



The Confederated Tribes of the Colville Reservation



Prepared Statement of the Honorable Michael Finley, Chairman Confederated Tribes of the Colville Reservation

Senate Committee on Indian Affairs

Oversight Hearing on the President's FY 2012 Budget for Tribal Programs

March 15, 2011

Good morning Chairman Akaka, Vice-Chairman Barrasso, and members of the Committee. On behalf of the Confederated Tribes of the Colville Reservation (“Colville Tribes” or the “Tribes”), I would like to thank the Committee for convening this hearing on the FY 2012 Budget Request for tribal programs and allowing me to testify. My name is Michael Finley and I am the Chairman of the Colville Tribes and am testifying today in that capacity. In addition, I also serve as the Chairman for the Intertribal Monitoring Association on Indian Trust, a national organization comprised of 65 federally recognized tribes from all regions of the country.

Today, I am pleased to share the Colville Tribes’ views on the President’s 2012 budget request for Tribal programs. As a rural, land-based Indian tribe, the Colville Tribes and similarly situated Indian tribes rely heavily on the Bureau of Indian Affairs’ land and natural resources programs. My remarks today will focus on these and other programs of interest to land-based Indian tribes.

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 nearly 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 — making it one of the largest employers in north-central Washington.

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 source 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 and Real Estate accounts.

With the funding that Indian tribes receive for these activities, tribes have proven that they are superior land managers and use the 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.

Similarly, the Colville Tribes' Natural Resource Officers jointly 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 Parks 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 2012 Budget contains a total of \$560,000 for both Colville Tribes and the Spokane Tribe for these activities. In stark contrast, the President's Budget for FY 2012 for the National Park Service for Lake Roosevelt is \$5.83 million.

As these examples illustrate, Indian tribes have demonstrated time and time again that they can do more with less. It is therefore understandable that the Colville Tribes is disappointed that decreases are proposed for several of the natural resource programs in the FY 2012 Budget. Significantly, a \$7.5 million cut is proposed for cadastral surveys. Cadastral surveys are often required for routine on-reservation fee-to-trust applications,

and where they are not required, these funds pay for other associated survey requirements. It appears that these costs will now be passed down to tribal governments and individual Indians, which will further delay land into trust and associated economic development endeavors.

The FY 2012 Budget also proposes the elimination of the attorney's fees and litigation support program (-\$2.1 million). 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.

Law Enforcement

The Colville Tribes and other large land-based tribes are pleased that funding for BIA law enforcement activities is again proposed for a significant increase in the President's Budget. While these increases are always welcome, what is needed, in the Colville Tribes' view, is transparency in how these increases are allocated to Indian tribes.

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.

The Colville Tribes was, therefore, understandably surprised to learn that for FY 2010 — a year that BIA law enforcement received a nearly \$59 million increase over FY 2009 enacted levels — the Colville Tribes received only a \$22,000 increase. We were even more surprised to learn that the same year, 17 Indian tribes that the BIA identified as having “Low Crime” and “No Staffing Need” received increases of at least \$20,000, with one receiving a six figure increase. A rational explanation of why the BIA distributed these increases in this manner may well exist, but neither the Colville Tribes nor any other Indian tribes that we have communicated with have heard one. The Colville Tribes hopes the Committee will direct the BIA to ensure that these and other law enforcement funding methodologies are transparent, adequately explained, and made readily available to Indian tribes and to the Committee.

Indian Land Consolidation

Indian country is understandably very interested in the \$1.9 billion that was appropriated last year for the Indian Land Consolidation program (“ILCP”) as part of the Claims Resolution Act of 2010. This may be the largest sum of money ever appropriated for a single Indian program in the Department of the Interior. Tribal interest in the ILCP, however, is tempered by an overriding concern that the Department may not be equipped to spend all of this money within the 10-year period after which the funds revert back to the U.S. Treasury. It is also tempered by a frustrating lack of information from the Department on the planning processes and timeframes for tribal consultation on the program.

The sooner information is disseminated the sooner tribes can provide meaningful input and assist in getting the program ready. Tribes are weary that the costs of appraisals, surveys, environmental site assessments, and other requirements that the Department may deem necessary prior to acquiring fractionated interests will result in a slow moving logjam that consumes the bulk of the ILCP funds. Final approval of the *Cobell* settlement could be years away if appeals are lodged, so it makes little sense to delay tackling these important issues now.

The Colville Tribes appreciates the Committee convening this hearing and is grateful of its consideration of these and other issues. We very much look forward to working with the Committee on these issues in the 112th Congress.
