, but it is unacceptable for sequestration or domestic deficit reduction efforts to single out tribes by cutting tribally-administered health and law enforcement programs. The federal government has a moral and legal obligation to fund these essential governmental services. The trust responsibility is not, and should not be viewed as, discretionary spending.

Indian Health Service (IHS): Under a Self-Governance compact with the Department of Health and Human Services, the Cherokee Nation constructs and maintains waterlines and improves sanitary services throughout the region. Furthermore, in conjunction with IHS contract support cost dollars, the Tribe operates a sophisticated network of eight rural outpatient health centers that provide Native People with primary medical care, dental service, optometry, radiology, mammography, behavioral health promotion and disease prevention, and a public health nursing program.

In addition to these services, the Cherokee Nation operates WW Hastings Indian Hospital in Tahlequah, Oklahoma. Hastings is a 60-bed facility offering outpatient and ancillary services with over 300,000 outpatient visits each year and more than 335,000 prescriptions filled annually. Adequate funding is required to continue this successful partnership in fulfillment of the Unites States' trust obligations and IHS must be exempt from future reductions during appropriations and the sequestration process as prescribed in the Budget Control Act of 2011.

Expanding the Joint Venture Program: The IHS Joint Venture program demonstrates the shared commitment of Tribal Nations and IHS. This program provides additional health facilities within the Indian health system and the staff necessary to support the

facilities across Indian Country. This program has been effective in the Oklahoma City Area as well as providing staff at our clinics across eastern Oklahoma. Cherokee Nation requests the Joint Venture program be funded at an adequate level, including CSC funds.

Indian Health Care Improvement Fund (IHCIF): In addition to the well-documented disparate funding between IHS and other federally-funded health programs, funds among the various IHS areas are distributed inequitably. In order to address such inequities, the IHCIF was created to achieve parity among the IHS Areas. Over the years, tribes have recommended the federal government implement a time-limited plan to bring all IHS Operating Units to the 80% level. To achieve parity, a $1 billion investment will be required over a four-year period.

Substance Abuse and Mental Health Services Administration (SAMHSA) Block Grant Funds: The President's FY 2013 Budget request for SAMHSA is $3.4 billion, a $141.9 million decrease from the FY 2012 Enacted Level. Each state receives block grant (formula) funds from SAMHSA for providing behavioral health services to all residents within the state. However, when an American Indian is in need of behavioral health services, he typically seeks care through an IHS or tribally-operated facility, as opposed to a state agency or state-operated facility. As with competitive and discretionary funds, increasing and giving the Cherokee Nation access to this type of funding would expand our opportunity to improve our behavioral health services and better meet the system's current demand.

Bureau of Indian Affairs (BIA): Cherokee Nation compacts with the Department of Interior to administer a wide array of federal programs serving American Indians. Full federal funding is crucial for continued administration of social services, child wellness programs, child abuse services, adult and higher education, housing improvement, law enforcement service, road and bridge construction, planning and maintenance, forestry and real estate programs, and Johnson O'Malley education programs.

Indian Guaranteed Loan Program: The Indian Guaranteed Loan Program, established under the Indian Financing Act of 1974, helps Cherokees and other Native Americans access capital by guaranteeing and insuring loans to promote economic development throughout Indian Country. The program leverages appropriated monies by a ratio of 13 to 1. However, in the upcoming budget, the program sees a $2.1 million reduction to $5 million because it is purportedly duplicative of programs in other agencies. However, these programs do not replace the Guaranteed Loan Program. Cherokee Nation requests this highly-successful program be fully funded so tribes may access loans when attempting to increase their economic livelihood in often economic-depressed regions.

Tribal Priority Allocations (TPA): We join our fellow Self-Governance Tribes in continuing to request funding increases for the fundamental services provided as Tribal Priority Allocations. Of the 566 federally-recognized Tribes, 235 Tribes manage their own affairs under Self-Governance agreements with the BIA. Although these Tribes account for 42 percent of the federally-recognized tribes, they received roughly only 15 percent of the BIA budget, which bears the responsibility for providing services to all federally-recognized Tribes. Collectively, most of the varied programs fall under the broad category of "Tribal Priority Allocations."

The President's FY 2013 budget includes $2.5 billion for BIA, which is $4.6 million or 0.2 percent below the FY 2012 enacted level. While this is basically level with FY 2012's Budget, any decrease strains tribal governments. Further, the budget proposes a total of $897.4 million in Tribal Priority Allocations and these funds must be protected as the budget process proceeds.

Sequoyah Schools and the TED Pilot Project: In 1985, Cherokee Nation gained control of Sequoyah Schools, a former, underperforming BIA boarding school. After years of tribal control, Sequoyah is now regionally and state accredited, consistently meets Adequate Yearly Progress goals and is flourishing. While Sequoyah receives funding from Bureau of Indian Education grants, the Cherokee Nation also utilizes tribal funding from motor vehicle tag sales to fund the School.

The Campus now covers over 90 acres and houses more than 400 students in grades 7-12 representing 42 Tribes. Cherokee Nation and other tribes better understand how to educate our children and provide cultural curricula that revitalizes and protects language and tribal history. The School also creates an academic environment that mirrors college preparatory schools by utilizing an advanced curriculum and using data collection to track student progress and School performance, which allows the administrators to quickly address any deficiencies or problems that develop.

Therefore, Cherokee Nation is very appreciative of the $2 million dollars appropriated for the Tribal Education Departments (TEDs) Pilot Project in the FY 2012 Department of Education Budget. Funding for TEDs is also authorized in No Child Left Behind Act for DOI, but has not been funded. This pilot project will increase the role of TEDs in education and will help tribes provide an equitable learning environment for our children. Therefore, we request $2 million in FY 2013 for the TED pilot project.

The pilot project will allow tribes and the federal government to utilize a method of funding that has been demonstrated to increase efficiency and self-determination in other areas. The pilot project allows TEDs to receive funding as authorized in the Elementary and Secondary Education Act (ESEA) for education programs and authorizes the TED to directly administer such ESEA programs in a similar fashion as the Cherokee Nation receives and administers funding for IHS and BIA self-governance programs. The Nation respectfully requests this Subcommittee work with the Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies to ensure the pilot project is funded and that the Appropriations Act language directs the Department of Interior and Education to directly provide ESEA funding to the tribes chosen to participate in the pilot project.

Conclusion: Cherokee Nation is committed to providing federal services and direct, local-level programs, including job creation, education, health and law enforcement services, in a time when economic issues and desired deficit reduction hinder federal attempts to accomplish the same. The federal government's current fiscal situation does not negate its trust responsibility to Cherokee Nation and Indian Country. Thank you for your continued support and for the opportunity to testify on these critical FY 2013 Budget issues. Please contact the Cherokee Nation Washington Office at 202.393.7007 with any questions or requests for additional information.

Mr. SIMPSON. Thank you.
Virginia.

TUESDAY, MARCH 27, 2012.

NATIONAL JOHNSON-O'MALLEY ASSOCIATION

WITNESSES

VIRGINIA THOMAS
HAROLD DUSTYBULL

Ms. THOMAS. Thank you, Mr. Chair, and to the committee. Thank you for your time. My name is Virginia Thomas. I am a member of the Muscogee Creek Nation. I feel like I am in Oklahoma rural right here. I am here with Harold Dustybull from the Blackfeet Nation so we can kind of hit him on this side between us. And we are here representing the National Johnson O'Malley Association. I serve as the president and Harold serves as the vice president of our association. And we thank you for allowing us this time.

We represent all the JOM programs nationwide. Well, not all of them because we do not have the accountability of all of them and we will get to that. But we have been entrusted to speak on their behalf.

I have heard earlier and I really am touched by it, you know, all that happened this morning, all the things that are happening, it comes down to the education of our children. Period. That is where it starts from. If you are talking about people to get into colleges, to have the jobs that they need to have developed right now, it starts with our children. And our children are in the K through 12. We serve public schools. We are not involved in the bureau of schools. This is just the public schools. We serve close to 90 percent of the students in our programs in the public schools, both urban and rural and tribal schools that we have. It is with our program that we deal with.

We fully understand how this committee has saved us over the years, have really worked with us to see what we can do for our programs and for the children that we serve. We are grateful for that. We are grateful to be back in the budget again after eight years of not being there, but we are back in and we are really grateful for that. And we understand how important this committee has played in the past to making the assurances of the trust responsibility is there for us.

So at this time, I am going to let Harold speak on the main points of recovery.

Mr. DUSTYBULL. Thank you. Thank you for this opportunity. And first of all, I want to say ditto to all the former testimonies. I live on an Indian reservation so I know the impacts and the true reality that is faced there.

We have four major concerns in the JOM program. The first one is we oppose combining JOM with Title VII. And the reasons are JOM served Indian children who are enrolled members of federally recognized tribes. Title VII serves students who fill out a 506 form and declare themselves Indians. JOM falls under the Snyder Act

and the United States trust responsibility which was established by treaties. Title VII falls under the Department of Ed. JOM and Title VII have different regulations. They are different programs for different purposes. JOM is administered by Indian tribes. Title VII is administered by state agencies.

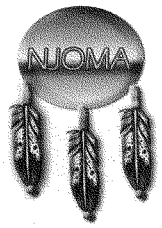
And our second request is we request that JOM be restored to the 24 million. This is the level that it was at in 1994 when the BIA and the Bureau of Education froze our student account. Now, I truly believe that this funding is still within the Bureau of Indian Education. It just has been moved out when they were trying to eliminate the program at that time, and that is why they froze our account. We request a new student account, a current student account. The last one was made in 1994. That was 13 years ago. You know, the census takes a count every 10 years because of population changes and so it is here, too.

We urge the Department of the Interior to reinstate the JOM position in the Bureau of Indian Education in the central office. As of to date and after many requests, we still have not been able to meet with the Bureau of Indian Education officials and that is probably because we do not have any representation there. We are not seen there.

And last and most importantly is that JOM does an excellent job on Indian reservations but you folks never hear of it because our chain to you is cut off at the Bureau of Indian Education. We need that position there. We need that new account. We need that 24 million back to move back into the program. And those are our concerns. But most importantly, we do not want to be combined with Title VII. We are different.

Thank you.

[The statement of Virginia Thomas and Harold Dustybull follows:]



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(918) 732-7839
"We are the elected voice and liaison to Congress for JOM Programs Nationwide"

TESTIMONY OF THE
NATIONAL JOHNSON O'MALLEY ASSOCIATION
BEFORE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON
APPROPRIATIONS, SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED
AGENCIES, AMERICAN INDIAN/NATIVE ALASKAN WITNESS HEARINGS

March 23, 2010

Chairman Harold Rogers, Ranking Member Norm Dicks, and Members of the Subcommittee, my name is Virginia Thomas a member of the Muscogee Nation and I am here with Harold L. Dustybull of the Blackfeet Nation. We are here today representing the National Johnson O'Malley Association, which I serve as President and Mr. Dustybull as Vice President.

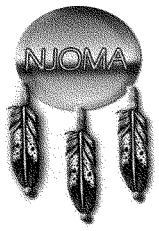
We thank you for your time in allowing us to come before the subcommittee and express our concerns. We represent the JOM programs nationwide and have been entrusted to speak on their behalf. We are so grateful to have the JOM program back in the Presidential and Congressional budget and that Congress recognizes the trust responsibility that the Department of the Interior has to the oversight of the JOM program.

We fully understand that your support for the JOM program has kept it alive and to the benefit of American Indian and Alaska Native students across the nation. As Educators we see firsthand the positive affects that the Johnson-O'Malley program has with both rural and urban public schools and tribal programs.

We have submitted our position paper for your review, but we would like to highlight our four major concerns:

1. Opposition to eliminate or combine the Johnson-O'Malley Program with Title VII. The JOM Program is a trust responsibility under the Interior and not the U.S. Department of Education.
2. Increase the federal funding to match the 1994 funding level of 24 million. We estimate that un-met needs of funding in some tribes vary from 10% to 40% of their student population.
3. To conduct a current JOM student count. We are still using the student count from 1994. Tribes cannot show the growth of the student population or justify their un-met need because no current count is available for comparison.
4. Finally, we hope that this committee will urge the DOI to appoint one staff person who can assist JOM programs moving forward. Much can be gained by having a person at the Department specifically charged with fulfilling the intent of the regulations. Additionally, we simply need someone in Washington who is dedicated to understanding and advocating internally for our program.

We are very grateful for this opportunity to testify and stand ready to answer any questions you may have.



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National Johnson-O'Malley Association Position Paper
FY 2013 JOM National Budget

The Johnson-O'Malley Act was enacted in 1934 to allow the Department of the Interior to provide assistance to Indians in the areas of education, medical attention, agricultural assistance, social welfare, and relief of distress because of findings that Indians needed support to transition from Indian-only settings to general population settings such as the environments found in public schools and in urban areas. Seventy-eight years later, JOM continues to provide critical support to Indian kids – most of which live in impoverished areas.

JOM grants provide Indian tribes, school districts, tribal organizations, and parent committee's supplemental funds designed to address the unique and specialized educational needs of Indian students enrolled in public schools or non-sectarian schools. The purpose of JOM grants is to provide supplementary financial assistance for Indian students ages 3 to grade 12. JOM have historically provided basic resources so that Indian students can participate in school like their non-Indian peers, which, in turn, gives them a chance to achieve academically.

Without JOM program dollars, Indian student's at all academic standings, remedial as well as gifted and talented, would not be able to afford essential ideas that would lead to a successful graduation. JOM is set up to meet the special and unique needs of Natives students who otherwise would not have a funding source to provide for items such as school supplies, college counseling, athletic equipment, eye glasses, after school tutoring, culturally specific education, Native youth leadership programs and caps and gowns. Other programs administered by the federal government, such as funding through the Department of Education, do not allow funding for these types of activities.

The four major issues that need to be addressed are:

1. Opposition to eliminate or combine the Johnson-O'Malley Program with Title VII. In testimony from Ken Salazar before the Senate Committee on Indian Affairs on the priorities for Indian Affairs – February 2009, "I am committed to ensuring that the Department of the Interior fulfills the trust responsibility of the Unites States". The JOM Program is a trust responsibility under the Interior and not the U.S. Department of Education. The attempt to move the JOM Program under the U.S. Department of Education is in our eyes a violation of the trust responsibility that is held by the Department of the Interior/BIE. Under the Title VII program Indian parents spend less time in meetings, act only in advisory roles, never seeing the details of programs. The Title VII Parent Committee does not have authority to oversee budgets and programs and never make final decisions on programs. The federal regulation CFR 25 Part 273, an act of congress, fully empowers the Indian parents as part of the JOM program. Title VII and the JOM Program are regulated under two different and separate federal regulations with totally different expectations placed on both parents and schools.

2. Increase the federal funding to match the 1994 funding level of 24 million. The current funding is based on the frozen student count from 1994. The current funding has not taken into account the growth of the eligible JOM student population since 1994. We estimate that un-met need of funding in some tribes varies from 10% to 40% of their student population.
3. The JOM student count was frozen in 1994 by the BIA. Tribes cannot show the growth of the student population or justify their un-met need because no current count is available for comparison. We are requesting that a current student count be conducted as soon as possible to show that the BIA/BIE has not lived up to the trust responsibilities for our children.

4. To urge the DOI to appoint one staff person who can assist JOM programs moving forward. Much can be gained by having a person at the Department specifically charged with fulfilling the intent of the regulations. Additionally, we simply need someone in Washington who is dedicated to understanding and advocating internally for our program.

BACKGROUND

The U.S. Department of Education oversees the Title VII Indian Education Act programs and Title VIII Impact Aid funding. The Title VII program is run directly through the school districts and is not subject to tribal control. The tribes have no actual authority over the design or implementation of the Title VII programs. Under the JOM regulations, parents of eligible JOM students are 'vested with the authority' to design and implement their JOM programs. By regulation, (25 CFR, part 273.16-17) the JOM programs are based on community needs assessments, not the needs of the school district and serve a much broader range of needs and services. The JOM program is the only federally-funded program that allows for student, parent and community involvement in meeting their educational needs which are both academic and culturally-based. Also, the eligibility for Title VII students is not based on students being an enrolled member of a federally-recognized tribe – they just need to identify themselves as Indians on a USDOE FORM 506.

The new BIE leadership positions supports the concept on improving BIA school construction and direct services to BIA school student. The BIA schools serve 7% of all Indian children. The other 93% of the Indian children are being served through the JOM programs in public school systems across the U.S. The BIA's own mission statement reads: "The mission of BIA is to fulfill its trust responsibilities and promote self- determination on behalf of federally recognized Indian Tribes." The trust responsibility is to insure that the "unique and specialized needs of Indian children" are being met. This should include the 93% that are in the public school system.

The Johnson-O'Malley program is the one remaining Federal program that puts the program under the strict control of an Indian Education Committee. The Indian Education Committee is composed of parents of eligible students enrolled in the school district. Choices are made at the local level, with scarce resources going to locally determined needs.

The Subcommittee on Interior and Related Agencies in March 2008 made it very clear that they were opposed to the elimination of the JOM program. "The Committee has once again rejected the Administration's proposal to eliminate the Johnson-O'Malley Education Assistance grants.

Every attempt by this Administration to terminate this program has been resoundingly rejected by Congress. The feckless justification for the termination of this program--that Department of Education programs can take the place of these grants--has never been substantiated or explained to any level of adequacy. The Committee implores the Administration to include this program in future requests." There are two separate federal regulations that govern the JOM program and Title VII. JOM allows for "full participation, with vest authority over the program" and Title VII has strictly an "advisory" capacity to the school districts. Both may have parent committees but their responsibilities and tribal involvement are at opposite ends of the spectrum.

Even with the funding requested, $24 million will not keep pace with the special and unique needs in Indian Country. In 1995, a freeze was imposed on JOM funding through DOI, limiting funds to a tribe based upon its population count in 1995. The freeze prohibits additional tribes from receiving JOM funding and does not recognize increased costs due to inflation and accounting for population growth.

The following is the statutory authority for the Johnson-O'Malley program – the Snyder Act, as found in the U.S. Code. The USDOE Title VII and VIII funding have to be reauthorized, whereas Johnson-O'Malley does not.

25 U.S.C. Sec. 452. Contracts for education, medical attention, relief and social welfare of Indians:
The Secretary of the Interior is authorized, in his discretion, to enter into a contract or contracts with any State or Territory, or political subdivision thereof, or with any State university, college, or school, or with any appropriate State or private corporation, agency, or institution, for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory, through the agencies of the State or Territory or of the corporations and organizations hereinbefore named, and to expend under such contract or contracts, moneys appropriated by Congress for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory.

Mr. SIMPSON. Thank you.
Ms. McCollum.
Ms. MCCOLLUM. Thank you, Mr. Chair.

TRIBAL HEALTHCARE CLINICS

Getting back to healthcare for a second, let's discuss what you are seeing with your hospitals, and with your resources. I was just with a tribe in Wisconsin, in Green Bay, the other night. They have so many people coming to their hospital right now that are tribally enrolled but they are not tribal members. They are getting to the point where they are going to have to start turning them away. In the other areas of Wisconsin nearby, there were not clinics. There were not hospitals. There is nothing out there. So, I asked the folks from Oneida—they were building on some more space, "Do you have the work-through with the Bureau of Indian Affairs for the staffing?" They kind of do, but it is really not at the level that is meeting everybody's needs, and they would like to do some more expansions. However, they do not know if they can get more funding for the full-time equivalents to get people out there.

We have heard this a little bit in our travels last summer. Can you elaborate with some specifics from your own experiences? We saw some fabulous places in Oklahoma where good things were happening, but I know there are still waiting lists in Oklahoma.

Mr. PEERCY. And again you all came down to our facility in Talihina, which was a joint venture also. But what we are seeing—and we are a little lucky and unlucky; we are down in, you know, rural southeast Oklahoma so you really got to want to get to our place to get there to the hospital. But we have the eight clinics that I think you saw one of the clinics——

Ms. MCCOLLUM. Um-hum.

Mr. PEERCY [continuing]. Also in McAlester. The problem is our numbers are increasing, you know, every month. We are opening new charts. And, you know, when we talk about excluding folks, with the federal money that we get, we sign on with the open-door policy that anybody that is a tribal member of any tribe that walks in the door that those folks will be taken care of. And the problems that folks are running into—because we have 200,000 tribal members and they are all across the Nation a lot of them—and they are getting denied services at other facilities because they are just focusing in on their own tribal members. And if you receive federal money, you know, you are not supposed to be able to do that. But if it got to the point with us, we would probably do the same. You know, we would take care of our tribal members and then if somebody from Alaska is living in Talihina, Oklahoma, they can come to our facility. But with the economy the way it is, with people losing insurance the way they are even though they are not supposed to, our numbers are increasing. And so we are looking at things like expanding hours, you know, but with that is expanding cost.

Ms. MCCOLLUM. Right.

Mr. PEERCY. And so we are fortunate enough that the tribe does supplement our health system to a small degree, but keeping in mind some tribal nations cannot. And you know, where does it end and where is the obligation the government has to fully fund? So I guess to answer your question, yeah, what you are seeing out

there is true. The numbers are increasing; the dollars are staying fairly flat. We are trying to be innovative. Those tribal systems that can supplement do and those that cannot, do not.

Charles.

Mr. HEAD. Well, like everyone else, we are maxed out and if using our dollars from our businesses to supplement, if we were to take a significant sequestration hit or budget cut, you know, we would have to make decisions on how to focus our tribal dollars and where to put those. We would probably focus on healthcare, law enforcement, and education. That leaves a whole range of programs all across the board where we are providing important services to hundreds of thousands of people each year that we are going to have to think about cutting. It is not going to be a very nice process.

Do you agree with that, Mickey?

Mr. PEERCY. Yeah. Because really the folks do not have any place else to go. You know, and if you cut services, you got to start selecting what services you cut. And politically, it is certainly not a good thing that you do that but you also, the humanity of it of those folks who are chronically ill, they have to go somewhere and there is nowhere else in the system.

Mr. HEAD. I believe that Congressman Cole—excuse me.

Ms. MCCOLLUM. We have run over and I appreciate the indulgence.

If I understood correctly—and I might not have—the Oneida said that they lose money by caring for non-tribally enrolled individuals. Even though there is federal money coming in, that does not make them whole. By closing off and not taking other patients, they could make their operation more business effective and do some of the things that they want to do with enhanced diabetes care for their own tribal members. Would you agree with that?

Mr. PEERCY. I would think that is true what they are saying. We have a fairly small population. If you get x number of dollars and you say—just like having a panel if you are a physician. You have got x number of patients you see and you focus on those folks, but then where do the other folks who are of another tribe go to? You know, they end up in the urban center or at somebody else's center and they have to drive many miles. But, you know, to close off the open-door policy and just treat your tribal members is something that everyone is looking at right now. Hopefully, we will never get to that point but they are in other places because I get calls from California, from Oregon, from up north in Bemidji that says they will not see me. Or they say they will give me an appointment but it is going to be a year and a half, which is basically a form of excluding you from service.

Ms. MCCOLLUM. Bemidji, Minnesota?

Mr. PEERCY. Um-hum, Bemidji area.

Ms. MCCOLLUM. Straight down. Okay.

Mr. PEERCY. Bemidji area.

Mr. SIMPSON. Mr. Cole.

Mr. COLE. Thank you, Mr. Chairman. I will try to be brief but I think these are such important issues. I want to address this question to Charles and to Mickey. And it is sort of two questions I think just to help the committee.

One, I know both of these tribes supplement what the Federal Government provides for healthcare so if you could give us some sort of idea the order of magnitude how many tribal dollars are on top of federal dollars, either percentage or whatever.

And the second one, these are both very large tribes, you know, both well over 200,000 members. They are two of the largest tribes in the country. From your standpoint on not contract services but contract support, how many dollars are you sort of out because you are not whole on the contracts? Because that is an issue that we have really struggled with on this committee.

Mr. PEERCY. I think with our contract support cost shortfall is $5.5 million. And so that is what it is.

Mr. COLE. By your request for this year's $5 million addition, is that correct?

Mr. PEERCY. Yeah. So we are $500,000 off if it all came to Choctaw, which would be fine if you want to send it all down but the other——

Mr. COLE. I will let you and Charles argue that out.

Mr. PEERCY. Well, we might work a deal. But——

Mr. HEAD. Or we could take two-and-a-half each.

Mr. PEERCY. There you go, two-and-a-half apiece.

Mr. COLE. It would have to be a three-way deal here, some Chickasaw.

Mr. PEERCY. So you see the problem. So ours is $5.5 million and for our contract that would make us whole at about $18 million. And I know OMB has got a circular out and they are trying to talk about flat rates for contract support cost and we definitely are against that because you are going to end up at a 15 percent, which would cost us a lot in shortfall. So we still like to negotiate and use the rules that we play under.

Secondly, we got about $78 million from the Indian Health Service to the Title V contract. The tribe puts in for this contract alone $7 million. And then for what I mentioned earlier, the OEH program, we get $1 million. So $8 million total from the Tribal Nation.

Mr. COLE. All right. Charles.

Mr. HEAD. Our contract support shortfall is over $5 million also. And another area of need is contract health dollars. We just passed a bill taking 5 percent of our gaming revenues and putting it into contract health on top of what we get. I do not have the figures in front of me for the rest of our health programs, but we supplement a considerable amount of money each year for patient care, for dental and eyeglasses, as well as contract health.

Mr. PEERCY. And to add to that, Charles, I forgot about the EDH. That is another $2.5 million. And as Charles and I talk about contract health, them putting more money in contract health, it still does not get out of category one, priority one. That does not do anything other than, you know, it does not pay for anything that would be elective. You know, I know some areas to use contract health dollars to pay for orthodontics and transportation to the orthodontist. And, you know, we do not get anywhere like that. We do not get out of the CHS category one even spending $14 million a year. Seven is from the feds and seven is from the tribal CHS.

Mr. COLE. And to our folks from JOM just again for the record and I know you do not have an exact student count because we

have not done the census as you pointed out, do you happen to know what the overall budget for BIA schools and how many Native American kids we have there are and then how many Native American kids we have in the public school system that we are trying to cover with a very limited, you know, JOM budget?

Mr. DUSTYBULL. Well, as far as the BIA schools, they serve about 6 percent of the Indian students nationwide and the JOM serves 93 percent of the students nationwide.

Ms. THOMAS. I would like to give an example here because you can realize how important this is. We have not had a count. My tribe, the Muscogee Nation, we were counted at 10,919 students in '94. That is how much I get. I serve over 17,000. How can I turn away—as they said earlier, you cannot say oh, no, you are not in my tribe because we serve—we have 39 tribes in Oklahoma alone and we serve all of these. We have Alaska natives that come in and we do not say oh, no, we are not going to serve you. We have to take them in. So we have this count.

I am truly blessed to be from the Muscogee Nation. I am truly blessed that my Chief Tiger and my council members believe in education and they subsidize what we cannot make for the other ones. And here, we are giving our students $60 per student to use. That is just one-time supplies almost. How can you meet the rest of their needs? I mean we are not trying to say we want to make our students better than anybody else. We are just trying to bring them up to the norm. You know, if they do not have these tennis shoes, they do not have the school supplies, how can they be successful? You know, you just heard how many students in one tribe gets gate scholarships. All of our tribes, you know, we encourage this. That happens. We try to make them go along but we do not have the money either. And then you look at smaller tribes who do not have gaming, who do not have other commercial ventures that can, you know, subsidize these programs where you are looking at little rural tribes that that is all they have got. That is what we are here for. We are here fighting for the small as well as the large.

So our counts are much needed and we have to show that there has been growth because I know when we first started coming to Congress years and years ago—I know I do not look it, but I have been here a long time—see, see, see. But the problem is is that they do not understand that that count is frozen. You see that count and you think oh, that program just stays all the same this whole time, but we do not. We have never been able to show you the count. We have never been able to get it passed into the BIA—BIE now. You know, we were told flat out to our faces that it was too much trouble to do a count.

Mr. COLE. You know, Mr. Chairman, maybe we could solve our Medicare and Social Security problem if we just said we froze a number of people on it right now and there is never going to be anymore no matter what. We are not counting and then we will balance this budget in short order.

Thank you, Mr. Chairman.

Mr. SIMPSON. Thank you. Thank all of you for being here today, for your testimony. It will be very helpful to us as we try to put together the budget for the next year. I appreciate the information. Thank you.

And the committee will stand adjourned for 34 minutes.

[Recess.]

Mr. SIMPSON. Dr. Robert Martin, President of the Institute of American Indian Arts, Ervin Chavez and Faye BlueEyes, President and Director of Finance and Facilities, Nancy Martine-Alonzo, President of the Board of Trustees, Ramah Navajo School Board, and Edward Begay, Chairperson of the Navajo Agricultural Products Industry Board of Directors. Same procedure as we had this morning, and we will have again tomorrow morning. Five minutes for your opening statements, and then questions from the members of the committee. And we will have some drifting in and out, I suspect, during the hearing because there are a lot of weird things going on in Congress right now. So, Dr. Martin.

TUESDAY, MARCH 27, 2012.

INSTITUTE OF AMERICAN INDIAN ARTS

WITNESS

ROBERT MARTIN

Mr. MARTIN. Good afternoon, Mr. Chairman and members of the committee. It is a pleasure for me to be here to speak on behalf of the Institute of American Indian Arts. We are located in Santa Fe, New Mexico, and we are chartered by the United States Congress to empower creativity and leadership in Native arts and cultures, and we do that through our academic programs. And, of course, we have all of the studio arts. We also have new media arts, creative writing, museum studies, and indigenous liberal studies. And we also operate a museum that has the largest collection of contemporary Native art in the world, a magnificent collection, and we are also a 1994 Landgren Institution, so we operate the Center for Lifelong Education that does outreach and training for tribes.

Mr. SIMPSON. I planned on being out there to have a look at the place this September.

Mr. MARTIN. We are looking forward to the visit, Mr. Chairman. From 2000 to now we finally have a permanent campus, so when you come, you are going to see a beautiful 140 acres and mountain views, vistas. You are also going to see 10 buildings, four of which were just constructed in the last several years, so we have got additional square footage that we are operating and maintaining, beautiful campus. Our student body is really, though, you know, the most important thing that we have going for us. And we have 400 students, and student enrollment is more than doubled in the last five years, and we have 84 tribes represented in our student body, and it is continuing to grow.

Also, this year is 2012, and we have been in existence 50 years. We are celebrating our 50th anniversary, and we are going to have a number of celebrations where we really highlight our contributions to contemporary Native art, and also the contributions of our more than 4,000 alumni. And many of them you have probably heard of, Dan Dominga, T.C. Cannon, Tony Abeyta, just to name

a few. So we are looking forward to that celebration, and hopefully you will be a part of that when you come out.

I am here to ask you to support the President's request for fiscal year 2013 for Institute of American Indian Arts, and that is at $9.369 million, and we are asking you to support that. That is about an $850,000 increase over what we are receiving this year, but for the last 2 years we have been at more or less flat line funding. And as a result, you know, we have had challenges with additional square footage, and maintaining that. We have added, as I said, new buildings, and that is 60,000 square feet of additional space that we have to operate and maintain, so we have had increased custodial expenses, security. Utility costs have gone up. And as we add new students, we have had to add new faculty, so that has been a real challenge for us as well.

So the increase would permit us to reinstate a summer school that we had to cancel the last year. That would allow our students to expedite their graduation, and would also allow our new students to come in that need remedial work, or get a head start on their college educations. You know, with Native Americans, we have the lowest participation rates in higher education, the highest retention rate, so this would really help our students. We would also add to our counseling programs. We had to cut back in that as well, and we know student support is so important to success of our students.

Also capital improvements, it would permit that as well. Our buildings now are 13 years old. When we built the first couple of buildings, they cut corners, and the HVAC system is totally inadequate, especially for studio arts. We are not able to permit oil based painting instruction in our classrooms because the ventilation is just not good enough. And then we have students and professors coming in and say we are doing a disservice to our students, so we have got to address that issue.

It would also allow for some technology enhancements for your databases in finance, human resources, student advancement. They are not integrated and talking with one another, so that would allow us to upgrade our technology then. And then we would also like to give our faculty and stuff a modest two percent increase in their pay. It has been two years since they have had any increase at all.

So, in conclusion, we are hoping you will support the President's request, and we take it very seriously. For the last 5 years we have more than matched our federal appropriation with funding from individuals, corporations, foundations, and other Federal sources, as well as the State of New Mexico. They have been very supportive. So, again, thank you for the opportunity to speak to you today, Mr. Chairman and members of the committee, and I invite you to visit our campus in Santa Fe, New Mexico. Thank you.

[The statement of Robert Martin follows:]

IAIA
INSTITUTE OF
AMERICAN INDIAN ARTS

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

TESTIMONY OF:
DR. ROBERT MARTIN, PRESIDENT
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
CULTURE AND ARTS DEVELOPEMENT

Introduction

Good afternoon Mr. Chairman and Committee members My name is Robert Martin and I am the president of the Institute of American Indian Arts in Santa Fe, New Mexico. I express gratitude for the opportunity to present this testimony on behalf of the Institute of American Indian Arts. IAIA was established in 1962 as the only Bureau of Indian Affairs boarding school teaching arts and culture. IAIA quickly evolved from a high school to a college offering bachelor of fine arts programs in Studio Arts, New Media Arts, Creative Writing, Museum Studies and Indigenous Liberal Studies. IAIA became an independent college when it was chartered by the United States Congress to empower creativity in leadership in Native arts and culture. The enabling legislation states that Native arts and cultures are Indigenous to the United States and thus must be enthusiastically maintained and supported so that they are not lost for future generations.

IAIA currently serves more than 400 students representing 84 tribes from across Indian country.
In 2012 IAIA is celebrating its 50th anniversary as the birth place of contemporary Native arts. During the past 50 years, IAIA has graduated approximately 4,000 award winning artists, writers, film makers and museologists. A few of our internationally renowned artists are T. C. Cannon, Dan Namingha, Doug Hyde, Tony Abeyta, Rose Simpson and Mateo Romero.

Discussion

The President's FY 2013 federal appropriations budget request is $9,369,000, which is an increase of $144,000 more than the funding requested by the administration for IAIA in FY 2012. IAIA's enacted FY 2012 federal funding of $8,533,000 has adversely impacted our ability to provide high quality bachelor's level degrees in Native Arts & Culture to American Indian and Alaska Native students. For example, the summer school program was cancelled, delaying the completion of programs and graduation for

approximately100 students (25% of the student body). Moreover, a number of positions were eliminated impacting the student support program, i.e. counseling program.

The FY 13 request is $836,000 more than our FY 12 enacted appropriation and is necessary to assist IAIA in addressing the following issues:

- Increased funding ($113,000) is required to address the growth in student enrollment. IAIA's student body has grown by more than 100% since September, 2007. (200 students enrolled in 2007; 403 enrolled for the 2011 Fall Semester). An institutional priority is to fully staff the new Sculpture/Foundry facility and to add new faculty positions for the most rapidly expanding programs in New Media Arts and Museum Studies. A total of two faculty and one support position will be added to the aforementioned programs.

- The additional funding ($100,000) will be used to fully implement a Student Success Center. One of our strategic themes is student success and increasing retention rates is a high priority. To increase retention rates, we are restructuring student support services by establishing a one-stop shop for student services located in the Library and Technology Building.There is a national movement regarding "best practices" among colleges and universities to better serve students with the "One-Stop Shop" model for student services to improve retention rates. IAIA's one-stop center for student success is designed to demonstrate IAIA's commitment to student success through a logistical approach regarding student services. The Learning Support Center will continue to assist students with orientation, tutoring, advising, testing, peer mentoring, early alerts and talking circle. In addition to these student support services, the center also will include financial aid, records and registration, scholarship/career services, student accounts, veteran affairs, disability services, and a National Honor Society. There are several national studies that indicate this model and approach improves retention rates especially for "Minority Serving Institutions".

- An increase would fund ($134,000) the reinstatement of the summer school program expediting the completion of students' degree program and maximize the use of IAIA state-of-the-art programs, facilities and equipment. New incoming students would be able to enroll in remedial courses and returning students will be able to expedite their graduation by enrolling in additional courses during the summer months. The increase also would permit the rehiring of an additional counselor and address the requirements of an increasing number of students being served in the housing, recreation and food service programs.

- Additional funding ($100,000) would assist with the operations and maintenance of an expanding campus. The IAIA has added more than 60,000 square feet of operating space with three new campus buildings constructed since November, 2009. In addition, recently opened on campus are three much-needed facilities - a childcare center, family housing and a bookstore. As a result of the growth of the campus' physical plant, the IAIA's operating and maintenance costs have

increased by 30 percent in less than one year. In addition, energy costs have increased more than 40 percent due to both square footage and rate increases.

- Additional funds ($45,000) are required to integrate financial, advancement, human resource and student data systems to enable sharing of information among our various offices and divisions. This funding would permit the achievement of this strategic initiative as well as acquisition of a Blackbaud Fixed Asset module and acquired related tracking and tagging equipment and software for improved property management inventory control.

- The increase would fund ($144,000) a modest 2% cost-of-living adjustment for faculty and staff. IAIA froze personnel salaries last year and no employee received a cost-of-living adjustment. The institution also absorbed fix costs increases associated with FICA, workman's comp and retirement, insurance and unemployment benefits.

- The increase would provide funding ($200,000) for capital improvement. The original campus buildings are now twelve years old; IAIA must begin to replace roofs, HVAC and re-stuccoing to ensure that we prolong and safeguard the useful lives of our structures and are not faced with unfunded major capital repairs in future years. In FY 2013, the HVAC system and ventilation systems in the academic/administration building should be replaced with a more efficient and cost effective unit.

Conclusion

IAIA continues an aggressive fundraising campaign matching its federal appropriations for core activities with grants and donations from individual, corporate, foundation and competitive federal agency resources. For federal fiscal years 2007 through 2011, the total combined federal payments appropriated by Congress for the IAIA were $37.869 million. During the same five-year period, the IAIA raised more than $51 million from all other sources, including earned revenue. Moreover, an IAIA Foundation has been established to increase monetary support from individual donors for IAIA.

If the President's budget request for IAIA is sustained, we will be able to continue to provide high quality educational programs and services to our students. This concludes my testimony. I again thank the Chairman and the Committee members for the opportunity to speak on behalf of the IAIA. I would be pleased to respond to any questions that you may have.

Mr. SIMPSON. Thank you, Dr. Martin. We look forward to coming out. And I am going to be in New Mexico and Arizona in September, so we will stop and say hi and let you take us on a tour of the place.

Mr. MARTIN. We are looking forward to that.

Mr. SIMPSON. You bet.

Mr. MARTIN. Thank you.

Mr. SIMPSON. Ervin Chavez.

TUESDAY, MARCH 27, 2012.

DZILTH-NA-O-DITH-HLE COMMUNITY GRANT (DCG) SCHOOL BOARD

WITNESSES

ERVIN CHAVEZ
FAYE BLUEEYES

Mr. CHAVEZ. Good afternoon, Mr. Chairman and members of the subcommittee. My name is Ervin Chavez, School Board President of Dzilth-Na-O-Dith-Hle Community Grant School, a tribally controlled grant school located in New Mexico.

Mr. SIMPSON. Could you pronounce the name of the school for me?

Mr. CHAVEZ. Dzilth-Na-O-Dith-Hle.

Mr. SIMPSON. Okay.

Mr. CHAVEZ. Okay. It is a tribally controlled grant school in New Mexico, part of the Navajo Reservation. With me is Faye BlueEyes, Director of Finance, who will be presenting our testimony on behalf of the Board. We will focus on three areas of concerns regarding fiscal year 2013 funding requests for the Bureau of Indian Education. One is facility operation and maintenance, tribally controlled support costs, and the proposed cuts to Indian School Equalization Program funding formula.

Ms. BLUEEYES. And yes, my eyes are blue, and it is Navajo blue.

Mr. SIMPSON. Okay.

Ms. BLUEEYES. Facilities operation and maintenance funding has been chronically and significantly underfunded for a number of years. BIE reported in the fiscal year budget justification that 63 of 181 BIE schools are rated in poor condition, the same number as in fiscal year 2012. According to an objective report, Facility Condition Index For fiscal year 2011, there were 150 projects with deferred maintenance needs, totaling $304.4 million. Our school, which is among the poorest rated facilities, is not able to provide a safe, healthy learning environment for our students, based on the limited funds we get. And some of our health and safety problems include closure of the restrooms servicing our junior high classrooms because of leaking sewer lines, and water lines are so corroded and filled with sediment that we are having to bring in bottled water for our students, an additional cost that most public school do not face.

For the health and safety of our students and staff, we urge that Congress provide the NCAI recommended $76 million for facilities and $109.8 million in facilities operation funding. Tribal grant sup-

port costs, which is light and contract support for school, the BIE requests a two million dollar increase in order to provide a TGS rate of 65 percent of the administrative cost need for the 125 tribally operated schools. The TGS for this school year is only 63.7 percent. Our school, which should be getting around $700,000, is instead receiving only $445,000. Thus we have had to consolidate internal controls, streamline checks and balances, and scale back significantly on our management staff due to litigation brought by tribes to correct BIA and IHS failures to fully fund CSC and all other BIA program areas, except education.

Funding increases for those support costs have been tremendous. From fiscal year 2009 to 2012, the non-school BIE-BIA-CSC account has grown by an astounding $73.9 million, which raised the percentage of CSC need pay from 75 percent to nearly 100 percent. In contrast, for school programs, the tribal grant Support funding during the same period increased by a mere $2.8 million, with the TGS rate rising from 61 percent to 63.7 during that period.

Congress needs to fix this problem and fully fund tribal grant support at $72.3 million for the indirect cost requirements of current tribally controlled schools, and provide two million in startup funds for newly converting schools. We ask that Congress restore the 4.4 million to Indian School Equalization Program funds account that the BIA proposes to cut. Although BIE says the reduction reflects a one percent decline in student population, please recognize that schools still have costs that are not directly tied to the number of students enrolled.

Although not appropriations related, we want you to support the Native Class Act, S. 1262 and H.R. 3568, which addresses many of our concerns, while also recognizing and supporting the role of tribes to direct the education of their students. More importantly, we ask that you oppose any attempts to transfer the BIE from the Department of Interior, Indian Affairs, to the Department of Education. Such a transfer would seriously undermine the separate and distinct trust responsibility that the United States has with American Indians regarding education.

In conclusion, it is widely acknowledged that investments in education have a direct economic impact, as well as benefits to the individual. Studies have also shown that reductions in education expenditures have negatively impacted employment rates. With our Native students coming from some of the hardest hit areas in these times of economic downturn, we ask Congress to provide the levels of education funding that will enable us to provide a quality education and safe and secure environments for our students. We thank you for any assistance you can provide. Thank you.

[The statement of Faye BlueEyes follows:]

Faye BlueEyes, Director of Finance
DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL (DCGS)
Navajo Nation, Bloomfield, NM

CONGRESSI0NAL TESTIMONY

Submitted to the United States Congress:

House Appropriations Subcommittee on
Interior, Environment and Related Agencies

Regarding

FY13 Budget Request for the Bureau of Indian Education, Department of the Interior

March 27, 2012

Mr. Chairman and Members of the Subcommittee:

Request Summary: My name is Ervin Chavez, School Board President of the Dzilth-Na-O-Dith-Hle Community School (DCGS) on the Navajo Reservation in Bloomfield, New Mexico. With me is Faye BlueEyes, Finance Director, who will be presenting our testimony on behalf of the DCGS School Board. We will focus on three areas of particular concern to our School in the Fiscal Year (FY) 2013 funding requests for the Bureau of Indian Education (BIE). The DCGS requests the following, all under the BIE budget category:

1. Provide $109.8 million in *facilities operations* and $76 million in *facilities maintenance* as recommended by the National Congress of American Indians in its Budget Requests.
2. Support requested $2 million increase, at a minimum, for *Tribal Grant Support Costs;* provide $72.3 million to fully fund
3. Restore $4.4 million in reductions to the *Indian School Equalization Program Formula Funds* account.

Background: DCGS is a tribally controlled grant school is located in Bloomfield, New Mexico, approximately 170 miles northwest of Albuquerque, within the boundaries of the Navajo Indian Reservation. DCGS is primarily funded through appropriations received from the BIE, and pass-through funding from the Department of Education. Our school, which has been in continuous service since 1968, operates a K-8 educational program and a dormitory program for students in grades 1-12. Residential students in grades 9-12 attend the local public school. There are 109 students currently enrolled in our academic program, and 67 students are housed in campus dormitories. Our all-Navajo Board operates the DCGS through a Grant issued by the BIE under the Tribally Controlled Schools Act. The DCGS mission is to make a difference in the educational progress of our students and we believe that all of our students are capable of achieving academic success. DCGS, however, has struggled with chronic underfunding of virtually each and every one of its educational and related programs. We describe below the impacts of the underfunding in several key areas.

I. Funding for Facilities Maintenance in the amount of $76 million and Facilities Operations in the amount of $109.8 million. *Facilities Maintenance* funds are intended to provide for the preventative, routine, and unscheduled maintenance for all school buildings, equipment, utility systems, and ground structures. There are numerous studies that attest to the fact there is close correlation between poor or inadequate facility conditions and poor student and staff performance. And it is documented fact that 63 of the 181 schools for which BIE is responsible are rated in "poor" condition on the Bureau's "Education Facility Condition Index (FCI) for Fiscal Year 2013," the same number as in FY 2012. Without a significant increase in facilities maintenance funding, there is little doubt there can be no measurable progress in addressing the ever-growing deferred maintenance backlog of at least $967 million (according to the 2011 draft No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee Report). The report also acknowledged that persistent underfunding of Facilities Maintenance contributes to more rapid deterioration of the aging buildings.

The DCGS is, unfortunately, one of the "poor" rated schools and with an FCI of 0.4001, it is among the poorest-rated facilities. From a practical standpoint, this means that we are not able to provide a safe, healthy learning environment for our students and staff. Realistically, some of the health and safety problems at DCGS include the closure of the *restrooms* servicing our junior high classrooms due to leaking sewer lines. Whereas the required industry standard for plumbing today is PVC piping, our 40 plus year-old buildings have galvanized pipes that have become so rusted, corroded and contain sediment experts estimate only about ¼ inch diameter of the pipes remain open. Repairs are also difficult because extensive corrosion makes any disturbance of the pipes makes it susceptible to crumbling. Adding to the sewer problems is that the sewage lagoon servicing the DCGS is not the adequate size for our complex, thus requiring *weekly* cleanouts, meaning our already over-burdened facilities have to send out one staff member to *manually* hose out each of the sewage cells in the lagoon.

The age of the facilities also impacts the water lines, which are also very corroded and contain so much sediment that we must provide *bottled* drinking water for the students (an additional cost that most public schools do not face). We also have issues with an outdated electrical transformer for which parts are no longer available and insufficient internal electrical wiring that must be replaced to avoid further electrical fires.

Most public schools have readily available, reliable internet access. The DCGS, on the other hand, has for years relied on a satellite link to support the educational technology needs of the students. The Internet access was very unreliable—depending on weather conditions and other reasons that were not able to be fully determined by the provider—which more often than not resulted in frustrating students trying to do research and/or cancelling academic lessons. We pleaded with the BIE to assess and address the problem or at least facilitate rewiring the facilities to accommodate better IT access but sadly that tech support has been so lacking for over six years that we have turned to the Navajo Nation Technology Department (NNTD) for assistance. Sadly we are placing blind faith that through the federal E-rate program we will be able to recoup the installation payment we had to pay upfront for the NNTD to begin work and to also fund the additional work to complete the technology upgrades. Even with the limited work that has been completed, the students are already seeing noticeable improvements in internet availability.

Despite our best efforts to maximize the limited facilities maintenance funds for upkeep of our buildings, there is only so much that our five-member facilities staff can do. The BIE has

estimated $7.7 million would be needed to fix all that is on the DCGS deferred maintenance backlog, and the replacement cost would be $19.1 million. The BIE's FY13 request for facilities maintenance is nearly level funding again ($50.9 million), which means that once again there will not be enough to make a significant dent in the maintenance backlog of DCGS or any of the other schools.

Facilities Operations funding is for the ongoing operational expenses like electricity, heating fuels, communications, ground maintenance, refuse collection, water and sewer service, etc. However, the facilities operation expenses are currently funded at approximately *46% of need.* In light of the escalating costs of these essential services–especially the cost of electricity and heating costs–it is evident the BIE's FY13 request of $58.6 million (level funding) is still grossly inadequate.

When the facilities operations and maintenance costs are not funded at a realistic level, our schools are not able to address the small, preventable problems to keep them from becoming bigger and more expensive to fix, or we cannot even perform some needed maintenance. Further, in emergency situations, school funding must be diverted from other programs to meet these needs. For the health and safety of our students and staff, we support the NCAI-recommended $76 million for facilities maintenance and $109.8 million in facilities operation funding.

II. Funding for Tribal Grant Support Costs in the Amount of $72.3 million. Tribal Grant Support Costs (TGSC), formerly known as Administrative Costs Grants, are funds provided to tribally-operated schools to cover the administrative or indirect costs associated with the operation of a school. Currently, 125 of the 183 BIE funded schools are operated by tribes or tribal school boards, with another three BIE-operated schools possibly being converted to grant status in FY13. TGSC funding is applied to the costs of payroll, accounting, insurance, background checks, and other legal, reporting and record-keeping requirements, including the preparation of required annual audits. TGSC are appropriated in a lump sum and then awarded to individual schools after application of a complex statutory formula that divides the *available* funding–not the statutorily required amount–among eligible recipients. In FY12, the funding available for TGSC met only 63.7% of the need of the schools, which is below the BIE estimated rate for FY12. This means that at 100% of TGSC need, *DCGS should have received nearly $700,000; instead, we received only $445,000.* What happens when there is a $250,000 shortfall? At DCGS we have consolidated internal controls, streamlined checks and balances, and scaled back significantly our management staff. For example, our business office now has only two fulltime staff to handle all the DCGS business-related functions, such as process payroll for 90 on a bi-weekly basis; complete all the accounting; complete all tax reporting requirements; process account payables-requisitions-purchase orders, and ensure conformance with all audit requirements.

For FY13, the BIE requests a $2 million increase, which they estimate will provide a TGSC rate of 65% of need. The DCGS is very concerned this projected percentage is being over reported. Consider that the BIE does not request *separate* start-up funds for newly converting schools but they report there may be as many as three in FY13. With no start-up funds, the additional school conversions will consume an inordinate amount of the already limited TGSC, thus further limiting the funds available to the ongoing grants/contracts.

The increase sought by the Administration not only falls well short of the schools' actual support cost needs, it fails to make even minimal progress in promoting fairness or equity with respect to the government's support costs paid for other Indian programs. As a result of contract support cost (CSC) litigation brought by tribes for BIA and IHS failures to fully fund CSC, in all other BIA program areas except education, growth has been tremendous. In fact, for the period covering FY09 to FY12, the non-school *BIA CSC account has grown by an astounding $73.9 million*, which raised the percentage of CSC need paid from 75% to nearly 100%. In contrast, the TGSC funding during the same period increased by a mere $2.8 million, and that was in the last two fiscal years; with the TGSC rate rising from 61% to 63.7% during that period. The schools should not have to spend years before the courts litigating their being short-changed by the BIE. Congress should fix the problem and fully fund TGSC at $72.3 million for the indirect cost requirements of current tribally-controlled schools, and provide $2 million in start-up funds for newly converting schools.

III. Restore $4.4 million to Indian School Equalization (ISEP) Formula Funds account. The FY13 Budget Request proposes a $4.4 million (or 1%) reduction in ISEP formula funds due to a 1% decline in student population. The Bureau, however, fails to recognize that schools still have costs that are not directly tied to the number of students enrolled; in essence a minimum operating costs to keep our doors open. For instance, our electrical bill is not based on the number of students served, and the buses must cover their routes whether there is one student or 50 students on that route. Further, as we have testified, many of the accounts that support School Operations are seriously underfunded so that we must constantly utilize our education-program (ISEP) funds to offset non-academic costs such as student transportation, maintenance, administrative functions to name a just a few. Despite our best efforts to stretch each and every dollar, in school year 2012-2013 DCGS will be forced to reduce the number of student school days and instead operate on providing the requisite number of contact hours for each grade level.

Conclusion

It is widely acknowledged that investments in education have a direct economic impact as well as benefits to the individual. Studies have also shown that reductions in education expenditures have negatively impacted employment rates. With our native students coming from some of the hardest hit areas in these times of economic downturn, we ask Congress to provide the levels of education funding that will enable us to provide a quality education in safe and secure environment for our students. We are grateful for any assistance you can provide.

Respectfully submitted,
Faye Blue Eyes, Finance Director,
Dzilth-Na-O-Dith-Hle Community Grant School
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(505) 960-6681
heywoman87417@yahoo.com

Mr. SIMPSON. Thank you. Nancy.

TUESDAY, MARCH 27, 2012.

RAMAH NAVAJO SCHOOL BOARD, INC.

WITNESS

NANCY MARTINE-ALONZO

Ms. MARTINE-ALONZO. Mr. Chairman and members of the subcommittee, on behalf of the Board of Trustees for the Ramah Navajo School Board, that is located in Cibola County in Pine Hill, New Mexico, we come here to address three major areas of need that we have.

The first is appropriating 2.1 million for a new BIE early childhood education center at our school and reservation in Pine Hill, New Mexico. Second is to appropriate 3.63 million for a Ramah Navajo community elder center, and then three is to appropriate 2,925,000 for replacement construction for a new central administration for the Ramah Navajo School Board, and our organization was founded in 1970.

I think some of you are familiar that we had come here and got direct appropriate from Congress to establish our K–12 school. And it has been in existence now 42 years, and we have graduated over 800 Native American students from the Ramah community, and we are proud to say that a lot of our students have gone on to college, and we have doctors, pharmacists, and lawyers. You know, we are just starting at the beginning level with many other various professionals, but we are grateful to Congress for the partnership and the help they have given us year after year over the 42 years.

And today we are here, and the background for the appropriation request, for the first one, the early childhood education center, is because we have four preschool programs, and this includes a Head Start, a family and child education, early intervention program, and a child care center, and the four programs are currently housed in portable buildings that are separated. And we would like to consolidate it under one building so they can share dining facilities, they can share a playground, they can share other support system and network for them. And this will accommodate a little over 200 students that are in this category.

The second appropriation request is for the Ramah Navajo Community elder center. While we are able to provide a lot of the medical services through the Pine Hill Health, our reservation is located geographically in rural, you know, isolated, scattered housing. And it is very labor intensive for our nurses or our doctors to do homebound care, and so it would really accommodate the services provided, and streamline some of those services if we can build a community elderly center right within close proximity to the health facilities. That way we can take care of the illnesses or other medical attention, short term, long term, or other personal kinds of needs that our elders have.

And the population we are talking about, the ages, there are 50 years to 64 years, we have close to 1,000. And then those that are 65 and older, we have 500. So that is about 1,500 population. Our

reservation population is around 4,000, so it is over, like, over a third of our population. You know how all the baby boomers, we are all coming to that age, and there is a growing need for that.

And then the third request is appropriation for a new central administration. And the buildings we have were established way back in the early 1970s, so they are about 35 years old. And just due to the wear and tear of the building, they have some challenges. And we have environmental health hazard, just because of the old age of the building. We have rodents and different kinds of snakes and other lizards that get into the building. And, you know, it always poses the potential for hanta virus. And we know how the infestation of that plays out, and so we know that that is a challenge we are having to deal with.

And then we need to update the automatic sprinklers, you know, to prevent fires. We are among a lot of vegetation and trees. We are very potential to fire. If something should happen in our area, we are unable to address it quickly enough. It would really pose a threat to our buildings, and especially to this building. We also have frequent power outages and hazards. Because we are at 8,000 feet, we have a lot of rain, a lot of electrical storms, a lot of snow that impede, you know, the wiring in some of our buildings. And we put in a new infrastructure for our finance and business, where we have computers and service systems that require 24/7 maintenance and operation. And with the kind of wiring that needs to be updated and improved, you know, that is also a need. And then, of course, just the technology needs that we have to try to get our building up to par in all these areas.

And so we are very grateful for the financial assistance, the support system, that Congress has given us in the years prior to this, and then we look forward to the same assistance this year, and we are so grateful for everything that you have provided. And this is respectfully submitted by myself, Nancy Alonzo, as president of the Board of Trustees. Thank you so much.

[The statement of Nancy Martine-Alonzo follows:]

Nancy R. Martine-Alonzo, President
Board of Trustees, Ramah Navajo School Board, Inc.
Ramah Navajo Reservation, Cibola County, Pine Hill, New Mexico

CONGRESSIONAL TESTIMONY

Submitted to the United States Congress:

HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

FY 2013 Federal Budget Request for:

BUREAU OF INDIAN AFFAIRS (BIA) / BUREAU OF INDIAN EDUCATION (BIE) & INDIAN HEALTH SERVICE (DHHS/IHS)

FEBRUARY 22, 2012

Mr. Chairman and Members of the Subcommittee:

Request Summary: On behalf of the Board of Trustees of the Ramah Navajo School Board, Inc (RNSB), we are requesting funding to address three major needs of the Ramah Navaj Reservation community in Cibola County at Pine Hill, New Mexico. We are requesting Congres to: (1) Appropriate $2.1 million for a new DOI BIA/BIE "Early Childhood Education Center" a the Pine Hill School. (2) Appropriate $3.63 million for a "Ramah Navajo Community Elde Center." (3) Appropriate $2.925 million for replacement construction for a new "Centra Administration" building" for the Ramah Navajo School Board, Inc.

Background. RNSB was founded in 1970 by the Ramah Navajo Chapter of the Navajo Natio and eventually came to govern the K-12 Pine Hill School, the IHS Pine Hill Health Center, an 30-plus other school and community programs on the Ramah Navajo Reservation at Pine Hill i Cibola County in northwestern New Mexico. RNSB now operates the BIA/BIE K-12 Pine Hil School, the IHS clinic, and the community's radio station -- all firsts for Indian tribes in th country for these BIA, IHS and CPB programs. The Ramah Navajo School Board serves th Ramah Band of Navajo Indians and, on their behalf, I want to thank the Congress for the suppor that it has provided to our community over the past 42 years.

The Ramah Navajo people are well aware of the current fiscal climate in our country and th many difficult decisions that must be made to restore economic prosperity for all Americans That being said, the Federal Government, mainly through the BIA and IHS, has an historic an long-standing trust responsibility for the education, health and natural resources of Americar Indian communities such as Ramah Navajo, who, long before the current economic downturn struggled to provide basic services to its community members. The BIE school system, fo example, has long been underfunded, and the FY 2013 proposed budget falls far short o remedying this state of affairs. Given the importance of education and health to the futur viability of our community, we hope that the Congress will recognize and address the very rea funding needs of our community since RNSB also faces unique challenges and must receiv Federal funding to continue to provide essential programs and services. Ramah Navajo has thre major requests this year, as follows, for which it seeks your support.

Priority One Request: Appropriate $2.1 million for an "Early Childhood Education Center." Our greatest need is to plan, design and construct a building to house the Pine Hill School's four preschool programs of "Head Start", "Family and Child Education" (FACE), the "Early Intervention Program" (EI), and the "Child Care Center" (CCC). All these programs are now housed in four separate rooms or housing areas scattered around the campus, all are in need of repair or renovation, and all are constantly in violation of, or close to violating, their health and safety codes.

Federal law and regulations for each of the four programs differ, but if all four programs are based in one building, then this building must, based on our present data, accommodate: (1) 215 children. (2) Ages 0-to-12 years of age. (Services of one program includes prenatal care, but, being done at the homes, this would not impact on square footage needs.) (3) In a building with 25,000 square footage of space to accommodate all children, classrooms, a kitchen preparation area, dining area, indoor play area, a parent meeting room, offices for all staff (including part-time consultants), a large nurse's office with multiple rooms, a changing room, and a janitor's room and storage area. (4) Depending on how staff and consultants might be shared, 20-to-25 staff members. (5) On a site that will accommodate a drive-in and pickup safe area for parents and children, as well as a multiple outdoor playground space.

However, if these four preschool programs are relocated into a single building, we will not only be able to make sure that they are compliant with all health and safety codes, but the four programs will be able to share such resources as: (1) Kitchen and dining areas. (2) Indoor & outdoor playgrounds. (3) Classrooms and education equipment & supplies. (4) Staffing. (5) Restrooms & storage areas. (6) Childhood nurse or health care staffer. Since there are various requirements, such as so much square footage per child for each child enrolled in each of the four programs, the plans include the installation of "moveable" interior walls to enable us to expand and decrease the child spaces as each program increases and decreases in enrollment over the years. Our plans are to locate this building near the only paved road in our community in order that parents may safely drop off and pickup their children away from the school campus. Our plans also call for children to be transferred to the Child Care Center if, say, Head Start should happen to close early one day so those children can be safely cared for by the CCC.

We are certain that this preschool center will work for us because the idea of a consolidated building to house two, three or more preschool programs is not new in this area since the nearby Alamo Navajo and Laguna Pueblo have had such centers in successful operation for several years, and there are probably others in the State and on Indian reservations around the country.

Priority Two Request: Appropriate $3.63 Million for a Ramah Navajo Community Elder Center. There is a great need in our community for a "Ramah Navajo Community Elder Center" that would be located near the Pine Hill Health Center so elders can have a Center dedicated exclusively to their needs. Our community is spread out over 625 square miles with only one paved road, and most family hogans and houses are geographically remote, raising concerns about the well-being of our elders. Approximately 480 residents over 65 and another 905 between the ages of 50 and 64 are seen regularly at the Pine Hill Health Center. Although some elders qualify for part-time caregivers through Medicaid to help with the functions of daily living, most of our elders do not, leaving them vulnerable to many unmet needs, such as illnesses and accidents, bathing, cooking hot meals, care of personal finances, and other elderly needs.

The Pine Hill Health Center has already received an IHS "Elder Initiative" grant to conduct a comprehensive survey of our elders, covering everything from a personal needs assessment,

home safety and environmental assessments, thorough physical exams and a community evaluation and survey of elder needs. This study shows that the community is very much in need of a "Community Elder Center" that will address the needs of our elders, including, but not limited to, health care, nutrition, education, intergenerational social activities with our students in conjunction with our K-12 Pine Hill School, and space to train local caregivers. As the median age of our population rises, as our IHS-funded survey confirms, this community will increasingly require a facility where services to this growing and vulnerable population can be provided. The Ramah School Board officials have met with the IHS Area office to discuss this need. We are beginning the process to get this project on the IHS priority list, but have been told that it is probably a 20-year waiting period. This is unacceptable to us and to our elders.

Priority Three Request: Appropriate $2.925 million for a new Central Administration Office. Built of four modular units in the early 1970s to house the Executive Director, Business and Personnel offices, the Office also needs to have its parking lot redesigned and resurfaced. The on, and furnishing the new building with modern equipment and technology. The RNSB Central Administration has been operating in its present building, formerly used by the BIA, and has only been renovated with temporary fixes in attempts to meet the daily routine of administrative office work and the needs for safety and health compliance. Central Administration is a vital office that services all RNSB programs for payroll, accounting, procurement, property inventory, insurance, human resource administration, and other legal, reporting and record-keeping requirements.

Environmental Health Hazard. Frequently infested, In a survey conducted in 2006 for hazard identification purposes, the focus was on property conservation and public liability issues. In this survey, rodent droppings were found in numerous locations throughout the campus, in the interior walls of buildings, including the Central Administration building. Rodents are also digging under the exterior walls to get into the building. This presents significant environmental health issues because of the potential for exposure to *hanta virus*. It has been recommended that we replace all exterior walls, and the roof and interior finishes. However, given 30 years of occupancy, insufficient funds for repairs and maintenance, and the need for major renovations to bring the building up to a safe and usable condition, means that a new structure should be constructed.

Automatic Sprinklers. Our ground water supply is inadequate to service hose streams should a fire occur. The RNSB facilities are located in a wooded area and exposed to brush fire that could destroy most or all of the facilities. A risk report identified a fire hazard for the Central Administration building since there are no automatic sprinklers in the building. A fire hazard, without automatic sprinkler protection, can spread as far as combustible material exists. Damage can be severe, sometimes total. Even if a fire is controlled, there will be extensive smoke and water damage, in addition to the fire damage. A recommendation was to install automatic sprinklers on a wet pipe system for combustible obstructed construction. Automatic protection should be extended to concealed spaces where there is combustible construction.

Power Shortage and Hazards. We were cited for inadequate and obsolete accounting system in our audit reports since 2006. The Business Office has implemented a new system, which requires a dedicated server and Internet access on a 24/7 basis; this requires an adequate power supply for it to function properly. RNSB is in a remote area and we often experience lightening strikes that shut down the automated accounting system and Internet services.

Technology Needs. Currently, the buildings' facilities are not fully equipped to meet the high

demands of electronic communications, but a new building should enable us to connect all programs under one roof with an internal network to enable the administration to serve all programs with the latest state-of-the-art technology and communication equipments: i.e., computers, electronic mail, facsimile and telephone systems.

Dilapidated Building. The Central Administration building has been in use for over 35 years without any major renovations and, due to normal wear and tear, the building is run down.

The Plan. The proposed plan is to construct a new Central Administration building with a sufficient parking area built in phases. The planning phase will be to design, perform archeological clearance, site surveys, and conduct an environmental assessment, soil testing for the new site, on a land site that is slightly north of the current Central Administration building. The actual construction will entail procurement of materials and supplies, project management, and construction contractors and subcontractors. The final phase will be to purchase office furnishings, computer and office equipment, and computer servers for high speed connectivity.

Budget Estimates. (1) *Planning*. Costs for design, archeological clearance, site surveys, environmental assessment, soil testing, and salaries: $75,000. (2) *Construction*. Costs to purchase building materials and supplies, construction contracts & subcontracts, oversight and administration by a project manager, and parking lot: $ 2,500,000. (3) *Furnishings & Equipment*. Design office settings and furnishings equipped with computers and other office equipment, Internet, software and hardware servers: $350,000. (4) Total cost: $ 2,925,000.

We thank the Subcommittee for considering our requests.

Respectfully Submitted,

Nancy R. Martine-Alonzo, President

Board of Trustees
Ramah Navajo School Board, Inc.
P.O. Box 10
Pine Hill, New Mexico 87357

505-775-3256, E-mail: oran@rnsb.k12.nm.us.

Mr. SIMPSON. Thank you. Edward.

TUESDAY, MARCH 27, 2012.

NAVAJO AGRICULTURAL PRODUCTS INDUSTRY (NAPI) BOARD OF DIRECTORS

WITNESS

EDWARD T. BEGAY

Mr. BEGAY. Thank you. Good afternoon, Mr. Chairman, and distinguished members of the subcommittee. I am here on behalf of Navajo Agricultural Product Industry. It is established by Navajo National Council as an entity that are doing farming 110,630 acres of land. We are up to 72,000 acres of land that we cultivating.

Under this is an organization called Navajo Indian Irrigation Project, which is United States government's program, supposed to be manned by Bureau of Indian Affairs, Navajo Region. BOI, BIA supposed to oversee this, under the statute that was signed into law, 1962. And in there, the Navajo Nation was promised, I will just use NIIP, as 110,630 acres irrigable land, commitment of Federal government to shoulder operation and maintenance to do this development.

However, the NIIP was to be completed the same timeline as San Juan-Chama Diversion project as a companion, which the Navajo Nation agreed to relinquish some of the water rights that has been diverted into the Rio Grande River, and that was done decades ago, while the Navajo portion is still lacking, 40 years after that was agreed to.

So now I will refer to the chart here. Despite commitments, funding for NIIP has been very erratic. The President's budget fiscal year 2013 request is woefully inadequate, $3.381 million. In addition to the initial budget, NIIP has eight percent Federal overhead for the project, which Bureau of Reclamation and Bureau of Indian Affairs overhead consumes 58 percent. Yes, 58 percent of the funding. So we get very little of none at all.

Mr. MORAN. BIA's overhead? No, Bureau of Reclamation you said?

Mr. BEGAY. Yeah, combined, in all the——

Mr. MORAN. Combined?

Mr. BEGAY. Yeah. See, the——

Mr. MORAN. So you get less than half the total money that was allocated?

Mr. BEGAY. That is right.

Mr. MORAN. Excuse me for the interruption.

Mr. BEGAY. That is okay.

Mr. MORAN. I just wanted to clarify that.

Mr. BEGAY. Yes.

Mr. MORAN. That is the point you wanted clarified.

Mr. BEGAY. That is right. Yes. So Bureau of Indian Affairs and Bureau of Reclamation readily admits the inadequate funding for operation and maintenance, creating deferred maintenance year after year. Now, to do this adequately, in the initial budgeting process and all that, it is either the Bureau of Indian Affairs or Bu-

reau of Reclamation failed to do its responsibility in budgeting. All the Federal budgets that I am aware of have a base budget, okay? NIIP has a zero base budget. And they should be the one justifying that, but no. Ed T. Begay, on behalf of NAPI, is here to emphasize that there is a failing of the fulfillment of the obligation, Federal government. As the chart shows, somebody is not turning to the farm.

So that is the reason why, on the backs of the Navajos, the Federal employees are getting the pension, sick leave pay, and retirement pay, while the end product, they got nothing to show for at this point. So I am here to just emphasize that NAPI is fulfilling its job as to right now. I said 72,000 acres being farmed. Yes, we got a turnaround, making the profit, but the profits that we make, we get it back and plow back into the business.

So I am asking the subcommittee to assist in accomplishing the fulfillment of the United States government. So I am asking a restoration of $35 million annually to do the job that was agreed upon in 1962. And I think this is the body that would really help us. I go to OMB, I go to BIA, and they just said, go over there, and they said, go to the Hill. I think this is the Hill, right? And I thank you very much for your attention. The detailed testament is received by your staff, for further analytical stuff and so forth. I do appreciate the time, and you have a good week.

[The statement of Edward T. Begay follows:]

PREPARED STATEMENT OF THE HONORABLE EDWARD T. BEGAY

CHAIRMAN OF THE BOARD OF DIRECTORS - NAVAJO AGRICULTURAL PRODUCTS INDUSTRY

TO THE U.S. HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

HEARING ON AMERICAN INDIAN/ NATIVE ALASKA ISSUES

MARCH 27, 2012

INTRODUCTION

Good afternoon Chairman Simpson, Ranking Member Moran, and members of the Subcommittee. I am Edward T. Begay and I am the Chairman of the Board of Directors of the Navajo Agricultural Products Industry (NAPI), an agricultural company chartered under the laws of the Navajo Nation. I am pleased to submit this statement relating to President Obama's Fiscal Year 2013 budget request for tribal programs and initiatives.

BACKGROUND ON THE NAVAJO INDIAN IRRIGATION PROJECT

After many years of negotiations between the Navajo Nation, the State of New Mexico and the U.S, the Navajo Indian Irrigation Project (NIIP) was authorized by Congress in 1962. The legislative history as well as the text of the 1962 statute make clear the Federal commitment to build a 110,000-acre irrigated farm project to be completed in 14 years. NAPI is charged with operating a commercial farm on the lands located in the northeastern part of the Navajo Reservation in New Mexico. Fifty years later, the NIIP is only 75% complete, contrary to congressional intent, the Navajo – U.S. agreement, memorialized in the NIIP legislation, and the U.S. government's treaty obligations to the Navajo Nation.

NAPI'S OPERATIONS AND ECONOMIC IMPORTANCE TO THE FOUR CORNERS REGION

Today, NAPI operates a 72,000-acre farm, generates $400 million in revenues to the Navajo Nation and San Juan County, employs more than 400 people in the Four Corners Area, and purchases tens of millions of dollars in goods and services both locally and across the nation. In its operations, NAPI has stressed the use of the state-of-the-art technology and environmentally friendly practices. NAPI's agribusiness features state-of-the-art farming equipment, including high-tech radio control, and a computerized center pivot irrigation system that reduces operational costs and efficiently manage water resources.

NAPI produces premier "Navajo Pride" brand agricultural products, including alfalfa, corn, wheat and small grains, potatoes, pinto beans. NAPI also leases land for cattle grazing and specialty crops, including pumpkins, popcorn, and chipper potatoes used for potato chips.

THE FY2013 BUDGET REQUEST FOR THE NAVAJO INDIAN IRRIGATION PROJECT

On February 13, 2012, President Obama submitted to Congress a $3.8 trillion budget request, with proposed spending cuts of up to $600 billion on defense and domestic discretionary spending over the next decade. The discretionary accounts include the programs and services for tribal communities, in particular Indian resources management construction programs.

The budget request proposes $3.381 million for the NIIP, $3,000 less than the FY2012 enacted level and $22 million less than the high-water mark set in fiscal year 1981. To be blunt, NAPI is extremely disappointed with the FY2013 request for NIIP and notes that the amount requested will not even support the construction of Block 9 of the NIIP, let alone Blocks 9, 10 and 11.

Therefore, the NAPI strongly urges this Subcommittee to restore funding in the amount of $35 million for completion of construction of Block 9 of the NIIP. In addition, the component of the NIIP development for which the BIA is primarily responsible, on-farm development (OFD), has been underfunded for years, so that the land in Block 9 for which the Bureau of Reclamation has already completed the primary irrigation infrastructure will not be usable for crops until 2014 unless funding for OFD is not increased dramatically.

Accordingly, NAPI urges the Subcommittee to fund OFD in FY2013 in the amount of $8 million. Due in large part to the underfunding of NIIP Operations and Maintenance (O&M) during the previous eight years, the deferred maintenance of the NIIP threatens the very integrity of the project. NAPI therefore urges Congress to increase NIIP O&M funding to $8 million in FY2013. Finally, we request an appropriation of $900,000 in FY2013 to fund the Agricultural Research and Testing Laboratory that serves all of the NIIP.

ECONOMIES OF SCALE TO OPTIMIZE NAPI OPERATIONS

Utilization of a fully-built Block 9 will permit NAPI to augment its value-added programs, which includes a "Fresh-Pack" potato operation, a flour mill, and an expanding feedlot operation which – if sufficient land is made available – will include a potato processing facility with nationally respected partners. These initiatives will boost employment opportunities dramatically for the Navajo Nation and the Four Corners area, diversify and enhance the regional and state economies, provide greater profits and capital for further expansion by NAPI, and provide greater national food security.

Currently, NAPI's operations contribute more than $30 million annually to the Four Corners economic base. Our "Navajo Pride" brand products have earned the distinction of being "New Mexico Grown" by the New Mexico Department of Agriculture. In addition, NAPI has participated with the U.S. Department of Agriculture in an international trade show PMA - in Anaheim, California where our produce was showcased among many throughout the nation.

CONCLUSION

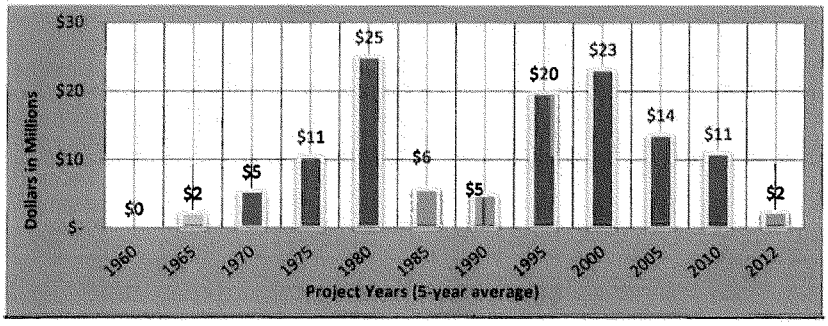
The history of Federal funding and support for the NIIP and related activities reveals that partial and delayed funding has resulted in delayed or derailed economic opportunities, job creation, and chronic problems in maintaining irrigation equipment and physical infrastructure.

These problems are exacerbated through time and each fiscal cycle that fails to provide the necessary funding to complete the NIIP.

This concludes my written statement. Thank you again for this opportunity and I would be happy to answer any questions you might have.

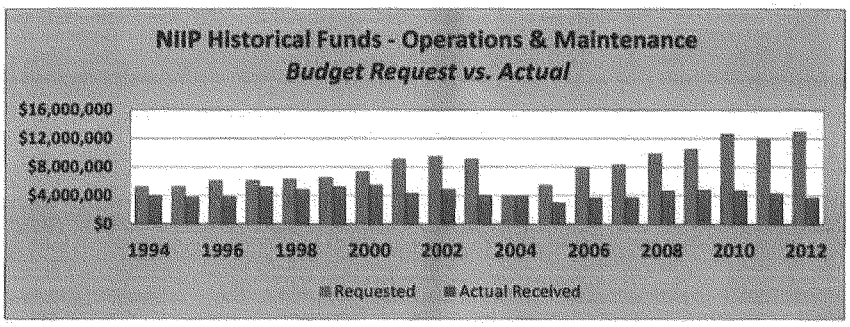
Attachment

Navajo Indian Irrigation Project (NIIP) Historical Construction Funds 5-year Average (1960-2012):

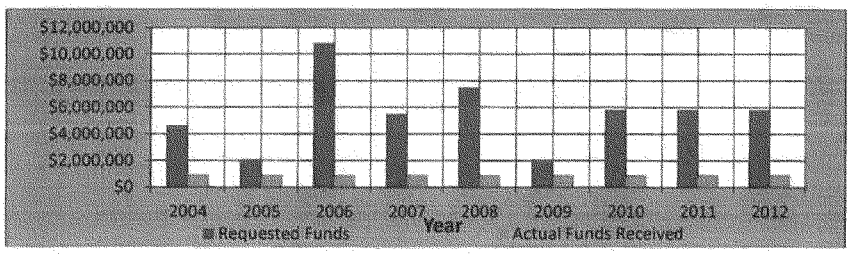


The Average NIIP funding between **1976-1980 were $25,185,000 annually**.
The Average NIIP funding between **1994-2002 were $25,604,000 annually**.

Historical NIIP Operation & Maintenance Funding Graph:



Historical On-Farm Development Funding Graph (2004-2012):



Mr. SIMPSON. Okay. Thank you. Mr. Moran.

Mr. MORAN. Well, I am going to say this probably only once, Mr. Chairman, but I say it to everyone in the room here. If you do not get what you think you deserve, and have every right to expect, it is not the fault of any of the members sitting at the table right now. People assume that Democrats are easier to get money out of than Republicans, but in the case of Chairman Simpson and Mr. Cole, they are in there fighting, but they are fighting within an environment that is going to be extraordinarily difficult this year. Anything that is put into Indian programs is going to have to come out of something else. And so I just want to make sure you all understand how extraordinarily difficult this budget process, this appropriations process is going to be. But you should also know that you just happen to be speaking to four allies right now who will do everything they can to put as much as we can into funding Indian programs. Thanks, Mr. Chairman.

Mr. SIMPSON. Mr. Cole.

Mr. COLE. I just want to associate myself with Mr. Moran's remarks. This is a tough budget cycle, and, you know, we have got a large deficit. We have got, obviously, a lot of differences, but this committee has worked through those things, really, the last several years under both Democratic and Republican leadership. And so it is pretty committed, and I think we actually led certainly the Senate, and, with all due respect, the administration in many areas last year, and I know we will do our best to do that again this year. But, again, it is going to be a tough year. But thank you for coming. I have to tell you, that is the most beautiful set of squash blossoms. My eyes have been on those ever since I walked in the room. If my wife was here, she would say, get them somehow. That is just a beautiful array.

Mr. SIMPSON. So that is what the tribal wars were about for years?

Mr. COLE. Well, back then we actually brought the women back with the squash.

Mr. SIMPSON. Ms. McCollum.

Ms. MCCOLLUM. In Minnesota we have the pipe stolen, so nobody wore it around.

I have had the opportunity to be down in Santa Fe and see the fabulous facility there. Anything we can do so that our kids are engaged year round in school, it reinforces what they are learning. Learning about culture, you are reading. Learning about art, you are learning math. It is all so interrelated for success, so I am going to look at this some more.

EARLY CHILDHOOD EDUCATION

Now let's talk about early childhood for a second. Your school is in a trailer? How is Head Start allowing you to stay open? In a trailer, you do not have the right bathroom facilities for that age group. I was just at a reservation where they got cited and were threatened to be shut down for having a plunger on the site in one of the restrooms, because this tribe has sewer challenges. So tell me about your Head Start. I have been to Laguna. Now, a lot of their facility is paid for, so that is one of the reasons why they have what they have. But what is your enrollment list, and are you fear-

ful of losing your Head Start program? We need to figure out a way in this committee to get the education folks, our colleagues, to pay a little more attention about what is going on with Head Start and some of these issues, because they are just so interconnected.

Ms. MARTINE-ALONZO. Thank you for the question, and request for clarification. I am happy to respond. Our early childhood programs are in portable buildings, and they are disconnected. They are not all, you know, in one complex. They have been acquired over the years, the different programs, and so that is how they are situated. And we contract the different programs. Head Start is direct with Federal headquarters, and so we work closely with them to be in compliance. We are in good compliance on every level because we have been able to try to keep everything adequately as much as we can. But we feel that, in the long term, we need to have more coordination among the early childhood programs because we know that that is where it is the most important place to put the investment, is at the early years. Those are the formative years, and those are the place that you need that good seamless coordination, you know, with the programs, because these serve the zero to age 12 category. And you are talking to somebody that is very passionate about education.

Ms. MCCOLLUM. Um-hum.

Ms. MARTINE-ALONZO. I retired from State government a year ago after 37 years as an educator and a principal, so I hear your concern. And I know that we try very hard to be in compliance, but we need our programs to be improved in that ways.

Ms. MCCOLLUM. So, one more question to you, and then I will switch to the secondary topic. All your teachers are in compliance, correct? With Head Start, you are not worried about that? You have native speakers in the Head Start program?

Ms. MARTINE-ALONZO. Yes, we do. We do. It has taken us a while to really find qualified certified people because the reason the Ramah Navajo School Board established their own education system is we truly believe in educating children to be bicultural, biliterate, and bilingual, knowing both their native language and culture, read and write, as well as to be able to know the English and get the education, be able to be successful in both worlds. And that is what we strive for, so we make sure we provide that.

AGENCY CONTROL OF INDIAN EDUCATION

Ms. MCCOLLUM. And, Mr. Chairman, if I could ask Ms. BlueEyes, you made it very clear that you did want the Department of Education taking over your schools. We heard you loud and clear. Should some of the programming in the Department of Education be coming over into BIA? Part of it is that programming is very fragmented, but you are doing a holistic approach in your schools. Esther Martinez Johnson O'Malley and a lot of Indian Education Programs are handled through State education. Do you want us to leave the status quo as is? What are your suggestions?

Ms. BLUEEYES. Our school does not get some of those fundings, but we do get the Title VII through the Department of Ed as a flow through, and it goes to the BIA, then it comes down to our school. I think we like the way things are set up, because then the BIA is the one that we pretty much deal. And we also fear, if we were

under the Department of Ed, we are going to be lost, because they are a huge program. But the concern that we do see is our BIA, BIE operated schools, like, we do not qualify for Race To The Top funds, so we are left out many times on certain fundings for public school. BIA funded is left out. So we would like to be included for those types of opportunities.

Ms. MCCOLLUM. Mr. Chairman, we did get that fixed legislatively with the Race To The Top, but there is still not enough money. That we could not fix. Thank you, Mr. Chairman.

Mr. SIMPSON. Thank you all for being here today. It is very interesting. We look forward to using the information that you have given us as we try to develop our budget for the coming fiscal year. I will tell everyone that we have some votes going on right now. We have a 15 minute vote, and then three five minute votes, so the next panel we will call as soon as we get back from this recess, which will be probably 30 minutes.

Mr. COLE. At least.

Mr. SIMPSON. In that neighborhood.

Mr. COLE. Probably longer than that, Mike.

Mr. SIMPSON. Thirty to 35. But I would encourage members, as soon as the last vote is over, to hurry back, and we will start on the next panel, because we still have three panels that we need to do today. So I apologize for the delay, but that is kind of the way it goes. They make us vote here. Committee will be in recess.

[Recess.]

Mr. SIMPSON. We apologize for that brief delay. The next panel is Irene Cuch, Ben Shelly, Lorenzo Curley, and Richard Trujillo. Is that close? So you see once again we are an hour behind. Yeah, that is right. Thank you all for being here today. Irene, you are up first. Can you see the red light?

Ms. CUCH. There.

Mr. SIMPSON. There you go.

TUESDAY, MARCH 27, 2012.

UTE TRIBE OF THE UINTAH AND OURAY RESERVATION

WITNESS

IRENE CUCH

Ms. CUCH. Good afternoon, Mr. Chairman, and members of the subcommittee. My name is Irene Cuch. I am the Chairwoman of the Ute Indian Tribe. Our reservation is located in the State of Utah. Thank you for the opportunity to testify. In my testimony, I am going to focus on appropriations needed for energy and law enforcement.

We need Congress to begin taking Indian energy seriously. Excuse me. The Bureau of Indian Affairs, BIA, is filled with staff that can process a lease for agricultural grazing, but the BIA lacks the staff and expertise needed to oversee energy permits. Excuse me again. On our reservation there are two or three BIA staff involved in processing oil and gas permits. It can take a year or longer for a permit to be approved. The tribe knows these issues all too well. Production of oil and gas began on our reservation in the 1940s.

Over the past 70 years the tribe has become a major oil and gas producer. We have about 7,000 wells that produce 45,000 barrels of oil a day. We also produce about 900 million cubic feet of gas per day.

Despite our progress, the tribe's ability to benefit from these energy resources is directly limited by the agencies who oversee permitting. Just ask the oil and gas companies who operate on our reservation. These companies say that the permitting process is the single biggest risk factor in conducting business on the reservation. The lack of BIA staff and expertise has a real impact on the tribe. Tribal earnings from energy development are not spent on luxuries or sit in some investment account. We use those revenues as primary source of funding for our tribal government and the services we provide to our members.

We also need the Federal agencies to work more efficiently. Funding is needed to increase Indian energy development offices that would bring all of the agencies together under one roof to streamline processing. Former Senator Dorgan called these one stop shops. There are three one stop shops already in Indian country. Senator Dorgan reported that the one at Fort Dorthal helped to increase oil and gas permit approvals by four times. On our reservation we need 10 times as many permits approved. Currently only 48 application for permits to drill APDs are approved each year. The tribe and its business partners estimate that 450 APDs will be needed each year as the tribe expands operations. We believe that a one stop shop is the best way to get Federal agencies working together to manage the high level of permitting needed on our reservation.

We also need funding to protect our rights once a permit is issued. Without explanation, the President's Fiscal Year 2012 budget eliminated funding for lease compliance and surveys performed by the BIA Western Regional Office. This funding is needed to address title boundary, trespass issues, and should be restored.

Finally, increase appropriations are needed for Federal law enforcement responsibilities. Our reservation is the second largest in the United States, but the Federal government, excuse me, only funds eight police officers. At the most, that is three officers per shift. With only three officers on duty, calls for police assistance are not answered in a timely manner. Our officers are forced to work alone, and police cars travel over 500 miles per shift.

To make matters worse, our BIA funded jail was recently condemned and closed. Currently the BIA only pays to house 10 criminals at local non-Indian jails. This means that the criminals who are caught and convicted are released back into the public instead of being held. The situation is serious that the tribe is using its own money to construct a new detention facility.

We are doing our part by funding three additional police officers, building our own detention facility. Congress needs to do its part, fulfill its Federal trust responsibilities, and provide at least 20 more police officers and the staff needed for our new detention facility. Thank you for the opportunity to testify today. Nothing is more important to the tribe than keeping our members safe and developing energy resources that will provide for long term economic security of our members, our children, and grandchildren. I

will be happy to answer any questions that you may have. Thank you.

[The statement of Irene Cuch follows:]



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March 27, 2012

Good afternoon Mr. Chairman and Members of the Subcommittee:

My name is Irene Cuch. I am the Chairwoman of the Ute Indian Tribe of the Uintah and Ouray Reservation. Thank you for inviting me to testify today.

The Ute Indian Tribe, and many other Indian tribes, need the Congress and the Department of the Interior to begin taking Indian energy seriously. The Bureau of Indian Affairs (BIA) is filled with staffs that are capable of processing a lease for agricultural grazing and preparing a right-of-way for a road, but the BIA lacks the staff needed to process energy related leases and permits. On our Reservation there are only a handful of BIA staff, literally 2 or 3, who are involved in the processing of oil and gas permits. Simply put, if tribes with oil and gas resources are going to be a part of the solution to this Country's energy needs, the Congress needs to appropriate the dollars necessary so that the BIA can hire staff with energy expertise,.

In addition, Interior needs the funding necessary to organize these BIA energy staff, and the other Interior agency staff working in Indian energy, into Indian Energy Development Offices or "one-stop shops." By now, we all know that Indian energy permitting is a bureaucratic maze of federal agencies and federal regulatory requirements. We are already working with the House Natural Resources Committee to try to streamline this process through new legislation. In addition to that, the BIA, the Bureau of Land Management (BLM), and other federal agencies need the funding to organize staff under one roof to simplify the oil and gas permitting process.

Without these kinds of dramatic changes, Indian tribes, like mine, will never be able to unlock our energy resources, provide long-term economic resources for our communities, and add to the Nation's domestic oil and gas supply.

The Ute Indian Tribe knows these issues all too well. Production of oil and gas began on our Reservation in the 1940's. Over the past 70 years, production has been ongoing and it has gone through a few periods of expansion. Today, the Tribe is a major oil and gas producer. The Tribe leases about 400,000 acres for oil and gas development. We have about 7,000 wells that produce 45,000 barrels of oil a day. We also produce about 900 million cubic feet of gas each

day. And, we have plans for expansion. But, that expansion is contingent upon our ability to have our permits processed by the federal agencies involved in a timely manner.

The Tribe is currently in the process of opening up an additional 150,000 acres to mineral leases on the Reservation with an $80 million investment dedicated to exploration. We know the regulatory requirements and are fully prepared to meet them. Thus, you can understand our frustration, when we submit our permits to the federal government only to have them sit for months to a year awaiting approval. These delays occur simply because the BIA, BLM and other federal agencies lack the staff and the coordination necessary to review them in an efficient manner.

Despite the progress we have been able to make to date, the Tribe's ability to fully benefit from its resources is limited by the federal agencies overseeing oil and gas development on the Reservation. In other words, the benefits the Tribe receives from its trust resources are directly limited by the Department's inefficient and understaffed permitting process.

As the oil and gas companies who operate on the Tribe's Reservation often tell the Tribe, the federal oil and gas permitting process is the single biggest risk factor that they face when trying to develop oil and gas resources on our Reservation. As a result, it is no secret that the oil and gas companies operating on our Reservation are currently limiting their operations based on the number of permits the federal agencies involved are able to process. This unnecessarily limits the number of drilling rigs they are willing to operate on our Reservation.

Drilling rigs are expensive operations that move from site to site to drill new wells. Oil and gas companies often contract with third parties for the use of these rigs. Any time a drilling rig is not actively drilling a new well, it creates an unwanted expense for the oil or gas company involved. Consequently, oil and gas companies will only employ as many drilling rigs as federal permit processing will support. On our Reservation, we have been told that some oil and gas companies, who are currently using one drilling rig, would increase their operations to three drilling rigs if the federal permit processing system could support this increase.

One example of this is the Anadarko Petroleum Corporation's operations on our Reservation. Anadarko reported that it needed 23 well locations approved per month in 2011 and beyond, but in 2010, their permits were only approved at a rate of 1.7 per month. As a result, Anadarko informed the Tribe that the delays and unpredictability of federal permit approvals forced the company to alter its operational plans at the last minute and move its operations off the Reservation to State and private lands until those federal permits can be processed. With consistent and reliable permit approvals, the Tribe could increase new development, increase production, increase the revenues for the tribal government, and add to the domestic oil supply.

Instead of an efficient permitting process, backlogs are the norm. In June 2011, the Department's Office of Indian Energy and Economic Development found that there were 1200 backlogged permits. In January 2012, the BLM Field Office in Vernal, Utah reported that it had 245 permits pending in its system. While we need better tracking systems to monitor the backlogs, most important, the number of permits pending in the system on any given day

should not be greater than the number of permit applications submitted over a two month period. Permits should not be in the system for longer than 60 or 90 days.

I am therefore here to ask the Subcommittee to appropriate the funding necessary to support the creation of Indian Energy Development Offices which are designed specifically to improve both the BIA's and the BLM's traditional and renewable energy permitting systems. As former Senator Dorgan and many in Congress have noted, the oil and gas permitting process is a bureaucratic maze of federal agencies. Indian Energy Development Offices would bring all of the agencies into the same room and would streamline the processing of the federally required permits. These agencies could then work collaboratively to eliminate backlogs and delays in approving leases, rights-of-way, and applications for permits to drill.

Former Senator Dorgan referred to these offices as "one-stop shops." There are 3 one-stop shops already in Indian Country. There is one at Navajo, one in Oklahoma, and a virtual one-stop shop on the Fort Berthold Reservation in North Dakota. These one-stop shops really make a difference in permit approvals. Former Senator Dorgan reported that the one-stop shop at Fort Berthold helped to increase oil and gas permit approvals by 4 times what had been approved previously.

On our Reservation, we need 10 times as many oil and gas permits as we are currently able to get approved. Currently, about 48 Applications for Permits to Drill (APD) permits are approved each year on our Reservation. The Tribe and its business partners estimate that about 450 APDs will be needed each year as the Tribe expands its operations. The Tribe believes that a one-stop shop is the best way to get the BIA, the BLM, and other federal agencies working efficiently with the Tribe to manage the high level of permitting needed on our Reservation. We need your assistance to make that happen.

If this Congress is serious about decreasing our dependence on foreign oil, let us be a part of the solution, and do not allow a lack of BIA and BLM staff to keep that from happening.

The Ute Indian Tribe also asks that funding be restored for lease compliance, unresolved rights, and cadastral surveys performed by the BIA's Western Regional Office. These programs were established in the 1980's to support research, negotiation, and pre-litigation activities necessary for the protection of tribal trust lands and the rights of Indian landowners. Despite the vital need for these programs to protect tribal lands and Indian landowners, the President's FY 2012 Budget eliminated the funding, which had been moved to the Real Estate Projects line item, while also reducing the funding available for cadastral surveys.

We believe that the loss of funding for these activities is the result of the funding lacking an appropriate "home" in the budget. At various times, the funding for these activities was misidentified as "project" versus "program" funding, had "public lands" standards incorrectly applied to it, and shifted back and forth between the Office of the Special Trustee and the BIA. Funding for the Western Regional Office should be restored to at least $370,000 and this budget item should be moved to the Western Regional Office Operations/Oversight line item, to avoid further confusion as to the true nature of these program funds.

Much of this funding is needed to address title, boundary and jurisdictional issues within our Reservation, and to resolve long-standing trespass issues - within our Reservation and the Region as a whole - with properly documented easements, and in negotiating and documenting easements for expired and new transmission lines throughout the Western Region.

I would also like to ask for your assistance in addressing the law enforcement problems on our Reservation. As you are aware, we live on the second largest reservation in the United States, and we have both federal and tribal criminal jurisdiction on our lands. Despite these layers of jurisdiction, our Reservation is now served by only eight federally funded BIA police officers, which equates to a maximum of three officers per shift. As a result, tribal members' calls for police assistance are not answered in a timely manner, our officers are forced to work alone - miles from other police backup, our police cars travel over 500 miles per shift, and our public safety concerns are going unanswered. This is not the situation that the Tribe and Congress envisioned would exist two years after the passage of the Tribal Law and Order Act.

To make matters worse, since our tribal jail was condemned and closed by the BIA, we are only allotted BIA funding for ten beds at our local non-Indian jails. We used to have 20 beds, but the BIA could not afford to pay the bill it was incurring at the Moffett County Jail, so the county has refused to accept any more people who commit crimes on our Reservation. This means that criminals who are caught and convicted are released back into the public instead of being incarcerated.

This situation has become so serious that the Tribe is using its own money to construct a new detention facility on the Reservation. But, we are still going to need a serious increase in federal dollars to staff that new facility.

Mr. Chairman, nothing is more important to the Tribe's Business Committee than the safety of our tribal members. We are doing our part, by funding three additional police officers with tribal dollars and spending our own money to build our own tribal jail. Now we need you to do your part by providing us with the funds necessary to hire at least twenty more police officers, and to fully fund the staff which will be required to operate our new tribally constructed jail once it is completed. That detention funding used to exist, but it was taken from us and sent to another reservation when our prior tribal jail was condemned by the BIA. Until that new jail can be completed, we also need the funds necessary to contract for a minimum of twenty additional beds at our nearby county operated jail facilities.

Thank you for allowing me to present these important concerns. I will be happy to answer any questions that you may have.

Mr. SIMPSON. Thank you very much.

TUESDAY, MARCH 27, 2012.

NAVAJO NATION

WITNESS

BEN SHELLY

Mr. SHELLY. Mr. Chairman, members of the subcommittee, it is an honor to testify today regarding the Navajo Nation 2013 budget priorities, and discuss our plan to develop a sustainable economy. Our priorities include infrastructure, development, public safety, and education. We continue to be concerned that our plan for economic development will be stopped by Federal regulation.

Economic and infrastructure development supports job creation, as we all know. Projects like the Navajo Agricultural Products Industry fulfill our goals of economic development and job creation. The NAPI farm is supported by water brought by the Navajo Indian Irrigation Projects. The Federal Government promised to fund the NIIP as part of settling water rights in New Mexico. The President's 2013 budget again reduced funding for the NIIP. This level of funding is unsustainable for operation and new construction. The Navajo Nation asked the committee to restore full funding to these long overdue projects to a close.

Another essential infrastructure project is the Navajo-Gallup Water Supply Projects. This prioritized project for the administration will bring much needed water to Navajo and bring thousands of jobs to the Navajo Nation. We support the President's budget requests and urge the committee to retain the full funding level.

Health care facility construction projects are also essential for community infrastructure. Hospital facility construction is underfunded. The Navajo Nation has five priority hospitals due for replacement, Winslow-Dilkon, Kayenta, Pueblo Pintado, our Gallup Indian Medical Center, and Bodaway-Gap. These projects bring health care viable, as well as jobs to rural community. We applaud the President's request for IHS funding, but the majority of increase went to funding for staffing joint venture, not for long overdue priority hospital projects and for needed water and sanitation fund.

In addition to infrastructure, another priority of the Navajo Nation is public safety. Our court and law enforcement program needs full funding to make our community safe and prosper. The Interior budget is inadequate to put Navajo Nation on the same level as other rural community. The Navajo Nation has fewer officer per person than other comparable rural community. At time there is only one law enforcement officer to cover up to 5,000 square miles. The President's 2013 budget is also inadequate for facility replacement of jails and employee housing.

Another priority of the Navajo Nation is supporting education. The Interior budget for fiscal year 2013 eliminates facilities and school and construction program. The Navajo Nation has many schools that need replacement. Further, this past fiscal year many students did not receive their scholarship funding due to delay in

appropriation. The Navajo Nation urge Congress to fund the BIA higher education program as it does for other BIA programs, such as K–12 school and tribal college.

Additionally, Congress should support a building study to determine the true facility need for the college and the Navajo Technical College. The Navajo Nation has renewable resource, as well as large resource of non-renewable resource, like large reserve of coal, oil, and natural gas. The Navajo Nation support full funding for development and technical assistance to help us develop our resources.

Unfortunately, the Navajo Nation face many regulatory burdens placed on us and our energy development by the EPA negative view toward further coal development. The Navajo Nation is trying to create sustainable economy that will reduce our dependence on the Federal government. We urge support on projects and program that build infrastructure in creating jobs and clear the path for Indian energy independence innovation by reducing regulatory burden on us. And I also would like to add on too I was asked by Darema to ask them for funding. They are a member of the Navajo Nation, even though they have a grant. They use grant money. Again, they are the citizen of the Navajo Nation, so my support for what they ask for is right along with them. So, again, thank you very much for listening to me.

[The statement of Ben Shelly follows:]

Ben Shelly, President -Navajo Nation

Testimony Before the House Appropriations Committee:
Subcommittee on Interior, Environment and Related Agencies

March 27, 2012

Mr. Chairman and Members of the Subcommittee. I am Ben Shelly, President of the Navajo Nation. It is an honor to testify before you today to provide not only our budgetary priorities for fiscal 2013 and to discuss our concerns for the development of a sustainable economy for the Navajo people. Our priorities include economic/infrastructure development, public safety, and education. However, while I and the rest of my fellow tribal leaders are hear to testify about our federal funding needs, I want to thank the committee for hearing our concerns regarding federal agency actions.

Navajo Nation Background

The Navajo Nation has been working diligently to lay a solid foundation for future generations. The Navajo Nation has approximately 300,000 citizens, with nearly 200,000 citizens living on more than 27,000 square miles of Navajo land. Fifty-five percent of our people are unemployed and nearly 50% percent live below the federal poverty line. Our annual per capita income is approximately $7,200, and more than forty (40) percent of Navajo's live without water services or electricity.

The Navajo Nation maintains a government-to-government relationship with the United States. The federal government and the Nation recognized this relationship in the *Navajo Treaty of 1868*. Some of the compromises in the Treaty required the Navajo people to settle within the boundaries of the Navajo reservation. In exchange, the federal government agreed to provide health services, educational services, protection, and farmlands to benefit the Navajo people.

Supporting Infrastructure, Energy Development, and Job Creation

Economic and infrastructure development will support job creation. This development includes road improvements, connecting water and sewer lines, and electricity to homes. Community development includes health services, emergency and homeland security services, which all need to be funded to provide basic services. Many Navajo people struggle with the ills of poverty that place the reservation among the lowest brackets of socio-economic indicators for any region in the United States.

Projects such as the Navajo Agricultural Products Industry (NAPI) fulfill the dual goal of economic development and job creation. The President's 2013 Budget Request continued the trend of reduced funding for the Navajo Indian Irrigation Project (NIIP), these funds are not sufficient to complete the project in a timely manner or cover other operation and maintenance expenses. The Navajo Nation asks the committee to restore full funding to bring this project to a close.

Another essential infrastructure project is the Navajo Gallup Water Supply Project. This pipeline will bring much needed wet water to Navajos in New Mexico and eventually in Window Rock, Arizona. This multiyear project will bring thousands of jobs to the Navajo Nation and represents a significant step forward to economic self-sufficiency. President Obama has made this a priority project, and we fully support the President's Budget Request for funding the project and urge the committee to retain that funding level in their appropriations package.

The Navajo Nation is taking a multi-level approach to infrastructure development to capitalize on our energy resources to meet Navajo's needs, and to supplement the United States' energy needs. Several energy options are at our disposal, and they include renewable and non-renewable natural resources like large reserves of coal, oil and natural gas. Funding for development and technical assistance should be considered as a major component on the road to tribal self-sufficiency and the Navajo Nation supports full funding in the Interior Budget of the Office of Indian Energy and Economic Development.

Further, infrastructure and economic development go hand in hand with health care facilities construction. Basic health care services are critical in our remote and populated areas. A long-term need is in Hospital Facility Construction. Funding for these long-term construction projects presents opportunities for not only job creation, but the much needed infrastructure. The Navajo Nation has five projects on the existing priority list that exceed, in total, one billion dollars. Funding shortfalls will delay the building of these needed projects. The Navajo Nation has a large hospital facility, Gallup Indian Medical Center, which was cited by the U.S. Commission on Civil Rights as an "utter disaster," the facility requires $600 million to build. Other hospitals and clinics need an additional $500 million in appropriations to build facilities. These priority sites include Winslow-Dilkon, Kayenta, Pueblo Pintado, and Bodaway-Gap. While we applaud the Administration's robust IHS request we do ask that funding for IHS not be allocated in such a way as to short change facilities construction. Adding additional monies to repair and maintenance line items is neither sustainable nor cost effective. New facilities are needed, not band aids for irreparable buildings many of which were built over 50 years ago from materials unable to withstand the test of time.

Finally, a major component of infrastructure development is road construction and maintenance. While funding for construction of Navajo roads comes from the highway trust fund which allows 25% of that fund to be used for road maintenance. True road maintenance funding comes from the Interior Appropriation package under TPA. However, TPA dollars are available based tribal needs and priorities. In many instances, road maintenance is not defined as a priority so road programs will receive smaller allocations than other programs within TPA. Interior appropriations are essential for the Nation's road maintenance, and as a result are a major source of jobs on the Navajo Nation.

Public Safety and Justice Services

Our courts and law enforcement programs need to be funded at adequate levels to make our communities safe and prosperous. We need to be funded at 100% of what the Navajo Nation requests, approximately $55 million, from the Bureau of Indian Affairs to fully staff our police force. This amount will enable the Navajo Nation to achieve parity with other rural communities. We are asking for an equitable and fair funding schema akin to what the BIA would pay itself had the Navajo Nation not contracted the function. The reservation is nearly 27,000 square miles with only 281 officers to cover this large area on 24hr./7day shifts. At times, there is only one (1) law enforcement officer to cover up to 5,000 square miles. Additional highly trained officers will support our cross-deputization efforts with partners like the state police and county sheriffs. The President's 2013 budget maintains FY 2012 funding for facility replacements and employee housing, however, the need to replace old, dilapidated jails and employee housing is still substantial and more funds are necessary.

Education

The Interior Budget for FY 2013 eliminated facility and School construction programs. The Navajo Nation has many run down schools that need replacement. These facility construction line items need funding at the 2010 levels, which were fair budget amounts.

Annually, the Navajo Nation Scholarship Office receives 11,000-14,000 applicants, and only half are awarded to assist with higher education costs. The restoration of Pell Grant, Carl Perkins grants and other educational grants will ensure the Navajo Nation contributes educated, tax-paying citizens to the American workforce. A major issue we hope to see addressed in the funding mechanism for higher education is the lack of forward funding options available for scholarships from the agency. This past fiscal year several hundred students did not receive their scholarship funding due to delays in appropriations and delays within the bureau allocating funding. As a result many students were faced with the stress of disenrollment for non-payment of tuition and sadly some even withdrew from studies. Forward funding the BIE's Higher Education Grants Program in tune with the standard academic cycle makes sense and ultimately saves dollars. The Navajo Nation strongly urges Congress to forward fund the BIE's Higher Education Program as it does for other BIE programs such as K-12 schools (25 U.S.C. §2010) and tribal colleges (25 U.S.C. 1810).

The Navajo Nation owns and operates two higher education institutions: the Dine College and the Navajo Technical College. The Navajo Nation strongly supports funding a facility study authorized by Congress in P.L. 110-315. The authorizing language directed the Department to complete the Facility Study by October 31, 2010 and has failed to do. Completing the Facility Study would be a first step in ensuring Dine College provides a quality learning and working environment. We request Committee language directing the Department to complete the Facility Study and work collaboratively with the Navajo Nation and Dine College.

Federal Regulatory Burdens

The Navajo Nation and the United States are at a crossroads. Our nation needs to foster regional economic development to see us through these tough economic times. Unfortunately, the Navajo Nation faces significant regulatory burdens placed on us by the federal government that hinder development. In terms of energy development, the most onerous of these regulations come from the Environmental Protection Agency. The Navajo Nation is seeking to leverage all of our available assets to spur economic development including our abundant renewable energy resources such as solar and wind, substantial oil and natural gas reserves, and nearly 150 years of low cost coal.

While we look forward to maximizing our available renewable resources, our most abundant, valuable, and stable resource is our vast coal deposits that lie within the Navajo Nation. Coal is, and for the foreseeable future will continue to be, the best source of low cost energy in the United States. Unfortunately, the EPA's hostile view towards any further coal development makes attracting much-needed capital partners to these projects difficult. The Navajo Nation must find solutions to utilizing its vast coal resources.

The Navajo Nation has struggled to find avenues for economic development to provide for our people. However, now that we have found the pathway to economic development we find the federal government imposing regulations counter to self-sufficiency.

Conclusion

The United States is in a financial crisis, and this trend is likely to continue for several years to come. The Navajo Nation fully grasps the reality of the impact of the Deficit Reduction Act and the need to reduce discretionary spending as such instead of just coming to Congress to ask for money. We are trying to create our own sustainable economy that will reduce our dependence on the federal government. To be clear the Navajo Nation holds sacred the importance of the trust responsibility but urges funding of projects and programs that build infrastructure, create jobs, and clear the path for Indian energy independence and innovation. There is only one way out of the trap of poverty and federal dependence, to allow and encourage tribes to stand on their own and develop

their own sustainable economies. In times of decreasing federal budgets this imperative is even more pronounced.

The needs are great for the Navajo Nation, but the development of our nation will be a support to the global and United States economies. Since the federal budget for fiscal 2013 is being drastically cut in various areas, most likely with discretionary funds, I request that this sub-committee and other members of Congress, hold the Navajo Nation and other Native Nations harmless from additional budget cuts, and help us to remove the regulatory burdens that hinder Navajo economic development.

Thank you.

TUESDAY, MARCH 27, 2012.

NAVAJO HOPI LAND COMMISSION, NAVAJO NATION

WITNESS

LORENZO CURLEY

Mr. CURLEY. Chairman Simpson, Ranking Member Moran, and members of the subcommittee, my name is Lorenzo Curley. I am a member of the Navajo Nation Council, also the chair of the Navajo Nation, Navajo Hopi Land Commission, and I represent the Nahata Dziil chapter of the new lands, which was created primarily as a relocation site for those families that were moved off their former lands.

I thank you for the opportunity to testify in what is perhaps the most difficult chapter in modern Federal tribal relations, the Navajo Hopi land dispute, which has resulted in the relocation of nearly 15,000 Navajos, and a building freeze which has prevented development on western Navajo lands for over 45 years. Although the legal dispute between and among the Navajo Nation, Hopi Tribe, and United States are largely resolved, there still remains a large and ongoing toll on Navajo families affected by the land dispute.

As a representative of the Nahata Dziil chapter, I know personally the pain and sense of disorientation which comes from being forced off ancestral lands. Virtually every day my constituents approach me to talk about hardship that they have suffered because of the relocation law and the construction freezes, including lots of young people whose families have relocated, but who cannot themselves build homes on relocation lands, making them effectively homeless and landless. The impact of the land dispute and building freeze will be with the Navajo Nation for many generations.

The Federal agency which oversees the relocation process is the Office of Navajo Hopi Indian Relocation, also known as ONHIR. ONHIR has had a very difficult job that has taken far longer and cost far more than originally anticipated. However, this is not the fault of the Navajo Nation, which opposed the relocation program, but must now live with the awful consequences.

ONHIR has two primary missions, relocation of Navajo families, and supporting relocatees through important economic development programs. In this regard, we would ask the ONHIR budget be doubled to $18 million in order to accelerate the conclusion of the relocation process for those many families who have relocated, but have not yet received their benefits, and to provide critical support for programs within the relocation communities, such as my own chapter, Nahata Dziil.

I also urge the subcommittee to increase funding for housing and other improvements in the former Bennett freeze area of the Navajo Nation with $10 million from the BIA Trust Natural Resources Account and $10 million from the BIA Housing Improvement Funds, Department of Interior.

As the administration noted in 2011, the building freeze was the product of a longstanding land dispute between the Navajo and the Hopi relocation boundaries. More than 12,000 Navajos living in the area were subjected to a 41-year freeze on development. During this era, the Navajo people were prohibited from building new

schools, homes, health facilities, construction of water, roads, and electricity projects, and other community and economic development ventures. As a result, the Bennett freeze area is locked into the poverty if 1966, when the freeze was imposed. It was only in the 111th Congress that the freeze legislation was finally repealed.

The President's fiscal year 2013 budget indicates that some funds will be allocated for the former Bennett freeze area from the Natural Resource Sublicate Activity to address rehabilitation, but provide no amount. I urge the subcommittee to make a bold statement by supporting substantial funding to rehabilitate the area.

Although the Navajo Hopi land dispute and the Bennett freeze are painful issues, I thank the committee for this opportunity to provide testimony on a path forward to ensure that many Navajo families who have suffered under these Federal actions can have hope for a better life. I thank you for your attention. Thank you very much.

[The statement of Lorenzo Curley follows:]

Raymond Maxx, Executive Director
Navajo-Hopi Land Commission Office, Navajo Nation
Testimony Before the
House Interior Appropriations Subcommittee

Tuesday, March 27, 2012

Requests:

- Increase funding for housing and other improvements in the former Bennett Freeze Area of the Navajo Nation, with $10 million out of the BIA Trust Natural Resources Account (Natural Resources Subactivity) and $10 million out of the BIA Housing Improvement Funds, Department of Interior.
- Double funding to the Office of Navajo and Hopi Indian Relocation to accelerate completion of the relocation program to $18 million.

Introduction. Thank you for this opportunity to provide testimony on what is one of the most vexing matters in modern Federal Indian policy and a true tragedy for the Navajo Nation. I am the executive director of the Navajo-Hopi Land Commission Office, an entity of the Navajo Nation.

Because my family was relocated twice by the Federal government, and now lives in the Bennett Freeze area where we have been subject to severe construction restrictions, we have unfortunately experienced every aspect of the issues we are here to discuss today. As a former Navajo Nation council delegate, I represented Tuba City and Coalmine Canyon, two communities in the Bennett Freeze Area. I can tell you that virtually every day, my constituents approached me to tell me of the hardships that they have suffered because of the relocation law and the construction freezes, including lots of young people whose families relocated and who now are homeless and landless. The impact of the Land Dispute and the Bennett Freeze will be with the Navajo Nation for many generations.

When I was just a toddler, my family lived in District Six, an area that was declared exclusively Hopi. Although we had lived there for generations, we were forced to leave. At the time, the Federal government provided no benefits for moving. You just had to move. We relocated to the Big Mountain area in what was known as the Joint Use Area, owned together by the Navajo and the Hopi according to a court decree.

In the late 1970's, when we had just about reestablished ourselves and our livelihood off the land, the Federal mediator divided the joint use area and we found ourselves again on Hopi land. We moved to the nearest portion of the Navajo Reservation, the Bennett Freeze, and there we have lived ever since. I don't think my parents fully understood at the time that you could not fix your home in the Bennett Freeze; that you could not make additions; that no Federal, Tribal or State programs could assist your community through the building of infrastructure essential to the health and well-being of any community.

As a result, the Bennett Freeze is locked into the poverty of 1966, when the freeze was imposed. It was only in the 111th Congress that the freeze legislation was finally repealed.

In 1934, the U.S. Government clarified the western boundary of the Navajo Nation identifying an area of land as for the Navajo and "such other Indians as may already be located thereon." This language created ambiguity over ownership of the land, which was nearly entirely inhabited by Navajos. In litigation between the tribes, the Hopi sought extensive rights over the whole area. As a result, in 1966, Commissioner of Indian Affairs Robert Bennett ordered a "freeze" on development in a 1.5 million acre area in the extreme western portion of the Navajo Reservation, now called the Bennett Freeze Area. As a result of this construction freeze, the Bennett Freeze Navajos have become the "poorest of the poor." While in theory development was possible with the permission of both tribes, in reality the area was principally occupied by Navajo families and the Hopis rarely granted permission for Navajo projects. Thankfully, the two tribes reached agreement on a settlement of their disputes and last year the Congress passed legislation striking from the U.S. Code the language which had authorized the Bennett Freeze. The agreement provided that most of the area belonged to the Navajo Nation. For the thousands of Navajo families who live there this means that the freeze served no real purpose other than to bring them misery and hardship.

Redeveloping the Former Bennett Freeze Area. In his proposed FY 2012 budget, the Administration notes that "[t]he Bennett Freeze was a product of a long-standing land dispute between the Navajo and Hopi reservation boundaries... more than 12,000 Navajo people living in the area were subjected to a 41-year freeze on development.... During the freeze era, the Navajo people were prohibited from building new homes, schools, health facilities, constructing (electricity, water, roads, etc.) and community and economic development projects." The President's FY 2013 budget does not provide a similar explanation of the dire situation in the Former Bennett Freeze Area, but does indicate that some funds will be allocated from the Natural Resources Subactivity (TPA), although the precise amount is unclear.

For the former Bennett Freeze area to recover there must be a sustained reconstruction program implemented over a decade or more. This would be consistent with the findings of the Interior Appropriations Subcommittee of the Senate Appropriations Committee in a field hearing held in Tuba City, Arizona on July 9, 1993. Going back four decades to the "War on Poverty" and the "Great Society Program," and continuing through numerous Federal initiatives addressing poverty and economic hardship in general, as well as programs directed at Indians in particular, this area has been effectively ineligible for aid. The results have been devastating with most homes lacking electricity and running water, limited infrastructure, few schools and, therefore, no economic development.

The Navajo Nation asks that this Committee direct in the FY 2013 budget that substantial funds, on the order of $10 million, be allocated to do the work necessary to begin the redevelopment of the Former Bennett Freeze Area.

In addition, the Navajo Nation asks that this Committee direct in the FY 2013 budget that substantial BIA Housing funds, on the order of an additional $10 million, be allocated to address the decrepit housing situation in the Former Bennett Freeze Area.

Congress should also authorize the Office of Navajo and Hopi Indian Relocation (ONHIR) to oversee reconstruction activities, with the Navajo Nation having the option of assuming control of those activities that affect Navajo people and lands, as well as the option of assuming control of the trust fund proposed above.

Office of Navajo and Hopi Indian Relocation. ONHIR has had a very difficult job that has taken far longer and cost far more than originally expected. However, this is not the fault of the Navajo Nation, which opposed the relocation program but now must live with its awful consequences. We would ask that ONHIR budget, which in recent years has ranged from $8 million to $9 million, be doubled to $18 million in order to accelerate the provision of benefits for those many families who relocated but have not yet received their benefits. In addition, ONHIR has several successful programs within the relocatee communities, including a successful livestock program. These programs should be supported and expanded.

Conclusion. Although the Navajo-Hopi Land Dispute and the Bennett Freeze are painful issues, I thank the Committee for this opportunity to provide testimony on a path forward to assure that the many Navajo families who have suffered under these Federal actions can have hope for a better life.

Mr. SIMPSON. Thank you. Richard Trujillo.
Mr. TRUJILLO. Trujillo.
Mr. SIMPSON. Trujillo.

TUESDAY, MARCH 27, 2012.

HOPI TRIBAL COURT

WITNESS

RICHARD TRUJILLO

Mr. TRUJILLO. Trujillo, if you do it. Yeah, that is the Spanish teacher in me. Thank you, Mr. Chairman, for this opportunity to speak, and members of the committee, staff. I am the Chief Judge of the Hopis, and it is an honor to have this position. I am a retired Superior Court Judge from Maricopa County. You know, that is the county where we have a sheriff that is the meanest sheriff in the world, and the people wear pink underwear, et cetera.

One thing that is not mentioned with the national cuts with respect to the Maricopa County Sheriff's Office, and it really has nothing to do with the gentleman who attracts the camera every place he goes, it is the professionals who have been there for years. We have got a lot of very good law enforcement people running the jail system.

As I was on a criminal assignment for five years, and sentenced people to jail for substantial periods of time, and oftentimes, as conditions of probation, they would receive up to one year in the County Jail as a condition of probation. The jail would offer programs for people who had problems with alcohol, even programs for sex offenders, basic adult education. And oftentimes that gave the inmate an opportunity to work their way out of jail earlier than the one year probation term.

In December of 2010 I met a gentleman by the name of Leroy Shingoitewa, and he is the Chairman of the Hopi Tribe, and he invited me to have lunch with him and have dinner. We did, and he says, I would like you to be the Chief Judge for Hopi. And I am a fourth generation Arizonan. I know where Hopi is located, but I had never visited. I said, okay. He said, come up and visit and see how you like it, and then maybe you can help us with some of our problems.

Well, that invitation I am extending to you, Mr. Simpson, and Ms. McCollum, on behalf of the tribe. Come and visit Hopi. I can tell you that in the course of my year there, and now into my second year, during the summer, you see busloads of people come in to visit. And I have been at the various hotels, La Posada in Winslow, the cultural center on Hopi at the Legacy and Tuba City, and you hear German being spoken, and Italian, and busloads of people from Germany and from France.

And when they describe Hopi, they say mystical, land of enchantment. Not to borrow from New Mexico, but they describe the area, and they are enchanted by this culture, this people that live up on mesas that extend, you know, the breadth of 100 miles. And I am hearing the comments of my neighbor here, suggesting that Hopi Navajo land has created a lot of hard feelings, and I am sure that

is all accurate. But nonetheless, we in law enforcement, and I consider myself in the Justice Department of Hopi, patrol from Tuba City to King's Canyon. It is about a distance of about 100 miles. We have our chief of police present, Jamie, was it? Yeah. And his staff responds to a call, and sometimes it takes an hour, an hour and a half to get to the location of where the call is coming from.

And if you have looked at the written materials we have submitted, you will see that in 2011 there were almost 7,500 calls. Almost 3,000 of those calls had to do with intoxication. Jamie tells me that there are times that by the time the police officer arrives, the intoxicated person has moved on, or passed out, and sometimes the families do not want the person arrested, sometimes they do. And Jamie's police force is 23. And I heard this morning the young officer, I think from North Dakota, who talked about the need to double the number of officers on that reservation, for a lot of good reasons, and I am sure you hear that endlessly when you have these hearings.

The message I received when I was hired by the chairman, and the vice-chairman Honanie, was we need to do something about, you know, law and order. We need to address law and order, and, Judge Trujillo, we want you to implement the new Federal Tribal Law and Order Act. And the chairman said, are you familiar with it? I said, well, vaguely. He said, well, I want you to become an expert on it, meet with the U.S. Attorney's Office, and implement the Law and Order Act on Hopi. We now have rewritten the code. The council has not passed on it, but the law and order committee of the council has, and that has taken every bit of a year, and we are now at the stage where if the council passes on it, the law may be effective in 2012. Maybe July 1, maybe August 1, maybe September 1.

As I understand the Law and Order Act, I do not mean to use political terms here, but it is another unfunded mandate. Because Law and Order is going to require people to go to jail for longer periods of time, and maybe that will turn things around, in terms of people's attitudes and their conduct.

I was there about three months and decided to convene meetings of various community leaders. And at one time I told Judge Leslie, who had been a Hopi Judge there for 26, 27 years, I said, Judge Leslie, why do we not convene all the leadership of the villages, we have 12 villages, and let us talk about this whole area of intoxication in Law and Order. It was an interesting experience because we had, I believe, six governors. That is the term they give to the elected person who heads up the village. We had six governors present. Probably 70, 80 people were present, and one of the governors stood up and said, what do you call this committee? I says, well, we really have not given it a name, but we call it the Hopi Justice Committee. We are trying to bring about some significant change in our community.

He looked at me, and he said, you are the Chief Judge? I said, yes, sir. He says, well, justice on Hopi is a joke, and the jail is a revolving door, and you Judges, I do not know what you are doing about the problem, but you are not helping the villages. Well, that is another aspect of my learning experience of Hopi.

I had mentioned that when I was a Superior Court Judge I would sentence people, and the Italian Stallion sheriff that we have would house them and make sure that, you know, they move on into the prison system. But on Hopi, the Judges meet every Wednesday, and the prosecutor meets with Jamie and the people who are running the detention facility, and we determined how many people to release, because we are at capacity. And capacity is anywhere from 70 to 100. And this weekend we know there are going to be another 10 to 15 people arrested, and the violent offenders we want to make sure are locked up and not released.

So it is kind of like, who is running the show here, in terms of Hopi justice? And I do not think it takes the students very long, and we have a whole group of Hopi students present. And I guess I am really speaking for them, because it is their community that we want to talk about, you know, public safety for them. It is the BIA that runs the jail. It is the BIA that runs the detention facility, and it is a two headed monster, I learned. They have different supervisors. And I do not know at what level you can reach someone who speaks for both detention and the police, but you have to deal with the various supervisors.

And, for the most part, there does not seem to be any urgency about doing anything about it, from the BIA's perspective. That is my view. The good news is Dorothy Fulton. There is a lady named Dorothy Fulton who I met recently, representing BIA, and she does seem to be interested in bringing about significant change on Hopi.

I have mentioned the Law and Order Act, July 29, 2010. Another significant date in Hopi justice is 1981. In 1981, and I do not know who the Secretary of Interior was, but I suppose there was rejoicing among BIA people because there was a new building that was constructed on Hopi, and it was a rehabilitation facility. And I suppose the people at that time, if this committee was constituted at that time were talking about, we need to set up a rehab program to deal with alcoholism. Well, that facility is now our jail. It has been converted to a jail, and it is inadequate, obviously not sufficient words to describe the condition of the jail. Just this past weekend I hear from our chief of police that the electronic doors failed and two prisoners walked out.

We have had a reconstruction effort, meaning they had to really redesign and reconstruct this building to meet specifications. And in 2004 it was learned that the condition of the facility was such that we could not house our juveniles. So the juveniles had to be transported, if they were going to be detained, to Colorado, or McKinley County in New Mexico.

I come on the scene, and I learn that there is a negotiated contract with Navajo County. The county seat is Holbrook, that is about an hour and a half away, and that agreement has been in place for about 18 months, but the BIA has not approved it yet, and eventually, in 2011, in April or May, it was approved, so that was almost two years later it was approved. We now house our juveniles in Holbrook, an hour and a half away.

The stress to families, the inability to provide support to children, is obvious. We need the facility that this written proposal speaks of. And I know you have been listening to the presenters all day, asking for millions and millions and millions of dollars.

You know, I asked the chairman before I left, I says, Chairman, what do you expect to accomplish by sending me to represent you? He said, well, you know, just hope for the best.

So I am here on a plea, asking that this committee visit this land of enchantment, this group of mystical people, and they are. You know, you have got bad apples, but for the most part you have got a wonderful community and a great culture. At one of the Justice Committee meetings, one of the ladies spoke up and said, you know, alcohol is destroying our culture, and jail is not the answer. Well, that is one view, in terms of punishment.

The chairman, and some of the leadership currently, believe that the Law and Order Act is going to make a difference, and that we need to prepare. And by preparation, meaning we need to develop the jail facility that can provide services. And if we sentence to three years, where are they going to go? Are we going to come to you and say, we need you to talk to the Bureau of Prisons and try to find some facility for us? That is not going to work. At least, based upon what I have seen so far, it is not going to work. So we need to house them there, and hopefully rehabilitate these people before they return to society. And under the Law and Order Act, as you are, I am sure, well aware, we can stack three times, so conceivably 6 year sentences, 9 year sentences.

My final remark has to do with the violence that occurs, and the need for officers to concentrate more on those cases. And Jamie and I have talked about this, but some of the cases that I am aware of, the violence against women, and the need for appropriate punishment for those that violate, is something that Law and Order can bring about.

The U.S. Attorney's Office is not the answer. U.S. Attorney's Office position is if you do not have a rape kit, if you do not have hard evidence, if it is just he said, she said, we are not going to prosecute. So the only place justice is going to occur is at the Tribal Court. Thank you.

[The statement of Richard Trujillo follows:]



Chairman
LeRoy Shingoitewa
L.Shingoitewa

Vice Chairman
Herman Honanie

Hopi Adult/Juvenile Detention:
A Public Safety Crisis on the Hopi Reservation
March 2012

Overview

The Hopi Reservation encompasses 2.5 million acres and is landlocked by the Navajo Nation. The Hopi Tribe is a non-gaming Tribe with a population of 13,569 enrolled members. The Hopi Tribe takes its responsibilities to address public safety needs seriously and is pursuing funding for a new Hopi Adult-Juvenile Detention Center.

A public safety crisis exists on the Hopi Reservation in Northern Arizona. In 1981 the Bureau of Indian Affairs (BIA) constructed and repurposed the Hopi Corrections Center, originally built to be a rehabilitation facility, the BIA Hopi Agency Adult & Juvenile Detention center failed a health and safety inspection by the Office of Inspector General in 2004. The juvenile correctional component was closed overnight as it did not meet juvenile detention standards (sight and sound) and has remained closed for the last 8 years. Even at reduced operating levels, the conditions are clearly unacceptable in terms of contemporary correctional standards.

The Hopi Bureau of Justice Law Enforcement and BIA adult detention programs are direct service public safety programs of the U.S. Government on the Hopi Reservation. Prior studies show that the current BIA owned adult detention facility is outdated, unsafe and will always pose safety problems due to its design, construction, security systems and building infrastructure as a detention center, much less a correctional facility.

To ensure the safety and security of the citizens residing on the Hopi reservation, a state-of-the-art detention and public safety building is being planned and designed by the Hopi Tribe. The leadership of the Hopi Tribe stands ready to accept an opportunity to create a model program for detention and law enforcement services.

Appropriations Need

The Tribal Law and Order Act of April 29, 2010, Title II, mandates a long term plan for construction, operations and maintenance of detention facilities. The Hopi Tribe reports that congressional intervention is critical to the identification of funding necessary to plan, design and construct the Hopi Adult/Juvenile Detention Center and the long-term wrap around services.
The immediate and urgent need for the Hopi Adult/Juvenile Detention Center is $29,332, 254.00

Public Safety Crisis

The Hopi Justice System is 'broken' on the Hopi Reservation. While the detention facility has a rated capacity of 68, it has been at capacity over the years and more recently has exceeded capacity over 100+. Lack of detention space heavily burdens the criminal justice systems. The overcrowding means the police cannot arrest criminal offenders and judges are faced daily with requests from detention to release inmates to make room for more arrestees. Moreover, because Hopi lacks a juvenile detention component, juvenile arrests have to be transported to Holbrook, Arizona, which is approximately an hour and a half drive one way. This takes officers off the street when they arrest and they have to book a juvenile. It also takes correctional officers away from the facility which already has limited coverage to transport back and forth for initial appearance and court hearings

taking place in Hopi. Patrol officers use their units as jail cells for juveniles who are arrested, then cited and released due to no juvenile detention space. Sentenced juveniles or those who pose a greater risk to the community are transported long distances to Colorado (215 miles) or Holbrook (116 miles). The police officer has to find family willing to take an intoxicated juvenile in lieu of incarceration only to be called back to handle the same individual again. A large percentage of juveniles are cited and released without serving detention time and many cases are dismissed due to no detention services on the Hopi Reservation.

The health and safety of the inmates and the staff are a constant concern due to the condition of and the design of the facility. The facility having been originally built as a rehabilitation facility has no programming space, and it has walls constructed of cinderblock which inmates are constantly removing the mortar and over time they loosen blocks. Ceilings are not secure and inmates have often escaped through various areas where they managed to loosen tiles or vent covers. Due to continual settling, cracks in walls and joints are a regular problem. The design lends to safety concerns for inmates and staff. Since 2004, there have been escapes, completed suicides, inmate on inmate assaults and inmate on staff assaults which are simply due to the design of the facility, the lack of proper security systems. The electrical system is outdated and does not meet the standards. There is a lack of programming space, inadequate recreational space and detention program administration. The area where the facility is located is an area where arsenic has been detected in the drinking water therefore correctional officers have to pick up bottled water for consumption for the inmates from the Keams Canyon Agency regularly. The overall impact on the Hopi community as a state of the Hopi Law Enforcement and Detention facility is the lack of respect from the community, distrust by victims and often times criminal offenders know they will not be arrested knowing the jail is often at capacity or that they will be eventually released due to overcrowding. Ultimately, the Hopi Justice System is a dysfunctional justice system and it starts with the lack of a proper detention and law enforcement facility. The Hopi Tribe cannot begin to look ahead at longer sentences pursuant to the Tribal Law & Order Act with the present facility.

Strategy for a Comprehensive Community Justice Plan

The Hopi Tribe is proactively seeking a partnership with the U.S. Government pursuant to the Tribal Law and Order Act to develop a Comprehensive Community Justice Plan (CCJP).
The goals of the Plan are:

1. To provide a safe and secure environment for inmates and staff
2. To provide appropriate programming for adult and juvenile inmates
3. To operate and maintain a facility that is cost and operationally efficient
4. To create jobs

The strategy to accomplish the CCJP is to select a design firm to accomplish the planning, design and construction of the Hopi Adult-Juvenile Detention Center and seek funding through grants and congressional appropriations to fully implement the Federal Tribal Law and Order Act.

Hopi Tribe – Current Statistics

HOPI TRIBE - DEMOGRAPHICS	
Population	13,569 Enrolled Members
Median Age	35
Median Household Income	$13,000
Unemployment Rate	70%
Poverty Rate	72%

Bureau of Justice Services – Keams Canyon Agency

Year	Calls for Service	Intoxication	Traffic Violations	DUI/Alcohol/Drugs	Major Felonies
2008	6,371	2,401	344	256	13
2009	6,335	2,497	508	228	15
2010	6,815	2,898	537	228	11
2011	7,433	2,917	982	221	15

DOJ Case Management Data Base Hopi USAO Referrals Year	# of criminal cases referred to the Arizona U.S. Attorney Office	# of declined cases	# of federal convictions
2004	11	2	7
2005	5	1	1
2006	1	0	1
2007	6	5	1
2008	4	1	2
2009	4	0	4
2010	8	2	4
2011	17	6	3
2012	1	0	0

HOPI Justice Center

Adult / Juvenile Detention Center

DLR Group

CONCEPTUAL DESIGN COST ESTIMATE (Revised March 9,2012)

Off Site Construction				
Utilities Connections				$ 200,000.00
Roadway Connections				$ 200,000.00
Waste Water Lagoon Improvements				$ 540,000.00
Site Development	lump sum			$ 2,150,000.00
Landscape/Irrigation	lump sum			$ 75,000.00
Building Construction				
	SF		$/SF	
New Adult / Juvenile Detention and Rehabilitation Center				
General Building Construction	59,937	$	154.00	$ 9,230,000.00
Mechanical (HVAC & Controls)	59,937	$	28.00	$ 1,678,000.00
Plumbing	59,937	$	26.00	$ 1,558,000.00
Fire Protection	59,937	$	4.00	$ 240,000.00
Electrical Construction	59,937	$	38.00	$ 2,278,000.00
Special/Security Systems & I.T.	59,937	$	20.00	$ 1,199,000.00
Detention Equip. Locking	59,937	$	18.00	$ 1,079,000.00
Kitchen Equipment	lump sum			$ 450,000.00
		$	288.00	
	Construction Subtotal			$ 20,877,000.00
	Construction contingency @10%			$ 2,088,000.00
	Inflation contingency @ 10%			$ 2,297,000.00
	Total Construction Cost			**$ 25,262,000.00**
	Cost / Sq Foot			$ 421.48
Soft Costs				
Consulting Fees	Est.			$300,000
A/E Fees	Est.			$1,871,914.20
Reimbursables	Est.			$85,000.00
F. F. and E.	Est.			$1,768,340.00
Surveys / Geotechnical Reports	Est.			$35,000.00
Miscellaneous	Est.			$10,000.00
	Soft Costs			**$4,070,254.20**

Note: Estimate assumes adequate Utilities will be available at time of construction along property line.

Mr. SIMPSON. Thank you. Ms. McCollum.

EDUCATION CONCERNS

Ms. MCCOLLUM. Mr. Chair, members, the one thing that I had noted to ask you about was education. Is there anything more you would like to add about education?

Ms. CUCH. Education? Yeah.

Ms. MCCOLLUM. If you would like to——

Mr. SIMPSON. Are you asking her?

Ms. MCCOLLUM. Yes.

Ms. CUCH. Are you asking about education?

Ms. MCCOLLUM. I am sorry. Yes.

Ms. CUCH. My testimony did not focus on education.

Ms. MCCOLLUM. Yes, I know. But I am asking——

Ms. CUCH. You are asking——

Ms. MCCOLLUM [continuing]. If there is anything anyone would like to add on education, because I know when you come here you only have five minutes——

Ms. CUCH. Yeah.

Ms. MCCOLLUM [continuing]. You cannot talk about——

Ms. CUCH. Yeah.

Ms. MCCOLLUM [continuing]. Everything.

Ms. CUCH. Okay. Education, what comes to my mind is the Johnson-O'Malley Program, and that is funded through the Bureau of Indian Affairs, and that helps the students that are attending local public schools.

Ms. MCCOLLUM. Right.

Ms. CUCH. And it is supposed to provide, well, they call it the unique problems of Indian students. It has to do with addressing their learning, and it has to do with their culture, and providing the counseling to the Indian students that are attending public schools. I know from time to time that is sometimes stricken from the BIA budget, but I think it needs to be put in there permanently. It should be a permanent program in the BIA. And it is called the Johnson-O'Malley Program. That comes to my mind. And I have worked with Indian students attending public schools, and yes, they do have problems, and they are at times maybe two or three grades behind their non-Indian peers. So that counseling, and also tutoring, is needed to help our Indian students to move up. So that would be my comment, to keep it in there. Let it be a permanent fixture in the BIA budget——

Ms. MCCOLLUM. Thank you.

Ms. CUCH [continuing]. For the education.

Ms. MCCOLLUM. Thank you.

Mr. SIMPSON. Mr. Cole.

Mr. COLE. Thank you, Mr. Chairman. And Ms. Cuch, I have a question for you, and then for President Shelly as well. You talked at length, obviously, about the problems you have with energy permitting, and recently the Department of Interior and BIA announced a new policy for surface and renewable energy policies, whereby they would allow the tribes to license development. You would sort of get your procedures approved by the BIA, and hope that that would expedite energy. And I know there is at least some thought at the BIA about doing the same thing, in other words,

turning over to Utes on the land after a regulatory regime had been agreed to. You would administer that there. So would that help, and do you feel comfortable that is an appropriate solution for the problems you have?

Ms. CUCH. My answer to that is yes, it would help, because there is a lot of red tape. BIA, like I mentioned, is not funded adequately. And unless they have more funding to hire more people to process the APDs, yes, that would help. But, again, as far as my comment on one stop shop, put everything together, all the Federal agencies, that would help too, rather than going to each one.

Mr. COLE. And the Chairman just reminded me of something. In report language, at least, we asked the BIA to look at this for subsurface mineral rights on coal, and oil, and natural gas, and try to assess tribes who carry. And Mr. Shelly, you mentioned the problems you were having with coal, and we all know there is a lot of opposition to coal sometimes. You mentioned the EPA in particular. Do you have any reason to believe that that opposition is just, well, are they opposed, or are they just not equipped to handle this, or are they putting roadblocks in your way, in terms of development of coal resources, in your opinion?

Mr. SHELLY. What I think is that the green energy, the environmental, and the EPA is the one that is driving this, the green energy probably driving this whole thing. And new rules and laws, like BARK and others are popping up, and it is really shutting down a lot of our uses of coal. And these are things that have to go through tribal consultation, and working together with each other on these to alleviate some of those regulatory burdens that we get.

Mr. COLE. Do you——

Mr. SHELLY. And I think that is one way of doing it. Now, I would like to add one more thing.

Mr. COLE. Please do.

Mr. SHELLY. On the permitting, the BIA——

Mr. COLE. EPA?

Mr. SHELLY [continuing]. We—yeah. And what we did is we did the MOU with Lawrence Livermore to do a study on oil and resource on our nation, and to do a blueprint and a roadmap for developers to come in. And we would like to handle the permitting ourself, and that is what I want, not to get BIA involved so much. Because once they get involved, it takes too long, you know? So if we do it ourself, since we are going to have the blueprint and the roadmap, the developers would know what they want. And whatever they want, they come in to deal with us, we will negotiate with them right away on it because you do not have to do any——

Mr. COLE. Last question. Is the permitting process, in your opinion, or to your understanding, faster off of non-Indian lands? In other words, you see private developers basically bypassing opportunities in Indian country because they can permit faster, cheaper in lands just outside your reservation, as opposed to coming on the reservation?

Mr. SHELLY. It is faster out of the reservation than it does in the reservation, so that is what I mean. I think Navajo Nation should permit with developers within our nation, instead of going through another agency, because it takes longer that way. So what we are

saying is, we will have the blueprint and the roadmap. We will exactly know what we have with a national resource, or whatever it is. Developer comes in, we deal with them, we permit them where they want to set up their business.

Mr. COLE. Thank you very much. Thank you, Mr. Chairman.

Mr. SIMPSON. Thank you. I thank all the panelists for being here today, and look forward to working with you as we develop this upcoming budget. The next panel is Chairman Randy King, Jimmie Mitchell, Director of Natural Resources, Energy "Ribs", or Eugene "Ribs" Whitebird——

Ms. MCCOLLUM. He is full of energy, though.

Mr. SIMPSON. Yeah, full of energy. Tom Maulson, and Jim Zorn. Where did Ribs go?

Ms. MCCOLLUM. He was out there.

Mr. SIMPSON. You saw him out in the hall?

Ms. MCCOLLUM. I saw him out in the hall earlier. There he is. You can sit down here by me, Ribs.

Mr. WHITEBIRD. Okay.

Mr. SIMPSON. Randy, you are first.

TUESDAY, MARCH 27, 2012.

SHINNECOCK INDIAN NATION

WITNESS

RANDY KING

Mr. KING. Good afternoon, Mr. Chairman and members of the subcommittee. I am Randy King, Chairman of the Shinnecock Indian Nation Board of Trustees. Thank you for the opportunity to testify today concerning our need for new tribes funding.

We are located in Suffolk County, New York, at the eastern end of Long Island. We have lived there as a self-governing nation exercising jurisdiction over our lands since time immemorial. Despite this history, we only recently were reaffirmed as a federally-recognized tribe on October 1, 2010, having spent over 3 decades in the interior petition process.

Over many decades we preserved our community using revenues from our annual powwow, limited New York State and federal grants, and private foundations. While these funds provided some resources, they fell far short of the monies needed to maintain a proper tribal government and to meet the most basic needs of the our tribal members.

Today, the nation numbers over 1,400 enrolled members with approximately 662 tribe members residing on the reservation. The services we provide as a tribal government are funded primarily with non-federal dollars and limited federal funding. These services include community center, a cemetery, health center, family preservation education center, and environmental protection programs.

Through our acknowledgement the Bureau of Indian Affairs concluded that we existed as a tribe well before the arrival of non-Indians on our shores. However, our nation and our members have not been able to access most federal services and benefits for decades. It is our understanding that tribes recognized after 1997 simply

have not had access to the same level of funding as those recognized before then. This resulted from a policy change at the BIA on new tribes funding that set annual base funding levels based on population. We are significantly underfunded compared to other tribes under BIA jurisdiction prior to '97.

All we are asking for is a level playing field to allow those tribes recognized after '97, the tribes that need federal support the most, to obtain our fair share of federal funding to meet our tribal government responsibilities. As a nation, we are moving forward on pursuing economic development initiatives to increase our self-sufficiency, however, in the meantime we do not have the necessary monies to support our tribal government operations, capacity building, and infrastructure.

We are grateful that the Bureau of Indian Affairs has made the fiscal year 2013 budget new tribes funding request on our behalf. We ask that the Congress appropriate these monies and also review and consider the extent to which post '97 new tribes like ours are underfunded. We know that the Congress is facing severe budget constraints, but we have been living with minimal federal support for many decades.

Thank you for the opportunity to hear me today, and I will answer any questions you have.

[The statement of Randy King follows:]



Statement of Chairman Randy King
Shinnecock Indian Nation

Subcommittee on Interior, Environment and Related Agencies
Appropriations Committee
U.S. House of Representatives

March 27, 2012

American Indian/Native Alaskan Witness Hearings, Tuesday March 27, 2012

Good afternoon Chairman. My name is Randy King. I am the Chairman of the Shinnecock Indian Nation Board of Trustees. Thank you for the opportunity to testify today concerning our need for new tribes funding.

The Shinnecock Indian Nation's Reservation is located in Suffolk County, New York—on Long Island. We have lived on Long Island as a self-governing nation exercising jurisdiction over our lands since time immemorial. Despite this long history, we only recently were acknowledged as a federally recognized tribe since October 1, 2010, even though were entered the federal acknowledgement process in 1978, when we applied for litigation assistance with our land claim.

Before federal recognition, Shinnecock was a state recognized tribe which managed to maintain jurisdiction over its reservation community despite its only source of income being limited revenue from its annual powwow and a few small grants, such as the Community Services Block Grant. Although these funds provided some resources to the Nation, they fell far short of the monies needed to maintain a proper government and meet the most basic needs of the our tribal members.

Today, the Nation numbers over 1,300 with approximately 662 tribal members residing on the reservation. Our tribal government currently provides its members with a community

center, a cemetery, an underfunded health and dental center, a family preservation and Indian education center, a museum, and a playground—all of which are funded through limited grants and all of which are located on the reservation.

Despite the fact that the BIA has concluded that we were a tribe since well before the arrival of non-Indians on our shores, the Nation and its members have been denied much needed Federal services and benefits for decades. Now with Federal acknowledgement, the Nation should have the opportunity to receive its fair share of the funding that this Subcommittee provides to other federally recognized tribes. We should not be penalized for the Federal government adding us to the list of federally recognized tribes after 1997. "New Tribes" listed after 1997 face more stringent standards for access to federal funds, despite the fact that we have continuously governed our lands long before the United States existed. That is all that we are asking- our fair share of federal allocations for tribal governments.

This includes equal access to funding for such basic needs as housing, education, healthcare, and public safety. Our reservation lands have suffered from ground water contamination, brown tides, and illegal dumping, and we need the funding necessary to address these problems as well.

Mr. Chairman, I want you to know that we are fully prepared to do our part. We are already looking at a variety of economic development initiatives which will increase our self-sufficiency and decrease our dependence on the federal government, but none of these economic initiatives are going to be successful unless and until we have a strong tribal government and the strong tribal law enforcement and judicial services required to support that government. So, in short, in order to effectively govern and provide services to our membership, we need to have sufficient federal resources to provide infrastructure, employment opportunities (jobs and training), public safety, education, health care, and housing, as well as a strong and capable governmental system.

Since the Shinnecock Indian Nation gained federal recognition, it has worked to build its sovereign capacity and self-governing infrastructure, but we can only go so far without federal assistance for internal capacity building. That is why I am here today.

The Nation was pleased to learn that the Bureau of Indian Affairs has included new tribes dollars for Shinnecock in its FY 2013 request. Now we need to have those dollars appropriated.

We are also going to require your assistance in insuring that our Nation is brought into the full complement of federally funded programs and services available to federally recognized tribes. Our people are in desperate need of federal help. According to the economic characteristics data set from 2005-2009, the U.S. Census Bureau reports that a majority of our tribal members are either unemployed, underemployed, or not considered part of the work force. We understand the budget constraints that you are facing, but we would ask you to remember that we have been forced to live with virtually no federal assistance for well over two hundred and thirty six years. Mr. Chairman, we are not asking for a hand out, but for a hand up in ensuring that our children have opportunities and options that most Americans take for granted.

I would like to thank the Chairman and members of the Subcommittee for the opportunity to present this testimony on behalf of the Nation. I am available to answer any questions the Subcommittee may have.



Statement of Chairman Randy King
Shinnecock Indian Nation

Subcommittee on Interior, Environment and Related Agencies
Appropriations Committee
U.S. House of Representatives

March 27, 2012

Good afternoon Mr. Chairman. I am Randy King, Chairman of the Shinnecock Indian Nation Board of Trustees. Thank you for the opportunity to testify today concerning our need for "New Tribes funding."

We are located in Suffolk County, New York at the eastern end of Long Island. We have lived there as a self-governing nation exercising jurisdiction over our lands since time immemorial. Despite this history, we only recently were reaffirmed as a federally recognized tribe on October 1, 2010, having spent over three decades in the Interior petition process.

Over many decades we preserved our community using mainly revenues from our annual powwow, limited New York State and Federal grants, and private foundations. While these funds provided some resources, they fell far short of the monies needed to maintain a proper tribal government and to meet the most basic needs of our tribal members.

Today, the Nation numbers over 1,400 enrolled members with approximately 662 tribal members residing on the reservation. The services we provide as a tribal government are funded primarily with non-federal dollars, and limited federal funding. These services include: a community center, a cemetery, health center, a family preservation/education center, and environmental protection programs.

Through our acknowledgement, the Bureau of Indian Affairs concluded that we existed as a tribe well before the arrival of non-Indians on our shores. However, our nation and our members have not been able to access most Federal services and benefits for decades.

It is our understanding that tribes recognized after 1997 simply have not had access to the same level of funding as those recognized before then. This resulted from a policy change at the Bureau of Indian Affairs on "new Tribes" funding that set annual base funding levels based on population.

We are significantly underfunded compared to other tribes under BIA jurisdiction prior to 1997. All we are asking for is a "level playing field," to allow those tribes recognized after 1997, the

tribes who need federal support the most, to obtain our fair share of federal funding to meet our tribal governmental responsibilities.

As a nation we are moving forward on pursuing economic development initiatives to increase our self-sufficiency. However, in the meantime we do not have the necessary monies to support our tribal government operations, capacity building and infrastructure.

We are grateful that the Bureau of Indian Affairs has made a FY 2013 budget new tribes funding request on our behalf. We ask that the Congress appropriate these monies and also review and consider the extent to which post 1997 "new tribes" like ours are underfunded.

We know that the Congress is facing severe budget constraints, but we have been living with minimal federal support for many decades.

Thank you for the opportunity to appear here today and I am to answer any questions you may have.

Mr. SIMPSON. Thank you. Jimmie Mitchell.

Mr. MITCHELL. Yes. With all due respect, out of the culture of our nation I would like my elders to go and speak before me out of respect for them, if it is all right.

Mr. SIMPSON. Who wants to speak? Ribs?

TUESDAY, MARCH 27, 2012

LEECH LAKE BAND OF OJIBWE

WITNESS

EUGENE "RIBS" WHITEBIRD

Mr. WHITEBIRD. Thank you, Chairman Simpson, Ranking Member Moran, Representative McCollum, and other members of the committee to allow me to testify today. My name is Ribs Whitebird. I am a member of the Leech Lake Tribal Council. Our reservation is located in northern Minnesota.

I would like to recognize the delegation from Leech Lake here today with me, including Jackie Ward, the superintendent of the Bug O Nay Ge Shig High School, please stand.

Like last year, today my testimony focuses solely on the band's need to replace its high school facility at the Bug O Nay Ge Shig High School. The school is administered and funded by the BIE. We estimate the cost to replace the high school is about $25 million. My hope is that I can come back next year to give a verbal report on the replacement of the school.

Under our treaty of 1855, the Leech Lake Reservation was established. The bank gave up millions of acres of our homelands. In return the U.S. was supposed to provide for the band's welfare, which included providing kids decent and safe schools.

Further, the U.S. Congress passed the Nelson Act of 1889, a Dawes Act for Minnesota and other federal law specific to Minnesota will take more of our land. Logging companies wanted our valuable white pine, and homesteaders wanted our land for farming. In return proceeds from land and timber sales were supposed to be used for our schools. The U.S. has never met these obligations.

The schools are standard Indian children in grades K through 12. The students commute to the school, which is from 14 communities within a 70-mile radius. The school has won many awards for its academic achievement and its native language programs. The elementary and middle school facilities are in satisfactory condition, but the high school needs to be replaced.

The current facility is a metal pole barn. One-third of the facility was destroyed in a gas explosion in 1992. The facility has severe structural and mechanical deficiencies and lacks proper insulation. The facility does not meet safety, fire, and security standards.

Also, the facility has electrical problems and lacks an alarm system. Further, the building lacks a communication intercom system, telecom technology, and safe zones, which puts everyone at risk during emergencies. 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 suffers from rodents, roof leaks, sagging roofs, roof holes, uneven floors, poor lighting, severe sewer problems, lack of handicap access, and lack of classroom and other space. These are just a few of the numerous deficiencies.

I have a set of folders here. Due to unsafe and undesirable conditions of the high school, many students leave after middle school to attend other schools. Students are embarrassed about the condition of the high school, resulting in negative image of the school in the community and a lower enrollment rate.

The school is on the BIA list of schools in need of replacement. The BIA has acknowledged that the school has exceeded its life expectancy by decades. The BIA categories the high school facilities as being in poor condition. The BIA's fiscal year 2013 budget proposes eliminating funding for replacing BIE school facilities and focusing instead solely on facilities' improvements and repair. This is unacceptable.

We urge the committee to provide funding to replace school facilities. You can only put so many Band-aids on something. Our school is one big Band-aid, and no amount of improvements or repairs will address the serious deficiencies in the facility. Why keep throwing money at temporary fixtures? The BIA just needs to build a new high school. Our kids deserve this.

This change in BIA school construction policy to eliminate funding to replace facilities and instead focus on improvement and repairs was done without any government-to-government consultation. There must be consultation. BIA should not be allowed to make these decisions without talking or listening to our point of view. The high school is among more than 63 schools funded by the BIE that are in poor condition. The BIE construction backlog is at least $1.3 billion. There needs to be some funding to address the backlog.

We appreciate that times are tough financially, but our kids should not be the ones supposed to shoulder the burden. The Administration's fiscal year 2013 budget request is extremely disappointing. The Administration proposes only $52.9 million for BIE school construction. This is a huge cut from past levels. You cannot do much with that. To address the backlog we need adequate funding over a sustained period of time.

In conclusion, the fact is that the high school is not safe and should not be a place where our kids go to school. As I said last year, I doubt that anyone sitting at this table would allow their children to attend school in this type of facility that our children go to school in. We respectfully request the committee's assistance in replacing our high school facility.

Thank you.

[The statement of Eugene "Ribs" Whitebird follows:]

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
March 27, 2012

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 trust and treaty responsibilities.

The Leech Lake Reservation has numerous needs on which I could testify. However, given how dire the need is, I focus my testimony today solely on the Band's long struggle 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 Affairs' (BIA) Bureau of Indian Education (BIE). I doubt any Member of Congress would allow their children to attend school in a sub-standard facility like our children do at the High School. This is my second time to testify before the Subcommittee about this need. My hope is that next year I can come back to provide a favorable report that progress is being made on the High School's replacement. Also, I would like to thank Representative McCollum for her tireless efforts to assist us in replacing the High School. We are deeply grateful for her support.

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 foreign aid, bailouts, and other things but then gives excuses why it does not have the funding to build adequate school facilities for our children. Education is the key to the future. We must invest in our children for the United States to be competitive with the rest of the world. However, when it comes to American Indians, the history is tragic and filled with broken promises.

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 63 schools funded by the BIE that are in poor condition. DOI is currently engaged in a negotiated rule-making process where we understood that it was in the process of developing a new priority list for school construction. However, the BIA's FY13 budget request proposes eliminating funding for replacing BIE school facilities and focusing instead solely on facilities improvement and repair. This is unacceptable to us. We cannot keep putting band-aids on our deplorable and crumbling buildings. The High School is in such sub-standard condition that no amount of repairs or improvements will turn it into an adequate school facility. Our children and our communities deserve better than this.

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. Now, the BIA is proposing to change its policies altogether by eliminating funding to replace school facilities to instead focus on facilities repair and improvement. There has been no government-to-government consultation on this proposed policy change, and there must consultation first on this matter. BIA should not be able to make this decision unilaterally without meaningful consultation with tribes.

Without proper facilities, our children's educational opportunities are compromised. 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 ensuring that our children go to school in adequate facilities.

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 is clear that the need to improve BIE school facilities is not a priority. The FY13 budget request for Indian school construction funding is $52.866 million, which is a proposed cut of $17.960 million from the FY12 enacted level and a cut of $87.643 million from the FY11 actual level. The enacted levels for Indian school construction over the past 8 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, the FY11 level was $140.509 million, the FY12 level was $70.826, and, as noted above, the proposed level for FY13 is a dismal $52.866 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, our students deserve the opportunity to attend school in a safe environment that provides them with educational opportunities afforded other students. The United States owes them this. 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. 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.

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[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).

Mr. SIMPSON. Thank you. Jimmie, you are next.

TUESDAY, MARCH 27, 2012.

LITTLE RIVER BAND OF OTTAWA INDIANS

WITNESS

JIMMIE MITCHELL

Mr. MITCHELL. Yeah. My name is Jimmie Mitchell, and first of all, Mr. Chairman, thank you.

Mr. SIMPSON. Is the mic on?

Mr. MITCHELL. Yeah, it is. I will move it a little closer here.

Mr. SIMPSON. Okay.

Mr. MITCHELL. I am here as a tribal member for the Little River Band of Ottawa Indians, as well as representative for the Chippewa Ottawa Resource Authority. It is a five-tribe resource management authority that exercises management, over not only our commercial fishing rights but also in conjunction with the Inland Treaty Right which was just recently established.

And today as I speak I think back to the history that we have in Michigan. It was exactly to this date 176 years ago that 29 of our chiefs came to Washington, DC, to negotiate a treaty, which became the treaty of 1836. During that treaty the Ceded Territory in Michigan was established, which is roughly 13.8 million acres of Michigan. It is within the northern lower peninsula of Michigan as well as the eastern portion of the peninsula of Michigan.

In living that we have the ability to have co-management within that area, but unfortunately, without the funds to do so it really limits our ability to exercise that treaty to its fullest extent, and with the current conditions that the environment is in, the depletion of resources, not only within the natural resources, but within the state and Federal Government's abilities to adequately manage those, much of that burden has fallen back on the tribes to try to fill in that niche to help not only ensure that the species are not further degraded from the condition that they are now but also to be able to have the restoration reclamation enhancement abilities to make sure that the sustainability is there as well as looking at other species that we need to bring back in to help our cultural needs within our communities to be realized again.

Many of those things are missing and have really caused a detriment within the communities, and it is wonderful to see some of those identifiers coming back, to be able to look up in the sky and see the eagle again, for instance. You know, that was really, to us as Indian people, a severe detriment to us, and the reasons why, you know, with it being as part of our culture.

In 2004, the tribes were challenged with our right again by the State of Michigan. They felt that the right did not exist any longer, and so we went into a lengthy negotiation process, and during that process not only did we fight to preserve our rights to hunt, fish, and gather, but we also fought for co-management, which we were able to achieve.

And so with that looking at the responsibilities, again, we have within the consent decree, there are mechanisms within there that

if we do not manage it appropriately, that there is mechanisms that will come into place that limit our ability to have access to fish, called regression models, and so the tribes are really forced to continue the management aspects, again, that the state and the Federal Government can uphold.

And so with that, you know, I want to thank the support that we have had from this, from you as being the supreme protector of our environment. We would not be able to do what we do without having that support, and, again, I think in looking at the collaborative efforts that we have with the tribes, looking at our responsibilities, not just, again, as part of our culture but also with all peoples within our areas, these things are important to everyone.

One of the things that we have been doing back home at Little River, we have been working on our sturgeon restoration program. We have a remnant population of sturgeon that were just about extinct, and so we developed a sturgeon-rearing facility that actually uses water from the big river, and it has been successfully running for 8 years, and we have introduced probably, I am going to guess close to 600 sturgeon back into the system that most likely would not have made it.

We went as far as we have created a DVD that I would like to share with the committee here just to have an idea of the kind of collaboration and efforts, again, we did not do that by ourselves. We used Fish and Wildlife monies. We used forester cooperation as well, and so it is really a collection of sovereigns coming together to help these things, help the environment, help our cultures.

And so with that I just wanted to, again, thank you for the support. The President's budget does have a base funding established finally for our consent decree for the inland portion of it, and we would like to respectfully ask your consideration in this process, and I am here to answer any questions you may have about that.

[The statement of Jimmie Mitchell follows:]

Chairman Simpson, Ranking Member Moran and Members of the Committee.

My name is Jimmie Mitchell, a citizen of the Little River Band of Ottawa Indians and the Director of Natural Resources for my Tribe. During the past nine years, I have been appointed by the leadership of my Nation to serve as the representative for Treaty Rights Implementation and Protection.

First let me say that it is an honor to be here to provide testimony on behalf of our request to establish base-funding that will serve to assist my Nation and the others that we have aligned with regarding our resource management and conservation enforcement requirements specific to Treaty Preserved Inland Gathering Rights.

Exactly one-hundred and seventy six years ago, to this date, twenty-nine of our Chiefs, whom had traveled to Washington DC at the request of the United States, did so to formulate a peaceable agreement that would affirm and protect the exercise of our sovereignty within our ancestral homelands. The Chiefs did so in exchange for the United States desire to acquire the territory for statehood. That agreement, while not written entirely in the best interest of the Tribes, has remained in effect to this date and is known and referenced to as the Treaty of Washington 1836.

The Treaty has upheld two very important aspects of our sovereignty that remain in effect to this day. The first aspect agreed to provide the Tribes with access to a "Ceded Territory" a contiguous tract of land nearing 13.8 million acres located in the Northern Lower and Eastern Upper Peninsulas of Michigan.

The establishment of the Ceded Territory was necessary to fulfill the second aspect in the Treaty which secured the Tribes inherent Right to Hunt, Fish and Gather along with the other usual privileges of occupancy. This right was essential then, as well as it is today, to maintain our connectedness to the lands, waters and the natural occurring species required to provide subsistence, uphold cultural practices and employ stewardship initiatives that are required to maintain sustainability of the resources.

The natural resources that existed at the time of the newly formed State of Michigan were rich, diverse and bountiful in amounts that were presumed at the time, to be inexhaustible. However, not long after the marks that each Tribal Chief made on the Treaty had dried, the pristine old-growth forests were quickly vanishing due to the enormous influx of settlers that came in droves, laying claim to our Ceded Lands, carving out homesteads and towns at an unprecedented rate.

Much to our dismay, the resources our Chiefs had so carefully negotiated to sustain our physical, spiritual and cultural needs, entirely disappeared within one generation. It would certainly take more than five days, let alone five minutes to surmise the devastating effects that have occurred as a direct result in the loss of these culturally-significant resources and equally, the responsibility that is the core of our belief system to ensure culturally significant resources are preserved and available for the next seven generations beyond our own.

I share this daunting depiction with you, in your role as the supreme protectorates, to help convey the sense of urgency that drives our Rights Protection Implementation request, as well as to provide the "why" that is central to our request and so vitally imperative for us to participate equally as sovereigns.

To effectively participate in collaborative resource management, requires the managers possess the authority and the wherewithal to ensure comprehensive and sustainable resource management practices are established, maintained and completed. Beyond sustainable resource management, the addition of restoration, reclamation and enhancement objectives are the vital steps required in the recreation of a rich and diverse ecosystem, to be realized and enjoyed by all.

The Little River Band of Ottawa Indians is one of five Tribes that have elected to combine our respective sovereignties into one natural resource management board that has co-management authority within the Ceded Territory. This board has evolved over the past 30 years with various titles into what is now known as the Chippewa, Ottawa Resource Authority, (CORA).

The CORA Board is comprised of the Bay Mills Indian Community, the Sault Ste. Marie Band of Chippewa Indians, the Little Traverse Bay Band of Odawa Indians, Grand Traverse Band of Chippewa and Ottawa Indians, and the Little River Band of Ottawa Indians. The CORA Board provides resource management oversight to approximately sixty-thousand enrolled Tribal citizens.

The State of Michigan has been compelled to bring several law suits against the CORA Tribes over the past 30 years, primarily, challenging the existence of the Rights that were affirmed and protected in the Treaty of 1836. The most recent suit was presented in Federal District Court in 2004, targeting again, the Treaty preserved Right to Hunt, Fish and Gather within the Ceded Territory.

The suit was quickly set aside at the request the Tribes in exchange for discussions to reach an agreement. The Tribes fought especially hard to affirm, protect and enforce our management responsibilities on an equal footing to that of the State.

The importance to possess co-management of the resources throughout the Ceded Territory is critical to the CORA Tribes on many levels. Of them, our largest concern comes at the harsh reality these tough economic conditions inflict upon us all as managing sovereigns.

Despite their best attempts, the State of Michigan, the US Forest Service and US Fish & Wildlife are besieged in their respective capacity to uphold resource management responsibilities over our shared natural environment. Further limiting, is their inability to respond to the immerging threats found in the introduction of invasive species that continue to plague our waters, our forests, the wildlife, our respective-cultures and the uncertain future of a world we were raised in, being sustained much beyond our own existence.

This is the unfortunate downside that results when budget cuts limit and diminish any management agencies financial wherewithal to accomplish their responsibilities to sustain and promote a robust and viable natural occurring environment.

The Little River Band of Ottawa Indians view our inherent stewardship responsibility with great care and conviction. We strive to safeguard the existence and sustainability of our precious resources that include twenty percent of the world's fresh water supply, the decimation of native species occurring from climate changes, the infestation of invasive species like the Emerald Ash Borer, the Asian Carp and the ever-expanding list of others.

To answer to the growing demands required to implement sound and responsible resource management solutions today and forward, the Little River Band of Ottawa Indians is currently mentoring Tribal students both with the tenents of Indigenous stewardship practices in conjunction with their higher education studies to successfully usher in the next generation of Tribal Biologists, Rights Protection Attorneys, Policymakers and Conservation Officers.

Under our restoration, reclamation and enhancement plan, the Little River Band of Ottawa Indians have successfully collaborated with other resource management partners that include the US Forest Service and US Fish & Wildlife to successfully restore the remnant Sturgeon population of the Big Manistee River from the brink of extinction through the use of a Stream-side rearing facility that we designed and have demonstrated through peer review to greatly increase the survivability of this culturally important species. This design has since been used in the State of Michigan and State of Wisconsin's Sturgeon programs.

We are also currently conducting feasibility studies in partnership with Universities to reintroduce extirpated species such as the Grayling and Elk within our homelands as well as monitoring threatened and endangered species including Marten and Moose.

On behalf of my Nation, we respect the concerns our attempt to establish base-funding for our Treaty preserved inland resource management requirements have generated, especially during these financially challenging times. However, I would be remised if I failed to share this story that includes our history, our struggles, the concerns and subsequent effects that are currently existing within our Ceded Territory, yet at the same time, demonstrating our sense of optimism, willingness and determination to participate as effective resource managers alongside the other managing sovereigns with a goal to align our abilities to create the changes that are so desperately needed to preserve and protect the sanctity of our environment that the Tribes, our neighbors and the future generations are depending upon.

Miigwetch ogiimiizhiyaan bizindoshin

(Thank you for listening)

Mr. SIMPSON. Thank you.
Mr. MITCHELL. Thank you.
Mr. SIMPSON. Appreciate it. Tom is next.

TUESDAY, MARCH 27, 2012.

LAC DU FLAMBEAU BAND OF CHIPPEWA INDIANS IN WISCONSIN

WITNESS

TOM MAULSON

Mr. MAULSON. I just want to let you know that my Indian name is Wind Coming, otherwise in a Christian way Tom Maulson, and I am the President of the Lac du Flambeau Band in Lake Superior Chippewa Indians with my relatives that is with us here.

You know, Mr. Chairman, I want to sort of give you a book here, and my colleague to my right will definitely—this is a good story. You know, sitting here a good part of the afternoon, and I know you people are busy people, we, too, have some priorities coming from Indian Country. And I sat back there and listened to the Holocaust that is still going on in Indian Country, you know, here, not only in, you know, in my reservation or across this country. We need a lot of help. We have many priorities. Same as the other tribes out there. Protection of our natural resources, education, welfare, and these things are just, you know, funded at their base funding. We need more support, Mr. Chairman, in many other issues out there.

And I have got my natural resources program right here, and I will turn it over to him when I get to about that point right there. We have got a lot of issues there to represent to EPA at the national level.

I have been, you know, cross country dealing with, you know, about what mining has done to my colleagues back home in the northern part of Wisconsin and what they have done to the Oklahoma tribes, and I can just go on and on.

But I think there can be some resolutions instead of coming back every year like Rib said over there. He talks about, you know, I remember him when I was sitting here, he talked about that school again, knowing that money just goes so far. We know that. I think we are quality people today, educated, and we know the system today.

And all we ask is maybe another opportunity that this committee can take a look at setting us as Indians off to one side because you all have the fiduciary responsibility to me as a tribal president of my nation of what that treaty rights, you know, the bearing that we have on each other. Maybe we need to take a look at all those fundings, instead of putting us into the melting pot of America today, there is more people that come in every year than Indians across this country. We need to maybe put those type of dollars off to one side so we can have new schools, we can have better prosperity for our natural resources, and we can have healthcare and all these, you know, type of things that we are trying back home.

I think, you know, Martin Luther said he had a dream. We have visions. We want to be free. We want to make sure that we can make our own decisions, where tribal presidents can put their own initials down for certification, may be whatever level. We are starting to get that qualification back home.

In education we are just playing catch up today. You know, our young people are still having tough times, you know, understanding what we call the Tamuccachoma Inn, where that white language or those white process and what our kids have to go through. We still have somewhat of the old boarding schools back home, and I think, you know, and we have the quality of what we want as Indian people, and you can help us. You can put that money aside. You can work on these things and make it a lot easier and safer and more wealth for our people, because sometimes we are bitter poor. We are happy people.

But I hope that this year's subcommittee can take a look at all the things that are owed to Indian people, and I say it in a good way. You owe us all that. You people that sit there as our leaders. You owe us that.

I am going to turn it over to the Natural Resource Program for Larry to expound on in a minute.

[The statement of Tom Maulson follows:]

TESTIMONY OF TOM MAULSON, PRESIDENT
LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE
ON INTERIOR AND RELATED AGENCIES
ON THE FY 2013 DEPARTMENT OF THE INTERIOR,
ENVIRONMENTAL PROTECTION AGENCY AND THE
INDIAN HEALTH SERVICE BUDGET
MARCH 19, 2012

My name is Tom Maulson, I am President of the Lac du Flambeau Band 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 2013 (FY 2013). I would especially like to thank the Subcommittee for its leadership and commitment to Tribes and the programs that are critical to our operations.

This Subcommittee's support of Tribal programs demonstrates the very best of Congress and our Nation's leaders. Today, I am going to discuss the funding needs of several programs vital to Tribes, including Tribal EPA funding, the BIA Natural Resource Programs and Indian Health Service funding.

I. ENVIRONMENTAL PROTECTION AGENCY PROGRAMS

Tribal General Assistance Program. The Tribe strongly supports the proposed $28 million increase for the Tribal General Assistance Program ("Tribal GAP"). The Tribal GAP program provides base environmental funding to assist Tribes in the building of their environmental capacity to assess environmental conditions, utilize available data and build their environmental programs to meet their needs. According to the EPA's Budget Justification, this level of funding would increase the funding amounts available to eligible Tribes by 40%, which is the first base increase these programs have received since 1999. This increased funding will help reduce staff turn-over rates and enhance long-term sustainability of Tribal environmental programs. This funding is critical for Tribes in the Great Lakes as our region begins to examine resource extraction issues, in particular mining. While we understand the need for job creation, we believe any action must be done in a way that does not destroy our natural resources, which are the basic foundation of our way of life and economies today.

Great Lakes National Program Office. We want to express our continuing support for the Great Lakes Restoration Initiative ("GLRI") and in particular, the $3 million Tribal set-aside. As the Subcommittee knows, the Great Lakes represent three quarters of the world's supply of fresh water. But for us, the indigenous people of Wisconsin, the Great Lakes represent the life blood of our economies and our culture. The protection and preservation of the Great Lakes is necessary to the protection and preservation of the tribal communities that have made the Great Lakes their home since time immemorial.

The Tribal GLRI funding has allowed the Lac du Flambeau Tribal Natural Resource Program to conduct a comprehensive bird survey and establish an inventory of current and past wild rice beds. This data will be used to draft restoration plans. The Tribe also purchased a

Marsh Master. This all-terrain vehicle allows us to implement our Fire Management Plan on the 8,000 acre Powell Marsh, a critical Reservation wetland habitat area for wildlife and waterfowl, and to establish and restore other important wildlife areas.

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 monitors, maintains and improves water quality for the tremendous amount of surface and ground water within the exterior boundaries of our Reservation. According to the 2010 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. We ask the Subcommittee to protect funding for this program that is so important to the health of our communities

II. BUREAU OF INDIAN AFFAIRS

While the Tribe is disappointed that the BIA's proposed budget for FY 2013 is essentially level funding for most programs, the Tribe recognizes the difficult fiscal times the Nation is in and thus, the Tribe is pleased that the BIA did not propose decreases to many of the BIA's programs. In particular, we are pleased that the BIA maintained funding for critical welfare and education programs. The Tribe is concerned that the BIA has proposed an administrative streamlining initiative (including offering incentives for early retirements) to achieve cost savings. We are fearful that if these cost savings are not achieved that there will be a reduction across the board in program funding. Thus, we urge the Subcommittee to be mindful of this and require the BIA to regularly report its progress in achieving this initiative's goals.

Today, we want to particularly focus on the funding needs for the BIA Education and Natural Resource Programs.

Tribal Education Programs. Education is a top priority for the Lac du Flambeau Band. We believe that it is through investment in education that we will be able to restore stability to our Nation's economy. In particular, to continue the progress Indian Country has made in participation and control of education programs and schools, it is imperative that funding for tribal higher education programs be increased.

Thus, we support the Budget's proposed small increases for the BIA scholarship and adult education program and for the BIA Special Higher Education Scholarships ("SHEP") program. This funding supports Indian students working for higher education and advanced degrees. 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 college and 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.

Tribal Natural Resource Departments. 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, wildlife habitat protection and enhancement, conducting wildlife surveys and administering timber stand improvement projects on our 86,000-acre Reservation.

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 subsistence fisheries, these resources often provide much needed hunting and fishing resources for families and Tribes. As you all know, each and every economic and subsistence opportunity today is invaluable, and should not be taken lightly. To ensure that these opportunities continue, these resources must be protected.

It is with this understanding of the importance of our natural resources, that the Tribe strongly supports proposed increases for the Tribal Natural Management Development Programs, which would allow for a $60,000 increase to the Lac du Flambeau Program alone. This increased funding is the first significant increase these programs have received in more than a decade. This funding will allow us to improve our efforts to conserve and enhance the natural resources that are the very foundation of our way of life.

Conservation Law Enforcement Officers. 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. 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.

Thus, we urge the Subcommittee to support the BIA's proposed $500,000 increase for Conservation Law Enforcement in the FY 2013 Budget. While this funding will be divided among Tribes nationwide and not sufficient to meet the overall need, it does represent an acknowledgement of the importance of Tribal conservation law enforcement officers to the federal law enforcement family.

Circle of Flight: Wetlands Waterfowl Program. We urge the Subcommittee to support the $800,000 for the BIA Circle of Flight Program. This program supports Tribal efforts throughout the Great Lakes Region to restore and preserve wetlands and waterfowl habitat within Tribal territories. This program also gives the Great Lakes Region Tribes, States, USFWS, USDA, Ducks Unlimited and other private sector groups an opportunity to work cooperatively in projects that provide wetland protection, flood control, clean water and recreation in the Great

Lakes Region. The Subcommittee's strong support of this program for the last two decades has resulted in tremendous successes in restoring wetlands and waterfowl habitat throughout the Mississippi Flyway.

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 urge the Subcommittee to fully support the increased programmatic funding for GLIFWC. GLIFWC has played an invaluable role in providing science and sound management practices for our off-reservation resources. This role could not be filled by any other agency.

Cooperative Landscape Conservation. The Tribe strongly supports the $1 million for the BIA's Cooperative Landscape Conservation initiative. This funding will allow tribal participation in activities intended to address climate change throughout the country, as well develop and implement adaption/mitigation projects. Only through collaborative initiatives will we address the challenges that climate change presents for all of us.

III. INDIAN HEALTH SERVICE

The Tribe strongly supports the testimony of both the National Congress of American Indians and the National Indian Health Board regarding the Indian Health Service's FY 2013 funding needs. We join with them in expressing great appreciation to this Subcommittee for your efforts to increase the funding for tribal programs in the face of very difficult fiscal times. Nevertheless, the level of funding has not kept pace with the rising cost of health care or with the population growth of our communities. Thus, we urge this Subcommittee to continue your efforts.

Contract Health. We want to call particular attention to the need for contract health care funding, which is a need that is expressed to the Subcommittee every year. 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 the Subcommittee for providing increases to contract health care funding over the past couple of years. In this regard, we strongly support the $20 million programmatic increase for contract health care services proposed for the FY 2013 Budget.

IV. CONTRACT SUPPORT COSTS

We cannot commend the Subcommittee enough for your efforts to fully fund Tribal Contract Support Costs. The last two years of increases have been unprecedented and vital to the continued success of the Indian self-determination policy. While we appreciate the BIA's $8.9 million increase for Contract Support Costs, which the Agency reports should fully fund this account, we are disappointed in the Indian Health Service's request of only $5 million. We understand that this will result in a $100 million shortfall for FY 2013. 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.

Mr. SIMPSON. Would you state your name for the record?

Mr. WAWRONOWICZ. Larry Wawronowicz. I am the Natural Resources Director for the Lac du Flambeau Band of Lake Superior Chippewa Indians. I do not know how much more I could say that the chairman could say so eloquently, but the clean air, water, and land is very, very important to Lac du Flambeau tribal members in order to be able to exercise their treaty rights on and off the reservation.

And our testimony that is being presented today in written and oral form really, you know, concentrates on funding for environmental programs like EPA Program GAP, $28 million increase. We really strongly support and hopefully that you do to see that we could get that money into the EPA GAP Programs that increases our environmental capabilities.

Great Lakes Restoration Initiative is very, very important to the tribes along with the Circle of Flight. In order to be able to document some of the things that we are able to do with Circle of Flight and the Great Lakes Restoration Initiative dollars, we put together a brochure for all the tribes in the Great Lakes region in Minnesota, Michigan, and Wisconsin.

So basically we are asking you to take a look at that. You are appropriating the money. We are putting it to good use in a good way and in a quick way. We are able to take the money from the EPA, put it through the Bureau of Indian Affairs, through a 638 contract, and get it at the Indian Country to work and make a difference really fast.

The other things that are important here are conservation law enforcement, our tribal management development program, there is a pretty good increase in the Bureau budget for Lac du Flambeau. I think it comes down to $60,000, but in Indian Country $60,000 goes a long way. It is going to take our tribal management development program from $181,000 annual budget to $241,000. So that is pretty good.

But when you consider it in terms of how much healthcare costs, for example, it is costing us $23,000 per individual that has a family life insurance policy on the reservation. So $61,000 will pay for approximately three health insurance policies. So it is a little bit that goes a long way.

Conservation law enforcement. Last year the Bureau of Indian Affairs went ahead and put conservation law in for $1 million. Congress did not support it. This year they went in there and put conservation law enforcement in there again for half a million dollars, and we hope that, you know, can go some place. We could use it for training for our conservation law, but, you know, $500,000 for 556 federally-recognized tribes is not going to go too far. It is costing us about $100,000 per law enforcement officer to, you know, be certified, be kept certified, be trained to make sure that they are a public servant and protect the safety of our community.

Tribal education, so important to us. I mean, here I am speaking on behalf of the Lac du Flambeau Band of Lake Superior Chippewa Indians. I am Polish decent. I am not Ojibwe. We need students to be able to take this job and tell their story in their way and their language. So, you know, when I see, you know, possible cuts in Pell Grants or higher education, it gets a little difficult for us to try to

recruit people into our natural resource program in order for them to be able to protect those resources for present and future generations and to be able to supply the opportunity for future tribal members to hunt, fish, and gather in the Ceded Territories of Wisconsin.

I am over, but I really just want to say that we support, you know, we really appreciate your support in the past. Your continued support is very, very important in order for us to be able to have clean air, water, and land.

Mr. SIMPSON. Thank you. Jim.

TUESDAY, MARCH 27, 2012.

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

WITNESS

JIM ZORN

Mr. ZORN. We can make up time. Do not worry.

Jim Zorn, Executive Administrator, Great Lakes Indian Fish and Wildlife Commission, and on behalf of our 11 tribal nations, the 38,000 members, their families, and their communities, our program affects about 60,000 square miles of treaty ceded territory in Wisconsin, Michigan, and Minnesota, and we have been at it for about 30 years now, and that is what the book is about, Mr. Simpson. Our 25th anniversary we put together a treaty symposium that really creates the historical record of what these rights are to the tribes, what these rights mean to their communities, as well as the benefits that come not only to tribal communities but surrounding communities.

So I know the committee is deeply understanding of those, so I will cut to the chase. GLIFWC here today would like to address the rights protection line item in the BIA budget. Mr. Cole said before that this committee, subcommittee has provided leadership to the Administration. In fiscal year 2010 you did that, fiscal year 2011 you did that in rights protection, and finally the Administration heard and in the fiscal year 2013 proposal we have more money going to rights protection and supporting the tribes' treaty commissions. It is a great thing. We support that, and I know the tribes in the Great Lakes Region support the notion that 34 percent of that line item certainly should come to the Great Lakes Region. It is a good way to spend the money, and we helped document those results in that book and elsewhere as Larry pointed out.

And even with that, with all the funding we can leverage and with our base budget, for example, this year about 5.6 million we got, I was able to leverage about 2.4 million other funding sources to bring us up to about 8 million, including DOJ COPS and other funding that one would not think so. So that base is so important we can really do a lot with it.

And even with all that we are still only at 75 percent of need in terms of funding. So we still have unmet needs, but, you know, we are very happy.

So thank you for what you have done.

Secondly, contract support. Two simple words. Thank you very, very, very much. I cannot tell you what that has meant to GLIFWC. We can put more program dollars out there because we had no contract support shortfall last year, and we had a little bit extra to apply to some of our direct contract support costs, so I could even get more benefit and keep an extra conservation officer on that I could not have otherwise done.

So thank you for your leadership on that.

Finally, EPA Great Lakes Restoration. We support the Administration's proposal of $300 million. We would suggest, as President Maulson said, some sort of tribal set aside. We suggest, you know, $25 million, some amount that the tribes could get. GLIFWC need is about $1.2 million, and we strongly support whether it is through interagency agreement or it is through some other mechanism using the Indian Self-Determination Act as a funding mechanism, whether it is self-determination or self-governance because it gets money out the door faster in a way the tribes know how to use it.

And the results, I think speak for themselves. You know, we have our member tribes, and now they are harvesting 25 percent of the wild rice from restored rice beds. We have fish consumption advisories. We are preventing invasive species spread and introduction.

So the context we have here I think in these treaty commissions is good government, accountable, transparent, efficient programs, on-the-ground results, and in that I just want to bring out one thing. This is a picture of one of our conservation officers, full garb, on an Iowa National Guard Black Hawk helicopter. Nine of our officers were involved in a multiple-agency effort that discovered and eradicated and arrested six individuals, including five Mexican nationals, illegal in this country, about 10,000 pot plants in Chequamegon National Forest. This is where our tribal members hunt, fish, and gather. This where my staff goes out and works and the staff of the DNR and the Forest Service go out and work.

We help protect that area, so why are we involved as conservation officers? I need to know out there. Our staff picks up people going through the woods on our trail cams that we put out there for the fur bears that we are monitoring. We see people in masks, with camo faces, and so our presence there helps the general public. It is just one example.

So with that fiscal year 2010 restoration this is exactly the type of things we can put on the ground that gets out there and gets things done.

The partnership, state, federal, international level, bi-national with Canada, the Great Lakes Water Quality Agreement that hopefully will be modified this year to provide not only good protection and restoration but get tribes to the table more often.

And so with Great Lakes Restoration I want to point out it is called the GLRI, but do not forget protection. Tribes need to be proactive to protect those areas that are still pristine that have not caught on fire. What do we have to do? Wait around for the river to catch on fire before we get involved to prevent that? So, please, I know the committee is very concerned about not putting people out there. You want dirt shovels turned, but in Indian Country the

protection is the project that they need. So if we could work through that, we would greatly appreciate it.

With that thank you very much. We really appreciate the opportunity to be here.

[The statement of Jim Zorn follows:]

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION
P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294

• MEMBER TRIBES •

MICHIGAN	WISCONSIN		MINNESOTA
Bay Mills Community	Bad River Band	Red Cliff Band	Fond du Lac Band
Keweenaw Bay Community	Lac Courte Oreilles Band	St. Croix Chippewa	Mille Lacs Band
Lac Vieux Desert Band	Lac du Flambeau Band	Sokaogon Chippewa	

FY 2013 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 GREAT LAKES AREA RESOURCE MANAGEMENT: $6,367,000 (FY 2013 requested allocation within the Administration's FY 2013 Rights Protection Implementation request in the amount of $32,645,000).

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.

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.[1]

2. BIA CONTRACT SUPPORT: $228,000,000.

Agency/Program Line Item: Dept. of Interior, Bureau of Indian Affairs, Operation of Indian Programs, Tribal Government.

Funding Authorization: Indian Self-Determination and Education Assistance Act, (P.L. 93-638), 25 U.S.C. ss. 450f and 450h.

3. EPA GREAT LAKES RESTORATION: $300,000,000. 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

[1] 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.

For over 25 years, Congress has funded GLIFWC to meet non-discretionary treaty obligations and associated federal court orders. This funding has allowed GLIFWC to implement comprehensive conservation, natural resource protection, and law enforcement programs that ensure member tribes are able to exercise their treaty reserved rights to hunt, fish, and gather throughout the ceded territories, and that ensure a healthy and sustainable natural resource base to support those rights. These programs also provide a wide range of public benefits and assure full participation in management partnerships in Wisconsin, Michigan, and Minnesota.

GLIFWC and its member tribes would like to take this opportunity to thank Congress, and specifically this Subcommittee, for its strong support of these treaty obligations. The Subcommittee acted in FY 2012 to increase its support for treaty rights protection and the Administration followed suit by more fully supporting these treaty obligations in its FY 2013 request. GLIFWC recently estimated the full cost of its program at approximately $9,870,000, including: $5,434,000 provided in FY 2012 through the RPI line item, approximately $1,800,000 provided by grants and other "soft" funding in FY 2012, and $2,636,000 in unmet needs. Funding at the proposed FY 2013 level would begin to address these unmet needs. For more detail, the three elements of this FY 13 funding request are:

1. **BIA GREAT LAKES AREA MANAGEMENT: $6,367,000.** This program falls within the Rights Protection Implementation (RPI) line item, which is proposed at $32,645,000 in FY 2013. Funds provided to GLIFWC under the RPI program ensure that GLIFWC's member tribes continue to comply with federal court orders by ensuring effective implementation of tribal self-regulatory and co-management systems.

In previous fiscal years, GLIFWC has testified about chronic underfunding of the Rights Protection Implementation line item and the impacts of that underfunding on GLIFWC's programs. In FY 2010, Congress recognized this threat and provided a much-needed increase in support. Following Congressional lead, the Administration has incorporated and supplemented that increase in its FY 2013 proposal. The funding provided through the Great Lakes Area Resource Management line item in FY 2010 allowed GLIFWC to restore some program cuts. Funding at the proposed FY 2013 level would enable GLIFWC to meet even more of its program needs, including funding for research and assessments of threats to the ceded territories and for conservation enforcement officers.

2. **BIA CONTRACT SUPPORT: $228,000,000.** GLIFWC supports the $228,000,000 proposed for Contract Support. This amount would meet the needs identified in the most recent Contract Support Shortfall Report to fully fund this account, which provides funds to meet costs incurred in fulfilling administrative requirements that are mandated when operating programs, including costs for accounting, personnel administration, and property management. Rectifying this chronic underfunding will allow GLIFWC to direct scarce resources toward restoring program cuts and service capacity.

3. **EPA Environmental Programs and Management: $300,000,000.** GLIFWC supports continued funding for the Great Lakes Restoration Initiative (GLRI) at no less than the Administration's proposed FY 2013 level of $300,000,000. It also recommends that at least $25

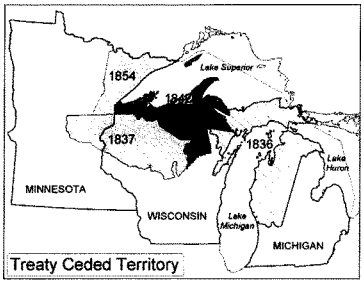
million be provided to the BIA for tribes, to ensure they are able to undertake local projects that contribute to the protection and restoration of the Great Lakes.

Sustained funding for GLIFWC at approximately $1.2 million will enable GLIFWC to retain jobs created through this program, to fully implement projects it undertook to meet the goals of the GLRI, and to meaningfully participate in the decision-making processes that will affect the treaty rights of its member tribes.

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. This enabled tribes to begin project implementation much earlier and realize substantial, early "on-the-ground" ecosystem benefits.

CEDED TERRITORY TREATY RIGHTS – GLIFWC'S ROLE AND PROGRAMS

Established in 1984, GLIFWC is a natural resources management agency of eleven member Ojibwe Tribes with resource management responsibilities over their ceded territory (off-reservation) hunting, fishing and gathering treaty rights. These ceded territories extend over a 60,000 square mile area that extends to Minnesota, Wisconsin, and Michigan.



Through its staff of 65 full-time biologists, scientists, technicians, conservation enforcement officers, policy specialists, and public information specialists, GLIFWC's mission is to: i) ensure that its member tribes are able to exercise their Treaty-protected rights to meet subsistence, economic, cultural, medicinal, and spiritual needs; and ii) ensure a healthy, sustainable natural resource base to support those rights. GLIFWC is a "tribal organization" as defined by the Indian Self-Determination and Education Assistance Act, governed by a Constitution that is ratified by its member tribes and by a Board composed of the Chairs of those tribes.

JUSTIFICATION AND USE OF THE REQUESTED FUNDS

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 the FY 2013 level 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 that harm treaty natural resources, including invasive species, habitat degradation and climate change.

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 managers[2] 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.[3]

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. Because of its institutional experience and staff expertise, 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.[4]

OTHER RELATED APPROPRIATIONS CONCERNS

1. Support for BIA Conservation Law Enforcement Officers: GLIFWC supports BIA's proposal to provide $500,000 in FY 2013 to support conservation officers like those employed by GLIFWC. This program will assist tribal conservation enforcement programs in protecting and monitoring natural resources both on and off-reservation.

2. 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.

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[2]GLIFWC currently participates on a regular basis in the Binational Program to Restore and Protect Lake Superior, 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.

[3] With the requested FY 2013 funds, GLIFWC would: i) continue a ceded territory wild rice enhancement project; ii) facilitate tribal input and participation in the implementation of the revised Great Lakes Water Quality Agreement; 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; 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, and vi) enhance its capacity to protect ceded territory natural resources by responding to development proposals such as those related to mining.

[4] For example, on March 14, 2012, U.S. District Judge Barbara B. Crabb sentenced Norberto Burciago to 10 years in federal prison for his involvement in a conspiracy to manufacture marijuana in the Chequamegon-Nicolet National Forest. The "grow" was discovered by hunters, monitored by law enforcement, and raided by more than 200 law enforcement officers from a dozen local, state, and federal agencies, including 9 officers from the Great Lakes Indian Fish and Wildlife Commission.

Mr. SIMPSON. Thank you. Ms. McCollum.

Ms. MCCOLLUM. Mr. Chair, Mr. Whitebird, could I have the photographs that you have underneath your speech?

Mr. WHITEBIRD. I think we got some for you.

SCHOOL CONDITIONS

Ms. MCCOLLUM. Mr. Chair, you are from a northern climate. Imagine a pole barn. We go in Minnesota from over 100 degrees in the summer with heat and humidity to well below freezing, well below.

Mr. SIMPSON. But I do not live in Minnesota.

Ms. MCCOLLUM. I know, but this is the high school we welcome our youth into, a pole barn. The reason why it has problems with rodents and that is not because they do not have excellent staff and people. They are working night and day to eliminate it, but it is a pole barn. It is a pole barn, and you cannot fix a pole barn. When the Secretary was here, he was talking about delaying the construction and doing a moratorium to conduct the inventory. The inventory on this school is done. It is done, and it is just beyond belief. You know how passionate I am about schools in other areas, and although this is not in my district, it is in my home state. I have to look these children in the eye in my community and say, you are worth a pole barn? You are worth a pole barn that cannot be repaired anymore.

So, Ribs, thank you for being here, and I know that you speak passionately about this because you care about children and having safe schools all over this country.

Mr. Chairman, with this one, enough is enough.

ASIAN CARP

I would like to turn now to Lake Superior for a little bit. The chairman has been talking about how we need to have a holistic approach about invasive species. The asian carp is coming, and we need a better approach than the one that is currently out there in Minnesota to shut one of the locks and dams. That is not going to do it.

You talked about the cooperation that we have. Could you elaborate a little more about how you work with state DNRs, U.S. Fish and Wildlife, and how we are getting a big bang for our buck out of here? Circle of Flight is a model program and it was my honor when you came to me and asked me to help work with others to keep the funding in place. Could you talk a little bit more about what you are doing with that funding?

Mr. MAULSON. Look at this. These are that many Indians right here today. We have got all these tribes walking on the Capitol Building, talking to their legislators, and the reason why I get so really, you know, not upset, we had 1-year colleagues come and make a speech to us, and the gentleman was a 30-year, how do you want to call him, he is a surgeon and become a politician, and these same group of Native People I asked a question about drug abuse on our reservations, these here OxyContins that are being sold. And he knew nothing, and that is scary to me as a leader to you all. You know, this is what I have got to, you know, he said just come and see me and educate me.

Well, we are trying to figure out how to do that, so we got organizations, Indian Health Board that we are going to put together something where we can educate you all. I mean, I do not have to educate you people. You guys, we have been here, done this, you know. Otherwise you would not be here.

But the scary part is these other people that have to raise their hands to the destiny of Indian people, that is why I asked that we take a look at, you know, set asides for Indian Country completely out of the melting pot of America today, because, you know, we are paying off the backs of Indians for a multitude of other ethnic groups almost 12 million illegal Spanish people here from Mexico and all these other people that are coming in, and you forgot about Indians. I do not say you forgot here, otherwise we would not be here again.

But as a tribal leader I sort of when I come here I sort of feel like I am begging for something that is owed to us, that is obligated by, you know, this organization to us because we are doing the work for you. Our great organization of the Great Lakes Fish and Wildlife Commission and other collaborating people that we are working with, especially state people, and they are starting to recognize us as you asked that question, that DNR is working very closely with the Great Lakes Fish and Wildlife Commission and also with the tribes in Wisconsin to make sure that we have a better protection.

You see the officers sitting in the helicopter. My son is a chief game warden. He is getting the best education for every one of those because they are out there by themselves sometimes. They are out there with people with automatic weapons, you know, trying to take down the drug lords and everybody else, something that keeps coming to Indian Country, selling us all this here type of stuff.

That is why I think we come here and ask your help. You know, far greater, and I do not know how you guys do what you are doing. I commend you for it to try to give us the best you have, Mr. Chairman, and it just, sometimes we look at it, it is not enough. I do not know why.

So, I guess, you know, if you could ever put a budget together and say, hey, this is for Indians, and we are not going to put them in with all the other ethnic groups in America today because, you know, they have a special interest here, which we do. Obama gives me 15 minutes. I tried to ask for more but the staff would not let me. But it is good dialogue, and I think, you know, that is where, and I appreciate you asking the questions, giving that respect to us as tribal leaders because we do have a lot of problems back home with sexual abuse, we have got, we just got through getting more law enforcement. We cannot even indict the people that we catch with drugs in our courts because you heard one of the judges say, he said or she said, and they just sort of let them go.

It is really tough, and I, too, would encourage you guys, come and take a look at what we got. We did it because we pulled ourselves up by the bootstraps. We used our money wisely, the little bit of dollars that we got here. We used it wisely. We built an organization that is, you know, the top of the line. People are looking at the Great Lakes Fish and Wildlife Commission. We have got a

brand new building. We are trying to do the things America wants, and we are doing it basically a lot ourselves with what I call ingenuity.

So if we could get more help, Mr. Simpson, we would definitely appreciate it, because you guys do one heck of a job with the little bit that you got to do with, you know. The dollars that you get. Hopefully, maybe the war will get over with and maybe the monies will come back home and start to build our communities again.

Mr. ZORN. Do you want a couple particular examples just after the record? Okay. For example, Great Lakes Restoration Initiative, Fish and Wildlife Service, kicked over $500,000 to the BIA to get out to tribes for the state and interstate aquatic invasive species plans.

We are involved on the Asian carp everywhere from up the Mississippi to what Chicago is doing down at the Chicago River and what they are talking about doing there. So we really take a comprehensive view, and this is where the GRA money is so important because you have to be so many places at once. The staff and I had this conversation about this initiative proliferation. I wish we could clone ourselves. You can only be so many places at once, and what we are hearing from the cities, from the states, and others is the value of the tribal perspective at these tables, it brings a vision, it brings a clout, it brings some responsibility, it brings some help.

And so those are a couple of examples that we have that if you want more, we can document some of this stuff. But it does work, and people are trying to piece together what funding they have to get the best amount for the dollars that we have.

Mr. WAWRONOWICZ. Mr. Chairman, can I respond?

Mr. SIMPSON. Sure.

Mr. WAWRONOWICZ. Circle Flight dollars. We are able to utilize, we have this, what we call the Paul Marsh in the northern part of the State of Wisconsin. Part of it on the reservation, part of it is off the reservation. We were able to utilize, you know, some of the Circle of Flight dollars to help supply water control structures and other infrastructure development on the state side of the Paul Marsh through a cooperative agreement, and also they were able to provide some dollars through Ducks Unlimited.

So there was, you know, tribal, state, Federal Government, U.S. Fish and Wildlife Service was involved, as well as private sector. So it, you know, gave us a lot of leverage by utilizing the Circle of Flight dollars to make some big improvements within the Paul Marsh area of northern Wisconsin.

Mr. MITCHELL. Mr. Chairman, if you do not mind, in understanding, you know, the proximity that the tribes that are representing this region are really looking at and what is very concerning to us is to understand that we have the responsibility to ensure that 20 percent of the world's fresh water supply that is available to all peoples is protected and reserved, and I will share a story real quickly, because I understand we are running late, that was shared to me by Frank Ettawageshik, who was a tribal chairperson of the Little Traverse Band of Odawa Indians.

And he was flying over Lake Michigan one day, and he looked down from way up in the sky, and he saw a little tiny ship, and he realized, well, that was one of those iron freighters that was

going across the lake, probably down to Gary, Indiana, or some place to drop its load off, and he realized that, you know, that ship is probably over 1,000 feet long, and if you took that ship, and you picked it up by one end, and you stuck it into Lake Michigan, at its deepest place you would still have a significant portion of that boat sticking out of the water.

To understand that, when you look at the Great Lakes and understand how important they are, but they are really just a sheen of water. They are not this inexhaustible resource that everybody touts them out to be, and if we are going to understand what it means to our communities as the Lac du Flambeau community as well as the human community, I think having that tribal voice at that table and understanding the significance to all peoples and how important those waters are to protect and to ensure their survivability and sustainability into the next seven generations.

Mr. SIMPSON. Thank you. I appreciate you all being here today. I can tell you, President Maulson, that we do not look at it as you all coming here and begging for something. What we view this as is the opportunity for us to learn about what the needs are in Indian Country and listen to you all and what your priorities are as we try to put together a budget with limited resources and try to address those high priority items for the tribes.

And I will be the first to admit it would be nice if we had some more money, and I suspect that school was not built last year after your testimony because you are back testifying again, and I suspect you will be back every year until we get it built.

Mr. WHITEBIRD. Whenever I am called upon, I will be back.

Mr. SIMPSON. I appreciate it, Ribs, but thank you all for coming here because it is important to us, and you have brought up a new issue that frankly I did not know was an issue, but it is something that we need to look at in terms of treatment of tribes that were what, post 1997, and——

Mr. KING. We are just looking for a fair share. I mean, we see it as a macro-economic situation where, you know, we are supportive of the tribes, you know, that have gathered here today, you know, for the bigger part of the budget, you know, such as, you know, Johnson-O'Malley, you know, when we had our first consultation with the National Office of the BIA, they said, you know, the Johnson-O'Malley Act, it probably will not be funded by the time you guys are eligible and get your stuff going.

On a micro-economic side we are just looking, you know, it is $160,000 to run our government, you know, to pay the payroll, the fringe, the start-up costs, and that is what we are looking for on the micro-economic, you know, side of it.

Mr. SIMPSON. Yeah. I appreciate it. Thank you all.

Next, our final panel today is Colley Billie. Is that right? Kitcki Carroll. Is that even close? Kitcki.

Mr. CARROLL. Kitcki.

Mr. SIMPSON. Kitcki. Okay. Kitcki Carroll, and Bill Harris.

Chairman Billie, you are first.

TUESDAY, MARCH 27, 2012.

MICCOSUKEE TRIBE OF INDIANS OF FLORIDA

WITNESS

COLLEY BILLIE

Mr. BILLIE. Thank you, Mr. Simpson. My name is Colley Billie. I am the Chairman of the Miccosukee Tribe of Indians of Florida. Thank you for providing me the opportunity to testify today.

The Everglades have been the home of Miccosukee people for hundreds of years, and our commitment to its restoration is unwavering. We have the most at stake because protecting our home and our traditional way of life depends on this.

My testimony focuses on the following two priorities. One is stopping the massive environmental skyway bridging of the Tamiami Trail adjacent to tribal lands, and number two, ensuring that EPA, the Department of Interior, and of course, prioritize improving water quality in the Everglades.

To give you an idea of the Everglades, I brought here today a satellite map. If you look over to my left, I want to show you where our tribal lands are. All this area is our tribal land, and also the Everglades National Park is south of our tribal lands. They are in this area way down to here, all the way down into Florida Bay.

Tamiami Trail goes through our reservation on the south side, and that takes you from Miami all the way up to Naples, from the east coast to west coast, and the national park and the Corps are constructing one mile of bridging on the Tamiami Trail and where they propose another 5.5 miles of bridging, and that is in this area.

This is a close-up map of the bridging itself over here. This is the Tamiami Trail, a closer view of this section.

Miami and Broward are in this area, Palm Beach is up there. So all on the west coast. You have got Miami, Broward, Palm Beach, and the Keys are way down in this area.

Sugar, orange, and cattle farms are located to the north of us. They are up on the north side. If you look at the top, you are going to see a part of Lake Okeechobee. These are farming areas, generate high levels of phosphates and other pollutants. I am sorry. Here are areas designated to be storm water treatment areas to treat the polluted waters from these farms and urban areas by which it seems the Federal Government and the State of Florida have abandoned after investing over $200 million. That would be these areas in pink.

Lake Okeechobee, where water from the historic River of Grass started before man reengineered it, and that would be at the very top.

Over 100 years ago the water flowed from Lake Okeechobee to Florida Bay. It would flow from north all the way down in the south and come out in the Florida Bay in this area. Florida Bay is the fishing capital for sports fishing.

Also, we have here various canals and levies developed in the Everglades over the past 100 years by the Corps. Some of these canals dump highly-polluted water directly onto our reservation. These canals that I am talking about are here. You got two canals here, you got Miami River over here, you got L–28, L–29, and I be-

lieve this is L–67 over here. No. This is L–28. This is the L–28 interceptor, and this is the other L–28. This is the L–29. If you look over to my right, this is a close-up picture of this interceptor that dumps polluted water right into the middle of our reservation. That would be this picture right here.

As you can see, there is nothing to catch all this water being dumped into our reservation. It just flows directly into the reservation, and if you look closely at the picture such as this one, you should be seeing sour grass. Instead what you see is cattails. Cattail growth is an indication that there is a lot of phosphors in the water. It should not be like this.

In here is one of our tree islands, which you can see from an aerial picture right there, the surrounding area should be surrounded by sour grass, but because sour grass cannot grow in such a polluted water, it has given way to cattails, and this is the tree island which we took, Assistant Secretary, Mr. Larry EchoHawk, to one of our tree islands before.

As you can see, we live in the heart of the Everglades. This committee has appropriated more than $1.3 billion on Department of Interior Everglades Project over the past decade. Full Everglades restoration is projected to cost at least $13.5 billion. Given these tight fiscal times, taxpayer dollars should be used wisely and effectively. We see a disjoined approach on projects by federal agencies resulting in decisions that harm the Miccosukee people.

One of the projects is the bridging. If you look over to my left, you are going to see the bridging picture here, and that will be this one in the corner. These are the pilings. It is under construction, and on this side of the canal you see a levy that runs on the north side.

The tribe strongly opposes this. One mile of this bridging currently under construction was funded in the National Park Service portion of the fiscal year 2009, Omnibus. The cost of this one-mile bridge is at least $81 million. Another 5.5 miles have been authorized but not funded in the National Park portion of the fiscal year 2012, Omnibus.

It was also contained in the fiscal year 2012, House Interior Appropriations Bill. The estimated cost of this additional bridging is at least $310 million. These skyway bridges are destroying our traditional ways of life and tribal sensitive and archaeological resources. They also are negatively impacting the water levels on our lands. These bridges are a waste of taxpayer dollars. National Park Services claims that this bridging is needed to improve water flow into Everglades National Park.

However, if the park used existing water delivery structures like the flood gates, clean out clogged, existing culverts under the trail as well areas and install additional culverts, the park could achieve equally-effective water flow at a fraction of the cost of bridging.

One of the pictures in here show a culvert that is existing on the Tamiami Trail, and that picture is right here. This is an existing culvert that should be cleaned out and the swell could be built, and it would allow water to flow. Right now it is clogged up. That is why water does not flow under that culvert.

Culverts are found throughout the Everglades. Studies have shown that culverts work. If culverts work everywhere else in the

Everglades, it makes no sense to get rid of the culverts on a 10.7 stretch of the Tamiami Trail and instead construct a $310 million skyway environmental bridge.

There are no plans to remove the massive levy that runs parallel to the Tamiami Trail where the bridge is. Again, I pointed out where the picture shows the levy, which is right here. This is the bridge. You have got a levy here that would have water flowing under the proposed bridge that is being constructed.

The tribe's second priority is the need to improve water quality. Science shows that ten parts per billion is needed to protect the Everglades. On Miccosukee lands the canals and pump stations dump water onto our land that is oftentimes 100 parts per billion of phosphates. Our land is being used as a defecto storm water treatment area.

Improving water quality to meet the appropriate limits was a focus in House Interior Appropriations Bill from fiscal year 2001, through fiscal year 2008, including developing storm water treatment areas. There are no immediate actions planned to improve water quality in the Everglades, even if bridging is constructed. Everglades National Park does not want dirty water to flow into it.

We strongly support language in the fiscal year 2004, committee report stating, "The committee believes that future federal funding for Everglades restoration should be tied to specific progress to improve water quality."

The President's fiscal year 2013, budget requests $8 million for road improvement on the trail and does not request funding for further bridging. Our hope is that there will be no funding for further bridging of the trail in the fiscal year 2013, Interior Appropriations Bill and future bills.

It is difficult to tell if the fiscal year 2013, budget requests funding to improve water quality, which we would strongly support.

In closing, we respectfully request that the committee consider the tribe's perspective as it develops its provision relating to the Everglades, and also, I wanted to invite Mr. Simpson and Ms. McCollum to our reservation out there in South Florida, out to the Miccosukee Reservation, which you see to my left. It is always part of our tradition to invite our friends and those people that we work closely with.

So in conclusion, I would like to leave that door open and say I hope you can one day come down and visit with us.

Mr. SIMPSON. Thank you.

Mr. BILLIE. Thank you.

[The statement of Colley Billie follows:]

Statement of Chairman Colley Billie, Miccosukee Tribe of Indians of Florida
Public Witness Hearing on Native American Issues
House Interior Appropriations Subcommittee
March 27, 2012

My name is Colley Billie, and I am the Chairman of the Miccosukee Tribe of Indians of Florida (Tribe). Thank you for holding this important hearing and for providing me the opportunity to testify. My testimony focuses on the Tribe's priorities on restoration to protect the Florida Everglades and our traditional ways of life. We have always sought to honor and protect our environment through responsible land stewardship. The Everglades have been our home for hundreds of years and our commitment to its restoration is unwavering because we have the most at stake. The Tribe supported the original Comprehensive Everglades Restoration Plan (CERP) and continues to support its overall goals.

Over the past decade, Interior appropriations bills, especially House Interior appropriations bills and accompanying committee reports, contained significant funding for Everglades restoration and provisions directing/urging relevant agencies – the National Park Service (NPS), Fish & Wildlife Service, EPA, and the Army Corps of Engineers (Corps) -- to develop effective restoration plans. The FY09 Omnibus Appropriations Act (FY09 Omnibus) stated at least $1.3 billion has been appropriated for Everglades projects at the Department of the Interior.

We support the Committee's overall goals of restoring the Everglades, especially provisions in the committee reports accompanying the FY04 and FY07 House Interior Appropriations bills prioritizing the need to drastically improve water quality in the Everglades, including the need to adequately develop storm water treatment areas to treat contaminated water from the Everglades agricultural areas before allowing it to flow onto tribal lands and other parts of the Everglades. As stated in Committee Report 110-187 accompanying the FY08 House Interior Appropriations bill, "the Committee appreciates the progress that has been made to restore the Everglades but it remains critical to hold all parties accountable for the environmental goals, which are the ultimate justification for the public's investment and support. Without clean water, the Everglades will be irretrievably altered, and its unique habitat will continue to be degraded." We also strongly support language in Committee Report 108-195 accompanying the FY04 House Interior Appropriations bill stating, "the Committee believes that future Federal funding for Everglades restoration should be tied to specific progress to improve water quality" before providing funding for modified waters deliveries projects.

Despite huge sums of money spent on Everglades projects, we see a disjointed approach where federal agencies and the state of Florida have differing goals and objectives, resulting in decisions that negatively impact us. In particular, the NPS portion of the FY09 Omnibus directed the Corps to construct one mile of bridging on the eastern portion of the Tamiami Trail (Trail) (US 41) adjacent to our tribal lands. This one mile of skyway bridging – soley for environmental purposes, not for transportation purposes -- is currently being constructed for at least $81 million with funds from NPS and the Corps. This project is a modified waters deliveries project, which was not part of the original CERP. Further, the FY12 Omnibus Appropriations Act (FY12 Omnibus) recently authorized an additional 5.5 miles of Trail bridging in the NPS portion of the Act. The estimated cost for this is at least $310 million. The

Tribe strongly opposes this bridging. It is destroying our traditional ways of life and our tribal culturally sensitive and archeological resources. Also, it will not do what its proponents claim.

The President's FY13 budget requests $8 million for road improvements on the Trail. It does not appear that the Administration has requested FY13 funds for further bridging. As the Committee moves forward in drafting its FY13 Interior appropriations bill, we respectfully request that it consider the Tribe's perspectives on bridging of the Trail and its significant negative impacts on us as well as to thoroughly review the merits of this bridging to determine if it is worth the steep price tag. When construction first started on the Trail in 1915, it caused irreparable harm to our land in the Everglades, impacting our traditional way of life. The bridging of the Trail is another chapter in the manipulation of the Everglades that strains the Miccosukee culture.

Further, it is clear that Everglades restoration will never be accomplished if the waters flowing from Lake Okeechobee and the farmlands to the north are not treated for high levels of contamination. The polluted water has a devastating, irreversible effect on the Everglades ecosystem. To restore the Everglades, funding should be targeted toward cleaning the polluted water. Inexplicably, it seems that large amounts of funding are spent on projects surrounding Everglades restoration rather than on the necessary treatment and storage systems required to improve the water quality. Everglades restoration requires a commitment to restore all areas of the Everglades and is predicated on the availability of clean water. No federal, state or tribal sponsors of the CERP agrees to accept the polluted water.

Waters entering tribal lands (Miccosukee Federal Reservation, Designated Outstanding Miccosukee Waters, and the Miccosukee Leased Lands (held under a perpetual lease)) and the northern boundary of Water Conservation Area 3A (WCA 3A) have phosphorus levels up to 10 times greater than that found to be protective of the ecosystem. The tribal lands comprise the majority of WCA 3A and are essentially being used as a repository for contaminated water. WCA 3A is directly to the north of the Trail and Everglades National Park (ENP). Large volumes of this polluted water are dumped onto tribal lands, and the contaminated water is forever altering the ecosystem and our traditional ways of life.

Skyway Bridging of the Tamiami Trail is Unnecessary and Wasteful

The Corps and NPS are bridging the one mile of the Trail over our strong objections. The bridging will negatively impact our tribal lands and destroy areas of significant cultural, historical, and archeological value. NPS seeks to construct an additional 5.5-miles of bridging and elevate the remainder of 10.7 miles of the Trail at a cost of at least $310 million in an attempt to increase water flow into ENP. However, water delivery structures already exist that would allow water to flow into ENP. Culverts were installed to convey water under the Trail, and they would allow water to flow into ENP if they were simply maintained and used as intended. Experts have determined that sufficient water flow under the Trail to ENP would occur by clearing the vegetation, sediment, and garbage that has built up on the downstream side of the culverts and the downstream side of the larger S-12 water control structures. Opening these restricted flow-ways and adding swales when necessary to convey the water is an effective and economical solution that can and should be immediately implemented to improve the hydrology on tribal lands and in ENP.

On November 13, 2008, a federal judge issued a temporary injunction halting construction of the proposed 1-mile "*bridge to nowhere*" until proper regulatory safeguards and due process was followed. However, a provision was included in the 2009 Omnibus directing the Corps to immediately construct one mile of bridging on the eastern portion of the Trail. In December 2010, NPS issued a Final Environmental Impact Statement (FEIS) recommending an alternative selection for 5.5-miles of additional skyway bridging along with elevated roads for the balance of 10.7 miles of the Tamiami Trail, estimated to cost approximately $310 million. Section 107 of Title I, Division E, of the 2012 Omnibus authorized NPS to construct the additional 5.5 miles of skyway bridging and elevated Trail.

The scope of the bridging project is large, far exceeding the footprint of the current Trail. For some, this bridge project has become a symbol of Everglades Restoration. Bridging advocates claim that the bridge will allow water to flow "freely" from Lake Okeechobee in the north to Florida Bay located hundreds of miles to the south, through tribal lands, to restore the historic River of Grass. However, the water from Lake Okeechobee is diverted to the Atlantic Ocean and the Gulf of Mexico by a complex canal and levy system created over the past century. The waters discharged from Lake Okeechobee are laden with pollution. The most recent data for the 2011 South Florida Environmental Report shows that the total phosphorus concentrations in the lake were 118 ppb and had a five-year average of 172 ppb. Before the goal of redirecting Lake Okeechobee to flow south through tribal lands to the Park can be accomplished, water quality treatment and storage solutions must be implemented.

The Park states it wants to build the additional 5.5-miles of skyway bridges and raise significant sections of the Trail to increase the flow volume into the Northeast Shark River Slough. The entire plan is based upon conceptualized "unconstrained flows" between the WCA's and the Park. However, this plan is flawed given there are no plans to remove the levee (L-29 levee) that runs parallel to the Trail where the bridging is being constructed and currently being proposed; therefore, water will always remain blocked from moving southward. Further, given the water quality constraints that exist in the system, "unconstrained flows" cannot exist until the water meets the appropriate 10-ppb discharge limit. Otherwise, tribal lands and WCA 3A will be used as a water treatment area, sacrificing tribal lands. It is inconsistent with Everglades restoration to re-hydrate areas with polluted water.

The Tribe strongly urges the immediate implementation of a culvert and swale approach for alleviating the persistent flooding of tribal Lands, conveying water under the Trail, and increasing water deliveries to ENP. Under the culvert and swale approach, the focus would be on clearing existing culverts, adding additional culverts if determined to be necessary, and clearing the large swale areas south of the existing culverts and gates. The culvert and swale approach would save millions of dollars of taxpayer money and would deliver the same amount of water to ENP as the current proposal. Experts have concluded that this approach would provide effective improvements in hydrology and be cost-effective.

In 2009, ENP commissioned a professor from the University of Miami to evaluate the effectiveness of culverts and culverts in combination with swales to increase flows from the WCA's to ENP. The 2010 University of Miami study concluded that the culvert-swale option would be just as effective as moving water under the Trail. The culvert-swale approach is one

method for effectively clearing the accumulation of sediment, vegetation, and detritus downstream of the Trail culverts.

Further, the U.S. Geological Survey did a study in 2005 on Flamingo Road, the main road through ENP spanning 60 kilometers with 177 culverts. The study's objective was to determine the effectiveness of culverts on water flow southward into Florida Bay. It found the road "*did not adversely affect the flow of freshwater into Florida Bay*" and that it helped "*retain flow*" between basins and that the culverts "*provid[ed] a beneficial water supply to Florida Bay.*" There are culverts along U.S. 75, Loop Road in Big Cypress National Preserve, and ENP. If culverts work here, then logic dictates that this approach can be effective to convey water under the Trail. Given that culverts are effective, coupled with the rapidly deteriorating state of the Everglades, a full-scale culvert-swale project should move forward immediately on the Trail.

Restoration of the Everglades Will Never Occur Unless Water Quality is Improved

The fresh water of the Everglades is severely impacted by the population demands of Florida (creating pressure for water supplies) and the contamination of surface waters from urban sources and agricultural operations. Water quality in many areas of the Everglades does not meet the U.S. EPA-approved Miccosukee water quality standards or the state of Florida's standards. Moreover, NPS and the Corps recognize that the water entering the northern reaches must be treated for nutrient pollution prior to being redirected into the Everglades. Otherwise, plant and animal life in the ecosystem will be negatively impacted. However, these days, we hear that there is little funding to develop the necessary treatment and storage systems required to treat the water. The Tribe is very concerned about the irreversible negative effects that polluted waters are having on the Everglades, including tribal lands. It does not make sense to build expensive and expansive bridges for the stated purpose of increasing water flow into ENP when the water must first be significantly cleaned up before allowing it be redirected to ENP unless there is the true intention to violate water quality standards and federal trust responsibilities by utilizing tribal lands as a *de-facto* stormwater treatment area.

Much of the water flowing into the tribal lands and WCA 3A originates from the L-28 canal system and discharges from the S-140 and S-190 water control structures. The L-28 Interceptor Canal terminates on the Federal Reservation as an open point source. Discharges from this canal can exceed 100 ppb, 10 times the limit that has been scientifically determined to be protective of the ecosystem. The L-28 Canal discharges through the S-140 pump station directly onto tribal lands. The large water volume discharging from the S-140 pump station has an average phosphorus concentration of 55 ppb. Recent data from the 2011 South Florida Environmental Report shows that the combined discharge from the L-28 canal system comprise nearly 30% of the total phosphorus load discharged into WCA 3A. Addressing the contamination in the L-28 canal system must be a top priority for there to be true restoration and to ensure that our homelands, culture, and traditions are protected and preserved.

Closing

Our way of life is inextricably tied to the Everglades. We are committed to restoring our homelands and, therefore, want to ensure the objective of restoring the entire Everglades is met. There is much room for improvement. We hope that we can work together so that our way of life is preserved and that the Everglades can remain a national treasure for future generations.

Mr. SIMPSON. I appreciate it very much.
Kitcki.
Mr. CARROLL. Kitcki. You are doing fine. You are doing fine.

TUESDAY, MARCH 27, 2012.

UNITED SOUTH AND EASTERN TRIBES, INC.

WITNESS

KITCKI CARROLL

Mr. CARROLL. Chairman Simpson, Representative McCollum, my name is Kitcki Carroll. I am the grandson, seven generations removed, from the great Cheyenne Peace Chief Black Kettle. I currently serve as the Executive Director for United South and Eastern Tribes, otherwise known as USET, and I thank you for this opportunity to testify on the President's fiscal year 2013 budget and budget priorities of USET.

As you know from the earliest days of the United States, the founders recognized the importance of America's relationship with the sovereign native nations and native peoples of this land, incorporating important references to those relationships into the Constitution.

Notwithstanding this recognition over the years federal actions have resulted in loss of vast and rich native territories, resources, and culture. Out of those injustices and from other legal sources, there has arisen a federal trust obligation to support native governments and native peoples.

That trust obligation as reflect in the Indian programs in the federal budget is fundamentally different from ordinary discretionary spending. In fact, we feel strongly that any funding should not even be considered in the process that allows for discretion. The trust obligation is sacred and must be honored in such a manner. In the budget deliberations that difference should make a difference.

From fiscal year 2002 through fiscal year 2008, despite annual increases, after taking into account the affect of inflation, most federal domestic programs, including Indian programs, saw a purchase power decrease for approximately 14 percent. Recent gains have not offset this loss.

I have included a chart in my testimony that depicts the percentage of the federal budget dedicated to funding the BIA. As you can see as a percentage, the overall budget, the BIA budget has declined from .115 percent in fiscal year 1995 to .075 percent in fiscal year 2011, approximately a one-third decline as a percentage of the overall budget.

The President's fiscal year 2013 budget proposes an increase of 2.6 percent in the Indian Health Service budget, which is $116 million over the fiscal year 2012 enacted level. Although USET recognizes that in these difficult budgetary times any increase should be celebrated, I must note that the general rate of inflation in 2011 was over 3 percent. The medical rate of inflation was even higher.

Meanwhile, the President has proposed a modest $4 million cut in the budget of the BIA, but in light of inflation this must be understood to be potentially a 3 percent cut in purchase power. Over-

all both agencies lose purchase power from fiscal year 2012, even if some individual programs receive funding in excess of the inflation rate.

Of course, the Budget Control Act of 2011 provides for a 7 to 10 percent across-the-board cut for nearly all domestic programs starting in January 2013. When you add the effects of sequestration to inflation, Indian programs, which have always been inadequately funded, could be effectively cut by as much as 11 to 14 percent. This would be devastating to native communities across the lands.

Federal budget problems should not be addressed on the back of native peoples. Indian Country deserves much better. At a minimum, federal Indian programs should be held harmless from any reductions coming from sequestration or similar feature cuts just as other low-income programs are held harmless in the Budget Control Act of 2011.

While USET believes that all Indian programs are vital to creating strong tribal governments and healthy tribal communities, the USET priority programs and the BIA are tribal priority allocations, TPA, tribal courts, scholarships, contract support costs, and cultural resources. USET also firmly believes that the IHS budget should be held harmless in terms of budget reductions, including across-the-board rescissions and sequestration. Healthcare is not something that can be reduced, delayed, or withheld without real damage to people.

Congress and the public have rightfully supported maintaining healthcare funding for members of the military and veterans, and USET believes the same should be true of the Indian Healthcare System.

I would like to note that there is no request for funding for built-in costs such as population growth, inflation, except for contract health services or pay increases in the fiscal year 2013 proposal. While substantial increases in contract support cost appropriations in prior fiscal years have reduced shortfalls significantly, underfunding of contract support costs continue to impose major hardships on tribal healthcare providers and patients around the nation, including USET's member tribes.

There are several changes to federal law that would create jobs and promote Indian Country economic development. Foremost, USET would like to see passage of the Carcieri Fix, which the President includes once again in this budget. The Carcieri Decision has created a host of legal, practical, jurisdictional, and financial problems for Indian Country.

In addition, there are many other actions that Congress could take, including repealing the essential government functions test, advancing Indian energy and leasing legislation, and establishing truly bold tribal tax rezones among others that would serve to create jobs and promote economic development in Indian Country. While the current economic environment calls for drastic funding cuts, it must equally call for systemic structural changes that foster and promote independence and self-sufficiency via greater economic opportunities in Indian Country.

I recognize that in challenging times all Americans must be called upon to sacrifice for the common good. However, when it comes to sacrificing for the good of all Americans, the historic

record demonstrates that nobody has sacrificed more than the Native Americans. Indian Country stands ready and eager to work in partnership on a government-to-government basis to further strengthen our communities and country.

Thank you for this opportunity to provide our testimony on how the budget concerns of the United States rather than being addressed on the back of many tribes could be addressed by freeing Indian tribes to realize their maximum economic potential.

Thank you.

[The statement of Kitcki Carroll follows:]

Testimony of Kitcki Carroll, Executive Director
United South and Eastern Tribes, Inc.
Before the
Interior Subcommittee of the House Appropriations Committee
Tuesday, March 27, 2012

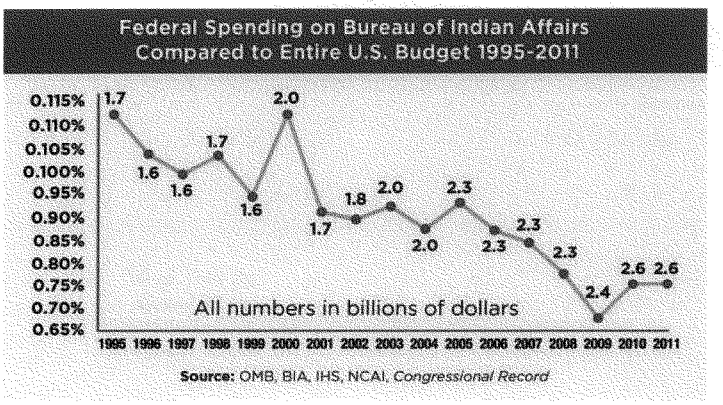
Introduction. Thank you for this opportunity to address the overall funding levels in the Bureau of Indian Affairs and the Indian Health Service. USET is an inter-tribal organization representing 26 federally recognized Tribes from Texas across to Florida and up to Maine. The USET Tribes are within the Eastern Region of the Bureau of Indian Affairs (BIA), covering a large expanse of land and area compared to the Tribes in other BIA Regions. Due to this large geographic area, the tribes in the Eastern Region have great diversity. From an economic standpoint, some of our member tribes have highly developed economies, while others remain mired in poverty. All of our tribes, however, look to the United States to live up to its trust responsibility, to support Tribal sovereignty, and to work with us on a government-to-government basis, especially on a matter as central to the trust responsibility as Federal budget policy.

I. The Constitution, Indian Tribes, and the Federal Budget. From the earliest days of the United States, the Founders recognized the importance of America's relationship with Native nations and Native peoples. They wove important references to those relationships into the Constitution (*e.g.*, Art. I, Section 8, Cl. 3 (Indian Commerce Clause); Article II, Section 2, Cl. 2 (Treaty Clause). Natives influenced the Founders in the development of the Constitution as recognized by the 100th Congress, when the Senate and the House passed a concurrent resolution acknowledging the "historical debt" the United States owes to Indian tribes. S. Con. Res. 76, 100th Congress. The Indian provisions in the Constitution were given immediate life in treaties that the United States entered into with Indian nations beginning with the Treaty with the Delaware in 1778 and continuing through another 373 treaties. Additionally, in the first decades of the United States, numerous laws were enacted addressing the details of the Federal-Tribal relationship (*e.g.*, Trade and Intercourse Acts of 1790, 1793, 1796, 1799, 1802, and 1834), even as the Federal courts defined the Federal government's trust obligation to Indian nations (*e.g.*, *Cherokee Nation v. Georgia* (1831)). Notwithstanding this Constitutional foundation, the Federal government engaged in many actions that betrayed the treaties and trust obligation to Indian nations, such as the seizure of Indian lands and the forced assimilation efforts of the Indian boarding school system. Fortunately, American greatness has led to more enlightened policies since the boarding school era, reflected in a host of laws that support tribal sovereignty and are critical to the vitality and well-being of tribal communities. Regrettably, these laws are rarely funded to the level necessary to achieve their intended purposes.

Because of this history, the Trust obligation of the Federal government to Native peoples, as reflected in the Federal budget, is fundamentally different from ordinary discretionary spending. As a 1977 U.S. Congress/American Indian Policy Review Commission Report stated:

The purpose behind the trust is and always has been to ensure the survival and welfare of Indian tribes and people. This includes an obligation to provide those services required to protect and enhance Indian lands, resources, and self-government, and also includes those economic and social programs that are necessary to raise the standard of living and social well-being of the Indian people to a level comparable to the non-Indian society.

II. President's FY 2013 Budget for Indian Programs. In evaluating whether the Federal budget fulfills the Trust responsibility, USET believes that it is critical to take into account the affects of inflation. From FY 2002 through FY 2008, despite annual increases, after taking into account the affect of inflation, most Federal domestic programs, including the Indian programs, saw a purchase power decrease of approximately 14%. The large budget increase in FY 2009, including ARRA funding, was approximately enough to make up for this effective cut and bring the purchase power of Indian programs back to FY 2002 levels, but in the intervening 10 years, Indian country needs have grown substantially. In a very real way, the budget of the United States government reflects the values of the American people. Courtesy of the National Congress of American Indians (NCAI), set forth below is a chart that depicts the percentage of the Federal budget dedicated to funding the BIA. As you can see, as a percentage of the overall budget, the BIA budget has declined from .115% in FY 1995 to .075% (correcting chart typo) in FY 2011, approximately a one-third decline as a percentage of the overall budget (despite a small bump up in FY 2010).



The President's FY 2013 budget proposes an increase of 2.6% in the Indian Health Service budget, which is $116 million over the FY 2012 enacted level. Although USET recognizes that in these difficult budgetary times any increase should be celebrated – and we are appreciative that health care is getting this increase – we must note that the general rate of inflation in 2011 is over 3%. Moreover, it is common for the medical rate of inflation to exceed the general rate of inflation by as much as double. Meanwhile, the President has proposed a modest $4 million cut in the budget of the BIA, but in light of

inflation this must be understood to be potentially a 3% cut in purchase power. Overall, both agencies lose purchase power from FY 2012, even if some individual programs receive funding in excess of the inflation rate.

Of course, the Budget Control Act of 2011 provides for an 7-10% across-the-board cut for nearly all domestic and defense programs starting January 2, 2013. When you add the effects of sequestration to inflation, Indian country programs, which have always been sparely funded, could be effectively cut by as much as 11-14%! This would be devastating to Native communities across the land.

Federal budget problems should not be addressed on the back of Native peoples. We respectfully ask the Committee to support the concept that funding increases should consistently exceed the relevant rate of inflation in order to achieve real progress in closing the services gap for Natives. At a minimum, Federal Indian programs should be held harmless from any reductions coming from sequestration or similar future draconian cuts, just as other low income programs are held harmless in the Budget Control Act of 2011 (*e.g.*, Child Care Entitlement to States; Child Health Insurance Fund; Family Support Programs and Temporary Assistance for Needy Families).

General Budget Considerations. While USET believes that ***all*** Indian programs are vital to creating strong Tribal Governments and healthy Tribal communities, the USET priority programs are: Tribal Priority Allocations, Contract Support, Tribal Court, Scholarships and Cultural Resources.

- **Tribal Priority Allocations (TPA).** Funding for the Eastern Region Tribes TPA needs to increase by at least $10 million, even without considering our unmet historical needs.
- **Tribal Courts.** Currently, in the Eastern Region only 46% of the tribes receive BIA funding for the operation of their tribal courts. There should be sufficient funding for any tribe that needs to establish a court.
- **Scholarships.** Over the last several years, funding for BIA's post-secondary education programs has remained largely stagnant. This area should see increased funding.
- **Contract Support Costs.** There should be sufficient funding to assure that the BIA is able to meet 100% of its contract support obligation. Other Bureaus within the Department of Interior, as with other federal agencies, have achieved their obligation of paying a 100% contract support costs to their non-native contractors; this obligation cannot be ignored when it involves tribal 638 contractors.
- **Cultural Resources.** Adequate funding for Tribal cultural resource programs is essential to the spiritual, health, social, and economic wellbeing of Tribal communities.

Indian Health Service. Health care is not something that can be reduced, delayed, or withheld without real damage to people. Congress and the public have rightly supported maintaining health care funding for members of the military and veterans, and USET believes the same should be true of the Indian health care system. IHS and tribal budgets are suffering the consequences of the past two years' lack of funding for inflation and

population growth. With regard to the President's FY 2013 budget, of particular interest to USET are Contract Health Services, built-in costs, and contract support costs.

Contract Health Services. USET appreciates the recognition by Congress and the Administration of the importance of the Contract Health Services program, as evidenced by the FY 2012 increase in appropriations and the Administration's request for a $54 million increase in FY 2013. While even this amount would not fully meet the need for Contract Health Services, we recognize the difficult fiscal environment, and urge Congress to appropriate at least the amount requested. The CHS program is of particular importance to the USET tribes, as much of our health care is done on a referral basis.

Built-In Costs. USET is very concerned about the cumulative effects of deficiencies in the past several years for built-in costs – namely, population growth, inflation, and required pay increases. The Administration and Congress do consistently request and provide funding for staffing and operation of new facilities, although not always in the amount the tribal health care providers feel is needed. In FY 2010 Congress provided $169 million for built-in costs for pay raises, inflation, population growth, and staffing for new facilities. But in *FY 2011,* the only increases enacted were for a pay increase to Commissioned Officers and staffing of new facilities. The Administration had also requested $60 million for inflation and $52 million for population growth and funding for civilian pay increases for that year. And in *FY 2012* the Administration requested $255 million for pay costs, inflation and population growth, none of which was appropriated. All of these costs must be absorbed by health programs. In *FY 2013* there is no request for funding for population growth, inflation (except for Contract Health Services) or pay increases. Funding is requested for staffing and operation of new facilities.

Contract Support Costs. Substantial increases in CSC appropriations in fiscal years 2010 and 2012 have reduced the shortfalls significantly, saving and creating jobs in tribal health care. More progress needs to be made, however. Underfunding of contract support costs continues to impose major hardships on tribal health care providers and patients around the nation, including USET's member tribes.

III. *Carcieri* Fix. USET would like to see passage of the *Carcieri* Fix, which the President included in his budget (and the previous two, as well). The *Carcieri* Fix would provide that the Secretary of the Interior could, in accordance with rigorous guidelines, take land into trust for **all** Federally recognized tribes. The *Carcieri* decision has already resulted in costly, protracted litigation on a broad range of issues with the United States, at taxpayer expense, as a defendant in more than a half dozen of these lawsuits. In addition, a number of Indian Country projects have slowed or been put on hold while Tribes and investors alike try to puzzle out the implications of the Supreme Court's holding.

The work of this Subcommittee is very important to Indian Country. Please do not hesitate to contact me if you should have any questions or if USET can be of any further assistance.

Mr. SIMPSON. Thank you. Mr. Harris.

TUESDAY, MARCH 27, 2012.

CATAWBA INDIAN NATION

WITNESSES

BILL HARRIS

Mr. HARRIS. Thank you. On behalf of the Catawba Indian Nation, a federally-recognized tribe located in South Carolina, I thank you for this opportunity to testify before the House Interior Appropriations Subcommittee. My name is William Harris. I am the newly elected Chief of the Catawba Indian Nation. Although I am newly elected, I am aware of the support that this subcommittee has offered my tribe in addressing budget and audit issues with the Bureau of Indian Affairs. Your support means a great deal to the Catawba people, and on behalf you have our heartfelt thank you.

I am here today to urge this subcommittee and, indeed, the full House Appropriations Committee, to invest federal dollars in programs that support economic development for smaller tribes and programs that support economic development for smaller tribes that have limited resources like Catawba.

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 Nation struggles with poverty and its related issues. In the 2000 census, the Catawba 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 has very high unemployment itself. 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 does not enjoy the full range of sovereign powers possessed by most federally-recognized Indian nations. Under the terms of our Settlement Act we possess second class tribal sovereignty. For example, state government has enormous civil and criminal jurisdiction on our lands, far in excess of 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 ended up consuming most of the gaming dollars within in the State of South Carolina. We are allowed certain electronic play devices on our reservation, if the state authorizes them. Since the State of South Carolina authorizes casino cruise ships, we believe that we can have the similar games on our reservation. However, the state is opposing us and now, at great cost, we are seeking to vindicate our rights in the courts.

Programs that have helped us in the past, funding for the Energy and Mineral Development Program for the Office of Indian Energy and Economic Development. The Catawba Nation has found this program to be extremely helpful. We have used it to fund a feasibility study for a one megawatt photovoltaic system, as well as to fund analysis, testing, and surveys related to energy efficiency and renewable energy for four administrative buildings on the reservation. These two projects have laid the ground work for more ambitious proposals by the tribe to develop an energy strategy plan that will establish a Catawba vision of energy production and consumption on the reservation. This plan will be integrated with the tribe's other efforts, like economic development, job creation, and reinforcement of cultural values.

It is programs like this that enable smaller tribes, like Catawba, who have limited or no economic development, to take control of their futures and to have a hope that the next generation of Catawbas will have a more prosperous life than this generation. I urge the subcommittee to support this and similar programs of use to smaller, less-economically developed tribes.

There are other areas where the tribe needs funding support. In addition to energy development, the Catawbas are looking to establish a convenience store that would allow tribal members quick access to groceries and supplies without the undue burden of traveling 15 miles roundtrip on country roads. The tribe also supports the extension of Dave Lyle Boulevard, which would provide a critical connection between York and Lancaster counties, creating an outer loop of I–45 which is south of Charlotte, North Carolina. Approximately 1½ miles of this road would cross the Catawba Indian Nation. The tribe is also maintaining a transportation program to get tribal members to work centers, and we have a summer program for tribal youth. Within this program we are training them in life and job skills.

Finally, the Catawba Nation seeks to continue a job training and placement program to assist Indian people to acquire the job skills necessary for full-time, satisfactory employment. Within that framework, the program provides testing, vocational counseling, or guidance to assist program participants in making career choices relating personal assets to personal options and availability of the jobs in the labor market. This also includes vocational counseling and employment service on reservations and other home areas in communities near reservations, in and off the reservation area.

Let me give you a brief history of the Catawbas. Since time immemorial the Catawbas have lived in the Piedmont generally and along and upon the Catawba River. In ancient times, the Catawba lived off the land and the river, hunting for game, fishing for shad and eel and other fresh water species, and farming corn, beans, and squash. The tradition of pottery making among the Catawba, unchanged since recorded history, links the lives of modern Catawba to our ancestors and symbolizes our connection to the earth and to the land and the river we love. No less today, the sovereignty of the nation, of the Catawba Indian Nation and our survival as a distinct people from the land is tied to our lands and the river. Like our pottery, the Catawba people have been created from the earth. We have been shaped and fired over time and have sur-

vived 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 the colonists. The first of these encounters with the Europeans was Spanish, with Hernando de Soto in 1540. Our next experience was Juan Pardo in 1566. The Europeans brought guns, but they also brought disease, and small pox was one of the diseases they brought, and it continually with the contact of small pox, it decimated the tribe. It decimated all the tries in the south. In 1760, the Catawbas entered into a Treaty of Pine Hill with the British authorities, which established a 15-square-mile reservation in South Carolina. Although the Catawbas honor that treaty, South Carolina white settlers did not. Catawba was continuously encroached upon and by 1826, only a small number of tribal members remained, and we were all only occupying one square mile.

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 answered the call of country, living up to their half of the tribe's government-to-government relationship with the United States, and we continue to do so today.

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 3,000 acre reservation.

Along 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 tribal trust relationship between the Catawba Nation and the United States. This law has had the effect of settling treaty-based Catawba land claims on highly-favorable terms to the State of South Carolina.

In conclusion, I would like thank you for this opportunity to talk about the needs of the Catawba Nation. Your support of our people and, indeed, for all the native people is greatly appreciated and truly in the best interest and tradition of the government-to-government relationships.

I thank you.

[The statement of Bill Harris follows:]

Testimony of William Harris
Chief, Catawba Indian Nation
Before the
House Interior Appropriations Subcommittee
Tuesday, March 27, 2012

Introduction. On behalf of the Catawba Indian Nation, a federally recognized tribe located in South Carolina, thank you for this opportunity to testify before the House Interior Appropriations Subcommittee. My name is William Harris. I am the newly elected Chief of the Catawba Indian Nation. Although I am newly elected, I am aware of the support that this Subcommittee has offered my tribe in addressing budget and audit issues with the Bureau of Indian Affairs. Your support means a great deal to the Catawba people and on their behalf you have our heartfelt "thank you!"

Federal Support for Smaller, Economically Disadvantaged Tribes Seeking Self-Sufficiency. I am here today to urge this Subcommittee and, indeed, the full House Appropriations Committee, 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. We are also allowed certain electronic play devices on our reservation, if the state authorizes them. Since the State authorizes casino cruise ships, we believe that we can have similar games on our reservation; however, the State is opposing us and now, at great cost, we are seeking to vindicate our rights in court.

Funding for the Energy and Mineral Development Program of the Office of Indian Energy and Economic Development. The Catawba Indian Nation has found this program to be especially helpful. We have used it to fund a feasibility study for a 1MW photovoltaic system, as well as to partially fund analysis, testing and surveys related to energy-efficiency and renewable energy for four administrative buildings on the reservation. These two projects have laid the ground work for a more ambitious proposal by the Tribe to develop an energy strategy plan that will establish a Catawba vision for energy production and consumption on the reservation. This plan will be integrated with the Tribe's other efforts, like economic development, job creation and reinforcement of cultural values.

It is programs like this one that enable smaller tribes, like the Catawba, who have limited or no economic development, to take control of their future and have the hope that the next generation of Catawbas will know a more prosperous life than this generation. I urge the Subcommittee to support this and similar programs of use to smaller, less economically developed tribes.

There are other areas where the Tribe needs funding support. In addition to energy development, the Catawba are looking to establish a convenience store that would allow Tribal members quick access to groceries and supplies without the undue burden of traveling 15 miles roundtrip on country roads to Rock Hill, South Carolina. The Tribe also supports the extension of the Dave Lyle Boulevard, which would provide a critical connection between York and Lancaster counties, creating an "outer loop" south of the Ballantyne portion of I-485 for Charlotte, North Carolina. Approximately 1.5 miles of this road cross the Catawba Indian Nation. The Tribe is also maintaining a transportation program to get tribal members to work centers, and has had a summer program for tribal youth in which they get training in life and job skills. Finally, the Catawba Indian Nation seeks to continue a job training and placement program to assist Indian people to acquire the job skills necessary for full time satisfactory employment. Within that framework, the program provides testing, vocational counseling or guidance to assist program participants to make career choices relating personal assets to training options and availability of jobs in the labor market. This Federal program includes vocational counseling and employment services both on-reservation as well as in communities near reservations.

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 square mile.

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.

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.

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.

Mr. SIMPSON. Thank you. Where are you located?
Mr. HARRIS. In South Carolina.
Mr. SIMPSON. I mean, where in South Carolina?
Mr. HARRIS. If you were to——
Mr. SIMPSON. If I was in Columbia, where would I be?
Mr. HARRIS. If you were in Columbia, you would go northwest.
Mr. SIMPSON. Northwest. Okay.
Mr. HARRIS. You are approximately 66 miles northwest of Columbia, and you are 26 miles southwest of Charlotte, North Carolina.
Mr. SIMPSON. Okay.
Ms. McCollum.
Ms. MCCOLLUM. Thank you, and I thank you for your testimony. It is very interesting. I learned that there is, to use your term, a second-class recognition of sovereignty. I do not know how you could have sovereignty second class, but I will learn some more.
Mr. HARRIS. I would be more than happy to provide you with information.

MICCOSUKEE TRIBE AND EVERGLADES RESTORATION

Ms. MCCOLLUM. Mr. Chair, some of the challenges that we heard from the Miccosukee involve the Park Service, they involve the Army Corps of Engineers, and they involve us because we have a very direct fiduciary responsibility from this committee to work with Miccosukee for education and for health.
I am concerned about this issue, and I had a conversation with the Park Service. I have not had a conversation with the Army Corps of Engineers, because there are two issues. There is the bridge issue. They are interconnected, sir, and I do realize that, but there is a bridge issue, and then there is also the flow of all the polluted water.
Do you have that map, that big map? Could you point out for the chairman and I the canal that comes down that speeds water right into the reservation? You have got the bridge holding water back, but you also have the Army Corps canal.
Mr. BILLIE. Yeah. That will be the L–28 intercepted canal. This is the one that dumps all the pollution into the reservation, and that is the picture she is pointing to.
Ms. MCCOLLUM. That water is sped up and brought in really, really fast. It does not even have a chance to do any filtration before it comes into the reservation land. It goes right into the reservation.
Mr. BILLIE. This canal cuts through the farming area and where sugarcane is raised as well and orange crops. So all the fertilizer and all the waste that cattle produces washes into the canal, and everything is carried into the Glades through that canal. It is dumped right into the middle of our reservation, and as you can see, we are located in the heart of the Everglades. So——
Ms. MCCOLLUM. Thank you. The U.S. Fish and Wildlife, the State of Florida, and others are purchasing and trying to build up a buffer as it comes into the Everglades. They are working on it, but it is happening slowly.
Mr. Chairman, we have the Everglades park where we definitely want to see improved water quality in the Everglades, and I know that is the goal of the Park Service. We also have a sovereign na-

tion which is impacted. I do recognize that bridging is there, but I am focusing on the Army Corps and the canal right now, which puts this water down really fast.

The Army Corps is in charge of building things and moving water fast, but it is impacting two issues which we have direct jurisdiction over. I do not know what the Army Corps' long-term plans for this canal are, or how old it is. However, I would be very curious as to what the Army Corps role should be. Maybe they should not be calling all the shots in what affects the Park Service and affects a tribal sovereignty here. We know that there is a lot of pollution going on. I do not want to get into the minute details of what is going on with Everglade restoration, but I think what the Miccosukee have asked us here is, as money is spent on this, we should consider how is the water healing itself. If this is about restoring the Everglades, before more money is appropriated we need to see what happens.

And the last thing I would say, Mr. Chair, is no one is taking credit for the language that is in the Omnibus Bill. No one. That language, to use a term that I heard a very famous, very wise man say one time, got parachuted in. It is amazing, you know, how we love to take credit for something.

Mr. SIMPSON. I do not think it was parachuted. I think it was in our bill, was it not?

Ms. MCCOLLUM. I tried to figure out how it got put in, who offered it, and why it got offered. Maybe we can talk later. Maybe I have not been asking the right people the right questions, or maybe people have not wanted to give me the right answers. I am just very concerned that we need to have a big picture plan here. This should not be about pitting the Park Service against the tribe as water flows in the Everglades to be improved. From the conversations I have had they both, I believe, are on the same track to restoring the Everglades. Right now, however, especially with this canal coming down, the tribe's land is being used as a holding pond. You and I know that is why cattails grow, and we have the before and after pictures.

So we will leave the bridge aside. Regarding this canal, I really think that the Army Corps should be telling the Park Service as well as the Department of Interior and the tribes what their plan is to slow the water down to treat it before it gets dumped into the Everglades and gets literally dumped into an Indian reservation.

So that is my commentary. I am just laying it out there that I am interested in this.

Mr. SIMPSON. I know.

Ms. MCCOLLUM. But the pythons are there, so I do not know if I want——

Mr. SIMPSON. I am not going until they kill all the pythons.

Mr. BILLIE. We will make sure that the pythons will not get you.

Ms. MCCOLLUM. Python free.

Mr. SIMPSON. They can swallow us. I am scared of pythons. Anyway, I appreciate it.

Ms. MCCOLLUM. And the Seminole are impacted by this, too, are they not? You represent all of USET. There is a little bit of the Seminole that are up at——

Mr. BILLIE. The Seminoles are located north of us. Their reservation is right here.

Ms. MCCOLLUM. So they are impacted by some of this as well?

Mr. BILLIE. Right.

Ms. MCCOLLUM. Okay.

Mr. SIMPSON. I appreciate you all being here. I actually have to get to the Senate since we are an hour and a half behind in our presentation, but I appreciate you all being here with your testimony, and we will certainly take into consideration your views as we write the 2013 appropriation bill.

WEDNESDAY, MARCH 28, 2012.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

PUBLIC WITNESSES—AMERICAN INDIANS AND ALASKA NATIVES

Mr. SIMPSON. The hearing will come to order. Good morning and welcome to the third of three public witness hearings specifically for the American Indian and Alaska Native programs. Despite a somewhat abbreviated hearing schedule this year, I am proud that the subcommittee is able to hold hearings on these very important programs. They have been and will continue to be a funding priority for this subcommittee.

The chair will call each panel of witnesses to the table one panel at a time. Each witness will be provided with five minutes to present their testimony. We will be using a timer to track the progress of each witness. When the button turns yellow, the witness will have one minute remaining to conclude his or her remarks. Members will be provided an opportunity to ask questions of our witnesses, but in the interest of time, the chair requests that we keep things moving in order to conclude our morning testimony at a reasonable hour.

I am happy to yield to the gentleman from Washington if you have an opening statement.

Mr. DICKS. Mr. Chairman, I just wanted to welcome all the witnesses from the Pacific Northwest and I appreciate the fact that, as chairman, that you continue to hold this hearing. Our committee has had such a bipartisan record in support of tribal programs for which I appreciate your leadership and Mr. Cole and others. So thank you.

Mr. SIMPSON. Thank you.

Mr. Cole, do you have anything?

Mr. COLE. No.

Mr. SIMPSON. Our first panel of witnesses is Fawn Sharp, David Bean, Joseph Pavel, Billy Frank, and Clifford Cultee. Come on up and have a seat.

Mr. COLE. Fawn, can you keep these guys under control? It is a major assignment.

Mr. SIMPSON. Thank you. Fawn, you are first. The floor is yours.

WEDNESDAY, MARCH 28, 2012.

QUINAULT INDIAN NATION

WITNESS

FAWN SHARP

Ms. SHARP. Thank you. On behalf of the Quinault Indian Nation, we truly thank the committee for this opportunity to provide testimony, and we would also like to extend words cannot even express the amount of gratitude we have for the commitment of Congressman Norm Dicks. Norm, you have been a stalwart champion for tribes, not only in the Northwest but throughout Indian Country. And for that, I will be truly grateful. And you always have a place to fish at Quinault.

Mr. DICKS. Good, thank you.

Ms. SHARP. So with that I want to speak first to the Quinault specific priorities and then I want to spend a little time talking about a comprehensive fiscal strategy that we like to recommend to the committee.

First, the Quinault Indian Nation is requesting $8.714 million for our Blueback Restoration project. This has been an undertaking that the Quinault Nation has worked on quite diligently for the last five years. Our prized blueback salmon declined to maybe a thousand a run a year. At historic levels, we had millions of blueback running through the Quinault River. This restoration effort is a cutting-edge, innovative way of engineering to restore some pretty sacred areas for our prized blueback historical spawning habitat. In the upper Quinault through widespread logging, riprapping of the banks, nearly two-and-a-half miles of precious spawning habitat was wiped out but we are now slowly recovering that effort and the Quinault Nation is leading that effort along with many state and local partners as well as federal agencies. So we would like to continue that project. We call it a legacy plan. It is a 40-year plan that will take a number of years to fully restore that watershed.

The second priority and request we have is for $4.64 million for substance abuse and a comprehensive drug strategy. Last year, I mentioned that our drug strategy has expanded into national security issues. We have 30 miles of international border along the Pacific Ocean. We have had many of our tribal members who have a crabbing fleet off the coast. They have noticed small boats coming in and out of our waterway systems, Raft River. We have 2,000 miles of logging roads and 22 points of entry from the ocean to Highway 101, an interstate highway. We have had low-flying helicopters visible dropping things within our lanes and territories. We do understand that the Senate Committee on Homeland Security is reaching out to the GAO to look at the extent of international drug trafficking in Indian Country, and we believe that the Quinault Nation has been targeted as a haven for many of these drug activities.

The third priority that we would like to mention is $2.21 million for the McBride Road and an emergency evacuation route. There is only one entrance into our primary village of Taholah and one exit. We are located below sea level and right in the middle of a

tsunami zone, so we have many of our residents that are at risk. We have had a number of studies in our area that lands are subject to liquefaction if there were ever a large seismic event. Our village could potentially just sink into the ground. There are examples of that happening in Alaska and other parts of the world where there have been large seismic activities and the ground is basically like a sandpit. And with a large shake, we could lose an entire village. So we have had that study complete and finished so we do need to really focus on some emergency evacuation options for our community.

I would like to spend this last minute really focusing on what I talked about at the outset and that is we are advocating Congress to consider a comprehensive fiscal strategy to look at tribal treasuries. We know that with the sequestration, cuts are going to run deep; they are going to run widespread into Indian Country 2013. We fully expect major cuts. We expect those cuts to run even deeper in 2014, and we would like to point out that federal appropriations and grants are just one revenue stream into our national treasuries. For us to be successful, we need to look at a comprehensive tribal economy that includes insulating our borders from state and local taxation that looks at incentivizing private sector investment into Indian Country. We have utilized the Low-Income Housing Tax Credits to build houses. We have sold those tax credits to private investors not costing a dollar from the Federal Government but they have been able to defer tax revenue. We could increase our national budget by about 25 percent if we could sell the low Indian employment tax credit.

So those are just some ideas that we believe that this Congress has a duty knowing that those cuts are going to be deep to assist us in looking at a comprehensive fiscal strategy. Until we do that, we are going to just be dealing with symptoms. We need to elevate these issues to look at a comprehensive fiscal strategy to make sure that we have the funding for basic needs.

With that, on behalf of the Quinault Indian Nation, I thank you for your time.

[The statement of Fawn Sharp follows:]



Quinault Indian Nation

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TESTIMONY OF FAWN R. SHARP, PRESIDENT
QUINAULT INDIAN NATION
BEFORE THE
HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
ON THE FY 2013 BUDGETS FOR THE BIA AND IHS PROGRAMS
March 28, 2012

"The Great Spirit bestowed life to all of us...including the animals, birds, fish, insects and plants. Our collective Native warnings and predictions were ignored in the rush to capitalize and exploit the bountiful resources of the land. Countless irreplaceable species are preserved now in museums or documents in textbooks. As the consequences of unmanaged exploitation and pollution reach irreversible proportions, the United States heeded our centuries old appeals for environmental protection. We only hope it's not too late and that Mother Nature's wounds can still be healed. We will continue to serve as the environmental conscience to the nation and the world."

Joseph B. DeLaCruz, President
Quinault Indian Nation, 1972-1993

In the spirit of these profound words of our former President, I am honored to appear before this Committee on behalf of the Quinault Indian Nation and provide testimony on our priority requests and recommendations on the FY 2013 Budgets for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS).

Tribal Specific Priority Requests

- $8.714 million a Year for Blueback Restoration (for 2013-2020) - BIA
- $4.64 million for Substance Abuse and Comprehensive Drug Strategy Plan – BIA and IHS
- $2.21 million for the McBride Road Maintenance and Emergency Reservation Exit - BIA

Support Local/Regional Requests and Recommendations

- Affiliated Tribes of Northwest Indians
- Northwest Portland Area Indian Health Board
- Northwest Indian Fisheries Commission
-

Support National and Self-Governance Budget Priorities

Bureau of Indian Affairs

1. Increase of $8.8 million to fully fund Contract Support Costs (CSC)
2. Increase of $13.7 million to fully fund Fixed Costs/Pay Costs
3. Increase of $89 million for Tribal Priority Allocations
4. Fully fund all provisions of the Tribal Law & Order Act of 2010
5. Office of Self-Governance – Request not to consolidate in other division within Indian Affairs

Indian Health Service

1. Increase of $99.4 million to fully fund Contract Support Costs (CSC)
2. Increase of $200 million for Contract Health Services (CHS)
3. Increase of $40 million for alcohol and substance abuse programs

4. **Increase of $304 million for Mandatory Costs to maintain current services**
5. **Office of Tribal Self-Governance (OTSG) - Increase $5 million to the IHS OTSG**
6.

JUSTIFICATION FOR TRIBAL SPECIFIC REQUESTS

$8.714 MILLION ANNUALLY FOR BLUEBACK RESTORATION (annually from 2013-2020 = $61M)
The Blueback Restoration Program is designed to halt the current habitat loss and deterioration and to repair and restore natural habitat forming processes and sockeye production on the Quinault floodplain. Conditions that will result from implementation of this program will benefit other salmon stocks in the system and will serve to protect private property and public infrastructure. The program plan calls for formation of public and private coalitions and partnerships to implement restoration actions.

The Quinault River Blueback (Sockeye Salmon) Restoration Program will help to restore the natural beauty and productivity of the Quinault River Basin to historic levels, thus making it a more attractive tourism destination. In addition, the program will provide local construction jobs during its implementation phase, and the restoration program will result in conditions that will improve and sustain commercial and sport fishing on the Quinault River. The program will also benefit local residents and businesses by reducing the likelihood of flooding and property loss and increasing local economies both in the near and long term future. Implementation of the restoration program will help avoid the burdensome and restrictive consequences of having the Quinault sockeye listed as threatened or endangered under provisions of the Endangered Species Act (ESA).

This unique and valuable stock of salmon is near collapse due mostly to degraded habitats in the upper Quinault River Basin and in Lake Quinault. This habitat loss has occurred over the past century due to historic timber harvesting, property development, and infrastructure construction. Natural processes on the floodplain began unraveling in the late 1800s and the deterioration is continuing in the present time.

This is a long term project expected to take up to 20 years to complete structure placement and enhancement, including the engineering and material procurement, with full implementation occurring in the decades following as natural processes rebuild the habitat to historic conditions. Through successful efforts of this program, it will protect and restore the livelihoods of 100 commercial fishermen and 25 sport fishing guides in Grays Harbor and Jefferson Counties and the Quinault Indian Reservation.

The program will also contribute partial support for approximately 20 jobs in the fish processing industry in western Washington, thus improve the economic status of the families living in the communities within the Quinault Indian Reservation. The program will provide employment for 10-30 laborers and equipment operators in Grays Harbor and Jefferson counties during the construction phases of individual projects. This project will reverse adverse environmental impacts by restoring habitats and ecosystems of the Quinault River and Lake Quinault while at the same time stabilizing the river channel in efforts to protect infrastructure and property loss.

The construction phase of this plan was implemented in the Fall of 2008 with the construction of 12 engineered log jams. With full funding as needed on an annual basis, the basic construction phase of this project is expected to be completed at the end of Fiscal Year 2020. Fertilization, data acquisition and monitoring will continue for many years.

$4.64 MILLION FOR SUBSTANCE ABUSE AND COMPREHENSIVE DRUG STRATEGY PLAN

The Quinault Indian Nation Substance Abuse and Comprehensive Drug Strategy Plan seeks to improve, integrate, and strengthen the overall health and services to protect the communities on the reservation from the significant risks related to drug production, sale, and use by targeting enforcement, outreach, prevention, stabilization and harm reduction services to high risk-populations.

The Quinault Indian Nation is located along the southwest coast of Washington State. We are facing ever-escalating threats of drug trafficking, narcotic distribution, gang activity and weapons offenses — leading to devastating social, health and environmental consequences including damage to the pristine ecosystems. It is documented that for every one pound of methamphetamine that is produced, there are six pounds of hazardous waste materials created.

The regional topography renders us susceptible to drug smuggling and production. The Washington section of the U.S. – Canadian border is approximately 430 miles in length, a significant portion of which is vast, dense forest. The border has 13 official ports of entry (POE'S), but the rest of the border is largely unpatrolled. Drug smugglers exploit the national parks and forests, as well as other forestlands and waterways adjacent to the border, to smuggle drugs into Washington. Similarly, the clandestine manufacturing of methamphetamine in this region is of epidemic proportions.

To combat this problem, the Quinault Indian Nation Tribal legislative body (the Business Committee) formed and funded the Quinault Nation Narcotics Enforcement Team (QNNET) in September, 2011. Reporting directly to the Attorney General of the Quinault Indian Nation, QNNET works to prevent and suppress narcotic trafficking and drug use through intensive investigations. QNNET also collaborates and communicates with other local law enforcement agencies, the Department of Justice, elected officials and the community at large. During the first quarter of fiscal year 2012, we have made 48 arrests with 100% convictions and confiscated heroin, meth, prescription drugs, weapons and explosives. Cases have been prosecuted in Tribal, state and federal courts.

The General Accountability Office (GAO) is currently conducting a study that will focus on: 1) the scope of border and security issues facing Indian country; 2) what tribes are doing to combat the problems; 3) the challenges and successes in working with federal partners. The Quinault Indian Nation will make a perfect case study for the GAO undertaking and gain National visibility for the collective and multi-jurisdictional efforts of law enforcement and behavioral health agencies.

The Quinault Indian Nation's Substance Abuse component to the Comprehensive Drug Strategy Plan is part of a broader more comprehensive alcohol and drug strategy that recognizes the need to plan for the future. Quinault Indian Nation drug prevention and education programs are funded at 72% less than the national average per capita. To provide equivalent substance abuse prevention, treatment, and interdiction funding consistent with national levels, the Quinault Indian Nation must generate and budget **$4,640,000 million** annually through federal and state grants combined with Tribal investment into these critical and vital programs. The estimated distribution of this annual budget need is:

- **Prevention: $1.8 million annually**
- **Treatment: $1.54 million annually**
- **Interdiction: $1.3 million annually**

The Nation has encouraged collaborative relationships among government departments, health authorities, professionals, community members and families to create conditions that **prevent** drug use, **treat** drug users, **educate** the public and hold offenders **accountable** and **control access** to supply while helping ensure safer communities.

Most importantly, we have actively sought the guidance and wisdom of our elders and with the participation of our youth, community, churches and school districts we have undertaken a multidisciplinary approach and strategy, emphasizing prevention, enforcement, treatment and aftercare. Unfortunately, the best plans prove valuable only when the funding is available to execute and implement the strategy. We have found that at every level and in every discipline, funding to support our strategy is appallingly inadequate. We stress the urgent need to reclaim our communities to protect our families, our elders and our next seven generations from this menacing and deteriorating drug on the Quinault Indian Nation Reservation.

$2.21 MILLION MCBRIDE ROAD MAINTENANCE AND EMERGENCY RESERVATION EXIT ROUTE: BIA/ROADS MAINTENANCE PROGRAM

The Quinault Reservation is located in Grays Harbor County in the village of Taholah, Washington; a rural isolated and economically deprived area. The village of Taholah lies in a tsunami danger zone. The site of the village is barely above sea level and experts have determined that the sea level is rising because of global warming patterns. For Taholah, tsunami is a health and safety risk factor that we must live with everyday. The Quinault Reservation is interlaced with thousands of miles of roads that are left over from large logging contracts that ended in about 1980. Most of these roads do not have the required right-of-way and do not receive funding for maintenance.

The village of Taholah is accessible via SR 109 that parallels the Pacific Ocean. The McBride Road, a single forest road, is the only escapement route available to the 1,000 community members of the Quinault Indian Nation living in the village of Taholah. Its state of disrepair necessitates that immediate action be taken to bring the road up to a Class B gravel road status to be used in cases of emergency. The cost for this project is $876,500 to repair 10.75 miles and could be accomplished within a 3-month time frame during dry weather conditions. The Project will create four new jobs in right-of-way acquisition and road engineering and will impact about 400 jobs of timber workers, fishermen, and fishing guides that rely on these roads for their livelihood.

Major portions of this route are at sea level. What is particularly important to understand is that the portions of this road above sea level are susceptible to mudslides. Three such mudslides have occurred in the past five years. In a single event, the road blocked access for 3 days. Medical needs for village people became an issue, while those in need of kidney dialysis were particularly affected. Some tribal members were able to evacuate the village by using another, longer alternate route. Still, this application is unsafe for use by the general public because the forests roads are not patrolled, well maintained, have limited signage and cell reception.

Thank you for allowing me to provide this testimony on behalf of the Quinault Indian Nation.

Mr. SIMPSON. Thank you, Fawn. I appreciate it.
Next is David Bean.

WEDNESDAY, MARCH 28, 2012.

PUYALLUP TRIBE

WITNESS

DAVID BEAN

Mr. BEAN. Good morning, Mr. Chairman.
Mr. SIMPSON. Good morning.
Mr. BEAN. Good morning, Mr. Chairman, members of the committee. We thank you for the opportunity to be here today to offer this testimony. My name is David Bean. I am a member of the Tribal Council for the Puyallup Tribe of Indians. I am here in place of my chairman, Herman Dillon, Sr., whose health has not allowed him to be here today.

We appreciate the increased funding for the operation of Indian programs within the Bureau of Indian Affairs in Indian Health Services. However, years of inadequate funding and the effects of inflation have impacted the tribe's ability to fully exercise self-determination and self-governance. As negotiations proceed with fiscal year 2013 budget and appropriation, we urge you to continue efforts to ensure that there is adequate funding for Indian programs.

The Puyallup Tribe's first priority is ensuring the safety and security of our community; thus we greatly appreciate the emphasis that the subcommittee has put on funding tribal law enforcement programs. This year, we specifically support $6.3 million requested increase for operation of new detention facilities expected to be operational in 2013. The Puyallup Tribe has one of these facilities. While we are disappointed that the Puyallup facility is not listed on the BIA Budget Justification as one of these facilities that will be operational in 2013, we have met with BIA staff and they assure us that they are planning to fund the Puyallup detention facility. We have no reason to doubt this.

Over the past few years, the Puyallup Tribe has been working closely with the BIA Office of Justice Services to identify the operating staffing costs associated with this facility. We ask the committee's support for language directing the BIA to provide funding to all of the facilities that will come on line in 2013 and report back to Congress the status of these efforts.

The lifeblood for the Puyallup Tribe is our natural resources, including our fish, shellfish, and wildlife. I am a fisherman and I personally know how important these resources are to the culture and the economy of my people. Not only does the harvest of these resources provide the means for many people to support their families but equally as important is that this activity is the direct tie to our ancestors. For generations, my people have relied on these exact same resources to support their communities. Our ancestors believed that when they entered into our treaties more than 150 years ago that it was these resources that would sustain and ensure the survival of our people in the future.

And they were right. Thus, proper management and protection of these resources is a priority for the Puyallup Tribe. In this regard we fully support the funding in the BIA budget for Northwest Fisheries Commission, the Timber, Fish, and Wildlife Program, Pacific Coastal Salmon Recovery Program, and the Fish Hatchery Maintenance and Operation Program.

One area of concern is the need to support tribal efforts to enhance the treaty protected off-reservation wildlife management. The Puyallup Wildlife Management Program is the lead agency in management activities to benefit the South Rainier Elk Herd. The South Rainier Elk Herd is a 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. We would urge the Congress to consider increasing funding for off-reservation treaty hunting resources.

Puyallup believes that improving the educational opportunities for our children is critical for our future. Thus, we are very disappointed in the BIE's proposal to cut funding for tribal and BIE schools. We operate pre-K through 12 Chief Leschi Schools. Our student enrollment is 910 students, and this number increases annually. We believe that BIE's assertion that BIE tribal school enrollment is decreasing; moreover, even if our enrollment was decreasing, the cost of educating the children already enrolled in our school is increasing. Specifically, the salary costs, the transportation costs, and the related administrative costs are also increasing. So it is simply not feasible for the BIE to recommend any cut to the BIE school program.

Finally, the inadequate funding of the Indian Health Service is the most substantial impediment to improving the health status of Indian people. The Puyallup Tribe has operated its healthcare program since 1976 through an Indian Self-Determination Act contract. The Puyallup Tribe Health Authority operates a comprehensive Ambulatory Care Program providing health services to 9,000 in Pierce County, including 1,700 members of the Puyallup Tribe.

There are no Indian Health Service hospitals in the Portland area, so all specialty care and hospital care is paid from our contract healthcare allocation. This places a particular strain on the tribe's contract healthcare program, which the tribe subsidized with a $2.8 million contribution. Thus, we fully support the requested increase for contract healthcare, as well as other programs within IHS budget request.

I remain open to any questions you may have.

[The statement of David Bean follows:]

TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS
COUNCILMAN DAVID Z. BEAN
BEFORE THE U.S. HOUSE
APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
BIA AND IHS
FISCAL YEAR 2013
March 18, 2012

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide testimony on the FY 2013 appropriations for American Indian and Alaskan Native programs. My name is David Z. Bean, Tribal Council Member for 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 4,416 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 2013 Federal Budget. On February 13, 2012, President Obama delivered his FY 2013 Budget to Congress. The Budget proposal focuses on job creation and the beginning steps to reducing the nations projected deficits. Within the budget, *$2.5 billion is provided for the Operation of Indian Programs. This represents an overall increase of $4.6 million from current levels.* For the *Indian Health Services, $4.422 billion is provided, an increase of $115.9 million over the FY 2012 enacted 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 2013 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 recent years and contained in the proposed FY 2013 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 2013 Budget request includes $353.8 million for BIA Public Safety & Justice*. This represents a *$8.4 million increase* over the FY 2012 enacted level which is fully supported by the Puyallup Tribe. The *$88.1 million for Tribal and BIA detention and*

corrections funding is of great importance to the Puyallup Tribe. Within this amount, *$6.3 million increase* is directed to fund *operations and O&M costs at newly-constructed facilities.* While this increase is supported by the Puyallup Tribe, it is of concern that current and ARRA funded facilities will remain understaffed. It is estimated that 373 positions are needed to fully staff existing direct service facilities and P.L. 93-638 contracted facilities. The Department of Justice funded 13 tribes for the construction and/or expansion of detention facilities. According to the BIA Greenbook, five new or expanded facilities will become operational by the end of FY 2013. It is estimated that 186 additional staff will be needed to operate these facilities. In FY 2009, the Puyallup Tribe received a Department of Justice ARRA grant, in the amount of $7.9 million to construct a 43 bed adult 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 2012. The Project will be completed and be coming on-line by the end of the 3rd Quarter of Fiscal Year 2013. Over the past two (2) years the Puyallup Tribe has been working closely with the BIA-Office of Justice Services National and Regional staff on identifying the future operating and staffing costs associated with the Puyallup Tribe's new adult corrections facility. 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 facility, including Pre-Award, Start-up, Transitional funding, Staffing and O&M funding. *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. Further, the Puyallup Tribe requests the Subcommittee support to increase funding for BIA Detention/Corrections by $32.2 million to reflect actual funding need.* 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. 2012, 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. 2012 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 2013, *$8.660 million is provided for BIA Western Washington Fisheries Management, a small increase over the FY 2012 enacted level of $8.257. The Puyallup Tribe agrees with the Northwest Indian Fisheries Commission (NWIFC) request of $17.146 million for Western Washington Fisheries Management.* The $8.486 million increase in funding would provide new monies for shellfish, groundfish, enforcement, habitat, wildlife and other natural resource management needs. 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 Hatchery Operations and Maintenance. The President's FY 2013 budget contains $4.838 million for

Tribal Hatcheries, compared to the FY 2012 budget request of $5.452 million. *The Puyallup Tribe supports the NWIFC recommendation to fund the Fish Hatchery Maintenance at $5.452 million, an increase of $614,000 over the President's FY 2013 request.* The Timber, Fish and Wildlife (TFW) Supplemental 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. at the President's request of $2.777 million and U.S./Canada Pacific Salmon Treaty program at $4.8 million, an increase of $436,000 over the President's request of $4.364 million.* 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 2013 Appropriations.*

Education: The FY 2013 Budget requests 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.*

Operations of Indian Programs & Tribal Priority Allocations: The President's F.Y. 2013 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 Operation of Indian Programs at the F.Y. 2013 request of $2.5 billion and Tribal Priority Allocations at a minimum of $897,436 million, an increase of $6,366 million of the FY 2012 enacted level.* 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

The Inadequate funding of the Indian Health Service 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. By F.Y. 2012 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. 2011 and 2012 has made continued subsidies to the PTHA financially difficult for the Puyallup Tribe. The *FY 2013 Budget requests $5.5 billion in discretionary budget authority for the Indian Health Service. This represents a $115.9 million increase over the FY 2012 enacted level.* For *Health Services programs the FY 2013 budget request is $3.978 million, an increase of $112 million over the FY 2012 enacted level.* Included within the increases are funding for Contract Support Costs ($476.4 million), Contract Health Services ($897.5 million) and Alcohol and Substance Abuse funding ($195 million). The Puyallup 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.

Mr. SIMPSON. Thank you. I appreciate that very much.
Next is Joseph Pavel.

WEDNESDAY, MARCH 28, 2012.

SKOKOMISH TRIBE

WITNESS

JOSEPH PAVEL

Mr. PAVEL. I am Joseph Pavel with the Skokomish Tribe. Thank you, committee, for hearing our testimony this morning. I would like to especially recognize Congressman Dicks for his distinguished service to Washington State, the United States, the Tribes. We certainly appreciate that. I know that——

Mr. SIMPSON. Can you talk him into running again?

Mr. PAVEL. You know, I would not feel right doing that. I respect his decision.

Mr. DICKS. Thank you.

Mr. PAVEL. You know. I have been before this committee before. I think one of the items we stress is the law and order and judicial system needs in Indian Country, the Skokomish Tribe, a small tribe in western Washington, a Public Law 280 tribe at one time, going through the steps to have retrocession from the Public Law 280. We struggle to find resources to establish and maintain a law enforcement and a judicial system. We initiated our program in '95 with I think a domestic violence grant and we hired two half-time people, one was an advocate and another guy to sort of patrol the neighborhoods on foot, eventually bought him a blue shirt, bought him a badge and bought him an old beat-up pickup. Since then, we have been able to, through various grants and funding sources, the program has fluctuated but we pretty much are able to maintain a staff of six for our area of patrol and that is bare minimum through creative staffing and scheduling to maintain 24/7 services. We have two Fish and Wildlife officers that have to patrol a tremendous area, our entire seated area and all of the canal and the Olympic Mountains. And so these are, you know, vital needs, certainly law enforcement officers on the ground.

But as much as that, you know, people that are in the judicial system, we utilize the services of an intertribal court system, Northwest Intertribal Court System in there, we support their requests. A few years ago we were able to get a one-time add-on through BIA identifying this need and we used that to hire a probation officer. You know, the backlog in our system, people get in the system, they need some help to just guide them through the steps. So that was a successful program to try to get rid of some of the backlog of cases in our courtroom. Many of these cases will derive from a single violation that is then compounded by failures to appear, et cetera, do not pay fines, and so on. A probation officer can monitor these folks and be on them and remind them and help them get through the system and get out of the system. So that was successful.

The one-time BIA funding, we continued that position with our own, you know, with some input of our own tribal fundings. But

we would like to continue to see that approach that we need to help people that are in the system, not just arrest them and throw them in jail but we would like to be able to get in and be successful negotiating the system and maybe learn something and get out of it and become, you know, an approved citizen and an asset and resource to our community.

We have also entered into an agreement with the University of Washington to provide a public defender, help these people there. You know, we are not required to do this but these are some of the things we are doing, you know, because we recognize the need of our people not only to, you know, make the community feel safe to be able to track and apprehend and punish violators, but also when they are, you know, we know these are our people, our community and we know these violations are often just symptomatic of, you know, some of the larger and deeper issues. I think substance abuse is a huge issue. We would certainly support the programs for treatment and those sort of resources, those mental health counseling resources.

Those are all, you know, I think law and order and health, education. You know, we do not have a tribal school. I think that is maybe something that gets missed, you know, where we do not have an actual Indian school but we still have Indian kids. They are still in the education system. We try to work closely with the local education system. We have a state school district on our reservation that is about 30 to 40 percent tribal members in there, and we work with them, have used the Pathway Program that just expired. A Pathway grant was very successful four-year program of being able to put mentor tutors in the schools to work with our children, after-school programs. So we do have an education program even though we do not have a tribal school. And I would just like to remind the committee that there are those needs for our Indian students who are not in an Indian school.

[The statement of Joseph Pavel follows:]

TESTIMONY OF
JOSEPH PAVEL, VICE-CHAIRMAN
OF THE SKOKOMISH TRIBE OF WASHINGTON STATE
BEFORE THE HOUSE APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
ON THE BIA, IHS AND EPA FY 2013 BUDGET REQUEST
MARCH 19, 2012

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 FY2013 Interior and Related Agencies Budget.

Like all governments, the Skokomish Indian Tribe handles a number of everyday operational responsibilities as well as continuing the necessity of long-term planning activities. Daily the Tribe continues to strengthen the institutional and executive capacity to effectively manage the expansion of new programs. 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 operates several departments including Administration, Community Development, Information Services, Early Childhood Education (includes the Skokomish Head Start program), Education, Health Clinic, Housing, Legal, Natural Resources, Public Safety, Public Works, and Tuwaduq Family Services. These departments provide a broad range of governmental services to our citizens.

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.

The Tribal Council created the Skokomish Department of Public Safety in 1995. The department has grown from one (1) untrained officer, to six (6) Washington State certified/Washington State equivalency trained or BIA certified law enforcement officers. The SPSD provides land and water patrol, and emergency services 24/7 in Hood Canal Basin. It enforces tribal ordinances, treaty rights, court orders, and state/federal statutes. 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. SPSD not only services the Reservation but also roughly 10,000 neighboring county residents and 15,000 annual tourists.

Skokomish dispatch is cross linked with Mason County Dispatch. With only one scheduled per shift, Public Safety Officers patrol alone and respond alone to both misdemeanor and felony calls. Officers are placed in danger because back up from other agencies could be delayed in responding, if they are available at all. For natural disasters, SPSD officers are recognized as 1st Responders for the area. 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. Currently, the Tribe contributes approximately $200,000 per year to cover the BIA shortfall in funding for the Tribe's Public Safety Department. This funding comes from fuel taxes levied by the Tribe. In an effort to efficiently use our limited resources, the Tribe entered into a memorandum of understanding with the Mason County Sheriff's Office to use a provisional officer on an as-needed basis. This occurs when one of the 4 patrol officers is on leave or training.

The Tribe constantly looks for ways to efficiently use the funding available while improving services. Recently, the Tribe worked with the BIA Office of Justice Services (OJS), to receive technical assistance. The technical assistance came in the form of a monitoring process designed to evaluate the compliance of policy, standards, and professional practices of the Tribe's law enforcement program. The BIA evaluator used a Program Monitoring Instrument (PMI) which consists of standards that will be reviewed and evaluated to determine if the program is in compliance with each specific standard. The department has already used the initial recommendations to begin improving in areas of training, re-writing the standard operating procedures; and instituting community policing strategies. In the end, the Tribe will be able to document that we meet and/or exceed the standards of the BIA for public safety agencies.

We strongly support the $500,000 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. The Tribe has to cover and manage a large area in fisheries related activities. Over the past few years we have experienced increased tension between treaty fishermen and non-Indian fishermen. While these conflicts have not escalated into serious physical harm, we fear without proper law enforcement presences that it will.

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 2011, Skokomish had 362 open cases compared to 447 open cases at the end of FY2010. These cases range from criminal cases to child welfare cases. With the use of the one-time funding award from the BIA in FY2011, we hired a Probation Officer. The Probation Officer has helped satisfy and close 83 cases and continually meets with probationers. 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. We fully utilized this funding until it was exhausted. Although we have many needs with our limited resources, the Council approved the use of Tribal funds for the continuation of the probation program. We believe it is beneficial to the members of the Tribe to have a probation program.

Thus, we urge Congress to support Tribal Courts and provide at least the $1.1 million that the Administration has requested and encourage the BIA to fund and support Tribal probation officers for Tribal Courts.

II. INDIAN HEALTH SERVICE

The Skokomish Tribe strongly supports the $4.422 billion budget request, an increase of $115.9 million over the FY 2012 enacted level. We have a Tribally-operated Ambulatory Health Center located in a geographically challenged area and continue to face financial barriers that are not unique to the Skokomish Tribe, but unfortunately plague Indian Country as a whole. Our Contract Health (CHS) Funds continue to be taxed and we appreciate the proposed programmatic increase to CHS of $20 million. We continually ask for CHS increases and we do know this need will always be in existence and especially with the rising cost of health care and the increased serious health issues our patients are experiencing such as cancer, diabetes, and heart disease. One proposal to address these costs is the NW Portland Area Indian Health Board's efforts to develop three regional health facilities in the Portland Area to send our Tribal members to for specialty health services not provided in our tribal clinics. This would reduce the CHS expenditures currently spent at local specialty providers.

Another way to reduce the burden on CHS is to focus on prevention and find innovative ways to make our community healthier. By investing in our member's health up front and focusing on prevention up front, we hope to offset the rising CHS costs. In this regard, we support adding additional funding for the Health Protection and Disease Prevention Program. One of the Skokomish Health Center's long term goals is to build a culturally sensitive wellness center to focus on prevention, medical and holistic healing programs.

Due to recent cuts in State Medicaid funding, we have experienced a growing strain on our substance abuse treatment resources. We urge additional funding to be available for treatment. In this regard, we currently do not have a recovery after care facility for our clients when they finish treatment. If a client lacks the resources and family support, they are left to return to their previous addiction environments, which is likely to reduce their chance of success at recovery.

Finally, related to mental health, we have identified a need for a youth mental health facility. While there are youth substance abuse treatment facilities, there are no facilities available to treat mental health issues for youth, who do not have any substance abuse issues. This recently hit home as we had a young teenage girl who had no substance abuse issues but was in need of in-patient mental health services. After exhausting all avenues to find a Tribal/IHS mental health facility to place this young lady in we were unable to locate one. The child is on the East Coast and will remain in a non-Tribal/IHS institution for lack of a facility available to bring her closer to home with her extended family on the Skokomish Reservation. This young lady has attempted suicide on several occasions at the facility where she is currently located. We urge Congress to direct the IHS to report on its effort to develop a youth behavioral health facility to meet the growing mental health needs of our Native youth.

III. 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 132 tribes operating the program, each receiving less $51,000. We join the National Congress of American Indians and the National Organization of Tribal Historic Preservation Officers in supporting the requested $15 million increase in funding for this program.

IV. ENVIRONMENTAL PROTECTION AGENCY

The Skokomish Tribe urges the Subcommittee to maintain funding for key environmental programs, in particular, funding for Puget Sound restoration efforts. 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.

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

Mr. SIMPSON. Thank you, Joseph.
Next is Billy Dean.
Mr. FRANK. Frank.
Mr. SIMPSON. Frank Dean. Did I say——
Mr. FRANK. Billy Frank.
Mr. SIMPSON. Billy Frank—Billy Dean, yeah.
Mr. DICKS. He is the dean.
Mr. SIMPSON. That is what I was thinking.
It is good to see you again, Billy.

WEDNESDAY, MARCH 28, 2012.

NORTHWEST INDIAN FISHERIES COMMISSION

WITNESSES

BILLY FRANK
MICHAEL GRAYUM
ED JOHNSTONE

Mr. FRANK. Thank you, Chairman.

I am Billy Frank, Chairman, Northwest Indian Fisheries Commission. I have been here plenty of times. And, you know, I would like to just recognize our Congressman Norm Dicks. You know, we have worked together for the last 40 years and the State of Washington, all of our tribes including tribes, the whole Nation are going to miss Congressman Norm Dicks. And we wish him well. You know, we are behind his decision to get out and have a happy time here, you know. He has been down this road. He has been our guy that has led us, the leader that has led us through the environment and putting initiatives together and continuing them going, you know, and so we thank him. And we thank you, Chairman, for allowing me to say that.

It is a privilege for me to be among our tribal leaders here throughout the day here. And, you know, their strong support gives our organization focus and direction and helps make us successful in protecting and enhancing our treaty rights to meet the many natural resource management responsibilities required of the tribes. We are here today to communicate our fiscal year 2013 funding requests for the Bureau of Indian Affairs and the Environmental Protection Agency. We make these requests at a time when our treaties and reserved rights are in grave risk. They are at risk because of diminishing salmon populations which threatens to eliminate our right to harvest. All of this is due to our inability to restore salmon habitat faster than it is being destroyed.

The tribe ceded millions of acres of land to the United States through treaties in which they reserved the right to fish, hunt, and gather in their traditional areas. These treaty rights are constitutionally protected and are the supreme law of the land. Our treaty rights guarantee the right to harvest fish, not just the right to fish. Now, I have with me my executive director Michael Grayum, Northwest Indian Fisheries Commission; and then I have our treasurer Ed Johnstone. And so I would like to have Michael just take a minute and walk you through the budget.

Michael.

Mr. SIMPSON. Just go around and introduce yourself for the record.

Mr. GRAYUM. Michael Grayum, Executive Director of the Northwest Indian Fisheries Commission. Thank you, Mr. Chairman. Thank you, Congressman Dicks, for everything you have done.

I will just quickly highlight our requests. The Commission and its member tribes' primary interest is in the BIA's Rights Protection Implementation Account. That is the account that funds our base Fisheries Management programs. And we greatly appreciate the fact that the President's budget contains an increase of 3.669 million over the fiscal year 2012 enacted amount, and we appreciate that it brought the accounts of interest to us up to near the levels that Congress provided in fiscal year 2010, this committee in particular provided.

We do, however, note that the increase was distributed differently in the various accounts than it was when Congress provided the increase in 2010 and we have not been provided an explanation of why that is so we are uncertain about that. It is important that we maintain these overall funding levels and provide additional funding to address the increased management needs and responsibilities that the tribes are required to assume to protect the treaty rights that Mr. Frank just spoke to.

So specifically for Western Washington Fisheries Management—that is the base funding for our tribes—we are requesting an additional 8.486 million over the President's request consistent with the requests that we have been making for at least five years to meet the true needs that the tribes have. We support what is in the Washington Timber, Fish, and Wildlife Program, what is in the President's budget. We request a small increase in the U.S.-Canada Salmon Treaty Implementation line of 436,000 over the President's request to meet the requirements of implementing that international treaty. And in the Salmon Marking Account, we are requesting an additional 1.332 million to meet the needs of marking the ever-increasing hatchery production of the tribes and to meet the needs of assessing the impacts of marked fish in the fisheries.

The other account in the BIA is the Fish Hatchery Maintenance Account in Fish, Wildlife, and Parks. That is very important to our tribes and we would like to have that increased back to the level that it was in fiscal year 2010 I believe it was, which would be an additional 614,000 over the President's budget. That account is paying for the huge backlog of maintenance projects for our hatcheries, which is primarily supporting the fishery treaty right now.

And then contract support, we support what the President has in the budget. And EPA, the Indian General Assistance Program is very important to us. We support what is in the President's budget. That is providing the capacity for the tribes to engage with EPA in their environmental programs.

We are, however, disappointed that the President did not include the Multimedia Tribal Implementation Grants Program. It has been in the last two budgets but not funded and it was not included in this year's budget. We see this as a hugely important opportunity to move from capacity building to implementation, actually doing the projects that we have identified need to be done. And so that is one that we would request funding be provided.

And then lastly, Puget Sound restoration, that is very important to us and we request that that be increased to the levels that were funded in fiscal year 2010 at $50 million.

Mr. DICKS. 2010 was a very good year.

Mr. GRAYUM. Yes, it was. Thank you, Congressmen.

Mr. SIMPSON. We are going to have to have a lot more revenue for that.

Mr. FRANK. Could I have Ed Johnstone, our treasurer——

Mr. SIMPSON. For just a minute.

Mr. FRANK. Yeah, just a minute.

Mr. SIMPSON. And identify yourself for the record.

Mr. JOHNSTONE. Good morning, Mr. Chairman. My name is Ed Johnstone for all Indian Nation policy representative for Fisheries and treasurer of the Northwest Indian Fisheries Commission.

I want to follow up just a little bit about where Billy was talking about our treaty rights at risk. And the relevancy to the treaty rights at risk when he is talking about the habitat, our treaty rights at risk also because of the court decisions and the mandates into the court decisions—for instance, U.S. v. Washington, when Judge Boldt, you know, instructed us that the things we needed to do to be self-regulating for instance and to be co-managers of the resources, he put out some criteria that you had to have enforcement of your own tribal members, your own officers. You had to have scientists available or on staff. You had to show that you could manage your fisheries, and we were able to be funded at that time through Senator Magnuson. And through the work of Billy and others, we got what is called Western Washington Bold Account, your baseline account.

But subsequently, there are other decisions like the Rafitti decision where there were no instructions and there was no opportunity to get that account plussed up, and we can distribute it if it is proper to show you in a bar graph. The impacts of the other duties and responsibilities and subsequent decisions where the tribes are at the table and are co-managers and the funding has not followed that upward line or upward trend. In fact, it has been decreased at several points over time.

And so we were talking about getting back to the 2010 level. We are talking about our treaty rights, our requirements under those decisions are just as great as everyone else that comes before you in trying to demonstrate their need. And this is a graph that demonstrates how far outpaced our duties and responsibilities to us are versus the amounts of money that we, you know, get appropriated through these different funding streams. And so when we see an account gets plussed up, we wonder how maybe, for instance, another region gets more consideration than we do. And I think our decision predates some of those other decisions.

So we are just concerned about where we are going with some of these accounts but again very appreciative of being able to work with Congress and the committee as we look at these vital areas of our survivability out in the Pacific Northwest.

[The statement of Billy Frank follows:]

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TESTIMONY OF BILLY FRANK, JR., CHAIRMAN
NORTHWEST INDIAN FISHERIES COMMISSION
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT AND RELATED AGENCIES
ON THE FISCAL YEAR 2013 BUDGETS FOR THE BUREAU OF INDIAN AFFAIRS &
ENVIRONMENTAL PROTECTION AGENCY
March 28, 2012

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide testimony on the Fiscal Year (FY) 2013 Interior, Environment and Related agencies appropriations. My name is Billy Frank, Jr. and I am the Chairman of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is comprised of the 20 tribes that are party to the *United States vs. Washington*[1] *(U.S. vs. Washington).* It is a privilege for me to be among our distinguished northwest tribal leaders who are also here to present the funding requests of their people. Their strong support 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 2013 APPROPRIATIONS REQUEST

Bureau of Indian Affairs

Rights Protection Implementation

- Provide $17.146 million for BIA Western Washington Fisheries Management
- Provide $2.777 million for BIA Washington State Timber, Fish and Wildlife (TFW)
- Provide $4.8 million for BIA U.S./Canada Pacific Salmon Treaty (PST) Implementation
- Provide $2.4 million for BIA Salmon Marking

Fish, Wildlife and Parks

- Provide $5.452 million for BIA Fish Hatchery Maintenance

Contract Support

- Provide $228 million for BIA Contract Support

Environmental Protection Agency

- Provide $50 million for EPA Puget Sound
- Provide $96.375 million for EPA General Assistance Program (GAP)
- Provide $20 million for EPA Multi-media Tribal Implementation Grants Program

National Requests

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

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[1] *United States vs. Washington*, Boldt Decision (1974) reaffirmed Western Washington Tribes' treaty fishing rights.

TREATY RIGHTS AT RISK AND THE FEDERAL TRUST OBLIGATION

We have had the opportunity to discuss this with some of the Subcommittee members, as well as the Administration, but we also wanted to highlight an initiative that we have been pursuing – our Treaty Rights at Risk initiative. The treaty rights of the western Washington treaty tribes to harvest salmon are in imminent danger. The danger exists due to the inability to restore salmon habitat faster than it is being destroyed. The federal government has an obligation to the tribes to protect their constitutionally-based treaty rights. By fulfilling these federal obligations and implementing our requested changes to protect and restore salmon habitat, I have no doubt that we will recover the salmon populations. It is imperative that we are successful with this initiative as salmon are critical to the tribal cultures, traditions and their economies.

The tribes have developed sophisticated natural resource programs designed to protect and enhance their treaty rights. Tribal programs 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. It is because of the role that tribes play in protecting their rights that they require adequate, long-term, and stable funding.

On behalf of our 20 member tribes, I am here today to speak to our FY 2013 natural resource management funding requests for the BIA and the EPA. But before I do that, I must first acknowledge the outstanding support this Subcommittee has given to us over the 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 2013 President's budget continues to be supportive of the northwest natural resources funding requests and includes many of the Subcommittee's actions from the past few years. Our specific requests are further described below.

JUSTIFICATION OF REQUESTS

Bureau of Indian Affairs

- **Provide $17.146 million for BIA Western Washington Fisheries Management**

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 (WW). 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 WW Program. This increase was very much appreciated, however, we once again ask Congress to address the remaining identified needs of the NWIFC and our member tribes. The President's FY 2013 budget contains $8.66 million. *We respectfully request $17.146 million, an increase of $8.486 million over the President's FY 2013 budget.* This request is consistent with our needs assessment presented in FY 2010 to this Subcommittee. This will provide new monies for shellfish, groundfish, enforcement, habitat, wildlife and other natural resource management needs.

- **Provide $2.777 million for BIA Washington State Timber, Fish and Wildlife (TFW)**

The Congressional increase to Rights Protection Implementation in FY 2010 of $12 million was allocated to all programs within this sub-activity including the Washington State Timber-Fish-Wildlife Project. The President's FY13 budget contains $2.777 million. *We support funding this account at $2.777 million as requested in the President's FY 2013 budget.* This will provide the necessary funding to tribal TFW programs to fully participate in the TFW process.

- **Provide $4.8 million for BIA U.S./Canada Pacific Salmon Treaty (PST) Implementation**

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. The President's FY 2013 budget contains $4.364 million. *We support the U.S. Section's recommendation to fund the BIA at $4.8 million, an increase of $436,000 over the President's FY 2013 budget.* This will provide sufficient funding to ensure that the tribes can continue to participate effectively in the bi-lateral PST process.

- **Provide $2.4 million for BIA Salmon Marking**

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. The President's FY13 budget contains $1.068 million. *We respectfully request an additional $1.332 million to fully implement more extensive selective fisheries targeted at these marked fish.* This is the true need as determined by the tribes at the request of Congress.

- **Provide $5.452 million for BIA Fish Hatchery Maintenance**

Tribal fish hatcheries in western Washington are part of the largest fish hatchery system in the world. 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. This account has been increased over the last few years to better reflect the tribal need and the backlog of maintenance projects requested for tribal hatcheries. The President's FY13 budget contains $4.838 million. *We support funding this account at $5.452 million as previously requested in the President's FY 2012 budget.*

- **Provide $228 million for BIA Contract Support**

In FY 11 these funds received an increase of $53.56 million over the FY10 enacted level of $166.0 million. The President's FY13 budget contains $228.0 million. *We support funding this account at $228.0 million as requested in the President's FY 2013 budget, an $8.8 million*

increase over the FY 2012 enacted level. By not fully funding Contract Support it hampers the tribes' ability to fully exercise their right to self-govern and requires tribes to use direct program dollars to fund the required contract support functions.

Environmental Protection Agency

- **Provide $96.375 million for EPA General Assistance Program (GAP)**

This funding has built essential tribal capacities and remains critical to the tribes' ability to sustain their important water quality programs. The President's FY 2013 budget contains $96.375 million for the nationwide GAP. *We support funding this account at $96.375 million as requested in the President's FY 2013 budget.*

- **Provide $20 million for EPA Multi-media Tribal Implementation Grants Program**

This program was initially included in the President's FY 2011 budget request but it did not receive an appropriation. These funds would 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. The President's FY 2013 budget did not include any funding for this new initiative. *We respectfully request $20 million for this program as previously requested in the President's FY 2012 budget.* This program will provide targeted grants to tribes for implementation of federal environmental programs and would move the EPA/tribal partnership from capacity building to implementation of these important environmental programs. Identifying western Washington as a pilot for designing an EPA Indian program implementation strategy would build on the current investment EPA has made in tribal program development.

- **Provide $50 million for EPA Puget Sound**

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. The President's FY 2013 budget contains $19.289 million. *We respectfully request $50.0 million, an increase of $30.711 that restores 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

We know that it is difficult to allocate scarce federal funds at this time. However, we believe 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.

Mr. SIMPSON. Thank you. Thanks, Billy. I appreciate it.
Next, we have Clifford Cultee.

WEDNESDAY, MARCH 28, 2012.

LUMMI INDIAN BUSINESS COUNCIL

WITNESS

CLIFFORD CULTEE

Mr. CULTEE. Good morning.
Mr. SIMPSON. Good morning.
Mr. CULTEE. Thank you, Mr. Chairman and distinguished committee members, for the opportunity to share with you the appropriation priorities of the Lummi Nation for the fiscal year 2013 budgets of the Bureau of Indian Affairs and the Indian Health Service.

The Lummi Nation is located on the northern coast of Washington State and is the third largest tribe in Washington State serving a population of over 5,200. The Lummi Nation is a fishing nation. We have drawn our physical and spiritual sustenance from the marine tidelands and the waters for hundreds of thousands of years. Now, the abundance of wild salmon is gone. The remaining salmon stocks do not support commercial fisheries. Our fishers are trying to survive from the shellfish products. In 1999, we had 700 licensed fishers who supported nearly 3,000 tribal members. Today, we have about 523 remaining. This means that over 200 small businesses in our community have gone bankrupt in the past 15 years. This is the inescapable reality the Lummi Nation fishers face without salmon. We can no longer survive in the traditional ways of our ancestors.

Lummi's specific requests, BIA, $2 million, Phase 1, new water supply system—increase in funding for hatchery construction, operation, and maintenance. Funding will be directed to increase hatchery production to make up for the shortfall of wild salmon; $300,000 funding for the Conservation Law Enforcement Officer Program to ensure that the Lummi Nation need for natural resource enforcement officers will be funded.

Committee Directive Requests, Bureau of Reclamation—the Lummi Nation requests that the Committee directs the Bureau of Reclamation to fund Lummi Nation work to develop comprehensive water resources conservation and utilization plans that accommodates the water needs of its residents, its extensive fisheries resources.

BIA Natural Resources Branch—to work with the Lummi Nation to ensure that its needs related are available for harvest are compensated through the increased hatchery construction, operations and maintenance funding.

DOI Office of Indian Energy, Economic, and Workforce Development to work with the Lummi Nation in support of its comprehensive Fisherman's Cove Harbor and Working Water Front Project which addresses Indian Energy, Economic and Workforce Development needs of the Lummi Nation membership.

Implement ACA and IHCIA—asking the Department and the U.S. Indian Health Services to fully and completely implement the Indian Specific provision of the Affordable Care Act and the newly reauthorized Indian Health Care Improvement Act. Wellness is the number one priority of the Lummi Business Council in 2012 and '13. Lummi Nation requests that the committee support the SAMHSA Proposed Tribal Block Grant to combat drug epidemic among the Lummi Nation membership.

Head Start for Tribal Development—the Lummi Nation requests the committee direct BIE and DHHS, Children's Bureau, support the construction of a new Lummi Nation Head Start/daycare facility with technical and financial assistance.

Serve Indian veterans—direct the Indian Health Services to immediately develop and provide formal consultation between Indian Health Services, U.S. Veterans' Affairs and tribes on the formal Memorandum of Understanding for the provision of VA medical services to tribal veterans and their families.

BIA, $2 million, Phase 1, water supply increase in funding for hatchery, construction, operation, and maintenance. Funding will be directed to increase hatchery production to make up for the shortfall of wild salmon.

And with that, I would like to conclude and thank all of the committee members for their work.

[The statement of Clifford Cultee follows:]

LUMMI INDIAN BUSINESS COUNCIL
2616 KWINA ROAD • BELLINGHAM, WASHINGTON 98226 • (360) 384-1489

Testimony of the Honorable Clifford A. Cultee, Chairman of the Lummi Nation Before the House Interior, Environment and Related Agencies Appropriations Subcommittee on the FY 2013 Budgets for the Bureau of Indian Affairs and the Indian Health Service Programs
March 28, 2012

Good morning and thank you Mr. Chairman and distinguished Committee Members for the opportunity to share with you the appropriation priorities of the Lummi Nation for the FY 2013 budgets of the Bureau of Indian Affairs and the Indian Health Service.

BACKGROUND INFORMATION

The Lummi Nation is located on the northern coast of Washington State, and is the third largest Tribe in Washington State serving a population of over 5,200. The Lummi Nation is a fishing Nation. We have drawn our physical and spiritual sustenance from the marine tidelands and waters for hundreds of thousands of years. Now the abundance of wild salmon is gone. The remaining salmon stocks do not support commercial fisheries. Our fishers are trying to survive from shellfish products. In 1999 we had 700 licensed fishers who supported nearly three thousand (3,000) tribal members. Today, we have about 523 remaining. This means that over 200 small businesses in our community have gone bankrupt in the past fifteen (15) years. This is the inescapable reality the Lummi Nation fishers face without salmon. We were the last surviving society of hunters/gatherers within the contiguous United States. We can no longer survive in the traditional ways of our ancestors.

Lummi Specific Requests – Bureau of Indian Affairs

- +$2 million – Phase 1. New Water Supply System-Increase in funding for Hatchery construction, operation and maintenance. Funding will be directed to increase hatchery production to make up for the shortfall of wild salmon.
- +$300,000 funding for the Conservation Law Enforcement Officer Program to insure that Lummi Nation need for Natural Resources Enforcement Officers will be funded.

Committee Directive Requests

- **Bureau of Reclamation:** The Lummi Nation requests that the Committee directs the Bureau of Reclamation to fund Lummi Nation work to develop comprehensive water resources conservation and utilization plans that accommodates the water needs of its residents, its extensive fisheries resources.
- **Bureau of Indian Affairs Natural Resources Branch:** Direct the BIA to work with Lummi Nation to insure that its needs related to the removal of wild stocks from the salmon available for harvest are compensated through increased hatchery construction, operations and maintenance funding.
- **Direct the DOI Office of Indian Energy, Economic and Workforce Development** to work with the Lummi Nation in support of its comprehensive Fisherman's Cove Harbor and Working Water Front Project which addresses Indian Energy, Economic and Workforce Development needs of the Lummi Nation membership.

Lummi Specific Requests – Indian Health Service

- **Implement ACA & IHCIA** -Direct the Department and the US Indian Health Services to fully and completely implement the Indian Specific provision of the Affordable care Act and the newly re-authorized Indian Health Care Improvement Act
- **Wellness is the #1 Priority of the Council in 2012-13.** Lummi Nation requests the committee support the SAMHSA Proposed Tribal Block Grant to combat Drug Epidemic among the Lummi Nation membership.
- **Head Start for Tribal Development** – The Lummi Nation Requests the Committee directs BIE and DHHS, Children's Bureau support the construction of a new Lummi Nation head start/day care facility with technical and financial assistance.
- **Serve Indian Veterans** -Direct the Indian Health Services to immediately develop and provide formal consultation between Indian Health Services, US Veteran's Affairs and Tribes on the formal Memorandum of Understanding for the provision of VA medical services to Tribal veterans and their families.

LUMMI SPECIFIC REQUESTS – BUREAU OF INDIAN AFFAIRS

- **+$2 million – Phase 1. New Water Supply System-Increase in funding for Hatchery construction, operation and maintenance. Funding will be directed to increase hatchery production to make up for the shortfall of wild salmon.**

The Lummi Nation currently operates two salmon hatcheries that support tribal and non-tribal fishers in the region. The tribal hatchery facilities were originally constructed utilizing Federal funding from 1969-1971. Understandably most of original infrastructure needs to be repaired, replaced and/or modernized. Lummi Nation Fish Biologists estimate that these facilities are currently operating at 30% of their productive capacity. Through the operation of these hatcheries the Tribe annually produces one million fall Chinook and two million Coho salmon. To increase production, we must pursue a "phased approach" that addresses our water supply system first. The existing system only provides 850 GPM to our hatchery. To increase production to a level that will sustain tribal and non-tribal fisheries alike, we need to increase our water supply four-fold. A new pump station and water line will cost the Tribe approximately six million dollars. We are requesting funding for the first phase of this project. Our goal is to increase fish returns by improving aquaculture and hatchery production and create a reliable, sustainable resource to salmon fishers by increasing enhancement.

- **+$300,000 to increase the funding for the BIA Conservation Officer Program to support Natural Resources Law Enforcement**

The Lummi people rely on several commercial fisheries for their livelihood and several non-commercial fish, game, fowl and natural plants for ceremonial and subsistence purposes. There are currently three (3) Natural Resource Enforcement Officers (NREO's) and one Sergeant to patrol the 1846 square miles of marine area and 9145 square miles of the ceded lands. The Natural Resource Officers patrol a vast area, with a large amount of Natural Resources to protect, including: shellfish, salmon, halibut, deer and elk, and other protected species. Although Lummi Code of Laws Title 10 (Natural Resources Code) prohibits timber harvests without a permit, members and non-members periodically conduct timber harvests without necessary permits. Tideland Trespass on the Lummi tidelands is a major enforcement challenge. The fact that all of the Reservation tidelands are held in trust by the United States for the exclusive use of the Lummi Nation was most recently re-affirmed in *United States and Lummi Nation v. Milner, et al.* No. CV-01-00809-RBL (9th Cir. 2009). Although all of the Reservation tidelands are closed to persons, who are not members of the Lummi Nation in the absence of a lease permitting non-member use of the tidelands, or use permits issued pursuant to LCL Title 13

(Tidelands Code), and this closure is posted at several places around the Reservation, non-members continue to regularly trespass on these tidelands. Although LCL Title 17 (Water Resources Protection Code) prohibits the withdrawal of Reservation Waters without a permit, non-members continue to drill ground water wells on the Reservation. Illegal dumping is a major challenge on the Reservation. Although LCL Title 18 (Solid Waste Control and Disposal Code) prohibits solid waste dumping, like many places throughout rural America, illegal dumping continues to occur. Currently, the Lummi NREOs are only able to concentrate their patrol to the major Treaty concerns of fishing, crabbing, and shellfish harvesting. Additional funding is necessary for to prosecute actual incidents.

- **Direct the Bureau's Office of Indian Energy, Economic and Workforce Development Division to work with the Lummi Nation in support of its comprehensive Fisherman's Cove Harbor and Working Waterfront Project.**

Unemployment on the reservation has been very difficult to address with limited on-reservation jobs. Tribal governments need to be able to meet the employment and training needs of our membership as well as the business development needs of our communities. This is the objective of the Lummi Nation Fisherman's Cove Harbor and Working Waterfront Project. We need financial assistance to enable our membership to get the job skills the local (Reservation and Non-Reservation) labor market demands. We ask the Committee to direct the Bureau to work with the Lummi Nation to fully develop the Working Waterfront Project for the benefit of the Lummi Nation fishers, members and others invested in the marine economy of the extreme northwest corner of the United States.

LUMMI SPECIFIC REQUESTS – INDIAN HEALTH SERVICE

- **Support for full and complete implementation of the Indian Specific provision of the Affordable care Act & newly re-authorized Indian Health Care Improvement Act**

Tribes are dismayed by the lack of support they have received in the development and implementation of the following: ***Long Term and Community Based Care-*** The authorization of long term and community based care Tribal communities are among the last to receive access to this all important health care option. ***Tribal Medicaid Program Demonstration Project:*** *The Act authorizes a demonstration project to enable Tribes to demonstrate their ability to successfully plan, develop, implement and operate Medicaid Programs for the benefit of their membership.* ***Health care Insurance Exchanges***: to support the planning development, implementation and operation of tribes as providers of health care insurance on the same basis as State are receiving this technical and financial assistance from the Department.

- **Lummi Nation requests the committee support the SAMHSA Proposed Tribal Block Grant to combat Drug Epidemic among the Lummi Nation membership**

Wellness is the #1 Priority of the Council in 2012-13. . Drug abuse is at epidemic proportions on the Lummi Reservation. The proximity of the Lummi Reservation to the U.S. and Canadian Borders makes for a key ingredient in successful drug trafficking. With that prime ingredient add production, transportation, distribution, abuse and drug related crimes…this is our reality where my people are becoming prisoners in our own homes.

What we Have Done: Our people are seeking a return to health through massive consumption of Lummi Nation Health Care resources. We have increased the number of Tribal members receiving substance abuse treatment and mental health counseling.

What we Still Need: We are not equipped to keep pace with the increasing access and use of heroin and other opiate additive drugs that have besieged our ports, borders, communities and citizens. Lummi Nation and other Tribes cannot successfully compete with politically connected

communities and interest groups which receive the majority of the funding that is available through the state block grant system. We need assistance to secure funding to plan develop, construct and implement , programs services and facilities needed to improve health and safety in our communities.

- **Head Start for Tribal Development – New Head Start Facility**

The Lummi Nation Requests that the Committee directs BIE and DHHS, Children's Bureau support the construction of a new head start/day care facility for the Lummi Nation membership with technical and financial assistance. Lummi has operated a head start program since 1966 in the same facility. Successive Head Start Performance reviews have consistently identified the building as not meeting Head Start Performance standards. The Tribe is seeking gap financing in the amount of $1.2million to complete the proposed new facility. These additional costs are generated by Head Start Performance and tribal Child Care Facility Standards.

- **Support formal consultation between Indian Health Services, US Veteran's Affairs and Tribes on the formal Memorandum of understanding for the provision of VA medical services to Tribal veterans and their families.**

Tribes have been seeking the development of relationship between the Veterans Administration and the US Indian Health Services which results in simple parity of services between Indian and non-Indian Veterans for more than a century. There is a need to insure that the provisions of the final agreement between the US Veterans Administration and the US Indian Health Services are consistent with Indian Veterans needs.

Regional Requests

Support the requests of the Affiliated Tribes of Northwest Indians, the Northwest Portland Area Indian Health Board and the Northwest Indian Fisheries Commission

National & Self-Governance FY 2013 Budget Priorities

In general, all Bureau of Indian Affairs (BIA) and Indian Health Services (IHS) line items should be exempt from any budge recessions and discretionary funding budget reductions.

Indian Affairs

- Fully Fund Contract Support Costs (CSC) – Support $8.8 million increase included in FY2013 President's Request.
- Tribal Priority Allocations – Provide $89 million increase .
- Law Enforcement - Full Fund all Provisions of the Tribal Law & Order Act of 2010 that affect Indian Tribes & Increase funding for Bureau of Indian Affairs Law Enforcement by $30 million.
- Office of Self-Governance (OSG) – Provide increase funding to the OSG.

Indian Health Services

- Contract Support Costs (CSC) – Provide increase of $99.4 million over President's FY2013 Request to fund the CSC shortfall.
- Mandatory Costs – Provide $304 million increase to for Mandatory costs to address these on-going fiscal responsibilities to maintain current services.
- Contract Health Services (CHS) – Provide $200 million increase to provide CHS.
- Adequate Funding for Implementation of the Indian Health Care Improvement Act (IHCIA).
- Office of Tribal Self-Governance – Increase $5 million to the HIS Office of Tribal Self-Governance.

Thank you for this opportunity to provide these appropriations priorities of the Lummi Nation. Hy'shqe.

Mr. SIMPSON. Thank you. I appreciate you being here today, appreciate all of you being here today.

Let me ask Joseph. You mentioned that you are attempting rescission from being a Public Law 280 tribe?

Mr. PAVEL. Yes.

Mr. SIMPSON. What exactly does that include? I mean how do you——

Mr. PAVEL. Well, we have said in Washington I think it has been a new thing. The State has adopted a new procedure, but when we did it, you have to get the concurrence from the State and involve the process of the state legislature passing an act and approving, the governor to sign a retrocession——

Mr. SIMPSON. Okay.

Mr. PAVEL [continuing]. To the tribes. So that and then so we passed that act. You know, and basically it was an amendment. Some other tribes had already done it so we just kind of went in and amended that particular act to include the Skokomish Tribe. Then you have to get the concurrence from the Department of Interior and they also have to have an opinion from Department of Justice that they would concur with that. And then I think part of that process is for Interior to evaluate whether you have the capacity and the ability to sustain the capacity to implement the necessary law enforcement and judicial programs to handle those duties.

Mr. SIMPSON. Okay. I just wondered because some tribes in Idaho have tried to go through that same process and I did not know what was included. It is a typical government process.

Mr. PAVEL. Yeah. It is important to get the endorsement of the local county. Mason County is kind of a depressed area of the State and they were certainly very supportive of the tribe taking on these duties. They were looking at it as a way to get more law enforcement dollars into their area and also to reduce their area of coverage, so they were very supportive of us and that had a lot to do with our ability to do that. I know some counties are not like that.

Mr. SIMPSON. Good. Of the Puget Sound restoration, the geographic program gets, what, 30 million in this budget? In last year's budget it was 50 million—how much of that goes to the tribes? Do they compete competitively for various programs or is some of it set aside for the tribes?

Mr. GRAYUM. The EPA has allocated a certain amount of that to the tribes both for specific projects and for capacity for the tribes to be actively participating in the effort. So it is an EPA allocation.

Mr. SIMPSON. Okay. Mr. Moran?

Mr. MORAN. Yeah, that is fine, but I would defer to Norm on this since they are his constituents. He has invested so much time to focus on these issues.

Mr. SIMPSON. We agree with you on his retirement also by the way.

Mr. DICKS. Oh, thank you. Well, I just want to thank the chairman and Mr. Moran for being so supportive and Mr. Cole and the whole committee has been very supportive on tribal programs. I think that says a lot. And I just want to say that I have enjoyed our working relationship with the tribes. Each one of the tribes—I am not as close to the Lummis but the other four are in my district and we have had extensive working relationships. And they

have always been positive, always trying to protect the resource to help the people, the tribes.

I was out at the Nisqually last weekend with Jean Takekawa and that whole area has been restored. We have restored the Skokomish area back into an estuary. I mean those two projects alone probably increased estuary in the State of Washington by about 30 percent because so much of it had been developed. And the Puyallup Indian Land Claim settlement, I am an appropriater, not an authorizer, but right here in this committee we appropriated $105 million back when $105 million was a substantial amount of money. And to see the growth of the tribes has been great. We have still a long ways to go but on the salmon issue, especially taking out the dams on the Elwha. I appreciate the committee's steadfast support for that. That will help us.

But again, I have enjoyed our working relationship. Down on the Quinault many times, say hello to Guy for me, but I appreciate your being here today. And we've got one more year to go. We are going to do a good job.

Thank you, Mr. Chairman.

Mr. SIMPSON. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair.

When people are testifying, I go to your websites so I can picture what you are talking about with restoration. And all of you have fabulous websites, so I really felt like I am landlocked in a way. I am around a lot of water but I am not on an ocean, so this was very helpful for me.

Can I just ask a question? The Supreme Court is hearing the healthcare case right now. The Supreme Court is going to talk about severability, and as we know, the Indian Healthcare Act is part of the Affordable Care Act. Do you know if the tribes submitted to the court (as they are talking about severability if they strike down the rest of the law) to leave the Indian Healthcare Act stand as-is because it is a different section of law? And if I have caught you off guard, I apologize. Someone can get back to my office later.

Mr. BEAN. There was a brief filed by the National Congress of American Indians.

Mr. SIMPSON. Is your mike on?

Mr. BEAN. I am not entirely familiar with it but I understand that the National Congress of American Indians had submitted a brief to the court.

Ms. MCCOLLUM. That is good. And then my only other observation is that we are hearing a lot about law and order and the importance of enforcement. So I think we are hearing a common thread, Mr. Chairman. I do not think we heard quite as articulate an argument last year about the dollars. So I want to thank you all for being so crisp in your testimony on that.

Mr. SIMPSON. Ms. Sharp?

Ms. SHARP. I would like to maybe add to not only the law enforcement piece but just substance abuse prevention. We did some formulas at Quinault and we determined that the national average spent per capita on substance abuse prevention and education is roughly $1,600 per capita. Washington State is 1,900 per capita and just for our tribe it was $414 per capita. And when you con-

sider that state governments have a tax base, it further magnifies the need within Indian Country for precious dollars for substance abuse prevention. And so I really appreciate your making that observation and that point because we are off the charts and off the scale on substance abuse and all the associated problems, domestic violence and suicide, so it is very important to look at those factors.

Thank you.

Mr. DICKS. Violence against women, too, by people coming from outside the reservations is a serious problem.

Mr. SIMPSON. Did you have something you want to say?

Mr. BEAN. Yeah, I just have a brief comment from the Puyallup Tribe if I may for Congressman Dicks from the Tribal Council from the children at our school at Chief Leschi, from our fishermen, from our elders, from our community, we raise our hands and say thank you. Thank you for being here. Thank you for all the work you have done for us.

Mr. SIMPSON. Thank you all for being here. When Congressman Dicks decided to retire I said who the heck is going to take care of the Puget Sound now? And he looked at me and said you are the closest one. So I appreciate all of you being here today. Thank you for your testimony.

Our next panel is W. Ron Allen, T.J. Greene, and Sneena Brooks.

How are you doing today? And Ron, you are going to testify on two different subjects, on behalf of the Pacific Salmon Commission and also the tribe?

Mr. ALLEN. Yes.

Mr. SIMPSON. Okay.

WEDNESDAY, MARCH 28, 2012.

JAMESTOWN S'KLALLAM TRIBE

PACIFIC SALMON COMMISSION

WITNESS

W. RON ALLEN

Mr. ALLEN. Thank you, Mr. Chairman, and good morning. Again, I am Ron Allen, Chair for the Jamestown S'Klallam Tribe. We are located in western Washington. We are in Norm's district and we also equally raise our hands to Norm for your service, Norm.

Mr. DICKS. Thank you.

Mr. ALLEN. Thirty-eight years you have done a fabulous job for not just our state and our community but for the United States and your leadership will be missed I know by all.

I am also very active with the BIA, the Tribal BIA Budget Advisory Committee. I represent the Northwest tribes and so I am active in that forum. I am also active on the IHS side in terms of the budget needs in IHS. Before I jump into some of the issues from my tribe first, you know, the question was raised about the review by the Supreme Court, one thing that I think that you guys need to know is that the Indian Healthcare Improvement Act, it took us eight years, eight years to get it reauthorized, which is very annoying for us in tribes and this is a treaty obligation.

And what people do not realize is that even with the four-plus billion dollars that is provided by IHS—and you have been doing a great job in terms of providing additional resources for it—what you do not realize is that probably 50 to 60 percent of our citizens live outside what we call the service area that IHS provides. And so when we talk about those unserved or underserved people that it was trying to address, many of them are our people and we do not have the authority under the Indian Healthcare Improvement Act to serve those people. So that is an important issue I think that we need to raise.

And then you talked about the retrocession issue. It is more than just the process of getting the retrocession done; it is about making sure it is collaborated with the BIA so that we are provided they be law enforcement programs and court systems in order to take over the jurisdiction that we have under our authority for the tribes in our area.

So shifting back to my tribe, you have our testimony and we appreciate being able to submit it to you. We are very supportive of the request and recommendations that are being provided by many of our organizations in the Northwest, you know, the Northwest Fisheries Commission, the affiliated tribes, northwest Indians that Fawn is the president of and Columbia River Intertribal Fish Commission that collaborates with the northwest tribes, and NCAI, who do a great job of analyzing the budget and providing recommendations to you.

My tribe is a small tribe. We have a very small land base and we have limited resources. But nevertheless, we have equal interest and one of our requests is for some financial assistance to buy a small piece of property that is a culturally relevant piece that we are trying to prevent from being developed because it has a very religious traditional purpose in it. So you see the $495,000, we have asked for that.

The other simple request was we wanted to get additional resources in our fishery base budget because like all the tribes in the Northwest—well, on the west side of Washington State, we not only just manage the thin fish but we manage shellfish and we have limited resources to manage shellfish and it is a very complicated industry to manage but from clams to gooey duck to crab to shrimp, et cetera. And so we all are in need of additional resources to appropriately and effectively co-manage with the State on those kind of resources. And so that is what our request is from the Jamestown Tribe.

I would note in here that in our testimony we identified recommendations from the different entities with regard to the BIA budget. We are very delighted that you have been holding BIA pretty much harmless at this point and IHS some slight increases. My testimony has a small error in it, actually probably significant for you. In contract support on the BIA side you are going to fund 100 percent, and we are very delighted that you are going to do that. On IHS side in my testimony it says 145. That was last year's request and so I did not catch that error before we actually submitted it to you. But I do know it is $100 million shortfall. And so that is a big issue for us. Again, it is a contractual obligation between the United States and Indian Tribes and contracts are con-

tracts. So where we would honor it with any other entity—I do not care whether it is defense issues or educational institutions or whatever it is, we would honor those contracts. And we believe that that is important for the tribes to do a good job.

So those are the points that I would raise with my tribe. Shifting to the second topic that I want to raise—it is related—I am a commissioner for the U.S.-Canada and Pacific Salmon Commission. I represent the 24 tribes, the Puget Sound Tribes and Columbia River Tribes up into Idaho including Nez Perce. And, you know, our job is to make sure that we manage the salmon well and make sure that we turn it to a sustainable level. We have to make sure we have salmon so that Norm has fish to catch when he is in retirement. And so I take this duty seriously.

Mr. DICKS. I release all my fish.

Mr. SIMPSON. The one that is on your wall did not get released.

Mr. DICKS. That was in Alaska.

Mr. ALLEN. Okay. Anyhow, Chairman, so it is a very important treaty that was consummated back in 1985. We renegotiated it three different times and there were never areas where we received the resources in order to manage the responsibilities from Alaska all the way to the upper reaches of Idaho.

And everybody has a role. The States have their role and they get their resources through Commerce. And the State Department has a role because the resources for the international obligation is processed through them. The tribes' role in this process comes through the Department of the Interior and we have been funded about $4.1 million and I think the proposal is around 4.3 and we are asking for 4.8. I think what we want to emphasize with Congress is that when we engage with all of our counterparts both within the United States from Alaska to the three states and then with our Canadian counterparts, the tribal expertise is critical to that process. We are very, very active and we are among the leaders with regard to that technical responsibility. And we have to share that responsibility. So we do it with the tribes and we coordinate with the Northwest Indian Fish Commission and Columbia River Intertribal Fish Commission in order to accomplish this objective.

That money that is in there is distributed among all of us in order to carry out our respective responsibilities and it is critically important and we just need the resources to be able to do the job. When you think about our intergovernmental relationship, we are a small fish in this great big pond and we have to fight for our rights and we do do that. But we have to have the capacity to do it. You have to have the resources and the talent. So if you were ever to walk into our forum and realize the technical responsibilities to manage that fishery, assure that we are carrying it out responsibly whether it is the Chinook, the Coho, the Saki, the Pinks, the Chum Fishery. It is a challenge and we kind of overload our staff in a big way. So we are trying to get additional resources to do a responsible job to make sure that we are harvesting it correctly while we deal with the other H's, meaning the hydro issues or the habitat issues and so forth.

So that is my request. You will see it in here——

Mr. SIMPSON. Harvest.

Mr. ALLEN. Pardon me.

Mr. SIMPSON. And yes, the harvest, too. It is a tough issue. It is a balancing act when you are dealing with ESA with regard to the fish you are trying to protect while being able to harvest what is harvestable. And that is true both in Canada, you know, where they have their own ESA legislation, as well as our own country. So it is complicated; it is tough, but we take it responsibly. And as Billy Frank always says, we are fish people. We are going to make sure that the fish are going to be here for our future generations.

Thank you.

[The statements of W. Ron Allen follow:]



Testimony Submitted to the
House Interior, Environment and Related Agencies Appropriations Subcommittee
for the Fiscal Year FY2013 Budgets for BIA & IHS
By W. Ron Allen, Tribal Chairman/CEO
Jamestown S'Klallam Tribe, Washington State
March 28, 2012

On behalf of the Jamestown S'Klallam Tribe, we are pleased to submit this written testimony on our funding priorities and requests for the Fiscal Year 2013 Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) budgets. While we recognize that Congress faces unusually difficult funding decisions this year, funding for Tribal programs and services must be a priority in the federal budget if the U.S. is to fulfill its trust obligation and live up to the promises made to American Indian/Alaska Native (AI/AN) Tribal governments.

Congressional support of our proposed funding initiatives will promote efficiency and accountability, strengthen reservation and surrounding local economies, and affirm Tribal sovereignty and Self-Governance. We have long appreciated this Subcommittee's support of our funding requests and are pleased to submit the following recommendations and requests:

Tribal-Specific Appropriation Priorities

1. $495,000 Land Purchase for Tamanowas Rock Sanctuary Project
2. $200,000 Increase to BIA Tribal Base Budget for Fish & Wildlife Management

Local/Regional Requests and Recommendations

The Jamestown S'Klallam Tribe is a direct beneficiary of the collective Tribal efforts and continues to support the requests and recommendations of the **Affiliated Tribes of Northwest Indians, Northwest Portland Area Indian Health Board**, and the **Northwest Indian Fisheries Commission**.

National Requests and Recommendations

BIA Requests:

1. Provide $89 million increase for Tribal Priority Allocations;
2. Provide $8.8 million increase for BIA Contract Support Cost (CSC);
3. Provide $13.7 million Increase for Fixed Costs/Pay Costs;
4. Restoration and increase funding for Indian Loan Guarantee Program; and
5. Establishment and funding for a Surety Bonding Guarantee Program.

IHS Requests:

1. Hold Harmless Indian Health Programs;
2. Provide $99.4 million Increase over President's FY2013 Budget to Fully fund contract support costs;
3. Provide $304 million Increase to Fund Mandatory Costs for current services;
4. Provide $45 million Increase for the Indian Health Care Improvement Fund.

The leadership of the Jamestown S'Klallam Tribe remains actively involved in both the **National Congress of American Indians (NCAI)** and the **National Indian Health Board (NIHB)**.and we are extremely supportive of their requests

Tribal-Specific Appropriation Justification:

1. $495,000 Land Purchase for Tamanowas Rock Sanctuary Project
The purpose of the project is to preserve Tribal cultural and ceremonial access to an important archaeological site of the S'Klallam American Indian people. Tamanowas Rock, located in Eastern Jefferson County on the Olympic Peninsula of Washington State, is of great cultural and spiritual significance to the Tribes in the region, and also holds special significance for the local non-Indian community. As a geological formation, the estimated age of the Rock is 43 million years. More importantly, the oral history associated with the Rock among the local Tribes includes the era of the mastodons (extinct for 8,000 years), when it was used as a perch by Tribal hunters and a story of a great flood (assumed to be a tsunami from around 3,000 years ago) when people tied themselves to the Rock to avoid being swept away.

In 1976, the Rock was listed in the Washington Heritage Register as having significant archaeological interest. The Tribes, Washington State Parks, and local community have been working for more than 13 years to try to protect the Rock from development. In February 2005, the Jamestown S'Klallam Tribe, acting on behalf of all the S'Klallam Tribes, obtained loans to purchase a 20 acre parcel and a group of platted properties totaling 66.32 acres (if dedicated roads are vacated, the acreage is closer to 100 acres for the platted properties). This property was in imminent threat of development in the vicinity of the Rock. We are taking the lead to seek funds to purchase the land and the remaining 80 acres directly surrounding Tamanowas Rock, all of which would be protected in perpetuity.

2. $200,000 Increase to BIA Tribal Base Budget for Fish & Wildlife Management
Jamestown S'Klallam Tribe is one of four Tribes that signed the Point No Point Treaty with the U.S. government in 1855. The U.S. government formally recognized Jamestown in 1981. By then, the BIA was contracting with Tribes to provide fisheries management services. The Point No Point Treaty Council (PNPTC) was serving as the fisheries management agency for the other Klallam and Skokomish Tribes. Rather than redistribute the funding pie, Jamestown received a smaller portion for fisheries management in relation to the other three Tribes. Even with Self-Governance, the BIA continues to distribute contracted funds based on funding history, thus Jamestown receives a significantly smaller portion of the PNPTC base funding than the other three

Tribes. The Jamestown S'Klallam Tribe is nonetheless required to meet the basic fisheries and wildlife management responsibilities of US v. Washington including planning, negotiation, regulation, technical expertise and enforcement.

In addition to meeting our own responsibilities under US v. Washington, our Tribal staff regularly perform the essential fisheries management duties that other governmental jurisdictions are charged with but either do not administer or administer poorly. As a result, Treaty Tribes are assuming responsibility for observing, documenting and urging the agencies with regulatory responsibilities to act in order to preserve critical fish habitat and protect dwindling fish species from further decline. Development pressures along streams and rivers have increased the need for local government monitoring and enforcement of shoreline regulations; however, local and state funding shortfalls have contributed to the decline in biologists and environmental enforcement officers. Our immediate concerns are that as state and local governments cut back on their capacity to carry out and enforce these obligations, our Treaty rights are further imperiled. ***The $200,000 increase to our FY2012 Self-Governance base is needed to implement these essential treaty fish and wildlife management services.***

National Requests and Priorities:
BIA REQUESTS
The President has committed to support and advance Tribal Self-Determination and Self-Governance for the Nation's 567 federally-recognized Tribes. Consistent with that commitment, the FY2012 budget should include the following critical increases:

1. **TPA General Increase - Provide $89 million (10% increase over FY2012 enacted)**

TPA is one of the most important funding areas for Tribal governments. Tribes use these funds to administer social service programs for our Tribal communities including, critical services such as law enforcement, education, transportation, natural resources and economic development. This funding has steadily eroded due to inflation and population growth. We urge you to adequately fund TPA to enhance the health and well-being of Tribal reservations and the surrounding non-Native communities.

2. **Contract Support Costs - Provide $8.8 million Increase as included in the President's FY2013 Budget Request for BIA to Fully Fund Contract Support Cost (CSC)**

The Indian Self-Determination and Education Assistance Act of 1975, (Pub. L. 93-638) allowed Indian Tribes to manage federal trust programs for the benefit of their citizens that would otherwise be administered by the U.S. government. Under Self-Determination contracts or Self-Governance compacts, Tribes administer a vast array of governmental services, including healthcare, law enforcement services, education, housing, land and natural resource management, as well as many other vital social service programs. The greatest impediment to the successful administration of these trust programs is the failure on the part of the U.S. government to fully fund contract support costs.

3. **Fixed Costs/Pay Costs - Provide 13.7 million Increase**
Most federal agencies receive adjustments to their fixed cost rates each year to cover inflationary costs associated with fringe benefits and pay costs. Tribes have never received similar adjustments to account for these costs.

4. **Indian Loan Guarantee Program - Restoration and increase funding**
The Bureau of Indian Affairs (BIA) loan guarantee program is vital to Tribes because it creates jobs, provides new sources of revenue to Tribal communities, and critical support in advancing economic development in Indian Country. Part of the rationale to cut back this program is that the program could be duplicating other services, such as SBA loan programs. This assumption is wrong and will undermine the Tribes economic development efforts.

5. **Surety Bonding - Establishment and funding of a Surety Bonding Program**
There has long been a need for a Surety Bonding program for Indian Country. The traditional bonding industry-- uncomfortable and unfamiliar with sovereign Tribes -- requires excessive waivers of sovereign immunity to issue surety bonds for our companies requiring these bonds. This industry impediment clearly suppresses our business opportunities.

IHS REQUESTS
Our Tribe strongly encourages the following:

1. **Hold Harmless** -- Hold Indian health programs harmless and protect prior year and proposed FY12 and FY13 increases from budget roll-backs, freezes and rescissions. We are encouraged by the increased investments in Indian health we are equally concerned that efforts by Congress and the Administration to reduce the overall size of the federal budget may jeopardize the recent progress.

2. **Contract Support Costs (CSC) - Provide $145 million for IHS to Fully fund CSC, Including Direct CSC**
Tribal health care systems have proven successful in providing quality, culturally appropriate services to their citizens. However, the success of the program will not be realized, without adequate CSC funding to support these efforts.

3. **Fund Mandatory Costs - $400 Million**
Mandatory costs include adjustments for inflation, pay costs, staffing for new facilities and population increases. Failing to fund these mandatory requirements forces the Tribes to cut vital health care services.

4. **Fund the Indian Health Care Improvement Fund - $45 Million**
The purpose of the Indian Health Care Improvement Fund is to ensure the equitable provision of health care services to Indian people. The FY 2010 $45 million appropriation brought all operating units within the IHS to a 45% Level of Need Funded (LNF). We are requesting $45 million in 2013 to further decrease the disparity.

In closing, thank you for this oopportunity to provide this written testimony.

U.S. Commissioners
David Bedford
Phil Anderson
W. Ron Allen
Larry Rutter

UNITED STATES SECTION
of the
PACIFIC SALMON COMMISSION

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Statement Submitted by
W. Ron Allen, Chairman, Budget Committee
U.S. Section of the PACIFIC SALMON COMMISSION
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
(Bureau of Indian Affairs and U.S. Fish and Wildlife Service Programs)
On the FY 2013 Budgets for the
Bureau of Indian Affairs and the U.S. Fish and Wildlife Service

March 28, 2012

Mr. Chairman, and Honorable Members of the Committee, I am W. Ron Allen, Chairman of the U.S. Section's Budget Committee on the Pacific Salmon Commission (PSC). The U.S. Section prepares an annual budget for implementation of the Treaty. The integrated budget details program needs and costs for Tribal, Federal, and State agencies involved in the Treaty. Under the Bureau of Indian Affairs budget, the U.S. Section recommends that Congress:

> Fund the tribes' program at a restored funding level of $4,800,000 for tribal research projects and participation in the U.S.-Canada Pacific Salmon Treaty process, an increase of $500,000 over the President's requested level for 2013. This funding level represents status quo funding plus adjustments to meet increased obligations under the 2009-2018 Pacific Salmon Treaty Agreement. The funding for tribal participation in the U.S./Canada Salmon Treaty is a line item in the BIA's budget under the Rights Protection Implementation, Wildlife and Parks, Other Recurring Programs Area.

Under U.S. Fish and Wildlife Service programs, the U.S. Section recommends that Congress:

> Provide base funding of $417,000 for USFWS participation in the Treaty process, and provide funding of $315,000 for the Pacific States Marine Fisheries Commission's Regional Mark Center. This funding level represents an increase for the Mark Center to make up for losses from other programs and allow the Mark Center to maintain the same level of service to the US Section.

This base funding for the U.S. Fish and Wildlife Service will pay for the critically important on-going work. The funding for Pacific States Marine Fisheries Commission's Regional Mark Center is utilized to meet Treaty requirements concerning data exchange with Canada. These program recommendations are integrated with those of the state and federal agencies to avoid duplication of effort and provide for the most efficient

expenditure of scarce funds.

A copy of the integrated U.S. Section Budget Justification has been made available to the Committee. The budget summary justifies the funding we are recommending today. All of the funds are needed for critical data collection and research activities directly related to the implementation of the Treaty and are used in cooperative programs involving Federal, State, and Tribal fishery agencies and the Department of Fisheries in Canada. The monetary commitment of the United States is matched by the commitment of the Government of Canada.

The U.S. Section of the Pacific Salmon Commission is recommending an adjustment to the funding for the work carried out by the twenty-four treaty tribes' that participate in the implementation of the Treaty. Programs carried out by the tribes are closely coordinated with those of the states and federal agencies. Tribal programs are essential for the United States to meet its international obligations. Tribal programs have taken on additional management responsibilities due to funding issues with state agencies. All participating agencies need to be adequately funded to achieve a comprehensive US effort to implement the Treaty.

We are strongly recommending maintaining base funding of $417,000 for the U.S. Fish and Wildlife Service so the U.S. can maintain the critical database to implement the Treaty. We also strongly recommend funding of $315,000 to allow continuation of work carried out by the Regional Mark Processing Center. This work, maintaining and updating a coastwide computerized information management system for salmon harvest and catch effort data as required by the Treaty, has become even more important to monitor the success of management actions at reducing impacts on ESA-listed salmon populations. Canada has a counterpart database. The database will continue to be housed at the Pacific States Marine Fisheries Commission. The U.S. Fish and Wildlife Service will contract with the PSFMC to provide this service.

Mr. Chairman, the United States and Canada established the Pacific Salmon Commission, under the Pacific Salmon Treaty of 1985, to conserve salmon stocks, provide for optimum production of salmon, and to control salmon interceptions. After more than twenty years, the work of the Pacific Salmon Commission continues to be essential for the wise management of salmon in the Northwest, British Columbia, and Alaska. For example, upriver Bright fall Chinook salmon from the Hanford Reach of the Columbia River are caught in large numbers in Alaskan and Canadian waters. Tribal and non-tribal fishermen harvest sockeye salmon from Canada's Fraser River in the Strait of Juan de Fuca and in Puget Sound. Canadian trollers off of the west coast of Vancouver Island catch Washington coastal Coho salmon and Puget Sound Chinook salmon. In the Northern Boundary area between Canada and Alaska, fish from both countries are intercepted by the other country in large numbers. The Commission provides a forum to ensure cooperative management of salmon populations. In 2008, the U.S. and Canada successfully concluded lengthy negotiations to improve this management, including the

adjustments to the coastwide abundance-based management regime for Chinook salmon and a framework for abundance based management for southern Coho populations. The agreement is intended to last through 2018. The Fraser River sockeye and pink chapter to the Pacific Salmon Treaty expired in 2010 and negotiators worked out an interim arrangement while Canada's Cohen Commission completes its judicial inquiry on the Fraser River sockeye fishery.

Before the Treaty, fish wars often erupted with one or both countries overharvesting fish that were returning to the other country, to the detriment of the resource. At the time the Treaty was signed, Chinook salmon were in a severely depressed state as a result of overharvest in the ocean as well as environmental degradation in the spawning rivers. Under the Treaty, both countries committed to rebuild the depressed runs of Chinook stocks, and they recommitted to that goal in 1999 when adopting a coastwide abundance based approach to harvest management. Under this approach, harvest management will complement habitat conservation and restoration activities being undertaken by the states, tribes, and other stakeholders in the Pacific Northwest to address the needs of salmon listed for protection under the Endangered Species Act. The 2008 Chinook agreement continues these commitments. The combination of these efforts is integral to achieving success in rebuilding and restoring healthy, sustainable salmon populations.

Finally, you should take into account the fact that the value of the commercial harvest of salmon subject to the Treaty, managed at productive levels under the Treaty, supports the infrastructure of many coastal and inland communities. The value of the recreational fisheries, and the economic diversity they provide for local economies throughout the Pacific Northwest and Alaska, is also immense. The value of these fish to the twenty-four treaty tribes in Washington, Oregon, and Idaho goes far beyond their monetary value, to the cultural and religious lives of Indian people. A significant monetary investment is focused on salmon as a result of listings of Pacific Northwest salmon populations under the Endangered Species Act. Given the resources, we can continue to use the Pacific Salmon Commission to develop recommendations that help to ensure solutions that minimize impacts on listed stocks, especially if we are allowed to work towards the true intent of the Treaty: mutually beneficial enhancement of the shared resource.

Mr. Chairman, that concludes my written testimony submitted for consideration by your Committee. I want to thank the Committee for the support that it has given the U.S. Section in the past. Please feel free to contact me, or other members of the U.S. Section, through the Office of the U.S. Section Coordinator to answer any questions you or Committee members may have regarding the U.S. Section of the Pacific Salmon Commission budget.

SUMMARY OF TRIBAL and FISH AND WILDLIFE SERVICE PROGRAMS UNDER THE U.S.- CANADA PACIFIC SALMON TREATY

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs, Wildlife and Parks, Rights Implementation

	FY12 Enacted Appropriation	FY13 Recommendation	Increase
BIA	$4,120,000	$4,300,000	$180,000

U.S. Fish and Wildlife Service, Anadromous Fisheries

	FY12 Enacted Appropriation	FY13 Recommendation	Increase
USFWS	$ 667,000	$ 732,000	$65,000

Mr. SIMPSON. Thank you. I appreciate it very much.
T.J. Greene.

WEDNESDAY, MARCH 28, 2012.

MAKAH TRIBAL COUNCIL

WITNESS

T.J. GREENE

Mr. GREENE. Greetings. It is good to be here among friends. Mr. Chairman, members of the subcommittee, I am T.J. Greene, Treasurer, the Makah Tribal Council. I am accompanied by Councilman Brian Seveck. We want to thank you for this opportunity to present testimony on the views of Makah Tribal Council on the fiscal year 2013 federal budget.

This hearing is especially meaningful to us at the Makah Tribe because it is the last chance we will get to appear before Congressman Dicks. We have truly been blessed not only that Norm Dicks is our Congressman but also by his long-standing friendship with our tribe. Congressman Dicks has visited our reservation many, many times since he was a young man. He has spent countless hours visiting with us, touring our reservation, and hearing our concerns, but he may have spent just as much time off our shores in what he recently called his favorite fishing spot. I do not know if he says that to everybody but he says it to us.

Mr. DICKS. It is the most beautiful place to fish for salmon.

Mr. GREENE. Words cannot express our gratitude to you, Congressman, for all that you have done for us and all that you mean to us.

I would like to testify today on three priority issues: one, federal assistance for cleaning up the Warmhouse Beach dump on our reservation; federal grant funding for replacing our commercial fishing dock; and lastly, our work in support of a sustainable federal ocean policy.

The Makah Tribe is taking aggressive steps to address the serious environmental and health risks posed by the Warmhouse Beach Open Dump, a decades-old landfill located on the Makah Reservation that was used by the U.S. Department of Defense and other federal agencies to dispose of hazardous waste. The dump is leaching harmful chemicals into a nearby stream which flows into the pristine waters of the Strait of Juan de Fuca at Warmhouse Beach, a traditional shellfish location for the Makah people. This summer, we are taking the important step of opening our new solid waste transfer station in Neah Bay, which will enable us to close the dump. Now, the challenge before us is to clean it up so it will stop polluting our waters.

The tribe has documented that the Makah Air Force Station, which supported radar operations at Bahokus Peak from World War II through 1988, disposed of many hazardous substances at the dump since its opening in the 1970s, including asbestos, batteries, pesticides, paints, and waste oil. For many years, other federal agencies with operations on the reservation also disposed of their waste at the dump. So the Federal Government bears sub-

stantial responsibility for cleaning it up and preventing further exposure of the reservation community to the environmental and health hazards it causes.

The Makah Tribe has been trying for many years to secure federal assistance for cleaning up the dump, especially through negotiations with the Defense Department or possibly through the federal Superfund Program. We would appreciate the subcommittee's support in our efforts.

The second issue, the Port of Neah Bay Commercial Fishing Dock is over 60 years old. The condition has now deteriorated so badly it has been closed to semi-truck traffic for seven years. Structural surveys of the dock indicate that the dock now needs to be completely replaced. This commercial fishing dock generates over 6 million in fish landings annually. It supports the traditional maritime culture of our tribe, about half of the working-age population of Neah Bay, and over 100 minority-owned business enterprises. It also supports the ecosystem management and biological data collection efforts of the State of Washington, National Marine Fisheries Service, and tribes to ensure sustainable fisheries of over 20 groundfish species, salmon species, halibut, and shellfish.

We have been working with many federal agencies, including the EDA, BIA, U.S. Department of Transportation, the Office of Indian Energy and Economic Development, and state agencies to find funding that can help us with this dock replacement project, thus far without success. We have grant requests pending through EDA and the TIGER IV program. We would appreciate the Federal Government's assistance in finalizing this important economic development initiative.

The Makah Tribe works to be careful stewards of ocean resources. We are one of the hosts of the First Stewards Symposiums entitled "Coastal People Address Climate Change" this July at the National Museum of the American Indian, the first national symposium on the impacts of climate change on coastal indigenous peoples.

We are proud that our tribal chairman, Micah McCarty, has been asked to serve on numerous advisory bodies on ocean fisheries issues, including the Governance Coordinating Committee that is working with National Ocean Council on national ocean policy.

The Makah Tribe is unique in having a marine sanctuary, the Olympic Coast National Marine Sanctuary right of four shores and within our "usual and accustomed" fishing area. We are proud of our work on ensuring tribal consultation on federal maritime matters and helping to improve oil spill pollution prevention and response. Many vessels involved with the sanctuary, ocean and fisheries research, and oil spill prevention and response are stationed in Neah Bay. We are the only ocean harbor in the Pacific Northwest that is not closed in heavy storms because of hazardous bar conditions. In order to serve the growing number of these vessels, however, we need to improve our harbor, for example, by deepening our entrance channel. We would appreciate the subcommittee's support for our efforts to make Neah Bay Harbor a first-class home port for vessels helping to keep our ocean resources sustainable.

We look forward to expanding our collaboration with federal and state governments and private sector to ensure maritime policies that will be sustainable well into the future.

Thank you again, Mr. Chairman and members of the subcommittee, for this opportunity to testify before you today.

Kuwhat is Norm's Makah name. It means killer whale. Salmon is important to the killer whale; it is important to Norm.

[The statement of T.J. Greene follows:]

MAKAH TRIBAL COUNCIL
P.O. BOX 115 • NEAH BAY, WA 98357 • 360-645-2201

IN REPLY REFER TO

Testimony of T.J. Greene,
Treasurer, Makah Tribal Council
Neah Bay, Washington

March 28, 2012

Before the
House Appropriations Subcommittee on
Interior, Environment and Related Agencies
on the Fiscal Year 2013 Budget

Good afternoon, Mr. Chairman and Members of the Subcommittee, I am T.J. Greene, Treasurer of the Makah Tribal Council. I want to thank you for this opportunity to present testimony on the views of the Makah Tribal Council on the FY 2013 federal budget.

This hearing is especially meaningful to us at the Makah Tribe because it is the last chance we will get to appear before our Congressman, Norm Dicks. We have been truly blessed not only to have Norm Dicks as our Congressman, but also by his long-standing friendship with our Tribe. Congressman Dicks has visited our Reservation many, many times since he was a young man. He has spent countless hours visiting with us, touring our Reservation and hearing our concerns, but he may have spent even more time off our shores in what he recently called his favorite fishing spot! Words cannot express our gratitude to you, Congressman, for all that you have done for us and all that you mean to us.

I would like to testify today on three priority issues:

- Assistance from the federal government for helping us clean up the Warmhouse Beach open dump site on our Reservation;
- Our efforts to secure federal grant funding for replacing our commercial fishing dock; and
- Our work in support of a sustainable federal ocean policy.

Warmhouse Beach Open Dump

The Makah Tribe is taking aggressive steps to address the serious environmental and health risks posed by the Warmhouse Beach Open Dump, a decades-old landfill located on the Makah Reservation that was used by the U.S. Department of Defense and other federal agencies to dispose of hazardous waste. The Dump is leaching harmful chemicals into a nearby stream which flows into the pristine waters of the Strait of Juan de Fuca at Warmhouse Beach, a traditional shellfishing location for the Makah people. Frequent fires at the Dump contribute to air pollution in the Town of Neah Bay and the Reservation community.

This summer, we plan to open our new solid waste transfer station in Neah Bay, which will enable us to close the Dump. This is an important step for the Tribe that has been many years in the making. Now the challenge before us is to clean up the Dump so it will stop polluting our waters.

The Tribe has documented that the Makah Air Force Station, which supported radar operations at Bahokus Peak from World War II through 1988, disposed of many hazardous substances at the Dump since its opening in the 1970s, including asbestos, batteries, pesticides, paints and waste oil. For many years, other federal agencies with operations on the Reservation also disposed of their waste at the Dump. As a result of this legacy of waste disposal on tribal land, the federal government bears substantial responsibility for cleaning up the Dump and preventing further exposure of the Reservation community to the environmental and health hazards caused by the Dump.

The Makah Tribe has taken action to secure federal assistance for cleaning up the Dump through negotiations with the Defense Department or possibly through the federal Superfund program. We have waited many years and tried many avenues to clean up this dump. We would appreciate this Subcommittee's support for our efforts.

Replacing our Commercial Fishing Dock

The Port of Neah Bay Commercial Fishing Dock was constructed between 1947 and 1952. Its condition has now deteriorated so badly that it has been closed to semi-truck traffic for seven years. Structural surveys of the dock have led to the conclusion that the dock now needs to be completely replaced.

This commercial fishing dock generates over $6 million in fish landings annually, which are shipped around the country and internationally. It supports about half of the working-age population of Neah Bay and over 100 minority-owned enterprises. It supports the traditional maritime culture of the Makah Tribe. It also supports the ecosystem management and biological data collection efforts of the State of Washington, the National Marine Fisheries Service (NMFS) and tribes to ensure sustainable fisheries of over 20 groundfish species, salmon species, halibut and shellfish.

We have been working with many federal agencies, including the Economic Development Administration (EDA), BIA, USDOT, the Office of Indian Energy and Economic Development, and state agencies, to find funding that can help us with this dock replacement project, thus far without success. We are currently in the final round of consideration for EDA funding and we have submitted a grant request under the TIGER IV program. We would appreciate the federal government's assistance in finalizing this important economic development initiative.

National Ocean Policy

The Makah Tribe is proud to one of the hosts of the First Stewards Symposium: Coastal People Address Climate Change, July 17-20 at the National Museum of the American Indian. This will be the first national symposium on the impacts of climate change on coastal indigenous peoples.

We are also proud that our Tribal Chairman, Micah McCarty, has been asked to serve on the Governance Coordinating Committee that is working with the National Ocean Council on national ocean policy. He has also been named to several other advisory bodies on ocean and fisheries issues.

The Makah Tribe is unique in having a marine sanctuary, the Olympic Coast National Marine Sanctuary, right off our shores and within our "usual and accustomed" fishing area.

We are proud of our work as well on ensuring tribal consultation on federal maritime matters and helping to improve oil spill pollution prevention and response.

Many vessels involved with the Sanctuary, ocean and fisheries research, and oil spill prevention and response are stationed in Neah Bay. We are the only ocean harbor in the Pacific Northwest that isn't closed in heavy storms because of hazardous bar conditions. In order to serve the growing number of these vessels, however, we need to improve our harbor, for example, by deepening our entrance channel. We would appreciate the Subcommittee's support for our efforts to make Neah Bay harbor a first-class homeport for vessels helping to keep our ocean resources sustainable.

We take our job as stewards of ocean resources very seriously and we look forward to expanding our collaboration with federal and state governments and the private sector to ensure maritime policies that will be sustainable well into the future.

Thank you again, Mr. Chairman and Members of the Subcommittee, for this opportunity to testify before you today.

Mr. LATOURETTE [presiding]. Mr. Green, thank you very much for your testimony. And as you may have noticed, there has been a bloodless coup and I am going to chair this subcommittee for a little bit.

I want to thank you very much for your testimony and thank you for informing us about Mr. Dicks' name. Some of us who have traveled with Mr. Dicks have had to fight off Greenpeace as they have attempted to roll him into the ocean from beaches across the world.

Next, we are going to hear from Sneena Brooks, a member of the Colville Business Council. Welcome and we look forward to your testimony.

WEDNESDAY, MARCH 28, 2012.

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

WITNESS

SNEENA BROOKS

Mr. BROOKS. All right, thank you.

I do not have a really cool name for Mr. Dicks but we do appreciate all the support you have given for the Colville Tribes.

Thank you, subcommittee today. This is my first time testifying in front of this committee so I am really pretty nervous.

Mr. LATOURETTE. You cannot screw up.

Mr. BROOKS. I cannot screw up. Well, I am following this guy right here, you know, so pretty well seasoned.

Mr. GREENE. Real pro.

Mr. BROOKS. Yeah. So thank you.

Good morning to you. I am Sneena Brooks. I am the vice chair of the Colville Business Council and I am here today to talk about the President's fiscal year 2013 request.

The Colville Tribe was pleased for the first time in many years the fiscal year 2013 request contains a significant increase, the $15.4 million as allocated to the BIA Trust Natural Resource Management Program. This increase will restore programs that were cut from previous budgets and provide tribal land managers with the needed assistance to ensure tribal trust resources are protected.

One of the activities that is funded under this account for the Colville Tribes is the ability for us to patrol 161 shoreline miles of Lake Roosevelt, the reservoir behind Grand Coulee Dam, the national recreational area which about 1.5 million visitors attend annually. The National Park Service also conducts patrols, you know, on the lake there but the Colville Tribe is responsible for 35 percent of the lake and we are the most visible presence on the lake there today. So we are very pleased that the budget contains the total of $750,000 for that increase and I hope the subcommittee supports that.

The second thing that we would like to point out on the increase is the $1.5 million for the attorney fees and litigation support program. This is pretty valuable to the Colville Tribes. This program was cut in the 2012 budget but now that it might be back in there

on this budget the Colville Tribes and other tribal programs use this to protect the trust resources.

We have one of the largest lead-zinc-copper smelters in the world just about 10 minutes north on the Columbia River. For the last 100 years up into the '90s it is dumping a lot of slag into the river and polluting the river and not only the Colville Tribal Trust properties but also the Bureau of Reclamation properties, the National Park Service properties, and the U.S. Fish and Wildlife Service properties. And so this $1.5 million is not very much in the grand scheme of the Indian Affairs budgets but it is pretty vital to us because we are able to bring those guys back to the table and get them back into the work area to start cleaning up the mess that we are looking forward to them doing for us.

The Colville Tribes is also very pleased to see the $11 million increase in the law enforcement activities. There is a portion, though, $3.5 million that is increased for the Criminal Investigation and Police Services account. We would like to see that increase up to a $15 million mark. Currently, the Colville Tribe, you know, we have 1.4 million acres to reside over. Service time for our police officers within our reservation boundaries, you know, it is within about a two-hour time frame, the response to some of the activities that happen on the reservation, so we are very well aware, very understaffed for the tribal officers. And oftentimes we even have at least one tribal police officer operating the whole 1.4 million acres. And so that is extremely difficult to deal with, you know, as far as, you know, we have an increase in gang violence, we have drug smuggling coming onto our reservation and a lot of different activities like that, you know, that we are not able to capture with the amount of staff that we have. So we would like that account increased from $3.5 million up to the $15 million mark. And actually, this is the first year where we may have to almost drop 20 of our tribal police officers because of BIA not being able to fund our police services. So I would appreciate if we could raise that amount to a $15 million mark to alleviate some of that stress from our police officers there.

So I think that is my time but I just thank the subcommittee here and, like I said, I am nervous as hell and I thank you guys for listening to me. Thank you.

[The statement of Sneena Brooks follows:]

The Confederated Tribes of the Colville Reservation

Prepared Statement of the Honorable Sneena Brooks, Vice-Chairman
Confederated Tribes of the Colville Reservation

House Committee on Appropriations,
Subcommittee on Interior, Environment and Related Agencies

Public Witness Hearing—Native Americans

March 28, 2012

Good morning Chairman Simpson, Ranking Member Moran, and members of the Subcommittee. On behalf of the Confederated Tribes of the Colville Reservation ("Colville Tribes" or the "Tribe"), I thank you for this opportunity to provide testimony to the Subcommittee. Today, I am pleased to share the Colville Tribes' views on the President's 2013 budget request for tribal programs. As a rural, land-based Indian tribe, the Colville Tribes and similarly situated Indian tribes rely heavily on Bureau of Indian Affairs ("BIA") land and natural resources programs. **As explained below, the Colville Tribes supports the FY 2013 request for a $15.4 million increase in the BIA's Trust-Natural Resources account and asks the Subcommittee to fund the Criminal Investigations and Police Services account at the $201.16 million level to allow tribes to hire and retain more police officers.**

Background on the Colville Tribes

Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is, as the name states, a confederation of 12 aboriginal tribes and bands from all across eastern Washington State. The present-day Colville Reservation is located in north-central Washington State and was established by Executive Order in 1872. At that time, the Colville Reservation consisted of all lands within the United States bounded by the Columbia and Okanogan Rivers, roughly 3 million acres. In 1891, the North Half of the 1872 Reservation was opened to the public domain. The North Half consists of approximately 1.5 million acres between the Canadian border and the northern boundary of the present-day Reservation. Colville tribal members exercise reserved hunting, fishing, and gathering rights on the North Half and the Colville Tribes maintains strong political and economic interests in this area.

Today, the Colville Tribes has more than 9,400 enrolled members, making it one of the largest Indian tribes in the Northwest. About half of the Tribes' members live on or near the Colville Reservation. Between the tribal government and the Tribes' enterprise division, the Colville Tribes collectively accounts for more than 1,700 jobs and is one of the largest employers in north-central Washington.

The Colville Tribes Supports Increases to
Trust and Natural Resources Management Programs

For land-based Indian tribes like the Colville Tribes that are not near major highways or interstates, our natural resources are our primary sources of revenue. Our ability to generate economic development opportunities is closely tied to our ability to have fee-to-trust applications, timber sales, grazing permits, and other land transactions processed and approved in a cost efficient and timely manner.

Most of these programs are funded in the Bureau of Indian Affairs' Natural Resources Management account. Tribes have proven that they are superior land managers and use natural resource management funds far more efficiently than comparable activities on other federal lands. For example, it often takes the U.S. Forest Service many months to procure a salvage log sale after a forest fire. The Colville Tribes and other tribes with timber resources, however, are usually able to complete this process in as little as two weeks — with a per acre forest management budget that is a fraction of what the U.S. Forest Service has traditionally enjoyed.

The Colville Tribes is therefore pleased that for the first time in many years, the FY 2013 request contains a significant increase, $15.4 million, for the Trust Natural Resources Management programs. The increases will restore programs that were cut from previous budgets and provide tribal land managers with needed assistance to ensure tribal trust resources are protected.

One of the activities funded in this account allows the Colville Tribes' Natural Resource Officers to patrol the 161 shoreline miles of Lake Roosevelt, the reservoir of the Grand Coulee Dam and a National Recreation Area with more than 1.5 million visitors annually. Although the National Park Service also conducts patrols, the Colville Tribes' officers have exclusive responsibility for 35 percent of Lake Roosevelt and are the most visible presence on the Lake. The FY 2013 Budget contains a total of $750,000 (a $188,000 increase over FY 2012 enacted levels) for both the Colville Tribes and the Spokane Tribe for these activities. Dwarfing this amount is the President's Budget request for FY 2013 for the *National Park Service* for Lake Roosevelt: $5.8 million.

The Colville Tribes is pleased that the FY 2013 request for Trust Natural Resources account would restore $1.5 million to the attorney's fees and litigation support program. The FY 2012 spending bill eliminated this important program. Although this program may seem like a small amount of money against the backdrop of the total Indian Affairs budget, tribes nationwide rely on it to protect their trust resources. The Colville Tribes is a case study in this regard.

For at least 100 years, through the mid-1990's, the largest lead-zinc-copper smelter in the world dumped hundreds of thousands of tons of "slag" directly into the Columbia River from a location 10 miles north of the U.S./Canadian border. These contaminants traveled downstream, across the international border, and settled in not only the Colville Tribes' on-reservation trust

lands, but also federal lands administered by the National Park Service, the Bureau of Reclamation, and the U.S. Fish and Wildlife Service.

Despite the obvious interests of the Department of the Interior and its federal land management agencies to ensure that these federal lands are safe for the public at large, *only the Colville Tribes* (and later, the State of Washington) stepped forward to file suit in order to compel the company to clean up the contamination it caused. The Department of the Interior has never been a party to the litigation despite the Colville Tribes' formal request that it intervene. The Colville Tribes' efforts to protect this critical watershed for all U.S. citizens would not have been possible without funding from the attorney's fees and litigation support program.

Salaries for Tribal Police Officers

The Colville Tribes and other large land-based tribes are pleased that funding for BIA law enforcement activities is again proposed for an increase in the President's Budget. The FY 2013 request seeks an $11 million increase for law enforcement. Of that $11 million, a $3.5 million increase is proposed for the Criminal Investigations and Police Services account, which funds police officer salaries. As explained below, the Colville Tribes believes that this account should receive a $15 million increase to enable tribes to hire and retain more tribal officers. This would require funding the Criminal Investigations and Police Services account at the $201,162,000 level.

As the Committee is well aware, large land-based tribes usually lack a sufficient number of police officers, which leads to response times often in excess of two hours. There are occasions when the Colville Tribes has only a single officer on duty for the entire 1.4 million acre reservation. To make matters worse, the Colville Tribes has seen a rash of gang violence and drug smuggling activity in recent years, including airborne drug smuggling and trafficking activity with ties to Mexican cartels. Other Indian tribes have similar or even more harrowing stories.

This year, because BIA increases to have not kept pace with rising costs, the Colville Tribes may be forced to lay-off more than 20 tribal police officers. We are working with the Department on a short term solution, but without a larger increase in the Criminal Investigations and Police Services account, all the Department can offer is training or one-time funding for equipment – not officer salaries. Against this backdrop, the Colville Tribes asks the Subcommittee to increase this account by $15 million to $210,162,000.

I appreciate this opportunity to testify today. At this time I would be happy to answer any questions the Subcommittee may have.

Mr. LATOURETTE. Well, Mr. Brooks, you have nothing to be sorry for. You did a great job and we appreciate your insights and your testimony.

Getting here late, I do not have a lot of questions but, Mr. Greene, you were talking about dredging and one of the problems that not only the Congress but the whole country faces is the inability to free up funds to dredge navigable waterways. And aside from your interest, you should be aware that there are folks who are working on releasing some of the funds from the Harbor Maintenance Trust Fund to hopefully go in and help not only your harbor but other harbors around the country. If we could ever get our act together here, hopefully, we could get that out of here.

So Mr. Moran, questions?

Mr. MORAN. I will defer to Killer Whale here.

Mr. LATOURETTE. Mr. Killer Whale.

Mr. DICKS. Well, thank you. Thank you very much, Mr. Chairman. And I want to say that Mr. LaTourette has been a big supporter of the bipartisan approach on this committee in support of our tribes, and it is very much appreciated. And also, when I was chairman, he always voted for the bill. So he gets a big star.

Mr. LATOURETTE. I just liked the bill.

Mr. DICKS. Right. Yeah, but it was important. And I just want to add, Neah Bay is at the northwest corner of the lower 48 States. You have got the Strait of Juan de Fuca on one side; you have got the Pacific Ocean on the other side. So you cannot get much better than that. And there is a little island as you go out called Waddah Island. When I was fishing there with my father in the '50s, in 1952. One day the limit was three kings and six silvers; we got nine kings. That was one of the great days of salmon fishing.

Mr. MORAN. But that was over the limit, though.

Mr. DICKS. Well, but there were three of us. My brother—I want to make that perfectly clear.

Mr. MORAN. Oh, okay.

Mr. DICKS. And in recent years, we would go 23 miles off the coast to a place called Blue Dot and caught big salmon, Billy, 35- to 40-pound king salmon. That was pretty spectacular. And there is a place called Skagway right around the corner where we used to fish a lot and it is just one of the most amazing places on Earth. And I have enjoyed our relationship and working with Ron Allen, of course, and the Colvilles have a special place in my heart because they took a gillnetter and converted it into a purse seiner so they could release wild fish.

Selective fishing is important. I may offer an amendment this year that it is a national responsibility to catch hatchery fish so that they do not breed with wild fish in the river. And the Nisqually Tribe have just put in a weir; the Elwhas have a weir. We are moving in the right direction but it has taken leadership—and over on the east side it is not that easy to do. There are some differing views on these issues but we will leave that for another day, Mr. Chairman.

But thank you for your testimony and thank you for your friendship over the years. And I will be up there this summer.

Mr. MORAN. I just tried to envision in the 1950s you bringing in a 40-pound fish. You could not have weighed much more than 40 pounds.

Mr. DICKS. Well, I was about 12 years old and I was able to handle it.

Mr. MORAN. Wow.

Mr. DICKS. The only problem was the first one my dad had a bad net and it went through the net and I started to cry. Then we caught all the rest. And there were three of us, Jim. Three times three is nine. Okay.

Mr. MORAN. It is beyond the statute of limitations anyway.

Mr. DICKS. Yeah, well——

Mr. LATOURETTE. Mr. Dicks, thank you very much for your kind words and also for your testimony. I assume everybody knows that Mr. Dicks announced that he is retiring, and it is going to be a great loss to not only the committee and the subcommittee but the United States Congress, but you can also tell that he is a retiring member because he has admitted to poaching on the record. He would not do that if he was facing reelection.

I am going to recognize Ms. McCollum next, but on the Great Lakes we know that Neah Bay is an icebreaker that has gotten us out of a lot of trouble in the wintertime.

Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chairman.

As the oldest granddaughter, I understand limits and being in the boat as a youngster. Then when I started being able to actually figure out how to catch them myself we were not out for as long, which meant then we had to stop someplace to get me a Coke because part of the fishing was kind of a little escape from Grandma. But yeah, you count if you are in the boat. You count if you have a license.

As I mentioned before, I was looking at the websites, and you have a children's page. Not that many tribes have children's pages. Congratulations. That is really very, very good.

Mr. GREENE. Thank you.

Ms. MCCOLLUM. And the breaking news is your temperature. I will not tell you what it is; it is a little colder than it is here.

I just wanted to ask a little bit more about what is going on with the Department of Defense helping you with cleaning up the dump site, and the toxins leaching into it. I have an old army arsenal in my congressional district, Arden Hills, and we had problems with water being contaminated and filters put in and all that. Could you tell me a little more about what is going on with the clean up at the Warmhouse Beach Open Dump? What a lovely name to call a dump, the Warmhouse Beach Open Dump.

Mr. GREENE. Well, it is a real beautiful location is one of the sad things. It is actually used as a landmark for fishing. And we would like to get rid of that landmark out there.

Mr. DICKS. Called the Garbage Dump.

Mr. GREENE. The Garbage Dump, fisherman go there, there is halibut and link cod and different things off of that site and they use it as a landmark. But getting back to where we are at with the Department of Defense, you know, it has been a few months since we have had any actual dialogue with the Department of Defense.

We have had some good dialogue. There have been some Department of Defense investigators came out, took depositions from people at the tribe, former Air Force personnel that married into the tribe and are living there. And so it is in kind of that fact-finding stage still, you know, just I guess ground truth everything that the tribe is claiming. So that is where we are at.

And, you know, we are looking at doing a partnership with the Federal Government, you know. We are not here to demand that you take care of everything; we just want you to take care of what you are responsible for and, you know, certainly we will take care of what we are responsible for. So that is kind of where that is at right now. We are trying to do it in a cooperative manner and not adversarial.

Ms. MCCOLLUM. Well, that is what my municipalities are doing with the Department of Defense with cleanup. They are making sure that the water stays contained where it is and that it does not get into drinking water and municipal wells and other things like that. So I will be interested to follow that along with you.

Thank you, Mr. Chair.

Mr. GREENE. Okay.

Mr. LATOURETTE. Thank you, Ms. McCollum. I want to thank all of you for your testimony and answering our questions. You go with our thanks and again, you did fine. Next year you will be a veteran and you will come back and just wow us with your polished testimony. So thank you very much.

We will call up the next panel. On the next panel—and if you could again attempt to observe the 5-minute rule, the lights will be instructive in that regard—we will hear from Andy Joseph, who is the chairperson of the Northwest Portland Area Indian Health Board; Larry Blythe, who is Intertribal Timber Council member; Ron Suppah, the vice chairman of the Confederated Tribes of the Warm Springs Reservation of Oregon; Les Minthorn, who is the chairman of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservations; and Gerald Lewis, who is the chairman of the Columbia River Intertribal Fish Commission.

We will wait for the door to close. I think Mr. Dicks is out retelling some fish stories. Maybe the fish got to be 60 pounds by the time he is done now.

Again, we are in receipt of your written testimony. If you can confine your remarks to five minutes, we would appreciate that. If you cannot, we will certainly understand that as well. I want to welcome you. We look forward to your testimony. Mr. Joseph, you are first.

WEDNESDAY, MARCH 28, 2012.

NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD

WITNESS

ANDY JOSEPH

Mr. JOSEPH. Good morning. My name is Badger. I am Andy Joseph, Jr., Chair of the Health and Human Services Committee for the Confederate Tribes of Colville and also the Chair of the North-

west Portland Area Indian Health Board, 43 tribes of Washington, Idaho, and Oregon. And good morning, Chairman and Ranking Member Moran, members of the subcommittee.

First, I will summarize our recommendations by underscoring the federal trust responsibility to provide healthcare to Indians and the significant health disparities that affect our people. My written testimony documents these health disparities. This fact, along with the trust responsibility, makes it a requirement that Congress provide an adequate level of funding for the IHS budget. The fundamental budget principle for the Northwest Tribes is that the basic healthcare program must be preserved by the President. Preserving the IHS-based program by funding the current level of health services should a fundamental budget principle of Congress. Otherwise, how can unmet needs ever be addressed if the existing program is not maintained?

In fiscal year 2013, we estimated it will take at least $403 million to maintain current services, yet the President's request only $115.9 million increase for IHS. The IHS explains that the overall increase is adequate to sustain the Indian health system, expand access to care; however, we do not believe this will be the case. The Northwest Portland Area Indian Health Board estimates that an additional $287 million is needed to maintain the current levels of care. Our estimates are based on actual medical inflation rates from the Consumer Price Index and growth in the IHS user population.

My written testimony explains our methodology with the following recommendations. One, the Northwest Portland Area Indian Health Board recommends that the subcommittee restore the $126 million in funding eliminated in the President's request for inflation, population growth, and a tribal pay cost. Our estimates are based on budget worksheets provided and used by the IHS during the fiscal year 2013 National Budget formulation meeting.

Two, the Northwest Portland Area Indian Health Board recommends that at least an additional $10 million be provided for the contract health service program CHS, to cover the inflation and population growth.

Three, we recommend that the subcommittee provide an additional $99.3 million to fund past years' contract support cost shortfalls that are owed to tribes under the P.L. 93–638.

Four, the Portland Area has developed a new initiative approach to constructing health facilities in order to address the health needs of tribes. My written testimony provides a detailed explanation of this new initiative program, and we recommend that the subcommittee include $10 million for the Portland Area to develop a demonstration project to prove the viability of this program.

I recognize that our recommendations may seem unreasonable in the current fiscal environment, but when the significant healthcare needs of Indian people are considered, our recommendations are realistic. I hope you will agree by supporting the IHS budget, and I am happy to respond to any questions from the subcommittee.

Thank you.

[The statement of Andy Joseph follows:]

Testimony of Andrew Joseph, Jr.
The Northwest Portland Area Indian Health Board

Before:

House Subcommittee on Interior, Environment, and Related Agencies
Public Witness Hearing

March 28, 2012

Good morning Chairman Simpson, Ranking Member Moran, and members of the Subcommittee. On behalf of the 43 Federally-recognized Tribes that the Northwest Portland Area Indian Health Board represents, we thank you for this opportunity to provide testimony on the Indian Health Service (IHS) FY 2013 budget.

Established in 1972, NPAIHB is a P.L. 93-638 tribal organization that represents 43 federally recognized Tribes in the states of Idaho, Oregon, and Washington on health care issues. Over the past twenty-one years, our Board has conducted a detailed analysis of the Indian Health Service (IHS) budget. Our Annual IHS Budget Analysis and Recommendations report has become the authoritative Tribal document on the IHS budget. It is used by the Congress, the Administration, and national Indian health advocates to develop recommendations on the IHS budget. It is indeed an honor to present you with our recommendations.

Indian Health Disparities

The recent reauthorization of the Indian Health Care Improvement Act (IHCIA) includes a declaration of national Indian health policy. Congress declares that it is the policy of this Nation, in fulfillment of its special trust responsibilities and legal obligations to Indians, to ensure the highest possible health status for Indians and to provide all resources necessary to effect that policy.[1] Congress recognizes that it has a duty to elevate the health status of American Indian and Alaska Native (AI/AN) people to a parity with the general U.S. population and to provide the resources necessary to do so. Our recommendations are consistent with this policy declaration and we respectfully ask the Congress to fulfill this duty.

While Tribes have been successful at reducing the burden of certain health problems, there is strong evidence that other types of diseases are on the rise for Indian people. For example, national data for Indian people compared to the U.S. all races rates indicate they are 638 percent more likely to die from alcoholism, 400 percent greater to die from tuberculosis, 291 percent greater to die from diabetes complications, 91 percent greater to die from suicide, and 67 percent more likely to die from pneumonia and influenza.[2] In the Northwest, stagnation in the data indicates a growing gap between the AI/AN death rate and that of the general population. Evidence suggests that this gap might be widening in recent years. These data document the fact

[1] 25 USC § 1601
[2] FY 2000-2001 Regional Differences Report, Indian Health Service, available: www.ihs.gov.

that despite the considerable gains that Tribes have made at addressing health disparities, these gains are reversing themselves and the health of Indian people could be getting worse.[3]

Recommendation: Maintain Current Services

The fundamental budget principle for Northwest Tribes is that the basic health care program must be preserved by the President's budget request and Congress. Preserving the IHS base program by funding the current level of health services should be a fundamental budget principle of Congress. Otherwise, how can unmet needs ever be addressed if the existing program is not maintained? Current services estimates' calculate mandatory costs increases necessary to maintain the current level of care. These "mandatories" are unavoidable and include medical and general inflation, federal and tribal pay act increases, population growth, and contract support costs.

The IHS Congressional Justification reports that the President's budget provides a $115.9 million to support activities identified by the Tribes as budget priorities including increasing resources for the Contract Health Services (CHS) program; funding Contract Support Costs (CSC) shortfall; funding for health information technology activities, and; providing routine facility maintenance. The IHS explains that the overall increase is adequate to "sustain the Indian health system, expand access to care, and continue to improve oversight and accountability" despite the insignificant increase. How can you sustain the system or expand access to care if you do not fund inflation? NPAIHB projections indicate that an additional $287 million is needed to maintain the current levels of care.

Inflation and population growth alone using actual rates of medical inflation extrapolated from the Consumer Price Index (CPI) and IHS user population growth predict that at least $304 million will be needed to maintain current services. Compound this with the fact that nearly half of the proposed increase is for staffing and operation of six new facilities ($49 million), which will only leave $66 million to cover current services. Estimates developed by the IHS during the FY 2013 budget formulation process and used during Tribal Consultation to develop Tribal recommendations on the FY 2013 budget, estimate current services at $136.8 million for pay act costs, inflation and population growth. These are IHS estimates and not Tribal estimates, thus there should be no question about the validity of these projections.

FY 2013 Current Service Requirements
Dollars in Thousands

Mandatory Cost to Maintain Current Services	*Increase Needed*
CHS Inflation estimated at 5.5%; and Population Growth	$64,112
Health Services Account (not including CHS) inflation	$167,058
Contract Support Costs (unfunded)	$99,300
Population Growth (estimated at 1.6% of Health Services accounts)	$72,722
Total Mandatory Costs	$403,192

[3] Please note findings in, *The Health of Washington State: A Statewide Assessment of Health Status, Health Risks, and Health Care Services*, December 2007. Available: http://www.doh.wa.gov/hws/HWS2007.htm.

The Administration's proposal does not provide any funding increases for inflationary costs except for the CHS program. The $54 million increase for the CHS program is respectable but will fall short by $10 million to maintain current services. Aside from this request for CHS, there is absolutely no additional funding requested for inflation, population growth or civilian and Tribal pay cost increases. NPAIHB estimates that at least $213.4 million is needed to fund inflationary costs and an additional $90.4 million is needed to cover population growth. Add to this the accumulated past year's CSC shortfall of $99.3 million, means that there are at least $403million in mandatory costs that will have to be absorbed by IHS programs—most likely by cutting services to Indian people.

Per Capita Spending Comparisons

The most significant trend in the financing of Indian health over the past ten years has been the stagnation of the IHS budget. With exception of a notable increase of 9.2% in FY 2001 and last year's 14% increase, the IHS budget has not received adequate increases to maintain the costs of current services (inflation, population growth, and pay act increases). The consequence of this is that the IHS budget is diminished and its purchasing power has continually been eroded over the years. As an example, in FY 2009, we estimated that it would take at least $513 million to maintain current services[4]. The final appropriation for the IHS was a $235 million increase, falling short by $278 million. This means that Tribes must absorb unfunded inflation and population growth by cutting health services. The IHS Federal Disparity Index (FDI) is often used to cite the level of funding for the Indian health system relative to its total need. The FDI compares actual health care costs for an IHS beneficiary to those costs of a beneficiary served in mainstream America. The FDI uses actuarial methods that control for age, sex, and health status to price health benefits for Indian people using the Federal Employee Health Benefits (FEHB) plan, which is then used to make per capita health expenditure comparisons. It is estimated by the FDI, that the IHS system is funded at less than 60 percent of its total need.[5]

FY 2013 IHS Budget Recommendations

NPAIHB recognizes that the following recommendations may seem unreasonable in the current fiscal environment. However when the significant health care needs of Indian people are considered, our recommendations are realistic. We all recognize that in this difficult budget environment, we all must make sacrifices for our Country. As the historic record on Indians will demonstrate, no one has sacrificed more than Native Americans. We hope you will recognize the significant health care needs of Indian Country by supporting the IHS budget.

1. NPAIHB recommends that the Subcommittee restore funding eliminated in the President's request for inflation, population growth and Tribal pay costs. Our estimates are based on budget worksheets provided and used by the IHS during FY 2013 National Budget Formulation Meetings. We recommend $13.4 million to cover Tribal pay costs; $60 million for inflation, and; $52.4 million for population growth.

[4] FY 2009 IHS Budget Analysis & Recommendations, Northwest Portland Area Indian Health Board, March 17, 2008; available: www.npaihb.org.
[5] Level of Need Workgroup Report, Indian Health Service, available: www.ihs.gov.

2. NPAIHB recommends that at least an additional $10 million be provided for the IHS Contract Health Service Program (CHS) to cover inflation and population growth. The CHS program is extremely important for Portland Area Tribes since we do not have any hospitals and rely on the CHS program for all specialty and inpatient care. Other parts of the IHS system have access to hospitals for specialty and inpatient care. Because of this, the CHS program makes up 34% of the Portland Area budget and when less than adequate inflation and population growth increases are provided, Portland Area tribes are forced to cut health services to absorb these mandatory costs.

3. We recommend that the Subcommittee provide an additional $99.3 million to fund past years' CSC shortfalls that are owed to Tribes under P.L. 93-638. The well-documented achievements of the Indian self-determination policies have consistently improved service delivery, increased service levels, and strengthened Tribal governments, institutions, and services for Indian people. Every Administration since 1975 has embraced this policy and Congress has repeatedly affirmed it through extensive amendments to strengthen the Self-Determination Act in 1988 and 1994.

4. The Portland Area has developed a new innovative approach to constructing health facilities in order to address the health needs of Tribes. Portland Tribes have conducted a pilot study to examine the feasibility of developing regional referral specialty care centers to improve health care access and quality of health care. The study concludes that regional referral specialty care centers are feasible, and recommended a demonstration project to validate the concept's viability through the collection of actual data. The pilot study recommended that the demonstration project be located in the Northwest quadrant of the Portland Area. This would serve 24,000 users from Tribal facilities within an hour's drive. We recommend that the Subcommittee include $10 million for the Portland Area to develop this demonstration project.

Thank you for this opportunity to provide our recommendations on the FY 2013 IHS budget. I am happy to respond to any questions from the Subcommittee.

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Mr. LATOURETTE. Mr. Joseph, thank you very much for your testimony.

Mr. Blythe, next we will hear from you.

WEDNESDAY, MARCH 28, 2012.

INTERTRIBAL TIMBER COUNCIL

WITNESS

LARRY BLYTHE

Mr. BLYTHE. Mr. Chairman, committee, good morning. It is good to be back here in Washington again, in front of the committee. I am Larry Blythe. I am currently President of the Intertribal Timber Council, and also I am the Vice Chief for the Eastern Band of Cherokees in North Carolina.

The Intertribal Timber Council is a 36-year-old association of 60 forest-owning tribes and Alaska Native corporations that collectively manage more than 90 percent of the 18 million acres of timberland and woodland that are under BIA trust management. Mr. Chairman, as the first order of business the ITC would like to express our deep appreciation for the leadership provided by you and this subcommittee in understanding and protecting the BIA and Indian Health Service budgets.

Even in the best of times Indian Country struggles with joblessness and economic deprivation many times that of the country as a whole. The BIA and IHS budgets are a core element of the Federal Government's solemn promise to our people and are vital to our welfare and progress. We thank you for your commitment toward honoring these historic and enduring obligations.

I have submitted the Intertribal Timber Council's full testimony for the record and will focus today on just some core priorities.

Number one, we ask that the committee consider providing BIA natural resource funding in amounts sufficient to assure the Federal Government's full compliance with its trust obligations to manage and protect tribal natural resources. Our forests and all natural resources are important to all tribes. Their protection and management is an integral part of the trust responsibility of the United States.

Unfortunately, the failure of the United States to exercise its fiduciary responsibilities for management of the Indian estate for individuals as well as tribal governments has necessitated costly settlement of litigation. The Colville Tribe's $193 million trust management settlement is a recent example. Morally and legally, the United States must live up to its trust obligations to the Indian people. We ask that, as this Committee reviews the BIA's proposed fiscal year 2013 budget for natural resources trust management, please bear clearly in mind the solemn obligations of the United States to ensure that trust responsibilities are met.

Secondly, in the BIA operations of Indian program budget, restore the inequitable funding cuts proposed for administrative cost savings. The Intertribal Timber Council urges this committee to reject the $33 million in Administrative Cost Savings, ACS reduction in operation of Indian programs, and to restore those funds. The

BIA devised the reduction allocation process on its own, without consultation, and the results are grossly inequitable. While BIA says it will consult with tribes on the ACS cuts, the BIA, by having already allocated the ACS cuts among BIA locations and programs, has made a sham of the promise of consultation. If the BIA is to pursue cost savings through streamlining, consolidation, or other efficiencies, any process for allocating those savings must be open, fair, and equitable, and consultation with the tribes before such an allocation occurs is essential to achieving those goals and obtaining broad tribal support.

ITC urges you to reject the ACS cuts and restore the $33 million, including the $1.9 million reduction proposed for forestry which would eliminate 9 BIA forestry positions and most likely be at regional or the agency locations.

Thirdly, we ask that BIA TPA Forestry Program be increased by $5 million above the fiscal year 2012 recommendation. The program has been seriously underfunded for years. Independent studies by nationally-recognized forestry experts in 1993 and 2003 documented BIA forestry per-acre management funding is less than half that of the National Forest System. These funding inadequacies in BIA trust forestry are now being made manifest in large tribal trust mismanagement law suits and settlements against the United States. The requested $5 million increase is also needed to maintain a wide range of tribal forest trust activities customarily supported by forest management deductions which have been severely eroded by years of depressed timber markets.

Fourthly, stewardship contracting expires at the end of 2013 cutting off an essential tool for tribes, local communities, and others to perform needed forest management activities on Forest Service and Bureau of Land Management land. For tribes in particular, stewardship contracts can be key in carrying out protective forest health activities on adjacent federal land under the Tribal Forest Protection Act, Public Law 108–278.

Under fire management, the Intertribal Timber Council requests the restoration of the Department of Interior hazard fuel funding to $216 million. Efforts to reduce the risk of fire are critical to sustaining fire adapted tribal communities, adaptable ecosystems, cultural values, and economies that sustain tribes.

The Intertribal Timber Council also requests the restoration of Department of Interior Burned Area Rehabilitation funds to $33.2 million.

The Intertribal Timber Council also requests the suspension of the Department of Interior Hazard Fuels Prioritization and Allocation System until such time as it can be tested and proven reliable. Current runs of the model project drastic, unprecedented transfers of funding from BIA-sponsored tribes dependent on commercial forests to Bureau of Land Management shrub-grass ecosystems. The new model's removal of significant amounts of fuels funding away from tribes will greatly increase fire and health risks to tribal trust forests and pose significant and unjustified threats to tribal forest revenues, subsistence uses, and tribal employment. We do not believe this shift is warranted.

Mr. Chairman and members of the subcommittee, that concludes my testimony. Thank you.

[The statement of Larry Blythe follows:]

TESTIMONY OF LARRY BLYTHE, PRESIDENT, INTERTRIBAL TIMBER COUNCIL, SUBMITTED TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE FOR THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON FY 2013 APPROPRIATIONS FOR THE B.I.A. AND DoI WILDLAND FIRE MANAGEMENT, MARCH 28, 2012

Summary

Mr. Chairman, I am Larry Blythe, President of the Intertribal Timber Council and Principal Vice Chief of the Eastern Band of Cherokee Indians. For the ITC, I offer the following recommendations for FY 2013 Indian forestry-related activities in the Bureau of Indian Affairs (BIA) and Department of Interior Office of Wildland Fire Management:

1) Provide BIA Natural Resources funding in amounts sufficient to assure the federal government's full compliance with its trust obligations to manage and protect tribal natural resources;
2) Direct Interior Department and Forest Service support for the ITC's "Anchor Forest" initiative;
3) In the BIA Operation of Indian Programs budget, restore the inequitable funding cuts proposed for "Administrative Cost Savings;"
4) In BIA TPA Forestry, reject the Administrative Cost Savings reductions and add $5 million to move toward parity with similar federal forestry budgets;
5) Provide an increase of $8 million for BIA Forestry Projects, including a $5 million increase for Forest Development.
6) Provide $5 million for BIA ESA;
7) Provide at least $17.5 million for tribal trust land participation in Cooperative Landscape Conservation;
8) Significantly extend or make permanent authority for Stewardship Contracting; and
9) For DoI Wildland Fire Management: A) Restore hazard fuels funding to $216 million, B) Restore DoI Burned Area Rehab to $33 million, and C) suspend HFPAS until it is proven reliable and transparent.

Intertribal Timber Council background.

The Intertribal Timber Council (ITC) is a 36 year old association of 60 forest owning tribes and Alaska Native organizations that collectively manage more than 90% of the 18 million acres of timberland and woodland that are under BIA trust management. These forests cover about one third of the Indian trust land base and are a primary source of revenue for tribal governments. They support thousands of jobs and many millions of dollars in economic activity in and around Indian Country, as documented by such studies as the 2008 University of Wisconsin evaluation of the Regional Economic Impacts of the Menominee Tribal Enterprises Forestry and Mill Operations. Beyond their economic importance, forests also store and filter the water and purify the air to sustain life itself. They sustain habitats for the fish and wildlife that provide sustenance for our people. They produce foods, medicines, fuel, and materials for shelter, transportation, and artistic expression, and are vital to our cultural and spiritual lives.

Mr. Chairman, as a first order of business, the ITC would like to express our deep appreciation for the leadership provided by you and this Subcommittee in understanding and protecting the BIA and IHS budgets. Even in the best of times, Indian Country struggles with joblessness and economic deprivation many times that of the country as a whole. And when times are difficult, as they have been in recent years, those difficulties fall even more heavily on our people and our economies. The BIA and IHS budgets are a core element of the federal government's solemn promise to our people and are vital to our welfare and progress. We thank you for your commitment toward honoring these historic and enduring obligations.

1) Provide BIA Natural Resources funding in amounts sufficient to assure the federal government's full compliance with its trust obligations to manage and protect tribal natural resources.

Mr. Chairman, our forests and all natural resources are important to all tribes. These resources – the land and minerals, the water, air and plants, the fish and wildlife, must be protected and managed as an integral part of the trust responsibility of the United States. Unfortunately, the failure of the U.S. to exercise its fiduciary responsibilities for management of the Indian estate for individuals as well as tribal governments has necessitated costly settlement of litigation. The Colville Tribe's $193 million trust mismanagement settlement is a recent example. Morally and legally, the U.S. must live up to its trust obligations to the Indian people. We ask that, as this Committee reviews the BIA's proposed FY 2013 budget for natural resources trust management, you bear clearly in mind the solemn obligations of the United States to ensure that trust responsibilities are met.

2) Direct Interior Department and Forest Service support for the ITC's "Anchor Forest" initiative.

The ITC requests that this Committee direct the Interior Department and the U.S. Forest Service to expressly support the "Anchor Forest" initiative being developed by the ITC. The "Anchor Forest" concept is designed to address the loss of forests and the jobs and amenities they provide on the landscape. An essential element is supporting the forest infrastructure, such as forest products facilities, labor forces, and transportation systems. We believe that tribal forests and forest products facilities can provide a key role in establishing and maintaining healthy and productive forests. The ITC, in conjunction with a variety of partners, is now conducting an Anchor Forest pilot project in eastern Washington State. By uniting broad forest health and management goals with supporting and maintaining the forest-dependent communities that facilitate those goals, Anchor Forests offer promise for a sorely needed, long-term path to maintain forest health, support rural economies, and provide ecological benefits such as clean water, soils conservation, and fish and wildlife habitat. We ask the Committee to direct the Forest Service and the Interior Department to work collaboratively with the ITC in pursuing the Anchor Forest concept.

3) In the BIA Operation of Indian Programs budget, restore the inequitable funding cuts proposed for "Administrative Cost Savings."

The ITC urges this Committee to reject the $33 million in "Administrative Cost Savings" (ACS) reductions in Operation of Indian Programs and to restore those funds because the BIA devised the reduction allocation process on its own, without consultation, and the results are grossly inequitable. While BIA says it will consult with tribes on the ACS cuts, the BIA, by having already allocated the ACS cuts among BIA locations and programs, has made a sham of the promise of consultation. If the BIA is to pursue cost savings through streamlining, consolidation or other efficiencies, any process for allocating those savings must be open, fair and equitable, and consultation with the tribes before such an allocation occurs is essential to achieving those goals and obtaining broad tribal support. ITC urges you to reject the ACS cuts and restore the $33 million, including the $1.9 million reduction proposed for Forestry which would eliminate 9 BIA Forestry positions, most likely at Regional or Agency locations.

4) In BIA TPA Forestry, reject the Administrative Cost Savings reductions and add $5 million to move toward parity with similar federal forestry budgets.

Mr. Chairman, in addition to requesting restoration of the $1.9 million in inequitable ACS cuts in BIA TPA Forestry, we ask that the BIA TPA Forestry program be increased by $5 million above FY 2012. The program has been seriously underfunded for years. Independent studies by nationally-recognized forestry experts in 1993 and 2003 documented BIA Forestry per-acre management funding is less than half that of the National Forest System. More recent and specific reviews have shown that BIA TPA Forestry continues to fall further behind both inflation and other federal forestry funding. These funding inadequacies in BIA trust forestry are now being made manifest in large tribal trust mismanagement law suits and settlements against the U.S. The requested $5 million increase is also needed to maintain a wide range of tribal forest trust activities customarily supported by forest management deductions which have been severely eroded by years of depressed timber markets.

5) Provide an increase of $8 million for BIA Forestry Projects, including a $5 million increase for Forest Development.

The FY 2013 BIA Forestry Projects request of $17.2 million continues the outright budget decline for BIA Forestry Projects since FY 2005, when $18.5 million was appropriated. The Forestry Projects budget funds activities that are essential to the trust, including inventories and planning, woodland management, IRMPs, and Forest Development. The ITC requests that FY 2013 BIA Forestry Projects be increased by $8 million, with $5 million of that added to Forest Development so BIA can begin addressing the replanting and thinning needs that now cover about one-sixth of Indian trust commercial forest lands.

6) Provide $5 million for BIA ESA.

The ITC asks that $5 million be provided for BIA ESA funding, to give this program some parity with the 9 cents per acre provided to BLM lands. Tribal governments and individual tribal members depend on their lands and resources for income, jobs and subsistence. Adequate funding to evaluate proposed activities for ESA-related impacts is needed to fulfill federal trust obligations.

7) Provide at least $17.5 million for tribal trust land participation in Cooperative Landscape Conservation.

The ITC supports the FY 2013 proposed increase in BIA Cooperative Landscape Conservation (CLC) to $1 million. However, even though Indian people are among the most vulnerable to climate change and the U.S. has a trust responsibility, there is little or no funding for substantive tribal participation in the Department's total CLC initiatives. While that amount is not apparently aggregated for FY 2013, based on FY 2012's total of $175 million, BIA, with 10% of the Department's total 500 million acres of land alone, should receive $17.5 million.

8) Significantly extend or make permanent authority for Stewardship Contracting.

ITC asks that the Committee significantly extend or make permanent the Stewardship Contracting authority first established in 1999 Interior Appropriations Act (16 USC 2104 note, Public Law 105-277) (as amended by section 323 of the FY 2003 Interior Appropriations Act (117 Stat. 275)) and now due to expire at the end of 2013. Stewardship contracting authority is often essential for tribes, local communities, and others to perform needed forest management activities on USFS or BLM land. For tribes in particular, stewardship contracts can be key in carrying out protective forest health activities on adjacent USFS or BLM land under the Tribal Forest Protection Act (PL 108-278).

9) For DoI Wildland Fire Management: A) Restore hazard fuels funding to $216 million, B) restore Burned Area Rehab to $33.2 million, and C) suspend HFPAS until it is proven reliable and transparent.

A) The ITC requests the restoration of the DoI hazard fuel funding to $216 million. Efforts to reduce the risk of fire are critical to sustaining fire adapted Tribal communities, adaptable ecosystems, cultural values, and economies that sustain Tribes.

B) The ITC also requests the restoration of DoI Burned Area Rehabilitation funds to $33.2 million to address the damage to ecosystems important to sustaining healthy landscapes across all DoI ownerships. Failure to address the damages from Wildland fires has long lasting detrimental impacts to Tribes and neighboring lands.

C) The ITC also requests the suspension of the DoI Hazard Fuels Prioritization and Allocation System (HFPAS) until such time as it can be tested and proven reliable and transparent. Current runs of the model project drastic, unprecedented transfers of funding from BIA sponsored tribes dependent on commercial forests to Bureau of Land Management shrub-grass ecosystems. The new HFPAS model's removal of significant amounts of fuels funding away from tribes will greatly increase fire and health risks to tribal trust forests and pose significant and unjustified threats to tribal forest revenues, subsistence uses, and tribal employment. We do not believe this shift is warranted.

Mr. Chairman, Members of the Subcommittee, that concludes my testimony. Thank you.

Mr. LATOURETTE. Thank you very much for your testimony. Mr. Suppah, we would like to hear from you now.

WEDNESDAY, MARCH 28, 2012.

THE CONFEDERATE TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

WITNESS

RON SUPPAH

Mr. SUPPAH. Good morning, Chairman, other members of the committee. Our people are the Warm Springs, Wasco, and Paiute Tribes. I am Ron Suppah, Vice-Chairman of the Confederated Tribes of the Warm Springs Reservation of Oregon. Our over 640,000-acre reservation in central Oregon ranges from the snow-capped Mt. Jefferson to the salmon-bearing Deschutes River, with forests, farmland, and high desert between.

The vast majority of our tribal members live on the reservation, where we are suffering from almost 60 percent unemployment. Putting our people to work and providing basic social service, especially healthcare and education for our members, is extremely challenging at Warm Springs.

Our federal appropriation priorities reflect the circumstances we face, and I deeply appreciate your invitation to speak before you today. My full testimony is submitted for the record. Today I want to focus on our priorities.

Number one. Indian Health Service. In 1992, Congress authorized a joint venture agreement between the IHS and Warm Springs. The tribe financed construction of a new clinic, and the IHS agreed to fully fund and staff the facility. Unfortunately, the federal funding has been far short of its commitment. The Warm Springs support the proposed $4.4 million funded level for IHS. This increase is about half of what is needed to maintain existing services and prevent cannibalizing current services to pay for federal mandate increases.

Of that amount the Warm Springs requests a $1.9 million increase in funding for IHS hospitals and clinics to provide full direct services for Warm Springs joint venture.

Clean water is critical for human health. The Warm Springs community is facing a costly replacement of our water treatment system, an estimated $30 million. We request these funds from the Sanitation Facilities Construction Program.

Tribal Forestry Management. The Warm Springs are concerned about a net cut to the BIA's forest management account. The tribe, pursuant to contract with the BIA, manages the forest land on the Warm Springs Reservation. Over the past decade several hundreds of thousands of forest lands have been destroyed, many of the fires coming from adjacent federal lands.

The Confederated Tribes of Warm Springs aligns itself with the budget request given today by the Intertribal Timber Council. This includes three items.

Number one. Restoration of the $1.9 million in inequitable ACS cuts in BIA TPA Forestry, number two, that the BIA TPA Forestry

Program be increased by $5 million above fiscal year 2012, and third, that the DOI Hazard Fuels Prioritization and Allocation System be suspended until such as it can be.

Indian school construction. Currently Jefferson County operates a K through five school at Warm Springs, and older children must travel a significant distance to the Town of Madras to attend school. Both the Warm Springs and Jefferson County are submitting referendums to fund construction of an on-reservation K through eight school.

As such, the Warm Springs oppose the proposed $52.8 million cut to the Bureau of Indian Education construction budget. Some funding for replacement school construction would be extremely beneficial to fulfill an intergovernmental agreement.

Trust reform. The Bureau of Indian Affairs and Office of the Special Trustee have been confronted with trust mismanagement claims from individual Indian allottees and tribes for mismanaging both monetary assets and non-monetary or natural resources assets that span many decades. The Inter-Tribal Monitoring Association has provided a very valuable central source of policy-level information and analysis, technical assistance, legal research, and help in facilitating interactions between tribes and federal officials to engender more trust effective relationship and solutions.

Tribal fisheries management. Warm Springs is a founding member of the Columbia River Inter-Tribal Fish Commission, our policy and technical coordinating agency for treaty fisheries management for the Columbia River and International Fisheries. We support the testimony given today from CRITFC Chairman Gerald Lewis.

That concludes my testimony, and again, I would like to thank you guys for the time.

[The statement of Ron Suppah follows:]

Testimony of Ron Suppah, Vice-Chairman
The Confederated Tribes of the Warm Springs Indian Reservation
Before the House of Representatives
Committee on Appropriations, Subcommittee on Interior
and Related Agencies
Hearing on FY 2013 Appropriations
March 28, 2012

SUMMARY

Mr. Chairman, I am Ron Suppah, Vice-Chairman of the Confederated Tribes of the Warm Springs Reservation of Oregon. For the Warm Springs, I offer the following recommendations for FY 2013 Bureau of Indian Affairs (BIA) Budget.

1) **Indian Health Service: Support overall increase in funding:**
    a. **Specifically request $403 million increase to maintain current services.**
    b. **Request $30 million in assistance funding from Sanitation Facilities Construction Program to implement a much needed water treatment plant and water tower for growing population areas.**
2) **Oppose "Administrative Cost Savings" cut to BIA TPA Forestry; request $5 million increase.**
3) **Oppose implementation of DOI Hazard Fuels Prioritization and Allocation System (HFPAS).**
4) **Trust Reform – Inter-Tribal Monitoring Association.**
5) **Oppose cuts to Bureau of Indian Education construction budget.**
6) **Support the proposed $6.8 million increase in Contract Support.**
7) **Public Safety – Detention Facilities**
8) **Treaty Fisheries Management**

Chairman Simpson, and Ranking Member Moran: Our people are the Warm Springs, Wasco and Paiute tribes. Our over 640,000 acre Reservation in central Oregon ranges from the snow-capped Mt. Jefferson to the salmon-bearing Deschutes River; with forests, farmland and high desert between.

The vast majority of our tribal members live on the Reservation, where we are suffering from almost 60% unemployment. A recent study ranked the town of Warm Springs as having the second highest incidence of poverty in Oregon. Putting our people to work and providing basic social services –especially health care and education -- for our members is extremely challenging at Warm Springs. Possibly more challenging than anywhere in Indian Country, or the nation at large.

Our federal appropriations priorities reflect the circumstances we face, and I deeply appreciate your invitation to speak before you today.

1) Indian Health Service:

- Joint Venture: In 1992 Congress authorized a Joint Venture agreement between the IHS and Warm Springs. The Tribe financed construction of a new clinic and the IHS agreed to fully fund and staff the facility. Unfortunately, federal funding has been far short of its commitment. The Warm Springs support the proposed $4.422 billion funding level for IHS, an increase of $115.9 million over the FY 2012 enacted level, but an additional $287 has been the identified need to maintain existing services and prevent cannibalizing current services to pay for federally mandated increases. This would be an historic funding level. Of that amount, the Warm Springs request a $1.9 million increase in funding for IHS Hospitals and Clinics to provide full direct services for the Warm Springs Joint Venture. We request full restoration of funding for Community Health programs
- Indian Health Care Improvement Act: In addition, the Warm Springs asks for $100,000 in assistance funding to implement the Indian Health Care Improvement Act, including insurance assistance such as ensuring tribal participation in the Health Insurance Exchange that was recently approved for the State of Oregon. Our Tribe has been engaged with the Affordable Care Act, investing significant amount of time from staff, attorneys, management and Tribal Council.
- Community Infrastructure: The Warm Springs Community is currently served by a domestic water treatment system that has exceeded its twenty-five year life expectancy and is in need of major renovation. A conservative estimate to keep it serviceable is an estimated $7 million, however, the properly configured upgrade will cost an estimated $30 million. The Reservation's outlying communities need similar consideration and funding for community development, particularly housing. We request these funds from the Sanitation Facilities Construction (SFC) Program.

2) Tribal Forest Management: The Warm Springs are concerned about a net cut to the BIA's forest management account. The Tribe, pursuant to contract with the BIA, manages the forest land on the Warm Springs Reservation. Management of our forests has traditionally employed tribal members at our lumber mill. The significant threat from and costs of wildfire make urgent a steady commitment to forest management. Congressional oversight and funding is needed to effectively implement the Tribal Forest Protection Act ("TFPA"), last year, over 100,000 acres of the Warm Springs Reservation burned. Over the past decade, several hundreds of thousands of forestland have been destroyed, many of the fires coming from adjacent federal lands.

TFPA Forestry, on its surface, receives a $1 million increase in the President's budget. However, "Administrative Cost Savings" reduce the budgeted amount by $1.9 million. Nationwide, this cut is expected to cut 9 Forestry personnel positions, most likely at the reservation level, because this is a reduction to Tribal Priority Allocation funding. Warm Springs opposes this cut. Such a cut could be testing the Bureau's ability to fulfill its trust responsibilities. Recent and successful litigation by Tribes against the Bureau's forest mismanagement demonstrate this point.

The Confederated Tribes of Warm Springs aligns itself with the budget request given today by the Intertribal Timber Council. We request restoration of the $1.9 million in inequitable ACS cuts in BIA TPA Forestry, and ask that the BIA TPA Forestry program be increased by $5 million above FY 2012.

3) DOI Hazardous Fuels Prioritization and Allocation System: As I mentioned earlier, wildfire is a very real and costly reality at Warm Springs. We request the suspension of the DOI Hazard Fuels Prioritization and Allocation System (HFPAS) until such time as it can be tested and proven reliable and transparent. Current runs of the model project drastic, unprecedented transfers of funding from BIA sponsored Tribes dependent on commercial forests to Bureau of Land Management shrub-grass ecosystems. The new HFPAS model's removal of significant amounts of fuels funding away from tribes will greatly increase fire and health risks to tribal trust forests and pose significant and unjustified threats to tribal forest revenues, subsistence uses, and tribal employment.

4) Indian School Construction: Currently, Jefferson County operates a K-5 school at Warm Springs, and older children must travel a significant distance to the town of Madras to attend school. Both the Warm Springs and Jefferson County are submitting referendums to fund construction of an on-reservation K-8 school. As such, the Warm Springs oppose the proposed $52.8 million cut to the Bureau of Indian Education construction budget. This program was funded at $140.5 million in FY 2011 and $70.8 million in FY 2012. The initiative is to replace a BIA owned elementary school facility provided to the local school district, as such, some funding for "Relacement School Construction" would be extremely beneficial to fulfill an intergovernmental agreement.

5) Trust Reform (ITMA):

The Bureau of Indian Affairs and Office of the Special Trustee have been confronted with trust mismanagement claims from individual Indian allottees and Tribes for mismanaging both monetary assets and non-monetary or natural resource assets that span many decades. The Inter-Tribal Monitoring Association has provided a very valuable central source of policy-level information and analysis; technical assistance, legal research, and help in facilitating interactions between tribes and federal officials to engender more trust effective relationship and resolutions.

6) BIA/IHS Contract Support: Since 1975, Tribal Self-Determination pursuant to P.L. 93-638 has been the keystone of federal Indian policy. Unfortunately, BIA and IHS budgets have failed to completely reimburse tribes for unavoidable administrative expenses. At Warm Springs, we have about $17 million under BIA and IHS P.L. 93-638 contracts. With declining tribal revenues, we are less able to implement federal policy. As such, we support the proposed $6.8 million increase in Contract Support which will maintain funding near the 85% level.

7) Public Safety – Detention Facilities

The Warm Springs Detention Center is owned by the BIA. It was upgraded in response to a lawsuit from the U.S. Department of Justice. The useful life of that facility upgrade has exceeded the twenty-five year expectancy and the facility has once again fallen into serious disrepair, community justice and safety cannot be assured nor can inmate life, health and safety be protected. Additionally, the BIA has forbidden its use for housing juvenile offenders which has resulted in having to contract with costly off-reservation juvenile detention facilities and services for criminal acts. The facility replacement and cost must be addressed as a joint obligation of the Bureau of Indian Affairs' Office of Law Enforcement Services and the collateral entities of the U.S. Department of Justice.

8) Treaty Fisheries Management: The Confederated Tribes of Warm Springs is a founding member of the Columbia River Inter-Tribal Fish Commission, our policy and technical coordinating agency for treaty fisheries management for Columbia River and International Fisheries. We support the testimony given today from CRITFC Chairman Gerald Lewis. While we support the funding increases to Rights Protection Implementation, we are concerned with the way allocations from that account have been made since 2009. Individual accounts have been reduced by as much as 40% or raised as much as 67% without explanation or rationale. We ask, Chairman Simpson, that your committee direct the Bureau to return to the 2008 allocation formula.

Mr. LATOURETTE. Mr. Suppah, thank you very much for your testimony.

Chairman Simpson has returned. He obviously thought I was not doing a good enough job, but I want to thank you all for your testimony, and we will turn the reins back over to Chairman Simpson.

Mr. SIMPSON. I had to go ask the BOR about Indian water right settlements and what their budget is going to be.

Mr. Minthorn.

Mr. MINTHORN. Yes, sir.

Mr. SIMPSON. Okay.

WEDNESDAY, MARCH 28, 2012.

CONFEDERATE TRIBES OF THE UMATILLA INDIAN RESERVATIONS

WITNESS

LES MINTHORN

Mr. MINTHORN. For the record my name is Les Minthorn. I am the Chairman of the Umatilla Tribe in northeastern Oregon. My enrollment number is X162, and I am also a full-time U.S. Army Veteran, and I am here today to highlight, you know, the budget concerns that you have been listening to all morning. We have six items that we would like to highlight, and we are also, you know, for your information we are in the district of Greg Walden, Doc Hastings, and Cathy McMorris Rodgers. So when you go around the neighborhood in Washington, those are the representatives in our area.

And so as we come here we have six items that we would like to talk about, and as you mentioned when you talked about water litigation, that is one of the things that we would like to highlight because of our treaty in 1855, and we do not have a water right unless we negotiate it, and so we are hoping that the BIA Water Rights Protection Budget is increased to a level that allows litigation and technical support to help us negotiate with the federal, state, and local stakeholders.

So there is a lot of technical work involved with the basins that we certainly live in and depend upon. The Umatilla Basin Project, the Walla Walla area is also in our area, and we certainly support the Water Rights Protection Budget and the increase that is available. We are happy to support that for assisting our Oregon Congressional stakeholders to try to negotiate a reasonable settlement. You know, we have never got to the table all these years. We would like that technical support to help us get there.

Under contract support, we support the increase for contract. Because we are a 638 tribe, we do compact with the Bureau of Indian Affairs programs, and we certainly expect contract support to be there as well as direct funding that comes with the appropriations for that particular agency.

Under law enforcement activities, we have one item that we have never pushed before because of many reasons, but we would like to propose that the conservation, because the treaty activities on the Columbia River with our fishing rights and hunting in various

parts of our area, conservation officers are very important for not only enforcing tribal members but non-tribals. And so the jurisdiction issue on all reservations is very critical to sanity, as you well know in the Court systems.

Under tribal courts, talking about sanity, you know, we need more revenue or support in that particular arena because in 2010, when the Tribal Law Enforcement Order Act impacted our tribal court that we have, and there is only 33,000 people live on our reservation, and most of them are tribal members, and so we do have a tribal court. But when the Law and Order Act was passed, it added burdens on our tribal court, and we would like to see an increase in that particular budget line item.

And you have been hearing good words about Indian health service and the good work that they do. We would like to support that increase for contract health support, and again, it is an issue that we have compacted for that particular arena with our Indian Health Service group in Oregon, and we have a little clinic on the reservation, and so that is really critical. Because if you do not have enough budget, you are just putting patients off until the next budget cycle we can cover that. So we do support that.

Under treaty fisheries management, we are going to stand up and support the Columbia River Treaty. The tribes in the Columbia River, they are here to offer testimony. We support the testimony that is going to be provided by the chairman of that group.

And basically we agree that most of the work that is done by the committee and whoever in the City of Washington here, you know, it is very difficult, but when we come, we are building our capacity to the point where we are not self-sufficient yet, but each time we come and we ask for specific funding, it builds our capacity to take care of our own. And eventually we will be self-sufficient some day, but until then we need the support of your committee and the rest of the federal agencies that we have a relationship with.

And we value our relationships very highly with Congress and the State of Oregon and all the other tribes and states that we have to deal with.

Thank you.

[The statement of Les Minthorn follows:]

Testimony of Les Minthorn, Chairman of the Board of Trustees
The Confederated Tribes of the Umatilla Indian Reservation
Before the House of Representatives
Committee on Appropriations, Subcommittee on Interior
and Related Agencies
Hearing on FY 2013 Appropriations
March 28, 2012

Chairman Simpson, and Ranking Member Moran: I am Les Minthorn, Chairman of the Board of Trustees, the governing body of the Confederated Tribes of the Umatilla Indian Reservation of Oregon.

Summary

1) **Support the President's budget request for the BIA;**
2) **BIA Water Rights Protection – increase $5 million**
3) **Contract Support: support $6.8 million increase in budget;**
4) **Oppose "Administration Cost Savings" provision in budget;**
5) **Law Enforcement Activities: support proposed $3.5 million increase;**
6) **Tribal Courts: Support proposed $1 million increase;**
7) **IHS: Support proposed $20 million increase in Contract Health Services;**
8) **Treaty Fisheries Management: Congress should reset allocation formula.**

The Confederated Tribes consist of 2,835 members who primarily live on our Reservation. In 1855, our tribes signed a treaty with the U.S. government ceding over 6.4 million acres to the United States. We reserved rights to fish, hunt, and gather foods and medicines within the ceded lands, which today is northeastern Oregon and southeastern Washington. These lands are in the current congressional districts of Congressmen Greg Walden, Doc Hastings and Cathy McMorris Rodgers.

Before I get into specific requests, I want to thank the Committee for recognizing the needs in Indian Country and maintaining -- and in some instances increasing -- funding levels. This recognition of the government's earliest historic commitments is a great service to Indian Country, particularly in this difficult budget climate.

1) Support the President's budget request for the Bureau of Indian Affairs

Overall, the CTUIR are pleased that the President's budget request for BIA and tribal related programs has held its ground from last year's enacted level. There are key increases for core programs of critical importance. One example is the $4.422 billion budget request for the Indian Health Service -- an increase of $115.9 million over the 2012 enacted level.

2) BIA Water Rights Protection -- Litigation Support/Attorney's fees

The CTUIR is actively pursuing a water rights settlement for its tribal homeland in the Umatilla Basin and in the adjacent Walla Walla Basin where agricultural diversion have seriously impacted once-abundant salmon runs. In the near future we will be requesting the appointment of a federal negotiations team for the Umatilla Basin.

The CTUIR supports the proposed $1.5 million increase in litigation support for water rights protection. We respectfully request a further increase to at least $3 million. Many requests were either unfunded or underfunded in 2011 at an enacted funding level of $2.1 million level. There was no funding for this line-item in 2012, so we expect a significant backlog of requests for this funding.

The CTUIR also supports the $8.6 million budget for water rights negotiation/litigation line item, which is the same as the 2012 enacted level. This technical funding is critical to doing the technical work to achieve a Tribal water rights settlement.

3) Contract Support

The CTUIR is a significant participant in self-determination contracts with the federal government. We support the proposed $6.8 million increase in Contract Support which will maintain funding near the 100% level. We also support the $2 million increase for the Indian Self-Determination Fund to pay contract support for new and expanded compacting/contracting of programs. For the CTUIR, we are planning on adding Realty/Probate to our existing compact in 2013, and availability of funds are critical to carry out this function.

4) Administrative Cost Savings

The CTUIR is opposed to the proposed reductions for unexplained and undefined Administrative Cost Savings. $16.1 million of the BIA total reduction of $28.2 million comes from Tribal Priority Allocation (TPA) line items. These are the funds spent at the tribal level, many of which are compacted/contracted by tribes and tribes have identified and implemented any available cost savings in the management of their programs. For the CTUIR, these cuts could result in an $80,000 reduction to our base funding amount.

5) Law Enforcement activities

The CTUIR support the proposed $3.5 million increase for law enforcement activities. In particular, the addition of Conservation Officers is an important area that has not been addressed in the past. For our tribe, this improvement will assist the CTUIR in enforcing Tribal fish and wildlife codes both on and off our Reservation. Such law enforcement is important for our exercise of our Treaty reserved fishing and hunting rights.

6) Tribal Courts

The CTUIR also supports the $1 million proposed increase to the Tribal Courts line item.

While this does not get court funding back to the 2011 enacted level, it is a step in the right direction. The passage of the Tribal Law and Order Act has added responsibilities to our court system. Any increase in funding is needed to help deal with these new responsibilities.

7) Indian Health Service

The CTUIR support the $20 million increase in Contract Health Services (CHS). Our Yellowhawk Tribal Health Center, located on our Reservation, operates under a compact agreement with IHS. Yellowhawk provides outpatient health care, as well as alcohol/drug treatment, nutrition programs, senior meals and caregiver services. Due to shortfalls in our CHS funding, there have been times when we have had to ration certain treatments that we do not provide in-house or put off treatment until the new fiscal year. Increased funding will help our Tribal program address serious challenges with overall health issues including mental health, substance abuse, women's health and aging issues.

8) Treaty Fisheries Management

The CTUIR is a founding member of the Columbia River Inter-Tribal Fish Commission, our policy and technical coordinating agency for treaty fisheries management for Columbia River and International Fisheries. We support the testimony you will hear today from CRITFC Chairman Gerald Lewis. While we support the funding increases to Rights Protection Implementation, we are concerned with the way allocations from that account have been made since 2009. Individual accounts have been reduced by as much as 40% or raised as much as 67% without explanation or rationale. We ask, Chairman Simpson, that your committee direct the Bureau to return to the 2008 allocation formula.

In conclusion, I want to again thank the Committee for your commitment to funding these important programs to the Confederated Tribes of the Umatilla Indian Reservation. Your work here continues the solemn trust obligations of the United States.

Mr. SIMPSON. Thank you.
Gerald Lewis.

WEDNESDAY, MARCH 28, 2012.

COLUMBIA RIVER INTERNATIONAL-TRIBAL FISH COMMISSION

WITNESS

GERALD LEWIS

Mr. LEWIS. Good morning, Chairman Simpson and subcommittee members. My name is Gerald Lewis. I am a member of the Confederated Tribes and Bands of the Yakama Nation. I am also a Tribal Council Member and Chairman of the Columbia River Intertribal Fish Commission out of Portland, Oregon. It is my pleasure to address you today regarding our funding needs and those of the fisheries programs for our member tribes; the Yakama Nation, Nez Perce Tribe, Umatilla Tribes, and the Warm Springs Tribes. We often refer to ourselves by our acronym, CRITFC.

We are celebrating our 35th anniversary year in 2012. Our base program funding is in the Bureau of Indian Affairs, Rights Protection Implementation Account. Our programs are carried our pursuant to the Indian Self-Determination and Assistance Act. We conduct a Comprehensive Treaty Fisheries Program intended to maintain compliance with court orders, regional intergovernmental agreements, and international salmon treaties.

Together our tribes manage and co-manage lands equivalent to the size of the State of Georgia. We are leaders in ecosystem management, working in collaboration with five states, 13 federal agencies, and private entities. CRITFC and our member tribes are principals in the region's efforts to halt the decline of salmon, lamprey, and sturgeon populations and rebuild them to levels that support ceremonial, subsistence, and commercial harvests. To achieve these objectives, we emphasize the highest level of scientific rigor, cost-effective management strategies, and holistic approaches to protection of first foods.

While many of the Pacific Coast salmon stocks remain in distress, our tribes are building Columbia Basin successes acre by acre, tributary by tributary, and stock by stock as we witnessed within this document here, which we will share with the committee.

However, we are very appreciative of recent increases to rights protection implementation. However, we have two requests.

First, the need remains high. We ask that this subcommittee exceed the President's request for the base programs for CRITFC and our members' Tribes Fisheries Programs, both in the Bureau of Indian Affairs Rights Protection Implementation Account specifically.

We request $7.7 million for the Columbia River Fisheries Management, $3 million above the President's request.

We also request, as you heard earlier, $4.8 million for the U.S. Canada Pacific Salmon Treaty, 364,000 above the President's request to implement obligations adopted by the United States and Canada under the treaty.

Second, as leaders of our member tribes have stated, Chairman Brooklyn Baptist, Les Minthorn, and Ron Suppah, we are appreciative of recent increases to rights of protection implementation but are troubled by the arbitrary allocation of increases and decreases within the subaccounts.

We ask this subcommittee to direct the BIA to return to the 2000, allocation formula, then sit down with account holders to determine where and how, if at all, the formula should be changed.

I want to speak for a moment about public safety and law enforcement in treaty fishery areas. Our written testimony details recent court rulings related to criminal jurisdiction in Oregon and Washington. CRITFC currently contracts with DIA for two federal enforcement positions. We seek two more full-time enforcement officers so we can provide the comprehensive safety and service coverage the tribal people living along the Columbia River have asked for and deserve. We support the President's request for BIA Enforcement Services.

In closing, thank you, Chairman Simpson. We will be holding our May commission meetings at our Hageman Genetics Lab. I want to extend a personal invitation to you and your staff to stop by and spend some time with us while we are there.

Thank you.

[The statement of Gerald Lewis follows:]

COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION
729 NE Oregon, Suite 200, Portland, Oregon 97232 Telephone 503 238 0667
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TESTIMONY OF
The Honorable Gerald Lewis, Chairman
Columbia River Inter-Tribal Fish Commission
Regarding the Bureau of Indian Affairs Fiscal Year 2013 Budget
Appropriations Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives
March 28, 2012

Mr. Chairman and members of the subcommittee, the Columbia River Inter-Tribal Fish Commission (CRITFC) is pleased to share its view on the Department of Interior, Bureau of Indian Affairs' (BIA) FY2013 budget. We have specifically identified three funding needs and one allocation recommendation:

1) **$7.7 million, an increase of $3,054,000 above the President's Request for Columbia River Fisheries Management within the Rights Protection Implementation account to meet the base program funding needs of the Commission and the fisheries programs of its member tribes, specifically to implement federal court-ordered management obligations, including efforts for species listed under the Endangered Species Act, and;**
2) **$4.8 million, an increase of $436,000 above the President's Request, for U.S./Canada Pacific Salmon Treaty within the Rights Protection Implementation account to implement new obligations under the recent agreement adopted by the U.S. and Canada under the Treaty, and;**
3) **$328 million for Public Safety and Justice, Criminal Investigations and Police Services – of which $718,00 supports enforcement of federal laws at in-lieu and treaty fishing sites on the Columbia River. This supports the President's Request;**
4) **We request that the subcommittee direct the BIA to allocate Rights Protection Implementation accounts at the 2008 percentages unless or until account holders receive a rationale or justification for a variance.**

CRITFC was founded in 1977 by the four Columbia River treaty tribes: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and Nez Perce Tribe. CRITFC provides coordination and technical assistance to these tribes in regional, national and international efforts to protect and restore our shared salmon resource and the habitat upon which it depends. Our collective ancestral homeland covers nearly one-third of the entire Columbia River Basin in the United States.

In 1855, the U.S. entered into treaties with the four tribes[1] whereupon we ceded millions of acres of our homelands to the U.S. In return, the U.S. pledged to honor our ancestral rights, including the right to fish. Unfortunately, a perilous history brought the salmon resource to the edge of extinction with 12 salmon and steelhead populations in the Columbia Basin listed under the Endangered Species Act (ESA).

Today, the CRITFC tribes are leaders in fisheries restoration and management working with state, federal and private entities. CRITFC's member tribes are principals in the region's efforts to halt the decline of salmon, lamprey and sturgeon populations and rebuild them to levels that support ceremonial, subsistence and commercial harvests. To achieve these objectives, the tribes' actions emphasize 'gravel-to-gravel' management including supplementation of natural stocks, healthy watersheds and collaborative efforts.

The programs in this testimony are carried out pursuant to the Indian Self-Determination and Assistance Act. Our programs are integrated as much as possible with state and federal salmon management and restoration efforts.

Columbia River Fisheries Management within Rights Protection Implementation

We are succeeding. The salmon, returning in greater numbers, tell us so. But along with success, management issues increase the complexity, requiring greater data collection and more sophisticated analyses. Funding shortfalls prohibit the achievement of tribal self-determination goals for fisheries management, ESA recovery effort, protecting non-listed species, conservation enforcement and treaty fishing access site maintenance. We are seeking an increase of $3,054,000 over FY2012 for a new program base of $7,712,000 for Columbia River Fisheries Management.

The BIA's Columbia River Fisheries Management line item is the base funding that supports the fishery program efforts of CRITFC and the four member tribes. Unlike state fish and game agencies, the tribes do not have access to Dingell-Johnson/Pittman-Robertson or Wallop-Breaux funding. The increase will be directed to support the core functions of the fisheries management programs of the Commission's member tribes.

In 2008 CRITFC and its member tribes successfully concluded lengthy negotiations resulting in three landmark agreements: 1) the Columbia Basin Fish Accords with federal action agencies overseeing the federal hydro system in the Columbia Basin[2], 2) a Ten-Year Fisheries Management Plan with federal, tribal and state parties under *U.S. v OR*, and 3) a new Chinook Chapter of the Pacific Salmon Treaty. [3] These agreements establish regional and international commitments on harvest and fish production efforts, commitments to critical investments in habitat restoration, and resolving contentious issues by seeking balance of the many demands within the Columbia River basin. While through these agreements the Tribes have committed to substantial on-the-ground

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[1] Treaty with the Yakama Tribe, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957

[2] The Nez Perce Tribe is not a Columbia Basin Fish Accord signatory

[3] *See* Salmon Win A Triple Crown" at http://www.critfc.org/text/wana_109.pdf

projects with some additional resources from the Bonneville Power Administration, the overall management responsibilities of the tribal programs have grown exponentially without commensurate increases in BIA base funding capacity. For example, the tribes' leadership in addressing Pacific Lamprey declines is this species' best hope for survival and recovery. The tribes are also addressing unmet mitigation obligations, such as fish losses associated with the John Day and The Dalles dams.

Compounding the challenges in implementing tribal fish management agreements are the impacts that climate change will have on the interior Columbia Basin and the tribe's treaty resources. The University of Washington Climate Impact Group predicts new challenges to salmon management due primarily to thermal effects and runoff timing changes. The CRITFC is being asked to develop mitigation and adaption strategies on behalf of our member tribes. CRITFC and its member tribes currently have insufficient funds to do the technical work and allow policy-level participation in the co-management arena.

The funding provided through the BIA to support tribal fishery programs is crucial to the tribes' and CRITFC's ability to successfully carry out tribal rights protection, including these agreements, by providing sound technical, scientific and policy products to diverse public and private forums. Lost purchasing power through rising costs, inflation and lack of pay-cost adjustments to tribal funding has further challenged us to deliver these essential services.

U.S./Canada Pacific Salmon Treaty under Rights Protection Implementation
For tribal participants in the Pacific Salmon Treaty, the U.S. Section has identified a program need of $4,800,000 for BIA.

The U.S. and Canada entered into the Pacific Salmon Treaty in 1985 to conserve and rebuild salmon stocks, provide for optimum production, and control salmon interceptions. The treaty established the Pacific Salmon Commission (PSC) as a forum to collaborate on intermingled salmon stocks. The U.S. Section of the PSC annually develops a coordinated budget for tribal, state and federal programs to ensure cost and program efficiencies. Congress increased funding in 2000 in order to implement the 1999 Agreement but funding has significantly eroded since then. In 2008, the U.S. and Canada adopted a new long term Treaty agreement after nearly three years of negotiations. Both parties agreed to significant new management research and monitoring activities to ensure the conservation and rebuilding of the shared salmon resource.

The $4,800,000 provides for direct tribal participation with the Commission, panels and technical committees. The funding enables the tribes to assist in Treaty implementation and facilitates management protecting trust resources. This funding maintains tribal resource assessment and research programs structured to fulfill required Treaty implementation activities. The FY2012 recommended level for this program is an increase of $436,000 over the President's Request and $600,000 above the FY2012 enacted level. Our request correlates to the U.S. Section's recommendation.

The tribal management programs provide needed beneficial and technical support to the U.S. Section. The Pacific Salmon Commission relies heavily on the various technical committees established by the Treaty. The work of these Committees is integral to the task of implementing fishing regimes consistent with the Treaty and the goals of the Parties. Numerous tribal staff appointed to these committees and all of the tribal programs generate data and research to support their efforts. For example, indicator stock tagging and escapement monitoring provides key information for estimating the parties' annual harvest rates on individual stocks, evaluating impacts of management regimes established under the Treaty, and monitoring progress toward the Chinook rebuilding program started in 1984.

Public Safety and Justice, Criminal Investigations and Police Services

Public safety continues to be a high priority for CRITFC and our tribes. Our conservation and criminal enforcement officers are the cornerstone of public safety in the popular and heavily used Columbia Gorge area patrolling 150 miles of the Columbia River, including its shorelines in Oregon and Washington. In this area we are the primary provider of enforcement services at 31 fishing access sites developed pursuant to PL87-14 and PL100-581 for use by treaty fishers. CRITFC's officers have obtained BIA Special Law Enforcement Commissions to aid our efforts protecting and serving tribal members and federal trust properties along the Columbia River. We are grateful for the support of the BIA Office of Justice Services in obtaining the SLECs. We are also very pleased that the BIA has created OJS District 8 and housed it in Portland. Beginning in February 2011, CRITFC entered into a PL93-638 contract with BIA for enforcement services along the Columbia River. That contract provides funding for two enforcement positions.

It's important that CRITFC build its enforcement capacity above the level of the two officers currently funded by the BIA Office of Justice Services. Our immediate priority is to add two officers. Funding for two additional officers would cost $313,560 plus indirect. Full funding for this project would be a total budget of $716,053 plus indirect which would support four officers, a sergeant and a dispatcher.

In summary, through combined efforts of the four tribes supported by a staff of experts, we are proven natural resource managers. Our activities benefit the region while also essential to the U.S. obligation under treaties, federal trust responsibility, federal statutes, and court orders. We ask for your continued support of our efforts. We are prepared to provide additional information you may require on the Department of Interior's BIA budget.

CRITFC Staff Contact: Charles Hudson, (503) 731-1257, (hudc@critfc.org)

Mr. SIMPSON. Thank you. Mr. Moran.

Mr. MORAN. I think I will pass, Mr. Chairman. It is good testimony, and it involves Idaho and the northwest, so I think I will defer to those who are more intimately familiar with it.

Mr. SIMPSON. Mr. LaTourette.

Mr. MORAN. Respect the testimony and you coming here.

Mr. LATOURETTE. Well, that puts me in a tough spot being from Ohio, but I am going to ask a question anyway.

Mr. Suppah, I am interested in your observation about 60 percent unemployment and would ask you to give me, if you could, sort of a historical perspective. I presume it is higher with the difficulties that the entire country has suffered, but 60 percent is about seven, eight times the national average. So can you share with me where it has been for the last 10 years? Is it always in the 60 percent range? Is it 50 percent, and it has grown to 60? What has gone on in the last 3 years?

Mr. SUPPAH. Basically it has been consistent at that level for about the past 5 years, and the problem we are having is mainly with development of economic development on our reservation, and maybe inviting outside businesses to come onto the reservation because they are so much of a problem with all of the regulations that they have to encounter in order to conduct business on our reservation. So I think that is one of our highest priorities is economic development for our tribe.

Mr. LATOURETTE. Do you have or could you provide to the subcommittee, I assume the tribe is interested in attracting economic development and businesses to the reservation and supply jobs and other commerce. Do you have somewhere at your disposal a list of the specific impediments in terms of regulations that are preventing people that want to come to do business with you from doing so?

Mr. SUPPAH. Sir, probably the highest level that you could go to on that question there, that issue is taxation simply because you sometimes drive off potential financers and business people by having maybe dual taxation on the projects, whether they are on the improvements or whether they are on the revenues produced by that.

Mr. LATOURETTE. Okay. I thank you very much, Mr. Chairman, that is something I am interested in, maybe we could talk about it a little bit later.

Thank you all.

Mr. SIMPSON. Ms. McCollum.

Ms. MCCOLLUM. Thank you, Mr. Chair.

In your testimony, you asked for increases for working on invasive species with the Forestry Council and the welfare of fire work. I see the importance of that, but one of the things that our Forestry Councils in Minnesota have really been fueling more stress with is invasive species, such as the ash borer and the gypsy moth.

So if maybe I could ask you to speak to that just for a minute because I have another question afterwards. If you have some documentation you can give us later, that would be great, too.

Mr. BLYTHE. Under the stewardship contracting, of course, with the United States Forest Service, our tribe has been doing some

invasive species work locally with the Forest Service ranches close by, and some of that has to do with eradication, some of the aquatic species in some of the lakes that are, you know, specifically I do not know, you know, which species they are, but I know we have had several contracts over the past few years, and of course, our testimony today is stewardship contracting.

From a reduction of fuels, a reduction of, you know, just the thinning of the forest that surrounds the reservation, and particularly to fire hazard reduction, but the invasive species area, the reservation experiences it, you know, locally with some of the things that we are doing, but it is mainly with the working with the Forest Service.

Ms. MCCOLLUM. Okay. So if the Forest Service is getting a cut, and you are getting a cut, that is going to have an impact on that.

Mr. BLYTHE. And we look at it as an employment issue for us. I mean, we have crews that are just doing specific things, which helps some, you know, not just the reservation, but I am sure they have contracts with the county folks or just general contractors doing work, too. So it is an impact to employment.

Ms. MCCOLLUM. And I have two other questions.

One, you are looking at doing your levy referendum for building your K–12 school. Right now you are K–5. Does your levy referendum then include operations funding? Or if you are successful with passing your levy, do you go to the Bureau for more dollars for hiring teachers? How does that work?

Mr. SUPPAH. Right now the process is that the Jefferson County School District will be having a referendum for a bonding for the complete, approximately $21 million need for construction of a K through eight on the reservation.

At the same time, running parallel to that, the Warm Springs Tribe will be having a tribal referendum asking the membership to pay half of that or a little bit over $10 million for our share of that because I guess we have to strategize to reduce the terrible dropout rate by our membership from the Madras 509J School District, so that is why we are proceeding towards building our own school on our reservation so we have more control and more management elements including curriculum and et cetera. And I think that the school district will be providing the teachers, and they will be sending an administrator to the reservation for that.

Ms. MCCOLLUM. Thank you. Sir, when you were talking about job opportunities to address your 60 percent unemployment, do you have a strategy when seeking out businesses that provide training for tribal members to be able to take advantage of the jobs, especially with dropout rates the way that they are sometimes and a lack of skills? I have been on several reservations where they have attracted businesses but then it is non-reservation people who are working on the business. So they get some bit of a profit for having the business there, but they are really not reaching the full potential of employing people from their own village.

So do you have a two-step solution for that—attracting the business and then also trying to gear up the training and the job opportunities for tribal members? Either one of you can answer.

Mr. MINTHORN. The Umatilla Tribe is a little different than Warm Springs. Warm Springs is pretty much a closed reservation.

Ms. MCCOLLUM. Okay.

Mr. MINTHORN. And we are a checkerboard reservation where we have non-tribal members, non-trust land across our reservation, and we are fairly small, about 172,000 acres remaining. So part of our strategy we have the I-5 freeway running through the reservation and railroad, and so part of our economic development strategy was to secure enough infrastructure planning monies to put water, sewer, dark fiber to the business park that we have created. And so we set aside 12 square miles of enterprise zone and the dual taxation that was referenced, that was an issue in the very beginning.

So we negotiated with the State of Oregon to allow the tribal tax ordinance that we have to prevail, and the state would not tax that business that came to our reservation, and we negotiated that agreement so that we did not have a double taxation on any business that wanted to come.

And so we do have 12 square miles of enterprise zone, we do have infrastructure, and we do have a sign out there that we have three tenants on that square mile, 12 square miles, but one of the tenants has 300 employees. So as you secure the infrastructure through EVA or whoever for water, sewer, transportation departments, that helps attract higher job paying businesses to the reservation.

And we do negotiate other benefits similar to the county, but we have 12 square miles of trust land that we are trying to fill with higher businesses, and our unemployment rate used to be 35 percent, and now it is roughly 10 to 12, and I think Oregon is roughly 10. So we are getting there, but we still have issues relating to the dropouts word that you heard and getting them to work. We need places for them to be and things for them to do to keep them in school.

Thank you.

Mr. SIMPSON. Thank you, and I thank the panel for being here today, and we look forward to working with you as we try to put together the budget for the coming fiscal year.

Thank you.

I am pleased to invite the Honorable Don Young up to introduce the Alaska tribes that are here today.

Mr. YOUNG. For those from Alaska, please, thank you, Mr. Chairman and the ranking member for inviting such a diverse group of Alaskans whose work for organizations has tremendous impacts on the lives of the Alaskan native people, and I simply want to welcome and introduce the following individuals for the long trip. By the way, it is 5,500 miles. I cannot figure it out. My Senator said it was only 4,000 miles. I cannot figure out how that happened, but that is the Senate for you.

First we have Patty Brown-Schwalenberg, Executive Director of the Chugach Regional Resources Commission. Please come up, Patty.

And we have Dan Winkelman, Vice President for Administration and General Counsel, Yukon-Kuskokwim Health Corporation. The Yukon Health Corporation provides basic health services for about 30,000 Yupik Eskimos in the western portion of Alaska, and most of the time, Mr. Chairman, it is only accessible by plane and small boat.

Marie Carroll, President and CEO of the Arctic Slope Native Association. Marie and Arctic Slope Native Association have worked tirelessly towards opening the Barrel Replacement Hospital, which will service 38,000 patients who reside in Alaska's most-northern community.

And we have Gloria O'Neill, President and CEO of Cook Inlet Tribal Council. The Cook Inlet Tribal Council has been able to develop strong partnerships to ensure Native Alaskans in one of Alaska's urban areas to be able to pursue educational opportunities. This is a fine example of what can be done with dollars when they are available.

Ed Thomas, President of Central Council of the Tlingit and Haida Indian Tribes of Alaska. Mr. Thomas represents Native Alaskans in the southeastern portion of Alaska; the Central Council of the Tlingit and Haida is responsible for preserving sovereignty and enhancing economic and cultural resources and promoting self-sufficiency.

James Segura.

Mr. SIMPSON. This will be the first panel, and then the other ones that Don will mention will be called up on the second panel.

Mr. YOUNG. Yeah. Okay. Okay. Then we have James Segura, Chairman of Southcentral Foundation. Southcentral Foundation has recently received the Baldrige National Quality Award, which is the highest Presidential award for performance excellence.

We have Victor Joseph, Tanana Chiefs Conference President. Tanana Chiefs Conference provides a unified voice for advancing tribal governments for promoting physical and mental wellness, education opportunities, and cultural values to the Native Alaskan tribes to the interior of Alaska, which is my area.

We have Charles Clement, President and CEO of Southeast Regional Alaska Consortium. SEARHC is health consortium of 18 native communities in southeast Alaska. They have done a fine job of providing for healthcare and dental service in these communities.

And last we have Lloyd Miller, the National Tribal Contract Support Cost Coalition. Mr. Miller has worked tirelessly to ensure that contact support costs are foremost in IHS conversions.

May I say, Mr. Chairman, this is a group that has done well in Alaska, and we want to continue to do that because if you laid Alaska over all the land east of the Mississippi River, all the land east of the Mississippi River, that is Alaska, and in that you have 245 Congressman. You only got one, Mr. James, keep that in mind. And that is really crucial because it is all diversified. It is just a large, big area with different problems.

With that, Mr. Chairman, I thank you, and I will sit for a few seconds. Then I have to go and vote on subpoenas. Not mine. Thank you.

Mr. SIMPSON. Thank you, Don, and I was going to say, it is not going to a subpoena on me, is it? But I appreciate your support for not only Alaska Natives but Indian tribes all across the country, and I know you have worked very closely with this committee and members of this committee to address the issues, the unique issues that they face.

So thank you for being here today.

Mr. MORAN. Mr. Chairman, if I could, because Don is going to leave while we are hearing testimony, I want to thank you, Chairman Young, for being here to introduce the leaders of the Alaska tribes and villages. I know it took extra effort to do that, but they appreciate it, and most importantly I am sure they appreciate the fact that they are so well represented.

I do not know how you represent as vast an amount of land and diversity as you do, but you do a great job. So I just wanted to say, Mr. Chairman, we are very pleased to have Don Young before this panel.

Thank you.

Mr. YOUNG. Thank you, Jim. I appreciate that.

Mr. SIMPSON. I was just wondering what you did to your nose. I mean, who did you mouth off to?

Mr. YOUNG. This is a classic keep your nose out of other people's business.

Mr. SIMPSON. Good lesson.

Mr. YOUNG. Thank you. I do have to leave. I do apologize.

Mr. SIMPSON. Thanks, Don.

Patty, you are up.

WEDNESDAY, MARCH 28, 2012.

THE CHUGACH REGIONAL RESOURCES COMMISSION

WITNESS

PATTY BROWN-SCHWALENBERG

Ms. SCHWALENBERG. Thank you, Mr. Chairman. I am an enrolled member of the Lac du Flambeau Band of Lake Superior Chippewa Indians in northern Wisconsin and honored to serve as the Executive Director of the Chugach Regional Resources Commission, a capacity that I have held for the past 18 years.

Chugach Regional Resources Commission or CRRC is tribal nonprofit that was established by the tribes in the Prince William Sound and Lower Cook Inlet area to specifically address natural resources, substantive, and environmental issues. They thought that having a stand-alone organization would better serve the environment and the resources upon which they depend.

So we have been funded by the Bureau of Indian Affairs for quite some time. However, we have a 638 contract, but they have not met their contractual obligations for the past 10 years and that we were never in the BIA budget, and so we would have to come back here and fight for money and make sure they carved out a piece somewhere, which takes quite awhile, and so then we go without funding for the first several months of the fiscal year.

I am pleased to report that the BIA has finally recognized its obligation and requested the full $350,000 in fiscal year 2013, so we are in the President's budget, and I would urge the subcommittee to support this funding and keep it in there. I am humbled to listen to the testimony earlier with the issues that Indian Country is facing nationwide and the millions and millions of dollars that are needed, and I sit here before you asking for $350,000.

But with that $350,000 we have been able to take that and multiply that six times. In the age of partnerships now where funding agencies are requiring that you have partnerships in order to get any funding from other funding agencies, we have been doing that for 18 years because we have to. We do not have the luxury of having a lot of money to do many things with, but with that money we have been able to establish the Alutiiq Pride Shellfish Hatchery, the only shellfish hatchery in the State of Alaska, and we are working on research and culture of the king crab, sea cucumbers, geoducks, purple-hinged rock scallops, mussels, and littleneck clams among others.

We are in the process of finishing up the development of a K through 12 natural resource or science curriculum that integrates traditional ecological knowledge with science, and we will be piloting that in the K–9 school district, the Chugach Region of the Chugach School District, excuse me, as well as the Effie Kokrine School up in Fairbanks. So we are real excited about that, and we are also going to be working on a math curriculum that will do a similar thing.

We are also an active participant in the Alaska Migratory Bird Co-management Council, establishing regulations on an annual basis for the substantive harvest of migratory birds in the spring and summer and any other variety of fisheries enhancements and research projects that affect the people in the Chugach Region are the kinds of things that we work on, and we are able to do because of this funding.

So I would like to thank you for the opportunity to testify, and I would urge you to include our $350,000 in your fiscal year 2013 budget, including 100 percent of contract support. That would also be very helpful.

[The statement of Patty Brown-Schwalenberg follows:]

TESTIMONY OF
PATTY BROWN-SCHWALENBERG, EXECUTIVE DIRECTOR
CHUGACH REGIONAL RESOURCES COMMISSION
HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
ON THE BUREAU OF INDIAN AFFAIRS FY2013 BUDGET
MARCH, 19 2012

As Executive Director of the Chugach Regional Resources Commission ("CRRC"), located in Alaska, I am pleased to submit this testimony reflecting the needs, concerns and requests of CRRC regarding the proposed FY 2013 Budget. As is everyone, we are aware of the ongoing economic problems in the United States. While the government is trimming its spending, the federal government must still fulfill its legal and contractual spending obligations. The Bureau of Indian Affairs not only has a legal and contractual obligation to provide funding for the CRRC, but the CRRC is able to translate this funding into real economic opportunity for those living in the Prince William Sound region.

After failing to seek funding for CRRC for more than a decade, we are very pleased that the BIA has recognized its obligation to CRRC and has requested $350,000 for CRRC in FY 2013. In its FY 2013 Budget Justification, the BIA recognized CRRC's role in developing the capabilities of its member villages to better facilitate their active participation in resource use and allocation issues in Alaska. We urge the Subcommittee to support this funding and include it in the final bill.

Chugach Regional Resource Commission History. CRRC is a coalition of Alaska Native Villages, organized in 1987 by the seven Native Villages located in Prince William Sound and Lower Cook Inlet in South-central Alaska: Tatitlek Village IRA Council, Chenega IRA Council, Port Graham Village Council, Nanwalek IRA Council, Native Village of Eyak, Qutekcak Native Tribe, and Valdez Native Tribe. CRRC was created to address environmental and natural resources issues and to develop culturally-sensitive economic projects at the community level to support the sustainable development of the region's natural resources. The Native Villages' action to create a separate entity demonstrates the level of concern and importance they hold for environmental and natural resource management and protection – the creation of CRRC ensured that natural resource and environmental issues received sufficient attention and focused funding.

Employment. Through its many important programs, CRRC has provided employment for up to 35 Native people in the Chugach Region annually – an area that faces high levels of unemployment – through programs that conserve and restore our natural resources.

An investment in CRRC has been translated into real economic opportunities, savings and community investments that have a great impact on the Chugach region. Our employees are able to earn a living to support their families, thereby removing them from the rolls of people needing state and federal support. In turn, they are able to reinvest in the community, supporting the employment and opportunities of other families. Our programs, as well, support future

economic and commercial opportunities for the region – protecting and developing our shellfish and other natural resources.

Programs. CRRC has leveraged its $350,000 from BIA into almost $2 million annually to support its several community-based programs. Specifically, the $350,000 base funding allowed CRRC to maintain core administrative operations, and seek specific projects funding from sources such as the Administration for Native Americans, the *Exxon Valdez* Oil Spill Trustee Council, the State of Alaska, Bureau of Indian Affairs, U.S. Forest Service, U.S. Fish & Wildlife Service, and the U.S. Department of Education. This diverse funding pool has allowed CRRC to develop and operate several important programs that provide vital services, valuable products, and necessary employment and commercial opportunities. These programs include:

Alutiiq Pride Shellfish Hatchery. The Alutiiq Pride Shellfish Hatchery is the only shellfish hatchery in the State of Alaska. The 20,000 square foot shellfish hatchery is located in Seward, Alaska, and houses shellfish seed, brood stock and algae production facilities. Alutiiq Pride is undertaking a hatchery nursery operation, as well as grow-out operation research to adapt mariculture techniques for the Alaskan Shellfish industry. The Hatchery is also conducting scientific research on blue and red king crab as part of a larger federally-sponsored program. Alutiiq Pride has already been successful in culturing geoduck, oyster, littleneck clam, and razor clam species and is currently working on sea cucumbers. This research has the potential to dramatically increase commercial opportunities for the region in the future. The activities of Alutiiq Pride are especially important for this region considering it is the only shellfish hatchery in the state, and therefore the only organization in Alaska that can carry out this research and production.

Natural resource curriculum development. Partnering with the University of Alaska, Fairbanks, and the National Oceanic and Atmospheric Administration, CRRC is developing and implementing a model curriculum in natural resource management for Alaska Native students. This curriculum integrates traditional knowledge with Western science. The goal of the program is to encourage more Native students to pursue careers in the sciences. In addition, we are working with the Native American Fish & Wildlife Society and Tribes across the country (including Alaska) to develop a university level textbook to accompany these courses.

In addition, we are in the process of completing a K-12 Science Curriculum for Alaska students that integrates Indigenous knowledge with western science. This curriculum is being piloted in various villages in Alaska and a thorough evaluation process will ensure its success and mobility to other schools in Alaska.

Alaska Migratory Bird Co-Management Council. CRRC is a member of the Council responsible for setting regulations governing the spring harvest of migratory birds for Alaska Natives, as well as conducting harvest surveys and various research projects on migratory birds of conservation concern. Our participation in this state-wide body ensures the legal harvest of migratory birds by Indigenous subsistence hunters in the Chugach Region.

Statewide Subsistence Halibut Working Group – CRRC participates in this working group, ensuring the halibut resources are secured for subsistence purposes, and to conduct harvest surveys in the Chugach Region.

We urge Congress to sustain the $350,000 included in the BIA's FY 2013 budget for CRRC. We appreciate the opportunity to submit this important testimony.

Mr. SIMPSON. Thank you, Patty.
Dan.

WEDNESDAY, MARCH 28, 2012.

YUKON-KUSKOKWIM HEALTH CORPORATION

WITNESS

DAN WINKELMAN

Mr. WINKELMAN. Good morning, Mr. Chairman and members of the subcommittee.

The Yukon-Kuskokwim Health Corporation is a consortium of 58 tribes and has been contracting with the Indian Health Service for over 20 years. Today in remote western Alaska YKHC's budget is over $150 million, and we have 1,500 employees who provides comprehensive health services as Representative Young said to about 30,000 residents, mostly Yupik Eskimo, some Deg Hit'an Indian, which is what I am.

Our region is a roadless area nearly as large as your state, Mr. Chairman, where our annual per capita income is around $11,269. Our unemployment rate in our villages is over 20 percent according to the State of Alaska and over 30 percent live in poverty. In our main hub, the city of Bethel, our gas has been $6.15 a gallon since last fall. If you go farther out into our villages, it ranges from 7 to $8 a gallon. We are expecting a large price increase this spring when the next barge full of gas comes in.

Many homes in our region are without piped water and sewer, and approximately 6,000 homes in rural Alaska are without safe drinking water. Over the last 10 years as the cost of fuel has increased, the airfare has increased dramatically for patients that go to and from our villages to our Bethel Hospital for a higher level of care to treat their illnesses. A good example is if you are a Kolik man living, which Kolik is a village which is near the Bering Sea coast, and if you need to get to the hospital, you would have to get on a small single-engine plane, ride for a half an hour to the village of Emmonak, and in Emmonak you would transfer there, that is near the mouth of the Yukon River, like I said, and go from there to Bethel, and that is another hour and a half journey.

Current costs of that is $690 round trip. You can just imagine that if you are from a large area where a lot of people live in poverty, that is very tough to do to try to get access to healthcare.

It is against this sort of backdrop that we have been delivering healthcare in our region, and as we all know, in the Cherokee Nation case versus Leavitt, a unanimous Supreme Court reaffirmed the government's legal obligation to pay full contract support costs, and they base that upon, first, it is the statutory duties and also the contractual duties. Yet 24 years after this Congress passed full contract support cost legislation to tribes and 7 years after the Cherokee Nation case that reaffirmed those obligations, tribes have yet to receive full contract support costs.

So why are tribes the only group of federal contractors not paid full contract support costs when it is mandated by both law and contract and, in fact, this committee last year directed the agency,

the Service, and the Bureau to both submit their full contract support costs payments in this year's proposed budget.

Why? Well, indeed, even the U.S. Supreme Court wondered why when in Cherokee Nation, its decision, it listed several ways that the Federal Government could avoid breaking its contractual promise to pay full contract support costs to tribes. The Court said, and I quote, "We recognize the agencies may sometimes find that they must spend unrestricted appropriated funds to satisfy needs they believe more important than fulfilling a contractual obligation. But the law normally expects the government to avoid such situations. For example, by seeking added funding from Congress."

Yet, the Indian Health Service in its proposed fiscal year 2013, budget did not even come close to fully funding contract support costs when there is a $100 million shortfall. They only requested $5 million. Why?

The impact was described by September 28, 2011, bipartisan letter sent from nine U.S. Senators to President Barack Obama, "When these fixed costs are not paid, tribes are compelled to divert resources by leaving positions vacant in the contracted programs serving their members in order to make up the difference."

That is certainly true. YKHC's year end fiscal year 2011 shortfall, it consisted of $3.6 million. These shortfalls directly affect the ability of tribal health organizations and tribes to provide healthcare to their members and to reduce, most importantly, health disparities within our regions.

This is really important because the cancer mortality rate where I come from in my region is 26 percent higher than it is for whites. While in America cancer rates are decreasing, in Alaska it is increasing dramatically, and in fact, is the leading cause of death for Alaskan native women.

Just as disturbing as our suicide rate. We are nearly four times higher than the national average, and if you look at 15 to 19 year olds in our region in the YK Delta, it is a staggering 17 times the national average.

Even though our region is nearly as large as your state, Mr. Chairman, our genuine interactions, that is what we cherish. We cherish our people, our friends, and we know most everyone, even though it is a very large region.

Others speak with numbers and statistics, but with us what is important are those friendships. To us essentially they are not just statistics, but they real people, real people with names like my mother, Louise, my aunties Katherine and Nora, my uncles, Benny, Gilbert, and Adolph. Personally I stopped counting when I was preparing my testimony at ten people in my family that passed away from cancer. I stopped counting at five people from my family that committed suicide. These are staggering numbers, and unfortunately, unless you are an Alaska native, it is hard to understand that, and what is probably more tragic is that within our communities that almost becomes normal or expected.

Ultimately receiving full contract support costs is not just about money. It is about being able as a health corporation that is made up of tribes or a tribe, it is about being able to direct those resources and come up with a program to help reduce those disparities. It is about portable mammography machines and being able

to take those and deploy those out to our villages and being able to detect breast cancers early in stage one when our survival rates are much higher versus later stages. It is about the ability of developing a behavioral health initiative and deploying that to a village and being able to combat those suicides and help save a teenager's life.

Unfortunately, it is too late for my mother, Louise, and my aunties and my uncles, but it is not too late for the 30,000 other residents of the YK Delta and the rest of Indian Country.

Thank you.

[The statement of Dan Winkelman follows:]

YUKON-KUSKOKWIM HEALTH CORPORATION
"Working Together to Achieve Excellent Health"

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
"AMERICAN INDIAN/ALASKA NATIVE ISSUES"

TESTIMONY OF:

DAN WINKELMAN

VICE PRESIDENT FOR ADMINISTRATION & GENERAL COUNSEL
ON BEHALF OF
THE YUKON-KUSKOKWIM HEALTH CORPORATION
BETHEL, ALASKA

March 28, 2012

"FULLY FUNDING CONTRACT SUPPORT COSTS WILL REDUCE HEALTH DISPARITIES"

Good morning Mr. Chairman and members of the Committee:

I. INTRODUCTION

The Yukon-Kuskokwim Health Corporation (YKHC) has been contracting with the Indian Health Service (IHS) to provide health care services for over twenty years. Today in remote Western Alaska, YKHC's budget is over $150 million and provides comprehensive health care to approximately 30,000 people, largely Yupik Eskimo. Our region is a road less area nearly as large as the State of Idaho, where our per capita income is $11,269. Our unemployment rate in our villages is over 20%, and over 30% live in poverty. In our main hub city of Bethel gas is $6.15 per gallon, and in our villages it is $7-8 per gallon, the same price we pay for a gallon of milk. Many homes in our region are without piped water and sewer and over 6,000 homes in rural Alaska do not have safe drinking water.

Over the last 10 years, as the cost of fuel has increased, airfare has increased dramatically for patients to and from our villages for referrals to the Bethel Hospital. An everyday example would be a patient from the Bering Sea coast. A Kotlik man leaves early morning with a small single-engine plane. After a half-hour trip to Emmonak located near the mouth of the Yukon River, transfer would commence to another small airplane for another hour and a half to Bethel. The round-trip ticket is $690. For a patient who routinely requires access to health care, this $690 becomes more and more difficult to do.

We are faced with an extraordinary challenge. In comparing YKHC's high energy, food, personnel and other reasonable costs against an IHS appropriation that is approximately 56% of

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the level of funding needed and does not provide for mandatory medical inflation costs, nor population increases, nor full contract support costs . . . providing health care for our 58 tribes is a daily struggle.

II. DISCUSSION

As we all know, Public Law 93-638 requires Tribes to be paid in full for the contract support costs which they incur to administer contracts and compacts like YKHC's. The contracts and compacts themselves also contain similar language and promises.

A. IHS made a Contractual Promise with Tribes, so why doesn't IHS Request Congress to Fully Fund Contract Support Costs to Tribes when it is Mandated by Law?

In Cherokee Nation v. Leavitt,[1] a unanimous U.S. Supreme Court reaffirmed the government's legal obligation to pay full contract support costs based upon its statutory and contractual duties. Yet 24 years after Congress mandated full contract support costs to Tribes and 7 years after the Cherokee decision, Tribes have yet to receive full contract support costs to administer health care to their members. So why are Tribes the only group of federal contractors not paid full contract support costs when payment is mandated by both law and contract?

Indeed, even the U.S. Supreme Court wondered why when in its Cherokee decision it listed numerous ways the federal government could avoid breaking its contractual promise to pay full contract support costs to Tribes.[2] The Court said:

> We recognize that agencies may sometimes find that they must spend unrestricted appropriated funds to satisfy needs they believe more important than fulfilling a contractual obligation. But the law normally expects the Government to avoid such situations, for example, . . . by seeking added funding from Congress . . . .[3]

Yet the Indian Health Service in its proposed fiscal year 2013 Budget did not even come close to fully funding contract support costs when it only requested $5 million to cover a projected $100 million shortfall. Why?

B. The Contract Support Cost Shortfall Penalizes Tribes for Exercising their Self-Governance Rights to Contract or Compact Programs, and it Negatively Impacts a Tribes' Ability to Reduce Health Disparities.

The contract support cost shortfall puts Tribes at a financial disadvantage when they exercise one of their most important rights of Self-Governance, the delivery of quality health

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[1] Cherokee Nation of Oklahoma, et al. v. Michael O. Leavitt, et al., 543 U.S. 631 (Mar. 1, 2005) (hereinafter "Cherokee").
[2] Cherokee, 543 U.S. at 642-43 (the Court suggested four ways the Government could avoid breaking its contractual obligation to pay full contract support costs to Tribes, one of which was "by seeking added funding from Congress").
[3] Id. (emphasis added).

care. The shortfall becomes antithetical to the Indian Self-Determination Act's[4] general purposes by hindering the federal government's ability to be fully "committed to supporting and assisting Indian tribes in the development of strong and stable tribal governments, capable of administering quality programs and developing the economies of their respective communities."[5]

1. **The contract support cost shortfall penalizes Self-Governance Tribes for carrying out health care programs on behalf of the federal government.**

In a September 28, 2011 bipartisan letter from 9 U.S. Senators to President Obama, the Senators described how Tribes are impacted by cutting their already insufficiently funded health programs when Congress does not fully appropriate contract support costs[6]:

> When these fixed costs are not paid, Tribes are compelled to divert resources by leaving positions vacant in the contracted programs serving their members in order to make up the difference.[7]

The contract support cost shortfall for YKHC at the end of fiscal year 2011 was $3.6 million. This lack of vital funding leaves positions and programs vacant. It directly affects the ability of tribal organizations like YKHC to provide health care and thus, reduce health disparities within our region.

2. **Alaska Natives and American Indians suffer from worsening health disparities due, in part, to the lack of funding for full contract support costs and the historic chronic underfunding of IHS generally.**

The cancer mortality rate is approximately 26% higher in Alaska Natives than Whites. While cancer mortality for the rest of Americans is decreasing, it is increasing dramatically for Alaska Natives and is the leading cause of death for Alaska Native women.

Just as disturbing is our suicide rate. We are nearly 4 times higher than the national average. Our region's age-adjusted suicide rate for 15-19 year olds is a staggering 17 times the national average.

Even though our region is nearly as large as the State of Idaho, our size does not compare to our genuine person-to-person interactions. Others speak with numbers and statistics. To us, they are not just statistics, but real people with names. Like my mother Louise, my aunties Katherine and Nora, my uncle's Adolf, Gilbert and Benny . . . Personally I stopped counting at 10 family members who have passed on from cancer. I stopped counting at 5 family members who committed suicide. This story is all too common for Alaska Natives, so common, that it

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[4] Indian Self-Determination and Education Assistance Act, 25 U.S.C. §§ 450 et seq. (1975) (hereinafter "ISDA").
[5] ISDA, 25 U.S.C. § 450a(b) (Declaration of Policy).
[6] Sen.'s Begich, Murkowski, et al., Letter to Pres. Obama Requesting Full CSC Funding in FY2013 Budget p.1 (Sept. 28, 2011) (hereinafter "Bipartisan Letter").
[7] Bipartisan Letter at p.1.

numbs us and in a terrible way it becomes "normal" or "expected" within our Native communities.

Realization came very late for me. In college I learned that these health disparities were enormous, and in fact, not normal. The good news is that with the stroke of your pen, Congress, working together with Tribes, has the power to start decreasing these rates by paying Tribes their full contract support costs.

Ultimately, receiving full contract support costs is more than just additional money, for tribal organizations like YKHC, it means being able to direct resources to create or expand a health program that will systematically reduce rates for cancer, suicide and other health disparities.

It is the ability to buy a portable mammography machine and hire the necessary provider to perform those mammographies in our villages to detect breast cancers early in stage 1 when the 5 year survival rate is over 90% versus later stages with much poorer outcomes. It is the ability to hire and train a counselor to deploy a community wide behavioral health initiative in order to save a teenager from taking their own life.

III. CONCLUSION

YKHC sincerely appreciates the fiscal year 2010 and 2011 IHS Budgets that included historic increases in contract support costs, albeit not full funding. Nevertheless, Congress has the opportunity to build on those and the fiscal year 2012 Budget by fully funding contract support costs and more importantly, reduce health disparities of Alaska Natives and American Indians.

Unfortunately, it is too late for Louise, Katherine, Nora, Adolf, Gilbert and Benny, but not too late for our region's 30,000 residents and the rest of Indian Country.

Sincerely,

YUKON-KUSKOKWIM HEALTH CORP.

Dan Winkelman
VP for Administration & General Counsel

Mr. SIMPSON. Thank you, Dan. Appreciate it.
Marie.

WEDNESDAY, MARCH 28, 2012.

ARCTIC SLOPE NATIVE ASSOCIATION, LTD.

WITNESS

MARIE CARROLL

Ms. CARROLL. Good morning, Chairman Simpson and Ranking Member Moran and other distinguished members of the subcommittee. Thank you for the honor and opportunity to testify before you this morning regarding the fiscal year 2013, budget for the Indian Health Service.

My name is Marie, my Eskimo name is Cacom, Carroll. I am the President/CEO of the Arctic Slope Native Association, Limited, a tribal health organization based in Barrow, Alaska. I am an Inupiat from the northern-most tribe in the United States.

We operate the Samuel Simmonds Memorial Hospital under the Self-Determination Act through Title V 630 Compact with the IHS. We provide health and social services to eight villages spread across the region the size of the State of Minnesota.

I am here to provide testimony about the staffing package for our hospital project to replace our 49-year-old hospital, which was constructed in 1963. In partnership with IHS, ASNA is constructing the replacement regional hospital through a Title V agreement.

I am pleased to report to you that our hospital construction project is on budget and is the first hospital project of its size to be constructed by a tribal health organization under Title V. We anticipate that ASNA and IHS will begin the acceptance and commissioning process at the end of this year, 2012. ASNA plans to move from the old facility to our replacement hospital between April and July of next year in 2013.

The main purpose of my testimony today is to address the exclusion of our staffing package from the President's fiscal year 2013 budget. IHS has told ASNA that they did not recommend the staffing package for fiscal year 2013, because of the uncertainty of full funding for a construction budget in fiscal year 2012. Thanks to you and your colleagues Congress gave us full funding for fiscal year 2012, which has kept our project on time and on budget, a significant accomplishment in the arctic environment.

This brings me to the conclusion of my testimony. ASNA has been responsible in carrying out the Title V Construction Agreement, and we are now without a staffing package to bring our replacement hospital online in the second quarter of 2013.

On behalf of ASNA I am here to request that you fund our staffing package for the portion of the fiscal year in which our replacement hospital will be operational, because our staffing package is approximately $1.1 million per month. The total amount we would need in fiscal year 2013 budget is $6.6 million.

We are grateful for the new facility that will benefit not only the Alaskan native people who reside in the Arctic but also everyone who lives or visits our region because we operate the only hospital

north of the Brooks Range, and from the east to the western village of Point Hope, approximately 650 air miles in our region.

We have only six exam rooms today in our existing hospital, which was designed to serve a population of 2,133 people. Today our service population is more than 15,000. That includes non-tribal people and growing. We are expecting more visitors beginning this summer from the Coast Guard and Shell Oil, who has been permitted to drill in the Chukchi Sea.

Now more than ever there is a greater sense of urgency to meet the needs of our growing service population, and in my language we end our public statements by simply saying cleon nokbuck, meaning thank you very much.

So please do not hesitate to call me if you ever have an opportunity to visit our part of the world. Thanks, again, for this opportunity to testify.

[The statement of Marie Carroll follows:]

Mr Chairman-

Thank you for the opportunity to testify today. My name is Marie Carroll and I am from the Northern Inupiat tribe and the President/CEO of the Arctic Slope Native Association and Samuel Simmonds Memorial Hospital located in my home of Barrow, Alaska.

Our hospital serves a geographic area larger than 40 of the 50 states with a service population of more than 15,000 people. The next closest hospital, pharmacy, or physician's office is more than 400 air miles away in Fairbanks. Our current service population is significantly greater than the service population of 2,133 in 1964 when our current hospital was built.

I want to thank you for recognizing this need and helping us with the funding to build a new hospital. It is the first Title V hospital construction project of its size in the nation and I am glad to report to you that our hospital construction project is on time and on budget. Our commissioning date for the facility remains the same as it did at the beginning of construction-this December-a short 9 months away.

Once the building is commissioned we plan to immediately make the transition into the new facility and begin operations in April of 2013-a year from now. However, in order for us to being operations in fiscal year 2013 we need to have our staffing package funded. When the FY13 staffing package was developed the funds for construction were in jeopardy and the potential delay would have increased the cost of the construction significantly along with the opening of the hospital. Thankfully the funds to complete construction came through allowing us to stay on track with construction and keep the timeline in place. However, the delay did result in our staffing package not being funded in the President's budget.

We respectfully request that our staffing package along with those in the President's budget be fully funded for the portion of the fiscal year that the facilities are operational.

In closing, I would like to invite you to our commissioning ceremony in December and for those that believe that it may be too cold and dark, I would invite you to come to our Grand opening in April. Thank you.

Staffing Package Talking Points

SSMH serves the North Slope Borough, an area of 94,000 square miles (only 10 states in the US are geographically larger than the NSB (Netstate.com)) with a permanent population of 6770 and another working population of 9842 who are included in the service population because they spend more than 50% of the calendar year in the NSB working in the oil fields. The total annual service population exceeds 15,000 and the total number of employees in the NSB oilfields is over 20,000 annually. (KPMG).

The current SSMH was opened in 1964 and served a user population of 2133 in the area now considered to be the North Slope Borough (US Census Bureau). The user population is now more than 15,000, more than a 700% increase.

Barrow had a population of 1314 in 1960 (US Census Barrow Population in 1960); the Barrow population has increased by more than 300%.

The current SSMH building opened in 1964 with approximately 25,000 sq ft of space and one physician, no dentists, 1 pharmacist, and several nurses and health aides. Today SSMH employees 8 full time physicians, 4 dentists, 4 pharmacists, 28 nurses, and many support staff including those in radiology, lab, technology, medical records, case management, registration, facility maintenance, and administration. Patient services are still provided at the same SSMH facility building.

The need for healthcare services has increased significantly over the past 30 years from less than 10,000 patient encounters/visits in 1980 to 30,000 in 2011. The number of local child births has increased from less than 20 in 1980 to over 60 in 2011.

Both the number of medevacs and the cost of medevacs have increased significantly over the years. In 2011 the average cost of a Barrow to Anchorage commercial medevac was $60,000 and the average cost of a commercial medevac from a village to Barrow was $20,000. There were approximately 400 medevacs from and/or to Barrow in 2011 (ANTHC, 2011). Due to the exorbitant cost of medevacs the NSB started a medevac program to provide the needed service to as many as possible.

The new hospital building will be commissioned in December 2012 and is over 100,000 square feet; more than 4 times the size of the current facility.

The new facility will not only be the only hospital in over 500 miles, but also house the only pharmacy, optometry, physical therapy, dental, and lab services in over 500 miles. Due to the cost of transportation for healthcare services, new healthcare services will be added at the new facility which will include: physical therapy, CT Scan, Rx infusion, enhanced laboratory tests, optometry, oral surgery facilities, digital cancer screening capabilities, and room for increased specialty clinics.

Currently there are approximately 130 FTEs involved in providing healthcare services. Indian Health Services has determined that 256 FTEs are needed to provide the number of local healthcare services that are needed to the current user population. However, this does not include any adjustments for future population growth.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Fiscal Year

2013

Indian Health Service

Justification of Estimates for Appropriations Committees

Overview of Indian Health Service Budget Request

Tribal Consultation – Tribal consultation is fundamental to the IHS budget process, and at its core are the priorities and recommendations developed by Tribes through an annual budget formulation process. The IHS budget request incorporates Tribal priorities and recommendations.

Summary of Request – The FY 2013 President's Budget request for IHS is $4.422 billion, an increase of $115.9 million over the FY 2012 enacted level. The request includes funds to support activities identified by the Tribes as budget priorities including increasing resources for the Contract Health Services program; funding contract support costs shortfall; addressing essential health information technology activities; and providing routine facility maintenance. Overall, the budget request addresses the need to sustain the Indian health system, expand access to care, and continue to improve oversight and accountability in key administrative areas. Specifically, this request includes the following:

CURRENT SERVICES (+$85.6 million)

Federal Commissioned Officer Pay Costs (+$2.4 million)
The budget request projects a 1.7 percent pay raise for Commissioned Officers.

Inflation for Contract Health Services (+$34.0 million)
Inflationary costs help maintain the current level of services and offset the rising cost in providing health care. The $34 million is the calculated need to address a 3.6 percent medical inflation rate for the Contract Health Services program.

Staffing and Operating Costs for New Facilities (+$49.2 million)
This request will fund the staffing and operating costs for six newly constructed Health Centers scheduled to open in FY 2013, including three Joint Venture projects. In addition, the request will complete the funding requirements to staff and operate two Joint Venture projects scheduled to open in FY 2012.

PROGRAM INCREASES / DECREASES (+$30.3 million)

Contract Health Services (+$20 million)
The increase will provide additional health care services for the AI/AN population by purchasing approximately 848 inpatient admissions, 31,705 outpatient visits and 1,116 one-way transportation services. Contract Health Services (CHS) funds are necessary to purchase health care services where direct IHS and Tribal health care is non-existent or unavailable and supplemental funds are needed to provide comprehensive care.

Health Information Technology (HIT) – ICD-10 and Electronic Dental Record (+$6 million)
The largest portion of the Agency's major IT investments is its HIT systems, which are a critical and necessary component for the delivery of patient care services at the numerous IHS and Tribal hospitals and ambulatory clinics, and Urban Indian Health Programs serving 2.1 million American Indians and Alaska Natives. The HIT systems capture patient and performance data for statistical reporting and decision-making, and comprise the billing and collection system for third party reimbursements. The $6 million HIT increase will support mandatory ICD-10 (International Classification of Diseases) implementation and provide $1 million in support for the Electronic Dental Record (EDR) program. These increases for HIT and EDR will allow

INDIAN HEALTH SERVICE

STAFFING AND OPERATING COSTS FOR NEW / EXPANDED FACILITIES -- Estimates

FY 2013 Request

(Dollars in Thousands)

rev 5-20-11 rev 5-20-11

	Ardmore, OK Chickasaw Nation Health Clinic Joint Venture (Part II)		Vinita, OK Cherokee Nation Health Center Joint Venture (Part II)		Tishomingo, OK Chickasaw Nation Health Clinic Joint Venture		Wasilla, AK Southcentral Foundation Valley Primary Care Ctr Joint Venture		Fairbanks, AK Tanana Chief Conference Interior Health Center Joint Venture		Nome, AK Norton Sound Regional Hospital (Replacement)		TOTAL	
Opening Date (cal. yr):	Oct 2012		Oct 2012		Feb 2013		Oct 2012		Dec 2012		Oct 2012			
Percent Funded incl this request:	100%		100%		67%		50%		35%		50%			
Sub Sub Activity	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	Amount	Pos	AMOUNT
Hospitals & Health Clinics	55	$5,388	17	$1,638	32	$3,181	62	$8,631	40	$5,517	59	$7,606	265	$31,961
Dental Health	12	$1,143	5	$508	5	$513	13	$1,593	7	$882	8	$950	50	$5,589
Mental Health	6	$559	1	$94	4	$376	7	$841	3	$343	3	$300	24	$2,513
Alcohol & Substance Abuse	3	$273	1	$91	2	$183	3	$285	1	$126	1	$96	11	$1,054
Total, Clinical Services	76	$7,363	24	$2,331	43	$4,253	85	$11,350	51	$6,868	71	$8,952	350	$41,117
Public Health Nursing	6	$720	1	$121	4	$486	7	$969	2	$356	4	$500	24	$3,152
Health Education	1	$91	0	$0	1	$61	1	$114	1	$77	1	$48	5	$391
Comm. Health Representatives	0	$0	2	$120	0	$0	0	$0	0	$0	0	$0	2	$120
Total, Preventive Health	7	$811	3	$241	5	$547	8	$1,083	3	$433	5	$548	31	$3,663
Total, Services	83	$8,174	27	$2,572	48	$4,800	93	$12,433	54	$7,301	76	$9,500	381	$44,780
Facilities Support	4	$774	1	$220	3	$541	4	$1,029	2	$582	3	$855	17	$4,001
Environmental Health Support									1	$191	2	$264	3	$455
Total, FEHS	4	$774	1	$220	3	$541	4	$1,029	3	$773	5	$1,119	20	$4,456
Total, Facilities	4	$774	1	$220	3	$541	4	$1,029	3	$773	5	$1,119	20	$4,456
Grand Total [1]	**87**	**$8,948**	**28**	**$2,792**	**51**	**$5,341**	**97**	**$13,462**	**57**	**$8,074**	**81**	**$10,619**	**401**	**$49,236**

[1] Includes utilities

Mr. SIMPSON. Thank you, Marie.
Gloria, good to see you again.
Ms. O'NEILL. Good to see you, too.

WEDNESDAY, MARCH 28, 2012.

COOK INLET TRIBAL COUNCIL

WITNESS

GLORIA O'NEILL

Ms. O'NEILL. Thank you, Mr. Chairman and members of the subcommittee. Again, my name is Gloria O'Neill, and I serve as President and CEO of Cook Inlet Tribal Council. CITC is an Alaska Native tribal non-profit organization which serves as the primary education and workforce development center for native people in Anchorage. CITC builds human capacity by partnering with individuals to establish and achieve both educational and employment goals that result in lasting, positive change for themselves, their families, and their communities.

CITC serves Alaska Native and American Indian people primarily in the south central Alaska area, which includes Alaska's most urbanized and populated communities. It is home to an Alaska Native/American Indian population of more than 40,000, constitutes 40 percent of the native people of the State of Alaska, and Anchorage is the fourth largest native community in the Nation. CITC's programs address many of the social, economic, and educational challenges faced by Alaska Native people. For example, Alaska Native students are twice as likely to drop out as their non-Native peers, 33 percent of Alaska's unemployed are Alaska Native people, and almost 20 percent of Alaskan Native people have incomes below the federal poverty line, nearly three times the rate of non-Native people.

So how do we successfully as native communities address these disparities? An effective and proven tool available to Native American people in responding to community and social issues is the Indian Employment Training and Related Services Demonstration Act or the 477 Program, administered by the Department of the Interior. The law allows the consolidation of funding streams from the U.S. Departments of Interior, Health and Human Services, and Labor into a single employment and training program and report. And on a national level the 62 travel grantees in consortia of 477 Programs serve 267 tribes out of 545 tribes. So this is big impact.

So how does 477 work at CITC? The 477 Program allows CITC to increase effectiveness and innovation and eliminate inefficiency and maximize program outcomes while adhering to the strictest government accountability standards. CITC provides a comprehensive, integrated service delivery model to assist Native job seekers, combining DOL, DOI, and HHS funding.

A key component is our Tribal TANF Program, which is based on a philosophy of self-sufficiency. CITC has transitioned over 2,270 TANF recipients from welfare to work in the past 5 years, with an average hourly wage of a little over $11.50.

And efficiencies gained within the TANF Program resulted in a 5-year savings of $7.1 million. These savings that have been re-invested in supporting participants and their self-sufficiency efforts.

Over the past 5 years 477-related Programs in our organization have provided 8,257 jobseekers with career coaching, training, and job search assistance, of which nearly 5,500 were placed in jobs, so 65 percent. The average hourly wage of a jobseeker coming into CITC for services increased from $9.95 an hour to $17.23 an hour.

Again, CITC has demonstrated that the 477 Program is very successful in connecting people to long-term, meaningful jobs.

In short, the 477 Program is a win-win for the federal funders and CITC, since it eliminates wasteful inefficiency, while maximizing program outcomes. In addition to being successful on the ground, the 477 Program is fully accountable. It achieved the highest Office of Management and Budget rating in Indian Affairs. These programs provide tribes, tribal organizations the ability to leverage their federal job training and job placement funding for DOI, HHS, and DOL, including TANF, Childcare, and other programs.

And as a result, 2012, 477 National Report shows that tribal programs served over 41,000 people, of whom only 4 percent did not complete their objectives. More importantly, of those who obtained employment, adults gained $9.25 per hour, youth gained $6.40 per hour, and people on Cash Assistance gained $7.60 per hour.

As you can see, the 477 Program is critical to our effectiveness, especially in this environment of shrinking federal dollars.

So this committee has been very responsive to the tribal concerns and supportive of the 477 Program, and we are grateful that your action last year resulted in considerable momentum to resolve agency issues regarding 477 implementation. We continue to meet in good faith with the agencies but have not reached a solution. In spite of our progress in our meetings, we still struggle with the agency's fundamental acceptance of the flexibility of 477, that 477 offers, and the spirit of the law.

First, we request permanent suspension of the 2009, OMB Circular A–133, and any similar requirements to account by funding source number.

Second, we request written assurance that 477 funding will permanently be transferred through 638 contracts and self-governance compacts.

Third, we request that the subcommittee reintroduce Section 430, the language about 477 that was offered last year and add the following paragraph to read to clarify the intent of the program, and that is, "all funds transferred under an approved Public Law 102–477 Plan may be reallocated and re-budgeted by the Indian tribe or tribal organization to best meet the employment, training, and related needs of the local community served by the Indian tribe or tribal organization."

While working diligently and hopeful about the process, the National Tribal Work Group representatives remained concerned that in the absence of specific language, authorizing language, as provided in Section 430, with the requested addition, the spirit, the letter, and the opportunities of Public Law 102–477 law will be

subject to changes in implementation from Administration to Administration.

Thank you for your time and consideration.

[The statement of Gloria O'Neill follows:]

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
March 28, 2012
Native American and Alaska Natives Issues Hearing
Testimony by Gloria O'Neill, President and CEO, Cook Inlet Tribal Council

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Chairman Rehberg and Members of the Subcommittee, thank you for the opportunity to speak before you today. My name is Gloria O'Neill and I am the President and CEO of Cook Inlet Tribal Council (CITC), an Alaska Native tribal non-profit organization which serves as the primary education and workforce development center for Native people in Anchorage. CITC has been designated tribal authority through Cook Inlet Region Inc., organized through the Alaska Native Claims Settlement Act and recognized under Section 4(b) of the Indian Self-Determination Act and Education Assistance Act, P.L. 93-638. CITC builds human capacity by partnering with individuals to establish and achieve both educational and employment goals that result in lasting, positive change for themselves, their families, and their communities. I am testifying about the importance of the PL 102-477 program (administered by the Office of Indian Energy and Economic Development) to innovative and effective implementation of Bureau of Indian Affairs job training and education programs.

Demographics and Expanding Service Population

CITC's programs serve Alaska Native and American Indian people in the Cook Inlet Region, which includes Alaska's most urbanized and populated communities, and is home to an Alaska Native/American Indian population of more than 40,000, approximately 40% of the Native population of the state of Alaska. In Anchorage alone, the Native population is approximately 22,000, about 20% of the total Native population in the state. Anchorage is the fourth largest Native community in the nation. CITC's programs address many of the social, economic, and educational challenges faced by Alaska Native people. For example, Alaska Native students are *twice as likely* to drop out as their non-Native peers; 33% of Alaska's unemployed are Alaska Native people, and almost 20% of Alaska Native people have incomes below the federal poverty line – nearly three times the rate of non-Native people.

In-migration from rural, largely Alaska Native communities to the urban areas in the Cook Inlet Region is accelerating as Alaska Native people find it increasingly difficult to make a living in rural Alaska. 59% of CITC's participants have been in Anchorage for five years or less; and employment, training, and education are frequently cited as reasons for moving to Anchorage. In contrast, the current Bureau of Indian Affairs funding formula for CITC is based on the population figure of 14,569 -- from the 1990 Census -- which leaves CITC with a funding shortfall to meet the needs of the 40,000 Alaska Native and American Indian people currently residing in our service region. CITC is able to create and maintain successful programs, despite this shortfall, due to flexibility granted by the 477 program that allows us to leverage our existing funding and maximize efficiencies.

Public Law 102-477 is Essential to Effective Service Provision

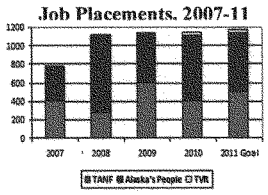
The Indian Employment Training and Related Services Demonstration Act, Pub. L. 102-477, as amended, 25 U.S.C. §§ 3401-3417 (or the "477 program"), administered by the Office of Indian Energy and Economic Development in the Department of the Interior, provides a critical foundation for maximizing the effectiveness of CITC's programs. The law allows the consolidation of funding streams from the U.S. Departments of Interior, Health and Human Services, and Labor into a single employment and training program. The 477 program enables flexibility on the part of the receiving organization to plan the programming to best fit the needs of the community and minimize administrative redundancy by merging reporting requirements, while still adhering to the Government Performance Results Act's stringent accountability standards.

CITC 477 Programs

The 477 Program is essential to the success of our program as it allows CITC to increase effectiveness and innovation, enhance interoperability, and eliminate inefficiency while maximizing program outcomes. The wrap-around services we provide include job training and placement, TANF, and child care. CITC's Employment & Training Services Department (ETSD) provides comprehensive services to assist Native job seekers. CITC's employment and training programs are based on the premise that effective solutions to workforce development require integrated approaches to ensuring job readiness, training, and placement. By working closely with state and federal programs, community and tribal non-profits, universities, vocational training centers, employers, and Native corporations, CITC is able to provide a wide array of training and employment assistance, coupled with supportive services, to help overcome many barriers to employment.

CITC is the sole provider of Tribal TANF in Anchorage, a key component of our 477 program. Our TANF program is built on an integrated service model that connects participants to the range of programs offered throughout CITC's departments. Through our integrated service model, CITC has reduced caseloads as well as effectively implemented TANF prevention. This is precisely the type of innovation and interoperability that would be impossible without the flexibility provided by the 477 program.

Furthermore, efficiencies gained within the TANF program resulted in a **5-year savings of $7.1 million** – savings that have been re-invested in supportive services and programs going directly to participants. 477 allows Tribes and Tribal entities (e.g. CITC) to administer federally funded employment and job training programs as a single program, with a single budget and single set of reporting requirement. **CITC relies on the 477 program to provide our people more effective and integrated services while reducing costly administrative redundancy.**



Over the Past 5 Years CITC 477-supported Programs Have:

- Provided **8,257** job seekers with career coaching, training and job search assistance; **5,403** (65%) of

these individuals were placed in jobs. In 2010, the average hourly wage (AHW) of a job seeker coming to CITC for services was **$9.95** – upon leaving CITC their AHW was **$17.23.**

- Transitioned **2,270** TANF recipients from welfare to work, with an AHW of **$11.53**.
- Provided training opportunities and job placement in critical employment sectors, including: **Customer Service/Retail Management** (AHW $11.01); **Driver's Education** (AHW $14.16) and CDL Driver's Certification (AHW $16) **Union Apprenticeship** (AHW $number needed); **Weatherization Training** (AHW $14.77 - $22.15); **Healthcare: CNA, LPN, RN, Medical Coding** (AHW $13.79)

We are proud of the effective programs that we provide and the success that our participants enjoy. The 477 program is critical to our effectiveness, especially in this environment of shrinking funding sources.

Subcommittee Support for 477

Last year the Tribes sought assistance from this Committee regarding two problematic changes the agencies proposed to the administration of the 477 program that would significantly undermine its success: 1) ending the practice of transferring 477 program funds to participating Tribes and Tribal organizations through PL 93-638 contracts or Self-Governance agreements, as authorized by the Indian Self-Determination and Education Assistance Act (ISDEAA); and 2), a new requirement that 477 Tribes and Tribal organizations report their 477 expenditures separately by funding source number for audit purposes.

This Committee has been very responsive to the Tribes' concerns and supportive of the 477 program. The House/Senate Appropriations conferees on the FY 2012 Interior Appropriations bill instructed the federal agencies to engage in consultations with the 477 Tribes and Tribal organizations to reach consensus on the transfer and reporting of funds administered by Tribes through program plans adopted by Tribes and approved by the Department of the Interior under the 477 program.

The federal agencies and 477 Tribes agreed to try to resolve their differences over these issues, which led to the formation of the P.L. 102-477 Administrative Flexibility Work Group. This group has met weekly and included policy and program representatives from the Departments of the Interior (DOI), which administers the 477 program, Health and Human Services (HHS), Labor (DOL) and the Office of Management and Budget (OMB), as well as representatives from 10 affected Tribes and Tribal organizations. In the meantime, the agencies agreed to temporarily allow funds to continue to be transferred through ISDEAA and have suspended the reporting requirements instituted in the March 2009 OMB Circular. The agencies and Tribes have moved toward consensus in some general areas:

First, the agencies and Tribal representatives agree in principal that the 477 program is one provided for Tribes by virtue of their status as Indians. Its targeted purpose is to facilitate employment opportunities for Indian youth and adults, as well as to encourage Tribal self-sufficiency consistent with self-determination principles. The 477 program is structured so that

Tribal program plans, as authorized under the 477 Act, are approved and administered by DOI Indian Affairs, and thus can be funded through ISDEAA.

Second, the both sides have agreed in principal that the 477 Act authorizes Tribes to develop 477 program plans to integrate services and expenditures from various agency programs in a single, coordinated, comprehensive Tribal program plan with a single budget and a single annual report delivered to the Department of the Interior. The current reporting system includes OMB-approved statistical, narrative, and financial reporting forms. The federal agencies have identified limited additional reporting information required by law but not currently reported in the consolidated reports provided annually to the Department of the Interior. Discussion is ongoing as to what, if any, additional information needs to be included in the statistical, narrative, and financial reports.

In spite of this progress, it has become clear that the agencies continue to question one of the fundamental purposes of the 477 program—to allow tribes and tribal organizations to reallocate their funds within their approved 477 program in order to address local issues and programmatic needs in the most effective manner. From our perspective, giving this authority and responsibility to tribes to meet their own needs is exactly the point and strength of the 477 program. It is precisely this flexibility that has allowed us to be so successful. **In addition, the Tribal representatives have requested, but not received, written confirmation that this funding mechanism will continue without restriction and be available for new programs coming into the 477 program in the future. Finally, the Tribes continue to request that the 2009 OMB Circular A-133 be permanently suspended or rescinded.**

Given this disagreement of fundamental principle, we urge the Subcommittee to remain involved in this issue and supportive of the 477 program. Specifically, we request that the subcommittee maintain Section 430, the language on 477 that was included in the bill last year, and amend to clarify the intent of the program by adding following language:

(3) all funds transferred under an approved Public Law 102-477 plan may be reallocated and rebudgeted by the Indian tribe or tribal organization to best meet the employment, training and related needs of the local community served by the Indian tribe or tribal organization.

Conclusion

Mr. Chairman, CITC, as a 477 Tribal organization is grateful for this subcommittee's interest in and support for the 477 program. This program is essential to our ability to meet the needs of our people in innovate and efficient ways that allow us to provide wrap around services designed on a model of integration and interoperabilty. The Tribal Work Group representatives remain concerned that, in the absence of specific legislative authorization as provided in Section 430 with the above addition, the spirit, the letter and the opportunities of the PL 102-477 law will be subject to changes in implementation from administration to administration.

Thank you for your time and consideration.

Mr. SIMPSON. Thank you, Gloria. I appreciate it very much. Edward.

WEDNESDAY, MARCH 28, 2012.

CENTRAL COUNCIL OF THE TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA

WITNESS

EDWARD K. THOMAS

Mr. THOMAS. Thank you, Mr. Chairman and distinguished members of the committee. My name is Ed Thomas. I am President of the Central Council out of Juno, Alaska, and I did tell Gloria to be short, so she was only 2 minutes over her time.

Mr. Chairman, I have been managing federal programs since 1976, which is a long time ago, and I have been involved in the federal budgeting process almost every year since then, and my biggest disappointment in that involvement is we keep building the Indian budgets based on previous year's budget as opposed to what the needs are.

I wanted to thank the members of the committee of the panel up here that pointed out the dramatic needs in Alaska, that the needs are very great. The unemployment rates are much higher in our rural Alaska than they are in this country, and as you know, when the unemployment rate grows above 10 percent, the public wanted to throw people out of Congress and get rid of the President. So if you multiply that by seven times, that is what it is in some of our villages here in the winter months.

So that is the gravity of the situation in our area, and I think that with the high rising cost of energy you are going to see the problems get worse because the budgets did not adjust to meet the needs of those people who are already in a poverty situation and now the high cost of energies are going to increase their cost of living even more.

Another problem that I talk about in my testimony is the problem of the way money is appropriated to the various departments. The Department of the Interior tries its best from their perspective to do a good job in allocating amongst the various bureaus, but if you look at the budget for the Department of the Interior since 2004, to 2012, you are going to see every one of those agencies getting more increases than went to the Bureau of Indian Affairs. The Bureau of Indian Affairs grew during that period of time by 8 percent. The Fish and Wildlife grew by 30 percent, Park Service by 27 percent, Geodetic Surveys by 18 percent, and BLM by 13 percent.

And, so, you know, as you look at the cutbacks that are inevitable and because of the need to cut back federal spending, you are going to find the Bureau is going to say, well, gee whiz, we are barely cutting you, we are tightening our belt. Well, there really should not be any cutting in the BIA until those agencies have been reduced down to the 2004 level plus their 4 percent or 8 percent, rather.

This is very important because as we go through this cycle of budget debates, I think you are going to see that those who have the strongest voice in Congress are going to be those that want to celebrate and the Park Service. You are going to see those agencies that are not dealing with people continuing to protect themselves because they have large public interest groups behind them.

I also talk about the indirect costs, and I appreciate the panel talking about the indirect cost problems. I will not go into it, but I want to just state that we are a Nation of laws, and indirect cost laws are there. We do our best to live by it, but they are never funded by the Administration in accordance with what is required by the law. And so it really is critical that we address that.

Now, I was honored last year to provide testimony to Congress, and there was an appropriations of just a little over $360,000 for Tlingit and Haida to make up some of that loss. Well, we did not get any of it. The reason being that when it went forth to the Administration, it was for shortfalls in BIA. Well, we did not have a shortfall in BIA. We had shortfalls in all of those other non-BIA programs, Head Start, Economic Development, and I can go down the list, but I do not have the time.

But I think that it is important to make sure that as we develop laws, that we develop them so that we can abide by them. What I mean by that, we are required to do an audit of our tribal operations, and indirect cost is set by the government, and so the government then should fund that percentage rate. There are a lot of ways to have lawyers talk around that, and that is what we have been doing for all these years, and it really has not done us any good. I did in my testimony provide some language that would help us address that.

One final note is that for years and decades and generations Indian programs have been non-partisan in nature, and I am an Independent. I am not a Democrat or Republican. But I must say that in this debate going on in Congress, we must get rid of the tax breaks of 2001 and amended in 2003. We cannot afford them. And why do I mention that? Because if we do not get more income, we are never going to be able to fund programs for the needy, whether it be Indian, or whether it be non-Indian. There just is not the resources there, because we have a couple wars going on, and we have the declining economy.

So, Mr. Chairman, with all due respect, I know that that is a hot budget item, a hot item around here, and I hope you do not hold it against the other Indians for my comments, but I guess it was——

Mr. SIMPSON. Thanks for——

Mr. THOMAS [continuing]. Important to state that as I walk out the door, and——

[The statement of Edward K. Thomas follows:]



Central Council Tlingit and Haida Indian Tribes of Alaska
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TESTIMONY OF THE HONORABLE EDWARD K. THOMAS, PRESIDENT
CENTRAL COUNCIL OF THE TLINGIT AND HAIDA INDIAN TRIBES OF ALASKA
ON THE FISCAL YEAR 2013 BUDGET REQUEST
HOUSE INTERIOR APPROPRIATIONS SUBCOMMITTEE
March 27-28, 2012

GREETINGS FROM ALASKA! My name is Edward K. Thomas. I am the elected President of the Central Council of the Tlingit and Haida Indian Tribes of Alaska (Tlingit Haida), a federally recognized Indian tribe of 27,000 tribal citizens. I am honored to provide this testimony on the very important matter of the FY 2013 federal appropriations legislation. I commend Congress, and especially this Committee, for holding this hearing and giving me, and other tribal leaders, an opportunity to provide you our perspective on the FY 2013 federal budgets on Native American programs. One of the most important legal principles in defining the relationship between the federal government and the Indian and Alaska Native Tribes is that of the fiduciary responsibility the United States has to Tribal governments. This hearing is very important in strengthening the federal government's Trust relationship to Tribal governments.

FUNDING NOT BASED ON NEEDS, WHICH ARE MUCH GREATER IN RURAL AREAS

I have been involved in managing federal programs since 1976 and find that the method of formulating federal budgets for the benefit of needy Native Americans is deficient and ineffective. Each year federal budgets are put together mostly based upon the previous year's funding,; totally disregarding the level of unmet needs in Indian Country. This leads to becomes a much bigger problem when it becomes necessary to reduce total federal funding.

Our nation's poverty level is at the highest level since 1993. 22 million or 1 in every 6 Americans lives in poverty; 22% of all American children live in poverty. The poverty levels are much higher in rural tribal communities. In rural Alaska, hHigher energy costs have compounded an already depressed economy in rural Alaska. The cost of living in certain parts of rural Alaska is nearly twice that of the average cost of living elsewhere in the United States. Electricity costs are often 4 to 5 times higher. Over the past decade funding for Native American programs has not even kept pace with national inflation rates let alone the dramatic inflationary costs in rural Alaska.

NON-BIA AGENCIES HAVE RECEIVED FUNDING PRIORITY IN INTERIOR DEPARTMENT

Between FY 2004 and 2012 the Bureau of Indian Affairs (BIA) budget grew 8%. Over that same period of time funding for non-BIA programs grew at a much greater rate: Fish & Wildlife by

30%; Park Services by 27%; Geodetic Surveys by 18%; and Bureau of Land Management by 13%. It stands to reason that funding to needy tribal communities could be increased if these non-BIA agencies were reduced to the 2004 funding levels plus 8%.

The single biggest factor that financially undermines Tribal Self-Determination and Self-Governance is the federal practice of underfunding or putting caps on indirect costs or Contract Support Cost (CSC). For the period between 2006 through 2009, the CSC shortfalls and underfunding have cost my Tribe a total of $2,651,088; or an average of $662,772 per year. While our people are grateful for the programs designed to help our needy Tribal citizens, we simply cannot afford to continue to pay this amount of money to manage these important contracts. My Tribal government provided $84,689,247 (an average of $21,172,300 per year) in contractual services to our needy Tribal citizens over that period of time. Simply put, the difference between the way indirect costs are calculated and the way they are paid by the United States creates an ever-tightening chokehold on my Tribe's ability to administer programs. If we follow the law and spend the administrative costs we are required to spend, federal law provides us less and less money to meet these federally-required expenditures. The more we spend, the less we get. The less we spend, the less we get. Both Congress and the federal agencies have caused this crisis. Together we can solve it.

TLINGIT HAIDA TRIBAL TRUST FUNDS PAY FOR FEDERAL RESPONSIBILITY

Federal law specifically states that a tribe who contracts for the management of a federal contract is entitled to the same administrative support as the federal government itself would have were it to retain the management of that contract. Appropriations legislation that underfunds contract support costs violates this provision of federal law and severely undermines the concept of tribal Self-determination.

Tlingit Haida diligently tries to abide by federal laws that set our indirect cost rates and to live within other federal appropriations laws that provide us much less than the federal government's own audits say we should collect from each agency to manage contracts for them. We were forced to pull the $2,651,088 shortfall in contract support costs over the past four years out of our modest Trust Fund earnings in order to meet the costs we were stuck with by the United States. We cannot continue to afford to pay for these federal responsibility costs going into the future. There are no gaming tribes in Alaska; the economy in rural Alaska is weak to non-existent; and unemployment rates in some of our villages often exceed 50%.

Our Tribal Trust Fund is what remains of a judgment fund provided to us in exchange for land taken by the United States from our Tribe. Our Tlingit Haida tribal government has a fiduciary responsibility to preserve the principal of this Tribal Trust Fund for future generations and the earnings of this fund that are so critical to maintaining essential governmental functions for our Tribe. It is not the purpose of our Tribal Trust Fund to use the interest it has earned to make up for sudden losses created by the United States. The choice we face each and every year is to either shutdown all of the vital services we provide our membership, shutter our offices, layoff employees, and pay for early termination of contracts, or dip deeper and deeper into our Tribal Trust Fund earnings to maintain operations. We have chosen to continue but we need your help in order for us to continue in providing essential services to our needy tribal citizens.

In addition to the diversion and diminishment of our Tribal Trust Fund earnings, the shortfall in BIA contract support funding has been felt throughout Tlingit Haida. As an immediate result of this shortfall which the CSC caps place on so many programs our Tribe is eligible to apply for, we have had to abstain from applying for some very important federally-funded programs that could be of tremendous help to mitigate the serious economic challenges facing our tribal communities. While businesses, other governments and government agencies saw benefit from the American Recovery and Reinvestment Act (ARRA), Tlingit Haida had to abstain from fully participating in available programs because of the 15% cap of administrative costs placed on those programs. We did accept one $1.5 million award for childcare assistance to supplement our "welfare to work" initiatives but this cost Tlingit Haida $330,000 of our own money, again, depleting our meager Tribal Trust Fund, to manage that federally-funded program.

INDIRECT COSTS ARE FIXED COST REQUIREMENTS

If indirect costs were not primarily "fixed" costs, the recurring problem of a shortfall in BIA contract support cost funding would, perhaps, be survivable. But most of our actual indirect costs are "fixed". For example, typically the most cost-effective way to acquire facility space or equipment is through a long-term lease with locked-in costs. Similarly, package deals for telephone and some forms of transportation offer significant cost savings over time. And obviously, the salary and benefit costs of accounting, administrative, and management staff must be treated as "fixed" or else we cannot hire or keep employees. When federal agencies do not send us 100% of the funds required by our federally-set indirect cost rate, we have a shortfall associated with our operation of BIA programs and something has to give.

We refer to tribal indirect cost funding as a "requirement" -- not a "need". They are requirements because they are derived from audits conducted by the National Business Center (NBC) on behalf of the federal government who sets rates that are used uniformly by all federal agencies with whom Tlingit Haida manages a contract or grant. The rates use actual expenditures from prior years to project costs in the future year. Once our federally-established indirect cost rate is set, federal law requires that our Tribe apply that federal rate uniformly to all the programs we administer. In other words, federal law requires us to spend money on administrative costs but will not let us charge all of that spending to the federal grants and contracts.

Another problem is that the Single Audit Act requires a tribal contractor's cognizant agency (e.g., Department of the Interior) to audit the indirect costs of the tribal contractor and establish an indirect cost rate that must be applied to all programs the tribal contractor administers. If that rate is 25%, and a program like Head Start caps administrative cost recovery from its funding at 15%, the law requires the tribal contractor to pay the difference from non-federal funds or through a rate increase the following year that will obtain a higher recovery from BIA's contract support cost fund in future years.

Let me be clear. We would spiral into complete financial disaster as a Tribe if we chose to not spend at the budgeted amounts. Failing to pay certain fixed costs would actually increase our costs (breaking leases, terminating employees, breaching contracts). Deferring certain costs to the following year aggravates the hardship of the shortfalls that cripple that year. The P.L. 93-638 language which supposedly protects Tribal contractors against theoretical under-recovery does work with respect to BIA funds, but historical underfunding of CSC has caused our Tribe

very serious difficulties in dealing with shortfalls in non-BIA programs for which we must, by law, use the same indirect cost rate. If in year one we don't spend uniformly on all programs, BIA and non-BIA alike, this will increase the approved rate for the following year because the amounts not collected from the agencies are available to add on to the CSC for the subsequent year. Higher indirect cost rates are no answer, given the uncertainty of future funding levels. Tlingit Haida, in our efforts to keep our CSC indirect cost rates lower has chosen not to carry all of those costs forward and so has had to pay the shortfalls out of non-federal sources. But Tlingit Haida, and many other tribes, have very few non-federal sources of funding. For these reasons, I ask your consideration of including the following bill language in the FY 2013 Interior appropriations law. It would provide flexibility to Tlingit Haida and other tribes caught by a crushing, unfunded federal mandate.

PROPOSED NEW FY 2013 BILL LANGUAGE

"Notwithstanding any other provision of law, including any otherwise applicable administrative cost limitations, any federal funds made available under this or any other appropriations act for fiscal year 2013 to an Indian tribe may, at the option of the Indian tribe, be applied to pay for up to 100% of the approved indirect costs associated with the administration by the Indian tribe of those funds, provided that such costs are calculated in conformity with the federally-determined indirect cost rate agreement of that Indian tribe and the relevant OMB circulars."

INTENT AND EFFECT OF BILL LANGUAGE

The proposed amendment is intended to apply a tribal contractor's uniform indirect cost rate established under the Single Audit Act to recover costs required by that uniform indirect cost rate from each federally-funded award or agreement without regard to any otherwise applicable administrative cost cap limitations otherwise governing those awards or agreements.

The proposed amendment would expand existing authority to permit a tribal contractor an additional tribal option -- it would provide tribal authority to use any federally-funded award to meet up to all of a tribe's approved indirect costs that are calculated in conformity with its federally-established indirect cost rate agreement and the relevant OMB circulars without regard to any otherwise applicable administrative cost cap limitations. This would not require any increase in overall federal funding. The funding level of each award would not be affected. It would simply extend flexibility to a tribal contractor to apply its federally-awarded funds to meet federally-required administrative costs. This would be a huge benefit to tribal contractors, like Tlingit Haida, who are providing services in high-cost areas with few or no financial resources other than federal awards and grants.

CONCLUSION

I very much understand the serious financial challenges facing the federal government. It is vitally important that there be a balanced approach in addressing federal budget deficits. Balancing our nation's budget on the backs of the programs serving the needy will not work. I thank you for the opportunity to share my views with you. I wish you well in your deliberations and I trust you will make the right decisions on the issues of grave concern to our people.

GUNALCHEESH! HOWA! THANK YOU!

Mr. SIMPSON. Thanks for bringing up that non-controversial subject. That is certainly an issue that is going to be faced by the coming Congress. I mean, we have got to reduce our deficit. I am one of those who happens to believe you have got to do everything to reform entitlement programs. You have got to control discretionary spending, and you have got to have more revenue. How you do that is what the debate today on the floor and tomorrow on the floor will be all about. So——

Mr. THOMAS. I will be happy to provide you some technical assistance.

Mr. SIMPSON. You mentioned writing laws that we can abide by. It is interesting to note that throughout all of the Federal government, the authorization is about three times what we actually spend. Everybody thinks that the Appropriations Committee is just willy-nilly going out and spending money, but the authorizers have actually authorized about three times the level of spending, and then we get criticized by the authorizers. So I do find that interesting. When you talk about contract support, and fully funding contract support, that is something this committee is committed to doing, and we actually thought we had done it last year. We had a debate with IHS about what fully funding it was. From what I have been told, the best scenario is to find out what is needed to fully fund contract support costs, and then be just barely below that, because if there is excess, if you have overfunded what contract support will fully cost, that money then cannot just be shifted to some other program. It goes back to Treasury. So in a limited budget, I do not want to put too much money in there, but I would like to come as close as I can. We have had a debate with IHS about how you find the correct numbers to fully fund contract support costs. We want to be as accurate as we can. We want to fully fund contract support costs, and we are going to continue to work to do that, so I appreciate your testimony.

Mr. WINKELMAN. Thank you, Mr. Chairman. You know, I just spoke with the director in Alaska, she was just there a few days ago, and she did bring up that point, that the agency would never be able to fund fully contract support. Well, they are not even close now.

Mr. SIMPSON. Yeah.

Mr. WINKELMAN. And I reminded her that for new and expended programs, all you have to do is budget for it, much like the Department of Defense does. It is my understanding that the Department of Defense and their Federal contractors, they budget for it a year ahead of time, and they propose it in their proposed budget. And that is how you would be able to fully fund contract support costs. All you have to do is budget for it. And, unfortunately, the shortfall is so large now, and I am more frustrated than you are, and this committee, because when I saw that $5 million, and now there is a projected number of $100 million, it is not even close. And it is in law, there has been a court case on it, and if they would just put the request in, then I would not have had to travel down here, and we would not have to talk about contract support.

Mr. SIMPSON. Do you not like being in Washington?

Mr. WINKELMAN. No, I love being in Washington, I really do, but it is in law. I mean, what else do we have to do?

Mr. SIMPSON. Yeah, I know. And we are going to, this committee, do everything we can to make sure that we find those resources to do it. Ms. McCollum?

Ms. MCCOLLUM. Mr. Chairman, in light of the hour, and the fact that there is a classified briefing at one o'clock, we have the information. My office will follow up with a couple of you with a little more, but I want to be able, to the best of my ability, to hear the next panel before I attend the classified briefing. Which they will not reschedule just for me.

Mr. SIMPSON. I know, I have got a bunch of interns out in the hallway that I have got to step out and take a picture with, so as the next panel is coming up, I will go take that picture, and Betty will start it, and then I will be right back in. I appreciate all of you being here. We will work on these issues as we try to address the upcoming budget. And I should say, to all of you from Alaska, we mentioned Don, and what a great representative he is, and what a great job he does for all of you. Also, the ranking member on the Interior Committee in the Senate is Senator Murkowski, and our staff have worked very closely with her and her staff in trying to address these issues. She is very influential, and does a great job for all of you too. The next panel.

Mr. WINKELMAN. Thank you.

Mr. SIMPSON. James Segura, Victor Joseph, Charles Clement, Selina Moose, yes, you are on this panel, and Lloyd Miller. If you would come up? And the first one to testify will be James. If you will start that? I will be right back in.

Ms. MCCOLLUM. I will wait until the door closes. Good afternoon and welcome. And James Segurna——

Mr. SEGURA. Segura.

Ms. MCCOLLUM [continuing]. Segura, Chairman of the Board at the Southcentral——

Mr. SEGURA. That is fine.

Ms. MCCOLLUM [continuing]. Foundation. If you would please lead off, sir? Thank you.

WEDNESDAY, MARCH 28, 2012.

SOUTHCENTRAL FOUNDATION

WITNESSES

JAMES SEGURA

Mr. SEGURA. Sure. It gets mispronounced a lot. My name is James Segura. I am Chairman of the Board for the Southcentral Foundation in Anchorage, Alaska. Southcentral Foundation is a tribal organization, and we have a self-government compact with the Indian Health Service. Under that compact, we carry out various IHS medical, dental, optometry, behavioral health, and substance abuse treatment service programs for over 45,000 Alaska Native and American Indian beneficiaries in and around Anchorage, plus another 13,000 people in 55 rural villages. Our service area is larger than the State of Oregon, and to do all this we employ over 1,400 people.

The first issue I need to discuss concerns our joint venture of contract. Three years ago Southcentral Foundation and the Indian Health Service entered into a binding joint venture contract. Under that contract, the SCF agreed to build a new 88,451 square foot primary care clinic in the Mat-Su Valley using borrowed funds from non-IHS sources. We have done our part, and we will receive our Certificate of Beneficial Occupancy for the Mat-Su Clinic on July 15 of this year.

In return, Indian Health Service agreed to pay to staff the facility at 85 percent of its designed capacity, which comes to $27 million. Indian Health Service commitment includes a commitment to request funding from Congress on the same basis as Indian Health Service requests funding for any other new facility. But something has gone terribly wrong, and it is probably due to budget pressures. Indian Health Service's budget only requests 50 percent of its staffing requirement for the clinic, or $13.5 million. This is a huge gap. If Indian Health Service does not cover the full $27 million cost of operating the clinic, SCF will be forced to reprogram other funds to make up for the difference.

We understand that there are budget pressures, but a deal is a deal. A contract is a contract. Before the administration requests discretionary increases, it needs to honor its contractual commitment to SCF. We did our part. The administration must do its part.

The second issue I need to discuss concerns our main contract with Indian Health Service. Once again, the President's budget does not call for full funding to reimburse the contract support costs we spend on these Federal programs. We are running the government's programs. We are incurring costs to run those programs. Costs like federally required audits, and Workers' Compensation Insurance. Our contract and the law says Indian Health Service must reimburse those out of the costs. The committee has said IHS must reimburse those out of the costs. But the budget does not allocate sufficient funds to pay all of the costs of all of the tribal contractors, like SCF.

Our best estimate is that the administration budget will mean a $99 million shortfall across all of the tribal contractors next year, yet the budget only requests a mere $5 million to cover these contract requirements. At Southcentral Foundation, we have no choice. These costs are fixed costs. They are audited costs that are set by the government. If Indian Health Service does not reimburse these costs, we at Southcentral Foundation have no choice but to cut positions, cut services, cut billings, and collections, cut medical care. It is as simple as that. Cutting contract support costs actually cuts our programs.

Last year this committee reiterated the binding nature of these contracts. It instructed the Indian Health Service and the BIA to fully fund all contract support cost requirements. The BIA has done this. Indian Health Service has not. So far as we can tell, no other contractors are treated this way. Only tribal contractors are treated this way. This has to stop.

In fiscal year 2013, Indian Health Service should pay its contract obligations in full. The contract support cost line item should be full funded at a minimum of $571 million. This way the Depart-

ment can finally honor these contracts in full. Remember, every tribe has contracts with Indian Health Service to run some Federal facility or program. Every tribe is hurt by the shortfalls, and every tribe will be helped if the shortfall is eliminated.

To summarize, before any other increases are considered, these contract obligations must be honored in full. Joint venture staff funding and contract support cost funding must be funded at 100 percent. Just as our contracts require, we have done our part. It is time for the government to do its part.

Thank you for granting me this opportunity to testify on behalf of the Southcentral Foundation and the 58,000 Native Americans we serve. Thank you.

[The statement of James Segura follows:]



HEARING BEFORE THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON THE FY 2013 BUDGET
March 28, 2012

Testimony of James Segura
Chairman of the Board, Southcentral Foundation

Southcentral Foundation (SCF) is a tribal organization that compacts with the Secretary of Health and Human Services under Title V of the Indian Self-Determination Act. Under SCF's compact we carry out various Indian Health Service programs across our region. In doing so, SCF acts pursuant to tribal authority granted by Cook Inlet Region, Inc., an Alaska Native regional corporation designated by Congress as an Indian Tribe for purposes of Indian Self-Determination Act activities. As my testimony reflects, SCF requests that in FY 2013 Congress (1) fully fund our Mat-Su Clinic joint venture staffing requirements, as required by our joint venture contract agreement with IHS, and (2) fully fund SCF's and all other contract support cost requirements at $572 million, as required by over 330 self-determination contracts with IHS.

SCF has carried out IHS programs under Self-Determination Act agreements for more than 25 years. In accordance with its compact with the DHHS, SCF currently provides medical, dental, optometric, behavioral health and substance abuse treatment services to over 45,000 Alaska Native and American Indian beneficiaries living within the Municipality of Anchorage, the Matanuska-Susitna Borough, and nearby villages. SCF also provides services to an additional 13,000 residents of 55 rural Alaska villages covering an area exceeding 100,000 square miles and larger than the State of Oregon. To administer and deliver these critical healthcare services, SCF employs over 1,400 people.

Today I will focus my remarks on two issues, joint venture funding and contract support cost funding.

1. Joint Venture Funding

The first issue I need to address concerns our joint venture (JV) contract with IHS. Under Section 818(e) of the Indian Health Care Improvement Act, IHS is authorized to enter into JV contracts under which, (a) a Tribe borrows funds to build a facility to IHS specifications, and (b) IHS agrees "to provide the equipment, supplies, and staffing for the operation and maintenance of such health facility." The agreements are contracts and they are enforceable as such.

Two years ago SCF and IHS entered into a binding JV contract. SCF agreed to construct a new 88,451 square-foot Primary Care Clinic in the Mat-Su Valley of Alaska, using borrowed funds from non-IHS sources. In return, IHS agreed that it "shall provide the supplies and staffing for the operation and maintenance of the Facility ... subject to appropriations by the Congress." Art. VIII.A. *See also* Art. VIII.G ("IHS will staff, operate and Maintain the Facility in accordance with Articles XI through XIV of this Agreement."); Art. XI ("As authorized by Section 818(e)(2)

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of P.L. 94-437 ("subject to the availability of appropriations for this joint venture project, commencing on the beneficial occupancy date IHS agrees to provide the supplies, and staffing necessary for the operation and maintenance of the Facility. The IHS will request funding from Congress on the same basis as IHS requests funding for any other new Facility.")

Our concern arises out of the fact that, while we will receive our certificate of beneficial occupancy on July 15, 2012, and thus be operational during all of FY 2013 at an IHS-calculated staffing cost of $27 million, *IHS's Budget only requests 50% of the staffing requirement for the Clinic* (or $13.5 million). We are gravely concerned over this gap, all the more because the original $27 million which IHS committed to pay already reflects a 15% reduction of our total staffing costs. (This is because, as a matter of policy, IHS will not staff any new facility at more than 85% of the facility's staffing requirement.) If IHS does not receive additional funds to fully meet its contract commitment to SCF, IHS would be forced to reprogram other funds to make up for the difference.

We are not alone in this situation, and some of the other staffing packages which IHS is committed to provide are similarly underbudgeted. We calculate that to fund the staffing packages will require $95.2 million, not the $49.2 million requested. Before IHS requests, and before Congress funds, discretionary increases in other IHS accounts, contractually-committed staffing packages should be paid in full.

2. Contract Support Cost Funding

The second problem is the Budget's inadequate request for contract support cost funding—another contractually required payment to Indian Self-Determination Act contractors like SCF. The Budget requests a mere $5 million increase for FY 2013, despite the fact that IHS's former contract support cost expert Ron Demaray projects a $99 million shortfall in FY 2013 (calculated at the President's proposed Budget level). Here, we have developed our own projection because, for the first time in some 20 years, the IHS budget justification does not include a shortfall projection.

Contract support cost funding reimburses SCF's fixed costs of running its contract with IHS. If IHS fails to reimburse these costs, SCF has no choice but to cut positions, which in turn cuts services, which in turn cuts down our billings and collections from Medicare, Medicaid and private insurers (billings which would otherwise go into additional staff and services for our people). The reverse is also true. When in FY 2010 Congress appropriated an historic increase in contract support cost funding, SCF opened **97 positions** to fill multiple healthcare provider teams and support staff.

Our fixed contract support costs are largely "indirect costs" that are set by the HHS Division of Cost Allocation. The remainder of our contract support costs (about 20%) are set directly by IHS. These costs include federally-mandated audits, and such items as liability and property insurance, workers' compensation insurance, and payroll and procurement systems. We have to buy insurance. We need to make payroll. We have to purchase supplies and services, and we have to track property and equipment. All of our costs are independently audited every year by Certified Public Accountants, as required by law.

Last year this Committee reiterated the binding nature of these contracts and directed IHS and the BIA to fully fund all contract support cost requirements. The BIA has done this, but the IHS budget justification defies the Committee's direction and insists that these contracts are not binding at all. So far as we can tell, no other contractors are treated this way. HHS, including IHS, only treats its contracts with Indian Tribes this way—as optional, discretionary agreements that it can choose not to pay. We provide a contracted service for a contracted price, but IHS only pays us what it chooses to pay.

This has to stop. In fiscal year 2013 IHS should finally pay its contract obligations in full. The contract support cost line-item should be fully funded at a minimum $571 million.

As SCF said last year before this Committee, underfunding contact support costs disproportionately balances budgetary constraints on the backs of tribal contractors. Worse yet, it punishes the people being served by forcing reductions in contracted programs. If Congress is going to cut budgets or limit budget increases, fairness demands that such actions occur in portions of the budget that are shouldered equally by IHS and the Tribes and tribal organizations (like the contract health services line).

Again, SCF respectfully calls upon Congress to provide at least $571 million in contract support cost funding for FY 2013, so that the Department can finally honor these contracts in full. Remember, every Tribe has contracts with IHS to carry out some of the agency's healthcare services, and most of those Tribes are being penalized for taking that initiative. Closing the contract support cost gap will eliminate that penalty and directly benefit the vast majority of Indian and Alaska Native communities served by IHS.

On a related note, SCF requests that Congress direct IHS to resume promptly disclosing to Tribes all IHS data on contract support cost requirements and payments. Up until last year, IHS was doing this regularly. Then suddenly IHS stopped—we think because IHS may have been embarrassed by errors in its data. Now, IHS claims that releasing its data may be opposed by some Tribes—even though the release of data is mandated by section 106 of the ISDA. IHS also claims that because the data is also used in a report to Congress, releasing the data violates OMB clearance procedures, and that there is some kind of embargo on data regarding the expenditure of federal funds (similar to the embargo applicable to the development of the President's Annual Budget). This is simply not so, and in prior years OMB *participated* in the disclosure of IHS data to the Tribes. Contract support cost appropriations belong to the Tribes, and Tribes have a right to know what is happening to these funds on a timely basis. Waiting for a report to Congress that includes other information is not helpful, since most reports never get to Congress. The few that do are interminably delayed. In fact, *the CSC Report Congress just received from IHS regarding 2009 data was two years late*. We ask that the Committee add appropriate language to the appropriations Act directing IHS to disclose its data promptly.

Thank you for granting me the opportunity to testify on behalf of the Southcentral Foundation and the 58,000 Native American people we serve.

Mr. SIMPSON. Thank you, James. Victor.

WEDNESDAY, MARCH 28, 2012.

THE TANANA CHIEFS CONFERENCE

WITNESSES

VICTOR JOSEPH

Mr. JOSEPH. Thank you. I want to take a minute to thank you for this opportunity, and the other subcommittee members. And I also recognize Andy Jimmy, our Board Chairman, back in the back there.

My name is Victor Joseph. I am the health director for Tanana Chiefs Conference. TCC is an Alaska tribal consortium that serves 39 Federal recognized tribes across an area that is almost the size of Texas. Today I will testify on three matters. First I will explain TCC's need to receive its full staffing package of $30 million for our joint venture construction project. Next I will explain our concerns with the limited increase in contract support cost. Finally I will offer TCC's full support of H.R. 4031.

IHS has long recognized the need to build a new medical facility in Fairbanks that serves the IHS beneficiaries in the interior of Alaska. The facility is needed to support services across our region, but IHS has never provided the money to build one. Two years ago we offered to build a new facility with borrowed funds, if the government would agree to cover the full cost of staffing. Government agreed, and in 2010 IHS signed a joint venture construction project with TCC. Today construction is under way. We are under budget, ahead of schedule, and we project receiving our Certificate of Beneficiary Occupancy in early September. Under our agreement, IHS should be able to provide TCC with full 100 percent funding for our staffing package. But because of budget restrictions, IHS has only requested 27 percent of our staffing package, or about $8 million.

You have heard from other tribal entities from Alaska, and like TCC, IHS has requested less than 100 percent for their projects too. We can only think of two reasons for this disconnect. First, it is possible that when these budget requests were developed last summer, IHS used dated information. If that is the problem, we hope that IHS submits a revised budget request that fully funds all staffing needs. Second, it is possible that IHS is treating our facilities different than other smaller facilities. If that is the case, that is simply wrong.

We at TCC, and other tribal entities, will spend far more than IHS requested. In order for us to carry out our responsibilities under this agreement, we need to receive the full amount that was agreed upon in negotiated staffing packages. We recognize, of course, that we are not the only joint venture projects that must be funded next year. IHS has correctly requested 100 percent funding to honor its contract with the Chickasaw and Cherokee Nation. All that TCC asks is that IHS also honors its contract with us. It is not a matter of choice or priorities. It is a matter of obligation.

We have borrowed heavily to build a new IHS facility. There is no tearing back for us. We expect the government to likewise honor

its written commitment to fully fund joint venture projects that were agreed upon. Like the joint venture projects, we have similar concerns with contract support costs. TCC incurred substantial contract support costs in operating our IHS programs across our region. IHS has a commitment, a contractual commitment, under Indian self-determined action to pay those costs.

Just last summer the House Appropriations Committee agreed that the legal obligation must be honored in full. Thank you. The Committee directed IHS to submit a budget that would do that, but that did not happen. Even though there is currently a $50 to $60 million shortfall in contract support payments, and even though it is clear that the shortfall will grow to almost $100 million under the President's proposed budget, the budget requests only $5 million. Not only does the budget request defy the House Committee's clear instructions, not only does it make the current situation worse, but once again it violates our contract rights to be paid in full. Please understand that we are incurring these contract costs every day, and when the government fails to repay them, we have to take them out of programming.

Finally, TCC fully supports H.R. 4031. H.R. 4031 will also allow a court to hear our claims. An amendment is necessary to provide a just outcome for self-determining tribes. We encourage the support of this bill.

Our joint venture contract with IHS is a contractual obligation for IHS to provide full staffing in exchange for TCC building its own clinic, and then leasing it to IHS. Contract support costs are a similar contractual legal obligation for IHS to provide full support in exchange for tribes to operate IHS programs. We know times are hard for everyone, but we operate IHS programs under contracts, and now we have a second contract with IHS. All we ask and expect is the government to hold up its end of the bargain and honor these contracts in full.

Thank you for this opportunity to present this testimony.

[The statement of Victor Joseph follows:]

Victor Joseph
Health Director
Tanana Chiefs Conference

Testimony for the U.S. House of Representatives Committee on Interior, Environment, and Related Agencies, American Indian/Native Alaskan Witness Hearings

Members of the Committee, Thank you for the honor of presenting testimony today.

My name is Victor Joseph and I am the Health Director of the Tanana Chiefs Conference. TCC is a non-profit intertribal consortium of 39 federally recognized Tribes located in the Interior of Alaska. TCC is a Co-Signer of the Alaska Tribal Health Compact under Title V of the Indian Self Determination and Education Assistance Act, Pub. L. 93-638. TCC serves approximately 13,000 Native American people in Fairbanks and our rural villages. Our traditional territory and current services area occupy a mostly roadless area almost the size of Texas, stretching from Fairbanks clear up to the Brooks Range, and over to the Canadian border.

I will be testifying on two matters. First, I will provide an overview of the Joint Venture Construction Program and specifically address TCC's staffing needs. Second, I will explain the impact suffered by TCC and others from the contract support cost shortfall, and how that shortfall will have the most impact for those entities starting to operate replacement or joint venture facilities in fiscal year 2013, and TCC's full support of HR 4031 regarding the timeliness of contract support cost claims.

1) TCC needs the full staffing package amount in FY 2013, as agreed to in our respective Joint Venture Agreements.

The Joint Venture Construction Program is authorized in Section 818(e) of the Indian Health Care Improvement Act, Public Law 94- 437. The authorization directed the Secretary of HHS to make arrangements with Indian tribes to establish joint venture projects. The program is executed through a JVCP agreement—a contract—in which a tribal entity borrows non-IHS funds for the construction of a tribally owned health care facility, and, in exchange, the IHS promises to lease the facility, to equip the facility and to staff the facility.

In the Conference Report which accompanied the Department of the Interior, Environment, and Related Agencies Appropriation Act, 2010, the conferees explained the importance of the Joint Venture program. That program is a unique way of addressing the persistent backlog in IHS health facilities construction projects serving American Indians and Alaska Natives. The conferees reported, "The conferees believe that the joint venture program provides a cost-effective means to address this backlog and to increase access to health care services for American Indians and Alaska Natives. The conferees are aware that IHS is currently reviewing competitive applications from Tribes and Tribal organizations to participate in the 2010 joint venture program and encourage the Service to move forward with the process in an expeditious manner."

IHS has followed the direction of Congress and/or the Conference report. In 2010 IHS signed a legally binding Joint Venture Construction Agreement with TCC. In the agreement IHS agreed to "request funding from Congress for Fiscal year on the same basis as IHS requests funding for any other Facilities." Given that IHS has requested funding full-funding for some projects and less than full for others, it appears that IHS has not requested funding on the same basis across all facilities.

TCC is concerned to say the least, at the proposed funding for our Joint Venture project. IHS requested less than 27% of the staffing package for TCC (or around $8 million) even though our facility will be open for the likely the entire fiscal year and at the very minimum 11 months of the fiscal year.

TCC has remained in close contact with IHS throughout the construction of our projects. We are on budget and ahead of schedule. Both Secretary Sebelius and Dr. Roubideaux were able to visit with TCC last year. Since that visit, the date of completion for the clinic has moved up. IHS's funding requests were based on last year's projected opening dates. But TCC's current beneficial occupancy date for our JV clinic is early September 2012. TCC's clinic will open much earlier than what is reported in the IHS Budget Justification.

IHS may have requested a smaller percentage of funds for Alaska because the Alaskan projects are larger projects and it may be the trend in the Lower-48 that larger projects are unable to spend the funds appropriated in the first year. But, TCC and similar Alaskan projects need and will spend far more than the IHS requested amounts. Alaska is a unique place in which the additional costs for recruitment, training and program creation are far higher than in the Lower-48.

It is important to note that TCC has never before owned its own primary care medical facility. This is because the majority of our current clinic space is leased from Banner Health at Fairbanks Memorial Hospital (FMH). Additionally, TCC has purchased lab, radiology, housekeeping, laundry, groundskeeping and maintenance services from FMH. These are services that TCC will begin self performing when we move into the new clinic. Already we have started the planning process for the transition and recruitment of the staff we will need later this year.

TCC has involved IHS in all aspects of this project. Staff within IHS have written that our Joint Venture partnership could be characterized as a model for what can be achieved between Tribal Health Organizations and IHS to improve access to health care for American Indian and Alaska Native people. TCC is well on our way to upholding our end of the Joint Venture agreements. We need IHS, and Congress, to hold up the government's side of the bargain.

TCC will be fully operational nearly all of FY 2013. Our staffing packages should be provided in the full amounts proportionate to our operations. Any reduction from the full staffing amount will only result in decreasing our ability to provide services to our

beneficiaries. Worse yet, it could endanger our ability to service the debt we have incurred in constructing the new clinic.

2) The contract support cost request by IHS will worsen the national CSC shortfall and require further program cuts for Self-Determined Tribes, and the burden will fall especially hard on those Tribes which will operate new facilities in FY 2013.

Related to the Joint Venture Construction Program is our concern with IHS's requested funding for contract support costs. These costs are owed to Tribes and tribal organizations like TCC performing contracts on behalf of the United States pursuant to the Indian Self-Determination Act. "Contract support costs" are the fixed costs which we incur and must spend to operate IHS's programs and clinics.

The Indian Self Determination Act depends upon a contracting mechanism to carry out its goal of transferring essential governmental functions from federal agency administration to tribal government administration. To carry out that goal and meet contract requirements, the Act requires that IHS fully reimburse every tribal contractor for the "contract support costs" that are necessary to carry out the contracted federal activities. (Cost-reimbursable government contracts similarly require reimbursement of "general and administrative" costs.) Full payment of fixed contract support costs is essential: without it, offsetting program reductions must be made, vacancies cannot be filled, and services are reduced, all to make up for the shortfall. In short, a contract support cost shortfall is equivalent to a program cut.

Funding contract support costs in full permits the restoration of Indian country jobs that are cut when shortfalls occur. The FY 2010 reduction in the contract support cost shortfall produced a stunning increase in Indian country jobs. Third-party revenues generated from these new positions will eventually more than double the number of restored positions, and thereby double the amount of health care tribal organizations like our's will provide in our communities.

Historically, the government has not fully paid contract support costs and when necessary tribes and tribal entities have been able to take those claims to court to be heard on the merits. Numerous tribes reasonably believed our claims for underpaid years including 1996-1999 were protected by the initiation of a class action suit. HR 4031 would amend the Indian Self-Determination and Education Assistance Act to permit these claims to be heard and avoid an unjust outcome for Self-Governing tribes. TCC fully supports HR 4031, and we believe it will be necessary especially considering FY 2013's shortfall increase.

The problem is that for 2013, IHS has requested only a $5 million increase. Yet, the current shortfall is already $50 to $60 million, and with several new clinics becoming operational, the FY 2013 shortfall will likely grow to over $90 million. Against that contract requirement, a $5 million increase is obviously inadequate.

When contract support costs are not paid, we have no choice but to take the shortfall in funding out of the programs themselves. Because TCC will be creating and expanding programs to operate our JV project, our reliance on CSC will also expand. This is also true for Tribes initiating other new federal programs as the initial building of a program is heavily reliant on contract support.

A continued increase in shortfalls for contract support costs, in addition to the limited funding requested for TCC will end up punishing a majority of the Native beneficiaries in Alaska. The government has a legal duty and trust responsibility to provide for the full staffing packages and the full contract support costs it has, by contract, agreed to pay. We are not asking for a favor; we are only expecting that the government will hold up its end of the bargain.

Members of the Committee, Thank you for the honor of presenting testimony today.

Mr. SIMPSON. Thank you, Victor, appreciate it.
Charles.

WEDNESDAY, MARCH 28, 2012.

SOUTHEAST ALASKA REGIONAL HEALTH CONSORTIUM

WITNESS

CHARLES CLEMENT

Mr. CLEMENT. Yes, sir. Chairman Simpson, my name is Charles Clement. I am the President and CEO of SouthEast Alaska Regional Health Consortium, SEARHC. In light of the comments that have been made, I will address my testimony. My written testimony has been submitted to the committee. Thank you for your time.

I would like to echo many of the comments that have been made with regard to contract support cost, but I would like to share with you and the committee a little bit about how those impact SEARHC specifically. SEARHC is a consortium of 18 tribes and tribal organizations throughout southeastern Alaska. I think, like everybody else in Alaska, we have to define it to a state. It is about the size of Maine, is the state that I serve. So maybe that will endear somebody.

Mr. SIMPSON. Minnesota, and everything west of the Mississippi.

Mr. CLEMENT. And there is Texas to the left, and I am also a member of the southernmost tribe in Alaska and the easternmost tribe, so we have got the geography lesson covered. SEARHC operates in a compact with the IHS that is valued at about $42 million. We have an operating budget of eight million. We have about $118 million. It has long been our goal to sort of fully realize our contract support cost funds that are due the organization.

I think, you know, the challenge in Alaska is largely associated with some of these geographical challenges. I think that is why we all bring it out. It is transportation, it is energy, and then there are just these substantial health disparities due to a variety of reasons, largely socioeconomic impacts.

But I think when we talk about how it impacts SEARHC specifically, I am a new CEO. I have been on the job for about 60 days. I actually used to work for Jim for the last 15 or so years. So I have been on this job, you know, 60 days, but I can tell you, as a new CEO, what you do is you try to gauge an assessment of the organization. And I can tell you, from SEARHC's perspective, what is really happening with lack of payment on contract support costs, is there is a slow deterioration of infrastructure and services.

You know, as has been stated before that, you know, these funds are fixed costs. We have to pay them. So where does the money come from? Well, you have deferred investment in infrastructure, and you have deferred investment in services that are provided to beneficiaries. And so you start to spiral down. I mean, if you look at SEARHC, we have almost 100 vacancies that are pending that we are not going to fill, or we have no plans to fill until we get more funding. And when we get more funding, we see more services, we generate more revenue. It is a self-fulfilling cycle.

We have facilities and physical plant infrastructure that is some of the oldest probably left in Alaska. I mean, it has been heavily invested in over time, but in the last several years, I would say the last decade or so, there has been very specific deferred investment, that we have not upgraded the facilities, we have not kept up to date. I mean, I think one of our favorite facilities we like to talk about is the double wide trailer that was built in 1954 out in one of our villages. I do not think, I mean, it is on par with anything, and anywhere in Alaska. Well, maybe not in Victor's area, but they've got some real challenges there also.

But, you know, what you have is a cycle. And so we talk about, you know, I think our contract support shortfall was $2.8 million. It is the culminating effect of that shortfall year over year over year. And so what you have is you have multiple years of deferred investment, and it compounds the problem. I mean, it makes a tough situation, an impossible situation, that much more difficult.

And so when we do make up the shortfall, we will get, you know, say it is fully funded. That money will be the down payment, and the rest will be on our shoulders, admittedly. But it, you know, the work just begins when we get the money. We have to put the money to work and make that investment so we can see patients, so we can invest in our communities, invest in our physical plan and our organizations.

We want to have organizations that our beneficiaries are proud to come to, that they are not 1954 double wide trailers that have not seen investment in 20 years. We want to have facilities and organizations that we can lure providers to. There is no medical school in Alaska. We have to bring every doctor, just about, either we have to steal them from another tribal organization in the State, or we have to bring them in from outside of Alaska.

And, you know, talk about a hard sell, you know, to come in to Alaska in the middle of winter to a facility that is a marginal, you know, maybe a marginal, I am trying to find a nice word for it, but it is difficult. You know, you bring these folks in, come from a new highfalutin medical school, to bring them in to rural Alaska, and you drop them off, it is a shell shock.

And so the investment and contract support cost is really just the beginning for us, but it is a substantial beginning. It shows the commitment on behalf of the government to work with us in partnership for the success of all Alaska Natives and American Indians. My written testimony is a little bit different than that, but just in light of the comments that have already been said, I did not want to repeat too much. So thank you for your time, I appreciate it very much.

[The statement of Charles Clement follows:]

Hearing before the House Appropriations Committee
Subcommittee on Interior, Environment and Related Agencies
on the Fiscal Year 2013 Budget

Testimony of Charles Clement, President and CEO
SouthEast Alaska Regional Health Consortium

March 28, 2012

My name is Charles Clement and I am the President and CEO of the SouthEast Alaska Regional Health Consortium (SEARHC). Chairman Simpson, Ranking Member Moran, and members of the Committee, it is a pleasure to be here and I thank you for the opportunity to testify before this Committee.

I have been involved in the provision of Alaska Native health care for 15 years. Prior to my employment at SEARHC I worked for the Southcentral Foundation in Anchorage, Alaska, as the vice president/chief operating officer; vice president – operations; director of information technology/chief information officer; and special assistant to the president. As the new president/CEO of SEARHC, I am amazed at the positive impact the consortium has on the health spectrum of Alaska Natives.

SEARHC is an inter-tribal consortium of 18 federally-recognized Tribes situated throughout the Southeast panhandle of Alaska. Our considerable service area encompasses over 35,000 square miles, an area larger than the State of Maine. With no road system connecting our communities, the challenges to deliver robust health services are considerable.

I am proud to say that SEARHC meets these challenge through a network of community clinics and through the Mt. Edgecumbe Hospital. We provide an array of health services that includes medical, dental, mental health, physical therapy, radiology, pharmacy, laboratory, nutritional, audiology, optometry and respiratory therapy services. In addition we provide supplemental social services, substance abuse treatment, health promotion services, emergency medical services, environmental health services and traditional Native healing.

We administer over $42 million in IHS facilities and related programs and services and have had more than 115,040 patient encounters in the last fiscal year. These are federal services which we operate on behalf of the Federal Government through a self-governance compact and associated funding agreement.

To carry out IHS programs under this contract requires us to incur certain fixed costs, including a number of costs mandated by the Federal Government. These costs include substantial annual audit costs, insurance costs and an array of administrative costs to operate our personnel and financial management systems.

Only a portion of the contract support costs for the above health services are covered in the direct service budget which IHS contracts to pay for under our funding agreement. This is because IHS either does not incur these costs at all (in the case of audit expenses and insurance costs,) or because IHS receives resources to carry-out these functions from other portions of the IHS budget, other divisions of the Department of Health and Human Services, or even other departments of the Federal Government. Still, these are mandatory fixed costs which SEARHC must incur every year, and—for SEARHC—- these costs are negotiated annually by the DHHS Division of Cost Allocation, Western Field Office.

Decades ago SEARHC was required to accept a contract that did not provide for the payment of these contract support costs. Over the years, through amendments to the Indian Self-Determination Act, Congress changed the law to require that full contract support costs be added to the negotiated budget for our direct services. Thus today, both the law, as well as our compact and funding agreement, require that contract support costs be added in full.

IHS, however, has not paid the full amount owed under our contract. In fact, it is not clear how much IHS will honor under the contract until it is fully performed. Even this year—nearly half way through the year—we have no idea what IHS will pay us because IHS has not announced how it will distribute this year's contract support cost funding, which was an increase of $74 million increase.

As an example of the impact contract support cost underfunding has on SEARHC, last fiscal year SEARHC was underpaid approximately $2.8 million in fixed contract support costs. SEARHC has no tax base and, thus, has no way to make up for the difference other than to use resources that would otherwise support the delivery of services. This shortfall severely impacted on our ability to fully aid the Alaska Native community and our ability to provide the maximum level of care to our beneficiaries. Interestingly, in other areas of government contracting, the United States does not fail to pay for its contracted for services.

SEARHC is a member of the National Tribal Contract Support Cost Coalition, and we fully endorse the NTCSCC's testimony. Full funding of support costs in FY 2013, at $100 million increase above the President's request would impact SEARHC daily operations by allowing for our contract support costs to be fully paid and preventing the need to use direct service funds to supplement contract support costs normally unpaid by IHS.

It has been almost eight years to the day since the Supreme Court required that the Government honor its self-determination contracts with tribal healthcare providers in the landmark case Cherokee Nation of Oklahoma v. Leavitt, 543 U.S. 631 (2005.). Honoring these contract support costs obligations is inimical to SEARHC's ability to provide robust health services to our community.

I thank you for the opportunity to testify before the Committee and would be happy to answer any questions you have for SEARHC.

Mr. SIMPSON. Thank you. Just out of curiosity, who does the WWAMI Program benefit? I mean, Alaskans go to medical school in Washington, along with Idaho and Montana students. Do most of those students return to Alaska?

Mr. CLEMENT. I do not know if most of them do, but a lot of them do. It plays a big part in the tribal health system and overall Alaska because we place residents through the WWAMI Program and the various organizations, so it is a big benefit to Alaska and Alaska Native organizations, but I do not know how much specifically actually come back into the system.

Mr. SIMPSON. Idaho is having that debate right now of whether we ought to build our own medical school, or whether the WWAMI does the job for Idahoans. It is an interesting debate. I appreciate it, thank you. Selina?

WEDNESDAY, MARCH 28, 2012.

NATIONAL NATIVE AMERICAN AIDS PREVENTION CENTER

WITNESS

SELINA MOOSE

Ms. MOOSE. Thank you. First of all, I would like to apologize for earlier. This is my first time here——

Mr. SIMPSON. That is okay.

Ms. MOOSE. And I did not want to be left out, being that I came all the way from Alaska just to——

Mr. SIMPSON. That is okay. All right.

Ms. MOOSE. Chairman Simpson, esteemed members of the House subcommittee, my name is Selina Moose. I am an Inupiat from northwest Alaska, the size of Indiana, and I am speaking to you today as a member of the Board of Directors for the National Native American AIDS Prevention Center, also known as NNAAPC, and as a concerned indigenous person. Thank you for allowing me to come to you from Alaska and to speak to you today openly and honestly.

The National Native AIDS Prevention Center is the only national HIV and AIDS specific Native organization in the United States. It was founded in 1987. NNAAPC's mission is to stop the spread of HIV and related health disparities among American Indians, Alaska Natives, and Native Hawaiians. NNAAPC is providing education, resources, training, and development services in all 50 States. We are creating materials to support the public health infrastructure that is slowly growing in Indian country.

I am concerned because I believe that the government is turning its head away from the HIV epidemic, particularly not paying attention to the impact on the first peoples of this land, and it is the issue that I would like to discuss today.

In 2002 my brother died of AIDS in the village, and because of that I got involved with HIV and AIDS, particularly for our native peoples. And we also did a documentary video of how our family went to our village and told them about, you know, the concern we

have, and that my brother was positive. That is concern of our people.

We are finding that more and more Native communities are responding to our message, but the Federal government is the one pushing us further and further down on the list of priorities. In 2010 the CDC released a total of $250 million over five years in prevention funding directly to grantee organizations. Only one Native organization was funded. Out of $43 million annually, only a little over $300,000 was granted to a Native organization, and our organization, NNAAPC, almost closed its doors in 2009. Our funding disappeared as a reflection of the funding shift that no longer categorized Native Americans as racially specific priority population for HIV prevention activities.

States with smaller population sizes and fewer AIDS cases are finding their prevention budgets slashed by up to 50 percent. Fewer prevention opportunities are available in states with large Native populations, like South Dakota, Oklahoma, Wyoming, Idaho, Alaska, Hawaii, and Montana because the money is no longer there to support local programs. New initiatives also call for targeting specifically African-American, Hispanic, Latino communities, further diverting money from Native communities.

I understand that these decisions are based upon HIV and AIDS surveillance, and I do not want to underscore the importance of providing appropriate prevention activities in these communities of color, yet Native Hawaiians and American Indians, Alaska Natives, have the third and fourth highest rates of new HIV infections annually, respectively. In fact, between 2007 and '10 the number of new HIV diagnosis among American Indians, Alaska Natives rose by 8.7 percent, greater than many other groups. Also, fewer of us survive after having received an AIDS diagnosis. These statistics do not support the de-prioritization of our communities. In fact, they suggest a serious health disparity.

I believe that the U.S. government has a responsibility to its native people. We have a commitment from the government, a commitment that says we care about the health and wellbeing of our Native American people, a commitment that says that the government's trust relationship to provide for the health care of Native people is sacred, and exists not only just in writing, but in practice as well. This relationship demands that American Indians, Alaska Natives, always be placed as a priority population, that we do not fall in the shifting government whims.

I know I am running out of time. I do not have very much left. Okay. With the 2010 release of the President's national HIV/AIDS strategy, the whole of this country needs to examine how we are meeting the prevention and treatment of needs of people living with, and are at risk for HIV. This nation cannot afford to continue to allow Indian country to linger 10 years behind the rest of the country. In order to address these health disparities and ensure the health of our Native peoples, I ask you to consider the following as you move forward with your budget deliberation.

One, I ask that the Congress increase funding for American Indian, Alaska Native specific HIV programming in the budgets of Federal agencies like Centers for Disease Control and Prevention and Indian Health Service. I ask that the Congress examine the

success of special diabetes program for Indians that set aside $150 million annually for local diabetes education and prevention efforts, and model a similar HIV program for Native Americans that would allow for stable funding and local ownership prevention efforts.

I ask that Congress designate funds specifically for the creation of a national Native HIV/AIDS resource center so that consistent funding would be set aside to create a persistent presence at the national level to provide support for community efforts at education and guidance for decision-makers.

And lastly, I ask that the Congress allocate funds for the specific provision for HIV testing materials to American Indians and Alaska Native communities to support enhanced testing initiatives. Again, I think you for the opportunity that you have provided me to share some of the facts, and to share my feelings about the state of HIV in American Indian and Alaska Native communities. I hope that you consider our request in light of what I have shared with you today. Thank you.

[The statement of Selina Moose follows:]

Written Testimony
Submitted to
House Subcommittee on Interior, Environment, and Related Agencies
House Appropriations Committee
American Indian/Native Alaskan Witness Hearings
March 28, 2012

Name: Selina Moose
Title: Board Director
Institutional Affiliation: National Native American AIDS Prevention Center

Dear Chairman Simpson and esteemed members of the House Subcommittee on Interior, Environment, and Related Agencies:

My name is Selina Moose, I am Inupiat from Alaska and speaking to you today as a member of the Board of Directors of the National Native American AIDS Prevention Center (NNAAPC), and as a concerned Indigenous person. Thank you for allowing me to come to you from Alaska and speak with you today honestly and openly – with what I feel in my heart and what I know in my mind.

I am concerned because I believe that the government has been slowly turning its head away from the scourge of HIV and AIDS, and particularly, not paying attention to its impact on the first peoples of this land. It is this issue I would like to discuss today.

The National Native American AIDS Prevention Center (NNAAPC) is the only national HIV/AIDS-specific Native organization in the United States. Founded in 1987, NNAAPC's mission is to stop the spread of HIV and related health disparities among American Indians, Alaska Natives, and Native Hawaiians. Furthermore, NNAAPC's aim is to improve the quality of life for members of communities infected and affected by HIV/AIDS. As a result, NNAAPC aggressively addresses HIV stigma, discrimination, homophobia, and complacency in Native communities by providing education, resources, training, and advocacy services. I am proud to say that I have been serving on the NNAAPC Board of Directors since 2004.

We serve a vital role in the field of HIV prevention. We bridge the gap between government decision-makers and the community. We help to translate policy decisions, funding mechanisms, and disseminate information to communities who would otherwise not receive this information. We are the only national organization working within all fifty states with Native peoples on HIV and AIDS. We are the only group led by Native people, employing Native people to help prevent this disease by addressing cultural issues and creating a prevention framework within a Native worldview.

We work closely with other national Native health entities like the National Indian Health Board and the National Council of Urban Indian Health to ensure that HIV is not lost in the wake of other health disparities facing Native peoples. We work everyday with tribal health departments, like a project we have with the Cheyenne River Indian Tribe in

South Dakota to implement and evaluate a multi-session program for Native youth. We work with community coalitions like the group on the Wind River Indian Reservation in Wyoming to put on the first ever local, community-wide HIV conference. We are conducting retreats for Native women in Oklahoma, North Carolina, Minnesota, New Mexico, and Colorado to empower Native women to reclaim their cultural identities as healers and nurturers. We are providing trainings in Alaska to community health workers on how to talk to their community members about HIV, and trainings in Oregon, Hawaii, and Arizona on how to use new technologies to strengthen prevention efforts. This is just examples of the nature of our work. In general, we are creating materials and providing support to the growing prevention and treatment infrastructure in Indian Country.

The need is great and the work is tireless. However, we are finding that as more and more Native communities are responding to our messaging, the federal government is the one pushing us further and further down on the list of priorities.

Federal initiatives continue to de-prioritize prevention efforts with Native peoples. The Centers for Disease Control and Prevention steers this country's HIV prevention efforts and funds the majority of organizations conducting HIV prevention activities. In 2010, the CDC released a total of $215 million over five years in prevention funding directly to grantee organizations. Only one Native organization was funded to conduct prevention activities with Native people. Out of $43 million annually, only a little over $300,000 was granted to a Native organization. The previous funding cycle saw five Native organizations funded to conduct targeted programs for Native Americans.

The Indian Health Service HIV/AIDS Program remains severely underfunded and under-resourced – with only one person currently overseeing all of IHS's HIV testing, prevention, and education programs.

And our organization, the National Native American AIDS Prevention Center, almost closed its doors in 2009. After more than two decades as the only organization providing this level of culturally specific service, our funding disappeared as a reflection of shifting policies and new emerging initiatives. Native Americans were no longer categorized as a racially specific priority population for HIV prevention activities.

With a national focus now on what is being called "High Impact Prevention", federal funders are funneling monies into urban areas and states with high prevalence of AIDS. States like Maryland, Florida, and Texas are receiving more money than ever. However, states with smaller population sizes and consequently fewer people living with AIDS are finding their prevention budgets slashed by up to 50%. Fewer prevention opportunities are available to states like South Dakota, Oklahoma, Wyoming, Idaho, Alaska, Hawaii, and Montana because the money is no longer there to support state prevention initiatives. It is these states, among others, that contain large Native reservations, large Native populations, and where the Native communities are carrying a disproportionate burden of the disease. Furthermore, to compound this issue, Tribal health departments and Native corporations do not have the same opportunities as

state health departments to compete for federal HIV prevention and treatment grants to support their own internal prevention programming and grant making capabilities.

"High Impact Prevention" also calls for programs to target specifically African American and Hispanic/Latino communities, further diverting money from Native communities.

I understand that these decisions are based upon the latest HIV and AIDS surveillance, and I do not want to underscore the importance of providing appropriate prevention activities for these communities of color.

Yet, Native Hawaiians and American Indians/Alaska Natives have the third and fourth highest rates of new HIV infections annually, respectively. In fact, between 2007 and 2010, American Indians and Alaska Natives had the highest percentage increase of new HIV diagnoses (8.7%) – higher than any other group. This is astounding when you think about the fact that American Indians and Alaska Natives comprise approximately one percent of the US population. Also, fewer of us survive after having received an AIDS diagnosis. These statistics do not support the deprioritization of our communities – in fact they suggest a serious health disparity. HIV is a serious problem in Native communities, and the federal government continues to overlook this.

I don't want to just spout out numbers. HIV has a real impact that you cannot read in an epidemiology report. As communities, we face unique HIV prevention and treatment challenges, as direct results of rural geography, historical trauma, cultural distinctiveness, and shifting policies at the federal level.

I first became in involved in this work, and realized the importance of this work when my brother first told me that he had AIDS. I wasn't ready for the news and didn't know what to think of it. Other the next few years, I watched how the community treated him as he came home to be with his family. I listened to what people said about him as he tried to live his life with dignity. And then I watched him die. From that day forward, I knew that something had to be done to ensure that no other Native person has to go through what my brother, what I, what my family, and what our community experienced.

I believe that the government has a responsibility to its Native people. The fact that these numbers – and the stories behind them – exist tells me that now is a good time to remind our law makers about their trust responsibility to provide for the healthcare of Native peoples. We need a commitment from the government – a commitment that says that we care and about the health and wellbeing of our Native American people, a commitment that says that the government's trust relationship to provide for the health of Native people is sacrosanct, and exists not just in writing, but in practice as well. This relationship demands that American Indians and Alaska Native always be placed as a priority population and that we not fall to shifting government whims.

We can always look to the past to learn lessons, and to our ancestors to receive guidance. And this is also how we can begin to sculpt a direction for the future. There

are opportunities for the future and I hope that it is of these opportunities that this subcommittee hears me speak.

We are tired of scraping by – tired of making strides and advances only to have funding fail, forcing us to end programs and lay off experienced staff – further stalling progress. In order to beat this disease, we need stability, resources, and support.

With the 2010 release of the President's National HIV/AIDS Strategy, the whole of this country needs to examine how we are meeting the prevention and treatment of needs of people living with and at risk for HIV. This nation cannot afford to continue to allow Indian Country to linger ten years behind the rest of the country in terms of testing resources, access to care, research, and prevention programming. The ambitious goals that President has established will go unmet if we are left behind.

In order to address these health disparities and ensure the health of our Native peoples, I ask you to consider the following, as you move forward with your budget deliberations:

- I ask that Congress increase funding for American Indian and Alaska Native specific HIV programming in the budgets of the Centers for Disease Control and Prevention, Indian Health Service, Office of Minority Health, Office of Women's Health, and the Substance Abuse and Mental Health Services Administration.

- I ask that Congress examine the success of the Special Diabetes Program for Indians that sets aside $150 million annually for local diabetes education and prevention efforts, and model a similar HIV program for Native Americans that would allow for stable funding and local ownership of prevention efforts.

- I ask that Congress designate funds specifically for the creation of a National Native HIV/AIDS Resource Center so that funding can be set aside to create a consistent and persistent presence at the national level to provide support for community efforts, and education and guidance for decision-makers. This center can provide the technical assistance needed to grow infrastructure, strengthen the HIV prevention and treatment workforce, and support the diffusion of federal funds to ensure effective program implementation.

Again, I thank you for the opportunity you have provided me to share some fact and to share my feelings about the state of HIV in American Indian and Alaska Native communities. I hope that you consider our requests in light of what I have shared today. Thank you, and I, of course, would be willing to answer any questions you may have.

Respectfully submitted,

Selina Moose
Board Director
National Native American AIDS Prevention Center

Mr. SIMPSON. Thank you, Selina.

WEDNESDAY, MARCH 28, 2012.

NATIONAL TRIBAL CONTRACT SUPPORT COST COALITION

WITNESS

LLOYD MILLER

Mr. MILLER. Mr. Chairman, Congresswoman McCollum, thank you for the honor to appear today. My name is Lloyd Miller. I am an attorney with Sonosky, Chambers, Sachse, Miller and Munson. I have been litigating contract support cost cases for many years, and I litigated the Shoshone Paiute and Cherokee case in the Supreme Court in 2005. And for the committee's information, there is another case to be argued next month, on April 18, involving the Ramah Navajo Chapter, and the Pueblo Zuni, and the Oglala Sioux Tribe involving contract support costs in the Supreme Court.

But I am here today not so much to talk about litigation as to talk about the contract support cost issue from a legal perspective. I represent the National Tribal Contract Support Cost Coalition. It includes some of the organizations you have heard from today. It includes the Cherokee and Choctaw you heard from yesterday. It includes the Shoshone Paiute, Shoshone Bannock Tribe. It includes Riverside, San Bernardino Community in California. It includes 290 tribes in 11 States, tribes or intertribal organizations, over 50 percent of the federally recognized tribes in the United States.

All of them suffer contract support cost shortfalls. And these shortfalls are shortfalls in reimbursements. As you heard today, quite eloquently, these costs are paid. It is not a question of paying them. They are paid. And if they are not reimbursed by the government, then they come out of health care services, they come out of law enforcement. And this is very true with the Shoshone Paiute reservations, where they have had to make cuts in law enforcement in order to balance the books.

In the committee's report this year, the committee requested that the Indian Health Service and the Bureau of Indian Affairs fully fund contract support costs. The Bureau of Indian Affairs heeded to committee's instruction. The Indian Health Service did not. On page 98 was the instruction to the committee. The second problem with the budget submission from the President and the Indian Health Service is that the Indian Health Service did not tell this committee how much the budget was going to be short.

As we all recall, I think, because of the discussions, in the prior fiscal year, the President shared with the committee that at the funding levels being requested, contract support would be underfunded by about $149 million. This year you have not been given the information by how much will the President's budget request under fund contract support.

We have, however, undertaken the task of trying to figure that out for you. We retained a gentleman named Ron Demaray who used to run the contract support cost activity for the Indian Health Service. He is the nation's expert in this area. What I gave you a

moment ago is his estimate. Completely transparent. It shows you the assumptions and the calculations he has made, which would show that, at the President's budget request, there would be a 99.4 million shortfall in fiscal year 2013. So you have heard statements that the shortfall will be $99, $100 million. This is where the calculation comes from.

Of course, the request is that there be a full funding allocation made in the 2013 budget. That is request number one. But what I mentioned about the absence of information leads to request number two. The second request we make, and it is in this language, which I will distribute to the committee, and which was included in my written testimony, addresses the secrecy which has descended over the agency.

I have been practicing law since 1979. I have been around contract support cost issues since contract support costs were addressed by Congress in the 1987 hearings and the 1988 amendments. Never before have we witnessed the kind of secrecy we see today. The Indian Health Services refuses to disclose any information whatsoever to tribes and tribal contractors around the country how much are we paying you, how much are you entitled to, how much are you short?

They will visit with each tribe individually, but they no longer, as of a few months ago, share any of this data on a national basis. It is therefore impossible to know what the national shortfall is. It is impossible for us to test the statements the agency makes to the committee. As you know, last year the agency made incorrect statements to the committee. At that time we were able to test those statements, we were able to correct them with the committee. This year we do not have that information. So we are requesting language that would require the agency, this would have to be language in the statute, that would direct the agency to share all of its data with the Indian tribes, as it did for every year until this past year.

Then the third and final thing I would mention about contract support costs is to echo what Mr. Thomas testified to a little while ago. This issue about indirect costs due from other agencies is actually a no cost problem which costs tribal contractors around the country. And if I may just take a moment to explain it, when the Federal government sets an indirect cost rate, then you are entitled by that rate to tap each of your grants, or contracts or your own tribal accounts at that rate. So if you get a 25 percent rate, you take 25 percent out of every grant. But some of the agencies will say, no, you may not take any money out of the grant we are giving you, or you may only take 15 percent out of the grant we are giving you.

What Mr. Thomas's proposal is asking is not that there be more money. It is asking that he has the permission and the authorization from Congress to take the 25 percent out of the grant because he was issued a 25 percent rate, which tells him he must tax every grant he receives by 25 percent. When he is unable to carry out the direction to tax the grant by 25 percent, he must dip into his own tribal funds to make up for that tax. Otherwise he is penalized by the Federal agency that set the rate.

Thank you very much for the opportunity to testify today.

[The statement of Lloyd Miller follows:]

HEARING BEFORE THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON THE FY 2013 BUDGET
March 28, 2012

Testimony of Lloyd B. Miller, Counsel, National Tribal Contract Support Cost Coalition

My name is Lloyd Miller and I am a partner in the law firm of Sonosky, Chambers, Sachse, Endreson & Perry, LLP, of Washington, DC. I appear here today as counsel to the National Tribal Contract Support Cost Coalition, comprised of 20 Tribes and tribal organizations situated in 11 States and collectively operating contracts to administer over $400 million in IHS and BIA facilities and services on behalf of over 250 Native American Tribes.[1] Thank you for the opportunity to appear once again to discuss the legal duty and urgent need to fully fund the "contract support costs" that are owed these and other Tribes performing contracts and compacts on behalf of the United States pursuant to the Indian Self-Determination Act—specifically $571 million for IHS contract support cost requirements and $228 million for BIA contract support cost requirements.

No single enactment has had a more profound effect on more tribal communities than has the Indian Self-Determination Act. In just three decades Tribes and inter-tribal organizations have taken over control of vast portions of the BIA and IHS, including federal governmental functions in the areas of health care, education, law enforcement and land and natural resource protection. Today, not a single Tribe in the United States is without at least one self-determination contract with each agency, and collectively the Tribes administer over **$2.82 billion** in essential federal governmental functions, employing an estimated 35,000 people.

In the IHS Aberdeen Area, over 20% of the IHS budget is under contract to the Tribes. In Alaska, 100% of the IHS budget and most of the BIA budget has been contracted over to the Tribes. From the Navajo Nation to the Pacific Northwest to California, Tribes in 35 States have demanded their self-determination rights and secured control over IHS and BIA programs.

The ISDA employs a contracting mechanism to carry out its goal of transferring essential governmental functions from federal agency administration to tribal government administration. To carry out that goal and meet contract requirements, the Act requires that IHS and the BIA fully reimburse every tribal contractor for the "contract support costs" that are necessary to carry out the contracted federal activities. (Cost-reimbursable government contracts similarly require reimbursement of "general and administrative" costs.) Full payment of fixed contract support costs is essential: without it, offsetting program reductions must be made, vacancies cannot be

[1] The NTCSCC is comprised of the: Alaska Native Tribal Health Consortium (AK), Arctic Slope Native Association (AK), Central Council of the Tlingit & Haida Indian Tribes (AK), Cherokee Nation (OK), Chippewa Cree Tribe of the Rocky Boy's Reservation (MT), Choctaw Nation (OK), Confederated Salish and Kootenai Tribes (MT), Copper River Native Association (AK), Forest County Potawatomi Community (WI), Kodiak Area Native Association (AK), Little River Band of Ottawa Indians (MI), Pueblo of Zuni (NM), Riverside-San Bernardino County Indian Health (CA), Shoshone Bannock Tribes (ID), Shoshone-Paiute Tribes (ID, NV), SouthEast Alaska Regional Health Consortium (AK), Spirit Lake Tribe (ND), Tanana Chiefs Conference (AK), Yukon-Kuskokwim Health Corporation (AK), and the Northwest Portland Area Indian Health Board (43 Tribes in ID, WA, OR).

filled, and services are reduced, all to make up for the shortfall. In short, *a contract support cost shortfall is equivalent to a program cut.*[2]

For years the Administration failed to request full funding for its contract support cost obligations, and the resulting shortfalls grew. The first major effort to address this deficiency in the past 10 years occurred in FY 2010, when Congress enacted a $116 million increase to narrow the IHS contract support cost shortfall by about one-half, and a $19 million increase to address BIA contract support cost shortfalls. The IHS increase, alone, will eventually restore 2,820 health sector jobs in Indian country.

Today IHS refuses to disclose its shortfall projections for FY 2012 and FY 2013. Based upon our own projections, we believe the shortfall this year will be approximately $60 million, and that the shortfall in FY 2013 will approach $99 million. Our calculations and assumptions are attached to my testimony. (Unfortunately, IHS's failure to disclose data for the past two years means our projections are subject to change.) Unless remedied, we foresee *a $99 million cut in tribally-contracted programs next year*—not IHS-administered programs, but tribally-administered health programs *alone*—to cover the shortfall that will be left unaddressed.

In this context, IHS's request for a $5 million increase is shocking, all the more so given this Committee's instruction to IHS last year that the agency must prioritize fully funding these contracts before requesting other discretionary increases. In contrast, the BIA has responded to Indian Country, and it has heeded this Committee's instruction, by requesting $228 million—an amount the BIA says will fully fund all contract support cost requirements.

It is not acceptable for the agency to prioritize discretionary increases over its contract obligations. It is not acceptable to seek deficit reduction by cutting contract payments. It is not acceptable to treat tribal contractors differently from other contractors. And it is not acceptable to single out tribally-administered health programs for grave cuts in essential governmental services, while the agency seeks enhancements to the rest of its budget. Congress 24 years ago warned that the agencies "must cease the practice of requiring tribal contractors to take indirect costs from the direct program costs, which results in decreased amounts of funds for services," S. Rep. No. 100-274, at 9 (1987). At long last this practice must stop.

Last year we detailed for the Committee the extraordinary impact that addressing CSC shortfalls has on job creation across Indian country. Just as the shortfall costs jobs, eliminating the shortfall restores jobs. Addressing the IHS shortfall in contract payments is therefore not just a matter of legal obligation and sound policy; it is good economics at a time of terrible unemployment.

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[2] Contract Support Costs are the necessary costs of operating a federal program under contract. When the BIA and IHS operate these programs, the agencies are supported by their own bureaucracies and other federal agencies (*i.e.*, the General Services Administration, the Office of Personnel Management and the Department of Justice) to provide personnel and financial management systems, legal resources, procurement systems and the like. Tribal contractors require similar resources, as well as resources to meet mandatory federal requirements such as annual audits. They cover those requirements with contract support costs. Most fixed contract support costs are set by government-issued indirect cost rates, with the rates issued based upon certified independent audits and adjusted based upon post-year audits.

The National Tribal Contract Support Cost Coalition recommends the following:

1. The Coalition recommends that in FY 2013 (1) the IHS contract support cost line be increased to $571 million; and that (2) the BIA's request to increase its contract support cost line to $228 million be accepted.

2. The Coalition recommends that the Committee adopt language requiring IHS and BIA to promptly disclose each year all available contract support cost data—precisely as both agencies have historically done up until the past year. Language to address this issue accompanies my testimony. The agencies are suddenly claiming that, because CSC data is eventually wrapped up inside a formal Report to Congress, the otherwise disclosable data cannot be disclosed until the Report is fully cleared through each Department and through OMB. That is a sure way to keep the data secret and under wraps for years—witness the fact that only this month, March 2012, did IHS submit its Report detailing 2009 data, *three years too late*. Without data there is no way for Tribes, or Congress, to see how these tribal funds are being managed.

Such secrecy does not accompany any other agency funds, and only leads one to speculate that the agencies have something to hide. Indeed, last year's multiple IHS errors in projections that were furnished to Congress suggest that the agencies want to hide both their own errors and the magnitude of the shortfalls. This is unacceptable, and it should not require costly Freedom of Information Act lawsuits every year for Tribes and Congress to learn what is going on inside the agencies with appropriated funds.

This is a major issue. Today Tribes have been denied all access to 2011 data about how last year's appropriation—all of which belongs to the Tribes—was spent. They are also being told that they will not see how the 2012 funds, which Congress appropriated in December, will be spent this year—not until formal reports are sent to Congress years from now. They are being denied access to the critical information that would permit them to see if systemic errors are being made—a particularly acute problem given the wholesale loss of all CSC expertise within the agency. They are even being told that Tribes, themselves, favor this secrecy—notwithstanding that section 106(c) of the Indian Self-Determination Act *mandates* Tribe-by-Tribe disclosure, and notwithstanding that such diverse entities as the Great Plains Tribal Chairman's Health Board, the Northwest Portland Area Indian Health Board, the IHS Contract Support Cost Work Group (all attached), as well as this 11-State, 20-Tribe, Coalition, all have demanded disclosure.

3. The Coalition recommends that the Committee once again require both agencies to consistently project and budget the additional CSC requirements associated with new contracts and program expansions (on average, 13.5 cents for each new IHS program dollar, and 10.4 cents for each new BIA program dollar). The IHS did this in its FY 2012 budget, but ceased doing it in the FY 2013 budget. *This is the first time in some 25 years that IHS has not disclosed in its Budget Justification its projection of CSC requirements for the coming year.* Congress cannot do its work without this information.

4. Finally, the Coalition recommends that the Committee reconcile the different language used in the IHS and BIA portions of the bill, and that the Committee eliminate the old "section

314" language (a useless vestige after the Cherokee v. Leavitt case). Variations in language only raise unnecessary questions as to the Committee's intent. Suggested language accompanied our testimony to the Committee last year.

Thank you again for the opportunity to offer these recommendations.

Attachments (as stated)

Mr. SIMPSON. Thank you. Thank all of you for being here today. The issue of fully staffing IHS facilities is something this committee takes very seriously, because it is just stupid to build facilities and not put the staff in there for them. Why build the facility if you are not going to have a staff there? We will look very seriously at this budget, and make sure, A, that everybody is treated fairly, and, if we can find the resources, that, B we will staff those facilities so that they can do what they were built to do.

Secondly, I would like to say that last year we put more money into contract support costs than ultimately ended up in there. Some of the pushback we got was from the Senate, and so we need help with the Senate. I am not trying to overfund it. I am just trying to fund it, and to fully fund it. And at the last minute, IHS came in and said, no, you guys overfunded it, according to their numbers.

Now, not to blame them too much, but they indicated that they had had one person that worked there for years that did all of this stuff, and he left, and so it was kind of a new effort for them. I think IHS wants to fully fund contract support too. I know they do. But, again our big difficulty is trying to find out exactly what it is. Now, I can tell you that IHS has told us that they believe the shortfall is going to be in the neighborhood of 70 to 80 million, not $100 million. That is the difficulty we have in finding out what the number is. And as I said, what they have said is that we do not want to overfund it, because then the money just goes back to Treasury.

Now, maybe that is what we need to change, so if it is overfunded, it could be used for contract support, rather than the contract health support, or the referral support. I am going to rename it so I can keep the two straight. But there are some challenges here, and I think everybody is working toward trying to have the best result and do what is right. And I think we all agree what is right, and that is to fully fund it. And we are going to work on getting that done again this year.

But, again, when we get a bill and go over to the Senate, and we have done what we think is right in contract support, we are going to need some help in trying to push that through, because, you know, everybody throughout Congress has different priorities. This is one of my highest priorities, so we will do what we can.

Mr. MILLER. Mr. Chairman——

Mr. SIMPSON. Go ahead. Yeah.

Mr. MILLER [continuing]. One suggestion. I heard the concern that you have shared, a very important concern, that the account not be overfunded. Years ago a portion of the account was made available without regard to fiscal year limitation, shall remain available until expended was the language in the bill. This might address the committee's concern. Maybe $20 million of it remains available until expended, or maybe all of it remains available until expended, whatever, in your judgment, is the right thing to do. But there is a way to address the problem of not overspending the account.

Mr. SIMPSON. Yeah. That is a good idea. Because then you could say whatever is not spent remains available, and next year it would lower your amount you would have to put in——

Mr. MILLER. Precisely.

Mr. SIMPSON [continuing]. For your estimate. Ms. McCollum.

Ms. MCCOLLUM. Mr. Chair, I really appreciate all the succinct testimony, and I will speak to others who care passionately about AIDS funding. Are you coming to Washington, D.C.? There is going to be an international conference here.

Ms. MOOSE. Yes, I am.

Ms. MCCOLLUM. So please give your office my card, and we can talk more later. Thank you.

Mr. SIMPSON. Thank you all for being here today and coming all the way from the great State of Alaska, that includes the State of Idaho, Indiana, Maine, all the others we have mentioned. Texas, all of those. All these dinky little states down here. Thank you.

Mr. MILLER. Thanks a lot.

Mr. SIMPSON. You bet. Thank you. Last panel is Michele Hayward, Leonard Masten, Bambi Kraus. Is that right?

Ms. KRAUS. Yeah.

Mr. SIMPSON. Close?

Ms. KRAUS. Are there three of us?

Mr. SIMPSON. Michele. Which one is Michele? Okay. You are first.

Ms. HAYWARD. Do I hit this button?

Mr. SIMPSON. Yeah.

WEDNESDAY, MARCH 28, 2012.

CALIFORNIA RURAL INDIAN HEALTH BOARD

WITNESSES

MICHELE HAYWARD
JIM CROUCH

Ms. HAYWARD. All right. Good afternoon. My name is Michele Hayward. I am a member of the Redding Rancheria. I am the secretary with the tribal council there, and I am the Chair of the California Rural Indian Health Board, which places me on the National Indian Health Board. And I am also on the CSC Work Group representing California, so I appreciate today being here. Thank you for your time, and I am very honored to represent California Indians.

I brought my staff and the Board members, so I want them to introduce themselves real fast.

Mr. CROUCH. Jim Crouch, Executive Director, California Rural Indian Health Board.

Mr. LEBEAU. Mark LeBeau, Health Policy Analyst, California Rural Indian Health Board, and member of the Pit River Tribe from Northeastern California.

Ms. CAZARES-DIEGO. Andrea Cazares-Diego from Greenville Rancheria and Health Board Member.

Ms. HAYWARD. Group was founded in 1969 and represents about 32 tribal governments, and we serve 28 IHS active users. But we are here today to request for budget funds, and the first one is a $10 million increase for the Indian Health Care Improvement Fund, and $50 million for the contract health care, $17 million for the youth regional treatment facility in Southern California, and

$350,000 for a special case with Smith River Rancheria, who reside in Curry County in Oregon. So, with that, I am going to turn it over to my executive director, Jim Crouch.

Mr. CROUCH. Thank you, Michele. You have our written testimony. Basically we are talking about another lawsuit, different than the one Mr. Lloyd Miller was talking about, known as Rincon v. Harris, that was adjudicated in the 1980s. It basically requires that the IHS resource distribution process be reasonable, rational, and defensible, which basically means that what is known as current services funding, or base budget funding, is not sufficient to withstand those criteria. For that reason, Congress created the Indian Health Care Improvement Fund, it was initially known as the Equity Fund, to bring funding equity to tribal health programs and IHS operating units across the country.

They are, in essence, putting no money in that account for this year, and we are urging you to put aside $10 million of the hospital and clinic line item money in a committee move in order to fund some effort towards equity. You are going to get a report on Indian Health Care Improvement Fund from the agency this year. What you will see is that they have not brought equity to their system, and that they are setting aside maybe two percent of their appropriations over these last several decades to achieve equity in a $4 billion budget.

Secondly, we are asking for hospital and clinics. One of the mechanisms for achieving equity is to fund used, excuse me, contract health care. The contract health care distribution fund has four basic co-factors. Three of those are essentially base budget funding co-factors. The fourth issue is reasonable access to an IHS inpatient facility. The entire tribal health program in California is ambulatory clinic based. There are no IHS hospitals in the entire State of California, which is pretty much the size of the State of California. We therefore need better access to contract health funding. The formula tries to do that, but, actually, if there is not more than $100 million put in in new money each year to the CHS program, you will not reach those other components and have any impact on funding equity.

We would like to ask $17 million in facility construction. Again, there have been no IHS facilities built in California. There is one joint venture project just a year and a half old. We would request that you go into the design and build phase for the Southern Youth Regional Treatment Center, which would serve youth in the southern part of California. There is another Northern YRTC on the way. The south has the land in hand. It belongs to IHS. You should fund the next phase.

Finally, special case of Smith River. They live seven miles south of the Oregon border. Their membership is fully recognized tribe. On their reservation they have a clinic that is part of a consorted tribal health program, United Indian Health Services. By law and statute, that clinic system, which is governed in part by Smith River members, must not provide contract health care dollars and services for the Smith River members who live in Curry County, Oregon. This is because the contract health service delivery area in California is statutorily defined.

What we are proposing is that you use your authority as a committee and fund the account for new tribes, which is a portion of the contract health service line item, in the amount of $350,000, an appropriate amount based on the new tribes formula for the 174 members of this Federally recognized California based tribe that live in their traditional Tolowa homelands, which happen to be north of the California line.

Those are our four requests. Thank you for your time this afternoon.

[The statement of Michele Hayward and Jim Crouch follows:]

CALIFORNIA RURAL INDIAN HEALTH BOARD, INC

Testimony

Appropriations Sub Committee on the Interior and Related Agencies

March 28, 2012

My name is Michelle Hayward, I am a member of the Redding Rancheria, where I am elected Secretary of the Tribal Council, I am a Wintun Indian from northern California and I am here today to testify as Board Chair of the California Rural Indian Health Board (CRIHB) on the Indian Health Service FY 2013 Appropriations request.

The California Rural Indian Health Board founded in 1969 is a Tribal Organization operating under the authorities of the Indian Self Determination Act to provide health care services and technical assistance under tribal resolutions from 20 federally recognized Tribal Governments. Collectively our twelve member Tribal Health Programs represents 32 Tribal Governments and provide IHS funded services across 16 counties, an area equal in size to the state of Georgia, to approximately 28,000 active users of the IHS system. CRIHB also seeks non IHS grants and contracts to help augment the woefully underfunded IHS care in California. Last year we brought in an additional $16 million in service funding to the benefit of Tribes and Tribal Health Programs all across California. CRIHB also serves as the Area Health Board representing the California Area of the IHS to the National Indian Health Board.

Three fundamental facts shape our relationship with the IHS and the appropriations process that you oversee. The first is that all IHS funded services in California are directly operated by Tribes and Tribal Organizations under ISDEAA contracts and compacts. The second is that this Tribally operated delivery system includes no hospital inpatient capacity or hospital based specialty care capacity. Generally speaking the IHS program in California is a network of Tribally focused, public health oriented primary care clinics. We are therefore totally dependent on the Contract Care line item funds for all Hospital and specialty care. Lastly, because of the small size of the Tribes in California, the lack of population density and the relative proximity of non-IHS health care resources, the IHS Facilities program has systematically failed the Tribes in our Area. Over the past two decades there have been no IHS hospitals built only one Joint Venture Clinic Project and only four Small facility grants to serve a statewide Census population of 627,572 of which 255,544 live in the IHS Contract Health Care Delivery Area and 81,594 are listed as current Active Users.

Indian Health Care Improvement Fund:

CRIHB requests that $10,000,000 of the identified requested increase in the Hospitals and Clinics line item be set aside for distribution under the Indian Health Care Improvement Fund.

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The IHS has a legal obligation to provide equal access to health care services to its beneficiaries. Subsequent to Rincon v. Harris the federal courts have required that the IHS distribute its resources in a manner that is reasonable, rational and defensible. The court found that the historic use of base budget allocation to unacceptable. Yet even today less than 2% of the IHS appropriation has ever been set aside to address long standing issues of funding disparity. In FY 2013 the IHS will be making yet another mandatory report to Congress on their progress to date in achieving funding equity. I can predict with confidence that they will again report almost no progress over time in addressing this judicial mandate. They will however tell you that they have consulted with Tribal Governments on this issue and have refurbished the distribution methodology to bring it more in line with current costs and modern actuarial practices. But all of that without a commitment to funding is without meaningless. Lastly, on the subject of funding equity I must point out that national health reform will bring a tidal wave of new resources to Indian Country. The expansion of Medicaid coverage will be particularly important, but more important in some areas than in others. This does not mean that the IHS as a delivery system should lose any of its core funding, but it does provide Congress an opportunity to increase your commitment of funding equity. This could be achieved by placing the majority of all funds over last year's appropriation amount for the Health Services account into the Indian Health Care Improvement Fund until funding equity was more closely achieved.

Contract Health Care:

CRIHB requests that the CHS line item be increased by $50 million over current services, The IHS operated and Tribally operated health care delivery system varies in important characteristics from region to region. One important variable is the extent to which the system is vertically integrated from community focused prevention and primary care to secondary and even tertiary hospital based care. In recognition of this basic health planning concept, after more than a year of focused tribal consultation on these issues in 2001 the IHS adopted a new CHS allocation formula. The most important innovation in that formula was a co-factor recognizing that all IHS service units did not have access to IHS funded inpatient care. This is known as the CHS Dependency factor. In recognition of this difference, 25% of all funds over that amount necessary to fund medical inflation and population growth were reserved for those service units that had no access to IHS funded impatient services. In the past twelve years the CHS line item has been sufficiently well funded to trigger the so called CHS dependency factor exactly twice (2002 and 2011). This year the President has asked for an overall CHS increase of $54 million of which $20 million will be to fund expanded services and of that amount less than $2 million will be differentially allocated to those without access to IHS hospital level services. We urge Congress to increase this line item so that American Indians and Alaska Natives in California can receive a full continuum of health care services. Any CHS line item increase of less than $100 million fails to address the issue of comparable access for those without access to IHS Hospital services.

Youth Regional Treatment Facilities:

CRIHB requests $17 million in Facilities design and construction funds to initiate construction of a YRTC in Southern California on the Taylor Ranch site in Riverside County. Congress initially authorized the IHS in 1986 under P.L. 99-570 to establishment a network of inpatient addiction treatment facilities for American Indian Youth. Since that time the IHS has successfully renovated or constructed 13 YRTC facilities across Indian Country. Over the past 24 years the IHS has consistently failed to establish such a facility in California. A major source of this failure has been the simple fact that the real estate market in California moves faster that the federal real property acquisition process. Early this year the Government Services Administration successfully concluded the purchase of a 20 acre parcel in Riverside County known as the Taylor Ranch. This location and this long awaited project are broadly supported by Tribes in all sections of California. It is now time for Congress to appropriate $17 million in design and construction funds so that at least one YRTC in California can begin operating in FY 2016. Because of the lack of population density, as opposed to overall population size Tribes in California have received very little benefit from the IHS Facilities Construction program.

The Special Case of Smith River Rancheria and Curry County Oregon:

CRIHB requests that $342,248 in Contract Health Service funds be allocated to the Smith River Rancheria for allocation under the New Tribes process to serve their members in Curry County Oregon. The Smith River Rancheria, a federally recognized Tribal Government, is located in northern California in Del Norte County along highway 101. Their Tribal members receive their IHS funded care through a facility of the United Indian Health Services located on the Rancheria less than seven miles south of the Oregon border. The Tolowa people from whom the Smith River Tribal membership is drawn historically, and to this day continue to live on both sides of the state border. However, because the IHS program in California operates under a congressionally defined Contract Health Service delivery area that is contained within the borders of the state, no CHS funds allocated to California are currently available to serve the members of the Smith River Rancheria who live adjacent to the Rancheria in Curry County Oregon. Additionally, a review of historic IHS appropriation and allocation practice of the Portland Area Office of the IHS clearly establishes that no Portland Area IHS funds have been appropriated or allocated for the benefit of this population. In short, this is a population that is not currently served by the IHS and therefore this problem can be addressed through the established "New Tribes" process. This population of 174 Smith River tribal members actively and regularly receives primary care on the Rancheria where they are regularly denied CHS referral care in accordance with existing law and regulation. The solution to this predicament is for this Committee to authorize that a portion of the CHS expansion funds be appropriated to address this specific population.

CONTRACT HEALTH SERVICES - DISTRIBUTION BY AREA
FISCAL YEAR 1999 - 2010

Area Office	1999	2000	2001		2008	2009	2010	2011
Aberdeen	$ 42,272,400.00	$ 42,995,400.00	$ 47,639,457.00		$ 63,520,134.00	$ 67,932,811.00	$ 78,908,161.00	$ 78,981,101.00
Alaska	$ 40,206,100.00	$ 41,129,100.00	$ 46,438,344.00		$ 57,969,385.00	$ 63,065,563.00	$ 75,781,210.00	$ 75,851,244.00
Albuquerque	$ 19,007,800.00	$ 19,379,800.00	$ 21,673,540.00		$ 27,397,482.00	$ 29,830,959.00	$ 37,181,683.00	$ 37,216,024.00
Bemidji	$ 23,284,100.00	$ 24,555,600.00	$ 29,769,691.00		$ 38,247,233.00	$ 41,868,282.00	$ 52,364,546.00	$ 52,412,948.00
Billings	$ 33,361,900.00	$ 34,278,900.00	$ 38,531,117.00		$ 46,477,293.00	$ 49,214,400.00	$ 56,767,563.00	$ 56,820,021.00
California	$ 9,472,700.00	$ 11,808,700.00	$ 19,708,013.00		$ 28,280,641.00	$ 31,420,785.00	$ 40,773,077.00	$ 40,810,798.00
Nashville	$ 15,355,800.00	$ 15,550,800.00	$ 17,972,083.00		$ 22,381,890.00	$ 24,243,805.00	$ 30,205,260.00	$ 30,183,183.00
Navajo	$ 43,111,200.00	$ 44,091,200.00	$ 50,145,418.00		$ 63,794,083.00	$ 69,437,474.00	$ 84,986,329.00	$ 85,064,880.00
Oklahoma	$ 45,356,600.00	$ 45,800,600.00	$ 50,332,493.00		$ 69,153,183.00	$ 75,806,574.00	$ 95,265,179.00	$ 95,353,262.00
Phoenix	$ 32,533,400.00	$ 33,221,400.00	$ 37,418,859.00		$ 47,566,578.00	$ 51,563,659.00	$ 63,049,120.00	$ 63,107,391.00
Portland	$ 39,433,800.00	$ 41,464,800.00	$ 49,505,343.00		$ 63,563,841.00	$ 69,197,424.00	$ 83,216,850.00	$ 83,293,779.00
Tucson	$ 10,021,000.00	$ 10,242,000.00	$ 11,420,929.00		$ 13,879,895.00	$ 14,782,581.00	$ 16,986,338.00	$ 17,002,021.00
Sub-Total	$ 353,416,800.00	$ 364,518,300.00	$ 420,555,287.00		$ 542,231,638.00	$ 588,364,317.00	$ 715,485,316.00	$ 716,096,652.00
HQ Reserve	$ 14,339,900.00	$ 24,193,400.00	$ 11,200,713.00		$ 10,523,728.00	$ 4,077,930.00	$ 15,861,684.00	$ 4,378,336.00
Sub-Total	$ 367,756,700.00	$ 388,711,700.00	$ 431,756,000.00		$ 552,755,366.00	$ 592,442,247.00	$ 731,347,000.00	$ 720,474,988.00
CHEF-X0390	$ 12,000,000.00	$ 12,000,000.00	$ 15,000,000.00		$ 26,578,800.00	$ 31,000,000.00	$ 48,000,000.00	$ 48,000,000.00
TOTAL CHS	$ 379,756,700.00	$ 400,711,700.00	$ 446,756,000.00		$ 579,334,166.00	$ 623,442,247.00	$ 779,347,000.00	$ 720,474,988.00

TREND CONTINUES

Mr. SIMPSON. Where do those 174 people get their health care now?

Mr. CROUCH. Seven miles south of the Oregon line, on the Smith River Rancheria. It is 638 operated tribal health program that they participate in the governments of. It is a satellite of United Indian Health. And they like the primary care, but it is difficult, of course, that the providers cannot do the necessary referral to other kinds of service.

Mr. SIMPSON. So that is what the $350,000 would——

Mr. CROUCH. Yeah. These guys literally fall into a crack.

Mr. SIMPSON. Okay. Leonard.

Mr. MASTEN. That would be me. Well, the short version, and the long version. I will give you the short version.

WEDNESDAY, MARCH 28, 2012.

HOOPA VALLEY TRIBE

WITNESSES

LEONARD MASTEN
HAYLEY HUTT

Mr. MASTEN. My name is Leonard Masten. I am the Chairman of the Hoopa Valley Tribe, and Hoopa Valley Tribe is one of the largest land based tribes in California. We have a little over 3,000 tribal members. We are a successful self-governed tribe. However, we face important funding needs.

Mr. SIMPSON. Where is the Hoopa Valley?

Mr. MASTEN. We are, as the crow flies, about 60 miles from the Oregon border. We are in Humboldt County. Sorry. The Trinity River flows through our reservation, and then into the Klamath River, then another 20 miles to the ocean. But one of our main concerns, and from sitting back here and listening to everybody else, is IHS. And we have an ambulance service shortfall every year of about $470,000 that we have asked IHS for funding repeatedly for the last three years, and again we are told that they do not fund ambulance services in Indian country.

Again, we hear and see through Appropriations that they are funding several other reservations for air ambulances. And maybe because one has wings and the other has wheels there is some kind of difference. And again we ask that it be put into their budget, and if you do not ask for it, you are not going to get it. So we are asking, and we did talk to the director several times about her putting that into her budget.

So, you know, if possibly we could get funded the help, our services, we service not only the Hoopa Valley Reservation, but the Yurok and the Karuk are around us. We have another town that is 10 miles away from us, Willow Creek, another one the other way 12 miles, Orleans, that we service, and we are not getting any funding from those people. Our closest ambulance, besides us, is about 70 miles away, over hills and through a two lane road to get to the coast, where the hospital is.

But it is something that is really needed. We have to search through tribal budgets to try to meet that shortfall every year. And

we are having meetings. We do have our supervisor for our area, who is a Native now, that is helping try to help find funds. And the local communities now are having fundraisers to try and come up with that funding, but it would be nice to have some secure funding so we do not have to close down, and threatening to basically not go into those other areas, and stay on the reservation, just so that we can get our people where they need to be. But we really do not want to do that, so with some increased funding, we will hopefully be able to move forward with that.

Number two would be law enforcement. I had retired from law enforcement with the Bureau of Indian Affairs, but the law enforcement is huge in our area. We have a standing cross deputization agreement. We were one of the first in California to have a cross deputization agreement with Humboldt County. Our officers are trained just like the State officers, and they cross deputize us to enforce State Law on our reservation because of the Public Law 280 that gives the State jurisdiction for criminal activity on our reservation.

We do have the Law and Order Act code that was enacted this last year. We had two meetings now with the U.S. Attorney's Office, and I am a little disappointed that there is no funding that came with that. And we are being told by the FBI and our own District Attorney's Office that, because there is no funding, that the FBI is really reluctant to commit to coming onto our reservation to enforce Federal law.

And right now we are kind of getting a little flak, or I am, I guess. Our sheriff, who we have the cross deputization with, is kind of threatening to pull our cross deputization if we enter into the Federal law enforcement agreement. And that is what I was saying, and I have got a meeting next week with him, but it is all over. He think, I guess, if we go with the Federal stuff that we are going to be taking our cases all the way to San Francisco, which is a five hour drive from where we are. It do not make any sense, but we are not going to do that. And without some additional funding for the law enforcement Order Code, I do not see how we could be able to even participate.

We only have two officers on at a time for 24 hour coverage, only one during the day, and we have to drive the 120 miles round trip to go to court, which is off the reservation, so it is very difficult. So we are asking for $1.5 million to staff eight to 10 officers and help deal with the problem that we have now. It is the county's responsibility, but we have one officer from the country that has to deal with not only us, but the neighboring towns.

And the Karuk Tribe, which is the northern tribe from us, they actually contribute money to the county to provide a half time officer for their area, because they have no officers up there. So it is a huge problem, but it is something that I think can be addressed through the Appropriations.

I will have Hayley do the—she has been involved with the wildland fire, and I will pick up after she is done.

Ms. HUTT. Okay. Hi, my name is Hayley Hutt. I am a member of the council for the Hoopa Valley Tribe, and one of our big issues is our Wildland Fire Department. We are a self-governance tribe. We are the first to compact our Wildland Fire Department. We are

up in a real mountainous area, as he described. Anyway, we have to pay for the fire, and then we get reimbursed, and only compact tribes have to do this.

So if any other organization, like, Forestry, or Bureau of Land Management, or Parks and Recreation, if they fight fires, they do not have to come up with their own revenues to pay for the fire, but we do. And it is an average anywhere from 500,000 to a million dollars. We are a timber tribe, so that is where we get our revenues. We have not made sales, and we may not make a sale this year. Our prices are really low, so this offsetting is a big problem.

So we have a solution, and our solution is that we did receive an escrow amount of money of $175,000. We want to put that in Treasury account and draw it down through the ASAP system. We would continue to file our reimbursements through the Bureau of Indian Affairs Regional Office, and then the monies would go back into that ASAP account. Right now that money is in our general fund, and we are always way over that. So if we are into $500,000 or more, that money comes from our revenues.

Last year we said to the BIA, we cannot do this. This will break us. And we are now in a drought year, and we are going to have big fires, and we do not have a timber sale. So we are asking for that escrow account to be put in this other system, for it to be increased to the 10 year average. We know that monies are already set aside based on a 10 year average, and so we want access to that money in advance so we do not have to front the Federal government to protect the forests, and we protect all the forests around our reservation as well.

This solution has been pitched to everybody, so if you bring it up with Bill Downs, or Lyle Carlisle, or Vicky Force, anyone, they know Hayley, and they know the fire issue, and they know the solution. So that is what we are asking for.

We also have a big problem with our septic system. Our whole valley floor is septic systemed up to our ears, and they are old systems. They are failing. We are not meeting the EPA standards, and we cannot build more homes. We cannot build businesses. We do not have the basis for economic development just on our sewer line alone, let alone, of course, all the other stuff.

So we have come up with a plan, and we are shovel ready, but that plan is $26 million. It is a five year phased plan. So we just want to put that in the forefront of your mind, that we are desperate for help on that need. I think we have taken up our time.

Mr. MASTEN. I only have one other issue. We have a couple others in there, but it is in already written testimony, so I will try to shorten it up so you can kind of get back on time anyway, but the other one was our Klamath Basin Restoration Project. In 2010 several Klamath Basin entities signed an agreement, including the so-called Klamath Restoration Agreement, KBRA. The Federal agency signed the KBRA. Nevertheless, the Department of Interior, in 2012, enacted budget cuts from the real estate services to implement this.

And our concern is that we have a huge problem with real estate and property that is on our reservation, and we are having a really tough time funding any type of services for a program to deal with

our land. We are having to contract a lot of that out to get another group of surveyors.

We have even asked help from the National Guard, who comes in and provides help through our health service for doctors, nurses, and dentists, and those types of things, to help out during the summertime. And we have not seen them yet, but it has been two years now that we had to ask them to bring in, they said they would when they were there, was bring a team of their surveyors in to help us get caught up and get a lot of that stuff done.

But I do not, you know, I think we need to keep the money where it is supposed to be for the activities of the land, and to trust stuff. But we think that Congress should not fund Indian termination activities, and monies that are needed to provide these real estate services to the Indian tribes in our area.

And with that, I thank you, Mr. Chairman, for your attendance, and wish there were more people here, but——

[The statement of Leonard Masten and Hayley Hutt follows:]

FY2013 Appropriations Testimony of Chairman Leonard Masten, the Hoopa Valley Tribe
Before the U.S. House of Representatives Subcommittee on
Interior, Environment and Related Agencies Appropriations
March 19, 2012

The Hoopa Valley Indian Reservation is the largest reservation in California. It covers approximately 144 square miles. The Hoopa Valley Tribe currently has 3,006 tribal members. The Tribe was one of the first self-governance tribes in the nation. Through self-governance we have been able to leverage federal dollars to fund our programs to the benefit of our members, residents and community. However, we face some important funding needs which we highlight below for the Subcommittee's attention.

K'ima:w Medical Center Ambulance Program Operations: $470,516.

We were the first in California to enter into a health care services compact with the Indian Health Service (IHS) through which we operate the K'ima:w Medical Center (KMC), a Joint Commission accredited ambulatory clinic which offers a comprehensive set of medical, dental, and health services. Significantly, the KMC operates *the only* ambulance service in the region, providing basic and advanced life support emergency services both on-reservation and off-reservation to Indian and non-Indian people in northeastern Humboldt County and portions of Trinity and Siskiyou Counties. Our ambulance program is critical for the region. The nearest hospital is about 80 miles away and travel time can take up to 2.5 hours over remote mountain roads. The care we provide en route can sometimes be the difference between life and death. In 2011, our ambulance responded to 980 emergency calls

Unfortunately, the average number of runs that are reimbursed by 3rd party insurances do not generate enough revenue to support the overall operational costs, which primarily is attributed to the necessary standby time. Our ambulance program in 2011 had a budget shortfall of $470,516. The IHS subsidizes the cost of leasing ambulances, but, unfortunately, it has told us that it does not provide operational costs to any of the IHS affiliated EMS programs.

To ensure the availability of critical, lifesaving tribal ambulance services like ours, we ask that adequate funding for operations be made available to tribal ambulance programs.

Law Enforcement: $1.5 million

The Tribe needs funding to carry out law enforcement functions under Sections 221-222 of Pub. L. 111-211, the Tribal Law and Order Act ("TLOA"). The TLOA authorizes the United States to reassume concurrent criminal jurisdiction within our Reservation and authorizes the Attorney General to assist deputization agreements to reduce crime. However, little federal assistance has been provided.

The Bureau of Indian Affairs (BIA) currently provides only enough to cover hiring and staffing 1-2 officers. Currently, the Tribe funds 10 officers, who are routinely the first and sometimes the only responders to calls on our Reservation. They are not enough to meet the public safety needs of our Reservation, which is the largest in California and, unfortunately, is faced with significant and unique community policing challenges due to rampant illegal drug trafficking in the area.

Our Tribal Police Department is one of the first and only in the State of California to have a Joint Powers Agreement/MOU and a Deputization Agreement with the neighboring county, which is immensely important for cooperation purposes. However, the County provides no funds for law enforcement services; it merely deputizes our tribal officers who must rely entirely on the Tribe's resources. Our Police Department currently needs $1.5 million in funding for operation and salaries to ensure adequate law enforcement coverage on our Reservation. Congress must act to help us fulfill the promises of the TLOA.

Klamath Basin Water and Fisheries Funding Must Not Be Diverted Into Unauthorized Projects.

In 2010 several Klamath Basin entities signed agreements, including the so-called Klamath Basin Restoration Agreement (KBRA). No federal agency signed the KBRA. Nevertheless, the Interior Department's FY 2012 enacted budget cut Real Estate Services to implement it. Page 1063 of the conference report to accompany H.R. 2055 described $11 million as "for continued implementation of the Klamath Basin Restoration Agreement." The bill regarding the KBRA, H.R. 3398, would terminate the federal trust responsibility to protect our water and fishing rights. That legislation should not be enacted. Congress should not fund Indian termination activities out of monies needed to provide real estate services to Indians.

Wildland Fire Suppression: $531,689.

The Tribe compacted the entire Wildland Fire Program in 2001, which includes Preparedness, Suppression, Rehabilitation (BARE), Fire Prevention and Fuels Management. We were the first Tribe in the nation to compact or contract a fire program from the BIA, and were instrumental in establishing the use of escrow accounts to advance funding for Fire Suppression costs incurred by the Tribe. The escrow account allows already congressionally-appropriated funding to be transferred and held in a Tribal account for the operation costs of our Fire Suppression program. Initially, the BIA funded the Tribe's escrow account at $100,000. In 2004, it increased the amount to $175,000.00. Unfortunately, the escrow account balance has never been adequate to meet the needs of operating our Fire Suppression program. The Tribe has ended up covering the federal government's obligation to provide adequate funding for the program. While the federal government eventually reimburses the Tribe (sometimes a year or more later), the process has caused grave financial problems for the Tribe.

The Tribe has pleaded with the BIA year after year to increase the Fire Suppression escrow account to alleviate the financial burden on the Tribe. The ten year average Fire Suppression costs for the Hoopa program is $531,689. The Tribe has routinely had to bear Fire Suppression costs out of its general fund of $356,689 or more ($1,044,031) above the BIA funded amount of $175,000. We have charts that exhibit the yearly amounts the Tribe covers, which we will provide for the record. The Tribe simply cannot afford to continue to support the federal government's obligation as we do not have the financial reserves available due to the depressed economy and depressed price of timber from which we derive governmental revenues. The solution to this dilemma is to use the method Congress uses to allocate funding to its own agencies for fire suppression, which is based on the **"ten year average cost for suppression of fire."** The ten year average that Congress uses to allocate funds includes the costs incurred by the Hoopa Tribe. With this, the funding we are asking for is routinely included within the annual

allocation already. Notably, the Fire Suppression costs we have identified and are requesting are those the Tribe has paid out and not the total actual costs for suppressing all fires.

Waste Treatment: $26,938,980.

Sanitary system improvements on our Reservation have not kept pace with water supply improvements. Our Reservation is home to roughly 3000 people living in approximately 864 to 900 single-family dwellings. All homes and businesses are served by individual-on-site septic systems, creating a congestive situation and concerns about the number of leaking aged tanks which likely are introducing nutrients, toxic chemicals and pathogens to various sources of drinking water.

We have systems that were built without adequate percolating capacity for the soil conditions of certain areas of our valley floor. An excessive number of leach fields are failing due to age and poor soil content. Further, roots entering leach fields are a major factor for failing tanks. Most wells in the Valley have been discontinued for drinking water due to contamination. Also, many of the septic tank systems have failed to meet public health standards and our septage disposal area is not in compliance with EPA Standards set forth in 40 CFR 503, causing mandates to resolve our valley-wide waste treatment needs. Given the health hazard facing our entire community, our waste treatment priority can no longer be placed on the back burner.

Unfortunately, we do not have adequate annual funding to operate, maintain and replace existing septic systems. Further, to spend funds on new septic systems is wasteful in light of our true need to build a community waste treatment facility. We are prepared to construct a community waste treatment facility in phases. Our proposed phasing would allow us to use the infrastructure as it is constructed. Our valley is made up of eight (8) fields: Norton, Mesket, Hosler, Agency, Campbell, Soctish, Chenone and Matilton, and the phasing is based upon these fields with the first phase being the most expensive: Phase I ($12,172,980), Phase 2 ($7,809,420), and Build-out ($6,956,580) for a total need of $26,938,980.

Cobell Settlement Tribal Support: $527,000.

While the DOI Cobell Land Consolidation Plan is a well–meaning first step in tackling the problem of fractionation of Indian land, without further action by Tribes and the federal government fractionation will continue. The Plan largely focuses on Midwest areas, but DOI must concentrate on areas like Hoopa as well. The Tribe has studied these issues for several years and has had discussions with various federal officials, administrative law judges and staff, individual Indians, and tribal government representatives that have resulted in the development of a comprehensive estate management plan. Furthermore, the Plan lacks an understanding that while today tribes contract and compact to administer at least half of the trust programs that were historically carried out by the BIA, it does not include funding and staffing needs of tribal governments in its implementation. To correct this oversight, the Tribe requests that $527,000 be appropriated for the costs of staff and to support Real Estate and Trust Records Management activities needed to implement the Cobell Settlement.

The Cobell Settlement is further flawed because it does not address how fractionating lands problems will be prevented in the future. The Tribe's concern is that unless the Plan includes pro-active ways to prevent the perpetual fractionalizing of land, the same problems will continue

to be a problem in perpetuity. To correct this oversight, the Tribe requests that the Committee direct the Department of the Interior to work with tribes to design pilot projects that will prevent fractionated lands problems from continuing. The framework for such pilot projects includes: (1) the proactive development of tribal probate and land use codes; (2) entering into joint enforcement agreements with the Secretary of the Interior for enforcement of the tribal and federal components of such plans; and (3) designing ways for the DOI Office of Hearings and Appeals to work with tribes to harmonize the activities of the Indian Probate Judges with tribal and federal probate procedures and local land use plans. We have additional information on how such a plan can be designed and would be happy to present it for the record. We further request that the Committee direct the Department of the Interior to report to the Committee on progress on this effort within 180 days.

Broadband: $15 million.

The Tribe has an immediate need for the installation of a broadband optical-fiber based network to support the residential, governmental, and commercial development of our tribal community. Whether it is for video conferencing to allow participation in federal programs and government-to-government exchange, telemedicine for monitoring of elders and the disabled and to allow access to advanced medical diagnostic and referral services off-Reservation, or for private-sector commercial development in general for our Reservation, fiber-based broadband Internet access is the key enabling technology for these essential activities.

To build a middle-mile and last mile optical fiber-based system connecting from U.S. Hwy 36, along U.S. Hwy 299 through Willow Creek, CA (also serving this community and the community of Salyer, CA) and up U.S. Hwy 96 to our Reservation, we would require $15 million for infrastructure installation. Further, connection to the Yurok Tribe and the Karuk Tribe would require an additional $5 million. The Tribe is working on grant funding opportunities, but significant matching funds would still be needed for such avenue to work.

Energy: $25 million

The Tribe has developed a comprehensive strategic energy plan aimed at creating energy self-sufficiency for our Reservation. Micro-hydroelectric and solar power generation play key roles in developing critical infrastructure to support energy self-sufficiency. Both are viable technologies for use on the Reservation. Just as important, these are renewable natural resources readily available for the Tribe. They can provide great utility while being environmentally friendly and with modest ongoing operational and maintenance costs. When fully developed, these energy sources will remove the Tribe from dependence on externally generated electricity and fossil fuels for heat generation on the Reservation. The BIA Office of Indian Energy and Economic Development should be a partner in this endeavor.

Our current estimates to adapt and install micro-hydroelectric and solar power generation infrastructure on our Reservation would require $25 million which would be used for equipment purchase and installation, supporting engineering, and initial operation start-up costs.

Conclusion

On behalf of the Hoopa Valley Tribe, we thank you for the opportunity to testify on these important issues.

Mr. SIMPSON. Well, most of them take a chance to read it over. Unfortunately, there are about 38 hearings going on.

Mr. MASTEN. Yeah.

Mr. SIMPSON. I had to step out for a minute and run up to BOR hearing, talking about Indian water rights, and——

Mr. MASTEN. Yeah.

Mr. SIMPSON [continuing]. How BOR is going to pay for those. So it gets crazy time around here. But it actually helps us and helps the staff——

Mr. MASTEN. Yeah.

Mr. SIMPSON [continuing]. Decide what to do. Bambi.

WEDNESDAY, MARCH 28, 2012.

THE NATIONAL ASSOCIATION OF TRIBAL HISTORIC PRESERVATION OFFICE (NATHPO)

WITNESS

BAMBI KRAUS

Ms. KRAUS. Thank you very much, Mr. Chairman. Again, thank you for listening to the testimony the past two days. It is always compelling, and I appreciate your time.

Chairman Franklin is the actual chairman of The National Association of Tribal Historic Preservation Office. He was unable to be with us today. He is in California. I am based here in Washington, D.C., and I am actually Tlinget from Kake, Alaska, so it has been nice to see all the Alaskans here earlier.

I am actually here to talk about programmatic needs versus specific issues, even though I think contract care and contract support costs are indeed a programmatic issue. But in terms of the Interior programs, I am here to talk about the National Park Service and the Bureau of Indian Affairs, and then just to touch onto the Smithsonian Institution.

So The National Association of Tribal Historic Preservation Office works with over 130 tribes, even though we provide technical assistance to all Indian tribes, and there are currently over 130 tribes participating in this program. And that is 30 states and millions of acres of land that the tribal governments are responsible for managing. The THPOs that are in existence, for the most part, almost all of them have accepted the responsibilities of a State Historic Preservation Officer for tribal lands, and that includes a Section 106 performance compliance work, per the National Historic Preservation Act.

So I try and make sure that everybody understands it, historic preservation is not just a feel good project. It really is a needed necessity for Federal compliance with various cultural and environmental laws. So in terms of the people you have heard from the past two days, any Indian school, any Indian health clinic, is going to have to go through, you know, compliance work, any other development project that breaks ground.

So that gives you an idea of the tribes that we work with. I want to thank you for your prior support for the Historic Preservation Fund for tribal programs. The administration requested level fund-

ing from last year, which is, you know, a great success in today's economy, however, there are more tribes coming into the program. And without the money that comes along with additional tribes participating, it means there are fewer dollars for the tribes that are already existing.

So it is a very popular program, and it has been wildly successful. It is severely underfunded. It is nothing you have not heard, but for a lot of reasons I am here to try and explain why it is so important, and if you could get a slight increase over the administration request so that they could take, you know, at least fund some of the tribes that are coming into the program.

So that is the Historic Preservation Fund. We also do quite a bit of work in monitoring the National Native American Graves Protection and Repatriation Act. Federal Indian law that was created for the benefit of Indian tribes, and yet the Government Accountability Office did a report in 2010 with a title, "After 20 years, Key Federal Agencies Still Have Not Fully Complied With The Act". And it looked at the Bureau of Indian Affairs, BOM, BOR, Fish and Wildlife, the Park Service, as well as Forest Service, Army Corps of Engineers, and Tennessee Valley Authority.

And that report title summarized the experience that Indian people have had trying to implement a law that was created for their benefit. It has been a very frustrating experience. It has been very expensive, in terms of not funding the tribes at a level that they can actually use to benefit their own programs. I like to try and point out to people that when it was passed in 1989 and implemented in 1990, Indian tribes did not have the wealth that they do today.

So if you think about 20 years ago, Indian tribes were told, you know, learn how to talk to a museum, and figure out what they hold of your lineal descendants, their cultural sacred objects. I mean, it is an amazing amount of complex work, and they were told overnight to go and contact museums and Federal agencies to try and get back things that had been taken out of Indian country. So that, you know, it was gratifying to see the GAO do that work and bring that topic at least to some level of attention. That was the first time any Indian law and cultural preservation had ever been looked at in such a way.

They followed that up with a second part on the Smithsonian, and the title said it all also. It was "Much Work Still Needed To Identify And Repatriate Indian Human Remains And Objects". So in terms of that particular GAO report, which was just released in June of 2011, they calculated that it takes about three years for an Indian tribe to work through the process of repatriation for the Natural History Museum. But one example was it took one Indian tribe over 18 years to get through the process to repatriate remains and objects. So there is a lot of work to do, and our testimony puts in there monies to help rectify that problem, or to support the tribes.

And my last bonus minute, I want to just point out for the Bureau of Indian Affairs, to this day they do not have any line item specifically for cultural resources, which is astounding. And I just, you know, had e-mail to me while I have been sitting here that the

BIA was established March 11, 1824, which is 188 years ago, and it was transferred from the War Department to Interior in 1849.

And so we are looking at 188 years that they have never included any money to do any compliance or feel good work for Indian people, and something that is so uniquely American Indian today, and that would be our own cultural preservation and identity. And I just wanted to, you know, make the plea to, you know, the BIA needs to look at what they are doing. It is one thing to serve a contract. It is another thing to actually work with living human beings.

And NATHPO has stepped out to try and start bringing this issue to the attention of the Congress and the administration. It would be great to have, you know, people actually working to create health communities that can take advantage of all the other money that you are putting into it, whatever infrastructure you are doing.

So with that I would like to, you know, I am available for questions and follow-up later, but thank you very much for your time. Thank you.

[The statement of Bambi Kraus follows:]



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Testimony to the House Interior Appropriations Subcommittee on the President's Fiscal Year 2013 Budget Request for Interior and Related Agencies

The National Association of Tribal Historic Preservation Officers (NATHPO) is pleased to submit testimony to the House Appropriations Subcommittee on Interior and Related Agencies on the President's Fiscal Year 2013 Budget Request.

The National Association of Tribal Historic Preservation Officers

NATHPO is a national not-for-profit membership association of tribal governments that are committed to preserving, rejuvenating, and improving the status of tribal cultures and cultural practices by supporting Native languages, arts, dances, music, oral traditions, cultural properties, tribal museums and cultural centers, and tribal libraries. NATHPO assists tribal communities protect their cultural properties, whether they are naturally occurring in the landscape or are manmade structures. In addition to members who serve as the Tribal Historic Preservation Officer (THPO) for their respective tribe, our membership includes many other tribal government officials who support our mission and goals. NATHPO provides technical assistance, training, timely information, original research, and convenes a national conference of tribal representatives, preservation experts, and federal agency officials.

NATHPO respectfully submits comments on the following Interior bureaus (suggested dollar amount in parenthesis). NATHPO urges the Interior Department to place a higher priority on these programs, as the low to non existent funding levels reflects the low priority and attention given to these programs within Interior.

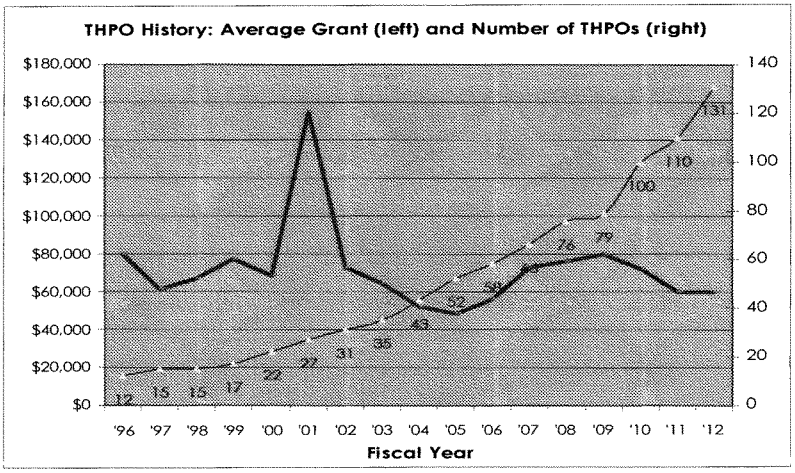
1. National Park Service, Historic Preservation Fund, Tribal line item ($9.7 million)
2. National Park Service, National NAGPRA Program:
    a. Exclusively for NAGPRA Grants ($2.331 million)
    b. Program administration ($1 million for Program/Alternative Use)
3. Bureau of Indian Affairs – Create line items and support the following divisions:
    a. 12 Regional Offices support for Cultural Resource compliance ($3 million)
    b. Central Office cultural resource efforts throughout the bureau ($200,000)
    c. NAGPRA compliance work ($765,000)
    d. To fight ARPA crimes on Indian reservations ($200,000)

NATHPO also requests that the Smithsonian Institution receive $1.25 million for its repatriation activities, including Review Committee and repatriation office.

Historic Preservation Fund, National Park Service: $9.7 million for Tribal line item

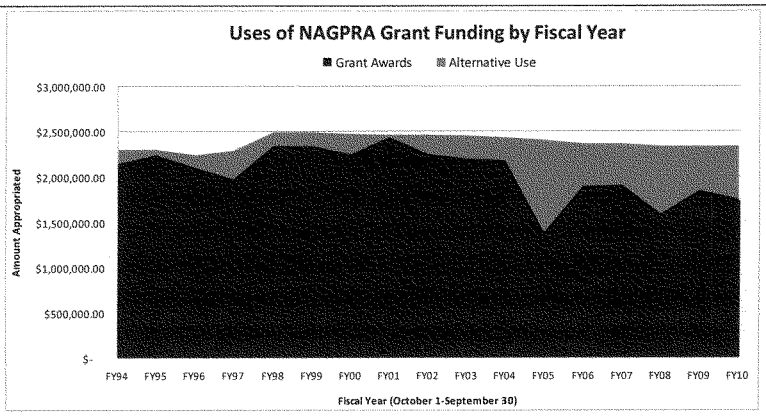
As of March 15, 2012, there are 131 NPS-recognized THPOs in the country. These Indian tribes have assumed the responsibilities of the State Historic Preservation Officers (SHPOs) for their respective tribal lands and have a land base exceeding 30 million acres in 30 states.

What are Tribal Historic Preservation Officers? Technically speaking, they are federally recognized tribal governments that have entered into an agreement with the Department of the Interior to assume the federal compliance role of the SHPO, as codified in 36 CFR Part 800. Thus, THPOs are actively involved with projects to improve Indian schools, roads, health clinics and housing. **What are THPOs in a general sense?** THPOs are the first responders when a sacred site is threatened, when an ancestral home is uncovered, and when Native ancestors are disturbed by development. They are also responsible for creating their tribe's oral history programs and operating tribal museums and cultural centers. They perform many functions and responsibilities in Indian country and are an active expression and exercise of tribal sovereignty. For the past 10 years, these programs have become very popular and successful with tribal governments. For the first time, they are recognized as the authentic representatives of cultures and societies that have been in existence for countless generations.



What is at Stake? Without an increase in FY2013 for the expected increase in the number of tribes participating in the THPO program, Native American cultural properties located on millions of acres of tribal lands are at risk. Each THPO program will be asked to perform important federal compliance work with fewer funds. It is essential that THPO programs be provided with adequate funding to meet the increasing needs and demands on their time to comply with federal, state, and tribal laws. Funding for THPO programs overall cannot remain static or decrease while the number of THPOs participating in the program continues to increase.

National Park Service:
Native American Graves Protection and Repatriation Act (NAGPRA)



NAGPRA provides for the disposition of Native American cultural items — human remains, funerary objects, sacred objects, and objects of cultural patrimony — removed from Federal or tribal lands, or in the possession or control of museums or federal agencies, to lineal descendants of Indian tribes or Native Hawaiian organizations based on cultural or geographic affiliation. NAGPRA also prohibits trafficking of Native American cultural items. The Secretary of the Interior has established and maintains the NAGPRA Review Committee to monitor and review the summary, inventory, and repatriation requirements of the Act.

NAGPRA Grants Program – NATHPO Recommends for FY2013:

- **$2.331 million to be used exclusively** for NAGPRA Grants to Indian tribes, Native Hawaiian organizations, and museums. The maximum amount of funds to be awarded in grants to Indian tribes and museums must be a priority, especially as all parties work to implement the Final rule of 43 CFR 10.11 that went into affect in 2010. One key provision of this rule on the disposition of culturally unidentifiable is that a museum or Federal agency that is unable to prove right of possession to culturally unidentifiable human remains must offer to transfer control of the human remains to the appropriate Indian tribe/s and Native Hawaiian organization/s.
- **$1 million**, additionally, for NAGPRA program administration, including the publication of Federal Register notices, grant administration, civil penalty investigations, and Review Committee costs.

The President's budget proposes a 25% reduction in NAGPRA Grants, although upon closer examination, no actual savings would be achieved. Rather, the overall amount of funds expected from the U.S. Congress remains level funded from FY2010 at $2.331 million, but the NPS proposes to move $581,000 – or 25% of $2.331 million – via an "internal transfer or other non-policy/program change" to fund NPS "cultural resources/National Register programs." NATHPO understands that in these difficult fiscal times, austerity measures must be considered, but reducing grants to Indian tribes and museums severely impairs their ability to comply with NAGPRA while no actual federal savings will be realized.

Bureau of Indian Affairs (BIA) - Interior

Bureau of Indian Affairs – To create line items and support the following divisions:

1. To support Cultural Resource compliance at the 12 Regional BIA Offices ($250,000 x 12 regional offices = $3 million)
2. Central Office cultural resource efforts throughout the bureau ($200,000)
3. NAGPRA compliance work ($765,000)
4. To fight ARPA crimes on Indian reservations ($200,000)

Currently the BIA does not have any budget line items that are devoted to complying with the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act (NAGPRA), the Archaeological Resources Protection Act (ARPA), and executive orders and directives in the cultural resource field. Funds are not only needed for the BIA to comply with their internal development efforts, such as roads and forestry, but also to conduct project reviews of outside development projects, such as oil and gas development that are estimated to number over 7,000/year.

Because the BIA lacks funds in the cultural resource field, it is unable to comply with the federal Executive Order directing federal agencies to inventory the historic properties under their control. The BIA estimates that it may take up to $1 million to complete their inventory of over 6,000 structures that have not yet been evaluated.

In 2010, the Government Accountability Office (GAO) released the results of their audit that included the BIA, "NAGPRA: After Almost 20 Years, Key Federal Agencies Still Have Not Fully Complied with the Act." This report marked the first time that federal auditors have examined a major federal Indian law enacted to facilitate the return of Native American human remains and cultural objects. In order to comply with the GAO recommendations, the BIA needs to devote funds to comply with NAGPRA, but at this time, no line item is dedicated for this function.

Finally, ARPA crime on Indian reservations continues to be a major problem, as looters and traffickers continue to steal valuable cultural resources from tribal and federal lands. The BIA does not have any special agents or law enforcement forces to combat this uniquely destructive crime in Indian country. NATHPO urges the creation of a dedicated line item for this important function of the BIA.

Smithsonian Institution

In June 2011, the GAO released their report, "Smithsonian Institution: Much Work Still Needed to Identify and Repatriate Indian Human Remains and Objects." The GAO stated that the Smithsonian's process to repatriate thousands of Native American human remains and funerary objects in its collections is lengthy and resource intensive and it may take several more decades to return items to tribes under its current system. In addition to supporting the GAO recommendations, NATHPO requests that the Smithsonian Institution receive $1.25 million for its repatriation activities, including operation costs of the Review Committee and repatriation office, as originally authorized by the Congress.

Mr. SIMPSON. Thank you. You know, I thank all of you for being here. I have served on a City Council. I do not know of any community that does not have a problem funding ambulance service. It is amazing. We always fight with our county about who is going to fund it. The County pays the City so much to run their ambulances out there, and then they always fight about how much to pay, and every local community has problems with ambulance service. But you are right, it is a big problem. We went to some reservations last summer where they do pay for the air service because the reservation is so vast that getting an ambulance there is not going to be helpful.

Mr. MASTEN. That is right.

Mr. SIMPSON. So, anyway, that is something that we also will look at. But I appreciate all the testimony on all the variety of issues that come up. And the one thing we always find out through these hearings for a couple days, with tribes from across the country, is that there are some common issues that run throughout Indian country, contract support, police services, those kind of things, and yet there are unique tribal issues that are different for every tribe that we try to address. We appreciate very much your testimony here today, and it will help inform us as we try to write the budget for this coming fiscal year, which we will probably get into in the next three or four weeks, five weeks, something like that, before we get it to the floor. I think it will be June before it gets to the floor.

We need you to stay for just a second so that, just this last panel, so that we can get your names correct for the record, okay? I am a big fan of historic preservation, and, as a country, we are still a young country compared to, you know——

Ms. KRAUS. Um-hum.

Mr. SIMPSON [continuing]. European civilizations. I am not saying our civilization is young. Yours is obviously very old. But as a country, we are a young country, and we can do a lot to preserve our history and culture, and if we do not, it will be gone. Thank you all very much.

The following statements were provided for the record by witnesses who did not present oral testimony at the public witness hearings.

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*NOT ADMITTED IN D.C.

March 28, 2012

HEARING BEFORE THE HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON THE FY 2013 BUDGET

Testimony of Lloyd B. Miller on behalf of Arctic Slope Native Association, the Chickasaw Nation of Oklahoma, the Choctaw Nation of Oklahoma, the Citizen Potawatomi Nation, Kodiak Area Native Association, the Nez Perce Tribe, the Port Gamble S'Klallam Tribe, Southcentral Foundation, SouthEast Alaska Regional Health Consortium, the St. Croix Chippewa Indians of Wisconsin and the Tanana Chiefs Conference

My name is Lloyd Miller and I am a partner in the law firm of Sonosky, Chambers, Sachse, Endreson & Perry, LLP, of Washington, DC. I am submitting this testimony on behalf of 11 Tribes and tribal organizations that experienced contract support cost shortfalls but who have been denied their day in court, due to no fault of their own. On behalf of these 11 Tribes and tribal organizations we request that the Committee include language which would deem their claims to have been timely filed so that they can finally have their day in court. The language would not guarantee any outcome on the claims, and would only assure that the Tribes and tribal organizations are permitted to bring them.

The 11 Tribes and tribal organizations named here were all caught in a double Catch-22 that was not of their making.

The first Catch-22 concerned two law suits that were pending before New Mexico Federal Judge Leroy Hansen. One was a class action lawsuit against the Bureau of Indian Affairs over

unpaid contract support costs, and is called the Ramah case.[1] The other was a class action law suit against the Indian Health Service over unpaid contract support costs and is called the Zuni case.[2] These were essentially identical law suits. The Ramah BIA suit was filed in 1990, and the Zuni IHS suit was filed in 2001.

In the BIA class action case, Judge Hansen ruled in 1993 that individual tribal contractors did not need to individually "present" their own claims to the government in order to be covered by the law suit. Instead, Judge Hansen ruled, the claims that were filed by the Ramah Navajo Chapter were sufficient to cover all tribal contractors. Later, in 1999 and 2001, portions of this lawsuit were settled and all qualifying tribal contractors in the country shared in the settlements.[3]

The Zuni class action law suit against IHS was filed in 2001, and for 4 years it was handled by Judge Hansen. Since Judge Hansen had already ruled in the Ramah case that individual tribal contractors did not need to present their individual claims in order to be covered by the class action law suit—and because Judge Hansen's decision was the only decision in the country to address this issue—individual tribal contractors likewise relied on the 2001 Zuni class action law suit to protect their claims. They did not file individual claims.

In 2005, the Zuni law suit was assigned to a new Judge. Within a few weeks the government informed the new Judge that the government intended to challenge Judge Hansen's earlier 1993 ruling. Shortly after this development—again, in 2005—all of the 11 Tribes and tribal organizations named above filed individual claims against the government. The claims reached back as far back as fiscal year 1996 (five years before the Zuni case was filed, but 9 years before the 2005 claims were filed). Eventually, the new Judge handling the Zuni case, Judge Johnson, announced that he disagreed with Judge Hansen's 1993 decision. Judge Hansen ruled that a class action law suit does not protect individual tribal contractor's claims if those claims have not been separately presented to the government within six years after they first accrued. (Partly for this reason, Judge Johnson ended up refusing to certify the Zuni case as a class action. It was later dismissed.)

This was the first Catch-22. The 11 Tribes and tribal organizations named here relied on Judge Hansen's ruling that a class action lawsuit relieves individual tribal contractors of the burden of filing their own claims. No one could have predicted that the Zuni case being handled by Judge Hansen would be transferred to Judge Johnson, and that Judge Johnson would then disagree with Judge Hansen and require all tribal contractors to present their claims one by one.

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[1] Ramah Navajo Chapter v. Lujan, No. 1:90-cv-00957 (D.N.M. filed Oct. 4, 1990).

[2] Pueblo of Zuni v. United States, No. 1:01-cv-01046 (D.N.M. filed Sept. 10, 2001).

[3] Ramah Navajo Chapter v. Babbitt, 50 F. Supp. 2d 1091 (D.N.M. 1999); Ramah Navajo Chapter v. Norton, 250 F. Supp. 2d 1303 (D.N.M. 2002).

The second Catch-22 concerns what happens when a class action law suit is not certified. The usual rule is that individuals who are covered by an uncertified class action are protected during the time that the law suit was pending. They do not lose any rights. If the class is not certified, the individuals are then free to go forward on their own, and they are given the extra time that the law suit was pending to pursue their own individual claims. This is called "class action tolling," because the class action law suit "tolls" the time for the individual to act on his or her own.

That is the usual rule. But when the 11 Tribes and tribal organizations sought to rely on the usual "class action tolling rule" to pursue their individual claims, the Federal Circuit Court of Appeals held that the "class action tolling rule" does not apply in government contract litigation. As a result, claims that were filed more than six years after the claims arose are considered untimely.[4]

This is the second Catch-22. In 2001, these 11 Tribes and tribal organizations assumed that the usual class action tolling rules would protect them if there were ever any problem with the Zuni class action law suit, only to learn, for the very first time in 2009, that the usual rules do not apply to this kind of law suit. By then—even by 2005—it was too late to cure the problem of the claims having been presented too late.

Two Catch-22 situations should not stand in the way of Tribes having their day in court on legitimate assertions that the government underpaid their contract support cost requirements. For this reason, we request that the Committee consider including in the bill the following language:

> ", provided that, claims presented to an Indian Health Service contracting officer on or before October 31, 2005, and involving claims which accrued after October 1, 1995, and on or before September 30, 1999, shall be deemed timely presented".

The proposed language would deem the claims that were filed in 2005, and covering contract years 1996-1999, to have been timely filed. If enacted, each of the 11 Tribes and tribal organizations will finally have its day in court. The proposed language does not guarantee any outcome, just a day in court.

Thank you for the opportunity to present this testimony.

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[4] Arctic Slope Native Assoc., Ltd. v. Sebelius, 583 F.3d 785 (Fed. Cir. 2009). Subsequent cases have ruled that the "equitable tolling" doctrine also does not apply in this setting to preserve the timeliness of claims more than six years old. See, e.g., Menominee Indian Tribe of Wisconsin v. United States, __ F. Supp. 2d __, 2012 WL 192815 (D.D.C. 2012).

Written Testimony Submitted March 20, 2012
To The U.S. House of Representatives Appropriations Committee
Shawn Price, President-Elect
American Association of Radon Scientists and Technologists, Inc (AARST)
General Manager, Air Chek, Inc.

My testimony concerns the U.S. Environmental Protection Agency, Indoor Radon and Toxins Program in the following budget categories: Radon Program (FY 2013 PB: $2.2M, FY 2012 Enacted: $4.1M, FY 2013 Change: -$1.9M), a divestment of $1.9 million eliminates EPA headquarter and regional office oversight for the State Indoor Radon Grants (SIRG) and Radon Categorical Grants, and Radon Program (FY 2013 PB: $0.0M, FY 2012 Enacted: $8.0M, FY 2013 Change: -$8.0M.), a divestment of $8.0 million eliminates State Indoor Radon Grants (SIRG.)

I submit this written testimony upon behalf of the membership of the American Association of Radon Scientists and Technologists, Inc. (AARST) and the public we serve. AARST is a professional and ANSI certified standards writing organization [501 (c) (6)] that *has not been* and *is not* a recipient of EPA grants. While we are not a recipient of grants, we do recognize that lacking a rule requiring testing for home sale or occupancy, that state public education and outreach efforts do benefit our professionals. Indeed, I premise that state radon public education efforts are essential for the economic sustainability of the small radon profession of nearly 3,000 professionals nationwide.

My testimony specifically concerns the SIRG portion of these budget cuts, however, first I want to go on record about radon gas.

Radon is a naturally-occurring, radioactive gas released in rock, soil, and water from the natural decay of uranium. Exposure to radon is the leading cause of lung cancer in our country among non-smokers, second only to smoking. Separated from smoking, radon induced lung cancer would be the 7th leading cause of cancer mortality[1] (after leukemia) in the United States and yet no U.S. research dollars are even allocated to this disease.

The US Surgeon General and EPA estimate that radon causes more than 21,000 lung cancer deaths each year. Only smoking causes more lung cancer deaths, and if a person smokes and has elevated radon levels in their home – their risk of lung cancer is significantly higher. Radon has been found in elevated levels in every state. No area of our country is risk-free. Nationwide, 1 in 15 homes test above the action level established by EPA of 4.0 picocuries per liter of air (pCi/L). This means that approximately 7% of our population is exposed daily to toxic levels of radioactive radon, or more than 22 million Americans. We note the title of the 2008 EPA Inspector General's Report **"More Action Needed to Protect Public from Indoor Radon**

[1] Dr. William Field's radon presentation to the 2008 President's Cancer Panel

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Risks"[2] and that a key finding of this report is stated: "Each year, the problem of indoor radon exposure grows worse as more new homes with elevated indoor radon are added to the nation's housing stock than are mitigated."

Our State Radon Programs Are Not Ready or Prepared to Take Over Federal Efforts

In its budget transmittal to Congress and in subsequent public statements, the EPA has stated that state programs are ready after 20 years to accomplish radon risk reduction efforts on their own on their own and that difficult choices had to be made when balancing environmental protection and budget restraints.

Contrary to these statements, state programs have not been prepared for this independence and therefore cuts to the State Indoor Radon Grant programs will severely impact radon risk reduction in America. AARST fully supports our public counterparts and their efforts under the SIRG and STAG grant allocations.

AARST – Impact on Five State Grant Programs

A recent survey of state and local impact statements from partially regulated states[3] and non-regulated sates reveals some critical examples.

- Illinois, a partially regulated state: The Illinois Emergency Management Agency estimates that 1,160 Illinois citizens die annually from radon induced lung cancer and IEMA annually sub-grants 80% of the SIRG dollars to sub-grantees. Reduction or loss of the SIRG funding would significantly reduce, if not eliminate the radon outreach and public education at the local level.
- Kansas, a partially regulated state program: According to the Department of Health Services, over 200 radon-induced lung cancer deaths occur in Kansas every year. This number is anticipated to increase with the loss of SIRG funds .The impact of losing the SIRG funding in Kansas will be that outreach and educational activities will be discontinued. Radon Education and Outreach in Kansas will be reduced primarily to a website. Through the discontinuation of radon education and outreach in Kansas, testing for radon and the installation of radon mitigation systems will decrease as less citizens are informed of the issue. This will have a direct effect on the prevention of radon-induced lung cancer and *more lives will be lost.*
- Minnesota, a non-regulated state: Outreach, community education and technical professional support will be almost totally reduced and the Minnesota Department of Health will lose 3 full time and 2 partial staffers.
- Nebraska, a partially regulated state: The need for a radon outreach and regulatory program in Nebraska is clear – Nebraska is third in the country for prevalence of radon, and roughly 60% of tests conducted in the state are above 4.0 pCi/L. The Nebraska

[2] [2] http://www.epa.gov/oig/reports/2008/20080603-08-P-0174.pdf

[3] I use the term "partially regulated" to indicate that while the radon profession may be regulated in that state, the risk is not, there are no requirements to test homes in any of the 50 United States.

Radon Program is an active program which currently seeks to raise awareness about the health impacts of radon exposure, and to oversee/regulate the licensed industry in Nebraska. If they (outreach activities) cease to take place, there would be resulting negative health impacts as well as a negative economic impact to the licensed industry.

- Wyoming: The work of the Wyoming Radon Program, a non-regulatory state, may be eliminated completely. They annually work with hundreds of Real Estate Agents, teaching them about Radon during the buying and selling of homes, with science teachers, superintendents and principals in the area of teaching radon to students and testing schools for radon levels, and with Wyoming Building Code Officials.

AARST Believes That Most State, Tribal and Territorial Radon Programs Will Close

The proposed EPA budget cuts to its indoor radon program will eviscerate a voluntary program and radon professionals nationwide that need the minimum resources that the agency provides states, tribes and territories in creating radon risk reduction awareness for Americans. Under this budget, state, tribal and territorial programs will close and most consumer outreach on the state and local level will cease to exist. States that have codified an approach to radon education and licensure, the so called "regulated states", will focus on a primary mission of regulating professional radon service providers and educational outreach to citizens will dwindle. **Of the forty-five states** that currently have state programs, I believe that ***only five state programs will survive with minimal risk reduction efforts***.

The AARST believes that almost all territorial and tribal programs for radon consumer education programs will simply cease to exist. Even collateral and educational materials will cease to exist at the local level in most jurisdictions.

Personal Experience Regarding EPA Radon Reductions during Federal Budget Crisis

My professional experience with radon began in 1989 when I was hired as a contractor with the EPA's National Radon Proficiency Program (RPP). The EPA began to slowly reduce the size of their radon budget in 1991, but faced more drastic reductions in 1994 when Congress initiated a downsizing of the Federal Budget. By the time 1995-96 rolled around, it was clear that the RPP would be eliminated, so rather than closing immediately; the EPA initiated a privatization effort.

During 1996 and 1997, EPA opened a dialogue with the radon industry (AARST) and the State Radon Programs to let them know that the RPP would be privatized, through a series of Regional stakeholder meetings that allowed for questions and ideas about how a private program would work and remain viable. This 2-3 year period ultimately guaranteed that a private program could succeed, and the RPP closed its doors on Sept. 30, 1998. Immediately thereafter, the National Radon Proficiency Program (http://neha-nrpp.org) opened and it continues to thrive today, with more certified radon professionals today than when the EPA-RPP closed its doors. Although I was forced to find new employment, the privatization effort was a success.

The main problem that I have with the elimination of the State Indoor Radon Grants (SIRG) is that there have been no preparations, no dialogue, and no support at all to ensure that the state radon programs will continue to operate. The EPA is misleading Congress by telling you that the states are ready to stand on their own, when the states themselves only found out when the EPA proposed budget was released on February 13th of this year.

Why would EPA throw so many dedicated state programs, small businesses that benefit from State educational and outreach efforts, and future lung cancer victims under the bus? The proposed cuts are outrageous but EPA's justification is simply disgraceful. Please do not allow SIRG to be eliminated, until such time that States have a chance to get their houses in order, just as I did when I found out my job would be eliminated back in 1996 and was given a chance to land on my feet.

Recommendations to the House Appropriations Committee from the AARST

1. Restore EPA's State Indoor Radon Grant (SIRG) and national radon program for at least five years as reauthorization IRAA is considered.
2. Adequately fund EPA's Federal Radon Action Plan and request agency reports on their programs and progress to date.
3. Request that EPA adopt the World Health Organization (WHO) recommendation for radon action level. The WHO's 2009 report recommends a reference level of 2.7 pCi/L. Adopting this recommendation could potentially save 10,000 lives each year, while creating more than $2 trillion in annual healthcare savings.
4. Under Section 2670 of IRAA, Congress granted the EPA administrator the authority to promulgate regulations to meet the goals of the Act. The AARST recommends that EPA should create a rule that for every home sale or home occupancy permit guaranteed by a federal loan, a radon test shall be required.

Respectfully,

Shawn Price
President-Elect

Testimony of
Ala Kahakai Trail Association
In Support of the Land and Water Conservation Fund
Ala Kahakai National Historic Trail, Hawaii
National Park Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member

March 28, 2012

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2013 Interior Appropriations Bill. The President's Budget for this year recommended $450 million for LWCF.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial public benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation. LWCF investments also support jobs, tourism and economic vitality across our communities.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF will permanently pay dividends to the American people and to our great natural, historical and recreation heritage. As LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use as a conservation offset to the energy development of our offshore oil and gas resources.

The Ala Kahakai Trail Association is a partner to the Ala Kahakai National Historic Trail and an active member of the Partnership for the National Trail System. The Board is made up of individuals who have genealogical ties to the trail and have been and continue to work toward the preservation and protection of the approximate 175 miles of coastal trail. Many portions of the trail are in immediate danger of encroaching development which would significantly compromise the integrity and historical value of the trial.

An analogy one member of our Board used was to liken the national trails as the string holding a lei together. Without the string, the flowers would remain separate. However, by stringing the flowers together a beautiful lei is created. This is the same for the national parks. The trails serve as a string to link national parks together. In the case

of the Ala Kahakai NHT, the trail links four (4) national parks; Puu Kohola NHP; Koloko-Honokahau NHP; Pu`uhonua O Hōnaunau NHP and the Volcanoes NP.

Portions of the Ala Kahakai NHT are already in eminent danger. In recent past, a new subdivision road was paved within feet of the trail leading to potential damage by vehicular traffic, all terrain vehicles and unmonitored use of the fragile trail system. One preventative action is to acquire lands bordering the trail to secure protection against irreversible damage. The Ala Kahakai Trail Association is ever vigilant in seeking opportunities to acquire properties or to create wider buffers for the entire length of the trail. Our association has established partnerships with County, State and Federal agencies as well as with communities along the trail to fulfill this mission and to optimize efforts in protecting the trail.

The Ala Kahakai Trail Association is writing in support for the acquisition in FY 2013 by the National Park Service of a 59-acre property located on the Ala Kahakai NHT and immediately adjacent to the southern boundary of Pu`uhonua O Hōnaunau NHP. Acquisition of the Pace property in the Kauleolī ahupua`a of South Kona, with its over half-mile of shoreline, will complement recent protection efforts at the national historic park and provide additional recreational opportunities for users of the Ala Kahakai Trail.

The Kauleolī property represents an opportunity to protect land of historic and ecological significance, and its acquisition will further the missions of two National Park Service units. It lies within the priority area identified in the management plan of the trail, and its addition will provide further protection to the outstanding resources for which Pu`uhonua o Hōnaunau NHP is renowned. The landowners are currently willing to make this stunning landscape available for public ownership. There is real danger, however, that the land could be sold for development if sufficient funding is not forthcoming in a timely fashion.

To protect these 59 acres with their historical, cultural, and ecological resources, the National Park Service needs $4.5 million from the Land and Water Conservation Fund for the Ala Kahakai NHT. This acquisition is eligible for funding under the National Trails program requested in the President's Budget for FY 2013.

In closing, I urge you to provide funding for the Land and Water Conservation Fund of $450 million, as proposed in the President's FY 2013 budget, including critical funding for the Ala Kahakai NHT. I want to thank the Chairman and the members of the subcommittee for this opportunity to submit testimony on behalf of this nationally important protection effort in Hawaii, and I appreciate your consideration of this funding request.

Joint Testimony of the Aleutian Pribilof Islands Association,
Bristol Bay Area Health Corporation, Maniilaq Association,
and the Norton Sound Health Corporation

Testimony Submitted to the House and Senate Subcommittees
On Interior, Environment, and Related Agencies
On FY 2013 Funding for the IHS Village Built Clinic Program

March 2, 2012

We submit this joint testimony on behalf of four co-signers to the Alaska Tribal Health Compact, which is a self-governance agreement with the Indian Health Service (IHS) under Title V of the Indian Self-Determination and Education Assistance Act. Our organizations are responsible for providing and promoting health care and overseeing a variety of health programs in our various regions of Alaska, including remote villages. Our request is that Congress:

> *direct the IHS to utilize existing FY 2013 appropriations to fully fund the Village Built Clinics leases in accordance with Section 804 of the Indian Health Care Improvement Act. We estimate an additional $6.6 million over current IHS resources should be allocated to VBC leases.*

We submit this testimony because we have great concern about the IHS's continued choice to underfund Village Built Clinics (VBCs) in Alaska. This IHS decision has jeopardized the provision of basic health services to Alaska Natives in their villages through the Community Health Aide Program (CHAP), because CHAP services are provided in the VBCs. The CHAP program is mandated by Congress as the instrument for providing basic health services in remote Alaska Native villages. The Community Health Aides and Practitioners cannot function as medical, behavioral health and dental providers in the villages without well maintained and suitable clinic facilities with teleconferencing capability, which the IHS has the statutory duty to provide under the Indian Health Care Improvement Act (IHCIA).

Rather than allocate sufficient resources for the VBCs, the IHS has shifted its statutory responsibilities onto the villages and tribal health corporations themselves, which do not have the financial resources to maintain and upgrade the clinics for use by the CHAPs. This has caused many of the VBCs, often the only health care facilities in rural Alaska communities, to be unsafe or closed; others are unsuitable for use by the CHAPs. This is a longstanding problem which has become worse as the years go by. In 2007, the Alaska Native Health Board prepared a White Paper entitled "The Village Built Clinic Programs; Village Clinics in Crisis." That Paper described this problem in great detail. The ANHB estimated that $5.7 million was needed to maintain and improve the VBCs for use by the CHAPs. However, no additional funding was provided.

The VBC Lease Program. VBCs are critical to maintaining health services for rural Alaska Natives. The IHS Community Health Aide Program was developed years ago to respond to disparities in health care access and to help facilitate improved health status in rural Alaska. CHAP now involves a network of health aides/practitioners who

provide primary health care services and coordinate patient care through referral relationships with midlevel providers, physicians, and regional hospitals.

The CHAP cannot operate in most of rural Alaska without clinics in which to provide the services. In the 1970s, the IHS established the VBC leasing program to provide funds for leasing health clinics from Alaska Native Villages for the provision of CHAP services. By 1972 the IHS was able to lease 142 clinics for a total cost of $842,000 appropriated by Congress, and by 1989 the funding for the VBC leasing program was approximately $3 million, which came through the IHS Hospitals and Clinics sub-activity of the IHS appropriation.

IHS Is Legally Responsible to Fully Fund VBC Leases. The IHS is required to keep the VBCs in good repair. Under the IHCIA amendments of 1992 Congress required the IHS to "maintain" the CHAP, and in the recent reauthorization of the Act, Congress requires the IHS to "develop and operate" the CHAP for Alaska health care, health promotion, and disease prevention for Alaska Natives living in rural Alaska (25 U.S.C. § 1616*l*(a)(2)). The Act also requires the IHS to ensure that the VBCs are upgraded to establish a teleconferencing capability (25 U.S.C. § 1616*l*(a)(3)). IHS cannot fulfill these statutory responsibilities without keeping the VBCs maintained and in good repair.

The IHS has traditionally used "full-service" leases (presumably under the leasing authority in the Federal Property and Administrative Services Act of 1949) as the basis for shifting the cost of operation and maintenance of the VBCs to the villages. This was apparently done as an agency initiative. We have been unable to find any specific language added to the IHS appropriation statute for 1970 authorizing the VBC leasing program; nor do the appropriation committee reports for that year specifically mention adding funds for this purpose. The "full-service" leases require the Villages to pay for heat, cleaning, utilities, maintenance, and replacement. But the rental amounts—which in most cases have not been raised since 1994—are woefully inadequate to cover all of these expenses. As a result, we (and other Alaska regional health organizations) are forced to subsidize the VBCs, draining resources that could otherwise be devoted to health care services.

IHS has had direct leasing authority under the IHCIA, since it was originally enacted in 1976, to enter into leases that cover a full range of costs, such as rent, depreciation, and operation and maintenance expenses. Such authority also includes reconstruction or renovation by IHS of the leased property. This authority was part of the original IHCIA, Pub. L. 94-437, Sec. 704. Now renumbered as § 804 of the Act, 25 U.S.C. § 1674, it authorizes the Secretary, "notwithstanding any other provision of law" to enter into leases with Indian tribes for periods not in excess of twenty years. It provides that leased property may be "reconstructed or renovated" by the Secretary and that lease costs "include rent, depreciation based on the useful life of the building, principal and interest paid or accrued, operation and maintenance expenses, and other expenses determined by regulation to be allowable." The House Report for the 1976

legislation specifically mentions leasing village facilities in rural Alaska to help the IHS meet its responsibilities to provide health services in remote villages in Alaska.[1]

Contrary to Congressional intent, the IHS has continued to shift its responsibilities to the villages and to the Alaska Tribal Health Compact co-signers, without regard for the health of the people who need the VBCs for services. It has become impossible to keep up with the costs of operating and maintaining the VBCs, and thus continuing to provide needed CHAP services to rural Alaska Natives. In many situations, the CHAP has to be operated in unsafe facilities and, in some villages, the VBCs have to be closed and CHAP services suspended because of safety hazards to the employees and patients.

In order to establish proper standards of care, compliance accreditation by the Joint Commission has been established as one of the terms included in the tribal health corporations annual funding agreements. Compliance with several of the Joint Commission's environments of care standards are simply not possible due to lack of funding made available by the IHS to maintain these facilities.

Additionally, IHS's failure to maintain the VBCs and upgrade them directly hampers the ability of the co-signers to the Compact to meet the "meaningful use" standards set by the Centers for Medicare and Medicaid Services in order to be eligible for incentive payments for Electronic Health Records (EHR) technology. IHS should ensure that VBCs are brought up to the appropriate technological capability for the co-signers to be able to qualify for needed incentive payments to implement EHR, which will improve patient health and is an important congressional initiative.

Leases are Underfunded and IHS Refuses to Use Available Appropriations. The majority of VBC lease rentals have not increased since 1989 and the current funding is not sufficient to cover inflationary increases and, in particular, the cost of repair and renovation of the facilities needed to keep them in a safe condition. Funds in the IHS's Hospitals and Clinics sub-activity allocated by IHS to the VBC leasing program increased very slowly over the years. For example, from 1997 to 2007, funding for the VBC system increased from $3,718,268 to $3,903,434, an increase of less than 5% over the entire ten year period and well below the actual costs to operate and maintain the VBCs in the same period. As a result, by the end of FY 2006 the lease rentals paid to the villages covered only 55% of the village-built clinics' operating costs.[2] The shortfalls have only grown in the six years since then, as fuel costs (among others) have skyrocketed.

While the IHS leases allow costs for rent, loan amortization, fuel for heat, electricity, water and waste disposal, janitorial services and supplies, insurance, and costs associated with minor maintenance, none of these allowable costs are currently covered by the existing VBC lease payments. In 2007, the operation and maintenance shortfall for the average VBC was $28,692 per year. Furthermore, major maintenance and improvement costs are not provided by the IHS.

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[1] H.R. Rep. No. 94-1026 (Apr. 9, 1976), 122-123, reprinted in 1976 U.S.C.C.A.N. 2760-2761.

[2] *See,* Village Built Clinic Programs: Village Clinics in Crisis, Alaska Native Health Board, May 2007 at 9. Pay act increases during this period were not provided to the VBC leasing program. But even if they had been, the additional increase would be minimal and would have no material impact on the current shortfall for VBC operating costs. *Id.*

In the past, when this matter has been brought to the IHS's attention, IHS has responded that it provides for VBC leases all of the funding that Congress has appropriated for the program. The IHS excludes clinics leased under the VBC lease program from maintenance and improvement funding because it asserts that (1) the leases are full service leases and (2) the leases do not include a reserve fund for building improvements and replacement. IHS has told co-signers to the Alaska Tribal Health Compact that they cannot use maintenance and improvement funding – provided to them under their self-governance agreements – for the VBCs. We just don't accept IHS's statements as legally correct, and the agency has provided no legal analysis to convince us otherwise.

Based on our review, the amounts historically traceable to the VBC lease program are not capped by statute and are not the only funds available for that program. The Indian Health Facilities appropriation is a lump-sum appropriation that can be used for construction, repair, maintenance, improvement and equipment, and includes a sub-activity for maintenance and improvement of IHS facilities. The VBCs are IHS facilities acquired by lease in lieu of construction and should thus be eligible for maintenance and improvement funding. The IHS also has the ability to access other IHS discretionary funds to fully fund its VBC responsibilities.

We believe there is no question that the IHS has had sufficient funds in its unrestricted appropriations to fully fund the VBCs' needs. According to a report issued by the Alaska Native Health Board in 2007, the operation and maintenance shortfall for the average VBC was $28,692 per year. The Board estimated that $5.8 million should have been added in FY 2008 to the FY 2007 VBC lease program base in order to sustain the program. More than four years have gone by since then and the funding crisis for the VBCs has continued to get worse. Assuming a modest inflationary rate of 3% since the Board's analysis in 2007, we estimate at least $6.6 million should be added in FY 2013 to the VBC lease program base funding.

We Need Your Help to Ensure that IHS Fully Funds VBC Leases. Despite repeated requests from the Alaska Tribal Health Compact Co-Signers, the IHS continues to fund VBC leases at less than 60% of costs, while adopting standards for VBC operation and maintenance and requiring evaluations and inspections without supplying maintenance and improvement or other funding to assure compliance. Our VBCs are falling apart, cannot keep pace with technological advances in health, and hamper our efforts to qualify for "meaningful use" incentive payments to implement the Electronic Health Record in the VBCs. We thus request that the Appropriations Committee direct the IHS in the FY 2013 appropriations to utilize existing, available appropriations to fully fund the VBC leases in accordance with Section 804 of the IHCIA.

The VBC program is a unique and critical component of the CHAP. Without VBCs that are suitable for their purposes, the CHAP cannot work as intended by Congress and our people cannot get the health care they need. Please help ensure that the United States' trust responsibility to Alaska Native people for health care is fully realized. For more information, contact:

- ALEUTIAN PRIBILOF ISLANDS ASSOCIATION: Carolyn Crowder, carolync@apiai.org
- BRISTOL BAY AREA HEALTH CORPORATION: Robert Clark, rclark@bbahc.org;
- MANIILAQ ASSOCIATION: Ian Erlich ierlich@maniilaq.org
- NORTON SOUND HEALTH CORPORATION: Deven Parlikardparlikar@gmail.com.



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March 27, 2012

INTERIOR, ENVIRONMENT AND RELATED AGENCIES SUB COMMITTEE

Subject: Written testimony

Dear Congressman Simpson, Chair and Committee Members:

On behalf of the thirteen member tribes and Aleutian Pribilof Islands Association, we submit the enclosed testimony. The committee's consideration of our statement and request will be greatly appreciated.

Sincerely,

Dimitri Philemonof, Pres./CEO
Aleutian Pribilof Islands Association

INTERIOR, ENVIRONMENT and RELATED AGENCIES SUB COMMITTEE WRITTEN TESTIMONY

March 27, 2012

My name is Dimitri Philemonof, President/CEO for the Aleutian Pribilof Islands Association representing thirteen federally recognized tribes of the Aleutian Pribilof Islands region, Alaska. On behalf of our thirteen member Board of Directors, I wish to present this written testimony.

Tribes and Tribal organizations depend on an important program, PL 102-477[1], to ensure efficient use of federal funding for employment training, job placement, childcare and related programs. Since 2008, actions by the Departments of Health and Human Services ("HHS") and Interior (through the Bureau of Indian Affairs – "BIA") have created extensive and expensive duplications in implementation that conflict with the intent of the program. Since 1992, the 477 program has allowed tribes and tribal organizations to combine programmatic funding from various federal agencies for employment related funding, while streamlining program approval, accounting and reporting mechanisms. Streamlined funding for 477 Plans through transfers under the provisions of the Indian Self-Determination and Education Assistance Act ("ISDEAA") is an essential element of the success of the 477 Program. This flexibility facilitates the creation of culturally appropriate programs, adds no costs for the federal government, and frees up program funding for direct client services by eliminating duplicative administration. In short, it increases cooperation between agencies, reduces administrative burden and maximizes federal dollars where they are most needed.

In spite of its documented success, the 477 program is at risk. In 2008, the BIA stated they would no longer fund the 477 program through the provisions of the ISDEAA. More recently, OMB issued guidelines last year that require tribes and tribal organizations to account for 477

[1] The Indian Employment Training and Related Services Demonstration Act, Pub. L. 102-477, as amended, 25 U.S.C. §§ 3401-3417.

funds by individual federal program, contrary to the meaning and the spirit of this very successful initiative. The agencies have temporarily suspended implementation of these changes, and, at the direction of Congress, created the Administrative Flexibility Workgroup (AFWG), composed of representatives from the agencies and the tribes, to try to negotiate a workable solution.

The Aleutian Pribilof Islands Association has participated in the Administrative Flexibility Workgroup. Our following comments are intended to secure the longevity of quality of service to our tribes and tribal members. We appreciated the time and effort the federal partner's staff and agencies have played in participating in the weekly teleconferences to date. From this experience and involvement, our following statement and request are drawn to further the improve working relationship with federal agencies and best use of federal funded programs.

The Aleutian Pribilof Islands Association has participated in P.L. 102-477 since 1995. Without the provisions contained in the Indian Employment, Training, Education and Related Services Demonstration Act, only one third of the tribal members would receive assistance annually at an increased administrative cost of thirty-three percent per year. We have experienced the greater good of services rendered at a fraction of the cost from the enactment and implementation of P.L. 102-477.

To insure transfer and audit of "477" funds are permanently resolved across present and future administrations we request Congress to pass legislation language in an appropriation bill. The concerns raised by tribes about the guidance related to the reporting requirement process outlined in the Frequently Asked Questions (FAQ's) have been addressed by representatives on the P.L. 102-477 Administrative Flexibility Workgroup. However, we are concerned the commitment to administer the reporting requirements and fund transfer consistently across agencies and administrations will not be permanent without legislation.

Therefore, we request the following language be placed in the appropriations bill to address the continuing problems we are encountering in the 477 program, and the need to maintain increased flexibility in the handling of 477 funds.

"SEC. 430. Notwithstanding any other provision of law, and notwithstanding any auditing or reporting circular of the Office of Management and Budget or related compliance memoranda, hereinbefore and hereinafter (1) any funds supplied by any Federal department or agency to carry out a plan under Public Law 102-477 (the Indian Employment, Training and Related Services Demonstration Act), as amended, shall be consolidated and made available to the applicable Indian tribe or tribal organization pursuant to an existing contract, compact, or funding agreement under title I or title IV of Public Law 93-368 (the Indian Self-Determination and Education Assistance Act), as amended; (2) no Indian tribe or tribal organization carrying out such a plan shall be required to separately account for the expenditure of the funds of each Federal department or agency after the date on which the funds are consolidated and paid to the Indian tribe or tribal organization; and (3) all funds transferred under an Public Law 102-477 plan may be reallocated and rebudgeted by the Indian tribe or tribal organization to best meet the employment, training and related needs of the local community served by the Indian tribe or tribal organization."

Thank you for this opportunity to speak on this vital subject.

Name: Calvin Murphy
Title: President, Allied Radon Services, Inc
Affiliations: American Association of Radon Scientists and Technologists – AARST
Midwest Chapter AARST
SIL Radon Awareness Task Force, Inc
National Radon Policy Coaliation
Illinois Licensed Radon Mitigation Professional

This testimony is in regard to the Radon Program within EPA. The funding amount is $12 million.

In 1988, Congress passed the Indoor Radon Abatement Act which tasked the EPA with the assignment of reducing indoor levels to the same level as outdoor levels. Even though s2670 clearly gives the Administrator authority to establish rules, EPA has elected to manage the program as a voluntary awareness creation program.

Radon is the second leading cause of lung cancer and the leading cause of lung cancer in non smokers. It is estimated that radon induced lung cancer claims 22,000 American lives annually, To date, 1,047,000 mitigation systems have been installed since 1986. It is estimated that 7,599 lives have been saved over the last 15 years resulting in $1.5 billion in cancer cost saving. However, according to testimony presented to the Presidents Cancer Panel in 2010 by Dr William Field, due to building cycles, there are more houses at risk of having elevated radon levels today than there was when the program was undertaken.

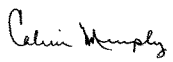
The program has historically included $8 million in State Indoor Radon Grant – SIRG funding. These grants were distributed to states and tribes to support radon programs and outreach efforts at the state and tribal levels. The FY 2013 budget reduces funding for the radon program from $24 million to $1.9 million and retains only a skeleton headquarters staff. The budget totally eliminates the SIRG program. This move by EPA is a total broadside to the states, tribes, and the industry. The historical mode of operation with the program was that the grant money supported staff and outreach and education efforts. There has been no discussion about the states and tribes needing to become self sufficient. Self sufficiency at the state and tribal level is not an overnight process. States will need to enact licensing/certification laws and then establish required rules.

When EPA privatized the Radon Proficiency Program, approximately two years notice was given in order for the establishment of certification/licensing programs. The radon program funding should be established for at least five years in order to allow the states and tribes without existing programs time to enact required legislation and programs to properly manage the program at the local level.

In addition to preventing radon induced lung cancer, the radon program also provides economic benefits to the economy. Although the industry is predominately mom and pop type of operations ,the industry employs 6,000 – 8,000 individuals and generates approximately $1 billion economic activity. The abrupt dismantling and non support of the program will result in

unemployment within the radon industry which will in turn reduce the economic impact that the industry creates.

I support Representative LaTourette's March 21, 2012 comment at the ISC hearing. In order to impact the number of radon induced lung cancer deaths, a rule is required. EPA has the rule making authority. Establishment of rules regarding radon testing and or/notification should be required as part of the budget process along with reinstatement of the radon budget to FY 2011 levels.



Written Testimony Submitted March 20, 2012
To The U.S. House of Representatives Appropriations Committee
Carolyn Allen, President,
American Association of Radon Scientists and Technologists, Inc (AARST)

My testimony concerns the U.S. Environmental Protection Agency, Indoor Radon and Toxins Program in the following budget categories: Radon Program (FY 2013 PB: $2.2M, FY 2012 Enacted: $4.1M, FY 2013 Change: -$1.9M), a divestment of $1.9 million eliminates EPA headquarter and regional office oversight for the State Indoor Radon Grants (SIRG) and Radon Categorical Grants, and Radon Program (FY 2013 PB: $0.0M, FY 2012 Enacted: $8.0M, FY 2013 Change: -$8.0M.), a divestment of $8.0 million eliminates SIRG.

I submit this written testimony upon behalf of the membership of the American Association of Radon Scientists and Technologists, Inc. (AARST) and the public we serve. AARST is a professional and ANSI certified standards writing organization [501 (c) (6)] that *has not been* and *is not* a recipient of EPA grants.

AARST seeks Programmatic Reinstatement for the Radon Program and SIRG.

An American dies every 28 minutes from radon induced lung cancer and our country allocates no funding for research for this silent, unseen radioactive gas. The AARST is opposed to the cuts proposed in the FY 2013 national radon program budget submitted by the Environmental Protection Agency to the Congress in February 2012 and requests reinstatement of FY 2011 funding for a minimum period of 5 years while reauthorization is considered for the Indoor Radon Abatement Act. Our association believes that these cuts, when combined with previous agency cuts in FY 2012 are detrimental to a vital health risk reduction programs. Moreover, cutting the national radon program is contrary to the mandates and authority granted to the EPA to achieve the primary goals for radon risk reduction established by the Congress upon passage of the 1988 Indoor Radon Abatement Act (IRAA).[1]

American Lives Will Be Lost – Mortality Will Increase

This voluntary program, which has seen only minor success because IRAA Section 2670 has not been implemented by any administrator, needs to do more to protect Americans from radiation induced lung cancer. The proposed EPA budget cuts, if allowed, will result in ***an increase in the annual loss of American lives*** from a serious radiation threat found in our homes, schools and work buildings. That threat is radon gas.

If the EPA is going to continue on a voluntary track for this serious radioactive threat, the AARST requests reinstatement of SIRG and other program funding to FY 2011 levels, which would total a reinstatement of at least $12 Million dollars in funding for five years, while

[1] Indoor Radon Abatement Act 15 U.S.C. Subchapter 2661

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reauthorization is considered. If the agency does not receive the adequate funding they need to accomplish this mission, then we recommend that Congress compel the Administrator to use the clear authority granted to the EPA under the IRAA[2] to create a rule to require testing at the time of home sale or home occupancy. **Our nation routinely and specifically requires water tests, fire alarms and termite inspections for home occupancy in the United States, why not a radon test?**

Radon is a naturally-occurring, radioactive gas released in rock, soil, and water from the natural decay of uranium. Exposure to radon is the leading cause of lung cancer in our country among non-smokers, second only to smoking. Separated from smoking, radon induced lung cancer would be the 7th leading cause of cancer mortality[3] (after leukemia) in the United States and yet no U.S. research dollars are even allocated to this disease.

The US Surgeon General and EPA estimate that radon causes more than 21,000 lung cancer deaths each year. Only smoking causes more lung cancer deaths, and if a person smokes and has elevated radon levels in their home – their risk of lung cancer is significantly higher. Radon has been found in elevated levels in every state. No area of our country is risk-free. Nationwide, 1 in 15 homes test above the action level established by EPA of 4.0 picocuries per liter of air (pCi/L). This means that approximately 7% of our population is exposed daily to toxic levels of radioactive radon, or more than 22 million Americans. We note the title of the 2008 EPA Inspector General's Report **"More Action Needed to Protect Public from Indoor Radon Risks"** and that a key finding of this report is stated: "Each year, the problem of indoor radon exposure grows worse as more new homes with elevated indoor radon are added to the nation's housing stock than are mitigated."

State Radon Programs Are Not Ready or Prepared to Take Over Federal Efforts

In its budget transmittal to Congress and in subsequent public statements, the EPA has stated that state programs are ready after 20 years to accomplish radon risk reduction efforts on their own on their own and that difficult choices had to be made when balancing environmental protection and budget restraints. Contrary to these statements, state programs have not been prepared for this independence and therefore cuts to the State Indoor Radon Grant programs will severely impact radon risk reduction in America. AARST fully supports our public counterparts and their efforts under the SIRG and STAG grant allocations.

Most State, Tribal and Territorial Radon Programs Will Close

The proposed EPA budget cuts to its indoor radon program will eviscerate a voluntary program that needs the minimum resources that the agency provides states, tribes and territories in creating radon risk reduction awareness for Americans. Under this budget, state, tribal and territorial programs will close and most consumer outreach on the state and local level will cease to exist. States that have codified an approach to radon education and licensure, the so called

[2] Indoor Radon Abatement Act 15 U.S.C. Subchapter 2670
[3] Dr. William Field's radon presentation to the 2008 President's Cancer Panel

"regulated states", will focus on a primary mission of regulating professional radon service providers and educational outreach to citizens will dwindle.

Of the forty-five states that currently have state programs, our association believes that ***only five state programs will survive with minimal risk reduction efforts***. The AARST believes that almost all territorial and tribal programs for radon consumer education programs will simply cease to exist. Even collateral materials will cease to exist at the local level.

US Tax Payer Return On Risk Reduction Investment Is Substantial
What does $12 Million in proper funding at FY 2011 levels of the voluntary national radon program currently provide to US Citizens as a Taxpayer return on investment?

AARST estimates that between 75,000 and 85,000 mitigations[4] occurred in 2011 due to voluntary outreach efforts that mostly affect middle and upper income family units. According to EPA, this resulted in 679 lives saved in 2011. According to AARST member Dr. Daniel Steck of St. John's University in Minnesota, this results in a savings of $200,000 per year, each year for each life saved through mitigation. EPA and FDA each place a total societal value of a live saved in excess of seven (7) million dollars. Even by taking the first year savings of Dr. Steck's as a conservative minimum ($200,000), the taxpayer return on tax investment in this voluntary program is significant, equaling **over $135 million in savings for and in 2011 and an aggregate total savings of over $4 Billion.** [5]

Congressional Goals of the Indoor Radon Abatement Act Have Not Been Attained
15 USC Sec. 2661. National goal: Twenty four years after passage, the long term goal that indoor air be as free from radon as the ambient air outside buildings has not been attained.[6]
15 USC Sec. 2664. Model construction standards and techniques: While a model standard was created, it was cumbersome, efforts at national codes lagged and more work needs to be done. The AARST fails to see how national codes can be adopted by state and localities under a voluntary program without a state and local infrastructure.[7]
15 USC Sec. 2667. Radon in school: The EPA report was completed and over 90,000 classrooms in the nation were identified with high levels of radiation from radon gas and yet, 24 years after the passage of the IRAA, they are still unidentified and these rooms pose a threat

[4] Lacking an effective national building code, this effort falls short of reaching the necessary 150,000 homes annual to keep pass with new construction producing high radon homes. Disclosure, the AARST (ANSI) National Radon Standards Consortium is creating a standard at its own expense that will create a new standard written in code acceptable language for the ICC/IBC and we expect publication of this consensus standard this year. See IRAA goal: 15 USC Sec. 2664.
[5] Cancer Survivors Against Radon (CanSAR) President Elizabeth Hoffman, a never smoker, testified to the House Appropriations Interior Subcommittee on March 21, 2012 that her cancer treatments have cost over $800,000 since 2003.
[6] http://www.epa.gov/oig/reports/2008/20080603-08-P-0174.pdf
[7] EPA will find it difficult to complete the last requirement if states and localities lose funding and infrastructure.

to our nation's school children. We fail to understand how school children will be protected when the state and local radon infrastructure is being reduced and eliminated. How will such protection be delivered when schools themselves are unwilling to test for fear of what they might find? [8]

The 2011 Federal Radon Action Plan (FRAP) Lacks Authority and Accountability

AARST welcomes the initiative created in 2011 by the EPA in bringing other federal agencies into the efforts of radon risk reduction and believes some of these efforts are innovative and helpful to achieving the goals under IRAA. However, FRAP is a budget-neutral initiative that lacks authority, funding and accountability necessary to be truly effective and does not have the ability to immediately take over the risk reduction outreach efforts of the states. The AARST is particularly concerned that under IRAA, this partnership of federal agencies has no authorization and could, under future administrations, be simply dissolved or ignored by department and agency heads.

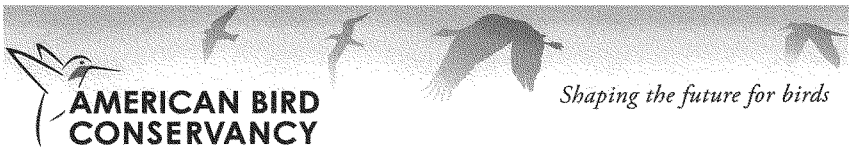
Recommendations to the House Appropriations Committee from the AARST

1. Restore EPA's State Indoor Radon Grant (SIRG) and national radon program for at least five years as reauthorization IRAA is considered.
2. Adequately fund EPA's Federal Radon Action Plan and request agency reports on their programs and progress to date.
3. Request that EPA adopt the World Health Organization (WHO) recommendation for radon action level. The WHO 2009 report recommends a reference level of 2.7 pCi/L. Adopting this recommendation could save 10,000 lives each year, while creating more than $2 trillion in annual healthcare savings.
4. Under Section 2670 of IRAA, Congress granted the EPA administrator the authority to promulgate regulations to meet the goals of the Act. The AARST recommends that EPA should create a rule that for every home sale or home occupancy permit guaranteed by a federal loan, a radon test shall be required.

Respectfully,

Carolyn Allen, AARST President

[8] Dr. Field stated on the TODAY SHOW that even at the EPA radon action level of 4 picocuries per liter of air, this is equal to giving each child a half a pack of cigarettes to smoke each day they go to that classroom. Recently, high levels of radon have been discovered in schoolrooms and housing on military bases in Okinawa: Camp Foster Housing Radon Referenced in Stars and Stripes article by Travis J, Tritten, January 19, 2012.



March 28, 2012

The Honorable Michael Simpson
Chairman
Interior Appropriations Subcommittee
B-308 Rayburn HOB
Washington, D.C. 20515

The Honorable James Moran
Ranking Member
Interior Appropriations Subcommittee
1016 Longworth HOB
Washington, D.C. 20515

Dear Chairman Simpson and Ranking Member Moran:

American Bird Conservancy (ABC) is a 501(c)(3) national non-profit organization dedicated to the conservation of wild native birds and their habitats throughout the Americas. Founded in 1994, ABC is the only U.S. based group dedicated solely to overcoming the greatest threats facing native birds in the Western Hemisphere.

As you know, America is blessed with a spectacular abundance and rich diversity of birds, with more than 800 species inhabiting the mainland, Hawaii, and surrounding oceans. Unfortunately, according to the U.S. Fish and Wildlife Service's 2009 *State of the Birds Report,* many of our bird species are in decline and some are threatened with extinction making it more important now than ever to continue funding federal programs like the Neotropical Migratory Bird Conservation Act grants program, Joint Ventures, and the North American Wetlands Conservation Act which have been proven and effective in maintaining healthy and abundant native bird populations.

Funding federal bird conservation programs not only provides ecological benefits, it makes good economic sense. Birds are also a very important economic driver. According to a report put together by the federal government, Americans spend about $36 billion in pursuit of birding activities every year. Approximately one in five Americans - 48 million people - engages in bird watching, and about 42 percent travel away from home to go birding. Birding activities also generate about $4.4 billion in federal tax revenues. Birds also naturally provide billions of dollars' worth of pest control each year benefiting farmers and consumers alike.

American Bird Conservancy's report, *Saving Migratory Birds for Future Generations: The Success of the Neotropical Migratory Bird Conservation Act* found that of our 341 species that are neotropical migrants - meaning birds that breed in the United States and Canada and winter in Latin America and the Caribbean – 127 are in decline. Sixty of those species, including 29 songbirds, are in severe decline having lost 45% or more of their population in the past 40 years. If these trends continue, future generations of Americans may never be able to see a bright blue Cerulean Warbler, Bell's Vireo, or Black-chinned Sparrow.

This trend can be seen all throughout the country. Here in Washington, D.C. for example an annual census of birds in Rock Creek Park that started in the 1940s, found that the number of migratory songbirds breeding there has dropped by 70% over the past half-century. Three species of warbler (Black-and-white, Hooded, and Kentucky) no longer breed there at all. The

main reasons for these precipitous declines are well established and reported in the 2009 State of the Birds Report: The largest source of bird mortality is due to habitat loss through conversion for human uses. Resource extraction and a growing human population have resulted in more development and land conversion for suburban sprawl so there are simply fewer and fewer large blocks of unbroken habitat for our native birds.

The second major impact is from habitat degradation from ecologically harmful land uses, such as unsustainable forestry or destruction of grasslands to create farm land. Deforestation, especially in Latin America, is accelerating at an alarming rate, driven by the needs of the rapidly expanding human population, which has tripled from 1950-2000. Estimates of the percentage of remaining forests that are lost each year in the Neotropics are between 1-2%.

Neotropical Migratory Bird Conservation Act (NMBCA)

To address these two problems – habitat loss and degradation, both of which are rapidly increasing south of our border – ABC respectfully suggests that Congress act to help mitigate their impact by continuing to fund the Neotropical Migratory Bird Conservation Act grants program at the highest level possible. As the Subcommittee knows, the Neotropical Migratory Bird Conservation Act supports partnership programs in the United States, Canada, Latin America, and the Caribbean to conserve migratory birds, especially on their wintering grounds where birds of nearly 350 species, including some of the most endangered birds in North America, spend their winters. Projects include activities that benefit bird populations such as habitat restoration, research and monitoring, law enforcement, and outreach and education.

The NMBCA grants program has a proven track record of reversing habitat loss and advancing conservation strategies for the broad range of Neotropical birds that populate America and the Western Hemisphere. The public-private partnerships along with the international collaboration they provide are proving themselves to be integral to preserving vulnerable bird populations. Between 2002 and 2011, the program supported 367 projects, coordinated by partners in 48 U.S. states/territories and 35 countries. More than $39 million from NMBCA grants has leveraged over $152 million in matching funds and $7 million in nonmatching funds. Projects involving land conservation have affected about 2 million acres of bird habitat. While there are over 100 worthy proposal received each year, the program is oversubscribed with funding only available to fund about 40 projects. From these numbers, it is clear that conservation that would benefit our migrant songbirds is not able to take place due to a lack of funding for this program. ABC strongly believes expanding this program is essential to achieving conservation goals critical to our environment and economy. Just as importantly, this federal program is a good value for taxpayers, leveraging over four dollars in partner contributions for every one that we spend. ABC respectfully requests that NMBCA be funded at $ 4million for FY 2013.

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Joint Ventures

Joint Ventures (JVs) also exemplify a highly successful, cost-effective approach to conservation. By applying science and bringing diverse constituents together, JVs across the United States have created a model for solving wildlife management problems and restoring habitats critical to conserving declining species. Nationally, JVs have protected, restored, or enhanced more than 18.5 million acres of important habitat for migratory bird species. There are currently 21 JVs in the United States that provide coordination for conservation planning and implementation of projects that benefit all migratory bird populations and other species.

Joint Ventures have a long history of success in implementing bird conservation initiatives mandated by Congress and by international treaties. Projects are developed at the local level and implemented through diverse public/private partnerships. These projects reflect local values and needs, while addressing regional and national conservation priorities. The projects benefit not only birds, but many wildlife species, and have a positive impact on the health of watersheds and local economies. For every dollar appropriated for Joint Ventures leveraged more than $35 in non-federal partner funds. ABC respectfully requests that JVs be funded at $15 million for FY 2013.

ABC strongly believes increased funding for NMBCA and JVs is essential to achieving conservation goals critical to our environment and economy. Just as importantly, these federal programs are good values for taxpayers, leveraging over four and thirty dollars respectively in partner contributions for each one that the taxpayers spend.

North American Wetlands Conservation Act (NAWCA)

The NAWCA has helped conserve wetlands in North America for more than twenty years by providing funding for conservation projects that benefit wetland-associated migratory birds in all 50 states, Canada, and Mexico. NAWCA has a proven track record of success. The program has received more than $1.1 billion in grants for 2,067 projects that have leveraged approximately $3.2 billion in matching funds affecting 26.7 million acres. More than 4,500 partners have fostered public and private sector cooperation for migratory bird conservation, flood control, erosion control, and water quality. For every dollar of money invested in the program, an average of 3.2 dollars is raised to match the federal share by non-federal entities.

As an organization that works with migratory birds, which by definition cross international borders during their migration patterns, we know that protection and restoration of wetland and upland habitat must occur across the continent if the goal is to protect the species. As a result ABC respectfully requests that NAWCA be funded at $39.5 million for FY 2013.

America faces a serious challenge to reverse the decline of many of our bird species, but it is possible. Since birds are sensitive indicators of how we are protecting our environment as a whole, this decline signals a crisis that Congress must act now to reverse it. If these reports tell

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us anything, it is that when we apply ourselves by investing in conservation, we can save imperiled wildlife, protect habitats, and solve the multiple threats at the root of this problem.

Sincerely,



Darin Schroeder
Vice President for Conservation Advocacy

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Written Testimony of Scott Steen, CEO, American Forests
To the House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
On FY 2013 Budget Proposals for the USDA Forest Service
March 28, 2012

Dear Mr. Chairman and Members of the Subcommittee:

American Forests appreciates the opportunity to submit written public testimony regarding our Fiscal Year 2013 appropriation recommendations. We understand the economic realities facing the nation and the need for fiscal responsibility, and we thank this Subcommittee for its support of key federal conservation programs in the FY2012 Consolidated Appropriations Act. The return on investing in our nation's forests is great, whether those forests are public or private, urban or rural. The economic, social and environmental benefits healthy forests provide are clear incentives for federal investment. American Forests funding requests are generally consistent with the President's proposals, with the exception of an increase for Forest Health Management to $128 million.

American Forests is a national non-profit 501(c)(3) conservation organization that restores and protects urban and rural forests. Founded in 1875, American Forests is the oldest national nonprofit conservation organization in the country. Throughout its history, American Forests has served as a catalyst for many of the most important milestones in the conservation movement, including the founding of the U.S. Forest Service, the national forest and national park system. Today, American Forests' primary objectives are: (1) ensuring healthy forests and expanding forest cover throughout the United States; (2) restoring and protecting threatened forest ecosystems; (3) assuring that public and private forests are managed in ways that give high priority to ecosystem services; and (4) assessing and managing threats such as climate change, invasive species, insects and disease, wildfire, and conversion of land to non-forest uses to limit their impacts on healthy forests.

The economic benefits of our nation's forests highlight one aspect of the importance of these priorities. For example, combined spending on hunting, fishing and wildlife watching associated with National Forest System lands totals $9.5 billion in annual retail sales, supports 189,400 jobs and provides $1.01 billion in annual federal tax revenues.[1] The total value of ecosystem services provided by the acreage of natural habitats in the National Wildlife Refuges total $32.2 billion per year, or $2,900 per acre per year,[2] and home owners near parks and protected areas are repeatedly seen to have property values more than 20% higher than similar properties elsewhere.[3] Protecting and restoring our forests will ensure economic and environmental viability for communities that rely on them for clean air, clean water, wildlife habitat, increased health and well-being, and recreational opportunities.

Ensuring healthy forests and expanding cover

[1] Southwick Associates, "The Economics Associated with Outdoor Recreation, Natural Resources Conservation and Historic Preservation in the United States", October 10, 2011, p. 2.
[2] *Ibid. p3.*
[3] *Ibid. p3.*

USDA Secretary Vilsack's vision for an "all-lands" approach to managing forests at the landscape and watershed scale fits well with American Forests' objectives of ensuring healthy forests in urban and rural settings whether privately owned or publically managed. American Forests strongly supports the following programs within the USDA to assist communities and private landowners with efforts to protect, restore and sustainably manage their forests.

USFS Urban and Community Forestry: American Forests works to better understand the environmental, social, and economic benefits of urban forests and to encourage greater investment in the protection and restoration of urban forests. We support the administration's request of $28.04 million. While this is a reduction from the FY12 funding level, we believe that urban forestry activities will fare well in the new Landscape Scale Restoration Program which the agency proposes as a next step in its redesign effort for State and Private Forestry. We support funding the new Landscape Scale Restoration Program at $18 million and believe that it will provide opportunity for innovative urban forestry projects at a landscape or watershed scale.

USFS Forest Legacy: The Forest Legacy Program has become a key tool for the Forest Service working in partnership with state governments and non-profit conservation organizations to protect environmentally-important private forests threatened by conversion to non-forest uses. American Forests supports the administration's request for an increase over FY12 enacted to $60 million.

USDA NRCS and USFS Farm Bill Conservation Programs: The NRCS and the Forest Service partner with private landowners, providing technical and financial assistance to help protect farm and ranch lands and private forestlands. The Forest Service provides key assistance for management plans on private lands through the Forest Stewardship Program. The NRCS has the responsibility for implementing most of the landowner assistance programs in the Conservation Title of the 2008 Farm Bill. In FY13, NRCS programs will support conservation practices on an additional 27 million acres at a total cost of approximately $3.9 billion, and achieve a record total cumulative enrollment of nearly 329 million acres in conservation programs. American Forests supports full funding for these conservation programs.

Restoring and protecting threatened forests

Specific forested landscapes need to be prioritized due to their level of degradation, ecological importance, or cultural significance. American Forests is encouraged by the Forest Service's initiative to increase the pace of restoration of the National forests, to prioritize those most in peril, and to address restoration needs through an integrated landscape-level approach

USFS Integrated Resource Restoration: The consolidated budget line item for restoration with specific performance measures has the potential to increase the rate of restoration in a much more focused manner. The 3-region test pilot created in FY12 was an important first step to fully understand how this integrated effort would work. American Forests' supports the concept and believes that better outcomes and greater efficiencies can be achieved through more widespread use of the IRR, particularly in combination with the agency's new Watershed Condition Framework. The Forest Service used this framework in 2011 and 2012 to complete its first national assessment of watershed health across the entire National Forest System, to identify priority watersheds and to prepare Watershed Restoration Action Plans. While there is currently no dedicated funding for this activity, the agency can make progress on implementing these plans through greater use of the IRR.

USFS Collaborative Forest Landscape Restoration: American Forests truly appreciates the full funding CFLR received in FY12. The addition of ten more projects to the program will enhance the collaborative and science-based ecosystem restoration of priority forest landscapes while benefiting local communities. In the first two years of the program, FY 2010 and 2011, the cumulative outputs generated by the projects included: 228 million board feet of timber; 2,100 jobs created or maintained; $80 million in labor income; 167,000 acres of hazardous fuels reduction to protect communities; 110,000 acres of fire prone forest restoration; and 198 miles of road conditions improved to reduce sediment in streams. American Forests supports the full funding of this program at $40 million.

USFS FLAME Wildfire Suppression Reserve Fund: As part of a broad coalition supporting FLAME, we believe it is critical to fund FLAME at $315 million. The intent of FLAME was to eliminate the need to transfer funds from other Forest Service programs in order to fund emergency wildfire suppression—a practice that undermined the agency's ability to implement other critical programs. Failure to adequately fund FLAME this year could force the agency to revert to the old practice and have disastrous effects on those programs.

Prioritizing ecosystem services

American Forests is dedicated to promoting all the ecological and societal benefits that forests provide us. Prioritizing protection of these forests that provide the ecosystem services saves municipalities money in wastewater treatment and stormwater management. They provide recreational opportunities and protect wildlife. The Forest Service is not the only steward of our nation's forests, as the Department of Interior's Bureau of Land Management, National Park Service, and Fish and Wildlife Service, as well as the Environmental Protection Agency have numerous programs dedicated to the health and restoration of forested lands. American Forests encourages funding these programs at the Administration's requested levels.

BLM National Landscape Conservation System: The System comprises 27 million acres of protected public land managed to maintain and enhance conservation values and allow for multiple, sustainable uses. The System's goal is to conserve, protect, and restore these important landscapes for their outstanding cultural, ecological, and scientific values. Of the 59 million visitors to BLM lands in 2010, approximately 20 million visited these units and recreation activities on NLCS units created approximately 20,000 jobs. American Forests believes the Administration's request for $69.55 million is needed to prevent critical damage to these resources, ensure proper management and provide for quality visitor experiences.

FWS National Wildlife Refuge System: The Refuge System, with 556 refuges on more than 150 million acres across the country is vital to safeguarding America's wildlife and ensuring that these habitats are protected. Visited by approximately 45 million people each year generating nearly $4 billion and more than 32,500 jobs to regional economies[4], investment in the Refuge system is imperative. While we and many other conservation groups believe that an annual operations and maintenance budget of at least $900 million[5] is needed, American Forests would urge Congress to approve no less than the Administration's request of $494.8 million, an $8.8 million increase over FY12.

[4] *The Department of Interior's Economic Contributions*, 2011

[5] *Restoring America's Wildlife Refuges 2011: Assets for All Americans,* Cooperative Alliance for Refuge Enhancement

FWS Endangered Species Program: For nearly 40 years, the Endangered Species Act has helped prevent the extinction of our nation's treasured wildlife and plant species, many of which thrive in forested habitat. While the Act has made significant strides in protecting our most imperiled species – 99 percent of species protected under the Act have been rescued from extinction and 20 species have been restored to the point of no longer needing protection – there are still major shortfalls. Numerous species in need of protection, including the whitebark pine, are precluded from the list due to lack of adequate resources. American Forests supports the Administration's request for an additional $3.74 million over FY12 to a total of $179.69 million.

National Park Service: American Forests was instrumental nearly 100 years ago in the creation of the national parks and continues to support the Service in its role as steward of the nation's most cherished natural and cultural resources – 397 park units, 23 national scenic and historic trails, and 58 wild and scenic rivers. However, many of these forested parks are threatened by a series of stresses. Invasive species and uncontrolled outbreaks of pests have left these forested treasures vulnerable. American Forests is dedicated to restoring these parks, especially those in the intermountain west affected by the mountain pine bark beetle. As such, we support the Administration's request for funding the National Park System at $2.986 billion.

EPA Urban Waters Program: No ecological boundaries separate urban, community and rural forests - and *all* forests play vital roles in delivering clean water to communities of every size. EPA's Urban Waters Partnership brings together multiple Federal agencies (including the Forest Service) to support stewardship and local restoration efforts to improve urban watersheds and accelerate water quality improvements by promoting green infrastructure, volunteer monitoring, and outreach to communities. American Forests supports the request of $4.7 million.

Managing under a multitude of pressures

With all that forests provide, we need to better understand the multitude of pressures they face and manage them in a sustainable manner. Forests can be managed in ways that mitigate the impacts of a changing climate, invasive species, insect infestation, disease, large wildfires, and conversion to non-forest uses.

USFS Forest Health Management: This program provides insect, disease, and invasive plant survey and monitoring information on forest health conditions on Federal and non-Federal lands and provides technical and financial assistance to prevent, suppress, and control outbreaks threatening forest resources and watershed conditions. The number of acres affected by only the highest priority pests is astronomical and the prevention and suppression needs are many. Since 1997, 41.7 million acres of conifer forests from the West Coast to the Rocky Mountains have been affected by mountain pine bark beetles. From 2000 – 2009, bark beetle caused mortality over an estimated 21.7 million acres in the intermountain west. American Forests proposes funding this critical program at $128 million in FY13, a level higher than the Administration's request. Our recommendation reflects the need to restore funding to a level more consistent with its funding prior to FY 2012, when it was cut by $25 million.

USFS Forest and Rangeland Research: The Forest Service R&D provides scientific information and new technologies to support sustainable management of the Nation's forests and rangelands. The priority research areas of forest disturbances, forest inventory and analysis, watershed management and restoration, urban natural resource stewardship, and localized needs are all integral to better understanding our forests. American Forests supports the FS Forest and Rangeland Research at the Administration's request for $292.79 million.

Written Testimony Submitted by
Wilson Bonner and Linda Rowan, Geoscience Policy
American Geosciences Institute
to the United States House of Representatives
Subcommittee on Interior, Environment and Related Agencies Appropriations
March 28, 2012

Thank you for this opportunity to provide the American Geosciences Institute's perspective on fiscal year (FY) 2013 appropriations for geoscience programs within the Subcommittee's jurisdiction. AGI is a nonprofit federation of 50 geoscientific and professional associations that represents more than 250,000 geologists, geophysicists, and other earth scientists who work in industry, academia and government. Founded in 1948, AGI provides information services to geoscientists, serves as a voice of shared interests in our profession, plays a major role in strengthening geoscience education, and strives to increase public awareness of the vital role the geosciences play in society's use of resources, resilience to natural hazards, and the health of the environment. We ask the Subcommittee to support and sustain the critical geoscience work in the United States Geological Survey (USGS), the National Park Service and the Smithsonian Institution. **Specifically we ask for $1.2 billion for USGS, $333 million for the National Park Service's Resource Stewardship Program, and $857 million for the Smithsonian Institution.**

As the U.S. economy improves, the nation must continue to focus on intersecting needs for energy resources, water resources, mineral resources, soil resources and healthy ecosystems. To speed up the recovery of our economy and workforce, we need to sustain and efficiently use our natural resources and cost-effectively improve our quality of life and the quality of the environment, while reducing risks from natural hazards. The USGS is the nation's only natural resource science agency that can provide the objective data, observations, analyses, assessments, and scientific solutions to these intersecting critical needs.

U.S. Geological Survey
Virtually every American citizen and every federal, state, and local agency benefits either directly or indirectly from USGS products and services. A wide variety of industries rely on USGS for assessments and data to reduce their costs and risks and to help them develop their own products and services. As was made clear by the National Research Council report *Future Roles and Opportunities for the U.S. Geological Survey*, the USGS's value to the nation goes well beyond the Department of the Interior's stewardship mission for public lands.

USGS addresses a wide range of important problems facing the nation: natural hazards, environmental change, water resources, waste disposal, and energy and mineral resources. AGI in *Critical Needs for the Twenty First Century: The Role of the Geosciences* lists seven critical and policy actions to help the nation meet these needs through the geosciences, including the USGS (available online at www.agiweb.org/gap/criticalneeds/index.html). With a burgeoning human population, rising demand for natural resources and the rising costs of natural hazards, it is critical to more fully integrate USGS data and understanding into actions for a sustainable world. The USGS plays a prominent role in meeting national needs, while growing the economy, building a skilled workforce and ensuring a natural resource-literate public.

AGI strongly supports smart growth of about $98 million compared to the USGS FY 2013 request for a total budget of $1.2 billion. Please avoid proposed cuts of $48 million and distribute an additional $50 million for energy, minerals, water, hazards, geospatial analyses, mapping and data preservation. Enhancing infrastructure, observations, data and understanding builds the workforce inside and outside of the Survey and spurs economic growth through wise resource management.

Mineral Resources Program: The value of domestically processed mineral materials was about $633 billion in 2011. The USGS Mineral Resources Program (MRP) is the only entity, public or private, that provides an analysis and assessment of the raw materials and processed minerals accessible from domestic and global markets. This highly regarded research program is the nation's premier credible source for regional, national and global mineral resource and mineral environmental assessments, statistics and research critical for sound economic, mineral-supply, land-use and environmental analysis, planning and decision-making. Not only does the program track global commodities, it prepares assessments such as the recent report on rare earth element deposits in the United States.

The data and analyses of the MRP are used by the Department of the Interior, Department of Defense, the Central Intelligence Agency, the Department of State, the Federal Reserve, other federal, state and local government entities, foreign governments, private companies and the general public. Analyses based on the MRP data are essential for guiding economic and environmental policy and for providing options for land use decisions posed by industry, government and private land owners. **We urge the Subcommittee to support the Mineral Resources Program at a level of $54 million so that it may perform its core missions without a loss of critical information and jobs. This level is the same as the FY 2010 and FY 2005 levels and more than the FY 2013 request of $45 million.**

Please avoid proposed cuts of $5.25 million in Mineral Resources to research related to minerals and human health, research on rare earth elements, analysis and assessments of resources in Alaska and in other countries, jobs associated with this work and external funding for states and universities.

AGI appreciates the consolidation of Energy, Minerals and Environmental Health, but we are concerned about two significant proposed cuts. *Please avoid cuts of $1 million to the Energy Resources Program's State Cooperative Project for assessments of coal and oil shale resources. Please avoid cuts of $2 million to Toxic Substances Hydrology to reduce research on pharmaceuticals, pesticides, and other emerging contamination as well as environmentally-robust approaches to uranium resource extraction and shale gas development.*

Water Program: AGI is concerned with the decreased funding in the President's request for USGS's Water Resources Programs. The USGS is the nation's premier federal water science agency and knowledge about water quality and quantity is necessary for economic growth and to avoid catastrophes. Going forward for FY 2013, AGI supports efficient budgets to sustain many critical water programs including National Streamflow Information, Ground Water Monitoring Network, the National Water Quality Assessment (NAWQA), Hydrologic Research and Development, Hydrologic Networks and Cooperative Water. **We respectfully ask that water**

programs in the FY 2013 request be restored to a total budget of $231 million, by removing proposed cuts to the Cooperative Water program (-$5 million in request), the Water Resources Research Act (-$6.5 million), the National Water Quality Assessment Program (-$6.5 million), and Hydrologic Networks and Analysis (-$3.7 million).

Please avoid proposed cuts to the Cooperative Water program to eliminate research and monitoring of local to state level water quality and availability or cuts to Water Resources Research which eliminates research grants to 54 institutes at universities. Please avoid proposed cuts to the National Water Quality Assessment Program for reductions in monitoring sites, well water sampling, and laboratory methods development for pharmaceuticals, pesticides, antibiotics, and other emerging contaminants in water systems or to the Hydrologic Networks and Analysis which eliminates real time and archived water resources data for all users.

National Earthquake Hazards Reduction Program (NEHRP) and Other Natural Hazards: A key role for the USGS is providing the research, monitoring, and assessment that are critically needed to better prepare for and respond to natural hazards. The tragic earthquake/tsunami in Japan and the Indian Ocean, the massive earthquakes in New Zealand, Chile, Haiti, Pakistan, and Wenchuan, and the local earthquake in Mineral, Virginia remind us of the need for preparation, education, mitigation and rapid response to natural hazards. Several National Academies' reports and studies by other hazard experts have shown that mitigation and preparation reduces fatalities, injuries and economic losses. With great forethought, the Earthquake Hazards Reduction Authorization Act of 2000 (P.L. 106-503) called for modernization of existing seismic networks and for the development of the Advanced National Seismic System (ANSS) -- a nationwide network of shaking measurement systems focused on urban areas. ANSS can provide real-time earthquake information to emergency responders as well as building and ground shaking data for engineers and scientists seeking to understand earthquake processes and mitigate damage.

With 2,142 of 7,100 stations in operation at the end of FY 2011, the ANSS is far from achieving its goals. Critical investments now will help to reduce earthquake risks; help to create jobs and grow the economy by improving and modernizing seismic networks and the built environment; help support external earthquake research and education efforts; and help to support other major earthquake science initiatives, such as the EarthScope Observatories run by NSF. A major component of EarthScope is a seismic network that is moving across the country and is appropriately complemented and connected to ANSS. Given all of these factors, now is really the time to increase investments in USGS-NEHRP through the Earthquake Hazards Program. **AGI strongly supports reauthorization of NEHRP in 2012 (H.R. 3479/S. 646), the passage of the Volcano Warning Act (S. 566) and appropriations to meet the goals of both measures in FY 2013. AGI strongly supports robust appropriations of at least the request for the Earthquake Hazards Program ($58.9 million), the Volcano Hazards Program ($25 million) and Landslide Hazards Program ($3.9 million).**

National Cooperative Geologic Mapping Program (NCGMP): AGI is very grateful to Congress for passing the re-authorization of the National Cooperative Geologic Mapping Program in the 2009 public lands omnibus (P.L. 111-11, Sec. 11001). This important partnership between the USGS, state geological surveys, and universities provides the nation with fundamental data for addressing natural hazard mitigation, water resource management, environmental remediation,

land-use planning, and raw material resource development. **AGI supports a modest increase of $1.5 million for the National Cooperative Geologic Mapping Program for a total of $29.5 million in FY 2013. This additional support would restore the Federal and State Partnerships to almost FY 2010 levels; still far below authorized levels of $64 million.**

National Geological and Geophysical Data Preservation Program (NGGDP): The data preservation program (Public Law 109-58, Sec 351) is administered by the U.S. Geological Survey in partnership with State Geological Surveys and other stakeholders. Private and public entities collect geologic and geophysical data in the form of paper records, digital files, and physical samples. Often these data and samples are given to state geological surveys either voluntarily or because of regulatory statutes. These data are worth far more than the cost of preserving them because they provide information about natural resources and natural hazards that are used by others for business or safety. The program generates more value in terms of economic development, environmental stewardship, hazard mitigation and fulfilling regulatory requirements than it costs to run.

The President's budget request for FY 2013 places the NGGDP and the Biological Information Management and Delivery Program within a single subactivity called Science Synthesis, Analysis, and Research. **AGI supports an appropriation of $1 million, the same as the FY 2010 amount to sustain the program.**

Smithsonian Institution
The Smithsonian's National Museum of Natural History plays a dual role in communicating the excitement of the geosciences and enhancing knowledge through research and preservation of geoscience collections. AGI asks the Subcommittee to support Smithsonian research with steady funds that are a tiny fraction of the overall budget, but will dramatically improve the facilities and their benefit to the country. **We strongly support the President's request of $856.8 million for the Smithsonian Institution in FY 2013.**

National Park Service
The national parks are very important to the geoscience community and the public as unique national treasures that showcase the geologic splendor of our country and offer unparalleled opportunities for research, education and outdoor activities. The National Park Services' Geologic Resources Division was established in 1995 to provide park managers with geologic expertise. Working in conjunction with USGS and other partners, the division helps ensure that geoscientists are becoming part of an integrated approach to science-based resource management in parks. **AGI supports the President's small increase ($333 million for NPS Resource Stewardship for FY2013) so the NPS can adequately address the treasured geologic resources in the National Parks, especially as the National Parks approach their 100th anniversary.**

Thank you for the opportunity to present this testimony to the Subcommittee. If you would like any additional information for the record, please contact Linda Rowan at 703-379-2480, ext. 228 voice, 703-379-7563 fax, rowan@agiweb.org, or 4220 King Street, Alexandria VA 22302-1502.

STATEMENT OF THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM
SUBMITTED TO THE U.S. HOUSE OF REPRESENTATIVES - COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
DEPARTMENT OF THE INTERIOR - BUREAU OF INDIAN EDUCATION

March 28, 2012

I. REQUEST SUMMARY

On behalf of the nation's Tribal Colleges and Universities (TCUs), which compose the American Indian Higher Education Consortium (AIHEC), thank you for this opportunity to present our fiscal year 2013 (FY 2013) appropriations recommendations for the 29 colleges funded under the Tribally Controlled Colleges and Universities Assistance Act (Tribal College Act); the Bureau of Indian Education postsecondary institutions; and the Institute of American Indian Arts. The Bureau of Indian Education administers these programs, save for the Institute of American Indian Arts, which is congressionally chartered and funded directly through the Department.

In FY 2013, TCUs seek $82,872,000 for institutional operations, an endowment program, and technical assistance grants under the *Tribally Controlled Colleges and Universities Assistance Act of 1978* or Tribal College Act; *of which, $73.5 million for Titles I & II grants (27 TCUs); $109,000 for Title III (endowment grants), and $601,000 for technical assistance.* In FY 2011, the clear intent of Congress was to level fund the institutional operating grants for the TCUs funded under Titles I and II of the Tribal College Act, having appropriated the same funding level for the overall pot of funds available to support Tribal College Act programs. However, because of a spike in enrollments at the TCUs, the operations funding actually dropped by $549 PER Indian student. TCUs are being penalized for their successful efforts to recruit and retain students. Our FY 2013 request restores the funding for institutional operating grants to the FY 2010 level based on the per Indian student allocation.

AIHEC's membership also includes tribally controlled postsecondary career and technical institutions whose institutional operations funding is authorized under *Title V of the Act; AIHEC supports their request for $9.372 million. There are* three other TCUs funded under separate authorities within Interior Appropriations, namely: Haskell Indian Nations University, Southwestern Indian Polytechnic Institute, and the Institute of American Indian Arts. AIHEC supports their independent requests for support of the institutional operating budgets of these institutions.

II. NEED FOR CHANGE IN FUNDING STRATEGY

Today there are 37 TCUs operating over 75 campuses in 15 states. These institutions, accredited by independent, regional accreditation agencies and like all institutions of higher education must undergo stringent performance reviews on a periodic basis to retain their accreditation status, were begun specifically to serve the higher education needs of American Indians. Annually, these institutions serve students from well over 250 federally recognized tribes, more than 75 percent of whom are eligible to receive federal financial aid.

A process should be articulated, beginning in the FY 2013 Interior Appropriations Bill, to compare and fund TCUs annually on a "per Indian student" basis, as authorized under the Tribally Controlled Colleges and Universities Assistance Act, rather than a lump sum. The current funding strategy fails to take into account

annual growth in TCU student populations, so what might look like "level" funding year to year actually translates into annual funding decreases. TCU student enrollments are growing as TCUs work to help meet national education (completion) and accountability (retention) goals, but the overall funding pot is remaining nearly stagnant. In FY 2011 alone, TCUs grew by more than 1,660 full-time Indian students. This growth, encouraged by the federal government, resulted in a loss of funding of $549/full-time Indian student, or $9.2 million, in just one year, compared to the TCUs' FY 2010 funding level.

Congress put the student-based funding formula in law to help reflect the realities of operating small and geographically remote higher education institutions engaged in strengthening tribal communities and growing American Indians in postsecondary education. But over the years, appropriations have focused on the overall dollar amount, with no attention to how that impacts a TCU's actual operating budget when allocated per student. It is imperative that a *student*-focused formula be employed when determining funding priorities.

This is not simply a matter of appropriations fluctuating greatly and continually falling short of an authorization; it effectively impedes our institutions from having the necessary resources to grow their programs in response to the changing needs of their students and the communities they serve. Ultimately, the TCUs need to be fully funded at the authorized level of $8,000 per Indian student. To illustrate the reasonableness of this request, Howard University (HU), located in the District of Columbia, is the only other minority-serving institution, besides the TCUs, to receive basic institutional operations funding from the federal government. The similarity ends there as HU's federal support (exclusive of its medical school) amounts to over **$19,000 per student.** In contrast, the majority of the TCUs currently receives **$5,235 per Indian student,** with no federal funding towards basic operations for the non-Indian students, which account for approximately 20 percent of TCU enrollments. HU needs this funding—no question. So do TCUs.

III. FURTHER JUSTIFICATIONS

a) TCUs provide critical access to vital postsecondary education opportunities. Tribal Colleges and Universities provide access to higher education for American Indians and others living in some of the nation's most rural and economically depressed areas. According to U.S. Census data[1], the annual per capita income of the U.S. population is $26,059. By contrast, the annual per capita income of American Indians is $15,671 or about 40 percent less. In addition to serving their student populations, TCUs offer a variety of much needed community outreach programs.

b) TCUs are producing a new generation of highly trained American Indian teachers, tribal government leaders, nurses, engineers, computer programmers, and other much-needed professionals. By teaching the job skills most in demand on their reservations, TCUs are laying a solid foundation for tribal economic growth, with benefits for surrounding communities. In contrast to the high rates of unemployment on reservations, graduates of TCUs are employed in "high need" occupational areas such as Head Start teachers, elementary and secondary school teachers, and nurses/health care providers. Just as important, the vast majority of tribal college graduates remain in their tribal communities, applying their newly acquired skills and knowledge where they are most needed.

c) TCUs meet the strict standards of mainstream accreditation boards offering top quality academic programs; contributing to the achievement of the national graduation goal, and serving

[1] Source: U.S. Census Bureau, 2010 American Community Survey

as effective bridges to four-year institutions of higher learning. A growing number of TCUs have attained a ten-year accreditation term, the longest term granted to any higher education institution. All TCUs offer associate degrees with 13 offering bachelor's and two conferring master's degrees, making TCUs a critical component in achieving the national goal to once again lead the world in the percentage of the population with college degrees by 2020. Additionally, TCUs' transfer function from two-year to four-year degree institutions is significant. An independent survey of TCU graduates conducted for the American Indian College Fund indicated that more than 80 percent of respondents who attended a mainstream college prior to enrolling at a TCU did not finish the degree they were pursuing at the mainstream college. The rate of completion markedly improved for those who attended a TCU prior to beginning a degree program at a mainstream institution. After completing tribal college coursework, less than half of respondents dropped out of mainstream colleges, and nearly 40 percent went on to earn a bachelor's degree. This clearly illustrates TCUs' positive impact on the persistence of American Indian students in pursuit of baccalaureate degrees. The overwhelming majority of respondents felt that their TCU experience had prepared them well for further education and noted that it had a very positive influence on their personal and professional achievements.

IV. ADDITIONAL FACTS

a) Enrollment Gains and New TCUs - Compounding existing funding disparities is the fact that although the numbers of TCUs and students enrolled in them have dramatically increased since 1981, appropriations have increased at a disproportionately low rate. Since they were first funded, the number of tribal colleges has quadrupled and continues to grow; Indian student enrollments have risen over 370 percent. Between FY 2005 and FY 2012, five additional TCUs have become accredited and eligible for funding under Title I of the Tribal College Act. TCUs are in many ways victims of their own successes. The growing number of tribally chartered colleges and universities being established and increasing enrollments have forced TCUs to slice an already inadequate annual funding pie into even smaller pieces.

b) Local Tax and Revenue Bases - TCUs cannot rely on a local tax base for revenue. Although tribes have the sovereign authority to tax, high reservation poverty rates, the trust status of reservation lands, and the lack of strong reservation economies hinder the creation of a reservation tax base. As noted earlier, on Indian reservations that are home to TCUs, the unemployment rate can well exceed 60 percent.

c) Federal Trust Responsibility – The emergence of TCUs is a direct result of the special relationship between American Indian tribes and the federal government. TCUs are founded and chartered by their respective American Indian tribes, which hold a special legal relationship with the federal government, actualized by more than 400 treaties, several Supreme Court decisions, prior Congressional action, and the ceding of more than one billion acres of land to the federal government. Beyond the trust responsibility, the fact remains that TCUs are providing a public service that no other institutions of higher education are willing, or able, to provide by helping the federal government fulfill its responsibility to the American people, particularly in rural America. Despite the fact that only enrolled members of a federally recognized tribe or the biological child of a tribal member may be counted as Indian students when determining an institution's share of the operating funds, TCUs have open enrollment policies. Approximately 20 percent of TCU enrollments are non-Indians. These institutions are simply and effectively providing access to quality higher education opportunities to reservation community residents.

(d) Gaming and the TCUs - Although several of the reservations served by TCUs do have gaming operations, these are not the mega casinos located in proximity to urban outlets and featured in the mainstream media. Only a handful of TCUs receive regular income from the chartering tribe's gaming revenue, and the amounts received vary greatly from year to year. Most reservation casinos are small businesses and use the gaming revenue to improve the local standard of living and potentially diversify into other, more sustainable areas of economic development. In the interim, where relevant, local TCUs offer courses in casino management and hospitality services to formally train tribal members to work in the local tribally run casinos.

Although some form of gaming is legalized in 48 states, the federal government has not used the revenues generated from state gaming as a justification to decrease federal funding to public colleges or universities that are state-run.

It has been implied that those tribes that operate the few enormously successful and widely publicized casinos should be financing higher education for all American Indians. However, no state is expected to share its gaming revenue with a non-gaming state.

V. PRESIDENT'S BUDGET AND APPROPRIATIONS REQUEST FOR FY 2012

As noted earlier, it has been three decades since the Tribal College Act was first funded, and the TCUs have yet to receive the congressionally authorized per Indian student funding level. To fully fund the TCUs institutional operating grants would require an increase of $27 million over the current funding level. However, we do recognize the budget constraints the nation is currently facing and consequently, we are not requesting that level of increase in FY 2013, but rather seek to restore funding to the FY 2010 level of $5,784 per Indian student, which calls for an increase of $ $6.1 million over FY 2012 and $3.7 million over the President's FY 2013 Budget request. Additionally, we seek to maintain level funding for the technical assistance grants, as included in the President's FY 2013 Budget request. Details of the request are outlined in the Request Summary above.

VI. CONCLUSION

Tribal Colleges and Universities provide quality higher education to many thousands of American Indians who might otherwise not have access to such opportunities. The modest federal investment that has been made in TCUs has paid great dividends in terms of employment, education, and economic development. Continuation of this investment makes sound moral and fiscal sense.

We greatly appreciate your past and continued support of the nation's Tribal Colleges and Universities and your serious consideration of our FY 2013 appropriations requests.

Testimony in Support of FY 2013 Funding for the United States Geological Survey, United States Forest Service, and Environmental Protection Agency

March 27, 2012

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Submitted to:
House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

The American Institute of Biological Sciences (AIBS) appreciates the opportunity to provide testimony in support of appropriations for the United States Geological Survey (USGS), United States Forest Service (USFS), and Environmental Protection Agency (EPA) for fiscal year (FY) 2013. AIBS encourages Congress to provide the USGS with at least $1.2 billion in FY 2013, with at least $177.9 million for the Ecosystems activity. We further request that Congress provide the USFS Forest and Rangeland Research program with at least $295.3 million, and EPA's Office of Research and Development with at least $600 million.

The AIBS is a nonprofit scientific association dedicated to advancing biological research and education for the welfare of society. AIBS works to ensure that the public, legislators, funders, and the community of biologists have access to and use information that will guide them in making informed decisions about matters that require biological knowledge. Founded in 1947 as a part of the National Academy of Sciences, AIBS became an independent, member-governed organization in the 1950s. Today, AIBS has nearly 160 member organizations and is headquartered in Reston, Virginia, with a Public Policy Office in Washington, DC.

U.S. Geological Survey

The USGS provides unbiased, independent research, data, and assessments that are needed by public and private sector decision-makers. Data generated by the USGS save taxpayers money by reducing economic losses from natural disasters, allowing more effective management of water and natural resources, and providing essential geospatial information that is needed for

commercial activity and natural resource management. The data collected by the USGS are not available from other sources and our nation cannot afford to sacrifice this information.

The Ecosystems activity within USGS underpins the agency's other science mission areas by providing information needed for understanding the impacts of water use, energy exploration and production, and natural hazards on natural systems. The USGS conducts research on and monitoring of fish, wildlife, and vegetation – data that informs management decisions by other Interior bureaus regarding protected species and land use. USGS science is also used to control invasive species and wildlife diseases that can cause billions of dollars in economic losses. Collectively, the knowledge generated by these USGS programs is used by federal and state natural resource managers to maintain healthy and diverse ecosystems while balancing the needs of public use.

Other examples of successful USGS Ecosystem initiatives include:

- Development of comprehensive geospatial data products that characterize the risk of wildfires on all lands in the United States. These products are used to allocate firefighting resources and to plan fuel reduction projects.
- Identification of white-nose syndrome, a fungus that is devastating U.S. bat populations and could jeopardize the multi-billion dollar pest control services provided by bats.
- Identification and evaluation of control measures for Asian carp, sea lamprey, Burmese pythons, and other invasive species.
- Study of the impacts of solar energy and other next generation energy sources on wildlife and endangered species.

Through the Cooperative Research Units, the USGS and their partners address pressing issues facing natural resource managers at the local, state, and federal levels. Examples of recent research initiatives include studying the effects of the Gulf of Mexico oil spill on wildlife and fisheries, and improving management of elk and waterfowl. In addition to providing research expertise, these partnerships at 40 universities in 38 states serve as important training centers for America's next generation of scientists and resource managers. More than 500 graduate students each year receive training by USGS scientists at Cooperative Research Units. The program is also an efficient use of resources: each federal dollar invested in the program is leveraged more than three-fold.

The National Streamflow Information Program within the Water Resources mission area provides needed information for resource managers and scientists. Its national network of streamgages records changes in streamflow due to alterations in precipitation, land use, and water use. This information is vital to state and local governments, utilities, and resource managers who make decisions about water use.

The requested FY 2013 budget would support several science priorities. The proposed budget would enable the USGS to develop methodologies to better prevent, detect, and control Asian carp and other invasive species. USGS would also be able to provide enhanced surveillance and diagnostic tools, and to develop management tools for white-nose syndrome and other ecologically and economically costly wildlife diseases. Additionally, USGS would be able to study and better inform decisions about new energy sources. Importantly, the proposed budget

would increase support for USGS research on high priority conservation and land use issues faced by other Interior bureaus, which lack intramural scientific resources to study these issues.

Although the proposed budget supports many USGS priorities, the requested funding level would result in cuts to other programs that support agency core missions. For instance, USGS would have to diminish efforts to assess the nation's water quality and reduce studies on the impacts of environmental contaminants. Given the agency's critical role in informing the environmental and economic health of the nation, more support is justified. We urge Congress to fully fund the USGS by restoring Administration-proposed reductions to core science programs and operations costs while maintaining the proposed increases for other areas.

In summary, the USGS is uniquely positioned to provide a scientific context for many of the nation's biological and environmental challenges, including water quality and use, energy independence, and conservation of biological diversity. Biological science programs within the USGS gather long-term data not available from other sources. These data have contributed fundamentally to our understanding of the status and dynamics of biological populations and have improved our understanding of how ecosystems function, all of which is necessary for predicting the impacts of land management practices and other human activities on the natural environment. This array of research expertise not only serves the core missions of the Department of the Interior, but also contributes to management decisions made by other agencies and private sector organizations. USGS science is also cost-effective, as the agency's activities help to identify the most effective management actions. In short, increased investments in these important research activities will yield dividends.

U.S. Forest Service

United States Forest Service research provides scientific information and new technologies to support sustainable management of the nation's forests and rangelands. These products and services increase the basic biological and physical knowledge of the composition, structure, and function of forest, rangeland, and aquatic ecosystems.

The FY 2013 budget request would cut funding for the Forest and Rangeland Research by $2.5 million. If enacted, the budget would reduce the Forest Service's capacity to conduct research relevant to wildfires, control of invasive species, and management of wildlife and fish. Given the importance of this scientific work to the management of public and private lands, we urge Congress to fund the program at the FY 2012 enacted level.

Environmental Protection Agency

The Office of Research and Development (ORD) supports valuable extramural and intramural research that is used to identify and mitigate environmental problems facing our nation. ORD research informs decisions made by public health and safety managers, natural resource managers, businesses, and other stakeholders concerned about air and water pollution, human health, and land management and restoration. In short, ORD provides the scientific basis upon which EPA monitoring and enforcement programs are built.

Despite the important role played by ORD, its funding has declined by 11 percent since FY 2004, when it peaked at $646.5 million. At $575.6 million, the budget request for FY 2013 falls far short of addressing past and current shortfalls. We ask that Congress restore funding for ORD to at least the FY 2010 level.

The Ecosystem Services Research program within ORD is responsible for enhancing, protecting, and restoring ecosystem services, such as clean air and water, rich soil for crop production, pollination, and flood control. The program has been chronically underfunded, according to the EPA Science Advisory Board (SAB). Indeed, the current level of funding "provides inadequate funding for research that supports multiple EPA regulatory programs and that the SAB has characterized as transdisciplinary with the 'potential to be transformative for environmental decision making'...," according to an SAB analysis of the FY 2012 budget request. The FY 2013 request fails to correct this problem, instead proposing a reduction of $600,000. Moreover, funding for EPA ecosystem research has been cut nearly in half since 2004. We ask that Congress address the chronic underfunding of the program.

The Science to Achieve Results (STAR) program supports valuable research on human health and the environment through competitively awarded research grants. The program enables EPA to fill information gaps that are not addressed by intramural EPA research programs or by other agencies. A report by the National Academy of Sciences found that the "STAR program is an important part of the overall EPA research program." That same report recommends that funding for the STAR program should be at 15 to 20 percent of the overall ORD budget, "even in budget-constrained times." Despite a proposed increase for the program, the FY 2013 request would fund STAR at less than 15 percent of the overall ORD budget. We urge Congress to fund STAR at the recommended level.

The STAR Graduate Fellowship contributes to the training of the next generation of scientists by supporting graduate students pursuing an advanced degree in environmental science. The National Academy of Sciences called the fellowship "a valuable mechanism for enabling a continuing supply of graduate students in environmental sciences and engineering." Since its inception in 1995, this successful program has supported the education and training of 1,500 fellows who have gone on to pursue careers as scientists and educators. The agency's request would flat fund the program. Given the fellowship's valuable role in preparing environmental scientists and engineers, we ask for the program's funding to be increased accordingly.

ORD's Safe and Sustainable Water Resources program supports research that underpins safe and sustainable water. In addition to helping to ensure safe drinking water for society, the program's research focuses on better understanding resiliency of watersheds to stressors and factors that affect watershed restoration. The budget request would allow the program to pursue research that will inform decisions about water safety and to ensure the sustainability of our coastal watersheds and estuaries.

In conclusion, we urge Congress to restore funding for the ORD to the FY 2010 enacted level. These appropriation levels would allow ORD to address a backlog of research needs.

Thank you for your thoughtful consideration of this request.

Statement of Paul G. Billings
Vice President, National Policy & Advocacy
American Lung Association
March 28, 2012
House Appropriations Subcommittee on Interior, Environment & Related Agencies
U.S. Environmental Protection Agency FY 2013

Summary: Funding Recommendations (Dollars in $Millions)

U.S. Environmental Protection Agency	
Improving Air Quality and Addressing Climate Change	
• Federal Stationary Source Regulation	$34.1
• Federal Support of Air Quality Management	$134.8
• Climate Protection Programs	$108.0
• Clean Air Allowance Trading Program	$20.8
• State and Local Air Quality Management Grants	$301.5
• Diesel Emission Reduction Act Grants	$30.0
• Federal Vehicle and Fuels Certification	$101.9
State Indoor Radon Grants	$8.0
Indoor Air: including Radon Program	$4.1
Research: Air, Climate and Energy	$105.8
Enforcement	$15.8

The American Lung Association is pleased to support the Environmental Protection Agency's (EPA) program to improve the nation's air during fiscal year 2013. The American Lung Association was founded in 1904 to fight tuberculosis and today, our mission is to save lives by improving lung health and preventing lung disease. **We urge the Committee to support ensuring that the U.S. Environmental Protection Agency has the necessary resources to protect the public health from air pollution, and we urge the Committee to pass an FY 2013 bill free from any policy riders.**

Protecting the public from the health threats of pollution is a core mission of the EPA, and it has a long history of success. Furthermore, the public expects EPA to implement the Clean Air Act and strongly supports EPA's effort to reduce air pollution. In March, we released a bipartisan public opinion poll that shows strong public support the EPA's efforts to update clean air protections. Nearly three quarters (73 percent) of voters say that we do not have to choose between air quality and a strong economy – we can achieve both. And a 2-to-1 majority (60 to 31 percent) believes that strengthening safeguards against pollution will create, not destroy, jobs by encouraging innovation.

Implementing the Clean Air Act to protect health and save lives is a tremendous responsibility and the EPA workload is vast. In 2013, we expect EPA to update health-based air quality standards; implement rules to clean up toxic pollution from major sources such as power plants; clean up toxic pollution from automobile tailpipes; aggressively enforce the law to ensure compliance and protect the public; support state and local air pollution cleanup; continue research on the health impacts of air pollution; improve air pollution monitoring; and ensure that

the Clean Air Act is implemented in a way that protects the most vulnerable. As a nation, we need EPA to be able to do all of these things. Below, we have highlighted key provisions of the President's FY 2013 budget that deserve your attention and/or support.

Improving Air Quality and Addressing Climate Change

We support the President's budget increases to improve air quality and address climate change. Specifically, we support EPA's request for the **Federal Stationary Source Regulation** budget *increase* of $6.8 million, including an additional $2.4 million to fund the review of existing Clean Air Act standards for criteria pollutants including ozone and particulate matter to ensure that the air pollution health standards effectively convey to local communities when the air is unhealthy to breathe, as required by law; as well as the requested $2.0 million for the development of new source performance standards to reduce greenhouse gases. As EPA advances clean air protections, more coordination will be needed and we urge you to provide the resources to do so as requested.

We also support EPA's request for an *additional* $8.5 million for **Climate Protection Programs**, including $2.9 million for the **Greenhouse Gas Reporting Program**, and the $2 million requested by EPA to develop **Carbon Pollution Standards for Power Plants**. Higher temperatures can enhance the conditions for ozone formation. Even with the steps that are in place to reduce ozone, evidence warns that changes in climate are likely to increase ozone levels in the future in large parts of the United States. It is clear that EPA is taking a careful and common sense approach to addressing climate change, including setting carbon pollution standards for power plants.

The American Lung Association supports the increase requested by EPA to provide **Federal Support for Air Quality Management** of $11.9 million (including $531 ,000 for science and technology needs) to assist states, Tribal and local air pollution agencies in the development and implementation of plans to meet standards established by EPA. People who live near major sources of pollution often face the greatest health risk. Through development of faster, electronic reporting, closing of data gaps, and continuing to develop the science necessary to reduce pollution to healthy levels, EPA supports states, Tribes and local agencies and directly benefits communities.

The **Clean Air Allowance Trading Program** is responsible for development, implementation, and assessment, and provides regulatory and modeling support for efforts to address major regional and national air issues from stationary sources. Clean air allowance trading programs help implement the National Ambient Air Quality Standards (NAAQS) and reduce acid deposition, toxics deposition, and regional haze. Pollutants include sulfur dioxide (SO_2), nitrogen oxides (NO_x), and, as a co-benefit of SO_2 emission reductions, mercury. Please support a funding level of $792 ,000 (including $715 ,000 to meet science and technology needs) to implement this important program.

Finally, we urge Congress to provide at least the requested $101.9 million for the EPA **Federal Vehicle Fuels Standards and Certifications Programs.** It is critically important to increase the budget for EPA's Federal Vehicle Fuels Standards and Certifications Programs, particularly to

improve the effectiveness of the certification and compliance testing programs in the face of increasing demand, more challenging oversight requirements, and the increasing diversity of technologies. Currently, EPA conducts very limited testing of small imported engines but a high fraction of these engines fail the test. Additional resources are needed to improve testing and compliance for this important program to protect public health.

We strongly support EPA's planned work to update tailpipe standards. **Light duty cars and trucks** remain a significant source of air pollution. This work is vital to correct for any adverse air quality impacts that may result from increased use of renewable fuels.

Indoor Air and Radiation

Indoor air quality is a major concern for the American Lung Association, and we support the $17.8 million budget request for the **Reducing Risks from Indoor Air Program** to promote comprehensive asthma care that integrates management of environmental asthma triggers and health care services through community based programs, and we appreciate EPA's special attention to communities most at risk including children, low-income and minority populations.

However, **we strongly oppose the $1.9 million cut to the Indoor Air Radon Program (including 200 thousand for science and technology needs) and the elimination of the $8 million state radon categorical grants** proposed in the President's Budget. Exposure to radon continues to be a significant risk to human health, and is the largest cause of lung cancer after tobacco.[1] Without the guidance and funding support from EPA, state programs will simply not be able to protect the public from the threat of radon. Please fully restore these programs.

Please restore the ***Tools for Schools*** which has succeeded in improving environmental conditions and reducing asthma triggers in schools across the country. More schools need this help. Please fund this important program.

Support for State and Local Air Pollution Control

The American Lung Association strongly supports increased funding **for state and local air pollution agencies**, which are on the front lines in the effort to improve air quality across the nation. These agencies will be called on to put in place the revised and new safeguards set under the Clean Air Act and must adopt and enforce a range of new emissions reduction programs – including the recently finalized Mercury and Air Toxics Standards for Power Plants that will save up to 11,000 lives per year when fully implemented. At this critical juncture, state and local air pollution agencies need more resources, not less, to ensure proper implementation of the Clean Air Act and protection of the public so we strongly support the requested *additional* $65.8 million for State and Local Air Quality Management Grants.

However, we strongly oppose cuts in the President's Budget to the widely supported **Diesel Emission Reduction Act (DERA) program** that was reauthorized in late 2010. Twenty million old diesel engines are in use today that pollute communities and threaten workers. Immense opportunities remain to reduce diesel emissions and protect public health through the DERA program. Please restore funding to the $30 million level.

[1] U.S. Environmental Protection Agency. EPA's Assessment of Risks from Radon in Homes (2003).

As mentioned previously, we strongly oppose the elimination of the $8 million **state radon categorical grants** as proposed in the President's Budget. Without the financial support from EPA, the state programs will be less able to protect the public from the pervasive threat of radon.

Research: Air, Climate and Energy

The American Lung Association strongly supports EPA's **Air, Climate and Energy Research Program**. Research is essential to improve the understanding of the health effects of air pollution and determining what levels of pollution should be set to protect the public with an adequate margin of safety. Specifically, we urge Congress to provide at least the *additional* $15 million requested in the President's FY 2013 budget for **improved air quality monitoring**. Improving the nation's air pollution monitoring network is absolutely critical in providing better information to enhance federal, state and local knowledge and empower efforts to protect the health of their communities. Continued investment in other areas of research, especially in climate change and biofuels, is also vital to informing future agency action.

Enforcement

The American Lung Association supports EPA's request for enforcement funding to ensure that air pollution standards and requirements are being met to protect public health. In order to effectively protect the public and promote justice for disproportionately impacted populations, EPA must have the ability to enforce penalties for permit violations and respond to civil enforcement actions authorized by the Clean Air Act. We ask Congress to fully fund EPA's enforcement program appropriation request of $15.8 million, in the interests of the nation's youngest, oldest, and most economically challenged citizens.

Science and Technology

Finally, we urge Congress to provide at least the requested $101.9 million for the EPA **Federal Vehicle Fuels Standards and Certifications Programs.** It is critically important to increase the budget for EPA's Federal Vehicle Fuels Standards and Certifications Programs, particularly to improve the effectiveness of the certification and compliance testing programs in the face of increasing demand, more challenging oversight requirements, and the increasing diversity of technologies. Currently, EPA conducts very limited testing of small imported engines but a high fraction of these engines fail the test. Additional resources are needed to improve testing and compliance for this important program to protect public health.

Conclusion

For forty years the Clean Air Act has charged EPA to protect the public from air pollution and fulfill the promise of air that is clean and healthy for all to breathe. **We urge the Committee to ensure that EPA is meeting the required deadlines and updating standards to reflect the best science with the maximum health protection, and to pass and FY 2013 bill free of any policy riders.** Thank you for the opportunity to present the recommendations of the American Lung Association. Every day we are fighting for clean, healthy air for all Americans to breathe.

[1] U.S. Environmental Protection Agency. *The Benefits and Costs of the Clean Air Act from 1990 to 2020*. Washington, D.C., March 2011.
[2] American Lung Association. *State of the Air 2011*. Washington, DC. April 2011.
[3] American Lung Association. Clean Air Survey. Washington, DC. February 16, 2011

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Statement
Of the
AMERICAN PUBLIC POWER ASSOCIATION
Submitted to the
HOUSE APPROPRIATIONS COMMITTEE'S
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

March 15, 2012

The American Public Power Association (APPA) respectfully requests $53.8 million for the EPA ENERGY STAR program, robust funding for the Landfill Methane Outreach Program, and $3.4 million for the Council on Environmental Quality.

APPA is the national service organization representing the interests of over 2,000 municipal and other state and locally owned electric utilities in 49 states (all but Hawaii). Collectively, public power utilities deliver electricity to one of every seven electric consumers (approximately 46 million people), serving some of the nation's largest cities. However, the vast majority of APPA's members serve communities with populations of 10,000 people or less.

We understand that Congress is operating in a tight fiscal environment. APPA's priority is to support programmatic requests that bring down costs, conserve resources, or benefit our public power customers in other ways. We appreciate the opportunity to submit this statement outlining our FY 2013 funding priorities within the jurisdiction of the Interior and Related Agencies Subcommittee.

Environmental Protection Agency: ENERGY STAR Programs

APPA is disappointed in the modest eight percent proposed increase in the EPA ENERGY STAR program. However given the current budget situation, we support the President's request of $53.8 million.

ENERGY STAR is a voluntary partnership program pairing EPA with businesses and consumers nationwide to enhance investment in underutilized technologies and practices that increase energy efficiency while at the same time reducing emissions of criteria pollutants and greenhouse gases. APPA member systems across the country have been active participants in ENERGY STAR programs to reduce electricity consumption.

According to the EPA, ENERGY STAR is saving businesses, organizations, and consumers more than $18 billion a year, and has been instrumental in the more widespread use of technological innovations like LED traffic lights, efficient fluorescent lighting, power management systems for office equipment, and low standby energy use.

Environmental Protection Agency: Landfill Methane Outreach Program

APPA supports robust funding for the Landfill Methane Outreach Program (LMOP) at EPA under the Environmental Program Management, Climate Protection Program budget. While we recognize that LMOP is not a budget line-item, APPA encourages the Committee to highlight the importance of LMOP by including report language directing the EPA to provide adequate funding for the program. The Landfill Methane Outreach Program helps to partner utilities, energy organizations, states, tribes, the landfill gas industry, and trade associations to promote the recovery and use of landfill gas as an energy source. According to EPA, LMOP has more than 800 partners that have signed voluntary agreements to work with EPA to develop cost-effective landfill-gas-to-energy (LFG) projects. There are approximately 540 operational LFG projects in the United States. LMOP has also developed detailed profiles for over 510 candidate landfills.

Landfill gas is created when organic waste in a landfill decomposes. This gas consists of about 50 percent methane and about 50 percent carbon dioxide. Landfill gas can be captured, converted, and used as an energy source rather than being released into the atmosphere as a potent greenhouse gas. Converting landfill gas to energy offsets the need for non-renewable resources such as coal and oil, and thereby helps to diversify utilities' fuel portfolios and to reduce emissions of air pollutants from conventional fuel sources.

In 2005, all operational LFG energy projects in the United States prevented the release of 19 MMTCE (million metric tons of carbon equivalent). This reduction is the carbon equivalent of removing the emissions from 13.3 million vehicles on the road or planting 19 million acres of forest for one year. This reduction also has the same environmental benefit as preventing the use of 162 million barrels of oil or offsetting the use of 341,000 railcars of coal.

As units of local and state governments, APPA's member utilities are uniquely positioned to embark on LFG projects. EPA's LMOP facilitates this process by providing technical support and access to invaluable partnerships to our members and the communities they serve.

Council on Environmental Quality

APPA supports the President's budget request of $3.1 million for FY 2013 for the White House's Council on Environmental Quality (CEQ), and urges the Subcommittee to maintain this funding level. Public power utilities have experienced a general lack of consistency in federal government regulations, particularly involving environmental issues. While additional layers of government should be avoided, a central overseer can perform a valuable function in preventing duplicative, unnecessary and inconsistent regulations. CEQ is responsible for ensuring that federal agencies perform their tasks in an efficient and coordinated manner.

AMERICAN
SOCIETY FOR
MICROBIOLOGY

Public and Scientific Affairs Board

Statement of the American Society for Microbiology
Submitted to the
House Appropriations Subcommittee
On Interior, Environment, and Related Agencies
On the Fiscal Year 2013 Appropriation for the Environmental Protection Agency Science and Technology Programs

March 28, 2012

The American Society for Microbiology (ASM) is pleased to submit the following testimony on the Fiscal Year (FY) 2013 appropriation for science and technology (S&T) programs at the Environmental Protection Agency (EPA). The ASM is the largest single life science organization in the world with more than 38,000 members.

The Administration's proposed FY 2013 budget of $807.3 million for EPA's S&T activities is $13.5 million; a 1.7 percent increase above the FY 2012 enacted level. This request is roughly 10 percent of the total EPA budget proposal, and it provides crucial resources for EPA's science based regulatory responsibilities. The S&T funding supports research and development (R&D) efforts, personnel costs, laboratory purchases, and other operating expenses, resources necessary to strengthen the science underlying EPA's environmental standards and their enforcement.

The FY 2013 EPA budget provides critical resources for the agency's current strategic plan, which identifies five goals to guide EPA research, education, regulatory, compliance, and enforcement functions during FY 2011–2015:

Goal 1: Taking Action on Climate Change and Improving Air Quality
Goal 2: Protecting America's Waters
Goal 3: Cleaning Up Communities and Advancing Sustainable Development
Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution
Goal 5: Enforcing Environmental Laws

The EPA has developed five cross-cutting strategies to help achieve the Strategic Plan's goals, one of which is "advancing science, research, and technological innovation." EPA's strategic successes depend upon best practice science capabilities enabled by adequate S&T funding. EPA research programs contribute new knowledge to regulatory science; analyze environmental samples; provide technical support to federal, state, and local labs; monitor regulated pollutants; check compliance and enforce federal regulations; and respond to emergencies.

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In the past year, EPA monitored US air quality following Japan's nuclear disaster, awarded grants to universities and health departments to develop new controls for bed bug infestations, and accepted a congressional directive to evaluate the potential impacts of hydraulic fracturing on drinking water. In January, EPA announced its FY 2012–2013 "priority goals"—selected as measurable and achievable within two years, designed to advance the agency's long-term strategic objectives. One priority goal is the clean-up of 22,100 contaminated US sites by September 30, 2013. As specified in the Administration's request, the FY 2013 budget also would support restoring water quality in the Great Lakes, implementing new computing tools to improve environmental monitoring data-gathering, and developing new standards for vehicles' greenhouse gas emissions. Such EPA actions require frequent testing and a thorough understanding of current scientific knowledge.

EPA Funding Builds Technical Expertise in Environmental Sciences

The EPA Office of Research and Development (ORD) currently manages research programs in six priority areas to advance environmental science: (1) air, climate, and energy; (2) safe and sustainable water resources; (3) sustainable and healthy communities; (4) chemical safety for sustainability; (5) human health risk assessment; and (6) homeland security research. EPA scientists and engineers conduct this research at ORD's three national laboratories, four national centers, and two offices situated in 14 facilities. These centers and labs are responsible for studies spanning the agency's S&T research portfolio:

- *National Exposure Research Laboratory* – employs more than 400 scientists, engineers, and staff to develop the knowledge and tools needed for environmental risk assessments as well as optimal responses to contaminants
- *National Health and Environmental Effects Research Laboratory* – conducts research on the effects of contaminants and environmental stressors on human health and ecosystems, to identify and evaluate risks
- *National Risk Management Research Laboratory* – focuses on practical actions to solve environmental problems like improving air quality, cleaning contaminated sites, and reducing greenhouse gas emissions
- *National Center for Computational Toxicology* – uses high-throughput screening technologies, systems biology, and advanced computer models to develop better tools that can screen thousands of chemicals for toxicity
- *National Center for Environmental Assessment* – prepares technical reports and risk assessments on how pollutants, etc., might impact human health and the environment; also develops new risk assessment methods and tools
- *National Center for Environmental Research* – manages EPA's competitive grants and fellowship programs to develop the next generation of U.S. scientists and engineers
- *National Homeland Security Research Center* – created in 2002, provides the scientific knowledge to counter biological, chemical, and radiological pollutants

Research at EPA's Microbiological and Chemical Exposure Assessment Research Division (MCEARD) is concerned about microorganisms in the environment that could be beneficial or harmful to human health. MCEARD scientists have established risk assessment tools and methods to detect molds, bacteria like *Escherichia coli*, viruses, *Giardia* parasites, and other microbes in water, soil, and air samples. The agency's researchers have contributed significantly to commonly used protocols for monitoring microbial contaminants throughout the United States.

Across its six priority programs, ORD is placing more emphasis on finding sustainable solutions, within a sustainability focused operational framework recently developed by the National Research Council at EPA's request. In addition, the six programs routinely leverage collaborations with other EPA offices, federal agencies, and state and local stakeholders. With its federal partners, EPA's S&T expertise is integral to the nation's homeland security efforts. EPA is the lead agency for federal preparations against terrorist attacks via water and for decontamination of indoor and outdoor areas post-attack. Biosecurity-related discoveries by ORD scientists and engineers also have clear applications to other sectors of public health and environmental sciences. As part of its homeland security responsibilities, EPA will use FY 2013 funds to implement a Regional Center of Expertise for Chemical Warfare Agent Laboratories, coordinating agency efforts into a more efficient operation.

EPA Funding Protects Against Threats to Healthy Environments

Every action taken by EPA to protect public health and the environment must be supported by solid S&T expertise and risk assessments. In the FY 2013 budget, S&T funding distributed among EPA's five strategic goals would fall below FY 2011 levels, but slightly above FY 2012 enacted levels with one exception: (1) taking action on climate change and improving air quality, $271 million (4.3 percent increase); (2) protecting America's waters, $151 million (1.2 percent increase); (3) cleaning up communities and advancing sustainable development, $183 million (2.3 percent decrease); (4) ensuring the safety of chemicals and preventing pollution, $185 million (2.4 percent increase); and (5) enforcing environmental laws, $18.5 million (2.5 percent increase).

To achieve EPA's strategic goals, FY 2013 funds will support prioritized actions in the coming year, all dependent upon S&T capabilities, including the following:

- About 70 federal rules directing EPA's air toxic control efforts are due for review, and EPA experts and health risk data will shape the resultant standards and their enforcement.
- EPA will replace outdated technologies to detect air contaminants currently used in the national monitoring networks, using S&T funds to develop improved monitors for ambient air pollutants that are more cost-effective for EPA, state, and local agencies.
- FY 2013 increases include funds for the Drinking Water program that will provide additional technical assistance to states. By September 30, 2013, EPA also will have collaborated with 20 states to specifically improve small drinking water systems. A partnership created last August with the U.S. Department of Agriculture will direct FY 2013 EPA resources toward protecting rural drinking water and wastewater systems.

- With the Department of Energy and the U.S. Geological Survey, EPA researchers will prepare a detailed study of potential air, ecosystem, and water quality impacts of hydraulic fracturing.

- The EPA Pollution Prevention Program will focus its R&D efforts on evaluating and encouraging greater use of greener chemicals, products, and technologies.

EPA programs play a role in preserving healthy environments in US communities. In January, EPA provided nearly $10 million in grants to 38 states, territories, and tribes to protect swimmers at beaches against bacterial and other contamination. A recent annual EPA report showed that EPA actions in FY 2011 stopped more than 1.8 billion pounds of harmful pollution in the nation's air, land, and waters. In the past year, EPA safeguarded our food supply by issuing compliance orders to several beef feedlots in the Midwest and warning against consuming fish from contaminated waters in Texas. The agency also announced improvements to its Integrated Risk Information System (IRIS), an online repository of EPA's scientific evaluations of health risks associated with environmental contaminants. There currently are 540 chemical substances in the IRIS database.

EPA Funding Stimulates Scientific and Economic Innovation

In FY 2013, EPA grants will continue to support both the university researchers who make new discoveries in environmental sciences and the educational institutions that train our future scientists and engineers. One example is EPA's principal sponsorship of the University of California's Center for Environmental Implications of Nanotechnology, created in 2008 to help design environmentally safe nanomaterials for what is expected to become a $1 trillion industry in the near future. Another is the exemplary Science To Achieve Results (STAR) fellowship program, which supports graduate environmental study.

The ASM recommends that Congress provide increased funding for EPA science programs in the FY 2013 budget for the agency. EPA's effectiveness in enforcing federal environmental standards clearly depends upon the quality of EPA science and technology and increased resources are needed for the important EPA mission of protecting the public against unhealthy environments. The external portion of EPA's S&T funds which goes to universities is of major importance in training the next generation of scientists and engineers who will implement more cost-effect and sustainable protection of human health and the environment.

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Submitted to the
House Subcommittee on
Interior, Environment, and Related Agencies
Committee on Appropriations
March 28, 2012

RE: FY13 Appropriations—Support for the U.S. Forest Service, U.S. Geological Survey, and U.S. Environmental Protection Agency.

Dear Chairman Simpson, Ranking Member Moran and Members of the Subcommittee:

On behalf of the American Society of Agronomy (ASA), Crop Science Society of America (CSSA), and the Soil Science Society of America (SSSA), I am pleased to submit comments in strong support of enhanced public investment in the *U.S. Forest Service*, *U.S. Geological Survey*, and *U.S Environmental Protection Agency*. **ASA, CSSA, and SSSA urge the Subcommittee to support the Forest Service at a minimum level of $4.86 billion; the U.S. Geological Survey at a level of $1.1billion, and the U.S. Environmental Protection Agency, Science and Technology appropriation at $807 million.**

The **American Society of Agronomy (ASA), Crop Science Society of America (CSSA),** and **Soil Science Society of America (SSSA)** represent over 18,000 members in academia, industry, and government, and 13,000 Certified Crop Advisers. The largest coalition of professionals dedicated to the agronomic, crop, and soil science disciplines in the United States, ASA, CSSA, and SSSA are dedicated to utilizing science in order to meet our growing food, feed, fiber, and fuel needs. With an ever-expanding global population and increasing food demands, investment in food and agriculture research is essential to maintaining our nation's food, economic and national security.

U.S. Forest Service
The U.S. Forest Service sustains the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations, and the health of soils represents a vital component of forest management.

Forest and Rangeland Research
ASA, CSSA, and SSSA urge the Subcommittee to support funding for Forest and Rangeland Research at a level of $292 million in FY 2013 to maintain an essential level for basic research. The research and development arm of the Forest Service provides scientific information and new technologies to support the sustainable management of the Nation's forests and rangelands. This knowledge and technology is essential to foster healthy watersheds, forest products, wildlife protection, outdoor recreation opportunities and other benefits across the United States.

Water, Air, and Soil Research & Development Program
Forest Service scientists in this department have conducted essential research such as developing a software tool to predict the impact of contaminant releases, including radioactive materials, to surface waters (which was later used for assessment purposes at Japan's Fukushima Daiichi nuclear power plant). In another project, researchers with the Forest Service's Eastern Forest Environmental Threat Assessment Center applied models to measure water supply stress in relation to carbon and biodiversity. All of these tools provide important information for decision makers.

National Forest System
ASA, CSSA, and SSSA support a funding level of $1.6 billion for the National Forest System, as requested in the President's FY 2013 budget proposal. This funding is essential to not only provide for the maintenance of forests and grasslands that contribute to air and water quality, plants, and wildlife, but also to respond to the public's interests and needs. The National Forest Service programs support water-quality protection and improvement; recreation opportunities for the public; energy for the Nation; forest products; wildlife habitat; and forage for domestic animals – all while maintaining or improving the health of the land.

U.S. Geological Survey (USGS)
ASA, CSSA, and SSSA support the President's 2013 budget request for $1.1 billion for the U.S. Geological Survey, a $34.5 million increase above the 2012 enacted level. The USGS is uniquely positioned to address many of the nation's greatest challenges. The USGS plays a crucial role in reducing risks from earthquakes, tsunamis, floods, landslides, wildfires, and other natural hazards, assessing water quality and quantity, providing geospatial data to improve agricultural production, soil management, and crop adaptation. In addition, the science provided by the USGS is increasingly in demand as new energy supplies are developed, competition for water grows, and the cost of natural disasters expands. The USGS is working in every state and has nearly 400 offices across the country and works with over 2,000 federal, state, local, tribal and private organizations.

U.S. Environmental Protection Agency (EPA)
In order to fulfill its mission of protecting human health and the environment, we need to maintain investments in the EPA's ecological and exploratory research as well as partnerships with academia and state and local government.

Science and Technology
ASA, CSSA, and SSSA support the President's Budget request of $807 million for the EPA Science and Technology appropriations account. This request includes $576 million for research through the **Office of Research and Development (ORD),** which conducts intramural and extramural research across a broad spectrum of disciplines. ORD seeks out the science and engineering solutions necessary to realizing a healthy, productive, and sustainable environment. ORD has worked with the National Institutes of Health (NIH) to develop models for how chemicals could impact human health, partnered with major cities to investigate solutions to water security issues, and collaborated with local municipalities to improve stormwater management practices.

Science to Achieve Results (STAR)
ASA, CSSA, and SSSA support the President's Budget request of $81 million for the Science to Achieve Results (STAR) grants and fellowships that are awarded to scientists and universities throughout the country to conduct targeted research in a competitive and independently peer reviewed program. This research has addressed children's health issues, hydraulic fracturing, potential endocrine disruptors, water infrastructure, and air monitoring.

Thank you for your consideration of our requests. For additional information or to learn more about the ASA, CSSA, and SSSA, please visit www.agronomy.org, www.crops.org, or www.soils.org.

Testimony of Andrew D. Chavez, Taos County
In Support of the Land and Water Conservation Fund
Carson National Forest, New Mexico
U.S. Forest Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member

March 28, 2012

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2013 Interior Appropriations Bill. The President's Budget for this year recommended $450 million for LWCF.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial public benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation. LWCF investments also support jobs, tourism and economic vitality across our communities.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF will permanently pay dividends to the American people and to our great natural, historical and recreation heritage. As LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use as a conservation offset to the energy development of our offshore oil and gas resources.

As part of the LWCF request in FY 2013, the U.S. Forest Service included an allocation of $2.656 million for Carson National Forest. I am pleased that this funding was included in the request and urge Congress to provide necessary funds for LWCF for this important project.

Some of the finest mountain scenery in the Southwest is found in the 1.5 million-acre Carson National Forest. Elevations rise from 6,000 to 13,161 feet at Wheeler Peak in the Sangre de Cristo Mountains, the highest peak in New Mexico. The scenery varies from high desert scrub and red soil to spruce and fir-filled mountainsides and wildflower meadows. In addition to the various landscapes, there are also many recreational opportunities in the forest. The magnificent mountain scenery and cool summer temperatures lure visitors to enjoy fishing, hunting, camping, and hiking. Winter activities include skiing, snowshoeing and snowmobiling. There are 330 miles of trails for hiking, horseback riding, mountain biking, and 4-wheel drive exploring. For the

backcountry enthusiast, there are 86,193 acres of wilderness in the forest that have been virtually undisturbed, where travel is restricted to foot or horseback.

There are many species of animals in the Carson National Forest including mule deer, elk, antelope, black bear, and bighorn sheep along with many species of songbirds and a wonderful display of wildflowers. The forest has 400 miles of clean mountain streams and many lakes that offer outstanding trout fishing including rainbow, eastern brook, German brown and cutthroat trout.

Available for acquisition as part of the Carson National Forest is the 5,087-acre Miranda Canyon property located just ten miles south of Taos. The property is adjacent to the western edge of the national forest and ranges in elevation from 7,200 to 10,801 feet. It has enormous scenic value, as it forms the southern backdrop to Taos and is highly visible as one travels south along Route 68.

The 5,000-acre Miranda Canyon property contains important watershed lands that feed public water supplies for local communities and maintain flows of clean, cold water to the nationally significant Rio Grande. The highest elevation lands on the property fall within the Headwaters Rio Grande de Rancho watershed, which is rated as functioning properly under the US Forest Service Watershed Condition Framework. Acquisition of this area will prevent conversion for development, meeting the Framework goal to protect the best, and will complete the agency's ownership of this watershed. The majority of the property at lower elevations falls within two other watersheds that are rated as functioning at risk. Acquisition will allow the Forest Service to apply a range of restoration actions to move these watersheds up a condition class. These watersheds are also significant in that they contain an important recharge zone for the underlying aquifer, which provides domestic water for the communities of Llano Quemado and Ranchos de Taos.

The property also has various vegetative types from low elevation sagebrush and pinon juniper to high elevation mixed conifer forest containing large aspen stands. There are also numerous meadows and riparian vegetation that provide excellent habitat for wildlife. The landscape has numerous ridges and peaks that provide breathtaking views of the Rio Grande Gorge to the west and of Wheeler Peak, the highest peak in New Mexico, to the north. Picuris Peak is located on the property along a popular hiking route. The property also contains historical features such as the Old Spanish Trail, a pack mule trail that served as a link between land-locked New Mexico and coastal California between 1829 and 1848, after which other routes became more popular. Recognizing the national significance of this historic trade route, Congress designated it the Old Spanish National Historic Trail in 2002. Other geological features on the property include a unique small volcano and 1.7 billion year old rock outcrops that rival the age of rock found at the bottom of the Grand Canyon.

Due to the strong opposition of the Taos community to a proposal to develop the Miranda Canyon property into 150 lots, the landowner has agreed to a multi-phase three-year conservation sale to the Carson NF. If Miranda Canyon had been subdivided and

developed, tremendous recreational, scenic, and ecological resources would have been diminished or lost forever. Even without county subdivision approval, the Miranda Canyon property could have been developed into 140-acre lots, with potentially adverse impact on the drinking water supply of nearby communities. Because the landowner's timing did not allow for a long-term purchase agreement, The Trust for Public Land stepped in and purchased the property in January 2011. The conveyance of this $10.8 million tract to the US Forest Service is moving ahead in phases, with Phase I receiving an allocation of $3.442 million from the Land and Water Conservation Fund in FY 2012.

While this arrangement offers a bit of breathing room for the agency to secure the necessary acquisition funding, it is critical that the purchase continue to move ahead in FY 2013 with another allocation of $2.656 million for Phase II. Only when Miranda Canyon is fully conveyed to the Carson National Forest will it be permanently protected for the public, ensuring protection of this vital watershed and the associated local water quality as well as enhancing recreational opportunities such as hunting, camping, hiking, mountain biking, and horseback riding.

In closing, I urge you to provide funding for the Land and Water Conservation Fund of $450 million, as proposed in the President's FY 2013 budget, including critical funding for the Carson National Forest. I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in New Mexico, and I appreciate your consideration of this funding request.

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Outside Witness Testimony
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Statement by: Mark Wenger
Executive Director
Appalachian Trail Conservancy

Date: March 22, 2012

Dear Mr. Chairman and Members of the Subcommittee:

In behalf of the Appalachian Trail Conservancy (ATC), for reasons described below, I am requesting a **Fiscal Year 2013 appropriation from the Land and Water Conservation Fund** in the amount of **$450,000** for the **Department of the Interior, National Park Service and $3,240,000** for the **USDA Forest Service** for the acquisition of lands and interests in lands surrounding or bordering the **Appalachian National Scenic Trail** in the states of **Vermont, Virginia (George Washington NF, Tennessee (Cherokee NF), and North Carolina (Pisgah NF).**

Background: The Appalachian Trail (A.T.) is America's premier long-distance footpath. Begun in 1923 and completed in1937 as a continuous footpath extending from western Maine to northern Georgia, the trail gained Federal recognition in 1968 with the passage of the National Trails System Act. Amendments to that act in 1978 expanded the authorization for Federal and state land acquisition to establish a permanent, publicly owned right-of-way as well as a protective corridor or "greenway" along the trail. Since 1978, with the strong support of the Subcommittee and the Congress as a whole, the Appalachian National Scenic Trail land-acquisition program of the National Park Service and USDA Forest Service has become one of the most successful land-conservation efforts in the nation's history with the acquisition of more than 193,000 acres, more than 3,378 parcels, in fourteen states. Today, only approximately five miles of the 2,184-mile Appalachian Trail remain to be protected through public ownership.

Resource Characteristics: The Appalachian Trail is a 2,184-mile footpath extending along the crests and valleys of the Appalachian Mountains through fourteen states from Maine to Georgia. Often characterized as a "string of pearls," the trail, which is administered as a unit of the National Park System, connects eight National Forests, six other units of the National Park System, and approximately 60 state parks, forests, and game-management units. With an estimated two million visitors per year, it ranks among the most heavily visited units of the National Park System and also ranks among the top ten units from the standpoint of natural diversity with more than 2,200 documented occurrences of federally- and state-listed rare, threatened, or endangered species at more than 500 discrete sites.

The Appalachian Trail is equally well known as a remarkable public/private partnership. Since the initial construction of the trail in the 1920s and 30s, volunteers affiliated with the Appalachian Trail Conservancy have constructed, reconstructed, and maintained the footpath as well as a system of more than 250 shelters and associated facilities such as

privies, improved campsites, bridges, signs, and parking lots. In 2011, for example, 5,427 volunteers contributed more than 230,575 hours of labor along the trail. As an outgrowth of an agreement between the National Park Service and ATC, the Conservancy has accepted management responsibility for most lands acquired by that agency along the trail. ATC, through its network of 31 club affiliates, is now responsible for virtually all phases of "park" operations, ranging from trail and facility maintenance and construction to lands and resources management to visitor education and services. ATC also provides ongoing, volunteer-based stewardship for other trail lands, totaling more than 250,000 acres.

Need for Appropriations: As noted previously, while the Appalachian National Scenic Trail protection program represents one of the most successful land-acquisition programs in the history of the conservation movement in the United States, that program is not yet complete. Although our hope had been to complete the program by the year 2000, escalating land values coupled with diminished administrative capacity in the affected agencies have conspired to delay full program completion. Nevertheless, a number of critical parcels are now "ripe" for land acquisition from willing sellers and we are seeking FY'13 LWCF appropriations to secure those properties. A brief description of each of those critical parcels follows.

Chateauguay-No Town Project, Vermont. This project involves four parcels, totaling 1,000 acres, in the towns of Barnard and Bridgewater, Vermont, to be acquired in fee-simple and an additional 81.39-acre parcel in Pomfret, Vermont, to be placed under a conservation easement. Negotiations have been spearheaded for several years by The Conservation Fund. The four properties straddle more than one-and-one-half miles of the Appalachian Trail in an area where earlier acquisitions by the National Park Service provided only a narrow buffer for the footpath. They include a high-value wetland complex and feeding habitat for migratory birds, black bears, and moose as well as the headwaters of the Locust Creek watershed, a Vermont Class A stream. The fifth, easement parcel is situated on a hillside adjacent to and above the trail in the Town of Pomfret that is under threat of residential subdivision. A partial appropriation for this project was included in the FY'10 interior-appropriations bill and, in March 2011, the National Park Service acquired a portion (631 acres) of the affected properties. ATC and The Conservation Fund are requesting second-installment funding for this project in **FY'13 of $450,000 for the National Park Service**.

Campbell Tract, Virginia/George Washington National Forest. This 292-acre privately-owned in-holding and adjacent 15 acre tract has been a high priority acquisition for the George Washington NF and The Appalachian Trail Conservancy for over 20 years. The tract is highly vulnerable to incompatible development and is situated under a popular overlook along the Appalachian Trail in central Virginia. Recent changes with the landowner's health have precipitated increased interest in selling this tract. The ATC is working cooperatively with The Conservation Fund U.S. Forest Service to engage the landowners in a possible sale. ATC and The Conservation Fund are requesting **an FY'13 LWCF of $750,000 for the USDA** to acquire this critical inholding.

Rich Mountain, Tennessee/Cherokee National Forest. This 100-acre privately-owned in-holding is situated in the northwest corner of the recently acquired 10,000 acre Rocky Fork property and unfortunately was carved out by New Forestry, LLC—the previous owners of the Rocky Fork property—at the time the remainder of the property was sold to the Forest Service and The Conservation Fund. It includes the highest point of land for the overall property as well as prominent cliffs locally known as Buzzard Rock. The cliffs are only a short distance from the Appalachian Trail through a high elevation healthy bald. The property provides sweeping views of the Sampson Mountain Wilderness and northeast Tennessee/ southwest Virginia. ATC is requesting **an FY'13 LWCF appropriation of $450,000 for the USDA Forest Service** to acquire this critical in-holding.

Shook Branch, Tennessee/Cherokee National Forest. This 20-acre property is situated in eastern Tennessee in the Cherokee National Forest. The Appalachian Trail currently follows a dangerous road-walk and crosses US 321 at a location with limited site distances to on-coming traffic. A proposed new route has been identified and a number of parcels have been acquired by the Forest Service to establish the route. The Shook Branch property is necessary in order to complete the proposed relocation. The current property owner has expressed a willingness to sell the property. ATC is requesting **a FY'13 LWCF appropriation of $840,000 for the USDA Forest Service** to acquire the property at appraised value.

Roan Mountain National Trails Tract, North Carolina/Pisgah National Forest. Acquisition of this 136-acre property will protect the viewshed of both the Appalachian Trail and the Overmountain Victory National Historic Trail (OVNHT) near their intersection in the Highlands of Roan. The property provides outstanding views of Yellow Mountain Gap and the Roaring Creek valley, contains numerous waterfalls, and supports native brook trout and nesting populations of golden-winged warblers. The property also provided a campsite during the Revolutionary War when, in 1780, the Overmountain Boys marched to Kings Mountain to confront and defeat the British army. ATC is requesting an **FY'13 LWCF appropriation of $1,200,000 for the USDA Forest Service** to acquire the property.

Thank you for the opportunity to submit this testimony and for your consideration of our request.

Mark J. Wenger, Executive Director/CEO
Appalachian Trail Conservancy

L. Harvey Thorleifson Ph.D., P.Geo., D.Sc.
State Geologist, Professor and Director, Minnesota Geological Survey, University of Minnesota

President Elect, Association of American State Geologists

Written Testimony on President's FY 2013 Budget Proposal for the U.S. Geological Survey

Submitted to

Subcommittee on Interior, Environment, and Related Agencies

Committee on Appropriations
UNITED STATES HOUSE OF REPRESENTATIVES
March, 2012

Summary:

- **Within the USGS budget, we recommend that a sum of $29.5M be budgeted for the National Cooperative Geologic Mapping Program in FY 2013, rather than the proposed $28M, by not implementing the proposed $1.5M cut to the base program, and by incorporating funding for two new initiatives: WaterSMART and Hydraulic Fracturing**

- **Also within the USGS budget, we strongly support the National Geological and Geophysical Data Preservation Program, and we are pleased that plans as we understand them call for funding of this activity at least equal to the FY12 ($996K) level as part of the program with which this activity has been merged**

We believe that the U.S. Geological Survey (USGS) is responsible for programs that are essential for the functioning of the US government and of the nation, for optimization of the health, wealth, and security of the American people, as well as preservation and appreciation of our natural heritage.

Whether at the US federal level, the US state level, or in national or regional jurisdictions throughout the world, geological survey agencies fulfill the role of maintaining systematic information on the landmass administered by the government they serve, as well as additional roles where geologic information is needed by government.

Whereas academic research institutes have a conceptual mandate, geological survey agencies have a unique and essential spatial mandate associated with their landmass. While academic centers focus on research and education, geological surveys are engaged in mapping over areas, and monitoring over time, as essential roles that accompany their needed research roles.

This jurisdiction-wide, long-term function builds and maintains a body of knowledge regarding an understanding and accounting of earth materials, processes, and geologic history, based on mapping, monitoring, and research. Benefits for society result, as this systematic, accessible, and authoritative knowledge is used in relation to energy, mineral, and water resources, as well as

hazards. Management of these issues, guided by sound information, is needed by society to ensure orderly progress toward their objectives.

In a federal system, both federal and state governments require geological survey agencies to carry out their mission and mandates in an informed manner. States strongly endorse and support the unique federal role of the USGS, which addresses national programs, specialized capabilities, and the needs of the federal government. State geological surveys meanwhile work closely with users on the priorities of each state. In our roles, we benefit from partnerships with USGS, while our roles were strongly endorsed last year by a paper released by the American Institute of Professional Geologists.

While USGS functions with a budget of over one billion dollars, supported by on the order of 10,000 employees, state geological surveys in total are funded at a level of a quarter billion dollars per year, and are supported by over two thousand employees.

The work of the US federal and state geological surveys is closely coordinated. State geological surveys therefore have a great interest in the role of the USGS, as this role is a major factor in fulfillment of our roles.

The President's budget proposal outlines support for successful and effective USGS programs that stimulate economic development, that save lives and property from natural disasters, and that protect the environment and public health. Through competitive grants and partnership programs, USGS directly benefits from collaboration with leading experts across the nation.

We endorse identification of priorities to which resources need to be shifted. We agree with the importance of a National Groundwater Monitoring Network, other water programs such as those related to stream gages, improved disaster mitigation and response, improved information needed to guide the economic benefits and risks of hydraulic fracturing, and increased attention to rare earth element research and assessment.

We note with concern, however, potential reduction to important programs, including the minerals program, coal assessments, and several water programs. We are particularly concerned about proposed reductions to partnership and grant programs that promote efficiency, as well as preserving long-term datasets.

Proposed reductions to the minerals programs are difficult to reconcile with the rapidly growing urgency of the efforts that are needed to ensure our access to materials that allow our economy to function. We endorse conservation and recycling, and we recognize that increasing global population and standard of living will require more mining.

Most mineral commodities occur in the US, where these materials can be mined using the world's best practices for environmental stewardship and health and safety for workers and the public. The USGS has a vital role in documenting domestic production and reserves, and in assessing the likelihood of future discoveries that will add to our mineral and energy resources.

The dominance of China as a producer and consumer of mineral and energy commodities is a major factor that will influence our future. This can best be understood by utilizing critical data that are collected and reported by the USGS. USGS minerals data collection was considered to be an essential government function in two 2008 National Academy of Sciences reports. We therefore believe these are programs and functions that should not be cut.

We also are concerned about proposed reductions to energy-related programs, such as grants to States for coal resource assessments. Coal remains a major source of inexpensive electricity for America, while coal and other carbon-based energy fuels such as unconventional sources of oil and natural gas will continue to dominate global energy supply for years to come. It therefore is important that research is developing ways to reduce fossil-fuel-related emissions.

While the Department of Energy maintains information on domestic energy production, the USGS role in long-term forecasting of energy supplies is unique and necessary. Much of this work is done in collaboration with states, using data largely compiled and provided by states, and the Association of American State Geologists supports this working relationship.

State Geologists recognize, however, that geologic maps showing sediment and rock materials at and below the land surface are the foundation that guides all programs dealing with issues such as energy, minerals, construction, water, and hazards.

In Ohio, for example, developers and engineers who used modern geologic maps saved about $50,000 for every project. Typically, many projects use the same map, multiplying these cost savings many times over. Furthermore, economists documented Kentucky's geologic maps to be worth 25 to 39 times the cost of the mapping.

Less than half of the US, however, is covered by adequate geologic maps, and many maps need to be updated due to the progress of science, new technology, and much new data. USGS therefore needs to have a vibrant geologic mapping program, as do state geological surveys nation-wide, and we welcome the federal role in maintenance of standards and coordination.

Geologic mapping at the resolution and coverage done by geological survey agencies is clearly a role for government, because the public benefits and cost savings are broad, and businesses must limit their work to small areas of immediate interest to their activity.

While the mapping is guided by the accumulated knowledge of government geologists, geologic mapping commonly utilizes surveys conducted by the private-sector, such as immensely useful new airborne laser elevation surveys known as LiDAR.

We therefore place emphasis on our advocacy for the National Cooperative Geologic Mapping Program, a subactivity within the USGS Core Science Systems Activity, funded at $26.3 million in FY 2012. Given its proven record in stimulating economic development and protecting the public, we believe that this program should grow to its authorized level of $64 million per year in upcoming years.

All federal dollars in the portions of this program that we are involved with are matched one to one with state dollars. Despite this, significant state geologic mapping resources that could be used to match federal dollars are being left on the table.

We certainly are pleased, however, that the President's budget proposal recognizes the key role of geologic mapping in pressing priorities, in particular related to water and hydraulic fracturing, by proposing transfers to the program in relation to these topics.

Given the importance of geologic mapping, however, we not only endorse these proposed transfers, but we also suggest that a proposed reduction to the base of the program not be implemented, thus resulting in a further expansion of this crucial activity. We also note that it is good that the National Cooperative Geologic Mapping Act provides clear guidance for distribution of these proposed increases.

In turn, geologic mapping is underpinned by precious data and materials accumulated by scientists over decades. We thus recognize the fundamental importance of the National Geological and Geophysical Data Preservation Program, also a subactivity within the Core Science Systems Activity, funded at about $1 million in FY 2012. This is another cooperative program with states, which doubles the federal investment.

The 2002 National Academy of Sciences report on Geoscience Data and Collections – National Resources in Peril made the case for preserving these irreplaceable data and physical samples and led to Congressional authorization of this program at $30 million per year within the Energy Policy Act of 2005. We have seen many uses for these data and samples in exploration for domestic mineral and energy resources. We believe that this program should grow.

In the President's budget proposal, we note that this program has been merged with allied activity, and we applaud efficiencies that will be thus achieved, while we strongly support the activity being maintained at a funding level at least equivalent to that of FY12.

In summary, the Association of American State Geologists strongly endorses the President's FY13 budget proposal for the US Geological Survey, because we strongly endorse what we regard as the essential role that the USGS fulfils in building and maintaining essential information needed by the US government and by people nation-wide.

In particular, we endorse programs that are operated as partnerships, thus leveraging funds, as well as encouraging coordination, efficiency, and adoption of nation-wide standards. Nevertheless, we have concerns about proposed reductions in important programs.

We appreciate this opportunity to offer information that we hope will be helpful for the work of the subcommittee.

Statement submitted for the record to
Subcommittee on Interior, Environment and Related Agencies
U.S. House of Representatives

on behalf of
Association of Art Museum Directors, New York, NY
Christine Anagnos, Executive Director

Regarding FY 2013 Appropriations for
National Endowment for the Arts and National Endowment for the Humanities

March 28, 2012

Thank you for the opportunity to submit a statement for the record regarding FY 2013 appropriations for the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH). We respectfully request that the Subcommittee approve a funding level of $155 million for the NEA and $155 million for the NEH, which would restore them to their FY 2011 levels.

The Association of Art Museum Directors (AAMD) is composed of the directors of more than 200 art museums in the United States, as well as several in Canada and Mexico. Its mission is to support its membership in fostering vibrant communities. The AAMD is a current grantee of the NEA.

Both the NEA and the NEH help museums achieve their mission of preserving, exhibiting and interpreting art to the broadest possible audiences. To cite a recent example, the Los Angeles County Museum of Art (LACMA) received grants from both the NEA and the NEH to support the exhibition *Children of the Plumed Serpent: The Legacy of Quetzalcoatl in Ancient Mexico*, its accompanying catalogue and educational activities.

According to the exhibition website:

"Recent scholarship demonstrates that a confederacy of city-states in southern Mexico … successfully resisted both Aztec and Spanish subjugation. *Children of the Plumed Serpent* explores the extraordinary wonders in fresco, codices, polychrome ceramics, gold, turquoise, shell, textiles, and other precious materials that were produced by these confederacies between AD 1200 and 1500, as their influence spread throughout Mesoamerica by means of vast networks of trade and exchange. A ruling class of nobles, or *caciques*, believing that Quetzalcoatl, the human incarnation of the Plumed Serpent, had founded their royal lineages, called themselves the 'Children of the Plumed Serpent'…The culture hero Quetzalcoatl, the Plumed Serpent, epitomizes a Mexican sense of national identity that is deeply rooted in the heroic qualities of its ancient art."

Children of the Plumed Serpent opens at LACMA on April 1, 2012. After its run in Los Angeles it will travel to the Dallas Museum of Art. Together, the NEA and NEH contributed nearly 25% of the cost of the exhibition, which totaled approximately $1.3 million. As is always the case, the NEA and NEH "seal of approval" leveraged other contributions. There is no doubt that the federal grants had a huge impact in keeping *Children of the Plumed Serpent* in its desired format and scope.

The exhibition highlights the role of museums in cultural exchange and collaboration. The U.S. Department of State, having determined it to be in the national interest of the United States, awarded it protection from seizure, assuring that the works would be returned to their lenders. Further, LACMA collaborated with two important cultural institutions in Mexico, the National Council for Culture and the Arts and the National Institute for Anthropology and History. The exhibition also received indemnity from the Federal Council on the Arts and the Humanities, which is administered by the NEA and without which many objects would not be able to travel to the U.S.

(In connection with the indemnity program, which Congress expanded in 2007, we respectfully suggest that it may be time to look again at raising the limits available for domestic and international exhibitions.)

The educational outreach of the exhibition is targeted to low income, primarily Hispanic parts of the metropolitan area, and will include bilingual materials. Typically, attendance at the museum is about 12% Hispanic but it doubles when there is a Latin American exhibition. Attendance for *Children of the Plumed Serpent* is estimated at about 100,000 people in its LACMA venue. For the past decade, LACMA has had a Latin American initiative, with at least one exhibition per year. Last year's show, *Contested Visions in the Spanish Colonial World*, which examined the significance of indigenous peoples within the artistic landscape of colonial Latin America, also received an NEH planning grant and a grant from NEA; attendance was 56,748. That exhibition was on view at LACMA from November 6, 2011 through January 29, 2012 and is currently touring to two museums in Mexico.

More information about the exhibition is available online at:
www.lacma.org/art/exhibition/children-plumed-serpent-legacy-quetzalcoatl-ancient-mexico

Museum staff notes that the majority of the cost of exhibitions often comes down to labor and materials - shipping, crating, couriers to accompany the art, and installation. This was dramatically illustrated recently by the ongoing creation and installation of *Levitated Mass*, which entailed quarrying and transporting a 340 ton boulder across several congressional districts, beginning in the 44th (where the museum has over 250 individual and family members) and ending at the museum campus, which sits on the border between the 30th and 33rd districts. As LACMA director Michael Govan told the Los Angeles *Times*:

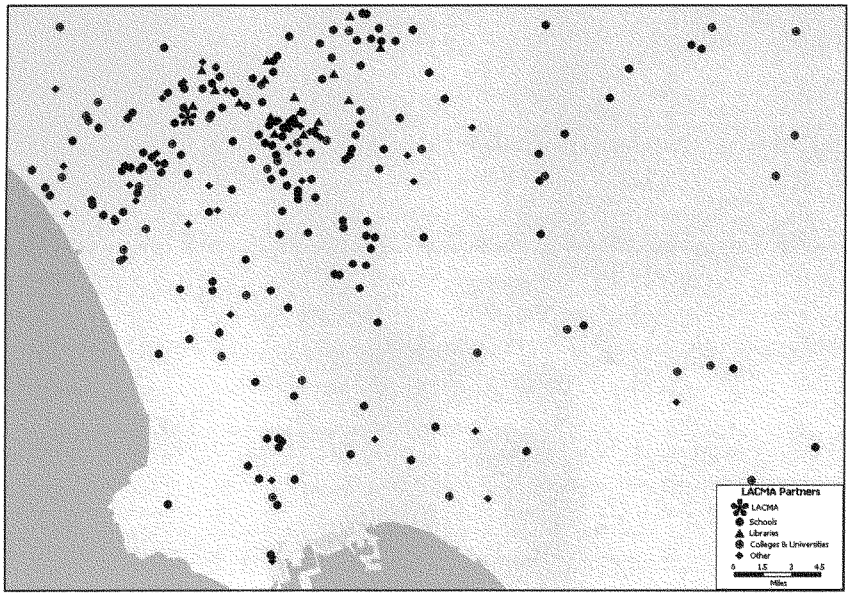
> "This is not money used for buying something but for building something: it goes to concrete workers, truckers, quarry workers, so this money is being injected into the economy and lives of working people. It's not unlike the impulse of the 1930s WPA Works Progress Administration to put craftspeople in a down economy to

work. For me, there is a key distinction: Are you putting money into the pockets of a European gallery or putting money into the American economy?"

To put into context the educational scope of the museum: it serves between 600,000 and one million people a year, including more than 300,000 through its education programs. Education activities include art-making programs in schools and libraries, tours of the museum for students and adults, art classes for children, teenagers, and adults, summer and holiday art camps for children, programs for college students, high school internships, family days, workshops and curriculum materials for teachers, lectures, concerts, films, conversations with artists, and more. Across the entire state, the museum's education programs reach 351 organizations including 217 schools, 67 colleges and universities, 31 community organizations, 22 cultural organizations, and 14 healthcare organizations. Nearly 70,000 individuals and families are members of LACMA; membership fees start at $25 for college students, which entitles them to free admission all year. All children under 18 are NexGen members, which allows them free admission and free admission for one accompanying adult.

LACMA is also a proud participant in the Blue Star Museums initiative, which offers free admission to military families from Memorial Day to Labor Day.

The map below shows the extent of the museum's outreach, with each dot symbolizing an organization that uses LACMA's educational services.



The AAMD mapping project, which is supported in part by an NEA grant, now encompasses 100 museums, including:

- National Museum of Wildlife Art in Jackson Hole, Wyoming
- Fred Jones Jr. Museum of Art at the University of Oklahoma
- Phoenix Art Museum, which serves 30 schools in the 6th district of Arizona
- Walker Art Center, Minneapolis Institute of Arts and Weisman Museum of Art in the Twin Cities
- Bronx Museum of Art

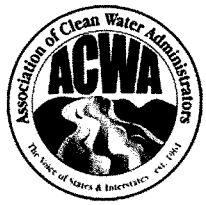
Please note that the maps are generally produced in color and with more detail. The map depicted was altered to fit the testimony format required by the Subcommittee.

Using data from the U.S. Census Bureau, the mapping project gives museums the capacity to analyze their community service by geography and socio-economic level, allowing them to target resources to where they are most needed. For example, just last week a museum requested a list of majority-minority census tracts in its service area.

With the NEA's help, the mapping project has given us a new level of understanding of the reach and depth of museum programming in their communities. Further, surveys of our membership show that one-third of them offer free admission to all, while two-thirds offer free admission to children. The average full price of admission for adults is under ten dollars, but nearly all offer steep discounts and/or free days. 100% of AAMD member museums serve K-12 schools; 93% percent serve colleges and universities; and 68% percent of our museums serve preschools. In total, AAMD members serve about 40,000 schools across the nation. A third have programs for people with Alzheimer's, and their caregivers, and an increasing number offer art instruction for medical and nursing students, which has been proven to increase their powers of observation, leading to better diagnostic skills.

None of this work is possible, however, unless museums can care for and present art to the public. In these basic, core functions, the help of the NEA and NEH has been and continues to be invaluable.

Thank you again for the opportunity to submit testimony for the record.



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Written Public Testimony of
The Association of Clean Water Administrators

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

Submitted by
Walter L. Baker, P.E., Director, Utah Division of Water Quality, ACWA President
Alexandra Dapolito Dunn, ACWA Executive Director & General Counsel

March 28, 2012

The Association of Clean Water Administrators (ACWA) appreciates the opportunity to submit written testimony to the U.S. House of Representatives' Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies. As the national voice of state, interstate, and territorial officials responsible for implementation of programs that protect surface waters across the nation, we are seeking funding increases in several critical components of the FY 2013 budget for the **Environmental Protection Agency** (EPA), including the **Clean Water State Revolving Fund (CWSRF), the Clean Water Act (CWA) Section 319 Nonpoint Source (NPS) Management Grant Program, and the CWA Section 106 Water Pollution Control Grant Program (106 Program).** We request funding in the amount of **$1.55 billion, $408 million, and $540 million for these programs respectively.**[1] We believe that the funding proposed in the President's FY13 budget for CWA programs is insufficient given escalating demands on the states due to an increasing number of federal rules, guidance documents, and policies.

While still insufficient to meet all water infrastructure needs, we request that the CWSRF FY13 funding *at least* be consistent with the enacted FY12 amount of approximately $1.47 billion – recognizing this is far below what is actually needed. The states cannot afford to suffer continuing decreases in CWSRF funding while the size of the infrastructure need only grows.

[1] These figures reflect amounts requested in *The State Environmental Agencies' Statement of Need and Budget Proposal for EPA's 2013 Categorical Grants STAG Budget (State and Tribal Assistance Grants)* (June 2011) (prepared by the Environmental Council of States with the input of related state organizations such as ACWA).

Our country's wastewater infrastructure is in a state of disrepair – much having deteriorated due to age. Point source infrastructure investments needed to protect and restore waters are documented to exceed $400 billion over the next 20 years. Increased federal investment in clean water infrastructure can help reverse declines in water quality, create hundreds to thousands of construction jobs, boost the national economy, and benefit private sector development.
We also believe an increase in CWA Section 319 NPS Management Grant Program funding is necessary. While the proposed FY13 and enacted FY12 figures are essentially equivalent, this level is too low for such a valuable and important program that is producing results on the ground. We request FY13 funding for Section 319 in the amount of at least $408 million. The Section 319 grant program provides assistance for protection and restoration efforts for those waterbodies impaired primarily due to non-point sources. Many Section 319 dollars expended are leveraged with U.S. Department of Agriculture funds, resulting in up to $4 invested on the ground in water quality and land management projects. Given that most impaired waters today face significant non-point source contributions to total pollutant loadings, the Section 319 Program is an *essential* source of federal funding for non-point source pollution reductions. The National Association of Conservation Districts, a critical partner in this program, is also supporting meaningful increases to Section 319.

The CWA Section 106 Water Pollution Control Grant Program funding is the critical funding that allows states and interstates to carry out the core pollution prevention, inspection, monitoring, permitting, and compliance work of the CWA through their co-regulator status with EPA. While we appreciate the recommended increase of approximately $27 million between FY12 enacted and the proposed FY13 budgets, this funding is still inadequate. We request that $540 million be provided for Section 106 grants in FY13. We also request that this be an *unrestricted increase in funding*. We do not support the use of set-asides. States should be afforded flexibility in determining how to use their Section 106 money. Currently, $18.5 million of Section 106 funding operates as a set-aside for the EPA's Monitoring Initiative. And, for FY13, $15 million of the additional Section 106 funding will be designated for states that commit to strengthening their nutrient management efforts consistent with EPA Office of Water's March 2011 Nutrient Reduction Framework Memorandum. We understand, and welcome the need for increased investment in nutrient reduction efforts, but do not support minimal 106 increases that fail to keep up with inflation and program growth, and which are then directed at specific Agency priorities – rather than what states deem is most needed and productive within their watersheds. Bottom line, this inflexibility undercuts states' abilities to carry out programs which they have been designated, delegated, or authorized to manage.

In addition to the critically needed increases to the CWSRF, Section 319, and Section 106 programs, we would like to highlight our concern over the proposed elimination of a very important program for many states – the Beach Grant Program. According to EPA, capacity has been built at the state level to carry out beach monitoring programs, rendering federal funding no longer necessary. We do not support this perception, especially in these times of economic hardship. In the absence of federal assistance, many states will discontinue beach monitoring. Those states that continue likely will scale back monitoring to those high risk beaches. This more limited data could lead to a public perception that all beaches in a state are contaminated, and then to decreased tourism and other adverse effects on the economy. While it may have

been a relatively small amount in the overall EPA budget ($9.9 million in FY12), ACWA and many other stakeholders hope Congress will fund this extremely important program.

In conclusion, we ask that the Subcommittee consider our funding requests for the above noted critical CWA programs. We believe that the proposed FY13 EPA budget provides insufficient funding, especially now when states are under extreme pressure due to increased federal requirements coupled with hard economic times. Funding must be increased to allow states to carry out their duties under the CWA and make strides in reaching the nation's water quality goals – something that benefits all Americans. States cannot do it alone – the CWA is built on a federal-state partnership. The states and interstate contributions to the nation's water goals are vital to the CWA's success, which is critically important to stimulate economic growth, support tourism, provide recreation, and assure clean water supply. Federal government support for our work is essential.

Sincerely,

Walter L. Baker, P.E.
Director, Utah Division of Water Quality
ACWA President

Alexandra Dapolito Dunn
Executive Director & General Counsel
ACWA

My name is Dr. Roger Bordeaux; I serve as the Executive Director of the Association of Community Tribal Schools Inc. (ACTS). I have been a Tribal School Superintendent for over 20 years and the Executive Director for 27 years.

The tribal school movement started in 1966 with Rough Rock Demonstration School. Now there are over 28,000 students in tribal elementary and secondary schools. The schools are in the states of **Maine, Florida, North Carolina, Mississippi, Louisiana, South Dakota, Minnesota, North Dakota, Michigan, Iowa, Wisconsin, Kansas, Wyoming, Oklahoma, Montana, California, Washington, Idaho, Nevada, Arizona, and New Mexico**. ACTS represents a significant number of the 125+ tribally controlled elementary and secondary schools. ACTS's mission is to "assist community tribal schools toward their mission of ensuring that when students complete their schools they are prepared for lifelong learning and that these students will strengthen and perpetuate traditional tribal societies."

49,000 Indian children are suffering and in some cases not succeeding because of Bureau of Indian Education lack of finance leadership and management

The nearly 49,000 (source:www.bie.edu/idc/groups/xbie/documents/text/idc012921.pdf) enrolled students in the BIE funded schools have lived through a stagnant economy over the last 5 years and in many cases are being housed in old dilapidated buildings in need of repair or replacement. The children in the BIE funded schools have been forced to take on more than their fair share of the stagnant economy. While costs for school lunch food, gas, fuel oil, electricity, diesel fuel, paper products, etc. have increased, from 11% Consumer Price Index (http://www.bls.gov/cpi/tables.htm) to over 40% for gasoline, every source of revenue from the Bureau of Indian Education including ISEP, Transportation, Facility Operation, and Facility Maintenance have not increased and in most cases have decreased.

The cost of diesel fuel (Source: www.eia.gov) that school buses use, has increased by over 41% in the last 4 years and the revenue for BIE Student Transportation Revenue has deceased by nearly half a percent. Another example is the cost of unleaded gasoline, which increased by 35% during the same period. The cost of Fuel Oil, which many school building use, has increased by over 30% in the last four years and the revenue for Facility Operation and Maintenance has decreased by half a percent. The Consumer Price Index has increased by over 11% in the last four years and the revenue for ISEP has decreased by half a percent.

HERE IS WHAT WE ARE REQUESTING

1. Restore Residential Education Placement Program funds, $ 4,000,000. This Program Element provides funding for BIE eligible students who are temporarily placed in residential facilities for Special Education, Alcohol/Drug Abuse, and Court Ordered placements.

2. Restore the Construction – Education Construction Activity to the FY 2010 levels. The BIA reports a $ 70,000,000 annual facility deterioration rate and also reports a $3.4 billion school replacement need.

3. Decrease - These funds are currently used to control the schools and hamper progress, the BIE uses these Program Elements funds to dictate [use Reading and Math programs that do not work according to http://ies.ed.gov/ncee/wwc] what schools should do to improve assessment scores based on AYP requirements, and has nothing to do with school improvement. The funds should go to the local schools and let them decide what works. The funds should be moved to ISEP, Transportation, Facility Operations, Facility Maintenance, and Tribal Grant Support Costs:

BIE-Elementary/Secondary Programs-ISEP Program Adjustments	$ 5,302,000
BIE-Elementary/Secondary Programs-Education Program Enhancements	$ 12,663,000
Total	$ 17,965,000

4. Restore and/or Increase (Part of a 5 year phased plan to fully fund Basic School Programs for 49,000 children):

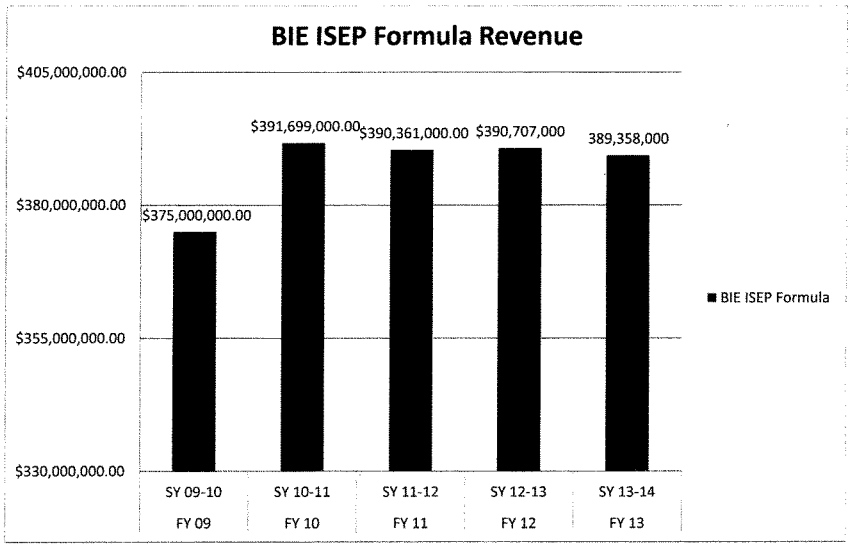
BIE-Elementary/Secondary Programs-ISEP Formula Funds	$ 10,858,000
BIE-Elementary/Secondary Programs-Student Transportation	$ 4,212,000
BIE-Elementary/Secondary Programs-Facility Maintenance	$ 2,254,000
BIE-Elementary/Secondary Programs-Facility Operations	$ 6,737,000
BIE-Elementary/Secondary Programs-Tribal Grant Support Costs	$ 4,627,000

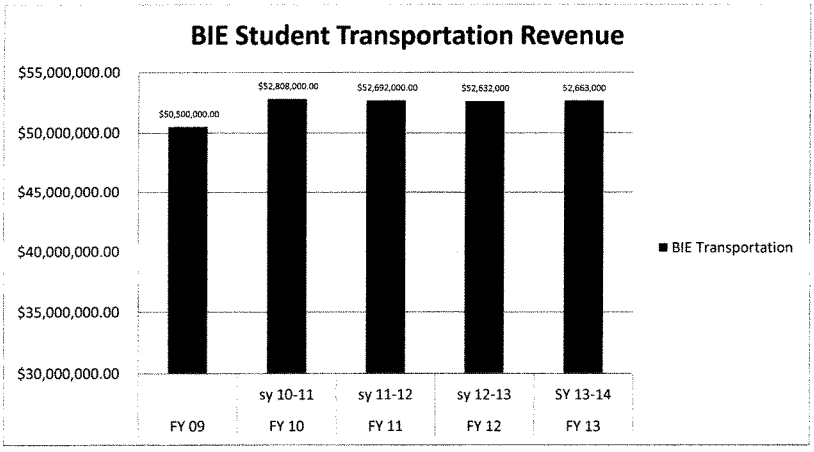
5. Eliminate the following Administrative Provisions language to allow current schools to expand grade level offerings and allow tribes to apply to operate a Grant School:

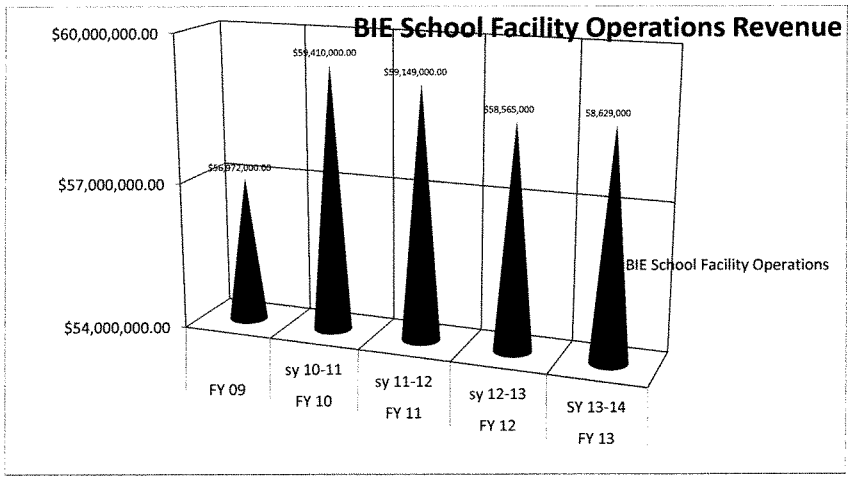
No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Appropriations made available in this or any prior Act for schools funded by the Bureau shall be available, in accordance with the BIE funding formula, only to the schools in the Bureau school system as of September 1, 996 and to any school or school program that was re-instated in FY 2012.

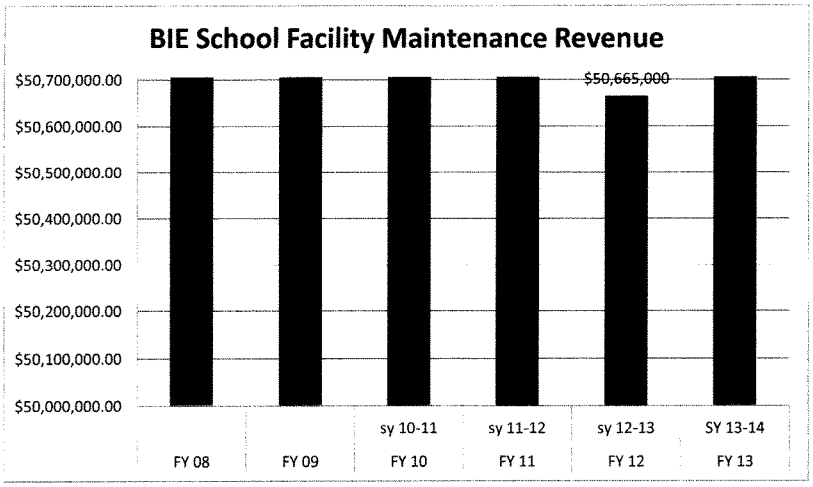
6. Change language, with insert, to allow additional appropriations for Tribal Grant Support Costs:

"*Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed *$ 52,879,000* within and only from such amounts made available for school operations shall be available for grant support costs associated with ongoing grants entered into with the Bureau prior to or during fiscal year *2013* for the operation of Bureau-funded schools, and up to *$500,000* within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, *2012*, of Bureau-funded schools"


BIE ISEP Formula Revenue
$405,000,000.00
$380,000,000.00
$355,000,000.00
$330,000,000.00
$375,000,000.00
$391,699,000.00
$390,361,000.00
$390,707,000
389,358,000
SY 09-10
FY 09
SY 10-11
FY 10
SY 11-12
FY 11
SY 12-13
FY 12
SY 13-14
FY 13
BIE ISEP Formula


BIE Student Transportation Revenue
$55,000,000.00
$50,000,000.00
$45,000,000.00
$40,000,000.00
$35,000,000.00
$30,000,000.00
$50,500,000.00
$52,808,000.00
$52,692,000.00
$52,632,000
52,663,000
FY 09
sy 10-11
FY 10
sy 11-12
FY 11
sy 12-13
FY 12
SY 13-14
FY 13
BIE Transportation


BIE School Facility Operations Revenue
$60,000,000.00
$57,000,000.00
$54,000,000.00
$56,972,000.00
$59,410,000.00
$59,149,000.00
$58,565,000
$58,629,000
BIE School Facility Operations
FY 09
sy 10-11
FY 10
sy 11-12
FY 11
sy 12-13
FY 12
SY 13-14
FY 13


BIE School Facility Maintenance Revenue
$50,700,000.00
$50,600,000.00
$50,500,000.00
$50,400,000.00
$50,300,000.00
$50,200,000.00
$50,100,000.00
$50,000,000.00
$50,665,000
FY 08
FY 09
sy 10-11
FY 10
sy 11-12
FY 11
sy 12-13
FY 12
SY 13-14
FY 13

ASSOCIATION OF
PUBLIC AND
LAND-GRANT
UNIVERSITIES

FY 2013 Testimony of the
ASSOCIATION OF PUBLIC AND LAND-GRANT UNIVERSITIES (A·P·L·U)
BOARD ON NATURAL RESOURCES (BNR)
To the House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Submitted by Dr. Dan Edge, Chair, APLU Board on Natural Resources, Department Head, Department of Fisheries and Wildlife, Oregon State University

On behalf of the APLU Board on Natural Resources (BNR), we thank you for your support of science and research programs within the United States Geological Survey (USGS) and the Environmental Protection Agency. We appreciate the opportunity to provide recommendations for the following programs within USGS: $8.8 million for the Water Resources Research Institutes; $18.9 million for the Cooperative Fish and Wildlife Research Units. Within the Environmental Protection Agency, we recommend $81 million for the Science to Achieve Results extramural grants and fellowship programs.

APLU BNR requests at least $8.8 million for the Water Resources Research Institutes (WRRI). The APLU BNR request is based on the following: $7,000,000 in base grants for the WRRI as authorized by Section 104(b) of the Water Resources Research Act, including state-based competitive grants; and $1,800,000 to support activities authorized by section 104(g) of the Act, and a national competitive grants program. Federal funding for the WRRI program is *the* catalyst that moves states and cities to invest in university-based research to address their own water management issues. State WRRI take the relatively modest amount of federal funding appropriated, match it 2:1 with state, local and other funds and use it to put university scientists to work finding solutions to the most pressing local and state water problems that are of national importance. The Institutes have raised more than $15 in other funds for every dollar funded through this program. The added benefit is that often research to address state and local problems helps solve problems that are of regional and national importance. Many of the projects funded through this program provide the knowledge for state or local managers to implement new federal laws and regulations. Perhaps most important, the federal funding provides the *driving force of collaboration* in water research and education among local, state, federal and university water professionals. This program is essential to solving state, regional and inter-jurisdictional water resources problems. For example, the Idaho Institute conducted work in 2011 for the City of Boise and the National Renewable Energy Laboratory to determine whether the Boise Front geothermal aquifer was adequate for supplying current and increased withdrawals. Similarly, Institutes in Louisiana, California and North Carolina have made major contributions in emergency planning and hurricane recovery, protecting groundwater aquifers from sea water intrusion and reducing water treatment costs.

The institutes also train the next generation of water resource managers and scientists. Last year, these institutes provided research support for more than 1,400 undergraduate and graduate students at more than 150 universities studying water-related issues in the fields of agriculture, biology, chemistry, earth sciences, engineering and public policy. Institute-sponsored students

receive training in both the classroom and the field, often working should-to-shoulder with the top research scientists in their field on vanguard projects of significant regional importance.

In addition to training students directly, Water Resources Research Institutes work with local residents to overcome water-related issues. For example, the California Institute for Water Resources, like most of its peers, holds field days, demonstrations, workshops, classes, webinars, and offers other means of education in an effort to transfer their research information to as many users as possible. Outreach that succeeds in changing a farmer's approach to nitrogen application or reducing a homeowner's misuse of lawn treatments can reduce the need for restrictive regulation.

APLU BNR requests at least $18.9 million for the Cooperative Fish and Wildlife Research Units (CRU). This program serves to 1) train the next generation of Fish and Wildlife managers; 2) conduct research designed to meet the needs of unit cooperators; and 3) provide technical assistance to state and federal personnel and other natural resource managers. Originally established to provide training for students in fish and wildlife biology, the units were formally recognized by the Cooperative Units Act of 1960 (PL 86-686). The CRU provide experience and training for approximately 600 graduate students per year, a critical need as state and federal workforces face unprecedented retirements over the next 5 to 10 years. The CRU also provides valuable mission-oriented research for their biggest clients, the U.S. Fish and Wildlife Service and cooperating state agencies. Today, there are 40 Cooperative Research Units in 38 States.

Each unit is a true federal-state-university collaboration in that it is a partnership between USGS, a State natural resource agency, a host university, and the Wildlife Management Institute. For every $1 the federal government puts into the program, $3 more are leveraged through the other partners. The U.S. economy has long relied on the bountiful natural resources bestowed upon this land. Federal investment in the CRU will be returned many times over though the training of future natural resource managers who will guide the nation in sustainable use of our natural resources. The research conducted by CRU scientists directly supports the difficult management challenges faced by natural resources managers. The examples below demonstrate the value of the CRUs to wildlife issues with local and national importance.

- The Minnesota Cooperative Fish & Wildlife Research Unit currently has 3 federal employees, 3 post-doctoral research fellows and a total of 12 graduate students. Current research funded by the Minnesota Department of Natural Resources and federal agencies totals $4.9M. Among the numerous projects being conducted by unit personnel, a project determining the olfactory sensitivity of Asian carp to putative hormonal sex pheromones has recently received national attention. The Asian carp is an invasive species that threatens many of the nation's freshwater native fish because they are more competitive than native fish for food. The Minnesota CRU hopes to use the sex pheromones to attract and trap Asian carp, removing them permanently from the nation's freshwater lakes and rivers.
- The Idaho Cooperative Fish and Wildlife Research Unit has 3 federal scientists who are training 22 graduate students and supervise 8 year-round staff plus 15 seasonal staff and 5 work-study students. Total grants and contracts for these 3 scientists exceed $1.5M and include projects related to gray wolf monitoring and population estimation, improving

fish passage at lower Columbia River dams, and defining "recovery" for endangered species.

APLU BNR supports the President's request of $81 million for the Science to Achieve Results (STAR) grants and fellowship programs. The STAR program funds extramural research grants and graduate fellowships. Using a competitive and peer-reviewed process, the STAR program supports targeted research in support of EPA's mission. The funded research falls into three areas: grants awarded to individuals or small groups, grants awarded to multidisciplinary teams, and fellowships for masters and doctoral students. The STAR program allows EPA to solicit independent research apart from the research EPA itself conducts. Because the research is conducted at many of the best universities across the nation, it is not unusual for the findings to be published in highly respected, peer-reviewed journals, allowing for widespread dissemination of the research.

About APLU and the Board on Natural Resources

A·P·L·U's membership consists of 221 state universities, land-grant universities, state-university systems and related organizations. The Board's mission is to promote university-based programs dealing with natural resources, wildlife, ecology, energy, and the environment. BNR representatives are chosen by their president's office to serve and currently number over 500 scientists and educators, who are some of the nation's leading research and educational expertise in environmental and natural-resource disciplines. APLU institutions enroll more than 3.5 million undergraduate students and 1.1 million graduate students, employ more than 645,000 faculty members, and conduct nearly two-thirds of all federally-funded academic research, totaling more than $34 billion annually.

Noreen K. Clough, National Conservation Director, B.A.S.S. LLC

I am writing to express my serious concern regarding the President's proposed Fiscal Year 2013 budget for the Department of the Interior's U.S. Fish and Wildlife Service (FWS) Fisheries Program, especially the $3.6 million reduction in the Population Assessment and Cooperative Management-General Program activities (-$2.6 million), and the Habitat Assessment and Restoration activities (-$1.0 million).

As National Conservation Director for B.A.S.S. LLC, with more than 500,000 members nationwide, I know first hand the importance and economic value these FWS Fisheries Program activities bring to the more than 42 million anglers in this country. These critical management functions are delivered on the ground by the nationwide network of Fish and Wildlife Conservation Offices (FWCO's) and Fisheries Resources Offices (FRO's). These offices are staffed by FWS fisheries biologists who are field experts, and in many cases, the national experts in areas of fisheries science and management and habitat restoration. These offices are engaged in delivering technical and scientific support for the National Fish Habitat Partnerships and the National Fish Passage Program. B.A.S.S. Conservation and our nationwide network of 47 state B.A.S.S. Federation Nation Conservation Programs are active participants in the Reservoir Fish Habitat Partnership and several are members of the Friends of Reservoirs organizations supporting outstanding fish habitat partnerships valued by bass anglers around the country.

In addition, these same FWS Fisheries biologists and scientists perform monitoring and assessment work for many cold-, cool-, and warm-water fishes and other aquatic species, including interjurisdictional species like striped bass, American shad, and lake trout. They perform aquatic resource conservation through aquatic invasive species control and prevention activities, and by opening isolated habitats and improving watershed connectivity by removing culverts, stream and river obstructions and obsolete dams as part of the Fish Passage program. They restore habitats and increase aquatic productivity using a variety of habitat restoration techniques and activities. These FWS Fisheries biologists also provide state-of-the-art fisheries modeling, population dynamics, and biostatistical methods in evaluating and providing recommendations for sustainable fish populations.

Reducing funding to these conservation-critical activities will set back by decades the conservation efforts in streams, rivers, reservoirs, estuaries, and along the Atlantic, Pacific, Gulf, and Great Lakes coasts. The economic impact of this $3.6 million dollar reduction for these FWCO and FRO offices is equivalent to a loss of over $677 MILLION in direct and indirect economic activity and represents a loss of over 15,000 JOBS supported by these investments.

B.A.S.S. recently held a National Conservation Summit at the 2012 Bassmaster Classic in Shreveport-Bossier City, LA. There we heard first hand what these FWS programs provide for fisheries management, science, habitat restoration, and assistance to State fish and wildlife agencies and to our B.A.S.S. chapters and membership. Just to reinforce these points, here is a summary of the key statistics from the Classic:

- 2nd largest Bassmaster Classic with over 93,000 fans visiting our venues
- Record Bassmaster Classic launch with over 10,000 fans in attendance

- 20.3 MILLION Bassmaster.com page views
- 1.3 MILLION Bassmaster. Com visits
- 19.7 MILLION minutes of video viewed
- 23% ratings growth in the 18-34 age demographic
- Extremely successful BASS Conservation Summit held in conjunction with the Classic attended by nearly 100 B.A.S.S. Conservation Directors, state fisheries biologists, FWS, university scientists, industry leaders and NGO's.

This is more than ample indication that fishing and fisheries conservation are the fiber of our way of life and our economy. Angling is increasing and with it, generating much needed revenues not only for state fisheries management, but most importantly in today's economic climate, for jobs and for local and state economies. Any federal tax dollars expended to support recreational fishing and the habitat, science, and management activities needed to support recreational fishing generate huge benefits. A recent economic report by the FWS estimates that for every $1 dollar of public funds invested in the FWS Fisheries Program more than $28 dollars in economic benefits and over 68,000 jobs yearly are in return. No other federal fisheries program claims to deliver these economic benefits or number of jobs.

I urge you to restore this important funding to ensure that the FWS Fisheries program remains strong so it can continue to bring these important economic, recreation and conservation benefits to all the citizens of this country.

Honorable Mike K. Simpson
House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
B-308 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman,

I am writing to express my concern regarding the proposed reduction to the general activities of the US Fish and Wildlife Service's Fisheries Program, especially the population and habitat accounts that fun the Fish and Wildlife Conservation Offices. I am the conservation director for the Berkley Conservation Institute, a branch of Pure Fishing. Pure Fishing is the World's largest fishing tackle company. I worked for 30 years with the Oregon Department of Fish and Wildlife, including 6 years as chief of fisheries and 3 years as Governor's Salmon Advisor. I know first-hand the value that these offices serve with respect to nationally significant fisheries. These professionals serve as experts in the field and support State and Tribal programs that are very significant economically for our region and our nation. We are struggling to recover salmon while supporting economically important fisheries and tribal programs. Cutting the budget for the conservation offices will undo decades of important conservation work.

Pure Fishing is not just interested in the economics of the fishing industry....we also care about sound water and wildlife policy. These Fish and Wildlife Conservation Offices deliver conservation on the ground for the Fish and Wildlife Service through aquatic nuisance species work, fish passage and habitat restoration expertise, biometricians and population dynamics modelers. We are very concerned that by reducing the budget by $3.6 million we will set back conservation and endangered species recovery and damage fisheries that contribute to our economy through outdoor recreation and tribal subsistence programs as well.

These programs support $677 million in economic impact and support more than 15,000 jobs. This has real impact to Pure Fishing and the many other recreational fishing companies and guides/outfitters that rely on healthy water and sustainably managed fisheries.

Please consider restoring this important funding for the benefit of our current economy and our children's outdoors birthright.

Sincerely,

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Testimony of Art De La Cruz, Chairman
Bernalillo Board of County Commissioners
In Support of the Land and Water Conservation Fund
Middle Rio Grande National Wildlife Refuge, New Mexico
U.S. Fish and Wildlife Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member

March 28, 2012

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2013 Interior Appropriations Bill. The President's Budget for this year recommended $450 million for LWCF.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial public benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation. LWCF investments also support jobs, tourism and economic vitality across our communities.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF will permanently pay dividends to the American people and to our great natural, historical and recreation heritage. As LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use as a conservation offset to the energy development of our offshore oil and gas resources.

As part of the LWCF request in FY 2013, the U.S. Fish and Wildlife Service included an allocation of $1.5 million for Middle Rio Grande NWR. I am pleased that this funding was included in the request and urge Congress to provide necessary funds for LWCF for this important project.

Boards & Committees: *Albuquerque / Bernalillo County Government Commission (ABCGC), Member • Board of Finance, Member Albuquerque /Bernalillo County Water Utility Authority, Chai • Community Schools Partnership, Member • Legislative Committee, Member Mid-Region Council of Governments, Board of Directors, Member • Rio Metro Transit District Board, Member*

The 570-acre Price's Dairy property is located in the South Valley of Albuquerque, New Mexico, five miles south of downtown. This tract is one of the largest remaining farms in the Middle Rio Grande Valley and the largest agricultural property within the Albuquerque metro region. The city of Albuquerque is among the fastest growing urban areas in the United States, and its developing sprawl contributes to a loss of history and culture while placing significant stress on the natural resources of the Valley and the Rio Grande.

Over the years, various attempts have been made to preserve this property. During that time, other large-acreage properties on the river have been subdivided and developed and the water rights sold to support other needs. With a landowner who seeks a conservation outcome, the opportunity exists now to protect this section of the Rio Grande, engage the next generation though environmental education and outreach, and support economic development on the south side of the city. This is a property that has high environmental values but also will benefit New Mexico residents and visitors far into the future.

These conservation efforts culminated on September 29, 2011, with an announcement by Secretary of the Interior Ken Salazar and the U.S. Fish & Wildlife Service (USFWS) to authorize the Price's Dairy property as the Middle Rio Grande National Wildlife Refuge (MRGNWR). The unit would be the first urban refuge in the USFWS Southwest Region. Overwhelming public support for the new refuge was generated throughout the Service's planning process, and it was named one of the 50-state projects under the Obama Administration's America's Great Outdoors (AGO) initiative.

The creation of this new refuge will protect the natural resource values of the property that would be lost through subdivision and development, bolster environmental education and outreach for local students and residents, and provide a gateway to the larger regional park system,. In addition, because of the prop erty's significant senior water rights, the protection of this property would also add to the health and vitality of the adjacent Rio Grande, which is struggling to support the people and wildlife that depend on it for water. About 70% of the state's population – more than 1.3 million people – live in the ten counties along the Rio Grande.

The USFWS proposal creating the new MRGNWR emphasizes restoration of river, bosque, and wildlife habitats on the property. The section of the river next to Price's Dairy has been designated critical habitat for Rio Grande silvery minnow and southwestern willow flycatcher, two endangered species. The restoration of the landscape and the redistribution of acquired senior water rights on the property to increase instream flows would meet objectives to improve habitats and their viability, lower the threat to fish and wildlife of drought, and mitigate expected effects of climate change. Price's Dairy provides an important waypoint for migratory birds such as sandhill cranes, Arctic geese, and varied duck species that move up and down the river from summer breeding grounds in the north to wintering havens in the south.

The river corridor also provides an opportunity for hiking and biking along the planned Rio Grande Trail, which is proposed to parallel the river as it cuts through New Mexico from north to south. The MRGNWR would provide an important trailhead for this system and also be a new southern terminus of the City of Albuquerque's existing Paseo del Bosque Trail. These recreational connections would improve public access to the Rio Grande and underscore the significant federal, state, local, and private efforts to promote recreation and the outdoors.



As an urban refuge, the MRGNWR will connect Albuquerque residents to the outdoors in ways not previously available. The refuge plan calls for the eventual construction of an onsite environmental education center to enhance student learning and connection with nature. The refuge unit could also become the site of agricultural extension offices, a native plant materials center, small farm demonstration plots that promote regionally cherished crops, and university-level scientific and agricultural research.

Protection of Price's Dairy offers myriad benefits for the public. As open space and as a trailhead, it would provide recreational opportunities for an underserved part of the Albuquerque metro area. Its proximity to the Rio Grande, large undeveloped acreage, and existing farming activity offer the USFWS and state agencies an opportunity to engage in sound environmental restoration practices while connecting young people and urban residents to the natural world. With the attraction of a USFWS visitor's center and the nearby access to Interstate 25, there are also economic benefits to the South Valley.

The acquisition of the property and associated senior water rights is expected to cost up to $20 million. Demonstrating the importance of the project to the Albuquerque metropolitan area, the Bernalillo County Board of Commissioners, of which I am a member, unanimously voted on September 28, 2010 to appropriate $5 million in county funds for the acquisition. These funds were made available only over a period of two years from approval and expire in late September 2012. To match these funds, other funding is being sought from a variety of local, state and federal sources, and the landowner agreement in place requires a Phase I closing by the end of June 2012.

To date, in addition to the county funds, $1 million has been secured from the Albuquerque Metropolitan Flood Control Authority and $1 million from the Bureau of Reclamation. The FY 2013 President's budget request for the US Fish and Wildlife Service includes an allocation of $1.5 million from the Land and Water Conservation Fund to the MRGNWR, which may be supplemented by additional LWCF dollars and FWS grants. In order to ensure that this project moves forward in a timely way, the FY 2013 President's budget recommendation is urgently needed, while the effort to secure supplemental local, state, federal and private funds continues.

In closing, I urge you to provide funding for the Land and Water Conservation Fund of $450 million, as proposed in the President's FY 2013 budget, including critical funding for the Middle Rio Grande NWR. I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in New Mexico, and I appreciate your consideration of this funding request.

Regards,

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My request to the House Appropriations Interior Environment Subcommittee is that the funding for the State Radon Programs be reinstated and that a fully funded Radon Program in the U.S. Environmental Protection Agency, Indoor Environments Division (USEPA/IED) have an annual budget of $24 to $26 million to offset the loss of dollars through the loss of life from radon-induced lung cancer. The overall value of one life saved which has a value of $7.9 million times 687, the number of lives saved in the year of 2011 through testing and mitigation according to EPA amounts to $5.4 billion.

Joe my husband was diagnosed with lung cancer and only lived 6 weeks. The oncologist told us radon gas is a known cause of lung cancer; we didn't know we were living with radon for 18 years. We didn't know it caused lung cancer. We didn't know it was radioactive gas. Joe died without knowing that radon was the likely cause of his death.

I was angry and held resentment because I hadn't known. Our government hadn't gone to any trouble to inform the citizens about radon, nor taken action against it. There were no laws to prevent people from buying homes with high radon levels and spending their life in a home that may be killing them.

Lung cancer is usually discovered by accident because it poses no obvious symptoms; most people with lung cancer die shortly after diagnosis; there is only a 2-3 percent five-year survival rate for those individuals diagnosed with late stage lung cancer. Therefore, there are not thousands of lung cancer advocates. My husband is not here beside me, but he stands with me in spirit as do the thousands of others who have died due to radon-induced lung cancer.

Since 2006 I have made contact with individuals all over the nation who didn't know they were living with high level of radon gas until they were diagnosed with lung cancer. We form a non-profit organization called Cancer Survivors Against Radon that is devoted to preventing radon-induced lung cancer and saving lives through education and awareness. Unfortunately we lose our members rapidly. Some people that I have contacted want to spend their last months or days with their family members concentrating on positive events irking out as much joy and happiness they can muster. It takes a unique person to share his or her story in order to help save others from the same fate. We do all we can, speaking to legislators, physicians, community groups, church groups, and participating in health fairs and home shows to share the real danger of radon gas exposure in our homes, schools and workplaces; but you have the real power and ability to take control of the situation.

"In the last half century an estimated one million people in the U.S. have died from radioactive radon gas exposure," says Dr. Bill Field as he spoke to the president's Cancer Panel in 2008; "Radon is a 'dirty bomb' within our homes that attacks millions of people each year." According to the World Health Organization, the U.S. Department of Health and Human Services, the National Academy of Sciences, the U.S. Public Health Service, The Center for Disease Control, the National Cancer Institute, and the Environmental Protection Agency, radon -- an odorless, gaseous radioactive element -- is classified as a known human carcinogen because of the biological and epidemiological data showing the connection between exposure to radon and the occurrence of lung cancer in humans. The National Academy of Sciences Beir VI Report in 1999 estimated that radon causes up to 22,000 lung cancer deaths annually. The U.S. government has ranked residential radon exposure as one of the most serious environmental hazards, and in 1988 Congress passed the Indoor Radon Abatement Act to encourage all states to provide assistance and education to the citizens of the states.

On January 13, 2005 the Surgeon General warned Americans about the health risk from exposure to radon in indoor air, urged all Americans to test their homes for radioactive radon gas, and stressed the need to remedy the problem as soon as possible when the radon level is four (4) or more picocuries per liter of air. When the Office of Inspector General released the report "More Action Needed to Protect Public from Indoor Radon Risks" in 2008, it appeared that our government really understood the fact that 14 percent of all lung cancer deaths can be attributed to radon gas exposure as stated by Dr. Jay Lubin, Senior Health Scientist with the National Cancer Institute. States have been central players in the development of policies addressing indoor air quality. In the absence of a general federal regulatory scheme in this area, states have been free to protect and improve indoor environment.

Although most citizens in the nation still are not aware of what radon gas really is, that it can be in any structure, that a test is the only way to detect its presence, or that it causes lung cancer; the threat of reduction in EPA state funding of grants and other services is looming over us now like a dark cloud ready to extinguish existing efforts in radon awareness, education, and action.

The House and Senate Appropriations Interior Environment Subcommittee can easily push aside something they are unaware of, that cannot be seen, smelled, or tasted; but radon gas is present in every state. It is taking the lives of our citizens by the thousands each year; more homes exist now with high levels of radon than 25 years ago. According to the EPA, between 6 and 8 million homes are at risk with high levels of radioactive gas, and a according to a recent TODAY SHOW report it is estimated that over 70,000 classrooms in our nation have high levels of radon gas, not to mention our workplace environments.

Radon-induced lung cancer occurs due to the ingestion of radioactive alpha particles, the attachment of those particles to the lining of the lungs, and the occurrence of DNA alteration which develops into cancerous cells spreading throughout the lungs and often to the liver, the bones, and the brain. A reading of 21 picocuries per liter of air (pCi/L) represents smoking 48 cigarettes a day, says the Alabama Department of Public Health. As with my husband, most

nonsmoking lung cancer victims die without knowing the cause of their cancer. The sad truth is that most oncologists are so focused on treatment that they give little thought to prevention.

The cost of testing and mitigation of radon is small -- approximately $1,200 -- compared to a cost ranging from approximately $150,000 to $1,200,000 for an extended year of life for a lung cancer patient according to a study led by Rebecca Woodward of the U.S. National Bureau of Economic Research who drew on data from the National Cancer Institute's Surveillance, Epidemiology, and End Results database. It was found that an additional year of life for a patient with lung cancer cost an average of $403,142. The cost of each additional year of survival for people with local disease was $143,614. For people with metastatic lung cancer, each year of additional survival cost $1,190,322, Woodward's team found.

My plea to all of the Republican and Democratic subcommittee members on the House Appropriations Interior Environment Subcommittee is to consider that lung cancer is bipartisan and to realize the horrible circumstance of receiving a diagnosis of lung cancer knowing that it could have been prevented with the simple action of a test and the installation of a radon mitigation system. No one sees large masses of lung cancer survivors walking with the color of pearl on t-shirts and hats in the streets of Washington, DC and other large cities. There is no outstanding early warning symptom of lung cancer. Considering overall lung cancer patients, the five-year survival rate of only 15 percent has not increased in over 30 years. Lung cancer victims are not here to fight for themselves against this greatest cancer killer of all! Our government has a legal, moral, and social responsibility to act for the protection of thousands of citizens that die each year from radon-induced lung cancer.

Please remember the purpose of the office—it is to protect our citizens. That protection is not just centered on the battlefields but also in our own homes and daily lives. Just because one is not aware or can't see something, doesn't mean it doesn't exit. Please take action by improving protection against this silent, invisible killer through federal action and following the laws already in place.

- Provide fully funded national radon budget of 24 to 26 million dollars a year—reinstating the SIRG grant funding to the states and tribes.
- Comply with the Indoor Radon Abatement Act of 1988 which established that the goal of the United States to have indoor air be as free from radon as the ambient air outside buildings and to undertake diagnostic and remedial efforts in schools.
- Obey the McKinney Act of 1987 which states HUD will evaluate the environmental information contained in property checklists forwarded to HUD by the landholding agencies solely for the purpose of determining suitability of properties under the criteria in §12a.6. A property with a documented and extensive condition(s) that represents a clear threat to personal physical safety will be determined unsuitable. Such conditions may include, but are not limited to, contamination, structural damage or extensive deterioration, friable asbestos, PCB's, or natural hazardous substances such as radon, periodic flooding, sinkholes or earth slides.

The elimination of SIRG grant money to states will have a major impact on the risk reduction efforts in our states.

- Funding opportunities to educate physicians, nurses, medical students, and other medical personnel will be nonexistent.
- Outreach to high school students in the form of radon video contests will be eliminated.
- Acquiring partners to staff booths at home shows, health fairs and builders' trade shows will not happen.
- Free radon test kits or test kits at reduced prices will not be available for our citizens.
- Awareness initiatives which could allow for free test and free mitigations would be eliminated in economically stressed and education challenged communities.
- Major awareness efforts such as electronic banners on billboards and paid TV and radio public service announcements would not occur.

It is difficult to state the amount of far reaching effects of the SIRG grant monies, but it is great. The above mentioned activities are some of the things I have personally been witness to in communities of economically challenged citizens and otherwise uninformed individuals about the danger of radon. I can see a change happening as a result of these efforts. The number of mitigations has increased to up to 50 last year in a nearby rural area. People are calling to find out more about radon, seeking answers to prevention, and mitigating when the level is high.

After my husband died, I went to my state representative and told him that we must have a law so that people don't buy homes with high levels of radon. After a year of hard work educating the legislators about the real danger of radon gas exposure, the Radon Awareness Law was passed in Illinois which has resulted in an increase of from 8 percent of the homebuyers testing for radon before occupancy to almost 40 percent testing. That is what I would like to see for the nation—a federal law that educates the homebuyer about the danger of radon gas exposure and urges testing before occupancy.

Respectfully submitted,
Gloria Linnertz
March 12, 2012

Testimony of Jane A. TenEyck
Executive Director – Chippewa Ottawa Resource Authority
Before the House Committee on Appropriations
Interior, Environment, and Related Agencies Appropriation Subcommittee
United States House of Representatives on
President's Fiscal Year 2013 Budget for Native Programs

Mr. Chairman, Members of the U.S. House Subcommittee on Interior, Environment, Related Agencies:

My name is Jane A. TenEyck, Executive Director of the Chippewa Ottawa Resource Authority (CORA). CORA is a coalition of five federally-recognized Michigan tribes: the Bay Mills Indian Community, the Grand Traverse Band of Ottawa and Chippewa Indians, the Little River Band of Ottawa Indians, the Little Traverse Bay Bands of Odawa Indians, and the Sault Ste Marie Tribe of Chippewa Indians.

I am writing in support of BIA *Rights Protection Implementation Program* in the President's Budget for FY 2013. The program provides critically needed funding for the CORA tribes to fulfill their obligations under two decrees in *United States v. Michigan*: the 2000 Great Lakes Consent Decree and the 2007 Inland Consent Decree. The funding is essential for the implementation of the tribes' federally-reserved treaty rights as recognized in these decrees.

United States v. Michigan

The five CORA tribes are parties to the historic *United States v. Michigan* court case concerning the exercise of treaty-reserved fishing, hunting, trapping and gathering rights under Article 13 of the 1836 Treaty of Washington of March 31, 1836. In Article 13 the tribes "stipulate[d] for the right of hunting on the lands ceded, with the other usual privileges of occupancy, until the land is required for settlement."

In the early 1970's, tribal members sought to exercise their Article 13 rights by engaging in commercial fishing activities on the Great Lakes. The State of Michigan did not recognize the tribes' Article 13 rights and responded by citing, arresting and prosecuting tribal members. The dispute led the United States to file *United States v.* Michigan in the United States District Court for the Western District of Michigan, to seek an adjudication of the tribes' Article 13 rights. Eventually, all five CORA tribes intervened in the case.

2000 Great Lakes Consent Decree

United States v. Michigan focused initially on the tribes' fishing rights in the treaty-ceded waters of the Great Lakes. In a landmark decision in 1979, the court held that the tribes retained their aboriginal fishing rights in the Great Lakes. The court found specifically that the "usual privileges of occupancy" reserved in Article 13 included the right to fish and that the Great Lakes had not been required for settlement. The court has since entered two decrees governing the allocation and management of the Great Lakes fishery: a 15-year decree entered in 1985 that expired in 2000, and a subsequent 20-year decree entered in 2000 that remains in force today.

The 2000 Great Lakes Consent Decree was negotiated by all parties to the case, including the United States, the tribes and the State, and contains extensive provisions for the restoration,

preservation and enhancement of Great Lakes fishery resources. In accordance with these provisions (and their predecessors in the 1985 decree), the tribes have developed programs that are necessary to protect and manage the Great Lakes fishery resource while continuing to exercise the tribes' commercial and subsistence fishing rights. These programs include the following elements:

1. Enactment of conservation-based regulations governing the manner and means by which tribal members may exercise the right to harvest resources;

2. Staffing of conservation enforcement departments;

3. Establishment of adjudicatory bodies to determine the existence of violations of regulations;

4. Biological assessment of the fishery resource and conduct of resource protection and enhancement programs;

5. Development of access sites for use by tribal fishermen; and

6. Development of an inter-tribal management organization to provide coordination and cooperation among the tribes and with the State, the United States and international organizations.

2007 Inland Consent Decree

It was not until after the entry of the 2000 Great Lakes Consent Decree that the parties to *United States v. Michigan* addressed the tribes' inland hunting, fishing, trapping and gathering rights under Article 13 of the 1836 Treaty. After several years of litigation, followed by several years of negotiations, the court entered a permanent Consent Decree on November 2, 2007, that recognizes the continued existence of the tribes' inland Article 13 rights and defines the nature and extent of those rights. The 2007 Inland Consent Decree contains allocation and management provisions governing treaty-reserved hunting, fishing, trapping and gathering rights over nearly 14 million acres in northern Michigan. It is a comprehensive and complex document that resolves the final phase of *United States v. Michigan.*

The 2007 Inland Consent Decree establishes many new obligations and responsibilities for the tribes. These responsibilities are heavily weighted toward:

1. Biological programs to protect and enhance inland natural resources;

2. Establishment of appropriate regulations of member harvesting activities;

3. Provision of adequate law enforcement personnel to ensure that such harvesting is conducted in compliance with applicable law;

4. Provision of judicial forums for the adjudication of any alleged violations; and

5. Establishment, implementation, and maintenance of joint information and management activities through CORA to assist in inter-tribal coordination and co-management with State and Federal resource managers.

All of these obligations impose a substantial and **permanent financial burden** for the Tribes.

In order to meet the obligations mandated by the 2007 Inland Consent Decree, while providing for long-term sustainable use of the resources for the next seven generations, each of the tribes needs to establish a management capability in several core areas, including Conservation Enforcement, Biological Monitoring and Assessment, Tribal Court, and Administration. Initiation of these management programs necessitates adequate funding to ensure that the Tribes can meet their obligations, which is critical to ensure the future viability of both the treaty right and the newly established 2007 Inland Consent Decree.

Support for BIA Rights Protection Implementation Program in the President's Budget

After making such landmark, long-term commitments, it is imperative that the tribes not be placed in a position where inadequate funding prohibits them from meeting their obligations, responsibilities, and opportunities under either the Great Lakes or Inland Consent Decrees. Adequate funding is absolutely critical to achieving the objectives and responsibilities described in both Consent Decrees.

CORA's base funding for implementation of the Great Lakes consent decree has suffered Congressional funding reductions in recent years, threatening the tribes' ability to meet consent decree obligations and effectively manage and self-regulate their treaty fishery. However, most of the proposed increase in funding for CORA is for implementation of the **newly enacted 2007 Inland Consent Decree, which has no recurring base funding.** Very little funding to implement the Inland Consent Decree has been provided since it was entered into five years ago.

CORA supports the BIA *Rights Protection Implementation Program* in the President's Budget, which provides an increase of $1.6 million in CORA's funding. A small portion of the requested increase will be provided through CORA to return the CORA tribes' funding base for the Great Lakes treaty fishery to FY2010 levels. The vast majority of the increase will provide $1.5 million to allow the beneficiary tribes and their members to meet their obligations under the 2007 Inland Consent Decree and to implement their treaty-reserved inland hunting, fishing, trapping and gathering rights. The BIA *Rights Protection Implementation Program* in the President's Budget provides base funding for the very first time for affected tribes to meet federal-court mandated responsibilities in the conservation and management of fish and wildlife resources.

The CORA Tribes stand united in reminding Congress of the federal government's trust obligations to sustain funding for tribal natural resource management programs. This obligation is the result of treaties negotiated by Tribes and federal government, which must be honored and protected within the limits of available funding, including current limits on discretionary funding. The President's Budget demonstrates that this can be achieved.

CORA hopes that you will recognize the fact that the Tribes, State of Michigan and the United States have successfully resolved many difficult legal, biological, social and political problems confronting the Great Lakes fishery and inland resources in the 1836 ceded territory. With your assistance, the Tribes plan to continue and enhance cooperative inter-governmental programs to build on past successes and secure healthy natural resources and a sound management structure for both tribal and non-tribal users for future generations.

I respectfully request that these remarks be made part of the record for this public hearing.

Stanley Oliver, President
Coastal Wildlife Refuge Society
P.O. Box 1808
Manteo, NC 27954

March 27, 2012

To: House Subcommittee on Interior, Environment, and Related Agencies

The Coastal Wildlife Refuge Society of Eastern North Carolina located in Manteo, NC, is requesting the following for the National Wildlife System.

1. $495 million FYI 2013 for **Operations and Maintenance**.
2. $80 million for **Visitors Services** in FYI 2013.
3. $3.8 million in FYI 2014 for **Challenge Cost Share**.
4. $700 million in FYI 2014 for the **Land and Water Conservation Fund**.

This request is a total of $1,278.8 million.

The Coastal Wildlife Refuge works very closely with the Alligator and Pea Island refuges. During 2011 the society supported these refuges with over 20,000 hours of volunteer work and contributed to funding for K-12 grade students to visit our Refuges.

Operations and Maintenance. $495 million and essentially the same spending for Refuges as 2011. Status quo funding will require cuts in service to the visiting public. The wage freeze on refuge employees does reduce some inflation cost but this does not cover other fixed costs for maintenance and refuge support cost. The Cooperative Alliance for Refuge Enhancement (CARE) estimates the Operations and Maintenance funding should be at least $900 million to property administer the 150 million acres in the refuge system.

In Northeastern North Carolina Refuge staffing levels at the nine Refuges remain critically short, five are without biologists and three are served with only one maintenance worker each. One refuge has only one maintenance employee located more than three hours from the next refuge.

Visitors Services. $80 million provide Refuges the ability to connect with adult visitors and youth. Many Refuges rely on volunteers to coordinate Refuges visitors. The new Refuge Visitor Center in Manteo, NC, has no allocation of funds for operation and maintenance, and it is a $6 million complex.

Visitor service funds provide both employees and programs to support volunteers to enhance the visitor experience. Currently at Alligator River and Pea Island Refuges, Coastal Wildlife Refuge Society provides financial support for a volunteer coordinator for 200 volunteers which represents ten to fifteen man years of help to these two Refuges yearly.

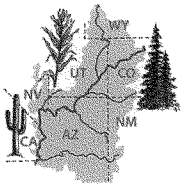
Challenge Cost Share. $3.8 million for Refuges to utilize these funds to support education and experience enhancements on Refuges, such as trails, habitat restoration and education.

In Eastern North Carolina these funds support wildlife surveys and habitat enhancement and management.

Land and Water Conservation Fund. $700 million funds are needed to acquire land to safe guard Refuges boundaries and safeguard wildlife and environment in and around Refuges. There is currently 8 million acres in the Refuges 150 million acres unprotected within Refuge boundaries. These funds are vital to protect our Refuges from pollution, trash and poaching of wildlife.

Please continue to support our Refuges and at the requested levels of $1,278.8 million for visitor enjoyment, wildlife habitat protection and our youth for the future.

Stanley Oliver, President
Coastal Wildlife Refuge Society



Colorado River Basin
SALINITY
CONTROL FORUM

GOVERNORS

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Jerry Brown, CA
John Hickenlooper, CO
Brian Sandoval, NV
Susana Martinez, NM
Gary R. Herbert, UT
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OUTSIDE WITNESS TESTIMONY
FY 2013 APPROPRIATION

TO: **House Committee on Appropriations – Subcommittee on Interior, Environment, and Related Agencies**

SUBJECT: **Continued Funding for the Colorado River Basin Salinity Control Program under BLM's Soil, Water and Air Program**

FROM: **Don A. Barnett, Executive Director**
Colorado River Basin Salinity Control Forum

DATE: **March 21, 2012**

Waters from the Colorado River are used by approximately 35 million people for municipal and industrial purposes and used to irrigate approximately 4 million acres in the United States. Natural and man-induced salt loading to the Colorado River creates environmental and economic damages. The U.S. Bureau of Reclamation (BOR) has estimated the current quantifiable damages at about $300 million per year. Congress authorized the Colorado River Basin Salinity Control Program (Program) in 1974 to offset increased damages caused by continued development and use of the waters of the Colorado River. Modeling by BOR indicates that the quantifiable damages would rise to more than $500 million by the year 2030 without continuation of the Program. Congress has directed the Secretary of the Interior to implement a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management (BLM). BLM funds these efforts through its Soil, Water and Air Program. BLM's efforts are an essential part of the overall effort. A funding level of $5.2 million for general water quality improvement efforts within the Colorado River Basin and an additional $1.5 million for salinity specific projects in 2013 is requested to prevent further degradation of the quality of the Colorado River and increased downstream economic damages.

EPA has identified that more than 60 percent of the salt load of the Colorado River comes from natural sources. The majority of land within the Colorado River Basin is administered by BLM. In implementing the Colorado River

Basin Salinity Control Act in 1974, Congress recognized that most of the salts in the Colorado River originate from federally owned lands. Title I of the Salinity Control Act deals with the U.S. commitment to the quality of waters being delivered to Mexico. Title II of the Act deals with improving the quality of the water delivered to U.S. users. This testimony deals specific with Title II efforts. In 1984, Congress amended the Salinity Control Act and directed that the Secretary of the Interior develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by BLM. In 2000, Congress reiterated its directive to the Secretary and requested a report on the implementation of BLM's program (Public Law 106-459). In 2003, BLM employed a Salinity Coordinator to coordinate BLM efforts in the Colorado River Basin states to pursue salinity control studies and to implement specific salinity control practices. With a significant portion of the salt load of the Colorado River coming from BLM administered lands, the BLM portion of the overall program is essential to the success of the effort. Inadequate BLM salinity control efforts will result in significant additional economic damages to water users downstream.

Concentrations of salt in the Colorado River cause approximately $300 million in quantified damages and significantly more in unquantified damages in the United States and result in poor water quality for United States users. Damages occur from:

- a reduction in the yield of salt sensitive crops and increased water use for leaching in the agricultural sector,
- a reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector,
- an increase in the cost of cooling operations and the cost of water softening, and a decrease in equipment service life in the commercial sector,
- an increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector,
- a decrease in the life of treatment facilities and pipelines in the utility sector,
- difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, and an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins, and
- increased use of imported water for leaching and cost of desalination and brine disposal for recycled water.

The Colorado River Basin Salinity Control Forum (Forum) is composed of gubernatorial appointees from Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming. The Forum is charged with reviewing the Colorado River's water quality standards for salinity every three years. In so doing, it adopts a Plan of Implementation consistent with these standards. The level of appropriation requested in this testimony is in keeping with the adopted Plan of

Implementation. If adequate funds are not appropriated, significant damages from the higher salt concentrations in the water will be more widespread in the United States and Mexico.

In summary, implementation of salinity control practices through BLM has proven to be a very cost effective method of controlling the salinity of the Colorado River and is an essential component to the overall Colorado River Basin Salinity Control Program. Continuation of adequate funding levels for salinity within the Soil, Water and Air Program will prevent the water quality of the Colorado River from further degradation and significant increases in economic damages to municipal, industrial and irrigation users.

Please note: The Subcommittee received multiple, identical submissions of this letter from myriad interest groups. This organization was the first to submit the letter, and so has been included as the representative.

Name: Douglas Kemper
Title: Executive Director
Organization: Colorado Water Congress

March 7, 2012

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran:

I am requesting your support for fiscal year 2013 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

1. Appropriate $706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery of Listed Species Program Element within the $81,709,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2013 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriate $200,000 in FWS "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2013 to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

3. Appropriate $485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the $43,189,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.

I request the Subcommittee's assistance in assuring fiscal year 2013 funding to allow the FWS to continue its financial and personnel participation in these two vitally important

recovery programs. I appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

Sincerely,

/S/

Douglas Kemper, Executive Director – Colorado Water Congress
dkemper@cowatercongress.org
(303) 837-0812
(303) 837-1607 FAX



March 27, 2012

Carol Kohler, Vice President
Columbia Gorge Refuge Stewards
PO Box 827
Washougal, WA

Mr. Chairman and Members of the Subcommittee:

I am writing on behalf of the Columbia Gorge Refuge Stewards, a non-profit friends group based along the Columbia River in the southern most section of Washington State. We are a friends group serving three National Wildlife Refuges located in the western end of the Columbia River Gorge National Scenic Area. The three refuges we support are Steigerwald Lake, Franz Lake, and Pierce National Wildlife Refuge. These refuges are part of the larger Ridgefield National Wildlife Refuge Complex.

We are a relatively new and small friends group, established in 2006. As our mission statement says, "The Columbia Gorge Stewards will promote public awareness, appreciation, and active support for the Steigerwald Lake, Franz Lake, and Pierce National Wildlife Refuges". These three refuges have only a refuge manager to manage all three refuges. A 6-month tractor operator is funded through an endowment, but there are no other paid staff members to support these refuges based on site. The manager does receive some assistance from from the larger Ridgefield National Wildlife Refuge, the other part of the Ridgefield Complex. For the past several years, he has been able to obtain grant funds to obtain supplies for native vegetation plantings. Although the manager coordinates this work, all of the planting efforts are accomplished by the Friends group members and other volunteers. However, on a day to day basis, he works alone. If not for the support and help of this Friends group, who have been an integral part in being team leaders and actual workers on the refuges, and recruiting other volunteers, the planting of over 10,000 plants on approximately 20 acres over the past 6 years at Steigerwald Lake NWR would not have happened. We have worked to start the restoration process to convert Steigerwald Lake NWR,from a dairy farm to its natural state. This refuge was created for the purpose of providing partial mitigation for wildlife losses caused by the construction of the second powerhouse at Bonneville Dam.

While we understand the economy continues to struggle throughout the country, it does not seem be in the best interest to our community members to further cut funding for some of our greatest outdoor spaces. We are on our way to becoming more and more of an indoor society and moving away from spending our time out of doors. National Wildlife Refuges such those described above give people the opportunity to get outside, go for a walk, and connect with nature. Working with refuge staff and other volunteers, our Friends group is working on establishing an environmental education program to bring students to Steigerwald NWR, to make that connection between the outdoors and nature. If we don't get the young people of today out of doors and connected with nature, the future of our National Wildlife Refuges could be in more jeopardy in generations to come. They are our future. Two years ago Steigerwald Lake NWR opened the 2 ¾ mile Gibbons Creek Trail through the refuge. This refuge was closed to the public until the trail was established.

Please maintain status quo funding for the National Wildlife Refuge System. Friends groups will never go away and will be there to support our Refuges in any way we can. $511 million is necessary to maintain the status quo.

The State Wildlife Grants program funding should be increased t $95 million to keep species not endangered that way and to support species that might be or become endangered.

Maintain the North American Wetlands Conservation Act grants. The acquiring and restoration of critical wetlands is imperative. As more and more land is being developed, we need to preserve these critical habitats for our waterfowl.

The Land and Water Conservation Fund needs to be fully funded. Please encourage Congress to permanently fund this.

Thank you for your consideration of our requests to adequately fund National Wildlife Refuges for our future and our children's future.

Sincerely,

Carol Kohler
Vice President

Steigerwald Lake, Franz Lake and Pierce NWRs
Columbia Gorge Refuge Stewards, P.O. Box 827, Washougal, WA 98671
volunteer@refugestewards.org

WRITTEN TESTIMONY OF
DELORES PIGSLEY, TRIBAL COUNCIL CHAIRMAN
FOR THE CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON

FOR THE
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
FY 2013 BUDGET
March 26, 2012

In my 33 years as a Siletz Tribal Council Member, 27 of those as Tribal Chairman, I have advocated for adequate funding for tribes at numerous meetings of federal and tribal representatives, through submission of written testimonies to various federal agencies, and in presenting testimony at federal agency and Congressional Sub-committee budget hearings. I do this in the belief that in hearing the facts "on the ground", appropriators will be persuaded to provide Tribes with the means to implement self-governance as envisioned in federal law, policy, treaties and the Constitution.

It is important to know that the Siletz Tribe is a Self-Governance Tribe. We negotiate with the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS) for our share of BIA/IHS programs funding which we receive annually in one lump sum. Annually the Tribal Council and administrative staff determine how to allocate funds to areas of most need. This means reducing funds in one area to allocate to another with a higher priority. The Tribe also accesses grants and contracts from public and private sources and contributes tribal revenues to enhance services and programs.

Currently, we are experiencing our fourth straight year of declining resources to cover governmental services and programs; the resulting impacts are deeper each year. Our multi-funding source strategy and the flexibility of Self-Governance are no longer sufficient to maintain our previous service levels. The Tribe has had to use extraordinary means to absorb funding cuts: leaving vacated positions unfilled; freezing staff salaries and step increases from 2010 to present; no COLA in 2010, a 1% COLA in 2011 and none for 2012. Compare that to the federal agencies who, while freezing salaries, still receive step increases and bonuses and have a 3.6% COLA for 2012. These are just the impacts on salaries and staffing. Effects on services to tribal members are described below.

Tribal Courts. The Siletz Tribal Court was established in 1984 as a Trial Court and exercises civil jurisdiction, with an average annual caseload of 500. The Court is staffed by a part-time Chief Judge, a full-time Court Administrator, a part-time deputy court administrator, four on-call judges—two Appellate Court, one District Court and one Gaming Court. The 2012 Court budget is $218,271, with 11% coming from BIA funds. A BIA review of tribal courts by Coochise Consultants reported that this federal contribution was the lowest amount among 50 courts that had been reviewed. It has long been acknowledged that Tribal Courts are underfunded. Tribal Courts were budgeted at $27 million in 2011, and then reduced to $23.4 million for 2012. The BIA request is for $24.5 million for 2013. We recommend that Tribal Courts be funded at $50 million so Tribes can fully exercise their jurisdiction to protect tribal members and create safe communities.

BIA Law Enforcement. The Siletz Tribe is a Public Law 280 tribe. Historically the BIA has not allocated adequate funding to meet the public safety needs of these tribes. The high incident rates for crime and violence on Indian reservations—especially against women—have received a lot of attention the past few years. Congress responded in 2010 with passage of the Tribal Law and Order Act (TLOA) to strengthen tribal law enforcement authority and improve programs to address reservation conditions that impact crime and violence. For this new law to have meaning there must be adequate funding. The Siletz Tribe established a tribal police force in 1998 with one Police Chief using COPS grant and tribal funds. By 2005 the department included the Chief, two officers, four reservists, a part-time clerk and a security guard. Unfortunately, funding could not keep pace. The Tribe suspended law enforcement operations and in 2006 Tribe purchased limited law enforcement services from a nearby city police department, which continues to this day. For 2010/11 the Tribe is paid $399,970 for these services; BIA funding covers 22% or $95,582 of this cost. The cost for law enforcement services has risen each year and in 2012 the Tribe had to reduce this program from 120 hours a week of patrol time down to 80 hours a week. We support the BIA's request for $328.4 million so tribes fulfill the promise of the TLOA and urge that there be a set-aside of $5 million for P.L.280 tribes to supplement law enforcement services.

Indian Child Welfare. The Tribe receives $55,000 for Indian Child Welfare services through the BIA Self Governance compact (not even enough to fund one staff position); the actual budgeted cost for this program is $406,050. To cover the funding shortfall, the Tribe reprograms funds to this priority area and accesses other state/federal funding through five agreements with the state of Oregon. Our Tribe is currently working on a plan to directly administer one of these programs, the Title IV-E foster care reimbursement program. A major barrier to this effort is the match requirements (even though federal law allows Tribes to use BIA funding as non-federal match) and the limits on reimbursements. Unlike states, tribes have little to no significant tax base to generate revenues to cover federal match requirements. The Siletz Tribe wants to access Title IV-E funding the same as states. As you can see it will cost us money to do so and we are severely underfunded as it is. In 2011 ICW was funded at $11.05 million and the Bureau requested and received a reduction to $10.8 million for 2012. They are requesting yet another reduction down to $10.5 million for 2013. We recommend $70 million for BIA Indian Child Welfare funding with $5 million of this set aside for Tribes to meet the non-federal match requirements for implementing direct Title IV-E programs. This funding will enable Tribes to ensure safe placements where children remain connected to their families and their heritage.

Education: Johnson O'Malley Act (JOM)/Adult Education/Adult Vocational Training/Higher Education. The Tribe has an 11 county service area, with a central office on the reservation and offices in the three largest metropolitan cities in Oregon. There is an Education Specialist in each of these offices to provide all education services. In 1995—seventeen years ago--funds for Johnson O'Malley were frozen, limiting funds to a tribe based upon population count in that year. The Siletz Tribe receives $89,900 for this program, which does not cover staff time, let alone services to children. Again, the Tribe shifts funds from other resources to meet this responsibility. The Tribe serves JOM eligible children enrolled in any federally recognized tribe within our service area, providing tutoring, school supplies, and athletic and scholastic fees (staff provided over 1900 services). The number of children that

receive services from 1995 to now has increased each year. The FY 2013 BIA request for JOM is $13.2 million—$130,000 less than this year's budget. This request should be for $24.3 million to fully restore funding to meet the needs of American Indian and Alaska Native students tribes.

Through BIA Self-Governance funds, the Siletz Tribe provides Adult Education, Adult Vocational Training (AVT), and Higher Education. Every year we see a rising growth in the number of students for these programs, which is a good thing, but we also see rising tuition costs with no increase in funding. The Tribe receives $2692 for Adult Education from the BIA and which cannot begin to meet the requests for assistance (in 2010 there were 159 requests for Adult Education). Through Self-Governance and tribal resources the Tribe budgets this at $20,000.

The Tribe receives $83,691 for Adult Vocational Training services. The Tribe has budgeted $135,713 to serve an estimated 47 students. We receive $117,062 for Higher Education and budget it at $717,062 which does not meet the request for services. The Tribe has had to restrict funding to undergraduates, require students to apply for alternate resources, and establish once a year deadlines to apply for tribal support. In FY 2002, the BIA allocated $30 million for scholarships and adult education for all tribes. A decade later that allocation is $32.7 million. Tuition and fees at Oregon State University—a public college—have increased 23.7% in the past five years, while the BIA budget increases was less than 1% for the past ten. The BIA budget for Adult Education and Higher Education for 2011 was $34.4 million, in 2012 it is $32,730 million and they are requesting $$33.2 million for 2013. Based on our experience in Oregon, this request should be at least doubled to $66 million to keep pace with rising costs and meet tribal needs.

To create a minimally viable Education Program the Tribe has to redesign and reduce other program areas. These are difficult decisions to make but necessary as we view education as one of the best investments we can make for the future of our members.

Endangered Species. Tribal lands currently support habitat for three species listed by the federal government as threatened under the Endangered Species Act: marbled murrelet, northern spotted owl, and Oregon Coast coho salmon. Before any ground disturbing activities can occur on Tribal trust land, surveys for each of these species must be conducted and evaluated. We must then consult with one of two federal wildlife agencies (U.S. Fish and Wildlife Service for the murrelet and owl or National Marine Fisheries Service for the coho), both of which require an extensive amount of information prior to consultation and ongoing monitoring during and after implementation of the activity. No money is provided to the Tribe by either of the federal wildlife agencies or the BIA to carry out the surveys, information gathering and monitoring. Yet we are not allowed to harvest timber, build houses, or conduct any other major ground disturbing activities on Tribal trust lands without performing those functions. It is an unfunded mandate that directly impacts the Tribe's ability to govern its own affairs. The total annual cost to employ a Tribal biologist to carry out the needed endangered species functions and to conduct the required surveys is $115,000. $1.248 million was budgeted for Endangered Species in 2011 and this was reduced to $1.245 million in 2012. The BIA is requesting further reduction to $1.234 million for 2013. In FY 2002 the Endangered Species was funded at $3 million. We recommend restoring that funding, allowing for inflation, to $3.5 million to assist Tribes with complying with the Endangered Species Act.

Pre-commercial Thinning. The Tribe currently receives approximately $23,000 a year in Forest Development funds from the BIA. This money must be used for timber stand improvement activities such as reforestation and pre-commercial thinning. If contracted out, this will cover approximately 80 acres of treatment annually. Unfortunately, our current backlog of pre-commercial thinning needs exceeds 1,000 acres. Many other tribes face a similar situation, with extensive backlogs of unfunded projects. Without implementation of these projects, future timber revenues are in jeopardy due to forest health issues of overcrowding, insect attack vulnerability and fire hazard. This has a very direct impact on Tribal self sufficiency. Despite attempts to include funding for these types of projects in the economic stimulus packages, no additional money has been allocated to the BIA or to Tribes to address the backlog of timber stand improvement needs. For the Siletz Tribe, $250,000 would be needed to erase the current pre-commercial thinning backlog.

IHS Contract Health Service (CHS). This program is the most important budget line item in the IHS budget for the Confederated Tribes of Siletz. IHS areas like the Portland Area (with no IHS or tribal hospitals) are 100% dependent on CHS resources to pay hospitalizations and hospital services, including specialty care. Access to Medicare-Like Rates beginning in July 2007 have helped alleviate some of the backlog of cases and relax priorities for a short period; however, sufficient inflationary and population growth funding is critical to maintain current levels of care. Current funding does not begin to address the tremendous backlog of deferred care. Deferred services are those services that, while medically necessary, do not meet current priorities for funding.

Our 2011 CHS program accumulated a Deferred Services List of 278 medical, dental and mental health requests. Surgeries such as carpal tunnel release, rotator cuff repair, knee surgeries, gastric bypass, inpatient psychological treatment, herniated disc repair and hysterectomies are deferred because CHS cannot afford this level of care. Treatment of orthopedic injuries is one of our greatest challenges: thirty-three requests for various types of MRI's have been deferred, including knees, backs, and shoulders. Because CHS cannot afford to pay for surgeries if indicated by the MRI, they are deferred. The unfortunate reality is that it is less expensive to purchase a cane, walker, crutches, back or neck brace than surgically repair orthopedic injuries. We support distribution of CHS dollars with a formula that recognizes that some areas are strongly dependent on this funding source. We recommend $230 million be appropriated for Contract Health Services and the Catastrophic Health Emergency Fund to begin to address some of the backlog of deferred cases.

Contract Support Costs. An increase in contract support costs (CSC) is needed to for tribal governments to assume control of new programs, services, functions, and activities under Self-Determination and Self-Governance. Each year insufficient funds for contract support costs leaves Tribes to address these imposed shortfalls, resulting in reduced services to tribal members. Under contracting and compacting, tribes have increased the quality and level of services to tribal members under these policies. Failure to adequately fund CSC defeats the very programs that appear to be helping improve conditions for American Indians and Alaska Natives. I urge you to fully fund contract support costs for BIA at $212 million and for IHS at $212,592,000 million.

From: Ruth E. McBurney, CHP
Executive Director
Conference of Radiation Control Program Directors, Inc.

Subject: Written Testimony State Indoor Radon Grant Elimination

I am writing today to express serious concerns regarding proposed budget cuts of $12,000,000 by the USEPA to the Office of Radiation and Indoor Air, Radon Program, specifically to the State Indoor Radon Grants.

The Conference of Radiation Control Program Directors, (CRCPD) is a nonprofit organization of state radiation control officers and others interested in the work of radiation protection in the public interest. CRCPD opposes the planned FY13 budget's abolishment of State Indoor Radon Grants (SIRG) because the cut is being made with the false assumption that states can carry on this vital program without federal funding; which is patently untrue. Further, CRCPD feels that cutting funds to one of the most cost effective, results oriented, radiation risk reduction programs, leaves the public unprotected from a carcinogen responsible for 21,000 lung cancer deaths per year[1]. We urge you to restore these funds to keep state and local lifesaving programs in operation.

CRCPD's primary goal is to assure that radiation exposure to individuals is kept to the lowest practical level. Every day, our members are on the front lines protecting the United States public from unnecessary radiation exposures in industry, medicine and the environment. For many years our nation's response to this formidable radiation threat from radon has been grossly underfunded (based on actual risk[2]), but state radon programs have leveraged the approximately 8 million dollar annual federal investment in state assistance with in-kind match to achieve results.

EPA reports that its radon information and reduction efforts, thru its partnerships, have already resulted in saving thousands of lives [3]. It is in fact state and local radon programs and their non-profit partners, funded by SIRG, that are the action arm responsible for that risk reduction. EPA's own data indicate much more effort is needed to catch up to the increasing number of homes with elevated radon concentrations[4]. It is clear to us that these risk reduction efforts will not continue, much less increase, without federal SIRG funding.

The radiation risk to the American public from radon gas is undisputed. The National Academy of Sciences[5], The World Health Organization[6], EPA's own risk assessment[7], the US Surgeon General[8] and the President's Cancer Panel[9] all have taken a strong stance on the importance of getting people to test for radon, mitigate when levels are high and build new homes radon resistant. Radon is the leading environmental cause of cancer mortality in the United States and the seventh leading cause of cancer mortality overall[10]. The Harvard School of Public Health, Center for Risk Analysis, ranked radon as the highest of ten risks of death in homes in the United States, ahead of falls and home fires[11].

Now, EPA is abandoning this highly effective state- and locally-focused risk reduction program. EPA claims that they are not abandoning the radon issue, or the states, but will continue their public information campaigns and work with other federal agencies to reduce radiation risk from radon[12]. The state programs have been the "boots on the ground" in this battle for two decades. Without SIRG funds, state programs will effectively disappear.

By cutting State Indoor Radon Grants, the USEPA has made a rash and inappropriate decision that will significantly impair or eliminate the individual state's ability to respond to this threat. The risk reduction achieved by this very effective and successful program far exceeds that of any other EPA program at a fraction of the cost. EPA's own analysis shows that the new construction cost per life saved (CPLS) is approximately $80,000. The mitigation cost per life saved (CPLS) for existing homes is approximately $400,000[13]. In comparison, the Office of Technology Assessment (OTA) roughly estimated the average cost per life saved at EPA Superfund sites at 5 million dollars each.[14] "The U.S Department of Transportation limits new policies (such as improved guardrails) to $3 million dollars per statistical life saved.[15]" By EPA's own account, the national radon effort has already saved over 6,000 lives (2006) [3]. To cut funding to such a cost effective program is illogical and inexcusable.

State radon program staffs are viewed as unbiased experts familiar with the local conditions and practices. The support that state radon programs provide to consumers results in the delivery of better quality radiation protection services and a stronger, more competent radon service industry. This is a role that neither the federal government, nor the industry or housing generalists can fill. State program staff also fears that the radon service industry, comprised of specialized small businesses, will also disappear as the inevitable decline in the demand for their services occurs. Jobs lost in this specialized industry affect both those workers and the public they serve. Without professional radon mitigators to reduce high radon levels in homes, families remain exposed to this carcinogen. This is unacceptable.

In addition to residential radon issues, state radon programs have been working with education departments and school systems to assess the seriousness of radon in schools[16, 17]. Without state radon programs, schools testing will virtually cease, leaving thousands of teachers and students at risk. There has been recent media attention on school systems that have failed to address the elevated radon levels due to lack of funds[18]. This budget cut will do nothing to improve that situation.

The national radon effort has been a model example of voluntary environmental risk reduction, giving states the latitude to design and implement their response to these serious risks as they deem appropriate. Currently, 44 of the 50 states, 10 tribes, 1 territory and Washington, D.C., receive SIRG funding. Thirteen states license radon practitioners. While nine of these collect fees, contrary to what has been suggested, this does not make them self-sustaining. If SIRG grants end, states that collect fees will use funds collected to offset licensing/certification costs but will, in effect , end all pass-

through to local governments and non-profit organizations. This will end most other parts of the state agencies' radon risk reduction efforts. Without these funded activities at the local level, public demand for radon services is expected to eventually disappear.

For these reasons, CRCPD urges you to restore the federal funding for the State Indoor Radon Grants. Thank for your careful consideration to our comments.

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Lawrence A. Selzer
President and CEO, The Conservation Fund
March 28, 2012

Chairman Simpson, Ranking Member Moran, and members of the Appropriations Subcommittee on Interior, Environment, and Related Agencies, thank you for this opportunity to submit testimony on behalf of The Conservation Fund for the Subcommittee's Public Witness Hearing. The Conservation Fund (TCF) supports full funding of the President's budget request of $450 million in fiscal year 2013 for the Land and Water Conservation Fund (which includes the land acquisition programs of the Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service (FWS), U.S. Forest Service (USFS) and Cooperative Endangered Species Conservation Fund). Additionally, TCF supports full funding of the President's request for the FWS's North American Wetlands Conservation Fund ($39.425 million) and USFS's Community Forest and Open Space Conservation Program ($4 million). In addition, we want to thank the Subcommittee for reauthorizing Federal Land Transaction Facilitation Act (FLTFA) in 2010.

The Conservation Fund (TCF) is a national, non-profit conservation organization dedicated to conserving America's land and water legacy for future generations. Established in 1985, TCF works with landowners; federal, state and local agencies; and other partners to conserve our nation's important lands for people, wildlife and communities. To date, TCF has helped our partners to conserve over seven million acres. These accomplishments are due, in large measure, to the leadership of this Subcommittee over many years to appropriate funds to federal agencies to acquire lands for future generations.

Below are highlights of some benefits of the LWCF and land acquisition programs. While these projects show the tremendous diversity of benefits of land acquisition for the public, they have one thing in common—each of these projects is driven by landowners. Many farmers, ranchers and forestland owners have significant financial equity in their land. By enabling a landowner to sell a conservation easement or fee title, the LWCF program provides landowners with funds to stay in business, reinvest in businesses, or meet other financial goals.

Bureau of Land Management – Land Acquisition: TCF supports the FY 2013 President's Budget request of $33.575 million for the Bureau of Land Management's (BLM) Land Acquisition Program for its "core" and "collaborative" lists, and would like to highlight the following projects:

Upper Snake/South Fork Snake River ACEC, Idaho -- $1.75 million (#4 on core list). Idaho's Upper Snake/South Fork is visited by more than 300,000 people each year to enjoy world-class fishing and floating, abundant wildlife and one of the most scenic rivers in the West, supporting 350 jobs and generating $12 million in income per year. Working in partnership with landowners, this project primarily utilizes conservation easements to protect valuable fish and wildlife habitat and agricultural lands from fragmentation while simultaneously supporting important recreational and tourism opportunities and allowing agricultural lands to remain in production/private ownership.

Cascade-Siskiyou National Monument, Oregon -- $2 million (#6 on core list). An "ecological wonder," supporting thirty-five hundred species, the 54,900-acre CSNM was designated specifically for its extraordinary biological diversity. BLM has worked with private landowners to acquire inholdings within the national monument, but thousands of acres remain in private ownership, closed to public use, and unprotected from development. This project will allow the BLM to purchase high-priority inholdings from timberland owners within Cascade-Siskiyou, complementing BLM's work with past LWCF appropriations.

National Park Service – Land Acquisition: TCF supports the FY 2013 President's Budget proposal of $59.421 million for the National Park Service's (NPS) Land Acquisition Program. I would like to highlight the following from the NPS' "core" list:

National Rivers and Trails Initiative -- $4 million (#2 on core list). This new initiative would assist in the acquisition of numerous, smaller parcels throughout the National Trails System, creating new recreational opportunities and protecting important natural and cultural resources. This initiative will involve the coordination with other federal agencies, such as the U.S. Forest Service and Bureau of Land Management that manage lands crossed by trails.

Civil War Sesquicentennial Units -- $5 million (#1 on core list). These funds will allow for the acquisition of land within the NPS' Civil War battlefield parks. According to the NPS, priority needs exist at Fort Donelson National Battlefield, Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park, Kennesaw Mountain National Battlefield Park, Pecos National Historical Park, Richmond National Battlefield Park, and others park units.

Petrified Forest National Park -- $5 million (#4 on core list). At the request of the National Park Service, TCF is currently working with several willing landowners to acquire key inholdings within the Park, which feature unique paleontological and archeological resources as well as outstanding scenery, riparian resources and wildlife habitat. The over 630,000 annual visitors to the Park contribute over $80 million to the local economy and support over 600 local jobs.

U.S. Fish and Wildlife Service – Land Acquisition: TCF supports the FY 2013 President's Budget proposal of $106.892 million for the U.S. Fish and Wildlife Service's (FWS) Land Acquisition Program for its "core" and "collaborative" lists, including:

Dakota Grasslands, North Dakota and South Dakota -- $2.5 million (#1 on core list). To address the accelerating loss of wetland and grassland habit in the Prairie Pothole region—our nation's "duck factory"—the FWS recently established the Dakota Grassland Conservation Area. LWCF funds will allow willing private landowners to sell conservation easements to the FWS to conserve migratory birds by protecting the region's unique, highly diverse, and endangered ecosystem.

Neches River National Wildlife Refuge, Texas -- $1.0 million (#6 on core list). In 2006, the FWS established the 25,000-acre Neches River NWR to protect habitat for migratory birds of the Central Flyway and bottomland hardwood forests, as well as to provide for compatible wildlife-dependent recreation opportunities. At the request of the FWS, TCF

acquired a 6,715-acre tract that features eight miles of Neches River frontage, dense bottomland hardwood forest, and numerous oxbows and ponds. The FWS has an approved appraisal of the property and TCF has raised significant private funds to provide excellent leverage for the requested federal funds of $1 million in FY 2013.

Rocky Mountain Front Conservation Area, Montana -- $19.742 million (Collaborative list). As part of the Crown of the Continent Collaborative Landscape Planning Project, this project will allow TCF to continue working in close partnership with the FWS, The Nature Conservancy and local ranchers to acquire conservation easements along the Rocky Mountain Front, a spectacular range that runs from just north of Helena to Glacier National Park. This voluntary conservation project will allow local ranchers to expand and strengthen their ranching operations while conserving vital wildlife habitat for grizzly bear and a range of other important species. Tens of millions of private philanthropic dollars are helping to further advance this effort for ranching families and wildlife and leverage federal funding.

Okefenokee National Wildlife Refuge, Georgia -- $13.636 million (Collaborative list). As part of the Longleaf Pine Collaborative Landscape Planning Project, the FWS is seeking funds to acquire timber and recreation rights from a timberland owner on 16,000 acres within the Okefenokee National Wildlife Refuge. In addition, these funds, if appropriated, would enable FWS to acquire 7,000 acres fee land from TCF. If approved, FWS will be able to restore the site to the native longleaf pine system and to increase the population of the endangered red-cockaded woodpecker, a bird of older growth pine stands. Additionally, the lands will provide a critical fire buffer and allow for the long-term adaptive management of the fire-based plant community through the use of prescribed fire.

U.S. Forest Service – Land Acquisition: TCF supports the FY 2013 President's Budget proposal of $57.934 million for the U.S. Forest Service's (USFS) Land Acquisition Program for its "core" and "collaborative" lists. I particularly want to highlight the following:

North Carolina Threatened Treasures -- $1.25 million (#13 on core list). TCF, the Trust for Public Land, Southern Appalachian Highlands Conservancy and Carolina Mountain Land Conservancy and other groups are working with the USFS to conserve critical lands in National Forests in North Carolina. One such project is the 753-acre Backbone Ridge project, which is located near the Blue Ridge Parkway, Grandfather Mountain State Park and surrounded on three sides by the Pisgah National Forest adjoining the Forest for almost ten miles. The property will provide a gateway for hiking in a network of protected federal and state lands. The USFS is seeking $4.5 million over several years to acquire a portion of the property, while the State of North Carolina seeks to acquire the balance as a state forest.

LWCF State Grant Programs: In addition to these federal LWCF projects, we wish to highlight the LWCF state grant programs and encourage the Subcommittee to give consideration to fully funding the President's FY 2013 budget request for:

- FWS' Section 6 Cooperative Endangered Species Conservation Fund -- $60 million
- USFS' Forest Legacy Program - $60 million; project highlights include:
    - South Boulder Creek Watershed/Toll, Colorado (#1) - $5 million
    - East Grand/Orient, Maine (#5) - $1.8 million

- Gilchrist State Forest, Oregon (#6) - $3 million
- East Fork of French Broad Headwaters/Taylor, North Carolina (#7) - $3 million
- Blood Run National Historic Landmark Area, South Dakota (#10) - $1.205 million
- Eagle Rock/Michaux State Forest, Pennsylvania (#12) - $1.5 million

Priority Land Acquisition Programs: Additionally, TCF encourages the Committee to fund:

- FWS' North American Wetlands Conservation Fund -- $39.425 million
- USFS' Community Forest and Open Space Conservation Program -- $4 million

Reprogramming Authority: We support the FY 2013 President's Budget request to allow the BLM, USFWS, NPS and USFS to re-allocate past unspent LWCF funds, i.e., "allocate either greater or lesser amounts than those specified under the heading 'Congressionally Directed Spending' accompanying Public Law 111–8 and in the table entitled 'Incorporation of Congressionally Requested Projects' in the joint explanatory statement of managers accompanying Public Law 111–88 within the construction, land acquisition, or capital improvement and maintenance accounts when necessary to complete projects based on the original project scope or to utilize excess funds available after completion of a project on other projects within the same account, in consultation with the House and Senate Committees on Appropriations." The proposed language is necessary to allow the agencies to re-allocate funds to needed areas.

Federal Land Transaction Facilitation Act Reauthorization (S. 714/H.R. 3365): Mr. Chairman, we are grateful for your co-sponsorship of Rep. Lummis' legislation (H.R. 3365). The FLTFA program is now expired and we support the FY 2013 President's Budget request to reauthorize this important program that provides conservation funding for the West, at no cost to the taxpayer. Through FLTFA's "land for land" program, BLM sells land identified for disposal to ranchers, farmers, businesses and others to consolidate land ownership, create jobs, support economic development and increase revenues to counties by putting land on the tax rolls. These sales generate funding for BLM, USFS, NPS and USFWS to acquire critical inholdings from willing sellers in certain designated areas, which often complements LWCF, NAWCA and other public and private funding. The sales provide revenue for federal agencies to acquire high-priority lands with important recreational access for hunting, fishing, hiking, boating, other activities, as well as properties with historic, scenic and cultural resources. Over 90 groups are working together to support Congress' efforts to reauthorize FLTFA.

We are grateful for the Subcommittee's leadership in the FY 2012 appropriations process to support the LWCF program. Thank you for your consideration of this request.



Evan Hirsche, Chair
Cooperative Alliance for Refuge Enhancement
1250 Connecticut Ave. NW, Suite 600
Washington, D.C. 20036

TESTIMONY OF THE
COOPERATIVE ALLIANCE FOR REFUGE ENHANCEMENT (CARE)
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
REGARDING FISCAL YEAR 2013 APPROPRIATIONS FOR THE
NATIONAL WILDLIFE REFUGE SYSTEM

March 28, 2012

Chairman Simpson, Ranking Member Moran, and Members of the Subcommittee:

Thank you for the opportunity to offer comments on the fiscal year 2013 (FY 2013) Interior Appropriations bill. The National Wildlife Refuge System stands alone as the only land and water conservation system with a mission that prioritizes wildlife and habitat conservation and wildlife-dependent recreation. Since 1995, the Cooperative Alliance for Refuge Enhancement (CARE) has worked to showcase the value of the Refuge System and to secure a strong Congressional commitment for conserving these special places. Located in every U.S. state and territory, refuges conserve a diversity of America's environmentally sensitive and economically vital ecosystems, including oceans, coasts, wetlands, deserts, tundra, prairie, and forests. We respectfully request a funding level of $495 million for the Operations and Maintenance accounts of the National Wildlife Refuge System for FY 2013.

This testimony is submitted on behalf of CARE's 22 member organizations, which represent approximately 15 million Americans passionate about wildlife conservation and related recreational opportunities.

American Birding Association
American Fisheries Society
American Sportfishing Association
Association of Fish and Wildlife Agencies
Congressional Sportsmen's Foundation
Defenders of Wildlife
Ducks Unlimited, Inc.
Izaak Walton League of America
Marine Conservation Institute
National Audubon Society
National Rifle Association
National Wildlife Federation
National Wildlife Refuge Association
Safari Club International
The Corps Network
The Nature Conservancy
The Wilderness Society
The Wildlife Society
Trout Unlimited
U.S. Sportsmen's Alliance
Wildlife Forever
Wildlife Management Institute

Although CARE strives to make steady progress toward funding the Refuge System at $900 million annually, a budget that more accurately reflects demands on the ground, our request of $495 million for FY 2013 essentially maintains the Refuge System at a flat funding level. It includes only a modest increase over the FY 2012 appropriation in order to keep fuel in the trucks, pay for rising utilities and building rent, and cover other fixed costs. The Refuge System generally requires an annual increase of at least $15 million to offset these rising costs, but our request for approximately $8 million in additional funding for FY 2013 accounts for the current salary freeze for federal employees.

An appropriation of $495 million in FY 2013 would stabilize the workforce by keeping workforce downsizing plans securely on the shelf, thereby reducing pressure on the U.S. Fish and Wildlife Service (FWS) to cut refuge staff below already insufficient levels. It would enable refuge staff to continue making progress toward protecting and restoring America's wildlife and habitat, and providing a positive experience for nearly 46 million annual visitors who use refuges for hunting, fishing, watching wildlife, and educational and interpretive programs.

This funding would also allow the Refuge System to continue its recently initiated inventory and monitoring program. The need for this program was made clear by the Deepwater Horizon oil spill, which forced FWS staff to hastily catalog the assets of Gulf Coast refuges in order to recoup the cost of damaged resources from responsible parties. Without adequate baseline data, most refuges are ill-prepared to assess or respond to such impacts, and the inventory and monitoring program is needed to fill the widespread information gaps that exist across the Refuge System.

Many years of inadequate budgets have left the Refuge System's Operations and Maintenance backlog at nearly $3.2 billion. While budget increases in FY 2008 through FY 2010 helped immensely, too many visitors still show up to find roads and visitor centers closed, viewing platforms and hiking trails in disrepair, and habitat restoration and nature education programs eliminated.

Annual budgets that do not cover fixed costs are particularly harmful because the Refuge System is already stretched thin responding to damages from natural disasters. From fiscal years 2005-2011, the Refuge System sustained $693 million in damages from natural disasters including hurricanes, flooding, tornadoes, fires, a tsunami, and an earthquake. The damages in 2011 alone were almost $200 million, approximately 40% of the Refuge System's operations and maintenance funds for the year. Of the $693 million in damages, Congress appropriated $254 million in emergency supplemental funding, but the remaining $439 million has been added to the Refuge System's $2.5 billion deferred maintenance backlog.

Today, more than 35% of America's national wildlife refuges have no on-site staff, leaving no one to unlock gates, teach schoolchildren, administer hunting programs, or carry out restoration projects. Refuges with only one or two staff lack the capacity to partner with interested stakeholders, and opportunities for volunteer involvement and leveraging of additional dollars are lost. Non-native, invasive plants have infested approximately 2.5 million acres, and only 10 percent of this acreage was treated in 2011. Further, a crippling shortage of law enforcement officers has left refuges sorely under-protected from illegal activities such as drug production and trafficking, wildlife poaching, illegal border activity, assaults, and many types of natural resource violations. Currently, only 244 full-time law enforcement officers are tasked with managing the 150 million acre System – the

equivalent of one officer per 650,000 acres – which an independent analysis recommends be patrolled by a force of 845 professional officers. For instance, one officer in the Pacific Region is responsible for covering nearly 54,000,000 acres of the Refuge System alone.

National wildlife refuges are critically important on local and regional scales. According to data from a recent report by Southwick Associates, the Refuge System generates $8 in economic activity for every $1 appropriated by Congress. Further, more than 32,500 American jobs are attributed to recreation on refuges. And, as stated in the fiscal year 2013 budget justification for the U.S. FWS, "On a national level, each $5 million invested in the Refuge System's appropriations (salary and non-salary) impacts an average of 83.2 jobs, $13.6 million in total economic activity, $5.4 million in job-related income and $500,000 in tax revenue. Each one percent increase or decrease in visitation impacts $16.9 million in total economic activity, 268 jobs, $5.4 million in job-related income, and $608,000 in tax revenue. Therefore, maintaining a healthy visitor program at national wildlife refuges is vital to the economic well-being of communities all across the nation."

Refuges also provide important environmental and health benefits, such as filtering storm water before it runs downstream to municipal water supplies and, in many areas, reducing flooding by capturing excess rainwater and attenuating coastal storm surges. The Southwick Associates report states that in 2010, refuges generated more than $32.3 billion in these ecosystem services, a return of over $65 for every $1 appropriated by Congress.

Refuges are vital places for the American people to connect with nature and get involved. Currently, refuge Friends groups and volunteers do approximately 20% of all work on refuges. In 2011, these 1.5 million hours equated to roughly 8 volunteers for every 1 refuge employee, or the equivalent of almost 650 full-time employees. Without staff to oversee volunteers, their commitment and passion is lost, as is their desperately needed contribution to the Refuge System.

Funding increases in FY 2008 through FY 2010 allowed for meaningful progress toward properly patrolling and enforcing laws on the Refuge System's 150 million acres, maintaining recreation and education programs for the public, sustaining high water quality, completing habitat restoration projects, and more, although our new marine monuments comprising one-third of the Refuge System largely remain a major unfunded need. Cutting Operations and Maintenance funding back to FY 2008 levels would result in the elimination of several hundred staff positions and loss of important wildlife management, education, and hunting and fishing programs. The way to keep from reversing recent progress is to fund the Refuge System at $495 million in FY 2013.

On behalf of our more than 15 million members and supporters, CARE thanks the Subcommittee for the opportunity to offer comments on the FY 2013 Interior Appropriations bill and we look forward to meeting with you to discuss our request.

DANCE USA

Written Statement of
Amy Fitterer, executive director, Dance/USA

Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations United States House of Representatives

The Importance of Funding for the National Endowment for the Arts (NEA)
March 28, 2012

Mr. Chairman and distinguished members of the subcommittee, Dance/USA is grateful for this opportunity to submit testimony on behalf of our members across the United States. **We urge the Committee to designate a total of $155 million to the National Endowment for the Arts (NEA) for FY 2013.** This testimony is intended to highlight the importance of the federal investment in the arts to sustaining a vibrant cultural community to our national character.

Dance/USA, the national service organization for not-for-profit professional dance, believes that dance is essential to a healthy society, demonstrating the infinite possibilities for human expression and potential, and facilitating communication within and across cultures. Dance/USA sustains and advances professional dance by addressing the needs, concerns, and interests of artists, administrators, and organizations. By providing services and national leadership, Dance/USA enhances the infrastructure for dance creation, education and dissemination. To fulfill its mission, Dance/USA offers a variety of programs, including data research and regional professional development, and works with organizations within and outside the arts field with whom common goals are shared. Dance/USA's membership currently consists of over 450 ballet, modern, ethnic, jazz, culturally specific, traditional and tap companies, dance service and presenting organizations, artist managers, individuals, and other organizations nationally and internationally. Dance/USA's member companies range in size from operating budgets of under $100,000 to over $50 million.

The NEA makes it possible for everyone to enjoy and benefit from the performing arts. Before the establishment of the NEA in 1965, the arts were limited mostly to a few big cities. The Arts Endowment has helped to strengthen regional theater, opera, ballet and other artistic disciplines that Americans now enjoy. NEA funding provides access to the arts in regions with histories of inaccessibility due to economic or geographic limitations. The Endowment embodies the ideal that no one should be deprived of the opportunity to have art in their lives. The Arts Endowment has helped the arts become accessible to more Americans, which in turn has increased public participation in the arts.

Despite diminished resource, the NEA awards more than 1,000 grants annually to nonprofit arts organizations for projects that encourage artistic creativity. These grants help nurture the growth and artistic excellence of thousands of arts organizations and artists in every corner of the country. NEA grants also preserve and enhance our nation's diverse cultural heritage. The modest public investment in the nation's cultural life results in both new and classic works of art, reaching the residents of all 50 states.

NEA grants are instrumental in leveraging private funding. On average, each dollar from an NEA grant generates at least eight dollars from other sources. Government cultural funding plays a catalytic leadership role that is essential in generating private support for the arts.

The NEA is a great investment in the economic growth of every community.
The return of the federal government's small investment in the arts is striking. The nonprofit arts industry generates $166.2 billion annually in economic activity, supports 5.7 million full-time equivalent jobs, and returns $12.6 billion to the federal government in income taxes. Measured against direct federal cultural spending of about $1.4 billion, that's a return of nearly nine to one. Few other federal investments realize such economic benefits, not to mention the intangible benefits that only the arts make possible. Even in the face of tremendous cutbacks in recent years, the NEA continues to be a beacon for arts organizations across the country.

NEA Grants at Work
NEA grants are awarded to dance organizations through its core programs: Art Works; Challenge America Fast Track Grants; and Federal/State Partnerships. The following are some examples of the impact of NEA funding on dance programs from the NEA's 2012 Art Works Program:

Alabama Dance Council
Birmingham, AL
$10,000
To support the presentation of the 2012 statewide Alabama Dance Festival that will feature performances by Ronald K. Brown's Evidence: A Dance Company and Brazz Dance Theater, showcases of Alabama dance companies, pre-professional and professional master classes, professional dance development workshops, summer intensive auditions, and dance education workshops.

Ballet Hispanic of New York
New York, NY
$20,000
To support the creation and presentation of a new work by artistic director Eduardo Vilaro. The work, titled Reina, will be inspired by the music of Celia Cruz, the Queen of Salsa.

Chicago Dancing Festival
Lombard, IL
$10,000
To support the presentation of local and national dance companies as part of the 2012 Chicago Dancing Festival. Activities include performances, open rehearsals, open company classes, and moderated lecture-demonstrations.

Nai-Ni Chen Dance Company
Fort Lee, NJ
$10,000
To support dance performances and education and outreach activities based on the ancient legends and folklore of the Chinese dragon. The project includes curriculum guides for students and teachers.

Ragamala Dance
Minneapolis, MN
$20,000

To support the creation and presentation of a new work, titled 1001 Buddhas, inspired by the 12th-century Sanjusangendo temple in Kyoto, Japan, famous for its 1001 life-sized statues of Kannon, the Buddhist Goddess of Mercy.

San Francisco Ballet Association
San Francisco, CA
$70,000
To support the creation and presentation of new works by several choreographers including: Yuri Possokhov, Wayne McGregor, Mark Morris, and Christopher Wheeldon. The project includes audience engagement activities such as matinees for students and seniors, reduced-price tickets, pre-performance discussions, podcasts, and lectures.

Trey McIntyre Project
Boise, ID
$15,000
To support the creation and presentation of a new work, by choreographer Trey McIntyre. The dance will be the third piece in an autobiographical trilogy and is inspired b y the 1970's show Free to Be You and Me.

The Non-Profit Professional Dance Community
America's dance companies perform a wide range of styles and genres. These include both classical and contemporary ballet, classical and contemporary modern, as well as jazz, tap, cross-disciplinary fusions and traditional to modern work rooted in other cultures. Over two-thirds of America's professional dance companies are less than 45 years old; as an established art form with national identity and presence, dance has burst onto the scene almost entirely within living memory. And yet, American can boast some of the greatest dance companies of the world and can take credit for birthing two indigenous dance styles – tap and modern dance.

One key to this spectacular achievement has been the creation of a national marketplace for dance. When the National Endowment for the Arts instituted its Dance Touring Program in the 1970s, great dance became accessible to every community in America. What used to be a handful of professional companies and a scattering of "regional" dance has become a national treasure spread across cities and through communities, schools and theaters in all 50 states. Based on data from almost 300 nonprofit dance companies from across the United States, Dance/USA estimates that dance companies:

- Employed over 12,800 people in a mix of full-time and part-time positions;
- Paid approximately $316 million in wages and benefits;
- Earned 178.9 million, or 30% of their income, from performances;
- Received $235.7 million, or 47% of their income in contributions (including public support, corporate contributions, foundation support, and individual donations);
- Generated more than $585 million in economic activity across the United States.

Conclusion
Despite overwhelming support by the American public for spending federal tax dollars in support of the arts, the NEA has never recovered from a 40% budget cut in the mid-nineties and found its budget further decreased by $22 million in the past two year, leaving its programs seriously underfunded. **We urge you to continue toward restoration and increase the NEA funding allocation to $155 million for FY13.**

On behalf of Dance/USA, thank you for considering this request.

Dance/USA
1111 16th Street, NW
Suite 300
Washington, D.C. 20036
202.833.1717

Debra Greenman, Cancer Survivor
Cancer Survivors Against Radon (CanSAR) member.

I am writing concerning the EPA's 2013 funding budget for the Radon Division of the Office of Radiation and Indoor Air Quality. From what I understand, the EPA's draft budget for 2013 would virtually eliminate all regional and headquarters radon staffing and state program grants. The EPA is walking away from radon risk reduction, its moral duty, and its legal obligation to the public.

I am a 55 year old 3rd grade teacher who has lived a healthy life style. I have never smoked, never lived with smokers and never worked in a smoking environment, yet I was diagnosed with lung cancer in December of 2008. I was shocked, and so I started researching to find out how I ended up with lung cancer. I found out that radon is the leading cause of lung cancer in nonsmokers.

I immediately bought a radon test kit and tested my home (the kit cost us $10). The results came back at over 250 pCi/L. The EPA recommends that people fix their homes when the radon level is between 2 pCi/L and 4 pCi/L.

The problem is that most people do not know if they have a radon problem in their home. When we bought our home five years ago, we had no idea that radon was such a problem in our area (we live 30 miles north of Spokane, WA). We had a home inspection done, but a radon test was not required or even suggested. Once we knew about the toxically high concentration of radon in our home, the fix was easy. Forty eight hours after the radon ventilation fan was turned on, the radon level dropped to average 1 pCi/L. The cost for a home with our severe problem was about $2500. This was only a fraction of the cost of my lung surgery and the cost of hiring a substitute to teach my class for two months. You see, I was fortunate, my lung cancer was found while still in stage 1 through an unrelated lung x-ray. My prognosis is great and I am back to teaching.

Throughout this process, I was in contact with the Radon Office in the Washington State Department of Health. Michael Brennan, who is ahead of that office, provided me with many pamphlets and brochures produced by the Radon Division of the EPA, which I utilized to educate myself, my family and others in my area. I have handed out pamphlets at health fairs, community events, fun runs, medical offices, schools, churches and Relay for Life events.

In 1988, a federal law was passed–the Indoor Radon Abatement Act—which stated that our government would protect the citizens from radon gas with state radon programs providing education and awareness. I urge you to continue the existence of a fully funded Radon Program in the EPA and to protect our citizens against radon.

Sincerely yours,

Debra J. Greenman
4571 Woodland Shores Dr.
Loon Lake, WA 99148
jdgreenman@air-pipe.com

The Environmental Council of the States
Written Testimony to
House Subcommittee on Interior, Environment and Related Agencies
Regarding 2013 EPA Budget
March 12, 2012

Summary: States are concerned about the decline in federal support of the environmental work that states do on the federal government's behalf. States are particularly concerned over declines in the State and Tribal Assistance Grants (STAG), and its two components: the Categorical Grants and the State Revolving Funds. States are also concerned about Congress and the U.S. Environmental Protection Agency's (EPA) rescission of funds that are only recently awarded and/or awarded (but not yet spent) for projects that are expected to last at least five years.

For more information please contact:

Thomas S. Burack, President
Environmental Council of the States (ECOS)
c/o R. Steven Brown
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202-266-4929

Testimony: The states' environmental agencies operate nearly all of the permitting, inspections, enforcement, monitoring, and data collection, (and some of the standard setting as well) on behalf of EPA, through the system commonly called "delegation." EPA has delegated to states as of April, 2011: 50 of the 50 state air programs, 49 of the 50 state drinking water programs, 46 of the 50 state water permitting programs, and 48 of the 50 hazardous waste programs[1]. States also operate many other smaller programs on behalf of EPA, such as radon, lead abatement, beaches, and pesticides.

ECOS research shows that the states pay about 80% of the cost of running these delegated federal programs. In a typical state about 20% of the funds spent to implement a delegated program come from the categorical grants portion of STAG, about 18% from the state general fund, and the other 62% from permit fees or dedicated state funds[2]. In recent years, the state general fund portion and the categorical grant portion has declined. The total amount of categorical grants (i.e., federal) funding provided to the states to implement federal laws has declined since 2004 from $1.176 billion to $1.09 billion in 2012. EPA issues at least 28 new rules that affect states every year – year after year.[3] The Categorical Grants portion of STAG supports our work to implement federal programs, and therefore is of top importance to states.

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[1] *Delegation by Environmental Act*, ECOS, November 2010. http://www.ecos.org/section/states/enviro_actlist
[2] *Status of State Environmental Agency Budgets, 2009-2011*, by Brown and Fishman, ECOS, August 2010, page 6.
[3] *Annual Number of New EPA Rules that Impact States: A Five Year Snapshot*, ECOS. In press, March 2012.

Now let us turn to the State Revolving Funds (SRFs). ECOS is on record asking Congress to fully fund and reauthorize the Clean Water State Revolving Loan Fund[4]. We also support the Drinking Water State Revolving Loan Fund. We recognize that the President's 2012 budget proposal cuts funding to the SRFs. While we would prefer not to see those cuts, we recognize that many in Congress and elsewhere want to reduce federal spending, and that these large funds are a conspicuous place to do so within EPA's budget. We also acknowledge that the SRFs got a significant one-time boost from the American Recovery and Reinvestment Act of 2009. We remind the Committee that while a cut to the SRF is technically a cut to EPA's budget, it is in reality a cut to the states and the local governments, and results in a reduction in the amount that these governments have to comply with federal mandates. The SRF cuts proposed in the 2013 budget continue a recent trend that we do not think is sustainable if Congress wants communities, both urban and rural, across out nation to continue to meet Clean Water Act goals.

We note that although the SRFs are cut again in the 2013 proposal, they are not yet eliminated. However, the Budget Control Act mandatory sequestration cuts loom over the STAG funding. Sequestration may mean that the SRFs are cut another 9% or so beyond that proposed in the President's budget on January 2, 2013. Furthermore, states are concerned that Congress, the Office of Management and Budget, or both, may seek to "zero out" the SRFs as a part of the effort to reduce trillions of dollars in federal spending over the next nine years. ECOS does not believe that the SRFs are "fully funded" yet, and neither does the US EPA.[5] Continued reduction or elimination of this program will be a significant step backward for environmental protection in our nation, with those hardest hit being small and moderate-sized towns and cities.

States are also concerned about the rescission of previously awarded funds which states committed to projects. Congress directed EPA to report quarterly on the status of appropriations beginning in January 2012, including information on "obligated but unexpended" balances by source year. Appropriations balances are comprised of both unobligated (UO) funds from EPA to states and other recipients, and unliquidated obligations (ULO) that represent those awarded funds for which states and other grant recipients have not requested draw-downs.

EPA obligates funds at the start of a grant period. States only draw down (liquidate) grant funds after the actual work has been performed. Depending on the grant program, states may have contractually obligated grant funds to a sub-recipient, such as a local government, for various projects. While funds may have been contractually obligated by the state, funds are only drawn down when a state completes a phase of work, or a local government submits an invoice to the state (often after it has received one from a contractor). At that time the state submits a payment request to EPA. States wish to stress to the U.S. Congress that grant funds within an open grant budget and project period are being managed in a prudent manner consistent with plans and schedules approved by EPA at the outset. Although entitled "unliquidated obligations", most are obligated, just not expended for the reasons given. Rescission of these

[4] "Congress Should Reauthorize and Fully Fund the CW SRF", ECOS Resolution 08-1, March 29, 2011. 4391_file_08_1_CWSRF_2011_version.doc

[5] *Clean Watersheds Needs Survey (CWNS) 2008 Report to Congress*, US EPA, and *2009 Drinking Water Infrastructure Needs Survey and Assessment*, US EPA.

funds interrupts the purposes for which they were intended and may cause states and cities to have doubt about the reliability of the federal award.

Two things must occur before a state can commit federal funds to a project: 1) U.S. Congress must pass a budget or continuing resolution; 2) EPA must make a grant award to a state. EPA often makes a grant award 6-9 months or more into a federal fiscal year. Funds are expected to be expended over a full year, or longer, depending on the specific grant program. It follows that state grant awards made late in the first year of an appropriation would result in large unexpended balances (i.e., ULO) in the first year. More than half of the 2011 ULO balance was from money only recently awarded to states.

EPA's data from the end of fiscal year 2011 reflected that for ULO categorical grant balances older than FY 2011, roughly 60 percent came from Clean Water Act Section 319 (h) grants in the State and Tribal Assistance Grants (STAG) account. The remaining 40 percent of the categorical grant ULO balance was spread over 24 different program grants to state environmental agencies, state agricultural agencies, tribes, or local governments. The two SRFs also have significant balances. The largest ULO state grant balances are from these three grant programs.

These three grant programs (319, CWSRF, DWSRF) award monies for multi-year efforts, lasting up to 5 - 7 years. Typically, these grants include an additional level of awards to sub-recipients and therefore sub-reporting and balances beyond the first year are to be expected. While the biggest ULO balances are from grants that are multi-year efforts, it is important to remember that, in addition to improving water quality, these funds yield improvements to vital public health infrastructure, provide jobs and improve living conditions in communities across our nation.

States and EPA are discussing ways to both speed grant awards and outlays of state grant funds. A formal workgroup began meeting in February 2012 to develop a new policy to shorten the time it takes EPA to make awards to states beginning with fiscal year 2013. States hope that the institution of this policy will serve to shorten the timeframe EPA takes to make grant awards to match those of other agencies.

An EPA report on the 319 program found that "on a nationwide basis, the rate of expenditure is generally increasing with each new year of funding." [6] The report notes that in the fifth year of the grant, states improved from 87.18% in 2002 to 94.7% in 2006 of cumulative funds awarded to states and expended nationwide (including carryover funds). The report also notes that "funds expended in years three through five of the grant ... were used to implement on-the-ground watershed projects which take more time to implement." These faster spending trends are promising and more progress can and should be made. A closer look at 319(h) grants may offer some insights.

[6] *A National Evaluation of the CWA Section 319 Program*, EPA; submitted to the Office of Management and Budget on November 14, 2011.

EPA and states agree that nonpoint sources pose the greatest remaining threat to the nation's water quality. A closer look at state 319(h) efforts sheds light on the many steps involved in project application and completion.

As an example, in Illinois it takes the state 11 months to receive EPA 319(h) grant approval. In August, prior to the start of a new federal fiscal year, the state reviews applications from potential 319 awardees in response to the state's request for proposal (RFP). Following state review, the EPA regional office (RO) completes a technical review and comment. Once the state responds to comments and the RO approves technical aspects of the workplan, and following the U.S. Congress budget enactment or continuing resolution, EPA provides the state with its funding allocation, the state submits its formal application, and finally EPA approves the state grant award in August (of the following year). EPA's grant approval to the state is the beginning of the state's process to make sub-awards. Obviously, there is a lengthy process that must take place before on-the-ground work begins.

In states such as Nebraska and Iowa where best management practices (BMPs) are installed on agricultural lands, if there are delays in state grant approval and if the fall/spring construction period is missed, little work can get done during the growing and harvest seasons when there is no field access to install BMPs. As states conduct annual RFP processes, until selected, there is no assurance of project funding. Without assurance, a potential recipient would be unlikely to proceed with preliminary work, such as engineering, before the state made a sub-award. Delays in preliminary activities may lead to delays in initiation of BMP installation.

For FY 2012, state applications will likely be delayed by EPA's interim guidance.[7] EPA developed this based on a report where EPA recommended "that more consistent use of satisfactory progress determinations should be used to assess state progress in implementing the 319 program."[8] The interim guidance instructs EPA regional offices to use the guidance in their deliberations in advance of making FY 12 grant awards.

For the three grant programs with the largest ULO balances, guidance has only just been issued (as of March, 2012) for FY 2012. States must address this guidance prior to state grant application submittal. In addition, EPA must give states their allocation funding amount before states can submit an application. EPA notes that it will provide states their funding amounts when these decisions are final for the Clean Water SRF program, but as of early March 2012, the agency's decision on how the rescission will be implemented is still pending. New guidance and receipt of funding allocation amounts impact these FY 2012 grants and they are unlikely to be awarded until summer 2012. This will cause another large ULO.

States understand that there may be uncommitted funds that are "old" and that are ripe for rescission. However, we do not believe that 319 and SRF funds that states have committed to viable projects – but which are not yet spent – should be candidates for rescission, and we collectively oppose this practice. We pledge to work with EPA and Congress to address the concerns that have been raised with respect to unobligated funds and unliquidated obligations.

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[7] "Interim Guidance and Checklist for Determining Progress of State Nonpoint Source Management Programs," EPA, released on February 24, 2012.
[8] Ibid., *A National Evaluation of the CWA Section 319 Program.*

March 28, 2012

Tom Trotta, President
Friends of the Florida Panther Refuge, Inc.
c/o U.S. Fish and Wildlife Service
3860 Tollgate Boulevard
Suite 300
Naples, Florida 34114

Testimony of the Friends of the Florida Panther Refuge
Before the House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies Regarding Fiscal Year 2013
Appropriations for the National Wildlife Refuge System

Chairman Simpson, Ranking Member Moran, and Members of the Subcommittee:

Thank you for the opportunity to offer comments on the fiscal year 2013 (FY 2013) Interior Appropriations bill. The Friends of the Florida Panther Refuge is a non-profit volunteer organization that works to support the 26,400-acre refuge established in southwest Florida to protect the critically endangered Florida panther and its habitat.

Refuge managers at the Florida Panther National Wildlife Refuge are challenged by a variety of funding shortfalls to fully carry out habitat restoration, invasive species control, prescribed burning, baseline and updated inventories, education/interpretation, acquisition of outparcels and expansion, law enforcement, as well as technical assistance and collaborative efforts across boundaries with private land owners. For example, as a result of cuts to the refuge's fire budget, several fire technician vacancies have not been filled, which significantly limits burning the desired acreage to maintain and restore habitat for the Florida panther, its prey and the many other species found within its natural community.

Understanding the difficult economic realities, we respectfully request a funding level of $495 million for the Operations and Maintenance accounts of the National Wildlife Refuge System for FY 2013 that would essentially maintain the Refuge System at a flat funding level, given increasing fixed operating costs.

On behalf of our members and supporters, the Friends of the Florida Panther Refuge thanks the Subcommittee for the opportunity to offer comments on the FY 2013 Interior Appropriations bill and we appreciate your full consideration of the aforementioned funding level.

Daniel D. Price
President, Friends of the Little Pend Oreille National Wildlife Refuge
768 Joseph Jessica Rd.
Colville, WA. 99114

TESTIMONY
FOR THE HOUSE APPROPRIATIONS SUBCOMMITTE ON THE INTERIOR,ENVIRONMENTAND RELATED AGENCIES
CONCERNING FISCAL YEAR 2013 APPROPRIATIONS

Chairman and Members of the Subcommittee:

The Friends of the Little Pend Oreille National Wildlife Refuge (FLPONWR) and its members would like to thank you for this opportunity to testify before the Subcommittee concerning the funding of the Refuge system for fiscal year 2013. We ask you to support the Presidents funding proposal for the Refuge system and the Fish and Wildlife Service. We feel that any less funding could have negative impacts on the Refuges ability to protect and enhance the environment and wildlife within the Refuge System. Less funding would also impact local economies, jobs, recreation and environmental education. The Little Pend Orielle NWR (LPONWR) is a unique Refuge that needs your support.

I know you have seen testimony of the impact the budget will have on the system as a whole I will try and outline the impacts that the budget has on an individual refuge in hopes of giving you a better understanding of the effects on local communities and economies.

THE LITTLE PEND OREILLE WILDLIFE REFUGE

The LPONWR is located in the Northeast part of Washington State near the small city of Colville. The LPONWR is just over 40,000 acres and is the only mountainous mixed conifer refuge in the lower 48. It also has several small lakes, ponds, streams, marshes and the Little Pend Oreille river that support a wide variety of wildlife from songbirds, Woodpeckers, and waterfowl to bears, bobcats, elk, moose and White tailed deer. Interestingly the protection of the White tailed deer was one of the main reason for the establishment of the refuge. The refuge is considered critical winter habitat for the deer. Small amphibians, small reptiles, butterflies, dragonflies are also important parts of the refuges ecosystem.

The refuge also comprises large stands of ponderosa pine which have very little protection outside of the refuge. The protection of the pine habitat is of critical importance to the future of the White tailed deer and the other species that are connected to this habitat.

VISITATION AND ECONOMICS

The LPONWR has about 50,000 visitors per year who enjoy activities such as bird watching, hiking, camping, mountain biking, hunting, horseback riding and hunting. Not only do people enjoy these activities but they are also a positive contribution to the local economies. According to the 2004 "Banking on Nature" economic study the refuge visitors had a "final economic demand," to the local economy, of almost $3.7 million and helped to generated 42 jobs (a significant number in this rural community). If you compare this to the refuge budget there was "$3.82 of recreational benefits for every $1 of refuge expenditures." All in all a good investment.

RESOURCE PROTECTION

The LPONWR has only one full time law enforcement officer and one officer who also works out of the Turnbull NWR over 100 mile away. One full time and one part time officer for a refuge of 40,000 acres is a bit inadequate and if we were to loose even the part time position there would be an even greater problem protecting the environment, wildlife and visitors.

Illegal hunting and poaching is a problem in our area and would continue to be a problem (or increase) if we were to loose any law enforcement. Myself I have found illegal bait stations, illegal salt blocks, and permanent tree stands throughout the refuge. Enough have been found that the staff cannot investigate anywhere near all of them. The wildlife needs the protection for future wildlife viewers and hunters as well as the very future of the wildlife. Just imagine the effect if some poached are rare species, such as a lynx in an area that on has one confirmed lynx?

The Offices are also needed to help with illegal off road use which is a large problem in our area. Thus far the LPONWR has not had as many problems as the surrounding Colville N.F. Any reductions is officers could have a negative affect.

Law enforcement officers are also important to educating the public on the rules of the refuge and are also helpful in day to day contact with the public. As the staff is so small at the refuge the law enforcement officers are the only staff on the refuge the majorities of the weekends.

Lastly the law visibility of the law enforcement officers provide a level of comfort to many visitors to the refuge. I know personally that if I see illegal activity I appreciate be able to get hold of a officer.

HABITAT PROTECTION AND ENHANCEMET

Over the past 18 years the refuge has been hard at work restoring a healthy forest and habitat at the refuge after about 30 years of management (or mismanagement) by the state. While always a Federally owned wildlife refuge there was a management agreement between the State and the National Fish and Wildlife service starting in the 1960's and ended in the early 1990's after the GAO found it to not be in the best interest of the Refuges in question (the LPONWR was one of many).

Many illegal roads have been closed, lakes rehabilitated, and the health of the forest has also been greatly improved providing a much better habitat for the native wildlife. But the is still much work left to be done.

One of the most important roles the refuge staff has been forest rehabilitation through prescribed burns and thinning operations (which provide jobs to local loggers and bring wood to local mills) which have helped to open up overcrowded forests and reduce the chance of catastrophic fires. These operations also help neighboring property owners from the chance of fire spreading to there property.

The staff has also worked to rehabilitate the lakes, ponds, marshes, streams and the river. One examples is the removal of tench and Eurasian milfoil from Lake McDowell which is still may always be an ongoing battle.

The refuge has also been hard at work on the problem of invasive weeds. This is a problem I know all to well from my work at the National Park Service. This is an expensive and long term battle that needs to be fought for the protection of the natural environment. These invasive can also have a large

negative impact on the agricultural economy. Thus any funding cut backs can have large affect on not on the refuge but the surrounding agricultural areas as well not to mention how it can affect animals such as elk and deer by impacting the plant they forage on.

RECREATION

The LPONWR provides many recreational activities as stated above. Any cut I funding can also have negative impacts in recreation and the money it brings to the local economy. Because of the work in habitat improvement and public outreach the refuge has become a birding hot spot in our region. I have met many people from Seattle, Spokane, Portland, and other areas of the country that have come to Northeast Washington just to look for bird on the refuge. Without the success of the refuge in habitat improvement and public outreach these people may have never come to this region. Birder and wildlife watchers have become an important economic stimulus to the regions economy.

Hunters and fishermen have also become on important economic factor. Hunters come from all over the Northwest to hunt deer, elk, grouse, and turkey's (to name a few). Without the habitat rehabilitation and resource protection many of the hunters would not come to the refuge thus leaving there money at home and not helping the local economy.

Lastly, on Recreation, the refuge staff along with the Friends have been able to construct two new trails on the refuge. The Mill Butte trail offers visitors an opportunity to see a mature ponderosa pine habitat and see how fire is an important part of this ecosystem. It also offers hikers a early season – snow free-hike which is rare in this area. Working with the staff the Friends were also able to secure the invaluable help of the Washington Trails Association. Any cuts in funding work hurt in the maintenance of the trails and hurt further collaboration on new projects as it is necessary for Refuge staff to complete the necessary environmental and cultural regulations to get any new projects moving forward.

Our other newly constructed trail is te McDowell Marsh Environmental Education trail (McMEET) which I will discuss further in the next section on environmental education.

Environmental education

We feel that environmental education is a vital aspect at the LPONWR. Over the past decade the friends have worked with refuge staff in developing a environmental education program that bring student from the Colville School District. These second and fifth graders learn about bird and bird migration, turtles, bug and butterfly's along with the ecosystems in our area. We use our newly constructed environmental education trail (MCMEET) as the focal point of educational outreach. The trail is 1.2 miles and goes trough 5 different ecosystems – from arid forest, to marshes and lakes. There is a 265 foot long boardwalk over the marsh along with a naturalized gathering spot for talks and a new observation blind that overlooks the marsh. The trail also is a self guided nature trail that can help any visitor learn about the unique feature of this trail and the refuge. Also, importantly the first ½ mile of this trail in a universally accessible trail (ADA specs) which include access to the boardwalk, gathering area and observation blind. Without the collaboration between te refuge and the friend this trail would never have come to be.

We would like to expand our environmental education to other school district in the region but we are at our limit. Any funding cut could threaten what the refuge has accomplished thus far. We wish to move forward in educating our youth, not backwards!

FRIENDS AND THE REFUGE

Our organization (FLPONWR) was established in 2001 and has work tirelessly with the refuge to make many improvements at the refuge and help to reach out to the public about the importance of the refuge. Our public outreach also points out to people all of the recreational opportunities that the refuge offers.

One of our concerns is if budget cuts lead to cut in staff this could harm our collaborative efforts. Being a small organization (80-90 members) and in an area with a small population there is no dedicated staff member to coordinate volunteers. The staff has done a outstanding job working with us and we feel that any staff cut could make collaboration with staff more difficult as individual staff members would have more work and less time to help the volunteers. You must know that the volunteers in the refuge system as a whole play a vital role in helping out and improving the Refuge system. But volunteers can only do so much.

In closing I cannot stress enough how important it is to fully fund the refuge system. Further cuts will hurt the environment and wildlife. Also local economies will be hurt by less employment and tax revenues. You can only cut the budget so much before the cut have a negative effect on local economies and the national economy. You cannot cut funding and jobs to help the economy. Employment is vital in reducing the deficit – much more vital than budget cut which can have the reverse affect and increase the deficit.

On behalf of the Friends of the Little Pend Oreille, thanks for listening.

Daniel D. Price

FRIENDS OF THE NATIONAL WILDLIFE REFUGES OF RHODE ISLAND
Richard N. Thieke, Chairman

On behalf of the 150 members of the Friends of the National Wildlife Refuge of Rhode Island as well as our hundreds of volunteers I, as Chairman of the Friends, write urging you to provide $495 million of funding for the refuge system in the Fiscal Year 2013 budget.

Background on Rhode Island Friends Group
In Rhode Island there are five national wildlife refuges encompassing over 2000 acres which present visitors with very different experiences ranging from the woodlands of the Ninigret NWP located in Charlestown to a more coastal experience at Sachuest Point NWR in Middletown, just north of Newport. Trustom Pond NWR in South Kingstown is unique in that it encompasses a coastal pond, the only one in our State totally free of shoreline development. The Friends group serves all three of these refuges as well as the Block Island NWR and John Chafee at Pettaquamscutt Cove NWR. Each refuge has its own unique characteristics. Staffing due to the budget constraints has been an issue and the Kettle Pond (Ninigret) Visitors Center and Sachuest Point Visitors Center as well as the Trustom Pond Contact Station are only open on a daily basis due to our dedicated volunteers. Last year over 17000 volunteer hours were recorded helping out at these locations as well as doing other maintenance and other tasks on the refuges.

Budget Request for Operations and Maintenance
We request that the Committee provide $495 million in Fiscal Year 2013 for Refuge System Operations and Maintenance which is about the same level as provided in Fiscal Year 2012. Refuges need more than that but given the current economic and fiscal situation, it is unrealistic to expect the significant additions needed to properly maintain the refuges and staffing and management capabilities. The Cooperative Alliance for Refuge Enhancement estimates that the Refuge System needs at least $900 million in annual funding to properly administer its 150 million acres and remains committed to aiming for this goal.

The Refuges are vital places for wildlife – ours are all along the Atlantic Flyway and provide resting and nesting places for over 80 bird species as well as other wildlife. The Refuges are also places for the American people to connect with nature and get involved. Currently, refuge Friends and volunteers do approximately 20% of all work on refuges. In 2011, these 1.5 million hours equated to roughly 8 volunteers for every 1 Refuge System employee. Without staff to oversee volunteers, their commitment and passion is lost, as is their desperately needed contribution to the System. We request $80 million for Visitors Services for the NWRS.

Land and Water Conservation Fund
We also request that the Congress fund the Land and Water Conservation Fund (LWCF) at $700 million. This Fund, which was created in 1965 and authorized at $900 million per year (more than $3 billion in today's dollars), is our most important land and easement acquisition tool. With more than 8 million acres still unprotected within existing refuge boundaries, and the need to establish key wildlife corridors and connections between protected areas, the LWCF is more important than ever. Here in Rhode Island there are opportunities to acquire land adjoining existing refuges to further protect the land and wildlife. Land prices are now at levels not seen in years and the opportunities to acquire may never happen again so it is urged that the LWCF be

funded. We also request that the Congress support the new Collaborative Conservation requests of the Departments of Interior and Agriculture, bringing together several federal agencies around a common goal.

Thank you,

Sincerely,

Richard N. Thieke
Chairman, Friends of the
NWR of Rhode Island

Friends of the Tampa Bay National Wildlife Refuges, Inc.
Barbara Howard, President
PO Box 40782
St. Petersburg, FL 33743-0782

Testimony
Before the House Subcommittee on Interior, Environment, and Related Agencies
On Issues Relating to the Refuge System
Concerning Fiscal Year 2013 Appropriations
March 27, 2012

Mr. Chairman and Members of the Subcommittee,
On behalf of the 152 members of the Friends of the Tampa Bay National Wildlife Refuges, including Egmont Key National Wildlife Refuge (NWR), Passage Key NWR, and Pinellas NWR, I would like to thank you for your commitment to the National Wildlife Refuge System (NWRS) through increased funding over the past few years. We realize that in this time of budget cuts, it may be difficult to justify increasing the NWRS funding, but once the Refuges start to decline it will cost many times more than these small increases to return them to a condition that will fulfill their mandates. We respectfully request that you consider the following in your appropriations:

- **Fund the National Wildlife Refuge System $495 million in FY 2013, essentially keeping level funding from FY12.**
- **Fund the Land and Water Conservation Fund (LWCF) at $700 million for FY13.**
- **Fund Visitor Services for the NWRS at $80 million for FY13.**
- **Support $3.8 million in FY13 for Challenge Cost Share (CCS)**

The Tampa Bay Refuges are located at the mouth of Tampa Bay on the west central Gulf coast of Florida. The budget increases in the past few years have meant increased management, protection, and restoration of the Refuges and the ability to better meet the Comprehensive Conservation Plan (CCP) goals. In 2008 the Tampa Bay Refuges (TBRs) had one staff person who was split duty manager/law enforcement. Because of the incremental increases to the Refuge budgets over the last few years, the TBRs have a full time manager and a law enforcement officer every weekend during the summer nesting season. Due to those past increases in budget and personnel the TBRs are able to do long range planning for big picture issues such as erosion and increased public use. With decreases in budget, these will fall by the wayside and the wildlife will have a degraded or useless habitat. Egmont Key NWR has the Ft Dade Guardhouse that has been restored and will become the visitor center. The Refuge has grant money to fund the first phase of the displays. If the budgets are cut, staff may not have

time to oversee construction of the center displays or to keep the center open to the public. This will compromise outreach and education goals for the TBRs. The TBR's have made small steps to begin to control the invasive plants and animals that threaten the native species. If there are budget cuts there will be less money for facilities maintenance which will then cost more to restore in the future. If the TBRs were to again lose ground on their budgets they may not be able to meet many of their CCP goals. Please consider keeping the Operations and Management budget at $495 million for FY13.

The Friends of the Tampa Bay National Wildlife Refuges (FTBNWR) was incorporated and became a 501c3 in 2008 to better assist the Tampa Bay National Wildlife Refuges with volunteers and fundraising. In 2011 FTBNWR was able to provide 3800 hours of volunteer hours to assist the refuge staff with exotic invasive control, refuge cleanups, and education. FTBNWR has been able to raise funds to remove invasive raccoons on the Pinellas Refuges that prevent birds from nesting and eat eggs laid by the Terrapin turtles that reside there. The Friends also started an Education Program to provide outdoor environmental educational programs at our local schools for grades K-5 and also environmental field trips to nearby preserves to teach our 4th & 5th graders about the NWRS and the environment. We also provide bird stewards on Egmont Key NWR during the summer nesting season to enhance the visitors experience on the refuge through education and an up close look at the birds through spotting scopes. Our refuges do not have enough staff to provide these education programs so we have stepped up as volunteers. Our volunteers are passionate about the Refuge System and donate their time, money, and expertise to protect them.

1. The Cooperative Alliance for Refuge Enhancement (CARE) estimates that the NWRS needs a budget of at least $900 million annually in operation and maintenance funding in order to properly administer its 150 million acres as mandated in the Refuge Improvement Act. The current budget is far short of the amount actually required to effectively operate and maintain the Refuges. In this time of tightening budgets, we respectfully request that you keep the NWRS budget at the same level as FY12 ($495 million) so that the Refuges do not backslide even further in protecting these valuable lands and ecosystems.

2. The Land and Water Conservation Fund was created in 1965 and authorized at $900 million. We ask that you fund the LWCF at $700 million for FY13. These funds are used for land acquisition to protect wildlife and their habitats. With the effects of a changing climate, it is more important now than ever to establish key wildlife corridors between protected areas so wildlife can migrate to more suitable habitat as their historic ones changes. These landscape level conservation efforts through conservation easements and land purchases are the best way to protect the diversity of flora and fauna. The price of real estate is low at this time and the $700 million can go much further in

protecting habitats than it can in a higher market. When we start to lose species due to lack of food, water, shelter, or space, we are changing the balance of nature. We urge you to fund the LWCF at $700 million for FY13. The LWCF is not funded by taxpayer money.

3. The refuges give the American people places to connect with nature and get involved. In 2011 refuge Friends and volunteers contributed 1.5 million hours of work for the refuge system. This is about 8 volunteers for every 1 refuge system employee. These Friends and volunteers do approximately 20% of all work on refuges for free. Without a refuge system employee to guide them, the volunteers can't perform these valuable free services. We request $80 million for Visitors Services for the NWRS.

4. Please support the Challenge Cost Share (CCS) with $3.8 million in FY13. Partners are the key to successful conservation. The federal government doesn't need to foot the bill alone. Through programs that leverage federal dollars (such as the CCS program), partner organizations such as our Refuge Friends groups can get matching dollars from other entities to give the American taxpayers more for their dollars. Projects such as trails, education, boardwalks, and habitat restoration give the American public places to connect with nature and relax.

The Friends of the Tampa Bay National Wildlife Refuges is one of 230 Friends groups who support the National Wildlife Refuges. The interest in our National Wildlife Refuge System is significant and we are proving it with our donated time and funds.

In conclusion, the Friends of the Tampa Bay National Wildlife Refuges believes the National Wildlife Refuge System can meet its important conservation objectives only with strong and consistent funding leveraged by the valuable work of refuge staff and volunteers. We again extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System. We encourage you to approve a $495 million for the FY13 National Wildlife Refuge System Operations and Maintenance budget managed by FWS and to approve $700 million for FY13 for the LWCF land acquisition budget as well as funding refuge Visitor Services at $80 million and the CCS at $3.8 million.

Testimony of Joe Kessler
On Behalf of the Friends of Virgin Islands National Park
In Support of the Land and Water Conservation Fund
Virgin Islands National Park, U.S. Virgin Islands
National Park Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member

March 28, 2012

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2013 Interior Appropriations Bill. The President's Budget for this year recommended $450 million for LWCF.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial public benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation. LWCF investments also support jobs, tourism and economic vitality across our communities.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF will permanently pay dividends to the American people and to our great natural, historical and recreation heritage. As LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use as a conservation offset to the energy development of our offshore oil and gas resources.

As part of the LWCF request in FY 2013, the National Park Service included $2.738 million for the acquisition of land at Virgin Islands National Park. I am pleased that this funding was included in the request and urge Congress to provide necessary funds for LWCF for this important project.

Virgin Islands National Park, located on the island of St. John, is a tropical paradise preserved for the enjoyment and edification of the public. Beautiful white sand beaches, protected bays of crystal blue-green waters, coral reefs rich in colorful aquatic life, and an on-shore environment filled with a breathtaking variety of plants and birds make St. John a magical place for visitors. More than 800 species of trees, shrubs, and flowers are found in the park, and more than 30 species of tropical birds breed on the island, which was designated a Biosphere Reserve by the United Nations in 1976. St. John is also home to two species of endangered sea turtles, the hawksbill and the green.

In addition, the park contains archeological sites indicating settlement by Indians as early as 770 B.C. The later colonial history of St. John is also represented by remnants of the plantations and sugar mills established by the Danes in the 18th and 19th centuries.

One of St. John's most popular eco-campgrounds sits on a cliff overlooking Maho Bay and its pristine white sand beaches. The bay's campgrounds create memorable vacations in the beautiful setting of St. John without sacrificing the delicate ecosystem of the island. Few places on earth match the breathtaking beauty of Maho Bay. Its crystal waters and soft white beaches are rimmed by a lush forested slope rising 11,086 feet. Hundreds of tropical plant species and more than 50 species of tropical birds fill these lands on the island of St. John, at the heart of the American paradise of Virgin Islands National Park. Just offshore are seagrass beds, green and hawksbill turtles, and magnificent coral reefs. This fragile area contains large nesting colonies of brown pelicans, as well as the migratory warblers and terns that winter on St. John. In addition to its natural treasures, the largest concentration of historic plantations and ruins on the island is found within this area.

Maho Bay is an important destination for visitors to St. John. The popular Maho Bay Camps are adjacent to the lands being acquired by the Park Service, and protection of Estate Maho Bay is key to maintaining the character and appeal of this area. Visitors to Maho Bay often come back again and again because of the unspoiled natural beauty of these lands. The Department of Interior recently reported that in 2010 visitors to Virgin Islands NP spent over $61 million in the surrounding community. This spending supported 1,084 local jobs. Major U.S. air carriers bring an average of 11,000 visitors to St. Thomas/St. John each week. Overall, tourism accounts for 80% of the US Virgin Islands' GDP and employment.

Available for acquisition in FY 2013 is the final phase of a 205-acre acquisition of land overlooking Maho Bay within the Virgin Islands National Park boundaries. The property offers spectacular views of the bay and extends the amount of publicly owned beachfront at Maho Bay. This property, known as Estate Maho Bay, is extremely important because it connects the southern and northern sections of the national park and will preserve significant natural and cultural resources. The land was historically used during the plantation era for agricultural activities such as sugar cane, coconut, and cotton cultivation. With increasing growth and investment throughout the Caribbean -- including places not far from the unspoiled beauty of St. John -- these vulnerable lands have become the focus of intense development threats. In recent years, more than one investor has envisioned private development along these shores, which would jeopardize the unique character of Maho Bay and the visitors' experience of the park.

Estate Maho Bay was originally 419 acres owned by 11 interests, only three of which had been acquired by the National Park Service. Following years of litigation and negotiation, The Trust for Public Land (TPL), using philanthropic support in the form of a loan, obtained seven of the remaining interests. A partition of the property was approved. The National Park Service received 114 acres as its share, and approximately 100 acres will remain in private hands, although most of these will have strict covenants

to prevent incompatible building and uses. TPL is in the process of conveying the remaining 205 acres to the Virgin Islands National Park. In FY 2013, 74 acres will remain for the Park Service to acquire.

Recognizing the need to protect this unique property, over the past three years Congress and two different presidential administrations have allocated a total of $6.75 million to the Park Service for Estate Maho Bay. This year, $2.25 million is needed from the Land and Water Conservation Fund to complete the purchase of the property. TPL will convey these lands to the Park Service at a significant discount made possible by private donations. The estimated value of the 205 acres is $18.6 million.

The 205-acre Estate Maho Bay project has been made available to the National Park Service for $9 million. The appraised value of these lands is $20.5 million, more than twice the purchase price. An additional 18 acres of land on Mamey Peak, overlooking the ongoing Estate Maho Bay project, have been donated by The Trust for Public Land to the Virgin Islands National Park. Because of the generosity of TPL's donors, the Park Service is receiving 223 acres valued at over $29.5 million for only $9 million, truly a remarkable example of the public-private partnerships that the Park Service seeks to promote.

This acquisition will ensure continued public access to the beach, protect ecologically and historically significant land from development, and connect two separate sections of the national park. In FY 2013, a total of $2.25 million is needed from the Land and Water Conservation for the National Park Service to complete the acquisition of this outstanding property in Virgin Islands National Park.

In closing, I urge you to provide funding for the Land and Water Conservation Fund of $450 million, as proposed in the President's FY 2013 budget, including critical funding for Virgin Islands National Park. I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in the U.S. Virgin Islands, and I appreciate your consideration of this funding request.

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Testimony of Susan Shea, Director of Conservation, Green Mountain Club
In Support of the Forest Legacy Program
Northern Green Mountains Linkage, Vermont
U.S. Forest Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member

March 28, 2012

Mr. Chairman and Honorable Members of the Subcommittee:

As Director of Conservation for the Green Mountain Club, the nonprofit organization which maintains the Long Trail, the nation's oldest long-distance hiking trail, I appreciate the opportunity to present this testimony in support of the Forest Legacy Program (FLP) in the FY 2013 Interior Appropriations Bill. The President's Budget for this year recommended $60 million for FLP. The Forest Legacy Program works with landowners, the states, and other partners to protect critical forestlands with important economic, recreational, water quality, and habitat resources through conservation easement and fee acquisitions. The program has protected over 2 million acres in 43 states and territories, consistently with a 50% non-federal cost share, double the required 25% cost share. For several years this important conservation program has been funded under the umbrella of the Land and Water Conservation Fund (LWCF), which as a whole received $450 million in the budget request.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial public benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation. LWCF investments also support jobs, tourism and economic vitality across our communities.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in the Forest Legacy Program will permanently pay dividends to the American people and to our great natural, historic and recreational heritage. As LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use as a conservation offset to the energy development of our offshore oil and gas resources.

As part of the FLP request in FY 2013, the U.S. Forest Service included an allocation of $2.72 million for the Northern Green Mountains Linkage project in Vermont. I am pleased that this funding was included in the request and urge Congress to provide necessary funds for FLP for this important project.

The Forest Legacy Program in Vermont seeks to achieve significant conservation goals for the state by protecting the following types of land: large contiguous and productive forest blocks, wildlife habitats dependent on large contiguous forest blocks, threatened and endangered species habitat, state fragile areas and undeveloped shoreline, significant wetlands, and important recreational corridors. Sustainable timber harvesting is also critical; the annual contribution of forest products, forest-based manufacturing, and forest-related recreation to Vermont's economy is over $2.6 billion. All tracts are well suited for development of large estate lots or subdivisions due to the extensive road frontage, gentle terrain, scenic value, and proximity to ski resorts and urban areas.

The 5,768-acre Northern Green Mountains Linkage project is situated on the spine of the Northern Green Mountains in Lamoille and Orleans Counties, and will protect managed and productive timberland as well as 16 miles of streams, several rare species, and high quality wildlife habitat. Using fee and easement acquisitions, the project will link 68,300 acres of conserved lands, including lands the Green Mountain Club has conserved for the Long Trail, providing connectivity from the Green Mountains north to Quebec and east to the Worcester Range. This project will address the problem of forest fragmentation and associated impacts on the timber economy, improve public access to recreation, and secure wildlife habitat connectivity in Vermont's northern region by permanently protecting critically located properties.

Vermont's Northern Green Mountains are one of the wildest and largest forested landscapes remaining in all of New England. The region, which follows the spine of the Green Mountains north from Mount Mansfield to the Canadian border, encompasses sweeping tracts of forest where moose, bobcat, black bear, and a myriad of rare and endangered songbirds make their home. These mountains and their slopes are remarkably diverse, containing all the major ecosystem types of the region, from boreal forests, temperate mixed hardwoods, and alpine meadows to floodplain forests and marshes. It is also a magnet for hikers, skiers, backpackers, and other outdoor enthusiasts, particularly those drawn by more than 65 miles of the Long Trail – the nation's oldest long-distance hiking path and the inspiration for the Appalachian Trail, built by the Green Mountain Club between 1910 and 1930.. Also snaking through the region is the increasingly popular Catamount Trail, a skiing trail traversing the length of Vermont.

The Northern Green Mountains have long been recognized as a top conservation priority by many of the region's small towns, such as Jay, Westfield, and Hyde Park, which are now mobilizing to conserve the places that define and sustain their communities. Two Countries One Forest (2C1Forest), a Canadian-American coalition of 50 conservation organizations, public agencies, and researchers, sponsored scientific research to identify important wildlife corridors in the Northern Appalachian Acadian ecoregion. In 2007, 2C1Forest chose the Northern Green Mountains-to-Sutton Mountains linkage as one of their top five conservation priorities. The area has also been identified as significant in VT Fish & Wildlife's statewide assessment and ranking of large forested blocks and associated linkage habitats. The Northern Green Mountains are a crucial place for regional landscape connectivity because they help tie the Adirondacks of New York, and the central Appalachians of Massachusetts and points south to the Northern

Appalachians of Maine and Canada. In so doing they serve as an important north-south corridor for wildlife, and because of their large range in elevation, provide species with flexibility in their movement.

Projects like the Northern Green Mountains Linkage that maintain connectivity on local, state, and regional scales are also critical to support adaptation of wildlife species to climate change. These corridors will facilitate species movement in response to shifts in forest habitat, food availability, and snowpack. These forested tracts also offer important climate adaptation value as habitat refugia for cold-loving species whose habitats will be lost in other areas. The Northeast Climate Impacts Synthesis Assessment Team projects that this region will retain consistently cold winters and reliable snowpack through the end of the 21st century, even under high carbon emission scenarios. This is significant for a wide range of snow-dependent species, like snowshoe hare and marten, as these same projections suggest that snowpack will largely disappear from New England to the south of the project area. Protection of this area is also important for adaptation of the eastern brook trout. Some of the parcels for protection include important headwater streams to the Missisquoi River, one of Vermont's important habitat areas for eastern brook trout. Conserving these high-elevation headwater streams will help maintain flows and cooler water temperatures in the lower lying Missisquoi as the climate warms in this area.

The 3,984 acres that will be conserved with FY 2013 Forest Legacy funding is made up of four separate parcels. Almost the entire expanse – 95% of – the 1,748-acre Jay Brook Tract in Westfield is above 1500 feet, providing critical wildlife habitat protection and an important refugia to species adapting to climate change. Protection of this land would conserve 3.6 miles of the Catamount Trail and add an extra conserved buffer to 5.8 miles of The Long Trail, where portions of the Long Trail State Forest are only 650 feet wide- an inadequate buffer for the state's most well-known and well-loved trail. The 1,478-acre Bullard Tract, in Eden and Hyde Park provides a wide linkage that connects lowland forest to previous Forest Legacy Program investments around Green River Reservoir State Park (protected with FY 1999 funds) up to the ridgeline of the Green Mountains on the Eden Forest property (protected with FY 2009 and FY 2010 funds). The 553-acre Moffat property, half of which was funded in FY 2011, is part of a significant east-west corridor of conserved forestland and contains significant wetlands and sugar maple stands. Lastly, the 513-acre Westfield Mountain Tract is managed for the production of maple syrup and high value timber and would be a significant addition to a previously conserved block of forestland in the Northern Green Mountains.

The vast majority of the land in the Northern Greens remains in private hands, with thousands of acres available on the open market. Threats from an expanding second-home industry (even in today's uncertain economy), road construction, and changing forestry, and farming practices put key blocks of forestland at risk and create barriers to wildlife movement. Such changes also threaten the vibrant rural culture and economy of the Northern Greens, with its mix of small-scale community farms, forestry and recreation. A recent explosion of development pressure in the Northern Green Mountains, resulting from expanding ski resorts and the area's proximity to greater Burlington and

other population centers, has made this a "now or never" moment to conserve key landscapes in this important habitat and recreation area. According to census data, growth rates in Lamoille and Orleans counties are more than double the growth rate in Vermont as a whole. In Vermont, only 21 percent of the Northern Green Mountains is protected from development, compared to 45 percent of the central and southern Green Mountains.

Forest Legacy Program funding in FY 2011 secured the first 1,784 acres of the Northern Green Mountains Linkage project. A Forest Legacy grant of $2.72 million in FY 2013 for the remaining 3,984 acres would complete this important project. These federal funds are needed to ensure the protection of critical forest resources in northern Vermont and will be matched by $950,000 of non-federal contributions for the acquisition of full fee and partial interests through conservation easement.

In closing, I urge you to provide funding for the Land and Water Conservation Fund of $450 million, as proposed in the President's FY 2013 budget, including critical funding for the Forest Legacy Program and the Northern Green Mountains Linkage project. I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Vermont, and I appreciate your consideration of this funding request.

Sincerely,

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Testimony by Healing Our Waters©-Great Lakes Coalition to the House Committee on Appropriations' Subcommittee on the Department of the Interior, Environment, and Related Agencies Regarding the Department of the Interior and Environment Appropriations Act, 2013

Submitted by: Chad W. Lord, Policy Director
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March 28, 2012

Members of the subcommittee. It is an honor to provide this written testimony regarding one of our nation's most prized natural and economic resources--the Great Lakes.

The Healing Our Waters©-Great Lakes Coalition asks the Subcommittee to support $300 million for the popular and effective Great Lakes Restoration Initiative in fiscal year 2013. We appreciate the strong support the Subcommittee provided last year and ask you to provide the same funding in fiscal year 2013 as you did in fiscal year 2012. We feel that our request is well justified because:

- The economic recovery of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin hinges on a healthy, restored Great Lakes;
- Funds are being quickly spent on the right priorities;
- We are seeing results; and
- Projects will only become more difficult and expensive the longer we wait.

The Healing Our Waters-Great Lakes Coalition is comprised of more than 120 environmental, conservation, hunting, and fishing organizations; museums, zoos, and aquariums; and businesses representing millions of people whose goal is to restore and protect the Great Lakes. We came together to fight for the Great Lakes, and we recognize the need for federal assistance for all great waters, including Puget Sound, the Everglades, Coastal Louisiana, and Chesapeake Bay.

Mr. Chairman and ranking member, forty million people rely on the Great Lakes for their drinking water, and millions more benefit from the commerce and business that depend on the waters of the Great Lakes. Unfortunately, the health of the Great Lakes continues to be seriously threatened by problems such as untreated sewage, toxic pollution, algal blooms, and invasive species. The eight states that border the Great Lakes and numerous non-governmental organizations have invested a significant amount of their own resources in preserving these bodies of water. Additional funding, however, is needed. Unless the federal government continues to invest in the lakes these problems will get worse and the price we pay will be higher.

While we are making progress, federal funding historically has not kept pace with the enormity of the problem. Over $26 billion is needed according to the Great Lakes Regional Collaboration Strategy for the Protection and Restoration of the Great Lakes, yet Great Lakes programs over the last decade have received a small fraction of that amount. We have now embarked on more significant restoration activities thanks to Great Lakes Restoration Initiative (GLRI), which has seen strong bi-partisan support of this subcommittee and its members.

Economic Benefits

Cleaning up the Great Lakes is not only critical for the health and quality of life in the region, it also drives economic development – and jobs – in our nation for years to come. Investments in Great Lakes restoration are creating short-term jobs and leading to long-term economic benefits for the Great Lakes states and the country. A Brookings Institution report shows that every $1 invested in Great Lakes restoration generates at least $2 in return, making Great Lakes restoration one of the best investments of the federal dollar in the budget. More recent research from Grand Valley State University suggests that the return for certain projects are closer to six-to-one. The University of Michigan has also demonstrated that over 1.5 million jobs are dependent on clean and healthy Great Lakes, accounting for more than $60 billion in wages annually. We have also seen jobs being created by our nation's efforts to clean up the Great Lakes and restore fish and wildlife habitat. These jobs include wetland scientists, electricians, engineers, landscape architects, plumbers, truck drivers, and many others.

While we do not have precise figures on the total number of jobs that have been created by the effort to clean up the Great Lakes, it is likely in the thousands. Consider:

- 125 jobs were created for a $10 million project to restore fish and wildlife habitat in Muskegon Lake, a Great Lakes Area of Concern in Michigan.
- 177 people are employed to control the invasive sea lamprey in the Great Lakes, which costs the U.S. and Canadian governments $20 million annually.
- 174 jobs were created, some of which were filled by at-risk youth, to remove dams and other barriers in a 150-mile stretch of the Milwaukee River system.

A story that Sen. Carl Levin tells is probably the most persuasive:

> "In Holland, at Johnson Controls, someone mentioned to me that a Korean company had invested in a battery plant because the Korean corporate executives fell in love with Lake Michigan. They looked at many areas in the United States and in other countries where they could build a factory, but they selected a place near Lake Michigan because they fell in love."[i]

The number of jobs created by restoring the lakes will certainly increase in the coming years if funding is maintained.

Investments Producing Results

The people that have been put to work protecting and restoring the Great Lakes are working on projects that are producing results:

- 14 additional beneficial use impairments (BUIs) within Areas of Concern (AOCs) were removed, achieving the GLRI Action Plan's cumulative target of 26 in FY2011.
- Local partners completed implementation of all management activities necessary for delisting the Presque Isle, AOC, in Erie, Pennsylvania, which will likely be de-listed this year.
- U.S. Fish and Wildlife, National Park Service, NRCS, and NOAA (among others) restored, protected, or enhanced nearly 22,000 acres of wetlands and other habitat in the Great Lakes basin in FY2011 beating a target of 20,000 acres.

- One endangered species – the Lake Erie watersnake – was removed from the federal endangered and threatened species list.
- In FY2011 one million cubic yards of contaminated sediments were remediated in AOCs.[ii]

These numbers are impressive. The stories behind them, however, are more illuminating as to the types of results that we are seeing and what is being accomplished:

- In Fennville, Michigan, $220,000 from the Great Lakes Restoration Initiative is helping nurse lake sturgeon back to health in the Kalamazoo River after decades of decline. An innovative fish-rearing facility allowed biologists to release 100 sturgeons in the Kalamazoo River in 2011.
- In Milwaukee, Wis., state and federal agencies announced in February the completion of a sediment cleanup that moves the Milwaukee Estuary closer to being removed from a list of Great Lakes Areas of Concern. The $24.6 million Great Lakes Restoration Initiative project removed about 140,000 cubic yards of toxic sediment contaminated with polychlorinated biphenyls and polycyclic aromatic hydrocarbons, or PCBs and PAHs. The contamination led to limits on eating fish caught in the river, as well as loss of habitat and other environmental problems.
- In Toledo, Ohio, $47 million in Federal Great Lakes restoration funds ($2 million under budget) supported removal of toxic sediment, which posed a risk to people and wildlife—including major sportfish such as walleye and perch, in the Ottawa River. Nearly 260,000 cubic yards of contaminated sediment was dredged from a 5.5-mile stretch of the river in Toledo. For decades, the river was a major source of chemical pollutants entering Lake Erie's Maumee Bay, where the contaminants harmed fish and wildlife. Crews worked around the clock to finish the project in six months; it was scheduled to take two years.[iii]

More stories on the nearly 700 GLRI-funded projects currently underway can be found at www.healthylakes.org/successes/.

The administrative accomplishments of EPA and the other federal agencies like the U.S. Fish and Wildlife Service, NOAA, NRCS, and the National Park Service are equally impressive. The federal agencies have been able to quickly convert the extra funding they receive through the GLRI to supplement restoration activities through existing, authorized programs. This structure, guided by a number of plans,[iv] allows for funds to move quickly from appropriations to EPA through the interagency agreements EPA reaches with the other agencies and onto the ground to complete important restoration activities. This model also ensures accountability through the establishment of an "orchestra leader" (EPA), helps accelerate progress, and avoids potential duplication, all of which help save taxpayers money while focusing efforts on the highest priorities.[v]

Improving the delivery of results

The GLRI is a highly effective model that is delivering results. However, like with anything, time reveals areas for improvement and now that our nation is approaching year four of the GLRI we have identified issues that we believe must be looked at by EPA and the federal interagency task force to ensure future effectiveness of the Great Lakes restoration effort.

The first is the development of a science plan that augments the GLRI Action Plan, and the establishment of a process for garnering independent science advice from the non-federal science community. EPA's Science Advisory Board noted in a recent report that the GLRI Action Plan supported getting started because enough was known about underlying causes and potential remedies to impairments in the Great Lakes to initiate action, that the Action Plan identifies most of the key actions needed, and that the Action Plan is largely consistent with previous plans and strategy documents. However, the SAB's report pointed out that the action plan needs to better reflect the research, monitoring, and assessment needs identified in earlier efforts. It also pointed out that the action plan lacks a formal science-based framework for assessing progress and evaluating future priorities. We believe this science-based framework and independent science advice is critical as it adds value to Great Lakes restoration.

Second, we worry that the pressure on agencies to supplant existing funds with its GLRI allocations will increase as cuts to agency budgets get bigger. We have begun to see some evidence of this. For example, NOAA cut funding for the Great Lakes Environmental Research Laboratory by 16 percent in its FY2013 request while EPA proposed a 77 percent increase in NOAA's FY2013 GLRI allocation.[vi] EPA's BEACH Act base funding was also zeroed out in the President's budget with the possible intent to make up this funding in Great Lakes states through GLRI grants. Congress has in the past directed federal agencies not to supplant their base budgets with GLRI funds. Using existing agency programs is a key part of delivering restoration dollars to projects on-the-ground. By not supporting base level funding this infrastructure could atrophy, ultimately slowing down progress by reducing the flexibility of the current structure. Base funding should be maintained for existing programs like the BEACH Act and the GLRI should be supplemental as Congress intends.

Lastly, although EPA has been very open to our recommendations on program improvements, we continue to believe that a formal advisory committee would enhance the advice EPA and the federal interagency task force receives as they make decisions on future GLRI priorities. We support the creation of an advisory board structure through federal legislation. However, if passing legislation is not possible, then we hope EPA will act administratively using its existing authority.

Conclusion

Thank you again for the opportunity to share our views with you. We recognize the tough choices you face, but we believe that restoring the Great Lakes is not only good for the environment but also is good for the national economy as well. We hope you will support the President's FY 2013 budget request and maintain $300 million for the GLRI next year.

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[i] See http://www.levin.senate.gov/newsroom/in_the_news/article/only-thing-that-rivals-michigans-natural-wonders-its-people. Accessed: March 25, 2012

[ii] U.S.EPA. "Fiscal Year 2013 Justification of Appropriation Estimates for the Committee on Appropriations." Page 291

[iii] Found at www.healthylakes.org/successes/. Accessed: March 25, 2012

[iv] E.g., Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes (2005); Great Lakes Restoration Initiative Action Plan (2010)

[v] Even with quick federal action, the Great Lakes region has a shortened work season because of winter conditions. This can result in a longer time period for grantees to outlay GLRI funds rather than just the obligation of funds.

[vi] NOAA. "Budget Estimates Fiscal Year 2013: Congressional Submission." Page OAR-132; U.S.EPA. "Fiscal Year 2013 Justification of Appropriation Estimates for the Committee on Appropriations." Page 288

Written Testimony March 23, 2012
House Appropriations Interior Sub-Committee
Peter Hendrick, Executive Director
American Association of Radon Scientists and Technologists, Inc (AARST)

My testimony concerns the USEPA, Indoor Radon and Toxins Program Radon Program (FY 2013 PB: $2.2M, FY 2012 Enacted: $4.1M, FY 2013 Change: -$1.9M), a divestment of $1.9 million eliminates EPA headquarter and regional office oversight for the State Indoor Radon Grants (SIRG) and Radon Categorical Grants, and Radon Program (FY 2013 PB: $0.0M, FY 2012 Enacted: $8.0M, FY 2013 Change: -$8.0M.), a divestment of $8.0 million eliminates SIRG. I submit this written testimony upon behalf of the members of the American Association of Radon Scientists and Technologists, Inc. (AARST) and the public we serve. AARST is a professional and standards writing organization [501 (c) (6)] that *has not been* and *is not* a recipient of federal grants.

Congressional Goals Not Attained: EPA Authorization For Risk Reduction Not Utilized

The primary long term goal for radon risk reduction established by the United States Congress upon passage of the 1988 Indoor Radon Abatement Act (IRAA) was to lower indoor levels of radon, a radioactive gas, to ambient outdoor levels (s2661).[1] The EPA Administrator was granted authority under the act to create rules to achieve the goals under the IRRA (s2670),[2] but all succeeding generations of administrators have chosen to ignore this authorization and have concentrated instead on voluntary efforts. The result, according to the EPA Inspector General's office, is more homes at risk now than ever before.[3] Twenty four years later, we have up to 21,000 radon related lung cancer deaths annually, with radon the leading cause of death in non-smokers.

Representative LaTourette, Acting Chair ISC HEARING 3/21/2012, Is Correct: Require Testing to Save a Life

Restore EPA's State Indoor Radon Grant (SIRG) and national radon program for FY 2013 to FY 2011 levels. Upon passage of this budget the EPA under IRRA and as a part of continued Clean Air Act and TSCA funding should be required to institute a radon testing and/or notification rule (already authorized IRRA s2670) for every home sale or new home occupancy permit in the nation and this rule should be instituted within 6 months of passage of the FY 2013 budget.

Respectfully,

Digitally signed by Peter Hendrick
DN: cn=Peter Hendrick, o=AARST, ou=Ex Director, email=director@aarst.org, c=US
Reason: I am the author of this document
Location: AARST, 14 Pratt Rd. Alstead, NH 03602
Date: 2012.03.23 09:00:50 -04'00'

Peter Hendrick, Executive Director

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[1] Indoor Radon Abatement Act 15 U.S.C. Subchapter 2661
http://www.epa.gov/oig/reports/2008/20080603-08-P-0174.pdf
[2] Indoor Radon Abatement Act 15 U.S.C. Subchapter 2670
[3] 2008 EPA Inspector General's Report **"More Action Needed to Protect Public from Indoor Radon Risks"**

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ORAL TESTIMONY OF ELBRIDGE COOCHISE, CHIEF JUSTICE, RETIRED
INDEPENDENT TRIBAL COURTS REVIEW TEAM
BEFORE THE HOUSE INTERIOR, ENVIRONMENT AND RELATED AGENCIES APPROPRIATIONS SUBCOMMITTEE FOR THE FISCAL YEAR 2013
BUREAU OF INDIAN AFFAIRS – TRIBAL JUDICIAL SYSTEMS
MARCH 27, 2012

Thank you for the opportunity to testify today and to address the serious funding needs that have limited and continue to hinder the operations of Tribal judicial systems in Indian Country. I am the Lead Judge representing the Independent Tribal Court Review Team. We thank this Committee for the additional $10.0 million funding in FY 2010. These funds were a blessing to Tribes. Even minimal increases were put to good use. It is the strong recommendation of the Independent Tribal Courts Review Team that the Federal Tribal Courts budget be substantially increased in FY 2013 to support the needs of Tribal judicial systems.

Budget Priorities, Requests and Recommendations

1. **+$10 Million Increase for Tribal Courts above the FY 2010 enacted level**
2. **Fully Fund all Provisions of the Tribal Law and Order Act of 2010**
3. **+ $58.4 Million authorized under the Indian Tribal Justice Act of 1993, P.L. 103-176, 25 USC 3601 and re-authorized in year 2000 P.L. 106-559 (no funds have been appropriated to date)**

The budget requests will support:

1. **Hiring and Training of Court Personnel**
2. **Compliance with the Tribal Law and Order Act of 2010**
3. **Salary Increases for Existing Judges and Court Personnel**
4. **State-of-the-Art Technology for Tribal Courts**
5. **Security and Security Systems to Protect Court Records and Privacy of Case Information**
6. **Tribal Court Code Development**
7. **Financial Code Development**

Background:

The Bureau of Indian Affairs (BIA) within the Department of The Interior provides funding to Tribal governments to supplement their justice systems including courts. Tribal courts play a "vital role" in Tribal Self-Determination and Self-Governance as cited in long-standing federal policy and acts of Congress. Funding levels from BIA to support Tribal justice systems have not met the Federal obligations.

For the past 6 years, the Independent Court Review Team has been traveling throughout Indian Country assessing how Tribal Courts are operating. During this time, we have completed approximately 84 court reviews. There is no one with more hands-on experience and knowledge regarding the current status of Tribal Courts than our Review Team.

We have come into contact with every imaginable composition of Tribe; large and small, urban and rural, wealthy and poor. What we have NOT come into contact with is any Tribe whose Court system is operating with financial resources comparable to other local and State jurisdictions.

Justification for Request:

1. **Hiring and Training of Court Personnel** - Tribal Courts make do with underpaid staff, under-experienced staff and minimal training. (We have determined that hiring Tribal members limits the inclination of staff to move away; a poor excuse to underpay staff.)
2. **Compliance with the Tribal Law & Order Act of 2010** – To provide Judges, Prosecutors, Public Defenders, who are attorneys and who are bared to do "enhanced sentencing" in Tribal courts
3. **Salary Increases for Existing Judges and Court Personnel** – Salaries should be comparable to local and State Court personnel to keep pace with the non-Tribal judicial systems and be competitive to maintain existing personnel.
4. **Tribal Courts Need State-of-the-Art Technology** - (software, computers, phone systems, tape recording machines.) Many Tribes cannot afford to purchase or upgrade existing court equipment unless they get a grant. This is accompanied by training expenses and licensing fees which do not last after the grant ends.
5. **Security and Security Systems to Protect Court Records and Privacy of Case Information** - Most Tribal Courts do not even have a full time Bailiff, much less a State-of-the-Art security system that uses locked doors and camera surveillance. This is a tragedy waiting to happen.
6. **Tribal Court Code Development** - Tribes cannot afford legal consultation. A small number of Tribes hire on-site staff attorneys. These staff attorneys generally become enmeshed in economic development and code development does not take priority. Tribes make do with under-developed Codes. The Adam Walsh Act created a hardship for Tribes who were forced to develop codes, without funding, or have the state assume jurisdiction. (States have never properly overseen law enforcement in a Tribal jurisdiction.)
7. **Financial Code Development** - We have rarely seen Tribes with developed financial policies. The process of paying a bond, for example, varies greatly from Tribe to Tribe. The usual

process of who collects it, where it is collected and how much it is, is never consistent among Tribes.

Tribal Courts Review:

There are many positive aspects about Tribal Courts. It is clear that Tribal Courts and justice systems are vital and important to the communities where they are located. Tribes value and want to be proud of their Court systems. Tribes with even modest resources tend to allocate funding to Courts before other costs. After decades of existence, many Tribal Courts, despite minimal funding, have achieved a level of experience and sophistication approaching, and in some cases surpassing, local non-Indian Courts.

Tribal Courts, through the Indian Child Welfare Act, have mostly stopped the wholesale removal of Indian children from their families. Indian and Non-Indian Courts have developed formal and informal agreements regarding jurisdiction. Tribal governments have recognized the benefit of having law-trained Judges, without doing away with Judges who have cultural/traditional experience. Tribal Court systems have Appellate Courts, jury trials, well-cared-for Courthouses (even the poorer Tribes), and Tribal Bar listings and fees. Perhaps most importantly, Tribes recognize the benefit of an independent judiciary and have taken steps to insulate Courts and Judges from political pressure. No longer in Indian country are Judges automatically fired for decisions against the legislature.

Our research indicates Tribal Courts are at a critical stage in terms of need. Nationwide, there are 184 Tribes with Courts that received $24.7 million in Federal funding in 2011. Assessments have indicated that the Bureau of Indian Affairs only funds Tribal Courts at 26% of the funding needed. This is further documented in the BIA budget book under the Tribal Priorities Allocation Account/Tribal Courts reflecting only a $1 million increase "to enhance the ongoing daily operations of the Indian Affairs funded Tribal courts and Courts of Federal Regulations throughout Indian Country". That's real bang for the buck and certainly validates the adage "you get what you pay for"! The lack of investment in Tribal Courts is an atrocity given the challenges and impediments they must endure to remain effective. Tribes who have economic development generally subsidize their Tribal Courts. On the flip side, Tribes who cannot afford to assist in the financial operations of the Court are tasked with doing the best they can with what they have even at the expense of decreasing or eliminating services elsewhere. This while operating at a disadvantage with already overstrained resources and underserved needs of the Tribal citizens. The assessment suggests that the smaller Courts are both the busiest and most underfunded.

The grant funding in the DOJ is intended to be temporary, but instead it is used for permanent needs; such as funding a Drug Court Clerk who then is used as a Court Clerk with Drug Court duties. When the funding runs out, so does the permanent position. We have witnessed many failed Drug Courts, failed Court management software projects (due to training costs) and incomplete Code development projects. When the Justice funding runs out, so does the Project.

As a directive from the Office of Management and Budget, our Reviews specifically examined how Tribes were using Federal funding. In the last six fiscal years through FY2011 there were only two isolated incidents of a questionable expenditure of Federal funds. It is speculated that because of our limited resources, we compromise one's due process and invoke "speedy trials" violations to save Tribal Courts money. Everyone who is processed through the Tribal judicial system is afforded their Constitutional civil liberties and civil rights.

We do not wish to leave an entirely negative impression about Tribal Courts. Tribal Courts need an immediate, sustained and increased level of funding. True. However, there are strong indications that the Courts will put such funding to good use.

There are Tribes like the Fort Belknap Tribe of Montana whose Chief Judge manages both offices and holds Court in an old dormitory that can't be used when it rains because water leaks into the building and the mold has consumed one wall. ***Their need exceeds 100%.***

There are several courts where the roofs leak when it rains and those court houses cannot be fixed due to lack of sufficient funds. The Team took pictures of those damaged ceilings for the BIA hoping to have additional funds for the Tribes to fix the damaged ceilings.

Tribal Courts have other serious needs. Tribal Appellate Court Judges are mostly Attorneys who dedicate their services for modest fees that barely cover costs for copying and transcription fees. Tribal Courts offer Jury Trials. In many Courts, one sustained Jury Trial will deplete the available budget. The only place to minimize expenses is to fire staff. Many Tribal Courts have Defense Advocates. These advocates are generally not law trained and do a good job protecting an individual's rights (including assuring speedy trial limitations are not violated.) However, this is a large item in Court budgets and if the defense advocate, or Prosecutor, should leave, the replacement process is slow.

We feel it is our duty to come here on behalf of Tribes to advocate for better funding. Tribes ask us to tell their stories. They open their files and records to us and say, "We have nothing to hide". Tell Congress we need better facilities, more law enforcement, more detention facilities, more legal advice, better codes... the list goes on and on. But, as we have indicated, it all involves more funding. This Congress and this Administration can do something great. Put your money where your promises have been.

National Requests:

We support the requests and recommendations of the National Congress of American Indians. We support the increases for: contract support costs of $8.8 million, law enforcement of $30 million, 10% increase over 2012 for TPA and an additional $10 million for Tribal Courts.

On behalf of the Independent Tribal Court Review Team, Thank you.



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TESTIMONY TO THE HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
Presented by: Ervin Carlson, President
Inter Tribal Buffalo Council
Fiscal Year 2013

March 28, 2012

I. INTRODUCTION AND BACKGROUND

My name is Ervin Carlson; I am a member of the Blackfeet Nation in Montana and the President of the Inter Tribal Buffalo Council (ITBC), formerly the Inter Tribal Bison Cooperative. Please accept my sincere appreciation for this opportunity to submit written testimony to the honorable members of the House Committee on Appropriations; Subcommittee on Interior, Environment and Related Agencies. ITBC has recently become a federally charted Indian Organization under Section 17 of the IRA and is headquartered in Rapid City, South Dakota. ITBC is comprised of fifty-seven (57) federally recognized Indian Tribes in nineteen (19) states. On behalf of the member Tribes of ITBC I would like to address the following issues: 1) request an appropriation of $3,000,000.00 for Fiscal Year 2013, from the Department of Interior, Bureau of Indian Affairs, Operation of Indian Programs, to continue our restoration effort, to continue to provide highly qualified technical assistance, implement our marketing initiative and to continue our health initiative which utilizes buffalo to teat and prevent diet related diseases among Native Americans; 2) explain to the Committee the unmet needs of the members of ITBC; and 3) update the Committee on the present initiatives of ITBC.

The American buffalo, also known as bison, has always held great meaning for American Indian people. The buffalo provided the Tribes with food, shelter, clothing and essential tools. In the 1800's, the white-man recognized the reliance Indian Tribes had on the buffalo. Thus began the systematic destruction of the buffalo to try to subjugate the Tribal nations. The slaughter of over 60 million buffalo left only a few hundred buffalo remaining. Indian people have a strong spiritual and cultural relationship with the buffalo that has not diminished with the passage of time. To Indian people, buffalo represent their spirit and remind them of how their lives were once lived, free and in harmony with nature. It is this connection that caused multiple Tribes to come together to organize ITBC with the mission of preserving the sacred relationship between Indian people and the buffalo through restoring buffalo to Tribal lands. ITBC envisioned the restoration of buffalo on Tribal lands would foster sustainable economic development that would be compatible with each of the Tribal cultures. The land bases of most Tribal Reservations is unsuitable for farming or raising livestock but this marginal land is ideal for raising buffalo who have lived in this ecosystem for thousands of years.

ITBC received funds in 1992 and began their restoration efforts. Federal appropriations have allowed ITBC to successfully restore 15,000 + buffalo to over fifty Reservations on over 1,000,000 acres of trust land. With healthy, viable buffalo herds, opportunities now exist for Tribes to utilize buffalo for prevention and treatment of the diet related diseases that gravely impact Native American populations such as diabetes, obesity, cardio-vascular disease and others. Viable buffalo herds also offer Tribes the opportunity to develop sustainable economic development projects surrounding the buffalo.

II. FUNDING REQUEST

The InterTribal Bison Cooperative respectfully requests an appropriation for FY 2012 in the amount of $3,000,000.00. This amount would greatly enhance our ability to successfully accomplish Tribal goals and objectives. This request will help balance our continuing growth in membership with our funding level. The $3,000,000.00 funding level would restore vital funding that was cut in FY 2007 and has not been restored. Our requested funding level of $3,000,000.00 will allow our Member Tribes to continue their successful restoration efforts, to restore our marketing initiative and to restore the health initiative for the prevention and treatment of diet related diseases among Native American populations, while simultaneously building economic sustainability for the Tribal projects.

III. FUNDING SHORTFALL & UNMET NEED

In FY 2006, ITBC was funded through appropriations at $4,150,000.00. The Presidents budget in FY 2007 and FY 2008 eliminated funding for ITBC. A Congressional earmark appropriation restored $1,000,000.00 in FY 2007. In FY 2008, ITBC received $1,000,000 from the BIA for Herd Development Grants to Tribes. In FY 2009 ITBC received $1,000,000.00 through a Congressional earmark appropriation in the DOI, BIA budget and $421,000.00 for ITBC Administration from BIA FY2008 carryover funds. In FY 2010, FY 2011 and FY 2012 ITBC was in the BIA budget at the level of $1.4 million. The Presidents FY 2013 budget has $1.406 requested.

Reductions in funding critically impacted ITBC's successful Marketing Program and Health Initiative to address diet related health problems epidemic on most Reservations in a manner that would provide economic stability to the Tribal programs.

ITBC is structured as a member cooperative and 100% of the appropriated funds are expended on the development and support of Tribal buffalo herds and buffalo product business ventures. ITBC funding is distributed to ITBC member Tribes via a Herd Development Grant program developed by the consensus of the members.

ITBC surveys member Tribes annually to determine unmet project needs and currently the total unmet needs for ITBC member Tribe's projects is $12,000,000.00. The Tribal Bison Project Proposal summaries that detail the ITBC member Tribes projects and financial needs are on file with ITBC and available for your review.

IV. ITBC GOALS

The goal of ITBC is to assist Tribes in the restoration of bison to Tribal lands and to promote the conservation and enhancement of Tribal bison herds utilizing traditional practices and relationships with bison. ITBC also strives to preserve bison stewardship and kinship practices that are compatible with Tribal beliefs and customs. Tribes will determine the level of sustainability they would like their individual programs to achieve and ITBC will assist them in this effort through marketing and business management technical assistance. Tribes have also identified the health problems of Indian Country as a priority they would like to address through increasing the amount of bison meat in the daily diets of Tribal members. We do this by the following actions:

A. Provide direct services to the Tribes to assist with restoration, conservation and enhancement of Tribal bison herds;

1. Technical Assistance:

ITBC provides technical assistance to member Tribes in the areas of wildlife management, ecological management, the health role of buffalo, the cultural role of buffalo and economic development. Included as technical assistance are assessments of current and potential Tribal bison programs, services such as fencing, corral, and facility design, equipment research, range management, herd health, annual training sessions (national and regional) and community awareness.

2. Surplus Bison Program:

ITBC employees work with the National Park Service, Member Tribes and the US Fish and Wildlife Service to obtain surplus bison for redistribution to Tribal Bison Projects. Tribes are able to receive bison for their programs at no cost.

B. To promote and foster working relations with all levels of government, governmental agencies and wildlife oriented organizations to protect and preserve the future of bison and their habitat, through education and awareness programs; and

1. Education and Outreach:

ITBC staff provides educational presentations and resources on bison status, restoration, and conservation efforts, as well as the history and culture of bison to the Native American population. Staff collaborates with entities on a federal, state, private and public level to promote bison restoration efforts. The staff also disseminates educational, preservation, grant, program, and other information to the 57 member Tribes in 19 states.

2. Partnership and Collaboration:

ITBC will work with governmental and non governmental organizations on bison related activities related to the preservation and restoration of bison. ITBC is also a member of various working groups and partnerships that deal with bison issues. ITBC is also a full partner on the Inter Agency Bison Management partnership that deals with the Yellowstone National Park bison/brucellosis issue.

C. To support Tribal economic efforts that utilizes the bison as an economic resource; and

1. Cooperative Marketing Program:

ITBC works to develop markets for bison meat and products that will utilize bison from Tribes interested in participating in the program. ITBC will procure bison from Tribes and sell under the ITBC label. ITBC currently markets bison meat from the Tribes to the National

Museum of the Native American in Washington DC and is looking to expand to more customers. ITBC will also work to support the efforts of USDA to continue to offer Tribal buffalo meat in the FDPIR Program.

D. To implement a health care initiative that will educate Native American families on the benefits of Indian produced buffalo meat in their daily diet

1. Outreach and Education:

ITBC staff will provide educational programs and materials to Tribes, regarding the benefits of incorporating buffalo meat into their regular diets.

2. Health Care Initiative:

ITBC will focus the Health Initiative on a project that will serve as a model for ITBC member Tribes. ITBC intends to develop and implement a project with the Flandreau Santee Sioux Tribe Health Department, Elderly Nutrition Program, Flandreau Indian d School and South Dakota State University to incorporate buffalo meat into the food systems at the FSST. This is an extension of the FSST/SDSU/ITBC USDA planning grant to covert the FSST Buffalo herd into a certified organic program. A survey was conducted last year detailing meat needs for the participating entities. As part of the project a proposal will be submitted to USDA to implement the certified organic program for the Tribe. ITBC will purchase buffalo from ITBC member Tribes and other Native American producers for this program. ITBC will have the buffalo processed and distributed to participating entities.

V. CONCLUSION

In 2012 ITBC will have been in existence for 20 years assisting its member Tribes to restore buffalo to their native lands for cultural purposes and working towards economic development for herd sustainability. ITBC will continue to provide technical assistance and funding to its member Tribes to facilitate the development of sustainable buffalo herds.

ITBC and its member Tribes have created a new Reservation industry, Tribal buffalo production, resulting in new money for Reservation economies. In addition, ITBC continues to support methods to market buffalo meat by providing easy access to meat on the Reservations and education efforts about the health benefits buffalo meat can bring to the Native diet. The ultimate goal is to restore the Tribal herds to a size large enough to support the local health needs of the Tribal members and also generate revenue through a cooperative marketing effort to achieve economic self sufficiency.

ITBC and it member Tribes are appreciative of past and current support from the Congress and the Administration. I urge the Committee to consider restoring ITBC funding close to the FY 2006 level of $3,000,000.00.

I would like to thank this Committee for the opportunity to present testimony and the members of ITBC invite the honorable members of the Committee to visit our Tribal buffalo projects and experience first hand their successes.

Questions and/or comments regarding any of the issues presented within this testimony may be directed to Mr. Ervin Carlson, President, or to Mr. James Stone, Executive Director, at (605) 394-9730.

Testimony of the Izaak Walton League of America
Subcommittee on Interior, Environment and Related Agencies

Submitted by Scott Kovarovics, Conservation Director

March 28, 2012

The Izaak Walton League of America appreciates the opportunity to submit testimony for the record concerning appropriations for fiscal year (FY) 2013 for various agencies and programs under the jurisdiction of the Subcommittee. The League is a national, nonprofit organization with more than 39,000 members and 250 local chapters nationwide. Our members are committed to advancing common sense policies that safeguard wildlife and habitat, support community-based conservation, and address pressing environmental issues. The following pertains to programs administered by the Departments of Agriculture and Interior, Fish and Wildlife Service, U.S. Geological Survey, and Environmental Protection Agency.

Keep FY 2013 Bill Free of Extraneous Policy Provisions

This year, the American people will be celebrating the 40th anniversary of passage of the Clean Water Act. With this in mind, the League strongly urges the Subcommittee not to include or accept any provision in its FY 2013 bill barring the Environmental Protection Agency (EPA) from finalizing and implementing Clean Water Act guidance or proceeding with the formal rulemaking process to revise its clean water regulations. Our organization and other hunting, angling and conservation groups across the country actively opposed a similar provision in the Subcommittee's FY 2012 bill.

Since proposing draft guidance last spring, EPA has conducted a nearly unprecedented public engagement process for agency guidance. During this process, EPA and the Army Corps of Engineers held a 90-day public comment period. The agencies received more than 230,000 comments and have publicly described the overwhelming majority as supporting the proposal. In mid-February 2012, the Corps and EPA submitted revised guidance to the Office of Management and Budget (OMB) for another round of inter-agency review. This process also allows nongovernmental organizations to meet with OMB to discuss this policy.

Guidance proposed by EPA and the Corps is based on sound science and clearly complies with the Supreme Court decisions in *SWANCC* and *Rapanos*. Allowing EPA to proceed with guidance will partially restore protections for streams flowing to public drinking water supplies for 117 million Americans. It will also begin – but only begin – to restore protections for some wetlands. Healthy wetlands provide essential habitat for waterfowl, fish, and other wildlife, offer cost-effective flood protection, and improve water quality. They also support hunting, angling, and wildlife watching, which together inject $122 billion annually into our economy. Finalizing the guidance will also provide more clarity and certainty about Clean Water Act implementation to landowners, developers, agency personnel, and state and local governments.

Departments of Agriculture and Interior, Land and Water Conservation Fund (LWCF)

The League supports providing $450 million for the LWCF in FY 2013 as requested by the administration. It is important to begin to reinvest in strategic land acquisition to protect critical

habitat, secure valuable in-holdings, and expand recreational access to existing federal public lands. Dramatically reducing funding for LWCF will not provide meaningful savings to taxpayers because it is capitalized with revenue from off-shore oil and gas drilling. As importantly, diverting resources from LWCF to offset other expenditures from the general treasury directly undermines the fundamental premise on which LWCF is based. That common sense premise is a portion of the revenue generated by natural resource extraction should be invested in conserving other natural resources at the national, regional, and state levels.

In addition to supporting the overall request, the League backs proposals by the Bureau of Land Management (BLM) and USDA Forest Service to allocate $2.5 million and $5 million, respectively, to projects which expand recreational access to existing public lands through easements or acquisition from willing sellers. The League and many other national hunting, angling, and conservation groups support legislation in Congress that would achieve a similar purpose by annually allocating 1.5 percent of LWCF appropriations to expand recreational access.

Fish and Wildlife Service, National Wildlife Refuge System Operations and Maintenance

The League joins other members of the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 22 wildlife, sporting, conservation, and scientific organizations representing approximately 15 million of members and supporters, in supporting the $495 million requested for operations and maintenance of the National Wildlife Refuge system.

The League and CARE groups appreciate the importance of fiscal discipline and making strategic spending decisions. CARE annually develops an estimate of the operations and maintenance budget that is necessary to effectively provide visitor services and law enforcement and conserve and manage fish, wildlife, and habitat across the refuge system. CARE estimates operations and maintenance needs total $900 million annually. Although our long-term goal is to make steady progress toward a budget which more accurately reflects demands on the ground, the FY 2013 request balances fiscal responsibility with pressing resource conservation, visitor services, and law enforcement needs.

Fish and Wildlife Service, State and Tribal Wildlife Grants

As a member of the Teaming with Wildlife Coalition, the League urges the Subcommittee to provide at least $61 million in FY 2013 for State and Tribal Wildlife Grants. This amount equals the administration's request and the appropriation for the current fiscal year. State Wildlife Grants support proactive conservation projects aimed at preventing wildlife from becoming endangered. Experience shows that efforts to restore imperiled wildlife can be particularly contentious and costly when action is taken only after species are formally listed as threatened or endangered pursuant to the Endangered Species Act. State Wildlife Grants augment state and community-based efforts to safeguard habitat and wildlife before either reaches the tipping point. The federal investment leverages significant funding from private, state, and local sources.

U.S. Geological Survey, Asian Carp Research and Control

Asian carp pose a serious and potentially devastating threat to the long-term health of the Great Lakes. Asian carp have been steadily migrating north along the Mississippi River and could reach the Great Lakes through a system of canals that artificially connect the Mississippi River and Great Lakes basins. Experts warn invasive carp could devastate the $7 billion commercial and recreational fishery in the Great Lakes. In FY 2013, the U.S. Geological Survey (USGS) requests a $3 million increase to accelerate research designed to detect, limit, and control carp in the Upper Mississippi River and Great Lakes. In the Upper Mississippi region, the research would focus on improving methods to detect Asian carp populations at low levels and identifying habitats most vulnerable to colonization. In the Great Lakes, research would be directed toward developing methods for oral delivery of fish toxicants, identifying and developing chemical attractants to aid in targeted removal of carp, and testing seismic technology as a means of restricting the passage of carp through locks and other navigation infrastructure.

The League believes one of the most effective ways to safeguard the Great Lakes from aquatic invasive species is to restore the natural hydrologic separation between the Great Lakes and Mississippi River basins. In the mean time, we support this request, which represents a prudent near-term investment in invasive carp control.

U.S. Geological Survey / Environmental Protection Agency, Hydraulic Fracturing Research and Analysis

The League supports requests by the USGS and Environmental Protection Agency (EPA) for funding to continue and augment research concerning the potential effects of high-volume hydraulic fracturing on water and air quality, surface and groundwater resources, habitat, and fish and wildlife. The League supports responsible development of domestic energy resources, including natural gas, as well as greater emphasis on renewable sources and energy efficiency in order to improve energy independence and security. At the same time, the accelerated use of hydraulic fracturing in the Marcellus region, in particular, continues to outpace our knowledge about potential negative impacts on a wide range of natural resources.

The proposed budget would augment research across a range of issues. For example, the USGS requests approximately $18.6 million for fracturing-related research. With this funding, USGS would prioritize research on water quality and supply, air quality, characterizing gas resources and the related geologic formations, movement of methane gas during the drilling process, and the impacts of fracturing on landscapes, habitat, and other natural resources. EPA is requesting approximately $14 million in FY 2013 for research in this area. This will support an on-going EPA study assessing the impacts of hydraulic fracturing on water resources and other applied research in cooperation with USGS and the Department of Energy.

Environmental Protection Agency, Great Lakes Restoration Initiative

The League supports providing $300 million as requested for the Great Lakes Restoration Initiative. The Great Lakes provide drinking water to 35 million people and support jobs and recreational opportunities for millions more. However, the health of the Great Lakes is seriously threatened by untreated sewage, toxic pollution, invasive species, and habitat loss. The eight

states that border the Lakes and many non-governmental organizations have invested significant resources to safeguard these national treasures. Sustained federal investment at a significant level is also needed or the problems will only get worse and cost even more to fix.

Cleaning up the Great Lakes will provide many benefits, including economic development in the region. According to the Brookings Institution, Great Lakes restoration efforts produce $2 in economic return for every $1 invested. Restoration projects create jobs for engineers, landscape architects, and construction workers and improve water quality, support outdoor recreation, and reestablish healthy fish and wildlife habitat. These results lay the foundation for long-term prosperity in the region.

Environmental Protection Agency, Non-point Source Management Program (Clean Water Act Section 319)

The League is concerned that Congress and EPA have reduced funding for Section 319, the Non-point Source Management Program. These reductions are counterproductive as EPA and many states report that non-point source pollution is the leading cause of water quality problems, including harmful effects on drinking water supplies, recreation, fisheries and wildlife. Based on the pressing nature of the problem, it makes sense to invest resources that help states and local governments more aggressively tackle non-point source pollution. The League urges the Subcommittee to provide at least the amount requested by EPA for Section 319.

Environmental Protection Agency, Chesapeake Bay Program

The League supports the administration's request for approximately $72.6 million in FY 2013 for the Chesapeake Bay Program. The Chesapeake Bay is the largest estuary in the United States and one of the largest in the world. More than 16 million people live within the Bay watershed. The Bay is a critical economic, environmental, and recreational resource for these residents and the nation as a whole. However, the productivity and health of this nationally significant resource remain seriously impaired by nutrient pollution from multiple sources throughout the watershed.

The EPA and states have launched a significant and rigorous effort to cut pollution and improve water quality. Few would argue that implementing the total maximum daily load (TMDL) will not be challenging or not require significant investment to reduce point and non-point source pollution. However, EPA is requesting additional funds, in part, to support states, local governments, and other partners as they begin implementing the TMDL. The League believes it is essential to provide technical and financial assistance to achieve results on-the-ground and lay the foundation for sustained pollution reductions over the long-term.

The Izaak Walton League appreciates the opportunity to testify about these important issues.

Kern County Valley Floor Habitat Conservation Plan Industry and Government Coalition

Lorelei H. Oviatt, AICP – Director
Kern County Planning and Community Development Department
Nick Ortiz – Manager, Production Regions and Property Tax Issues
Western States Petroleum Association
Les Clark – Executive Vice President
Independent Oil Producers Association
Dan Bartel – Engineer Manager
Buena Vista Water Storage District

Mr. Chairman and Members of the Subcommittee:

On behalf of the California Industry and Government Coalition for the Kern County Valley Floor Habitat Conservation Plan (KCVFHCP), we are pleased to submit this statement for the record in support of our funding request for the Interior Appropriations Bill for fiscal year 2013. First, the Coalition supports the President's budget request for the Department of Interior's Cooperative Endangered Species Conservation Fund, especially funding for HCP land acquisition. Second, the Coalition urges the Subcommittee to appropriate additional funding for land acquisition above the funding requested by the President. The additional funding requested by the Coalition anticipates that $1 million will be needed by the Kern County program to be used for purposes of acquiring and maintaining habitat preserves.

The Coalition's request is supported by the timely need to complete and implement the KCVFHCP. The County's local oil and gas production industry and Water Districts have contributed over $573,500 to the development of this program. In 1997, the U.S. Fish and Wildlife Service allocated $500,000 of federal Endangered Species Act Section 6 funds to assist in program implementation (land acquisition and endowment). The California State Government has authorized $1 million to augment the federal funds. In order to secure the $3 million total necessary to assist in the implementation of the plan, we will require $1 million for fiscal year 2013 and $500,000 for fiscal year 2014.

The Coalition requests that the Subcommittee appropriate the maximum possible amount for this program, so that the funding pool can accommodate our request and need. We are confident that the plan's merits and need support this request.

Kern County's program is unique from other regions in the nation in that it contains some of the highest concentrations of plant and animal species protected by the Endangered Species Act (ESA) within the continental United States. The region is occupied by 11 wildlife species and 14 plant species covered as threatened or endangered under the program. The potential for conflict with the federal ESA is great in Kern County because of the extensive oil and gas production activities, water conveyance and management efforts and other economic pursuits that are occurring. Since Kern County is the top oil producing county in the nation and experiencing continued growth, potential conflicts with the ESA and their resolution through a proactive conservation program has significant national importance.

In recognition of the conflicts posed to economic growth by federal and state endangered species laws, a joint agency Memorandum of Understanding was entered into by the U.S. Fish and Wildlife Service, Bureau of Land Management, California Energy Commission, California Division of Oil and Gas and Geothermal Resources, California Department of Fish and Game and Kern County. The participating agencies agreed to develop a unified conservation strategy with the goal of providing a streamlined and consistent process of complying with State and federal endangered species laws, yet at the same time allow important industry activities such as oil and gas, water conveyance and other economic pursuits to continue.

Preparation of the KCVFHCP began in 1989 and involved a number of federal, State and local government agencies, as well as the oil and gas industry, water interests, utilities and environmental groups.

Kern County's Valley Floor Habitat Conservation Plan is one of the largest and most diverse endangered species conservation programs under development in the nation encompassing over 3,110 square miles. The program represents a departure from traditional endangered species conservation programs which utilize prohibitory controls to assure conservation of species habitat. Instead, it will utilize an **incentive-based system of selling or trading habitat credits in an open market**. This innovative approach, for the first time, provides landowners with real incentives and more importantly, the ability to choose how best to manage their own private property. The KCVFHCP is in the final stages of preparation. The HCP document is completed. An environmental impact statement is being prepared for public review in the near future. Final approval will occur in 2013.

Numerous agencies, in concert with the State of California and local government entities, as well as the private oil and gas industry have contributed funding, time and other resources toward developing the KCVFHCP. This program will be completed in 2013, provided there is the necessary federal funding for the acquisition of habitat to mitigate for oil and gas operations and development. Additional funding is critical to completing the HCP. This is one of the final steps necessary to implement the conservation strategy. Because of the extensive private, local and state government financial support that went into the development of this program, federal participation in program implementation will demonstrate that the burden of ESA compliance is not being placed exclusively on private property owners. Program funding will also contribute to eventual species recovery.

PROGRAM FUNDING NEEDS

In order for the KCVFHCP to be implemented, the program requires funding in the amount of $1.5 million (augments the $1.5 million in state and federal funding received in 1997) that could be funded in increments over the first two years of the program. The purpose of this funding is described as follows:

Oil Development Issue

A mitigation strategy has been devised that is intended to acknowledge existing oil field

activities within Kern County. The strategy proposes to acquire 3,000 acres of endangered species habitat to mitigate for species loss resulting from oil field development outside of established oil field production areas, but within proximity of those areas. This is to allow for reasonable expansion of oil field activities over the life of the HCP program. The program strategy allocates $3.0 million for acquisition and perpetual maintenance of species reserve areas. With this type of strategy, oil field expansion activities would be provided for in the program. This strategy would be of great benefit to the small independent oil and gas companies within the program area.

Urban Development/County Infrastructure Issue

The conservation program includes an Urban Development/County Infrastructure mitigation strategy that mitigates for species habitat loss through the use of an incentive-based system of selling or trading habitat credits in an open market. This innovative program will add market value to land that is needed by project proponents to comply with endangered species laws which, in turn, will encourage the owners of such properties to offer lands for the benefit of species conservation. Protected species of plants and animals will benefit from a program that promotes private property owners to conserve permanent habitat preserves consistent with the objectives of the ESA.

Water District Activity Issue

A Water District Strategy is included in the program to address Covered Species protection due to the construction of new facilities and the operation and maintenance of existing water management and conveyance facilities. The Covered Species will benefit from reduced and less intrusive operation and maintenance measures than have been conducted historically due to concerns for conflicts with endangered species laws.

Federal Funding Support will Augment Local Government and Private Industry Efforts to Comply with the Endangered Species Act

The $1.5 million required for the oil field strategy would help contribute to satisfying the program's endangered species conservation goals, while also providing for continued economic growth of Kern County's oil and other development activities. Protected species would benefit from a comprehensive long-term program that promotes the creation of permanent habitat preserves.

Numerous private businesses, in concert with the State of California and local government entities, are attempting to do their part, and we come to the appropriations process to request assistance in obtaining a fair federal share of financial support for this important effort. This unique cooperative partnership involving state and local government, as well as private industry, has contributed substantial funds to date, to assist in the development of this program.

The California Industry and Government Coalition appreciates the Subcommittee's consideration of this request for a fiscal year 2013 appropriation to support implementation of this significant program.

League
of American
Orchestras

Testimony in Support of FY2013 Funding for the
National Endowment for the Arts
Submitted to the House Interior, Environment, and Related Agencies Appropriations Subcommittee

Jesse Rosen, President and CEO
League of American Orchestras
March 28, 2012

The League of American Orchestras urges the subcommittee to approve Fiscal Year 2013 funding for the National Endowment for the Arts (NEA) at a level of $155 million. We urge Congress to continue supporting the important work of this agency, which broadens public access to the arts, nurtures cultural diversity, spurs the creation of new artistic works, and fosters a sense of cultural and historic pride, all while supporting countless jobs in communities nationwide.

The League of American Orchestras leads, supports, and champions America's orchestras and the vitality of the music they perform. Its diverse membership of approximately 850 orchestras across North America runs the gamut from world-renowned symphonies to community groups, from summer festivals to student and youth ensembles.

With communities throughout the nation continuing to weather difficult economic conditions, the award of an intensely competitive NEA grant is a compelling boost to an orchestra's pursuit of funding from other sources. A grant from the NEA is seen as a mark of public value and national artistic significance, and the distinction of presenting these nationally recognized programs is enjoyed by communities large and small. In Fiscal Year 2011, the NEA's Grants to Organizations included 88 grants to orchestras, and continued funding for the agency will support orchestras' ability to serve the public. The NEA promotes creation, engagement, and learning in the arts through *Art Works*, the major support category for organizations, and the *Challenge America: Reaching Every Community* grant program—as well as through vital Federal/State partnerships.

In addition to educating and engaging people of all ages, fueling local economies, and attracting new business development, orchestras unite people and cultures in a uniquely powerful way. The League is committed to helping our members engage with their communities, and the NEA plays an invaluable leadership role through its direct grants, strategic initiatives, and research on trends in public participation and workforce development.

NEA Grants Help Orchestras Educate and Engage America's Youth

The **Boston Youth Symphony Orchestras** (BSYO), comprising 9 full-time administrative staff and 68 part-time artistic staff serves approximately 450 students every year. With an FY12 NEA Art Works grant, BYSO initiated and continues to develop the Intensive Community Program (ICP), a nationally recognized string training program for underrepresented youth from Boston's inner city. BYSO provides ICP students with financial assistance for weekly music lessons, ensemble classes, instrument rental and tuition subsidy in BYSO orchestras. Additionally, BYSO makes more than 6,000 free tickets available each year to the community through partnerships and offers free outreach concerts directly in inner-city Boston neighborhoods, bringing classical music to traditionally underserved populations.

Through its Growing Music initiative, the **New York Youth Symphony** (NYYS) provides arts education to students aged 12-22 in the metropolitan area, as well as access and engagement opportunities for the entire community regardless of the ability to pay, thanks to an NEA Art Works grant. Youth orchestra musicians participate in composition workshops, score-reading sessions, orchestration classes, as well as public performances at Carnegie Hall, Jazz at Lincoln Center, Symphony Space, and Weill Recital Hall. In addition, the Making Score composition program provides seminar-style education to fifteen students, culminating in a year-end performance of their original works at Symphony Space. The New York Youth Symphony engages approximately 30 coaches.

The **San Francisco Symphony Youth Orchestra** (SFSYO) also received an NEA Art Works grant, which it will use in its Artistic Development Program to provide specialized training to prepare students for careers in music through intensive coaching, collaboration with guest artists, internships, mentoring, and training in chamber music, instrument care, and audition techniques. An annual concert series and community appearances reach more than 20,000 attendees each year, serving a broad and diverse population through free tuition for its members; free open rehearsals for seniors, students, and community groups; free concert tickets for public school instrumental music students; and ensemble performances at community events. The youth orchestra provides paid part-time apprenticeships to 4-5 students each year.

NEA Funding Increases Public Access to Culturally Diverse Experiences

The NEA, together with the organizations it helps support, is dedicated to improving public access to the arts. The experience of live music can serve as a conduit for disparate communities to connect with each other, and the **Pacific Symphony**, which employs 88 part-time musicians and 44 full-time staff, is utilizing an NEA Art Works grant to produce a celebration of the Persian New Year. The centerpiece is the world premiere of *Toward a Season of Peace*, a work for chorus, orchestra and solo soprano by the Iranian American composer Richard Danielpour. The Symphony is committed to building unity in the community through music, exploring a different facet of American music each year. The Nowruz celebration has sparked considerable interest nationally and spurred cross-cultural discourse among the orchestra's culturally diverse surrounding community.

With an NEA Challenge America grant, the **Lawton Philharmonic Orchestra** is also bringing its community together, inviting members of the five Native American tribal nations (Kiowa, Comanche, Apache, Chickasaw, and Fort Sill Apache) that include and surround Lawton, Oklahoma, to attend, free of charge, a special concert closing its 50th Anniversary Season. The orchestra commissioned composer James Stephenson to write, "Ode to Peace," which incorporates Native American themes. The Lawton Philharmonic Orchestra has one administrative employee and a music director/conductor on contract. The orchestra provides 100 free tickets to active duty military and their families for each concert. For an upcoming special concert this April, the Philharmonic expects 250 Native American guests, many of whom will be attending a symphony concert for the very first time.

With an NEA Art Works grant, the **Baltimore Symphony Orchestra** (BSO) will establish the Orchestra Fellows Program for post-conservatory musicians of color. Fellows will rehearse and perform in the main BSO season and receive private coaching and preparation for auditions. Beyond the concert stage, Fellows will engage in the orchestra's after-school and community programs, including OrchKids, the BSO Academy, and Rusty Musicians. The Orchestra Fellowship Program is part of the BSO's broader vision of inclusivity and relevance within the community that has marked the tenure of Music Director Marin Alsop. Among its goals, the Fellows Program seeks to create a welcoming destination for musicians of color and to increase the number of African-American musicians in the BSO, thus better reflecting the diversity of Baltimore. The BSO has 138 full-time and 318 part-time/freelance employees, and an impressive volunteer force of 438.

This May, an NEA Art Works grant will support the **Milwaukee Symphony Orchestra's** (MSO) participation in the second Annual *Spring for Music Festival* at Carnegie Hall in New York. The Festival is a series of concerts by North American symphony and chamber orchestras with artistic profiles built around innovative, creative programming. The MSO, which employs 35 full-time staff, was selected for participation based on the submission of a program including works by Olivier Messiaen, Claude Debussy and Qigang Chen. The program's inspiration comes from the influence of world cultures and the generational teacher-student dynamic that enhances the creation and performance of the music.

While many orchestras draw inspiration from the various ethnic cultures that make up our country, others celebrate distinctly local traditions and landscapes, such as the **Louisiana Philharmonic Orchestra** (LPO), which received funding from the NEA to support the concert *Becoming American: The Musical Journey*. Presented in collaboration with The Historic New Orleans Collection, the concert celebrated the 200th anniversary of Louisiana statehood by exploring the diverse classical music traditions of New Orleans influencing the development of jazz into the American tradition it has become today. The LPO, with 16 full-time employees and 67 full-time musicians, was able to leverage its NEA grant to secure funding from a national foundation to webcast the performance to internet audiences, resulting in over 1,000 views by audience members from forty-one states and seventeen countries.

Meanwhile, the **Arkansas Symphony Orchestra**, which employs 10 full-time musicians, approximately 50 contracted musicians, 13 full-time staff and 2,436 volunteers in three community guilds across the state, will utilize its NEA grant for the American premiere of Michael Torke's *Mojave Concerto for Marimba*. The Mojave Desert directly inspired the composition, with the pulse of the marimba and accompaniment representing the moving panorama as one drives the interstate between Las Vegas and Los Angeles. In addition to the premiere, the composer and percussionist will spend one week leading education workshops and lectures for student musicians and community members.

NEA Funding Encourages New Works and Local Artistry

NEA grants to orchestras help support the creative initiatives of American composers and musicians. The **Bismarck-Mandan Symphony Orchestra**, with a staff of 3 full-time employees, received its first-ever NEA Challenge America grant for "A Place in Heaven," a series of activities culminating in a full orchestra concert featuring Metropolitan Opera star and North Dakota native soprano Korliss Uecker. Area students will be offered a college-level master class and there will be an open rehearsal and presentation for students with disabilities in partnership with VSA North Dakota.

A grant from the NEA will support the City of Fountains Celebration, presented by the **Kansas City Symphony**, whose 80 musicians and 30 full-time staff are dedicated to sharing music with audiences. The Celebration includes world premiere performances of Daniel Kellogg's *Water Music*, Steven Hartke's *Muse of the Missouri*, and Chen Yi's *Fountains of KC*, all inspired by the fountains of Kansas City. The project includes discussions with the composers, master classes, open rehearsals for students, visual media postings, and a special presentation about the fountains co-sponsored by the Kansas City Public Library.

The **Rochester Philharmonic Orchestra** (RPO) also received NEA support to commission and premiere a new work, which will include a composer residency, by American composer Margaret Brouwer. The project includes workshops with high school and college-level composers and coaching at the International Viola Congress in Rochester with an Eastman School of Music student performing Brouwer's Viola Concerto. The RPO employs 58 full-time core musicians and 21 full-time administrative employees. In addition, nearly 900 volunteers assist the RPO, giving more than 22,000 hours of their time.

NEA grants encourage orchestras to commission innovative compositions, bring music to underserved regions, and help educate and engage citizens young and old. Thank you for this opportunity to convey the tremendous value of NEA support for orchestras and communities across the nation. The Endowment's unique ability to provide a national forum to promote excellence, both through high standards for artistic products and the highest expectation of accessibility, remains one of the strongest arguments for a federal role in support of the arts. We urge you to support creativity and access to the arts by approving $155 million in funding for the National Endowment for the Arts.

UNITED STATES HOUSE OF REPRESENTATIVES
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES
AMERICAN INDIAN/ALASKA NATIVE PROGRAMS
TESTIMONY OF THE HONORABLE
DEXTER MCNAMARA, TRIBAL CHAIRMAN OF THE
LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

Mr. Chairman and Members of the Committee, my name is Dexter McNamara, Tribal Chairman of the Little Traverse Bay Bands of Odawa Indians. Thank you for the opportunity to submit written testimony on the Bureau of Indian Affairs FY 2013 Budget.

Natural resources are of the utmost importance to the Little Traverse Bay Band of Odawa Indians (LTBB). LTBB, along with the other four Chippewa/Ottawa Resource Authority (CORA) Tribes, have fought long and hard to achieve recognition of their treaty reserved hunting/fishing/gathering rights (1836 Treaty of Washington, Article 13). The exercises of those rights form the base of Odawa culture and are essential to Odawa identity. As such LTBB seeks to have the national BIA *Rights Protection Implementation* program increased to $40 million and at a minimum to have the *Chippewa/Ottawa Treaty Fisheries* funds of **$3,951,000** in recurring base funding budgeted in the President's FY 2013 Request **maintained** and seeks an additional amount of $458,294 for a total of **$4,409,294** in funds for FY 2013. The program provides critically needed funding for the CORA tribes to fulfill their obligations under two decrees in *United States v. Michigan*: the 2000 Great Lakes Consent Decree and the 2007 Inland Consent Decree. The funding is essential for the implementation of the tribes' federally-reserved treaty rights as recognized in these decrees. The CORA tribes have worked tirelessly since the signing of the Treaty to ensure that the Treaty provisions would be honored and numerous tribal members have spent enormous parts of their lives to this end.

U.S. v Michigan

The interpretation of Article 13 of the 1836 Treaty of Washington began in the late 1970's with the filing of the historic court case *U.S. v Michigan*. The issue was partially resolved with the signing of the 1985 Great Lakes Consent Decree (followed by the 2000 Great Lakes Consent Decree) and finally resolved with the signing of the 2007 Inland Consent Decree. These two federal court orders govern the allocation of shared resources and the management of those resources amongst and by the Tribes, the State of Michigan and United States Federal Government.

The Decrees are comprehensive and complex documents. In order to achieve an agreement of this scope and magnitude, the Tribes made many concessions, assumptions, sub-agreements, and politically difficult changes in their natural resource harvesting activities and associated management structures, including the forfeiture of some commercial opportunities. The Decrees also established many obligations and responsibilities for all parties. For the Tribes, these responsibilities are heavily weighted toward development of regulations, biological monitoring and assessment, enforcement

of the newly enacted regulations, and numerous inter-governmental processes; all of which impose a substantial and **permanent financial burden** for the Tribes.

In order to meet the obligations mandated by the Consent Decrees, while providing for long-term sustainable use of the resources for the next seven generations, the Tribe will need to establish and then maintain management capability in several core areas, including Conservation Enforcement, Biological monitoring and assessment, Tribal Court, and Administration. Initiation of these management programs is dependent on **adequate funding.** The future viability of both the treaty right and the established Decrees are inexorably linked to the United States meeting its trust responsibility through the appropriation of funds for these vital programs. The United States is party to each of the Consent Decrees and was the plaintiff on behalf of the Tribes in *U.S. v Michigan.* As such the United States has a tremendous responsibility and an obligation to the Tribes to assist in the implementation of those Decrees through the appropriation of funds or the authorization of federal staff or equipment to assist the Tribes in the exercise, management and protection of those treaty rights.

BIA Rights Protection Implementation

LTBB is writing you with great urgency to ask that even in this financially difficult time that the committee take the time to properly understand the long term relationship between the CORA Tribes and the U.S. Federal government, that the committee fully take into consideration all that Tribes have sacrificed and the promises that have been made by the United States from the early days of a fledgling democracy to the present day. The United States has an obligation and trust responsibility to fulfill those promises. The ability of the Tribes to fully protect and exercise their Treaty Rights is dependent on the Federal support through the authorization and appropriation of funds. **LTBB urges you to increase the BIA Rights Protection Implementation program to $40 million in FY 2013.**

While LTBB is grateful for the funds appropriated to date, there have been no increases related to the 2007 Inland Consent Decree (over 5 years ago) and the new financial burdens of that agreement. LTBB along with the other CORA Tribes seek to have at a minimum the **$3,951,000 in** recurring base funding budgeted in the President's FY 2013 Request **maintained** and seeks an additional amount of $458,294 for a total of **$4,409,294** in Bureau of Indian Affairs (BIA) *Rights Protection Implementation* funds for FY 2013. The funds are essential for the implementation of CORA Tribes' *United States v. Michigan* federally entered Consent Decrees, the 2000 Great Lakes Consent Decree and the 2007 Inland Consent Decree. The request is also consistent with past practices of Congress in appropriating funds to BIA *Rights Protection Implementation* Tribal organizations. As a part of the overall increase to the BIA *Rights Protection Implementation* program in 2010, the Northwest Indian Fisheries Commission (NWIFC) received a 70% increase of over $3.5 million dollars.

BIA Rights Protection Implementation FY 2013 Request

	FY 2012 Enacted	President's FY 2013 Request	FY 2013 Request
Chippewa/Ottawa Treaty Fisheries:	2370	3951	4410

BIA Conservation Enforcement

There is a critical need for funding for conservation enforcement in Indian Country. Fish and game are extremely important to tribes both economically and culturally. The protection of these resources from fish and game violators is essential. The Midwest Region Tribal Conservation enforcement personnel must patrol millions of acres of land and water. The BIA has provided little or no funding in the past for this important component of law enforcement and public safety, even though the Secretary is required to protect trust natural resources. **LTBB asks that $10 million in funding be appropriated to the BIA for Conservation Enforcement in FY 2013.**

Thank you for taking the time to consider this important matter. Should the Committee need any additional information or wish to discuss this matter further, please free to contact Douglas W. Craven, LTBB Natural Resource Department Director at (231) 242-1670.

Marlene MacEwan , widow, Radon Advocate, Tax Accountant
Treasurer, CanSAR (Cancer Survivors Against Radon) www.cansar.org

March 27, 2012

My testimony concerns the U.S. Environmental Protection Agency, Indoor Radon and Toxins Program in the following budget categories: Radon Program (FY 2013 PB: $2.2M, FY 2012 Enacted: $4.1M, FY 2013 Change: -$1.9M), a divestment of $1.9 million eliminates EPA headquarter and regional office oversight for the State Indoor Radon Grants (SIRG) and Radon Categorical Grants, and Radon Program (FY 2013 PB: $0.0M, FY 2012 Enacted: $8.0M, FY 2013 Change: -$8.0M.), a divestment of $8.0 million eliminates SIRG.

I submit this written testimony upon behalf of my late husband, Bob, who no longer has a voice to speak out about Radon as he lost his battle to Radon induced lung cancer over 7 years ago. I attended the House Appropriations Interior Subcommittee hearing Wednesday, March 20th where two Radon lung cancer survivors caught the ears of the committee members with their compelling stories.

I request that the Fiscal Year 2013 funding for the Radon Program and State Indoor Radon Grants (SIRG) be reinstated for FY 2011 levels and that EPA funding for all Clean Air Act programs be made contingent upon the Administrator invoking a rule within six month (as authorized under Chapter 15, section 2670 of the Indoor Radon Abatement Act) that all homes sales and occupancy permits require a radon test and/or radon notification of risk.

EPA results are very disappointing

I am very disappointed that the EPA has abandoned the National Radon Program and feels that they have fulfilled the 1988 Indoor Radon Abatement Act (IRAA). As exposure to indoor radon continues to grow, efforts to reduce exposure through mitigation or building with radon-resistant new construction have not kept pace. Perhaps another government agency would be better suited and committed to take over the EPA's role with the 1988 IRAA.

Bob's painful and shocking cancer diagnosis

Bob was diagnosed with late stage lung cancer on July 24, 2003. He was a healthy 48 year old father of four. He was having difficulty turning his neck from side to side and noticed a lump at the base of his neck on the left side. His doctor said it was an enlarged lymph node and did blood work that showed nothing abnormal. As a last thought, the doctor did a chest x-ray. Bob had a large mass in the lower lobe of his right lung. A subsequent CT scan showed that the cancer had metastasized to his breast bone, mid back bone and left hip. We were devastated! How could this happen to us. We were the average middle class family that lived a good clean life, watched what we ate and exercised regularly. Bob was rarely ever ill. His oncologist and pulmonary specialist estimated that the cancer had been in his body for over 2 years. There were NO warnings signs whatsoever until his stiffness of neck and lymph node enlargement. Lung cancer is called the invisible disease as it is not often detected in the early stages as symptoms are not present.

Bob decided to research lung cancer and found that the statistics were grim. His doctor had told us that his disease was prolongable with chemo and radiation, but was not curable! This news was difficult to accept. Bob read that Radon exposure is the leading cause of lung cancer among non-smokers (which he was) and the second leading cause among smokers. Bob found a test kit at Home Depot for $12.00 including the lab test and we tested our home.

EPA Informed Us Our Area in Oregon Was Safe

I called the EPA to ask about Radon. They asked where we lived. Upon telling them Lake Oswego, Oregon, I was told that the average Radon level in our area was only 1.8 pCi/L, and the EPA action was 4pCi/L. I explained that we had already sent our test in and would report back our findings. Our test came back at 57.2pCi/L, more than 14 times the EPA action level!! I called the EPA and was told to re-test as that was too high for our area. We did, with the same result. EPA sent us a packet of information and a list of two contractors that could mitigate our home.

Bob started aggressive chemo and radiation and work was started on our home to mitigate the Radon. We were very worried about our children who had lived there and family members and friends that had been in our home, especially our precious new grandson. Bob underwent three rounds of chemo therapy and radiation on his breastbone to try to help alleviate crumbling of the bone structure, both to no avail. By June 2004, the cancer had metastasized to his brain, where he had 9 tumors that were causing him to have seizures. Brain chemo and radiation were started. The toll treatment was taking on him was tremendous. He was physically ill most of the time and slept often, not to mention the extreme pain. These symptoms continued as he fought for his life for the next few months. He was not able to drive or be alone, which was a major emotional issue for him. He was losing everything that was important to him. By August, the cancer had spread into his spinal column and his body began the slow process of shutting down. It was horrible for him to endure and horrible for our family to watch him suffer so much. His death process was awful. Death from lung cancer is particularly horrible as the lungs fill with fluid and the fluid is expelled through the mouth and nose as you gasp and choke for air. In Bob's case this went on for four days. Losing my husband has been devastating. Our future together and with our family was gone in a moment. Bob lost everything and everyone in that same moment, an awful tragedy that has taken its toll on us all and will be with us for the rest of our lives.

Radon awareness would have saved Bob's life: Mandatory Testing Would Save More

Why is the EPA closing down State Radon Programs? Bob could have lived if we would have had any idea about Radon. When we bought our house in 1991, we did all the necessary tests and inspections that go alone with real estate. Unfortunately, Radon testing is not one of them, if fact in 1991 it was not even offered to us as a possibility. Today, because of Radon awareness, Radon testing is often offered as an optional test during the inspection process. Mandatory testing and mitigation is necessary for home to be at safe levels.

Bob's Untimely death

Bob lived for 15 months and 10 days after diagnosis was a major loss for me, my children, Bob's parents, his brother, our one grandchild and friends!! I now have 7 grandchildren, 6 of which Bob will never be able to hold or share their lives. This is a major tragedy that could have been avoided.

Taxpayer's return on investment for testing and mitigation is about $400,000 per life saved

As a Tax Accountant, my professional review of taxpayer return on investment for testing and mitigation is substantial. A $12.00 Radon test would have saved Bob's life and saved our insurance company **$500,000 in paid claims** on his behalf and $10,000 paid out of pocket by us **for 15 months** of cancer care. Based on the 2003 analysis, EPA estimates the average cost-per-life-saved for radon mitigation of existing homes is about $400,000. Not to mention, the fact that our economy lost a valuable, productive worker when Bob lost his career to cancer.

With the growing incidence of cancer, insurance costs and health premiums will continue to climb. **Radon induced lung cancer is preventable**! With Radon education, testing and mitigation this country could see a major decrease in lung cancer. Every year 21,000 people die of Radon induced lung cancer, that is 21,000 too many!

I have taken Radon as my cause since Bob's death. I have worked with the American Lung Association and the State of Oregon to increase Radon awareness and enact legislation for building code changes to install passive Radon mitigation systems in all new residential and public building construction. To my knowledge, Oregon is the only state that has this kind of legislation. I am a member and Treasurer of CanSAR (Cancer Survivors Against Radon) who partners with AARST (American Association of Radon Scientists & Technologists to increase awareness on a national level. I also co-chair the Oregon Radon Coalition. Speaking out about the hazards of Radon is very important to me. Radon needs to be taken as seriously as mold and asbestos.

Lung cancer kills more people than breast, prostate, colon and pancreatic cancers combined!
Radon kills more Americans (21,000) each year than AIDS (17,000), drunk driving (10,839), drowning (3,650), home fires (3,500) or second hand smoke (3,400)!
Radon kills 55 American each day, twice as many women as breast cancer and three times as many men as prostate cancer. In fact, lung cancer kills more people than breast, prostate, colon and pancreatic cancers combined!

Together we can save precious lives!
With state public awareness programs, legislative changes for the installation of passive mitigation systems in residential and public building new construction and mandatory testing during real estate transactions, together we can save a great number of lives. Radon awareness, testing and mitigation is within our control to change!

Thank you for your time and consideration.

Sincerely,

Marlene MacEwan

Marlene MacEwan
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Sherwood, OR 97140
503-936-9887
bobnmar@msn.com

March 26, 2012

J. Daniel Click, President
Merritt Island Wildlife Association
P. O. Box 2683
Titusville, Florida 32781

TESTIMONY
FOR THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2013 APPROPRIATIONS

Mr. Chairman and Members of the Subcommittee:

On behalf of the over 1,250 members of the Merritt Island Wildlife Association (MIWA), thank you for this opportunity to submit comments on the proposed FY 2013 Interior Appropriations bill. MIWA is a nonprofit volunteer organization formed in 1994. Our mission is "to promote conservation, awareness, appreciation, and use of the Merritt Island National Wildlife Refuge (MINWR) and to support Refuge programs."

We appreciate your prior support of the National Wildlife Refuge System (NWRS), and specifically request that you continue that commitment to sustaining the world's foremost wildlife conservation system with approval of the President's budget request of **$495 million for NWRS operation and maintenance**. In the broader context of the overall Fish & Wildlife Service budget request, we also urge your support of the **$51 million appropriation proposed for the Migratory Bird Management program**. Further, we believe **funding of the Land and Water Conservation Fund at $700 million** is vitally important to acquisition and preservation of critical habitat throughout the United States.

Merritt Island National Wildlife Refuge

MINWR was established in 1963, the 286th refuge in the system which now numbers 556. It serves as the headquarters for a complex of seven refuges which comprise a total of 172,000 acres located in five counties in east-central Florida. The complex includes Pelican Island NWR, the nation's first Refuge, as well as the system's most recent addition – the Everglades Headwaters NWR. MINWR itself is an overlay of NASA's Kennedy Space Center and extends over 140,000 acres of northern Brevard and southern Volusia Counties. Over two million people live within an hour's drive of the Refuge.

The initial primary purpose of MINWR was "*...for use as an inviolate sanctuary...for migratory birds.*" (Migratory Bird Conservation Act); later expanded under the North American Wetlands Conservation Act to include "*...to protect, enhance, restore, and manage an appropriate distribution and diversity of wetland ecosystems and other habitats for migratory birds and other fish and wildlife...*" and "*...to sustain an abundance of waterfowl and other migratory birds consistent with the goals of the North American Waterfowl Management Plan...*"

The Refuge has been designated by the State of Florida as an "Outstanding Florida Water" in recognition of the exceptional ecological value and water quality of the Indian River Lagoon within MINWR; and is also identified as "Essential Fish Habitat" under the Magnuson-Stevens Act.

These mandates and accolades speak to the quality of the biological and physical resources within MINWR and the necessity to preserve and protect them. Implicit in the mission of the NWRS, however, is the firm commitment to also serve the interests of the people who pay the bills. MINWR has done an excellent job of this. The Refuge receives over 750,000 visitors each year and another 250,000 visit the rest of the complex's lands and facilities. The spectrum of interests is broad – many come for wildlife observation, photography, or simply to enjoy some quiet time in a natural setting; but there are also waterfowl hunters, anglers, boaters, and hundreds of school children drawn by the environmental education programs. MINWR is a highly favored stop on the Great Florida Birding Trail managed by the Florida Fish & Wildlife Conservation Commission.

They come from near and far – over 60% from outside the local area (50-mile radius) according to an extensive 2010-2011 visitor survey. For most, visiting the Refuge was either the primary purpose of their trip or one of a few equally important purposes. And they spend money locally; an average of $52 per day for local visitors, and $91 for those from farther away (who typically stayed in the area for a few days). Nearly 80% of the respondents stopped at the Visitor Center for information, services, and gift shopping; over 95% said they were very satisfied with all aspects of their visit; and 92% believed that National Wildlife Refuges provide a unique recreational experience in comparison to other public lands. The survey, one of several done at refuges across the country, achieved a remarkable 79% response rate.

The NWRS Operations & Maintenance Budget Request

It has been estimated that "full funding" of the NWRS would require a $900 million annual appropriation. We are all aware of the realities of our current economy, however, and **request your approval of the FY 2013 request of $495 million**. We note that while this amount will avoid further sharp cuts in system staff and programs, it falls short of holding the line in terms of constant dollars. The Refuge staff has done an admirable job with the available resources, but they face a number of current and impending budget-related issues:

- The current MINWR staff is 29 people, which provides less than one-half manhour per acre of available labor for all operation and maintenance requirements. (The staff of the other six refuges in the complex is only 11.) One Refuge Manager position was eliminated in 2011, and the Supervisory Refuge Ranger position remains vacant for lack of available funding. That position is responsible for managing the Refuge's public services program…for those 750,000 people who visit each year. The vacancy will force the reduction of Visitor Center hours to five days per week from its current level of seven days during the winter "high season" and six days through the summer.

- Some of the Refuge's roads that historically have been open to the public have been closed this year due to lack of maintenance funds. Lack of adequate staffing also has caused

planned expansions of the hunting program (to include upland game at MINWR and the satellite St. Johns NWR) to be postponed until 2015 or later. Inadequate funding also will reduce maintenance of the levees and control structures used to manage water levels in the impoundments critical for waterfowl habitat. Without proper and timely water control, wintering waterfowl numbers can decline precipitously.

- There are only about 250 law enforcement personnel within the entire NWRS; the MINWR 7-refuge complex has but two. A 2005 assessment by the International Association of Chiefs of Police recommended a NWRS force of 845 full time officers. While crime within our refuge complex has not yet become a major problem, it is increasing. The law enforcement budget request for the entire NWRS is less than $40 million…for 150 million acres in over five hundred locations spread over fifty states. That is about a third of the annual budget for either the Brevard County Sheriff's Office or the Orlando Police Department.

- Nationally, the 220 "Friends" groups such as MIWA and individual volunteers provide 1.4 million hours for NWRS programs and facilities – the equivalent of 665 full time positions. But volunteers must be trained and managed to be effective, and that requires F&WS staff.

- MINWR is responsible for wildfire protection throughout the Refuge, including Kennedy Space Center. Prescribed burning is the primary management tool for both fire risk reduction and for maintenance of scrub habitat for one of Florida's largest populations of the endangered Florida Scrub Jay. Staff has projected that prescribed burns may have to be reduced by up to 25% in the coming year if sufficient staff and funds are not available.

The impact of these issues on visitor orientation, assistance, and satisfaction is obvious, and quite likely to result in reduced visitation. **And that problem extends well beyond MINWR**.

The Refuge is a linchpin in the local economy, and its senior staff have been closely and cooperatively involved in the efforts of Titusville and northern Brevard County – indeed, all of east central Florida – to deal with the repercussions of the ending of the NASA Space Shuttle program. The area has lost thousands of jobs in the past year and suffers from a painfully high unemployment rate.

Local leaders have united to address this immediate and pressing problem…to turn an extraordinarily sour lemon into lemonade, to fall back on an old cliché. A notable example is the Greater Titusville Renaissance whose mission is to "embark on an exciting path of revitalization by celebrating our natural and historic resources, cultivating arts and culture, and energizing our economy." Promoting and sustaining our nature-based tourism is an integral part of that concept.

Using the survey data presented above, we estimate that our 750,000 annual visitors are the source of more than $50 million in local gas, food, lodging, and other spending. MINWR is clearly a significant element in local economic recovery planning. Our community will be even more severely damaged if the Refuge's funding is eroded. We are a reflection of the entire NWRS in this regard. Nationwide, 45 million annual refuge visitors contribute nearly $1.7 billion to local economies and support tens of thousands of local jobs.

Migratory Bird Management Program Budget

Given the fundamental importance of migratory bird habitat preservation and enhancement to the purpose of MINWR, **MIWA strongly supports the $51 million budget request for these programs**. While originally focussed on our wintering waterfowl populations, the Refuge also includes some of the last intact coastal hammock and scrub stands along the Florida coast. These areas are heavily used by migrating neotropical land birds – passerines and other woodland species – moving along the Atlantic Flyway. MINWR also has many large expanses of mud flats and shallow water used by migrating shorebirds, many of which are species of concern, and several miles of undisturbed beach and dunes.

Coupled with our excellent waterfowl areas, these additional components of the Refuge underlie its 2001 designation by the American Bird Conservancy as a Globally Important Bird Area. There are only 500 such areas worldwide – including 183 of our National Wildlife Refuges.

This also underscores the global nature of the need for migratory bird protection. Many of the species passing through MINWR winter in Central and South America where habitat degradation is an increasingly serious problem. We also support the proposed **$3.8 million appropriation request for the Neotropical Migratory Bird Conservation Fund.**

A significant percentage of the visitors to MINWR are birders. Without large numbers of wintering species and the recurring passage of the migrants, our birders will go elsewhere.

Land and Water Conservation Fund

The Land and Water Conservation Fund (LWCF) was created in 1965 with the intention, never fulfilled, of annual funding of $900 million. These funds are derived primarily from offshore oil and gas drilling fees, not from general tax revenue. The Administration's request this year is $104.7 million for the NWRS, but the Senate Transportation Bill, as amended, would provide $700 million for national, state, and local efforts to conserve irreplaceable lands. **We ask for your support of the increased amount**. The LWCF can be an unequalled mechanism for the acquisition and preservation of critical habitats at the landscape scale. These would include the 8 million acres still unprotected within our National Wildlife Refuges and wildlife corridors between existing sanctuaries, preserves, and refuges.

Summary

We believe our National Wildlife Refuges are viewed as great national assets by the American people, and we know that Merritt Island National Wildlife Refuge enjoys that support in Florida. These are places where we go for the enjoyment of things not built by man, for reconnection with our natural heritage, and sometimes simply for stress relief. Our members know they provide all of that. We hope you will find the time to experience these things personally and often, and that you will support the National Wildlife Refuge System to – and perhaps beyond – the extent we have requested.

Thank you again for this opportunity to comment on this proposed appropriation.

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Date: March 28, 2012

To: The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member
House Appropriations Subcommittee on Interior, Environment, and Related Agencies

From: Jeffrey Kightlinger, General Manager

Subject: Continued Funding for the Colorado River Basin Salinity Control Program Under BLM's Soil, Water and Air Program, FY 2013 Appropriations

The Metropolitan Water District of Southern California (Metropolitan) encourages the Subcommittee's support for the U.S. Bureau of Land Management's (BLM) Soil, Water, and Air Program. This includes for fiscal year 2013, federal funding of $5.2 million for general water quality improvement efforts within the Colorado River Basin and, of that amount, specifically $1.5 million for salinity specific projects to prevent further degradation of Colorado River water quality and increased downstream economic damages.

The concentrations of salts in the Colorado River cause approximately $300 million in quantified damages in the lower Colorado River Basin states each year and significantly more in unquantified damages. Salinity concentrations of Colorado River water are lower than at the beginning of Program activities by over 100 milligrams per liter (mg/L). Modeling by the U.S. Bureau of Reclamation (USBR) indicates that the quantifiable damages would rise to more than $500 million by the year 2030 without continuation of the Colorado River Basin Salinity Control Program (Program).

Water imported via the Colorado River Aqueduct has the highest level of salinity of all of Metropolitan's sources of supply, averaging around 630 mg/L since 1976, which leads to economic damages. For example, damages occur from:

- A reduction in the yield of salt sensitive crops and increased water use for leaching in the agricultural sector;
- A reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector;
- An increase in the cost of cooling operations, and the cost of water softening, and a decrease in equipment service life in the commercial sector;

- An increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector;
- A decrease in the life of treatment facilities and pipelines in the utility sector;
- Difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, and an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins, and fewer opportunities for recycling due to groundwater quality deterioration; and
- Increased use of imported water for leaching and the cost of desalination and brine disposal for recycled water.

Concern over salinity levels in the Colorado River has existed for many years. To deal with the concern, the International Boundary and Water Commission approved Minute No. 242, Permanent and Definitive Solution to the International Problem of the Salinity of the Colorado River in 1973, and the President signed into law the Colorado River Basin Salinity Control Act in 1974 (Act). High total dissolved solids in the Colorado River as it enters Mexico and the concerns of the seven Colorado River Basin states regarding the quality of Colorado River water in the United States drove these initial actions. To foster interstate cooperation and coordinate the Colorado River Basin states' efforts on salinity control, the seven Basin states formed the Colorado River Basin Salinity Control Forum.

The Program reduces salinity by preventing salts from dissolving and mixing with the River's flow. Irrigation improvements (sprinklers, gated pipe, lined ditches) and vegetation management reduce the amount of salt transported to the Colorado River. Point sources such as saline springs are also controlled. The Federal Government, Basin states, and contract participants spend over $40 million annually on salinity control programs.

The Program, as set forth in the Act, benefits both the Upper Colorado River Basin water users through more efficient water management and the Lower Basin water users, hundreds of miles downstream from salt sources in the Upper Basin, through reduced salinity concentration of Colorado River water. California's Colorado River water users are presently suffering economic damages in the hundreds of millions of dollars per year due to the River's salinity.

The Act provides that the Secretary of the Interior shall "develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management." BLM is the largest landowner in the Colorado River Basin. Due to geological conditions, much of the lands that are controlled and managed by the BLM are heavily laden with salt. Past management practices have led to human-induced and accelerated erosion processes from which soil and rocks, heavily laden with salt have been deposited in various stream beds or flood plains. As a result, salts are dissolved into the Colorado River system causing water quality problems downstream.

Congress has charged federal agencies, including the BLM, to proceed with programs to control the salinity of the Colorado River. BLM's rangeland improvement programs can lead to some of the most cost-effective salinity control measures available. These measures significantly complement programs and activities being considered for implementation by the U.S. Bureau of Reclamation through its Basin-wide Program and by the U.S. Department of Agriculture through its on-farm Environmental Quality Incentives Program.

Over the past years, the Colorado River Basin Salinity Control Program has proven to be a very cost effective approach to help mitigate the impacts of increased salinity in the Colorado River. Continued federal funding of this important Basin-wide program is essential.

Metropolitan urges the Subcommittee to fund BLM's Soil, Water, and Air Program for fiscal year 2013 at $5.2 million for general water quality improvement efforts in the Colorado River Basin. Metropolitan additionally urges you to specifically designate $1.5 million of that amount for the Colorado River Basin Salinity Control Program.

Jeffrey Kightlinger

HMR:tt

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING

RICK SNYDER
GOVERNOR

RODNEY A. STOKES
DIRECTOR

Name: James L. Dexter, Acting Chief
Title: Fisheries Division
Institutional Affiliation: Department of Natural Resources

March 27, 2012

The Honorable Michael K. Simpson
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
B-308 Rayburn House Office Building
Washington DC 20515

Dear Representative Simpson:

I am writing to express my concern regarding the proposed budget levels in the U. S. Fish and Wildlife Service's (USFWS) Fisheries Program for FY 2013, specifically the $3.612 million reduction in the Population Assessment and Cooperative Management- General Program Activities. As a 25 year employee of the Michigan Department of Natural Resources (MDNR) and as acting Fisheries Division Chief, I can attest to how vitally important the Service's Fisheries Program, especially the Fish and Wildlife Conservation offices, are to achieving Michigan's goals for fisheries management and rehabilitation in the Great Lakes and the recreational and economic benefits that are realized to our citizens. In addition to being concerned about proposed reductions which will significantly erode collaborative work, we support an increase of $5.2 million be added to base funding needs in order to support the USFWS Great Lakes Mass Marking program.

Healthy and abundant Great Lakes fisheries provide significant economic benefit to the State of Michigan and the Great Lakes basin. Sport and commercial fisheries in the Great Lakes alone generate $7 billion in economic activity annually in addition to the related Great Lakes boating industry that generates another $12 billion annually. Michigan leads the nation in the number of registered boats, over 1 million, and most of those are used for fishing in the Great Lakes.

The MDNR values the expertise that USFWS fish biologists contribute to our joint efforts with the Great Lakes States and Tribes, and the province of Ontario to rehabilitate lake trout and lake sturgeon, contribute to the management of sport and commercial fisheries, and deliver the well received programs of the Great Lakes Fish and Wildlife Restoration Act, the National Fish Passage Program and the Great Lake Basin Fish Habitat Partnership.

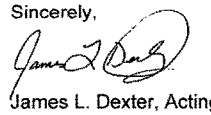
The Fish and Wildlife Conservation Offices in Alpena, Michigan; Green Bay, Wisconsin; and Ashland, Wisconsin have been an integral partner with Michigan and other Great Lakes States working to restore lake trout and the sport fisheries they support. USFWS biologists participate in development of the science that supports our lake trout rehabilitation programs and in the monitoring and assessment that is so critical to evaluate the success of the program. National Fish Hatcheries and the La Crosse Fish Health Center in Region 3 manage and maintain various lake trout brood stocks and rear millions of yearling and fall fingerling lake trout that are stocked annually to support the rehabilitation effort. I am concerned that the proposed budget for Fiscal Year 2013 in the National Fish Hatchery Operations budget will critically reduce the support for our lake trout rehabilitation efforts.

The USFWS biologists are important partners in the multi-faceted program to restore and reintroduce lake sturgeon in the Great Lakes as part of a basin-wide native species priority. They contribute to the coordinated assessments, coordination workshops, genetic evaluations, habitat restoration, fish passage over dams, egg collection, and telemetry studies that are critical to maintain this successful program.

The newly developed Great Lakes Mass Marking program of the USFWS is critically important to maintain the stability of the trout and salmon fisheries in the Great Lakes and currently is not only underfunded, but is not in any base budget. This is a very important program that all 8 Great Lake States have been working on for well over a decade. This program is designed to mark all trout and salmon stocked into the Great Lakes and can provide a state-of-the-art science tool to evaluate the performance, ecosystem effects, and success of our fish management programs.

The USFWS fisheries programs listed above are of proven and continuing value. Tremendous gains have been made through our successful collaboration with the USFWS on many Great Lakes fisheries issues. By restoring and sustaining funding for these important programs, we will continue to build on that progress for the benefit of the fishing public and all users of the Great Lakes

Sincerely,



James L. Dexter, Acting Chief
Fisheries Division
517-373-3375

cc: Mr. Rodney A. Stokes, Director, DNR
Dr. Kelley D. Smith, Acting Natural Resources Deputy, DNR

Daniel Steck, environmental radiation scientist
Professor, Physics Department, St. John's University

This testimony supports the restoration of funds cut from the U.S. Environmental Protection Agency, Indoor Radon and Toxins Program budget categories: Radon Program (FY 2013 PB: $2.2M, FY 2012 Enacted: $4.1M, FY 2013 Change: -$1.9M), a disinvestment of $1.9 million eliminates oversight for the State Indoor Radon Grants Radon Categorical Grants (FY 2013 PB: $0.0M, FY 2012 Enacted: $8.0M, FY 2013 Change: -$8.0M)

These cuts should be restored because:

- Residential radon exposure is a serious public health problem with a cost-effective solution.
- Local, state and federal radon programs are critical to preventing radon-related lung cancers.
- The state and local programs in Minnesota which have been supported by SIRG have been effective in reducing radon exposure. If SIRG funding disappears it is likely that these programs will too.

During my thirty years of radon research and educational outreach, I have participated in some effective radon programs like the Iowa Radon Lung Cancer Study, the World Health Organization's International Radon Project and SIRG grants awarded through the Minnesota Health Department. We should continue to support SIRG grants in states like Minnesota where the funds have been used effectively for a variety of radon risk reduction activities. Besides providing detectors and information, Minnesota SIRG grants can include some technical research activity. SIRG grants helped support some of the activities of a project started in 1982 (the Minnesota Radon Project). That project blended radon research with public educational outreach. In 2005, SIRG supported a study that provided free radon measurements to homeowners while also testing the difference in the long-term radon concentrations in houses built using different building codes. We wanted to see if the "new" code eliminated radon entry as a building association claimed (It didn't[1]). Continuing SIRG would allow important practical questions to be explored like "What is the actual radon reduction created by passive systems now required in new construction?" With retirement looming, I no longer seek funding to answer such questions, but hope that other researchers can get support to investigate this issue. SIRG is one of the few possibilities for funding this kind of independent research, which is why the SIRG program should be enhanced rather than eliminated.

Residential radon exposure is a serious public health problem with a cost-effective solution in the Upper Midwest. In another grant, SIRG funding helped me develop important new information about the cost-effectiveness of preventing lung cancer using radon mitigation in Minnesota. SIRG provided partial support for measurements that led to a scientifically-sound radon map of long-term radon in Minnesota homes while providing free radon measurement

[1] Steck DJ. Building codes, house age and indoor radon in Minnesota. Sixteenth International Radon Symposium, Kansas City Mo. September 2006

and technical assistance to thousands of homeowners. Then independent measurements of the post-mitigation radon concentrations installed in homes by private Minnesota contractors allowed me to estimate the risk reduction potential of current technology and practice[2] in Minnesota.

A cost-effectiveness analysis based on that risk reduction and mitigation costs led to the following conclusions[3]: Thousands of lives and millions of dollars could be saved each year by mitigating high radon homes in the Upper Midwest. In Minnesota, every day radon-related lung cancer reduces the life of three Minnesotans by an average of 16 years. Preventing those lung cancers is better than trying to cure it. Lung cancer is painful and difficult to cure. Often death comes in the first year after diagnosis even when treated aggressively. Although current smokers and recent ex-smokers are at the highest risk, most lung cancers in never-smokers are radon-related. A majority of these deaths could have been prevented if homes with high radon had been mitigated. Preventing radon-related lung cancer by mitigation is much, much cheaper than treating the disease once it is diagnosed. In the Upper Midwest, the cost of extending a life by a year using radon mitigation is around $10,000 while the direct medical costs of extending a lung cancer victim's life by a year is approximately $200,000. Indirect costs associated with the disease would only make the savings possible with mitigation larger than 95%. The average cost of medical treatment for a lung cancer is approximately $100,000 since few people survive to need long-term care. Given an estimate of 1000 preventable radon-related lung cancers per year in Minnesota, the potential health savings of mitigation could be about $100 million per year.

Is promoting and supporting radon mitigation an effective use of health protection funds? This example may be illustrative. Using funds from a SIRG grant, the long-term radon concentrations in more than 30 houses in Albany MN (pop. 2600) were measured. The average radon concentration in the living spaces was 3.5 pCi/L, which is typical for central Minnesota homes. That same year, Albany was required to reduce the arsenic in its community water supply by 2 ppb when the EPA changed the maximum allowable concentration from 50 to 10 ppb. The cost of that fix was $7 million. The arsenic reduction is estimated to prevent a total of 0.04 additional cancers in the town during the next 74 years. If that amount of money had been spent to install and operate radon mitigation systems in Albany's high radon homes, 40 future lung cancers would be prevented giving those people an extra 16 years of life, on average.

Other members of the environmental scientific community have come to the conclusion that radon exposure reduction is a wise use of public and private funds. Recently, I met several scientists who were working regulations to limit the health effects of environmental airborne and soil borne chemical toxins. They were shocked when they learned how much more dangerous and widespread radon exposure is compared to the toxins they were concerned

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[2] Steck DJ. The effectiveness of mitigation for reducing radon risk in single-family Minnesota homes. In press: Health Physics 2012

[3] Steck DJ. Radon-related lung cancer and mitigation cost-effectiveness in a radon prone region. Twentieth International Radon Symposium Columbus, OH October 2010.

about. One of them, Dr. Schmidt, was working on air toxin regulations for Montana when his non-smoking wife developed lung cancer. During those long hours in her hospital room before she died, he started searching for possible causes for her disease. After reading about radon, he measured their home and discovered that they had been living in a high radon home for about two decades. Because he now knows that the cost of measurement and mitigation is trivial compared to the cost of the disease, he has established a foundation in his wife's name to provide measurement and mitigation assistance to others who live in his radon-prone region.

It is critical that we continue to fund effective local, state and federal radon programs. Where should radon funding come from in these days of economic constraint? Here are some ideas. Shifting funds from less effective risk-reduction programs inside the agency or between agencies is a possibility. Since radon generates the majority of the non-medical radiation exposure to the public, perhaps the NRC or DOE radiation protection funds for less dangerous sources could be tapped for part of the $10 million restoration. Or perhaps funding could come from the housing agencies programs that address less risky home risks. Public and private insurance programs that would save the cost of medical treatment for the lung cancers that are prevented might be appropriate sources. The radon problem is serious enough to warrant some bold action now.

Local and state programs supported by SIRG are critical to continued progress in radon exposure reduction. Local programs are important because trust is the key when trying to inform and persuade the public to take voluntary protective action. Many people want to get their information from local experts who understand local traditions and situations. People like to hear advice from authorities who can talk to them in their own language. State and federal agencies are needed to provide guidance, advanced technical support and operational assistance to insure radon measurements and mitigations are being properly done. The Minnesota Department of Health has a successful, non-regulatory radon program funded in part by SIRG. MDH provides educational material, support to local radon programs, technical assistance, and promotes new radon reduction practices in the private sector. IF SIRG disappears, so will most of these beneficial activities. Please restore funding to the SIRG program.

Respectfully submitted,

Daniel J. Steck, PhD
Director of the Minnesota Radon Project and the Schaefer Environmental Radiation Lab
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Testimony of Leslie Dahlhoff, Trails Coordinator, Moat Creek Managing Agency
In Support of the Land and Water Conservation Fund
California Coastal National Monument, California
Bureau of Land Management
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member

March 28, 2012

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2013 Interior Appropriations Bill. The President's Budget for this year recommended $450 million for LWCF. As part of this LWCF request, the Bureau of Land Management included $4.5 million for the acquisition of land at the California Coastal National Monument in Mendocino County. I respectfully urge you to support robust funding for the LWCF to ensure that this critical California conservation priority will receive the necessary funds.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial public benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries. LWCF investments also support jobs, tourism and economic vitality across our communities.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF will permanently pay dividends to the American people and to our great natural, historical and recreation heritage. As LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use as a conservation offset to the energy development of our offshore oil and gas resources.

For over a hundred years the small incorporated City of Point Arena and the Point Arena Lighthouse have clung to the rugged and remote coastline of Mendocino County in California. Surrounding the point and lying north of the town of Point Arena are the Stornetta Public Lands and Manchester Beach State Park, a complex of federal and state conserved lands totaling approximately 3,350 acres.

A unique designation, the national monument was proclaimed in 2000 by President Bill Clinton to protect the coastline; offshore rocks, reefs, and islands; and marine habitats along the 1,100-mile Pacific Coast of California. The monument is part of the BLM's National Landscape Conservation System (NLCS), first created in 2000 and later authorized by Congress in 2009.

The State of California protects 1,500 acres at Manchester Beach State Park. A privately held conservation easement inland along the Garcia River protects another 589 acres. In total the public lands complex protects six miles of coastline.

The jagged coastline of Northern California is a major draw for tourists to Mendocino County. Most visitors access the area via California Route 1. Attracted by the scenery of the coast and recreational opportunities including hiking, biking, camping, wildlife viewing, ocean sports, and horseback riding, tourists also enjoy the hospitality of small communities like Point Arena. Tourism depends not only on the multiple small businesses along the Route 1 corridor, ranging from inns, shops, restaurants, and historic sites like the lighthouse, but also from the ecological and visual integrity of the high quality surrounding landscape.

Available for acquisition in FY 2013 is the 409-acre second phase of the Cypress Abbey property. This property has BLM lands on three of its borders including California Coastal National Monument to its west, Stornetta Public Lands to its north, and the tract recently acquired in the first phase of the project to its south. The property boasts miles of gentle coastal bluff, rich riparian corridors, and approximately two miles of terraces and wild beach with natural bridges, tide pools, waterfalls, sinkholes and blowholes. The coastal bluffs and terraces include open meadows and forests of Shore Pine. The property and surrounding area supports habitat for the Behren's Silverspot Butterfly, Point Arena Mountain Beaver, and California Red-legged Frog, all federally listed endangered or threatened species.

The acquisition will allow for a variety of onsite recreational uses, including interpretive hikes and studies; walking, and bicycling along multi-modal trails; and wildlife viewing. Visitors will be able to observe an array of seabirds along with wintering and migrating shorebirds such as black turnstones, surfbirds, and rock sandpipers. The exposed and vegetated offshore rocks support nesting sites for pelagic cormorants, pigeon guillemots, and black oystercatchers.

Coastal trail access resulting from the proposed acquisition would create a gateway to the national monument and the scenic coastline, making this extraordinary resource accessible for public enjoyment. Acquisition of phase II lands will also provide the opportunity to create over eight miles of California Coastal Trail originating in the heart of the City of Point Arena and connecting to the protected open space. The protection of the property will also enhance the viewshed along California Route 1, the main access road for visitors to the coastline. The route is designated by Caltrans as an eligible state scenic highway.

The project has the support of the U.S. Fish and Wildlife Service, the California State Coastal Conservancy, the California Department of Fish and Game, Mendocino County, the City of Point Arena, and other interested groups and organizations. The first phase of the project, comprising 123 acres, was completed in January 2012 using funds from the BLM and the California State Coastal Conservancy. A total of $5.3 million is needed for the acquisition of the second phase.

In its budget request for FY 2013, the BLM included $4.5 million from the Land and Water Conservation Fund (LWCF) for California Coastal National Monument. Additional funds

are being sought from state sources, the federal Public Lands Highways Discretionary program, and private donors.

In closing, I urge you to provide funding for the Land and Water Conservation Fund of $450 million, as proposed in the President's FY 2013 budget, including critical funding for California Coastal National Monument. I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in California, and I appreciate your consideration of this funding request.

Sincerely,



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Testimony in Support of the U.S. Forest Service International Program
Submitted to:
The House Appropriations Subcommittee on Interior, Environment & Related Agencies
March 27, 2012

The undersigned groups, representing a diverse coalition of timber and labor industry, conservation groups and academic institutions, thank Chairman Simpson and Subcommittee members for their continued support for the U.S. Forest Service Office of International Programs. The following testimony recognizes the valuable investments made by the U.S. Forest Service in promoting U.S. leadership in international conservation and helping American interests, business and ecological, to remain protected from being undercut by illegal logging activities.

While we understand the Subcommittee's responsibility in finding the appropriate balance between conservation and navigating a difficult fiscal climate, it is important to note that the U.S. Forest Service International Programs (hereafter FSIP) provides tremendous economic value to the American public. Industry and congressional reports estimate that U.S. roundwood, sawnwood and panel exports could increase by approximately $460 million each year if illegal logging was eliminated. FSIP works on behalf of the American people to level the playing field for the U.S. in international timber trade while protecting the U.S. from invasive species and recovering declining U.S. migratory species.

We respectfully request the Subcommittee support FSIP by maintaining FY 2012 funding level for FY 2013 at $8 million. This would not only ensure the investments undertaken in Fiscal Year 2012 are maintained, but, more importantly, will ensure that FSIP remains an integral part of the U.S. forest policy and practice.

Reducing Illegal Logging and Leveling the Playing Field for International Timber Trade
One of most important contributions FSIP makes to the American economy is to level the playing field in international trade for U.S. timber producers. Illegal logging is a complex and multifaceted issue, affecting international trade, the long-term viability of forest ecosystems, land tenure, rural poverty, and governance. For the United States, it has detrimental impacts on the US forest products industry and disrupts market access, resulting in huge losses in potential revenue for American producers.

To combat illegal logging, FSIP dedicates roughly a quarter of its budget towards a variety of measures to prevent illegal logging from many different angles: a) by developing cutting-edge technologies that assist in determining wood type and origin, b) by organizing regional workshops overseas to exchange and transfer knowledge, c) by supporting numerous global platforms and domestic policymaking (such as the Lacey Act), and d) by building global awareness of legality requirements and technology. Moreover, with its breadth of expertise in forest management, FSIP is coordinating and implementing on-the-ground activities in several countries to monitor and manage forest ecosystems, support enforcement work and build strong bilateral programs in regions with serious illegal logging challenges, such as Peru, Brazil, Russia and the Congo Basin. Some highlights include:

- *Hand-held wood identification device and wood identification database*
  With support from FSIP and the U.S. Department of State, the U.S. Forest Service scientists are developing a hand-held wood identification device that port inspectors could use to quickly determine whether timber shipments match species declarations. The device also functions on smart phones equipped with cameras. The application will allow the inspector to scan the wood shipment and compare the image to those in libraries of wood identification data.

- *Innovations in DNA testing*
  Funded by FSIP, the U.S. Forest Service is working with New Mexico State University to support innovation in DNA testing of wood samples. This will ultimately ensure that declarations citing origin of wood species are accurate, improving the abilities of US enforcement agents to determine legality under the Lacey Act and/or under the Convention on the International Trade of Endangered Species of Flora and Fauna (CITES).

- *Other technologies and education*
  The Forest Service is also working on a range of other wood science and technological efforts overseas to enhance data management, timber tracking, and field identification manuals as well as conducting field personnel training on forest monitoring.

- *Targeted Bilateral Assistance*
  The FSIP's Peru Forest Sector Initiative (PFSI) assists the government of Peru in complying with the obligations of the U.S.-Peru Trade Promotion Agreement in partnership with the U.S. Agency for International Development. The collaboration focuses on the development of an information and control system for chain of custody for CITES-listed species, support for population studies for mahogany and cedar, design of forest inventories, specialized expertise in yield determination and methodology, development of skill in forest and wildlife management including community and indigenous forest management; organizational design and training to regional governments; anti-corruption plans for the forest sector; environmental investigation; and environmental prosecution training.

Protecting the U.S. from Invasive Species

Invasive forest pests inflict millions of dollars of damage to the U.S. economy every year. Researchers currently estimate there are at least 20 destructive forest pests likely to enter the U.S. in the coming decade. The threat of invasive species is often manipulated by countries and cited as a barrier to U.S. exports. Reducing the threat of invasive species will serve to boost the American economy while protecting domestic ecosystems. The USDA Forest Service identifies and uses bio-control agents for invasive forest pests as bio-control agents, which can be an effective and inexpensive method of suppressing devastating pests that wreak ecological and economic havoc on American forests. FSIP facilitates projects involving agency scientists and land managers with counterparts in those countries where the invasive species originate. Without international collaboration, pests already in the U.S. will not be controlled and there may be

future introductions of economically damaging pests. Current international cooperation, to protect the U.S.'s forests occurs with many countries including China and Russia. FSIP has worked to address invasive species including Sudden Oak Death, Hemlock Woolly Adelgid, Mile-a-Minute Weed, Beech Bark Scale, European and Asian gypsy moths, and Emerald Ash Borer.

Recovering Migratory Species in Decline by Conserving Habitat
FSIP invests heavily in protecting overseas habitat for endangered species listed on the U.S. Endangered Species Act. Millions of dollars invested into domestic habitat conservation for these species is wasted if the wintering habitat is not also conserved. For example, wild Pacific salmon migrate from the rivers of the West Coast of North America and Eastern Russia to the Pacific Ocean. FSIP works in Eastern Russia with partner organizations to improve watershed management for wild salmon stocks. Also in Russia, FSIP has invested in the recovery of the Korean pine-deciduous forests relied upon by prey species such as wild boar and deer that has resulted in a steady recovery of the Siberian tiger over the past decade.

In conclusion, we appreciate the support of the Subcommittee and request maintaining Fiscal Year 2012 enacted levels of $8 million for the U.S. Forest Service Office of International Programs in Fiscal Year 2013. Continued investment in international conservation will improve our economic security, while helping our domestic species to flourish and protecting our local ecological habitats from invasive species. It will also reaffirm our position as the preeminent conservation leader in the world.

Sincerely,



Additional details available from: Nav Dayanand, Assistant Director, Federal Affairs, Wildlife Conservation Society, (202) 624 8432

Statement of
HANK KASHDAN
Legislative Director - National Association of Forest Service Retirees
Recommendations to the Subcommittee on Interior, Environment, and Related Agencies
Fiscal Year 2013 Budget for the United States Forest Service
March 26, 2012

Mr. Chairman and members of the Subcommittee, the National Association of Forest Service Retirees (NAFSR) respectfully submits the following statement for the record to the Subcommittee on Interior, Environment, and Related Agencies regarding the fiscal year (FY) 2013 budget for the United States Forest Service. I am Hank Kashdan, Legislative Director for NAFSR. I retired from the Forest Service in December, 2010 having served as Associate Chief immediately prior to retirement. Let me first express NAFSR's gratitude for this opportunity to provide recommendations on the proposed budget for the Forest Service. The NAFSR organization is a national, nonprofit organization of former Forest Service employees and associates. Members of the Association possess a unique body of knowledge, expertise and experience in the management of the National Forests, other public lands, forestry research, state and private forestry assistance, agency history, laws and regulations, and international forestry. Members of NAFSR are devoted to contributing to understanding and resolving natural resource issues through education, independent and cooperative analysis, and periodic review and critiques of agency policies and programs.

This statement will address four areas of the Administration's proposed budget and programs for the Forest Service:

1. The Wildland Fire Management Program
2. The Agency's Focus on Restoration
3. State and Private Forestry and Redesign
4. Potential Administrative Reforms to be Implemented by the Department of Agriculture

Before addressing the specific areas noted above, NAFSR would first like to express its appreciation to the Subcommittee for its clear commitment to preserving the core programs of the Forest Service during some difficult budgetary times. In our opinion, the final enacted budget for FY 2012 clearly indicates Congress's appreciation of the importance of the Forest Service mission in managing the America's precious natural resources. As the budgetary pressure continues to affect the discretionary funding in the federal budget, we are confident that with your support, the Forest Service will continue its ability to effectively steward the nation's forests and grasslands and maintain a Forest and Rangeland Research program that is among the best in the world.

WILDLAND FIRE MANAGEMENT

The Administration proposes to fund wildfire suppression costs at the 10-year average and proposes a slight decrease in fire preparedness while targeting $24 million for "modernizing the firefighting large airtanker fleet." NAFSR feels it important to raise several concerns regarding this budget proposal. First pertaining to wildfire suppression; while we concur that it is appropriate to fund wildfire suppression at the 10-year average, it is important to note the strong potential to exceed this amount during the fire season. The last three wildfire seasons have

involved lower than normal large fires and significantly reduced expenditures. As a result under provisions of the FLAME Act, unexpended funds would normally have remained available for use in a season where expenditures exceeded available funds. However due to significant budgetary pressure, Congress elected to use these unobligated funds for other purposes, thus resulting in funds only being available to the level of the 10-year average. While the Forest Service's attention to appropriate wildfire suppression response can credited with some of the reduced wildfire suppression costs, it is clear that Mother Nature has been the primary contributor. These lower than normal wildfire seasons should not be expected to continue. The prospect of suppression costs exceeding available funding raises the very significant concern about a return to the "wildfire suppression transfers" that so detrimentally affected the agency's mission during wildfire seasons in the fiscal years of 2000 through 2005. As the Forest Service ramps up its effort to restore unhealthy and wildfire prone ecosystems, a return to fire transfers of the past is a serious issue that can be disruptive to the critical work of the agency. This was pointed out by the General Accountability Office in its report entitled "*Funding* Transfers *Cause Project Cancellations and Delays, Strained Relationships, and Management Disruptions, GAO-04-612, Jun 2, 2004.*" In these challenging budgetary times, NAFSR can only assume that should fire transfers occur, the prospect of immediate action to provide supplemental funding will be unlikely. This eventuality is one of the primary reasons FLAME was enacted, and which would not be redeemed if the coming season, or that of FY 2013 is severe. NAFSR urges the Subcommittee to prepare for a bad season through some form of advance emergency suppression provision in the FY 2013 Budget.

The President's Budget for wildfire preparedness reflects a $2.9 million decrease and specifically targets $24 million for modernizing the large airtanker fleet. The agency's budget overview indicates there will be a decreased preparedness staffing level of 438 full time equivalents based on this budget request. NAFSR urges the Subcommittee to provide funding to retain a level wildfire preparedness staffing level. It has been continually demonstrated that the most effective way to control suppression costs is to be successful upon initial attack. Any decrease in staffing levels jeopardizes such ability to successfully suppress a wildfire at the time of initial attack. A single wildfire could cost as much as $100 million to suppress. Thus the agency needs to be aggressive in suppressing all wildfires at the point of initial attack as this will help contain costs; costs that can be turned into landscape restoration actions which are investments that will cut the costs to the federal budget and impacted communities.

In regards to the targeted funding for large airtankers, NAFSR concurs that any viable option for providing new airframes will cost more. However, NAFSR strongly discourages the Subcommittee from authorizing any Forest Service purchase of C-130 aircraft (an option in the recently released airtanker strategy) at a cost of close to $80 million each. With the airtanker industry clearly able to provide suitable airframes if the Forest Service can expand its contracting authorities, there is no reasonable rationale to use large sums of taxpayer money to purchase aircraft. This situation has become critical. The continuing loss of airtankers and medium retardant helicopters is making more perilous the ability with cooperators to effectively achieve initial wildfire attack response requirements. In FY 2000 there were 43 available airtankers. Only 11 are available for the 2012 fire season. Adequate federal airtanker capability is essential to keep a balance of local, state and federal airtankers available to meet fire response time standards that are critical to protecting natural resources, watershed values, communities, public

safety, and infrastructure. We encourage the Subcommittee to continue to explore enhanced contracting authorities that will enable private industry to meet the large airtanker needs.

FOREST SERVICE RESTORATION FOCUS

The President's Budget reflects a strong focus on restoration programs to restore ecosystems to healthy and resilient conditions. NAFSR concurs with this focus and recognizes that such efforts will improve the economy of local communities and over the long term reduce the vulnerability to catastrophic wildfire events. Key components of the restoration focus involve community collaboration, full funding of the Collaborative Forest Landscape Restoration Program (CFLRP), and achieving permanent authority for Stewardship Contracting. In this regard NAFSR is fully supportive of the President's Budget. However, we note that the President's Budget again reflects a request to consolidate restoration activities under an Integrated Resource Restoration (IRR) budget line item. While NAFSR agrees this line item has potential to improve overall agency performance, and reflects a better integration of the broad range of agency programs, from the an accountability standpoint, "the jury is still out." NAFSR is very appreciative that Congress authorized a pilot program to test the IRR concept in three regions, and recommends that further consolidations of budget line items not be enacted until the agency can demonstrate improved efficiency and performance over the life of the pilot. Although the Budget reflects a reduction of $12.1 million in restoration related programs, NAFSR does support the budget overall in light of the challenging budgetary outlook in FY 2013. In order to offset this reduction NAFSR recommends full funding of the CFLRP as requested in the budget. NAFSR further recommends continued support for implementing permanent authority for Stewardship Contracting, and appreciates the Subcommittee's past efforts to extend the authority. This contracting authority is a core element of community collaboration and is quickly becoming the tool of choice for Forest Service land managers in achieving desired restoration objectives.

STATE AND PRIVATE FORESTY AND REDESIGN

Efforts to significantly improve forest and grassland restoration objectives must be accomplished in concert with the Forest Service State and Private Forestry Program. NAFSR notes an overall decrease in State and Private Funding of $2.1 million, and recommends that such a reduction not occur at the expense of International Forestry and Forest Inventory and Analysis. Rather, NAFSR recommends that the proposed funding level for the Forest Legacy Program be reduced to levels that will restore Forest Inventory and Analysis and International Forestry to the FY 2012 level.

The President's Budget for the State and Private Program includes a proposal to combine several budget line items for Federal Lands Forest Health and Cooperative Lands Forest Health, as well as the establishment of a Landscape Scale Restoration budget line item which consolidates six previously separate programs funded under Wildland Fire and State and Private. NAFSR supports these consolidations. Although NAFSR expressed concern for a similar consolidation under the National Forest System Account, in the case of State and Private, we are supportive. This budget proposal is a result of extensive collaboration with partners over several years which has led to the "State and Private Redesign." The reality of the State and Private Program's budget is that the individual programs have small amount of funds (compared to other agency line items) that achieve efficiency through leveraging with partners. NAFSR supports the

consolidated line item as a way of stretching these funds over the widest possible restoration focus in cooperation with state and local partners.

Potential Administrative Reforms to be Implemented by the Department of Agriculture
The NAFSR organization consists of retired employees who reside across the nation and who maintain extensive contact with the organization and partners at all levels. Many of our members are raising concerns about the prospect of future administrative consolidations that might be implemented by the Department of Agriculture (USDA). While the agency has recovered for the most part from the impacts of major efficiency efforts that resulted in consolidated services for information technology, human resources, and financial management, it appears the Forest Service is likely to be forced through another set of reforms as USDA undertakes significant efforts to improve efficiency. While NAFSR is supportive of any effort to enhance efficiency and stretch funding to accomplish the agency's mission, we do have concerns that the USDA efforts, if not done incrementally and with full recognition of prior consolidation missteps, will once again result in chaotic impacts and expense. NAFSR notes that the President's Budget for the Forest Service involves an increased assessment of approximately $7.6 million in "Central Cost" and "Green Book" programs which currently total more than $200 million in assessments. While NAFSR understands that the Forest Service must pay its "fair share" of total USDA operating costs, these increased assessments do not tend to imply that efficiencies will readily occur and that despite efforts to implement reforms, costs over the long term will continue to rise. NAFSR strongly encourages the Subcommittee to work with its Agriculture Appropriations counterparts to assure that future USDA efficiency reforms have a strong potential to result in improved service to the nation, and that such reforms are implemented incrementally based on well established benchmarks for accountability.

CONCLUSION
Mr. Chairman and members of the Subcommittee, this concludes NAFSR's statement for the record. We close by once again expressing our sincere appreciation for your commitment to supporting the mission of the Forest Service and for your support of a program of work that assures quality natural resource stewardship will continue into the future. We are ready to assist Subcommittee at any time.

**TESTIMONY OF DAVID TERRY, EXECUTIVE DIRECTOR,
NATIONAL ASSOCIATION OF STATE ENERGY OFFICIALS
BEFORE THE HOUSE INTERIOR, ENVIRONMENT AND RELATED
AGENCIES APPROPRIATIONS SUBCOMMITTEE IN SUPPORT
OF FY'13 U.S. ENVIRONMENTAL PROTECTION AGENCY FUNDING
March 27, 2012**

Mr. Chairman and members of the Subcommittee, I am David Terry, Executive Director of the National Association of State Energy Officials (NASEO). NASEO represents the energy offices in the states, territories and the District of Columbia. NASEO is submitting this testimony in support of funding for the Energy Star program (within the Climate Protection Division of the Office of Air and Radiation) at the U.S. Environmental Protection Agency (EPA). NASEO supports funding of at least $55 million, including specific report language directing that the funds be utilized only for the Energy Star program. The Energy Star program is successful, voluntary and cost-effective. With energy prices increasingly volatile, Energy Star can help consumers quickly.

The Energy Star program is focused on voluntary efforts that reduce the use of energy, promotes energy efficiency and renewable energy, and works with states, local governments and business to achieve these goals in a cooperative manner. NASEO has worked very closely with EPA and over 40 states are Energy Star Partners. In 2005, EPA and NASEO announced a State Partnership program, which has many state members. With very limited funding, EPA's Energy Star program works closely with the state energy offices to give consumers and businesses the opportunity to make better energy decisions, without regulation or mandates.

Energy Star focuses on energy efficient products as well as buildings. In 2008, 550 million Energy Star products were purchased. The Energy Star label is recognized across the United States. It makes the work of the state energy offices much easier, by working with the public on easily recognized products, services and targets. In order to obtain the Energy Star label a product has to meet established guidelines. Energy Star's voluntary partnership programs include Energy Star Buildings, Energy Star Homes, Energy Star Small Business and Energy Star Labeled Products. The program operates by encouraging consumers, working closely with state and local governments, to purchase these products and services. Marketplace barriers are also eradicated through education. State energy offices are working with EPA to promote Energy Star products, Energy Star for new construction, Energy Star for public housing, etc.

In addition to the state partners, the program has over 14,000 voluntary partners including over 2000 manufacturers using the label, more than 1,000 retail partners, more than 5,000 builder partners, 4,500 businesses, 550 utilities and thousands of energy service providers. The Home Performance with Energy Star activity allows us to focus on whole-house improvements, not simply a single product or service. This is extremely beneficial to homeowners. We are also working closely with EPA in the implementation of the Energy Star Challenge, which is encouraging businesses and institutions to reduce energy use by 10% or more, usually through very simple actions. We are working with the building owners to identify the level of energy use and compare that to a national metric, establish goals and work with them to make the specified

improvements. Again, this is being done without mandates.

The state energy offices are very encouraged with progress made at EPA and in our states to promote programs to make schools more energy efficient, in addition to an expanding Energy Star business partners program. This expansion will continue. EPA has been expanding the technical assistance work with the state energy offices in such areas as benchmark training (how to rate the performance of buildings), setting an energy target and training in such areas as financing options for building improvements and building upgrade strategies.

The state energy offices are working cooperatively with our peers in the state environmental agencies and state public utilities commissions to ensure that programs, regulations, projects and policies are developed recognizing both energy and environmental concerns. We have worked closely with this program at EPA to address these issues. The level of cooperation from the agency has been extraordinary and we encourage these continued efforts.

Conclusion

The Energy Star program saves consumers billions of dollars every year. The payback is enormous. NASEO supports robust program funding in FY'13. Funding for the Energy Star program is justified. NASEO endorses these activities and the state energy offices are working very closely with EPA to cooperatively implement a variety of critical national programs without mandates.

Testimony

Before the House Interior, Environment and Related Agencies Subcommittee
March 28, 2012

By

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The National Ground Water Association (NGWA) requests that $10-million be included in the U.S. Geological Survey's (USGS) Groundwater Resources Program account to begin implementation of a national groundwater monitoring network. NGWA is the world's largest association of groundwater professionals, representing public and private sector engineers, scientists, water well contractors, manufacturers, and suppliers of groundwater-related products and services.

Water is one of the most critical natural resources to human, ecosystem and economic survival. In the United States, 78 percent of community water systems, nearly all of rural America's private household wells; and 42 percent of agricultural irrigation water are supplied by groundwater. While the nation's people, food supply, economy and ecosystems depend on groundwater, no systematic nationwide monitoring network is in place to measure what is currently available and how groundwater levels and quality may be changing over time. As with any valuable natural resource, our groundwater reserves must be monitored to assist in planning and minimizing potential impacts from shortages or supply disruptions. Just as one cannot effectively oversee the nation's economy without key data; one cannot adequately address the nation's food, energy, economic, and drinking water security without understanding the extent, availability and sustainability of the critical commodity – groundwater.

In the face of current and anticipated water supply shortages, public and private sector water professionals have put out the call over the years for increased groundwater monitoring and the dissemination of the resulting data to the nation.[i] And the need to take action continues to this day.[iiiii]

Congress listened and responded to these requests for enhanced groundwater monitoring by authorizing a national groundwater monitoring network with passage of Public Law

111-11 (Omnibus Public Land Management Act) in 2009. In 2010, six states[iv] voluntarily pilot tested concepts for a national groundwater monitoring network as developed by the federal Advisory Committee on Water Information's (ACWI) Subcommittee on Ground Water (SOGW). If this effort moves forward, consistent, comparable nationwide data would become accessible through a web portal for federal, state, local government and private sector users. In these tight fiscal times, the proposed network would build on existing state and federal investments, maximizing their usefulness and leveraging current dollars to build toward systematic nationwide monitoring of the groundwater resource.

The Administration's FY2013 USGS budget request allocates $2.5 million under the heading National Ground Water Monitoring Network. But the UGSG budget justification suggests spreading these funds over three different programs--the National Ground Water Monitoring Network, a groundwater climate response network, and a Brackish Aquifer Assessment. Apart from the other two programs referenced, as part of the FY2013 Ground Water Resources Program, we ask the Subcommittee allocate $10 million exclusively for the National Ground Water Monitoring Network to do the following:

1. Provide grants to regional, state, and tribal governments to cost share increased expenses to upgrade monitoring networks for the 50 states to meet the standards necessary to understand the nation's groundwater resources. The shared funding arrangements should be modeled after highly successful cooperative programs (e.g. STATEMAP) that already exist between the U.S. Geological Survey and states; and

2. Support the additional work necessary for USGS to manage a national groundwater monitoring network and provide national data access through an internet web portal.

The redirection of an appropriation of $10 million for groundwater monitoring requested here is small in comparison to the entirety of the Department of Interior's appropriations. But the $10 million appropriation is vital when we understand that for a small investment we can begin finally to put in place adequate monitoring of the hidden resource that provides nearly 40% of the nation's drinking water supply. Thank you for your consideration of this request.

national ground water association®

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The National Ground Water Association is a not-for-profit professional society and trade association for the groundwater industry. NGWA is the largest organization of groundwater professionals in the world. Our members from all 50 states and 72 countries include some of the leading public and private sector groundwater scientists, engineers, water well contractors, manufacturers, and suppliers of groundwater related products and services. The Association's vision is to be the leading community of groundwater professionals that promotes the responsible development, use and management of groundwater resources.

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[i] U.S. Government Accountability Office. Freshwater Supply: States' Views of How Federal Agencies Could Help Them Meet the Challenges of Expected Shortages. (GAO-03-514). July 2003. Page 1.
[ii] White House Council on Environmental Quality. Progress Report of the Interagency Climate Change Adaptation Task Force: Recommended Actions in Support of a National Climate Change Adaptation Strategy. October 5, 2010. Page 11.
[iii] U.S. Government Accountability Office. Energy-Water Nexus: A Better and Coordinated Understanding of Water Resources Could Help Mitigate the Impacts of Potential Oil Shale Development. (GAO-11-35). October 2010. Page 39.
[iv] The six pilot states were Illinois, Indiana, Minnesota, Montana, New Jersey, and Texas. Additionally, Idaho, North Carolina, South Carolina, Washington and Wyoming volunteered as pilots but were not included given limited oversight resources.

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Statement of Dr. Jeffery S. Allen
Director, South Carolina Water Resources Center
On behalf of the National Institutes for Water Resources to the
Committee on Appropriations, Subcommittee on Interior, Environment
and Related Agencies, March 28, 2012

Chairman Simpson and Ranking Member Moran:

Dr. Jeffery S. Allen, Director
South Carolina Water Resources Center
Strom Thurmond Institute
Clemson University

My name is Jeff Allen, Director of the South Carolina Water Resources Center at Clemson University's Strom Thurmond Institute. I am testifying today on behalf of the National Institutes for Water Resources (NIWR), the organization that collectively represents the state water resources research institutes. I serve as President of this organization. My statement is in support of restoration of funding for the Water Resources Research Act programs as part of the FY 2013 U.S. Geological Survey's budget.

The Water Resources Research Act (42 U.S.C. 10301 et seq.) establishes a federal/state/ university partnership in water resources research, education, and information transfer and dissemination. There are a total of 54 Water Resources Research Institutes located at the land grant universities of the 50 states, as well as in the District of Columbia, the Virgin Islands, Puerto Rico, and Guam. The Act authorized a state-based network of institutes dedicated to solving problems of water supply and water quality in partnership with universities, local governments and the general public. It is the only federally mandated research network that focuses on applied water resources research, education, training and outreach. These institutes provide a direct and vital link between federal water interests and needs, and the academic expertise located within the states' research universities. This provides a mechanism for ensuring state, regional, and national coordination of water resources research, the education of future water professionals, and the transfer of results and outcomes to state and federal water professionals. The matching requirements of the program ensure that states invest in water research and training.

The Water Resources Research Act authorizes the two grant components of the USGS Water Resources Research Institutes program. The first component is the base grant program which is divided up equally among the institutes. There is a requirement that each federal dollar must be matched by 2 non-federal dollars, and that federal funds cannot be used to pay indirect costs at the universities. This is the strictest match requirement of any federal research program. Each

Institute uses these funds to leverage research and/or student training through a state-wide competitive grants process. In FY2012, each Institute received $92,335, equaling a total appropriation for the base program of $5.2 million. NIWR respectfully requests the Subcommittee provide $7 million in FY2013 for competitive water supply research seed grants, technology transfer, professional education, and outreach to the water-user community by the Institutes ($125,000 per institute).

The second grant component is a national competitive grants program that has the objective of supporting research on water resources problems that are regional or national in nature. Last year this program received 40 applications, which underwent rigorous peer review from a national panel. This panel selected a total of five projects from Alabama, Colorado, Illinois, Kansas and New Jersey for funding, making it as competitive and as rigorously peer-reviewed as other federal research programs. The water resources research institute directors respectfully recommend the Subcommittee provide $1.5 million in FY2013 to support the national competitive research grants program.

I would like to share with you some personal stories from the South Carolina Water Resources Center. First, let me talk about research quality and impact. Our Center awards approximately 2 grants per year, generally to researchers in the university community of South Carolina. While numerous water institutes across the country provide matching funds to investigators through other state appropriations, that is not the case in South Carolina. So, researchers who apply to the South Carolina research competition must provide their own match at the 2:1 required rate. It is always refreshing that they value the research so much that they find the matching funds. We have funded research projects across a range of water issues, from land use change effects on streams to gauging stream conditions based upon fish health to the development of remote sensing wireless monitoring technologies. In fact, one of our projects helped build remote sensors for stream buoys that jump-started a multi-million dollar stream-monitoring network on the Savannah River. It is a technology which we think could be used around the country and even around the world to monitor stream health without extensive field-work required.

The South Carolina Water Resources Center also co-sponsors a biennial conference for water professionals, managers, educators and researchers. Many of the other water institutes hold similar meetings in their states. We are proud to say that for our relatively small state, we had an attendance of over 300 professionals in 2010 and expect at least as many this fall in 2012. Our conference participants come from the state agencies to water organizations to private consultants to college and university researchers. This is the one time of year that the entire water resources community comes together under one roof and the feedback is continually positive with participants telling us it is critical to keep these types of meetings ongoing.

The Water Resources Research Act is what holds all of this together. The Act places the Institutes at land-grant universities, where in coordination with their Extension services, they specialize in identifying problems within their states, developing solutions to those problems, and engaging with the public to implement those solutions. One of the Institute program's greatest strengths is that the research funded by each Institute is tailored to that state's needs, based on priorities set by consultation with an advisory panel.

I would like to cite several examples of research conducted by institutes across the country.

The **Idaho Water Resources Research Center** developed new approaches for assessing crop water usage over large areas using remote sensing information. This collaborative effort between University researchers and the Idaho Department of Water Resources is being adopted by 10 other Western states as well as parts of Africa, Europe and Australia. The Idaho Institute also developed tools to aid in the conjunctive management of surface and ground water in the Eastern Snake Plain.

Staff and students at the **Arizona Water Resources Research Center** carry out collaborative research on a diverse range of topics related to water policy and management, including a Utility Guide to Rainwater/Stormwater Harvesting as an Adaptive Response to Climate Change. This is a project to develop a decision support tool for utilities and agencies to evaluate suitability and cost-effectiveness of rainwater and stormwater capture at various scales.

The Winter, 2012 issue of Virginia Water Central recently, the publication of the **Virginia Water Resources Center**, which circulates widely within the Commonwealth, recently had a feature article on emerging water contaminants and their possible impacts of on fish in waters in or bordering Virginia. The article discussed the law and regulation context for emerging contaminants and provided information to how the public help keep contaminants out of Virginia's waterways.

The **Wyoming Water Research Program** (WRP) is continuing to work with the State of Wyoming on an ambitious weather modification pilot project to assess the efficacy of utilizing cloud seeding as a long term water management strategy. Currently, the institute is using research aircraft for cloud radar and lidar measurements. In addition, the institute is surveying Green and Bighorn basin lakes to evaluate the potential for extreme droughts and investigating how the outbreak of bark beetles in the Rocky Mountain Region will impact water yields on short to long time scales.

The **State of New York Water Research Institute** has begun preliminary research focusing on an inventory of publically owned treatment works (POTWs) in the Hudson valley with the goal of developing insight into how best to utilize public funds. This work is being done in support of the New York Smart Growth Public Infrastructure Policy Act of 2010. This regional analysis will help to identify facilities that may be targeted for repair and/or expansion, for replacement with more advanced facilities, or for potential replacement with "green" engineering approaches such as distributed wastewater treatment.

The **State of Washington Water Research Center** has developed a "Columbia River Basin Long-Term Water Supply and Demand Forecast" for the Washington State Department of Ecology and the State Legislature. The forecast will help the State of Washington to better understanding where additional water supply is most critically needed, both now and in the future. The primary purpose of the forecast is to provide a generalized, system-wide assessment of how future environmental and economic conditions are likely to change water supply and demand.

In March the **Kentucky Water Resources Research Institute** hosted its annual water resources symposium which is intended to encourage sharing of information related to research, management, and educational efforts going on in the Commonwealth. The symposium is held in collaboration with the Kentucky Geological Survey, the U.S. Geological Survey and the Kentucky Division of Water.

We often tout the value of the network of institutes supported by the Water Resources Research Act program and their ability to work together to serve the public on regional water issues.

In May 2011 the Water Resources Research Institutes in Colorado, Idaho, Montana, Oregon, and Washington collaborated on a conference on exempt wells. The most common water-use exception is the exemption of certain water uses from many states' water rights management processes in the West. The goal of the conference was to identify the critical issues associated with the management and impacts of exempt domestic wells and to stimulate new ideas to solve the conflicts that have arisen between traditional water rights holders and water users that rely on exempt wells.

The short supply in the Western states and fears that there will not be enough water for all projected future demands, is creating strained relationships between those in the agricultural, urban and environmental sectors. The Institutes in Arizona and Colorado are working together to improve the relationship between these groups by facilitating discussions about creative ways they can share water and contribute to viable solutions. The institutes' efforts have already been successful in generating action at the state level and through industry groups that have initiated roundtable discussions, retreats and tours among water industry leaders.

Several Water Resources Research Institutes in the Southeast are helping water utilities reduce water usage because of research supported by the North Carolina Water Resources Research Institute. Researchers collected water data from utilities in Georgia, South Carolina and North Carolina and then developed five case studies for use in workshops and presentations. Using the results of the research, utilities have been able to conserve water without sacrificing revenue by adjusting their rate structures, billing, customer communication and conservation programming.

For more than 4 decades the Water Resources Research Institutes have provided research results and impacts to our nation, and proved successful at bringing new water professionals into the work force. NIWR recommends the Subcommittee provide $8.8 million to the USGS for the Water Resources Research Institute Program for FY 2013. This includes $7 million for institutional grants, $1.5 million for national competitive grants, and $300,000 for USGS administration.

The water institute directors recognize the fiscal challenges facing the nation and Congress, but we want to support the USGS Coalition request that Congress appropriate at least $1.2 billion for the USGS in FY 2013, a level that will support critical USGS programs that improve the nation's environment, health, safety, quality of life, and future economic growth.

I thank you on behalf of all the Institute directors for the opportunity to testify to this Subcommittee, and for your continuing support of the Water Resources Research Act program.

National Radon Safety Board
NRSB
Certified Radon Professionals

To: House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies

From: Nancy Bredhoff, President, National Radon Safety Board

Subject: Written Testimony State Indoor Radon Grant Elimination

I am writing today to protest the budget cuts by the USEPA to the Office of Radiation and Indoor Air, Radon Program of $12,000,000.

The National Radon Safety Board, (NRSB) is a nonprofit organization administering a privatized certification program for radon professionals. The NRSB offers independent certification, accreditation, and approval for radon measurement providers, radon mitigators, radon laboratories, radon chambers and radon measurement devices. The NRSB does not receive any monies from any government sources. The goal of our certification program is to ensure that radon professionals are providing quality measurement and mitigation services to the consumer. The NRSB board is comprised of volunteers representing various stakeholders. The NRSB works in conjunction with state radon programs to resolve consumer complaints. Enforcement is a community issue and the NRSB relies heavily on the partnership of state radon offices for consumer protection.

It is well documented by the The National Academy of Sciences, The World Health Organization, The Environmental Protection Agency, the US Surgeon General and other prominent organizations that indoor radon is the second leading cause of lung cancer and is a carcinogen responsible for 21,000 lung cancer deaths per year.

The NRSB opposes the planned FY13 budget's elimination of State Indoor Radon Grants (SIRG) because it is likely that many state radon offices will cease to exist or be severely diminished in their capacity without the federal funding. State radon programs will not have the resources to assist consumers through outreach and technical support, and the public will lose a vital tool for evaluating health risk and making mitigation decisions.

In the interest of public health, we urge the Subcommittee to fully restore these funds, which support life saving work of the State Radon Programs.

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TO: House Appropriations Subcommittee on Interior, Env & Related Agencies
FROM: Carla Bowers, National WH&B Legislative Team, carla84bowers@yahoo.com
DATE: March 12, 2012
RE: **DOI/BLM Wild Horse & Burro Program Proposed FY13 Budget – Redirect Funding for On-The-Range Management, not Off-The-Range Management**

This is an urgent call to the Appropriations & Natural Resources Committees and Congress delegates to redirect funding from unsustainable, fiscally irresponsible roundups/removals/ warehousing of America's threatened wild horses and burros to on-the-range management through the FY13 appropriations process. The appropriation powers vested in Congress must be used immediately to stop the waste of millions of tax dollars and to save America's fast-disappearing national treasures, our valued wild horses and burros of the West. Independent research using BLM numbers and methodology has uncovered the following:

Fiscally Irresponsible Management – Millions of Tax Dollars Wasted

- The BLM is creating the out-of-control costs of the Program by taking wild horses and burros off the range, including non-excess animals, and by not allocating reasonable resources to them on their legal Western public lands. The herds are better managed on the range at very little cost using limited fertility control & scientifically based, reformed management protocols.
- Millions of taxpayer dollars are being wasted on the unnecessary, inhumane roundups and removals of herds, $11.4M in FY11, and the warehousing of animals, $48M in FY11.
- Millions of taxpayer dollars are spent to support the BLM Grazing Program for less than 0.5% of the total U.S. livestock inventory (on HAs/HMAs) at a loss of up to $1B per year.
- The 2008 GAO report stated the Program lacks accountability, science and fiscal sustainability.

Dangerously Low Numbers On The Range – BLM Removing Non-Excess WH&B

- 26,600 WH&B is the BLM's targeted national HIGH AML (appropriate management level). Research shows BLM appears to be using taxpayer dollars to unnecessarily round up non-excess animals below 26,600 in violation of the l971 Act. They are actually targeting LOW AML, ca. 18,000 total WH&B nationally.
- 18-26,600 are dangerously low numbers for long-term health & survival of the protected herds. Of that number, burros are in grave danger at only about 2-3,000 left in the wild. The majority of herds on the range consist of numbers well below the 150 animals per herd considered necessary for sustainability over time by expert equine geneticists.
- Compare the exorbitant numbers of livestock (up to 3M on BLM lands & 1.5M on USFS lands) & other wildlife (20+M deer; 1M elk; 780K pronghorns; 70K bighorns, considered a 'species of concern', to the miniscule numbers of WH&B.

Minimal Land / Forage / Water Allocated For Sustainability Over Time – Constant Downward Trend

- The herds are not overpopulated. They are under-allocated land, forage and water.
- They are being squeezed off their legal public lands. The original 53M acres where they were found in 1971 have been reduced to 27M BLM acres. Continued reductions are planned. These actions are in direct defiance of the 1971 Act.

- The herds are restricted to these 27M BLM acres or only 4% out of 650M total Federal public land acres (which includes 245M BLM acres).
- Livestock graze over 238M USFS and BLM acres, which includes the 27M acres to which iconic herds are restricted in their HMAs (Herd Management Areas). On the HMAs, livestock are given preference and are allocated the majority of forage (3-15 times more) compared to the legally protected WH&B.
- 339 Herd Areas, or HAs, in l971 have been reduced down to BLM's count of 179 HMAs. Needless to say, hundreds of unique herds have been zeroed out and lost forever over the last 40 years, again counter to the intent of the 1971 Act.
- BLM claims to be managing the land for "thriving natural ecological balance". This mandate is impossible to achieve without 'natural predation' (because predators are destroyed to benefit the livestock & hunting industries) and the grazing of 'unnatural' livestock on public lands. WH&B are "an integral part of the 'natural' system of the public lands" per the 1971 Act.
- BLM also claims to be managing the land 'in balance with other multiple uses'. The numbers of livestock & other wildlife compared to WH&B in no way demonstrates any semblance of 'balance'. BLM 'zeroing out' 160 herds from their legal lands defies the 'multiple use' mandate as well.

Lack of Science, Consistency, Accuracy, Credibility, Transparency

- BLM's published data over the Program life is inaccurate, inconsistent, non-credible and non-transparent.
- No state-of-the-art, scientific census of actual WH&B numbers on the range has ever been undertaken to substantiate the Program goals. BLM cannot prove their estimated numbers.
- Current on-the-range management practices lack science and long-term efficacy studies on fertility treatment, sex ratio adjustments, herd/band behavior/dynamics/health and on the BLMs haphazard roundup protocols that have most probably caused the destruction of the social fabric of the herds & compensatory reproduction. Also, current roundup methods are inhumane as demonstrated by ample documentary evidence.
- Program lacks true independent peer review and accountability.
- Forced to acknowledge the lack of a science based Program, BLM has engaged the National Academy of Sciences to analyze the whole Program and make recommendations. However, this 2-year Study is flawed from the start because it's based on the false assumption made by BLM that the herds are overpopulated & are ruining the rangelands. The Study is not based on the whole Program. Plus, it is not an 'independent scientific study' because the BLM has 'directed' it, from creating the 'scope' of the Study, to influencing who is on the Study Panel to who presents information to the Study Panel at the meetings. Two years time, $2M more taxpayer dollars and 15K more WH&B rounded up in the meantime will render this Study biased & useless, with very few WH&B even left on the range to manage.

America asks Congress to redirect funding through the FY13 appropriations process from the wasteful, destructive roundups/removals/warehousing of wild horses and burros to humane, science based, on-the-range management protocols. These protocols can be implemented right now as indicated on pages 3 & 4 of this submission.

WHAT CONGRESS CAN DO IMMEDIATELY TO SAVE TAXPAYER DOLLARS AND SAVE AMERICA'S THREATENED WILD HORSES AND BURROS

Vote for Fiscal Responsibility in the Program

- Utilize the current FY13 budget process to redirect funding away from all roundups/removals of WH&B, with the exception of independently verified emergency situations.
- Redirect Program funds for humane, on-the-range WH&B management and stop additional stockpiling of animals in government holding facilities.
- Redirect Program funds for an immediate independent, accurate, state-of-the-art census of animals on the range & in holding.
- Redirect Program funds to repatriate as many animals as possible in holding back to their legal Western public lands. (Potential to save up to $48M in FY13)
- Ensure continued funding for all horses in holding until they can be repatriated back to their legal Western public lands.
- Ensure no funds are allocated for euthanasia or slaughter of wild horses & burros.
- Acknowledge & encourage revenue-producing ecotourism centered around the cultural, historic & heritage assets of America's living legends. Wildlife viewing is a $45B a year national industry as reported by USFWS, 2006.

Demand Science, Credibility, Accuracy, Consistency & Transparency in the Program

- Question the validity & credibility of the NAS Study. If the following parameters are not additionally considered, the Study & Recommendations will be biased & useless:
  1) Detailed accounting of current AUM allocations between livestock, WH&B & other wildlife, how they are established & the best course of action to raise the AUMs/AMLs for WH&B to maintain healthy, genetically diverse herds long-term in all WH&B management areas, i.e. amend all Land Use Plans & Range Management Plans.
  2) Detailed analysis of current uses of over 20M acres removed from WH&B usage by the BLM & scientific assessment of these lands for the repatriation of some animals in holding.
  3) Analysis & determination if compensatory reproduction has been caused by BLMs roundup/removal protocols, i.e., fragmenting the harem family bands, selective removals & selective returns to the range, as opposed to natural selection & keeping family bands intact.
  4) Analysis & determination if less compensatory reproduction would occur if family bands, including the lead stallions, lead mares & older family members were returned to the range intact minus a couple of younger adoptable members.
  5) Analysis & determination of the effects of 60/40 sex ratios, PZP & other fertility control methods on long-term herd behavior, dynamics, structure & health.
  6) Analysis & determination of best management protocols for truly humane treatment of WH&B through all phases of management.
  7) Analysis & determination of the best live stream tracking system to follow all animals during helicopter roundups & during removals from the range through & to their final destinations.
  8) Analysis & designation of non-traumatized, non-manipulated herds still on the

range to be used as control groups for pilot research projects (very few left in this category).

9) Independent, state-of-the-art census of all populations on the range & in holding facilities to obtain an accurate baseline utilizing FLIR (forward-looking infrared), satellite imagery &/or drones.

- Develop and pass legislation to re-protect America's WH&B.
- Develop and pass legislation to ensure the highest humane treatment and management practices on the range, which includes improved WH&B handling, tracking, accountability and real consequences for inappropriate management.
- Consider alternatives to remove entire Program from BLM's jurisdiction and create another entity that will truly preserve and protect America's herds as the original 1971 Act intended.

Create More Equitable Land/Forage/Water Reallocation Legislation to Protect and Preserve Viable Herds on the Range Long-Term

- Acknowledge that reducing the original HAs of 53M acres down to 27M acres and zeroing out over 150 herds has violated the multiple-use mandate of the 1971 Act.
- Acknowledge WH&B are not being allocated equitable resources on their restricted, legal Western public lands to sustain their health and longevity as Federally-protected species mandated by the 1971 Act.
- Utilize powers already vested in the 1971 Act to return all original HA acreage to WH&B and designate WH&B as the "principle" user on all HMAs and HAs. This will entail passing legislation requiring BLM to amend the Land Use and Range Management Plans of all the HMAs and HAs in order to:

  1) reinstate migratory routes and lands lost to WH&B,
  2) designate the lands as 'ranges' for WH&B,
  3) reflect marked increases in forage and water allocations to WH&B, as the "principle" user of those resources, and
  4) reflect marked increases in appropriate management levels of WH&B to ensure their continued healthy survival for generations to come on public lands.

Stand up for Increased Appropriate Management Level Numbers of Wild Horses and Burros on the Range for their True Preservation Well into the Future

- Acknowledge that 18-26,600 WH&B on the range in the 10 Western states are far below a 'species of concern' population level as compared to other large wild land species. Wild burros numbering from 2-3,000 are in the endangered category right now.
- Support the increase of appropriate management levels of WH&B so their numbers will be sustainable for long-term survival on all HMAs & HAs through amended Land Use & Range Management Plans.
- Support repatriation of WH&B currently in expensive holding facilities back to their legal lands in the West, thus saving millions of taxpayer dollars and preserving and protecting America's living legends as was originally intended by the 1971 Act.

Compiled by Carla Bowers, carla84bowers@yahoo.com, updated 3/12/12

Joshua Saks
Legislative Director
National Wildlife Federation

Testimony on FY2013 Appropriations
House Appropriations Subcommittee on Interior, Environment & Related Agencies
Submitted March 28, 2012

On behalf of the National Wildlife Federation (NWF), the nation's largest conservation advocacy and education organization, and our more than four million members and supporters, we thank you for the opportunity to provide FY13 funding recommendations for the Department of the Interior and other agencies under the jurisdiction of this Subcommittee.

We understand the very difficult budget choices facing the Subcommittee and the nation as we move forward under the constraints of the Budget Control Act. That said, it is our belief that disproportionate cuts to conservation programs represent policy positions not consonant with the priorities and values of most Americans. These programs protect cherished lands and waters and conserve the natural resources that are vital to the nation's continued economic vitality. Recent studies estimate that outdoor recreation, nature conservation, and historic preservation account for $1.06 trillion in overall economic activity and support 9.4 million jobs each year. Outdoor recreation alone generates more than $49 billion in annual federal tax revenue.

NWF and its members remain concerned about proposed funding reductions to many of the federal government's core commitments and programs for conserving fish and wildlife, sustaining and restoring important ecosystems, and maintaining clean air and water. Perhaps of even greater concern are efforts to rewrite the nation's landmark environmental laws through the use of policy riders on the appropriations bill. **National Wildlife Federation urges the Subcommittee to make the necessary investments in our essential conservation and environmental programs and commitments in the FY13 appropriations bill, and to pass a bill free of such riders.**

National Wildlife Federation is overall supportive of the president's FY13 budget request, which we view as balancing fiscal responsibility with continued investments in essential conservation and environmental programs. Below, we offer recommendations for specific budget items and programs.

I. U.S. Fish and Wildlife Service

State and Tribal Wildlife Grants

The State and Tribal Wildlife Grants program is the nation's core program for preventing wildlife from becoming endangered in every state. We are extremely concerned about the impact on the nation's wildlife of the nearly 30% cut to this program in the FY12 appropriations bill, which included a significant reduction to the tribal component of the program. We urge Congress to honor its commitment to this important effort and **strongly recommend funding this program at its previous level of $90 million**, a $28.7 million increase from the President's FY13 request of $61.3 million.

Cooperative Landscape Conservation and Adaptive Science
Safeguarding fish and wildlife resources from climate change is a major concern for the entire natural resource conservation community, and the Fish and Wildlife Service's Landscape Conservation Cooperatives represent an important means for leveraging federal, state, and private resources to achieve effective conservation outcomes. We urge Congress to meaningfully address the very real threats of climate change to our fish and wildlife and **support the administration's request of $33 million** for cooperative landscape conservation and adaptive science.

Cooperative Endangered Species Fund
The Cooperative Endangered Species Fund provides essential assistance to states for the protection of endangered species on non-federal lands. **We strongly support the President's FY13 request of $60 million.**

National Wildlife Refuge System Operations and Maintenance
The National Wildlife Refuge System is the largest system in the world dedicated to wildlife conservation. Simply maintaining the management capability to operate the Refuge System requires a $15 million increase each year. NWF, in support of the Cooperative Alliance for Refuge Enhancement (CARE), **strongly endorses the President's FY13 funding request of $495 million for Operations and Maintenance for the National Wildlife Refuge System.** Should across-the-board sequestration cuts of 9-10% take effect in FY13, the impacts to the Refuge System would be devastating and could force FWS to close or end major programs at more than 130 refuges.

II. U.S. Geological Survey

Climate Science Centers
The National Climate Change and Wildlife Science Center and associated regional Climate Science Centers are important for improving the scientific support required to successfully cope with the challenges of a changing climate. **NWF is supportive of the Administration's proposed $26.2 million in funding for FY13.**

III. Bureau of Indian Affairs

Trust Natural Resources Program
The BIA Trust Natural Resources (TNR) Program represents the largest amount of base, federal funding for tribal natural resource management. Funding, however, has not kept pace over the decade with inflation or the increasing needs of tribes to manage natural resources. **We are strongly supportive of the Administration's FY13 request of $162.11 million,** which is $4.86 million more than in FY12. Among these increases, we are particularly supportive of the $800,000 in additional funding for tribal collaboration with DOI Landscape Conservation Cooperatives. Although we believe that tribal engagement in climate adaptation is still severely underfunded, **we are supportive of the Administration's FY13 request of $1 million** for this activity.

IV. Bureau of Land Management

National Landscape Conservation System
The National Landscape Conservation System contains many of the most special places in the American West. Funding the Conservation Lands at **the President's FY13 funding request of**

$69.5 million is needed to prevent critical damage to the resources found in these areas, ensure proper management, and provide for a quality visitor experience.

V. New Energy Frontier

The New Energy Frontier initiative provides resources for six bureaus across DOI for renewable energy planning, leasing, and permitting activities. The initiative presents an opportunity for the nation to facilitate large-scale clean energy projects without compromising crucial wildlife interests and investments. NWF **strongly supports the President's request of $86.5 million for FY13**, an increase of $15.2 million from FY12 enacted.

VI. U.S. Forest Service

Urban and Community Forestry Program

The Urban and Community Forestry program improves the forests where people live, work, and play. With urban tree canopies in decline, the program is critical to support carbon sequestration, energy conservation, stormwater management, and air quality, while also providing cooling benefits in urban areas. **We support the President's FY13 request of $28 million for this program. We also support the request of $4 million** for the recently established Community Forest and Open Space Program.

Landscape Scale Restoration

The new Landscape Scale Restoration line item streamlines the budget while continuing USFS's landscape-scale restoration efforts to sustain and create jobs, restore ecosystem resilience, and enhance recreation infrastructure. This new line item formalizes the State and Private Forestry Redesign process, funding to state-level projects and allowing the engagement of multiple landowners across boundaries. **We support the President's FY13 budget request of $18 million for this new line item.**

VII. Land and Water Conservation Fund

The Land and Water Conservation Fund (LWCF) is the primary tool of the federal government for acquiring land valuable for wildlife habitat and open space. LWCF is authorized to receive $900 million in revenue from offshore oil and gas drilling annually. Nonetheless, this program has been woefully underfunded over the years, with only a fraction of the dedicated revenues appropriated and available for use. National Wildlife Federation **strongly endorses the President's FY13 request of $450 million for the Land and Water Conservation Fund.** In addition, we support current legislative efforts to provide robust and dedicated funding for LWCF outside of the budget process.

VIII. Environmental Protection Agency

Urban Waters Grant Program

Most Americans now live in urban areas, but our urban waterways are imperiled from the effects of human development, including pollution from industrial point-source pollution and urban stormwater runoff. The Urban Waters Grant Program not only funds innovative approaches for water quality improvements that benefit aquatic ecosystems, but also revitalizes urban waterfronts, providing economic benefits and recreation value for residents. **We support the President's FY13 budget request of $4.4 million for this program.**

Geographic Programs - Ecosystem Restoration Initiatives

America's Great Waters are the lifeblood of our nation. Sustained, consistent restoration funding is crucial for the successful implementation of multi-year, complex ecosystem restoration plans. As such, **we are concerned that this important funding is reduced for the second year in a row.** While NWF is fully supportive of the proposed increases for EPA's Chesapeake Bay Program Office ($57.4 million requested), we are concerned about significant proposed funding decreases for several other regional efforts, and urge Congress to restore funding to FY10 levels for: Great Lakes Restoration Initiative ($475 million vs. $300 million); Long Island Sound ($7 million vs. $5.3 million); and Puget Sound Program ($50 million vs. $30 million).

EPA National Estuary Program

The National Estuary Program (NEP) works to restore and protect nationally significant estuaries. Unlike traditional regulatory approaches to environmental protection, the NEP targets a broad range of issues and engages local communities in the process. The program focuses not just on improving water quality, but on maintaining the integrity of the whole system -- its chemical, physical, and biological properties, as well as its economic, recreational, and aesthetic values. **NWF is disappointed in the reduction in funding proposed for this program, and recommends $30 million,** a $3 million increase from the FY12 enacted.

Clean Water State Revolving Fund

Since the 1970's, CWSRF projects have helped improve the quality of wastewater treatment in communities throughout the country. Yet the job is far from complete and the nation faces trillions of dollars in funding needs to repair aging wastewater treatment systems and keep our rivers and streams pollution free. To provide states with needed funding to upgrade aging sewer systems and to comply with the Clean Water Act, NWF urges Congress **to increase funding from the President's FY13 request of $1.46 billion to $2 billion.**

Clean Water Act 319 Nonpoint Pollution Reduction Program

When Congress recognized the need for greater federal leadership in assisting with nonpoint source pollution reduction efforts, The Clean Water Act was amended to establish Section 319. Continued funding for the Nonpoint Source Management Program will provide state and local nonpoint source remediation efforts with the funds that are crucial to the implementation of these projects. As such we recommend that the Subcommittee **increase program funding from the $164.7 million requested by the President to the FY12 enacted level of $175 million**.

Air/Climate Programs

NWF supports EPA's priority goal of improving the country's ability to measure and control greenhouse gas emissions, and **we support the President's request of $825.4 million for this activity,** an increase of $56.4 million over FY12 enacted. This funding will allow the agency to conduct statutorily mandated work on the National Ambient Air Quality Standards for criteria pollutants, including ozone. We also **support the requested $32.8 million increase over the FY12 enacted level for climate protection**, allowing the Agency to support a full range of approaches for reducing GHGs and the risks they pose to human health and the environment.

National Environmental Education Act Programs

EPA's Office of Environmental Education implements highly successful, nationwide environmental education programs. We are grateful for the Subcommittee's support of environmental education in previous years and **recommend FY12 baseline funding levels for NEEA at $9.7 million in FY13.**

Testimony in Support of FY 2013 Funding for the Department of the Interior

March 27, 2012

Submitted by:
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Submitted to:
House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

The Natural Science Collections Alliance appreciates the opportunity to provide testimony in support of fiscal year (FY) 2013 appropriations for the Department of the Interior (DOI). We encourage Congress to provide the DOI Working Capital Fund with at least $70.6 million in FY 2013.

The Natural Science Collections Alliance is a non-profit association that supports natural science collections, their human resources, the institutions that house them, and their research activities for the benefit of science and society. We are comprised of over 100 institutions which are part of an international community of museums, botanical gardens, herbariums, universities, and other institutions that house natural science collections and utilize them in research, exhibitions, academic and informal science education, and outreach activities.

Scientific collections are a vital component of our nation's research infrastructure. Whether held at a national museum, government managed laboratory or archive, or in a university science department, these scientific resources contain genetic, tissue, organismal, and environmental samples that constitute a unique and irreplaceable library of the Earth's history. The specimens and their associated data drive cutting edge research on significant challenges facing modern society, such as improving human health, enhancing food security, and understanding and responding to environmental change. Collections also inspire novel interdisciplinary research that drives innovation and addresses some of the most fundamental questions related to biodiversity.

The institutions that care for scientific collections are important research centers that enable scientists to study the basic data of life, conduct modern biological, geological, and environmental research, and provide undergraduate and graduate students with hands-on training opportunities.

The federal Interagency Working Group on Scientific Collections (IWGSC) was established by President Bush to evaluate the status of federally owned object-based scientific collections. In 2009, the IWGSC reported that, "scientific collections are essential to supporting agency missions and are thus vital to supporting the global research enterprise." In response, in 2010, the Office of Science and Technology Policy directed federal agencies to budget for the proper care of collections. "Agencies should ensure that their collections' necessary costs are properly assessed and realistically projected in agency budgets, so that collections are not compromised."

We are pleased to see that DOI has included an increase of $3.5 million in its budget request for the Cultural and Scientific Collections program. Interior is an important caretaker of museum collections; the Department has an estimated 146 million items, which is second in size only to the Smithsonian Institution. Although many of the department's collections are located in bureau facilities, artifacts and specimens are also housed by non-governmental facilities, such as museums and universities.

The FY 2013 budget request would implement a multi-year action plan to address recommendations made by the DOI Inspector General regarding Interior's accountability for its cultural and scientific specimens. In a December 2009 report, the Inspector General found that DOI has failed to properly accession, catalogue, or inventory museum collections, leaving artifacts "unavailable for research, education, or display and ... subject to theft, deterioration, and damage." The proposed budget increase would support oversight and technical assistance for better care of collections, start a pilot project to identify and assess collections at non-federal repositories, and study consolidation of bureau and non-bureau facilities housing collections.

We support the proposed DOI study of bureau and non-bureau facilities housing biological collections to determine the potential for economies of scale, improvements of oversight and accountability, and space reduction. Because excellent public and private facilities already exist in every state, we believe the study is likely to conclude that contracting with existing bio-repositories that have the experience and expertise to house and curate the collections and associated data will be the most efficient and cost-effective means by which federal agencies can access the collections data required to accomplish agency missions. We applaud the increased recognition by DOI and other federal departments of the immense importance of biological collections and the data they provide in support of the nation's research enterprise that ultimately drives economic growth, improves human health, addresses energy needs, and enables sustainable management of our natural resources.

The National Park Service is also planning to continue its investments in collections. The proposed budget would support the third year of an initiative to eliminate the archival backlog at 165 parks and to address the recommendations made by the Interior Inspector General. In FY 2013, the National Park Service plans to catalog an estimated 7.4 million additional museum objects through the Flexible Park Program.

Conclusion

Scientific collections are an important part of our nation's research enterprise. Research specimens connect us to the past, are used to solve current societal problems, and are helping to

predict future environmental changes. Continued investments in scientific collections are critical for our nation's continued scientific leadership. Please support the budget request for the Department of the Interior's Capital Working Fund, which will support Interior's efforts to preserve scientific collections – a truly irreplaceable resource.

Thank you for your thoughtful consideration of this request.

Written Testimony from Rick Dantzler, Co-Chairman
Northern Everglades Alliance
Fiscal Year 2013 Interior, Environment and Related Agencies Appropriations
Committee on Appropriations, U.S. House of Representatives
March 27, 2012

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to offer written testimony on behalf of the Northern Everglades Alliance. My name is Rick Dantzler. I am the co-chairman of Northern Everglades Alliance, a relatively new organization committed to protecting the ranching and outdoor heritage of the Northern Everglades. We are primarily property owners, but we are also outdoor enthusiasts working together to protect the ranching and agricultural landscapes of this important area. I co-chair the Northern Everglades Alliance with Mike Adams, whose family has been ranching in this landscape for many generations.

The Alliance fully supports the recently established Everglades Headwaters National Wildlife Refuge and Conservation Area, and respectfully requests the support of this Committee in funding these efforts to protect Florida's natural and agricultural heritage.

The goals of the Northern Everglades Alliance are: to protect ranching and a rural way of life, to promote access for wildlife recreation including hunting and fishing, to enhance military readiness through base buffering around the Avon Park Air Force Range, to protect and restore water resources, and to conserve the heath of the ecosystem.

The Northern Everglades Alliance supports the President's request of $450 million for the Land and Water Conservation Fund (LWCF) in FY2013, with the aim of continuing to work toward full funding for the program. The President's America's Great Outdoors Initiative is the prominent focus of this annual LWCF Budget, and includes several top priority landscape conservation areas including the Everglades Headwaters National Wildlife Refuge & Conservation Area. **We respectfully request $50 million in the FY13 budget for the Everglades Headwaters National Wildlife Refuge and Conservation Area.**

NEA is also closely tracking the Senate Transportation Bill and supports the retention of language in a final Highway Bill that would include language providing $700 million annually for two years to the LWCF Program.

Robust funding for LWCF would be critical in preserving working, agricultural landscapes of sufficient scale that agriculture maintains a critical mass that allows commercial agriculture to be viable. Without that scale, farmers and ranchers become hobbyists, and that costs jobs and a way of life.

We understand that for agriculture to be viable it must have critical mass. We understand that for there to be fish to catch and animals to hunt there must be sufficient water and land to support sustainable populations. We understand that for those engaged in nature study there must be enough undeveloped land for ecosystems to function. And most important, we understand that for our state to flourish there must be water of sufficient quality and quantity. The Everglades Headwaters National Wildlife Refuge and Conservation Area would go a long way towards achieving these necessities.

Thank you for your consideration.

Respectfully submitted,

Rick Dantzler

Norton Sound Health Corporation
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Emily Hughes, Board Chair (msemilyhughes@gmail.com)

Testimony submitted to the House and the Senate Appropriations Subcommittees on Interior, Environment and Related Agencies

Regarding FY 2013 Indian Health Service Budget

March 28, 2012

The request of the Norton Sound Health Corporation (NSHC) for the FY 2013 Indian Health Service (IHS) budget is:

- $21.6 million for the staffing of our new hospital and ambulatory care center which will open this fall. This is $10.9 million in addition to the Administration's request of only $10.6 million.

The Norton Sound Health Corporation is the only regional health system serving Northwestern Alaska, along the Bering Strait Region. The system includes a regional hospital, which we own and operate under an Indian Self-Determination and Education Assistance Act (ISDEAA) agreement, and 15 village-based clinics[1].

NSHC is in the final stages of completing the construction of a replacement hospital and ambulatory care center facility in Nome. The construction was funded by the Recovery Act. NSHC worked its way over many years to the top of the IHS health facility construction priority system and when the Recovery Act was enacted we were in a position to be awarded $160 million in construction funds. The IHS and Norton Sound Health Corporation have been working together as government-to-government partners to construct and furnish the new facility, in part under a Title V Construction Project Agreement under ISDEAA. Construction has proceeded on course and NSHC will open its new facility early this fall. Now, IHS has only to fund the expanded staffing needs for operation of the replacement hospital.

The replacement facility is almost three times the size of the current Norton Sound Regional Hospital and will allow for increased patient visits in the primary and acute care areas, including chronic disease prevention and management, and allow us to provide enhanced trauma and emergency services. And the presence of a significant number of new jobs at the replacement hospital will give an economic boost to the Nome area.

[1] We serve the communities of: Brevig Mission, Council, Diomede, Elim, Gambell, Golovin, King Island, Koyuk, Mary's Igloo, Nome, St. Michael, Savoonga, Shaktoolik, Shishmaref, Solomon, Stebbins, Teller, Unalakleet, Wales, and White Mountain.

The Administration's Staffing Proposal Would Not Allow Optimal Use of the Facility. The Administration's request of funding for only 81 new positions in FY 2013 for the Norton Sound replacement hospital would greatly constrain our ability to effectively utilize this new facility. We point out to the Subcommittee that the IHS Alaska Area office recommended to IHS Headquarters that we need 159 new positions in FY 2013, based on the IHS Resources Requirements Methodology (RRM), and that is what we are requesting. While NSHC will still be able to open in the fall if only 81 new positions are funded, the result would be that NSHC could not expand health care services, which is after all the purpose of the new and larger facility. NSHC would be limited to funding only the necessary maintenance, facilities, technology and security positions – few if any new needed health care provider positions could be filled.

For instance, NSHC currently has two in-house dentists, while our new facility has space for a much needed 12-chair dental operation. The unmet dental need in our region is staggerinig, but under the Administration's proposal we perhaps could add only one dentist. Failing to provide adequate dental staffing through a new staffing package will in essence result in a failure to fully realize the Recovery Act funding spent for the new hospital and its intention to be used to provide increased and quality health care services in Nome.

Exacerbating the inadequate funding request is that the IHS provides funding for only 85 percent of what it identifies as staffing need. Further straining the staffing situation is the fact that we received no FY 2012 funds for the costly transition to the new facility. Transition to a new and much larger facility requires a great deal of planning, training, and coordination. Patients must be transported, some equipment moved, and staff must master new mechanical and electrical systems, medical equipment and work flow systems. Just moving into the new facility will require $2-3 million in operational costs that the Norton Sound Health Corporation cannot divert to staffing needs.

Should NSHC receive only enough FY 2013 funding for 81 new positions, it will greatly limit our ability to recruit and hire medical professionals; much of the hiring in FY 2013 would of necessity be core operational staff, as opposed to additional health care providers. Even if additional funding is provided for staffing in FY 2014, it is nearly impossible to successfully recruit medical staff – likely some who will need to move to Nome with their family – based on an anticipation of Congress potentially making the money available in a future year. Delaying the funding over a two-year fiscal period would thus prevent the Norton Sound Health Corporation from recruiting and filling needed health care professionals until well into 2015 – up to three years or more after we open the new facility.

Given the realities of the appropriations process, we greatly need the full funding in FY 2013 for 159 new positions at a total cost of $21.6 million.

Village Built Clinics Lease Program. We also remind the Subcommittee that Norton Sound Health Corporation filed joint testimony with Aleutian Pribilof Islands Association, Bristol Bay Area Health Corporation and Maniilaq Association – all co-signers to the Alaska Tribal Health Compact – regarding the urgent need for additional FY 2013 IHS funding for the Village Built

Lease Program. As noted above, the Norton Sound Health Corporation health care system includes 15 village built clinics.

Thank you for your consideration of our request that adequate FY 2013 IHS staffing funding be made available for the Norton Sound Health Corporation replacement hospital. We are very excited about the possibilities this facility brings for improved health care for the people of Northwestern Alaska. We are happy to provide any additional information you may request.

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Testimony for the Record

Marvin S. Fertel
President and Chief Executive Officer
Nuclear Energy Institute
Appropriations Subcommittee on Interior, Environment, and Related Agencies
U.S. House of Representatives
March 28, 2012

The Nuclear Energy Institute[1] (NEI) appreciates the opportunity to express its concern over the revision or enforcement of certain regulations promulgated, and actions taken under certain laws, by the Department of the Interior, the Bureau of Land Management, and the Environmental Protection Agency:

- EPA's infeasible requirements and prohibitively restrictive definitions in the proposed rule for existing facilities implementing Section 316(b) of the Clean Water Act governing cooling water intake structures;
- DOI's withdrawal of land in northern Arizona from uranium mining activity;
- BLM's proposal to amend land segregation regulations to allow withdrawal of lands from mining activity when they are included in a pending or future wind or solar energy generation right-of-way application, or identified by BLM for potential authorization for that purpose;
- BLM sage grouse habitat management in 10 Western states, which could unduly restrict uranium mining activity; and,
- EPA Region 6's departure from EPA Guidelines for Reviewing Aquifer Exemption Requests for mining projects and unilaterally establishing its own evaluation standards.

316(b) Regulations Will Increase Consumer Electricity Prices With No Environmental Benefit Unless They Are Made More Flexible to Account for Ecological, Geographic and Engineering Diversity of Existing Industrial Facilities

EPA has issued a proposed regulation to reduce aquatic life mortality at cooling system intake structures for existing industrial facilities, including power plants. The final rule is scheduled to be promulgated in July. The proposed regulation treats entrainment (fish drawn through the cooling system) and impingement (fish trapped on intake screens of these systems) separately.

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[1]The Nuclear Energy Institute is the industry's policy organization, whose broad mission is to foster the beneficial uses of nuclear technology in its many commercial forms. Its membership, more than 350 corporate members in 17 countries, includes every U.S. utility that operates a nuclear power plant as well as international utilities, plant designers, architect and engineering firms, uranium mining and milling companies, nuclear service providers, universities, manufacturers of radiopharmaceuticals, universities, labor unions and law firms.

The proposed impingement requirements will result in the installation of costly, ineffective technologies with no assurance of compliance or environmental benefit. The EPA cost-benefit calculations indicate that the proposed rule will cost citizens 21 times the benefit they will derive if these changes at facilities are implemented. In addition, the nation's electricity sector could face grid reliability challenges if the rule is promulgated recommending excessive mitigation technologies that could reduce plant efficiency and electrical output.

Studies of aquatic life population conducted periodically at America's power plants indicate that once-through cooling systems do not harm aquatic life populations. This is because the very small number of fish lost to the cooling system, when compared to the overall population, is readily replaced by reproduction. Any nationwide numeric performance standard ignores ecosystem diversity at the 1,152 affected sites. For instance, there are 3,153 species of fish in U.S. waters. Every water body has a different mix and population of fish species and each species differs in susceptibility to impingement and impingement mortality, and in behavioral responses to various technologies developed to prevent these occurrences.

If EPA continues to insist upon a nationwide impingement requirement, it should be a *technology-based* standard that would accommodate rather than violate site diversity. The regulation should offer a variety of pre-approved technologies from which to choose for compliance. Also, there should be the opportunity to propose an alternative technology if it can achieve significant impingement mortality reduction at that site.

The electricity industry, including companies who own and operate nuclear energy plants, continues to encourage EPA to develop cooling water intake structure regulations that strike a reasonable balance between electricity production and environmental protection. A technology-based standard for a nationwide impingement requirement would accommodate site bio-diversity. The proposed rule, in its current form, does not achieve these results. We ask the subcommittee to encourage EPA to adopt a technology-based standard for impingement.

DOI's Withdrawal of Land from New Uranium Mining in Northern Arizona Is Unnecessary for Environmental Protection and Removes from Production a Domestic Source of High-Grade Uranium for Energy Security

DOI has withdrawn from new uranium mining activity one million acres outside the boundaries of the Grand Canyon National Park, which encompasses 1.2 million acres and includes a buffer zone to protect the Grand Canyon. There is no current or proposed uranium mining inside Grand Canyon National Park.

The proposed land withdrawal is not justified by information contained in DOI's Final Environmental Impact Statement. For instance, regarding land disturbance, "impact to overall soil productivity and watershed function would be small because the level of disturbance represents a very small fraction of the respective parcel areas." In terms of water resources, "impacts would be local and temporary." Modern *in situ* mining practices and standards, unlike the mining of 50 to 60 years ago, have minimal environmental impact. Contrary to Secretary Salazar's statement in announcing the land withdrawal on January 9, today's environmental laws ensure that ore extraction and production at uranium mines have negligible impact on surrounding land, water and wildlife.

Uranium resources in the Arizona Strip are among the highest-grade ores in the United States. These uranium resources are higher grade than 85 percent of the world's uranium resources, according to DOI's Final Environmental Impact Statement. The area represents as much as 375 million pounds of uranium—more than seven times U.S. annual demand. NEI supports legislation introduced in the Senate and the House to overturn the DOI decision. NEI encourages the subcommittee to hold an oversight hearing on this very important issue.

BLM's Proposal to Amend Land Segregation Regulations to Allow Withdrawal of Lands from Mining Activity for Wind or Solar Energy Generation Violates the Multiple-Use Mandate of Federal Lands, Penalizing Economic Growth and Job Creation

The Federal Land Policy and Management Act of 1976 requires BLM to manage public lands to accommodate multiple uses and to provide for the nation's mineral needs so that the most benefit will accrue to U.S. citizens. Conflicts should be resolved in favor of maximum land use and benefit. The BLM proposal violates the multiple-use requirement, being overly broad in its outright segregation of lands for renewable energy use only. Moreover, the amendment is unnecessary, as conflict resolution is possible.

Mining and all renewable energy projects are not mutually exclusive. Wind energy projects and mining operations can be co-located and developed simultaneously. Solar projects consisting of fields of photovoltaic panels, on the other hand, eliminate all other uses of the land, including grazing, recreation, and oil and gas exploration and production. Photovoltaic fields also eliminate the mining of minerals, many of which are required for renewable energy generation and transmission.

Thus, rather than BLM designating lands solely for solar projects, NEI urges the subcommittee to direct BLM to evaluate whether other potential uses of federal land are being prevented and if benefits would be lost to the American public during the BLM process of determining sole use segregation of land for renewable energy production.

BLM Sage Grouse Habitat Management in 10 Western States May Unduly Restrict Uranium Mining Activity

BLM has issued two instructional memorandums regarding immediate and longer term conservation actions for sage grouse priority habitat (breeding, late brood-rearing, winter concentration areas) and general habitat (additional occupied seasonal or year-round areas). Both types of habitat are being identified in collaboration with state wildlife agencies.

The affected Western states are California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. With about 47 million acres of sage grouse habitat involved, BLM's conservation efforts could have a substantial impact on uranium mining activity on public lands. Wyoming's guidance for sage grouse preservation has been approved by the Fish and Wildlife Service and adopted by BLM. For the other states, the interim management memorandum guidance instructs mining operators "to avoid effects on sage grouse and its habitat."

According to the long-term planning directive memorandum, BLM will establish consistent protection measures for the sage grouse and its habitat. BLM will incorporate the protection measures into one or more alternatives for analysis in the environmental impact statements that BLM will use to amend its resource management plans. These plans are scheduled for release in 2014. NEI believes there is the potential that these plans will require wholesale withdrawal of lands from mining activities with no validity examination allowed for ongoing or future mining claims.

NEI recommends close congressional oversight of the BLM process for releasing the Sage Grouse Habitat Management plan. In addition, NEI asks that the subcommittee direct BLM to adopt a balanced approach to sage grouse conservation that is consistent with BLM's statutory mandate for multiple uses of public lands and avoid or minimize adverse social and economic impacts.

EPA Region 6's Departure from EPA Guidelines for Reviewing Aquifer Exemption Requests Will Have a Prohibitive Effect on Expanding the Domestic Uranium Industry

EPA guidance is clear regarding evaluation of requests to exempt aquifers from drinking water protections so that mining projects can proceed: (1) the exempted area does not currently serve as a source of drinking water and (2) it cannot now, and will not in the future, serve as a source of drinking water because of the presence of minerals or hydrocarbons expected to be commercially producible. To demonstrate that a particular area meets these requirements, applicants must perform, respectively, a water well survey covering the exempted area and a buffer of one-quarter mile from the exempted area's boundary, and provide a history of mineral production in the area.

In the case of the Goliad County, Texas, uranium mining project, EPA Region 6 is requiring modeling analysis in addition to a well survey and history—a unilateral departure from the established EPA guidance. Moreover, the requested modeling is not defined, and Region 6 says that it will review whatever modeling results are submitted to determine if more modeling is needed, creating an open-ended regulatory process.

The new standards unilaterally imposed by Region 6 will jeopardize future uranium mining in Texas and limit the potential of one of this country's most promising domestic supplies of uranium. Moreover, this effect will be compounded if one, or more additional EPA regions, unilaterally decides to impose its own evaluation criteria counter to established EPA guidance.

The nuclear industry believes that the result will be a serious impediment to expanding the domestic uranium industry and ensuring a reliable and secure supply of nuclear power plant fuel. In addition, the EPA Region 6 process introduces uncertainty into well-known guidance. The overall result will adversely impact U.S. mining operations and unnecessarily restrict domestic job creation.

NEI urges the subcommittee to direct the agency to review the guidelines for reviewing aquifer exemption requests to ensure that these guidelines are clear and the EPA regions are not unilaterally imposing unfunded mandates on mining companies.

OPERA AMERICA

Written Statement of
Marc Scorca, President and CEO, OPERA America

Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations United States House of Representatives

The Importance of Funding for the National Endowment for the Arts (NEA)
March 28, 2012

Mr. Chairman and distinguished members of the subcommittee, I am grateful for the opportunity to submit testimony on behalf of OPERA America, its Board of Directors and its 2,000 organizational and individual members. **We strongly urge you to support increased appropriations of $155 million for the National Endowment for the Arts for FY 2013.** This testimony and the funding examples described below are intended to highlight the importance of federal investment in the arts, so critical to sustaining a vibrant cultural community throughout the country.

Opera is a continuously growing art form that can address the diverse needs and backgrounds of our communities. New opera companies are being established in communities that have never before had access to live performances. Seventy percent of the opera companies in existence today have been established since 1960. The growth of the field corresponds to the establishment and growth of the NEA. Over the last 20 years, a rich repertoire of American operas has been created by composers who communicate the American experience in contemporary musical and dramatic terms. The growth in number and quality of American operas corresponds directly to the investment of the NEA in the New American Works program of the former Opera-Music Theater Program.

Beyond the opera house, opera companies are finding new and exciting ways to bring the essence of opera to other local theaters and community centers, frequently with new and innovative works that reflect the diverse cultures of the cities they serve. Strong partnerships with local schools, too, extend the civic reach of opera companies as they introduce children to another multi-media art form and discover promising young talent.

Past NEA funding has directly supported projects in which arts organizations, artists, schools and teachers collaborated to provide opportunities for adults and children to create, perform, and respond to artistic works. NEA funding has also made the art form more widely available in all states, including isolated rural areas and inner cities; indeed, NEA funded projects cross all racial, geographic, and socioeconomic lines.

The following are some examples of the impact of NEA funding on opera programs from the NEA's 2012 Art Works Program:

American OPERA Projects, Inc.
Brooklyn, NY
$10,000
To support the development and workshop production of *Paul's Case* by composer Gregory Spears and librettist Kathryn Walat. Based on the short story by Willa Cather, the 85 minute score featuring seven

singers and a six-piece chamber orchestration will see two semi-staged workshops in Brooklyn and two in Princeton.

Anchorage Opera Company
Anchorage, AK
$11,500
To support Verdi's *Macbeth* as part of the company's 50th anniversary season. Educational outreach, seminars, and public lectures highlighting the achievements of the composer will take place in public schools and community centers in metropolitan areas and throughout the state's south-central region.

Beth Morrison Projects
New York, NY
$10,000
To support the world premier of *Song From the Uproar: The Lives and Deaths of Isabelle Eberhardt* by composer Missy Mazzoli in collaboration with librettist Royce Vavrek and filmmaker Stephen Taylor. Culled from the journals of Swiss explorer, Eberhardt, at the turn of the last century, the multimedia work explores Eastern and Western cultures, the elation of self-discovery, and the mystery of death.

Boston Lyric Opera Company, Inc.
Boston, MA
$22,500
To support the adaptation and remounting of the comic opera *The Inspector* by composer John Musto and librettist Mark Campbell, as well as outreach activities. Based on the play *The Government Inspector* by Nikolai Gogol, the production will expand the physical and orchestral elements, working with the original creative team to make the work accessible for larger opera houses.

Central City Opera House Association
Denver, CO
$22,500
To support a new production of *The Turn of the Screw* by composer Benjamin Britten. Based on the Henry James novella, the 20th-century English chamber opera will launch a season celebrating the 100th anniversary of the composer's birth.

Chateauville Foundation
Great Falls, VA
$17,500
To support the fourth Castleton Festival, which takes place annually on a farm in rural Virginia and includes opera performances with orchestral accompaniment. The festival's mission to engage young artists will be met by the residency program that will allow 40 advanced voice students to live, study, and perform onsite during the festival.

Chicago Opera Theater
Chicago, IL
$25,000
To support *Moscow, Cheryomushki* by composer Dmitri Shostakovich. The production marks the first time a Shostakovich opera will be performed in Chicago in 25 years, and it will feature the U.S. premier of the re-orchestrated score arranged by Shostakovich scholar, Gerard McBurney.

Houston Grand Opera Association, Inc.
Houston, TX
$20,000
To support year two of activities from East + West, a four-year program of chamber opera focused on Houston's Asian populations. Dedicated to art as a vehicle for cultural diplomacy and community building, the second year of the initiative will focus on Iranian and Cambodian communities in Houston, exploring subjects such as the relationship between first- and second-generation immigrants, displacement of war refugees, storytelling traditions, and cultural inheritance.

Lyric Opera of Kansas City, Inc.
Kansas City, MO
$16,500
To support *Nixon in China* by composer John Adams. Coinciding with the 40th anniversary of the historic presidential visit, local partnerships with the Kemper Museum of Contemporary Art and the University of Kansas will engage new audiences.

North Carolina Opera
Raleigh, NC
$10,000
To support the production of Philip Glass's *Les Enfant Terribles*. The performance aligns with the company's commitment to present an annual mainstage production of a contemporary work.

Opera Theatre of Saint Louis
St. Louis, MO
$40,000
To support the U.S. premier of *Alice in Wonderland* by composer Unsuk Chin and librettist David Henry Hwang.

Regents of the University of California at Berkeley
Berkeley, CA
$75,000
To support performances of *Einstein on the Beach* by composer Philip Glass and librettist Robert Wilson. A two-week residency with the composer and librettist and numerous education and community programs will bring this significant work to the stage.

San Diego Opera Association
San Diego, CA
$42,500
To support the new opera *Moby Dick* by composer Jake Heggie and librettist Gene Scheer, based on the novel by Herman Melville.

Seattle Opera
Seattle, WA
$20,000
To support the new production of *Orphee et Eurydice* by composer Christoph Willibald Gluck. Education events will include preview lectures, post-performance Q & A's, and the company's Experience Opera program, which allows student to experience in-class presentations and dress rehearsals for free.

Tulsa Opera, Inc.
Tulsa, OK
$16,500
To support *Dead Man Walking* by composer Jake Heggie. Due to the unique subject matter and its potential appeal to those not familiar with the art form, both pre- and post-performance surveys will gauge the level of engagement among audience members. Sister Helen Prejean will also participate in various lectures and panel discussions prior to the production.

Despite overwhelming support by the American public for spending federal tax dollars in support of the arts, the NEA has never recovered from a 40% budget cut in the mid-nineties and found its budget further decreased by $22 million in the past two year, leaving its programs seriously underfunded. **We urge you to continue toward restoration and increase the NEA funding allocation to $155 million for FY13.**

On behalf of OPERA America, thank you for considering this request.

OPERA America
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Testimony of April Snell, Interim Executive Director
Oregon Water Resources Congress
Submitted to the United States House of Representatives Committee on Appropriations
Subcommittee on Interior and Related Agencies
March 28, 2012

RE: FY 2013 Budget for the U.S. Environmental Protection Agency's Clean Water State Revolving Fund Loan Program

The Oregon Water Resources Congress (OWRC) was established in 1912 as a trade association to support member needs to protect water rights and encourage conservation and water management statewide. OWRC represents non-potable agricultural water suppliers in Oregon, primarily irrigation districts, as well as water control districts, and other special districts and local governments that deliver irrigation water. The association represents the entities that operate water management systems, including water supply reservoirs, canals, pipelines, and hydropower production.

OWRC is concerned about continued reductions to the U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Fund Loan Program (CWSRF) and is requesting that appropriations for this program be increased to at least $2 billion in FY 2013. The CWSRF is an efficient loan program that addresses critical water infrastructure needs while benefitting the environment, local communities, and the economy.

We are disappointed that the Administration's request of $1.175 billion for the CWSRF program is a sharp reduction from enacted 2011 funding, and is still far short of what is needed to address critical water infrastructure needs in Oregon and across the nation. As acknowledged in EPA's budget materials, this will lead to "fewer water infrastructure projects," and therefore a reduction in improvements to water quality. The Oregon Department of Environmental Quality's (DEQ) most recent "Proposed Intended Use Plan Update #2 - State Fiscal Year 2012," lists 115 projects in need of a total of $273,263,717 in Oregon alone.

Additionally, EPA budget materials indicate that "a number of systems could have access to capital through the Administration's proposed Infrastructure Bank," but this has not happened yet and there are numerous dire water infrastructure needs now. OWRC supports the creation of an infrastructure bank, but the needs facing communities now cannot wait for a new funding mechanism, particularly when the CWSRF has worked very efficiently in Oregon. The CWSRF has been an extremely valuable tool in Oregon for improving water quality and efficiently addressing infrastructure challenges that are otherwise cost-prohibitive.

Six OWRC member districts have successfully received loans from the CSWRF over the last several years and many more will apply if funds are available. Numerous irrigation districts and other water suppliers need to pipe currently open canals, thereby

improving water quality by eliminating run-off into the canals and increasing water availability for fish and irrigators by eliminating water loss from the canal system. These projects not only benefit the environment and the patrons served by the water delivery system, but also benefit the economy.

Four irrigation districts received over $11 million funding in Oregon from the 2009 ARRA funding through the CWSRF for projects which created valuable jobs while improving water quality. These four projects were essential to DEQ not only meeting but exceeding the minimum requirement that 20% of the total ARRA funding for the CWSRF be used for "green" projects. Those districts' applications had been on DEQ's list of eligible projects for many years and would probably still be on that list had the ARRA funding not been made available. We provide that comment not to complain, but to emphasize the need for additional funding for this program.

We acknowledge and support the Administration's desire to "expand "green infrastructure" options and their multiple benefits" as part of EPA's In fact, as mentioned above, irrigation districts and other water suppliers in Oregon are on the forefront of "green infrastructure" through innovative piping projects that provide multiple environmental benefits. However, continually reducing the amount of funds available for these worthwhile projects is counterproductive and has created increased uncertainty for potential borrowers about whether adequate funding will be available in future years. CWSRF is often an integral part of an overall package of state, federal and local funding that necessitates a stronger level of assurance that loan funds will be available for planned water infrastructure projects. Reductions in the CWSRF could lead to loss of grant funding and delay or derail beneficial projects that irrigation districts have been developing for years.

We recognize that our country is facing difficult economic times and that we must make strategic investments with scarce resources. However, the CWSRF is a perfect example of the type of program that should have funding increased because it creates jobs while benefitting the environment, and is an efficient return on taxpayer investment. Oregon is facing record levels of unemployment and the CWSRF funded projects provide much needed construction and professional services jobs. Moreover, as a loan program, it is not a hand-out but a wise investment that allows local communities to leverage their limited resources and address critical infrastructure needs that would otherwise be unmet.

We respectfully request the appropriation of at least $2 billion for the U.S. Environmental Protection Agency's Clean Water State Revolving Loan Fund for FY 2013.

Sincerely,
April Snell, Interim Executive Director
Phone: 503-363-0121 Address: 1201 Court St. NE, Suite 303; Salem, OR 97301

Testimony of Outdoor Alliance-Adam Cramer, Policy Architect
United States House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
March 28, 2012

Mr. Chairman and Honorable Members of the Subcommittee:

The Outdoor Alliance is a coalition of Access Fund, American Canoe Association, American Hiking Society, American Whitewater, International Mountain Bicycling Association and Winter Wildlands Alliance, six national, member-based organizations representing millions of Americans who paddle, climb, mountain bike, hike, ski and snowshoe on our nation's public lands, waters and snowscapes.

The Outdoor Alliance has extensive experience working with federal land managers across the country concerning recreation and conservation policies. Adequate funding for the National Park Service, US Forest Service, and Bureau of Land Management is required to support public access and enjoyment of the cherished public lands and rivers they manage. Although federal land managers are integrating recreation, conservation, and restoration programs to more effectively manage public lands for Americans, budget cuts to these agencies will mean less access to and conservation of our public land. Under-funded and under-staffed land managers, when forced to make resource protection and visitor use decisions, are much more likely to close or highly restrict public access.

The Outdoor Alliance supports a common sense budget approach that adequately funds Department of the Interior and Department of Agriculture activities essential to conservation and the provision of public recreation access to high quality public lands and waters. Human powered and active outdoor recreation supports the $730 billion annual outdoor recreation economy and is critical in reconnecting our youth and our increasingly diverse citizenry with nature. To achieve these goals, we offer the following budget recommendations for Fiscal Year 2013.

I. Department of Agriculture - Forest Service

The Outdoor Alliance supports the President's FY 2013 Budget request of $4.86 billion for the Forest Service, an increase of $15.5 million over the 2012 appropriated level.

Recreation on national forest lands greatly supports local economies and employment. The 2010 National Visitor Use Monitoring Report found that spending by recreation visitors in areas near national forests totals almost $13 billion annually. Protecting these economic benefits requires an adequately funded planning process, an effective infrastructure of trails and roads, and protected natural landscapes and rivers. Forest Service land management plans (with appropriate inventory and monitoring efforts) are critical to respond to existing and developing management challenges, and to inform intelligent and strategic forest management that allows for responsible recreational access. Forest plans must be maintained and revised repeatedly to maintain relevancy. Updated data and information is critical for present-day planning and management efforts, and to ensure that forest planning is integrated effectively. In the last eight years funding

for Forest Service planning dropped by over one-third, and we see associated unmet issues and obligations that lead directly to restrictions of various Outdoor Alliance activities.

The President's FY 2013 budget proposes a consolidated budget line item to facilitate a consolidated approach to landscape management, merging Land Management Planning, and Inventory and Monitoring, into a single budget line item called Land Management Planning, Assessment, and Monitoring. This proposed consolidated budget line item provides the agency flexibility to implement the requirements of the new Planning Rule (collaborative science-based approach for planning, monitoring, and conducting assessments that considers information from and about all lands affected by, or influencing, planning unit activities). To maintain a basic planning program that is able to respond to today's management challenges, we support the President's requested budget of $205 million for Land Management Planning, Assessment & Monitoring.

The Recreation Management, Heritage and Wilderness program oversees all recreation on National Forest lands. This program is chronically under-funded and understaffed. Outdoor Alliance supports the President's allocation of $267 million that will permit the Forest Service to begin to prioritize resources and facilities, maintain current on-the-ground staff, and continue basic recreation resource analyses and planning. Additionally, this funding level will assist in leveraging partnerships with the human-powered recreation community, who devote many thousands of volunteer hours to conservation and stewardship projects on our national forests. Additional funds will allow these critical activities to be accomplished in a timelier manner.

The National Forest System serves over 50 million visitors annually who participate in activities that include cross-country skiing, hiking, climbing, boating, and mountain biking on over 153,000 miles of trails. Nearly all Forest visitors use the trails to some extent and the recreation economy depends on quality trail experiences, yet the Forest Service struggles with maintenance backlogs in the billions of dollars. We believe that $346 million in FY13 for Capital Improvements and Maintenance is the basic support needed to avoid adding to the massive deferred maintenance backlog, improve human powered trail infrastructure, mitigate resource impacts, and provide high-quality recreational experiences on Forest Service lands.

Integrated Resource Restoration (IRR) is a new funding approach that merges several different funds into one large restoration funding line item. Last year the Administration and Congress agreed on a three-region pilot (Regions 1, 3, and 4) to test IRR on the ground. However, the President's budget for 2013 proposes skipping the assessment phase and adopting IRR wholesale across all Forest Service lands in 2013. This would mean no assessment of what worked and what did not and is not prudent.

The Outdoor Alliance does not support the absorption of Legacy Roads and Trails funding into IRR in FY2013. Our national forests are interspersed with old roads that receive little or no use yet cause serious environmental impacts and pose long-term financial threats. Removing old and unused roads and investing in the roads and trails used by hikers, climbers, backcountry skiers, mountain bicyclists, and boaters is good for recreation, good for the environment, creates jobs, and improves water quality benefitting downstream users. Since its creation in 2007, the Legacy Roads and Trails Remediation Fund has improved over 12,000 acres of watershed, maintained

3,170 miles of trails, improved 10,959 miles of authorized roads, and decommissioned 2, 970 miles of unauthorized roads. The Legacy Roads initiative creates or retains approximately 1,500 jobs every year which provide a significant economic stimulus to rural America. If the program is merged into the IRR, there is no guarantee that any funds would be used for the purposes Congress intended in establishing this program. Outdoor Alliance is concerned that although Congress and the Administration agreed to test the concept in a three region pilot program last year, there has been no assessment of its success and now the program is being rolled out nationwide. We believe such an assessment is critical before implementation across the board occurs.

The Outdoor Alliance supports an FY13 appropriation of $793.1 million for the Integrated Resource Restoration budget line for the restoration and management of priority watersheds, with at least $75 million of that allocated to continue the important work of the Legacy Roads and Trails program.

II. Department of the Interior - National Park Service

Our national parks offer opportunities for world-class recreation and they serve as iconic locations for Outdoor Alliance activities. Enthusiasts travel from all over the world to climb, hike, boat, bike, and ski in places like Zion, Rocky Mountain, and the North Cascades National Parks. Importantly, our parks also serve as crucial economic engines for local economies. While the Administration's overall request for the Park Service is essentially flat, it proposes cuts to base park operations by almost $22 million which will likely eliminate hundreds of full time employees and lead to deteriorating Park resources. If we are serious about maintaining our Parks as economic engines for local economies it is critical that we maintain funding for base park operations. We are hopeful that Congress will improve on the Administration's budget request and provide critical funding for base park operations.

The Outdoor Alliance supports the President's proposed FY13 appropriation of $2.3 billion for the Operation of the National Park System, including $52 million for National Recreation and Preservation. However, the Administration's request must be increased if $2.3 billion will not at least maintain basic park operations after fixed costs have been addressed.

The Rivers, Trails and Conservation Assistance (RTCA) program helps people build parks and trails and preserve open space and river corridors in their local communities. The RTCA program produces a multiplier effect for local economies. It leverages federal funding by assisting locally-led conservation and outdoor recreation projects nationwide to develop important community infrastructure, inspire volunteerism and environmental stewardship, and connect Americans to close-to-home recreation opportunities. This is especially important for kids. Accordingly, the Outdoor Alliance supports an RTCA appropriation of at least $10 million for FY13 in order for this essential capacity-building conservation and recreation program to maintain its high level of effectiveness.

III. Department of the Interior - Bureau of Land Management

Many Outdoor Alliance members recreate on BLM lands across the country, including those in the National Landscape Conservation System. Opportunities to recreate on BLM lands—such as rock climbing at Colorado's Shelf Road, mountain biking around Moab, Utah, boating New

Mexico's Rio Chama, backcountry skiing at Gunnison Gorge NCA in Colorado —are some of the most sought-after recreation opportunities in America. Outdoor Alliance believe that the BLM is uniquely positioned to contribute to the success of the America's Great Outdoors initiative and its goals of reconnecting Americans to our exceptional recreation resources. Accordingly, we support the President's inclusion of $70.3 million FY13 budget for Recreation Management that will help to begin to enable BLM to strengthen its protection and management of popular, high quality recreation areas. We also believe that the President's call for funding of $35.1 million for National Landscape Conservation System programs is necessary to maintain necessary staffing, enable adequate planning and resource monitoring to protect natural and recreational resources and allow for a quality visitor experience.

IV. Department of the Interior and Department of Agriculture

The Land and Water Conservation Fund uses off shore oil and gas royalties to address the national need to preserve natural areas and provide recreation opportunities. Outdoor Alliance supports the President's stated goal of fully funding the Land and Water Conservation Fund by 2014 and supports his FY2013 LWCF requests. We also believe that Congress may have opportunities to significantly exceed these figures this year and encourage them to do so. In addition, we support the President's suggested funding of the Forest Legacy Fund.

Wild and Scenic Rivers offer Americans some of the best outdoor recreation opportunities on federal lands and is a core component of the America's Great Outdoors initiative. Explicitly funding Wild and Scenic River program staff and activities within each agency would ensure that agencies have the capacity to protect these rivers and provide world-class recreation opportunities.

We support the Administration's proposed $9.3 million for the BLM Wild and Scenic River Program, request that a new line item for the Forest Service Wild and Scenic Rivers program be funded at $19 million out of the Recreation Management, Heritage and Wilderness budget, and that the Wild and Scenic Rivers Program line item in the NPS budget be funded at no less than $1 million to complement the Park Unit, Partnership Rivers, and Special Resource Studies budget lines.

V. Department of Commerce: National Oceanic and Atmospheric Administration

The President's Budget has recommended $10.8M for the Fisheries Habitat Restoration program, which is comprised of the Community-based Restoration Program that restores coastal and marine habitat and the Open Rivers Initiative that removes obsolete dams and other stream barriers in coastal watersheds that currently block salmon from their native spawning habitat. While these two programs are focused on improving fish habitat, they provide direct benefits to recreational users of our waterways by enhancing the riverscape we enjoy and reconnecting rivers currently blocked by dams that are barriers to navigation. We strongly recommend the program receive $19 million in FY 13, and that the President's proposal to merge the program with the Estuary Restoration Program and the Marine Debris Program be rejected.

Thank you for considering our perspectives.

PALA TRIBAL HISTORIC PRESERVATION OFFICE

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Testimony to the House Interior Appropriations Subcommittee on the President's Fiscal Year 2013 Budget Request for Interior and Related Agencies

Submitted by the Pala Tribal Historic Preservation Office, March 28, 2012

Shasta Gaughen, PhD, Tribal Historic Preservation Officer

The Pala Tribal Historic Preservation Office was recognized as the 81st THPO by the National Park Service in 2009. Since that time, the Pala Band of Mission Indians ("Pala") has benefitted from the annual appropriations made to help fund THPO operations. However, we concur with the testimony of the National Association of Tribal Historic Preservation Officers that the appropriation for the THPO program, as well as other programs for historic preservation, is inadequate to the task of protecting historic and cultural properties on tribal lands. Since the Pala THPO was recognized, more than 30 additional THPOs have been established, yet the annual apportionment has not increased to reflect those new offices. Support for THPOs as keepers and protectors of tribal heritage is of paramount importance. Native Americans have learned from long and bitter experience that their voices are often ignored when it comes to saving what is left of their lands and traditions. While progress has been made in cultural and historic resource protection, much remains to be done. Adequate funding is necessary to identify, survey, catalog, and plan for the preservation of these resources. The Pala THPO urges the Subcommittee to increase the National Park Service appropriation not only for THPOs, but for all programs that focus on preserving and protecting tribal cultural resources.

Written Statement of Roche Schulfer, Chair, Performing Arts Alliance

Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations | United States House of Representatives

The Importance of Funding for the National Endowment for the Arts (NEA)
March 28, 2012

We urge the Committee to designate a total of $155 million to the National Endowment for the Arts (NEA) for FY 2013. Mr. Chairman and distinguished members of the subcommittee, I am grateful for this opportunity to submit testimony on behalf of the Performing Arts Alliance (PAA) and its member organizations – American Composers Forum, Association of Performing Arts Presenters, Chorus America, Dance/USA, Fractured Atlas, League of American Orchestras, National Alliance for Musical Theatre, National Association of Latino Arts and Culture, National Performance Network, New Music USA, OPERA America, and Theatre Communications Group. The PAA is a national network of more than 27,000 organizational and individual members comprising the professional, nonprofit performing arts and presenting fields.

This testimony is intended to highlight the importance of the federal investment in the arts in order to sustain a vibrant cultural community. With strong federal support, the NEA can widen citizen access to the cultural, educational, and economic benefits of the arts, and advance creativity and innovation in communities across the United States.

The NEA increases opportunities for the American public to enjoy and benefit from the performing arts. Since the establishment of the NEA in 1965, access to the performing arts has improved in communities large and small across the country. The NEA has helped foster the development of the many regional theatres, opera companies, dance companies, orchestras, and performing arts centers that Americans now enjoy. Despite diminished resources, the NEA awarded more than 2,400 grants in FY 2011 to nonprofit arts organizations for projects that encouraged artistic creativity, provided lifelong learning opportunities, and engaged audiences in the finest the arts have to offer.

The NEA contributes to the economic growth and development of communities nationwide. The arts are part of a diversified 21st-century economy. Along with nonprofit arts organizations, creative enterprises make significant contributions to state and local economies, generating employment and tax revenues and providing goods and services in high demand by the public. A strong arts sector is an economic asset that stimulates business activity, attracting companies that want to offer their employees and clients a creative climate and amenity-rich community.

The Nonprofit Performing Arts Community
The following member profiles of the PAA, which include national service organizations representing composers, presenting, chorus, dance, musical theatre, Latino arts and culture, new music, opera, orchestras, and theatre fields, exemplify the economic, educational, and quality of life benefits that performing arts organizations bring to communities across the country.

American Composers Forum
American Composers Forum (Forum), one of the nation's premier composer services organizations, works to make composers, and the music they create, a vibrant and integral part of

our culture. Forum programs reflect the diversity of our world, and they partner with a variety of ensembles and organizations including faith communities, rural and urban schools, health care facilities, Indian reservations, and civic organizations. With over 2,000 members nationwide, the organization serves thousands of artists annually through its online networks and social media.

Arts Presenters
Performing arts presenters bring professional performing artists from all over the world into the communities they serve and include organizations such as performing arts centers in major urban cities, academic institutions, festivals and fairs as well as the artists, artist managers, agents, and local arts agencies. The Association of Performing Arts Presenters (APAP) is the national service and advocacy organization with more than 1,400 members worldwide, dedicated to developing and supporting a robust performing arts presenting field and the professionals who work within it. APAP members bring performances to more than 2 million audience-goers each week and spend in excess of $2.5 billion dollars annually, and the field of presenters serves more than 6 million audience members every week. The membership includes a range of organizations from very small presenting groups (under $50,000 budgets) to multi-million dollar budgets and individuals who are artists or performing arts professionals, representing a diversity of performing arts fields.

Chorus
Chorus America's mission is to build a dynamic and inclusive choral community so that more people are transformed by the beauty and power of choral singing. Chorus America strengthens choral organizations and provides their leaders with information, research, leadership development, professional training, and advocacy to help them deliver the best possible contributions to their communities and to the choral art. The more than 2,000 choruses, individuals, businesses, and organizations that are members of Chorus America speak with a strong and unified voice to increase recognition of choral singing as an essential part of society.

Dance
Over two-thirds of America's professional dance companies are less than 45 years old; as an established art form with national identity and presence, dance has burst onto the scene almost entirely within living memory. And yet, America can boast some of the greatest dance companies of the world and can take credit for birthing two indigenous dance styles – tap and modern dance. The key to this spectacular achievement was the creation of a national marketplace for dance, especially in the 1970s and 1980s. When the NEA instituted its Dance Touring Program in the 1970s, great dance became accessible to every community in the U.S. NEA programs have continued to ensure that the best of American dance is for all of the U.S. and a showpiece for the rest of the world. Based on data from almost 300 nonprofit dance companies from across the U.S., Dance/USA, the national service organization for not-for-profit professional dance, estimates that dance companies employed over 12,800 people in a mix of full-time and part-time positions; paid approximately $316 million in wages and benefits; earned 178.9 million, or 30% of their income, from performances; received $235.7 million, or 47% of their income in contributions; and generated more than $585 million in economic activity across the U.S.

Fractured Atlas
Fractured Atlas is a nonprofit organization that serves a national community of artists and arts organizations. Their programs and services facilitate the creation of art by offering vital support

to the artists who produce it, and they help artists and arts organizations function more effectively as businesses by providing access to funding, healthcare, education, and more, all in a context that honors their individuality and spirit. Their fiscal sponsorship program has grown from six local groups to over 2,200 nationally, and in 2011 their membership topped 16,000 artists and arts organizations, with an expanded audience of over 140,000 through their Open Arts Network.

Musical Theatre
National Alliance for Musical Theatre (NAMT) is the national service organization dedicated exclusively to musical theatre and serving some of the leading musical theatre producers in the world. Last season, NAMT members collectively staged over 18,500 performances attended by over 11.5 million people, employed over 16,500 people, and provided education programs for over 1 million students and teachers. NAMT has presented its Festival of New Musicals annually since 1989, bringing together theatre producers and writers, with the goal of furthering the development and production of new musicals. NAMT's Festival has showcased almost 500 writers and almost 300 new musicals.

National Association of Latino Arts and Culture
Founded in 1989, the National Association of Latino Arts and Culture (NALAC) is the nation's only multidisciplinary Latino arts service organization. NALAC provides critical advocacy, funding, networking opportunities, and professional development training to build the capacity and sustainability of the Latino arts and cultural field to sustain artists and arts organizations in every region of the country. NALAC's constituency is a multi-ethnic, multigenerational, and interdisciplinary community that includes thousands of artists and hundreds of not-for-profit Latino arts and cultural organizations in the United States.

National Performance Network
The National Performance Network (NPN) is a group of diverse cultural organizers, including artists, working to create meaningful partnerships and to provide leadership that enables the practice and public experience of the contemporary arts in the U.S. As a nationwide network, NPN functions as an applied learning community. NPN's resources currently support and connect 50-75 performing arts organizations, called NPN Partners. The NPN constituency ranges from the most grassroots operations to large regional arts centers. NPN Partners are ethnically, culturally, and stylistically diverse and reflect a cross-section of urban, suburban, and rural communities that are generally under-represented.

New Music USA
New Music USA's mission is to increase opportunities for composers, performers and audiences by fostering the creation, dissemination, and enjoyment of new American music, both nationally and internationally. New Music USA places special emphasis on broadening the public community for the music and musicians whom we serve.

Opera
OPERA America members are found in communities all across the country - a total of 122 companies in 43 states. In the U.S., over half of these companies were established after 1970, and over 40% were established since 1980, indicating the growth of opera throughout North America in the last 40 years. Over 6.7 million people attended a live performance at one of

OPERA America's Professional Company Members in the 2009-2010 season, including education and outreach programs, and festivals. In 2009-2010, OPERA America's Professional Company Members in North America presented 1,298 mainstage, festival, educational, and other programs. Beyond the opera house, opera companies are finding new and exciting ways to bring the essence of opera to other local theaters and community centers, frequently with new and innovative works that reflect the diverse cultures of the cities they serve. Strong partnerships with local schools, too, extend the civic reach of opera companies as they introduce children to another multi-media art form and discover promising young talent.

Orchestras

Supported by a network of musicians, volunteers, administrators, and community leaders, America's symphony, chamber, collegiate, and youth orchestras total more than 1,800, existing in every state and territory, with annual budgets ranging from less than $10,000 to more than $90 million. More than half a million individuals are involved in orchestras, including conductors, staff, board members, musicians, and volunteers. Orchestra revenue totaled $1.69 billion in 2008-2009, and their economic impact exceeds several times that amount as orchestras create jobs, engage in commerce with local businesses, and spur local expenditures on related goods and services. NEA grants to orchestras and the communities they serve support arts education for children and adults, expand public access to performances, preserve great classical works, and foster the creative endeavors of contemporary classical musicians, composers, and conductors. Orchestras now offer nearly 13,000 education concerts, more than 1,000 community engagement concerts, and more than 40 kinds of programs, including pre-school programs; in-depth, multi-year community residencies; and long-term partnerships with schools, instrumental instruction, educational classes for seniors, and programs in libraries and hospitals.

Theatre

In 1961, nonprofit theatre in America consisted of only 16 theatre companies. Today, thanks in large measure to the pivotal role played by the NEA since 1965, the nonprofit theatre field consists of more than an estimated 1,800 theatres located in major metropolitan centers, urban neighborhoods, suburbs, and rural communities. Theatre Communications Group (TCG), the national organization for the American nonprofit theatre, reports that the estimated 1,807 nonprofit professional theatres in the U.S. employ more than 119,800 theatre workers – actors, directors, playwrights, designers, administrators, and technicians – and constitute a nearly $1.9 billion industry. Collectively, these theatres are estimated to have offered 163,000 performances that attracted 31 million patrons. Based on recent surveys of 171 nonprofit theatres, TCG reports that over 1,100 outreach and educational programs are in existence today, serving over 2.5 million people. The direct impact of a theatre receiving funding from the NEA comes not only in the form of project grants, but also in the multiplier effect that NEA grants, through its matching funds requirement, have on theatres' abilities to leverage and attract other private and public funding.

Conclusion

Performing arts organizations are a vital component of community life, allowing citizens to appreciate our nation's culture and heritage through excellent artistic programming. The NEA is an investment that realizes significant returns on the federal dollars invested, both measurable and intangible. We urge you to designate no less than $155 million to the NEA. Thank you for your consideration of our request.

Written Testimony of
Randall Vicente, Governor
Pueblo of Acoma
House Interior Appropriations Subcommittee
Tuesday, March 27, 2012

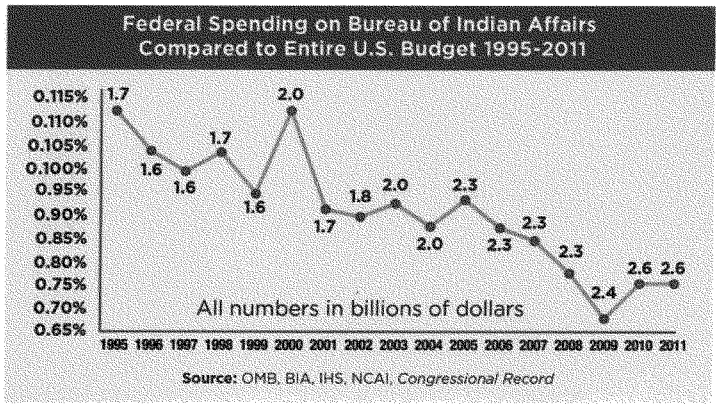
Requests for additional funding and/or support:

1. **35% Relative Decline in Federal Spending on BIA Programs**
2. **Indian Roads and Bridges**
3. **Smaller IHS Hospitals**
4. **Cultural Preservation**
5. **Water Resources Studies**
6. **Traditional Irrigation Systems**
7. **Johnson O'Malley Program**
8. ***Carcieri* "Fix"**

Introduction. The Acoma people are an ancient people. We have lived at Acoma Sky City, our mesa-top home, for at least 1000 years, making it the oldest continuously inhabited community in the United States. We are proud to be U.S. citizens and proud that we retain the culture, language and beliefs of our ancestors from a time long before the establishment of the United States. Acoma Sky City is the heart of our community. Acoma religious, cultural and social life revolve around Acoma Sky City, both on a daily basis and during festival times. Acoma Sky City is one of only 28 National Trust for Historic Preservation sites, and has received numerous other designations including National Landmark status and listing as a World Heritage Site. One of the youngest historic buildings at Acoma Sky City is a Spanish mission that is itself over 360 years old. However, far older structures remain, with the oldest integrated into a three-story row of adobe buildings just off Sky City's central plaza. Based on our research, these traditional Acoma homes are likely the oldest continuously inhabited homes in the United States.

For most of the budget areas set forth above, I have set forth a description of a real-life example from Acoma of the need.

1. 35% Relative Decline in Federal Spending on BIA Programs. Set forth below is a chart from an article that appeared recently in Indian Country Today by Mark Fogarty. As you can readily see, as a percentage of the overall Federal budget, BIA funding has declined from 1995 to 2011 by 35%! Basically, funding for other Federal programs has risen substantially in that period, but the BIA programs have not received a proportionate increase!



2. Indian Roads and Bridges – addressing crumbling infrastructure and building critical new infrastructure:

Mesa Hill Bridge – A Growing Safety Concern. Acoma is bisected by a major trans-continental rail line. With over 80 large trains passing through the reservation everyday, but no bridge over the tracks, Acoma has experienced significant safety issues as the hospital is on the north-side of the tracks, while the school, Head Start, government and Acoma housing areas are on the south-side. Acoma seeks inclusion of the Mesa Hill Bridge as a funding priority in the Highway Act reauthorization legislation.

3. Smaller IHS Hospitals – Funding Health Care at the Front Line.

Turning Around The Indian Health Service Hospital At Acoma. The Acoma-Cañoncito-Laguna Indian Health Services Facility (ACL hospital) provides critical health care services to the Pueblo of Laguna and the Pueblo of Acoma, as well as services to the I-40 corridor and to surrounding communities. However, the quality and quantity of services offered by the ACL hospital has declined markedly in recent years, resulting in an adverse effect on the health status of the two Pueblos, which already suffer from high rates of diabetes and other serious medical conditions. ACL officials recently informed Acoma that there are over 50 unfilled positions at the hospital. Acoma and Laguna continue to examine the option of taking over management of the hospital. It is Acoma's sense that the IHS has made a calculation that it is more economically efficient to fund a handful of centralized facilities, then to maintain standards at the smaller facilities located in many Indian communities. While there may be an economic efficiency there, it comes at the price of providing quality care right in many Native communities, forcing patients to travel substantial distances and thus creating one more hurdle to assuring adequate care.

4. Cultural Preservation – A need to fund this area before irreversible development errors are made.

Uranium Mining On Mt. Taylor. Acoma remains deeply concerned about the potential impact of renewed uranium mining on Mt. Taylor – a mountain sacred to the Acoma people. Our past experience teaches us that uranium mining is dangerous to individuals, to families and to communities. Mining proponents claim that uranium mining can "now" be done safely, but so far they have just asserted that this is so, they have not demonstrated that it is so, much less demonstrating it to the high degree of scientific certainty necessary to allay Acoma concerns. Acoma has engaged in direct discussions with the mining companies and asked them to support additional hydrologic studies, as well as to work with Acoma to prevent damage to cultural sites. Acoma asks that Federal officials assure that no short cuts are taken in examining mining proposals and that they urge the mining companies to work closely with Native communities to fully address their concerns. Acoma believes that the mining companies and the United States have an ongoing obligation to clean up the environmental damage created by past uranium mining. Attempts to link such clean up to the start up of new mining operations are morally faulty. The obligation to clean up is independent of the question of whether renewed mining should be allowed. *It is very important to increase funding to the Tribal Historic Preservation Officer program within the National Park Service to assure cultural preservation issues are fully addressed.*

5. Water Resources Studies – in the Arid West Water is Gold.

Water Resources Development Act Reauthorization – Cost Waivers. Acoma supports amending WRDA to provide a waiver of up to $500,000 for the tribal share on watershed studies.

6. Traditional Irrigation Systems.

Rio Grande Pueblos Irrigation Infrastructure Improvement Act Funding. Congress enacted the Pueblo Irrigation Infrastructure Act as Section 9106 of the Omnibus Public Land Management Act of 2009. That Act directs the Secretary of the Interior to conduct a study of the irrigation infrastructure of the Rio Grande Pueblos. It also authorized the funding of projects to correct deficiencies identified by that study. The implementation of this Act will favorably affect Pueblo traditional lifestyle and culture, which for hundreds of years has been based on agriculture and irrigated lands. However, minimal funding has been allocated for implementation of this Act. Acoma requests that this Act receive substantial funding.

7. Johnson O'Malley Program. The JOM programs provides supplementary educational service/assistance to meet the unique and specialized educational needs of Indian children attending Public Schools by promoting student achievement and incorporating Native American languages and culturally based educational activities in

the learning process. In 1995 the Bureau of Indian Affairs froze the student count, effectively placing a moratorium on the establishment of new JOM programs despite that the fact that the Indian student population has increased overall and more school district have been established. The Johnson-O'Malley Program is the only federal program that by law (25 CFR Part 273) gives "vested authority" to the parent committees to design and implement their own JOM programs. Based on a need assessment, each plan is tailored to meet the unique and specialized educational needs of Pueblo children to ensure that they reach their educational goals.

8. Support the Carcieri "Fix." Although there is no question that Acoma was "under Federal jurisdiction" in 1934, and thus is not subject to the immediate harmful effects of the Supreme Court's decision in Carcieri v. Salazar, it is still important that this holding be overturned by Congressional legislation. The President has included Carcieri "fix" language in his FY 2013 budget, and this Committee strongly supported "fix" language in the last Congress, including it within the FY 2011 appropriations bill. Passing this legislation is the right thing to do, and will help prevent numerous jurisdictional and other uncertainties that would hamper many of our fellow tribes.

Conclusion. Thank you for this opportunity to provide testimony before this Subcommittee. Your work is of great importance to America's Native peoples and it is greatly appreciated.

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Written Testimony of Rodger Martinez, President
Ramah Navajo Chapter-Ramah Band of Navajos

CONGRESSIONAL WRITTEN TESTIMONY
Submitted to the US Congress:
HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENTAL AND RELATED AGENCIES
FY 2013 FEDERAL BUDGET REQUEST FOR BUREAU OF INDIAN AFFAIRS (BIA)

March 26, 2012

Mr. Chairman and Members of the Subcommittee:

My name is Rodger Martinez, President of the Ramah Band of Navajos. We are submitting our written testimony to be considered under the Department of the Interior-Bureau of the Indian Affairs FY 2013 Budget. Our testimony focuses on the need for additional appropriation of **$2,845,610.00** for FY 2013 to address the unmet needs of the Ramah Navajo Community as follow:

1. **REQUEST: BIA-OJS Funding for the Operation and Maintenance of the Detention Facility. $1,815,610.00**
   a. FY-2012 funding to increase detention staff and Start Up costs based on projected needs of Ramah Navajo Chapter's operation and maintenance of a new Detentions Facility.
   b. That it be made part of the recurring funds under the Ramah Navajo Chapter's Correction Department annual funding agreement (AFA) with the Bureau of Indian Affairs.

2. **REQUEST: BIA Funding for Natural Resource Training Facilities. $650,000.00**
   a. Funding to complete the Agricultural complex in the amount of $400,000; and
   b. Increase staffing and operation in the amount of $250,000 and to become part of recurring fund with the Bureau of Indian Affairs.

3. **REQUEST: BIA Funding for Real Estate Unmet Infrastructure needs: $380,000.00**
   a. Four (4) Fire Proof Filing Cabinets: $5,000.00; and
   b. Real Estate Services Building; 4-5 office space, meeting & filing room: $250,00.00
   c. Two (2) additional staff $125,000 to become part of recurring fund with the Bureau of Indian Affairs.

Introduction:

The Ramah Band of Navajos is located in west central New Mexico, geographically separated from the Navajo reservation with a population of approximately 3,500 members. The community consists of approximately 18 X 30 miles of "checker board" land status that includes trust land, state land and private fee land. The Ramah Navajo community is surrounded with approximately 1200 non-Indian residents throughout the community. The Ramah Navajo Chapter is one of the 110 chapters that make up the larger Navajo Nation. Due to its geographical location, in 1984 the Ramah Navajo Chapter with the authorization of the Navajo Nation successfully contracted and operates a number of programs under P.L. 93-638 Indian Self Determination and Education Assistance Act including; Natural Resources/Agriculture, Forestry, Law Enforcement/Detention, Real Estate Services, Transportation, Facilities Management, and Water Rights and Community Planning programs. The Ramah Band of Navajos has been successfully contracting these and other educational and health programs for over 30 years in which time a government to government relationship has evolved and is recognized by the Federal government as such.

1. <u>Detention Facility:</u>

History: The current detention facility was constructed in 1975 with State of New Mexico LEA funds, as a temporary holding facility. It is a tribally owned building so no operations and maintenance dollars are received from the Bureau of Indian Affairs. The facility is comprised of approximately 2,384 sq. feet, which includes male and female cell, dispatch room, kitchen, booking room and three administrative offices. Due to a Consent Decree issued against the Navajo Nation jail facilities, inmates from our community are no longer being accepted by the Navajo Nation detention facilities, which forced us to house long term inmates only on short term basis. The current detention facility does not meet the BIA Standards for Adult Detention facility, but we have no choice but to continue to utilize the holding facility, which was design to holds four (4) male inmates and two (2) female inmates. Due to no other choice, it's been holding over that limit endangering inmates and staff. There are no secured cells for segregations, detoxification, visitation or recreation.

Current: Over the years, the Ramah Navajo Chapter has submitted proposal requesting for construction funds to build a detention facility that will meet the needs of the community. We submitted the TARP Recovery Act Correctional Facilities proposal to the Department of Justice and were awarded a grant of $3.8 million on September 21, 2009. A new detention facility will be completed by 2013. We are working to staff the detention facility with certified corrections personnel as required by law. The FY 2012 Appropriations Request for Indian Affairs, Public Safety and Justice under Detention/Corrections has proposed 10.4 Million to address staffing shortages at detention facilities which includes tribally funded P.L. 93-638 positions. Since the Detention Facility will not be completed until 2013, we did not get the requested increase in FY 2012; therefore, to meet the standard of operations, it will have to be funded in FY 2013.

FUNDING REQUEST FOR BIA Funding for the operation and maintenance the Detention facility in the amount of <u>$1,815,610.00</u> which will cover the following:

a) Increase detention staff based on projected staffing, operation and maintenance needs of new Detention Facility and that it be made part of the recurring funds under the

b) Ramah Navajo Chapter's annual funding agreement (AFA) with the Bureau of Indian Affairs:

- **Ten (10 FTE) Corrections officer,**
- **1.7 cooks, One**
- **(1) Assistant Administrator,**
- **(1) Custodian**
- **Training, equipments, supplies, Uniforms, Insurance, Annual Operation O&M.**
- **Food for inmates.**

c) Start up cost including Furniture FF&E and Transition Cost, this is a onetime cost.

2. **Funding for Natural Resource Training Facilities.**

The Ramah Navajo Chapter has initiated a plan to establish a Ramah Navajo Chapter Agriculture Center within the Ramah Navajo community. There are over 3000 Ramah Navajos, and another 2000 Navajo and other tribes and up to 1000 non-natives that will benefit from this project. The purpose of the facility is to centralize education through trainings and workshops by bringing together various instructional resources on livestock and agriculture. The Ramah Navajo Chapter will re-assess production goals factoring in cultural and economic values and opportunities, develop quality and uniformity in livestock, re-assess our land uses and develop plans to accommodate our future plans. Definitely, this facility will add value to livestock and agriculture production. This emphasizes the fact that raising livestock and living off the land are just as important to the Ramah Navajo people today, and in the future, just as it was in the past. We received $150,000 from the State of New Mexico to complete the shell of the building.

Second, the department needs the additional funds and employees to implement a water resources operation for windmill development, maintenance and operations branch. Due to the prolong drought windmills are the only source for livestock and wildlife. The department will need to purchase a small rig, various hand tools and supplies for windmills and wells. To better utilize our rangelands we need to do more water line extension and develop more wells for livestock and wildlife use. We request support for the requested increases.

Ramah Navajo Chapter funding request is in two folds totaling $650,000.00.

a) A onetime request to complete the Natural Resource Training facilities in the amount of $400.000.
b) Recurring funding to increase staffing and operation for the Natural Resource Program in the amount of $250,000 to implement a water resources operation for windmill development, maintenance and operations branch

3. **Real Estate Unmet Infrastructure Needs;**

The Ramah Navajo Chapter, Office of Grants and Contracts and Real Estate Services Program worked to meet the demands and mandates of the Trust Management Reform initiative within the Bureau of Indian Affairs and Office of Special Trust. There are 246 Ramah Navajo allotments with over 3000 Ramah Navajos who have an interest in these allotments. It's the largest number

of allotments in the Southwest BIA Region. The request includes additional funding for a new building that shall be secured to prevent fire and theft of new and original trust records. We are sharing this building with another program and we are very overcrowded leaving no room for confidential meetings, no filing or meeting room. Our current building is rodent infested, due to shifting and cracking foundation which also allows reptiles to crawl into the walls of the building. This request has been presented numerous times to the BIA to assist with funding to cover the much needed infrastructure and equipment. The BIA was going to bring a portable building, but it fail to materialize due to lack of transport funding on their part, thus we are back to square one.

Funding Request for Real Estate Unmet Infrastructure needs in the amount of $255,000:

a) **Four (4) Fire Proof Filing Cabinets: $5,000.00**
b) **Real Estate Services Building; 4-5 office space, meeting room & filing room: $250,00.00**
c) **Recurring funding to increase staffing and operation for the Real Estate Program in the amount of $250,000**

Further, we request for your continuing support (1) to maintain funding of the Contract Support fund at 100% level and (2) we express our strong support of funding of the Collaborative Forest Landscape Restoration Fund to be maintained at $40 million for FY 2013. We are actively engaged in collaborative projects involving scientific-based forest restoration, support wood using businesses and provide local jobs.

In closing, the Ramah Navajo Chapter has been very successful in operating programs under the P.L. 93-638 and has been meeting the needs of the Band of Ramah Navajos. We value the funds that are appropriated by Congress that has made a difference in the lives of our people. The Ramah Navajo Chapter appreciates the continued support of Congress as it strives to make funding and laws available for Indian Nations and their organization to provide services to their people. We would be happy to provide you with further information on any of the foregoing projects.

Respectfully Submitted:

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RNC E-mail Contact: mgarcia@ramahnavajo.org

Testimony of Dean Cox, County Administrator,
Washington County
In Support of the Land and Water Conservation Fund
Red Cliffs National Conservation Area, Utah
Bureau of Land Management
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member

March 28, 2012

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2013 Interior Appropriations Bill. The President's Budget for this year recommended $450 million for LWCF.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial public benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation. LWCF investments also support jobs, tourism and economic vitality across our communities.

As part of the LWCF request in FY 2013, the Bureau of Land Management included an allocation of $4 million for Red Cliffs NCA. I am pleased that this funding was included in the request and urge Congress to provide necessary funds for LWCF for this important project.

The **Washington County Commission approved a resolution on February 7, 2012 expressing its strong support of acquisitions by BLM of private in-holdings in the Red Cliffs NCA and the appropriation of federal LWCF funds for these acquisitions**. This resolution was passed by unanimous approval of the County Commissioners, and states:

"WHEREAS, the Washington County Habitat Conservation Plan ("HCP") was implemented in 1995 to reconcile conflicts between desert tortoise conservation and economic development; and

WHEREAS, the HCP established the Red Cliffs Desert Reserve ("Reserve") to maintain the long-term viability of desert tortoises within the Upper Virgin River Recovery Unit; and

WHEREAS, in return, Washington County ("County") was granted an incidental take permit under Section 10(a) of the Endangered Species Act to allow development of tortoise

habitat outside the Reserve, thereby providing for the ability for the County to meet demands for anticipated population growth and economic growth through land development; and

WHEREAS, HCP signatories and cooperators include Washington County, the Utah Department of Natural Resources, the U.S. Fish and Wildlife Service, the Bureau of Land Management ("BLM"), and local municipalities; and

WHEREAS, an objective of the HCP is to acquire remaining private in-holdings within the boundaries of the Reserve for protection of desert tortoise habitat; and

WHEREAS, the United States Congress passed the Omnibus Public Land Management Act of 2009 which established the Red Cliffs National Conservation Area ("NCA") to be managed by BLM and which had boundaries corresponding to the Reserve boundaries; and

WHEREAS, several of the landowners who own private lands within the NCA are willing sellers of their land to the BLM and the federal acquisition of these specific lands is an important objective of the HCP; and

WHEREAS, the BLM is seeking federal funds through the Land and Water Conservation Fund to acquire these private lands starting with the Fiscal Year 2013 and future years.

NOW, THEREFORE, at a regular meeting of the legislative body of Washington County, Utah, duly called, noticed, and held on the 7th day of February 2012, upon motion duly made and seconded, it is unanimously:

RESOLVED that the Washington County Commission strongly supports the acquisitions of private in-holdings in the Red Cliffs National Conservation Area from willing sellers by the Bureau of Land Management and the appropriation of federal funds for such acquisitions."

In FY 2013, an allocation of $4 million from the Land and Water Conservation Fund, as requested in the President's Budget for the Bureau of Land Management, is needed to begin key acquisitions of private lands at Red Cliffs NCA.

In closing, I urge you to provide funding for the Land and Water Conservation Fund of $450 million, as proposed in the President's FY 2013 budget, including critical funding for the Red Cliffs National Conservation Area. I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Utah, and I appreciate your consideration of this funding request.

Dean Cox
County Administrator
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St. George, UT 84770
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TESTIMONY OF THE HONORABLE FLOYD JOURDAIN JR
CHAIRMAN, RED LAKE BAND OF CHIPPEWA INDIANS

Before the House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Regarding the FY 2013 BIA, IHS, and EPA Budgets, March 28, 2012

Mr. Chairman, I thank you and the other distinguished members of the Committee for this opportunity to provide testimony on behalf of the Red Lake Band of Chippewa Indians. On behalf of the people of Red Lake, who reside on our reservation in northern Minnesota, we respectfully submit that the budget appropriation process represents for us the major avenue through which the United States government fulfills its trust responsibility and honors its obligations to Indian tribes. We must depend on you to uphold the trust responsibility which forms the basis of the government to government relationship between our tribe and the federal government. The Red Lake Band of Chippewa Indians requests $4 million in additional FY 2013 funding from the Department of Interior for Red Lake's programs.

Red Lake is a fairly large tribe with 10,000 members. Our 840,000 acre reservation is held in trust for the tribe by the United States. While it has been diminished in size, our reservation has never been broken apart or allotted to individuals. Nor has our reservation been subjected to the criminal or civil jurisdiction of the State of Minnesota. Thus, we have a large land area over which we exercise full governmental authority and control, in conjunction with the United States.

At the same time, due in part to our location far from centers of population and commerce, we have few jobs available on our reservation. While the unemployment rate in Minnesota is 5.7%, ours remains at an outrageously high level of more than 50%. The lack of good roads, communications, and other necessary infrastructure continues to hold back economic development and job opportunities. Red Lake supports programs that assist workforce development and maximize the federal tax dollar, such as the 477 program. We urge the continuation of funding through Indian Self-Determination and Education Assistance Act agreements and relief from the reporting obligations instituted by the Office of Management and Budget Circular A-133.

We thank Congress for adding $243 million to the BIA budget in FY 2010, which reversed some of the cuts made by the previous Administration. However, in FY 2011 and 2012 the BIA was cut by a total of $89 million, and as my testimony will show, tribes still face extreme shortages in funding for most government service programs.

FY 2013 Interior Budget Overview

Although we appreciate your actions to provide significant funding increases to the BIA in FY 2010, we are concerned that BIA and tribes have unacceptably lagged behind the rest of Interior in terms of funding. For instance, the President's FY 2013 budget includes an increase of $34 million for the U.S. Geological Survey (USGS), an increase of $72 million for the Fish and Wildlife Service (FWS), and a *decrease* of $4 million for the BIA, on top of a massive $62 million cut enacted in FY 2012. Additionally, over the last nine fiscal years the budget for the FWS has grown by 13.2%; National Park Service by 14.2%; USGS by 13.8%; Bureau of Land Management by 12.8%; and last and apparently least, the BIA by a demeaning 9.8%. We ask that

you reverse this alarming trend by increasing the BIA's budget in FY 2013 by at least 20% over the FY 2010 level.

Tribal Government Funding (Formerly Tribal Priority Allocations (TPA))

Tribal governments have suffered terrible and unprecedented erosion in federal funding for their critical core governmental services in the last decade. These services, including law enforcement, fire protection, courts, family and children's services, education, road maintenance, and resource protection affect the every day lives of people in Indian communities. At the tribal level, erosion of BIA funding for most government service programs has caused a crisis in many tribal communities.

Tribes have lost ground more than any other Interior-funded agency for several reasons including: The crippling, nearly $100 million cut in the TPA in FY 1996; For the last decade, with the exception of law enforcement, tribes' core service base programs were either flat-funded or further reduced; In just the last 10 years, tribes' core service base programs were subject to further reductions approximating 10% from a multitude of permanent, across-the-board and targeted rescissions to fund everything from federal deficit reduction, tax cuts, the war in Iraq, and even to build up the BIA's Information Technology bureaucracy; Unlike the rest of Interior, tribes receive **No** fixed costs to offset the rising cost of employee fringe benefits; and, during the last 10 years, pay costs shrank to half of what tribes should have received, and were yet further reduced by the BIA's failure to fully report tribal pay cost needs.

As a result of the above, tribes' core service funding is far less, in real terms, than 15 years Ago. Critical services continue to be eroded, seriously undermining our ability to provide minimal public safety, security, and well-being for people who already struggle to survive under some of the worst living standards in America. It may be the case that some federal agencies can absorb all of these cuts, but tribes like Red Lake cannot - we have reached the breaking point.

Let me provide an example of how real the funding crisis for basic services is at Red Lake. Below is a table showing BIA base funding versus actual expenditures for just three of our critical service programs, Community Fire Protection, Tribal Courts, and Law Enforcement.

Red Lake Program	CY 2011 Actual BIA Budget	CY 2011 Actual Expenditures	CY 2011 Actual Shortfall*
Fire Protection	$42,500	$436,758	**($394,258)**
Tribal Courts	$305,669	$750,043	**($444,374)**
Law Enforcement	$2,369,623	$3,256,747	**($887,124)**
Totals	$2,717,792	$4,443,548	**($1,725,756)**

* The actual shortfall, $1,725,756 for just these three programs, represents nearly 20% of the Tribe's entire self governance base funding, which had to be taken from other Tribal programs, sharply reducing services provided by those programs.

The above example illustrates the damage caused by the erosion and cuts to Tribal Government funding. The only solution to this crisis is a General Increase in Tribal Government (TPA) funds, to be distributed to all tribes. The increase should be at least $100 million over the FY 2010 enacted level. This amount will not come close to getting us to where we were in 1995,

but it will provide a good start.

Fully Fund Pay Costs and Fixed Costs in FY 2013 and Beyond

For most of the last decade, Pay Costs were only partially funded. This, coupled with the many across-the-board rescissions over the same period, has resulted in virtually every tribal government core service program being funded at a lower level today than 15 years ago. Pay Costs represent the only increase these programs receive. *When Pay Costs are not fully funded, tribal programs have no choice but to cut jobs.* From FY 2001 to the present, the Department of Interior, including BIA and tribes, have collectively lost more than $700 million through the absorption of Pay Costs and other Fixed Costs, and along with it, literally thousands of jobs. For Indian Country, this has meant the loss of an estimated 1,000 full time jobs. The President's FY 2013 budget requests only a .5% pay raise for federal employees. As in FY 2012, we ask that tribes be excluded from consideration as federal workers, and that tribes receive a FY 2013 2% Pay Cost allocation as originally estimated by the BIA. We also ask that you, as in past years, express your concerns to the Administration that Pay Costs must be fully funded in all future budget requests. Finally, the failure to fully fund Pay Costs since FY 2001 has resulted in a permanent annual loss of $2 million for Red Lake. We ask for a permanent restoration of $2 million in FY 2013, to partially offset the losses in Pay Costs that Red Lake has unfairly suffered.

Contract Support Costs

In FY 2013, an increase in Contract Support of $8.8 million is requested which we support, and we thank you for the very significant increase of nearly $70 million which you provided in FY 2011 and 2012. We urge you to provide additional increases in Contract Support in FY 2013 and beyond, until Contract Support, and associated Direct Contract Support, is fully funded.

BIA Justice Services Programs: Law Enforcement, Courts, Community Fire Protection

From FY 2005 – 2012, funding for BIA Law Enforcement rose by 79%, from $180 to $322 million. We previously reported to you that BIA did not allocate most of these increases in a fair manner – BIA operations received the most and tribes received the least. We are pleased to report that the BIA recently took steps to more equitably allocate law enforcement dollars. At Red Lake, we are so desperately under funded by the BIA for our public safety programs, that each year we must take nearly 20% of our entire Self Governance base budget just to pay the previous year's public safety shortfalls. We ask that you support the President's FY 2013 requested increases, including $3.5 million for tribal and BIA law enforcement operations, and $6.5 million for detention operations. We also ask that the $.5 million requested for conservation law enforcement officers be increased to $5 million. These funds are critically needed by tribes. We further ask for a specific earmark for Red Lake in the amount of $1.5 million in FY 2013, to bring us up to minimum BIA Law Enforcement safety standards.

The President's FY 2013 budget includes an increase of $1 million for Tribal Courts. This is much too low. In the last 10 years, funding for Tribal Courts has increased less than half that of Law Enforcement. At Red Lake, we must spend more than twice the amount received from the BIA just to get by in a severely under staffed condition. With the passage of the Tribal Law and Order Act, our Court system must take on added responsibilities which will increase budget

requirements. We ask that you provide an additional $20 million for TPA Tribal Courts in FY 2013, with $15 million of that amount dedicated for tribal court base increases.

Community Fire Protection has been neglected for decades. We are responsible for fighting fires on our reservation and protecting peoples' lives, *on a yearly BIA-funded budget of $42,500.* I cited earlier, the huge disparity between BIA funding and actual expenditures for Fire Protection at Red Lake. We ask for a specific provision for Red Lake in FY 2013 of $500,000.

Housing Improvement Program (HIP)

In recent years, funding for the BIA's Housing Improvement Program (HIP) had remained flat at about $19 million. The previous Administration tried to eliminate HIP, and the funding level now stands at $12.6 million. Housing is one of the most basic needs of every American. Past funding for HIP has been terribly inadequate. The amount of HIP funding Red Lake receives is less than 10% of documented need. We ask the Committee to increase the BIA HIP budget to $40 million in FY 2013.

Trust Natural Resources

After years of BIA natural resources program cuts, several meaningful increases were provided in FY 2010, which we thank you for. The President's FY 2013 budget includes several modest but helpful increases including $3.6 million for Rights Protection Implementation, $1 million for Forestry, $.8 million for Cooperative Landscape Conservation, and $.5 million for Invasive Species. We ask for your support of these increases.

The FY 2013 budget request included an increase of $2 million for the Tribal Management/Development (TMD) program. This includes a much needed increase of $200,000 for the Interior Partners in Conservation Award-winning Circle of Flight program. Any TMD increase enacted should be shared proportionally with all tribes and intertribal organizations operating TMD programs, and we ask that you specifically include self governance tribes.

We have pointed out in prior years' testimony that tribal base TPA programs, which fund tribes' day-to-day conservation responsibilities, have remained flat for many years. Most of the tribal TPA base funds reside under the BIA budget categories of Tribal Management/Development; Natural Resources TPA; Wildlife and Parks TPA; and Forestry. We again urge you to provide an increase to the core tribal base programs within these budget categories by at least $5 million each in FY 2013.

Indian Health Service (IHS)

The FY 2013 request for the IHS is $4.4 billion in discretionary budget authority, an increase of $116 million over FY 2012. There is a tremendous unmet need for IHS and Tribal health programs, which stems from years of chronic under funding. IHS mandatory increases for medical and general inflation, population growth, pay costs, and contract support for new and expanded programs surpass the requested increase. We ask that you provide no less than the President's requested funding level in FY 2013.

We appreciate the $74 million increase in contract support costs (CSC) you provided in FY 2012. The President's FY 2013 budget request includes a total of $476.4 million for CSC, an increase of $5 million over FY 2012. For many years, CSC were underfunded, which resulted in reduced health care services for Indian people. The IHS recently projected that the FY 2013 CSC

shortfall will be $70-80 million. We ask that you increase the FY 2013 request for CSC by $75 million, to a total of $551 million. Otherwise, the shortfall must be made up by reducing vital health care to Indian people.

EPA Programs

Water, wetlands, and the fish and wildlife which rely on them are precious to us. Red Lake is home to the sixth largest natural, freshwater lake in the United States and it is truly a national treasure. Red Lake is larger than Lake Champlain, which as you know temporarily held the title of the "6th Great Lake" a few years ago. Programs vital to our efforts to protect the environment at Red Lake include the Indian General Assistance program (GAP), Section 106 Pollution Control, and Clean Air Act grants. We ask that you provide the $96 million for GAP requested by the President in FY 2013. This program forms the basis of tribal environmental management capabilities, but existing funds do not meet needs. Under Section 106, tribes' funding levels have decreased sharply. The reason is each year more tribes become eligible for and receive this funding, but the allocation formula stays the same, thus fewer dollars go to tribes to reduce water pollution. We ask that in FY 2013, you direct that at least 20% of Section 106 funds go to tribes, as well as support the $26.9 million requested increase. Similar to Section 106 funding, current and proposed funding levels for tribal air grants under Sections 103 and 105 of the Clean Air Act are not adequate. Tribal air quality management programs are in need of an increase because more tribes are developing air programs and seeking Treatment as a State status. In FY 2013, an increase of $65.8 million is requested for state and local air quality programs vs. only $.3 million for tribal programs. Federal Indian Trust land comprises nearly 2.5% of the land area of the U.S., and 2.5% of $65.8 million is $1.6 million. We ask for a $1.6 million increase for tribal air programs in FY 2013. Red Lake has stretched EPA dollars to carry out functions under EPA delegated programs. We support the requested increases, but future increases are needed for tribes to perform just a fraction of the functions states have been enabled to perform.

Thank you for allowing me to present, for the record, some of the most immediate needs of the Red Lake Band of Chippewa Indians in FY 2013, and for your consideration of these needs.

Testimony of
Walter Dasheno, Governor
Santa Clara Pueblo
Before the
House Interior Appropriations Subcommittee
Tuesday, March 27, 2012

Introduction. Thank you, Chairman Simpson, Ranking Member Moran, and members of the Subcommittee, for this opportunity to testify on the FY 2013 Federal budget. My name is Walter Dasheno. I am the Governor of the Santa Clara Pueblo, as well as the Chairman of the Eight Northern Indian Pueblos Council. My testimony will focus on:

- **BIA Disaster Funding.**
- **Building New Health Facilities – Funding the Joint Venture Construction Program.**
- **Funding for Self-Governance Initiatives at BIA and IHS.**

Las Conchas Wildfire. Last summer, the Santa Clara Pueblo was devastated by the Las Conchas Fire, the largest wildfire in New Mexico history. Although mercifully no lives were lost and no homes were burned, we still saw our traditional and treasured homeland and spiritual sanctuary, the Santa Clara Canyon, practically destroyed. We estimate that more than 16,000 acres of our forest lands burned in this fire and, together with the lands that we lost in the Oso Complex Fire of 1998 and the Cerro Grande Fire of 2000, 80% of our forests and a huge part of our heritage has been destroyed. In addition, the fire burned thousands of acres of our traditional lands that are outside our current reservation and that continue to hold cultural sites and resources of great importance to us. This area encompasses our lands of origin, the P'opii Khanu - the headwaters of our Santa Clara Creek, and numerous cultural and traditional sites. In addition, the loss of the forest is devastating to wildlife and wildlife habitat, recreational resources, and to the purity of our water - which we use for irrigation and many traditional purposes. In the last decade we have faced four forest fires that have threatened our forests – the Oso, Cerro Grande, South Fork and Las Conchas fires – and none of them originated on our lands. Although fate plays its part, we have suffered horrible consequences largely due to the failure of others to properly guard in some fashion against causing a fire. Throughout this tragedy, the Santa Clara people have shown extraordinary courage and determination to persevere and to begin the long road to recovery so that, while my generation may never see the canyon in its glory again, that will not be said of the next generation.

Awaiting the Next Disaster – Post-Fire Flooding. Because the Santa Clara Canyon has been stripped of its vegetation, the Pueblo is at tremendous risk of flooding. Over 50% of the Santa Clara Pueblo watershed burned during the Las Conchas fire. Due to the high severity of the burn, there has been a dramatic reduction in the infiltration rates in the burned area – the soil is now what is termed by soil scientists as "hydrophobic." This has resulted in a four-to eight-fold increased runoff and sediment/debris flow into the Santa Clara Creek, posing a severe threat to the lives and safety of the people of Santa Clara Pueblo and increasing the potential for widespread property damage. The channel through Santa Clara Pueblo no longer has the conveyance capacity necessary to safely pass large post-fire flows. Hundreds of residential structures including several public structures are at risk from flood and debris flows if no immediate action is taken.

A mere 1 inch rain event over 8 hours, or what hydrologist refer to as an average monsoon season storm, on August 21, 2011 led to intense flooding and the emergency evacuation of Santa Clara and US Army Corps of Engineer personnel. This rain event resulted in a Presidential Disaster Declaration. As the Department of the Interior, Interagency Burned Area Emergency Response ("BAER") Team noted in a July 17 report, the intense flames from the fire burned trees and vegetation off the steep slopes of the canyon and heated the soils causing severe damage to the natural resources of the area and placing the downstream tribal members of the Santa Clara Pueblo at risk to extreme flooding. The post-fire watershed effects were rife for massive landslides and debris flows which occurred on August 21, 2011. The August 21, 2011 event produced massive debris (including boulders) and severe mud flows to the canyon bottom. The Canyon reservoirs were overwhelmed (over topped) by this average rainfall event following the fire and are now full of sediment, and now pose a potential flood risk if not dealt with immediately. Flood protection emergency measures put in place after the Las Conchas fire were inches away from being compromised. It is important to note that this storm was an isolated thunderstorm over a small portion of the Santa Clara watershed (one drainage) and not over the entire watershed (what hydrologist refers to as a general storm). If the rain event of August 21, 2011 had occurred over the entire post fire Santa Clara Pueblo watershed, the Santa Clara Pueblo would have been devastated.

We are only at the beginning of the flood mitigation and forest recovery effort. The fire has raised numerous, interrelated, short and long-term concerns for Santa Clara and other surrounding communities, almost all of which intersect with Federal laws and regulations. First, during the summer monsoon season, every afternoon, we will face the threat of a thunderstorm that will send torrents of water and debris down the Santa Clara Canyon and Creek, creating a huge risk of dam failure and catastrophic flooding for our homes, public buildings and irrigation system. Second, we must address the environmental impacts of this fire. This includes the physical health impacts from the huge quantities of smoke, as well as the devastating emotional impact to our community of such a great loss. It also includes water quality impacts as tons of ash, debris and other materials flow into the Santa Clara Creek affecting fisheries, wildlife consumption, agriculture and cultural uses, and safety issues within our Santa Clara Canyon due to the destabilized landscape resulting in falling boulders and dead and down trees. This runoff flows into the Rio Grande, affecting water quality for communities like Santa Fe that are downstream or that use the Rio Grande. Third, we are still assessing how to recover from the loss of an unprecedented amount of cultural resources and sites, from damage to sacred places, to the loss of animal and plant species that have been integral to Santa Clara cultural and spiritual practices for generations. Fourth, Santa Clara has suffered extended financial impacts, including not only the direct efforts to address the fire, but also the closure of Puye Cliff Dwellings, the reduction in arts and crafts sales and the decline in tourists and visitors to our hotel. Fifth, we still need fire suppression resources to protect the remaining 20% of our forests. Finally, we must address the long term restoration of the forests. This is a project that we anticipate will take several decades but one to which we have already set our minds.

We ask the Subcommittee to support additional funding for Interior Burned Area Emergency Response (BAER) teams, as well as additional resources for the Bureau of Indian Affairs to assist Santa Clara Pueblo and other impacted tribes who experience devastating natural disasters.

Developing a New Health Facility – Refunding the Joint Venture Construction Program of the Indian Health Service. The Santa Clara Health Center (SCHC) was built in 1981 and was not designed for the number of patients presently seen there. From FY 2007 to FY 2009, annual patient visits to the Health Center surged from 14,878 to 27,884, or 87%. Such a dramatic increase in patient visits has pushed the Health Center well beyond its capacity to effectively serve its clients. Santa Clara has retained consultants to advise on the design of a new facility. Santa Clara has approached the Indian Health Service about participating in the Joint Venture Construction Program, which provides that if a tribe provides a facility, the Indian Health Service will commit for a minimum of 20 years to staff and equip that facility. The program is very successful but completely reliant on Congress making the financial commitment to the staffing levels. Santa Clara has been advised by the IHS that they only have such a commitment for three more facilities, which are already in the works, and that Congress would have to renew its financial commitment for additional tribes to participate in this program. Santa Clara asks that Congress make that commitment.

National & Self-Governance FY2013 Budget Priorities. In general, all Bureau of Indian Affairs (BIA) and Indian Health Services (IHS) line items should be exempt from any budget recessions and discretionary funding budget reductions. More specifically, Santa Clara urges the following:

Bureau of Indian Affairs

- Fully Fund Contract Support Costs (CSC) – Support $8.8 million increase included in FY2013 President' Request.
- Fully Fund Fixed Costs/Pay Costs – Provide $13.7 million increase. Historically, Tribes have been disadvantaged because they have never received Fringe Benefit Fixed Cost adjustments.
- Tribal Priority Allocations – Provide $89 million increase (10% over FY2012 Enacted). For two decades, inadequate funding for Tribal priority allocations has hindered Tribes from fully exercising their right of Self-Governance.
- Law Enforcement
    1. Fully fund all of the provisions of the Tribal Law & Order Act of 2010 that authorize additional funding for law and order programs that affect Indian Tribes, for FY2013 and beyond; and
    2. Increase funding for Bureau of Indian Affairs Law Enforcement by $30 million, including an increase in funds for officer recruitment and training; and for Tribal detention facilities operations and maintenance.
- Education
    1. Provide $24.3 million in funding to the Johnson O'Malley (JOM) program;
    2. Provide $263.4 million for Bureau of Indian Education (BIE) School construction and repair;
    3. Provide $5.0 million to support Tribal Education Departments (TEDs);
    4. Provide $36.0 million for Title III-A grants under the Higher Education Act; and
    5. Provide $431.0 million for the Indian School Equalization Formula (ISEF).
- Office of Self-Governance (OSG) – Provide increased funding to the OSG to fully staff the office for the increase in the number of Tribes entering Self-Governance. We

vehemently oppose any consolidation of the OSG within DOI. Self-Governance is a process that will continue to allow Tribes to govern at the local level to address the needs of our citizens and our communities.

Indian Health Service:

- Contract Support Costs (CSC) – Provide increase of $99.4 million over President's FY2013 Request to Fully Funding CSC
- Mandatory Costs – Provide $304 million increase to maintain current services. Mandatory cost increases are necessary to maintain the current level of services. These *"mandatories"* are unavoidable and include medical and general inflation, pay costs, phasing in staff for recently constructed facilities, and population growth.
- Indian Health Care Improvement Fund – Provide $45 million increase. The purpose of IHCIF is to address deficiencies in health status and resources within the Indian health system and to promote greater equity in health services among Indian Tribes.
- Contract Health Services (CHS) – Provide $200 million increase. CHS funds are used to purchase essential health care services, including inpatient and outpatient care, routine emergency ambulatory care, transportation and medical support services.
- Alcohol and Substance Abuse Programs – Provide $40 million increase.
- Adequate Funding for Implementation of the Indian Health Care Improvement Act (IHCIA).
- Office of Tribal Self-Governance - Increase $5 million to the IHS Office of Tribal Self-Governance. In 2003, Congress reduced funding for this office by $4.5 million, a loss of 43% from the previous year. In each subsequent year, this budget was further reduced due to the applied Congressional rescissions. As of 2012, there are 337 Self-Governance (SG) Tribes managing approximately $1.4 billion in funding. This represents almost 60% of all federally-recognized Tribes and 33% of the overall IHS funding.

Conclusion. Never again in our lifetime will we see our traditional and treasured homeland and spiritual sanctuary, the Santa Clara Canyon, as we have known it. It will take generations for our community and lands to recover from the devastation of this fire. But this is our only homeland; it is the place we have been entrusted with since time immemorial. While we intend to devote the resources we can to the healing of our land and the protection of our community we do not have the resources to do it alone. We turn in this hour of need to our Federal trustee and ask for your sustained assistance in addressing this calamity and assuring the remediation of our sacred homeland. At the same time, we ask the Congress to support the Joint Venture Construction Program so that Santa Clara, and other tribes, through their own commitment of financial resources, can speed the improvement of health facilities in Indian Country. We also ask Congress to address the other budget needs set forth in this testimony.

Testimony of Gary O'Malley
Executive Director, Sawtooth Society
In Support of the Land and Water Conservation Fund
Sawtooth National Recreation Area, Idaho
U.S. Forest Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member

March 28, 2012

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2013 Interior Appropriations Bill. The President's Budget for this year recommended $450 million for LWCF.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial public benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation. LWCF investments also support jobs, tourism and economic vitality across our communities.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF will permanently pay dividends to the American people and to our great natural, historical and recreation heritage. As LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use as a conservation offset to the energy development of our offshore oil and gas resources.

As part of the LWCF request in FY 2013, the U.S. Forest Service included an allocation of $500,000 for the Salmon-Selway Initiative in Idaho's Sawtooth National Recreation Area. I am pleased that this funding was included in the request and urge Congress to provide necessary funds for LWCF to finish this important project.

Located in central Idaho, the Salmon-Selway Ecosystem, totaling almost four million acres, is one of the largest and wildest habitats in the continental United States. A rugged complex of mountains, rivers, and forests, it includes the Selway-Bitterroot and the Frank Church—River of No Return wilderness areas, five national forests, numerous rivers, and the Sawtooth National Recreation Area. The area provides unique habitats critical for fish and wildlife including threatened and endangered species such as Chinook salmon, steelhead trout, bull trout, lynx, and gray wolves. Each year in late summer, salmon and steelhead trout return to the high reaches of the Salmon and Clearwater

Rivers, traveling 900 miles and climbing 7,000 feet from the Pacific Ocean to the mountain tributaries of their birth—the highest salmon spawning grounds on earth. An appropriation of $500,000 from the Land and Water Conservation Fund in FY 2013 will complete the work that was initiated in FY 2012 to ensure protection of the Rodeo Grounds Ranch. This project is one of the largest remaining inholdings in the Sawtooth National Recreation Area and helps to conserve the traditional landscape and scenic character of the region, protect wildlife habitat, water quality, and ensure public access for recreation.

The 756,000-acre Sawtooth National Recreation Area (SNRA) comprises one of the largest and most magnificent national recreation areas in the United States. Four mountain ranges: the Sawtooths, Boulders, White Clouds, and Smokies provide scenic landscapes in every direction, with more than 50 major peaks over 10,000 feet, 300 lakes, and 250 miles of trails. There are more than 1,000 high mountain lakes and glacial tarns here, as well as the headwaters of four of Idaho's major rivers: the Salmon, South Fork of the Payette, the Boise, and the Big Wood.

More than 300 species of wildlife inhabit the forests, valleys, and rocky peaks of the Sawtooth National Recreation Area including gray wolves, mountain goat, pronghorn antelope, mule deer, elk, coyote, red fox, and black bear. Birding enthusiasts can encounter a wide range of species from Clark's nutcracker, junco and chickadees to the more elusive sandhill crane and bald and golden eagles. Furthermore, the SNRA's abundance of lakes and rivers play an important role in the protection and re-establishment of salmon populations to Idaho's waterways.

The Sawtooth NRA offers some of the finest and most renowned outdoor recreation in the world including fishing, white-water sports, hiking, backpacking, snowmobiling, mountain biking, and Nordic skiing. With 37 developed campgrounds, family camping attracts more recreationists to the Sawtooth National Recreation Area than any other single activity. The Sawtooth NRA is heaven for those looking for scenic drives with three National Scenic Byways—the Sawtooth, Salmon River, and Ponderosa Pine scenic byways—converging in Stanley, Idaho, the largest settlement in the Sawtooth NRA.

With a proud ranching tradition stretching back for over a century, traditional land uses have long been interwoven with the public values here, and stewardship of these natural and recreational assets has been outstanding. To protect the historic uses and compatible public recreation values of this remarkable landscape, the Forest Service has utilized Land and Water Conservation Fund appropriations dating back to 1972 to acquire conservation easements that protect some 17,000 acres of private land within the national recreation area.

Available for acquisition at the Sawtooth NRA in Fiscal Year 2013 is a conservation easement on the 157-acre Rodeo Grounds Ranch. Located just five miles from the historic town of Stanley, the property is a well-known and prominent component of the viewshed along Idaho Route 21—the Ponderosa Pine Scenic Byway—that

connects the Sawtooth NRA to Boise. With substantial frontage on Valley Creek, a major Salmon River tributary, the ranch provides habitat for all four fish species listed as threatened or endangered in the Sawtooth NRA: Chinook salmon, sockeye salmon, bull trout, and steelhead. The Forest Service has identified Valley Creek as one of the most important tributaries in the Upper Salmon River watershed for the recovery of the Chinook salmon, especially for rearing and spawning habitat. Protection of Rodeo Grounds Ranch will advance fisheries recovery efforts, protecting a total of 1.8 miles of Valley Creek and its tributaries and approximately 96 acres of related riparian areas.

The conservation easement on Rodeo Grounds Ranch will allow for continued historic use and private ownership of the property, while conserving its natural values and recreational access by anglers to Valley Creek. This access would likely be lost if the property were to be developed, converted from existing use, or fragmented into smaller holdings. Moreover, incompatible development of this key Sawtooth gateway property would irreparably compromise a scenic landscape that draws hundreds of thousands of visitors each year. The easement will protect the historic ranch structures and the scenic landscape of the valley.

In Fiscal Year 2013, an appropriation of $500,000 from the Land and Water Conservation Fund will augment funding provided in Fiscal Year 2012 to allow the completion of this important conservation easement acquisition valued at $3 million. Protection of Rodeo Grounds Ranch, a highly visible property and longstanding priority for the Forest Service, will protect the fisheries and recreational resources of the ranch and help ensure the scenic integrity of the Sawtooth NRA.

In closing, I urge you to provide funding for the Land and Water Conservation Fund of $450 million, as proposed in the President's FY 2013 budget, including critical funding for the Salmon-Selway Initiative. I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Idaho, and I appreciate your consideration of this funding request.

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Testimony of Charles W. Murphy, Chairman
Standing Rock Sioux Tribe
House Appropriations Subcommittee on Interior
and Related Agencies
Concerning the FY 2013 BIA and IHS Budgets
March 28, 2012

On behalf of the Standing Rock Sioux Tribe, I am pleased to submit testimony concerning the President's FY 2013 budget for the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS). I want to express my appreciation to the House Appropriations Subcommittee on Interior and Related Agencies for its strong support of Indian tribes. I would like to focus my remarks on public safety, education, health care, and infrastructure.

The Standing Rock Sioux Tribe is situated in North and South Dakota. The Reservation comprises 2.3 million acres, including 1.4 million acres of trust land owned by the Tribe or Tribal members. About 10,000 Tribal members and non-members reside on the Reservation in eight communities and in smaller towns. The Tribe's primary industry is cattle ranching and farming. We are a remote, rural Indian reservation. Despite our efforts, poverty persists among our members.

The federal government has a special trust obligation to the Nation's Indian tribes, arising from the Constitution, treaties and federal legislation enacted by Congress over generations. The Federal programs provided to the Indian nations were bought and paid for with our land. The Sioux Nation ceded millions of acres of land to the United States. In the 1950's, the United States Army Corps of Engineers flooded more than 56,000 acres of prime Tribal farmland on the Standing Rock Sioux Reservation to create the Oahe Dam as part of the Pick Sloan Missouri River Basin project, to increase navigation along the lower Missouri River and to provide cheap hydro-electric power to the north-central United States.

Native Americans have made sacrifices for the good of the Nation. In return, the Nation must honor its commitments to the Indian nations by maintaining and expanding Federal programs enacted for our benefit. Native Americans are entitled to life, liberty and the pursuit of happiness like every other American. Before this Subcommittee recommends reducing appropriations for Tribal programs, it must ask whether Federal programs for Native Americans were adequately funded in the first instance. At a time when Congress must reduce funding, the Subcommittee should look for budget savings in other programs of the Interior Department that have enjoyed more robust funding before cutting Native American programs that are barely meeting basic needs.

One day, Native Americans living in remote and rural reservations will enjoy a living standard equal to that enjoyed by the rest of the Nation. But that goal can only be achieved if we work in partnership and the Federal government acknowledges its special responsibility to the Indian nations and authorizes and appropriates the funds required to operate programs enacted for the benefit of Indian tribes and our members. I turn now to Standing Rock's specific recommendations.

PUBLIC SAFETY – If Indian tribes are to attract and maintain businesses and jobs on our reservations, we must have public safety. To realize this goal, Congress must provide funding not only for more public safety and corrections officers, but adequately fund Tribal courts as well as fund the facilities and operating expenses for police departments, detention centers, and provide

funds to help build residential housing for public safety officers and their families. The modest 2.3% increase over FY 2012 enacted levels proposed by the Administration, an increase of $8.4 million for Public Safety and Justice programs, is inadequate. The Administration proposes a $1.0 million increase for Tribal Courts, a $6.5 million increase for detention/corrections a $3.5 million increase for criminal investigations and police services, offset by a $2.5 million cut in the Law Enforcement Special Initiatives program.

Our conclusion that these increases are inadequate is borne out of our experience at Standing Rock. We contributed $2 million of our own funds, together with more than $5.0 million in Justice Department funds, to construct an 18-bed secure, juvenile detention facility on our Reservation so that Tribal youth offenders may remain on the Reservation and receive culturally appropriate services while being incarcerated for criminal offenses. Over time, the facility will save the BIA a great deal of money, which it now pays to other public authorities to incarcerate our young offenders far from their families and support groups.

Although a permanent certificate of occupancy for the Standing Rock Juvenile Detention Center was issued by the Interior Department's Office of Facilities, Management and Construction (OFMC) in October 2011, no Native American youth has yet to be housed in the 15,769 square foot facility. Of the 26 full-time corrections officers and support personnel that should be employed when the detention center is at full capacity, approximately three officers have been hired by the BIA. The BIA has recently informed us that it will receive a fraction of the operation and maintenance (O&M) funds from OFMC to pay for utilities and to perform routine maintenance services to safely house our youth and safeguard the Tribe's and Federal government's investment in this facility because OFMC cannot afford to pay 100% of O&M expenses.

Congress enacted the Tribal Law and Order Act (TOLA), the Violence Against Woman Act (VAWA), and recognizes the need to improve the state of detention facilities in Indian country to improve public safety on Indian reservations. Our Tribe is grateful for the BIA's Operation Dakota Peacekeeper initiative in 2008 that helped reduce violent crime on our Reservation by more than 25%. BIA law enforcement officers quadrupled during the surge. But the surge is over and the BIA public safety officers who came to Standing Rock have returned to their reservations. Public safety is a recurring need and Congress must adequately fund the Interior Department's Office of Justice Programs and OFMC above the Administration's modest increases.

I urge this Committee to prioritize Native American public safety programs over other Interior bureaus and services to allow the Interior Department to carry out public safety services that are essential to maintain public safety on our reservations. Until the Great Plains Region has adequate law enforcement and corrections officers, O&M funds for the facilities they work in, and resources for Tribal court personnel, the Committee should direct the Interior Department to allocate funds to Office of Justice Programs, OFMC and Tribal Courts programs to remedy staff shortages and resources until these shortages are minimized.

EDUCATION – We request that Congress increase FY 2013 funding for Bureau of Indian Education (BIE) programs above the Administration's near flat line funding that does not account for population growth or inflation. From the President on down, everyone recognizes the importance of a quality education to predicting the future success of our youth. This is especially true of Native American students who lack many of the educational resources that others take for

granted, especially safe, well built schools. We doubt that "administrative cost savings" will be realized and can offset the millions of dollars in reductions the Administration has proposed.

The Great Plains Region is home to 10 Tribal colleges and over 25% of the more than 41,000 Native American students. We oppose the Administration's short-sighted FY 2013 budgets for the Scholarships and Adult Education program ($33 million), Johnson-O'Malley Assistance Grants ($13 million), and the Indian School Equalization Formula (ISEF) grants ($389 million). As we have testified before this Subcommittee for the last few years, we have provided approximately $1.0 million in Tribal funds annually to supplement the BIA Scholarship and Adult Education Program to provide a modest grant of $3,000 - $3,500 per semester to allow our students to attend accredited colleges, universities and vocational schools. I also urge the Subcommittee to reverse the harmful trend of underfunding the Johnson O'Malley Act program. Nearly twenty years ago, JOM was funded at $24 million; the Administration's FY 2013 budget request is $13 million. We urge the Committee to double funding for JOM to $26 million.

The United States has invested millions in upgrading deteriorating BIA-operated school buildings throughout the country. We appreciate the recent work undertaken by BIA on the Standing Rock Sioux Reservation. Now is not the time to retreat from investing in our children's future. If they are to compete for jobs in the 21st century, they must receive a 21st century education. We ask the Subcommittee to prioritize appropriations for the Interior Department for Native American students at the elementary, secondary and post-secondary levels, and increase FY 2013 funding so that our children can realize their full potential.

HEALTH CARE – We are encouraged by the Administration's FY 2013 request for an additional $111 million for the Indian Health Service's Services account, including clinical services, preventive health, Contract Health Services and diabetes grants. Our Tribe is dependent on the services of the IHS to care for our more than 14,000 enrolled tribal members. As we have previously testified, however, the majority of our Tribal elders continue to suffer from diabetes, heart disease and hypertension. Yet funding for diabetes grants remains flat at $150 million.

We strongly recommend that the Subcommittee prioritize preventive health care service programs of the IHS, such as the diabetes grant program, and increase funding for this program above the Administration's $150 million, while supporting and protecting the Administration's other IHS funding priorities. While the Administration has correctly requested more funding for the Contract Health Services (CHS) program, for many tribes, including Standing Rock, CHS dollars are paid to third party health providers for medical services to save life and limb. Too often, CHS funds are simply not available because of the large unmet health care needs of our members. In many instances, if additional funding for clinical services and preventive health programs can be made available, illnesses and injuries could be treated at their initial stages, or prevented altogether.

The Administration anticipates that in FY 2013, approximately $922 million of the IHS's proposed budget of $5.5 billion, will be financed with health insurance reimbursements through Medicare, Medicaid, and private insurers (third-party reimbursements). These reimbursements are critical and help cover the costs of hiring physicians and physician's assistants, purchasing equipment, making building improvements and maintaining facility accreditation standards.

We urge the Subcommittee to protect funding increases to the IHS so that essential health and support personnel positions are staffed – from doctors, physician's assistants, dentists,

optometrists, dieticians and administrative personnel who take care of billing – so that IHS-funded hospitals and clinics provide all the health services that they are capable of providing. Staff shortages in health care programs reduce patient visits and make it more difficult for the IHS and tribes to supplement IHS funds with third-party reimbursements.

The proposed increases will better enable tribes and the IHS to implement provisions in the permanent extension of the Indian Health Care Improvement Act (IHCIA) that are designed to redress health disparities in Indian country.

INFRASTRUCTURE – Thousands of tourists visit the Standing Rock Sioux Reservation each year and help contribute to our economy. They expect and deserve to travel on properly engineered and well maintained roads and bridges to safely transport them from destination to destination. In order for us to attract and maintain businesses and to help our members transport farm produce and cattle to nearby markets, we require infrastructure, including safe drinking water, utilities, telecommunications and all-season roads and bridges. Dialysis patients, students and their parents and grandparents rely on our road system to get them to health centers, jobs and places of learning. Everyone is at risk if we lack funds to maintain our roads and bridges.

The Indian Reservation Roads (IRR) Program is funded through appropriations to the Department of the Transportation, but the funds that we rely upon to maintain our roads and bridges are appropriated to the BIA's Road Maintenance Program. I cannot think of another BIA-funded program that is so essential to the health and vibrancy of tribal communities that is so poorly funded as the BIA Road Maintenance Program. Over the last 30 years, this program has been funded at about $25 million annually. The Road Maintenance Program has lost most of its purchasing power over the last three decades. Our roads, bridges, signs, safety reflectors, school crossings and other highway safety measures reflect the lack of resources we need to carry out an effective maintenance program. We strongly oppose the Administration's $320,000 cut to the Road Maintenance Program. Nearly 90% of this budget is contracted by Indian tribes. We cannot carry out routine maintenance, let alone emergency repairs, when we receive pennies on the dollar for this public safety service. I ask the Subcommittee to help protect our members and visitors as well as the investment in reconstructed and newly built roads by increasing funding for the Road Maintenance Program by at least $10 million by reducing funding for other Interior Department bureaus.

TRIBAL PRIORITY ALLOCATION (TPA) – We request that TPA funding be exempt from agency reductions or proposed freezes. Proposed Administrative Savings reductions unfairly impact the large land based tribes of the Great Plains Region, especially direct service tribes. TPA programs address such programs as Welfare Assistance, HIP, and Trust and Natural Resources. The Great Plains has 6.1 million acres of tribal trust and allotted lands and approximately 90,000 individual land owners.

ECONOMIC DEVELOPMENT – We urge the Subcommittee Congress to support and build on the Administration's $8.5 million request for the BIA's Office of Indian Energy and Economic Development to help tribes expand energy development at this critical time.

Thank you for receiving my written testimony regarding the FY 2013 budgets for the BIA and IHS.

STATE OF UTAH

GARY R. HERBERT
GOVERNOR

OFFICE OF THE GOVERNOR
SALT LAKE CITY, UTAH
84114-2220

GREG BELL
LIEUTENANT GOVERNOR

March 7, 2012

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Simpson and Representative Moran:

On behalf of the State of Utah and Utah's Colorado River water users, I respectfully request your support for fiscal year 2013 appropriations to the U.S. Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program. The President's recommended budget for FY2013 includes FWS funding at the levels I am requesting for these programs. The State of Utah requests action by the Subcommittee to:

1. Appropriate $706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery of Listed Species Program Element; within the $81,709,000 item entitled "Recovery") for fiscal year 2013 to allow the U.S. Fish and Wildlife Service (FWS) Region 6 to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriate $200,000 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery of Listed Species Program Element; within the $81,709,000 item entitled "Recovery") to allow FWS Region 2 to continue its essential participation in the San Juan River Basin Recovery Implementation Program during fiscal year 2013.

3. Appropriate $485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the $43,189,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.

The Upper Colorado and San Juan recovery programs are highly successful collaborative conservation partnerships working to recover the four species of endemic Colorado River fish on the federal endangered species list; while at the same time water use and development have been able to continue in our growing western communities. These programs are unique efforts involving the states of New Mexico, Colorado, Utah and Wyoming, Indian Tribes, federal agencies and water, power and environmental interests. They are achieving Endangered Species Act (ESA) compliance for water projects and fully complying with interstate river compacts and the participating states' water law.

Since 1988, the two programs, collectively, have provided ESA Section 7 compliance (without litigation) for more than 2,100 federal, tribal, state and privately managed water projects across the Upper Colorado River Basin. Substantial non-federal cost-sharing funding exceeding 50% is embodied in both programs.

Utah recognizes and appreciates the past support and assistance of your Subcommittee that has greatly facilitated the success of these ongoing efforts that help meet the water needs of Utah's citizens.

Sincerely,

Gary R. Herbert
Governor

MATTHEW H. MEAD
GOVERNOR

THE STATE OF WYOMING

STATE CAPITOL
CHEYENNE, WY 82002

Office of the Governor

March 5, 2012

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Simpson and Representative Moran:

I am requesting your support for fiscal year 2013 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program. The Upper Colorado and San Juan recovery programs are highly successful collaborative conservation partnerships involving the states of Colorado, New Mexico, Utah and Wyoming, Indian Tribes, federal agencies and water, power and environmental interests. These programs are working to recover the four species of endemic Colorado River fish such that they can each be removed from the federal endangered species list. These programs provide Endangered Species Act (ESA) compliance for more than 2,300 federal, tribal and non-federal water projects, and they allow Colorado River Basin water development to proceed in Wyoming and the other participating states.

Through the efforts of these programs, water use and development can continue for our growing western communities in full compliance with the ESA, state water and wildlife law, and interstate compacts. Implementation of the ESA has been greatly streamlined for federal agencies, tribes and water users. Recognizing the need for fiscal responsibility, I must also point out that the participants would all be spending much more in ESA-related costs in the absence of these programs.

The State of Wyoming requests action by the Subcommittee to:

1. Appropriate $706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery of Listed Species Program Element; within the $81,709,000 item entitled "Recovery") for fiscal year 2013 to allow the U.S. Fish and Wildlife Service (FWS) Region 6 to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriate $200,000 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery of Listed Species Program Element; within the $81,709,000 item entitled "Recovery") to allow FWS Region 2 to continue

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its essential participation in the San Juan River Basin Recovery Implementation Program during fiscal year 2013.

3. Appropriate $485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the $43,189,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.

Please note that this request for continued funding of these two important programs is the same as, not greater than, last year's request.

On behalf of the State of Wyoming, I thank you for your consideration of my request. I also appreciate the past support and assistance of your Subcommittee, which have greatly facilitated the ongoing and continuing success of these multi-state, multi-agency programs that are vital to the recovery of the endangered fish and providing necessary water supplies for the growing Intermountain West.

Best regards,

Matthew H. Mead
Governor

cc: Representative Cynthia Lummis
Governor John Hickenlooper
Governor Gary R. Herbert
Governor Susana Martinez
Patrick T. Tyrrell, State Engineer

Mark Humpert, Director
Teaming With Wildlife Program
c/o Association of Fish & Wildlife Agencies
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WRITTEN TESTIMONY TO THE HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES REGARDING FISCAL YEAR 2013 APPROPRIATIONS FOR THE STATE & TRIBAL WILDLIFE GRANTS PROGRAM

March 28, 2012

Chairman Simpson, Ranking Member Moran, and Members of the Subcommittee:

Thank you for this opportunity to offer comments on the fiscal year 2013 (FY13) Interior Appropriations bill. On behalf of the 6,366 organizations and businesses representing millions of birders, hunters and anglers, hikers and other outdoor enthusiasts, I encourage the subcommittee to provide the most robust funding possible for the State & Tribal Wildlife Grants program in FY13. This program is the only one within the federal government with the singular purpose of preventing federal endangered species listings, and it is achieving success as highlighted in the recent State Wildlife Grants Success Stories Report (http://teaming.com/tool/state-wildlife-grants-success-stories-report-2011). We also ask that the nonfederal match requirement for states remain at 35% to help states who are still struggling to recover from significant reductions in conservation budgets to meet match requirements.

The State & Tribal Wildlife Grants program provides critical capacity for state fish and wildlife agencies and their partners to implement congressionally-required State Wildlife Action Plans. The program is used by states to conserve more than 12,000 fish and wildlife species that have been identified as at-risk, including those that are candidates for federal endangered species listing. Despite the success of the program, the State and Tribal Wildlife Grants program has been cut by 1/3 since 2010. The reduction in funding is impacting states' ability to restore habitat, protect land, provide incentives to private landowners, monitor, conduct research and implement other measures needed to conserve declining fish and wildlife. These cuts increase the likelihood that more species will be added to the federal endangered species list.

Preventing new endangered species listings is a goal shared by conservationists, business, farmers, ranchers and nearly every other facet of society. Through early and strategic action to conserve declining wildlife and their habitats, this program has demonstrated that proactive action can prevent new listings and even recover listed species such as the Lake Erie Watersnake, thereby reducing conflicts and saving both wildlife and taxpayer dollars. Adequate and consistent funding for State and Tribal Wildlife Grants is essential to fulfillment of the shared federal-state responsibility for keeping our nation's wildlife from becoming endangered. Now more than ever, we should be focusing limited resources on this kind of smart, effective investment in conservation.

The State & Tribal Wildlife Grants program supports implementation of State Wildlife Action Plans that were developed collaboratively by leading scientists, sportsmen, conservationists and private landowners and identified the most effective and practical means to prevent wildlife from becoming endangered. Congress can demonstrate its commitment to these plans in every state and territory by providing the federal share of support, leveraging millions in state and private matching funds. This investment in conservation helps support jobs and the $730 billion outdoor recreation industry.

We understand and appreciate the fiscal constraints that our nation faces. However, the State & Tribal Wildlife Grants program is modest compared to the scope of work it funds (proactive conservation in every state and territory) and the importance of that work (recovery of some of our nation's most imperiled fish and wildlife). We hope the Subcommittee can provide the most robust funding possible for the program in FY13.



Written Statement of
Theatre Communications Group
Submitted March 28, 2012
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations I United States House of Representatives
The Importance of Federal Funding for the National Endowment for the Arts (NEA)

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Mr. Chairman and distinguished members of the subcommittee, Theatre Communications Group – the national service organization for the American theatre – is grateful for this opportunity to submit testimony on behalf of our 486 not-for-profit member theatres across the country and the 31 million audience members that the theatre community serves. **We urge you to support funding at $155 million for the National Endowment for the Arts for FY13.**

Indeed, the entire not-for-profit arts industry stimulates the economy, creates jobs and attracts tourism dollars. The not-for-profit arts generate $166.2 billion annually in economic activity, support 5.7 million jobs and return $12.6 billion in federal income taxes. Art museums, exhibits and festivals combine with performances of theatre, dance, opera and music to draw tourists and their consumer dollars to communities nationwide. Federal funding for the arts creates a significant return, generating many more dollars in matching funds for each federal dollar awarded, and is clearly an investment in the economic health of America. In an uncertain economy where corporate donations and foundation grants to the arts are diminished, and increased ticket prices would undermine efforts to broaden and diversify audiences, these federal funds simply cannot be replaced. Maintaining the strength of the not-for-profit sector, along with the commercial sector, will be vital to supporting the economic health of our nation.

Our country's not-for-profit theatres develop innovative educational activities and outreach programs, providing millions of young people, including "at-risk" youth, with important skills for the future by expanding their creativity and developing problem-solving, reasoning and communication abilities – preparing today's students to become tomorrow's citizens. Our theatres present new works and serve as catalysts for economic growth in their local communities. These theatres also nurture – and provide artistic homes for the development of – the current generation of acclaimed writers, actors, directors and designers working in regional theatre, on Broadway and in the film and television industries. At the same time, theatres have become increasingly responsive to their communities, serving as healing forces in difficult times, and producing work that reflects and celebrates the strength of our nation's diversity.

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Here are some recent examples of NEA grants and their impact:

From the NEA's Access to Artistic Excellence Program:

With a $25,000 consortium grant from the NEA in the category of Access to Artistic Excellence, **Arizona Theatre Company** is working with Young Audiences of Santa Cruz County to increase access to professional theatre for more than 500 under-served students from rural Arizona communities near the U.S. Mexico border. In a year-long project, students from these geographically-isolated, economically-challenged communities travel to Tucson for student matinee performances, interact with theatre professionals and guest artists and learn about the field of theatre. Teachers receive detailed curriculum materials, lesson plans and ongoing support as they learn to incorporate theatre into their teaching strategies across the curriculum. Grant funds provide matinee tickets and transportation to Tucson, removing the largest barriers to participation for these students. By sharing the power of professional theatre with students who rarely have opportunities to experience the arts, this project is enriching the lives of under-served young people, strengthening the abilities of classroom teachers and increasing future diversity in the field of theatre.

Cleveland Public Theatre in Ohio received a $10,000 Access to Artistic Excellence grant from the NEA for the Y-Haven Theatre Project, an arts education program for homeless men recovering from drug and alcohol addiction. The program develops skills and capacities the men can draw upon to maintain sobriety and self-sufficiency and transition to employment, permanent housing and independent living. Y-Haven Theatre transforms men who have suffered great adversity by bringing them together to create a play, present it to the public and receive mentorship and support. The men come to understand that the arts provide tools for self-exploration and discovery, social critique and change. Seeing how their own experiences can have an impact on others brings meaning and hope. *Lost and Found*, the 2011 original play drawn from the men's experiences, played to audiences of homeless people, incarcerated youth, college students and the general public, reaching 1,166 people through 10 performances. These performances helped to raise awareness in the community and reinforce that homeless people and those coping with addictions can lead productive lives.

Located in southern Vermont, **Weston Playhouse** was the recipient of an NEA grant in the category of Artistic Excellence in Musical Theatre for $45,000. This grant supported the world premiere production of *Saint-Ex*, a new musical by composer Jenny Giering and author Sean Barry, directed by Kent Nicholson. Inspired by the life of author and aviator Antoine de Saint-Exupéry (*The Little Prince*), *Saint-Ex* provides an impassioned and deeply moving portrait of a man whose work is cherished by millions across the globe, but whose astonishing life remains little known. *Saint-Ex* began performances on August 28 at the Weston Playhouse. Interrupted just three days into the run when Tropical Storm Irene ripped through Weston, flooding countless homes and businesses, the lower level of the Weston Playhouse sustained extensive damage after being submerged in 8 feet of water. Response to these devastating events was

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overwhelming, with company and community members coming out to help with the cleanup. Recovering from this natural disaster, a restaged version of *Saint-Ex* opened just five days after the flood and served as a platform for community catharsis with every subsequent performance receiving an emotional standing ovation. *Saint-Ex* ran for two weeks with twelve total performances, 2,013 adults and students in attendance and 27 artists in addition to 39 Weston Playhouse staff members participating in the project.

Idaho Shakespeare Festival was the recipient of a $25,000 NEA Access to Artistic Excellence grant that supported the Festival's annual school touring program, *Idaho for Youth (ITY)*. The tour brings a fully staged, professional theatre production into K-6 classrooms in all regions of Idaho and neighboring states. In 2011, *ITY* presented *Hansel and Gretel's Grimm Tale*, by E. Gray Simons and Tara Franklin. The 50-minute, in-school performance, together with related study guide and interactive workshop reached a total of 29,605 students and 1,961 teachers in 79 schools through 104 performances.

These are only a few examples of the kinds of extraordinary programs supported by the National Endowment for the Arts. Indeed, the Endowment's Theatre Program is able to fund only 50% of the applications it receives, so 50% of the theatres are turned away because there aren't sufficient funds. Theatre Communications Group urges you to support a funding level of $155 million for FY13 for the NEA, to maintain citizen access to the cultural, educational and economic benefits of the arts, and to advance creativity and innovation in communities across the United States.

The arts infrastructure of the United States is critical to the nation's well-being and its economic vitality. It is supported by a remarkable combination of government, business, foundation and individual donors. It is a striking example of federal/state/private partnership. Federal support for the arts provides a measure of stability for arts programs nationwide and is critical at a time when other sources of funding are diminished. Further, the American public favors spending federal tax dollars in support of the arts. The NEA was funded at $146 million in the FY12 budget; however, it has never recovered from a 40% budget cut in FY96 and its programs are still under-funded. We urge the subcommittee to fund the NEA at a level of $155 million to preserve the important cultural programs reaching Americans across the country.

Thank you for considering this request.

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15 MARCH 2012

FROM: PAYNE HUGHES, PRESIDENT
THRUSH AIRCRAFT, ALBANY, GEORGIA

SUBJECT: THE USE OF APPROPRIATE TYPES OF AIRCRAFT FOR FIREFIGHTING BY THE U.S. DEPARTMENT OF THE INTERIOR IN ITS EFFORTS TO CONTAIN WILDFIRE PROGRAM COSTS.

The wild land aerial firefighting industry is rapidly approaching a crisis. This crisis is caused by the current existing fleet of large air tankers nearing the end of their service life, and the fact that no replacement for these aircraft has been identified. The history of this industry is that these aircraft and their crews have always been provided to the Federal and State agencies by entities from the private sector. The airframes used in building aircraft to meet the requirements of these agencies have been mostly from the surplus stocks of the military. To a lesser extent, obsolete airline platforms have also been utilized. Many of these surplus aircraft have a very high number of flight hours. This reduces the life span for their safe utilization in the firefighting environment.

The continued use of older aircraft beyond their identified service life places both life and property at risk. This was sadly demonstrated with the inflight break-up of two large air tankers in 2002, with the loss of five lives. Just this past year, a large air tanker was discovered to have sustained cracks to the main spar. The main spar maintains the structural integrity of the wings and failures are catastrophic. With the aging of the current fleet of large air tankers, these types of issues will most likely continue to occur.

It is incumbent for the agencies to address this problem before there are more failures with tragic results. Although the above incident was contained to a single aircraft, it is a major concern for all operators of these types of aircraft. If another issue of the same type is found during the fire season, the entire industry could be completely shut down with corresponding impact to the entire fire suppression industry.

In addition to the above issue, the extremely high acquisition, operations, and maintenance costs of large aircraft capable of performing the aerial retardant delivery mission has placed them beyond the financial reach of most, if not all, private sector companies.

With these facts in mind, there is an alternative solution to the present dilemma that would not only provide adequate national capability, but also reduce the overall cost of aircraft, while reducing the cost of suppressing wild land fires. This alternative would also reduce the number of acres lost each year to fires. This simple solution is to provide an appropriate mix of large aircraft and smaller "Single Engine Air Tankers" (referred to as SEATs). Single Engine Air Tankers are readily available and are a fraction of the costs to procure and maintain. They would provide a more timely and effective initial attack response to fire activity, and therefore, reduce the size and number of wild fires.

Starting with some brief historical background, the following is a short explanation of how the Federal Government now divides the workload for aerial retardant delivery, and how to accomplish the proposed paradigm shift by changing the overall thinking of how we fight fires on Public lands.

The Department of the **Interior (DOI) has program oversight of the SEAT program for all Federal firefighting agencies. The Forest Service (USDA) has overall program oversight for all large air tankers as well as the Very Large Air tankers** (VLATs) such as the DC 10 and Boeing

747. All Federal firefighting agency access to these aircraft is coordinated through the National Interagency fire Coordination Center (NICC), located in Boise, Idaho.

The common practices, in todays' fire suppression arena, are to **utilize the "closest forces" concept**. This means whatever asset closest to the incident will be the one utilized. In reality, the local fire managers have implemented their own standard operating procedures based upon what they feel is the best aerial resource for the mission. As you may imagine, this procedure enables the local management to inject any prejudices, or in some cases misconceptions, about the effectiveness and efficiency of the aerial resources. When this occurs, there is often an increase in cost, and in many instances, failure to contain and control fires, during the initial attack phase of suppression efforts.

There is also a cultural mindset of not seeing the efficiency of spending, what is often perceived to be, a large amount of money to aggressively extinguish a fire during the initial attack phase. This mindset has resulted in larger more costly fires, which end up costing millions of dollars to extinguish. During the summer of 2011, the people of the State of Texas experienced precisely what can happen, if aggressive initial action is not taken during extreme fire activity. Numerous fires in recent years have cost the American taxpayers millions of dollars to suppress. If appropriate aerial resources had been close and available, most of these fires could have been extinguished while they were small.

It is just common sense to realize that **it is much easier, safer, and more efficient to control fire when it is small**, than to just spend great quantities of money to suppress a fire that has escaped and developed into a "campaign" situation. It is not uncommon for any medium-sized fire, **type two (II) incidents, to cost $100,000 per day to combat. The very large fires, type one (I) incidents, can cost as much as $1 million per day or more.**

Under the misconception of saving money we, in reality, end up spending more money, losing more natural resources, and risking more lives and property by not deploying adequate firefighting resources to extinguish fires in their earliest stages. These resources need to be in close proximity to the fire and must be able to respond very rapidly. Single Engine Air Tankers are among the most capable aircraft to be able to accomplish this type of firefighting response.

Most federal firefighting agencies have fallen into the trap of "bigger is always better" mindset, with the continuing implementation of continuously larger and more costly aircraft. However, there have been some federal fire managers who have been willing to risk their careers to try to develop a more efficient, effective, and less costly method of providing aerial retardant delivery. The federal single engine air tanker program may be looked at as an example of their efforts.

As we continue into the 21st century, the present cadres of large air tankers, which for the most part are surplus ex-military aircraft, are beginning to outlive the service life their airframe. It is easy to envision that within the next five years the present large air tanker fleet will need to be replaced by newer and much more costly aircraft. An example of this is the current option of replacing the existing fleet of large air tankers with C-130 J aircraft. Each new aircraft of this type will cost the American taxpayer approximately $70 million each. To replace the existing fleet of large air tankers the federal agencies will need to purchase 18 of the C-130 J aircraft. During these times of constraint within all agency budgets it is difficult to imagine that the funding will be provided to the Department of Agriculture to purchase 18 C-130 J's (18 X 70mil = 1.26 bil). For the cost of a single C-130 J aircraft, the federal firefighting agencies

would be able to purchase 60+ single-engine air tankers for use in fire suppression activities, ***or for the price of 18 C130 J's, you could purchase over 1,000 single-engine air tankers."***

Because of the incorporation of the Single Engine Air Tanker Program, there has already been developed an industry within the private sector that provides these types of aircraft and crew services to the Federal and State governments under contractual agreements. ***The purchase of these aircraft by the Federal Government would not be necessary.*** The additional aircraft would be acquired by individual corporations within the private sector.

Since 1984 the Bureau of Land Management has been developing and implementing the use **of agricultural application aircraft modified for fire suppression.** These single-engine air tankers have **proven themselves to be very effective, efficient, and economical during three decades of use.** In following the concept developed for all aerial resources, rapid response to the incident is a key factor. **These aircraft, because of their mobility and maneuverability, are able to respond more efficiently to fire activity in remote areas.**

The single engine air tanker program was designed around the concept of putting the fires out while they are small, and less difficult and less costly to contain. The same concept used for the single-engine air tanker program, has also proven effective for urban, as well as suburban, structural fire departments. **Providing multiple resources, although they may be smaller in capacity, in closer proximity to the fire activity, has increased efficiency, effectiveness, while producing great savings in cost.**

Single-engine air tankers have proven to be the most cost effective retardant delivery system in use today. Because of their lower costs and high level of effectiveness when coupled with oversight by the local fire management, these aircraft will provide the American taxpayer with the biggest bang for their tax dollar. They can be deployed in close proximity to the fire activity by being operated from local airfields and unimproved landing strips. The operators of single-engine air tankers are also contracted to provide mixing and loading equipment which eliminates the need for the specialized facilities required for the large and very large air tanker fleet.

Because they are closer to the fire they are able to make multiple deliveries of retardant each hour, and as noted previously, are able to respond to an incident much faster. **An example of this would be to compare two single-engine air tankers, with a capacity of 500 gallons each, and an average response time (*time to load and return to the fire*) of 20 minutes, to a single large air tanker with a capacity of 2600 gallons, but, a typical response time of one hour.** When we make a comparison between these two aerial resources, a large air tanker will deliver 2600 gallons of retardant each hour. Two single-engine air tankers will **each deliver 1500 gallons** of retardant every hour, for **a total of 3000 gallons delivered**. In monetary expenditures , the large air tanker would cost approximately $6200 for an hour of flight time, and $14,500 for the day. In comparison, each single-engine air tankers would cost approximately $2,400 per flight hour, and $2000 for the day. **The large air tanker would deliver 2600 gallons of retardant to the incident for $20,700 if flown only one hour. The two single-engine air tankers would deliver 3000+ gallons of retardant to the incident for a total cost of $8,000. (***115% the amount of retardant delivered at less than half the cost.)* Another critical consideration is the growth of the size of the fire prior to the first response by a retardant aircraft. The larger the fire the more difficult it will be to contain and suppress.

Another factor to consider is that large air tankers are in short supply. As mentioned earlier, during the fire season of 2011 there were a total of 18 large air tankers available. The

Single Engine Air Tanker program had approximately 85 aircraft available to respond to fires during the 2011 fire season. The l**arge air tanker program also relies on aircraft that will become unsafe to fly as they rapidly approach the end of their service life. The single-engine air tanker program utilizes, exclusively, current production, American-made, and purpose built airframes.**

The Department of the Interior, which is the agency that has oversight of the Single Engine Air Tanker program, has had their **budget for the program continuously reduced every year since 2003.** Because of this reduction the Department of the Interior has been forced to reduce the number of single-engine air tanker aircraft that are available on a daily basis. This has caused a reduction in effectiveness and efficiency during the initial attack phase of the fire suppression effort. Although there are many single-engine air tanker aircraft available on a "call when needed" basis, these aircraft would need to travel from their home base to the location of the fire. This increases their response time, and of course, reduces their effectiveness. This situation could be remedied through budgetary means. With more dollars available, the fire managers would be able to place aircraft in close proximity to those areas where fire activity is anticipated, making them available to respond when a fire starts. Consequently, those aerial resources would be more efficient and effective. And, as mentioned before, there would be a realization of savings in real dollars to the American taxpayer.

Several states have also embraced the use of single-engine air tankers in their fire suppression programs. However, they too are having difficulty finding funding for the sorely needed resources. **Congress should provide additional funding for the deployment of single-engine air tanker resources, not only to the federal firefighting agencies, but also to the individual states that are experiencing high fire activity or have conditions consistent with high fire danger.** These additional state resources would also enhance the overall capability and efficiency in aerial firefighting by providing a readily available source of single-engine air tankers to provide mutual aid and assistance to their neighbors.

The above only addresses the use of federally contracted SEATs. There is also, a large contingent of aerial applicators, already doing agricultural enhancement work within many states. This valuable resource could be utilized to respond to fire activity locally in the case of an emergency. This could be accomplished with a minimum of training and organization which is available through state and private sector entities.

In the scenario above, the real advantage is in changing "The cultural mindset" currently in vogue among firefighting agencies. Federal tax dollars would be injected directly back into the economy of the United States of America. There would be local benefits because of the infusion of money to locally owned businesses, the agricultural aerial applicators. They would then purchase the required aircraft from the manufacturers, such as Thrush Aircraft, based in Albany, Georgia. These businesses, owned by American citizens, would hire additional Americans to build the aircraft. This would also be a benefit to the individual states because they would be hiring local agricultural applicators to provide the aerial suppression services and the state's tax dollars would remain at home, and not go to operators from other states. The local areas within the states would have a readily available corps of aerial firefighters that could be quickly called up when there is a need.

Dear Committee:

This letter is in support of funding for the National Wildlife Refuges in the amount of $495 million for Refuges, $3.8 million for challenge grants, and the Land and Conservation Fund at $700 million.

Our refuges in Nevada are woefully underfunded. All refuges could use more surveys on wildlife and can use range improvements addressing weeds, reduce expanding pinyon-juniper populations, and improved services for visitors. the Sheldon National Wildlife Refuge needs funds to remove horses and prioritize sage grouse habitat. Sheldon is one of the core areas for sage grouse in Nevada and the West.

Please fund our wildlife refuges.
--

Tina Nappe

To: House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies B-308 Rayburn House Office Building

Re: EPA National Radon Program proposed budget cuts

From: Tom and Georgiann Manz
Concerned Citizens for Radon-Induced Lung Cancer Victims
Blue Springs, MO

To Whom It May Concern:

We are writing to express our concern over the proposed cuts to the EPA Radon program which would virtually eliminate funding for the Missouri state radon office and all other states that do so much to bring awareness and help residents obtain tests for radon in their homes.

Radon-induced lung cancer takes the lives of 21,000 people annually which devastates families and costs millions of dollars in health care. The cost of health care for lung cancer victims far exceeds the current cost for the EPA program for radon which is helping to raise awareness and fight radon-induced lung cancer. We are actually just beginning to make progress in this area and these cuts will certainly cost more lives and millions more in financial loss.

We would certainly appreciate your support for this life-saving program. Please take a moment to see the faces of radon-induced lung cancer victims -www.cansar.org.

Thank you.
Tom and Georgiann Manz
Blue Springs, MO

Testimony of
In Support of the Land and Water Conservation Fund
Uncompahgre National Forest, Colorado
U.S. Forest Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member

March 28, 2012

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2013 Interior Appropriations Bill. The President's Budget for this year recommended $450 million for LWCF.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial public benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation. LWCF investments also support jobs, tourism and economic vitality across our communities.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF will permanently pay dividends to the American people and to our great natural, historical and recreation heritage. As LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use as a conservation offset to the energy development of our offshore oil and gas resources.

As part of the LWCF request in FY 2013, the U.S. Forest Service included an allocation of $1 million for the Ophir Valley project in the Uncompahgre National Forest. I am pleased that this funding was included in the request and urge Congress to provide necessary funds for LWCF for this important project.

Located in the heart of southwestern Colorado's San Juan Mountains, the Ophir Valley project area in the Uncompahgre National Forest is one of the San Juans' hidden

gems. A short detour of only a mile off of Highway 145 -- part of the nationally acclaimed 236-mile San Juan Skyway Scenic Byway -- brings visitors into a compact valley ringed by 13,000 foot peaks and serrated ridge lines.

Against a backdrop of unsurpassed alpine scenery, the Ophir Valley offers an abundance of recreational opportunities for residents and visitors. Hiking, camping, mountain biking, cross-country skiing, four-wheeling, and fishing are all popular pastimes. In addition, the valley supports habitat for the Canada lynx, a federally listed threatened species, and provides important habitat for the endangered Uncompahgre fritillary butterfly and other sensitive species. It also contains the headwaters of Howard Fork, a key tributary to the San Miguel River, which The Nature Conservancy has called "one of the last naturally functioning rivers in the West." The San Miguel sustains a globally rare narrowleaf cottonwood-Colorado blue spruce/black twinberry plant community.

While much of the Ophir Valley is in public ownership, the region's mining heritage also created hundreds of privately owned patented mining claims scattered across the landscape like matchsticks. These private inholdings once were vital to sustaining 19th-century efforts to find and extract mineral wealth. Now, however, at a time when hard rock mining in southwestern Colorado appears increasingly less viable economically, many former mining districts, such as Ophir, are seeing these private inholdings develop into sites for second homes. As a result, more and more of the Ophir Valley's subalpine and alpine environments are at risk of being developed, potentially creating significant management issues for the U.S. Forest Service, fragmenting wildlife habitat, and spoiling the scenic splendor and recreational opportunities so important to residents and visitors.

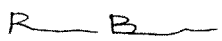
Currently, the Forest Service has the opportunity to acquire all of the remaining acres out of a total 1,145 acres of patented mining claims that had been under one ownership in the Ophir Valley. Prior to this acquisition effort, these claims represented approximately 90 percent of the valley's privately owned inholdings. Federal appropriations provided in previous years have allowed the Forest Service to begin acquiring these mining claims. Funding in FY 2012 will allow the agency to begin the purchase of the final 101 acres. This project resolves many land use and access conflicts that stem from the development of private inholdings within public lands, while promoting effective land management practices by the U.S. Forest Service. In particular, the ongoing acquisition protects critical habitat, maintains high-quality recreational opportunities on public lands, protects water quality, and helps maintain the quality of life of the region's residents.

This protection effort is a natural extension of the successful Red Mountain project, located just to the north and east of the Ophir Valley along a different portion of the San Juan Skyway. It will also complement other land protection and recreation enhancement efforts along and adjacent to the San Juan Skyway, one of only 27 All-American Roads in the National Scenic Byway program. In recent years, for example, Great Outdoors Colorado Trust Fund has pledged $5.7 million for land protection in the

area. In FY 2013, an allocation of $2.5 million from the Land and Water Conservation Fund is needed to help the Forest Service to complete the protection of these critical inholdings. It is my hope that the Forest Service will be able to identify funds in addition to the budgeted amount in order to finish the Ophir Valley project this year.

In closing, I urge you to provide funding for the Land and Water Conservation Fund of $450 million, as proposed in the President's FY 2013 budget, including critical funding for Ophir Valley. I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Colorado, and I appreciate your consideration of this funding request.

Best Regards,



Randy Barnes
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House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Testimony Supporting Funding for Tribal Education Departments
March 28, 2012

Tribal Education Departments National Assembly (TEDNA) is a national non-profit organization for tribal education departments/agencies (TEDs/TEAs). TEDNA respectfully requests $2 million for TEDs/TEAs in the Department of Interior Bureau of Indian Affairs Programs for fiscal year 2013. TEDs/TEAs are executive branch level agencies of tribal governments responsible for tribal education matters. There are an estimated 200 TEDs/TEAs located in 32 states that serve over 700,000 American Indian students from cradle-to-grave.

Funding for TEDs/TEAs through the Department of the Interior (Bureau of Indian Affairs / Bureau of Indian Education) has been authorized since 1988. In the authorization, Congress envisions TEDs/TEAs facilitating tribal control over education; coordinating education programs; developing and enforcing tribal education codes, policies, and standards; and, providing support services and technical assistance to schools and programs. The No Child Left Behind Act retained the TED/TEA authorization of $2,000,000 in Title X, Section 1140 (25 U.S.C. Sec. 2020).

JUSTIFICATION FOR TED/TEA FUNDING

In some states the high school dropout rate of American Indian students is over 50%. American Indian students drop out of high school at a higher rate and score lower on achievement tests than any other racial/ethnic group. The national dropout rate of American Indian students is double that of their Caucasian peers. American Indian students also have the highest rates of absenteeism, suspension, and expulsion. American Indian 8th grade students are 18% more likely to read or perform in mathematics at a "below basic" level than their Caucasian peers.

TEDs/TEAs are uniquely positioned to improve these statistics because they are located at the local level and as a result, are aware of the cultural, social, and economic conditions that affect American Indian students. Many TEDs/TEAs have seen successes already. For example, the

Hoopa Valley Tribe of California TED operates a learning center that works with at risk students. The TED identifies K-12 students at risk, pairs the student with a mentor and develops a student learning plan. Students are tutored in target academic areas and coached in life skills. This program alone has improved student academic performance by two letter grades in core academic areas. Further, the Rosebud Sioux Tribe of South Dakota TED decreased the Tribe's dropout rate by 30% by operating tutoring services and afterschool math and reading programs. Tribes alone, however, cannot sustain and expand vital education programs. Federal support is needed to assist other tribes across the country in implementing similar programs.

Currently most TEDs/TEAs operate on extremely small budgets provided annually by tribal funds. They may receive limited federal funding for contract, grant, and program administration. Tribal funding, if any, may be earmarked to meet critical immediate needs such as scholarships or provide student clothing and school supplies. This means that TEDs/TEAs do not have funds for operational expenses and staff to conduct education research and planning, or to develop tribal education initiatives and materials like truancy programs and curricula. These are the core areas of education that tribes need to impact in order to "change the numbers" and close the reported achievement gaps. Tribes will continue to annually fund TEDs/TEAs, but they need federal financial support to move beyond administering scholarships and supplemental education contracts and grants, and to be involved directly in the core areas of education.

The requested $2 million for TED/TEA appropriations will improve American Indian academic success by providing funding for TEDs/TEAs to directly affect the education of native students, as well as further develop tribal education codes and policies, coordinate federal education programs with the states, as well as develop programs to increase graduation rates, post-secondary school readiness, and develop electronic data regarding American Indian students.

TEDNA respectfully requests your support in providing $2,000,000 to fund TEDs/TEAs in the Department of Interior in the Interior, Environment, and Related Agencies fiscal year 2013 appropriations bill.

Testimony of Joanna Grist, Executive Director
Washington Wildlife Recreation Coalition
In Support of the Land and Water Conservation Fund
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member

March 28, 2012

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2013 Interior Appropriations Bill. The Washington Wildlife and Recreation Coalition is a non-profit citizens group founded in a historic bipartisan effort by former Governors Dan Evans and Mike Lowry. Our members consist of a diverse group of over 250 organizations representing conservation, business, recreation, hunting, fishing, farming, and community interests.

Our members come together for the same reason people and businesses chose to locate in Washington State: our close-to-home parks, outdoor recreation opportunities, and wildlife habitat. Mount Rainier is one of our state's great symbols and has been protected as a national park since 1899. Across Puget Sound, a major water and economic resource of its own, lie the jagged outlines of the Olympic Mountains, and beyond them the only temperate rainforest in the world and the rich seashore of the Olympic Peninsula. The Cascades stretch from the Canadian border to the Columbia River Gorge, protected in four national forests and accessible via the Pacific Crest National Scenic Trail. From the Methow Valley to Turnbull Wildlife Refuge, eastern Washington holds exceptional habitats protected for a diversity of species and accessible for hunters and anglers. The Land and Water Conservation Fund has helped to protect these iconic places since 1965.

Consequently, I join conservation leaders, hunters, anglers, business owners, and communities across the nation in urging you to support funding for LWCF. This year, the Administration's budget request includes funding for four high priority, ready-to-go, willing seller projects across Washington State's national parks, wildlife refuges, forests and other public land. It also makes investments in state-side LWCF grants for local parks and trails, ball fields and boat launches, and for protecting our working timber and range lands.

Our parks, forests, refuges, and trails are generators for Washington's economy. The Outdoor Industry Foundation (OIF) estimates that outdoor recreation throughout the state contributes $11.7 billion annually to Washington's economy. This activity supports 115,000 jobs and produces $8.5 billion annually in retail sales and services – 3.5% of the gross state product. OIF found that 44% of Washingtonians view wildlife, 39% use trails, 36% camp, and 32% ride bicycles for recreational purposes.

In addition to fueling these economic engines for Washington's communities, LWCF improves the management of the public lands in our state. These measures make for better recreational experiences on the land, sustain habitats for wildlife, and ensure quality water supplies. They also reduce costs in fighting fires, controlling invasive species, and maintaining property boundaries. LWCF accomplishes these management improvements largely because most of the funds go towards the acquisition of inholdings, private lands bordered on two, three, or four sides by existing public lands.

Washington has two excellent examples of LWCF purchases reducing costs and improving public land experiences. First, in 2004, Congress passed a law to expand the boundaries at the northwestern entrance of Mount Rainier National Park. For many years flooding would wipe away parts of the Carbon River Road and make the trailheads, campsites, and other visitor facilities inaccessible. The expansion and subsequent purchase of land via LWCF funding has allowed the National Park Service to begin the process of moving facilities to higher ground, removing the future costs and burdens from frequent floods. Second, in the central Cascades, much of the land ownership pattern resembles a checkerboard. Public lands are interspersed with private lands. For many years LWCF funds have been used by the Forest Service to acquire priority checkerboard properties that increase recreational access, improve segments of the Pacific Crest Trail, and safeguard consolidated blocks of prime mountain and forest wildlife habitat and river watersheds that supply population centers like Seattle and Tacoma.

I understand this subcommittee and Congress face severe constraints in this tight fiscal climate. However, forward-looking investment in LWCF will permanently pay dividends to the American people and to our great natural and historical heritage. LWCF is paid for using a very small percentage of offshore oil and gas drilling receipts, not taxpayer dollars. Congress made a commitment to the American public that a small portion of revenues from offshore drilling paid by oil companies should go to conservation and outdoor recreation programs. Yet nearly every year, the majority of LWCF funds are diverted to other unintended purposes – more than $17 billion over the history of the program.

I therefore respectfully ask that you support the Administration's FY 2013 recommendation of $450 million for the LWCF program. At one-half the authorized funding level for the program, this represents a measured proposal that spreads limited resources wisely across urgent and diverse LWCF priorities and programmatic goals. At this level, LWCF would fund four projects at a Fish and Wildlife Service refuge, National Park Service unit, a Forest Service site and working forest lands in Washington State:

U.S. Fish and Wildlife Service

Nisqually National Wildlife Refuge: $1 million

These funds would be used to acquire lands at the Black River Unit and along the Nisqually River delta into Puget Sound in order to consolidate holdings, preserve wintering habitat for migratory birds, and protect wetlands habitat for fisheries.

National Park Service

Mt Rainier National Park: $1 million

These funds would be used to complete acquisition of smaller properties in the Carbon River expansion area, protecting old growth forests along the Carbon River and important habitat for populations of anadromous fish, including salmon.

Forest Service

Pacific Crest National Scenic Trail: $618,000

The multistate request for the trail includes checkerboard parcels in the central Cascades that would improve trail stewardship and access and protect the trail corridor and view shed. Available for acquisition in FY 2013 are two parcels along the PCT: Pyramid Peak and Missing Link within the Wenatchee and Mt. Baker-Snoqualmie national forests.

Pysht Coastal Forest: $3 million

This Forest Legacy Program request would be used to fund a conservation easement on working forestland along the Strait of Juan de Fuca.

We support these requests for LWCF funds to acquire critical tracts in the parks, refuges, and forests of Washington.

Mr. Chairman and members of the Subcommittee, I thank you for your dedication and service, on behalf of our organization's members and also on behalf of my family. I can think of no greater legacy for my two sons than the protection of our recreation lands, clean waters and wildlife heritage. I appreciate your consideration of these funding requests.

Joanna Grist
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Testimony of Peter J. Gerl, Executive Director, Whitetails Unlimited, Inc.
In Support of the Forest Legacy Program
Central Sands Pines, Wisconsin
U.S. Forest Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member

March 26, 2012

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Forest Legacy Program (FLP) in the FY 2013 Interior Appropriations Bill. The President's Budget for this year recommended $60 million for FLP. The Forest Legacy Program works with landowners, the states, and other partners to protect critical forestlands with important economic, recreation, water quality, and habitat resources through conservation easement and fee acquisitions. The program has protected over 2 million acres in 43 states and territories, consistently with a 50% non-federal cost share, double the required 25% cost share. For several years this important conservation program has been funded under the umbrella of the Land and Water Conservation Fund (LWCF), which as a whole received $450 million in the budget request.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial public benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation. LWCF investments also support jobs, tourism and economic vitality across our communities.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in the Forest Legacy Program will permanently pay dividends to the American people and to our great natural, historical and recreation heritage. As LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use as a conservation offset to the energy development of our offshore oil and gas resources.

As part of the FLP request in FY 2013, the U.S. Forest Service included an allocation of $3 million for the Central Sands Pines project in Wisconsin. I am pleased that this funding was included in the request and urge Congress to provide necessary funds for FLP for this important project.

Wisconsin's Central Sands region was the setting for world-renowned naturalist Aldo Leopold's *A Sand County Almanac*, published in 1949. This classic work stands

with Thoreau's *Walden* and Rachel Carson's *Silent Spring* as the inspiration for generations of conservationists to protect our nation's treasured places. Today, there is an opportunity to heed Leopold's call for a "land ethic" by preserving this historic landscape.

The Central Sands region was shaped tens of thousands of years ago during the last great ice age, known as the Wisconsin Glaciation. Today, this two-million-acre region is located in the bed of the extinct Glacial Lake Wisconsin, which left behind a legacy of sandy soils, extensive wetlands, and oak and pine forests. The sandy soils cover bedrock, and serve as an aquifer for 80 lakes and hundreds of miles of headwater streams and wetlands. The area's remarkable hydrological system largely occurs underground. The aquifer collects precipitation as groundwater, and filters it before conveying it to the Wisconsin River and other surface waters. Watershed protection is a major concern in the Central Sands region due to relatively high levels of groundwater pollution.

In FY 2013, there is an opportunity to preserve key parcels in the Central Sands region that will protect the groundwater supply, secure critical endangered species habitat, maintain working forests, and preserve public recreational access. The Central Sands Pines Forest Legacy project in Adams County is the critical component of a larger 9,000-acre plan to fund a conservation easement over privately owned timberland. The project will ensure that the acreage remains in productive use under private ownership. While much of northern Wisconsin remains forested, more than 70 percent of the southern part of the state has been cut over and converted to other uses. The Central Sands Pines Forest Legacy tract is among the few remaining large blocs available for timbering. It currently provides pulp for paper production as well as construction lumber and telephone poles. This project will support the state's $22 billion forestry products industry, which employs more than 50,000 people.

The Central Sands Pines Forest Legacy project will also protect the groundwater recharge zone from pollution. Approximately 700 acres of the property consist of wetlands which are important for water filtration. A fresh groundwater supply is crucial for crop irrigation in the Wisconsin River basin. Irrigated land has increased rapidly over the past 50 years, covering 175,000 acres in the Central Sands region. Protecting this acreage will allow farmers to continue to pump clean, fresh groundwater for irrigating crops.

Whitetails Unlimited believes the acquisition of this perpetual easement is in line with the spirit of our mission statement. Beyond protecting critical wildlife habitat, this perpetual easement will offer the general public numerous outdoor recreational opportunities. In particular, the property offers sportsmen and women prime hunting opportunities for white-tailed deer, turkey, and grouse. As Aldo Leopold once wrote, "There are two kinds of hunting: ordinary hunting and ruffed-grouse hunting. There are two places to hunt grouse: ordinary places and Adams County." Whitetails Unlimited commends the Forest Legacy Program for promoting the environmental sustainability of this property for future generations

Forest Legacy funding will also benefit threatened and endangered species. The area's mixed oak-pine forests, barrens and peatlands provide the habitat needed by the endangered Kirtland's warbler, Karner blue butterfly, and whooping crane. The federally listed endangered Kirtland's warbler was discovered on this property in 2007. Wisconsin, Michigan, and Ontario, Canada have the only documented nesting pairs of Kirtland's warbler in the world, and this property contains the highest concentration of the species in the entire state.

The President's Budget for FY 2013 requests $3 million from the Forest Legacy Program for 5,722 acres of the Wisconsin Central Sands Pines project. The state of Wisconsin will provide a match of at least $1 million to complete the easement purchase. Securing these funds will ensure that the property remains in productive use under private ownership. Residents will continue to enjoy recreational opportunities, endangered species habitat will be preserved, and local groundwater will be protected from pollution.

In closing, I urge you to provide funding for the Land and Water Conservation Fund of $450 million, as proposed in the President's FY 2013 budget, including critical funding for the Forest Legacy Program and the Central Sands Pines project. I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Wisconsin, and I appreciate your consideration of this funding request.

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Testimony of the Wildlife Conservation Society
Submitted to House Appropriations Subcommittee on Interior, Environment & Related Agencies
American Indian/Alaska Native programs
March 28, 2012

Chairman Simpson, Ranking Member Moran, Members of the Subcommittee: Thank you for the opportunity to submit testimony on American Indian and Alaska Native programs in the FY13 Interior, Environment and Related Agencies Appropriations Act. The Wildlife Conservation Society (WCS) was founded with the help of Theodore Roosevelt in 1895 with the mission of saving wildlife and wild places worldwide. Today WCS manages the largest network of urban wildlife parks in the United States led by our flagship the Bronx Zoo. WCS helps address threats to over 25 percent of Earth's biodiversity in more than 60 countries around the world, employing more than 4,000 full-time staff including 170 Ph.D. scientists and 100 veterinarians.

WCS has a long history of involvement in Arctic Alaska. Our institution, then the New York Zoological Society, funded surveys by the Muries and George Schaller in the 1950s that led to the eventual creation of the Arctic National Wildlife Refuge. Our current involvement in Arctic Alaska began in 2001 with exploration via raft through the Hulahula River in the Refuge. Shortly after the trip, we had discussions with federal scientists about the need for input by conservation science organizations like WCS in Arctic Alaska. Based on those discussions, we led a large-scale collaborative study on the indirect effects of existing oil development in the Prudhoe Bay region. We conducted the study with oil companies (BP and ConocoPhillips), federal agencies (USFWS), non-governmental organizations, and other scientists. It was during this investigation that we first established a field study of wildlife in the NPR-A near Teshekpuk Lake in the National Petroleum Reserve-Alaska (NPR-A).

National Petroleum Reserve-Alaska

The geography of western Arctic Alaska is vitally important to wildlife, as validated by the designation of four Special Areas within the NPR-A. The NPR-A completely surrounds one of the largest wetland complexes in the circumpolar Arctic. Wetlands comprise the most important breeding and rearing habitat for the majority of species of nesting waterfowl, loons, shorebirds, and songbirds, thus the core wetland complex of the NPR-A contains perhaps the highest diversity and density of international migratory birds in all the Arctic. Large animals, like caribou, travel along the river drainages connecting the uplands and the Brooks Range, providing food for predators including grizzly bears, wolves, and wolverine.

The ecological value of the NPR-A was recognized in 1976 when the Naval Petroleum Reserves Production Act (NPRPA) transferred management of the reserve to the Department of the Interior. The law (42 USC § 6504a) gave the Secretary of the Interior the authority to designate areas within the NPR-A that contain "any significant subsistence, recreational, fish and wildlife, or historical or scenic value," and afford these areas "maximum protection." The NPRPA (42 USC § 6506a) allows the Secretary to "provide for such conditions, restrictions, and prohibitions" as are "necessary or appropriate to mitigate . . . adverse effects on the surface resources of the National Petroleum Reserve in Alaska."

Since 1976, four Special Areas have been designated by BLM because of their significant surface (prominently wildlife and subsistence) values: Teshekpuk Lake, Utukok River, Colville River, and Kasegaluk Lagoon. BLM has a history of preventing leasing in and around these

Special Areas. Under the George W. Bush Administration, BLM deferred leasing until 2014 on over 1.5 million acres around Kasegaluk Lagoon Special Area and Wainwright, Alaska. Additionally, the Bush Administration prohibited leasing in Teshekpuk Lake and deferred leasing until 2018 on over 400,000 acres north and east of Teshekpuk Lake, owing to concerns of the vulnerability of goose molting areas.

Outside of the Special Areas, the NPR-A contains additional regions that have been recognized for their ecological value. Dease Inlet-Admiralty Bay, which is available for nomination, is one such region. WCS and others have previously recommended that Dease Inlet be considered a Special Area because of its valuable bird nesting habitat. Previous evidence (USFWS aerial surveys) indicates the area between Dease Inlet and Teshekpuk Lake has particularly high densities of breeding birds and as such, has been listed as an Important Bird Area of global significance (an initiative led by WCS).

WCS provided comments to the Bureau of Land Management (BLM) in 2010 as part of the agency's scoping process to develop the first Integrated Activity Plan (IAP) and Environmental Impact Assessment (EIA) for the entire NPR-A. WCS recommends that the existing Special Areas: Teshekpuk Lake, Utukok River Uplands, Colville River, and Kasegaluk Lagoon, as well as Dease Inlet-Admiralty Bay and Peard Bay be designated as not available for leasing in the IAP/EIS. WCS looks forward to seeing the draft plan, which is anticipated to be released by BLM in early April. As the NPR-A is the largest public land site in the United States, this unique landscape with little development represents a tremendous opportunity to balance the energy needs of the nation and to protect the wildlife, subsistence, and other surface values.

Arctic National Wildlife Refuge

WCS's core conservation concerns for the Arctic National Wildlife Refuge center on the disproportionate importance of the Coastal Plain for wildlife. This region has been referred to as the "biological heart" of the refuge for many reasons. It is the essential corridor of movement of the Porcupine Caribou herd that moves between Canada and the U.S., and it is a frequent site for calving of their young. Likewise, female polar bears use the coastal plain for denning and rearing young. It is also recognized as an important region for post-breeding feeding of snow goose and other migratory waterfowl in the fall. Finally, the Coastal Plain of the Arctic National Wildlife Refuge contains important areas (e.g., Canning River delta) for high densities of breeding populations of migratory shorebirds.

The geographic context of the Refuge's Coastal Plain is also very important to recognize: it is a relatively narrow strip of coastal plain due to the close proximity of the Brooks Range. Such proximity and the numerous watersheds emanating from the Brooks Range make for many riverine bluffs and ample denning site opportunities for polar bear (more numerous compared to the rest of Alaska's Coastal Plain). For other wildlife, it means that the coastal habitats are in a narrow corridor, and the wildlife issues within that corridor are constrained by lack of easy movement due to displacement as the Beaufort Sea to the north and Brooks Range to the south act as barriers. This is important to recognize because existing studies of the effects on caribou movement and calving, and those of indirect effects of subsidized nest predators, are drawn from Arctic regions where movements are not constrained. Therefore, the narrow corridor of the

Coastal Plain could amplify adverse effects of any development resulting from altering the wilderness-like setting of the Coastal Plain in the Arctic Refuge.

The Porcupine Caribou Herd frequently moves into the Coastal Plain of the Arctic National Wildlife Refuge to calve its young and to escape biting insects with the cool breezy weather near the Beaufort shoreline. Development can significantly alter caribou herd movements, often with strong energetic and nutritional consequences. Such effects would likely be dramatic in the narrow corridor of the Coastal Plain where displacement is constrained both north and south. Finally, disturbance to the threatened polar bear that dens and raises young here adds challenges to a species that is already fighting for its long-term survival in arctic Alaska.

WCS's previous and on-going research indicates that the Coastal Plain region would almost certainly be subject to increased predation pressure to nesting birds if human activities involving the building of permanent structures and facilities (e.g. energy extraction development) were allowed. This would jeopardize populations of wildlife – particularly the Porcupine Caribou, polar bears, and feeding and nesting bird species. Also, only a small portion (<5%) of the productive Alaskan Arctic Coastal Plain is currently under permanent protection, in spite of its critical value for wildlife. As such, WCS urges Congress to designate the Coastal Plain as wilderness.

Beringia

Encompassing eastern Arctic Russia, western Arctic Alaska, and three seas (Bering, Chuckchi, and Beaufort), Beringia holds iconic Arctic wildlife and the world's greatest aggregation of migratory species. Warming at twice the rate as the rest of the world, and set to experience an unprecedented expansion of energy development, Arctic ecosystems are at tremendous and growing risk. This entire landscape/seascape is bound and connected in ice for half the year, and then exposed as ocean, wet tundra, lakes, and streams for the other half. In the summer, tremendous marine and terrestrial productivity attracts millions of migrants over land, sea and air, resulting in the greatest migratory aggregation of wildlife on the planet, as species come to feed and breed during the short Arctic summer. It is here that unique and quintessential Arctic wildlife like polar bear, walrus, musk ox, Arctic fox, spectacled eider and snowy owl reside in their largest populations. Beringia is also among the world's most productive marine systems, with a fishery only now being commercially developed.

Recession of the sea ice has opened up access to tremendous oil and gas reserves of the far north, as well as new waters for large industrial fishery fleets. The emergence of a *bona fide* Northwest Passage will mean a growing shipping economy for the US, Russia and Canada, with ports and shipping lanes in and across the region. The sparse populations of subsistence peoples in both Arctic Russia and Alaska are about to experience dramatic cultural transitions as their subsistence wildlife are displaced and decline due to the changing climate. With loss of sea ice, the ability of local people to hunt seal and whale is hampered. Walrus are increasingly hauling out on Chukotka shorelines, leading to increases in mortality for that species of concern. The Arctic world and its wildlife are quite simply on the cusp of huge change.

The National Park Service's Office of International facilitates technical assistance and exchange projects with counterpart agencies globally building on the legacy of American leadership in

national parks management. Thanks to this program, NPS is working on collaborative areas of trans-frontier concern, including at the Beringia Shared Heritage Initiative, and providing technical support to the US – Russia bilateral environment working group led by the U.S. State Department, which WCS has been involved with as part of our ongoing conservation efforts in Arctic Alaska. The international work conducted by NPS is not only about helping other countries protect their parks and heritage. It is about bringing home best practices and learning from international engagement that could benefit the American national park system. WCS recommends $1 million for this office in FY13 and encourages a strategic conversation with stakeholders that would draw on common objectives of parks and protected area management particularly in trans-frontier collaborative initiatives.

In conclusion, I appreciate the opportunity to share WCS's perspectives and emphasize how important it is to promote balanced management and development in Arctic Alaska, in order to preserve wildlife populations that Alaska Natives rely upon for subsistence. Please consider this critical need when drafting the FY13 Interior, EPA and Related Agencies Appropriations Act. Thank you.

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March 27, 2012

Honorable Michael K. Simpson
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
B-308 Rayburn House Office Building
Washington DC 20515

Dear Mr. Chairman:

I am writing to express my concern regarding the proposed budget reductions in the U. S. Fish and Wildlife Service's Fisheries Program for FY 2013, specifically the $3.612 million reduction in the Population Assessment and Cooperative Management. As Fish Chief for the Wisconsin Department of Natural Resources (WDNR), I can assure you that the Service's Fisheries Program, especially the Fish and Wildlife Conservation, are vitally important to the State of Wisconsin in achieving our goals for fisheries management and rehabilitation in the Great Lakes and the Mississippi River and the recreational and economic benefits that are realized to our citizens. I urge you not only to restore the $3.612 million to the Population Assessment and Cooperative Management program, but increase it an additional $5.2 million to support the USFWS Great Lakes Mass Marking program.

Healthy and abundant fisheries provide significant economic benefit to the State of Wisconsin. Wisconsin is fortunate to be bordered by two of the World's great aquatic resources, the Great Lakes and the Mississippi River. Sport and commercial fisheries in the Great Lakes alone generate $7 billion in economic activity annually in addition to the related Great Lakes boating industry that generates another $12 billion annually. Wisconsin is a national leader in providing quality fishing and tourist opportunities.

The WDNR greatly values the expertise that USFWS fish biologists contribute the management of sport and commercial fisheries in the Mississippi River and Great Lakes. WDNR biologists partner with the Fish and Wildlife Conservation Offices to deliver on the ground benefits of the National Fish Habitat Action Plan through three partnerships, Fishes and Farmers Partnership of the Upper Mississippi River Basin Partnership, Driftless Area Restoration Effort, and the Great Lakes Basin Fish Habitat Partnership. Through the National Fish Passage program we utilize the USFWS funding and technical expertise to reconnect miles of river resources each year.

The Fish and Wildlife Conservation Offices in La Crosse, Green Bay, and Ashland, have been an integral partner working to restore Great Lakes lake trout and lake sturgeon, and paddlefish and endangered mussels in the Mississippi River. USFWS biologists participate in development of the science that supports these fish rehabilitation programs and in the monitoring and assessment that is so critical to evaluate the success of the program. National Fish Hatcheries and the La Crosse Fish Health Center in Region 3 manage and maintain various lake trout brood stocks and rear millions of yearling and fingerling lake trout that are stocked annually to support the rehabilitation program. I am also concerned that the $2,886 million dollar reduction for Fiscal Year 2013 in the National Fish Hatchery Operations budget will critically reduce the support for our lake trout rehabilitation efforts.

USFWS biologists are important partners in the multi-faceted program to restore and reintroduce lake sturgeon in the Great Lakes as part of a basin-wide native species priority. They contribute to the coordinated assessments, coordination workshops, genetic evaluations, habitat restoration, fish passage over dams, egg collection, rearing, and telemetry studies that are critical to maintain this successful program.

The newly developed Great Lakes Mass Marking program of the USFWS is critically important to maintain the stability of the trout and salmon fisheries in the Great Lakes and currently underfunded. This program is designed to mark all 25 million trout and salmon stocked into the Great Lakes and will provide a state-of-the-art science tool to evaluate the performance, ecosystem effects, and success of our fish management programs. The WDNR urges the full appropriation of $5.2 into the USFWS base budget for FY 2013 and beyond.

Wisconsin is blessed with some of the most high quality and diverse aquatic resources in the nation. Programs available only through the USFWS fisheries program are a valuable asset to maintaining our proud heritage of quality fishing and recreation. I urge you to maintain the USFWS Fisheries Program by restoring and increasing the budget allocation for FY2013 and beyond.

Sincerely,

Mike Staggs

Mike Staggs, Bureau Director
Bureau of Fisheries Management
Wisconsin DNR
(608) 267-0796

Testimony of Andy Teuber
Chairman and President, Alaska Native Tribal Health Consortium

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
March 28, 2012

My name is Andy Teuber, I am the Chairman and President of the Alaska Native Tribal Health Consortium (ANTHC). For the FY 2013 Indian Health Service (IHS) budget we are requesting full funding for contract support costs (CSC), currently estimated to be $571 million for FY 2013.

ANTHC is a statewide tribal health organization that serves all 229 tribes and over 140,000 American Indian and Alaska Natives (AI/AN) in Alaska. ANTHC and Southcentral Foundation co-manage the Alaska Native Medical Center (ANMC), the tertiary care hospital for all AI/ANs in Alaska. ANTHC also carries out virtually all non-residual Area Office functions of the IHS that were not already being carried out by Tribal health programs as of 1997.

Full Funding for Contract Support Costs
Indian tribes and tribal organizations are the only federal contractors that do not receive full CSC. There is a clear obligation on the part of the federal government to fully fund CSC. But more importantly, lack of full funding for CSC has a very real and detrimental impact on our programs that are already substantially underfunded.

CSC is used to pay for items that we are required to have but are not otherwise covered by the IHS budget either because another governmental department is responsible or because the IHS is not subject to that particular requirement. Examples include federally-required annual audits and telecommunication systems. We cannot operate without these things, so when CSC is underfunded we have to use other program funds to make up the shortfall which means fewer providers that we can hire and fewer types and quantity of health services that we can provide to our patients.

We are very thankful for the increases in CSC that this Committee has been able to provide beginning with FY 2010, particularly the large increase that tribes and tribal organizations received last year due to the efforts of this Committee. The increases have gone a long way toward helping to diminish the CSC shortfall, however a significant CSC shortfall remains.

The best projections available show that the CSC shortfall for FY 2012 will be approximately $60 million and the shortfall in FY 2013 will be nearly $99 million. Given these significant shortfalls IHS' request for only a $5 million increase in CSC for FY 2013 is extremely disappointing. Especially considering that the BIA has requested full CSC for its programs.

The inadequate request from IHS could return us to a situation similar to the one we endured from 2002 to 2009, where there were virtually no increases for IHS CSC appropriations, while the level of tribal CSC need increased by over $130 million. During that period, as our fixed costs increased every year, all major tribal health programs in Alaska were forced to layoff staff due to lack of funds. In contrast to that dismal period, if ANTHC had full funding of our CSC

needs, we would be able to fill scores of support positions, such as enrollment technicians, financial analysts, medical billing staff, professional recruiters, maintenance technicians, security officers, information technology support and professional support staff.

ANTHC respectfully requests that federal government honor its obligations to tribes and tribal organizations by fully funding CSC and provide $571 million for IHS CSC in FY 2013.

I appreciate your consideration of our recommendation for additional CSC funding to improve the level, quality and accessibility of desperately needed health services for AI/ANs whose health care status continues to lag far behind other populations in Alaska and in this Nation.

Sincerely,

Andy Teuber
Chairman and President, Alaska Native Tribal Health Consortium



A subsidiary of Pinnacle West Capital Corporation

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Organization: APS Four Corners Power Plant
Subcommittee: Interior, Environment, and Related Agencies
Agency: U.S. Fish and Wildlife Service

March 28, 2012

The Honorable Jack Reed, Chairman
The Honorable Lisa Murkowski, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States Senate
131 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Reed and Senator Murkowski:

I am requesting your support for fiscal year 2013 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

1. Appropriate $706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery of Listed Species Program Element within the $81,709,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriate $200,000 in FWS "Recovery" funds for the San Juan River Basin Recovery Implementation Program to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

3. Appropriate $485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the $43,189,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.

I request the Subcommittee's assistance in assuring fiscal year 2013 funding to allow the FWS to continue its financial and personnel participation in these two vitally important recovery programs. I recognize and appreciate that the past support and assistance of your Subcommittee has greatly facilitated the success of these ongoing efforts.

Sincerely,

/s/David C. Bloomfield
Four Corners Site Plant Manager

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March 28, 2012

Barbara Sorgatz, Radon Induced Lung Cancer Survivor and Secretary of Cancer Survivors Against Radon (CanSAR) www.cansar.org

My testimony is regarding the United States Environmental Protection Agency, Indoor Radon and Toxins Program in the following budget categories: Radon Program (FY 2013 PB: $2.2 M, FY 2012 Enacted: $4.1 M, FY 2013 Change: -$1.9M), a divestment of $1.9 million eliminates EPA headquarter and regional office oversight for the State Indoor Radon Grants (SIRG) and Radon Categorical Grants, and Radon Program (FY 2013 PB: $0.0M, FY2012 Enacted: $8.0M, FY 2013 Change: -$8.0M), a divestment of $8.0 million eliminates SIRG.

I was diagnosed five years ago with radon induced lung cancer. Last week, on March 21, 2012, I sat at the table with Elizabeth Hoffmann, a seven year lung cancer survivor, while she provided testimony at the House Appropriations Interior Environment Subcommittee hearing. We are both members of Cancer Survivors Against Radon (CanSAR) (www.cansar.org)

I am opposed to the cut in EPA's Radon Program for FY 2013, as stated above and am requesting that funding to the Radon Program and State Indoor Radon Grants (SIRG) be reinstated at the FY 2011 funding levels. In addition, I am asking that EPA funding for all Clean Air Act programs be made contingent upon the administrator invoking a rule within six months (as authorized in the Indoor Radon Abatement Act) that all home sales and occupancy permits require a radon test and/or radon notification of risk.

Before I was diagnosed with radon induced lung cancer in 2007, I had lived in my home in Glen Ellyn, Illinois, a Chicago suburb, completely unaware that I had been living with high radon levels for 23 years. I had been working in the field of public health for 25 years, and yet I knew nothing about radon. Since my diagnosis, I have become a radon advocate, increasing radon awareness and education. I have spoken at many radon conferences that were funded through SIRG. The funding for EPA's Radon Program and Grants must continue, or the number of lives lost annually will increase above the estimated 21,000 since more homes are being built with elevated levels of radon that are being mitigated.

Radon induced lung cancer is a public health issue that needs to be addressed immediately with *adequate funding*--not be put on the back burner and forgotten. If EPA no longer wants to administer the Radon Program, then the Program needs to be transferred to another federal agency that will manage the program more effectively, such as CDC or HHS.

Thank you for allowing me the opportunity to provide my written testimony.

Sincerely,

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House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Testimony of Nina Fascione,
Executive Director, Bat Conservation International,
regarding Fiscal Year 2013 funding to combat the bat disease White-nose Syndrome

Chairman Simpson, Ranking Member Moran, and members of the Subcommittee, thank you for the opportunity to submit testimony. Bat Conservation International (BCI) is a nonprofit organization that conducts and supports science-based research, education, and conservation to ensure that bats will still be helping to maintain healthy environments and human economies far into the future. We are based in Austin, Texas, with a membership of more than 10,000 from all 50 of the United States. We respectfully request $7,800,000, plus one full-time employee, in Fiscal Year (FY) 2013 funding to address White-nose Syndrome (WNS), a disease that is decimating North American bats. The agencies in question are the U.S. Fish and Wildlife Service, U.S. Geological Survey, National Park Service, Bureau of Land Management, and U.S. Forest Service.

WNS poses the gravest threat ever faced by American bats. Since its discovery in 2006, the disease has killed at least 5.7 million bats. It is named for the previously unknown, cold-loving white fungus that is found on the faces and wings of infected bats and causes the disease. WNS-infected bats awaken frequently during hibernation, burning the fat reserves they need to survive the winter. They often emerge early from hibernation, before the return of warm weather and insects, only to freeze or starve to death outside their caves. The disease or its associated fungus has spread to 20 states and four Canadian provinces in the six years since WNS was first observed in a cave near Albany, New York. The northeastern United States has borne the brunt of WNS so far, but the disease or its fungus has spread as far south as Alabama. It has spread as far west as Oklahoma – a location closer to the Pacific Ocean than to the site of WNS's first observation in New York.

Biologists consider the WNS die-off to be North America's most precipitous wildlife decline in the past century. The disease strikes hibernating bats – those that sleep through the winter in caves and mines – and has affected every hibernating bat species in its geographic path. Of the nation's 47 bat species, 25 hibernate and are considered at risk. WNS or the fungus currently affects nine species, including the Federally endangered Indiana and gray bats, which are at increased risk of extinction as a result. Some WNS-infected sites experience mortality rates of almost 100%. Losses are so severe that researchers are predicting regional extinctions of the little brown bat – previously one of America's most common mammals – in northeastern states within 15 years.

Bats provide many benefits to humankind. As primary predators of night-flying insects, bats are critical to maintaining the balance of nature. A bat can eat more than half its body weight in insects each night, consuming vast numbers of pests that damage crops such as corn, cotton, and potatoes. A study published last year in the journal *Science* estimates the value of bats to the U.S. agriculture industry ranges from $3.7 billion to $53 billion per year. Bats also eat insects that damage forests and spread disease. Some bat species pollinate crops and disperse seeds.

Research of bat biology has yielded important chemical products, including a medication to prevent strokes. Bat droppings in caves support unique ecosystems, including microorganisms that could be used in detoxifying industrial wastes and producing safer pesticides and antibiotics.

The loss of bats would have serious ecological and economic consequences. With millions of bats dead from WNS, their would-be prey insects are surviving to attack crops and forests. The *Science* article argues that,as a result of WNS, North American agriculture will begin noting economic losses within three to four years, with especially significant impacts to the Midwest and Great Plains regions. In addition to crop losses, more pesticides will be required, increasing the financial strain on farming families, raising the price of food for consumers, and releasing more chemicals into our environment. Bats are important predators, so their disappearance could have broad, ripple effects on the environment that we cannot yet assess.

Population declines from WNS could lead to listing more bat species under the Federal Endangered Species Act, as well as state-level statutes, with far-ranging economic costs. Because of WNS, the Fish and Wildlife Service is conducting a status review of the little brown bat and listing reviews of the northern long-eared bat and eastern small-footed bat. At the state level, Ohio and Wisconsin have listed four bat species each, and other states are considering designations. Bat species affected by WNS have broad geographic distributions and complex ecological patterns, which are likely to require very high recovery costs. Finally, regulations stemming from listing more bat species would have economic impacts on industries such as mining, defense, energy, forestry, construction, transportation, tourism, and outdoor recreation.

BCI appreciates the commitment Congress has demonstrated toward fighting WNS. In FY 2010, Congress appropriated $1.9 million in WNS-related funds to FWS. In the FY 2012 spending package, Congress directed FWS to spend no less than $4 million on WNS, and directed BLM and USFS to prioritize WNS activities. We thank Congress for recognizing not only the gravity of WNS, but also the institutional and geographic scope of the response that is needed to fight the disease. The Federal government – in conjunction with partners in State, Local, and Tribal agencies, academic institutions, and nonprofits – has mounted an admirable response to the disease within the framework of the National Plan for Assisting States, Federal Agencies, and Tribes in Managing White Nose Syndrome in Bats (National Plan).

The increases for WNS requested in the President's FY 2013 budget will enable Federal agencies to capitalize on, and add to, the hard-won progress they have made against WNS. Researchers have answered many of the basic science questions about this previously unknown disease. They are ready to apply this knowledge to management and conservation measures. Failing to fund WNS this year will undermine the accomplishments of Federal agencies and their partners in the fight against this devastating epidemic.

BCI therefore supports the requests for WNS funding in the President's FY 2013 budget, and we urge the Subcommittee to maintain them. If the Subcommittee can invest more in fighting WNS to protect bats and their valuable contributions to the economy, agriculture, and the environment, we suggest the following outlays:

U.S. Fish & Wildlife Service: $4,500,000

We ask the Subcommittee to maintain the $1.897 million for WNS in the President's FY 2013 budget. An additional $2.603 million for WNS – for a total of $4.5 million – would incrementally increase Congress's FY 2012 commitment.

This will fund:
- Research: Identify priorities for applied research that will help combat WNS and manage its spread, and fund projects that support these goals.
- Interagency coordination: Provide and relay scientific information and guidance to and among Federal and State agencies, tribes, landowners, recreation, and conservation groups to ensure best practices on WNS-related issues, such as research findings, status of disease spread, and decontamination procedures.
- State support: Provide funding for state wildlife agencies to conduct disease surveillance, monitor bat populations, implement conservation measures, and conduct research.
- Conservation action for bat species in decline due to WNS: Assess populations and threats; provide guidance on species' needs to Federal and State agencies and private landowners.

U.S. Geological Survey: $1,000,000 + 1 FTE

We ask the Subcommittee to maintain the requested increase in the President's FY 2013 budget of $1 million and one full-time employee to carry out work related to WNS.

This will support:
- Enhancing WNS surveillance and diagnostic capabilities.
- Research on topics such as:
  - Vaccine development;
  - Pathogenesis – the origin, development, and resultant effects – of WNS;
  - Prevalence and survival of the WNS fungus in cave environments;
  - Modeling WNS disease processes.

These activities support the goals of the following working groups of the National Plan:
- Diagnostics
- Disease Management
- Epidemiological and Ecological Research
- Disease Surveillance
- Conservation and Recovery

National Park Service: $300,000

We ask the committee to provide $300,000 for the National Park Service's WNS efforts.

This will fund:
- Preventing the spread of WNS by conducting visitor decontamination and monitoring the flow of visitors on an as-needed basis.
- Conducting on-the-ground surveillance of disease.

- Monitoring for disease presence or absence.

These activities support the goals of the National Plan Disease Management Working Group.

Bureau of Land Management: $1,000,000

In order for the Bureau of Land Management to continue Congress's FY 2012 directive to "prioritize research related to White Nose Syndrome in bats and the inventory and monitoring of bat resources on Bureau-administered lands," we ask the committee to provide $1,000,000 for BLM's WNS efforts.

This will fund bat inventories of the BLM's presently known caves and abandoned mines, supporting the goals of the National Plan Disease Management Working Group.

U.S. Forest Service: $1,000,000

In order for the Forest Service to continue Congress's FY 2012 directive to "prioritize research related to White Nose Syndrome as well as inventory and monitoring of bat resources on Forest Service lands," we ask the committee to provide $1,500,000, to be divided between the Research and Development branch and the National Forest System branch.

This will fund:

- Research on topics such as:
    - Enhancing environmental conditions for bat survival in the face of WNS.
    - Possible biological controls for WNS.
    - Ways to measure the status and fitness of bat populations.
- Preventing the spread of WNS by conducting visitor decontamination and monitoring the flow of visitors on an as-needed basis.
- Conducting on-the-ground surveillance of disease.
- Monitoring for disease presence or absence.
- Managing forests to optimize bat habitat.

These activities support the goals of the following National Plan Working Groups:

- Disease Management
- Epidemiological and Ecological Research
- Conservation and Recovery

Money spent on WNS is a wise investment. Preventing the spread of WNS will spare businesses the regulatory and other impacts of massive bat die-offs. In addition, implementing this WNS response generates jobs. And conducting WNS research, management, and prevention now will reduce future expenses to the U.S. economy from insect-related losses to agriculture and forestry, the impacts on businesses of additional bat listings, and the cost of listed-species recovery. In this case, an ounce of prevention is truly worth a pound of cure.

Thank you for the opportunity to share BCI's position on this serious matter. We respectfully ask you to consider our urgent request.

CARPE DIEM WEST
Our water – Finding solutions together

Testimony of Carpe Diem West
Before the House Appropriations Committee
Subcommittee on Interior, Environment and Related Agencies

Thank you Chairman Simpson and Chairman Moran for the opportunity to submit testimony on the Forest Service's FY 2013 Appropriations bill though the Public Witness Day process.

My name is Kimery Wilshire and I am the Executive Director of Carpe Diem West, a non-profit 501(c)(3) organization that works with a coalition of municipal water utilities, elected officials, conservation organizations, scientists, federal and state agencies, and businesspeople to promote the health of the upstream watersheds that provide drinking water for communities in the American West. My purpose in submitting testimony is to call the Committee's attention to vital headwaters and watershed protection and restoration work that communities around the West are undertaking in partnership with federal agencies in order to protect their water supplies, and to emphasize the crucial role that continued federal investments play in supporting that work. Consider the following:

- Over 50%of the American West's drinking water is produced by watersheds whose headwaters lie on federal lands managed primarily by the US Forest Service[1] These headwaters serve tens of millions of Westerners, providing them with clean water, flood control, and other environmental services valued in the hundreds of millions of dollars.
- Widespread portions of these watersheds are currently at risk from severe drought, uncharacteristic insect infestations, uncharacteristic wildfires, and a legacy of mismanagement that requires protection and appropriate active restoration efforts. A changing climate could exacerbate all of these problems as warmer conditions prevail, rain and snowfall events become more erratic, and floods and droughts become more severe.

[1] Brown, T.C.; Hobbins, M.T.; Ramirez, J.A. 2008. Spatial distri- bution of water supply in the coterminous United States. Journal of the American Water Resources Association. 44(6): 1474–1487.

- One of the main threats to water quality is the Forest Services' under-maintained vast road system. Logging roads are the number one source of chronic sediment that bleeds into streams, which in turn smothers salmon eggs, increases costs to upgrade or install water filtration systems, and increases the need to dredge reservoirs. Reclaiming roads is a critical step towards successful watershed restoration efforts.

- There are ongoing successful watershed protection and restoration efforts, carried out at the local level, through public-private partnerships, and with the full involvement of a broad range of stakeholders. Federal funds for these efforts serve to leverage other funding sources and have proven to be highly effective in attracting downstream users as partners.

A leading example is the Forest to Faucet Partnership between Denver Water and the Forest Service. In 2002, following the Hayman Fire, the largest forest fire in Colorado history, heavy rains sent more than a million cubic yards of ash and soil downhill and into Denver Water's Strontia Springs Reservoir. To date, the utility has spent more than $40 million to deal with these impacts, including upgrading (?)water quality treatment, sediment and debris removal, land reclamation, and building new infrastructure. That price tag served as a wake-up call about the role that functioning watersheds play in providing clean water and prompted discussions between Denver Water and Forest Service officials about how to prevent the such an event from happening again. In August 2010, the two agencies signed an MOU in which each agreed to contribute $16.5 million to fund five years of forest restoration work. Those funds are being used to conduct thinning and prescribed burning in carefully selected National Forest watersheds where a century of fire suppression and unsustainable timber harvest has left forests vulnerable to uncharacteristic wildfires. The project has received broad support from across the political spectrum, including conservationists, recreationists, local governments, and the wood products industry - all of whom recognize the important environmental and economic benefits that ecologically healthy forests provide.

Other examples are emerging across the West. Using key federal pilot funds, Santa Fe, New Mexico is partnering with the Forest Service to implement thinning, burning, and other restoration work in the Santa Fe River watershed, which provides a third of the city's water. And city leaders in Salt Lake City, Utah, and Eugene, Oregon – both of which have been involved in municipal watershed protection efforts for years – are launching ambitious new partnerships with local Forest Service officials to help shape and help pay for restoration

activities on federal watersheds that are crucial to the cities' water supply and provide important ecological and recreational benefits as well. Similar efforts are under way in communities as small as Ashland, Oregon, and as large as Phoenix, Arizona.

Federal investment has been crucial in creating and sustaining these programs. The Original Organic Act of 1897, that created what is now the National Forest Service did so to "secure favorable conditions for water flows." Now more than ever, one of the most important services that national forests provide is clean, fresh water for communities and businesses, salmon and wildlife.

Although the Forest Service budget currently has no program dedicated exclusively to protecting municipal drinking water, a number of existing programs have been instrumental in funding the work described in the examples above. These include the Collaborative Forest Restoration Program, the Legacy Roads and Trails Program, Travel Management Planning, the Hazardous Fuels Budget and others.

Most importantly, I would like to call special attention to the Watershed Condition Framework Program ("WCF"). The WCF is a smart, new comprehensive approach for proactively implementing integrated restoration on priority watersheds on all national forests and grasslands. The process is more strategic, better integrated, and more likely to contribute to long-term change in watershed conditions than current project-level improvement activities that may not be coordinated at the forest level. The Watershed Condition Framework draws from various Forest Service budget line items.

Degradation of National Forest watersheds didn't happen overnight. Restoration of these vital water sources will similarly require a sustained investment. We urge the committee to continue to invest in watershed restoration programs so that one of the most important services that national forests provide— clean, fresh water for communities and businesses, salmon and wildlife—is secured.

The WCF is providing important new avenues for water utilities, water users, and the public to engage with the Forest service to help guide restoration efforts in a way that considers the importance of downstream use.

At the same time, local ratepayers are beginning to step up to bear a fair share of the cost through rate surcharges, general operating funds, and municipal bond issues.

While our partners may not always agree about many aspects of how our public lands should be managed, the protection of drinking water has proved to be a key issue that unites them around a common set of goals. All of us believe that federal leadership and continued investments are critical to ensuring Western communities have the water they need to grow and prosper in the years to come.

Thank you for your consideration.

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
B-308 Rayburn House Office Building

This testimony concerns the U.S. Environmental Protection Agency, Indoor Radon and Toxins Program and concerns the following budget categories: **Radon Program (FY 2013 PB: $2.2M, FY 2012 Enacted: $4.1M, FY 2013 Change: -$1.9M),** a disinvestment of $1.9 million eliminates oversight for the State Indoor Radon Grants **Radon Categorical Grants (FY 2013 PB: $0.0M, FY 2012 Enacted: $8.0M, FY 2013 Change: -$8.0M)**

My name is Thomas Hatton. I have been working since 1985 to develop and provide solutions to mitigate carcinogenic soil born contaminants. Most of my time has been spent in the radon industry starting as a principle investigator for EPA's Home Evaluation Program (HEP) in 1987. The result of that project was EPA's first manual *Reducing Radon in Structures*. After that I was the research and installation contractor for EPA's Handbook *Sub-Slab Depressurization for Low Permeability Fill Material* and have since worked on several standards committees and publications that have followed.

Knowing that the projects I was working on had a greater value that was beyond satisfying my own curiosity or the compensation that the project provided has motivated me to continue in a forward thinking mind set.

The toxic and deleterious health effects from radon exposure are well known, documented and understood by the science and regulatory community. On a March 19, 2012 EPA sponsored soil gas webinar, a well recognized EPA Science and Policy Member stated that Radon was the most toxic gas that EPA regulates with approximately 21,000 cancer deaths annually. He further went on to explain how the 4.0 pico Currie per liter (pCi/l) radon standard for corrective action had a risk factor that was several thousand times greater than all other man made volatile organic compounds that EPA has set risk exposure concentrations for.

This leads us to potentially the greatest health and policy anomaly of the EPA and the federal government. We know that there are approximately 21,000 radon induced lung cancer deaths annually. 14.4 percent of US lung cancer deaths can be attributed to radon. Radon is right behind deaths from cigarette smoking and drunk driving. Both are death categories that are the result of someone's decision to engage in a known high risk activity. Out of all the killers, radon induced lung cancer is perhaps the most sinister. Radon seeps up from the soil and into our homes. It is colorless, odorless, and tasteless and cannot be detected by any of the senses that we rely on to make our daily decisions. It's presence can only be detected by sensitive equipment or passive tests. Persons who die from radon induced lung cancer did not chose to engage in a high risk activity or ignore any detectable warning sign. They never even knew that the risk existed or what they were exposed to until it was too late.

Lung cancer has long been called "the most vicious killer of mankind," and it has been noted that since the passage of the National Cancer Act in 1971, the five-year survival rate is only marginally better: from 12 percent 40 years ago to 15 percent today. Lung cancer tops cancer deaths of both men and women, not only in the United States, but around the world. While the disease often is associated with smoking, more than half of newly diagnosed cases will involve those who quit smoking or never started the habit. Two-thirds of non-smokers diagnosed with the disease are women, the proclamation noted, and the illness kills more people each year than breast cancer, colon cancer, liver cancer, prostate cancer or melanoma combined. (*Source Benicia Herald, November 23, 2011 at 5:30 am*)

On September 11, 2001, we collectively witnessed the horrible deaths of 2,819 citizens who were totally unprepared and were not expecting what was going to happen to them. In the ten years since, our government has spent several hundred billion dollars in armed conflict and technology to safeguard and protect us from a similar type of attack. Those efforts are to be applauded. If one were to examine a radon map of the eastern United States and the populations that are exposed to radon you would come to the chilling conclusion that there is a silent 9/11 that occurs every year. The difference is that radon deaths are not the result of a planned attack. They do not receive the airplay in the news. There is no flag draped politician vowing to stamp out radon in this lifetime. Instead of a recognizable killer, what we have is people who are unknowing exposed while they think that they are in the safety of their own homes. There is no national outcry or benefit concert. Conversely, family members sit alongside their loved ones who are hooked up to oxygen bottles listening to them wheeze as they gasp for air and life slowly slips away. Unfortunately this reality is business as usual and almost nobody who is in the public policy arena and who is in a position to affect change cares enough to do anything about it. I can make that statement because in our culture we spend money on what is important to us. Most Americans will spend more money each day on disposable coffee cup lids than our government will spend per capita annually on radon awareness.

To treat lung cancer costs $ 41,000 in the first year In 2004, the US spent 9.6 Billion dollars on treating all lung cancers. That translates into 1.4 Billion dollars on treating radon induced lung cancers. Currently, the EPA has allocated a mere 3.9 cents per US citizen for radon awareness. The proposed 2013 allocation is .07 cents per citizen. But yet, across the total US population, we spend $4.50 per citizen on trying to cure lung cancer after it is diagnosed. Under EPA's proposed 2013 budget we collectively will spend one penny on prevention though awareness and education for every $5.85 that is spent on attempting to implement a treatment, which is not a cure, because 85 percent of those people who develop lung cancer will die within five years.

These people are not just numbers and statistics. I have met them. They are a cross section of our nation, Americans who have families, who are active in their churches and communities. I have sat across a kitchen table from a man with lung cancer in his pajamas, hooked up to an oxygen bottle and wheezing as he drew each breath. His wife of forty some years was sitting next to him holding his hand as I broke the news to him that his basement office, that he had run his insurance business out of for the previous twenty years, had 124 pCi/l of radon. Another woman in a similar condition had 25 pCi/l on the main floor of her home where she made dried flower arrangements. I spoke with her and learned that she never smoked, drank or did anything that she thought would be injurious to her heath. As I turned my back, walked down the

sidewalk and drove away from these homes, I thought, "If they only had known about radon earlier. If only someone would have told them how serious radon was, this could have been prevented."

Last week we mitigated a home in New York State that had a radon level of 238 pCi/l in the finished basement. This home was located diagonally across the street from a 165 pCi/l home that we had mitigated 18 years ago. When the homeowner found out how high her radon was, she was very upset. She works in the health care industry and chooses a healthy diet combined with regular exercise. Her concern for her daughter was even greater because her daughter was raised in the home from infancy through high school. I asked her if she knew that there was high radon in the neighborhood and she said, "Yes, but I was told when we bought this house that it was *ok*." She repeatedly stated "I wish I had known to retest. I would have done something about this."

As a culture we are making strides in the right direction in the areas of breast and colon cancer awareness and treatment. In fact, studies are claiming between 78 and 90 percent survival rates for breast cancer. In 1988, the Indoor Radon Abatement Act (IRAA), was passed with the goal to make indoor radon concentrations equal to outside air through testing, mitigating and the implementation of radon-resistant new construction. At the time, there was a lot of optimism that we would apply simple mitigation technology for approximately $ 1,500.00 per problem home and eliminate 20,000 radon cancer deaths annually. Almost 25 years later, most homeowners are unaware of what radon is and new construction is out pacing existing home radon mitigation.

Radon induced lung cancer is caused when ionizing alpha particles rip through lung tissue and destroy the cells ability to reproduce normally. Most of the cellular damage is caused within a few minutes of the first decay event and the injured cell repairs itself or just dies. The problem is when this happens repetitively and eventually over time there is a mutagenic cell. The last alpha particle that released in the radon decay chain is Lead 210 that has a half life of 22.3 years. That means that people are still at some level of risk from this body burden two decades after the initial radon exposure has stopped.

Because of this radiation exposure, every 28 seconds one of our fellow citizens will take their last breath. 20,000 families will be saying their final goodbye's to loved ones. As a citizen, it amazes me that our government has 500 million dollars to throw into rat holes like Solyndra under the guise of making minor decreases in Co_2 emissions while choosing to walk away from 20,000 people who needlessly endure painful premature lung cancer deaths. All of this death and pain could have been prevented. If EPA had been serious and funded a national education program 24 years ago at the time of the IRAA we could have solved this problem. EPA has failed miserably in this area.

As a culture, when we get serious about setting goals we accomplish them. World War II was fought and won in four and a half years, men went to the moon and returned safely in under ten years, the Alaskan Pipe Line was constructed and delivering oil in 25 months. Since the IRAA was passed in 1988, an estimated 480,000 Americans have died from radon induced lung cancer and we are no closer to a solution. That number is comparable to the reported 408,200 US WWII fatalities. This loss of life is unacceptable and must stop. I am requesting that EPA's radon awareness, education and technology budget be increased to 40 million dollars annually, a mere ten dollars for every person who has died from radon induced lung cancer since IRAA.

This panel is at a historic crossroads. You can sweep this under the rug like the 900 soldiers that were left behind at the end of the Korean War and leave funding where it is or you can actually decide to fix what is known to be one of the most morally wrong and financially irresponsible policies of our government. I don't want to write one of these letters 24 years from now after another half million of our fellow citizens have died from needless radon gas exposure. Please fix this now.

Respectfully Submitted,

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Testimony in support of the International Programs at the U.S. Fish and Wildlife Service
Before the U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
March 28, 2012

Chairman Simpson, Ranking Member Moran and Members of the Subcommittee, the undersigned groups submit this testimony on the importance of the international conservation programs within the U.S. Fish and Wildlife Service (USFWS) Office of International Affairs, specifically the Multinational Species Conservation Fund, the Wildlife Without Borders and International Wildlife Trade programs. These programs enjoy the support of a broad-based coalition comprised of 33 organizations representing sportsmen, conservationists, zoos, aquariums, circuses, veterinarians, animal welfare groups and their more than 20 million members. We thank you for your past and consistent support for these programs. In Fiscal Year 2013, we respectfully request your support for continued funding of the Multinational Species Conservation Fund at the Administration's requested level of $9.98 million. We also request continued support for the Office of International Affairs at $13 million, as requested by the Administration in the Fiscal Year 2013.

Wildlife conservation programs are a modest but essential piece of the United States' engagement with the developing world. Efforts to conserve our planet's wildlife and habitat are of the highest urgency. Extinctions are irreversible and increasing at an unprecedented rate. Because wildlife recognizes no political borders, an effective response requires nations to work together cooperatively, and because these animals often reside in relatively impoverished developing countries, support from interested countries such as the United States is crucial. The U.S. government has been a consistent leader in this respect, and the modest funding for these programs goes a very long way, reaping significant returns and making them an excellent investment.

Multinational Species Conservation Fund

Through the Multinational Species Conservation Fund (MSCF), the United States supplements the efforts of developing countries struggling to balance the needs of their human populations and endemic wildlife. These modest federal programs, administered by the USFWS, make targeted investments in conservation of several global priority species. In 1989, Congress passed the African Elephant Conservation Act authorizing a dedicated fund in response to the threat posed to that species by rampant ivory poaching. Four more Funds have since been authorized to support the conservation of Asian elephants, great apes, marine turtles, and tigers and rhinos. Each of the funds is authorized at $5 million, with the exception of the Rhino-Tiger Conservation Fund, which was intended as a double fund to address both sets of species, and is therefore authorized at $10 million. Appropriated funds for the programs have remained roughly 30% or less of the authorized level.

MSCF programs have played a critical role in saving wild populations of these species by controlling poaching, reducing human-wildlife conflict and protecting essential habitat. They have generated enormous constituent interest and strong bipartisan support in Congress. The MSCF has awarded over 1,800 grants to over 265 organizations for conservation projects in over 75 countries. These small grants consistently leverage between 2 to 4 times as much in matching funds from public and private partners. From 1990 to 2011, Congress appropriated a total of $88 million for MSCF grant programs, which generated over $200 million in matching and in-kind contributions. Administrative costs for the program are low, and 97% of the appropriated funds are distributed through grants. By conserving iconic species, these programs help sustain large areas of habitat home to a rich diversity of flora and fauna. By working with local communities and improving livelihoods, they build capacity and support for conservation in the developing world, contribute to economic growth and stability, and support U.S. interests in strategically important regions of the globe. Following are success stories for each of the five funds.

Rhino-Tiger Conservation Fund (RTCF): In both Africa and Asia, rhinos are suffering a poaching crisis. Fewer than 50 Javan rhinos now remain in the wild in Indonesia, with none in captivity. Last year saw the extinction of rhinos in Vietnam when the last individual in that country was found killed by poachers. South Africa, which is home to 80% of the planet's remaining black rhinos, is experiencing a shocking rise in rhino poaching driven by Asian demand for rhino horn, which is worth up to $30,000/lb on the black market. Earlier in the decade, perhaps a dozen animals were killed in South Africa annually. Since 2007, there has been an exponential increase. In 2011 a total of 448 rhinos were killed – nearly 4 times as many as in 2009. Other African countries fear the poaching will spread to their rhino populations. Through the RTCF, USFWS is working to respond. RTCF support to World Wildlife Fund (WWF) and local partners for anti-poaching, habitat restoration and rhino monitoring in Nepal helped to ensure that no rhinos were poached in that country in 2011. In Namibia, support for camel patrols have reduced illegal wildlife trade, providing security and regular monitoring of Namibia's black rhinos, which have rebounded to become the world's largest free-roaming population. This ongoing recovery is contributing to the exponential growth in local economic benefits for rural Namibians due to wildlife-based tourism, thanks in large part to U.S.-supported conservation efforts over the past two decades, including through the RTCF.

As few as 3,200 wild tigers remain throughout all of Asia – down from 5000-7000 a decade ago. Tiger body parts continue to be in high demand on the global black market, including organs and bones, which are used in Asian tonics and medicines purchased by wealthy buyers believing they convey strength, virility or status. RTCF funding is supporting the creation and expansion of tiger reserves and protected areas in Malaysia, India and Thailand, anti-poaching and enforcement efforts in Sumatra, and research, monitoring and capacity building in countries such as Nepal, where WWF helped conduct the first ever nation-wide assessment of tiger populations, distribution and prey base in 2009. Last July, the government of Thailand arrested tiger poachers operating in the Western Forest Complex, one of the country's most important protected areas and a critical landscape for tigers and other wildlife. The arrest, which yielded an abundance of evidence about poaching activities in the region, was an achievement of the SMART patrol, a systematic, evidence-based adaptive management program designed to increase monitoring and enforcement. With RTCF support, Wildlife Conservation Society (WCS) is helping to train rangers in countries such as Thailand on SMART patrol methods. In November 2010, a Global Tiger Summit was held in St. Petersburg, Russia at which tiger range states and supportive countries, including the U.S., pledged to ramp up coordinated efforts to save tigers, with a goal of doubling wild tiger populations by 2022. To address critical needs for both rhinos and tigers, we recommend at least $2.697 million for the RTCF in FY13, the same as in the Administration's FY13 budget request.

African Elephant Conservation Fund (AfECF): Despite much success in elephant conservation over the past two decades, ivory remains a lucrative commodity, and rising demand in China along with ongoing instability and porous borders in many areas of Central Africa provide opportunities for well-organized gangs of poachers to decimate that region's remaining elephant populations. This winter, heavily armed northern Sudanese and Chadian poachers crossed into Cameroon's Bouba N'Djida National Park and slaughtered an estimated 300-400 elephants – over half of the park's remaining population. The scale of the ongoing slaughter is unprecedented, and the cross-border incursion has prompted an intervention by the Cameroonian military to defend the country's sovereignty and save its remaining elephants, with lives lost on both sides. The poachers have suspected connections to the Janjaweed militia, and profits from illicit ivory sales are believed to help fund their purchases of guns and other armaments. The AfECF is supporting improved protected area enforcement in several African countries, including hiring and training of local "ecoguards". Ecoguards in Chad's Zakouma National Park prevented organized gangs from poaching one of the last and largest herds of elephants in the Sahel. In Cameroon's Campo Ma'an National Park, the AfECF supported a large-scale anti-poaching operation involving village and forest patrols, soldiers and game guards that flushed out four suspected poachers, including two notorious elephant

poachers, and resulted in the seizure of 450 lbs of bushmeat. The AfECF is also helping address elephant-human conflict. In Malawi, it has helped to resolve a growing conflict between an elephant herd and local villagers that included human deaths and retaliation killings against elephants. AfECF support helped the government of Malawi and the International Fund for Animal Welfare (IFAW) to move the herd – 83 elephants in all – to Majete Wildlife Reserve in southern Malawi, protecting both the elephants and local livelihoods. We recommend at least $1.697 million for the AfECF in FY13, the same as in the Administration's FY13 budget request.

Asian Elephant Conservation Fund (AsECF): In Thailand, AsECF support has improved wildlife law enforcement, established a population monitoring system, and reduced conflicts between humans and elephants in Kaeng Krachan National Park by working with local communities to deter elephants from raiding crops. In Sumatra, it has also supported Flying Squads – teams of rangers equipped with noise and light-making devices and trained elephants that drive wild elephants back into the forest whenever they threaten to enter villages. The Squads have reduced losses suffered by local communities, prevented retaliatory killings and helped reduce elephant mortality in Riau by 27 percent in 2009 compared to the previous four years. The AsECF has also supported efforts of the International Elephant Fund (IEF) and partners to establish Conservation Response Units (CRUs) in Sumatra to mitigate human-elephant conflict, reduce wildlife crime in elephant habitat through forest patrol and monitoring, and raise local conservation awareness. CRU teams have recorded more than 500 cases of illegal logging, and 190 cases were reported to government law enforcement agencies, resulting in the closure of three illegal saw mills and seizure of more than $300m^3$ of illegal timber, 26 vehicles, 17 chainsaws and two industrial saws. Over 150 arrests have taken place and two dozen individuals have received prison sentences ranging from 4 months to 4.5 years. We recommend at least $1.697 million for the AsECF in FY13, the same as in the Administration's FY13 budget request.

Great Ape Conservation Fund (GACF): In 2008, a GACF-supported survey discovered more than 125,000 western lowland gorillas in the Republic of Congo. The program is now supporting Ebola surveillance in that country, helping hire over 60 eco-guards and training 20 researchers in carcass sampling and 30 field team leaders in health and biological sampling techniques. Over 900 hunters in 71 villages have participated in educational programs on Ebola to help prevent its spread. Two separate GACF grants are also supporting efforts in the Central African Republic to secure long-term protection of the country's gorillas, beef up trans-boundary anti-poaching patrols and create economic opportunities around sustainable gorilla tourism. MSCF grants made it possible for the Dian Fossey Gorilla Fund's Karisoke Research Center to continue protecting the mountain gorillas that live in the Virunga Volcanoes located on the border between Rwanda, the Democratic Republic of Congo (DRC) and Uganda. Karisoke staff follow daily almost one fourth of the 480 remaining Virunga mountain gorillas. A 2010 census found that this highly endangered subspecies has achieved a remarkable increase of 26 percent since the previous count in 2003, with an astounding annual growth rate of 3.7%. This is the only great ape population to have increased in recent decades. The GACF has also supported programs in both Rwanda and the DRC to improve the health of communities near gorilla habitat by upgrading rural clinics, increasing access to clean water, reducing intestinal parasite infestations, and supporting small animal husbandry. This reduces the likelihood of people transmitting parasites and other diseases to the gorillas and reduces people's need to seek water and game in the forest. We recommend at least $2.194 million for the GACF in FY13, the same as in the Administration's FY13 budget request.

Marine Turtle Conservation Fund (MTCF):
Nicaragua's Pacific Coast provides nesting beaches to four highly threatened species of marine turtles. The MTCF has provided major support to the efforts of Fauna and Fauna International (FFI) to protect these turtles, especially hawksbill and leatherback populations. Before the FFI program began, nearly 100% of the area's turtle nests were being poached. As a result of beach monitoring and protection programs,

construction of egg hatcheries and awareness efforts, between 80-100% of the nests are now successfully protected each year and hatching success is increasing annually. During the 2010-2011 nesting season, 90 leatherback nests were recorded and 73 were protected, a 300% increase over the previous season. MTCF support has helped achieve similar successes at nesting sites in Costa Rica (WWF) and Gabon (WCS). We recommend at least $1.697 million for the MTCF in FY13, the same as in the Administration's FY13 budget request.

Office of International Affairs

Within the USFWS Office of International Affairs, the **Wildlife Without Borders (WWB)** and **International Wildlife Trade (IWT)** programs provide critical support to the on-the-ground species conservation programs of the MSCF. The WWB Regional program supports species and habitat conservation in priority regions, including Africa, Latin America and the Caribbean, India, and Mexico, through capacity building, outreach, education, and training. This includes training African wildlife professionals to combat the bushmeat trade and working to bolster wildlife laws and increase enforcement capacity in African countries. The WWB Global program targets cross-cutting, global threats to wildlife; supports signature initiatives to maximize long-term impact; and addresses declines of critically endangered species, such as amphibians. It also fulfills USFWS mandates to support U.S. leadership through wildlife statutes and international treaties, such as NAFTA, the Ramsar Convention on Wetlands of International Importance, and the Convention on International Trade in Endangered Species (CITES). From 2006 to 2010, WWB programs awarded over $14 million, leveraging nearly $25 million in matching funds for conservation actions, regional capacity building, wetlands and migratory species protection and efforts to combat disease and illegal trade. IWT works to prevent illegal trade in wildlife and wildlife products, calculated as the third largest illegal trade after drugs and arms, worth over $10 billion annually with strong links to organized crime and the illegal trade in arms and drugs. Illegal wildlife trade also transmits disease and invasive species, negatively impacting public health and economic productivity in the U.S., which is one of the largest importers and exporters of wildlife products. IWT ensures this trade is legal and does not harm species in the wild and implements scientific and management requirements of laws and treaties for traded species, issuing 15,000-20,000 permits per year. We recommend $13.054 million for the Office of International Affairs, as requested in the Administration's FY13 budget request.

We hope you will consider the important issues these programs are working to address alongside their proven success, their modest cost and the broad-based support they enjoy. We urge the Subcommittee to fund these programs at the levels outlined above. Thank you for your consideration.



Testimony in Support of the U.S. Forest Service International Program
Submitted to:
The House Appropriations Subcommittee on Interior, Environment & Related Agencies
March 27, 2012

The undersigned groups, representing a diverse coalition of timber and labor industry, conservation groups and academic institutions, thank Chairman Simpson and Subcommittee members for their continued support for the U.S. Forest Service Office of International Programs. The following testimony recognizes the valuable investments made by the U.S. Forest Service in promoting U.S. leadership in international conservation and helping American interests, business and ecological, to remain protected from being undercut by illegal logging activities.

While we understand the Subcommittee's responsibility in finding the appropriate balance between conservation and navigating a difficult fiscal climate, it is important to note that the U.S. Forest Service International Programs (hereafter FSIP) provides tremendous economic value to the American public. Industry and congressional reports estimate that U.S. roundwood, sawnwood and panel exports could increase by approximately $460 million each year if illegal logging was eliminated. FSIP works on behalf of the American people to level the playing field for the U.S. in international timber trade while protecting the U.S. from invasive species and recovering declining U.S. migratory species.

We respectfully request the Subcommittee support FSIP by maintaining FY 2012 funding level for FY 2013 at $8 million. This would not only ensure the investments undertaken in Fiscal Year 2012 are maintained, but, more importantly, will ensure that FSIP remains an integral part of the U.S. forest policy and practice.

Reducing Illegal Logging and Leveling the Playing Field for International Timber Trade
One of most important contributions FSIP makes to the American economy is to level the playing field in international trade for U.S. timber producers. Illegal logging is a complex and multifaceted issue, affecting international trade, the long-term viability of forest ecosystems, land tenure, rural poverty, and governance. For the United States, it has detrimental impacts on the US forest products industry and disrupts market access, resulting in huge losses in potential revenue for American producers.

To combat illegal logging, FSIP dedicates roughly a quarter of its budget towards a variety of measures to prevent illegal logging from many different angles: a) by developing cutting-edge technologies that assist in determining wood type and origin, b) by organizing regional workshops overseas to exchange and transfer knowledge, c) by supporting numerous global platforms and domestic policymaking (such as the Lacey Act), and d) by building global awareness of legality requirements and technology. Moreover, with its breadth of expertise in forest management, FSIP is coordinating and implementing on-the-ground activities in several countries to monitor and manage forest ecosystems, support enforcement work and build strong bilateral programs in regions with serious illegal logging challenges, such as Peru, Brazil, Russia and the Congo Basin. Some highlights include:

- *Hand-held wood identification device and wood identification database*
  With support from FSIP and the U.S. Department of State, the U.S. Forest Service scientists are developing a hand-held wood identification device that port inspectors could use to quickly determine whether timber shipments match species declarations. The device also functions on smart phones equipped with cameras. The application will allow the inspector to scan the wood shipment and compare the image to those in libraries of wood identification data.

- *Innovations in DNA testing*
  Funded by FSIP, the U.S. Forest Service is working with New Mexico State University to support innovation in DNA testing of wood samples. This will ultimately ensure that declarations citing origin of wood species are accurate, improving the abilities of US enforcement agents to determine legality under the Lacey Act and/or under the Convention on the International Trade of Endangered Species of Flora and Fauna (CITES).

- *Other technologies and education*
  The Forest Service is also working on a range of other wood science and technological efforts overseas to enhance data management, timber tracking, and field identification manuals as well as conducting field personnel training on forest monitoring.

- *Targeted Bilateral Assistance*
  The FSIP's Peru Forest Sector Initiative (PFSI) assists the government of Peru in complying with the obligations of the U.S.-Peru Trade Promotion Agreement in partnership with the U.S. Agency for International Development. The collaboration focuses on the development of an information and control system for chain of custody for CITES-listed species, support for population studies for mahogany and cedar, design of forest inventories, specialized expertise in yield determination and methodology, development of skill in forest and wildlife management including community and indigenous forest management; organizational design and training to regional governments; anti-corruption plans for the forest sector; environmental investigation; and environmental prosecution training.

Protecting the U.S. from Invasive Species

Invasive forest pests inflict millions of dollars of damage to the U.S. economy every year. Researchers currently estimate there are at least 20 destructive forest pests likely to enter the U.S. in the coming decade. The threat of invasive species is often manipulated by countries and cited as a barrier to U.S. exports. Reducing the threat of invasive species will serve to boost the American economy while protecting domestic ecosystems. The USDA Forest Service identifies and uses bio-control agents for invasive forest pests as bio-control agents, which can be an effective and inexpensive method of suppressing devastating pests that wreak ecological and economic havoc on American forests. FSIP facilitates projects involving agency scientists and land managers with counterparts in those countries where the invasive species originate. Without international collaboration, pests already in the U.S. will not be controlled and there may be

future introductions of economically damaging pests. Current international cooperation, to protect the U.S.'s forests occurs with many countries including China and Russia. FSIP has worked to address invasive species including Sudden Oak Death, Hemlock Woolly Adelgid, Mile-a-Minute Weed, Beech Bark Scale, European and Asian gypsy moths, and Emerald Ash Borer.

Recovering Migratory Species in Decline by Conserving Habitat
FSIP invests heavily in protecting overseas habitat for endangered species listed on the U.S. Endangered Species Act. Millions of dollars invested into domestic habitat conservation for these species is wasted if the wintering habitat is not also conserved. For example, wild Pacific salmon migrate from the rivers of the West Coast of North America and Eastern Russia to the Pacific Ocean. FSIP works in Eastern Russia with partner organizations to improve watershed management for wild salmon stocks. Also in Russia, FSIP has invested in the recovery of the Korean pine-deciduous forests relied upon by prey species such as wild boar and deer that has resulted in a steady recovery of the Siberian tiger over the past decade.

In conclusion, we appreciate the support of the Subcommittee and request maintaining Fiscal Year 2012 enacted levels of $8 million for the U.S. Forest Service Office of International Programs in Fiscal Year 2013. Continued investment in international conservation will improve our economic security, while helping our domestic species to flourish and protecting our local ecological habitats from invasive species. It will also reaffirm our position as the preeminent conservation leader in the world.

Sincerely,

Additional details available from: Nav Dayanand, Assistant Director, Federal Affairs, Wildlife Conservation Society, (202) 624 8432

TESTIMONY ON FY 2013 APPROPRIATIONS
FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
KAREN R. DIVER, CHAIRWOMAN
BEFORE THE HOUSE COMMITTTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
MARCH 28, 2012

I am Karen R. Diver, Chairwoman of the Fond du Lac Band of Lake Superior Chippewa. We appreciate having the opportunity to provide you with testimony on FY 2013 Appropriations for the Indian programs funded through the U.S. Department of the Interior and Indian Health Service ("IHS"). The Fond du Lac Band provides health, education, social and other governmental services to approximately 6,700 Indian people living on or near our Reservation in northeastern Minnesota. These programs are essential to our ability to educate our children, care for our elderly and infirm, prevent crime, and protect and manage natural resources.

BIE: Education. We urge Congress to increase funding for Bureau of Indian Education ("BIE") Elementary/Secondary School Programs. The Fond du Lac Band relies on BIE funding for the operation of the Band's pre-K through grade 12 Ojibwe School. The Ojibwe School serves approximately 340 students most of whom are tribal members or descendants of tribal members. Most of our students come from very low income households, as illustrated by the fact that more than 90% of our students qualify for free or reduced rate lunches. But although American Indian students are the most at-risk group of students in our Nation, the BIE Elementary/Secondary School Programs have been historically under-funded. We ask that BIE Elementary/Secondary School Program funding be increased as follows:

ISEP funding. We urge Congress to provide $431 million for Indian School Equalization Program (ISEP") Formula funds. These are the primary source of funding for our school, covering salaries for teachers, teacher aides, reading and math specialists, language and culture teachers, administrative personnel and school governance (School Board costs). While the President's proposed budget would reduce ISEP funds to offset other funding increases, ISEP should not be reduced as it is critical to the ability of tribal schools to recruit and retain qualified teachers and to cover shortfalls in other budget areas, such as transportation, facilities and maintenance.

Tribal Grant Support Costs. We urge Congress to provide $72.3 million to fully fund Tribal Grant Support Costs ("TGSC"). The funds are critical to maximizing tribal self-determination and ensuring effective program administration. We rely on TGSC to help pay for accounting, payroll, insurance, background checks, legal and record-keeping requirements. Inadequate funding of TGSC forces our school to use ISEP and other funds to meet these important needs.

School Facility Operations and School Facility Maintenance. We urge Congress to provide $109.8 million in facilities operations and $76 million in facilities maintenance. Facility funding is used to keep our building in safe condition, pay for preventative and unscheduled maintenance for our school building, and cover insurance and increasing utility costs, *e.g.,* electricity, heating and cooling, water and sewer. Increased funding for school facility operations and school

facility maintenance is needed as past funding has not kept pace with the cost of school operations or the growing backlog of Indian schools and facilities needing repair.

School Construction and Repair. We urge Congress to provide $263.4 million for BIE school construction and repair. Research studies continue to document a link between inadequate facility conditions and poor performance by students. Inadequate support for school repairs will cause the unmet needs for construction and repair to continually increase. Not addressing these critical infrastructure needs will only jeopardize student and staff safety.

Student Transportation. We urge Congress to provide $73 million for student transportation. Flat funding levels mean that there is no mechanism for replacing buses that need replacing, nor any way to keep pace with rising fuel costs. Without an increase in funding for student transportation, the costs to maintain, repair, and replace buses and cover rising fuel costs must be paid out of education program funds.

BIA: Public Safety and Justice. We support the President's proposal to increase Bureau of Indian Affairs ("BIA") funding for law enforcement. We also ask Congress to increase the Band's base funding by $2 million for court operations and law enforcement, and provide a one-time appropriation of $8 million to allow us to expand the facility that houses our law enforcement department – a facility that is completely inadequate for that purpose.

We continue to face massive unmet needs for law enforcement. The Fond du Lac Band had to assume responsibility for law enforcement after the Minnesota Supreme Court ruled that the State lacked jurisdiction to enforce traffic laws on roads within Indian reservations, *State v. Stone*, 572 N.W.2d 725 (Minn. 1997). Over the years, we have done this using a combination of tribal and available federal funds and by cooperative agreements with local law enforcement agencies. But those sources do not meet our needs. We face huge demands on our Law Enforcement Department due to the insurgence of methamphetamine, alcohol, illegal prescription drug use, and gang-related activities on our Reservation. Prescription drug abuse is an epidemic. Increasing numbers of our elders and others are the victims of more frequent assaults and robberies that are drug-related. Our law enforcement officers are responding to a growing number of drug overdoses and deaths, as well as juvenile offenses involving drugs, alcohol, thefts, assaults and burglaries. They also respond to a wide range of other matters, including, for example, reports involving domestic disputes, disturbances, disorderly conduct, property damage, theft, medical emergencies, fire, neglected children, runaways, suicide threats, as well as numerous traffic-related matters. In 2011 alone, our Law Enforcement Department responded to close to 4,900 incidents and requests for assistance.

To address these problems, we need to increase our law enforcement staff and ensure effective law enforcement coverage 24/7. But we do not have sufficient funds to hire the number of officers we need. We currently employ 13 patrolmen, 1 investigator, 1 school resource officer (assigned to the Ojibwe School), a Chief of Police, and 3 administrative staff. To the extent possible we schedule 3 officers per shift, but we do not have sufficient funds to do this around the clock. In fact, to effectively patrol the Reservation we should have 4 officers working each shift and a second investigator, for a total of 20 officers. Fewer officers on duty means serious

safety issues for both officers and the people we need to protect. The large number of calls for police assistance also means that we need more than one investigator and, with our limited staff we cannot implement proactive measures, such as education and outreach programs.

Federal funding is also vital for law enforcement equipment. We have only six vehicles – 3 patrol cars, and 1 vehicle each for the use of the K-9 officer, investigator and school resource officer. Much of the Fond du Lac Reservation is rural, and there are many dirt roads as well as minimum maintenance roads. As a result, the vehicles take some punishment and, with a patrol area of approximately 136 square miles, the mileage covered by each patrol vehicle adds up very quickly. Budget limitations make it difficult to repair and replace patrol cars in a timely manner.

Finally, we need a new facility for our law enforcement department. The Department is still housed in a 6-room building, which we share with the Band's housing program. It has neither room for investigative interviews, nor office space for specialty positions such as investigators. The evidence room and reception area are all completely inadequate for law enforcement purposes and, with the increased number of calls we are receiving, are becoming more inadequate each day. A new building with a garage, along with a larger evidence room, storage room for record-keeping, and a training room for officers, is essential.

BIA: Natural Resources. We very much appreciate the funding for BIA Natural Resource programs that Congress has provided in past years as well as the proposed increases for these programs contained in the President's FY 2013 Budget. Natural resources are vitally important to our Tribal members, as they provide the foundation for our culture, meet subsistence needs, and provide employment. The Fond du Lac Band's right to access natural resources within and outside our Reservation was reserved by Treaties with the United States in 1837, 1842, and 1854 and reaffirmed by the courts. In connection with these Treaty rights, the Band is responsible for managing natural resources and for enforcing Band conservation laws that protect those natural resources by regulating Tribal members who hunt, fish and gather those resources both within and outside the Reservation. Funding is essential for that work. Fond du Lac routinely partners with state, federal, and tribal organizations to conduct research and management activities. We request that $2 million be added to our base budget for Resource Management programs, as funds for this program have not been increased since 1991.

We urge Congress to at least maintain current funding levels for all federal programs that support the conservation and restoration of natural resources. Specifically, we request that Congress fund the U.S. Fish and Wildlife Service's State and Tribal Wildlife Grant Program, Tribal Historic Preservation Offices, and all BIA programs related to natural resources and land management at the levels indicated in the President's budget request.

Additionally, as a member of the Great Lakes Indian Fish & Wildlife Commission, the Fond du Lac Band supports the Commission's request for BIA funding of $6.367 million and EPA funding of $1.2 million to continue its long-standing treaty rights protection and implementation program on behalf of its member Tribes.

BIA: Human Services. We urge Congress not to cut funding for Human Services programs. Although some of the cuts are due to administrative streamlining, increased funding is needed to address the impact that the methamphetamine epidemic has on not only public health and safety, but also on child protection, child welfare and foster care services. Increased funding for social services and Indian Child Welfare Act programs is essential if Tribes are to have any realistic hope of protecting Indian children, preventing domestic violence, and fostering Indian families.

Indian Health Service. We fully support the President's proposed increase in funding for the Indian Health Service and appreciate the commitment that the Administration and Congress have made to address the funding needs for health care in Indian country. The President's proposed increase is essential to address the high rates of medical inflation and the substantial unmet need for health care among Indian people. Indians at Fond du Lac, like Indians throughout the Nation, continue to face disproportionately higher rates of diabetes and its associated complications, than the rest of the population. Heart disease, cancer, obesity, chemical dependency and mental health problems are also prevalent among our people. While other federal programs, like Medicare and Medicaid, have seen annual increases in funding to address inflation, the budget for the IHS has never had comparable increases, and, as a result, IHS programs have consistently fallen short of meeting the actual needs. All Indian tribes should receive 100% of the Level of Need Formula ("LNF"), which is absolutely critical for tribes to address the serious and persistent health issues that confront our communities. The Band serves approximately 7,129 Indian people at our clinics, but the current funding level meets only 42% of our health care funding needs.

As the epidemic of prescription drug abuse grows across the country, the IHS needs resources to expand its treatment and community education capacity. Additional funding for the Methamphetamine, Suicide Prevention Initiative should be made available to tribes and the IHS so that this "new sickness" can be addressed. Best practices in pharmacy inventory and prescription monitoring need to be modeled and replicated throughout Indian Country. Related to this is the fact that more and more government agencies are expecting local units of governments, including Tribes, to address these problems and the increasing number of individuals who become homeless as a result of them, through the operation of supportive housing. But Fond du Lac, like most tribes, lacks the financial resources to establish new program initiatives, like supportive housing, without assistance from the federal government. We urge Congress to support programs through the IHS or the BIA that would fund supportive housing for tribes in every area of the country.

In sum, the needs at Fond du Lac and throughout Indian Country remain massive. Congress' support on these funding issues is essential to our ability to maintain vitally important programs and improve the delivery of services to Band members.

Miigwech. Thank you.

March 28, 2012

Shelia Hargis, Government Relations Director
Friends of Balcones Canyonlands National Wildlife Refuge
P.O. Box 4678
Lago Vista, TX 78645-4678

TESTIMONY
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2013 APPROPRIATIONS

Mr. Chairman and Members of the Subcommittee:

On behalf of the Friends of Balcones Canyonlands National Wildlife Refuge (Friends of Balcones) and its membership, thank you for your strong support for the National Wildlife Refuge System (NWRS). The Friends of Balcones appreciates the opportunity to offer comments on the fiscal year 2013 Interior Appropriations bill. We are specifically requesting an allocation of $700 million for the Land and Water Conservation Fund (LWCF), including $150 million for the National Wildlife Refuge System (NWRS).

The meaningful funding increases in fiscal years 2008-2010 allowed the System to emerge from years of chronic funding shortfalls. But unfortunately, those substantial gains are undermined by more than $17 million in cuts to the System's funding in fiscal years 2011 and 2012 that equate to a larger loss of over $41 million when annual increases in refuge fixed costs are factored in. Consequently, we support the President's 2013 budget request of $495 million because it will maintain existing management capabilities. Should across-the-board sequestration cuts of 9-10% take effect in FY13, the impacts to the Refuge System would be devastating and could force FWS to close or end major programs at more than 130 refuges.

We respectfully request the Subcommittee support all of the funding allocations requested by the National Wildlife Refuge Association as detailed and explained in their testimony letter. All of the allocations are critical to the health of the NWRS but the one that will impact the Balcones Canyonlands NWR the most is the allocation of $700 million for the Land and Water Conservation Fund, including $150 million for the NWRS. Balcones Canyonlands Refuge, although twenty years old, is only slightly over 50 percent complete. The Friends of Balcones urges you to fund the LWCF at $700 million so we can continue to buy land toward our goal of 46,000 acres. Out of that amount, we are requesting $5 million from the Land and Water Conservation Fund for 2013. Completing the Refuge is anticipated to cost over $87 million in today's dollars, so acting now is especially important for monetary reasons and because of the intense pressure from urban expansion that is occurring within the Refuge acquisition boundary.

We feel a sense of urgency to complete the land acquisition for the Refuge. Twenty years after the creation of the Refuge and just over 23,000 acres are protected! Austin Texas is a short drive from the Refuge and is among the top ten fastest growing cities in

the US. That rate of development will impact the ability of the FWS to complete the Refuge if something isn't done quickly.

Balcones Canyonlands Refuge is located in the Texas Hill Country northwest of Austin, Texas and resides in Burnet, Travis, and Williamson counties. The Refuge was formed in 1992 to conserve habitat of the endangered Golden-cheeked Warbler as a step towards recovery and eventual delisting of the species. In addition to the Golden-cheeked Warbler, the Refuge serves to protect the habitat of the endangered Black-capped Vireo and numerous other wildlife species.

State-sponsored biological studies show that to stabilize and sustain these endangered songbirds, Balcones Canyonlands needs a total of 46,000 acres of habitat. It presently has some 23,000 acres. The Refuge augments a similarly named Preserve in Austin, comprised of nearly 30,000 acres and operated by the City and Travis County. The two parts were established for the same purpose and together are intended to provide habitat needed to enable recovery of these species.

In addition to the recovery of these endangered species, Balcones Canyonlands Refuge is a source of eco-tourism for the surrounding area. Over the longer term, the Balcones Refuge is expected to become a major draw for birders interested in viewing the endangered Warbler and Vireo, for which this area provides unique habitat. As you likely know, the Texas Hill Country is very special, and the Balcones Canyonlands National Wildlife Refuge is one of the best places to experience the beauty and uniqueness of this Texas landscape. The Refuge has been described as one of the *Last Great Places* by the Nature Conservancy and as an "Important Bird Area" by two national conservation groups based on its "*global importance*" to the endangered Warbler and Vireo. When completed, Balcones Canyonlands will be a step towards providing additional accessible public outdoor areas, identified as a critical need in a study by Texas Parks and Wildlife.

There are many willing sellers within the acquisition boundary of the Refuge. All we need is money to move forward immediately! An appropriation of $5 million will fund purchase of the 350 acre 3 Creeks Ranch (second phase of this acquisition) and 1,000 acres of the Sunset Ranch, one of the last remaining large tracts of land with high quality Golden-cheeked Warbler habitat left within the Refuge acquisition boundary. The rolling hills and steep canyons on this ranch provide nesting habitat for the Golden-cheeked Warbler and potential for Black-capped Vireo habitat management. The purchase of this large tract will also protect habitat for additional endemic species in the Hill Country as well as the unusual Karst topography of the Edwards Plateau. The ranch is situated near other Refuge property which makes it even more valuable as we attempt to protect large contiguous tracts of land. The properties have been appraised, and the sellers are willing. These acquisitions would be a significant step towards the long range goal of completing the Refuge. As mentioned earlier, acting now is particularly important, as the window of time is closing rapidly as a result of urban expansion, and the opportunity for protecting these species is at risk.

The Friends of Balcones Canyonlands National Wildlife Refuge is a nonprofit, volunteer organization. Our mission is to support, complete, and enhance Balcones Canyonlands Refuge and to promote the Refuge's use for recreational, educational, and scientific purposes. Our membership is drawn primarily from Central Texas communities situated near the Refuge. Our members care passionately about preserving our natural heritage and fulfilling our organization's mission of completing the Refuge. Because of all the reasons listed above, we strongly recommend that you allocate $700 million for the Land and Water Conservation Fund and set aside $5 million from the LWCF for Balcones Canyonlands Refuge for FY 2013.

In closing, thank you for considering our request of $700 million for the Land and Water Conservation Fund (LWCF). Your actions in support of our request will significantly improve our chances and the chances of other Refuges in similar situations to create fully functioning Refuges that are a testament to America's amazing natural heritage. We are entrusted with the protection of our wild spaces for the benefit and enjoyment of current and future generations. Anne Frank wrote the following:

> "The best remedy for those who are afraid, lonely or unhappy is to go outside, somewhere where they can be quiet, alone with the heavens, nature and God. Because only then does one feel that all is as it should be and that God wishes to see people happy, amidst the simple beauty of nature. I firmly believe that nature brings solace in all troubles."

Please help us provide places of solace for all Americans. We very much appreciate your attention to this matter and thank you for the opportunity to present this statement to the Subcommittee.

Respectfully submitted,

Shelia Hargis
Government Relations Director
Friends of Balcones Canyonlands National Wildlife Refuge

Testimony of Bill Durkin, President
Friends of Rachel Carson NWR
In Support of Funding for the National Wildlife Refuge System
Land and Water Conservation Fund, U.S. Fish and Wildlife Service
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member

March 28,2012

Mr. Chairman and Honorable Members of the Subcommittee: I am Bill Durkin, President of the Friends of RCNWR in Maine.

I have been a member of the Friends of Rachel Carson NWR for the past 20 years. The group was founded in 1987; we are a small group of about 200 members. This time of the year all of the letters go out to Congress asking for support of the refuge. I have given numerous written statements over the years and we really appreciate your support in the past. This year, our refuge is not requesting any appropriations directly for Rachel Carson National Wildlife Refuge; this is a request for general funding of the System. I thank you all for your consideration.

*** 1.We are requesting an overall funding level of $495 Million in FY 2013 for the operations and maintenance budget of the National Wildlife Refuge System, managed by the US Fish and Wildlife Service. This would be level funding from FY12. All of the refuges are in dire need of staffing and upkeep. Refuges provide unparalleled opportunities to hunt, fish, watch wildlife and educate children about the environment. Without increased funding for refuges, wildlife conservation and public recreation opportunities will be jeopardized.

*** 2. Refuges are vital places for the American people to connect with nature and get involved. Currently, refuge Friends and volunteers do approximately 20% of all work on refuges. In 2011, these 1.5 million hours equated to roughly 8 volunteers for every 1 Refuge System employee. Without staff to oversee volunteers, their commitment and passion is lost, as is their desperately needed contribution to the System. We request $80 million for Visitors Services for the NWRS.

**** 3. The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to

climate change. For all these reasons, LWCF needs to be funded at the $700 Million level. Created in 1965 and authorized at $900 million per year (more than $3 billion in today's dollars), the LWCF is our most important land and easement acquisition tool. . The President has included meaningful increases to the program in his FY 2013 budget, and I support the Administration's commitment to fully funding the program in the near future. This wise investment in the Land and Water Conservation Fund is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

The Land and Water Conservation Fund should be fully funded at $900 million annually - the congressionally authorized level. LWCF is good for the economy, it is good for America's communities and their recreational access and it is critical for our public lands.

The Rachel Carson National Wildlife Refuge is named in honor of one of the nation's foremost and forward-thinking biologists. After arriving in Maine in 1946 as an aquatic biologist for the U.S. Fish and Wildlife Service, Rachel Carson became entranced with Maine's coastal habitat, leading her to write the international best seller The Sea Around Us. This landmark study, led Rachel Carson to become an advocate on behalf of this nation's vast coastal habitat and the wildlife that depends on it, the refuge that bears her name is dedicated to the permanent protection of the salt marshes and estuaries of the southern Maine coast. This year, we will be celebrating the 50th anniversary of Rachel Carson's publication of her historic book, Silent Spring.

I again extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System and respectfully request the Interior Appropriations Subcommittee allocate $495 million for the Refuge System's FY13 Operations & Maintenance (O&M) budget, $80 million for Visitors Services of the NWRS, and fund the LWCF at the $700 million level.

Thank you again, Mr. Chairman, for the opportunity to present this testimony in support of protecting wildlife and it's habitat. Enjoy your next walk out on a National Wildlife Refuge.

Bill Durkin
President
Friends of Rachel Carson National Wildlife Refuge
PO Box 117
Biddeford Pool ME 04006

Testimony by Healing Our Waters©-Great Lakes Coalition to the House Committee on Appropriations' Subcommittee on the Department of the Interior, Environment, and Related Agencies Regarding the Department of the Interior and Environment Appropriations Act, 2013

Submitted by: Chad W. Lord, Policy Director
Healing Our Waters©-Great Lakes Coalition
(202) 454-3385; clord@npca.org
March 28, 2012

Members of the subcommittee. It is an honor to provide this written testimony regarding one of our nation's most prized natural and economic resources--the Great Lakes.

The Healing Our Waters©-Great Lakes Coalition asks the Subcommittee to support $300 million for the popular and effective Great Lakes Restoration Initiative in fiscal year 2013. We appreciate the strong support the Subcommittee provided last year and ask you to provide the same funding in fiscal year 2013 as you did in fiscal year 2012. We feel that our request is well justified because:

- The economic recovery of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin hinges on a healthy, restored Great Lakes;
- Funds are being quickly spent on the right priorities;
- We are seeing results; and
- Projects will only become more difficult and expensive the longer we wait.

The Healing Our Waters-Great Lakes Coalition is comprised of more than 120 environmental, conservation, hunting, and fishing organizations; museums, zoos, and aquariums; and businesses representing millions of people whose goal is to restore and protect the Great Lakes. We came together to fight for the Great Lakes, and we recognize the need for federal assistance for all great waters, including Puget Sound, the Everglades, Coastal Louisiana, and Chesapeake Bay.

Mr. Chairman and ranking member, forty million people rely on the Great Lakes for their drinking water, and millions more benefit from the commerce and business that depend on the waters of the Great Lakes. Unfortunately, the health of the Great Lakes continues to be seriously threatened by problems such as untreated sewage, toxic pollution, algal blooms, and invasive species. The eight states that border the Great Lakes and numerous non-governmental organizations have invested a significant amount of their own resources in preserving these bodies of water. Additional funding, however, is needed. Unless the federal government continues to invest in the lakes these problems will get worse and the price we pay will be higher.

While we are making progress, federal funding historically has not kept pace with the enormity of the problem. Over $26 billion is needed according to the Great Lakes Regional Collaboration Strategy for the Protection and Restoration of the Great Lakes, yet Great Lakes programs over the last decade have received a small fraction of that amount. We have now embarked on more significant restoration activities thanks to Great Lakes Restoration Initiative (GLRI), which has seen strong bi-partisan support of this subcommittee and its members.

Economic Benefits
Cleaning up the Great Lakes is not only critical for the health and quality of life in the region, it also drives economic development – and jobs – in our nation for years to come. Investments in Great Lakes restoration are creating short-term jobs and leading to long-term economic benefits for the Great Lakes states and the country. A Brookings Institution report shows that every $1 invested in Great Lakes restoration generates at least $2 in return, making Great Lakes restoration one of the best investments of the federal dollar in the budget. More recent research from Grand Valley State University suggests that the return for certain projects are closer to six-to-one. The University of Michigan has also demonstrated that over 1.5 million jobs are dependent on clean and healthy Great Lakes, accounting for more than $60 billion in wages annually. We have also seen jobs being created by our nation's efforts to clean up the Great Lakes and restore fish and wildlife habitat. These jobs include wetland scientists, electricians, engineers, landscape architects, plumbers, truck drivers, and many others.

While we do not have precise figures on the total number of jobs that have been created by the effort to clean up the Great Lakes, it is likely in the thousands. Consider:

- 125 jobs were created for a $10 million project to restore fish and wildlife habitat in Muskegon Lake, a Great Lakes Area of Concern in Michigan.
- 177 people are employed to control the invasive sea lamprey in the Great Lakes, which costs the U.S. and Canadian governments $20 million annually.
- 174 jobs were created, some of which were filled by at-risk youth, to remove dams and other barriers in a 150-mile stretch of the Milwaukee River system.

A story that Sen. Carl Levin tells is probably the most persuasive:

> "In Holland, at Johnson Controls, someone mentioned to me that a Korean company had invested in a battery plant because the Korean corporate executives fell in love with Lake Michigan. They looked at many areas in the United States and in other countries where they could build a factory, but they selected a place near Lake Michigan because they fell in love."[i]

The number of jobs created by restoring the lakes will certainly increase in the coming years if funding is maintained.

Investments Producing Results
The people that have been put to work protecting and restoring the Great Lakes are working on projects that are producing results:

- 14 additional beneficial use impairments (BUIs) within Areas of Concern (AOCs) were removed, achieving the GLRI Action Plan's cumulative target of 26 in FY2011.
- Local partners completed implementation of all management activities necessary for delisting the Presque Isle, AOC, in Erie, Pennsylvania, which will likely be de-listed this year.
- U.S. Fish and Wildlife, National Park Service, NRCS, and NOAA (among others) restored, protected, or enhanced nearly 22,000 acres of wetlands and other habitat in the Great Lakes basin in FY2011 beating a target of 20,000 acres.

- One endangered species – the Lake Erie watersnake – was removed from the federal endangered and threatened species list.
- In FY2011 one million cubic yards of contaminated sediments were remediated in AOCs.[ii]

These numbers are impressive. The stories behind them, however, are more illuminating as to the types of results that we are seeing and what is being accomplished:

- In Fennville, Michigan, $220,000 from the Great Lakes Restoration Initiative is helping nurse lake sturgeon back to health in the Kalamazoo River after decades of decline. An innovative fish-rearing facility allowed biologists to release 100 sturgeons in the Kalamazoo River in 2011.
- In Milwaukee, Wis., state and federal agencies announced in February the completion of a sediment cleanup that moves the Milwaukee Estuary closer to being removed from a list of Great Lakes Areas of Concern. The $24.6 million Great Lakes Restoration Initiative project removed about 140,000 cubic yards of toxic sediment contaminated with polychlorinated biphenyls and polycyclic aromatic hydrocarbons, or PCBs and PAHs. The contamination led to limits on eating fish caught in the river, as well as loss of habitat and other environmental problems.
- In Toledo, Ohio, $47 million in Federal Great Lakes restoration funds ($2 million under budget) supported removal of toxic sediment, which posed a risk to people and wildlife—including major sportfish such as walleye and perch, in the Ottawa River. Nearly 260,000 cubic yards of contaminated sediment was dredged from a 5.5-mile stretch of the river in Toledo. For decades, the river was a major source of chemical pollutants entering Lake Erie's Maumee Bay, where the contaminants harmed fish and wildlife. Crews worked around the clock to finish the project in six months; it was scheduled to take two years.[iii]

More stories on the nearly 700 GLRI-funded projects currently underway can be found at www.healthylakes.org/successes/.

The administrative accomplishments of EPA and the other federal agencies like the U.S. Fish and Wildlife Service, NOAA, NRCS, and the National Park Service are equally impressive. The federal agencies have been able to quickly convert the extra funding they receive through the GLRI to supplement restoration activities through existing, authorized programs. This structure, guided by a number of plans,[iv] allows for funds to move quickly from appropriations to EPA through the interagency agreements EPA reaches with the other agencies and onto the ground to complete important restoration activities. This model also ensures accountability through the establishment of an "orchestra leader" (EPA), helps accelerate progress, and avoids potential duplication, all of which help save taxpayers money while focusing efforts on the highest priorities.[v]

Improving the delivery of results

The GLRI is a highly effective model that is delivering results. However, like with anything, time reveals areas for improvement and now that our nation is approaching year four of the GLRI we have identified issues that we believe must be looked at by EPA and the federal interagency task force to ensure future effectiveness of the Great Lakes restoration effort.

The first is the development of a science plan that augments the GLRI Action Plan, and the establishment of a process for garnering independent science advice from the non-federal science community. EPA's Science Advisory Board noted in a recent report that the GLRI Action Plan supported getting started because enough was known about underlying causes and potential remedies to impairments in the Great Lakes to initiate action, that the Action Plan identifies most of the key actions needed, and that the Action Plan is largely consistent with previous plans and strategy documents. However, the SAB's report pointed out that the action plan needs to better reflect the research, monitoring, and assessment needs identified in earlier efforts. It also pointed out that the action plan lacks a formal science-based framework for assessing progress and evaluating future priorities. We believe this science-based framework and independent science advice is critical as it adds value to Great Lakes restoration.

Second, we worry that the pressure on agencies to supplant existing funds with its GLRI allocations will increase as cuts to agency budgets get bigger. We have begun to see some evidence of this. For example, NOAA cut funding for the Great Lakes Environmental Research Laboratory by 16 percent in its FY2013 request while EPA proposed a 77 percent increase in NOAA's FY2013 GLRI allocation.[vi] Congress has in the past directed federal agencies not to supplant their base budgets with GLRI funds. EPA's BEACH Act base funding was also zeroed out in the President's budget with the possible intent to make up this funding in Great Lakes states through GLRI grants. Using existing agency programs is a key part of delivering restoration dollars to projects on-the-ground. By not supporting base level funding this infrastructure could atrophy, ultimately slowing down progress by reducing the flexibility of the current structure. Base funding should be maintained for existing programs like the BEACH Act and the GLRI should be supplemental as Congress intends.

Lastly, although EPA has been very open to our recommendations on program improvements, we continue to believe that a formal advisory committee would enhance the advice EPA and the federal interagency task force receives as they make decisions on future GLRI priorities. We support the creation of an advisory board structure through federal legislation. However, if passing legislation is not possible, then we hope EPA will act administratively using its existing authority.

Conclusion

Thank you again for the opportunity to share our views with you. We recognize the tough choices you face, but we believe that restoring the Great Lakes is not only good for the environment but also is good for the national economy as well. We hope you will support the President's FY 2013 budget request and maintain $300 million for the GLRI next year.

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[i] See http://www.levin.senate.gov/newsroom/in_the_news/article/only-thing-that-rivals-michigans-natural-wonders-its-people. Accessed: March 25, 2012

[ii] U.S EPA. "Fiscal Year 2013 Justification of Appropriation Estimates for the Committee on Appropriations." Page 291

[iii] Found at www.healthylakes.org/successes/. Accessed: March 25, 2012

[iv] E.g., Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes (2005); Great Lakes Restoration Initiative Action Plan (2010)

[v] Even with quick federal action, the Great Lakes region has a shortened work season because of winter conditions. This can result in a longer time period for grantees to outlay GLRI funds rather than just the obligation of funds.

[vi] NOAA. "Budget Estimates Fiscal Year 2013: Congressional Submission." Page OAR-132; U.S EPA "Fiscal Year 2013 Justification of Appropriation Estimates for the Committee on Appropriations." Page 288

House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Testimony of the Humane Society of the United States, Humane Society Legislative Fund, and Doris Day Animal League on the FY 2013 Budget
March 28, 2012

Thank you for the opportunity to offer testimony to the Interior, Environment, and Related Agencies Subcommittee on items of importance to our organizations with a combined membership of more than 11 million supporters nationwide. We urge the Subcommittee to address these priority issues in the FY 2013 Department of Interior appropriation.

Rock Creek Park Deer

The HSUS requests that funds made available in this Act give preference to non-lethal deer management programs. The National Park Service (NPS) recently decided to implement lethal methods for controlling the deer population in Rock Creek Park despite the availability of non-lethal methods that would have cost significantly less taxpayer money and resulted in a more effective long-term solution to human-wildlife conflicts in the park and its environs. In future decisions regarding deer management we ask that priority be given to humane, non-lethal methods.

Large Constrictor Snakes

The HSUS commends the U.S. Fish and Wildlife Service for listing four of nine species of large constrictor snakes as "injurious," which will prohibit importation and interstate movement of these animals as pets. A recent, comprehensive report by the U.S. Geological Survey showed these snakes all pose medium or high risk to our environment; none are low risk. Large constrictor snakes have been released or escaped into the environment and have colonized Everglades National Park and other portions of south Florida and scientists warn they may become established in other areas of the country. Releasing these animals to fend for themselves can also lead to an inhumane death from starvation, dehydration, being struck by cars, or exposure to bitterly cold temperatures. The Service must have the resources to respond quickly to prevent the spread of these species and establishment of new ones.

Environmental Protection Agency

Endocrine Disruptor Screening Program
Research focused on molecular screening has the potential to revolutionize toxicity testing improving both its efficiency as well as the quality of information available for human safety assessment in the Endocrine Disruptor Screening Program (EDSP). These "next generation tools" will speed up the assessments of chemicals in the EDSP and reduce, and ultimately, replace animal use. We urge the Committee to incorporate the following report language:

The Committee recognizes that EPA is continuing to extend existing long-term reproduction studies in birds, fish, and other species to two- or multi-generation tests for the Endocrine Disruptor Screening Program (EDSP). The Committee is also aware that EPA is considering replacing the two-generation mammalian study with an extended one-generation test on the

basis of an international review of rat reproduction studies that shows the lack of utility of a second generation. The Committee directs EPA to maximize the efficiency of each protocol and minimize unnecessary costs and animal use by assessing the utility (including sensitivity, specificity and value of information added relative to the assessment of endocrine disruption) of each endpoint in the study, including specifically the need to produce more than one generation of offspring in the bird, fish and amphibian EDSP Tier 2 tests and issue a public report on its findings for comment. The Committee also directs EPA to determine what information the Agency requires to assess and manage potential risks to human health and the environment in regards to endocrine disruption, to minimize to eliminate unnecessary endocrine screening and testing, and to use existing scientific data in lieu of requiring new data, when possible. The Committee understands that EPA is currently working with OECD to develop and modify EDSP methods. EPA should work within the framework and timing of the OECD Test Guideline work plan to minimize duplicative efforts.

Science and Technology Account—21st Century Toxicology
In 2007, the National Research Council published its report titled "Toxicity Testing in the 21st Century: A Vision and a Strategy." This report catalyzed collaborative efforts across the research community to focus on developing new, advanced molecular screening methods for use in assessing potential adverse health effects of environmental agents. It is widely recognized that the rapid emergence of omics technologies and other advanced technologies offers great promise to transform toxicology from a discipline largely based on observational outcomes from animal tests as the basis for safety determinations to a discipline that uses knowledge of biological pathways and molecular modes of action to predict hazards and potential risks. We urge the Committee to incorporate the following language:

The Committee supports EPA's leadership role in the creation of a new paradigm for chemical risk assessment based on the incorporation of advanced molecular biological and computational methods in lieu of animal toxicity tests. The Committee encourages EPA to continue to expand its extramural and intramural support for the use of human biology-based experimental and computational approaches in health research to further define toxicity and disease pathways and develop tools for their integration into evaluation strategies. Extramural and intramural funding should be made available for the evaluation of the relevance and reliability of Tox21 methods and prediction tools to assure readiness and utility for regulatory purposes, including pilot studies of pathway-based risk assessments. The Committee requests EPA provide a report on associated funding in FY 2013 for such activity and a progress report of Tox21 activities in the congressional justification request, featuring a 5-year plan for projected budgets for the development of Tox21 methods, including prediction models, and activities specifically focused on establishing scientific confidence in them for regulatory. The Committee also requests EPA prioritize an additional (1-3%) of its Science and Technology budget from within existing funds for such activity.

Multinational Species Conservation Fund

The Administration's FY13 budget requests $9.980 for the Multinational Species Conservation Fund (MSCF) program which funds African and Asian elephants, rhinos, tigers, great apes like chimps and gorillas, and sea turtles. The HSUS joins a broad coalition of organizations in

support of the Administration's request while ensuring that the sales from the semi-postal stamps benefiting this program remain supplementary to annually appropriated levels. We also request $13 million for the Wildlife Without Borders and International Wildlife Trade programs within the USFWS Office of International Affairs.

While we wholeheartedly support continued funding for the MSCF, we are concerned about past incidents and future opportunities for funds from these *conservation* programs to be allocated to promote trophy hunting, trade in animal parts, and other consumptive uses—including live capture for trade, captive breeding, and entertainment for public display industry—under the guise of conservation for these animals. Grants made to projects under the MSCF must be consistent with the spirit of the law.

Protection for Walruses

We urge this subcommittee to appropriate the necessary funds in FY 13 to permit the listing of the Pacific walrus, which has been placed on the candidate list for threatened or endangered status under the Endangered Species Act. The USFWS recently found that listing the Pacific walrus was warranted, due primarily to threats the species faces from loss of sea ice in its arctic habitat as a result of climate change. Walruses are targeted by native hunters for subsistence; hundreds are killed annually, with this number climbing to as many as 7,000 in some years. In some hunting villages, females and their calves are preferentially killed, against the recommendation of the USFWS and standard management practice. By waiting to list the Pacific walrus, the species' likelihood of survival is in doubt. We encourage this subcommittee to direct the USFWS to prioritize the Pacific walrus listing by immediately moving forward with the listing process.

Bureau of Land Management - Wild Horse and Burro Program

The Humane Society of the United States (The HSUS) is one of theleading advocates for the protection and welfare of wild horses and burros in the U.S with a long history of workingcollaboratively with the Bureau of Land Management (BLM) – the agency mandated to protect America's wild horses and burros - on the development of effective and humane management techniques. Wild free-roaming horses and burros deserve first to be given every chance to live out their lives wild and free, as the American public has clearly mandated and Congress has stated. When intervention is required, we owe them our best efforts to ensure that any human actions that affect their lives – such as gathers, transportation, confinement, and adoption – are done in a way to assure their humane treatment.

Therefore, The HSUS strongly supports a significant reduction in the number of wild horses and burros gathered and removed from our rangelands annually. We believe removing horses from the range without implementing any active program for preventative herd growth is unsustainable, and simply leads to a continual cycle of roundups and removals when more long-term, cost-efficient and humane management strategies, such as fertility control, are readily available.

For years, the BLM has removed far more wild horses and burros from the range than it could possibly expect to adopt annually, and as a consequence, the costs associated with caring for these animals off the range have continued to skyrocket. For instance, between 2001 and 2007, the BLM removed approximately 74,000 (an average of about10,600 animals per year) from the range, but could only place 3,000 horses a year, with the rest forced into holding facilities. The annual costs associated with caring for one wild horse in a long term holding facility is approximately $500, and the average lifespan of a wild horse in captivity is 30 years. Today, there are more than 47,000wild horses and burros in these pens currently. In the most recently completed fiscal year (2011), holding costs accounted for $35.7 million (or 47 percent) out of a total wild horse and burro budget of $75.8 million.

We are encouraged by the BLM'sannouncement in the spring of 2011 (referenced in the agency's FY 2012 budget justifications[1]) regarding the agency's intent to open "a new chapter in the management of wild horses, burros, and our public lands" by fast-tracking "fundamental reforms" to its current policies and procedures. Specifically, the agency announced that it wouldstrengthen its commitment to the use of fertility control by significantly increasing the number of mares treated with fertility control – from 500 in 2009, to a target of 2,000 in each of the next two years. This represents a huge step in the right direction.

The idea of using fertility control to efficiently manage wild horses and burros on the range is nothing new, and one that we have been actively supporting and involved with for several decades. As early as 1982, the National Academy of Sciences (NAS) called on the BLM to use immunocontraception to manage wild horse and burro populations, finding it an effective technology and part of a pro-active management strategy. And in its 1990 report on the BLM's

[1] Bureau of Land Management 2012 Budget Justifications (Page IV 66-67)
http://www.doi.gov/budget/2012/data/greenbook/FY2012_BLM_Greenbook.pdf

wild horse management program, the U.S. Government Accountability Office (GAO) found then that keeping excess animals in long-term holding was costly and recommended that BLM examine alternatives, such as treating animals with reproductive controls and releasing them back on the range.[2]Further, a 2008 paper determined that contraception on-the-range could reduce total wild horse and burro management costs by 14%, saving $6.1 million per year.[3] Finally, the results of an economic model commissioned by The HSUS indicates that by treating wild horses and burros with the fertility control vaccine Porcine Zona Pellucida (PZP), the BLM could save approximately $204 million dollars over 12 years while achieving and maintaining Appropriate Management Levels (AML) on wild horse Herd Management Areas (HMA) in the U.S.

However, even with a significant increase in the number of mares treated and released back onto the range, by the end of fiscal year 2012, the BLM plans to remove an additional 15,000 wild horses from our public lands. Since there are already over 47,000 wild horses and burros living in government holding facilities today — and, on average, the agency is only able to find homes for approximately 3,000 animals a year —by 2013, there could be more than 50,000 animals in captivity. That's almost twice the number of wild horses and burros living on our public lands today, and as a result, the cost of caring for these animals off the range could more than double in a just a few years.

The BLM must balance the number of animals removed from the range annually with the number of animals it can expect to adopt in a given year if it hopes to effectively reduce off-the-range management costs. For these reasons, we strongly support the BLM's request for a 2 million dollar budget increase to fund new research on contraception and population growth suppression methods. Developing additional methods to reduce wild horse population growth will allow the agency to maintain healthy herds while reducing the need for costly removalregimes that will further flood government holding facilities with additional animals..

Again, we commend the Secretary and the BLM for taking critical steps towards a more sustainable wild horse management program and believe the Subcommittee's guidance and support for humane and sustainable management will further the implementation of a program that will be of great benefit not only to our nation's beloved wild horse populations, but also to the American taxpayer.

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[2]GAO, *Rangeland Management: Improvements Needed in Federal Wild Horse Program*, GAO/RCED-90-110 (Washington D.C.: Aug. 20, 1990).

[3] Bartholow, J. 2007. Economic benefit of fertility control in wild horse populations. J. Wildl. Mgmt. 71(8):2811-2819.

March 28, 2012

Gary Ivey, President
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TESTIMONY
FOR THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2013 APPROPRIATIONS

Mr. Chairman and Members of the Subcommittee:

On behalf of Malheur Wildlife Associates, the friends group for Malheur National Wildlife Refuge and its 110 members, we would like to thank the committee for their strong support of the National Wildlife Refuge System and for giving us the opportunity to submit testimony. We are a volunteer nonprofit organization whose purpose is to promote conservation, awareness, and appreciation of the wildlife and habitats of the Malheur National Wildlife Refuge and to provide assistance to Refuge operations. We urge you to show your continued support of the National Wildlife Refuge System by approving the President's FY 2013 budget request of $495 million for the operations and maintenance of the world's premier system of public lands and water set aside to conserve America's fish, wildlife, and plants. This level of funding will barely maintain current management capabilities.

Malheur National Wildlife Refuge
Malheur NWR is one of the largest freshwater wetland refuges in the Refuge System. It is considered one of the jewels of the Refuge System and despite its remote location, receives very high visitor use, which is very beneficial to both the local Harney County and Oregon economy. It is the most popular birding destination in the state of Oregon. A 2004 study reported that Malheur NWR visitors spent $2.2 million dollars. The net economic benefit showed an economic value of $1.62 for every dollar of the refuge budget. Such funding is a worthy investment in our nation's economy.

The refuge encompasses over 187,000 acres and is critical to migrating and nesting waterfowl and waterbirds in the Pacific Flyway. It supports one of the largest nesting sandhill crane populations in North America and is home to many other important bird species such as the Greater Sage Grouse, Trumpeter Swan and American White Pelican and also a wide variety of other native plants and animals.

Current Challenges and Needs
Malheur NWR wetlands have been seriously degraded by an introduced population of invasive common carp. Carp have destroyed much of the critical habitat on the Refuge, and are also affecting wetlands on private lands in all the tributaries to Malheur and Harney Lakes. These adjacent private lands have very high values for waterfowl and waterbirds and along with the Refuge, make up one of the most important wetlands complexes in North America.

The refuge staff is embarking on a monumental effort to reduce carp impacts on wetland habitats and improve conditions for birds to further the Refuge's Mission. This effort has also resulted in a strong local partnership between Malheur NWR, private landowners, the Burns Paiute Tribe and state and federal agencies to focus on restoring wetlands and enhancing conditions for wildlife on a landscape scale in Harney County.

There is also huge maintenance backlog at Malheur NWR and much work is needed to properly manage the refuge. Malheur has one of the largest infrastructures in the National Wildlife Refuge System, with approximately 200 miles of public roads; 2,000 miles of waterways/dikes; 5 dams; 1,000 water control structures; 6 automated fish screens; 27 administrative, 7 quarters, and 25 visitor services facilities; 4 historic building sites; and a large fleet of heavy/light vehicles and equipment. This extensive infrastructure requires a high degree of routine maintenance/repair to efficiently and effectively support the various Refuge programs and maintain tens of thousands of acres of wetlands, 30 miles of rivers/creeks, and 16,000 acres of irrigated meadow. At the current staffing level, a vast majority of routine maintenance and repair needs are addressed reactively. Additional funding is needed to proactively address the maintenance and repair backlog and move this Refuge forward to its full ecological potential and ensure biological integrity. In 2011, the deferred maintenance backlog for the Refuge was approximately $48 million.

Sequestration

Malheur Wildlife Associates is very concerned about the devastating impact across-the-board sequestration cuts of 9-10 percent in FY 2013 will have on our refuges and the entire Refuge System. If sequestration occurs refuge management estimates there will just enough funds to pay salaries and utilities. The impacts will affect wildlife, visitors and the local Harney County economy.

Impacts on Wildlife: Managing the habitat will be staff's first goal; however management will not be as effective. Invasive carp will further degrade Refuge wetlands, reducing the value to waterfowl and other wildlife that depend on them. Important populations of waterfowl and waterbirds will suffer from this neglect. Refuge efforts to control invasive weeds will be curtailed, causing further loss of wildlife habitat and natural diversity, resulting in more costly control needs in the future. Reduced law enforcement efforts will likely lead to increased poaching of big game, livestock trespass, and looting of Refuge archeological sites.

Impact on Visitors: If sequestration goes into effect, refuge led visitor service programs will be severely reduced. Staff time for assisting visitors will be very restricted and access to the refuge will be reduced. Trails and roads that are obstructed by storm events will be closed. There will be no extended hours during the summer or weekends. Regular trail and road maintenance will be deferred. Vaulted toilets will be cleaned every few weeks instead of weekly and portable toilets will be closed.

Friends and other volunteers will not be able to compensate for all of these loses. To assist with managing the habitat, volunteers need oversight and training, but there will be no funds to pay for the training. The Friends organization is willing to expand our interpretive programs; the challenge will be access, safety, and the quality of wildlife viewing.

Opportunities to Embrace
Malheur NWR staff has been presented a great opportunity for forming a "Beyond the Boundaries" partnership, the Harney Basin Wetlands Initiative. This is a collaborative partnership which includes the Refuge, local landowners, state and federal agencies and the Burns Paiute Tribe. The goal of this initiative is to improve aquatic health and restore wetlands on a large scale (over 300,000 acres of lands) in the Basin. Malheur Wildlife Associates is assisting with these efforts.

In 2011 the National Wildlife Refuge System created a vision to guide the management of the System during the next decade and beyond. The new vision seeks to make wildlife conservation more relevant to the public and engage them in the National Wildlife Refuge System. Because of its high visitation, Malheur NWR has the opportunity to help the public understand the values of the National Wildlife Refuge System and the benefits of our wildlife heritage.

In Summary
Wildlife Refuges matter to your constituents. In spite of its remote location, Malheur NWR is by far the most popular destination for birders in Oregon and has many fans who visit annually.

Our members realize that our country is facing difficult economic times and we must all share in the challenges of the recovery. We thank you for the meaningful funding increases allowed the System in fiscal year 2008-2010 that provided stability to our refuges. We respectfully ask you to support the following funding allocations for the National Wildlife Refuge System that will allow the System to maintain existing management capabilities:

- $495 million for the operations and maintenance accounts of the National Wildlife Refuge System including:
  - $39 million for Refuge Law Enforcement
  - $80 million for Visitor's Services
  - $3.8 million for Challenge Cost Share
- $37 million for the Fish and Wildlife Service construction account

The Malheur Wildlife Associates invite all the members of this Subcommittee, your family, and staff to visit Malheur NWR, to see what a treasure the place is, watch the wildlife, enjoy the scenery and relax.

Sincerely,

Gary Ivey

Gary Ivey

March 28, 2012

By: Lisa A. Corathers, NFFE Local 1957
U.S. Geological Survey, Reston, VA

To: U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Re: FY 2013 Interior Appropriations Bill
Department of the Interior: U.S. Geological Survey (USGS)

Action: Restore $2.7 Million to the National Minerals Information Center and Increase its Budget to $22.5 Million

I am writing on behalf of the National Federation of Federal Employees (NFFE) Local 1957, the bargaining unit for the National Minerals Information Center (NMIC), USGS, Reston, VA. The President's proposed Fiscal Year 2013 budget for the USGS includes a $1.2 million cut (8%) to the NMIC's current funding level of $14.8 million, and $3.96 million (8%) cut from $49.2 million for the entire Mineral Resource Program (MRP), of which we are a part. This is on top of the enacted FY 2012 MRP budget cut of $2.94 million, of which -$588,000 is expected to be allocated to the National Minerals Information Center. We have three things to ask of you.

First: Reject the Proposed FY 2013 Budget Cuts to the USGS National Minerals Information Center and, at a minimum, set the FY 2013 at the FY 1996 funding level of $16 million.

The proposed budget cut would render NMIC ineffectual and the USGS noncompliant with its Congressional mandate by severely limiting NMIC's international information function. Without international data, NMIC's ability to meet its core mission—to collect, report, and analyze data on the supply of nonfuel minerals critical to the Nation's economic and defense needs—would be severely and irreparably compromised. This is because of the global nature of the minerals industry. The U.S. import dependence for most strategic and critical nonfuel minerals and metals exceeds 75%, which is greater than the country's dependence on foreign oil. In 2011, NMIC found that U.S. import reliance was more than 50% for 43 minerals critical to national security and the U.S. economy. Of those, the import reliance was 100% for 19 minerals.

With limitations to NMIC's international function, the USGS, therefore, could not fulfill its Congressional mandate to assure there is an adequate and dependable supply of mineral materials for national defense, as established by The Defense Production Act of 1950, as amended (1980 & 1992).

NMIC would lose an estimated 10 FTEs on top of the 11 incurred in FY 2012, which would require a reduction in force. This would result in the loss of existing expertise and the inability to attract new hires for succession planning. Commodity and country report coverage would also be significantly reduced. NMIC is relied upon as an objective source of nonfuel minerals information and expertise by federal, state, and local governments, as well as by private, academic, and nongovernmental organizations. NMIC produces more than 800 reports per year covering nonfuel minerals, including Mineral Commodity Summaries for the Congressional Offices. In 2011, our Web site had about 14.5

million hits and more than 9.7 million publication downloads.

Second: Add $7.7 million to NMIC's FY 2012 Funding Level for a total of $22.5 million. We would not ask for added funding in a time of such record deficits if we did not sincerely believe it was necessary. NMIC is unique to the Federal Government—it is the only comprehensive source of nonfuel mineral analysis to the Nation. In FY 1996, Congress recognized this fact when it transferred the NMIC function to the USGS from the former U.S. Bureau of Mines with specific responsibility for analyses of domestic and foreign mineral supplies. Since then, NMIC has endured a continually shrinking budget both in current and real terms (1996 dollars). NMIC's budget has declined by 36% in real dollars to $10.3 million through FY 2012. The proposed FY 2013 budget would result in a 41% reduction in NMIC funding from that of FY 1996 to $9.5 million in real dollars (Figures 1 & 2).

Compounding the problem, NMIC has had to absorb mandated increases in salaries and cost of living adjustments. Not surprisingly, filled FTE positions have fallen— by 33% (55 positions) from FY 1996 to FY 2012. Quite frankly, NMIC is now at the point that even flat levels of funding will prevent the group from fully accomplishing its mission. **Additional funding would allow NMIC to make much needed improvements, such as increasing the voluntary reporting of mineral production and consumption by U.S. companies; upgrading its data management system; and expanding data collection and analysis further down the supply chain.**

Third: Support Realignment of NMIC within the Federal Government so NMIC can be more Autonomous, Adaptable, and Stable. NMIC's budget has been arbitrarily maintained at roughly 30% of the USGS MRP budget since FY 1996. This is despite increasing requests for further collaboration by NMIC customers and recommendations by the National Research Council in 2008 in the report, "Minerals, Critical Minerals, and the U.S. Economy," as well as the 2011 report by the American Physical Society and Materials Research Society entitled, "Energy Critical Elements: Securing Materials for Emerging Technologies." The 2008 report recommended that *"the federal government should continue to carry out the necessary function of collecting, disseminating, and analyzing mineral data and information. The USGS Minerals Information Team [now National Minerals Information Center]…should have greater authority and autonomy than at present. It also should have sufficient resources to carry out its mandate... "*

NMIC has never been well supported by the USGS. In addition to the proposed FY 2013 budget cuts, NMIC and MRP budgets were proposed to be reduced in FY 2004-2009. **Prior Congresses strongly rejected those attempts.** For example, the 2006 Congressional joint committee managers wrote, *"[we] strongly disagree with the Administration's proposed reductions to the mineral assessment program and believe it irresponsible for the Administration to decrease or eliminate funding for what is inherently a Federal responsibility."* (See Box 1 for our rebuttal to several of the principles used to prioritize the FY 2013 budget.)

NMIC realignment would greatly enhance its position as the leading Government source of nonfuel minerals information and analyses. See Box 2 for additional rationale and options.

Thank you for your consideration of these issues that affect both our Union's and the Nation's interests.

Respectfully yours,

Signed/Lisa A. Corathers, President, NFFE Local 1957 202-409-3267

Figure 1

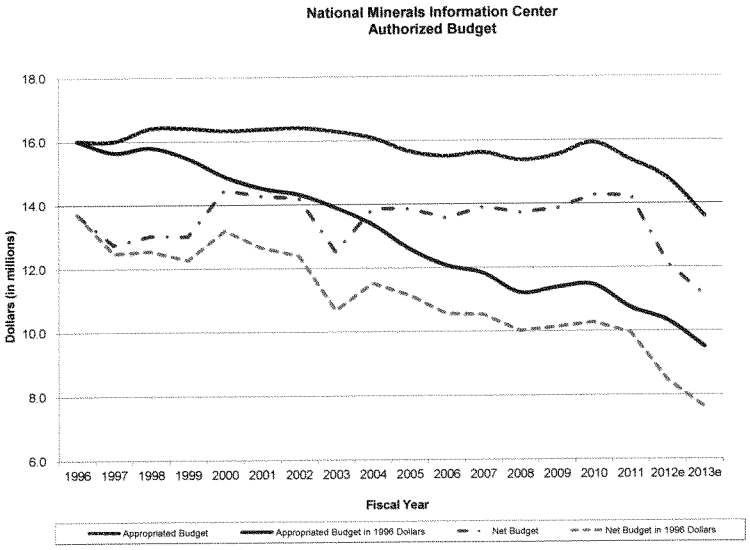
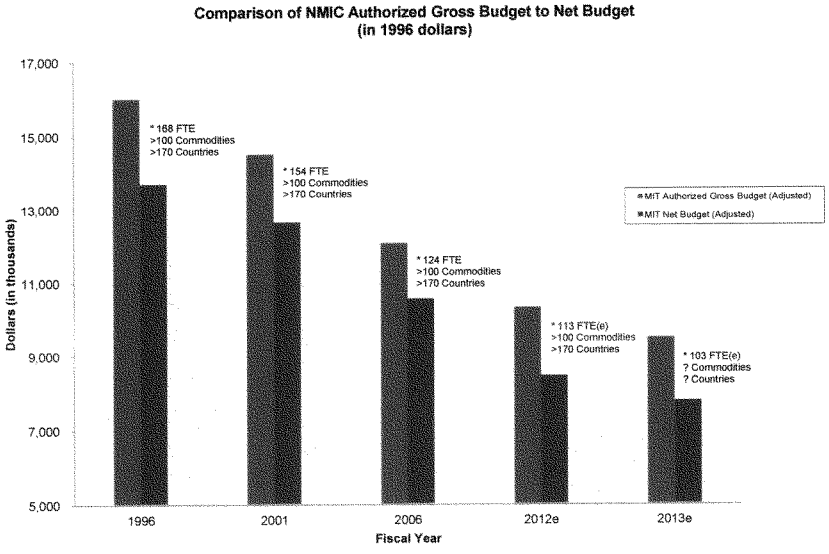


Figure 2



Box 1: Rebuttal to FY 2013 USGS Budget Formulation

The USGS budget justification for FY 2013 states that the 2013 budget "builds on the core historical mission of the USGS". NMIC and the MRP were one of only several USGS programs slated for reduction in FY 2013—this at a time when the USGS would receive greater than a 3% increase in funding to $1.1 billion.

Some of the principles used to prioritize the FY 2013 USGS budget formulation include:

1. Maintaining programs that are unique to the USGS and conducted on behalf of the Nation;
2. Retaining programs that are legislatively mandated;
3. Aligning targeted increases with emerging science priorities that are of national and global significance.

Principle 1 is met. NMIC is the only group within the Federal Government that provides comprehensive nonfuel mineral analyses for the Nation.

Principle 2 is met. The NMIC function is mandated by Defense Production Act of 1950, as amended; various sections under Title 30 of the U.S. Code (U.S.C)—Mineral Lands and Mining; and section 98 of 50 U.S.C.—Strategic and Critical Materials Stock Piling Act of 1946, as amended.

Principle 3 is met. The increasing need for more and more minerals information by NMIC is well documented. This has been recognized by the National Research Council in its 2008 report, "Minerals, Critical Minerals, and the U.S. Economy," and the 2011 report by the American Physical Society and Materials Research Society entitled, "Energy Critical Elements: Securing Materials for Emerging Technologies. Further, Congress introduced 7 bills! in 2011 alone regarding the need for additional studies by the USGS on the availability and use of rare earth elements (REE) and other critical mineral materials.

Box 2: NMIC Realignment Rationale & Options

NMIC is artificially located within a sub-regional reporting structure within the USGS. Such a reporting structure is contrary to NMIC's assessment of mineral materials availability for the United States within national and international contexts. This forces some NMIC resources to be diverted on unrelated activities that could be put to better use for the USGS, such as improving the voluntary reporting of mineral production and consumption by U.S. companies; upgrading the data management system; and expanding data collection further down the supply chain.

NMIC's research is fundamentally different from other programs within the USGS. NMIC's research necessarily requires strong economic and social-science expertise that is quite different from traditional USGS scientific investigations. The mainstay of NMIC information comes from regional, commodity, and minerals industry analysts with multidisciplinary backgrounds (chemists, economists, engineers, geologists, etc.).

NMIC's mission is fundamentally different from most other USGS programs. NMIC's mission requires quick turnaround, high-volume data gathering, analysis, and dissemination, unlike the research and assessment component of the MRP and many other USGS programs, which engage in long-term, project-oriented, fundamental scientific studies.

Options for realignment include:

A. **Reporting directly to the Office of Director, USGS.** NMIC would have greater flexibility to enable USGS management to respond to mineral issues of national and international significance and in seeking cross-disciplinary solutions to these issues. One recent example is that of rare earth minerals, as described in Box 2.
B. **Reporting directly to the Office of Secretary, Department of Interior.** This would be similar to how the Energy Information Administration is organized under the Department of Energy.
C. **Transfer to some other Federal agency.**

Jerry Pardilla
Executive Director, National Tribal Environmental Council
Testimony on FY 2013 Appropriations
House Appropriations Subcommittee on Interior, Environment & Related Agencies

On behalf of the National Tribal Environmental Council (NTEC) and our 187 member tribes, we thank you for the opportunity to provide FY 2012 funding recommendations for the Department of the Interior and other agencies under the purview of this Committee.

Founded in 1991, NTEC works with federally recognized tribes to protect tribal environments. NTEC's mission is to support Indian Tribes and Alaska Natives in protecting, regulating, and managing their environmental resources according to their own priorities and values.

Despite having some of the most pristine habitat in the U.S., tribes have been historically underfunded for wildlife and natural resource management and conservation. There are 565 federally recognized American Indian tribes and over 300 reservations in the U.S. Tribes manage 95 million acres of land, 11 million acres more than the National Park Service (NPS). Tribal lands contain more than 997,000 acres of lakes, 13,000 miles of rivers, and 18 million acres of forested lands. Tribal lands provide vital habitat for more than 525 federally listed plants and animals, many of which are both ecologically and culturally significant to tribes.

I. Bureau of Indian Affairs (BIA)
Interior Department (DOI) Cooperative Landscape Conservation Initiative
Increase the Bureau of Indian Affair's allocation of the DOI's Climate Change Adaptation Initiative to $8.75 million.

DOI began the Cooperative Landscape Conservation Initiative in 2009, an undertaking that Indian tribes support. The Administration's FY 2013 budget request for the initiative is $175 million. The $136 million for the initiative in FY 2011 did not include any funding for tribes. In fact, BIA repurposed $419,000 of its own funds for tribal participation in the DOI Cooperative Landscape Conservation Initiative. Out of the $175 million for the Initiative in FY 2012, BIA was only allocated $200,000. As such, tribes were accorded a mere **.001%** of the funding. Moreover, given the past failures to allocate new funding to BIA for this program, it is doubtful this funding will appear and likely that BIA will once again be compelled to repurpose its own funds. The lack of funding for tribes is highly inequitable, especially considering the disproportionate effect of climate change on tribes and their homelands. Sovereign Indian tribes deserve a broader seat at the table in the Climate Change Adaptation Initiative and a more equitable share of the funding.

Tribal lands comprise 4 percent of the U.S. land base, but represent a higher percentage if compared to the federal lands involved in the initiative. Tribal lands comprise 95 million acres which, divided by the total 587 million acres of federal land, equal16 percent. Tribal lands include 11 million acres more than NPS, yet the Administration proposed nearly 50 times more funding for NPS in FY 2012.

Agency	Acres (in millions)
BLM	258
FWS	150
BIA/Tribes	95
NPS	84
Total	587

Given that tribal natural resources have been historically underfunded and there is no federal program or funding that specifically supports tribal climate adaptation efforts, **we request that the allocation to tribes via the BIA should be increased to $8.75 million, or 5% of DOI's Cooperative Landscape Conservation Initiative, for tribes to address and adapt to the impacts of climate change**. This funding level was justified in a report submitted to the House Interior Appropriations Subcommittee in May 2011.[1] To achieve this equitable increase for tribes, the money provided to the various Interior agencies for the Initiative must be reallocated. **We request that you include language in the bill directing the Secretary to set aside these funds for tribes.**

Trust Natural Resources Program

Provide $170.521 million for Bureau of Indian Affairs Trust Natural Resources Program.

The BIA Trust Natural Resources (TNR) Program represents the largest amount of base, federal funding for tribal natural resource management. In 1999, the BIA reported that tribes had more than $356 million of unmet annual needs for natural resource management.[2] Despite some annual increases since then, the BIA and tribes have lagged significantly behind in funding compared to other Interior agencies. For example, the FY 2013 budget requests increases of $34.5 million for USGS and $28 million for BLM, yet the request for BIA is a **decrease** of $110 million. Moreover, in roughly the last decade the BIA budget has grown only 8% compared to an average of over 23% for other Interior agencies (FWS: 30%; NPS: 28%; USGS: 19%; BLM: 13%). Because BIA spending on natural resources in the last 11 years has been relatively flat compared to inflation and BIA's budget has been historically inadequate to meet the natural resource needs of Indian tribes, their needs have multiplied. The FY 2013 request is $13.51 million less than the FY 2010 enacted level.

Due to the significant unmet annual needs for tribal natural resource management and the historic underfunding of tribal natural resource base programs, we believe it is vital to augment TNR base funding. **We request that $170.521 million be provided to the BIA TNR Program.** We support allocating that amount to various TNR programs per the 2013 Indian Country Budget Request.[3]

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[1] Tribal recommendations for the FY 2012 Department of the Interior Climate Change Adaptation Initiative, transmitted on May 20, 2011, to Mike Simpson, Chairman, House Subcommittee on Interior and Environment, www.ncai.org/fileadmin/appropriations/Tribal_Recommendations_for_2012_DOI_Climate_Change_Adaptation_Initiative.pdf.

[2] U.S. Department of the Interior, Bureau of Indian Affairs, *Report on Tribal Priority Allocations*, July 1999, 52.

[3] Available at: http://www.ncai.org/fileadmin/FY2013/FY2013_Indian_Country_Budget_Request.pdf.

II. U.S. Fish and Wildlife Service (FWS)
Tribal Wildlife Grants Program
Increase U.S. Fish and Wildlife Service Tribal Wildlife Grants funding to $8 million.

Unfortunately, tribes are not eligible for funding under federal wildlife and fishery restoration programs such as the Federal Aid in Wildlife Restoration Act (Pittman-Robertson) or the Federal Aid in Sport Fish Restoration Act (Dingell-Johnson) that fund activities through an excise tax on hunting and fishing equipment. Although tribal members pay taxes that support this funding, they remain excluded from receiving the benefits and only states are allowed to access them.

In 2002, Congress authorized FWS to provide funding to tribes under the Tribal Wildlife Grant (TWG) and Tribal Landowner Incentive Programs (TLIP). Tribal proposals for support often total more than $30 million annually. In FY 2009, FWS only funded 41 TWG proposals out of 101 submitted, awarding $7 million to tribes with a meager average award of $170,000. With 565 federally recognized tribes, competition is severe and tribes rarely receive sufficient funds to fully support important conservation efforts.

In FY 2011, states received nearly $1 billion from the Pittman-Robertson, Dingell-Johnson, and State Wildlife Grants programs. Thus, the $7 million tribes received from the TWG program was **only .007%** of the amount states received. From 2002-2010, states received nearly 86 times more FWS funding than tribes for fish and wildlife conservation, or $6.25 billion for states compared to $72.2 million for tribes.[4] In FY 2011 and 2012, tribes only received $4.3 million from TWG in each year.

Since the inception of the TWG program in 2002, no more than $7 million per year has been made available on a competitive basis to the nation's 565 federally recognized tribes. At this low level of funding, very few tribes receive any TWG funding; those receiving TWG funding typically get very little; and no tribe receives sufficient funding to sustain long-term tribal wildlife and natural resource management efforts. **We request that TWG Program funding be increased to $8 million for FY 2013.**

III. Environmental Protection Agency (EPA)
General Assistance Program
Increase funding to $75 million for the EPA General Assistance Program.

Since 1992, the EPA's Indian Environmental General Assistance Program (GAP) has served a critical need by providing funding to tribes to build capacity for environmental management. Unfortunately, GAP funding has not kept pace with the growth of tribal environmental programs over the years, forcing tribes to perform the increased duties of maturing programs with fewer resources. The average cost for tribes to sustain a basic environmental program was set at $110,000 per tribe in 1999 and has not been adjusted for inflation since that time. FY 2012 funding for GAP was slightly more than $ 67.5 million. However, a $175,000 per tribe distribution (totaling almost $99 million) would be more equitable for tribes. **We request that**

[4] In this example, state funding includes the FWS Wildlife and Sport Fish Restoration Programs and State Wildlife Grants. Tribal funding includes the FWS Tribal Wildlife Grants and Tribal Landowner Incentive Program.

the EPA GAP Program be funded at $75 million level to begin incrementally meeting the need of $99 million.

Multimedia Tribal Implementation Grants Program
Authorize and appropriate $20 million for the Multimedia Tribal Implementation Grants Program.

The FY 2012 EPA budget included a request for this new program to support on-the-ground implementation of environmental protection on tribal lands. This program would provide $20 million (almost $13 million less than the FY 2011 request) for tribes to address their most pressing environmental needs. This program would allow tribes to move beyond the planning measures supported by GAP and begin implementing tribal environmental priorities. **We request that the Multimedia Tribal Implementation Grants Program be funded at the $20 million level.**

Tribal Water Pollution Control, Clean Water Act Section 106
Provide a tribal allocation of 20 percent.

Clean Water Act Section 106 grants are critical to tribal efforts to control water pollution. Such efforts include water quality planning and assessments; developing and implementing water quality standards and total maximum daily loads; providing ground water and wetland protection; and engaging in nonpoint source control activities. Between 1998 and 2010, the number of eligible tribes to receive CWA Section 106 funding increased from 141 to 257. The national CWA 106 allocation to tribes has remained flat and periodically decreased (e.g., 15.49 percent in 1998 to as low as 11.55 percent in 2005). Only 40 of 565 federally recognized tribes have EPA-approved water quality standards (WQS), yet the vast majority of states have them. Section 106 grants would enable tribes to bridge this gap. **We request 20 percent of the national CWA Section 106 allocation be made specifically available to tribes.**

Nonpoint Source Pollutant Control – Clean Water Act 319
Eliminate caps on tribal funding for Nonpoint Source Pollution Control.

Clean Water Act Section 319 provides tribes with grants to develop and implement polluted runoff control programs that address critical water quality concerns identified in the 106 program and other monitoring programs. Tribal needs for this funding exceed availability. **We request that any caps on tribal funding for Nonpoint Source Pollution Control be eliminated to help close the vast inequity in funding.**

Testimony of April Snell, Interim Executive Director
Oregon Water Resources Congress
Submitted to the United States House of Representatives Committee on Appropriations
Subcommittee on Interior and Related Agencies
March 28, 2012

RE: FY 2013 Budget for the U.S. Department of Interior U.S. Fish and Wildlife Service

Request
The Oregon Water Resources Congress (OWRC) requests $25 million to fully fund the U.S. Fish and Wildlife Service (FWS) Fisheries Restoration Irrigation Mitigation Act (FRIMA) program in FY 2013 as authorized in the Omnibus Public Lands Act P.L. 111-11, Section 13002. OWRC continues to be deeply disappointed that the Administration has not requested any funding in the FY 2013 Budget submission for this valuable program. The FRIMA program is an important tool for FWS to help achieve its priorities in fish species conservation and restoration and fills a void that other FWS programs cannot provide.

Need
OWRC was established in 1912 as a trade association to support member needs to protect water rights and encourage conservation and water management statewide. OWRC represents non-potable agriculture water suppliers in Oregon, primarily irrigation districts, as well as other special districts and local governments that deliver irrigation water. OWRC members operate water management systems, including water supply reservoirs, canals, pipelines, and hydropower production.

There are over 100 irrigation districts and other special districts in Oregon that provide water supplies to over one million acres of irrigated cropland in the state. Almost all of these districts are affected by either state or federal Endangered Species Act listings of Salmon and Steelhead, Bull Trout or other sensitive, threatened or endangered species.

FRIMA meets a critical need in fishery protection and restoration and compliments other FWS programs. Fish passage and fish screens installations are a vital component to fishery protection with several benefits:

- Keeps protected fish species out of water canals and delivery systems
- Allows fish to be safely bypassed around reservoirs and facility structures
- Eliminates water quality risks to fish species

Oregon irrigation districts anticipate no less than $500 million in funding will be required to meet current fish passage and fish screen needs. Limited cost-share funds are available from the Oregon Watershed Enhanced Board (OWEB) program in Oregon, but the primary cost-share for fish screen and fish passage projects has been provided by the districts and their water users. Project needs include both construction of new fish screens and fish passage facilities as well as significant upgrades of existing facilities to meet new requirements of the NOAA Fisheries Service and FWS.

Background of Fisheries Restoration Irrigation Mitigation Act (FRIMA) Program
FRIMA, enacted November 2000, created a federal partnership program entailing voluntary cost-share fish screen construction for water withdrawal projects in Idaho, Oregon, Washington and western Montana. FWS is to implement this program through the four states' fishery agencies. The funding goes to local governments for construction of fish screens and fish passage facilities. Irrigation districts and other local governments that divert water for irrigation can access the funding directly; individual irrigators can access funding through their local Soil and Water Conservation District (SWCD), which are local governments affiliated with the Natural Resources Conservation Service (NRCS).

The original legislation in 2000 (PL.106-502) was supported and requested by the Pacific Northwest Partnership, a coalition of local governmental entities in the four Northwest states. As one of the members of that coalition, we appreciate your consideration of this request. When Congress reauthorized the program in 2009 in the Omnibus Public Lands Act minor clarifying changes were made to the legislation while reauthorizing the program for five more years at $25 million a year.

Funding
The legislation calls for $25 million annually, to be divided equally among the four states from 2001 forward. Agency administrative costs cannot exceed 6% of the funding. FWS has never requested funding for FRIMA in its budgets since passage of the legislation. Congress provided the first funding in 2001 through a write-in of $4 million to be shared among the four states. The agency did not get the program up and running until late 2002, at which time the first moneys were distributed.

In 2000, in its report accompanying the initial authorizing legislation for FRIMA, the Congressional Budget Office (CBO) estimated outlays of $70 million between 2001 and 2004. The actual appropriation was only $8.8 million during that time period and all of the money was a write-in. For FY 2005, Congress provided $2 million for the program in the Consolidated Appropriations Act and, $2 million in FY 2006. The FY 2007 funding of $1 million was part of an appropriation to FWS but was not a separate, designated appropriation. Again, all of those appropriations were the result of Congressional write-ins, not FWS budget requests.

As you can see, total amount of money that Congress has written in for the program is woefully inadequate for the accomplishments anticipated for the program. The Administration did not request funding for the program for FY 2013, consistent with its past budget submittals, despite widespread benefits from the money that Congress has provided.

OWRC appreciates the funding Congress has provided for the FRIMA program in the past. That funding has begun to address the need for fish screens and fish passages to protect sensitive, threatened, and endangered fish species in the states in the Northwest but there still continues to be a significant need.

Project Benefits
A report by FWS covering program years FY 2002-2012 provides state-by-state coverage of how the Congressional provided funding has been used in the program. Funding funneled through

FWS to state fishery agencies is distributed using an application and approval process that is based on a ranking system implemented uniformly among the states, including the following factors: fish restoration benefits, cost effectiveness, and feasibility of planned structure. The project must provide improved fish passage or fish protection at water diversion structures and must benefit fish species native to and present in the area, including those listed on state or federal endangered species or conservation lists. The project must use applicable state and federal requirements for project construction and operation.

FRIMA-funded projects will increase the survival of many native fish species in a relatively short period of time. Compared to other recovery strategies, the risks posed by these activities are low and the assurance of success in increasing numbers of fish is high. Dislocation of existing social and economic activities is minor. Screening and passage can make a very substantial contribution utilizing existing implementation mechanisms and methods well accepted by landowners and rural communities.

Cost Share
FRIMA provides for a maximum federal cost-share of 65%. The applicant's cost-share is 35% plus the on-going maintenance and support of the structure for passage or screening purposes. Applicants operate the projects and the state agencies monitor and review the projects. This program is headquartered in the Portland, Oregon, regional office of FWS. For more information, see the FWS Fisheries Resources website for the Pacific Region at: http://www.fws.gov/pacific/Fisheries/FRIMA.

Oregon's Project Benefits
Twenty-six fish screens or fish passage projects in Oregon have been funded using funding from FRIMA for part of the project since the start of the FRIMA program. These projects have led to:

- Installation of screens at seventeen diversions or irrigation pumps
- Removal or modification of twelve fish passage barriers
- Three-hundred sixty-five miles being re-opened to fish passage

In addition, the Oregon Department of Fish and Wildlife (ODFW) has used some of the FRIMA funding to develop an inventory of need for fish screens and passages in the state. Grants have ranged from just under $6,000 to $400,000 in size with a local match averaging 64% of the project costs, well over the amount required under the Act (35%). In other words, each federal dollar invested in the FRIMA program generates a local investment of just over one dollar for the protection of fish species in the Pacific Northwest.

The following are examples of how Oregon has used some of its FRIMA money:

Santiam Water Control District Project: Fish screen project on a large 1050 cubic feet per second (cfs) multipurpose water diversion project on the Santiam River (Willamette Basin) near Stayton, Oregon. Partners are the Santiam Water Control District, ODFW, Marion Soil and Water Conservation District, and the City of Stayton. Approved **FRIMA** funding of **$400,000** leverages a **$1,200,000** project. Species benefited include winter steelhead, spring Chinook, rainbow trout, and cutthroat trout.

South Fork Little Butte Creek: Fish screen and fish passage project on a 65 cfs irrigation water diversion in the Rogue River Basin near Medford, Oregon. Partners are the Medford Irrigation District and ODFW. Approved **FRIMA** funding is **$372,000** and leverages a **$580,000** total project cost. Species benefited include listed summer and winter steelhead, coho salmon, and cutthroat trout.

Running Y (Geary Diversion) Project: Fish screen project on a 60 cfs irrigation water diversion in the upper Klamath Basin near Klamath Falls, Oregon. Partners are the Wocus Drainage District, ODFW, and Jeld-Wen Ranches. Approved **FRIMA** funding of **$44,727** leveraged a total project cost of **$149,000**. Species benefited included listed red-band trout and short-nosed sucker.

Lakeshore Gardens Project: Fish screen project on a 2 cfs irrigation water diversion in the upper Klamath Basin near Klamath Falls, Oregon. Partners are the Lakeshore Gardens Drainage District and ODFW. Approved **FRIMA** funding is **$5,691**, leveraging a total project cost of **$18,970**. Species benefited include red-band trout, short-nosed sucker and Lost River sucker.

Why Fund Now

FRIMA should be a priority program of the U.S. Department of Interior as it prepares to meet the court-ordered January 1, 2014, deadline for a new Federal Columbia River Power System Biological Opinion that provides reasonable and prudent alternatives to mitigate impacts to Columbia-Snake river salmon and steelhead. FRIMA funded projects funded will help the Bureau of Reclamation, Bonneville Power Administration, the U.S. Army Corps of Engineers, and NOAA Fisheries meet these requirements.

Moreover, FRIMA funds projects that are ready to be constructed and will provide immediate improved protections for fish and immediate jobs for the construction of the projects. Dollar-for-dollar, providing screening and fish passage at diversions is one of the most cost-effective uses of restoration dollars, creating fishery protection at low cost, with low risk and significant benefits. While we acknowledge the efforts of the U.S. Department of Interior and its agencies in habitation restoration through the Cooperative Landscape Conservation Program, this is a longer range program for fish and habitat protection. FRIMA projects provide immediate protection for fish and fill a large unmet need in the Pacific Northwest for cost-share assistance with fish screening and fish passage installations and improvements.

We urge the full authorization funding of $25 million for FRIMA in FY 2013 and urge Congress' oversight in encouraging FWS to budget for this successful program in the future.

Thank you for the opportunity to provide this statement for the hearing record.

Sincerely,

April Snell, Interim Executive Director
Phone: 503-363-0121 Address: 1201 Court St. NE, Suite 303; Salem, OR 97301



Patrick Themig
Vice President, Generation
PNM Resources, Inc.

April 12, 2012

The Honorable Michael K. Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20510

Dear Chairman Simpson and Representative Moran:

I am requesting your support for fiscal year 2013 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the Subcommittee:

1. Appropriate $706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery of Listed Species Program Element within the $81,709,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) for fiscal year 2013 to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

2. Appropriate $200,000 in FWS "Recovery" funds for the San Juan River Basin Recovery Implementation Program for fiscal year 2013 to meet expenses incurred by FWS's Region 2 in managing the San Juan Program's diverse recovery activities.

3. Appropriate $485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the $43,189,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.

I request the Subcommittee's assistance in assuring fiscal year 2013 funding to allow the FWS to continue its financial and personnel participation in these two vitally important recovery programs. I appreciate the past support and assistance of your Subcommittee for these ongoing efforts.

Sincerely,

Patrick Themig
Vice President, Generation
PNM Resources, Inc.
(505) 241-4146 – (505) 241-2819 - fax
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STATEMENT
OF
ARLEN QUETAWKI, SR.
GOVERNOR OF ZUNI TRIBE
FOR THE
SUBCOMMITTEE ON INTERIOR, ENVIRONMENTAL, AND RELATED AGENCIES
COMMITTEE ON APPROPRITIONS
U.S. HOUSE OF REPRESENTATIVES
ON THE PRESIDENT'S
FISCAL YEAR 2013
BUDGET REQUEST FOR INDIAN PAOGRAMS IN THE
DEPARTMENT OF THE INTERIOR

March 28, 2012

Background:

Pre *Public Law 93-638, Indian Self Determination and Education Assistance Act*, the Zuni Tribe, Pueblo of Zuni, acting on a commitment for success, contracted with the Bureau of Indian Affairs (BIA) to perform functions previously carried out by the Federal government. Namely these functions/programs are: Housing Improvement, Law Enforcement, Tribal Courts, Higher Education-Scholarship, Road Maintenance and Social Services/Welfare Assistance. Performance of these functions by the Tribe was authorized under the authorities of the 1934 Indian Reorganization Act with the promise of self-determination to operate programs fitting tribal needs. However, since the 1970's the Zuni Tribe has experienced drastic fund reductions in these contracted and other programs still administered/operated by the BIA.

The Zuni Tribe understands the United States' fiscal difficulties and challenges at this time and acknowledges the administration is focused in reducing the deficit, however, the Zuni Tribe is requesting the administration keeps its promise to the Indian country by protecting and increasing funding provided under the BIA Tribal Priority Allocations (TPA) process in FY 2013. Protecting and increasing TPA for the Zuni Tribe will assist in effectively administering programs which would otherwise be performed by the federal government. With the protection and increase of the TPA the tribe can continue to carry out programs effectively that affects their respective community. The tribe will continue to be a partner with mutual commitment to strengthen the tribal and national economy. This increase will also have a major impact on the health and social well-being of the community. This effort has a ripple effect on generation of jobs, and improvement of economies.

The Zuni Tribes request under the Department of Interior (DOI), BIA FY 2013 President's Budget request a total of $9,474,000 to administer core programs under the TPA categories operated by the BIA and under the authorities of P. L. 93-635. The following are specific identified programs and their respective amounts

Tribal Government-Road Maintenance (TPA) BIA Operated: This program requires a minimum level of $992,000 to carry out the program responsibilities. This funding level will get closer to

the 2009-2010 target units under a Level of Services rating of 2 or better for the Zuni Indian Reservation. The Road Maintenance program supports 411.2 miles of Indian Reservation Roads in a remote reservation, approximately 150 miles from a metropolitan area of Albuquerque, New Mexico.

A 2009 assessment of paved routes in the Zuni community shows that a minimum four miles of pavement overlay, and 20 miles of pavement surface treatment are major traveled routes with daily high average travel counts. Providing funds for improvement of the Zuni Reservation roads will reduce the potential liability of tort claims from the public travelers in Zuni. Improvements to the above identified miles of roads does not include maintenance of unpaved roads, which include school bus routes, ingress and egress to homes by medical service vehicles such as ambulances, transportation services for patients who are on dialysis and in need of medical care, etc.

If funds are not provided at a bare minimal level the Zuni Tribal Road Maintenance program will continue to incur annual increases of at least four percent of deferred maintenance backlog on reservation roads and bridges. Since Fiscal Year 2007, this program has been grossly underfunded and range in funding for the past several years in the amount of $246,642 to a high of $274,116 in Fiscal Year 2007.

Human Services – Social Services and Indian Child Welfare Act- TPA P. L. 93-638 Tribal Contract: A minimum level funding for the Tribal Social Services program in the amount of $260,000 is needed to maintain programs at a current level. A minimum level of $95,000 is needed for the Indian Child Welfare Act program. These two programs are critical in assisting the social-economic programs of the community. Program personnel work with various agencies in and outside the community which includes child care services, foster home placements and domestic violence cases, tribal and outside judicial courts, the Zuni Tribal Police Department, etc. Once again this program has not been adequately funded for a number of years.

Human Services – Welfare Assistance –TPA P. L. 93-638 Tribal Contract: A minimum level of $75,000 is required to operate this program at a "bare minimum" level. With the isolation of the Zuni Reservation and lack of employment and other full service programs, these funds are needed to deal with socio-economic issues/problems of the community.

Public Safety and Justice -Community Fire Protection – TPA P. L. 93-638 Tribal Contract: A minimum of $150,000 is required to operate this program. Minimum funds requested will allow the program to maintain 3 tribal employees on staff and provide operation expenses that service the community. These include the operations of a hospital, high school, junior high school, two elementary schools, a community college, BIA agency, tribal infrastructures, two parochial schools and other community facilities.

Public Safety and Justice Tribal Courts – TPA P. L. 93-638 Tribal Contract: A minimum of $580,000 is needed to operate the Zuni Tribal Court. This level of funding will allow the tribal court to access training needs and fill positions that will assist in handling the increasing number of criminal, civil, juvenile and child welfare cases which are referred to the Tribal court for resolution. The number of cases the Tribal court handles range from a low of 4,144 adult cases

to a high of 7,000 cases. The children's court also ranges in a low of 455 cases to a high of 566 cases.

Natural Resources – BIA Operated: Minimum level of funds required is $392,000 to fulfill the BIA trust responsibilities as it relates to natural resources. Funding for this critical program continues to increase as the need increases. Critical functions need to be continually addressed. These functions include: Range and agriculture management, Safety of Dam, National Environmental Protection Act compliance requirements, P. L. 93-638 contract administration and administration of the Zuni Tribal grazing permits and leases by encoding, updating and maintaining range permits and grazing lease data into TAAMS system.

Natural Resources – Fish and Wildlife Management – TPA P. L. 93-638 Tribal Contract: A minimum of $111,000 is required to operate the Zuni Fish and Wildlife program. This program manages activities associated with cultural and academic biological wildlife management. It also works with the other federal and state agencies including the states of New Mexico, Arizona and other customer base clientele from the private sector.

Natural Resources – Forestry and Fire Management – BIA Operated: This program requires a minimum funding level of $189,000 to maintain program operations and maintain a one FTE

Trust Services – Real Estate Services – TPA P. L. 93-638 Tribal Contract: This program requires a minimum level of funding in the amount of $198,000 to carry out program responsibilities associated with trial trust and individual allotments, tribal fee lands and tribal land assignments for the purpose of: Leasing and Permitting, acquiring and disposal of lands, promotion of development of mineral resources and renewable energy resources, and maintenance of existing contractual agreement and assurance in recording of all encumbrances in the Tribal Trust Assets Accounting Management System and Land Titles and Records Office. The Program is responsible for land base protection of 537,055.55 acres of land. (Included in the level of fund request is Probate and Rights Protection along with the Real Estate Services.)

The program also promotes and encourages consolidation of fractionate interests of trust allotments by providing estate planning and holding outreach efforts to provide information on the American Indian Probate Reform Act.

Executive Direction and Administration – BIA Operated: A minimum of $192,000 is required for the Executive Direction and $160,000 is needed for the Administrative Services operations at the Zuni Agency. These two program operations provide critical functions which assist the Zuni Tribe in maintaining and managing oversight of BIA operated and Tribal contract programs. These crucial program operations have been grossly underfunded for a number of years to adequately fulfill trust responsibilities to the Zuni Tribe.

Law Enforcement – Zuni Police Department - P. L. 93-638 Tribal Contract: A minimum funding level of $2.9 million is required to maintain law and order on the Zuni Reservation, which include the immediate community and the surrounding reservation lands. Over several years the tribal law enforcement program has not received adequate funding for the size of reservation lands and the increasingly growing population they serve and protect. The tribe is

experiencing an increase in violent crime, gang activities, methamphetamine and other drug use, not to mention violence in the schools.

Other unfunded mandates such as the Adam Walsh Act, the enactment of the Federal Tribal Law and Order Act, Sex Offender registry and other like requirement/compliances require that funding be provided to meet these mandates.

The Zuni Tribal wage scale grossly lags behind other agencies' wage scales to maintain law enforcement officers in Zuni. Additional funds are also required to maintain a stable trained staff with proper equitable compensation. It is critical the Department and BIA consider full funding for this critical program.

Detention Center P. L 93-638 Contract Program: A minimum of $1.5 million is required to operate the Zuni Tribal detention center. Equitable funding can provide additional personnel required to maintain the detention center operations. The Zuni Detention center is a 24-hour 7-days a week operation. Like other organizational programs, the Zuni Tribe needs to bring the wage scale to a comparable level with other agencies to maintain/retain qualified trained personnel. This program and its crucial operations is associated with stress-related duties, and requires commitment and dedication of a workforce.

Detention Facilities Operations and Maintenance: - P. L. 93-638 Contract Programs: These two programs have traditionally been funded on a formula based on square footage. This formula does not adequately provide funds to operate and maintain the infrastructure. Serious considerations need to be made to adequately fund operation and maintenance programs of these facilities. A minimum of $150,000 is needed for the operations portion of the facility and a minimum of $30,000 is needed for the maintenance of the facility.

Education and Adult Vocational Training Program: $1.0 million is requested for the Education Tribal Scholarship program and $500,000 is requested for the Adult Vocational Training Program. These two programs have been part of the "477" program which is not part of the TPA program considerations. However, these two programs are critical and are a bridge to ensuring viable future for the Zuni Community. These two programs will provide scholarship funds to assist students pursue college degrees and vocational type training to acquire marketable skills should they seek and obtain employment opportunities off the Zuni Reservation.

The Zuni Tribe also requests that funds be maintained/increased for the Indian Guaranteed Loan program to assist the Zuni Tribe in pursing economic development ventures.

As stated the Zuni Tribe is aware of the national economic conditions, however, in order for the Zuni Tribe to foster self-determination, including, self-governance, we request you seriously consider the Zuni Tribe's funding request.

The Zuni Tribe extends our appreciation for the opportunity to present our funding needs.

Testimony of Santa Monica Mountains Conservancy
In Support of the Land and Water Conservation Fund
Santa Monica Mountains National Recreation Area, California
National Park Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Michael Simpson, Chairman
The Honorable James Moran, Ranking Member

March 28, 2012

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the FY 2013 Interior Appropriations Bill. The President's Budget for this year recommended $450 million for LWCF.

The Land and Water Conservation Fund is our nation's premier federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at state parks, trails, and recreational facilities. These sites across the country provide the public with substantial public benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation. LWCF investments also support jobs, tourism and economic vitality across our communities.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF will permanently pay dividends to the American people and to our great natural, historical and recreation heritage. As LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use as a conservation offset to the energy development of our offshore oil and gas resources.

As part of the LWCF request in FY 2013, the National Park Service included $2.441 million for the acquisition of land at Santa Monica Mountains National Recreation Area. I am pleased that this funding was included in the request and urge Congress to provide necessary funds for LWCF for this important project.

Southern California is one of only five locations in the world that feature the Mediterranean biome (a geographically limited ecosystem). Characterized by mild, rainy winters and warm, dry summers, these ecoregions are moderated by the windward presence of cold ocean currents offshore. The landscapes in these areas are noted for the evergreen shrublands, called chaparral in California, which host very diverse, but spatially limited, ecosystems of flora and fauna. These Mediterranean biomes also present attractive climates for human habitation, leaving the ecosystems highly threatened by development. Protecting undeveloped lands in these fragile ecological areas has become especially urgent in the burgeoning Los Angeles metropolitan area.

The Santa Monica Mountains National Recreation Area was established in 1978 to protect land in the mountains northwest of the Los Angeles basin. In creating this park, Congress noted the region's important scenic, recreational, and historic resources, as well as the public health benefits from protecting lands in the Santa Monica Mountains. In addition to National Park Service lands, a number of state-owned lands, including Point Mugu, Leo Carrillo, Malibu Creek, and Topanga state parks and several state beaches, are located within the boundaries of the national recreation area.

Available for acquisition in FY 2013 is the 6.16-acre Ramirez Canyon property, which lies in the Zuma/Trancas Canyons area of the park. The Zuma and Trancas Canyons have been inhabited for over 10,000 years. Ancestors of the Chumash Indians gathered food and found shelter in the canyons, which were later included in a Spanish land grant of 13,330 acres and became *Rancho Topanga Malibu Sequit*. Eventually the Pacific Coast Highway crossed the land, making its beauty accessible to travelers. Most of this land is now under National Park Service ownership, protecting its multitude of natural and historic resources, but a number of inholdings remain unprotected.

This tract is part of a larger property that benefits from the year-round flow of Ramirez Creek, providing important riparian habitat shaded by sycamore trees. The tract itself predominantly contains oak woodlands habitat, which was identified in the California State Wildlife Action Plan as an underprotected ecological community type. Oak woodlands within the park support an array of wildlife, including native wildflowers, acorn woodpeckers, spotted towhees, valley quail, pocket gophers, gray foxes, mule deer, and perhaps even an occasional mountain lion. This land has been designated environmentally sensitive habitat under the California Coastal Act.

The property has important linkages with already protected lands, including an invaluable trailhead providing access from Kanan Dume Road to the National Park Service lands at Zuma/Trancas Canyons. The land has been subdivided into developable parcels, and a ready access road adds to the development potential of the property. This is a critical time for Santa Monica Mountains NRA to acquire the Ramirez Canyon property, as delay will only increase the likelihood of residential housing adding to habitat fragmentation and environmental degradation.

The National Park Service at Santa Monica has identified a number of additional properties for future acquisition, and it is important for the Park Service to continue the acquisition and protection of these ecologically, recreationally, and archaeologically important scenic lands. The FY 2013 President's Budget recommendation of $2.441 million through the Land and Water Conservation Fund will permit the acquisition of Ramirez Canyon and other important lands in the Zuma/Trancas Canyons.

In closing, I urge you to provide funding for the Land and Water Conservation Fund of $450 million, as proposed in the President's FY 2013 budget, including critical funding for the Santa Monica Mountains NRA. I want to thank the Chairman and the members of the subcommittee for this opportunity to submit testimony on behalf of this

nationally important protection effort in California, and I appreciate your consideration of this funding request.

Joseph T. Edmiston, FAICP, Hon. ASLA
Executive Director
State of California--Natural Resources Agency
Santa Monica Mountains Conservancy
edmiston@smmc.ca.gov

Squaxin Island Tribe
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Written Testimony of Chairman Dave Lopeman, Squaxin Island Tribe
Submitted to the House Interior, Environment and Related Agencies
Appropriations Subcommittee
On the Fiscal Year FY 2013 Budgets for the
Bureau of Indian Affairs and the Indian Health Service
March 28, 2012

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 2013 Budgets for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS). The FY2013 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. $1.2 Million Increase for Northwest Indian Treatment Center (NWITC) Residential Program in IHS
2. $650,000 for Law Enforcement and Public Safety; Four Full-time Police Officers in BIA

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/Recommendations:
Bureau of Indian Affairs
1. **+ $8.8 million to Fully Fund Contract Support Costs**
2. **+ $30 million Law Enforcement**
3. **Fully Fund All Provisions of Tribal Law and Order At of 2010**
4. **+ $13.7 million to fully Fund Fixed Costs/Pay Costs**
5. **+ $89 million Tribal Priority Allocations (10% increase over FY2012 enacted)**
6. **Increase funding to the Office of Self-Governance to fully staff the office for the increase of Tribes entering Self-Governance and do not consolidate this office within Indian Affairs**

Indian Health Service
1. **+ $100 million to Fully Fund Contract Support Costs**
2. **+ $200 million for Contract Health Services**
3. **+ $40 million for Alcohol and Substance Abuse Programs**
4. **+ $304 million for Mandatory Costs to Fully Fund Current Services**
5. **Fully Fund the Implementation of the Indian Health Care Improvement Act**
6. **+ $5 million for the HIS Office of Tribal Self-Governance**

Squaxin Island Tribe Background

We are native people of South Puget Sound and descendants of the maritime people who lived and prospered along these shores for untold centuries. We are known as the *People of the Water* because of our strong cultural connection to the natural beauty and bounty of Puget Sound going back hundreds of years. The Squaxin Island Indian Reservation is located in southeastern Mason County, Washington and is a signatory to the 1854 Medicine Creek Treaty. We were one of the first 30 Federally-recognized Tribes to enter into a Compact of Self-Governance with the United States. We establish our own priorities and budgets for funds previously administered by the Bureau of Indian Affairs and the Indian Health Service.

Our treaty-designated reservation is approximately 2.2 square miles of uninhabited forested land. Because the Island lacks fresh water, the Tribe has built its community on roughly 26 acres at Kamilche, Washington purchased and placed into trust. The Tribe also owns 6 acres across Pickering Passage from Squaxin Island and a plot of 36 acres on Harstine Island, across Peale Passage. The total land area including off-reservation trust lands is 1,715.46 acres. In addition, the Tribe manages roughly 500 acres of Puget Sound tidelands.

The Tribal government and our economic enterprises constitute the largest employer in the county with over 1,250 employees. The Tribe has a current enrollment of 1,017 and an on-reservation population of 426 living in 141 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. $1.2 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 $1.2 Million would restore lost purchasing power and meet the need to add mental health and psychiatric components to the treatment program. This increase would allow NWITC to continue its effective treatment of Native Americans. The Squaxin Island Tribe operates the NWITC, which is located in Elma, Washington. 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 nearly 20 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.

In 2011, the NWITC served 212 patients from 28 Tribes and added intensive case management and crisis support to alumni in order to continue to promote positive outcomes for clients. This is a 10% increase over 2010 service levels. 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.

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 increase the annual base allocation for the NWITC by $1,200,000 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.***

2. $650,000 for Law Enforcement and Public Safety; Four Full-time Police Officers

The Squaxin Island Tribal Public Safety and Justice Department is dedicated to protecting lives, maintaining peace and ensuring that the property and resources of the Squaxin Island Tribe are protected. The Department includes a 12-member police force, Tribal court and emergency management center.

For a number of years, the Tribe has requested an increase in baseline BIA funding to ensure that the public safety and justice needs of our community are fully met. In the intervening years, the Tribal community and the surrounding area has grown considerably, more than challenging our Public Safety and Justice Department's ability to ensure public safety and fulfill our responsibility as managers of our natural resources. The need for additional funding is greater now than ever before.

We have enhanced the shellfish habitat and production programs which increased the demand on water enforcement to address issues of illegal harvesting. Growth in the region's commercial and recreational fin and shell fisheries present increasing threats and challenges to enforcement of our treaty rights and protection of our natural resources. It is vitally important to ensure that natural resources are protected.



Currently, the Tribe only has funding sufficient for two Public Safety and Justice officers to be assigned to natural resources protection, although patrols are needed to monitor clam digs, geoduck diving and fishing areas during the respective seasons, as well as patrol closed areas to prevent poaching or other encroachment. Frequently, hunting and fishing seasons overlap, dividing available human resources between land and water patrols, though the need for law enforcement presence in both habitats are critical to public safety and protection of our treaty rights and trust responsibility. Squaxin hunters depend on harvesting deer and elk from our hunting areas in the foothills of the Cascade Mountains, more than 115 miles southeast of the Reservation. Our usual and accustomed hunting lands are located near Randle and Packwood, WA, a 2+ hour drive from the Reservation for both treaty hunters and law enforcement patrols.

The Tribe has been successful in obtaining Department of Justice (DOJ) Community Oriented Policing Services (COPS) grant funding for new or enhanced programs. However, increased baseline funding is needed to meet the ongoing public safety, enforcement and justice needs of the Tribe. DOJ grant funds can only be used to enhance public safety, including domestic violence and crime prevention, not for basic operations.

The Squaxin Island Tribe is seeking long and short term assistance. In the short term, the Tribe needs immediate funding for four full time police officers to achieve full 24/7 water patrol coverage. In the long term, BIA funding for law enforcement and public safety programs needs to be significantly increased to meet the need for expanded protection of our natural resources, particularly water patrol. The budget for four officers, equipment, supplies and training is:

Salaries	$230,170
Fringe	100,910
Space costs	3,600
Telephone & cellular	4,000
Non-capital equipment	6,000
Travel and training	4,000
Supplies	12,000
Vehicle Maintenance	40,000
Insurance	10,000
Subtotal:	410,688
Indirect Costs @ 44.14	179,312
Equipment > $5,000/month	60,000
Total	$650,000

The Squaxin Island Tribe's Public Safety department would benefit greatly by increased short term funding as well as long term base funding needed to operate a full-fledged water patrol program to provide the 24-hour, 7 days week coverage needed to ensure that the community, property and resources are being protected effectively.

The Squaxin Island Tribe envisions a culturally and economically strong community of self-governing, resilient people, united by shared values and traditions...by protecting life and maintaining the peace, protecting tribal property and resources, serving in a reasonable and prudent manner, and carrying out these responsibilities diligently, courteously, and with pride.

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

Thank you.

Sustainable Northwest

Written testimony submitted to:
Subcommittee on Interior, Environment, and Related Agencies
House Appropriations Committee, United States House of Representatives
in support of selected USDA Forest Service and DOI Fish and Wildlife Service programs in FY 2013.

By **Martin Goebel**, President, Sustainable Northwest

To Mr. Chairman and Members of the Subcommittee:

Thank you for this opportunity to provide testimony before the Subcommittee on Interior, Environment, and Related Agencies on the Subcommittee's FY2013 funding priorities. On behalf of Sustainable Northwest, I would like to take this opportunity to highlight programs, funds and tools that are important to the people and communities of the rural West and that we believe should receive full Congressional funding in FY2013.

My name is Martin Goebel and I am the President of Sustainable Northwest. We are a non-profit organization that promotes collaborative, community-based solutions to natural resource management issues. We work in rural communities throughout the West, bringing together multiple, often opposing, stakeholders to create and promote solutions through a collaborative process.

Today, I am going to address two agency budgets – the USDA Forest Service (Forest Service) budget and the DOI Fish and Wildlife Service (FWS) budget.

Sustainable Northwest's Recommendations for FY 2013

1. Fully fund the Collaborative Forest Landscape Restoration Program at $40 million.
2. Enact and fully fund the national Forest Service Integrated Resource Restoration line item at $793 million.
3. Create permanent authority for the use of stewardship end-result contracting to restore our national forests and provide local jobs.
4. Invest in programs that support the capacity of community-based partners who work directly with the land management agencies, including Forest Service, FWS, and Bureau of Land Management.
5. Fully fund the Community Wood to Energy Program at $4.25 million and the Woody Biomass Utilization Grant Program at $5 million.
6. Fully fund the FWS Partners for Fish and Wildlife Program at $55 million.
7. Allocate $1.6 million from the FWS Fisheries and Aquatic Resource Conservation activity area to conservation and planning within the Klamath Basin.

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USDA Forest Service FY 2013 Budget

Collaborative Forest Landscape Restoration Program

The bipartisan Collaborative Forest Landscape Restoration Program (CFLRP) was established in 2009 to encourage the collaborative, science-based restoration of priority landscapes. The purposes of this program are to: (1) create job stability, (2) achieve a reliable wood supply, (3) restore forest health, and (4) reduce costs of wildfire suppression in overgrown forests. CFLRP received $10 million in FY 2010, $25 million in FY 2011, and $40 million in FY 2012. The President's FY 2013 budget proposal recommends maintaining funding at $40 million, and Sustainable Northwest respectfully encourages the Subcommittee allocate full funding.

CFLRP has already proven itself to be a highly successful and accessible program. Interest in this program is very high, with increasing numbers of applicant sites each year. Further, CFLRP produces tangible, documented results. In the first year alone, CFLRP projects generated and maintained 1,550 jobs; produced 107 million board feet of timber; generated $59 million of labor income; removed fuel for destructive mega-fires on 90,000 acres near communities; reduced mega-fire on an additional 64,000 acres; improved 60,000 acres of wildlife habitat; restored 28 miles of fish habitat; and enhanced clean water supplies by remediating 163 miles of eroding roads. Since then, the program has expanded to include 10 new projects, for a total of 20 projects across 13 states, across 7 Forest Service regions[1]. These projects represent an incredible opportunity for advancing public-private approaches to landscape and watershed restoration.

Integrated Resource Restoration Budget Line Item

Sustainable Northwest strongly supports the national Integrated Resource Restoration (IRR) budget line item (BLI) included within Administration's FY 2013 budget recommendations. IRR takes a broad, multifaceted funding approach to restoration of our national forests. The goal of the IRR line item is to increase funding efficiency by combining funding for forest management activities previously funded under Wildlife & Fisheries Habitat Management; Forest Products; Vegetation & Watershed Management; Legacy Roads and Trails, and Roads; Hazardous Fuels Non-Wildland Urban Interface; and Rehabilitation and Restoration budget line items.

This BLI was included in the Forest Service's budget as a pilot program in FY 2012. It was limited to Forest Service Regions 1, 3 and 4. The President's budget recommends expanding the IRR to a national program covering all Forest Service Regions in FY 2013 and fully funding it at $793 million. We support this expansion because we believe IRR is an important tool in building a forest restoration economy that will create new jobs in rural communities. It will better integrate funding and authorities related to forest restoration and water quality, while reducing administrative costs. This is a forward-thinking approach to budgeting within the Forest Service, and we urge you to support this approach by fully funding IRR at $793 million in FY 2013.

Permanent Stewardship End-result Contracting Authority

Stewardship end-result contracting is one of the best tools available for funding stewardship and restoration on our national forestlands. It increases the ability of districts and field offices to carry out high quality restoration projects by lowering project administration costs. It helps

[1] People Restoring American's Forests: A Report on the Collaborative Forest Landscape Restoration Program, November 2011. Available at http://www.fs.fed.us/restoration/CFLR/index.shtml.

achieve land management goals and improve the collaborative atmosphere on our national forests. With its best value contracting authority, stewardship contracting helps improve the quality of work on the ground and increases economic opportunities and jobs in communities located near public lands.

Between FY 1999 and FY 2010, the Forest Service awarded 874 contract and agreements for restoration treatments on over 558,020 acres nationwide. Current legislation authorizes the Forest Service and Bureau of Land Management to enter into stewardship end result contracts until September 30, 2013. The President's FY 2013 budget assumes that the Agencies are able to secure permanent stewardship contracting authority. We believe stewardship end-result contracting is a necessary and important tool to the help our forests and our rural communities achieve ecological and economic outcomes. We strongly support permanent authorization.

Strengthening Community Capacity for Collaboration and Land Stewardship
Community capacity is the collective ability and resources rural communities have to solve diverse challenges and meet the multiple needs of their communities by drawing on human, social, cultural and physical capital. By investing in building the collaborative and stewardship capacity of rural communities, the federal government can support collaborative and common ground solutions to improve the delivery and effectiveness of federal budgets; promote small business development and job creation; foster "bottom up" natural resource decisions that include the input of local citizens and governments; and save and leverage money by working through local organizations. Programs and initiatives of the Forest Service like CFLRP, stewardship contracting, the new planning rule and the watershed condition framework all rely on effective partnerships between the federal government and community based locally-led organizations. These investments are critical.

One example of the impact of capacity funds can be seen through the work of the Blue Mountain Forest Partners (BMFP), a collaborative organization on the Malheur National Forest. With public and private grant funds, BMFP is increasing its institutional capacity to become a self-governed entity and to serve as a catalyst for forest restoration and job creation in Grant County, Oregon. The BMFP has increased project size, decreased the amount of time required to reach agreement, avoided litigation and appeals over the last 5 years, and have been selected to participate in the CFLRP program through a project on the Malheur National Forest. For small and emerging organizations such as BMFP, capacity programs offer the opportunity to increase skills and sophistication necessary to create and maintain capacity for collaborative decision-making and responsible land stewardship.

Community Wood to Energy Program and Woody Biomass Utilization Grant Program
The use of woody biomass to generate thermal energy provides a tremendous opportunity to reduce our dependency on petroleum, reduce carbon emissions by displacing combustion of fossil fuels, support ecologically based forest restoration, and promote a distributed energy economy which includes rural communities as part of the solution. Forest Service programs such as the Community Wood to Energy Program (CWEP) and Woody Biomass Utilization Grant Program (WBUG) provide support for development of woody biomass facilities and markets. If funded at the President's FY 2013 request of $4.24 million, CWEP will provide grant funds to State, Tribal, and local governments to develop community wood energy plans; acquire

community wood energy systems; and secure technical assistance for public facilities that use woody biomass as the primary fuel. WBUG encourages woody biomass removal through restoration activities and use of woody biomass in facilities with commercially proven technologies. Sustainable Northwest supports the President's request for full funding for CWEP at $4.25 million and WBUG at $5 million.

DOI Fish and Wildlife Service FY2013 Budget

Partners for Fish and Wildlife Program

The Partners for Fish and Wildlife Program (PFW) is one of the FWS's critical conservation tools for voluntary, citizen and community-based fish and wildlife habitat restoration activities on privately owned land. PFW serves as a bridge to landowners to develop individual partnerships and habitat restoration projects for the benefit of fish and wildlife species. In many instances, restoration projects can help decrease risks and burdens associated with regulatory activity, as well as increase the underlying value of these properties. The approach is simple: engage willing partners and landowners, using direct financial and technical assistance, to conserve and protect fish and wildlife values on their property. Working with over 44,000 private landowners from 1987 – 2010, PFW has successfully restored and enhanced 1,026,000 acres of wetlands; 3,235,000 acres of uplands; 9,200 miles of stream habitat; and worked with more than 3,000 partnering organizations. Sustainable Northwest supports the Administration's recommendation of $55 million for PFW in FY 2013.

Funding for Conservation in the Klamath Basin

The Administration's FY 2013 budget recommendation for the Fisheries and Aquatic Resource Conservation activity area within the FWS includes $1.6 million for conservation, planning and restoration

within the Klamath Basin. This funding is essential, as demand on FWS in the Klamath are expected to increase dramatically in 2013 and 2014, a direct result of ongoing demand on limited water supplies and potential efforts to implement the plans outlined in the Klamath Basin Restoration Agreement. Klamath Basin funding is needed to restore high-priority stream habitats and recover listed and native fish species in the Klamath system and work cooperatively with stakeholders on natural resource management issues. Restoration of the Klamath Basin fisheries and habitat is a high priority for Sustainable Northwest, and we ask that you ensure support for this important work.

Thank you very much for this opportunity to testify. If you have any questions, please contact me or Maia J. Enzer, Policy Program Director.

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Statement of
Ukpeaġvik Iñupiat Corporation
on
FY 2013 Funding Needs of the Barrow Replacement Hospital

Before the
Subcommittee on Interior, Environment and Related Agencies
House Committee On Appropriations
March 28, 2012

Chairman Simpson and Ranking Member Moran, I am Anthony E. Edwardsen, President of Ukpeaġvik Iñupiat Corporation ("UIC"). UIC appreciates the opportunity to present in this statement regarding the Indian Health Service ("IHS") budget requests for Fiscal Year ("FY") 2013.

UIC is the Alaska Native Village Corporation of Barrow, Alaska. In partnership with the Arctic Slope Native Association ("ASNA"), UIC operates the existing Barrow hospital, a 49 year old facility that is outdated and under-sized for the demands of the growing population in and around Barrow, the surrounding villages, and expanding development in the region. Under contract with ASNA, UIC Construction (a subsidiary of UIC) has been diligently working to complete the construction of the new Barrow replacement hospital, three times the size of the existing hospital. That project is on time and on budget. However, UIC is very concerned that the FY 2013 budget requests are woefully inadequate to cover the costs to transition to, staff, operate and maintain the new Indian healthcare facilities, especially the new Barrow Replacement Hospital that will be completed in FY 2013. This Subcommittee's leadership made the difference in ensuring appropriation of sufficient funds for construction completion in FY 2012, and we urge you to persevere again this year to provide the funds to meet the additional needs discussed below.

Request:

UIC requests that your Subcommittee recommend increases over the FY 2013 budget requests for IHS facilities staffing, maintenance and improvements, and contract support costs that will be sufficient to provide for the transition, complete staffing package, maintenance and improvement, and contract support costs associated with the new Barrow Replacement Hospital to carry out the necessary basic functions of this new healthcare facility during the second half of FY 2013.

P.O. Box 890 | Barrow, AK 99723 | Phone (907) 852-4460

Background:

The Barrow replacement hospital is the first hospital to be built in the United States under the Title V New Construction Project Program of the Indian Self-Determination and Education Assistance Act, which established a permanent self-governance program within the IHS. As you know, the federal Indian policy of tribal self-determination has proven to be successful in substantially improving the lives of American Indians and Alaska Natives and has provided tribal governments with more control and decision-making authority over the federal funding benefiting American Indian and Alaskan Native peoples.

Under Title V, the Arctic Slope Native Association ("ASNA") has the administrative and operational control of health service programs at the existing Barrow hospital. Under Title I of the same Act, UIC provides facility management services at that facility hospital. ASNA and UIC work in close partnership to operate the existing hospital, and plan to continue to provide such services at the new replacement facility, and have calculated carefully the amount of additional funding needed to support the expanded operations at the much larger new facility.

In December, 2011, Congress finally approved FY 2012 appropriations, with full funding of the budget request for IHS facilities construction, including $62 million to complete construction of the Barrow replacement hospital. So, despite time delays due to the sharp budget cutback in that account in the prior fiscal year, UIC Construction is receiving the amounts needed and will complete construction of the new replacement hospital around January, 2013, on time and on budget. After that point in time, another contractor will furnish and equip the facility so that it can open for business in mid-2013. FY 2012 funding also will cover UIC's costs to perform its ongoing contract to operate and maintain the existing Barrow hospital. That is all good news. The bad news is that the FY 2013 budget requests contain none of the additional funds that will be needed in FY 2013 for the transition to the new facility when it is ready to open in the April-May 2013 timeframe, for maintenance and improvements, for additional staffing of the replacement facility three times the size of the old hospital, and for the associated contract support costs.

UIC put a lot of time and effort into calculating the $5,117,816 in additional costs that it expects to incur during FY 2013, and provided our estimates to IHS (see attachment 1). In its statement for the Subcommittee's hearing, ASNA stated that its staffing needs will be $6.6 million for the portion of FY 2013 that the new facility is operational. ASNA's testimony referenced IHS concerns that were similar to what IHS had expressed to UIC back in September, 2012 -- that Congress might not approve the full FY 2012 budget request for facilities construction, or approve it timely. Such uncertainty made it difficult to know whether new facilities could actually be completed in FY 2012 and therefore need full staffing packages in FY 2013. In my most recent meeting with IHS on March 16, 2012, my fears were confirmed that the FY 2013 budget requests do not include the increased funding needed to meet the new staffing and other needs of the Barrow replacement facility. At meetings last

week in Anchorage, IHS officials indicated that IHS had requested more FY 2013 funding to meet new staffing needs at the Barrow and other new facilities, but those higher figures ultimately were not included in the President's final budget requests.

While some federal budget managers may hope that contractor- or weather-related delays push the opening of the new IHS facilities, such as the Barrow replacement hospital, into FY 2014, ASNA and UIC are working hard to keep to plans to open the new Barrow facility in mid-2013. UIC has worked hard to complete the construction of the new facility, as planned, by September, 2012 to make way for the contractor responsible for installing the furniture and equipment. Under a separate existing contract, we operate and maintain the existing Barrow hospital. Based on that contract performance experience, we know we must gear up to take on the greater responsibilities of transitioning to the new, expanded facility and hiring additional staff to operate and maintain a physical plant three times the size of what we are operating now. As noted, we sent our UIC Staffing Package and Transition Funding Request to the Alaska Area Office which rejected it, essentially arguing that a contract proposal for expanded services could not be approved without enactment of FY 2013 appropriations to cover the increase in those services.

Having confirmed that the FY 2013 budget requests do not include amounts to cover the needed increases, we urge your Subcommittee to approve funding levels higher than the budget requests to ensure that adequate amounts will be available during the second half of FY 2013 for: a) transition to the Barrow replacement facility; b) additional personnel to staff the larger facility; c) maintenance and improvements at the larger facility; and d) associated contract support costs.

Rest assured that when the replacement hospital opens, it will bring healthcare in Alaska's North Slope region into the modern age, and will create valuable high-quality career opportunities. Of national significance, the hospital also will serve as a key component of the infrastructure needed to support responsible development of the Arctic's rich oil and gas resources.

In closing, we reiterate our appreciation for the Subcommittee's past support for the Indian Self-Determination Act and FY 2012 recommendations that resulted in approval of sufficient funding to ensure completion of the Barrow replacement hospital by the end of this fiscal year. To prevent any gap in essential medical care, we strongly urge you to recommend funding levels beyond the FY 2013 budget requests, as outlined above. Your support will help ensure world-class healthcare services for the North Slope communities, strengthen tribal self-governance, support economic self-sufficiency, and honor the Federal government's agreements with Indian Tribes.

Thank you in advance for considering our request.

Testimony submitted by
Thomas J. Bogdan, President of the
University Corporation for Atmospheric Research (UCAR) to the
Subcommittee on Interior, Environment, and Related Agencies, of the
U.S. House Committee on Appropriations
Regarding Fiscal Year 2013 Appropriations
for the Department of Interior
March 28, 2012

On behalf of the University Corporation for Atmospheric Research (UCAR), a consortium of 77 research universities that manages the National Center for Atmospheric Research, I submit this written testimony regarding the FY 2013 appropriations for the Department of Interior's (DOI) climate science programs, for the record of the House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies. The U.S. Geological Survey's (USGS) and U.S. Fish and Wildlife Service's (FWS) climate science, adaptation, and education programs contribute a distinct and important component to the country's efforts to better understand, predict, and respond to the impacts of climate variability on human and natural systems. These programs are perhaps the most important in the entire federal government for helping scientists understand the relationship between climate variability and our nation's abundant natural resources and treasures. **I urge the Subcommittee to fully fund the FY 2013 budget request of $1.102 billion for the U.S. Geological Survey, including $67.7 million for Climate Variability, which funds the nation's eight regional Climate Science Centers. I similarly urge the Subcommittee to fully fund the $1.5 billion budget request for the U.S. Fish & Wildlife Service, including $33.1 million for Cooperative Landscape Conservation and Adaptive Science, which funds the nation's network of Landscape Conservation Cooperatives.**

The federal leaders in natural resources science, USGS and FWS are making major contributions to science and data integration on the impacts that climate variability is having and may have in the future on natural resources, including wildlife, ecosystems, and landscapes. These agencies are building the knowledge, capacity, and networks to work with and guide hunters, farmers, natural resource managers, Indian tribes, and resource-dependent businesses toward more sustainable, productive, and resilient management practices. In particular, the establishment of eight regional **Climate Science Centers** over the last few years to directly support a national network of **Landscape Conservation Cooperatives** will provide the scientific basis for future adaptive land and water management decisions. By building on the body of basic research conducted by the atmospheric research community and linking it to managed environments and social systems, the DOI's climate science and adaptation programs have been set up to maximize and leverage the value of the entire national scientific enterprise.

The USGS's efforts in this field were stepped up with the establishment of a **National Climate Change and Wildlife Science Center** in 2008 and came to fruition with the recent completion of a national network of eight **Climate Science Centers** and 22 **Landscape Conservation Cooperatives**. Through these regionally integrated research and stakeholder hubs, the DOI is now engaged in first-tier research focusing on impacts such as wildlife migration patterns, wildfire risk, precipitation levels and drought, coastal erosion, and invasive species, spearheading how environmental and climate science can be more effective and practical, and thus useful, on the ground. These programs will bring critical regional information to local and regional resource managers and decision makers in order to help them manage cities and towns, tribes, farms, waterways, and public lands.

The eight **Climate Science Centers**, managed by the USGS, are carried by university consortia within the region to better serve the specific needs of their area as well as the country. They will advance interdisciplinary science in an end-to-end environment by coordinating research among themselves and optimizing investments across the regional network, and they will collaborate with national laboratories to conduct research and develop computer models that can better predict large regional impacts of climate variability on natural resources. The nationwide network serves the Alaska, Pacific Islands, Northwest, Southwest, North Central, South Central, Northeast, and Southeast regions. **Landscape Conservation Cooperatives**, managed by the FWS, engage with other federal agencies, states, tribes, and local partners, to develop timely products and craft strategies that are based on the science and can be easily translated into adaptive, practical management solutions.

In order to ensure the strength and sustainability of these programs, I hope you will support the FY 2013 budget request of $1.102 billion for the U.S. Geological Survey, including $67.7 million for Climate Variability, and $1.5 billion for the U.S. Fish & Wildlife Service, including $33.1 million for Cooperative Landscape Conservation and Adaptive Science. Thank you in advance for your support of the DOI's efforts to contribute to and disseminate knowledge that will enable stakeholders to protect and more efficiently manage their land and our nation's natural resources and treasures.

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March 28, 2012

Submitted by:
Patrick T. Tyrrell, Wyoming State Engineer, State of Wyoming and Wyoming Member of the Colorado River Basin Salinity Control Forum
and
Dan S. Budd, Interstate Streams Commissioner, State of Wyoming and Wyoming Member of the Colorado River Basin Salinity Control Forum

The Honorable Mike Simpson, Chairman
The Honorable James P. Moran, Ranking Member
Subcommittee on Interior, Environment and Related Agencies
Committee on Appropriations
United States House of Representatives
B-308 Rayburn House Office Building
Washington, D.C. 20515

Attention: Outside Witness Testimony

Re: ***Request Appropriation of $5,900,000 in fiscal year 2013 within the Bureau of Land Management's Soil, Water and Air Account Management Program for implementing Colorado River Salinity Control Program measures; Requesting the Designation of $1,500,000 for specific identified salinity control and salinity control-related projects and studies***

Dear Chairman Simpson and Ranking Member Moran:

This letter is sent in support of fiscal year 2013 funding for the Bureau of Land Management (BLM) for activities directly benefiting the Colorado River Salinity Control Program. BLM's actions to control salt reaching the Colorado River system from BLM-managed lands fall are funded within that agency's Land Resources Subactivity – Soil Water and Air Management Program. We request $5,900,000 be directed to enhancing water quality through land management activities to reduce salt loading in the Colorado River Basin.

Wyoming is a member state of the seven-state Colorado River Basin Salinity Control Forum established in 1973. It is composed of gubernatorial representatives who interact with the involved Federal agencies on joint federal/state efforts undertaken to assure maintenance of basin-wide Water Quality Standards for Salinity of the Colorado River. The Forum annually makes funding recommendations, including the amount believed necessary to be expended by

the Bureau of Land Management for its Colorado River Basin Salinity Control Program. Overall, the combined efforts of the Basin States, the Bureau of Reclamation, the Bureau of Land Management and the Department of Agriculture have resulted in one of the nation's most successful non-point source control programs.

The basin-wide Water Quality Standards for Salinity consist of numeric water quality criteria at three Lower Colorado River points (Below Hoover Dam, Below Parker Dam and At Imperial Dam) and a plan of implementation describing the Program's components, including specific salinity control projects to remove salt from the River system. Pursuant to the Clean Water Act, the standards are reviewed at least once each three years; at which time the plan of implementation is jointly revised by the States and involved Federal agencies (including Bureau of Land Management representatives) to ensure the planned actions are sufficient to maintain compliance with the basin-wide Water Quality Standards for Salinity's numeric criteria.

Successful implementation of land management practices by the Bureau of Land Management to control soil erosion and the resultant salt contributions to the Colorado River system is essential to the continued success of the Colorado River Basin Salinity Control Program. The BLM's FY2013 Budget Justification document reports that the agency continues to implement on-the-ground projects, evaluate progress in cooperation with the Bureau of Reclamation and the Department of Agriculture and report salt-retaining measures in furtherance of implementing the plan of implementation.

The Forum's member States, including the State of Wyoming, believe that fiscal year 2013 Soil, Water and Air Management Program funds should be used to continue efforts to reduce Colorado River Basin salt contributions from BLM-managed lands. At its recent October 2012 meeting, the Forum, in consultation with BLM officials, recommended that the U.S. Bureau of Land Management should expend $5,900,000 in fiscal year 2013 for salinity control. Accordingly, we request that the BLM be directed to expend from Soil, Water and Air Management Program funds not less than $5,900,000 for activities to reduce salt loading from BLM-managed lands in the Colorado River Basin in fiscal year 2013.

As one of the five principal Soil, Water and Air Program priorities identified by the BLM, projects accomplishing Colorado River salinity loading reductions should be funded. In the past, the BLM has used Soil, Water and Air Program funding for specific salinity control project proposals submitted to BLM's salinity control coordinator by BLM staff in the seven Colorado River Basin States. Through this competitive proposal consideration process, funds have been awarded to those projects having the greatest merit (as measured by their salt loading reduction and ability to quantify the salinity reduction that would be accomplished). The Colorado River Basin Salinity Control Forum's testimony to this Subcommittee requests designation of $1,500,000 for this purpose (*see* letter submitted to this Subcommittee by Don A. Barnett on behalf of the Forum). As Wyoming's Forum members, we wish to advise that the State of Wyoming concurs in that request.

The State of Wyoming appreciates the Subcommittee's funding support of the Bureau of Land Management's statutorial responsibility to participate in the basin wide Colorado River

Salinity Control Program in past years. We continue to believe this important basin-wide water quality improvement program merits funding and support by your Subcommittee.

Respectfully submitted,

/s/	/s/
Patrick T. Tyrrell	Dan S. Budd
Wyoming State Engineer	Interstate Stream Commissioner
Member, Colorado River Basin	Member, Colorado River Basin
Salinity Control Forum	Salinity Control Forum

PTT:DSB:jws

cc: Representative Cynthia Lummis
John Wagner, Wyoming Member, Colorado River Basin Salinity Control Forum
Don A. Barnett, Executive Director, Colorado River Basin Salinity Control Forum

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Interior, Environment & Related Agencies

Subcommittee of the Committee on Appropriations for 2013

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