



NATIONAL CONGRESS OF AMERICAN INDIANS

NCAI TESTIMONY TO THE SUBCOMMITTEE ON INTERIOR ENVIRONMENT, AND RELATED AGENCIES ON FY 2006 NATURAL RESOURCES AND EPA APPROPRIATIONS

MARCH 18, 2005

On behalf of the more than 250 member tribal nations of the National Congress of American Indians, we are pleased to present written testimony on FY 2006 appropriations for the Environmental Protection Agency and natural resources.

On February 7, President Bush submitted to Congress a \$2.57 trillion budget proposing a 2.1% increase in all foreign and domestic discretionary spending – but that included level funding and numerous decreases for Indian programs, continuing the trend of consistent declines in federal per capita spending for Indians compared to per capita expenditures for the population at large. This year's budget request reduces effective funding for tribal governments and instead funds a trust reorganization that tribes have opposed, with proposed reductions for programs such as Tribal Priority Allocations, education, and contract support, infrastructure, and land consolidation.

We are deeply disappointed that this budget does not support strong tribal self-government and self-determination. In many ways, tribal governments are exactly like state and municipal governments – providing critical services, shaping values, and promoting jobs and growth. Though federal spending for Indians has lost ground compared to spending for the U.S. population at large, tribal self-government has proven that the federal investment in tribes pays off. According to a recent report by the Harvard Project on American Indian Economic Development, reservation communities have made remarkable socio-economic gains in the last decade and these gains are driven by the policy of tribal self-government. Between 1990 and 2000, income levels rose by 33 percent and the poverty rate dropped by 7 percent, with little difference between those tribes with gaming operations and those tribes without gaming.

Yet substantial gaps remain— real per capita income of Indians living on reservations is still less than half of the national average. Indian unemployment is still double the rest of the country. Thus, while the work of tribal self-determination is well underway, much work is left to be done. These long enduring socio-economic disparities, and the success of tribes in addressing them, warrant continued federal investment in tribal self-determination.

ENVIRONMENTAL PROTECTION AGENCY

Tribes are sovereign entities with the ability to set environmental quality standards, make environmental policy decisions, and manage programs consistent with EPA standards and regulations. Tribes are the most effective at protecting tribal members and resources. In order to preserve and enhance the environmental quality of Indian Country for present and future generations and sustain tribal cultures, tribes deserve equitable funding for their environmental regulatory programs.

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General Assistance Program. Tribal environmental program managers rightly perceive the EPA's General Assistance Programs (GAP) as the primary federal mechanism available to protect our lands. GAP activities provide tribes with the resources needed to build capacity for EPA-delegated environmental programs. The Administration has requested \$57.5 million for tribal GAP grants for FY 2006. NCAI supports a minimum level of \$68.3 million in order for tribes to continue to develop their environmental management infrastructure capability.

The Federal Clean Air Act is a basic and important source of funding for Tribal Air Quality Management Programs to protect human health and the environment. The President's requested amount for Tribal Air Quality Management grants is \$11 million available for Tribes to develop and implement air pollution prevention and control programs, or to implement national primary and secondary ambient air standards. The national tribal governments' need has been identified to be \$22.4 million.

NCAI supports the following national tribal funding needs: \$173.4 million for Tribal Water Quality Management under the Clean Water Act, Section 106; \$30.6 million for the CERCLA or Superfund source for Tribal Superfund programs; \$510 million for the Safe Drinking Water Act, source for Tribal Drinking Water Quality Management; \$48 million for the Federal Insecticide, Fungicide, and Rodent Act, source for Tribal Pesticide Programs; \$56 million for the Resource Conservation and Recovery Act, source for Tribal Solid Waste, Hazardous Waste, and Underground Storage Tank Programs.

INTERIOR AND EPA

Water and Wastewater Infrastructure Projects. Given the vast unmet water and wastewater infrastructure needs in Indian country, and the lack of capacity in existing loan and grant programs operated by the Bureau of Indian Affairs, the Indian Health Service, the Environmental Protection Agency, and the Department of Agriculture, to name a few, Congress has enacted laws authorizing the construction of region or reservation specific projects such as the Mni Wiconi Project Act, P.L. 100-516, the Fort Peck Reservation Rural Water System Act, P.L. 106-382, and the Jicarilla Apache Reservation Rural Water System Act, Title VIII of Public Law 107-331. Though congressionally approved and slated for funding through the Bureau of Reclamation, these projects are either under funded or have not yet been funded at all. For example, two years ago Congress authorized the Jicarilla project to repair and replace an eighty-year old BIA water system that has deteriorated to the point of creating serious public health and safety risks to the people served by it, as well as crippling economic development, housing and other opportunities that require basic water infrastructure. The Jicarilla Apache Nation seeks \$5 million in FY 2006 to support first year funding for its project. NCAI supports these Tribes in their specific requests to fully implement and fund these water projects that have been duly authorized by Congress and signed into law by the President.

Rural Water Projects within the Bureau of Reclamation budget, critical to ensuring safe water supply to tribes, would be cut by nearly \$30 million under the Administration's request. Additionally, State and Tribal Assistance Grants within EPA that address drinking water and waste infrastructure needs of rural Alaska Native villages would be reduced from \$45 million to \$15 million. The Department of Health and Human Services has reported that 8 percent of Indian homes lack running water, compared to less than one percent of the non-Indian population. Thirty-three percent of tribal homes, fully one-third, lack adequate solid waste management systems. In 2005, no American should be without access to clean water and sanitation facilities. These programs need increased funding—not cuts—to address these infrastructure needs that are so critical to public health.

NATURAL RESOURCES IN THE DEPARTMENT OF INTERIOR

Indian forests are a vital part of tribal life. Timber production, grazing, and wildlife management provide revenue and jobs for Indians and enhance the economic life of tribes and surrounding communities. Forests play an important role in tribal subsistence lifestyles, medicine, and religious observances. Indian Forest Management Assessment Team Report-I was issued in November 1993; IFMAT-II was issued in December 2003. The Indian Forest Management Team (IFMAT-I) identified a large gap between funding provided by the federal government for national forests and federal government funding provided for Indian forests. In 2001, Indian forestry received about two-thirds the amount per acre as invested in the national forests. The IFMAT-II report finds that BIA base Forestry funding has actually declined in inflation-adjusted dollars from \$3.29 an acre in 1991 (exclusive of fire funding) to \$2.83 an acre in 2001.

NCAI urges 1) an increase to the BIA Forestry base funding by \$119.6 million; 2) integration of Interior fire funding for BIA lands into the BIA Forestry base budget in Non-Recurring Programs, Resources Management, as per the Primary Recommendations of the independent IFMAT-II report on Indian trust forests and forest management.

Fish, Wildlife, and Habitat: The Tribal Wildlife Grants and Tribal Landowner Incentive Programs through the Fish and Wildlife Service in the Department of Interior have proven to be an invaluable source of funding for the conservation and management of Tribal fish, wildlife, and habitat. NCAI requests the appropriations from the provisions of the Fish and Wildlife Act of 1956 and Fish and Wildlife Coordination Act for wildlife grants generally increase by 10% (\$76.0 million) and this increase raise Tribal eligibility from 8.5% to 10% (\$7.6 million). NCAI recommends that the general allocations from the Land and Water Conservation Fund for the Landowners Incentive Program be raised by 10%.

The primary funding path and operational foundation for all Tribal fish and wildlife management is directed through the BIA Wildlife and Parks program at \$33.2 million, but these funds have undergone 1% cuts annually for the past 3 years. NCAI urges a 3% increase to \$34.2 million in FY 2006 to avert unrecoverable management impacts.

CONCLUSION

NCAI realizes Congress must make difficult budget choices this year. As elected officials, tribal leaders certainly understand the competing priorities that you must weigh over the coming months. However, the federal government's solemn responsibility to address the serious needs facing Indian Country remains unchanged, whatever the economic climate and competing priorities may be. We at NCAI urge you to make a strong, across-the-board commitment to meeting the federal trust obligation by fully funding those programs that are vital to the creation of vibrant Indian Nations. Such a commitment, coupled with continued efforts to strengthen tribal governments and to clarify the government-to-government relationship, truly will make a difference in helping us to create stable, diversified, and healthy economies in Indian Country.