INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2010

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

NORMAN D. DICKS, Washington, *Chairman*

JAMES P. MORAN, Virginia
ALAN B. MOLLOHAN, West Virginia
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MICHAEL K. SIMPSON, Idaho
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STEVEN C. LATOURETTE, Ohio
TOM COLE, Oklahoma

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

DELIA SCOTT, CHRISTOPHER TOPIK, GREG KNADLE, JULIE FALKNER, and BETH HOUSER
Staff Assistants

PART 7

	Page
Witnesses—Native American Issues	**1**
Witnesses—Other Issues	**389**

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Part 7
Public
Witnesses

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2010

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DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR 2010

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

WEDNESDAY, MARCH 25, 2009.

PUBLIC WITNESSES—NATIVE AMERICANS

MR. DICKS OPENING REMARKS

Mr. DICKS. The committee will come to order.

I want to welcome all of our witnesses this morning to the first of three days of public witness testimony. Today we will hear from citizens about issues affecting Native Americans in Indian Country. Tomorrow we will hear additional testimony from Native Americans, and in April we will hear from citizens testifying about other issues under the jurisdiction of the Interior and Environment Subcommittee. As members know, the right of the public to petition the committee is provided by the First Amendment of our Constitution, and I am glad to host the third year of public witness hearings as chairman of this subcommittee.

I am especially proud to be able to sit in front of you today and say that our committee supported more than $1.3 billion in increases for the Bureau of Indian Affairs and the Indian Health Service in the 2009 Omnibus appropriations bill and the American Recovery and Reinvestment Act. Many of these positive funding decisions were made after last year's Tribal Witness Day. We rejected the previous Administration's budget proposal to eliminate the Johnson-O'Malley program, the urban Indian health clinics and various housing programs. The fiscal year 2009 bill funded a new $33 million initiative to address domestic violence, substance abuse and law enforcement needs in Indian Country. Including the Recovery Act in 2009, we more than doubled the funding for construction of health facilities, schools and detention centers. These BIA and IHS programs provide a broad range of critical services to improve the health and safety of Native American people across the country, and while we do not yet have the details of President Obama's fiscal year 2010 budget, we are hoping it contains healthy and much-needed increases to improve and expand these services. I am anxious to see his plan and I look forward to hearing from all of you today and tomorrow on the successes and challenges in Indian County.

I would like to remind our witnesses that we have many speakers scheduled to appear today. To ensure that we are able to accommodate everyone, I ask that our witnesses respect the five-minute rule. A yellow light will flash with one minute remaining of your time in order to give you the opportunity to wrap up your statement. When the red light comes on, then your time has expired. Your prepared statement will of course be published for the record along with a transcript of your actual testimony.

Mr. DICKS. I want to now call on our ranking member, Mr. Simpson, for any opening remarks.

Mr. SIMPSON. Mr. Chairman, I just want to say thank you for holding these days of public testimony. I think they are important and I look forward to the testimony of the witnesses.

Mr. DICKS. And I also want to point out that all of the changes that we made last year in this budget to deal with these programs like the Johnson-O'Malley and the urban health clinics, this was all on a bipartisan basis. Mr. Tiahrt at the time was the ranking member. He felt as strongly as I did that these problems needed to be corrected, so again I look forward today to the witnesses.

Our first witness is Robert Bear, chairman of the Shoshone-Paiute Tribes of the Duck Valley Reservation. Mr. Bear, Chairman.

WEDNESDAY, MARCH 25, 2009.

SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY RESERVATION

WITNESS

ROBERT BEAR

Mr. BEAR. Good morning. Hello, Chairman Dicks and members of the committee. My name is Robert Bear. I am the chairman of the Shoshone-Paiute Tribes of the Duck Valley Reservation. I am pleased to present testimony before this subcommittee concerning the fiscal year 2010 budget of the Bureau of Indian Affairs and Indian Health Service. I am joined by our attorney, Matt Jaffe, of the Sonosky, Chambers law firm.

Mr. Chairman, I have traveled from Owyhee, Nevada, to be here today to let you know that the Shoshone-Paiute Tribes strive to meet our members' needs in difficult circumstances. I want to speak to you about two major concerns we have. First, the BIA has failed us. They have not staffed and opened a 28-bed youth detention center that we critically need on the Duck Valley Reservation. We will need $1.2 million to make repairs and improvements that BIA has identified to the facility that they helped us and the Justice Department designed before they will consider staffing and operating it.

Second, I want to let you know the harm that is caused to our members each day by failure of the BIA and IHS to remedy the contract support costs shortfall of our self-governance agreement with the BIA and IHS. The figures are well known and documented. Since fiscal year 2007, the BIA and IHS have short-changed the Shoshone-Paiute Tribes over $2 million in contract support costs. We would like to see our shortfalls paid to us and

receive 100 percent of our contract support cost funds next year. Our tribe alone would need over $360,000 in IHS contract support costs and over $169,000 in BIA contract support costs next year. The Duck Valley Reservation is a remote, rural reservation located in Idaho and Nevada. We are ranchers and farmers. If a need cannot be provided to our members on the reservation, more often than not the need is not provided at all.

The youth detention facility: More than 10 years ago we thought that we were marking progress to address the problem of youth offenders on the Duck Valley Reservation. That year we received our first two Justice Department grants to build a 28-bed detention facility for about $4 million. We provided over half a million of travel funds as a matching amount. BIA set aside $1.5 million for staffing the facility. When the facility was built with the BIA input on the design, we thought we could transfer the facility over to the BIA and have our young offenders housed on the reservation where they would be close to family and friends. They in turn could ensure that detained youth would not lose hope and could return home to the community. We were wrong. The facility is not open and sits idle. We have so few buildings on the reservation, it is a crime to let this facility sit unused when our members need it. So many behavioral problems among our members are the result of drug and alcohol abuse. Our members need treatment, not only detention. That was our tribes' vision when we pushed for construction of the detention center. In 2008 we learned that the BIA had decided that youth detention facilities should meet design standards for a highly secure lock-down facility for violent criminals. As a result, the BIA has told us that they will not staff and open our detention facility until we make $1.2 million required upgrades. They refuse to fund these changes. We do not believe the Bureau should be permitted to use such a policy shift as an excuse to abandon a tribally driven project, especially in light of the significant need for detention facilities in Indian County.

We therefore request a one-time grant of $1.2 million to cover the upgrades identified by the BIA as necessary to make the facility operational and we are asking this committee to insert report language to direct the BIA to work with us and the Justice Department to see that the facility opens to serve our members' needs. Sirs, please consider our request.

Contract support shortfalls: I will take just one more moment to address the harm BIA and IHS visit upon our tribes every day by failing to ask Congress for 100 percent of our contract support cost needs. Here is the simple truth. If the BIA and IHS do not fund our negotiated contract support cost needs, we take direct program funds meant for health care, law enforcement and social services to meet the recurring contract support cost needs. The estimated fiscal year 2010 contract support cost shortfall for IHS contracted programs is $200 million and $55 million for the BIA. The staff vacancies in our 638 programs hurt our members, make us less efficient. If we are to bring change to our reservation, meet their health care and economic needs, we need the resources to do it. The contract support cost shortfall amount may be just another number to BIA and IHS officials who have ignored the contractual

and moral obligation for tribes for years. I hope, however, that it means more to you and to this Congress.

Let me tell you what these numbers mean to me. It is a youth lost in the criminal justice system we cannot reach, a diabetic tribal elder in need of counseling or prescriptions whom we must turn away, or an entire program we must defer assuming responsibility for under the Indian Self-Determination Act. That happened just last fall when we declined to contract the BIA road maintenance program. You, sir, and this committee have the power to rectify this injustice.

Thank you for granting me the honor of presenting testimony on behalf of the Shoshone-Paiute Tribes.

[The statement of Robert Bear follows:]

Robert Bear, Chairman Shoshone-Pauite
Hearing Before the House Appropriations Committee
Subcommittee on Interior, Environment and Related Agencies
Concerning the FY 2010 Budget
of the Bureau of Indian Affairs
March 25, 2009

My name is Robert Bear. I am the Chairman of the Shoshone-Paiute Tribes of the Duck Valley Reservation. I, together with a six-member Tribal Council, comprise the Business Council of the Tribes that oversees Tribal government operations for our more than 2,500 enrolled members. Our 290,000 acre Duck Valley Reservation is located in Nevada and Idaho. I am pleased to present testimony before this Subcommittee concerning the FY 2010 budget of the Bureau of Indian Affairs.

In the BIA FY 2010 budget, we request:

- $1.2 million within the BIA's Facilities Construction Budget to complete repairs and renovations to our 27-bed juvenile facility with a directive to the BIA to fully staff and operate the facility; and

- Full funding of Contract Support Costs (CSC) for BIA- and IHS-funded programs which Tribes assume under the Indian Self-Determination and Education Assistance Act, together with statutory language directing the BIA to fund the Indian Self-Determination (ISD) Fund on an annual basis.

The needs of the Shoshone-Paiute Tribes are great. While farming and ranching continue to be the primary businesses on the Duck Valley Reservation, our members struggle to make ends meet. The 2005 BIA Labor Force Statistics, the latest available, show that our members who reside in the Idaho portion of the Reservation suffer an unemployment rate of 79%; those who reside on the Nevada portion of the Reservation have an unemployment rate of 64%. For those Tribal members fortunate enough to be working, 51% live below the poverty level. From our Owyhee Community Health Facility, to our housing program, to the other programs the Tribes operate under our Title IV Self-Governance Agreement, I know that conditions are tough for our members.

Duck Valley Juvenile Services Center

As with any rural community with a high unemployment rate, we see the ill effects of poverty. Some of our youth get into trouble. We have been working with the BIA for several years to open a 27-bed juvenile detention facility, which was constructed in 2004 but has never been operated as intended. We would like to make the Committee aware of the BIA's role in the facility and to request assistance from the Committee in making it operational. Specifically, the Tribe requests the following:

1) $1.2 million in onetime funding to cover facility upgrades required by the BIA;

2) Report language directing the BIA to cooperate with the Tribe to create a plan for making the facility operational, including identifying the source of any additional funding; and

3) Report language encouraging the BIA to reconsider its current policy not to support treatment- or rehabilitation-based facilities for juvenile offenders.

Need for Funding. In 1998, the Tribe applied for and received a grant through the Correctional Facilities on Tribal Lands program within the Department of Justice (DOJ). The total cost of the project was over $4 million, with the Tribes contributing the required 10% match (about $500,000), providing the land, and building the access road and the infrastructure (e.g., water, power, sewer). As this was to be a BIA-run facility, we were careful to follow all of the BIA requirements. When the BIA identified problems with the building's construction during a preliminary inspection, the Tribe applied for and received a supplemental DOJ grant to make improvements, including a significant upgrade of the facility's fire protection system.

In 2005, the completed facility was inspected by the BIA's Office of Facilities Management (OFMC), received all the necessary certifications, and was entered into the BIA's building inventory. After years of planning and building, the Tribes expected that our new juvenile detention facility would open the following year, filling a documented need for juvenile detention capacity in Indian country. In keeping with this plan, the BIA budgeted $1.5 million annually beginning in FY 2001 for staffing and operations of the Duck Valley facility.

Yet the Bureau never opened the facility. They cite staff recruitment issues and problems with approval of the agreement, and ultimately redirected our funding and staff to other detention programs. In 2008, in response to inquiries from the Tribe about why the facility had not been opened, the Bureau sent a letter stating that the Tribe must make $1.2 million worth of facility upgrades before the BIA would consider opening it. Most of the required upgrades are intended to bring the facility – which was conceived as a treatment-based facility designed to house the type of offender most often seen at Duck Valley – in line with the BIA's new policy -- operating only highly secure lockdown facilities suited for the most violent "rapists and murderers." Some physical improvements are also required because the facility has been left empty and poorly maintained for so many years.

Despite our differences with the Bureau regarding the type of facility that is most appropriate for our Tribes' needs, we continue to work in good faith with the Bureau to ensure that facility becomes operational. However, the Bureau has informed us that it will not open the facility without the upgrades and will not pay for the upgrades or provide assistance in securing the funding. While we understand that agency policies and priorities may shift over time, we do not believe the Bureau should be permitted to use such a policy shift as an excuse to abandon a tribally-driven project, especially in light of the significant need for detention facilities in Indian country. We therefore seek a one-time grant of $1.2 million to cover the upgrades identified by the BIA as necessary to

make the facility operational.

Why a BIA Earmark? Although detention construction funding is typically provided through the DOJ, we are seeking this funding as a BIA earmark. The failure of the BIA and the DOJ to communicate effectively regarding construction and operation of tribal detention facilities is the reason our juvenile facility remains empty and unused today. The Tribe applied for the 2004 DOJ grant under the assumption that BIA would assist in making the facility operational once construction was finished. The facility was constructed to meet DOJ specifications and was initially approved by BIA. Several years later, the BIA demanded new upgrades to meet a new, unpublished set of agency requirements over and above anything required for the initial DOJ grant. Without a signed commitment from the BIA to open the facility, the Tribe is not in a position to apply for an independent DOJ grant to fund upgrades to a facility which may remain closed due to BIA intractability. In the Tribe's view, because the BIA alone has requested the upgrades, they must be funded through a BIA account in order to avoid future interagency misunderstandings about what is required.

Suggested Report Language:

"The Committee is concerned that a number of completed juvenile detention facilities in Indian country remain empty and unused, in particular the Duck Valley Juvenile Service Center in Owyhee, NV. The Bureau is directed to report to the Committee within 90 days of the enactment of this Act on the status of that facility, including a description of efforts made to staff the facility, a complete assessment of any facility compliance issues (including an explanation of the applicable standards), a description of any repairs or maintenance needed, and an estimate of the costs associated with each of these. The Bureau is then directed to develop within 90 days, in consultation with the tribes of the Duck Valley Reservation, a plan for operation and staffing of that facility, including the source of any necessary funding."

"The Committee is concerned about the need for juvenile correctional facilities and juvenile and alcohol and drug treatment facilities in Indian country and is further concerned that high security facilities may be an unnecessarily expensive way to address the full range of offenses committed by Indian juveniles. The Bureau is encouraged to support the operation of juvenile treatment and rehabilitation facilities as part of its detention plan program."

BIA and IHS Contract Support Cost Shortfalls

The Tribes request that Congress fully fund the anticipated Contract Support Cost (CSC) shortfall that the BIA and IHS will experience in FY 2010: $200 million for the IHS and $55 million for the BIA. In FY2007, our CSC shortfall was $361,724 (IHS) and $168,990 (BIA). We experienced similar shortfalls in FY 2008 and FY 2009. Every dollar that BIA and IHS withhold in CSC funding means a dollar less in direct program services that we can spend on our members. It means staff vacancies for health care and social programs that our members so desperately need and deserve. From FY 2007

through FY 2010, if BIA and IHS do not make up these shortfalls, these agencies will have shorted us by at least $2.12 million -- monies that the agencies are required to pay us under our Self-Governance Agreements.

The CSC shortfall amount may be just another number to BIA and IHS officials who have ignored their contractual and moral obligations to Tribes for years. I hope, however, that it means more to you and to the 111th Congress. You have the power to rectify this injustice. Let me tell you what these numbers mean to us; it is a youth lost in the criminal justice system we cannot reach, a diabetic Tribal elder in need of counseling or prescriptions whom we must turn away, or an entire program we must defer assuming responsibility for under the Indian Self-Determination Act. That happened just last fall.

In 2008, we entered into an agreement with the Federal Highway Administration (FHWA) to assume the Indian Reservation Roads Program serving the Duck Valley Reservation. We also notified the BIA of our intent to assume the BIA Road Maintenance Program. Our plan was to consolidate transportation planning, design, construction and maintenance under Tribal administration. The only problem was that Congress and the prior administration continued to cut funding for the BIA Road Maintenance Program. The Bush Administration also chose not to allocate appropriated funds to the Indian Self-Determination (ISD) Fund, which pays a Tribe for their first-year startup costs, including Contract Support Costs, for new programs the Tribe assumes under the Indian Self-Determination Act. If we assumed the BIA Road Maintenance Program in 2008, BIA officials informed us that all future CSC funds would have to be taken out of our BIA Road Maintenance Program direct base award, because without ISD Funds, the BIA had no way of paying us our negotiated indirect cost award.

If we contracted the BIA Road Maintenance Program, we would decide which roads to repair. We could coordinate with the Elko County School District to ensure that bus routes remain open in inclement weather. We would improve road safety on the Duck Valley Reservation. We would employ our members who need the work.

Mr. Chairman, the Shoshone-Paiute Tribes cannot subsidize BIA- and IHS-funded programs more than we are already doing. It is wrong and entirely contrary to the express goals of the Indian Self-Determination Act -- to build strong Tribal governments -- to shortchange Tribal governments and undermine our ability to successfully administer the programs of the Department of the Interior and the Department of Health and Human Services that were enacted for the benefit of our members. It is our goal to improve the economic and social conditions of our members. Please fund the FY 2010 CSC shortfalls in the FY 2010 budget and direct the BIA in report language to allocate CSC appropriations each year to the ISD Fund to address these long neglected problems.

Thank you for granting me the honor of presenting testimony on behalf of the Shoshone-Paiute Tribes.

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Mr. DICKS. Thank you.

Any questions?

Mr. LATOURETTE. Can I just——

Mr. DICKS. Yes.

Mr. LATOURETTE. On the 28-bed facility, what is entailed with the $1.2 million? What are they saying you need to do to fix it up so that it is ready to go?

Mr. BEAR. At this time I am going to have our attorney, Matt Jaffe, from the Sonosky law firm address that.

Mr. LATOURETTE. Always the attorney.

Mr. JAFFE. Good morning, Congressman, Chairman. The BIA has changed their policy. They are asking for the facility to be more designed for more-violent criminals and the changes are made to make certain improvements to meet those standards and also because of the deterioration of the facility since it was built in 2003. So they have estimated that it would cost $1.2 million to make those changes before they would staff and operate the facility.

Mr. LATOURETTE. Is there a work order that you could submit to the committee that says here is how the $1.2 million has to be spent according to the BIA?

Mr. JAFFE. Certainly we can provide that.

Mr. LATOURETTE. Thank you.

Thank you, Mr. Chair.

Mr. DICKS. Have you approached the new Administration about the money that we put in, the $500 million for construction? Could that money be used for this purpose?

Mr. LATOURETTE. In the Recovery Act?

Mr. DICKS. Yes.

Mr. LATOURETTE. It could be.

Mr. DICKS. Yes, we think that money could be used, the $500 million, so you might want to go in and talk to them, and we will be glad to help on that in terms of an appointment or whatever.

Mr. BEAR. We certainly will, sir.

Mr. DICKS. Thank you.

Next we have Fawn Sharp from the Quinault from the state of Washington. We started with Idaho. I wanted you to know that.

Mr. SIMPSON. That was Nevada.

Mr. DICKS. Okay.

Fawn, we are glad to have you here and we will put your entire statement in the record and you have five minutes to summarize.

WEDNESDAY, MARCH 25, 2009.

QUINAULT INDIAN NATION

WITNESS

FAWN SHARP

Ms. SHARP. Thank you, Mr. Chairman, members of the committee. I really appreciate the opportunity to present this testimony on behalf of the people of the Quinault Indian Nation. I took a red-eye flight. I said now I know why Joe Delikers had bags under his eyes. He took many red-eye flights. I thought, I am too

young to feel this old, so I think I will stick with the direct flight next time.

I would like to draw your attention to the first page of our testimony before I get into the specific tribal requests. There you will find where the Quinault Nation is joining the affiliated tribes of the Northwest Indians, the Northwest Portland Area Indian Health board, the Northwest Indian Fish Commission and the National Indian Health Board on a number of local, regional and national requests.

Turning specifically to the Quinault issues, one of the centerpieces of our strategy over the last two years, our national priority and national agenda at the Quinault Indian Nation is the restoration of the Quinault blueback sockeye salmon. It is a treasure to the Quinault people. It is something that we have historic runs of 1 million fish annually. In the 1950s we began to witness a sharp decline to the point where two years ago we only had 4,000 sockeye return to the Quinault River. We undertook an aggressive approach to restore the Quinault blueback by, one, elevating it as a national priority, which gave our staff clear policy direction to develop a strategy to restore this national treasure. The staff did develop a strategy two years ago. We then took that and shopped it with federal agencies, with the U.S. Forest Service, with the Park Service. The Upper Quinault is located off the reservation but it feeds the Quinault River and the tribe has a comprehensive management approach to the sockeye runs. We also engaged the local community. The local community has witnessed as a result of the degradation of the Upper Quinault entire homes falling into the river. A lot of the damage and degradation can be traced back to the turn of the century when there was widespread logging of that watershed. The approaches to deal with the problem have been short term, shortsighted, in large part due to funding sources through the Federal Highways Administration. The Federal Highways will only fund damage to the extent of the harm to the infrastructure and so it put the agency in a position where they had to fund rip-raff along the banks which the Bureau of Reclamation report established has accelerated the flow to the point it wiped out three miles of spawning habitat.

In addition to those sources of impacts and harm, there are also macro-environmental issues. The Anderson glacier, which feeds the Quinault River, has receded 1,700 feet in 30 years. That is the major glacier that feeds that watershed. So last year the Quinault Nation led an effort with the federal agencies, with the local communities to undertake a pilot project. That pilot project from a year ago when the Nation appeared before this committee to October, we were able to secure every federal and state permit necessary, raise $1.2 million and construct 12 engineered logjams. These engineered logjams are viewed as best practices and a long-term solution, so we have enlisted the assistance of the federal agencies to support that effort. It also complements our comprehensive climate change initiative. Once we have 452 logjams installed, we will create effectively one large carbon sink that will be able to sequester carbon dioxide and greenhouse gas emissions. So we are very excited about that project. We would like to continue over the next 20 years. This is a pilot project. We have demonstrated that we can

successfully undertake an effort to both restore the natural habitat and the ecosystem as well as work with federal agencies and the local community to protect the infrastructure, and this will be a long-term solution to restore it to historic levels.

The second issue that I would like to address with this committee is a request for $1.2 million to continue to fund our methamphetamine strategy. The Quinault business community will be revisiting that strategy during 2010 and actually enhancing it. We now find that heroin and prescription pills are becoming problematic on the Quinault reservation. So with $1.2 million, we will be seeking to increase prevention efforts, increase treatment and then also provide enhanced enforcement to our law enforcement personnel.

The third and final request that I would like to mention—I have got 10 seconds here—is the Nation is seeking additional funding for planning for climate change and adaptation, mitigation and adaptation strategies. We seek your support for that funding. Thank you, Mr. Chairman.

[The statement of Fawn Sharp follows:]

Quinault Indian Nation

ORAL TESTIMONY BEFORE THE
HOUSE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
BY FAWN R. SHARP, PRESIDENT
QUINAULT INDIAN NATION
MARCH 25, 2009

"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

Thank you for the opportunity to appear before this Committee and provide oral testimony on the FY 2010 Budgets for the Bureau of Indian Affairs and the Indian Health Service. On behalf of the Quinault Nation, we make the following requests and recommendations:

Tribal Specific Priority Requests

- **$61 million for Blueback Restoration**
- **$1.2 million for Methamphetamine Strategy**

Local/Regional Requests and Recommendations

- Affiliated Tribes of Northwest Indians
- Northwest Portland Area Indian Health Board
- Northwest Indian Fisheries Commission

National Requests and Recommendations

- Provide **$25 million General Increase to BIA Tribal Priority Allocation** for inflationary and fixed costs
- Provide **$57 million** increase for **BIA Contract Support Cost (CSC), including Direct CSC**
- Provide **$470 million for IHS mandatory, inflation and population growth** increase to maintain existing health care services
- **$152 million** increase for **Contract Health Services (CHS)**
- **$143 million** increase for **IHS** to fully fund **Contract Support Cost (CSC), including Direct CSC**
- Increase **$5 million** to the Indian Health Service (IHS) **Office of Tribal Self-Governance**
- Do not access unfair/disproportionate rescissions on FY 2010 funding for the BIA and IHS and other Indian Program Funds within the DOI
- Support all requests and recommendations of the **National Congress of American Indians and National Indian Health Board.**

Tribal Specific Requests Justification

$64 MILLION B LUEBACK RESTORATION ($7 million annually from 2010-2018)

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. This pilot project provided data and experience with which to evaluate the process, need and cost to implement the full plan of eventually constructing an estimated 452 log jams in the upper Quinault River to help the natural processes restore salmon spawning habitat to historic conditions. Pre-project monitoring and data acquisition culminated this past year with seven years of effort.

This funding will allow for the continued implementation of the construction phase of the plan through specific location engineering, material procurement, structure construction and enhancement (tree planting), specific location nutrient application and continued planning, monitoring and data acquisition.

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 2018. Fertilization, data acquisition and monitoring will continue for many years.

$1.2 MILLION METHAMPHETAMINE STRATEGIC PLAN

Methamphetamine use within the Quinault Indian Nation is a serious concern and a significant public health and social challenge. Since its introduction to the community, the government of the Quinault Indian Nation has taken a proactive approach to dealing with crystal meth.
It affects a number of different groups; however, it is most prevalent among youth and young adults.

The Quinault Indian Nation's Methamphetamine Strategic Plan is part of a broader more comprehensive alcohol and drug strategy being developed that recognizes the need to plan for the future. 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 ingredients and supply while helping to ensure safer communities. Currently, many actions are occurring throughout the Nation under the government's umbrella plan to prevent and control drug abuse.

It has been largely recognized that an essential factor in the success of this strategy's principles requires precursor elements necessary for a strong community mobilization project to combat methamphetamine. Crystal methamphetamine and other forms of methamphetamine, which are classified as stimulants, are made with over-the-counter, easily available ingredients by individuals in their homes or by organized crime groups. These factors combine to make

methamphetamine a relatively cheap drug with high potential for abuse and harmful effects on our population. Methamphetamine use, if not prevented, will have harmful health, social and economic consequences.

Problematic substance use requires a coordinated and integrated response from all sectors. The Nation frequently conducts outreach in collaboration with the justice system, police, health, social services, school districts, community organizations and others seeking to improve, integrate and strengthen the overall health and services to individuals. Current work within the leadership of the Quinault Indian Nation further illustrates the steps we have taken to launch our strategy in order to take back our communities and minimize the significant risks related to methamphetamine production and use by targeting enforcement, outreach, prevention, stabilization and harm reduction services to high-risk populations.

There is also the recognized need to plan for the future, to fill any gaps and to ensure that crystal meth is dealt with in a thoughtful, realistic manner. Within the Quinault Indian Nation's jurisdictional boundaries, there is a need to collaborate on initiatives to address crystal meth use across all sectors, including government, regional health authorities, local school districts, community organizations and other partners. The work we do now to strengthen and coordinate existing initiatives will aid in reducing the harm associated with all illicit drug use, including crystal meth.

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.

RESCISSION OF FUNDING FOR INDIAN PROGRAMS

The Quinault Indian Nation requests that the Committee includes language in the appropriations bill that will direct the Department of the Interior not to impose unfair rescissions on Indian program funds. If a mandatory rescission is applied to all funding for federal programs across the board, we ask that Indian programs not be required to absorb a disproportionate loss of funds.

Again, thank you for this opportunity on behalf of the people of the Quinault Indian Nation.

Mr. DICKS. Well, thank you, Fawn, and we appreciate your leadership and your recent trip to the international conference where you had a chance, I think, to present your point of view, and we appreciate it.

Ms. SHARP. Thank you.

Mr. DICKS. Any other questions?

All right. Henry Cagey from the Lummis. Henry, how are you?

Mr. CAGEY. Good. How are you?

Mr. DICKS. Well, a lot going on back there.

WEDNESDAY, MARCH 25, 2009.

LUMMI INDIAN NATION

WITNESS

HENRY CAGEY

Mr. CAGEY. Mr. Chairman, my name is Henry Cagey, chairman of the Lummi Nation, and the Lummi Nation is up in Washington State and we are 100 miles north of Seattle.

I will summarize my testimony here, I guess, and get you right to what the Lummis are asking for from the committee. You know, the tribe is a fishing tribe, and again, we are really dependent on this resource to make a living, I guess for our families and our community. The Lummis have over 500 fishermen registered within the tribe. We harvest salmon. We used to harvest salmon year round. We are dependent on the fish and the shellfish. One of the things that we are here to remind the committee is that last year there was a report issued by the Department of Commerce on declaring the Fraser River sockeye a disaster, and we are here to look at some solutions to get us off this disaster relief for the Nation.

One of the things we have seen these last two years is the 2009 Omnibus bill did not support hatcheries. The stimulus bill did not support hatcheries and we are hoping——

Mr. DICKS. I think it was our impression in talking with the BIA that the $500 million for construction could be used——

Mr. CAGEY. No, sir.

Mr. DICKS [continuing]. For hatcheries.

Mr. CAGEY. We are told no.

Mr. DICKS. Who told you that?

Mr. CAGEY. That came right from the top of the chain there with Jerry—what is his name? It is coming from the top, Norm. We are getting no support for hatcheries and it is coming right down to the line.

Mr. DICKS. Get us the name of whoever you talked to and we will talk to him.

Mr. CAGEY. Well, again, we are told no, there is no money for hatcheries in the stimulus, there is no money for hatcheries in the Omnibus.

So anyway, what we are doing here today is reminding——

Mr. DICKS. That is not what we understand.

Mr. CAGEY. Well, Norm, I mean——

Mr. DICKS. We are told by the comptroller of the Department of Interior that that money will be available for hatcheries, and you

cannot give me the name of who you talked to. I can tell you who I am talking to and that is Pam Haze.

Mr. CAGEY. Pam Haze. Okay. I will do that, sir.

Mr. DICKS. Get me the name of who you are talking to and we will try to straighten this out.

Mr. CAGEY. Good. Well, I hope you can because again, we are not getting anywhere with this Administration on the support for the Lummis on hatchery needs, so if you can help, we would appreciate it.

So that is one of the main things we came by to talk about is the hatcheries, that our solution is to get off the sockeye disaster, that we want to invest the money in hatcheries.

Mr. DICKS. What has happened? What has been the reason for the big decline?

Mr. CAGEY. The decline in the sockeye?

Mr. DICKS. The sockeye.

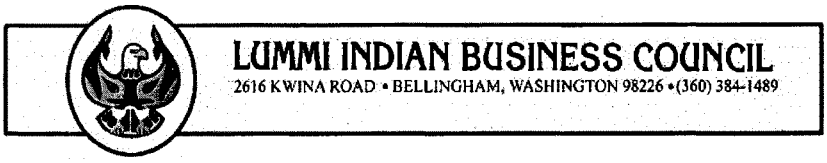
Mr. CAGEY. Well, you know, part of it is the United States-Canada treaty. Some of it is the habitat up in Fraser Valley. You know, the sockeye was once the salmon that we depended on to make a living, so the last 10 years has declined, you know, to almost nothing. So the last two years we have not fished sockeye for quite some time, which added up to the problems that you heard, you know, from the Quinaults and from the other tribes, that we are dealing with drugs, we are dealing with a lot of social problems. Violence has increased and our people are turning to different ways to make a living such as prescription drugs, such as other things that they are doing just to survive. So a lot of these things tend to built up in the last few years and with the Lummis, fishing has been our way of life, and so we are really in need of some type of support to rebuild out hatcheries, at least to get them back on the water and they can actually make their own living. So that is the thought in our testimony to do that. The CRS report backs that up. I would be happy to get a copy to the committee if they would like one. I think, Norm, your office has had one.

Mr. DICKS. Yes.

Mr. CAGEY. The last thing I want to leave you with is, I was back in the Library of Congress yesterday, and we had a letter from our farmer in charge, Mr. C.C. Vicbonner, you know, talking about some of the things that we were asking for 144 years ago, and some of these things still apply. We are still looking for housing, we are still looking for education, we are still looking for jobs for our community, and this report I would like to leave with the committee as well if you can take a look at. Some of these things have not changed and so we would like to remind the United States that there is an obligation through the Point Elliott Treaty that we feel needs to be upheld. I hope this committee can help us do that.

So again, on behalf of the Lummi Nation, thank you.

[The statement of Henry Cagey follows:]



Testimony of the Honorable Henry M. Cagey,
Lummi Nation Chairman
on the FY 2010 Appropriations for the
US Department of the Interior, Bureau of Indian Affairs and
the US Indian Health Services

Good Morning to the distinguished Committee Members, thank you for this opportunity, I am honored to represent before you the appropriations requests of the Lummi Nation for the FY 2010 Department of the Interior in the Bureau of Indian Affairs, U.S. Fish and Wildlife Service and the Indian Health Service.

The Lummi Nation Specific Requests:

Bureau of Indian Affairs (BIA)/U.S. Fish and Wildlife Service (USFWS)

+ $7.2 million - Fisherman Disaster Assistance funding
+$11.64 million - Salmon/Shellfish Hatchery (Skookum, Lummi Bay, Sea ponds)
+ $300,000 - Administrative Streamlining Project [Education]
+$500,000 - Tribal Community Safety Center
+$7 million - Slater Elevated Road Project

Indian Health Service (IHS)

+$2.3 million - Lummi Nation Dental Facility/Staffing/Equipment
+Contract Health Costs - Request for Weighted Contract Health Funds Allocation Formula

National Requests and Recommendations:

Bureau of Indian Affairs (BIA):

- *Increase Johnson O'Malley funds ($21.4 million) and Housing Improvement Funds ($13.6 million) to Tribal base programs;*
- *Provide $50 million General Increase to BIA Tribal Priority Allocation for inflationary and fixed costs; Increase Law enforcement program by 10% for Indian Programs in BIA's budget for law enforcement program and activities; and $25 million for Tribal Courts program.*
- *Provide $45 million increase for BIA Contract Support Cost (CSC), including Direct CSC;*
- *$500,000 for BIA Data Management funding of Office of Program Data Quality*

IHS Requests:

- *Provide $486 million for IHS mandatory, inflation and population growth increase to maintain existing health care services (President's budget proposes a cut of $21.3 million);*
- *$152 million increase for Contract Health Services (CHS)*
- *$160 million increase for IHS to fully fund Contract Support Cost (CSC), including Direct CSC (recent increases have been dedicated for new and expended P.L. 93-638 programs)*

Regional Requests and Recommendations - Support all requests and recommendations of: *Affiliated Tribes of Northwest Indians Northwest Portland*

Area Indian Health Board & Northwest Indian Fisheries Commission and Pacific Salmon Commission.

LUMMI NATION – 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 have 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 nine (9) years. This is the inescapable reality of the Lummi Nation fishers face without salmon. We were the last hunter/gatherer society surviving within the contiguous United States. We can no longer survive as hunter/gatherers.

Our people have diseases that were unknown to us at the beginning of the 20th Century. Our people are seeking a return to health and to practice our traditional healthy lifestyles. Our families are struggling to hold traditional values against the onslaught of poverty, drug abuse, and mental and physical illness. Domestic violence among our people is three times the rate experienced by our non-Indian neighbors. Our children and elders go without the food clothing, shelter and community support that is due to them.

Our people have problems and needs but we also have solutions. Today I am presenting a coordinated set of proposals to address the prolonged economic and cultural disaster impacting our people through the loss of our sockeye salmon; starting over ten (10) years ago, in 1999.

Fisherman Disaster Assistance Needs

In 2008, the Department of Commerce reissued the disaster declaration (See also – Congressional Research Services – CRS Report to Congress, Commercial Fishery Disaster Assistance, (RL-34209) May 2, 2008)), and we now seek ways to turn this scenario around to have a more positive outcome.

Our strategy is to consolidate our native and scientific knowledge of fish biology, behavior and management into the Northwest Indian Marine Education and Research Center for Excellence. (NICMERE). Collecting our professionals and traditional practitioners and field workers into a team to plan, design, finance, construct, and operate hatcheries. The same group would instruct and train hatchery workers needed by theses facilities, through Northwest Indian College. Hatcheries are the only way to insure salmon populations large enough to support our families and our way of life.

Our goal is to increase fish returns by improving hatchery production. This creates a reliable backup resource to salmon fishers by increasing other salmon stocks. Additionally, we seek to raise the value of these harvests through advanced marketing, the introduction of a fishermen's co-operative, and grow out operations for shellfish products.

Lummi Nation Specific Requests - Bureau of Indian Affairs

+ $7,200,000. -Fisherman Disaster Assistance funding (8 Northwest Tribes)- $7,200,000 *to the Bureau of Indian Affairs – Welfare Assistance program to support the West Coast Fisherman Disaster Declaration.*

Lummi Nation is requesting funding to support emergency relief services for our fishers. This assistance is needed to help fishers make the transition from sockeye salmon to other salmon species and other commercial fishery resources. Lummi Nation is requesting the Committee provide the BIA Welfare Assistance Program an additional $7.2million to address the Lummi Nation Fishers and West Coast Fisherman impacted by economic fisheries disaster.

+$11,650,000 million – Salmon/Shellfish Hatchery (Skookum, Lummi Bay, Sea ponds) *to the US Department of Interior, Fish and Wildlife – Fish Hatchery Operations program.*

The Lummi Nation currently operates three (3) salmon hatcheries and one (1) shellfish hatchery that support tribal and other fisheries in the region. The tribal hatchery facilities were originally constructed in the early 1970's. Predictably some of the original infrastructure needs to be repaired or replaced as it approaches the end of its useful life. Other infrastructure needs to be developed or modified to ensure compliance with the Clean Water Act and/or the Endangered Species Act. Lummi Nation Fish Biologists estimate that these facilities are now operating at 40% of their productive capacity.

+$2.200,000 **Lummi Skookum Hatchery** – Salmon

$720,000 Hatchery Intake – South Fork Nooksack Chinook Recovery program – replace intake system that has high O&M and often fails.

$625,000 Large Pond Improvement – increase annual production capacity.

$855,000 New Raceways – replace originally constructed infrastructure that is deteriorating and falling apart.

+$5,370,000 **Lummi Bay Hatchery**

$5,370,000 Nooksack River pump station - This will increase the production capacity of Lummi Bay hatchery by improving water pumping capacity and resource.

+$570,000 **Lummi Shellfish Hatchery**

Multiple operation & maintenance issues for increasing production capacity in areas of feed, building insulation, heating & cooling systems, increase grow out tank space, results in increased seed production.

+$3,510,000 Lummi Pond Tide Gates Improvements

This project rehabilitates current shellfish hatchery to optimize production capabilities. Increased shellfish seed production increases enhancement activities on Lummi tidelands to create jobs for tribal shellfish harvesters and increase sales to the West Coast shellfish industry to create jobs for growers and businesses.

+ $300,000. Education – Lummi Nation Education Future Project *for the Bureau's School Operation Program fund*

The Lummi Nation is no longer willing to bear the combined burden of five (5) different administrative oversight structures of its education programs, services, functions and activities. This oversight burden includes the Bureau Office of Indian Education Programs, the US Department of Education, and the State of Washington Office of the Superintendent of Public Instruction, the Ferndale School District, and the Lummi Nation administrative oversight structures. The weight of this combined oversight literally crowds out the only legitimate concern for school operations and maintenance, STUDENT LEARNING SUCCESSES. To address the need to streamline the administrative process, while still providing appropriate oversight, the Lummi Nation is requesting funding ($300,000) for a demonstration project; to allow it and other Tribal governments facing similar situations to develop a plan to streamline the administrative

process pursuant to the proposed amendment to Title IV of the Indian Self-determination Education Assistance Act (Public Law 93-638 as amended).

+$500,000. – Northwest Tribal Detention Facility Project – *through the BIA Detention Center Maintenance and Construction program*

The Lummi Nation has been able to organize eight (8) federally recognized Tribal governments to support the development and operation of a Community Public Safety Center, which would serve as a regional alternative jail. The facility would feature a variety of incarceration services from the least restrictive forms of community-based services through limited maximum-security incarceration services.

Planning/Transportation - Bridge - Project

+$7 million – Slater Elevated Road Project funding increase (Joint Inter-local Agreement) *through the Bureaus Indian Reservation Roads Program*

Project Description: The Lummi Nation is partnering with the Federal Emergency Management Agency and Whatcom County to elevate the eastern approach to the Slater Road Bridge over the Nooksack River. This section of Slater Road is frequently flooded by Silver Creek, which runs parallel to the Nooksack River. The project is an extension of the Slater Road Bridge over Sliver Creek, which is a salmon spawning stream.

Need for the Project: When this section of Slater Road is flooded, access to the Lummi Reservation, Lummi Island, the Cherry Point heavy impact industrial zone, and the City of Ferndale are severely limited. Most years these limitations last for days at a time. The impact threatens public health and safety and has substantial negative economic impacts for the retail, commercial and manufacturing businesses in the area.

Project Funding: The FEMA provided a $3 million grant for the project through the Pre-Disaster Mitigation Program (the maximum grant allowable) and Whatcom County has committed $3.66 million to the project based on initial project cost estimates. The design for the project is completed but, due to increase material costs, the engineer's cost estimate based on the 100 percent design is approximately $7 million greater than the available budget. Value engineering efforts did not substantially lower the costs and would have a greater environmental impact.

Lummi Nation Specific Requests - US INDIAN HEALTH SERVICES

Request for Contract Health Funds Allocation Formula Methodology

The Lummi Nation is requesting that the Committee direct the IHS to develop an allocation plan for contract health care funds that recognizes that Tribes who are not served by an IHS Hospital incur greater contract health costs than those tribes who are provided services by such a facility.

+$2,300,000 - Lummi Nation Dental Facility/Staffing/Equipment increase *through the I.H.S. Small Ambulatory expansion of health clinics program.*

LIBC received partial funding for this construction project and is requesting full project funding and the inclusion of staffing and equipment costs.

> +1,100,000.Facility: This funding is needed to all the Lummi Nation to return to its original plan approved by the I.H.S. and the Lummi Nation. Lummi Nation funding the was allocated for this project is no longer available due to the current national
>
> +1,200,000. Lummi Nation needs additional equipment (8 dental chairs at $100,000 each) and staffing to support operations. (4 dentists at the rate of $100,000 annually each).

Mr. DICKS. We appreciate your testimony and your concerns and we will take a very serious look at it. Thank you.

Samuel N. Penney.

WEDNESDAY, MARCH 25, 2009.

NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

WITNESS

SAMUEL N. PENNEY

Mr. PENNEY. Good morning, Mr. Chairman, members of the subcommittee and I would especially like to thank Chairman Dicks and Congressman Simpson from the State of Idaho for this opportunity to testify this morning.

I have submitted my testimony. I would like to focus on a couple of things on the Indian Health Service and first I would like to thank Beth Houser for visiting our clinic out in Lapwai, Idaho, last summer. We really appreciate that. The Nez Perce Tribe operates two clinics, one in Lapwai, Idaho, and a branch facility in Kamiah, Idaho, which serves approximately 3,500 patients with a contract health service appropriations of about $3.1 million, and this averages out to a mere $880 per patient per annum. The Nimiipuu Health currently has 543 patients that are on the deferred services list. That represents almost 16 percent of the patients served at our clinics. The estimated cost of health care for these individuals is estimated to be about $1.2 million.

Mr. Chairman, I called back to our clinic yesterday because we all share that tribes are always on Priority 1 so I called back to see exactly what is in Priority 1, 2 and 3. under Priority 1, it is cardiac, cancer, fractures, lacerations, pulmonary, accidents, injuries to eye, and most of the time the tribes are on Priority 1. Under Priority 2 would be things such as mammograms, eye exams, colonoscopies, pain management, X-rays, and under Priority 3 there would be service considered on a case-by-case basis if funds are available. And when I talked to our clinic they said that we are hardly ever on Priority 2 or 3, we are always on Priority 1. So things such as glasses, orthopedic, other minor surgeries, dermatology, dental are all put on the back burner.

What happens at our clinic is, we have medical providers and others will meet to discuss what the priorities will be for the limited funding that we have, and they also sent me a paper which has several questions regarding health care which personally I felt were very disturbing when they look at health care for Indian people not only in our tribe but across this country, but they have some questions that they ask. When patients are referred for elective procedures, consultation, outpatient care or inpatient care, payment for eligible patients should be authorized only when the care required is medically necessary and falls within established medical priorities. All referrals will be reviewed and approved in a prescribed manner. In order to determine whether needed care or within the medical priorities that fall in question should be considered, one, what is the rate of deterioration of the patient's condition. Is the needed service deferrable or non-deferrable. Two, what

will the potential morbidity of the patient if the desired care is not rendered. Are there any potentially grave outcomes. Three, what is the expected benefit from the evaluation of treatment. Will the case likely result in a cure or improvement. And four, is the procedure experimental or purely cosmetic. Is the requested service on the exclude list. And as I mentioned, every Wednesday at our clinic the medical providers, the contract health, the finance and dental meet to determine which patients are going to be served first. Usually what happens is——

Mr. DICKS. Well, last year there was a big cut in this area, Indian Health Service, by the previous Administration, and we had to put the money back in or there would have been thousands of people across the country who would not have gotten any service. So we are very sympathetic to this, so we need you to explain to us what has to be done to help deal with this problem.

Mr. PENNEY. Well, I think there have been great strides in improving Indian health but if you look at the medical costs and inflation, you talked about the Recovery Act earlier, from what I see, the Recovery Act, the construction, the majority of that money will be taken by two projects so other tribes across the Nation will be fighting for the remainder. What I potentially see is that we will have pretty nice facilities but we will not have enough money to fund them for proper care, so we will have a nice building, nice equipment, providers, but they are not going to be able to serve them because you always be on Priority 1.

Mr. DICKS. You do not get to these priority 2 and 3 cases? That is your point?

Mr. PENNEY. Hardly ever.

Mr. DICKS. There is just not enough money to do that?

Mr. PENNEY. And what we have done, as I explained to Congressman Simpson yesterday, we have had to utilize gaming revenues over the last two years to address the deferred services list. Last year we put in about $250,000, this year $200,000 to meet those deferred services needs. So I guess what I am saying, Congressman, is that there have been great strides but the need is still there to meet the needs of these patients, and I think——

Mr. DICKS. And yet we have not seen the first of Obama Administration budget yet so we are not certain what the request is going to be, so——

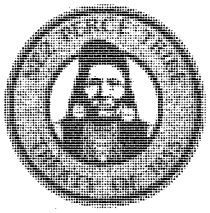
Mr. PENNEY. An example I use, Congressman, is, my mother died about three and a half years ago and she had a lot of tests and things. Finally they sent her to Spokane to get a scan, tell her she needs an operation. Then they open her up and she has cancer everywhere. They could not tell where it began or ended, and probably about three days later she passed away. So that is not an uncommon story, you know, across this country for Indian people.

The final thing I would like to talk about, and my time is almost up, is EPA. The Nez Perce tribe operates federal air regulations for reservations under a Direct Implementation Tribal Cooperative Agreement, called DITCA, and EPA region 10 has used our program as a model for other tribes. In fact, I just met with the Idaho Department of Environmental Quality. They also utilized the tribe's air rules for reservations as a model for the State of Idaho, but it impacts the health and welfare of the residents of the res-

ervation, and even though there are increases in funding for EPA region 10, it is still not sufficient to meet the needs of not only our program but programs across the country.

I would like to conclude my remarks. Mr. Chairman, I thank you for this opportunity and would be happy to answer any questions. Thank you.

[The statement of Samuel N. Penney follows:]



Nez Perce

TRIBAL EXECUTIVE COMMITTEE
P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT
AND RELATED AGENCIES

WEDNESDAY, MARCH 25, 2009

TESTIMONY OF SAMUEL N. PENNEY
CHAIRMAN, NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

PUBLIC WITNESS HEARINGS
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 on many programs that directly impact the daily affairs of Indian tribes across the country. I would like to extend a special thanks to Chairman Norm Dicks who heralds from the Northwest in Washington state and Ranking Member Mike Simpson who represents the Second Congressional District in Idaho.

The Nez Perce Tribe is pleased to offer several recommendations on proposed spending for certain programs. First, the Nez Perce Tribe supports the recommendation by the Senate Committee on Indian Affairs to increase spending for Indian Health Care Services and construction by at least $600 million dollars over the FY09 spending level. This amount is also consistent with the proposed spending outlined by President Obama in his FY10 budget. Second, the Tribe supports the $100 million dollars in increased spending allocations over the FY09 budget for the BIA outlined in the Presidents budget in support of law enforcement and education programs for tribes. The Tribe also believes there could be additional funds that could be made available to the BIA by examining the services and the cost of those services provided by the Office of Special Trustee to tribes and eliminating duplicate services. Third, the Tribe believes more funding needs to be available for the different regions of the Environmental Protection Agency ("EPA") to aid in tribal programs implemented on behalf of the EPA. The President's budget specifies money for state and tribal administration of environmental programs in the amount of $1.1 billion dollars as well as increased

funding for enforcement. Finally, the Tribe supports funding within the Unites States Forest Service for fire suppression and work with Tribes on preservation of treaty reserved resources.

Indian Health Services

The Nez Perce Tribe currently operates one health care clinic, Nimiipuu Health, in Lapwai, Idaho on the Nez Perce Reservation. Nimiipuu Health also has a branch facility 65 miles away in Kamiah, Idaho on the Nez Perce Reservation. Nimiipuu Health serves approximately 3,500 patients with a contract health service appropriation of $3.1 million dollars. This averages out to a mere $880.00 per patient per annum. Although this annual average is offset to some degree by third party payers such as private insurance, the budget numbers are shockingly low based on the fact that there is a trust responsibility by the United States to provide adequate health care. A recent article in the Seattle Post-Intelligencer discussed how health care in Indian Country showed steady improvements from the 1950's through the 1980's. Since that time, insufficient funding and medical inflation have actually caused those health numbers to stagnate and go backwards as the health status of Native Americans across the country has deteriorated significantly.

Currently, Nimiipuu Health has 543 patients that are on the deferred services list. That represents almost 16% of the patients served by the clinic. The estimated cost of the healthcare for these individuals is $1,293,434.00. As a result of the low patient cost average identified earlier, any catastrophic health event severely impacts the overall patient services budget of the clinic and the implications of these budgetary shortfalls are felt throughout the system by every patient. The high cost to provide health care to the patients on the deferred services list causes a shortfall in overall funding. The only response the clinic has when faced with such a shortfall of funds is to defer all healthcare that is not emergent. The cascade effect of this forced healthcare policy is that issues that once were manageable then become larger issues or the patient's care is deferred indefinitely. Patients that may have not been terminal have become terminal under this forced regime. In addition, the proactive effects and savings of preventative care are sacrificed in the long term because of the emergency created by the inadequacy of funding. These policies need to be fixed, mainly through increased funding.

In the context of these issues with Health Services, the Nez Perce Tribe would like to reference a report issued by the United States Commission on Civil Rights. In September 2004, the United States Commission on Civil Rights issued a report entitled "Broken Promises: Evaluating the Native American Health Care System." In examining the trust responsibility of the United States, the Commission stated in the report:

> Treaties and related court decisions form the foundation of the federal government's undisputed responsibility to provide adequate health care to Native Americans. Congress has formally acted upon that responsibility on more than one occasion, and virtually every political leader addressing Native American Health Care has recognized this responsibility. ... Regrettably, the Commission concludes that our nation's lengthy history of discrimination against Native Americans,

> by way of unfulfilled promises, repeats itself as evidenced by the failure of Congress to provide the resources necessary for the creation and maintenance of an effective health system for Native Americans. [141]

In the report, the Commission also observed that "persistent discrimination and neglect continue to deprive Native Americans of a health system sufficient to provide health care equivalent to that provided to the vast majority of Americans." How can the Indian Health Service be expected to provide quality and effective service to Indian Country if the system is continually underfunded because the system does not have the support of the United States behind it? This needs to be addressed and the Nez Perce Tribe believes that the increased funding recommendation of $600 million dollars for FY10 is a start in the right direction.

Bureau of Indian Affairs

The Nez Perce Tribe supports President Obama's increased funding recommendation for the Bureau of Indian Affairs of at least $100 million dollars over the FY09 levels. This increased funding needs to be targeted at programs that will provide for the law enforcement and education needs of Indian tribes. Increased funding for tribal law enforcement programs funded through the Office of Justice Services and programs such as tribal Community Oriented Policing Services (COPS) program and the Tribal Courts Assistance Program are desperately needed. Law enforcement in Indian Country is a complex and costly endeavor that relies on federal services such as federal prosecutors that are located 2 ½ hours away from the Nez Perce Reservation. Tribal police also face a jurisdictional minefield for enforcement that must be navigated to provide the services a community requires and deserves.

The Nez Perce Tribe also believes an analysis of the efficiency and cost-effectiveness of the services provided by the Office of Special Trustee ("OST") should be conducted. Throughout the short existence of the OST, it has continued to grow into a larger and more costly bureaucracy. As a result, resources that should be directed towards the BIA are continually drained away toward the work of the OST. This division of resources ultimately short changes Indian Country by not providing any more or better services.

Environmental Protection Agency

The Nez Perce Tribe currently implements, on behalf of the Environmental Protection Agency, the Federal Air Rules for Reservations program. The program monitors air quality and regulates field burning throughout the Nez Perce Reservation. The Tribe is located in Region 10 of the EPA. Currently, Tribes in Idaho, Oregon and Washington cannot meet their air quality needs because EPA Region 10 does not have sufficient funding to support air quality programs.

Additional funding that has come to Region10 to support delegated Federal Air Rules for Reservations (FARR) programs is insufficient. There is also insufficient funding to support other non-FARR air quality program development and capacity building for Tribes in Region 10.

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. However, these cost-reduction alternatives usually are accompanied by increased risk of a lawsuit against the Nez Perce Tribe. 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, and in turn adversely impacting the success of the FARR DITCA program. 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 Nez Perce Tribe is currently dependent on several sources of EPA funding to support the FARR DITCA. Funding from the EPA Region 10 Tribal Air Allocation has not increased significantly in eight years and no additional resources have been made available to support implementation of the FARR. The implementation of FARR is one of the major steps EPA has taken in Region 10 to protect the health and welfare of residents on the reservations in Idaho, Oregon and Washington. Funding from the Office of Enforcement and Compliance Assistance (OECA) for compliance assurance and monitoring activities is also a significant funding source that has decreased each year and is expected to disappear. As a result, the Nez Perce Tribe is in support of the 34% increase in funding contained in President Obama's FY10 budget.

Unites States Forest Service

The Nez Perce Tribe supports increased funding for fire suppression and control for the United States Forest Service. 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 ceded territories 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. 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.

Again, I wish to sincerely express my appreciation for the honor and privilege of having been invited to present testimony to the Committee today.

Mr. DICKS. Mr. Simpson.

Mr. SIMPSON. Thanks, Sam. I appreciate it. Thanks for coming in and talking to us today.

Mr. DICKS. Thank you. We appreciate your statement.

Mr. LATOURETTE. Mr. Chairman?

Mr. DICKS. Yes, Mr. LaTourette.

Mr. LATOURETTE. I just have one question. You mentioned the $500 million that is in the recovery package you think is going to be consumed by two projects. Do you know what those are?

Mr. PENNEY. From my understanding from attending the National Congress of American Indian briefings, I was told that there will be one project on the Navajo Reservation, one project in Alaska, and I do not want to be misunderstood. Those facilities are truly needed, and I think what I am saying is that there is a greater need across Indian County for facilities plus adequate funding so we are not always on Priority 1.

Mr. LATOURETTE. It is your understanding that——

Mr. DICKS. These are the top of the priority list. I was very concerned about this myself, that two projects would consume so much of this budget, but they are at the top of the priority list.

Mr. LATOURETTE. Well, I guess what I am getting at is, a couple times they have referred to this $500 million. Is this——

Mr. DICKS. This is separate now. Indian Health Service is what you are talking about. He was talking about BIA construction, two different projects.

Mr. LATOURETTE. And you are not talking about BIA construction?

Mr. DICKS. You are talking about the Indian Health Service?

Mr. PENNEY. Yes.

Mr. DICKS. Which is HHS.

Mr. PENNEY. Right. Mr. Chairman, I think there is some funding under HHS and then also the Recovery Act so they are separate.

Mr. DICKS. So there is $500 million in Indian Health Service, $500 million in BIA construction.

Mr. LATOURETTE. Thank you.

Mr. DICKS. So they are both insufficient to take care of the problem.

Mr. LATOURETTE. Thank you. Very helpful.

Mr. DICKS. Mr. Cole.

Mr. COLE. Just a quick question. Would it make any difference if we had gotten last year the Indian Health care reauthorization through the Congress? I mean, we have been struggling with this under both parties for many years and not gotten the legislation through. Would that help address your problem if that were done?

Mr. PENNEY. I think the tribes through the National Congress of American Indians and other forums, National Indian Health Board, have made the reauthorization top priority, and we think that would be very beneficial, a step in the right direction. I think what I am saying is that we would appreciate that but it is almost like we are not going to have the adequate funding for necessary health care. When you look up the word "deferred" on some of these health care, all you are doing, they have a true need, they are just going to deteriorate until they become either a catastrophic case or, you know, take more out of the local budget.

Mr. COLE. I agree. I understand the funding need as well, but I just want to point out for the record, Mr. Chairman, the Senate actually got that passed last year and we were very close in the House, and certainly a lot of the committee has worked on it. Hopefully we can kind of push that along because it provides a framework that really facilitates——

Mr. DICKS. There was an abortion issue that got in the middle.

Mr. COLE. That is exactly right, Mr. Chairman. That is exactly right. I was hopeful we could get it done in November or December after the elections but hopefully we can push that along this year.

Mr. DICKS. Thank you very much.

Julie Doney, president of the Fort Belknap Indian Reservation. Welcome, Julie. We are glad to have you here.

WEDNESDAY, MARCH 25, 2009.

FORT BELKNAP INDIAN RESERVATION

WITNESS

JULIE DONEY

Ms. DONEY. Good morning. Thank you for your previous support and the expertise that you lend to care for the Gros Ventre and Assiniboine Tribes of Fort Belknap. I am pleased, Mr. Chairman, and members of the committee, I am pleased to be here today to testify on behalf of the 6,000-plus members of the Gros Ventre and Assiniboine tribal members of Fort Belknap Indian Reservation, which is located in north central Montana.

My testimony today is directed towards the fiscal year 2010 appropriations for BIA, IHS and education programs. You know, the tribal council is looked at by the people as the entity that they bring a need to us and they expect us to have the answers or find the answers and find the monies necessary to fulfill their needs and the real basic needs actually. You know, we are the ones that have to look at the health care, and I could say ditto to previous testimony in health care and also the BIA. Many of our programs are under P.L. 93–638 BIA Contracts. Our detention, law enforcement, tribal courts, our irrigation project, our road maintenance, tribal land department. So in a total of all of the 638 programs, we are requesting approximately $8 million to not only fund them to capacity but also to possibly get us on the road to self-sustaining.

Mr. DICKS. Is that $8 million for contract support?

Ms. DONEY. No, it is just for a total request of all of the different needs that we have.

Our detention center, we have a detention center that is almost built but right now we need 18 staff members to fulfill the rotating shifts and right now for detention our current detention budget is $79,618. That only funds one person so then we are robbing from Peter to pay Paul, you know, and we are just kind of getting tired of doing that so we are asking that you would increase our funding for our detention. But totally in our law enforcement, we have outdated equipment for our police officers and I want to also mention our volunteer fire department, which I did not mention in my written testimony because our volunteer fire department, they have

very outdated and antiquated equipment, and there was a house fire and a 15-year-old girl burned to death because the firemen were not able—they did not have the equipment that would protect not only them but could save a life, so I wanted to mention that.

In our law enforcement, our reservation is 35 miles by 23 miles so it encompasses about 723,000 acres, which our law enforcement have to drive. You get a call on the agency level and then there is a call 35 miles and you zip out there, you know. I really invite you to come to Fort Belknap any time that you are in the area because being able to tell you about it is just not enough. You really have to come on call with the police officers. I have been out in the field working with them and I was there when two of our elderly people were brutally murdered by a young man who was on drugs and alcohol, and I would not wish that for anybody to be involved in that but I just happened to do a ride-along that night and that is what happened.

Our employment and our training program, we desperately need increased funding because our Temporary Assistance for Needy Families program is not enough to not only fulfill the basic needs of our members but we do not have enough money to try to train our young people to find a career and to begin a work career. We want them to be able to have a reason to get up in the morning, to go somewhere, you know. Then they will go to bed earlier and then you will not have to fulfill the detention need. That is the way I look at it. A person has to have a need to go somewhere in order to fulfill their needs.

Our tribal land department, our acreage, the majority of it, I would say 99 percent is trust status and you cannot say that about every reservation, but I know in Montana, so in our tribal land department we would like increased funding not only to upgrade our land department but so that we would have money to buy land if a person wants to sell land because we have a high unemployment rate. It is like 73 percent. We depend on fire fighting in the summer. So we have a high unemployment rate so people who own land want to sell it. They come to the tribe to sell their land. If we do not have the money to buy it—if we bought it, it would remain in trust status and in our constitution we are not allowed to sell land once we have it. So if we are able to buy the land, which would fulfill their need to help provide for their families' needs, it will remain in trust, but if we are not able to buy the land, then it goes to non-Indians and it is turning into fee status and then you have a checkerboard reservation. So we would really wish to have our lands remain in trust.

Mr. DICKS. Thank you. Your time is up.

Ms. DONEY. Oh, I am sorry.

[The statement of Julie Doney follows:]

TESTIMONY OF MS. JULIA DONEY
PRESIDENT
OF THE 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 25, 2009

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to testify on behalf of the 6,422 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 2010 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 of our reservation communities.

BUREAU OF INDIAN AFFAIRS

I would first like to request funding for programs within the Bureau of Indian Affairs which the Fort Belknap Indian Community contracts under P.L. 93-638 from the BIA.

Detention/Corrections:

- Requesting $2,000,000. in funding for additional staffing for facility that is to be completed in September 2009. We need 18 staff members to cover rotating shifts, and operation and maintenance of new facility. The current budget for the Corrections Division is $79,618. far less that what we need.

Law Enforcement

- Requesting $1,543,000 in funding to provide law enforcement services on the 723,000 acre reservation. Basic need include armored vests, outdated duty weapons, replace old patrol units and updated computer technology.

Tribal Courts

- Requesting $632,754 to fund additional staff positions, update computer software/data collection systems, provide staff training and update technology.

Employment and Training Programs

- Requesting $2,000,000 for workforce training/development and summer youth employment programs to prepare tribal members especially our young adults that would prepare them for future employment. We have over 400 adults and 900 youths needing assistance.

Irrigation Project

- 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.

Tribal Land Department

- Requesting $2,000,000 to upgrade our tribal land department to develop and implement technology that would put all of the tribal leases and land holdings onto computers to make them compatible with the BIA and state departments.

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. Black Colleges funding for their students is twice that amount and our students deserve the same.

Roads Maintence

- Our roads maintenance department is responsible for the system that encompasses the 725,000 acres of our reservation. The severe Winter this year depleted the funding of this program as our snow plows and crews worked 24/7 during the storms. This department is also responsible for maintaining our road system throughout the fiscal year.

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 that will have the expertise in the development of our tribal energy resources of gas, oil and minerals.

Indian Water Rights and 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 the impetus of Indian reserved water rights began and is the doctrine that protects 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 submitting a compact settlement in excess of $200 million to Congress in the near future for funding.

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

We request that you provide increased funding as our tribal members have endured inadequate health care since our reservation was created in 1888. Our health standards are low, we have high rates of diabetes, cancer and our people are not receiving specialized health care and in many cases are left to die. We fully support the national request to increase the Indian Health Service funding by $908 million dollars.

These increases in funding are for improved services in our hospitals and clinics, dental services, mental health, public health nursing programs, health education and most importantly contract health services.

Diabetes & Dialysis Center for Patients

- Additional funds for our diabetes patients need increased funding to properly diagnose and treat this deadly disease. We 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.

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.

Indian Professionals

- Scholarship funding for Indian students are needed to attract and support individuals into the health professions. These students once graduated would come back to reservations and provide high quality medical services to our tribal members.

Facilities & Construction

- At Fort Belknap, we are currently building new residential quarters to attract health professionals. Since construction costs have sky rocketed we were only able to build a six-plex and 10 homes. The original plan was to build 29 homes but due to high construction costs this was down sized to 16 homes. We need an additional $8 million to complete the entire project.

EDUCATION

Educational services to our tribal members have always been included in the language of our treaties with the United States government. This assurance has only been partly met and improved educational opportunities to our children is paramount.

Head Start Programs

- 141 children attend our Head Start Program at Fort Belknap. But our need is for new facilities as our Head Start Centers in the communities of Hays and Lodge Pole are old and antiquated and not conducive to a healthy and quality learning environment to the children that attend school there.

Impact Aid Program

- There are 775 students that attend Harlem, Hays/Lodge Pole, and Dodson public schools that are on and near the reservation. Schools districts in Montana face severe funding shortages from the normal tax base and from the state legislature. Our students still must receive a quality education that prepares them for our ever changing world. We support an increase funding level for this program.

TRIBAL ELDERS

Our tribal elders are very precious to all of our Indian Nations. We are forever taught to honor and respect them and also to provide and protect them. The elders never complain or ask for things but remain to be the most disadvantaged elderly minority in the country. We are unable to provide good healthy meals or basic transportation for them. They need adult day care centers and home health aide services.

We desperately need skilled staff to work with our elders and skilled staff that can provide nutritional meals for them.

- We ask that you fund Title VI of the Older Americans Act under the Department of Health & Human Services at $29 million dollars.

- Continue to fund the Diabetes Prevention Program in Tribal Communities at $500,000.

- Fund Title VII - Elder Abuse Awareness and Protection Demonstration Grants at $2 million.

Tribal Sovereignty

We ask that you continue to honor the government to government relationships that Tribal Governments enjoy with the United States. Tribal governments, just like state and municipal governments, provide critical services, shape values, and promote jobs and growth on our respective reservations. Our tribal governments which address the concerns and needs for our citizens and ultimately the ones most accountable for the safety and protection of our reservation communities.

On behalf of the Assiniboine and Gros Ventre enrolled tribal members of the Fort Belknap Indian Reservation, we graciously thank you for your time and efforts that you dedicated to the citizens of our Indian reservations. We stand beside you in your never ending efforts to make our homes and communities a safe, healthy and enjoyable place where we can raise our families, and enjoy a strong and productive way of life.

Mr. DICKS. Any questions? Yes, Congressman LaTourette.

Mr. LATOURETTE. I am sorry, but being new to the subcommittee, I ask a lot of stupid questions. You mentioned the fire service. I think all of us have fire services that are underfunded and they have long been neglected. Are the tribes eligible to make application under the Fire Act for grants? Do you know?

Mr. DICKS. I would think so.

Mr. LATOURETTE. I would just say that one way that we have beefed up our local fire departments has been through this wonderful Fire Grant program, and if you have not applied through the Fire Act and you want to get ahold of somebody on the staff, it is a great way to—for instance, if somebody needs a new hook-and-ladder truck, we do not have money to buy a new hook and ladder truck. They are pretty pricey. But on a competitive basis the Fire Act gives equipment, gives training and gives really lifesaving equipment, for instance, breathing packs when somebody has to go into a bad fire. So if you could look into that and maybe get back to us. If you are not eligible, I think you should be eligible.

Mr. DICKS. Mr. Calvert, do you have something you wanted to say?

Mr. CALVERT. Just real quick. You mentioned there was a problem with the drugs on the reservation. Is the primary drug used on the reservation methamphetamine?

Ms. DONEY. Yes.

Mr. CALVERT. Is the methamphetamine being manufactured on the reservation in these drug facilities that pop up all over the place or is it primarily now being imported onto the reservation?

Ms. DONEY. Imported.

Mr. CALVERT. So it is probably from Mexico. Thank you.

Mr. DICKS. Mr. Cole.

Mr. COLE. First quick observation to Mr. LaTourette's question. When I was on Rules, we used to routinely—you could get it done in a manager's amendment, literally amend this stuff as it comes through when it says local governments and add tribal governments and we expanded a lot of things that way. I do not know if we got that one or not. But if you could get somebody on the Rules Committee to just propose it, boom, it happens, and then they can go compete for the grants the same way any other local government can. Without that, they usually cannot.

Mr. DICKS. I would think they can compete, but we will find out.

Mr. COLE. It is a problem sometimes, Mr. Chairman.

Mr. DICKS. That is a good idea, by the way.

Mr. COLE. One quick question. I noticed you are requesting money for gas and oil, mineral development. I am very curious about what kind of prospects you would have from a tribal standpoint for revenue in minerals. Do you have proven reserves?

Ms. DONEY. You know, we have just recently begun exploration and there is a gas line that has just been put in on the reservation and so there is now production, so some of our tribal members as well as there is some tribal land there that is receiving some income off of it.

Mr. COLE. Does that revenue flow to the tribe or does it flow to individual mineral owners? How does that work?

Ms. DONEY. It flows to individual mineral owners. If the tribe has land that they have crossed or they are drilling on, then it will come to the tribe.

Mr. COLE. Thank you very much.

Ms. DONEY. And I just wanted to say thank you because, you know, in finalizing, I wanted to say thank you for doing what you do. You know, I came a long distance to stand before you, spending money that we do not really have and really could not afford but I wanted to come so that when I pray for not only the tribal council but I will also pray for each one of you because I want to see your faces and remember you when I pray because it is difficult, if not impossible, for both of us that we share in caring and providing for the Gros Ventre and Assiniboine Tribes of Fort Belknap. So on behalf of the Assiniboine and Gros Ventre, I want to say thank you.

Mr. DICKS. I will just make one comment. We are not able to take care of every one of these individual projects. I want to make sure everybody understands that. But last year we corrected all the major issues that were brought to us like Johnson-O'Malley and the housing and the urban health care clinics. The major things in the bill came to light in these hearings. Contract support is one we still have to work on as a national issue, but that is why you have to work with your local Congressman from your area on your specific projects.

Ms. DONEY. We do.

Mr. DICKS. Which you do, but I want you to know, on the major issues, we were able to correct most of those things. Now, we think that we are going to get a better budget under the new Administration, and therefore there may not be as many of the big issues standing out there like there were last year where we had major gaps in funding for the Indian Health Service and the BIA. But this is important to us to get a picture of where the major issues are.

Ms. DONEY. Thank you.

Mr. DICKS. James Allen Crouch, executive director of the California Rural Indian Health Board.

WEDNESDAY, MARCH 25, 2009.

CALIFORNIA RURAL INDIAN HEALTH BOARD

WITNESS

JAMES ALLEN CROUCH

Mr. CROUCH. Good morning, Mr. Chairman and committee. My name is James Allen Crouch. I am executive director of the California Rural Indian Health Board (CRIHB). I am honored this morning to be accompanied by my board chairman, who we are proud to say is also currently the chairman of the National Indian Health Board.

Mr. FRANKLIN. Greetings. My name is Reno Franklin, Kashia Pomo Tribe, chairman of CRIHB and the chairman of the National Indian Health Board. I would also like to introduce one of the councilwomen from Pechanga Tribe.

Ms. GARBANI. My name is Karinna Garbani and I am one of the councilwomen with Changa Band, and I am representing the southern end for health today.

Mr. DICKS. Is that near Palm Springs, California?

Ms. GARBANI. Yes.

Mr. CROUCH. The California Rural Indian Health Board represents tribes and tribal health programs across the State of California. We have a number of requests this morning. First and foremost is a $2 million committee mark for the California Contract Health Services demonstration project. We will talk about that more in a second. Secondly would be funding for the Indian Health Care Improvement Fund, which brings funding equity to all of Indian Country because although there are 12 areas and many times you may be seeing the level of need funded for an area, actually in each area there are pockets of poverty that have yet to be reached. And finally, we are supporting the request for major increment into the contract support cost line item. The California CHS demonstration project was authorized in the Indian Health Care Improvement Act and continues to be an active statute. We are seeking a committee mark to support that project, to increase utilization of the Catastrophic Health Emergency Fund (CHEF) by tribal health programs in California. The committee every year makes a commitment to this CHEF fund by taking part of the line item in contract health services and setting it aside for the CHEF fund. That is an appropriate and a good way to modify risk for the tribal health programs because it pays for high-cost cases. Unfortunately in California, our tribal health programs are very small. The average size is about 1,800 active users. Navajo, for example, would have 12,000 in their operating unit sizes. We are underfunded, as everyone else in the system, but because of the small size of our programs and the fact that there is no one to stand behind them to absorb risk, when they have a high-cost case they simply tell them no. That means that many clients simply create bad debt at California hospitals. History and research from CRIHB shows that that is about an $18-million-a-year burden on hospitals in California. California Contract Health Services (CHS) demonstration project is also like the Indian Health Care Improvement Fund in that there you take an earmark from hospitals and clinics and identify that money for the Indian Health Care Improvement Fund, which is there to bring equity across Indian Country.

Mr. Franklin.

Mr. FRANKLIN. Kind of moving forward to the discussion on the Indian Health Care Improvement Fund, let me just say that the very thorough explanation of what that fund is, is inside of the testimony and so I am not going to entertain you with that.

I would like to just touch briefly on that and say that we believe the most effective method of addressing a lack of primary care across the whole IHS program would be a multi-year commitment to providing a significant portion of new IHS resources to be distributed throughout the Indian Health Care Improvement Fund. With limited funds, Congress has tried to target the commitment to the least well-funded, and that would be the operating units with less than 40 percent of their level of need funded. To date, Congressional appropriation or allocations to the Indian Health

Care Improvement Fund have failed to match medical cost inflation and have yet to lift 47 of the poorest operating units to the 40 percent level. Our ask for that would be $122 million to achieve a 50 percent level of need funding.

Mr. CROUCH. Ms. Garbani.

Ms. GARBANI. And just to be quick, because, Chairman, you discussed earlier that the contract support costs are a national problem that still needs to be addressed. In the State of California—nationally the funds have been flat from fiscal years 2004 to 2008. In the State of California, there is a shortfall of over $12 million, and we simply ask that——

Mr. DICKS. Now, this is the federal funds. It is not from the state, right?

Ms. GARBANI. Correct, federal funds, and we ask that that shortfall be addressed and that the operating burden that falls on those that take their responsibility under the Indian Self-Determination Act be addressed.

Mr. CROUCH. In summation, California CHS demonstration project contract support costs for $100 million in the Indian Health Care Improvement Fund for $100. Thank you.

[The statement of James Allen Crouch follows:]

CALIFORNIA RURAL INDIAN HEALTH BOARD, INC.

March 25, 2009
Appropriations sub committee for the Interior and related agencies.

My name is James Allen Crouch I am Executive Director of the California Rural Indian Health Board Inc.

The California Rural Indian Health Board Inc.(CRIHB) is a Tribal Organization operating under the authorities of the Indian Self Determination Act, providing health care services and technical assistance to 21 tribes and their Tribally Operated Health Programs. We are a founding member of the National Indian Health Board (NIHB) and proud of the fact that our CRIHB Chairman, Reno Keoni Franklin (Kashia Pomo), was elected Chairman of the NIHB in January of this year. In addition to the services we provide to 21 tribes, CRIHB operates two programs funded by the CDC and one program funded by SAMHSA that benefit Indian people in Nevada, Utah, Washington, Oregon, and Idaho. We are also funded by the IHS to serve as the California Tribal Epidemiology Center and the Dental Support Center for the California Area. Finally, we operate a number of smaller statewide projects funded by the State of California and private foundations in California. These diverse responsibilities give us a unique "front line" perspective on the problems that confront Tribally Operated Health Programs in California and beyond.

We are specifically requesting $2,000,000 in Contract Health Service (CHS) funds to initiate the an intermediate risk pool to cover costs below the threshold of the Catastrophic Health Emergency Fund (CHEF) as authorized in Section 211 of the IHCIA and subsequent reauthorizations of that bill. Furthermore, we support an allocation of $100 million for the IHCIAF and the CSC line item, respectively.

CRIHB was founded in 1969 by Tribes in California to bring back IHS funded services to California after twenty years of being neglected as a result of federal termination policy. In 1972, this Committee overturned that policy and funded the first IHS programs in California. This October CRIHB will be forty years old -- but our work is not yet finished. Today the IHS program in California suffers from chronic under-funding, a lack of infrastructure, and burdened by debt; the initial promise remains unfulfilled. Today all IHS direct care services in California are provided by a network of 30 Tribally Operated Health Programs (TOHP) that provide services across thirty-seven mostly rural counties with an average operating unit size of 1,875 active users. These TOHP seek to meet the needs of 107 federally recognized tribes and approximately 77,000 American Indian and Alaska Native clients. Uniquely, 25% of those served in California are members of tribes located outside of the state and another 25% are Californian Indians whose tribes have yet to achieve federal recognition. The California Area is one of only two IHS Areas that have no IHS Hospitals to provide inpatient and specialty services. Of the four so-called "CHS Dependent Areas", California has the second lowest Level of Need Funded, the second lowest CHS allocation per active user, and the absolutely lowest CHEF utilization rate of the entire IHS system. These are not new facts -- rather an ongoing crisis reflected in a decade of IHS funding history.

Many health problems in California are similar to those of the National IHS service population. CRIHB research has documented a hospitalization rate of 290/100,000 which is comparable to

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that experienced in the Aberdeen Area of North and South Dakota. California AIAN are hospitalized 45% more often than Whites, indicating a lack of access to primary care services. Heart Disease, Cancer, Unintentional Injuries, Diabetes, and Chronic Liver Disease are the leading causes of death. Death rates due to diabetes are 350% higher for California AIAN than Whites; deaths due to alcohol are 280% higher. Of our SAMHSA Access to Recovery clients, 46% report Methamphetamine use - the highest reported rate in that national data set. These problems can and should be addressed. A recent CRIHB research project based on five years of IHS and State data documented that higher IHS funding of Tribally-Operated Health Programs in California was associated with lower hospitalizations for ambulatory care sensitive situation (HASC) for the AIAN who use them. Specifically, for Tribally-Operated Health Programs in California with less than 60% of health care costs funded, the HASC rate dropped 12% for every increase of 10% in funding of ambulatory care preventable hospitalizations.

The most effective method of addressing the lack of primary care across the whole IHS program would be a multi-year commitment to providing a significant portion of new IHS resources to be distributed throughout the Indian Health Care Improvement Fund. This historically under-utilized process adopts the Federal Employees Health Benefit Package (FEBP) as a benchmark to compare against the available IHS and CMS funds at the operating unit level. This focus on available funding allows for comparison across a diverse delivery system that spans multiple health service markets. The benchmark cost is actuarially adjusted for age sex and social economic factors to reflect the IHS client population. The difference between the adjusted FEBP costs and the available IHS and CMS resources is then calculated and is referred to as the Level of Need Funded, and all 269 Operating Units are ranked on this scale. With limited funds, Congress has tried to target their commitment to the least well funded: Operating Units with less than 40% of their need funded. However, to date, Congressional allocations to the IHCIF have failed to match medical cost inflation and have yet to lift the 47 poorest operating units to the 40% level. To bring this group to 40% would take an additional $9 million in new funds. To bring all units up to 45% would take only $45 million, to achieve 50% funding only $122 million, and to achieve 60% for all operating units would take only $388 million in new appropriations to the IHCIF. These threshold numbers may be reduced by increases in the other IHS health services line items, but only the IHCIF targets the vast inequity that exists within the system. Achieving a modest threshold of 60% Level of Need Funded should be done over a three year period, although inflation during that same three years could significantly increase the cost.

Contract Support Cost Funds are essential for maintaining program integrity to assure appropriate governance, financial management, and core operating costs. Tribally Operated Health Programs are the only class of governmental contractors who are not fully funded for these costs. National shortfalls prior to the allocation of the FY 2009 OBRA was documented by the IHS as $121,900.000. Of this amount, Tribally Operated Health Programs in California have a documented shortfall of $12,621,782. CRIHB and our subcontracting Tribal Health Programs are owed $2,993,949. Congress should address this shortfall and end this operational burden that falls on only a portion of the IHS program: those that choose to assume operational responsibility for their portion of the IHS program under the Indian Self Determination Act.

The IHS Facilities Construction has yet to build a single health facility in California. In truth, most of our facility construction needs are better met through a robust Contract Health Services program. We have 172,000 square feet of IHS supportable space, built with grants, loans, and third party collections. This strategy is born from desperation and has significant impacts as both loan repayment and sequestering third party funds result in an ongoing reduction in the level of health care services that can be provided to our clients. To address this distortion, Congress should increase their investment in the Joint Venture and Small Ambulatory Grant program. This is especially true if this Congress authorizes the Tribal version of the Indian Health Care Improvement Act, which would allow for the use of SAP funds to retire loan amounts used to create IHS supportable space. Clearly, there are interactions between the IHS services budget and the facilities budget. Potentially, there is a positive exchange between facility construction and CHS funding in the measurement of program equity; this needs to be more fully analyzed and developed. Similarly, there is a need to think more clearly about the annual impact on overall IHS program equity when significant amounts of scarce program funding must be allocated to staff the facilities of the luck few who acquire facility construction funds. This is especially true as the system prepares to staff up $227 million in ORRA construction projects.

The Indian Health Service has reported their budget justification document that 106 of their 400 provider sites have now made the transition to the new RPMS Electronic Health Record. CRIHB fully supports the move towards increased use of Health Information Technology within the IHS. What the IHS did not state in their justification was that nationally, over 20 Tribally operated health contractors have chosen an alternative to the IHS EHR and Practice Management system in favor of off-the-shelf products developed and supported by NextGen that more clearly meets both the Presidents standards for interoperability and CHITA certification. These THOP have been systematically excluded from staff and funding support from the IHS; at the same time the agency has invested millions into the RPMS system. RPMS has been greatly improved but it still falls short in three critical ways: 1) It does not yet support e-billing prescriptions, 2) it does not have a data scanning capacity to allow for medical records from non IHS providers to be shared, and 3) the Practice Management portion is still not CHIT Certified. Ironically, the IHS will soon be buying a NextGen owned Dental Practice software package to be the IHS standard Dental module. Tribal Health Programs that choose to move off the RPMS system to some other CHITA certified system should be supported by IHS technical staff and funded for the cost of licenses in some way comparable with the development costs that are now routinely invested into the RPMS system. This years' committee reports should direct the IHS to develop such a policy and begin sharing there resources on the same basis with non RPMS users.

Finally I would like to urge a commitment to addressing the ongoing lack of CHS funding in California and the resulting lack of access to the CHEF fund. CRIHB Research shows that our clients leave $18 million in bad debut at California hospitals. Below are charts that document the long history of this issue. The crux of the problem is that the IHS allocation process for CHS does not adequately respond to the lack of access to hospital services. The solution is direct funding for Section 217 as authorized in the IHCIA or its successor. Section 217 sets up an intermediate risk pool to cover costs of individual CHS cases over an establish threshold and below the threshold of the CHEF fund. This would mitigate the financial risk associated with operating a CHS program for very small operating units with out any access to directly operated hospital level services.

AREA OFFICE	CHEF Cases per 1000 Users [2001 -2008]								
	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	AVERAGE
Aberdeen	1.10	1.08	1.01	0.66	0.58	0.65	0.75	1.01	0.85
Alaska	0.87	0.74	0.66	0.68	0.53	0.60	0.86	0.93	0.73
Albuquerque	0.57	0.46	0.60	0.28	0.35	0.32	0.25	0.63	0.43
Bemidji	0.20	0.19	0.13	0.48	0.10	0.28	0.32	0.22	0.24
Billings	3.01	2.67	1.99	1.83	1.98	1.55	2.18	2.64	2.23
California	0.12	0.16	0.06	0.22	0.10	0.19	0.05	0.04	0.12
Nashville	0.99	1.65	1.62	1.48	1.55	1.54	1.32	0.99	1.39
Navajo	0.28	0.32	0.39	0.33	0.28	0.35	0.28	0.69	0.37
Oklahoma	0.32	0.11	0.21	0.26	0.36	0.18	0.28	0.51	0.28
Phoenix	0.52	0.20	0.33	0.15	0.33	0.45	0.25	0.68	0.36
Portland	0.36	0.35	0.43	0.60	0.84	0.75	0.80	0.62	0.59
Tucson	0.04	0.51	0.17	0.08	0.25	0.08	0.20	0.79	0.27

California CHS Demonstration Project							
Decision Matrix							
AREA	Active Users	CHEF				CHS	
		# Cases	AMOUNT	CHEF Cases per 1000	CHEF $ per 1000	AMOUNT	Avg CHS $ per AU
Aberdeen	120,639	122	$2,582,498	1.01	$21,407	$63,520,134	$527
Alaska	136,065	127	$3,980,572	0.93	$29,255	$57,969,385	$426
Albuquerque	85,778	54	$868,987	0.63	$10,131	$27,397,482	$319
Bemidji*	101,022	22	$626,722	0.22	$6,204	$38,247,233	$379
Billings	70,507	186	$3,727,076	2.64	$52,861	$46,477,293	$659
California*	77,532	3	$45,721	0.04	$590	$28,280,641	$365
Nashville*	51,399	51	$1,750,175	0.99	$34,051	$22,381,890	$435
Navajo	239,814	166	$3,817,003	0.69	$15,917	$63,794,083	$266
Oklahoma	316,940	163	$4,488,980	0.51	$14,164	$69,153,183	$218
Phoenix	156,803	107	$2,634,050	0.68	$16,798	$47,566,578	$303
Portland*	101,690	63	$1,667,053	0.62	$16,393	$63,563,841	$625
Tucson	25,234	20	$389,963	0.79	$15,454	$13,879,895	$550

California	77,532	3	$ 45,721	0.04	$ 590	$28,280,641	$365
All CHS Dependent	331,643	139	4,089,671	0.42	$12,332	152,473,605	$460
All Non-CHS Dependent	1,151,780	945	22,489,129	0.82	$19,526	389,758,033	$338

*CHS Dependent = Bemidji, California, Nashville, Portland

Note: All data above is from FY 2008

Mr. DICKS. Thank you for your testimony.

Any questions?

Mr. COLE. Just one quick one, if I may. When you have these shortfalls in funding, could you just elaborate a little bit on who picks up the additional costs? What happens to the individual patients that you have to turn away or you cannot fund their needs?

Mr. CROUCH. What happens to the individual patients when we cannot fund their needs is simply their health deteriorates. They seek care as an indigent client and produce bad debt at the local provider, whether it is a hospital or a diagnostic center, whatever. In terms of contract support costs, what happens is, we subsidize the core operating costs with money that would otherwise go for health services, and this creates further burden on an underfunded system.

Mr. COLE. Thank you, Mr. Chairman.

Mr. DICKS. Thank you. That is the problem. Thank you. You did a great job.

Jeff Koenings. Jeff, good to see you. U.S. commissioner, U.S. section of the Pacific Salmon Commission. How are you? Welcome.

WEDNESDAY, MARCH 25, 2009.

PACIFIC SALMON COMMISSION

WITNESS

JEFF KOENINGS

Mr. KOENINGS. Doing well. Thank you. Chairman Dicks and committee members, I am pleased to be here today. I am Dr. Jeff Koenings from the State of Washington. I am pleased to be the Pacific Salmon Treaty commissioner representing the States of Washington and Oregon.

The Pacific Salmon Treaty is an international treaty with Canada first ratified by the U.S. Senate in 1985. The treaty is implemented through the Pacific Salmon Commission, which consists of a U.S. and Canadian section. The U.S. section is made up of commissioners appointed by the President to represent the State of Alaska, the States of Washington and Oregon, the federal government and the 24 treaty tribes of Washington and Oregon. The great State of Idaho also receives salmon management monies under the treaty. This international commission sets upper limit harvest limits on five salmon species in fisheries from Alaska through Canada and to Washington and Oregon. The harvest limits strive to fulfill the fair allocation of harvests while meeting the conservation needs of the salmon.

Funding the operations of the Salmon Commission comes through three federal agencies, State, Commerce and Interior. Today I would like to emphasize two budget areas in the Interior Department's budget. 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 salmon treaty process, an increase of $2,530,000 over the fiscal year 2009 Omnibus funding bill. This funding level represents restoration of funding to

the fiscal year 2008 level plus adjustments to meet increased obligations under the new 2009–2018 Pacific Salmon Treaty agreement.

The second area is under the U.S. Fish and Wildlife Service programs. The U.S. section recommends that Congress provide base funding of $445,000 for the U.S. Fish and Wildlife Service participation in the treaty process and provide funding of $250,000 for the Pacific States Fisheries Commission's Regional Mark Center. This base funding for the Fish and Wildlife Service will pay for the critically important ongoing work as part of the treaty process. The funding for the Pacific States Fisheries Commission's Regional Mark Center is utilized to meet treaty requirements concerning data exchange with Canada. As the treaty tribes and the States of Washington and Oregon co-manage harvests under federal law, the U.S. section of the Salmon Commission is recommending a substantial adjustment to the funding for the work carried out by the 24 treaty tribes that participate in the treaty process. Programs carried out by the tribes are closely coordinated with those of the states and federal agencies but the tribes' efforts are now being hampered by forced staff reductions due to a 45 percent reduction in fiscal year 2009 funding for the treaty program. Tribal programs are essential for the United States to meet its international obligations.

I would like the committee to know that the Commission provides an international forum to ensure cooperative management of salmon populations along the coast. In 2008, the United States and Canada successfully concluded lengthy negotiations for a new coast-wide salmon management regime including adjustments to the coast-wide abundant space management for Chinook salmon. The agreement is intended to last through 2018. The Fraser River sockeye and pink chapter of the Pacific Salmon Treaty expires next year and negotiators are diligently working as we speak here to complete a revised agreement for management of those fisheries.

Finally, Mr. Chairman, under the treaty, both countries committed to rebuild the depressed runs of Chinook stocks and they recommitted to that goal in 1999 and again in 2008 when adopting a coast-wide abundant space approach to harvest management. Under this approach, harvest management will complement habitat conservation and restoration activities being undertaken by the States, the tribes and other stakeholders in the Pacific Northwest to address the needs of salmon listed for protection under the Endangered Species Act.

Mr. Chairman, that concludes my oral testimony given for consideration by your committee and I want to thank the committee for your support in the past. I would be pleased to answer any questions.

[The statement of Jeff Koenings follows:]

U.S. Commissioners
David Bedford
Dr. Jeffrey P. Koenings
Olney Patt, Jr.
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TESTIMONY OF JEFF KOENINGS
U. S. COMMISSIONER
U.S. SECTION OF THE PACIFIC SALMON COMMISSION

ON THE FY 2010 BUDGET FOR THE DEPARTMENT OF INTERIOR

BEFORE THE SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT AND RELATED AGENCIES
(Bureau of Indian Affairs and U.S. Fish and Wildlife Service Programs)
COMMITTEE ON APPROPRIATIONS
HOUSE OF REPRESENTATIVES

March 25, 2009

Mr. Chairman, and Honorable Members of the Committee, my name is Jeff Koenings and I serve as an Alternate Commissioner 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 $2,530,000 over the FY 2009 omnibus funding bill. This funding level represents restoration of funding to the FY 2008 level 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 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 $445,000 for USFWS participation in the Treaty process, and provide funding of $250,000 for the Pacific States Marine Fisheries Commission's Regional Mark Center.

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 a substantial 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, but the tribes' efforts are now being hampered by forced staff reductions due to a 45% reduction in FY09 funding for the Treaty program. Tribal programs are essential for the United States to meet its international obligations.

We are strongly recommending maintaining base funding of $445,000 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 $250,000 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. 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 for through 2018. The Fraser River sockeye and pink chapter to the Pacific Salmon Treaty expires in 2010 and negotiators are diligently working to complete a revised agreement for management of those fisheries.

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

	FY09 Actual Appropriation	FY10 Recommendation	Increase
BIA	$2,270,000	$4,800,000	$2,530,000

U.S. Fish and Wildlife Service, Anadroumous Fisheries

	FY09 Actual Appropriation	FY09 Recommendation	Increase
USFWS	$ 695,000	$ 695,000	$0

Mr. DICKS. On the $4.8 million, we are still working on the previous year's funding. We are working with the Department of Interior on that. I think it is $1.8 million.

Mr. KOENINGS. I understand.

Mr. DICKS. It was a Senate amendment that was somehow dropped out of this thing without our knowing about it, so we will work on that. And these are very important issues. We are pleased that the US-Canada salmon agreement has been reached.

Mr. KOENINGS. It is very positive for the next 10 years, absolutely.

Mr. DICKS. So what can you say to Chairman Cagey? How are we going to help restore the Lummis up there? What do we have to do? You were the director of the Department of Fish and Wildlife in the State of Washington. What are your recommendations on that?

Mr. KOENINGS. Well, the number one recommendation under the new annex for the treaty we are negotiating now, we have to change the rules by which sockeye harvest is managed. In the past, I do not know if you want to get this far into the weeds but there are four subpopulations to the Fraser sockeye population. Some are healthy and some are not. And what has happened is that when the fish finally arrive in U.S. waters, the weak populations are commingled with the healthy populations and you cannot get at them, so you cannot fish to the actual levels under the agreement because of that particular concern.

Mr. DICKS. Because of the weak stocks?

Mr. KOENINGS. Yes, because if we change the management approach, I think we can get at those and that is what we intend on doing.

Mr. DICKS. That is what you are going to try to do in the agreement?

Mr. KOENINGS. We are going to fix that.

Mr. DICKS. Good. I am glad to hear that.

Any other questions? We could be here all night just on that. Thank you for your good work. We appreciate it.

Mr. KOENINGS. Thank you very much.

Mr. DICKS. Now we are going to have Joy Culbreath, executive director of education, Choctaw Nation of Oklahoma. Welcome.

WEDNESDAY, MARCH 25, 2009.

CHOCTAW NATION OF OKLAHOMA

WITNESS

JOY CULBREATH

Ms. CULBREATH. Thank you. I am not here to ask for any money.

Mr. DICKS. You are a rare person. I will give you another five minutes.

Mr. COLE. Mr. Chairman, part of the Choctaw Nation is in my district and I just do not want that to apply to every part.

Ms. CULBREATH. I am Joy Culbreath and I am the executive education director for the Choctaw Nation of Oklahoma, and I would like to say thank you for allowing me to come today and would like

for the record to show that we want to thank Chairman Dicks for working with our chief, Gregory Pyle, and——

Mr. DICKS. Good man.

Ms. CULBREATH. Yes, he is. We love him. In researching and clarifying the issue brought before you today. We also again want to welcome our close friend, Mr. Tom Cole, who is a member of this committee, and it is my understanding is the only Native American in the United States Congress, so we are very proud of that.

Mr. DICKS. We are too.

Ms. CULBREATH. Yes. I am here to continue our discussion with this committee regarding the reinstitution of an academic program at Jones Academy to be fully operated by the Choctaw Nation of Oklahoma. Against the wishes of the Choctaw people, the academic program at Jones Academy was lost during the termination period of the 1950s when many Indian schools were closed in an attempt to break up tribes and assimilate them into the population. The Choctaw Nation has been diligent in keeping its commitment to the children of Jones Academy. Using only Choctaw tribal funds, we just last August opened a new elementary school at Jones Academy, $10.2 million, a state-of-the-art school. All of the funds were tribal funds that built the school. We would love for you to come and visit this school, especially you, Mr. Cole.

We really believe that Jones Academy is a place to call home to these students. During my tenure, an excellent onsite staff has been assembled and it is led by Superintendent Brad Spears and our vision is becoming a reality, a vision of a school operated by the tribe, staffed with loving and caring people and helping the Jones kids excel, and excel they have. For the past two years, the API scores, which is your Academic Performance Index scores, only four schools in the entire State of Oklahoma have had perfect scores. One of those is Jones Academy.

Mr. DICKS. Congratulations.

Ms. CULBREATH. We are very proud of this. Also, we are one of only 34 schools out of 1,774 schools to have every regular education student make satisfactory or above on the state achievement test and so that is another proud point to claim with what we are doing with the academic program at Jones Academy. We also have a growing evening enrichment program that you would be very proud of. Our local university is sending an art teacher one day a week. This is a volunteer, no cost to us, that teaches art. We also have the University of Oklahoma journalism department that is coming one day a week at no cost to Jones Academy to help us to develop a professional newspaper. Also, we have been contacted by the University of Arkansas, which is closer in distance to us than even the University of Oklahoma, they would like to provide volunteer services. They are learning what is happening at Jones Academy. We plan to begin a music program where students can take private piano lessons, guitar, dance lessons, all of these things. We have a great Future Farmers of America (FFA) program. Matter of fact, just this past week a student showed his swine and received the reserve grand champion market swine at the Oklahoma City Junior Livestock Show. This is recognized as the world's largest junior livestock show, and this student placed second overall out of 600

entries. So that tells you what kind of program they have and how diligently they have worked with these kids.

We also have a foundation board that we have established and we have an endowment plan so that we can look to the future and we are raising that to a very substantial amount of money, and what is so good about this, the Choctaw Nation, if you gave us $5, the Choctaw Nation matches it with $5. If you give us $5 million, they match us with $5 million. And so also the Nation puts in $375,000 a year for the running of this school. So we are doing our part. We are making sure of that.

Also, the Choctaw Nation wishes to reinstate the academic program—that is our request—at Jones Academy under tribal control. We wish to operate Jones Academy as a federal grant school. We ask that out government-to-government and trust relationship with the United States be recognized again and fully honored as it is with over 180 federally supported schools currently operating throughout the United States. Again, we are not asking for any construction funds whatsoever. That has all been taken care of.

Mr. DICKS. You are running out of time.

Ms. CULBREATH. Oh, okay.

[The statement of Joy Culbreath follows:]

U.S. House of Representatives Committee on Appropriations

Subcommittee on Interior, Environment and Related Agencies

Testimony of Joy Culbreath, Executive Director of Education
Choctaw Nation of Oklahoma

Greeting:

Thank you Mr. Chairman, Members of the Committee, and all those present, for allowing me, as Executive Director of Education for the Choctaw Nation of Oklahoma, to come before you today. Please let the record show that the Choctaw Nation gives special recognition to Chairman Dicks for working with our Chief, Gregory Pyle, in researching and clarifying the issue brought before you today. We also welcome our close friend and advocate from the great State of Oklahoma, Mr. Tom Cole, who is a new Member of this Committee and Subcommittee and is the only Native American in the United States Congress.

***Introduction*:**

I am here to continue our discussions with the Subcommittee and the Chair regarding the re-institution of an academic program at Jones Academy, to be fully operated by the Choctaw Nation of Oklahoma under the Government to Government relationship of the Federal Self Determination policy. ***Today's request is not for specific or special funding.*** Instead we ask the Subcommittee to reconsider its ban or moratorium on the distribution of ISEF monies to allow our Tribal school, which has a long history and tradition and which is in a unique situation, to once again participate in ISEF funding, thus allowing the school to return to full Tribal control and re-instate our trust relationship

We can show the committee how this can be done and, more importantly, why it should be done, in a manner which preserves the justified concerns of the Subcommittee as originally manifest in the moratorium.

Brief History:

After removal of the Choctaw people to Indian Territory (later Oklahoma), Jones Academy was founded in 1891 with assistance from the Office of Indian Affairs (later Bureau of Indian Affairs) and served as a school for boys. A school for girls, Wheelock Academy, had been established earlier.

Against the wishes of the Choctaw people, the academic program at Jones Academy was lost during the termination period of the 1950s, when many Indian schools were closed in an attempt to break up tribes and assimilate them into the population. Wheelock Academy was also closed and those students were taken to Jones, making it co-ed. Although students were still living on the Jones campus, they were forced to attend the local Hartshorne Public Schools for their

education. To encourage local public schools to provide services to these students, public schools received Federal payments on a per capita basis under several programs.

Being thrown into this new world often was not a positive experience for the displaced students. Input from the Tribe concerning how to meet the needs of Indian children was usually unwelcome. Faculty members could be insensitive to cultural differences of these outsiders, leaving many of their needs unaddressed. Students were usually unable to participate in extracurricular activities, since they had to be bussed to and from school each day.

Current Situation:
Today, the Choctaw Nation has an improved relationship with Hartshorne School District. We cooperate on a more open basis and work together as partners. We appreciate the efforts of the Hartshorne School District has made in understanding and assisting Jones Academy students.

Beginning in the latter 1990s and after much discussion and debate, the Hartshorne School District agreed to let the Choctaw Nation of Oklahoma operate (under HSD authority and control) a school for the youngest students (currently grades 1-6) on the grounds of Jones Academy.

- All parties agreed that an on-site education in a small class setting where help was readily available would best serve these children.
- Students could grow more confident and be better prepared to compete when they attended public schools in later grades.
- The Tribe agreed to build a facility for the school and help augment its funding. At present, that amount totals $375,000 per year.
- Hartshorne School District agreed to allow the Tribe a larger role in the day-to-day operations of the school, including the selection of curriculum and personnel.
- Ultimate policies, curriculum control, personnel control and public school board authority remained with the public school.

The final two points above are the crux of the problem – we have the day to day hands-on experience of administration, we have the will and commitment to the children, but without control of personnel and curriculum, we do not have true self determination.

The Choctaw Nation has been diligent in keeping its commitment to the children of Jones Academy. **Using only Choctaw tribal funds**, a beautiful state-of-the-art elementary school building was ready for its first classes last August. We like to say that Jones Academy is 'A Place to Call Home'.

During my tenure, an excellent on-site staff has been assembled, led by Superintendent Brad Spears. Our vision is becoming a reality—a vision of a school, operated by the Tribe, staffed

with loving and caring people devoted to helping Jones students excel – *and excel they have.* To cite a few of the many recent accomplishments:

Academic Accomplishments:

- Jones Academy Elementary School received a perfect Academic Performance Index (API) score for the second year in a row. In the 2007-08 school year, only four schools in that size group earned the honor.
- Jones Academy Elementary School was one of only 34 Oklahoma schools out of 1,774 to have *every* regular education student make satisfactory or above on state achievement tests, for both the 2007-08 school year and the 2006-07 school year, being one of very few schools in Oklahoma that can make this proud claim.

Extracurricular Accomplishments:

- A growing Evening Enrichment program. Working in partnership with both a local University and the University of Oklahoma, Jones students are given the opportunity to study art drawing, pottery making, journalism and newspaper. As the program grows, we plan to offer horsemanship, private music lessons, and social skills and etiquette.
- A highly successful agriculture program, where the children are given the opportunity to raise and care for swine. The students show their swine at the local, state, and national levels. In 2006, a sixth grade student showed the Reserve Grand Champion Market Swine at the Oklahoma City Junior Livestock Show, which is recognized as the world's largest junior livestock show. This student placed second over all out of 6,000 entries.

Securing the Future:

- A school foundation with a strong board of directors has been at work since 2003. An endowment is in place, being built to sufficient size to ensure that Jones Academy continues long into the future.
- Past and recent history of Jones Academy has proven that the Choctaw Nation is more than capable of providing a highly successful educational program and is able to meet the needs of the Native American children we serve. A solid foundation has been established to ensure that these students have the opportunity to excel and reach their future goals. They have the encouragement and support they need in surroundings that are rich in culture and pride.

Request:

The Choctaw Nation wishes to reinstate the academic program at Jones Academy under Tribal control. We wish to operate Jones Academy as a Federal grant school. We ask that our government to government and trust relationship with the United States be recognized again and fully honored as it is with over 180 federally supported schools currently operating throughout the United States.

It is here we ask your assistance. In 1995, a moratorium on any new or expanded programs in any Federally funded education setting was put into the Interior Appropriations bill for FY 1996. It has been continued in each subsequent appropriations measure, including the one for FY 2009 (copy appended). *The BIA has interpreted this to preclude the re-establishment of a pre-existing program. We can show how this can be done without ending the moratorium altogether.*

The reasoning behind the moratorium was the need to manage construction costs within the BIA. In the early 1990s, many former BIA-operated schools were making use of the new (1988) P.L. 100-297 "grants" schools authority with tribes assuming administration for many schools. At the same time, the Bureau, under orders from the Congress, instituted a new method for determining priority in funding construction. The method was complex, but it created a new touchstone for need – the "unhoused" or "underhoused student".

These two processes collided in 1993. When the BIA announced the new system, many Tribes expanded their service areas, programs or numbers, creating immediate "unhoused" student numbers. They applied for construction money and "bumped" older projects, many in isolated locations. Tribes and schools which had been expecting construction funds for years suddenly were out of the system and money did not meet the needs of everyone. Then, Congress, in 1995, responded with the moratorium.

Obviously, that situation does not apply in our situation – since we have a new school facility, *we would not petition for construction funds.* Our school is small, and we were in the funding system in the past for a much larger number of children. We do not require an earmark or separate authorization – we would simply be allowed to participate in the Indian Student Equalization Formula funding of the Bureau of Indian Education/Department of Interior.

Additionally, *we will continue to augment any funding we receive* to ensure that our children receive the best education. We will continue to work with Hartshorne School District, where the majority of our children will continue in the 7-12 Grades. Due to the small size of our school, the impact on the Student Equalization Formula will be nominal.

This is an important step for our Tribe and our future. It is not a large amount and *does not involve any type of special funding*. It requires your permission to stand with the other Tribal schools and exercise our Self Determination right.

Mr. DICKS. Let me ask you a quick question. The moratorium was included in the Interior bill for 1996, and been continued in subsequent appropriation measures including the one for 2009. The BIA has interpreted this to preclude the re-establishment of a pre-existing program. We can show how this can be done without ending the moratorium altogether. Can you tell us anything about that?

Ms. CULBREATH. All right. When we say we want to re-establish, we are not asking for a new academic program. We had an academic program, which was removed and taken away from us. We had no say-so whatsoever about that. We are proving here that we can—what we are saying to you is that we can educate these children better than anyone us and with pride and with their culture and with their language but we can also stand shoulder to shoulder with any school in the State of Oklahoma in academics and so we are asking you when we talk about that the re-establishment, we are not asking for a new school.

Mr. LOVESEE. Mr. Chairman, I am with the Choctaw Nation.

Mr. DICKS. Come on up.

Ms. CULBREATH. This is Alan Lovesee.

Mr. DICKS. Right. I remember you.

Mr. LOVESEE. The moratorium was put in because of construction problems with the new construction system and the fact that everything was getting so messed up with misinterpretations in the early 1990s. The moratorium was put in in 1996 and it has been interpreted by the BIA as precluding any discussions on any either expansion of an academic program or re-establishment of a previously terminated. We would like——

Mr. DICKS. We will try to help you on that.

Mr. LOVESEE. We would like to see the moratorium modified to allow re-establishment in those cases where, one, the tribe does not request facilities funds so it does not mess up what the moratorium originally went to, and where in point of fact the tribe can show that it has some form of track record in providing services superior to where the kids are currently. Prior to this new school, they had been bused to a public school. The new school onsite is operated under public authority or public edicts.

Mr. DICKS. But you want to expand the program somehow?

Mr. LOVESEE. We want to take over the grades 1 through 6 and run them under tribal control as opposed to——

Mr. DICKS. We will work with you, get with your Congressmen and your Senators to try to help you on this.

Ms. CULBREATH. And that is in our testimony.

Mr. DICKS. Yes, I know. I saw it. We saw it in there. That is why I raised it.

Mr. Cole.

Mr. COLE. Thank you, Mr. Chairman, and this clearly is a case where the intent of the rules is frustrating. This can be dealt with at no cost to anybody and just the reassertion of tribal control and authority. If I may, I just want to, for the record, thank you and thank Chief Pyle, who is just a remarkable leader, and I think, Mr. Chairman, what you see here is—the Choctaws are an extraordinarily entrepreneurial tribe and when they are successful economically, they reinvest it for public purposes.

Mr. DICKS. Right. They are fantastic.

Mr. COLE. It just flows right back.

Mr. DICKS. We have some Choctaws up in the Northwest too.

Mr. COLE. You know, they are a big tribe. There are 110,000 of them in Oklahoma, so they are a very substantial tribe.

Ms. CULBREATH. There are 210,000.

Mr. COLE. I just said in Oklahoma. I am not counting the Mississippi Choctaws, I am not——

Ms. CULBREATH. No, I am not counting them either, just Oklahoma.

Mr. COLE. Mr. Chairman, you can see what our problem has been for about 500 years. There are a lot of Choctaws.

Mr. DICKS. All right.

Mr. COLE. Again, thank you for what you are doing. Thank you for the example you provide in the reinvestment of tribal funds back into education, back into services. It is quite a remarkable track record, and we ought to be helping.

Ms. CULBREATH. Thank you for giving us this opportunity.

Mr. DICKS. Yes, we will work with you.

Ms. CULBREATH. We will make you proud.

Mr. COLE. Can I make one other observation, Mr. Chairman?

Mr. DICKS. Yes, go ahead.

Mr. COLE. I have to tell you, I am not really the only Native American. You have a lost Cherokee here in Mr. LaTourette. His grandmother was from Oklahoma. And if we can get him back on the rolls, we can double our caucus size.

Mr. DICKS. Martha Garcia is president of the Ramah Navajo School Board. Welcome.

Ms. GARCIA. Thank you very much, Mr. Chairman.

Mr. DICKS. We will put your entire statement in the record and you have five minutes to summarize.

WEDNESDAY, MARCH 25, 2009.

RAMAH NAVAJO SCHOOL BOARD, INC. BOARD OF TRUSTEES

WITNESS

MARTHA GARCIA

Ms. GARCIA. Okay. Thank you very much and I appreciate that I have been able to get on the witness list for today. As you said, I am the president of the Ramah Navajo School Board and I am here today to let you know that we are faced with a problem. Our first appropriation came directly from Congress back in the early 1970s to build our school out in Pine Hill, New Mexico, which is in the western portion of New Mexico, and since then we have maintained and kept improving upon those facilities over these past 40 years now in the self-determination community. We have been running our own educational programs from kindergarten through 12th grade. We have 30 other programs that we have contracted through Indian Health Service, Department of Labor and Department of Education, and the school board. We have been running a lot of other community programs because the school was the

only vehicle at one time to be the contractor for our community for BIA RL. 93–638 programs.

As you can see, our needs for repairs and renovation to upgrade the facility—the amount has been going up annually. We just have not been put on the list to be the next one to receive funding through the Bureau of Indian Affairs to do the repairs and renovation, and currently the cost is $4,517,755. That is the amount that we are going to need to repair these buildings. The central administration office building has been receiving the least of our attention as we look at maintaining our school building and the facilities. Our location on top of Continental Divide has not been a lot of help. There is always constant shifting and moving of the ground and our electrical system, our water lines and the road that goes through our facilities have been in need of repair all these years. Based on that we would like to do, repairs and renovations, to infrastructure and then we also need temporary facilities during the time that we are doing the repairs. Our facility covers a quarter of a section and we need to again take a look at that and put in security fencing.

Mr. DICKS. Let me ask you a quick question. Are you trying to go in under the $500 million at the BIA for the Recovery Act?

Ms. GARCIA. We are trying to—we have submitted——

Mr. DICKS. I recommend that you take a look at that.

Ms. GARCIA. Okay. I think we are ready for that, but we still do not know what process they are going to use. I kind of fear that the way they are planning their activities seems to be just centralized within their own system and I do not know how much of that is going to filter down to contracted programs.

Mr. DICKS. Well, it is at least worth a look, I think. Go right ahead.

Ms. GARCIA. And then we had a dorm that was constructed and completed and we have been using it within the last three years but we had to put in a lot of our own funding because the construction issues. The architect did not put in some of the plans that should have been in place and then the water pressure going to the dorm facilities did not accommodate to turn the fire sprinklers on when it needs to be so we had to upgrade that. We had a cost overrun of close to $500,000 that we would like to recover. We have not had any luck working with the BIA trying to recover that, even though they gave us verbal agreement that they would do that. The water system was put back in place at the time that we constructed the school back in the early 1970s is in need of repair. Our well has been constantly going out and we need to put in a new well to accommodate not only the school but we have health centers, the behavior health service, the new dorm, the staff housing and then we also have to provide water to our housing that is off campus, our community housing that is off campus serving over 300 people, families, and based on that we need to replace that.

And last of all, we would like to put our early childhood into one area so that our educational system would be streamlined starting with the younger, the small from birth to five years old. We have them scattered throughout campus here and there and we would like to put them in one place. The plans that we have would accommodate them so that by the time they get to kindergarten and ele-

mentary that they would be ready for that. But as it is, we have different situations that prevent us from putting everything in one place because we just do not have the facilities and that is what we are looking at right now.

[The statement of Martha Garcia follows:]

CONGRESSIONAL TESTIMONY

RAMAH NAVAJO SCHOOL BOARD, INC.

Submitted by:

Martha Garcia, President
Ramah Navajo School Board, Inc. (RNSB)
Ramah Navajo Reservation, Cibola County, New Mexico

Submitted to the U.S. Congress:

HOUSE APPROPRIATIONS SUBCOMMITTEE ON

INTERIOR, ENVIRONMENT AND RELATED AGENCIES

REGARDING:

FY 2010 FEDERAL BUDGET:

DEPARTMENT OF THE INTERIOR: BIA / BUREAU OF INDIAN EDUCATION
&
DEPARTMENT OF HEALTH AND HUMAN SERICES: PHS / INDIAN HEALTH SERVICE (IHS)

Mr. Chairman and Members of the Subcommittee:

My name is Martha Garcia, and I am the President of the Board of Trustees of the Ramah Navajo School Board, Inc. (RNSB), which governs the K-12 Pine Hill School and over 30 other community programs on the Ramah Navajo Reservation in Cibola County at Pine Hill, New Mexico. My testimony is on the need to appropriate adequate funding to address the infrastructure needs of our BIA/Bureau of Indian Education school. The Ramah Navajo School Board is requesting that a total of $9,384,755 be included in the FY 2010 budget from the Bureau of Indian Affairs (Dept. of the Interior) and the Head Start Bureau (Department of Health & Human Services) for the following project needs for our community.

Introduction. The Ramah Navajo reservation covers approximately 300 square miles in a rural, isolated high desert country in northwestern New Mexico where there are few paved roads, no business center, and the nearest towns are over 60 miles away. Ignored for most of its history by federal, state and the Navajo Nation, the community has had to fend for itself beginning in the 1960s, when its efforts to bring in its own community-controlled school and other services led to the "Indian Self-Determination and Education Assistance Act of 1975.

The RNSB school at Pine Hill currently enrolls 310 students. The Pine Hill Health Center handles over 30,000 visits annually for medical, dental, and behavioral health care. RNSB is a unique school board because it not only operates a K-12 BIA grant school, but it runs over 30 other programs for the Ramah Navajo community, including among others a health clinic, social services, four preschool programs—Head Start, FACE, Early Intervention, and Day Care—, behavioral health services, a wellness center, a Workforce Investment Act program, adult education, a GED program, a school farm, fairgrounds, and a radio station. RNSB thus provides most major services for the community. RNSB has an annual operating budget of about $17,500,000 of which roughly 80% is used for personnel costs. RNSB has substantial needs for infrastructure improvements, as detailed below.

1. Pine Hill School (K-12): Repairs, Renovations and Upgrade of BIA/BIE School Facilities, Infrastructure and Equipment: $4,517,755. (U.S. Dept. of Interior, BIA/Bureau of Indian Education & Dept. of Health and Human Services, ACF/Head Start Bureau).

A. Central Administration Office Building. The RNSB Central Administration buildings need a complete renovation and upgrade of all of its systems, including weatherization, interior and exterior painting, re-carpeting, electrical upgrade, and air conditioning. These buildings have environmental health and safety issues, including leaking pipes, mice (with possible exposure to Hantavirus), and fire safety issues. It has been broken into on several occasions and needs upgrades to the safety vault in the business office, along with upgrading of the security alarm system. RNSB has been unable to obtain private or state funding to replace this building, so we ask that Congress appropriate funds for the renovation of this BIA building to allow it to serve the school and community for another 10-to-20 years. Such funding would provide upgrades to the computer system to meet the latest auditor's recommendation and provide a centralized communications and technology center for the Pine Hill School and Central Administration to support the 30-plus programs in a single building. This renovation would include a "Tech Center" addition to serve as the hub for all of RNSB's computer, Internet, email, fax and phone systems; would house technical support, repair, and maintenance for desktop and laptop computers, printers, scanners, and related computer technology hardware and software; and would include classrooms for technology training for students, staff, and community members. The estimated total cost for these renovations is **$2,640,000.**

B. Temporary Facilities During Repairs & Renovations. While the foregoing repairs and renovations are in progress, the Pine Hill School (K-12) and RNSB Central Administration will need temporary offices and facilities in which to conduct its activities. The estimated cost for such temporary facilities is **$120,000.**

C. Security Fence. RNSB also needs a security fence to be constructed around its campus, including school, central administration, Pine Hill Health Center, staff housing, etc. The estimated cost is **$100,000.**

D. Road & water Line Repairs. The entire campus road system needs to be repaired and repaved due to water line breaks and other utility breakdowns located under the roads. The estimated cost is **$1,227,755.**

E. Dorm Construction Reimbursement. When the old Ramah Navajo Dormitory 25 miles away in the village of Ramah, was condemned and closed, Congress funded the construction of a new dormitory near the Pine Hill School for students in grades 1-through-12. RNSB administered the design-build contract for the construction of the dormitory. However, as construction was nearing completion in January 2006, RNSB discovered that essential work needed to meet all building codes were missing from the plans. Most notably, the planned fire suppression system did not meet fire code requirements. This change not only required additional equipment, but also changes in the water supply system so that the water pressure required for the upgraded system could be maintained. RNSB was forced to pay for this from its own scarce private funds and other changes necessary before the dorm could be completed and occupied. Although no official position has been expressed, RNSB believes that the BIE is sympathetic to reimbursing RNSB for these expenditures if Congress appropriates the funds or directs the BIE to make this payment from its budget. **$500,000.**

F. Head Start. An inspection by the DHHS/Head Start Bureau in 2000 found that the Ramah Navajo Head Start buildings need safety upgrades to remedy code violations. These repairs will cost **$30,000.**

Therefore, the total request in this area is $2,640,000 for Central Administration Office Buildings, plus $120,000 for temporary facilities, plus $100,000 for security fencing, plus $1,127,755 for road and utility repairs and replacements, plus $500,000 for reimbursement to RNSB for the dorm cost overrun, plus $30,000 for Head Start safety repairs.

2. Pine Hill Water System: $1,550,000. (U.S. Dept. of Interior, BIA/Bureau of Indian Education). The Pine Hill Water System was constructed in the early 1970s to serve the then-new BIA Pine Hill School and some housing trailers for the school staff. Over the past 37 years, RNSB has added numerous other buildings and facilities for the school and other programs, including 60-plus staff housing units, the comprehensive Health Center, four preschool programs, Behavioral Health Services, and, most recently, the new dormitory. The Water and Sewer System now also serves non-RNSB facilities, such as the Pine Hill Market, and provides clean water to nearby community housing projects.

At this time, RNSB's west sewer lagoon does not comply with applicable Environmental Protection Agency law and regulations. RNSB needs to replace its Well No. 1, which is its principal source of water for RNSB's campus. The 3,600-foot deep well is encased to a depth of 1,100 feet, but the casing has ruptured at a depth of 830 feet. So far the water has tested as safe, but the well is only a quarter-mile from our sewage lagoon, so prompt replacement of the ruptured casing is essential. Also, the repair and upgrade of the water treatment system is essential for health and safety of campus students, teachers, and residents. The cost estimate for the entire project is **$1,550,000.**

3. Early Childhood Education Center. $3,317,000. (U.S. Dept. of Interior, Bureau of Indian Affairs). RNSB wishes to consolidate its four preschool programs into one "Early Childhood Education Center" of approximately 10,000 sq. ft. to consolidate Head Start, Early Intervention, Family and Child Education (FACE) and the Child Care Center. The requested appropriation will cover the entire project: planning, architectural design, building construction, inspections, and landscaping.

♦ ♦ ♦

The Board of Trustees for the Ramah Navajo School Board, Inc. would like to express its appreciation for your support for American Indian programs in general and the Ramah Navajo community in particular. We hope that this statement will help you better understand infrastructure needs of our community. We would be happy to provide you with further information on any of the foregoing projects.

Respectfully submitted,

Martha Garcia, President, Board of Trustees
Ramah Navajo School Board, Inc.
P.O. Box 10, Pine Hill (Cibola County), New Mexico 87357
505-775-3256, Fax: 505-775-3240
RNSB E-mail Contact: oran@rnsb.k12.nm.us.

Mr. DICKS. Thank you. Any questions?

Okay. Thank you very much.

Now we have Mr. Jim Zorn, executive administrator of the Great Lakes Indian Fish and Wildlife Commission. Welcome.

WEDNESDAY, MARCH 25, 2009.

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

WITNESS

JIM ZORN

Mr. ZORN. Bojou, Mr. Chairman and members of the committee. Once again, it is a great honor and privilege to be here, and our 11 member tribes thank the committee for this opportunity to provide you with the information you need to do what you have been doing for over 25 years in our case, and that is be a stalwart supporter of the tribes' treaty implementation program under the rights protection implementation line item and now increasingly more so in the EPA's budget.

As a reminder, Mr. Chairman, I know you are familiar with this but there is a few new members of the committee, we serve 11 tribes in the Minnesota, Michigan, Wisconsin area who retain rights to hunt, fish and gather under treaties with the United States outside the boundaries of their reservation. Our purpose is to provide the biological expertise and conservation enforcement. A little known fact, I believe, is that we provide approximately $600,000 to our member tribes for the tribal courts, the systems that they need in place to properly regulate their tribal members as they hunt, fish and gather in the areas under the treaty coverage. The purpose of these rights are to provide for subsidence, economic, cultural, medicinal and spiritual benefit for the tribal communities.

The funding we seek is to restore cuts in programs that we have made because of flat-line funding, because of indirect cost shortfalls and so on as well as in the EPA. I was hoping Mr. LaTourette would be here as well because I think as we spoke last year, Mr. Chairman, the Great Lakes states, tribes and citizenry have come together to strategize to protect and restore the Great Lakes, and in that strategy everyone recognized the importance of tribes to be there not only at the table for talk but in terms of substance and having their programs. So if I could bring some main messages on those major issues that you asked for, Mr. Chairman, it is from the tribal natural resources program perspective, environmental management perspective, please help secure the base of these programs. As these base funding levels have been eroding over time, so has the tribes' abilities to be partners on the very project-specific funding like the Tribal Wildlife Grants, like the Circle of Flight funding and so on.

The other point that we would like to make is that from the tribal communities' perspective, they tend to want to preserve what is already pristine, and you know, these are natural resource communities and the economic cost associated with restoring things that

have been destroyed is much greater than what it takes to preserve something in its already good state. That is something that is often overlooked, and as we look at much of the budget package, we see efforts to restore things that have been degraded. The tribes need the base funding so that they can preserve what provides benefits for their community, the food that they eat, some money that they need, health benefits associated with a much healthier diet. If you recall, Mr. Chairman, and again, Mr. Cole, perhaps, you were not here in previous years, one thing that we try to do is educate our members on the pollution levels, for example, mercury contaminant levels in the fish that they eat, the walleyes, in Wisconsin, Minnesota and Michigan. We have produced these maps where we have sampled the fish tissue and found the levels of mercury in those tissues that tribal members eat to help the members understand where they perhaps want to fish so that their diet is healthy. I mean, these are the foods that they eat. It does not help to go to McDonald's.

Mr. DICKS. We have the same problem in the Northwest with the Orcas. We do not eat the Orcas obviously but they have a substantial amount of mercury.

Mr. ZORN. And we have been working on that both from the perspective of trying to reduce the emissions that cause the mercury but to educate the tribal membership and——

Mr. DICKS. What do you think? Is it air pollution mainly?

Mr. ZORN. Airborne obviously, and our representative from West Virginia and I always have this look at each other when we talk about the coal obviously is a large emitter of the mercury.

And so the benefits of these programs, as you know, extend beyond the tribal communities, and that is what again perhaps Mr. Cole, if you would like to look at this and share this with Mr. LaTourette. This is the strategy that the eight states around the Great Lakes, 30–some tribes around the Great Lakes plus a large number of citizens and non-governmental organizations endorsed. If you look at page 12 to 13 where I have marked there, there is this statement about the role of tribal nations, and you will note that the strategy in all those partners recognize that without the base funding, tribes just cannot be there and the strategy will not succeed.

Finally, the benefits of the surrounding communities extend beyond the protection of natural resources. For example, when our conservation officers respond to a call for help from a local sheriff, it does not matter the color of the uniform; we are there to help.

So with that, we thank the committee for its longstanding support and we would be happy to help in any way we can for the committee to do its work.

[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 2010 TESTIMONY
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
BY
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AGENCIES – BUREAU OF INDIAN AFFAIRS AND ENVIRONMENTAL PROTECTION AGENCY

1. BIA TREATY RIGHTS PROTECTION/IMPLEMENTATION: $4,327,000 ($452,000 above FY 2009 appropriation).

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

Funding Authorizations: Snyder Act, 25 U.S.C. s. 13; Indian Self-Determination and Educational Assistance Act, 25 U.S.C. ss. 450f and 450h; and the treaties between the United States and GLIFWC's member Ojibwe Tribes, specifically Treaty of 1836, 7 Stat. 491, Treaty of 1837, 7 Stat. 536, Treaty of 1842, 7 Stat. 591, and Treaty of 1854, 10 Stat. 1109.[2]

2. EPA ENVIRONMENTAL PROGRAMS AND MANAGEMENT: $300,000 (FY 2004 enacted).

Agency/Program Line Item: Environmental Protection Agency, Environmental Programs and Management (funneled through the EPA's Great Lakes National Program Office).

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

As Congress has recognized for 25 years, funding for GLIFWC's conservation, natural resource protection, and law enforcement programs honors federal treaty obligations to eleven Ojibwe Tribes and provides a wide range of associated public benefits. GLIFWC seeks an inflation-adjusted secure funding base to: i) implement federal court orders and intergovernmental agreements governing the exercise of treaty-guaranteed hunting, fishing and gathering rights; and ii) participate in management partnerships in Wisconsin, Michigan and Minnesota.

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

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

ELEMENTS OF GLIFWC'S FUNDING REQUEST

1. BIA TREATY RIGHTS PROTECTION/IMPLEMENTATION: $4,327,000. As its primary Indian Self-Determination and Educational Assistance Act funding base, GLIFWC seeks to maintain consistent, stable funding, restore and protect jobs, and restore diminished service capacity, including:

a. $227,000[3] to restore base funding to 2002 levels – to restore 2 full time equivalent positions and related costs, replace 4 vehicles and restore diminished services including cuts to scientific research and monitoring activities;

b. $150,000 for conservation enforcement and emergency services – to restore 2 full time equivalent positions and related costs and provide digital radio upgrades; and

c. $75,000 for cultural infusion programs – to retain 1 full time equivalent position and related costs to implement programs to sustain and foster inter-generational transfer of Chippewa language, lifeways and traditional ecological knowledge.

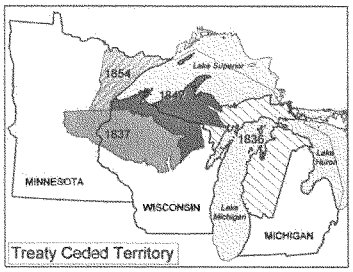
2. EPA ENVIRONMENTAL PROGRAMS AND MANAGEMENT: $300,000. As an EPA funding base for its primary environmental program elements, GLIFWC seeks to:

a. Provide $190,000 for basic scientific/technical capabilities to: i) continue participation in a number of Great Lakes initiatives (including the Binational Program to Restore and Protect Lake Superior and other Great Lakes regional protection and restoration initiatives); ii) carry out habitat and human-health related research; and iii) provide the requisite analysis and data to support participation in regional initiatives and to assess the impact of particular projects on tribal treaty rights.

b. Provide $110,000 to undertake three habitat and human health-related research projects regarding: i) GLIFWC's fish consumption mercury advisory program; ii) invasive species impacts on the Lake Superior food web; and iii) a global climate change pilot project.

CEDED TERRITORY TREATY RIGHTS – GLIFWC'S ROLE AND PROGRAMS

Established in 1984, GLIFWC is a natural resources management agency for its eleven member Ojibwe Tribes regarding their ceded territory (off-reservation) hunting, fishing and gathering treaty rights. Its mission is to: i) ensure that its member Tribes are able to exercise their rights for the purposes of meeting subsistence, economic, cultural, medicinal, and spiritual needs; and ii) ensure a healthy, sustainable natural resource base that supports those rights. GLIFWC is a "tribal organization" within the meaning of the Indian Self-Determination and Educational Assistance Act (PL 93-638). It is governed by a Constitution developed and ratified by its member Tribes and by a board comprised of the Chairs of those Tribes.



[3] This amount includes $151,000 in fixed pay costs that the Bureau has been providing but that needs to be preserved in future appropriations.

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

JUSTIFICATION & USE OF THE REQUESTED FUNDS

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

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

With the requested stable funding base, GLIFWC will:

1. MAINTAIN THE REQUISITE CAPABILITIES TO MEET LEGAL OBLIGATIONS, TO CONSERVE NATURAL RESOURCES AND TO REGULATE TREATY HARVESTS: Without an increase in its base funding, GLIFWC is at risk of losing 10% of its full time employees through attrition or job cuts. Flat-line funding, annual across-the-board budget cuts, contract support cost shortfalls, rising fixed costs, and diminishing "soft funding" sources have combined to undermine GLIFWC's capacity to fulfill its obligations under a number of federal court decisions and intergovernmental agreements, namely to provide a wide range of natural resource management and conservation law enforcement services that must be in place before tribal members may exercise their treaty rights. These cuts also undermine GLIFWC's capacity to sustain conservation partnerships and cooperative management responsibilities with state, federal and local governments, with educational institutions, and with conservation organizations and other non-profit agencies.

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 ability to bring a tribal perspective to the interjurisdictional mix of Great

Lakes managers.[4] It also 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.[5]

The lack of a secure, ongoing EPA funding base jeopardizes GLIFWC's role as a trusted environmental management partner and scientific contributor in the Great Lakes Region. This is particularly true given important recent initiatives such as the Great Lakes Regional Collaboration in which GLIFWC participates as a full partner. A secure funding base is crucial to provide the basic infrastructure that allows access to competitive project funding and discretionary grants.

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

Over the past 25 years, GLIFWC has built many 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; iii) avoid duplication of effort and costs; iv) engender cooperation rather than competition; and v) undertake projects and achieve public benefits that no one partner could accomplish alone.

OTHER RELATED APPROPRIATIONS CONCERNS

1. **Full Funding of BIA Contract Support Costs:** GLIFWC seeks full funding of its contract support costs as required by the Indian Self-Determination and Educational Assistance Act. The BIA has consistently failed to fully fund indirect contract support, despite GLIFWC's uniformly low indirect cost rates – proposed at 16.30% for FY 2009. GLIFWC estimates its direct and indirect contract support shortfall at approximately $280,000 for FY 2009. This shortfall cuts significantly into program funding.

2. **BIA Circle of Flight Tribal Wetland & Waterfowl Initiative:** Congress should restore and fully fund this long-standing tribal contribution to the North American Waterfowl Management Plan that was eliminated in 2009.

[4]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 Regional Collaboration, and the implementation of agreements to regulate water diversions and withdrawals under the Great Lakes Charter, Annex 2001.

[5]With the requested FY 2010 EPA funds, GLIFWC would: i) continue its long-standing program to collect and test fish for mercury and to communicate testing results through health care providers and GIS maps; ii) document the diet of important species of Lake Superior fish in order to understand potential changes over time due to invasive species or other causes; and iii) identify climate variables that affect the presence, health and abundance of selected natural resources that are harvested by GLIFWC member tribes.

Mr. DICKS. We appreciate it. We appreciate your good efforts and all of the tribal efforts that go with that. Thank you.

Any questions?

Mr. COLE. Just one quick question. Do you have some idea of the scale you are talking about in terms of funding where you would like to see, where are you at now?

Mr. ZORN. We are at about $3.9 million with the BIA rights protection. We would like to get that closer to $4.2 million, and our understanding is——

Mr. DICKS. Is that in the budget?

Mr. ZORN. The $3.9 million has been, yes, and so we have had—it was a little higher but that has been eroded through the across-the-board cuts so that is why we are going for a little bit more. Also, our understanding is, although, Mr. Chairman, as you pointed out, we do not know the President's budget exactly but our understanding is the Great Lakes geographic component of the EPA potentially is in for a large increase in part because of the strategy and other things, the role of the tribes there, and that is why we had mentioned the $300,000 in base funding out of that amount so that we can continue to be there with our scientists and be at the table to help make good policy and do good things.

Mr. COLE. Thank you. That was very helpful.

Mr. DICKS. Next is Geoffrey Roth, executive director of the National Council of Urban Indian Health. Welcome.

WEDNESDAY, MARCH 25, 2009.

NATIONAL COUNCIL OF URBAN INDIAN HEALTH

WITNESS

GEOFFREY ROTH

Mr. ROTH. Thank you. I want to first of all thank you, Chairman Dicks, and the rest of the committee for your continued support over the last three years when we had been zeroed out of the budget, and I appreciate you monitoring our program. On behalf of the 36 urban Indian member programs and 150,000 urban Indians that our program serve annually, I would like to thank you for inviting us to testify today on the fiscal year 2010 budget. This year, the National Council of Urban Indian Health has four budget recommendations.

First, we support the National Indian Health Board's budget recommendations that the Indian Health Service receive an increase of $908 million. You will be hearing more about that tomorrow when Reno Franklin testifies from NIHB. We are encouraged by President Obama's proposed increase of $700 million. However, the Native American health delivery system needs to be fully funded in order to fulfill the trust responsibility to the Indian people.

Second, we want to advocate for a $10 million increase in the Urban Indian Health Program line item. These programs have had nearly flat funding over the past three years. You have rectified the issue of the President's zeroing it out and we appreciate that. In order to meet rising needs, medical inflation rates, and remain

competitive with other community health center programs, we must receive an increase in base funding.

Thirdly, we would like to request that section 509 of the Indian Health Care Improvement Act be funded for delayed maintenance and construction costs for urban Indian health programs at $10 million. I will talk about that a little bit more in just a second. And then we are also asking for a one-time needs assessment of the urban Indian community. The last needs assessment that was done on urban Indians in this country was in 1981 by Indian Health Services.

We have two new budget recommendations this year, one being the renovation services. I want to talk a little bit about our work on this with the American Recovery and Reinvestment Act. In November the Obama Administration transition team had requested that we identify ready-to-build projects that could be built within 24 months. We identified 11 major renovation projects that were ready to go but were delayed because of the credit crisis and the commercial lines of credit drying up. Unfortunately, because Senate appropriators did not realize until too late that the Urban Indian Health Program does not receive funds through section 301 of the Indian Health Care Improvement Act, the Urban Indian Health Program was not included in the American Recovery and Reinvestment Act appropriations. We had Senate appropriators that wanted to rectify that situation and to carve out a portion of the Indian facilities money for urban Indian facilities money but I and the National Council of Urban Indian Health declined to take the money that had already been publicly displayed for the tribal health programs. We are not here to take money from tribes and we are not here to take money from an underfunded tribal health facilities program that already exists. We insisted that the only money that we would take was if they could find additional money. Senator Udall had drafted an amendment to include an additional $20 million. Unfortunately, it did not make it to the Floor. These renovation projects for urban Indian health programs will allow our programs to reach an additional 100,000 patients annually and create hundreds of new jobs and expand necessary services to our vulnerable population.

The last needs assessment for urban Indians was conducted in 1981, nearly 30 years ago. Without a doubt, the needs for urban Indians have grown since then. For example, the estimated potential user population of the Urban Indian Health Program is almost 1 million people and that is just in the cities where we currently have services including Seattle, Oklahoma City and Tulsa. NCUIH strongly advocates for a new needs assessment for the community by a national membership-based organization. The needs assessment should include comprehensive demographic data pulled from various sources, a vigorous analysis of social determinants of health, an examination of major health disparities, an assessment of service access, utilization and availability.

Again, I want to thank you for allowing us to testify on our budget priorities. You know, Congress has long supported the Urban Indian Health Program and recognizes that Native Americans live in cities because of the federal relocation era and termination policies. Again, I want to thank you for the last three years. Again, to recap,

and I guess I am asking for money, $10 million increase for the urban Indian line item, $10 million for facilities construction and $1.5 million for an urban Indian needs assessment. Thank you.

[The statement of Geoffrey Roth follows:]

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Excellence, Equity, Effectiveness

Testimony of Geoffrey Roth, Executive Director
National Council of Urban Indian Health
House Interior Appropriations Subcommittee's Native American Witness Day
March 25th, 2009

Introduction: On behalf of the National Council of Urban Indian Health (NCUIH), its 36 member organizations and the 150,000 Urban Indian patients that our programs serve annually, I would like to thank the Interior Appropriations Subcommittee for the opportunity to provide testimony addressing the FY2010 Budget. NCUIH strongly urges the full funding of Urban Indian Health Program (UIHP) line item at $46.2 million, the previously unfunded renovations provision at $10 million and NCUIH further asks for funding for a one-time needs assessment.

According to the 2000 United States Census, over 60% of the AI/AN population currently live in urban centers. However, the division between an urban Indian and a non-urban Indians is a false dichotomy. Originally, Native Americans were forced to urban locations during the Termination and Relocation era due to economic pressures and federal policy of the time; however, now most Native Americans transition between their tribal homes and urban centers depending upon their needs and the needs of their families[1]. As part of the IHS, Tribal, Urban Indian (I/T/U) health care system for Native Americans, the UIHP is there to provide health care for AI/AN patients when they live in urban settings, thus helping to form a complete circle of care with tribal and IHS health providers. Fulfilling its role in the circle of care for AI/AN patients, UIHP provide culturally competent, non-duplicative health services to more than 150,000 AI/AN patients.

Congress has consistently acknowledged that the government's trust responsibility extends to AI/AN patients living in urban settings. From the original Snyder act of 1921 to the Indian Health Care Improvement Act (IHCIA) of 1976, and its Amendments, Congress has consistently found that: "The responsibility for the provision of health care, arising from treaties and laws that recognize this responsibility as an exchange for the cession of millions of acres of Indian land *does not end at the borders of an Indian reservation*. Rather, government relocation policies which designated certain urban areas as relocation centers for Indians, have in many instance forced Indian people who did not [want] to leave their reservations to relocate in urban areas, and *the responsibility for the provision of health care services follows them there*."[2]

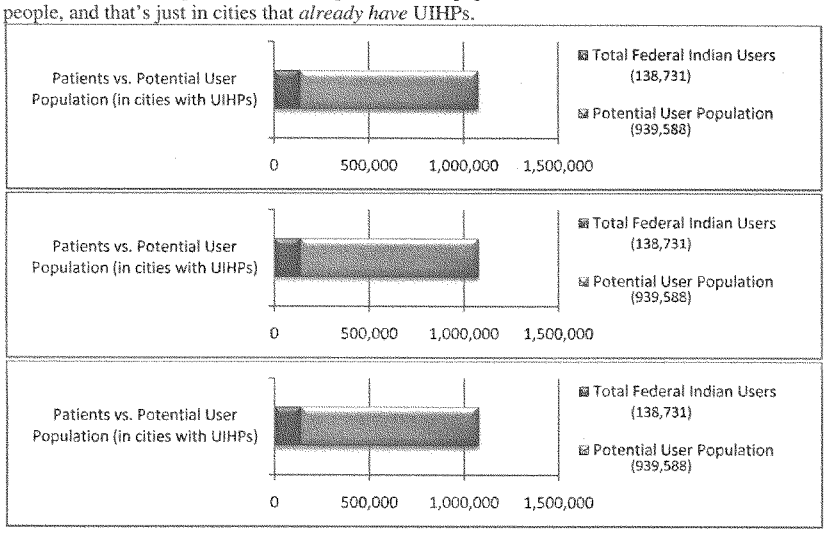
History of Bipartisan Congressional Support: Congress has overwhelmingly rejected attempts by the previous Administration to zero fund the UIHP. Through bipartisan consensus, Congress restored the UIHP in the FY07, FY08, and FY09 budgets and included strong report language in the FY07 and FY08 reports supporting the UIHP[3]. NCUIH hopes that Congress will continue to support the UIHP with this same level of bipartisanship. The Obama Administration has already expressed a deep concern for Native American health, as demonstrated by the $700 million

[1] *See United States v. Raszkiewicz*, 196 F.3w 459, 465 7th Cir. 1999, stating: "[the] patterns of cross or circular migration on and off the reservations make it misleading to suggest that reservations and urban Indians are two well-defined groups."
[2] Senate Report 100-508, Indian Health Care Amendments of 1987, Sept 14, 1988, p25. Emphasis added
[3] House Report 109-4665; House Report 110-187; H.R. 1106

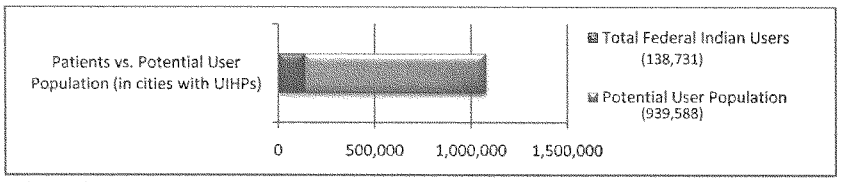
dollar increase to IHS funding in the President's outline of his FY2010 budget. It is the fervent wish of Native Americans everywhere that Congress support President Obama in fully funding IHS. NCUIH hopes that Congress can again come together in a bipartisan fashion to fully fund not only the Indian Health Service, but to also fully fund the UIHP at its full level of need.

Unmet Needs of Urban Indians: While the UIHP serves over 150,000 Native Americans annually, there remains a huge unmet need in Urban Indian communities. NCUIH strongly advocates for not only an increase in appropriations to meet the existing needs of Urban Indians, but also argues that there needs to be a new assessment of need for the community by a national membership-based organization. In order for UIHP programs and clinics to effectively deliver necessary care there must be a needs assessment which includes comprehensive demographic data pulled from various sources, a vigorous analysis of social determinants of health such as economic and social status[4], and an analysis of traditional health indicators.

The last needs assessment for the Urban Indian community was conducted in 1981, nearly 30 years ago. The 1981 assessment did include all the aspects addressed above, but the data is ancient. Based on the 1981 assessment, the UIHP is serving approximately 22% of the entire need for the Urban Indian community. Without a doubt the need for the UIHP has grown since 1981. For example, the estimated potential user population of the UIHP is almost 1 million people, and that's just in cities that *already have* UIHPs.

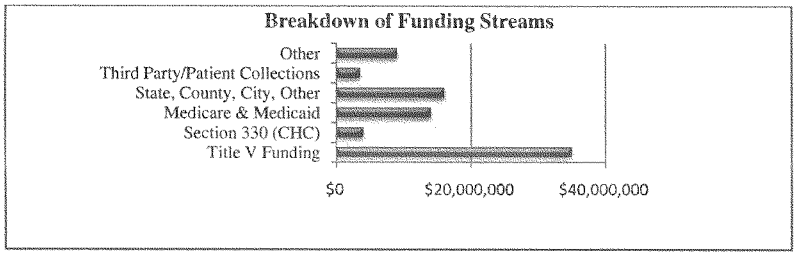


[4] *See generally, Unnatural Causes: Is Inequality Making Us Sick?* PBS Documentary, 2008; *see further*, "Health Inequality, Not Health Disparities" lecture by Dennis Raphael at the Center for Health Disparities 12/14/2006



In light of this data, NCUIH urges the Committee to increase funding to UIHP line item by at least $10 million dollars. Minor increases to the UIHP's budget by Congress have not kept up with standard inflation, much less medical inflation. Thus, the purchasing power of UIHP programs and clinics has steadily decreased for most of the past decade. Cuts to Medicaid and Medicare reimbursement rates and CMS regulations limiting reimbursements to outpatient providers have also negatively impacted UIHP clinics and programs. With an economy in a recession and unemployment rates rising, many clinics are reporting increased patient loads that are straining their already tight budgets. If AI/AN patients are unable to receive care at UIHP clinics and programs the likelihood that they will be forced to return to their home reservations for medical care increases, thus further straining tribal budgets and social services.

Leveraging Funding: UIHP clinics and programs are adept at leveraging their Title V funding to obtain additional dollars from other federal, state, and local sources. The original investment of IHS' monies allocated through Title V of IHCIA provides the base funding that allows UIHP clinics and programs to build upon their capacity to reach new patients and provide more services. Generally, the 36 UIHP clinics and programs are able to leverage two new dollars for each dollar of original investment. The ability of the Program to effectively seek out additional funding by leveraging the base funding from IHS makes the UIHP a sound investment as a social program. Some of the other sources of funding are shown in the chart below:



Although UIHP clinics and programs have been quite adept at leveraging their IHS dollars, they are not able to do so without that core funding. The UIHP line item provides the basis of the program, without it the programs would not be able to compete for other private and federal grants. However, when that base funding is insufficient to maintain core services the competitiveness of UIHP clinics and programs for other private and federal grants is badly damaged. When the competitiveness of the UIHP is damaged it is ultimately the patients who suffer.

Renovation & Delayed Maintenance Needs: Section 509 in Title V of IHCIA states that funds may be used for renovation and delayed maintenance for UIHP clinics and programs; this provision of IHCIA has not been funded in over a decade. Urban Indian Organizations (UIOs) are not eligible for IHS facilities construction funds appropriated through section 301 of IHCIA as all funding for UIOs must come through Title V of IHCIA. UIHP clinics and programs have been forced to pay for construction, renovation, and maintenance costs through private loans and outside grants. Unfortunately, as the economy has worsened credit lines have dissolved, leaving UIHP clinics and programs without funds for necessary projects.

NCUIH identified 11 major renovation and delayed maintenance projects upon the request of the Obama Administration for the American Recovery and Reinvestment Act (ARRA). Unfortunately, appropriations for necessary renovation and maintenance were not included in the ARRA. NCUIH thus recommends that section 509 be funded at $10 million to begin work on the identified renovation and delayed maintenance projects. The total cost of the entire ready-to-build projects identified by UIOs is roughly $37 million; as an initial investment in this provision, which has not been funded in decades, NCUIH recommends this provision be funded at $10 million to begin the necessary process of renovation and delayed maintenance.

The additional services that could be provided upon the completion of these infrastructure projects include expanded preventative health care, dental services, social services, and primary care. These are services not easily accessed by the AI/AN community. If the UIHP clinics and programs are unable to provide these services patients often choose to go without necessary care. Studies have demonstrated that when patients delay seeking care the cost of treatment increases exponentially for each day care is delayed, especially for conditions such as diabetes, heart disease and cardiovascular disease. Increasing UIHP clinics and programs' ability to provide services and to accept additional patients will relieve pressure from other parts of the I/T/U system and thus reduce costs to the entire system.

Top Priorities of the UIHP: As part of a comprehensive survey of the UIHP, NCUIH requested its member programs to submit a list of health priorities for the next fiscal year. Those priorities are listed below:

Service Priority
Traditional Medicine
Behavioral Health
Dental Services
Maternal & Child Health
Women's Health
Elder Care
Disease/Diabetes Prevention
Telemedicine

In order to provide the services requested and to accommodate the growing demands upon the Urban Indian Health Program, the National Council of Urban Indian Health requests an increase of $10 million from the FY2009 Congressional budget appropriated amount of $36.2 million to a total of $46.2 million. This increase will allow the programs to respond to medical inflation, provide additional services, and cope with increasing demand as the economy continues to deteriorate. An increase to the base funding of the UIHP will also ensure the continued competitiveness of the programs and clinics for other private and federal funds.

Conclusion: I would like to thank the Committee for this opportunity to provide testimony on the appropriations priorities of the UIHP clinics and programs. We are grateful for your commitment and concern for the improvement of the health and well-being of Urban Indians. Notwithstanding, the difficulties of the past three years, UIHP clinics and programs, working with limited funds, have made a great difference in addressing the unique circumstances and health care needs of the Urban Indian population. These small but vital components of the health

Mr. DICKS. All right. Good statement.

Any questions? Yes, Mr. Cole.

Mr. COLE. First of all, just thank you for the work you do. I have been to the facilities in Oklahoma City and Tulsa and they are terrific, and we get a lot of folks that would not get health care that are from either their reservations or areas of historic jurisdiction that have it, so thank you.

There is sometimes some friction between the tribes, obviously, and this particular service, so thank you for not, taking the obvious temptation and going after tribal programs, which would have exacerbated that. It is very farsighted of you. I know in the case of the Chickasaws, we now have a person in Oklahoma City that coordinates needs when patients come in because our center for health care is in Ada, Oklahoma 100-plus miles away. Are you seeing other tribes that are moving into a cooperative relationship with you where they can leverage what they have and what you already do and just build that link?

Mr. ROTH. You know, there are other tribes that do that across the country that have a set of small offices or work with our programs, maybe have a specific person that works in the office, in their clinic. I would say though that there has been a resistance from Indian Health Service's upper management to really fully integrate the ITU system, meaning the Indian operated, tribally operated and urban Indian system. I am excited about the new director that we have for Indian Health Service, Dr. Yvette Roubideaux, and I am hopeful that they can bring about true reform and really look at integrating that ITU system. The truth is, our population is transient and our population moves between urban centers and reservations for ceremony or for different job opportunities or for family reasons, so I think we could do a better job at it.

Mr. COLE. Well, again, thank you for what you do. Because the need is real and you are quite right, the trust obligation does not cease simply because you are not on a reservation or in an area of jurisdiction. This really fills a tremendous hole in Indian health care. Thank you.

Mr. DICKS. Thank you. Good statement.

Jacquelyn Johnson Payta. You are going to be speaking for the National Congress of American Indians.

WEDNESDAY, MARCH 25, 2009.

NATIONAL CONGRESS OF AMERICAN INDIANS

WITNESS

JACQUELYN JOHNSON PAYTA

Ms. PAYTA. Right. Thank you very much, Mr. Chairman and members, Mr. Cole, for allowing me to testify today. President Garcia was planning on being here today but they had a death of one of their community clan leaders and he needed to be at home.

On behalf of the National Congress of American Indians, first I want to start by sharing with you copies of our budget request. Every year for the last several years Indian Country has come together with the National Congress of American Indians (NCAI) all

the various single-issue organizations, the National Indian Health Board, education, et cetera, and putting together a comprehensive document for your use to be able to spell out Indian Country's priorities. Today I would like to take a moment to highlight a few of those priorities as they relate to your committee, and certainly the top priorities of Indian Country. As we looked at the fiscal year 2010 budget, as you have stated earlier, that the President does not have the detail yet, but we look forward to analyzing that detail and sharing that with you as it relates to not only the trend of where Indian budgets are going but also the impact of any budget additions or exclusions, and we will look forward to sharing that information with you when we get that.

First of all, the premise of Indian Country's base is that we want TPA, Tribal Priority Allocation, funded, and also fully fund contract support. We believe that without the funding for those elements, it undermines and inhibits our ability to provide self-determination and to be able to provide the tribal administrative programs and services at the local level. And from there, the tribes have decided that public safety, education, health, natural resources and economic development are our top priorities in this fiscal year. I would like to highlight just a few of those things of course. One is, we would like to have full funding of contract support; two, a 10 percent increase over the TPA, the Tribal Priority Allocation for public safety, an issue that affects our communities across the board. We look at public safety, an increase in law enforcement as well as tribal courts and detention centers and maintenance. We are supporting $120 million increase for Indian schools, construction and repair, and of course the $24.3 million for the Johnson-O'Malley program. Under water resources and water rights, we would like to have them restored to no less than the enacted level of 2003. For Indian land consolidation, $145 million for land consolidation which helps us promote economic development and infrastructure development in our communities. Under energy, we believe that energy is a great resource for tribes to be able to address economic development as well as their own resource needs. We need $5 million for technical assistance and capacity building to be able to help tribes take advantage of some of the amendments that were in the Energy Act such as the TERAs, the Tribal Energy Resource Agreements, that give the flexibility of tribes to develop their energy and the regulations around that, and $10 million for the feasibility analyses that are needed by many tribes to help determine alternative energy needs. We also are asking for a minimum of $908 million increase for Indian Health Care Service, and of course, to fully fund IHS contract support costs. With EPA, we are looking at——

Mr. DICKS. What is that?

Ms. PAYTA. The EPA?

Mr. DICKS. Fully funding contract support costs. What is that?

Ms. PAYTA. Contract support cost is——

Mr. DICKS. I know what it is but what is the number?

Ms. PAYTA. I will get you the number. I do not have it here. It is in the book, though, I believe, in the book right there. I just do not have it written right here and I do not want to say it wrong but I will make sure you have that.

Mr. DICKS. Thank you.

Ms. PAYTA. And then for environmental protection, we want the Indian General Assistance Programs at $68.3 million. These are the gap programs that allow the tribes to operate the programs in their own communities and then $10 for the Tribal Cooperative Agreements that tribes across the country are working to do. I wanted to just conclude by saying that the tribes are proving themselves to be a good federal investment. By exercising self-determination, you are able to see that the programs have actually grown and expanded in many ways. Tribes have developed the capacity to be able to provide these public services at home, and we find that policies of self-determination are allowing tribes to move forward quicker than, you know, the federal government providing direct services, so we think that is important for us to continue.

Also with the economic recovery money, NCAI did a lot to provide some technical assistance and information to the tribes and we will continue to monitor those programs and the federal programs as they do the outreach on that. We want to prove to you that we are a good federal investment. Tribes have seen this as the first opportunity of many to be able to invest in our communities. Thank you.

[The statement of Jacquelyn Johnson Payta follows:]

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NCAI Testimony to the Interior, Environment, and Related Agencies Appropriations Subcommittee on the FY 2010 Budget

March 5, 2009

On behalf of the tribal nations of the National Congress of American Indians (NCAI), we are pleased to present our recommendations for FY 2010 funding of Indian programs in the Department of Interior, Environmental Protection Agency, and Indian Health Service. President Obama released a broad budget plan for FY 2010 entitled, *A New Era of Responsibility: Renewing America's Promise,* and from what NCAI has reviewed of the blueprint so far, the new Administration plans to ensure America's promise extends to the entire nation, including throughout Indian Country.

After tribes witnessed years of declining resources for critical Indian programs in the federal budget, the attention the Administration's FY 2010 proposed budget has given to tribal priorities is a welcome change. The chairman of this subcommittee has heard often of the social and economic challenges facing Indian Country. This subcommittee has also heard that the recent resurgence of tribal self-determination has resulted in concrete impacts on the poverty, income, and unemployment among Indian people.

Indian tribes are re-building our nations in ways that honor our ancestors and cultures as well as meeting the demands and opportunities of living in the modern world. An analysis of socio-economic change between 1990 and 2000 showed that Indian Country economies grew at a faster pace than the economy as a whole. Although Indian tribes have made great strides in addressing the long accumulated economic deficits in our communities, much work remains to be done. Tribes also have a critical role to play in the recovery as the nation pulls out of the current destructive recession. Indian Country has long known the crushing impact of high unemployment and poverty, but we are hopeful to continue improving our tribal communities and economies in spite of the current recession. As the President and Congress aim to invest in people to strengthen the middle class and the drivers of economic growth, NCAI looks forward to tribal self-determination playing a part in the solution. To ensure tribes continue to make progress, sustained investment in tribal governments and programs that support self-determination will be critical in FY 2010. With the new Administration and the FY 2010 budget request, there is renewed hope in Indian Country.

The President's FY 2010 budget priorities appear to align with many of Indian Country's priorities: education, health care, infrastructure, and clean energy. Below are some budget recommendations for the Interior, Environment, and Related Agencies appropriations bill.

Bureau of Indian Affairs: The President's budget states that the Administration supports the principle of tribal self-determination and pledges to improve tribal law enforcement and education; the Administration proposes $100 million in increases to the BIA for law enforcement and education. Although the details of the full President's FY 2010 budget are not available, the information we have fits with the priorities tribal leaders have set in consultation with agencies. NCAI looks forward to working with the subcommittee as the details of the FY 2010 budget are released in April.

Contract support costs (CSCs): NCAI recommends full funding for contract support costs in the FY 2010 budget. CSC funding is a federal contract obligation, as confirmed by a unanimous 2005 Supreme Court decision. Fully funding CSCs supports the President's commitment to tribal self-determination and self-governance, and will produce immediate and good jobs across Indian country. Failing to pay CSCs both perpetuates unemployment and constitutes unacceptable racial discrimination against tribal contractors, since no other government contractor is forced to subsidize the contract price. SPECIFIC AMOUNTS?

Provide at least a 10% ($75 million) increase over FY2009 for Tribal Priority Allocations (TPA). TPA is one of the most important funding areas for tribal governments. It covers such needs as scholarships and higher education funding, human services, economic development and natural resource management. Since tribes have the flexibility to use TPA funds to meet the unique needs of their individual communities, they are the main resource for tribes to exercise their powers of self-governance. However, from 1998 through 2004, BIA's funding of Tribal Priority Allocations declined from 42 percent of BIA's budget to only 33.3 percent. TPA funding has been so inadequate that it is estimated that its programs in Indian Country still needed $2.8 billion in 2000.

Public Safety and Justice: This subcommittee has heard often that public safety and justice is one of the top funding priorities for tribal leaders. As a result of historic under funding and complex jurisdiction issues, American Indians experience disproportionately high rates of violent crime. American Indians experience per capita rates of violence that are much higher than those of the general population. The rate of aggravated assault among American Indians and Alaska Natives is roughly twice that of the country as a whole. Indians are the victims of violent crime at twice the rate of African-Americans, two and a half times that of Caucasians, and four and half times as often as Asian Americans. These crime rates have been rapidly increasing in Indian Country, while crime rates have been falling in similarly low-income communities throughout the United States.

Recommendations

- **Ten percent increase for BIA law enforcement** in FY 2010 and beyond until the gap in law enforcement funding for tribal communities is closed.
- **Ten percent increase for tribal courts**: Tribal courts are overwhelmed with hundreds of serious cases declined by U.S. attorneys as well as increasing meth and drug crimes. Tribal courts have been level funded for at least the last five years.
- **Significant increases for detention center maintenance and construction** in FY 2010 and beyond until the gap in law enforcement funding for tribal communities is closed.

Education: The Administration intends to make investments in education so all Americans can have the chance to receive a world class education from cradle to career. The 2007 National Indian Education Study indicated that in reading and math, American Indian and Alaska Native students scored significantly lower than their peers in both fourth and eighth grades. One obstacle to achievement, which was noted in the Administration's proposed budget for schools across the nation, is the failure to invest in the physical structures of our schools.

Recommendations

- Provide a **$120.5 million increase for Indian school construction and repair.** There are currently 81 BIE schools that are in need of major repairs or replacements. The funding that has been previously allocated will not keep pace with the tremendous backlog of Indian schools and facilities in need of replacement or repair. Substantial progress has been made in replacing Indian

schools, but, as noted by the House Interior Appropriations Subcommittee in its Committee Report accompanying the FY 2006 Interior appropriations bill, "much remains to be done."

- Provide **$24.3 million for the Johnson O'Malley Program.** JOM, enacted in 1934, provides supplemental funds to address the unique educational and cultural needs of Native children attending public school, and must be fully funded.

Water Resources: The President's budget proposes funding for a western water conservation initiative that supports the development, management, and restoration of water and natural resource in 17 western states and tribal lands. Tribal leaders have prioritized funding for water resources for FY 2010 and NCAI encourages the Administration and Congress to ensure that tribes are included in the western water conservation initiative.

Recommendations

- Funding for both **Water Resources and Water Rights** should be restored to no less than FY2003 enacted levels in FY2010. During the FY 2010 BIA national budget meeting, tribal leaders from most BIA regions stated that funding for Water Resources was a high priority. The BIA Water Management, Planning and Pre-Development program (Water Resources) is a Trust Natural Resources program, and funds are used to assist tribes in protecting and managing their water resources. The Water Rights Negotiation/Litigation program is a Real Estate Services program, and funds are used to defend and assert Indian water rights. The two programs have always been funded separately by Congress for their separate purposes. From FY2003 to FY2008, funding for Water Resources has declined from $8,298,000 to $5,583,000. During the same time period, funding for Water Rights has declined from $10,923,000 to $6,847,000.

Indian Land Consolidation: Land consolidation is critical for addressing trust management problems created by fractionation. Over 5 million acres of Indian owned land is locked up in unproductive status because the ownership of each tract is divided among dozens, hundreds or thousands of owners. Economic activity on these lands has become impossible because of the inability to gain the consent of the owners. Consolidation of these tracts into tribal ownership results in immediate economic gains by putting the land into productive use, largely in timber and agricultural production, but also in creating new opportunities for commercial development and tribal government construction.

Recommendations

- Provide **$145 million for Indian Land Consolidation.** The over 4 million ownership interests in 130,000 tracts of land have created a title, management and accounting nightmare for the federal government and enormous difficulties for Indian land owners in putting land to economic use. Land consolidation improves federal administration and management, and saves substantial federal dollars that currently go to tracking tiny land interests. The investment in land consolidation will do more to save on future trust administration costs than any other item in the trust budget. Land ownership and land tenure is the fundamental infrastructure of reservation economies. The 2004 American Indian Probate Reform Act authorized $145 million through FY2010.

Energy: The *Indian Tribal Energy Development and Self Determination Act of 2005* authorized the Department of Interior's Office of Indian Energy and Economic Development to develop and implement myriad energy-related programs, activities and significant land-leasing reforms to be used in the discretion of Indian Tribes. These reforms were implemented through the negotiation and execution of "Tribal Energy Resource Agreements," authorize consenting Indian Tribes to exert greater degrees of control over the development of their energy resources.

Recommendations

- **$5 million** for Capacity-building assistance to Indian Tribes for purposes of negotiating and implementing **Tribal Energy Resource Agreements (TERAs)**: An appropriation of $5 million will authorize between 10 to 12 Indian tribes to undertake comprehensive feasibility assessments of their energy development potential and to develop their internal capacities for securing consent of the tribal members in the planning, development and implementation of a TERA with the Department of Interior.
- Increase of **$10 million over FY 2009 appropriations for resource assessments, economic evaluations, and technical assistance grants** for developing feasibility analysis for Indian minerals.

Indian Health Service: The provision of health services to American Indians and Alaska Natives is the direct result of treaties and executive orders. However, it is estimated the IHS is funded at less than 60 percent of its total need. Between 1984 and 2006, the IHS budget has suffered a cumulative loss of $4.6 billion in purchasing power.

Recommendations

- **$908 million increase to Indian Health Service funding --** The requested funding increase would include a $449.3 million increase in current services – including a restoration of the FY2005 and FY2006 rescissions and a $458.7 million program increase.
- **Fully fund IHS contract support costs.**

Environmental Protection Agency:

- Provide **Indian General Assistance Program** $68.3 million. The Indian Environmental General Assistance Program (GAP) authorizes the U.S. Environmental Protection Agency (EPA) to provide grants to federally-recognized tribes to assist them in planning, developing and establishing environmental protection programs. GAP is one of the most successful and critical programs within EPA's Indian Program, particularly for Alaska Native villages which are prohibited from accessing other sources of funding to address their basic environmental needs due to legal erosions upon their sovereignty.
- Provide **$10 million for Direct Implementation Tribal Cooperative Agreements**. DITCAs provide a cost effective and efficient mechanism for tribes to accomplish the statutory responsibilities assigned to the Agency. DITCAs enable tribes to conduct environmental activities on behalf of EPA on their lands. As such, activities are undertaken under federal authority, DITCAs do not result in disputes over jurisdictional authority that often hampered the implementation of environmental protection programs. DITCAs are flexible enough to address high priority tribal environmental problems and also allow tribes the opportunity to exercise their programmatic capability prior to seeking and receiving tribal regulatory authority for applicable programs.

Conclusion:

NCAI appreciates the opportunity to provide testimony on the Interior and Related Agencies appropriations bill. Tribes and Indian organizations have compiled many other budget recommendations with more detail and justification in the *Indian Country FY 2010 Budget Request*, which is available here: http://www.ncai.org/fileadmin/Final_Budget_Doc.pdf .

Mr. DICKS. Good. Thank you very much.

Any questions?

Andy Joseph, the Northwest Portland Area Indian Health Board. Welcome.

WEDNESDAY, MARCH 25, 2009.

NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD

WITNESS

ANDY JOSEPH

Mr. JOSEPH. Good morning, Chairman Dicks, members of the committee. My name is Andy Joseph, Jr. I serve as chairman of the Northwest Portland Area Indian Health Board and I am elected tribal leader from the Confederated Tribes of the Colville Reservation. I want to begin by underscoring the significant health disparities that Indian people face and progress we have made to address them over the 30 years since IHS was established in 1954. Our efforts have reduced maternal mortality by 64 percent, reduced cervical cancer by 76 percent, reduced tuberculosis mortality by 80 percent, and average death rate from all causes has been lowered by 29 percent. Despite these improvements, American Indians and Alaska Natives continue to have the highest health disparities in the United States, 400 percent more likely to die of tuberculosis, 91 percent more likely to die of suicide, 300 percent more likely to die of diabetes complications, 67 percent more likely to die of pneumonia or influenza.

In light of these health disparities, it is essential that the committee provide the Indian Health Service with the necessary resources to improve the health status of American Indians and Alaska Natives. The fundamental budget principle for Northwest tribes is that the basic health care programs of the Indian Health Service must be preserved. To do this, Congress must provide adequate funding to cover mandatory costs of pay increases, inflation, population growth and contract support costs. If these costs are not funded, tribes have no alternative but to cut the level of health care services. We recommend at least $469 million to maintain current services as follows.

On the chart here you will see some of the numbers that I will talk about.

Number one, we request that the committee make sure that the President's budget does not include Medicare or Medicaid collections as part of its increase.

Mr. ROBERT. Members of the committee, if I can explain the chart for you, and you have this in the testimony on page 2 as well. This is medical inflation that has been extrapolated from the CPI, and if you use the Consumer Price Index, it is significantly lower than the medical inflation rate. The red line represents medical inflation extrapolated from the CPI. The black line is the approved budget increase for the Indian Health Service. The yellow represents the unfunded population growth as well as medical inflation, and as you can see, over the last eight years the agency, we projected, has lost at least $700 million in unfunded inflation and

population growth so it has diminished the purchasing power of the Indian Health Service budget. You can see prior to 2002, we were receiving increases that were sufficient to cover medical inflation so the numbers that we project in the testimony that Mr. Joseph has submitted are depicted on this graph here.

Mr. JOSEPH. Recommendations, we request that the committee make sure that the President's budget does not include Medicare and Medicaid collections as part of its increase. Since the full budget details are not available, it is not possible to determine this important issue including third-party reimbursements misrepresents the Administration's request and will not provide the necessary funding to maintain current services. We urge the committee to take into consideration actual medical inflation when deliberating the IHS budget. Medical inflation is higher than the general Consumer Price Index and increases based on general CPI will not cover rising health care costs.

Three, we recommend the committee provide $158 million to fund medical inflation and provide $67 million to cover population growth in fiscal year 2010.

Four, the CHS program is extremely important to the Northwest tribes. The Senate Committee on Indian Affairs reports the unmet need in the CHS program to be at least $1 billion. We recommend the committee provide at least $45 million increase for the CHS program.

Five, a current for Northwest tribes is that the economic stimulus bill passed by Congress include $227 million for only two construction projects in two states. When Congress passed the stimulus bill, it intended the funding to be stimulating economies across the United States and Indian Country. Our tribes are dismayed by the fact that almost 50 percent of the stimulus funding provided to the IHS only went to two projects. Because the funding of these construction projects came outside the IHS appropriations, we recommend that Congress provide the IHS with special appropriation to phase in staffing at these new facilities. Otherwise tribes nationally will be penalized twice by the impact of the economic stimulus funds. First, tribes nationally did not get a fair opportunity to participate in the $227 million provided for facilities construction, and second, when IHS phases in the staffing at the two new facilities, it is likely to take 50 to 60 percent of the IHS budget increases in the year the projects come on line.

Sixth, Northwest Portland Area Indian Health Board recommends a $2 million increase in contract support costs. We also urge the committee to fund a special long-term-care initiative in Indian Country. There are no comprehensive long-term-care services in Indian Country, and unless the issue is addressed, it will become a crisis.

Lastly, we recommend that the Congress restore the $711 million in lost purchasing power over the last eight years by providing adequate budget increases in IHS in fiscal year 2010 and 2011. 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 25, 2009

Good morning Chairman Dicks, Ranking Member Simpson, and members of the Committee. My name is Andrew Joseph, I serve as Chairperson of the Northwest Portland Area Indian Health Board (NPAIHB) and am a Tribal Council Member for the Confederated Tribes of the Colville Reservation.

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. For the past twenty 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 document on the IHS budget. It is used by the Members of Congress, the Administration, and national Indian health advocates to develop recommendations on the IHS budget. It is indeed honor to present you with our recommendations.

I. Indian Health Disparities

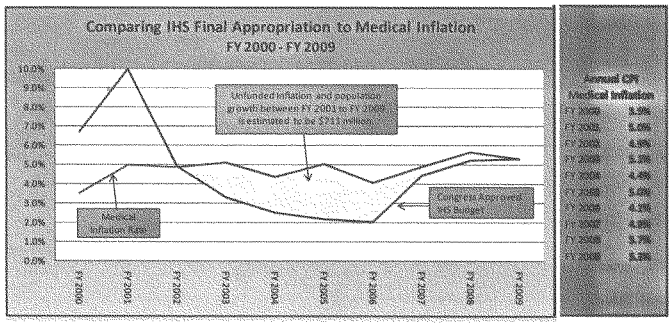
The Indian Health Care Improvement Act (IHCIA) declares that this Nation's policy is to elevate the health status of the AI/AN people to a level at parity with the general U.S. population. Over the last thirty years the IHS and Tribes have made great strides to improve the health status of Indian people through the development of preventative, primary-care, and community-based public health services. Examples are seen in the reductions of certain health problems between 1972-74 and 2000-2002: gastrointestinal disease mortality reduced 91 percent, tuberculosis mortality reduced 80 percent, cervical cancer reduced 76 percent, and maternal mortality reduced 64 percent; with the average death rate from all causes dropping 29 percent.[1]

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 for the general population might be widening in recent years. In 1994, average life expectancy at birth for AI/ANs born in Washington State was 74.8 years, and is 2.8 years less than the life expectancy for the general population. For 2000-2002, AI/AN life expectancy were at 74 years and the disparity gap had risen to 4 years compared to the general population. The infant mortality rate for AI/AN in the Northwest declined from 20.0 per 1,000 live births per year in 1985-1988 to 7.7 per 1,000 in

[1] FY 2000-2001 Regional Differences Report, Indian Health Service, available: www.ihs.gov.
[2] Ibid.

1993-1996, and then showed an increasing trend, rising to 10.5 per 1,000 in 2001.[3] Unfortunately, it is safe to say that the improvements for the period of 1955 to 1995 have slowed; and that the disparity between AI/AN and the general population has grown.

II. Restore lost Purchasing Power to the IHS Budget



The graph above compares real medical inflation[4] with IHS budget increases between FY 2000 to FY 2009. Between the years FY 2002 and FY 2008, the IHS did not receive a budget increase sufficient to fund medical inflation, let alone pay act increases, population growth, or contract support costs. An analysis on unfunded inflation and population growth indicates that the IHS budget has lost over $711 million in purchasing power in the last eight years.

Fiscal Year	Inflation	Population Growth	Total Mandatory Costs	Final Approved Budget	Unfunded Mandatory Costs
FY 2002	$ 128,068	$ 55,204	$ 183,272	$129,326	$ 53,946
FY 2003	140,650	57,920	198,570	91,569	107,001
FY 2004	124,063	59,843	183,906	72,053	111,853
FY 2005	147,016	61,356	208,372	63,352	145,020
FY 2006	121,285	62,686	183,972	60,244	123,728
FY 2007	148,619	63,952	212,570	134,838	77,732
FY 2008	179,783	66,783	246,566	166,031	80,535
FY 2009	175,994	70,270	246,264	234,940	11,324
Total	$1,165,479	$498,014	$1,663,493	$952,353	$711,140

The fundamental budget principle for Northwest Tribes is that the basic health care program must be preserved by the President's budget request. Our analysis of the IHS budget indicates it will take $469 million to maintain current services in FY 2010. The President's budget blue print indicates that it provides, "..over $4 billion for the IHS to support and expand the provision of health care services and public health programs for AI/ANs." This would make the President's request an increase of approximately $418 million over the FY 2009 enacted level. While the President's request is adequate to cover most mandatory costs, an additional $51.7 million is needed to fully fund contract support costs, medical inflation, and

[3] American Indian Health Care Delivery Plan 2005, American Indian Health Commission of Washington State, available at: www.aihc-wa.org.
[4] Consumer Price Index, "Medical Care Services," Series ID: CUSR0000SAM2, available at www.bls.gov/cpi/

population growth. Additional funding would also be required for any type of program expansions necessary to provide additional types of health services.

Our analysis indicates the over the last eight years that the IHS budget has lost over $711 in lost purchasing power due to unfunded medical inflation and population growth. These costs must be funded. Otherwise, IHS and Tribes have no alternative but to cut the level of health care services in order to absorb these mandatory cost requirements. We strongly urge the Congress to work with the Administration to restore this lost purchasing power in FY 2010 and FY 2011.

III. 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, 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[5]. 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.[6]

IV. FY 2010 IHS Budget Recommendations

Our annual analysis estimates that it will take at least $269 million to maintain current services for IHS programs in FY 2010. We further recommend an additional $200 million to fund the backlog of Contract Support Costs (CSC) that are owed to Tribes that have assumed programs under the Indian Self-Determination and Education Assistance Act (P.L. 93-638). This brings our total recommendation to $469 million to maintain current services and fund past years CSC shortfalls. This is the minimum amount that is necessary to maintain the current levels of health care services for AI/AN people.

FY 2010 Current Service Requirements	
Mandatory Cost to Maintain Current Services	*Increase needed*
CHS inflation estimated at 7 percent	$ 44,413
Health Services Account (not including CHS inflation estimated at 8.3%)	$ 158,358
Contract Support Costs (unfunded)	$ 200,000
Population Growth (estimated at 2%)	$ 67,010
Total Mandatory Costs	$ 469,781

[5] FY 20090 IHS Budget Analysis & Recommendations, Northwest Portland Area Indian Health Board, March 17, 2008; available: www.npaihb.org.
[6] Level of Need Workgroup Report, Indian Health Service, available: www.ihs.gov.

1. While the President's FY 2010 blue print is a good budget increase for the IHS, it is not possible to fully evaluate its impact on Indian health programs. The key to the President's proposed budget is whether the request includes third party reimbursements or if funding provided in the American Recovery and Reinvestment Act (ARRA or stimulus) are used to offset the FY 2010 request. If the President's proposal includes Medicare, Medicaid, and staff quarter collections, than the proposed budget will not be good. This is a very important detail for the Committee to keep its eye out for. If the President's proposed budget of over $4 billion includes collections, than the amounts presented in our recommendations will need to be adjusted accordingly.

2. OMB does not use real medical inflation, and uses the general consumer price index, which does not cover rising health care costs. Fully fund medical inflation by providing $158 million and funding population growth by providing $67 million in FY 2010.

3. The Contract Health Service (CHS) program is extremely important for Northwest Tribes. The Senate Committee on Indian Affairs' 2010 Views and Estimates letter highlights the fact that the unmet need in the CHS program is at least $1 billion. Many Indian patients quit presenting at health programs when they know there is no more CHS funding to provide care. Health programs quit tracking denied and deferred services due to the costs of reporting. In Last year, NPAIHB estimated that it would take $70 million to maintain current services and the Congress only provided a $55 million increase for the CHS program. NPAIHB recommends that Congress provide at least a $45 million increase for the CHS program.

4. A concern for Northwest Tribes is that the economic stimulus bill passed by Congress included $227 million for only two facility construction projects located in two states. When Congress passed the stimulus bill it intended the funding to stimulate economies across the United States and Indian Country. Our Tribes are dismayed by the fact that over 50 percent of the stimulus funds provided for facilities construction only went to fund two projects! Because funding for these construction projects came outside of the IHS appropriation, NPAIHB recommends that Congress provide the IHS with a special appropriation to phase in staffing at these new facilities. Otherwise, Tribes nationally will be penalized twice by the impact of the economic stimulus fund provided for these two facilities construction projects. First, Tribes nationally did not get a fair opportunity to participate in the $227 million provided for facilities construction. Secondly, when IHS phases-in staffing at the two new facilities it is likely to take at least 50-60% of the budget increase in the year the projects come on-line.

5. 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. NPAIHB recommends a $200 million increase for contract support costs.

6. NPAIHB recommends that the Congress work to restore the $711 million in lost purchasing power to the IHS budget over the last eight years by providing adequate budget increases in FY 2010 and FY 2011.

Mr. DICKS. Thank you for your statement and we will do our best to look at this.

Mr. JOSEPH. I would like to say we do want to support our urban clinics and anything you can do for addressing the needs of our schools.

Mr. DICKS. Yes, we are working on that too.

Mr. COLE. I have a quick question.

Mr. DICKS. Yes, sure.

Mr. COLE. I am just curious. You mentioned, and this has come up several times in other testimony about the $227 million targeted toward two specific facilities, and I am not questioning the need. I am sure they are quite legitimate. But was that written specifically in the stimulus bill?

Mr. DICKS. No, it was not an earmark.

Mr. COLE. So how did we end up at that particular point?

Mr. ROBERT. I think for us in the Northwest, it is questionable. There was language in the conference report that indicated that the $227 million should be directed to two projects that were currently underway on the current health facility construction system.

Mr. COLE. Again, I am not questioning the need.

Mr. DICKS. I am just saying, they went down the priority list and people were upset because there was a lot of money, and I was upset. I wanted to find out myself, but it was done on the basis of the priority list, which is the way we have operated.

Mr. ROBERT. I think the concern for tribes nationally is that, and we have talked to Congressman Dicks about this and members of the staff, is that when these new projects come on line, they are going to take approximately 50 to 60 percent of the IHS budget increase. So Congress might think it is giving the agency and tribal health programs a 10 percent increase but in fact for us in the Portland area, we might only receive a 1 to 2 percent increase because almost half of the money is going to be used to phase in staffing at these facilities.

Mr. COLE. We have a very similar concern, Mr. Chairman, because, you know, our tribe is actually building $135 million facility, totally tribally funded so no federal dollars, but when it comes on, obviously there is a concern, will there be sufficient funding at the staffing level from IHS, so believe me, I am very sympathetic and aware of your problem. It is one of those, when we build something, you have to operate it, you have to put people in it and it really crimps the rest of the budget.

Mr. JOSEPH. Well, what also happens is when we in our area only end up with the 1 percent increase, the population and medical rates go way up so in reality it is cutting our health care. We have to cut our health care needs and we end up with more people dying, you know, at higher rates because there is not the adequate funding. That is why we are asking for when these come on line and staffing is included that you put in an extra amount in to staff those facilities so that we do not have to feel the impact in the other areas.

Mr. DICKS. Thank you.

Lillian Sparks, the National Indian Education Association.

WEDNESDAY, MARCH 25, 2009.

NATIONAL INDIAN EDUCATION ASSOCIATION

WITNESS

LILLIAN SPARKS

Ms. SPARKS. Right. Thank you for giving me this opportunity to testify. I want to apologize on behalf of our president, Robert Cook, but he is snowed in in South Dakota. Otherwise he would have loved to have been here with you.

Mr. DICKS. I have seen those television clips. It looks pretty rough.

Ms. SPARKS. Exactly.

Well, under new leadership with new opportunities, NIA believes that now is the time to reverse budget cuts in native education programs. We are very hopeful that schools educating native students will receive stronger support and funding for native language and cultural curriculum, funding for Indian school construction and repairs, and increased funding for tribal colleges, as stated in President Obama's blueprint for strengthening tribal communities.

For the past three school years, only 30 percent of BIE schools have made adequate yearly progress (AYP) so that is very unfortunate but it is also very alarming. We are hoping that we can provide greater collaboration between Department of Education and Department of Interior, and we are asking for your assistance in helping to coordinate that collaboration between the two agencies. NIA is requesting an amount of $661 million, which includes new program funding and a modest 5 percent increase over fiscal year 2000 line levels. This includes funding for the elementary and secondary education programs, education management, a $25 million allocation for student transportation and a $5 million allocation to provide technical assistance to tribes that want to develop their own standards and assessments. Schools currently have to use classroom dollars to transport their students to make up for the transportation funding shortfall. During the current school year, BIE-funded school buses will travel nearly 15 million miles, often over dirt or gravel roads. The Little Wooden School located on the Pine Ridge Reservation in South Dakota runs 13 bus routes each day, which travel on average 1,600 miles per day totaling 260,000 miles annually for regular bus runs, not including activity runs.

For Indian school construction and repair, NIA is requesting $263.4 million. In May of 2007, the Office of the Inspector General at the Department of Interior issued a flash report that describes the conditions at BIE schools that require, and these are quotes, "immediate action to protect the health and safety of students and faculty and that the failure to mitigate these conditions will likely cause injury or death to students or faculty." This flash report describes the alarming and life-threatening conditions at BIE schools that the federal government has created in its failure to properly maintain Indian education construction facilities.

NIA is also requesting report language that the Department of Interior report on the status of the list of BIE schools, how much funding is needed to complete the projects and a timeline for completing the projects. Just now when you were speaking with the

Northwest Portland Indian Health Board, you talked about a priority list. Well, there is a similar priority list over at Department of Interior for school construction but we do not know who is on that list, what the status of that list is or who is even up next for school construction projects and so we are asking for your assistance in making that process more transparent so that when schools are coming up that they have their systems in place and that their schools can be completed in a timely manner.

I also wanted to make mention that the Recovery Act does provide for $450 million for construction but that money is to be shared with also roads and detention facilities. Earlier there was a witness that was talking about some of her school facility needs. We are not sure if that recovery funding is going to actually reach her. We did meet with the Department of Interior last week and we were advised on a number of things, one of them being that they have contacted the schools that would be candidates for receiving the recovery funding but they were not even sure at that time of what that actual number would be. So about 20 to 30 schools of the 184 schools have been contacted that they might be able to receive funding under the Recovery Act.

Mr. DICKS. Were these schools that had made application?

Ms. SPARKS. These are schools that would be either on the construction list or on their repair list, which is also a list that we have yet to see. So we are requesting your assistance in terms of finding out who is on the list and the status of that list.

Mr. DICKS. Has it been a preexisting list or a new list?

Ms. SPARKS. Well, we were advised that the construction list is a preexisting list that was established back in 2004, five years ago, and that is the list that we are supposed to go off of but we do not know which schools have been completed. We do not know which schools have received funding. We do not know who is next in line to receive funding, so that list is almost out of date to us. With regards to the repair list, we were advised that this list changes daily and so we do not know what that means, and when we pressed for more information we were advised that schools are taken off that list and added on on a regular basis because repairs and maintenance have been fulfilled and also that there are new repairs and maintenance needs that have been advised to Interior. So we request your assistance in knowing what that list looks like as well.

Mr. DICKS. Who are you talking to over there?

Ms. SPARKS. We are talking with Jack Reever in the Office of Facilities Management and Construction.

I also would like to make mention that we were advised in order to bring all of the school construction facilities up to date, it would cost approximately $1.8 billion and that does not include for renovation or technological advances. That is talking about bringing schools back to their chalkboard status. We are not talking about whiteboards, we are not talking about computers in the classroom. We are talking about 1980s conditions of schools, and that is $1.8 billion.

With regards to Johnson-O'Malley funding, with my few seconds left, I just want to thank both Mr. Cole and Mr. Dicks for your continued support in terms of restoring the funding for Johnson-O'Malley funding. We would certainly appreciate your assistance in

helping us remove the freeze for the student population count. JOM funding is now at 15-year-old program dollars. We do not know what the population count is looking like now. In Oklahoma in particular, we are advised that the programs have certainly grown in terms of those participating but not in terms of funding, and so we would appreciate your assistance in helping us remove that freeze.

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Testimony of Robert B. Cook President, National Indian Education Association
before the House Subcommittee on Interior Appropriations
on the President's FY 2010 Budget Request, March 23, 2009

Chairman Dicks and Members of the House Subcommittee on Interior Appropriations, thank you for this opportunity to submit testimony on behalf of the National Indian Education Association with regard to the President Obama's FY 2010 budget request.

NIEA makes every effort to advocate for the unique educational and culturally related academic needs of Native students. NIEA works to ensure that the federal government upholds its responsibility for the education of Native students through the provision of direct educational services. This is incumbent upon the trust relationship of the United States government and includes the responsibility of ensuring educational quality and access. Under new leadership with new opportunities, NIEA believes that now is the time to reverse budget cuts to Native education programs. NIEA understands the difficult economic situation our nation currently faces, however, Native communities have long experienced the highest rates of poverty, unemployment, morbidity, and substandard housing, education, and health care.

In his address to Indian Country and "Principles for Stronger Tribal Communities" President Barack Obama made a commitment to honor "obligations to Native Americans by providing tribes with the educational resources promised by treaty and federal law." Included in President Obama's principles are stronger support and funding for Native language and cultural curriculum, funding for Indian school construction and repairs, and increased funding for tribal colleges' operation and construction. NIEA believes that with President Obama's pledge to affirming tribal sovereignty through stronger funding for educational programs, we will begin to see positive changes in Native students' educational attainment.

There are only two educational systems for which the federal government has direct responsibility: the Department of Defense Schools and federally and tribally operated schools that serve American Indian students. The federally supported Indian education system includes 48,000 students, 29 tribal colleges, universities and post- secondary schools.

Under DOI, BIA's budget has historically been inadequate to meet the needs of Native Americans, consequently; our needs over time have multiplied. NIEA is requesting an amount of $660.96 million, which includes new program funding and a modest 5% increase over the proposed amount for BIE schools in the FY 2009 omnibus. This includes funding for the elementary and secondary education programs, education management, and allocations for student transportation ($25 million), and to provide technical assistance to schools to develop their own standards and assessments ($5 million).

BIE and AYP- For the past three school years, only 30% of BIE schools made AYP goals established by the state in which the school was located. Department of Education statistics indicate that student performance at BIE schools is lower than students at public schools. In response to the lack of performance at BIE schools, DOI has launched the Improving Indian Education Initiative to help BIE students meet AYP under NCLB. NIEA commends BIE for this effort and hopes to see positive gains in

BIE student academic achievement as a result and supports funding for the Initiative in the amount **$28 million, which is consistent with a 5% increase** from funding received in FY 2009 and FY 2008.[1]

Transportation - NIEA is requesting **increased funding in the amount of $25 million for school transportation** so schools won't have to use classroom dollars to transport their students. Student transportation impacts student attendance and the ability of school districts to offer educational programs. BIE provides extensive student transportation required of largely rural and widely dispersed school service populations. According to the FY 2009 DOI Budget Request, Departmental Highlights, during the current school year, BIE-funded school buses will travel nearly 15 million miles, often over gravel or dirt roads. As reported by a witness during the session NIEA held in Rapid City, South Dakota, the Little Wound School, located on the Pine Ridge Reservation in South Dakota, runs thirteen bus routes each day during which the buses travel on average, 1,575 miles per school day totaling 267,750 miles annually for "regular bus runs not including activity runs."[2] Navajo Nation's Black Mesa Community School Principal Marie Rose testified that "students ride the bus four hours a day. However, when it rains or snows the average bus ride is seven hours a day, if the roads are in drivable condition, which many times they are not."[3]

Indian School Construction Funding - NIEA requests a **$134.56 million increase** over the FY 2009 omnibus level of $128.837 million for a total of $263.4 million in FY 2010 to the BIA for Indian school construction and repair. After FY 2005, the funding levels have dramatically decreased for this critical program. NIEA seeks $263.4 million because this was the funding level in FY 2005, which was instrumental in reducing the construction and repair backlog. BIA's budget has historically been inadequate to meet the needs of Native Americans and, consequently, Indian school needs have multiplied. The Recovery Act did provide $450 million to be shared among BIA school construction and repairs, detention facilities, roads, and irrigation projects, however this funding will provide little headway considering the lengthy list of schools waiting to build and repair their facilities.

NIEA is also requesting report language requiring the Department of the Interior report on the status of the schools listed on the BIE construction list, the use of funding for Indian school construction, a timeline on when the current construction list will be updated, and time line for completion of projects currently on the list. In 1997, GAO issued a report, "Reported Condition and Costs to Repair Schools Funded by the Bureau of Indian Affairs," that documented an inventory of repair needs for education facilities totaling $754 million. In 2004 the backlog for construction and repair was reported to have grown to $942 million.

More recently, in March of 2008, the Consensus Building Institute (CBI) with the U.S. Institute for Environmental Conflict Resolution issued a *Final Convening Report: Negotiated Rulemaking Committee on Bureau of Indian Affairs- Funded Schools Facilities Construction.* CBI reported in their findings of the conditions of the schools that "many schools are ill equipped for the information age," "security needs and related funding are major sources of concern for many schools," "aging or poor design may lead to a substandard educational environment," "operation and maintenance needs are not matched by operation and maintenance annual funding," and "overcrowding is a major concern and a source of accelerating physical decline."[4] Additionally, the report stated in the findings that the Facility Management Information System (FMIS) doesn't

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[1] The Improving Indian Education Initiative was launched in FY2008 and funded at $25 million. The FY 2009 budget request was $26.4 million. NIEA's $28 million for this program is included in the $660.96 million NIEA is requesting for BIE schools.

[2] Bureau of Indian Affairs and Bureau of Indian Education Transportation Cost Funding: Hearings before the National Indian Education Association, Rapid City, SD, (July 10, 2008) (testimony of Janice Richards, President, Little Wound School).

[3] Bureau of Indian Affairs and Bureau of Indian Education: Hearings before the National Indian Education Association, Widow Rock, AZ (August 21, 2008) (testimony of Marie Rose, Black Mesa Community School Principal, Navajo Nation).

[4] The Consensus Building Institute with the U.S. Institute for Environmental Conflict Resolution (March 5, 2008). *Final Convening Report: Negotiated Rulemaking Committee on Bureau of Indian Affairs – Funded School Facilities Construction*, pp. 16-18.

sufficiently allow for educational programming needs, including libraries, adequately sized classrooms and gymnasiums, wiring to allow for technological needs and partitions and noise reducing walls.[5]

In May of 2007, the Office of the Inspector General, Department of Interior, issued *Bureau of Indian Affairs and Bureau of Indian Education: Schools in Need of Immediate Action*, a flash report that describes the conditions at BIE schools that require "immediate action to protect the health and safety of students and faculty." Although the Inspector General visited thirteen schools as part of their investigation, four schools were highlighted in the flash report -- Chinle Boarding School, Shonto Preparatory School, Keams Canyon School, and the Kayenta Boarding School. In the report, the Inspector General cites deterioration ranging from "minor deficiencies such as leaking roofs to severe deficiencies such as classroom walls buckling and separating from their foundation." In his conclusion, the Inspector General states that the "failure to mitigate these conditions **will likely cause injury or death to children** and school employees." This flash report describes the alarming and life threatening situation at BIE schools that the federal government has created in its failure to properly maintain these schools.

The purpose of education construction is to permit BIE to provide structurally sound buildings in which Native American children can learn without leaking roofs and peeling paint. It is unjust to expect our students to succeed academically when we fail to provide them with a proper environment to achieve success.

Indian Education Facilities Improvement and Repair Funding- The continued deterioration of facilities on Indian land is not only a federal responsibility; it has become a liability of the federal government. Old and exceeding their life expectancy by decades, BIE schools require consistent increases in facilities maintenance without offsetting decreases in other programs, if 48,000 Indian students are to be educated in structurally sound schools.

Of the 4,495 education buildings in the BIE inventory, half are more than 30 years old and more than twenty percent (20%) are older than fifty years. On average, BIE education buildings are 60 years old; while, 40 years is the average age for public schools serving the general population. Sixty-five percent (65%) of BIE school administrators report the physical condition of one or more school buildings as inadequate. Although education construction has improved dramatically over the last few years, the deferred maintenance backlog is still estimated to be over $500 million and increases annually by $56.5 million. As noted by the House Interior Appropriations Subcommittee in its Committee Report accompanying the FY 2006 Interior appropriations bill, "much remains to be done." Of the 184 BIE Indian schools, 1/3 of Indian schools are in poor condition and in need of either replacement or substantial repair.

Johnson O'Malley Funding- NIEA and the National Johnson O'Malley Association urge Congress to fund the Johnson O'Malley (JOM) program at the FY 2006 level of $24 million. In FY2007 and FY 2008, JOM programs were partially funded at $21 million. For 2009, NIEA has been advised by DOI that JOM is funded at $21.4 million. For FY 2010, NIEA urges the Congress to fully restore JOM to the FY 2006 enacted level of $24 million. JOM does meet the focused goal of academic achievement and there is volumes of information available demonstrating its exponentially positive impacts on Native students.

JOM grants are the cornerstone for many Indian communities in meeting the unique and specialized educational needs of Native students who attend public schools. Many Indian children live in rural or remote areas with high rates of poverty and unemployment. JOM helps to level the field by providing Indian students with programs that help them stay in school and attain academic success. Even though JOM funding is extremely limited due to BIA budget constraints, it is being used across the country in a variety of basic as well as innovative ways to assist Indian students to achieve academically. JOM funding provides vital programs designed to build self-esteem, confidence, and cultural awareness so that Indian students may develop and mature to become productive and contributing citizens within their communities and society respectively. For example, JOM funds help students achieve and succeed by providing such services as: eyeglasses and contacts, resume counseling, college

[5] *Ibid*,. p. 19.

counseling, culturally based tutoring, summer school, scholastic testing fees, school supplies, transition programs, musical instruments, Native youth leadership programs, student incentive programs, financial aid counseling, fees for athletic equipment and activities, caps and gowns, art and writing competitions, etc. Other programs administered by the federal government, such as NCLB funding at the Department of Education, do not allow funding for these types of activities.

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. NIEA urges that the JOM funding freeze be lifted and that other formula-driven and head count-based grants be analyzed to ensure that tribes are receiving funding for their student populations at a level that will provide access to a high quality education.

Tribal Colleges and Universities- Funding for Tribal Colleges and Universities (TCUs) through the Department of the Interior, BIE includes 28 TCUs funded under three titles of the Tribally Controlled Colleges and Universities Assistance Act of 1978 and two BIE Postsecondary Institutions. Additionally, the BIE administers a scholarship program for Indian students, many of whom attend Tribal Colleges and Universities. NIEA is very pleased that President Obama's Fiscal Year 2010 budget summary proposes to increase funding American Indian scholarships and to establish forward funding for the Tribal Colleges and Universities, which will allow them to plan in advance for the next academic year and provide greater financial security. NIEA requests that the final FY 2010 budget submission include **a one-time payment of $65 million needed to establish forward funded programs** at all of the Tribal Colleges and Universities that receive their institutional operations funds through the Bureau of Indian Education.

Title I of the Tribal College Act authorizes funding for the basic institutional operating budget of one qualifying institution per federally recognized tribe based on a full-time American Indian student enrollment formula. In fiscal year 2008, over 25 years since the Act was first funded, these institutions received $5,304 per Indian student, still below the authorized level. If you factor in inflation, the buying power of this appropriation is $1,400 LESS per Indian student than it was in the initial FY 1981 appropriation, which was $2,831 per Indian student.

Tribal Education Departments- As mandated in many treaties and as authorized in several federal statutes, the education of Indian children is an important role of Indian tribes. Tribal Education Departments (TED) provide tribes with the opportunities to become actively involved in the education of their children. Despite this authorization and several other prior statutes, federal funds have never been appropriated for TEDs. The use of TEDs would increase tribal accountability and responsibility for their students and would ensure that tribes exercise their commitment to improve the education of their youngest members. TEDs develop educational policies and systems for Indian communities that are attuned to the cultural and specialized academic needs of Indian students. TEDs partner with the federal government and state governments and schools to improve education for tribal students. NIEA is requesting that DOI fund TEDs at $5 million. This $5 million total is a very modest request which would yield exponentially positive benefits for Indian students and provide tribes with increased input over the education of their children.

Conclusion

NIEA thanks the Committee for its tremendous efforts on behalf of Native communities. With your support we are hopeful that we can begin to provide the funding for education that Native communities deserve. On behalf of the National Indian Education Association, I would like to thank Chairman Dicks and the Committee for championing on behalf of all Native students and their successful educational achievements.

Mr. DICKS. Any questions?

Mr. COLE. Just quickly, thank you for mentioning that because it is a huge problem for us. We have had enormous growth. Could you just give me quickly, being new to the committee, what is the total student population that we are dealing with in the BIE and how has it been trending over time?

Ms. SPARKS. Sure. It has been pretty consistent from what I have observed, about 48,000 students that are being educated at BIE, which is less than 10 percent of the total student population for Indian students.

Mr. COLE. And what sorts of programs do we have for non-BIA Native Americans in other school districts?

Ms. SPARKS. Well, they receive a lot of the same services in terms of Title VII programs, funding under Title I, all of the provisions under the Elementary and Secondary Education Act but they receive more funding as well because they receive a lot of the state funding, so even though the programs may be similar, there are additional resources to help support the students at public schools.

Mr. COLE. One other quick question, if I may. What kind of oversight do we have that we know—I have seen a lot of instances historically in Oklahoma that funding would flow into the public school system but it did not really get targeted once it got there. I mean, it was not targeted toward native students, toward special needs, whether it was language, whatever, it just became part of the baseline budget overall and raised it and that is fine, but that is not the purpose behind the money. It is supposed to reach a particular group of students.

Ms. SPARKS. Absolutely. We have the same concerns when it comes to public schools. With Title I funding, we know that there is an allocation that goes to the BIE schools and we can follow those dollars but we do not know necessarily how these dollars are helping Indian students that are not in BIE schools but may be in a state school that is a public school on tribal lands. So, you know, 90 percent plus Indian population, it is on a reservation, and they are supposed to be receiving Title I dollars but we do not necessarily know how much money is actually going to that particular school.

Mr. COLE. I would love to sit down and work with you both and get better educated and see if there are ways that those dollars can be tracked. Frankly, you cannot really assess the needs if you do not track them anyway, you do not know if you are doing any good, just to make sure that the money again flows into public schools for this particular purpose is actually used for this purpose.

Ms. SPARKS. We appreciate the opportunity to work with your office on that.

Mr. COLE. Thank you very much.

Ms. SPARKS. Thank you.

Mr. COLE. Thank you, Mr. Chairman.

Mr. DICKS. Thank you very much.

Douglas R. Nash, Institute for Indian Estate Planning and Probate at Seattle University School of Law. Welcome.

Mr. NASH. Thank you, Mr. Chairman. I am very glad to be here.

Mr. DICKS. How is the law school going?

Mr. NASH. It is going very good. Thank you. Very busy this time of year.

Mr. DICKS. We miss it in Tacoma but we know that Seattle is taking good care of it.

Mr. NASH. It is in good hands, sir.

Mr. DICKS. Go right ahead.

WEDNESDAY, MARCH 25, 2009.

INSTITUTE FOR INDIAN ESTATE PLANNING AND PROBATE AT SEATTLE UNIVERSITY SCHOOL OF LAW

WITNESS

DOUGLAS R. NASH

Mr. NASH. Thank you. Mr. Chairman, members of the committee, thank you for the opportunity to be here and to point out a very discrete but very serious problem in Indian Country, that being one of fractionated ownership of Indian trust lands on reservations.

The problem, as you may be aware, is twofold. One is the cost to the federal government to administer and manage and track titles and probate the interests that are in existence in Indian trust lands. The other problem is for the Indian landowners themselves who find themselves holding increasingly small undivided interests in trust land, many time interests that have no economic value but only cultural, historic and family connections for them. If you are an average Indian landowner, you share your interest to your property with 17 other people. If you are among the worst-case scenarios that exist in Indian Country, you might own only one nine-millionth of your property. You might own an interest in an allotment that generates income from a leasehold. In a worst-case scenario, you might earn one penny of that leasehold income and you would receive that penny every 177 years. You might be a co-owner in the most fractionated allotment in the country. That is an allotment that has a net value of $8,000. It costs the Bureau of Indian Affairs $17,560 per year to administer that interest, that allotment, and that was 22 years ago and so you can imagine the scope of that problem today.

The Congress has recognized this problem and passed the American Indian Probate Reform Act, an amendment to the Indian Land Consolidation Act in 2004. That Act took effect June 20, 2006. The Act is complex. It is complicated. It makes Indian estate planning complicated. But if left to work as passed and as amended, it will address the issue of fractionation over time, and the problem of fractionation of course has taken 120-plus years to evolve. The Act will not fix the problem, however, unless it is funded. Again, Congress recognized this problem and within the Probate Reform Act there is an authorization for appropriations to implement the Act, and I am here to ask that that authorization be put to use.

The Institute, which I head at Seattle University School of Law, was established in 2005 with the purpose of organizing projects and programs to deliver estate planning services to Indian people in Indian Country and to do that at no cost to clients. We do that as we have had funds available. We have had many models put in

place and put to use with considerable success. In some of our projects, as high as 98 percent of the wills done have either reduced or eliminated fractionated ownership interest. We also through our program provide training, training for attorneys because the Act is complicated, through continuing legal education programs. We have hosted several national symposia and we have also developed and provided training to tribal leaders and Indian landowners across the country. In total, our efforts have reached some 21,000 people nationwide. We also serve as a clearinghouse for information about the Probate Reform Act, the newly promulgated regulations and any other aspects of Indian estate planning and probate through our website, which has been a source of information for many people across the country.

The Institute for Indian Estate Planning and Probate has been funded from the outset by a grant from the Indian Land Tenure Foundation. We were advised a short while ago that that funding will end April 30. We will in the meantime struggle to maintain our efforts until long-term funding is secured. We view federal support as essential. Private foundations and many tribes themselves view the estate planning function for trust lands as a federal obligation, and in fact, up until the Probate Reform Act was passed, the Bureau of Indian Affairs did provide will-drafting services to Indian landowners. We seek a modest incremental appropriation to provide estate planning services to Indian landowners in Indian Country and to expand those services as far as we possibly can.

Thank you, Mr. Chairman and members of the committee.

[The statement of Douglas R. Nash follows:]

TESTIMONY OF DOUGLAS NASH, DIRECTOR
INSTITUTE FOR INDIAN ESTATE PLANNING AND PROBATE
BEFORE THE
U.S. HOUSE OF REPRESENTATIES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
MARCH 25, 2009

The fractionated ownership of Indian allotments created by the General Allotment Act of 1887 (GAA) costs the Department of the Interior approximately $432 million annually to manage.[1] These costs will continue to increase each year if decisive action is not taken to appropriate the funds authorized in the American Indian Probate Reform Act (AIPRA).[2]

Over time, the system of allotments established by the General Allotment Act of 1887 and subsequent intestate inheritance by multiple generations of descendents has resulted in the fractionated ownership of Indian lands. As original allottees died, their heirs received an equal, undivided interest in the allottees' lands, and so it went for generations. As of 2005, there were millions of owner interests in the 10 million acres of individually owned trust lands, a situation the magnitude of which makes management of trust assets extremely difficult and costly.[3] These millions of interests will continue to expand exponentially, unless an aggressive approach to reduce fractionation is taken.[4]

The Department of the Interior is responsible for maintaining title records of all trust land interests and managing income derived from the leases of it. Income must be allocated among all of the owners of undivided interests in each allotment. In some instances, the common denominator required to make this calculation extends 26 digits.[5] Income is maintained in federal Individual Indian Money (IIM) accounts for the individual owners, regardless of the size of their interest. In1987, one allotment had 439 owners with the smallest heir receiving $.01 every 177 years and that person would receive $.000418 of the $8,000.00 value if it were sold[6]. Ross Swimmer testified that the BIA's administrative costs for this parcel were estimated at $17,560 annually.[7]

The probate of these fractionated trust assets is also an expensive function of the Department of the Interior. It was estimated that one probate cost approximately $7,800 in 2008 and that approximately 3,500 Indian owners of trust assets die annually.[8]

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[1] Majel Russell, *Historical Background to Fractionated Ownership of Indian Trust Lands*, Intertribal Monitoring Association Presentation PowerPoint, Northwest Regional Meeting, November 21, 2008
[2] 25 U.S.C. § 2206(f)
[3] Department of the Interior, Office of the Special Trustee for American Indians, Budget Justification FY 2005
[4] *Id.* at OST-5
[5] Testimony of Ross O. Swimmer, Special Trustee for American Indians, United States Department of the Interior, before the Committee on Resources, United States House of Representatives Hearing on S. 1721, The American Indian Probate Reform Act of 2004. June 23, 2004
[6] *Id.* Swimmer citing *Hodel v. Irving*, 481 U.S. 704 (1987)
[7] *Id.*
[8] *Id.*

To address fractionation, Congress amended the Indian Land Consolidation Act with the passage of AIPRA in 2004.[9] While AIPRA ends the fractionation of the already highly fractionated interests, those less than 5%, the Act continues to fractionate all interests 5% or greater.[10] The drafters of AIPRA recognized this problem and provided authorization and appropriations for estate planning to further reduce or stop fractionation.[11] Without it, AIPRA will continue to highly fractionate the entire allotted land base over generations, creating millions of more interests requiring management and significant costs to the Department.

Who We Are: The Institute for Indian Estate Planning and Probate at Seattle University School of Law (www.indianwills.org) is the only national, non-profit organization delivering free estate planning legal services to trust land owners and tribes nationally. The Institute was established at Seattle University School of Law in August, 2005, with the mission of assisting Indian people by establishing projects that provide free estate planning services to trust land owners; providing training to tribal members, governmental officials and the legal community on the provisions of AIPRA, estate planning and the probate process; and serving as a clearing house that provides information via our website and published materials. The Institute has been uniquely successful in achieving those goals.

A Proven Success: The Institute was the recipient of a one year, $500,000 Department of Interior Pilot Project contract under AIPRA and our contract results showed that estate planning is a proven and highly effective tool in reducing and eliminating fractionation.[12] In a short nine month contract cycle, the pilot project served more than 1,100 clients with 586 remaining on a waitlist for services at the contracts end. A subsequent audit by the BIA concluded our estate planning project reduced fractionation of Indian lands; prevented the creation of 4,640 new interests; and removed 679 interests from the probate process entirely through sales to tribes; and that 83.5% of the wills executed reduced fractionation. [13]

Our Projects: The Institute's projects are currently located in Washington, Oregon, Idaho, Montana, South Dakota, and New Mexico. These projects utilize personnel who are specially trained on AIPRA, Indian land history, and in counseling Indian clients on ways to reduce fractionation of their lands during their life time and with an estate plan. The free estate planning services include wills, durable powers of attorney, health care directives, assistance with gift deeds, and land sales to tribes. Our project models vary depending upon need and monies available. We utilize law student interns and paralegals, train and contract with private and legal services attorneys, created the first Indian Wills Clinical Program at Seattle University, and establish pro bono projects utilizing the qualified, volunteer services of private attorneys, such as that of a retired Administrative Law Judge, BIA and Department of Interior officials as well as private law firm projects.

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[9] 25 U.S.C.§§ 2201 - 2201
[10] 25 U.S.C.§ 2206(a)(2)(B)
[11] 25 U.S.C.§ 2206(f)(4)
[12] Supplemental Audit Report under Task Order SEA-0004443 under AIPRA FY 2006 AIPRA Implementation Project, Phase II, Estate Planning Services Auditor, September 15, 2007
[13] *Id.*

These Institute projects have demonstrated similar success. In total, our projects have provided community education to over 14,000 Indian landowners, served over 3,300 clients, executed approximately 1,400 wills and 1,100 other estate planning documents and successfully reduced fractionation in approximately 87% of the estate plans.

Institute Funding: The Institute was originally a project of the Indian Land Tenure Foundation which provided funding for the Institute's costs for personnel, office and travel. The current economic crisis has adversely impacted the Foundation's investment income, and consequently, our funding will end **April 30, 2009**. As of May 1, 2009, the Institute will become a project of Seattle University, School of Law; **however** a long-term partnership with Seattle University is dependent upon the Institute securing substantial and long-term resources.

The Loss of Service Projects: The Institute's projects have been supported by private or, in the case of the summer intern project, tribal funds. However, private foundations and tribes have been reluctant to provide funding support for a function they see as a federal obligation. Two grants from private foundations were made with the proviso that no further funding support for estate planning would be forthcoming from them.

As of March 31, 2009, our South Dakota estate planning project with Dakota Plains Legal Services, which serves all tribes in South Dakota, will be shut down. DPLS is currently laying off staff who were funded by our project. Two of the Institutes other projects which serve Washington, Oregon, Montana and Idaho tribes will expire in March 2010 and subsequent lay offs will occur. However, these projects are in jeopardy of shutting down earlier if the Institute is unable to secure project monies.

Loss of Trainings to Indian Country: Equally as important as our direct legal services projects, the Institute provides legal training on AIPRA and estate planning to attorneys, tribal government and officials nationally. We have held four national symposia since 2006 on AIPRA, with the audience comprised primarily of BIA, OST, and Tribal Government Officials. We have provided materials and presentations to NCAI, the Intertribal Agriculture Council, seven State Bars and one Federal Bar Association, four legal service corporations, as well as private trainings to over a dozen tribal communities and nations. A special training program has been developed for Indian land owners to inform them how AIPRA potentially affects them and what options are available to them.

Through these different trainings and our projects, the Institute has provided information and education to over 21,000 landowners, attorneys, and government officials.[14] The need for our continued education and training programs is paramount with the final federal regulations implementing the American Indian Probate Reform Act published on November 13, 2008 and with the passage of technical amendments to the Act signed into law December 2, 2008.

Loss of Website: Without base funding, the Institute's website will be terminated. The website is the primary vehicle by which comprehensive and timely information about AIPRA and related topics are disseminated. Many, including Indian land owners, tribal officials, attorneys and government officials have commented on the value the website has for them.

[14] Institute presentations exceed 7,000 and our projects exceed 14,000

Institute Staff: The Institute has three full-time employees. The intern program has employed up to 47 summer interns and 35 part-time attorney supervisors. Dozens of people have worked full or part-time on other projects the Institute has established and administered. Without base funding, these jobs will be lost and the long-term Institute mission of assisting Indian land owners and establishing estate planning projects, and the jobs that will be necessary to implement them, will not be realized.

Cost Savings: For each interest that estate planning reconsolidates or removes from the probate process entirely through gift deed or tribal sale, the government will save money. As mentioned earlier, the Department of the Interior is responsible for maintaining title records of all trust land interests, managing income derived from the leases of it and probating these interests. Costs will continue to increase with the exponential growth of fractionation. The BIA's administrative cost of one allotment with 439 co-owners was estimated at $17,560.00 annually in 1987,[15] and one probate costs approximately $7,800.00 in 2008.[16] For each will or estate plan that reduces the numbers of heirs receiving an interest, substantial and exponential savings will be achieved.

Appropriation Request: Year 1 - $500,000.00 – Personnel, travel, office and administrative costs $400,000.00; re-establish Navajo pro bono estate planning project, the summer intern project, and the paralegal project on Colville and Spokane reservations $100,000.00.

Year 2 - $750,000.00 – Personnel, travel, office and administrative costs $400,000.00; maintain existing projects and re-establish estate planning project with Dakota Plains Legal Services (DPLS) for reservations in South Dakota.

Year 3, $1,000,000.00 – Personnel, travel, office and administrative costs $450,000.00; maintain existing projects and establish summer intern projects in North Dakota, South Dakota, Navajo Nation, and Montana.

Year 4 - $1,500,000.00 – Personnel, travel, office and administrative costs $450,000.00; maintain existing projects and establish attorney and student staffed estate planning project in Arizona and provide attorney staff position for estate planning in Montana.

Year 5 – $2,000,000.00 – Personnel, travel, office and administrative costs $450,000.00; maintain existing projects and establish estate planning projects for Great Lakes area and/or Oklahoma $1,500,000.00.

Contact Information:

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[15] Swimmer Testimony, United States House of Representatives Hearing on S. 1721, June 23, 2004 citing *Hodel v. Irving*, 481 U.S. 704 (1987)
[16] *Id.*

Mr. DICKS. Let me ask you something. It seems to me with these fractionated ownerships, and this committee has had to suffer with this problem and see the amount of money that is taken away from the tribes and other programs to fund all the accounting and all the other things that go into this. Would it not be better just to have a payout, to settle these things rather than continuing to go through this difficult maze of operations?

Mr. NASH. It is a possibility, Mr. Chairman. It is one that has been considered and there are a couple of problems with that. One, if you look at the total number of them and the total value, although many interests are small, the total numbers are in the millions of undivided interests and so the cost for doing that would be substantial.

Mr. DICKS. But we are spending a lot of money with what we are doing.

Mr. NASH. Definitely. The other consideration, Mr. Chairman, is there was the Indian Land Consolidation program, which did exactly that on a willing seller, willing buyer basis. It was put together as a pilot project several years ago. That project showed considerable success but has been defunded by the past Administration. It was actively involved in——

Mr. DICKS. What is the name of that again?

Mr. NASH. The Indian Land Consolidation program operated under Bureau of Indian Affairs. One of the other aspects to that as well in the projects that we operate, in the alternative we offer to Indian landowners if they are interested in selling their allotments selling them to the tribes, and many Indian landowners will take advantage of that for whatever reason they have and that removes them, of course, from the probate process as well.

Mr. DICKS. If we went back to this Indian land consolidation effort and funded it, do you think that could help resolve this over a period of time?

Mr. NASH. I do. We have seen their reports from about two years ago as their funding began to be tapered down. They showed some impressive results. One of the criticisms of that program was that despite their buying thousands of interests, the number of undivided interests remained the same because they could not buy them fast enough. But nevertheless, if you consider the interests they did not buy, the number would be even larger proportionately.

Mr. DICKS. Well, we have to look at the funding aspects of this, but the authorization committees have a responsibility to try to come up with some answers, which they have not, as far I know, been able to do thus far. But thank you for your testimony.

Any other comments? Mr. Cole.

Mr. COLE. It is a nightmare problem in Oklahoma, the allotment situation, so what is the feasibility? I am not all that familiar with this Indian Land Consolidation program that you mentioned but I like the chairman's idea of where you can obviously restoring the land to the tribe so it goes back into their land base. What have we done on that in the past and what would the cost of that sort of program be, assuming again the individual was a willing seller?

Mr. NASH. The original authorization I think for that program, if I remember correctly, started at $30 million and was designed to go up to like $75 million over time, and again, as I recall, those

funds were totally expended until they began dropping off as part of the defunding process.

Mr. COLE. Can you give me a numerical dimension to how many fractionalized owners—I mean, my brother and I own part of our allotment land, so I am just curious how many owners are there out there like that.

Mr. NASH. Several million, sir.

Mr. COLE. Thank you.

Thank you, Mr. Chairman.

Mr. MORAN. It is an important issue. Thank you for bringing it to the subcommittee's attention.

Mr. NASH. It is. Thank you, sir.

Mr. DICKS. Charon Asetoyer, Amnesty International USA and the Native American Women's Health Education Resource Center. Please, have a seat. We want to welcome you here, and we appreciate your previous work with the committee and we want you to know that last year we did add funding for combating domestic violence and substance abuse. It includes an increase of $25 million for new law enforcement officers and specialized training on domestic violence, sexual assault and victim advocacy, and we also provided $7.5 million for a new initiative to address alarming levels of domestic violence by providing funds for sexual assault nurse training, forensic training and equipment as well as outreach and advocacy programs with native communities.

WEDNESDAY, MARCH 25, 2009.

AMNESTY INTERNATIONAL USA AND NATIVE AMERICAN WOMEN'S HEALTH EDUCATION RESOURCE CENTER

WITNESS

CHARON ASETOYER

Ms. ASETOYER. Thank you. Honorable Chairman and members of the committee, my name is Charon Asetoyer. I am a member of Comanche Nation of Oklahoma and, as stated, director of the Native American Women's Health Education Resource Center based in South Dakota on the Yankton Sioux Reservation. I am also the chair of the Native American and Alaska Native Advisory Council to Amnesty International USA's Stop Violence Against Women campaign. I would like to thank you for allowing me to testify before you today.

I want to express my appreciation for the important steps that you took this year in the 2009 Omnibus Appropriations Act to combat sexual and domestic violence against native women and Alaska Natives. One of the most important things you can do this year to combat this violence is to ensure that native women advocates are consulted with when the Indian Health Service and the BIA establish the standardized sexual assault policies, protocols and trainings as directed in the fiscal year 2009 bill. Sexual assault and domestic violence against native women are violations of our human rights. The United States, according to its federal trust responsibility, has a legal obligation to assist Indian tribes in creating safe communities free from sexual assault. These abuses im-

pede progress and prevent us from raising healthy children. Native women are two and a half times more likely to be sexually assaulted then all other women in the United States and one in three of us will be raped in our lifetime. The majority of these crimes will go unpunished. As high as these numbers are, the data does not give a comprehensive picture of the problem. Currently, sexual assault goes into a category with a number of other crimes. IHS needs to segregate out statistic on this particular crime. Such information is critical in order to prosecute these crimes.

My first recommendation to you is to include language in your bill directing the IHS to establish a specific code for sexual assault within its collection system of units of service. Sexual assault against native women is not met with uniform response and the challenges faced by survivors at every level increases the likelihood of impunity for perpetrators. If a native woman is brutally raped on tribal land, all too often the initial questions for law enforcement are, one, was the perpetrator native or non-native, and two, whose responsibility is it to respond. It is outrageous that the federal government would allow this kind of a system to exist within the United States. In 1978, the Supreme Court ruled that tribal courts could not exercise criminal jurisdiction over non-Indian citizens. The ruling of Alafonte versus Shosquamish strips tribal authority of power to prosecute crimes committed by non-Indian perpetrators on tribal land. This decision is a violation of tribal sovereignty and denies victims of sexual violence due process and equal protection of the law and is a direct violation of indigenous rights as established within the United Nations. The Department of Justice reports that in at least 86 percent of the cases of sexual assault that the perpetrator is non-native, thus, tribal courts could not prosecute. My second recommendation to you is to realize the right of tribal authority to prosecute crimes committed on tribal land regardless of whether the suspect is Indian or non-Indian. This would afford equal protection under the law for victims of sexual assault, particularly rape.

A 2003 report by the U.S. Commission on Civil Rights found that the per capita health expenditures for the average person in the United States was approximately $5,700 while the IHS would spend a projected average of $1,900 per person for all medical care. The report stated that the disparity in spending represents a direct affront to the legal and moral obligation the Nation has to improve Indian health status. My third recommendation to you is to increase the IHS budget in the amount of $908 million as recommended by the National Council of American Indians.

The lack of appropriate funding for IHS affects native women's ability to obtain a proper sexual assault forensic exam. The collection of forensic evidence following an incident of sexual assault is critical in any police investigation and many prosecutors will not prosecute without it. A survey conducted by my organization in 2005 found that 44 percent of IHS facilities lacked personnel that are trained to provide emergency services in the event of rape. Sexual assault nurse examiners, known as SANEs, are registered nurses trained to conduct forensic exams of victims of rape or sexual violence. A forensic exam is critical in bringing a perpetrator to justice. My fourth recommendation is to increase funding specifi-

cally for the creation of SANE programs in all IHS service units to at least $25 million to ensure that these specialized nurses have the resources necessary to conduct their work appropriately. The amount was reached by Amnesty International in consultation with IHS experts and native advocates. My fifth and final recommendation is to mandate the director of IHS to modify the witness approval process for SANEs that have been subpoenaed to testify in court proceedings regarding information obtained in carrying out the official duties of the employee, and I further recommend that you mandate that if the director fails to approve or disapprove a subpoena within 30 days after the receipt of the subpoena, that the subpoena shall be considered approved.

I would like to thank you for allowing me to testify.

[The statement of Charon Asetoyer follows:]

Recommendations for Fiscal Year 2010 Appropriations for the Indian Health Service and the Bureau of Indian Affairs

Statement Provided by Charon Asetoyer

Executive Director of the Native American Women's Health Education Resource Center
&
Chair of the Native American and Alaska Native Advisory Council to Amnesty International USA's Stop Violence Against Women Campaign

Honorable Chairman and members of the Committee, my name is Charon Asetoyer, and I am a member of the Comanche Tribe of Oklahoma. I am the Founder and Executive Director of the Native American Women's Health Education Resource Center on the Yankton Sioux Reservation (Ihanktonwan) in South Dakota, and I am also Chair of the Native American and Alaska Native Advisory Council to Amnesty International USA's Stop Violence Against Women Campaign. In my testimony today I will request a total of $908 million for the Indian Health Service (IHS), $25 million of which I request go to Sexual Assault Nurse Examiner Programs in all IHS hospitals. I will also request detailed language for the IHS and the Bureau of Indian Affairs (BIA). Thank you for inviting me to testify before you today on this very important issue.

On behalf of the Resource Center and Amnesty International, I want to express my appreciation for the important steps you took this year in the Fiscal Year 2009 Omnibus Appropriations Act and its explanatory statement, to combat sexual and domestic violence against Native American and Alaska Native women. One of the most important things you can do this year to help combat this violence is ensure that Native women advocates are consulted when the Indian Health Service (IHS) and Bureau of Indian Affairs (BIA) establish the standardized protocol and training for responding to cases of sexual violence as directed in the Fiscal Year 2009.

Sexual and domestic violence against Native American and Alaska Native women are violations of our human rights. The United States, according to its federal trust responsibility, has a legal obligation to assist Indian tribes in creating safe communities and in safeguarding the lives of Indian women from sexual assault. These abuses destabilize our communities, impede growth and progress, and prevent us from raising healthy children to give back to our tribal nations and this nation at large. A 2007 report by Amnesty International on the epidemic levels of sexual violence against Indigenous women in the United States documented that Native American and Alaska Native women are more than two and a half times more likely to be raped or sexually assaulted than women in the United States in general and that one in three American Indian and Alaska Native women will be raped in their lifetime. The vast majority of these crimes will go unpunished.

As high as these numbers are, the limited data available does not give a comprehensive picture of the problem. No statistics exist specifically on sexual violence in Indian Country. To help address this problem, the IHS needs to change the way that it collects and records units of service for sexual assault cases. In particular, the IHS needs to assign a specific code to sexual assault cases in order to provide a clear and concise picture of the number of sexual assaults that are

occurring. Currently, sexual assault goes into a category with a number of other crimes, so it is impossible to get an accurate picture of the number of sexual assaults that are occurring in Indian Country -- we need to segregate out statistics on this particular crime. Such information is critical to identifying strategies to prevent, investigate and punish these crimes.

Thus, my first recommendation to you is to include language in your bill directing the IHS to establish a specific code for sexual assault cases within its collection and recording system for units of service.

Sexual assault against Native American and Alaskan Native women is not met with a uniform response, and the challenges faced by survivors at every level increase the likelihood of impunity for perpetrators. If a Native woman is brutally raped and beaten on tribal lands, all too often the initial questions for law enforcement personnel are: 1) was the perpetrator Native or non-Native? And 2) whose responsibility is it to respond? Answering those questions alone can take weeks or months while a woman's basic needs go ignored. It is outrageous that the Federal Government allows for this kind of a system in the United States of America to exist.

In 1978, the Supreme Court ruled that tribal courts could not exercise criminal jurisdiction over non-Indian US citizens. This ruling, in the case of ***Oliphant v. Suquamish***, effectively strips tribal authorities of the power to prosecute crimes committed by non-Indian perpetrators on tribal land. This decision is a violation of tribal sovereignty and denies victims of sexual violence due process and the equal protection of the law. Jurisdictional distinctions based on the Indigenous status of the accused, such as the jurisdictional limitation determined in Oliphant, have the effect, in many cases, of depriving victims of access to justice, in violation of international law. It is of particular concern given that the Department of Justice reports that in at least 86 per cent of cases of rape or sexual assault, Native American and Alaska Native women reported that the perpetrator was non-Native, thus Tribal Courts cannot prosecute.

My second recommendation to you is to recognize the right of tribal authorities to prosecute crimes committed on tribal land, regardless of whether a suspect is Native or non-Native.

There are other ways in which the United States is failing to protect Native women from sexual and domestic violence. In July 2005, Dr. Charles Grim, then Director of the IHS, said, "If you compare the IHS per capita federal appropriation to other federal health expenditure benchmarks, such as Medicare, IHS is at the very bottom -- even below prisoners in the U.S." A 2003 report by the U.S. Commission on Civil Rights found that the national per capita health expenditure for the average person in the US for that year was US$5,775, while the IHS would spend a projected average of US$1,900 per person for all medical care. The report stated that the disparity in spending "represents a direct affront to the legal and moral obligation the nation has to improve Indian health status."

My third recommendation to you is to increase funding to the IHS in the amount of $908 million as recommended by the National Congress of American Indians. This would not just make history; it would do justice.

The lack of appropriate funding for IHS affects Native American and Alaska Native women's ability to obtain a properly and sensitively administered sexual assault forensic examination. The collection of forensic evidence following an incident of sexual violence is critical to any police investigation as many prosecutors will not prosecute without it, but a survey conducted by my Resource Center in 2005 found that 44 percent of IHS facilities lacked personnel trained to provide emergency services in the event of sexual violence.

Sexual Assault Nurse Examiners, known as SANEs, are registered nurses with advanced education and clinical preparation in forensic examination of victims of sexual violence. SANEs and other IHS staff who have been trained to respond to sexual assault cases, including the administration of forensic examinations, have a critical role in bringing perpetrators to justice. The person who carries out the forensic examination may later be called upon to testify in court during a prosecution. A high turnover of IHS staff, many of whom are on short-term contracts, means that it may be difficult to locate the person who performed the examination when they are needed to provide testimony. Further, one nurse told Amnesty International that the requirement to provide testimony in a potentially hostile court setting is one of the reasons why SANE nurses decide to leave this profession. This suggests that there is a need for the IHS to assess how to better support staff responsible for performing this important function.

My fourth recommendation is to increase funding specifically for the creation of Sexual Assault Nurse Examiner programs in all IHS hospitals in at least the amount of $25 million to ensure that these specialized nurses have the support and resources necessary to conduct their work appropriately. This number was reached by Amnesty International after consultation with IHS experts on this issue.

And my fifth recommendation is to mandate the Director of the Indian Health Service to approve or disapprove, in writing and within 30 days, any request or subpoena for a Sexual Assault Nurse Examiner, or other employee under his/her supervision, to provide testimony in a deposition, trial, or other similar proceeding regarding information obtained in carrying out the official duties of the employee. And I further recommend that you mandate that if the Director concerned fails to approve or disapprove a request or subpoena by the date that is 30 days after the date of receipt of the request or subpoena, the request or subpoena shall be considered to be approved.

The U.S. Departments of Justice and Interior have both confirmed that there is inadequate law enforcement in Indian Country and identified underfunding as a central cause. According to the U.S. Department of Justice, tribes only have between 55 and 75 percent of the law enforcement resources available to comparable non-Native rural communities. To give you an example of this, in August 2008, while providing testimony before the Senate Indian Affairs Committee, Ron His Horse is Thunder, Chairman of the Standing Rock Sioux Tribe located in the Dakotas, said that the Standing Rock Reservation had only ten BIA police officers in 2007. This was enough for only two officers per 24-hour shift to patrol a 2.3 million acre reservation that is almost twice the size of Delaware, is made up of four towns and eight separate communities, and consists of 2,500 miles of roads and 10,000 residents. The Chairman noted that this is about 66% below the average number of officers per 1,000 inhabitants in non-Indian jurisdictions.

Law enforcement officers have a key role to play in ensuring that women who report sexual violence have prompt access to a sexual assault forensic examination. As the first to respond to crimes, law enforcement officials should ensure that women can get to a hospital or clinic where their injuries can be assessed and the forensic examination can be done. This is particularly important where women have to travel long distances to access a medical facility and may not have any way of getting there themselves.

Finally, I urge you to continue to increase funding for law enforcement in Indian Country to allow for more law enforcement personnel. If there are not enough officers in the field at any given time, they may not be able to respond to a victim of sexual violence. If they do respond and there is not another officer to replace them, they may not be able to spend a day in court if needed to provide testimony.

Thank you for inviting me to testify before you today. Thank you for the work you have done so far. And I look forward to working with you in the future to stop this epidemic of violence against Native American and Alaska Native women.

Mr. DICKS. Mr. Moran.

Mr. MORAN. I have got some people waiting in the office but I wanted to be here and particularly to thank you, Chairman and staff, for being as responsive as you were in the 2009 appropriations bill.

The incidence of rape and sexual assault against Native American and Alaska Native women is epidemic. It is two and a half times what it is any other woman in the United States. What you have listed are exactly the things that we should be doing. It is an opportunity for us to do the right thing frankly with not a whole lot of money but if we do not act in the way you have suggested, it is a Byzantine maze of legality for you to prosecute these cases, and we appreciate the fact that Amnesty International has brought this to our attention. We appreciate your testimony, Charon, and thank you.

And again, thank you, Chairman and the staff, and Mr. Cole, thanks.

Mr. DICKS. And we now know that the President will nominate Dr. Yvette Roubideaux to be the next director of the Indian Health Service, and Dr. Roubideaux is both a scholar who has extensively researched American Indian health issues and a physician who has spent years as a provider in tribal communities. She is a member of the Rosebud Sioux Tribe and is the first woman nominated to lead the Indian Health Service. Over the next few weeks, Dr. Roubideaux will go through the confirmation process. We know that can be a harrowing experience. Anyway, she went to Harvard Medical School. I think we ought to have a meeting with her on this subject.

Ms. ASETOYER. Yes, sir. She is awesome and she does understand this issue very well. What I would like to do is, I would like to submit through a coalition of native women and non-native women experts throughout the United States and some of the major organizations that work with reproductive issues. These are an outline or actually standardized sexual assault policies and protocols that were put together over a five-year period. I would like to submit them and recommend that Indian Health Service uses these, at least as the foundation. Why reinvent the wheel if these have been put together by experts? Also, the information I was quoting you, we put together a briefing paper and from that briefing paper we bring together national experts, native women to discuss the need for standardized sexual assault policies, what it means not to have them and how that impacts them within their community. So I would like to submit these documents for the record.

Mr. DICKS. All right. Good. We will put them in the files.

Ms. ASETOYER. And thank you.

Mr. OLVER. Mr. Chairman, may I ask a question?

Mr. DICKS. I want to go to Mr. Cole first.

Mr. COLE. Well, first, thanks for your testimony. It was exceptionally good and direct testimony. I am very interested in this issue you raised of jurisdiction. In our area obviously I think most Americans think of, you know, tribes on reservations and obviously we do not have reservations. We have areas of historic jurisdiction. So where these lines fall and who has authority is really a perplexing problem. So how in a place like Oklahoma where you have

tribes with areas of jurisdiction but without really that much land base, how would you see this operating and what would you recommend we should do in cases like that?

Ms. ASETOYER. Well, I am Comanche from Oklahoma but I live on the Yankton Sioux Reservation, which is very checkerboarded, so we do have a maze of justice when it comes to identifying which jurisdiction, and when it is on tribal or federal jurisdiction, we do not have the authority to prosecute these rapists and so it starts at the beginning. If there is no SANE to do a rape kit, there is no forensic evidence, the FBI does not like to come out of its office to investigate because there is no evidence. The prosecutor cannot—it is very difficult to prosecute a rape if there is no forensic evidence. So I think it was in 2005, there was less than 25 cases out of all the reservations that ever got to federal court because of this lack of forensic evidence, and because of the witness approval process. You have to have a witness that did the rape kit to testify in court in order to help get a conviction, and if the Indian Health Service employee is served with a subpoena and it has to go to the service unit director, the area director and then headquarters and then falls into some dark hole never to be heard of again. Without permission you cannot testify and tribal prosecutors go ballistic because they do not have a forensic witness. So these things are really important to get equal protection under the law. I would overturn—I mean, ideally, I would overturn Alafonte. We have to do this if we are going to do the right thing. If I see another young woman who is raped and the rapist is non-Indian, leaves the reservation, is not prosecuted because the tribe does not have the authority to do it, it is such a human rights crime. It is a crime that we allow this to go on.

Mr. DICKS. Let me ask you this. Could the local jurisdiction, for example the Suquamish reservation in Kitsap County in Congressman Inslee's district; but could the local authorities, the county prosecutor bring a charge or does it have to be done by the——

Ms. ASETOYER. The FBI because it is a 10 major crime and the 10 major crimes the FBI are responsible for investigating and bringing those cases into federal court. They do not even like to leave their office in Sioux Falls to come down to our reservation because there probably will not be any forensic evidence and then if there is, will that health care provider that did the rape kit be able to testify anyway? Probably not.

Mr. DICKS. Why can they not testify?

Ms. ASETOYER. Because the witness approval process within Indian Health Service is so cumbersome. It has to go to the service unit director, then the area director, then headquarters, and by the time it gets up there, it is in a stack of, you know, waiting to approve and it just seems to get lost the majority of the time. So we need to have a modified system to where once a subpoena is given to you, they have 30 days to respond or else it is approved, it is considered approved so your witnesses can testify.

Mr. COLE. And this really is a huge problem jurisdictionally because historically you gave tribes the ability to have jurisdiction over their people but you did not give them any jurisdiction with people on their land that were not of their tribe, and it intertwines every level and it does make these enforcement issues incredibly

difficult because, again, the people that are responsible for enforcing the law usually are not anywhere close, particularly if you are a large reservation, land-based reservation. I would love to work with you on this.

Ms. ASETOYER. Thank you very much.

Mr. DICKS. Mr. Olver.

Mr. OLVER. I would just like to continue in the same vein. I am really puzzled as to how you can even begin to get at this one. I think your statistics have been basically for rape cases on tribal reservations.

Ms. ASETOYER. Yes.

Mr. OLVER. And Mr. Cole has now brought up that there are lots of tribal areas but not reservations, so these statistics do not apply to the tribal area such as he was describing.

Ms. ASETOYER. Right.

Mr. OLVER. Okay. Do you have any statistics? There are no real numbers here? I am very curious. This must be part of a much longer study. Do you have any idea how many rapes there are that occur per year on the reservations?

Ms. ASETOYER. Well, I know one weekend on the Pine Ridge there was something like 54 in a weekend.

Mr. OLVER. Well, let us take that 54. Let us take that one. How many times do you multiply it? If you have some data on what goes on in all of Indian Country, that would be interesting, but that 54, what you have suggested is that seven out of those eight or six out of seven are non-Indian perpetrators, and what is the percentage of the other? That looks something like 48 and six or something like that, I guess. Of the six, how many go to trial?

Ms. ASETOYER. Like I said, probably none.

Mr. OLVER. Probably none?

Ms. ASETOYER. Maybe one-half, maybe one. Like I said, in 2005 it was less than, you know, 25 cases throughout the entire United States, all of the 500, 600 reservations and villages, Alaska Native villages that went to court.

Mr. OLVER. Twenty-five cases nationwide?

Ms. ASETOYER. Went to federal court.

Mr. OLVER. Those went to federal court?

Ms. ASETOYER. Yes.

Mr. OLVER. But if it went to the federal court that would mean that was the non-Indian perpetrator?

Ms. ASETOYER. Yes. Of the——

Mr. OLVER. Of all of the reservations——

Ms. ASETOYER. No, that would be any, whether it was native or non-native.

Mr. OLVER. Why do they have to go to federal court in the case of native perpetrators? Are the tribal courts able to do that?

Ms. ASETOYER. Yes, but sometimes the FBI will take them to—the Department of Justice will take them to federal court because——

Mr. OLVER. There is only 25 out of all, you know, 54 on—which one? Which reservation did you say? Rosebud?

Ms. ASETOYER. No, that was Pine Ridge. Now, the native perpetrators can go into tribal court but they cannot give a serious enough sentence as federal court can.

Mr. OLVER. Is the incidence of rape very variable from reservation to reservation?

Ms. ASETOYER. Well——

Mr. OLVER. For instance, would Navajo be likely to—can I proportionate up from 54 on Pine Ridge with its 15,000 people or so to Navajo land which has 150,000 people?

Ms. ASETOYER. You know, to be honest, this is a subject that a lot of people do not like to talk about but it is pretty much the same on most reservations throughout the United States. One of the largest problems in trying to get a prosecution, whether it is of a native person within tribal court or a native person or a non-native person that does get to federal court is the fact that they cannot—the person that did the rape kit or the forensic exam cannot testify in court because they have not been able to respond to the subpoena that they got because it was not approved by headquarters, by Indian Health Service headquarters. This is a huge problem.

Mr. DICKS. Wait a minute now. You are saying that they have to go back to Washington, D.C., to get what done?

Ms. ASETOYER. If you are given a subpoena to testify in court, okay, you have done a rape kit, it has to go through your first employer, which is the service unit director, you know, at the hospital you work at or the clinic you work at, then at the area office, then up to Washington because you are a federal employee. It has to be approved by the head honcho, the director of Indian Health Service at Rockville. When it gets there, it just falls into a hole. I mean, we rarely in a reasonable amount of time ever get them back. So then the prosecutor back at the community level or the federal level in court does not have a forensic witness. It is really important to have that forensic witness, the person that did the rape kit, to testify in court on the authenticity of the evidence that was collected. So if you do not have that person, it is very difficult to get a conviction without that expert testify that that evidence that was collected is authentic.

Mr. OLVER. Mr. Chairman, may I continue for just a minute?

Mr. DICKS. Yes, go ahead.

Mr. OLVER. It sounds to me is if you have 50,000 rapes on the reservations and you are saying that of those, only 25 have been taken to court, whether it be Indian or non-Indian perpetrators. But my guess is, given what you said when I asked whether any of the six went to court, what was the percentage of the six that went to court? You said well, maybe one. That makes me suspect that of the 48 who were non-Indians, there was not even maybe one in court.

Ms. ASETOYER. No. Some of them went to court, but went to tribal court, but if you do not have the——

Mr. OLVER. But you have no jurisdiction in tribal court.

Ms. ASETOYER. Of native, over native perpetrators, okay, we do.

Mr. OLVER. But the native perpetrators were the six, the non-native perpetrators were the 48 out of your 54 from your data as you gave it, that 86 percent are non-native perpetrators.

Ms. ASETOYER. Okay. Out of the six, the ones that went into tribal court in most instances received very little, if any, kind of a sentence because there probably was not a forensic witness because

that process is so difficult. Tribal prosecutors say that is the biggest hindrance. We are talking about trial prosecutors. They say that it is the biggest hindrance in trying to get a conviction because they do not have the forensic witness because the witness approval process is so difficult to get approval.

Mr. OLVER. This is bizarre.

Mr. DICKS. We have four minutes to vote, and we will continue to have this dialog with our new administrator, and we are going to hold a hearing on BIA law enforcement on April 22 and domestic violence will be one of the issues we will address. Thank you for your testimony and we are going to keep working on this until we get this thing straightened out.

Ms. ASETOYER. Thank you very much for your time.

Mr. DICKS. The committee is adjourned. We will start up again at 1:30.

Mr. DICKS. The Committee will come to order. Next we have Conrad Edwards from the Council for Tribal Employment Rights and Ed Hensley, Northwest Construction Market Representative. Welcome.

I just want to explain you are going to have five minutes. Your whole statement will be put in the record. You have five minutes and one minute to summarize. There will be a yellow light that comes on when you have a minute left, and the red light when you have nothing left. We are not going to be too strict, but we have to do this to stay on schedule. We have a lot of people this afternoon.

Go right ahead.

WEDNESDAY, MARCH 25, 2009.

COUNCIL FOR TRIBAL EMPLOYMENT RIGHTS

WITNESS

CONRAD EDWARDS

Mr. CONRAD EDWARDS. Okay. Thank you, Mr. Chairman.

We thank you for the opportunity to present to you a proven cost-effective partnership and plan that brings together the opportunities and resources of the Labors' International Union of North America, Council for Tribal Employment Rights, and the Department of the Interior, Office of Indian Energy and Economic Development.

The partnership has successfully piloted our program, native careers, construction careers, initiative program, on the Blackfeet Indian Reservation in Montana, the Spirit Lake Dakota Nation in North Dakota, where we have trained approximately 40 tribal members, and the program placed over 90 percent of those trainees, created two small businesses, and a tribal construction company. Currently we have requests from over 25 tribes to bring the program to their communities.

The program itself is designed to attack the 15 to 70 percent unemployment rate that still plagues Indian Country. It proposes to do this by promoting and developing cooperative relationships be-

tween tribes and construction unions to create careers in the construction trades for Indian workers on reservations with high unemployment rates, to do it onsite, on tribal economic development projects.

A secondary to that is to create entrepreneur opportunities and encourage small business development for tribes and their members on those same projects that will have a lasting impact on the tribes.

Today we are here requesting the support of the committee to provide the resources through the Office of Indian Energy and Economic Development for the unions and CTER to be responsive and responsible to the tribes that need and have requested the program. We request the resources to institutionalize the program at the national level by funding the Native Construction Careers Institute, which will involve more trade unions in the program and expand the training to include more skill sets and business project management.

At this point, Mr. Chairman, I would like to call upon our union partners to discuss their involvement and perspective on this important program.

Mr. DICKS. Good.

Mr. HENSLEY. We currently have programs that train Native workers to become involved in the construction industry. As we all know, we have a situation where folks are leaving the construction industry, and we need to backfill those positions. We have a shortage of construction workers in the rural west to build the new alternative energy projects this country will need. There is also a shortage of health workers and skilled employees in other professions in which unions are involved.

Unions have unparalleled expertise in training and can help Indian workers launch careers in the construction and health professions. We currently have adopted our programs from the Kingston, Washington, Training Center.

Mr. DICKS. Good.

Mr. HENSLEY. And we have taken them onsite to the reservations to train folks on projects. As we train, we expect those workers, obviously, to go to work on those projects. We are seeing an increased number of projects on reservations. We want to see that economy stay local. The best way to do that, obviously, is to train the Native workforce to do the jobs on there.

There is going to continue to be a need for skilled workers, and as we see the import of other workers, we would like to see, as unions, we want to join together and train folks in Indian Country. We have several contractors now that are willing to come on board as partners and become mentors for us to mentor entrepreneurs and train folks to start their own subcontracting companies so that the construction work, again, can be performed through our entrepreneur programs on those same construction sites.

Once the work is completed on the reservation, then we hope to be able to employ those same individuals off reservation through our hiring halls on projects that are in mainstream.

Thank you, Mr. Chairman.

[The statement of Conrad Edwards follows:]

TESTIMONY BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
March 25, 2009
Submitted By
Conrad Edwards, President of the Council for Tribal Employment Rights and Ed Hensley, Northwest Construction Market Representative, of the Laborers International Union of North America/LECET

The Council for Employment Rights (CTER), an intertribal organization headquartered in Seattle, Washington, and the Laborers International Union of North America (LIUNA) wish to thank the Subcommittee for its on-going support for the partnership we have established between unions and tribes to promote careers for Indians in the construction trades. With this support we have been able, in conjunction with the Office of Indian Energy Economic Development (OIEED) in DOI, to (1) pilot successful union-tribal Indian construction worker training, entrepreneurial, and career development programs on two reservations, and (2) with funds provided in the ARRA, are launching ten new construction training programs and 10 energy efficiency audit and installation training programs on reservations throughout the country. Building on that success, CTER and LIUNA respectfully request that the Subcommittee add $1.9 million to the OIP line item in the FY 10 Interior Appropriations bill to enable tribes, unions and OIEED to expand their joint efforts to attack the unacceptably high unemployment rates that continue to exist on too many reservations. $900,000 of that amount would be used to diversify the job training and career development programs into two new areas – home health workers and forestry workers. $1 million would be used to fund the creation of a union-tribal institute to develop innovate new strategies for unions and tribes to use their expertise and resources to assist Indians and Alaska Natives develop careers that provide good wages, health care benefits, and pensions.

We also request that the Subcommittee increase the funding for OIEED by $5 million so that it can continue to nurture successful pilot programs to promote job creation and economic development in Indian country. OIEED has proven to be one of the most effective offices in the Federal government in terms of developing innovative approaches for attacking the 70% unemployment rates that continue to exist on too many of our reservations. Its ability to do more is constrained only by its shortage of funds and staff.

The Growing Partnership Between Construction Trade Unions and Tribes
Construction unions and tribes have a great deal to offer each other in the area of employment. Unions have incomparable training expertise, can place Indians on jobs off of the reservation when there are no jobs on the reservation, and most importantly, can assist Indian workers develop long-term careers that offer decent wages, on-going paid training, health insurance, and pensions. Tribes can provide unions with access to a largely untapped manpower resource to meet the shortage of construction workers that exists in the rural West. Also, with the large number of the reservation construction projects that will be started with Stimulus funding, cooperative relationships with tribes open up new markets for union contractors.

The Union-Tribal Pilot Construction Worker Training Programs

Recognizing these mutual benefits, in 2007, CTER and LIUNA requested and received funding from OIEED to develop several pilot programs under which LIUNA agreed to send an experienced trainer and mobile training van to a reservation that was going to have significant construction activity in the near future. The tribe provided a building that needed renovation to serve as the training site, the materials needed to renovate it, and tools and stipends for the trainees. CTER worked with the tribe to identify the support services, such as transportation and day care, that the trainees would need to ensure they could complete the training and then work successfully at their new jobs. The 300-hour training course focused on helping the trainees develop the skills they would need to be hired on the projects about to be built on or near the reservation. As the trainees completed each segment of the course, they received a certificate from the union, which will tell future employers that the individuals had received top-notch training. The training also included entrepreneurial training to encourage the trainees to consider starting their own subcontracting companies.

The trainees were not required to join the union in order to participate in the training program (which is why the unions are prohibited from using their own training dollars for these programs). However, the workers were informed about the benefits of joining a union, including continuing training at the union's expense, placement at jobs off the reservation when there were none available on the reservation, and excellent fringe benefits that followed the worker, including health insurance and pension benefits.

The two pilot projects, one on the Blackfeet Reservation in Montana and one on the Spirit Lake Reservation in North Dakota were very successful. Over 90% of the trainees graduated and of them, 90% were placed on jobs they still retain. Because the training also covers basic entrepreneurial skills such as bidding and estimating, two of the graduates set up their own subcontracting companies and were immediate hired by local contractors. The Chair of the Spirit Lake Nation called it the best training program she had ever seen. Spirit Lake created a tribal construction company utilizing the trainee graduates and immediately signed up for a second training project focusing more on entrepreneurship.

Based on the success of these pilot projects Congress appropriated $4 million in the ARRA to OIEED for job training programs. With a portion of those funds, CTER and LIUNA are in the process of launching 10 new construction worker training programs on reservations throughout the country. In addition, they will be launching 10 projects to train tribal workers in conducting energy efficiency audits and in weatherizing homes and public buildings.

Proposed New Training Initiatives with Requested FY 10 Funding

CTER and LIUNA believe that Congress should only provide enough funds for the union-tribal programs to permit them to be piloted and proven to work. After that, the tribes themselves should invest in the courses from their various pots of training money, including the additional job training funds contained in the ARRA. That is where we stand with the construction workers' training program. Word has spread through Indian country about the success of the pilots. As a result, a growing number of tribes are now contacting CTER and LIUNA and offering to pay to have the programs implemented on their reservations. We anticipate the same thing will occur once we pilot the energy efficiency training that is funded by the ARRA allocation to OIEED. As

a result we are not requesting any additional funding for the construction and energy efficiency training.

However, we believe the union-tribal training model, that includes bringing the expert union trainer to the reservation, providing supportive services, and training for jobs that will be available on or near the reservation, creates an important new tool for addressing the high unemployment in Indian country. As a result, CTER and LIUNA are requesting $900,000 in FY 10 to enable them to expand the use of the union-tribal training approach into two new areas; home health workers and forestry workers that can also create many new long-term careers on reservations.

Home Health Worker Training: On most reservations, there are few if any home health aide companies. As a result, IHS too often has to keep patients in the hospital for longer than normal stays because they cannot be taken care of at home. This adds substantially to medical costs on such reservations. In the alternative, the patients are sent home and are taken care of by family members who are not trained and who, in order to provide that care, are unable to seek employment on their own. In contrast, home health aides, when trained and then employed by a certified company, can be compensated for the services they provide from Medicaid and other funded programs so there would not be a need for new appropriations to sustain the home health jobs, while creating new career opportunities and saving money for IHS. The use of home health aides is likely to expand under whatever national health insurance program Congress adopts because home health services help to keep down costs. As a result, the home health aides trained through such a program will have the opportunity for long-term careers in this sector on and near their reservations.

LIUNA represents a large number of IHS employees and thus has expertise in health care services and training. If funding were available to OIEED for this purpose, LIUNA and CTER, in coordination with the Indian Health Service, would develop and implement pilot programs on three reservations to provide training and support services for Indians to become home health workers. Also, OIEED, LIUNA, and CTER will work with those trainees who are interested to help them establish their own home health companies that can employ the other trainees upon graduation. The cost would be $150,000 for each of the three pilots, for a total of $450.000.

Forest Fire Fighting, Forest Thinning, and Forest Maintenance Worker Training: The present Federal agencies' hiring approach for both fighting forest fires and doing forest thinning is ad hoc, inefficient, and increasingly dangerous, and is not producing a cadre of trained workers to bring professionalism to these critical activities. Indians are renowned as fire fighters, making up almost 50% of the fire fighters used by BLM and the U.S Forest Service. However, they and almost all of the other fire fighters are hired on an as-needed basis, which means: (1) they either are unemployed the rest of the year or if they find full-time jobs, they are no longer available for fire fighting, creating a lack of continuity, and (2) they receive no training, which is becoming a major problem that BLM and USFS have identified as at least in part responsible, (along with the increased severity of the fires), for the growing number of deaths of forest fire fighters. With no training and an unstable workforce, there is no professionalism being developed in this area. The same is true for the forest thinning programs administered by the Federal agencies. The agencies award a contract to thin a particular area to a contractor who has to complete the project as

quickly as possible to make money, which leads to a high rate of injury and again, no professionalism since few people work full-time in this area and there is no opportunity to provide training.

One way to create professionalism is to create full-time forestry jobs for Indians, in which the employees fight fire in the summer, thin forests, plant trees, and do trail maintenance in the spring and fall, and get training when the weather does not permit any of the other activities. This will create careers in the forestry sector and provide the workers with a springboard to get into technical and managerial forestry positions, a sector facing a large number of vacancies because the majority of persons working in these areas will be retiring in the next 10 years or so. Creating these full-time forestry jobs can provide a substantial number of jobs for Indians and enable them to work on or near their reservations in an area in which they already have skills and an excellent reputation. No new appropriations will be needed since Congress annually appropriates a large amount both for fire fighting and forest thinning and did the same in the ARRA; the funds would just be used more effectively. To avoid adding to the Federal work force, USFS and BLM would contract with Indian-owned businesses to hire the workers on a year-round basis, thereby providing careers and promoting professionalism, while also promoting entrepreneurship.

LIUNA and CTER have the expertise to train Indians on their reservations in these forestry-related areas and to assist them set up their own forest businesses that receive the contracts from BLM and USFS so they can hire the graduates of the training programs and provide them with the year-round employment discussed above. CTER and LIUNA request that funding be provided to OIEED to fund three pilot projects in this area, at a cost of $150,000 per program for a total of $450,000. We also request that the Subcommittee authorize USFS and BLM to set aside approximately $5 million of their Stimulus or FY 10 forest thinning and fire fighting funds to contract with three Indian companies so that each company can hire the 20 or so graduates of each of the pilot training programs for a one-year pilot. BLM and USFS have, in the past, expressed interest in piloting this approach.

Creating a Tribal-Union Resource Center

In addition to assisting tribes and construction unions partner on career development, Congress can assist them strengthen their relationship at a more global level. Tribes and construction unions should be natural allies. However, in the past, that has not been the case. A major barrier to closer construction union-tribal relationships is lack of knowledge about each other and very little experience in working together.

There is a need for a resource center that can help tribes learn about construction unions and unions learn more about tribes. Also, as tribes and unions begin working together more, there is a need for a central resource center to draft model agreements, handbooks, and other documents so that each tribe and each union does not have to reinvent the wheel, (with the potential of reinventing it incorrectly). CTER and LIUNA are requesting $1 million in the FY 10 appropriations bill to launch a union-tribal institute.

In closing, we appreciate the opportunity to present this testimony and again thank the Subcommittee for all of its support in the past.

Mr. DICKS. Well, I want to congratulate you on this. I think this is a great initiative and will help train people for jobs that are still out there.

How is the current economic circumstances affecting your program?

Mr. HENSLEY. Well, we are down. Well, it is obviously down some.

Mr. DICKS. Yes.

Mr. HENSLEY. And we are backwards probably around 13 percent unemployment in construction presently, however, we are seeing that there are some projects coming up under the stimulus package on the reservations.

Mr. DICKS. Good.

Mr. HENSLEY. And we want to make sure that the folks on the res get the jobs.

Mr. DICKS. So the Laborers Union nationally, they are the——

Mr. HENSLEY. Yes.

Mr. DICKS [continuing]. Lead on this?

Mr. HENSLEY. Our general president, Terry O'Sullivan, has signed on with CTER in full support of this program.

Mr. DICKS. Well, we compliment you for this.

Mr. HENSLEY. Thank you, Mr. Chairman.

Mr. DICKS. Mr. Cole.

Mr. COLE. No questions right now.

Mr. DICKS. All right. Thank you very much. We appreciate your being here.

Mr. HENSLEY. Thank you.

Mr. CONRAD EDWARDS. Thank you, Mr. Chairman.

Mr. DICKS. Our next witness is Cedric Black Eagle, Interim Chairman of the Crow Tribe of Indians.

WEDNESDAY, MARCH 25, 2009.

CROW TRIBE

WITNESS

CEDRIC BLACK EAGLE

Mr. BLACK EAGLE. Thank you. Good afternoon, Chairman Dicks, members of the Interior Appropriations Subcommittee. My name for the record is Cedric Black Eagle, Interim Chairman of the Crow or Apsaalooke Nation. I was selected as Vice Chairman of our Nation. I am honored to speak to you today on behalf of the Apsaalooke Nation on the subject of interior related agencies appropriations.

As time is short, I would like to briefly discuss a few relatively small programs that have had a great impact on the Crow and elsewhere.

First, the Indian Land Consolidation. The Indian Land Consolidation Program has been completely eliminated from the federal budget. The ILCP is funded through the Office of Special Trustee and administered by the Bureau of Indian Affairs. We request that funding for this valuable and successful program be restored to the budget.

The ILCP has operated a pilot program on the Crow Division since 2005. The program at Crow was previously staffed by about seven individuals and is now down to three staff members. After September 1, 2009, unless funding is restored the program will end. And since April 1, 2005, the program has purchased over 6,000 land interests, which all went back into trust for the Crow Tribe, providing more funding for the purchase of additional interests, and in under 4 years about $200,000 has already come back into the fund to buy additional interests.

At this point in time appropriations to this program for administrative costs and some land purchases are still necessary, but in the foreseeable future the program, if allowed to continue, will be able to support itself from interest on revenues from purchase, fractionated shares, and land.

I would like to talk about carbon sequestration research. The Omnibus Appropriations Bill included $6 million for carbon sequestration research. We encourage the committee to double this amount to $12 million and make these funds readily accessible to tribes.

The Crow Tribes Many Stars Project, a clean coal development, seeks to take coal from the Crow Reservation and turn it into clean liquid products. This coal-to-liquids process allows for complete capture of the carbon and safe sequestration, avoiding any emissions onto our reservation and the world environment. Although much of the Nation's attention on energy production has rightfully been focused on renewables, the Crow Tribe's best economic development opportunity lies with coal production from our reservation. This is a $7 billion project. It will employ around 4,000 construction workers during construction and 900 permanent jobs after it opens.

We need the Federal Government's assistance in making this project work for the good of the Crow economy and the Crow people and advance America's energy independence.

Housing Improvement Program. Again, the Housing Improvement Program is another federal program that helps very low income families with housing and home repairs and to make their houses livable. On the Crow Reservation this program is vital. If you were to visit, you would see that many of the homes that were built back in the '50s and '60s are in severe need of repair. The HIP was funded for $13.6 million in fiscal year 2008 and fiscal year 2009. We were pleased to see that more funds may be available through the economic stimulus. I encourage the subcommittee to continue the increases in funding.

Abandoned mine reclamation payments is another, as well as Indian healthcare, law and order, public safety.

And I would like to sum up and say that our position to become self-sufficient as Indian tribes do across this country, ours is going to be in energy and energy-related programs such as the mini source project, and it is vital for us that carbon sequestration, again——

Mr. DICKS. Right. I agree with you completely. That is the right point to make, and if we are going to use coal, there is going to have to be significant carbon sequestration, and there has not been that much science. We know how we do this into existing oil and gas fields, but it is when you are just going out in a new area

where, according to the U.S. Geological Survey, there has not been a lot of science on this.

So we agree with you. We think it is a significant part of the answer on coal.

All right.

Mr. BLACK EAGLE. Thank you.

[The statement of Cedric Black Eagle follows:]

TESTIMONY OF
CEDRIC BLACK EAGLE
INTERIM CHAIRMAN, CROW TRIBE OF INDIANS
BEFORE THE HOUSE INTERIOR APPROPRIATIONS SUBCOMMITTEE

March 25, 2009

Good afternoon, Chairman Dicks, and Members of the Interior Appropriations Subcommittee. My name is Cedric Black Eagle, Interim Chairman of the Crow or Apsaalooke Nation, and was twice elected as Vice Chairman of our Nation. I am a member of the Whistling Water Clan, child of the Newly Made Lodge and Big Lodge. I'm honored to speak to you today on behalf of the Apsaalooke Nation on the subject of Interior and related agencies appropriations.

As you may know, at Crow we are having an especially challenging time because of the loss just a month ago of our Chairman, a leader and friend whom we miss greatly. We have made this trip to talk to you today partly because we know he would say how important it is that we work together to get vital funds to the places where they will do the most good. We also need to be careful that in this time of well-deserved restrictions on earmarks, valid and long overdue projects do not suffer.

We know that in the fall the United States Congress passed a bailout for banks that amounted to about 700 billion dollars. Already in Indian Country, we are putting shovels to work with projects your stimulus has sent to us. At Crow, this past week, we hired twenty-five laborers to work on road projects that were on our transportation improvement program awaiting funding. We also will be able to move along a pressed brick project that began production Monday and will use sand, gravel, and clay from our reservation as well as hire tribal members to make materials we can then use to build houses and other buildings, and also sell.

When poor men and women need your help, you can't fix their problems by giving money to the rich people standing next to them. You need to carefully target funds and know-how to address real problems and meet real needs. In Indian Country, there are many, many needs, and we thank you again for your help in meeting some of them.

As time is short, I would like to briefly discuss a few relatively small programs that have had a great impact at Crow and elsewhere.

INDIAN LAND CONSOLIDATION PROGRAM

The Indian Land Consolidation Program (ILCP) has been completely eliminated from the federal budget. The ILCP is funded through the Office of the Special Trustee, and administered by the Bureau of Indian Affairs. We would request that the funding for this valuable and successful program be restored to the budget.

ILCP has operated a pilot program on the Crow Reservation since 2005. The program at Crow was previously staffed by about seven individuals, and is now down to three staff

members. After September 1, 2009, unless funding is restored, the program will end. Since April 1, 2005, the ILCP has purchased over 6,000 land interests, which all went back into trust for the Crow Tribe, providing more funding for the purchase of additional interests. In under four years, about $200,000 has already come back into the fund to buy additional interests. At this point in time, appropriations to this program for administrative costs and some land purchases are still necessary, but in the foreseeable future, the program—if allowed to continue—will be able to support itself from interest on revenues from purchased fractionated shares in land.

The success of the program to date is undeniable. The program has passed all of its audits since its inception, which demonstrates that it is operating responsibly and efficiently. Congress identified 139 tracts on the Crow Reservation alone that were to be targeted—40-acre tracts with between 200-400 owners. On the Crow Reservation alone, at least five such tracts have already been restored to complete tribal ownership. This demonstrates that program staff are successfully contending with the issues that the program was designed to address.

Payments to landowners for their interests in these tracts have varied from $0.26 to around $20,000. Prior to this program, many of the fractionated interest holders never realized any true financial benefit from their landholdings. These purchases provide benefits to the Tribe, to the individual landowners, and to the federal government. The Tribe benefits as tribal landholdings are increased and consolidated, and lands going out of trust through probate and sale to nonmembers are decreased. Individual landowners benefit by receiving monetary benefits from landholdings where they previously realized no significant benefit, and by having a readily available option to sell their empty interests. The Federal government benefits from decreased expenses for administering its trust responsibility over lands with excessive numbers of landowners.

The monies going to individual landowners have been used by the parties selling their interests for everything from buying dentures to paying educational expenses to individual business startup funding. Programs like this, which benefit individual Indians, as well as tribal governments, are important because they provide real, measurable, improvements to the quality of life of tribal members, they enhance Tribes' ability to exercise jurisdiction over tribal lands, and they reflect well on the federal government—a piece of the interaction between federal government and Indian people that has been sorely lacking over recent years.

CARBON SEQUESTRATION RESEARCH

The omnibus appropriations bill included $6 million for carbon sequestration research. We encourage the Committee to double this amount to $12 million, and make these funds readily accessible to tribes.

The Crow Tribe's Many Stars Project, a "clean coal" development, seeks to take coal from the Crow Reservation and turn it into clean liquid products. This coal-to-liquids process allows for complete capture of the carbons for safe sequestration, avoiding any emissions into our reservation and world environment. Although much of the Nation's attention on energy

production has rightfully been focused on renewables, the Crow Tribe's best economic development opportunity lies with coal production from our Reservation.

This $7 billion Project would employ 3000 to 4000 people during construction and 700 to 900 after opening. We need to federal government's assistance with making this project work for the good of the Crow economy and Crow people.

HOUSING IMPROVEMENT PROGRAM

The HIP or Housing Improvement Program is another federal program that helps very low income families with housing and home repairs to make their houses liveable. On the Crow Reservation this program is vital. If you were to visit, you would see that many of the homes that were built on the reservation fifty and more years ago have severe needs and that their residents do not have the resources to obtain needed repairs. HIP was funded for $13.6 million in FY2008 and FY2009 and we were pleased to see that more funds may be available through the economic stimulus. I encourage the Subcommittee to continue the increases in funding This is a tremendous program that helps far beyond the relatively small investment—especially when you consider that many of these houses are homes to several families.

ABANDONED MINE RECLAMATION PAYMENTS

We note with great concern the omission from the President's 2010 budget proposal of the Abandoned Mine Lands Reclamation payments. These payments are funded from a federal reclamation fee charged to tribal coal mined from our reservation, and they not only allow for cleanup of hazardous sites but allow Crow approximately $1 million a year for employment, training, and necessary infrastructure for energy and economic development. We also note that states in our area depend on the AML program, and we recommend that it is protected for all of the states and tribes that have to deal with mine cleanup.

DRILLING

On reservation, there is a $4,000 fee for an APD or application for permit to drill for oil and gas. Off reservation, the fee is $25 for the same permit. With high-density spacing, the difference for exploration over one section of land can be a cost of $200 off reservation but $32,000 on reservation, a difference that has a severe chilling effect on reservation exploration. It's very important to reduce this fee to a level equivalent to off-reservation permits so that we can attract and keep good business partners in developing our oil and gas resources. We strongly support Senator Barrasso's amendment to remove this application fee.

INDIAN HEALTH CARE

The Indian Health Service continues to be severely underfunded. Our facility at Crow suffers from many shortages, perhaps the most significant of which is the shortage of trained physicians and nurses. It is impossible to describe the frustration of healthcare workers when they are unable to adequately do their job because of lack of funding from the federal government. Over the past two years, we have lost a number of dedicated doctors who spent

decades working at our Crow-Northern Cheyenne hospital, because these doctors could no longer bear to work there and not be able to adequately treat their patients. These doctors left because they felt that the lack of funding prohibited them from upholding their oaths as physicians.

Contract healthcare continues to be severely underfunded as well, resulting in long waitlists for basic procedures that would restore individuals to health and allow them to contribute to tribal society, as well as to society in general. The situation with Contract Health on the Crow Reservation today is, essentially, rationing of healthcare. The Indian Health Service must be funded at a level that enables, at the very least, the physicians on staff to practice good medicine.

My people will never receive the healthcare they deserve—that is their right—until we have enough trained and qualified physicians and nurses to staff the Crow-Northern Cheyenne Hospital. It is nearly impossible to attract qualified physicians trained in general practice and family medicine to work in a remote, rural, outdated facility without adequate financial incentive to bring them here and keep them working with our communities. This situation could be improved by appropriating additional funds to the Indian Health Service, for the specific purpose of providing healthcare services to Indian people.

LAW AND ORDER / PUBLIC SAFETY

With deteriorating economic conditions across the nation, the crisis in law enforcement in Indian Country will go from acute to catastrophic if not addressed directly and with sufficient funds. We ask for your support in appropriating funds for the Tribal Emergency Fund for Indian Safety and Health that was an amendment to the Global Leadership Act, P.L. 110-203 intended to fund Indian water settlements, health care, and law enforcement.

More broadly, we ask for your support in funding policing and detention in Indian Country. The ability to enforce law is critical to tribal sovereignty, yet almost no money has been appropriated for Indian Country detention centers, both tribal and BIA, despite a 2008 report that estimated $8.4 *billion* would be necessary to upgrade them satisfactorily. Similarly, a 2006 report estimated $560 million was needed to provide for police officers. Just at Crow, we have approximately a dozen unfilled vacancies and only about the same number of BIA officers for over 2 million acres of land. Underfunding for the Assistant U.S. Attorneys and other professionals is also an ongoing problem that contributes to the perception that prosecuting crime in Indian Country is a low priority. It is unacceptable for the United States to neglect its obligation for simple safety. As economic times get harder, more people will try to exploit the so-called lawless nature of Indian Country—poachers, violent criminals, drug dealers. At Crow, we have drug networks moving into the country and a scarcity of police. A whole young family of my relatives including an infant vanished at Christmas time and we have heard nothing of them since. We ask you to join us in praying for their safe return. We ask you to fund law enforcement efforts that will make our communities safer for all citizens of our reservation—young and old, Indian and non-Indian.

Mr. DICKS. Thank you very much. Mr. Cole.

Mr. COLE. I want to say how much I appreciate your emphasis on the energy part of this and just kind of make a point for the record if I may, Mr. Chairman. We have got a lot of tribes in relatively remote areas that, cannot benefit from traditional kinds of economic activity or gaming activity, and the ability to develop your own resources on your own land is really critical. It is the only way some of these tribes will have a chance to become economically independent.

And the key thing here is I often see efforts by people that have conflicting views, usually environmental views, but this is not federal land. This is Indian land. This is reservation land. The tribe owns the land, and the tribe ought to be free, to develop its resources. I noticed you pointed out on drilling, those are great things to do just to put tribes in the position to be competitive and to develop their resources, sell them, and then use the proceeds for the benefit of their people.

So I am glad you are here to make the point. Thank you.

Mr. BLACK EAGLE. Thank you. I appreciate the time. Thank you.

Mr. DICKS. Thank you. Kathryn Brigham, Chairwoman of the Columbia River Inter-Tribal Fish Commission. Welcome.

WEDNESDAY, MARCH 25, 2009.

COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

WITNESS

N. KATHRYN BRIGHAM

Ms. BRIGHAM. Thank you. Good afternoon. I am here today to talk about the Columbia River Inter-Tribal Fish Commission base budget.

We have been working, as you have are pointing out with the Colvilles, a number of tribes have been making success stories in the Columbia River Basin, but with that success comes the added management responsibilities that we have in the Columbia Basin.

We are seeking $7,712,000 to the CRITFC Organization, and this is an increase of 450,000. This will go through the other recurring programs; wildlife parks, rights protection implementation, areas to restore base funding, program funding to the commission and to the member tribes. Of that, 3.6 million will go to the member tribes.

We are also seeking 8.4 million to increase the Pacific Salmon Commission budget because we are increasing our responsibilities to the Pacific Salmon Treaty.

The Northwest Indian Fish Commission and CRITFC have been working together to restore a $1.8 million cut within the 2009, Omnibus Bill, and with that we are hoping to get a commitment from BIA today that the $1.8 million is there for reprogram, but we will not know until the end of the day if that that is an option for us. So we are working on it. And Billy might be able to tell you more tomorrow. Okay. So we are working to do that because if we do not get that $1.8 million, we are going to have to make some cuts with-

in our organizations, and the Northwest is looking at the end of this month, and we are looking at later on this year.

But we have come a long way since the Bolt and Bologna Decision, the Bologna in 1969, the Bolt in '74, that says the tribes have the right to manage and co-manage fisheries on the Columbia River, and we think we have done some good things on our reservations. All of us have put salmon back, we are managing fish, and we have also come a long ways. This last year we signed three agreements; the Accord is a 10-year agreement, the Pacific Salmon Commission agreement is a 10-year agreement, and the USV Oregon is a 10-year agreement. All of those are supporting each other to rebuild naturally spawning fish above Bonneville. And that is consistent with the Power Planning Council Act as well and also consistent with our treaty to rebuild naturally spawning fish above Bonneville.

With the accord, this is from the action agencies, and this accord funding has strings to it, so we are not able to take the accord funding and transfer it over to any other things other than the projects have been identified. So that is why we are looking at the increase for the base budget so that we can actually go out and manage our fisheries.

Other species we are looking at are salmon, lamprey, and sturgeon and freshwater mussels. We are finding out that our mussels are able to clean the water, and we have some good projects in the Columbia Basin, and so we want to continue to work on them as well.

And, again, you know, we are looking for the increase because we have not had an increase in our funding for quite some time. Due to inflation and cost of living and everything else, the rising costs have just gone up, and it is really difficult for us to—in fact we have had to cut staff, and we have also had to stretch our staff quite thinly to do what we are trying to do a few years ago.

Mr. DICKS. Have you had a chance to look at the Hatchery Scientific Review Group report?

Ms. BRIGHAM. Yes, we have, and we have gone through the USV Oregon process, and that process has reviewed it to see if it is consistent and supports the USV Oregon 10-year agreement, and we have some concerns with it, but at the same time we think that there is a lot of good work in it, and that it is a tool that we can use to help us in our management and production in the Columbia River Basin.

Mr. DICKS. What are the concerns?

Ms. BRIGHAM. The concerns are that it is pretty narrowly defined, but at the same time there are some things in there that says we can use this scientific approach to rebuild these species. We have used some of them in the Umatilla Basin and changing our management, our evaluation of the stocks, those types of things. So we can use some of the stuff that is in the report.

We do have seven points of concern that we have shared with your staff, so, you know, that is available. And then we will be there on Friday to let you know where we are at.

Also, we are working on climate change, and we do not have the funding for that. U.S./Canada Water Treaty, that is coming up in 2024. We would like very much to be at the table for that because

water is needed in the Columbia River Basin, and the last treaty was a power treaty, not a fish treaty.

[The statement of N. Kathryn Brigham follows:]

COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION
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TESTIMONY OF

The Honorable N. Kathryn Brigham
Chairwoman, Columbia River Inter-Tribal Fish Commission
To the
Appropriations Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives
Regarding the Bureau of Indian Affairs Fiscal Year 2010 Budget
March 24, 2009

Mr. Chairman and members of the subcommittee, the Columbia River Inter-Tribal Fish Commission is pleased to share its view on the Department of Interior, Bureau of Indian Affairs' (BIA) FY2010 budget and has specifically identified two funding needs:

1) $7,712,000 (an increase of $4,500,000 over FY 2009) for Columbia River Fisheries Management under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation areas to restore base program funding to the Commission and the fisheries programs of its member tribes to meet management obligations, including efforts for species listed under the Endangered Species Act, and;

2) $,4,800,000 (an increase of $2,530,000 over the FY 2009) for U.S./Canada Pacific Salmon Treaty under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation areas to restore base program funding and to implement new obligations under the recent agreement adopted by the U.S. and Canada under the Treaty.

The Columbia River Inter-Tribal Fish Commission (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 the tribes in regional, national and international efforts to protect and restore our shared salmon resource and the habitat upon which it depends. The collective ancestral homeland of the four tribes 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).

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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.

Today, the CRITFC tribes' are leaders in fish restoration efforts and work with state, federal and private entities. CRITFC's member tribes are principles 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 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. We have successfully secured other funds to support our efforts, including funds from the Bonneville Power Administration, the Pacific Coastal Salmon Recovery Fund, and the Southern Fund of the Pacific Salmon Treaty, to name a few. Our programs are integrated as much as possible with state and federal salmon management and restoration efforts. Following several years of court supervised collaboration our member tribes have successfully forged three key 10-year agreements including a coordinated plan for salmon restoration to meet the objectives for the Biological Opinion on the Federal Columbia River Power System, while ensuring protection of our treaty reserved rights.

Columbia River Fisheries Management Program Needs under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation: Tribal natural resource funding is not keeping pace with inflation. Funding shortfalls are undermining efforts to fulfill tribal self-determination goals for fisheries management, ESA recovery efforts, protecting non-listed species, conservation enforcement and treaty fishing access site maintenance. Since FY2003, our funding has decreased under the weight of inflation and rising operation costs. We are seeking an increase of $4,500,000 over FY2009 for a new program base of $7,712,000 for Columbia River Fisheries Management as explained below:

Restore Base Program and Meet Unfunded Program Needs:

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. $3.6 million of 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) a Columbia Basin Fish Accords with federal action agencies overseeing the federal hydro system in the Columbia Basin, 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. 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 the Accords commit substantial federal resources to on-the-ground actions, the responsibilities of the tribal programs to fully implement the trio of agreements has grown significantly but without commensurate increases in base funding capacity.

The funding provided through the BIA to support tribal fishery programs is crucial to the tribes' and CRITFC's ability to successfully carry out these agreements by providing sound technical, scientific and policy products to diverse public and private forums. Lost buying power

through rising costs, inflation and lack of pay-cost adjustments to tribal funding has further challenged us to deliver these essential services.

Compounding the challenges in successfully implementing these 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 adaptation 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.

Public safety continues to be a high priority for CRITFC and the four tribes. Unfortunately, in 2008 three tribal fishermen were lost while exercising their treaty fishing rights. CRITFC conservation officers were the cornerstone of the search and rescue, and subsequently recovery, efforts. In the popular and heavily used Columbia Gorge they provide the most continuous on-river presence for both the tribal and non-tribal community who depend on the river for commercial, cultural and recreational opportunities.

The Columbia River in lieu and treaty fishing access sites were authorized by Congress to fulfill the promises beginning in 1939 when the U.S. Government built the first of four federal dams that flooded traditional fishing sites and villages on the lower Columbia River. After nearly 70 years, 29 sites are in place with one and perhaps two more sites remaining to fulfill the government's pledge. Eighteen of the sites are along the Washington shores of the Columbia River between Bonneville and McNary Dams. Tribal fishers from the four tribes use the sites to support their harvest for ceremonial, subsistence and commercial purposes. The sites vary with improvements including boat launches, fish drying sheds, fish cleaning stations, and camping facilities. The funding will assure that there will be sufficient support for operation and maintenance of the sites through 2045.

U.S./Canada Pacific Salmon Treaty under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation: For tribal participants in the Pacific Salmon Treaty, the U.S. Section has identified a program need of $4,800,000 through the 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, As of December 2008, the U.S. and Canada have 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 coordination to protect trust resources. This funding maintains tribal resource assessment and research programs structured to fulfill required Treaty implementation activities. Reductions of $1,772,000 in the FY 2009 BIA base funding for Pacific Salmon Treaty implementation is causing the tribes to limit participation in the Pacific Salmon Treaty processes.

We are currently seeking to restore this capacity through reprogramming existing BIA funds in a manner consistent with policy and law. The FY 2010 recommended level for this program is an increase of $686,000 over the FY 2008 enacted level and includes pay cost adjustments and brings the program back in line with previous levels of participation.

Pacific Salmon Treaty obligations add significantly to the tribes' administrative management, and research responsibilities. To effectively implement the treaty, tribal representatives must meet frequently to review technical information and develop informed policy input for use by the tribes' Pacific Salmon Commission representatives. These treaty-mandated responsibilities result in additional expenses for the tribes. Because each of the 25 tribes covered by this funding source is a separate government and manages its own fisheries, these obligations require direct tribal involvement.

The tribal management programs provide needed and 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. Select Chinook stocks from major regions have been selected as "indicator" stocks to represent all stocks that are the focus of the rebuilding program. Tribal hatchery facilities are the source of several of these indicator stocks and this funding provides support for this work.

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 the Interior's BIA budget.

CRITFC Staff Contact: Charles Hudson, (503) 731-1257, (hudc@critfc.org)

Mr. DICKS. Okay. Your time has expired.

Mr. Cole, do you have anything you would like to—we will put your entire statement in the record.

Ms. BRIGHAM. It is in. Yes. These are just my talking points. Thank you.

Mr. DICKS. Anything else? How much time do we have?

Ms. BRIGHAM. Oh, I wanted to share this with you. This is something that 35 tribes agree upon. It is a document that the Northwest Indian Fish Commission and the Columbia River Inter-Tribe Fish Commission have worked together on and then the Great Lakes Fish Commission has also supported. This outlines how we want to protect our tribal sovereignty, rebuild our tribal base capacity and our annual base budget, protect and restore our water rights, and then also have the Federal Government live up to its trust responsibility. And there is a lot of information within this book and——

Mr. DICKS. Good. I will look at it on the airplane.

Ms. BRIGHAM. Okay. We will see you Friday.

Mr. DICKS. Thank you.

Ms. BRIGHAM. Okay. Thank you.

Mr. DICKS. Daniel Tucker. I think we got time to do one more. Let us do one more. Is he not here? Is Larry here?

Mr. BLYTHE. Larry Blythe.

Mr. DICKS. Yes. Larry Blythe.

WEDNESDAY, MARCH 25, 2009.

INTERTRIBAL TIMBER COUNCIL

WITNESS

LARRY BLYTHE

Mr. BLYTHE. Good afternoon, Chairman Dicks, and members of the subcommittee. I am here today to represent the Intertribal Timber Council. Our president, Nolan Colegrove from Hoopa could not be in attendance today, so I am pinch hitting. I am reading from some of his prepared remarks so hopefully I do not stumble too bad.

The Intertribal Timber Council is an organization of 70 tribes that collectively possess most of the 18 million forest acres the BIA holds in trust. The ITC appreciates testifying today because the BIA Forestry Program is in trouble and needs this subcommittee's attention.

Last year the ITC testified that a 2003, independent report noted that BIA Forestry receives only about 1/3 the per-acre funding provided the U.S. Forest Service. Now, a review of federal forestry budgets from fiscal year 2004 to 2009 shows the situation is becoming much worse for BIA Forestry.

Mr. Chairman, from fiscal year 2004 to fiscal 2009, BIA, Tribal Priority Allocations Forestry has increased only 3.8 percent. During the same period the Forest Service Forest Products Budget has gone up 25.5 percent and the Bureau of Land Management Public Domain Forest Management Budget has gone up 26.5 percent. Inflation alone has gone up 14.1 percent.

A 3.8 increase for BIA Forestry should not be the case. The United States has a trust responsibility and liability for tribal forests. Our tribal governments, often among the neediest, rely on our forestry revenues to provide basic services. Our forests are very hardworking, serving multiple uses while producing an estimated 2008 harvest of 500 million board feet, or about 250 percent of the harvest per acre from the National Forest System's 193 million acres.

Yet BIA Forestry receives far, far less per-acre funding and is falling even further behind. The failure to keep up with inflation alone is reducing BIA Forestry employees and diminishing the program. Basic management is suffering, and initiatives enjoyed by the Bureau of Land Management and the Forest Service, such as adoptive planning for climate change, are not being addressed in BIA trust forests. With the trust responsibility, tribal forests should be getting first-class federal forest management, but they are not.

To begin to correct this disparity the ITC urges a 2.6 million increase to make up for inflation. We ask that the subcommittee devise a plan to provide BIA Forestry the balance of an '04 through '09 increase like those for the Bureau of Land Management and the Forest Service, and we would wish for an opportunity to sit down with the subcommittee to learn why this disparity has occurred and what might be done to correct it.

For BIA Forestry projects the story is even worse. Funding from fiscal year 2004 to 2009 has declined from 17.8 million to 17.6 million, while inflation has jumped 14.1 percent. To begin to correct this, the ITC urges that 1 million be restored to the Timber Harvest Initiative so that tribes with harvest backlogs can prepare supplemental sales to both meet the market recovery and come back in compliance with their management plans. The ITC urges that 5 million be added for forest development to begin to reduce the thinning and replanting backlog that persists on ⅙ of our commercial forest, harming its future value and the tribe's future economies.

The Intertribal Timber Council does thank the subcommittee for restoring 1 million to the BIA Endangered Species Program, saving the Field Level Program, which is where the mandates must be met. But the program has suffered from years of low requests from the Administration and funding is now applied nationally. The BIA ESP needs 4.7 million to give Indian trust lands the same level of endangered species coverage as the Bureau of Land Management. Within that, Northern spotted owl and marbled murrelet tribes who started the program in fiscal year 1991 should get 2.3 million to inflation adjust their funds to fiscal year 1995 levels.

Intertribal Timber Council also urges that land consolidation get 59.5 million as requested in fiscal year 2007. Land consolidation must be pursued. If not, fraction-nation will only increasingly cripple the BIA.

And finally, ITC urges wild land fire accounting and business practices be standardized between the Forest Service and Department of Interior and that tribal wild land fire contract support costs go to the BIA indirect cost pool instead of preparedness funding.

That concludes my remarks. I want to thank the committee.

TESTIMONY OF NOLAN C. COLEGROVE, SR., PRESIDENT, INTERTRIBAL TIMBER COUNCIL, PRESENTED TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE FOR THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES ON FY 2010 APPROPRIATIONS FOR THE B.I.A., O.S.T., AND WILDLAND FIRE MANAGEMENT, MARCH 25, 2009

Summary

Mr. Chairman, I am Nolan C. Colegrove, Sr., President of the Intertribal Timber Council. I am a member of the Hoopa Tribe and serve as its Forest Manager. I am pleased to present the following recommendations for FY 2010 Indian forestry-related activities in the Bureau of Indian Affairs (BIA), the Office of the Special Trustee (OST), and Wildland Fire Management:

1) In BIA Natural Resources Management, increase BIA TPA Forestry by at least $2.6 million to adjust for the 14.1% consumer price increase since FY2003 and up to an additional 25% to maintain the pace of appropriations provided for the Forest Service and BLM. The glaring gap in per acre appropriations for Indian forests compared to those provided for Forest Service and BLM lands continues to widen. From FY 2004 to FY 2009, BIA TPA Forestry funding increased only 3.8%, compared to 25.5% for the Forest Service timber harvest budget and 26.5% for BLM public domain forest management. We request that the Committee initiate a 5 year program to fund Indian forestry at per acre levels comparable to the Forest Service and BLM so as to honor the trust responsibilities of the United States.

2) In BIA Natural Resources Management, restore $1 million to the Timber Harvest Initiative, and increase Forest Development by $5 million, to begin making-up for an outright funding decline from FY 2004 to FY 2009.

3) In BIA Natural Resources Management, provide $4.7 million for ESA, including $2.3 million for Northern Spotted Owl and marbled murrelet.

4) In OST, restore Land Consolidation to the FY 2007 $59.5 million level, and direct priority for Youpee interests and forest and other high value lands.

5) For Wildland Fire, continue to support preparedness, standardize USFS and DoI fire cost accounting and business principles, and direct fire 638 indirect costs to the BIA indirect cost pool.

Intertribal Timber Council background.

The Intertribal Timber Council (ITC) is a 33 year old organization of 70 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 lands provide vitally important habitat, cultural and spiritual sites, recreation and subsistence uses, and through commercial forestry, income for the tribes and jobs for their members. In Alaska, the forests of Native corporations and thousands of individual allotments are equally important to their owners. To all our membership, our forests and woodlands are essential to our physical, cultural, and economic well-being, and their proper management is our foremost concern.

1) In BIA Natural Resources Management, increase BIA TPA Forestry to adjust for inflationary costs and increase funding to levels comparable to those provided to the Forest Service and BLM. From FY 2004 to FY 2009, BIA TPA Forestry funding has increased only 3.8%, while the Forest Service timber harvest budget has increased 25.5% and BLM public domain forest management has increased 26.5%.

Last year, the ITC testified that a 2003 independent report noted that BIA Forestry receives only about one third the funding provided the US Forest Service. Now, a comparative review of federal agency forestry budgets from FY 2004 to FY 2009 shows the situation is becoming much worse for BIA Forestry.

	FY 2004	FY 2009	$ difference	% difference
BLM Pub. Dom. Fst. Mgmt.	$8,093,000	$10,242,000	+$2,149,000	+26.55%
USFS NFS For. Products	$265,013,000	$332,666,000	+$67,653,000	+25.528%
BIA TPA Forestry	$24,641,000	$25,574,000	+$933,000	+3.786%
BIA Forestry Projects	$17,758,000	$17,629,000	-$129,000	-0.726%

US Dept. of Labor Bureau of Labor Statistics, Consumer Price Index increase from Oct, 2003 (start FY '04) to January 2009: 14.1%.

Mr. Chairman, it is startling and grossly unfair that BIA TPA Forestry has only received a 3.8% funding increase over the past five years while the BLM Public Domain Forest Management and the Forest Service Forest Products timber sales budgets, which perform roughly equivalent functions, have received increases of 26.5% and 25.5%, respectively. The U.S. has a trust responsibility for our forests, and is liable for any mismangement. Our tribal governments, often among the neediest in the Country, rely on our forest revenues to provide basic services, and our forests are very hard-working, providing commodity production, clean air, water, fish & wildlife habitat, and cultural values. From our 18 million forest acres, our FY 2008 harvest is estimated at 500 million board feet, on a per acre basis, about 250% of the harvest from the 193 million acres of Forest Service forest lands. Each year we are being required to do more with less funding than is being provided for Forest Service and BLM lands. Given the fiduciary trust responsibility of the U.S., our forests should be receiving the resources necessary to ensure first class management.

Chronic underfunding of BIA Forestry is stripping personnel from our forests. Anecdotal data indicates a large and increasing number of professional forestry positions are going unfilled in Indian Country because funding is decreasing. Insufficient fixed cost increases eat into the program. Management capacity is seriously eroding. At current funding levels, we are struggling just to provide basic management functions, and important issues such as adaptive adjustments for climate change, which other federal forest management agencies are now focusing on, are left unattended.

To begin to correct this disparity, the ITC urges the addition of $2.6 million to BIA TPA Forestry to offset inflationary costs of 14.1% from FY 2004 to FY 2009 (reported by the Department of Labor) and that BIA Forestry be increased by at least 25% to provide funding increases on a par with those provided for the Forest Service and BLM since FY 2003. We would welcome an opportunity to sit down with the

Subcommittee to learn why these disparities have persisted and grown, and what might be done to eliminate them.

2) In BIA Natural Resources Management Forest Projects, restore $1 million to the Timber Harvest Initiative, and increase Forest Development by $5 million, to begin making-up for an outright funding decline from FY 2004 to FY 2009.

From FY 2004 to FY 2009, the BIA Forestry Projects budget has declined outright from $17.8 million to $17.6 million, impairing BIA's ability to perform Forestry Project trust functions. To begin to address this problem, the ITC requests that $1 million be restored to the Timber Harvest Initiative and $5 million be added for BIA Forest Development.

Since the early 1990s, the Timber Harvest Initiative has provided additional forest harvest capacity to those reservations with a timber harvest backlog, so they can both meet demand and come into compliance with the forest management plans. In FYs '08 and '09, funding for this initiative was cut from $1.8 million to $800,000. While we recognize that the timber market is currently depressed, we anticipate that the timber market will rebound and Indian country needs to have projects prepared and ready for sale. We urge that $1 million be restored to the Timber Harvest Initiative to assure BIA can flexibly manage trust harvest obligations.

The ITC also requests that BIA Forest Development funding be increased by $5 million. Currently, about one-sixth of the Indian trust commercial forest needs either replanting or thinning. This backlog must be reduced to improve the productivity of Indian forest lands and reduce the threat of catastrophic loss due to insects, disease, and wildfire. In FY 2005, the BIA Forest Development budget treated 58,000 acres. For FY 2009, BIA's goal is to treat 52,000 acres, a reduction of more than 10% from FY 2005. With a million acre backlog, more acres must be treated, not less. A $5 million increase for FY 2010 will treat an additional 30,000 acres, and will increase Indian timber harvest and value, improve the health or our forests, contribute to carbon sequestration, and produce woody biomass to advance the Nation's renewable energy initiatives.

3) In BIA Natural Resources Management, provide $4.7 million for ESA, including $2.3 million designated for Northern Spotted Owl and marbled murrelet surveys.

Mr. Chairman and Members of the Subcommittee, the ITC wishes to express our great appreciation for this Subcommittee's addition of $1 million to BIA ESA funding for both FY 2008 and FY 2009. Without that restoration, there would be no BIA Endangered Species activities in the field, where the listed species are and the various surveys and protocols must occur.

In FY 1991, this Subcommittee initiated BIA ESA funding with $1 million in Forestry for the Northern Spotted Owl. In FY 1995, the marbled murrelet increased that to $1.83 million. In FY 2002, BIA moved those funds from Forestry to a new office and increased funding for all ESA activities to $3 million, acknowledging the substantial ESA needs throughout BIA's 56 million trust acres. But thereafter, funding steadily declined, and despite continuing ESA mandates, among the forestry tribes with the Northern Spotted Owl and the marbled murrelet, our field-level funding declined precipitously – to zero in FY 2007. While we are pleased with the Committee's restoration of $1 million in FYs 2008 and 2009, we are concerned that the BIA now distributes these funds

nationwide, paying little regard to the Northern Spotted owl and marbled murrelet purpose for which the funds were initially sought and provided.

For FY 2010, we ask that BIA Endangered Species be funded at least at $4.7 million. That is based on the $21.7 million provided for BLM ESA in FY 2009, or 8.4 cents per acre for BLM's 258 million acres, applied to BIA's 56 million acres, or $4.7 million. Within that $4.7 million, we also ask that $2.3 million be designated for the Northern Spotted Owl and marbled murrelet, so that tribes that initiated the program can have their funds restored to inflation adjusted levels provided in FY 1995.

4) In the Office of the Special Trustee, restore Land Consolidation at the $59.5 million level, and direct consolidation priority for acquisition of Youpee interests and forest and other high value lands.

We ask that the Land Consolidation program be restored to the $59.5 million level requested in FY 2007. Land fractionation is a root cause for many of Interior's high costs and difficulties in trust fund and trust asset administration, and must continue to be aggressively addressed. We are not aware of any Land Consolidation Program problems over its nine year history that warrant its elimination, and we are not aware of any OST out-reach to tribes to discuss the need for an "alternative approach." In reviving $59.5 million to Land Consolidation, the ITC urges that it focus not only on highly fractionated properties, but also on (a) purchase of the so-called Youpee interests to avoid the enormous cost of un-doing the previous acquisition of highly fractionated interests through escheat; and (b) consolidation of high value lands, including forest lands, before they become so fractionated that productive use of the property becomes problematic.

5) For Wildland Fire, continue to support preparedness, standardize USFS and DoI fire cost accounting and business principles, and direct fire 638 indirect costs to the BIA indirect cost pool.

The ITC appreciates the Subcommittee's maintenance of preparedness funding in FY 2009 and urges it be expanded in FY 2010 by implementing the following recommendations.

The ITC recommends that Forest Service and Interior Department fire cost accounting and business practices be standardized, particularly given the idea that the Forest Service could be moved to DoI. Current accounting differences result in significant cost allocation differences between the Departments. The charging of Indian hot shot crews to BIA's preparedness budget, when Forest Service crews are charged to suppression, is one such example. The hiring of Indian hot shot crews is truly a national suppression resource, and requiring BIA to charge those crew costs to preparedness is inappropriate and a needless penalty on tribal preparedness funding. Hot shot crews, regardless of their origin or Department, should be charged as suppression resources.

We also ask that Congress direct BIA to charge 638 indirect costs for tribal wildland fire contracts to the BIA indirect cost pool, rather than the preparedness account. This preserves BIA preparedness funding's effectiveness and brings 638 tribal wildland fire contracting activities into congruence with other BIA contracting indirect cost practices.

That concludes the ITC FY 2010 testimony. Thank you.

Mr. DICKS. All right. Well, thank you. We are going to have to run over and vote, but please wait, and we will be back.

[Recess.]

Mr. DICKS. It is my opinion there is a big backlog on forestry issues, thinning, pruning, adaptive management. The previous Administration simply did not put the money in the budget, so we are going to take a look at these things, and we will do our best.

Mr. BLYTHE. Absolutely. Thank you.

Mr. DICKS. Good.

Mr. BLYTHE. Thank you, Mr. Chairman.

Mr. DICKS. Thank you.

Ron Suppah, Chairman of the Warm Springs of Oregon. How are you, sir?

Mr. SUPPAH. Good.

Mr. DICKS. You may proceed.

Mr. SUPPAH. All right.

WEDNESDAY, MARCH 25, 2009.

CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION

WITNESS

RON SUPPAH

Mr. SUPPAH. Mr. Chairman, members, good afternoon. I am Ron Suppah, Chairman of the Warm Springs Tribal Council, and I appreciate the opportunity to testify this afternoon.

I have seven BIA and IHS items that I would like to discuss.

First in BIA, the basic tribal priority allocations Forestry Budget has fallen way behind inflation, and the program is shrinking. At Warm Springs 11 of our 27 BIA forestry positions are now basically permanently unfunded. Fewer and fewer BIA personnel are being asked to do more and more, and management capacity has seriously eroded. We agree with the ITC that the subcommittee look into this problem and to significantly increase forestry funding to bring it more into line with the Forest Service.

Second, over the past 5 years forestry project funding has fallen from 17.8 million to 17.6 million. To begin to correct this, we agree with the ITC that 1 million be restored to the Tribal Harvest Initiative. At Warm Springs as our regular BIA forestry staff has been de-funded, we have been able to use some of the Timber Harvest Initiative to conduct salvage sales, but now the funding has been cut by half, leaving just one person for salvage on our 440,000-acre forest.

We also agree with funding 5 million to forest development. At Warm Springs, the 60,000-acre thinning and planting backlog on our 250-acre commercial forest has not seen any improvement in many years. A $5 million forest development increase will help to improve this situation for Warm Springs and timber tribes nationwide.

Third, Warm Springs suggests a total of 5 million for BIA Endangered Species Program within that amount. We agree with the ITC that 2.3 million be for the Northern spotted owl. The BIA ESA

Program was originally funded for the owl but now is being applied all across the country. That 2.3 million will restore the owl program back to its original inflation-adjusted levels.

Fourth, the recent and very needed emphasis on BIA law enforcement is appreciated, but to date it has not much helped our very-lightly patrolled 650,000 acre reservations, where a wide array of criminal activity is persistent, including gangs, meth labs, and marijuana farms. To help assure that Warm Springs participates in BIA law enforcement increases, we ask that for fiscal year 2010, BIA be directed to provide Warm Springs an increase of 750,000 over our fiscal year 2008, funded level.

Fifth, for major BIA national programs we ask that 25 million be provided for Johnson-O'Malley, that the BIA Housing Improvement Program get 20 million, and that Welfare assistance get 80 million.

Sixth, over at IHS we ask that contract health service be increased by 110 million as recommended by the National Indian Health Board. We have no IHS hospital in the northwest and are dependent on CHS funding.

Seventh, we ask that funding for new and expanded IHS P.L. 93–638 contracts be directed to those purposes. We also ask that IHS contract support costs be increased by 143.3 million as recommended by the National Indian Health Board so Warm Springs and other tribes can more fully participate in the contracting of IHS activities.

Mr. Chairman, thank you. That concludes my statement.

[The statement of Ron Suppah follows:]

**TESTIMONY PRESENTED BY RON SUPPAH, CHAIRMAN,
THE CONFEDERATED TRIBES OF THE WARM SPRINGS
RESERVATION OF OREGON
to the HOUSE APPROPRIATIONS SUBCOMMITTEE
FOR THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
REGARDING FY 2010 APPROPRIATIONS FOR
THE BUREAU OF INDIAN AFFAIRS and THE INDIAN HEALTH SERVICE
March 25, 2009**

SUMMARY

Mr. Chairman, I am Ron Suppah, Chairman of the Confederated Tribes of the Warm Springs Reservation of Oregon. I hereby present the following requests for the FY 2010 BIA and IHS appropriations.

1) In BIA Forestry, significantly increase the BIA basic TPA Forestry budget.
2) In BIA Forestry Projects, restore the $1 million cut to the Timber Harvest Initiative and add $5 million for Forest Development.
3) In BIA, provide $5 million for Endangered Species funding, including $2.3 million for Northern Spotted Owl and marbled murrelet surveys.
4) In BIA Law Enforcement, provide $750,000 for Warm Springs above FY 2008 amounts.
5) In BIA, fund Johnson O'Malley at $25 million, Housing Improvement at $20 million, and Welfare Assistance at $80 million.
6) In IHS, increase Contract Health Care funding by $110 million.
7) In IHS, require that Contract Support Cost appropriations for new contracts be used for those purposes, and increase Contract Support Costs by $143.3 million.

1) In BIA Forestry, significantly increase the BIA basic TPA Forestry budget.

Mr. Chairman, Members of the Subcommittee, BIA's basic TPA Forestry budget has steadily and seriously eroded. Administration BIA Forestry requests over the past many years have failed to even keep pace with inflation, so that today, this key trust program, which has a long history of insufficient funding, is only falling further and further behind.

In 2003, a blue ribbon independent review of Indian forests and forestry, the 2003 Report of the Indian Forest Management Assessment Team (IFMAT report), found that Indian Forestry per acre funding is only one third of that provided for the U.S. Forest Service's National Forest System. That represents no improvement over the first IFMAT report, mandated by statute, issued in 1993, and presented to Congress, which found the same level of disparity.

Over the past five years, inflation has increased 14.1%. Over the same period, funding for BIA TPA Forestry, which is supposed to fund basic on-going timber harvest and forest administration, has only increased 3.8%. BIA personnel continue to receive cost of living increases, but those mandatory costs are not fully funded and eat up more and more of the Forestry program.

At Warm Springs, where the BIA directly administers our forest, that has real and increasingly serious consequences. Eleven of the BIA's twenty-seven full time Forestry positions for Warm Springs are now, essentially, permanently unfunded and, if the BIA Forestry budget continues on its now well-established trend of significantly lagging mandatory cost increases, that will only grow worse. Fewer people are being required to do more and more, and as they get spread thin, the Bureau's ability to sufficiently manage our forest has been declining. The BIA's

hands are full just trying to administer our forest on a day-to-day basis, and there is no time or personnel to engage in the longer term planning that forests, particularly commercial forests, require.

The 2003 IFMAT 2 report identified an annual $120 million increase as necessary to bring Indian forestry to parity with comparable Forest Service activity. That is a large number. But I urge the Subcommittee to review the report and evaluate the differences between BIA Forestry funding and that for the National Forest System, and, working with the tribes and the BIA, fashion a plan to correct the glaring and insupportable deficiency in BIA Forestry funding.

2) In BIA Forestry Projects, restore $1 million cut to the Timber Harvest Initiative and add $5 million for Forest Development.

In FY 2008 and FY 2009, the Administration cut $1 million from the BIA's $1.8 million Timber Harvest Initiative program, and the funds have not been restored. The Timber Harvest Initiative, carried in BIA Forestry Projects, in intended as flexible funding to supplement timber harvest budgets and manpower at tribal locations with harvest backlogs to provide a needed short-term boost to eliminate the backlog and bring the reservation's forest back into compliance with its management plan. But with the BIA regular Forestry budget lagging ever further behind, it is likely more forested reservations will be unable to process their harvest and will try to turn to the Timber Harvest Initiative to try to make up some of the difference. Even if basic BIA TPA Forestry funding receives the substantial increase it requires, the Timber Harvest Initiative will still be needed at its previous full funding of $1.8 million to address backlogs and expedite sales, particularly when the timber market recovers.

Also in Forestry Projects, we agree with the Intertribal Timber Council that the Forest Development budget be increased by $5 million to initiate a program to eliminate the million acre national Forest Development backlog. The increase, along with the $1 million requested for the Timber Harvest Initiative, will begin the needed restoration of the Forestry Projects line item, which has fallen from $17.8 million in FY 2004 to $17.6 million in FY 2009, while inflation has increased by 14.1%.

The Forest Development program is a national program to thin and replant the one million acre backlog of Indian trust commercial timber land in need of these activities. At Warm Springs, BIA has not been able to reduce our Forest Development backlog of 60,000 acres due to flat funding over the past eight years. These functions are essential if our timber stands are to be productive and healthy in the future. Moreover, thinning is particularly needed if we are to avoid catastrophic wildfire. Much of the Warm Springs' 440,000 acre forest, including our 250,000 acre commercial forest, is overcrowded, loaded with fuels and dead and dying trees. Current Forest Development funding, in combination with BIA fuels reduction funds, falls woefully short of being able to significantly reduce the wildland fire threat that could devastate our principal economic resource. Finally, the woody biomass produced by thinning operations will help provide fuel to the 20 megawatt biomass electric generation facility we are developing at our sawmill. So, for the current health of our forest and to foster its future productivity, to help avoid a devastating wildfire and contribute toward fulfilling the federal trust responsibility, and even to contribute to our local generation of renewable electricity, we urge the addition of $5 million to the Forest Development budget starting in FY 2009.

3) In BIA, provide $5 million for Endangered Species funding, including $2.3 million for Northern Spotted Owl and marbled murrelet surveys.

The Endangered Species budget item is the only BIA funding for tribal Endangered Species Act compliance for the Northern Spotted Owl and marbled murrelet in tribal forests. Funding for this mandate was initiated in FY 1993 by this Subcommittee. Fourteen years ago in FY 1995, Congress provided $1.83 million for tribes affected by the Northern Spotted Owl and the marbled murrelet. In FY 2002, Congress provided a total of $3 million for the BIA's national Endangered Species program. Since then, the Administration has succeeded in driving the appropriation down to the point that, in FY 2007, there was zero funding directed to reservation-level ESA work anywhere in the United States.

For FY 2008 and FY 2009, Warm Springs deeply appreciates the work of this Subcommittee to restore $1 million for the BIA's ESA program. We understand the BIA distributes that funding to more than thirty-one locations nationwide, of which Warm Springs received $45,000. Regretfully, that amount can only address a fraction of our ESA needs, and is less than half of what we were receiving for the Northern Spotted Owl back more than twelve years ago, without factoring in inflationary adjustments.

For FY 2010, we do not know what the Administration may be requesting for BIA Endangered Species mandates on Indian land, but Warm Springs requests that the Subcommittee provide at least $5 million for the BIA Endangered Species budget nationwide, and that at least $2.3 million of that be designated for Northern Spotted Owl and marbled murrelet surveys on affected reservations. These species are still listed and ESA compliance is required for our forest management and our timber harvest. I must also note that our Reservation is affected by listed spring Chinook and summer steelhead. Currently on our Reservation, these are pure unfunded mandates, and compliance either goes lacking or other desperately needed services for our community must be reduced. To correct this on a nationwide basis, we roughly estimate that Indian Country easily needs a total of $5 million in FY 2010 for ESA activities, with $2.3 denoted for the Northern Spotted Owl and the marbled murrelet.

4) In BIA Law Enforcement, provide $750,000 for Warm Springs above FY 2008 amounts.

Mr. Chairman, the Warm Springs Tribe welcomes the $24 million and $25.5 million increases this Subcommittee has made to BIA law enforcement for FYs 2008 and 2009, and we look forward to the details on the law enforcement portion of the Administration's announced $100 million FY 2010 increase for BIA law enforcement and education. A wide array of criminal activity is unfortunately rampant throughout Indian Country, and that includes Warm Springs, where gangs, meth labs and marijuana farms are a large and persistent problem on our lightly patrolled reservation.

Beginning in the early 1960s, BIA shifted most of its law enforcement support away from Warm Springs as our Tribe began to assert more jurisdiction and authority over Reservation law enforcement. But in more recently years, our diminishing tribal budget is sharply reducing our ability to meet our Reservation law enforcement requirements. Warm Springs law enforcement needs are severe. Our tribal police force is overextended. We desperately need assistance from BIA. Unfortunately, we received little relief in FY 2008's $24 million increase, and while we would like to remain optimistic about more substantial participation in FY 2009's Omnibus increase and the FY 2010 increase, to assure we receive the increase necessary to improve our basic law enforcement patrol and infrastructure, we ask the Subcommittee to direct that, for FY

2010, Warm Springs BIA law enforcement be at least $750,000 over that provided our Tribe for FY 2008. This will adjust for whatever further assistance we might receive for FY 2009, and make certain that, in FY 2010, the BIA will be moving toward adequate law enforcement service on our Reservation.

5) In BIA, fund Johnson-O'Malley at $25 million, the Housing Improvement Program at $20 million, and Welfare Assistance at $80 million.

Mr. Chairman, we do not expect this Administration to request the elimination of funding for BIA's Johnson-O'Malley education program, Housing Improvement Program, and Welfare Assistance program. We very much appreciate this Subcommittee's willingness to rebuff those past year proposals and restore those funds. For FY 2010, we urge that you fund Johnson-O'Malley with at least $25 million. These are the only BIA elementary and secondary education funds available to the great majority of tribes, including those in the Northwest, and they also are the only education funds subject to tribal direction for tribal students in local public schools. The $25 million will make up for the past Administration's reluctance to fund JOM and address the growth in the number of Indian school age children.

Warm Springs also urges that the BIA Housing Improvement Program be funded at least at $20 million and that Welfare Assistance be provided $80 million.

6) In IHS, increase Contract Health Services funding by $110 million.

The Warm Springs Tribe applauds the Subcommittee for adding $46 million to IHS Contract Health Services (CHS) for FY 2009. Unfortunately, the program is in such dire need that we ask in FY 2010 for a further addition of at least $110 million, as recommended by the National Indian Health Board. With no IHS hospital in the Northwest, tribes in our Region are particularly dependant on CHS funding for at least minimum health care. While we understand the new Administration is to request a substantial increase for IHS FY 2010 funding, we do not know any details, and so urge the Subcommittee to add $110 million to CHS for FY 2010 in any event, to assure the reduction of CHS health care rationing.

7) In IHS, require that Contract Support Costs for new contracts be used for those purposes, and increase Contract Support Costs by $143.3 million.

For years, IHS has declined a new 638 proposal from our Tribe because, they say, they have no contract support funds for new contracts. Congress has appropriated funds for new contracts, but IHS cites ambiguous language to thwart our request. So, we ask two things: First, that IHS appropriations language be changed from "may" to "shall" to mandate that appropriations for new or expanded contract support costs "shall" - not "may" - be used for new or expanded contracts. Secondly, we ask that FY 2010 IHS Contract Support Costs be increased by $143.3 million, as recommended by the National Indian Health Board, to allow ourselves and other tribes to fully participate in the benefits of the PL 93-638.

That concludes my testimony. Thank you.

Mr. DICKS. Again, we appreciate your statement and recognize that these forestry issues have fallen behind, and you know, you very succinctly hit on most of the national issues. So we appreciate it.

Mr. Cole.

Mr. COLE. No questions.

Mr. DICKS. Thank you.

Mr. SUPPAH. Thank you, guys.

Mr. DICKS. Cheryle A. Kennedy, Tribal Council Chairwoman, Confederate Tribes of the Grand Ronde of Oregon. How are you?

Ms. KENNEDY. I am good. It is good to see you.

Mr. DICKS. It is good to see you. Right.

WEDNESDAY, MARCH 25, 2009.

CONFEDERATE TRIBES OF THE GRAND RONDE COMMUNITY

WITNESS

CHERYLE A. KENNEDY

Ms. KENNEDY. Good afternoon. Again, it is great to be here. Thank you for this opportunity to provide testimony. My name is Cheryle Kennedy. I am the Chairwoman of the Confederate Tribes of the Grand Ronde Community of Oregon. I am proud to be here today representing over 5,000 tribal members. I especially appreciate both that the chair and ranking member are from the Pacific Northwest.

Having served as the executive director of the Northwest Portland Area Indian Health Board, in that capacity I met and visited with most of the tribes that live in Washington, Oregon, and Idaho. I also want to add comment that we support the testimony that was supplied by the Northwest Portland Area Indian Health Board earlier.

I come from a federally-restored tribe. I was a member of the Grand Ronde tribe when Congress passed the Western Oregon Termination Act, ending the federal recognition of all western Oregon tribes, including Grand Ronde. For most Grand Ronde people termination meant a loss of homeland, identity as a tribe, and services from the Federal Government. After 30 years of work, hard work and perseverance, the Grand Ronde people convinced Congress in 1983 to reverse its ill-fated termination decision and restore Grand Ronde's federal recognition.

Today my testimony is shaped in part by my 30-year career as a health administrator, working to improve the access and quality of healthcare to Natives and more importantly as someone who personally experienced the immediate injustice of termination.

Today my testimony focuses on the severe under-funding of contract healthcare services, and at the end of my written testimony there are a couple remarks that I will make.

The CHS budget is important for the Grand Ronde Health and Wellness Center as there are no IHS hospitals in the Portland area unlike most other areas. This is significant because hospitals provide services that outpatient clinics cannot. This gap in services is

covered by CHS funds. Due to the lack of facilities to deliver inpatient services, Grand Ronde has no choice but to purchase specialty care from the private sector.

CHS does not function as an insurance program with a guarantee benefit package. When CHS funds are depleted, CHS payments are not authorized. Therefore, people who are accessing CHS services, once the funds are stopped, there are no service provided, only exasperates their health conditions, resulting in loss of function, sometimes loss of lives. So it is very important that we get this service funded.

This problem is fairly significant. As you know, nationally the CHS program represents 19 percent of the total health services account. In the northwest the CHS Program represents 30 percent of the Indian health service Portland area office budget. That demonstrates the significance of our dependence on CHS funds for the northwest.

When tribes run out of CHS funds during the fiscal year, many go without. This process also causes more additional dollars to be used at the beginning of the fiscal year for the CHS budget because the conditions worsen.

The good news is that the solution is simple. Fund the IHS at a needs-base level. It is estimated that $1 billion will fully fund the CHS Program. An additional $1 billion.

Termination for Grand Ronde resulted in a 30-year gap in history and suspension in community and infrastructure development, starting from ground zero. The effort to build and sustain our community has been a monumental challenge, significantly more complex than one faced by a mature established municipality with a continuous history of development. Tribes who experienced termination did not have the opportunity to participate in budgets that were appropriate that addressed basic infrastructure development, and we lag far behind tribes that were not terminated. This issue must be addressed in the appropriations budget.

An additional comment I would like to make is the Confederated Tribes of Grand Ronde was pleased to see Congressional action to earmark money for Indian Country in the American Recovery Investment Act. However, the recession the Nation is now in, has been experiencing, has been the norm for Indian Country. In fact, Indian Country suffers from higher rates of unemployment and poverty than the rest of the Nation. Economic development is critical for Indian Country, and tribal governments know this better than most.

I challenge the members of the subcommittee and all of Congress to fulfill the treaty obligations of this Nation by appropriating more economic development funds for Indian Country in the 2010 budget and any future stimulus package and base the funding levels of the Indian Health Service Budget on the true healthcare needs of Indian people.

And I thank you for this opportunity to testify.

[The statement of Cheryle A. Kennedy follows:]

STATEMENT OF CHERYLE KENNEDY, TRIBAL COUNCIL CHAIRWOMAN, CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY OF OREGON

Chairman Dicks, Congressman Simpson, Members of the Subcommittee.

My name is Cheryle Kennedy. I am the Chairwoman of the Confederated Tribes of the Grand Ronde Community of Oregon. I am proud to be here today representing over 5,000 tribal members. I especially appreciate both the Chair and the Ranking Member being from the Pacific Northwest, having served as the Executive Director of the NW Portland Area Indian Health Board. In this capacity, I enjoyed meeting and working with many of the Tribes in Washington and Idaho.

I come from a restored tribe. I was a young girl when Congress passed the Western Oregon Indian Termination Act ending the federal recognition of all western Oregon tribes, including Grand Ronde. For most Grand Ronde people, termination meant a loss of home, identity as a tribe, and services from the federal government. After 30 years of hard work and perseverance by tribal members, the Grand Ronde people convinced Congress in 1983 to reverse its ill-fated termination decision and restore Grand Ronde's federal recognition.

My testimony today is shaped in part by a 30-year career as a health administrator working to improve the access and quality of healthcare to Natives and, more importantly, as someone who personally experienced the immediate injustices of termination and has lived long enough to witness and chronicle its long-term consequences.

I will focus my testimony today on a topic of great importance to me and my tribe, the severe under-funding of Contract Health Services ("CHS") and the significant impacts of this under-funding on terminated tribes.

As you would expect, termination forced the vast majority of Grand Ronde tribal members to leave the reservation in search of work and sustenance. While today many tribal members are returning to the reservation, Grand Ronde has tribal members living across the United States and around the world.

Health care to eligible beneficiaries who reside in our six-county service area is provided out of the Grand Ronde Health and Wellness Center, a health care facility built, financed, and owned by the tribe on the Grand Ronde Reservation. The tribe first contracted with the Indian Health Service ("IHS") in 1986 and began running a CHS program. In 1995, the tribe and IHS entered into a self-governance agreement under Title V of the Indian Self-Determination and Education Assistance Act. Like most of the other tribes, we have struggled to achieve and maintain a high level of health care service, despite chronic under-funding, especially of CHS funds.

The CHS budget is the most important budget item for the Grand Ronde Health and Wellness Center as there are no hospitals in the Portland Area, unlike most other IHS areas. This is significant because inpatient hospitals are able to provide services that outpatient clinics cannot. This gap in services is otherwise borne by a tribe's CHS funds. Due to the lack of facilities to deliver health services, Grand Ronde has no choice but to purchase specialty care from the private sector. It is important to understand that the CHS program does not function as an

insurance program with a guaranteed benefit package. When CHS funding is depleted, CHS payments are not authorized. The CHS program only covers those services provided to patients who meet CHS eligibility and regulatory requirements, and only when funds are available. Nationally, the CHS program represents 19 percent of the total health services account. In the Northwest, the CHS program represents 30 percent of the Portland Area Office's budget.

When tribes run out of CHS funds during the fiscal year, many tribal members put off important medical care and procedures until funding is again available. Sadly, this creates undue illness and members are sometimes lost due to untimely diagnoses, due solely on the lack of funding. This process also creates a huge burden at the beginning of the fiscal year on the CHS budget and in many cases cost more money as the delay in care magnifies the problems associated with most diseases. The good news is that the solution is simple: fund the IHS at a needs-based level.

When Grand Ronde took over the delivery of healthcare services, our goal was simple: to provide the best possible health care to our people. We wanted to provide a continuum of care to our patients that would include as many possible health services in one location as possible so that the care provided by physicians who are providers that could be integrated and coordinated.

The challenge Grand Ronde has faced in providing health services to its members is an illustration of the impact that CHS under-funding and IHS under-funding in general has on tribal health programs and tribal sovereignty.

As an additional comment, the Confederated Tribes of Grand Ronde was pleased to see Congressional action to earmark money for Indian Country in the American Recovery and Reinvestment Act of 2009. I must, however, add that the recession the nation is now experiencing has long been the norm for Indian Country – in fact, Indian Country suffers from much higher rates of unemployment and poverty than the rest of the nation. Economic development is critical for Indian Country and tribal governments know this better than anyone. But economic development requires good roads, good schools, good phone systems, and good health care among other things.

Termination for Grand Ronde resulted in a thirty year gap in its history and suspension in community and infrastructure development. Starting from ground zero, the effort to build and sustain our community has been a monumental challenge, significantly more complex than one faced by a mature, established municipality with a continuous history of development. However, we continue to advance our mission to improve the quality of life for our Tribal Members.

Since restoration, the Tribe has worked diligently to develop the foundation necessary to sustain a viable community. We have invested in excess of one hundred million dollars to date toward this effort. However, to accomplish our ultimate objective requires an additional investment of hundreds of millions of dollars in areas such as: land acquisition, physical infrastructure, government institutional systems, support services, and other resources which promote a sustainable community and provide a reasonable opportunity for our people to realize social and economic stability and progress.

I challenge the members of this Subcommittee and all of Congress to fulfill the treaty obligations of this nation by appropriating more economic development funds for Indian Country in the 2010 budget and any future stimulus package, and base the funding levels of the Indian Health Service on the true health care needs of Indian people.

Mr. DICKS. All right. Thank you for an excellent statement as usual, and we know there are serious problems, and we are hoping that the new Administration's budget will be better on many of the issues that you have discussed.

Ms. KENNEDY. And I would mention that I know that the committee has looked at the lack of mental health funding, alcohol, drug, dental, and an additional long-term financing, and so that was not part of my written statement. I believe the Health Board did make those statements, but I wanted to——

Mr. DICKS. Yes. We will put them all in the record.

Ms. KENNEDY. All right. Thank you very much.

Mr. DICKS. Thank you.

Pablo Viramontes.

Mr. VIRAMONTES. Good afternoon.

Mr. DICKS. Welcome.

WEDNESDAY, MARCH 25, 2009.

INDIAN HEALTH CENTER OF SANTA CLARA

WITNESS

PABLO VIRAMONTES

Mr. VIRAMONTES. Good afternoon. Thank you for listening to my testimony. My name is Pablo Viramontes, and I am coming to you as a representative of the Indian Health Center of Santa Clara Valley, which is located in San Jose, California. It is an honor to be here today, and I thank you for your time. I ask for your permission to speak to you today about American Indian traditional healing ways.

The organization I represent, the Indian Health Center, is an urban Indian health program. It was started in 1977, with funding from Congress because of huge health disparities that were found in Indians who were living in urban areas. We provide health services for American Indians and anyone else who needs services. We provide western and traditional healing ways, and they not only benefit American Indians, they benefit the overall community.

Many Indians who live in urban areas do not have much contact with the reservation or know a lot about traditional ways. Traditional ceremonies can bring the people back to health, and people in urban areas are now seeking this, both Indian and non-Indians. Traditional ceremonies are spiritual, not religious. They are based on spirituality, not religion. These practices have been going on for centuries, but our next generation, our youth, are not learning and are forgetting these ways.

We must think of our future generations who seem like they are being left behind. People who are away from their reservations and the youth and the others who the Creator has guided to be on this path are seeking this and need access to these ceremonies. The traditional teachings of American Indian indigenous cultures teach all people not to be wasteful, to honor the environment, to honor Mother Earth, to honor the plants and animals and everything around us.

All tribes have a word for all my relations. Lakota say, omatakiosin. My tribe says, aseemockimoo. The Southern Indigenous Tribes say, epodlinwani. So that means that we are related to everything, to the sky, the earth, the plants that grow on Mother Earth, the animals that walk on Mother Earth. We are related to everything we can possibly think of.

Because we are related to everything, we need to ask permission before we take. We are losing our traditional ways. We have forgotten to ask permission of everything around us. Since we are all related, we should pray to this land before we dig the holes in it for a new building. We should ask the land if we can do this. It shows our intention. We should ask permission of everything, and it is beautiful because it makes you egoless.

And when you make yourself as important as an ant, a plant, a tree, when you ask permission, it is humbling, and it honors all the relations because everything is connected. Everything will connect with you if you ask permission in the right way. Because we are related, everything has medicine, and everything is a teacher.

I want to talk to you about three medicines and teachers. The drum, sage, and the sweat lodge ceremony. The drum is the heartbeat of the people. Men say it was given to them by the females because they are the life givers. When a baby is born and is laid on the mother's breast so it can feel the heartbeat, we can honor that women gave that heartbeat to them. Men need to learn about the drum to keep their families intact so that that heartbeat of the family continues. The drum is the teacher. It teaches people to be in harmony with each other and the heartbeat of the Nation.

Even before it is set up the drum is always honored with tobacco. To honor that animal and that tree that had to give up its life to be part of that sacred instrument. Because the drum is so powerful, a lot of traditional people believe that you need to lead a clean life if you are going to be on that drum. You cannot use drugs or alcohol. The drum belongs to the people, and it has a caretaker, and the caretakers are chosen, and they make sure that whoever comes around them and wants the drum to teach them, that they are ready for it, because the teachings are very sacred. It is important that a community knows that if a community member goes onto the spirit world, that there is a drum available for that family.

Sage. Most tribes had an herb. It was a plant that was indigenous to that area, so they used it to clean energy. The Buddhist people use incense. Southern Indigenous tribes use cobon, and northern and other tribes use sage and sweet grass and cedar. Most of the sage we use in California is a white, sweet white sage which grows mostly in Southern California. People who go harvest the sage are taught not to sell it, because it belongs to the people. It is medicine. When you go harvest it, you can use it for personal use or give it to the people who know how to use it or get it for the grandmas or the grandpas that can no longer go out there and harvest it.

Normally tobacco is used for an offering, but you can use words if you do not have tobacco, and you should ask permission from that plant and tell that plant of your intentions. Tobacco and sage are medicines, just like the songs and the prayers for that ceremony. Sage is used to clean that energy around us. You might have

someone who comes into your home who you know is using profanity and drugs and alcohol or was not acting in the proper manner. Once they leave you can burn that sage and clean it. That way you can honor your space, your special space that you have in your home.

Everything, the birds, the rocks, the teachers, everything is a teacher. The drug is a teacher. All these things are teachers. The sun, the earth are also teachers, and they are all free, and all they ask is that you ask their permission.

Mr. DICKS. I hate to have to cut you off but——

Mr. VIRAMONTES. Okay.

Mr. DICKS [continuing]. Your time has expired, and we will read the statement, and it will be placed in the record.

Mr. VIRAMONTES. Okay. Well, I thank you for listening to me now. Could I just read the conclusion?

Mr. DICKS. Yes. Sure.

Mr. VIRAMONTES. Okay. In conclusion, Indians live in two worlds, especially Indians who live in urban areas. We need to preserve our traditional ways because that is part of what heals us. It also helps heal others who the Creator had led to this. We are moving into a new age, and we need to remember these things. We need to remember that we are all related and that we need to offer prayer and ask for permission. We need to teach our youth these ways and do things in a right way, and we need to support those traditional practices and protect them from people who would try to make a profit from them. These practices can be shared, but they should not be done by someone who does not walk this road.

Please support these traditional medicines and teachers so that we may all benefit.

I thank you.

[The statement of Pablo Viramontes follows:]

US House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Congressional Testimony for Pablo Viramontes from the Indian Health Center, San Jose, CA
3/25/09

Hello, my name is Pablo Viramontes and I am coming to you as a representative of the Indian Health Center of Santa Clara Valley, which is located in San Jose, California. It is an honor to be here today and I thank you for your time. I ask for your permission to speak to you today about American Indian traditional healing ways.

The organization I represent, the Indian Health Center, is an urban Indian health program. It was started in 1977 with funding from Congress because of the huge health disparities that were found in Indians who were living in urban areas. We provide health and wellness services for American Indians and anyone else who needs services. We provide Western and traditional healing ways and they not only benefit American Indians, they benefit the overall community.

Many Indians who live in urban areas do not have much contact with their reservation or know a lot about traditional ways. Traditional ceremonies can bring people back to health and people in urban areas are now seeking this, both Indian and non-Indians. Traditional ceremonies are spiritual and not religious; they are based on spirituality, not religion.

These practices have been going on for centuries but our next generation, our youth, are not learning and are forgetting these ways. We must think of our future generations who seem like they are being left behind. People who are away from their reservations, and the youth, and others who Creator has guided to be on this path are seeking this and need access to these ceremonies.

The traditional teachings of American Indian indigenous cultures teach all people to not be wasteful, to honor the environment, to honor Mother Earth, to honor the plants and animals and everything around us. All tribes have a word for "All My Relations" that means we are related to everything - to the sky, Mother Earth, the plants that grow on Mother Earth, the animals that walk on Mother Earth. We are related to everything we can possibly think of.

Because we are related to everything, we need to ask permission before we take. But we are losing our traditional ways; we have forgotten to ask permission of everything around us. Since we are all related, we should pray to the land before we dig holes in it for a new building, we should ask the land if we can do this. It shows our intention. We should ask permission of everything and it is beautiful because it makes you egoless. When you make yourself as important as an ant, a plant, a tree; when you ask permission, it is humbling and it honors all the relations because everything is connected. Everything will connect with you if you ask permission in the right way.

Because we are all related, everything has medicine and everything is a teacher. I want to talk about 3 medicines and teachers: the drum, sage, and the sweat lodge ceremony.

The Drum

The drum is the heartbeat of the people. Men say it was given to them by the females because they are the life givers, when a baby is born It is laid on mom's breast so it can feel the heartbeat, men honor that women gave heartbeat to them. Men need to learn about the drum to keep their families intact, so that the heartbeat of the family continues. The drum is the teacher, it teaches people to be in harmony with each other and is the heartbeat of the nation.

Before it's even set up, the drum is always honored with tobacco to honor the animal and the trees that give up their lives to be part of that sacred instrument. Because the drum is so powerful, a lot of traditional people believe that you need to lead a clean life if you are going to be on the drum, you can't use drugs and alcohol. The drum belongs to the people and has a caretaker, caretakers are chosen and they make sure that whoever comes around it and wants the drum to teach them, that they are ready for it, because the teachings are very sacred. It is important that a community knows that if a community member goes into the spirit world that there's a drum available for that family.

Sage

Most tribes had an herb; it was a plant that was indigenous to their area, that they used to cleanse energy. Many tribes use sage. Most of the sage we use in California is a sweet white sage which mostly grows in southern California. People who go harvest the sage are taught not to sell it, because it belongs to the people, it is medicine. When you go harvest it you can use it for personal use or give it to people who know how to use it. Normally tobacco is used for an offering, and you should ask permission from the plant and tell the plant your intentions. Tobacco and sage are medicine, just like songs and prayer and ceremony.

Sage is used to clean the energy around us. You might have someone who comes into your home who you know was using alcohol and drugs. Once they leave, you can burn the sage and bless the house and clean it, and you honor the space that way.

Everything – the birds, the rocks the trees – everything is a teacher. The drum is a teacher, all of these things are teachers, the sun and earth are also teachers. And they're all free. All they ask is that you ask permission.

The Sweat Lodge Ceremony

All peoples have had a cleansing ceremony. They all just do it a little different. Many people use Lakota teachings for the sweat lodge but every tribe had one with a different name. California people have earth lodge. Southern indigenous people put herbs in the water before pouring it on the rocks. The ceremony includes you crawling in to the structure and you going back into the womb of Mother Earth and your mother. When you go in and do the ceremony, there is a lot of symbolism; you honor the north, south, east and west, the 4 directions. The songs and prayers teach you. When you go through the ceremony you change, the physical, mental, emotional and spiritual parts of you. When you're

done, you've released everything to the stones and you no longer have to carry whatever was on your shoulders or heart. You are cleansed, reborn, fresh to start again.

The stones we use to heat for the sweat lodge ceremony are called grandfathers, because they are strong and were spit out from the middle of Mother earth, she gave them to us. When we go and choose the stones for the ceremony, we ask permission for those stones, we ask permission for them to come with us, because we are taking them away from their families and relatives. When they come with us they are leaving their family and it's important to ask permission, because they will come and be of service to the people, they will help heal and teach and help people to be better persons. They come to us that way.

The important thing about a sweat lodge is how it's built. In the Lakota tradition the door faces east or west. There are 12 gates and each one represents where we are in life, each gate teaches about life that way. When the lodge is formed right, it forms a star. The star represents the morning star. Once a day the sun comes up, that's a new day, and you have just that day. You will walk through it, and you can ask yourself in the morning, how will I walk through this day today? And when you go to sleep you reflect on how you walked during that day.

As an agency we offer sweats for men and women separately, and we also do community and family sweats. We drum and sing songs and burn sage during the ceremony. Indian and non-Indian people use the lodge to be cleansed and restore balance. We use it in our drug and alcohol program and it helps people stay sober. This is one example of how a traditional ceremony is part of our healing and health, and how it helps everyone.

Conclusion

Indians live in two worlds, especially Indians who live in urban areas. We need to preserve our traditional ways, because that is part of what heals us. It also helps heal others who Creator has led to this. We are moving into a new age and we need to remember these things, we need to remember that we are all related, we need to offer a prayer and ask for permission. We need to teach our youth these ways and do things in a right way. And we need to support these traditional practices and protect them from people who would make a profit from them. These practices can be shared but they shouldn't be done by someone who doesn't walk this road.

Thank you.

Mr. DICKS. Thank you. Norman J. Cooeyate. You may proceed.

WEDNESDAY, MARCH 25, 2009.

PUEBLO OF ZUNI

WITNESS

NORMAN J. COOEYATE

Mr. COOEYATE. Thank you, Chairman Dicks, and members of the committee. Good afternoon. My name is Norman Cooeyate. I am the Governor for the Pueblo of Zuni.

My tribe's current land area covers 450,000 acres in western New Mexico and the northern portion of Arizona, about 150 miles west of Albuquerque, New Mexico. Although we face many challenges, we are fortunate that we still live on our ancestral homelands.

Ours is a very traditional and humble community, and I invite the chairman and the members of this committee to visit and break bread with us in Zuni. You will not be disappointed.

I ask to testify today because decades after we have first started contracting with the government, the government still fails to honor our contracts by failing to pay contract support costs that the government owes. The time has long past when this shameful conduct must end and when government's practice of repeatedly breaching agreements with our tribes and with other Indian tribes must cease.

I am here because this is something this committee and this Congress can change. In the 1990s our tribe began to confront a financial crisis over the government's recurring payment shortfalls. Here is a background to that crisis.

As you know, in order to operate the essential governmental programs that IHS and BIA have transferred to us, we must have administrative structures in place. Just like any government or business we need insurance. We need to account for our contract expenditures. We need to make payroll. We need to purchase and track property and equipment, and we need to manage our employees. On top of all this, federal law adds unique demands, requiring us to pay for independent and certified audits every year.

These are the expenditures that the government expects us to cover from a special pool of funds called an indirect cost pool. Money for that pool comes from all of the tribe's contracts and grants, as well as from the tribe's revenue. From this pooled money we pay for all our fixed administrative costs, including insurance and audit costs.

Of course, the Federal Government does things differently such as self-insuring or else using agency lawyers and accountants or using the General Service Administration, the Office of Personnel Management, and other agencies to carry out these same functions.

We cannot spend whatever we choose to spend on these things, nor would we want to. Instead, our expenditures must be reviewed and approved by an agency within the Interior Department called the National Business Center or NBC. Even then we can only get approval for our indirect cost pool expenditures, and from that indi-

rect cost rate, if we present an audit from the most recently completed year, on top of that once the new year is over, we must do another audit to see how the funds were spent and then square up with NBC.

The system is completely transparent, and it enjoys complete accountability. We try to keep our indirect cost rate as low as possible so that most of our funds are devoted to the direct delivery of services to our people, whether it is law enforcement, healthcare, or Head Start. We are not a rich tribe, and every dollar must count.

Once we have an indirect cost rate, the rate applies to all of the funding agencies with which we have contracts and grants. This is the law as spelled out by NBC and OMB. The problem is not contrary to the same law. Every year the BIA and IHS disregard these agreements. The law requires them to pay the full indirect costs as we have negotiated with NBC, but IHS and BIA refuse. They do not budget for these costs. They do not ask Congress for these costs, and so Congress does not appropriate funds to pay these costs.

But since these are fixed costs and we have to account for spending these costs, we must still pay them. The result? Deep program reductions in essential services we have contracted to provide to our people. Cuts in public health nursing and alcohol and substance abuse treatment, cuts in emergency medical services, cuts in police and realty services, cuts in child education and adult scholarships, cuts in housing services. The list goes on and on. Year in and year out we are forced to cut jobs to provide services to our people so that our books remain balanced in the face of BIA and IHS underpayments.

This has got to stop. No other government contractor gets shortchanged in this way. If necessary, supplemental appropriations are made to pay governmental contracts in full. This committee must, therefore, ask the question, why does the government think it is lawful to cheat us on our contracts? Is it because we are Indian tribes instead of Boeing or Halliburton? The question must be asked.

For many tribes the crisis reached the boiling point in the 1990s. We sought out legal counsel, and we filed two class action lawsuits against IHS and one against BIA. Our BIA lawsuit eventually resulted in a settlement for all the Nation's tribes over shortfalls that occurred in the early 1990s. The settlement was part of a combined settlement with other claims in other class action against the BIA that was filed by our neighbors, the Raymond Navajo Chapter.

Our IHS lawsuit was blocked by another judge from proceeding as a class action. Then we settled our own claims against IHS but only for the shortfalls we suffered in the 1990s. Since these cases nothing has changed. Today the BIA and IHS shortfalls continue. Even after the 1999 GAO report investigated and confirmed the integrity of the entire contract support cost process and reported on the terrible impacts the shortfalls are creating in Indian Countries. The shortfalls continued, even after the Supreme Court ruling in 2005, Cherokee Nation case that the government must pay these contracts in full, the shortfalls continues. Even after the BIA adopt-

ed a new contract support cost policy in 2006, the shortfall continued.

And now I know I am running out of time. One thing I want to say is the result. In each of the last 2 years we have suffered contract support shortfalls of nearly $460,000, including $382,387 in the BIA underpayments. In fact, the BIA does not even pay 1/2 of the total contract support cost it is required to pay under the laws in our contracts.

Not only is this shortfall stunning in itself, it means several cuts at a time when our community can hardly afford more unemployment. And to make my point, if this country is worried about double-digit unemployment numbers, our tribe is ready to provide our expertise in this category, as we have been experiencing unemployment greater than 60 percent in the past 10 years. This is a terrible time to correct this practice that has been continuing.

On behalf of the Pueblo of Zuni, I thank this committee and the 111th Congress to make sure that from this day forth the government honors its legal duty to pay the full contract support costs that are due under our contracts and under the Self-Determination Act.

And I know I am out of time so I will leave the rest for you to read.

[The statement of Norman J. Cooeyate follows:]

Hearing before the House Appropriations Committee Subcommittee on Interior, Environment and Related Agencies

(March 25, 2009)

Testimony of the Honorable Norman Cooeyate
Governor, Pueblo of Zuni

Keshi k'o don dewanan a'deya'ye? My name is Norman Cooeyate and I am the Governor of the Pueblo of Zuni.

My Tribe's current land area covers some 450,000 acres in western New Mexico, and northeastern portion of Arizona, about 150 miles west of Albuquerque, N.M. Although we face many challenges, we are fortunate that we still live in our ancestral homelands.

I asked to testify today because of the continuing crisis over shortfalls in the contract support costs that the Government owes our Tribe under duly executed contracts. The time is long past when this shameful conduct must end, and when the Government's practice of repeatedly breaching agreements with Indian Tribes must cease.

This is something this Committee and this Congress can change.

In the 1990s our Tribe began to confront a financial crisis over the Government's payment shortfalls. As you know, in order to operate the essential governmental programs that IHS and BIA have transferred to us, we must have an administrative structure in place. Just like any government or business, we need insurance, we need to account for our contract expenditures, we need to make payroll, we need to purchase and track property and equipment, and we need to manage our employees. On top of all this, federal law also places unique demands upon us, like the duty to undertake certified and independent audits every year.

These are the expenditures that the Government expects us to cover from a special pool of funding called an "indirect cost pool". Money for that pool comes from all of the Tribe's contracts and grants, as well as from tribal revenues. From this pool we pay for all these necessary administrative costs. (Of course, the federal government does things differently, such as self-insuring, or else using agency lawyers and accountants, or using the General Services Administration, the Office of Personnel Management, and other supporting agencies to carry out these same functions.)

Robert Bear, Chairman Shoshone-Pauite
Hearing Before the House Appropriations Committee
Subcommittee on Interior, Environment and Related Agencies
Concerning the FY 2010 Budget
of the Bureau of Indian Affairs
March 25, 2009

My name is Robert Bear. I am the Chairman of the Shoshone-Paiute Tribes of the Duck Valley Reservation. I, together with a six-member Tribal Council, comprise the Business Council of the Tribes that oversees Tribal government operations for our more than 2,500 enrolled members. Our 290,000 acre Duck Valley Reservation is located in Nevada and Idaho. I am pleased to present testimony before this Subcommittee concerning the FY 2010 budget of the Bureau of Indian Affairs.

In the BIA FY 2010 budget, we request:

- $1.2 million within the BIA's Facilities Construction Budget to complete repairs and renovations to our 27-bed juvenile facility with a directive to the BIA to fully staff and operate the facility; and

- Full funding of Contract Support Costs (CSC) for BIA- and IHS-funded programs which Tribes assume under the Indian Self-Determination and Education Assistance Act, together with statutory language directing the BIA to fund the Indian Self-Determination (ISD) Fund on an annual basis.

The needs of the Shoshone-Paiute Tribes are great. While farming and ranching continue to be the primary businesses on the Duck Valley Reservation, our members struggle to make ends meet. The 2005 BIA Labor Force Statistics, the latest available, show that our members who reside in the Idaho portion of the Reservation suffer an unemployment rate of 79%; those who reside on the Nevada portion of the Reservation have an unemployment rate of 64%. For those Tribal members fortunate enough to be working, 51% live below the poverty level. From our Owyhee Community Health Facility, to our housing program, to the other programs the Tribes operate under our Title IV Self-Governance Agreement, I know that conditions are tough for our members.

Duck Valley Juvenile Services Center

As with any rural community with a high unemployment rate, we see the ill effects of poverty. Some of our youth get into trouble. We have been working with the BIA for several years to open a 27-bed juvenile detention facility, which was constructed in 2004 but has never been operated as intended. We would like to make the Committee aware of the BIA's role in the facility and to request assistance from the Committee in making it operational. Specifically, the Tribe requests the following:

1) $1.2 million in onetime funding to cover facility upgrades required by the BIA;

The list goes on and on. Year in and year out we are forced to cut jobs that provide services to our people, so that our books remain balanced in the face of BIA and IHS underpayments.

This has got to stop.

No other government contractor gets shorted on its contracts. If necessary, supplemental appropriations are made to pay the Government's contracts in full. This Committee must therefore ask the question: Why does the Government think it is lawful to cheat us on our contracts? Is it because we are Indian Tribes, instead of Boeing or Haliburton? The question must be asked.

For my Tribe the crisis reached the boiling point in the late 1990s. We sought out legal counsel, and we filed two class action lawsuits, one against the IHS and one against the BIA. Our BIA lawsuit eventually resulted in a settlement of claims for all the Nation's Tribes over shortfalls that occurred in the since the early 1990s. The settlement was part of a combined settlement with other claims in another class action lawsuit against the BIA that was filed by our neighbors the Ramah Navajo Chapter. Our IHS lawsuit was blocked by another Judge from proceeding as a class action, and so eventually we settled only our own claims against IHS, but only for the shortfalls we suffered in the mid-1990s. But nothing has changed.

Today, the BIA and IHS shortfalls continue. Even after the Supreme Court ruled in the 2005 "Cherokee Nation" case that the government must pay these contracts in full, the shortfalls continue. Even after the BIA adopted a new contract support cost policy in 2006, the shortfalls continue. Even after a 1999 GAO report investigated and confirmed the integrity of the entire contract support cost process, and reported on the terrible impacts the shortfalls are creating in Indian communities, the shortfalls continue.

Mr. Chairman, the time has come to end this shameful practice.

Our Tribe embraces Tribal Self-Determination. We welcome being free from the oppressive dictates of the IHS and BIA. We welcome being responsible and accountable to our own people for the governmental services being provided on our Reservation.

But the contract support cost shortfalls penalize Tribes like us that choose this path. BIA and IHS programs remain protected from any cuts while the BIA and IHS

operate the programs. But once the programs are transferred under a self-determination contract, the BIA and IHS demand that we cut jobs and divert program resources to make up for the shortfall in the agencies' contract payments.

Current appropriations language actually says this, approving as lawful these cuts in our program funds that are under contract, in order to cover the shortfall in the BIA's contract support cost payments.

The result? In each of the last two years we have suffered contract support cost shortfalls of nearly $460,000, including $382,387 just in BIA underpayments. In fact, the BIA does not even pay one-half of the total contract support costs it is required to pay under the law and our contracts. Not only is this shortfall stunning in itself, it means cuts in several jobs at a time when our community can hardly afford more unemployment. If the county is worried of double digit unemployment numbers, our Tribe is ready to let them provide our expertise in this category, as we have been experiencing unemployment greater than 60% in the past 10 years.

The time has come to correct this terrible practice.

On behalf of the Pueblo of Zuni I ask that this Committee and this 111th Congress make sure that, from this day forward, the Government honors its legal duty to pay the full contract support costs that are due under our contracts and under the Indian Self-Determination Act.

We are prepared to be partners with the Government in promoting greater transparency, increased local employment, enhanced tribal self-determination and a reduced federal bureaucracy, but the Government must be an honest partner with us. Just as we must annually account and cut square corners with the Government, so too the BIA and IHS must be upright with us in honoring these contracts.

We thus join the voice of many other tribal leaders in calling for full funding of these contracts in the FY2010 appropriation, requiring an increase of $200 million for IHS contract support cost payments and $55 million for BIA contract support cost payments.

Thank you for the opportunity to testify on this critical issue facing Indian country, and on what has become a grave threat to the forward march of Tribal Self-Determination.

Mr. DICKS. It will be on the record. Thank you.
Mr. COOEYATE. Thank you.
Mr. DICKS. Any questions?
Joseph Villa Pauline.
Carl Edwards. Well, welcome, and we will put your statement in the record, and you may proceed.

WEDNESDAY, MARCH 25, 2009.

LAC DU FLAMBEAU BAND OF THE LAKE SUPERIOR CHIPPEWA INDIANS

WITNESS

CARL EDWARDS

Mr. CARL EDWARDS. Mr. Chairman, my name for the record is President Carl Edwards. I respectfully represent the Lac du Flambeau Band of Chippewa Indians, and, no, I am not the racecar driver.

But I am at council for 8 years, for the past 6 months I have become tribal president. Like you have heard over and over again today, Indian Country needs your help to provide health, education, and welfare for our membership. Our list is long and wide during these hard times for both our Nations. I think most of tribal president, chairpersons our administrators have indicated to you that view today.

Indian Country is not recession proof, and because of our location, we get hardened fast. Our reservation located in the warm and balmy north woods of Wisconsin.

Mr. DICKS. I bet it is cold up there right now.

Mr. CARL EDWARDS. Actually, sir, it is kind of raining right now.

Mr. DICKS. Raining.

Mr. CARL EDWARDS. But it will get cold this weekend. Seattle actually is very beautiful. I have been there one time.

Mr. DICKS. Yes.

Mr. CARL EDWARDS. So as requested by this committee the Lac du Flambeau Band has submitted a written testimony which will similarly address our needs. In general, we request increased funding for contract support and cost of living expenses for BIA and IHS programs, increased funding for conservation of wildlife through the BIA. Right now it is currently funded all through our general fund dollars.

Increase funding for BIA forest programs. It has been about flatlined for about 8 years now and as you have heard earlier with the Intertribal Timber Council. Restore our Circle of Flight dollars, support for the Great Lakes Indian Fish and Wildlife Commission, increase funding for contract health, increase funding for historical preservation officers.

I know this is a long list, but we need your continued support. I understand your problem as we at the tribal level also need to make hard fiscal choices.

Mr. Chairman, in the short time we have together there is one overreaching problem we face as tribal government and as a major national concern. It is the continued increase in healthcare costs.

This problem impacts all faces of tribal government. It is very important that Congress, the new President, and tribal governments work together to solve this national concern.

So, Mr. Chairman, as you have heard many times in your tenure as chairman of this committee, my tribe and 500 other tribes have a special relationship with the United States because of our treaties signed by our ancestors. These treaties are constitutionally protected, so please help us also move fundings and shortfalls in Indian Country. Thank you for your past, present, and future support.

[The statement of Carl Edwards follows:]

TESTIMONY OF CARL EDWARDS, PRESIDENT
LAC DU FLAMBEAU TRIBE OF LAKE SUPERIOR CHIPPEWA INDIANS
APPROPRIATIONS SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
MARCH, 2009

I am Carl Edwards, President of the Lac du Flambeau Tribe of Lake Superior Chippewa Indians, located in Wisconsin. Today, I am pleased to submit this testimony, which reflects the needs, concerns and issues of the tribal membership for the FY 2010 Budget. The Tribe is optimistic that the Obama Administration takes seriously the United States' unique and binding obligations to Tribes and Indian people. While the details of the President's FY 2010 budget are not known, we are pleased with the broad outlines that have been shared with us.

In particular, we are very supportive of the $3.9 billion for the EPA's Clean Water and Safe Drinking Water Programs. This would provide Indian Country with $59 million, which is almost double the amount received in FY 2009. This funding is vital to improving the most basic of infrastructure in Indian Country. Another area in the President's Budget that the Band is excited about is the Great Lakes Initiative program. As the Committee 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. We would urge, however, that Congress ensure that Tribes are fully engaged in this process and that we are full partners in this important initiative.

Again, while the specifics of the President's budget are not known, we must make the Committee aware of some of our most pressing needs, which we fear will not be addressed in the President's proposal.

I. INDIAN SELF-DETERMINATION ACT CONTRACT SUPPORT COSTS

Inflation, Cost of Living, and Fixed Costs. 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 failed to fulfill their obligation to ensure that Tribes have the same resources to carry out these functions. For example, Tribes received only 75% of the pay cost adjustment in FY 2002, 15% in FY 2003 and 30% in FY 2004. To make matters worse, the BIA and IHS have steadfastly refused to provide tribal contractors with full contract support costs, ensuring that when tribes take over these programs, they will be placed in an untenable position. This inequity is undermining tribal self-determination. In FY 2008 (the most recent year for which the IHS has data) the IHS estimates that the contract support cost shortfall was $128 million. In FY 2007, the BIA shortfall was $52 million.

The Subcommittee also has to understand the impact of the increasing cost of health insurance on our ability to provide services to our tribal members. In order for us to maintain a $10/hr employee (approximately $20,000/yr), the Tribe faces an associated health care benefit cost of $20,350 for a family health insurance plan. When the Tribe is forced to supplement under-funded BIA and IHS programs in order to cover these costs, direct services to our

members suffer. We have less money available to provide counseling to students, collect water samples, put more officers in the field, provide basic health service, etc. Without substantial increases in this basic Contract Support Cost funding, the Tribe will continue to decrease services to our tribal membership because we cannot afford to absorb these costs. We may be forced to eliminate the health insurance benefit, which will seriously impact our ability to recruit and maintain our labor force.

Our highest priority is to keep existing programs from failing. We ask that the Subcommittee provide cost of living increases and fully fund contract support costs.

II. BUREAU OF INDIAN AFFAIRS

Natural Resources and Conservation Officers. Tribes are leaders in natural resource protection and BIA natural resource funding is essential to maintain our programs. Lac du Flambeau has a comprehensive Natural Resources Department and dedicated staff with considerable expertise in natural resource and land management. Our activities include raising fish for stocking, conservation law enforcement, collecting data on water and air quality, developing well head protection plans, conducting wildlife surveys and administering timber stand improvement projects on our 86,000-acre Reservation. Unfortunately, natural resource programs have been cut or flat-funded for many years now, and tribes have been forced to lay off staff and shut down programs, leaving critical resources in jeopardy.

One of the critical elements of our Natural Resource program is our Conservation Law Enforcement Officers. These officers are primarily responsible for enforcing hunting and fishing regulations related to the exercise of treaty rights, but they also have a much larger role in law enforcement. They are often the first to respond to emergency situations, and are the first line of defense for any meth labs found on or near the Reservation. Our Conservation Officers are now 100% dependent on tribal funds. This costs the Tribe $343,000 annually, in addition to the $893,000 the Tribe pays for its non-conservation law enforcement programs. The Bureau of Indian Affairs does not provide any resources for this activity, which is critical to maintaining and protecting our treaty rights. **Thus, we appreciate the increase provided for law enforcement in FY 2009 and the anticipated requested increase in FY 2010, but we ask that the Subcommittee direct a portion of any increases in law enforcement funding to conservation officers, so that more communities can enjoy the benefit of this funding.**

Forestry. The Band requests that the Subcommittee increase funding for the BIA Forestry Department. The Reservation contains 46,000 acres of forested land that supports hunting, gathering and employment opportunities for tribal members. Proper management of the forest is essential not only to sustain our subsistence lifestyle, but also to provide economic growth for the Band. Two foresters and one technician undertake a broad range of management activities, including tree planting, prescribed burning, forest road design and maintenance, and timber sale establishment and administration. The total cost of operating the forestry program is approximately $217,000. In the last several years the level of funding from the BIA has been less than half of this. Significantly, the program has not received a substantial funding increase since 1991. The additional funding is necessary to maintain forest development, timber sale management and wildfire control activities. Proper forest management is even more important now to maintain and develop this vital component of our tribal economies.

Wetlands Waterfowl/Circle of Flight Funding We urge Congress to restore $600,000 to continue funding for the BIA Wetlands Waterfowl Program (Circle of Flight). Circle of Flight provides critical resources necessary to restore and preserve wetlands and waterfowl populations, which are vital to the culture and economy of the Great Lakes region.

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.

III. INDIAN HEALTH SERVICE PROGRAMS

Contract Health. A perennial need remains in contract health care funding. Federal funding for health services has fallen dramatically behind the rising cost of health care over the past five years. We anticipate the FY 2009 shortfall to be in excess of $3 million. A much more substantial increase is needed to address the need across Indian county. **We urge the Subcommittee to significantly increase funding for Contract Health Services, and not to limit this increase to emergency CHEF funding, which can be difficult for tribes to access.**

Medical Technology and Telemedicine Initiative. We are encouraged by Congress's commitment to fund medical technology and telemedicine improvements in the Indian Health Service. However, we are concerned that the resources will not reach Tribes, who provide more than 84% of the health care in Indian Country. We would urge the Committee to direct IHS to make a proportional share of this funding available to tribal health care providers. Unless this happens, we fear that the resources will be consumed by IHS either at headquarters or only at direct service locations and tribal providers will not benefit from this initiative.

IV. NATIONAL PARK SERVICE PROGRAMS

Historic Preservation. In 1995, Congress began encouraging tribes to assume historic preservation responsibilities as part of self-determination. There are currently 76 tribes in the U.S. – eight in Wisconsin – approved by the Secretary to administer historic preservation programs. 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. In FY 2001, there were 27 THPOs with an average award of $154,000; now there are 76 THPOs, and Lac du Flambeau only receives approximately $50,374. Paradoxically, the more successful the program becomes overall, the less each tribe receives to maintain professional services, ultimately crippling the programs. **We ask that $13 million be provided for Tribal Historic Preservation Officers (THPOs), which would provide a modest base funding amount of $170,000 per THPO program.**

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Mr. DICKS. Well, thank you, and I also noted here you have your National Park Service Programs, you ask for 13 million be part of tribal historic preservation offices, which would provide a modest base funding amount of 170,000 per—do you know anything about that program?

Mr. CARL EDWARDS. I brought my departmental services director with me.

Mr. DICKS. All right.

Mr. CARL EDWARDS. Larry.

Mr. WAWRONOWICZ. Yeah. Basically the tribal historic preservation offices take on the responsibility of state preservation offices, and under the National Historic Preservation Act there was a lot of dollars associated with that program, but as more and more the tribes took on that responsibility, the pot never increased but the tribes did, so, you know, our base funding has been decreasing over time over the years.

So currently in our particular case, you know, the general fund is picking up some of the costs associated with our tribal historic preservation offices, and you know, any kind of federal undertaking, for example, if we are going to be putting in BIA roads or putting any kind of buildings up, you know, THPO has to give us the clearance for, you know, for NEPA, so it gets to be a rather instrumental part of how we do business on the reservation.

Mr. DICKS. Okay. Any other questions?

I think that is our last witness. So the committee will stand adjourned until 9:30 tomorrow morning.

THURSDAY, MARCH 26, 2009.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

PUBLIC WITNESSES—NATIVE AMERICANS

OPENING REMARKS OF MR. DICKS

Mr. DICKS. The committee will come to order.

Welcome to the second of three days of public witness testimony. Yesterday we heard testimony from many witnesses regarding the state of Indian law enforcement, schools and health care and many other issues. I am pleased to hear of some of the successes of these programs but I understand there are still many challenges. I would like to thank yesterday's witnesses for sharing their experiences and concerns with us and I welcome all of you testifying today.

One important reminder to our witnesses before we start. We have many speakers scheduled to testify today. To ensure that we are able to accommodate everyone, I ask that our witnesses respect the 5-minute time limit. A yellow light will flash with 1 minute remaining in your time in order to give you an opportunity to wrap up your statement. When the red light comes on, then your time has expired. Your complete statement will be put into the record.

I will turn to my ranking colleague, Mike Simpson of Idaho.

Mr. SIMPSON. Go ahead, Mr. Chairman. I appreciate these hearings and look forward to the testimony today.

Mr. DICKS. Our first witness is Faye BlueEyes of the DCG School. Welcome. We are glad to have you here. We will put your statement in the record and you may proceed for 5 minutes.

THURSDAY, MARCH 26, 2009.

DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL

WITNESS

FAYE BLUEEYES

Mr. CHAVEZ. Good morning. I am Ervin Chavez, president of the school board that operates the Dzilth-Na-O-Dith-Hle Community Grant School, a BIA-funded school on the Navajo Reservation in New Mexico. We have also submitted a written report in addition to our comments this morning, Mr. Chairman. With me is Faye BlueEyes, our program director, who has many years experience of BIA school management. We are here to tell you the most significant challenges we face in providing quality education to our 205 Navajo children in our K–8 school. I have asked Faye to present

our budget problems with administrative cost grants, student transportation and facilities. Faye.

Ms. BLUEEYES. Good morning, Mr. Chairman. Every year you hear witnesses report that tribally operated schools are receiving insufficient funds to cover their administrative costs. I am here to tell you the situation today is even worse than last year and it will get worse unless Congress and the Administration act to correct the problem. Let me put it in perspective for you. If the Clerk of the House received only 66 percent of the amount she needs to operate the House of Representatives, what would she do? Would she have to severely curtail services? Yes. Would she have to lay off many of her employees? Yes. If she had very few people in her finance office, would layoffs threaten her ability to maintain proper financial controls? Yes. Would she have to ask employees she is able to keep to work longer hours and take on more duties? Yes. Shortage of administrative cost grant funding forced all of these cutbacks on us. We have to pay for insurance, engage auditors and perform background checks on our employees who supervise our Navajo children. These expenses are non-negotiable. When we do not have enough administrative cost money, we have to take funds from our education program budget to cover them. Please provide us with the administrative cost grant appropriations that will fully cover the needs of tribally operated schools, $58.6 million.

Thank you for the increases provided to the student transportation account over the last two years. They were small but very welcome. You know that we need additional funding to support our bus systems. If we cannot get our children to school, we cannot educate them. Even though gasoline prices have declined from last year's high levels, the costs of diesel fuel have not declined nearly as much. Our buses run on diesel fuel, which in our area costs us nearly $3 a gallon.

In addition to fuel, we have to pay bus driver salaries and maintain buses which travel daily on dirt, washboard roads. We just do not get enough funding to cover all these costs. Therefore, we have had to cancel two of our five bus routes in order to reduce costs. This means many students will have far longer bus trips to and from school every day. Remember that our students are young, age 5 to 12. When kids have to spend long hours on the bus, they are tired by the time they get to school. We fear that the increased achievement levels we accomplished in the last year will be jeopardized if our students are too tired to learn. Please increase student transportation by at least 24 cents per mile, bringing it to $3.15 per mile.

Finally, I want to mention our school facilities. All of our buildings belong to the federal government but your investment in them is not being protected because we do not get sufficient resources to maintain them properly. In fact, last year we received only 52 percent of the amount the BIA calculated we needed for operation and maintenance expenses. We doubt that any facilities maintenance staff could keep buildings in proper order with only half of the needed resources. Let me tell you some of the things our children have to endure. Our heating and cooling system is so out of whack that some classrooms are sweltering hot while others are so cold the kids have to keep their coats on. These conditions produce the

high level of student and staff illness you would expect. The sewer lines that run under our school buildings are leaking. This produces horrible-smelling, germ-filled air throughout the building which our staff and students are exposed to daily and the leaking moisture has now presented us with mold problems.

In closing, I ask the committee to please make up for years of substandard funding to the BIA school system. Please show our system the same level of respect and attention you would want for the school that educates your children.

[The statement of Faye BlueEyes follows:]

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"FOR EACH CHILD — SUCCESS"

HOME OF THE MUSTANGS

Testimony of
Faye BlueEyes, Program Director
Ervin Chavez, School Board President
DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL
OF THE NAVAJO NATION
regarding
Bureau of Indian Education Fiscal Year 2010 Budget
to the
House Interior, Environment and Related Agencies Subcommittee

March 26, 2009

Good morning and greetings from Dzilth-Na-O-Dith-Hle Community Grant School ("DCGS") on the Navajo Reservation in Bloomfield, New Mexico. I am Ervin Chavez, President of the DCGS School Board. With me is Faye BlueEyes, Program Director. She has an extensive background in the operation of and facilities issues related to BIE-funded schools so she will speak more extensively on the topics in our testimony.

Our testimony will focus on three areas of the Bureau of Indian Education (BIE) funding which negatively impact our efforts in helping our students achieve Adequate Yearly Progress (AYP), and practice sound management principles in school operations. These areas are—

- an ever increasing shortfall in Administrative Cost Grants, requiring at least $58.6 million to achieve full funding;
- the low Student Transportation dollars per mile rate, which should be funded at a minimum of $3.15/mile; and
- inadequate funding for Facilities operation, maintenance, and repairs, which requires a good deal more than the FY 2009 $84.9 million in order to address the significant BIE-wide backlog and meet the rising costs of utilities.

Our school offers both academic programs serving grades K-8 and residential programs for students in grades 1-12. The residential students in grades 9-12, however, attend the local public school. Currently, 205 students are enrolled in our academic program, and 56 students are housed in the campus dormitories. Our all-Navajo Board operates the DCGS through a Grant issued by the Bureau of Indian Education (BIE) under the Tribally Controlled Schools Act. Our mission at DCGS is to make a difference in the educational progress of our students and we believe that all our students are capable of achieving academic success.

Without knowing any details of the FY 2010 budget the new Administration will propose, it is difficult to forecast how our three budget areas of concern will fare. Nonetheless, we want to share with you how past budgets have impacted our ability to fully meet our school mission and our ability to successfully operate our program under the Indian Self-Determination

policy. Ms. BlueEyes will describe in further detail our concerns regarding the FY 2010 Bureau of Indian Education budget.

ADMINISTRATIVE COST GRANTS

The Administrative Cost (AC) Grants provided for tribally operated schools is supposed to provide funding for the administrative costs incurred in the operation of school programs. Unfortunately, for the last several fiscal years, past Administrations have not requested any increases for the AC Grants funding, despite the fact BIE knew there was already a funding shortfall. The agency also knew that more BIE schools would convert to tribal operation and thus the scarce AC Grants funding would have to be shared by even more schools.

The level of need for each school is determined by the statutorily-mandated formula for calculation of AC Grants. For SY07-08, BIE provided only 65.75% of the amount required by the law. We do not yet know the percentage that we will get for the current school year (08-09) because the final calculation could not be made until Congress finished the FY 2009 appropriations, but I believe it is very likely the percentage will decline even further.

With each passing year, the tribally-operated schools have had to re-direct more and more funds from our classroom budgets to cover essential services such as insurance, fiscal management, audits, and other overhead services. At our school some of the increased costs we've had to absorb are $15,000 for audit costs; $38,000 for liability, property, vehicle and employee bonding insurances; and $5,200 for background checks on potential hires that would have direct contact with the students. We have had to scale back on publishing vacancy notices (thereby limiting the applicant pool) and increased the duties of the limited school administration and management staff. Lack of funding has meant having less people to complete the myriad compliance requirements such as shepherding the background checks, equipment inventory, financial accountability, and federal program requirements. Our ability to maintain prudent internal controls and checks-and-balances is compromised. Cutting corners on school administration and having to let go or over-extend valued employees is not how DCGS *wants* to operate but it is a necessity in order to minimize the amount of school program funds that have to be redirected to cover our AC Grant shortfall.

We urge that this Congress take a new direction and finally meet the terms of the AC Grants statute by providing the full amount of AC Grants need (est. $58.6 million).

STUDENT TRANSPORTATION.

We appreciate the $2.7 million increase in Student Transportation funds provided for SY 2009-2010 in the FY 2009 Omnibus Appropriations Act. The increases produced a $2.91/mile rate for SY 08-09. This is at best a slightly more than the per gallon rate for fuel in our area.

As you know, our Student Transportation funds are used to cover not just the fuel costs but also the GSA rental/lease fees for school vehicles, vehicle maintenance and repair, and bus driver salaries. Here again our costs are ever increasing, to the point that we have had no choice

but to use our school program funds to make up the shortfall. Last year we paid $107,000 to GSA alone, and we had to increase our pay scale for CDL qualified bus drivers in order to attract qualified bus drivers to work in the remote area where our school is located. As you can imagine, our unpaved roads, which are turned into "wash boards" by mud and snow, take a tremendous toll on our buses, resulting in greater maintenance and repair costs.

Despite the small increases Congress has provided in FY 2008 and FY 2009, we anticipate a continued shortfall in transportation funding so we will institute yet another cost savings measure by reducing our bus routes from five to three. While this may not outwardly appear to be significant, it will mean even longer bus rides for our students. This will undoubtedly adversely impact student learning since they will be weary from the longer ride to get to school—even in the best of weather, much less in winter or during storms. Sadly, this cost-cutting measure must be instituted at a time when our students have met AYP in all areas except Math!

We ask for Congress's help in getting our Indian students *to* school so that they too are able to receive the type of education that prepares them for success in higher education and participation in the global economy as envisioned by the new Administration. To assure that BIE schools do not have to "dip" into the education budget to provide basic transportation services, please fund Student Transportation at a level that will result in at least $3.15/mile.

FACILITIES OPERATION AND MAINTENANCE.

The DCGS has been in operation over 40 years, which means our facilities are also over 40 years old and showing their age. The meager facilities operations and maintenance funding has not been enough to even "keep up appearances," much less address the serious deficiencies that come with aging electrical, heating, cooling and plumbing systems. Last year we talked about our inadequate electrical system that can't support the educational technology necessary for today's students. This year we regret that due to insufficient funds, we could not alleviate the classroom climate problems resulting from outdated, unreliable heating and cooling systems. Nor could we address the even more worrisome problem of leaking sewer lines.

The heating and cooling system problems have resulted in some parts of the school being very hot while other classrooms are very cold. As you can imagine, not only are students and staff uncomfortable, there are many more getting sick due to the frequent temperature changes. The more serious issue is the leaks in the cast iron sewer lines—which run under the school and the residential building. The smells alone are making students and staff ill, and the growing mold compounds the problem. Due to the funding shortage, we are not able to remediate these issues and, since we have had to institute a facilities personnel cut-back, temporary repairs take even longer to institute.

Nearly all of our facilities operations funds must be used to pay basic utility costs. For the past 20 years, this budget category has not been fully funded. In fact, in SY 2007-2008, we were provided only 51.9% of our need amount. Since utility costs continue to rise, we can expect our "need" amount will be even greater. For example, in the last school year we spent

nearly $200,000 for electricity and natural gas combined, and the utility companies are vying to increase their rates.

Although Congress appropriated $450 million in BIA Construction funds under the American Economic Recovery and Reinvestment Act (PL 111-05), it is uncertain how much will be allocated for school improvement and repairs. With many of the BIE-funded schools having backlogs of necessary facility repairs, we are sure the need will be greater than the amount apportioned to the BIE school system. Therefore, we urge that Congress provide an increase in the FY 2010 budget for facilities operations and maintenance to a level that will enable us to not only bring these facilities to a safe and healthy level but to begin preventive maintenance initiatives.

CONCLUSION

It is our hope that under the leadership of the Obama Administration and this Congress, there will be a change for the better for BIE-funded schools. Change that enables our school system to provide the type of education and services that will help our Indian students reach their potential. Our children's needs have been overlooked for far too long. We look forward to working with you on the FY 2010 budget for the Bureau of Indian Education.

Should you have any further questions, you can reach me (Faye Blue Eyes) via email at heywoman87417@yahoo.com or you may contact either of us by phone at 505.632.0358.

Mr. DICKS. Thank you very much. We appreciate your statement. Are there any questions? Okay. Thank you.

Next we will have the testimony of the Puyallup Tribe of Indians before the House Appropriations Committee, David Bean. Hi, David. Welcome. We are glad to see you.

THURSDAY, MARCH 26, 2009.

PUYALLUP TRIBE

WITNESS

DAVID BEAN

Mr. BEAN. Good morning, Mr. Chairman. My name is David Bean. I am a member of the Puyallup Tribal Council. I have with me today Councilman James Miles, tribal member Chester Earl from land use department, and Michael Boshop from our government relations office.

On behalf of the Puyallup Tribe, we would like to thank the committee for their continued support on many tribal issues. In addition, we would like to thank the chairman for his continued service to the State of Washington.

Mr. DICKS. Thank you.

Mr. BEAN. More specifically, your tireless efforts towards the negotiations that led to the historical land claim settlement agreement which brought tremendous economic prosperity to the Puget Sound region.

Mr. DICKS. Thank you.

Mr. BEAN. I would also like to thank you for your assistance in obtaining funding for the development of the Puyallup Tribe Health Authority and Chief Leschi Schools, both of which provide services to a community numbering over 25,000 Native Americans from over 350 tribes. We have submitted written testimony for your review. I would like to call your attention to the following areas: reauthorization of the Indian Health Care Improvement Act, operations of any programs and contract support costs, fisheries and natural resource management, education, public safety, justice and law enforcement.

Funding for Indian Health Service fails to meet the standards of health services for many Native Americans across the Nation. The Puyallup Tribe has been operating their own health care program since 1976 and the Indian Self-Determination Act. The Puyallup Tribe Health Authority operates a comprehensive ambulatory care program to an expanding population in the Tacoma-Pierce County area. There are no IHS hospitals in the Portland area so all specialty and hospital care have been paid for out of contract allocation. The allocation to the Puyallup Tribe Health Authority has been significantly inadequate to meet the needs since 2004 with the Puyallup Tribe started subsidizing contract health care in the amount of $2.8 million. This past fiscal year that number has grown, that subsidy has grown to $6 million. Therefore, the Puyallup Tribe of Indians supports all efforts by Congress and this Administration to pass the Indian Health Care Improvement Act.

The fiscal year 2010 BIA budget needs to include increased funding for the operations of Indian programs. Tribal communities have some of the greatest needs in the areas of child abuse and neglect and mental health services. Addressing the unmet needs and providing services for our most vulnerable and victims of abuse should be a priority of all people. Our needs are many. Our needs are complex.

Within the operations of Indian programs is the tribal priority allocations. This tribal priority allocation budget must support desperately needed and vital services for our community. Unfortunately, these functions have not received adequate funding to allow the tribes the resources to fully exercise self-determination and self-governance. The BIA needs funding in order to carry out their trust responsibility which has fallen short for many years. This is not the fault of the BIA staff. They have been underfunded and understaffed for many years. We are fearful for the loss of many valuable, experienced BIA staff due to retirement eligibility over the next five to ten years. We are requesting support by the committee to fund the operations of Indian programs at the fiscal year 2009 funding level and to fund contract support costs at a 100 percent level.

The Medicine Creek Treaty secured for the Puyallup Tribe and other Tribes the right to hunt on open and unclaimed lands. This treaty right is reserved in the same paragraph that also reserved the rights to fish and gather shellfish. Unfortunately, the BIA program that was designed to support this treaty activity has not received adequate, if any, appropriations in the last several years. We ask for your support to address the unresolved hunting issues and fishing rights issues. The Puyallup Tribe concurs with the Northwest Indian Fish Commission, their request to fund tribal wildlife management treaty hunting rights program for the fiscal year 2010 budget.

In the area of education under the Department of the Interior, the BIA's budget has historically been inadequate to meet the educational needs of Native Americans. The tribe's Chief Leschi Schools is reaching full capacity and without any additional appropriation construction, overcrowding will negatively impact the quality of education for our students resulting in unmet educational needs that have multiplied over the past decade. Therefore, we concur with the National Indian Education Association request to double the Indian school construction funding over the fiscal year 2009 level.

The Puyallup Reservation encompasses about 18,000 acres and services 25,000 Native Americans representing over 350 tribes. We have a police department with one chief of police, 26 officers, two reserve officers, and this division is not able to provide an adequate level of policing as a result of the increase in population, increase in gang activity and the increasing presence of meth labs. A recent inspection—time is up.

Mr. DICKS. Go ahead and finish.

Mr. BEAN. Okay. I just wanted to respect the time.

Mr. DICKS. No problem.

Mr. BEAN. Okay. The Puyallup law enforcement division is not able to provide adequate levels of policing as a result of increased

population, increased gang-related activities and increasing meth labs. Our tribe's detention facility is housed in a modular unit as a result of the 2001 Nisqually earthquake. A recent inspection by the BIA Office of Professional Standards determined that the facilities were unsafe and recommended that no further funding should be utilized for facility rehabilitation.

[The statement of David Bean follows:]

TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES FISCAL YEAR 2010

Mr. Chairman, my name is ***David Bean,*** Puyallup Tribal Councilmember. We thank the Committee for past support of many tribal issues and in your interest today. We share our concerns and request assistance in reaching objectives of significance to the Congress, the Tribe, and to 25,000+ Indians (constituents) in our Urban Service Area.

U.S. Department of Interior - Bureau of Indian Affairs - The Puyallup Tribe submits the following detailed written testimony to the U.S. House Subcommittee on Interior, Environment and Related Agencies. We look forward to working with Congress to insure that funding levels for programs necessary for the Puyallup Tribe to carry-out our ***sovereign responsibility of self-determination and self-governance*** for the ***benefit of the 4,004 Puyallup tribal members and the members from approximately 355 federally recognized Tribes who utilize our services*** are included in the F.Y. 2010 budget.

Puyallup Nation Law Enforcement: The Puyallup Reservation is located in the urbanized Seattle-Tacoma area of the State of Washington. The 18,061 acre reservation and related urban service area contains 25,000+ Native Americans from over 355 Tribes and Alaskan Villages. The Puyallup Nation Law Enforcement Division currently has a Chief of Police, twenty-six (26) commissioned officers and two (2) reserve officers to cover 40 square miles of reservation in addition to the usual and accustomed areas. Due to limited federal funding for law enforcement in Indian Country, only two (2) officers are funded with P.L. 93-638 funds. With the continuing increase in population, increase in gang related activities on the Puyallup Reservation and the impact of the manufacturing of methamphetamines in the region, the services of the Puyallup Nation Law Enforcement Division are exceeding maximum levels.

A major area of concern is the status of the ***Tribe's Detention Facility***. Due to damages from the February 2001 Nisqually earthquake, we have had to relocate to modular/temporary facilities. Operated as a "regional detention facility" the Puyallup Tribe was able to provide detention service to surrounding Tribes. Since the relocation to modular facilities the Tribe's ability to effectively and safely incarcerate detainee's has been compromised due to the condition of the temporary detention facilities. These conditions have been verified by a recent inspection by the B.I.A. with a recommendation that no further funds be allocated to try and bring the facility up to any standard. In an effort to protect the safety and welfare of the native community the Puyallup Tribe has initiated the design and construction of a 28,000 square foot ***"Justice Center"*** to be located on the Puyallup Indian Reservation. The Justice Center will provide necessary facilities for the delivery of judiciary services including a Tribal Court, Court Clerk, Prosecution, Probation, Public Defender and Law Enforcement services including Police Headquarters and a 7,000 square foot, 28 cell ***"Adult Detention facility"***.

- ***Request Subcommittee support to increase funding to the BIA Public Safety and Justice Law Enforcement by $100 million over the FY 2009 enacted budget and further request that the B.I.A. transfer Law Enforcement back into Tribal Priority Allocations (TPA);***

- ***Support from the Subcommittee on the Tribes request to the Subcommittee on Commerce, Justice and Science for funding in the amount of $5.25 million to construct the "detention" portion of the Justice Center;***

- ***Support from the Subcommittee to fund to the Tribal Courts budget in the F.Y. 2010 budget at no less than $25 million and request that the Subcommittee issue directive language to BIA to include increased funding for the Tribal Courts FY 2011 budget.***

Fisheries & Natural Resources Management: The Puyallup Tribe as steward for land and marine waters in the Usual and Accustomed fish and shellfish areas has treaty and Governmental obligations and responsibilities to manage natural resources for uses beneficial to the regional community. Despite our diligent program efforts, the fisheries resource is degrading and economic losses are incurred by Indian and Non-Indian fisherman, 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 and shellfish resources. Existing levels of support are inadequate to reverse the trend of resource/habitat degradation. Resource management is constrained due to funding shortfalls. ***We seek Committee support and endorsement in the following areas:***

- ***Tribal Fisheries Resource Management, Hatchery Operation and Maintenance funding via P.L. 93-638 contracts have not increased substantially since establishment of base budgets in 1984. The demand on Puyallup Tribal Fisheries Program has grown exponential since the eighties and is currently faced by Endangered Species Act listings on numerous species. We concur with the Northwest Indian Fisheries Commission request to increase base management funding in the amount of $12 million. We further support the existing BIA hatchery maintenance and rehabilitation be funded at $1.5 million and the Hatchery Reform Implementation be funded at $3.34 million to meet basic infrastructure maintenance costs for tribal hatcheries;***

- ***Steelhead numbers throughout the south Puget Sound region have diminished markedly over the past 20 years. Generally, harvest management restrictions in the form of fishing closures, wild fish release regulations and curtailed seasons and/or bag limits have been enacted to protect wild stock. To avoid possible extinction the Puyallup Tribe proposes to construct a steelhead enhancement facility to be located on a 13 acre property owned by the Tribe on Wilkeson Creek in eastern Pierce County. The program will be capped at rearing 150,000 smolts on a combination of surface and pumped well water. The steelhead will be reared for approximately 15 molts. This project will facilitate the Puyallup Tribe and other resource agencies involved to help stave of extinction of wild winter steelhead in the Puyallup Watershed. We request Committee support to appropriate $1.426 million for the Wilkeson Creek Property Steelhead Hatchery Project;***

- ***Washington Timber-Fish-Wildlife Program - U.S./Canada Pacific Salmon Treaty. The TFW and the U.S./Canada Pacific Salmon Treaty programs has allowed for the expansion of tribal participation in the state forest practice rules and regulations and participate in inter-tribal organizations to address specific treaties and/or legal cases which relate to fishing rights, harvest and management. We request Committee support to restore base funding of $1.74 million for TFW and $2.2 million for U.S./Canada Pacific Salmon Treaty FY 2010 budget;***

- ***Unresolved Hunting and Fishing Rights Program – The Medicine Creek Treaty secured the Puyallup Tribe and other tribes the right to hunt on open and unclaimed lands. This treaty right is reserved in the same paragraph that also reserved the right to fish and gather shellfish. Unfortunately, the BIA program that is designed to support this treaty***

activity has not received adequate, if any, appropriations in the last several years. Funds that were made available to tribes have been on a competitive basis with a limited amount per program. The Puyallup Tribe concurs with the Northwest Indian Fisheries Commission request to fund $5.0 million for Tribal Wildlife Management – Treaty Hunting Rights F.Y. 2010 budget;

Operation of Indian Programs & Contract Support Costs: The President's FY 2010 budget needs increased funding for the B.I.A. - Operation 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; law enforcement, natural resources management, child welfare, housing, tribal courts and other tribal governmental services. These functions have not received adequate 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 have not been adequate to keep pace with inflation. ***At a minimum, we request your support and endorsement in the following;***

- ***Support by the Committee to fund Operation of Indian Programs FY 2010 request at the F.Y. 2009 enacted level of $2.1 billion and fund Contract Support costs at 100% level;***

- ***Tribal communities have some of the greatest needs in the areas of child abuse and neglect and mental health services. Addressing the current unmet needs in providing services to our most vulnerable and victims of abuse should be a priority of all people. The Puyallup Tribe proposes the development of a Child Advocacy Center and Domestic Abuse Center designed to provide services for children, youth and families in need of child welfare, mental health and juvenile justice services. We request Committee support to increase funding for Indian Child Welfare (TPA) by $45 million; Increase Urban Indian Child Welfare Programs by $ 10 million; and Increase Child Welfare Assistance, B.I.A. by $ 50 million.***

Education: Under DOI, B.I.A.'s budget has historically been inadequate to meet the needs of Native Americans, resulting in unmet educational needs that have multiplied over the past decade. The Puyallup Tribe operates the pre-K to12 Chief Leschi Schools which includes a verified 2008-2009 School student enrollment of 910+ students, including ECEAP and the FACE program. The enrollment figures represents near capacity with all classrooms being utilized on a daily basis. With an increasing number of "pre-kindergarten" enrollment, Chief Leschi Schools will exceed design capacity in the near future. ***We request Committee support in the following;***

- ***We concur with the NIEA request to increase Indian School Construction Funding by $134.56 million from the enacted F.Y. 2009 level of $128 million;***

- ***We concur with the NIEA request to increase school transportation in the amount of $25 million and adjust annually to keep pace with inflationary costs and increased cost of fuel.***

DHHS Indian Health Service: Funding for the Indian Health Service fails to meet the needs of health services for Native Americans. The Puyallup Tribe has been operating their health care 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 an expanding population in Tacoma and Pierce County, Washington.

There are no I.H.S. 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 needs since 2004 when the Puyallup Tribe subsidized Contract Health with a $2.8 million dollar contribution; in 2005 PTHA shifted to a priority one status. By

2008 the tribal subsidy reached a staggering $6 million dollars. Given that the PTHA service population in only comprised of 17% Puyallup Tribal members tribal budget priorities in 2009 indicate the Tribe is no longer able to make subsidies to the PTHA. Contract Health dollars are expected to run out by mid 2009. ***We request the following Committee support for the F.Y. 2010 budget;***

- ***Fund Puyallup Tribal Health Authority Contract Health Care Fund an additional $6 million dollars to match F.Y. 2008 tribal expenditures. Fund the Indian Health Service Contract Health Services budget to cover the 7% estimated inflation rate translating to a $44 million dollar increase for F.Y. 2010***

Adequate funding for the continued operations and delivery of quality care is essential. PTHA, like most I.H.S. and Tribal facilities, are annually asked to do more with less. PTHA has reached these limits and are no longer able to keep pace with these raising demands. This continued philosophy has put our clinic in a funding crisis. It is estimated that it will take an increase of $428 million just to maintain current I.H.S. service levels in 2010. **We request congressional support for the F.Y. 2010 I.H.S. budget in the following areas;**

- ***Fund I.H.S. at the $428 million dollar increase required to maintain current service levels including medical inflation, payroll increase and population growth;***
- ***Restore $711 million in lost funding during the Bush Administration by providing adequate funding increases in F.Y. 2010 and F.Y. 2011;***
- ***Exempt I.H.S. budget from rescissions. I.H.S. health programs are subject to the same rates of medical inflation as the Veterans Administration and are deserving of the same consideration;***
- ***The Indian Health Care Improvement Act (P.L.94-437) provides funding for the Indian Health Services and has been pending re-authorization since F.Y. 2000. Recently, the U.S. Senate passed their version of the IHCIA and the U.S. House has pledged to pass a companion bill last session. The Puyallup Tribe of Indians supports all efforts by Congress and the Administration to pass the Indian Health Care Improvement Act.***

Transportation: The Indian Reservation Roads (IRR) provides essential funding to support the transportation infrastructure directly effecting tribal economies, education, systems, health care and social service programs. Many of the 104,000 miles of IRR are unimproved and unsafe for tribal communities to travel to hospitals, stores, schools and employment centers. ***We request Committee support in the following IRR transportation areas;***

- ***At a minimum, provide $800 million for the Indian Reservation Roads Program;***
- ***At a minimum, provide $75 million for the IRR Bridge Program;***
- ***At a minimum, provide $150 million for the BIA Road Maintenance Program;***
- ***Ensure that any changes to the IRR via reauthorization is conducted in open and fair consultation and rule making procedures.***

Mr. DICKS. Thank you. Any questions? Well, we appreciate very much your testimony and coming in. We will continue to work together.

Mr. BEAN. Thank you, sir.

Mr. DICKS. Reno Keoni Franklin, chairman of the National Indian Health Board. Welcome.

THURSDAY, MARCH 26, 2009.

NATIONAL INDIAN HEALTH BOARD

WITNESS

RENO KEONI FRANKLIN

Mr. FRANKLIN. Good morning, Mr. Chairman, members of the subcommittee. My name is Reno Keoni Franklin. I am a tribal member of the Kashia Pomo Tribe, a 7-year elected health delegate there, and come from Sonoma County Indian Health up in northern California and chairman of the California Rural Indian Health Board and recently elected chairman of the National Indian Health Board.

Mr. DICKS. Congratulations.

Mr. FRANKLIN. Thank you, sir. Sitting with me is Jennifer Cooper, our legislative director.

I am here today to give you the National Indian Health Board's views and priorities for the fiscal year 2010 budget. NIHB was pleased to learn that the Obama Administration is proposing what is described as a significant increase to the IHS budget request for fiscal year 2010. It is a figure in excess of $4 billion. While we do not yet have any details about the programs and projects for which increases are requested, we are hopeful the Administration's budget will reflect the recommendations for fiscal year 2010 made in March by the tribal leaders who comprise the IHS national tribal budget work group. The work group recommended increases in the IHS budget totaling $908 million above the expected fiscal year 2009 funding levels. These recommendations focus on two types of needed increases.

First, the work group recommends an increase of $449.3 million in current services. Current services increases are those budget increments needed for the Indian health system to merely continue to operate at its current level of service. This category contains such items as pay cost increases for IHS tribal and urban program employees, medical inflation, contract support costs, funding for population growth, facilities construction and staffing, urban program funding and restoration of rescission amounts from fiscal years 2005 and 2006. Without these increases to base funding, we would experience a decrease in our ability to care for our existing service population.

Second, the work group recommended a $458.7 million increase be added to identified programs and facilities accounts. Program services increases refer to recommended increases in the IHS budget accounts to enable our programs to improve and expand the services they provide to Indian patients. The IHS has long been plagued by inadequate funding in all programmatic areas, a cir-

cumstance which has made it impossible to supply Indian people with the level of care they need and deserve.

In addition, I want to mention three issues involved with budget management which deserve special attention from the subcommittee. First, it has been the OMB's practice for the past several years to apply non-medical inflation factors to the IHS budget. This underestimates the amount needed to keep up with inflation. Instead, the medical inflation factor should be applied to the IHS budget to more correctly reflect the increased amount needed for a system that is responsible for providing direct care to patients and for purchasing care from public and private providers through the Contract Health Services program. For Congress to make informed appropriation decisions, it needs to have accurate estimates of the amount needed to cover inflation in medical costs. Thus, we ask the Appropriations Committee to instruct IHS budget developers and OMB to apply a true medical inflation rate to all subsequent IHS budget requests. And just to kind of sum that up, the difference is a 4 percent versus a 10 percent for the true medical inflation rate.

Second, the IHS budget must be shielded from administrative rescissions and Congressional across-the-board cuts. Our system provides direct care to patients. It would be difficult enough to absorb such reductions if the IHS system were funded at its true level of need. But whereas our system is funded at 60 percent of need at best, arbitrary, unplanned-for cuts to program funding put prudent patient care at severe risk. The NIHB asks for bill language that would protect the IHS budget from all rescissions and across-the-board cuts imposed by the Administration or Congress.

Third, Indian programs throughout the federal government need better coordination, especially with regard to budget development. This is why the NIHB along with NCAI has recommended that the Obama Administration appoint an Indian programs liaison officer at each federal agency including OMB. Ideally, the OMB liaison officer would be located in the Office of the Director and charged with gathering in one place information about Indian Country's needs and advising the director on how to more effectively and efficiently coordinate Indian programs within and between federal agencies. For example, programs to combat alcohol-substance abuse in Indian Country involve at least four agencies: the IHS, BIA, the Department of Education and SAMHSA. Coordinating agency agendas and budgets for programs with similar objectives would help reduce duplicate paperwork requirements and better target services to intended beneficiaries. The NIHB asks the Appropriations Committee to encourage the OMB Director Orszag to create a new position in his office to coordinate budget policy for Indian programs.

On behalf of the National Indian Health Board, I thank you for the opportunity to address you and answer any questions if you have any.

[The statement of Reno Keoni Franklin follows:]

Testimony of
Reno Keoni Franklin, Chairman, National Indian Health Board
to the
House Interior Appropriations Subcommittee
regarding
FY2010 Indian Health Service Budget Recommendations

March 26, 2009

My name is Reno Keoni Franklin. I am a member of the Kashia Band of Pomo Indians in California, and I chair the National Indian Health Board. I also serve as Chairman of the California Rural Indian Health Board, a post I have held for several years and which has enabled me to observe first-hand the many pressing health needs of Indian people. I am here today to give you the National Indian Health Board's views on priorities for the FY 2010 Indian Health Service budget.

SUMMARY OF REQUESTS FOR INDIAN HEALTH SERVICE:

- **Current Services Accounts: +$449.3 million**
- **Program Increases: +$458.7 million**

(Itemized charts are attached.)

NIHB was pleased to learn that the Obama Administration is proposing what is described as a "significant" increase in the Indian Health Service (IHS) budget request for FY2010, to a figure in excess of $4 billion. While we do not yet have any details about the programs and projects for which increases are requested, we are hopeful that the Administration's budget will reflect the recommendations for FY2010 made in March, 2008, by the tribal leaders who comprise the Indian Health Service's National Tribal Budget Workgroup. The Workgroup's detailed recommendations, set out in its paper titled "Restoring the Trust and Leaving a Legacy", were supplied to the Obama Transition Team. NIHB supports and endorses those recommendations and they are attached to my written testimony.

The Workgroup recommended increases in the Indian Health Service Budget totaling $908 million above the expected FY2009 funding levels. These recommendations focus on two types of needed increases:

Current Services Increases are those budget increments needed for the Indian health system to merely continue to operate at its current level of service. This category contains such items as pay cost increases (for IHS, tribal and urban program employees); medical inflation; contract support costs; funding for population growth; facilities construction and staffing; urban program funding (which the Bush Administration sought to eliminate); and restoration of rescission amounts from FY05 and FY06. Without these increases to base funding, we would experience a decrease in our ability to care for our existing service population. The Workgroup recommends an increase of $449.3 million for these items.

Program Services Increases refer to the recommended increases in IHS budget accounts to enable our programs to improve and expand the services they provide to Indian patients. The IHS has long been plagued by woefully inadequate funding in all programmatic areas, a circumstance which has made it impossible to supply Indian people with the level of care they need and deserve. The Workgroup recommended $458.7 million be added to identified program and facilities accounts.

Budget Management Issues. I want to mention three issues involved with budget management which deserve special attention from the Subcommittee.

First, it has been OMB's practice for the past several years to apply the non-medical inflation factor to the IHS budget. This is wrong, as it greatly underestimates the amount needed to keep up with inflation. Instead, the medical inflation factor should be applied to the IHS budget to more correctly reflect the increased amount needed for a system that is responsible for providing direct care to patients and for purchasing care from public and private providers through the Contract Health Services program. Using the non-medical inflation factor is a sleight-of-hand way of depressing the budget and understating the system's true need. For Congress to make informed appropriation decisions, it needs to have accurate estimates of the amount needed to cover inflation in medical care costs.

Thus, we ask that Appropriations Committee to instruct IHS budget developers and OMB to apply the medical inflation rate to all subsequent IHS budget requests.

Second, the IHS budget must be shielded from Administration rescissions and Congressional across-the-board cuts. Our system provides direct care to patients. It is unfair – and inhumane – to make IHS programs vulnerable to budget devices employed for the sole purpose of achieving arbitrary budget ceilings. It would be difficult enough to absorb such reductions if the IHS system were funded at its true level of need. But where, as here, our system is funded at 60% of need at best, arbitrary, un-planned for, cuts to program funding put prudent patient care at severe risk.

Thus, NIHB asks for bill language that would protect the IHS budget from all rescissions and across-the-board cuts imposed by the Administration or Congress.

Third, the myriad of Indian programs throughout the Federal Government need better coordination, especially with regard to budget development. This is why NIHB, along with the National Congress of American Indians, has recommended that the Obama Administration appoint an Indian programs liaison officer at each Federal agency – including the Office of Management and Budget. Ideally, the OMB liaison officer would be located in the Office of the Director and be charged with gathering in one place information about Indian Country needs, and advising the Director on how to more effectively and efficiently coordinate Indian programs within and between Federal agencies.

For example, programs to combat alcohol and substance abuse in Indian Country involve at least four agencies – the Indian Health Service, the Bureau of Indian Affairs, the Department of Education and the Substance Abuse and Mental Health Administration. Coordinating agency

agendas and budgets for programs with similar objectives could help reduce duplicative paperwork requirements and better target services to intended beneficiaries.

NIHB asks the Appropriations Committee to encourage OMB Director Orszag to create a new position in his Office to coordinate budget policy for Indian programs.

Specific Indian Health Programs. In the time remaining, I want to mention a few programs identified by the IHS Tribal Workgroup for vital programmatic increases and tell you why I believe you should support these recommendations.

- **Contract Health Services**. This Subcommittee is well aware of the CHS program's critical role in providing health care to Indian people. The CHS program exists because the IHS system is not capable of supplying directly all the care needed by our service population. 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 or which are not cost-effective to offer at every location. But the reality is that the gross underfunding of CHS means that we cannot purchase the quantity and types of care needed. Thus, too many of Indian people are left with un-treated and often painful conditions which, if addressed in a timely way would improve quality of life and cost less to treat. Instead, these conditions are allowed to worsen over time until they become life- or limb-threatening and the care required is far more expensive.

  The Workgroup proposed what I believe is a very modest $110 million increase for CHS, although by many estimates the program should be increased by more than $300 million annually. I urge you to provide a more humane level of funding for the CHS program.

- **Contract Support Costs.** I just cannot understand why Indian Country must constantly implore Presidents and Congress to fully funding contract support costs. Since 1975, when the Indian Self-Determination and Education Assistance Act became a cornerstone of Federal Indian policy, Indian tribes have, in good faith, sought to carry out this policy by exercising the right that law provides to take over direct operation of IHS programs. Yet, by refusing to properly fund CSC, the Federal Government actually impedes its own policy and forces tribes to divert health care dollars to cover the contracting costs we incur. NIHB supports the Workgroup's recommendation that the CSC line item be increased by $143.3 million for FY2010, and that all subsequent budgets provide full funding for these costs.

- **Hospitals and Clinics.** This is the core account which funds our system's medical care programs. It also includes funding for the Indian Health Care Improvement Fund (IHCIF) which provides separate funding for distribution to selected operating units in order to reduce resource disparities between units within the IHS system. Without an appropriate level of support in the Hospitals and Clinics account, the United States' trust responsibility for Indian health cannot be met and IHS is unable to fulfill its health care mission. We urge you to accept the Workgroup's recommendations to increase the overall Hospitals and Clinics account by $107.4 million, and to supply an additional $61.2 million for the IHCIF.

- **Healthcare Facilities and Sanitation Facilities.** We call to the panel's attention the Workgroup's recommended increases in various facilities-related accounts – Healthcare Facilities construction (+$93.5 million); maintenance and improvement (+$8.1 million); Sanitation Facilities construction (+$26.2 million); and facilities and environmental health support (+$4.1 million). You know as well as I do that many, many of our health care facilities are inadequate and in poor repair. Funding for new construction had been on a "pause" under the prior Administration, and maintenance and improvement funding has been insufficient to meet demand.

  We are grateful for the generous funding for healthcare and sanitation facilities construction and maintenance provided in the American Recovery and Reinvestment Act, as it will help make up some of the ground lost over the past several years. This is only a one-time boost in resources, however. We need the Obama Administration and the Congress to commit to provide more appropriate levels of support for these facilities accounts – and to do so on a *continuing, recurring basis*.

FY 2010 CURRENT SERVICES INCREASES	
Pay Costs	$ 47,730,000
Inflation	51,038,000
Additional Medical Inflation	36,349,000
Contract Support Cost	143,259,073
Population Growth	22,544,792
Health Care Facilities Construction	93,556,187
Staffing New/Replaced Facilities	15,118,568
Restore Urban Programs	35,000,000
Restore FY 2005 Rescission	3,500,000
Restore FY 2006 Rescission	1,250,000
TOTAL CURRENT SERVICES	**$ 449,345,620**

FY 2010 PROGRAM SERVICES INCREASES	
Health Accounts	
Hospitals & Clinics	$107,391,447
Indian Health Care Improvement Fund (subset of H&C)	61,205,765
Information Technology (subset of H&C)	4,927,850
Dental	17,266,383
Mental Health	23,592,385
Alcohol and Substance Abuse	32,561,359
Contract Health Services	109,833,578
Public Health Nursing	7,895,049
Health Education	4,392,135
Community Health Representatives	8,102,018
Alaska Immunization	54,927
Urban Indian Health	3,121,335
Indian Health Professions	1,555,099
Tribal Management	4,976,344
Direct Operations	622,357
Self-Governance	142,068
Facilities	
Maintenance & Improvement	8,103,413
Sanitation Facilities Construction	26,195,488
Facilities & Environmental Health Support	4,169,464
Equipment	1,690,656
HFC Priority System Area Distribution*	20,000,000
Other Priority Recommendations	
Ambulatory/Outpatient	5,671,807
Pharmacy	1,250,000
Diabetes	3,151,004
Injury Prevention	833,333
TOTAL PROGAM INCREASES	**$458,705,264**
* The ADF funding methodology is currently under review by the IHS and HHS.	

Mr. DICKS. Thank you. Are there any questions?

Mr. Cole.

Mr. COLE. Could you describe a little bit more detail this position recommendation that you just mentioned for Director Orzag? How would that work? What would that person do precisely?

Mr. FRANKLIN. Well in the example we discussed four different entities working on drug and alcohol issues in Indian Country. We have four different agencies that are all at the same time having input on the budget process. If we had one person in that office to gather that information, have it all with one central person and disseminate that information to the director, we believe it would make it a lot easier for them to get that information and appropriately disseminate it.

Mr. COLE. So now this information would just come from four different directions to the director. Is there ever a disagreement? I mean, what is the process for reconciling when you will get four different estimates or four different decisions?

Mr. FRANKLIN. I imagine there is some confusion that goes on. I know that the OMB does not have a tribal liaison, and not having that person complicates how they receive that information.

Mr. COLE. Are there comparable people on the staff for other kinds of, you know, topic areas that would have this sort of diversity of opinion flowing in?

Mr. FRANKLIN. Yes, and they do have great staff over there but, you know, I think that when you have two large Indian organizations like NIHB and NCAI both recommending and stating that there is a need for that.

Mr. COLE. That is a good idea. Thank you very much.

Mr. FRANKLIN. Thank you, sir.

Mr. COLE. Thank you, Mr. Chairman.

Mr. DICKS. Thank you.

Myra Pearson, chairwoman, Spirit Lake Tribe, Fort Totten, North Dakota.

THURSDAY, MARCH 26, 2009.

SPIRIT LAKE TRIBE OF NORTH DAKOTA

WITNESS

MYRA PEARSON

Ms. PEARSON. Good morning, Mr. Chairman and members of the committee.

Mr. DICKS. Are you facing flooding out there?

Ms. PEARSON. Oh, yes. I am the only one that got out of North Dakota. That is why I am here.

Mr. DICKS. Well, we are glad you made it.

Ms. PEARSON. I struggled but I made it.

Mr. DICKS. You might want to stay here a while.

Ms. PEARSON. No, I am going right back home. We have got things that have to get done.

Thank you for this opportunity, and as chairwoman for the Spirit Lake Tribe, I want to submit this written comment to the Committee on Appropriations regarding the appropriations made to the

United States Department of the Interior insofar as appropriations apply to tribal communities and tribal programs.

The Spirit Lake Tribe has needs totaling $66.4 million to address deficiencies in funding for flood control, road projects, housing and construction, courts, child protection and welfare as well as a number of environmental issues affecting our community. All of these issues are presently funded through the P.L. 93–638 contracting process with funding to the tribe coming through the Bureau of Indian Affairs. For many years the Spirit Lake Tribe has entered into 638 contracts with the Bureau of Indian Affairs so that the tribe may determine priority funding areas as well as deliver services to the community in a more efficient and effective manner. Despite years of efforts, the programs administered through the tribe have continuously faced funding deficiencies. During the past three years, the tribe has conducted a self-assessment by and through our planning department. In part, the self-assessment involved prioritization of community needs as well as a comparison study between the level of needs stated by the 638 contract-funded programs and the actual level of funding. The assessment resulted in findings that many of the identified community needs and priority areas were programs that are funded through 638 contracts. As part of the budgets that reflected the financial needs of the programs that would support basic operational costs, these financial budgets were then forwarded to the BIA as part of the annual budgeting cycle, and despite the needs presented to the BIA, these programs were underfunded by more than $2 million. That is a significant amount of money to a community of little more than 6,500 members. These dollars could dramatically change the basic services provided in our community.

After reviewing the local assessment, it became apparent that the tribe was not receiving adequate funding to carry out basic services to the community, and what we found is that prior to receiving funding under the 638 contract, the BIA was reallocating discretionary and administrative funds. The tribe has no way of knowing what these discretionary or administrative funds are used for by the BIA but what we are certain of is that when these funds are removed, the result is that service providers at the tribal level are shortchanged to the point that it is difficult, if not impossible, to meet even the basic needs of our constituents. Allowing the BIA to continue to remove funds from the 638 contract process binds the hands of many tribes and is contrary to federal policies supporting self-determination.

The tribe has several immediate and necessary needs that must be met if we are to meet the most basic needs of our community. I am not going to go into all of those and you will receive a summary on each one, but right now we are faced with flood control. We are looking at our road projects that are being torn apart as well. You know what we have there. We have housing and construction contracts that we would like funded and fulfilled. We have courts and law enforcement that need funding. We have child protection, child welfare and environmental needs and issues.

As you can see from this testimony, the needs of the Spirit Lake Tribe are identified and will be totaled at $66.4 million. During the last funding cycle of our 638 contract dollars, our dollars only to-

taled $6,642,000. There is no way possible that the tribe is able to effectively perform these very basic community needs without adequate funding for these programs.

We need to receive adequate funding for basic programs and projects such as those that I have outlined in the testimony. Only by providing adequate funding can we truly move towards self-determination. We must solidify our base services so that we can build our capacity at local levels. Tribes cannot be expected to have our personnel do twice the work with half the necessary funding. Very simply, we are requesting that the appropriated funds be sufficient to meet the needs of the tribes and we are further requesting that the BIA stop taking large portions of the appropriated funds for discretionary purposes.

I thank you for your time and your consideration of both this request and comments on these matters.

[The statement of Myra Pearson follows:]

U.S. Department of Interior & Environment Appropriations

Myra Pearson, Chairwoman
Spirit Lake Tribe, Fort Totten, ND
Written Testimony
March 26, 2009

As Chairwoman for the Spirit Lake Tribe, I submit this written comment to the Committee on Appropriations regarding the appropriations made to the United States Department of Interior in so far as appropriations apply to tribal communities and tribal programs. The Spirit Lake Tribe has needs ***totaling $66.4 million***, to address deficiencies in funding for flood control, roads projects, housing and construction, courts, child protection and welfare, as well as a number of environmental issues affecting our community. All of these issues are presently funded through the 638 contracting process with funding to the tribe coming through the Bureau of Indian Affairs.

Background and Data

For many years the Spirit Lake Tribe has entered into 638 contracts with the Bureau of Indian Affairs so that the Tribe may determine priority funding areas as well as to deliver services to the community in a more efficient and effective manner. Despite years of effort the programs administered through the Tribe have continuously faced funding deficiencies. During the past three years the Tribe has conducted a self-assessment by and through our Planning Department. In part the self-assessment involved prioritization of community needs as well as a comparison study between the level of needs stated by the 638 contract funded programs and the actual level of funding. The assessment resulted in findings that many of the identified community needs and priority areas were programs that are funded through 638 contracts. As part of the assessment process those programs receiving 638 contract dollars were asked to submit realistic budgets that reflected the financial needs of the programs that would support "basic" operational costs. These financial budgets were then forwarded to the BIA as part of the annual budgeting cycle and, despite the needs presented to the BIA, these programs were under-funded by more than $2 million dollars. This is a significant amount of money to a community of little more than 6,500 members. These are dollars that could dramatically change the "basic" services provided in our community.

After reviewing the local assessment it became apparent that the tribe was not receiving adequate funding to carry out basic services to the community and what we found was that prior to receiving funding under the 638 contract, the BIA was reallocating discretionary and administrative funds. The Tribe has no way of knowing what these discretionary or administrative funds are used for by the BIA, but what we are certain of is that when these funds are removed the result is that the service providers at the tribal level are short changed to the point that it is difficult, if not impossible to meet even the basic needs of our constituents. Allowing the BIA to continue to remove funds from the 638 contract process binds the hands of many tribes and is contrary to federal policy supporting self determination.

The Tribe has several immediate and necessary needs that must be met if we are to meet the most basic needs of our community. More specifically our need priorities include the following:

1) Flood Control: The flooding issues surrounding Devils Lake have had a devastating impact on the Tribe and our members. We have lost valuable resources such as lands, homes and roadways to ongoing flooding. While many people have already suffered losses, there are many more who continue to be threatened by continued flooding. Many homes in our communities need to be moved to higher elevations and even our tribal governmental building is at risk due to the continuing rise of floodwater. The Tribal building currently houses the primary agencies of the Tribal government, including our Tribal Council Offices, Finance Department, Tax and Revenue Department, Motor Vehicle Department, Tribal Health Program, Tribal Realty, Probate Office, Tribal Enrollment, EPA program, CHR Program, Human Resources and Victim Assistance Program. In addition to our tribal agencies, the BIA has many offices within this building and has expressed concerns over the structure in recent years. The building has many structural issues and health issues stemming from things like mold and other water related damages. Due to the high cost of repairs it is not economically feasible to perform necessary maintenance but these vital agencies have no alternatives in terms of office space and hence many people are working in unsatisfactory work environments

Total funding needed for flood response:

Home relocation Program $10 million

Building Construction for Tribal Building $10.5 million

2) Roads Projects: The flooding mentioned previously has also proven very costly to the tribal roads department, a 638 contract funded program. The rising floodwaters have resulted in significant funding needs for roads as dams projects and for the construction and improvement of alternate roadways through the reservation. The Tribe has been completing many of the roads projects on very limited budgets through the BIA and the Federal Highways programs and but has not been able to receive any profits from these projects due to the 638 contract process. The end result has been that the Tribe is not able to meet the needs of the community for roads projects other than those funded through Federal Highways and BIA. Tribes should be able to receive the difference in funds between budgeted project costs and actual project costs on such projects and should not be deemed federal agents by virtue of the 638 contracting process. This would enable the Tribe to complete additional roads projects and would further support Tribal Self determination.

Total funding needed for roads projects: $10 million

3) Housing and Construction Contracts: In addition to those priorities mentioned above, the Tribe has ongoing housing needs for both home repair and new construction. Many tribal families have been displaced, being forced off of the reservation and away from their families simply because there is not sufficient housing to meet the needs of the community. For many families who have yet to be displaced we have severe overcrowding with upwards of eight to ten family members in a single dwelling home consisting of two to three bedrooms. Such living situations are far more common than we would like and are primarily due to the housing shortages we are experiencing. Additionally housing problems are all too common for those who do have houses. Many existing homes require roof repairs, foundation repairs, and

plumbing and heating repairs; however there is not sufficient funding to address many of these problems.
Total funding needed for housing and construction: $18 million

4) Courts and Law Enforcement: One of the 638 contracts clearly demonstrating the funding deficiencies I have referred to is the Tribal justice system. The Tribe currently 638 contracts the Tribal Court; however funds only cover one Judge and three clerks of court. The Court is fully functional exercising jurisdiction in civil and criminal cases and yet program dollars do not support even the core personnel such as adult and juvenile prosecutors, public defenders, probation officers or bailiffs. These are core personnel that most court systems in the nation could not function without and yet we are forced to do what we can to piece together funding through various unreliable resources such as grants to sustain core personnel. This runs entirely contrary to the 638 contracting process and often binds the hands of our court system in terms of how the Tribe administers justice. Backlogs are common but more importantly these deficiencies open our court and the decisions made in our court to appeals in the federal court system, often resulting in the diminishment of tribal jurisdiction and ultimately on the diminishment of tribal sovereignty.
Total funding needed for Courts: $900,000

With respect to law enforcement, the Tribe has not yet opted to 638 contract law enforcement in large part due to the clear deficiencies in funding for law enforcement services. These deficiencies have resulted in inadequate law enforcement service including very slow response times to reported criminal activity, poor follow up and investigation on reported criminal activity and very real problems for officer safety. It is not uncommon for one officer to be on duty to patrol the entire reservation at any given time. There is little back up for officers and little to no training offered to improve the quality of law enforcement services on the reservation. The end result has been that community members are reluctant to even report crime as there is little trust that there will be any assistance offered.
Total funding needed for Law Enforcement: $500,000

5) Child Protection and Child Welfare: If we are to truly achieve a measure of community health and wellness, we must invest in measures that protect or children. When we look to the root cause of many social problems within our community they stem from historical trauma and from the many negative experiences that all too often occur in childhood. Many children and families in our community are in need of protection and intervention services. In recent years the tribe has spent a significant amount of time trying to resolve many of the deficiencies within our child protective and child welfare services. Again self assessment was a large part of the process and the findings from portions of the assessment revealed more problems with the 638 contract funding process. In essence we found that the Tribal Social Services Program has been performing child protective services focusing on the removal and investigation of child abuse and neglect reports as well as child welfare services focusing on longer term permanency planning for children who have been found to be neglected or abused, but the program is only receiving funding to perform the latter. In essence the program has been doing the work of two programs with half the necessary funding. This disparity has resulted in children being placed at risk by remaining in unsafe environments and in case workers are being asked to perform duties that far exceed not only their level of compensation but also their level of expertise.

If we are going to heal our communities we need to adequately fund programs such as child protective services and child welfare. To do this we need more resources to adequately staff these programs and to get the families the services that they need to function in a healthy way.
Total funding necessary for child protection and child welfare: $1.5 million

6) Environment: In accordance with long held values within our community there is a deep connection to the environment and respect for our environment has always been very important to our community. Our tribal EPA program and our Water Resources Program have focused on various environmental initiatives ranging from improving water quality to addressing hazardous materials removal and various other projects in between. These programs focus on monitoring environmental conditions on the reservation, implementing corrective programs and educating our community on our environmental issues and preventative measures. It is essential to the long term well being of our community that we continue to monitor changes in our environment and that we be equipped to take corrective action when necessary. One of the biggest concerns presently is the drinking water in the community which requires a water treatment plant or alternative water supplies in order to come into compliance with EPA water quality standards.
Total funding necessary for environmental projects: $15 million

As you can see from this testimony the needs of the Spirit Lake Tribe in the above identified area(s) ***total $66.4 million***. During the last funding cycle 638 contract dollars ***totaled $6,642,000***. There is no possible way that the Tribe is able to effectively perform these very basic community services without adequate funding for these programs. We need to receive adequate funding for basic programs and projects such as those that I have outlined in this testimony. Only by providing adequate funding can we truly move towards self-determination. We must solidify our base services so that we can build our capacity at the local levels. Tribes cannot be expected to have our personnel do twice the work with half the necessary funding. Very simply, we are requesting that the appropriated funds be sufficient to meet the needs of the Tribes and we are further requesting that the BIA stop taking large portions of the appropriated funds for discretionary purposes.

I thank you for your time and for your consideration of both this request and comments on these matters.

Myra Pearson
Chairman
Spirit Lake Tribe

Mr. DICKS. Thank you. Are there any questions? All right. Thank you very much.

Next we are going to have Dr. John Finley, president of the American Dental Association. Welcome, Dr. Finley.

Dr. FINLEY. Thank you, sir.

Mr. DICKS. We appreciate your being here today.

THURSDAY, MARCH 26, 2009.

AMERICAN DENTAL ASSOCIATION

WITNESS

JOHN FINLEY

Dr. FINLEY. Good morning. Chairman Dicks, Ranking Member Simpson and members of the committee, I am John Finley, president of the American Dental Association and a practicing dentist in Texas. Let me say that the ADA appreciates very much the opportunity to appear before you today and to comment on oral health issues that affect American Indians and Alaska Natives and the dentists who serve in the Indian Health Service.

First, Chairman Dicks, we would like to congratulate you and other members of the committee for the increases you were able to secure for the IHS and particularly the dental program in the omnibus and stimulus bills earlier this year. Those funding increases will begin to close the gap in disparity of disease and access to health care between American Indians and Alaska Natives and other ethnic groups. For several years the ADA has come before this committee and shared our concerns about the IHS dental workforce. The recommendations today include a stronger role for the director of the IHS headquarters division of the oral health to address this chronic issue. These dental program need the dental director's supervision and control of funding in order to effectively make changes. Our greatest concern is the impending loss of the most experienced IHS dentists. Dentists with residencies in pediatrics, oral surgery and other health specialties provide advanced oral health care to Indian people. With child cavities, or decay, and periodontal disease among diabetics being rampant, these dentists are in high demand. However, 65 percent of them will be eligible for retirement this year. We urge the committee to increase the dental program line by $1 million for dental residencies and indicate that it is to continue as part of the base of future budgets. Additionally, the committee needs to specifically allocate the use of these funds to the director of the IHS headquarters division of oral health.

Mr. Chairman, we are pleased to report that the IHS dental program is seeing improvement in filling vacancies. A year ago there were over 130 vacancies. Today there are 87. We believe that several factors have contributed to this reduction. The IHS dental staff has put a greater emphasis on recruiting, especially in the area of dental students for their summer extern program as a way to introduce them to the service. Student applications have gone from 151 to 322 in the last year. The IHS expects to place this year about 120. Dental recruiters attribute some of this success to the new on-

line application service which they promote at recruitment events as well as in ADA publications. The ADA urges the committee to provide an additional $250,000 to allow the director of the IHS headquarters division of oral health to double the number of externs in the dental program.

While the reduction in——

Mr. DICKS. What is an extern?

Dr. FINLEY. People who go into the areas and actually participate and practice dental care, learning and participating, on-the-job training to some extent.

Mr. DICKS. Okay.

Dr. FINLEY. While a reduction in vacancies is encouraging, there is a caveat that goes with them. In the past year some tribally and federally managed programs have stopped advertising for dental positions that have been vacant for too long. This is not what the ADA would like to see and we would hope that in the future the IHS will be able to find a way to hire dentists at those sites too. In the past ADA has testified that the IHS dental program would need $20 million to bring all federal and tribal dental programs into the service's electronic dental record system. We are hopeful that some of the stimulus money will come to the dental program because the electronic dental records system will provide better recordkeeping and capture data from patient encounters. The ADA has also heard that the lack of having an EDR system discourages dental students from joining the IHS. At this time we do not know how much stimulus funding will be allocated to the dental program but we will keep the committee apprised if additional funding is needed.

From the association's experience of working with the IHS over 35 years, we have seen the following: a 14 percent increase in the number of children with no decay, a 12 percent decrease in the number of children with high decay rates, a 9 percent decrease in the number of adults with periodontal disease. However, we want to see even better trends in the future.

Thank you for allowing the American Dental Association to participate today. We look forward to working with you and seeing that the IHS is a dental program that works for all. The ADA remains committed to working with you, the IHS and the tribes to aggressively reduce the disparity of oral disease and care that currently exists in Indian Country. Thank you, Mr. Chairman.

[The statement of John Finley follows:]

Good Morning Chairman Dicks, Ranking Member Simpson and Committee Members. I am Dr. John Findley, President of the American Dental Association (ADA) and a private practicing dentist from Texas. The ADA, which represents 155,000 dentists, appreciates the opportunity to comment on the oral health issues that affect American Indians and Alaska Natives (AI/ANs) and the dentists and oral health care providers who serve in the Indian Health Service (IHS).

We would first like to congratulate you, Chairman Dicks and the Committee, on the increases that you secured for the IHS, and particularly the dental program, in the Omnibus and Stimulus bills earlier this year. These funding increases will begin to close the gap in the disparity of disease and access to health care between AI/ANs and other ethnic groups.

For several years, the ADA has come before the Committee and shared our concerns about the dental workforce. We would like to point out at the beginning of our testimony that the recommendations we are going to make today include a stronger role for the Director of the IHS Headquarters Division of Oral Health in the use of funding to address chronic dental workforce shortages. There are some dental programs that must have the Dental Director's supervision and sufficient control of funding in order to efficiently address the problems.

One of those areas is the impending loss of the most experienced IHS dentists. Dentists with residencies in pediatrics, oral surgery, and other dental specialties provide advanced oral health care to AI/ANs. With childhood caries (decay) and periodontal disease among diabetics being rampant, these dentists are in high demand. According to the 2007 IHS Diabetes Care and Outcome Audit, only 36 percent of diabetes patients had at least 1 dental visit within the past year, and 63 percent didn't have any documented dental care. Diabetics with severe periodontal disease have a more difficult time controlling their blood sugar than diabetics without periodontal disease.

However, 65 percent of these experienced IHS dentists will be eligible for retirement this year. Therefore, we urge the Committee to increase the dental line by $1 million for dental residencies and indicate the funding is to be part of the base in future budgets of the IHS dental program. Additionally, we believe that it is necessary for the Committee to indicate that this funding is to be allocated to the Director of the IHS Headquarters Division so it will be used exclusively for the dental residencies.

Mr. Chairman we are pleased to report that the IHS dental program is seeing improvement in filling vacancies. A year ago, we reported that there were over 130 dental positions open. Today, the number is 87. We believe that several factors have contributed to reducing these workforce shortages.

Throughout the year, the IHS dental recruiters make numerous dental school presentations and lectures in community dental courses and attend organized dental association meetings. Most recently, they have put greater emphasis in recruiting dental students to participate in their summer extern program as a way to introduce them to the IHS so that upon graduation they are more likely to join the Service. In the last year, program applications went from 151 to 322 with students from 49 of the existing 56 dental schools. The ADA has actively supported the IHS extern program by sponsoring travel for dental students who provide dental assisting services for the externs. The IHS expects to place about 120 of the students which will make them IHS ambassadors when they return to school in the fall. The IHS attributes some of this success to

their new online application service which they promote at all recruitment events as well as in ADA and other professional publications. The IHS quarterly electronic dental recruitment letter goes to over 5,000 addresses, and they also use webinars to highlight various career paths in the IHS Division of Oral Health. The most recent one, this month, had over 60 participants.

The ADA is very pleased that the IHS has been able to capture the attention of so many dental students and interest them in a career in the Service. However, we would like to see the IHS have the ability to place all of the applicants into the program. We believe that an additional funding of $250,000 would allow the Director of the IHS Headquarters Division of Oral Health to double the number of externs participating in the program.

There is, however, a caveat that comes with the declining dental vacancies numbers. In the past year, some health centers operated by tribally and federally managed programs have stopped advertising for dental positions that have gone unfilled for extended periods of time. This is not what the ADA would like to see, and we hope that using the IHS headquarters' example of recent successes with traditional and new electronic recruitment tools would be a way for the IHS field programs to move toward filling these vacancies.

Health Information Technology

The American Recovery and Reinvestment Act (ARRA) provided $85 million for the IHS to initiate its electronic record system. The ADA has written to the IHS director and strongly encouraged the IHS to allocate $6 million for FYs 2009 and 2010 as a down payment on the $20 million needed by the Division of Oral Health (DOH) to begin implementation of the electronic dental record (EDR) system in 2009. This level of funding will allow the DOH to accelerate the deployment of the EDR that will ultimately include 230 federal and tribal dental programs.

The EDR will support program planning, evaluation, and reporting needs for the DOH. Additionally, it will provide automated patient dental records and capture dental data from patient encounters and oral examination records to support quality assurance, utilization reviews, resource allocation, clinical measures, and research. The ADA believes that IHS dental patients should have the same quality of care enjoyed by all Americans and making sure that the DOH can fully implement the EDR in a timely fashion will help to ensure that goal. At this time we do not know what portion of the ARRA funding will be allocated to the dental program, but we will keep the Committee apprised if additional funding is needed.

Continue Congressional Program to Upgrade Dental Facilities

In 1995, the Association testified regarding the urgent need to replace and upgrade dental facilities throughout Indian Country. The Committee recognized that it was impossible to build new dental facilities but acknowledged the need for modern clinics by setting aside at least $1 million each year to replace modular dental units. This approach has been highly successful. On our site visits, we have had a chance to see both the outdated units and their replacements. Delivering care in state-of-the-art surroundings is greatly appreciated by the dentists, their staffs and their patients. There are still at least 27 dental programs on the waiting list for updated equipment. We request that the Committee continue this successful program at $1 million for FY 2010.

Expand Dental Clinical and Preventive Support Centers
A predominant concern of the ADA is the epidemic of tooth decay, known as "early childhood caries" (ECC), among children in Indian Country. Approximately 79 percent of Indian children between 2–5 years of age have dental decay, compared to 19 percent for non-Hispanic white children, 29 percent for non-Hispanic black children, and 41 percent for Hispanic children of the same age. Worse still, the *severity* of decay is substantially higher in Indian children compared to the population as a whole. Preschool Indian children average more than 5 teeth with decay compared to 1 decayed tooth among U.S. pre-school children of all races. In many AI/AN communities, between 25–50 percent of preschool children have such extensive ECC that they require full mouth restoration under general anesthesia, compared to less than 1 percent for non-AI/AN children.

Thus, in the first decade of the 21st Century, AI/AN children experience rampant early childhood caries at a rate approximately 50–100 times higher than non-AI/AN children. This may represent the largest health disparity in the U.S. today. The ADA would like to eradicate ECC and within 5 years see that every AI/AN child entering school will be caries-free.

To accomplish that, the IHS needs to enhance programs that establish a dental home for all AI/AN children and enhance appropriate prevention methods. Unfortunately, the ADA has noticed, through site visits to IHS/tribal dental clinics, that there has been a decrease in oral health prevention services. The Association found that, because federal funding did not keep up with the growing AI/AN populations, it caused the IHS to sacrifice resources for oral health promotion programs in order to maintain acute and urgent care services. Consequently, less time and resources were available to build and maintain a sorely needed health promotion/disease prevention infrastructure.

For underserved populations that do not have a sufficient supply of dentists, preventing dental disease is imperative. To address this situation, the IHS has established eight dental clinical and preventive support centers to serve ten areas. Support Center staff in this program are trained to assist in establishing and maintaining community-based programs to prevent dental disease. Their training includes:

- School-based sealant programs,
- Community water fluoridation,
- School-based fluoride mouth rinse programs,
- Community-based dental education programs,
- Programs to prevent early childhood caries (tooth decay),
- Programs to prevent periodontal disease, and
- Head Start based prevention programs.

In order to fully address the needs of the support centers and not allow prevention efforts to fall behind, we recommend that the Committee increase the current funding by $1 million to $2.75 million and designate the funding to be used by the Director of the IHS Headquarters Division of Oral Health. This amount of funding will allow for a support center in each IHS geographic area.

Centers of Excellence in the IHS Division of Oral Health.
The ADA is aware that as Congress addresses the issue of health care reform this year that great emphasis will be placed on making all federal health care programs effective and efficient. With

that thought in mind we are proposing that the IHS create two new Centers of Excellence. They would be:

- A Center of Excellence for Clinical Training: This center would provide for training and recertification of dental assistants (DAs). The IHS needs to train new DAs, to develop the next generation of assistants to replace those expected to retire. The center will provide online training/coursework for IHS DOH employees, manage their Continuing Dental Education Program and manage training-related pilot projects, all of which would result in improved quality of oral health care for the AI/AN communities and
- A Center of Excellence for Program Management: This center would provide for management training which would result in the field and area programs being more efficient and effective in meeting the oral health needs of the AI/AN population.

The ADA recommends that the Committee provide an additional $1.5 million for start-up costs for the centers. As with all of our recommendations in this testimony, funding for these centers would need to be appropriated to, and controlled by, the Director of the IHS Headquarters Division of Oral Health.

Conclusion

From the Association's experience of working with the IHS dental program for over 35 years, we know that adequately funding dental care can make a difference. The 1991 Oral Health Survey shows that in areas where dental care was accessible there was a:

- 14% increase in the number of children 5-19 years with no decay,
- 12% decrease in the number of children 5-19 years with high decay rates (7 or more cavities), and
- 9% decrease in the number of adults 35-44 years with periodontal disease.

However, the Association wants to see even better trends in these areas, because it is well documented that AI/AN people have some of the highest oral disease rates reported in the world. The 1999 IHS survey of Oral Health Status and Treatment Needs indicates the following:

- 79% of children aged 2-4 years had a history of dental decay,
- 68% of adults and 61% of elders had untreated dental decay, and
- 59% of adults 35-44 years and 61% of elders have periodontal (gum) disease.

Thank you for allowing the ADA to testify and highlight the needs and successes of the IHS dental program. We hope that you will allow us to supply you with more budget specifics after the Administration releases its budget this spring. In the meantime, know that the ADA remains committed to working with you and the IHS to aggressively reduce the disparity of oral disease and care that currently exists in Indian Country.

Mr. DICKS. Last year you had an issue about people being able to, from different states, was it, accreditation? What was that concern? We tried to help you on it, I know that.

Dr. FINLEY. You have and you did and we greatly reduced the problems in that area. We are able to send volunteers. In fact, we have several programs that are——

Mr. DICKS. That is what it was.

Dr. FINLEY. Yes, sir. And I thank you for that help. We have been successful at promoting that program.

Mr. DICKS. Are people still in the National Health Service Corps? Is that program still there?

Dr. FINLEY. There are still programs like that and we have several other programs that we are working on, new programs that we are working on to put more people in those areas.

Mr. DICKS. Now, our expert is Mr. Simpson.

Dr. FINLEY. He is.

Mr. DICKS. I think we can fix this one thing, it is small enough where it could be a pilot project. We could see how these electronic records work. I think our committee has already taken a lead on this and I would like to see us finish the job.

Dr. FINLEY. Well, you have taken the lead and we are very much appreciative of that.

Mr. DICKS. And we appreciate the ADA and your people helping us work on those volunteers. If you have any problems, you let us know.

Dr. FINLEY. Thank you, sir.

Mr. DICKS. Thank you.

Dr. Joe Shirley, Jr., president, the Navajo Nation. Welcome.

THURSDAY, MARCH 26, 2009.

NAVAJO NATION

WITNESS

JOE SHIRLEY, JR.

Mr. SHIRLEY. Good morning, Chairman Dicks. Thank you very much. Ranking Member Simpson, committee members, it is really good to be afforded the opportunity to testify even for a few moments.

First I would like to underscore the need for meaningful tribal consultation. Tribes——

Mr. DICKS. You know your whole statement will be put in the record and you have 5 minutes to summarize.

Mr. SHIRLEY. Thank you. First I would like to underscore the need for meaningful tribal consultation. Tribes need to be at the table talking about funding and programs. The concept of the government-to-government relationship should mean that the federal government includes tribal governments in the decision-making process. One gets the message when sitting in tribal consultation meetings that decisions have already been made and consultation is nothing more than a pretense to be able to say that we listened and took notes but other priorities govern the process.

Mr. DICKS. I think that is going to be different under this Administration.

Mr. SHIRLEY. I am really looking forward to it, sir.

Let me go ahead and also talk about education, roads, health care and public safety. I just want to kind of mention some things about it. Education—within the Department of Interior's Bureau of Education exist several programs that administer funding to the Bureau of Education and Indian Affairs Schools. I will briefly mention some problem areas. Regarding the administrative cost grants, under school operations, many tribes have struggled with a continued decline of administrative cost grants, ACGs. The ACG is a statutory formula base method created by Congress to calculate the amount of funds that should be provided to tribes for the administrative and indirect cost expenses incurred in the operation of the Bureau of Indian Affairs contract and grant schools. Although statutorily mandated, funds appropriated by Congress for ACGs have been rarely enough to cover the full amount. In school year 2007–2008, schools received 65.75 percent of the amount they should have received under the formula. Comparatively, in school year 1999–2000, it was funded at 82 percent. The Navajo Nation requests that Congress fully fund ACGs at the level granted by the statutory formula.

Now, regarding Johnson-O'Malley, this is a key program whereby Navajo parents and community members have been able to become involved in the public schools operating in the Navajo Nation. Navajo Johnson-O'Malley serves 50,000 students who are reservation based from early childhood through the 12th grade. Inflationary costs have not been fully allowed for within the budget, resulting in an effective reduction in the JOM program overtime. The Navajo Nation strongly supports an increase in the JOM program to a level of $24.3 million, consistent with the position taken by the National Johnson-O'Malley Association. This amount will cover the inflationary costs of additional students entering the system over the last decade.

Regarding school construction, there is a backlog of about 81 schools that are in need of major repair or replacement. Some of the schools on Navajo are very dilapidated and are in danger of endangering some of the students that go to school there so whatever could be done to get funding to catch up, that would be appreciated.

Now, regarding roads, the Navajo Nation currently has over 10,000 miles of roads within the BIA's Indian Reservation Roads (IRR) program. The Department of Transportation and BIA administer the IRR program with funding coming from the Federal Highway Administration to IRR. The Navajo Nation has grave concerns regarding the Bureau of Indian Affairs' inequitable interpretation of the funding mechanism approved by Congress under the SAFETEA–LU statute of 2005. The inequitable distribution pits small tribes against large land-based tribes and has eroded the Congressional intent of the Indian Reservation Roads program by turning it into an all roads program.

Mr. DICKS. You know, that program is going to be reauthorized this year. I would really urge you to go to talk to Mr. Oberstar and his staff to make sure they understand your concerns.

Mr. SHIRLEY. Certainly, sir. Thank you very much for that.

We are working with our Congressional leaders to achieve the necessary amendments in the upcoming reauthorization of the SAFETEA–LU. In the interim, it is of the most importance to fully fund the program to ensure the safety of the residents of the Native nations.

Regarding Indian Health Service, there is approximately a $6.5 billion backlog of health care facilities construction projects throughout Indian country. The stimulus package provided an additional $227 million but the Indian Health Service was required to fund only two projects currently under construction, which is a drop in the bucket. The 2009 budget for health facilities increased by $16 million from 2008 funded levels. While the increase is appreciated, these increases do not fulfill the critical health care facilities construction needs. Until all the health facilities are funded, we need to maintain the current funding priority system that honors the volume of health services provided. The Navajo Nation has played by all the rules for 30 years and promises need to be kept.

And lastly, regarding public safety, currently the BIA funds only BIA owned and operated detention facilities. The Navajo Nation does not receive any construction funds under this budget line item. The Navajo Nation owns and operates under a 638 contract with the BIA six adult detention facilities located in Winter Rock, Chinle, Kayenta, Delcon, Arizona, and in Shiprock, Crown Point, New Mexico. Three of these facilities are temporary holding facilities for new arrestees while the other three are used for serving inmates. The Navajo Nation requests Congress to direct the BIA to allocate a fair portion of the public safety construction funds to tribally-owned and 638-contracted facilities.

Gentlemen, thank you very much.

[The statement of Joe Shirley, Jr., follows:]

Statement of Dr. Joe Shirley Jr. President, The Navajo Nation
Before the Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies United States House of Representatives
Washington, D.C. March 26, 2009

Thank you, Chairman Dicks, Ranking Member Simpson, and Members of the Subcommittee, for the opportunity to appear before you this morning to discuss Native American issues within your jurisdiction. The Navajo Nation welcomes this opportunity to share our views and budget recommendations for the upcoming fiscal year.

First, I'd like to underscore the need for meaningful tribal consultation. When we are discussing funding and programs I would be remiss in not mentioning the failure of the departments to accord a meaningful consultation policy with tribes. The concept of the government-to-government relationship should mean that the federal government includes tribal governments in the decision making process.

I stand with you today to say the Navajo Nation is ready to work to rectify and undertake the challenge of addressing what exactly we need to ensure we are working with, and not against, these agencies. But we need your help to do so.

When speaking about the Bureau of Indian Affairs, the Department of Interior's Inspector General stated that they were facing a "myriad problems", and that "programs are sorely understaffed, underfunded and poorly managed."[1] This statement was provided before this very committee a few weeks ago. It would seem that this is the consistent message from both internal and external reports. Clearly, something is amiss.

We face uphill battles in Native America. These are exacerbated when funding levels are either stagnant, or nominally increased at a rate that barely keeps pace with inflation. I'd like to focus my discussion today on: 1) Education 2) Roads 3) Healthcare and 4) Public Safety.

Education
Within the Department of Interior's Bureau of Education exist several programs that administer funding to Bureau of Education schools. I will briefly discuss a few of these programs.

1. Administrative Cost Grants
Under school operations many tribes have struggled with the continued decline of Administrative Cost Grants (ACG).

The ACG is a statutory[2] formula-based method created by Congress to calculate the amount of funds that should be provided to Tribes for the administrative and indirect cost expenses incurred in the operation of Bureau of Indian Education (BIE) contract and grant schools. Although statutorily mandated, funds appropriated by Congress for ACGs have rarely been enough to cover the full amount. In school year 2007-2008, schools received only 65.75% of the amount they should have received under the formula. Comparatively, in school year 1999-2000 it was

1 Hearing: Interior Department Oversight Mary Kendall, Deputy Inspector General, Interior 03/03/09
2 25 USC §2008(d)

funded at 82%. I testified before this committee about the hardship of operating under need at that time and yet here I am nine years later reporting the same hardship and an even worse funding level.

125 of 184 BIA funded schools, nearly all on tribal land, are funded under this provision. 48% of all BIE schools are on Navajoland. As more and more BIA schools convert to tribal operations, the annual appropriations must be divided between a larger number of schools. The amount of money is further diminished as the cost of operating a school continues to increase. All of these factors contribute to the funding shortfall.

The intent of this statutory provision is to promote tribal sovereignty to allow tribes to manage the operations while the federal government retains the trust responsibility to fund them. A contract undertaken by a tribe does not absolve the federal government of its legal duty and trust responsibility.

The Navajo Nation requests that Congress fully fund ACGs at the levels granted by the statutory formula.

2. Johnson O'Malley

After many years of stable funding for this program, beginning in 2006, the prior administration targeted the Johnson O'Malley program with complete elimination. Congress thankfully restored the program to moderate operating levels.

This is a key program whereby Navajo parents and community members have been able to become involved in the public schools operating on the Navajo Nation. Navajo Johnson O'Malley serves 50,000 students who are reservation based, from early childhood through 12th grade. Inflationary costs have not been fully allowed for within the budget, resulting in a de facto reduction in the JOM program over time.

The Navajo Nation strongly supports an increase of the JOM program to a level of $24.3 million consistent with the position taken by the National Johnson O'Malley Association. This amount would cover the inflationary costs and the additional students entering the system over the last decade.

3. School Construction

Approximately 48% of all BIA school facilities are located on the Navajo Nation. The aging facilities are difficult to maintain and operate. The Navajo Nation has reported these problems to Congress and asked that they be addressed and resolved. In 2007, the Inspector General for the Department of Interior did an internal nationwide audit, and subsequently issued a flash report highlighted 13 schools.[3] 11 of these were on Navajoland. The report contained evidence of "severe deficiencies" having "the potential to seriously injure or kill students and faculty and require immediate attention to mitigate the problem." Some issues have been addressed but the real question is how did we let it get to that point in the first place? It is an outrage that schools

[3] U.S. Department of the Interior, Office of the 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

funded and under U.S. government purview are in such a state of disrepair as to pose threat to life and limb.

According to the BIA there is a current backlog of 81 schools that are in need of major repair or replacement. Do we wait for a catastrophe before we address the safety concerns that run the gamut from weak structures to possible explosion of gas lines before we fund construction? The policy of "putting out fires" is unacceptable. We need to proactively meet these construction needs prior to them becoming emergencies or headlines.

4. Higher Education Scholarships

The Navajo Nation Higher Education Scholarship program is funded through a P.L. 93-638 Contract between the Navajo Nation and BIA. The Higher Education funds are used to assist students in undergraduate degree programs as well as vocational education. BIA does not provide funds for graduate studies. Each year, 10,000 Navajo college students apply for these funds and only 4,500 receive funding.

The Navajo Nation requests Congress fund the BIA Higher Education budget at $30 million, fund graduate school scholarships at $2 million open for any field of study, and fund a national college bridge programs at $10 million to adequately prepare students for college success.

Roads

The Navajo Nation currently has inventoried and submitted over 17,000 miles of roads under the BIA's Indian Reservation Roads (IRR) program. These are tribally owned and BIA roads, that include school bus routes, most of which are unpaved. The Department of Transportation and BIA administer the IRR program with funding from the Federal Highway Administration to IRR.[4] The Navajo Nation has grave concerns regarding the Bureau of Indian Affairs' inequitable, if not unlawful, interpretation of the funding mechanism approved by Congress under the SAFETEA-LU statute of 2005. The inequitable distribution pits small tribes against large land-based tribes, and has eroded the Congressional intent of the Indian Reservation Roads program by turning it into an 'all roads' program, by allowing funds to be disbursed to tribes who have no land base and who are allowed to count state and county routes at 100%. States and counties receive their own funding allocation and should not be allowed to take from the IRR program.

We are working with other large land based tribes and our Congressional leaders to ask the Federal Highway Administration and BIA to respond to our concerns and we will seek necessary amendments in the upcoming reauthorization of SAFETEA-LU. We ask for adequate funding in the IRR program in the upcoming fiscal year for both road maintenance and construction. Additionally we ask that school transportation funding under the Bureau of Indian Education be increased. Currently, the transportation funding per mile is $2.61, which covers only about 75% of the transportation cost at each school. The Navajo Nation respectfully requests that Congress fund student transportation on par with the national average.

[4] As authorized by SAFETEA-LU Public Law 109-59

Indian Health Service
There is approximately a $6.5 billion backlog of Health Care Facilities Construction Projects throughout Native America. The American Recovery and Reinvestment Act provided an additional $227 million but the Indian Health Service was required to fund only two projects currently under construction, which is merely a drop in the bucket. The 2009 Budget for health facilities increased by $16 Million from 2008 funded levels. While the increase is appreciated, these increases do not fulfill the critical health care facilities construction needs.

President Obama's funding pledge found in the 2010 Budget Outlines presents a $432 Million increase which will be disbursed in different needed areas, such as contract health care, Meth and Suicide Prevention/Treatment, Dental Health, Alcohol and Substance Abuse. All increases in these and other line items are warranted.

Until all the health facilities are funded we need to maintain the current funding priority system that honors the volume of health services provided.

Public Safety
Currently the BIA funds only BIA owned and operated detention facilities. The Navajo Nation does not receive any construction funds under this budget line item. The Navajo Nation owns and operates, under a 638 Contract with the BIA, six adult detention facilities located in Window Rock, Chinle, Kayenta, and Dilkon, Arizona, and in Shiprock and Crownpoint, New Mexico. The Navajo Nation requests Congress to direct the BIA to allocate a fair portion of the Public Safety Construction funds to tribally-owned/638 contracted facilities.

The Navajo Nation requests a 20% increase in Bureau of Indian Affairs Operation of Indian Programs Law Enforcement budget over the FY2009 enacted levels in order to accommodate a Navajo Nation Law Enforcement Personnel funding request.

Further, the Navajo Nation urges Congress to direct the BIA to establish a sound, policy-based funding formula based on population, land base, economic conditions, and law enforcement resources for the distribution of BIA Operation of Indian Programs Law Enforcement funding.

Conclusion
Despite all evidence to the contrary, I remain hopeful that we can emerge from these information sharing opportunities better educated and better prepared to face the challenges we have before us. While we know that increased funding alone will not solve all our problems, we acknowledge that decreased or eliminated funding only serves to exacerbate the problems we face. We look forward to working with this Congress to address the needs of Native America. I thank all of the members of the Committee for this time.

Mr. DICKS. Thank you. Are there any questions?

Mr. Cole.

Mr. COLE. First of all, thank you for your testimony. I am going to differ with you a little bit and see if we can find some common ground on the Indian road program because in Oklahoma we do not have eight reservations. We have large native populations, and in many cases they are segregated in areas historically so it is not like they are spread evenly throughout the population. The road program for us is a big deal because we have the second highest number of deficient bridges in the country. We have the same kind of problems, and this has been a friction point between Oklahoma tribes and land-based reservation tribes. I think each side has a pretty good argument to make because at the end of the day we just underfund the program. That is our problem. That pits us against one another sometimes in this. I would like to see if there is some way we can work together on that and find increased funding overall because again our native population is disproportionately rural, disproportionately located in the poorest parts of the state. Our tribes that are now the ones that are successful economically are investing pretty heavily in road programs in partnership with the states and we actually work with the county governments and take not just our federal money but money generated by the tribes themselves and reinvest them in the roads and bridges or areas that are important to us economically in terms of developing our own enterprises. So if we can find some way to work together on that, maybe we would not be at odds on what is too little money to begin with.

Mr. SHIRLEY. We are doing everything we can, sir.

Mr. COLE. Now, I know you do. I really do, and I just thank you for being here. You represent a great people.

Mr. SHIRLEY. Thank you very much, sir.

Mr. COLE. Thank you, Mr. Chairman.

Mr. DICKS. All right. Thank you very much. We appreciate your testimony.

Now we are going to have testimony of Chad Smith, principal chief of the Cherokee Nation.

THURSDAY, MARCH 26, 2009.

CHEROKEE NATION

WITNESS

CHAD SMITH

Mr. SMITH. There are two issues I would like to visit about. They are underfunding of contract support costs and underfunding of contract health care.

I want to just start with a story. The Cherokee Nation in 1871 began an orphanage because we had 4,000 widows and orphans because of our involvement in the American Civil War. Two-thirds of the Cherokees fought for the North and a third fought for the South. As a result of history, a boarding school occurred at that orphanage after Oklahoma statehood, became an orphan training school. In fact, my dad graduated there in 1940. In 1985, the Cher-

okee Nation contracted the boarding school, now known as Sequoia, from the Bureau of Indian Affairs. In my tenure in the last 10 years, we have made it a priority to make it a leadership academy. In 1999, it had a capacity of 350. Two hundred and four kids attended. It was known as a school of last resort. Today, we turn away 150 kids a year. It is known as a school of first choice and it is because we have had the opportunity with funding and the opportunity to actually design a school that performs. Our problem is the lack of contract support costs through the Bureau of Indian Affairs and companion Indian Health Service. We lose about $1 million a year from the BIA contracts we administer and about $14 million in IHS contracts. And why this is so important, I wanted to share with you, is that there is actually a difference being made at Sequoia High School. This last year, this young lady, Angel Goodrich, the best basketball player in Oklahoma, D1 candidate, she is now at University of Kansas. I have to brag about our girls' basketball team. We are two points short of winning the state championship four times in a row. Nathan Stanley, D1 prospect. He has now got a full ride at the University of Mississippi. He will be their next starting quarterback. Following these footsteps is Sam Bradford, a Cherokee from the University of Oklahoma. Unfortunately, Sam Bradford did not go to Sequoia. Lorne Hammer in that same class, D1 scholarship, full ride, plays softball and basketball at Mercer University. These are all from our graduating class. This young man, Trey Francis, is first candidate at West Point. Our class of 89 seniors last year earned $2.5 million in scholarships because of the hard work of one staffer, Augustus Smith. I am saying all these things to say this, we have a great opportunity with properly funding contract support costs. It allows us to go about building great institutions, designing programs that actually work, and we have similar success stories in health care and law and other areas. There are a number of people that appeared before me that are very articulate in these areas. So it is my desire and design to share with you that success can happen when these programs are properly funded and the lives of many students at Sequoia and throughout the Cherokee Nation have been altered very favorably.

One of the greatest successes we have had at our Sequoia Schools is added immersion language school. We have 6,500 speakers. Within a decade they will be all gone. We now have 65 young people who when they walk in the door are speaking nothing but Cherokee. It is just an exciting proposition. With the chairman's permission, I would like to offer you a CD where our children sing exclusively in Cherokee gospel and patriotic songs as evidence of the success we have had.

Mr. DICKS. Thank you.

Mr. SMITH. With that, Mr. Chairman, I would like to entertain any questions.

[The statement of Chad Smith follows:]

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Chad "Corntassel" Smith
Principal Chief

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Joe Grayson, Jr.
Deputy Principal Chief

United States House of Representatives

Hearing before the House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
On Native American Issues

March 23, 2009
9:30 a.m. B-308 Rayburn House Office Building
Testimony of Chad Smith, Principal Chief of the Cherokee Nation

Mr. Chairman, members of the Committee, Thank you for convening this hearing to discuss important budgetary issues affecting Indian Country. I am Chad Smith, Principal Chief of the Cherokee Nation. The Cherokee Nation (Nation) was one of the first tribes to enter a treaty with the United States. Over 200 years later the Nation executed a self-determination contract under the original Indian Self-Determination and Education Assistance Act and in 1990 execute a self-governance agreement under ISDEA, Title III. The Nation currently has approximately 280,000 citizens nationwide, and is located in the northeastern 14 counties of Oklahoma. Cherokee Nation and its businesses is the largest employer in this region, with approximately 6,600 employees; about half of which are employed with the Nation's government; the other half employed in business ranging from hospitality to aerospace. Cherokee Nation has had a tripartite form of government under a constitutional framework since 1827, and has had a continuous existence since time immemorial.

Pursuant to the Nation's compact with the Department of the Interior, the Nation administers a wide array of federal programs serving Indian people, including social services, child abuse and early childhood wellness programs, higher education and adult education, forestry and real estate services, Indian child welfare, housing improvement programs, Johnson O'Malley education programs, law enforcement services, as well as road and bridge construction, planning and maintenance programs. Under the Nation's Self-Governance compact with the Department of Health and Human Services, the Nation operates a sophisticated network of eight rural outpatient health centers providing Indians with primary medical care, dental services, optometry, radiology, mammography, behavioral health services, medical laboratory services, pharmacy services, community nutrition programs, health promotion and disease prevention and a public health nursing program. The Nation constructs waterlines and improves sanitary services. Cherokee Nation operates the hospital, outpatient and ancillary services of WW Hastings Indian Hospital, a 60 bed facility with nearly 300,000 outpatient visits and fills more than 335,000 prescriptions annually. The Nation also operates inpatient and outpatient contract health services programs for management of specialty care.

In order to maximize effectiveness of our limited resources, the Cherokee Nation's strategy is Jobs, Language and Community. Jobs, representing economic self-reliance, keeps our people home in communities; which allows us to keep our language alive; which preserves our culture. Strong, cohesive Cherokee communities allow us to persevere, adapt and prosper. All of this increases the quality of life for our citizens.

Budget Priorities:
One of the most important budgetary issues facing Indian Country is the underfunding of contract support by BIA and IHS which affects every single tribe nationwide. This issue is significant to Indian country where every dollar lost in contract support costs is one dollar less for health care, education, law enforcement and other critical governmental services. The contract support cost crisis has caused severe financial strains on the Nation's programs and facilities, as it has for many other tribes. Since contract support costs 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 the contract in order 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 $1,000,000 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.

The Nation has never been fully funded with contract support costs as mandated by ISDEA. The Bureau of Indian Affairs (BIA) neglects to provide in excess of $900,000 to the Nation annually for contract support costs annually. The Nation's contract support shortfall for Indian Health Service (IHS) programs is staggering: approximately $14 million per year, which is the largest shortfall suffered by any single tribe.

After pursuing legal remedy which lasted ten long years, the United States Supreme Court, by unanimous decision, applied traditional government contract law to conclude that the government is liable whenever it fails to pay fully on a contract and where appropriations are legally available to pay the contract. Despite this victory for Indian Country, neither BIA nor IHS has even requested full contract support funding from Congress. Furthermore, full contract support costs are consistently not paid to tribal governments even though all other government contractors receive their full administrative overhead. Although Tribes enter into agreements and very capably assume significant responsibilities from the federal government, they are consistently treated as second-class contractors, which is unacceptable.

Despite the lack of adequate funds to carry out services and activities through ISDEA compacts, including program funding cuts and underfunded contract support, the Nation can provide more efficient, and cost effective services as well as provide continuity of services to our citizens. The Nation remains committed to the furtherance of a comprehensive service system because the imperative of self-governance is that important. We strongly urge your support of full appropriations for IHS and BIA contract support cost payments in the FY2010 budget which would provide funding to both direct service tribes as well as ISDEA tribes. Every dollar gained in contract support costs is one dollar more for health care, education, law enforcement and other critical governmental services to be provided to our citizens during these difficult economic times.

In addition to contract support costs, there are other fixed or uncontrollable costs for which a tribe must bear the burden. These fixed costs include population growth, inflation, and pay costs, which if not funded, will directly reduce services to our citizens. Tribal programs should at least participate on the same basis as federal programs for these funding allocations. The Nation urges Congress to fully fund these fixed costs in order to avoid erosion of existing program levels.

We join our fellow Self-Governance Tribes in requesting at least a 10% funding increase for the fundamental services without taking from other essential programs, provided as Tribal Priority Allocations. Of the 567 federally recognized Tribes within the United States, 235 Tribes manage their own affairs under Self-Governance agreements with the Bureau of Indian Affairs. Although these Tribes account for 42% of the federally recognized tribes, they received only 12 % ($264,029,000 of the total $2.2 billion) 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 (TPA)". Pursuant to provisions within the ISDEA, each tribe has the flexibility to utilize these funds to meet the distinctive needs within their local communities resulting in more effective use of federal funds.

Indian Health Service (IHS) Specific:

IHS Joint Venture Program – The Joint Venture (JV) program demonstrates the shared commitment of Tribal Nations and the federal government in providing additional health facilities within the Indian health system and the staff necessary to support the facilities. The JV program is a proven success in leveraging resources to construct and build critically needed health facilities, making federal funds go farther. Unfortunately, the JV program has been funded on a sporadic basis and Tribal Nations wishing to participate must submit a proposal to the IHS and then seek appropriations through Congress to fund the project. The JV program would greatly benefit from funding on an annual basis, including CSC funds, and adequate operational funds.

The Cherokee Nation also asks the Committee to address IHS' oversight regarding staffing funds at the Three Rivers Health Center in Muskogee that will result in a large liability to the federal government should it not be resolved. The Nation's JV agreement with HIS for the facility unambiguously states the staffing levels and funding to be requested for the facility. However, the IHS has failed to provide the agreed staffing since FY 2007 and the deficit continues to accumulate.

Contract Health Services (CHS) – Because IHS funding is so limited, the CHS program is vital to the Cherokee Nation and other Oklahoma Tribal Nations to make specialty services such as cardiology, oncology, orthopedic surgeons, and other specialists available to patients. The CHS program also greatly benefits health care providers located in rural areas which are facing a financial and workforce crisis. Due to the lack of funding, the Cherokee Nation CHS program averages 316 denials per month at an average of $431,000 dollars per month. A modest increase of $2 million would enable the Cherokee Nation to provide desperately needed CHS services for nearly 1,500 patients.

While the Nation commends Congress for its continued efforts to address the CHS needs of the Indian health system, a serious shortfall exists and typically only a few life-threatening conditions can be funded and most other requests for treatment are denied. In FY 2010, to obtain a net increase in CHS, an additional $40 million over the current funding level. In order to make a positive impact on the CHS program, the Nation requests an infusion of CHS funds in the amount of $120 million that would have an immediate positive impact on the viability of the rural health care system and address the deficiencies within the Indian health system. CHS services are purchased in the private health care system, which positively affects the availability and affordability of health care.

Indian Health Care Improvement Fund (IHCIF) – It is well documented that the per capita personal health care expenditures for users of the Indian health system are significantly less than the general population, as well as every directly operated government health program such as Veterans Administration and the prison system. In 2003, consequently the last time the IHS made the information available, the federal government spent only $1,914 per capita, compared to national average of $5,085. For Oklahoma Tribes, the disparity is even greater as only $976 per capita is expended, which represents only 44% of the actual need according to the Federal Disparity Index.

In order to address such inequities, the IHCIF was created to achieve parity among the IHS Areas. The Nation and other Oklahoma Tribes recommend that the federal government implement a time-limited plan to bring all IHS Operating Units to the 80% level of need. Such an effort is especially supported by Oklahoma City Area tribal governments, given the estimate that under current funding levels for the IHCIF, it will require 120 years to reach parity with other IHS Areas. In order to

achieve the plan, the federal government will need to invest an estimated $250 million annually over a four-year period. Additionally, the Nation asks that Congress exempt funds appropriated to the Indian Health Service be exempt from rescissions that may be imposed during the appropriations process.

Special Diabetes Program for Indians (SDPI) – While much progress has been made in fighting diabetes in the U.S., much work remains. A critical component of the national effort is the SDPI. Through the SDPI, numerous activities have been initiated including the hiring of health professionals, education programs, nutrition counseling, exercise programs, medical supplies, health screenings, school grants, specialty care, and a host of other services designed to meet the needs of American Indians and Alaska Natives. In 2008, 125 participants completed the Cherokee Nation Diabetes Self-Management Education Program. On average, the participants had an average .72 % reduction in the absolute value of A1C. As a result, the Cherokee Nation experienced a cost savings of $72,000. In addition to the cost savings, Cherokee Nation data indicates a 31% decrease in amputations and a 17% decrease in kidney failure due to the SDPI program.

The SDPI is currently funded through FY 2011 at a rate of $150 million annually. However, the SDPI has not received an increase since 2004 while inflation and user population has increased significantly. The Nation supports efforts to increase funding to $200 million annually, a $50 million annual increase. Without additional funding, the progress that has been achieved is at risk and the harmful effects of diabetes will continue to ravage American Indians and Alaska Natives throughout the United States at higher rates than the general population.

This program has clear results, and I urge Congress to continue to fund it appropriately to address this disease that ravages Indian Country.

Law Enforcement:
The Cherokee Nation Marshal Service (CNMS) is responsible for providing law enforcement services on approximately 105,922 acres of Indian Country checker-boarded throughout 7,000 square miles of northeast Oklahoma.

Law enforcement incidents continue to increase related to substance abuse; possession, possession with intent to distribute, domestic abuse and child neglect and abuse. Our cases have increased 58% in the past 9 years, 1999-2008. In 2008 there were 460 drug/alcohol cases and 158 domestic violence cases (cases were Indian Country, Indian housing or Indian community). The number of law enforcement officers per 1,000 Cherokee residents is about .3 versus 2.6 for non-tribal communities according to the 2005 Uniform Crime Report.

Mr. Chairman, I could tell you of more of the risks and services of our Marshals but believe the particulars do show more resources are needed to ensure the security and safety of our Indian communities. We agree with Indian Country's call for a 10 percent funding increase in "public safety and justice" to address our unmet needs.

Thank you for the opportunity to testify on these critical funding issues facing the Cherokee Nation and your continued support in Indian Country. Please contact Paula Ragsdale, Senior Legislative Officer, should you have any questions or need additional information at 202-393-7007.

Mr. DICKS. Tell us about your special diabetes program.

Mr. SMITH. We have had great success in trying to work ourselves upstream to prevent and anticipate the problems with diabetes with partnerships with the local community, the hospitals and such. We have seen actual lowering of indices for diabetes. It has been a successful program, but when you have a successful program, I think you would agree that you cannot stop midstream. We are making progress, but if Congress can find ways to continue the funding of that, increase it, it will have tremendous effect.

Mr. DICKS. Are there any other questions? Mr. Cole.

Mr. COLE. Thank you very much. I have a series of things so the committee understands the scope of what Chief Smith and his people do, which is really extraordinary.

Chief, can you quickly tell us the size of the tribe, number of kids you are educating and what your total budgets are that are frankly reinvested right back, apart from federal dollars, that you earn through commercial enterprise that you reinvest back in your people?

Mr. SMITH. We a fairly large tribe. We are second to President Shirley's Navajos. We are in a quick race trying to get number one. We believe he has the edge on us. We have about 280,000 citizens. Half live in Oklahoma. We have a fairly large budget and we have some gaming where we invest two-thirds of the gaming back into business so we can create jobs. The formula is very simple. If we can create a job, it saves $8. For every $1 we invest in creating a job, it saves $8 in social services. It creates dignity for people. They can afford their own insurance, their own education, their own homes, their own higher education. We now employ close to 7,000 people. Half of those are with our government. And we really look to a long-term strategy, and thank you, Congressman Cole. We think the ultimate value of the Cherokee Nation is to help our people become happy and healthy, and we have a very simple philosophy. It is to create jobs, create cohesive communities and revitalize our language because that is where our great competitive intelligence lies.

Mr. COLE. One other question or just point of information. As I recall, the team Sam Bradford did play for in high school did win the state championship.

Mr. SMITH. He actually played basketball with the outstanding player at O.U. now. Blake——

Mr. COLE. Griffin.

Mr. SMITH. Griffin. They played on the same AAU team. Indian sports trivia.

Mr. COLE. One other point. I have to make this for my colleagues on the committee. If you have a chance, you ought to listen to that tape because those kids did perform at the White House, an earlier iteration of them when we were opening up the National Museum of the American Indian, and it was spectacular. We had a group of tribal leaders. There was the central focus of the entertainment and they weave in Cherokee and English in and out of patriotic songs. It is quite moving. At the end of it, though, we got war whoops, which sort of surprised the Secret Service and rattled the President. I think those were my Comanches actually. Cherokees are very well behaved.

Mr. DICKS. Thank you. Thank you very much.

Next we will have John Stone, vice chairman of the Yankton Sioux Tribe. Hi, John. How are you?

THURSDAY, MARCH 26, 2009.

YANKTON SIOUX TRIBE

WITNESS

JOHN STONE

Mr. STONE. Mihanawashda. It is a cultural good morning to everybody in my language. My name is John Stone. I am the vice chairman for the Yankton Sioux Tribe. I am here to give a little talk about some funding appropriation here.

Greetings to you from the members of the Hanktawa Nation, known to you as the Yankton Sioux Tribe of South Dakota. We are a federally recognized tribe that has a form of government that is one of the last true democracies of the United States, one that preexisted the 1934 Indian Reorganization Act, and still continues to officially function in its ancient form. Thank you very much for asking us to testify before you this morning.

As the President and the Congress have recognized, we are here today to testify as part of our government-to-government relationship because of our treaties and longstanding trust relationship that exists between our nation and yours. This relationship is one that has developed over time because the United States acquired legal and moral obligations to our people as a result of many years of assertion of military, economic and extralegal power of the United States over our people, including the annexation of our lands, which once covered all of eastern South Dakota. In spite of this legal and moral obligation to our people, the Congress has failed to provide for our people as set forth in the 1851 and 1858 treaties and in subsequent agreements and obligations. In fact, we have not even been supported to the same degree as other American citizens or even to the degree that you have granted foreign assistance to other nations and peoples. Our tribe would be able to meet the basic human needs of our people within even a portion of what you have expended in Iraq, to date, installing democracy there. We have never been the beneficiaries of such largesse of the United States government. In fact, it is true at the present time you spend $7,200 per year for health care on military veterans, $5,200 per year for Medicare beneficiaries, $3,900 per year on prisoners entrusted to the U.S. Bureau of Prisons and $1,500 a year for tribal members served by U.S. Indian Health Service.

The statistics do not lie. Our people are literally dying for a lack of health care. I do not need and do not have the time to reiterate the horrible health care statistics of tribal members on a reservation and throughout the United States. Even the Congress has reported these statistics to itself year after year and it does not make a difference. Indian Health Service has been operating at 50 percent or less of its true need for over a decade.

On our reservation, one-half of more than 3,000 recommended medical procedures at our Wagner Service Unit were denied be-

cause these people are not dead, dying or loss of sense, category one status requirement for contract care. The Reagan and Bush Administrations began the process of closure of inpatient IHS facilities back in the late 1980s. Despite internal reports by Indian Health Service that it was less expensive to keep these inpatient facilities open because of the tremendous buying power of the United States combined with the ability to attract and pay doctors at a rate less than that required by private primary care physicians.

Despite this fact, the closures began and led to an even greater catastrophe, which was the closure of the emergency room at IHS facilities because they no longer had inpatient facilities. This has led to a humane crisis of immense proportions because of the rural nature of Indian reservations throughout the United States. Our inpatient facility was closed in the early 1990s, just after our hospital was renovated and upgraded. Although we fought to keep the 24-hour emergency room open, it was finally closed a few years ago over the tribe's objection. We did our best to hang on in litigation until Congress, which has sole jurisdiction over our health care needs, stepped in and acted to repair the damage that the Reagan and Bush Administrations did to our people. However, not one in Congress came to our rescue and finally the federal courts relented after 14 years of litigation and allowed the emergency room to close. The federal court barely noted in making its decision that Congress needs to act but has failed to do so.

It has been predicted by another recent IHS Commission study that closure of the emergency room of the Wagner Service unit will certainly lead to death of tribal members, and we have experienced this four times now since the closure. People will not and do not want to go to a non-tribal hospital. Where they are comfortable with their physicians and lifelong health care being there, they would rather die than go to another hospital. So faced with these issues, we were working in consultation with IHS to properly transition these people and that never occurred. We were to be giving community meetings to educate the people on how to obtain these emergency services, and that was never done.

In conclusion, Mr. Chairman, we have survived over 20 years of Administrations' insensitive and sometimes actually hostile to our people. Even though funding neglect and outright malicious intent of enforcement of laws, regulations, policies and executive branch discretion, the branch of the government which has full Constitutional authority over Indian affairs, the Congress, has been unable to step forward and balance out this neglect and hostility until this year, and we see this new Administration as a very promising star in the future of Indian nations, and I thank you for your time.

[The statement of John Stone follows:]

TESTIMONY OF THE YANKTON SIOUX TRIBE
John Stone, Vice-Chairman

Dear Mr. Chairman and Members of Interior Appropriations:

Greetings to you from the members of the Ihanktowan Nation, known to you as the Yankton Sioux Tribe of South Dakota. We are a federally-recognized Indian Tribe that has a form of government that is one of the last true democracies in the United States – one that preexisted the 1934 Indian Reorganization Act and still continues to officially function in its ancient form. Thank you very much for asking us to testify before you today.

As the President and the Congress have recognized, we are here today to testify as a part of our government-to-government relationship, because of our treaties and the longstanding trust relationship that exists between our nation and yours. This relationship is one that has developed over time because the United States acquired legal and moral obligations to our people as a result of many years of the assertion of military, economic and extralegal power of the United States over our peoples, and the annexation of our lands, which once covered all of eastern South Dakota.

In spite of this legal and moral obligation to our people, the Congress has failed to provide for our people as set forth in our 1851 and 1858 Treaties, and in subsequent agreements and obligations.. In fact, we have not even been supported to the same degree as other American citizens, or even to the degree that you have granted foreign assistance to other nations and peoples. Our tribe would be able to meet the basic human needs of our people with even a portion of what you have expended in Iraq to date, installing democracy there. We have never been the beneficiaries of such largesse of the United States government.

In fact, it is true that at present you spend approximately $7200 per person per year for health care of military veterans, $5,200 per person per year for Medicare beneficiaries, $3,900 per person per year for prisoners entrusted to the US Bureau of Prisons, and only $1,500 per person per year for the tribal members served by the US Indian Health Service. The statistics don't lie. Our people are literally dying for lack of health care. I do not need to and do not have the time to reiterate here the horrible health care statistics of tribal members on our reservation and throughout the United States. Even the Congress has reported these statistics to itself year after year - it does not make a difference. Indian Health Service has been operating at 50 percent or less of its true need for over a decade.

On our reservation, one half of the more than three thousand recommended medical procedures at our Wagner Service Unit have been denied because these people were not dying at the time, or in danger of losing their limbs, as provided for in the IHS's Category I status requirements for contract care. The Reagan and Bush I administrations began the process of the closure of in-patient IHS facilities back in the late 80's and early 90's, despite internal reports by the Indian Health Service that it was less expensive to keep open in-patient facilities because of the tremendous buying power of the United States government combined with the ability to attract and pay doctors at a rate less than that required by private primary care physicians. Despite this fact, the closures began and then led to an even greater catastrophe, which was the closure of

emergency rooms at IHS facilities, because they no longer had in-patient facilities. This has led to a human crisis of immense proportions, because of the rural nature of Indian reservations throughout the United States.

Our in-patient facility was closed in the early 1990s, just after our hospital was renovated and upgraded. Although we fought to keep our 24 hour emergency room open, it was finally closed a few years ago over the Tribe's objections. We did our best to hang on in litigation until the Congress, which has sole jurisdiction over our health care needs, stepped in and acted to repair the damage that the Reagan and Bush administrations did to our people. However, non one in the Congress came to our rescue and finally the federal courts relented after nearly fourteen years of litigation and allowed the emergency room to be closed. The federal courts bitterly noted in making its decision that the Congress needs to act, but has failed to do so.

It has been predicted by another recent IHS-commissioned study by the Sharpless Commission, that the closure of the emergency room would almost certainly lead to the death of tribal members. Our tribal members were faced with sudden closure without proper notification or even a minimum level of preparation or education about how to obtain substitute emergency room services at other hospitals. Of course, we live in one of the socioeconomically poorest areas of the United States, so our people cannot afford to pay the bills that are sent to them after they go to private hospital emergency rooms, even if they can afford to travel to them. The manner in which IHS. closed the Wagner Service Unit's emergency room, has further strained relations with and overburdened the alternate private hospital emergency room. Despite promises by the Indian health Service to the Congress in the 1990s that it would assist the local private hospital to have cultural sensitivity training and learn how to better serve and be responsive to tribal members, this has never occurred. In fact, we ask you today to go back and look at the promises made by the Indian Health Service to the Congress when it gave the statutorily-required notice of proposed closure under 25 USC 1631 (b) (1). The Indian Health Service simply misrepresented the impact of the closure of our emergency room to the Congress, and up until today, no one has acted to call the agency on this, or more importantly, to remedy it.

With regard to law enforcement, we have made every effort to contract portions of law enforcement under the Indian Self-Determination and Education Assistance Act, as amended, and we have been fought every step of the way, without sufficient law enforcement funding to adequately enforce law and order on our reservation to the level acceptable to the people that it serves.

We began construction of a detention center to take the burden off of county an regional jails used by BIA and tribal law enforcement, but it sits unfinished - just a shell. We are requesting that this Committee and the Congress assure us that the funding to complete this detention center is made available as the number one funding priority for the tribe, after the immediate health care needs of our people. Currently the law enforcement chain of command has been regionalized, leaving local authorities without any mechanism to administer their own services. We are asking the Congress to instruct the Executive Branch in its appropriations to bring oversight of law enforcement back under tribal and local authority.

We are also requesting that the Tribe be allowed to contract and administer its own environmental protection programs, rather than the State of South Dakota, from the Environmental Protection Agency. The State of South Dakota has not done an adequate job of protecting our air, water, and soil from contamination, and has not been required to set the same stringent standards as are required federally. We can no longer afford to allow out-of-state corporations to come onto our reservation and operate at will, contaminating ground water and our air quality. because of the lack of environmental regulation and enforcement by the state. Furthermore, we need adequate funding of tribal EPA programs and to establish and enforce stringent regulations and enforcement.

We also want to talk about what we call the erosion bill. Eleven million dollars worth of land has been eroded by the inadequate management of the Missouri River, according to recent studies, and we are asking for your assistance in compensation for this. Senator Dorgan has been alerted to this.

We also wish to request that regarding protection of fish and wildlife, all tribal programs be adequately funded and that the Tribe be allowed to enforce federal laws to ensure proper management of fish and wildlife and related lands as set forth under our Treaties. We also wish to note that the transfer of the "taken lands", for example at White Swan, has left our Tribe without access to the Missouri River above the dam, necessary because of the dangerous flow below the dam. We believe that the Tribes can effectively and cooperatively manage federal parks to provide all people the right the recreation, as symbolized by the Lower Brule tribe in its management. They have greatly improved the parks over which they took control, and we can do the same along the Missouri River, if allowed the chance to learn how to manage in cooperation with federal agencies.

In conclusion, Mr. Chairman, we have survived over twenty years of administrations insensitive to and sometimes actually hostile to our people, either through funding neglect or outright malicious intent in enforcement of laws, regulations, policies and Executive Branch discretion. The branch of government which has full constitutional authority over Indian affairs - the Congress - has been unable to step forward and balance out this neglect and hostility until this year.

We understand that in the present context of financial difficulties we are experiencing in this country, you are being asked for help from many, many quarters of our nation and the world. Because we have been pushed to the bottom of the socioeconomic ladder in the past three decades, from a former position that has never been equal to others in the United States, our tribal members and other American Indians in the United States are more fragile and vulnerable than other segments of society. A recession in the United States may threaten jobs and portions of our economy, but for tribal peoples, it threatens our very existence, because of that vulnerability and those decades of neglect. We are closer to the margins of survival, faced with even greater health, financial, educational, and judicial challenges than the rest of America. More importantly, you - the Congress - are our guardians and trustees, the institution charged by our constitutional founders with the responsibility for the Indian nations you acquired when you annexed our lands and made our people citizens. We do not come here with our hand out, in the usual sense of those seeking appropriations, we come here with the unique and special status of

citizens of domestic dependent nations within your midst, people made wards of the government for whom you have a special trust responsibility, who are now asking that you, at long last, give us the same respect and consideration that you have given to foreign enemies you have vanquished over the years, whether in Germany, Japan, Iraq, or Afghanistan. We have fought in your wars on your behalf, we have died for this country, we have kept our word, and now we ask you to exercise your constitutional responsibility on our behalf.

Thank you.

Mr. DICKS. Thank you, and we appreciate it. Any questions?

All right. Next we will have my good friend, the Honorable Billy Frank, Jr., chairman of the Northwest Indian Fisheries Commission.

Mr. FRANK. Good morning, Chairman.

Mr. DICKS. Good morning, Billy.

Mr. FRANK. Yes.

Mr. DICKS. You may proceed as you wish. We will put your entire statement in the record.

THURSDAY, MARCH 26, 2009.

NORTHWEST INDIAN FISHERIES COMMISSION

WITNESS

BILLY FRANK, JR.

Mr. FRANK. Thank you, Mr. Chairman. I am Billy Frank, Jr., chairman of the Northwest Indian Fish Commission. It is indeed a privilege to be among such a distinguished cadre of tribal leaders here today presenting funding requests for all our people throughout our great United States.

Before I get to the 2010 Bureau of Indian Affairs statement here, I want to thank you, Mr. Chairman, for reinstating our Pacific Salmon Commission funding this year in 2009, and I am glad to see this Idaho man here because my relatives live over there.

Mr. SIMPSON. I am glad to be here.

Mr. DICKS. He is doing a fine job.

Mr. FRANK. Yes, I know. But anyhow, the Pacific Salmon Management Commission is a Participant in the U.S. international treaty with the United States and Canada. Pacific salmon runs from Alaska to Mexico and we, the tribes, are the managers. We have a contractual agreement with the United States to be the staff of that international policy people and we sit at that table. We sit on the Pacific Salmon Management Council 200 miles off the ocean. We sit on the international treaty in Canada and the United States in our sections. You reinstated that money for now. The past Administration has earmarked that money and we have been having a hard time. This money has not come easy and it is just $1.772 million. I mean, man, this is no money, you know, and we in the commission that represents the tribes in the Northwest have the infrastructure, the best infrastructure there is, to sit there and do our job. But without that money, we were going to have to retrocede to the United States this coming Monday, and Congressman Norm Dicks had that reinstated in the Interior Department and we thank you for that. But we need that in the base funding. That should not be an earmark. It should never have been an earmark because we have a treaty with the United States and Canada and we have 20 treaty tribes that we represent here.

So anyhow, I have——

Mr. DICKS. We will work with you on that.

Mr. FRANK. Yes. We have on our right Bob Kelly of Nooksack Tribe. He is the commissioner. On my left is Mike Grayum, our ex-

ecutive director of the commission, and Ed Johnstone, the Quinault Tribe commissioner. Michael?

Mr. GRAYUM. Thank you, Mr. Chairman. Billy has asked me to quickly review the appropriations request for 2010. Our most critical need is to secure and enhance our base fisheries management program through the Bureau of Indian Affairs. And when I talk about securing, I am talking about the problem that Billy just spoke to, the $1.8 million Pacific Salmon Treaty cut the Administration has put in the budget since 2007 and now, unfortunately it has been in our view, inappropriately labeled as an earmark when it is really a federal responsibility to an international treaty.

We also are talking about the inclusion of the $1.74 million for the statewide timber, fish and wildlife program which has been an earmark for quite a few years and something we are working hard with the Administration to get rolled into the base. And then when we talk about enhancing the base, we are talking about addressing the critical problem we face and we have shared this with you, Congressman Dicks. Our base management dollars have been reduced since the 1970s to the point now where it is critical in fiscal 2010. It is particularly important now in light of the budget cuts that are occurring in the State of Washington for natural resource management. We are going to be faced with having to cut some critically important collaborative management initiatives if we cannot get that base enhanced.

We are also talking about the need to increase the base funding to address some newly mandated management responsibilities for shellfish and wildlife. We also need funding for salmon recovery and fishery enhancement efforts through the use of hatcheries. That deals with the maintenance of hatcheries, which is a current account within the Bureau that is grossly underfunded. We also need money, continued funding to implement hatchery reform projects.

And then the next one I want to touch on is a water resource cooperative partnership that we are working to develop between the tribes, the BIA and the USGS, and what we are trying to do there is develop a cooperative program to collect important water quantity information, which is going to be critical to the tribes and the state as we pursue discussions on water rights issues.

And then with the Environmental Protection Agency, we are looking to continuation of the funding for the tribal participation in the Puget Sound Partnership, the cleanup of Puget Sound and very importantly the development of a pilot program with EPA to create a pathway to implementing tribal environmental programs that we have been working on the capacity development through the use of the Indian General Assistance program funding. We also support IGA being increased as an important funding source for us to adequately fund our water quality program. But we now need to move into the implementation phase of a tribal environmental program with EPA and that is going to require new funding. So that is a quick summary of what we are requesting.

[The statement of Billy Frank, Jr. follows:]

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Oral Testimony Presented by
The Honorable Billy Frank, Jr., Chairman, Northwest Indian Fisheries Commission
Before the
House Interior, Environment and Related Agencies Appropriations Subcommittee
On the FY 2010 Budgets for the Bureau of Indian Affairs & Environmental Protection Agency
March 26, 2009

Mr. Chairman and the other honorable members of the Committee, I am Billy Frank, Jr., Chairman of the Northwest Indian Fisheries Commission (NWIFC). It is indeed a privilege to be among such a distinguished cadre of Tribal Leaders who are also here to present funding requests of their people. On behalf of the membership of the NWIFC, I will speak to our natural resource management funding request for the FY 2010 Budget for the Bureau of Indian Affairs (BIA) and the Environmental Protection Agency (EPA). Without the details of the President's FY 2010 Budget request, my comments are based on my best analysis of what could be the outlook. Summary of NWIFC specific appropriations requests are:

Secure and Enhance Western Washington Fisheries Management Base Funding

- **$1.8 million – restore reduction incurred in the President's FY 2009 Budget: BIA/Natural Resources Management/Rights Protection Implementation/US-Canada Pacific Salmon Treaty**
- **$12 million Enhancement of Western Washington Fisheries Management Base Funding:** BIA/Natural Resource Management/Rights Protection Implementation/Western Washington Boldt

Secure Funding for Newly Mandated Management Responsibilities

- **$4.0 million - increase shellfish management and enforcement funding:** BIA/Natural Resource Management/Rights Protection Implementation
- **$1.5 million - new funding for tribal groundfish management responsibilities:** BIA/Natural Resource Management/Rights Protection Implementation

Maintain the Timber-Fish-Wildlife Program

- **$1.74 million Timber-Fish-Wildlife (TFW) Program:** BIA/Natural Resource Management/Rights Protection Implementation

Maintain the Mass Marking Program

- **$2.4 million Mass Marking Program:** BIA/Natural Resource Management/Rights Protection Implementation

Protect Marine Resources of Puget Sound and Co-manage Natural Resources

- **$2.0 million:** EPA/National Estuaries Program/Puget Sound Partnership

Protect Tribal Water Resources through Cooperative Partnerships

- **$3 million:** BIA Water Resource Management
- **$500,000** USGS Investigations

Support and Enhance Tribal Water Quality Programs

- **$67 million:** EPA's Nationwide General Assistance Program

- **$3.5 million:** Development of EPA General Assistance Program Implementation

Recover Salmon through Hatchery Maintenance/Rehabilitation and Reform

- **$1.5 million Hatchery Maintenance/Rehabilitation:** BIA Natural Resource Management/Fish and Wildlife Projects/Fish Hatchery Repair
- **$3.34 million Hatchery Reform Implementation:** BIA/Natural Resource Management/Fish and Wildlife Projects

Strengthen Tribal Wildlife Management and Assure Treaty-Protected Hunting Rights

- **$5 million Tribal Wildlife Management – Treaty Hunting Rights:** BIA/Natural Resource Management/Rights Protection Implementation

THE NORTHWEST INDIAN FISHERIES COMMISSION. Indian tribes have always inhabited the watersheds of western Washington, with cultures based on harvesting fish, wildlife, and other natural resources in the region. In the mid-1850s, a series of treaties were negotiated between the federal government and the tribes in the region. Through the treaties, the tribes gave up most of their land, but also reserved certain rights to protect their way of life. The promises of the treaties were quickly broken in the decades that followed as the tribes were systematically denied their treaty-protected rights by the State of Washington. In 1974, the tribes won a major victory in U.S. vs. Washington (Boldt Decision), which reaffirmed their treaty-protected fishing rights. The ruling - which has been upheld by the U.S. Supreme Court - established the tribes as co-managers of the resource who were entitled to 50 percent of the harvestable number of salmon returning to Washington waters. Following the ruling, the tribes created the Northwest Indian Fisheries Commission (NWIFC) to assist them in conducting orderly and biologically sound fisheries. More recent federal court rulings upholding treaty-reserved shellfish harvest rights have further expanded the role and responsibilities of the tribes as natural resource managers. Those rulings, combined with the interconnectedness of all natural resources, mean that tribal participation is today necessary in nearly all aspects of natural resource management in the region.

REQUESTS JUSTIFICATION NARRATIVE

BUREAU OF INDIAN AFFAIRS/NATURAL RESOURCE MANAGEMENT /RIGHTS PROTECTION IMPLEMENTATION

- **$1.8 Million Restoration of Cut in the President's Budget** - This reduction, which targeted the US-Canada Pacific Salmon Treaty, affects the Northwest Indian Fisheries Commission, as well as the Columbia River Inter-Tribal Fish Commission and the Metlakatla Indian Community. The NWIFC portion of this cut is about 67%, or a reduction of $1.2 million. The Tribes and the NWIFC perform essential governmental services for the BIA and the PST process, representing, negotiating, performing research and monitoring, policy coordination, technical assistance, and other contractual support. These monies are critical for the successful renegotiation and implementation of the treaty.
- **$12 Million Enhancement of Western Washington Fisheries Management Base Funding** - The Tribes and the NWIFC request an increase of **$12 million** for the base Western Washington Fisheries Management program funding due to long term increased management obligations and costs. Base funding levels for Tribal Natural Resources was initially set more than 30 years ago. Funding declines in recent years are attributable to many reasons; inflationary costs, rescissions and the overall appropriations climate.

Hence, today we are receiving less funding than we did three decades ago but the level of management responsibility has dramatically increased.

- **$4.0 Million for Shellfish Management And Enforcement**
  The tribes request an increase of **$4.0 million** for base program funding to support increased shellfish management needs. In 1999, the Supreme Court denied *cert.* and let stand the favorable decision of the 9th Circuit Court which included guaranteed Tribal rights to harvest and gather shellfish for their commercial, ceremonial and subsistence needs. Tribes need monies to implement this right, in much the same way as they did after the original U.S. vs. Washington case was decided. Tribes need new resources to develop several dozen new management plans, collect information to assess treaty/non-treaty sharing arrangements, to implement the shellfish sanitation consent decree and to better monitor and enforce Tribal regulations on deep-water fisheries.
- **$1.5 Million for Tribal Groundfish Management**
  The tribes request an increase of **$1.5 million** for base program funding to support increased groundfish management needs. This appropriation would fund groundfish management, monitoring and enforcement for the four coastal Treaty Tribes who do not currently receive funds for these activities such as data collection, analysis and monitoring. The transition to greater regional- and species-specific management increases the demand for information and staff.
- **$1.74 Million to Maintain Timber-Fish-Wildlife (TFW) Program -** TFW has served as the cornerstone-funding source for Tribal habitat management capabilities for almost 20 years. Since 2000, Congress has provided an allocation for additional Tribal participation in TFW and the Forest and Fish Report (FFR) development. Originally at $3.08 million, this level was decreased in FY 2006, but has been supplemented by annual funds from the State of Washington. An additional **$1.74 million** is needed to supplement the state funding to make the tribal program whole as it implements the adaptive management provisions of the TFW/FFR Plan, which has been made a part of a Section 10, Habitat Conservation Plan under the Endangered Species Act.
- **$2.4 Million to Maintain The Mass Marking Program** – These funds are needed to fully 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. Plans to implement more extensive selective fisheries require additional funding with the total cost expected to be at least **$2.4 million** in FY-2010.
- **$5.0 Million Tribal Wildlife Management – Treaty Hunting Rights** - Wildlife Management is a new initiative needed to ensure that tribal treaty rights to hunt are being fulfilled. An appropriation of **$5.0 million** is requested to allow each Tribe to develop basic infrastructure to deal with tribal wildlife management and treaty hunting rights. This funding would also provide project monies for competitive grants.

BUREAU OF INDIAN AFFAIRS/U.S. GEOLOGICAL SURVERY/COOPERATIVE WATER RESOURCES PLANNING

- **$3.5 Million for Tribal Water Resource Protection**

This funding request of **$3.5 million** supports a partnership between tribes and the Department of Interior through the United States Geological Survey (USGS) and the Bureau of Indian Affairs (BIA). This partnership will provide for the collection and organization of water resources data important to supporting tribes individually and collectively in the management

and planning necessary to protect their treaty and reserved water rights. This will require new funding from the BIA to the individual tribes. The tribes are seeking new financial resources to refine and implement the technical strategy. While tribes have in place some of the expertise to accomplish components cited above, most notably biology and water quality, inadequate levels of personnel and expertise hinder our ability to accomplish the other tasks.

BUREAU OF INDIAN AFFAIRS/HATCHERY MAINTENANCE/REHABILITATION & REFORM

- **$1.5 Million Salmon Restoration: BIA/Natural Resource Management/Fish and Wildlife Projects/Fish Hatchery Repair**
- **$3.34 Million Salmon Restoration: BIA/Natural Resource Management/Fish and Wildlife Projects/ Hatchery Reform Implementation Or NOAA/Pacific Salmon/Pacific Coastal Salmon Recovery Fund [PCSRF]**

This package supports Hatchery Maintenance and Rehabilitation and Hatchery Reform Implementation funding, which in recent years has come from both the BIA/Fish Hatchery Repair and the NOAA Fisheries/PCSRF accounts. In FY-2009, the BIA/Fish Hatchery Repair account was increased by $500,000. In FY 2010, **$1.5 million** is needed in FY-2010 to address the backlog of repair within the BIA Fish Hatchery System; **$3.34 million** is needed to address currently identified Hatchery Reform projects.

ENVIRONMENTAL PROTECTION AGENCY/NATIONAL ESTUARIES PROGRAM/PUGET SOUND PARTNERSHIP/GENERAL ASSISTANCE PROGRAM AND IMPLEMENTATION

- **$2.0 Million Puget Sound Partnership** - Marine resources are essential to all NWIFC tribes. The emerging Puget Sound Partnership conveniently brings together key marine issues and focuses on salmon recovery, land use management and regulatory changes. There is a huge need for additional funding. Tribes will need to be funded at **$2.0 million** so that they can participate in the necessary scientific work and process and policy discussions that this partnership entails.
- **Environmental Protection Agency/General Assistance Program (GAP)**
  We support full funding of the EPA Indian General Assistance Program (GAP) at **$67 million** as this capacity funding is critical to the tribes' ability to sustain their important water quality programs.
- **Environmental Protection Agency/General Assistance Program Implementation**
  We support the development of an implementation program that logically follows the capacity building under the GAP. These existing programs represent a substantial investment from the tribes and EPA and are the foundation that will support new programs. Tribes in western Washington have agreed to partner with EPA Region 10 toward development of a pilot demonstration project effort to create a pathway from capacity development to implementation. The initial cost for this effort would be **$3.5 million**, which would provide coordination, technical assistance and start up costs.

Thank you for allowing me to present these requests to you today.

Mr. DICKS. Well, we appreciate your good work out there and we are pleased that we are going through with the shellfish settlement. We will continue to work on making sure that is funded and we will try to do as much as we can on these other important issues. But I am glad we got the $1.772 million. Billy has got it down to the penny. But I want to just say we do appreciate your good work. Are you going to be down in Portland tomorrow?

Mr. FRANK. Not unless you want me to be.

Mr. DICKS. I just wondered if you were going to be there.

Mr. FRANK. I hear you are going to be there.

Mr. DICKS. We have to keep working together.

Mr. FRANK. Oh, yes, absolutely.

Mr. DICKS. And we have to help each other. We get Idaho. I told Mike this. The sockeye, they are going to Redfish Lake. The brood stock program is at Manchester, Washington, in my district.

Mr. FRANK. Exactly.

Mr. DICKS. So we think that is an amazing project and we have to keep working on that.

Mr. FRANK. We have to take better care of the Snake River that goes into our country.

Mr. DICKS. Yes, we heard of it. Any other questions. All right. We have to keep rolling here, Billy. Thank you.

Mr. FRANK. Thank you.

Carmelia W. Skeeter, CEO of the Indian Health Care Resource Center of Tulsa. Welcome.

Ms. SKEETER. Thank you very much, Chairman, for allowing me to speak. It is Carmelita.

Mr. DICKS. Carmelita. They had it down here wrong. I want you to know that. Carmelita. Beautiful name.

THURSDAY, MARCH 26, 2009.

INDIAN HEALTH CARE RESOURCE CENTER

WITNESS

CARMELITA W. SKEETER

Ms. SKEETER. Thank you very much. I am the CEO of Indian Health Care Resource Center, which is an outpatient clinic in Tulsa, Oklahoma, and we serve a population of 16,000 active users at our facility. I want to tell you that the money that the federal government has invested in our program we have turned over threefold, so I believe that we have done an excellent job with the funding that we receive from Indian Health Service. I am here to urge you to please consider and fund the request for Indian Health Service that President Obama has asked for in his budget and to increase the urban Indian health funding by $10 million. They are like 2 percent of the overall Indian Health Service budget. This would raise their funding from $34.5 to $44.5, which is desperately needed. As the censuses have told us, the 66——

Mr. DICKS. Well, in the past they have just eliminated the money for this.

Ms. SKEETER. Right.

Mr. DICKS. This committee put the money back in.

Ms. SKEETER. Thank you very much.

Mr. DICKS. But I agree with you. I think it is time. We have just been putting back in the amount that had been there and we desperately need an increase for those 34 urban programs.

Ms. SKEETER. In Oklahoma, we have been very fortunate in being able to increase our Medicaid, Medicare collections and that helps offset some of the cost of what we do not receive from Indian Health Service.

The other big issue that I want to speak to is contract health care, and that is a great need for Indian people because of referring patients out to specialists, we never get off of the number one list. We referred 60 patients out this last quarter to Claire Moore Indian Hospital for contract health care services. Out of that 60 patients, only 10 received care. The others were referred back to us and said they did not meet the list, and those are primarily orthopedic issues, shoulders, knees, arthritis and there is no means to pay for those. Our patients are the patients that fall within the parameters of adult from 22 years of age to 64, and there is no means to cover that age span. So we definitely need an increase in funding for contract health services with Indian Health Service. The issue is dire because you have people that do not receive the surgeries and then they cannot work and they cannot be a part of the economy, helping their families and taking care of their responsibilities.

I just want to tell you a little bit about the program that I am the CEO of. The program was started in 1976. We started out with four employees. We now have 115. We provide very comprehensive health services of mental health, substance abuse, and the diabetes program. I have six medical professionals on staff in the outpatient clinic. We have a contract with O.U. for prenatal and OB care. We have a dental department, optometry. Our biggest program growing to date, thank Congress for the funding for our diabetes, is our wellness department. We are in four elementary schools in Tulsa teaching after-school programs to prevent obesity, heart disease and diabetes. So we have a very active program in the city of Tulsa. We have been very fortunate to have the support of our Congressional members. We have contracts with the Cherokee Nation. We are working on a new contract with the Creek Nation and we have a contract with the five tribes in northeastern Oklahoma to help with their diabetes program. So our next step is to go into tele-medicine and work with the Creek Nation. We have psychiatrists on our staff and we want to offer that service to the rural area.

I am open for any questions.

[The statement of Carmelita W. Skeeter follows:]

TESTIMONY provided to: **U.S. House of Representatives Committee on Appropriations, Subcommittee on Interior & Environment, and Related Agencies** in support of full Indian Health Service funding. Presented on March 26, 2009 by Carmelita Wamego Skeeter, CEO, Indian Health Care Resource Center of Tulsa, Inc. – Urban Indian Health Organization.

Good morning. I am Carmelita Skeeter, CEO of Indian Health Care Resource Center of Tulsa. I urge full funding of President Obama's funding request for the Indian Health Service (IHS), including the Urban Indian Health Program. The President's budget includes over $4 billion for the IHS and a $10 million funding increase for the Urban Indian Health Program from $34.5 million to $44.5 million.

Since our founding in 1976, our urban Indian health organization has provided quality comprehensive health care to Tulsa's large Native American population. Our urban Indian clinic provides medical care, pharmacy, health education, mental health and substance abuse treatment services. In FY 2008, patients of Indian Health Care Resource Center of Tulsa, Inc. (IHCRC) received 103,630 medical, dental, behavioral health or substance abuse treatment health encounters at our urban Indian health center. We are a federally qualified health center (FQHC) with a staff of over 115 employees. We serve over 16,000 active patients and are accredited by the Accreditation Association for Ambulatory Health Care (AAAHC).

Tulsa's intertribal Indian service population. The Tulsa area Indian population is largely reflective of the actions taken by the federal government over the past 200 years. Most of our patients are members of tribes that government soldiers forcibly relocated to Oklahoma in the 1800s. We also serve Indian tribal members who were urged by the Bureau of Indian Affairs in the 1950s and 1960s to relocate from reservations to urban areas – in hopes of breaking a cycle of crushing poverty and disease. Today, Tulsa is a destination of choice for many Indian people who enjoy the quality of life of our metro area. The Tulsa urban Indian population, indeed the Indian population of all northeastern Oklahoma, continues to grow. According to the 2000 Census, the five-county Tulsa metropolitan area has the state's largest Indian population, with 55,772 individuals identifying as American Indian or Alaskan Native and 86,118 individuals identifying as Indian and another race. Members of any federally recognized tribe, and their dependents under age 18, can receive care at our urban health center. Although Oklahoma's tribal governments are located in rural areas, the Tulsa metro area is home to a large intertribal population. We serve members of more than 150 different federally recognized Indian tribes. Members of the Cherokee Nation of Oklahoma, Muscogee (Creek) Nation and Choctaw Nation comprise approximately three-quarters of IHCRC's active patients.

Indian health disparities. Large disparities currently exist between the status of Indian health and that of the rest of the country. Consider the following:

- The infant mortality rate is 150% greater for Indians than that of Caucasian infants.
- Indians are 2.6 times more likely to be diagnosed with diabetes.
- The life expectancy for Indians is nearly six years less than the rest of the U.S. population.
- The suicide rate for Indians is 2.5 times higher than the national average.
- Health care expenditures for Indians are less than half of what America spends for federal prisoners.

Vulnerable MUA population. IHCRC serves a federally defined Medically Underserved Area (MUA) of vulnerable low and moderate income Native Americans. There is a great need for the primary care services we provide to a large population of working Native American families who can't afford health insurance or work at jobs without health insurance benefits. Without access to care, these uninsured patients would place a further strain on a fragile health care system for the medically indigent. Our health center serves as a safety net to individuals with limited financial

means – most of our adult patients, and about half of the children we treat, do not have health insurance. Even though a patient may be uninsured, no one is denied care because they cannot pay. Our eligibility staff helps clients apply for Medicare, Medicaid and Oklahoma's SCHIP program.

A comprehensive system of care provided. By providing culturally competent care to our Native American patient populations, we help keep our patients gainfully employed, our students attending school, and individuals with chronic diseases living as functional as possible. Without access to the high quality health care we provide, our patients would likely end up in a hospital emergency room. Yet, from both the patient and the health professional perspective, outpatient clinics can provide superior continuity of medical care at a lower cost than a hospital. This is true whether the outpatient setting is an urban Indian clinic, a community health center, a tribal clinic or an Indian Health Service (IHS) clinic. The key role of hospitals is to treat trauma emergencies and provide inpatient care. Throughout the nation, local, state and federal governments depend on the Indian Health Service and the Community Health Center FQHCs to provide access to primary care to at-risk uninsured and vulnerable populations. Allowing this patchwork safety net system to unravel would be costly to the vulnerable patients and hospitals alike.

Support for increased federal IHS funding. The President's request for an increased level of federal funding appropriation (exceeding $4 billion) to Indian Health Service (IHS) is critically needed to address the health disparities that are experienced by Indian people. Over the past two decades, the American health care delivery system has been revolutionized while the Indian health care system has struggled to keep pace. Consider the following:

- Increased funding is needed to expand the breadth and depth of care, including expanded prevention and chronic disease care.
- Increased funding is long overdue for the Urban Indian Health Program ($44.5 million is requested).
- Address the historically underfunded contract health care system by providing increased funding to address acute, trauma and chronic health care needs.
- Expanded funding is needed to establish a continuum of care through integrated behavioral health programs to address alcohol/substance abuse problems and the social service and mental health needs of Indian people.
- Increased funding will help the IHS enhance the ability of Indian health programs to attract and retain qualified Indian health care professionals.
- Increased funding will help address health facility expansion and modernization needs.

Delivery of comprehensive health care. The health care staff at our comprehensive health center provides acute care, preventive care and chronic disease management services. Medical care and behavioral health care is offered to patients of all ages. Our "one-stop" health center provides convenient access to quality, comprehensive health care. Our multidisciplinary health center is organized into four departments: 1) Administration; 2) Medical, which includes medical, prenatal, dental, optometry, lab, x-ray and pharmacy services; 3) Human Services, which includes behavioral health and substance abuse treatment services); and 4) Health Education and Wellness, which includes diabetes prevention and care, tobacco prevention and cessation, community school-based physical activity and nutrition education anti-obesity programs.

Indian Health Care's medical personnel provide acute care, preventive care and chronic disease management. Chronic conditions, such as diabetes, hypertension, cardiovascular disease and asthma are managed with evaluation, routine care and patient education. Individualized medical care is provided. Patients of all ages have a personal medical provider to maintain continuity of care. Internal referrals are made to diagnose and treat co-occurring vision, dental, diabetes, mental health and substance abuse needs. When medically appropriate, our health providers refer to the IHS Contract Health system or insurance networks for specialty diagnostic or treatment services.

Prevention. IHCRC has a long history of promoting preventive health and health promotion programs to improve the health of American Indians and support the delivery of chronic disease management health care. The goal of IHCRC's health education programs is to assist and support Indian people adopt healthy lifestyles. Our medical team of physicians and nurses work closely together to educate patients to prevent health problems and reduce health risks. Education programs help clients better understand the nature of disease and how healthy lifestyles and behaviors can reduce disease risks and injuries. Client education also assists individuals capably select and use health care resources, products and services wisely. Special attention is given to the patient's need for health education, preventive care and chronic disease management. Diabetes, cardiovascular disease and obesity have become health problems of epidemic proportions in Indian country. Our wellness staff provides nutritional and fitness instruction to help clients make lifestyle changes to control their diabetes and cardiovascular disease. Evidence-based chronic disease management programs are used to reduce the need and the costs of acute medical care.

Integrated Human Services. Use of a services integration approach is promoted by the IHS to coordinate the prevention and treatment of mental health, substance abuse, domestic violence and child abuse services into comprehensive behavioral health programs. We are proud of the work urban Indian health programs, tribal health systems and the IHS have done to expand preventive health programs. The IHCRC Human Services Department embraces the importance of the family in the delivery of outpatient behavioral health care and substance abuse treatment services to children, adolescents, adults and families. Prevention programs help build mentally healthy families and combat individual self destructive behaviors. Care for developmental disorders, disruptive behavior disorders, anxiety and mood disorders is provided to children and adolescents by a team of behavioral health professionals. Individualized treatment plans address the needs of the child and family. Through a "Systems of Care" mental health partnership with the Muscogee (Creek) Nation, a child-centered and family-focused system of care is being implemented to serve American Indian youth and their families. Similarly, an "Access to Recovery" partnership with the Cherokee Nation employs a holistic approach to substance abuse treatment to coordinate the delivery of outpatient counseling and referrals to support groups, 12-step programs, traditional Native American treatments and spiritual practices and recovery support services.

Support of as strong I/T/U health systems partnership. Our Tulsa urban Indian health center, along with the 35 other urban clinics in the country, operates as a key service unit within the IHS, tribal health and urban clinics (I/T/U) delivery system. IHCRC strongly believes that all Indian health providers in the I/T/U system need to conscientiously work together to effectively coordinate the delivery of Indian health care. All Indian health providers support a common goal to improve the health status of Indian people. Oklahoma's growing Indian population will continue to require more resources of the tribes, the urban clinics and the IHS to provide health care. Oklahoma's two urban clinics endeavor to work closely with the Oklahoma tribes to maintain continuity of care, particularly for patients who move to urban areas from rural towns – enabling patients to transfer their care from rural tribal and IHS health facilities.

History of the Oklahoma urban health demonstration programs. Since our founding in 1976, IHCRC has operated with an entrepreneurial spirit – overcoming limited IHS funding in our early years. Today, IHCRC's current base service contract with IHS comprises about $4.2 million of a total agency annual budget of $12.8 million (FY 2008). Through a combination of grants, contracts and third party insurance billings we are able to achieve greater than a 3-to-1 leveraging of our base federal funding. The instability and inadequacy of Title V urban funding throughout the 1980s prompted the Tulsa and Oklahoma City urban Indian clinics to advocate for special status as IHS demonstration projects. In 1987 this effort resulted in the designation of the Tulsa and

Oklahoma City urban clinics as the only two urban demonstration projects for IHS in the nation. This designation has brought fiscal stability and growth in IHS funding to the Oklahoma demonstration projects after our operating funding was moved from the Title V urban Indian program to the IHS "Hospitals and Clinics" direct care program. To this day, IHS funding of Title V urban health programs comprises only 1% of the IHS overall budget, yet according to the 2000 Census, 66% of all American Indians and Alaskan Natives now live in urban areas.

Fiscal strength and leveraged funds. The Oklahoma urban demonstration programs derive substantial financial benefits from their status as IHS service units. As a direct care service unit within the IHS/Tribal/Urban system, IHCRC has used our enhanced IHS funding to construct a modern, nationally accredited facility and staff it with qualified personnel. We have leveraged our IHS funding with other operating revenues to fill gaps and add depth to our comprehensive health services. Much of the health care provided to our patients is written off as uncompensated care – only 1% of our child and adult patients have private insurance. Billing for Medicaid reimbursement with the enhanced Office of Management and Budget (OMB) rate became possible after the Oklahoma urban clinics were designated as demonstration programs and were recognized as service units within the IHS system. In addition to the direct benefits of increased IHS funding and Medicaid revenues, our status as an IHS service unit has also enabled us to receive IHS and National Health Scholars, discounted pharmaceutical and supplies, and GSA vehicles.

Support for tribal health programs. The Tulsa and Oklahoma City urban health centers operate within an expansive network of tribal health systems spread across our state. The tribal governments of Oklahoma's Indian nations are greatly respected for their commitment of service to their membership. By their actions and deeds, tribal leaders demonstrate this commitment with sizable program expenditures to improve the economic, educational, physical and spiritual health of their tribal members. We applaud the very substantial investments recently made by the Cherokee and Creek Nations to expand access to care through the construction of new health facilities in northeastern Oklahoma. We acknowledge the commitment to improve the health of Indian people that tribal governments make every day in Oklahoma and throughout the nation.

About our health center. Indian Health Care Resource Center of Tulsa, Inc. (IHCRC) is an Oklahoma not-for-profit corporation. We are a community-based organization with 501(c)(3) nonprofit IRS status. Our organization is governed by a local Board of Trustees, elected by the general membership of the patients we serve. The majority of the membership of our Board of Trustees is required to be documented members of a federally recognized American Indian tribe. Over the years, members of the IHCRC Board have included Tribal council members.

Closing statement. IHCRC reaches out to our local Indian community to engage Indian people in on-going health promotion, disease prevention, chronic disease management and wellness programs. Our health center is dedicated to improving the general health and wellness of the Tulsa Indian population. Preventive services at IHCRC are designed to improve health and reduce the need for acute medical care. Our integrated approach to preventive care encompasses community health nursing, primary care, oral health, vision, mental health and substance abuse prevention and early intervention. Continuity of care is promoted by coordinating patient care and community health programs for preventing illness and maintaining health. The **mission** of IHCRC is "to provide quality, comprehensive health care to Tulsa area Indian people in a culturally sensitive manner that promotes good health, well being and harmony."

Reauthorize the IHCIA. In addition to passage of an expanded FY 2010 IHS budget, we urge Congress to rejoin the effort to reauthorize the Indian Health Care Improvement Act (IHCIA). The IHCIA has languished for years (expiring in 2000) – as the country now begins to move forward with health care reform discussions, this should be the year the IHCIA is reauthorized.

Mr. DICKS. Mr. Cole.

Mr. COLE. Just a couple just for the record because I think it is an astonishing figure. You mentioned your patient base at 16,000. How many tribes are represented among that?

Ms. SKEETER. A hundred and fifty.

Mr. COLE. And that is, Mr. Chairman, one of the huge issues in Oklahoma City and Tulsa obviously. We have many different tribes and a lot of those folks are very far away from the areas of their tribal base so there is no ability for them to access, really, what they are entitled to by law. If you are not there and do not have these urban-based centers where so much of the native population is now off reservation and doing other things.

Ms. SKEETER. Yes, Congressman.

Mr. COLE. And what would happen to your patients if they could not come to you?

Ms. SKEETER. They would have to try to find a way back to the rural areas to Cherokee Nation, which is 70 miles away, or Indian Health Service Hospital, which is 30 miles away, or end up in the emergency rooms, which is where they were when we started our program.

Mr. COLE. Which is where most of them end up so we would end paying for them in indigent care in some other facility when they are actually entitled to medical care but they are too far away from reservations and their tribes to get it.

Ms. SKEETER. Yes, Congressman.

Mr. COLE. Thank you for what you do. You guys do a tremendous job.

Mr. DICKS. Yes, thank you for your testimony and we appreciate your being here.

Ms. SKEETER. Thank you.

Mr. DICKS. Now we have Patty Marks.

THURSDAY, MARCH 26, 2009.

OGLALA SIOUX TRIBE

WITNESS

PATTY MARKS

Ms. MARKS. Thank you. Good morning, Mr. Chairman and members of the committee. Ms. Two Bulls has been stranded in Rapid City for the last three days in the western blizzard, which actually forms a perfect backdrop for the testimony she asked me to present today, which deals with facilities.

Before doing so, Mr. Dicks, I have to thank you personally and on behalf of the tribe for putting the first money in the detention construction budget in 2009 in years. Pine Ridge is the proud recipient of some of that money and they are very anxious to move forward with their new justice center. I am here to ask you to please try to keep that going because Pine Ridge, for those of you not familiar, is one of the largest reservations in the country, about 185 miles by 70 miles, so think Baltimore to Richmond and D.C. to Gettysburg. It is a big area. And given that fact, the tribe has to operate on an eastern and a western district for public safety

and emergency services. The facility in Pine Ridge is the main help for the west and the facility in Kyle, which was built at exactly the same time, is the eastern hub. Now, Kyle was listed according to our Congressional district as the number one project on the stimulus renovation priority list but Mr. Patrick Ragsdale has recently concluded that that facility is far too gone and there is no way that it can be renovated so we are going to be making an effort now to try to move that into the new construction.

One of the topics I wanted to talk to the committee about today is the need and the urging that we have for this committee to start working with the various counterparts that fund the Department of Justice. That $225 million that was put into DOJ construction is a very positive thing and we are all thrilled about it, those of us that work in the field. But I have to tell you that for tribes like Pine Ridge, it is never going to work. The reasons are simple. One, it is competitive so it does not follow the priority list. Therefore, the tribes at the top of the priority list have to compete with the tribes at the bottom. Second, it requires a 10 percent match and there is no waiver, Justice is telling us this year. So for a tribe like Pine Ridge that has an average per capita income of $3,500 per person and is located in the poorest county in the United States, according to the U.S. census, coming up with $1 million or $2 million in cash to match a federal facility is impossible.

Additionally, the DOJ has stated that it will not allow the tribes to combine their court functions into the justice center concept it is putting out in bid this last week. So for tribes like Pine Ridge, that means building two facilities where one is really the appropriate use of federal money. It is going to add to the cost. It is going to delay the process. So we are here to ask you to give the most serious consideration to continuing to fund these programs under BIA for those tribes who are never going to qualify for the Department of Justice.

Along those same lines, I would encourage the same thing with the Byrne grant money. I thank you from the bottom of my heart for all the work that you have done in increasing the law enforcement operations budgets, but again, it is not enough. We all know that. We appreciate the fact that the President and this committee have been struggling with this issue but the reality for tribes like Pine Ridge is that the Byrne grant also requires a match and if you cannot come up with the money, you cannot get the dollars. When you can come up with the money, those Byrne grants only fund officers for between one and three years. So we spent $30,000, $40,000 to get an officer completely trained, equipped and up to speed and then have to lay him off in two years and start all over again. We cannot even continue the same officers because under the DOJ regs that is called supplanting. You cannot take someone previously funded with federal dollars and pay for them with DOJ. So I encourage you to please take a serious look at these law enforcement issues both on the facilities front and on the operations front because these are issues that need to be addressed. Pine Ridge, for example, has gone from 110 officers in 1990 to 41 today, and it will be losing four when the DOJ grant expires in about two weeks. This is serious.

I would also like to take just a couple of minutes to mention the situation with health care. Many, many years—I have been doing this for 30 years, and many years ago the Indian Health Service regularly funded buildings outside the hospitals and clinics that were direct service providers. Those include health admin, dialysis, certain diabetes locations, detoxification and other similar things. I had a meeting when the stimulus passed. The chairwoman and I had a meeting with Mr. Gary Hart, the director of construction for Indian Health Service, and when we walked, Gary and I are old friends and he said I am really glad you are here because I need to talk to you about the demolition of the old Pine Ridge Hospital. Now, that building was condemned 17 years ago when this committee authorized the construction of a new facility. What Mr. Hart did not know is there is still 110 people working in that building. That building has had zero dollars in M&R in 17 years. We have dialysis and diabetes patients literally crawling up two flights of stairs to get treatment because the elevators do not work, and most recently we had a young lady typing at her desk when not the ceiling but the roof caved in on her. Thanks to a power greater than me, the lady is fine, she is fine, but this needs to be addressed as soon as possible. So we talked to IHS and I said well, we have an authorization but we have not had any money to build anything other than hospital and clinics or repair anything other than hospital and clinics in the last 15 years. So we went to HRSA. HRSA said this is an Indian Health Service responsibility, go see the appropriations committees. So I am here today to ask for help on that basis.

The last thing I would like you to consider is a specific issue very relevant today because of the storm and that is something else IHS has not been building in years and that is ambulance centers. When the IHS built some of the hospitals 10 and 15 years, they ran out of money so not only do we have programs that are located in old, dilapidated condemned buildings, what those new buildings, those new hospitals and clinics also do not have ambulance bays. Now, Pine Ridge today, the temperature is 11, the wind chill is minus 3. There are four foot of snow banks. This time in July the temperature will be around 95 to 98 and what happens is, we have to run the ambulances at Pine Ridge 24/7 for all but about two months a year. That is not for the convenience of the staff, that is to keep the medical equipment, the bandages and the medicines from either freezing or getting too hot for use. What we are asking for here are not expensive buildings. We are asking for simple steel structures at a cost of around $300,000 or $400,000 to store four or five ambulances and have them ready to go. We are wasting an awful lot of money running those vehicles 24/7 and we are having constant problems with damaged medications which have gotten too hot or too cold.

Mr. DICKS. Thank you.

Ms. MARKS. So thank you very much for your time. I appreciate everything and I will be glad to answer any questions.

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TESTIMONY OF THERESA TWO BULL, PRESIDENT
BEFORE THE HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
MARCH 26, 2009

Good Morning Mr. Chairman:

My name is Theresa Two Bulls and I am the President of the Oglala Sioux Tribe of South Dakota. Many people refer to us by the name of our reservation, Pine Ridge. On behalf of my tribal council and my tribal membership, I would like to thank you for this opportunity to testify and for the commitment that you and the members of your subcommittee have shown toward improving the life of Indian people.

Mr. Chairman, since I already know your strong commitment to preserving all of our Indian programs, and increasing their budgets to the greatest extent possible, and since we still do not have President O'bama's detailed budget, I would like to focus the first part of my testimony on a topic that you have not heard as much about, and that is our facility needs. In the Great Plains, and on many large land based treaty reservations, we are still operating many of our programs in condemned and/or seriously dilapidated courts, jails, police buildings, tribal office buildings, schools, and health administration buildings. To make matters worse, we have no ambulance buildings, and very few structures that we can use when we attempt to expand our programs. This situation has become extreme serious over the last few years, because the BIA has done next to no maintenance on our facilities. In fact, things got so bad last year that the BIA actually ordered the Pine Ridge Jail closed and turned off the power to make sure our people vacated that building because they found it to be a danger to those who resided and worked inside. This has sent us into a panic, because our Kyle Jail, which is located some 70 miles away, and our tribal court building which is located next door are actually in worse shape.

While the recently enacted stimulus bill will help us start to address some of these problems, many facilities such as our Kyle Jail and our Wamblee and Little Wound Schools are now beyond repair, and all indications are that it will cost more to repair them than it will to replace these entire facilities. Unfortunately, the money provided in the stimulus bill is not enough to get that job done.

On our Kyle jail issue, I know that many people are looking at the stimulus bill as the first step toward replacing tribal jails, but I have to tell you that this program is not the answer. I say this because, the DOJ's Bureau of Justice Assistance is running this as a competitive program which: (1) totally ignores the priority list, (2) leaves open the strong possibility that DOJ will fund a number of facilities which the BIA currently has no funds to staff and equipment (3) has 31 pages of directions and rules which it takes a lawyer to understand, (4) does not authorize us

to combine tribal court, tribal police and jail space, which is the most cost effective method of dealing with our needs, (5) deals only with shovel ready projects, which this building is not, because the BIA has taken no steps to develop replacement plans, and (6) worst of all, requires a 10% match. Now Mr. Chairman, I can assure you that if our tribe had $2 million-$3 million dollars available to pay a 10% match, our facilities would not be in the shape that they are in today. At Pine Ridge, the average unemployment for our 50,000 people is around 80% and our average per capital income is less that $4,000 per year. We have no tax base and our tribal casino barely pays its operating costs. Thus, for tribes like us, which are at the top of the jail and court replacement priority list, this DOJ program is not the answer. We therefore have no choice except to come here and ask you to fully fund the construction of our Kyle Justice Center with BIA dollars and to advise you that we need around $26 million to accomplish that task.

I would also like to note that in the last 8 to 10 years, both the BIA and the IHS have completed ceased funding many of the types of facilities that we desperately need. I honestly cannot remember when the IHS built the last health administration, health outpatient program building, ambulance center or detox or dialyses center, or when the BIA built the last tribal administration building, but I can tell you that it is more than 8 years ago. For those of us that have no outside income and are still occupying un-maintained buildings that were built in the early 1900's this is a real problem. I therefore implore you to look at these situations carefully and help us figure out answers to our emergency facilities needs before it is too late. Without buildings to house them, our programs are gone.

While we have a number of facility needs other than the Kyle Justice Center, I would like to take this opportunity to request funding for 2 of our most pressing needs: two ambulance centers and the replacement of our health administration building. First, the ambulance centers. On a number of occasions this winter, the temperature at Pine Ridge has hovered around 10 degrees with a wind chill below zero and snow banks that are 4-5 feet high. Then during the summer, our temperatures can and often do reach into the high 90's. This requires us to run our ambulances 24 hours a day- 7 days a week, in order to keep the medicines and bandages that they contain usable, and in order to insure that they will run properly when we need them. Given the cost of gasoline and vehicle maintenance, this is a terrible economic burden on our program. Additionally, any mechanic will tell you that emergency vehicles need to be inside under these conditions in order to insure proper performance, and any doctor will tell you that this is a dangerous way to store life saving medicines and medical supplies.

Our hospital has no ambulance facility and the two ambulance dispatch points that these buildings would be located at are over 80 miles apart. These are not expensive structures, they are steel buildings that can be built and installed by Indian Health for around $350,000 to $400,000 apiece, but building them would save federal dollars in the long run, make our staff's job easier and quite possibly save lives. Besides, a large percentage of this amount will continue to be spent on gasoline and vehicle wear over the next 5 years, not to mention the added harm to the environment. Indian Health recognizes the importance of housing ambulances in extreme weather locations and now adds ambulance bays to its new hospitals, but for those of us whose hospitals were built years ago, no such space exists.

I would also like to ask for funding to replace of our health administration building.

Today, our diabetes program, our third party billing, our CHR program, our Pine Ridge dialyses center and a number of our other IHS programs are still located in the old Indian Health Service Hospital, that the HHS ordered demolished some 17 years ago when our new hospital was built. Unfortunately, by the time that our new hospital was completed, it was too small to accommodate these programs and functions and we had no choice but to stop the demolition of that old building and continue to use it for these programs. There was no other space available. This building is not only old, it is dangerous. It is full of mold and asbestos, our patents are forced to crawl or be lifted up stairs because the elevators do not work, and we have even had the ceiling fall in on a pregnant employee who was typing at her desk. But, because this building has been condemned for so many years now, the Indian Health Services provides no maintenance and repair dollars, and because it is not classified as either a hospital or a clinic, no one currently has any money to replace it. Mr. Chairman, we need the programs that are housed in that building, that is the reason that our people endure the hazards of this structure; I therefore implore you to give the IHS the money and the direction to replace this old building in 2010.

Lastly, I would like to thank you for your efforts to increase our BIA law enforcement budget, but as you already know, there is still a long way to go in order to bring this program up to the minimum standards that the BIA has announced as its minimum goal. In the past the prior administration touted the DOJ Byrne and Cops grants as the answer to unfunded tribal police departments, but their statements were misleading at best. While we and a number of other tribes have benefited from the Byrne and Cops programs in the past, they simply do not solve our problem. Those programs are highly competitive, the Byrne Grants require a match that we cannot afford, and even if we make it through all of those hoops, the DOJ programs only provide us with short 1-3 years of funding. This results in our wasting a lot of federal dollars to hire and train law enforcement officers, only to be forced to lay them off 1-3 years later. In fact as a result of unstable DOJ funding, our law enforcement program has gone from 110 offices in 1999 to the 42 that we have today. I'm sorry but in our tight economy, this type of waste is just ridiculous. It's time to put an end to this by increasing the base BIA law enforcement, court, 911 and detention budgets up to a level which allows us to plan and develop the human resources necessary to run the most effective programs possible with the dollars provided. Then, when these budgets are stable, we can use those DOJ programs as state and local non-Indian governments do, for the one time needs like the acquisition of unique equipment and training, and to complete one time projects like the computerization of our court records. Doing this would correct a flawed federal policy which is costing us and the taxpayers a lot of grief.

Finally, while I am big supporter of the TPA process, I would like to remind you that our large land based, heavily populated tribes have unique needs which may not rise to priorities for the majority of other Tribes. Two prime examples of this are HIP and the BIA burial fund. Please do not forget us and our need for those programs when you look at the national funding priorities.

Mr. DICKS. Any questions? Mr. Cole.

Mr. COLE. Just quickly, I am just very curious about this Justice Department problem with dual-use facilities, you know, in I would assume courts, detention, dispute resolution. I have seen one of these in Mississippi, Choctaw Reservation. It is absolutely spectacular. It is very first-rate state of the art. What is the justification? Why do they have a problem?

Ms. MARKS. They are saying that when the stimulus bill appropriated that money, what it did is, it cited to an old statute that specifies that it cannot be used for other than detention facilities. So they consider the court, which is a separate section of the same statute, to fall outside of that. What we are doing at Pine Ridge with the help of this committee is, we are combining a condemned police department building, a condemned courthouse and a condemned jail and a condemned 911 building all into one justice center which will have one parking lot, one set of utilities, et cetera. It is a cost-effective way of doing it.

Mr. COLE. Mr. Chairman, I know we cannot legislate here but why would that be a problem to get some language that would eliminate that kind of ridiculous interpretation because these dual-use facility things are really good. I mean, I have seen them on multiple places. They are outstanding and it is just the best use——

Mr. DICKS. We will take a look at it.

Ms. MARKS. And most importantly, please figure out a way of trying to get them to either waive the matches or be clear that they are authorized to waive the matches because again, for a tribe like Pine Ridge, with absolutely zero dollars to have to come up with a 10 percent match on a $20 million building, they do not have $2 million laying around. If they did, their facilities would not have furnaces that do not work today.

Mr. DICKS. Some of these issues, the Byrne grants are before the Commerce, Justice, Science appropriations subcommittee. We have some of this but we certainly could talk to Mr. Mollohan, who is on this committee who is chairman of CJS.

Ms. MARKS. And I would just like to point out, this committee does have the authorization under the Snyder Act. I do not know who came up with the idea of switching these things off but it was a budget cut move. Justice was easier to get money into than Interior. But for the majority of large land-based tribes and the poorest tribes in the country, it does not work. Gentlemen, thank you very much for your time.

Mr. DICKS. Thank you very much.

Now we have Dr. Szekely. Thank you, Doctor. Assistant professor in the Department of Obstetrics and Gynecology at the University of Michigan. Wonderful school.

THURSDAY, MARCH 26, 2009.

FRIENDS OF INDIAN HEALTH

WITNESS

DANIEL SZEKELY

Dr. SZEKELY. Thank you, sir. Good morning, Chairman Dicks and Ranking Member Simpson, committee members. As introduced, I am in the Department of Obstetrics and Gynecology at the University of Michigan. Today I am serving on the American college of OB/GYN Committee on American Indian Affairs and speaking to you for the Friends of Indian Health. My background, I served six years as medical director of the Alaska Native Medical Center in Anchorage, and actually prior to that I was in practice for years in Port Angeles where we provided specialty services for women from some of the area tribal health clinics.

Mr. DICKS. Good.

Dr. SZEKELY. The Friends of Indian Health is a coalition of over 50 health organizations and individuals dedicated to improving the health of American Indian and Alaska Native people. The Friends thanks you, Mr. Chairman and the committee, for the additional Indian Health Service funding secured in both the 2009 omnibus and the stimulus bills. This increased funding will help build needed health care clinics, develop health information technology for these centers and provide additional health care services.

Mr. DICKS. I would just say this was done on a bipartisan basis on this committee, even though the budgets were totally inadequate and we had a very serious problem. When Mr. Tiahrt was the ranking member, we had great cooperation and the restoration of the money was done on a bipartisan basis, which I am very pleased with because I think our committee should operate that way. Go ahead.

Dr. SZEKELY. That is great, and certainly from outside the beltway, that is very, very encouraging.

Mr. DICKS. This is one of the rare islands of cooperation.

Dr. SZEKELY. That is great. We look for islands of sanity, believe me.

So from my experience in IHS, I have learned the importance of getting patients into early treatment, the barriers that remoteness can create for health care and what kind of incentives it takes to get health care providers to serve in understaffed and hard-to-reach areas. Currently the IHS has 1,500 vacancies which are going to increase overtime because the IHS has a graying workforce. The IHS is very vulnerable to having a big exodus of nurses in the near future as nearly 80 percent of them serving in the IHS now are over the age of 40.

To address this crisis, the IHS needs to improve its recruitment efforts. While some IHS divisions are very effective at recruitment, others are not. Members of the Friends and those who work with Indian health including my experience in Alaska are often frustrated when potential candidates are discouraged even before they apply. The complaints include candidates not being able to find anyone to give them information about vacancies and specific locations and never hearing back from the IHS even when they have applied for a position. We urge the committee to encourage the IHS director to collect successful approaches. There are success stories. Find those stories currently used in some divisions and develop a global effective recruitment program that can be used by all IHS recruiters.

Mr. DICKS. Do you know that President Obama has nominated Dr. Yvette Roubideaux to be the director of the Indian Health Service from Harvard and she is a Rosebud Sioux? So I think we are going to have somebody there that we can work with because I completely agree with you. These issues have to be raised, and I think there will be a lot more sensitivity with this new director, assuming Senate confirmation.

Dr. SZEKELY. That is great. And we just hope the committee can encourage this new director to improve and streamline the hiring process. That is critical. Recently an Oklahoma facility lost a potential obstetrician/gynecologist because the area office took over six months to process the applicant's paperwork after the facility had already interviewed and offered him the job. The candidate became discouraged and looked elsewhere.

So making improvements in the recruitment and hiring process will help but my experience as a medical director has also been that loan repayment is one of IHS's best recruiting and retention tools. This is especially true when trying to fill specialty positions like obstetricians and gynecologists. Facilities are remote, patients need to be transported safely and quickly over long distances. There is a high incidence of complicating diseases like diabetes. All of these make practicing in the IHS challenging but providers will come and they will stay, particularly if offered loan repayment. Last year, due to a lack of loan repayment funds, 231 health care professionals already working in the IHS as well as 95 new recruits left because their loan repayment account ran out after two years. So the Friends requests an additional $18.5 million for loan repayment to allow the IHS to hire and keep the needed health care providers.

One additional thing we think that is, again, not a huge cost but will make a huge difference, for six years the Office of Personnel Management has been working to revise its recommendations for a new 600 series pay scale. This covers clinical and support staff. Many of these positions usually are filled by tribal members so you have a crucial cultural link but the salaries are below clerical positions. A receptionist earns more than a dental assistant. An experienced nurse-midwife will take a 50 percent working for IHS and LPNs in Oklahoma are paid more at Walmart than an IHS facility. So the Friends strongly urges the committee to direct OPM to release this new 600 series pay scale and work with IHS to provide sufficient funding for these positions.

You have heard compelling stories today about specific needs. We feel these are steps that can have tremendous benefit downstream and do not necessarily have huge costs. So these procedural recommendations I think are also very cost-effective.

Thank you for the opportunity to testify.

[The statement of Daniel Szekely follows:]

FRIENDS OF INDIAN HEALTH

Good Morning Chairman Dicks, Ranking Member Simpson and Committee Members. I am Dr. **Daniel Szekely, MD, FACOG,** an Assistant Professor in the Department of Obstetrics and Gynecology at the University of Michigan and currently serving on the American College of Obstetricians and Gynecologists (ACOG) American Indian Affairs Committee. From my experiences with ACOG and from six years as the Medical Director of the Alaska Native Medical Center (ANMC) in Anchorage, I have witnessed first-hand both the importance and challenges of the Indian health care system.

I am representing the Friends of Indian Health – a coalition of over 50 health organizations and individuals dedicated to improving the health care of American Indian/Alaska Native (AI/AN) people. A key element of that goal is to adequately fund the Indian Health Service (IHS) so that health care programs accessed by AI/ANs are funded at levels equal to the rest of the nation's citizens.

The Friends thanks you, Mr. Chairman and the Committee for the additional IHS funding secured in both the FY 2009 Omnibus bill and the American Recovery and Reinvestment Act (ARRA) of 2009. This increased funding will help build badly needed health care clinics, develop health information technology for these centers, and provide additional health care services in underserved areas.

Without knowing the specific IHS funding levels in the Administration's FY 2010 budget, the Friends would like to take this opportunity to highlight concerns related to improving health care for AI/ANs, and hope to work with the Committee to ensure that FY 2010 appropriations will address these areas of need.

The most urgent outstanding need of AI/ANs is to address contract health services. Patients requiring cancer treatments, surgeries, treatment for injuries and additional mental health services need medical care that cannot be provided in IHS or Tribal facilities. The IHS is required to reimburse this care when patients receive it from providers outside of these facilities, but contract health services (CHS) funding is woefully underfunded.

Quite literally, unless an American Indian or Native Alaskan is facing loss of life or limb, he or she is likely to be denied needed care outside of the IHS or Tribal facility. In 2008, 35,000 health care needs were denied and 1.6 million were deferred.

We know that the Committee is well aware of the saying, "Don't get sick after June 1st", which refers to the date when the CHS account usually runs out of money. **The IHS estimates that it needs an additional $1.2 to $1.8 billion to cover needed contract health services for one year.**

The Friends has for many years advocated for additional funding for programs that use proven prevention strategies and could over time reduce the need for contract health services. But to implement them, the IHS has to have a sufficient health care provider workforce. Currently, the IHS has 1,500 vacancies. We fear that this is only going to increase over time because the IHS

also has a graying workforce. For example, the average reported vacancy rate for registered nurses in 2006 was 18 percent while nearly 80 percent of nurses serving in the IHS are over the age of 40.

Loan repayment is IHS' best recruiting and retention tool, but this account is also chronically underfunded. Last year, due to a lack of loan repayment funds, the IHS had to turn away 231 health care professionals already working in the IHS who wanted to stay in the Service, as well as 95 new recruits. **The Friends requests an additional $18.5 million for the loan repayment account to allow the IHS to hire and keep needed health care providers.**

Before loan repayment can be offered, dedicated, qualified health care professionals have to be recruited. While some of the IHS divisions are very effective at recruitment others are not. We urge the Committee to require the Director to develop an **effective recruitment program** that can be used by all IHS program recruiters. The Director should collect successful approaches currently used in some areas, and encourage other IHS programs to adopt those strategies.

We also hope the Committee can require the Director to **improve and streamline the hiring process**. Recently, an Oklahoma facility lost a potential obstetrician/gynecologist hire because the Area office took over 6 months to process the applicant's paperwork, after the facility had already interviewed and offered him the job. The candidate became discouraged and took a position in the private sector.

This is not a unique experience. Other members of the Friends not only report similar delays in processing accepted health care providers but also concern that many potential candidates are discouraged before they even apply. The complaints include candidates not being able to find anyone to give them information about vacancies in specific locations and never hearing back from the IHS, even when they have applied for a vacancy. IHS should be in the business of recruiting and welcoming needed health care providers, not turning them away because of bureaucratic red tape.

IHS also needs a **strong network of both clinical and support staff**. These are workers who have completed health education training and are capable of providing needed patient support and health education services. These positions are usually filled by Tribal members, providing a crucial cultural link to patients. However, the salaries offered for some of these positions are below clerical positions; a receptionist earns more than a dental assistant. An experienced nurse midwife will take a 50 percent pay cut and an experienced nurse practitioner will take a 30 percent cut to work in the IHS. Licensed Practicing Nurses (LPNs) in Oklahoma are paid more at Wal-Mart than at an IHS facility.

This situation could be improved if the Office of Personnel Management (OPM) would release its recommendation for a new 600 Series pay scale, something it has been working on for six years. The Friends strongly urges the Committee to **direct OPM to release this new pay scale** and work with IHS to provide sufficient funding for these positions.

More must be done, to **eliminate health disparities** faced by AI/AN. We know that others testifying before the Committee will discuss this and we have included specific health facts on this at the end of our statement that show how improving Indian health care can lead to cost savings as well as improved health and quality of life. We encourage the Committee to do what it can to target more funds to prevention and wellness to reduce the incidence of suicide, substance abuse including tobacco use and diabetes among other health issues.

At the beginning of our testimony we noted that the ARRA legislation included additional funding for the IHS to install Health Information Technology (HIT). It is our understanding that the Service needs approximately $200 million more to support accelerated deployment of the RPMS- the Electronic Health Record (EHR) solution for the Indian Health Service at local facilities, additional development of RPMS, and expanded participation in the Nationwide Health Information Network. These funds would help ensure that direct and tribally operated facilities would have adequate resources to support local integration of the EHR into business processes prior to the start of the 2011 CMS incentives.

The Friends thanks the Committee for the opportunity to testify today and is grateful to you, Chairman Dicks, and your Committee for your leadership and strong commitment to the health care needs of the AI/ANs. We look forward to working with you to strengthen the IHS health infrastructure and decrease mortality and morbidity rates of American Indians and Alaska Natives.

Appendix A

Women's Health

- Although AI/AN women across Indian country have lower cancer death rates than U.S. citizens of all races, in Alaska and the Northern Plains, the cancer death rates for AI/AN women are 22% and 42% higher, respectively, than for U.S. citizens of all races.
- The 2002 U.S. prevalence of diagnosed diabetes in women 20 and over was 7.1%. For AI/AN women, it was 15.9%, more than double, the rate. This disease increases complications in childbearing, and elevates the risk that their children will also become diabetic.

Mental Health

- Poverty is a significant contributing factor toward mental and substance abuse disorders. The poverty rate for American Indians and Alaska Natives (AI/AN) in 2001 was 24.5 percent, compared to 7.8% for non-Hispanic whites. The median household income estimate for AI/ANs was $32,000 compared to $46,000 for non-Hispanic whites.
- Inadequate mental health and substance abuse services contribute to a suicide rate for AI/AN that is about 1.7 times the rate for all races in the U.S.; the suicide rate for males 15 to 34 years of age is over two times the national rate.
- The suicide rate for Indian people is 60% higher than the general population.
- Studies have shown that 69.9% of all suicidal acts (completions and attempts) in AI/AN country involved alcohol use.

Kidney Disease

- American Indians have one of the highest rates of chronic, irreversible kidney failure or End Stage Renal Disease (ESRD) of any population, with a prevalence rate 3.5 times that of white Americans.
- Diabetes is the leading cause of all new cases of kidney failure for all Americans, and the explosion in the incidence of type 2 diabetes among American Indians is the driving force behind the AI/AN kidney disease prevalence rate.

Diabetes

- Today diabetes has reached epidemic proportions among Native Americans. Each year 54,000 people lose their feet or legs to diabetes. Amputation rates among Native Americans are 3-4 times higher than the general populations.
  An Arizona tribe has the highest rate of diabetes in the world. About 50% of the adults between the ages of 30 and 64 have diabetes in this tribe.

Podiatric Medicine

- The annual incidence of lower-extremity amputation is 5 to 8 per 1,000 individuals with diabetes
- Amputation rates among Native Americans are 3-4 times higher than the general population.

Vision and Eye Health

- A recent three year study of Navajo people (the largest Native population) revealed that within the prior two years only about 33% had an eye exam and that only 20% had visual acuity good enough to qualify for a driver's license, even with their present eyeglasses.
- With the high rate of diabetes, it is imperative that timely detection and treatment be available in Indian country. Diabetic retinopathy occurs in 24.4% of Oklahoma Indians.

Oral Health

- 79% of AI/AN children aged 2-5 years had a history of tooth decay
- 78% of AI/AN adults 35-44 years old and 98 % of elders 55 years or older had lost at least one tooth because of dental decay, periodontal (gum) disease or oral trauma.

Pharmacy

- Pharmacists play an important role in disease state management, particularly the monitoring of patients suffering from diabetes and other chronic diseases.
- Through the pharmacy training program, now in 16 sites, the IHS plays a significant role in the education of pharmacists interested in pursuing careers in the IHS.

Children's Health

- More than one-third of the nation's AI/AN population is under the age of 15, and the health of these children consistently lags behind other populations. For example, the SIDS rates among AI/AN infants are nearly twice that of the general population.
- AI/AN children are more than twice as likely to die in the first four years of life than the general population, and remain twice as likely to die through age 24.
- The rate of type 2 diabetes among AI/AN teens aged 15-19 has increased 109% since 1990.

Cardiovascular Disease (CVD)

- While the general U.S. population has seen a 50% decline in cardiovascular mortality, the AI/AN population rates are rapidly and dramatically increasing.
- CVD is the leading cause of death among AI/ANs and is double the rate of the general U.S. population.

Mr. DICKS. Any questions? All right. Thank you. We appreciate your service.

Dr. SZEKELY. Thank you, sir.

Mr. DICKS. Harold Dustybull, Johnson-O'Malley Association. Welcome.

THURSDAY, MARCH 26, 2009.

NATIONAL JOHNSON-O'MALLEY ASSOCIATION

WITNESS

HAROLD DUSTYBULL

Mr. DUSTYBULL. Chairman Dicks, Ranking Member Simpson and members of the subcommittee, it is always a pleasure to appear before you folks because you folks are some of our strongest supporters in Indian education in the Congress and in our country. I want to introduce myself. My name is Harold. First of all, I want to let you know that Virginia could not be with us today. She is the chairman of our association. I am the vice chairman of the association. My name is Harold Dustybull. I am from the Black Feet Tribe on the Black Feet Indian Reservation in Browning, Montana, and I was one of the fortunate ones to make it here through the weather.

Mr. DICKS. Good.

Mr. DUSTYBULL. I want to acknowledge our new subcommittee member, Congressman Cole. It brings us great pride to know that we have one of our own serving in the United States Congress. I also want to acknowledge my Montana delegation. They have always been so helpful to us in our fight for JOM.

But I want to give a special thanks to Chairman Dicks for many times saving JOM for the Nation's poorest children on Indian reservations. There were many times that we did not see the future but Congressman Dicks would reach down through the bureaucracy and the rhetoric and pull JOM to safety. I want you folks to know that my people from Indian Country, we know you and we know who you are and we thank you. My people are spiritual people. They remember you in their prayers.

Mr. DICKS. Thank you.

Mr. DUSTYBULL. I thank you for this opportunity. I have a testimony here that I will be leaving in the back for you folks to put in the record.

Mr. DICKS. We will put it in the record.

Mr. DUSTYBULL. But I want you folks to know that basically this testimony talks about the $24 million that we are asking that the Congress can restore JOM back to. This was the amount of money we received in 1994 and 1995 when they froze our head count and unfortunately our head count is still frozen so I cannot give you a true count of our number of students that we have in JOM. At late as 2004, the program was receiving $24 million. It was after that, and I do not have to tell you folks the history. You folks know what happened to JOM, and again, as I said, if it was not for Chairman Dicks, I would not even be here today.

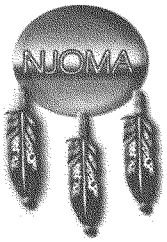
I want you folks to know that we are partners with NIEA and NCAI and this is the amount we are asking for. The Administration, I am told, has put JOM back into budget for 2010. I do know the figures that are in that budget. It has not been made available to me but I want to say that this all came from hard work from the parents and it came from hard work from the schools and it came from hard work from the Congress to see this happen.

Mr. DICKS. Again, this is why we have this hearing. We have had it for the last three years. It is because we learn a lot at these hearings about the programs that are important to the tribal members and your testimony and that of others on this issue last year made a big difference in our evaluation.

Mr. DUSTYBULL. Yes, and I thank you for that. You know, there are 562 tribes across the Nation and 93 percent of our children attend public school. It is a JOM program that serves these students that makes a difference. I was at an education conference Monday and a young man was the keynote speaker and this young man was a junior in high school. He spoke about his life, how he was drug-free and alcohol-free, and even though these social ills surround where he is, he is from the State of Wyoming, he talked about how he was able to stay this way and how he had this drum. He showed an Indian hand drum. He said this is my father. He said I am learning my songs, and every time I feel bad, he said, I sing my songs. He said I credit JOM for bringing my culture back to me. This is some of the stuff that JOM does for our people. You know, we would not be fighting so hard for JOM if we had something to replace it with, but in Indian Country we have nothing to replace it with. If we lose JOM, we just lose ground. JOM is the glue that brings the parents and the school together. If it were not for JOM, the parents would not be in the schools but the parents have something to come to the schools and participate. The parents are the ones that set the program, design the program and approve the programs and the budget. They are the ones that establish the treatment level that they want their children to achieve.

With that, I thank you, and if there are any questions, I will do my best to answer them.

[The statement of Harold Dustybull follows:]



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"We are the elected voice and liaison to Congress for JOM Programs Nationwide"

TESTIMONY OF THE
NATIONAL JOHNSON O'MALLEY ASSOCIATION
BEFORE SUBCOMMITTEE ON INTERIOR
AND RELATED AGENCIES
March 26, 2009

Chairman Dicks, Ranking Member Simpson, and Members of the Subcommittee, my name is Harold L. Dusty Bull and I am the program Director for the Blackfeet Johnson O'Malley program of the Blackfeet Nation of Montana. I am proud to say I am a Member of this Tribe and I am here today representing the National Johnson O'Malley Association, which I serve as Vice President. I also want to recognize our own Congressman, the Honorable Denny Rehberg, from our great State of Montana, who, while not a Member of this Subcommittee, has supported our program, and also wish to recognize a new Member of the Committee and Subcommittee, Representative Cole, from the State of Oklahoma. It gives me pride to know he is the only Member of an Indian Tribe in the Congress.

Mr. Chairman and Members of the Committee, it is always a pleasure to appear before you, because we know we are among friends and among some of the most stalwart supporters of education for Indian students in the Congress and Country. Most of you know that for the past 5 years, JOM Board appearances or meetings with you in your Offices have, however, involved survival of the oldest Federal program for Indian students, Johnson O'Malley. For 5 straight years, we have had a bureaucracy and Administration which has tried to terminate our program, arguing that it was inefficient and unnecessary. For five years, we have provided this Committee and the Congress with many examples of the need for JOM and evidence that its broad ability to meet many needs (all locally determined and locally met) makes it one of the best facilitators for all resources in Indian education, the "glue" that holds programs together.

I wish to say that if not for you, JOM would probably have been terminated. As it is, it has seen a reduction in vital resources and a degradation of the administration of the

program, with a closure of dedicated staff position(s) and the failure to collect up to date information on it. Yet, you have supported the program.

I am here to tell you that we have been told, by individuals within the Administration, that there has been a total reversal of opinion. Last week, during testimony and discussions between the Administration and the Tribal Budget Advisory Committee meetings here in Washington, we were told that the Administration would be requesting funds for Johnson-O'Malley in its detailed explanation of the FY 2010 budget. While no specific amounts were given (and subsequent conversations have failed to yield such amounts [under wraps til full release]), this "about face" can only mean that the work of so many at the tribal, school, and Congressional level has paid off. Thank you for your faith, and thank you from the thousands of Indian students, parents, and tribal leaders who have benefitted and who will now benefit from this program.

I have appended a brief history of the past five turbulent years. However, I want to now move on and concentrate on the future. We do not have any figure from the Administration as to what they will request for the program, but we have been assured by one budget specialist in a position to know that "we will be happy". If this means that the Administration requests continuation of JOM at the level of funding for FY 2009, we applaud it, since it is the policy reversal that shows a real hope for the future. We would hope the Administration will at least request an amount equal to the amount of funding for the program in the Fiscal Year prior to the first year under which the prior Administration sought cuts, FY 2004. That would be $24. Million, distributed both through the Tribal Priority Allocation system and the compacting and other tribal authority.

This is the amount we ask you to consider and approve, to not only bring JOM into a new era, but to show that now is the time to begin a dialogue with the Bureau of Indian Education/BIA, to discuss not only funding but administration, such as dedicated staff and collection of information. We also want to talk with the Administration, our friends on the Hill and the Indian community about seeking more security and stability in our funding mechanism, so changes mid-academic year will not happen again. This is needed more than ever in these difficult times.

JOM, which was born in the Great Depression era, has withstood all tests of time simply because it is the most flexible of all the Federal programs helping Indian students, and because it is under local, tribal and community control. It "fills" the gaps, and holds programs together, allowing them to be successful and maximizing the results from Chapter 1, Indian Education Act, IDEA and others. From tutoring programs, to Summer

schools to allow Seniors to graduate on time, to bi-lingual classes to provision of supplies, JOM is meeting the need.

Today, more than ever before, problems in Indian Country have been magnified by the economic downturn. On isolated reservations, where unemployment is always a problem but now a crisis, the items provided by JOM may mean the difference between going to school and going nowhere. In non reservation settings, JOM often means the difference between being accepted and being left out or behind. All Indian communities need JOM and we need to remain vigilant in protecting it.

Again, we thank our friends on the Hill for their support. This has been a non-partisan, bi-partisan effort, an effort of all Congressional Members and Senators, and we thank you. We also thank those in the Administration who have evidently decided to continue JOM's proud tradition.

THANK YOU

Mr. DICKS. Well, again, we appreciate your testimony. Any questions?

Mr. COLE. Quick question, because you referred to it in your testimony, the frozen head count from the middle 1990s. What would you estimate had that not been done the head count would be today?

Mr. DUSTYBULL. I believe the head count, I think when it was frozen it was like 272,000, and I believe without a doubt that head count is well over 300,000. When my head count was frozen back home on the Black Feet Indian Reservation, it was close to 2,200 students. In 2008, we counted over 2,500 students. So you can see it is growing. A lot of people are coming back home to the reservations.

Mr. COLE. And what is your comfort level that Johnson-O'Malley funds when they go, because this has been a concern of mine not just about that but other programs, when they flow into public school systems are actually used as they are intended to be used, in other words, that they are directed at native children, they do not just become absorbed somehow overall in the budget.

Mr. DUSTYBULL. That is the unique thing about the program is the program is designed in the regulations that govern this program given parents the authority to determine how these funds are going to be used and so they work hand in hand with the schools to determine the needs that they want to be met in the schools for their children so they have that power and that authority. This is one of the only programs in Indian Country that gives these parents that authority. That is why this program is so vital. It was vital in 1934. It is vital today. It will be vital in 2011, 2012 and so on because it changes with the times.

Mr. COLE. Thank you very much. Thank you, Mr. Chairman.

Mr. DICKS. Okay. Thank you. Is Ralph here? Where is Ralph? Executive director of the Seattle Indian Health Board, welcome.

THURSDAY, MARCH 26, 2009

SEATTLE INDIAN HEALTH BOARD

WITNESS

RALPH FORQUERA

Mr. FORQUERA. Thank you very much, Mr. Dicks. Good morning, everyone. My name is Ralph Forquera. I am the executive director for the Seattle Indian Health Board. I would really like to express my sincere thanks to this committee for their efforts over the last three years to reinstate the urban Indian health funding back into the budget for us. We were very encouraged with the fact that President Obama came in with a 4.8 percent increase for our program this year and it is a mere $36 million to fund our programs, which is not a lot of money in the health care world, as you well know, but an important aspect of the foundation of the work that we try to do with the urban Indian populations around the country.

In my written testimony, I tried to give a few comments about why I really appreciate the fact that you guys have been so supportive over the last several years. The work that we do does in

fact change lives. It does in fact improve the lives of Indian people living in cities, and I thought it would be helpful if you just had an opportunity to see a couple of little examples of how we have made a difference in the lives of a number of people.

I also wanted to express my support and I think the support of most of the urban Indian programs for the appointment recently of Dr. Yvette Roubideaux as director for the Indian Health Service. I had the privilege of working with Yvette for a number of years around health policy issues and she and I have actually shared a couple of papers that we put together over the years. She is a very knowledgeable person, understands the Indian health system very, very well and I think also understands the relationships between the tribal communities and the urban communities and I think will be a very big asset to us in terms of building that liaison and that continuity of relationships that I think is important for our future.

In my request, I am making a request for an additional 9.8 percent for the 2010 appropriation to around $40—$40 million.

Mr. FORQUERA. But $40 million for the urban Indian programs and then $1 million for a program that I operate. The Seattle Indian Health Board has an Urban Indian Health Institute. It is a research center that we created about eight years ago for the purposes really starting to identify and track health conditions among urban Indians. The Indian Health Service's work is primarily focused on Indians living on and near reservations and it is primarily working with Indian people who are members of federally recognized tribes. There are a large number of Indian people that have been displaced over the years and no longer are members of the federally recognized tribe nor are they living on or near reservations. They are in cities throughout the United States. We know very little about them. Through the institute, we have done work over the last several years looking primarily at secondary data systems so we have been looking at the census, we have been looking at information that is collected by the National Center for Health Statistics, CDC and other places and have identified really striking inequities in the health problems among Indian populations living in cities, and we need to do more work around that area. We especially need to do work in doing a study around primary data collection sources so that we can confirm the information that we have and we can also find out the true extent of the problem. We think that because of a whole variety of problems the data collection at this point in time that the information that we have grossly underestimates the true extent of the problem, and only through doing really precise, specific data collection with our partner organizations and with other cities that do not have urban Indian programs around the country can we really be able to articulate precisely what the inequities really are and then begin to develop strategies that can address those particular inequities. We have been chasing a lot of other people's ideas about what works well, and some things do work well but some things do not work well and we need to understand what does and what does not if we are going to use our resources effectively, and that is really the work that the institute has been trying to do for the last several years.

So the request that we are making is really for some foundational dollars to help us to be able to really focus our work,

specifically are looking at what the needs are of the urban Indian population and to focus study work that will specifically address some of the needs that the population has and how they relate to some of the kind of standardized ways that the Nation is looking at the health care reform initiatives that will be coming forward. We really believe that we have to be a piece of the health care agenda. We serve specific populations, and if we want to reach full access, complete access, you have to use institutions like ours as a vehicle for doing that and so the only way that we can be most effective to you is if we have knowledge about what we do and we have knowledge that we can then use as a way of creating the mechanisms necessary in order to be able to really not just provide care but to improve the health status of the population itself.

So with that, I thank you very much for the opportunity to be here.

[The statement of Ralph Forquera follows:]

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TESTIMONY IN SUPPORT OF FUNDING FOR URBAN INDIAN HEALTH AND FOR EXPANDING THE URBAN INDIAN HEALTH INSTITUTE

By

Ralph Forquera, M.P.H.
Executive Director

Mr. Chairman and members of the House Appropriations Subcommittee on the Interior, Environment, and Related Agencies, my name is Ralph Forquera. I am the Executive Director for the Seattle Indian Health Board and Director for the Urban Indian Health Institute, a division of the agency that conducts studies and plans interventions to address the health of urban Indians throughout the nation. I am an enrolled member of the Juaneño Band of California Mission Indians from the San Juan Capistrano region of Southern California, a state-recognized Indian tribe.

My purpose in testifying today is to recommend the expansion of support for the growing urban American Indian and Alaska Native population through the Indian Health Service Title V appropriation to $41 million. Additionally, I am requesting that $1 million of this allocation be used to advance the work of the Urban Indian Health Institute that I direct in Seattle.

I wish to thank the Committee for your support, especially these past three years. As you know, the Bush Administration made an erroneous assessment of the validity of our existence by its Department of Justice that lead to the Administration recommending the elimination of funding for Title V. This assertion has been repeatedly refuted by the Courts and by this body for the more than three decades of our existence as a discrete authority under the 1976 Indian Health Care Improvement Act. We are pleased that President Obama shares the Congress' view on this matter requesting $36 million in his 2009 omnibus legislation. However, like the remainder of the health care system for the uninsured, urban Indians have fallen far behind the rest of the community safety net over the last 8 years. With Community Health Centers likely to receive a substantial increase in funding including $56 million for base adjustments, I believe the $41 million request

as a total appropriation for the growing urban Indian population is reasonable to help us keep pace with our community health colleagues.

I am also seeking support for additional funds to allow for greater study of factors that effect health inequities among urban Indians through our work at the Urban Indian Health Institute. Specifically, I am requesting that one-million of the $41 million for urban Indian health through Title V be directed to the Urban Indian Health Institute to expand our study of health conditions and factors that influence the lag in health improvements that were acerbated in the last few years by the Bush plans. Our work has outlined a series of issues that must be addressed and technical improvements that must be made to assure that we can gather data with greater precision if we are to retard and reverse the untenable disease patterns that continue to hold urban Indians back from achieving optimal health.

We have entered a new period in the evolution of health programming. It is my belief that reforms to the health care system are inevitable. This nation cannot sustain the bloated and ineffective way we currently offer health care. We also believe that institutions like the Seattle Indian Health Board must be an integral part of the solution if we are to reach universal access and health equity.

Agencies like the Seattle Indian Health Board possess expertise that engages groups like urban Indians in health improvement strategies with remarkable results. For example, the Special Diabetes Program for Indians currently authorized through 2012 has had remarkable success in identifying new diabetics at earlier stages in their disease so that treatments have a greater chance of success. A growing number of Indian people are self-monitoring their condition and responsibly preventing costly health complications while improving their lives in the process. No longer do Indian people feel it is inevitable that they will become diabetic or that they will lose limbs or die needlessly.

In another example, the Seattle Indian Health Board launched a colorectal cancer screening program with funds from the local Public Health-Seattle King County. Within the first months of this initiative, one middle-age Indian man who underwent screening was found to have early stage cancer. Rapid referral for treatment helped to resolve the problem that would not have been discovered without the efforts of the SIHB team saving both lives and expensive health care costs.

Additionally, the Urban Indian Health Institute is managing an urban Indian colorectal cancer screening project providing education, guides for policymakers, media and fact sheets, and tools to encourage screening that can save lives. With Indians dying needlessly from colorectal cancer due to delays in diagnosis, this work is an essential strategy to help break the cycle of desperation that is found in many Indian communities.

Although not life threatening, the SIHB worked in collaboration with the Oregon Health and Sciences University to conduct a hearing project for Native elders. From this project, more than 200 native elders were screened and 47 elders received hearing aids vastly improving the quality of their lives. One elderly woman commented that "she could hear

her own voice for the first time in a long time." The physical and emotional value of these health improvements cannot be overstated.

The urban Indian health organizations funded through Title V are at the core for a new and expanded health future. Institutions like ours are at the forefront of health improvements. Our work has demanded innovation and working "out-of-the-box" in order to attract and engage Indian people who have historically refrained from interacting with mainstream medicine because of personal or historic experiences. Funding for Title V is the cornerstone of these activities. Driven by the policy of Indian self-determination, Title V funds allow us to target our efforts to meet the specific needs and demands of our urban Indian communities, enhancing involvement and bettering compliance with known health improvement strategies. This funding, combined with targeted projects and initiatives, makes it possible for us to make tangible improvements in the lives of our clients.

One of our greatest enemies today is a lack of uniform and scientifically derived data on urban Indians. This gap in data was our reason for creating the Urban Indian Health Institute in 2000. While we have made significant strides in addressing this shortcoming, there is still an enormous chasm to be crossed. For this reason, we are seeking funds to expand our work so that we can guide interventions that are truly driven by data specific to our communities. Relying on the opinion of outsiders has not served us well in the past. Targeted research, community-specific surveillance, proper analysis, and assuring that the people to be effected have a voice in decisions is essential to effective actions. This is the work of the Urban Indian Health Institute. Thus far, we have demonstrated that this approach does, in fact, work.

Recognition of this problem was advanced with the 2007 report from the independent Urban Indian Health Commission that the UIHI managed that recommended that data improvement be a high priority. To this end, the Robert Wood Johnson Foundation recently awarded the Seattle Indian Health Board a grant to create a strategic plan to outline the parameters of a national data system that will allow for local planning, program reporting, and serve as the backbone for a national surveillance system of health factors among urban Indians. This strategic plan will outline the technological and human resource needs essential to the creation, implementation, and maintenance of such a system. The findings will serve as a blueprint for the investment in information management and technology for this mostly invisible group. Because the Indian Health Service that is under your committee's jurisdiction is only a piece of the data needs of urban Indian agencies, funds allocated for data must allow for a more expansive perspective than currently the focus of the IHS itself. It is for this reason that we are using private funding to quantify our needs.

Recently, the Congress passed an economic stimulus package that includes funds to advance the use of electronic health records in health organizations across the nation. One of the great challenges related to this initiative is that in spite of claims to the contrary, electronic health records are not necessarily a cost saving strategy. In fact, in many instances, the installation of an EHR may well be more costly. For example,

among the 34 urban Indian health organizations, few currently use electronic health records in their facilities. If implemented, there is the additional cost of hiring or paying for consultants to keep the technology running, to make necessary adjustments and modifications as time and grants change, and to assuring that the technology adds value to the organization's operations and efficiencies. This will demand on-going funding that I do not believe is envisioned in the stimulus plans.

But we believe that an electronic health record can be an integral piece of a new and improved management and accountabilities system. For this reason, careful planning and great care is needed to assure that this investment will truly add value to the health care system and not burden the service providers with complicated technological demands and unusable data after such investment.

This again is where the Urban Indian Health Institute can be of help. Having as its primary purpose information management, the Institute has already made substantial investment in data collection tools, analytical skills, translational capacity, and a mind set toward the value of technology that will need to be communicated across the urban Indian health landscape. The $1 million allocation is an investment in the maintenance and growth of the use of technology as a solution for problems, not a hindrance.

Finally, it is critical that the nature of urban Indian health be viewed as more than just the sum of its current parts. There are a number of urban Indian communities across the country that lack an urban Indian health organization funded by the Indian Health Service. I was recently in Houston Texas where the Native American Health Coalition there is seeking ways to build health service capacity for the 15,000 to 20,000 Indian people living in that city. Raleigh North Carolina has a sizeable urban Indian population that is not being served. Even here in Washington D.C., there are a number of American Indians who may lack basic health care and could benefit from having an urban Indian agency to help organize and coordinate care.

Contrary to earlier claims, particularly with the decline in the economy, Indian people will continue to move to American cities in search of jobs, education, and a better life. This trend is not only seen among Indian people, but is a world wide phenomenon that is unlikely to change. Thus, we have a rare opportunity to recognize the value of programs that already exist that serve urban Indians and to use these institutions to reach this mostly invisible, underserved, and growing population.

Thank you for the opportunity to provide this testimony in support of continued and expanded funding for urban Indian health and to seek support for enhancing our quest to build information capacity that can assist us in reaching our goal of health parity for all Americans. We appreciate your recognition of the important role we play in reaching urban Indians and the leadership you offer in assuring that urban Indians do not remain an invisible and therefore neglected population.

Mr. DICKS. I appreciate your testimony and your good work, and again, thanks for being here. Mr. Cole.

Mr. COLE. Just two questions. One, from what research you have done, first, do you see significant differences in the health challenges that Native Americans on reservations versus just in cities and away from reservations have?

Mr. FORQUERA. There are similarities in terms of the extent of conditions but the factors that contribute to them tend to be a little bit different. A good example is on a reservation, unemployment is a problem but because of family and other kinds of things, there are ways of getting assistance. In a city, unemployment is a huge problem for a native person because they do not have access to insurance and other kinds of things for the health care assistance that they need. Education is another factor. In a city like Seattle, for example, where the majority of the population have four-year college degrees, if you only have a high school diploma, you are limited in your capacity to be able to get a reasonable job and so those are the kinds of things that we really struggle with in trying to figure out how to work with our community to get them convinced that these things are necessary in order to be able to live in the city, and secondarily to help get them through the process because oftentimes too many Indian people come with very limited educational backgrounds. Getting them into academic institutions or getting them into even vocational institutions can be a challenge.

Mr. COLE. Second question. What kind, if any, outreach exists so that—I mean, as you say, you specialize in a very unique population, so do most of the Indian care facilities around the country, but there are a lot of Indians that do not go to Indian care facilities, and given the fact that there are differences just in rates of disease and challenges, what sort of exists if any to sort of educate non-Indian health care centers that are dealing with significant numbers of Native Americans?

Mr. FORQUERA. It is an area that we have really tried to focus on again through the institute, and one of the things that we have been doing is trying to meet with state and local governments around the country that have the responsibility of collecting this information, working through the National Center for Health Statistics and the Center for Disease Control and Prevention that also has oversight over a lot of that. They get a lot of their information from states so what we have tried to do in the last several years is meet with state officials from various states. We have had some that have been very cooperative. Washington State is great and California has been very, very good, and there have been some states that have been very good. There have been others that we have had difficulty with and now because of the funding shortfalls we have run into even greater problems because they really just do not have time or the resources to be able to devote to us. So we are working on that. We also have been working with a variety of organizations to try to get hospitals which currently do not have the responsibility to keep ethnic data. So we do not really know other than, you know, Indian people that we know about that are in hospitals. We do not really know how many Indian people are getting care outside of the Indian health system and that is an-

other area that we really need to put some concentrated work around.

So again, the institute is kind of a, what I see it as is the coordinating body for doing that kind of work and bringing these kinds of questions to the right sources.

Mr. COLE. Thank you very much. Thank you, Mr. Chairman.

Mr. DICKS. Thank you very much, Ralph. Thank you for being here.

We are going to go to Ned Norris, Jr., just out of order here, and after this witness, Mr. Hinchey will assume the chair. Thank you. It is good to see you again. I really enjoyed my trip. It was a very revealing trip to see the size of your reservation, which is larger than the State of Connecticut. That is pretty amazing. Also just to see that the problems on the border down there in Arizona are very significant and we are glad you are here today to testify.

Mr. NORRIS. Mr. Chairman, thank you for the opportunity.

Mr. DICKS. We will put your statement in the record and you have 5 minutes to summarize.

THURSDAY, MARCH 26, 2009.

TOHONO O'ODHAM NATION

WITNESS

NED NORRIS, JR.

Mr. NORRIS. Thank you, sir. I just wanted to thank the committee and thank you for this opportunity to be here today and to offer testimony regarding the 75 miles of international border that borders the southern part of the Tohono O'Odham Nation. I also thank you, Mr. Chairman Dicks, for your recent visit to the Tohono O'Odham Nation where you witnessed firsthand some of the issues that we are having to face with regards to border-related crimes, illegal immigrants and drug trafficking, robbery, sexual assaults, stolen vehicles and property crimes.

The Tohono O'Odham Nation is 2.8 million square acres in size. We are in the southwestern part of the State of Arizona. We have in excess of 28,000 enrolled tribal members within that 2.8 million square acres. We have about 56 remote villages, communities that exist. Also we have nine villages that continue to exist in the country of Mexico. Also, we have 1,500 enrolled members living in Mexico and they are not necessarily living in Mexico because they want to live there but because when the international border was established, it essentially cut that part of our membership off from the membership that ended up in the United States.

For several years the Tohono O'Odham Nation has spent over $3 million of its own resources annually in an effort to combat illegal border activity. The Tohono O'Odham Nation's police department spends between 30 and 40 percent of its time on border crimes stretching our law enforcement resources to the point of compromising public safety. That is 30 percent to 40 percent of the time that is not being spent policing the Tohono O'Odham Nation, its members and so on and so forth. We share the federal government's concern with protecting our nation's borders and our citi-

zens from criminal activity and potential terrorist attacks. We need to address these issues and other law enforcement challenges at the border and throughout our tribal lands. It is vital to the nation's efforts to protect its more than 28,000 enrolled tribal members and to work with the federal, state and local law enforcement partners to improve the public safety and officer safety and increase border security and reduce border-related crime.

Mr. Chairman, members of the committee, I would like to just take this opportunity to talk about three particular areas that are of grave interest to the Tohono O'Odham Nation. These particular three areas are not in total as far as the issues that we are concerned about but are highlighting some of the areas we would like to begin to continue to address. One of those is our Tohono O'Odham police department. In 2008, there were 72,349 calls for police assistance. Of those, 7,368 were of a violent or dangerous nature. Some of the things that we are experiencing within our tribal communities are an increase in gang activity and also an increase of drug trafficking within the Tohono O'Odham Nation's lands. Much of the time that is spent with our law enforcement addressing immigration issues and border issues really has an impact on whether or not they are able to respond adequately to other areas of the nation. As I expressed, we have 2.8 million square acres. We have some 56 remote villages. Response time, depending on where the incident occurs, is usually anywhere from five minutes to several hours before police officers can respond. There is a need to increase the tribal officers and hopefully be able to assist more effectively the Department of Homeland Security, ICE, Customs and Border Protection and other federal agencies in patrolling the 75 miles of border shared by the Tohono O'Odham Nation and Mexico.

Also, I would like to talk about law enforcement communications. The nation is committed to address interoperability challenges currently experienced on the nation. Many times when our tribal law enforcement respond to situations that are occurring along the border, there is essentially no method of communication between the tribal and the federal law enforcement entities that are responding to a situation there on the border. We would like to be able to address that by addressing the interoperability challenges that we have by placing different technical capabilities, microwaves and different things on the nation's lands so that way we can begin to have the agencies be more effective in working with each other.

Lastly, Mr. Chairman, is the need to establish an emergency operations center. Tohono O'Odham Nation being as isolated as it is in the southwestern part of the State of Arizona realizes that there is a need to establish such a center so that way we can continue to effectively work with the Department of Homeland Security and other agencies that are working within our nation. I realize I am out of time.

[The statement of Ned Norris, Jr. follows:]

TESTIMONY OF
CHAIRMAN NED NORRIS, JR.
TOHONO O'ODHAM NATION

HOUSE COMMITTEE ON APPROPRIATIONS,
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
HEARING ON NATIVE AMERICAN APPROPRIATIONS ISSUES

MARCH 26, 2009

This testimony is submitted on behalf of the Tohono O'odham Nation. I would like to thank the Subcommittee for the opportunity to testify today regarding appropriations issues of interest to the Nation, specifically those relating to the Nation's 75-mile international border with Mexico. I would also like to thank Chairman Dicks for his recent visit to the Tohono O'odham Nation, where he witnessed first hand some of the problems that we face in connection with border-related crimes such as illegal immigrant and drug trafficking, robberies, sexual assault, stolen vehicles and property crimes. For the past several years, the Nation has spent over $3 million of its own resources annually in an effort to combat illegal border activity. The Nation's Police Department spends between 30 to 40 percent of its time on border crimes, stretching our law enforcement resources to the point of compromising public safety. We share the federal government's concern with protecting our nation's borders and our citizens from criminal activity and potential terrorist attacks. But we need help to address these and other law enforcement challenges at the border and throughout our reservation. For that reason, the Nation has made the following FY 2010 appropriations requests:

- **Tohono O'odham Nation Police Department: $ 4,316,094, DOJ Byrne Grant funding** -- to hire additional police officers, reduce response time and increase public and officer safety.
- **Law Enforcement Communications: $ 1,000,000 in DOJ COPS Technology funding** -- to expand and make radio coverage interoperable among law enforcement agencies.
- **Emergency Operations Center: $ 1,000,000 in FEMA State and Local Programs funding** -- to plan and design a full-time, joint use emergency operations center.

This funding is vital to the Nation's efforts to protect its more than 28,000 members, and to work with our federal, state, and local law enforcement partners to improve public and officer safety, increase border security and reduce border-related crime. Each of these funding requests complements the other and will allow the Nation to develop a coordinated strategy to achieve these goals. The requests and the issues that they will address are described in more detail below.

Tohono O'odham Nation Police Department

The Nation is requesting $ 4,316,094 to fund the addition of 30 police officers to its existing staff of 75 officers and 20 tribal rangers. Tribal police patrol 2.8 million acres of desert, mountains and valleys, and serve 66 communities in 3 counties (Pima, Pinal, and Maricopa), including the 75 miles of international border with Mexico. New hires will increase what has been part-time staffing at three existing police substations to 24/7 for the first time, reducing police response times from over an hour to 10-15 minutes in outlying areas. Additional manpower will improve public and officer safety, increase border security, and enhance cooperative law enforcement efforts in southern Arizona.

The southern Arizona border is one of the highest areas of illegal immigrant traffic, drug traffic and potential transport of terrorists in the United States. The 75-mile international border that the Tohono O'odham Nation shares with Mexico remains a "high volume highway" of human and drug smuggling. The Tohono O'odham Police Department spends approximately 30% - 40% of its time on border crimes, including unattended immigrant deaths, robberies, narcotics smuggling, human smuggling, sexual assault, stolen vehicles, and property crimes, stretching Police Department resources to the point where public safety is compromised. In 2008, there were 72,349 calls for police assistance, of which 7,368 were of a violent or dangerous nature.

These factors, including an increase of calls for service in the villages, have meant that police operations have been unable to keep pace. This is evidenced by the fact that response times can vary from 5 minutes to well over an hour depending on the location of the incident. Although the Police Department has three substations that are intended to improve response time, it is unable to staff them on a twenty-four hour basis. The requested funding would allow full-time staffing of the substations around the clock, improving response time to about 10-15 minutes in the outlying communities. Therefore, funding for 30 additional police officers is absolutely crucial to improving public safety, as well as the safety of law enforcement personnel.

The requested funding would benefit not just the Nation, but also would benefit the State of Arizona and the United States by allowing for greater tribal support and improved coordination of law enforcement efforts in the area. Tohono O'odham Police are the first line of defense along the Mexican border, and they work in partnership with local, state, tribal and federal law enforcement agencies. Adding tribal officers will increase overall law enforcement capacity in southern Arizona, resulting in more efficient and effective deployment of all law enforcement personnel. In addition, the increase in tribal officers will assist the Department of Homeland Security, ICE, CBP and other federal agencies in patrolling the 75-mile border shared by the Nation and Mexico. Federal funding will support the federal government's on-going mission of securing America's borders and coordinating and collaborating among federal, tribal, state and local governments.

Law Enforcement Communications

The Nation also is requesting $ 1,000,000 in funding for radio towers, repeaters and microwave links to expand radio coverage for law enforcement/emergency response from 65% to 92% of the Tohono O'odham Nation, filling coverage gaps in high risk areas along the Nation's border with Mexico and jurisdictional boundaries. This equipment will achieve intra-operability within the Nation's public safety departments and interoperability between the Nation and federal,

state and local law enforcement partners. The request will improve public safety and safety of officers responding to criminal incidents in high risk areas currently without radio coverage.

Currently the Nation's radio communications infrastructure covers only 65% of the Reservation's approximately 4,500 square mile land area, including the 75-mile border with Mexico where illegal activities and violent crime occur at extremely high levels. This creates a safety and security risk for the Nation and federal, state and local law enforcement and emergency response teams. In addition, the Nation's radios are not intra-operable between fire and police, much less interoperable with other law enforcement jurisdictions. The Police Department operates on an 800 MHz system while the Fire Department does not have a radio communications system and operates on the federal IHS system for Emergency Medical Services. The IHS system is a VHF frequency and cannot communicate directly with the Police Department.

This request will fund the necessary technology upgrades to expand radio coverage on the Reservation from 65% to 92% and establish an interoperable communications system within the Tohono O'odham Nation's public safety departments as well as with federal, state and local law enforcement agencies, Fire and EMS and emergency management agencies. Providing enhanced, interoperable radio coverage will increase the efficiency and effectiveness of first responders, and the safety and security of tribal members, tribal, federal, state and local first responders, the general public, the State of Arizona and the United States. This project also will support the federal government's on-going mission of securing America's borders and coordinating among federal, tribal, state and local governments.

Emergency Operations Center

Finally, the Nation has requested $ 1,000,000 for the planning and design of a joint use Emergency Operations Center for disaster preparedness, response and mitigation. The Nation's current emergency response facilities are dispersed and do not comply with critical infrastructure protection or National Incident Management System mandates. The new 24/7 facility will house fire and police and accommodate federal, state and local response teams, increasing coordination and improving overall response. It will serve as a communications center for fire, police, EMS and other first responders and a fusion center for intelligence gathering, analysis and dissemination. It will have the capacity to house federal, state, and local emergency response agencies during natural or man-made disasters.

As a result of the Nation's sovereign status, size (roughly the size of Connecticut) and location, the Nation is the "front line" in emergency response and management for incidents occurring on its lands. Unfortunately, the Nation's existing emergency response facilities are dilapidated -- the Fire Department has been condemned for asbestos – and they do not meet DHS critical infrastructure protection or National Incident Management System (NIMS) requirements. Fire and EMS dispatch are housed half a mile away from the police communications center, reducing the effectiveness of emergency response. The Nation does not have a central communications center for effective emergency call handling.

A joint-use facility would increase coordination, efficiency, and preparedness efforts of the Nation and other emergency response agencies, improving public safety along the border and throughout southern Arizona. During events or incidents of significance involving the Nation, such as large fires, monsoon flooding, or hazardous materials accidents, the Nation coordinates its own

resources, as well as those of local, state and federal agencies, non-profit and private responders and agencies in Mexico. During such events, the Emergency Operations Center will have the capacity to house Customs and Border Patrol, Immigration and Customs Enforcement, Alcohol Tobacco and Firearms, Federal Bureau of Investigation, Department of Homeland Security, FEMA, Indian Health Services; Arizona Department of Public Safety, Arizona Department of Transportation, Arizona Division of Emergency Management; Pima County Office of Emergency Management and Homeland Security and local Sheriffs' offices.

A joint use facility also will improve intelligence sharing and communications by providing a central "fusion" point for such efforts. In sum, a 24-hour Emergency Operations Center accessible to all public safety personnel will greatly improve disaster preparedness, emergency response, communications, and intelligence sharing, and enhance coordination among tribal, state, local and federal agencies in southern Arizona and along the U.S./Mexico border.

Conclusion

On behalf of the Tohono O'odham Nation, I appreciate the opportunity to share with you our unique experiences on the front line of law enforcement and emergency response along the United States' international border with Mexico. This 75-mile border that the Nation shares with Mexico presents extreme challenges for our law enforcement and other public safety personnel, and the proliferation of border-related crime threatens the safety of our citizens and all citizens of the United States. These funding requests are of extreme importance to the Nation's ongoing efforts to protect its citizens, its law enforcement officers, and the general public, and are equally important to the Nation's efforts to work together with and support the United States, the State of Arizona, and local law enforcement agencies in our shared mission of securing America's borders. Thank you for your consideration.

Mr. DICKS. Thank you. You did a good job and we appreciate your efforts and we understand the difficulty of that situation being right on the border, and I learned a lot by being down there and seeing it. Actually the border patrol took us up in the helicopter and we went over a lot of your lands and so we really do see the problem that is there, and we have to continue to work with the Members of Congress from Arizona to help them with this cleanup of the waste—an issue that is very serious.

Mr. NORRIS. Yes, sir, Mr. Chairman. Just real quickly, in response to the waste, we had a pilot project that we were involved in with the region San Francisco area as far as the Environmental Protection Agency and did a pilot project to identify illegal staging areas within Tohono O'Odham Nation. In a year's time span, we identified 134 illegal dumpsites within the nation's lands. Within a two-year time span, we confiscated 104 million tons of waste in the form of backpacks, water bottles, blankets, clothing and so on and so forth with our nation's lands and we are concerned that those illegal dumpsites continue to grow and the trash continues to accumulate on the nation's lands, creating environmental concerns, health issues for our nation's members.

Mr. DICKS. All right. Thank you very much.

Mr. Hinchey, why do you not assume the chair? Elbridge Coochise is the next witness. I am very sorry I have to go but this is an emergency.

Mr. HINCHEY [presiding]. Mr. Coochise, thank you very much for being here. It is a pleasure to be with you and we very much appreciate your testimony.

THURSDAY, MARCH 26, 2009.

INDEPENDENT REVIEW TEAM ON TRIBAL COURTS

WITNESS

ELBRIDGE COOCHISE

Mr. COOCHISE. Thank you. I am Elbridge Coochise, a retired judge of 10 years now, and I am heading the Independent Court Review Team, three years in the making now. The Department of Interior's central office had requested additional funding through OMB and it got axed in fiscal year 2006, and they put out a solicitation for bids so it is not anybody from the bureau or any tribe or organization, and I submitted a bid with four others who are either retired judges, retired prosecutors, attorneys, and we have been working and we have reviewed and assessed 50 courts to date.

There are 299 operating court systems in Indian Country. However, the ones we are reviewing are the 156 that actually get some federal funding from Department of Interior, and we are here to request an additional $50 million be added to the BIA tribal courts. They currently only get $11.9 million for the 156 tribes, and the request is to help the tribes with their court systems in the hiring and training of court personnel. Our assessments found that the tribes with their court system, if they get a little money they really cannot compete with sufficient staff and salaries that are com-

parable to local and state governments. An example, we just finished a review two weeks ago. The tribal appellate court has 29 cases that are backlogged but they only have money to pay licensed attorneys who are judges $25 an hour and limit them to four hours per month to hear appeals, and so the increases are needed for judges who are in place now and court personnel and then technology. Many of them do not have the software to keep records, even recording systems, and of course security systems in tribal courts are really pretty much nil. Anybody can walk in and out of them. And we found in the reviews that tribal courts are really needing updates. They are operating with courts that were developed 20, 30 years ago or borrowed from someone else. We do understand the President's budget has increased law enforcement for 2010 by $110 million but you have to also understand that tribal courts are part of that and for law enforcement detention, from law enforcement to detention, they have to go through tribal courts, and with $11.9 million, it is just not enough to do the job, and we do want to thank the committee. Last year you put a little bit of money, one-time funding of 2.4 into tribal courts and 18 of the courts that were reviewed were given some funding, which they certainly have put to good use.

So in our reviews, we found that tribal governments only receive about 26 percent of their total court budgets from the federal funds and so basically one-fourth of the money and three-quarters is tribal funds that they use. Like I said, OMB had turned down any request for funding until they got data and so our directives are pretty much three. One is, what money is the tribes getting, how are they spending it, are they spending it like it is appropriated, and then this last fiscal year they said what about due process, the speedy trial issue, so toward the end of the fiscal year we started looking at due process issues and we found that the 15 courts that we reviewed, there was only one where there were violations of due process, the speedy trial issue. I know most of you probably saw the big article in the New York Times last year about no representation in tribal courts and that is not really the case from what we found in 14 of the ones we reviewed provided, and we used the standard where they had no standard of the federal review standard and they were all within that standard in dealing with due process issues. But we have courts out there including the last one two weeks ago that are in condemned buildings. They are health hazards. In fact, the judge and a court reporter went in and worked 40 minutes in one clerk's office getting information and they both got sick because of the condemned building and what was in there.

I would like to share with you our final report that we did for fiscal year 2008 and it gives you more of the details on what we found in the assessment. So we are requesting on behalf of the tribal courts an additional $50 million to help them operate their systems.

Mr. HINCHEY. Fifty million, did you say?

Mr. COOCHISE. Fifty million, yes, so that their court systems can operate in a more decent fashion and provide due process to the community members.

So with that, I do thank the committee for allowing me to appear before you this morning, and again, thank you. Last year the min-

imum amount, even though it was minimal and one time, it really helped a lot of courts. One court burnt down and additional $200,000 just helped them to get started. But there are many more that are operating in condemned buildings and no staffing and not the resources to deal with it. So with that, we would like to thank you again. If you have any questions, I would be glad to answer them.

[The statement of Elbridge Coochise follows:]

INDEPENDENT REVIEW TEAM

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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 2010
BUREAU OF INDIAN AFFAIRS APPROPRIATIONS
MARCH 26, 2009

Thank you for the opportunity to testify today and address the serious funding needs that have limited and continue to hinder the operations of Tribal judicial systems in Indian Country. I am the Leader of the Independent Tribal Court Review Team. **I am here today to request that this Committee increases funding for Tribal Courts by at least $50 million in FY 2010 and maintain the Tribal Courts set-aside.**

We Support an Increase in Funding for:

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. **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
3. **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.
4. **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.
5. **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.)
6. **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.

DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS: OVER $100 MILLION FOR INCREASED LAW ENFORCEMENT

The FY 2010 Budget provides increases in Law Enforcement and Detention (which we support as needed and necessary costs for Tribes). Individuals get to detention from law enforcement through Tribal Courts. **Tribal Courts, located in the Federal budget within law enforcement, need a similar proportionate funding boost and we request that the FY 2010 Budget includes a $50 million increase for Tribal Courts.**

For the past 3 years, the Independent Court Review Team has been traveling throughout Indian Country assessing how Tribal Courts are operating. During this time, we have completed some 50 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 type 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.

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 send additional 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 156 Tribes with Courts that receive Federal funding. These Tribes divide a mere $11.9 million in Federal funds. It is the strong recommendation of the Independent Tribal Courts Review Team that the Federal Tribal Courts budget be substantially increased in the President's Budget.

Assessments have indicated that the Bureau of Indian Affairs only funds Tribal Courts at 26% of the funding needed to operate. The remainder is funded by the Tribes. Tribes who have economic development general 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 members. The assessment suggests that the smaller Courts are both the busiest and most underfunded.

We thank this Committee for additional funding in FY 2008. These funds were a Godsend to Tribes. Even minimal increases were put to good use:

- In 2006, a fire destroyed the White Mountain Apache Court. A previously condemned building, it went up like a tinder box. An extra $200,000 bought the White Mountain Apache Tribe a modern digital tape recording machine, a video surveillance security system, a telephone system, new computers and helped restore a building so the Court had somewhere to go. The Chief Judge even did some of the carpentry work in the two newer Courtrooms. **That's what additional funding does.**
- In Fort Yates and the Standing Rock Sioux Tribe, a Tribal official wept when we told her the Tribe would receive an extra $300,000. Law Enforcement was increased from 7 to perhaps 30. The Court ran every day of the week, including Sunday, to account for the new cases. Law enforcement response time to a phone call for assistance went from five hours, if anyone came at all, to fifteen minutes. Once again there was law and order in Standing Rock. **That's what additional funding does.**

The grant funding in the Department of Justice 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 three fiscal years (FY 09 is partial) there was only one isolated incident of a 3% questionable expenditure of Federal funds. It is speculated that because of our limited resources, we compromise ones 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.

The Shoshone-Bannock of Fort Hall, Idaho holds Court in a condemned building, built in 1888, full of so much mice droppings and bat guano that you cannot use the lower floor. They recently had a building closed because of the threat of Hanta Virus. They have been unable to hire a Tribal Prosecutor for two years because of their remoteness and inability to pay a

competitive salary. Still, they operate a Court as best they can and dream of the day they will complete their detention center which, after years of waiting, they are paying for themselves. ***Their need exceeds 100%.***

The Cheyenne River Sioux Tribe in Eagle Butte, South Dakota (like several other places we have reviewed) is fortunate to have dedicated Court Clerks who work for salaries below the poverty level, most at less than $10 an hour. ***Their need exceeds 100%.***

Turtle Mountain Chippewa Tribe of North Dakota must operate even when the Courts' electricity is periodically turned off because they can't pay their light bill. ***Their need exceeds 100%.***

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%.***

And, there are Tribes like the isolated Havasupai, located in the bottom of the Grand Canyon. They can only afford a Judge one day a month. Their computers only work sporadically because of the fine layer of dust that appears to cover everything. They have a single, underpaid clerk, who remains dedicated to her job, even though her employment experience means she could make twice as much working out of the Canyon away from home. When she goes to pick up her children at school, the Court must close, because she is the only one there. ***Their need exceeds 100%.***

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 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.

I come here today to tell Congress these things. 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 new Administration can do something great. Put your money where your promises have been.

On behalf of the Independent Tribal Court Review Team; Charles D. Robertson Jr., Honorable Philip D. Lujan, Ralph Gonzales, Myrna Rivera and myself, Thank you.

Mr. HINCHEY. We very much appreciate your testimony and drawing our attention to this very critical issue and we thank you very much for doing it. Are there any questions? We are under a little pressure here. We have a vote system on. I thank you again for that testimony and it is very clear, we have taken notes, and I am sure that our chairman and all the rest of us will focus attention on it. Thank you very much, Mr. Justice.

Mr. COOCHISE. Yes, and be sure to thank him because I met with him last year and he came through, you and the committee. Thank you very much.

Mr. HINCHEY. Will do. Thank you very much.

Our next is Myron Schurz. I understand you are going to be flying out this afternoon, so——

Mr. SCHURZ. Yes, I will be quick.

THURSDAY, MARCH 26, 2009.

GILA RIVER INDIAN COMMUNITY

WITNESS

MYRON SCHURZ

Mr. SCHURZ. Good morning, Mr. Chairman, distinguished members of the subcommittee. I will acknowledge Congressman Cole. He has been out to Gila River. Thank you again for visiting. Good morning. I am Myron Schurz and I serve on the council of the Gila River Community. I thank the subcommittee for the opportunity to testify this morning. We are pleased to be able to report to the subcommittee today regarding our success in working with the Indian Health Service as a full partner on the construction of the recently opened Phoenix Indian Medical Center Southwest Ambulatory Care Center, which opened in January 2009, which is on the west end of our reservation. We are also here to describe the critical importance of ensuring that Congress acts aggressively to fully fund the PIMC Southeast Ambulatory Care Center, which received $2.5 million from Congress in fiscal year 2005 for a partial design but which still requires $67.7 million for full construction in fiscal year 2010. Although the design funding was appropriated in fiscal year 2005, the community just received that funding in February 2009. We are moving forward with the design and we are confident design work can be complete in fiscal year 2009.

As the subcommittee is aware, there has been a $3.6 billion backlog of unmet need for priority health care facility projects at IHS. These projects, although essential to the health and well-being of Native Americans across the country, have been funded over the past decade at a very small fraction of need. Funding these new projects has clearly not been a national priority either at IHS or Congress. Even the $227 million in the stimulus bill for the new health care facilities only completes two projects, two projects that have long awaited funding. We all understand, however, that we now find ourselves at the start of a new era. Now is the time for the federal government to invest in the long-term infrastructure development and job creation in Indian Country by ensuring these priority health care projects including PIMC Southeast ACC are

fully funded and completed so that other pressing needs across Indian Country can be addressed. The PIMC central health facility now in existence was completed in 1970 and was designed as a central inpatient and outpatient facility primarily for tribes in Arizona, Utah and Nevada based on the high population of Native Americans in the area. It was designed to serve a user population with an approximate need of 40,000 outpatient visits per year but that need has since swelled to over 250,000 outpatient visits per year to that facility. Expansion of the PIMC has been a priority for IHS since 1989, 20 years ago, when the PIMC first appeared on the IHS priority list. After several years of discussion and consultation, in 2002 Phoenix-area tribal leaders and IHS agreed to a master plan to create satellite ambulatory care facilities in order to improve health care access for tribal members living on and off reservation. From this hub and spoke health care service delivery concept, the Southwest and Southeast Ambulatory Care Centers were born, and after 15 years the amended IHS priority list broke out the southwest, southeast and northeast ACC satellite components of the PIMC system.

The bottom line is that the need for addressing the strain at the PIMC central facility has been an identified priority at IHS for 20 years. The satellite ambulatory care center concept was developed due to discussions with staff with this very same subcommittee. The community is committed to being shovel-ready and feels strongly that full funding and completion of PIMC Southeast should be at the very top of the subcommittee's priorities for new health care facility construction, which would allow IHS to make efforts to address the long-term project of PIMC replacement in smaller, more manageable increments. The Southeast ACC once constructed will be the second PIMC health care facility on trust land within the community's reservation. The total value of the land being contributed by the community is $20 million, which is the land value. It indicates the community's commitment to the importance of these projects. The Southeast ACC facility will be capable of providing upwards of 120,000 outpatient visits for all eligible federally recognized tribal members in the greater Phoenix area which includes 21 tribes in Arizona, which could translate to about 1 million users, plus the tribes in Nevada and Utah and any other enrolled member of a federally recognized tribe who may reside in or visit the Phoenix area. The Southeast ACC project will create permanent high-quality health care jobs through staffing for the facility and temporary jobs during construction. The project is estimated to employ 322 new full-time staff positions. The average construction workforce will be between 75 and 100 people for the estimated two-year construction period.

The community has a successful track record in constructing health care facilities on time and within budget. The community's primary mission at the end of construction is to continue to provide high-quality and accessible health care to the patients we serve. Securing funding of the $67.7 million for construction of the Southeast ACC is the community's primary concern at this time. This will be a step toward fulfilling IHS's 20-year promise to replace the PIMC. The Southeast ACC is a critical piece that will help meet the health care needs of Native Americans.

That is my testimony. I appreciate your time. Thank you.
[The statement of Myron Schurz follows:]

Testimony of Councilman Myron Schurz, Gila River Indian Community before the House Appropriations Subcommittee on Interior, Environment, and other Agencies

Thursday, March 26, 2009

Mr. Chairman and distinguished Members of the Subcommittee, I am Myron Schurz and I serve on the Council of the Gila River Indian Community (the "Community") representing District 3. I thank the Subcommittee for the opportunity to submit this written testimony. We are pleased to be able to report to the Subcommittee today regarding our success in working with Indian Health Service (IHS) as a full partner on the construction of the recently opened Phoenix Indian Medical Center (PIMC) Southwest (SW) Ambulatory Care Center (ACC) and to describe to the Subcommittee the critical importance of ensuring that the PIMC Southeast (SE) Ambulatory Care Center receives up to $67.7 million for full construction in FY 2010.

As the Subcommittee is aware, there has been a $2.4 billion backlog of unmet need for priority health care facility projects at Indian Health Service. These projects, although essential to the health and well-being of Native Americans across the country, have been funded over the past decade at a very small fraction of need. Funding these new projects has clearly not been a national priority, either at Indian Health Service or in Congress. We all understand, however, that we now find ourselves at the start of a new era. Now is the time for the federal government to invest in long-term infrastructure development and job creation in Indian Country by ensuring that priority health care facility projects including PIMC SW and SE ACC are *finally fully funded and completed* so that other pressing needs across Indian Country can be addressed. Once built, of course, these facilities also need ongoing operational and staffing funding each year to provide necessary health care services to tribal members.

Background

The Community is the largest Indian Community in the Phoenix metropolitan area, with an enrolled population of over 20,000 members. The Community operates a range of health care programs through Gila River Health Care (GRHC), a tribally chartered nonprofit health care organization. GRHC provides patient services at Hu Hu Kam Memorial Hospital, Komatke Health Center (SW ACC) and Ak-Chin Clinic through an organized and systematic process designed to ensure the delivery of safe, effective and timely care and treatment in an atmosphere that promotes respect and caring. Therefore, patient services are planned, coordinated, provided, delegated and supervised by professional health care providers who recognize the unique physical, emotional, spiritual and cultural needs of the patients served. Primary health care services provided include Outpatient Care, Emergency Medicine, Dialysis Care/Treatment and Behavioral Health Services.

The PIMC central health care facility now in existence was completed in 1970. It was designed to serve a user population with an approximate need of 40,000 outpatient visits per year, but that need has since swelled to over 250,000 outpatient visits per year at that facility. As a result, the resources of the PIMC central facility have been strained for decades in a way that has had severe negative consequences for access to health care for tribal members in the Phoenix

region. There were 60,000 emergency room visits alone in 2004 at the PIMC central facility. Expansion of the PIMC system has been a priority for IHS since 1989, when the PIMC system first appeared on the IHS priority list. In 1996, a feasibility study was concluded regarding how best to shift the PIMC ambulatory care workload. The result of that study recommended the concept of satellite ambulatory care centers to handle ambulatory visits and ease strain on the PIMC central facility.

In 1998, the "PIMC System" first appeared on the IHS 5-year plan priority list. In 1999, House and Senate Interior Appropriations Subcommittee staff visited PIMC and recommended efforts to address the problem of ambulatory visits overburdening the facility. After several years of discussions and consultation, in 2002 Phoenix area tribal leaders and IHS agreed to a Master Plan to create satellite ambulatory care facilities in order to improve health care access for tribal members living on and off reservation. From this "hub-and-spoke" health care service delivery concept, the Southwest (SW) and Southeast (SE) Ambulatory Care Centers (ACC) were born. In 2004, the amended Indian Health Service priority list broke out the SW, SE and NE ACC as satellite components of the PIMC system that Indian Health Service sought to fund. The bottom line is that the need for addressing the strain at the PIMC central facility has been an identified priority at Indian Health Service for ***20 years***. The satellite ambulatory care center concept was developed through discussions with staff from this very Subcommittee. The Community feels strongly, therefore, that full funding and completion of PIMC ACCs should be at the very top of the Subcommittee's priorities for new health care facility construction.

The Community is fully committed to the successful construction and operation of the both the SW and SE facilities. Both the SW ACC and SE ACC are sited on land provided by the Community. The projects are a federal/tribal partnership, with the total value of the land made available by the Community to IHS for these facilities valued at approximately $20 million. Representatives from the Community and Gila River Health Care meet regularly with officials from IHS, both at headquarters and in Phoenix, to discuss the funding needs of PIMC SW and SE ACC, as well as the operational funding needs of the Community for its ongoing health programs. The Community believes it has a strong working relationship and record of success with IHS on health care facilities construction. At this critical time of increased funding opportunities for national priorities, however, the Community seeks even more aggressive action by both Congress and the IHS to meet the full funding needs of the SW and SE ACC facilities and the Community's ongoing health programs. Today, therefore, I am here to tell our story to the Subcommittee about our success in building SW ACC and to urge you strongly, on behalf of the Community, to ensure that SE ACC is fully funded in FY 2010.

Funding Needs for SW ACC

SW ACC (Komatke Health Center) opened on January 19, 2009 despite still needing $10 million in operational costs. IHS has recently informed the Community that the $10 million in staffing dollars necessary to operate SW ACC is contained in the FY 2009 omnibus appropriations bill recently passed by Congress and that the Community will receive that full amount. The construction and opening of the SW ACC project is a demonstration of the Community's ability to efficiently and rapidly utilize federal dollars for construction of a major health care facility. The Community met every requirement and legal obligation presented to it

by IHS for this project. The Community created a project leadership team with IHS to successfully meet the terms of the design/construction compact. The result was a highly efficient and effective plan to place the SW ACC in operations from pre design to occupancy in less than 3 years. The Program of requirements was signed on January 24, 2006 and the opening day for SW ACC was January 19, 2009.

It is important for the Subcommittee to note that the SW ACC was completed with $26.8 million in funding provided by IHS, which is $1.7 million less than the IHS approved Program of Requirements and the amount the design was based upon. As a result, the Community was forced to construct and open the SW ACC with funding shortfalls that have delayed important equipment purchases, but due to cost savings achieved by the Community in construction the facility, it was able to open on time. The Community's dedication to completing the SW ACC despite its funding shortfalls demonstrates its commitment to successfully completing a project of this size. Now with the necessary added staffing dollars, the SW ACC will be able to serve the user population as intended, create long term health care infrastructure, and create 120 new high quality health care jobs. We ask that Congress support the Community's need to receive the full $10 million contained in the FY 2009 omnibus bill for staffing and other operations needs of SW ACC.

Funding Needs for SE ACC

The SE ACC, once constructed, will be the second PIMC health care facility on trust land within the Community's Reservation. It will serve approximately 14, 369 Indian residents of the American Indian & Alaska Native living in Chandler, Chandler Heights, San Tan, South Goodyear, Statonic, Ahwatukee, Apache Junction, Guadalupe, Mesa and Tempe communities of Arizona. The SE ACC project will create permanent, high quality health care jobs through staffing for the facility and temporary jobs during construction. The project is estimated to employ 322 new full time staff positions. The average construction workforce will be between 75 and 100 people for the estimated two-year construction period.

The new SE ACC will be a modern technologically advanced facility with enough space and staff to provide an expanded level of health care services specifically designed to meet the health care needs of American Indian & Alaska Native and the southeast population of the Phoenix Service Unit at PIMC. In addition to IHS programs, several tribally operated health care programs are incorporated into the new facility. This will improve access to medical care as well as improve the collaboration and partnership between Gila River Health Care and the Indian Health Service. The new facility will provide an expanded outpatient department, community health department, and a full array of ancillary and support services.

Securing funding for construction of the SE ACC is the Community's primary concern at this time. In FY 2005, Congress appropriated $2.5 million in project design funds to PIMC SE ACC. Due to delays by Indian Health Service in finalizing a self-governance contract with the Community for operation of the SW ACC, the Community did not receive this money until February 2009, three years after its appropriation by Congress. The delay in allocating that design funding to the Community was not due to any lack of action on the Community's part, but has been raised by Indian Health Service as a possible impediment to their support for allocation

of full construction funding to SE ACC in FY 2010. The total cost of project design is $4.9 million. Therefore, the Community is requesting from Indian Health Service an additional $2.4 million in project design funds in FY 2009 funding in order to put SE ACC in a "ready to go" position to begin construction later this year with complete design work done. Indian Health Service has given recent assurances to the Community that it will allocate up to $2.4 million in FY 2009 funding to the Community to complete design work, and the Community urges Congress to support this allocation by Indian Health Service from sources separate than the $10 million staffing funding for the SW ACC.

The Community is also in discussions with Indian Health Service about the possibility of obtaining up to an additional $31.6 million in FY 2009 funds (for $34 million total in FY 2009 including $2.4 in remaining design funds) to finish up to 60% of the construction of the SE ACC. The total cost for design, construction and equipment for SE ACC is estimated at $70.2 million total, including the $2.5 million in initial design funding. NEPA review is already complete. Right-of-way purchase, water and sewer connectivity and elevation variance requests are underway to prepare for full design funding for SE ACC and construction can begin in FY 2009. Of the total estimated cost of $70.2 million for SE ACC, the design funds ($2.4 million in remaining need) and preliminary construction funds ($4.6 million) can be obligated by contract within 90 days and expended within 12 months. The Community is also prepared to enter into a contract for construction ($47.8 million) and construction administration ($1.7 million) of the project when design is 65% complete using a construction manager at-risk contract with a fast-track design/construction method with similar benefits to a design/build methodology (i.e., a reduction in time of construction) that will allow for full construction to be concluded well within a 24 month period from receipt of funding and 65% design completion.

Expedited design and construction of SE ACC is a task that the Community is ready and willing to undertake. A Project Management Team has been established to run with the project to meet and complete the projected 65% design goal once funding has been committed. The Community has a successful track record in placing health care facilities and health care service expansion in place on time and within budget utilizing the Gila River Health Care Project Management Team. The Hu Hu Kam Memorial Hospital Emergency and Podiatry Expansion project (20,000 square feet) was constructed within one year from design to occupancy at a cost of $6.5 million. The Gila Crossing Outpatient Clinic of 14,000 square feet was constructed within one year from design to occupancy at a cost of $2.8 Million. A dialysis center totaling 40,000 square feet at a cost of $10 Million was constructed in 18 months from design to occupancy. Finally, a Behavioral Health Center of 18,000 square feet and a cost of $4.6 million was constructed within one year from design to occupancy.

Any amounts for construction of SE ACC that are not made available by Indian Health Service in FY 2009, up to $67.7 million total, will need to be appropriated by Congress to fully fund the construction of the SE ACC in FY 2010. The SE ACC project is "ready to go" once design work has been completed. We urge the full support of the Subcommittee in seeking full funding in FY 2010 for the completion of SE ACC and in advocating with Indian Health Service for their support in fully funding that project.

Mr. HINCHEY. We very much appreciate your testimony and the focus of attention that you bring on this issue. I also have been told that you just missed it last year in the appropriations bill, that there were two, as you mentioned, and unfortunately, you were number three. Well, we will see what happens this time around, and I am sure that it is going to get a lot of attention. So we thank you very, very much. We have some votes on in the House now. The voting is just about over so we are going to have to run over there. Thank you for your testimony.

Mr. SCHURZ. Thank you very much.

Mr. HINCHEY. The recess is on now until 1:30. Be back here at 1:30.

Mr. DICKS. We will now begin this afternoon's session of our second day of public witness testimony. Thank you all for being here today and for sharing your experiences and concerns with us.

I would like to remind our witnesses that we have many speakers scheduled to appear today. To ensure that we are able to accommodate everyone, I ask that each witness respect the 5-minute time limit. A yellow light will flash with 1 minute remaining of your time in order to give you the opportunity to wrap up your statement, and of course, your entire statement will be put in the record. When the red light comes on, then your time has expired. Your prepared statement will, of course, as I said, be put in the record.

Our first witness is Virgil Seymour, Council Member of the Confederated Tribes of the Colville Reservation in the great State of Washington. Virgil, nice to have you here.

THURSDAY, MARCH 26, 2009.

CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

WITNESS

VIRGIL SEYMOUR

Mr. SEYMOUR. I would like to thank the Chair, Mr. Dicks, and Mr. Simpson, for allowing me to come here and testify on the appraisals for Indian trust land. My name is Virgil Seymour. I am an elected official out of the Inchelium District on the Colville Indian Reservation.

The Colville Indian Reservation is comprised of 12 different smaller bands that come from Canada and other places across eastern Washington. We have 1.4 million acres. We have a membership of over 9,300, at least half of which live on or near the reservation.

What I want to talk about is appraisals for Indian trust land, and right now with two bureaucracies, one being OST and the other being the BIA, we have a backlog of sometimes up to 10 years of land sales or, you know, acquisitions. We have a lot of people that are getting up in their ages, and they would like to sell some of their land back to us and keep it in trust status, but because of the BIA trust responsibility, every sale has to have an appraisal, and it has to be approved by the BIA.

Mr. DICKS. Well, we got to do something legislatively to fix this. This is an impossible situation.

VOICE. Does the BIA do that appraisal?

Mr. SEYMOUR. No. They request it to OST, and OST does the RFP for appraisal, and through those two systems it has taken, you know, we got a backlog of I am guessing of up to 10 years, and in that time some of the people actually die off, and their land adds to our fractionated troubles. And then also some of the people get fed up with the system, and they take their land out of trust and then sell it on the open market, which adds to our checker boarding problem.

So, you know, just with the two bureaucracies each blaming each other for some of the inconsistencies, it has become quite a problem.

In our written testimony we have some suggested report language. The whole reason why I am here is the backlog that this problem creates.

I guess with that I think you guys——

Mr. DICKS. Well, we had a lawyer in yesterday that went into this from Seattle University on this very subject, and we understand this is a very complicated matter. Now, remember, the Authorization Committee normally is the one who has to take the lead on this, because this would require changes in existing law, but we will pass this along to them because they are the ones that ultimately are going to have to, if there is going to be a settlement of the whole thing, they are going to have to do it. But we appreciate your coming, and we will take a look at this language that you have presented.

Mr. SEYMOUR. Well, with that I would like to thank you for this opportunity, and if you do have any more questions, I would be happy to answer.

Mr. DICKS. No. Thank you very much. We appreciate it.

Mr. SEYMOUR. Thank you.

[The statement of Virgil Seymour follows:]

The Confederated Tribes of the Colville Reservation

Prepared Statement of the Honorable Virgil Seymour, Councilmember
Confederated Tribes of the Colville Reservation

House Committee on Appropriations,
Subcommittee on Interior, Environment and Related Agencies

Public Witness Hearing—Native Americans

March 26, 2009

Good morning Chairman Dicks, Ranking Member Simpson, and members of the Subcommittee. On behalf of the Confederated Tribes of the Colville Reservation ("Colville Tribe" or the "Tribe"), I thank you for this opportunity to provide testimony to the Subcommittee. I am here today to discuss problems that the Colville Tribe and other Indian tribes face in obtaining appraisals to complete land transactions through the current system administered by the Office of the Special Trustee ("OST") and the Bureau of Indian Affairs ("BIA"). These issues are of great importance to the Tribe and our members because virtually every transaction involving the conveyance of Indian trust land requires a completed appraisal to be effectuated. This testimony also includes suggested report language for the Subcommittee's consideration.

Before discussing this issue, I would like to take this opportunity to provide some brief background on the Colville Tribe. Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is, as the name states, a confederation of twelve smaller aboriginal tribes and bands from all across eastern Washington State. The Colville Reservation encompasses approximately 1.4 million acres and is located in north central Washington State. The Colville Tribe has more than 9,300 enrolled members, making it one of the largest Indian tribes in the Pacific Northwest. About half of the Tribe's members live on or near the Colville Reservation.

I. Appraisals and Indian Trust Land

As the Subcommittee is aware, appraisals are a critical component to transactions involving acquisition of public lands by federal agencies. For Indian tribes, appraisals are generally required to complete most transactions involving conveyances of trust land. For example, appraisals are required before any land can be taken into trust for an Indian tribe's benefit, including land that a tribe may wish to purchase on its own reservation. Appraisals are also required for individual Indians to sell or exchange individually owned trust land.

Under the current system, two agencies within the Department are involved it the appraisal process, the BIA and OST. BIA personnel are responsible for preparing and completing appraisal requests, which, when complete, are forwarded to OST. Once OST receives a request, OST personnel are supposed to prepare bid solicitations for private contractors to perform the appraisals.

Because these two different bureaucracies within the Department both have responsibility for different parts of the appraisal process, delays in obtaining completed appraisals is the rule rather than the exception. The Colville Tribe is unaware of any uniform standard that exists for the BIA to follow in submitting appraisal requests to OST. In practice, this means that appraisal requests are often delayed indefinitely while BIA and OST staff attempt to reach agreement and resolve what additional information may be required for a given appraisal request to be considered complete.

Also, unlike other agencies within the Department, no system is currently in place to track or receive updates on appraisal requests for Indian trust land. Without a centralized system to track appraisal requests, requests are often delayed by OST without the knowledge of BIA staff. These issues are often not brought to light until an Indian tribe itself initiates an inquiry on the status of an appraisal, and illustrates the potential for delay when two bureaucracies are involved in administering a single process. The Colville Tribe and some members of the Colville Tribe have, in some cases, had to wait for years to obtain completed appraisals.

II. Delays in Obtaining Appraisals

Acquiring land into trust status is a crucial element of on-reservation economic development. For example, the Colville Tribe has always set funds aside in its budget for the repurchase of fee lands within the Colville Reservation. The Tribe prioritizes the properties it identifies for repurchase, with the high priority lands usually having potential for economic development projects or other sources of revenue for the Tribe. On at least one occasion, the lengthy delay in obtaining an appraisal on a property identified by the Tribe for repurchase resulted in the seller losing patience and securing another buyer.

Appraisal delays are especially apparent when they affect individual Indian owners of trust land. Generally, appraisals must be completed whenever individual Indians seek to purchase trust land from other individual Indian landowners. In some cases, individual Indians have contracted with private appraisers in hopes of avoiding the bureaucratic delay within the BIA-OST process, only to have OST not accept the completed appraisals.

III. Suggested Report Language

The BIA was previously able to conduct its own appraisals using its own employees. Since the Department centralized this function in 2002, however, the BIA and other agencies within the Department have not had direct control over appraisals. The Colville Tribe believes

that, given the inherent problems with two bureaucracies being involved in the same process, the current appraisal system for Indian trust land must be reexamined. Accordingly, the Colville Tribe respectfully suggests the following report language for the Subcommittee's consideration:

> **Suggested Report Language: "Indian tribes routinely experience lengthy delays in obtaining appraisals from the Department for transactions involving the conveyance of Indian trust lands. The Bureau of Indian Affairs is responsible for requesting appraisals and the Office of the Special Trustee is responsible for procuring the appraisals. Appraisals are required for Indian tribes and individual Indians to sell, acquire or exchange interests in trust land. Delays in obtaining appraisals also delays these transactions, which negatively impacts tribal economies. The Committee directs the Office of the Special Trustee, together with the Bureau of Indian Affairs, to reevaluate how appraisals are requested and prepared for Indian trust lands and provide recommendations to the Committee on how these delays can be minimized."**

Thank you for the opportunity to provide this testimony and this suggested report language. I would be pleased to answer any questions that the members of the Subcommittee may have.

Mr. DICKS. Now we are going to have from the Makah Tribe Timothy J. Greene, Treasurer of the Makah Tribal Council. Welcome.

THURSDAY, MARCH 26, 2009.

MAKAH TRIBAL COUNCIL

WITNESS

TIMOTHY J. GREENE

Mr. GREENE. Thank you, Mr. Chairman.

Mr. DICKS. Glad to have you here.

Mr. GREENE. Glad to be here. All right. Mr. Chairman, first and foremost I would like to thank you for this opportunity and all the work that you have done for Indian Country and honorable committee members, thank you for allowing us this time. My name is Timothy Greene. I am the treasurer for the Makah Tribal Council. I am accompanied with Council Member Nathan Tyler, and we would like to testify today on four priority issues.

First is increased contract support cost funding from the Indian Health Service for the administration of our health services. Number two is replacement of our decrepit jail with a new 911 public safety complex.

Three, enabling our Office of Marine Affairs to expand its oil pollution and response coordination efforts with federal and Washington State governments for the benefit of both our community and other tribes. And four, closing the Warm House Beach open dump.

First, contract support costs. In 2006, the Makah Tribal Council assumed the administration of all our direct healthcare services through a self-governance compact agreement with IHS. We signed that agreement with the understanding that in the next few years we would receive significant contract support cost funding, but that has not happened. The Makah Tribe currently receives the lowest CSC funding level of any tribe in the United States. Nationally, the CSC shortfall in fiscal year 2010 will be about 200 million. While our situation is most extreme, many other tribes face significant CSC shortfalls. This shortfall flies in the face of a recent unanimous Supreme Court decision mandating full CSC funding. It also violates the letter and spirit of the Indian Self-Determination Act.

We need full contract support costs to help us secure private capital for a replacement clinic facility, located far above the tsunami danger on our remote reservation. We urge you to increase the amount of CSC funding providing for self-governance health programs and to ensure that IHS treats all tribes fairly with regard to the distribution of CSC funding.

Secondly, the Makah 911 public safety complex. The current Neah Bay Jail was built in 1972, in the tsunami flood plain. As your staff who visited the jail can attest it is woefully deficient and totally out of compliance with BIA standards. We failed the BIA audit in 2001, and in independent audit in 2004, and since then the facility's problems have grown even worse. The jail structure has been compromised by years of damage caused by inmates, and the results are evident in recent escape of an inmate who was able

to break through the deteriorating brick wall of one of the security cells.

Clearly the public safety needs of our community deserve better than this. The Makah Tribe proposes to build a new 911 public safety complex out of the tsunami flood plain at a cost of approximately $6.6 million. It would house all our public safety services and enable the Makah Tribe to improve public safety for the wellbeing of our people.

Thirdly, the Office of Marine Affairs. Tuesday marked the 20th anniversary of the Exxon Valdez oil spill. Over 3 million gallons of oil have been spilled off the Washington coast in our treaty area since the early 1970s because of the Strait of Juan de Fuca is among the busiest waterways in the world. The Makah Tribal Council has been actively involved In spill prevention and response issues for over 20 years.

In order to protect our treaty resources, recognizing Makah's leadership in spill prevention and response, Coast Guard District 13 and EPA Region 10 invited Makah to participate in the Regional Response Team Northwest Area Committee. As a formal voting member this past year, through our participation on this committee, the Makah Tribal Council will continue a tribal annex to the northwest area oil spill plan. Makah proposes to work with federal and state agencies to further develop a tribal coordination and consultation policy and a federal and state tribal oil pollution memorandum of agreement. We would like to develop the MOA into a regional tribal oil spill response program through the Puget Sound Partnership that will involve and benefit many other tribes.

And lastly, closing the Warm House Beach open dump. The Makah Tribal Council has identified closing this dump as a public health and safety priority. It was established and has been used by federal agencies for many years. Chemical contaminants associated with the dump have been detected and surface water and sediments of creeks downstream of the dump and in shellfish and fish taken from beaches nearby. The tribe has spent approximately $1 million to contain the dump wastes and mitigate these damages.

In 1994, the EPA mandated that open dumps be closed, but sufficient funding has not been provided for the tribe to close the dump. In order to close the dump the tribe has designed a transfer station and a resource recovery facility and is prepared to construct these facilities if they are able to secure federal funding.

Thank you, again, Mr. Chairman and committee members on behalf of the Makah Tribal Council and our community members. I want to invite you to visit us as soon and as often as you can. You are always welcome on our shores. Thank you.

[The statement of Timothy J. Greene follows:]

Testimony of the Makah Tribe

Neah Bay, Washington

March 26, 2009

Before the
House Appropriations Subcommittee
On Interior, Environment and Related Agencies
On the Fiscal Year 2010 Budget

Good Afternoon, Mr. Chairman, I am Timothy J. Greene, Treasurer of the Makah Tribal Council. First and foremost, Mr. Chairman, I want to thank you very much for your extraordinary efforts on behalf of the Makah Tribe and all of Indian Country over many years. We are truly grateful.

I would like to testify today on four priority issues:

- Increased contract support cost funding from the Indian Health Service (IHS) for the administration of our health services;
- Replacement of our decrepit jail with a new Makah 911 Public Safety Complex, at a cost of $6.6 million, with help from the Justice Department;
- Enabling our Office of Marine Affairs to expand its oil pollution and response coordination efforts with the federal and Washington State governments for the benefit of both our community and other tribes through a federal contribution of $457,981; and
- Closing the Warmhouse Beach Open Dump with federal assistance at a total cost of $6.0 million.

Contract Support Costs

In 2006, the Makah Tribal Council assumed the administration of all direct health care services through a self-governance compact agreement with Indian Health Services (IHS). We signed that agreement with the understanding that, in the next few years, we would receive significant contract support cost (CSC) funding, but that has not happened. The Makah Tribe currently receives the lowest CSC funding level of any tribe in the United States. Nationally, the CSC shortfall this year is almost $93 million.

While our situation is the most extreme, many other tribes face significant CSC shortfalls. This shortfall flies in the face of a recent unanimous Supreme Court decision mandating full CSC funding. It also violates the letter and spirit of the Indian Self-Determination Act. What incentive do tribes have to assume administration of their health clinics if they know they will be short-changed in the provision of administrative support costs?

This problem is long-standing. As long ago as 1988, when Congress amended the Self-Determination Act, it observed that the consistent failure of the BIA and IHS to pay full fixed contract support costs associated with the administration of transferred programs was the single greatest impediment to successful implementation of federal Indian self-determination policy.

This funding shortfall has caused hardship and uncertainty for both our local medical personnel and our local patient community. Our current old, modular IHS clinic is located in the middle of a tsunami floodplain. We need full contract support costs to help us secure private capital for a replacement clinic facility that will double as a community health center and emergency shelter located far above the tsunami danger on our remote Reservation.

We urge you to increase the amount of CSC funding provided for self-governance health programs and to ensure that IHS treats all tribes fairly with regard to the distribution of CSC funding. As the National Congress of American Indians has stated: "the IHS must pay full CSC in accordance with the law and Congressional intent".

Makah 911 Public Safety Complex

The current Neah Bay jail was built in 1972 in the tsunami floodplain. As your staff who visited this jail can attest, it is woefully deficient and totally out of compliance with BIA detention facility standards. It has inadequate lighting, septic systems, water and air quality and square footage per inmate. Materials and systems are beyond their useful lifespans and the facility does not satisfy community safety and detention needs. We failed a BIA audit in 2001 and an independent audit in 2004 and since then, the facility's problems have grown even worse. The jail's structure has been compromised by years of damage caused by inmates and the results are evident in a recent escape of an inmate who was able to break through the deteriorating brick wall of one of the security cells. Clearly, the public safety needs of our community deserve better than this.

The Makah Tribe proposes to build a new Makah 911 Public Safety Complex out of the tsunami floodplain at a cost of approximately $6.6 million. It would house the Police Department, the Fire Department, Emergency Medical Services, a Dispatch Center and Emergency Management, as well as corrections facilities. This new facility would enable the Makah Tribe to improve public safety for the well-being of our people.

Office of Marine Affairs

Tuesday marked the 20th anniversary of the Exxon Valdez oil spill. Over three million gallons of oil have been spilled off the Washington coast in our treaty area since the early 1970's. The Strait of Juan de Fuca is among the busiest waterways in the world with fifteen billion gallons of oil transiting the waters of our treaty area and the Puget Sound every year.

The Makah Tribal Council (MTC) has been actively involved in spill prevention and response issues for over 20 years. We have used the Oil Pollution Act of 1990 as the guiding statute on which to base our tribal response program development efforts. We view our oil pollution initiative as essential to protect our treaty resources. Over this period, the MTC has expended tribal assets to work with federal and state regulators and industry representatives to include tribal governments in developing oil pollution policies.

To accommodate the priority status given to marine transportation safety issues and the associated risks to our treaty protected resources, the MTC created the Makah Office of Marine Affairs (OMA). Recognizing the MTC's leadership in spill prevention and response, Coast Guard District 13 and EPA Region 10 invited to the Makah Tribal Council to participate in the Regional Response Team/Northwest Area Committee (RRT/NWAC) as a formal voting member this past year. Through our participation on the RRT/NWAC, the MTC will contribute a Tribal Annex to the Northwest Area Oil Spill Plan. The Co-Chairs of the RRT/NAC just recently made a presentation at the National Response Team's annual conference highlighting the progress the MTC has made in building a tribal response program.

The MTC proposes to work with: 1) the Department of Homeland Security/US Coast Guard to further develop a Tribal Coordination and Consultation Policy to assist the MTC in commenting to federal rule making and securing first responders training, and 2) the US Coast Guard, EPA and the Washington State Department of Ecology (DOE) in coordinating a Government-to-Government process that develops a Federal, State and Tribal Oil Pollution Memorandum of Agreement. The MTC would coordinate the development of the MOA into a regional Tribal Oil Spill Response program through the Puget Sound Partnership by providing a "Tribal Guidance Document" for the other tribes to follow. The MTC would accomplish these activities through the Office of Marine Affairs and would work toward securing the training and accreditation to gain a tribal spill prevention and response capacity compliant with federal and state standards. This training and accreditation accomplishment would enable the tribe to offer our spill response services to the industry spill response contractors. We are asking for $457,981 in FY 2010 to help us with this effort.

Closing the Warmhouse Beach Open Dump

The Makah Tribal Council has identified closing the Warmhouse Beach Open Dump as a public health and safety priority. The estimated cost to close the dump is $6.0 million. This mixed waste dump was established and has been used by federal agencies

for several years while they constructed and operated military facilities on the Makah Indian Reservation. These agencies disposed of solid waste and hazardous waste at the dump, and consequently, Makah natural and cultural resources have been damaged.

The dump currently poses threats to human health and safety and the environment, including Makah seafood resources. Chemical contaminants associated with the dump have been detected in surface water and sediments of creeks downstream of the dump, and it appears that these contaminants have been detected in shellfish and fish taken from beaches near the dump. The dump affects approximately 7 acres of land and two streams downstream of the dumpsite. These streams flow directly into the Strait of Juan de Fuca and the waters of the Pacific Ocean at Warmhouse Beach. This beach is a traditional shellfish harvesting area and summer fishing camp of the Makah Tribe.

The dump is currently used by the Makah Tribe for disposal of solid waste generated in Neah Bay and on the Makah Indian Reservation. The Tribe has spent approximately $1 million over 40 years to contain dump wastes and mitigate the damages. In 1994 the U.S. Environmental Protection Agency mandated that open dumps be closed, but sufficient funding has not been provided for the Tribe to close the dump.

Before the dump can be closed, a new solid waste transfer station needs to be constructed, the current waste stream needs to be diverted to the transfer station, and a waste containment facility needs to be constructed to close the dump. The Tribe has designed a transfer station and resource recovery facility and is prepared to construct this facility if they are able to secure federal funding.

To close the dump, the waste contained in the dump will need to be consolidated, stabilized, and isolated in an engineered containment facility that conforms to current federal regulations for solid waste landfills. The dump will be closed in place, and the waste within this facility will be isolated from storm water to prevent water from flowing through the waste material and creating contaminated leachate. A soil cap and barrier layers will be designed to prevent water from seeping into the waste material and to protect humans and animals from being exposed to health hazards associated with the waste material.

Properly closing the dump is a priority of the Makah Tribal Council to protect the Makah people and their natural resources. The Tribe is prepared to move forward with construction of the transfer station facility and design and construction of the dump closure facility as soon as funding is secured. Construction of these facilities will create 10 to 12 jobs for about a year during construction. The cost of operation and maintenance of these facilities will be covered primarily by user fees, and operation and maintenance of the facilities will support six to eight jobs for several years.

Thank you again, Mr. Chairman. On behalf of the Makah Tribal Council and our community members, I want to invite you to visit us as soon and as often as you can. You are always welcome on our shores.

Mr. DICKS. Well, just for my colleagues here, I have been going up to Neah Bay since about the early 1950s, and it is one of the most beautiful places. It is the northwest corner of the lower 48 states. You have the Strait of Juan de Fuca on one side, the Pacific Ocean on the other side, and a few miles back near Waadah Island is Neah Bay, and when I was a child we used to go out with a five-horse Sea King and a 16 foot wooden boat, and we would go, it would take us a half hour. Now we go by there in about 3 minutes. We would fish at Waadah Island, but if it was a really perfect day, we might go down to I think it is the garbage dump you are talking about. It is the next point down.

Mr. GREENE. That is correct. Yeah. There is a good fishing hole off of that point.

Mr. DICKS. Yes. There was a very good fishing hole out there. But it is just one of the greatest places to fish in the country, and I appreciate our friendship.

David M. Gipp, President, United Tribes Technical College. Welcome.

THURSDAY, MARCH 26, 2009.

UNITED TRIBES TECHNICAL COLLEGE

WITNESS

DAVID M. GIPP

Mr. GIPP. Thank you, Mr. Chairman. With me today is Chairwoman Myra Pearson, Chairwoman of the Spirit Lake Tribe and also our Board Chairman for our tribal leaders in North and South Dakota. So I thank her for being with us.

I have just as an addition for the members of the committee, a copy of our newsletter, Mr. Chairman, that I will leave with you at your leisure, if you wish. A newsletter which highlights our students and some of the activities that we engage in at United Tribes. We have been in business for over 40 years now and we are celebrating our 40th anniversary in providing education to I think close to 13,000 different American Indians throughout this period of time.

In 1969, we took over a military fort called Fort Abraham Lincoln in Bismarck, North Dakota, that was closed up, and we began operation in providing technical education to Indian families and to adults and to children. And I always say that it is a good case of the Indians taking over the fort, in this case for peaceful and educational purposes, and we have done it very well, and we have a 94 percent placement rate, 80 percent retention, and we do well with our graduates, and we also have early childhood services for our children, the children of our adult families that attend there.

Now, this past year we served close to over 1,000 different adults and about 400 children that are on this 105–acre campus. We have been——

Mr. DICKS. Threatened by this flooding?

Mr. GIPP. Well, we are sitting on high ground, fortunately, but we have taken in about 20 different Indian families that live along the river in Bismarck, North Dakota, and some of them are stu-

dents, some of them are resident to the area there, and so we are trying to do our best to help out with this crisis that is ongoing as you have heard about.

Mr. Chairman, I would like to just emphasize that in the 40 years that we have been in existence, and one of the articles in the newsletter is that we are being requested in the current budget by the President to be put into the budget, and we appreciate that. I especially commend you and members of this committee and the House for restoring us each year, because for the past 8 years we have been wiped out by the previous Administration and now we are being included in that budget. And I think rightfully so in that we serve some of the poorest Native Americans in the country. Some of our tribes have up to 76 percent unemployment rates of the employable workforce. And so we think we do justice to what we do in a very good and positive way.

Our request speaks to about $5.5 million in a request for continued operations for our college, which is about 1½ million over the current fiscal year 2009 level. We also are requesting 5 million of a 10.9 million need for a new math and technology center, which will be located on our south campus, which we have begun construction on already, to expand serving our population from 1,000 to 2,000 to upwards of 5,000 Native Americans because of the great growth of our population across the land.

Third, we are asking for about $3.5 million towards a Northern Plains Tribal Law Enforcement Center. You know full well the disparities of law enforcement and the need for more law enforcement officers throughout Indian Country, and this is a role that we think we can do. We have been doing limited law enforcement training for the past 39 of the 40 years.

And fourth, we are asking that the Bureau of Indian Affairs and Bureau of Indian Education place more emphasis on funding and administrative support for job training and vocational technical education. Their request is at about $8.8 million with an additional 2 million for adult education for a total of $10 million plus.

You know, in 1970, the level being spent on adult vocational training was around $60 million, and today it is at $10.9 million. So you see the lack of emphasis by the Bureau of Indian Affairs on training and education.

Mr. DICKS. Are you eligible for any of the Department of Labor programs?

Mr. GIPP. We are for some limited funds over there. We receive a small grant to assist those natives that are not on the reservation.

Mr. DICKS. What about Perkins?

Mr. GIPP. We do receive Carl Perkins money through the Carl Perkins Section 117 portion of the Department of Education. Mr. Chairman, that is about 50 percent of our budget by the way. So——

Mr. DICKS. So that is a good program for you.

Mr. GIPP. It is a good program, and they are of great value. We have excellent results. I have good data on all of these programs, Mr. Chairman.

In summary, I would just like to note that we range everything from law enforcement to licensed practical nursing to the standard

trades to tribal environmental science to, as I mentioned, the issue of law enforcement needs and the need to try to emphasize those kinds of things, as well as public health issues that we do in our training in medical records and those kinds of things. And we anticipate expanding those efforts as we grow and as we look at the needs of each of our reservations and tribal communities across the country.

Mr. Chairman, that is kind of a summary of what I would have. The only other areas I can think of are areas of business, nutrition, computer information technology, and online education, the five degrees that we provide online across the country.

Mr. DICKS. Well, I will tell you Congressman Pomeroy and Senator Dorgan for sure have been major advocates for this, and you know, this is one of those situations where this was not earmarked before but now you are pretty confident that it is going to be in the President's budget request.

Mr. GIPP. It is in the President's budget request, and it is also a new title called Title 5 under the Tribal College Law. So it is provided by law in terms of, you know, the issues that clearly designate it as a part of both law and priority. Yes, Mr. Chairman.

Mr. DICKS. Okay. Good. Thank you.

Mr. GIPP. Thank you, sir. We appreciate it.

[The statement of David M. Gipp follows:]

UNITED TRIBES TECHNICAL COLLEGE
3315 University Drive
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Statement on the FY 2010 Bureau of Indian Education Budget

Presented to the
House and Senate Interior, Environment and Related Agencies Appropriations Subcommittees

David M. Gipp, President, United Tribes Technical College (UTTC)
Myra Pearson, UTTC Board Chairman and Chairman of the Spirit Lake Tribe

March 26, 2009

For 40 years, United Tribes Technical College (UTTC) has provided postsecondary career and technical education, job training and family services to some of the most impoverished Indian students from throughout the nation. We are governed by the five tribes located wholly or in part in North Dakota. We have consistently had excellent results, placing Indian people in good jobs and reducing welfare rolls. Bureau of Indian Education (BIE) funds constitute about half of our operating budget and provide for our core instructional programs. *These funds are authorized under Title V of the Tribally Controlled Colleges and Universities Act.* We do not have a tax base or state-appropriated funds on which to rely.

We thank the House and Senate Interior Subcommittees and our Congressional delegation – Representative Pomeroy, Senator Dorgan and Senator Conrad for their support, especially during the Bush Administration budget submissions which consistently tried to zero out our BIE funding. We are very pleased that the Obama Administration intends to ask for BIE funding for UTTC.

The requests of the UTTC Board for the FY 2009 BIE/BIA budget are:

- ***$5.5 million in BIE funds for UTTC,* which is $1.5 million over the FY 2009 level.**
- ***$5 million toward the $10.9 million needed for a new math and technology building on our South Campus.***
- ***$3.5 million toward the $36 million needed for a planned Northern Plains Tribal Law Enforcement Resource and Training Center located at UTTC.***
- ***A requirement that the BIA/BIE place more emphasis on funding and administrative support for job training and vocational/technical education.*** The Administration's FY 2009 request for Job Placement and Training was $8,864,000 with an additional $2,011,604 under TPA adult education for a total of $10.9 million. We appreciate that Congress included funding in the Recovery Act for BIA workforce training, although we don't know at this time how the $40 million will be allocated between workforce training and the Housing Improvement Program. In any event, the FY 2009 amount will be far less than the FY 1970 appropriation of $60 million for this program. There is little BIA/BIE leadership or advocacy for job training or vocational/technical education at the central or regional office levels.

Law Enforcement Training. We thank Congress for its support for us obtaining a Memorandum of Understanding with the Bureau of Indian Affairs and the American Indian Higher

Education Consortium that would establish a partnership so that we and other tribal colleges can better help fill the need for trained law enforcement and correctional officials in Indian country. This MOU was signed in May 2008. To that end, we are working toward establishment of a Northern Plains Law Enforcement Training Center located at UTTC which would provide basic and extended training for law enforcement officers for tribes and the Bureau of Indian Affairs. We have identified a total budget of $36 million for construction of the facility with all necessary training components, but at this time are requesting $3.5 million for infrastructure and initial work.

The need for more law enforcement officers in Indian Country is staggering. The 2006 BIA Gap Analysis estimated that it would require $560 million to hire, train and equip the more than 1,800 additional BIA and tribal police officers needed to adequately police Indian lands. The BIA criminal investigations program provides funding to hire and training offices, but their FY 2009 funding was only $163 million. This is an area in which UTTC, with its long history of an accredited criminal justice program, could really make a positive difference.

Math and Technology Building on new South Campus. . The bulk of our current educational training and student housing is provided in 100 year old buildings, part of a former military base used by UTTC since its founding in 1969 and donated to us by the U.S. in 1973. They are expensive to maintain, do not meet modern construction and electrical code requirements, are mostly not ADA compliant, and cannot be retrofitted to be energy efficient.

As a result, UTTC has developed plans for serving more students in new facilities that will provide training and services to meet future needs. We are now developing land purchased with a donation that will become our south campus. Infrastructure for one-fourth of the new campus has been completed, and we have now obtained partial funds for a new, and badly needed, science, math and technology building. *We as asking for $5 million of the $10.9 million still needed to complete this building. We have already acquired $3 million toward the total cost.* Our vision for the south campus is to serve up to 5,000 students. Funding for the project will come from federal, state, tribal and private sources.

There are important things we would like you to know about our College:

Our students. Our students are from Indian reservations from throughout the nation, with a significant portion of them being from the Great Plains area. Our students have had to make a real effort to attend college; they come from impoverished backgrounds or broken families. They may be overcoming extremely difficult personal circumstances as single parents. They often lack the resources, both culturally and financially, to go to other mainstream institutions. Through a variety of sources, including funds from the Bureau of Indian Education, UTTC provides a set of family and culturally-based campus services, including: an elementary school for the children of students, housing, day care, a health clinic, a wellness center, several on-campus job programs, student government, counseling, services relating to drug and alcohol abuse and job placement programs.

UTTC Performance Indicators. United Tribes Technical College has:

- An 80 percent retention rate.
- A placement rate of 94 percent (job placement and going on to four-year institutions).
- A projected return on federal investment of 20-to-1 (2005 study comparing the projected earnings generated over a 28-year period of UTTC Associate of Applied Science and Bachelor degree graduates of June 2005 with the cost of educating them).

- The highest level of accreditation. The North Central Association of Colleges and Schools has accredited UTTC again in 2001 for the longest period of time allowable – ten years or until 2011- and with no stipulations. We are also one of only two tribal colleges accredited to offer accredited on-line (Internet based) associate degrees.
- More than 20 percent of graduates go on to four-year or advanced degree institutions.

We also note the January 13, 2009, report of the DOEd's Office of Vocational and Adult Education on its recent site visit to UTTC (October 7-9, 2008). While some suggestions for improvements were made, the Department commended UTTC in many areas – for efforts to improve student retention; the breadth of course offerings; collaboration with four-year institutions; expansion of online degree programs; unqualified opinions on both financial statements and compliance in all major programs; clean audits; and use of the proposed measurement definitions in establishing institutional performance goals.

The demand for our services is growing and we are serving more students. For the 2008-2009 year we enrolled 1023 students (an unduplicated count), nearly four times the number served just six years ago. Most of our students are from the Great Plains, where the Indian reservations have a jobless rate of 76 percent (Source: 2003 BIA Labor Force Report), along with increasing populations. These statistics dramatically demonstrate the need for our services at increased levels for at least the next ten years.

In addition, we are serving 141students during school year 2008-2009 in our Theodore Jamerson Elementary school and 202 children, birth to five, are being served in our child development centers. *We are proud to report that this school has achieved Adequate Yearly Progress status.*

UTTC course offerings and partnerships with other educational institutions. We offer accredited vocational/technical programs that lead to 17 two-year degrees (Associate of Applied Science (AAS)) and eleven (11) one-year certificates, as well as a four year degree in elementary education in cooperation with Sinte Gleska University in South Dakota.

Licensed Practical Nursing. This program has one of the highest enrollments at UTTC and results in the greatest demand for our graduates. Our students have the ability to transfer their UTTC credits to the North Dakota higher educational system to pursue a four-year nursing degree.

Medical Transcription and Coding Certificate Program. This program provides training in transcribing medical records into properly coded digital documents. It is offered through the college's Exact Med Training program and is supported by Department of Labor funds.

Tribal Environmental Science. Our Tribal Environmental Science program is supported by a National Science Foundation Tribal College and Universities Program grant. This five-year project allows students to obtain a two-year AAS degree in Tribal Environmental Science.

Community Health/Injury Prevention/Public Health. Through our Community Health/Injury Prevention Program we are addressing the injury death rate among Indians, which is 2.8 times that of the U.S. population, the leading cause of death among Native Americans ages 1-44, and the third leading cause of death overall. This program has in the past been supported by the Indian Health Service, and is the only degree-granting Injury Prevention program in the nation. Given the overwhelming health needs of Native Americans, we continue to seek new resources to increase training opportunities for public health professionals.

Online Education. Our online education courses provide increased opportunities for education by providing web-based courses to American Indians at remote sites as well as to students on our campus. These courses provide needed scheduling flexibility, especially for students with young children. They allow students to access quality, tribally-focused education without leaving home or present employment. However, we also note the lack of on-line opportunities for Native Americans in both urban and rural settings, and encourage the Congress to devote more resources in this area.

We offer online fully accredited degree programs in the areas of Early Childhood Education, Community Health/Injury Prevention, Health Information Technology, Nutrition and Food Service and Elementary Education. Over 80 courses are currently offered online, including those in the Medical Transcription and Coding program. We presently have 50 online students in various courses and 137 online students in the Medical Transcription program.

Criminal Justice. Our criminal justice program leads many students to a career in law enforcement. Students are required to learn the basics of law enforcement procedures, and we now have on campus a career BIA law enforcement officer who is helping improve our program.

Computer Information Technology. This program is at maximum student capacity because of limitations on resources for computer instruction. In order to keep up with student demand and the latest technology, we need more classrooms, equipment and instructors. We provide all of the Microsoft Systems certifications that translate into higher income earning potential for graduates.

Nutrition and Food Services. We help meet the challenge of fighting diabetes and other health problems in Indian Country through education and research. Indians and Alaska Natives have a disproportionately high rate of type 2 diabetes, and have a diabetes mortality rate that is 3 times higher than the U.S. population. The increase in diabetes among Indians and Alaska Natives is most prevalent among persons aged 25-34, with a 160 percent increase from 1990-2004. Our research about native foods is helping us learn how to reduce the high levels of diseases in our communities.

As a 1994 Tribal Land Grant institution, we offer a Nutrition and Food Services AAS degree in order to increase the number of Indians with expertise in nutrition and dietetics. There are few Indian professionals in the country with training in these areas. Our degree places a strong emphasis on diabetes education, traditional food preparation, and food safety. We have also established a Diabetes Education Center that assists local tribal communities, our students and staff to decrease the prevalence of diabetes by providing food guides, educational programs, training and materials.

Business Management/Tribal Management. Another critical program for Indian country is business and tribal management. This program is designed to help tribal leaders be more effective administrators and entrepreneurs. As with all our programs, curriculum is constantly being updated.

Job Training and Economic Development. UTTC continues to provide economic development opportunities for many tribes. We are a designated Minority Business Development Center serving South and North Dakota. We administer a Workforce Investment Act program and an internship program with private employers in the region.

Our BIE and Perkins funds provide for nearly all of our core postsecondary educational programs. Very little of the other funds we receive be used for core career and technical educational programs; they are competitive, often one-time supplemental funds which help us provide the services our students need to be successful. We cannot continue operating without BIE funds. Thank you for your consideration of our requests.

Mr. DICKS. Yes. Mr. Olver.

Mr. OLVER. How large is your student body?

Mr. GIPP. Our student body is about 1,023 officially.

Mr. OLVER. What is the proportion of that that comes from the Dakotas?

Mr. GIPP. I would say about 70 percent come from North and South Dakota.

Mr. OLVER. Okay.

Mr. GIPP. The rest come throughout the country. Our range of different tribes will go from a low of 22 up to 70 different tribes depending on what part of the year you are talking about.

Mr. OLVER. And where do you get the rest of the money if you are asking here for 3½ million for the law enforcement resource and training center?

Mr. GIPP. Well, we are——

Mr. OLVER. What about the rest of the other 33? You are only asking for 10 percent of that.

Mr. GIPP. Well, what we are doing, sir, is we are partnering up with the State of North Dakota with the capital, the city of Bismarck, and with the county and with the state academy to begin to do an organized consortium effort. So we hope to share resources, and obviously we will have to raise more private and federal money, but this is the beginning of that effort is what it boils down to.

Mr. DICKS. What is your total budget?

Mr. GIPP. Our total budget, operating budget is about 8.1 million.

Mr. DICKS. Okay.

Mr. OLVER. Thank you, Mr. Chairman.

Mr. DICKS. Anything else?

Well, thank you very much. We appreciate your good work and your good intelligence about the budget. We are even more impressed with that.

Mr. GIPP. Thank you, sir. We appreciate it very much.

Mr. DICKS. Thank you.

Now we are going to have Quinton Roman Nose, President, Tribal Education Departments of the National Assembly. Quinton, welcome.

THURSDAY, MARCH 26, 2009.

TRIBAL EDUCATION DEPARTMENTS NATIONAL ASSEMBLY

WITNESS

QUINTON ROMAN NOSE

Mr. ROMAN NOSE. Thank you.

Mr. DICKS. We will put your entire statement in the record, and you have 5 minutes to summarize.

Mr. ROMAN NOSE. Thank you, Chairman. Thank you for inviting TEDNA to the table. On behalf of the Tribal Education Departments National Assembly, my name is Quinton Roman Nose. I am currently employed as the Education Director for the Cheyenne-Arapaho Tribes.

TEDNA is a member-based, non-profit organization that represents tribal education departments and Indian educators across the United States. Today we are respectfully requesting $2 million for TED appropriations from the Department of Interior fiscal year 2010 budget. Other organizations such as NCAI and NIA also have submitted requests on our behalf for $5 million.

I would like to tell you that TED's appropriations are a Department of Interior concern not only because the successful education of Indians is a harder trust responsibility, but it is also the tribes' responsibility of each individual tribe.

I have got a lot of statistics to tell you, but basically, you know, there is a number of reports that show Native American statistics. Probably the number one glaring is that our high school dropout rate is really high among all the minority groups. Native Americans are actually the minority of the minority in both terms of numbers and achievement. Less than a century ago Congress funded state education departments. A good majority of federal funds go to providing operations of state education agencies. No such funding support has been directed to TEDs, even though TEDs are critical for providing services such as what the state education departments can do, and they are reluctant to undertake such endeavors such as tribal languages, cultures, protecting tribal sovereignty over education.

However, the solution to removing obstacles has already been studied. Consensus has already been reached among the major Indian educational organizations including federal state partners, appropriating TED funding to empower tribes to play a meaningful role in Indian education. Congress has already envisioned tribal control over education. It has actually authorized tribal education departments. Tribal education departments, TED, coordinate education programs, develop, enforce tribal education codes, policies, standards, provide support services, and also technical assistance to schools and other programs.

Congress authorized TED appropriations in two separate laws. In 1988, it was through the Bureau of Indian Affairs. In 1994, Congress appropriated funds through the Department of Education. The amounts we seek for TEDs are relatively small in the context of the enormity of the federal budget. TEDs serve thousands of tribal students nationwide in BIA, tribal, and public schools. TEDs work on reservations, urban areas, and rural areas.

They have positive impact on early childhood, K to 12, higher education, and adult education. Currently TEDs operate on very small budgets. Most TEDs do not have funds for sufficient operations and staff to conduct education research and planning or to develop childhood education initiatives and materials like curricula, teacher training, and trend programs.

I could give you several examples but for my particular tribal education department not only do we provide scholarship and other programs, but we also produce some books on our tribal history for curriculum. It provides clothing assistance to students ages 3 to 18. We also offer money to pay for fees such as ACT and SAT college prep workshops and other endeavors.

Because Congress believes in the ability of TEDs to meet the educational needs of Indian students, we humbly request that this

subcommittee complete the journey Congress began in 1988, by making this a historical first-time federal appropriation of $2 million to TEDs. Or if you go by the request of the other national organizations, NCAI and NIA, they are requesting $5 million.

On a personal note——

Mr. DICKS. Let me ask you something. Is there also funding in the Department of Education?

Mr. ROMAN NOSE. It has been authorized, never been appropriated.

Mr. DICKS. For either interior or education?

Mr. ROMAN NOSE. Never.

Mr. DICKS. All right. We will check into this.

Mr. ROMAN NOSE. On a personal note then in the late 1800s my great-grandfather, Henry Roman Nose, was a Cheyenne warrior who was captured, taken as a prisoner, went with Captain Pratt to Hampton Institute and later they established Carlisle Indian School. That type of education policy for Native Americans was such a historic event, I think by funding tribal education departments we could do a positive impact on the future of Indian education. As our current President has said, the future belongs to the nation that best educates its citizens. We would like to be part of that effort to educate our own citizens.

Thank you.

[The statement of Quinton Roman Nose follows:]

U.S. HOUSE OF REPRESENTATIVES, COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
TESTIMONY OF QUINTON ROMAN NOSE
PRESIDENT, TRIBAL EDUCATION DEPARTMENTS NATIONAL ASSEMBLY

MARCH 26, 2009

On behalf of the Tribal Education Departments National Assembly (TEDNA), I, Quinton Roman Nose, Cheyenne-Arapaho Tribal Education Director and TEDNA President, am pleased to submit written testimony to the U.S. House of Representatives Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies. TEDNA is a member based non-profit organization that represents Tribal Education Departments (TEDs) and Indian educators across the Nation.[1] TEDNA was founded by several contracts from the U.S Department of Education to the Native American Rights Fund (NARF). NARF is the national legal defense fund for Native Americans, and it has long represented individual tribes in establishing TEDs. **TEDNA, on behalf of our member tribes, respectfully requests $2 million for TED appropriations from the Department of Interior FY 2010 budget or in the alternative to increase the authorization to appropriate $5 million for TEDs.**

A. HISTORY OF INDIAN EDUCATION

As sovereign governments, tribes have authority to ensure Indian children receive a high quality education that prepares them to be strong, healthy, U.S. citizens. Just as the Federal and state governments have delegated authority to education departments to develop educational initiatives, tribes have begun to make similar delegations to TEDs. TED appropriations are a Department of Interior (DOI) concern because the successful education of Indian students is at the heart of the trust responsibility. As I will demonstrate through this testimony, TEDs are an essential part of tribal self-government. States, tribes and the federal government should be tri-lateral partners working in a transparent manner to coordinate educational services and programs for Indian students. Unfortunately, several legal impediments and funding restrictions prohibit this partnership from reaching its full potential, and the Indian students and then society at large bear the brunt of this situation. A host of federal reports show that Native American students 1) have the highest high school drop out rate of any minority group;[2] 2) perform at below basic levels in mathematics;[3] and 3) have the lowest ACT/SAT college entrance exam scores of any minority group.[4] Native American students are the "minority of the minority" both in terms of numbers and achievement.

One may hear about a few wealthy tribes, but the reality is that most Native Americans live in communities with high unemployment and poverty rates, coupled with high rates of

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[1] See, www.tedna.org

[2] Native American's claim the highest high school drop out rate of any group. American Indian/Alaskan Native 7.4%, Asian/Pacific Islander 2.4%, Hispanic 6.0%, Black 6.1%, white 2.7%. National Center for Education Statistics, *Public School Graduates and Dropouts From the Common Core of Data: School Year 2005-06*, http://eric.ed.gov/ERICDocs/data/ericdocs2sql/content_ storage_01/0000019b/80/3e/77/66.pdf.

[3] Indian Nations At Risk: An Educational Strategy for Action, 1991, at 6 and 7.

[4] *Id.*

crime, drug and alcohol abuse and suicide. On several occasions Congress has studied these problems and looked to changes in formal education for Indians as a possible solution. In 1928 the federal government commissioned the *Meriam Report* to review Indian policy. An important recommendation of this study was to return control of Indian education back to the tribes.[5] The study explained education needed to occur in the natural setting of "local Indian life" with an emphasis on meaningful curriculum based on tribal histories, geographies, and art.[6] Forty years later, in 1969, Senator Robert Kennedy and Senator Edward Kennedy sponsored the "*Kennedy Report*" that made similar recommendations to "increase Indian participation and control over their own education programs. "[7]

Despite these specific recommendations, the return to tribal control of Indian education-at the governmental and policy level-has been a slow process. This is in contrast to increased, federally-supported, state government regulation and control over education. Less than half a century ago, Congress began funding State Education Departments when it enacted the original Elementary and Secondary Education Act in 1965.[8] *Thirty years later the U.S. Government Accountability Office noted that federal funding accounted for over forty percent (40%) of funds for the general operations and staff of state education agencies and departments nationwide.*[9] No such federal support is being directed to TEDs, even though TEDs are critical in providing services that state education departments and agencies are reluctant to undertake, such as preserving tribal languages and cultures, and protecting tribal sovereignty over education.[10]

As I will explain in a moment, congressional authorizations for TED appropriations exist. And without any direct federal support, some tribes have been able to start TEDs and put in place other infrastructure to set tribal education policy and to work with the federal and state governments on matters of Indian education. But legal impediments such as limited tribal access to tribal member public school performance records and lack of funding have severely impaired tribes from fulfilling educational goals; and in turn, their community of partners in education, the federal and state governments, the students, and communities throughout the Country so too have lagged behind.[11]

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[5] See, *The Evolution of Tribal Sovereignty over Education in Federal Law since 1969*, at 9.

[6] *Id.*

[7] *Kennedy Report, 1969. Kennedy Report, 1969. Kennedy Report, 1969.* The Report recommended that Indian control over education be facilitated by BIA federal programs contracting directly with the Tribes—including JOM contracts—to develop basic education programs, culturally relevant curriculum, and teacher training. The Report also advise training more Indian teachers.

[8] Pub. L. No. 89-10 (*See* Title V, Grants to Strengthen State Departments of Education).

[9] U.S. GAO, *Education Finance: Extent of Federal Funding in State Education Agencies*, GAO/HEHS-95-3 (Oct. 14, 1995).

[10] Ironically, several Indian education reports suggest that Native American students perform in school better if tribal language and culture is emphasized in the class room. *Supra*, at 3. TEDs could and some do provide culturally appropriate educational activities essential to improving Native American student academic performance, even in math and science. For examples, see http://www.klamathriverschool.org/, the Klamath River Early College of the Redwoods, a cultural based charter school on the Yurok Reservation in California that has drastically raised Native American student test scores, school attendance and graduation rates.

[11] The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C.§1232(g), prohibits tribes from accessing tribal member student records attending public school without parental consent. This restriction serves as a prohibitive factor in tribes tracking student progress as is necessary to tailor TED services.

However, the solution to removing these obstacles has already been vetted and consensus has already been reached amongst the major Indian education organizations, including federal and state partners; appropriate TED funding to empower the tribes to play a meaningful role in Indian education. Virtually all of the basic components are in place to issue TED appropriations: a federal policy of Indian Self-Determination; foundational research and reports calling for tribal control of education; and congressional authority to fund TEDs just like State Education Departments. The logical next step is for Congress to invest in its policies, research and authorizations by appropriating the *small amount* authorized for TEDs that will have *major impacts* in Indian communities across the Country.

B. TED APPROPRIATIONS

With great wisdom, Congress already envisions tribal control over education occurring through TEDs.[12] Congress sees TEDs as coordinating education programs; developing and enforcing tribal education codes, policies, and standards; and, providing support services and technical assistance to schools and programs.[13] Congress has authorized TED appropriations in two separate laws: 1) In 1988 Congress authorized appropriations for TEDs within the Bureau of Indian Affairs (BIA) budget of the U.S. Department of the Interior (Pub. L. No. 100-297, Section 5199); and 2) In 1994 Congress authorized appropriations for TEDs in the budget of the U.S. Department of Education (Pub. L. No. 103-382, Section 9125).

Both of these authorizations are retained in the No Child Left Behind Act (NCLB).[14] The BIA (presumably now the Bureau of Indian Education (BIE)) authorization is in NCLB Title X, Section 1140, currently codified at 20 U.S.C. Sec. 2020(a). The amount in NCLB for the BIA authorization is $2 million. It would be quite a moment in the history of Native American-United States relations for this Congress to appropriate this $2 million for TEDs, as was originally intended by Congressmen Kildee (D-MI), Deconcini (D-NM), Daschel (D-SD), and Richardson (D-NM) when they first secured the authorization in 1988.[15] However, we urge this Subcommittee to strongly consider increasing the amount to $5 million as has been requested for the past ten years by TEDNA, the National Congress of American Indians (NCAI), and the National Indian Education Association (NIEA) to better accommodate the growing numbers of TEDs, their needs, and inflation since 1988.[16]

The amounts we seek for TEDs are relatively small in the context of the enormity of the federal budget. Yet if funded, these *small amounts* would have a *major impact* on Indian education. TEDs serve thousands of tribal students nationwide, in BIE, tribal, and public schools. TEDs work on reservations, in urban areas, and in rural areas. They impact positively early childhood, K-12, higher, and adult education. Currently most TEDs operate on extremely small budgets. Most TEDs do not have funds for sufficient operational expenses and staff to conduct

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[12] See, 25 U.S.C. § 2010(c);25 U.S.C. § 2020(d)(3); 20 U.S.C. § 7455(a)(2).

[13] See, Id; 25 U.S.C. § 2020(d)(1); 20 U.S.C. § 2020(a); 20 U.S.C. § 7455(a)(2).

[14] The Department of Education authorization is in NCLB Title VII, Section 7135, currently codified at 20 U.S.C. § 7455.

[15] See, 133 Cong. Rec. H3817-02 (1987); 133 Cong. Rec. S16802-02(1987); 134 Cong. Rec. H1707-02(1988); 134 Cong. Rec. S4336-01(1988).

[16] For more information on the requests for Direct Federal Funding for TEDs see www.tedna.org.

education research and planning, or to develop tribal education initiatives and materials like curricula, teacher training, and truancy programs. Yet these are the core areas of education that tribes need to impact in order to "change the numbers"—*i.e.,* to close the reported achievement gaps so that tribal students will be better equipped to perform well in school and to be productive members of society.

There are growing numbers of examples of what TEDs can do if financially empowered. The Chickasaw Nation of Oklahoma TED provides scholarships to almost 1500 Chickasaw Tribal members of all ages of life.[17] It also supports the "Metal Mayhem" robotics team that builds robots to teach students science, technology, and engineering.[18] The Cheyenne-Arapaho TED of Oklahoma established a book project that publishes cultural stories and curriculum. It provides school clothes allowances to students ages 3 to 18, and offers scholarship services such as covering ACT/SAT fees, a college prep workshop, and tuition.[19] The Tulalip Tribe TED of Washington supports students; 31 of them have a 95% or better attendance rate, 9 have a 3.00 or higher GPA. It facilitates student community service with youth and elders. It offers an online journey through their homelands that teaches language and culture.[20] The Yurok Tribe TED of California hosts a summer language and cultural camp.[21] The Ho-Chunk Tribe TED of Wisconsin operates a Head Start program that serves over 120 kids, operates two tribal charter schools, and provides scholarships for higher education and adult vocational training.[22] The Nez Perce TED of Idaho develops "birth to five" learning programs, provides higher education scholarships and offers an adult vocational rehabilitation training program.

As these brief examples demonstrate enhancing the capabilities of TEDs with direct federal support is consistent with the current Administration's education goals of funding the NCLB, expanding access to high-quality early childhood education, supporting innovative and effective strategies to improve student achievement, reviving curriculum development and teacher training programs, and increasing accountability in education. Consistent with President Obama's education reform initiatives, TED appropriations would result in "more reform and accountability, coupled with the resources needed to carry out that reform" by helping TEDs support a historically undersupported segment of the population—Indian students.[23] Because TEDNA and Congress believe in the ability of TEDs to meet the educational needs of Indian students we humbly request this Subcommittee to complete the journey Congress began in 1988 by making this historic, first-time federal appropriation of $2 million to TEDs or in the alternative to increase the appropriation to $5 million as requested by TEDNA, NCAI and NIEA.

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[17] In the fall of 2006 provided tribal member scholarships to 435 college undergraduates, 52 graduate students, and 425 textbook assistance grants, and 297 clothing grants for full time college students. http://www.chickasawtimes.net/december06/stories/legislative. More over they are funding 51 students in GED classes, 38 in senior citizen classes and 32 students in technology and training development programs. Id.

[18] See, http://www.chickasaw.net/newsroom/index_3415.htm

[19] For more information see, http://www.c-a-tribes.org/education

[20] See, http://www.tulaliplearningjourney.org/

[21] See, www.yuroktribe.org/departments/education/education.htm

[22] For more information see, http://www.ho-chunknation.com/?PageId=30

[23] *Reforming and Strengthening America's Schools for the 21st Century,* pg. 1.

Mr. DICKS. All right. Any other discussions? Any other questions?

Mr. OLVER. Mr. Chairman, if I may. You are a from the Wind River Reservation. Is that——

Mr. ROMAN NOSE. I am Cheyenne, and I am a member of the Cheyenne-Arapaho in Oklahoma.

Mr. OLVER. In Oklahoma.

Mr. ROMAN NOSE. Right. It is the same tribe. Northern Arapaho in Wyoming. Right.

Mr. OLVER. Okay.

Mr. ROMAN NOSE. We also have northern Cheyennes.

Mr. OLVER. But you are representing the whole of the TEDs, the national TEDS?

Mr. ROMAN NOSE. Actually, there is a possible 560 tribal education departments could be established.

Mr. OLVER. Yes.

Mr. ROMAN NOSE. But currently only about 150 of them currently have some form of an education department.

Mr. OLVER. Okay. Thank you.

Mr. ROMAN NOSE. So basically tribal education departments will serve the same function as a state education department for its particular jurisdiction.

Mr. OLVER. Thank you, Mr. Chairman.

Mr. DICKS. Okay. Thank you very much. We appreciate it.

Mr. ROMAN NOSE. Thank you.

Mr. DICKS. Next we are going to hear from Patty Brown-Schwalenberg, Executive Director, Chugach Regional Resource Commission. Welcome.

THURSDAY, MARCH 26, 2009.

CHUGACH REGIONAL RESOURCES COMMISSION

WITNESS

PATTY BROWN-SCHWALENBERG

Ms. BROWN-SCHWALENBERG. Thank you. Good afternoon. As you said my name is Patty Brown-Schwalenberg, Executive Director of the Chugach Regional Resources Commission. I would like to thank you for the opportunity to testify here today. It has been a few years actually, so I really appreciate that.

I am here on behalf of the Chugach Regional Resources Commission to request the subcommittee restore $350,000 in recurring base that we have out of the BIA trust natural resources budget and an additional 150,000 to support the Alluptic Shellfish Hatchery.

We have been funded by the BIA in the base for 16 years, and the past 3 or 4 years we were taken out of the budget and had to come back to Congress to ask to restore the funding. And so we were under 638 contract, and so the BIA did not fund us in 2007, so we had to enter into litigation to get our funding. So we have been funded in 2007, they signed a 3-year contract for 2008, through 2010, but they are not putting us in the budget, and so we still are having to basically fight for our money every year. So we

are hoping that the subcommittee can see their way clear to restore that funding.

Some of the things that we have been working on over the past 16 years are all-community-based projects and some of the key ones that we are currently working on is Alaska king crab research to try to restore the populations in the Gulf of Alaska. So our shellfish hatchery, which is the only shellfish hatchery in the state, has been able to successfully culture king crabs, and now we are in the next phase of the research to try to see if actually we can release them into the ocean and see if they can survive and propagate. So that is pretty exciting project. The commercial crab fisherman, and you know, industry is behind it. The University of Alaska is behind it, and since we are the only shellfish hatchery in the state, we are the only ones that can conduct that research. So that is one of the things that we do at the hatchery, but we are also culturing goeducks, mussels, clam, oysters, purple hendrox scallops, and we just started sea cucumbers. So some pretty exciting stuff going on up there.

We are also a member of the Migratory Bird Co-Management Council, so we help set the regulations for the subsistence take of migratory birds and either eggs in the springtime, and the other major project that we have going is we have developed a natural resource management curriculum based on the traditional knowledge and philosophies and management strategies of the tribes. And so we have partnered with NOAA as well as University of Alaska Fairbanks. Those classes have all been accredited. University of Alaska Fairbanks has put them into their course catalog now, and so it is not only open to the members of the Chugach Region but statewide or whoever, you know, wants to enroll at UAF.

And the next step in that direction is we found that there is not much out there in the way of reading material and traditional knowledge from a tribal point of view, and so we are currently working on developing a university-level textbook to go along with those courses. And those courses are all able to be used towards an Associate's Degree or a Bachelor's Degree if the student so chooses.

And we are also working with the science department across lists, some of the classes that we had developed, and the main one they are interested in is called traditional ecology. So we have been pretty busy working with that. And also we have Ameri-culture projects in the villages and a fish hatchery, and we just started a business development program helping people in the community start their own businesses or work with the tribes on making their businesses more successful. And we have just applied for CDFI through the Department of Treasury for the Community Development Financial Institution so that we can bring more economic opportunities to the communities.

So that is about it. I, again, just to wrap it up that the BIA is legally and contractually obligated to fund our base operation, so we are respectfully asking Congress to add $500,000 to the Natural Resource Program so that our programs——

Mr. DICKS. Are you talking to Congressman Young on this?

Ms. BROWN-SCHWALENBERG. Yes. Young, Murkowski, and Begich, and they are all——

Mr. DICKS. Senators.

Ms. BROWN-SCHWALENBERG. Yeah. Two senators and our one congressman.

Mr. DICKS. Yes.

Ms. BROWN-SCHWALENBERG. They are behind it. Congressman Young is quite aware of our programs. He has been supportive of us for the past 16 years, so I would like to thank you for the opportunity to testify, and if you have any questions, I would be happy to answer them.

[The statement of Patty Brown-Schwalenberg follows:]

TESTIMONY OF
Patty Brown-Schwalenberg, Executive Director
CHUGACH REGIONAL RESOURCES COMMISSION
SENATE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
March 26, 2009

The Chugach Regional Resources Commission requests that the Subcommittee restore $350,000 in recurring base funding in the BIA Trust-Natural Resources budget. The Commission also seeks an additional $150,000 to support the Alutiiq Pride Shellfish Hatchery.

The Chugach Regional Resources Commission ("CRRC") is an Alaska Native non-profit organization created by the seven Villages of the Chugach Region (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) to address environmental and natural resource issues and to develop culturally-sensitive economic projects within our communities that support the sustainable development of Alaska's natural resources. The mission of CRRC is to work with our seven member villages to promote and develop sound economic resource-based projects and to work collectively to address any natural resource- and environment-related issues that affect the Native people of the Chugach Region.

The CRRC has received contractually-obligated funding for its base operations through a self-determination contract with the Department of the Interior ("Interior") since 1993. However, beginning in FY 2003, the BIA has repeatedly withheld or cut funding to CRRC, despite its contractual obligations. The program was restored each year with the help of Congress. However, the BIA attempted to discontinue CRRC's contract in FY 2008, forcing CRRC to begin litigation against the BIA. While the BIA signed a legally-binding agreement with CRRC to comply with its contractual obligations, we fear we will be forced to sue the BIA every year to obtain our legally-obligated funding.

Funding History. CRRC receives its base funding through a self-determination contract with Interior. The Indian Self-Determination and Education Assistance Act ("Act"), Pub. L. No. 93-638, authorizes the Secretary of the Interior to enter into contracts with Indian tribes and tribal organizations to deliver services that would otherwise have been delivered by the BIA. CRRC entered into its original three-year contract in 1993, and that contract has been renewed by the Secretary every three years since.

The Act requires Interior to provide at least the amount the "appropriate Secretary would have otherwise provided for the operation of the programs" supported by the contract (the so-called "Secretarial Amount") plus additional contract support costs. 25 U.S.C. § 450j-1(a)(1)-(2). The Act further specifies that the Interior generally cannot reduce the contract funding amount from one year to the next. Despite this legal obligation to provide consistent annual funding to CRRC through the contract, the BIA has repeatedly tried to avoid its obligation by failing to request funding for CRRC in its budget. The BIA has done so even after it signed a legally-binding agreement with the CRRC to restore it's funding under the contract. If the BIA does not request this funding, it must take the funds from its other programs to fulfill its legally-

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obligated duty to the CRRC, which would take money from other BIA programs. We ask Congress to restore this funding to assist the BIA in meeting its legal obligation without negatively impacting other BIA programs.

CRRC received funding as part of the BIA's base budget from FY 1994 through FY 2002. Beginning in FY 2003, CRRC was not included in the BIA budget (despite its contractual obligations), but the program was restored each year with the help of Congress.

In FY 2007, Congress again provided $300,000 for CRRC, but the BIA seized on the absence of associated earmark language to redirect CRRC's funding elsewhere in its budget.

In FY 2008, the BIA not only sought to withhold all funding, but in fact tried to terminate CRRC's contract. This is illegal under the Self-Determination Act. CRRC filed suit to obtain an agreement with the BIA that it will supply CRRC's legally-obligated funding for FY 2007 and FY 2008. The BIA resolved this lawsuit and agreed it would continue to provide funding to CRRC. We ask Congress to add an additional $500,000 to the Natural Resource Programs to ensure that other programs do not suffer because of the BIA's obligation to CRRC.

Community Projects. Over the past sixteen years, CRRC funding has supported the development and operation of many programs that have not only assisted our communities in providing meaningful employment opportunities, but also providing valuable services and products to the State of Alaska, including:

- Alutiiq Pride Shellfish Hatchery – CRRC operates the only shellfish hatchery in the State of Alaska, the Alutiiq Pride Shellfish Hatchery. The 20,000 sq. ft. shellfish hatchery, located in Seward, Alaska, houses shellfish seed, brood stock, and algae production facilities and employs three individuals. Alutiiq Pride is undertaking hatchery, nursery, and grow-out operations research to adapt mariculture techniques for the Alaskan shellfish industry. The hatchery has also been successful in culturing geoduck and razor clam species, and is working to develop techniques to raise sea cucumbers.

- King crab research – Recently, CRRC staff have begun conducting scientific research on blue king crab and red king crab. This research is part of a larger federally-sponsored program, and Alutiiq has led the way in culturing blue and red king crab as part of the Alaska King Crab Rehabilitation Biology Project. Because Alutiiq Pride is the only shellfish hatchery in the state, CRRC is the only organization in Alaska that can carry out this research.

- 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, integrating traditional knowledge and Western science. The goal of the program is to encourage more Native students to pursue careers in the sciences. So far, there are 15 students enrolled in the

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program who have earned a total of nine university credits each that can be applied toward a certificate in natural resource management.

- 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.

Hatchery Operations Funding. CRRC also seeks annual funding of $150,000 for hatchery operating expenses and research and development funding to develop new shellfish species until we are self-sustaining. Once the hatchery is self-sustaining, CRRC plans to expand its production so that it can support some of CRRC's base operating costs. Alutiiq Pride has been successful in culturing geoduck and razor clam species but additional research and development funding is needed to assist in the nursery, growth and marketing stages. In 2007, Alutiiq Pride produced 4 million oyster seed. Production increased to 8 million oyster seed the following year. Revenue from such sales, however, is quite modest ($35,000). By comparison, the geoduck shellfish farming industry is expected to grow rapidly and will produce more revenue. If Alutiiq Pride can sell geoducks and razor clam seeds, the production potential from only 2 million seed sales can approach $400,000 -- a tenfold revenue increase.

The shellfish industry in Alaska has not yet grown to the point where seed sales cover the cost of operations. Oyster sales have matured and geoduck seed sales will coincide with the expected growth of that industry. Until the hatchery is self-sufficient, expected in 2-4 years, it requires operations, research and development funds if it is to meet the State's growing demand for shellfish seed.

Budget. CRRC's base operating funding supports the continued operation of these community projects. The total operating budget for CRRC, Alutiiq Pride, and all of our community projects is close to $2 million. Specific projects receive independent funding from sources such as the Administration for Native Americans, Environmental Protection Agency, NOAA, and the U.S. Fish & Wildlife Service. However, base operating funding is essential to continue work on these projects. CRRC has been immensely successful building several community programs and partnerships by building on this base budget.
Our base budget is as follows:

	Projected Cost
A. Chugach Region Shellfish Mariculture Development • Oyster grow-out operations in Tatitlek • Oyster marketing	$75,000
B. Nanwalek Sockeye Salmon Development Project • Seek funds for disease free water engineering study • Operate smolt out-migration weir	$20,000
C. Port Graham Pink Salmon Hatchery • Broodstock development • Sockeye and pink salmon fry production • Training and education for hatchery crew	$75,000
D. Program Development/Regional Office Operations	$180,000

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• 1 staff person/supplies/quarterly board meetings • Biological Professional Assistance • Project Development and Planning • GIS Mapping • Resource Evaluation and Management	
Total Direct Costs	**$350,000**
Indirect Cost (27.7%)	$96,950
TOTAL PROJECTED BASE BUDGET	**$446,950**
Alutiiq Pride Shellfish Hatchery Operations	$150,000
TOTAL	**$596,950** ($500,000 requested

For further information, please contact:
Patty Brown-Schwalenberg, Executive Director
Chugach Regional Resources Commission
6200 Lake Otis Parkway, Suite 201, Anchorage, AK 99507
(907) 562-6647 *or* alutiiqpride1@crrcalaska.org

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Mr. DICKS. Any questions? Thank you. Appreciate it.

Ms. BROWN-SCHWALENBERG. Thank you very much.

Mr. DICKS. Dr. Monty Roessel, Superintendent, the Rough Rock Community School, Navajo Nation, Arizona. Welcome.

THURSDAY, MARCH 26, 2009.

ROUGH ROCK COMMUNITY SCHOOL

WITNESS

MONTY ROESSEL

Mr. ROESSEL. Thank you. Good afternoon.

Mr. DICKS. We will put your entire statement in the record, and you have 5 minutes to summarize.

Mr. ROESSEL. Thank you, Mr. Chairman, and members of the committee for this invitation to speak before you. My name is Charles Monty Roessel, and I am a Navajo from Round Rock, Arizona.

For the past 8 years I have been superintendent of Rough Rock Community School located in the northeast part of Arizona on the Navajo Nation. We are an accredited kindergarten through twelfth grade grant school operated under the Tribally-Controlled School Act. Our enrollment is approximately 450 students from throughout the reservation, with ⅓ living in dorms.

Rough Rock was started in 1966, as the first tribally-controlled school in the country. For more than 40 years Rough Rock has, as Saint Paul said, "fought the good fight." A fight to bring Navajo history, language, and culture into the classroom alongside a rigorous academic program. Our philosophy is as simple as it is unique. Navajo children will achieve their greatest successes academically and personally if they are proud of who they are and they learn who they are.

Our early school leaders' vision of Navajo education was an example of strength amid adversity and a blending of passion with pragmatism. Research has proven these early leaders as prophets.

I want to highlight two areas in my testimony today; educational funding and transportation costs. Study after study has shown that one of the most significant factors regarding the student achievement gap is related to teacher quality. Yet our school is at a disadvantage when compared to public schools. A non-Navajo school of comparable size to Rough Rock pays their teachers nearly $5,000 more in salary and is able to pay bonuses averaging more than 7,000. How can we compete? We cannot, and our children suffer.

I urge the committee to fund innovative programs to help recruit highly-qualified teachers to Indian schools. Of course, an obvious way to increase teacher pay is to increase the funding for the Indian School Equalization Program. But that brings up another issue.

I cannot believe that my Navajo forbearers negotiated the treaty of 1868, with the U.S. Government, believing that the federal obligation to educate all Navajos would come down to a mere formula. President Obama challenged us all to a new era of responsibility with nearly ⅔ of BIA schools not making AYP. I question the re-

sults of this formula, meeting our responsibility to educating Navajo children.

The broader policy question is how to address the discrepancy of education funding of Indian children on Indian lands between public schools and grant and contract schools. There needs to be a system that allows BIA-funded schools to have access to money that takes into account the lack of a local tax base to supplement its education budget. Reservation schools have impact aid, but Rough Rock, a grant school, cannot even access these monies, yet we are on the very same Navajo reservation lands that cannot be taxed. This inequity must be viewed through the over-arching federal policy of local control of Indian education.

We understand that in these difficult economic times we are all expected to do more with less. Unfortunately, our students have already experienced this. A good example is student transportation. It is one of the most neglected areas of Indian education, not only from the perspective of inadequate funding but also because it is a huge hidden cost non-reservation residents rarely see or appreciate. The BIA schools in Arizona get nearly $1 less per mile, and our miles are on dirt roads. Our transportation budget at Rough Rock is $150,000 in the red before one child even boards the bus for the beginning of a school year. Our students already endure long bus rides, many more than 2 hours one way. Little did they know that in order to get to school it would cost them their quality of education. I urge the committee to increase transportation funding for BIA schools.

In conclusion, we clearly recognize that we are being held to the same accountability measures as our public school counterparts. This is not a discussion of need versus want but need that is a proven necessity. If we are holding districts and schools accountable for what students should know and be able to do, then we must provide the resources to enable schools to meet those standards. The new era of responsibility begins with change in the goal of funding Indian education from one of distribution to one of adequate funding for a quality education.

Thank you, Mr. Chairman.

[The statement of Monty Roessel follows:]

Testimony of Dr. Monty Roessel, Superintendent
Rough Rock Community School, Navajo Nation, Arizona
Before the House Subcommittee on Interior, Environment
And Related Agencies regarding Fiscal Year 2010 Appropriations

Thank you, Mr. Chairman and members of the Subcommittee for the invitation to speak before this Committee. I ask that my full written statement be submitted for the record and I would like to highlight a few important points.

My name is Charles Monty Roessel and I am Navajo from Round Rock, Arizona. For the past eight years I have been Superintendent of the Rough Rock Community School located in northeast Arizona in a more remote portion of the Navajo Nation. We are a K-12 grant school accredited by the North Central Association and funded through the Tribally Controlled School Act, P.L. 100-297. Our enrollment is around 450 students with approximately 35% of them staying in an elementary and high school dorm during the week and bused home for the weekend and, the remainder of our students riding the bus daily. Because of our unique Navajo studies program, our students come from throughout the Navajo Nation.

Since its inception in 1966, Rough Rock has been the pioneer in Indian education and started the movement of Indian community-controlled schools on Indian lands. We have not deviated from the original foundational belief that started Rough Rock; Navajo children will achieve their greatest successes, academically and personally, if they are proud of who they are and learn about who they are. For us, Navajo history, language and culture have a prominent place in our classrooms beside a rigorous academic program. My testimony will focus on how we struggle to implement such a program in the face of four primary challenges that exponentially increase our costs: 1) Educational funding, 2) Transportation costs, 3) Administrative costs and 4) Facility funding.

Educational Funding

First, it goes without saying that we want to attract the most qualified teachers for our students. What parent or administrator would not want this? Current research indicates one of the most significant factors regarding the student achievement gap is related to teacher quality. Coupled with competing for a small applicant pool of teachers who might be interested in relocating to the Navajo Nation, a comparison of salaries for teachers reveals that Rough Rock teachers are paid nearly $5,000 less than a comparable Navajo reservation public school teacher in Arizona. In addition, this same public school pays bonuses from state funds at an average of $7,832 per teacher, so easily public schools are able to beat my teacher salaries by more than $12,000 per teacher. How can a school like ours compete for highly qualified teachers? It can't. Our children are the ones who suffer. I urge the Committee to fund creative programs that help recruit quality teachers

to Indian reservations. In addition, programs that forgive ALL student loans for teaching at reservation schools would help us attract quality teachers.

Second, if we were to try and provide the highest quality of education, we are saddled with the Indian School Equalization Program formula, which does not take into account whether our allocation meets our needs, let alone allows us to address the quality of education in our classrooms. At the state level the debate is changing from equity to adequacy. The ISEP formula merely distributes money. I can't believe that my Navajo forebears negotiated the Treaty of 1868 with the U.S. Government believing that the federal obligation to educate all Navajos would come down to a mere formula.

There needs to be a system that allows BIE funded schools to have access to money that takes into account the lack of a local tax base (our lands are held in trust) to supplement our education budget. I appreciate the fact that my colleagues in the reservation public schools are challenging Arizona's way of distributing Impact Aid funds through an equalization formula, but Rough Rock, a contract/grant school can't even access those monies, yet we are on the very same Navajo reservation lands that can't be taxed. Public schools have three funding sources: local, state, and federal. We only have appropriated federal funds. The broader policy question is how to address the discrepancy of education funding of Indian children on Indian lands between public schools and local contract/grant schools. This inequity must be viewed through the overarching federal policy of local control of Indian education - Rough Rock being the first test case - and self determination of tribes to govern through their own educational system and standards. I urge us to begin this discussion for the sake of Indian children.

Third, because Rough Rock is a school that is built on the core values of teaching Navajo language, history and culture, we urge the Committee to increase funding to the Esther Martinez Native American Languages Act. Current studies have demonstrated what we have already known- language proficiency is essential to the continuance of Native American culture. An increase in funding will allow us to apply for monies to train our staff to expand our Navajo language immersion program. More Navajo children are starting school not speaking Navajo and if we don't intervene, we may lose our language that gives us our unique view on the world.

Transportation Costs

Transportation is one of the most neglected areas of Indian education not only from the perspective of inadequate funding but also because it is a huge hidden cost non-reservation residents rarely see or appreciate. The first issue is the cost of *operating and maintaining* our buses. In the Phoenix metropolitan area, the funding per mile for student transportation is $3.89. (Arizona Auditor General, 2008) Under the Bureau of Indian Education, the allocation per mile is $2.87. (2009 Omnibus budget) Compounding the almost $1.00 per mile discrepancy, are the added expenses of accessing parts, automobile services, mechanics for repairs, not to mention shipping and travel rates of being located in a remote area. Moreover, the cost of fuel is traditionally higher on the reservation than off the reservation. With the roller coaster fuel costs, it is hard to budget. Additionally, no matter what the cost of fuel, we know that we are already nearly $150,000 in the red before even one bus has traveled one mile at the beginning of each school year.

The second issue is the increased costs of *repairing* our buses. ***Every day*** our buses travel nearly 400 miles over dirt and unimproved roads that become impassable with snow, rain and mud. We run 7 different routes each day, traveling nearly 100,000 miles each school year. The wear and tear on our buses over dirt and unimproved roads on a daily basis means that our buses break down more frequently. This winter we pulled out our buses from snow or mud – 22 times!

I urge the Committee for increased funding for school transportation because the high number of miles traveled daily over poor road conditions at increased fuel costs severely affects our instructional budget – we are robbing Peter to pay Paul – taking money that would go to the classroom and reallocating it to transportation. Our students already endure long bus rides many more than two hours – one way. Little do they know that in order to get to school, it costs them their quality of education, too.

Administrative Costs

Over the last 8 years, there has been a steady decrease in the amount of money that is allocated for Administrative Cost Grants to BIE funded schools. This is not extra money. It is used to fund the administration of a school system that acts as its own town. Unlike traditional BIA schools and public schools that have support in the area of processing payroll checks and the like, we are the personnel office and the business office. Furthermore, we are a landlord, as well as the water and fire department. Whether Administrative Costs Grants are funded at 100% or 10% it is work that needs to get done, especially in today's climate of increased accountability. Someone has to do the work that is mandated by the federal government. The chart below shows how we have seen a steady decrease in funding. In 2008, to fully fund the Administrative Costs Grant, would mean an additional $417,900. We have had to eliminate jobs but the amount of work has increased.

	2004	2005	2006	2007	2008
Calculated Need	$1,125,300	$1,197,100	$1,181,700	$1,210,600	$1,220,100
Prorated Need (received)	$838,800	$877,200	$846,900	$850,500	$802,200
Per cent of Calculated Nee	74.5375%	73.2805%	71.6600%	70.2565%	65.7495%
Amount Underfunded	**286,500**	**319,900**	**334,800**	**360,100**	**417,900**

We urge the Committee to increase funding for administrative costs, especially since grant and contract schools on Indian lands function as a small town for the immediate and surrounding communities. In the case of Rough Rock, the impact covers nearly 1000 square miles.

Facilities

Adequate and appropriate school facilities funding in Indian country is two-fold- improving and maintain existing structures and providing new facilities. Recent research has confirmed what many educators have held as common sense - the quality of a school facility has an impact on students' experiences and ultimately on their educational achievement. The research on school building conditions and student outcomes finds a

consistent relationship between poor facilities and poor performance. A study in Tennessee has shown that students "attending school in newer, better facilities, score five to seventeen points higher on standardized tests than those attending in substandard buildings." urge Inadequate facilities have the biggest impact on time on task.

Rough Rock is presently in the design phase for new school construction. We hope to begin construction in June of 2009. We are thankful and appreciative for this opportunity and we know what it means to our students to have adequate facilities. We urge the Committee to increase funding for educational construction throughout Indian country so that all Indian students will have access to appropriate and needed educational facilities.

In addition, an increase in funding is needed is the area of maintenance. Current budgets are strained by the rising costs of energy and heating costs of inefficient buildings and systems. Buildings and equipments are old and in disrepair due to inadequate funding and once again, the decision comes down to using funds to fix buildings or to educate children. Once facilities are returned to a level of adequacy, it takes less money to sustain and maintain. When school facilities are clean, in good repair, and designed to support high academic standards, there will be higher student achievement, independent of student socioeconomic status. We ask the Committee to increase funding for Indian school construction and for Indian Education Facilities Improvement and Repair funding.

Conclusion

What is an adequate education? It pains me to think I can't even ask what is a quality education. Educators as myself, are confronted with just struggling to provide an "adequate" education, we can't even dream of what "quality" could be like in our classrooms on a consistent basis. It is impossible to compare the cost of education in Phoenix to the cost of education in Rough Rock. Yet, that is what we do. Unlike public schools, as a Bureau of Indian Education funded school, we do not have access to local tax dollars to supplement our base funding. All we receive is what is appropriated. It is not based on the unique needs of our students, challenges of our remote location or the availability of community support but rather, it is based on how many slices of a pie can we make. It is based on a formula.

We understand that in these difficult economic times, we are all expected to do more with less; unfortunately, our students have already experienced this. We clearly recognize that we are being held to the same accountability measures as our public school counterparts. We welcome the opportunity to be a full participant in demonstrating high efficacy in educating children provided we have equal access to resources and support. We are asking that a level of equity and fairness be determined to ensure our students have the same opportunity afforded as every other student in the United States. This is not a discussion of need versus want, but need that is a proven necessity. The connection between accountability and adequacy is clear: If we are holding districts and schools accountable for what students should know and be able to do, then we must provide the resources to enable schools and districts to meet the set standards. (SEDL, 2004) I ask the committee to begin the discussion of finding creative ways to pay for an adequate education within the federal school system. This concludes my testimony. I am happy to answer any questions you may have.

Mr. DICKS. Any questions?

Mr. OLVER. Yes, Mr. Chairman.

Mr. DICKS. Yes, Mr. Olver.

Mr. OLVER. Just one thought. I happen to chair the Subcommittee on Transportation, which funds, I think, the roads on the reservations, what roads there are that are paved or get any funding. So I should be hearing from you also.

Mr. ROESSEL. You will.

Mr. OLVER. I was going to ask you how many miles, you said 2 hours, but if it is all dirt roads, it is probably not that many miles. It might be only a 30-mile radius around your school or something like that that you are working from. Really bad.

Mr. ROESSEL. Yeah. That is the case. The miles are not as long but going as much up and down as it is going forward.

Mr. DICKS. I also think the reauthorization of the Highway Trust Fund is important for you all to look at, too.

Mr. OLVER. Yeah.

Mr. DICKS. Thank you.

Mr. ROESSEL. Thank you, Mr. Chairman.

Mr. DICKS. Appreciate it very much.

Testimony of Shawn E. Yanity, Chairman and Fisheries Manager of the Stillaguamish Tribe of Indians. Welcome.

THURSDAY, MARCH 26, 2009.

STILLAGUAMISH TRIBE

WITNESS

SHAWN E. YANITY

Mr. YANITY. Thank you, Mr. Chairman.

Mr. DICKS. Yes. Nice to have you here.

Mr. YANITY. Good seeing you again.

Mr. DICKS. Yes.

Mr. YANITY. I want to thank the Chairman and the committee members for the opportunity for the Stillaguamish Tribe to provide testimony. My name is Shawn Yanity. I am the Chairman and Fisheries Manager for the Stillaguamish Tribe. We are a small tribe of 205 members. We are located in Arlington, Washington.

We have also depended upon the river and the wildlife and the salmon and the natural resources to sustain our health and our cultural wellbeing, the quality of life of our family members and our tribe. We are here to request an increase of $563,000 annually spread between five programs; rice protection, hatchery operations, hatchery maintenance, Stillaguamish smolt trap, and wildlife management.

At current funding levels we will not recover the Stillaguamish North Fork chinook. They will not go extinct, but we are not going to be able to recover them. Our South Fork chinook are a different story. Their numbers are so low that we could lose them.

The Stillaguamish Tribe would also like to thank the committee for all the support that we have received over the years and respectfully request that you continue that support at or above current levels.

We are now involved in all kinds of areas of fisheries management. We oversee a lot of construction of very aggressive projects and ambitious restoration projects to restore habitat along our North Fork Stillaguamish River. We also review and enforce local state and federal regulations protecting critical wildlife habitat, including elk and mountain goat. Since 1988, our tribe made the decision not to harvest chinook off the North Fork, even ceremonial. Losing those opportunities even for ceremonial fisheries is letting go of our culture, letting go of our traditions honoring that gift that the Creator had given us to provide our health for our family and honor that gift of the chinook salmon. We have not participated in salmon ceremonies. So it is very crucial the work that we do here, and that work also plays a key role——

Mr. DICKS. You have a hatchery?

Mr. YANITY. Yes, we do.

Mr. DICKS. Yes.

Mr. YANITY. And we produce roughly 300,000 chinook, and our hatchery operates different than most hatcheries. We collect good stock off the spawning grounds, raise them at the hatchery, and then when they return, we collect them again.

Mr. DICKS. So that is the closest thing to a wild fish——

Mr. YANITY. Yes, sir.

Mr. DICKS [continuing]. That you can get.

Mr. YANITY. Yeah. And our stock is an indicator stock, so it plays a key role in the north of falcon process negotiations with Canada and Alaska on their fisheries, and those impacts that our fish have on any catch determines a lot of the fishing schedules and catch inside Puget Sound. So if our stocks are elevated to a higher level, that helps not only our tribe with opportunities of harvest but also supports Department of Fish and Wildlife of Washington State opportunities for catch for other species inside Puget Sound.

With this $563,000 annual increase will help implement some of the PSP's Puget Sound Partnership's Action Agenda in developing restoration and protection projects. We will be able to monitor populations and make sure that we are reaching recovering benchmarks not only in salmon goals but also our elk and mountain goat.

With the current cutbacks in Department of Fish and Wildlife of Washington, that budget cutback falls back on our tribe to continue the work that we have to do, and we still remain the lead in the management and recovery activities in our watershed. NOAA's policy is that no run be extinct. Extinction is not an option, but under current funding levels our South Fork chinook are running less than 200 and as low as 60 fish annually in the past 5 years. The only option we have without funding is they will go extinct.

In closing, we would like to thank you again for this opportunity to be here and also ask that you continue the support with the North West Indian Fish Commission, who all tribes in western Washington rely on for policy analysis, statisticians, fish health specialists. They play a key role in a lot of work that we do in preserving and protecting our heritage and our chinook salmon on the North and South Fork.

Thank you.

[The statement of Shawn E. Yanity follows:]

TESTIMONY OF SHAWN E. YANITY
CHAIRMAN AND FISHERIES MANAGER
STILLAGUAMISH TRIBE OF INDIANS
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
PUBLIC WITNESS HEARING
MARCH 26, 2009

Mister Chairman, ranking Member and members of the subcommittee, thank you for the opportunity to testify. I am Shawn Yanity, Chairman and Fisheries Manager of the Stillaguamish Tribe of Indians. We are a small tribe with several hundred members in the Central Puget Sound, located an hour north of Seattle. Our name means "river people" and we have always lived along the Stillaguamish River, depending on the fish and wildlife resources of our watershed to sustain the health and cultural well being of our people. In recent decades these resources have become increasingly scarce, limiting fishing and hunting opportunities for our people, jeopardizing our cultural heritage. Our tribe depends on appropriations from this subcommittee to manage, protect, and restore fish and wildlife populations in the Stillaguamish watershed; we are here to testify to the importance of this funding and explain why additional monies are needed to prevent the further erosion of our treaty rights. We are requesting an increase of $563,000 spread between five programs (two new and three existing) administered by the Bureau of Indian Affairs. Added to FY2008 levels, this request would fund the programs detailed below at 1.2 million dollars per year (please see Table 1.).

But first, the Stillaguamish Tribe would like to thank this subcommittee for the support we have received over the years, and respectfully request that you continue to support, at current levels, the range of programs the Bureau of Indian Affairs administers in the Stillaguamish watershed. Our Natural Resource Department (www.stillaguamish.nsn.us) has been able to leverage Interior funding with other monies, and grow from four full-time employees in the early 1980's, to a full-fledged professional staff of 20. We are now involved in all areas of fisheries and wildlife management, oversee the construction of ambitious restoration projects, and help craft, review, and enforce local, state and federal regulations protecting critical fish and wildlife habitat. With the help of Interior funding, we have also been able to develop a salmon hatchery facility that is devoted to rebuilding the wild Chinook salmon runs on the Stillaguamish using peer reviewed practices and protocols. Since 1988, we have voluntarily suspended all harvesting of Chinook, choosing instead to focus our efforts on restoring natural runs to a point where they can again sustain harvest. This has not been easy for our people, but we honor our decision even while our Alaskan, Canadian, and Washington counterparts have caught, on average, twenty five percent of returning Stillaguamish Chinook.

Over the years, however, Department of Interior funding has not kept pace with the needs of the Stillaguamish Tribe nor the fish and wildlife populations that we help manage. Specifically, we would like to bring attention to five key areas where increased Interior funding could be instrumental in helping the Stillaguamish Tribe be successful in restoring and protecting the fish and wildlife species we depend on.

1. Rights Protection. The Tribe is intimately involved with day-to-day fish and wildlife management, in conjunction with Washington Department of Fish and Wildlife and NOAA Fisheries. Although we receive significant funding towards this end, it does not match the needs of our watershed, nor fully cover the work that we are involved in. Specifically, there are fishery management activities required by the Endangered Species Act that add substantial scope to our existing work plan, including extensive monitoring of the spawning grounds to assess fishery impacts on listed runs of Chinook. Additionally, we agree with our fishery co-managers and local stakeholders that there is a need to begin a hatchery rescue program for the declining South Fork Stillaguamish Chinook run. This run is at the brink of extinction (averaging <250 fish annually) and needs immediate assistance if it is to be assured of survival. Given our experience rescuing the North Fork Chinook run, we are the natural leaders of this effort, and have a short-term grant to get it up and running. To continue this and other critical programs, we urge the subcommittee to add **$290,000** to our annual Fisheries Management appropriation.

2. Stillaguamish Hatchery Operations- As noted previously, the Tribe operates a hatchery designed to recover the wild North Fork Stillaguamish Chinook population. By carefully selecting adult broodstock from the spawning grounds and strategically releasing juveniles each spring, the Tribe has been able to ensure a spawning population of approximately 1200 fish per year. And although these numbers have not been high enough to permit tribal fisheries, our efforts have been successful at preserving the run while we concurrently work to improve habitat. Funding, however, has not kept pace with the needs of the program. Annually we have been running a deficit, and urge the subcommittee to approve an increase of **$50,000** per year to cover the Hatchery Operations shortfall.

3. Stillaguamish Hatchery Maintenance- The hatchery facilities are more than 20 years old and buildings and infrastructure are in need of maintenance. We urge the subcommittee to approve an additional **$20,000** annually to help us keep up with the needs of our aging facilities.

4. Stillaguamish Smolt Trap (New Program)- Over the last nine years, the Tribe has monitored annual migration of juvenile salmon out of the Stillaguamish River. The data collected from this project tracks the effects of freshwater conditions on the survival of juvenile salmon and informs managers and policy makers regarding the health of the Stillaguamish watershed. The smolt trap data has proven to be a powerful tool used in a wide range of decision-making, from preseason run-size forecasts to the sequencing and siting of habitat restoration projects. This monitoring effort has been funded by a series of one-year, competitive grants, but funding is becoming increasingly difficult to secure. Often the Tribe has to use monies that would otherwise go to high-priority habitat restoration projects to fund the shortfalls. We urge the subcommittee to fund the Stillaguamish smolt trap program at **$150,000** per year.

5. Stillaguamish Wildlife Management (New Program)- Presently the Tribe does not receive any monies dedicated to the management and rebuilding of wildlife populations in the Stillaguamish. Hunting is an important part of our culture, but harvest opportunities are currently limited by small population sizes and conflicts over access. As short-term grants have allowed, we have been working with neighboring tribes to rebuild elk, bear, goat, and deer populations in our usual and accustomed hunting area, but the lack of secure funding has limited our involvement. We urge the subcommittee to fund wildlife management in the Stillaguamish at **$70,000** per year.

In closing, the Stillaguamish Tribe also urges the subcommittee to maintain funding levels for the Northwest Indian Fisheries Commission. We routinely depend on the Northwest Indian Fisheries Commission to provide support staff with the expertise that we, as a tribe, lack. Whether they are policy analysts, statisticians, or fish health specialists, Commission staff play a key role in many of the fish and wildlife management activities occurring in both the Stillaguamish and the remainder of Western Washington.

Thank you for the opportunity to testify, I would be glad to answer any questions that you may have.

Table 1. Summary of existing and recommended funding levels for select Stillaguamish programs administered by the Bureau of Indian Affairs.

Bureau of Indian Affairs Program	Current Funding	Requested Funding
Rights Protection	$ 473,304	$ 764,500
Hatchery Operations	$ 146,000	$ 178,000
Hatchery Maintenance	$ 20,000	$ 40,000
Stillaguamish Smolt Trap	$ -	$ 150,000
Stillaguamish Wildlife Management	$ -	$ 70,000
Total	$ 639,304	$ 1,202,500

Mr. DICKS. Good. Well, I know I talked to Congressman Larson and mentioned that you had been in to see him, and we will take a serious look at this and see what we can do.

Mr. YANITY. Well, thank you, and you know, everyone here is welcome to come and see our small trap in operation and what we do on the Stillaguamish River that is so crucial to not only our river but also Puget Sound and ocean fisheries.

Mr. DICKS. Well, we appreciate that.

Mr. YANITY. Thank you.

Mr. DICKS. Any other questions? Thank you.

The Honorable Larry Romanelli, Ogema Little River Band of Ottawa Indians.

THURSDAY, MARCH 26, 2009.

TRIBAL OGEMA OF THE LITTLE RIVER BAND OF OTTAWA INDIANS

WITNESS

LARRY ROMANELLI

Mr. ROMANELLI. Good afternoon, and thank you for allowing me to speak to you this afternoon.

Mr. DICKS. Yes. We will put your statement in the record, and you have 5 minutes to summarize.

Mr. ROMANELLI. Thank you. My name is Larry Romanelli. I am the elected Ogema of the Little River Band of Ottawa Indians.

On September 21, 1994, Public Law 103–324 was enacted, and that was reaffirming our federal recognition. When we were recognized, our citizen rolls were approximately 500. They are now about 4,000. Our tribe administers a clinic that includes family physician, a registered nurse, and a laboratory. We also have a community health resource staff, nurses, diabetic specialists who make home visits across the nine-county area. We provide outpatient substance abuse treatment services as well as preventative initiatives, along with additional mental health services. And for care that goes beyond our provider capacity, we administer an elaborate contract healthcare program under which we collaborate with local private providers.

In this program alone we employ about 38 people from several disciplines. In addition, we also maintain an environmental health program and a range of other services.

Recently our tribe proudly signed a new agreement with the Indian Health Service under Title 5 of the Indian Self-Determination Act. This new agreement moves us further along in our quest for greater self-determination and self-governance by acknowledging our significantly-enhanced independence in a manner in which our tribe provides healthcare for our people.

IHS has not honored its bargain with us. Specifically, it has failed to pay the contract support costs that IHS itself calculates that we have been owed. In its 2007 shortfall report the IHS admits that it underpaid us by nearly $70,000, an amount that has only gone up in the 2 years since. For us $70,000 is a whole nursing program or an additional substance abuse counselor in our

understaffed behavioral health department, or it could be used to buy a year's worth of vaccine and medical supplies necessary to operate our clinic.

IHS provides only $1.4 million for our program services, the services we currently offer. It actually cost the tribe over $4.2 million in 2007. I cannot think of a single contractor we work with that would provide the service for ⅓ of the actual cost to do the work. The commitment of the United States to provide healthcare for American Indians is not being met.

But there is yet more. BIA shortfall report for 2007 shows that the BIA failed to pay $220,000 in contract support costs. Our total BIA contract is only $2.3 million, supporting several tribal functions including public safety, family services, education, governance, and natural resources. Two hundred and twenty thousand dollars would enable us to expand education and training programs to prepare our students for the types of jobs that are currently in demand and will be on the cutting edge of the nation's future. We could expand our economic development through diversification of enterprise ventures that could meet the needs of the current economic recovery.

In short, $220,000 would provide the people of my Nation economic stability and employment security in a populace that critically needs the help to attain the standard of living most Americans enjoy.

There are some reasons why I asked to be permitted to testify today. We understand that economic times are tough for everyone. We ourselves have just cut back our employee hours from 40 hours a week to 32. We all have to pull together. So I come here today to ask that Congress direct the IHS and the BIA to finally honor their contract with our tribe and their contracts with all tribes by fully paying the contract support cost to which we are entitled and by adding the necessary appropriations to finally get these sums paid.

Second, I am here to ask that Congress address the severe funding disparities that continue to leave tribes in our IHS, Bamegy area severely under-funded relative to other areas. The Bamegy area has the lowest life expectancy of all IHS areas. Life expectancy is 65.3 years of age, when in the United States it is 76.5. The Bamechi area leads all IHS areas in cancer rates, 225 per 100,000, as compared to the U.S. of 125 per 100,000. The Bamegy area leads Indian Country nearly every significant statistic except the level of funding to address our issues. We receive 37 percent.

It is time to create a fund to address severe disparities that exist between IHS areas. Such a fund would restore equity among tribes. Perhaps it is time to evaluate the level of per cap expenditures for contract health services area to area and dedicate more funding to raise the LNF of those areas less likely to have access to large, directly-serviced IHS facilities that provide direct healthcare services.

In a study conducted by the California Rural Indian Health Board published in Medical Science, a Peer Review Journal, found that for every ten points improvement in the IHS funding, there was a 12 percent decrease in ambulatory care preventable hospitalizations.

I want to thank you for the opportunity to speak to you today.
[The statement of Larry Romanelli follows:]

Hearing before the House Appropriations Committee
Subcommittee on Interior, Environment and Related Agencies
On the FY 2010 Budget
March 23, 2009
Testimony of the Honorable Larry Romanelli
Ogema, Little River Band of Ottawa Indians

My name is Larry Romanelli. I am the elected Ogema of the Little River Band of Ottawa Indians. On September 21, 1994, Public Law 103-324 (108 Stat 2156) was enacted, reaffirming our federal recognition. When we were recognized our citizen rolls were approximately 500 persons. Since reaffirmation, our rolls have grown to over 4,000 persons, requiring assistance to improve their quality of life, and we have negotiated agreements under the Indian Self-Determination and Education Assistance Act in an effort to provide needed social and economic, health, public safety, and education services to our population.

Our Tribe administers a clinic that includes a family physician, a registered nurse and a laboratory. We also have community health resource (CHR) staffs, nurses and diabetic specialists who make home visits across a nine-county area. We provide out-patient substance abuse treatment services, as well as prevention initiatives, along with additional mental health services. And, for care that goes beyond our provider capacity, we administer an elaborate contract health care program under which we collaborate with local private providers. In these programs alone, we employ 38 people from several disciplines. In addition, we also maintain an environmental health program and a range of other services.

Recently our Tribe proudly signed a new agreement with the Indian Health Service under Title V of the Indian Self-Determination Act. This new agreement moves us further along in our quest for greater self-determination and self-governance, by acknowledging our significantly enhanced independence in the manner in which our Tribe provides health care for our people.

We fully honor our compact with IHS, just as we honored our prior self-determination agreements. We have excellent independent audits. I believe we also provide far better care than IHS would ever be able to provide if IHS were in direct control of these services. Our tribal management is smarter, more dedicated, and better able to match local services to the needs of our patients and our community. We combine an efficiency and effectiveness that IHS could never match. We are very proud of what we have been able to achieve in carrying out the essential governmental function of health care pursuant to our contracts and now our compact.

But IHS has not honored its bargain with us. Specifically, IHS has failed to pay us the contract support costs that IHS, itself, calculates that we have been owed. Every year IHS issues a contract support cost shortfall report, detailing the amounts by which IHS underfunds our contract. It is a truly stunning admission of the agency's breach of our rights.

The last published report IHS issued contained FY 2007 data. For that year IHS admits that it underpaid us by nearly $70,000, an amount that has only gone up in the two years since. For us, $70,000 is a whole nursing position, or an additional substance abuse counselor in our understaffed behavioral health department. Or, it could be used to buy a year's worth of vaccine and medical supplies necessary to operate our clinic or to fund 1.5 FTE billing specialists to assist us with third party revenue capture. When budgets are measured in billions and trillions, $70,000 seem insignificant, but in our community it is still real money that could produce real jobs and tangible health benefits.

The IHS contract support cost shortfall report only tells part of the story. IHS provides only $1.4 million for our program services. Delivering the services we currently offer (exclusive of environmental health) *actually cost* the Tribe over $4.2 million in 2007. IHS is funding us at only 33% of our actual expenditures for health care, and our program is not equivalent to the spending per person for the average federal health employee plan beneficiary (or federal prison inmate). I cannot think of a single contractor we work with that would provide service to us for 1/3 of the actual costs to do the work. The commitment of the United States to provide health care for American Indians is not being met.

But there is yet more.

The BIA now issues a similar shortfall report each year, and the BIA reports that in FY 2007 the BIA underpaid our Tribe over $220,000 in contract support costs! Our total BIA contract is only $2.3 million, supporting several Tribal functions including (among others) public safety, family services, education, governance and natural resources. $220,000 would enable us to expand education and training programs to prepare our students for the types of jobs that are currently in demand and will be on the cutting edge of the Nation's future: information technologies, alternative energy development and, of course, skilled tradesmen for infrastructure development. We could set up 'friend of the court' and child support enforcement agencies to ensure that dependent children are supported appropriately and have their needs met in their best interest and in a proper cultural setting. We could expand our economic development through diversification of enterprise ventures that could meet the needs of the current economic recovery. In short, $220,000 would permit us to leverage permanent employment positions in any of the areas I've mentioned, providing the people of my Nation economic stability and employment security in a populace that critically needs help to attain the standard of living most of America enjoys.

These are some of the reasons why I asked to be permitted to testify today.

We understand that economic times are tough for everyone. We, ourselves, have just cut back our employee hours from a 40 hour week to a 32 hour week. We all have to pull together.

So, I come here today to ask that Congress direct the IHS and the BIA to finally honor their

contracts with our Tribe, and their contracts with all other Tribes, by fully paying the contract support costs to which we are entitled, and by adding the necessary appropriations to finally get these sums paid.

Second, I am also here today to ask that Congress address the severe funding disparities that continue to leave Tribes in our IHS Bemidji Area severely underfunded relative to other Areas.

The Bemidji Area is funded at the lowest level of need (LNF) throughout all of IHS. The mean LNF, based upon data collected by the IHS Area Office is 37%. I simply do not comprehend how any Area, and especially an individual Tribe, can be expected to provide comprehensive services at less than 50% of the funding level they need, let alone 37%. According to FY 2007 data made available by our IHS Area Office, the Bemidji Area leads the Nation in significant health issues:

- **The Bemidji Area's age-adjusted death rate is 1,100 persons/100,000** compared to the death rate of all IHS areas combined (715.2/100,000) and the rate among all races in the U.S. (479.1/100,000).
- **The Bemidji Area has the lowest life expectancy of all IHS areas.** The Bemidji Area life expectancy (male and female combined) **is 65.3 years of age**; all IHS is 70.6; all U.S. is 76.5.
- **The Bemidji Area has the second worst rate of diabetes at 88 persons/100,000**; all IHS areas are 52.8/100,000; all U.S. is 13.5/100,000.
- **Bemidji Area leads all of IHS with a heart disease rate of 260/100,000;** all IHS is 157.1/100,000; all U.S. is 130.5/100,000.
- **The Bemidji Area leads all IHS Areas in the cancer rates at 225/100,000;** all IHS is 124/100,000; and all U.S. is 125.6/100,000.
- **The Bemidji Area leads Indian Country in nearly every significant statistic except the level of funding to address our issues;** there, we receive 37% LNF.

It is time to create a fund to address the severe disparity that exists between the IHS Areas. Such a fund would restore equity among the Tribes. This is idea exists within the Indian Health Care Improvement Act, Section 211, *the Area Distribution Fund.* I suggest it be re-worked into an "Area Disparities Equity Fund," invoking an intermediate risk pool assessment in the calculation that would shift the burden of cost according to level of CHS dependence versus availability and provision of services at IHS directly operated facilities.

Perhaps it is also time to evaluate the level of per capita expenditures for Contract Health Services Area to Area, and dedicate more funding to raise the LNF of those Areas less likely to have access to large directly-served IHS facilities that provide direct health care services. These

non-direct service Areas incur greater CHS costs and must 'purchase' providers at market driven rates.

These are investments worth making. A study conducted by the California Rural Indian Health Board, published in "*Medical Science*" (a peer review journal), found that "for every 10 points improvement in IHS funding, there was a 12% decrease in ambulatory care preventable hospitalizations." A direct correlation was made in dollars spent on health care and the outcomes of treatment. The CRIHB study demonstrates that for every dollar spent, health outcomes improve.

I believe that similar outcomes would result across all IHS Areas if such a study were conducted by the Agency in consultation with the Tribes. With an Area Disparities Equity Fund each Tribe (or Area) could be funded to a minimum percent LNF. If the current IHCIF formula were utilized in the process to achieve LNF, Areas with lower percentages would benefit, ultimately allowing for Tribal program growth that would increase patient care access and the ability to serve more patients at each site. This is food for thought that could greatly improve the health status of Indian people.

Thank you for the opportunity to testify today on these critical issues.

Mr. DICKS. Okay. Any other questions? Thank you very much.

Mr. ROMANELLI. Thank you very much. Have a nice afternoon.

Mr. DICKS. Meghan Kelly, Federal Liaison for Chairman Darwin, Joe McCoy.

Congressman Young, we will call you up next.

Mr. YOUNG. Okay. I want to actually ask Mr. Chairman if I could introduce the next young lady who is going to testify.

Mr. DICKS. Okay. Fine.

Mr. YOUNG. She can go ahead.

Mr. DICKS. Yes. Thank you very much. We appreciate that.

Go ahead, Meghan.

THURSDAY, MARCH 26, 2009.

SAULT SAINTE MARIE TRIBE OF CHIPPEWA INDIANS

WITNESS

MEGHAN KELLY

Ms. KELLY. My name is Meghan Kelly, and I am the Federal Liaison for the Sault Sainte Marie Tribe of Chippewa Indians. As a member of the tribe and at the request of my Chairman, Joe McCoy, I am here to speak on behalf of the tribe, and as always my tribe and I want to work in partnership with you.

I will break it down into different areas. For example, on housing, the Sault Sainte Marie Tribe has operated a Housing Improvement Program for 22 years. It has become a crucial component in our housing program. As you know, the Housing Improvement Program serves tribal families who are ineligible for HUD Housing Programs and home mortgages but who live in substandard, unsafe, and unsanitary housing. No other federal program is available to meet their needs. It is the most underprivileged of people who qualify for the Tribal HIP Program. For these reasons I urge you to restore the BIA HIP Program to full fiscal year 2006 funding levels. The program is absolutely critical to our tribe as well as many tribes throughout the country.

As far as education is concerned, on behalf of the——

Mr. DICKS. I just make one point. Last year the Administration cut out the Housing Improvement Program. This committee on a bipartisan basis put it back in. So I just wanted to make sure you were aware of that.

Ms. KELLY. We appreciate that. We are looking for funding to go back to 2006 levels, if possible, and we truly do appreciate what you have done.

Mr. DICKS. Well, yes, and I think we are going to get a better budget from the new Administration. So we will see what they send out.

Ms. KELLY. Excellent. I will tell the tribe.

On behalf of the tribe I urge your continued commitment to education by providing even greater funding resources for the Indian Education Programs. JOM grants are the foundation upon which our tribes are able to offer programs designed to meet the needs of many of our tribal members attending public schools. JOM grants provide tribes the means in which to provide more level

playing fields for our children. Among other things JOM pays for eyeglasses, school supplies, culturally-based tutoring.

The tribe urges Congress to lift the JOM funding freeze and to allow funding to be based upon population and other formula-driven measures. Moreover, we urge Congress to fully restore JOM funding the fiscal year 2006 level of 24 million.

As far as Head Start is concerned, additional funding is also needed. Previous years' budgets have left Head Start funding levels flat and below inflation rates. This year the Senate has proposed an increase, but this will not account for inflation increases. Joining the National Indian Education Association the tribe urges Congress to appropriate an amount exceeding the inflation rate, which will enable Head Start recovery.

As far as the Anishinaabemowin language, this is very critical to the very essence of my tribe. Currently the Esther Martinez Act is under-funded, and the Sault Sainte Marie Tribe recommends a $13.5 million increase in funding for the Esther Martinez Act in 2010.

Going to healthcare, as well as other tribes throughout the United States, the Sault Sainte Marie Tribe of Chippewa was pleased to note the President's proposed increase of over $4 billion for the Indian Health Service. Indian Country is facing a healthcare crisis, and the people on the reservations are literally dying for lack of care. Regarding the Bamegy area statistics as I heard my predecessor comment upon, the Sault Sainte Marie Tribe is currently funded at just a 36 percent level of need. That means 64 percent of the need is completely unfunded by Indian Health Service dollars.

For contract health services, we are following in line with the National Health Board and requesting $110 million. This amount, although it will not meet the total need, will enable tribes to purchase some minimum healthcare.

Going to contract support costs, these are also under-funded, and the Sault Sainte Marie Tribe seeks adequate funding for the program at a minimum of 144 million for 2010. The tribe recommends an additional 15 million for behavioral health service grants, for American Indians and Alaskan Natives.

As far as environment is concerned, tribal governments have significant needs in regard to environmental quality and protection, and due to a number of factors they often do not have enough money to take care of this. We are requesting a 68.3 million increase for GAP Program, the 67.2 million for the Tribal Clean Water and Drinking Water State Revolving Funds, SRFs, 25 million for targeted watershed grants, restoration of BIA water resources, and water rights programs to the 2003, funding levels, and 3 million for the BIA Invasive Species Act.

In closing, I know that we are asking for a lot of money during a time in which the United States Government is facing an economic crisis and an unemployment rate of 8 percent. We are aware that some people argue that tribes just like state governments need to seek less funding and tighten our belts. We would like to point out, however, that the tribes have been underserved, under-funded, and inadequately treated for over 100 years. That even prior to this recession the average unemployment rate on reservations has been

over 50 percent. We respectfully remind Congress that our people have been and continue to be dying for lack of adequate healthcare. Our young people are killing themselves in record numbers, and our infrastructure is in shambles, and our schools are inadequate. We have gone without for too long to be asked to tighten our belts anymore.

[The statement of Meghan Kelly follows:]

Testimony of
Meghan Kelly, Federal Liaison, for Chairman Darwin "Joe" McCoy
Sault Ste. Marie Tribe of Chippewa Indians

Introduction

Meghan Kelly, n'dizhnikaaz. Sault Ste. Marie Tribe of Chippewa Tribal Liaison n'da anokii. Sault Ste. Marie Tribe of Chippewa Indians ndoo-debendaagoz. Kina Baawaa'ting Anishinaabek Omaa go nda Onji-kida. Wiijiiwaagwining, nda-wiijnokiimaayek. My name is Meghan Kelly, and I am the Federal Liaison for the Sault Ste. Marie Tribe of Chippewa Indians. As a member of the Tribe, and at the request of my Chairman, Darwin Joe McCoy, I am here to speak on behalf of the Tribe. As always, my Tribe and I want to work in partnership with you.

The Sault Ste. Marie Tribe of Chippewa Indians is one of the largest Tribes in the country, with 38,725 members. Thank you for listening to our recommendations.

Housing

Within my Tribe, housing needs are overwhelming. We have a significant number of homeless families who are sometimes split up and living in the homes of other Tribal members. We have numerous families living in substandard homes, homes with no running water or working lavatories, and in overcrowded conditions. Perhaps hardest hit, are our elderly: Often ineligible for HUD programs and living on fixed incomes, these Tribal members participating in our HIP program are unlikely to have had any other housing program alternatives.

The Sault Ste. Marie Tribe of Chippewa Indians has operated the Housing Improvement Program for 22 years. It has become a crucial component of our housing program. As you know, the Housing Improvement Program serves tribal families who are ineligible for HUD housing programs and home mortgages, but who live in substandard, unsafe, and unsanitary housing. No other federal program is available to meet their needs. It is the most underprivileged of people that qualify for the Tribal HIP program.

For these reasons, I urge you to restore the Bureau of Indian Affairs Housing Improvement Program to full FY 2006 funding level. The program is absolutely critical to our Tribe, as well as to Tribes across the United States.

Education

Like most other federally-recognized Tribes throughout the United States, our membership includes a significant number of school-aged children. On behalf of the Sault Ste. Marie Tribe of Chippewa Indians, I urge your continued commitment to education by providing greater funding resources for Indian Education programs.

JOM

During the past few years, Johnson O'Malley Act funding has significantly diminished. Unfortunately, the program remains imperiled: The President's 2009 budget request includes the following statement: "The Johnson O'Malley grants do not address a focused goal for academic achievement and lack a means to measure and report on program impacts on student performance." This statement is alarming because JOM grants are the foundation upon which Tribes are able to offer programs designed to meet the needs of many of our tribal members attending public schools. JOM grants provide Tribes the means in which to provide more level playing fields for our children. Among other things, JOM funding provides eye glasses, school supplies, and culturally based tutoring. The Sault Ste. Marie Tribe of Chippewa Indians urges Congress to lift the JOM funding freeze, and allow funding to be based upon population and other formula-driven measures. Moreover, we urge Congress to fully restore JOM funding to the FY 2006 level of $24 million.

Head Start

Additional funding is also necessary for Head Start. Previous years' budgets have left Head Start funding levels flat and below inflation rates. This year, the Senate has proposed an increase of $235 million for the program, but sadly, this does not fully account for inflationary increases. Joining with the National Indian Education Association, the Sault Ste. Marie Tribe of Chippewa Indian urges Congress to appropriate an amount exceeding the inflation rate, which will enable Head Start recovery.

Anishnabek Language

Anishnabek language is critical to the very essence of a Tribe. The importance of Anishnabek language cannot be overstated. It is recognized that Anishnabek language allows our voices to be linked with our past and provided a bridge to our future. Currently, the Ester Martinez Act is under-funded. The Sault Ste. Marie Tribe recommends a $13.5 million increase in funding for the Ester Martinez Act FY 2010.

Health Care

As with other Tribes across the United States, the Sault Ste. Marie Tribe of Chippewa Indians was pleased to note the President's proposed increase of over $4 billion for the Indian Health Service. Indian Country is facing a health care crisis and people on the reservations are literarily, dying for lack of care. Regarding the Bemidji area statistics, the Sault Ste. Marie Tribe is currently funded at 36% level of need according to the area office report citing the 2008 Federal Employees Health Plan Disparity Index. This means that 64% of the need is unfunded by Indian Health Service dollars.

Contract Health Services

The National Indian Health Board has testified that "....by many estimates the program should be increased by more than $300 million annually." In keeping with NIHB recommendations, and in recognition of the economic crisis faced by the United States government, the Sault Ste. Marie tribe requests only $110 million. This amount will enable Tribes to purchase and obtain minimum health care.

Contract Support Costs

Currently, IHS Contract Support Costs are under-funded. The Sault Ste. Marie Tribe of Chippewa Indians seeks adequate funding for this program, at a minimum of $144 million for FY 2010.

In regard to both Contract Health Services and Contract Support Costs, the Sault Ste. Marie Tribe of Chippewa Indians urges the Appropriations committee to use medical inflation figures, rather than utilize non-medical inflation figures when determining future IHS funding. Medical inflation figures more accurately identify actual program need. We urge the Committee to require IHS budget developers and OMB to also use medical inflation figures when determining need and when making budget determinations.

SAMHSA

The Tribe recommends an additional $15 million for SAMHSA Behavioral Health Service Grants for American Indians and Alaska Natives.

Environment

Tribal governments have significant needs in regard to environmental quality and protection. Due to a number of factors, including lack of adequate funds, Tribes are sometimes unable to adequately protect the land and its people. My Tribe, for example, faces issues involving water pollution: The pollution of the St. Mary's River poses significant threat to its own ecosystem as well as to the ecosystem of the Great Lakes. Several times in the past four years alone, the water has been found unfit for human contact; it has repeatedly been found containing E coli levels that are literally off the charts. Slicks of fecal material and other sewage-related pollutants have been reported on numerous occasions, floating down the river. The water of the St. Mary's river is a part of the areas traditionally held by the various local Tribes. Despite the pollution, the river remains the direct source of drinking for some members of the Tribes, and the source for subsistence fishing for many. We strongly urge Congress to provide adequate funding for Tribal environmental and natural resource programs. We join the National Congress of American Indians in recommending the following:

- $68.3 million for Indian Environmental General Assistance Program

- $67.2 million for Tribe in Clean Water and Drinking Water State Revolving Funds (SRFs)
- $25 million for Targeted Watershed Grants
- Restoration of the BIA Water Resources and Water Rights programs to FY 2003 levels
- $3 million for the BIA Invasive Species Program

Conclusion

We know that we are asking for a lot of money during a time in which the United States federal government is facing an economic crisis and an unemployment rate of 8%. We are aware that some people argue that Tribes, just like state governments, may need to seek less funding and to "tighten their belts." We would like to point out, however, that the Tribes have been underserved, under-funded, inadequately treated for over one hundred years. That even prior to the recession, the average unemployment rate on reservations has been over 50%. We respectfully remind Congress that our people have been and continue to be dying from lack of adequate health care, our young people are killing themselves in record numbers, our infrastructure is in shambles, and our schools are inadequate. Tribes have "gone without" for far too long to be asked to "tighten their belts" any more.

Chi Miigwetch, n'kidwinan noondwaayek. Mii sa go niijkiwemwining nokii'ying, mii dash kina weya wii-dbaadenmaa'ying. Thank you for listening to my words. By working together, we can make a positive difference in the world.

Mr. DICKS. Thank you.

Ms. KELLY. Thank you.

Mr. DICKS. Any other questions? We appreciate your testimony.

Ms. KELLY. Thank you.

Mr. DICKS. We are now going to go to Gloria O'Neill, President and CEO of Cook Inlet Tribal Council, and Congressman Young will introduce her.

Mr. YOUNG. Mr. Chairman, I thank you, and I——

Mr. DICKS. Why do you not pull the mike over?

Mr. YOUNG. One thing, Mr. Chairman, I thank you for allowing me to do this, but I also would like to compliment you. This is a very important task you have. The American Indian, Alaska Native are dear to my heart, and we have made great strides, and I would like to continue that, and under your leadership I hope that will occur.

But it is my pleasure to introduce Gloria O'Neill. She is the President and CEO of Cook Inlet Tribal Council. She has been the President and CEO of CITC, the organization and their budget from $8 million to $46 million and less than 70 employees to 300 staff and 50 programs.

And I want to stress the 50 programs. This is an actual great success story, and Gloria has driven this thing all the way, where she provides healthcare and many other programs to not only the villages outside of Anchorage, it is just not for Anchorage, but for the whole region, including all the other different tribes other than just the Cook Inlet organization.

And so she is a graduate of the University of Alaska. That is an example of what can happen with a little education and a lot of drive, great personality and good looks, what you can do in this program.

So with that I would like to introduce Gloria O'Neill.

Mr. DICKS. Thank you.

THURSDAY, MARCH 26, 2009.

COOK INLET TRIBAL COUNCIL

WITNESS

GLORIA O'NEILL

Ms. O'NEILL. Thank you, Congressman Young. Congressman Don Young, Congressman for all of Alaska. We really appreciate your support and commitment.

Chairman Dicks and members of the subcommittee, I am grateful for the opportunity to speak before you today. My name, again, is Gloria O'Neill, and I serve as the President and CEO of Cook Inlet Tribal Council, CITC.

CITC is an Alaskan Native Tribal organization that serves as the primary education and workforce development center for Native people in Anchorage. We accomplish our mission through building 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.

Our program serves south central Alaska, Anchorage, and the surrounding area; an Alaska Native, an American Indian population of 40,000 or 40 percent of the Native population of the State. Anchorage is the fourth largest Native community in the Nation.

CITC receives 9.3 million in interior funding each year. This represents approximately 20 percent of our annual budget. Our programs address many of the social, economic, and educational challenges faced by Native people. For example, Alaskan Native students are twice as likely to drop out as their non-Native peers. Thirty-three percent of Alaska's unemployed are Alaskan Natives, and almost 20 percent of Native people have incomes below the federal poverty line, nearly three times the rate of non-Native people.

In addition, Native people find it increasingly difficult to make a living in rural Alaska due to the high cost of energy and food and are moving to Anchorage at an accelerated rate. Fifty-nine percent of CITC's participants have been in Anchorage for 5 years or less.

As we respond to the many challenges and needs of our growing population, CITC ensures wise community investment of government dollars. Our model is one of partnership, creativity, and leverage. Here are a few ways in which we can effectively build upon our partnership with the Department of Interior.

Education. Tribal organizations in Alaska do not receive Bureau of Education funding for the operation of schools. However, with the support of BIA Johnson O'Malley Funding, our educational programs operate a first of its kind partnership model within the Anchorage School District. During the school year we provide 1,000 Native students with core content instruction such as English, math, and science classes. The classes cover basic to advanced subjects. For example, calculus and chemistry. Our purpose is to increase overall academic achievement while decreasing the dropout rate of Native students. External evaluation indicates student involvement in our programs is positively correlated with improved academic performance, including reduced absence, higher GPA, and greater rate for graduation.

Employment. As with our approach to education, we fully leverage various funding sources with our BIA Job Placement and Training funding, BIA Welfare Assistance, and Temporary Assistance for Needy Families, TANF, to create a comprehensive program that promotes self-sufficiency. Between 2004, and 2008, CITC's Employment Training Program served 17,345 Native people. We place 1,200 people in unsubsidized jobs each year in industries across the State. CITC has transferred TANF and Welfare Assistance from entitlement-based programs to programs that foster personal responsibility. Our participants must develop a plan of action outlining their responsibility to participate in various job readiness training needed to get a job. Because of this approach I am proud to say that over the past 4 years CITC has moved 859 families from Welfare to work.

As part of our intentional investment strategy of federal funds, one of the most important tools contributing to the model of partnership and leverage is Public Law 102–477, administered from DOI since 1992, 477 allows organizations such as CITC the ability to consolidate funding streams from DOI, HHS, and Department of Labor into a single employment and training program. The law en-

ables tribal organizations to plan accordingly to meet their community needs, minimize administrative duplicity, and maximize outcomes while adhering to the strict accountability standards.

As a result, nationally the 477 Program achieved the highest OMB part rating in Indian Affairs. Unfortunately, though, it is not in the direct purview of your committee. We understand DOI and HHS are seeking to terminate HHS participation in the transfer of funds within the 477 Program. To my understanding there has been no tribal consultation regarding this change in policy.

I urge this subcommittee to ask the Secretary of Interior and his staff consult with tribal organizations and tribes and HHS——

Mr. DICKS. Who is taking the initiative on this? Do you know?

Ms. O'NEILL. Who is taking the initiative in consulting with the——

Mr. DICKS. No. I mean, is it the Interior trying to do this or——

Ms. O'NEILL. Interior is. Yes. BIA.

Mr. DICKS. Okay.

Ms. O'NEILL. To continue and strengthen the 477 Program, each year CITC, like many organizations, is prevented from assisting many participants to self-sufficiency due to inadequate BIA funding. I would urge the subcommittee to increase the funding of the following Indian Affairs programs that are vital to our participants' success, job placement and training, Welfare assistance, higher education, and Johnson O'Malley.

Thank you for allowing me to present to you today, and do you have any questions?

[The statement of Gloria O'Neill follows:]

COOK INLET
TRIBAL
COUNCIL, INC.

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
March 26, 2009
Native American and Alaska Natives Issues Hearing
Testimony by Gloria O'Neill, President and CEO, Cook Inlet Tribal Council

3600 SAN JERONIMO DRIVE, ANCHORAGE, ALASKA 99508
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Chairman Dicks and Members of the Subcommittee, I am grateful 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 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.

Demographics and Expanding Service Population

Both directly and indirectly, CITC's programs serve the Cook Inlet Region with an Alaska Native/American Indian population of more than 40,000, which is 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 FY09 operating budget is $45.08 million with 84 grants and contracts from state and federal agencies, as well as corporate and individual support. 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 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 deficient in funding the needs of the 40,000 Alaska Natives and American Indians currently residing in our service region.

Program Opportunities

With the support of Bureau of Indian Education Johnson-O'Malley funding, **CITC's educational programs** provide strength-based, culturally-focused educational support services in partnership with the Anchorage School District. CITC currently serves approximately **1,000** K-12 Native students and their families. Our programs encompass K-12 classrooms, focusing on increasing literacy and math skills as well as offering supplemental programs in high-level mathematics and science classes, and health and wellness. Our purpose is to impact overall academic achievement while decreasing the dropout rate of Native students.

Through Bureau of Indian Education Tribal Scholarship funding, CITC is able to provide scholarship assistance and tribal training grants to over **200** participants each year. However, each year CITC shuts down the program early due to inadequate funding.

With the support of Bureau of Indian Affairs Job Placement and Training funding, **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 – approaches that are capable of moving people from welfare to work. Programs involve active cooperation between schools, social service agencies, job trainers, state and federal agencies, Native and non-Native for-profit employers, and CITC-owned microenterprises – all of which build ladders of opportunity for our participants. Between 2004 and 2008, CITC's employment and training programs served **17,345** Natives with career counseling and job placement services, emergency financial assistance, case management, crisis intervention, and training information in order to move participants into employment and self-sufficiency.

In close collaboration with our workforce development program, CITC is the sole provider of Temporary Assistance for Needy Families (TANF) and Bureau of Indian Affairs Welfare Assistance for Alaska Native/American Indian families in Anchorage. CITC has transformed TANF and welfare assistance from entitlement-based programs to programs of self-determination and personal responsibility. In CITC's TANF and welfare assistance programs, participants develop a mutual plan of action with their case manager that outlines their responsibilities: to get a job and to participate in various training and support services to achieve that goal. As a result, the number of families dependent upon TANF and welfare assistance has decreased, with families making major strides toward self-sufficiency.

Accountability

Among CITC's closely-held values is accountability. We have a mandate from the people we serve, from CITC's Board of Directors, from the federal and state sponsors of our services, and from our community as a whole, to provide the highest quality services possible. This commitment to quality can only be realized by rigorously and continually re-assessing how we do business to determine how we may do better. CITC utilizes Continuous Quality Improvement (CQI) to enhance and improve the quality of CITC's services by gathering and analyzing an extensive set of statistics on program performance, as well as identifying areas for improvement. The resulting data is tracked through digital dashboards that provide powerful, at-a-glance overviews of program performance; highlighting areas needing improvement.

FY2008 Cook Inlet Tribal Council Employment & Training Digital Dashboard

Indicator	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr		Total	Goal (Benchmark)	Status
Alaska's People Career Center*								
Job seekers served (job readiness/job search)	118	566	418	362		1464	1,699	**86%**
Obtained Employment	201	231	410	284		1,126	1,000	**Surpassed Goal**
GED students served	58	51	89	94		292	150	**Surpassed Goal**
GED Earned	1**	30	22	39		92	75	**Surpassed Goal**
TANF-Case Management*								
Caseload Size	479	519	534	513		511	641	**80%**
TANF participants who obtained employment	57	52	99	70		278	300	**93%**
Child Care*								
Children served	123	140	144	131		538	440	**Surpassed Goal**
Families served	79	90	94	90		353	286	**Surpassed Goal**
Community Services*								
General Assistance services	185	229	239	0***		653	360	**Surpassed Goal**
General Assistance terminations	185	229	239	0***		653	354	**Surpassed Goal**
Supportive Services provided	197	228	220	209		854	550	**Surpassed Goal**
Supportive Service terminations	197	228	220	209		854	448	**Surpassed Goal**

***Programs funded through P.L. 102-477.**
**Program was understaffed in 1st quarter.
***Program was closed due to lack of funding.

Public Law 102-477

Administered from the Office of Indian Energy and Economic Development, located in the Department of the Interior, **Public Law 102-477 (or the "477 program")** provides a critical foundation for maximizing the effectiveness of CITC's programs. The law allows the consolidation of funding streams from Department of Interior, Department of Health and Human Services, and Department of 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 has demonstrated that the 477 program is very successful in allowing the leverage of funding to increase effectiveness and innovation. As a result of our 477 program, for example, we've been able to put over **1,200** people to work each year and effectively reinvest TANF savings toward related essential programs. In short, the 477 program is a "win:win" for the federal funders and CITC, since it eliminates wasteful inefficiency while maximizing program outcomes. Reflective of the national success of the program, the 477 program achieved the highest PART (Program Assessment Rating Tool) rating in Indian Affairs.

Recently, however, the Department of Health and Human Services stopped transferring funding through the Department of Interior and P.L. 93-638. There has been no tribal consultation regarding this change in policy. The interruption of funding resulting from DHHS's decision to discontinue the transfer of funds puts our community and others at risk. As of March 1, CITC is due a $1.375 million TANF funding payment for the fiscal year's third quarter. Not only is this funding interruption potentially injurious to our organization, and particularly to the people we serve, it is not in the best interests of taxpayers who have a right to expect the administrative efficiencies that the 477 program achieves.

Specific Requests

On behalf of Cook Inlet Tribal Council and the community we serve – whose needs grow more critical each day due to the current economy – I urge this subcommittee to ask that the Secretary of Interior and his staff consult with tribes and DHHS to bring about a resolution to the breakdown in the 477 program. This resolution is in the best interest of tribal programs and participants, as well as taxpayers. It is imperative to maintain the high level of efficiency, effectiveness, and accountability that has been the hallmark of the 477 program. I would also ask the subcommittee to fully fund the aforementioned Department of Interior Indian Affairs programs which are vital to our participants' success.

Thank you for your time and consideration.

Mr. DICKS. Well, I think that is a very impressive statement, and the record you have achieved I think is commendable. And how many people did you say went from Welfare to work?

Ms. O'NEILL. In the last 4 years about 859 families.

Mr. DICKS. Of your clients.

Ms. O'NEILL. Yeah. And that does not include all of the other Alaskan Natives and American Indian folks that we work with in placing them in jobs. That is just Welfare families.

Mr. DICKS. Now, how do you work this with the state? I mean, do you have an arrangement with the State of Alaska?

Ms. O'NEILL. We do. We have a close partnership. We have a contract that actually matches our 477 grant with TMF funds, and we decided, oh, about 4–1/2 years ago now that it was important for us to take the program over. We made an intentional shift in our mission so that we move from more of an entitlement-based approach to self-sufficiency, and we felt that if we operated the program, we could build a comprehensive support system so that when people came into our offices, that we would ensure that they knew what their responsibility was, and they could participate in their own lives and go out and find a job. We believe that it is the clearest path to self-determination.

Mr. DICKS. Good. I think that is an outstanding program.

Anybody else want to ask any questions?

Ms. O'NEILL. The other piece of information that was in my testimony is a dashboard, and we felt that it is very important that we have outcomes in all of our programs. So this is just some of our employment training programs, and this is how we really manage what those outcomes are, and if we need to make significant changes in programs, then what we will do is we will look at what the data is telling us, and we will respond right away.

Mr. DICKS. How big is your staff?

Ms. O'NEILL. We have about 300 staff people now.

Mr. DICKS. Three hundred staff.

Ms. O'NEILL. Yeah.

Mr. DICKS. With all that work. I mean, you have to have at least that. All right. Well, thank you very much. We appreciate you being here.

Ms. O'NEILL. Thank you.

Mr. DICKS. Mr. Young, good to have you here.

Deloris Pigsley, Tribal Council Chairman, Confederated Tribe of Siletz Indians. Welcome.

THURSDAY, MARCH 26, 2009.

SILETZ TRIBE

WITNESS

DELORIS PIGSLEY

Ms. PIGSLEY. Thank you. Thank you for giving me this opportunity.

Mr. DICKS. Thank you for being patient.

Ms. PIGSLEY. I am the Tribal Chairman for the Confederated Tribes of Siletz Indians of Oregon, and we are located on the Oregon coast about 2 hours southwest of Portland.

Mr. DICKS. That is a beautiful area.

Ms. PIGSLEY. It is, and we have about 4,500 tribal members that we provide services to.

There are many reasons for me to be here today to testify, however, our most important priority is our tribal members' health and education. For too long healthcare has been ignored. For years the only healthcare dollars that came to us were by way of Indian Health Service. We had people on deferred surgery lists for 2 and 3 years. That would mean if you need a hip or a knee replacement, rotator cuff surgery, shoulder or neck repair, you waited until the end of the year to see if there was any money left over. And if there was not money left over, you stayed on that deferred surgery list for another year and perhaps 2 years.

Because of the tribe's cost-saving measures, we were able to address some of these needs. It was not until the tribes could bill at Medicare rates that we actually started catching up on some of these deferred surgeries, and it helped to clear up some of our deferred surgeries, but we still have a list that has accumulated about $300,000 in costs that we have not totally caught up with.

It is important that Congress honor the promise to provide healthcare to our people. In the northwest we have no Indian hospitals. We pay contract healthcare funds for every visit to the hospital and every trip to specialist outside of our clinic. We diligently watch our healthcare dollars. This year we are building a new clinic with a $2 million ambulatory grant from Indian Health Service. The balance is from tribal funds.

If we had waited for Indian Health Service to build our first clinic, we would still be waiting on the long list of priorities. The new clinic is a necessity as we have grown out of our current clinic.

We support the President's request of an increase of 418 million for 2010. While the President's request is adequate to cover mandatory costs, an additional 51.7 million is needed to fully cover contract support costs.

Our tribe's second highest priority is education. We are a second tier, self-governance tribe. Funding for education programs is at the same level it was in 1995, for higher education. In 1995, we had 32 students that were in higher institutions. Today we have 169 students while still receiving the same funding level. While this is a good problem to have, it has put a tremendous responsibility on tribal assets. If we did not have Chinook Winds Casino Resort, we would still only be funding 32 students, but as a result of the revenues from the casino, we are able to fund every student that wants to go to college.

Indian education has been seriously under-funded for years. Head Start and JOM dollars have declined over the past 14 years. Even though we see amounts that have raised over the years, the tribe supplements all of these programs, and we provide Head Start Programs in Portland, Salem, Eugene, and Siletz. And we have never received any of the years and I have been Chairman for 22 years, we have never received our full contract support dollars.

Please honor the commitment to cover all contract support costs as provided for in our indirect cost proposals. Our tribe solely supports the National Congress of American Indians 2010, budget request, and I would be happy to answer any questions.

[The statement of Deloris Pigsley follows:]

TESTIMONY OF
DELORES PIGSLEY, TRIBAL COUNCIL CHAIRMAN
CONFEDERATED TRIBES OF SILETZ INDIANS
BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
FY 2010 BUDGET

Public Witness Hearing on Native American Issues
March 26, 2009

My name is Delores Pigsley. I am the Tribal Council Chairman for the Confederated Tribes of Siletz Indians. The Siletz Tribe is an active participant in the National Congress of American Indians (NCAI) and we fully support the NCAI's FY 2010 Budget Request. My remarks highlight specific budget areas critical to our Tribe's goal to move from surviving and towards thriving as a tribal nation. To help you understand this, I need to impart some history.

There was a time when our tribal ancestors knew only a life of interconnectedness. They understood the cycle of life, they moved with the seasons. Tribal values were embodied in ceremonies, songs and culture. Our people lived healthy, balanced lives. With the coming of explorers and settlers this changed. Most of you are familiar with the failed federal policies of broken treaties, removal, assimilation, and termination.

Tribes suffered great losses during these times - of people, land, language, culture, religion, family structure and self-governance - our entire way of life. Tribal life was disrupted by so many traumas. People often responded with unhealthy coping mechanisms: self-medicating with alcohol and drugs, denial, depression, helplessness or violence. Over time these responses created intergenerational trauma in tribal families. That trauma shows up today in rates for unemployment, alcoholism, domestic violence, mental illness, infant mortality, diabetes, heart disease, foster care, poverty, and other socio-economic risk factors that are higher than those found in other minority populations and the general American population. For the Siletz tribe, the termination of our status as a federally recognized tribe in 1955 further amplified these impacts. For twenty-two (22) years, we had no land base, no government. We were not even officially allowed to call ourselves "Indian." Against the odds, we retained their ties to one another and to our original reservation and ancestral lands, and we fought hard to reverse termination.

We won restoration of our status as a federally recognized tribe in 1977 and we have been working diligently ever since then to build an effective tribal government and administration with programs that respond to our people's many needs. I relate this history to you to show you the enormity of the challenges facing tribes. We have 250 years of historic and recent trauma to overcome. The path to a "thriving" tribe will be guided by those cultural values that protected us and allowed the Tribe to survive through every challenge.

Supporting Tribal Governments: Today, as a Self-Governance tribe, under the authority of the Indian Self-Determination and Education Assistance Act (ISDEAA), the Siletz Tribe compacts with the federal government to administer trust programs to benefit our members. However, Interior has never fully funded the contract support cost (CSC) needed for

personnel administration, financial management, and procurement related to implementing programs. Instead, we cope with CSC shortfalls by reducing direct service spending, using limited tribal dollars, or sometimes we must forego compacting a program. It is essential that the BIA and IHS fully fund these costs for tribes to administer quality services to tribal members.

Indian Child Welfare: Historically, child welfare and human services programs have been under-funded and tribal children have been over-represented in the child dependency systems. The Siletz Tribe's Indian Child Welfare (ICW) program is piece-meal funded, using seven (7) federal and state funding streams, which means increased administrative costs with different reporting requirements for each funding agency. The ICW Director and one Case Manager share forty-five (45) cases, while the state of Oregon's standard is sixteen (16) cases per worker. Our ICW staff is in travel status nearly every week to conduct home visits, appear in court, and attend family decision meetings throughout Oregon, with additional cases in California, Washington, and Idaho. We need at least one more caseworker now, just to keep pace with the current caseload. The Tribe supports increasing Indian Child Welfare funding by $45 million so Tribes can provide adequate services to ensure safe and positive outcomes for our children.

DHHS Behavioral Health Services: Native youth and adult rates for alcohol and substance abuse and mental illness are higher than the national average. Yet DHHS's Behavioral Health Services has not funded the Substance Abuse and Mental Health Services Administration (SAMHSA) grant programs that cover alcohol and substance abuse prevention and treatment and for mental health and treatment of mental illness. Tribal clients compete with non-Indians for scarce state and county treatment funding. Our alcohol and drug program clients are often on treatment waiting lists for four to six months; on average, we have eight clients on the waiting list at any given time. Like many states, Oregon is cutting treatment services. Our Tribe has one Mental Health Worker to provide services to adults and youth and he doubles as the Tribe's youth correctional liaison. The Siletz Tribe asks Congress to appropriate $15 million for SAMHSA Behavioral Health Services grants.

Juvenile Justice: The Tribe receives no on-going funds for youth crime prevention or diversion services. Tribal youth must compete with non-tribal youth for access to state and county prevention programs. Due to a $3.3 billion dollar shortfall for the 2009-2011 budget, Oregon is cutting back on open and closed custody detention beds. While the Tribe's preference is for prevention and treatment, we know that sometimes detention is the only option. That being the case, we see the need for culturally relevant regional tribal facilities. The Siletz Tribe supports increasing the DOJ's Tribal Youth Program to $36,000,000 with a ten percent (10%) tribal set-aside and separate construction funds for regional tribal juvenile facilities.

Public Safety: Tribal law enforcement is terribly under-funded, even though reservations experience high rates of violent crime. Underfunding is worsened by the disparities in law enforcement funding between non-Public Law 280 tribes and P.L. 280 tribes like Siletz. The UCLA School of Law's National Native Law and Policy Center has found that while P.L. 280 tribes constitute 8.2% of the reservation-based Indian population, they received only 1.6% of BIA law enforcement funds. This translated as $101.13 per capita for non-P.L. 280 tribes and $19.40 for tribes whose lands were wholly within a P.L. 280 state. State police services do not make up

the difference. The report concluded that P.L. 280 jurisdictions do not receive sufficient support to operate their own police systems, even though reservation residents report they are more satisfied with services from tribal agencies.

This report validates the Siletz Tribe's experience. For a number of years the Tribe operated our own police department, using COPs grant, Indian Housing Development Block Grant, and BIA Self-Governance funding. However, time-limited COPs funds ended and remaining funds were insufficient to cover operations. In 2006 the Tribe began contracting with a nearby city police department to provide 120 hours of coverage a week. While community members have expressed gratitude for even this limited contract law enforcement presence, we would prefer to have our own full time Tribal police department. The Tribe supports a 10% increase in BIA tribal law enforcement funding, with continued increases until tribal programs are fully supported and can offer decent public safety for all tribal people.

Endangered Species: Siletz tribal lands currently support habitat for three species listed 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, the Tribe must conduct and evaluate surveys for each of these species. We must then consult with either U.S. Fish and Wildlife Service for the murrelet and owl or National Marine Fisheries Service for the coho – and both agencies require extensive information prior to consultation and ongoing monitoring. The Tribe does not receive any money from the federal wildlife agencies or the BIA to carry out these tasks. 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. This unfunded mandate directly impacts our ability to govern our own affairs. The total annual cost to employ a Tribal biologist to carry out the needed endangered species functions and to conduct other required surveys is $115,000. In 2002 the budget contained $3,000,000 for all of the required national endangered species work; funding began a steady decline to just $1,228,000 in 2008. The Siletz Tribe recommends a return to 2002 level of $3,000,000.

Natural Resources: The Tribe currently receives approximately $23,000 a year in BIA Forest Development funds. This money must be used for timber stand improvement activities like reforestation and pre-commercial thinning, but it only covers about 80 acres of treatment annually. Unfortunately, our current backlog of pre-commercial thinning needs exceeds 1,000 acres. Failure to complete these projects puts forest health and future timber revenues in jeopardy due to overcrowding, insect attack vulnerability, and fire hazard. This has a direct impact on Tribal self-sufficiency, because the Siletz Tribe, like other Northwest Tribes, relies heavily on our timber revenue. 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. The Siletz Tribe needs at least $250,000 to erase our current pre-commercial thinning backlog. Nationally, Tribal Management/Development should be funded at $50,000,000 to support Tribes in managing our resource responsibilities.

Education: The Siletz Tribe does everything we can to support lifelong learning. Beginning with our smallest members, the Siletz Tribe operates four Head Start Classrooms located in cities with major tribal populations—one near the reservation and the others located

100 to 150 miles from the reservation where significant numbers of tribal families live. Head Start funding has declined every year for fourteen (14) years and the Tribe has subsidized increasing administration costs each of those years, budgeting $90,000 in tribal funds for 2009. Our program has a waiting list every year. We recommend that you appropriate $10,000,000 for Head Start. As for our older children, we note that a 2007 National Indian Education study found that fourth and eighth grade Native students scored significantly lower than their peers for reading and math. Yet Johnson-O'Malley (JOM) funding has been frozen at 1995 levels, which translates to $83,000 a year for the Siletz Tribe. This does not cover staff time and services for our tribal children who are located throughout an 11-county service area; the funds are used to offer limited tutoring services. The Tribe recommends that JOM be funded at $24.3 million to address student needs. The Tribe received $175,000 in BIA funding for Higher Education for 2009 and supplemented this with $600,000 of tribal revenues, yet these resources do not meet the estimated need of $925,000. We strongly recommend $32,000,000 for Title III funding under the Higher Education Act.

Housing: The Tribe receives funding through an Indian Housing Block Grant from HUD. Over the past 20 years, those funds have provided for construction of 52 low rent and 83 home ownership units on reservation land. Because many of our members reside off the reservation, we also provide a housing voucher program for 80 tribal families. Despite these accomplishments, we have 100 families on our low rent waiting list, 82 on the voucher list, and 31 on the home ownership list. The IHBG program addresses an essential need for tribal families. We urge continued funding of $854,000,000 for this critically needed program.

Health Services: The Siletz Tribe manages our health programs under a PL 93-638 Compact with DHHS. Our Contract Health Services program struggles every week to determine the appropriate level of care given the lack of resources to cover medically necessary requests. Implementation of Medicare-Like Rates in 2007 gave us more ability to cover priority-level care, but expansion of MLR to outpatient services would benefit our CHS program even more. The Siletz Tribe has committed more than $4 million of its own resources to a new health facility. Adequate staffing and equipment dollars in the amount of $3 million would enable the expansion of health services and alleviate the reductions that were necessary due to inadequate inflationary adjustments to our recurring budgets. IHS sustained $711 million in lost purchasing power during the past administration. The Siletz Tribe recommends that Congress provide at least $469,781 to fund mandatory costs associated with maintaining current services, and that it restore the appropriation by providing adequate increases over the next two fiscal years. We also recommend that you exempt the IHS budget from "across the board" cuts. Finally, it is imperative to preserve the basic health program funded in FY 2010 by providing an increase of at least $470 million to the IHS budget. This recommendation is based on true inflationary rates developed using the CPI's medical components. Anything less than $470 million will leave IHS and Tribal programs with no alternative but to cut health services to Indian people. There simply is no other way for Tribes to absorb these mandatory costs.

In closing, I urge the Committee to give thoughtful review to the NCAI Indian Country FY2010 Budget Request, which would provide Tribes the resources needed to rebuild our tribal communities. Thank you for your time; I would be happy to answer any questions.

Mr. DICKS. Anybody have a question?

Well, we appreciate the good work you are doing. How do you help subsidize all these programs?

Ms. PIGSLEY. Casino revenues.

Mr. DICKS. Because you are right on the coast?

Ms. PIGSLEY. Well, yes. Because we have been operating the casino successfully, it always is a problem addressing all of the needs of the tribe, but education and healthcare are at the top of our priorities. And while I have to throw in something about Tamal Indian School, I live a mile from Tamal Indian School, and I actually grew up there. My parents worked there, and we lived on campus. They used to be a school of 900 students strong and a very successful school with vocational training and high school diplomas and they have been severely under-funded for many years, and somebody mentioned earlier that the formula that is used to support schools is out of date and out of time. And it is important because off-reservation schools are needed and are important, and they need to be funded adequately. We need to be raising students that do not have an opportunity on the reservation, they need to be given the same opportunity as the rest of the Indians in this country.

Mr. DICKS. All right. Thank you very much.

Ms. PIGSLEY. Thank you.

Mr. DICKS. Appreciate your testimony.

Homer Mandoka, Vice Chairman. Welcome.

THURSDAY, MARCH 26, 2009.

NOTTAWASEPPI HURON BAND OF POTAWATOMI

WITNESS

HOMER MANDOKA

Mr. MANDOKA. Good afternoon, Mr. Chairman, and subcommittee members. My name is Homer Austin Mandoka. I am the Vice Chairman for the Nottawaseppi Huron Band of the Potawatomi Indians. I have served on the Tribal Council since 2002. I am also a police officer. I am honored to present the Huron Band's testimony concerning fiscal year 2010, budget for the Bureau of Indian Affairs.

The Huron Band urges the committee to ensure that future law enforcement funding is allocated in a manner which addressed the glaring shortages of public safety officers in BIA District 1, and that the public safety needs of the Michigan Indian Tribes is not overlooked.

Thank you for adding $25 million to the 2009 appropriation for BIA law enforcement. The Huron Band was federally recognized in 1995. Since that date the United States has accepted 200 acres of lands into trust for our tribe in our ancestral homeland of Calhoun County, Michigan. Our goal of having these lands taken into trust by the Federal Government is to provide our constituents adequate healthcare, opportunities for educational advancement, health and affordable housing, jobs, and economic growth. We are committed to strengthening the tribal government and reaffirm the govern-

ment-to-government relationship with the Huron Band enjoined with the United States more than 7 generations ago.

Since that recognition we have undertaken a 14-year journey to provide opportunity and self-sufficiency for our members. In this short time we have accomplished a great deal in building the governmental and social infrastructure to provide the tribe a solid foundation for our future. After building a strong tribal system, codes, and laws over the last 14 years, we have built or rehabilitated 19 homes on our Pine Creek trust land, restored 60 acres of wetlands and trails, developed Invasive Species Containment Program, built a multi-disciplinary health clinic, and a tribal community and education center.

A critical cornerstone of the tribal government's efforts is the establishment of a justice and public safety system to protect and serve our visitors, businesses, and our residents of our reservation.

In 2006, our membership approved a constitutionally-based court system, and we have appointed a tribal court judge and an administrator. We have adopted tribal criminal and civil procedure codes as well as a penal code. We are serious. The Tribal Council wants to protect and serve its community. The tribe realizes that public safety issues involve cooperative partnerships with state and local governments. As such, we have implemented a public safety and deputization agreement with the relevant local government. Even with these agreements because Pine Creek Indian Reservation is located 25 miles from any urban population center, there are limited patrols, and the response times to the reservation are nearly 40 minutes.

As a 22-year police veteran I can tell you the single most important ingredient for law enforcement success is response time. The tribe does not have the resources to provide the level of police protection our community deserves, but working together with federal, state, and local agencies we can protect and serve them within minutes. Most recently, the tribe hired a director of law enforcement to begin the process of building a tribal police department. The Tribal Council committed its funding from a very limited resource. In the past 3 months we have adopted an ordinance to establish and grant authority to a tribal police department, authorized department policies and procedures, purchased liability insurance, and swore in our first police director. We are serious.

Our cost for action. The tribe needs additional resources to fully support our police department. The tribe receives $199,439 from the Bureau of Indian Affairs to support all of our government functions. While we appreciate this funding, the most basic needs of tribal government administration, let alone any component of law enforcement, is under-funded. The tribes recognized 1 year before us received in excess of $1 million or more. As we understand it, the rationale for setting the base was that the tribes would develop and have land taken in trust and then the BIA would increase their funding level. Unfortunately, this has not come to pass.

The tribe estimates it will require $2.8 million to start up and equip a fully-staffed police department. Ongoing operational costs are estimated at $1.5 million. The tribe is particularly concerned because the BIA area that covered law enforcement District 1 also covers the Great Plains, where the crime rates are high, and law

enforcement officers are limited. The tribe will never see any benefit from increased law enforcement funding because we cannot compare to the statistics of the Great Plains and its tribes.

Nevertheless, our communities have tribes and in our community in the last year we have encountered the rape of a child, witness intimidation, weapons violation, illegal drugs, domestic violence, Internet porn piracy, and several incidents of theft. In this day and time it takes a great amount of courage for any government official to enforce the laws of the land that it lives in, but we affirm safety as a cornerstone of government. As a tribal elected official, police officer, husband, and father, I want to protect and serve our tribe.

We urge the committee to direct the BIA to guarantee the tribes in Michigan receive an immediate allocation of any proposed increases for law enforcement.

Thank you for your time.

[The statement of Homer Mandoka follows:]

TESTIMONY OF
HOMER MANDOKA, VICE-CHAIRMAN OF THE
NOTTAWASEPPI HURON BAND OF POTAWATOMI INDIANS
BEFORE THE HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES.
MARCH, 2009

Good afternoon. My name is Homer Austin Mandoka. I am the Vice-Chairman of the Nottawaseppi Huron Band of Potawatomi Indians. I have served on the Tribal Council since 2002. I am also a Police Officer. I am honored to present the Huron Band's testimony concerning the FY 2010 budget for the Bureau of Indian Affairs.

The Huron Band urges the Committee to ensure that future law enforcement funding is allocated in a manner to address the glaring shortage of public safety officers in BIA District 1, and that the public safety needs of Michigan's Indian tribes are not overlooked.

The Huron Band was federally recognized in 1995. Since that date, the United States has accepted 200 acres of land into trust for the Tribe in our ancestral homeland of Calhoun County, Michigan. Our goal in having these lands taken into trust by the Federal Government is to provide our constituents adequate healthcare, opportunities for educational advancement, safe and affordable housing, jobs and economic growth, to strengthen the Tribal government and reaffirm the government-to-government relationship the Huron Band enjoyed with the United States more than seven generations ago.

Since recognition, we have undertaken a fourteen year journey to provide opportunity and self-sufficiency for our members. In this short time, we have accomplished a great deal in building the governmental and social infrastructure that provides our Tribe a solid foundation for the future. After building strong Tribal systems, codes and laws in the last fourteen years we have had built or rehabilitated 19 homes on our Pine Creek trust land, restored 60 acres of wetlands and trails, developed an invasive species containment program, built a multi-disciplinary health clinic and Tribal community and education center.

A critical component of the Tribe's efforts is the establishment of a public safety and justice system to provide public safety to the residents of our Reservation and to the visitors to our businesses. The Tribe has adopted a Tribal criminal code, and tribal criminal and civil procedure codes. We appointed a Tribal Court judge and a Tribal Clerk. Most recently, the Tribe hired a Public Safety Director to begin the process of building a Tribal Police Department.

Importantly, the Tribe realizes that public safety issues require a partnership with the state and local governments. We have implemented a public safety and cross-deputization agreement with the relevant local governments. Even with these agreements, because the Tribe's Pine Creek Reservation is located 35 miles from any urban population center, there are limited patrols and the emergency response times to the Reservation average nearly 40 minutes. Unfortunately, the Tribe does not have the resources to provide even the most minimal level of

police protection for our community. As a Tribal elected official, police officer, husband and father, I want to ensure that our Tribe focuses on the basics. Public safety is critical to the stability of any community.

Consequently, the Tribe needs additional resources to fully support our own public safety department. The Tribe receives $199,439 from the Bureau of Indian Affairs to support all of our general governmental functions. While we appreciate this funding, it does not support the most basic needs of the Tribal Government Administration, let alone any component of law enforcement. Moreover, the Tribe's BIA funding has not increased since 1995, which was the first year that the BIA set the baseline funding levels for newly recognized tribes at $200,000.

Tribes federally recognized the year before have a BIA base budget in excess of $1 million or more. As we understand it, the BIA's rationale for setting the base at $200,000 was that as tribes developed and had land taken into trust the BIA would increase their base funding to accommodate the expanded services such as law enforcement, welfare and natural resource programs. Unfortunately this has not come to pass. The Tribe estimates that it would require $2.8 million to start-up and equip a fully staffed police department. The on-going operating costs would be about $1.5 million

There are twelve federally recognized tribes with approximately 25,000 acres of trust land in Michigan, yet there is only one BIA law enforcement investigator. He is located in the Upper Peninsula of Michigan, more than a five hour drive from our Reservation. The Tribe is particularly concerned that because the BIA area that covers law enforcement services in Michigan (District 1) also covers the Great Plains, where the crimes rates and the law enforcement deficit are staggering, the Tribes in Michigan will never receive any benefit from the increased law enforcement funding because our statistics cannot compare to those of the Great Plains' Tribes. Nevertheless, our communities have crime. In mine alone, in the last year we have had an assault of a child, the threatening of witnesses and several incidents of theft. If we do not have public safety services and are not able to establish a strong law enforcement presence, we fear our Reservation will become a haven for criminal activity.

We urge the Committee to direct the BIA to ensure that Tribes in Michigan receive an allocation of any of the proposed increases of law enforcement funding provided by Congress.

Thank you for your time.

Mr. DICKS. Thank you. Any other questions? Thank you very much.

Robert Benavides, Governor of the Pueblo.

THURSDAY, MARCH 26, 2009.

PUEBLO OF ISLETA

WITNESS

ROBERT BENAVIDES

Mr. BENAVIDES. Good afternoon.

Mr. DICKS. Welcome. Thank you for your patience.

Mr. BENAVIDES. Mr. Chairman, committee members, it is an honor to be before you today. On my left is former Governor Sefarino Ante, and also Councilman Vernell.

Mr. DICKS. Thank you.

Mr. BENAVIDES. My name is Robert Benavides. I am the Governor of the Pueblo of Isleta. Isleta is located centrally in the Rio Grande Valley, 13 miles south of Albuquerque with a land area of 211,000 acres and over 323 square miles, and it is one of the largest Pueblos in New Mexico. Currently there are approximately 4,000 tribal members living in the Pueblo. The median age of the Pueblo is 31, with the median family income of below $30,000.

Thus, we have a young population, many of whom are in or on the verge of poverty, which is why the Pueblo is focused on developing solid programs, infrastructure, and institutions that will be able to meet the needs of our members and community as well into the future.

The Pueblo of Isleta is hopeful that the Administration's first budget will recognize the growing and significant needs of Indian Country. With the exception of certain law enforcement programs, funding for travel programs in the last 2 decades has remained essentially flat, and in many instances has actually gone down because of the across-the-board rescissions in programs such as education, healthcare, social services, and natural resources.

The Pueblo's priorities in the area of infrastructure, law enforcement, natural resources, healthcare, and contract support costs with regard to infrastructure we are very encouraged by the President proposal to increase the level of funding for both the Clean Water and Safe Drinking Water Revolving Loan Funds. At the Pueblo we are in desperate need of replacing 15,000 linear feet of asbestos concrete water mains that provide water to the 400 households in our main village. We cannot imagine anywhere else in America where it would be tolerated that children and elders would have to drink water from asbestos-lined water mains. We would urge Congress to support the President's funding request.

With regard to law enforcement, I am a former law enforcement officer, and I can tell you that public safety and justice needs remain a permanent concern for most tribal leaders. We strongly support your repeated efforts to increase tribal law enforcement funding. We would also like to thank the subcommittee for its focus in fiscal year 2009, on addressing violence against women in Indian Country. As you well know, Indian women are victims of violences

at rates that are significantly higher than those of the rest of the population. In the last 2 decades the Federal Government has not dedicated any new financial resources to the protection and preservation of federal protected trust resources.

Whether it is tribal land, timber, or water, the Pueblo Isleta believes it is time for the Federal Government to reinvest in the resources to ensure that they are enhanced and protected for the future.

With regard to the Indian Health Service, I join my fellow leaders today in calling for Congress to make a real investment in Health Services programs. Keep up and pay costs and inflation is simply not enough.

Finally, I would like to join in calling for full funding for contract support costs. If the committee fully funded contract support costs, you would be providing a significant increase to virtually every tribe in the country. This is a tide that will float all boats.

Thank you for your time and support of Indian Country.

[The statement of Robert Benavides follows:]

TESTIMONY OF
ROBERT BENAVIDES, GOVERNOR
PUEBLO OF ISLETA
BEFORE THE HOUSE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
MARCH, 2009

I. INTRODUCTION

I am Robert Benavides, Governor of the Pueblo of Isleta. Isleta is centrally located in the Rio Grande Valley, 13 miles south of Albuquerque. The median age of the Pueblo is 32 with the median family income below $30,000. Thus, we have a young population, most of whom are in or on the verge of poverty, which is why the Pueblo is focused on developing solid programs, infrastructure and institutions that will be able to meet the needs of our members and community well into the future.

The Pueblo of Isleta is hopeful that the Administration's first budget will recognize the growing and significant needs of Indian country. With the exception of certain law enforcement programs, funding for tribal programs in the last two decades has remained essentially flat, and in many instances, was actually reduced because of across-the-board rescissions. This is across the board in education, health care, social services and natural resource programs. According to the Budget outline that we have seen, the President's budget is calling for a $400 million increase in Indian Health Service funding, and a significant increase in BIA law enforcement funding. This is appreciated, but more remains to be done.

II. INFRASTRUCTURE

A. Water Infrastructure. We are very encouraged by the President's proposal to increase the level of funding for both the Clean Water and Safe Drinking Water Revolving Loan Fund. At the Pueblo of Isleta, we are in desperate need of replacing 15,500 linear feet of asbestos-concrete water mains that provide water to the 400 households in the Village. We cannot imagine anywhere else in America where it would be tolerated that children and elders would have to drink water from asbestos-lined water mains. In addition, in the last decade the Pueblo has repaired over 200 leaks and breaks in the antiquated lines. Thus, replacing these lines will result in a significant reduction in water use. We would urge Congress to support the President's funding request and to consider increasing the 1.5% tribal set-aside for these programs.

B. Tribal Services Complex. In the area of community development there is a need for tribes to have access to resources that can be utilized to build governmental buildings. For too many tribes, including Isleta, our programs are operated in ramshackle buildings -- many of which present health hazards such as mold and asbestos for our employees and the people we serve. The Pueblo would like to build a Tribal

Center Complex that would house our police department, our appellate court, tribal court, wellness center, and Tribal administrative offices.

III. LAW ENFORCEMENT AND PUBLIC SAFETY

As a former police officer, public safety and justice needs remain a preeminent concern for me. While we greatly appreciate the increases provided last year, there remains a significant shortfall in law enforcement in Indian country.

Recent reports have focused on the high rate of alcohol-related crimes on reservations in New Mexico. One recent report shows that alcohol-related crimes on reservations in New Mexico are four times has high as the rest of the country. This study further indicates that alcohol plays a significant role in cases involving abuse or neglect of a child. Thus, it is clear that not only must we address the criminal behavior but we also must address the substance abuse behavior of our citizens. Unless we do this, we cannot secure a safe and healthy environment for our children to live and grow.

We would like to thank the Subcommittee for its focus in FY 2009 on addressing violence against women in Indian country. As you well know, Indian women are victims of violence at rates that are disproportionately higher than those of the rest of the population. Tribes not only need the resources to address the offenders, but the victims as well. In particular, we need programs to provide housing and counseling to victims and their children, so that when a woman and her children leave an abusive household they have some place to go.

IV. NATURAL RESOURCE PROGRAM

A. Forestry. It is time for the Federal government to reinvest in the protection and preservation of federally-protected trust resources, whether it is tribal land, timber or water. In the last two decades the federal government has not dedicated any new financial resources to ensuring that these basic trust resources are enhanced and protected for the future.

The Pueblo of Isleta operates its Forestry Management Program through a 93-638 contract with the BIA. The promise of self-determination is no more evident anywhere than in this program. After three major fires last year (Big Springs, Trigo, Ojo Peak) that moved, one after the other, from the south towards the Pueblo (the last one stopped literally on our border), the Pueblo allocated approximately $262,000 for a project to treat 320 acres for fire protection. The tribe used a 13-person fuels crew to complete the work and bought its own hand tools, uniforms and fuel for the project -- at the end of the project the crew treated 420 acres at an average of $350/per acre, versus the BIA average of $1500/per acre. We are doing a similar project in the Bosque forest. We have the resources to complete 580 acres, but need additional funds to complete the work on the remaining 1,400 acres.

Thus, while we did more with less money than the BIA would have done, there remains a significant need. As this Subcommittee well knows, investing in proper forest management is not simply good economic sense in terms of protecting the forest resources, but it is also necessary as matter of public safety. If these forests are not properly managed we will continue to have forest fires that endanger people's lives and homes.

V. ISLETA SETTLEMENT FUND.

I would like to take the opportunity to thank the Subcommittee for your support of the Pueblo of Isleta Settlement Fund. The $2.4 million in the President's FY 2010 budget is the last installment of the United States' commitment to Pueblo in its settlement of our damages claim against the United States.

VI. INDIAN HEALTH SERVICE

A. Health services. Addressing the health care needs of Indian people is a critical element to building a vital and thriving community in Indian country. In New Mexico, Indian people rank the highest in nine negative health indicators, including access to prenatal care, rates of diabetes-related death, youth suicide, and motor vehicle and accidental deaths. In order to respond to this, Congress must invest real dollars in health services programs, including preventative and mental health care.

B. Contract Support Costs. The Pueblo of Isleta has invested significant resources to build a state of the art clinic that provides ambulatory treatment, dental care, preventative care, and a pharmacy. We operate all of these programs through a P.L. 93-638 agreement with the United States, and the United States has not fulfilled its obligation to provide us with 100% of the necessary contract support costs for these programs. These are costs that the Pueblo must incur; they fund basic administrative costs, such as auditors, payroll, and insurance.

Today, we receive 73% of the contract support cost dollars that are due us, which means we must annually reduce our direct program dollars by $500,000 because of this shortfall. If this is not corrected in FY 2010, our ongoing IHS contract support shortfall will approach $2 million dollars for the last four years alone. This means that fewer children see the dentist, fewer people are screened for cancer, and fewer diabetics receive the care that they need. If the Subcommittee makes the commitment to fully fund contract support costs in FY 2010, this would provide virtually every tribally-operated health program in the country with a significant increase of funds that will go directly to health services for their people.

C. Contract Health Care. Finally, I join with all of my fellow tribal leaders from across the country and urge the Subcommittee to increase funding for contract health care. Notwithstanding the services provided directly at our clinic, we still have a significant need to refer patients to outside providers and we, like every other tribe in the country, must operate our contract health care program at the Level 12 "life and limb"

status. This means that we can only refer those in the direst state to outside providers and even at that level we do

Mr. MORAN [presiding]. Thank you very much, Governor.

Mr. Simpson, any questions? Mr. Cole? I guess you covered it all in your statement. Thank you very much for taking the time and preparing that comprehensive statement. We appreciate it, Governor. Thanks very much.

Next we are going to hear from Donald Rodger, Chief Donald Rodger of the Catawba Indian Nation.

Chief, nice to hear from you. You can proceed with your statement. If you want to summarize, that would be just fine with us.

THURSDAY, MARCH 26, 2009.

CATAWBA INDIAN NATION

WITNESS

DONALD RODGER

Mr. RODGER. Yes, sir. I am going to summarize my testimony with some brief comments, somewhat brief, I suppose. Mr. Vice Chairman, thank you for having me here and allowing me to speak and Ranking Member Simpson, I appreciate the opportunity and members of the committee. On behalf of——

Mr. MORAN. Mr. Cole is a real activist on behalf of Native Americans as well.

Mr. RODGER. Sure. Appreciate that. On behalf of the Catawba Indian Nation, which is the only federally-recognized tribe in the State of South Carolina, I want to thank you for this opportunity to testify before the House Interior Appropriations Subcommittee.

It has been many years since a Catawba leader has testified before the Congress, making my appearance a historic moment in the history of our two nations. Notably during the Revolutionary War the Catawba Nation stood with the American colonists in their struggle for independence. Catawba scouts accompanied then General George Washington on many of his campaigns. Ever since the Catawbas have always answered the call of country, and we will continue to do so. We still have young men from our tribe that are fighting in Iraq and from every major war and battle this country has been in, the Catawbas have participated.

Regrettably in 1959, Congress 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 evoke its treaty rights, the 225 square miles of South Carolina, did Congress pass and restore in 1993, the trust relationship, but this act had the effect of settling the Catawba land claims on terms favorable to the State of South Carolina. Today our reservation is only approximately 1,000 acres.

I am here today to urge the House Appropriations Committee to invest federal dollars in programs that support economic development for smaller tribes that have limited resources, very limited resources. The Catawba Indian Nation is one of a handful of tribes that do not enjoy the reigns of sovereign powers possessed by most Indian tribes. Under the terms of our Recognition Act that we possess, what I would term second-class travel sovereignty.

For example, the state government has enormous civil and criminal jurisdiction on our lands far in excess of that commonly accorded the states over other tribes. Additionally, we are excluded from the Indian Gaming Regulatory Act. Instead our Recognition Act limits the tribe to two bingo halls, neither of which has been in operation since South Carolina adopted a lottery. Our Recognition Act does refer 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.

Although we believe that the Catawba should have the same rights as other tribes, until Congress corrects this, we are focusing our efforts on ways to develop a diverse economy within the rights we currently possess. We ask that in your funding determinations you expand support for economic development programs that specifically support tribal economic development such as the Office of Indian Energy and Economic Development of the Bureau of Indian Affairs.

For our part we have four small grassroots-oriented requests. First, a little over $98,000 to purchase equipment and supplies for a tribal company that will provide canoe trips along the Catawba River.

Second, $100,000 to provide micro loans of up to $25,000 for the establishment of small businesses on the reservation that have developed and approved business plans.

Third, $99,000 to establish a Catawba welcome center in our old BIA building. It is a building that has been sitting there since the 1940s that is no longer owned by the tribe whatsoever, and this would provide a venue to educate the community on Catawba life and showcase our renowned pottery, our beadwork, and basket weaving.

And fourth, $132,000 for a feasibility study and business plan for a full-service convenience store.

I would also like to interject here, if I could, a few extra comments beyond this. Our tribe is small. We only have about 2,700 tribal members, and we desperately need some economic development for our tribe to survive. We do receive Bureau of Indian Affairs funding each year, but that was taken away in 2003, due to the fact of some issues that the tribe had with audits and things, but it was restored in October of 2007.

And with that we have an economic development department that has run through those funds that have helped create quite a few opportunities for us. Hope to come to fruition here soon.

I do want to thank you all for the opportunity to speak before you today, and on behalf of our people, the Catawba Indian Nation.

[The statement of Donald Rodger follows:]

Testimony of Donald Rodgers
Chief, Catawba Indian Nation
Before the
House Interior Appropriations Subcommittee
Thursday, March 26, 2009

FY 2010 Appropriations Requests (detailed descriptions at end of testimony):

- Catawba River Excursions - $98,100.
- Catawba Nation Microenterprise Fund - $100,000.
- Catawba Welcome Center - $99,000.
- "The Market" Feasibility Study and Business Plan - $132,000

Relevant Federal Agencies:

- Office of Indian Energy and Economic Development, Bureau of Indian Affairs
- Small Business Administration
- Commerce Department, Minority Business Development Agency
- Commerce Department, Economic Development Administration
- Housing and Urban Development Department, Community Planning and Development
- Agriculture Department, Rural Development

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.

It has been many years since a Catawba leader has testified before the Congress, making my appearance an historic moment in the history of our two nations. Notably, during the Revolutionary War, the Catawba Indian Nation stood with the American colonists in their struggle for independence from the dictatorial mandates of King George III. Catawba scouts accompanied then-General George Washington on many of his campaigns. Ever since, the Catawbas have always answered the call of country, living up to their half of the Tribe's government-to-government relationship with the United States - and we will continue to do so.

Federal Support for Smaller, Economically Disadvantaged Tribes Seeking Self-Sufficiency. I am here today to urge this Subcommittee 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.

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 recognition 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. Moreover, we are relatively small in number, with a population of approximately 2,700, and possess only a small fraction of our original landholdings. Our recognition act does contain a finding very relevant to today's hearing. The 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 recognition 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.

FY 2010 Appropriations Requests. Although we believe that the Catawba should have the same rights as other tribes, until Congress corrects this, we are focusing our efforts on ways to develop a diverse economy within the rights we currently possess. We ask that in your funding determinations you consider in general the tribal budgets of the Federal agencies listed above which provide significant funding to smaller tribes, as well as specifically the requests that we have listed and which are set forth in greater detail below:

- **Catawba River Excursions ($98,100).** Catawba River Excursions will offer guided and self guided canoe trips on the Catawba River and will showcase local natural resources and the culture and history of the Catawba Indians. During the peak months (June-August), canoe trips will be offered daily. During the non-peak months (April, May, September and October), the guided trips will be available on the weekends, as reserved by interested parties. Duke Energy has made a commitment, through its FERC relicensing, to provide a canoe launch, parking lot, restroom facilities, and after-hours gate and security lights valued at $165,000. Due to the nature of this licensing agreement, the use of the launch and parking area must be offered free-of-charge to the public. Duke Energy's contributions are expected to be finished by August 2009. Our existing Cultural Center draws about 5,000 visitors per year, and most visitors are usually eager to see and learn more. This canoe venture will serve as another draw as we try to build up our tourism efforts. The money requested will be used to purchase equipment and supplies for the business along with salaries for the employees for the first year.

- **Catawba Nation Micro-Enterprise Fund ($100,000).** Micro-enterprise ventures offer opportunities for individuals that ultimately lead to personal,

professional and community-wide growth. The development of a micro-enterprise fund that specifically assists tribal members is a targeted investment in the Catawba people. Since the creation of the Small Business Development Coordinator position at the tribal offices there have been many interested tribal members who have come to get help with business plans. Many of these plans are finished but the tribal members have not been able to find funding to get the business started. Four of these businesses could be started with a micro-loan of around $25,000. Since the tribe does not have money to loan out to tribal members to start businesses at this time these plans are finished but unfunded. Money to start a micro-loan fund would allow these small businesses to get off the ground. All of the potential owners are ready to start their businesses as soon as money is available. The federal money would act as a catalyst for starting the fund. As these original four businesses are successful they will be on a payment plan. As the money is returned to the tribe it will be used to give similar opportunities to other tribal members.

- **Catawba Welcome Center ($99,000).** The Catawba Indian Nation has the opportunity to purchase 1.08 acres located near the reservation boundary that includes a building which was the BIA office building during the 1950's. The historical significance of this building and its proposed transition into a welcome center will directly benefit the Catawba Indian Nation by providing a venue to educate the community on Catawba life and showcase our renowned pottery, beadwork, and basket weaving. The Catawba would use existing staff to ensure no loss of employment during these stressful economic times and therefore saving jobs in an effort to continue our economic growth. In addition, we will rely on the voluntary efforts of our independent potters, bead workers and basket weavers to serve as greeters, and the benefit they will receive is that they have a sales outlet for their creations therefore generating income for this community. About 30 million visitors come to South Carolina each year. The existing Cultural Center draws about 5,000 visitors per year, and most visitors are eager to see and learn more. This historical building will serve as another draw as we try to build up our tourism efforts.

- **"The Market" Feasibility Study and Business Plan ($132,000).** The tribe has the opportunity to purchase two acres of land that is contiguous to the current reservation and situated on the corner of a well-traveled road of approximately 3500 cars per day. The site has long been identified as ideal for a convenience store, which would also serve our tribal members. A feasibility study and business plan for this venture would be a sole Catawba Indian Nation endeavor, originating from the Economic Development office and will engage tribal members on every level.

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.

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. MORAN. Thank you, Chief.

Mr. SIMPSON. Mr. Chairman.

Mr. MORAN. Please, Mr. Simpson.

Mr. SIMPSON. Why did the tribe in '59, unrecognize——

Mr. RODGER. Well, traditionally during the termination era, that was the termination era of the United States Congress came out with, out of the government. There was about 105 tribes that were terminated in 1958, through 1960. The Catawbas were one of those, and they had a division of assets, and the 3,400-acre tract of reservation, some of it was given to tribal members as an assignment. Some of it was sold off and left them with that 720-acre tract that we have now, and then the tribe purchased some new property that has been put in federal trust status in 1996. So we are a little over 1,000 acres.

Mr. MORAN. But you have been denied any opportunity for economic growth in the state.

Mr. RODGER. Yes, sir.

Mr. MORAN. And that is your problem.

Mr. RODGER. Yes, sir.

Mr. MORAN. So what you are asking for is some opportunity to be able to develop some small businesses and get some employment growth here.

Mr. RODGER. Yes, sir. Sure do. We need some assistance. Our poverty level as you see in my testimony is double the State of South Carolina, which right now our unemployment level on the reservation is about 26 percent, which is still, you know, a pretty good percentage there, and we need opportunities for our people to go to work and the ability to create income for the tribe.

Mr. MORAN. And your tribe provided scouting for George Washington?

Mr. RODGER. Yes, sir. Sure did.

Mr. MORAN. Against the British?

Mr. RODGER. Sure did.

Mr. MORAN. Mr. Cole.

Mr. COLE. Thank you. My tribe fought for the British. We should get together and have a debate who made the right decision. I think we both might be disappointed.

I am serious about this, though. You put your finger on a real problem and dealt with this, some, when I was on natural resources. We have a lot of tribes that were terminated. This is actually, we always think that all this stuff is 19th century, but we are talking about the policy of the United States Government when everybody's living memory sitting at this table except one, and so this is not a new thing.

But if the condition, and we see this again and again as tribes to get recognized and are eligible for federal benefits, which frankly they are entitled to, they end up having to barter away part of their sovereignty. It is usually the state delegation that will not move for recognition of the tribe——

Mr. RODGER. Yes, sir.

Mr. COLE [continuing]. Without—I do not know if that is what happened with you, but that is what——

Mr. RODGER. Yes, sir.

Mr. COLE [continuing]. I have seen happen again and again and again. And this idea that you have to give up part of your sovereignty to get some of it is really incredibly offensive.

Mr. RODGER. Yes, sir. I agree.

Mr. COLE. And unfair. But, you know, at least we are one step back.

You outlined some specific things that could be done, but my guess is, again, if you are like most tribes that do not have access to a lot of capital——

Mr. RODGER. No, sir.

Mr. COLE [continuing]. Have you thought more broadly about whether or not there could be some sort of, I do not know, almost a bank-like exercise in the BIA that became a focal point of recapitalization of tribes, because that is what gaming has effectively done in a lot of tribes. They basically have given them the ability to get money, and then you see how their businesses start——

Mr. RODGER. Yes, sir.

Mr. COLE [continuing]. And so this lady a moment ago said that Oregon tribe, you know, if they did not have a casino, they would not have as many kids in college. They are literally replacing revenue that ought to be coming from someplace else from their tribal enterprise, but if you cannot do that, whether it is gaming or something else, you are in a real world of hurt.

Mr. RODGER. We are, sir, and we have the ability to have two bingo facilities, but the state enacted the lottery, which really reduced that for us because we only have class one bingo, which is the dauber bingo.

Mr. COLE. It is state run?

Mr. RODGER. Yes, sir, and the state actually violated, I consider violated our federal agreement because they changed the bingo laws I think about three different times.

Mr. COLE. Without the consultation?

Mr. RODGER. Yes, sir. Without the consultation of the tribe. And so, you know, that is something that we may look forward to in the future is, you know, trying to see if we can change that to see if we can have the ability to do some gaming. The State of South Carolina is very conservative as you all know.

Mr. COLE. So is the State of Oklahoma.

Mr. RODGER. Well, they do fairly well.

Mr. COLE. That is right.

Mr. RODGER. And I think that one other issue, and I just throw this out there, part of the settlement agreement and just by way of information is that the tribe also at the last hour of this settlement agreement with the gun to the head if I can say that, agreed to actually have to pay for our kids to go to public school. We have to pay an out-of-county fee for our kids to go to public school. We currently owe the local school district about $2.5 million for that, and it is a sad situation, but the state really overran that agreement because of the taxation that has never taken place on federal——

Mr. MORAN. That is in lieu of property taxes?

Mr. RODGER. Yes, sir. And the tribe never paid property tax.

Mr. MORAN. Well, how can you do that? I mean, you are a sovereign entity. I do not think the Federal Government pays the

State of South Carolina property taxes for military installations all over Charleston. I will guarantee you.

Mr. RODGER. No, sir. And it was a big issue, and I have actually tried to negotiate with the local school district to get that reduced or somewhat forgiven, because we have no economic development. There is no way for us to pay for it.

Mr. COLE. That is amazing.

Mr. MORAN. That is questionable. I do not know how you could get away with that.

Mr. RODGER. Well, it has been tried. Actually, it was tried in front of the State Supreme Court whether we had to pay it or not, and they agreed, of course, because it is the State Supreme Court——

Mr. MORAN. Well, I would say what is this doing in a state court anyway?

Mr. RODGER. Yeah.

Mr. MORAN. Why is it not in federal court?

Mr. COLE. That is right.

Mr. RODGER. Yes, sir. I believe, and I use this word, I guess an attorney word, which I am not an attorney, but the process, the tribe was under duress. It was either they sign this, or it was in the 12th hour, and they could not get anything after the fact. So they signed quite a bit of their rights away.

You know, I have consulted the Bureau of Indian Affairs about a police department, but because the state has jurisdiction on the reservation we cannot get Bureau funding for police.

Mr. MORAN. That was a condition of recognition then——

Mr. RODGER. Yes.

Mr. MORAN [continuing]. That you mentioned?

Mr. RODGER. Yes, sir.

Mr. MORAN. Has anybody at the BIA talked to you about whether or not this levying of state taxes on your land is legal? I mean, there anybody you can talk to there?

Mr. RODGER. Well, there is no levying of taxes. It is just in the settlement agreement that we agreed to pay for our kids to go to public school.

Mr. COLE. Oh. So that is another part of the original agreement.

Mr. RODGER. Yeah, and, you know, I think that my charge here is to hopefully readdress that and make some changes to that federal agreement, because it takes away a lot of our rights. And our children were ridiculed for that. Some of the children were actually, if I can say, discriminated against because that debt is out there. I met with school district officials, and I know that is a whole different issue. That is an Indian education issue, but it is a part of that agreement that was signed and we really need to have some change in it.

So that was something——

Mr. COLE. Is there any mechanism whereby that agreement can be revisited, or is this strictly a discussion between you and the state officials in South Carolina?

Mr. RODGER. Well, we tried to discuss with the state officials, and the officials are so afraid of gaming coming in to the state that the governor of South Carolina will not even talk to me. He will

not even address me at all because of that issue, and it is quite sad.

Mr. COLE. Well, you could set that issue aside, though, and talk about this taxation issue.

Mr. RODGER. Oh, yes, sir.

Mr. COLE. Would they not meet with you on that?

Mr. RODGER. And actually, I have tried to procure a meeting with him many times, and he is afraid it is going to end up in gaming, so he will not even meet with me. Now, the lieutenant governor has. I met with him and discussed these issues with him, and he is aware of those situations, and our state senator has now come to the point where he is admitting that the reason for those fees was to pay back what the state put into the $50 million settlement of 1993, about $10 or $12 million.

Well, the state has already made, when the tribe had a bingo, made about $9 million off of the fees that we had to pay them to operate the bingo.

Mr. COLE. What has happened, out of curiosity, you said your original, when you were terminated, you had about 3,500 acres, 3,400 acres, and some of that was put in individual allotments. I assume almost all of it.

Do the tribal members still hold that, or is that sort of——

Mr. RODGER. Some do but they were deeded as individual pieces.

Mr. COLE. Yeah.

Mr. RODGER. So they pay taxes on it now.

Mr. COLE. Right.

Mr. RODGER. It is an individual piece. Some of the tribal members still have the original piece.

Mr. COLE. I was just curious if you even know. I mean, frankly, my family holds the last of our allotment land. Our tribe was very opposed to what happened to your tribe.

Mr. RODGER. Yes, sir.

Mr. COLE. It happened to us about 60 or 70 years before you, and the argument was, and it, indeed, turned out to be true, that, you know, we had enough Chickasaws to lot the land out to, but then it was probably even worse in your case, systematically looted from them individually in the court system and what have you.

So, you know, a lot of that land, somebody may get it for a generation but the minute it is sold, it is gone. So is it mostly tribal members who still hold——

Mr. RODGER. No. Some of that property has already been sold off some years ago. That is what is happening with that. There is some trust property that is held in trust by a church organization for the tribe, benefit of the tribe, about 100 acres, 125 acres as a matter of fact.

Mr. COLE. And I am sorry. I do not know the location of the tribe within South Carolina. Where are you at?

Mr. RODGER. It is about 30 minutes south of Charlotte, North Carolina.

Mr. COLE. Okay.

Mr. RODGER. So we are in South Carolina. If anybody has ever been to South Carolina, about 7 miles east of Rock Hill. So just south——

Mr. MORAN. What Congressional district is it?

Mr. RODGER. John Spratt.

Mr. MORAN. Mr. Spratt.

Mr. RODGER. Yes, sir. He is very helpful to us. Has been. A wonderful individual to work with and so he is very aware of our situations, and he was a part of the settlement agreement and the committee that helped create that document. The unfortunate thing is just, we have a very particular state senator who helped procure that document as well that tailored it to the state. And it was, like I said, the 12th hour, and the tribe had to either sign it as is or give up their rights. And so now I think my tenure here as being elected chief of the Catawba Indian Nation is to try to correct that.

Mr. MORAN. Tom, if you have any ideas, I would like to help you.

Mr. COLE. I would love to sit and visit with you about this, because, again, it is such a microcosm of what is happening a lot of places, and it is tough because the politics are tough. I mean, frankly, we have been able, just to be candid, Mr. Chairman, to reassert some of our position in our state, largely because there are a lot of us, and so, you know, even big tribes in Oklahoma underwent the same termination experience that the Catawbas did and basically ceased to exist for 25 or 30 years as corporate entities. They were kept alive in churches and what have you, and then frankly the Recognition Act in the middle '70s let some of them come back. Well, they have all come back now. But they were big, and it was much easier. I mean, you have an enormous challenge because you are little. You are sort of surrounded by hostility. I do not mean that in a personal sense but in terms, a sovereign sense I do.

Mr. RODGER. That is right. You know, I guess my heart becomes tender about the history of the tribe, because they fought so much for the rights of the people that surrounded them. I remember, just another piece of history, I had a great uncle who fought in World War II who was not even considered a citizen in this country because the State of South Carolina did not recognize citizens of Native Americans in the State until 1944.

So until 1960, it was illegal to marry a white person.

Mr. COLE. Uh-huh.

Mr. RODGER. 1966, our kids were fully integrated into an all black school from the reservation school. So our history is what it is, but I think that I am here hopefully in my job to create the rights and protect the rights of our people and ask for assistance from Congress in many different ways. And that may be readdressing that settlement agreement to correct those actions, to make it what it should be.

So I would appreciate support on that as well.

Mr. COLE. None of us have constituents obviously in South Carolina but we are struck by this and just speaking for myself, if you come up with anything——

Mr. MORAN. Is 8A contracting open to you guys in any way or——

Mr. RODGER. It is. We have not applied for it because we are so small——

Mr. MORAN. Yes.

Mr. RODGER [continuing]. And the tribe really got into I say a fickle with the Bureau because they did not properly do the audits

according to the directives. And so the Bureau funding was rescinded back to the Bureau of Indian Affairs in 2003.

Mr. COLE. They did not have the personnel?

Mr. RODGER. Did not have the right personnel in place. The tribe, you know, when we were re-recognized, the leadership went to hiring the relatives rather than hiring the qualified individuals, and so we have since changed that. Our Bureau funds were brought back in 2007.

Mr. COLE. Let us see. We are not supposed to belabor these——

Mr. RODGER. Yes, sir. I understand.

Mr. COLE. No. You know, we have had 100, you know, tribes and varying problems and so on, but I think you have hit a respondent chord here, and maybe our staff can give some thought to it and the three members who listened to this I think would be receptive if you could come up with something. Okay? Let us see if we cannot do the right thing. It sounds like they have gotten the short end of the stick for a long time.

Mr. RODGER. Yes, sir. Thank you very much.

Mr. COLE. Thank you, Chief, for taking the time.

Mr. MORAN. Thank you. Appreciate it.

Mr. RODGER. Thank you all very much.

Mr. COLE. Thank you. You cover a whole lot of history, do you not? It is not comforting history either.

Mr. MORAN. No, it is not. It is very hard history.

All right. Our last witness is Roman Bitsuie, the Executive Director of the Navajo Hopi Land Commission Office of the Navajo Nation. So thank you for coming. You have got the last word here. Good afternoon.

THURSDAY, MARCH 26, 2009.

NAVAJO HOPI LAND COMMISSION OFFICE

WITNESS

ROMAN BITSUIE

Mr. BITSUIE. Good afternoon. It is an honor to make this appearance before the subcommittee. My name is Roman Bitsuie. I am the Executive Director of the Navajo Hopi Land Commission Office, Navajo Nation. I thank you for this opportunity to provide testimony on what is one of the most vexing matters in modern federal union 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. I have spent my entire adult life working to resolve the Navajo Hopi land dispute and the Bennett Freeze. Every day Navajo tribal members come into my office to tell me of the hardships that they have suffered because of the Relocation Law or the Bennett Freeze.

I would like to, again, bring to the attention of the committee the need for the additional resources to address the human toll of the federal forced relocation of thousands of Navajo families as well as Bennett Freeze. These needs will increase in the near future as the Office of Navajo Hopi Indian Relocation processes the claim of up

to 1,000 new applicants who may be eligible to receive relocation and housing benefits.

I also want to report on two positive developments which offer real hope for a brighter future for these families. The development of a renewable energy resources for the benefit of those affected by the Relocation Law and the lifting of the Bennett Freeze. The harsh impact of the federal action that created these two issues will be with the Navajo Nation for many more generations. For the first time, however, I have some good news to report.

Although I will, again, bring to the attention of the committee the need for additional resources to address the human toll that the forced relocation of thousands of Navajo families as well as the Bennett Freeze, I also want to report on two positive developments which offer real hope for a brighter future for these families.

First, the Navajo Nation has begun development of Paragon Resources Ranch in New Mexico. These lands were provided to the Navajo Nation as part of the Relocation Law. The Navajo Hopi Land Commission Office is developing large-scale renewable energy generating capacity on these lands. As a matter of federal law, the net income from the use of these lands will go exclusively towards addressing the adverse impact of the Federal Relocation Law, creating a viable new source of funds that will be available to address the ongoing harsh impacts of the Relocation Law and the various construction freezes.

The Paragon Ranch lands have highly-favorable characteristics for large-scale concentrating solar generating capacity. As a part of phase one development we have already completed initial assessment and will use with three large solar companies.

We ask that this committee help us to help ourselves by providing $1.5 million for phase two of this project out of the budget of the Office of Navajo Hopi Indian Relocation, which should be an increase overall for this purpose.

The second piece of good news is that all of the key legal issues between the two tribes, Navajo and Hopi, have been fully resolved, leading to after more than 40 years, the lifting of the federal-imposed Bennett Freeze in the western portion of the Navajo Nation, which has had no significant development for more than 40 years. As a result of this construction freeze, the Bennett Freeze Navajos have become the poorest of the poor. In 2006, after a settlement agreement was reached between the Navajo and the Hopi, the freeze was lifted, with most of the area having been found to belong to the Navajo Nation. For thousands of the Navajo families who live there this means that the freeze served no real purpose other than to bring them misery and hardship.

We ask that the committee support the lifting of the Bennett Freeze through steps of the Rehabilitation Program for the Bennett Freeze area with a first-year funding level of $10 million out of the BIA resources.

In conclusion, I urge the committee to live up to its responsibility to the many people adversely affected by the land dispute and the Bennett Freeze in a way that is fair and humane and not let the costly mistake of the past force decision today that results in an even greater human toll. The Navajo Nation is willing and open to

working with the committee to identify the most effective and practical ways of moving forward.

I thank the committee for this opportunity to provide testimony on this matter. Thank you.

[The statement of Roman Bitsuie follows:]

Roman Bitsuie, Executive Director
Navajo-Hopi Land Commission Office, Navajo Nation
Testimony Before the
House Interior Appropriations Subcommittee

March 26, 2009

Requests

- **$1.5 Million** for Phase II of the Navajo-Hopi Land Commission Renewable Energy Development Project, out of the budget of the Office of Navajo and Hopi Indian Relocation (which should be increased overall for this purpose)
- **$10 million** for establishment of a rehabilitation program for the former Bennett Freeze Area of the Navajo Nation, out of BIA Economic Development and other funds
- Fully fund the Office of Navajo Hopi Indian Relocation to quickly provide any newly certified applicants with housing and relocation benefits

Introduction. Thank you for this opportunity to provide testimony on the long running tragedy caused by the Navajo-Hopi Land Settlement. I am the executive director of the Navajo-Hopi Land Commission Office, an entity of the Navajo Nation. I have spent my entire adult life working to resolve Navajo-Hopi Land Dispute and Bennett Freeze-related issues. The Navajo Nation chapter where I am from, the Hardrock Chapter, in Northeastern Arizona, was divided in half when Congress partitioned what is known as the 1882 Executive Order area into the Hopi Partitioned Land (HPL), and the Navajo Partitioned Land (NPL). I have witnessed firsthand the hardship and devastation created by the relocation law and the construction freeze. Every day, Navajos whose lives have been upended by the relocation law, or the Bennett Freeze, come into my office to tell me of their hardships and suffering. The impact of these federal actions will be with the Navajo Nation for many more generations.

I would like to again bring to the attention of the Committee the need for additional resources to address the human toll of the forced relocation of thousands of Navajo families, as well as the Bennett Freeze. These needs will increase in the near future as Office of Navajo-Hopi Indian Relocation (OHNIR) processes the claims of up to 1000 new applicants who may be eligible to receive relocation and housing benefits. I also want to report on two positive developments which offer real hope for a brighter future for these families: the development of renewable energy resources for the benefit of those affected by the relocation law, and the lifting of the Bennett Freeze.

First, the Navajo Nation has begun to develop the Paragon Ranch lands through an initiative known as the Navajo-Hopi Land Commission Renewable Energy Development Project (REDP). These lands were provided to the Navajo Nation pursuant to 25 U.S.C. Section 640d-10. Funds generated through development of these lands will be deposited into the Navajo Rehabilitation Trust Fund (RTF). RTF deposits can only be used "for purposes which will contribute to the continuing rehabilitation and improvement of the

economic, educational, and social condition of families, and Navajo communities, that have been affected by" the Federal relocation law. 25 U.S.C. Section 640d-30(d). If these lands can be developed, then a vital new funding source will help to address the harsh impacts of the relocation law and the various construction freezes. The Navajo Nation is forming a management organization to direct the project and gather site-specific solar and wind data to establish a firm foundation for future activity. Our FY 2010 budget request for $1.5 million is to support Phase II of REDP.

The Paragon Ranch lands in Northwestern New Mexico have favorable characteristics for large-scale concentrated solar generating capacity. These lands are near major roads, electrical transmission and natural gas facilities, isolated from population centers and include several contiguous, low-slope areas of greater than 4 square miles within the total of more than 32 square miles current owned by the Navajo Nation. The Navajo-Hopi Land Commission REDP is a 3 - 5 year program to construct, and operate, renewable energy generating facilities, using wind, concentrating solar and other renewable energy technologies. This project will be the first large-scale—100 MW or larger—renewable energy generating project in Indian Country, in NM, and the Southwest and would demonstrate:

- the viability of large-scale renewable energy technology to replace coal-fired power stations as energy sources in the Southwest US and
- the viability of a Native American tribe to collaborate with industry and government partners on a large-scale renewable energy project.

For FY 2008, the Navajo-Hopi Land Commission received congressionally directed funds of $300,000 towards Phase I of this project. The requested budget for the second year of this project is $1,500,000. The Navajo Nation will provide in-kind contributions including NHLCO staff and staff of other Navajo Nation organizations. Following development of the project strategic plan and marketing materials, funding sources to be approached include the Navajo Nation Council, State of New Mexico and Federal renewable energy programs funds including the Tribal Energy Development Program, and private investors and private investment funds, among other sources.

The project already has a number of achievements, including:

- Assessment of key attributes of the land including: large contiguous low slope areas; proximity to electrical transmission, road and natural gas facilities; high solar radiation – 2005 - 2006
- Initiation of contacts with renewable energy industry firms to announce Navajo Nation interest in development of Bisti-Paragon Ranch lands for large renewable energy generating facility projects – 2006 - 2007
- Provision of tours of Bisti-Paragon Ranch Lands for three renewable energy vendor teams, Navajo-Hopi Land Commission delegates, Eastern Navajo Land Commission delegates, BIA and Congressional representatives
- Signing of Memoranda of Understanding with two renewable energy facility developers to investigate commercial potential of solar resources at Bisti-Paragon Ranch sites – 2000 – 3000 acres site being discussed. A third MOU related to large scale renewable energy development is in negotiation.

Phase II funds will: support Project management and implementation team activities to develop a large-scale renewable energy generating facility in the Bisti-Paragon area; initiate Navajo Renewable Energy capital investment/equity fund; design permit and initiate construction of (1) Bisti Renewable Energy Project Center at project site in New Mexico, and (2) Navajo Nation Renewable Energy Center in Window Rock, the Navajo Nation governmental center; and initiate Navajo Nation Renewable Energy mentoring/education program. Funds are projected to be allocated to support: professional management and office management services accountable to Navajo Nation Tribal Corporation Board of Directors; technical services to support management team activities to develop and implement design plans, attain land clearances, rights of way and utility and transmission service agreements, mentoring/educational programs; office, travel and publication costs, establish and market project capital investment/equity fund; design, permit and construct first phase of Bisti Renewable Energy Project Center and project site for office, visitor center, research and development, training and residential facilities, commercial uses - on-site powered energy supplied LEED-certified building) and Navajo Nation Renewable Energy Center in Window Rock – Navajo Nation government center - business, government-relations, office, conference, training, and educational services center on-site powered LEED–certified building.

Second, there is a need for a study and establishment of a rehabilitation program for the former Bennett Freeze Area. 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. Recently, a Federal court approved an agreement between the parties that lifts the freeze, with most of the area having been found to belong 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.

With all of the key legal issues between the two tribes fully resolved the federal imposed constructed freeze has been lifted on the western portion of the Navajo Nation. Navajos on the former Bennett Freeze area can finally begin to rebuild. The Senate has recently passed S. 39 sponsored by Senators McCain and Kyl that will repeal once and for all the law codifying the Bennett Freeze. We further ask for your support in passing the companion bill introduced in the House of Representatives by Congresswoman Kirkpatrick. We ask that the Committee support this important achievement by establishing a rehabilitation program for the Bennett Freeze area with a first-year funding level of $10 million.

This Committee should fund a reconstruction program for the Bennett Freeze area to address the disparities the people of the Bennett Freeze face. In addition, Congress should authorize the ONHIR to oversee reconstruction activities, with the Navajo Nation having the option of assuming control of those activities that affect Navajo people and lands. A reconstruction program 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 proposes the implementation of a housing construction and renovation program, infrastructure improvements (such as roads and electrification), and economic development initiatives (training, micro-loans, etc.) in this area.

Consistent with the findings of the study proposed above, rehabilitation efforts should also be focused on the NPL. The NPL Navajo communities have borne much of the cost of the relocation, having absorbed thousands of relocatees and their livestock in an area that has long been at or over capacity. The NPL's extremely limited infrastructure, which was overtaxed by the influx of relocatees, was further constrained by the construction freeze that was in place from 1958 until approximately 1979 and continues to be grossly insufficient to meet current needs resulting from the relocation law.

Additional study and support needs to be provided to the Navajo families who were forcefully evicted from District VI prior to passage of the relocation law. Initially, these families received no relocation benefits; eight years later, when they became eligible for benefits, we believe from anecdotal evidence that only about half were certified to receive benefits.

Conclusion. The Navajo Nation believes Congress should become keenly aware of both the cost and the complexity of the Land Dispute and the Bennett Freeze. We urge Congress to live up to its responsibility to the many people affected by these two matters in a way that is fair and humane and not let the costly mistakes of the past force decisions today that result in an even greater human toll. The Navajo Nation is willing and open to working with the Committee to identify the most effective and practical ways of moving forward. I thank the Committee for this opportunity to provide testimony on these matters.

Mr. MORAN. Thank you very much. Mr. Simpson.

Mr. SIMPSON. No questions.

Mr. MORAN. Mr. Cole.

Mr. COLE. Yeah. Just quickly. Could you give me a little bit more information? What is the nature of the renewable energy site? It is probably in here and I just have not spotted it. What kind of renewable energy?

Mr. BITSUIE. Well, we are looking at the solar and then the possibility of wind energy. We are looking at concentrating solar.

Mr. COLE. Do we have the great capacity to be able to move and sell the energy? Can you hook up, so to speak, pretty quickly and transport it if it is feasible?

Mr. BITSUIE. Well, the Navajo Nation Council has approved a Power Transmission Grid that would increase the capacity.

Mr. COLE. Have you had any discussions with potential private partners in here that would help capitalize this and then help you market the energy?

Mr. BITSUIE. The companies that we have been working with have been talking to a public service company in New Mexico as well as the company or the transmission in Colorado as well as Utah.

Mr. COLE. So they are pretty excited about the possibilities?

Mr. BITSUIE. They are pretty excited about the possibilities.

Mr. COLE. That is great.

Mr. MORAN. But you need the 1½ million kind of seed money to get the phase two going?

Mr. BITSUIE. That is correct. That would be more assessment to get—we received $300,000 a couple years ago, and we put the mechanism in place, and with this new money we would increase the work that needs to be done in terms of the feasibility and so forth.

Mr. COLE. One other question if I may. I am not familiar too much with this Bennett Freeze. Can you just quickly give me the background on the dispute between the Hopis and the Navajos?

Mr. BITSUIE. Well, there is two Navajo Hopi land disputes. One is the 1882, and the other one is the 1934, Boundary Act. In the 1882, Executive Order reservation when the government carved up a piece of property for the Hopi and such other Indians. That went into some determination through the federal courts and then ultimately by Congress that required the relocation of people from those lands that became other tribes' land.

In the Bennett Freeze, when Congress identified the Navajo Reservation within the State of Arizona back in 1934, the 1934 Boundary Act, it mentioned for the Navajo and such other Indian as the Secretary of Interior located thereon. And it is because of that ambiguity in the language that the courts had to make a determination, then ultimately the determinations were made. Some lands were identified to become Hopi, and then the Navajo and Hopi entered into a treaty with the Paiutes that carved up a piece of property for them as well.

So while this was going on from 1966, then Commissioner Robert Bennett placed a freeze on any development within that region, and it has been under construction freeze for 1966, to 2006.

Mr. COLE. And, again, what was the size of the area we are talking about?

Mr. BITSUIE. The size of the Bennett Freeze is 1.5 million acres.

Mr. MORAN. Excuse me.

Mr. COLE. Go ahead, Mr. Chairman.

Mr. MORAN. So could the Administration simply by Executive Order lift that freeze? Does it require legislation?

Mr. BITSUIE. Well, it required legislation for both tribes to litigate in courts in terms of, you know, how that land would be determined because in the Congressional it said for the Navajo and such other Indian. So the court would have to make some determinations.

Mr. MORAN. So the reason for the freeze is that you not add value to the land until there is a determination as to who has title to it?

Mr. BITSUIE. That is correct.

Mr. MORAN. So you have to determine which tribe, and that has yet to be determined, I guess?

Mr. BITSUIE. Well, it is——

Mr. MORAN. The dispute.

Mr. BITSUIE. The agreement has been reached between Navajo and the Hopi in 2006, so since then there has been some development but with not much going on in that region as of today.

Mr. MORAN. And there is going to be real development or the potential is to be fulfilled, you are all probably going to have to agree and have some consistency. Well, I mean, I get some sense of what the problem is, but it sounds like somebody needs to take some initiative to get this going. That is crazy if you have got that much land set aside, and you can not do anything with it.

Mr. BITSUIE. Yeah. The court has made a determination where 62,000 acres of that land is now Hopi. So that is all determined by the court as well.

Mr. MORAN. That is a small amount of land.

Mr. BITSUIE. Yeah, but the 1.4 million, or the balance of that amount minus that amount of acreage, is all Navajo. What we are asking in this request is for the Bureau of Indian Affairs to receive some funding to redress some of those rehabilitation areas within that region. And it is mostly housing, you know, for the most part. We have performed a study that was funded by the Bureau of Indian Affairs, which determined that in this region to recover for this 40 years it is going to take about $4.8 billion.

And so this year, you know, we are just making the request for $10 million, and hopefully there will be a comprehensive approach with members of Congress, you know, that would follow.

Mr. COLE. This whole issue of force, this predates this freeze, of forced relocations is really interesting. We have the Ponca Indians in Oklahoma largely because in the late 1870s the Federal Government mis-drew the lines between the Sioux, who were relatively war-like, and the Poncas, who were pretty peaceful, and put the Poncas on Sioux land. They decided it was a whole lot easier just to move the Poncas than fight the Sioux. And so it is actually quite a remarkable story because the court decision that declares finally Native Americans as human beings for the first time, comes out of

that case. It is called Trial of Standing Bear. He had to go to court to prove he was a human being to address a non-American citizen.

But, again they are not back on the Niobrara River in Nebraska. Most of the tribe is in Oklahoma. There is actually two branches now. But, anyway, thank you very much. Compelling testimony.

Mr. MORAN. Thank you, Mr. Cole. Mr. Simpson.

Thank you very much, sir, and we appreciate, again, your taking the time to share this with us. It is fascinating.

The subcommittee stands in recess.

THURSDAY, APRIL 23, 2009.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

PUBLIC WITNESSES

OPENING STATEMENT OF MR. DICKS

Mr. DICKS. The Committee will come to order. Mr. Simpson will be here in just a few minutes, but we want to try to stay on schedule today.

I want to welcome all of our witnesses this morning to the third of four days of public witness testimony. Today we will hear from a variety of witnesses representing many natural resource, environment, cultural and public health organizations. Next week we will continue with a second session devoted to these same topics.

As members know, the right of the public to petition the Committee is provided by the first amendment of our Constitution. I am glad to host a third year of public witness hearings as Chairman of the Subcommittee. I am especially proud to be able to sit in front of you today and say that over the past 2 years, this committee has worked hard to improve the bill and provide increases to vitally important programs. Last year's bill alone reflected a 4.8 percent increase above the prior year. In that bill, we rejected a number of requested cuts to programs that are critical to environmental, social and scientific activities. Instead, we choose to invest in programs that address global climate change and greenhouse gas reduction.

We continue to protect our public plans and precious open spaces and to provide federal support for the arts and humanities. We hope to continue these priorities in the fiscal year 2010 bill.

I would like to remind our witnesses that we have many speakers scheduled to appear today. To ensure that we are able to accommodate everyone, I ask that our witnesses respect the 5–minute time limit. A yellow light will flash with 1 minute remaining of your time in order to give you an opportunity to wrap up your statement. When the red light comes on, your time is expired. Your prepared statement will of course be published in the record along with a transcript of your actual testimony.

Mr. DICKS. Mr. Simpson, would you like to make an opening statement?

Mr. SIMPSON. Let's go, Mr. Chairman.

Mr. DICKS. All right. Our first witness is James D. Taft of the Association of State Drinking Water Administrators. Mr. Taft. Welcome.

THURSDAY, APRIL 23, 2009.

ASSOCIATION OF STATE DRINKING WATER ADMINISTRATORS

WITNESS

JAMES D. TAFT

Mr. TAFT. Thank you, Mr. Chairman. I am Jim Taft, the Executive Director of the Association of State Drinking Water Administrators, and I very much appreciate the opportunity of offering testimony this morning.

ASDWA represents the state drinking water programs in the 50 states, the five territories, the District of Columbia, and the Navajo Nation in their efforts to provide safe drinking water to more than 275 million Americans.

We respectfully request that for fiscal year 2010 the Subcommittee appropriate funds for three state drinking water programs at levels that ensure appropriate public health protection.

I would like to talk first about the Public Water Supply and Supervision Program, or the PWSS program. States have accepted primary enforcement responsibility or primacy for ensuring compliance with over 90 federal drinking water regulations and technical assistance efforts for over 155,000 public water systems. But state activities go well beyond simply ensuring compliance at the tap. They administer very challenging, multi-faceted programs, and in recent years, states have taken on a prominent role in working with federal and local partners to help ensure sufficient water quantity.

The number of federal regulations continues to grow while at the same time federal funding support has been flat or declining. State drinking water programs are now engaged in the critical phases of implementing a series of new risk-based drinking water rules. Those are requirements tailored by states to the specific risk posed, 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. Simply put, insufficient federal support increases the likelihood of contamination events that put public health at risk. The fiscal year 2009 appropriated level for the PWSS program was $99.1 million or a bit less than $2 million per state for the entire year. Although the '96 amendments authorized the program at $100 million annually, that level is now nearly 13 years after enactment, woefully inadequate for the enormity of the task. States recently identified an annual shortfall of about $360 million between the available funds and funds needed to administer their programs.

We therefore respectfully request that Congress appropriate $200 million for the PWSS program to more appropriately account for the recently promulgated federal mandates and the tasks faced by states.

I would like to talk next about the Drinking Water State Revolving Loan Fund. I think as you know the primary purpose of drinking water SRF is to improve public health by providing loans to im-

prove drinking water infrastructure, thus, facilitating water system compliance with drinking water regulations. The payback on the investment program has been exceptional. $8.9 billion in grants since 1997 has been leveraged by states into nearly $17 billion in infrastructure loans.

In so doing, states provided assistance to more than 6,000 projects improving public health protection for over 100 million Americans. State drinking water programs have also used SRF funds to support technical assistance and training needs of small drinking water systems. States have also lept into action to use the funds provided through the stimulus bill. They are striving to maximize the depth and breadth of that funding opportunity across all drinking water system sizes and types.

The SRF program and the President's budget for the past several years has been flat lined or decreasing. It was $829 million for the past two fiscal years. At the same time, EPA's most recent need survey indicated that the drinking water system needs total about $335 billion over the next 25 years. States believe that is a very substantial down payment but believe more is needed, and we are very encouraged by the $1.5 billion in the President's 2010 budget.

Mr. DICKS. Now, you know that is in there, right?

Mr. TAFT. We know that is in there. And that is a level that states strongly support.

Mr. DICKS. Good.

Mr. TAFT. Well, it was in OMB's initial release.

Mr. DICKS. Outline.

Mr. TAFT. Outline of the funding levels.

Mr. DICKS. Even though they said it was subject to change, I do not think they will change that.

Mr. TAFT. That would be terrific. That would be great.

The last program I would like to mention real quickly is the State Drinking Water Security Responsibility. Since the events of 2001 as well as the more recent events, hurricanes, wildfires and floods, states have taken on exceptional measures to meet the security and emergency response-related needs of the drinking water community. They provided assistance, training, information and financial support to their water systems and continually work toward integrating security considerations into all aspects of their programs.

The appropriated level in fiscal year 2009 was about $5 million or a little less than $100,000 per state, and states have a tough time understanding why that level has been flat-funded since 2002. And so we respectfully request $7 million in fiscal year 2010 for funding state drinking water security initiatives.

[The statement of James Taft follows:]

Association of State Drinking Water Administrators

Testimony to the House Committee on Appropriations;
Subcommittee on Interior, Environment, & Related Agencies
April 23, 2009

Who We Are: James D. Taft, Executive Director, on behalf of the Association of State Drinking Water Administrators (ASDWA), is pleased to provide testimony to the Interior and Related Agencies Subcommittee on FY 10 Appropriations for the U.S. Environmental Protection Agency. ASDWA represents the state drinking water programs in each of the fifty states and territories 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-10, the Subcommittee appropriate funding for three state drinking water programs at levels commensurate with Federal expectations for performance and at levels that ensure appropriate public health protection. ASDWA requests $200 million for the Public Water System Supervision (PWSS) program; $1.5 billion for the Drinking Water State Revolving Loan Fund (DWSRF) program; and $7 million for state drinking water program security initiatives. A more complete explanation of the needs represented by these requested amounts and a further explanation of 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 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 and that plans are in place to respond to both natural and manmade disasters.

Vibrant and sustainable communities, their citizens, workforce, and businesses are dependent upon a safe 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. 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. Children and seniors are the most susceptible to illness and death from several of the contaminants regulated by Federal drinking water laws including lead, mercury, nitrates, bacteria, and viruses. As important as public water systems are to the quality of water we drink, and therefore our health, the majority of water produced by public water systems is used by businesses and for fire protection. Businesses need adequate supplies of good quality water for processing, cooling, and product manufacturing. The availability of adequate supplies of water is often a critical factor in attracting new industry. Public water systems, including, cities, villages, schools, and businesses rely on state drinking water programs to ensure they are in compliance with Federal requirements.

The PWSS Program: To meet the requirements of the SDWA, 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. 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 "source to tap." These include source water assessments and controls; technical assistance with water treatment and distribution; and enhancement of overall water system performance capabilities. In recent years, states have 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, thanks to significant investments made over the decades. The payback on this investment has been exceptional: $8.9 billion in capitalization grants from Congress since 1997 has been leveraged by states into nearly $17 billion in infrastructure loans to small and large communities across the country. Everyone agrees this is an investment that pays great dividends both economically and in protection of our citizens' health. State drinking water programs have also used DWSRF funds to support the technical assistance and training needs of small drinking water systems and to help these water systems obtain the technical, managerial, and financial proficiency needed to meet the requirements of the SDWA. States have also lept into action to utilize the infrastructure funds provided to the DWSRF through the American Reinvestment and Recovery Act (ARRA) and are striving to maximize the depth and breadth of these funding opportunities across all drinking water system sizes and types.

State Drinking Water Security Responsibilities: Since the events of September 2001, as well as the more recent experiences of devastating hurricanes, wildfires, and floods, states have taken extraordinary measures to meet the security and emergency response-related needs of the drinking water community. State drinking water programs have responded to requests for assistance, training, information, and financial support from the water systems under their purview as well as supported utility-based "mutual aid" networks. States continually work toward integrating security considerations throughout all aspects of their drinking water programs.

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 current national economic crisis. This has meant further cutting their budgets, streamlining their workforces, and operating with less state-provided financial support. 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. Insufficient Federal support for this critical program increases the likelihood of a contamination event that puts public 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 or come close to that originally-authorized level. $99.1 million was appropriated for the PWSS program in FY 09. Even the fully authorized level of $100 million annually is now, nearly 13 years after enactment, woefully inadequate for the enormity of the task faced by state drinking water

programs. In FY 06, 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 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 their own resource constraints and lack of "on the ground" expertise. This situation could create a significant implementation crisis in several regions of the country and ultimately delay implementation of critically needed public health protections.

FY 10 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 in decline. The FY 09 appropriated level of $99.1 million reflects a downward trend from the enacted budget high point of $101.9 million appropriated in FY 04 – an already insufficient amount. 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) as well as beginning to implement 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 contaminants on EPA's Contaminant Candidate List will be forthcoming as well as revisions to the Total Coliform Rule.

ASDWA therefore respectfully requests that the FY 10 funding for the PWSS program be appropriated at $200 million. *This figure was calculated by starting with a baseline of $124.3 million (the FY 04 appropriated figure, adjusted for inflation); adding $50.7 million to implement recently promulgated rules (per EPA's Economic Analyses for these rules); and adding $25 million for other new program requirements (e.g., emerging contaminants, modernizing data systems, and supporting small water systems).*

The DWSRF Program: The DWSRF program request in the President's budget for the past several years has been decreasing. (The FY 08 request was $842 million but the enacted level was $829 million; the FY-09 request and enacted level was $829 million.) However, states were very encouraged by the $1.5 billion requested in the President's FY 2010 budget and strongly support that level. 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. For instance, industries have opted not to move to locations with inadequate water and other utility capacity to meet their needs. States have very effectively and efficiently leveraged Federal dollars with state contributions by turning over $8.9 billion in cumulative Federal capitalization grants into almost $17 billion in water infrastructure loans since 1997. In so doing, states have provided assistance to more than 6,100 projects improving health protection for over 100 million Americans. 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 is a very substantial down payment on addressing those needs and filling the infrastructure gap. In light of these indicators of success and documented needs, we believe the $1.5 billion level requested in the President's FY 2010 budget will better enable (as compared to levels provided in recent years) the DWSRF to meet the SDWA compliance and public health protection goals for which it was designed.

ASDWA, therefore, respectfully requests $1.5 billion in FY 10 funding for the DWSRF program; consistent with the President's budget request.

Security Responsibilities: The FY 09 enacted level for state drinking water programs to continue to expand their security activities, particularly for small and medium water systems and to support utility-based mutual aid networks for all drinking water systems was $4.95 million. While states are appreciative of the funding, it is difficult to understand why the request level has been chronically flat funded. Given the realities exemplified by ongoing Homeland Security initiatives, the goals of the National Infrastructure Protection Plan, and the lessons learned from Hurricanes Katrina, Rita, and Gustav, 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. Beyond the mandates of the Bioterrorism Act of 2002, states are being directed to expand their efforts to reflect an "all hazards" approach to water security and to focus their efforts toward smaller water systems not covered by the Act. These systems rely heavily on the states to help them meet their needs and identify potential funding sources (DWSRF).

ASDWA therefore respectfully requests $7 million in FY 10 funding for the state security initiatives. *This figure represents a modest increase over the security grant received over the past few years. This increase is more commensurate with the security tasks state drinking water programs must take on and would help address the eroding effects of inflation since the originally appropriated level of $5 million in FY 02.*

Conclusion

In conclusion, ASDWA respectfully recommends that both state and Federal FY 10 budget needs for the provision of safe drinking water be adequately funded by Congress. ASDWA also calls the Subcommittee's attention to the state-recommended FY 10 budget developed by the Environmental Council of the States (ECOS) as a constructive starting point for these discussions. 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. In 1996, Congress provided the authority to ensure that the burden would not go unsupported. For Fiscal Year 2010, ASDWA asks that the promise of that support be realized.

GRANTS FOR RURAL AREAS

Mr. DICKS. Okay. Let me ask you a question.

Mr. TAFT. Sure.

Mr. DICKS. I have been concerned. During the Nixon administration when Bill Ruckelshaus was administrator of EPA, he had $4.5 billion in grant money to local communities. I think it was like 80/20.

Mr. TAFT. For the SRF or for capital——

Mr. DICKS. This is for the Capital Construction Grant program.

Mr. TAFT. Construction grants, yes.

Mr. DICKS. Now, that was done away with, and we now go to the revolving funds.

Mr. TAFT. Right.

Mr. DICKS. What I am finding in rural areas in my district is that the local people cannot afford to pay back the loans. Now, I know on the Safe Drinking Water we put language in which we now have put into the——

Mr. TAFT. Clean Water.

Mr. DICKS [continuing]. Clean Water Revolving Fund so that the administrators can forgive their loans. There is a complicated formula that you have to go through.

Mr. TAFT. Right.

Mr. DICKS. I think we need to go back and have some form of grant program or we are never going to get these projects—what was your number, $335 billion backlog?

Mr. TAFT. It is the needs survey over 20 years.

Mr. DICKS. And that does not count——

Mr. TAFT. That is the drinking water. The clean water gap is about the same.

Mr. DICKS. Another 335.

Mr. TAFT. Roughly.

Mr. DICKS. So that is a $670 billion backlog. And we are putting less than $1 billion—I mean, maybe a small amount, less than $2 billion—into the revolving funds.

Mr. SIMPSON. Is that backlog?

Mr. DICKS. Now, the previous administration——

Mr. SIMPSON. Is that backlog or——

Mr. DICKS. Yes, that is both for Safe Drinking Water and Clean Water.

Mr. TAFT. That is a gap in what is needed over the next 20 years.

Mr. DICKS. Over the next 20 years?

Mr. TAFT. Right.

Mr. DICKS. Okay. We wanted to clarify that. And you know, some have said at EPA that the revolving funds as you said have enough funds to revolve without any replenishment of funds. I assume you strongly disagree with that.

Mr. TAFT. Well, for the reason that you mentioned. The Drinking Water Program has a disadvantaged loan program that does include a portion being grants, and so therefore, it cannot completely revolve a portion of it to help small communities. It is more than just a straight loan.

Mr. DICKS. Is the language that we use in the Safe Drinking Water SRF to be able to forgive some communities if they are in dire financial shape? That is a positive thing, right?

Mr. TAFT. That is a very positive thing, and states take advantage of that.

Mr. DICKS. All right. And we did that also in the stimulus package?

Mr. TAFT. In the stimulus bill, there is a 50 percent subsidy requirement that 50 percent of all the funds have to be subsidized.

Mr. DICKS. But I take it you would not object to seeing a new grant program like the one we had previously?

Mr. TAFT. Well, a portion of grants——

Mr. DICKS. It is not taking money away from the revolving funds but an outright grant program?

Mr. TAFT. I think for disadvantaged and small systems it makes a lot of sense, yes.

Mr. DICKS. All right. Thank you. Mr. Simpson?

Mr. SIMPSON. How much are we spending on trying to meet the arsenic rule in small communities? What I find in the small communities throughout Idaho, you have, you know, towns of 1,000 people, and the technology to meet the new standard in arsenic is driving them nuts.

Mr. TAFT. Sure.

Mr. SIMPSON. They are seeing their water bills go up 300, 400, 500 percent, and a lot of these are senior citizens on a fixed income. Is that part of the $335 billion?

Mr. TAFT. It is a chunk of that. I do not have a figure for you. I do not know how much, but we can get that figure. EPA would have that as a part of the analysis.

Mr. SIMPSON. Are those same issues affecting communities throughout the country or is it pretty much regional?

Mr. TAFT. There are about 4,000 communities that have arsenic problems, so it is a geographically based contaminate. It is a——

Mr. SIMPSON. Are all 4,000 in Idaho? I am just curious.

Mr. DICKS. We have arsenic problems in Washington State.

Mr. SIMPSON. You are kidding me.

Mr. DICKS. We will be together on this one.

Mr. TAFT. The Pacific Northwest, the West, the Southwest, even parts of New England have arsenic programs, upper Mid-West, Michigan has it as well.

Mr. DICKS. We had a copper smelter in Tacoma, Washington, the biggest city in my district that gave off tremendous amounts of arsenic that led to acid rain in the Alpine Lakes of the Cascade Mountains. And we had communities in an uproar about it. We finally closed it down. We are still struggling with that, the impacts of that arsenic in yards surrounding that factory.

Mr. SIMPSON. Thank you, Mr. Chairman.

Mr. DICKS. Thank you. You did a good job.

Mr. TAFT. Can I take 10 seconds and make one last point?

Mr. DICKS. Ten seconds.

Mr. TAFT. SRF is an important program, but the one that I mentioned up front is especially important to states. The folks that I represent are civil servants. You probably will not hear from them directly, but it is a critically important program that has been pret-

ty significantly underfunded, this PWSS program. Thanks for your consideration.

Mr. DICKS. Thank you. Okay. This is the Public Water System Supervision?

Mr. TAFT. Yes, sir.

Mr. DICKS. Thank you. Mr. Nolan.

Mr. NOLAN. Thank you, Mr. Chair, and good morning——

Mr. DICKS. We will put your statement in the record and 5 minutes to summarize.

Mr. NOLAN. Yes, sir. Good morning, Mr. Chair, and Mr. Simpson.

Mr. DICKS. Thank you.

THURSDAY, APRIL 23, 2009.

AMERICAN LUNG ASSOCIATION

WITNESS

STEPHEN J. NOLAN

Mr. NOLAN. I am Steve Nolan, volunteer chair for the American Lung Association which is the oldest voluntary health organization in the country with over 300,000 volunteers and 5 million active donors. I am an attorney in private practice in Baltimore, Maryland, and have been a volunteer with the American Lung Association for over 10 years.

Today I would like to discuss with you the critical need for increased funding for EPA's clean air program. Any discussion of air quality must examine the heavy toll of lung disease. Lung disease is a significant health program in the United States. Lung disease is the third-leading cause of death in the United States, responsible for the death of every one in six Americans.

Nearly all lung diseases are impacted by air pollution. Air pollution remains a primary contributor to the burden of respiratory disease and healthcare costs in this country.

The Clean Air Act was proven to be a powerful tool to improve the quality of our Nation's air. Emissions have been cut dramatically since 1970. However, much remains to be done. Millions of Americans live in counties that do not meet current Clean Air standards. Our Nation's capital is one of those communities. The EPA estimates that in 2007, more than $158 million Americans lived in areas with unsafe pollution levels.

The Clean Air Act requires science-based standards that protect public health. The EPA is required to review the National Ambient Air Quality Standards for ozone, particulate matter, sulfur dioxide, nitrous oxide, carbon monoxide and lead every 5 years. Historically, the EPA has not met the deadlines for these reviews and has been obligated to complete such reviews only under court order. In 2006, the EPA failed to strengthen the annual standard for fine particles, despite the near unanimous recommendation of the Clean Air Scientific Advisory Committee.

Just this past February of this year, the United States Court of Appeals ruled that the EPA needed to reconsider the scientific evidence sending their 2006 standards back to the EPA for corrective action. In 2008, the EPA set national air standards for ozone that

ignored the unanimous agreement among the independent Scientific Advisory Committee of the EPA on the need for much more protective new standards.

EPA has committed to review all the standards and meet their statutory deadlines. To accomplish this work and to meet the agency's obligations, we recommend a 25 percent increase in the Federal Stationary Source Regulation Budget to $33 million.

Efforts to clean up power plants and other measures to implement pollution cleanup have not moved forward in large part because of electric utilities and the EPA took steps to delay or circumvent the Clean Air Act. In the past, EPA has also failed to provide the guidance to states to meet national standards. To help implement these standards, we recommend a 25 percent increase in the Federal Support of Air Quality Management Budget to $115 million.

State and local air pollution control agencies are on the front lines in the effort to improve air quality across the Nation. One area where states are in need of significant resources and attention from this Committee is the Air Pollution Monitoring Network. We strongly urge the Committee to increase funding for the State and Tribal Assistance Grant, known as the STAG program, to $270 million.

The American Lung Association thanks this Committee for funding $300 million for diesel emission retrofits in the American Recovery and Investment Act. We support the funding of full authorization as set forth in the Diesel Emission Reduction Act of 2005 at $200 million per year for fiscal year 2010.

Any hearing on clean air must also address healthy indoor air and asthma. We thank the Committee for its support of the Asthma Program at EPA. Nearly $23 million Americans suffer from asthma. Mr. Chairman, we strongly urge the Committee to fund the Asthma Program for fiscal year 2010 by at least $26 million.

On behalf of the American Lung Association, thank you, Mr. Chairman and Mr. Simpson.

[The statement of Stephen Nolan follows:]

Statement of Stephen J. Nolan
Chair, Board of Directors American Lung Association
before the U.S. House of Representatives Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies
Fiscal Year 2010
U.S. Environmental Protection Agency
April 23, 2009

Summary: Funding Recommendations (Dollars in Millions)

US Environmental Protection Agency	
Federal Stationary Source Regulation	**$33**
Federal Support of Air Quality Management	**$115**
State and Local Air Agencies (Sec 103,105 Grants)	**$270.3**
Diesel Emission Reductions (STAG)	**$200**
Air Toxics Implementation	**$30**
Asthma – Indoor Air Quality	**$26**

Mr. Chairman, members of the Committee, I am Stephen Nolan, volunteer Chair of the American Lung Association. I am honored to testify on in support of the Environmental Protection Agency's clean air program. I am an attorney in private practice in Baltimore, Maryland and have been a volunteer for the American Lung Association for a decade. 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 accomplish this through research, advocacy and education. Today I would like to discuss with you today the need for increased funding in EPA's FY2010 budget for its Clean Air Program. This program will improve public health and more effectively protect those with lung disease from the adverse effects of air pollution. As Congress addresses global warming and energy issues through exciting new technology, cleaner energy sources and new policies, there is an opportunity to ensure that the air is cleaner. We urge this committee to ensure that the Clean Air Act's promise of clean, healthy air for all Americans is kept.

Lung Disease and Air Quality

Lung disease is a significant health problem in the United States. Lung disease is the third leading cause of death in the United States - responsible for one in every six deaths. More than 33 million Americans suffer from a chronic lung disease. According to the National Institutes of Health, lung diseases cost the U.S. economy an estimated $153.6 billion annually. Nearly all lung diseases are impacted by air pollution. How well or poorly our lungs perform depends on the quality of the air we breathe, making the impact of air pollution inescapable. Air pollution remains a primary contributor to the burden of respiratory diseases in our healthcare system as well.

The Clean Air Act has proven to be a powerful tool to improve the quality of our nation's air. From 1970, when Congress passed the Clean Air Act, until 1990, the average emissions of SO2 nationwide dropped by 40 percent, nitrogen oxide emissions dropped by 30 percent and carbon monoxide dropped by half. Ambient or outdoor ozone levels were 15 percent lower on average. However, much remains to be done. Millions of Americans live in counties that do not meet

current Clean Air Act health standards, our Nation's Capitol included. The EPA estimates that 158.5 million Americans in 2007 live in areas where they are exposed to unsafe levels of air pollution.

Setting National Ambient Air Quality Standards
The Clean Air Act requires EPA to review the National Ambient Air Quality Standards for ozone, particulate matter, sulfur dioxide, nitrogen oxide, carbon monoxide and lead every five years. Historically, EPA has not met the deadlines for these reviews and has been obligated to complete such reviews under court order. In 2006, EPA failed to strengthen the annual standard for fine particles, despite the near unanimous recommendation of the Clean Air Scientific Advisory Committee. On February 24, 2009, the U.S. Court of Appeals ruled that the EPA needed to reconsider the scientific evidence for much stronger particulate matter standards, sending their 2006 standards back to EPA for corrective action. In 2008, EPA set national air standards for ozone that ignored the unanimous agreement among the independent scientific advisory committee on the need for much more protective new standards, despite the Clean Air Act's clear requirements to establish science-based standards that protect public health. EPA has committed to review all the National Ambient Air Quality Standards and meet their statutory deadlines. **To accomplish this work and to meet the agencies obligations, we recommend a 25 percent increase in the Federal Stationary Source Regulation budget to $33 million.**

Meeting National Standards
Efforts to clean up power plants and other measures to implement pollution cleanup have not moved forward in large part because electric utilities and EPA took steps to delay or circumvent Clean Air Act requirements.

EPA has still not completed rules to implement the 1997 ozone or PM standards. Both standards have since been revised. EPA must not be permitted to continue to drag its feet and fail to provide guidance to states to meet the national standards. EPA also must move forward with regulations to clean up power plants and move forward with additional rules to regulate other large emission sources. **To meet help meet these standards, we recommend a 25percent increase in the federal support of air quality management budget to $115 million.**

Funding for State and Local Air Agencies and Air Pollution Monitoring
State and local air pollution control agencies are on the front lines in the effort to improve air quality across the nation. These agencies will be called on to adopt and enforce a range of new emissions reduction programs designed to meet the needs of each area that violate the standards. State and local air pollution agencies need additional resources to meet the obligation to implement the Clean Air Act. One area in need of significant resources and attention from this committee is the air pollution monitoring network... Monitors provide the most reliable and consistent information on air pollution in our communities. Monitoring tracks both the levels of pollution in the outside air as well as emissions from specific sources. Monitoring also enables policymakers and the public to see what measures are effective and where air quality management efforts have fallen short. Unfortunately, states have recently had to reduce their already limited existing network of monitors and staff to accommodate cuts in funding. However, even before those cuts, the monitoring network had been reduced, weakening the ability to identify air pollution problems and track emissions. Further, emerging science warns

that the air quality in areas with no monitoring carries serious health risks, like the areas adjacent to major highways or in poorer neighborhoods. Without monitors in place, pollution in those areas will not be tracked and effectively reduced. To protect populations at risk and to assess the efficacy of pollution control programs, EPA must work with scientists and state officials to lower the costs of monitoring and expand its reach. **We strongly urge the committee to increase funding for the State and Tribal Assistance Grant (STAG) program to $270 million.**

Full Funding for Diesel Retrofits
The American Lung Association thanks this Committee for funding $300 million for diesel emission retrofits in the American Recovery and Reinvestment Act. This investment will save lives and improve the air quality.

Diesel pollution kills. Researchers have found that adults and children show increased health risks associated with living or working in close proximity to busy roadways. Children are especially vulnerable to the effects of traffic-related air pollution. Studies show children exposed to higher levels of traffic generated air pollution face smaller lung function and worsened asthma. In addition, many components of diesel emissions have been found to be carcinogenic.

Over the past decade, EPA has issued new regulations that will significantly reduce emissions from new diesel engines used in trucks, buses, heavy equipment and other vehicles. In March, EPA Administrator Lisa Jackson announced steps EPA is taking with the International Maritime Organization to clean up pollution from ocean going vessels. We commend EPA for all these actions. However, it will take many years to replace the oldest and dirtiest vehicles with new ones that meet new more stringent federal emissions standards for diesel engines. **We support funding the full authorization, as set in Diesel Emission Reduction Act of 2005, at $200 million per year for FY 2010.** Investing in diesel retrofits provides immediate benefits to public health and the environment. This program is vitally needed to help more rapidly reduce the level of diesel emissions nationwide while the diesel fleet gradually is modernized through normal turn-over.

Reduce Air Toxics
Power plants, cement plants, chemical plants and other major industrial facilities emit vast quantities of mercury, lead, arsenic, dioxins, polychlorinated biphenyls and other highly toxic substances that can cause cancer, birth defects and other devastating health effects. Congress mandated highly protective standards for these pollutants, but the standards EPA has set fall far below legal requirements. EPA needs to redo its outdated and unlawful standards for air toxics to ensure that they reduce emissions by the maximum degree that is achievable and adequately protect public health. In order to complete this work, we support funding air toxics implementation at $30 million.

Indoor Air: Asthma
We thank the committee for its support of the asthma program at EPA. Nearly 23 million Americans suffer from asthma. Air pollution can trigger asthma attacks both indoors and outdoors. However, since most Americans spend a majority of their day indoors, indoor air quality is critical to the health and disease management for people with asthma. Despite the efforts of this committee the indoor air program addressing asthma has been subject to inappropriate reductions. The programs funded by the Indoor Air program raise awareness about

asthma and environmental factors that trigger asthma attacks; help people with asthma and their families manage environmental triggers in their homes; work to reduce children's exposure to indoor asthma triggers at schools and day care centers and promote environmental management as a component of medical and health care asthma management practices. The American Lung Association is proud to partner with EPA in this important work. **We strongly urge the committee to fund the asthma program for FY 2010 at least $26 million.**

Mr. Chairman, thank you for the opportunity to present the recommendations of the American Lung Association. Every day we are fighting for air -- clean, healthy air for all Americans to breathe. A robust Environmental Protection Agency air pollution program is vital to our success.

Mr. DICKS. Well, thank you for your statement, and we appreciate your good work.

Mr. NOLAN. Oh.

Mr. DICKS. That is all right. You are okay.

Mr. NOLAN. I knew you have my——

Mr. DICKS. We like to get back on schedule.

Mr. NOLAN. I was looking at all these people.

Mr. DICKS. As tempted as we are to ask questions.

Mr. SIMPSON. Whatever you want, you got it.

Mr. DICKS. And thanks for being a volunteer.

Mr. NOLAN. I am used to the Court of Appeals and that red light.

The CLERK. You did a good job. I noticed that.

Mr. DICKS. William H. Rom, American Thoracic Society. Welcome.

THURSDAY, APRIL 23, 2009.

AMERICAN THORACIC SOCIETY

WITNESS

WILLIAM N. ROM

Dr. ROM. Thank you, Mr. Chairman and Mr. Simpson. My name is William Nicholas Rom, MD, MPH. I am a Professor of Medicine and Environmental Medicine at New York University and Director of the Chest Service at Belleview Hospital in New York.

I am representing the American Thoracic Society, 17,000 members strong, physicians in pulmonary and critical care medicine. We are very interested in respiratory disease and air pollution because this affects our patients with asthma, COPD, cardiovascular disease, acute lung injury, pneumonia, and so on and so forth.

The EPA has had tremendous success with its NAAQS and standards setting process with PM, for example. The costs of meeting the PM_{10} and $PM_{2.5}$ standards have been a fraction of what the benefits have been. The OMB in 2007 estimated that benefits were $63 billion to $430 billion, savings from emergency room and hospitalizations, for patients exposed to PM. The cost to implant these regulations were $25 to $28 billion, anywhere from a 2½–to–1 or 17–to–1 benefit-to-cost ration.

Acid rain, one of your great successes for EPA, cost $3 billion and produced $120 billion in benefits as estimated by OMB. Yet, one in 10 Americans live in areas that consistently violate EPA standards for ozone on PM, and one-third live in areas where ozone still violates these standards, like Boise, Tacoma, places like that.

Mr. DICKS. You just picked out a couple of them. I appreciate that.

Dr. ROM. My mother grew up in Kent, just outside of your district, so they ran the Berlin Brothers Grocery.

Mr. DICKS. DC is in the deal, too. What is the name of the grocery?

Dr. ROM. Berlin Brothers Grocery in Kent. And then I grew up building the latrines on Lake Ozette and Low Divide in Olympic National Park.

Mr. DICKS. Did you ever know Dr. Doherty who did the——

Dr. ROM. Jack Doherty from Vashon Island?

Mr. DICKS. No, Richard Doherty from Washington State University. He did the Ozette Dig, their big tribal historical site there.

Dr. ROM. My next trip.

Mr. DICKS. Short answers.

Dr. ROM. Four comments on the EPA programs. First, the air program. It has been flat-lined at $78 million since 1998. This program funds all the PM research. There were seven PM centers at Harvard, Hopkins——

Mr. DICKS. What is PM, again?

Dr. ROM. Particulate matter. Rochester, UC Davis and USC and the sixth and seventh were NYU, my university, and University of Washington, your university. Since they flat-lined the budget, two schools did not make the last cut. They were yours, University of Washington, and mine. And now in the next cut, they are going to lose one more. So the air program needs at least $20 million more to keep up the good work that they are doing.

Mr. DICKS. Which program is that?

Dr. ROM. This is the air program within the Office of Research and Develop, ORD. ORD is about $530 million and '78 is the Air Program. They also have to handle the SO_X and NO_X research which is coming up for new standards, and they have to revisit ozone and PMs since those have been remanded back to EPA to reevaluate the standard.

The standard setting is a lot of work for EPA to do. We in the academic community depend on their funds to do the research so that they can make good standards. We have found effects in 50 part-per-billion range of ozone, yet the standard was 84 and it only got reduced to 75, yet we recommended 60 which still higher than we find health effects.

The next thing is we need to correlate the air pollution levels by EPA monitors to the health effects we find, and we are finding health effects among people who live along roads, traffic areas, and there are very few monitors related to traffic, both PM and the NO_X and the ozone along these high-traffic areas. And furthermore, schools and low- and moderate-income housing are built along roads so that there are disproportionate effects on children and the elderly.

In addition, along the roadways there are effects now found from ultra fines, the very small particles, even smaller than the $PM_{2.5}$, and these are not measured at all. And we need to measure these so we can go forward.

Dr. ROM. Lastly, the EPA has the challenge of global climate change, and they need——

Mr. DICKS. Tell us about your work with the European Respiratory Society on climate change.

Dr. ROM. We work together with them and had a major meeting in Europe last year to produce a paper on the health effects of climate change, primarily related to heat events, but heat events are correlated with high ozone and high PM. So you get not only the heat problems but you get air pollution, and you have increased mortality from pulmonary——

Mr. DICKS. So climate change causes——

Dr. ROM. Heat waves and morality related to those events. There were roughly 30,000 deaths in '03 in Europe due to a heat wave that went from Italy across France.

Mr. DICKS. All right.

Dr. ROM. And last April I visited——

Mr. DICKS. Do you have an executive summary of that report or is there something you could send our Committee?

Dr. ROM. Yes, we will send that to you.

Mr. DICKS. I would like to have that.

Dr. ROM. And I brought with me, Global Warming, A Challenge to all ATS Members that you can have. Ozone, A Malady for All Ages, and Small Particles With Big Effects on PM. And they are just one page, so you can read them quickly. I will send more.

[The statement of William Rom follows:]

We help the world breathe
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American Journal of Respiratory and Critical Care Medicine *

American Journal of Respiratory Cell and Molecular Biology *

Proceedings of the American Thoracic Society *

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Statement of the American Thoracic Society
Presented by William N. Rom MD MPH before the
U.S. House of Representatives Committee on Appropriations,
Subcommittee on Interior, Environment, and Related Agencies
Fiscal Year 2010
U.S. Environmental Protection Agency
April 23, 2009

Summary: EPA Funding Recommendations (Dollars in Millions)

Federal Stationary Source Regulation	$33.0
Federal Support of Air Quality Management	$115.0
Air Toxics Implementation	$30.0
Asthma Indoor Air Quality	$26.0
Office of Research and Development	$130.0
State and Tribal Assistance Grants	$270

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 in the 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.

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Cleaning up our nation's air is having an impact, on public health and health expenditures. In 2007, the White House Office of Management and Budget (OMB) estimated that EPA Clean Air standards saved between $63 billion to $430 billion in annual savings – mostly from reductions in health care costs associated with exposure to particulate matter. The cost to implement these regulations was estimated at $25 to $28 billion - a pretty impressive cost/benefit ratio for clean air standards.

However, much remains to be done. It is estimated that 1 in 10 Americans live in areas that consistently violate EPA standards for ozone and PM pollution, while nearly 1/3 of Americans live in areas that have incurred period 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; it is essential to help parents understand how air pollution may impact their children with asthma; it is essential for clinicians trying to manage patients with chronic respiratory disease and it is essential to help guide EPA staff and the Administrator to set NAAQS standard 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 EPA Office of Research and Development Clean Air research-related programs.

EPA Standard Setting

The American Thoracic Society is pleased that the DC District Court of Appeals remanded to EPA the annual standard for particulate matter. We believe the standard set forth by the previous EPA Administrator failed to meet the statutory requirement to issue a standard that protects the public health, including vulnerable populations. We are also pleased that EPA has agreed to review the ozone standard issued by the previous Administrator. Reviewing, and hopefully issuing more protective standards for particulate matter pollution and ozone pollution will make significant improvements in our nation's air quality.

However, reviewing and rewriting the ozone and particulate matter standards, in addition to the existing standards of NOx and SOx that are currently under review, will place an additional burden on EPA's Office of Air and Radiation. We recommend that Congress recognize the additional demands on the EPA Office of Air and Radiation and provide additional funds in the FY10 Interior and Environment Appropriations bill.

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. Fortunately there are new technologies available, including satellite monitoring, which can greatly enhance the accuracy and comprehensiveness of EPA monitoring efforts. The American Thoracic Society strongly urges Congress to provide EPA the funding necessary to evaluate and revamp our current Clean Air monitoring network.

EPA and Climate Change

The American Thoracic Society is encouraged that Congress appears to be poised to tackle the problem of global climate change. For too long, the U.S. has avoided our responsibility in addressing this important environmental issue. The ATS congratulates EPA in promulgating the proposed rule to require public reporting of all major sources of green house gasses. We see the promulgation of the GHG reporting rule as an important first step in EPA taking a leadership role in climate change.

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 NAAQS pollutants will likely be applied to reducing GHG emissions.

The American Thoracic Society is playing an active role in addressing global climate change. In March 2008, the American Thoracic Society and the European Respiratory Society held an international workshop on the respiratory health effects of global climate change. The workshop produced a policy document that we believe will help guide US and European policy leaders on both the urgent need to address climate change, appropriate policy steps to be taken in response to climate change, and important research questions within the respiratory community to advance our understanding of the health effects of global climate change.

As you consider legislation to address climate change, we strongly urge Congress not to rewrite the existing Clean Air Act sections that have been effectively addressing air pollution for over 30 years. We further recommend that Congress does not "trade" reductions in green house gasses for increases in other criteria pollutants. The way to address climate change is through a reduction in all sources of air pollution, not selectively pitting one air pollutant against another.

On behalf of the American Thoracic Society, we appreciate the opportunity to comment on the FY10 budget for the Environmental Protection Agency.

Mr. DICKS. We like that. All right. Thank you, sir. You did a good job. Mr. Simpson, do you have any questions?

Mr. SIMPSON. No.

Mr. DICKS. All right. Kateri Callahan, President of the Alliance to Save Energy on the EPA Energy Star Program.

Ms. CALLAHAN. Good morning. It is actually Kateri Callahan.

Mr. DICKS. Kateri. Excuse me.

Ms. CALLAHAN. It is American Indian, so it is a little different.

THURSDAY, APRIL 23, 2009.

ALLIANCE TO SAVE ENERGY

WITNESS

KATERI CALLAHAN

Ms. CALLAHAN. Thank you for the opportunity to be here. I represent the Alliance to Save Energy which is a non-government organization that for 30 years has been working to advance energy efficiency as really, the cheapest, quickest, cleanest way to extend our energy supplies and to tackle global climate change.

We are fortunate we were founded by sitting members of Congress, and we still enjoy leadership by members of Congress on our Board of Directors, and two of your colleagues, Mr. Israel and Mr. Wamp are both on our board. And so we are delighted to be here.

I am here today to testify on behalf of one of the most successful ever partnership programs in the United States, the Energy Star Program. We are going to ask for a doubling in the budget, from $50 million to $100 million, and I know there are budget constraints, but we have 20 years-plus of showing that putting money into Energy Star actually is a proven way to pump money back into the economy. EPA estimates that every federal dollar that we spend on Energy Star results in $75 in avoided energy costs. And since its inception, the Energy Star program has driven $55 billion of investment into new climate-friendly technologies.

In 2007 alone, American businesses and consumers saved $16 billion, and we avoided electricity use equivalent to about 5 percent of our annual consumption. And that translates not just in big dollar savings but also, importantly, into big emissions savings. We avoided the emissions equivalent of taking about 27 million cars off the road. So it is a very, very significant program.

It is a partnership program, so it involves lots of people, over 9,000 partners, over 1,700 manufacturing groups, almost 1,000 retail partners representing thousands of store fronts as well as building owners, operators, utilities, state and local governments. And notwithstanding all the success of this program, there are vast opportunities to do more and to get greater savings.

In my written testimony I detailed the following programmatic areas that I am just going to highlight where we think the added funding that we are asking for will help this already-successful program to do even more.

Let's start with the home performance with Energy Star Program where we would like to see another $12.5 million. That program is to retrofit homes, insulate air duct work mostly around the

envelope, and on average it is proven to save about 20 percent for homeowners who make these improvements. Right now, due to the limited funds, it is only available in about a dozen different cities around the United States. With additional funding, we can open this program up and make it available to more folks that really need this kind of savings in their homes right now.

We would also like to see $10 million added to expanding a program that actually rates building energy use. Right now EPA has systems for about 60 percent of the commercial office building space, but we could do more with that and cover 100 percent of the types of buildings that are out there. This is going to be really critical because as cities, municipalities, institutions begin to make efficiency improvements with the American Recovery and Reinvestment Act money, they need these kind of tools to understand what can best be done in a building to get it to be the most efficient.

We would also like to see $20 million go in particularly to development and implementation and to expand the outreach to state and local governments primarily. Again, when you start looking at the funds, there is about $26 billion in the American Reinvestment and Recovery Act that is going to go to energy efficiency programs. It is going to be largely used by state and local governments and by institutions, people that have not been doing a lot of energy efficiency work right now. So we want that money to be well-spent. We think that bringing the technical expertise, building the networks that EPA already has, bringing their best practices forward is a way to get that money invested and well-spent. Lastly——

Mr. DICKS. Energy got most of this money.

Ms. CALLAHAN. That is right.

Mr. DICKS. Could they actually use EPA——

Ms. CALLAHAN. They do, actually.

Mr. DICKS [continuing]. This Energy Star program?

Ms. CALLAHAN. They do, and since 1996, DoE has been working, sometimes well, sometimes not so well, with EPA on the Energy Star program.

Mr. DICKS. I would expect that they would be working better now.

Ms. CALLAHAN. They are working much better now. And also, the way that the money flows through the state energy offices, those energy offices are already networked in with EPA and working with them regularly. So there is a system. We just need to get the resources and build up the capability at EPA. But it is there. It is the best. It is a weak infrastructure given this significant amount of money that is being poured into the pipeline, but it is the best infrastructure system we have. And I think it can be ramped up more quickly than anything else.

So I think that really sums up. In the Reinvestment Act there is $300 million that is given to states for Energy Star rebate programs. Again $3.1 billion to states to do energy efficiency, renewable energy projects, $3.2 billion to municipalities. So giving this, what I consider to be relatively modest sums of money to EPA to help get all this bigger pot of money spent wisely is very, very effective and good use of government funds.

Thank you for your time.

[The statement of Kateri Callahan follows:]

Testimony of Kateri Callahan, President
Alliance to Save Energy
House Appropriations Subcommittee on Interior, Environment & `Related Agencies
April 23, 2009
Fiscal Year 2010 Appropriations for the
United States Environmental Protection Agency Energy Star Program

Introduction

The Alliance to Save Energy ("the Alliance") is a bipartisan, nonprofit coalition of business, government, environmental, and consumer leaders committed to promoting energy efficiency worldwide to achieve a healthier economy, a cleaner environment, and greater energy security. The Alliance, founded in 1977 by Senators Charles Percy and Hubert Humphrey, currently enjoys the leadership of Senator Mark Pryor as Honorary Chairman. Duke Energy President and CEO James E. Rogers is our Co-Chairman, and Representatives Ralph Hall, Steve Israel, Ed Markey, Paul Tonko, and Zach Wamp, and Senators Jeff Bingaman, Susan Collins, Byron Dorgan and Lisa Murkowski serve as Honorary Vice-Chairs. More than 150 companies and organizations support the Alliance as Associates.

I appreciate the opportunity to testify in support of the Energy Star Program that is carried out by the Climate Protection Division of the Office of Air and Radiation at the United States Environmental Protection Agency. Energy Star is perhaps the brightest light in the galaxy of voluntary climate change programs. Energy Star Program is the single most effective federal consumer information program on energy efficiency. Indeed it is one of the most successful efforts anywhere to promote marketplace solutions for greater energy efficiency. The program works with thousands of business partners to make it easy for consumers to find and buy energy-efficient products, buildings, and services by awarding the well-known Energy Star label and by providing other consumer information. The Energy Star program reduces energy demand, lowers energy bills, and helps avoid pollution and greenhouse gas emissions.

For these reasons, I am here today to request that the Subcommittee approve funding in the amount of $100 million for the EPA Energy Star Program in FY 2010, an increase of $50 million over the budget levels in the FY 2009 Omnibus Appropriations Bill. These additional funds will allow the program to improve and expand and will, in turn, generate significantly more energy savings for consumers and businesses.

About the Energy Star Partnerships

Let me say a few words about EPA's Energy Star partnership programs. These initiatives have proven to be an extremely effective way for us to capitalize on the potential of energy efficiency as a resource. Energy Star's voluntary partnership program, which includes Energy Star Buildings, Energy Star Homes, Energy Star Small Businesses, and Energy Star Labeled Products, works by removing marketplace barriers to existing and emerging technologies, providing information on technology opportunities, generating awareness of energy-efficient products and services, and educating consumers about life-cycle energy and cost savings.

Energy Star serves broad constituencies in every state in the country. The program currently has more than 9,000 partners who are committed to improving the energy efficiency of our homes, businesses and products. Among those partners are over 1,700 manufacturing partners who make and market over 44,000 different models of Energy Star qualifying products, and more than 900 retail partners representing thousands of storefronts, as well as building owners and operators, utilities, state and local governments, and nonprofit organizations. Energy Star counts more than 3,500 builder partners and partners who supply products and services for energy-efficient home construction. More than 725,000 families now live in Energy Star Homes – locking in financial savings for homeowners of more than $170 million annually.

Much Has Been Accomplished...

The program helps consumers to visualize the long-term benefits, through lower energy bills, that can be realized through investment in energy efficient appliances. Approximately one-third of U.S. consumers report using the Energy Star label as an information tool for making purchase decisions, and an even higher number report using Energy Star as an information tool to help them save energy. With this high level of consumer awareness, the potential for Energy Star to tap into even greater energy efficiency is limited only by the availability of resources to fund its programs. The return on investment in EPA Energy Star is unparalleled: EPA estimates that for every federal dollar spent on the Energy Star program, $75 or more in consumer energy bills is saved, and about 3.7 tons of carbon dioxide emissions are avoided.

In 2006 alone, Energy Star helped Americans save 35,000 megawatts of peak power, avoiding the need for about 70 new power plants. The electricity savings – 170 billion kilowatt-hours – represent 5 percent of total 2006 electricity use. Working together with Energy Star, Americans prevented the emission of 37 million metric tons of greenhouse gas emissions, which is equivalent to removing 25 million cars from the road. And Americans, with the help of Energy Star, saved $14 billion on their energy bills. As these statistics exemplify, the Energy Star program is helping millions of Americans get the energy they need, while saving money and avoiding pollution.

But Huge Potential Remains Untapped

Although EPA Energy Star is already making a tremendous impact on U.S. energy consumption, many opportunities exist to expand existing programs and initiate new efforts, greatly increasing the energy savings potential. Funding for the Energy Star Program declined precipitously in the last several years.

The FY 2008 funding level of $43.9 million was a reduction of more than 25 percent from FY 2002 levels, after accounting for inflation. We were pleased to see an increase in funding to $50 million in FY 2009, but this level still represents a decrease from FY 2002 levels in real dollars. Dramatic increases in the program are necessary for the program to fully utilize the opportunities to reduce energy consumption that still remain untapped. A $100 million budget, a $50 million increase over FY09 funding, will enable the program to label additional products, update its criteria, increase its consumer outreach, and address energy-efficient home improvements nationwide.

Recommendations

We recommend that the funding for the Energy Star Program be increased to $100 million. The $50 million in increased funding that we are requesting should in our view be directed to the following initiatives; these recommendations represent the collective recommendations of Members of our Alliance-led advocacy coalition and I am sure there are many other worthy objectives for increased Energy Star funding, but these are certainly a few worthwhile recommendations:

- Expanded programs for improvements to energy-inefficient existing homes
- An expanded program for rating the energy performance of all building types
- An expanded focus on medium and small manufacturing and small business
- A new program to aid sponsors of emerging energy efficiency programs in program development and implementation
- An expanded outreach effort to state and local governments
- An expanded focus on exploring new technologies and practices

I will briefly address each of the areas where new funding is recommended:

- **An expanded program for improvements to energy-inefficient existing homes: $12.5 million**

  Homeowners can save 10 to 20 percent on their home energy bills -- which now average $2,100 a year – with a set of new Energy Star programs that go beyond the labeling of efficient products. These include:

  - *Home Performance with Energy Star:* HPES is a whole-home retrofit program that can be offered by a state, utility or other local program sponsor in partnership with EPA. It gives homeowners access to trained building professionals, information on the best home improvement projects for their home, and quality assurance and quality control on the work performed, which commonly includes adding insulation and sealing ductwork and air leaks. This program is being offered in a dozen locations around the country and is providing homeowners with an average of 20 percent savings on their home energy bills.
    Additional funding would bring this program to many more cities and homeowners around the country. HPES is uniquely valuable to homeowners because it goes beyond household appliances to improve the residential building envelope holistically, while offering consumers the confidence that comes with the Energy Star name.

  - *Quality Installation of Heating and Cooling Equipment:* Ensuring that heating and cooling equipment is of appropriate size and that it is correctly installed and maintained is essential to getting the most out of energy efficiency. Many air conditioners are oversized and improperly installed, so often even high-efficiency units consume much more energy than necessary. Cooling and heating equipment are key drivers of peak demand, and therefore improving the effective efficiency of this equipment can decrease the need for new power plants.
    EPA Energy Star and its partners have developed and piloted programs to address the challenges to proper equipment sizing, installation and maintenance. Additional funding would enable Energy Star to spread these program models across the country, ensuring that gains in appliance efficiency are not mitigated by a failure to address these challenges.

- **An expanded program for rating the energy performance of all building types: $7.5 million**

  Providing a comprehensive yet simple measurement of building energy consumption is a powerful tool in motivating energy efficiency improvements. EPA Energy Star has established a performance rating system that offers a standardized, consistent measurement of energy use for more than 60 percent of U.S. commercial building space, and this system has already been used to assess the energy consumption of about 10 percent of U.S. building space. Additional funding would expand this system to apply to the vast majority of the nation's buildings, and would help Energy Star to partner with states, local governments, builders and other groups to make effective use of the rating system.

- **An expanded focus on medium and small manufacturing and small business: $10 million**

  EPA Energy Star has developed specialized approaches for working with medium-sized manufacturers and with small businesses to improve their energy efficiency. These efforts could be greatly expanded. Energy Star could enlist many small businesses as partners in the proper delivery/installation of high efficiency services and products since small businesses constitute about half the economy and consume about half the energy.

- **A new program to aid sponsors of emerging energy efficiency programs in program development and implementation: $10 million**

  EPA already partners with hundreds of utilities, states, local governments and other organizations to help them run their efficiency programs. There is growing interest, especially at the state level, in funding organized energy efficiency programs. The Energy Star energy efficiency platform can help these emerging program sponsors to develop new programs quickly and to build on existing best practices, leading to greater program effectiveness and cost-effectiveness. EPA Energy Star should target its outreach toward programs for elementary and secondary schools, among others.

- **An expanded outreach effort to state and local governments: $10 million**

  State and local governments can save significant energy and money through investments in energy efficiency. State and local governments could dramatically enhance attractive investments in energy efficiency through expanded outreach and sharing of best practice policies and programs, including improving the efficiency of water and wastewater treatment facilities, alternative financing approaches, effective school energy efficiency programs, etc. Matching funds for innovative state programs could be established.

- **An expanded focus on exploring new technologies and practices: $5 million**

  In many sectors technology is advancing at lightning speed, offering opportunities to improve the energy efficiency of new homes, buildings and products. Additional funding would expand EPA Energy Star's ability to study these innovations and focus earlier in the technology development process on how best to bring them into the Energy Star program and deploy them in the marketplace. This would speed the adoption of the most energy-efficient products and drive further innovation.

Mr. DICKS. Thank you. Any questions? All right. Timothy Regan, President of Emissions Control Technology Association. Welcome.

THURSDAY, APRIL 23, 2009.

EMISSIONS CONTROL TECHNOLOGY ASSOCIATION

WITNESS

TIMOTHY J. REGAN

Mr. REGAN. Good morning, Mr. Chairman. Thanks very much.

First of all, my principal purpose here is to thank you and to thank the other members of the Committee and to thank the staff and the group for making the EPA's Diesel Emission Reduction Program work. It has been a success, and quite frankly, without your leadership, it would be a bust and it is not.

Mr. DICKS. Glad to hear that.

Mr. REGAN. My name is Tim Regan. I am the President of Emissions Control Technology Association. I represent all the people that develop the technology and manufacture the products to clean up diesel emissions. The funding history of this program really dates to fiscal year 2003 when this Subcommittee took the lead and appropriated $5 million for the first program in this area called the Clean School Bus USA Program which has been a success, and that has been built up over time under the Diesel Emissions Reduction Program and it sort of peaked out during the recovery plan when you were kind enough to appropriate $300 million for the program.

You took the leadership, you recognized the opportunity to achieve three noble causes. One, save jobs, two, improve human health, and three, make a down payment on global warming. That was really terrific, and I got to tell you that our people, the firms that I represent as well as the workers in our plants, really appreciate your commitment and your leadership on this.

We also want to commend EPA. They have done a terrific job implementing the plan. They have been very prudent and very quick. They have already distributed money out to the states, $88 million. They have issued the notice to get applications in to administer the federal program, $156 million, and they are going to get responses by the 28th, that is next week, of April. So we expect the funds to be out the door by June. So this is really good news. It is good news at all kinds of levels. But we appreciate all the leadership and the aggressiveness with which they have administered this program.

My second purpose today is to ask, and you know, I am going to ask you for full funding of the program in fiscal year 2010, and full funding is $200 million which is the level of the authorization. Now the obvious question is, you know, why should you be so generous to the Diesel Emissions Reduction Program? Good question, particularly when you are under all kinds of demands from other programs that are also worthy. I think there are six reasons.

First of all, it will save jobs. Our industry sells into the auto market and into the truck market, and you know what is going on there. So the unemployment in our industry is seven times the national average.

Secondly, it will improve human health. As we know, diesel exhaust is a serious threat to human health, probably the worst threat to human health right now, airborne threat to human health.

And it also will make a down payment on global warming. Recent science is showing that black carbon from diesel exhaust is a very potent global warming agent. So to the extent we can reduce diesel emissions through diesel retrofits, we can make a down payment on the global warming problem.

Third, DERA has proven to be very cost-effective. It has got a 13–to–1 payback.

Fourth, it has got a broad base of support. In fact, we have folks that have endorsed the program over and over and over again over the years from Idaho and Washington State and from Ohio. In fact, DERA was originally sponsored by Senator Voinovich from Ohio. It has got a tremendous bipartisan support. It passed in the Senate by 92 to 1. And finally, it has been underfunded and over-subscribed. Even with all your generosity, we have got $600 million of authorization and about just a little over $400 million of appropriations. And the program has always had more requests than can possibly be funded. In fiscal year 2008, the program had about $140 million of requests and they only had $27.6 million to spend.

So with all that, I want to first of all thank you for your generosity and for your leadership. I know budgets are tight. I appreciate anything you can do to approach full funding. How was that, quick enough?

[The statement of Timothy Regan follows:]

TESTIMONY BY: TIMOTHY J. REGAN, PRESIDENT
EMISSIONS CONTROL TECHNOLOGY ASSOCIATION

BEFORE THE HOUSE SUBCOMMITTEE
ON INTERIOR & ENVIRONMENT COMMITTEE ON APPROPRIATIONS
APRIL 23, 2009

Good afternoon, Mr. Chairman and Members of the Committee. My name is Tim Regan and I'm the President of the Emissions Control Technology Association (ECTA) and an executive with Corning Incorporated. ECTA is a trade association that promotes public policies to improve air quality by reducing mobile source emissions through the use of advanced technologies. ECTA represents the companies that have been at the cutting edge of mobile source emissions control technology for three and a half decades. Our members invented and developed the core, specifically the substrate and the catalyst, of the catalytic converter.

Thank you for the invitation to appear before you this afternoon. I appreciate the opportunity to discuss funding for the Diesel Emission Reduction Act (DERA) and to personally thank you for the commitment this Committee has repeatedly shown to funding diesel emission reduction programs. We are incredibly grateful for the $300 million in funding that you included in the American Recovery and Reinvestment Act of 2009 (ARRA) as well as the $75 million that you included in the fiscal year 2009 budget for diesel emission reductions.

The $300 million that you included in the Recovery bill will not only assist in cleaning the air and protecting public health, but it is also presents a unique opportunity to stimulate the economy in a timely and targeted manner.

The Environmental Protection Agency is already well on its way to ensuring that this funding is distributed both quickly and efficiently to maximize the economic benefits. Since mid-January, EPA has engaged in extensive outreach and communication activities including holding more than 50 meetings, webinars, workshops, and conference calls in locations across the country, which included briefing more than 2,000 potential grantees and providing guidance on how to apply for ARRA DERA funding. On March 19th, EPA released its Request for Application (RFA) for the National Grant program, the Emerging Technology program and the Smartway Financing program. Applications for the National program and the Smartway Financing Program are due next Tuesday, April 28th, while the Emerging Technology program applications are due a week later on May 5th.

Just over $88 million of these Recovery funds were set aside directly for the states. All 50 states and the District of Columbia requested these funds and each was told in early March that it would be receiving just over $1.7 million for reducing diesel emissions. EPA has already begun awarding these grants.

As you can see, excellent progress has been made by EPA to ensure that these funds are prudently managed, while also being awarded expeditiously. As an industry, we are grateful for the sense of urgency expressed both by Congress in appropriating the funds and by EPA in administering the DERA grants.

The Challenge

Thirty years ago, when the catalytic converter was first introduced, our industry was faced with the challenge of reducing nitrogen oxides from the transportation sector. Today, the challenge is to reduce the black smoke and smell from diesel exhaust. Once again, our industry has risen to the challenge by developing a full range of devices, commonly known as "after-treatment" technology, that remove fine particulate matter and other pollutants in diesel exhaust.

Our technology is required equipment on all new on-road heavy duty vehicles entered into service after January 1, 2007. This will make a significant contribution toward cleaner air and better health. In fact, EPA estimated at the time the so-called 2007 Highway Rule was promulgated that the technology would generate $66 billion in economic and health benefits annually when the new vehicles significantly penetrated the fleet after the year 2020.[1]

Obviously, there is a cost associated with installing this equipment on new vehicles, but the payoff is significant. EPA estimates that for every dollar spent on the technology $16 of economic benefit will be generated.[2]

The challenge that we continue to face is how to retrofit this new technology onto existing vehicles and engines that are being used today. These vehicles and engines do not have the emissions control technology that is required for new vehicles. Consequently, they are the "dirtiest" diesel devices in use, and there are a lot of them.

EPA estimates there are currently 11 million heavy duty diesel engines in use today; the so-called "legacy fleet." Because diesel engines are so durable, the existing equipment in the fleet will not be fully replaced until the year 2030.[3] The best way to clean up the legacy fleet is to retrofit it with the same kind of technology that is being installed in new ones. This retrofit equipment could include after-treatment devices, such as a diesel particulate filter or a diesel oxidization catalyst. It also could include vehicle replacement, engine replacement, engine rebuilds, and engine repair.

Unfortunately, the cost of purchasing and installing diesel retrofits oftentimes does not introduce enough operational efficiency to generate a return on the investment. So, equipment owners are understandably reluctant to invest in a retrofit unless they are given some form of financial assistance to help defray the cost. And, it makes sense for the public to help finance retrofits because they generate benefits in the form of cleaner air for all of society.

Congressional Action

To the credit of Congress, it has acted to provide the necessary financial assistance to promote the deployment of diesel retrofits. As you know, Mr. Chairman, your Subcommittee started addressing this problem as far back as FY03. At that time, the Subcommittee took the lead in appropriating $5 million to provide the original funding for the Clean School Bus USA program.

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[1] *See* Environmental Protection Agency (July 7, 2005), "2007 Heavy-Duty Highway Final Rule," i.e. http://www.epa.gov/OMSWWW/diesel.htm.

[2] Ibid

[3] *See* Senator Voinovich Press Release (June 16, 2005), http://voinovich.senate.gov/news_center/record.cfm?id=238996&.

Based on the positive experience with the Clean School Bus USA program, Congress took another big step in 2005 to advance the deployment of diesel retrofits. Specifically, as part of the Energy Policy Act, Congress proposed and passed DERA. This provision of law authorized the expenditure of $1 billion over five years to finance diesel retrofits through grants and revolving loans. The authorization calls for the appropriation of $200 million per year for FY07 through FY11.

Mr. Chairman, your Subcommittee has done a valiant job in trying to find the resources to fund DERA. These are difficult financial times. All Federal accounts are under stress, especially those under the jurisdiction of this Subcommittee. But under your leadership, your Subcommittee has continued to approve funding for this extremely important and cost-effective program. We appreciate the Subcommittee's efforts.

The Problem

Unfortunately, the resources available to fund diesel retrofits far exceeds the demand, even with the $300 million of funding included in the fiscal stimulus package. Despite increased funding in recent years, the DERA program continues to be oversubscribed. For the FY08 National Program, EPA received over 230 proposals, requesting a total of over $140 million. With $27.6 million available for this component of DERA, that's $5 requested for every available dollar. Those applicants could provide nearly $200 million in matching funds bringing the total cost for all applications to over $340 million.

This is not new. The DERA program has always been oversubscribed. The best example of this is what has happened with the Clean School Bus USA program. During the first three years of the program, 292 grant applications for a total of $106 million were submitted to EPA. Because of funding constraints, only 72 awards were made from the 292 applications, a 25% grant rate. In terms of funding, only $17.3 million was awarded from the $106 million requested, a 16% success rate.

Our Request and Rationale

In light of this strong demand for funding, we respectfully request that the Subcommittee fully fund DERA at the authorized level of $200 million for fiscal year 2010. We believe that this proposed increased level of funding is reasonable and appropriate for several reasons.

First, the money will be well spent because diesel retrofits have been proven to be one of the most cost-effective emission reduction strategies. Studies have shown that emission reduction strategies which involve the use of diesel retrofit technology can, in almost every case analyzed, achieve lowest cost-per-ton of emissions reduced compared to a long list to other strategies for reducing emissions from the transportation sector.[4] For example, installing a diesel particulate filter on a Class 7 heavy duty truck is 15 times more cost-effective than replacing a conventional bus and 46 times more cost-effective than building an HOV lane.[5]

Second, DERA represents a unique opportunity to stimulate the U.S. economy. DERA funding

[4] *See* ECTA comments (February 20, 2007) in Federal Highway Administration Docket No. FHWA-2006-26383, http://dmses.dot.gov/docimages/p89/454896.pdf, http://dmses.dot.gov/docimages/p89/454899.pdf
[5] Ibid, Table 4, p. 10, http://dmses.dot.gov/docimages/p89/454896.pdf

targets industries undergoing significant dislocation and layoffs. In particular, as a study by Keybridge Research notes, "the economic impact is likely to be the greatest in auto parts manufacturing and heavy-duty truck (e.g., school bus) manufacturing sectors, which have sustained job losses at nearly 9-times and 7-times the national rate." Employing a methodology based on the use of standard economic multipliers provided by the Bureau of Economic Analysis's RIMS II model, Keybridge Research concluded that DERA is likely to generate approximately $6 of increased economic output for every $1 of federal expenditures.

Third, spending on diesel retrofits generates a substantial return on an investment of 13-to-1. When DERA was enacted, EPA estimated that, if fully implemented, the program would generate $20 billion of economic and health benefit for $1.5 billion of cost. In other words, for every dollar of government money spent, $13 of economic and health benefit would be generated.[6]

Fourth, because DERA sets aside 30% of its funds for a State Grant Program, it can be used to help States bring their air quality in to conformity with Federal standards for particulate matter. Moreover, by providing additional federal monies to states that match the DERA funds, the DERA State Grant program provides incentives to states to more proactively address diesel emissions in their region.

Finally, DERA has a very broad base of support. From the beginning, DERA enjoyed strong support from both sides of the aisle in Congress and from the entire range of private interests and non-profit public interest groups. As evidence of this, I include at Appendix A to my testimony a letter co-signed by over 300 businesses, associations, and environmental groups asking for $1.5 billion for DERA in the stimulus package. Few environmental programs enjoy such widespread support.

State and Local Air Quality Grants

We would also like to endorse the request for increased funding to support State and local air quality grants that is being requested by the National Association of Clean Air Agencies (NACAA) in their written testimony submitted to the Subcommittee. State and local governments hold primary responsibility for preventing and controlling air pollution and they rely on grants to carry out their core obligations under the Clean Air Act. For FY10, NACAA recommends that grants within the STAG program for state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act be $270 million, which is $46 million above the FY09 appropriation. We support NACAA in this request.

Conclusion

Thank you again, Mr. Chairman, for the opportunity to appear before the Subcommittee. In closing, we urge you to fully fund DERA at $200 million for FY10 because it will result in the most cost-effective use of Federal funds to achieve emission reductions from the transportation sector.

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[6] *See* Supra, Note 4. The 13 to 1 is for the Diesel Emission Reduction Act (DERA) while the 16 to 1 cited earlier was for new 2007 engine technology. It is likely that the differences in these numbers relates to the remaining useful life of the equipment, which will logically be shorter for a retrofitted vehicle.

Mr. DICKS. We think this is a very good program, and our Committee has been very supportive up to this point, and we are going to have to wait and see what the President's budget is. But we will do the best we can. Mr. Simpson?

Mr. SIMPSON. Exactly.

Mr. REGAN. Great. Thank you very much.

Mr. DICKS. Thank you, Tim. Bill Imbergamo. I know Bill. Here he is. President of the American Forest and Paper Association.

Mr. IMBERGAMO. Yes, sir. Thank you. Not president yet, Director of Forest Policy.

Mr. DICKS. There are a lot of presidents here.

Mr. IMBERGAMO. Yes.

THURSDAY, APRIL 23, 2009.

AMERICAN FOREST & PAPER ASSOCIATION

WITNESS

BILL IMBERGAMO

Mr. IMBERGAMO. Thank you, Mr. Chairman and Ranking Member Simpson and other members of the Subcommittee. I appreciate the opportunity to be here, and I also would like to thank you for your leadership in the stimulus and the funding that you have been able to provide in the stimulus legislation and the fiscal year 2009 supplemental bill that did a lot of funding for the Hazardous Fuels Reduction Program and also paid back some of the trust fund programs like—and Vananburg that have been rated by fire problems in previous years.

AF&PA is the national trade association of the wood, paper and forest land industry. We employ approximately a million people are among the top 10 manufacturing employers in 48 states. Unfortunately, the economic crisis has hit our industry a lot harder than others, and we are below a million employees now. We have lost 250,000 jobs or about 19 percent of our workforce since 2006. According to the Department of Commerce, the U.S. lumber production has dropped by 29 percent, imports have dropped by 44 percent, and you know, if you look around our industry, it certainly feels worse than that.

Many actions are needed to restore the economic health of our industry and to preserve the remaining jobs. You have control over what the forest service does to help in that regard, and in doing so we would make the following recommendations.

First, increase funding for the National Forest Products Program. The National Forests can play a key role in times of economic distress in supporting the local wood-using industry, and in doing so they support the ability to manage forests on all lands. When you lose the logging infrastructure, you lose the ability to add value to private timberlands and that adds for the pressure for conversion.

We would like to see the Timber Sale Program be better integrated with the Hazardous Fuels Program and see increases in both of those. We are recommending a $16 million increase for the forest products line item, and we appreciate the language that this

Subcommittee has included directing the agency to allocate the funds to regions with the most capability to actually meet program targets. We would urge you to include similar language in this year's bill.

As I noted, we also in the past have urged the Subcommittee to get the Forest Service to reduce their overhead costs. Fully one-third of Forest Service funding for land management does not make it to the field. It gets absorbed in overhead in the Washington office. Just reducing overhead costs by 25 percent will put another $30 million in the field in the Forest Products Program alone.

Hazardous fuels, as I mentioned, we would like to see better integration. We would like to see an 8 percent increase of $28 million, and we would urge the Subcommittee to be direct as possible in instructing the agency to undertake these treatments in forested stands using mechanical treatments that produce usable wood fiber for the local industry. We continue to be concerned about their focus on acres treated as the sole metric for accomplishment in this program. That tends to incentivize the treatment of low-priority acres repeatedly rather than treated forested stands. Authorities like the Healthy Forest Restoration Act can actually help you turn the corner on the fire situation and produce wood fiber at the same time.

The fire program, obviously, this Subcommittee spent a lot of time on this year. We are pleased with your leadership on this, and we appreciate both of your roles as original co-sponsors of the FLAME Act. As both of you have noted, it is not a perfect solution, but it is a step in the right direction. We simply have to do something. The agency basically loses all management capability around the first of June every year, first of July every year when fires break out.

Private lands are also critically important, and the Forest Service has a smaller role on private lands, but we are urging continued funding for several programs, Cooperative Forest Health, Cooperative Fire Assistance, Forest Legacy Roads, the Forest Stewardship Program, and the Forest Legacy Program in particular. These programs help private landowners deal with problems that they are not equipped to handle on their own, insects, disease, and the pressure to convert forest to things that are beyond the capability of small, private landowners to deal with. And these lands are critically important, both for wildlife habitat and as a source of raw material for our industry.

Mr. DICKS. Any suggestions on how to deal with forest fires? This is one of the biggest problems we face.

Mr. IMBERGAMO. Yeah, well, and some of it is probably beyond the control of management as climate change is certainly a contributor. But you know, we have seen fire problems not be as bad on state lands that are fairly close by to the National Forests. And you know, it has to do a lot with a lack of management and the history of suppression. I mean, you just simply have more stems per acre than the rainfall can support, and you know, unfortunately a lot of it is very low-volume material, and you have got to find a way of making those two programs, Hazardous Fuels and Timber, work together to help cover some of the costs.

Mr. DICKS. You know, in the '90s, forest firefighting, suppression, was 13 percent of the budget. Now it is 49 percent.

Mr. IMBERGAMO. Right. And the fires have become more complex because development has encroached on the forest. You tend to involve aerial resources on more incidents than you used to. What used to be a remote fire is now threatening subdivisions. So that is a complex problem.

Lastly, I just briefly note the Forest Service Research Program, particularly Forest Inventory and Analysis. We and a great deal of the rest of the forestry community are supporting full funding of that program, $73 million. This is the Nation's forest census. It is key to having good data for understanding the potential of forests, to contribute to bioenergy and also understand the impact of climate change on forests. And lastly, the Agenda 2020 program which is a technology program that involves major universities, my industry, and the Forest Service and DoE, particularly nanotechnology and forest productivity research.

So, sorry for the sprint, but appreciate the opportunity.

[The statement of Bill Imbergamo follows:]

Statement of the American Forest & Paper Association
Bill Imbergamo, Director, Forest Policy
U.S. House Subcommittee on Interior, Environment, and Related Agencies
Fiscal Year 2010 Appropriations Recommendations

On behalf of the American Forest & Paper Association (AF&PA), I am pleased to submit the following testimony regarding the Fiscal Year 2010 Forest Service budget.

The American Forest & Paper Association is the national trade association of the forest products industry, representing pulp, paper, packaging and wood products manufacturers, and forest landowners. Our companies make products essential for everyday life from renewable and recyclable resources that sustain the environment. The forest products industry accounts for approximately 6 percent of the total U.S. manufacturing GDP, putting it on par with the automotive and plastics industries. Industry companies produce $200 billion in products annually and employ approximately 1 million people earning $54 billion in annual payroll. The industry is among the top 10 manufacturing sector employers in 48 states. Lumber, panel, pulp, and paper mills are frequently the economic hub of their communities, making the industry's health critical to the economic vitality of countless rural areas across the country.

With new home construction at all-time lows, lumber and wood products manufacturing has suffered a significant contraction. The pulp and paper industries have been harmed, as well, due to reduced demand for consumer goods and their associated paper and packaging materials. Together, the decline in demand for wood building and paper products threatens the viability of a key manufacturing sector and its investments in the long-term health of our forests.

During this economic crisis, the forest products industry has suffered greater dislocation than many others, and since 2006 has lost more than 250,000 jobs—19 percent of our workforce. The wood products industry has been particularly hard hit, with a 29 percent drop in employment. Domestic lumber production has dropped by 24% while lumber imports have declined by 44%. Many actions are needed to help preserve the industry's remaining jobs and contribute to the broader revitalization of the economy, including further steps to improve credit markets, stimulate demand for housing, and policies that recognize the significant contributions made by the wood and paper industries towards renewable energy and climate goals. We urge you to direct the Forest Service to do what it can to help preserve the forest products industry and the vital jobs it supports.

The management of the National Forests, key research programs, and programs which promote the management of the Nation's private forests are vital to the sustainability of our nation's forests and to sustaining struggling forest products companies. We recommend the following priorities as you build a budget for Fiscal Year 2010:

1. Increase Funding for the Forest Products Program:

In times of severe economic distress, the National Forests can play a vital role in helping to sustain local forest products infrastructure. In doing so, the agency helps sustain jobs directly at forest products facilities; additionally, it also helps maintain the capacity to manage forests on all lands. The logging workforce and related businesses supply the labor and equipment needed to continue the active forest management that is vital to reducing hazardous fuel loads and preventing long-term forest health and wildfire disasters. Having a viable forest products industry provides a market for fiber from national forests, and can help defray the costs of treatment on a project-by-project basis, while ensuring that a logging workforce and mill infrastructure can survive to help give value to all timberlands once an economic recovery begins. An integrated program that at once addresses fuels reduction and stand resilience to

disturbance while providing a reliable and sustainable supply of wood and fiber is critical to reducing wildfire and catastrophic insect and disease outbreaks. We therefore suggest that at least a 5% ($16.6 million) increase over the FY2009 enacted level in the **forest products** line item is needed to implement an integrated and sustainable program as called for in forest plans in all regions of the country.

The volume of fiber sold through timber sales is well below sustainable harvest levels, and is insufficient both ecologically and economically, particularly as the industry struggles to stay afloat in the face of today's economy. With Forest Service data indicating that growth exceeds harvest five-fold, the lack of active management is exacerbating the already dire wildfire threats and insect and disease epidemics. While several budget line items contribute to the agency's ability to conduct active management, the forest products line item is the most significant. Sufficient funding for this program would help return the Forest Service to a "forest management" agency, not a "fire service" agency.

We appreciate the language that this committee included in the current fiscal year's appropriations omnibus that placed a high priority on regional capability in the distribution of forest products funding, and would encourage similar language in this year's spending bill. We also value this committee's past attention to accountability within the Forest Service, and encourage similar language this year directing the agency towards greater efficiencies and adherence to performance standards.

We also sincerely appreciate the efforts this subcommittee has made to repay trust funds, such as K-V and the Salvage Sale fund, after years of fire borrowing. This depletion, as well as the agency's growing reforestation backlog, is the direct result of wildfires. We appreciate the inclusion of $130 million to repay K-V as part of the FY 2009 supplemental spending bill. We note that K-V continues to have a backlog of unfunded projects, and that issues persist for reforestation after wildfires as well.

We urge the committee to hold the agency accountable for reductions in overhead and cost pool charges, which have been promised in prior years but have, to our knowledge, not materialized. Currently, fully 30% of forest products funds are not reaching the field. If the agency is directed to reduce 25% of the FY2010 forest products Washington Office and Regional Office funds, this frees up over $30 million for program implementation at the field level.

The Forest Service must focus on forest health and sound management of its forest lands, and be aware that failure to deliver a forest health timber sale program will lead to further mill closures. Ultimately, the agency will find itself faced with fewer customers and higher costs for land management when the industry infrastructure contracts even further. The Congress should direct the agency to maximize program outputs given the available budget, while integrating hazardous fuels reduction more fully into the program.

2. Integrate Hazardous Fuels Reduction with Other Land Management Goals:

The hazardous fuels reduction program is a critical component to restoring forest health on federal lands. We therefore support an 8% increase ($28 million) over the FY2009 enacted level to the **hazardous fuels reduction** budget. We urge you to be as direct as possible in instructing the Forest Service to implement these projects in forested stands, using mechanical treatments that produce merchantable wood fiber that can be used by the local wood products industry. The forest products industry can play a key role in reducing hazardous fuels from federal lands. The costs of mechanical hazardous fuels reduction are frequently significantly

lower in regions with a substantial forest products industry presence. The agency must take advantage of these synergies.

We continue to believe the agency must move away from using "acres treated" as the sole metric of accomplishment in the hazardous fuels reduction program. Continued focus on this measure incentivizes the agency to treat low priority acres repeatedly, and discourages them from treating higher priority forested acres in condition class 3. More aggressive pursuit of mechanical treatments, including more frequent use of Healthy Forest Restoration Act authorities, will result in treatments that produce usable wood fiber, and, more importantly, longer-lasting and more meaningful positive impacts on the long-term fire problem.

3. Fix the Fire Funding Problem:

We believe firmly that a sound forest management program for the National Forests should be the foundation of the Forest Service budget. In order to achieve this, Congress must find a better way to fund large fire suppression costs. We are pleased to note the Chairman's and Ranking Member's efforts in this regard, as original co-sponsors of the Forest Land Assistance, Management and Enhancement (FLAME) Act. The bill establishes an "emergency" account, which can be managed separately from the rest of the Forest Service budget. Without that separation, it is extremely unlikely that the agency will be able to meaningfully implement a forest management program that restores forest health, prevents emissions of significant amounts of greenhouse gases, and maintains a strong forest products infrastructure.

The Forest Service is in serious danger of becoming the National Fire Service. While firefighting is an important part of the agency's history and core mission, the way it is currently funded causes severe disruption in the delivery of every resource management program. Fire transfers have resulted in the diversion of over $2.2 billion between 1999 and 2003. The Knutson-Vandenberg (K-V) fund lost over $2.3 billion since the mid-1980s. As noted above, this subcommittee has made heroic efforts to repay these critical programs, but, as is the case with wildfires, prevention is far more effective and efficient than fixing the problem after the fact.

Fire suppression costs now make up almost half of the discretionary budget for the Forest Service, and many other important programs are suffering as a result. We look forward to working with you to enact the types of changes envisioned in the FLAME Act and funding large fire costs in a manner which does not raid important land management programs. Cost containment measures taken by the agency, while critical and needed, are clearly not enough to achieve this goal.

4. Maintain Programs to Protect Private Forests:

We appreciate the support this subcommittee has shown for key programs such as **Cooperative Forest Health**, **Cooperative Fire Assistance**, **Forest Legacy Roads**, **Forest Stewardship**, and **Forest Legacy**. With ongoing droughts, invasive species infestations, and significant forest health problems in many corners of the country, these programs help protect valuable private forest resources vulnerable to damage from threats that do not respect boundary lines between public and private lands. Similarly, deteriorating roads in upper watersheds on national forest land will ultimately deposit the problem on downstream private lands and streams unless corrective actions are funded and applied to all affected areas. We appreciate the funding provided in the FY 2009 omnibus to increase funding for forest legacy roads.

We urge you to provide funding for these important programs at the current level of spending, which represents a minimum need to ensure the health of these productive timberlands. Private timberlands provide the bulk of the Nation's wood fiber supply, while also sequestering huge amounts of carbon from the atmosphere, providing millions of acres of wildlife habitat, and supplying clean drinking water for millions of Americans. These programs protect these resources from threats that are beyond the capability of small landowners to effectively combat.

5. Fund critical research on forests, forest products:

Targeted research and data collection is needed to support forest productivity, forest health, and economic utilization of fiber. Increased funding for the Research and Development budget area is needed in order to allow the agency to focus on several critical priorities. The **Forest Inventory and Analysis (FIA)** program is the backbone of our knowledge about the nation's forests, and is a critical tool that allows us to assess their sustainability and health. We request $73 million for the FIA program, which represents full funding. This level is needed to allow the Forest Service to cover 100% of US forest lands and expedite data availability and analysis, and to support our growing data needs in the areas of bioenergy and climate mitigation.

We also recommend increased funding within the Forest Service R&D program in support of the **Agenda 2020 Technology Alliance**. Working in partnership with universities and the private sector, Forest Service funding for the Agenda 2020 program supports research to develop and deploy wood production systems that are ecologically sustainable, socially acceptable, and economically viable, in order to enhance forest conservation and the global competitiveness of forest product manufacturing and biorefinery operations in the U.S. In particular, we encourage greater support for research on forest productivity and utilization at the Forest Products Lab and Research Stations. Innovative wood and fiber utilization research, including nanotechnology research, contributes to conservation and productivity of the forest resource. The development of new forest products and important research on the efficient use of wood fiber directly address the forest health problem through exploration of small diameter wood use and bioenergy production.

AF&PA recommends $15 million to implement Section 9012 of the 2008 Farm Bill, which authorized a competitive research and development program to encourage the use of forest biomass for energy. This funding is needed to unlock the bioenergy potential from our nation's forests while simultaneously benefitting communities that rely on current forest resources. More renewable energy, more sustainable wood-based products, more carbon sequestration, and healthier forest-based communities are all possible with additional support for forest tree research.

Conclusion:

Congress must use this year's Forest Service budget as an opportunity to create a clear division between fire suppression funding and critical natural resource management programs. Congress has recognized that catastrophic wildfires are a land management problem, but now the next step must be taken. Programs, such as hazardous fuels reduction and timber management, must be protected from raids to pay for catastrophic fires. Forest management that reduces fuel loads and changes condition class on forested lands must be a top priority. Forest products programs must focus on managing for forest health, not just in fire prone forests but in other forest types that benefit from periodic harvest.

Thank you for the opportunity to provide input on the FY2010 Forest Service budget.

Mr. DICKS. Well, you did a good job. Thank you very much.

QUESTION ABOUT OVERHEAD COSTS

Mr. IMBERGAMO. Thank you, sir.

Mr. DICKS. Any questions? Mr. LaTourette?

Mr. LATOURETTE. Your observation about the overhead 25 percent, a lot of people talk about fat overhead. Can you just expound on that? Do you think they are wasting 25 percent?

Mr. IMBERGAMO. I am not going to say that. I think they have a lot of complex management structures. The Forest Service historically has been a field agency, and the strength is at the forest level. The complexity of the financial management of the agency has grown. We have not seen the savings from the creation of the Albuquerque Service Center that were promised, to put it mildly. It is hard to say what would cause it to turn around other than firm direction from the Subcommittee, possibly a cap on the amount of money that can be used for overhead.

Mr. LATOURETTE. Well, that kind of stuff makes me nervous because it costs what it costs. But if you have some specific observations about the overhead of this particular agency, if you can forward those in writing to the Committee, I would appreciate it.

Mr. IMBERGAMO. Yes, sir.

Mr. LATOURETTE. Thank you, Mr. Chairman.

Mr. DICKS. Thank you. All right. Next we are going to have Jeff Corwin, Defenders of Wildlife, and the host of Animal Planet. Thank you for being here.

THURSDAY, APRIL 23, 2009.

DEFENDERS OF WILDLIFE

WITNESS

JEFF CORWIN

Mr. CORWIN. Thank you very much. Mr. Chairman, Mr. Simpson, Mr. LaTourette, it is an honor to be able to appear before you today. I am Jeff Corwin, and I am here on behalf of Defenders of Wildlife.

For more than 7 decades, Defenders has been in the front lines of conservation fighting to protect our Nation's wildlife habitat and natural resources. I am very proud to be one of 1 million members of this incredibly important organization.

For nearly 14 years I have worked as a wildlife biologist, producer and host for a dozen of television series ranging from networks from Discovery and Animal Planet to NBC. Presently I am working on a documentary and a book with MSNBC called 100 Heartbeats. We are traveling around the world documenting our planet's most endangered species, some of which are within 100 individuals away from extinction. So we are looking at this and also looking at the heroes of conservation trying to save these life forms.

Over the years, my work has allowed me to witness some of nature's most awe-inspiring spectacles. We have traveled next to a thundering herd of wildebeests, within a million animals strong. Just 2 weeks ago we helped liberate a California condor that was

recovering from lead poisoning. And we have witnessed the discovery of new species which for me as a biologist is pretty remarkable to see something new be discovered. On our programs in HD you can actually see species that are now extinct in the wild that I have held in my hands and I have talked about that no longer exist.

The adventures that I have had to tell the stories of our planet's wildlife have been exhilarating and humbling, but more importantly, they have allowed me to see first hand the impact that we are having on this amazing planet and the diverse creatures that share it with us. In 2007, while co-hosting Planet in Peril for CNN, we featured a Cambodian rain forest that had been rendered eerily silent, nearly every creature gone, as a result of unsustainable exploitation. Just last spring I was in the arctic filming the iconic polar bear whose habitat was literally melting away before our cameras. Before that, I traveled around the world documenting the plight of our planet's amphibians. There are 6,000 amphibians on our planet today. It is estimated that we will lose half of them because of a deadly fungus called chytrid. And of course, amphibians are considered to be the ultimate indicators of the environment's health. Unnatural extinction of life on earth today has reached such a catastrophic state that we may be losing a species every 20 minutes, and this extinction is basically the result of a perfect storm fueled by habitat loss, environmental degradation, species exploitation, and of course, climate change.

As for climate change, you do not have to go to the ends of the earth to discover its devastating impact on wildlife. In the Rocky Mountains, for example, there is this very fascinating charismatic rodent, a mammal, called a pica, and this creature only lives at high altitudes. And it is on the brink of extinction. The reason why is that the pica can only survive in temperatures less than 75 degrees. So with nowhere else to go, the pica could be one of the first species in our country to become extinct because of climate change. And this is just one example of many of the wild species, ranging from migrating water fowl to wolverines which are at the risk of extinction due to climate change.

Mr. Chairman, I was filming in Washington recently, and one of the stories we wanted to look at are wolverines. This is a creature that can drive a grizzly bear off to kill but it cannot survive climate change.

Beyond wildlife, commercial fisheries including salmon, shrimp, oysters, essentially our entire seafood industry are in grave jeopardy. Mr. Chairman, I worry deeply about what kind of world awaits my two young daughters if we fail to address these threats. The sad fact is that despite our efforts, our children will inherit a world that will be in a state of ecological crisis. Your leadership in the last Congress in creating and funding the National Climate Change and Wildlife Science Center at the U.S. Geological Survey is an important commitment to this serious issue, and I urge you to continue the support which will foster a national strategy to combat the impact of global warming.

But this is only the start. I am here today to ask you to commit 5 percent of the revenue from the new global warming cap-and-trade legislation to safeguard our natural resources from the dev-

astating impact of global warming. These are exhilarating and challenging times that we live in, and we are truly depending upon you for the leadership, resources, and guidance to ensure that we meet these challenges head on. Thank you very much.

[The statement of Jeff Corwin follows:]

TESTIMONY OF JEFF CORWIN
ON BEHALF OF
DEFENDERS OF WILDLIFE
BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
PUBLIC WITNESS HEARING
APRIL 23, 2009

Mister Chairman, Ranking Member and members of the subcommittee, thank you. It is a pleasure and honor to appear before this committee. I am Jeff Corwin, biologist, television host, producer, and lifelong student of the natural world appearing on behalf of Defenders of Wildlife. Founded in 1947, Defenders of Wildlife has more than one million members and activists across the nation and is dedicated to the protection and restoration of wild animals and plants in their natural communities.

As a wildlife biologist and host of my own show on Animal Planet, as well as various specials including the recent Planet in Peril series on CNN, I have had many exhilarating and challenging experiences: I have traveled beside a thundering herd of a million wildebeest; liberated a mighty California condor back into the wild after its struggle to recover from lead poisoning; explored the rainforest and bore witness to some of our planets rarest creatures and most incredible natural spectacles. I have witnessed the discovery of new species and tragically the extinction of others. These adventures have been both exhilarating and challenging.

But I have to say that you here in Congress have an exhilarating and challenging opportunity ahead of you that easily rivals my own! You have the opportunity to make history. You have the opportunity to pass legislation that will not only curb the release of greenhouse gas into the atmosphere, but also deal with the effects that are already being seen and felt on the ground. Effects that are already having detrimental impacts on our planet, from the air we breathe to the water we drink; from the medicines we use to the food we eat; from the forests and fisheries we depend on to the special places we take our children. You have the opportunity to be heroes! It gets my adrenaline pumping just thinking about it.

I am on the road about 10 months out of every year, and I see first-hand the impacts that we have had on this amazing planet and the diverse creatures that share it with us.

I have been to Southeast Asia where I walked through a silent rain forest. Every bird, lizard and mammal was gone. I have been to the North Pole to study the iconic polar bear, whose habitat is melting away before our eyes. And I have traveled around the world studying the effects of a deadly fungus that is on course to destroy half of our frogs and other amphibian populations… one of the most significant mass extinctions since the dinosaurs.

But you don't have to go to the ends of the earth to find the effects of global warming on wildlife, our natural resources and ultimately, ourselves.

In the Rocky Mountains, the pika - one of the cutest little critters you could ever see - is on the brink of extinction. You see, pikas can only survive in temperatures below 75 degrees. Pikas already live in the mountains above the treeline. With nowhere else to go, this little critter could be one of the first species in our country to go extinct due to global warming.

The miraculous migration of our nation's waterfowl is in jeopardy, because the prairie wetlands they rely on for food and to rear their young are drying up.

Crocodiles and sea turtles, species that have been around since the dinosaurs are now in jeopardy due to global warming. Fish, shrimp, oysters - and with them, an entire seafood industry - that rely on wetlands are being threatened due to sea level rise.

Even forests throughout our nation are suffering, due to increased pest and disease outbreaks and more intense fires.

Our wildlife and the natural resources we all depend upon for survival are already under incredible stress from development, habitat destruction and many other threats. Many laws were passed by Congress decades ago that illustrate the tremendous commitment our country has made to preserving and protecting our vital natural heritage.

But these laws are no match for the damage caused by global warming that we are already seeing, and will continue to see for generations.

Mr. Chairman, I worry deeply about what kind of world awaits my two young daughters if we fail to address this threat. The sad fact is that despite my best efforts and those of many others, my girls will inherit a world that may be less biologically rich and healthy than my own. In fact, in the lifetime of my young daughter Marina, born just last year, 20-30% of the world's plant and animal species will be on the brink of extinction if we do not act now to curb global warming. Mr. Chairman, we can't let that happen.

We must act now to minimize the losses we are destined to experience.

As a biologist, I firmly believe that we should start by expanding our scientific understanding of global warming's impacts on the living world. We cannot develop and implement an effective strategy without this knowledge.

Your leadership in the last Congress in creating the new National Climate Change and Wildlife Science Center at the U.S. Geological Survey is an important commitment to this serious issue. And by increasing funding for the Center to $10 million, you have further solidified that commitment. I urge you to further increase that funding next year, and to continue to direct that the Science Center play a central role in the development and implementation of a national strategy for safeguarding wildlife and habitat from the impacts of global warming.

I am also here to tell Congress that, as important as increases in the annual operating budgets of the Interior Department are, adequately addressing the greatest conservation challenge of our time will require a substantial new funding source. That is why, Mr. Chairman, I ask you to commit five percent of the revenue from new global warming cap and trade legislation to safeguard wildlife and ecosystems from a warming world.

These are exhilarating and challenging times. We are depending on you to provide the resources and guidance to ensure we meet this challenge head on and be the heroes we know you can be.

Thank you for giving me this opportunity to encourage your further good work.

DISCUSSION ON OCEAN ISSUES

Mr. DICKS. Well, thank you very much. I appreciate your statement, and we are very concerned about this. You mentioned the impact on the oceans. Ocean acidification I think is one of the most serious issues, too much CO_2 getting into the ocean, making it more acidic and affecting coral and shells, anything with a shell on it, in a very negative way. And we are fortunate, the new administrator of NOAA, Jane Luchenko, is an expert on this. I have been talking to her about it.

But this is one of the most immediate threats.

Mr. CORWIN. In addition, the rising sea levels and warming seas, coral bleaching is a huge problem. We have corals dying through many of our tropical seas.

Mr. DICKS. And it gets through the whole food chain at some point, too. You know, the whole phytoplankton.

Mr. CORWIN. Absolutely.

Mr. DICKS. All these different things.

Mr. CORWIN. Just yesterday I was filming the North American red wolf. There are only 100 animals of these left. That is it, only 100 red wolves living in North America.

Mr. DICKS. And we have the captive breeding program in Tacoma.

Mr. CORWIN. Absolutely.

Mr. DICKS. And we have been working with Congressman Shuler on it, and you know, we have reintroduced them in North Carolina.

IMPACTS OF CLIMATE CHANGE

Mr. CORWIN. But where they live in North Carolina which is the Alligator River National Wildlife Refuge, I mean, is at very high risk because of rising sea levels.

Mr. DICKS. And we had hearings before our Committee. We brought in all the federal land agencies. Every one of them testified about various things they see already, especially drought, bug infestation, rising seas. This could have an incredible effect on the Everglades, first of all. And you know, think of all the people who live in New York and other cities right on the ocean, like Seattle, Washington, for example. It is going to affect everybody.

Mr. CORWIN. And you go north to Alaska, it is very interesting, which we have documented, is that for example, birds have a particular way they migrate. So migratory birds are going to Alaska, they have gone these incredible journeys, the insects that they feed upon are recovering to temperature change. So the insects are emerging before their predators can arrive to feed. That is just sort of one example of how the links connect.

Mr. DICKS. Mr. Simpson.

Mr. SIMPSON. I think you said it all.

Mr. DICKS. Mr. LaTourette.

Mr. LATOURETTE. Can you just spell chytrid for me?

Mr. CORWIN. The term is chytridiomycosis, but you can call it chytrid.

Mr. LATOURETTE. I will tell you what, just do chytrid for me.

Mr. CORWIN. It is c-h-y-t-r-i-d. It is a devastating fungus. You know, amphibians are so important. We use them in medicine, they

are indicators of environmental health, and I literally just filmed a few months ago a species of frog and we picked it up. It was very small. And we looked at it, and I said to the guys working with me, so what do you think is the big deal about this? And he looked at me and said, it is the last one.

Mr. DICKS. Thanks. Mr. Chandler.

Mr. CHANDLER. Mr. Chairman, I just want to say that the whole thing is just mind-boggling. There is no shortage of places where you find problems. The list of problems is extremely long. The thing that worries me as much as any is the threat to the plankton from ocean acidification. That is an incredible problem, but it is just one of a very, very, very long list. And I thank you for sharing your information.

Mr. CORWIN. Thank you very much.

Mr. DICKS. All right. Next we are going to have Ashley Judd, a very famous actress but also a leader on environmental issues also testifying on behalf of Defenders. We are very glad to have you here. I still remember you in Double Jeopardy which was filmed partly in Washington State, using the Washington State Ferry System and the San Juan Islands. It was a very scary movie.

Ms. JUDD. I hope you are frightened now.

Mr. DICKS. I am frightened.

Mr. CHANDLER. Mr. Chairman——

Mr. DICKS. I also want to note, Mr. Chandler and Mr. LaTourette arrived at the appropriate time.

Mr. CHANDLER. There is one other very, very important thing to know, though, is where Ms. Judd is from.

Mr. DICKS. It has got to be Kentucky.

Mr. CHANDLER. You got it.

Mr. DICKS. Whereabouts in Kentucky?

Mr. CHANDLER. Ashland.

Mr. DICKS. That is wonderful.

Ms. JUDD. Well, I am sure——

Mr. DICKS. We are not going to count that on your time, either.

Ms. JUDD [continuing]. That Congressman Chandler arrived slightly tardy because you were doing something clever and magnificent to bring green collar jobs to eastern Kentucky and to fight mountaintop removal coal mining.

Mr. DICKS. Well, he is our leader on that.

Ms. JUDD. So your timing is impeccable.

Mr. DICKS. He has taken me out there to give me a first-hand briefing on that subject.

Ms. JUDD. Good. Good. I would love to chat with the water guy because we certainly have a lot of water damage in eastern Kentucky related to that travesty, and that is for another hearing and another committee.

THURSDAY, APRIL 23, 2009.

DEFENDERS OF WILDLIFE

WITNESS

ASHLEY JUDD

Ms. JUDD. Mr. Chairman, thank you very much, Ranking Member, and members of the Subcommittee. I am very delighted to have the opportunity to testify before you this morning, and as has been stated, I am Ashley Judd. I am an actor as well as a very strong conservation advocate, also appearing as Jeff did on behalf of Defenders of Wildlife with whom I am very pleased to be associated. And I have heard you all are a clever bunch, and so I assume you have deduced I am not a scientist, and I do not pretend to be an expert on these matters. But I am, however, an American who is profoundly grateful for our vast and varied land and very concerned by the direction in which we are headed.

I have on my bucket list to visit every single National Park, and I am well on my way to achieving that goal. I also dream of hiking the whole of the Appalachian Trail, all 2,000-plus miles, and I am very committed to improving conservation on our own farm in America in Tennessee as well as in Scotland. My husband happens to be Scottish. My favorite time spent alone with him in knee-to-waist deep in creek beds working on stream mitigation projects, and I think I have more pictures of us bent over than I do of us standing up straight. And I also know more about 17th century Scottish agricultural irrigation and drainage than I ever thought possible. So hopefully that demonstrates, too, that I am very serious about the natural habitats on our farm and restoring them the best I can.

A short list of my recent projects includes, and this is just winter '08 and '09 alone, planting over 1,000 native species trees, including two biodiverse orchards. I have just started two beehives to help offset colony collapse in our area which has already cost the Tennessee area tens of millions of dollars in revenue, not to mention the very dangerous shortfall of agricultural products. And we take great care and concern and love in creating ideal conditions for wildlife.

So I have had the great good fortune as was noted to be raised in eastern Kentucky in particular as well as in Tennessee and California, states that are blessed with stunning diverse and productive landscapes. And those landscapes, especially the mountains, have absolutely shaped my values. And I am deeply disturbed that in an era of global warming, evidence of which we experience on our own farm and have for quite a few years now, future generations of Americans while our population continues to increase, will have fewer resources upon which to draw, and as a result, their opportunity shall be less than ours.

Some folks would have us believe that protecting the environment is a luxury, a luxury that should be put aside in these tough economic times. However, I believe that is patently false as well as short-sighted. Certainly none of us here today would consider clean water or air a luxury or abundant fisheries, healthy forests and safe places to call home a luxury. And as President Obama himself has said, with smart policies, we can grow our economy today and preserve the environment for ourselves, our children, and our grandchildren. And I really am very excited in particular about the green collar job corps that has been started and is being headed by the great and good Van Jones.

I thank this Committee for the steps you have taken to date to address the impacts of global warming on our Nation, particularly by the formation of the Federal Global Warming Science Center that will direct the new Administration to develop a comprehensive national strategy to save wildlife and natural resources during this era of global climate change.

Adequately addressing what is the greatest conservation challenge of our time will require long-term investments that can only be realized through a new, dedicated funding strategy, which is why I am here on Capitol Hill today to call upon Congress to dedicate 5 percent of the revenue from the new global warming cap-and-trade legislation to fund and to safeguard wildlife and ecosystem restoration and preservation from a warming world. And Mr. Chairman, I thank you very much for your support on this issue.

We will all need to work together to address the overwhelming and disturbing impacts of global warming on wildlife and our incalculably invaluable, say that three times, precious national heritage. That means the Federal Government will naturally have to work hand in hand with the states, tribes, and others to ensure that there will be appropriate funding resources for states and tribal wildlife grant programs.

In addition to being a very proud hillbilly, I am part native. I walked in and I thought the creator had that just for me, definitely from the Pacific Northwest, and empowering my ancestral tribe and others as well as the states will certainly allow us to do a better job of protecting and preserving our proud conservation heritage, what we call in the evangelical Christian community, creation care.

In closing, I ask you to commit 5 percent of the revenue from new global warming cap-and-trade legislation to fund safeguard wildlife and ecosystem resilience from a warming world. I simply cannot imagine anything more important that we could leave to future generations. This is a terribly important legacy. Thank you, Mr. Chairman.

[The statement of Ashley Judd follows:]

TESTIMONY OF ASHLEY JUDD
ON BEHALF OF
DEFENDERS OF WILDLIFE
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Mister Chairman, Ranking Member and members of the subcommittee, thank you for the opportunity to testify. I am Ashley Judd, actress and strong conservation advocate appearing on behalf of Defenders of Wildlife. Founded in 1947, Defenders of Wildlife has more than one million members and activists across the nation and is dedicated to the protection and restoration of wild animals and plants in their natural communities. I am very pleased to testify before you and this subcommittee.

As you may have already deduced, unlike Jeff Corwin, I am not a scientist. I do not pretend to be an expert on matters of conservation, biology, and ecology. I am, however, an American who greatly loves and is deeply proud of our vast, varied land. I have on my "Bucket List" to visit every National Park (and am well on my way to fulfilling this), I dream of hiking the whole of the Appalachian trail, and my idea of blissful quiet time with my husband is hours spent knee to waist deep in creeks, working on stream mitigation projects on our Tennessee farm. I have more pictures of us bent over cleaning our creek beds than I do of us standing up straight! I am serious about restoring the natural habitats on our farm. A short list of my recent projects involves planting over 1,000 native species trees including two bio-diverse orchards and starting bee hives to help off set colony collapse in our area. We take great care to create ideal conditions for wildlife and also belong to a local organic produce co-op.

Thus, I am just one of so many, many Americans who greatly value our conservation heritage, and am grateful for the incredible quality of life it has helped us achieve. I had the great good fortune to grow up in three states – Kentucky, Tennessee, and California – that are blessed with stunning, diverse and productive landscapes. Those landscapes have shaped my life and my values, and I am deeply worried that in an era of global climate change, evidence of which we experience on our own farm, the landscapes that WE pass on to future generations will be horribly compromised, less bio-diverse, and less valuable than the landscapes we have enjoyed. Leaving that kind of legacy just wouldn't be right.

I follow the debates on major issues, and I know one of the big questions about using federal spending to stimulate the economy has been whether it would be right – whether it would be moral – for us to pass on to future generations the resulting large, additional federal debt that the stimulus package brings with it – whether the BENEFITS that result in the form of a stronger economy warrant the future burden. Actually, I think we should be able to agree that there is absolutely NO BENEFIT to future generations if we allow our delicate, interdependent web of life to be harmed as Jeff so vividly described. If we do not act to counter global climate change's impact on our living, natural world, Americans WILL have fewer of nature's resources to draw upon, and our children's and grandchildren's essentials like clean water and air, life giving medicines, abundant crops, and a sustainable economy will be vastly diminished. There are so many public policy issues – most,

perhaps – that end up tangled in partisan political debate. I passionately believe that our responsibility and desire to pass on to future generations as much of our diverse living natural world as possible, in order to maximize their welfare, should not be one of those.

Where would the careful stewardship of our national parks, wildlife refuges, forests and other public lands, and of America's precious but increasingly imperiled wildlife be without your careful nurturing? Frankly, I shudder to think. I know that the federal budget has been drastically cut in real terms over the past decade, and that has made your job all the harder. But I have been studying this and I am impressed with how hard you have worked in spite of constraints, to maintain the proper stewardship of America's public lands, wildlife and open spaces. What's more, you have found a way not only to establish the new National Climate Change and Wildlife Science Center, but also – just recently – to direct the new administration to develop a comprehensive national strategy to save ecosystems, wildlife and ecological processes during an era of global warming. And you're not stopping there: I've learned that when that strategy is initiated, the vehicle for delivering funding beyond the federal land agencies, to states and tribes, is yet another program this committee created – the so-called state and tribal wildlife grant program. I think that is fabulous, because a comprehensive, national program needs to have federal, state, and tribal governments working in a coordinated effort.

On a personal note: I understand that the state fish and game agency in Tennessee is very well regarded, and, like a number of other state fish and wildlife agencies, has already begun revising its state wildlife conservation plan to focus on responding to global warming. These states deserve and desperately need the funding that federal global warming legislation should provide. I also love that this program you created helps Native American tribes, because we clearly have so much to learn from them in the area of smart land stewardship. We need to adopt their wisdom that our decisions and those consequences inextricably affect the welfare of those who will live seven generations beyond us. In addition to being a proud Hillbilly, I am part Native, and thus it delights me all the more that both Tennessee and my ancestral tribe, could be empowered by your good work to do a better job of protecting our America's proud conservation heritage.

In closing, I join Jeff in thanking this subcommittee for consistently NOT treating protection of our conservation legacy as a matter of partisan politics. I encourage you to keep working hard, to generously fund the ground-breaking initiatives you have established, and to promote passage of an overall global warming bill that establishes a national program to save ecosystems, wildlife, and ecological processes and dedicates 5 percent of the federal revenue from the auction of pollution permits to fund this program. I cannot imagine anything more important to the legacy we leave to future generations.

Thank you, Mr. Chairman.

POTENTIAL CAP-AND-TRADE DISCUSSION

Mr. DICKS. Well, thank you, and I appreciate your support for our efforts at the U.S. Geological Survey. Defenders has played a role in helping us with that. The 5 percent—you know, we have been talking to the Administration about that, and I hope we can work with the leadership in the House of Representatives and the Senate to put that into place. Now, we are going to need a lot of support to get that done. But I think it is justified. And as I said, we have had hearings already and as you said about your farm, all the public lands are seeing impacts of global warming already. I think it is the biggest challenge we have ever faced.

Another person from Tennessee, my classmate, Al Gore, has done great work on this, and all of us from that class I think believe this is a real threat to the planet.

So we have to get this under control. It is going to be, I think, the biggest challenge we have ever faced. So, Mr. Simpson?

Mr. SIMPSON. I just say the 5 percent probably is not as problematic as the cap-and-trade legislation itself. That is the real issue, and that will be obviously hotly debated, whether it is the right approach to take to address a problem we all realize is a problem. I do not think anybody with a right mind denies that there are global warming issues. The debate about what we can do, what we should do, et cetera, is really the debate that is going on and how we address it.

So I appreciate your statement, and thanks for being here today.

Ms. JUDD. Thank you, and I appreciate hearing you say that about the 5 percent because annual appropriations and their unpredictability and wild fluctuations——

Mr. SIMPSON. You mean we are unpredictable?

Mr. DICKS. Stability changes with Administrations, okay? We have been hard hit, you know. Interior has been cut by 16 percent, EPA by 29 percent, Forest Service by 35 percent.

Mr. SIMPSON. Should I say during the past administration?

Mr. DICKS. He always brings this up to me. Over the last 8 years, okay?

Mr. SIMPSON. But I love him bringing it up. I do not deny the reality.

Mr. DICKS. Any other questions? Mr. Chandler.

Mr. CHANDLER. I just want to thank you, Ashley, for using your time and your fame for an issue as crucial as this. I am glad that you feel that way, and I thank you.

Ms. JUDD. I like to work on behalf of exploited creatures, whether they are disempowered girls and women abroad or the wild things and ecosystems here at home.

Mr. CHANDLER. I am afraid we may all be in that category soon.

Ms. JUDD. Thank you very much.

Mr. DICKS. Mr. LaTourette.

Mr. LATOURETTE. No.

Mr. DICKS. Thank you very much. I appreciate it. All right. Ramona Trovato, Chair of the Children's Environmental Health Network.

Ms. TROVATO. Yes, thank you. Good morning.

Mr. DICKS. Welcome.

Ms. TROVATO. Thanks.

THURSDAY, APRIL 23, 2009.

CHILDREN'S ENVIRONMENTAL HEALTH NETWORK

WITNESS

E. RAMONA TROVATO

Ms. TROVATO. Thank you for the opportunity to testify this morning. I am interested in the fiscal year 2010 appropriations for the U.S. EPA. I am Ramona Trovato. I am a volunteer, Board Chair, of the Children's Environmental Health Network, and I was formerly the Director of the Office of Children's Health Protection at EPA.

The Children's Environmental Health Network is requesting funding to support U.S. EPA's efforts to protect and promote children's health by reducing their exposure to environmental hazards. The network is a national organization whose mission is to promote a healthy environment and to protect the fetus and child from environmental health hazards.

The world in which today's children live has changed tremendously from that of previous generations. EPA estimates that there are more than 83,000 industrial chemicals currently produced or imported into the United States. Every day children are exposed to a mix of chemicals, most of them untested for their effects on developing systems.

We ask you to fund the following key programs and offices in order to protect kids. The Office of Children's Health Protection is the leader within the U.S. EPA and is a catalyst across the Federal Government. Funding for the Office of Children's Health Protection has fallen from a high of $6 million down to around $3 million. We strongly urge the Committee to provide additional resources to the office dedicated to kids' health.

The Children's Environmental Health Research Centers of Excellence play a key role in providing the scientific basis for understanding the environmental hazards and their affect on children. Unfortunately, almost all of the existing 12 centers are operating on no-cost extensions. We urge the Committee to appropriate at least $15 million for EPA's share of funding to match the NIEHS contribution to fund these centers. The University of Washington has one of these centers in Seattle studying ag pesticide effects on farm children.

The National Children's Study is a landmark longitudinal cohort study that will form the basis of child health guidance, interventions and policy for generations to come. There are many study centers. One is in Bear Lake County, Idaho, and one is in Grant County. The network urges the Committee to fund EPA for its support of the National Children's Study which is led by HHS. We are suggesting $1 million to help EPA play a role in this very important study.

There are Pediatric Environmental Health Specialty Units in each of the 10 federal regions. They provide quality medical consultation to healthcare professionals, parents, caregivers, patients,

and communities about environmental health issues. Most physicians and healthcare providers are not trained on environmental health issues, and this gives all of them a place to turn and experts to consult.

Last year the Pediatric Environmental Health Specialty Units received only $120,000 each. We urge you to raise that to $200,000 per center.

Finally, I would like to talk about schools and child care centers. They are absolutely critical, and it is absolutely critical to children's achievement to be in a healthy environment. Twenty percent of the U.S. population, that is about 54 million children and 7 million adults, go to school every day. Thirteen million preschoolers, our youngest kids, 60 percent of them, are in child care. Unfortunately, many of the Nation's public and private K through 12 schools have environmental conditions that can harm children's health, undermine attendance, achievement and productivity. No data at all exists on the conditions in child care centers. The last time a study was done was in 1996 by GAO, and they are the ones who identified this problem.

We urge the Committee to appropriate $10 million to EPA under the Healthy Schools Provisions of the High Performance Green Buildings Act. This statute authorizes EPA to create federal guidelines on school siting and school environmental health programs, as well as authorizing an important study of the impacts of green schools on the health of children and communities. The U.S. EPA programs will be vital in helping the Department of Education in ensuring that schools will be made healthier as they are renovated and modernized with stimulus funds. Sometimes you can renovate and modernize and become more energy efficient and become less healthy, and EPA's expertise in this area would be very helpful to the Department of Education in making sure schools are healthier places.

Millions of preschoolers enter child care——

Mr. DICKS. Are there standards for that?

Ms. TROVATO. There are not.

Mr. DICKS. No standards by EPA?

Ms. TROVATO. No standards for healthy schools, no. And OSHA does not apply.

Mr. DICKS. Should there be?

Ms. TROVATO. I think there should be. And OSHA does not apply in schools. OSHA only applies if your job is to use a hazardous chemical, so teachers and children are typically not covered by OSHA, either.

Millions of preschoolers enter childcare as early as six weeks of age and can be in child care for more than 40 hours per week. Yet, little is known about the environmental health status of our child care centers. We ask the Committee to direct EPA to report on their activities with child care centers and to assess the need to protect children from environmental hazards in child care centers.

In conclusion, investments in programs that protect and promote children's health will be repaid by healthier children with brighter futures, an outcome we can all support.

Mr. DICKS. We had a problem with trailers——

Ms. TROVATO. We do.

Mr. DICKS [continuing]. That have—what is the material? Formaldehyde.

Ms. TROVATO. Formaldehyde or off-gassing.

Mr. DICKS. Is formaldehyde a problem with these schools, too? Because some of them, they use, what do they call them?

The CLERK. Temporaries.

Mr. DICKS. Temporaries.

Ms. TROVATO. Yes, the temporaries are a problem, and the school facilities are a problem themselves because there are chemicals that are used to clean the school. And you can use green chemicals, but we do not often do that. There is the pesticides used within the schools, and typically schools are sprayed every week or every other week, regardless of whether there is a pest problem.

Mr. DICKS. And there are some people who have a special sensitivity.

Ms. TROVATO. There are. There definitely are.

Mr. DICKS. You know, maybe 95 percent of the people can be in that room and not have an impact, but the 5 percent that do, and sometimes this could be——

Ms. TROVATO. Very serious.

Mr. DICKS [continuing]. Very serious.

Ms. TROVATO. Very serious. And in addition, there is just leaky roofs can be a serious problem because the roofs leak, the tiles get wet and it grows mold.

Mr. DICKS. And mold.

Ms. TROVATO. People are allergic to mold. So in some cases——

Mr. DICKS. Do any states have good programs?

Ms. TROVATO. Yes, a number of states have very active programs. Minnesota has a really good program, New York State has some good programs, Maryland has implemented a healthy school, green schools, program. Most of these programs focus on green cleaning or building green schools. The difficulty comes when you want to renovate or modernize existing schools that have problems. That is where there is not a lot of money, and it is costly to do it. But that is where most of the kids are in school is in these existing buildings. And so we would like to see some help given, some money given, to EPA so they can work on the environmental health issues. The Department of Education's expertise is in education. EPA's expertise along with the Centers for Disease Control is in the area of environmental health. And that is where a lot of these issues are coming to the fore, is in those area. So this money that has been authorized to EPA, if you could appropriate it, it will make a big difference in helping to figure out how to build green schools, how to site schools, and to give greater information on how to make schools healthier.

EPA does have a Healthy Schools Program, and Tools for Schools and Healthy Seat which are used by a number of states, but there are about 23 states right now that have one type or another program to make a school healthier. And they are very different from state to state.

Mr. DICKS. And there are no federal standards?

Ms. TROVATO. There are no federal standards. There are none.

So what we are asking you is to provide resources to EPA to protect kids, and secondly to direct EPA to make sure that all of its

activities and programs, and everybody who has testified before you today has come forward with worthy requests, and any number of them would protect kids. It is just that it would be great if you could EPA to actually have all those programs specifically consider and protect children because that is not always the case. In fact, the only law where children are absolutely required to be considered is the Food Quality Protection Act. And under the Safe Drinking Water Act, they are considered as a subpopulation. But other than that, they are not specifically considered as a life stage and important. So there are regs, guidelines, science policies, assessments and research, and if EPA could consider them kids in all of those, it would be a great step forward. Thank you so much. I really appreciate the time.

[The statement of Ramona Trovato follows:]

CHILDREN'S ENVIRONMENTAL HEALTH NETWORK
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Testimony of Ramona Trovato, CEHN Board Chair, before the Subcommittee on Interior, Environment and Related Agencies House Committee on Appropriations Appropriations for Fiscal Year 2010 April 23, 2009

Thank you for the opportunity to testify before you today on the FY 2010 appropriations to the U.S. EPA. My name is Ramona Trovato. I am Chair of the Board of the Children's Environmental Health Network. I am also retired from EPA, where I served in a number of leadership roles, including heading the EPA Office of Children's Health Protection (OCHP) between 1997 and 2002. The Network is seeking additional resources for the OCHP, the Children's Environmental Health Research Centers of Excellence, the Pediatric Environmental Health Specialty Units, and full funding of EPA's School Environmental Health programs as well as support for the National Children's Study and for efforts to protect children in the child care setting.

In brief, I appreciate the wide range of priorities that you must consider for funding at the EPA. I urge you to give priority to those EPA programs that directly protect and promote children's health. In so doing, you will protect all populations as well as our environment.

The Network is a national organization whose mission is to promote a healthy environment and to protect the fetus and the child from environmental health hazards. The Network's Board and committee members include internationally-recognized experts in children's environmental health science and policy who serve on key Federal advisory panels and scientific boards. We recognize that children, in our society, have unique moral standing. The Children's Environmental Health Network was created to promote the incorporation of basic pediatric facts such as these in policy and practice:

- Children's bodies and behaviors differ from adults. In general, they are more vulnerable than adults to toxic chemicals.
- Children are growing. Pound for pound, children eat more food, drink more water and breathe more air than adults. Thus, they are likely to be more exposed to substances in their environment than are adults. Children have higher metabolic rates than adults and are different from adults in how their bodies absorb, detoxify and excrete toxicants.
- Children's systems, including their nervous, reproductive, digestive, respiratory and immune systems, are developing. This process of development creates periods of vulnerability when toxic exposures may result in irreversible damage when the same exposure to a mature system may result in little or no damage.
- Children behave differently than adults, leading to a different pattern of exposures to the world around them. For example, they exhibit hand-to-mouth behavior, ingesting whatever substances may be on their hands, toys, household items, and floors. Children play and live

in a different space than do adults. For example, very young children spend hours close to the ground where there may be more exposure to toxicants in dust, soil, and carpets as well as low-lying vapors such as radon, mercury vapor or pesticides.

- Children have a longer life expectancy than adults; thus they have more time to develop diseases with long latency periods that may be triggered by early environmental exposures, such as cancer or Parkinson's disease.

Clear, sound science underlies these principles. A solid consensus in the scientific community supports these concepts. The world in which today's children live has changed tremendously from that of previous generations. There has been a phenomenal increase in the substances to which children are exposed. According to the EPA, more than 83,000 industrial chemicals are currently produced or imported into the United States. Thousands of chemicals are ubiquitous in our environment worldwide. Traces of hundreds of chemicals are found in all humans and animals. Every day, children are exposed to a mix of chemicals, most of them untested for their effects on developing systems. Many of these chemicals are readily passed across the placenta to the fetus, to the infant via breast milk, or via food, toys and other children's products. Many of these chemicals are also ingested in food and water. Many also are absorbed by children through the lungs by respiration of contaminated air.

We urge the Committee to provide the necessary resources for the Federal programs and activities that help to protect children from environmental toxicants. The key programs that are in your subcommittee's jurisdiction are listed below. We also urge the Committee to direct the Agency to assure that all of its activities and programs -- including regulations, guidelines, assessments and research -- specifically consider children. Our traditional approaches have been to use a one-size-fits-all template, and that template is usually the healthy adult male. 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.

The Office of Children's Health Protection (OCHP)

Since 1997, EPA's efforts to protect children from environmental hazards have been led by the OCHP, which was highly effective and well-regarded. Funding for OCHP has been level, at approximately $6 million since its creation. Even worse, over time the office's resources were further diluted by the addition of new and unrelated missions, without any increase in resources.

We strongly urge the Committee to provide additional resources dedicated to children's health protection for the office, and to restore a strong focus on children by the Agency.

Children's Environmental Health Research Centers of Excellence

The Children's Environmental Health Research Centers, funded by the U.S. EPA and the National Institute of Environmental Health Sciences, play a key role in providing the scientific basis for protecting children from environmental hazards. With budgets of $1 million per year per center (unchanged over more than 10 years), this program generates valuable research. 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. Researchers have chosen to participate in the center funding mechanism because of the ability to do interdisciplinary research, to break ground in a relatively new field and to be involved in the community – all things that are not easy to do using other grant mechanisms. The scientific output of these centers has been outstanding. For example, four of the Centers had findings that clearly showed that prenatal exposure to a widely-used pesticide affected developmental outcomes at birth and early childhood. This was important information to EPA's policy makers in their consideration of this pesticide. Another recent example is the finding of a biomarker in newborns for childhood leukemia, firmly establishing the important role of prenatal environment factors in causation of this disease.

Unfortunately, almost all of the existing 12 centers are currently operating on no-cost extensions. We strongly support the center concept and the value of a network of centers. We also support current efforts by the EPA and the NIEHS to competitively renew and to expand this valuable program by adding four formative centers. However, only five of the existing centers are to be renewed. If centers are shuttered, we will lose access to valuable populations such as children with asthma or growing up with pesticide exposure in farm communities. We will lose the ability to learn about issues like early puberty concerns, exposures in school settings, and pre-adolescent and adolescent outcomes.

Thus, we urge the Committee to appropriate at least $15 million for EPA's share of funding to match the NIEHS contribution to assure that an adequate number of centers (old and new) will have funding in FY2010.

National Children's Study (NSC)

The National Children's Study 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 – 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.

This study may be the only means that we will have to find answers to some key questions regarding links between exposures and health effects on children. The Network urges the Committee to fund EPA at a level that provides the Agency with the resources it needs to participate in the NCS as a lead partner. Past funding to EPA for the NCS was $1 million.

Pediatric Environmental Health Specialty Units (PEHSUs)

A key, but dramatically underfunded, program is the Pediatric Environmental Health Specialty Unit (PEHSU) network. Funded by the U.S. EPA and the Agency for Toxic Substances and Disease Registry, the PEHSUs form a network with a center in each of the U.S. Federal regions, plus one center in Canada and one in Mexico. PEHSU professionals provide quality medical consultation for health professionals, parents, caregivers, and patients. PEHSUs are also dedicated to increasing environmental medicine knowledge among healthcare professionals as

well as providing information and resources to school and community groups to help increase the public's understanding of children's environmental health.

Last year, the entire program, covering the U.S. 10 centers, received less than $2 million. Each center received only $120,000, reduced from $132,000. These centers, all based in universities, have done tremendous work, covering large geographic areas, on these small budgets. As university budgets get tighter, the need for Federal support of this program has increased. We urge the Committee to restore EPA's funding for this vital program in FY 2010 to at least $200,000 per center.

School and Child Care Environmental Health

Each school day, about 54 million children and nearly 7 million adults —20% of the total U.S. population—spend a full week inside schools. Thirteen million preschoolers— 60% of young children —are in child care. Unfortunately, many of the nation's 121,000 public and private K-12 school facilities are shoddy or even "sick" buildings whose environmental conditions harm children's health and undermine attendance, achievement, and productivity. In 1996 GAO reported that more than 13 million children were compelled to be in schools that threatened their health and safety. No data exist on the conditions in child care centers.

We urge the Committee to appropriate the $10 million authorized for EPA under the healthy schools provisions of the High Performance Green Buildings Act. This statute authorizes EPA to create Federal guidelines on school siting and (advised by CDC) school environmental health programs. This statute also authorizes an important study of the impacts of green schools on the health of children and communities.

These programs are especially vital in light of the "stimulus" funds for school modernization or renovation. The stimulus bill does not require consideration of environmental health or children's health and safety. Yet, without specific consideration of health, steps to "green" a school -- such as increasing insulation at a school to improve energy efficiency -- can have unintended harmful side effects, such as creating or exacerbating indoor air quality problems.

Millions of preschoolers -- our youngest and most vulnerable population -- enter care as early as six weeks of age and can be in care for more than 40 hours per week. Yet little is known about the environmental health status of our child care centers nor how to assure that they are protecting this important group of children. The Network is working to correct these gaps.

We ask the Committee to direct the Agency to report on their activities to protect children from environmental hazards in child care settings as well as to assess the Agency's needs for assuring that children in these settings are protected from such hazards.

In conclusion, investments in programs that protect and promote children's health will be repaid by healthier children with brighter futures, an outcome we can all support. That is why the Network asks you to give priority to these programs.

Thank you for the opportunity to testify on these critical issues.

Mr. DICKS. Are there any questions?

Mr. SIMPSON. It seems if we just declared kids a hazardous substance——

Ms. TROVATO. Oh, my goodness. Sometimes they are, are they not?

Mr. SIMPSON. Yes, EPA could take care of that and OSHA and everybody else. I just want you to know that it was not because your testimony that our room emptied.

Ms. TROVATO. I know. It was terrible to have to follow two luminaries.

Mr. SIMPSON. You did a fine job.

Ms. TROVATO. Thank you very much.

Mr. DICKS. You did well.

Ms. TROVATO. Thanks. Bye-bye. Thank you.

Mr. DICKS. Dr. Craig M. Schiffries, Director for Geoscience Policy, Geological Society of America.

THURSDAY, APRIL 23, 2009.

GEOLOGICAL SOCIETY OF AMERICA

WITNESS

CRAIG M. SCHIFFRIES

Mr. SCHIFFRIES. Mr. Chairman, Ranking Member Simpson, and members of the Subcommittee, thank you for the opportunity to testify today. My name is Craig Schiffries. I am the Director of Geoscience Policy for the Geological Society of America.

The Geological Society of America urges Congress to appropriate $1.3 billion for the U.S. Geological Survey in fiscal year 2010. The USGS is one of the Nation's premiere science agencies. It addresses many of the Nation's greatest challenges including energy and mineral resources, climate change, water resources, and natural hazards. The new for USGS science and information in these and other areas has increased dramatically as its budget has stagnated in real dollars for more than a decade.

The USGS is a unique combination of biological, geographical, geological and hydrological programs that enable it to address the interdisciplinary research challenges that are beyond the capabilities of most other organizations. The need for USGS science and information have never been greater. Quite simply, the USGS benefits every American every day. The Geological Society of America supports strong and growing investments in the U.S. Geological Survey.

As you know, science and technology are engines of economic prosperity, environmental quality, and national security. The earth sciences are critical components of the overall science and technology enterprise, and the USGS is a cornerstone of the earth science enterprise.

It is critically important to significantly increase funding for the USGS to meet challenges posed by human interactions with earth's natural systems in order to help sustain these natural systems and the economy. Additional investments in the USGS are necessary to address many of the Nation's greatest challenges, and today I

would like to focus on just four examples, first, natural hazards; second, energy and mineral resources; third, water resources; and fourth, climate change.

Natural hazards such as earthquakes, tsunamis, volcanic eruptions, floods, and droughts remain a major cause of fatalities and economic loss. The USGS provides an improved scientific understanding of geologic hazards that will reduce future losses through better forecasts of their occurrence and magnitude. Ongoing volcanic activity in Alaska and ongoing flooding in North Dakota illustrate the value of robust natural hazards monitoring systems and the need for increased federal investments in the USGS. Alaska and the Pacific Northwest need volcano hazard monitoring provided by the USGS just as surely as the Gulf Coast needs hurricane monitoring provided by other federal agencies. More than 36 states——

Mr. DICKS. And interestingly, we still are not there in terms of having all the equipment in place that USGS has suggested.

Mr. SCHIFFRIES. That is absolutely correct. A volcano erupted explosively on March 22 of this year, and it has had a series of explosive events that have sent volcanic ash more than 50,000 feet into the air. More than 20,000 passengers travel through the airspace affected by the volcano. The USGS provided advance warning of this explosive volcanism. Interior Secretary Salazar said the USGS was able to accurately forecast this event and prevent the endangerment of people and places that otherwise would have occurred. When the Redoubt volcano erupted in 1989, a Boeing 747 aircraft flew through a cloud of volcanic ash and lost power to all four engines. After plummeting more than 14,000, the crew restarted the engines and safely landed the plane. The volcanic ash caused more than $80 million in damage to the plane but no lives were lost. Improvements in USGS volcano hazard monitoring since that time have dramatically reduced that risk.

As you know, the ongoing floods in North Dakota and surrounding areas led President Obama to sign major disaster declaration for North Dakota on Mach 24 of this year. Flood waters had exceed 40 feet in Fargo and may exceed records levels in nearby areas. Stream gauge networks operated by the USGS are essential for issuing flood warnings. Although other agencies might issue the warnings, the warnings are based on USGS stream gauge data.

Energy and mineral resources are critical to the function of society and to national security and have positive impact on local, national, and international economies and our quality of life. These resources are often costly and difficult to find, and new generations of geoscientists need the tools and expertise to discover them. In addition, management of their extraction, use, and residue disposal requires a scientific approach that will maximize the derived benefits and minimize the negative affects. The USGS provides improved scientific understanding of these resources that will allow for their better management and utilization while at the same time considering economic and environmental issues.

The availability and quality of surface water and ground water are vital to the well-being to both society and ecosystems. Greater scientific understand of these critical resources is necessary to ensure adequate and safe water resources in the future. The USGS

is the lead agency in understanding the quantity and quality of the Nation's fresh water resources. Forecasting the outcomes of human interactions with earth's natural systems, including climate change, is limited by an incomplete understanding of geologic and environmental processes. Improved understanding of these 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 for the planet and its inhabitants. The USGS complements other federal agencies in conducting research on climate change and provides unique perspective based on evidence from deep time that is gained by studying the geologic record.

The USGS should be included as a component of broader initiatives to increase overall public investments in science and technology. For example, implementation of the America Competes Act, which authorizes a doubling of the budgets of key science agencies in about seven years, should encompass the U.S. Geological Survey.

President Obama has not submitted his fiscal year 2010 budget request for the U.S. Geological Survey, and therefore we are unable to comment on the specifics of his budget proposal at this time. But the 2010 budget request comes at a critical juncture in the history of the USGS. From 1996 to 2008, funding for the USGS declined by 1 percent while total federal funding for R&D increased by 54 percent in real dollars. The decline in funding for the USGS during this time period would have been greater if Congress had not repeatedly restored proposed budget cuts. The USGS budget declined in real dollars for six consecutive years from fiscal year 2003 to 2008. In real terms, funding for the USGS is at its lowest level since 1997, the year after the National Biological Service was integrated into the U.S. Geological Survey.

The Geological Society of America joins with the USGS coalition and other organizations in recommending an appropriation of $1.3 billion for the USGS fiscal year 2010. This budget would enable the USGS to address a growing backlog of science needs that has resulted from stagnant real budgets for more than a decade, accelerate the timetable for deployment of critical projects, and launch science initiatives that address new challenges.

Mr. Chairman, the Geological Society of America is grateful to you and the Subcommittee for your past leadership in increasing the budget for the U.S. Geological Survey. We are grateful to the Subcommittee for its leadership in providing $140 million in stimulus funds for the USGS, and we urge you to appropriate $1.3 billion for the USGS in fiscal year 2010. Thank you for your consideration of our request.

[The statement of Craig Schiffries follows:]

Testimony of the
Geological Society of America
Dr. Craig M. Schiffries
Director for Geoscience Policy

Regarding the
U.S. Geological Survey
FY 2010 Budget Request

To the
U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
April 16, 2009

Summary

The Geological Society of America (GSA) urges Congress to appropriate at least $1.3 billion for the U.S. Geological Survey (USGS) in fiscal year 2010. The USGS is one of the nation's premier science agencies. It addresses many of the nation's greatest challenges, including energy resources, climate change, water resources, and natural hazards. The need for USGS science and information in these and other areas has increased dramatically as its budget has stagnated in real dollars for more than a decade (Figure 1).

The Geological Society of America supports strong and growing investments in earth science research at the U.S. Geological Survey and other federal agencies. Substantial increases in federal funding for earth science research are needed to ensure the health, vitality, and security of society and for stewardship of Earth. The USGS has a unique combination of biological, geographical, geological, and hydrological programs that enables it to address interdisciplinary research challenges that are beyond the capabilities of most other organizations. The need for USGS science and information has never been greater. The USGS benefits every American every day.

The Geological Society of America, founded in 1888, is a scientific society with over 22,000 members from academia, government, and industry in all 50 states and more than 90 countries. Through its meetings, publications, and programs, GSA 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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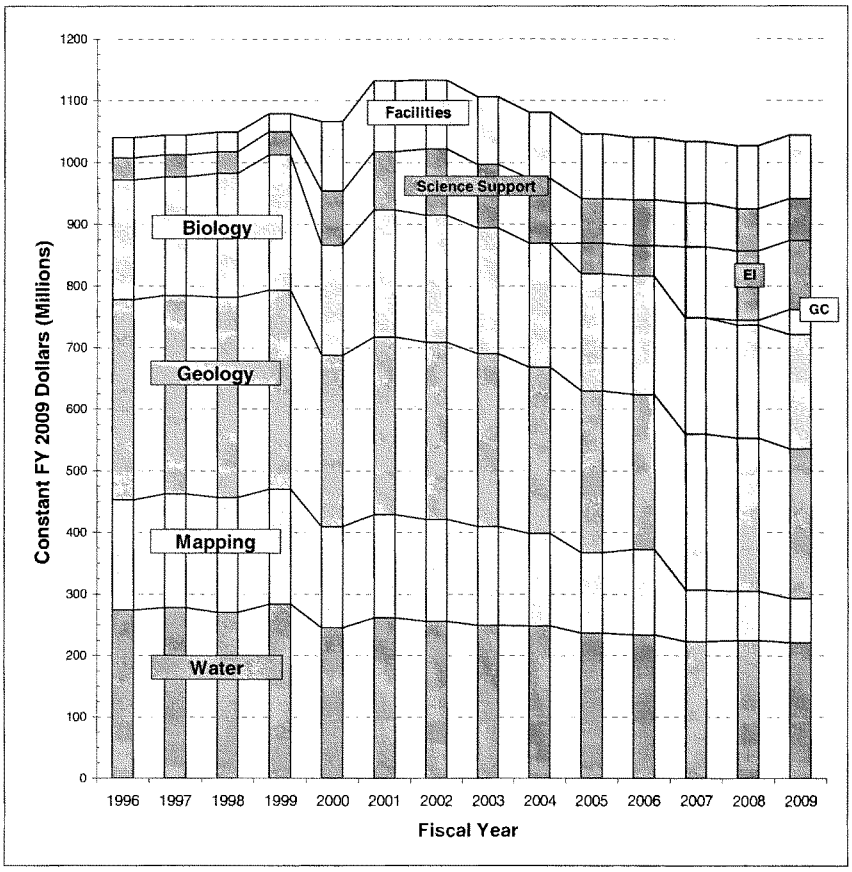

Figure 1. USGS funding in constant 2009 dollars, FY 1996 – FY 2009. EI is Enterprise Information and GC is Global Change. Source: USGS Budget Office.

Rationale

Science and technology are engines of economic prosperity, environmental quality, and national security. Federal investment in research pays substantial dividends. According to a recent report by the National Academies, "...the economic value of investing in science and technology has been thoroughly investigated. Published estimates of return on investment (ROI) for publicly funded R&D range from 20 to 67%" (*Rising Above the Gathering Storm*, 2007).

The earth sciences are critical components of the overall science and technology enterprise. Substantial increases in federal funding for earth science research are needed to ensure the health, vitality, and security of society and for Earth stewardship. Earth science research provides knowledge and data essential for developing policies, legislation, and regulations regarding land, mineral, and water resources at all levels of government. Growing investments in earth science research are required to stimulate innovations that fuel the economy, provide security, and enhance the quality of life.

Broader Impacts of the Earth Sciences

It is critically important to significantly increase funding for the USGS to meet challenges posed by human interactions with Earth's natural systems in order to help sustain these natural systems and the economy. Additional investments in the USGS are necessary to address such issues as natural hazards, energy, water resources, and climate change.

- Natural hazards, such as earthquakes, tsunamis, volcanic eruptions, floods, droughts, and hurricanes, remain a major cause of fatalities and economic losses worldwide. An improved scientific understanding of geologic hazards will reduce future losses through better forecasts of their occurrence and magnitude. Ongoing volcanic activity in Alaska and ongoing flooding in North Dakota illustrates the value of robust natural hazards monitoring systems and the need for increased federal investments in the USGS.
- 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 and quality of life. These resources are often costly and difficult to find, and new generations of geoscientists need the tools and expertise to discover them. In addition, management of their extraction, use, and residue disposal requires a scientific approach that will maximize the derived benefits and minimize the negative effects. Improved scientific understanding of these resources will allow for their better management and utilization, while at the same time considering economic and environmental issues. This is particularly significant because shifting resource demands often reframe our knowledge as new research–enabling technologies become available.
- 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 critical 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.
- Forecasting the outcomes of human interactions with Earth's natural systems, including climate change, is limited by an incomplete understanding of geologic and environmental processes. Improved understanding of these 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.
- Research in earth science is also fundamental to training and educating the next generation of earth science professionals.

The U.S. Geological Survey should be a component of broader initiatives to increase overall public investments in science and technology. For example, earth science research should be included in a recommendation by the National Academies to "increase the federal investment in long-term basic research by 10% each year over the next 7 years..." (*Rising Above the Gathering Storm*, 2007). Likewise, implementation of the America COMPETES Act, which authorizes a doubling of the budgets of key science agencies in seven years, should encompass earth science research and education programs in the USGS. .

Budget Shortfalls

President Obama has not submitted his FY 2010 budget request for the U.S. Geological Survey and therefore we are unable to comment on the specifics of his budget proposal at this time. The FY 2010 budget request comes at a critical juncture in the history of the USGS. From FY 1996 to 2008, funding for the USGS declined by 1 percent while total federal funding for research and development increased by 54 percent in real dollars. The decline in funding for the USGS during this time period would have been greater if Congress had not repeatedly restored proposed budget cuts. The USGS budget declined in real dollars for six consecutive years from FY 2003 to FY 2008 (Figure 1). In real terms, funding for the USGS is at its lowest level since FY 1997, the year after the National Biological Service was integrated into the USGS.

The Geological Society of America joins with the USGS Coalition and other organizations in recommending an appropriation of $1.3 billion for the USGS in FY 2010. This budget would enable the USGS to address the growing backlog of science needs that has resulted from stagnant real budgets for more than a decade, accelerate the timetable for deployment of critical projects, and launch science initiatives that address new challenges.

The Geological Society of America is grateful to the House Appropriations Subcommittee on Interior, Environment, and Related Activities for its past leadership in increasing the budget for the U.S. Geological Survey. We are also grateful to the subcommittee for its leadership in providing $140 million in stimulus funds for the USGS under the American Recovery and Reinvestment Act of 2009. Thank you for your thoughtful consideration of our request. For additional information or to learn more about the Geological Society of America, please visit www.geosociety.org or contact Dr. Craig Schiffries at cschiffries@geosociety.org.

Mr. DICKS. Thank you for your testimony. Mr. Simpson.

Mr. SIMPSON. Thank you.

Mr. DICKS. Thank you. Mr. LaTourette. All right. Thank you very much. Alan Front, Senior Vice President, The Trust for Public Lands. Alan, you have been up there waiting patiently. Thank you.

Mr. FRONT. Not patiently. This has been inspiring so far.

Mr. DICKS. Well, it has been.

Mr. FRONT. It really has been.

Mr. DICKS. It has been a good day.

Mr. FRONT. Another great hearing, Mr. Chairman.

Mr. DICKS. Thank you.

Mr. FRONT. And it will not surprise you that I am here to thank you, Mr. Chairman, Mr. Simpson, Mr. LaTourette, other members of the Subcommittee, to express my real deep and sincere thanks for what you have done, what you have been able to do in the fiscal year 2009 bill and previously to invest in land conservation and public lands and to express my hope as well that I will be able next year to offer my even deeper and more sincere appreciation for some——

Mr. DICKS. So it is what have we done for you lately, Alan?

Mr. FRONT. You put it crassly, Mr. Chairman, but——

Mr. DICKS. I know you guys have a very short memory.

Mr. FRONT. We have a long memory and real deep——

Mr. DICKS. A long memory——

Mr. FRONT [continuing]. Great appreciation, truly. And this is about numbers, but of course, it is more than a numbers game when we talk about what Secretary Salazar terms our treasured landscapes. It is about natural and recreational, cultural landscapes, the fabric of America, the places that people care about that reflect the spirit of this nation and the priorities of its communities. It is about not just the cold numbers, but it is about wetland protection, it is about upland protection, park lands and forest lands that people care about that actually provide real solutions to climate change in terms of both adaptation and carbon sequestration. Fourteen percent of the carbon that is churned out in America is recaptured by America's forests.

And so there is a many-tentacled benefit to the land conservation you have been investing in, again, with, honestly Mr. Chairman, real appreciation.

Mr. DICKS. Thank you.

THURSDAY, APRIL 23, 2009.

THE TRUST FOR PUBLIC LAND

WITNESS

ALAN FRONT

Mr. FRONT. My written statement details some numbers and some reasons behind those numbers. I will sum them up briefly here. This year we respectfully request increases as will the Administration we believe and as will a number of witnesses who will follow me, increases in several conservation programs. Specifically, The Trust for Public Land asks you to consider a $325 million in-

vestment side of the Federal Land and Water Conservation Fund; $125 million—

Mr. DICKS. Three hundred twenty-five?

Mr. FRONT. Three hundred twenty-five for the federal side of the funds, sir; $125 million for the state side of the Land and Water Conservation Fund; $125 million each for the Forest Legacy Program and for the Cooperative and Endangered Species Account under the Fish and Wildlife Service; $85 million for the State and Tribal Wildlife Grant Program; $50 million for the North American Wetland Conservation Account; and in what will seem like a small cherry on top of that conservation funding sundae, at least $10 million to kick off the new Community Forest and Open Space Conservation Program that was authorized in last year's Farm Bill.

Taken together, that sounds like a laundry list and an awful lot of money, but it actually is I think directionally consistent with what we will see coming from the Administration in its request when they do their detailed budget in a couple of weeks. It also is extremely consonant, it rhymes like eggs, with figures that this Subcommittee has been able with your leadership to generate in past years. And in fact, it is a relatively modest investment, almost a short sheet investment, compared, Mr. Chairman, to what you were able to craft a decade ago in what then was officially termed the Conservation Spending Category and which outside of these hallowed halls is rudely called CARA Light, a phrase that I promised I would never utter in this room, so I apologize.

There is a lot that has changed over these last 10 years since you crafted that watershed agreement, Mr. Chairman. For starters, I had aged gracelessly while you and Mr. Simpson and Mr. LaTourette seem to have stayed preternaturally young and handsome. It is a mystery.

Mr. LATOURETTE. Now he is playing to us.

Mr. FRONT. I think it is the magic of the Committee room. But more to the point, real estate values have spiraled upwards while public funding has been more and more constrained. And so, Mr. Simpson, as I know as we worked together on the Potlatch Forest Legacy Project a few years ago, finding those dollars has gotten harder and harder. As a result, The Trust for Public Land, many of your colleagues here in the room and not at the witness table today have done everything we can with our own resources to create windows of opportunity to secure the most crucial and the most critically threatened landscapes to the extent that we can with private resources until this Subcommittee has been able to respond, and respond you have. In each of the last couple of years, there has been a modest but very meaningful recommitment and additional investment in conservation funding in a few of the key programs, including the federal side of the Land and Water Conservation Fund.

And did I mention that we are extremely grateful? Our gratitude continues there.

Mr. DICKS. Thank you.

Mr. FRONT. And it has allowed us to do——

Mr. DICKS. Hopefully it is going to be in the President's budget request.

Mr. FRONT. And again, we believe it will be. But even looking back over our shoulders for a moment, what you did in fiscal year 2009 is allowing us to tie together the two disparate pieces of the Virgin Islands National Park at Maho Bay which you had the——

Mr. DICKS. Right.

Mr. FRONT [continuing]. Pleasure of visiting. It is allowing us to secure the last missing pieces of Congaree Swamp National Park in South Carolina, the Cape Cod National Seashore in Massachusetts. We are buying up critical inholdings in the National Forests in Wisconsin and in Montana finishing some of the last inholdings in the New World Mine area, those mining claims the Clinton Administration started off on 15 years ago. And in your own district, Mr. Chairman, and in your own state, working on critical conservation priorities including in Washington the western entrance to Mt. Rainier which I know you are very aware of, and the checkerboard lands in the Cascades we are working on with Plum Creek.

So again, the investments have made a big difference, but there is an enormous backlog. Recognizing that backlog, Secretary Salazar and the President have really taken a look at investing, and what we have heard from them is that, again, they are looking to fully fund the Land and Water Fund by 2014, that there will be meaningful reinvestments this year, that they are not going to stop at $900 million but would like to see billions inflation adjusted put in to land conservation, and that is something we certainly support.

Last but not least, this is an unusual time because after a decade of spiraling real estate appreciation, real estate values are flat or down at this point. That is allowing us to take advantage of some new opportunities, opportunities that Mr. LaTourette is very well aware of, and we appreciate your support, sir. At the Cuyahoga Valley National Park in Ohio, but all across America there are places that we can conserve right now that we could not have had access to just a few years ago because values are down and there is an opportunity as development is at bay to take advantage of those opportunity moments and get while the getting is good.

Conservation has always been a now-or-never affair. It is more now and it is more never than it has been in the past because of the backlog, because of those opportunities, and because of the groundswell of support, Secretary Salazar's commitment, people across the country voting to tax themselves just last November in the middle of economic distress, tax themselves $8 billion to pay for open spaces state by state. We are very much appreciating what this Subcommittee has done over the past few years and are hoping that you will be able if not to match that $8 million commitment on the part of state-by-state voters, at least to provide the kind of meaningful increases that the Secretary and others are talking about at this hearing that we know that you believe in.

[The statement of Alan Front follows:]

Testimony of Alan Front
Senior Vice President, The Trust for Public Land
Regarding the Land and Water Conservation Fund, the Forest Legacy Program, And Land Conservation Grants to States
Before the House Appropriations Subcommittee on Interior, Environment and Related Agencies
April 23, 2009

Chairman Dicks, Ranking Member Simpson, and distinguished members of the Subcommittee:

Thank you for this opportunity to appear before you today. My name is Alan Front, Senior Vice President of The Trust for Public Land (TPL), a national nonprofit land conservation organization. I am pleased to offer our views on a number of critical land conservation programs that the Subcommittee will be considering as you draft your Fiscal Year 2010 bill.

We recognize that the Subcommittee will face a variety of big-picture challenges, including a scarcity of dollars, in meeting the broad range of priority needs in the Interior and Environment bill this year. Recognizing as well the longstanding leadership and vision of Chairmen Obey and Dicks; the effective balance that they, Ranking Member Simpson and other members of the Subcommittee have crafted in the past; and the Administration's clear commitment to conservation as evidenced through its recommended increases for land conservation in the President's budget, we remain very hopeful that the FY 2010 bill will provide enhanced funding for conservation programs.

Land Conservation in America – Our Perspective

Since 1972, TPL has worked in communities across the country to assist national, state, and local public agencies, private landowners and concerned citizens working to protect our country's heritage of natural, cultural, recreation and other vital resource lands. Our work runs the spectrum of conservation initiatives: creating community gardens to help revitalize urban neighborhoods; preserving working forests with public and private partners; maintaining wildlife corridors and enhancing public recreation opportunities in state parks; and acquiring critical inholdings in the magnificent landscapes that lie within federal boundaries.

In total, TPL has completed more than 4,000 land conservation projects that together have protected some 2.5 million acres in 47 states. Roughly one-third of these special places were conserved either through outright federal acquisition of lands or easements, or through federal assistance to state and local governments. Given the importance of non-federal public dollars for conservation, since 1994 TPL has helped states and localities craft and pass over 463 ballot measures, generating almost $31 billion in new conservation-related funding.

In partnership with concerned communities, willing seller landowners and public lands agencies, TPL brings practical conservation real estate expertise to help achieve land and resource protection. Given the limited public conservation funding at all levels of government, these transactions often require a creative blending of funding sources. TPL works to leverage limited federal land acquisition dollars, bringing to bear private philanthropic support as well as state and local funding sources to forge workable solutions to complex conservation funding challenges.

We are extremely grateful for the remarkable efforts of many members of this Subcommittee and other conservation leaders in Congress to maintain funding for federal land acquisition and partnership programs – and in particular to fund specific 'now-or-never' projects that bring manifold public benefits. As we continue that work, and as the Subcommittee drafts its Fiscal Year 2010 bill, TPL respectfully requests that you increase the commitment to federal land conservation accounts. Specifically, we urge an increase in funding levels for the Land and Water Conservation Fund (LWCF) to $325 million for

federal land purchases, $125 million for grants to states for parks and outdoor recreation, and $125 million for the Forest Legacy Program. These increases would go a long way towards putting us on the path to full and consistent funding for the LWCF at $900 million annually as authorized by Congress.

TPL thanks the Subcommittee for the increases provided for these key programs in Fiscal Year 2009. We also welcome President Obama's budget recommendation of $420 million for these programs and the commitment to achieve full funding by FY 2014. We urge you also to support complementary conservation funding through the Cooperative Endangered Species account, the North American Wetlands Conservation Act, the State and Tribal Wildlife Grants account, and the newly authorized Community Forest and Open Space Conservation Program.

Land and Water Conservation Fund

The Subcommittee is of course well aware of the imminent threat to our federal public lands from incompatible development. Each day the news media reports on development encroaching upon our national parks, such as Valley Forge NMP, or subdivisions being built on checkerboard timberlands in national forests, such as in the Swan Valley of Montana. In our experience, private landowners within or adjoining our federal public lands 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 federal land acquisition funding is critical to efforts to protect the nation's public lands heritage when these time-sensitive acquisition opportunities arise.

For over 40 years, LWCF has been the cornerstone that sustains our federal public lands heritage and remains a compelling program. Interior Secretary Salazar said it well earlier this year: "I believe we can also find common purpose in a vision for land conservation that President Kennedy first dreamed in 1964. President Kennedy's idea was simple: We should be using the revenues we generate from energy development and the depletion of our natural resources for the protection of other natural resources, including parks, open space, and wildlife habitat." TPL supports the continued quest to fulfill this vision.

To that end, TPL and our national, state, and local partners in the Land and Water Conservation Fund Coalition are working to demonstrate the continuing critical and widespread need to protect America's natural, cultural and recreational heritage. In the recently released Coalition report, "Conserving America's Landscapes", 52 national, regional and state land conservation, parks, and recreation groups call for full funding of LWCF and the Forest Legacy Program and highlight the importance the federal, state, and private land conservation partnerships to public health, clean water, forest fire prevention, tourism and community economics, and fisheries and wildlife adaptation to climate change.

Among these immediate conservation needs is an historic opportunity to connect the two disjointed halves of Virgin Islands National Park by acquiring 207 acres of historic Estate Maho Bay, a magnificent expanse of white sand beach and forested hillsides. In your great state of Washington, Mr. Chairman, landowners are working with TPL and others to secure lands along the Carbon River at Mount Rainier National Park, as well as several critical puzzle-piece sections along the Pacific Crest Trail. In West Virginia, we have a one-time opportunity to protect historic viewshed lands within the Monongahela National Forest near the site of a Civil War engagement At the four-state Silvio Conte National Fish and Wildlife Refuge, continued LWCF funding will protect the fish, wildlife, flora, and rural character of the Connecticut River Watershed. In Arizona, funding is needed to complete protection of the 139-acre Packard Ranch, the gateway to the Sycamore Canyon Wilderness in the Coconino National Forest. These are just a few of the many urgent land acquisitions that must be funded this year to stave off incompatible development.

In other special places, TPL has joined forces with dedicated partners who bring significant financial resources to the protection effort. At Maine's Rachel Carson National Wildlife Refuge, for example, a coalition of land trusts, public agencies, and advocacy groups is working to protect 110 acres at Timber

Point and reducing the cost to the federal government by 50 percent. At the Chattahoochee River National Recreation Area in Georgia, a 95-acre property along the river can be acquired by the National Park Service at under half its total cost because of substantial private matching contributions raised by local citizens and organizations.

LWCF's stateside program also faces an array of conservation opportunities and threats in FY10. 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, many with TPL's help. Last year, a stateside LWCF grant helped the Town of Dunstable, MA protect 149 acres of rolling forestland and an adjoining historic home. 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. 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 $125 million.

Forest Legacy Program

The U.S. Forest Service Forest Legacy Program provides extraordinary assistance to states and localities seeking to preserve important working forests. Each project tells a story of land or resource protection and collaboration among federal, state and local partners. Each also includes significant state, local and/or private matching funds and a long-term commitment to nonfederal management. Since its inception in 1990, the Forest Legacy Program has protected over 1.7 million acres of forestland. Despite this Subcommittee's best efforts, however, the funding trend for this program is incrementally downward. For FY 2010, 84 conservation projects were submitted to the Forest Service by 44 states and three territories; the requests total over $200 million in Forest Legacy Program need to protect 288,530 acres of forestlands valued at over $363 million. We enthusiastically support efforts by the Obama Administration to increase funding for this program. The program's continued inability to meet demand will have a long-term impact on the multiple public benefits that derive from forests – clean water, wildlife protection, impact on the climate, public access to recreation, economic development and sustainable forestry.

In Fiscal Year 2010, Forest Legacy project requests include protection of over 18,000 acres of critical forest and watershed lands in Wisconsin's Chippewa Flowage region. Another project will protect almost 20,000 acres of forest adjacent to Maine's Baxter State Park and within the viewshed of the Appalachian Trail, ensuring wildlife habitat protection and access for snowmobilers and other recreationists. The Eden Forest project seeks to protect over 5,000 acres of prime wildlife and recreation lands that represent the missing puzzle-piece in a 30,000-acre block of conserved land near the Long Trail Corridor in Vermont's Northern Forest. To support these and other important FY 2010 project needs, I urge your support for this important program at the level of $125 million dollars in FY2010.

Fish and Wildlife Service – Land Conservation Grant Programs

We are grateful for the Subcommittee's continuing efforts to support U.S. Fish and Wildlife Service grant programs. While funding has remained relatively stable in recent years, these conservation programs are consistently oversubscribed and unable to meet the overwhelming demand for cooperative grants. Through your continuing leadership and commitment, funding for the **Cooperative Endangered Species Conservation Fund** – leveraged by state and private funds – has protected threatened and endangered species habitat across the nation. Support provided through the Fund's Habitat Conservation Plan (HCP) Land Acquisition grants are allowing for huge gains in habitat consolidation. In Washington State, for instance, these grants were key to the protection of lands along Interstate 90 that provide a wildlife corridor for five federally listed land species and help conserve the Yakima River's bull trout and steelhead populations. Also supported through the Fund, Recovery Land Acquisition grants are fostering resource-saving partnerships and leveraging considerable non-federal funds. In Arizona, $2.25 million in grants were matched by over $4 million in non-federal funds to allow the State to protect 4,300 acres of the most ecologically significant habitat at Salero Ranch, sparing these sensitive lands from imminent

development. We urge your support for program funding at the increased level of $125 million in FY 2010.

Regarding other FWS grant programs, the **North American Wetlands Conservation Act** (NAWCA) provides much-needed matching grants to carry out wetlands conservation, restoration and enhancement projects in the U.S., Canada, and Mexico. TPL joins our many partners in utilizing these funds for wetlands conservation across the country. We commend your leadership in supporting continued funding for this program at $50 million, an increase of $7.4 million over the FY 2009 enacted level. Finally, we urge you to consider an increase for the **State and Tribal Wildlife Grants Program** to a funding level of $85 million in FY 2010. This strategic funding program supports grants aimed at preventing wildlife from becoming threatened and endangered through strategic conservation investments in every state and territory.

Community Forest and Open Space Conservation Program

Lastly, we commend the Subcommittee's attention to the new Community Forest and Open Space Conservation Program authorized in the 2008 Farm Bill. We believe that local communities and tribes can play an important role in shaping our nation's forest future. The U.S. Forest Service has been highly effective in fostering strong public-private partnerships for conservation and stewardship across federal, tribal, state, local, and private forest boundaries. Helping communities and tribes to purchase forests threatened by conversion and carefully manage these lands for the future can greatly aid integrated resource management across the landscape while creating lasting economic and societal benefits in home communities. This new program will provide a complement to existing conservation programs by targeting the protection of critical forestlands within and for specific communities.

The rule-making process for this program is moving forward and we expect that should FY 2010 funds be made available, CFOSCP will be in a position to review and award its first grants. The anticipation for this new funding opportunity is palpable in communities and tribes in all parts of the nation seeking to ensure a bright future for their members and retain a strong connection to the forest. Every federal dollar from CFOSCP will be evenly matched by funding from state, local, and private sources. We encourage you to include this new program in the FY 2010 bill at a minimum of $10 million. While the actual funding need is much greater, we think this funding level would be appropriate to get the program started on solid footing.

For the Future's Sake

The programs highlighted in this testimony determine the fate of our nation's most treasured public lands and our local communities' real needs. Just as much, they make a real difference in the lives of countless Americans. Whether we walk in a local park, cross-country ski through a national forest, or canoe across a lake or a bayou, our daily lives are healthier and reinvigorated by the public land experiences these programs foster.

The Trust for Public Land will continue to invest its resources to protect our nation's natural, cultural and recreational heritage. As ever, we are deeply thankful for the Subcommittee's recognition of the importance of these efforts. We urge you to renew the investment in these programs and stand ready to work with you to accomplish great things. Thank you for help and support, and for your consideration of our requests.

Statement of Alan Front, Senior Vice President, The Trust for Public Land
(415) 495-4014 alan.front@tpl.org
116 New Montgomery St., 4th Floor, San Francisco, CA 94105

Mr. DICKS. Thank you very much. Any questions? Mr. LaTourette?

CUYAHOGA VALLEY NATIONAL PARK

Mr. LATOURETTE. I just want to thank you for the work that you did, that your organization did, with Chairman Regula on the former Coliseum, and as a result of that, you have not only preserved green space forever in Richfield, Ohio, but the Cavaliers got to move downtown and LeBron James is winning. But yesterday was member's day to come and chat with the Chairman about things that are important. Since you brought it up, could you just tell the Chairman how important it is to preserve the Blossom Music Center property and add it to the Cuyahoga Valley National Park?

Mr. FRONT. I would be delighted. Thank you, Mr. LaTourette. This year available for the first time ever is substantial acreage, nearly 600 acres, in the most visited part of the seventh-most visited national park in the United States, the Cuyahoga Valley National Park. It was a labor of love of Mr. Regula's as was the Coliseum, and I know these are labors of love for others who care about Ohio's natural spaces and about community open space as it reaches national priority in places like the Cuyahoga. The Cleveland Orchestra has owned this property for years. They actually run sort of the equivalent of Wolf Trap Midwest at the Blossom Music Center, but the acreage around the music center itself is imminently developable. It hosts fish species that are found nowhere else in the National Park. The species is a special concern in the state. It has seven small watersheds that are critically important for water protection and habitat protection, the largest contiguous block of unprotected forest in the Cuyahoga Valley National Park, and the orchestra was faced with a choice. They can sell it for conservation or they can sell it for the development of hundreds of houses. Their preference is to come to all of us, and The Trust for Public Land and the orchestra have agreed to work together with wonderful support from the Ohio delegation to try to bring this into public hands. But the window is short.

Mr. DICKS. What are we talking about?

Mr. FRONT. We are appraising it right now. This year we are hoping for $4 or $5 million to kick it off. The whole thing will be likely doable for less than $10 million, and when we have those appraisal numbers, we will be sharing them with staff.

Mr. DICKS. Okay.

Mr. FRONT. But we need to get started this year, and we would very much appreciate anything you can do.

Mr. DICKS. Well, Mr. Regula was the former Chairman, and we appreciate Mr. LaTourette's leadership on this. I think we also know that the Cleveland Orchestra is having some difficult times.

Mr. LATOURETTE. Yes, so I have heard.

Mr. DICKS. And so that is important to us, too, in our responsibility with the National Endowment for the Arts. Maybe we can help them. Maybe we can take some of the stimulus money and use it for this.

Mr. DICKS. We can strike that from the record on Mr. Simpson's behalf.

Mr. LATOURETTE. You know, my friend from Idaho probably does not like music.

Mr. FRONT. I am so glad to be at the table for this discussion.

Mr. LATOURETTE. Cleveland at one time was the philanthropic center of the United States with families like the Carnegies and the Severances and the Rockefellers and the Gunns.

Mr. DICKS. Rockefellers?

Mr. LATOURETTE. And I will tell you that the Cleveland Orchestra is internationally recognized. I am happy to introduce you to that.

Mr. DICKS. We will have to all go to Cuyahoga. All right. Thank you.

Mr. FRONT. Thank you. Jim Lighthizer, Civil War Preservation Trust. How are you doing, Jim?

Mr. LIGHTHIZER. Fine, Mr. Chairman, and you?

Mr. DICKS. Good we are holding up. We are holding up.

Mr. LIGHTHIZER. My friend, Mr. Front, is a tough act to follow. What did he say, your preternatural aging? I can barely pronounce it much less know what it means. I presume it was good because he was shameless in everything else he said. Mr. Chairman, members of the Committee, and by the way, Mr. LaTourette, I was born and raised in your district, Ashtabula, Ohio.

Mr. LATOURETTE. That is right. Tell Mr. Simpson that is okay, though.

Mr. LIGHTHIZER. It is okay, there. And by the way, I am going to resent your comments about the orchestra. But I digress, sir.

THURSDAY, APRIL 23, 2009.

CIVIL WAR PRESERVATION TRUST

WITNESS

JIM LIGHTHIZER

Mr. LIGHTHIZER. I have the good fortune to be President of something called the Civil War Preservation Trust, and it is the largest, the only national organization that is devoted exclusively to the preservation of Civil War battlefield sites in America, and we work off a book that was compiled by a group of historians who were commissioned by the United States Congress in 1993. They did something called the Civil War Sites Advisory Commission, and they published a book. And for 11 years we have enjoyed a partnership with the United States Congress and the funding came from the Congress, not from any administration. The money coming from the Land and Water Conservation Fund, where we match or any group that wants to because it goes to the Interior Department, 50/50. It is a one-to-one match. And with it we buy land that is in that book, that is defined in that book. So it is really important history. We do it for a variety of reasons. Absolutely first and foremost it is our heritage. The Civil War, by almost anybody's definition, defined this country as it is today. And the issues were decided on the battlefield, they were not decided in Congress or any other building or any other organization—on the battlefield.

Mr. DICKS. Unfortunately.

Mr. LIGHTHIZER. Unfortunately, yes, at a cost of 2 percent of all the people alive during the Civil War, 624,000, almost all young men around the country who paid a terrific price for it, but it settled two issues, slavery and secession which made America what it is today, certainly.

And we are the only national organization but we are also, even including the United States Government, like the Park Service, we do more than they do. In fact, we have done in the last 5 years some three times more land, 25,000 acres in the last 11 years with the partnership of the Congress, but at the same time, we have watched about 100,000 acres disappear to pavement, to development. We only have about 5 or 10 years left and then we will be done, the issue will be defined one way or the other, paved or saved. And what we are asking the Congress to consider, we are authorized now, we were reauthorized a month or so ago, for $10 million. We would ask the Committee to favorably consider that. I will say, and I believe the Chairman is aware of this, that we lost $5 million that the Congress had previously appropriated because while the House in September of last year passed our reauthorization, it got jammed up in the Senate. As you know, a lot of land bills did, and $5.1 million, money that we had committed to spending through land contracts from willing sellers, I might add, went back to the Treasury. And we are asking the Committee to at the least consider not only our baseline funding which has been traditionally about $4 million, to add that $5 million back in so we can get on with saving this land.

As Alan Front said, we are in a special time. I mean, the only good news about this recession we are in is that land prices are flat. And it gives us a chance to get while the getting is good, so to speak.

The other thing I would like to make a comment about——

Mr. DICKS. Let me ask you a question.

Mr. LIGHTHIZER. Yes, sir.

Mr. DICKS. What is—I mean, how much do you expect to do in totality? Have you thought about that?

Mr. LIGHTHIZER. Oh, sure we have. You know, if you look at the universe, Mr. Chairman, the universe is 200,000, 300,000 acres. That is not going to happen. It is not going to happen because we lose about eight or 10 times as much land every year, and that land is defined. I do not have the exact number for you, but it is about 300,000 acres. That land is defined. But we lose about probably 10-to-1 every year. In other words, in the last 11 years, we have saved about 25,000. We lost well over 100,000.

Mr. DICKS. Now, who manages these acres?

Mr. LIGHTHIZER. We end up taking title to it. We would like to hand it off, either to a state park, sometimes a National Park if they expand their boundary. And by the way, if we sell it, and sometimes we give it to the National Park Service, we have done that——

Mr. DICKS. You work out arrangements. If they want to take it——

Mr. LIGHTHIZER. Yes, but only what we have in it. We do not mark it up.

Mr. DICKS. No, I understand that.

Mr. LIGHTHIZER. But some other reasons for the gentleman to consider, it is not just heritage preservation, which is the reason I would do it, but I mean, it defines communities. Who would have ever heard of Gettysburg, Pennsylvania, if it had not been for that battle? But it also places like Iuka, Mississippi, Middle Springs, Kentucky, Richmond, Kentucky, Parker's Crossroads, Tennessee, that means not only community identity, it means tourism, it means quality of life, open space, ecology, a place for the critters to live.

Mr. DICKS. Another question.

Mr. LIGHTHIZER. Yes, sir.

Mr. DICKS. Do you have a priority list——

Mr. LIGHTHIZER. Absolutely.

Mr. DICKS [continuing]. That you kind of set, this is our highest priority——

Mr. LIGHTHIZER. Yes, sir.

Mr. DICKS [continuing]. And then you go down a list and try to pick the ones that have the most historic significance or whatever criteria you use?

Mr. LIGHTHIZER. Historic significance and also willing sellers. We are the highest bidder or we do not get the property. If they do not want to sell it, we do not get the property. So that is a crucial consideration.

Mr. DICKS. That is in the legislation?

Mr. LIGHTHIZER. Yes, sir. Yes, sir, absolutely it is in the legislation. The other thing, you have to remember something, these are outdoor classrooms. They are preserved forever, and the future generations, no matter what the political fad is of the day, students can still go there and learn what really happened. And that is our heritage. Those are our values. So outdoor classrooms is a very important part of it.

Mr. DICKS. Well, you have strong support in the Congress. I have had a number of members talk to me. I am sure Mr. Simpson has, too, about how important they feel this is, and we will do our best. We will look, you know, to evaluate this and we will try to work with you.

Mr. LIGHTHIZER. Thank you very much, Mr. Chairman.

Mr. DICKS. Thank you.

Mr. LIGHTHIZER. Thank you for what you all have done for us in the past.

[The statement of James Lighthizer follows:]

CIVIL WAR PRESERVATION TRUST

Saving America's Civil War Battlefields

Theodore Sedgwick
Chairman

James Lighthizer
President

Testimony of O. James Lighthizer, President
Civil War Preservation Trust

Before the Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives
April 23, 2009

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 Preservation Trust (CWPT). I come before you today to respectfully request that the House Appropriations Subcommittee for Interior, Environment, and Related Agencies fully 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. CWPT 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, CWPT has permanently protected more than 25,000 acres of hallowed ground in 19 states, most of it outside National Park Service (NPS) boundaries.

I am here today to discuss with you the small but highly effective federal land conservation program that has made much of our success possible: the Civil War Battlefield Preservation Program (CWBPP). This matching grants program encourages cooperative partnerships between state and local governments and the private sector to preserve targeted, high priority Civil War battlegrounds. Since it was first funded in Fiscal Year (FY) 1999, the program has been used to protect more than 15,300 acres of hallowed ground nationwide.

Time is running out for our remaining Civil War Battlefields. We estimate that even in this depressed economy, 30 acres of battlefield land are lost every day. If we are to save these sites so that future generations may visit them and learn from them, the time to act is now. We estimate that in the next five to ten years the fate of many of these battlefields will be determined.

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

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preservation status and historic significance. Sixteen years later, this landmark report remains our guide for determining which battlefields should be preserved.

In addition to creating a prioritized list of battlefield preservation targets, the Commission also recommended that Congress establish an "emergency" $10 million-a-year federal matching grant program for acquisition of battlefield land outside NPS boundaries. The intent of the matching grants formula was to encourage private sector and state and local government involvement in battlefield acquisition. The Commission's proposal for an emergency 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 from the Land and Water Conservation Fund for Civil War preservation matching grants. This first appropriation for the program was made available over three years, and required a two-to-one non-federal/federal match. 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 Preservation 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, this time with a more attractive 1-to-1 non-federal/federal match requirement.

Authorization of the Program

After approval of the FY2002 appropriation, authorization of the Civil War Battlefield Preservation Program seemed the next logical step. 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. Further, authorization would provide funding predictability for the program's non-federal partners, encouraging them to continue their involvement in battlefield preservation.

The authorization bill, entitled the Civil War Battlefield Preservation Act of 2002, was introduced in the House and Senate in the summer of 2002. 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).

Additional Successes and Reauthorization Legislation

Since the program was first funded in FY1999, Civil War Battlefield Preservation Program grants have been used to protect 15,300 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; and Perryville, Kentucky.

One of the program's most notable successes occurred in 2006, when the Department of the Interior awarded a $2 million grant to help save the Slaughter Pen Farm on the Fredericksburg Battlefield in Virginia. This property, soaked with the blood of 5,000 men in blue and gray, was nearly lost to industrial development. Five Medals of Honor were earned by Union soldiers for heroism on that field.

Anticipating the expiration of the Civil War Battlefield Preservation Program's original authorization on September 30, 2008, legislation reauthorizing the program was introduced in June 2007. This legislation was nearly identical to the original authorization bill, calling again for $10 million per year for five years. The bipartisan, non-controversial reauthorization bill was received very favorably on Capitol Hill — the legislation was ultimately cosponsored by 108 Members of Congress and 33 Senators, including 22 members of the House Appropriations Committee.

Current Status of the Program

Unfortunately, after nearly a decade of successes as a historic preservation tool, the Civil War Battlefield Preservation Program hit an unanticipated snag in the past year. Although the House passed the reauthorizing legislation (H.R. 2933) before the end of the fiscal year, the Senate was unable to do so for reasons unrelated to the popularity of the program. As a result, the Civil War Battlefield Preservation Program temporarily expired on September 30, 2008.

Due to the lapse in the program's authorization, and a sunset provision that had been included in the original authorization legislation, all monies unobligated when the program temporarily expired, a total of $5.1 million, reverted back to the Treasury Department. However, it is important to note that these monies were only technically unobligated — in fact, grant applications for that amount were in the pipeline when the program expired. In some cases, these applications were within weeks of being obligated by the Interior Department, and were held up because of technicalities.

There is currently $12.5 million worth of grant applications either before ABPP or waiting to be submitted for consideration. Of these, 14 applications for $3.98 million in grants will consume entirely the recently approved FY2009 appropriation for the program. The remaining $8.5 million in land deals will have to be funded in FY2010 or beyond.

It is important to note that these grant applications represent actual land acquisition deals that are nearly all closed or under contract by nonprofit organizations like the Civil War Preservation Trust. These are real deals that would result in the preservation of more than 3,279 acres of hallowed ground in Arkansas, Georgia, Kentucky, Minnesota, Mississippi, North Carolina, Tennessee and Virginia.

The good news is that, earlier this year, Congress acted to officially reauthorize the Civil War Battlefield Preservation Program. The program's reauthorization was included in the Omnibus

Public Land Management Act of 2009 (H.R. 146) which passed the Senate on March 19 by a vote of 77-20 and the House on March 25 by a vote of 285-140. It was signed into law by President Obama on March 30, 2009 (P.L. 111-11).

FY2010 and FY2011 Appropriations Request

We respectfully ask the House Appropriations Subcommittee on Interior, Environment, and Related Agencies to fully fund the Civil War Battlefield Preservation Program at its authorized amount of $10 million. Please note that a letter signed by 29 Members of Congress was delivered to both the subcommittee and full committee earlier this month. The Member letter requested that the program be fully funded at its authorized amount of $10 million in FY2010.

However, we recognize that in these difficult economic times the subcommittee may not be able to fully fund the program at its authorized amount. Under these circumstances, we would ask the subcommittee to consider alternate scenarios designed to help the program recoup the technically unobligated but very-much-committed monies lost when the program temporarily expired in the fall of 2008. An ideal solution would be to appropriate at least $9 million for the Civil War Battlefield Preservation program in FY2010, which represents an additional $5 million on top of the program's baseline $4 million average annual funding. However, if such an appropriation in a single fiscal year is not possible, we would ask the subcommittee to consider replacing the money over a two-year period, in FY2010 and FY2011. Such a solution would result in annual appropriation of $6.5 million in each of the next two fiscal years ($2.5 million a year above the $4 million the program usually receives on average).

We feel this is a sensible approach since the $5.1 million that reverted back to the Treasury was lost due to circumstances beyond the control of the nonprofit sector. Further, reauthorization of the program last month underscores that it was never the intent of Congress to allow the program to lapse and lose the $5.1 million noted above.

Conclusion

Mr. Chairman, 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 often came at a terrific price.

Mr. Chairman, I sincerely hope you and your subcommittee will consider our request to at least fund the Civil War Battlefield Preservation Program at its annual average level of $4 million plus replace the $5 million lost last year as the result of a technicality. This is especially important as the nation begins to prepare for the upcoming sesquicentennial commemoration of the Civil War, beginning in 2011. The commemoration is expected to stimulate renewed interest in the conflict and generate unprecedented visitation to preserved Civil War battlegrounds. 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.

Mr. DICKS. Michael Anderson, Senior Resource Analyst, The Wilderness Society and also a member of the SWAT Team from the State of Washington.

THURSDAY, APRIL 23, 2009.

THE WILDERNESS SOCIETY

WITNESS

MICHAEL ANDERSON

Mr. ANDERSON. Yes. Thank you, Congressman Dicks, and members of the Committee. Before turning to the issue of the Forest Service roads system in particular, I would like to say some general thoughts regarding The Wilderness Society's views on appropriations for the coming fiscal year.

First, we want to join in the commending of the Subcommittee for the leadership it has shown the last couple years to first the budget reductions for federal land management agencies in the prior years. We are now urging Congress to provide the additional funding that we think is needed for the federal land agencies to both understand and deal with the challenges of climate change for our federal public lands. We believe that funding to protect and restore these lands will help to reduce the impacts of increased flooding and wildfire, support healthy fisheries and wildlife populations and aid in carbon sequestration and storage.

I just want to second the testimony from The Trust for Public Lands regarding the importance of the Land and Water Conservation Fund for this purpose. We are losing thousands of acres of open space and important habitats each day, and the LWCF is an important tool, including opportunities such as riparian habitats adjacent to the Wild Sky Wilderness in Washington State and important bird habitat along the New Hampshire/Maine border in Umbagog National Wildlife Refuge.

Also, we support the increased funding for the forest legacy program for preserving working forest lands. We think these are very important for purposes of carbon sequestration in particular, and most of these funds are now covered by non-federal sources for acquisition of 1.7 million acres to date.

In terms of the agencies in general, we think that they do face serious challenges in dealing with the harmful impacts of climate change, and the parks, the refuges, other federal public lands are going to be increasingly important as strongholds for fish and wildlife species to survive the future of climate change.

I also wanted to endorse the testimony from the American Forest and Paper Association regarding the need for legislation to provide additional funding for the fire suppression needs in the future and to prevent the practice of borrowing of funds from other important federal land management agency programs, including the Legacy Road Program that I am going to turn to now.

Yes, The Wilderness Society and our colleagues at the Washington Watershed Restoration Initiative and many other organizations around the country are very grateful for this Subcommittee's leadership in creating the Forest Service Legacy Roads and Trails

Remediation Program two years ago and for providing $40 million in the first year and $50 million in this current fiscal year.

Mr. DICKS. The one thing we have to do, when the highway trust fund comes back up, the Forest Service has not been included in that, you know. The Park Service is and other agencies are, but the Forest Service is not. I just think, you know, you could use it for this purpose, and we could then enhance the resources that we have. There is only so much we can do with appropriated funds, but I think if we could work this with the reauthorization of the Highway Trust Fund. I think the Forest Service——

Mr. ANDERSON. The Forest Service believes in——

Mr. DICKS. You know, in using it in this context.

Mr. ANDERSON. Yes, the Forest Service believes it is important to have stability in this kind of a program so that they can have the staffing and not have it seen as an annual add-on program. So we would certainly agree with that.

Mr. DICKS. Right. Well, we hope the new Administration will have it in.

Mr. ANDERSON. The results of the Legacy Roads Program has been particularly impressive in the Pacific Northwest Region as documented in the Forest Service's first Accomplishment Report.

Mr. DICKS. I saw that.

Mr. ANDERSON. Very good. And in the Skokomish River Watershed in the last year in the Olympic National Forest we have seen very impressive improvements in the watershed health and the Forest Service's ability to deal with their highest priority, road decommissioning and storm-proofing needs just in the last year. However, the first two years the Legacy Roads Program is only beginning to scratch the surface of the enormous problem posed by deteriorating Forest Service roads across the Nation. In Washington State alone there is approximately a $300 million backlog of deferred road maintenance and remediation needs. Nationwide the size of that backlog is estimated at $10 billion. We are pleased to see a——

Mr. DICKS. There was an agreement reached between the Forest Service and the State of Washington, Region 6, which I had nothing to do with where they agreed to fix this. And even with this program, I mean, we have only made a modest step toward actually dealing with the comprehensiveness of this problem.

Mr. ANDERSON. Yes, erosion from those Forest Service roads is a serious non-point source pollution problem for a lot of the states, and we are concerned it is only going to increase as with climate change the intensity of those winter storms is going to really worsen the problem if we do not deal with that storm-proofing and decommissioning of these roads.

So I would just say in the fiscal year 2010, I think the Forest Service should be using the Legacy Road Funds to first complete the road analysis work and to identify road remediation needs for future funding; second, to work collaboratively to prioritize watersheds like we are doing in the Skokomish; and third, to focus on decommissioning and storm-proofing of unneeded roads to address the challenge of climate change.

In conclusion, I would just like to say from The Wilderness Society that we again commend the efforts of this Subcommittee to re-

verse the years of underfunding and neglect of federal land conservation stewardship and begin addressing the impacts of climate change.

[The statement of Michael Anderson follows:]

Written Statement of The Wilderness Society
U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Public Witness Day on Non-Tribal Issues
April 23, 2009

The Wilderness Society (TWS) represents more than 400,000 members and supporters across the U.S. who support our mission to protect wilderness and inspire Americans to care for our wild places. We thank the committee for the opportunity to submit comments on the Fiscal Year 2010 Department of the Interior and Related Agencies Appropriations bill.

Over the last two years, federal allocations reversed the near decade-long pattern of severe funding cuts to numerous conservation programs. We applaud Congress for increasing appropriations for essential public land conservation activities, but despite this progress, these and other indispensable conservation programs continue to suffer from years of underfunding.

To make matters worse, the effects of climate change are already being felt on public lands nationwide. Protection of these lands help buffer flooding and wildfire, conserve water, support healthy fisheries and wildlife populations, limit sea-level rise and the spread of invasives, and aide in carbon storage.

The President has sent a strong message to Congress by supporting a budget that assumes the passage of a cap-auction-and-trade climate protection program. The revenues generated from this program should be invested in the public welfare, including the protection of biodiverse ecosystems that protect our public health. It is too late to prevent climate disruption, because the pollution dumped into the air for the past 100 years will affect us for the next 100, guaranteeing an increase in severe climate events related to global warming.

However, it is not too late to secure the public protection that comes from keeping our watersheds functioning and our air filtered by resilient natural landscapes. According to the US Forest Service, we are losing 6000 acres a day of forested and open space. These intact forest systems are a weapon against the ravages of global warming, and we should protect them the way an army protects the armory. To build resilient landscapes, we must keep them from being broken apart, fragmented, disconnected and degraded. Accordingly, we urge that you take bold, immediate action in making additional investments for Fiscal Year 2010. As a minimum step toward adequate funding of our public land programs and to meet new challenges associated with climate change, TWS recommends:

Land and Water Conservation Fund
Our 682 million acres of federal land and waterways provide a critical opportunity to address the unprecedented challenges that climate change poses to our forests, fish and wildlife, and riparian resources. The strategic acquisition of key inholdings, buffer areas, and wildlife migration corridors within and adjacent to existing public lands enhances adaptation efforts and fosters intact landscapes. These natural areas also store carbon, buffer flooding, conserve water, and support

healthy fisheries and wildlife populations. Hand-in-hand with mitigating the deleterious impacts of our environment from burning fossil fuels is the need to respond to climate change with a foresighted investment in land protection and natural resource adaptation across the federal public lands. President Obama has indicated that LWCF should be fully funded by 2014, and we support a significant funding increase that will lead to his goal. *TWS' FY 10 recommendation for the LWCF is $450 million ($325 million for federal and $125 million for stateside), an increase of $278.1 million over FY 09 enacted level of $171.9 million. We also support conserving land and natural resources in Connecticut, New Jersey, New York and Pennsylvania through the Highlands Conservation Act.*

A Sampling of TWS LWCF and Forest Legacy Acquisition Priorities for FY 10

- AR - Maumelle Water Excellence. Forest Legacy Request: $3.6 million
- CA - Santa Rosa and San Jacinto Mountains National Monument. LWCF Request: $1.5 million
- GA - Chattahoochee River NRA. LWCF Request: $3.1 million
- MD - Blackwater National Wildlife Refuge. LWCF Request: $2.0 million
- MT - Red Rocks Lake National Wildlife Refuge. LWCF Request: $1.0 million
- NC - Pisgah National Forest; Uwarrie National Forest. LWCF Request: $2.0 million
- NH - Lake Umbagog National Wildlife Refuge. LWCF Request: $5.0 million
- NM - Sevilleta National Wildlife Refuge. LWCF Request: $2.0 million
- OR - Cascade Siskiyou National Monument. LWCF Request: $4.0 million
- SC - Congaree National Park. LWCF Request: $2.7 million
- TN - Rocky Fork, 10,000 acres located along the Appalachian Trail Corridor on the NC-TN line. LWCF Request: $13.5 million; North Cumberland Conservation Area. Forest Legacy Request: $9.0 million
- WA - Mt. Baker-Snoqualmie National Forest. LWCF Request: $1.7 million; Okanogan Wenatchee National Forest. LWCF Request: $250,000

Forest Legacy and Community Forest & Open Space Program

The Forest Legacy Program helps to preserve working forestlands threatened by conversion/development. To date, this program has protected over 1.7 million acres in 36 states and Puerto Rico. A total of $381 million of federal funds have been matched by $484 million in non-federal funds and donations, making the federal share only 44 percent of overall project costs. FLP funding has steadily diminished from a height of $69 million in Fiscal Year 2003, while demand for funding has steadily increased. For Fiscal Year 2010, the USFS received 84 project proposals from 44 states and territories to protect 288,530 acres with a total project value of over $363 million. *TWS' recommendation for FY 10 is that the Forest Legacy Program be funded at $125 million.*

The Forest Service has begun its rulemaking process for the Community Forest and Open Space Program (CFOSP) and the public comment period will begin in May, to be finalized by September. This new program will enable communities to conserve thousands of forested acres, thereby maintaining carbon sequestration and storage where otherwise development might have occurred. *TWS' FY 10 recommendation for CFOSP is $75 million for this program's first year.*

Bureau of Land Management (BLM)

Over the past eight years, BLM's budget has been unbalanced in its emphasis on oil and gas development, while other program areas have been shortchanged. We hope that in FY 2010 Congress will start to address this imbalance by appropriating a larger proportion of the BLM's budget for its environmental stewardship programs, rather than is oil and gas program.

We hope that the new Administration will review and revise the policies governing the BLM's oil and gas leasing program to better ensure that sensitive lands and resources that have been put at risk by the previous administration's irresponsible development policies are better protected from the damage that irresponsible oil and as activities can wreak on the environment. We also hope that the Administration will direct the Bureau to take into account the impacts of its management decisions on climate change.

BLM's National Landscape Conservation System

The Bureau of Land Management's (BLM) National Landscape Conservation System currently comprises some 26 million acres of congressionally and presidentially designated lands and waters, such as National Monuments and National Conservation Areas. Stewardship of the System's many units provides jobs for thousands of Americans while supporting vibrant and sustainable economies in surrounding communities. The System provides immeasurable public values in return for modest investments: outstanding recreational opportunities, wildlife habitat, clean water, wilderness, and open space near fast-growing cities, just to name a few. The Conservation System also provides a living laboratory where the challenges of climate change can be studied and landscape level habitat restoration can take place. Investments today will not only help maintain and enhance these critical landscapes but also provide for numerous volunteer and jobs opportunities that are needed today and cost effective in the long-term. The System's budget has suffered from neglect since its inception since 2000, but recent congressional increases are helping address backlogs; however, additional funding is critical to restore landscapes and protect resources from neglect, and damage. Recent changes to the System's budget have improved clarity in the System's budget, but the System still suffers from a lack of prominence in the Bureau's budget structure. *TWS' FY 10 recommendation is full budget clarity for the Conservation System and funding of $75 million, a modest increase of $14.2 million over the FY 09 enacted level.*

National Park System

Our National Park System is comprised of 391 units that represent our nation's wondrous and diverse natural and cultural resources. Increased funding is essential to ensure that these historic and ecologically important sites provide invaluable visitor experiences and thrive as wild landscapes adapting to a changing climate. The American Recovery and Investment Act allocated $750 million to the National Park Service to protect these national icons, and the President's budget recommends an increase of $100 million for operations to protect this investment and help further reduce the System's multi-billion dollar maintenance backlog. In addition, the President has requested $25 million to help prepare the National Park Service for its centennial anniversary in 2016. These funds are critical to both the immediate needs and sustainable future of these public lands.

National Wildlife Refuge System

The National Wildlife Refuge System, with its 549 refuges on nearly 150 million acres of land, helps protect critical wildlife habitat, ensuring that wildlife protection remains a priority of these lands. There is a wildlife refuge in every state and within an hour's drive of most American cities. More than 35 million people visit refuges annually, generating nearly $1.7 billion for local economies and supporting almost 27,000 private sector jobs. Last year's operations and maintenance appropriation increase brought funding to a level that is close to what the Refuge System needed to keep pace with inflation costs over the past five years. This significant investment helped stem severe staff losses and program cuts. But years of stagnant funding fueled a spiraling backlog of $3.5 billion in operations and maintenance projects and a loss of more than 300 positions since 2004. The Refuge System needs $765 million in annual funds to adequately

address its operations and maintenance needs of the Refuge System. *TWS' FY 10 recommendation for the Refuge System is the same as last year's request of $514 million.*

Wildland Fire
TWS is pleased that congress is recognizing that past borrowing from other agency programs for wildland fire suppression has caused project cancellations, strained relationships with partners, and disruptions in management. Additionally, we are encouraged by the introduction of the FLAME bill which is an important first step in addressing the increasing costs of suppression while helping to stave off large transfers from other agency programs. FLAME Act would establish a framework for the administration's proposed contingency fund for emergency wildfires. The next steps include short and long-term solutions for suppression cost containment. TWS recommends appropriators retire the use of the 10-year average in accounting for annual suppression costs and use a scientifically-based predictive model, to include climate change as a factor, for suppression estimates. Additionally, appropriators are encouraged to provide funding to train firefighters to manage wildfires. A one percent increase in Preparedness allocated to firefighter training would arm wildland firefighter with a full range of tactical response expertise from monitoring to aggressive attack, which will lead to healthier landscapes and reduce suppression costs in the future. TWS is pleased that the administration has also recognized the need to fund State Fire Assistance at levels that would effectively help communities reduce their wildfire risk and we recommend congress support that proposal.

National Forest System and Capital Improvement & Maintenance
TWS recommends congress revise the Forest Service annual appropriations to reduce commodity production and increase funding for programs that will strengthen forests to mitigate the effects of climate change including: $77.9 million for Forest Inventory Analysis to effectively track changes in forest health due to climate stresses and changes in management;$377 million for Recreation, Wilderness & Heritage (including $84.1 million for Travel Management Planning); $197.4 million for Wildlife & Fish Habitat Management; $325 million for Road Maintenance for maintenance of roads that have completed a roads analysis; and $100 million for Legacy Roads & Trails Remediation program for decommissioning projects that improve water quality and fish habitat. Finally, we urge congress to advise the agency to undergo a comprehensive review of GAO and OIG recommendations on maintaining an evolving and effective accounting program based on accurate data collection, storage and reporting in order to increase FS budget and project transparency.

U.S. Climate Reserve
According to the Forest Service, we are losing the equivalent of two Rhode Island's worth of open space a year. Some of this occurs on public lands. Our diminishing old-growth and mature forests need to be viewed as a national treasure of carbon storage. The U.S. Climate Reserve needs to be nurtured and enhanced, both as a carbon sink and as a storehouse of other ecosystem services on which we rely. But we need to provide incentives for private landowners as well, because 60 percent of our nation's forests are privately-owned. If we are to mitigate the threat of climate change, we need to recognize the public service provided by every private landowner who is willing to protect his forest from development, require sustainable practices when harvesting, and protect watersheds with replanting and riparian buffer zones. From Wilderness designation to wetland banking, we need a truly national strategy to stop the galloping destruction of our existing carbon stocks that begins with the recognition that our forests are weapons in the fight against global warming and should be protected.

Mr. DICKS. Well, we are glad you noticed.

Mr. ANDERSON. Yes, we all do.

Mr. DICKS. Mr. Simpson.

Mr. SIMPSON. Thank you.

Mr. DICKS. Thank you. Appreciate your being here. George Leonard. George, welcome back.

Mr. LEONARD. Thank you, sir.

Mr. DICKS. We always miss your wise counsel, and we are glad you here today.

Mr. LEONARD. Thank you, Mr. Chairman. It is great to see you sitting in that center seat——

Mr. DICKS. Thank you.

Mr. LEONARD [continuing]. Leading that Committee.

Mr. DICKS. It only took 30 years, you know. But we are glad to be here.

Mr. SIMPSON. You do not want to have a debate about this, do you?

Mr. DICKS. I think I am going to win this one. Go right ahead.

THURSDAY, APRIL 23, 2009.

NATIONAL ASSOCIATION OF FOREST SERVICE RETIREES

WITNESS

GEORGE LEONARD

Mr. LEONARD. First, I would like to join the other people in thanking you for the effort by this Committee to fund viable programs for the Forest Service in light of the clearly inadequate budget submissions that you had received over the recent years. Proper funding of the land management agencies, and I am particularly interested in the Forest Service, is absolutely essential if we are going to protect the natural resources of this Nation and respond to issues like climate change.

We believe our national forests and grasslands should be managed so that they are an asset to the Nation and particularly to those small, independent communities in and around them that are so dependent on them for jobs, for clean environment, and for the tourist benefits that they get with them. Unfortunately, given the levels of funding that have been there in the last decade or more, those forests often represent more of a liability than an asset to some of these small communities.

As been noted, the current method of funding for fire suppression simply has to be changed. It is not rational to finance suppression of fires at the expense of the other ongoing programs of the agencies.

Mr. DICKS. Completely agree with you.

Mr. LEONARD. Whether it is a special account set up by the FLAME Act or some other mechanism, the level of funding has to be adequate to do the job. The 10-year average simply does not work when you have continuing increase, and we are recommending that you go to a 5-year average but then adjust that 5-year average for the observed trend in costs. Right now——

Mr. DICKS. Is it not CBO that requires us to do 10 years?

Mr. LEONARD. The FLAME Act moves it to a 5-year period.

Mr. DICKS. Oh, good.

Mr. LEONARD. But even there, you know, the most recent period now is 2008, and we are talking about the 2010 budget. Well, if we use the 5-year average as of 2008, we are really talking about the cost of suppression back in 2005 or 2006 as the basis for funding for 2010. Well, it is not going to work. You are going to be short of money.

Mr. DICKS. You say here that we should increase by $10 million preparedness to fund ten additional, interregional hot shot crews. What would that do for us?

Mr. LEONARD. Well, 98 percent of the fires we get small. We get about 2 percent of fires with escape.

Mr. DICKS. Mega fires?

Mr. LEONARD. The big fires. Those account for about 85 percent of the cost. In fact, 20 or 30 fires account for about 85 percent of the cost. Obviously, if you can reduce the number of those mega fires, that is the best way to cut your costs of suppression. And one of the real problems that has occurred over the last decade or more is the number of crews that are available for rapid reinforcement of the initial attack crews has decreased. The Snake River crews are not available. The Southwest Indian Crews are not as available as they used to be. So, you know, when we had the Yellowstone fires, we could put almost 2,000 crews on the fire line.

Mr. DICKS. How many people——

Mr. LEONARD. Today there is about——

Mr. DICKS [continuing]. Are in a crew?

Mr. LEONARD. Twenty.

Mr. DICKS. So this would be like 200 more people?

Mr. LEONARD. Yes, right, 200 more trained crews that could be moved around the country so that they are quickly available to be on there on the second or third shift on a fire while it is still at a size when you can do something about it.

Mr. SIMPSON. That brings up the whole debate that we have been having within the Committee, and I do not have an answer. I do not know. When we look at our forest practices of the past and try and put these fires out when they are small. Obviously we have got huge amounts of fuel out there. How are you going to reduce the fuel out there? I understand around communities and stuff, but we are not going to essentially go out and thin all these forests throughout this country. They are too vast and too huge. So fire has got to be part of fuel reduction, is it not?

Mr. LEONARD. Fire has to be a part of the fuels reduction, but I think it is important that unplanned, uncontrolled fires are not part of the solution.

Mr. DICKS. Right.

Mr. LEONARD. Carefully planned and controlled fires are a part of the solution. And you know, the problem is that if you burn a hillside and kill 50, 60 percent of the trees on that, that becomes a worse fire problem in the future than it was the day it burned. Any experienced forester or fireman will tell you that the worst place to fight fire is in an old fire where you have got standing snags, brush, and the trees start falling down, jackstrawed across

the thing, you cannot build a line through it, you cannot fight the fire.

Mr. DICKS. That is why some people think we ought to go out and do salvage logging in some of these fire areas.

Mr. LEONARD. Well, there is no question about that. You know, a fire area that has been carefully salvaged and replanted has reduced fire area. A fire area that is not treated after it has burned, that does not solve the problem.

Which brings me to another point. We are seriously concerned about the growing backlog of reforestation needs on the National Forest. If you recall, Mr. Chairman, back in the '70s, this Committee put a lot of pressure on those of us who were testifying on this side to eliminate the backlog, and we did. But unfortunately, that backlog is growing again because we have failed to keep a reforestation program that is commensurate with the losses that we are getting. Some people say, well, you are not selling as much timber off the National Forests so reforestation is not as important. But from the standpoint of wildlife habitat, from the standpoint of watershed stability, from the standpoint of carbon sequestration, you know, a big, growing forest is just a heck of a lot more——

Mr. DICKS. Carbon.

Mr. LEONARD [continuing]. Carbon than a brush field out there. And we need to get on——

Mr. SIMPSON. Or than an old growth forest.

Mr. LEONARD. A growing forest is the best way to sequester. In terms of your question, Mr. Simpson, about the issue of can we solve the problem by thinning, the efforts by this Committee to deal with the fuel buildup have been very important. They are very important to individual communities that are trying to create a fire-safe environment. But in the long term, we are not going to solve our problem unless we start to capture the economic values that are out there. On just the roaded portion. Just stay away from the issues over unroaded areas and wilderness and whatnot. On just the roaded portions of the National Forest, we are growing about 4 billion cubic feet of wood a year.

I did a back-of-the-envelope calculation a few years ago, and that 4 billion cubic feet is equivalent to about 750 million gallons of gasoline. We are adding 750 million gallons worth of gasoline to our forest every year. Well, no wonder we have a fire problem. On the other hand, that is the answer or part of the answer because all of that material has potential uses for conventional wood products but also for energy production. And if we were to only capture a fraction of that, we could make significantly more headway in reducing our fire problems and make them manageable.

And putting stands into a condition where we can then use prescribed burns, under burns and whatnot, because the fuel loading is such that you will not destroy everything that is there.

Mr. DICKS. Does the Forest Service still have nurseries to get the trees or do we have to go buy them in the private——

Mr. LEONARD. Well, no, the Forest Service has a number of nurseries, less than we had when we were in the big timber era, but they still have nurseries. This Committee will have to work with the agency to begin to rebuild the capacity to do——

Mr. DICKS. To do reforestation.

Mr. LEONARD [continuing]. Reforestation. They can do more than they are currently funded for, but to get on top of the problem, they need to rebuild a program in that general area.

One thing that I did not mention in my prepared testimony that had been referred to recently here this morning, there are some good opportunities to save critical wildlife habitat, to get access to recreation facilities, and simply to reduce the cost of management through properly planned land acquisition. So we would urge increased funding for the Forest Service within the Land and Water Conservation Fund.

Mr. DICKS. Do you think the front office in DC has gotten too big? Should we cut it back a little bit?

Mr. LEONARD. I think there are some——

Mr. DICKS. I mean, it seems to me that the Forest Service used to be out in the field. Do we have too much bureaucracy?

Mr. LEONARD. You know, one of the problems is that, you know, such things as appeals, when I first came to the Washington office, I handled all the appeals that were of timber sales for those that came to the Washington office. Now they have to have a dozen people doing that same kind of work because the things are more complex.

Mr. DICKS. Shall we bring you back, George?

Mr. LEONARD. Well, if you would let me write the same kind of letters I used to write. You know, it used to be that we had very simple appeal regulation, and I would look at the thing and said, well, all this is people just do not want to cut trees there. They are not citing any logical reason, so I would give them a one-page letter and say thank you for——

Mr. DICKS. Your views.

Mr. LEONARD [continuing]. Your views but we disagree and we are going ahead. Well, that is not the way you can respond anymore, and it takes people to do that. And then there is just an awful lot of things. One of the problems is the agency has been on a downward trend for almost 20 years.

Mr. DICKS. Yes, I know.

Mr. LEONARD. First we begin to cut back on the engineering program, then the timber program in the last few years. I think any organization that is having an overall reduction is going to have problems with the overhead aspect of the thing.

Mr. DICKS. Yes.

Mr. LEONARD. And if we can get the agency stabilized, begin to rebuild it, it will be easier to get the overhead issue under control.

Mr. DICKS. Okay.

Mr. LEONARD. I think retirees in general have been uncomfortable with the centralization of fiscal personnel issues in there. But on the other hand, you could not ask the agency to have the reductions of personnel that they have had and keep everything business as usual. They are beginning to get some benefits, I think, from the centralization of finances. They still got a long ways to go in the personnel issues and whatnot.

But there are opportunities to reduce overhead at all levels of the organization, and I hate to see just arbitrary rules stuck out there.

Mr. DICKS. No, I understand what you mean.

Mr. LEONARD. But rational——

Mr. DICKS. Maybe you would work it out with us.

Mr. LEONARD. Rational pushes, pressure on the agency to do it would make sense.

Mr. DICKS. Okay. Thank you so much.

Mr. LEONARD. Thank you.

Mr. DICKS. We appreciate your long experience and professionalism.

[The statement of George Leonard follows:]

George M. Leonard
Chairman, Board of Directors
National Association of Forest Service Retirees [1](NAFSR)
Recommendations to the Subcommittee on Interior, Environment and Related Agencies
Regarding the FY 2010 Budget for the U.S. Forest Service

As a result of severely constrained budgets in recent years and a dramatic shift of money from all accounts to fund the increasing costs of wildfire suppression, the capacity of the Forest Service to carry out its missions in protecting and managing the National Forests and Grasslands, Research, State and Private Forestry, and International Forestry have been severely compromised. It is essential that this capacity be rebuilt. For FY2010 NAFSR recommends the following increases above the levels appropriated for 2009.

Wildland Fire Management	
Suppression	Fund at most recent 5-year average projected to 2010
Preparedness	$ 10 million
National Forest System	
Land Management Planning	10
Inventory and Monitoring	10
Recreation Wilderness, and Heritage	20
Forest Products	10
Vegetation and Wildlife Management	15
Land Ownership Management	10
Research	20
State and Private Forestry	
Forest Stewardship	10
Forest Health - Federal Lands	10
Forest Health - Coop Lands	10
Urban and Community Forestry	10
Nat. Conservation Education Center	4

Wildland Fire Suppression
It is essential that the costs of wildland fire suppression be considered separately from the regular discretionary budget of the Forest Service. As Chairman Rahall of the Natural Resources Committee observed last year, "the dramatic rise in these costs is eroding other non-fire programs and impacting the core missions of the Federal land management agencies." We thank the Chairman for his support of efforts to address the funding problem. For 2010, NAFSR recommends funding fire suppression based on the most recent 5-year average cost projected to 2010 based on the cost trend for that period. This should reduce the necessity of fire transfers.

[1] The National Association of Forest Service Retirees is composed of people who spent their careers involved with the management of the National Forest System, Research, State and Private Forestry, and International Forestry programs. Members remain committed to the proper stewardship of our forest lands and to the statutory multiple-use mission of the U.S. Forest Service

The bulk of the costs for fire suppression are associated with large fires that escape initial and extended initial attack. It is essential that the agency maintain its capability to successfully stop at least 98 percent of the fire starts during the initial stages. In recent years there has been a reduction in the number of trained crews available for prompt reinforcement of initial attack forces, NAFSR recommends an increase of $10 million for Preparedness to fund 10 additional, interregional hotshot crews.

National Forest System

Land Management Planning

The National Forest Management Act requires that all activities on the National Forests be conducted in accordance with approved Land Management Plans It requires revision of these plans at 10 to 15 year intervals in order to reflect changing conditions, new knowledge, and changing public needs and desires. Revisions of 60 percent of the plans are overdue. Revisions must be completed to comply with the law, avoid legal challenges, and keep National Forest and Grassland management relevant to the needs of the people. NAFSR recommends an increase of $10 million for land management planning.

Inventory and Monitoring

Regular monitoring of forest resource conditions and the results of management activities is fundamental to sound forest management. It is particularly important during this time of climate change. Further implementation of ecosystem management and the use of adaptive management, key to obtaining public acceptance of vegetative management activities, cannot be accomplished without assurance of appropriate inventory and monitoring of resources and project outcomes. NAFSR recommends an increase of $10 million for Inventory and Monitoring.

Recreation, Wilderness, and Heritage Management

The National Forests include some of the most scenic, historic, and culturally important areas of our country. Some 192 million visitors enjoy recreation activities on these lands each year. But the quality and access to recreation activities is being lost. The capacity of recreation sites managed to standard declined from 93,600,000 PAOT[2] in FY2002 to 70,230,000 PAOT in 2008. Priority Heritage Sites managed to standard declined from 8112 to 2294, and the miles of trail maintained to standard declined 30 percent in this period. Restoration of these facilities would provide badly needed jobs in rural communities. NAFSR recommends an increase of $20 million for Recreation, Wilderness, and Heritage Management.

Wildlife and Fisheries Habitat Management

The National Forest System includes some of the most important wildlife and fish habitat in the country. Proper stewardship of these resources requires on the ground management by biologists and technicians. But while the pressures on these important resources continues to grow, the personnel available to care for the habitat has declined. From 2002 to 2008, the wildlife and fisheries staff was reduced by 39 percent. NAFSR recommends and increase of $10 million for Wildlife and Fisheries.

[2] PAOT = People at one time.

Forest Products
There is widespread recognition of the need to thin our overstocked forests to reduce their vulnerability to fire, insects, and disease. Funding for hazardous fuel reduction is important and must be continued, but it is clearly inadequate to accomplish the needed work. Annual growth on the currently roaded portion of the timberlands on the National Forests is about four billion cubic feet. Not all of the material that needs to be removed has economic value, particularly under current market conditions, but portions are suitable for conventional wood products. Much more is suitable for energy production. Capturing these economic values is essential to making real progress in improving the condition of our forests. It has much potential for contributing to meeting our need for renewable energy. NAFSR recommends an increase of $10 million for identifying markets and preparing conventional and stewardship contracts for material that needs to be removed to promote forest health.

Vegetation and Watershed Management
One of the primary purposes for the National Forests is to provide favorable conditions of water flow. National Forest watersheds provide much of the water used by our growing population, particularly in the West. Resource management specialists and supporting technicians available to protect and enhance our watersheds have declined by 44 percent in the last six years. This decline must be reversed.
With the serious fire seasons of recent years, the backlog of needed reforestation has grown, but the reforestation program has been shrinking. The Forest Service estimates the backlog of needed reforestation is about one million acres. This does not include some 250,000 acres on recent large fires that have been identified as potentially needing reforestation based on remote sensing, but where on the ground examinations have not been completed. NAFSR recommends an increase of $15 million for Vegetation and Watershed Management.

Land Ownership Management
The National Forest System is a vast estate. Millions of acres of land share thousands of miles of property boundary with other agencies, small, and large property owners, Proper stewardship of this Federal estate requires maintenance of property lines, monitoring for trespass, and administering thousands of special use permits. The National Forests should be good neighbors to adjacent landowners and communities. With a 19 percent reduction in staffing for this activity, the National Forests are instead becoming, unresponsive, absentee landlords. NAFSR recommends an increase of $10 million for Land Ownership Management.

Research
Forest research in this country has declined significantly, both in the private sector at major forest product companies and at universities. This trend makes the reduction in research scientists and support personnel in the Forest Service over the last few years particularly untimely. We urgently need more information on the response of forests and the resources they provide to changing climate and on management practices needed to respond to and mitigate the adverse impacts of these changes. We need leading-

edge technologies to effectively use the available forest resource, particularly small diameter, overstocked material in fire-prone areas, which can enhance rural economies and provide alternative energy sources from wood. With water problems in many areas of the country, forest management practices to enhance water yield and quality are urgently needed. NAFSR recommends increasing funding for research by $10 million with emphasis on response to climate change, economic uses for small diameter trees (including energy), and water.

State and Private Forestry

Two-thirds of our nation's forests are in small, non-industrial ownerships. These lands are vital to meeting our wood product needs and providing other forest values. The importance of proper management of these forest lands is growing as the forest industry continues to divest its timberlands. The continued fragmentation of these lands presents serious challenges to assuring proper stewardship and sustainable management. The State and Private Forestry program, in cooperation with State Foresters, has a proven record in helping to promote sustainable practices on these lands.

Continued drought has increased fire, insect and disease problems on private forest lands, just as it has on Federal lands. Continued assistance in forest protection and management is needed so that private land owners will make the needed long-term investments in the management of these lands. The National Conservation Education Center and Repository in Missoula, Montana offers an outstanding opportunity to interpret the history of the National Forests and other Forest Service Programs. NAFSR recommends $4 million for this facility. NAFSR recommends an increase of $10 million for Forest Stewardship; $10 million for Forest Health on Federal lands; $5 million for Forest Health on Coop lands, and $10 million for Urban and Community Forestry.

Repayment of Fire Transfers

In five of the last seven years, the Forest Service has been forced to transfer money from other agency programs to cover the cost of fire suppression. These transfers have disrupted on-going activities, increased costs, and damaged relationships with other agencies and cooperators. The Continuing Resolution for FY2009 repaid the nearly $400 million transferred in FY2008 and $100 million in K-V Funds transferred in prior years. This leaves some $289 million in transfers that have not been replaced. This transferred money includes commitments for hazardous fuel reduction, noxious weed treatment, watershed improvements, fisheries enhancements, and wildlife improvements. It includes money deposited into working capitol funds for vehicle replacement and facilities maintenance. NAFSR recommends that the Congress complete reimbursement of money from trust funds transferred for fire suppression.

The National Association of Forest Service Retirees believes the National Forests and Grasslands should be managed so they are an asset to the communities in and adjacent to them. In all too many instances, rather than an asset, the overstocked, insect-infested, fire-prone, poorly maintained, and understaffed Forests are becoming a liability. We believe the funding increases recommended above will began the process of restoring the capability of the Forest Service to provide proper stewardship of these national treasures and to carryout the other vital missions of the agency.

Mr. DICKS. William Durkin, Friends of Rachel Carson National Wildlife Refuge? I am sorry, we are running a little behind here.

Mr. DURKIN. That is quite all right.

Mr. DICKS. We will put your entire statement in the record, and you may summarize.

Mr. DURKIN. Right.

Mr. DICKS. Proceed whatever way you want, though.

Mr. DURKIN. Thanks, I did.

THURSDAY, APRIL 23, 2009.

FRIENDS OF RACHEL CARSON NATIONAL WILDLIFE REFUGE

WITNESS

WILLIAM G. DURKIN

Mr. DURKIN. Mr. Chairman, honorable members of the Subcommittee, I am Bill Durkin, President of the Friends of Rachel Carson National Wildlife Refuge in Maine. Happy belated Earth Day to you.

Mr. DICKS. Thank you.

Mr. DURKIN. First off, I would like to thank my wife for allowing me to break away from our vacation in Florida for 24 hours to come here today to present testimony for the National Wildlife System.

Chairman Dicks, I praise your leadership for the recent fiscal year 2009 budget process. I would also like to compliment Maine's freshman Congresswoman Chellie Pingree for her working partnership with the Friends' goals for fiscal year 2010. We look forward to her insight and energy on future projects in the years to come.

I have been a member of the Friends of Rachel Carson National Wildlife Refuge for the past 19 years. The group was founded in 1987. We are a small group of about 200 members. This time of the year all the letters go out to Congress asking for support of the refuge. I have given numerous written statements over the years, but this morning is the first in front of the Subcommittee. I thank you for your consideration.

Basically it is in three parts. Number one, we are requesting an overall funding level of $514 million for the operations and maintenance budget of the National Wildlife Refuge System managed by the U.S. Fish and Wildlife Service. All the refuges are in dire need of staffing and upkeep. Refugees provide unparalleled opportunities to hunt, fish, watch wildlife and educate children about the environment. Without increased funding for refuges, wildlife conservation and public recreational opportunities will be jeopardized.

Number two, I also respectfully request a substantial increase in overall funding for the Land and Water Conservation Funds, specifically urging the Subcommittee to provide $325 million for the federal LWCF in fiscal year 2010 to the fiscal year 2010 Interior and Environment Appropriations Bill. I applaud the LWCF funding opportunities provided by this Committee in fiscal year 2009, and we are most thankful for the Obama Administration budget, recognizing the importance of these programs by proposing significant increases for fiscal year 2010 and setting a goal to achieve full

funding of the LWCF for the next 5 years. The Land and Water Conservation Fund should be fully funded at $900 million annually at the Congressional authorized level.

And number three, this is about our refuge, we ask your support for the acquisition of the 110-acre Timber Point property at the Friends of Rachel Carson National Wildlife Refuge in Biddeford and Kennebunkport, Maine. An appropriation of $3.5 million from the Land and Water Conservation Fund to be matched by an equal amount of prior funds is needed to protect this exceptional coastal property. The Rachel Carson National Wildlife Refuge is named in honor of one of the Nation's foremost and forward-thinking biologist. 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 bestseller, The Sea Around Us.

This landmark study led Rachel Carson to become an advocate on behalf of the Nation's vast coastal habitat and the wildlife that depends upon it. The refuge that bears her name is dedicated to the permanent protection of the salt marshes and estuaries of the southern Maine coast. Located in the Little River Division of the refuge on the Biddeford/Kennebunkport town line, Timber Point is comprised of a large peninsula and small island that is effectively connected to the peninsula at low tide. All told, the property includes over 2.25 miles of undeveloped coastline, an enormous amount for southern Maine. Unlike much of the state's southern coastal areas, Timber Point's coastline is mostly rocky making it an ideal location for eider nesting and wintering purple sandpipers. The Timber Point peninsula hugs the mainland offering both rocky oceanfront shore line and sheltered sandy cove. Wintering black ducks and common eider, as well as assorted waterfowl and migratory shorebirds, feed and roost along the shoreline where eagles and ospreys frequently nest in the forest habitat. In addition, the rocky offshore habitat serves as a productive lobster nursery, a vital economic industry in Maine.

The refuge is unique in the fact that its acquisition zone and land division ownership is distributed over 11 different towns, villages, and cities, therefore creating an uncommon municipal partnerships with the Federal Government acting through the local refuge headquarters in Wells, Maine. In the Timber Point initiative, we have working partnerships with the Town of Kennebunkport, the City of Biddeford, its mayor and its Conservation Commission, the Kennebunkport Conservation Trust, National and Maine Audubon, the National Wildlife Refuge Association, The Trust for Public Land, to name a few. The importance of the community involvement and cooperation is crucial to the success of this urgent project. Available for immediate acquisition from a single willing landowner in fiscal year 2010, the 110-acre Timber Point tract is one of the last large, undeveloped properties along the 50-mile coastline from Kittery to Cape Elizabeth which is all in southern Maine and a longstanding priority of the refuge. It is being offered to the U.S. Fish and Wildlife Service at a significant discount through the generosity of the landowner and support of the local community.

In summary, with a $3.5 million appropriation for the Timber Point Project, the regional collaboration between the public and private sector will only enhance Governor Baldacci's Quality of Place Initiative that he put forth last year. This would be a fantastic story for protecting crucial habitat for the wildlife at Rachel Carson National Wildlife Refuge.

And thank you.

[The statement of Bill Durkin follows:]

Testimony of Bill Durkin, President
Friends of Rachel Carson NWR
In Support of Funding for Timber Point Acquisition Project
Rachel Carson National Wildlife Refuge, Maine
Land and Water Conservation Fund, U.S. Fish and Wildlife Service
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Norman Dicks, Chairman
The Honorable Michael Simpson, Ranking Member

April 23, 2009

Mr. Chairman and Honorable Members of the Subcommittee:

I thank you for the opportunity to present to the subcommittee testimony in support of the acquisition of the 110-acre Timber Point property at the Rachel Carson National Wildlife Refuge in Biddeford and Kennebunkport, Maine. An appropriation of $3.5 million from the Land and Water Conservation Fund, to be matched by an equal amount of private funds, is needed to protect this exceptional coastal property. I also support a funding level of $514 million in FY 2010 for the U.S. Fish and Wildlife Service's (FWS) National Wildlife Refuge System Operations and Maintenance (O&M) account .

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, in combination with her other writings, *The Edge of the Sea* and *Silent Spring*, led Rachel Carson to become an advocate on behalf of this nation's vast coastal habitat and the wildlife that depends on it. With the celebration of the 100th anniversary of Rachel Carson's birth in 2007, her legacy lives on today at the refuge that bears her name and is dedicated to the permanent protection of the salt marshes and estuaries of the southern Maine coast.

Consisting of meandering tidal creeks, coastal upland, sandy dunes, salt ponds, marsh, and productive wetlands, the Rachel Carson NWR provides critical nesting and feeding habitat for the threatened piping plover and a variety of migratory waterfowl, and serves as a nursery for many shellfish and finfish. The salt marsh habitat found at Rachel Carson NWR is relatively rare in Maine, which is better known for its dramatic, rocky coastline. Upland portions of the landscape in and around the refuge host a unique, unusually dense concentration of vernal pools that provide habitat for several rare plant and animal species. Located along the Atlantic flyway, the refuge serves as an important stopover point for migratory birds, highlighted by shorebird migration in the spring and summer, waterfowl concentrations in the winter and early spring, and raptor migrations in the early fall. In fact, southern Maine contains a greater diversity of terrestrial vertebrates, threatened and endangered species, and woody plants than any other part of the state.

Previous years' appropriations have allowed the USFWS to conserve several properties within the refuge at Biddeford Pool and Parson's Beach, providing an important buffer between the intense development pressure along the southern Maine coast and its fragile coastal estuaries. With towns in the area growing rapidly – at rates ranging between 11 percent and 32 percent over the next ten years – development pressures continue to spiral upwards and additional coastal properties are under threat.

The Refuge is unique to the fact that its acquisition zone and land division ownership is distributed over 11 different towns, villages, and cities, therefore creating uncommon municipal partnerships with the federal government acting through the local refuge headquarters in Wells, ME. In the Timber Point Initiative, we have working partnerships established with the town of Kennebunkport and its Selectmen , the city of Biddeford and its Mayor and Conservation Commission, the Kennebunkport Conservation Trust, National and Maine Audubon, the National Wildlife Refuge Association and the Trust for Public Land, to name a few. The importance of community involvement and cooperation is crucial to the success of this urgent project. Available for immediate acquisition from a single willing-seller landowner in FY 2010, the 110-acre Timber Point tract is one of the last large undeveloped properties along the 50 miles of coastline from Kittery to Cape Elizabeth and a longstanding priority for the refuge. It is being offered to the USFWS at a significant discount through the generosity of the landowner and the support of the local community.

Located in the Little River Division of the refuge on the Biddeford – Kennebunkport town line, Timber Point is comprised of a large peninsula and a small island that is effectively connected to the peninsula at low tide. All told, the property includes over 2.25 miles of undeveloped coastline, an enormous amount for southern Maine. Unlike much of the state's southern coastal areas, Timber Point' coastline is mostly rocky, making it an ideal location for eider nesting and wintering purple sandpipers. The Timber Point peninsula hugs the mainland, offering both rocky oceanfront shoreline and a sheltered, sandy cove. Wintering black ducks and common eider – both species of greatest concerns as identified in Maine's Wildlife Action Plan – as well as assortedwaterfowl and migratory shorebirds feed and roost along the shoreline while sanderlings frequent the sandy cove during migration. In addition, the rocky offshore habitat serves as a productive lobster nursery, a vital economic industry in Maine.

In addition to the abundant wildlife which benefits from this virtually undeveloped coastline, upland habitats harbor many species of conservation concern as well. Habitats represented on Timber Point are diverse and include shrubby wetlands, early successional thickets and grassy openings, forested wetlands, and mature white pine forests. Early successional habitats are home to breeding American woodcock, willow flycatcher, eastern towhee, chestnut-sided warblers, gray catbirds, and bobolink. Upland forests and forested wetland habitats are likely to be used by breeding scarlet tanagers, northern flickers, and Baltimore orioles. On occasion, there are bald eagles and seahawks (ospreys) nesting on both the island and peninsula.

Refuge-owned lands already protect the headwaters of the Little River, which empties into the Atlantic at Goose Rocks Beach—a popular public swimming area adjacent to Timber Point. Once acquired, the Timber Point parcel will enhance the refuge's ability to protect water quality in the estuary and important wildlife habitat by linking it to already conserved refuge lands in the Little River Division of the refuge. Currently, the USFWS holds an easement on just 35 of the 110 acres at Timber Point; this proposed acquisition would recombine the easement with full fee ownership and permanently protect the entire property – save 11 acres, which members of the family would retain with a conservation easement preventing any further development of the parcel. Located in a rapidly developing part of Maine, this acquisition offers the refuge an outstanding opportunity to conserve southern Maine's coastal landscape and further consolidate the fragile habitat that exists on the marshes, uplands, creeks, and the estuaries of the coast.

Given the development pressures in this part of the state and the needs of the landowner, the opportunity to permanently protect this unique coastal property exists only for a limited time. An appropriation of $3.5 million for the Rachel Carson NWR in FY 2010 will be matched by an equal amount of private philanthropy, offering a once-in-a-lifetime opportunity that will yield enormous public benefits for generations to come.

I also respectfully request a substantial increase in overall funding for the Land and Water Conservation Fund (LWCF), specifically urging the Subcommittee to provide $325 million for the federal LWCF in the FY 2010 Interior and Environment Appropriations bill. I applaud the LWCF funding increases provided by this committee in FY 2009. And, we are most thankful that the Obama Administration Budget recognizes the importance of these programs by proposing significant increases for FY 2010 and setting a goal to achieve full funding of the LWCF in the next five years. The Land and Water Conservation Fund should be fully funded at $900 million annually - the congressionally authorized level.

The LWCF is our nation's premier program to acquire and protect lands in national parks, national wildlife refuges, national forests, Bureau of Land Management units and other federal land systems. This program faces an extensive and growing backlog of land acquisition needs across the nation. Public lands provide innumerable social and economic benefits including a healthy lifestyle, protection of watersheds and drinking water supplies, wildfire reduction and prevention, and assistance to wildlife and fisheries as they adapt to climate change. We urge you to renew this wise investment in America's natural heritage and take steps to towards full and consistent funding of these vital programs.

With a $3.5 million appropriation for the Timber Point Project, a regional collaboration between the public and private sector will only enhance Governor Baldacci's Quality of Place Initiative that he put forth last year. This would be a fantastic story for protecting crucial habitat for the wildlife at Rachel Carson NWR.

Thank you again, Mr. Chairman, for the opportunity to present this testimony in support of this important project.

Mr. DICKS. Thank you for a good statement.

Mr. DURKIN. Thank you.

Mr. DICKS. Thank you very much. Tom Martin, President of the American Forest Foundation.

Mr. MARTIN. Thank you, Mr. Chairman.

Mr. DICKS. Hi, Tom.

Mr. MARTIN. How are you?

Mr. DICKS. Good.

Mr. MARTIN. It is a beautiful morning. At the risk of currying favor with the Chairman here, I spent last weekend on the coast of the Olympic Peninsula.

Mr. DICKS. Wonderful. Did you get to the Hoh river?

Mr. MARTIN. I did not get the Hoh. I was down right on the shore at Taylor Point right off Third Beach. Absolutely gorgeous. The tide pools were full.

Mr. DICKS. Good.

Mr. MARTIN. Mr. Simpson, I look forward to getting to your district as well, too.

Mr. SIMPSON. Have you ever been to Idaho?

Mr. MARTIN. You bet. You bet. But the weather was——

Mr. SIMPSON. That is God's country there.

Mr. MARTIN. That is what I hear.

THURSDAY, APRIL 23, 2009.

AMERICAN FOREST FOUNDATION

WITNESS

TOM MARTIN

Mr. MARTIN. Well, I am here to talk about two things, but first I want to thank you guys. Terrific support on the stimulus package. That investment in the health of rural communities is really important. We are looking to build on that in this budget, and there are two areas I would like to talk about that are really important to the American Forest Foundation and that is how do we provide the web of support for both private investment and volunteer support for sustainable healthy forests and for a sustainable future through environmental education for our kids? Those are the two areas I would like to talk to you about.

AFF as you probably know represents the 263 million acres of private family forests that are owned across this country. We also represent the 30,000 teachers that every year receive professional development through our Project Learning Tree Program. Both of those private efforts that receive large amounts of private support, and even more impressively, are run by volunteers across this country really are an important foundation to the kind of sustainable future I think we all want.

So what are the things that we can do to support these efforts? I would like to touch on just a few of them here. First, the Forest Stewardship Program, you know, for many landowners, my sister and I actually own a couple of hundred acres in northern Wisconsin, and it was through that program we received some assistance in our planning that forest. Many new forest owners receive

their first information about how do you manage this land sustainably through that program? So we hope that this program will be fully funded this year. Our hope is it is at least the $45 million level.

Forest Legacy Program we have heard a lot about this morning. I am not going to go on further about that, but just a key tool to keep those lands that are really at greatest risk of conversion that we have got to keep in forest type there.

Forest Inventory and analysis, you cannot make good policy without good data, and that is one of the things that we need an enduring commitment to so we do not see this choppiness of data over time. So again, we hope that that will be fully funded at the $73 million level.

Forest health management, you know, one of the things that has not received the attention it should it seems to me is the invasives that are in so many of our forests. It seems like every week we find a new one that has just targeted that tree species we thought was going to be healthy, and so I think there as well as the well-documented fire issues are very important.

And finally, the Community Forest and Open Space initiative in the Farm Bill. Again, we think that is an opportunity to create support for the kinds of sustainable forestry we want.

In the Fish and Wildlife Service budget, the Endangered Species Conservation Fund is a terrific way to get private landowners and working forests to provide that habitat for endangered and threatened species, and 93 percent of the habitat and the figures that I have seen for those species are on private lands. And so this is——

Mr. DICKS. What was that number?

Mr. MARTIN. Ninety-three percent.

Mr. DICKS. Ninety-three percent on private land?

Mr. MARTIN. Yes. The final area, the other part of the sustainability question is obviously we got to manage the lands well now for the future, but we got to prepare our kids for the future. In the EPA budget, there is the only environmental education program that is a line item in the budget that has been authorized for years at $14 million. Our hope is that is fully funded. One of the things that we think is really important is the way they leverage investments in teacher professional development. There is lots of curriculum out there. Getting teachers to understand how to deliver that in ways that develop the outcomes we want for kids but also gives them the long-term ability to assess environmental choices, their environmental futures, we think is really important. We need to teach these kids how to think about the environment, not necessarily what to think.

So I think those two types of investment will really leverage volunteer hours and private investment in things that this Committee has been wonderful at supporting up to this point.

[The statement of Tom Martin follows:]

Statement of Tom Martin, President
American Forest Foundation
Before the House Appropriations Committee
Subcommittee on Interior, Environment and related Agencies
April 20, 2009

Mr. Chairman, members of the Subcommittee, I'm here today to speak on behalf of the more than 10 million family forest owners in the U.S., whose private land provides clean drinking water, wildlife habitat, forest products, and recreational opportunities for thousands of communities. These public benefits, and our constituency, depend on the conservation programs within the FY 2010 appropriations for the Environmental Protection Agency, the US Fish and Wildlife Service, and the US Forest Service.

Thank you for this opportunity, and I'd like to offer my special thanks to Chairman Dicks and all the members of this Committee for your strong support for family forest funding in the recently passed Economic Stimulus package. This funding will enable much-needed projects that will positively address forest health, wildfire risk, and other needed forest management activities while also helping to create thousands of green jobs in rural forest communities across the nation. We are truly grateful for your leadership on this.

I am here today as President and CEO of the American Forest Foundation, a nonprofit conservation organization that strives to ensure the continuation of America's family forests. Many of our communities depend on private forests to provide a high quality of life in their communities, but this is often taken for granted until the local woods are converted to development, as are 1.5 million acres every year.

Like other sectors, the outlook for our forest-based economies is not good. Recently I spoke with a Mississippi Tree Farmer, Judd Brooke of Necaise, Mississippi, whose land was ravaged by Hurricane Katrina. What timber he could salvage was sold at ten cents on the dollar. He invested heavily in replanting his forest, but just as timber prices had almost recovered to pre-Katrina prices, the economic downturn hit, and with local mills closing, he says it's not economical to pay to truck his logs to faraway mills.

Yet he continues to steward his land, and he hosts conservation workshops and an interpretive trail on his land, featured recently in the *Sun Herald* out of Gulfport. The gopher tortoise, federally listed as endangered, is making remarkable recovery on his land. These are the kind of people that benefit from receiving some support from programs designed to help conserve our nation's private forests.

Conservation of our natural resources is paramount to the health and viability of our nation. Given that most of the nation's forest resources, roughly 263 million acres, are held by over 4.4 million family forest owners, it is essential that family forest owners have the tools and technical assistance to continue to provide all of us with clean water and air, wildlife habitat, recreation opportunities, renewable energy, and wood products.

At the same time, the next generation must learn about the environment to enable them to be good stewards and carry on a conservation ethic for our nation's natural resources. That is why our organization invests so much in environmental education, training over 30,000 new environmental educators each year.

Our private forests are increasingly important as an immediate buffer in our nation's adjustment to climate change realities. Every year, U.S. forests currently capture and store ten percent of the nation's annual carbon emissions. This provides yet another compelling reason why we cannot afford to lose our private forests.

Congress, and this Subcommittee in particular, have an opportunity to take on these challenges and help the nation's forest owners and the next generation of conservationists, conserve our natural resources.

This cannot be accomplished without a continuing investment in the future of our private forests. If the American people truly wish to continue to benefit from the environmental services and products that our forests provide, investment in the following key programs is essential. We also strongly urge you to fully invest in the environmental education programs administered by EPA to ensure the next generation is equipped to meet the challenges we face.

US Forest Service

Forest Stewardship Program: The Forest Stewardship Program continues to provide essential technical assistance and forest planning assistance to family forest owners. This program is often a landowners first exposure to forest management, and is an essential tool to help landowners take on challenges like adapting their forest management in a changing climate, responding and mitigating forest health threats, and providing environmental services we all value.

We believe this program should be funded at $45 million for FY 2010. While this is a significant increase above FY 2009 levels, this program will provide critical assistance to landowners as we tempt to cope with these pressing environmental challenges.

Forest Legacy Program: The Forest Legacy Program is a valuable tool for keeping forests as working forests. While the economic downturns may relieve some of the development pressures that family forest owners face, the threat of forest conversion has not gone away. More than one-third of the nation's 4.4 million family forest owners are over the age of 65. As these landowners grow older, their families will be faced with a choice of whether they can hang on to the land. A conservation easement is a valuable tool to ensure that these lands stay forested even while we see increasing ownership changes.

Unfortunately, private forestlands are disappearing at a rate of roughly 2,000 acres a day. Annually, this amounts to an area roughly the size of the state of Delaware. In addition to forest loss, forested tracts are being broken up into smaller tracts at alarming rates.

The US Forest Service predicts that by the year 2030, roughly 44.2 million acres of forests will see substantial increases in housing density. The Forest Legacy Program will help address these challenges by encouraging family forest owners to put conservation easements on their property to protect their land as a working forest, in perpetuity. We support funding this program at $60 million.

Forest Inventory and Analysis: The Forest Inventory and Analysis Program is the nation's forest census. It provides valuable information to inform policy decisions and land management decisions. We support fully funding this program at $73 million in FY 2010.

Forest Health Management: Forest Health Management funding, through both the State and Private Forestry and Wildland Fire Management programs, provide critical support to family forest owners to address pressing forest health threats. This is particularly important as we see our climate changing and increases in wildfire risks, insect and disease occurrence, and invasive species. These programs should be funded at $53 million for Cooperative lands in State and Private Forestry and $13 million for cooperative lands within the Wildland Fire Management account.

Community Forest and Open Space Program: The Community Forest and Open Space Program funds both forest conservation and education. The program enables hands on training and experience in a working forest for communities, schools, and family forest owners, helping educate the next generation of conservationists. We support funding this program at $10 million in FY 2010.

US Fish and Wildlife

Cooperative Endangered Species Conservation Fund: Through the Cooperative Endangered Species Conservation Fund, the US Fish and Wildlife Service partners with family forest owners to conserve endangered and threatened species habitat. The program enables landowners to commit to species conservation and receive incentives for their good conservation work. We support funding this program at $75 million in FY 2010.

Environmental Protection Agency

National Environmental Education Act: The National Environmental Education Act funds important environmental education efforts such as Project Learning Tree®, a program of the American Forest Foundation. Project Learning Tree® is an education program for educators and students that focuses on forests, wildlife, water, community planning, waste management, and energy. To date, more than 500,000 educators have been trained on the use of Project Learning Tree® materials, reaching approximately 26 million students. This program helps leverage private sector activities and is the only concentrated environmental education program at the federal level. We support funding this program at $14 million in FY 2010, the authorized level.

On behalf of our nation's family forest owners, thank you again for this opportunity to testify on the pressing need for full funding of the conservation initiatives before you. This is a critical concern for all Americans, given the pressing environmental challenges we face with a changing climate, development pressures on our forest lands, and more and more demand for the goods and services that forests provide.

Mr. DICKS. Where is your headquarters?
Mr. MARTIN. Here in DC.
Mr. DICKS. DC?
Mr. MARTIN. Yes.
Mr. DICKS. Okay. Thank you very much. That was a very good statement. I enjoyed it.
Mr. MARTIN. Right.
Mr. DICKS. Thank you. Tom Kiernan, National Parks Conservation Association. Hey, Tom, how are you? Welcome.
Mr. KIERNAN. I am doing well.

THURSDAY, APRIL 23, 2009.

NATIONAL PARKS CONSERVATION ASSOCIATION

WITNESS

THOMAS C. KIERNAN

Mr. KIERNAN. Thank you for having me, Mr. Chairman, and Ranking Member——
Mr. DICKS. I have seen your good work.
Mr. KIERNAN. Thank you very much. Actually, that was going to be my first point. I wanted to thank you and the Committee for the great support over the last couple of years of enhancing the investments in the National Parks. We are already seeing some increased rangers out in the parks over the last year or two and the stimulus funding. I had the good fortune of being with Secretary Salazar yesterday as he announced that roughly 800 projects for the $750 million stimulus. And those are some great projects and thank this Committee and Congress for that investment in the parks.
That is the good news. The challenging news, the financial challenges to the parks have been built up over decades. We have got, as you well know, and as the Secretary spoke about yesterday, a $9 billion maintenance backlog in the parks, we have got an annual operating shortfall, we have got a shortfall in the land acquisition needs, roughly about $2 billion of priority inholdings from willing sellers that need to be purchased.
So what we are asking of the Committee is to continue the momentum of increases in the National Parks Service budget, especially as we are approaching the centennial. It is our hope that we can address this Congress, this Administration can address the funding needs of the parks so at the centennial we have a park system that is appropriately funded and truly, deeply inspirational to this country and to all the visitors to the country.
We also see a unique opportunity this year with the Ken Burns film, a 12-hour, six-part series this fall that will be shown. Different estimates, 30, 40, 50 million Americans will be watching that in September and then they will show it again in January. We anticipate——
Mr. DICKS. Are they going to show it in a series like an hour or two hours?
Mr. KIERNAN. It will be over a two-week period. It will be six episodes of two hours each.
Mr. DICKS. Okay.

Mr. KIERNAN. Three one week, three the next, a total of 12 hours. They will show it the end of September and then again——

Mr. DICKS. Is it going to be on public television?

Mr. KIERNAN. On public television. They are doing premieres throughout the country. There will probably be a premiere out in——

Mr. DICKS. He was just out in Seattle.

Mr. KIERNAN. Exactly. Yes.

Mr. DICKS. At Benaroya Hall. They had a huge crowd.

Mr. KIERNAN. Exactly, and we are seeing that all over the country, many of them 2,000 people coming, and there will be an event in Central Park. We are expecting tens of thousands of Americans coming to see that film. So we anticipate that will both catalyze a dialogue, kind of a falling back in love with the National Parks this coming year. And we anticipate significant increase in visitation this year to the parks.

Mr. DICKS. Visitation is down, though, right? It is about 12 million down?

Mr. KIERNAN. Our understanding from the Park Service, visitation actually did come down, and it has been more flat the last year or two, but it very much varies by park. Some parks are going up, some have been down. We do anticipate this catalyzing, increasing the visitation to the parks.

We also have the Second Century Commission, a commission of leading Americans, co-chaired by Howard Baker and Senator Bennett Johnston. We will be putting out a report, a vision for the second 100 years of our National Parks. Between Burns' film and that Commission we see this year as a wonderful dialogue with the American public about the vision of the National Parks and believe that continuing your funding increases so the Park Service is able to accommodate and educate and inspire those visitors, those increased visitors this coming year. We see this year as a really important year to continue your funding increases.

To be specific, I did have four areas that I wanted to provide some numbers for. On the operating budget side, as you well know there has been a calculated $750 million annual funding shortfall that frankly we are working to recalculate that is coming down because of the investments of this Committee. We hope the Committee would continue the precedent that you have set with additional funding of $100 million plus the fixed costs, and we believe that is roughly in line with what the Administration is planning on doing. So I hope you would continue $100 million increase in the operating budget plus the fixed cost, and that is on the operations budget.

On land acquisition, there is a $2 billion backlog of inholdings or priority inholdings inside the parks, and we hope that you would provide $125 million for the National Park Service within LWCF.

Third area is on the construction side. We got, as Secretary Salazar was talking yesterday and you well know, a $9 billion maintenance backlog, and we are hoping that the—well, we know that the $750 million stimulus will help bring that down, and we will be providing some thoughts and numbers to you in the future about what we recommend the construction number to be. But

given the $750, and we just that and want to think through the right number for your consideration on construction.

Lastly on the centennial challenge, this Committee has been great in providing the $25 million kind of seed funding, and we hope you would continue doing that this coming year——

Mr. DICKS. How does the authorization look?

Mr. KIERNAN. Great point. We have been working with the authorizers. We believe Mr. Grijalva is in the process of or considering putting that bill back out there, NPCA, and our allies in the parks community will be working very hard.

Mr. DICKS. What about the other body?

Mr. KIERNAN. That would be the Senate. We are in discussions over there with, on the appropriations side, Feinstein and Alexander. We will be working there as well.

We have had discussions with Senator Bingaman.

Mr. DICKS. Bingaman is the person.

Mr. KIERNAN. And we will keep working that. But I hope that this Committee would provide the continuing seed funding, and we will keep working that.

So thank you very much.

[The statement of Tom Kiernan follows:]

Statement of Thomas C. Kiernan, President
National Parks Conservation Association

Re: Public Witnesses Hearing

Subcommittee on Interior, Environment and Related Agencies
Committee on Appropriations
U. S. House of Representatives
April 23, 2009

Mr. Chairman, Ranking Member Simpson, and members of the Subcommittee, for the record I am Tom Kiernan, President of the National Parks Conservation Association (NPCA). I am pleased to have the opportunity to appear before you today on behalf of NPCA's 325,000 members nationwide to discuss the budget needs for the National Park Service for the 2010 fiscal year and our thoughts on the Administration's initial budget sketch. Since 1919, NPCA has been the leading independent voice in support of protecting and enhancing the National Park System for generations of Americans, past, present and future.

As I have mentioned in past years, on a personal level, we appreciate the leadership that you, Mr. Chairman, together with this entire committee have shown as related to the imperative that we improve the funding position of the national parks. I also want to say how much we look forward to working with Mr. Simpson as the subcommittee's new ranking member. With 275 million people visiting the parks from every walk of life and dozens of nations, the national parks offer us a place for quiet reflection, learning, inspiration and, yes, a good dose of fun. On a business level, they are the "little engines that could" supporting communities across the nation. We thank you for your commitment to this goal and for your long-standing support.

I am well aware that this is likely to be a time of tough fiscal choices. Consequently, we have invested considerable time and resources to identify supplemental, creative financial mechanisms to help support on-going park needs and compliment this committee's efforts. The Committee began this process by funding the first installment of the Centennial Challenge, a potentially transformative effort to leverage additional non-federal resources. We need your continued support to push this program forward.

As you work through the opportunities and trade-offs presented with this year's budget, it bears reminding why the national parks are an excellent investment of federal funds and what benefits spin off from a strong level of support.

- With 391 units in 49 states and 4 territories, national parks provide economic stability in some of the most remote and hard-hit areas of the nation.
- With 275 million visitors in 2008, local economies benefited from nearly $12 billion in visitor spending for lodging, food and recreation.

National Parks Conservation Association
Protecting Our National Parks for Future Generations
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- A recent economic study commissioned by the National Parks Conservation Association found that every federal dollar invested in national parks generates *at least* four dollars economic value to the public.
- Few other areas of the American economy that reach as far and generate benefits as deeply into communities in jobs and revenue as the national parks.

But economic statistics do not speak to the cultural impact that national parks carry on our lives. These places were established as parks *because* they have deep meaning to the nation and to the world. The Statue of Liberty, Independence Hall, the Gateway Arch – they need no explaining. Yellowstone, Yosemite, Rainier, the Grand Canyon – these are the places both inspire and motivate us to travel and recreate. And in our own back yards, the urban units of the National Park System from Gateway to Golden Gate provide a window to the natural and cultural wonders and the lessons of history that are our heritage.

In fact, the FY10 bill will provide funding for the time period immediately following the national airing on PBS of Ken Burns new documentary on the national parks. The Burns film will focus greater attention toward the parks and as a result may significantly boost visitation and demand for park services in the summer of 2010.

To provide for the educational experience, maintain the physical structures, the roads, trails, interpretive signs and exhibits, and provide simple access to visitors every year requires consistent financial support at a high level. This committee has been wonderful in recognizing this challenge, and answering it. And as a result of this committee's efforts – especially over the last three years – rangers and interpreters are numerous enough for more visitors to see and experience, and the maintenance needs of the national parks are receiving some needed attention. Yet, the fiscal hole for the parks remains daunting, with significant resources still needed to address the operations shortfall and the maintenance and land acquisition backlog. It is critical that we maintain the momentum towards recovery for the parks that this committee has begun, as we look toward a fully functioning National Park System for its centennial year, in 2016.

Park Service Operations

Park Operations remain a top priority for NPCA. We strongly endorse the direction that the Obama Administration has taken in its initial budget sketch of $100 million above fixed cost increases. If prior years are a guide, that would suggest an increase of approximately $145 or $150 million over FY2009 levels – clearly continuing the trend toward reducing the operations shortfall that just a few years ago stood at $800 million and is the root cause of so many of the problems the parks face. This is an area that was not addressed by Congress and the White House in constructing the American Recovery and Reinvestment Act, but is key to the recovery of the parks from every perspective – from the provision of highly valued visitor services to the

provision of visitor and worker safety to addressing routine maintenance needs that, if ignored, add to the maintenance and construction backlog.

We are all aware of the long litany of problems and deficiencies confronting the park system that are the result of decades of under funding for park operations – from missing rangers, shuttered visitor centers, dirty bathrooms, reduced interpretive programs and deteriorating artifacts to inadequate or spotty personnel training. The tide is clearly turning, and with this commitment from the Obama Administration we will see the fourth year of serious progress toward addressing a problem that is decades old, and a fourth year of operating increases of $100 million above fixed costs. If this commitment can be maintained in future years, we will clearly meet the goal of returning the parks to a position of financial health by the Centennial year.

Land Acquisition

The Obama Administration has provided an important first signal of its commitment to return the Land and Water Conservation Fund to its original purpose of collecting and funneling monies from off-shore oil and gas revenues to important state and federal conservation projects – most especially land acquisition. At this time it is unclear how much of the Administration's commitment of $420 million for land acquisition will be designated for national park lands. The need however is clear enough. A study of land acquisition needs commissioned by NPCA last year revealed that privately-held lands within existing national park boundaries – the highest priority of lands for the agency – are valued at nearly $2 billion by NPS. It will take years to address and correct this, as it has with park operations. But the result will be streamlined operations at many parks, and increased capacity to preserve these lands. It is our fervent hope that you will provide at least $125 million for park land acquisition in this year's budget.

In most instances, completion of these parks by purchasing in-holdings from willing sellers has been directed by Congress. Right now, there are many willing sellers and many bargains to be had. The longer we wait and the more the pressure for incompatible development on this attractive land increases, the more expensive the land becomes. We often hear the argument that it is inconsistent for us to advocate for money to acquire more park land when we are also arguing, in effect, that the Park Service lacks the resources to manage, protect and operate what they already have. I understand the argument. While it makes a nice point in debate, the reality is that removing in-holdings and completing parks will actually make their administration more efficient and cost effective, and will help prevent conflicts like the one that now threatens Valley Forge.

Construction

Given the contribution made toward addressing construction and maintenance needs for the parks through the Economic Stimulus, it is unclear to us how the Administration will line out this section of the budget. It's important to note, however, that with a backlog if infrastructure

construction and maintenance needs that tops $9 billion, the $589 million provided the parks for construction was a but a down-payment toward addressing this mammoth problem. We do not at this time have a figure for construction and maintenance to propose. We are very mindful, however, that the pace of deterioration of these park assets has been increasing and without a strong plan and the funds to deliver on that plan, more and more effort will be required on the part of park managers to plug thousands and thousands of proverbial leaky dykes. We urge this committee to do all that you can here. The payoff in economic gain for local communities and pride in our American icons is very, very great.

Centennial Challenge

Mr. Chairman, I would indeed be remiss if I did not mention the National Park Centennial Challenge, and thank you for your support and bold action to jumpstart this unprecedented opportunity and to keep this program alive. As I mentioned before, this is a potentially transformative program for the parks, allowing the agency to carry out significant, creative projects and programs to enhance and revitalize the national parks beyond what would ordinarily be possible with regularly appropriated dollars. Putting the ingenuity and generosity of the American people in league with their government to reach a lofty goal is as American as the national parks themselves.

We remain committed to enacting legislation to authorize the full, 10-year Centennial Challenge program. We need your continued help in that regard as well, and we are pleased that the Administration has proposed $25 million for Challenge projects in FY2010. As you know, that amount is not sufficient to meet the goals of the program, and we hope to work with you to find additional resources for it.

Mr. Chairman, we realize you face many difficult choices. We are profoundly grateful for your steady and consistent efforts to invest in addressing the needs of the parks every year. You have helped the Park Service put rangers back on the ground and enabled the Park Service to better accomplish their job of caring for these natural and cultural treasures so they can continue to inspire and educate millions of visitors each year.

The national parks are not just about America's past; they are about our future. After years of waiting, the bar has been re-set. All eyes will be on the parks this fall with the premier of the Ken Burns documentary series on the national parks and the release of the report of the National Park Service 2nd Century Commission's findings. History tells us that it is in economic times like this when our nation should redouble its commitment to the national parks. More than ever as their centennial approaches, the national parks should be a national priority.

Mr. DICKS. What about the new Administration? Are they going to embrace this?

Mr. KIERNAN. Yes, it appears, as you may recall, Secretary Salazar was one of the lead co-sponsors on the Senate side for the Centennial Challenge. So we anticipate his continued support and his support for this entire program leading up to the centennial. We are much looking forward, continuing to work with this Committee heading toward the centennial.

Mr. DICKS. As you know, it was $100 million. We are going to add on $100 million for 10 years. $100 million in a new authorization to be matched by $100 million each year from the private sector. So getting the authorizers to do their part has so far been the sticking point.

Mr. KIERNAN. And we will keep working that with them.

Mr. DICKS. Yeah.

Mr. KIERNAN. Great.

Mr. DICKS. All right, Tom. Good work.

Mr. KIERNAN. Thank you.

Mr. DICKS. Thank you very much. Jeff Trandahl, Executive Director of the National Fish and Wildlife Foundation. Hi, Jeff. Welcome back.

Mr. TRANDAHL. Very, very good. Let me start out and say thanks to the staff here and the members. You have done three——

Mr. DICKS. Do not forget the members.

Mr. TRANDAHL. Yes, do not forget the members. But I will tell you, the staff is here every day.

The CLERK. And night.

Mr. TRANDAHL. And the fact that you guys——

Mr. DICKS. And night.

Mr. TRANDAHL. Yes, is not that the truth? You have done 3 years' worth of work here on just the first 6 months of the year. So it is pretty amazing.

THURSDAY, APRIL 23, 2009.

NATIONAL FISH AND WILDLIFE ASSOCIATION

WITNESS

JEFF TRANDAHL

Mr. TRANDAHL. As everybody has said, the stimulus has been quite a phenomenal opportunity for conservation, and at the same time wrapping up the omnibus and being able to protect the numbers that you guys were able to protect for the community has been quite inspiring. And we are all working through this fiscal year to pull things together.

As we look forward to fiscal year 2010, I can go back and report that you know, as an entity created by you to go out and to leverage the federal seed monies, other conservation monies, as well as try and bring in other agencies beyond the interior agencies, we have been highly successful. Fiscal year 2008 we were able to leverage in $3.5 for every federal dollar we were able to bring through. That means hundreds of projects being able to be funded across the country. Mr. Dicks, you would be interested that from

here I am going to leave and I am going to go meet with Chair Rosa DeLauro to talk about getting USDA even more highly leveraged into the program.

Mr. DICKS. I mentioned this to her, too.

Mr. TRANDAHL. And I appreciate that, and I will bring that up again today because the idea here is to get as many agencies into this common grant-making pool, leverage it as high as we can go with private dollars and have as great an impact as we can in conservation.

The thing here is you guys have been the leader. The federal priorities are our priorities as we get out there and put things on the ground. The numbers you are going to look at this year are strikingly similar as in years past. The Fish and Wildlife Service Agency was making a request of $10 million. It was reduced to $7.5, so we are asking again to go back to the $10 million level there; $3 million for the Washington State Salmon Program, $5 million from the Forest Service, and $5 million from BLM which was eliminated from their requests this year. EPA we do not get a direct appropriations, but as you are very familiar, we do a lot of work in the estuaries. We have a very large program in the Chesapeake Bay, up in the Great Lakes, and hopefully we are going to see a dramatic expansion of the Great Lakes, knock on wood. But then again Puget Sound and San Francisco Bay are the areas we have been focusing in the last couple of years to really expand in.

So with that being said, I know you are behind schedule. I am here to answer any questions, and you have plenty of testimony and plenty of numbers.

[The statement of Jeff Trandahl follows:]

TESTIMONY OF JEFF TRANDAHL, EXECUTIVE DIRECTOR
NATIONAL FISH AND WILDLIFE FOUNDATION
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES REGARDING
FY 2010 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 2010 Department of Interior Appropriations and funding for the National Fish and Wildlife Foundation (Foundation). We appreciate the Subcommittee's past support and respectfully request your approval of funding at the following levels:

- **$10 million through the U.S. Fish and Wildlife Service's Resource Management General Administration appropriation;**
- **$3 million through the U.S. Fish and Wildlife Service's Resource Management Endangered Species appropriation to conserve and restore Pacific salmon in Washington State;**
- **$5 million through the Bureau of Land Management's Management of Lands and Resources appropriation; and**
- **$5 million through the Forest Service's National Forest System appropriation.**

This funding request for FY 2010 is within the authorized levels and would allow the Foundation to uphold our mission and expand our successful partnerships with the U.S. Fish and Wildlife Service (FWS), Bureau of Land Management (BLM), and Forest Service (FS). Mr. Chairman, I would like to make one very important point: we are asking for your continued support of well-established conservation programs with national significance. The Foundation 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 ratio while providing thought leadership and emphasizing accountability, measurable results, and sustainable conservation outcomes.

In 2009, the Foundation is celebrating its 25th Anniversary and a remarkable history of bringing private partners together to leverage federal funds to conserve fish, wildlife, plants and their habitats. As of FY 2008, the Foundation had awarded over 10,000 grants to more than 3,500 national and community-based organizations through successful partnerships with the FWS, BLM, FS and other federal agencies. Our collaborative inter-agency model has grown to include partnerships with the Environmental Protection Agency, National Oceanic and Atmospheric Administration, USDA Natural Resources Conservation Service and several other federal agencies. **This effective model brings together multiple federal agencies with state and local government and private organizations to implement conservation strategies that directly benefit diverse habitats and a wide range of fish and wildlife species.**

This Subcommittee's funding has been critical to our success in attracting additional funding for conservation through corporate contributions, legal settlements, and direct gifts. As a neutral convener, the Foundation is in a unique position to work with the federal agencies, state and local government, corporations, foundations, conservation organizations and others to build strategic partnerships to address the most significant threats to fish and wildlife populations and their habitats. **Currently, the Foundation has active partnerships with more than 30 corporations and foundations and 17 federal agencies.**

Implementation of Strategic Conservation Initiatives
It is widely known that climate change will endanger some wildlife populations and ecosystems more than others. In FY 2008, the Foundation initiated grant-making through new keystone initiatives, which focus on select species of birds, fish and sensitive habitats. **With modest funding increases in FY 2010, we will accelerate implementation of these strategic initiatives, many of which seek to address the affects of climate change through wildlife and natural resource adaptation.** To ensure success in these investments, we are incorporating monitoring and evaluation into the entire lifecycle of the keystone initiatives in order to measure progress, promote adaptive management, demonstrate results, and continuously learn from our grant-making. With our partners, the Foundation has identified several species and ecosystems in need of immediate conservation action, a few of which are described below.

Fish and Wildlife Movement and Migration
In the western United States, maximizing wildlife movement opportunities and implementing targeted conservation strategies is critical to ensure that future generations can enjoy the diversity of America's natural resources. The Foundation is specifically launching initiatives focused on wildlife movement and migration that will improve the resilience of large mammal populations in the Rocky Mountains, Green River Basin of Wyoming and Sky Islands region of southern Arizona and New Mexico. We are also focusing our efforts on sage grouse conservation activities and developing initiatives to improve the resilience of imperiled migratory fish species including the native fishes of the upper Colorado River basin.

The Green River Basin of Wyoming - Sublette County and other areas in the southwest corner of the state - are a major area for U.S. natural gas production and provide some of the highest quality sagebrush, riparian habitats and forest for wildlife in the west. The area also supports a large sage grouse population, as well as mule deer, pronghorn and elk populations. Energy development impacts on wildlife movement and habitat are being addressed by energy companies, BLM and other government agencies. Our goal is to work with public and private partners to accelerate these efforts through several key strategies which include eliminating fence and other barriers that obstruct wildlife movement, reducing road mortality along important migratory pathways, and protecting key parcels of private ranchland from development and subdivision with conservation easements.

Water Supply and Stream Restoration
We also recognize that climate change will greatly exacerbate two existing water supply problems which impact wildlife and the public – too little water and the seasonality of freshwater supplies. The Foundation is working proactively with federal, state and local partners to expand voluntary water transaction programs and launching new initiatives to increase natural water

storage. These efforts will benefit a diversity of wildlife species while improving water flows year-round for human use.

For example, California faces a likely future climate that drops more rain and less snow on the Sierra Nevada Mountains. More water will flow off the mountains in the winter and spring, leaving less for fish, wildlife and people during the drier summers to come. Sierra Nevada alpine wetlands, or 'wet meadows', are hotspots within the Sierra Nevada ecosystem for wildlife diversity. Federal agencies manage about 40 percent of the area of these mountain ranges, but wet meadow habitat along valley bottoms is primarily private land. Our challenge is to foster large-scale restoration efforts to positively impact stream flow in the dry season. To that end, the Foundation will invest in partnerships that provide incentives to private landowners to conserve springs and wet meadows and provide artificial water sources to protect stream habitats.

In the Klamath Basin, the Foundation will be focusing on spring systems either by acquisition, easement, or voluntarily modifying agricultural practices as it is the soundest strategy for recovery of both endangered Suckers and Coho salmon. This strategy will provide these species and other fishes the ability to withstand climate change (resilience) much longer into this century. Similarly, an investment strategy of protecting and restoring spring systems in the Shenendoah River Basin will allow for the return of Eastern Brook Trout and 18-24 additional native species.

In the Upper Colorado River Basin, locating areas at the warmwater-coldwater interface which contain Colorado Cutthroat trout and native suckers and chubs is providing the framework to sustain these fishes into the next century, on both public and private lands. The Foundation has successfully implemented a water transactions program in the Columbia Basin in partnership with the Bonneville Power Administration, local water trusts, and willing landowners. All of these approaches for stream restoration will be necessary to sustain or recover the 700 fish species in decline in North America.

Increased funding through FWS, BLM and FS in FY 2010 will also support the Foundation's ongoing conservation grant programs including ***Bring Back the Natives, Pulling Together Initiative, Great Lakes Watershed Restoration Fund, Long Island Sound Futures Fund, and Chesapeake Bay Stewardship Fund.*** FWS funding is also critical to our marine and coastal initiatives, such as the ***Coral Reef Conservation Fund and International Sea Turtle Conservation Fund.*** These grant programs, which effectively leverage funds from multiple federal agencies and corporate partners, continued positive results in 2008 with priority project requests far exceeding available funds.

The Washington State Community Salmon Fund provides community-based grants to assist rural communities, farmers, ranchers and other private landowners with salmon habitat conservation projects. We appreciate the Subcommittee's continued support of this partnership, which has also includes funding and participation from the Washington Salmon Recovery Funding Board, the Washington Conservation Commission, King County, WA and Pierce County, WA and benefits every major salmon-bearing watershed across Washington. As of January 2009, the Fund has supported 391 grants, resulting in improved fish passage and habitat on more than 1,000 miles of streams, rivers, and marine shorelines and restoration of over 30,000

acres of complex ecosystems. Federal funds are more than doubled by partners and grantees at the local level and over 20,000 local volunteers have assisted with projects in all 27 lead entity salmon recovery areas of Washington State.

Efficiency, Performance Measures and Accountability

As you know, the Foundation has taken important strides to strengthen our performance measures and accountability. For example, the Foundation is working with scientists and other experts to develop species-specific metrics for each of our keystone initiatives that we will use to measure our progress in achieving our conservation outcomes. Our grant review and contracting processes have been improved to ensure we maximize efficiency while maintaining strict financial and evaluation-based requirements. We have enhanced our website with interactive tools such as webinars and a grants library to enhance the transparency of our grant-making, and instituted a new paperless application and grant administration system. In 2009, we will continue our efforts improve communication between and among our stakeholders and streamlining of our grant-making process.

The Foundation'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 also reviewed by the Foundation's issue experts, as well as evaluation staff, before being recommended to the Board of Directors for approval. In addition, according to our Congressional Charter, the Foundation provides a 30-day notification to the Members of Congress for the congressional district and state in which a grant will be funded, prior to making a funding decision.

Once again, Mr. Chairman, we greatly appreciate your continued support and hope the Subcommittee will approve funding for the Foundation in FY 2010.

Mr. DICKS. Well, we appreciate what you guys do, and I tell you, you have made a real difference out in the State of Washington. There is no question about it in my mind. I was somewhat skeptical years ago, but I have been completely convinced by everybody out there that this has been just one of the best operations in helping on a lot of things that might not happen but for your foundation. Mr. Simpson.

Mr. SIMPSON. Thanks for what you do.

Mr. TRANDAHL. Absolutely.

Mr. DICKS. Yes, we will stay in touch.

Mr. TRANDAHL. You bet. Okay. Desiree Sorenson-Groves, National Wildlife Refuge Association. Welcome. I am sorry we are behind but——

Ms. SORENSON. That is all right.

Mr. TRANDAHL [continuing]. It has been good testimony, though.

Ms. SORENSON. It is very interesting. You know, I tried to bring you guys some Blue Goose martinis, but it was morning I figured I better not.

THURSDAY, APRIL 23, 2009.

NATIONAL WILDLIFE REFUGE ASSOCIATION

WITNESS

DESIREE SORENSON-GROVES

Ms. SORENSON. So you will never believe that I am going to start out by thanking you guys, amazingly enough. But literally, you know, your support for fiscal year 2008, fiscal year 2009, and the stimulus is literally making all the difference on the ground for refuges. I am here representing the National Wildlife Refuge Association and about 190 affiliate friends groups around the Nation.

After the funding hike in 2003 which kind of coincided with the refuge centennial, refuge funding deteriorated very sharply and resulted in strategic downsizing which was the loss of over 350 positions nationwide. That is about 10 percent of the workforce. And if refuges had not received increases in '08 and '09, we would have lost 250 more positions by now. So that is a pretty big deal. Thankfully those downsizing plans are now on the shelf, but without inflationary increases every year, they could be dusted off at any time.

The Refuge System needs at least $15 million annually just to do those fixed costs.

Mr. DICKS. An increase of $15 million?

Ms. SORENSON. Yes. Yes, just to deal with inflationary costs. So we are urging you to do $514 million for the Refuge System for fiscal year 2010 for operations and maintenance. That is about a $51.2 million increase. That would allow the service to ramp up inventory and monitoring for climate change issues, large-scale invasive projects such as Spartina eradication like what they have done at Willapa, begin restoration projects and kind of inventory what they have at the new Pacific Monuments. Those are the kinds of things we are looking at.

Today you guys just heard from Bill Durkin, President of the Friends of Rachel Carson, and next Tuesday you are going to hear from three more friends groups who will be coming in. And interestingly, these folks come in on their own dime to come and talk to you guys about what is going on at their local refuges, but as dedicated as they are, they really cannot do it by themselves. They are doing 20 percent of the work on refuges already.

Mr. DICKS. Volunteers?

Ms. SORENSON. Yes, but we would like you to allocate——

Mr. DICKS. How many refuges do we have where we have no staff at all?

Ms. SORENSON. About a third. There is 540 refuges.

Mr. DICKS. And then somebody just goes through the area and——

Ms. SORENSON. Yes, they are complexed under other refuges, so we have, you know, one refuge that is kind of, you know, a stay-strong refuge or it gets more visitation, has a big friends group, and then you have staff there that try to oversee other refuges. There are some of those that probably would never need to be staffed because they are small or because they have endangered species or whatever. They would not have the staff on them, but there are certainly numerous refuges that do need staff on them because——

Mr. DICKS. How many of the 200 would you say needed staff?

Ms. SORENSON. It is hard to say.

Mr. DICKS. Why do you not give us a——

Ms. SORENSON. Probably at least half.

Mr. DICKS. At least half?

Ms. SORENSON. At least half.

Mr. DICKS. So you think 100 of the ones that are not staffed should be staffed? Okay.

Ms. SORENSON. Yes.

Mr. DICKS. Go right ahead.

Ms. SORENSON. We are asking for $5 million for volunteer community partnerships. This would allow the service to actually hire more staff to oversee volunteers, and in case in point, I wanted to show you guys. This is Baron Horiuchi. He is from Hakalau Forest National Wildlife Refuge in the big island of Hawaii. He was the Refugee Employee of the Year. He is the only horticulturalist in the Fish and Wildlife Service. He manages volunteers on the refuge, hundreds of them every month, but that is not his expertise. He is the only horticulturalist in the Fish and Wildlife Service. His expertise is plants, not just any plants but plants that are listed as extinct that he has found out in the wild and is now propagating it in a dog kennel that he has turned into a greenhouse. That is where you see him there. He propagates mint species, specifically, that are perfectly suited to endemic Hawaiian birds. And after touring his dog kennel greenhouse, you know, I would do anything for this man and I said, you know, what can I advocate for for you to help you do your job? You know, do you need a new greenhouse, do you need special tools or whatever, and he said, no, his dog kennel is just fine. What he needs is an additional staff to oversee all

the volunteers who want to work at this refuge so that he can devote his time to saving these dying plants.

[The statement of Desiree Sorenson-Groves follows:]

«GreetingLine», Vice President, Government Affairs
National Wildlife Refuge Association
1250 Connecticut Avenue, NW, Suite 600
Washington, DC 20036

TESTIMONY
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2010 APPROPRIATIONS
April 23, 2009

Mr. Chairman and Members of the Subcommittee:

My name is «GreetingLine», Vice President of Government Affairs for the National Wildlife Refuge Association (NWRA). On behalf of the 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) including the $28.7 million increase for Fiscal Year 2009 and approximately $200 million for refuges in the American Recovery and Reinvestment Act of 2009. While we were disappointed the FY09 number was reduced in conference from the Subcommittee's mark of $469 million, the increase will keep the downsizing plans that had reduced refuge staff by over 300 positions where they should be: on the shelf. I further thank you for the opportunity to offer comments on the fiscal year 2010 Interior Appropriations bill. We respectfully request the Subcommittee support:

- **An overall funding level of $514 million for the operations and maintenance (O&M) budget of the NWRS, managed by the U.S. Fish and Wildlife Service (FWS);**
- **An allocation of $5 million for Volunteer Community Partnerships for the NWRS;**
- **An allocation of $25 million for Climate Change Planning for refuges;**
- **An allocation of $15 million for work to control and eradicate invasive species on and near refuge lands, of which $1 million would continue the highly-successful Volunteers and Invasives Program and $5 million would conduct large scale invasive projects;**
- **An allocation of $4 million for the new Pacific Marine Monuments to conduct needs assessments, operate a research vessel, and remove two ship wrecks;**
- **An overall funding level of $100 million for the NWRS construction budget including $12 million for Visitor Facilities Enhancements (VFE) and $5 million for a research vessel retrofit for the Pacific Islands refuges;**
- **An allocation of $75 million for the FWS' Partners for Fish and Wildlife Program, increasing the Service's ability to create partnerships and identify, prioritize and implement land and water conservation opportunities beyond refuge boundaries;**
- **An allocation of $100 million in the FWS land acquisition budget through the Land and Water Conservation Fund (LWCF) to acquire vital refuge habitat from willing sellers;**
- **A funding level of $85 million for the State and Tribal Wildlife Grants Program;**
- **An allocation of $10 million for the National Fish and Wildlife Foundation (NFWF) in the FWS' Resource Management General Administration appropriation;**
- **Prohibition of funds for activities that would advance a road through Izembek NWR in Alaska.**

National Wildlife Refuge Funding – O & M and Construction
The NWRA is the chair of the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 23 sporting, conservation, and scientific organizations representing more than 14 million Americans. The Refuge System needs at least $765 million, and likely more, in annual operations and maintenance funding by 2013 to properly administer its 150 million acres as mandated in the Refuge Improvement Act. To reach this reasonable goal, we respectfully request that you provide $514 million in FY 10 for Refuge System Operations and Maintenance (O&M).

After years of flat budgets, Congress in recent years has demonstrated a commitment to fund our national wildlife refuges. The increases in FY 08 and FY 09 allowed for the suspension of workforce downsizing plans that outlined an eventual 20% reduction in overall staffing levels. But with more than 10% of staff already eliminated since 2004 and a current O&M backlog of more than $3.5 billion, additional increases that build upon the last two years are essential.

Within the allocation for refuge O&M, we recommend $15 million for inflationary costs; $25 million for inventory and monitoring to help refuges cope with Climate Change; $5 million for Volunteer Community Partnerships as authorized under the NWR Volunteer and Community Partnerships Act; $5 million for large scale invasive species projects; $1 million to continue the Volunteer Invasives Program and $4 million assess and manage the new monuments in the Pacific, including the removal of ship wrecks currently damaging fragile coral reefs.

We ask the Subcommittee to expand funding for the Refuge System's construction budget to $100 million. The FWS has more than $1 billion worth of construction needs, including the replacement of quickly deteriorating structures that are not energy efficient and are becoming more expensive to maintain. Construction funds also support large-scale habitat restoration projects such as the Salt Pond restoration efforts at the Don Edwards San Francisco Bay NWR or wetland restoration at the Nisqually NWR in Washington. Funds for new visitor/administration centers will be a net benefit with regards to both efficiencies and economic impact to local communities. Refuges with a broad range of outdoor and indoor programs often create more revenue, jobs in service industries, and income for local communities. Recent studies indicate that out-of-town refuge visitors are increasingly accounting for most of the revenue and taxes created for local communities. Importantly, these centers often provide opportunities for refuge Friends to generate increased revenues through bookstore operations. These private funds, in turn, leverage federal dollars for mission-critical projects. Finally, new centers are required to be green infrastructure models, demonstrating efficient ways to recycle materials and water, green construction techniques, and opportunities for employing alternative energy sources.

Within an allocation of $100 million, we recommend $5 million for the retrofit of a research vessel that will assist the FWS in management of the new Pacific monuments; $5 million for the greening of existing refuge infrastructure and $12 million for visitor facility enhancements which will create better experiences for visitors and thereby create support for the System.

Assessing the Needs of the Refuge System – Climate Change
The Refuge System is badly lagging in developing strategies to address Climate Change. With many government scientists and biologists now talking openly about their conclusions regarding effects of a changing climate on habitat and wildlife, they are playing a frantic game of catch up.

The NWRS is in dire need of dedicated dollars to inventory and monitor the impacts of climate change and to craft a plan to aid species in adapting. We recommend $25 million for inventory, monitoring and planning. Many innovative modeling tools are now available to aid refuge staff but without funding, they are simply unable to take full advantage. Refuges are perhaps our best natural laboratories to assess impacts to wildlife as a result of global climate change and to demonstrate effective adaptation strategies; a small investment could yield valuable insights that will guide wildlife management and land use planning well into the future.

Invasive Species – Control and Eradication
The NWRS is succumbing to a relentless onslaught of invasive species with over 2.3 million acres of refuge lands infested with invasive plants and 4,387 invasive animal infestations. Funding is needed to halt their progress and in some cases remove them entirely. In FY 08, refuges spent over $15.3 million dollars on invasive species management, a 144% increase over FY 04. A 2008 GAO report found that the number one management action that had increased in cost was the management of invasive plants. And while volunteers can help, with funding over the past four years enabling 4,660 volunteers to contribute more than 73,000 hours on 291,000 acres of refuge invasives projects, there must be aggressive, dedicated funding to bolster volunteer efforts. We urge the Subcommittee to continue its strong support of the Volunteers and Invasives Program by again appropriating $1 million and we support an allocation of $5 million for large-scale invasives control projects such as the Spartina grass eradication effort at Willapa Bay NWR. Many invasives projects must be large in scale to be effective but lack of funding has prevented such projects from moving forward.

Strategic Growth and Partnerships
While providing adequate funding to operate and maintain the Refuge System is of vital importance, most refuges are too small in size to fully achieve their conservation objectives. Their integrity depends on the health of surrounding lands and waters; and in turn, the health of refuge lands and waters has an enormous impact on surrounding communities. Consequently, there is a growing need to provide funding to ensure that lands and waters outside refuge boundaries are conserved. NWRA encourages a *Beyond the Boundaries* approach, which identifies and prioritizes crucial additions to the nation's conservation estate while improving connectivity between refuges and other conservation lands.

Accordingly, for FY 10 we respectfully ask that the Subcommittee appropriate the authorized $75 million for the FWS' Partners for Fish and Wildlife Program. The Partners program is a powerful tool for working with private landowners to collaboratively conserve refuge landscapes while leveraging federal dollars. A $75 million investment in the Partners program will conservatively net $300 million worth of additional conservation. On average, for every $1 appropriated, an additional $4 are leveraged; in some cases the return is over $10.

To strategically grow the Refuge System, NWRA strongly supports President Obama in encouraging Congress to fully fund the Land and Water Conservation Fund (LWCF) to its authorized annual level of $900 million in the next five years. In FY10 we urge the Subcommittee to allocate $100 million for the FWS to secure high-priority water rights and high-priority lands and conservation easements. Inadequate water quantity and quality represent some

of the biggest obstacles for refuges to overcome and unfortunately, many refuges do not own the water rights on the refuge or they are not guaranteed an allocation of water from a river or stream.

Currently, there are roughly 8.3 million acres remaining to be acquired within approved refuge boundaries. At the previous Administration's requested rate of refuge land acquisition for FY 09, it would take over 16 centuries to acquire these lands. $100 million for refuge land acquisition may seem high, but consider that if Congress appropriated 8 times that amount or about $827 million annually, it would still take a full 20 years before the Refuge System would have acquired all the lands currently in acquisition boundaries.

Within this request, the NWRA encourages the Subcommittee to provide funding for the following projects which have willing sellers, are immediately available for purchase and provide increased connectivity between important public and private lands which will ultimately increase species ability to adapt: $1.5 m, Crystal River NWR (FL); $3 m, Silvio O. Conte NFWR (MA, CT, NH and VT); $2 m, Blackwater NWR (MD); $2 m, Nestucca Bay NWR (OR); $2.7 m, Cache River NWR (AR); $4 m, Upper Ouachita NWR (LA); $7.4 m, James Campbell NWR (HI); $5 m, Rocky Mt. Front Conservation Area (MT); $3.5 m, Rachel Carson NWR (ME); $2 m, Sevilleta NWR (NM); $2.8 m, Wallkill River NWR (NJ); $1 m, James River NWR (VA); $1 m, Supawna Meadows NWR (NJ), $1.5 m, Back Bay NWR (VA), and $1.5 m, Patoka NWR (IN).

The NWRA also urges the Subcommittee to appropriate $85 million for the State and Tribal Wildlife Grants Program in FY 10 to implement State Wildlife Action Plans, and support projects to keep common species common and develop partnerships. These science-based plans can dovetail with refuge Comprehensive Conservation Plans (CCPs) and help fulfill the shared federal/state responsibility for keeping our nation's wildlife from becoming endangered.

We encourage the Subcommittee to allocate $10 million for the National Fish and Wildlife Foundation through the FWS' Resource Management General Administration appropriation. Each year, NFWF receives more project proposals than they are capable of funding. Adequate funding will ensure NFWF has the ability to leverage resources to fund projects that directly benefit diverse species in, around and outside of national wildlife refuges across the country.

Izembek NWR, Alaskan Peninsula

The NWRA is strongly opposed to a provision included in the 2009 Public Lands Omnibus which could result in a road through the Izembek NWR, AK should Secretary Salazar determine it is in the public interest. Proponents from King Cove (pop 800) argue the road is needed for medical evacuations to reach Cold Bay (pop 80). Congress already met these needs by appropriating $37.5 million in 1998 to upgrade King Cove's medical clinic and airstrip and purchase a state of the art hovercraft, which has met every medical evacuation need since it became operational in February 2007. We urge the Subcommittee to prohibit funds for activities that would advance a road.

In conclusion, the NWRA 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 volunteers. We extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System.

Mr. DICKS. What refuge is he at again?

Ms. SORENSON. Hakalau Forest.

Mr. DICKS. Okay.

Ms. SORENSON. It is a pretty cool refuge up in the highlands, high altitudes of Hawaii. It is pretty neat. And he taught me the real way to say Hawaii which is Hawaii.

Mr. DICKS. Hawaii.

Ms. SORENSON. Yes. Because the Refuge System is very good at partnerships and works really well with others, we encourage you guys to fully fund the Partners for Fish and Wildlife which is a program authorized at $75 million, and authorized at level, it would probably return about $300 million in conservation. And that protects refuge buffers, corridors, because refuges are just too small to do it by themselves. They depend on the integrity of the health of surrounding lands and waters.

And getting to that, the Land and Water Conservation Fund, which is obviously a high priority for all of us, we are urging an allocation of $100 million for the Refuge System, specifically within that. There are projects ready to go nationwide, places like Sylvia O. Conte in New England or, you know, Blackwater.

Mr. DICKS. There is somebody that goes to the Fish and Wildlife Service through another fund.

Ms. SORENSON. Oh, mig birds, the duck stamp.

Mr. DICKS. Duck stamp. Yes, okay.

Ms. SORENSON. And that does——

Mr. DICKS. How much does that produce per year?

Ms. SORENSON. I want to say 40. 34.

Mr. DICKS. $34 million.

Ms. SORENSON. Four was in there some place. And definitely, you know, just because it is for ducks does not mean it protects just habitat for ducks.

Mr. DICKS. No, I understand.

Ms. SORENSON. It is one of the coolest programs that the Federal Government I think personally has ever come up with. I am not a duck hunter, but I buy duck stamps every year and I give them as gifts.

So $100 million can seem like a lot obviously at this time, but consider this. If Congress appropriated eight times that amount every year, it would take over 20 years within acquisition boundaries of the Refuge System. So that is kind of where they are.

I did want to say we did also ask for $100 million in construction for the Refuge System. That is another thing that is a lot of times overlooked. It is in a separate account, but that would do for energy efficiencies, occasionally new construction, but also does large-scale habitat restoration projects, kind of like the Nisqually Refuge in Washington is a perfect example of that thing, Wetlands Restoration or the Salt Pond in California.

Mr. DICKS. So that is pretty much it.

You guys are doing a good job. You know, you have made a difference because the testimony we received several years ago in these hearings resulted in us making a major increase in the Refuge System, and Ron Kind and the Refuge Caucus have been big advocates for the Refuge System. And I believe it is the right thing

to do. And it was interesting. After we made the big increase, the Administration, the next year, did not take it out.

Ms. SORENSON. That is right.

Mr. DICKS. It was left in. And I had talked to Secretary Kempthorne. I think he played a significant role.

Ms. SORENSON. He actually really did. We found out that a little bit late, but he really went to bat for refuges.

Mr. DICKS. Yes. I told him, parks are important but so are the fish and wildlife refuges.

Ms. SORENSON. That is right.

Mr. DICKS. And he understood that. Thank you.

Ms. SORENSON. Thank you.

Mr. DICKS. Okay, Tom Cassidy, The Nature Conservancy. Thank you, Tom——

Mr. CASSIDY. Thank you, Mr. Chairman——

Mr. DICKS [continuing]. For your good work.

Mr. CASSIDY. Mr. Simpson. Thank you for being here so late in the morning.

Mr. DICKS. Well, it has been a good hearing, I think.

THURSDAY, APRIL 23, 2009.

THE NATURE CONSERVANCY

WITNESS

THOMAS J. CASSIDY JR.

Mr. CASSIDY. Well, I appreciate this opportunity to present The Conservancy's funding recommendations. My name is Tom Cassidy. Is this on?

Mr. DICKS. Push the button. If it turns red, then you are okay.

Mr. CASSIDY. Okay. My name is Tom Cassidy. I am Director of Federal Programs at The Conservancy. My oral testimony will highlight six of the key programs that are described in my written testimony.

First, climate change. The Conservancy appreciates the Chairman's leadership in highlighting the need for increased investments in climate change science, particularly through the National Global Warming and Wildlife Science Center. We support a robust increase in funding for programs that will guide the science-based investments necessary to meet the critical needs of fish and wildlife adaptation in a world whose climate is changing. We also welcome the President's commitment to address this global environmental challenge.

Second, Land and Water Conservation Fund. Thank you for your leadership in restoring funding to the Nation's premiere land conservation program. We are gratified by the President's commitment to fully fund the LWCF and look forwards to working with Secretary Salazar and the Committee to secure the funding necessary to protect our Nation's treasured landscapes.

Mr. DICKS. What do you think they mean by that? What is your interpretation of that?

Mr. CASSIDY. Well——

Mr. DICKS. The treasured landscapes.

Mr. CASSIDY. The Secretary has spoken of a moon shot for land conservation. He is certainly looking to his experience with GoCo. I do not think we are going to see a national lottery as they do in Colorado, but one thing that the Secretary has mentioned is that, you know, in 1978 when LWCF was reauthorized at a $900 million funding level, if you inflation index that, we are talking about $3.4 billion.

Mr. DICKS. Right.

Mr. CASSIDY. So they are talking big, and they are still developing that.

Mr. DICKS. Right, so they do not have a proposal.

Mr. CASSIDY. Not yet. Well, there is lots of——

Mr. DICKS. We just have kind of a description of this——

Mr. CASSIDY. Description and——

Mr. DICKS. We protected a lot of the Nation's treasured landscapes.

Mr. CASSIDY. Yes, you have.

Mr. DICKS. I mean, is this going to take it beyond that or are there other treasured landscapes that we have not protected?

Mr. CASSIDY. There are probably treasured landscapes that could probably use more investments such as some of our LWCF requests this year.

Mr. DICKS. Okay. I got you. Well, I have heard him speak about this, and I just wanted to get your take on it.

Mr. CASSIDY. Our take is positive and it is still being I think developed.

Mr. DICKS. Okay.

Mr. CASSIDY. And we hope to have a role in that in the months ahead. WE also support a funding level of $325 million for a federal LWCF. This year, we will be meeting with staff on 29 projects including Washington's Turnbull National Wildlife Refuge, Idaho's Henry's Lake ACEC and continuing large-scale projects in New England, Silvio O. Conte National Fish and Wildlife Refuge and also Montana's Blackfoot River watershed. We are also supporting projects in Wisconsin's Chequamegon-Nicolet National Forest and West Virginia's Monongahela National Forest.

Forest Legacy. We support there as well the $125 million for this program and are proposing 13 projects including the Northern Cumberlands project, the largest conservation deal in Tennessee since the creation of the Great Smoky Mountains National Park. Other priority projects include New York's Follensby Lake and Virginia's Chowan River Headwaters.

The fourth area is fire, and here we appreciate the Subcommittee's continued attention to the problem of ever-increasing cost to wildfire suppression, due in part to continued residential growth in forested and fire-prone areas, coupled with a lengthening fire season in a warmer climate. We have recommendations in three areas. First, thank you, Mr. Chairman, for requesting the Administration to include in its budget $40 million for the recently enacted Forest Landscape Restoration Act. We enthusiastically support your request and look to work with the Committees in both bodies to secure that funding.

Second, my written testimony details specific funding investments that help address the problem you well appreciate, getting

ahead of the curve on fuels treatments to avoid the inevitable expense of ever-increasing suppression costs.

And third, we support the President's recommended reserve fund for fire suppression or creation of a FLAME fund for mega fires in conjunction with strong cost management and accountability.

Fourth, like others we support an increase to $125 million for the Cooperative Endangered Species Conservation Fund. Earlier this week Secretary Salazar announced the fiscal year 2009 program grants including several land acquisition projects in Washington, Kentucky, Oklahoma, and California. We were pleased in fiscal year 2008 to work on a Recovery Land Acquisition Program with Idaho Department of Fish and Game for grizzly bear recovery.

In international conservation, we support the International Conservation Budget which calls for $15 million for the Fish and Wildlife Service Multinational Species Conservation Fund and increased funding for other Fish and Wildlife Service and Forest Service international programs. Mr. Chairman, I would like to depart briefly from my written comment simply to extend a sincere appreciation and thanks to Debbie Weatherly for all of her years of service to this Subcommittee and all of those besides you on your side of the table to all of us over here to support all of the work that we are all involved with. We will all miss her and will look forward to working with her and she and Glenn go onto their next stage of their lives.

Mr. DICKS. Well, we agree with you. Debbie was one of our very best staffers for a long period of time, was an invaluable resource on both sides of the aisle. And Mike Stephens, too, has also done a great job for this Committee as well.

Mr. CASSIDY. Yes. Thank you.

Mr. DICKS. All right. Thank you. Thank you very much.

[The statement of Thomas Cassidy follows:]

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Statement of The Nature Conservancy
Fiscal Year 2010 Interior, Environment and Related Agencies Appropriation
Committee on Appropriations, U.S. House of Representatives
April 23, 2009

Mr. Chairman and members of the Subcommittee, I appreciate this opportunity to present The Nature Conservancy's recommendations for Fiscal Year 2010 appropriations. My name is Thomas J. Cassidy, Jr. and I am Director of Federal Programs at 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 preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. We are best known for our science-based, collaborative approach to developing creative solutions to conservation challenges. Our on-the-ground conservation work is carried out in all 50 states and more than 30 foreign countries and is supported by approximately one million individual members. We have helped conserve nearly 15 million acres of land in the United States and Canada and more than 102 million acres with local partner organizations globally.

Climate Change. The Conservancy appreciates Chairman Dicks' leadership in highlighting the need for increased investments in climate change science, particularly through the National Global Warming and Wildlife Science Center. We support a robust increase in funding for this and other programs that will guide science-based investments necessary to meet the critical needs of fish and wildlife adaptation in a world whose climate is changing. We also welcome the President's commitment to address this global environmental challenge, including his request for an increase in the Department of the Interior's climate funding by $130 million.

Land and Water Conservation Fund (LWCF). Thank you for your leadership in restoring critically important funding for LWCF and other key programs. We are gratified by the President's commitment to fully fund LWCF and look forward to working with Secretary Salazar and the Committee to secure the funding to protect the Nation's Treasured Landscapes.

We recommend a funding level of $325 million for the federal side of LWCF. This year, the Conservancy is specifically recommending 29 biologically rich land acquisition projects totaling $83 million. Priorities include Washington's Turnbull NWR, Idaho's Henry's Lake ACEC and continuing large-scale projects in New England's Silvio O. Conte NFWR and Montana's Blackfoot River watershed. We also support projects in Wisconsin's Chequamegon-Nicolet National Forest, Oregon's Hells Canyon NRA and Cherry Valley NWR, the nation's newest refuge. We urge the Subcommittee to provide increased funding for the state-side of LWCF.

Forest Legacy. For FY10, 84 projects were submitted by states to the Forest Service with a total project value of over $363 million. The huge potential of this program to achieve conservation goals while maintaining sustainable use of private lands requires a significant funding increase. We strongly support $125 million for this program, and are specifically proposing 13 projects

totaling $42.5 million. The 127,000 acre Northern Cumberlands project is the largest conservation deal in Tennessee since the creation of Great Smoky Mountains National Park. The State has provided $82,000,000 towards this 127,000 acre project, while private equity investers and philanthropy have leveraged an additional $45,000,000. Other priority projects include Arizona's San Pedro River Ecosystem, New York's Follensby Lake and Virginia's Chowan River Headwaters.

Wildland Fire Management. We appreciate the subcommittee's continued attention to the problem of ever-increasing costs of wildlife suppression due in part to continued residential growth in forested and fire-prone areas, coupled with a lengthening fire season in a warmer climate. We have recommendations in three related areas. First, the recently enacted Forest Landscape Restoration Act will enable 10 large landscapes across the nation to receive sustained funding for fuels treatments that implement a collaboratively-developed and science-based ecological restoration plan. The selected projects will also create jobs, provide woody biomass for local business use, and reduce catastrophic wildfire risks in ecosystems where damaging wildfire is exacerbated by climate change. The Conservancy recommends $40 million to fully fund this new program.

Second, we have several specific funding recommendations for focused investments within Wildland Fire Management. We recommend hazardous fuel reduction funding at $361 million Forest Service and $223 DOI to improve forest health and resilience to wildfire and climate change. We recommend $60.5 million for National Fire Plan State Fire Assistance and $7.7 million for DOI Rural Fire Assistance to improve community safety and build local capacity for controlled burning as fuels reduction treatment. And finally, we recommend rehabilitation and restoration funding of $12.6 million Forest Service and $22.3 DOI agencies to control invasive species spread after wild fire. Third, we support the President's recommended reserve fund for fire suppression or creation of a FLAME fund for mega-fires in conjunction with strong cost management and accountability.

Forest Health Management. America's forests face a growing number of non-native pests and diseases. The Conservancy appreciates the Subcommittee's leadership in consistently providing funding significantly above the President's request. The Forest Health Management program should receive an increase to $140 million to effectively address economically and ecologically damaging pests, including the Asian Longhorned Beetle, Emerald Ash Borer, Hemlock Woolly Adelgid, Sudden Oak Death, a newly described disease threatening walnut trees in the west, and the gold-spotted oak borer that has killed at least 17,000 trees in southern California since 2000.

Forest Service Research Program. We recommend an increase of $3 million above enacted for the "Invasives R&D" line item within the Forest Service Research program. This would permit maintaining at current levels research to improve detection and control methods for the Emerald Ash Borer, Hemlock Woolly Adelgid and other non-native forest pests and diseases.

Endangered Species. The Conservancy supports an increase for the FWS's Cooperative Endangered Species Conservation Fund (CESCF) to $125 million. Our requested increase reflects the unmet public funding needs of the CESCF, and recognizes the important role states, municipalities, and non-federal partners play in conserving threatened, endangered and at-risk

species on non-federal lands. The Conservancy and its partners, including multiple state and county governments, have used the Habitat Conservation Plan (HCP) and Recovery Land Acquisition Programs to secure key habitat for numerous threatened, endangered and at-risk species. In recent years, CESCF funds have been used to provide permanent habitat protection for Washington's Tieton River Canyon, ensuring intact habitats remain in place for numerous listed species. California's Ramona Grasslands and Montana's Blackfoot Valley have also been the focus of attention for fee-title and conservation easements under the CESCF program. The Conservancy has also worked with states to develop and implement HCP Plans funded by this program, including an ongoing multi-partner HCP effort in North Carolina's coastal region to protect the red-cockaded woodpecker and other native species. We also support continued 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. We also support funding for the Platte River Recovery Implementation Program.

State Wildlife Grants. The Conservancy strongly endorses the Teaming with Wildlife Coalition's funding recommendation of $85 million. 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 a $5 million competitive grant program as a subset of the State Wildlife Grant Program. We encourage the Subcommittee to provide direction to the Service on the use of these funds, including on-the-ground habitat restoration work on private lands, as well as climate change resiliency and adaptation needs identified as priorities by the states in their wildlife conservation plans.

National Wildlife Refuge System. The Conservancy applauds the Committees' significant increases in last year's budget for operations and maintenance of the National Wildlife Refuge System, a cornerstone of our commitment to fish and wildlife resources throughout the nation. We urge sustained investments in these key accounts to reverse the loss of permanent refuge staff positions and capacity to maintain the refuge system. We also strongly support an increase in funding for new responsibilities of managing the pristine coral reef systems protected in the new Pacific Remote Islands Marine National Monument and Rose Atoll NWR.

Migratory Bird Programs. The Conservancy is pleased that the President supports an additional $10 million for the North American Wetlands Conservation Act (NAWCA) – we support funding of at least $52 million. The Conservancy also supports $19 million in funding for the Joint Ventures. We support increasing funding for the Migratory Bird Management Program with an emphasis on reversing declines in bird populations through conservation and monitoring of focal bird species.

Partnership Programs. We recommend funding levels over FY09 for successful partnership programs, including the FWS Coastal Program ($18 million), Partners for Fish and Wildlife Program ($60 million), and the National Fish Habitat Initiative ($10 million).

International Programs. The Conservancy, as part of an alliance of major international conservation groups, supports the International Conservation Budget, which calls for $15 million to the FWS' Multinational Species Conservation Fund. This includes funds for the African and

Asian Elephant funds, the Great Apes fund, the Marine Turtle fund, and the Rhinoceros/Tiger fund. We and the alliance also strongly support $21 million for the FWS office of international affairs which includes Wildlife Without Borders; $6.5 million for the FWS' Neotropical Migratory Bird Conservation Fund; and $14 million for the U.S. Forest Service's International Programs.

Bureau of Land Management Resource Management. The Conservancy supports robust funding for BLM resource management and planning activities. These funds are needed for landscape scale assessments and planning initiatives to improve wildlife habitat, water quality, invasive species control, and more informed mitigation and siting decisions for traditional and renewable energy proposals. BLM and its partner agencies should be encouraged to use existing data sets so that funding can be focused on data gaps rather than creating duplicitous data sets.

Omnibus Public Lands Management Bill. The Conservancy strongly supported this historic legislation which protects some of the nation's most scenic and ecologically important resources. We urge adequate funding to implement the legislation's many provisions, including the Owyhee Public Land Management and Washington County, Utah programs. We also request sufficient funding for the National Landscape Conservation System and $2 million for the Cooperative Watershed Management Program.

USGS – Water Resources. We support increases over the FY09 funding levels for the National Streamflow Information Program and the Cooperative Water Program. These programs provide scientific data needed by multiple public and private water managers and their partners. As climate change, drought and population growth increase the demands on our nation's water resources, it is critical to invest in the integration of state and federal water resource data and to better understand the water needs of both human communities and the environment. We recommend that at least $3 million be provided to support improved management of federal reservoirs by increasing the scientific understanding of downstream river ecosystem needs.

Office of Insular Affairs. We support $1 million for the Coral Reef Initiative.

Environmental Protection Agency. The EPA Geographic programs provide critical leadership, technical support and funding for on-the-ground actions to improve water quality and restore ecosystems. In particular, we support $10 million for the EPA Gulf of Mexico Program, $25 million for the Great Lakes and $35 million for the Chesapeake Bay programs. We also support $30 million to support implementation of the Puget Sound Partnership's Action Agenda for multi-agency restoration and protection efforts in the Puget Sound.

Payments in Lieu of Taxes and **Refuge Revenue Sharing** programs provide payments to counties where land has been taken off the local property tax rolls and put into federal ownership. In some counties, protection of significant natural resources impacts the tax base that funds local government services, including schools and public safety. We urge the Committee to provide full funding for these programs and honor the federal commitment to local communities.

Thank you for the opportunity to present The Nature Conservancy's recommendations for the FY 2010 Interior, Environment and Related Agencies appropriations bill.

Mr. DICKS. Leah MacSwords, President of the National Association of State Foresters. Good to see you again.

Ms. MACSWORDS. Nice to see you. It is a little warmer this time when I was here last.

Mr. DICKS. It is.

Ms. MACSWORDS. Do I thank the Committee for that, too?

Mr. DICKS. Well, it looks pretty good out there.

Ms. MACSWORDS. If you all did that, that is great.

THURSDAY, APRIL 23, 2009.

NATIONAL ASSOCIATION OF STATE FORESTERS

WITNESS

LEAH MACSWORDS

Ms. MACSWORDS. I am Leah MacSwords. I am the President of the National Association of State Foresters. I am also the director of the Kentucky Division of Forestry and Kentucky State Foresters, and I want to thank you, Chairman Dicks, and you, Ranking Member Simpson, members of the Committee, for allowing me to appear today on behalf of the National Association of State Foresters.

Our state foresters are a strategic national resource that provide a host of important benefits to the public, and I will highlight NASF's key priority areas for Interior appropriations which center on the U.S. Forest Service state and private forestry programs.

The total NASF recommendation for state and private forestry is $335 million representing a 26 percent increase over the 2009 enacted levels. We offer specific funding recommendations for our top five priority programs, State Fire Assistance, Cooperative Forest Health Management, Forest Stewardship, Urban and Community Forestry, and Forest Inventory and Analysis. Federal investment in these programs multiplies public forestry benefits by leveraging in-kind contributions through cost-share programs with matching funds from states. State foresters rely on strong, active partnerships with public land managers, private landowners, local governments, tribal nations, industry, and conservation organizations to address threats to forest and ensure forest health and sustainability.

The Wildland Fire Management Program is a good example of how these cooperative relationships serve the public and the landscape. Our national wildfire situation has become increasingly expensive and complex with more people living in fire-prone areas, larger and more frequent wildfires, a change in climate, and unhealthy landscapes due to insects and disease.

The State Fire Assistance Program is the fundamental federal assistance mechanism that states and local fire departments use to prepare for and respond to wildfires on non-federal land.

Our recommendations for State Fire Assistance appropriations are $45 million for cooperative fire protection and $70 million for wildland fire management. These funding levels will help address the mitigation and preparedness backlog in communities at risk from wildfire and continue the fuel reduction work on non-federal

lands that is essential for a landscape approach to wildland fire management.

Mr. DICKS. What did you think of George Leonard's idea of having 10 hot shot teams, addition?

Ms. MACSWORDS. Well, what he is talking about with the hot shot teams deals with primarily fires on federal land.

Mr. DICKS. Right.

Ms. MACSWORDS. Our concern is dealing with those fires on the non-federal land. Of course, if you can keep——

Mr. DICKS. Can they help? Would those people help you or do they just stay on federal lands?

Ms. MACSWORDS. They stay primarily on federal land unless the state requests federal assistance. Of course, there is a cost to that, and typically states can fight fire cheaper than bringing in federal crews to assist us. So we try to use our cooperative grants for those.

Mr. DICKS. Except in California. Right? Does not the state pay a little bit more than——

Ms. MACSWORDS. Yes, they do.

Mr. DICKS. Which is a problem.

Ms. MACSWORDS. I can only say that in Kentucky I do not pay that much.

Mr. SIMPSON. It depends on your perspective.

Mr. DICKS. It depends on what you said. Go right ahead.

Ms. MACSWORDS. Wildfire is well-recognized as a growing expense, but forest pests also cause the American public to lose billions of dollars in forest and tree benefits each year. The Cooperative Forest Health Management Program provides funding assistance to maintain healthy, productive ecosystems and minimize impacts from insects, diseases, and other emerging threats that jeopardize forests throughout the country. The program funds the highest priority, prevention and suppression of various threats such as emerald ash bore, pine beetles, and sudden oak death.

The Forest Health Management Program needs money to expand its early detection project which ultimately reduces the cost of future response efforts and forest damage. In Cooperative Forest Health, NASF recommends $53 million for state and private forestry and $13 million for wildland fire management.

Another threat to our forest resources is the impact of changing climate. The Forest Stewardship Program will play an increasing important role in helping millions of family forest owners prepare their forests for the impacts and opportunities created by climate change. Forest Stewardship provides ownerships with the technical information necessary to encourage long-term stewardship and sustainability of their forest at a time when climate change adds new complexities to their management. Technical assistance ensures that landowners can implement adaptation practices that provide habitat and migration corridors and improve the ability of forests to sequester and store carbon. NASF recommends increasing Forest Stewardship Program funding to $45 million for fiscal year 2010.

The trees and forests in our cities and towns provide essential green infrastructure to 226 million taxpayers, a robust Urban and Community Forestry Program addresses a range of national priorities from job creation to energy savings. Strategically placed urban

tree cover cleans the air and helps cities meet air quality standards by absorbing harmful pollutants and greenhouse gases. Urban forests also——

Mr. DICKS. Is there not also a problem within species, like various invasives in these urban trees?

Ms. MACSWORDS. There is a problem with invasives not only on the trees in the urban areas but in the rural areas as well, and that is in some part a connection to the change in climate as you see more and more species moving into areas where they——

Mr. DICKS. Ivy, for example.

Ms. MACSWORDS. Certain types of ivy. They get planted in the urban areas because people think they look pretty and they spread and cause a problem in the urban areas and then eventually in the rural areas.

Mr. DICKS. Yes.

Ms. MACSWORDS. Urban forests can also generate a significant amount of wood waste that can be converted to renewable energy or alternative fuels. The urban program provides information and assistance to communities through state foresters that encourage cooperative efforts to plant, protect, maintain, and use wood from trees in urban areas. NASF strongly urges Congress to increase urban and community forestry funding to $36 million. Expanding funding for the program will help city forests adapt to and mitigate climate change consistent with the Farm Bill's Statewide Assessment of Forest Resources and Strategy Requirements.

The Forest Inventory and Analysis Program managed by the research arm of the Forest Service is the Nation's only comprehensive inventory system for assessing the health and sustainability of the Nation's forests all across ownerships. As we pursue energy independence and climate mitigation goals, states will rely on FIA data to provide information about woody biomass availability and carbon sequestration in our forests. With the growth of renewable energy and carbon markets, FIA will serve as a valuable role in determining how forest resources can contribute to an improved environment while fostering economic development. NASF recommends that the FIA program be funded at a minimum of $73 million for fiscal year 2010 with $68 million through Forest and Rangeland Research and $5 million through state and private forestry.

We look forward to working with the leaders in Congress to improve the forest resource nationwide and to further all our collective priorities. So if you have any other questions, gentlemen?

[The statement of Leah MacSwords follows:]

Written Public Testimony of Leah MacSwords, President
National Association of State Foresters

Submitted to the House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

April 23, 2009

The National Association of State Foresters (NASF) appreciates the opportunity to submit written public testimony to the Committee regarding our appropriations recommendations for fiscal year 2010. Our priorities for Interior Appropriations center on the USDA Forest Service agency appropriation for State and Private Forestry (S&PF) programs, with a particular emphasis on State Fire Assistance (SFA), Cooperative Forest Health, Forest Stewardship, Urban and Community Forestry (U&CF) and Forest Inventory and Analysis (FIA). The total NASF recommendation for S&PF is $335 million, representing a 26% increase over the 2009 enacted levels. NASF also recommends a modest investment of $10 million in the Community Forest and Open Space Conservation Program authorized in the 2008 Farm Bill.

The nation's forests are a strategic national resource that provides a host of important benefits to the American people: clean and abundant water, clean air, fish and wildlife habitat, recreational opportunities, carbon sequestration and storage, renewable energy, and forest products. State forestry agencies manage and protect state and private forests across the US – which encompass two-thirds of the nation's forests – as well as support our federal partners in their efforts.

Our forests today face significant challenges to ecosystem health, regardless of ownership: tree mortality is on the rise due to disease and invasive pests; wildfire continues to increase in size and intensity; ecosystems struggle to adapt to climate change disturbances; and forests are being permanently converted to non-forest uses at a rate of one million acres per year. State and Private Forestry programs multiply the public benefits of federal funding by leveraging in-kind contributions through cost-share programs and matching funds from states. As directed by Congress in the 2008 Farm Bill, State Foresters are preparing Statewide Assessments and Strategies for Forest Resources to strategically invest federal funding for forestry programs to meet federal objectives in state priority areas and ensure that state and private forests continue to play a role in the environmental and economic health of our nation.

STATE FIRE ASSISTANCE (SFA)

More people in fire-prone landscapes, larger and more frequent wildfires, climate change, and unhealthy landscapes have created a wildland fire situation that has become increasingly expensive and complex. Effective wildland fire management requires partnerships between agencies and communities. The State Fire Assistance program is the fundamental federal assistance mechanism that states and local fire departments use to develop preparedness and response capabilities for wildland fire management on non-federal lands. Improved response efficiency provided through State Fire Assistance funding is critical to reducing suppression costs, which have continued to skyrocket, reaching over $1 billion in six of the last eight years.

SFA is an essential funding source for the development of Community Wildfire Protection Plans (CWPPs). CWPPs are powerful tools that enable communities to prioritize their preparedness and mitigation efforts across boundaries, on federal, state, and private lands. As of 2008, SFA funding helped approximately 4,700 communities prioritize their preparedness and mitigation efforts on nearby private and federal lands. To date, it is estimated that CWPPs have enabled approximately 11,000 communities reduce the risk through fuel mitigation and Firewise activities, yet the threat of wildfire to lives and property remains in more than 64,000 communities. At current funding levels, each of these communities would receive only about $1,300 to build capacity and develop preparedness plans.

SFA is the only federal program that currently provides funding for fuel reduction work on non-federal lands, regardless of their proximity to federal lands. Funding hazardous fuels reduction on federal lands is critical, but an exclusive focus on federal lands is an incomplete solution and will ultimately undermine success. Increased SFA funding for fuel reduction work on state and private lands is essential for a landscape-scale approach to reduce hazardous fuels.

NASF recommends $45 million for Cooperative Fire Protections SFA and $70 million for Wildland Fire Management SFA to address the mitigation and preparedness backlog in communities at risk of being burned by catastrophic wildfire.

COOPERATIVE FOREST HEALTH MANAGEMENT

The Cooperative Forest Health Management program provides funding assistance to maintain healthy, productive forest ecosystems on non-federal forestland. Forest Health Management activities include prevention, detection, and suppression of damaging insects, diseases, and plants. Well established forest pests cause the American public to lose billions of dollars in forest and tree benefits each year. This program funds the highest priority prevention and suppression needs of various pests and diseases, including southern pine beetle, hemlock woolly adelgid, oak wilt, gypsy moth and other emerging threats.

For example, the Forest Health Management program provides expertise in detecting and curtailing the spread of the emerald ash borer, which has been detected in nine states. The emerald ash borer threatens to destroy ash trees in our nation's forests, communities, boulevards and backyards similar to the way in which Dutch Elm Disease killed millions of elm trees across North America in the mid 20th century. Another devastating pest, the Asian longhorned beetle, has destroyed northern hardwood forests surrounding Worcester, Massachusetts, and now endangers vulnerable hardwood timber, maple syrup and tourism industries from Maine to Minnesota—many of the same states currently responding to the Emerald Ash Borer. Now is not the time to reduce funding for this vitally important program designed to target and respond to damaging pests and disease.

The Forest Health Management Program needs adequate funding to expand its Early Detection project, which ultimately reduces future response expenditures for these pests. This program has been responsible for detecting more than a dozen introduced insects, including the Sirex woodwasp and Mediterranean pine beetle, which threaten the economically important pine forests of the Southeast, as well as other recent arrivals such as the gold-spotted oak borer, which has infested as much as 70% of the oak trees in southern California. NASF recommends funding

Cooperative Forest Health at the $53 million level in State and Private Forestry and at the $13 million level in Wildland Fire Management.

FOREST STEWARDSHIP PROGRAM (FSP)

The Forest Stewardship program provides families and individuals with the technical information necessary to encourage long-term stewardship and sustainability of their forests. Planning assistance is delivered through state forestry agencies primarily through the development of Forest Stewardship Plans which outline strategies and timelines to help accomplish landowner goals for their forest land.

National priorities for climate mitigation and adaptation bring renewed attention to the importance of investing in the Forest Stewardship program and its role in helping millions of family forest owners prepare their forests for adverse impacts, conditions, and opportunities created by climate change. Technical assistance provided through FSP will ensure landowners have the information needed to implement adaptation practices which provide habitat and migration corridors, improve biodiversity and the ability of forests to sequester and store carbon. Per the 2008 Farm Bill, Forest Stewardship Plans also provide landowners with greater access to other USDA conservation programs designed to keep the nation's private forest lands productive and healthy at a time when climate change adds new complexities to their management.

A well-managed forest provides a full-array of benefits (e.g., clean air and water, wildlife habitat and climate change mitigation) at little cost to the American public. The Forest Stewardship program provides the guidance necessary to ensure our nation's non-federal forests can continue to provide for the public good while leaving them less susceptible to forest health threats including fire, insects and disease, and conversion to non-forest uses. NASF recommends increasing Forest Stewardship Program funding to $45 million for FY 2010.

URBAN AND COMMUNITY FORESTRY (U&CF)

Urban and community forests are essential green infrastructure to 226 million taxpayers. The Forest Service's U&CF program provides technical and financial assistance to promote the stewardship of urban and community trees and forest resources. The program leverages existing local efforts that help cities and towns manage, maintain, and improve their tree cover and green spaces. Community forestry activities help to create jobs, contribute to energy security, and promote healthier human environments.

Inventory and data collection of urban forests in all 50 states would support new jobs and provide a national picture of the condition, structure, function, and value of the urban forest resource. The U&CF program helps provide this baseline data which are especially important to the 800+ cities that are expanding sustainability initiatives as part of their commitment to combat climate change. NASF strongly urges Congress to provide expanded or project-specific funding for Urban and Community Forestry grants that accomplish high priority adaptation and mitigation projects as identified in the State-wide Assessment and Strategies for Forest Resources.

Shade provided by strategically placed urban tree cover helps conserve energy and can reduce the need for additional power plants. Urban forests also generate a significant amount of wood

waste which can be converted into renewable energy or alternative fuels. The U&CF program provides information and assistance to communities (through State Foresters) that encourage cooperative efforts to plant, protect, maintain and utilize wood from trees in urban areas.

Because U&CF efforts emphasize the vital connection between human and natural environments, they provide numerous social and aesthetic benefits and help address social-environmental justice in populated areas. City forestry programs engage residents in hands-on action to promote neighborhood revitalization and stabilization. NASF proposes an increase in Urban and Community forestry funding to $36 million.

FOREST INVENTORY AND ANALYSIS (FIA)

The Forest Inventory and Analysis program, managed by USDA 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. The 1998 Farm Bill mandated the USDA Forest Service to partner with the states and non-governmental interests to implement a nationally consistent, annual inventory program in all states, ensuring timely availability of data and developing state level reports every five years.

FIA collects data on everything from forest species composition, to forest growth rates, to forest health data. It provides unbiased information which serves as the basis for monitoring trends in wildlife habitat, wildfire risk, insect and disease threats, predicting spread of invasive species and for solving many other resource questions. It is particularly important tool used to inform the State Forest Resource Assessments and Strategies required by the 2008 Farm Bill.

As we tackle our nation's need for energy independence and climate mitigation, States rely on the FIA data more than ever to provide information about biomass and carbon sequestration in forests. For instance, FIA data currently plays an important role in carbon accounting systems found in existing regional voluntary carbon trading programs. FIA estimates also help renewable energy investors identify landscapes where a sustainable supply of woody-biomass is available before siting wood-based bioenergy facilities. With the growth of renewable energy and carbon markets, FIA will serve a valuable role in determining how our forest resources can contribute to an improved environment while fostering economic development. NASF recommends the FIA program be funded at a minimum of $73 million for FY 2010, with $68 million through Forest and Rangeland Research and $5 million through State & Private Forestry

COMMUNITY FOREST AND OPEN SPACE CONSERVATION

The Community Forest and Open Space Conservation program, authorized in the 2008 Farm Bill, provides matching funds to help local government entities, Indian tribes, and non-profit organizations to create new community forests. It will also offer technical assistance to develop and implement management plans for each new community forest. While not included in the FY 2010 President's Budget for the Forest Service, NASF and our partners are working with the agency to establish regulations and program guidelines. The modest recommendation of $10 million will establish the program on solid footing and allow the agency to pilot test the program.

Mr. DICKS. Thank you for a good statement. All right. Pauline Yu, Vice President of National Humanities Alliance. Welcome.

Ms. YU. Thank you.

Mr. DICKS. Good to see you.

Ms. YU. Good to see you. With a last name beginning with Y, I am used to coming sort of at the end of the line, but thanks for your patience. Mr. Chairman and Ranking Member Simpson——

Mr. DICKS. Thank you for your patience.

Ms. YU. You have quite a lot of fortitude, too.

THURSDAY, APRIL 23, 2009.

NATIONAL HUMANITIES ALLIANCE

WITNESS

PAULINE YU

Ms. YU. Thank you for this opportunity to testify is support of the National Endowment for the Humanities. I am Pauline Yu, President of the American Council of Learned Societies which is the preeminent, private organization in support of the humanities in the United States, a federation of 70 member organizations supporting research in the humanities and social sciences.

I speak to you today as Vice President of the National Humanities Alliance which is a coalition of 102 nonprofit humanities organizations that represent teachers and scholars who rely on NEH grants to maintain a strong national infrastructure for research and teaching in the humanities.

Your Subcommittee exercises extraordinary stewardship of our Nation's natural resources, and we have heard a lot this morning about how important that is. I would like to shift to the other large area of responsibility we have for our cultural resources which also require urgent conservation and renewal, especially now. If our global climate is changing, then so certainly is that of our finances, and humanities institutions across the country are reducing staff and cutting programs like everyone else to cope with shrinking revenues and battered endowments.

We urge the Subcommittee to provide NEH with at least $230 million in fiscal year 2010 which would include an increase of $50 million for competitive grant programs at the national level and $25 million for operating grants to the states' humanities councils.

This may sound like a large request. Relatively I do not think it is. Certainly even compared to what NEH was funded at 15 years ago it is not. In constant dollars, the NEH budget in 1994 would have been $258 million, and I think it is clearly merited when you consider what is at stake.

In today's knowledge-based economy, study of the humanities imparts what all Americans need, reading, writing, language proficiency, critical thinking, moral reasoning, effective communication, historical knowledge, civic awareness, and cultural literacy.

The knowledge that humanities scholarship provides is essential to our understanding of our heritage as citizens of the United States and to our obligations as custodians of this planet.

Colleges, universities, historical societies, museums, foundations, and state humanities counsels are all partners in that effort. And indeed, the ability of NEH grants to leverage significant non-federal funds makes some strikingly efficient expenditures. But only the NEH has the national responsibility to assure that the value and opportunities the humanities provide are widely available to all Americans. NEH grants reflect the breadth of NEH's mission. Congressman Dicks, in Tacoma, for example, NEH has helped the Washington State Historical Society create new museum space and exhibits for school groups and tourists and other visitors on the region's history. From the early record of the Chinook people and the Russian frontier settlements in the Pacific Northwest to the development of nuclear energy on the Columbia River. And three crucial NEH grants to the University of Puget Sound were instrumental in really expanding and bolstering the liberal arts curriculum there.

Congressman Sensenbrenner——

Mr. DICKS. Good work.

Ms. YU. Very good work, and we need more of it. In Idaho an NEH grant to the Mountain Home Historical Museum is supporting preservation assessment and training to collect and maintain agricultural mining and ranching artifacts as well as maps and county records documenting the history of the west.

But the humanities confront an opportunity gap. For many years, the NEH has not had the resources sufficient to carry out its vital responsibilities. Last year only 16 percent of competitive peer reviewed project proposals were funded compared to a 26 percent acceptance rate for merit-reviewed projects at the National Science Foundation which has a similar responsibility to its field.

Mr. DICKS. Yes, and they just got a huge increase in the stimulus package.

Ms. YU. And that is why we need one right now. We estimate that at least $40 million will be required just to help close this opportunity gap. We are especially concerned about funding for humanities research where less than 9 percent of proposals were funded. In fact, last year NEH awarded less than half the number of research fellowships that it was able to give in 1994, and believe me, there are many more people applying for these fellowships. This drop in funding has a huge impact because so many other things depend on it. All other endowment programs like those concerned with teaching, publications, and public outreach ultimately depend upon the expertise and knowledge that results from the research of scholars.

Another question that you might ask is how can the Congress measure the endowment's success? Well, new funding would allow the NEH to collect and analyze data on the fields it serves. This is a function that its original, authorizing legislation required but its current budget does not allow.

And finally——

Mr. DICKS. Now say that again? What would it do?

Ms. YU. It would allow, give NEH, the capacity to actually collect data on what it does.

Mr. DICKS. To evaluate?

Ms. YU. And so it would help——

Mr. DICKS. That is why we do not do well in science either. You know, we do all these things and we very rarely go out and have a good monitoring and assessment program.

Ms. YU. That is exactly——

Mr. DICKS [continuing]. Whether it has worked or not.

Ms. YU. Well, we need that information in the humanities, too, and I think we would all benefit from it.

And finally, in this recession, we are at serious risk of losing the next generation of scholars and educators who can help us understand who we are and who we can aspire to be. NEH is the only federal research agency that does not have funding to support graduate students. Therefore, we request new funding for that purpose.

So can we afford to invest in the humanities? Can we afford not to. The humanities are about the values humans create. They require their students to scrutinize, understand, and question value. Is that not worthwhile? In the financial pages every day we see the cost of not doing so. And if I may close on a personal note, I think as a daughter of immigrants from China and a student of Chinese literature, I know something about what happens when a country almost forgets the humanities. And I think we lose our cultural memory and our cultural moorings at our peril. Congressman Dicks, as someone who won the Sidney Yates Award last year for your service to the humanities, I know you understand that and I know you do, too. Congressman Simpson, I thank you for your very strong support of NEH recently and your consideration of this request.

Mr. DICKS. I like your quote from John Hope Franklin, a leading U.S. historian who passed away at the age of 94 who stated, "I want to be out there on the firing line, helping, directing or doing something to try to make this a better world, a better place to live."

Ms. YU. No one could have said it better than he did.

Mr. DICKS. Thank you.

Ms. YU. Thank you.

[The statement of Pauline Yu follows:]

Testimony Submitted to the Appropriations Subcommittee on Interior, Environment and Related Agencies, U.S. House of Representatives, *Regarding FY10 Funding for the National Endowment for the Humanities,* by the National Humanities Alliance (March 26, 2009)

Mr. Chairman and Members of the Subcommittee:

On behalf of the National Humanities Alliance and its 102 member organizations and institutions, we write to express strong support for the National Endowment for the Humanities (NEH). Our 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. We urge you to provide the National Endowment for the Humanities with at least $230 million in Fiscal Year (FY) 2010, including: $50 million for competitive grant programs and $25 million for operating grants to state humanities councils. This funding level would represent a $75 million increase over the FY 2009 enacted level, and would allow NEH to meet significant unmet needs at both the federal and state levels.

Unmet Needs

As the single largest source of support for the humanities, NEH funding is critical to the health of our nation's education and research infrastructure. NEH represents a unique funding source for nonprofit institutions central to the education and the cultural life of our nation's citizens, including: 2- and 4-year colleges, universities, local education associations, museums, historical societies, libraries, independent research institutions, scholarly societies, and state humanities councils. Unfortunately, demand for humanities project support, as demonstrated by NEH application rates and feedback from the field, far exceeds funding available. In FY 2008, applications for NEH grants in all programs represented $421 million in requested funds, more than three times the program dollars obligated for that year.

At the national level, only 16% of competitive, peer-reviewed project proposals were funded, compared to a 26% funding rate for merit-reviewed projects at the National Science Foundation (an agency similar to NEH in its mission to strengthen education and research at all levels in its sector). We estimate that at least $40 million would be required to help close this opportunity gap by allowing NEH to increase the number of applications accepted for critical, underfunded programs, such as:

- fellowships for college/university faculty and independent scholars
- classroom curriculum and materials development
- preservation of historically-significant collections and resources
- digital humanities workshops for teachers and faculty
- public media projects in film, radio and television
- capacity-building challenge grants to humanities institutions

Additional funding of at least $10 million is also needed to allow NEH to begin to introduce or expand targeted support in several areas where federal leadership is essential, including: international education and global society perspectives (at all levels of learning), digital humanities projects, graduate education, and data collection and dissemination of information on the state of the humanities.

NEH is the only federal research agency that does not have funding to support graduate students, or engage in regular collection and analysis of data on the health of the fields it serves.

Our request would also strengthen the capacity of state humanities councils to support local cultural and educational institutions, teaching and learning resources, family literacy programs, community discussion groups, and programs for new citizens. A recent survey of state council capacities and resources has identified $150 million in funds needed for programs and infrastructure support in their states. State councils seek to secure half this figure in federal funding over the next three years.

NEH has the capacity to operate at much higher funding levels. While NEH has made much-needed funding gains in recent years, its current budget of $155 million is still far below historical levels. For example, in 1994, NEH was funded at $258 million when adjusted for inflation; and at its peak in 1979, NEH was funded at $431 million in 2008 constant dollars. While some additional administrative funds would likely be needed to oversee grants at the levels suggested, the structure is already in place for NEH to immediately fund more, excellent projects in a way that is proven, competitive, transparent, and accountable.

The Humanities and the Economy

In an increasingly knowledge-based global economy, study of the humanities—languages, literatures, philosophy, the arts, religion, anthropology, government, and other related fields—are prerequisites for vocational mobility, personal growth, and civic participation. In addition, the humanities impart practical knowledge and skills needed by all Americans, including reading, writing, language proficiency, critical thinking, moral reasoning, effective communication, historical knowledge, civic awareness, and cultural literacy.

Investment in broad-based education through the humanities is essential to our nation's long-term economic well-being, and to our continued status as a world leader. The 1965 legislation that established the NEH states: *"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."* Unfortunately, in the forty years since NEH's founding, federal investment in the humanities has lagged behind other fields; and it continues to fall further behind as billions of federal dollars are rightly invested in science and engineering research and education each year. (For example, NEH funding today represents only 2.5% of National Science Foundation funding, compared to 16% thirty years ago.) We cannot allow this gap to grow unheeded.

As the economic recession deepens, it is critical that the federal government reinvigorate its investment in the humanities, or we risk losing a generation of young students, scholars, and researchers. Serious long-term challenges posed by rapid globalization, economic crisis, and threats to our national security require solutions informed by the humanities. As a nation, we must cultivate deep expertise and knowledge in all areas of learning, and support the full range of our citizens' talents—from math and science, to history and foreign languages. And we must also ensure broad, equitable access to high-quality humanities instruction throughout our nation's K-12 and higher education institutions.

John Hope Franklin, a leading U.S. historian who passed away yesterday at the age of 94, once stated: *"I want to be out there on the firing line, helping, directing or doing something to try to make this a better world, a better place to live."* His words express the sentiments of scholars around the country who are working to address pressing policy issues, from cultural anthropologists lending their expertise to make sure that vaccines are used effectively in developing countries, to historians re-examining current issues like race, poverty, and immigration in America, to college/university faculty volunteering with family literacy programs, to linguists documenting disappearing languages among Native Americans and populations around the world, to curators repairing documents and other artifacts damaged by flood waters.

The humanities workforce should be recognized as a driver of our nation's long-term recovery efforts, as well as a sector deserving of federal investment to address serious economic pressures facing these fields. The humanities workforce is significant—according to data published in the newly-released *Humanities Indicators* (www.humanitiesindicators.org), more than $2.5 million Americans are engaged in a broad range of humanities professions, including:

- K-12 teaching
- postsecondary teaching (including college/university, business, and government posts)
- newspaper, periodical, book, and directory publishing
- humanities professions (librarians, editors, writers/authors, archivists, curators, museum technicians, interpreters, translators, historians)
- other related professions (news analysts, reporters, correspondents, tour guides, audiovisual collections specialists)

Unfortunately, negative pressures are threatening the humanities workforce. Especially troubling are threats to the pipeline of young scholars and teachers, as exemplified by field reports and data from the *Humanities Indicators*:

- In 2000, the percentage of middle (29%) and high school (37.5%) students taught by a highly qualified history teacher was lower than for any other major subject area
- Since 1990 mean math SAT scores have been higher than verbal scores, so that by 2006 the mean math score was 15 points higher than the mean verbal score (a reversal of historical trends)
- Humanities faculty receive the lowest salaries of all fields. They also have a higher proportion of part-time, non-tenured positions than their counterparts in the sciences and engineering
- As college/university departments face tightening budgets, the availability of tenure-track positions is constricting; humanities disciplinary associations report decreased numbers of job openings through publication ads and annual meetings in 2009

NEH cannot single-handedly address these issues, but its leadership in these areas—research, education, preservation, public engagement, data gathering—is needed now more than ever. Each year, NEH grants support strengthened institutional capacity, jobs, and professional development for thousands of scholars, educators, curators, librarians, public historians, museum professionals, filmmakers and others around the country. These funds are not only vital for the direct support provided, but for the additional, non-federal dollars stimulated by NEH seed

money—especially as endowments, state and local funding, individual giving, and other traditional sources of non-federal support constrict.

NEH Core Programs

The NEH's national, core program competitions are at the center of the agency's mission to create, preserve, and disseminate knowledge in the humanities. Since 1994, these programs have suffered disproportionately from budget cuts and inflation. Requested funds would reinvigorate:

NEH Research grants, which support fellowships, stipends, collaborative research, and scholarly editions. NEH application success rates (less than 12% overall, and between 5.7-7.8% for individual fellowships) confirm findings from a recent questionnaire by the National Humanities Alliance that identified funding for humanities research as the leading priority among its members. FY 2008 application requests in this division totaled $115 million.

NEH Preservation and Access programs, which support the preservation of historically-significant materials; training and education of curatorial staff; the creation of reference materials and new methods to increase access to them. According to the Heritage Health Index, a 2004 survey conducted by Heritage Preservation, only 37% of collecting institutions in the United States report adequate storage and over one-half report damage to collections due to poor environmental conditions for their collections. FY 2008 applications totaled $85.8 million.

NEH Challenge grants, which help local, state and national institutions secure humanities resources and activities through fundraising as a means of building permanent resources for the future. Since the program started, NEH Challenge grants have leveraged $1.58 billion in nonfederal support. FY 2008 applications totaled $54.5 million.

NEH Education programs, which support professional development workshops for teachers and faculty members, model curricula, and classroom resources for the humanities for all grade levels. FY 2008 applications totaled $48.7 million.

NEH Public programs, which support traveling exhibits and community programs in local museums and libraries; film, television and radio productions. NEH public programs reach literally millions of Americans each year. FY 2008 applications totaled $61.7 million.

Launched in FY 2007, the **Office of Digital Humanities** offers grants to support the use of digital technologies in conducting research and presenting scholarship. FY 2008 applications totaled $13.7 million.

Conclusion

We recognize that Congress faces difficult choices this year. We ask the Subcommittee to fund a significant increase for the National Endowment for the Humanities in FY 2010 as a necessary investment in the long-term well-being of our nation's economic, cultural, and civic institutions. We are grateful for the Subcommittee's vigorous support for the arts and humanities, and would especially like to recognize the Subcommittee's leadership for the $10 million increase received by NEH for FY 2009. Thank you for consideration of our request.

Founded in 1981, the National Humanities Alliance is a coalition of nonprofit humanities organizations and indications dedicated to the advancement of humanities education, research, preservation and public programs (www.nhalliance.org).

Mr. DICKS. All right. Marc Johnson, Federation of State Humanities Councils. Marc, welcome.

Mr. JOHNSON. Mr. Chairman, great pleasure——

Mr. DICKS. I am sorry we for keeping you for so long, but I thought the hearing—it is hard to cut people off, you know.

Mr. JOHNSON. I appreciate that and I suspect the welcome words were the last witness. Great pleasure to be with you, Mr. Chairman.

Mr. DICKS. Thank you for being here.

THURSDAY, APRIL 23, 2009.

FEDERATION OF STATE HUMANITIES COUNCILS

WITNESS

MARC JOHNSON

Mr. JOHNSON. I am here representing the 56 state and territorial humanities councils. We consider them the neighborhood face of the humanities. The councils operate in all states and virtually every county in the United States. They are neighborhood and community organizations that interact and support other community organizations, schools, libraries, museums, historical sites, community centers, retirement homes, et cetera. It is a particular pleasure for me to be here with my Congressman, Mr. Simpson. I am from Boise, Idaho, Mr. Chairman.

Mr. DICKS. Very delighted to have him as the Ranking Member.

Mr. JOHNSON. And he is a good friend. We go back a long way. When he was the Speaker of the Idaho House of Representatives and I served as Chief of Staff to then-Governor Cecil Andrews, and if you need a good story from those days some time, Mr. Chairman, let me know. I may be the source for that. And I bring you greetings from a former secretary.

Mr. DICKS. I remember Cecil at first when he was the Secretary of the Interior.

Mr. JOHNSON. He knew I was going to be here today, and he instructed me in that special way to bring you his very best regards.

Mr. DICKS. Well, good. I am glad to hear that.

Mr. JOHNSON. The state councils——

Mr. DICKS. He once said, and this will not count on your time, that I played football without a helmet.

Mr. SIMPSON. I think he said some things like that amount me, too. Well, Cecil and I are very good friends.

Mr. DICKS. Well, this is just aside. I had put a little amendment in that overrode something that he was trying to do, as governor. And we still have a problem with this nuclear waste issue. But we worked it out.

Mr. JOHNSON. I remember that——

Mr. DICKS. But he and I have always been good friends, and he was an extraordinary Secretary of Interior.

Mr. JOHNSON. Well, thank you, and seriously he did extend his very best regards.

Mr. DICKS. Thank you.

Mr. JOHNSON. The humanities are about the American experience. They are about our history and our culture, where we have been and where we are going as a people. The state councils this year are respectfully requesting a $25 million increase in the federal-state partnership line of the endowment budget in order to meet the community needs and provide support to local cultural organizations. That $25 million would translate into roughly a $.5 million increase for the state councils. That would allow councils to expand the free programming that they provide for individuals and local cultural and educational institutions, for teacher and student resources, for civic engagement all across the country. Mr. Chairman, my written testimony highlights a number of council programs including some in the great State of Washington that could be doubled or tripled almost immediately with an infusion of additional resources.

I would like to just mention two from Idaho. We are particularly pleased with the Idaho Council sponsorship of the Smithsonian Museum on Main Street program. Right now as Congressman Simpson would appreciate, the Council has teamed up with the Salmon Valley Business Innovation Center to bring a museum-quality Smithsonian-quality exhibit to Salmon, Idaho. Mike you would agree with me that Salmon is not exactly on the main road to anywhere, and it is unlikely that those kinds of exhibits would be available in a place like Salmon or Lava Hot Springs without the support of the Idaho Humanities Council.

We are also particularly pleased and supportive of the teacher institutes that many councils do across the country. The Idaho Institutes typically attract 40 or 50 teachers. They are often in mid-career. For a residential experience on a college campus during the summertime, diving deep into the subject of American history or literature, the presidency of Abraham Lincoln or the Constitution, this year the Idaho Council is sponsoring a terrific institute on the history of the Supreme Court and what it means to our culture and to all of our citizens.

Mr. DICKS. Do you bring teachers in?

Mr. JOHNSON. We bring teachers in.

Mr. DICKS. I think that is a tremendous——

Mr. JOHNSON. It is a highly——

Mr. DICKS. I know that the National Endowment has done that, too.

Mr. JOHNSON. It is a highly competitive deal. Typically we can support 40 or 50 teachers, but they are exposed to world-class scholars. We are going to be able to attract some of the great scholars of the Supreme Court this summer to Idaho for that institute. The teachers create their own curriculum materials out of those experiences, and part of the requirement is that they share that widely with their colleagues across the state.

So I would just express my appreciation to this Committee and particularly to you, Mr. Chairman, for your long and diligent support of the humanities. I think you would agree that our founders, Jefferson and Madison among others, believed strongly that an informed, engaged, inquisitive population was absolutely the foundation of an engaged and appropriately engaged democracy, and it is really the foundation of the strength of our country. And that is

what the humanities are all about, strengthening and perfecting our great democracy.

Tremendous pleasure for me to be here this morning, and thank you, Mr. Chairman.

[The statement of Marc Johnson 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 Marc Johnson, President, Gallatin Public Affairs; Former Chair, Idaho Humanities Council and Federation of State Humanities Councils; Addressing the National Endowment for the Humanities, March 26, 2009.

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 here to support the humanities community request of $230 million for the National Endowment for the Humanities for FY 2010 and to request an increase in federal funding for the NEH Federal-State Partnership of $25 million, which would bring that line to $60 million and provide each council, on average, roughly $500,000 in additional funding. Because of the councils' outstanding record of leveraging matching funds, we can confidently say that this federal investment will be at least doubled at the state and local levels through other sources.

We live in challenging and uncertain times, and it is at such times that state humanities council programs are especially important in helping people throughout the nation gain wisdom by understanding the lessons found in the history of human experience, seeing the connections between the world of ideas and our daily lives, and sharing stories that help us understand ourselves and appreciate other cultures. I have been involved with the Idaho Humanities Council for twelve years, and my experience has shown me that our council and the 55 others truly are the neighborhood face of the humanities. Our council activities are deeply woven into the cultural and educational fabric of our communities. This is where we come together to study our past and share our ideas to better understand our current circumstances and prepare for the future. Councils understand that communities are not built by bricks and mortar alone but also by the history, literature, and common values we share. Through such statewide programs as our annual lectures, which attract hundreds of people, to our Museum on Main Street exhibits and programs that involve entire communities, the Idaho Humanities Council makes a difference in the lives of Idahoans.

The state humanities councils were created in the early 1970s as independent nonprofit organizations to provide local access to the humanities through public programs offered in communities throughout the state. The councils are full partners of the NEH, receiving their core funding through the Federal-State Partnership line of the NEH budget and using that funding to leverage additional funds from such sources as state government, foundations, corporations, and private individuals. Unlike the other programs in the Endowment, the councils operate as independent nonprofit organizations charged with conducting statewide programs supported by their federal funding and the other funds they leverage through those federal dollars. Particularly in difficult economic times, councils, as both grantmakers and program providers, can help fill the gap for organizations struggling to cope with cutbacks in state and other sources of funding.

We greatly appreciate the support Congress has provided to state humanities councils over the years, but today's needs far outdistance available funding, which has not even kept pace with inflation. Studies conducted by the Federation of State Humanities Councils, the membership

association of the state humanities councils, have indicated that to truly address programming needs and capacities in their states, councils would need an additional $150 million. Our modest request for an increase of $25 million in federal funds for the coming year would be a step toward meeting these needs.

Additional funds would provide much-needed resources in the following areas:

1) Local cultural and educational institutions. As a result of years of level funding or very small increases, coupled with steadily increasing costs, many councils have had to scale back their grantmaking to local entities, robbing those groups of the ability to offer what are often the only humanities programs available. Most councils are able to fund fewer than half the proposals they receive, and even that number is deceptive, because councils stop inviting proposals when they see that their grant funds are becoming depleted. Further, these grants will be even more important during these times of economic hardship, when so many libraries, museums, and local cultural organizations have lost state, municipal, and private funding. A relatively small investment today can maintain or even enhance the programmatic capacity of local institutions and avoid the need to spend much larger sums later to rebuild a devastated infrastructure.

Nationally, councils report that they could expend an additional $50 million in grants to fund programs proposed by local institutions and organizations. In 2008 Humanities Washington awarded grants totalling $175,000 to organizations in 20 Washington counties. However, their goal for the next two years, based on assessment of need, is to at least double the amount they award annually in grants and increase their reach to 26 counties. The Ohio Humanities Council's Community History Grant program, just one portion of their overall grant program, provides grants in amounts up to $5,000 to support research salaries, scholar honorarium, and other expenses for programs to inform the public about local history. Because of scarce funds, the council is currently able to award no more than 10 to15 of these grants annually, a dramatic drop from the number awarded five years ago. An additional $200,000 would allow them to triple that number. The story of the decline in this one category of grants at this one council is repeated throughout the nation, weakening the local cultural infrastructure as well as diminishing important community programming.

2) Students and teachers. With school systems cutting budgets and with professional development opportunities for teachers disappearing, state humanities councils provide an essential service with their support for curriculum development, teacher workshops and summer institutes, and online resources for teachers, as well as an array of classroom resources. In 2008, 35 teachers from all corners of the state participated in the Idaho Humanities Council's week-long summer institute, "'A Word for Nature': Exploring Environmental Literature." This year's institute will explore the history of the Supreme Court. One former participant described this engagement with scholars and fellow teachers as "a life-changing experience," and offered just one suggestion – "do MORE of these!" The council would happily take that advice if funding were available: An additional $75,000 would allow the council to triple the number of institutes offered each year. In North Carolina, the humanities council has planned four weekend workshops and a week-long institute for teachers in 2009, which would engage 150 teachers for a total cost of $250,000. Doubling these funds would benefit twice as many teachers. One former

participant said the experience offered "an oasis in the demanding field of education," and another described it as "the number one professional development experience I have had in 31 years of teaching." The impact on the thousands of students in classrooms led by these re-inspired teachers is incalculable.

3) Reading programs for families. Last year more than 100,000 American parents and children participated in council-supported reading programs, improving skills, deepening family bonds, and providing important opportunities to discuss ideas and values. The New York Council for the Humanities was able to provide support for just ten "Together - Book Talk for Kids and Parents" programs around the state to take place this spring, though they received 18 applications. With an additional $250,000, the council could triple the number of pre-teen kids and their caregivers who participate in these programs. The Kentucky Humanities Council provided Prime Time Family Reading programs for nearly 350 families last year, at a cost of approximately $100,000. Demand is such that with adequate funding, the council could immediately double the number of families served. Councils also provide adult literacy programs that improve the prospects for parents to develop a stronger reading climate for their children. The Oklahoma Humanities Council's "Oklahoma Connections" program brings together scholars, librarians, literacy coordinators, adult new readers and tutors in a comfortable setting to explore books and ideas. The program, which includes many at-risk teenagers and ESL students, offers many of its participants the first opportunity they have ever had to discuss books and ideas in a group setting. Last year the Oklahoma council served 310 participants in these programs, a number that could be doubled with a mere $12,000 in additional funds.

4) Community conversations. Councils across the country make it possible for citizens to come together to address issues related to the economy, health care, demographics, energy, and our schools, through discussions informed by history and literature. Such in-depth explorations of critical and potentially divisive issues serve purposes far beyond just creating more thoughtful and better-informed citizens. They also increase citizen engagement in public life and bring citizens together to work toward common goals in shaping the future of their community and nation. The Arizona Humanities Council believes this is so important that in 2008 they launched Project Civil Discourse, "a statewide effort to create respectful dialogue and discourse on public issues." Working with a broad array of partners, including the Arizona School Boards Association, Arizona Town Hall, and the Arizona State University Center for Civic Education and Leadership, among many others, the council offers training, forums on specific topics, speaker presentations, book discussions and special events that model and provide insight into collaborative problem-solving techniques.

To ensure depth and seriousness of reflection, some councils have selected topics of specific concern to citizens of their states and shaped year-long events to explore each topic. The Illinois Humanities Council conducted such an initiative on the meaning of the genetics revolution, involving 34 partner organizations in presenting 19 programs across the state at a cost of $245,000, more than a third of which was raised from private sources. The evaluation of the project noted that "given our goal to get attendees thinking, talking, and learning more about genetics, we are very pleased that 86% said they talked to family, friends or colleagues about genetics since attending a program and 74% said attending a program led them to read a book or

article about genetics." The council is following up this year with a one-year series of programs entitled "All Consuming: Conversations on Oil and Water," which invites citizens of the state to join the council in using the humanities "to ask how access to, control and consumption of oil and water play out in the past, current, and future geopolitical environment." The Virginia Foundation for the Humanities uses electronic media to initiate discussions through their "Backstory" radio call-in show, which features three prominent historians to provide perspective on "events happening around us every day." Recent programs have featured discussions of the history of presidential transitions and the history of financial crisis.

5) New citizens and youth. The future success of our nation obviously rests on educating our youth to become engaged and informed citizens, but it also depends on engaging new citizens. Councils provide invaluable programs for these new citizens to learn about their new culture and form of government and for the long-time residents to learn about the cultures of their new neighbors. The Nebraska Humanities Council, as part of a multi-year initiative looking at the changing demographics of their state, devoted a full year to the exploration of the opportunities and barriers that today's immigrants face, particularly as compared with earlier generations of immigrants; appreciation of new immigrant cultures and histories; and developing partnerships between new ethnic organizations and established institutions within communities. The council established a board of scholars to help potential grantees, organized a bureau of speakers on pertinent topics, established online resources, and awarded grants for conferences, exhibits, reading and discussion groups, and films. The program has reached more than 25,000 teachers, students, and members of the public to date and could easily involve twice that number with adequate funding.

Several councils have shaped programs for teens and young adults, helping to give them a voice in the future direction of their communities. The California council's "How I See It" initiative encourages youth to share, in their own words and through a variety of media, what their lives are like, what they care about, and what it is like growing up in today's California. The project enables youth to begin to express themselves and shape their observations about their world through documentary film and internet resources. The Humanities Council of Washington DC explicitly challenges young people to get involved in public life with its five-year-old youth leadership program known as "The Soul of the City," which targets DC public school students from economically depressed areas of the city. The 15-to-18-year-old students are encouraged to define key political, social, and community challenges and propose methods of resolution and change. This year 59 DC students are enrolled in the program, a number that could be doubled with an additional $70,000.

This is just a sampling of the countless ways in which programs supported and conducted by the state humanities councils transform lives, connect communities, and enrich the nation. On behalf of the millions of citizens whose horizons have been expanded through programs of the state humanities councils, I thank the members of Congress and respectfully ask for your continuing support of our work. Thank you.

Mr. DICKS. Are you a candidate?

Mr. JOHNSON. Am I a candidate?

Mr. DICKS. Yes. Who is going to be the next chairman?

Mr. JOHNSON. I wish I had that Ph.D. I would have aspired to that position. I do not know. I hear lots of rumors. We were discussing it this morning. I do not know that I have any particular solid information.

Mr. DICKS. Well, maybe I will give you a call and we can talk off line.

Mr. JOHNSON. I would love that opportunity any time.

Mr. DICKS. All right. Mike.

Mr. SIMPSON. Thank you, Mr. Chairman, and thank you, Marc, for being here today. You have always done a great job in Idaho whether in this capacity or other capacities, and we have had a great working relationship over the years. But you are absolutely right. These types of things that are in Salmon, Idaho, it is a Smithsonian exhibit on fences and——

Mr. DICKS. It is just wonderful.

Mr. SIMPSON [continuing]. And the implication and the effect those have had, particularly in the west and so forth. Salmon, if you have never been there, is a place you got to want to go there because it is a long ways from anywhere. One of the most important thing humanities does, the National Endowment for the Arts, those other things is get this stuff out to people in rural America who would not otherwise have the opportunity to experience it. You do some great work. Thanks for all you do.

Mr. JOHNSON. I appreciate it very much. Thank you.

Mr. DICKS. And keep us informed, and we will work with you on the humanities. I try to bring both the endowments back to the same level, try to make increases.

Mr. JOHNSON. You have done a terrific job in that regard. We very much appreciate it.

Mr. DICKS. And you know, it is all about trying to do it in a way that is sustainable in terms of a bipartisan coalition in the House, and that is very important to me because we worked hard over the years to build this coalition back after we had all the concerns, never about the humanities, mostly about the arts. But we try to do this in stages. And we realize we are not where we used to be, but we are also facing some very difficult budget realities.

Mr. JOHNSON. Absolutely, and I would be the first to acknowledge you made a great leap with the omnibus bill to get back to where we would like to be.

Mr. DICKS. Yes, thank you.

Mr. JOHNSON. Thank you, sir. Thank you, Mike.

WEDNESDAY, APRIL 28, 2009.

TESTIMONY OF INTERESTED INDIVIDUALS AND ORGANIZATIONS

PUBLIC WITNESSES

OPENING STATEMENT OF MR. DICKS

Mr. DICKS. I want to welcome all of our witnesses this morning to the final of four days of public witness testimony on the fiscal year 2010 budget. Today, we will hear from a variety of witnesses, representing many natural resources and environmental organizations.

As members know, the right of the public to petition the committee is provided by the First Amendment of our Constitution, and I am glad to host a third year of public witness hearings as chairman of this subcommittee. I am especially proud to be able to sit here in front of you today and say that, over the past two years, this committee has worked hard to improve the bill, and provide increases to vitally important programs. Last year's bill alone reflected a 4.8 percent increase above the prior bill.

In that bill, we rejected a number of requested cuts to programs that are critical to environmental, social, and scientific activities. Instead, we choose to invest in programs that address global climate change and greenhouse gas reduction. We continued to protect our public lands and precious open spaces, and to provide federal support for the arts and humanities. We hope to continue these priorities in the Financial Year 2010 bill.

I would like to remind our witnesses that we have many speakers scheduled to appear today. To ensure that we are able to accommodate everyone, I ask that our witnesses respect the five minute time limit. A yellow light will flash with one minute remaining of your time, in order to give you the opportunity to wrap up your statement. When the red light comes on, your time has expired. Your prepared statement, of course, will be published in the record, along with the transcript of your actual testimony.

Mr. DICKS. Mr. Simpson, would you like to make an opening statement?

Mr. SIMPSON. Let us go.

Mr. DICKS. All right. Our first witness is Bill Chandler, of the Marine Conservation Biology Institute. Mr. Chandler, please.

Mr. CHANDLER. Thank you, sir. Good morning, Mr. Chairman, Mr. Simpson.

Mr. DICKS. Yes, good to see you again.

Mr. CHANDLER. Good to see you again, sir.

Mr. DICKS. All right.

TUESDAY, APRIL 28, 2009.

MARINE CONSERVATION BIOLOGY INSTITUTE

WITNESS

BILL CHANDLER

Mr. CHANDLER. My testimony today will focus on the funding needs of the newly created Marine Monuments in the Central Pacific.

Mr. Chairman, as you know, in January, President Bush designated three marine monuments in the Central Pacific, using his powers under the Antiquities Act, and management responsibility for these areas has been assigned to the Secretary of the Interior. The monuments cover approximately 192,000 square miles of Earth, and include ten island areas, ranging from the Northern Marianas in the West to Palmyra Atoll in the East, to Rose Atoll down in the South in American Samoa. Although many of the included islands already were national wildlife refuges, President Bush vastly expanded the services management domain by wrapping these islands in a 50 nautical mile boundary.

But because the designations were unforeseen, the Department's 2009 and 2010 budgets did not include funds for the new areas. Consequently, the Department has a lot of work to do now, ranging from developing three management plans by 2011, issuing regulations, coordinating with other government entities, promoting scientific research, and they are even required to set up an Advisory Council in the Northern Marianas.

Manning the frontlines, of course, to do all this work is the Honolulu office of the Fish and Wildlife Service, Region One. Like many services offices, the Honolulu office has suffered significant staff reductions in the past few years, and many management tasks have been deferred or postponed indefinitely. The Honolulu office also is confronted with the costly enterprise of moving people, researchers, staff, supplies, from Honolulu vast distances to get to these islands, either by plane or by ship. Now that our Nation has recognized the remarkable coral reefs of the Central Pacific, I believe a new infusion of resources is warranted to enable the Service to deal with its responsibilities.

Meanwhile, even prior to the monuments' designations, there has been a pressing need to remove two shipwrecks from the islands, one at Kingman Reef and one at Palmyra. As the steel in these vessels corrodes, dissolved iron spurs growth of a coralimorph, an anemone-like organism which smothers and destroys the natural coral reef. Residual fuel leakages from these two ships are also accelerating the growth of a blue-green algae, which also covers and smothers the coral ecosystem.

Mr. DICKS. How big an area?

Mr. CHANDLER. Well, at Palmyra, 250 acres of reef have now been smothered by the coralimorph.

Mr. DICKS. What about ocean acidification?

Mr. CHANDLER. Well, it is a problem throughout the ocean, Mr. Chairman, as you know.

Mr. DICKS. What about here?

Mr. CHANDLER. Well, here, we do not have any recent reports about damage from ocean acidification yet, as far as I know, in these locations.

Mr. DICKS. Well, I can tell you——

Mr. CHANDLER. And they are more resilient.

Mr. DICKS. I can tell you, there can be, especially if there is algae involved, we have the same problem with dead zones in the Hood Canal.

Mr. CHANDLER. Right. Right.

Mr. DICKS. In my district. The ocean acidification can make these situations worse.

Mr. CHANDLER. Absolutely. It stresses the corals, and makes them——

Mr. DICKS. Right.

Mr. CHANDLER [continuing]. To all sorts of diseases and stressors.

Mr. DICKS. Right. Go ahead.

Mr. CHANDLER. So, the destruction is going to continue at Palmyra, Mr. Chairman, until the wreck is removed. So, MCBI recommends the addition of $8.77 million to the 2010 Refuge System budget to provide for the following. First of all, we need a manager for each monument, a planner to coordinate the preparation of the management plans and associated expenses. The Service would like to outfit and operate a vessel to enable them to reach the refuges on a regular basis, which they are not able to do now. And they have been negotiating with the Navy to get that vessel at no charge, but it will have to be retrofitted. And finally, we need to remove the wrecks from the two islands.

At this point, I would like to inform the committee that new information has come to me regarding the cost of the wreck removal. The original estimate we received was about $1.5 million. That has now gone to $10 million, and the increase has to do with the difficulty of getting the large Palmyra wreck out of the coral reef without damaging the reef itself. It is now in very shallow water, and it is going to have to be cut out instead of floated out and sunken.

I do understand that a stimulus grant proposal has been submitted to NOAA by a marine salvage firm, with a price tag of $10 million on it, but I cannot speak to the probability of that grant request funding. We are going to keep track of it, though.

While the cost is higher——

Mr. DICKS. NOAA got quite a bit of money for ecosystem restoration. I would think this would be an ideal——

Mr. CHANDLER. Should be enough——

Mr. DICKS. Have you talked to anybody down there?

Mr. CHANDLER. We have not talked directly to NOAA, because they are considering this proposal now, so we do not, you know, we do not want to unduly interfere in that process of the grant consideration, but they are considering it.

Mr. DICKS. Why not?

Mr. CHANDLER. Why not? Well, I mean, we can call them, Mr. Chairman, and get back to you.

Mr. DICKS. We might call them too. Everybody else is calling them.

Mr. CHANDLER. We would love to see them.

Mr. DICKS. Everybody else is calling them.

Mr. CHANDLER. We would love to see them get the $10 million, and the Fish and Wildlife Service in Honolulu has been cooperating with that, with NOAA.

Mr. DICKS. Okay.

Mr. CHANDLER. With the NOAA. So, the fact remains that the reefs are being damaged. Those wrecks need to come out. There are very few pristine reefs like Kingman and Palmyra left in the world, and I would hope that the committee would look favorably upon their removal.

That concludes my testimony, Mr. Chairman, and I will be happy to answer any questions.

[The statement of Bill Chandler follows:]

Marine Conservation Biology Institute

William Chandler, Vice President March 26, 2009

The Honorable Norm Dicks, Chair
Appropriations Subcommittee on Interior, Environment, and Related Agencies
Re: US Fish and Wildlife National Wildlife Refuge System
Committee on Appropriations
United States House of Representatives, RHOB B-307
Washington, DC 20515

Mr. Chairman and Members of the Subcommittee:

Marine Conservation Biology Institute, based in Bellevue, WA, is a national, nonprofit environmental organization whose mission is to advance the science of marine conservation biology and secure protection for ocean ecosystems. We support national wildlife refuge programs that focus on protecting and restoring marine ecosystems, habitats and species. I wish to thank the members of the Subcommittee on Interior, Environment, and Related Agencies for the opportunity to submit written testimony on the FY 2010 budget regarding the newly established marine monuments within the Fish and Wildlife Service's (FWS) National Wildlife Refuge System (NWRS) at an amount of $8,770,000.

In January 2009, President Bush established three marine national monuments in the Pacific Ocean. The new monuments include eight distinct coral islands areas and their surrounding waters, and the Mariana Trench and 21 isolated undersea volcanoes. Many of the islands protected already were part of the NWRS, however declaration of the monument increased size as well as included protection of the waters. The three new protected areas have been named Marianas Marine National Monument, Pacific Remote Island National Monument, and Rose Atoll National Monument. In total, approximately 192,000 square miles was protected, an area larger than California.

Pacific Remote Island Marine National Monument

These areas are some of the last remaining, relatively intact coral reef and pelagic ecosystems in the Pacific. Any one of these islands contains nearly four times as many shallow water, reef-building coral species as the entire Florida Keys. The monument includes habitat for an estimated 14 million seabirds. The islands also provide habitat for many rare, 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.

Howland, Baker, Jarvis Islands, Palmyra Atoll and Kingman Reef, the terrestrial areas, reefs and surrounding waters out 12 nautical miles (nm) are part of the US Fish and Wildlife Service National Wildlife Refuge System. The land areas at Johnston and Wake Atolls remain under the Department of Defense authority, but the waters out to 12 nautical miles are considered units of the National Wildlife Refuge System.

Rose Atoll Marine National Monument

Rose Atoll, the smallest atoll in the world, is the easternmost Samoan island and the southernmost point of the United States. Rose Atoll 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 also provides sanctuary for the giant clam, which is severely depleted throughout the Pacific. Management responsibility was assigned to the Secretary of the Interior, in consultation with the Secretary of Commerce.

Marianas Trench Marine National Monument

The Marianas Trench Marine National Monument consists of three units which include the Volcanic Unit, the submerged lands within 1 nm of 21 volcanic sites; the Islands Unit, the submerged lands and waters of the three northernmost Mariana Islands; and the Trench Unit, the submerged lands extending from the northern limit of the Exclusive Economic Zone of the United States in the Commonwealth of the Northern Mariana Islands to the southern limit of the Exclusive Economic Zone of the United States in Guam.

The establishment of this monument protects areas of biological, historical and scientific significance. The volcanic sites support unusual life forms in boiling and highly acid water conditions. The island unit is home to highly diverse and unique coral reef systems with more than 300 species of stony coral species, which is a greater diversity than any other US reef. The island unit also has an astonishingly high population of apex predators. The Mariana Trench itself is the deepest ocean area on Earth, deeper than the height of Mount Everest.

The management responsibility for the Marianas Trench Marine National Monument is assigned to the Secretary of the Interior, in consultation with the Secretary of Commerce. The Mariana Trench and Volcanic Units have been placed within the Fish and Wildlife Service National Marine Refuge System.

Marine National Monument Management Implementation

It is imperative that the Secretary of the Interior establish appropriate management measures to adequately protect the land, surrounding water and seafloor of these critical and pristine marine monuments. In particular, the FWS must have adequate funds to develop management plans for each monument with proper management personnel with the intent to effectively protect these areas by conserving these pristine habitats, developing plans to restore damaged reefs and lands, and consult with NOAA to provide proper surveillance and enforcement actions.

Restoration action is desirable at most of the islands, including restoring natural water flows, removing discarded equipment and structures, and dealing with waste disposal sites. In addition, human exploration and occupation brought many invasive species to the islands, including various plants, insects, and cats, which should be removed. Such removals of invasive species have promoted the healthy increase of bird populations and the restoration of nearly extirpated

species, like the black-footed and Laysan albatrosses.

Additionally, two fishing vessels have grounded and sunk in the Pacific Remote Island Marine National Monument. In 1991, a 121-foot Taiwanese fishing boat sank on Palmyra Atoll, and an abandoned 85-foot fishing vessel was discovered on Kingman Reef in August 2007. The two islands are some the world's last relatively pristine reefs. The Palmyra wreck sits directly on the reef and continues to damage the ecosystem by accelerating the rapid growth of an invasive corallimorph that smothers the reef ecosystem. Since abandonment, there have been recorded sightings of continued fuel leakage. Nutrient increases from this fuel and corroding metal from the ship is causing devastation to the nearby reef. In response to this increase in nutrients, the corallimorph *Rhodactis howesii* has experienced explosive growth, quickly outcompeting other organisms (including corals) and covering and smothering the substrate surrounding the vessel. After the covered coral dies, the infested area is difficult to recolonize by corals. According to the report by Thierry Work (USGS) and Greta Abey (University of Hawaii), greater than 100 million corallimorph individuals cover greater than 1 square kilometer (247 acres) of the bottom. The corallimorphs radiate from the ship wreck and were not observed in other parts of the reef, indicating a direct correlation between the corallimorph and the wrecked vessel. To avoid further damage to the reef, the ship needs to be removed by the federal government immediately.

The Kingman reef wreck also remains and is showing early signs of the invasive corallimorph, and an elevated growth of blue-green algae, which in time can cause algal blooms that block sunlight to the reef below. The ship's grounding caused initial gouging of the surrounding reefs and has since continued to cause physical and ecological damage in the form of wave disturbance and cyanobacteria outbreaks. Cyanobacteria, more commonly called blue-green algae, become very abundant when stimulated by increases in limiting nutrients, such as iron from corroding steel and hydrocarbons found in fuel, both of which are supplied by the grounded vessel at Kingman. Cyanobacteria are present on nearly 10% of the metal debris (metallic engine parts, piping, cookware, etc.) within 200 meters of the ship. As the ship continues to break apart, more steel will be scattered over the reef crest encouraging expanded cyanobacteria growth. If this growth continues unabated, it is expected to spread towards the north facing shoreline where fragile coral gardens are located. The growth of cyanobacteria will block needed sunlight to the reef below, as well as smother the coral. There is also concern about accelerated growth of the corallimorph *Rhodactis howesii,* which is also present within 200 meters of the shipwreck. The corallimorph has caused significant damage at Palmyra Atoll, where its growth was stimulated by another wrecked vessel. Rapid growth of *Rhodactis howesii* can quickly outcompete other organisms and kill corals.

Appropriation Needs

Papahānaumokuākea National Marine Monument, established in 2006, received approximately $8 million its first fiscal year. These monies went to cover basic start up needs, such as administration and management of the new monument and preparation of management plans. The needs of the three new national marine monuments are similar to those of Papahānaumokuākea. At minimum, $8.7 million is needed as follows:

1.	**A manager for each new marine monument** These managers will be responsible for working with the territory governments in the Rose Atoll and Marianas Trench Monument, coordinate the mandated management plans, etc ($121,000 each)	$396,000
2.	**Public planning position** This individual would help prepare management plans, work on logistics of public meetings, coordinate with the managers in each monument, address agency comments, synthesize public comments, and ensure all federal regulations for monument management are met, etc.	$132,000
3.	**Monument Administration** This allocation would be used for office space costs, vehicle needs, meeting space, office supplies, travel expenses, and development of monument management plan, etc. for all three monuments	$141,000
4.	**Vessel purchase** The Office of Naval Research (ONR) and the US Fish and Wildlife Service are in final discussions for the refitting of one of the ONR retired vessels. It will cost FWS $5 million dollars to outfit this vessel for use by FWS for transport of personnel and material (building materials, bulk material, fuel, etc), maintenance, research and conservation projects, for all Pacific national marine monuments. These charges include adding staterooms, increasing fuel capacity, adding a crane for debris removal and other maintenance, etc).	$5,000,000 (one time fee)
5.	**Ship Operating Needs** The annual operating funds for the ship will include six crew members at ~100,000 each and $1 million for fuel and maintenance expenses	$1,600,000
6.	**Ship removal** As mentioned above, two grounded fishing vessels found in the new monument at Kingman Reef and Palmyra Atoll require immediate removal for their contribution to habitat loss.	$1,500,000
	Total	**$8,770,000**

These numbers do not include any biologist or enforcement positions or adequately begin to address the restoration projects on the critical needs list. This $8.7 million request is the barebones start-up funding with one small, critical habitat restoration project.

In summary, MCBI respectfully requests that the subcommittee augment funding for the national wildlife refuge system's national marine monuments.

Thank you for the opportunity to share our views,

William Chandler

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600 Pennsylvania Ave SE, Suite 210 • Washington DC 20003 USA

Mr. DICKS. Well, I think the statement is very comprehensive. I appreciate the good work you guys have done. We will look into this, and see what we can do.

Mr. CHANDLER. Thank you, Mr. Chairman.

Mr. DICKS. Right. Thank you.

Mr. SIMPSON. Is the $10 million needed all at one time?

Mr. CHANDLER. Presumably so. I mean, at least it has to be committed. I do not know how the contract reads, Mr. Simpson, so I would look into that and get back to you, though. Certainly will do that.

Mr. DICKS. Darin Schroeder, American Bird Conservancy, welcome.

TUESDAY, APRIL 28, 2009.

AMERICAN BIRD CONSERVANCY

WITNESS

DARIN SCHROEDER

Mr. SCHROEDER. Thank you, Mr. Chairman, and thank you, Ranking Member Simpson, for the opportunity to speak to you today about the increase, the need to increase funding to a Federal Grants Program that has proven very effective in maintaining healthy and abundant bird populations here in the United States. It is the U.S. Fish and Wildlife Service's Neotropical Migratory Bird Conservation Act Grants Program, which is a mouthful, so I will just refer to it as the NMBCA.

First of all, I would like to thank you for your past support of this program. In the time I have before you today, I would like to focus on how the increase of this program to its full authorization of $6.5 million, which is just $1.75 million above last year's appropriations level, would benefit the songbirds that are soon to arrive back from the wintering grounds, and to the backyards and birdfeeders of millions of anxiously awaiting Americans.

Now, as members of this subcommittee know well, America is blessed with a spectacular abundance and rich diversity of birds, with more than 800 species inhabiting the mainland, and in Hawaii and the surrounding oceans. So, it is easy to understand why 75 million Americans engage in the sport of bird watching, and how this activity generates over $45 billion to our economy every year.

Unfortunately, the U.S. Fish and Wildlife Service's new report, State of the Birds, tells us that many of our bird species are in decline, and some are threatened with extinction. For example, Eastern meadowlarks, historically found in great abundance in our prairies, have dropped 70 percent over the past 30 years. The Northern bobwhite quail has similarly lost 70 percent of its population, and the rusty blackbird has lost a staggering 99 percent. Hawaii, the 'akikiki and 'akeke'e, have undergone severe population declines, which has prompted ABC, my organization, to petition for their listing under the ESA.

American Bird Conservancy's own report, Saving Migratory Birds Future Generations, the Success of the Neotropical Migratory

Bird Conservation Act, has found that out of the 341 species the Act protects, 127 are in decline. If these trends continue——

Mr. DICKS. What is the reason for the decline?

Mr. SCHROEDER. Well, the major reason is habitat loss, and this grants program is targeted to address that very effectively. If these trends continue, Mr. Chairman, Americans may never be able to see the bright blue cerulean warbler, which is very typical in Congressman Mollohan's district, the Bell's vireo, or the black-chinned sparrow.

This downward spiral in some populations can be seen all throughout the country. Here in Washington, D.C., for example, an annual census of the birds of Rock Creek Park that started in the 1940s found that the number of migratory songbirds there has dropped 70 percent over the past half-century, and three species of warbler no longer breed there at all.

And as I mentioned, the mean declines are pretty well established by the U.S. Fish and Wildlife Service's report, and the largest is the loss of breeding habitat throughout the country and in the Northern Hemisphere. Resource extraction and growing human populations have resulted in more development and land conversion, and suburban sprawl has essentially limited the amount of extent, large, unbroken habitat for native birds.

And the second reason, of course, is from habitat degradation from the ecologically unsustainable land uses, such as clear cutting trees, or the destruction of grasslands to create farmland. 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 to 2000.

Now, to address these two problems, habitat loss and degradation, both of which are expanding ever increasingly south of our border, ABC respectfully requests that you act to help mitigate their impact by improving the appropriation level for the Neotropical Migratory Conservation Act Grants Program.

As the subcommittee knows, the NMBCA supports partnership programs in the United States, Canada, Latin America, and the Caribbean, to conserve migratory birds on their wintering grounds, where 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, outreach and education. My organization's report found that the grant program has established 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 partnership, along with the international collaboration they provide, are proving themselves to be an integral resource to preserving vulnerable bird populations. From 2002 to 2007, grant money has gone out to 44 U.S. States, 34 countries, and funded 225 projects, impacting almost 3 million acres of critical bird habitat.

ABC strongly believes that expanding this program is essential to achieving conservation goals critical to our environment and our economy. Just as importantly, this federal program is a good value

to taxpayers, leveraging over $4 in partner contributions for every $1 that we spend.

In conclusion, Mr. Chairman, let me just say that 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 the Congress must act now to reverse. If these reports tell 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.

And that concludes my remarks, Mr. Chairman.

[The statement of Darin Schroeder follows:]

April 20, 2009

The Honorable Norman Dicks
Chairman
Interior Appropriations Subcommittee
B-308 Rayburn HOB
Washington, D.C. 20515

The Honorable Michael Simpson
Ranking Member
Interior Appropriations Subcommittee
1016 Longworth HOB
Washington, D.C. 20515

Dear Chairman Dicks and Ranking Member Simpson:

My name is Darin Schroeder and I am the Vice President of Conservation Advocacy at American Bird Conservancy (ABC) and I am writing to ask you to provide funding to the programs we believe are crucial for maintaining healthy and abundant bird populations throughout the United States.

ABC is a 501(c)(3), non-profit organization dedicated to the conservation of wild native birds and their habitats throughout the Americas. Founded in 1994, ABC has long been a leader in Partners in Flight and the North American Bird Conservation Initiative, and is the only U.S.-based group dedicated solely to overcoming the greatest threats facing native birds in the Western Hemisphere. ABC has over 8,000 members, with offices in Virginia and the District of Columbia, and additional staff in California, Missouri, Montana, Kentucky, North Carolina, Idaho, New Hampshire, New York, and Oregon.

ABC participated in the creation of the recently released *U.S. State of the Birds*, the most comprehensive analysis of the status of bird populations and habitats to date. The report found that over 200 species of birds are in decline or facing serious threats. Hawaiian birds were found to be at greatest peril. Fortunately, the report also found that focused conservation efforts have been successful at restoring populations of threatened species. The report lends urgency to the need to invest in and expand effective bird conservation programs and to make Hawaii a higher priority for conservation projects. ABC urges support for the following programs and policy changes:

- **Neotropical Migratory Bird Conservation Act Grants Program**

The Neotropical Migratory Bird Conservation Act Grants Program supports public private partnership programs to conserve birds in the U.S., Latin America and the Caribbean, where approximately five billion birds representing over 500 species spend their winters, including some of the most endangered birds in North America. Projects include activities to benefit bird populations and their habitats such as research and monitoring, law enforcement, and outreach and education. ABC respectfully requests the Committee prioritize FY2010 funding for the Neotropical Migratory Bird Conservation Act Grants Program at $6.5 million which would be an increase of $1.75 million over the appropriated amount in FY2009.

- **Joint Ventures**

Joint Ventures are regionally based partnerships of public and private organizations dedicated to the delivery of bird conservation within their boundaries. Originally formed to support programs involving waterfowl and wetlands, the Migratory Bird Joint Ventures have recently adopted a five-year growth strategy to embody an "all-bird approach," to provide additional capacity for partnership development and enhancement, and to expand monitoring and assessment efforts. ABC respectfully requests the Committee allocate $19 million for FY2010, an increase of $6.5 million over the appropriated amount in FY2009.

- **North American Wetlands Conservation Act (NAWCA)**

NAWCA provides funding for conservation projects for the benefit of wetland-associated migratory birds in the United States, Canada, and Mexico. More than half of the original wetlands in the U.S. have been lost. This has contributed to the steady decline of migratory birds. NAWCA, in existence since 1989, has preserved over 20 million acres of wetlands by leveraging $573 million in federal funds with more than $1.6 billion in partner contributions. ABC respectfully requests the Committee prioritize FY2010 funding for NAWCA at $50 million, an increase of $7.4 million over the level appropriated in FY 09.

- **State Wildlife Grants**

The State Wildlife Grants fund is the nation's core program for preventing wildlife from becoming endangered, and supports a wide variety of wildlife-related projects by state fish and wildlife agencies throughout the United States. In order to receive federal funds through the State Wildlife Grants Program, Congress charged each state and territory with developing an "action plan." Every state and territory submitted their wildlife action plan to the U.S. Fish and Wildlife Service for review and approval by the October 1, 2005 deadline. The State Wildlife Action Plans are the result of a collaborative effort by scientists, sportsmen, conservationists, and other members of the community. ABC respectfully requests the Committee allocates $85 million for FY2010, an increase of $10 million over the level appropriated in FY2009.

- **International Programs within the USDA Forest Service**

International Programs within the USDA Forest Service support an array of extremely effective bird conservation projects with a relatively small budget. Among these are restoration of Kirtland's Warbler with programs in Michigan and the Bahamas, and conservation of breeding habitat in Canada's Boreal Forest. ABC supports an increase in funds which would expand and accelerate work on these projects, as well as projects benefiting the rapidly-declining Cerulean Warbler and the mangroves and wetlands of Mexico's Sonora Coast and San Pedro River watershed. ABC respectfully requests the Committee provide $14 million for FY2010, an increase of $5.5 million over FY2009.

- **Forest Products (USDA Forest Service)**

Populations of the Northern Spotted Owl and Marbled Murrelet continue to decline at a more rapid pace than was predicted by the Northwest Forest Plan. In addition, a series of policy changes adopted by the Bush administration including the Northern Spotted Owl Recovery Plan, Critical Habitat reduction for the owl and a proposed Critical Habitat reduction for the murrelet, and the Western Oregon Plan Revisions, have the potential to significantly accelerate habitat loss for these threatened species. There is also evidence that these policy changes were the result of political interference and failed to incorporate the best available science. ABC respectfully requests the Committee provide a funding limitation for any projects that propose to log late-successional forests in the planning area of the Northwest Forest Plan for FY2010.

- **Forest Legacy (USDA Forest Service)**

In the United States, 44 million acres of private forestland are estimated to be at risk from housing development by 2030. As forests are fragmented or lost to non-forest uses, services including wildlife habitat, clean air and water, recreational opportunities, and carbon storage and sequestration become threatened. The USDA Forest Service Forest Legacy Program is a voluntary program administered in cooperation with the states which uses conservation easements and other mechanisms to keep intact those private working forests in jeopardy of being converted to non-forest uses. Additionally, because this program encourages forest management activities through working forest easements, it can also help increase our climate mitigation capacity in forests. ABC respectfully requests the Committee provide $125 million for FY2010, an increase of $67.6 million over FY2009.

- **USGS American Breeding Bird Survey (BBS)**

BBS has been providing data crucial for migratory bird conservation planning since 1966. Today, the BBS provides the foundation for non-game, land bird conservation in North America with over 3,200 skilled volunteer participants sampling 3,000 routes annually across the continental U.S. and southern Canada. ABC respectfully requests the Committee provide this important program with the highest possible level of funding.

- **Hawaii**

As *U.S. State of the Birds* points out, Hawaii is one of the greatest bird conservation challenges facing this country. Conservation action in Hawaii must become a national priority since there are so many bird species vulnerable to extinction. Despite the urgency of the situation, a recent analysis of federal spending on bird species listed under the Endangered Species Act documented that one-third of all endangered and threatened bird species are located in Hawaii, but only four percent of all federal and state funding for Endangered Species Recovery are directed at Hawaiian species. Current recovery expenditures to save Hawaiian birds are inadequate to prevent them from becoming extinct. Funding for listed species of Hawaiian birds must be increased.

Sincerely,

Darin Schroeder
Vice President of Conservation Advocacy
American Bird Conservancy
1731 Connecticut Avenue, NW
Third Floor
Washington, DC 20009

Mr. DICKS. What about reforestation?

Mr. SCHROEDER. Reforestation is a critical component, and it is happening under the Neotropical Migratory Bird Conservation Act.

Mr. DICKS. Okay. Mr. Simpson. Thank you. Nicole Whittington-Evans, Friends of Alaska National Wildlife Refuges. Good morning.

Ms. WHITTINGTON-EVANS. Good morning, Mr. Chairman. Do I need to push anything here? Okay.

Mr. DICKS. I think as long as that button is on——

Ms. WHITTINGTON-EVANS. It does not appear to——

Mr. DICKS. It looks—you are good. We hear you.

TUESDAY, APRIL 28, 2009.

FRIENDS OF ALASKA NATIONAL WILDLIFE REFUGES

WITNESS

NICOLE WHITTINGTON-EVANS

Ms. WHITTINGTON-EVANS. Okay. Thank you very much for this opportunity to testify today. My name is Nicole Whittington-Evans, and I am here with the Friends of Alaska National Wildlife Refuges, regarding the fiscal year 2010 Appropriations for the National Wildlife Refuge System.

We urge adoption of a funding level of $514 million for the fiscal year 2010 for the National Wildlife Refuge System, the amount advocated by the Care Group and the House National Wildlife Refuge Caucus. This funding level will help to address recent reductions of staffing and programs, and will put the system on the path to reach adequate baseline funding of $765 million annually by fiscal year 2013.

The Alaska Friends is a nonprofit group composed of individuals who reside in Alaska and the contiguous United States. We work on a volunteer basis to assist the Fish and Wildlife Service to accomplish their mission and goals for the 16 Alaska National Wildlife Refuges. Alaska Friends volunteers have worked on programs such as removing invasive species in many refuges, rural education and science camps in remote villages, educational outreach to the public, and many other projects.

Alaska's refuges encompass more than 77 million acres, and comprise approximately 83 percent of the lands in the National Wildlife Refuge System, but they receive approximately 12 percent of the total budget for the Refuge System. As of January 2009, the Refuge System's operations backlog for Alaska projects totaled $272 million. Alaska's wildlife refuges have special management and budgetary needs, due to their size, remoteness, and inclusion of rural villages in many cases. They are unique in all of the Refuge System.

This is clearly illustrated by the Alaska Maritime Refuge, spread out along most of Alaska's 47,000 miles of coastline. The Maritime Refuge includes some 2,500 islands, pinnacles, active volcanoes, and headlands that are home to 40 million seabirds, which is 80 percent of all seabirds in North America, and significant populations of marine mammals, including fur seals, otters, whales, and Steller sea lions. Traveling east to west across the Refuge is ap-

proximately the same distance as a trip from the Atlantic Coast of Georgia to the Pacific Coast of California, and logistically, much more complex and expensive. The Service's 120 foot research vessel, the Tiglax, travels up to 22,000 nautical miles in a single year, to support management activities for this Refuge.

Management of this and other Alaska refuges is challenging, costly, and yet, vitally important. Alaska's refuges are uniquely situated to contribute information and expertise regarding major national and worldwide problems, such as climate change and the transmission of avian influenza, among others, and any reductions in budgets can have severe effects on their management capability, and long-lasting impacts on wildlife and habitat that play a central role in the biological health of not only the Refuge System, but of the entire continent.

In recent years, budget reductions have strained Alaska's refuge resources. Downsizing has resulted in the elimination of 29 positions between the fiscal year 2005 and 2007, including assistant managers, education specialists, and biologist. We need to turn this around, so that conservation efforts, enjoyment of refuges, and important refuge programs, such as rural job and education opportunities vital to many Alaskan rural villages and subsistence activities will not be further compromised or eliminated.

More than 1.3 million visitors and residents engage in activities on Alaska refuges annually. The contribution of refuges to local economies is illustrated by the Kenai Refuge, where every $1 spent by the Refuge produces almost $15 in local recreational expenditures, and over $12 million in local tax revenues. Finally, the Alaska Friends is strongly opposed to a provision included in the 2009 Public Lands Omnibus Bill, that may result in a land exchange for a road through the Izembek National Wildlife Refuge.

Alaska's refuges face many threats, including another proposed land exchange that would facilitate oil and gas development in the Yukon Flats Refuge. We have worked hard to oppose both of these proposals, and we urge this committee to move forward with caution when dealing with appropriating funds for these issues, and other issues facing refuges in Alaska.

We thank you for your efforts in the past to increase budgets for the National Wildlife Refuge System, and we strongly encourage you, and recommend you to adopt the $514 million appropriation for the Refuge System.

Thank you very much for this opportunity to testify.

[The statement of Nicole Whittington-Evans follows:]

Testimony of Nicole Whittington-Evans, Board Member
Friends of Alaska National Wildlife Refuges
Submitted to
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Concerning Fiscal Year 2010 National Wildlife Refuge System Appropriations
April 21, 2009

Mr. Chairman and Members of the Subcommittee:

On behalf of the Friends of Alaska National Wildlife Refuges, I wish to express our appreciation for the opportunity to provide this statement concerning the FY2010 appropriations for the National Wildlife Refuge System. We urge adoption of a funding level of $514 million for FY10 for the National Wildlife Refuge System, the amount advocated by the Cooperative Alliance for Refuge Enhancement (CARE) and the House National Wildlife Refuge Caucus. This funding level will help to address recent reductions of staffing and programs vital to ensuring the Refuge System's wildlife and habitat conservation mission and will put the System on the path to reach adequate baseline funding of $765 annually by FY2013.

The Alaska Friends is a 501(c)(3) nonprofit organization composed of individuals who reside throughout the State of Alaska and many Lower 48 States. We work on a volunteer basis to assist the U.S. Fish and Wildlife Service (FWS) to accomplish their Congressionally-mandated mission for the 16 Alaska National Wildlife Refuges. **The Alaska Refuges encompass more than 77 million acres and comprise approximately 83% of the lands in the National Wildlife Refuge System, but they receive approximately 12% of the total budget for the Refuge System.**

We appreciate the foresight of your Committee in successfully spearheading the critically-needed budget increases for FY08 and FY09 to the current level of $463 Million. However, a funding level of $514 million for FY10 is needed to avert continuing reductions in personnel and operations. Every year, the FWS needs at least a $15 million increase just to maintain current personnel and operations, and that is likely to increase as energy costs and inflation rise. In response to past budget shortfalls, FWS has been forced to downsize and eliminate staff, resulting in completely destaffing scores of refuges and requiring: remote management of many refuges; major reductions in visitor services, wildlife and habitat management, conservation, and restoration; diminished hunting and fishing opportunities; limited ability to control damaging invasive species; curtailment of environmental education programs; and reductions in law enforcement.

- The Refuge System tracks its backlog of needs in two major areas:
    - Deferred Maintenance – needs associated with maintaining constructed assets, such as administrative and visitor buildings, roads, levees, water control structures, visitor facilities, underground water lines. This work is considered "deferred" because it is overdue and funding resources are not currently available to complete the work.

  - Operations – needs associated with the annual operation of a refuge in all respects. These include staffing needed to manage habitat, provide law enforcement, provide services to visitors, and maintain assets. These needs can also be contracts or projects, such as controlling invasive species, monitoring habitat, restoring wetlands, and developing an environmental education curriculum. These needs are calculated in dollars as well, but it can be in the context of staff salaries, contracts, or supplies and materials needed to complete projects.
- The Refuge System's Deferred Maintenance backlog tracked in the Service Asset and Maintenance Management System database has hovered around $2.5 Billion for the past few years.
- The Refuge System's Operations backlog is tracked in the Refuge Operating Needs System database (RONS). For several years the operations backlog has hovered around $1 Billion, and a portion of that $1 Billion has been assigned a higher priority status called Mission Critical. For the past few years the Mission Critical part of the backlog was approximately $335 Million. When refuges updated their highest priority needs in RONS in late 2008, the Mission Critical part of the backlog grew to $355 Million.
- The increase in the Mission Critical backlog is primarily due to the addition of refuges and the use of models that more accurately predict staffing needs. However, the backlog figures do not reflect the needs for 50 million acres recently added to the System through the designation of the three new marine monuments (Rose Atoll, Mariana Trench, and Pacific Remote Islands).

As of January 2009, the RONS projects in Alaska Refuges totaled $272 Million. Alaska's wildlife refuges have special management and budgetary needs because they occupy a unique place within the Refuge System. This is clearly illustrated by the Alaska Maritime Refuge, which is headquartered in Homer. Spread out along most of Alaska's 47,000 miles of coastlines, the Maritime Refuge includes some 2,500 islands, islets, pinnacles, active volcanoes, and headlands that are home to 40 million seabirds (80% of all seabirds in North America) and significant populations of marine mammals, including fur seals, otters, whales, and Steller sea lions. The Maritime Refuge stretches from Forrester Island in the southeastern corner of Alaska north to Point Barrow on the Arctic Ocean and west to Attu Island at the end of the Aleutian Chain in the Eastern Hemisphere. The distances are daunting; traveling east to west across the Refuge is approximately the same distance as a trip from the Atlantic Coast of Georgia to the Pacific Coast of California, and logistically much more complex and expensive.

Management and monitoring of the far-flung Maritime Refuge is a prodigious and costly task. This requires long-term scientific studies and monitoring of populations, habitat, and trends in the ocean environment; eradication of destructive invasive species, such as farmed foxes, rats, and invasive plants; restoration of habitat damaged by cattle, horses, and the increasing threat of oil spills; and restoration of native species exemplified by the successful 20-year effort that brought the Aleutian cackling goose back from the brink of extinction. The Maritime Refuge's 120-foot research vessel *Tiglax* travels up to 22,000 nautical miles in a single year to support such activities. These types of activities on Alaska's refuges require substantial resources in terms of personnel, equipment, travel, fuel, supplies, and maintenance. Thus, any direct or indirect reductions in budgets can have severe effects on the management capability of Alaska's

refuges and long-lasting impacts on the wildlife and habitat that play a central role in the biological health of the entire continent.

To effectively manage the Alaska Refuges, the Alaska Region has adopted a goal of devoting 30% of its budget to Management Capability (MC) and 70% to personnel, as compared to a national target of 20% and 80% respectively. This greater allocation to MC is necessitated by the inherently higher costs of equipment, such as boats and airplanes rather than trucks, higher fuel and other utility costs for the more remote offices and stations located in Alaska Refuges, and higher costs of repairs and maintenance of equipment and buildings in the many remote areas. For example, in 2006 the *Tiglax* required $98,000 and refuge aircraft required $506,000 in fuel with major increases in the past two years, and remote refuge offices pay a premium to operate in rural Alaska.

In recent years, budget reductions and lack of funding to meet increased costs of operations and maintenance caused by inflation have placed a great strain on these resources. This led to continuing staff reductions to maintain the MC level that is necessary to implement the basic programs of the 16 Alaska Refuges. For ten years, the Alaska Region has been actively working to maintain its MC at 30%. Since 1999, it has made "full inflation offsets" a top priority. When the RONS increases began to dwindle in 2003, the Alaska Region began the process of abolishing positions and using the savings to fund inflation offsets. During FY 2005 through 2007, downsizing resulted in the elimination of 29 positions, including assistant managers, education specialists, and biologists, and the salary savings were rolled into inflation offsets for all 16 Alaska Refuges.

The 16 Alaska Refuges provide a myriad of opportunities to more than 1.3 million visitors each year. There are summer science camps and local environmental education programs, mainly in rural areas and Native communities and schools; outstanding recreational opportunities, such as fishing, hunting, hiking, boating, wildlife viewing, and photography; important subsistence activities that support the traditional lifestyles of Alaska Natives and other rural residents; partnering with Native corporations and local governments that provide valuable experiences and job opportunities, such as Refuge Information Technicians; and cooperative programs and matching grants with the Alaska Friends to conduct rural outreach and environmental education programs and to remove invasive species that threaten the health and integrity of refuge ecosystems. The contribution of refuges to local economies is illustrated by the Kenai Refuge where every $1 spent by the Refuge produces almost $15 in local recreational expenditures and over $12 million in local tax revenues.

Invasive plant species are advancing northward and threatening the habitats of Alaska Refuges. With 50% cost-share funding for the three years, Alaska Friends volunteers have removed invasive species affecting six Alaska refuges. In conjunction with these activities, we organized public meetings to inform the local populace about their refuges and the opportunities and challenges they provide. This year, we have several similar projects underway. Without matching funding, these volunteer programs could not continue the work to protect our valuable wildlife habitats from destructive invasives.

In addition to the traditional refuge programs and activities, the Alaska Refuges are uniquely situated to contribute information and expertise to major national and worldwide problems. The mounting scientific evidence of global warming has shown that Northern Alaska is experiencing far greater impacts than other regions. The rate of temperature increase in Alaska is twice that of the Lower 48 States. Coastlines, nesting areas, and villages are being severely damaged by the decreasing size of polar icepacks and the longer ice-free periods, which increase the severity and destructiveness of coastal storms. Homes, offices, and other structures are being destroyed by the melting of permafrost, and plant and animal species are advancing northward to areas where they have been unknown in human history. These changes not only interfere with the subsistence way of life of rural Alaskans, but they impede and increase the costs of refuge research, management, and maintenance. Given adequate budgetary support, the Alaska Refuges can provide extremely valuable biological and climatological studies and monitoring to increase our understanding of the processes and hopefully design and implement mitigation projects to reduce the impacts of global climate change.

The Alaska Refuges are also on the frontlines of potential transmission of avian influenza by migratory birds from Asia. Since a major portion of these populations depends on refuge habitats during migration and breeding, early detection can be improved by monitoring programs conducted within the refuges. There is presently some funding available to support such monitoring programs, but continued or increased funding may be necessary to provide adequate early warning capability.

Failure to increase the budget of the Alaska National Wildlife Refuges will result in:
1) reduced subsistence and recreational opportunities; **2)** fewer visitor services; **3)** loss of important environmental education and science camps, especially for children and youth in rural Native villages; **4)** increased maintenance backlogs; **5)** reduction of important scientific studies, such as wildlife population and habitat monitoring and enhancements that assist in understanding global climate change and avian influenza; and **6)** overall degradation and decay of the Refuge System and public enjoyment of the resources

Finally, the Alaska Friends is strongly opposed to a provision included in the 2009 Public Lands Omnibus bill that may result in a land exchange for a road through the Izembek NWR, AK. We believe that the $37.5 million Congress appropriated in 1998 for a solution to the transportation needs of the town of King Cove has already addressed the town's health and safety needs by resulting in: an upgraded medical clinic; purchase of a state of the art hovercraft that has met every medical evacuation need since it became operational in February 2007, and construction of a marine terminal and road to access the terminal. We urge the Subcommittee to prohibit funds for activities that would advance a road, and feel it is particularly difficult to rationalize this questionable expenditure given the budget shortfalls the USFWS is facing.

We urge you to adopt the recommended $514 million appropriation for the National Wildlife Refuge System which will allow necessary programs to be maintained and enhanced for our magnificent National Wildlife Refuges. We have an obligation to provide future generations the same opportunities to learn and benefit from our National Wildlife Refuge System that all of us enjoy today.

Mr. DICKS. Well, we appreciate your testimony. Homer is in Southeastern Alaska, right?

Ms. WHITTINGTON-EVANS. No, Homer is basically South Central Alaska.

Mr. DICKS. South Central.

Ms. WHITTINGTON-EVANS. Yeah.

Mr. DICKS. Well, I——

Ms. WHITTINGTON-EVANS. Alaska Maritime's headquarters are in Homer, but the refuge itself has some islands in Southeast Alaska.

Mr. DICKS. Southeast Alaska.

Ms. WHITTINGTON-EVANS. Yeah. And all across the Aleutian chain, and up all over.

Mr. DICKS. We will certainly, we appreciate how important Alaska is in this situation. Mr. Simpson.

Mr. SIMPSON. No.

Mr. DICKS. Thank you.

Ms. WHITTINGTON-EVANS. Thank you very much.

Mr. DICKS. Thanks.

Ms. WHITTINGTON-EVAN. Okay. Bye bye.

Mr. DICKS. And we are committed to increasing the funding for the Fish and Wildlife Service.

Ms. WHITTINGTON-EVANS. Thank you.

Mr. DICKS. Bruce Stein, National Wildlife Federation.

TUESDAY, APRIL 28, 2009.

NATIONAL WILDLIFE FEDERATION

WITNESS

BRUCE STEIN

Mr. STEIN. Good morning, Mr. Chairman, Ranking Member Simpson. Thank you for the opportunity to testify on behalf of the National Wildlife Federation and our four million members and supporters.

My written testimony details NWF's specific funding recommendations for agencies under the subcommittee's purview, but what I would like to focus on today is the need for strong federal action to safeguard our wildlife and natural ecosystems in the face of the unprecedented threat from global warming.

Climate change is now putting more than a century of conservation achievement at risk here in the United States as well as around the world, and addressing both the underlying causes of global warming and its impacts on our natural world, is quite simply the conservation challenge of our time.

Addressing this challenge will require a strong commitment from the Federal Government, as well as unprecedented levels of coordination among federal, state, and private entities. The President's detailed budget request has not yet been released, but we are heartened by what was revealed in the February budget summary.

We strongly endorse the President's commitment to meaningfully reduce emissions of global warming pollution, and are particularly supportive of the $130 million in additional funding included in the

Department of the Interior budget to assess and respond to the impact of climate change on wildlife.

I would like to focus my remarks on three areas when NWF sees federal action as critical for positioning the Nation to address the growing impacts of climate change. These are improved scientific capacity for understanding climate change impacts on wildlife; two, development of adaptation strategies at federal and state levels; and three, delivery of climate-smart conservation programs.

Regarding scientific capacity, NWF commends the subcommittee for its leadership in the establishment of a National Climate Change and Wildlife Science Center in the U.S. Geological Survey. That Center, which NWF fully supports, promises to improve understanding of the impacts of global warming on fish, wildlife, and plant resources, which will be an essential ingredient for developing effective wildlife adaptation strategies.

The subcommittee also recognized the importance to the Federal Government of the network of state-based national heritage programs. The inventory and monitoring data provided by this national network is critical for assessing the impacts of climate change on species and ecosystems, and we encourage the committee to continue federal support for this important public/private partnership.

Regarding adaptation planning, safeguarding the Nation's wildlife and natural resources in the face of climate change will require coordination across federal departments and agencies. NWF strongly endorses the development of a national climate change adaptation strategy. We are encouraged by recent adaptation planning efforts underway in agencies such as the Fish and Wildlife Service and U.S. Forest Service, but feel that a truly national cross-agency approach will be essential to respond to this challenge.

Mr. DICKS. So, you are saying, what you want to see is an interagency organization.

Mr. STEIN. That is correct. We have to do this in a coordinated fashion. Otherwise——

Mr. DICKS. Now, USGS, they are the science entity for the Department of Interior.

Mr. STEIN. That is correct.

Mr. DICKS. But we got NOAA. We have other agencies that are involved. NASA, I mean, there are a lot of other people involved——

Mr. STEIN. That is correct, but the actual conservation delivery agencies.

Mr. DICKS. Is not Carol Browner supposed to be in charge of an interagency effort on climate change?

Mr. STEIN. And apparently, CEQ is co-leading an adaptation and working group.

Mr. DICKS. Yeah, CEQ, that would be the normal——

Mr. STEIN. OSTP.

Mr. DICKS. We sometimes forget about them, because they were so unobvious in the last eight years.

Mr. SIMPSON. The previous Administration.

Mr. DICKS. Well, I did not want to ruin your morning. But now, we have Ms. Sutley down there, and she is holding some meetings, I am told.

Mr. STEIN. Yes, that is our understanding.

And in fact, Chairman, there was language included in the Financial Year 2009 Appropriations Bill, directing the Secretary of Interior to begin development of such a strategy. We are not sure exactly where that stands at this point, because it was included in the U.S. Geological Survey section, but obviously, it goes well beyond the USGS.

Mr. DICKS. Right. There definitely should be an interagency effort. I assume that with this Administration, there will be.

Mr. STEIN. We assume that as well, yeah.

Mr. DICKS. Right.

Adaption planning must also proceed at the state level, where much of the responsibility for resource management and conservation delivery resides. Fortunately, state wildlife action plans, which this subcommittee has been instrumental in supporting, provide an excellent foundation on which to build.

The National Wildlife Federation has been working with more than 15 states to assist them in building climate change into their wildlife action plans, and we have found a tremendous amount of interest in the states in updating these plans to better take climate change into consideration, and develop specific management responses.

We strongly support appropriation of at least $85 million to the State Wildlife Grant Program, and additionally, would suggest this program is an effective vehicle for delivery of the $40 million in state wildlife adaptation assistance identified in the President's budget summary.

Regarding conservation delivery, ensuring the survival of the Nation's natural heritage, and the continued functioning of our natural ecosystems, will depend on the delivery of climate-smart conservation programs, and practices on both public and private lands and waters.

NWF believes that many existing federal programs, from land acquisition and management to species protection, to private landowner incentives and assistance, can serve to deliver on the ground conservation in ways that benefit both climate adaptation and sequestration, that is carbon mitigation objectives. Given the magnitude of projected impacts, however, it is clear that natural resource adaptation will require vastly greater levels of funding that historically have been available for wildlife and natural resource management.

Accordingly, NWF feels that it is essential that any comprehensive climate change legislation enacted by Congress must not only reduce greenhouse gas emissions, but also include substantial funding to counter and repair the damage of global warming, the damage that global warming pollution is having, and will continue to have, on our natural ecosystems.

Investing in healthy natural systems is not only the right thing to do for the Nation's wildlife, but is important for sustaining a strong economy, for helping protect our communities from natural disasters, and for ensuring that America's children will continue to enjoy a high quality of life.

Thank you very much for the opportunity to speak with you today.

[The statement of Bruce Stein follows:]

Dr. Bruce A. Stein
Associate Director, Wildlife Conservation and Global Warming
National Wildlife Federation

Testimony on FY 2010 Appropriations
House Appropriations Subcommittee on Interior, Environment & Related Agencies

March 26, 2009

On behalf of the National Wildlife Federation, 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 FY 2010 funding recommendations for the Department of the Interior and other agencies under the purview of this Committee.

National Wildlife Federation's mission is to inspire Americans to protect wildlife for future generations. To achieve this mission the organization is focused on confronting global warming, safeguarding and restoring wildlife, and connecting people with nature. Global warming now constitutes the single greatest threat to the survival of today's most cherished wildlife species; we are at a critical juncture for sustaining the natural systems on which humans and wildlife depend. Congress must take bold steps to address both the underlying causes of climate change, through reductions in greenhouse gas emissions, and adaptation to the now-inevitable impacts of global warming on the nation's wildlife and natural habitats.

We commend the Subcommittee for its efforts to strengthen the scientific basis for addressing climate change impacts on wildlife, and for directing the Secretary of Interior to develop a national climate change adaptation strategy. Although the President has yet to release details of his FY 2010 budget request, **we are strongly supportive of the $130 million in new funds included in the President's Department of Interior budget to help federal and state land managers assess and respond to the impacts of climate change on wildlife.** We are particularly pleased with the inclusion of $40 million of these funds for wildlife adaptation by the states.

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. It provides state wildlife agencies and their partners with a broad suite of proactive conservation tools to allow for meaningful and cost-effective species conservation. At the heart of this program is implementation of federally approved wildlife action plans. With global warming posing an increasing threat to wildlife and their habitats, these action plans serve as critical tools for safeguarding wildlife. National Wildlife Federation is working with many states to help them better integrate climate change considerations into these plans. We urge Congress to honor its commitment to this important effort and respectfully **request that the subcommittee provide State Wildlife Grants funding of $85 million,** an increase of $10 million over FY09 enacted levels.

Endangered Species Program

The Endangered Species Act (ESA) is a safety net for wildlife, plants, and fish that are on the brink of extinction. While the Act has been extraordinarily successful in preventing the extinction of plants and animals, funding for its implementation has eroded significantly over the past few years. To adequately implement the endangered species program, funding must gradually increase for the four main accounts to at least $305.8 million by 2013. We appreciate the increases to the endangered species accounts included in the FY 09 appropriations and **urge the Subcommittee to appropriate at least $217 million in FY 10 toward the Endangered Species Program** ($59 million above FY 09 enacted) as follows:

- **Listing Program** – This program requires **$32 million** for FWS to address both new species and the backlog of species awaiting action on proposed listings and critical habitat designations.
- **Recovery Program** – Despite the fact that Congress repeatedly states that recovery is the most important element of the ESA, recovery funding has remained almost stagnant in recent years. For an effective recovery program, FWS needs **$95 million**.
- **Consultation Program** – We are grateful to the Subcommittee for supporting meaningful consultation under the ESA, and providing a congressional basis for reversing the unwise consultation rules promulgated in the final hours of the previous administration. To ensure an efficient and effective consultation program, we recommend funding of **$75 million** (an increase of $11.5 million from FY 09 enacted).
- **Candidate Conservation** – This program enables candidate and other at-risk species to receive conservation attention so that they will not require formal listing under the Act. To address this critical need we recommend funding of **$15 million** (an increase of $4.3 million over FY 09 enacted).

Cooperative Endangered Species Conservation Fund

This fund offers grants to states for participation in a wide array of voluntary conservation projects for candidate, proposed, and listed species. These funds may in turn be awarded to private landowners and groups for conservation projects. Section 6 grants include: Recovery Land Acquisition Grants; Habitat Conservation Plan (HCP) Land Acquisition Grants; HCP Planning Assistance Grants; and Grants to States. We would like to see this program receive **$110 million** (an increase of $30 million over FY 09 enacted).

Landowner Incentive Program and Private Stewardship Program

We support reinstatement of two important programs focused on conservation on private lands. **The Landowner Incentive Program** (LIP) provides states with grants to protect and restore habitats on private lands to benefit federally listed, proposed, candidate, and other at-risk species. National Wildlife Federation recommends LIP funding of **$23.7 million.** The **Private Stewardship Program** provides grants and other assistance on a competitive basis to individuals and groups engaged in local, private, and voluntary conservation efforts that benefit federally listed, proposed, candidate, and other at-risk species. We recommend funding of **$7.3 million**.

National Wildlife Refuge System Operations and Maintenance

The National Refuge System is crucial for conserving the nation's wildlife, but has been hobbled for many years by inadequate budgets. Added to existing stressors, climate change holds profound implications for management of these refuges, and FWS will need to evaluate how the

system should be managed, and perhaps expanded, to adapt to these changes. The FY 09 appropriation provided a much needed increase in the National Wildlife Refuge System Operations and Maintenance budget, but still falls short of what is required to adequately manage the system. National Wildlife Federation supports the Cooperative Alliance for Refuge Enhancement (CARE) recommendation of $765 million by FY 13, and **recommends an FY 10 funding level of $514 million** (an increase of $51 million over FY 09 enacted).

II. U.S. Geological Survey

Biological Research and Monitoring Program

The Biological Research and Monitoring program provides critical research on the status and trends of the nation's biological resources, supporting other Interior bureaus and federal agencies. We are particularly supportive of the $1 million in funding budgeted for ensuring the quality and consistency of databases on rare and endangered species maintained by NatureServe and relied on by many different federal agencies; we urge the committee to continue its support of this important public-private effort. To help provide the scientific basis for biological resource management, **National Wildlife Federation supports an FY 10 budget for the Biological Research and Monitoring Program of $155 million** (an increase of $8.8 million over FY 09 enacted).

National Climate Change and Wildlife Science Center

The National Climate Change and Wildlife Science Center is an important new initiative designed to improve understanding of the impacts of global warming on wildlife and ecosystems, and help land managers better design and implement adaptation responses. We appreciate the Committee's leadership in funding the establishment of this Center, and **recommend continuation of funding at the FY 09 enacted level of $10 million.**

III. Bureau of Land Management

National Landscape Conservation System

The National Landscape Conservation System (NLCS) is an American treasure that consists of 26 million acres of some of the last best places in the American West. Since its creation in June 2000, however, the System has been chronically under-funded and starved for adequate resources to meet its core responsibilities and manage the growing number of visitors. We are heartened by authorizing legislation for this national system contained in the recently passed Omnibus Public Lands Management Act of 2009. To ensure adequate management of NLCS, we **recommend a budget of $75 million**

VI. U.S. Forest Service

Forest Inventory and Analysis

The Forest Inventory and Analysis (FIA) program is the nation's only comprehensive forest inventory system that provides credible forest inventory data across all ownerships. FIA data will play an increasingly important role in carbon accounting systems and ensuring the sustainability of biomass energy development. **We recommend a budget of $77.9 million** (an increase of $17 million from FY 09 enacted).

Forest Legacy Program
The Forest Legacy Program targets the protection of working forest landscapes, and has a perennial backlog of worthy projects. The program has been especially important in states where there are few federal land holdings and timber companies are in the process of consolidating and selling their lands. **We recommend a funding level of $125 million** (an increase of $67 million over FY 09 enacted).

Community Forest and Open Space
The Community Forest and Open Space Program provides new authorities for the Forest Service to partner with local communities, Indian tribes, and non-profit organizations to prevent at-risk forest parcels from being converted to non-forest uses. We recommend that this important new program be funded.

V. Land and Water Conservation Fund

The Land and Water Conservation Fund (LWCF) is the federal government's primary tool for funding acquisition of valuable wildlife habitat and open space. After years of drastic cuts in the LWCF we are pleased to see that the President's budget puts LWCF back on the road to full funding by 2014. **National Wildlife Federation strongly supports the $420 million requested for FY 2010.**

VI. Environmental Protection Agency

Greenhouse Gas Inventory and Comprehensive Climate Strategy
EPA has recently proposed rules for a national greenhouse gas emissions registry, which is an essential component of any system designed to implement a comprehensive climate strategy. The President's budget request includes **$19 million** for EPA's work on the Greenhouse Gas (GHG) emission inventory and related activities. National Wildlife Federation supports full funding of this important effort.

Energy Star
The Energy Star Program helps businesses, consumers, and state and local governments save energy and money. By promoting opportunities for energy efficiency, the program is helping transform the nation's energy economy and reduce global warming pollution. **National Wildlife Federation recommends funding of $100 million** (an increase of $50 million from FY 09 enacted).

Great Lakes Restoration Initiative
The President's budget request includes **a new $475 million initiative** to address regional issues in the Great Lakes identified by federal, state, and local participants in the Great Lakes Regional Collaboration. Funding these critical restoration needs will help mitigate the impacts of global warming in the Great Lakes, and we urge the committee to fully fund this initiative.

Environmental Education
EPA's Office of Environmental Education implements highly successful, nationwide environmental education programs, which are especially critical as we seek to prepare Americans for green jobs and find innovative solutions to global climate change. We are grateful for the Subcommittee's support of environmental education and **recommend a funding level of $14 million** (an increase of $5 million over FY 09 enacted).

Mr. DICKS. Thank you. This is a very comprehensive statement. We—I personally agree with much of this, and you have had some good ideas that we will continue to work on.

Mr. STEIN. Great. Thank you.

Mr. DICKS. Thank you. Mr. Simpson.

Mr. SIMPSON. Thank you.

Mr. DICKS. Gregory Miller, the Outdoor Alliance.

Mr. MILLER. Good morning, Mr. Chairman, Ranking Member Simpson. Appreciate it.

Mr. DICKS. Welcome.

TUESDAY, APRIL 28, 2009.

OUTDOOR ALLIANCE

WITNESS

GREGORY MILLER

Mr. MILLER. I am Greg Miller, President of American Hiking Society, and Vice Chair of the Outdoor Alliance, a coalition of six outdoor recreation organizations who represent millions of Americans who hike, paddle, climb, bike, ski, and snowshoe. We are devoted to the conservation and stewardship of our Nation's public lands and waters through responsible, human-powered outdoor recreation.

We greatly appreciate the subcommittee's past support for trails and recreation, and urge you to support strong recreation funding in 2010. My full written testimony has been submitted for your record.

Less than 24 hours ago, I was hiking in the Front Range of Colorado, and like millions of Americans, sustainable recreation on public lands and waters is a central part of my life and that of my family. Outdoor Alliance believes that quiet recreation on our Nation's trails and public lands offers a lifelong and enjoyable way to deepen one's connections to nature, people, and place, and can also motivate people to protect the places they love, and preserve them for future generations.

These lands and waters are integral to our national identity and economy, and with this in mind, I would like to highlight some of the 2010 budget recommendations that we believe are critical investments towards the health and wellbeing of American society. First recommendation is that the primary field of federal land management agencies urgently need more recreation staff, field staff. We propose that each agency receive funding to hire a minimum of 200 new field staff, such as back country rangers or visitor service specialists. We all agree that Americans need to get outside and recreate, but there are not enough field professionals to provide support and interpretation for visitors, especially children and families.

Second, the world class recreation heritage of our National Forest System is truly threatened. Outdoor Alliance is deeply concerned that the recreation and trails programs will remain underfunded. This would result in devastating program and staff reductions, diminished recreation opportunities, and exacerbated mainte-

nance backlogs. We therefore seek minimum appropriations of $377 million for the Service's recreation, heritage, and wilderness programs, $136 million for the Forest Service capital improvement and maintenance for trails, and $100 million for the Legacy Roads and Trail Remediation Program.

Third, the Bureau of Land Management stewards more than 13 percent of America's surface, and manages trails in the fastest growing states in America. From the soaring heights of the Pacific Crest Trail in Oregon to the depths of the Paria River Canyon in Utah. These are truly lands in demand. Recreational use is increasing by more than 300 percent in some areas, and more than 23 million people live within 25 miles of BLM lands.

It was a proud day for all of us when the Omnibus Public Land Management Act was approved by Congress and signed by President Obama, and we thank the bilateral support for that. However, much work remains to ensure that the national landscape conservation system becomes permanent, not just on paper, which was an important element of that Act.

We believe Congress can help in three ways. First, insist that BLM create a budget sub-activity for national scenic and historic trails, and wild and scenic rivers. Second, to provide adequate funding for the national landscape conservation system, we are recommending $75 million, which would enable the BLM to enhance visitor safety and security, coordinate volunteers, and protect resources. Finally, the BLM recreation management sub-activity must be adequately funded. For example, Agua Fria National Monument, near Phoenix, Arizona, has only one developed hiking trail, despite the fact that it is next to the second fastest growing city in America. This cannot continue.

Fourth, we support the President's proposed funding levels for the National Park Service operations, and request $12 million for the Rivers, Trails, and Conservation Assistance Program. RTCA yields enormous benefits to communities nationwide, improving quality of life and close to home recreation, and I have just returned from the Denver area, and I have had a chance to view some of the RTCA Intermountain Region's programs, integrated underserved populations in the Greater Denver Area with our recreation opportunities.

Fifth, the Land and Water Conservation Fund has provided for, and continues to protect close to home recreation opportunities across America. We support increased LWCF funding to the $900 million authorized level over four years, and in 2010, we request $125 million for stateside, and $325 million for the federal program.

Finally, the National Wildlife Refuge System contains 2,500 miles of trail, of land and water trails, serving nearly 40 million visitors annually. We see a disturbing trend in staff downsizing and reduction that is not acceptable, and request a 2010 appropriation of $541 million.

In closing, the stewards, volunteers, and outdoor enthusiasts of the Outdoor Alliance provide extraordinary volunteer opportunities and contributions to our public lands. However, we could marshal an even greater level of volunteer stewardship if only agencies had

more staff to help coordinate our volunteer contributions on the federal estate.

For example, American Hiking Society coordinates volunteer vacations on National Trails Day, nationally recognized programs that engage thousands of volunteers of citizen stewards and trail advocates, and we, of course, leverage hundreds of thousands of hours of sweat equity that are worth millions of dollars.

While volunteerism is essential to trails and recreation infrastructure, volunteers on public lands must not be perceived as a panacea to declining agency budgets and staffing levels. Congress must invest in trails, rivers, and human capital, as they are the true gatekeepers of our Nation's rich outdoor heritage.

On behalf of the Outdoor Alliance, we thank you for your attention and considering our testimony.

[The statement of Gregory Miller follows:]

TESTIMONY OF DR. GREGORY MILLER VICE CHAIRMAN, OUTDOOR ALLIANCE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON INTERIOR,
ENVIRONMENT AND RELATED AGENCIES
PUBLIC WITNESS HEARING, APRIL 28, 2010

Executive Summary of Outdoor Alliance's FY2010 Budget Recommendations:

Agency	Program and Funding Recommendations
United States Department of Agriculture Forest Service	• Recreation Management, Heritage and Wilderness: $377.1 million; • Capital Improvements & Maintenance/Trails: $136 million; and • Legacy Roads and Trails Remediation Program: $100 million.
Department of the Interior Bureau of Land Management	• National Landscape Conservation System: $75 million.
Department of the Interior National Park Service	• Support President's proposed funding level for Park Operations; • Rivers, Trails and Conservation Assistance program: $12 million; and • Wild and Scenic Rivers program: $600,000.
Department of the Interior US Fish & Wildlife Service	• National Wildlife Refuge System: $541million.
DOI and USDA Jointly	• Stateside LWCF (NPS): $125 million; and • Federal LWCF (all fed agencies): $325 million. • 200 New Rangers and Visitor Service Professionals: $50 million.

My name is Gregory Miller and I serve as the President of the American Hiking Society and as the Vice Chairman of the Outdoor Alliance.

Outdoor Alliance is a coalition of six national, member-based organizations devoted to conservation and stewardship of our nation's public lands and waters through responsible human-powered outdoor recreation. Outdoor Alliance includes: Access Fund, American Canoe Association, American Hiking Society, American Whitewater, International Mountain Bicycling Association, and Winter Wildlands Alliance, and represents the interests of millions Americans who hike, paddle, climb, mountain bike, ski and snow shoe on our nations public lands and waters.

To millions of Americans, sustainable recreation on federal lands and waters is a central part of their lives. These lands and waters are integral to our national identity and all require adequate funding. Our members believe that outdoor recreation must coexist with the nation's landscapes, waters and healthy ecosystems. The Outdoor Alliance recognizes the need for active and immediate efforts to bring our public lands infrastructure and in some cases the lands themselves up to standards. We believe that doing so would create an array of economic benefits across multiple sectors of the United States economy immediately and for decades to come. With this in mind, we offer the budget recommendations set forth below.

Funding for Increased Field Staff across the Major Land Management Agencies

The primary federal land management agencies (Forest Service, BLM, NPS, and FWS) each have a significant need for recreation field staff. We propose that the agencies be funded in a manner that would enable each agency to hire 200 field staff professionals, such as backcountry rangers or visitor service specialists, at a GS-7 level (salaries, benefits, related equipments costs

at approximately $50 million in FY 2010). This opportunity would result in hundreds of new jobs across the nation and create a corps of new professionals who would interact with the visiting public, encourage recreation-based tourism, create new opportunities for volunteerism, offer opportunities for children to experience public lands, and reduce planning conflicts and errors. Importantly, these professionals would stay on long after the expected rise in necessary construction projects, made possible by ARRA funding, starts to ebb.

United States Department of Agriculture - Forest Service

Recreation, Heritage and Wilderness Programs comprise the greatest use of National Forest System lands, and yet these programs are chronically under-funded and understaffed. Outdoor Alliance's supports the allocation of *$377.1 million* for these programs as it will empower the Forest Service to better care for resources and facilities as well as augment on-the-ground staff and improve recreation resource analyses and planning. Additionally, this funding level will assist in leveraging partnerships and passionate volunteers from the human-powered community, who collectively devote thousands of hours to conservation and stewardship projects throughout the National Forest System.

In the immediate future, the Forest Service faces significant challenges – wildland fires, climate change impacts that threaten plant and animal species, watersheds and entire ecosystems, and a national energy crisis. A key aspect of managing these threats is thoughtful and competent management of the system of Forest Service roads. In 2005, the Forest Service promulgated the Travel Management Rule, a process of planning and managing dispersed outdoor recreation. The deadline for the completion of motorized road and trail designations for all Forest Service lands is December 2010. Once the designations are completed, the Forest Service will require funds to implement the designations and manage visitor access on an on-going basis – both to ensure adequate environmental protection and quality recreational experiences. Additionally, as travel management plans reach completion in 2010, the trails program will require increased funds for proper implementation.

As we understand it, the annual estimated cost of implementing travel and management plans under the Recreation Program is $75.7 million for map publications and visitor education. The Forest Service is expected to need an additional $8.4 million in FY 2010 to support travel planning in the approximately seven forest units that anticipate delayed completion beyond the deadline.

Wilderness and Wild & Scenic Rivers represent a significant collection of protected and connected landscapes that play an important role in forests' ability to adapt to and overcome the effects of climate change. Additionally, wilderness areas make up 20 percent of National Forest lands and offer exceptional human-powered recreational experiences. These landscapes must be managed to preserve their natural and cultural values. As identified in the 10-Year Wilderness Stewardship Challenge, the Forest Service will need at least a $30 million increase in funding level to bring program areas up to standards.

Our National Forests serves over 50 million visitors each year who participate in a variety of recreational pursuits, such as cross-country skiing, hiking, and mountain biking, across 140,000 miles of trails, climbing routes and river access points. Only 38% of these trails are maintained to standard and maintenance backlogs as of 2007 are $237 million. Outdoor Alliance believes that our proposed budget figure for Capital Improvements and Maintenance for Trails of $136.4

million is needed for the restoration and maintenance of these resources --including national scenic and historic trails—and will reduce the deferred maintenance backlog, improve trail infrastructure, prevent and mitigate resource impacts, and provide safe, high-quality recreational experiences for millions of Americans.

In FY 2008, Congress established the Legacy Roads and Trails Remediation Initiative. Our members witness first-hand the impacts of inadequate funding for Forest Service roads and trails. As these assets degrade, they threaten access to public lands and recreational sites and impinge upon water quality and fish habitat. It is prudent to decommission roads that are no longer needed or that may be causing adverse ecosystem impacts. We must also provide appropriate maintenance for roads that provide critical access to public lands. The active outdoor community enthusiastically supports continued growth of this critically important program. We believe $100 million in FY 2010 is an adequate next step.

United States Department of the Interior - Bureau of Land Management

The National Landscape Conservation System (NLCS) comprises 26 million acres of some of the last best places to experience the history and wild beauty of the American west, including national monuments, wilderness areas, scenic rivers and trails, historic sites, and other special places. All the lands and waters of the NLCS are an integral part of the active, outdoor lifestyle enjoyed by the millions of Americans who participate in sustainable outdoor recreation activities each year. They enable families to escape the crowds and stress of everyday life, get active and healthy, and contribute to sustainable economic growth. Though the NLCS contains only 10% of BLM's total holdings, NLCS accounts for more than one-third of the BLM's total recreational use and more than one-half of its total recreational fee collections. The NLCS plays a significant economic role by driving the purchases of services and equipment that account for the outdoor recreation industry's significant economic contribution.

The Outdoor Alliance suggests that $75 million would help offset increasing maintenance and visitor use costs including reducing vandalism of cultural and recreational resources through hiring of law enforcement staff; implementation of Transportation Management Plans to support human-powered recreation programs; and assisting with coordination and management of volunteers and stewards who dedicated thousands of hours each year to NLCS units. In addition, we support the creation of specific budget subactivities for the all the specially-designated places the NLCS contains – including Wild and Scenic Rivers and National Scenic and Historic Trails.

United States Department of the Interior - National Park Service

Outdoor Alliance supports President Obama's preliminary plan to increase FY 2010 funding by $100 million for the operation and maintenance of our national parks, as well as the additional $25 million to leverage private donations for park projects.

The National Park Service has responsibilities beyond the boundaries of our national parks. These responsibilities are critically important because our national parks are not isolated parcels, but always exist in a broader setting, both geographically and socially. Investing in these capabilities, such as the Rivers, Trails and Conservation Assistance (RTCA) Program is money well spent. RTCA provides assistance to develop locally-led conservation and outdoor recreation projects across the country that creates lasting partnerships in communities, connect citizens with their environment, and provide a link between local and federal partners. RTCA assists more

than 250 community partners per year, with projects in all 50 states that collectively conserve over 700 miles of river, create more than 1,000 miles of trail, and protect over 30,000 acres of open space.

RTCA assistance leverages federal funding by generating investment and human capital on a local level to support their projects. It is a cost-effective way for the NPS to reach out to communities, fostering a healthy, active and engaged citizenry. In 2008 alone, RTCA helped to protect 1,656 miles of local rivers, create 3,208 miles of land trails, and preserve 45,485 acres of parks and open space. An appropriation of $12 million in FY2010 would put an end to a decade of neglect and under-funding and enable the program to respond to growing needs and opportunities in communities throughout the country.

In 2008 we celebrated the 40th Anniversary of the Wild and Scenic Rivers Act. In contrast to other federal agencies that manage Wild and Scenic Rivers, the NPS has no national program to coordinate management of our nation's most spectacular wild rivers. An investment of $600,000 in FY 2010 would make a significant contribution to fulfill recreation and management priorities.

Department of Interior – US Fish & Wildlife Service

The National Wildlife Refuge System (NWRS) contains approximately 2,500 miles of land and water trails for nearly 40 million visitors annually. Threats to the NWRS are daunting and mounting - operations and maintenance backlogs total more than $3.5 billion, approximately 200 refuges do not have adequate staffing and recent announcement of a massive downsizing with more than 10 percent of a planned 20 percent loss in staff already eliminated. Without significant assistance in FY10, the NWRS will not be able to keep from cutting public use programs and failing to preserve and manage for healthy habitats. Outdoor Alliance supports an appropriation of $514 million in FY10 for the NWRS.

Land and Water Conservation Fund (LWCF)

Since its inception, the Land and Water Conservation Fund (LWCF) has provided for and continues to protect close-to-home recreation opportunities across America – more than 40,000 local and state park, recreation, and conservation projects have been completed in virtually every county across the US. Although authorized at $900 million annually, recent funding levels have fallen far short and jeopardize our ability to address changing demographics and community recreation infrastructure needs, save federal dollars by acquiring critical inholdings from willing sellers, and combat climate change threats through landscape connectivity and adaptive management strategies. Outdoor Alliance supports increased funding for LWCF to the $900 million congressionally authorized level over the next four years; in FY10, $325 million for federal acquisitions and $125 million for state acquisitions.

* * *

Thank you for considering these suggestions.

NATIONAL LANDSCAPE CONSERVATION SYSTEM

Mr. DICKS. Well, that is a very good statement. And tell me about the National Landscape Conservation System.

Mr. MILLER. Twenty-six million acres, just recently passed in terms of the new Act. Permanence, it represents really some of the crown jewels of our Nation's public lands, primarily in the West. Tremendous opportunities for quiet recreation opportunities, as well as, of course, biodiversity conservation. I think many people sometimes think of it as sort of the second National Park System. We do not look at it quite that way, because there are opportunities on the NLCS, under BLM management, that perhaps even the National Park System does not——

Mr. DICKS. Secretary Salazar has talked about protecting our great landscapes, and I assume this is what he is talking about.

Mr. MILLER. This is one of the key elements. This is really one of the most significant passages of legislation, in our opinion, in many decades, because it is going to provide some extraordinary new opportunities to recreate, get out for families to refresh themselves in the outdoors, in one of the fastest growing parts of our country, which is the West, and particularly, the Intermountain West.

Mr. DICKS. One of the reasons why fire has become such a big issue is that in the Forest Service, when money is used up, they take money out of the recreation——

Mr. MILLER. Absolutely.

Mr. DICKS [continuing]. Trails, and that is something we are trying to find an answer to. We hope the FLAME Act will help.

Mr. MILLER. And we are also very supportive of the FLAME Act, though it is not a part of this testimony.

Mr. DICKS. So, we have to get an answer that is real.

Mr. MILLER. Absolutely.

Mr. DICKS. My preference would we have FEMA do it. That once you exhausted the money, you go to FEMA. FEMA would then put the money up, and then you would not have to take money out of these accounts. We are going to keep working on this.

Mr. MILLER. Well, we will be very supportive of working with the House on this.

Mr. DICKS. Mr. Simpson.

Mr. SIMPSON. Mr. Chairman, you mentioned the Public Lands Bill that passed. It not only had the conservation provision in it. It had 2 million acres of wilderness.

Mr. MILLER. That is right. I only highlighted that one in BLM.

Mr. SIMPSON. And I supported the bill, and still support the bill.

Mr. MILLER. And we appreciate that, sir.

MOUNTAIN BIKES AND WILDERNESS

Mr. SIMPSON. But I notice that you say hike, paddle, climb, ski, snowshoe, mountain bike.

Mr. MILLER. Yes, sir. That is correct.

Mr. SIMPSON. Mountain bike is not allowed in wilderness areas.

Mr. MILLER. That is correct.

Mr. SIMPSON. Does this cause you concern, because I am working on a wilderness bill, quite frankly, and the kickback I get is from some of the mountain bikers.

Mr. MILLER. Sure.

Mr. SIMPSON. Because it is going to take out areas that they have traditionally used, and there is a bill before Congress, that I think they are going to have a hearing on in early May, NERIPA, that is, like 23 million acres, essentially all the area in the six Western States, that encompasses. Does that cause your mountain bikers some heartburn?

Mr. MILLER. Well, in fact, you are underscoring what I think is the genesis of our alliance, the Outdoor Alliance, is that we felt it was essential to bring the key players and the constituents of human-powered outdoor recreation, so that we can get on the same page, address some of these thorny key issues, and find, of course, common ground. And after the last three or so years, the fact that I am here today representing both mountain bikers, paddlers, skiers, as well as, of course, the 75 million Americans who hike, I think is a strong testament to a really collaborative approach, and we are really seeking the kind of solutions that will be sustainable for us, and so, I, and we appreciate, again, your support here.

Mr. SIMPSON. A lot of people do not understand how many volunteer hours are out there, maintaining trails and stuff and people. We go hiking in the Boulder White Clouds with one of these recreation rangers for the Sawtooth National Recreation Area every year.

Mr. MILLER. Yes, sir.

Mr. SIMPSON. And he has trail crews, and I met several people. One of them is a retired person that comes out to Idaho, fishes for two weeks, and works on trails for two weeks, just volunteers his time.

Mr. MILLER. Those guys get a lot done.

Mr. DICKS. Well, I thought Mr. Miller's point was well-taken. We cannot let that become a reason for not having adequate staff out there, and I have seen it in my own district. Up in the Hoh River, we had one Park Service person, you know, and the rest are all volunteers. But if the volunteers do not show up, the one person cannot handle all the people that are coming out there.

Mr. MILLER. That is right.

Mr. SIMPSON. Well, and I will tell you that one of the complaints I have from our Forest Service people, and from recreation folks is that every year, their budget is just decimated by the forest fires.

Mr. DICKS. Somehow, we have got to solve that problem.

Mr. MILLER. Wholesale redirection of resources that really are not serving the best interests of the American public, in terms of getting out, becoming healthy, and recreating. Thank you.

Mr. DICKS. Appreciate it.

Mr. MILLER. Appreciate it.

HAPPY BIRTHDAY MR. COLE

Mr. SIMPSON. Mr. Chairman, before you go on, I just have to say that it is time to welcome Mr. Cole, and today happens to be his birthday.

Mr. DICKS. Well, happy birthday.

Mr. SIMPSON. We would like to sing Happy Birthday to you, but we will not.

Mr. DICKS. Well, we might.

Mr. COLE. I would not be 60 without that.

Mr. DICKS. Sid Yates, when he was 88, used to say oh, to be 80 again.

Mr. MILLER. Chairman, if I could——

Mr. DICKS. Sixty sounds pretty good to me.

Mr. COLE. It could be a lot worse. This is also Saddam Hussein's birthday, and I am having a much better day than he is. And I now actually have a chance of catching and surpassing him, so anyway.

Mr. DICKS. Okay. Frank Hugelmeyer, Outdoor Industry Association. I butchered.

Mr. HUGELMEYER. You did, Mr. Chairman. Thanks very much.

Mr. DICKS. Hugelmeyer.

Mr. HUGELMEYER. Hugelmeyer.

Mr. DICKS. Hugelmeyer.

Mr. HUGELMEYER. There you go.

Mr. DICKS. That is better.

Mr. HUGELMEYER. Mr. Simpson.

Mr. DICKS. Frank, you are welcome.

Mr. HUGELMEYER. It is good to see you again, Mr. Chairman, and I would, before I start, I would like to just reiterate Greg Miller's great testimony there. We are in full support of what he just said as an industry.

Mr. DICKS. Right.

TUESDAY, APRIL 28, 2009.

OUTDOOR INDUSTRY ASSOCIATION

WITNESS

FRANK HUGELMEYER

Mr. HUGELMEYER. My name is Frank Hugelmeyer, and I am President and CEO of Outdoor Industry Association, and on behalf of the entire outdoor recreation industry, I would like to thank Chairman Dicks and the committee for giving us the opportunity to testify regarding funding levels for programs that are vital to the recreation economy and the health of all Americans.

OIA is a national trade group, and we are the title sponsor of the world's largest outdoor products trade show. Our members include leading manufacturers and retailers of outdoor recreation equipments, such as The North Face, Patagonia, Columbia Sportswear, Timberland, The Coleman Company, W.L. Gore, Eastern Mountain Sports, REI, Cabella's, L.L. Bean, and many, many others.

Active outdoor recreation plays a large and important role in our Nation. Three out of four Americans participate in popular activities, such as hiking, biking, camping, paddling, skiing, hunting, fishing, and wildlife viewing. And 50 percent of these citizens use outdoor recreation as their main form of exercise. In addition, the industry is a major economic engine that generates $289 billion annually in direct retail sales and services. We support 6.5 million jobs across the United States. We contribute $88 billion in annual

state and national tax revenue, and overall, we provide $730 billion to the U.S. economy each and every year.

In times of difficult economic hardship, Americans have always returned in large numbers to the great outdoors. During the Great Depression and in every recession since, we have utilized the outdoors as our national place for renewal. In the coming years, outdoor gear sales and recreational outings will play a significant role in maintaining healthy outdoor businesses and strong communities.

During the first eleven months of the current recession, industry-wide outdoor product sales grew an extraordinary 10 percent, as families returned to camping and cycling, and other affordable outdoor activities. At the same time, many state and federal lands are seeing a dramatic increase in visitation, and a jump in campground reservations for this summer. So, now more than ever, it is essential that Congress provide adequate and full funding to the public lands on which American families recreate and outdoor businesses depend.

Furthermore, the outdoor industry has long held a goal of ensuring every child in America has a trail or park within one mile from their home. Many studies show that this type of commitment to our Nation's recreation infrastructure would easily pay for itself in the resulting reduction in healthcare costs, and the increase in the mental wellbeing of our children.

So, the committee can support the American people and the outdoor business community in the following ways. First, commit to fully funding the Land and Water Conservation Stateside Assistance Program, which provides parks and trails close to where most Americans live. As more and more Americans settle in urban areas, this program has become terribly underfunded. We understand a buildup to full funding called for by President Obama will take time, and so we ask you to begin by dedicating $125 million to the program for fiscal year 2010.

Second, support U.S. Interior Secretary Ken Salazar's efforts to create a holistic national land conservation and recreation infrastructure, modeled on the Great Outdoors Colorado Program. Since 1994, the Colorado program has awarded almost $550 million in grants to more than 2,700 projects throughout the State, and while the national concept is still in its formative stages, Secretary Salazar has stated his desire for a unified initiative that preserves and better connects America's open spaces with local communities.

OIA believes that our national recreation public lands infrastructure is equally important to the health and economic wellbeing of Americans, as is our transportation, telecommunications, and energy infrastructures. As a result, we are anxious to work with the Administration and with the Congress to create a unified vision that serves Americans where they live, and grows healthy outdoor businesses and the jobs that they provide.

To that end, we urge members of this committee to help frame and build support for Secretary Salazar's national initiative.

Thank you for the opportunity to testify before the committee. And I would be happy to take questions.

[The statement of Frank Hugelmeyer follows:]

March 20, 2009

Written Testimony of Frank Hugelmeyer
President and CEO, Outdoor Industry Association

before the

Subcommittee on Interior, Environment and Related Agencies
House Committee on Appropriations

in support of

Fiscal Year 2010 Funding for
The Land and Water Conservation Fund
U.S. Forest Service
Bureau of Land Management
National Park Service

On behalf of Outdoor Industry Association I would like to thank the committee for the opportunity to present written testimony. Outdoor Industry Association respectfully recommends the following funding levels for fiscal year 2010:

- **Fund the Land and Water Conservation Fund at $450 million, with $125 million for the state assistance program and $325 million for federal land acquisition**
- **The U.S. Forest Service's Recreation, Heritage & Wilderness Program funding levels should reach $377.1 million; the Trails Program should be funded at $136.4 million; the Land Management Planning Program should be funded at $58.8 million; and a new program – Community Forest and Open Space – should be funded at $75 million**
- **Fund the Bureau of Land Management's National Landscape Conservation System at $75 million, and Resource Management Planning Program at $52.5 million**
- **The National Park Service's Operations budget should be increased to $2.25 billion; in addition Congress should fund the Centennial Initiative at $100 million for fiscal year 2010**

Outdoor Industry Association (OIA) is a national trade association whose mission is to ensure the growth and success of the outdoor industry. OIA's members include the leading manufactures and retailers of outdoor recreation equipment and services, such as The North Face, Patagonia, Mountain Hardware, Keen, Columbia Sportswear, WL Gore, Eastern Mountain Sports (EMS), Recreational Equipment Inc. (REI), Cabela's, LL Bean and many others.

Active outdoor recreation plays a large role in the lives of Americans. Three out of four Americans participate in active outdoor recreation each year. Popular outdoor activities such as hiking, biking, camping and wildlife viewing generate enormous economic power. Active outdoor recreation:

- Contributes $730 billion annually to the U.S. economy
- Supports 6.5 million jobs across the United States
- Generates $88 billion in annual state and national tax revenue
- Rings up $289 billion annually in direct retail sales and services

Land and Water Conservation Fund

The LWCF State Assistance program serves as the government's primary tool for ensuring children and families have close to home recreation opportunities. It is also the principle source of funds to purchase land for national parks, national wildlife refuges, national forests, and other federal areas.

The Land and Water Conservation Fund (LWCF) was established by Congress in 1964 to meet America's needs for outdoor recreation opportunities, wildlife habitat conservation and open space. The LWCF Act directed Congress to allocate royalties from offshore oil and gas development for the purchase of land, waterways, wetlands, and other resource lands and to provide matching grant assistance for state and community open space and recreation projects.

Despite this strong record of success, our nation's need for recreation infrastructure continues to grow. In its 2008 Annual Report on the LWCF state assistance program, the National Park Service reported that states estimated their unmet need for outdoor recreation facilities and parkland acquisition at $27 billion. Additionally, forty-four of fifty states report at least 95% of their total estimated need for local outdoor recreation facilities and parkland acquisition is unmet. Clearly the need for increased funding levels is profound.

Congress has authorized LWCF to receive $900 million annually, and despite a dedicated funding source we have witnessed these funds siphoned off to projects not envisioned by the spirit of the original legislation. Therefore Outdoor Industry Association recommends:

Congress funds the Land and Water Conservation Fund at $450 million, with a breakdown of $125 million for the state assistance programs and $325 million for federal land acquisition.

U.S. Forest Service

Recreation, Heritage & Wilderness Program: The vast majority of outdoor recreation occurs on our magnificent public lands and in order for the recreation economy to continue to grow as well as for Americans to enjoy the health and spiritual benefits of outdoor recreation, we as a nation must invest in the management of these wonderful resources.

The demand for outdoor activity will only continue to grow as more Americans are looking for ways to trim vacation costs and escape the urban jungle. We feel that it is imperative the Forest Service plan for this growth in outdoor recreation activity by implementing the Travel Management Rule. It is also important to bring the significant amount of Wilderness areas under Forest Service authority to one management plan. Therefore Outdoor Industry Association recommends:

Congress funds the Recreation, Heritage & Wilderness Program at $377.1 million for fiscal year 2010.

Trails Program: While millions of Americans use the Forest Service trails system for hiking, mountain biking, horseback riding, and cross country skiing, only a third are adequately maintained. Much work needs to be done to provide a safe experience on trails on Forest Service land such as clearing trails of fallen trees and vegetation, maintaining bridges, and upgrading signage. Therefore Outdoor Industry Association recommends:

Congress funds the Trails Program at $136.4 million for fiscal year 2010.

Land Management Program: With the challenges of multi-jurisdictional lands and the complexities of managing the wide array of resources, it is vital to the Forest Service that land managers are given the needed resources to take into consideration all stakeholders.

Without adequate funding for this program, land managers will continue to face the difficult task of decided how our treasured public lands are managed. These management plans should be rooted in science and given the best technology available so these lands can be safeguarded for generations to come. Therefore Outdoor Industry Association recommends:

Congress funds the Land Management Program at $58.8 million for fiscal year 2010.

Community Forest and Open Space Program: This will be a new program within the Forest Service, and rulemaking begins this year. Currently communities close to forested areas are powerless to stop non-forest activities such as development. This program will allow these communities to preserve these treasured areas.

It is important to note these community forests and open spaces have an economic impact, are culturally significant, and increase the availability of recreation. Many people seek out to live near these landscapes and this program will allow them to ensure those landscapes remain intact. Therefore Outdoor Industry Association recommends:

Congress funds the Community Forest and Open Space Program at $75 million for fiscal year 2010.

Bureau of Land Management

National Landscape Conservation System: In June 2000, the National Landscape Conservation System was established to encompass the crown jewels of BLM lands. The 26 million acres that

comprise the NLCS represent just 10% of BLM lands, yet account for one-third of BLM's total recreation use and generate one-half of the BLM's total recreation fees. However, less than four percent of BLM's funding is invested back into the Conservation System. A lack of funding means that vandalism, unmanaged recreation, increasing energy development, and neglect are harming these special places.

Legislation has just passed Congress that gives the NLCS permanent status which ensures these lands remain a high priority for BLM and the Department of Interior. Unfortunately the legislation does not address budget shortfalls. With eleven of the fifteen fastest growing states in the country in the west, the NLCS is a new backyard for recreation and should be adequately funded. Therefore Outdoor Industry Association recommends:

Congress funds the National Landscape Conservation System at $75 million for fiscal year 2010.

Resource Management Plans: As BLM managers continue to face the complexities of uses of their public lands, there are more difficulties on the horizon. Participation for recreation is on the rise, the demand for water resources continues to dominate the west, and the ever present impact of extracting energy resources.

These continuing challenges must be met with well designed land use plans, which take account of the long term intrinsic value, not necessarily a short term benefit. These plans must be based on best available science while encompassing all stakeholders if land managers hope to strike a balance on America's multi-use lands. Therefore Outdoor Industry Association recommends:

Congress funds the Resource Management Planning Program at $52.5 million for fiscal year 2010.

National Park Service

Operating Budget: So many of iconic outdoor images come from our National Park System, yet what those pictures don't show is a crumbling infrastructure and an enormous backlog of maintenance projects. These icons of our public land system need help and providing the funds necessary for general operation is critical. Therefore Outdoor Industry Association recommends:

Congress increases the Operating Budget of the National Park Service by $100 million for fiscal year 2010.

Centennial Initiative: As our National Park System approaches its 100th birthday in 2016, there is great concern that the parks are in their worst shape than ever before. If Congress passes legislation authorizing the Centennial Initiative it will create an additional funding stream that will address the much needed maintenance backlog but also fund new projects and generate a host of new projects. Therefore Outdoor Industry Association recommends:

Congress funds the Centennial Initiative at $25 million above operating costs for fiscal year 2010.

Mr. DICKS. Mr. Simpson.

Mr. SIMPSON. No questions.

Mr. DICKS. Mr. Cole.

Mr. COLE. Thank you.

Mr. DICKS. Well, thank you. It was a very good statement.

Mr. HUGELMEYER. Thank you.

Mr. DICKS. We are going to change the schedule here, just briefly. I want to call up Congressman Garrett, and he will introduce Marie Springer, Friends of Wallkill River. Welcome.

Mr. GARRETT. Good morning, and I——

Mr. DICKS. We appreciate your being here. I know you have been in a markup, and we are glad you could be here.

Mr. GARRETT. And it is more fun being here than at that markup right now.

Mr. DICKS. We appreciate that.

Mr. GARRETT. You understand that. Thank you for the opportunity, for allowing me to introduce Ms. Springer. She is a community leader from my district, and she is very familiar with the issues and challenges facing Tier Two and Tier Three refuges.

She has worked tirelessly with regard to the Wallkill River, the majority of which is in my district. And this refuge is one that, as a lot of refuges do, protects hundreds of animals, including the bog turtle and the Indiana bat, both of which are on the endangered species list, and also, of course, provides a lot of environmental and health and biological diversity in the Valley. And it is also one which my wife and my daughters enjoy using, as well, because it is just a great place to go.

Ms. Springer was recently awarded the 2009 Volunteer of the Year Award by the National Wildlife Refuge System, and the 2008 Environmental Protection Agency Region Two Environmental Quality Award. She was also the founder and president of the Friends of the Wallkill River, and she has helped not only this river and refuge, but also, other refuges across New Jersey and the country. In 2008 alone, she has logged more than 2,000 volunteer hours for the refuge system. Obviously, that is a workload equivalent to a full-time employee. In addition, she has helped remove invasive species, and assisted with land acquisition issues.

So, preservation of New Jersey's open space, quite candidly, is one of my top priorities. It is why I got involved in government here on the federal level, and also, why I got involved back on the state level as well. And Marie has been an ally, someone who we can count on to stand up for safeguarding the beautiful natural areas of our community, and I think her testimony will be helpful to the committee. I appreciate your leadership.

Mr. DICKS. Well, we want to congratulate you on your outstanding work. We appreciate it, and I am sure that you realize that we cannot do this just with volunteers. We have, as others have stated here today, we have to have a core staff for the Fish and Wildlife Service in order to get this done.

This was one of the things I tried to point out to Secretary Kempthorne, that it seemed like the previous Administration wanted to do a great deal for the parks, but the refuges were kind of left behind. And you know, he and I worked together to make sure that we could reverse the downturn in employment, and have

enough staff, adequate staff. And we are still not there, but we are much better than we were just a few years ago. But welcome.

Ms. SPRINGER. Very good. Thank you.

Mr. DICKS. And appreciate your statement previous years, too.

Ms. SPRINGER. Thank you. It is an honor and a pleasure to appear before you again, and I just want to say that I agree with everything everybody else said so far.

Mr. DICKS. Okay. That is quite unusual around here, you know.

Ms. SPRINGER. They are all doing the same work I am.

Mr. DICKS. Yeah.

TUESDAY, APRIL 28, 2009.

FRIENDS OF WALLKILL RIVER

WITNESS

MARIE SPRINGER

Ms. SPRINGER. It is the same big happy family. I am requesting $514 million for all National Wildlife Refuges, for operations and maintenance for Financial Year '10. I would also like to request emergency funding now for the United States Fish and Wildlife Service and the United States Geological Survey, to address the white nose bat syndrome crisis, $2.5 million. For my own refuge, Wallkill River National Wildlife Refuge, I request $3.28 million for land acquisition.

The United States Fish and Wildlife Service are people we have charged with protecting and preserving our most sensitive habitats and wildlife. These are the people who monitor and manage the wildlife and environment for current and future generations of Americans. Today, they face challenges that were inconceivable 20 years ago.

I would like to draw your attention to some very serious trends occurring in our environment, the ramifications of which are beyond frightening. This is not alarmism. It is the reality of globalization. We are seeing plagues of fungi and other pathogens, wreaking devastating mortality rates on our environment. In the last 1980s, a fungus that caused similar mortality among amphibians has now spread over this country, South America, Europe, and Africa. In 2006, we saw colony collapse among the honeybees. Also in 2006, white nose syndrome began in Albany, New York. This flesh-eating fungus has now been confirmed as having affected tree and cave-dwelling bats, and has spread like wildfire. We are seeing upward of 95 percent mortality rate, as several species of bats in ten states, from New Hampshire to West Virginia. Scientists fear extinction of many bats if we cannot stop this within a year.

I encourage you to attend the U.S. Fish and Wildlife Service and USGS briefing on white nose syndrome May 1. The U.S. Fish and Wildlife Service and the USGS are the FEMA of the environmental world. These agencies——

Mr. DICKS. Is this going to be here in D.C.?

Ms. SPRINGER. Yes. Yes.

Mr. DICKS. Okay.

Ms. SPRINGER. I have nice packets for you.

Mr. DICKS. Thank you.

Ms. SPRINGER. With all the information you need. These agencies have been understaffed far too long, and now we are seeing the ramifications. We have acted as if the environment were a luxury we could ignore. Instead, we are seeing just the beginning, pathogens and invasive species that can travel anywhere humans do.

These are the agencies we entrust to research and manage invasive species and endangered species. They do not have the manpower or the funding even to begin to address these catastrophes, spreading beyond control. We are in this situation because we undervalued science and how the environment affects human quality of life. We know very little about these aggressive fungi and pathogens, how long before one arrives it wreaks havoc on the human populace. I wrote this before, just wanted to.

We all assume there are omniscient scientists lurking somewhere, keeping us all safe, the somebodies, that somebody should do something is referring to. They are not hired. We did not hire them. We did not see that funding as a wise investment in the wellbeing of present and future American people.

Little brown bats eat more than 500 mosquitoes per hour. They live about 30 years, and have only one baby per year. If we are able to stop white nose syndrome now, it will take at least 100 years for the populations to rebound to previous population levels. In the region affected by white nose syndrome, there are mosquito-transmitted diseases of West Nile virus and Eastern equine encephalitis. Is it our only option to cover everything with even more pesticides? What will that do to the pollinators? How will the ramifications of indiscriminate pesticide use affect human health? Is it a risk we can afford to take? These are the questions our scientists must address and answer, but we do not now have the scientific infrastructure to resolve these issues, or to prepare for or prevent future catastrophes. We need greenbacks and green jobs.

We are seeing 640,000 new unemployment claims in the U.S. as of the week of April 18, 2009. We are at a frightening 8.5 unemployment rate. The U.S. Fish and Wildlife Service currently has approximately 2,871 full-time employees. With funding at $514 million, it would allow the U.S. Fish and Wildlife Service to add 529 employees. That is almost one per refuge. According to CARE data, the U.S. Fish and Wildlife Service is understaffed by 2,867 personnel.

We thank you for your consideration of the Land and Water Conservation funding request. We are delighted to see the Land and Water Conservation Fund Program identified as a top priority for Secretary of Interior Ken Salazar.

We join other groups of the LWCF Coalition in urging support for increased overall funding for the Land and Water Conservation Fund to meet the needs of the Wallkill River National Wildlife Refuge and all refuges in our Nation.

[The statement of Marie Springer follows:]

Testimony of Marie Springer, President, Friends of Wallkill River National Wildlife Refuges
On behalf of Wallkill River and Shawangunk Grasslands National Wildlife Refuges
National Wildlife Refuges
Ecological Services of the United States Fish and Wildlife Service
United States Geological Survey

House Appropriations Committee
Subcommittee on the Interior, Environment and Related Agencies
The Honorable Norman Dicks, Chairman
The Honorable Mike Simpson Ranking
April 28, 2009

Dear Mr. Chairman and Honorable Members of the Committee:

I am grateful you are holding public witness day, once again. I am requesting $514,000,000 for all National Wildlife Refuges for Operations and Maintenance, for FY 2010. I would also like to request emergency funding, now, for the United States Fish and Wildlife Service and United States Geological Survey, to address the White Nose Bat Syndrome crisis. For my own refuge, Wallkill River National Wildlife Refuge, I request $3,280,000 for land acquisition.

In these trying economic times it seems arrogant to ask for funds for National Wildlife Refuges, something that might seem a luxury. In fact our National Wildlife Refuges are a necessity. The United States Fish and Wildlife Service are the people we have charged with protecting and preserving our most sensitive habitats and wildlife. These are the people who monitor and manage the wildlife and environment for current and future generations of Americans. Today, they face challenges that were inconceivable 20 years ago.

I would like to draw your attention to some very serious trends in occurring in our environment, the ramifications of which are beyond frightening This is not alarmism; its the reality of globalization. We are seeing plagues of fungi and other pathogens wreaking devastating mortality in our environment. In the late 1980's, a fungus called Chytrid started killing off amphibians in Costa Rica, now it has spread all over this country, South America, and parts of Europe and Africa. In 2006 we also saw colony collapse among the honey bees. Also in 2006, a killing fungus got a foot hold on the cave dwelling bat species in the caves near Albany New York. This fungus thrives in the cool, dark, damp climate of caves and abandoned mines. Now that fungus, called White Nosed Bat Syndrome has spread like wild fire and we are seeing 95% to 100% mortality of several species of bats in 10 states. This has destroyed cave dwelling bat populations from New Hampshire, south to West Virginia. These plagues are just the tip of the iceberg, the first clear warnings of what will affect the human populace sooner or later.

The United States Fish and Wildlife Service and the United States Geological Survey are the FEMA of the environmental world. These agencies have been under staffed for far too long and now we are seeing the ramifications. We have acted as if the environment were a luxury we could ignore. Instead we are seeing just the beginning pathogens and invasive species that can travel anywhere humans do. These are the agencies we entrust to research and manage invasive species and endangered species. They don't have the manpower or the funding to even begin to address these catastrophes, spreading beyond control. We are in this situation because we undervalued science and how the environment affects human quality of life. We know very little

about these aggressive fungi and pathogens, how long before one arrives that wreaks havoc on the human populace? We don't know the answer to that or how climate change will affect the environment and impact on human life. We all assume there are omniscient scientists lurking somewhere keeping us all safe; the somebodies that: "somebody should do something" is referring to. They aren't there, we didn't hire them, we didn't see that funding as a wise investment in the well being of present and future American people.

These plagues on the environment are our wake up call. White Nose Bat Syndrome, (WNS) is killing literally all cave dwelling bats from New Hampshire to West Virginia. Little Brown bats eat 500-1000 mosquitoes per hour. They live about 30 years and produce only one baby per year. We are seeing. IF, we are able to stop WNS now, it would take at least 100 years for the populations to rebound to previous population levels. In the region affected by WNS, there are mosquito transmitted diseases of: West Nile Virus and Eastern Equine Encephalitis. Is our only option to cover every thing with even more pesticides? What will that do to pollinators? How will the ramifications of indiscriminate pesticide use affect human health? Is it a risk we can afford to take? These are the questions our scientists must address and answer. But, we do not now have the Scientific infrastructure to resolve these issues or to prepare and prevent future catastrophes. It is time to establish a National Laboratory, a central station housing these scientists from these agencies. We are easily looking at extinction of several species of cave dwelling bats.

What we need : Hearings on White Nosed Bat Syndrome.
Emergency funding for manpower and research now.
Dedicated funds for 2010
Enactment of the North American Migratory Bat Act
Maintaining captive breeding populations
A National Laboratory

A century ago the most dominant tree was the American chestnut, now there are thought to be less than 500 known trees in existence. Billions were killed off by a fungus that was inadvertently brought over from Japan. Hemlock forests have been devastated by an insect thought to be accidentally introduced from Asia. Likewise, elm trees have also been destroyed by a fungus first discovered in Holland but originating in Asia. These are examples of the ramifications of globalization, we are not prepared to address these issues.

We are only beginning to see the ramifications of climate change, whether the cause is natural or human induced, we still have to address those issues. There will need to be migratory corridors for wildlife focusing on efforts in restoration and acquisition. We will see more species appearing on th endangered species list as development encroaches on what habitat is left. These changes will require careful monitoring; it is the USFWS and USGS whose responsibility it is to monitor, research and access conditions and threats for the well being of the American people.

In December of 2007 you voted to give the Refuge System another $39 million slated for alleviating staffing shortages. Those funds had the effect of stopping the hemorrhaging of staff positions; the USFWS was able to stop downsizing. All Regions were able to reach their 75% manpower-25% operations budget. Alaska is 70%- 30% because of the higher costs there. It did nothing to restaff refuges that had previously been unstaffed due to funding shortages. There are approximately 30% of all refuges that are tier 1 or focus refuges in the system, the refuges that are fully staffed. Approximately 35 % are tier 2 refuges meaning there are a few staff members. There are approximately 35% tier 3 refuges which have no staff and are not

planned to have staff, if they will be staffed at all, it will be after all of the tier 2 and tier 1 refuges are staffed. The 1997 Refuge Improvement Act requires that " each refuge shall be managed", to the criteria set forth in the Act. The USFWS is underfunded and can not meet the mandates of the Act with current funding. As things are now, only one third of all refuges can meet the mandates of the Act.

In reality we are seeing 620,000 new unemployment claims, in the U.S., as of the week of March 19, 2009. We are at a frightening 7.6% unemployment rate by household survey, nationally. In southern New Jersey the rates are as high is 12% unemployment. The USFWS currently has approximately 2,871 full time employees. With funding of $514,000,000.00 it would allow the USFWS to add 529 employees; thats almost one per refuge. According to CARE data, the USFWS is understaffed by 2,867 personnel.

We are seeing increasingly more flooding conditions in our country. Flood plains are also known as wetlands, swamps, river basins and watersheds. These just happen to be many of the most desired lands for protection of endangered species and migratory bird habitat. I have seen far too many times where FEMA funds have been distributed to flood victims living in flood prone areas. These areas can flood again and again. In some cases the home owners can no longer get insurance and they can not sell their homes, FEMA digs them out when the floods come. As a tax payer I would prefer to see these lands paid for once, becoming part of the National Wildlife Refuges System where these waters have the ability to replenish the aquifer and reservoirs.

Wallkill is the primary Refuge in the area designated by the New York New Jersey, Pennsylvania and Connecticut Highlands. The newest refuge: Cherry Valley in Pennsylvania, is also in this area. These areas have been protected because of their habitat for wildlife and water recharge values. These areas are in the most congested areas of the East Coast and warrant funds and man power for safeguarding these lands and wildlife in these areas.

We are requesting $3,280,000 for land acquisition for the Wallkill River Refuge for 2010. Our Fiscal Year 2010 LWCF request for the Wallkill River National wildlife Refuge will allow the Fish and Wildlife Service to acquire three critical resource and recreation properties. They include the 324-acre Armstrong Bog with important bog turtle habitat, the 50- Acre Whispering Hills property supporting state and federally listed species including the Indiana bat and wood turtle, the 68 acre Wild Stone Canyon tract. These properties include rivers streams, aquifer recharge zones, and critical wetlands to protect the integrity of the Wallkill River National Wildlife Refuge and provide habitat and migratory corridors for fish and wildlife. These wetlands, watersheds and forestlands helps filter pollution prevents erosion and decreases the costs and damage from floods. Further, the protection of forests and wetlands that protect and retain water provide significant economic benefits to our communities by lowering water treatment costs. Protection of clean drinking water is of the utmost concern to the American public. Purchases of land and water with the Land and Water Conservation Fund- such as these proposed at the Wallkill River National Wildlife Refuge- will help maintain the long term integrity of water quality and quantity at the Refuge and in our surrounding New Jersey communities.

We thank you for your consideration of this LWCG funding request. We are delighted to see the LWCF program identified as a top priority for Secretary of the Interior, Kenneth Salazar, and join other groups of the LWCF Coalition in urging support for increased overall funding of the LWCF to meet needs at the Wallkill River National Wildlife Refuge and across the nation.

Wallkill is the primary Refuge in the area designated by the New York New Jersey, Pennsylvania and Connecticut Highlands. The newest refuge: Cherry Valley in Pennsylvania, is also in this area. These areas have been protected because of their habitat for wildlife and water recharge values. These areas are in the most congested areas of the East Coast and warrant funds and man power for safeguarding these lands and wildlife in these areas.

Thank you for your time and consideration, Marie Springer

Mr. DICKS. Well, thank you. Just one of our priorities is to get this thing straightened out. And those numbers are 2,871 full-time employees, but understaffed by 2,867.

Ms. SPRINGER. So, about half what they need.

Mr. DICKS. About, they have about half of what they need.

Ms. SPRINGER. Yeah. Yeah.

Mr. DICKS. So, it is going to take a while to do this, but we are adding people. We have added money for the refuge system. Any other questions?

Mr. SIMPSON. Yeah, just out of curiosity, what got you started in volunteering? And thank you for all the hours you have spent doing this.

Ms. SPRINGER. I was raised that you must be of service to your community. No ifs, ands, or buts about it. I have always volunteered. I am a beekeeper, so I moved in the National Wildlife Refuge, because I did not want to live around pesticides, and then, along came colony collapse, so I became very active, volunteering for the USGS doing native bee research on National Wildlife Refuges. And once there was de-staffing, it was such a nightmare that I had no choice but to go to battle for all the refuges that are de-staffed, because it is just, we have this incredible country full of treasures, and each refuge has its own unique magic. But basically, only one third are now staffed, fully staffed. Maybe another third have maybe one or two staff, and at least a third of them have no staff. So, you know. And as you know, the Improvement Act says that we need to manage every refuge to meet the specifications of the Improvement Act. And right now, we cannot do that. We cannot even come close.

Mr. SIMPSON. Well, thank you for all the time you have put in, and for your service to the Wildlife Refuge System and to the country. Thank you, Scott.

Ms. SPRINGER. Thank you.

Mr. DICKS. All right. Thank you. Lyle Schellenberg, National Utility Contractors Association. Welcome.

Mr. SIMPSON. Welcome.

Mr. DICKS. Put your statement in the record, and you may proceed for five minutes.

TUESDAY, APRIL 28, 2009.

NATIONAL UTILITY CONTRACTORS ASSOCIATION

WITNESS

LYLE SCHELLENBERG

Mr. SCHELLENBERG. Chairman Dicks, Ranking Member Simpson, Congressman Cole. My name is Lyle Schellenberg. I am President of Armadillo Underground, located in Salem, Oregon. We have 15 employees who work in trenchless excavations to support water, sewer, and other infrastructure projects throughout the Northwest. In fact, Mr. Chairman, we have a project coming up in Ocean Shores.

I appreciate the opportunity to participate in this hearing on behalf of the National Utility Contractors Association, which supports

the inclusion of $2.4 billion for the EPA's Clean Water State Revolving Fund, the SRF, and $1.5 billion for the Drinking Water SRF in the fiscal year 2010, Interior and Environment Appropriations Measure. These levels are consistent with the President's budget, as well as the budget resolutions recently passed in both the House and the Senate.

NUCA is a family of more than 1,250 companies from across the Nation that build, repair, and maintain America's underground infrastructure. Our members do a significant amount of work on public water and wastewater projects. NUCA also serves as chair of the Clean Water Council, a coalition of 35 national organizations representing construction contractors, manufacturers, engineers, and labor organizations, all committed to ensuring sound environmental infrastructure. For your reference, I list the CWC members as attached in my written statement.

Utility contractors have a unique perspective about the state of our environmental infrastructure. We work on these systems every day, and we see firsthand what happens when they fail. What is out of sight and out of mind to most people is clearly visible to NUCA members every day, and I can tell you, the view from the trenches is not always pretty.

Mr. DICKS. Explain what that is.

Mr. SCHELLENBERG. This is a chunk of a water main that has so much corrosion inside you are only getting a small amount of water through there. You know, it just shows how things.

Mr. DICKS. Corrosion causes it.

Mr. SCHELLENBERG. Corrosion. This happens now, not only does it decrease your flow, but you have got things like firefighting in that, you are just not going to get the water through these pipes that you need to get.

Mr. SIMPSON. How old is that pipe? Do you know?

Mr. SCHELLENBERG. I am not sure offhand.

Mr. SIMPSON. Just curious. Thank you.

Mr. SCHELLENBERG. We routinely uncover rotting pipes, gaping holes, spill raw sewage into the ground in residential neighborhoods. In the Northwest, we pride ourselves on being green, but what I see underground is anything but.

I personally find it unacceptable to continue to find beach closings on the Oregon DEQ or the Washington Department of Ecology websites due to sewer contamination. A near disaster in Portland was avoided a year ago, when a railroad track inspection discovered an eight foot diameter sinkhole under the main track caused by a collapsed sewer pipe. The railroad shut the train traffic. They called my own company in to conduct emergency repairs. This is the same track that carries Amtrak's passenger train. Needless to say, if a passenger train were to fall in a sinkhole, the results would be catastrophic.

Regardless of what needs estimate you look at, you will find that our underground infrastructure is in dire straits. Back in 2004, the EPA found America's existing wastewater infrastructure needs exceeded $202 billion, and that was five years ago. And on the drinking side, the EPA projected a 20 year drinking water infrastructure need at $334 billion.

While the need to reinvest in this infrastructure is clear, the economic benefits that come with this work are often overlooked. Water infrastructure projects help maintain a strong economic foundation, by creating jobs, generating significant economic activity, and expanding the local tax base. Importantly, the jobs offered in this industry are quality, high-paying jobs right here in America. These are not jobs that can be shipped overseas.

Speaking from the underground construction industry, increasing the federal investment in our underground infrastructure is more critical now than ever. National statistics indicate the construction industry shed another 126,000 jobs in March. That marks 21 consecutive months of significant job loss in the industry. The unemployment rate for construction is now more than 21 percent, and there are nearly two million construction workers out of work. My own company has been forced to downsize from 25 employees to 15 employees. The increased investment in the SRF programs would create tens of thousands of jobs, and significantly assist America's economic recovery.

In January, the Clean Water Council released the findings of a new study on the job creation and enhanced economic activity that comes with funding water and wastewater infrastructure projects. The study found that $1 billion investment in these projects result in the creation of between 20,000 and 27,000 jobs, with average earnings of more than $50,000. Total national output or demand for products and services in all industries is between $2.8 billion and $3.5 billion, another $1 billion in personal and household income, and more than $82 million in state and local tax revenue.

In both the short and the long term, these fiscal benefits ripple through local economies. This morning's USA Today, Mr. Chairman, it shows the results of a poll on environmental concerns, and topping the list, at 59 percent of the people polled, is drinking water pollution.

In summary, President Obama's fiscal year 2010 budget reflects a new understanding of the importance of these programs, and the budget proposals in both the House and Senate include the same needed increases. This subcommittee has the opportunity to take the next imperative step, by providing real money, through the appropriations process.

Therefore, NUCA strongly encourages the subcommittee to include $2.4 billion and $1.5 billion to the Clean Water SRF.

[The statement of Lyle Schellenberg follows:]

Advancing the water, sewer, gas and telecommunications construction industries

Written Testimony
by

Lyle Schellenberg
President,
National Utility Contractors Association
&
President, Armadillo Underground, Inc.

before the

House Subcommittee on Interior, Environment, and Related Agencies

addressing

Fiscal 2010 Appropriations: Interior and Environment

April 28, 2009

NATIONAL UTILITY CONTRACTORS ASSOCIATION

4301 North Fairfax Drive • Suite 360 • Arlington, Virginia 22203-1627 • Phone: 703-358-9300 • Fax: 703-358-9307 • www.nuca.com

Chairman Dicks, Ranking Member Simpson, and Honorable Members of the Subcommittee, my name is Lyle Schellenberg. I am the president of Armadillo Underground, Inc. in Salem, Oregon. We have 15 employees who work on trenchless excavation, auger boring and tunneling activities that support water, sewer, and other infrastructure projects throughout the state.

I appreciate the opportunity to participate in this hearing on behalf of the National Utility Contractors Association (NUCA), which supports the inclusion of $2.4 billion for the Environmental Protection Agency's (EPA) Clean Water State Revolving Fund (SRF) and $1.5 billion for the Drinking Water SRF in the FY 2010 Interior/Environment appropriations measure. These levels are consistent with the president's budget, as well as budget resolutions recently passed in both the House and Senate.

NUCA is a family of more than 1,250 companies from across the nation that build, repair and maintain underground water, wastewater, gas, electric, and telecommunications systems. NUCA also serves as chair of the Clean Water Council (CWC), a coalition of 35 national organizations representing underground construction contractors, design professionals, manufacturers and suppliers, labor representatives and others committed to ensuring a high quality of life through sound environmental infrastructure. These industries work collectively to improve critical underground systems that unquestionably enhance America's quality of life. For your reference, a list of CWC members is attached to this testimony.

AMERICA'S DECAYING ENVIRONMENTAL INFRASTRUCTURE

NUCA is grateful for the opportunity to appear before the subcommittee to report on the state of America's water and wastewater infrastructure and the financial resources needed to begin addressing the overwhelming needs facing that infrastructure. The association's testimony represents the unique perspective of those who work on our underground infrastructure systems and see firsthand what happens when they fail. What is out of sight and out of mind to most people is clearly visible to NUCA members every day.

In brief, the view from the trenches isn't pretty. We routinely uncover rotting pipes with gaping holes that spill raw sewage into the surrounding ground of residential neighborhoods. This leakage can go undetected for months, even years in some cases. To make matters worse, these conditions are often within yards of waterways where we fish, beaches where we swim, and playgrounds where our children play.

The need for increased funding for water and wastewater infrastructure projects is clear. Existing water and wastewater infrastructure continues to age and the number of incidents of water and sewer system failures continues to rise. Federal capital investment is being sustained, but is grossly inadequate to meet the growing needs. This financial gap will only get worse unless a firm commitment is made and increased federal resources are provided to needy communities. Moreover, the current lack of adequate funding unintentionally widens the investment gap by sending the implicit message that our nation's environmental infrastructure is not a national priority.

Let's look at some statistics.

The EPA's 2004 *Clean Watersheds Needs Survey* documented the bleak picture of America's wastewater infrastructure, reflecting existing nationwide needs at $202.5 billion for publicly-owned wastewater collections, treatment facilities and eligible activities to control pollution from storm water and nonpoint sources. It is important to note that this figure was not a projection over time or dependent on future funding levels, but the *existing* wastewater needs in 2004.

On the drinking water side, just weeks ago the EPA released the latest *Drinking Water Infrastructure Needs Survey and Assessment* and the results were dismal. The assessment looks at expected costs for repair and replacement of transmission and distribution pipes, storage and treatment equipment, and projects that are necessary to deliver safe supplies of drinking water. The results found that America's public water infrastructure needs $334.8 billion in capital improvements to the 52,000 community water systems and 21,400 non-community water systems over the next 20 years between 2007 through 2026 in order for water systems to continue to provide safe drinking water to the public.

Looking at water and wastewater needs together, EPA's 2002 *Clean Water and Drinking Water Infrastructure Gap Analysis* forecasted a $534 billion gap between current investments and projected needs over 20 years for water and wastewater infrastructure if federal funding was not increased. To someone like me, who works in the industry, that distressing report forecasted environmental disaster if action wasn't taken...and that was seven years ago.

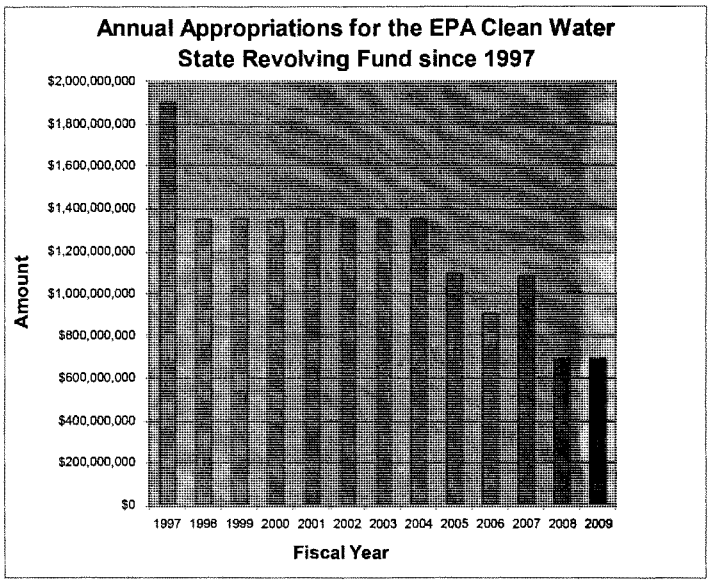
The American Society of Civil Engineers (ASCE), an active member of the CWC, evaluates the nation's infrastructure and reports on the status of it every few years. Once again this year, America's wastewater and drinking water infrastructure has been graded a "D minus" in the ASCE's *Report Card for America's Infrastructure*. Clearly, there is a consensus among both government and industry professionals that the state of this infrastructure is quickly going from bad to worse.

As representatives of NUCA before me have testified, aging wastewater infrastructure is failing in every state. Each year, sewers back up in basements 400,000 times and municipal sanitary sewers overflow 75,000 times, dumping up to 10 billion gallons of sewage (and with it potentially deadly pathogens) into the nation's streets, waterways and beaches. Water and sewer systems built generations ago that had projected use periods of 30, 50, and even 100 years are all reaching or have exceeded their useful life. Scores of American cities are under consent decrees with the EPA to fix their combined sewer overflow problems or face millions of dollars in fines.

Meanwhile, the federal resources needed to fix the situation have plummeted over the past several years. In fact, traditional funding of $1.35 billion has been virtually cut in half since 2004. By grossly under-funding the critical SRF programs, we are knowingly failing to refurbish and install vital water and wastewater infrastructure in a meaningful way that maintains public safety and environmental protection. It's time for Congress to act before our water supply is irreversibly contaminated, before sewer moratoriums shut down our communities, and before your constituents' sewer rates go through the roof.

NUCA and the CWC have taken the lead for years in advancing a host of legislative efforts to begin to address the skyrocketing water/wastewater infrastructure needs facing our nation. Our focus in recent years has been on increasing annual appropriations for the SRF programs and on reauthorizing them at significantly higher funding levels.

Last month, the House passed the Water Quality Investment Act (HR 1262), which would authorize $14 billion for the Clean Water SRF over five years. While the Senate has yet to act on its version of a reauthorization bill, immediate resources through FY10 appropriations are needed to address this looming environmental crisis.



The above illustration shows the direction federal funding has taken in recent years. Fortunately, the Obama budget proposal, as well as both Senate and House budget resolutions, provide the blueprint to begin to reverse these dangerous trends.

A Sound Investment in Critical Economic Times

It is no secret that the construction industry is facing huge economic challenges. The latest Bureau of Labor Statistics (BLS) report, released April 3, shows the construction industry shed another 126,000 jobs in March and the unemployment rate for construction is now 21.1%. There are now nearly 2 million construction workers out of work and have been 21 consecutive months of significant job loss in the industry. Construction has been hit harder by the economic downturn more than any other industrial sector. My own company has been forced to downsize from 25 employees only a couple of years ago to 15 employees today. Increased investment into the SRF programs would create tens of thousands of jobs and significantly assist in America's economic recovery.

Although SRF projects are recognized for their success in enhancing public health and environmental protection, the *economic* benefits that result from this work are often overlooked. Clean water projects help maintain a strong economic foundation by creating jobs, generating significant economic activity and expanding the local tax base. It's important to note that the jobs offered in this industry are good, high-paying jobs that are provided right here in America. These are not jobs that can be shipped overseas.

There are three important types of economic impacts that are associated with water and wastewater infrastructure projects, including:

GRANTS VS. REVOLVING FUNDS

Mr. DICKS. Okay, let me ask you a question. Do you think these revolving funds are adequate? I believe there should be some money for grants, and we have STAG grants, but that is very minimal. I think, you know, when Bill Ruckelshaus was Administrator of the EPA, and Richard Nixon was President of the United States, there was $4.5 billion in grant money, I think it is 80/20. And that has been done away with over the years.

I think, you know, especially for rural areas, how are they going to do projects, if they have to pay all this money back? I do not see how they are going to get that done.

Mr. SCHELLENBERG. I do support grant projects, but it seems right now, the current system that we have is the State Revolving and, as you said——

Mr. DICKS. But everybody seems to just kind of go along with that. Is it adequate?

Mr. SCHELLENBERG. I do not think it will be——

Mr. DICKS. You know, we have a $600 billion gap. You add those numbers up, it is over $600 billion. And I think the number, you know, if you put the Revolving Fund and the Safe Drinking Water, it is about $688 billion. And as you say, this is a very big priority. Some people have said that putting sewers in was like the biggest health breakthrough in the 20th century. I am just worried that we have been kind of sold on this idea of a revolving fund, and I do not think it is adequate to take care of the problem.

Mr. SCHELLENBERG. I think it is one of the tools that is out there. I think we need to look at other things. I think we need to look at long-term, some kind of a long-term program, whether it is some kind of a trust fund or something, to fund our infrastructure. We need to look at all the different options that are available.

Mr. DICKS. Any other questions? Mr. Simpson.

Mr. SIMPSON. I would echo what the chairman said. And I think one of the problems is that, when you talk about infrastructure, most people talk about roads. But there are waters, there are sewers. There are dams and locks and rivers, all this kind of stuff, harbors.

It is such a huge problem, and such a huge backlog, that we do not know how to get our hands around it, quite frankly, and so, we constantly put little amounts of money into, or big amounts of money, whatever you want to call it, into these various programs, but it does not address the issue. It probably does not even keep up with the backlog.

I have been talking with Earl Blumenauer about, it is time, quite frankly, in this country, for another Gallatin Commission, such as the one that was around in the 1800s, when Thomas Jefferson formed it, to look at the infrastructure of this country, and what we need is, I think, an outline of what the problem is, and then a plan of how we are going to address it. Because right now, it is just a hundred different programs of different things, trying to address a myriad of problems that are too big for us to grasp.

Mr. SCHELLENBERG. I agree. I have had several meetings with Congressman Blumenauer as well, discussing these issues, and as you know, he is looking strongly at, look for long-term solutions.

Mr. SIMPSON. Yeah, and I have been working with him on that.

Mr. SCHELLENBERG. I appreciate that.

Mr. SIMPSON. And hopefully, we will come up with something.

Mr. DICKS. I want to ask one additional question. We know that the fiscal year 2010 request for Clean and Drinking Water Revolving Funds will be $3.9 billion. That would be in addition of $7.5 billion appropriated in the '09 Omnibus and the Recovery Act. Does the construction industry have the capability to use that much funding over the course of the next few years?

Mr. SCHELLENBERG. I believe they do.

Mr. DICKS. I mean, you are under capacity now, correct?

Mr. SCHELLENBERG. We are way under capacity.

Mr. DICKS. And specifically, are you confident that the equipment required to repair, rehabilitate, and build new water and wastewater infrastructure is available to ensure that these funds are used effectively?

Mr. SCHELLENBERG. I believe they are.

Mr. DICKS. All right. You bring up one of the really big problems here. When you have these matching funds and so forth, we can appropriate all the money in the world, but if the local community cannot come up with the matching funds, it does not do them a lot of good.

Mr. SCHELLENBERG. Right. I mean——

Mr. DICKS. And somehow, we have got to address that. And they have got to pay back these loans. These are loans.

Mr. SCHELLENBERG. Right.

Mr. DICKS. And they have to pay it back. If it gets too expensive. I have communities in my own district where it is going to be like over $100 a month, they are going to have to pay back these loans. These are rural areas, poor, rural areas. They cannot afford this. So, we made some changes in the Clean Water Revolving Fund, so that there could be forgiveness, like there is in the Safe Water Drinking Act. So, we have changed that. I think that is a major step in the right direction, and maybe we will see how that works.

But I still believe that there are needs, and I think USDA has some money, Rural Development has some money for this as well. But the idea of not having some grants, to keep those rates at a level where they are affordable, means that these local communities will never do the projects.

Mr. SCHELLENBERG. Right.

Mr. DICKS. Unless EPA beats them up and, you know, forces them to do it, which is, maybe the only way we will get some action on this thing. But it is a big concern, and I especially think in the rural areas, it is very unfair to ask these people to have to pay, bear this burden, because we walked away from a grant program.

Mr. SCHELLENBERG. Yeah, we used to have lots of grants, and the grants kind of went away, so——

Mr. DICKS. Yes.

Mr. SCHELLENBERG. The SRF is what we are left with, you know.

Mr. DICKS. Yeah. Any other questions? Thank you.

Mr. SCHELLENBERG. Thank you.

Mr. DICKS. George Lea, the Public Lands Foundation. Thank you, Mr. Lea.

Mr. LEA. Mr. Chairman.

Mr. DICKS. Nice to have you here.
Mr. LEA. Nice to see you again.
Mr. DICKS. Yeah.

TUESDAY, APRIL 28, 2009.

PUBLIC LANDS FOUNDATION

WITNESS

GEORGE LEA

Mr. LEA. I am George Lea, President of the Public Lands Foundation. We are an all volunteer national organization of retired BLM employees, and as such, we have a unique body of knowledge and experience, and expertise in public land management. As retirees, we can now offer an objective, non-bureaucratic view of what is really happening to the public lands and suggestions for improvement.

Mr. DICKS. Does that mean you can tell the truth?

Mr. LEA. I can tell the truth.

Mr. DICKS. Okay. Go ahead.

Mr. LEA. I do not have to feed my babies.

Mr. DICKS. All right. If you are not worried about your jobs, you can tell the truth. You are a retiree.

Mr. LEA. You bet.

Mr. DICKS. Still getting your retirement, though, are you not?

Mr. LEA. You bet.

Mr. DICKS. All right. Good.

Mr. LEA. Our mission, primary focus is on improving the condition of the land and its natural resources, and keeping the public lands in public hands. It is significant to note that the BLM lands will return more than $6.2 billion to the Treasury in receipts in 2009. Yes, that is not a mistake. That is $6.2 billion, with 49 percent of the receipts returned directly to the states and counties to support roads, schools, and other community needs.

Our statement emphasizes some of the programs we feel that should be increased, that needs increased dollars in the fiscal year 2010. Let me start with renewable energy production. You know, the BLM has been known as an agency that produces AUMs, Animal Unit Months of Forage, board feed timber, tons of coal, recreation days, but still be known as the agency that produces KWs, kilowatt-hours of electricity.

However, to avoid the train wreck that could prevent attaining the country's goal of increased renewable energy production, there is an urgent need to complete the energy development zoning effort, which requires increased funding and manpower. This inventory must precede any accelerated wind and solar energy permitting our rights of ways to reduce or eliminate the conflicts with other land uses.

We support the President's goal of energy independence, as well as the National Environmental Policy Act.

However, the Congress needs to understand that there needs to be a paradigm shift in the way we do business, if we are to meet our energy independence goals. For example, solar energy will re-

quire 100 percent of the land service being denuded of vegetation. BLM will be litigated at every turn with the normal EIS process, unless NEPA is modified for renewable and the transmission of renewable energy only, by requiring, for example, an environmental analysis not on EIS, with a 30 day public comment period, and a waiver of any appeal. Otherwise, we are going to be here next year, wondering why we have not got something done.

In the case of solar, currently, the Bureau has 220 pending solar right of way applications, covering about 1.7 million acres of public lands, mostly in California, Nevada, Arizona, New Mexico, and Utah. And there is more to come. Perhaps the biggest impact of the solar development, farms, is the fact that the photovoltaic collectors completely dominate the land. In the case of wind, BLM has 243 billion pending wind and 178 authorized rights of way applications for about 177,000 acres.

In the case of geothermal, in December of 2008, the Bureau published a Record of Decision and approved resource management plan amendments for geothermal leasing in the Western States. This EIS anticipates the production of 5,500 megawatts of new electrical generation capacity from 12 Western States. Geothermal is a hot issue for BLM. In Nevada, for example, the competitive geothermal leasing sale in August 2008 brought a record-breaking $28 million to the Treasury. Half the revenues go to the states, a quarter to the counties where the land is located, and a quarter goes to the Bureau.

Bioenergy production, again, the Bureau manages roughly 69 million acres of forests and woodlands, plus several million acres of brush. Maintaining and restoring the health of these lands and providing forest products to contribute to the biomass energy supply will require increased funding and personnel.

For example, many million acres are being invaded by juniper forests, requiring control and elimination efforts, producing huge amounts of bioproducts, and requiring a large manual and machine force, labor force.

I would like to bring to the attention of the committee the recent Department of Interior Inspector General and the GAO report that there is a need to capture millions of U.S. dollar receipts from federal oil and gas production leases. This effort will require funding and personnel for BLM to verify production reported by oil and gas operators to ensure there is no underreporting of production of oil and gas.

Earlier, you had mentioned the firefighting funds. We talked about that last year. There continues to be a need to provide the Forest Service and the BLM and the Fish and Wildlife Service and the Park Service with a separate funding for fire costs, so——

Mr. DICKS. We are working on that.

Mr. LEA. I appreciate that. In the case of wild horses and burros, I am sure the committee is aware of the dilemma that the Bureau faces. They currently have roughly 30,000 animals in corrals that are fed every day. They have to feed them every day until they die of natural causes, and there is about 30,000 wild horses. And we appreciate the committee's providing funding to enable the Bureau to keep the population in balance with this habitat.

However, the Bureau has got to make a decision, either to destroy the animals or to sell them without limitation. They have the authority to do that, but their policy is to keep the animals, that have to be ten years of age, and have been offered unsuccessfully for adoption for at least three times before they are considered to be destroyed. And I must tell you that as far as I know, the Bureau has not destroyed any animals since, I think, 1982, despite what you read. And we appreciate, as I mentioned, the committee's providing funding to keep the animal, wild horse animal production, in line with its habitat, and we look for your support when it comes time for the Bureau to actually destroy animals.

Thank you, Mr. Chairman. I hope the comments are useful to you.

[The statement of George Lea follows:]

TESTIMONY- THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES- FY 2010- Bureau of Land Management

By George Lea, President, Public Lands Foundation March 25, 2009

Thank you Mr. Chairman for this opportunity to present your committee with our views on the Bureau of Land Management's (BLM) budget request for FY 2010. As a national, non-profit organization principally of retired but still dedicated former BLM employees, the Public Lands Foundation (PLF) has a unique body of knowledge, expertise and experience in public land management. As retirees, we believe we can now offer an objective and non-bureaucratic view of what is really happening to the public lands and suggestions for improvement. It is important that the Committee understand that while we are supportive of BLM and its programs, we are not a "captive" of the Bureau and are independent in our views. Our mission's primary focus is on improving the condition of the land and its natural resources and keeping the National System of Public Lands (NSPL) (BLM lands) in public hands. We strive to improve the effectiveness of BLM by encouraging professionalism among employees and to increase the public's understanding of and support for the proper scientific management of these lands.

Overview

It is significant to note that NSPL will return more than $6.2 billion to the Treasury in receipts in 2009. Yes that is not a mistake, but $6.2 billion, with 49% of the receipts returned directly to States and Counties to support roads, schools and other community needs. We are unaware of any federal agency that returns such receipts compared with its budget. In addition to 258 million surface acres, BLM also is responsible for 700 million acres of federal mineral estate throughout the nation. That is nearly a billion acres of precious assets making BLM the largest steward of Federal lands.

At this point the President's 2010 budget has not been released to the public. We therefore will comment on what we see as certain shortfalls in emphasis and/or the need for increased dollars in FY 2010 principally to increase staffing, in the following high priority programs, to enable the Bureau to adequately address urgent natural resources issues:

Personnel Needs

BLM's budget is directed towards the work force requirements needed to put trained natural resource specialists on the ground to manage the land. BLM's programs are labor intensive. Any man-power or budget reductions will not only directly affect BLM's ability to properly manage natural resources production and protect the public lands, but also would have a negative impact on the generation of receipts to the States, Counties and the US Treasury and in carrying out the President's priorities. Budgets often contain the false assumption that, with a smaller budget and fewer personnel the workload will decrease and less work needs to be accomplished. That is not the case for natural resources management agencies. It is the constant need to protect the land and the natural resources and the public's increasing service demands that drive the budget requirements. To demonstrate this constant need to protect the land, more than 22 million people live within 25 miles of the land the Bureau manages and the NSPL have become the outdoor recreation playground of the West. In 2009, over 58 million visitors are expected to participate in recreational activities on BLM lands.

BLM has always been the forgotten "step-child" in the family of Federal land management agencies and has never had the personnel needed to match its responsibilities. Once again we believe the Committee needs to know the personnel needs of BLM and should encourage BLM

to develop a five-year program to bring BLM's work force to a level adequate to protect the resources and perform the work needed.

Renewable Energy Production

To avoid the "train wreck" that could prevent attaining this country's goal of increased renewable energy production, there is urgent need to complete the Energy Development Zoning effort requiring increases in funding and manpower. This inventory must precede any accelerated wind and solar energy permitting or rights-of-ways to reduce or eliminate the conflicts with other uses of the land. We support the President's goal of "Energy Independence" as well as NEPA. However, the President and the Congress needs to understand that there needs to be a paradigm shift in the way we do business if we are to meet our energy independence goals. For example, solar energy will require 100% of the land surface being denuded of vegetation. BLM will be litigated at every turn with the normal EISs processes unless NEPA is modified for renewable and the transmission of renewable energy only, by requiring, for example, an Environmental Analysis (EA) not an EIS with a 30-day public comment period and waiver of any appeal.

The following renewable energy projects are cost recoverable, however, BLM needs personnel ceilings adequate for project supervision, compliance checking, contract supervision, project management and environmental protection.

Solar- Currently BLM has 220 pending solar ROW applications for about 1,786,950 acres of public land concentrated in California, Nevada, Arizona, New Mexico, and Utah with more to come. BLM and the Department of Energy are jointly developing a programmatic EIS. Meanwhile, BLM is continuing to accept applications. Perhaps the largest impact of solar development farms is the fact that the photovoltaic collections completely dominate the land surface as a dominant use at the exclusion of all other uses.

Wind- Currently BLM has 243 pending wind and 178 authorized ROW applications for 177,256 acres. In the US perhaps California and Wyoming are experiencing the fastest growth for wind energy production. A final Programmatic EIS on Wind Energy Development on the NSPL was prepared by BLM and the Department of Energy and the Record of Decision was signed on December 15, 2005. This document identified Best Management Practices and mitigation measures that would need to be incorporated into project specific plans and stipulations. This document also amended 52 BLM land use plans in nine of the states in the study area. Any additional environmental analysis will be tiered to the programmatic EIS.

Geothermal Energy- BLM leases lands it manages and other Federal lands, including Forest Service lands for geothermal development and supervises operations of the leases. In December 2008, BLM published the Record of Decision and Approved Resource Management Plan Amendments for geothermal leasing in the western states making more than 190 million acres of federal lands available for leasing and potential development for geothermal energy. The EIS anticipated a potential 5,500 MW of new electric generation capacity from resources in 12 western state, including Alaska by 2015. It also estimates an additional 6,600 MW by 2025 for a total of 12,100 MW. Geothermal is a "hot" issue for BLM. In Nevada, for example, a competitive geothermal lease sale in August 2008 brought in a record-breaking $28.2 million. Half the revenue goes to the state, a quarter to the counties where the land is located and a quarter goes to BLM.

Bio Energy Production The BLM manages 69 million acres of forest and woodlands plus several million acres of brush. Maintaining and restoring the health of these lands and providing forest products to contribute to biomass energy supply will require increased funding and personnel. For example many millions of acres are being invaded by juniper forests requiring

control/elimination efforts producing huge amounts of bio products and requiring a large manual/machine labor force

Oil and Gas Production and Accountability

According to recent DOI Inspector General and GAO reports there is a need to capture millions of US receipts from federal oil and gas production leases. This effort will require additional funding and personnel for BLM to verify production reported by oil and gas operators to ensure there is no underreporting of produced oil or gas.

Legacy and Orphan Wells

The Energy Policy Act of 2005 requires BLM to inventory and to plug, abandon and reclaim the surface of abandoned federally drilled legacy wells (wells drilled by the government and not properly abandoned) and orphan wells which were drilled by operators whose bonds were insufficient to properly close the well and reclaim the site. For example there are over 100 legacy wells in Alaska inventoried and ready to be plugged all requiring increased funding and manpower for contracting the proper closure of these wells.

Abandoned Mine Lands Program

Abandoned hardrock mines pose significant health, safety and environmental hazards. People increasingly are coming into contact with these formerly remote sites given population growth, sprawl and recreational use of off-highway vehicles in the western states. Fortunately, potential risks to people, and costs to the government associated with possible tort claims and environmental lawsuits can be reduced significantly through implementation of an aggressive and well-coordinated AML program administered by the BLM along with its Federal and State partners. The PLF is encouraged by the renewed priority and commitment by this Administration to address long-standing impacts of abandoned hardrock mines. We encourage the Committee to provide funding so that the BLM can pursue a program that balances safety and environmental (clean water) priorities. In addition, the PLF recommends that the Committee ensure adequate funding for the BLM to implement the recommendations of the July 2008 audit report by the Department of the Interior's Office of Inspector entitled "Abandoned Mine Lands in the Department of the Interior." The PLF also is aware that the Administration and Congressional Leadership have set goals of Mining Law Reform and establishment of a permanent hardrock AML program and funding mechanism. The PLF supports these efforts.

Youth Education and Involvement

The NSPL provides an abundant opportunity to strengthen the ties between this country's youth and the environment and natural resources conservation. Many opportunities exist to expand the opportunities for youth education including internships to instill environmental awareness and accomplish a backlog of needed work at the same time. Such needed work includes wildlife habitat improvement; recreational developments trail construction and maintenance, cultural resources protection and stabilization, stream improvement and range improvements. In addition there is the need for timber stand improvement, wildlife habitat enhancement and invasive vegetation species control all of which would provide fuel sources for bioenergy production. We encourage the Congress to provide BLM the funding and manpower to accomplish this needed work utilizing our youth.

Fire Fighting Funds--As the Committee knows BLM has historically borrowed funds from programs that carry over funds from year to year to pay fire fighting costs. The borrowed money is repaid through supplemental appropriations. This system has generally worked well. However, should these funds not exist, this would cause serious disruption of on-going programs. It is our understanding that the Forest Service has such a problem, as may other federal land management agencies. The procedures for funding fire suppression should be changed. The cost of funding fire

suppression should be taken out of the agency's budgets and made available by a separate fire suppression fund.

Wild Horses and Burros

We are certain members of the Committee are familiar with the serious dilemma BLM faces in keeping the wild horse and burro populations within the capacity of the habitat available for the animals and yet disposing of the unwanted and un-adoptable animals. The number of horses removed from the range far exceeds the number that can be sold or adopted. As of June 2008, BLM was holding **30,088** animals in captivity and the estimated number out on the range was **33,105----5,886** over the Appropriate Management Level (AML) of **27,219.** Since 2001, over 74,000 animals have been removed from the range but only 46,400 (62%) have been adopted. It is projected that the holding costs will account for 75% of the WH&B program's budget in 2009. The adoption demand for wild horses has dramatically declined attributed to increased hay and fuel costs, the large number of domesticated horses flooding the market, general urbanization of rural areas, and a shift toward other forms of recreation. Compounding the problem, the last horse slaughterhouse in the U.S. closed in the fall of 2007. Without these outlets more domestic horses are available to the public causing direct competition with BLM's WH&B adoptions.

BLM must continue to manage the range to prevent overpopulation and exercise one or both of its options: 1) Destroy the animals, or 2) sell them without limitation. The October 25, 1978, Rangeland Improvement Act, allowed for the destruction of excess, unadoptable horses. BLM has a WH&B sales policy that directs the sale, without limitation, of excess horses or burros or their remains, if the animals are more than 10 years of age or have been offered unsuccessfully for adoption at least 3 times. Even though BLM has had the authority to destroy horses, BLM has not destroyed any animals since January 1982. They have chosen not to destroy excess animals or sell them without limitation because of concerns about public and congressional reaction to large-scale slaughter of thousands of horses. However unless some way is found to place in private ownership all of the excess animals removed from the public lands, BLM has to consider euthanization, but as a last resort. We encourage the Committee to provide funding needed to keep the animal population in balance with the AML and be supportive of BLM when it becomes necessary to sell animals without restrictions

Urbanization of the National System of Public Lands

The National Public Lands managed by BLM are rapidly becoming the playground and the backyard to millions of our citizens. Nearly 4,100 nearby communities rely on critical watersheds near the communities; an estimated 22 million people reside within 25 miles of BLM lands; and an estimated 58 million annual visitors combined with an increase in use of all-terrain an off-road-vehicles are all placing demands on the public lands and resources. This increase in interest to visit and use these public lands requires a similar increase in funding for BLM for road maintenance, recreational maintenance and new developments, law enforcement, open space protection, and private/federal land exchanges. In many places these urban lands are an important element of our Treasured Landscapes.

Mr. Chairman, we hope these comments for priorities for BLM's FY 2010 budget request and our ideas for changes will be of value to your committee. We remain sincere in our efforts to see the public's land managed well.

/S/

George Lea, President

Mr. DICKS. George, thank you very much. Any questions? Thank you. Good to see you.

EXECUTIVE BRANCH TESTIMONY

Mr. COLE. I have one question, Mr. Chairman, if I might, real quick.

Mr. DICKS. Yeah, go ahead Mr. Cole.

Mr. COLE. First of all, I appreciate very much the fact that you are still in retirement, pursuing this work with this kind of passion, so thank you very much.

But I am intrigued, were there things that you really felt like you could not come and tell this committee, when you were in active service, that you feel like you can now? I mean, what were the barriers that kept you, if indeed that was the case, from being able to ensure we had your opinion?

Mr. LEA. Well, as I said earlier, I had to feed my kids. That is a concern about following the policy, and repeating, you know, the position, the official position of the Department as well as the Bureau.

Mr. COLE. You know, that is just troubling, because obviously, we rely on your expertise, and I do not direct this at you, but I mean, that always worries when we hear that, because we really do, as Members of Congress, really do need to know. I mean, you are the experts.

Mr. DICKS. Sometimes before the Defense Subcommittee, we will ask a witness, some General or Admiral, their personal and professional opinion, whether they agree with the Administration's policy. Over the years, they have been able to. Not as much recently, but——

Mr. LEA. It is still a dangerous economy.

Mr. COLE. The last eight years. You talking about the last eight years?

Mr. DICKS. It is still a dangerous economy. Just think about Shinseki, okay, our new head of the VA.

Mr. COLE. Yeah, I understand. I understand.

Mr. DICKS. I mean, there was a man who laid it out. He was asked a question. The Senate committee laid it out. And he was right, and yet, he was forced out of the government because of that. So, I mean, that sends a message down through the ranks, you know, about just how candid can you be. And here is one of the great, I think one of the greatest generals we have ever had, frankly.

Mr. SIMPSON. Well, you know, chairman, that is, if you are an Administration, you want the employees of that Administration singing what the Administration line is. I understand that. That is, you do not want to make a decision on what you are going to do, and then have everybody going off in different directions.

Mr. DICKS. It is hard.

Mr. SIMPSON. So, I understand that, and I find that sometimes, I get the best information when I go out and talk to the BLM land managers from the state.

Mr. DICKS. Yeah.

Mr. SIMPSON. Or when I go hiking with the guys in the Forest Service or something like that. Oftentimes, that is, sitting around a campfire is when you get some of the best information.

Mr. COLE. Yeah, we have to find ways to talk to you off the record. Last point, and I just want to commend you, too, for the strong statement you made about managing, you know, wild horses. It is a tough issue. I mean, we all get deluged with mail on this, but I could not agree with you more. I mean, the humane thing is to not either have more animals than you can handle in a given area, or maintain them in the kind of life we maintain them. It really is a place where Congress needs to have the courage to step up.

Mr. LEA. I think the Bureau is spending roughly $30 million to feed horses, $30 million of the public's money just for hay.

Mr. COLE. Most of the mail I get on this issue, Mr. Chairman, is from people who do not own horses, who have never been around horses. I mean, people who care about horses, I have a lot of horse country in my district, like seventh in the country, in terms of horses in Congressional districts.

Mr. DICKS. Why do you not adopt——

Mr. COLE. Well, we are kind of doing our share. But you need, you do need to have that tool, and Congress needs to be willing to sort of, you know, stand up to the lobbies.

Mr. DICKS. We have given them the ability to do it.

Mr. LEA. Given the money.

Mr. DICKS. But as George says, they just do not do it.

Mr. COLE. Yeah, but we routinely pass resolutions that tell them not to do it, and you know, over the objections of the relevant committees, in many cases. So anyway, thank you very much.

Mr. DICKS. Thank you.

Mr. LEA. Thank you.

Mr. DICKS. Jay E., is it Leutze?

Mr. LEUTZE. Call me Leutze.

Mr. DICKS. Leutze. The Southern Appalachian Highlands Conservancy. Welcome.

TUESDAY, APRIL 28, 2009.

SOUTHERN APPALACHIAN HIGHLANDS CONSERVANCY

WITNESS

JAY E. LEUTZE

Mr. LEUTZE. Thank you very much. It is an honor to appear today for several reasons. One reason, the name Leutze appears in the House of Representatives stairwell. My ancestor painted Westward, the Course of Empire Takes It's Way, which is the mural in the House of Representatives stairway, so coming to Washington, D.C., it is an honor to, getting the past from my Member, and walk up that stairwell, and see what it was all about, and it was about creating the country. Really, it is an epic painting about moving from East to West, and it is something that I think we can all relate to.

One of the ways I like to start presentations is to talk about the land that we are living in as a young Nation, and we feel it in the Southern Appalachians as a place that has not grown to its full potential, as far as population, which scares us an awful lot, because we are under enormous pressure.

I would like to start my remarks today by referencing the $15,413,000 need for three projects that I will discuss as part of this project. Those are federal land acquisition projects with LWCF requests in at this point.

I am a trustee for Southern Appalachian Highlands Conservancy, which is one of 23 land trusts in the State of North Carolina. The land trusts are the partner on the ground for the Congress, for the Forest Service, and the other related agencies, to do acquisition work, and set aside the land that we would all like to leave for future generations, in the form of parks, trails, national seashores, BLM land.

All of this land is acquired by a local partner on the ground. The projects that I will bring before you today have been decades in the making, with a local land trust. I am a volunteer as well. And we have been cultivating landowner relationships for decades on one of these properties, that has finally led to a successful conclusion, if you can call owning a piece of property that is valued at $40 million and having substantial loans on it a successful conclusion. That is where we stand with the Rocky Fork Project right now.

LWCF, as you know, was created 44 years ago. It has been fully funded at authorized limit one time in the last 44 years. I got here a little bit late, because I drove all the way from North Carolina this morning. Someone may have already mentioned that. What has happened in the absence of LWCF is the State of North Carolina and Tennessee have been filling in within the federal proclamation boundaries of our National Forest System, which is not yet built out. We have the proclamation boundaries. We do not bring to Washington most of the projects that we do within the Forest Service proclamation boundary because it is a hopeless, thankless task.

Instead, North Carolina, as an example of what several states have done, has created a Clean Water Management Trust Fund. Last year, North Carolina had more money for land and water acquisition and protection than the entire Federal Government had in federal LWCF. That makes me proud to be a North Carolinian. It makes me question the priorities of the Federal Government, frankly. I live next to the Appalachian Trail. I have walked it my entire life. I have seen people walk it. I have seen what it does in young people's lives. In a state where we have very high obesity rates, and kids are feeling disconnected from nature, the Appalachian Trail is a great resource, and I have dedicated this part of my life to acquiring the buffer, and sometimes, the footpath itself.

The Appalachian Trail is 2,400 miles long. We do not own it all. We certainly have not protected all of the buffering lands that make it feel like a wilderness experience while you are using it. We do not own all of the trail footpath itself, as the world's most famous walking path.

That leads me into the first project I would like to discuss. It is called Rocky Fork. It is the Cherokee National Forest proclamation

boundary. It is boundaried by North Carolina as well, Madison County, North Carolina, wraps, around one part of the boundary. The Appalachian Trail, 1.2 miles of it, there are 16 miles of the Trail left to acquire, 1.2 of those miles are on this property. So, as Appalachian Trail hikers walk from Georgia to Maine, or Maine to Georgia, or just section hike this section, they are walking on a private timber company holding. At least until December 15, that was the case.

Our partner, the Conservation Fund, acquired the property for $40 million, December 15, and is now in the process of transferring it as appropriations are made available. It is the number one ranked project by the United States Forest Service for the country. We have enjoyed great success.

Mr. DICKS. And in water conservation.

Mr. LEUTZE. In land and water conservation.

Mr. DICKS. Yeah.

Mr. LEUTZE. In '07, it was the number one funded project, in terms of level, with $3.2 million appropriation. We fared very well in the '09 Omnibus Spending Package, with $5 million. So, the $40 million, roughly, that we need, we have raised $20 million of it, between private, State of Tennessee, and federal funding. We try to leverage all of our projects with private money as well, and we have a very generous donor community, but when the funds are not forthcoming from either the state or the Federal Government, our system breaks down.

Our system in North Carolina is breaking down very badly right now. The Governor just took $100 million out of our Landmark Clean Water Management Trust Fund. Some of the projects within the proclamation boundary that I would like to be federal acquisitions, that we designed as state acquisitions, are now in jeopardy. So, that is where we are.

Rocky Fork will be transferred to the Federal Government. It has been leased by the State of Tennessee, to make it open for the public for 30 years, and we will keep it open. It is open now, under Conservation Fund ownership, and as we transfer it to the Federal Government, and a smaller part to the State of Tennessee, we will keep it open the entire time for hunting, fishing, outdoor recreation. It is a bear preserve.

And back to your earlier question of an earlier speaker, we find the best dollar you can spend for protecting water supply, and municipal water supplies, is protecting the water when it leaves pristine areas like Rocky Fork. Those are dollars well spent, when you keep the water from getting impaired in the first place, downstream, that pays off and benefits.

The two other projects I would like to mention are the King Mountain Tract in Uwharrie National Forest. Uwharrie National Forest is within a two hour drive of four million Americans. It is a poster child for what LWCF should do. It should be protecting land where people live and can use it. The Uwharrie National Forest has a national recreation trail on it. Part of it is on public land. It is under contract. It is being purchased. We would like to transfer this property in Uwharrie National Forest, 355 acres. We have raised $500,000 in private money. The cost to the taxpayer is just

a little over $3,000 an acre, for what we call the Central Park of North Carolina.

The other project is the number one Forest Service project in the State of North Carolina. It is called Catawba Falls Access. This is a perfect example of what has happened in the past with the Forest Service. The Forest Service has acquired pieces, as we have willing sellers, sometimes, it does not make sense until you get the next piece. The Forest Service owns Catawba Falls. The public cannot get to Catawba Falls legally, so they trespass. Luckily, the land over which they trespass has been offered for sale, and Foothills Conservancy in North Carolina has purchased it, has an option agreement with the Forest Service. They will transfer it immediately once the funds are made available. That is $713,000, and the public will be able to use a resource that they have already invested in.

That concludes my remarks. I appreciate your time.

[The statement of Jay E. Leutze follows:]

TESTIMONY SUBMITTED BY
JAY ERSKINE LEUTZE, TRUSTEE FOR SOUTHERN APPALACHIAN HIGHLANDS CONSERVANCY
TO THE
HOUSE APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT AND RELATED AGENCIES CONCERNING FISCAL YEAR 2010 APPROPRIATIONS FOR THE LAND AND WATER CONSERVATION FUND AND THE FOREST LEGACY PROGRAM AND THREE PROJECTS REQUIRING FUNDING

APRIL 21, 2009

This testimony is submitted on behalf of Southern Appalachian Highlands Conservancy, the LWCF Coalition, and the following partner groups working together to promote full funding for the Land and Water Conservation Fund, federal and stateside, and Forest Legacy Programs, and, specifically, funding for three federal acquisition projects with a total cost of $15,413,000:

Appalachian Trail Conservancy * The Conservation Fund * Land Trust for Central North Carolina * Foothills Conservancy * Conservation Trust for North Carolina

Chairman Dicks and Ranking Member Simpson and other members of the Subcommittee, thank you for the opportunity to submit testimony. I begin by applauding the Subcommittee for the increases in the Land and Water Conservation Fund (LWCF) and Forest Legacy Program (FLP) funding contained in the Fiscal Year 2009 Omnibus Appropriations bill. The groups I represent today are equally delighted by increases for these programs proposed in the Fiscal Year 2010 Administration budget along with the commitment to reach full funding of the LWCF in the next five years.

The LWCF Coalition is made up of more than 50 groups including land trusts, trails and outdoor recreation organizations, fish and wildlife groups, state parks agencies and foundations, as well as other national conservation organizations working to achieve full funding for the LWCF and the FLP. We urge the Subcommittee to set the course towards this goal by including substantial funding increases in the Fiscal Year 2010 Interior appropriations bill for these two important programs. We recommend increasing the funding of federal LWCF to $325 million, stateside LWCF to $125 million, and the allocation of $125 million for the Forest Legacy program.

We thank the Subcommittee for its leadership and continued support of these essential programs. Despite the best efforts of this Subcommittee and other Congressional leaders, the LWCF has suffered dramatic funding cuts in the past decade. Over the program's forty-four year history it been fully funded at the congressionally authorized level of $900 million annually only once. Today we face an extensive and growing backlog of land acquisition needs in our national parks, national wildlife refuges, and national forests. America's irreplaceable wildlands, woodlands, farmlands, fish and wildlife habitats, scenic areas, historic sites, trails and neighborhood parks are being developed, fragmented, and otherwise sacrificed because there is simply not enough LWCF money to go around.

The LWCF is a vital funding mechanism creating significant environmental, economic and cultural benefits. Lands protected through the program include wilderness access points, river corridors popular with paddlers and anglers, endangered species habitat, beaches, campgrounds, historic battlefields, and pristine mountain forests. Eighty percent of the lands acquired with LWCF funds lay within the existing

boundaries of federal parks, refuges, forests, or recreation areas.

The state grants component of the LWCF is in equal distress from insufficient funding. This program supports the protection of recreation lands and the development of parks at the state and local level to provide accessible, close-to-home recreation. Despite low funding levels, the program has distributed funds to almost every county in the country for over 41,000 projects including parks, playgrounds, facilities, trails, and forests and wildlife habitat. Today, however, the federal partnership is largely missing from the funding equation.

In 1990, Congress created another important tool to help protect forests. The Forest Legacy Program (FLP), administered by the U.S.D.A. Forest Service (USFS), helps to preserve working forestlands threatened by conversion/development. This program leverages federal funds with state and private monies to permanently protect forested properties by direct fee title purchase or through conservation easements. FLP enables landowners and communities to retain ownership of forestland and to continue to earn income from these resources through sustainable timber harvesting. This program also conserves open space, wildlife habitat, and clean water, and ensures continued opportunities for public recreation. For Fiscal Year 2010, the USFS received 84 project proposals from 44 states and territories to protect 288,530 acres with a total project value of over $363 million.

In the face of the current economic downturn, we cannot underestimate the power public lands can have in turning the tide. Each year millions of Americans visit our public lands to enjoy hiking, wildlife watching, hunting, fishing, climbing, camping, mountain bicycling, horseback riding, photography, paddling and boating, cross-country and backcountry skiing, snowmobiling, and outdoor education and interpretation. The Outdoor Industry Association reports that recreation contributes $730 billion annually to the U.S. economy. A 2006 economic assessment of the National Park System produced by the National Parks Conservation Association determined that national park visitors spend over $11 billion annually in communities surrounding parks, generating $13.3 billion in local sales and supporting 267,000 jobs. Similarly, a recent Fish and Wildlife Service report, *Banking on Nature*, revealed that the 40 million annual visitors to national wildlife refuges generate more than $1.7 billion in annual sales to local economies, resulting in the creation of 27,000 jobs and generating more than $542 million in employment income.

The LWCF and Forest Legacy Programs are needed now more than ever to protect watersheds, wildlife and local economies. Drinking water quality and quantity greatly depend on the protection of forestlands, grasslands, and wetlands ranging from high elevation watersheds to coastlines. These acres filter pollutants, prevent erosion along rivers, and decrease the costs and damage from floods and storms. The American public deeply values the protection of water resources. A 2008 summary of local and statewide polls conducted nationwide ranked clean water as the top conservation concern for 88 percent of the people polled. Protection of land and water through LWCF purchases in and around our national forests, parks, refuges and other conservation areas helps maintain the long-term integrity of our nation's water quality and water supplies. Maintaining working forests with Forest Legacy dollars provides a critical tool to protect valuable community watersheds.

Today, the 682 million acres of federal land and waterways provide a critical opportunity to address the unprecedented challenges that climate change poses to our forests, fish and wildlife, and riparian resources. The strategic acquisition of key inholdings, buffer areas, and wildlife migration corridors within and adjacent to existing public lands enhances adaptation efforts and fosters intact landscapes. These natural areas also store carbon, buffer flooding, conserve water, and support healthy fisheries and wildlife populations.

I submit to the Subcommittee that the best way to demonstrate what is at stake in the current funding cycle is to review three of the worthy projects in my region that need LWCF appropriations:

U.S. Forest Service – Tennessee Mountains/Cherokee National Forest: $13.5 million.

Southern Appalachian Highlands Conservancy's top FY 2010 priority is the Rocky Fork project in the Cherokee National Forest Fork, situated along the Tennessee-North Carolina border. The Rocky Fork tract features the Appalachian National Scenic Trail and adjoins 22,000 already-protected acres of the Pisgah National Forest and Sampson Mountain Wilderness area. On December 15, 2008, due thos this Subcommittee's support for the the Tennessee Mountain project area, The Conservation Fund and the U.S. Forest Service purchased portions of the Rocky Fork property, totaling 9,624 acres.

Open to the public for decades through a lease agreement, Rocky Fork's inventory of world-class recreational opportunities has attracted generations of visitors from across the region and the country. 1.2 miles of the Appalachian Trail crosses the property, and half the property can be seen from the Trail. Sixteen miles of pristine blue-ribbon trout streams harbor exceptional populations of native brook trout. Rocky Fork also boasts a wide range of game and non-game animal species.

A strong network of local, regional and national partners have worked to protect this property by securing federal, state and private funds. Along with our partners, we commend the bipartisan regional leadership of the Tennessee and North Carolina congressional delegations for their work with the Subcommittee to advance this project. At a total acquisition cost of $40 million, federal funding for Rocky Fork has thus far leveraged over $10 million in state and private funding.

With a total of $23 million in federal, state, and private funds already approved for this project, Congressional approval of $13.5 million will allow the U.S. Forest Service to acquire an additional 3,375-acres of the property to conserve one of our nation's most valuable treasures.

U. S. Forest Service – North Carolina/Uwharrie National Forest: $1.2 Million

The 355 acre King Mountain property is a critical acquisition priority for the Uwharrie National Forest, which already has one of the highest user-to-acreage ratios in the country. Located within two hours of four million people in the geographic center of one of the fastest growing states in the country, the Uwharrie National Forest currently suffers from inadequate acreage and fragmentation.

The King Mountain acquisition connects three otherwise disconnected U.S. Forest Service tracts, providing a significant opportunity to improve management of the other adjoining tracts. Furthermore, King Mountain boasts the highest peak in the Uwharrie National Forest Proclamation Boundary. Most importantly, however, it is home to the historic Uwharrie National Recreation Trail, a thirty mile trail constructed by the Boy Scouts of America in the 1950's to connect the Birkhead Wilderness Area to the Badin Lake / Pee Dee River portion of the Forest. The property is one of two privately-owned pieces needed to expand the existing trail an additional seven miles.

Acquisition of this parcel by the U.S. Forest Service is supported by a wide range of organizations including the North Carolina Wildlife Resources Commission, US Fish and Wildlife Service, The Nature Conservancy, local land trusts, and the local County Commission. This portion of the Uwharrie National Forest is used regularly for soldier training by special operation forces from Fort Bragg.

A $500,000 private match has been offered for the $1.7 million parcel, making the cost to the federal government $1.2 million (or $3,380 per acre).

U.S. Forest Service – North Carolina Mountains/Pisgah National Forest: $713,000.

The National Forests in North Carolina's top FY 2010 priority is the Catawba Falls Access project within and adjoining Pisgah National Forest, situated approximately 30 minutes east of Asheville, North Carolina. The project will secure public access and enjoyment of the falls from the I-40 gateway to western North Carolina and protect waters of the Catawba River near its source along the eastern continental divide. Notably, these pristine trout waters and the river's spectacular falls are located about 5 miles from the first purchase tract in the eastern United States by the Forest Service following passage of the Weeks Act in 1911. On October 8, 2008, Foothills Conservancy of North Carolina and the U.S. Forest Service executed a purchase option for the Catawba Falls Access property, totaling 88 acres.

Foothills Conservancy purchased the access property when it was at risk on the real estate market for sale in April 2007. With the purchase countless citizens and visitors will enjoy legal access to the magnificent falls and witness source waters of the Catawba River that provide drinking water downstream for over 1.5 million people in North Carolina before flowing into South Carolina.

A strong network of state partners, including the N.C. Wildlife Federation and Trout Unlimited, together with strong local government, Chamber of Commerce, and tourism development partners, support the Catawba Falls Access project and look forward to garnering the economic benefits tied to the project's high public interest.

At a total acquisition cost and one-time LWCF request of $713,000, Congressional approval of federal funds will enable the Forest Service to purchase the Catawba Falls Access at a 15% discount provided by the conservancy, and will allow for immediate transfer to the U.S. Forest Service.

In closing, I thank the Subcommittee for your continuing leadership on federal land conservation. The LWCF Coalition and the regional land trusts stand ready to work with you to secure full and consistent funding for the LWCF and FLP. Thank you.

This testimony is submitted by Jay Erskine Leutze, Trustee for Southern Apalachian Highlands Conservancy (jayerskine@hotmail.com).

Mr. DICKS. Good. That is a good statement.
Mr. LEUTZE. Thank you.
Mr. DICKS. Thank you.
Mr. SIMPSON. No questions.
Mr. DICKS. Gary Werner, Partnership for the National Trails System.

TUESDAY, APRIL 28, 2009.

PARTNERSHIP FOR THE NATIONAL TRAILS SYSTEM

WITNESS

GARY WERNER

Mr. WERNER. Mr. Chairman, thank you for the opportunity to speak to you today. My name is Gary Werner, and I am here from Madison, Wisconsin, and I am here representing your partners in the nonprofit realm, over 30 organizations that support the National Scenic and Historic Trails.

And I have given you materials that were produced for the fortieth anniversary of the National Trail System last year, and the now out of date National Trail System Map, because I am here to thank you for the appropriations that you made last year, or for this year, for 2009, a $1 million increase in funding for the National Park Service administered trails, and another $1 million increase for the BLM administered trails. And also, the Land and Water Conservation Funding that you provided for the Pacific Crest, Ice Age, Appalachian, and Florida National Scenic Trails.

And I would also like to thank you, as others have mentioned this morning, for your support for the Omnibus Public Lands Act, the authorization of the National Landscape Conservation System for the Bureau of Land Management, but also, for the authorization of four new National Scenic and Historic Trails, the largest number in thirty years, and those, of course, include: the Pacific Northwest National Scenic Trail through Washington, Idaho, and Montana; the Arizona National Scenic Trail; the New England National Scenic Trail; and the Washington-Rochambeau National Historic Trail.

I am also here to let you know that our partnership remains strong. As you know, the National Trail System is conceived as a public/private partnership, and for many years, our volunteer contributions actually amounted to more than the public contributions that Congress was able to appropriate. But I am happy to say that for 2008, we provided over 767,000 volunteer hours, which amounted to, along with our cash contributions, to about $26.4 million of financial benefit for the National Trails System. You appropriated about $26 million to the three agencies to operate the trails.

And I want to also, in the longer sense, thank you and this committee, and your predecessors, who over the last ten years, in a bipartisan way, have brought the public support for the trails up to that full partnership level, surpassing what we have been able to do in the private sector, and per what has been asked before, we believe very strongly in volunteerism, but we also believe in the

need for having public agency people there to support that effort in a true partnership.

We are asking, in 2010, for continued increased funding for operations for the trails, particularly for the four new trails. The Forest Service will administer the two in the West, and the Park Service will administer the two in the East, and we are including operational funding for those.

We are also, like many of the other organizations that you have heard from this morning, in full support of full funding for the Land and Water Conservation Fund, and in particular, for 2010, the level that we understand the Administration is going to be asking. And out of that federal component of the Land and Water Conservation funding, we are asking you to appropriate $32 million to the Forest Service for, to purchase lands for the Pacific Crest, Florida, and Appalachian Trail, including that Rocky Fork purchase that was just mentioned in the Southern Appalachians, $8.5 million to the Bureau of Land Management for funding for the Pacific Crest Continental Divide, Lewis and Clark, and Camino Real de Tierra Adentro National Trails. And $10 million to the Park Service for the Appalachian Trail, the Ice Age Trail, the North Country Trail, and the Overmountain Victory Trail.

Lastly, what we are asking you to do, as you have done repeatedly over the years, is provide guidance to the agencies in their administration and management of these trails, and I have a request for each agency. For the Forest Service, in the past, you have directed them to provide a full-time Administrator for each of the trails that they administer, and that has been very successful for the Pacific Crest, Continental Divide, Florida, and Nez Perce Trails. We ask you to do the same for the two new trails, the Arizona Trail and the Pacific Northwest Trail, to make it clear to the Forest Service that these trails deserve the same level of support that has been given to the other trails, without taking anything away from the other trails.

Mr. DICKS. What about the other two?

Mr. WERNER. The other two, the Park Service.

Mr. DICKS. They do it.

Mr. WERNER. They do it, yes.

Mr. DICKS. They get it.

Mr. WERNER. They get it. Yes.

Mr. DICKS. All right.

Mr. WERNER. With the Bureau of Land Management, it has already been mentioned that, with the establishment of the National Landscape Conservation System, the National Scenic and Historic Trails are one of the main components of that system. We believe that, like the other components, the wilderness areas and the conservation areas and monuments, the trails should have a separate sub-activity account, so that we all, you in your role in Congress, we as citizen-advocates and partners, can all have more transparent accountability of the Forest Service budgeting.

Lastly, the Park Service has been, for a number of years, hampered by what we think are arbitrary travel ceilings that impinge on their ability to, oftentimes, over trails that are thousands of miles long, and that span numerous states.

Mr. DICKS. Yeah, but I do not think we ever said they could not travel within the United States. It was international travel. It got to be very excessive, at a time when they were cutting the budget for the parks. I mean, we could not justify that.

Mr. WERNER. Mr. Chairman, respectfully, I think what happened is that somebody in the Park Service took guidance that you had provided in that realm, and they actually have imposed that on their domestic travel as well, and you can appreciate that for these kind of public/private partnerships, it is the relationship, the working relationship between all of the entities.

Mr. DICKS. We will look into this.

Mr. WERNER. That to give guidance for the Park Service that way would be very helpful.

Mr. DICKS. We will look into it.

Mr. WERNER. Thank you. I appreciate very much your ongoing support.

[The statement of Gary Werner follows:]

Partnership for the National Trails System

222 South Hamilton Street, Suite 1, Madison, WI 53703 * (608) 249-7870

GARY WERNER, EXECUTIVE DIRECTOR **March 26, 2009**

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 15 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 2010 through these appropriations:

- **National Park Service: $15.063 million** for **administration** of **23 trails** and for coordination of the long-distance trails program by the Washington office. **Construction: $300,000** for the **Overmountain Victory** and **$200,000** for the **Pacific Crest Trails. Feasibility Studies and Projects: $200,000** for the **Overmountain Victory** and **$230,000** for the **North Country Trails.**
- **USDA Forest Service: $10.011 million** to **administer 6 trails** and **$1.1 million** to manage parts of **16 trails** administered by the NPS or BLM; **Construction: $1 million** for the **Iditarod Trail** and **$325,000** for the **North Country Trail.**
- **Bureau of Land Management:** to **coordinate its National Trails System Program: $250,000**; to **administer** these three trails: **Iditarod Trail: $670,000**, 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: **$3.088 million**; **$3,140,000** for operating five National Historic Trail interpretive centers; **Construction: $350,000** for the **Continental Divide** and **$300,000** for the **Pacific Crest Trails.**

- 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 **$1.253 million** to the **National Park Service Conservation and Outdoor Recreation office** to support the second year of a five-year interagency project to develop a consistent system-wide National Trails System Geographic Information System (GIS).

We ask that you appropriate from the **Land and Water Conservation Fund** for land acquisition:

- to the **Forest Service: $10.75 million** for the **Pacific Crest Trail, $6.357 million** for the **Florida Trail; $15.020 million** for the **Appalachian Trail;**
- to the **Bureau of Land Management: $3 million** for the **Camino Real de Tierra Adentro Trail** in New Mexico, **$1 million** for the **Lewis & Clark Trail** in Montana, **$4.25 million** for the **Pacific Crest Trail** in Oregon, and **$150,000** for the **Continental Divide Trail** in New Mexico;
- to the Park Service: $4.75 million to grant to the State of Wisconsin to match state funds for the Ice Age Trail and $2 million to grant to 7 states for the North Country Trail; $1.375 million for the Appalachian Trail; $1.5 million for the Overmountain Victory Trail.

National Park Service

We request **$1.253 million** to fund the second year of a 5-year interagency effort to develop a consistent **GIS** for all 30 national scenic and historic trails as described in the August 2001 report (requested by Congress in the FY01 appropriation) "*GIS For the National Trails System.*" This funding will be shared with the Bureau of Land Management and the Forest Service. We support the Administration's requested **$957,000** 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.

The **$15.063 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 provided by Congress in FY01, FY04, FY05, FY06, FY08, and FY09. Our request includes **$150,000** of "start-up" funding for each of the new trails authorized by Congress in 2008 and 2009: the **Star Spangled Banner** and **Washington-Rochambeau National Historic Trails** and the **New England National Scenic Trail.**

We request an increase of **$596,000** 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 **$679,000** 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. Our requested increase of **$308,000** for the **Ala Kahakai Trail** will enable the Park Service to work with E Mau Na Ala Hele 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 the trail. Our requested increase of **$315,000** for the **Captain John Smith Chesapeake Trail** will provide interpretive, access and recreation planning and project development assistance to state, community, and nonprofit trail partners and hasten completion of the Comprehensive Management Plan for the Trail.

We request an increase of **$115,000** for the **Appalachian Trail** to expand the highly successful "Trail to Every Classroom" program of the Appalachian Trail Conservancy. The **$969,000** 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, hastening the day when our nation's longest national scenic trail will be fully opened for use. The **$1,111,000** we request for the **Ice Age Trail** includes a **$265,000** increase to enable the Park Service to develop and begin to implement an Interpretive Plan, to complete trail route planning, and to support stewardship by Ice Age Park & Trail Foundation staff and volunteers of lands acquired for the trail.

Feasibility and Planning Studies: We request **$200,000** for a feasibility study of the location for a headquarters and visitor center for the **Overmountain Victory Trail** and **$230,000** for a GIS based natural resource inventory and community economic impact studies for the **North Country Trail.**

Construction: We request that you appropriate for trail and historic site construction projects **$300,000** for the **Overmountain Victory Trail** and **$200,000** for the **Pacific Crest 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 requests that you appropriate **$4.5 million in Challenge Cost Share** funding to the **Park Service** for FY10 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 establish a separate **National Trails System Challenge Cost Share** program with **$1.5 million** funding.

USDA - Forest Service

As you have done for several years, we ask that you provide additional operations funding to the **Forest Service** for administering three national scenic trails and one national historic trail, and managing parts of 16 other trails. We ask you to appropriate **$9.011 million** as a separate budgetary item specifically for the **Continental Divide, Florida and Pacific Crest National Scenic Trails and the Nez Perce National Historic Trail** within an over-all appropriation for **Capital Improvements and Maintenance for Trails** of **$136.4 million**. 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 **$1.1 million** specifically for these trails. We request **$500,000** of "start-up" funding for each of the new trails authorized by Congress in 2009: the **Arizona** and **Pacific Northwest National Scenic Trails,** which the Forest Service will administer. We also request **$1 million** for the Chugach National Forest to begin to develop the Southern Trek of the **Iditarod Trail** and **$325,000** to do NEPA planning for the **North Country Trail** in the Chippewa and Superior National Forests.

Work is underway, supported by funds you provided over the past eight years, to close several major gaps in the **Florida Trail**. In 2008 Florida Trail Association volunteers built or reconstructed 65 miles of Trail, 11 bridges, and 508 feet of boardwalk. The Partnership's request of **$9.011 million** above includes **$1.75 million** to enable the Forest Service and FTA to build **5 miles of new Trail** and to control invasive species, do ecosystem restoration, and otherwise manage **3,418 acres** of new Florida Trail land.

The Partnership's request of **$9.011 million** above also includes **$2.1 million** to enable the Forest Service and the Continental Divide Trail Alliance to build or reconstruct **156 more miles** of the **Continental Divide Trail.** This will continue new **CDT** construction funded each year since FY98.

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 three scenic trails and **3,115 miles** of seven 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, for the first time, in FY02, by providing 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.

We ask you to provide at least **$75 million** as **new permanent base funding** for the **National Landscape Conservation System** and that you appropriate as **new permanent base funding $250,000 for National Trails System Program Coordination, $670,000** for the **Iditarod Trail, $230,000** for **El Camino Real de Tierra Adentro Trail, $350,000** for the **Old Spanish Trail,** and **$3,088,000** for management of the portions of the ten other trails under the care of the Bureau of Land Management. We request **$350,000** for construction of new sections of the **Continental Divide Trail, $300,000** for maintenance of the **Pacific Crest Trail;** and **$3,140,000** to operate **five historic trails interpretive centers.**

We ask you to add **$500,000** to the **Challenge Cost Share** program and direct the money 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 FY09 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 FY10. 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 requests that you fully appropriate the **$900 million annual authorized appropriation from the Land and Water Conservation Fund** 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 **$10.750** million we request for the **Pacific Crest Trail** will continue to support the work and acquisition underway by the **Forest Service** Lands Team and the **Park Service** National Trail Land Resources Program Center, protecting 12 miles of PCT in Washington and taking 34 miles off of roads in southern California. The **$6.357 million** requested for the **Florida Trail** will continue another successful collaboration between these two agencies to protect 16 critical segments involving another 4 miles of the Trail and the **$15.020 million** requested will protect sections of the **Appalachian Trail** in the Cherokee and Nantahala National Forests.

BUREAU of LAND MANAGEMENT: The **$4.25 million** requested for the Cascade Siskiyou National Monument will also preserve sections of the **Pacific Crest Trail** in Oregon, the **$1 million** requested for the Chain-of-Lakes in Montana will preserve a stretch of the **Lewis & Clark Trail,** and the **$3 million** requested for La Cienega ACEC in New Mexico will preserve a significant site along **El Camino Real de Tierra Adentro National Historic Trail**. The **$150,000** requested will purchase easements for the **Continental Divide Trail** in New Mexico.

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. **Wisconsin** has matched $12.3 million of FY00 – 06 and FY08 LWCF funding with $20.5 million to help conserve the resources of the **Ice Age National Scenic Trail** by purchasing 42 parcels totaling 7259 acres. Another 40 parcels are under negotiation, appraisal or option to purchase. All of the LWCF funds appropriated for the Ice Age Trail have been spent. The requested **$4.75 Million** Land and Water Conservation Fund grant to **Wisconsin** will continue this very successful Federal/State/local partnership for protecting land for the **Ice Age Trail**. We also request **$2 million** to provide similar grants to the seven states along its route to close gaps in the **North Country Trail** and **$1.375 million** for the **Park Service** to acquire one parcel in New Hampshire for the **Appalachian Trail**. The **$1.5 million** requested for the **Overmountain Victory Trail** will protect key links and sites in North Carolina, Tennessee, and Virginia.

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 **2008 the trail organizations fostered 767,723 hours** – an **increase of 6.5%** over 2007 - of documented volunteer labor valued at **$14,978,278** to help sustain the national scenic and historic trails. The organizations also raised **private sector contributions of $9,107,263** to benefit the trails.

Mr. DICKS. We are there. Sybille Klenzendorf. How are you?
Ms. KLENZENDORF. I am great. How are you.
Mr. DICKS. Welcome.

TUESDAY, APRIL 28, 2009.

WORLD WILDLIFE FUND

WITNESS

SYBILLE KLENZENDORF

Ms. KLENZENDORF. Thank you, Mr. Chairman and Ranking Member Simpson, for inviting World Wildlife Fund today to testify.

On behalf of our 1.2 million members in the United States, I would like to take the opportunity to first thank the subcommittee for its ongoing support for international conservation, and the many important environmental programs that complement our work for World Wildlife Fund and other conservation organizations.

World Wildlife Fund is the largest conservation organization, privately supported, for over 45 years, with over 2,000 projects in more than 100 countries. As the subcommittee prepares the Financial Year 2010 appropriations, WWF wishes to express its strong support for the following programs: the Fish and Wildlife Service Multispecies Fund, the Neotropical Migratory Bird Conservation Act, the Fish and Wildlife Service's International Affairs and Office of Law Enforcement, Endangered Species Programs, and the Cooperative Endangered Species Funds.

These programs are urgently needed, and they are extremely cost-effective. Over the past 20 years, the Multispecies Funds, for example, have provided $60 million for conservation, while leveraging more than $140 million in partner contributions. These funds help support conservation for species such as the endangered elephants, rhinos, tigers, great apes, and marine turtles in their native habitats.

I would like to take a moment to elaborate briefly why these programs really help support successes in the field, and using the tiger as an example. Tigers in the wild are in dire straits right now. We have less than 4,000 remaining in the wild, with numbers fast decreasing. However, in areas where we have properly financed conservation, we have seen conservation successes.

A prime example is the Russian Far East, where the Siberian or the Amur tiger lives. The Amur tiger experienced a major decline in the 1990s, after the collapse of the Soviet Union, due to heavy poaching that was mainly fueling the tiger bone supply in China for traditional medicine. After the opening of the Soviet Union, the NGOs and the Russian government, and with support of the Rhino-Tiger Act, really invested heavily into anti-poaching brigades and saving the Amur tiger from extinction. After a survey in 2006, which was also co-financed by the Rhino-Tiger Act, we now saw the Amur tiger recover to 450 animals in the wild. So, it can be done, if it is properly financed.

Similar recoveries have been seen in other populations funded through the Multispecies Funds. Last year, the U.S. Fish and Wildlife Service received twice as many proposals as it was able to fund

with the current budget. In support of these highly effective public/private partnerships, due to the leveraging, WWF requests for the Financial Year 2010 appropriations, $15 million for the Multispecies Funds, $6.5 million for the Neotropical Migratory Bird Funds, and $21 million for the Fish and Wildlife Services International Affairs Programs.

We also are fully supportive of the creation of the two new funds, the Great Cats and Rare Canids Act, and the Crane Conservation Act. Should these bills become law in Financial Year 2010, we would request $1.25 million each to get these new programs started.

While good work has been done to increase tiger populations, there is always new threats. The new threat for tigers right now is illegal logging, for example. As a key consumer of timber from the Russian Far East, the U.S. plays a significant role in driving this illegal trade. It can be up to 70 percent of the harvested volume of timber in the Russian Far East.

The groundbreaking amendment of the Lacey Act in 2008 gives Fish and Wildlife Service the power to stop illegal timber imports through its Office of Law Enforcement. Fish and Wildlife Service has had many successes in reducing illegal wildlife trade, but remains seriously under-resourced. In 2008, the number of special agents in the Law Enforcement Division dropped to its lowest level in 30 years. To overcome these budget shortfalls, WWF requests $72.8 million for the Office of Law Enforcement for Financial Year 2010.

Conservation groups such as World Wildlife Fund are part of a broad coalition of zoos, sportsmen, private businessmen, and animal protection groups that represent millions of Americans. Turtles, tigers, endangered species, are strongly valued by the American public, and these species play a really important role in our lives. Their iconic status is clear from their use as symbols in industry, sports, and politics.

If we want them to remain more than just a mascot on a football field or a symbol on a cereal box, we really need to do more to protect them in the wild.

In closing, Mr. Chairman, I would like to reiterate WWF's strong backing of these programs, and appreciate the work the subcommittee has done, and the increases we have gotten over the years for these programs already.

And I thank you, Ranking Member Simpson, for your time, and Mr. Chairman, and I would answer any questions you have.

[The statement of Sybille Klenzendorf follows:]

Testimony of Sybille Klenzendorf
Managing Director for Species Conservation
World Wildlife Fund
Before the Subcommittee on Interior, Environment and Related Agencies of the House Appropriations Committee
April 28, 2009

On behalf of World Wildlife Fund's 1.2 million members, thank you for the opportunity to provide public comments before the Subcommittee on Interior, Environment and Related Agencies. World Wildlife Fund (WWF) is dedicated to protecting our planet's rich abundance of wildlife and natural habitats and is working around the globe to conserve the natural resources on which all of us rely for our health, security and prosperity. For over 45 years, WWF has been the leading privately supported conservation organization. It is world's largest conservation organization, with over 2000 projects in more than 100 countries.

WWF appreciates the Subcommittee's ongoing support for many of the important environmental programs that provide critical funding to conservation work here in the United States and around the globe. Without such funding, the challenges that organizations such as WWF are working to address would be even more daunting. I would like to use my testimony to highlight several programs that are of particular importance to WWF's work and ask that the Subcommittee continue to provide strong support to these programs in FY 2010. These include: (1) Fish and Wildlife Service (FWS) Multinational Species Conservation Funds; (2) FWS Neotropical Migratory Bird Conservation Act; (3) FWS International Affairs; (4) FWS Office of Law Enforcement; (5) FWS Endangered Species programs; and (6) Cooperative Endangered Species Fund.

FWS Multinational Species Conservation Funds

Through the Multinational Species Conservation Funds (MSCF), FWS helps to conserve charismatic species in their natural surroundings by supporting law enforcement, capacity building, habitat conservation, surveys and monitoring, public outreach, and mitigation of human-animal conflicts. Support from MSCF helps to protect elephants, rhinos, tigers, great apes and marine turtles and their native habitats. According to the Congressional Research Service, these combined efforts comprise "a relatively small program that has generated enormous constituent interest, chiefly concerning its funding levels." These programs have been highly effective at using modest funding to leverage private and non-governmental contributions at a ratio of three private dollars to every dollar invested by the U.S. government. Since 1990, the MSCF has provided nearly $60 million for conservation while leveraging more than $140 million in partners' contributions. Recently funded projects include the translocation of rhino populations in India to repopulate national parks where they had been exterminated, efforts to combat the spread of the Ebola virus among African great apes, and work in Southeast Asia to protect the region's critically endangered tiger populations through reduced poaching, decreased human-tiger conflicts, and habitat protection. WWF requests $15 million for MSCF in

2010, an increase of $5 million over the FY 2009 level of $10 million, with a particular focus on the funds to support critically endangered populations of tigers and turtles. In addition, two new Funds are currently before Congress: the Great Cats and Rare Canids Act, which would support the conservation of great cats and wild dogs, and the Crane Conservation Act. Should these bills become law in time to receive FY 2010 funding, we request that each receive an additional $1.25 million to initiate these new MSCF programs.

FWS – Neotropical Migratory Bird Conservation Act

The Neotropical Migratory Bird Conservation Act (NMBCA) provides funding to help protect migratory birds that breed in or migrate through the United States and Canada and spend the non-breeding season in Latin America and the Caribbean. Since it began funding projects in 2002, the NMBCA has provided more than $25 million for neotropical bird conservation, leveraging an additional $112 million from private partners. The Act has helped to protect some 3 million acres of habitat in Latin America, the Caribbean, and the United States, where approximately 5 billion birds representing over 500 species spend their winters, including some of the most endangered birds in North America. Projects funded by the Act include bird habitat conservation, research and monitoring, law enforcement, and outreach and education. All grants are subject to a 3-to-1 matching requirement for non-federal funds, and 75% of funding must be spent internationally. Between 2002 and 2008, NMBCA supported 260 projects by partners in 48 U.S. states and 36 countries. More than $25.5 million in grants has leveraged some $122.6 million in total partner contributions. Each year over 100 worthy proposals are received, but only 40 of these can be funded at present. In FY 2010, WWF requests $6.5 million for NMBCA funding, an increase of $1.75 million over the FY 2009 level of $4.75 million.

FWS – International Affairs

FWS is mandated through numerous statutes and international treaties to support U.S. involvement in the North American Free Trade Agreement (NAFTA), the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere and the Ramsar Convention on Wetlands of International Importance. Through its International Affairs programs, FWS provides scientific justification and permitting for international endangered species, participates in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and supports the Western Hemisphere Migratory Species Initiative (WHMSI), which raises awareness of migratory species and encourages measures to conserve them across international borders. FWS International Affairs also runs the Wildlife Without Borders (WWB) regional programs, which support the conservation of endangered and migratory species through capacity building, environmental outreach, education and training. Since 1995, WWB programs have awarded a total of $20.5 million and leveraged millions more in matching funds. These highly effective programs act as an important regional complement to the project-level

efforts funded through the MSCF. Efforts are currently underway to expand the scope and reach to allow them to address crosscutting global threats, such as wildlife disease and climate change impacts. WWF requests that FWS International Affairs receive $21 million in FY 2010 in order to support these important regional and global programs.

FWS – Office of Law Enforcement

The FWS Office of Law Enforcement (OLE) is responsible for investigating wildlife crimes, enforcing wildlife trade regulations, helping citizens to comply with the law, and cooperating with other U.S. and international government entities. Wildlife around the world is seriously threatened by criminal activities, including illegal trade, unlawful commercial exploitation, habitat destruction, and environmental hazards. An increasingly interconnected world has also created increased avenues for wildlife-related crimes and increased challenges to the enforcement of U.S. and international wildlife laws. The U.S. itself supports one of the largest markets for both legal and illegal wildlife and wildlife products. Among the frequently intercepted contraband are caviar, corals, elephant ivory, sea turtle eggs and live birds. The wildlife inspectors and special agents within OLE work to prevent illegal trade and other criminal activities, receiving support from the National Fish and Wildlife Forensics Laboratory and a new wildlife law enforcement data system. The Office has had many successes in reducing illegal wildlife trade but remains seriously understaffed and has been starved of needed personnel and resources in recent years. This lack of resources has severely undermined OLE's ability to enforce federal wildlife laws and international wildlife treaties. The number of special agents in the division dropped from 238 in 2002 to 184 in 2008, the lowest number in 30 years. Specific direction and funding increases by Congress will bring the number to 210 in FY 2009, but this remains 19% below authorized levels, without taking into account losses from attrition. Port inspection functions and the Forensics Laboratory are critically important programs, and both have faced serious budget shortfalls. In addition, Congress passed a groundbreaking amendment to the Lacey Act in 2008 that ban imports of illegally sourced plants and plant products – including illegally harvested timber – which will require funding to support a new electronic declarations system for plant imports, a database for monitoring and additional staff, including port inspectors. To meet these pressing needs, WWF requests that the subcommittee appropriate $72.8 million for law enforcement programs in FY 2010. These funds should be focused on the hiring, training and equipping of 24 new special agents, 10 additional port inspectors, 12 forensics laboratory scientists and full funding of fixed costs.

FWS – Endangered Species Program

For over 30 years, the Endangered Species Act (ESA) has worked to prevent the extinction of our nation's wildlife and has succeeded in preserving iconic species such as the bald eagle, the California condor and the black-footed ferret as part of the American landscape. FWS is responsible for managing the ESA through four main accounts: Candidate Conservation, Listing, Consultation, and Recovery. In recent years, these

accounts have been seriously under-funded. Staff levels are 30% below what would be required to properly implement the program, and in early 2008 the Listing account had a backlog of $160 million (far in excess of available funding) and 280 candidate species awaiting listing decisions. Overcoming this listing backlog and addressing the increasing number of projects in need of review and Habitat Conservation Plans in need of development and implementation will require a significant increase in funding for the ESA. FWS is also just beginning to take into account the profound effects of climate change on all aspect of the Endangered Species program. In order to give FWS the resources necessary to begin addressing these mounting challenges, WWF requests $217 million for FY 2010 for ESA implementation, an increase of $59 million over the FY 2009 level of $158 million.

FWS – Cooperative Endangered Species Fund

At least 65 percent of the plants and animals listed under the Endangered Species Act are found on non-federal lands. Many of these species are entirely dependent on the essential habitat these lands provide for their survival. Through the Cooperative Endangered Species Fund, FWS provides grants to states for wildlife and habitat conservation for listed and candidate species on non-federal lands. Grants through the program fund research, species status surveys, habitat restoration, captive breeding and reintroduction programs, planning assistance and land acquisition by states for Habitat Conservation Plans. In 2008, 23 states and one territory received support through the Cooperative Endangered Species Fund. Without increased funding, however, states will continue to fall behind in their ability to fund these critically important activities protecting endangered species. To address these needs, WWF requests $110 million in FY 2010 (including $20 million for conservation grants to states), an increase of $30 million over the FY 2009 level of $80 million.

Mr. DICKS. Mr. Simpson. Well, we appreciate your work. I mean, this is very important, and it is very interesting to hear about this situation in Russia. But how is it going overall?

Ms. KLENZENDORF. Actually, just today, we have a Russian delegation hosted by the International Conservation Caucus, and we are discussing with them this issue, especially the effects now of the Lacey Act on impacts from Russia. And there are changes in the Russian government that are supportive of our efforts. For example, we support several listings of tree species in the sighties legislation next year in the cob, and hopefully, that will help with enforcement, too.

Mr. DICKS. Okay. Thank you for a very good statement. Laura Schweitzer, American Forests. Welcome.

TUESDAY, APRIL 28, 2009.

AMERICAN FORESTS

WITNESS

LAURA SCHWEITZER

Ms. SCHWEITZER. Mr. Chairman and members of the subcommittee, thank you for the opportunity to testify in today's public witness hearing on fiscal year 2010 Interior Appropriations.

My name is Laura Schweitzer. I serve as the Director of Forest Policy for American Forests. Founded in 1875, American Forests is the oldest national citizens' conservation group in the U.S. Our work focuses on restoration and enhancement of the natural capital of trees and forests. Through partnerships with diverse groups and organizations across the country, we aim to build understanding, and encourage participation in forest conservation policies and projects.

We believe that to address the challenges facing our Nation, we must restore and care for our natural systems, while building a stronger, more resilient economy. The American Recovery and Reinvestment Act offers a first step towards allowing the Forest Service and Bureau of Land Management to get this work done while creating jobs.

The next step is to make long-term investments that will help to make the transition towards renewable energy and landscape level restoration. Integrated investments in our landscapes will continue to foster green jobs, while also providing important public benefits, like clean water and carbon sequestration for climate change mitigation.

You have our written testimony on file, covering the sweep of programs we are interested in today. Today, I will also specifically highlight a few programs within the Forest Service State and Private Forestry Division, including the Urban and Community Forestry Program, the Community Forests and Open Space Conservation Program, and the Economic Action Programs. I will also address climate change research that the Department of Interior has proposed, as well as funding mechanisms for wildfire suppression funding.

Well-managed urban forests can decrease the energy needed to heat and cool buildings, and provide important public benefits by keeping air clean and breathable. Urban forests also empower citizens, by improving social ties, reducing crime, and revitalizing neighborhoods. In recent years, the Urban and Community Forestry Program has suffered dramatic budgets. For urban forestry projects to occur at a meaningful level, and for needed technical and financial assistance to be made available to urban communities, we urge $50 million for the Urban and Community Forestry Program.

We are also excited about the Community Forests and Open Space Conservation Program, a new program passed as part of the 2008 Farm Bill. This program would help local governments, tribes, and nonprofit organizations to acquire forest areas that are economically, culturally, and environmentally critical to that locality, and particularly, threatened by development. This program is critical, as it would——

Mr. DICKS. Which program is this again?

Ms. SCHWEITZER. This is the Community Forests and Open Space Conservation Program. It is a new program, so it is still getting finalized within the Forest Service. This program is critical, because it would help to provide community benefit, while also meeting open space retention goals. We recommend an initial appropriation of $12 million for this program.

This committee has heard us speak before about the Economic Action Programs. EAP has been critical to the Forest Service's progress in working with rural communities to train skilled workers, develop innovative restoration projects, apply innovative technologies, and build local businesses that can add value to restoration byproducts.

In past year, this program has been decimated by funding reductions, and two years ago, funding was eliminated altogether. There is no other program for enterprise, excuse me, micro-enterprise development and capacity building within forest-dependent communities, and as we face challenges such as climate change, it will be more important than ever that we equip communities with the resources they will need to accomplish landscape level restoration, while adapting to climate change. We urge you to consider funding the EAP at $40 million.

President Obama's budget highlights indicate that funding would be made available to the Department of the Interior for research and mitigation activities related to climate change. American Forests is pleased to see this emphasis.

We also, however, strongly encourage that money be specifically allocated to examine the inequitable impacts climate change may have on natural resource dependent communities throughout the U.S. These communities are likely to be the hardest hit as climate change affects species composition, drought conditions, and wildfire severity. This impacts public safety and the livelihoods of those who depend upon the natural resource base.

Finally, as you are well aware, escalating costs of wildland fire suppression have had a significant impact on the Forest Service and the Department of Interior. The Obama Administration has taken an important step towards moving the land management

agencies away from the disruptive and debilitating practice of borrowing for wildland fire suppression by including, in their proposed budget, reserve funds above and beyond the ten year average amounts provided to the Forest Service and the Department of Interior for wildfire suppression. This would be in the case that the amounted allotted at the ten year average level proves to be insufficient.

We believe that the Administration's proposal will complement the recent Congressional actions to address wildland fire suppression funding through the passage of the FLAME Act.

Once again, I would like to thank you for this opportunity today to testify. I would be happy to answer any questions you have.

[The statement of Laura Schweitzer follows:]

Written Testimony of Laura Schweitzer, Director of Forest Policy, AMERICAN FORESTS
To the House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
On FY 2010 USDA Forest Service and DOI Bureau of Land Management Appropriations
April 21, 2009

SUMMARY OF RECOMMENDATIONS

USDA Forest Service

- **Community Forest and Open Space Conservation Program at $12 million**
- **Community Wood Energy Program at $5 million**
- **Economic Action Programs at $40 million**
- **Forest Legacy at $75 million**
- **Forest Stewardship Program at $35 million**
- **International Forestry at $7 million**
- **State Fire Assistance at $50 million (WFM) and $40 million (S&PF)**
- **Urban and Community Forestry Program at $50 million**
- **Wildland Fire Management - Hazardous Fuels at $310 million, Rehabilitation and Restoration at $10 million, and Suppression at $1.382 billion**

DOI Bureau of Land Management (BLM)

- **Burned Area Rehabilitation at $25 million**
- **Challenge Cost Share at $9.2 million**
- **Jobs in the Woods Program at $6 million**
- **Plant Conservation at $5 million**
- **Public Domain Forest Management at $11 million**
- **State and Local Assistance at $6 million**
- **DOI-Wildland Fire Management - Hazardous Fuels Reduction at $210 million**

Dear Mr. Chairman and Members of the Subcommittee:

Founded in 1875, American Forests is the oldest national citizen conservation group in the U.S. Our work focuses on the restoration and enhancement of the natural capital of trees and forests. Through partnerships with diverse groups and organizations across the country, including local leaders and community groups, policymakers and agencies, researchers and students, small businesses, corporate sponsors, and foundations, we aim to build understanding and encourage participation in forest conservation policies and projects. American Forests is pleased to provide testimony focusing on Forest Service and Bureau of Land Management (BLM) programs pursuing forest restoration and maintenance through strategies that build community capacity and encourage cooperation across public and private, urban and rural forests.

President Obama's FY2010 Budget Highlights Provide Hope for a Renewed Commitment to Meeting Land Management Needs

President Obama has stated his commitment to encouraging emerging sustainable energy industries and to moving the country towards a low carbon economy. We are encouraged by President Obama's priorities and believe that a key way of achieving his goals will be through

the reorientation of and investment in the land management agencies so that they may more effectively meet the energy needs and climate change challenges we face.

The recently released Administration FY 2010 Budget Highlights include several promising items. In particular, the Administration's Budget provides reserve funds above and beyond the 10-year average amounts provided to the Forest Service and DOI for wildfire suppression, in the case that the amount allotted at the 10-year average level proves insufficient. We are pleased to see the Obama Administration taking a proactive role in working to move the land management agencies away from the disruptive and debilitating practice of borrowing for wildland fire suppression. We believe the Administration's proposal will complement recent Congressional efforts to address wildland fire suppression funding as well.

Finally, we are encouraged to see increased resources infused into DOI for research and mitigation activities related to climate change. While we appreciate that there will be many impacts on wildlife species resulting from climate change, we know that climate change is likely to have inequitable impacts on natural resource dependent communities and we encourage resources to be geared to those needs as well.

Forest Service State and Private Forestry (S&PF)

While we are pleased by the Administration's increase by $50 million to the Forest Service for FY 2010, we recognize that this may not mean increases to every program. Our testimony focuses in on those programs representing the core of the agency's efforts to work collaboratively with state and local governments, tribes, private landowners, and other non-governmental entities. These are the primary programs through which the agency provides leadership in addressing major forest-related issues on private forest lands, which comprise 60% of our nation's forests, and in urban areas, where about 80% of our population lives.

Community Forest and Open Space Conservation Program (CFOSCP): The CFOSCP is a new program that will provide 50-50 matching funds to help local governments, tribes, and non-profit organizations acquire forest areas that are economically, culturally, and environmentally critical to that locality and particularly threatened by development. We support initial funding for this program at $12 million.

Community Wood Energy Program (CWEP): The CWEP is a new competitive grant program intended to assist local governments with the capital cost of installing high-efficiency, biomass-fueled heating systems. The CWEP would be instrumental to small communities seeking ways to create jobs while also reducing their need for unsustainable, non-locally produced energy. We recommend funding for this program at $5 million.

Economic Action Programs (EAP): The EAP has been critical to the agency's progress in working with rural communities to train skilled workers, develop innovative restoration projects, apply innovative technologies, and build local businesses that can add value to restoration by-products. In past years, this program has been decimated by funding reductions. We believe it is essential for Congress to fund critical assistance to rural communities for building local capacity

to carry out forest restoration activities. We strongly urge the Congress to fund EAP at $40 million.

Forest Legacy Program: The Administration budget highlights indicate strong support for landscape conservation. The Forest Legacy program has become a key tool for the Forest Service, state governments, and NGOs to protect private forests and open space. The program provides funds for acquiring easements on private forests threatened by conversion to non-forest uses. We believe this is a critical program for pursuing the agency's strategic goals of protecting private forests and their associated environmental benefits and of conserving open space. We urge the Committee to fund Forest Legacy at $75 million.

Forest Stewardship Program (FSP): FSP provides technical assistance to non-industrial private forest landowners at a time when the conservation and stewardship of private forests is emerging as a major policy issue facing our country, largely due to the important environmental services provided by private forests. We urge funding of this program at $35 million.

International Forestry: The International Forestry program, also a part of S&PF, demonstrates United States leadership on global issues, such as climate change, sustainable forest criteria and indicators, wildfire, biodiversity, and forest products trade. We believe it is critical for the agency to maintain sufficient capacity to effectively participate in these issues, particularly at a time when debates and discussions surrounding climate change are more intense than ever. We urge funding for this program at a minimum of $7 million.

Urban and Community Forestry (U&CF): American Forests is concerned about the budget cuts made to the U&CF program in recent years. While the change in direction suggested in the S&PF redesign may help the program, little could be accomplished with the low levels of funding the program has received. For urban forestry projects to occur at a meaningful level and for needed technical and financial assistance to be made available to urban communities, we urge Congress to provide $50 million for the U&CF program. This is consistent with the recommendations of the Sustainable Urban Forests Coalition, which includes $36 million for the U&CF base program, $12 million for a Metropolitan Areas Canopy Restoration Initiative focused on assessing, restoring, and maintaining urban tree canopy cover in 10 to 15 pilot cities, and $2 million for technology transfer and education. In addition, we urge Congress to support $8 million in the agency's Research budget for urban forestry.

Forest Service Wildland Fire Management (WFM)

The Administration and Congress have struggled over the past several years to address the issue of increasing wildfire costs and their adverse effects on the agencies ability to meet overall missions. We are encouraged by the Administration's wildland fire suppression funding proposals as well as by recent actions in Congress on FLAME Act, which would authorize the creation of a separate account to pay for suppression of emergency wildland fires.

Hazardous Fuels Reduction: American Forests continues its strong support for this program, and we suggest funding of this program at the FY 2008 level of $310 million. We would also

like to see clearer direction for this program to provide greater support in the preparation of Community Wildfire Protection Plans that identify where and how fuel reduction treatments should be done on the landscape and how these treatments and their by-products may provide opportunities for local businesses and workers.

Rehabilitation and Restoration: This program is critical to the National Fire Plan goal of restoring fire-adapted ecosystems. Through our Wildfire ReLeaf campaign, American Forests partners with the Forest Service by raising private-sector matching funds to help plant trees on burned-over lands for environmental restoration purposes. We believe that "keeping forests as forests" should be one of the agency's highest priorities, and that greater funding is needed for the Rehabilitation and Restoration program to better understand and address post-fire restoration concerns. We urge a funding level of at least $10 million for this program.

State Fire Assistance (SFA): SFA has become a key federal program for providing financial and technical assistance to communities for preparing Community Wildfire Protection Plans (CWPPs). As authorized under the Healthy Forests Restoration Act of 2003, CWPPs are a key mechanism for local collaboration. American Forests urges funding for this program at $50 million. In addition, we support funding for SFA's counterpart program in S&PF at $40 million.

DOI Bureau of Land Management (BLM)

Burned Area Rehabilitation: Funding recommended at $24.3 million.

Challenge Cost Share: This program develops innovative and highly leveraged partnership projects focused on restoration and resource conservation. We support funding at $9.2 million.

Jobs-in-the-Woods: Within the Oregon and California Grant Lands accounts, we urge the funding at $6 million for the program.

Plant Conservation: This program provides essential native plants for restoration activities. We recommend funding at $5 million.

Public Domain Forest Management: Increased support for this program in recent years has helped the agency to more effectively develop collaborative forest restoration projects with local communities. We recommend funding for this program at $11 million.

State and Local Assistance: Funding recommended at $6 million.

DOI-Wildland Fire Management: We support funding for the Hazardous Fuel Reduction program at $210 million for fuels reduction activities carried out through local collaboration.

Mr. DICKS. Well, I noted your concern about rural communities. I know Mr. Simpson and I both share that concern as well. What would you do? I understand, we are talking about adaptation, in terms of wildlife, and what are some of the things you would suggest?

Ms. SCHWEITZER. Well, it looks as though, in the budget highlights, we do not have the full budget yet, so it is going to be hard to know. It looks as though there are suggestions in place for doing as you suggest. We are looking at how we can mitigate for climate change, how we can prepare to help communities adapt to climate change for specifically wildlife conservation purposes.

As communities have to adapt to climate change, however, they are going to have to look at a variety of other things. For instance, forest mix may change. They may be dealing with greater drought impacts. This may mean invasive species grow to an even larger extent.

Mr. DICKS. Bug infestations.

Ms. SCHWEITZER. Which, in your state, of course——

Mr. DICKS. Fire.

Ms. SCHWEITZER. Precisely, wildfire may become increasingly severe, which across the West, has obviously been a major problem, would continue to be a problem. I know in the State of Washington, invasive species have been a truly devastating problem for the State, and so, we could see a greater level of invasive species, as areas become more amenable to species that previously would not have entered those areas.

So, the range of issues communities may be faced with, that will directly impact their ability to make a living, to live in those places safely, is likely to be a greater threat than perhaps folks that have more of a secondary relationship with their natural resource base.

Mr. DICKS. Mr. Simpson.

Mr. SIMPSON. I noticed in your statement you said that: "While we are pleased by the Administration's increase of $50 million for the Forest Service for Financial Year 2010, we recognize this may not mean increases for every program." And then, I go through all of the programs that you recommend things for. I am curious, do you think we tie the Forest Service hands by having so many programs, and trying to fund each one of them at a certain level, and not giving them the flexibility to do what they think is necessary?

Ms. SCHWEITZER. I guess I would turn the question back around. I think each of the programs of the Forest Service, specifically, I look a lot at state and private forestry programs, I think they serve different functions. I guess I would turn the question around to some degree, and ask you if you would, if what you are suggesting exactly, that we would give them more freedom to allocate as they wish. I know through some of the statewide assessments, and the revamp of the state and private forestry strategy, for allocating funds, that they are trying to get at some of the streamlining that I think you are referring to. And that will help them to get to a place where they can allocate funds appropriately across the board, but I think the programs do serve important functions, as they are now assembled.

Mr. SIMPSON. I appreciate that. It is a question we always have. I mean, you know, we give them flexibility, and then we complain

when they do not use that flexibility the way we want them to. And so, we create programs.

Ms. SCHWEITZER. Right.

Mr. SIMPSON. And that, we put them in stovepipes and straitjackets and stuff sometimes.

Ms. SCHWEITZER. Certainly.

Mr. SIMPSON. And that mix of trying to create something that gives them the flexibility to do what they think is right, they are the professional land managers.

Ms. SCHWEITZER. Precisely.

Mr. SIMPSON. With the input from the American people. I want them to have that flexibility, but I also want them to be held accountable, and I have often wondered during my time in both the state legislature and here in Congress, if we do not over-appropriate, or if we have too many programs, instead of some way that we could say Forest Service, here is your money. I mean, obviously, there are going to be, you know, certain broad categories. But then, when they come back next year, I would like to know exactly how they spent that money, and if they addressed the concerns of the American people and of Congress. And if not, there would be penalties to pay, you know, hold them accountable somehow.

Ms. SCHWEITZER. You know, one of the biggest tenets of what we advocate for is a strong monitoring presence in, throughout of the programs of the Forest Service. I think that they are the land managers. Their decision-making abilities are generally well-intentioned. They have processes in place for strategically trying to allocate resources, as indicated by the Congressional appropriation.

But I think that having a strong monitoring program in place as well is absolutely critical, and can help to achieve that balance that you are talking about. It is a tricky balance, because the American public wants to see a high level of transparency in the way money is allocated to agencies, and yet, we also want to make sure that they can do their job, and that the experts out there can really get to the needs on the ground.

Mr. SIMPSON. Well, thank you for your testimony. I appreciate it.

Ms. SCHWEITZER. Sure. Thank you for having me here today.

Mr. DICKS. Thank you.

Ms. SCHWEITZER. Sure. Thank you.

Mr. DICKS. Cathy Liss, Animal Welfare Institute. Welcome.

TUESDAY, APRIL 28, 2009.

ANIMAL WELFARE INSTITUTE

WITNESS

CATHY LISS

Ms. LISS. Good morning. Thank you very much for the opportunity to testify today.

We respectfully request that the subcommittee provide appropriations of $83.1 million for the U.S. Fish and Wildlife Service, including in particular, $45 million to increase and expand activities of the Office of Law Enforcement. And that would be broken down, including $26 million needed for special agents, $3.1 million for

ports of entry, and $5 million for the Clark R. Bavin National Fish and Wildlife Forensic Lab, named for the agent from the 1980s who was extremely effective.

In addition, we support the $4 million for, an additional $4 million for the Multinational Species Conservation Fund, and certainly, fully support the statement given by World Wildlife Fund earlier today on the value and importance of protecting these threatened and endangered species. Funds are desperately needed to protect, preserve, or cover and manage America's wildlife, including threatened and endangered species, as required by law.

The Office of Law Enforcement investigates both domestic and international wildlife crimes, and involve transgression of over a dozen different federal wildlife and conservation laws. And though it is well known that the illegal trade in wildlife and their products is third only to the trade in narcotics and weapons, in terms of revenue generated globally, and despite the fact that the U.S. remains a source of, or destination for much of this contraband, the Office of Law Enforcement has consistently been underfunded, understaffed, and thus, shortchanged in its efforts to combat this illegal trade.

The Fish and Wildlife Service has cut its Covert Wildlife Crimes Unit in half. Given the severity of illegal wildlife trade, and its inherent underground nature, covert investigations are essential for enforcing wildlife laws and capturing, as well as prosecuting, those guilty of wildlife crimes. Congress must direct the Secretary of the Interior to reinvigorate the Office of Law Enforcement, including its Covert Investigations Unit, and provide funding necessary to restore the Office of Law Enforcement as the preeminent wildlife law enforcement organization in the world.

Wildlife law enforcement agents perform what is consistently ranked as one of the most dangerous jobs, as they fulfill their mandate to protect our wildlife heritage. Judging by Financial Year '07, Fish and Wildlife Service agents pursued over 12,000 separate investigations, resulting in over $14 million of fines, 32 years of jail time for perpetrators, and 557 years of probation; 191 Fish and Wildlife Service agents were responsible for enforcement of federal wildlife laws throughout the entire U.S. This number is 11 fewer than what it was in Financial Year 2007, and 16 fewer than it was the previous year, on top of which there are 70 agent vacancies. Filling these vacancies is essential to protecting wildlife and stemming the increasing threat posed by illegal trade.

And given the events of September 11, 2001, and the heightened concerns regarding security of U.S. ports, the value of Fish and Wildlife Service inspectors is indisputable. In addition to being the first and only line of defense against the illegal import of protected wildlife and wildlife products into this country, Fish and Wildlife Service inspectors, along with their colleagues in the Coast Guard and Homeland Security and other agencies involved in port inspections, represent America's best hope of intercepting bioterrorism agents, or items that may represent a security threat to America. Often, contraband is hidden in the body cavity of life, or in their transport containers. Who, except Fish and Wildlife Service inspectors, are willing to look inside a box containing poisonous snakes or other dangerous animals?

Though it may be hard to see that thwarting an illegal shipment of wildlife is as important as thwarting an illegal shipment of weapons, wildlife pose much greater risks. According to an AP news report, five of six diseases that CDC regards as top threats to national security are zoonotic, because legal shipments, which amount to 650 animals in the last three years, are not screened properly, Americans are left vulnerable to virulent disease outbreak that could rival a terrorist act.

Another example of those situations we face is unregulated smuggling of parrots, which has not only put pressure on the various species, 30 percent of which are already on the brink of extinction, but also presents a disease transmission risk to the U.S. poultry industry and native U.S. birds. The illegal import of parrots into California has been linked to an outbreak of Newcastle disease in this state.

And I would like to speak briefly about the Clark Bavin Forensic Lab, which is a key resource used by Fish and Wildlife Service agents and inspectors for prosecuting wildlife crimes. It uses complex tests and tools to identify wildlife products, as to species, to determine their cause. All of these law enforcement tools are vitally important. The Bavin Center was recognized internationally, and provides support both in the United States, as well as to the various member nations of the Convention on Trade in Endangered Species.

And I would close both by saying that we are hoping for humane, nonlethal solutions to wild horses and also, to the Yellowstone bison, and would encourage language to that effect. Wild horses have been arbitrarily removed from over 19 million acres, so we believe there is plenty of land, and certainly oppose the taxpayer dollars that have been spent by BLM rounding up horses that have then sat in these horrendous holding pens.

[The statement of Cathy Liss follows:]

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TESTIMONY
House Appropriations Subcommittee on Interior, Environment and Related Agencies
Fiscal Year 2010
Submitted by Cathy Liss, President
March 26, 2009

The Animal Welfare Institute (AWI) respectfully requests that the House Appropriations Subcommittee on Interior, Environment and Related Agencies appropriate **a total of $83.1 million to the U.S. Fish and Wildlife Service (FWS) including an additional $45 million to increase and expand activities of the Office of Law Enforcement, $26 million for special agents, $3.1 million for ports of entry, $5 million for the Clark R. Bavin National Fish and Wildlife Forensics Laboratory and $4 million for the Multinational Species Conservation Fund**. The President's FY10 proposed budget falls far short of providing the funds needed by agencies within the Department of the Interior to protect, preserve, recover and manage America's wildlife, including threatened and endangered species, as required by law and by their public trust obligations to the American people. AWI also asks Congress to reign in the Bureau of Land Management (BLM) by including language preventing funds from being used to kill healthy horses as a way to balance its books or implement sales authority language.

Office of Law Enforcement: An apparent increase for this function in the President's budget is actually a decrease when higher uncontrollable and fixed costs are taken into account. AWI requests that an additional $45 million dollars be allocated to the FWS to increase and expand the activities of its Office of Law Enforcement (OLE) in its critical role of combating wildlife crime. The OLE investigates both domestic and international wildlife crimes that involve the transgression of over a dozen federal wildlife and conservation laws. Though it is well known that the illegal trade in wildlife and wildlife products is third only to the illicit trade in narcotics and weapons in terms of revenue generated globally, and despite the fact that the U.S. remains a source of or destination for much of this contraband, the OLE has consistently been underfunded and understaffed and, thus, shortchanged in its efforts to combat this illegal trade.

The FWS has cut its covert wildlife crimes investigation unit in half. Given the severity of illegal wildlife trade and its inherent underground nature, covert investigations are essential for enforcing wildlife laws and, capturing as well as prosecuting those guilty of wildlife crimes. The OLE and its employees cannot effectively enforce federal wildlife laws without a covert investigations unit. Congress must direct the Secretary of the Interior to reinvigorate the OLE, including its covert investigations unit and provide the funding necessary to restore the OLE as the preeminent wildlife law enforcement organization in the world.

FWS Special Agents: Wildlife law enforcement agents perform what is consistently ranked as one of the most dangerous jobs as they attempt to fulfill their mandate to protect our wildlife heritage. In FY07, FWS agents pursued over 12,000 investigations resulting in over $14 million in fines, 32 years of jail time for the perpetrators, and 557 years of probation.[1] FWS cases documented illegal trafficking in U.S. leopard sharks, coral reef organisms, live reptiles, and paddlefish. On the global front, agents

[1] See U.S. Fish and Wildlife Service, Office of Law Enforcement, Annual Report, September 2008 (available on the Internet at http://www.fws.gov/le/AboutLE/annual.htm.

broke up smuggling rings dealing in sea turtle skins and products from Mexico and sea turtle shell from China. They snared smugglers dealing in over $540,000 worth of sperm whale teeth and sent individuals trafficking in endangered live eagle owls eggs to prison. Despite these impressive statistics, the illegal trade in wildlife and wildlife products continues to imperil wildlife species in the U.S. and around the world. The ability of the OLE to expand its efforts to combat this trade requires far greater funding than what has been proposed in the FY10 budget.

Currently, there are only 191 FWS agents responsible for the enforcement of federal wildlife laws throughout the entire U.S. This number is 11 fewer than in FY07, which was 16 fewer than existed in 2006. ***There are 70 agent vacancies.*** Filling these vacancies is essential to protecting wildlife and stemming the increasing threat of illegal trade. AWI respectfully requests an additional $14 million ($200,000 each) to fill these 70 agent vacancies and an additional $12 million to ensure sufficient operational funds for existing agents and for those hired in the future.

Port Inspectors: Given the events of September 11, 2001, and the recent scrutiny applied by Congress on the security of U.S. ports, the value of FWS inspectors should be indisputable. In addition to being the first and only line of defense against the illegal import of protected wildlife and wildlife products into this country, FWS inspectors along with their colleagues from the U.S. Coast Guard, Department of Homeland Security, and other agencies involved in port inspections, represent America's best hope of intercepting bioterrorism agents or items that may represent a security threat to America. Often contraband is hidden in the body cavities of wildlife or in their transport containers; who except FWS inspectors are willing to look inside the box of a poisonous snake or other dangerous animal?

Though it may be hard to see that thwarting an illegal shipment of wildlife is as important as thwarting an illegal shipment of weapons, wildlife pose much greater risks to America due to the potential for the wildlife to be vectors for non-native diseases or insects that could pose a threat to public health (e.g. avian flu), wildlife and livestock health (e.g. Newcastle's disease, foot and mouth disease), or to our native flora. According to a news report, "five of the six diseases the [CDC] regards as top threats to national security are zoonotic...." Because legal shipments, which amounted to 650 million animals in the last three years, are not screened properly, Americans are left "vulnerable to a virulent disease outbreak that could rival a terrorist act." [2] Couple the threats from legal trade with those from illegal trade, including the amount of illicit bushmeat entering the country, and the threat to public health is potentially catastrophic.

The North American Free Trade Agreement has exacerbated the problem through increased movement of wildlife and wildlife products across the U.S. border with Mexico. Such contraband includes highly endangered neotropical parrots, cacti, reptiles, and exotic wildlife leather products. The U.S. border with Canada is a conduit for the illegal import of a variety of international species including the Asian arowana fish, the rare Madagascar radiated tortoise, and protected corals and domestic species including black bear gall bladders, bald eagle parts, and other wildlife products. The current lack of sufficient operational funds for the FWS port inspection program weakens FWS efforts to promote the conservation of species of international concern, to protect all natural resources, and to sustain biological processes. The virtually unregulated smuggling of parrots not only has put new pressure on Western hemisphere parrot species, 30 percent of which are already on the brink of extinction, but also presents a disease transmission risk to the U.S. poultry industry and native U.S. birds. The illegal import of parrots into California has been linked to an outbreak of Newcastle's disease in that state. Moreover, smugglers are dealing in both illegal wildlife and illegal aliens. For example, a cooperative investigation by FWS, Immigration and Customs Enforcement (ICE), and the U.S. Coast Guard documented the smuggling of

[2] ("Imports of exotic animals mean health risks," AP, Nov. 27, 2006).

illegal aliens and live Clarion angelfish from Mexico, resulting in a Los Angeles man being sentenced to 46 months in prison and fined $60,000.

In FY07, Service wildlife inspectors processed over 179,000 wildlife shipments entering or leaving the United States. An example of how understaffed the FWS port inspection staff can be found at the U.S./Canada border crossing at Blaine, Washington, where a single inspector is responsible for inspecting all imports even though that point of entry has experienced a 45 percent increase in the number of wildlife shipments in the past decade. Clearly, then, to protect domestic and international wildlife and to secure our borders, Congress must provide the funding to hire and train a sufficient number of FWS inspectors to ensure round-the-clock coverage at each designated U.S. port of entry. $3.1 million is requested for the ports of entry.

The Clark R. Bavin National Fish and Wildlife Forensics Laboratory: The FWS forensic laboratory is a key resource used by FWS agents and inspectors for prosecuting wildlife crimes. It uses complex tests and tools to identify wildlife products as to species, determine cause of death, and make other findings critical to a successful legal case. All such findings must adhere to exacting evidentiary standards to be used in court, thus increasing the cost of testing each sample. Due to an increasing backlog of samples, the lab as a whole is running four to eight months behind in its casework, causing FWS investigators, inspectors, and federal prosecutors to wait longer to continue their investigations or initiate prosecutions. Analysis of newly-submitted computer-based illegal wildlife trade cases is backlogged seven to eight months and the analysis itself takes another four to five months to complete. The new protocols that will be needed in the crackdown on shark finning will only worsen this problem.

This lab is the only such facility in the world and it has historically aided the fish and game departments of all 50 states and the 175 Convention for International Trade in Endangered Species (CITES) member countries. The backlog, however, jeopardizes this cooperation and has forced it to stop accepting samples from state and international wildlife investigators, weakening the longstanding partnerships supporting cooperative conservation efforts in this country and around the world. The backlog is largely a product of staffing shortages. These shortages, combined with a loss of expertise when seasoned veteran forensics experts retire before new experts are trained, threaten the lab's ability to solve wildlife crimes. To reduce both these staffing shortages and existing analytical workload and backlog, $5 million is requested for the lab. Such funds would allow for the construction of a new 8,000 square feet building to house the lab's critical comparison standards collection ($2.2 million), the hiring of six forensic scientists (forensics branch chief, senior plant morphologist, and four forensic examiners in the areas of birds, reptiles, plants, and analytical chemistry), four new technicians, and much needed spending on training, travel, equipment and supplies.

Wild Free-Roaming Horses and Burros Act: The Bureau of Land Management (BLM) uses the majority of its budget to round up and warehouse wild horses and burros, despite the fact that numerous herds have been eliminated. In 2004, the BLM embraced a devastating Congressional rider requiring the sale of certain wild horses and burros without restriction. With no legal authority to protect these horses once sold, they very likely will end up at the slaughterhouse -- the very outcome which prompted Congress to act to protect wild horses over 35 years ago. Further, in 2008 the BLM announced they were considering mass euthanasia of horses in its holding facilities as a means of dealing with the program's dire financial situation –the direct effect of the BLM's overzealous removal of the animals from the range. While Congressional and public outrage at such a proposal was swift and clear the BLM has never withdrawn the possibility so the Congress and public must remain vigilant. For years, AWI worked with Congress to ensure language was included in the annual Interior Appropriations bill

to prevent such a travesty from occurring. The language was maintained until former Senator Conrad Burns removed it while inserting his "sales authority" language back in 2004. **AWI requests that this "no-kill" language be reinserted 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."

With almost as many animals in holding facilities as are in the wild today, **AWI respectfully requests that Congress instruct the BLM that, until such time as the agency either finds qualified adopters for those animals now being held and/or returns animals to suitable herd areas (particularly those from which all wild horses and burros have been removed or whose populations are not self-sustaining), that no funds be used to conduct further round-ups.** In addition, **Congress should instruct the BLM to designate ranges on public lands for the protection and preservation of wild horses and burros as provided in the Act.**

Yellowstone Bison: The National Park Service/Yellowstone National Park (NPS/YNP) is the lead agency in a failed cooperative state/federal bison management plan that, since 2000, has resulted in the unnecessary killing of nearly 3,500 park bison. Yellowstone bison represent the last continuously free-roaming herd of bison in the United States. They are of immense scientific, aesthetic, and spiritual value to millions of people from around the world. The current bison management plan has cost the American taxpayer up to $3 million per year since it was implemented in 2000 yet the three-step plan remains largely mired in step 1. In addition, though based on the concept of adaptive management, the plan has only recently been adjusted, albeit minimally, largely in response to criticisms of the plan made in a 2008 Government Accountability Office report. These adjustments, however, have not addressed the compelling new evidence documenting the existence of at least two genetically distinct bison subpopulations in the park. By ignoring this new evidence, the agencies, led by the NPS, may be permanently and adversely impacting the genetic health and viability of park bison as a consequence of their lethal management actions. To prevent the ongoing misuse of federal taxpayers' dollars and to protect park bison from the very agency that is mandated to conserve and protect park wildlife, AWI respectfully requests that Congress include language in the FY10 Interior Appropriations bill to specify that **no federal funds are to be used by the NPS for the purpose of killing or participating in the killing of YNP bison.**

Multinational Species Conservation Fund: Since 1988, the U.S. Congress has made clear its commitment to global conservation efforts through the passage of a number of funds to benefit specific species. These funds include the African Elephant Conservation Fund, the Asian Elephant Conservation Fund, the Rhinoceros and Tiger Conservation Fund, and the Great Ape Conservation Fund. To address these problems, AWI respectfully requests that Congress appropriate an additional $4 million above the President's request for each of these funds.

Mr. DICKS. Thank you very much. Mr. Simpson.

Mr. SIMPSON. So, you think the limit of 27,000 wild horses is just arbitrary?

Ms. LISS. Yes.

Mr. SIMPSON. And is there any limit? I mean, they are holding essentially as many as there are wild horses out there.

Ms. LISS. Agreed, and that is an egregious situation, I think, in and of itself, that long ago, the process should have been stopped of pulling them off the land, that there are populations that can be increased in the wild, and there are areas that used to hold wild horses that no longer have wild horses, and they should be returned to those lands. That I think there does need to be a careful assessment, but I think there is no reason that horses have to be killed at this time, that there are myriad alternative ways to manage the populations.

Mr. SIMPSON. Thank you.

Mr. DICKS. Thank you.

Ms. LISS. Thank you very much.

Mr. DICKS. Molly Brown, Friends of Black Bay.

Ms. BROWN. Good morning, Chairman Dicks.

Mr. DICKS. We do not have your statement.

Ms. BROWN. It is there, sir. I brought it.

Mr. DICKS. Okay. Well, then, our staff is looking for it, but you may proceed.

TUESDAY, APRIL 28, 2009.

FRIENDS OF BACK BAY

WITNESS

MOLLY BROWN

Ms. BROWN. That is okay. I will, okay.

Good morning. I am Molly Brown, and I am from Virginia Beach, Virginia, and I am President of Friends of Back Bay. We are a volunteer group that has been working with the Fish and Wildlife Service on land——

Mr. DICKS. Excuse me, I said Black. It is Back Bay.

Ms. BROWN. That is okay, sir. That is okay.

And I have been testifying before this——

Mr. DICKS. Right. I remember.

Ms. BROWN. Since 1990, so—and I appreciate all the support that this project has been given, and because of the support, the project is 78 percent completed. And also, I want to thank you for having a second public witness day today, too. I appreciate that.

Mr. DICKS. Good.

Ms. BROWN. We, again, have more willing sellers than money available, and we are requesting $1.5 million this year, in 2010. And also, we are requesting $514 million for the entire refuge system for 2010.

And if you would go to my last page of my testimony, I always like to provide you a map to show you exactly where your money goes. Sometimes, you probably wonder, and we have worked hard to keep you informed on where this money has gone. The original

Back Bay Refuge was established in 1938, and it is located in the southeast corner of Virginia, and it was approximately around, almost 5,000 acres.

But as Virginia Beach was growing, they recognized that something needed to be done to protect this, because one thing that makes Back Bay unique is the fact that it is probably the largest freshwater marsh remaining on the East Coast. So, the Fish and Wildlife did the over 6,000 acre expansion, and you can see in green everything that has been purchased since 1991, and it has formed a buffer to the north and to the west side of the Bay, and with this buffer, we have good news, in the fact that underwater grasses have increased, and the water quality is improving, and this year, we had more ducks and geese than we ever had, and that made our hunters very happy. And also, the State of Virginia did a study of the fish population, and they found 31 species of fish, including 20 inch bass, so that made the fishermen very happy.

And of course, all of this helps the local economy. Our properties are listed in priority, and they are color-coded, and the first, you can see there are two properties that are, the purple and the blue are located down at the southern portion on the west side, and that, those properties are very important, because before the expansion started, this was a creek called Nanny's Creek, and it was very polluted, but because of land acquisition in the State of Virginia and the City of Virginia Beach working together, that waterway is cleaning up, is clearing up. And then, the other is on the east side, and then, you can see the red is over on the west side.

So basically now, what we are doing, we are filling in the pieces, and so, we ask for your support for funding, so that we can finish this project. 78 percent is a pretty good achievement, and we are committed, and we would like to see it continue.

So again, I request $1.5 million for Back Bay, and also, $514 million for the U.S. Fish and Wildlife Service and the National Wildlife Refuge System.

Are there any questions?

[The statement of Molly Brown follows:]

Written Testimony for the Congress of the United States,
House of Representatives, Committee on Appropriations Washington, D.C.

March 18, 2009

TO: Subcommittee on Interior and Related Agencies Appropriations

RE: U.S. Fish and Wildlife Service
Back Bay National Wildlife Refuge
Appropriations Request for FY 2010 $1.5 million

Witness: Molly P. Brown, President, Friends of Back Bay
2232 Sandpiper Road
Virginia Beach, Virginia 23456
(757) 721-5011

I am Molly Brown from Virginia Beach, Virginia. I am the President of Friends of Back Bay, a group of over 400 dedicated volunteers who are committed to the protection of the Back Bay National Wildlife Refuge. Located in southeastern Virginia Beach, Back Bay National Wildlife Refuge (Refuge) was established on February 29, 1938, as a 4589-acre refuge and breeding ground for migratory birds. We thank Congress for their continued support of this project. The Director of the U.S. Fish and Wildlife Service approved a Refuge boundary expansion on May 7, 1990. The expansion area includes 6340 acres of important wildlife habitat. To date the Fish and Wildlife Service has been able to acquire 4980 acres.

In order to continue the Back Bay Refuge expansion project, we respectfully request $1.5 million for FY '10. This money will help to fill in the mosaic pattern of small land parcels from willing sellers who have been waiting patiently to sell their land to the Refuge. This continuing project was first funded by Congress in 1990. With only a few remaining parcels to purchase, we hope Congress will want to see this Back Bay project completed.

The enclosed map gives a visual description of the Acquisitions through 2008 and the remaining parcels by priority to be purchased from willing sellers within the Back Bay National Wildlife Refuge proposed acquisition boundary. Here is a brief description of each parcel.

Priority 1- Sanford:
26 acres, much of which is valuable riparian/wetland habitat on the northern bank of Nanney's Creek This Creek has been identified as one of Virginia Beach's "impaired waterways" by the State DEQ. Cooperative efforts by private landowners (mostly farmers), the City of Virginia Beach, the State of Virginia and Back Bay NWR are ongoing to restore the water quality of this tributary of Back Bay. Existing Refuge property is immediately adjacent to this tract on its east and west boundaries.

Priority 2 - Griffith:
105 acres of emergent marsh habitat on the east side of Back Bay This property already supports a wide variety of nesting and wintering migratory birds, especially waterfowl.
Because this parcel is located on the bay side of the highly developed Sandbridge area of Virginia Beach, failure to acquire this piece could result in increased private recreational boating facilities by individuals who own lots/houses adjacent to this property.

Priority 3 - Van Nostrand:
15 acres of timbered wetlands on the west side of Back Bay This property has been cleared, and is ready for farming and/or development. Although the current habitat has little wildlife value, reforestation of this parcel, as Back Bay NWR has done with so many other parcels, will serve as quality habitat for a variety migratory birds, especially neotropical migrants. This property has an approved appraisal, and the landowner has been presented with an option to buy.

Priority 4 - Rice:
8 acres, much of which is valuable riparian/wetland habitat on the southern bank of Nanney's Creek This Creek has been identified as one of Virginia Beach's "impaired waterways" by the State DEQ. Cooperative efforts by private landowners (mostly farmers), the City of Virginia Beach, the State of Virginia and Back Bay NWR are ongoing to restore the water quality of this tributary of Back Bay. This property is adjacent to existing Refuge property on its north and east boundaries.

Good things continue to happen at Back Bay! A new educational project to enhance the wildlife viewing opportunities of the public is the "windows on wildlife." This one-way glass will allow the public to watch migratory birds without being seen by and thus disturbing the waterfowl. This project opened this winter. On a recent January day, the pond featured a visual smorgasbord of tundra swans, Canada geese, black sucks, snow geese, mallards and pied-billed grebes. A red-tail hawk flew close to the building and landed on the branch of a near by tree.

This March the Back Bay Restoration Foundation is conducting its 8th annual Back Bay Forum 2009. There were presentations on research and data collected within the Back Bay watershed, followed by an opportunity for participants to identify future research and action needed for the health of the bay system. Scientists stated tthat conditions are improving since last year. The water clarity is better and vital underwater grasses are growing again. Large numbers of ducks are coming back. The local hunters had a very successful season.

I wish to extend my appreciation for the funding that you appropriated through FY '08. The $505,000 that was appropriated in FY'08 has purchased 47 acres of a key parcel along Nanney's Creek. To date we have purchased 4980-acres of the proposed 6340-acre expansion. This means that this project is over 78% completed in seventeen years. Thank you for the opportunity to comment on this important project.

Respectfully submitted,

Molly P. Brown

Molly P. Brown
President

Mr. DICKS. Well, I want to commend you. You have made a lot of progress.

Ms. BROWN. Yes, sir. We have. Thanks to you and other members of the committee, and Congress as a whole.

Mr. DICKS. Who is your local Congress person?

Ms. BROWN. Glenn Nye. He is a freshman.

Mr. DICKS. I know him.

Ms. BROWN. Very nice gentleman.

Mr. DICKS. How is he? Have you briefed him on this?

Ms. BROWN. Yes, sir, and he has already written a letter in support.

Mr. DICKS. All right. Very good.

Ms. BROWN. For $1.5 million.

Mr. DICKS. Now, is this under the Land and Water Conservation Fund?

Ms. BROWN. Yes, sir. It is.

And okay. And I always invite you down.

Mr. DICKS. Yeah.

Ms. BROWN. I would love for you to come down and see us.

Mr. DICKS. All right. Thank you, Molly.

Ms. BROWN. Thank you, sir. And thank you.

Mr. DICKS. John Verdon, President, Friends of Pool 9, Upper Mississippi River Refuge.

Mr. VERDON. Yes, thank you.

Mr. DICKS. And congratulations, you are the friends group of the year.

Mr. VERDON. Yes, we are. Thank you for that.

Mr. DICKS. Yeah. You should be commended.

TUESDAY, APRIL 28, 2009.

FRIENDS OF POOL 9, UPPER MISSISSIPPI RIVER REFUGE

WITNESS

JOHN VERDON

Mr. VERDON. We started about four or five years ago, and we now have 500 members in our volunteer group on the Upper Mississippi, and perhaps I should give you a little bit of background on the Upper Miss. There are 27 locks and dams, and Pool 9 is just above lock and dam number 9, so it is the backup water, you might say, above the dam, and our pool is 31 miles long and 3 miles wide.

And of course, I have provided you with the written testimony, and so, I am going to move right through some of these items. You have heard them repeatedly, that we need the increase to $514 million for next year, for fiscal year 2010. And I have also stated here that the Upper Miss is 261 miles long, and is the most visited national wildlife refuge, with 3.7 million visitors annually.

And of course, we have all gone through the situation of static funding, and so, you are well aware of the problems with staffing, and I mentioned that in here, that the full-time equivalents on our refuge are at 30 percent below where they should be, 30 to 40 percent.

Mr. DICKS. How many people do you have?

Mr. VERDON. We have 39 on our Upper Miss Refuge, and according to the CCP that was just completed, we should have 64 on that refuge. We also have a refuge right next to us, the Driftless Area Refuge in northeast Iowa, that is presently without a manager and a biologist. And there are three other vacancies on the Refuge, caused by the static funding. So, we really think it is important to bring that back into line. And of course, we would encourage the funding level of $765 million by the year 2013.

Another problem, of course, on the Mississippi, is the invasives that are coming in, and we have talked about this before, the Asian carp, the zebra mussel, the purple loosestrife, the emerald ash borer, and all of these things will change the riverine system dramatically. The Asian carp is the one that is the high jumping carp, and when boats disturb the little population of carp, they jump out of the water, and some of these fish are more than 20 pounds, so it could be a bad situation.

Research is critical, and I have mentioned here that our invasive dollars on the Upper Miss refuge are zero. We have no money funded for that research on the Upper Miss refuge. And our manager would like to see at least $250,000 to implement a basic research and monitoring program. We do have——

Mr. DICKS. Has he requested the funds?

Mr. VERDON. I do not know about that. Yes.

Mr. DICKS. That might be one thing you want to check out.

Mr. VERDON. I sure will.

Mr. DICKS. Has he asked for it?

Mr. VERDON. That is right.

Mr. DICKS. You know, there is kind of a process that they go through.

Mr. VERDON. Yes. The Upper Miss, the Upper Midwest Environmental Center is at La Crosse, Wisconsin, and of course, that is controlled by the USGS, and they are an excellent research team.

Mr. DICKS. Right.

Mr. VERDON. And I am asking that Suzette Kimball, the Director of that agency, have their budget increased by $3 million annually.

One of my other concerns, that really has not been addressed here today is the concern about volunteerism and the education of our young people. I heard an awful lot of comments about the needs of all of these different refuges, and throughout the world, or throughout the States, and I really feel that volunteerism is the way we should be going. And I would like to ask you to encourage all the agencies to fund dollars for volunteerism, and of course, if we could get our agency, the Fish and Wildlife Service, to actually require that each of the refuges have people there that would be in charge of organizing volunteer groups, it would, I think it would help tremendously.

There are 220 friends groups nationwide, and 549 refuges, so we are way short on that, and we need to increase the number of friends groups. And along with that, we need to do more for education of our youth, because they are going to be the stewards of our natural resources in the future.

And this is an excellent book by Richard Luve, and it is The Last Child in the Woods, and we have an activity that is called the Mis-

sissippi River Adventure Day, where we actually take kids out on the River. Last year, we had 185 that went out on the River for the day.

Mr. DICKS. Good for you.

Mr. VERDON. We pollywogged for clams, had the kids get in the water and find clams, and then, we had hatchery specialists there to identify the clams for the kids, and even tell them this is a male and this is a female. And these are children 5 to 17 years old. We spent about $2,000 on that day alone, and we had eight different sites that these kids attended. So, this is the way of the future, and I think we need to do more with that.

Mr. DICKS. We had Richard testify before the committee.

Mr. VERDON. Oh, you did.

Mr. DICKS. Yeah, last year, two years ago.

Mr. VERDON. Wonderful. Wonderful.

Mr. DICKS. And we are very concerned about this across the board, and we have to get younger people involved.

Mr. VERDON. Right. Right. I have other comment, and I know my time has expired, but I have one other comment, and that is about the Omnibus Public Lands Management Bill, and I know that everyone in wildlife conservation is excited about the Public Lands Management Act except, there is one except, and that, of course, is the Izembek situation. And I do not know how this slipped by, but the Izembek situation should be resolved by Secretary Salazar saying that it is not in the public interest. It is, instead of improving our wilderness area, this building of a road through Izembek is going to be a disaster. And as an ex-biology teacher, I taught for 38 years, I know that there are some key species in the ecological system that, if this key species, if something happens to that key species, all of the animals above it and all of the animals below it suffer. And I consider this Izembek situation a keystone case. I think there is going to be a ripple effect throughout the Nation if this area is allowed to be developed, that will certainly be disastrous to other refuges and other wildlife areas across the Nation, so.

[The statement of John Verdon follows:]

Testimony of John Verdon, President
Friends of Pool 9, Upper Mississippi River Refuge
Submitted to
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
April 28, 2009

Re. National and local refuge concerns, financial and otherwise, Fiscal Year 2010.

To: The Chair and Subcommittee Members,

My name is John Verdon and I represent citizens from the heartland of America. I want to thank the committee for allowing me to speak on issues of concern that relate to our national wildlife refuges. I'm President of a fairly recent Friends group (Friends of Pool 9, Upper Mississippi River Refuge) that Incorporated in January, 2006. The Upper Mississippi River is sectioned by the Lock and Dam System that creates lakes or pools backed up above each dam. Our cause was and continues to be to protect and enhance a 31-mile-long and three-mile-wide stretch of the Mississippi River above Lock and Dam #9, commonly referred to as Pool 9. Local passion and concern was created during meetings between local citizens and the U.S. Fish and Wildlife Service during the Comprehensive Conservation Plan in 2004 (mandated by Congress every 15 years). Our Friends group formed as a result of the interactions of these two groups, and consists largely of residents from the states of Iowa, Minnesota, and Wisconsin that border the river. We presently have over 500 members representing 16 states and two foreign countries.

Our mission is simple and straight-forward; *to conserve the cultural and natural resources within Pool 9, and to foster wise public use and enjoyment of the Refuge and the Upper Mississippi River.* We have since broadened our scope to include the entire 261-mile-long Upper Mississippi River National Wildlife and Fish Refuge, from Winona, Minnesota to Savanna, Illinois. We are a grass-roots organization that does not charge dues, but instead simply asks for a commitment to work on projects that will protect and promote the river resource. We were recently named the **Friends Group of the Year** and honored in Washington, D.C. by the National Wildlife Refuge Association in late February, 2009.

I'm here today to inform you of my concerns for our local refuge and all refuges across this great nation. I'm here today to ask you to fund the National Wildlife Refuge System at **$514 million for Fiscal Year 2010**, the amount advocated by the Cooperative Alliance for Refuge Enhancement and the House National Wildlife Refuge Caucus. The Midwest Region (Region 3) of the U.S. Fish and Wildlife Refuge System covers eight states (Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin). The Upper Mississippi River Refuge is over 261 miles long, and is the most visited national wildlife refuge with over 3.7 million visitors annually. Since fiscal year 2004 the refuge system has operated at a relatively static annual base budget. At the same time, costs for personnel and operations continued to increase due to inflation. This resulted in staff reduction policies, and coupled with the appearance of invasive species and other environmental issues and concerns has dealt a severe blow to our refuge system. The Driftless Area National Wildlife Refuge in northeast Iowa is presently without a manager/biologist, and there are three other vacancies on the Refuge due to funding shortfalls. The financial shortfall was/is critical to an otherwise healthy refuge system. The Refuge is

presently understaffed as determined by the national model and the recently completed CCP. There are currently 39 staff employed as full time equivalents (FTE's), which is drastically below the national staffing model level of 73 FTE's and the 64 FTE's recommended in the CCP. Recent Congressional funding increases in 2008 and 2009 have helped slow the downward trend, but to reverse it and establish an upward movement will require even more dollars.

A commitment of $514 million in FY2010 will begin to put the Refuge System on track to reach **the necessary basic funding level of $765 million by Fiscal Year 2013**. Without this basic initiative the National Wildlife System will fall further behind as operations and maintenance costs escalate, staff reduction plans are again implemented, invasive species management and long term monitoring are limited, and fewer opportunities will be available for the American taxpayer to use and enjoy our remarkable national refuges. Simply stated, **we need to invest in the future of America and our children** (the future conservation stewards of our resources) before it's too late.

On a similar note, the **Land and Water Conservation Fund** (LWCF) needs to be secured at the full amount of $900 million annually to support the purchase of properties adjacent and intrusive to refuges. A small tract of land (130 acres) that is privately owned (in southeastern Minnesota) intrudes into Pool 9, Upper Mississippi River Refuge. It represents a disruption to the continuity of management to the refuge system, and needs to be purchased and added to the Upper Mississippi River National Wildlife and Fish Refuge System as soon as possible. The **current funding level of $500,000 for 2009** has already been spent, there is a need for an **additional $2 million** for tracts from willing sellers that are in appraisal or offer status. There are many land parcels throughout the 549 national refuges that must be purchased when they become available. If not, developers will acquire the property and further impact the effectiveness of this and other refuges for many years to come. A continued lack of funding equates to lost opportunities. The **Land and Water Conservation Fund needs to be funded at the full amount of $900 million annually** so that acquisitions can be made as they become available. I ask that you secure this level of funding for the sake of our refuges and future generations.

Invasive plant and animal species are making a rapid and destructive appearance in the Upper Miss Refuge as they are in many other refuges nation wide. The Asian carp, Zebra mussel, Purple Loosestrife, and Emerald Ash Borer will change the riverine ecosystem dramatically in the next few years if left unchecked. The Asian carp (a high-jumping fish) has already reached critical mass on the Illinois River (where it represents 80% of the biomass) and has been found in the Mississippi River as far north as La Crosse, Wisconsin, upstream of Pool 9. In addition to their voracious appetite and trend toward dominance in the aquatic world, they represent a danger to boaters since they leap into the air when agitated by boat traffic. Many are over 20 pounds and striking a boater traveling 20 miles per hour could prove to be fatal. If left uncontrolled their very existence will create a fishing mono-culture and have a lasting effect on the diversity and abundance of all fish species. Research is critical to finding a method of population control of this and all invasive species. The Upper Miss Refuge has a **current budget of $0 for invasives work and needs at least $250,000 to implement a basic research and monitoring program**. The Upper Midwest Environmental Center (UMESC) Pest Management Program for Aquatic Invasive Species research lab at La Crosse (part of the U.S. Geological Survey) is desperately trying to find a solution to the Asian carp invasion. However,

they are grossly under-funded to adequately address these issues. I'm asking that you inform **USGS Acting Director, Dr. Suzette Kimball of the urgency of this matter and the need to increase the UMESC budget by $3 million annually**. Their research efforts would also benefit many other refuges struggling with invasive fish.

While increases in the budget recently have begun to address some critical needs of the refuge system, namely staff and facilities, others remain obscured and unfunded. **Volunteerism and education** needs to become more widespread throughout our national refuges and with the American people. It's a stated goal of President Obama and the new Administration, and could have far reaching benefits. Just this past weekend our Friends group completed our annual Pool-wide Clean-up of all 90 square miles (over 56,000 acres) of Pool 9. Over **200 volunteers, four government agencies, and four private enterprises** cooperated in a day of river clean-up and restoration. Rusted and rotting shoreline vessels were removed from the river corridor, as were thousands of pounds of tires, metal tanks, lawn chairs, and other debris from the Upper Iowa River flood of last year. U.S. Coast Guard navigation buoys were removed from the backwater and returned to the navigation channel shoreline for Coast Guard pickup. Hundreds of plastics in the form of water bottles and barrels were recycled. Volunteers worked tirelessly to protect and enhance their little corner of the world. Pool 10, located down river from Lansing, Iowa, also completed their river clean-up this past weekend as well. These are major volunteerism events that are supported by the cooperating government agencies (U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and the Iowa and Wisconsin Departments of Natural Resources), and are financed by grants, donations, and Friends of Pool 9. This endeavor tends to serve as a method of building local citizen leadership, and creates responsibility, ownership, and stewardship for the resource by all who participate.

Another highly successful event is the Mississippi River Adventure Day (MRAD), sponsored by Friends of Pool 9 and the same cooperating government agencies listed above, as well as the National Audubon Society, the Genoa National Fish Hatchery, and the Allamakee County Community Foundation.. It places 200 kids and their parents in a Tom Sawyer/Huck Finn day of adventure. Some of the activities include polly-wogging for mussels, seining for fish, and catching frogs. Eight stations lead by government professionals enlighten the kids with stories, information, and hands-on activities at each site. The purpose for the day is to stimulate interest and enthusiasm for the river resource. It also helps kids and parents become better stewards of the refuge. All costs of transportation, food, and materials are paid by grants and Friends of Pool 9. Participants have a day on the Mississippi River they will long remember, and hopefully open the door to other family experiences that will enhance awareness and appreciation of nature.

I would like to see a financial commitment from **government agencies to promote volunteerism on a grand scale**. With 549 refuges nation wide and only 220 Friends groups there is much yet to be done. While volunteers exist to support all 549 refuges, budgets and U.S. Fish and Wildlife Service (USFWS) staff are not available to organize and foster the development of many of these Friends groups. On the 261-mile-long Upper Mississippi River Refuge we are trying to form groups in all eleven Pools (4-14). With 3.7 million visitors annually including boaters, fishermen, hunters, bird watchers, campers, and all other sorts of outdoor enthusiasts, the pool of volunteers is large. Across the nation a volunteer support base is present to form numerous Friends groups, but financial support is not present. District Managers

have more immediate and pressing issues of resource and operational needs to attend to. There is a need to increase staff in each District so that a USFWS staff member can be assigned (as part of their job description) to initiate the development of citizen involvement, through the formation of Friends groups. Volunteers cannot actively assist the refuge resource if Fish and Wildlife Service staff is not available. **The budget should be increased even more than the proposed $514 million for the formation of Friends groups in every refuge.**

While the Izembek National Wildlife Refuge in Alaska is thousands of miles away from Iowa, an issue there hits very close to home. I am concerned about one of the projects approved by passage of the recent Omnibus Public Land Management Act of 2009 (P.L. 111-11). While the overall spirit of the bill is to protect habitat for wildlife, one provision would remove wilderness protection and send a message nationwide that no wilderness area is sacred, and that development is possible anywhere. **The bill would allow internationally significant Wilderness lands in the Izembek National Wildlife Refuge to be removed from federal protection in order to construct a road between the Alaskan communities of King Cove and Cold Bay**. I consider this a "keystone" case, upon which other nation-wide refuge issues will be compared and decided. It sends the message that even the most important wildlife areas in the world are available for development. The Izembek Lagoon Complex was originally designated a wetlands of international importance during the Ronald Reagan Administration recognizing the area's global significance. I would ask that you relay my concerns to Secretary of Interior, Ken Salazar. **The project can be stopped if it is found to not be in the public interest.** Its provisions are contrary to the generations-long American commitment to protect our treasured lands. Our Friends of Pool 9 motto is that **we can, we will, and we have, had an impact on the world.**

Thank you for taking the time to read and hear my concerns for our national wildlife areas and the Upper Mississippi River Refuge. I honestly feel there are things that ordinary citizens can do to "give back" a little of themselves to nature. This is our heritage and I hope the legacy of Friends of Pool 9. **The need exists to enhance childhood outdoor experiences and get kids back to nature. This is the final, and perhaps most important reason to increase the funding level to $514 million.**

Thank you, from the Friends of Pool 9, Upper Mississippi River National Wildlife and Fish Refuge, and the National Wildlife Refuge Association.

John Verdon, President
Friends of Pool 9 – Upper Miss Refuge Inc.
1903 Blue Heron Lane
Lansing, Iowa 52151
Phone: - 563-538-4836
E-mail: PJVriverhouse@msn.com

Mr. DICKS. We will look into that.
Mr. VERDON. Thank you.
Mr. DICKS. Thank you very much. Mr. Simpson.
Mr. SIMPSON. Thank you. No.
Mr. DICKS. William Becker, the National Association of Clean Air Agencies. And the cleanup hitter today.
Mr. BECKER. I will not take longer than 45 minutes.
Mr. DICKS. Well, you have got five. We will put the other 40 in the record.
Mr. BECKER. Thank you, Chairman.
Mr. DICKS. Go right ahead. You are welcome.

TUESDAY, APRIL 28, 2009.

NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES

WITNESS

S. WILLIAM BECKER

Mr. BECKER. Ranking Member Simpson. My name is Bill Becker. I am the Executive Director of NACAA, which is the National Association of Clean Air Agencies. We are an organization of state and local air pollution control agencies in 53 states and territories, and about 165 metropolitan areas throughout the country.

These agencies, under the Clean Air Act, are directly responsible for protecting the health and welfare of citizens in every state in the country. We are recommending that federal grants through EPA to state and local agencies be increased by $46 million above fiscal year 2009 levels, and as I will explain, this is an order of magnitude less than what we need.

Today, according to EPA, about 40,000 people die each year from air pollution. 40,000 people die each year from air pollution. That is EPA's estimates, not ours. Tens of millions live in areas exceeding the federal health base standards for ozone or smog, for lead, for fine particulate, and/or live in areas where exposure to toxic air pollution is far above EPA's acceptable thresholds. And of course, we are responsible for responding to the pervasive welfare effects of their pollution, such as haze, that is not only threatening national parks, but threatening most areas of the country.

Our state and local agencies receive grants under sections 103 and 105 of the Clean Air Act, that are designed to help our implementation efforts and mitigate these problems, and we use this money to hire personnel, to purchase monitors, and to do a lot of different tasks, ranging from developing emissions inventories, to adopting regulations, to developing state implementation plans, conducting inspections, enforcing against noncompliance, permitting sources, and so forth. These grants are our lifeblood.

Over the past decade, the grants to state and local agencies have decreased by about one third in purchasing power, and it could have been far worse, had it not been for you all in Congress, who have restored the recommended very substantial cuts in grants to the state agencies. You have restored those over the past several years, but still, with the purchasing power losses, we have suffered some big problems. Agencies have been forced to lay off people, or

not fill vacancies. We have been forced to shut down existing monitoring systems, curtailing operations. Our inspections, our enforcement activities have been impaired, and some local air pollution control agencies in some areas have, are really on the brink of closing down.

Yesterday, we released the results of a survey, which I would be happy to share with you. In fact, I have a third one. Sent one yesterday where we asked our agencies to determine the resource needs that they have in meeting the Clean Air Act requirements. And what we learned was obvious to us, should be extremely disconcerting to everyone, and that is, our programs are suffering. They are severely underfunded, and it is restricting our ability to address important air pollution problems, such as controlling toxic air pollution, lead, ozone, fine particulate, and emerging issues like greenhouse gases. And these shortfalls are literally impairing our ability to provide clean, healthy air to tens of millions of people throughout the country.

The survey showed that we could use substantial increases in resources for a number of bread and butter activities associated with implementing the Clean Air Act. Monitoring, modeling, developing emissions inventories, providing small business assistance, conducting additional inspections, carrying out enforcement activities, developing programs and rules, responding to emergencies, updating information technology, providing public education and outreach, hiring, training personnel, training staff, and permitting minor sources, and I can go on.

Our survey revealed a lot about current funding trends. State and local governments supply far more than their fair share of the resources for the Nation's clean air program. The Clean Air Act authorizes the Federal Government to provide grants up to 60 percent of the cost of implementation, and state and local agencies are required to provide, to match with 40 percent. And what is happening in reality is the Federal Government is providing not 60 percent, but 25 percent, and state and local governments are matching not with 40 percent, but with 75 percent, and this level of state and local contribution will become increasingly difficult as budgets shrink.

So, what we found, in conclusion, is that we need about $1.3 billion annually to run our programs. If the EPA supplied its fair share, with Congress adjusted, of 60 percent of the $1.3 billion, this would be around $780 million. Today, EPA is providing about $220 million. This is over a $550 million difference. It would be a little embarrassing to come in today, although perhaps, I should have, and say we could use a $550 million increase above last year's level. You know, we are not blind to the economic problems that our country is facing. So, what we have said, perhaps to our chagrin, is that we will come in with a fraction of that, but we need an increase to help stop the bleeding, and we have recommended—

[The statement of S. William Becker follows:]

Testimony of the
National Association of Clean Air Agencies
Provided to the House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
March 26, 2009

The National Association of Clean Air Agencies (NACAA), representing the state and local air quality agencies in 53 states and territories and over 165 metropolitan areas across the country, appreciates this opportunity to provide testimony on the FY 2010 budget for the United States Environmental Protection Agency (EPA), particularly federal grants for state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act, which are part of the State and Tribal Assistance Grant (STAG) program. While the details of the President's budget request have not been released, NACAA is prepared now to make general recommendations about the budget and will provide additional suggestions after the Administration's full request is available, if necessary. At this time, NACAA recommends that grants within the STAG program for state and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act be $270 million in FY 2010, which is $46 million above the FY 2009 appropriation. Additionally, NACAA requests that grants for the particulate matter and lead monitoring programs *not* be shifted from Section 103 authority to Section 105 authority.

WHY IS CLEAN AIR IMPORTANT?

Air pollution is a significant public health concern. Every year tens of thousands of people die prematurely as a result of breathing polluted air. Millions more are exposed to unhealthful levels of air contaminants, resulting in many other health problems, such as aggravation of existing respiratory and cardiovascular disease, damage to lung tissue, impaired breathing, irregular heartbeat, heart attacks and lung cancer. In spite of the best efforts of federal, state and local authorities, according to EPA's own estimates, over 150 million people live in areas that violate at least one of the six health-based "criteria pollutants." This figure is likely to increase once EPA completes the designation of areas that exceed the new fine particulate matter standard. Additionally, over 270 million people live in census tracts where the combined upper-bound lifetime cancer risk exceeds 10 in one million (one in one million is generally considered "acceptable"). It is very likely that poor air quality results in more deaths than any other problem under the jurisdiction of this Subcommittee.

WHAT ARE STATE AND LOCAL CLEAN AIR AGENCIES' RESPONSIBILITES?

State and local air pollution control agencies have the primary responsibility for implementing our nation's clean air program. They carry out numerous activities, including efforts to develop and implement State Implementation Plans (SIPs), monitor emissions, compile emissions inventories, conduct sophisticated modeling of emissions impacts, inspect sources of pollution, conduct oversight and enforcement, provide technical assistance to regulated sources and respond to citizens' complaints. In order to accomplish this work, they receive funding from several sources, including state and local appropriations, the federal permit fee program under

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Title V of the Clean Air Act, state and local permit and emissions fees and federal grants under Sections 103 and 105 of the Clean Air Act. Section 105 grants support the foundation of state and local air quality programs, while Section 103 grants have typically funded specific monitoring efforts, such as the fine particulate matter ($PM_{2.5}$) monitoring network.

STATE AND LOCAL EFFORTS HAVE BEEN UNDERFUNDED FOR YEARS

State and local air quality agencies have struggled for years with insufficient funding. In addition to the fact that federal funding levels have been relatively stagnant for a long time, over the past 15 years federal grants for state and local air quality agencies to operate their programs (not including the separate $PM_{2.5}$ monitoring program) have actually decreased by approximately one-third in terms of purchasing power, due to inflation. This reduced spending power has come at the same time as increasing demands related to new programs, such as developing State Implementation Plans to meet ozone, $PM_{2.5}$ and haze requirements. State and local agencies have felt the repercussions of these limited funds, resulting in adverse impacts on their programs that include: reduction in air monitoring and associated data analysis; stagnation of emission inventories; elimination of air toxics programs; curtailment of small business assistance; loss of trained and experienced staff or an inability to fill vacancies; reduction in staff training; inability to accept delegation of federal programs (especially related to toxic air pollutants from area sources); decline in enforcement and compliance activities; and cessation of some public education efforts. When state and local clean air agencies are forced to make hard choices and scale back essential air quality-related activities, public health and welfare suffer.

The previous Administration also recommended shifting grants for $PM_{2.5}$ monitoring from Section 103 (which does not require a 40-percent match from state and local recipients) to Section 105 authority and reducing them by the amount of the 40-percent match. Because of the inability of some state and local air agencies to provide matching funds specifically dedicated to $PM_{2.5}$ monitoring, there could be significant cuts to this important program. We urge Congress to retain the $PM_{2.5}$ and future lead monitoring programs under Section 103 authority.

STATE AND LOCAL FUNDING NEEDS – RESULTS OF A SURVEY

NACAA recently conducted a comprehensive survey of state and local clean air agencies regarding their resource needs. The findings of this survey will be released shortly and NACAA will provide a copy to this Subcommittee. Among the preliminary findings are the following.

NACAA has received responses from state and local air quality agencies in 35 states. They have confirmed, as long suspected, that state and local governments continue to supply more than their fair share of the resources necessary for the nation's clean air program. Section 105 of the Clean Air Act authorizes the federal government to provide grants for up to 60 percent of the cost of state and local air quality programs, while states and localities must provide a 40-percent match. In reality, however, state and local air agencies report that they provide 77 percent of their budgets (not including permit fees under the federal Title V program), while federal grants constitute only 23 percent. Clearly state and local agencies are providing the lion's share of the funding. This will become increasingly difficult, however, as state and local budgets continue to shrink due to the country's current economic crisis.

How much additional funding over and above current levels do state and local agencies require on an annual basis? The needs are enormous. Not including Title V permit fees, which are intended to support only the permitting program, the survey results indicate that state and local air agencies need increases of 47 percent over what is currently expended to carry out their current programs and support activities they anticipate they will need to undertake in the next few years. In order to protect public health, state and local air agencies would need $1.3 billion annually to operate their programs. If EPA supplied 60 percent of that amount, as the Clean Air Act envisions, federal grants would amount to approximately $778 million annually. Unfortunately, recent annual appropriations under Sections 103 and 105 of the Clean Air Act have been only approximately $200 million to $220 million. Thus, federal grants should be increased by approximately $550 million to $575 million annually above recent levels to make up this difference and support necessary state and local clean air programs.

Further, as the demands placed on state and local air programs become greater, the effect of the shortfall will intensify. Unless state and local air quality programs receive substantial increases in federal funding, they will continue to face a serious financial deficit, and their ability to protect and improve air quality will be further compromised.

HOW WOULD ADDITIONAL FUNDING HELP?

According to our preliminary survey results, state and local air agencies report that the two program areas most in need of additional resources are climate change and toxic air pollution, where funding increases of over 1,000 percent and 100 percent, respectively, are needed. Currently there is little funding available for climate change activities – agencies report that over a quarter of the total additional funds needed would be for greenhouse gas-related efforts. Some of the specific activities for which additional funding is needed in these two areas include the following, among others: programs to address toxic air pollution from area (small) sources, including accepting delegation of the federal area source regulations, identifying and inspecting sources, providing compliance assistance and inspecting facilities; air toxics monitoring; modeling of toxic exposures and risk; greenhouse gas planning and permitting; development, review and analysis of emissions inventories for greenhouse gases and toxic air pollutants; greenhouse gas rule development; emission reporting; and public education and outreach on toxics and greenhouse gases.

Other types of programs besides climate change and toxic air pollution are also in need of significant funding increases. According to the survey responses, the general categories of activities, and the percentage of funding increases they need, are ambient monitoring (38 percent), SIP efforts (34 percent), visibility work (15 percent), and compliance and enforcement (27 percent). Additionally, there are activities that do not fall within one of these categories that require increased grants as well, including programs to address environmental justice, asbestos, odors, complaint response, indoor air, training, outreach, small business assistance, management, administration, information technology and many others.

While state and local agencies identified many specific activities for which they would most need additional funds, certain efforts appeared repeatedly in the survey responses. In

addition to those listed above related to toxic air pollution and climate change, these activities include: placement of additional monitors and commencement or continuation of monitoring activities related to new standards for fine particulates, ozone and lead; development of and/or improvements in emission inventories for criteria pollutants; development of SIPs for the new fine particulate matter, ozone and lead standards; increased frequency of compliance evaluations, inspections and enforcement, specifically for smaller sources; modeling for criteria pollutants; small business assistance; public education; regulation of emissions from animal feeding operations; programs to address emissions from minor sources; retention of experienced staff and hiring of additional staff to take on new programs and/or fill vacancies; and staff training.

GRANTS SHOULD BE INCREASED TO FACILITATE REGIONAL SHIFTS

In addition to the funding shortfalls revealed by the survey and described above, there is another argument to be made for additional federal grants. For well over a decade, EPA has used a formula to distribute state and local Section 105 air grants among the various regions of the country. The formula was developed several years after the passage of the Clean Air Act Amendments and reflected the conditions, needs, priorities and population distribution that existed at the time. Over the intervening years, some adjustments have been made to the formula to account for new priorities and to apportion grant increases and decreases. However, a comprehensive reexamination of the methodology and formula that serve as the foundation of the grant allocations had not been done and was overdue. For many months, EPA has been developing an updated methodology and is close to completing the project. Based on preliminary evaluation of EPA's efforts, it appears that the updated formula could result in substantial shifts in grants from certain regions of the country to others. During these difficult economic times, few if any agencies can easily afford to withstand any reductions in resources, including those that reallocations might create, and certainly not of the size reflected in the proposal under consideration. Since full and even partial implementation of the revised formula could create unacceptable disruptions in certain regions, NACAA believes that the most essential element of the reallocation process would be for the federal government to provide grant increases sufficient to ensure that no agency suffers a decrease, while those that are slated for an increased share of the total rceive additional funds. At a minimum, grant increases of the size NACAA is recommending – $46 million above FY 2009 levels – would facilitate these shifts.

NACAA'S RECOMMENDATION

While significant grant increases are warranted, NACAA realizes that there are many competing priorities for federal funds and that the current economy is very poor, and recognizes that full funding (an increase of $550 million to $575 million) is not viable right now. Therefore, for FY 2010, NACAA is proposing an increase in federal grants to state and local clean air agencies under Sections 103 and 105 of only $46 million over FY 2009, for a total of $270 million. This is a modest increase, considering that the real needs are over an order of magnitude higher. Additionally, NACAA recommends that particulate matter and lead monitoring programs be funded under Section 103 authority, as such expenditures have been in the past.

Thank you for this opportunity to testify on this critical issue and for your attention to the importance of adequate funding for air quality and public health programs.

ISSUE AWARENESS

Mr. DICKS. You know, I want to say something here.

Mr. BECKER. Please.

Mr. DICKS. I have been doing this 34 years. The last few years, we have had EPA under this committee's jurisdiction. I have had very few people ever come to my office and tell us, or be concerned about this. In fact, I have told our staff, I am somewhat surprised that we do not hear from these entities back in the state on clean air.

My mentor, Senator Magnuson, used to say the squeaky wheel gets greased. I would recommend that you have some people come in and talk to us from time to time.

Mr. BECKER. Are you saying you do not hear from your own?

Mr. DICKS. I do not think I have ever had anybody come into my office, in 34 years, to talk to me about this.

Mr. BECKER. Really, because I know they have been sending letters. I do not know if they have——

Mr. DICKS. I am just saying.

Mr. BECKER. Okay.

Mr. DICKS. Mr. Simpson.

Mr. SIMPSON. Yeah, I agree.

Mr. DICKS. We hear a lot about clean water. We have an active group in the House that is doing support for rural water development, and you know, I just pass that along, for whatever it is worth.

Mr. BECKER. We will make sure that changes, but the only comment I would make in concluding is that——

Mr. DICKS. That does not mean it is not important. I think it is very important, but you know, everybody around here reacts to what they hear.

Mr. BECKER. And I fully——

Mr. DICKS. Especially from their constituents.

Mr. BECKER. And I fully understand that. I guess the point I would make is if you believe the health and welfare impacts that I have shared with you, and——

Mr. DICKS. I believe them.

Mr. BECKER. And EPA and others will attest to that, there are probably few, if any decisions you will be making in your responsibilities, with respect, that have such an impact on human health and welfare, that this program has, 40,000 people dying every year. Many of them are avoidable deaths, that with additional resources, will help significantly reduce that. And while it is a very important point you are making, that you need to hear more squeaking on the wheel, the fact remains that people's health and welfare are at stake here. It is inexcusable that EPA, that the Federal Government has not provided far more resources than they should. They are funding other programs, disproportionately in favor of those programs, perhaps because there is a squeaky wheel.

Our job is to identify the problems, and I suppose I have to round up some of the state and local officials. I know there have been a lot of letters. I do not know if there have been a lot of meetings, and that will have to change, obviously. But this is a very serious health threat.

Mr. DICKS. Mr. Simpson. Thank you very much. Appreciate your testimony.

Mr. BECKER. Okay. Thank you.

Mr. DICKS. We are adjourned to our next hearing.

The following statements were provided for the record by witnesses who did not present oral testimony at the public witness hearing:

House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies – Written Testimony Submission
March 26, 2009
Dr. Nathan Lewis
George L. Argyros Professor of Chemistry at the California Institute of Technology
On behalf of 21st Century NanoConsortium for Energy and the Environment (21NCEE)

I thank the Committee for the opportunity to submit this testimony on nanotechnology as it applies to energy and the environment. I am submitting this testimony on behalf of the 21st Century NanoConsortium for Energy and the Environment, a non-profit group of universities and private companies working together and dedicated to the promotion of nanotechonology as it applies to energy and the environment. Our group strives to ensure adequate government funding for education, basic and applied research, workforce development and job creation programs in nanoscience and nanotechnology that will ensure that the U.S. remains a global leader in this crucial field of exploration.

As the Environmental Protection Agency (EPA) has stated "there are unanswered questions about the potential risks of nanoscale materials to human health and the environment." The EPA has the obligation to ensure that potential risks are adequately researched, understood and controlled to protect human health and the environment. The same special properties that make nanoscale materials useful may also be properties that could cause some nanoscale materials to pose potential risks to humans and the environment, under specific conditions. It is for these reasons that the EPA has a crucial role to play in reviewing, funding and supporting nanotechnology both in the areas of research and deployment. The paucity of funding for environmental and safety issues related to nanotechnology is irresponsible at approximately $7 million dollars for FY07 and $9.6 million for FY08 out of a billion dollar initiative. In my opinion the magnitude of research and development that is needed to investigate the effect of engineered nanoscale materials on human health and ecosystems dictates at least a ten fold increase in this area of funding.

Nanomaterials are increasingly incorporated into a greater number of commercial products and opportunities for exposure, both to workers and the general public, are increasing dramatically. The spread of exposure requires a greater understanding of the effects of nanomaterials on people and the environment. The EPA will need a sound scientific basis for assessing and managing any unforeseen future impacts resulting from the introduction of nanoscale materials into the environment. A special nanomaterials database akin to ToxCast Phase III would be an appropriate investment for dealing with unforeseen future impacts. A challenge for environmental protection is to fully realize the societal benefits of nanotechnology while identifying and minimizing any adverse impacts to humans or ecosystems from exposure to nanoscale materials.

Despite the risks, nanotechnology also has tremendous potential to address the most pressing energy and environmental challenges facing our nation and the world.

Nanotechnology offers the game-changing solution for accelerating the advancement and commercialization of clean, efficient, and safe energy technologies. Nanotechnology offers advanced materials to make fuel from sunlight, novel techniques to generate electricity with no green house gas emissions, and functional devices to revolutionize energy efficiency, and at the same time, nanotechnology promises new jobs and an accelerated, multi-dimensional workforce for the Nation.

It is important to acknowledge both the potential and the challenges that developing nanotechnology pose. Unfounded fear of health and environmental issues could stifle or seriously damage a branch of science that the U.S. relies on now and will rely on extensively in the future. The EPA must understand the risks posed but balance those risks against the benefits and potential of nanoscience. The EPA must work with public and private entities to review and develop fact-based standards, quality testing and research programs, fund those research and testing programs and work

I thank the committee for the opportunity to submit this testimony.

House Committee on Appropriations Subcommittee on Interior, Environment, and related Agencies – Written Testimony Submission March 26, 2009

Testimony of Millard Jacob Myers
Executive Director
1854 Treaty Authority

The 1854 Treaty Authority is an inter-Tribal natural resource organization which implements the off-reservation hunting, fishing and gathering rights of the Grand Portage and Bois Forte Bands of the Lake Superior Chippewa in the area ceded to the United States in the Treaty of 1854. Our program is partially funded by a PL 93-638 contract with the Bureau of Indian Affairs. The 1854 Authority respectfully requests an increase of $ 270,000.00 to our existing base funding in order to meet the increased cost of fulfilling our court-ordered responsibilities.

For background purposes, the Grand Portage, Bois Forte and Fond du Lac Bands are signatories to the Treaty of September 30, 1854, 10 Stat. 1109. In that Treaty the Bands ceded approximately 5,000,000 acres in northeastern Minnesota, reserving the right to hunt, fish and gather in that territory. For most of the 20th Century, those off-reservation rights lay dormant and unrecognized and Tribal subsistence activities were relegated to lands within reservation boundaries.

In 1985 the Bands went to Federal court seeking a declaratory judgment that the 1854 Treaty did indeed reserve these off-reservation rights and that the State of Minnesota had no authority to regulate tribal hunting, fishing and gathering in the ceded territory. In the course of that litigation, the Bands and the State entered into negotiations concerning the exercise of treaty rights in the ceded territory. The negotiations resulted in an agreement which was approved by both the Minnesota Legislature and the Tribal governments. The agreement was then entered as a consent decree in the Federal litigation such that the obligations of the parties are enforceable in court.

One of the Bands' obligations under the agreement and court order was to create a means by which the Bands could effectively regulate Band member activities. After the Fond du Lac Band exercised its right to opt out with notice, the two remaining Bands formed the 1854 Treaty Authority. To this day, the 1854 Treaty Authority is the entity responsible for management of the Bands off-reservation hunting, fishing and gathering rights.

The 1854 Treaty Authority employs ten (10) full time employees, consisting of an Administrative Division (3), a Resource Management Division (4) and an Enforcement Division (3). Two of the Resource Management positions are grant (temporary) funded. The organization is overseen by a Board of Directors comprised of the elected Tribal Councils of the Grand Portage and Bois Forte Bands. The 1854 Treaty Authority also has a Judicial Services Division which retains a judge to hear matters arising under the Tribal code.

The 1854 Treaty Authority is a shining example of cooperation as we gather and share biological information with state, federal, local, and other tribal governmental units. The 1854 Treaty Authority is authorized through a Joint Powers Agreement with the State of Minnesota to enforce state natural resource laws over non-Tribal users and State Officers are authorized to enforce tribal law applicable to tribal users. The 1854 Treaty Authority has also conducted many

natural resource improvement and research projects with the above-mentioned government entities, as well as organizations from the private sector.

However, the 1854 Treaty Authority has struggled to maintain its full-time staff as we have not had an increase in base funding for our programs of any significance in many years, and in fact the base funding has decreased the last seven funding cycles. Simultaneously, cost of living expenses have been increasing at a regular rate, and some expenses have been increasing at an alarming rate (e.g. health and vehicle insurance, fuel, etc). Staff pay costs (wages plus benefits) combined with a decrease in base funding has compelled the Treaty Authority to absorb all the cost increases internally at the expense of other programs and services. However, in 2007 we were unable to do so and two vacated positions (one biologist and one enforcement) remain unfilled due to lack of funding. Of particular concern is the fact that our current enforcement staffing level (3 officers) is woefully inadequate to cover the 5 million acres of ceded territory. The funding would go towards filling the two (2) current vacancies and adding an additional officer.

I understand that this is not a unique situation as budgets are tight everywhere, but at the same time the Federal government has a trust responsibility to protect and preserve treaty rights. Those rights will be jeopardized if the 1854 Treaty Authority cannot fulfill its obligations as an effective manager of treaty resources. We strongly believe that we can continue to be an integral and positive component of natural resource management in northeastern Minnesota. As history shows in the short 20 years of our existence we have been able to establish the Bands rightful place among all stakeholders and provide services that stretch beyond tribal benefit. In short, the work we do benefits all users and citizens of this region.

Without an increase in base funding, the Treaty Authority will be forced to make further changes that will result in diminishment of services to the Band members and lose the Bands' ability to participate meaningfully in natural resource management and conservation in northeastern Minnesota.

Finally, I would like to close with a sincere thank you for the years of funding which have enabled the Tribes success in this area and respectfully reiterate the request of an additional $270,000.00 in base funding to continue our work in the natural resource realm which is a positive for everyone.

If there are any questions or issues of clarification, please do not hesitate to contact me.

Respectfully Submitted this 23rd Day of March, 2009.

Millard Jacob Myers

Millard Jacob Myers
Executive Director
1854 Treaty Authority

Written Testimony
Alice Ewen Walker, Executive Director,
Alliance for Community Trees
March 26, 2009

FY 2010 Budget
House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

Regarding the USDA Forest Service Budget

Executive Summary

The Alliance for Community Trees (ACT) is a national nonprofit alliance of 160 organizations from 40 states, dedicated to urban forest protection and care. Together Alliance for Community Trees affiliates have planted 14.9 million trees in cities with help from 4.3 million volunteers. Alliance for Community Trees urges the Subcommittee to:

1. **Appropriate $100 million for the Urban and Community Forestry Program.** There is tremendous resource pressure on urban forests, as invasive species, catastrophic storms, and land development impact quality of life in cities and towns. With over 83% of the population living in urbanized areas, urban natural resources play a critical role in the health of the American people and the livability and function of US cities.

   An expanded Urban and Community Forestry Program should include the following:
   - State agency technical and financial assistance to build local capacity and deliver core federal program ($50 million)
   - Volunteer coordination to engage the public in forest restoration, invasive pest monitoring and stewardship in 150 cities. ($10 million)
   - Assessment and monitoring of urban tree canopy in 150 cities ($12 million)
   - Functional Community Forest grants to demonstrate the strategic use of shade trees to respond to specific local needs such as energy demand reduction, stormwater mitigation, air quality compliance, revitalization of blighted property, or other targeted benefits. ($14 million)
   - Enhanced technology transfer and public information, coordinated across Forest Service regional units and research stations. ($2 million)
   - Focused investments made in 10-15 major cities to devise science-based tree canopy targets, set strategies to maximize ecological service benefits, and monitor environmental, economic, and social impacts of urban natural resources in cities. This project will complement Forest Service efforts in Urban Long Term Research Areas. ($12 million)

2. **Provide $8 million in combined research support for Forest Service research on urban ecosystems.** The Forest Service funds roughly $6.2 million in research on urban forests as part of the overall Research & Development budget. We recommend the agency increase its investment in research on urban natural resources issues to reach $24 million by the year 2012. In FY 2010, ACT recommends a budget of at least $8 million to research the function, value, and benefits of urban forests and to learn how urban forests can be managed to maximize environmental service benefits.

3. **Appropriate $140 million for the USDA Forest Service Forest Health Management Program.** We urge the Subcommittee on Interior, Environment, and Related Agencies to appropriate adequate funding for the USDA Forest Service to manage non-native insects and plant diseases that threaten America's forests. The USDA Forest Service plays a critical support role by providing both management expertise and critical research – in close coordination with APHIS Plant Protection and Quarantine and through cooperative funding agreements with state forestry, state departments of agriculture and state Land Grant Universities.

March 26, 2009

Dear Mr. Chairman and Members of the Subcommittee:

The Alliance for Community Trees is a national coalition of 160 non-profit organizations and local government forestry programs from 40 states, dedicated to urban forest protection and care. Across the country, our member organizations work with the public to plant and care for community trees and to cultivate awareness of the essential value of trees for healthy and livable cities. Alliance for Community Trees members have engaged 4.3 million volunteers to plant 14.9 million trees in cities nationwide.

We value the leadership, technical resources and financial assistance that the USDA-Forest Service provides through its Urban and Community Forestry Program. Working in partnership with state agencies, grassroots community organizations and local governments, the U&CF Program has leveraged $3 for every $1 of federal support provided.

Urban forests are extremely important to the health of our people and the future of US cities. With leadership from the Forest Service, urban forests can be better managed and utilized to address the following concerns:

- **Public Health:** Access to trees, green spaces, and parks promotes greater physical activity, reduces stress, and reduces asthma risks.
- **Climate:** Trees cool ambient temperatures in cities, reducing emissions. Urban trees sequester 22.8 million tons of carbon per year – a service worth $3.8 billion annually.
- **Energy:** Tree windbreaks reduce residential heating costs 10-15%, while shading and evaporative cooling from trees can cut residential cooling costs 20-50%.
- **Water:** Urban forests are efficient stormwater management systems that can help cities reduce infrastructure and water treatment costs.

- **Air:** Trees produce oxygen, intercept airborne particulates, and reduce smog.
- **Regulatory Compliance:** Increasing tree cover by 10% in New York City would meet over 1/3 of the city's federal air quality compliance needs for ground level ozone.
- **Risk Management:** Professional urban forest management contains threats in the "urban interface"—such as invasive species, exotic pests, and fire—that pose a risk to forestlands.

The Forest Service is the premier forest research institution in the world. The agency is the key provider of research about the structure, function, and value of urban forests. In turn, the Forest Service's Urban and Community Forestry Program is the primary conduit for applying this research knowledge at the field level. In recent years, the Forest Service has improved integration and cooperation between S&PF and R&D to produce tangible results for urban forest management. For instance, the agency produced I-TREE and STRATUM, software programs that use research algorithms to analyze the functional benefits that trees provide to a city.

The Forest Service's Role in Invasive Species Response

We urge the Subcommittee on Interior, Environment, and Related Agencies to appropriate adequate funding for the USDA Forest Service to manage non-native insects and plant diseases that threaten America's forests. We recommend an FY2010 appropriation of $140 million for the USDA Forest Service Forest Health Management Program. This level is about $17 million above the current level of funding. In addition, we ask that you provide an increase of $3 million above the FY08 appropriations level for the "Invasives R&D" line item within the Forest Service Research program.

Our proposed funding levels would maintain at approximately current levels research aimed at improving detection and control methods for the emerald ash borer, hemlock woolly adelgid, sudden oak death (also called the phytophthora leaf and stem blight pathogen), gypsy moth, and other non-native forest pests and diseases. Funding at our recommended level would also allow expanded research on the *Sirex* woodwasp, which poses a serious threat to pine resources across the continent.

Our proposed significant increase in funding for the Forest Health Protection program is intended to allow expanding that program so that it may address several newly detected pests (such as the "1000-canker" disease killing black walnuts and the goldspotted oak borer in southern California) while simultaneously increasing efforts targeting the Asian longhorned beetle and maintaining programs that help contain the sudden oak death pathogen, emerald ash borer, hemlock woolly adelgid, *Sirex* woodwasp, laurel wilt disease, gypsy moth, wiliwili gall wasp, and ohia rust.

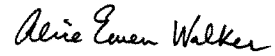
The agency bearing the principal responsibility for eradicating newly introduced forest pests is not the USDA Forest Service, but rather the USDA Animal and Plant Health Inspection Service (APHIS), an agency under the jurisdiction of the Agriculture Appropriations subcommittee. The USDA Forest Service plays a critical support role by providing both management expertise and critical research – in close coordination with APHIS Plant Protection and Quarantine and through cooperative funding agreements with state forestry, state

departments of agriculture and state Land Grant Universities.

Nevertheless, the Subcommittee cannot achieve its goal of protecting the Nation's forests' health as long as funding shortfalls undermine USDA APHIS eradication programs. We encourage the Subcommittee to work with the Agriculture Appropriations Subcommittee to find ways to increase funding for forest pest line items in the USDA APHIS Emerging Plant Pest account.

Thank you for your leadership and consideration of this matter.

Sincerely,



Alice Ewen Walker
Executive Director
Alliance for Community Trees
www.actrees.org

4603 Calvert Rd, College Park, MD 20740 (Tel. 301-277-0040)

Testimony by Ford W. Bell, DVM,
President of the American Association of Museums
To the House Appropriations Subcommittee on Interior, Environment, and Related Agencies
March 26, 2009

The American Association of Museums appreciates the opportunity to submit testimony in support of several programs funded by the Subcommittee on Interior, Environment, and Related Agencies.

The American Association of Museums represents the full range of our nation's museums – including aquariums, arboretums, archaeological museums, art museums, botanical gardens, children's museums, culturally specific museums, historic sites, history museums, maritime museums, military museums, natural history museums, nature centers, planetariums, presidential libraries, science and technology centers, zoological parks, and other specialty museums – along with professional staff and volunteers who work for and with museums.

AAM currently represents approximately 17,000 individual museum professionals and volunteers, 3,000 institutions, and 300 corporate partners to museums. Our membership is as diverse as the collections contained in the museums we represent. As a result of the diversity of our field, funding for museums can be found among several federal agencies.

The demand for museum services is greater than ever. At a time when many families cannot afford to travel and school resources are strained, museums are working overtime to fill the gaps – bringing art and cultural heritage, dynamic exhibitions and living specimens into local communities, providing more than 18 million instructional hours to schoolchildren and offering free or reduced admission. In fact, 35% of museums are always free to the public. More than 97% offer free or reduced admission days, and the average museum admission cost is only $6.

Yet, like so many other non-profits, museums are struggling significantly in these difficult economic times. They are being forced to cut back on hours, educational programming, community services and jobs. And according to the 2005 *Heritage Health Index*, at least 190 million artifacts are at risk, suffering from light damage and harmful and insecure storage conditions. Grant funding from the National Endowment for the Humanities and National Endowment for the Arts helps to ensure that museums and their collections can continue to play a vital role in the preservation and interpretation of cultural and natural heritage.

The American Association of Museums joins the National Humanities Alliance in supporting FY10 funding of $230 million for the National Endowment for the Humanities (NEH) to help address significant, unmet needs throughout NEH core programs, help offset severe economic pressures on the academic workforce and humanities institutions and enable NEH to introduce or expand support for global perspectives, innovative use of digital technologies and graduate education and research, among other priorities.

The NEH is the largest single funder of humanities programs in the United States. Grants typically go to cultural institutions such as museums, archives, libraries, colleges, universities, state humanities councils, public television and radio stations, film producers, and to individual scholars. NEH extends its reach through annual grants to state humanities councils, located in every state and U.S. territory.

The Mountain Home Historical Museum in Idaho, for example, employs two staff and collects and maintains agricultural, mining, and ranching artifacts as well as maps and county records that document the history of Idaho and the West. The Mountain Home Historical Museum recently received an NEH grant to support its ongoing educational and preservation efforts.

The American Association of Museums also requests $200 million for the National Endowment for the Arts (NEA) to ensure the continued creation, preservation and presentation of the arts and culture in America. NEA grants – which fund museums, music, dance, musical theater, opera, literature, visual arts and local arts agencies – help strengthen arts infrastructures and ensure broader public access to the arts. Among the agency's proudest accomplishments is the growth of arts activity in areas of the nation that were previously underserved or not served at all.

The Seattle Art Museum, for example, recently received an NEA grant to support the touring exhibition *S'abadeb (The Gifts): Coast Salish Art and Artists*, complete with accompanying educational programs and materials. The exhibition includes 150 works of art and artifacts, cultural treasures, and everyday objects dating from 550 BC to the present day, representing the culture of the Northwest coast native Salish peoples.

AAM supports funding for Historic Preservation programs at the National Park Service (NPS) – including Save America's Treasures and the State Historic Preservation Offices – to help conserve America's cultural and natural heritage assets. These programs ensure the preservation of historic structures, collections, works of art, and threatened cultural treasures for future generations.

Finally, **AAM supports funding for the National Native American Graves Protection and Repatriation Act (NAGPRA) Office** within the National Park Service. NAGPRA grants help museums and Federal agencies work together to return certain Native American cultural items – human remains, funerary objects, sacred objects, and objects of cultural patrimony – to lineal descendants, culturally affiliated Indian tribes, and Native Hawaiian organizations. The NAGPRA process has been helpful in building bridges of trust, fostering new relationships, and enriching cultural understanding.

We appreciate this opportunity to express our support of these important programs that benefit the nation's museums and the public they serve.

AMERICAN ASSOCIATION OF PETROLEUM GEOLOGISTS
Geoscience & Energy Office – Washington, D.C.

Written testimony submitted to:
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
in support of U.S. Geological Survey programs

by

Scott W. Tinker, Ph.D., President
American Association of Petroleum Geologists

To the Chair and Members of the Subcommittee:

Thank you for this opportunity to provide testimony on behalf of the American Association of Petroleum Geologists (AAPG) about the importance of the geological programs conducted by the U.S. Geological Survey (USGS).

AAPG is the world's largest scientific and professional geological association. The purpose of the association is to advance the science of geology, foster scientific research, and promote technology. AAPG has over 32,000 members around the world, with roughly two-thirds living and working in the United States. These are the professional geoscientists in industry, government, and academia who practice, regulate, and teach the science and process of finding and producing energy resources from the Earth.

AAPG strives to increase public awareness of the crucial role that the geosciences, and particularly petroleum geology, play in our society. The USGS is crucial to meeting these societal needs, and several of its programs deserve special attention by the Subcommittee.

Geologic Resource Assessments

Energy Resources Program

The USGS Energy Resources Program (ERP) conducts both basic and applied geoscience research focused on geologic energy resources (both domestic and international), including oil, natural gas, coal, coalbed methane, gas hydrates, geothermal, oil shale, and bitumen and heavy oil. ERP also conducts research on the environmental, economic, and human health impacts of the production and use of these resources. This research provides both the public and private sectors with vital information.

An urgent problem that the ERP is currently working on is the **preservation of geological and geophysical data**. The Energy Policy Act of 2005 (EPACT 2005, P.L. 109-58) includes Sect. 351 Preservation of Geological and Geophysical Data. This program is designed to preserve geological, geophysical data, and engineering data, maps, well logs, and samples. It further envisages creating a national catalog of this archival material, and providing technical and

financial assistance related to the archival material. As the Act stipulated, the USGS has developed a plan to conduct this program, and is ready to go. It awaits sufficient appropriated funds to achieve the goals and objectives set forth in EPACT 2005.

Why is preservation important? Responsible management and efficient development of natural resources requires access to the best available scientific information. Over many years industry, such as petroleum and mining companies, has invested billions of dollars to acquire geological and geophysical data. Because of changing company focus and economic conditions this data may no longer have value to the company that acquired it, and is in jeopardy of being discarded.

But this data still has value to society. The data is valuable for further natural resources exploration and development, and can be applied to basic and applied earth systems research, environmental remediation, and natural-hazard mitigation. It is the type of data that will enable future generations of scientists and policy makers to address the nation's energy, environmental, and natural-hazard challenges of the 21st century.

The EPACT 2005 Sect. 351 program was authorized at $30 million annually from FY2006 through FY2010. Historical allocations for this program have ranged from $750,000 to $1,000,000 per year. These funding levels are inadequate to achieve this program's objectives.

AAPG urges the Subcommittee to fund existing Energy Resources Program activities at a minimum level of $27 million, and to additionally appropriate $30 million authorized by EPACT 2005 for the preservation of geological and geophysical data, bringing the total Energy Resource Program budget to at least $57 million.

Mineral Resources Program
The USGS Mineral Resources Program (MRP) is the only federal source for comprehensive information and analysis of mineral commodities and mineral materials. The United States is the world's largest consumer of mineral commodities, and processed materials of mineral origin accounted for over $575 billion of the U.S. economy in 2007.

It is therefore essential to this nation's economic and national security that the federal government understands both the domestic and international supply and demand for minerals and mineral materials. This data is used throughout government (Departments of Commerce, Interior, Defense, and State; the Central Intelligence Agency; the Federal Reserve) and the private sector. There is no other source for this data and information.

AAPG urges the Subcommittee to maintain the strength of this program and appropriate funds for the Mineral Resources Program at a level of at least $54 million.

Geologic Landscape & Coastal Assessments
National Cooperative Geologic Mapping Program
AAPG supports the National Cooperative Geologic Mapping Program (NCGMP). This unique partnership between the federal and State governments and the university community further demonstrates of the importance of geoscience to society. The geologic maps produced by this

program are used for natural resource management, natural hazard mitigation, water resource management, environmental conservation and remediation, and land-use planning.

NCGMP deserves special commendation for its EDMAP initiative. This university partnership enables students, working in a close mentoring relationship with faculty, to produce maps while learning essential mapping skills. As such, the program delivers an immediate return on the federal investment in terms of beneficial maps, as well as a future return in the form of a trained and competent next generation workforce.

AAPG urges the Subcommittee to maintain stable funding for the National Cooperative Geologic Mapping Program in FY2010, and to consider further increases to this program.

Thank you for the opportunity to present this testimony to the Subcommittee. And thank you for your leadership and support for the geosciences. As you deliberate appropriate funding levels for these USGS programs, please consider the important public policy implications these choices entail.

If you would like additional information for the record, please contact me at AAPG's Geoscience and Energy Office – Washington, D.C. at 202-684-8225, fax 703-379-7563, or 4220 King Street, Alexandria, VA 22302.

Written Testimony Submitted by
Linda Rowan, Director of Government Affairs
American Geological Institute
to the United States House of Representatives
Subcommittee on Interior, Environment and Related Agencies Appropriations
March 26, 2009

Thank you for this opportunity to provide the American Geological Institute's perspective on fiscal year (FY) 2010 appropriations for geoscience programs within the Subcommittee's jurisdiction. We ask the Subcommittee to support fiscally responsible increases to sustain the critical work of the United States Geological Survey (USGS), the National Park Service, the Environmental Protection Agency (EPA) and the Smithsonian Institution. **Specifically we ask for a total USGS budget of $1.3 billion and we support increased investment in EPA for a total budget of $10.5 billion.**

Our nation is at a critical crossroad where we must deal with the intersection of acute needs, such as energy resources, climate change, water resources, mineral resources, soil resources and vital ecosystems, at a time when our national economy has stalled. To jumpstart the economy and the workforce, we need to sustain and efficiently use our natural resources and cost-effectively improve our quality of life and quality of the environment, while reducing risks from natural hazards. The USGS is the nation's premiere and only natural resource science agency that can provide the objective data, observations, analysis, assessments and scientific solutions to our intersecting acute needs. With a modest increase of almost $300 million over the FY2009 budget of $1.044 billion, the USGS can sustain and accelerate core programs that have been underfunded in the past. Such a request is robustly supported by the 70 organizations of the USGS Coalition as well as many other stakeholders. AGI is a charter member of the USGS Coalition.

The EPA is also at the center of our intersecting acute resource needs. The agency was established to protect the environment, repair damage already done and establish criteria for a cleaner future environment. It also conducts research, assessments and analysis. After many years of declining budgets that limited EPA's ability to serve the nation, the President has proposed a much needed increase, for a total budget of $10.5 billion in FY2010, which AGI and many other stakeholders support.

AGI also asks for small, but steady increases for research at the Smithsonian Institution and for the Geologic Resources Division of the National Park Service. Both conduct research, assessments and analysis of natural resources that are important for addressing national needs, while stimulating the economy and maintaining a skilled workforce.

AGI is a nonprofit federation of 45 geoscientific and professional associations that represent more than 120,000 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.

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. Furthermore, 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, global environmental change, water resources, waste disposal, and energy and mineral resources. AGI prepared a 2008 document entitled *Critical Needs for the Twenty First Century: The Role of the Geosciences* that lists seven critical needs followed by policy actions to help the nation meet these needs (available online at www.agiweb.org/gap/trans08.html). With a burgeoning human population, rising demand for natural resources and a changing climate, it is critical to more fully integrate Earth observations and Earth system understanding into actions for a sustainable world. The USGS will play a prominent role in meeting national needs, while growing the economy and an educated workforce.

The USGS should receive increased investments like the proposed increases in the America COMPETES Act of 2007 for the National Science Foundation and the Office of Science within the Department of Energy. The USGS performs complementary research, analysis and education and should be part of competitiveness initiatives to advance innovations in energy, climate change, water resources, mineral resources and hazards mitigation. Such innovations are the foundation of a strong economy and ensure American competitiveness in science and technology.

Again, AGI strongly supports a modest increased investment of almost $300 million in FY10 for a total budget for the USGS of $1.3 billion for the general reasons stated above. Below are highlights of some specific programs that would particularly benefit from additional funding and that have been recently considered by Congress for re-authorization, new initiatives or restructuring.

Mineral Resources Program. The value of domestically processed nonfuel mineral resources is estimated to be about $542 billion in 2006 and growing. 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. In the past, the administration has proposed significant cuts that would have resulted in the loss of about 200 of 380 current full time positions and would eliminate or reduce global mineral resource assessments of mineral commodities, research on industrial minerals, research on inorganic toxins, materials flow analyses, and the Minerals Resources External Research program. The essence of the program would be jeopardized at a time when mineral products account for a rapidly growing and valuable commodity of the U.S. economy.

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 restore the Mineral Resources Program to its FY 2005 level of $54 million so that it may perform its core missions effectively and efficiently.**

National Cooperative Geologic Mapping Program. AGI is encouraged by the re-authorization of the National Cooperative Geologic Mapping Program in the Public Lands Omnibus (H.R. 146) that Congress just passed and we thank Congress for its support now and in the past for this program. 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. The program was authorized (P.L. 106-148) to grow from a starting level of $28 million in FY 1999 to $64 million in FY 2005, but did not receive even 10 % of the authorized annual funding in any given year. **AGI strongly supports the approved re-authorization of the National Cooperative Geologic Mapping Program at $64 million per year over the next 5 years.**

Natural Hazards. A key role for the USGS is providing the research, monitoring, and assessments that are critically needed to better prepare for and respond to natural hazards. The tragic earthquake/tsunami in the Indian Ocean, Hurricanes Katrina and Rita striking the Gulf Coast and the massive earthquakes in Pakistan and Wenchuan, remind us of the need for preparation, education, mitigation and rapid response to natural hazards. A 2006 National Academies report, *Improved Seismic Monitoring,* estimates that increased seismic monitoring leads to increased future savings from the damaging effects of potential earthquakes. With great forethought, the Earthquake Hazards Reduction Authorization Act of 2000 (P.L. 106-503) called for a significant federal investment in expansion and 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. ANSS has been allocated about 10% of its authorized funding level per year, which is not nearly enough to deploy the 7,000 instruments called for in the law.

The National Earthquake Hazards Reduction Program (NEHRP) was reauthorized in 2004 (P.L. 108-360) and will be considered for re-authorization in 2009. We would like to commend the Subcommittee for your leadership in securing previous increases for ANSS and ask for the funding level authorized in FY 2009 for FY 2010. **AGI supports an investment of $88.9 million for the USGS component of NEHRP in FY 2010 with not less than $36 million of these funds for the continued development of ANSS.**

Water Programs. AGI applauds the significant investments in water resources, watershed and wetlands management and wastewater projects in the American Recovery and Reinvestment Act of 2009 for various programs within the Department of the Interior and the EPA. The USGS is the nation's premiere water science agency and is a vital component of these investments. **Going forward for FY 2010, AGI supports modest increases to sustain many critical water programs at the USGS including the National Streamflow Information, the Ground Water Resources, the National Water Quality Assessment (NAWQA), the Hydrologic Research and Development, the State Water Resources Research Institutes, Toxic Substances Hydrology, Hydrologic Networks and Cooperative Water Program.**

Environmental Protection Agency
As mentioned above, AGI applauds the investments in water resources in the American Recovery and Reinvestment Act of 2009, the FY2009 appropriations and in the President's FY2010 budget request. EPA needs these investments to carry out its mission of monitoring water quality, assuring safe drinking water, cleaning up contaminated waters, protecting and maintaining water infrastructure, monitoring and protecting watersheds, cleaning up superfund and brownfield sites and conducting related research in these areas. **AGI supports the President's FY 2010 budget request of $10.5 billion for EPA.**

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 build up Smithsonian research with steady increases that are a tiny fraction of the overall budget, but would dramatically improve the facilities and their benefit to the country. **We support increased funding for Smithsonian research in FY 2010.**

National Park Service
The national parks are very important to the geoscience community 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 would like to see additional support for geological staff positions to 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 me at 703-379-2480, ext. 228 voice, 703-379-7563 fax, rowan@agiweb.org, or 4220 King Street, Alexandria VA 22302-1502.

TESTIMONY OF GREGORY A. MILLER, AMERICAN HIKING SOCIETY
HOUSE COMMITTEE ON APPROPRIATIONS,
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
PUBLIC WITNESS HEARING, MARCH 26, 2009

American Hiking Society Fiscal Year 2010 Trail and Recreation Funding Recommendations:

Agency	Program/Funding
USDA, Forest Service	• Recreation Management, Heritage and Wilderness: minimum of $377.1 million *($84.1 million for travel management and $30 million for Wilderness and Wild & Scenic Rivers*) • Capital Improvement and Maintenance - Trails: minimum of $136 million, including $12.436 million for National Scenic/Historic Trails • Legacy Roads and Trails Remediation Program: $100 million
National Park Service	• Support President Obama proposed funding for National Park O&M • Rivers, Trails and Conservation Assistance program: $12 million • National Trails System (NTS): $19.705 million (*Operations: $15 million; NTS Construction: $1 million; NTS Feasibility Studies and Planning: $1.5 million; NTS GIS: $1.255 million; NTS Challenge Cost Share: $1.5 million*)
Bureau of Land Management	• National Landscape Conservation System: $75 million • National Trails System, Operations: $7.728 million; NTS Construction: $650,000; NTS Challenge Cost Share: $500,000 • Recreation Management: $70 million, including Travel and Transportation Management: $15 million; Field Staff for Trail Maintenance: $5 million; Public Outreach, Information Management, and Education: $1 million
US Fish & Wildlife Service	• National Wildlife Refuge System: $514 million
DOI & USDA Jointly	• Land and Water Conservation Fund: $450 million • *Stateside LWCF (NPS): $125 million* • *Federal LWCF: $325 million, including National Scenic and Historic Trails as follows: Appalachian NST: $15.020 million (FS), $1.375 million (NPS); Continental Divide NST: $150,000 (BLM); Ice Age NST: $4.75 million (NPS); Florida NST: $6.357 million (FS); North Country NST: $2 million (NPS); Overmountain Victory NHT: $1.5 million (NPS); Pacific Crest NST: $10.750 million ($250,000 Acquisition Management) (FS)*

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to offer budget recommendations for federal land management agencies and programs that are critical to hikers and the hiking experience. We applaud the Subcommittee for the increases contained in the FY 2009 Omnibus Appropriations bill for these agencies and greatly appreciate the Subcommittee's past support for trails and recreation. I am Gregory Miller, President of American Hiking Society, the only national nonprofit organization that promotes and protects foot trails and the hiking experience. We represent thousands of individual members, more than 285 member organizations, and speak for the 75 million Americans who hike. Our nation's trails provide unparalleled opportunities for hiking, enjoyment and appreciation of natural and cultural resources, healthy physical activities, and economic development for local communities.

Federal policy and programs that encourage partnerships, healthy lifestyles, and promote volunteerism to protect and maintain our public lands warrant increased funding for trail and recreation programs across federal land management agencies. Volunteer contributions are also essential to trail and recreation programs, and American Hiking members and partners contribute hundreds of thousands of hours each year, worth millions in labor, to help maintain our nation's trails. However, federal investment for trails, recreation, and land conservation has lagged resulting in high maintenance backlogs, deteriorating infrastructure, loss of open space, and negative impacts to resources. We urge you to help rectify these conditions by considering the following budget recommendations:

USDA Forest Service, Recreation Management, Heritage and Wilderness: ***minimum of $377.1 million.*** Recreation, Heritage and Wilderness programs comprise the greatest use of National Forest System lands, and yet these programs are chronically under-funded and understaffed. An allocation of $377.1 million for these programs will enable the Forest Service to better care for resources and facilities as well as augment on-the-ground staff and improve recreation resource analyses and planning. Additionally, this funding level will assist in leveraging partnerships and passionate volunteers from the human-powered community, who collectively devote thousands of hours to conservation and stewardship projects throughout the National Forest System. American Hiking is a member of the Partnership for the National Trails System (PNTS) and endorses the specific funding requests for the individual national scenic and historic trails submitted by the PNTS totaling $12.436 million for planning, construction, operations and maintenance.

USDA/FS, Travel Management Rule: ***minimum of $84.1 million.*** The Forest Service faces unprecedented challenges – wildland fires of historic magnitude, climate change impacts that threaten plant and animal species, watersheds and entire ecosystems, and a national energy crisis. The lynchpin to managing these extraordinary threats is appropriate management of the system of Forest Service roads. In 2005, the Forest Service promulgated the Travel Management Rule, a process of planning and managing dispersed outdoor recreation. The deadline for the completion of motorized road and trail designations for all Forest Service administered lands has been extended to December 2010. Once the designations are completed, funds will be required to implement the designations and manage visitor access on an on-going basis – both to ensure adequate environmental protection and quality recreational experiences. Additionally, as travel management plans reach completion in 2010, the trails program will require increased funds for proper implementation.

The annual estimated cost of implementing travel and management plans under the Recreation Program is $75.7 million for map publications and visitor education. An additional $8.4 million in FY 2010 is needed to support travel planning in the approximately seven forest units that anticipate delayed completion beyond the deadline. Off-road vehicle (ORV) use will take place on motorized trails that require appropriate signage, trailhead and trail maintenance and restoration of resource damage associated with ORV use.

USDA/FS, Wilderness and Wild & Scenic Rivers: ***minimum of $30 million.*** This program represents a significant collection of protected and connected landscapes that play an important role in forests' ability to adapt to and overcome the effects of climate change. Additionally, wilderness areas make up 20 percent of National Forest lands and offer unparalleled hiking experiences. These landscapes must be managed to preserve their natural and cultural values. As identified in the 10-Year Wilderness Stewardship Challenge, the

Forest Service will need at least a $30 million increase in funding level to bring program areas up to standards.

USDA/FS, Capitol Improvements & Maintenance: ***minimum of $136.4 million.*** Our National Forests serve over 50 million visitors each year who participate in a variety of recreational pursuits across 140,000 miles of trails. Only 38 percent of these trails are currently maintained to standard, and maintenance backlogs have reached $237 million as of FY 2007. We suggest that a $136.4 million appropriation is vital to the restoration and maintenance of these thousands of trail miles--including national scenic and historic trails—and will reduce the deferred maintenance backlog, improve trail infrastructure, prevent and mitigate resource impacts, and provide safe, high-quality recreational experiences for millions of Americans.

USDA/FS, Legacy Roads & Trails Remediation: ***minimum of $100 million.*** Hikers witness first-hand the impacts of inadequate funding for Forest Service roads and trails. As these assets crumble away, they threaten access to public lands and recreational sites and degrade water quality and fish habitat. It is time to decommission roads that are unauthorized or are causing adverse ecosystem impacts, and instead provide appropriate maintenance for roads that provide critical access to public lands. The active outdoor community enthusiastically supports continued growth of this critically important program.

National Park Service: American Hiking supports President Obama's preliminary budget proposal which increases FY 2010 funding by $100 million for the operations and maintenance of our national parks, as well as the additional $25 million to leverage private donations for park projects.

NPS, Rivers, Trails, and Conservation Assistance program (RTCA): ***minimum of $12 million.*** Our National Park Service continues to serve as the world's living model for how a nation preserves and manages their most treasured natural, cultural and recreational treasures. The NPS model however transcends park boundaries, and through the Rivers, Trails and Conservation Assistance (RTCA) Program, communities and citizens across our nation are provided the very same training and tools employed by Park staff every day to protect and promote America's crown jewels. Implementing the natural resource conservation and outdoor recreation mission of the NPS, RTCA provides assistance to develop locally-led conservation and outdoor recreation projects across the country - in 2008 alone, RTCA helped to protect 1,656 miles of local rivers, create 3,208 miles of land trails, and preserve 45,485 acres of parks and open space - contributing to improved quality of life and close-to-home recreation. Leveraging federal funding by generating investment and human capital on a local level to support their projects, RTCA is a cost-effective way for the NPS to reach out to communities, fostering a healthy, active and engaged citizenry.

RTCA is a highly successful program, but its funding has remained relatively flat during the last decade and lagged well behind the rate of inflation, resulting in significant cuts to staff and reduced participation in on-the-ground projects. Current demand greatly exceeds the program's capacity. The FY 2009 budget decreased program funding by $500,000 which is a devastating hit to this small, yet extremely worthy, results-oriented NPS program. American Hiking urges consideration of $12 million to remedy the program's continued erosion, compensate for losses due to inflation, and enable the program to respond to growing needs and opportunities in communities and with national parks throughout the country.

NPS, National Trails System Construction & Operations: ***minimum of $19.705 million.*** For most of the twenty national scenic and historic trails administered by the NPS, barely one-half of their congressionally authorized length and resources are protected and available for public use. At least $19.705

million for construction and operations is needed in FY 2010 for resource protection, trail maintenance, interpretation, and volunteer coordination and support. We endorse the individual requests for national scenic and historic trails submitted by the PNTS for administration and construction for the NPS-administered trails.

Bureau of Land Management, National Landscape Conservation System: ***minimum of $75 million.*** Comprising only 10 percent of BLM's total holdings, the NLCS's recreational visitation accounts for more than one-third of the BLM's total recreational use and more than one-half of its total recreational fee collections. The NLCS plays a significant economic role by driving the purchases of services and equipment that account for the outdoor recreation industry's significant economic contribution. American Hiking supports a $75 million appropriation which would significantly help offset increasing maintenance and visitor use costs including reducing vandalism of cultural and recreational resources through hiring of law enforcement staff, implementation of Transportation Management Plans to support human-powered recreation programs, and assistance with coordination and management of volunteers and stewards who dedicated thousands of hours each year to NLCS units.

BLM, National Trails System. We urge Congress to create budget Subactivities for all the specially-designated places the NLCS contains – including National Scenic and Historic Trails, without which BLM will be unable to plan, execute, or report on *any* activities in respect to these national treasures. We endorse the specific funding levels for national scenic and historic trails submitted by the PNTS.

US Fish & Wildlife Service, National Wildlife Refuge System: ***$514 million.*** The National Wildlife Refuge System (NWRS) is perhaps the most underserved of the federal landscapes with the highest critical habitat and species values in our nation. Additionally, it offers approximately 2,500 miles of land and water trails for nearly 40 million visitors annually. Threats to the NWRS are daunting and mounting - operations and maintenance backlogs total more than $3.5 billion, approximately 200 refuges do not have adequate staffing, and recent announcement of a massive downsizing with more than 10 percent of a planned 20 percent loss in staff already eliminated. Without significant assistance in FY 2010, the NWRS will not be able to keep from cutting public use programs and failing to preserve and manage for healthy habitats. American Hiking Society suggests an allocation of $514 million in FY 2010 for the NWRS.

Land and Water Conservation Fund: ***$125 million Stateside; $325 million Federal.***
In it's 44-year history, the Land and Water Conservation Fund (LWCF) has provided for and continues to protect close-to-home recreation opportunities across America – more than 40,000 local and state park, recreation, and conservation projects have been completed in virtually every county across the US. Although authorized at $900 million annually, recent funding levels have fallen far short and jeopardize the ability to address changing demographics and community recreation infrastructure needs, save federal dollars by acquiring critical inholdings from willing sellers, and combat climate change threats through landscape connectivity and adaptive management strategies. American Hiking supports increased funding for LWCF up to the $900 million congressionally authorized level over the next four years; in FY 2010, $325 million for federal acquisitions and $125 million for state acquisitions.

Eryl P. Wentworth, Director, American Institute for Conservation of Historic & Artistic Works
Lawrence L. Reger, President, Heritage Preservation

Statement of

American Institute for Conservation of Historic and Artistic Works and

Heritage Preservation, Inc.

to the

Subcommittee on Interior and Related Agencies

Committee on Appropriations

U.S. House of Representatives

26 March 2009

Heritage Preservation and the American Institute for Conservation of Historic and Artistic Works request that the Congress provide $22 million for the National Endowment for the Humanities (NEH) Division of Preservation and Access for Fiscal Year 2010. This represents an increase of of $6 million over Fiscal Year 2009. Of this increase, we urge that $4 million be allocated to grants that allow museums, libraries, and archives to improve the environments in which humanities collections are housed. The remaining funds will permit the Division of Preservation and Access to continue funding all of its current programs at a modestly increased level of support.

The need for improving collections' environments was amply demonstrated by the Heritage Health Index (HHI), the first comprehensive survey of the condition and preservation needs of our nation's collections. The collections that embody the richness and diversity of our heritage are cared for by more than 30,000 archives, historical societies, libraries, museums, scientific research collections, and archaeological repositories (collecting institutions) in the United States. The survey results (at www.heritagehealthindex.org) found that 820 million objects in collecting institutions are at risk. Among the survey's findings:

- 65% of our nation's collecting institutions have experienced damage to collections due to improper storage.
- 59% of institutions have the majority of their collections stored in areas too small to accommodate them safely and appropriately.
- 53% of collecting institutions have had their collections damaged by moisture.

- 59% of collecting institutions have had their collections damaged by light.

The steps that must be taken to save the nation's collections from these dangers are clear. Museums, libraries, and other collecting institutions need to install modern climate control systems that will prevent damage to precious photographs and documents caused by excessive light and humidity. Security and fire suppression systems must be updated. Old cardboard boxes that leach acids into their contents must be replaced with stable containers. Compact shelving will protect fragile books and artifacts from damage and take up less space. Very importantly, all of these efforts will not only preserve collections but they also save energy and make the collections more accessible.

The NEH Division of Preservation and Access supported grants to improve collections environments for nineteen years. Between Fiscal Years 2004 and 2008 an average of $3.88 million was provided annually for this critical need. In Fiscal Year 2008 $3,981,917 was awarded. In 2008 NEH canceled for Fiscal Year 2009 the program that supported these projects. Since no rationale for the cancellation was announced, it appears to have been a victim of shifting priorities and tight budgets.

Our nation is facing a crisis of deteriorating infrastructure. Pipes, bridges, highways and school buildings are just a few of the essential structures that need rapid repairs if they are to survive. Collections are the infrastructure of our history and culture, and they, too, require improvements to their fundamental care. While technology is offering ever more promising avenues for digital access to collections, the original materials that tell our nation's story must be cared for if they are to survive.

In recent years, collections throughout the country have received grants from the NEH Division of Preservation and Access that will help ensure that the collections that tell the story of our nation survive for future generations. Some recently funded projects are:

Maine Maritime Museum, Bath, ME **$197,582**

- The ships in this museum tell the story of Maine's rich seafaring history, from watercraft and lobstering to shipbuilding and sea trade. 117 of the Museum's boats have not been available for viewing by general visitors, school children, and researchers and have been stored in sheds that did not adequately protect them from the elements. With funding from NEH, four old storage areas are being renovated to 'visible storage' that both protects the ships and

allows visitors to see them. Renovations include improved lighting and flooring; new stairways to upper storage levels; repair of drainage problems; and a new configuration of the collection with an eye to creating better human access, as well as the ability to readily shift boats both within and out of the storage areas to more formal gallery exhibits when needed.

Naperville Heritage Society, Naperville, IL **$590,588**

This local historical society tells the story of daily life in Naperville, mirroring changes in our nation as a whole, as it evolved from a simple frontier outpost, to the world's largest upholstered furniture manufacturer, to a leader in research and technology, becoming the fourth largest city in Illinois. The museum's collections have been stored in 13 overcrowded and inaccessible locations. NEH support is providing preservation safe storage equipment for the collections, which are being moved to a 23,000 sq. ft. storage facility within the city's new Public Works Service Center. The collections, once buried away, will allow the Society to provide, among other things:

- hands-on educational experiences for K – 12 students to explore the region's history;
- enhanced learning experience to general visitors;
- teacher training to help educators/them utilize the museum's unique interactive "learning laboratory" environment as a way of bring history alive for their students; and
- access to collections for Naperville Community Television station to bring the history of the city and importance of preserving the Society's collections to life.

Atwater Kent Museum, Philadelphia, PA **$595,970**

Atwater Kent Museum has amassed the Philadelphia City History Collection (PCHC), an assemblage of more than 100,000 items that is now the region's largest collection of Philadelphia-related artifacts. Spanning more than 300 years, the PCHC encompasses a broad expanse of the social, cultural, political and economic history of Philadelphia. Among many such items in the PCHC, there are personal possessions of William Penn (his family cradle) as well as the wampum belt legend associates to his treaty with the Lenape tribe; the desk George Washington used in his Philadelphia residence while President, and Martha Washington's ivory tea caddy; printing tools owned by Benjamin Franklin and examples of his printed works (e.g., a 1738 Poor Richard's Almanac). The NEH grant to improve the environmental conditions and installation of fire suppression will ensure that these collections are available for present and future generations.

University of Southern Maine, Portland, ME **$466,009**

The Osher Map Library and Smith Center for Cartographic Education (OML), housed on the Portland campus of the University of Southern Maine, collection consists of rare maps, atlases, globes, geographies, and explorer's accounts ranging from 1475 to 1900 as well as cartographic ephemera such as puzzles and games and scientific instruments. OML has developed a broad range of services throughout Maine and northern New England. Traveling facsimile map exhibitions are offered on extended loan to libraries, schools and historical societies.- OML has received recognition for its innovative educational outreach for elementary and high school students. In addition to its web site, www.usm.maine.edu/maps, OML shares its resources with the K-12 community through its teaching kits, in-service workshops, and school group tours. As part of an urban comprehensive public university, OML seeks to address needs of its faculty and students by promoting the use of early maps as primary source materials for courses ranging

from history and geography to philosophy and graphic arts. All these activities are grounded in the unique map collection, which had been stored in a manner that endangered its survival. NEH's support to purchase of compact storage systems and the rehousing of 100,000 rare and semi-rare maps, atlases, globes will ensure greater access to the collections, as well as saving space and energy costs.

In spite of the success of these projects, we know, because of the findings of the Heritage Health Index, that millions more artifacts are at risk of mold because of moisture, at risk of fading because of exposure to light, at risk of breaking because of crowded storage conditions, and at risk of burning because of lack of fire suppression systems. **63% of collecting institutions need environmental controls, and 49% need reduced exposure to light.** Improvements to conditions for housing collections are among the most urgent needs cited by collecting institutions.

NEH's Division of Preservation and Access is the only federal grant program for conservation/preservation that funds the acquisition of energy saving HVAC systems for museums, libraries, and archives. It is the only federal grant program for conservation/preservation that supports upgrades of security and fire suppression systems for collecting institutions. Private funding for these critical behind the scenes improvements is difficult to come by, especially in this time of severe economic recession, but with the recognition of a grant from the National Endowment for the Humanities, other donors have been more willing to contribute. We urge the Congress to reinstate funding at least at the level as noted above for this critical activity and support NEH at the level requested by the National Humanities Alliance.

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Heritage Preservation is a national non-profit organization dedicated to preserving the cultural heritage of the United States. By identifying risks, developing innovative programs, and providing broad public access to expert advice, Heritage Preservation assists museums, libraries, archives, organizations, and individuals in caring for our endangered heritage.

As the national nonprofit membership organization supporting conservation professionals, the American Institute for Conservation of Historic & Artistic Works (AIC), advances the practice and promotes the importance of the preservation of cultural material as a means toward a deeper understanding of our shared humanity. AIC is playing a growing leadership role and continually expanding its services to the field by providing educational opportunities, establishing and upholding professional standards, promoting research and publications, and fostering the exchange of knowledge among conservators, allied professionals, and the public.

Testimony in Support of Increased FY 2010 Funding for the United States Geological Survey

March 26, 2009

Submitted by:
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Submitted to:
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
United States House of Representatives

Summary

The American Institute of Biological Sciences (AIBS) appreciates the opportunity to submit testimony in support of increased appropriations for the United States Geological Survey (USGS) for fiscal year (FY) 2010. AIBS requests that Congress provide the USGS with $1.3 billion in FY 2010, with at least $240 million for the Biological Resources Discipline.

AIBS is a nonprofit scientific association dedicated to advancing biological research and education for the welfare of society. Founded in 1947 as a part of the National Academy of Sciences, AIBS became an independent, member-governed organization in the 1950's. AIBS is sustained by a robust membership of some 5,000 biologists and nearly 200 professional societies and scientific organizations; the combined individual membership of the latter exceeds 250,000.

The USGS has been chronically underfunded and the long-term vitality of the agency may be at risk without increased funding. The funding we request would restore past cuts to important science programs, provide a needed inflation adjustment, and implement important science and information dissemination initiatives.

The USGS provides independent research, data, and assessments needed by public and private sector decision-makers. A unique combination of biological, geographical, geological, and hydrological research programs enables USGS scientists to utilize innovative interdisciplinary research techniques to answer important questions. Moreover, the USGS collects data that other federal agencies and nongovernmental scientists do not collect. We cannot afford to sacrifice this information; rather, we should increase our investments in this work.

USGS scientists do not work in isolation. Through offices located in every state and partnerships with more than 2,000 federal, state, local, tribal, and private organizations, the USGS has built the capacity to leverage additional research expertise, such as through the Cooperative Research Units. Together, the USGS and their partners are addressing the pressing issues facing natural resource managers, such as invasive species, wildlife diseases, and endangered species.

A legacy of funding shortfalls and shrinking workforce has put undue burdens on the bureau, its employees, and the science it conducts in service to the Department of the Interior and the nation. AIBS urges Congress to provide $1.3 billion to the USGS in FY 2010.

Past Funding Shortfalls

Over the past decade, the USGS budget has not kept pace with inflation. In constant 2009 dollars, the USGS received less funding in FY 2009 than it did in FY 2002. The decline in real terms of the agency's budget has corresponded with a 15% decrease in the number of full-time employees at the USGS since FY 2000, according to the agency's annual budget requests.

The loss of over 975 employees in less than a decade comes at a time when demand for the agency's services has increased. Each year, natural disasters such as flooding, wildfires, earthquakes, and landslides cost billions of dollars and cause hundreds of deaths. Demand for high resolution elevation maps has increased with concerns of sea level rise due to climate change. Mercury contaminated fish highlight the need for water quality monitoring and further biological research into the function of our environmental systems. Additionally, over 1,100 species are currently being managed as endangered or threatened species under recovery plans informed by USGS science. Data collected by the USGS are crucial to reducing risks from natural hazards, generating maps needed for commerce and resource management, monitoring water quality and quantity, and managing our nation's living resources.

The Biological Resources Discipline (BRD) in the USGS has also suffered the effects of a budget that has not kept pace with the rate of inflation. In four of the last five fiscal years, the BRD's budget has increased at a rate smaller than the rate of inflation. This has resulted in $18.4 million in lost purchasing power cumulatively since FY 2005. Since FY 2004, the BRD suffered an 18% decline in the number of full-time employees, according to USGS annual budget requests.

These funding shortfalls have come at the expense of important science programs that inform natural resources managers and reduce economic losses from invasive species and pathogens. The BRD provides scientific data that helps us understand how our nation's ecosystems are changing due to climate change and that informs our efforts to address these changes. Research conducted by the BRD addresses the risks of contaminants to our nation's living resources. The BRD also provides the science necessary to understand and manage our nation's endangered fish, wildlife, and plants. All told, these services contribute significantly to the health of our nation's environment and economy.

The USGS Budget Request

AIBS requests that Congress provide the USGS with $1.3 billion in FY 2010, with at least $240 million for the Biological Resources Discipline. This budget increase would go a long way towards rectifying past budget shortfalls and to ensuring that the agency continues to provide critical information to the public and to decision-makers at all levels of government. Given the valuable role of all programs within the BRD, AIBS requests that any budget increase for certain BRD programs not come at the expense of other BRD or USGS programs.

Natural resource managers demand reliable, relevant, and timely information. The Biological Informatics Program develops and applies innovative technologies and practices to the management of biological data. However, the ability of the Biological Informatics Program to fulfill this function has been jeopardized by a budget that peaked in FY 2004. The program received less funding in FY 2009 in actual dollars than was appropriated in FY 2003. Increasing funding for the BRD would enable the Biological Informatics Program to continue ongoing activities and begin to implement initiatives the resource management and research communities have identified as priorities, such as adding new nodes to the National Biological Information Infrastructure program.

The Cooperative Research Units facilitate collaboration between USGS scientists and researchers at 40 universities. These partnerships make additional intellectual and technical resources available to address the biological, ecological, and natural resource questions the USGS seeks to answer. As with other programs, funding for the Cooperative Research Unit has not kept up with inflation. Additional funding for the Cooperative Research Units would ensure that the program's contributions to biological research and to science education and training will continue.

The BRD provides the scientific data needed by the Department of Interior and others to effectively manage our nation's fish and wildlife. The Biological Research and Monitoring program develops new research methods, inventories populations of plants and animals, and monitors changes in these species and their habitats over time. This information is used to recover endangered species and prevent the establishment of invasive species, as well as to determine the impacts of climate change on natural systems. The science funded by the Biological Research and Monitoring program is vital for maintaining the health and diversity of our nation's ecosystems while balancing the needs of public use. These data are critically important for resource managers at the federal and state levels and should be fully funded and supported.

Additionally, we also ask Congress to fully fund fixed costs at the USGS. Without full funding for these costs, USGS science programs would likely be forced to reprogram funds that would otherwise support important scientific research.

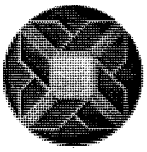
Conclusion

The USGS is uniquely positioned to address many of the nation's biological and environmental challenges, including energy independence, climate change, water quality, 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 climate change 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. In short, increased investments in these important research activities will yield dividends.

There is growing concern from within the government and outside that funding for the USGS must improve if it is to continue to serve its mission. Without an increased investment in USGS science, core missions and national priorities will suffer. Thus, any effort that Congress can make to fundamentally improve funding for the USGS will be appreciated.

Thank you for your thoughtful consideration of this request.



ASSOCIATION OF RESEARCH LIBRARIES

ALA American Library Association

Prudence S. Adler
Associate Executive Director
Association of Research Libraries

Lynne Bradley
Director, Office of
Government Relations
American Library Association

March 25, 2009

The Honorable Norman D. Dicks
Chairman
Subcommittee on Interior,
Environment & Related Agencies
Committee on Appropriations
Washington, D.C. 20510

The Honorable Michael K. Simpson
Ranking Member
Subcommittee on Interior,
Environment & Related Agencies
Committee on Appropriations
Washington, D.C. 20510

Dear Chairman Dicks and Ranking Member Simpson:

On behalf of the Association of Research Libraries (ARL) and the American Library Association (ALA), we write to express strong support for funding of the National Endowment for the Humanities (NEH) Division of Preservation and Access. With NEH's support, libraries engage in numerous activities to preserve and provide access to our local, state, national and international cultural heritage. We also urge you to support the overall funding for NEH at the level of $230 million, an increase of $75 million. Additional appropriations would permit the Agency to address the high level of unmet needs by supporting a greater number of humanities projects.

NEH funding is central to libraries across the country as this funding supports core activities including the preservation of unique collections, the training of librarians to preserve these culturally valuable resources, and to making important research tools broadly available for use by the public. For example, NEH funding supports regional field offices and academic programs in conservation as well as providing individual awards that support basic preservation activities in libraries, archives, museums and historical organizations throughout the United States. These include preservation training programs that reach thousands of individuals across the United States. NEH support of workforce development and training efforts is critically important as librarians, archivists and museum professionals employ digital and networked-based technologies while, at the same time, preserving books, manuscripts, photographs, and other artifacts in many other formats. Recent examples of NEH grants in each of these areas include:

• The purchase of equipment to monitor environmental conditions in the Harbor History Museum, which houses collections that document the Native American and immigrant heritage of the Gig Harbor Peninsula. Collections

include furnishings, textiles, farming implements, boating tools, documents, maps, photographs, and American Indian baskets, tools, and trade beads; Gig Harbor Peninsula Historical Society, Gig Harbor, WA.

• A preservation assessment of records and artifacts at the Holocaust, Genocide and Human Rights Education Center, documenting conditions in several concentration camps during World War II. The collection includes original memoirs of holocaust survivors, correspondence, maps depicting camp layouts, and an original concentration camp cookbook; Brookdale Community College, Lincroft, NJ; and

• A regional field service program that provides workshops, consultations, preservation surveys, disaster response assistance, reference services, and educational materials on preservation and digitization to libraries, archives, and cultural heritage organizations in the Southwest. Similar programs are hosted throughout other regions in the United States; Amigos Library Services, Inc., Dallas, TX.

In addition to funding training and preservation activities, the NEH Division of Preservation and Access also provides awards to support the creation of a wide range of research tools and reference works such as online encyclopedias, ancient language dictionaries, and catalogs of rare materials. Support of these diverse projects results in broad access to important educational reference works and creates new analytical capabilities allowing for widespread participation in research by students and teachers. Such projects and authoritative reference tools build the foundation for research, and in digital form, enable wider and effective access to key resources. Examples of recent awards include:

• Preserving and providing access to the historic videotape collection and supporting production materials from the series "American Black Journal" produced by Detroit Public Television. http://matrix.msu.edu/~abj/ Michigan State University, East Lansing, MI;

• Creating a digital archaeological atlas of selected sites from the greater Near East (North Africa to Central Asia) based on CORONA satellite images. www.uark.edu/home/ University of Arkansas, Fayetteville, Fayetteville, AR;

• Transferring to digital format 2,350 hours of analog audio recordings from seven collections held in the university's Southern Folklife Collection, which documents the history and culture of the region through music and oral history. www.lib.unc.edu/mss/sfc1/ University of North Carolina, Chapel Hill, Chapel Hill, NC;

• Completing an electronic database on transatlantic slave voyages and creating a two tiered Web-based resource to service scholars, students and the public; Emory University, GA; and

• Cataloging and digitizing 236 Islamic illuminated manuscripts which contain 53,000 folios that date from the 9th to the 19th centuries. Images and catalog data will be freely accessible via the museum's Web site; www.thewalters.org/ Walters Art Museum, Baltimore, MD.

Finally, the Division of Preservation and Access has provided support to stabilize humanities collections for institutions whose collections and facilities were adversely affected by the mid-west flooding in 2008 and were severely impacted by hurricanes Rita and Katrina. In the case of the mid-west flooding in 2008, NEH funding focused on disaster assistance that assessed, stabilized, and treated collections damaged by the flooding. Examples include:

• Stabilizing and treating mold damage in collection storage areas that houses resources and artifacts dedicated to the heritage and service of African American men during World War I and the service of women in World War II, and provides an educational resource center for students and educators. Fort Des Moines Museum and Education Center, Des Moines, IA;

• Salvaging, treating (e.g. freeze-drying) and transporting flood-damaged historical collections of the National Czech-Slovak Museum and Library which is dedicated to preserving and interpreting Czech and Slovak culture and history through public programming and exhibitions of its extensive permanent collection of folk and fine art, textiles, artifacts, and historical documents. The research library and archives are used by scholars and the general public. National Czech-Slovak Museum and Library, Cedar Rapids, IA; and

• Assessing and treating flood-damaged historical collections relating to African history, the Underground Railroad and early Iowa history, the Civil War and Civil Rights, and the African-American experience today. African American Museum of Iowa, Cedar Rapids, IA.

In FY 2008, the NEH Division of Preservation and Access received 532 funding applications for a total of $85.8 million. NEH was able to support 187 of those requests for a total of $20.188 million. Clearly, the need for federal funding in support of preservation and access activities far exceeds available resources. We urge Members of the Subcommittee on Interior, Environment, and Related Agencies to consider additional funds for the NEH Preservation and Access Division activities and for NEH overall.

We appreciate the Subcommittee on Interior, Environment, and Related Agencies' support for NEH's preservation and access activities in the past and request your ongoing support as you and other members of the Subcommittee consider the NEH Fiscal Year 2010 budget request. We particularly want to thank you for the increase of $10 million in the Endowment's FY 2009 budget. Thank you in advance for your consideration of this request. Please let us know if there is additional information that we can provide.

Sincerely,

Prudence S. Adler

Prudence S. Adler
Associate Executive Director
Association of Research Libraries

Lynne E. Bradley

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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 26, 2009

The American Public Power Association (APPA) is the national service organization representing the interests of over 2,000 municipal and other state and locally owned utilities throughout the United States (all but Hawaii). Collectively, public power utilities deliver electricity to one of every seven electric consumers (approximately 45 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 appreciate the opportunity to submit this statement outlining our FY 2010 funding priorities within the jurisdiction of the Interior and Related Agencies Subcommittee.

Environmental Protection Agency: Energy Star Programs

APPA was pleased that the American Recovery and Reinvestment Act of 2009 included $300 million for the Energy Star Program. We urge the Subcommittee to allocate the same amount for FY 2010 for Energy Star.

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. In particular, APPA member systems across the country have been active participants in a subset of the Energy Star program called "Green Lights." The Green Lights program encourages the use of energy efficient lighting to reduce energy costs, increase productivity, promote customer retention and protect the environment.

According to the EPA, Energy Star is saving businesses, organizations, and consumers more than $9 billion a year, and has been instrumental in the more widespread use 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, landfill gas industry and trade associations to promote the recovery and use of landfill gas as an energy source. According to the U.S. Environmental Protection Agency (EPA), LMOP has more than 700 Partners that have signed voluntary agreements to work with EPA to develop cost-effective landfill-gas-to-energy (LFG) projects. There are approximately 445 operational LFG energy projects in the United States with approximately 110 projects currently under construction or exploring development options and opportunities. LMOP has also developed detailed profiles for over 1,300 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 is disappointed with the enacted level of $2.7 million for FY2009 for the White House's Council on Environmental Quality (CEQ), and urges the Subcommittee to consider allocating at least $3.2 million for this office. 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.

United States Geological Survey: Carbon Sequestration Studies

APPA urges the subcommittee to include at least the FY 2009 funding level of $3 million to implement the required geological and biological carbon sequestration studies as required in the Energy Independence and Security Act of 2007. As the federal government moves to enact legislation to address global climate change, the research the United States Geological Survey (USGS) is doing on carbon sequestration will become increasingly important. The USGS has been doing research on storing CO2 in depleted oil and gas reservoirs, deep coal seams, and brine formations.

Peter Raabe
Policy Director for Budget and Appropriations
American Rivers

American Rivers, on behalf of our 65,000 supporters nationwide urges the Committee to provide $5,684,662,000 for the following programs in the Interior, Environment, and Related Agencies Appropriations bill for Fiscal Year 2010. I request that this testimony be included in the official record.

1. Environmental Protection Agency

The **Clean Water State Revolving Fund (SRF)** provides capitalization grants to states, which in turn provide low-cost loans to communities for a variety of programs to clean up impaired water bodies and protect pristine waters. This program has been extremely effective in helping communities to improve water quality and provide safe drinking water. The annual need for clean water funding is close to $20 billion. Historically, the federal government has provided between 10 and 20 percent of those funds or what should be $2 to $4 billion. The SRF programs have also been used to fund nonstructural projects that reduce non-point source pollution, protect estuaries, prevent contamination of drinking source waters, and reduce polluted runoff by protecting natural areas and other "green infrastructure," such as stream buffers. These approaches are often more cost-effective then traditional pipe and cement options and provide a wide array of environmental and social benefits, including open space, wildlife habitat, recreation, and improved water supply. American Rivers urges the Committee to appropriate $2.4 billion for the Clean Water SRF and $2 billion for the Drinking Water SRF in FY 2010. Additionally, within the funds appropriated for the Clean Water SRF at least 20% should be dedicated to Low Impact Development or non-structural green infrastructure to deal with stormwater run-off and combined sewer overflows; and within the funds appropriated for the Drinking Water SRFs at least 20% should be dedicated to water efficiency projects that reduce overall demand for clean drinking water.

WaterSense modeled on the highly successful, universally recognized and sought after EnergyStar program- works with local water utilities, product manufacturers, and retailers to encourage the use of water-efficient products and practices among individuals and developers. Water efficiency is a much more cost-effective way to help local markets manage water supplies than developing new sources. Water supply infrastructure is a major local and federal cost across the United States, and water efficiency can lessen the stress on both water treatment and wastewater treatment systems and extend their useful life. EPA estimates that if all U.S. households installed water-efficient appliances, the country would save more than 3 trillion gallons of water and more than $18 billion dollars per year, and reduce Americans' water and sewer bills by one-third. American Rivers urges the Committee to appropriate $7.5 million for the WaterSense program in FY 2010.

The establishment of **Total Maximum Daily Loads (TMDLs)** allows states and the Environmental Protection Agency (EPA) to identify all sources of water quality impairment to rivers, streams and lakes that do not meet water quality standards, develop specific goals for improvement, and design plans to reduce pollutant loads into receiving water bodies. The development of strong TMDLs by the states done through funding under Section 106 of the

CWA requires a commitment of adequate resources. American Rivers urges the Committee to appropriate $250 million for State Program Management Grants in FY 2010.

Non-point Source Management Program (Clean Water Act Section 319) grant money that states, territories, and Indian tribes can use for a wide variety of non-point source pollution reduction activities including technical and financial assistance, education, training, technology transfer, demonstration projects, and monitoring. American Rivers urges the Committee to appropriate $250 million for Section 319, the Non-point Source Management Program in FY 2010.

The **Targeted Watersheds Grants** program provides direct grants to a limited number of watershed groups, tribes and communities working to improve water quality. Portions of these funds are designated for technical assistance programs and to train community groups engaged in watershed-level protection and restoration projects. This training is essential to protect and restore the nation's rivers and watersheds. American Rivers urges the Committee to appropriate $35 million, including $3.5 million dedicated to technical assistance for Targeted Watersheds Grants in FY 2010.

2. Wild and Scenic Rivers

The National Wild and Scenic Rivers System protects free-flowing rivers with outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values. The Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service share responsibility for conducting studies to determine if rivers qualify for designation, and administering and developing river management plans for designated rivers. Unfortunately, none of these agencies receive sufficient funding to adequately protect the Wild and Scenic Rivers System, as Congress intended. Streams are becoming degraded and restoration is needed in many locations. Increased funding will allow these agencies to better manage and protect designated rivers and promote their values to the public. American Rivers urges the Committee to appropriate a total of $38.862 million for the management of the Wild and Scenic River System FY 2010. These funds should be split as follows: U.S. Forest Service- $9 million for wild and scenic river management, $6 million for the completion of river studies and the creation of river management plans; BLM's National Landscape Conservation System - $7 million for WSR management and $5 million for completion of WSR studies; U.S. FWS- $1,787,000 for wild and scenic river management, restoration and studies; NPS Rivers and Trails Studies- $1 million for wild and scenic rivers studies and $16 million for wild and scenic river management; NPS Partnership Wild and Scenic Rivers- $2.746 million for management of the wild and scenic rivers.

3. Klamath River Restoration

PacifiCorp operates five mainstem dams, two in Oregon and three in California, on the Klamath River. These dams cut off more than 300 miles of once-productive salmon spawning and rearing habitat in the Upper Klamath. The dams also create toxic conditions in the reservoirs that threaten the health of fish and people. Salmon populations have plummeted to less than 10 percent of historic numbers, and the commercial salmon fishing industry was virtually shutdown along 700 miles of coastline in California and Oregon in 2006. The fishery closure caused more than $100 million damage to California and Oregon economies, and harmed numerous fishing

communities. Native American tribes throughout the Klamath basin have treaty rights to fish salmon, but lower basin tribes have had to drastically reduce their catch to protect the salmon runs, and upper basin tribes have not seen salmon in their waters for nearly 100 years. The Agreement in Principle released November 13, 2008 is intended to guide the development of a final settlement agreement in June 2009 and includes provisions to remove PacifiCorp's four mainstem dams in 2020. The Restoration of the Klamath River will represent the biggest dam removal and river restoration effort the world has ever seen. PacifiCorp will be responsible for much of the costs, but the Department of the Interior will be required to provide on the ground support and technical assistance. American Rivers urges the Committee to appropriate the Klamath River Restoration $7.5 million in FY 2010 through the Department of the Interior.

4. U.S Fish and Wildlife Service:

The **National Fish Passage Program** has opened more than 3,750 miles of river and restored 69,000 acres of wetlands for fish spawning and rearing habitat. Restoring fish migration enhances entire watersheds and benefits birds and mammals, such as eagles, ospreys, herons, kingfishers, brown bears, otters, and mink. Since its inception in 1999, working with local, state, tribal, and federal partners, the Fish Passage Program has leveraged federal dollars nearly three-to-one. The Fish Passage Program is also one half (with NOAA) of the $12 million **Open Rivers Initiative** which will provide grants to communities and local dam owners to remove their dams that no longer make sense. Many others are either dilapidated, having outlived their 50-year life expectancy, or are no longer providing the benefits for which they were built. These dams are unnecessarily degrading the riverine ecosystem and holding up economic development. These restoration projects provide significant environmental improvements and offer noteworthy economic and societal benefits. They create new opportunities for recreational fishing, river rafting, and kayaking; provide cost savings by eliminating the need for dam repairs; and remove safety and liability risks associated with outdated structures. American Rivers urges the Committee to appropriate the National Fish Passage Program $11 million in FY 2010, of which $6 million should be dedicated to the implementation of the Open Rivers Initiative.

The **Partners for Fish and Wildlife Program** provides financial and technical assistance to landowners to restore degraded habitat on their property. The program completed thousands of projects across the country, restoring more than 150,000 acres of wetlands and more than 300 miles of riverine habitat. American Rivers urges the Committee to appropriate $52 million for the Partners for Fish and Wildlife program in FY 2010.

The Coastal Program is an effective partnership that brings together FWS scientists, land trusts, biologists, and other conservation partners to protect and restore habitat in coastal regions and coastal rivers. These partnerships allow the Coastal Program's dollars to be matched at least two to one for on-the-ground work. The Coastal Program completed hundreds of projects in across the country, restored more than tens of thousands of acres of wetlands and miles of riverine habitat. American Rivers urges the Committee to fund the FWS's Coastal Program at $15 million in FY 2010.

5. National Park Service

The **Rivers, Trails and Conservation Assistance Program (RTCA)** has helped produce some of the best examples of conservation based local-federal partnerships by providing communities

with assistance to help revitalize riverfronts, protect open space, and build trails and greenways. If funded at $12 million, RTCA could expand to assist approximately 200 additional projects in new and currently underserved locations. American Rivers urges the Committee to fund the RTCA program at $12 million in FY 2010.

Elwha River Restoration- Removal of Glines Canyon and Elwha dams will restore salmon access to the Elwha river's wilderness heart in the Olympic National Park for the first time in 100 years. This dam removal will produce a landmark in river restoration for our national parks and an unprecedented opportunity to study a large dam removal and its impact on the river and wild salmon populations. American Rivers urges the Committee to provide $40 million to complete the restoration of the Elwha River ecosystem and its fisheries in FY 2010.

6. U.S. Geological Survey

These water resource investigation programs provide a strong and unbiased source of information on water quality conditions and trends on the health of our nation's rivers and water supply. American Rivers urges the Committee to provide the following amounts in FY 2010:

- **National Water Quality Assessment Program:** $70 million
- **Toxic Substances Hydrology Program:** $17.4 million
- **National Streamflow Information Program:** $28.4 million

7. Land and Water Conservation Fund

The Land and Water Conservation Fund (LWCF) provides much-needed dollars for purchasing ecologically important watersheds. LWCF has proven highly successful, projects have helped states and localities purchase millions of acres of land and advanced river restoration through acquisition of riverside lands to serve as buffer zones. The highest priority projects for river conservation are the Fish and Wildlife Service's $2.5 million need for the acquisition of the 500 acre Bower Hill parcel to add to the Rappahannock River NWR in Virginia; the National Park Service's $3.1 million need to complete the 95 acres acquisition of the Hyde Farm parcel to add to the Chattahoochee River NRA in Georgia, $2.69 million need for the acquisition of the 1,840 acres of the Riverstone tract to be part of the Congaree NP in South Carolina, $1 million for the acquisition of 534 acres to be added to the New River Gorge National River in West Virginia; the Bureau of Land Management's $1.2 million need for the acquisition of 101 acres along the Crooked River Canyon to add to Oregon's Wild & Scenic Rivers; and the Forest Service's $1.5 million need for the acquisition of the 901 acres Cedar Creek parcel to add to Chattahoochee/Oconee Riparian Project in Georgia, $1.2 million to acquire the 84 acres of Bear Mountain adding to the Charrahoochee NF in Georgia, $8 million to acquire 5,025 acres of the Little Truckee & Middle Yuba Headwaters to add to the Sierra Checkerboard, Tahoe NF in California, $4 million to purchase 735 acres of Reeb Mining Claims to protect three headwater tributaries of the Yellowstone and Stillwater Rivers adding to the Custer and Gallatin NF in Montana, $3 million to purchase 7,800 acres of the Bear Creek Ranch adding to the Gila National Forest in New Mexico, $4.5 million to purchase 5,000 acres along the John Day River adding to the Malheur National Forest in Oregon, $5 million to purchase 2700 acres along the Blackwater River adding to the Monongahela National Forest in West Virginia, and $2.2 million need for the acquisition of the 160 acres Morgan Ranch parcel to add to Idaho Wild & Scenic Rivers in Idaho. American Rivers urges the Committee to appropriate at least $450 million for the Land and Water Conservation Fund in FY 2010.

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 2010 Appropriation for the Environmental Protection Agency Research Programs

The American Society for Microbiology (ASM) is pleased to submit the following testimony on the Fiscal Year (FY) 2010 appropriation for the US Environmental Protection Agency (EPA) research and education programs. The ASM is the largest single life science membership organization in the world with more than 43,000 members. The ASM mission is to enhance the science of microbiology, to gain a better understanding of life processes, and to promote the application of this knowledge for improved health and environmental well-being.
The ASM urges Congress to support essential research and provide at least $595 million for the ORD in FY 2010, the same as the funding level provided in FY 2006. While the Environmental Protection Agency received substantial funding in both the American Recovery and Reinvestment Act of 2009 and the Omnibus Appropriations Act of 2009, the need remains for a steady annual increase of fiscal year appropriations funding, to offset the past detrimental trend of budget cuts and loss of the Agency's spending power to inflation.

The EPA relies on sound science to safeguard both human health and the environment. The EPA Office of Research and Development (ORD) sponsors leading-edge research that provides a solid underpinning of science and technology for the Agency's regulatory and public outreach activities. ORD conducts research on pollution prevention, human health protection, and reduction of risks from a variety of hazardous chemicals and microbes. The work at ORD laboratories, research centers, and offices across the country helps optimize use of our natural resources and improve the quality of the nation's air, water, and soil. Excellence in research is crucial to ORD's mandated responsibilities:

- Perform research and development to identify, understand, and solve current and future environmental problems;
- Provide responsive technical support to EPA's mission;
- Integrate the work of ORD's scientific partners (other agencies, nations, private sector organizations, and academia); and
- Provide leadership in addressing emerging environmental issues and in advancing the science and technology of risk assessment and risk management.

The ASM is very concerned with the trend in recent years of decreasing the annual budget for EPA's research and development programs. Optimal EPA oversight of public health and the environment clearly depends upon the Agency's access to exemplary scientific expertise within and outside the EPA, as well as the ability to respond quickly to our changing environment.

Both access to expertise and timely response to the environment depend on sufficient and sustained investments in research and development programs. The FY 2009 budget allocation for the ORD was $541 million, a significant 1.3 percent decrease from FY 2008. These funding decreases will likely undermine the basic scientific foundation essential for the EPA to make

decisions and formulate regulations to protect both human health and the environment. The FY 2009 decreases are part of a longer-term pattern of funding erosion that is cause for serious concern.

Science to Achieve Results (STAR) Grants and Fellowships
The ASM urges Congress to increase funding for the STAR grants program to at least the FY 2002 level of $102 million. The FY2009 budget continued a disturbing seven-year trend of shrinking STAR resources by recommending only $61 million for STAR, a 4.6 percent reduction from FY2007. Currently, the STAR program focuses research on drinking water, water quality, global climate change, human health risk assessment, children's health, and the health effects of particulate matter, among other equally important areas. Cuts to STAR funding will have almost certain detrimental effects on both human health and the environment.
The STAR grants support extramural research in numerous environmental science and engineering disciplines, awarded through a competitive solicitation process and independent peer review. The program engages the nation's best scientists and engineers in targeted research that complements EPA's own intramural research and that conducted by partners in other federal agencies. Cuts to the STAR program significantly reduce American competitiveness in the important areas of scientific research and discovery, an effect that cannot be ignored in the current economic climate.

Reductions in the STAR program will severely limit EPA's ability to draw upon critically needed scientific expertise from the academic community, a valuable source of research insights and personnel for EPA programs. Reductions will also limit US competitiveness in the areas of environmental research, training, and development of new technologies for solving environmental problems. The STAR program revitalizes all areas of EPA research and its fellowships foster workforce development in environmental science and technology.

Clean and Safe Water
The EPA is tasked with ensuring the safety of our drinking and recreational waters, an enormous regulatory task that is entirely reliant on sufficient funding. Through Amendments to the Safe Drinking Water Act (SDWA), Congress has mandated that the EPA must conduct adequate research to ensure a solid scientific foundation for the Agency's mission of reducing and limiting public exposure to dangerous drinking water contaminants. The ASM is concerned with adverse impacts of past ORD budget cuts on EPA's Drinking Water and Water Quality programs.

The Drinking Water Program has suffered the greatest reductions, with an 8 percent decrease from FY 2008 to 2009. Such decreases in the Drinking Water Program severely compromise the EPA's ability to ensure safe drinking water for all Americans. Health problems from microbial contamination of drinking water are demonstrated by localized outbreaks of waterborne disease. Many of these outbreaks have been linked to contamination by bacteria or viruses, likely from human or animal wastes. For example, in 1999-2000, there were 39 reported disease outbreaks associated with drinking water, some of which were linked to public drinking water supplies.

The ASM supports the following as priority research areas for the FY 2010 budget for drinking water and water quality: 1) studies on impacts of subsurface carbon dioxide (CO_2) storage on drinking water quality; 2) analysis of aquatic life guidelines, recreational water criteria, the effects of emerging contaminants, nutrients, biocriteria, and multiple stressor effects on stream biota; 3) watershed management research that supports diagnoses of impairment, mitigations, and pollutant load reduction in headwater streams and isolated wetlands; and 4) improvements in the control of microbial releases from publicly owned treatment works (POTWs) during periods of significant wet weather events. It is also imperative that the EPA continues to develop analytical methods for accurately measuring contaminant levels in drinking water and surface water; that the EPA ensures proper certification and assessment of laboratories that analyze drinking-water samples; and that the EPA conducts research that strengthens the scientific basis for standards that limit public exposure to contaminants. Topics of growing concern include: the dissemination of diverse anthropogenic compounds, such as pharmaceuticals and estrogens or estrogen-like compounds into the environment through water and wastewater treatment systems. These compounds are now ubiquitous, but their fates in the environment and impacts on humans and other organisms are inadequately known.

The ASM also supports increased funding for the Water Quality program. Expanding ORD-supported research is needed to more fully protect the nation from waterborne illnesses that persist in our environment. For example, according to the Centers for Disease Control and Prevention (CDC), *Cryptosporidium*, a protozoan parasite causing gastroenteritis in humans, has become the leading cause of recreational water-associated outbreaks of gastrointestinal illness. In 2003-2004, this parasite accounted for 61 percent of gastrointestinal outbreaks associated with disinfected swimming venues, such as swimming pools and water parks—likely due to the parasite's high resistance to free chlorine, the main barrier to infectious disease transmission in pools. Since 2005, reports of cryptosporidiosis have increased substantially. Clearly, the EPA needs continued support to address water-borne diseases such as this.

Renewable Energy and Wastewater Infrastructure

The EPA is a stakeholder in ensuring a sustainable environment, meeting the needs of the present without compromising the ability of future generations to meet their own needs. Renewable energy research is essential for ensuring sustainability, and the ASM encourages EPA to pursue collaborative efforts in this area with the National Science Foundation (NSF), the Department of Energy (DOE), and the US Department of Agriculture (USDA).

In order to provide safe and secure drinking water for its citizens, the nation must improve the sustainability and energy efficiency of its water distribution systems from sources to "sinks." Energy efficiency is an important but often overlooked consideration when addressing the nation's water supply. At present, the nation's water distribution infrastructure consumes approximately 5 percent of total electricity use. The development of non-fossil fuel energy sources for water distribution cannot only contribute to a more secure water supply, but can also contribute to the nation's energy security. Coupling microbial activity during wastewater treatment to electricity generation provides one example for increasing energy efficiency.

Researchers, supported by the NSF and the USDA have made great strides in advancing the technology of microbial fuel cells to benefit wastewater treatment plants. Microbial fuel cells work through the action of bacteria, which can produce electricity in fuel cells. In the process, the bacteria consume organic matter in the wastewater and thus improve water quality. This approach uses the bacteria that naturally occur in wastewater, requiring no special bacterial strains or unusual environmental demands. The benefit of microbial fuel cell applications is that they purify wastewater while generating electricity; water purification, the goal of wastewater treatment facilities, normally requires the consumption of energy.
The ASM urges Congress to support a collaborative relationship between the EPA and the DOE, the NSF, and the USDA to explore energy production from waste treatment, and to develop mechanisms for improving energy efficiency in water distribution.

Climate Change
Climate change affects all of earth's life, including the ubiquitous microbes that dominate the living mass of many ecosystems. While climate-related disturbances can have many effects, it is abundantly clear that they directly and indirectly affect the incidence of serious infectious diseases. Climate changes can also impact air and water pollution, which adversely affect human health. The effects of these changes on microbial activities are often unpredictable, but microbes nonetheless play major roles in water quality, environmental integrity and human health. Thus, it is essential that the EPA retains and expand its ability to support research on climate change, including the subsequent impacts on beneficial and pathogenic microorganisms.

The ASM is concerned that past budget reductions to the Global Climate Change research program at ORD will limit its ability to understand links between certain diseases and pathogens and climate change. The Intergovernmental Panel on Climate Change noted in 2007 that the global population at risk from vector-borne malaria would increase by between 220 million and 400 million in the next century. Other vector-borne diseases, such as dengue fever, yellow fever, and encephalitis, are also projected to spread into new areas due to global warming. Climate change may increase the risk of other infectious diseases, particularly those diseases that appear in warm areas and are spread by aquatic pathogens. For example, shellfish-borne outbreaks of gastroenteritis caused by the aquatic bacterium *Vibrio parahaemolyticus* have been associated with temperature increases in US coastal waters in recent years. In addition, increased frequencies of harmful algal blooms in warmer waters, particularly in areas subject to nutrient pollution, can lead to more frequent outbreaks of diseases like cholera. Thus, the ASM supports the Administration's dedication to slow global warming, and asks Congress to provide sufficient funding for the ORD to continue this important research.

Conclusion
The EPA requires sound scientific information to meet its mandates to protect human health and the environment. The ORD is an integral component for conducting research needed to answer many of the challenges we face, such as climate change, renewable energy, and provision of clean and safe water. The ASM urges Congress to provide at least $595 million for the ORD in FY 2010. The ASM appreciates the opportunity to provide written testimony and would be pleased to assist the Subcommittee as it considers the FY 2010 appropriation for the EPA.

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March 26, 2009 —BY E-mail to in.approp@mail.house.gov

Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
B-308 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

RE: FY2010 Appropriations—Support for U.S. Forest Service, U.S. Geological Survey and U.S. Environmental Protection Agency

Dear Chairman Dicks, Ranking Member Simpson and Members of the Subcommittee:

On behalf of the **American Society of Agronomy, Crop Science Society of America, Soil Science Society of America (ASA-CSSA-SSSA)**, I am pleased to submit comments in ***strong support of enhanced public investment in U.S. Forest Service, U.S. Geological Survey and U.S. Environmental Protection Agency*** as critical components of federal appropriations for FY 2010 and beyond. With more than 25,000 members and practicing professionals, ASA-CSSA-SSSA are the largest life science professional societies in the United States dedicated to the agronomic, crop and soil sciences. ASA-CSSA-SSSA play a major role in promoting progress in these sciences through the publication of quality journals and books, convening meetings and workshops, developing educational, training, and public information programs, providing scientific advice to inform public policy, and promoting ethical conduct among practitioners of agronomy and crop and soil sciences.

Summary
ASA-CSSA-SSSA understand the budgetary challenges the House Interior and Environment Appropriations Subcommittee faces in FY 2010. We also recognize that the Interior and Environment Appropriations bill has many valuable and necessary components, and we applaud the efforts of the Subcommittee to fund the ***U.S. Forest Service***, ***U.S. Geological Survey*** and ***U.S. Environmental Protection Agency***.

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. Soils are a vital component of forest management, and their understanding is essential to achieve the agencies strategic goals, yet vital programs that are essential for improved soil quality have been consistently under-funded. The Societies are concerned with past transfers of funding for the ***Forest Service*** away from base programs to support wildland fire suppression. ASA-CSSA-SSSA appreciate the

more than 3% increase provided by the Subcommittee to ***Forest Service*** core (without ***Wildland Fire Management*** funds) programs which brought FY 2009 funding to $2,614,164,000. For FY 2010, we recommend $2,875,580,400, a 10% increase over FY 2009, thus putting the agency back on track towards properly managing the 749 million acres of forests in the U.S. for the services they provide: clean water and air; recreational opportunities; hunting; fishing; forest products; and, scenic values.

The ***U.S. Geological Survey*** provides reliable scientific information to describe and understand the Earth; minimize loss of life and property from natural disasters; and protect the nation's natural resources. ASA-CSSA-SSSA applaud the Subcommittee's support for an additional $200 million in the American Recovery and Reinvestment Act of 2009 to repair and modernize USGS science facilities and equipment and support other areas. For FY 2010, we recommend $1.3 billion for the ***U.S. Geological Survey***, a 24.5% percent increase over the FY 2009 level of $1.043 billion. Only a concerted, long-term effort to boost USGS funding will produce the knowledge and tools needed to appropriately manage and meet the many challenges facing the nation's water, biological, energy, and mineral resources, while enhancing and protecting our quality of life.

In order to fulfill its mission, the ***US Environmental Protection Agency*** needs increased investments in socioeconomic, sustainability, ecological, and exploratory research as well as partnerships with academia and state and local government. These areas are essential to move environmental protection from a command-and-control regulatory system to a more rational, compliance-based approach. For ***EPA Science and Technology*** for FY 2010, ASA-CSSA-SSSA recommend a funding level of $845,354,570, a 7% increase over FY 2009 and for ***Environment Programs and Management***, $2,559,524,000, also a 7% increase.

U.S Forest Service

Forest and Rangeland Research

The ***Forest Service Research (FSR)*** soils program examines key environmental issues: nutrient cycling, impact of acid rain on soil function, management impacts on soil productivity, plant nutrition, soil moisture, plant growth relationships, soil microbial functions and soil quality concepts. Past investments in soils research have yielded great benefits to the nation, e.g. Research soil scientists described the environment-plant-soil carbon relations in the very carbon-rich black spruce forests needed to assist forest managers in understanding how to manage the soil carbon pool after fire disturbance, which is predicted to increase in a warming climate. ASA-CSSA-SSSA applaud the more than 3% increase provided by the Subcommittee for ***Forest and Rangeland Research*** in FY 2009, and for FY 2010 we recommend increasing ***Forest and Rangeland Research*** funding by 7% ($20,746,600) bringing total funding to $317,126,600. Within ***Forest and Rangeland Research***, we urge the Subcommittee to fund ***Resource Management and Use*** at the highest level possible. If funding increases do not occur, the Forest Service will be unable to replace recently retired research soil scientists, and there will also be a loss of capability to maintain measurements on the national ***Long Term Site Productivity*** study that guides Forest Service sustainability requirements.

National Forest System

Fresh water is a critical resource that is becoming scarce in many regions. It is essential that we continue to manage our forests to promote healthy watersheds, through effective monitoring. ASA-CSSA-SSSA support a funding level of $179,310,000, a 7% increase, for ***Inventory and Monitoring*** program in FY 2010. We also recommend $193,067,590, a 7% increase, in funding for ***Vegetation and Watershed Management***. Soil is the natural filter, often overlooked, vital for healthy watersheds. Past investments in NFS have yielded enormous benefits to society--Soil scientists annually provide critical soil resouree information to Burned Area Emergency Response teams evaluating the environmental effects and developing rapid management responses for hundreds of wildfires. Strong funding for NFS will allow USFS to start a resource inventory of the remaining 59.7 million acres of National Forest land currently scheduled; adequately continue monitoring the effects of land management activities on forest and range sustainability as required by the National Forest Management Act of 1976; and maintain a viable scientific knowledge base when retiring soil scientists are not replaced.

U.S. Geological Survey

Geographic Research, Investigations, and Remote Sensing

Land use and change are major issues of concern for the nation. Satellite imagery is used by a variety of stakeholders: government agencies such as USGS, EPA, NSF, and USDA; Universities-land grants and private; and private sector environmental managers and planners. Precision agriculture utilizes remote sensing, in combination with GIS and GPS, to develop farm-specific management maps reducing over-application of nutrients and loss in sensitive areas. ASA-CSSA-SSSA are concerned with the 6.96% ($5,407,000) cut made to ***Geographic Research, Investigations, and Remote Sensing*** in FY 2009. We urge the Subcommittee to fund the ***Geographic Analysis and Monitoring program*** at $11,339,860, a 7% increase over FY 2009. This funding level will help ensure access to a common set of current, accurate, and consistent data and scientific information that describe the Earth's land surface to help inform decisions by policymakers, resource managers, researchers, citizens, and the private sector.

Water Resources Investigations

Water is a limiting resource for many regions of the United States; certain regions have been in a sustained drought for several years. ASA-CSSA-SSSA recommend $161,962,960 in funding, a 7%, for ***Hydrologic, Monitoring, Assessments and Research*** for FY 2010. Within ***HMAR,*** critical programs--***Ground Water Resources, Toxic Substances Hydrology, and Hydrologic Research and Development***--deserve special funding consideration. ASA-CSSA-SSSA appreciate the Subcommittee's support for ***National Water Quality Assessment (NAWQA)*** program which raised total funding to $65,056,000 for FY 2009. For FY 2010, we recommend an additional $4,553,920 (7% increase) for NAWQA which will bring total funding to $69,609,920. This strong funding level will significantly increase the ground water monitoring capacity in USGS and allow for annual monitoring at the 113 active sites, demonstrating the government's commitment to providing clean available water under increasing demands. Aquifers are the leading source of fresh water across the country and it is essential we monitor and maintain this ecosystem service. Nutrient loading of the Mississippi River has been linked to the hypoxia zone in the Gulf of Mexico. January 2008, NSF released a press release (08-010) that concluded agriculture is changing the chemistry of the Mississippi River due to increased carbon and water loading. As more farm acreage is converted to biofuels, there is increasing

potential for these systems to load major river systems. ASA-CSSA-SSSA request a funding level of $8.8 million, a 35% ($2,300,000) increase over FY 2009, for the ***Water Resources Research Institutes*** which assist federal and state agencies in promoting and facilitating the research and technology transfer they need to carry out their missions to protect human health, environmental resources, and economic sustainability.

Biological Research
For FY 2010, ASA-CSSA-SSSA recommend funding for ***Biological Research*** be increased by $12,973,000 (7%) which will provide $198,303,000 in total funding and thus strong support for ***Biological Research and Monitoring, Biological Information Management and Delivery***, and ***Cooperative Research Units.***

Science Support
Climate change is a major focus for many agencies in FY 2010 and ASA-CSSA-SSSA which are interested in the role agriculture can play to mitigate climate change. ASA-CSSA-SSSA are pleased to see overwhelming support provided by the Subcommittee to ***Global Climate Change Research*** which brought funding from $7,383,000 in FY 2008 to $40,628,000 for FY 2009, an increase of $33,245,000 (450%)! Support for the ***Geographic research program*** is critical to provide the United States the ability to effectively reduce domestic greenhouse gas emissions in agriculture. The ***Geographic research program*** contributes to the ***Carbon Research Program***, carried out by USGS, USDA, and other international partnerships. We recommend increasing funding levels for ***terrestrial carbon research*** to $2,000,000 to develop new tools and understanding of the role that our managed lands play in carbon sequestration.

US Environmental Protection Agency

In order to fulfill its mission, EPA needs increased investments in both its intramural and extramural science programs as well as associated services such as environmental education and libraries. Long-term, deep budget cuts in research areas are devastating and compromising the agency's ability to adequately monitor and safeguard and the nation's air, soil and water resources. ASA-CSSA-SSSA recommend that EPA increase investments in socioeconomic, sustainability, ecological, and exploratory research as well as partnerships with academia and state and local government. These areas are essential to move environmental protection from a command-and-control regulatory system to a more rational, compliance-based approach. For ***EPA Science and Technology*** for FY 2010, ASA-CSSA-SSSA recommend a funding level of $845,354,570, a 7% increase over FY 2009. We urge the Subcommittee to fund ***Environment Programs and Management*** at $2,559,524,000, a 7% increase over FY 2009.

Thank you for your thoughtful consideration of our requests. For additional information or to learn more about the American Society of Agronomy, Crop Science Society of America and Soil Science Society of America (ASA-CSSA-SSSA), please visit www.agronomy.org, www.crops.org or www.soils.org or contact ASA-CSSA-SSSA Director of Science Policy Karl Glasener (kglasener@agronomy.org, kglasener@crops.org, or kglasener@soils.org).

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**STATEMENT OF
THE AMERICAN SOCIETY OF CIVIL ENGINEERS
ON THE FISCAL YEAR 2010 BUDGET FOR
THE ENVIRONMENTAL PROTECTION AGENCY
AND THE U.S GEOLOGICAL SURVEY
BEFORE THE
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES
APRIL 23, 2009**

Mr. Chairman, Mr. Simpson, and Members of the Subcommittee:

The American Society of Civil Engineers (ASCE) is pleased to present to the Subcommittee our views on the proposed budgets for the **Environmental Protection Agency (EPA)** and the **United States Geological Survey (USGS)** for Fiscal Year 2010.

In its *2009 Report Card for America's Infrastructure* released in January, ASCE said that the nation needs to invest approximately $2.2 trillion over the next five years to maintain the national infrastructure in good condition. Even with current and planned investments from federal, state, and local governments in the next five years, the "gap" between the overall need and actual spending will remain at more than $1 trillion in 2014.

I. The Environmental Protection Agency

A. The Subcommittee should appropriate the president's full request for $3.9 billion for the Clean Water Act State Revolving Loan Fund (CWSRF) and the Safe Drinking Water Act SRF in FY 2010.

In FY 2009, Congress appropriated $1.5 billion for both SRF programs in the annual appropriations act. In February, the American Recovery and Reinvestment Act (ARRA) provided an additional $6 billion for these programs, bringing the total FY 2009 appropriation for clean water and drinking water to $7.5 billion (although not all of the ARRA funds need be obligated until the middle of FY 2010).

The president's budget requests $3.9 billion for the CWSRF and the DWSRF in FY 2010. It is not clear how the money will be divided between the two. Nevertheless, this total represents an essential investment and this Subcommittee should appropriate the entire amount requested.

Aging wastewater treatment systems discharge billions of gallons of untreated wastewater into U.S. surface waters each year. The Environmental Protection Agency estimates that the nation must invest $390 billion over the next 20 years to update or replace existing systems and build new ones to meet increasing demand.

Since 1972, Congress has directly invested more than $77 billion in the construction of publicly owned sewage treatment works (POTWs) and their related facilities. State and local governments have spent billions more over the years. Total non-federal spending on sewer and water between 1991 and 2005 was $841 billion. Nevertheless, the physical condition of many of the nation's 16,000 wastewater treatment systems is poor, due to a lack of investment in plant, equipment and other capital improvements over the years.

In 2008, the U.S. Environmental Protection Agency (EPA) reported that the total investment needs of America's publicly owned treatment works as of January 1, 2004, were $202.5 billion. This reflects an increase of $16.1 billion (8.6 percent) since the previous analysis was published in January 2004.

Many systems have reached the end of their useful design lives. Older systems are plagued by chronic overflows during major rain storms and heavy snowmelt and, intentionally or not, are bringing about the discharge of raw sewage into U.S. surface waters. EPA estimated in August 2004 that the volume of combined sewer overflows (CSOs) discharged nationwide is 850 billion gallons per year. Sanitary sewer overflows (SSOs), caused by blocked or broken pipes, result in the release of as much as 10 billion gallons of raw sewage yearly, according to the EPA.

Wastewater infrastructure is expensive as are the monetary and social costs incurred when infrastructure fails. The nation's wastewater systems are not resilient in terms of current ability to properly fund and maintain, prevent failure, or reconstitute services. Additionally, the interdependence on the energy sector contributes to the lack of system resilience that is increasingly being addressed through the construction of dedicated emergency power generation at key wastewater utility facilities. Aging, under-designed, or inadequately maintained systems discharge billions of gallons of untreated wastewater into U.S. surface waters each year.

Future investments must focus on updating or replacing existing systems as well as building new ones to meet increasing demand; improved operations processes including ongoing oversight, evaluation, and asset management on a systemwide basis; and watershed approaches to look more broadly at water resources in a coordinated systematic way.

America's drinking water systems face an annual shortfall of at least $11 billion to replace aging facilities that are near the end of their useful life and to comply with existing and future federal water regulations. This does not account for growth in the demand for drinking water over the next 20 years. Leaking pipes lose an estimated seven billion gallons of clean drinking water a day.

Of the nearly 53,000 community water systems, approximately 83 percent serve 3,300 or fewer people. These systems provide water to just nine percent of the total U.S. population served by all community systems. In contrast, eight percent of community water systems serve more than 10,000 people, and they provide water to 81 percent of the population served. Eighty-five percent (16,348) of non-transient, non-community water systems and 97 percent (83,351) of transient noncommunity water systems serve 500 or fewer people. These smaller systems face huge financial, technological, and managerial challenges in meeting a growing number of federal drinking-water regulations.

Federal assistance has not kept pace with demand, however. Between FY 1997 and FY 2009, Congress appropriated approximately $10 billion for the DWSRF. This 12-year total is only slightly more than the annual capital investment gap for each of those years as calculated by EPA in 2002.

Although drinking-water treatment plant operators are often able to provide workarounds during system disruptions, the nation's drinking-water systems are not highly resilient based on present capabilities to prevent failure and properly maintain or reconstitute services. Additionally, the lack of investment and the interdependence on the energy sector contribute to the lack of overall system resilience. These shortcomings are currently being addressed through the construction of dedicated emergency power generation at key drinking water utility facilities, increased connections with adjacent utilities for emergency supply, and the development of security and criticality criteria within the sector. Investment prioritization must take into consideration system vulnerabilities, interdependencies, improved efficiencies in water usage via market incentives, system robustness, redundancy, failure consequences, and ease and cost of recovery.

B. Congress should appropriate $1 billion for Superfund in FY 2010

The administration's budget plan released in February did not provide a detailed proposal for Superfund in FY 2010. We support a minimum appropriation of $1 billion for the fiscal year.

The administration's 2010 budget also proposes to reinstate excise taxes for the cleanup of the nation's worst hazardous waste sites under the Superfund program. These oil and feedstock taxes will generate more than $1 billion to clean up the sites on the National Priorities List (NPL). The reinstated taxes will not begin until 2011, however.

Between 1980 and 1995, dedicated taxes on petroleum, chemical feedstocks, and corporate income provided the majority of the trust fund's income. Between Fiscal Year 1981 and Fiscal Year 2005, Congress appropriated $29.3 billion to aid in the cleanup of hazardous waste sites under Superfund. But Congress allowed the taxes to expire in December 1995, and the amount of unobligated money in the fund gradually declined. By the end of FY 2003, the fund's unobligated balance was zero, down from a high of $3.8 billion in 1996. Since FY 2004, virtually the entire Superfund program appropriation has come from general Treasury revenues.

Cleanup progress under Superfund reflected the dwindling resources. Between 1993 and 2000, construction was completed at 608 sites on the NPL, which comprises the most contaminated sites in the nation. Between 2001 and 2008, the number of construction

completions dropped to 303 sites—a cleanup rate 50 percent lower than the previous eight years. Meanwhile, the total number of NPL sites remained relatively constant, and, as of November 2008, there were still 1,255 sites awaiting action on the NPL.

By restoring the federal taxes on chemicals, petroleum, and corporations to finance Superfund, H.R. 564 would satisfy ASCE's policy goal of maintaining a dedicated federal revenue mechanism to revive the Hazardous Substance Superfund cleanup program and remove the cost of cleanup from the taxpayers at large. ASCE believes that it is long past time to invigorate the federal government's commitment to cleaning up the nation's most polluted chemical sites.

II. U.S Geological Survey

The mission of the U.S. Geological Survey (USGS) is to collect, analyze, and disseminate geologic, topographic, and hydrologic information that contributes to the wise management of the nation's natural resources and that promotes the health, safety, and well-being of the people. This information takes many forms, including maps, reports, and databases that provide descriptions and analyses of the water, energy, and mineral resources, the land surface, the underlying geologic structure, and the dynamic processes of the Earth.

The USGS received an appropriation of $1.007 billion in FY 2008. The president has proposed a budget of $968.5 million for FY 2009, a decrease of $38 million. Congress appropriated $1,043,803,000 for FY 2009.

ASCE supports an appropriation of $1.14 billion for FY 2010, an increase of approximately 10 percent over the FY 2009 budget. We recommend that the new money be allocated to the National Water Quality Assessment Program, which is regularly faced with the loss of critically important water-quality data due to reduced appropriations.

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Testimony of the Appalachian Mountain Club
Submitted by Susan Arnold, Director of Conservation
to the
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
The Honorable Norman D. Dicks, Chair
Department of the Interior
March 26, 2009

Mister Chairman and Honorable Members of the Subcommittee:

On behalf of our almost 90,000 members, the Appalachian Mountain Club (AMC) is honored to present this testimony in support of much needed funding for conservation programs in the FY2010 Interior, Environment, and Related Agencies Appropriations Bill, including:

- $125 million for the USDA Forest Service Forest Legacy Program,
- $450 million for the Department of the Interior Land and Water Conservation Fund (including $325 million for federal-side and $125 million for state-side programs),
- $11 million for the Department of the Interior Highlands Conservation Act ,
- $12 million for the National Parks Service Rivers, Trails, and Conservation Assistance program.
- $75 million for the Community Forest and Open Space Conservation Program.

The above programs are essential to a healthy, happy and thriving populous and provide economic, ecological and recreational benefits to Americans across the country. Land conservation and recreational program support are vital to maintaining the health and well being of the nation's lands and our citizens. The demands on these programs continue to grow despite the fact that funding for most of these programs have declined in recent years. There is a great need to fund these programs at the above requests and to work towards their full funding. The availability of public open space amid the populous Northeast and Mid-Atlantic regions benefits the well-being of the regions' citizenry and economy.

The AMC is the nation's oldest recreation and conservation organization. Founded in 1876, our mission is to promote the protection, enjoyment, and wise use of the mountains, rivers and trails of the Appalachian region. With 12 chapters from Maine to Washington, DC, AMC is proud of our long tradition of stewardship and engagement in the outdoors.

Open space conservation in the East is a vital investment that ensures clean air and water, a sustainable supply of timber products produced from private and public forests, local food and farm products for millions of people, and diverse recreational opportunities including hiking, cross-country skiing, wildlife viewing, photography and paddling. Conservation of these resources is needed now more than ever. According to a report by the U.S.D.A. Forest Service (USFS), *Forests on the Edge*, over 44 million acres of private forests in the East will be developed in the next 30 years.

Priority FY10 Forest Legacy Program Needs in the Northeast

For Fiscal Year 2010, we have assembled a list of exemplary Forest Legacy projects in the Northeast and Mid-Atlantic. Some of these projects, like the Katahdin Forest, Mahoosuc Gateway II, Musconetcong & Rockaway Rivers Watersheds are in need of funds to be completed. Others projects, such as the Tulmeadow Farm and Wolf Hill in Connecticut are new priorities that would protect unique and critical forests in the eastern U.S.

AMC respectfully requests a substantial increase in overall funding for the Forest Legacy Program at no less than $125 million in FY10. The Forest Legacy Program has protected over 1.7 million acres of forestland since 1990. For Fiscal Year 2010, the USFS received 84 project proposals from 44 states and territories to protect 288,530 acres with a total project value of over $363 million. The Forest Legacy Program conserves working forests threatened by conversion to development or other uses, and promotes economic viability as well as recreational open space and wildlife protection. Public lands provide innumerable social and economic benefits including a healthy lifestyle, protection of watersheds and drinking water supplies, wildfire reduction and prevention, and assistance to wildlife and fisheries as they adapt to climate change.

For FY 2010, the AMC supports funding requests for the following Forest Legacy projects:

State	Project
ME	Katahdin Forest
ME	Rangeley High Peaks
NH	Cardigan Highlands
NH	Mahoosuc Gateway II
MA	Monson Forest Lands
MA	Southern Monadnock Plateau Phase II
MA	Metacoment-Monadnock Forest
NY	Follensby Pond
CT	Tulmeadow Farm
CT	Wolf Hill
NJ	Musconetcong and Rockaway Rivers Watersheds

Priority FY10 Land and Water Conservation Fund Program Needs in the Northeast

AMC respectfully requests a substantial increase in overall funding for the Land and Water Conservation Fund (LWCF) specifically $325 million for the federal LWCF and $125 million for the LWCF stateside program, in the FY2010 Interior and Environment Appropriations bill. We applaud the LWCF funding increases provided by this Subcommittee in Fiscal Year 2009. And, we are most thankful that the Obama Administration Budget recognizes the importance of this program by proposing significant increases for Fiscal Year 2010 and setting a goal to achieve full funding of the LWCF in the next five years.

The LWCF is our nation's premier program to acquire and protect lands in national parks, national wildlife refuges, national forests, Bureau of Land Management units and other federal land systems. This program faces an extensive and growing backlog of land acquisition needs across the nation. The LWCF will provide important funds to obtain inholdings and lands

adjacent to federal lands such as the White Mountain National Forest, Silvio O. Conte National Wildlife Refuge (NWR), Wallkill NWR and Monongahela National Forest.

The LWCF stateside program provides close-to-home recreation through thousands of state and local parks across the country. These parks provide millions of urban and suburban residents the benefits of access to natural areas while promoting much needed tourism in local communities.

In FY 2010, the AMC supports the following LWCF projects in our region:

State	Federal Land Unit
ME	Rachel Carson NWR
ME/NH	White Mountain National Forest
NH, VT, CT, MA	Silvio O. Conte NWR
NH	Lake Umbagog NWR
NH	Mahoosuc Gateway I
CT	Stewart McKinney NWR
NJ	Wallkill NWR
NJ	Great Swamp NWR
MD	Blackwater National Wildlife Refuge
WV	Monongahela National Forest

FY10 Highlands Conservation Act Needs

AMC respectfully requests a substantial increase in overall funding for Highlands Conservation Act (HCA), including $10 million for land conservation and $1 million for USFS technical assistance funding. The HCA, passed in 2004, authorizes land conservation partnership projects and open space purchases from willing sellers in the four-state Highlands region of Pennsylvania, New Jersey, New York, and Connecticut. The Act includes authorization of $10 million in annual grants to the Highlands states and nonprofit conservancies from the Department of the Interior for land acquisition and easements. It also includes $1 million annually in technical assistance from the USFS to work with Highlands states and local municipalities to implement the conservation strategies outlined in the three comprehensive Forest Service studies of the region completed in 1992, 2002, and 2008.

This program has received only $5.25 million since it was initiated five years ago. While we greatly appreciate the Subcommittee's efforts to support this program, and are thrilled that the program had its own line-item in the FY09 Omnibus Bill, we are in dire need of additional funds to fulfill the purposes of the HCA and complete projects that have strong public support. According to a study by the USFS, open space in New York and New Jersey alone is disappearing at a rate of five- to six-thousand acres a year. The four-state Highlands Region is the backyard for the more than 25 million people living in or around the large cities of the Mid-Atlantic States, and provides critical drinking water, wildlife habitat, and abundant and accessible recreation opportunities. Current projects in Pennsylvania, New Jersey, New York, and Connecticut share strong local support, commitments from State and private sources to

provide matching funding, and will protect important water supplies, forests, farmland, recreational opportunities and wildlife habitat.

In FY 2010, the AMC supports funding for the following HCA projects:

State	Project
CT	Ethel Walker II
CT	Naugatuck / Mad River Headwaters
NY	Greater Sterling Forest
NJ	Northern Highlands
PA	Texter Mountain

FY10 Community Forest and Open Space Conservation Program Needs
AMC respectfully requests funding of $75 million for this important new program. The Community Forest and Open Space Conservation Program will provide communities matching funds to purchase critical forestland tracts and provide technical assistance through state forestry agencies for outstanding forest management. The program provides 50-50 matching funds to help local governments, tribes, and non-profit organizations acquire forest areas that are economically, culturally, and environmentally important to that locality and threatened by development. The program differs from the Forest Legacy Program by providing grants directly to local governments and non-profits for full fee acquisition, not conservation easements. The program's criteria are built around evaluation of a project's community impact and it requires public access and active community engagement in forest planning for parcels.

Priority FY10 Recreational Programs Needs

In addition to the important land conservation projects from the Katahdin Forest in Maine to Texter Mountain in Pennsylvania, the AMC respectfully urges the Subcommittee to ensure the viability of programs that support outdoor recreation in America. The AMC echoes the testimony of the American Hiking Society in support of diverse and strong funding levels for important recreational priorities.

FY10 Rivers, Trails and Conservation Assistance Needs
AMC respectfully requests a substantial increase in overall funding for Rivers, Trails Conservation Assistance program and requests $12 million nationwide. Through this National Park Service program, partners protect 700 miles of rivers, create 1,300 miles of trails and conserve over 60,500 acres of open space annually, promote alternative transportation, brownfield redevelopment, youth conservation and floodplain planning. Funding would counteract the steady erosion of funding and reduced staffing. This program receives less than 1% of National Park Service funding, but federal funds are leveraged many times over with state, local and partnership cooperation and in-kind matches.

Thank you for the opportunity to submit this testimony for your consideration.

Outside Witness Testimony
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies

Statement by: David N. Startzell
Executive Director
Appalachian Trail Conservancy

Date: March 26, 2009

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 2010 appropriation from the Land and Water Conservation Fund** in the amount of **$2.625 million for the National Park Service and $15.02 million for the USDA Forest Service** for the acquisition of lands and interests in lands surrounding or bordering the **Appalachian National Scenic Trail (ANST)** in the states of **New Hampshire, Tennessee, and North Carolina**. ATC also is supporting two **FY'10 Forest Legacy projects in Maine and New Hampshire totaling $7.613 million.**

Background: The Appalachian Trail (A.T.) is America's premier long-distance footpath. Initially established between 1923 and 1937 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 189,000 acres, more than 3,360 parcels, in fourteen states. Today, only approximately five miles of the 2,178-mile Appalachian Trail remain to be protected through public ownership.

Resource Characteristics: The Appalachian Trail is a 2,178-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 considered 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 three to four 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.

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 (ATC) 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 2008, for example, more than 6,000 volunteers contributed more than 203,000 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 30 club affiliates, is now responsible for virtually all phases of "park" operations, ranging from trail and facility maintenance and construction to land 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'10 LWCF appropriations to secure those properties. A brief description of each of those critical parcels follows.

Rangeley High Peaks Project Phase I, Maine. ATC is supporting a request by the State of Maine and the Maine Appalachian Trail Land Trust to acquire conservation easements affecting three large parcels totaling 13,446 acres in the towns of Rangeley and Madrid and Mount Abrams Township in the Rangeley Lakes region of western Maine utilizing FY'10 Forest Legacy funding. The three properties are known as the Ridge, Orbeton, and Rangeley properties. Of particular interest is the Ridge tract, which borders the Appalachian Trail corridor near Saddleback Mountain and Mt. Abram and includes an important snowmobile crossing of the A.T. It abuts other lands acquired by the National Park Service and the Appalachian Trail Conservancy. ATC is supporting a request for **$4.613 million from the FY'10 USDA Forest Legacy program**.

Mahoosucs Gateway/Success Township, New Hampshire. This project affects a 20,000-acre project area that has been the focus of conservation and economic-development efforts by a consortium of conservation organizations as well as several local communities. The Mahoosuc Mountain Range is one of the most remote and rugged areas along the Appalachian Trail. Straddling the border between New Hampshire and Maine, it provides a scenic gateway to both states. In partnership with a timberland owner an opportunity exists to conserve 4,772 acres in fee simple and an additional 15,200 acres under easement for six miles along the northern edge of the narrow Appalachian Trail corridor there, including two of the most prominent mountain peaks in the area: Bald Cap and North Bald Cap. Conservation of the property would provide protection for a number of existing side trails in the area as well as the watersheds of numerous streams flowing into the Androscoggin River The fee-simple portions of the property require Federal LWCF monies, while the easement portions will rely on additional funding through the Forest Legacy program. Approximately one-half of the LWCF monies were provided in the FY'09 omnibus appropriations bill. ATC and The Conservation Fund are requesting an **FY'10 LWCF appropriation of $1.375 million for the National Park Service** to complete the fee-simple portion of the project. ATC also is supporting a request by The

Conservation Fund for **$3 million in FY'10 Forest Legacy funding** for acquisition of easements affecting the remaining 15,200 acres.

Chateauguay-No Town Project, Vermont. This project involves four parcels, totaling 1,000 acres, in the towns of Barnard and Bridgewater, Vermont. Negotiations have been spearheaded for several years by The Conservation Fund, which also has secured a $500,000 private contribution toward the project. 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. ATC and The Conservation Fund are requesting **an FY'10 LWCF appropriation of $1.25 million for the National Park Service** for this project.

Rocky Fork, Tennessee/Cherokee National Forest. In mid-December, 2008, the USDA Forest Service acquired approximately 2,200 acres of this 10,000-acre property in eastern Tennessee situated midway between Johnson City and Asheville, North Carolina, and adjacent to Interstate 26. The Conservation Fund provided bridge funding to acquire the balance of the property in anticipation of future sale to the Forest Service and the State of Tennessee. The property includes many game and non-game wildlife values, including 16 miles of "blue-ribbon" trout streams and outstanding black bear, white-tailed deer, and wild turkey habitat. The property also includes 1.2 miles of the Appalachian National Scenic Trail and its recent acquisition will permit the construction of a 5-mile relocation to provide a much-improved alignment for the footpath. Total costs for the acquisition were approximately $43 million and ATC is working closely with TCF, the Southern Appalachian Highlands Conservancy, and a number of other conservation and sportsmen organizations to complete the overall funding package for the project. ATC and The Conservation Fund are requesting an **FY'10 LWCF appropriation of $13.5 million for the USDA Forest Service** which will permit the Forest Service to acquire the eastern portion of the property while the central portion will be acquired by the State of Tennessee.

Rich Mountain, Tennessee/Cherokee National Forest. This 100-acre privately-owned in-holding is situated in the northwest corner of the Rocky Fork property (see above) 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 health bald. The property provides sweeping views of the Sampson Mountain Wilderness and northeast Tennessee/ southwest Virginia. ATC is requesting **an FY'10 LWCF appropriation of $600,000 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 **an FY'10 LWCF appropriation of $500,000 for the USDA Forest Service.**

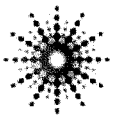
Buck Mountain, Tennessee/Cherokee National Forest. This is an 18-acre property situated in rural northeast Tennessee near the Village of Roan Mountain. The southern boundary of the property is within 10 yards of the Appalachian Trail and is clearly visible as it occupies the high ground above the A.T. for about one-quarter mile. The property includes views of Beech Mountain, Hump Mountain, and the Highlands of Roan. Previously devoted to Christmas tree and ornamental shrub agriculture, the area is under development pressure due to the outstanding views and proximity to the Cherokee National Forest ATC is requesting **an FY'10 LWCF appropriation of $150,000 for the USDA Forest Service** to acquire the property from a willing seller.

Wesser Bald, North Carolina/Nantahala National Forest. This 82-acre property is situated in western North Carolina in the Nantahala National Forest. The A.T. passes within 100 feet of the property and affords a number of outstanding scenic views at several locations along the northern portion of the property and from a viewing platform atop the Wesser Bald fire tower with 360-degree views encompassing the Great Smoky Mountains skyline, the Nantahala Mountains, and northern Georgia. The upper 35 acres was acquired in fee in 2007 by the Southern Appalachian Highlands Conservancy with the aid of a bridge loan from The Conservation Fund and the requested LWCF appropriation will be used to repurchase that portion of the property at a bargain-sale price with ownership transferred to the Forest Service. SAHC also has secured a conservation easement affecting an additional 41 acres of the property. The total value of the fee and easement interests is $950,000. ATC is requesting **an FY'10 LWCF appropriation in the amount of $270,000 for the USDA Forest Service.**

With the acquisition of the above-described properties, ATC hopes to complete a substantial portion of the remaining land-acquisition needs in the Appalachian National Scenic Trail program. Again, we respectfully request an **FY'10 Land and Water Conservation Fund appropriation of $2.625 million for the National Park Service and $15.02 million for the USDA Forest Service.** We also support a total of **7.613 million in FY'10 Forest Legacy funding for the Rangeley High Peaks project in Maine and the Mahoosucs Gateway/Success Township project in New Hampshire.**

Thank you for the opportunity to submit this testimony and for your consideration of our request.

David N. Startzell
Executive Director
Appalachian Trail Conservancy



Association of Performing Arts Presenters

Testimony in Support of FY 2010 Funding for the National Endowment for the Arts
Submitted to the House Interior, Environment, and Related Agencies
Appropriations Subcommittee

Sandra Gibson, President and CEO
Association of Performing Arts Presenters
(Arts Presenters)
March 26, 2009

The Association of Performing Arts Presenters (Arts Presenters) urges the subcommittee to approve Fiscal Year 2010 funding for the National Endowment for the Arts (NEA) at a level of $200 million. With audiences of six million people per week for performances in virtually every community in the nation, the American performing arts presenting industry has combined annual expenditures in excess of $9.8 billion. The performing arts presenting field supports more than 900,000 jobs, including the employment of artists and those who help manage and present them, and supports many more services related to performing arts events, such as hotel stays, restaurants, transportation, and parking.

We would also like to take this time to thank Chairman Obey and the Appropriations Committee for fighting to keep the $50 million for NEA funding in the economic stimulus package. Our industry appreciates this level of support for jobs, and with stimulus funding many of our organizations will be able to preserve and in some cases, recover mission critical positions that are directly tied to serving their communities. These positions range from educational outreach and program coordinators for the elderly to artists who reach deeply into their communities to bridge social gaps and improve the quality of life for those who may be less advantaged. We estimate that the stimulus grants, distributed through the NEA, may save as much as 15% of our arts workforce in the next two years.

Founded in 1957, Arts Presenters is the national service organization for the field of performing arts presenting. Nearly 2,000 members represent the nation's leading performing arts centers, civic and university performance facilities, amphitheaters, college and university theatres, local arts agencies, festivals, fairs, park sites, and museums. Arts Presenters also provides services to touring artists and companies, their managements and agents. Our membership includes a range of organizations with multi-million dollar budgets to budgets of three-thousand dollars and individuals who are artists or independent performing arts professionals; two-thirds of the membership and wider presenting field are organizations with small budgets under $1.5 million (the largest segment of which is under $500,000).

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Association of Performing Arts Presenters

We continue to track the value and impact of the performing arts to communities, including our economic impact, and recent survey indicators point to an industry concerned with the overall impact the current economic crisis has on the operating environment for our field and the increased difficulty of resolving the many challenges presenting organizations already faced before the deep recession. We must ensure that every performing arts presenter continues to build upon and contribute to the economic engine and cultural infrastructure in communities in which they serve.

While we are far from achieving a cultural democracy, the idea that arts and culture be woven into all aspects of life is *essential* to both preparing an innovative workforce in the 21st century and bridging the deep socio-economic gaps that continue to plague underserved and underprivileged communities in various pockets of the country. As a nation, we are wise to look back on our rich history of integrating the arts and culture in times of need to help us move forward. Like many of the cultural projects President Franklin Roosevelt launched to get the United States out of the Great Depression, and the decades of United States Information Agency support of arts encounters and exchanges that provided powerful images of a diverse American citizenry and cultural landscape, the NEA should have an opportunity to expand its ability to serve the American public with an increased level of funding to help projects that capture the spirit, optimism, creativity and imagination as well as demonstrate the value the performing arts offer in critical times to a nation in crisis.

In the most completed grant year, Fiscal Year 2008, the NEA's Grants to Organizations included 90 grants to 85 Arts Presenters organizations and the communities they serve, supporting arts education for children, adults, disabled, underserved and underprivileged, preserving great classical, jazz and choreography works, fostering the creative endeavors of contemporary classical musicians and composers, and expanding public access to performances and exhibitions.

NEA Funding Highlights:
Learning in the Arts for Children and Youth A grant designed to advance arts education for children and youth in school-based or community-based settings, this category supports in-depth, curriculum-based arts education experiences that occur over an extended period.

(Great Falls, VA) Traveling Players Ensemble, Inc.: To support Traveling Players Ensemble Summer Theatre Camp. Working in ensembles of 13 to 15, students will produce and perform a classical theater piece by either Moliere or Shakespeare. $18,000
(Idaho Falls, ID) Eagle Rock Art Museum & Education Center, Inc.: To support the ARTworks visual arts education program. In southeast Idaho, artists participate in school residencies and teachers attend professional development training to learn methods of integrating the arts into core academic coursework. Students study art history, receive technical instruction, and visit the museum as part of the program. $10,000

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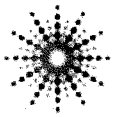

Association of Performing Arts Presenters

(Seattle, WA) Seattle Repertory Theater: To support Bringing Theater into the Classroom. In partnership with the Seattle Children's Theatre, the program provides classroom residencies in which professional artists and teachers combine theater education and concepts of literacy into their classroom curriculum. $60,000

Challenge America
A grant designed to identify and support projects that connect the arts - and artist - to their broader communities through collaborative works.

(Robbinsville, NC) Stecoah Valley Arts, Crafts & Educational Center, Inc. (*aka* Stecoah Valley Cultural Arts Center): To support An Appalachian Evening concert series featuring traditional entertainment connected to Appalachian heritage. $10,000

Access to Artistic Excellence
A grant designed to encourage and support artistic creativity, preserve our diverse cultural heritage and make the arts more widely available in communities throughout the country, especially by providing access to underserved populations.

(Becket, MA) Jacob's Pillow: To support residencies and performances of dance companies. The project includes a Creative Development Residency, presentation of national and international dance companies, and audience engagement and educational programs. $80,000
(North Adams, MA) Massachusetts Museum of Contemporary Art Foundation, Inc. (*aka* MASS MoCA): To support a series of performances, exhibitions, residencies, and film screenings at MassMOCA. Artists will participate in school presentations, artist talks, open rehearsals, and work-in-progress performances. $20,000

I would like to thank you for this opportunity to reinforce the positive and meaningful contributions the NEA makes to ensure access to participation in the performing arts for tens of millions of Americans throughout the country each year and for thousands of performing arts presenters to serve the millions of audience members they directly reach across the country. We believe that arts experiences exemplify and ignite the ingenuity and creativity needed to prepare a competitive workforce ready to meet existing and emerging global challenges. We also believe access to quality arts programs for students of all ages enrich their academic achievements and advance their overall development. The Endowment provides an exemplary platform for upholding the highest standards for artistic endeavors while increasing access to and participation in the arts for the underserved and underprivileged communities. Together with the NEA, we are committed to building and supporting strong cultural infrastructure nationwide and opportunities for direct participation in the arts in each and every community. We urge you to actively support the funding level increase for FY 2010 by approving $200 million in funding for the National Endowment for the Arts.

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TESTIMONY

OF

JIM MADDY
PRESIDENT & CEO
ASSOCIATION OF ZOOS AND AQUARIUMS

before the

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES

COMMITTEE ON APPROPRIATIONS

U.S. HOUSE OF REPRESENTATIVES

on

FY 2010 INTERIOR APPROPRIATIONS

March 26, 2009

Thank you, Chairman Dicks, for the opportunity to provide testimony in support of specific programs within the purview of the Department of the Interior for Fiscal Year 2010.

My name is Jim Maddy and I am the President and CEO of the Association of Zoos and Aquariums. With 175 million visitors to 216 accredited zoos and aquariums, AZA's focus on connecting people and animals provides a critical link to helping animals in their native habitats. AZA members are the foremost authorities and practitioners of animal care and well-being; are deeply involved in their local communities through outreach and education programs; and have a deep and abiding commitment to conservation education, conservation science and field research.

AZA institutions work collaboratively with the U.S. Congress and Federal/state agencies to shape national and international wildlife conservation policy by providing expert comment and input on such issues as invasive species, biological diversity, wildlife trade, endangered species, marine mammal protection, and species conservation. AZA also contributes to discussions on animal care and welfare and conservation education.

Economic Stimulus

Please let me begin by expressing my genuine disappointment with the prohibition on the use of economic stimulus funds for zoos and aquariums. Zoos and aquariums nationwide are facing severe economic hardships during these tough financial times. The language in Section 1604 in Public Law 111-5 effectively denies zoos and aquariums the opportunity to apply for much-needed funds and have their projects judged like all others – on their merits and their ability to generate economic activity and local jobs.

I ask that you consider how zoos and aquariums contribute to the nation's infrastructure:

- Zoos and aquariums are woven into the fabric of American life–often providing the only source of informal science education, inspiration and wonder for millions of students around the country, while employing thousands of seasonal and living wage jobs from local communities.
- AZA-accredited zoos and aquariums enhance local and regional economies, collectively generating $7.6 billion in annual economic activity and supporting more than 100,000 jobs. These institutions create $2.7 billion in personal earnings from both seasonal and living wage jobs in local communities across America.
- Many accredited zoos and aquariums have formal service agreements with local school districts, and maintain after-school programs for at-risk youth. Any federal investment in zoos and aquariums will not only create jobs, but provide lasting benefits to the communities they serve.
- Zoos and aquariums work with school districts to both train educators and help teach the curriculum. Accredited zoos and aquariums formally trained more that 400,000 teachers over the last 10 years, supporting science curricula with effective teaching materials and hands-on opportunities.

AZA-accredited zoos and aquariums were not looking for a handout in this stimulus package. We simply wanted the opportunity to submit projects of high quality, public benefit to the same process of scrutiny and accountability that any other project would have to meet under the stimulus provisions.

I firmly believe that AZA accredited zoos and aquariums can drive job creation, financial investment and make valuable contributions to the economic recovery in urban and rural communities across the United States.

AZA and the Department of the Interior—U.S. Fish and Wildlife Service

AZA and its member institutions have a long-standing partnership with the U.S. Fish and Wildlife Service (USFWS). Our collaborative efforts have focused on:

- Engaging in endangered species recovery and reintroduction (black-footed ferrets, California condor, Mexican and red wolves, whooping cranes);
- Supporting multinational species conservation funds and state wildlife grants; and
- Collaborating on partnership opportunities involving wildlife refuges, migratory birds, freshwater fisheries, amphibians and invasive species.

For FY 2010, AZA respectfully requests that the Subcommittee consider:

- Funding for dedicated amphibian program within the US Fish and Wildlife Service for in situ and ex situ projects. Of the world's species of amphibians – frogs, toads, salamanders, and caecilians – over forty per cent are declining substantially in sizes of their populations, at least one-third are threatened with extinction, and 38 species have recently become extinct--with 120 more species suspected to have become extinct. A total of 1893 species, a third of the 5915 species in the 2004 Global Assessment of Amphibians by the International Union for the Conservation of Nature, are considered under threat of extinction, and 1382 species are so little-known that their conservation status could not be determined. In the United States, 12 species of amphibians are listed as endangered and 70 other species are listed as threatened under the Endangered Species Act of 1973. Multiple factors are affecting the survival of amphibian species, including habitat destruction and degradation, a pandemic fungal disease, chemical pollutants, unregulated trade, introduced species, and climate change. Ongoing assessments of the status of species and their habitat conditions are urgently needed but are lacking appropriate funding, agency expertise and programmatic structure to do so.
- Increased staffing levels at USFWS Divisions of Management Authority and Scientific Authority to streamline unusually long processing times for ESA and CITES permits. The dwindling number of qualified biologists at both of these Divisions has created an 8-11 month backlog in the processing of permits for the time-sensitive movement of endangered species including genetic material by AZA-accredited institutions. This in

turn, has tremendous impact on critical zoo and aquarium conservation breeding programs.

- The development of a marine mammal stranding program within the USFWS under the Prescott Marine Mammal Stranding and Rehabilitation Act. To date, only the National Marine Fisheries Service (NMFS) has requested appropriations for this program. AZA institutions conduct many stranding and rehabilitation efforts with those marine mammals that fall under the jurisdiction of the USFWS.

- Increase the Multinational Species Conservation Funds (MNSCF) account. The Omnibus Appropriations bill that recently passed the Congress contained a welcome increase in funding for MNSCF programs ($2.16 million), neotropical migratory birds ($320,000), and Wildlife Without Borders regional and global programs ($518,000). AZA congratulates the Chairman and the Subcommittee for these important increases. These additional funds will make it possible to protect species from poachers, preserve habitat, support education programs, mitigate human-animal conflicts, and train wildlife managers in developing countries. The US Government investment will also leverage almost three times as much in matching contributions from other national governments, corporations and private organizations. There is still much to be done in international wildlife conservation so AZA requests that the Subcommittee raise the MNSCF to $15 million ($4 million for Rhino/tiger and $2.75 million for the other four programs) and increase the Wildlife without Borders program to $4 million for FY 2010.

Thank you again for this opportunity to comment on these important wildlife conservation measures.

I would be happy to answer any questions that you may have.

Statement of

JOHN R. D'ANTONIO, JR., P.E., NEW MEXICO STATE ENGINEER
AND SECRETARY, NEW MEXICO INTERSTATE STREAM COMMISSION

to the

HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

in support of

FY 2010 APPROPRIATIONS FOR BUREAU OF LAND MANAGEMENT ACTIVITIES
TO BENEFIT COLORADO RIVER BASIN SALINITY CONTROL,
DEPARTMENT OF INTERIOR

March 26, 2009

SUMMARY

This Statement is submitted in support of Fiscal Year 2010 appropriations for Colorado River Basin salinity control program activities of the Bureau of Land Management. I urge that at least $5,900,000 be appropriated for the Bureau of Land Management within the Land Resources Subactivity: Soil, Water, and Air Management for activities that benefit the control of salinity in the Colorado River Basin, and of that amount, $1,500,000 be marked specifically for the Colorado River Basin Salinity Control Program. This request represents an increase of $700,000 in that amount requested by BLM to provide for the needed Colorado River Basin salinity control activities of the Bureau of Land Management.

STATEMENT

The Colorado River Basin Salinity Control Forum (Forum) is comprised of representatives of the seven Colorado River Basin States appointed by the respective Governors of the States. The Forum has examined all of the features needed to control the salinity of the Colorado River. Those features include activities by the cooperating States, the Bureau of Reclamation, the Department of Agriculture, and the Bureau of Land Management (BLM). The salinity control program has been adopted by the seven Colorado River Basin States and approved by the EPA as a part of each state's water quality standards. Also, water delivered to Mexico in the Colorado River is subject to Minute 242 of the U.S. treaty with Mexico that sets limits on the salinity of the water.

About 75 per cent of the land in the Colorado River basin is owned, administered or held in trust by the federal government. BLM is the largest landowner in the Colorado River Basin, and manages public lands that are heavily laden with salt.

When salt-laden soils erode, the salts dissolve and remain in the river system, affecting the quality of water used from the Colorado River by the Lower Basin States and Mexico. BLM needs to target the expenditure of at least $5.9 million for activities in FY 2010 that benefit salinity control in the Colorado River Basin. In addition, BLM needs to target the expenditure of $1,500,000 of the $5.9 million specifically for salinity control projects and technical investigations. Experience in past years has shown that BLM projects are among the most cost-effective of the salinity control projects.

As one of the five principal Soil, Water and Air Management program activities, BLM needs to specifically target $5.9 million to activities that benefit the control of salinity on lands of the Colorado River Basin. In the past, BLM has allocated $800,000 of the Soil Water and Air Management appropriation for funding specific project proposals submitted by BLM staff to the BLM salinity control coordinator. The recently released annual report of the federally chartered Colorado River Basin Salinity Control Advisory Council reports that BLM has identified projects that could utilize funding in the amount of $1.5 million for FY2010. Consequently, I request that $1.5 million of the Soil, Water and Air Management Subactivity be marked specifically for Colorado River Basin salinity control activities. Achieving this level of appropriation for the critically needed cost effective salinity control work by BLM requires an increase of $700,000 in the BLM budget request of for the Soil, Water and Air Management Subactivity.

I believe and support past federal legislation that finds that the federal government has a major and important responsibility with respect to controlling salt discharge from public lands. Congress has charged the federal agencies to proceed with programs to control the salinity of the Colorado River Basin with a strong mandate to seek out the most cost-effective solutions. BLM's rangeland improvement programs can lead to some of the most cost-effective salinity control measures available. In addition, these programs are environmentally acceptable and control erosion, increase grazing opportunities, produce dependable stream run-off and enhance wildlife habitat.

The water quality standards adopted by the Colorado River Basin States contain a plan of implementation that includes BLM participation to implement cost effective measures of salinity control. BLM participation in the salinity control program is critical and essential to actively pursue the identification, implementation and quantification of cost effective salinity control measures on public lands.

Bureau of Reclamation studies show that quantified damages from the Colorado River to United States water users are about $330 million per year. Unquantified damages increase the total damages significantly. For every increase of 30 milligrams per liter in salinity concentration in the waters of the Colorado River, an increase in damages of $75 million is experienced by the water users of the Colorado River Basin in the United States. Control of salinity is necessary for the Basin States, including New Mexico, to continue to develop their compact-apportioned waters of

the Colorado River. The Basin States are proceeding with an independent program to control salt discharges to the Colorado River, in addition to up-front cost sharing with Bureau of Reclamation and Department of Agriculture salinity control programs. It is vitally important that BLM pursue salinity control projects within its jurisdiction to maintain the cost effectiveness of the program and the timely implementation of salinity control projects to avoid unnecessary damages in the United States and Mexico.

At the urging of the Basin States, BLM has created a full time position to coordinate its activities among the BLM state offices and other federal agencies involved in implementation of the salinity control program. The BLM's Budget Justification documents have stated that BLM continues to implement on-the-ground projects, evaluate progress in cooperation with the U.S. Bureau of Reclamation and the U.S. Department of Agriculture and reports salt retention measures to implement and maintain salinity control measures of the federal salinity control program in the Colorado River Basin. BLM is to be commended for its commitment to cooperate and coordinate with the Basin States and other federal agencies. The Basin States and I are pleased with the BLM administration's responsiveness in addressing the need for renewed emphasis on its efforts to control salinity sources and to comply with BLM responsibilities pursuant to the Colorado River Basin Salinity Control Act, as amended. While it is commendable that BLM's budget focuses on ecosystems and watershed management, it is essential that funds be targeted on specific subactivities and the results of those expenditures reported. This is necessary for accountability and effectiveness of the use of the funds.

I request the appropriation of at least $5.9 million in FY2010 for Colorado River salinity control activities of BLM within the Land Resources Subactivity: Soil, Water, and Air Management and that $1,500,000 of that amount be marked specifically for the Colorado River Basin Salinity Control Program, including projects and technical investigations. This request is to provide for the increase of $700,000 specifically for Colorado River salinity control activities without causing any reduction of other activities funded from the Soil, Water and Air Management appropriation. I very much appreciate favorable consideration of these requests. I fully support the statement of the Colorado River Basin Salinity Control Forum submitted by Jack Barnett, the Forum's Executive Director, in request of appropriations for BLM for Colorado River salinity control activities.

colorado3/blm-stmnt-HR.f09

Written Testimony
Martha Ozonoff, Executive Director, California ReLeaf
March 26, 2009
FY 2010 Budget
House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies
Regarding the USDA Forest Service Budget

California ReLeaf is a statewide nonprofit organization representing over 100 community-based tree groups from across the state. On behalf of our member groups, we are writing to ask the Subcommittee to:

1. Appropriate $100 million for the Urban and Community Forestry Program. With over 80% of the population living in urbanized areas, urban natural resources play a critical role in the health of the American people and the livability and function of US cities.

An expanded Urban and Community Forestry Program should include the following:

- State agency technical and financial assistance to build local capacity and deliver core federal program ($50 million)
- Volunteer coordination to engage the public in forest restoration, invasive pest monitoring and stewardship in 150 cities. ($10 million)
- Assessment and monitoring of urban tree canopy in 150 cities ($12 million)
- Functional Community Forest grants to demonstrate the strategic use of shade trees to respond to specific local needs such as energy demand reduction, stormwater mitigation, air quality compliance, revitalization of blighted property, or other targeted benefits. ($14 million)
- Enhanced technology transfer and public information, coordinated across Forest Service regional units and research stations. ($2 million)
- Focused investments made in 10-15 major cities to devise science-based tree canopy targets, set strategies to maximize ecological service benefits, and monitor environmental, economic, and social impacts of urban natural resources in cities. This project will complement Forest Service efforts in Urban Long Term Research Areas. ($12 million)

2. Provide $8 million in combined research support for Forest Service research on urban ecosystems. The Forest Service funds roughly $6.2 million in research on urban forests as part of the overall Research & Development budget. We recommend the agency increase its investment in research on urban natural resources issues to reach $24 million by the year 2012. In FY 2010, ACT recommends a budget of at least $8 million to research the function, value, and benefits of urban forests and to learn how urban forests can be managed to maximize environmental service benefits.

3. Appropriate $140 million for the USDA Forest Service Forest Health Management Program. We urge the Subcommittee on Interior, Environment, and Related Agencies to appropriate adequate funding for the USDA Forest Service to manage non-native insects and plant diseases that threaten America's forests. The USDA Forest Service plays a critical support role by providing both management expertise and critical research – in close coordination with

APHIS Plant Protection and Quarantine and through cooperative funding agreements with state forestry, state departments of agriculture and state Land Grant Universities.

Thank you for your leadership and consideration of this matter.

Sincerely,

Martha Ozonoff
Executive Director
California ReLeaf
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CALIFORNIA STATE COASTAL CONSERVANCY
SAM SCHUCHAT, EXECUTIVE OFFICER
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TO: UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
THE HONORABLE NORMAN DICKS, CHAIRMAN

STATEMENT REGARDING FISCAL YEAR 2009 U.S. GEOLOGICAL SURVEY AND FISH AND WILDLIFE SERVICE APPROPRIATIONS REQUESTS

PROJECT REQUESTS

FUNDING FOR THE DON EDWARDS SAN FRANCISCO BAY NATIONAL WILDLIFE REFUGE (FWS, CONSTRUCTION)	$4,000,000
CALIFORNIA SEAFLOOR MAPPING PROGRAM (USGS, COASTAL AND MARINE GEOLOGY PROGRAM)	$2,500,000
MONITORING OF SAN FRANCISCO BAY SALT PONDS (USGS, BIOLOGICAL RESEARCH AND MONITORING)	$1,150,000

Summary

On behalf of the California State Coastal Conservancy, I want to thank the Subcommittee for the opportunity to present our priorities for fiscal year 2010 and, at the same time, express our appreciation for your support of the Conservancy's projects in previous years. The Conservancy respectfully requests funding for the following critical projects during fiscal year 2010: $4,000,000 through the Fish and Wildlife Service's Construction program for the Don Edwards San Francisco Bay National Wildlife Refuge for project costs associated with the South San Francisco Bay Salt Ponds Restoration Project; $2,500,000 for the USGS Coastal and Marine Geology Program in support of the California Seafloor Mapping Program and $1,150,000 for the USGS Biological Research and Monitoring Program in support of the South San Francisco Bay Salt Ponds Restoration Project.

Conservancy Background

The California Coastal Conservancy, established in 1976, is a state agency that uses entrepreneurial techniques to purchase, protect, restore and enhance coastal resources while providing public access to the shore. We work in partnership with local governments, other public agencies, nonprofit organizations, and private landowners to accomplish these goals.

To date, the Conservancy has undertaken more than 950 projects along the 1,100 mile California coastline and around San Francisco Bay, resulting in completed projects in every coastal county and all nine San Francisco Bay Area counties. Through these projects, the Conservancy: protects and improves coastal wetlands, streams, and watersheds; works with local communities to revitalize urban waterfronts; assists local communities in solving complex land-use problems; and protects agricultural lands and supports coastal agriculture, to list a few of our main activities.

Since our establishment in 1976, the Coastal Conservancy has: helped build more than 300 access ways and trails opening more than 80 miles of coastal and bay lands for public use; assisted in the completion of over 100 urban waterfront projects; and joined in partnership endeavors with more than 100 local land trusts and other nonprofit groups, making local community involvement an integral part of the Coastal Conservancy's work.

South San Francisco Bay Salt Ponds Restoration Project

The Coastal Conservancy is pursuing two appropriations requests before the Subcommittee in conjunction with the South San Francisco Bay Salt Ponds Restoration Project. The project is the second largest wetlands restoration project in the United States with only the Comprehensive Everglades Restoration Initiative being larger in size. The project will provide dramatic benefits to the region, state and nation by transforming 15,100 acres of salt ponds formerly owned by the Cargill Corporation into a vibrant wetlands area that will provide extensive habitat for federally endangered birds, fish and other wildlife. In addition, the project will improve wildlife-oriented recreational opportunities including fishing, hunting, environmental education and bird-watching. The project has a number of committed Federal, State, local and non-governmental partners including the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, NOAA, U.S. Geological Survey, California Department of Fish and Game, Santa Clara Valley Water District, Alameda County Flood Control and Water Conservation District, the Hewlett, Packard, and Moore Foundations and the Goldman Fund.

Our requests in support of this project include $4,000,000 in funding for the Don Edwards San Francisco Bay National Wildlife Refuge under the Fish and Wildlife Service's Construction account and a $1,150,000 request for the U.S. Geological Survey's Biological Research and Monitoring account. Both requests will be used to further construction of this project during fiscal year 2010 and will continue to keep us on schedule for the completion of Phase I of the restoration effort.

Fish and Wildlife Service Funding Request- $4 million- FWS Construction

This request represents our highest priority before the Subcommittee in fiscal year 2010. The $4,000,000 being requested for the Don Edwards San Francisco Bay National Wildlife Refuge will provide the Fish and Wildlife Service with the funding needed to effectively manage lands in the project area, including the installation and management of water control structures and levee maintenance in addition to habitat restoration activities. Of the total requested amount, $3,000,000 is requested to match California state funds for implementation of Phase I of the South Bay Salt Pond Restoration Project. Planning for the long-term habitat restoration plan was complete in early 2008, and final permits were issued for the first phase of restoration in January

2009. Implementation of Phase I of the long-term restoration plan includes continued construction and restoration of various salt ponds at the Don Edwards San Francisco Bay National Wildlife Refuge. The additional $1,000,000 being sought as part of this request will enable managers at the Don Edwards San Francisco Bay National Wildlife Refuge to perform necessary maintenance and rehabilitation work to levees currently in place. This funding is critical as these levees are the only mechanisms in place to protect Silicon Valley from tidal flooding prior to implementation of a permanent flood control solution, which is currently ongoing. The fiscal year 2009 appropriation for this portion of the project was $4,000,000 as provided in Public Law 111-8.

U.S. Geological Survey Funding Request- $1.15 million

This request represents the Conservancy's third priority before the Subcommittee in fiscal year 2010. We are seeking $1,150,000 from the U.S. Geological Survey in support of the South San Francisco Bay Salt Ponds Restoration Project for the continued monitoring of the South Bay during implementation of the project. This funding is critical to the current and future success of the project as progression is based on adaptive management principles. This funding will be utilized by USGS to conduct interdisciplinary monitoring (biological, hydrological, and water quality studies) of Salt Ponds in San Pablo Bay and San Francisco Bay. With restoration work occurring in both the South Bay and North Bay salt ponds, there is an urgent need for monitoring to guide planning and implementation efforts. In fact, the continuance of the project and current and future restoration activities are dependent upon the successful implementation of the monitoring program. Monitoring costs for the project during the fiscal year are expected to be in the amount of $1,000,000.

In addition, the $1,150,000 request includes $150,000 for the creation of a lead scientist position associated with the project. This position would greatly expand our ability to monitor the hydrological and biological changes occurring in the Bay as a result of project implementation. Funding for both the monitoring of the project area and the creation of a lead scientist position is greatly needed as it will ensure a sound scientific and technical basis for the plan's implementation, ultimately resulting in a leveraging of federal investment, wiser expenditure of funds in the long term, and a more effective and efficient project. The fiscal year 2009 appropriation for this request was $500,000 as provided in Public Law 111-8.

California Seafloor Mapping Initiative

This $2.5 million request represents the second priority of the Conservancy before the Subcommittee during fiscal year 2010. The California Seafloor Mapping Project, being pursued in conjunction with numerous state and federal partners, is mapping the entirety of the seafloor off the coast of the state of California. Upon completion, this project will produce detailed bathymetric maps of some of the most productive ocean waters in the United States.

Federal funds would augment state funds and would be used to continue implementation of the California Seafloor Mapping Program (CSMP), widely touted as the most comprehensive seafloor mapping program currently being pursued in the United States. The program's continued implementation is essential for improving management of California's coastal waters. Accurate mapping of the seafloor is needed to design and monitor marine reserves, understand sediment transport and sand delivery, identify dredge and dump sites, and for use in the

regulation of offshore development. Detailed bathymetric maps are also critical in the development of an ocean circulation model that will allow us to better predict ocean response to natural and human-induced changes occurring in the aquatic environment.

The high resolution seafloor maps that will be provided by the project will distinguish underwater habitats and highlight faults, chasms, fissures, crevices, and pinnacles and as such will help identify and understand known and unknown fault dynamics along the seismically active California Coast. This information can then be utilized by scientists and resource managers to identify potential biological hot spots to aid their understanding of the highly productive and diverse ecosystem along the California Coast. In addition, the information that will be gathered concerning the size and extent of activity associated with fault lines will allow the State of California and local communities to better prepare for the possibility of cataclysmic seismic activity of the California Coast.

In addition and perhaps most importantly, given the current economic environment facing the United States, the project will provide extensive navigational benefits as it will identify hidden reefs, sunken obstacles and other navigation hazards in California's near and offshore waters. This information is essential for the safety of maritime commerce vessels, and subsequently the economies of California and the nation. These maps will provide greater knowledge and understanding of navigational channels and hazards surrounding the Ports of Los Angeles, Long Beach, and Oakland, the nations 1st, 2nd and 4th busiest port facilities respectively, which collectively are responsible for 50% of the nation's total container cargo volume.

The USGS is uniquely qualified to ground truth the accuracy of the mapping data currently being collected by private entities and are also uniquely qualified to collect supporting geophysical data for the effort. In addition, USGS has substantial in-house expertise that is needed to interpret the information and create final map products.

As a sign of our commitment to the success and completion of the project we have worked to secure significant non-federal monies for project implementation. The State of California Ocean Protection Council (OPC) has provided $12.5 million to date for the advancement of the project and we continue to work with the Packard Foundation, who made a modest contribution to the project in fiscal year 2009, to determine the potential of additional financial support throughout the life of the project.

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March 25, 2009

Testimony of Joseph J. Brings Plenty, Sr.
Chairman, Cheyenne River Sioux Tribe for the
House Committee on Appropriations, Subcommittee on
Interior, Environment, and Related Agencies for the Fiscal Year 2010

Good morning Chairman Norm Dicks, ranking member Michael K. Simpson, and esteemed members of the Subcommittee on Interior, Environment, and Related Agencies. As Chairman of the Cheyenne River Sioux Tribe, I am pleased to present this testimony on the Department of the Interior budget for Fiscal Year (FY) 2010. A summary of the Cheyenne River Sioux Tribes' FY 2010 funding request for Interior is as follows:

Agency, Program & Funding Request

1. To appropriate **$65 million** in funds under the **Water Resources Development Act of 2007 (121 Stat. 1267)** for water related **infrastructure needs of the tribe**; and,
2. To earmark **$14.9 million** in funds to the Department of the Interior, **Indian Health Service, Staffing and Operating Costs for New/Expanded Facilities**, for the Cheyenne River Sioux Tribe; and,
3. To earmark **$504,580 dollars** in funds to the **Bureau of Indian Education (BIE)** Programs for the tribe.

Introduction

Good morning Chairman Dicks, Ranking Member Simpson, and honored members of the House Appropriations Committee, Subcommittee on Interior, Environment and Related Agencies. Thank you for the opportunity to appear before this distinguished committee and express the needs of my *Lakota* people of the Cheyenne River Sioux Tribe (CRST). Thank you again for visiting the Cheyenne River Sioux Tribe on October 9, 2007. We enjoyed your visit and our hearts warmed to know that a person of your stature in the United States Congress would show the interest to meet our people and other *Lakota-Nakota-Dakota* (Sioux) tribal leaders. We still discuss amongst the Tribal Chairmen and with humor, which one of us had the best reason for

being tardy at the Sioux inter-tribal meeting in Rapid City, South Dakota. Also, let me express my appreciation on behalf of the Cheyenne River Sioux Tribe for U.S. Representative Stephanie Herseth-Sandlin (D-SD) and her support and inclusion of our tribe during that important visit. In addition, I welcome this opportunity to speak before the Subcommittee, as the Vice-Chairman of the United Sioux Tribes Development Corporation, which is an all *Lakota-Nakota-Dakota* (Sioux) inter-tribal organization. The United Sioux Tribes is composed of Sioux tribal Chairmen and Presidents from North Dakota, South Dakota, and Nebraska.

Indian Child Poverty at the Cheyenne River Sioux Tribe

The South Dakota State University, College of Agriculture and Biological Sciences, Rural Life Census Data Center, published their report entitled, "South Dakota's Child Poverty Change," on June 2008. The study finds that children living in poverty suffer from lower self-esteem, poor health, and premature death. Also, children in poverty are at higher risk of being unhealthy and uneducated, decreasing their productivity, self-reliance and potential contribution to society. In 2005, Ziebach County, which is encompassed by the political boundaries of the Cheyenne River Sioux Tribe, had the highest child poverty rate. In fact, "nine of the 100 U.S. counties with the highest child poverty rates were located in South Dakota." [1] Poverty and children are the reason I sought the office as Chairman of the Cheyenne River Sioux Tribe. Kids need guidance. I started the "Wolf's Den" Boxing Club to get kids involved in sports and discipline, instead of substance abuse and delinquency. As a former tribal policeman, I witnessed first hand the effects of Indian child poverty in terms of teenage suicides, crime and drug abuse. What can be done? As a tribal leader, I am confronted with the stark needs of a troubled tribal infrastructure, which needs roads, bridges, water and sewage, and that is compounded the social wreckage created by two competing cultures that being the indigenous people of this country and the non-Indian dominant society. As Chairman of the Cheyenne River Sioux Tribe, I strive to offer informed guidance to the Congress and White House on Indian affairs related to my tribe.

Water Resources Development Act of 2007

The first priority of the Cheyenne River Sioux Tribe is water. Public Law 110-114 reauthorized the Water Resources Development Act of 1007, despite a Presidential veto from George W. Bush; however, the statute fails to appropriate funds for Cheyenne River Sioux Tribal projects and programs. ***I respectfully request the Subcommittee appropriate $65 million dollars for water related infrastructure on the Cheyenne River Sioux reservation (121 Stat. 1267) under the Act.*** The tribal water infrastructure funding supports housing expansions on the reservation for 750 new homes. Presently, a moratorium is in effect to stop new users from accessing water from our main lines. Our water system is antiquated with leaks and breaks in the piping, and represents a potential public health hazard to the entire tribe.

Indian Health Services Staffing and Operating Costs for New/Expanded Facilities

The second priority of the Cheyenne River Sioux Tribe is staffing for our hospital. The tribe has obtained funding from the Department of the Interior, Indian Health Service, New Facilities Construction for the design of a new ambulatory health care facility located in Eagle Butte, South Dakota. We anticipate hospital construction will be completed in 2 years from today, with 115 new positions for the hospital service staff. I respectfully request the House Committee on

[1] Trevor Brooks, Saileza Khatiwada, and Donna Hess, South Dakota's Child Poverty Change (Rural Life Census Data Center, Brookings, SD: South Dakota State University, June 2008).

Appropriations, Subcommittee on Interior, Environment and Related Agencies, to authorize and appropriate ***$14.94 million dollars earmarked for the Cheyenne River Sioux Tribe to the U.S. Department of the Interior, Indian Health Service, Staffing and Operating Costs for New/Expanded Facilities***. The funds will provide basic health care currently denied to 11,583 registered patients of the service unit and double full time direct patient medical care. [2]

Bureau of Indian Education (BIE) Programs

The third priority of the tribe is the educational department. ***I respectfully request $504,580 dollars in funds earmarked for the Cheyenne River Sioux Tribe to the U.S. Department of the Interior, Bureau of Indian Education (BIE) Programs***. Funds provide educational assistance, outreach, equipment, and other essentials to support secondary education for Indian students on the reservation. Presently, I intend to start addressing Indian Child Poverty by consulting with the Chancellor Robert Birgeneau of the University of California-Berkeley. We are scheduled to meet on this matter in April 2009.

Conclusion

I appreciate the opportunity to address this distinguished House Appropriations Committee. Thank you again, and I invite the honored members to visit my tribe at your earliest convenience. Please contact our U.S. Representative Stephanie Herseth-Sandlin for any details. Thank you.

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[2] Joseph J. Brings Plenty, Cheyenne River Sioux Tribe FY 2010, Congressional Appropriations Handbook (2009).

Testimony Of
TIMOTHY S. DAVIS
PRESIDENT AND CEO
CLOSE UP FOUNDATION
Before the
HOUSE APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND REALTED AGENCIES

March 26, 2009

Mr. Chairman, my name is Timothy S. Davis, President and CEO of the Close Up Foundation and I submit this testimony in support our $1.4 million appropriations request for the Close Up Insular Areas Program that is funded through a grant from the Department of Interior, Office of Insular Affairs Technical Assistance account.

Close Up Foundation is a nonprofit, nonpartisan educational organization dedicated to the idea that, within a democracy, informed, active citizens are essential to a responsive government. Close Up works to include students from underserved communities to motivate them to become active citizens through experiential learning activities.

The Close Up Insular Areas Program allows students and educators from American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and the United States Virgin Islands to participate on Close Up's Washington civic education programs. Additionally, the program provides for Close Up staff to work with these communities in funding local civic education programs, providing educational materials, conducting workshops and attending educational conferences on the Islands.

For over two decades, the Close Up Foundation has worked with the Department of Interior – Office of Insular Affairs to address the civic education needs of insular area communities. Close Up is proud of the work that has been accomplished in the Pacific and the U.S. Virgin Islands where the name "Close Up" is synonymous with civic education and government studies.

The goals of the Close Up's Insular Areas Program for students and teachers are to:

- demonstrate how the United States' model of democracy functions and to foster the interest, knowledge, and skills needed to effectively participate in a democracy;
- address the academic needs of the insular areas and to provide training and materials to improve teacher civic education skills; and

- increase mutual understanding between the United States' diverse citizenry with a special emphasis on public policy concerns and culture.

The principal components of the Close Up Insular Areas Program are:

- participation of students from the islands under the jurisdiction of the Department of Interior Office of Insular Affairs in Close Up Washington High School Programs;
- participation of teachers from these jurisdictions in a parallel Close Up Washington Program for Educators;
- participation of students and teachers in local-based civic education programs; and,
- participation of students in a Close Up Student Civic Education Forum at the annual Pacific Resources for Education and Learning's Pacific Education Conference to be held this year in July in Guam.

The program has had a significant effect on the education and world experience of its thousands of participants and has had a significant multiplier effect on the islands' education systems and populaces. These areas suffer from geographic isolation and a depressed economy. Close Up's civic education programs, in Washington and in the Island communities, have helped thousands gain knowledge of governmental processes and become active in improving the lives of their families and their communities.

Recent Close Up surveys indicate that among Close Up Insular Areas Washington Program student participants there was a 19% increase in those who stated that they understood their islands' relationship to the United States Government and a 23% increase in those with an ability to explain their islands' political status.

Many Close Up Insular Affairs Washington Program students participants continue their civic involvement back home. For instance, the Guam Southern H.S. Close Up Club has organized numerous park clean ups and tree plantings and has worked with local branches of the Salvation Army and Habitat for Humanity.

Each year since FY88 Congress has appropriated funds for the Close Up Insular Areas Program. During those two decades Close Up Foundation has worked with the Department of Interior, Office of Insular Affairs to bring almost 4,000 students and teachers to Washington as well as reaching countless thousands through our local efforts.

Close Up Foundation respectfully requests an appropriation of $1.4 million for the FY09 Close Up Insular Areas Program. Close Up received a grant of $800,000 in FY08 and thus far has received a partial grant of $333,333 in FY09. Close Up applauds the subcommittee for including increased funding for Insular student educational travel in the FY09 Omnibus Report and hopes that it will result in an increased final FY09 grant amount to Close Up.

Unfortunately, the costs of conducting this valuable program have skyrocketed as rising airfare, local transportation, food and hotel costs raise the costs of conducting the program. In recent years, Close Up was able to conduct a Fall Washington program that provided an addition and an alternative to our traditional spring Insular Areas programs. However, rising costs have made it impossible for Close Up to conduct a Fall Program this year within the budget of the FY08 grant and may render it impossible again with the FY09 funding. Simply put, a level funded grant results in a decrease in the number of students that can participate on the program.

The requested increase will be used to offset the skyrocketing costs of conducting the program – especially in the areas of airfare, food, accommodations and local transportation – and to expand the program to meet the tremendous demand in the insular areas for greater participation levels.

In order to combat rising travel costs Close Up is working to increase its reach with local programming. While local programming cannot replace the educational value or experience of the Washington program it does provide a prudent way of using limited grant funds to reach a greater number of students. Close Up is working with its island partners to increase participation in its summer Student Forum and the number of local "mini-Close Up" program conducted by the various Departments of Education.

Close Up asks the Appropriations Committee to consider placing this program on a forward-funded basis by doubling the grant amount for one year. The lengthened federal budget process of recent years and the accompanying later grant award dates has made it increasingly difficult for the Foundation to secure airline seats and hotel accommodations on a timely and cost effective basis. Additionally, as Close Up delays in announcing program dates to the islands communities it makes it impossible for those communities to organize and raise funds – leveraging the federal grant – that would otherwise increase the level of participation of students and their teachers.

For instance, as of this date Close Up has only received a grant of $333,333 from the Department of Interior which represents a prorated share, under the Continuing Resolution in effect until March 6, of the expected $800,000 grant. Close Up conducted a Washington program for the Pacific Islands in February and for the U.S. Virgin Islands this month at a cost far greater than the present grant amount, in essence lending the funds in anticipation of a later award. Furthermore, Close Up is unable to go forward and plan a further June or Fall program until it learns the final amount of the FY09 grant.

Close Up asks that the Appropriations Committee be explicit in the amount of funding to be provided to the Foundation from the Office of Insular Affairs Technical Assistance Account. This would add certainty to the process and greatly lengthen the planning and fundraising process for these civic education programs.

Close Up is very proud of our long-standing involvement with the Insular Areas and the impact that our two decades of work has made on the civic life of these communities. Close Up is grateful to Congress for its continued support of these programs and look forward to continuing this program into the future.

Statement of
the
COLORADO RIVER BASIN SALINITY CONTROL FORUM

to the
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Presented by
JACK A. BARNETT, EXECUTIVE DIRECTOR
March 26, 2009

Requesting Appropriations
for the
COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

For the Department of the Interior

Bureau of Land Management – FY 2010 Appropriation

In Support of $5,900,000 to assist in Colorado River Salinity Control, Title II from the Soil, Water and Air Management effort, and with support for the President's request for that activity. Also a request that $1,500,000 be spent on identified salinity control related projects and studies.

This testimony is in support of funding for the Bureau of Land Management (BLM) for the subactivity that assists the Colorado River Basin Salinity Control Program authorized by the Congress. The BLM budget, as proposed by the Administration in the BLM budget justification document, calls for five principal program priorities within the Soil, Water, and Air Management Program. One of these priorities is reducing saline runoff to meet the interstate, federal and international agreements to control salinity of the Colorado River.

The BLM's Budget Justification documents have stated that the BLM continues to implement on-the-ground projects, evaluate progress in cooperation with the U.S. Bureau of Reclamation (USBR) and the U.S. Department of Agriculture (USDA), and report salt-retaining measures in order to further the Plan of Implementation of the Federal Salinity Control Program in the Colorado River Basin. The Colorado River Basin Salinity Control Forum (Forum) believes that FY 2010 funds appropriated by the Congress for the Soil, Water, and Air Management Program should be used, in part, for reducing saline runoff in the Colorado River Basin.

The seven Colorado River Basin States, through the Forum, have engaged the BLM in a partnership with the Basin states as has been done previously with the two other federal agencies

implementing salinity control in the Basin. The Forum has requested and the BLM has selected a salinity control coordinator for this basinwide effort. This person now serves with the two full-time coordinators in place for the USBR and the USDA efforts. This enhanced working relationship has taken advantage of the availability of Basin states' cost-sharing monies to leverage federal funds. The Forum is encouraged by the words in the BLM budget document. The Forum supports the funding request for the Soil, Water, and Air Management Subactivity. As one of the five principal Soil, Water, and Air Program priorities, the Forum believes that the BLM needs to specifically target $5,900,000 to activities that help control salt contributions from BLM managed lands in the Colorado River Basin. In the past, the BLM has used $800,000 of the Soil, Water and Air Program funding for proposals submitted by BLM staff to the BLM's salinity control coordinator for projects that focus on salinity control. The Colorado River Basin Salinity Control Advisory Council has recognized that the BLM has now identified projects that in FY 2010 could use $1.5 million. For years, Congress has dedicated $800,000 on the effort and now the Forum believes $1.5 million should be so designated.

The success of the BLM in controlling erosion and, hence, salt contributions to the Colorado River and its tributaries is essential to the success of the Colorado River Basin Salinity Control Program, including adherence to the water quality standards adopted by the seven Colorado River Basin states and approved by the U.S. Environmental Protection Agency (USEPA). Inadequate BLM salinity control efforts will result in very significant additional economic damages to water users downstream. The Forum submits this testimony in support of adequate funding so that the BLM program can move ahead at a pace that is needed to sustain these water quality standards.

OVERVIEW

This testimony is in support of funding for a portion of the Title II program. The Colorado River Basin Salinity Control Program was authorized by the Congress in 1974. The Title I portion of the Colorado River Basin Salinity Control Act responded to commitments that the United States made, through a minute of the International Boundary & Water Commission, to Mexico specific to the quality of water being delivered to Mexico at the international boundary. Title II of the Act established a program to respond to salinity control needs of Colorado River water users in the United States and to comply with the mandates of the then newly enacted Clean Water Act. Initially, the Secretary of the Interior and the USBR were given the lead federal role by the Congress.

After a decade of investigative and implementation efforts, the Basin states concluded that the Salinity Control Act needed to be amended. In response to the Basin states' requests, the Congress revised the Act in 1984 to give new salinity control responsibilities to the USDA and to the BLM. That revision, while leaving implementation of the salinity control policy with the Secretary of the Interior, gave new salinity control responsibilities to the USDA and to the BLM. The Congress has charged the Administration with implementing the most cost-effective program practicable (measured in dollars per ton of salt removed). The Basin states are strongly supportive of that concept and have proceeded to implement salinity control activities for which they are responsible in the Colorado River Basin.

Since the Congressional mandates of over two decades ago, much has been learned about the impact of salts in the Colorado River system. The USBR estimates that the quantified economic impacts and damages to United States' water users alone is about $353 million per year and there are very significant additional damages yet to be quantified. 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 use of water for cooling, 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, 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,
- increased use of imported water for leaching and the cost of desalination and brine disposal for recycled water.

The Forum is composed of gubernatorial appointees from Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming. The Forum has become the seven-state coordinating body for interfacing with federal agencies and the Congress in support of the implementation of the Salinity Control Program. In close cooperation with the USEPA and pursuant to requirements of the Clean Water Act, every three years the Forum prepares a formal report analyzing the salinity of the Colorado River, anticipated future salinity, and the program elements necessary to keep the salinities at or below the concentrations in the river system in 1972 at Imperial Dam, and below Parker and Hoover Dams.

In setting water quality standards for the Colorado River system, the salinity concentrations at these three locations have been identified as the numeric criteria. The plan necessary for controlling salinity and reducing downstream damages has been captioned the "Plan of Implementation." The 2008 Review of water quality standards includes an updated Plan of Implementation. The level of appropriation requested in this testimony is in keeping with the agreed upon plan. 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.

JUSTIFICATION

The BLM is, by far and away, the largest land manager in the Colorado River Basin. Much of the land that is controlled and managed by the BLM is heavily laden with salt. Past management practices, which include the use of lands for recreation; for road building and transportation; and for oil, gas, and mineral exploration have led to man-induced and accelerated erosional processes. When soil and rocks heavily laden with salt erode, the silt is carried along for some distance and ultimately settles in the streambed or flood plain. The salts, however, are dissolved and remain in the river system causing water quality problems downstream.

The Forum believes that the federal government has a major and important responsibility with respect to controlling salt contributions from public lands. The Congress has explicitly directed specific federal agencies, including the BLM, to proceed with measures to control the salinity of the Colorado River, with a strong mandate to seek out the most cost-effective options. It has been determined that rangeland improvements can lead to some of the most cost-effective salinity control measures available. These salinity control measures may be more cost-effective than some now being considered for implementation by the USBR and by the USDA. They are very environmentally acceptable as they will prevent erosion, enhance wildlife habitat, increase dependable stream flows and increase grazing opportunities.

Through studying hundreds of watersheds in the States of Utah, Colorado and Wyoming, consortiums of federal and state agencies, including the BLM, have selected several watersheds where very cost-effective salinity control efforts could be implemented immediately. In keeping with the Congressional mandate to maximize the cost-effectiveness of salinity control, the Forum is requesting that the Congress appropriate and the Administration allocate adequate funds to support the BLM's portion of the Colorado River Salinity Control Program as set forth in the Forum's adopted Plan of Implementation.

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Written Statement submitted to the House Subcommittee on Energy and Water Appropriations for the fiscal year 2010 budget request for DOE/FE program elements. Statement submitted by Ben Yamagata, Executive Director of the Coal Utilization Research Council (CURC) April 3, 2009

Introduction

This statement is submitted on behalf of the membership of the Coal Utilization Research Council (CURC), an organization of coal-using utilities, coal producers, equipment suppliers, universities and institutions of higher learning and several state government entities interested and involved in the use of coal resources and the development of coal-based technologies. The CURC welcomes the opportunity to submit this written statement addressing elements of the fiscal year 2010 budget request for the Department of Energy's fossil energy (DOE/FE) program. Because specific funding levels for the fossil energy program have yet to be released, CURC is not able to make specific comments about the level of funding requested for any given fossil energy program. We would welcome the opportunity to provide the Committee with more detailed comments when such a detailed budget is available is the Committee so directs.

The importance of the DOE/FE RD&D program

The Department of Energy's coal-based fossil energy program conducts research, development, and demonstration (RD&D) to develop advanced technologies which further the Nation's energy security, economic, and environmental goals. These technologies are at the heart of the solutions needed to solve major challenges to our economic well-being -- global climate change, over-reliance on imported fuels, and the need for an adequate supply of energy at affordable prices.

Given the importance of coal to the U.S. energy mix and the challenge of global climate change it is imperative that the Department's Fossil Energy RD&D activities be singularly focused upon the goal of rapidly commercializing carbon capture and storage (CCS) technologies as well as technologies to improve the efficiency by which coal is converted to useful energy (increasing the efficiency of coal power plants will reduce the CO_2 emission for each megawatt-hour of electricity generated). Our ability to achieve these goals can be furthered in DOE/FE programs that support power generation as well as industrial uses of coal. Successful deployment of CCS technologies is viewed by most responsible authorities as essential for addressing global climate change. For example, the Pew Center on Global Climate Change has stated that, *"Carbon Capture and Storage (CCS) is the key enabling technology for a future in which we can continue to use our vast coal resources and protect the climate."*[i] And former British Prime Minister Tony Blair stated in November, 2008: *"The vast majority of new power stations in*

China and India will be coal fired not "may be coal fired" will be. So developing carbon capture and storage technology is not optional, it is literally the essence."

Finally, various analyses have considered the impact of developing and implementing CCS as part of a climate mitigation strategy and concluded that global mitigation costs could be reduced by more than 30% if CCS is widely deployed. This implies savings of trillions of dollars as the world confronts the challenge of cost-effectively controlling CO_2 emissions.

In short, CCS is crucial to meeting our climate mitigation goals, and it also enables coal to continue to provide energy security and economic benefits to the nation.

Budget principles

Because the Obama Administration has not yet released a detailed FY 2010 DOE/FE budget we are not able to comment with specificity as to the importance or adequacy of those levels. However, within this statement, CURC has made several generalized budget recommendations based upon previous administration budget requests. Importantly, these recommendations strongly reflect CURC's basic principle that the DOE/FE FY-2010 budget must reflect the need to focus upon the commercialization of carbon management technologies. We believe that with adequate focus and resources, reliable commercial-scale CCS projects can be operational by no later than 2020.

The fossil energy program should be focused almost exclusively upon CO_2 control and reduction activities and should be funded at a level of $500 million annually. The fossil energy program should include –

- Emphasis upon cost-reducing near-term (within the next decade) carbon management technology improvements, such as those that affect the cost of major components of the CCS system, or cause a significant reduction in the demand for parasitic power by CCS technology, or increase a power plant's efficiency that would both reduce total CO_2 emissions and add power to operate CCS systems;
- augmented funding for demonstration projects in order to "put steel on the ground" now in order to demonstrate currently available CCS technologies and to gain knowledge from their operation; and
- reconstitute the FE advanced research program as the primary means through which work is conducted on longer-term "breakthrough" technologies that might be high risk, but if successful, could reduce mitigation costs by a large amount and also upon those current technologies in the FE portfolio that fall outside of the 2020 commercialization window.

In addition, CURC believes that there are certain enabling measures, such as finding acceptable ways to address long-term liabilities, resolving underground property rights issues, and perhaps creation of interstate CO2 pipelines, which require resources for development of data as well as policy analysis.

Specific suggestions

Appropriations that historically have been designated for longer-term programs, in our judgment, must be re-directed and focused on those technologies crucial to meeting the principles outlined above. This recommendation by no means should be interpreted as a judgment that promising technologies that could provide very significant benefits towards the cost-effective, efficient use of our Nation's coal resources should not be continued. Simply stated, there are not adequate public resources to do everything that should be done. To this extent, the existing FE fuel cell program as well as the coal fuels and liquids program that received nearly twenty percent of the FE appropriated budget for FY 2009 should be very substantially deferred. There is no question, in our judgment that fuel cells could provide a cleaner and lower cost pathway for power production from coal and other fossil fuels in the future, but if this technology is not likely to be commercially available in a timeframe consistent with our 2020 objective then its funding level should be decreased. Secondly, and particularly in light of the current price of oil and projections that it will rise dramatically once the global recession is over, we believe that there is no longer a Federal role in improving O&G exploration and production technologies. The market provides more than an adequate incentive to develop those technologies. And finally, other programs of equal or greater potential are supported within the FE program but they too may fall outside of the 2020 timeline for commercialization. These technology development areas that might include such endeavors as membrane work or advanced post combustion processes should be supported at minimal levels unless it is determined that they will be commercialized within the 2020 time horizon.

By reducing spending on these programs and redirecting funding into key carbon management technology programs we believe the prospect of achieving immediate (by 2020) CCS goals will be greatly enhanced. Programs that should be candidates for enhanced funding include the following:

- Continuation of and increased focus upon existing gasification programs that support efficiency in the conversion of coal to useful energy and in this way not only is less coal utilized but the power consumed to operate CO_2 capture systems can be generated through greater power plant efficiency. Also funding increases should be made to programs aimed at lowering the costs of oxygen production and increasing the durability of gasifier components.

- Enhancement of funding for FE programs and projects that specifically support technologies that increase the efficiency of coal conversion to energy and that contribute to reducing the costs of CO_2 capture from combustion-based power generation. This emphasis upon advanced combustion would also include increased funding for oxy combustion, advanced solvents for post combustion capture, and increased support for the high temperature materials program for ultrasupercritical cycles.

- Because the majority of CO_2 emissions within the foreseeable future will continue to be generated from the existing coal power generation fleet (in both the United States and abroad) it is vitally important that there also be a major focus upon efficiency improvements and developing capture systems designed to cost effectively retrofit the existing fleet. This means that the existing IEP (innovations for existing plants) program first must be focused almost exclusively upon enhancing carbon management of the existing fleet which includes both carbon capture as well as carbon management through enhanced power plant efficiency. In addition, a modest level of work that is currently underway within the IEP program with respect to water usage should be maintained in that water availability could become a major impediment to efficient and effective use of our coal resources.

- Greater emphasis on carbon management "breakthrough" technologies is warranted. Continuing fuel cell activities and other technology development activity that is very promising but not likely to make significant contributions toward addressing CCS technology commercialization prior to 2020 should be placed into this program account. In this same enhanced program area, the DOE also should focus upon truly innovative approaches to the management of carbon in the utilization of coal. This work could be accomplished in tandem with the Nation's universities and other national centers of excellence.

- Funding through the DOE's Regional Carbon Sequestration Partnerships should be increased to accelerate major CO_2 storage demonstration projects. Also, in conjunction with funds made available through the recently enacted economic stimulus package additional funding should be provided to assist industry in characterizing a variety of geologic formations where deep saline storage projects are being identified or undertaken. A principal purpose of these programs should be to acquire greater understanding of underground geology and chemistry with CCS injection.

- And, finally as utilities begin embracing various carbon management technologies we will need programs to train more personnel in these important new areas, both for the

private sector and for public sector employees who regulate the siting and operation of these new carbon storage facilities.

Conclusions:

The stakes have never been higher regarding energy and environmental policy, or the consequences of failing to provide technologies for the future. Our challenge is significant. Success will require commitment, vigilance, and significant resources over an extended period of time. CURC respectfully asks that the Committee provide the Department of Energy the resources it needs to accomplish the important goal of timely development and widespread deployment of carbon management technologies.

Thank you for providing the opportunity for CURC to provide its views to the Committee.

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[i] Pew Center website, http://www.pewclimate.org/global-warming-basics/coalfacts.cfm .

JIM GIBBONS, *Governor*
JAY D. BINGHAM, *Chairman*
ACE I. ROBISON, *Vice Chairman*
GEORGE M. CAAN, *Executive Director*

STATE OF NEVADA

ANDREA ANDERSON, *Commissioner*
MARYBEL BATJER, *Commissioner*
TOM COLLINS, *Commissioner*
GEORGE F. OGILVIE III, *Commissioner*
LOIS TARKANIAN, *Commissioner*

COLORADO RIVER COMMISSION
OF NEVADA

March 26, 2009

VIA ELECTRONIC MAIL

Honorable Norman Dicks, Chairman
Subcommittee on Interior, Environment,
and Related Agencies
House Committee on Appropriations
Room B-308 Rayburn House Office Building
Washington, D.C. 20515-6023

Subject: Support for FY 2010 Appropriations for the Bureau of Land Management

Dear Chairman Dicks:

As a Nevada representative of the Colorado River Basin Salinity Control Forum and Advisory Council, the Colorado River Commission of Nevada (CRC) supports funding for the Bureau of Land Management (BLM) for the Soil, Water, and Air Management Subactivity that assists the Colorado River Basin Salinity Control Program. As one of the five principal Soil, Water, and Air Management Program priorities, the CRC believes that the BLM needs to specifically target $5,900,000 to activities that help control salt contributions from BLM managed lands in the Colorado River Basin. In the past, the BLM has used $800,000 of the Soil, Water and Air Management Program funding for proposals submitted by BLM staff to the BLM's salinity control coordinator for projects that focus on salinity control. The Colorado River Basin Salinity Control Advisory Council has recognized that the BLM has now identified projects that in FY 2010 could use $1.5 million. For years, Congress has dedicated $800,000 on the effort; the CRC now believes $1.5 million should be so designated.

Salinity remains one of the major problems in the Colorado River. Congress has recognized the need to confront this problem with its passage of P.L. 93-320 and P.L. 98-569. Your support of the current funding recommendations that support the Colorado River Basin Salinity Control Program is essential to move the program forward so that the congressionally directed salinity objectives are achieved.

Sincerely,

George M. Caan
Executive Director

cc: Representative Shelley Berkley, State of Nevada
Representative Dina Titus, State of Nevada
Representative Dean Heller, State of Nevada

NE/bb J:/Environmental/Salinity Support Letters/Dicks-BLM 09.doc

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THE CONSERVATION SYSTEM ALLIANCE

Statement of The Conservation System Alliance*
For the House Appropriations Committee, Subcommittee on Interior
On the Fiscal Year 2010 Interior and Related Agencies Appropriations Bill
March 25, 2009

** The Conservation System Alliance is a coalition of over eighty conservation, historic preservation, faith-based, recreation, business, education and place-based friends groups representing millions of Americans nationwide. The Alliance aims to protect, restore and expand the National Landscape Conservation System by making it permanent, well-funded, well-managed, and inclusive of the best natural and cultural resources under the care of the Bureau of Land Management (BLM). This testimony is submitted by John Garder, Legislative Associate at The Wilderness Society, on behalf of the Alliance.*

Mr. Chairman, the Conservation System Alliance would like to thank you for the opportunity to provide recommendations and comments on the Fiscal Year 2010 Department of the Interior and Related Agencies Appropriations bill. On behalf of our millions of members, we provide below our request for full budget clarity and at least a $75 million funding level in FY10 for the Bureau of Land Management's National Landscape Conservation System. The System is now slated for permanent establishment in law and as such, deserves budgetary attention within the Department of the Interior that parallels that of other systems of lands and waters under their stewardship.

The Conservation System is comprised of the most spectacular lands and waters under the stewardship of the BLM, like National Monuments, Wild and Scenic Rivers, National Scenic and Historic Trails and Wilderness Areas that have been designated for protection by Congress or the President. Created in 2000, the System provides economic benefits to neighboring communities across the West through unparalleled opportunities for solitude, adventure and recreation such as hunting, fishing, hiking and wildlife watching. These lands and waters also offer opportunities for science, education and archaeological research. Yet with an obscure funding system and bare-bones funding for management and land stewardship, the BLM is unable to keep its most extraordinary 26 million acres healthy, wild, and open.

Adequate funding for the Conservation System is vital to protect BLM landscapes that are vital components of America's natural and cultural heritage. These lands and waters are a network of the last places where visitors can still experience the history and wild beauty of the American West. These areas provide a uniquely American visitor experience; they are places where people can bring their families to escape the crowds and create their own adventure. Furthermore, they are a living classroom for academic researchers and outdoor educators. Congress can ensure that Conservation System lands and waters will remain valuable resources for present and future generations of recreators, ecologists, archaeologists, educators, and others by protecting these intact landscapes for public enjoyment, scientific research and outdoor education.

However, Conservation System lands will not remain resource-rich without active stewardship. These extraordinary places are being ruined by vandalism, reckless off-road vehicle use, irresponsible resource extraction, and neglect. The agency spends more to repair damage than it would to provide the necessary staff and other resources to protect and restore invaluable cultural sites, riparian habitat, and other culturally and naturally significant places. Continuing damage to System lands and waters poses considerable threats to the integrity of these historically and biologically extraordinary landscapes; inadequate attention to its funding also neglects opportunities for job creation and the fostering of sustainable rural economies.

Conservation System Budget Accountability and Transparency

The Alliance commends BLM for providing new subactivities for Monuments and National Conservation Areas in the FY09 budget and for giving the System increased attention in budget documents, important first steps towards giving the System needed budgetary attention and clarity. However, we are disappointed that BLM failed to provide line item program elements for the Conservation System's Wild and Scenic Rivers and National Scenic and Historic Trails, though directed to do so in the FY08 Omnibus Appropriations Committee Report. We ask that the System continue receiving appropriate attention in budget documents and finally receive full budget transparency, as appropriate for any permanently established public lands system.

The Conservation System, now slated for authorization in law, deserves a full place in the Bureau's budget structure. We respectfully urge the Subcommittee to support creation of a full budget activity for the National Landscape Conservation System. The new Monument and NCA subactivities should be placed under that new category, and the Wilderness subactivity should be moved from Recreation into this new activity. Further, Congress should support the creation of National Trails and Wild and Scenic Rivers subactivities that should also reside there. This would allow one clearly identifiable budget category for the Bureau's permanently established System of lands and waters, with a defined budget for all its conservation designations.

Budget clarity for all System units is needed to ensure that all System managers can adequately plan and accurately track expenditures and to ensure accountability to Congress and the American public. Congress, the BLM and the public will be able to more readily identify the System's expenditures and to more easily pursue opportunities for in-kind donations to match federal expenditures. Maximization of efficiencies will ensure more wise use of taxpayer dollars.

FY10 Operations, Maintenance and Planning Budget Needs for the System

The Alliance greatly appreciates the much-needed congressional increases for the System in the Interior provision of the FY09 Omnibus Appropriations bill. These increases over the previous president's bare-bones budget will allow dedicated staff to address some of their many project backlogs. Further, we wholly appreciate BLM commitments in the stimulus package and look forward to seeing application of some of those funds to needed landscape restoration in Conservation System units and other deserving BLM lands. However, Congress and the new administration must continue to increase the System's budget in order to more adequately address project backlogs and ensure protection of the nationally significant resources under the

BLM's care. A significant System increase is critical to meet mandates in establishing legislation and proclamations, and to legitimately implement associated Resource Management Plans.

The System warrants funding of at least $75 million in FY10—a modest increase over historic funding levels when accounting for the growth of the System, growth in visitation, increased threats due to booming populations in surrounding communities, inflation and significant uncontrollable costs, such as insurance increases. A permanently established Conservation System warrants permanent base funding for operations and management. Priority needs include additional rangers and field staff, investments in monitoring and restoration to sustain the System's unique resources, cultural and historical site protection, and volunteer program support.

This funding level would enable the BLM to restore needed services lost to funding cuts, while providing additional capacity to address areas of acute need, including:

- Science and natural resource monitoring: The BLM cannot meet its responsibility to obtain adequate information on the health of flora and fauna, riparian condition, water quality, and other resources. Proper inventory an monitoring will allow BLM to assess resource conditions and wisely apply valuable staff and resources to priority needs.

- Cultural Resource Management: BLM does not have the personnel to meet its congressionally mandated responsibility to identify, evaluate, and nominate historic properties to the National Register of Historic Places, and to protect cultural sites. The Conservation System contains hundreds of thousands of significant cultural and historic resources, yet the agency has comprehensively inventoried just six to seven percent of the area encompassed by Conservation System Monuments and Conservation Areas.

- Support for Volunteer Programs and Conservation Partnerships: The Conservation System relies heavily on volunteers to help educate visitors, restore areas damaged by illegal off-road vehicle use, monitor cultural sites, and more. While volunteers provide free work, BLM still needs at least modest resources to create, run, and expand volunteer programs; "partner" groups need support for their work as well. Few areas have adequate resources to capitalize on the good will and free labor that volunteers supply.

- Law enforcement and visitor management: A 2005 survey of fifteen Monuments and Conservation Areas in the System found that only a third has more than one full-time law enforcement ranger. On average, one ranger patrols 200,000 acres. Enforcement staff capacity needs to keep pace with significant growth in visitor use. Recent increases have helped immensely, but needs remain in areas with threats to resources and visitor safety.

The System offers innumerable examples where bare-bones funding is leading to irreparable resource damage. For example, at Arizona's Grand Canyon-Parashant National Monument, $500,000 is needed at Pakoon Springs to restore natural channel configuration, for native riparian vegetation, and for reseeding with native plants. Pakoon Springs is vital to birds and other wildlife in the region, and is important to Monument visitors. In Montana's Upper Missouri River Breaks National Monument, BLM needs $15,000 to construct livestock fencing in riparian areas in order to restore wildlife habitat including fragile cottonwood galleries.

We also respectfully ask the Committee to give serious consideration to any member requests for increasing programmatic funding or land acquisition funding for Conservation System units in the FY010 appropriations bill. These increases should be allocated in addition to, not in lieu of, funding already budgeted for each System unit in the BLM's FY10 budget.

Conservation System Land and Water Conservation Fund Priorities

The previous president nearly zeroed out funding for BLM land acquisition projects under LWCF. The Alliance greatly appreciates the new administration's indication that this important fund will be increased to fully authorized levels and hopes that the administration and Congress can work together to implement this vision. Over the last several years, funding for federal land acquisition has been abysmally low, particularly for the Bureau of Land Management. BLM land comprises 42% of all federal lands administered by the primary federal land management agencies. Yet, since 2000, BLM conservation lands have consistently received less than 12% of land acquisition funding for those agencies, with less than 6% the last two years.

As with the other land management agencies, BLM has a conservation mandate, and many of its cultural and natural treasures with important land acquisition needs are in the National Landscape Conservation System. In order to protect the integrity of these national treasures, the Department of the Interior must invest more adequately in land acquisition for the Conservation System, including taking full advantage of funds authorized under the Federal Land Transaction Facilitation Act (FLTFA). The Conservation System has needs of at least $24 million for land acquisition in FY10. This includes projects at Oregon's Cascade Siskiyou National Monument, California's Santa Rosa and San Jacinto Mountains National Monument (USFS parcels in FY10), Oregon's Owyhee National Wild and Scenic River and more.

Job Creation and Economic Opportunities from Conservation System Investments

The National Landscape Conservation System supports the economies of surrounding communities through attracting short-term visitation and a long-term skilled labor force drawn to these communities by protected environmental amenities. A 2006 study by the Outdoor Industry Foundation determined that the active outdoor recreation economy contributes $730 billion annually to the US economy, touching over 8% of America's personal consumption expenditures. Conservation System lands and waters are critical components of the network of public lands systems that nurture and sustain these economic activities. A 2005 Sonoran Institute study, *The National Landscape Conservation System's Contribution to Healthy Local Economies*, determined that protected Conservation System units are an important part of a successful combination of factors that make rural economies vibrant.

Conservation System units have many "shovel-ready" projects that cannot all be addressed by the recent stimulus package, projects such as restoration of riparian habitat, removing traces of decommissioned roads, pulling invasive weeds and restoring native flora to provide wildlife habitat and combat fire danger. Annual increases as part of the budget and appropriations process will ensure that these projects, strategically pursued, will provide needed jobs for surrounding communities while protecting nationally significant resources under the Bureau's care.

Written Statement of
Andrea Snyder, 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 25, 2009

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 $200 million to the National Endowment for the Arts (NEA) for FY10.** This testimony is intended to highlight the importance of the federal investment in the arts to sustaining a vibrant cultural community and 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 400 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 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 geographical 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 resources, 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 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: Access to Artistic Excellence; Challenge America: Reaching Every Community; Federal/State Partnerships; and Learning in the Arts, as well as through initiatives such as American Masterpieces: Dance. The following are some examples of the impact of NEA funding on dance programs from the NEA's 2009 Access to Artistic Excellence Program:

Alaska Dance Theatre, Inc.
Anchorage, AK
$10,000
To support the presentation of the James Sewell Ballet at the Alaska Dance Theatre. Alaska Dance Theatre (ADT) will learn two pieces from James Sewell Ballet's (JSB) repertory, one which will become part of ADT's repertory, and one which will be performed jointly with JSB.

Ballet Hispanico of New York, Inc.
New York, NY
$20,000
To support a multi-city, national tour. In conjunction with the tour, the company will offer a range of Primeros Pasos (First Steps) dance education activities and performances tailored to the needs of the communities.

Dance Theatre Workshop, Inc.
New York, NY
$80,000
To support the Creative Residency Program, the Fresh Tracks Performance and Residency Program, and the Studio Performance and Residency Series. These programs provide emerging and established dance artists the use of the Dance Theater Workshop's facilities as well as presentations at the theater.

Dominic Walsh Dance Theater
Houston, TX
$10,000
To support the creation and presentation of choreographer and artistic director Dominic

Walsh's *Mozart*, the final installment to his trilogy *Wolfgang Amadeus Mozart*. The Dominic Walsh Dance Theater will collaborate with dancers from the Sarasota Ballet of Florida to present this work.

Garth Fagan Dance, Inc.
Rochester, NY
$10,000
To support performances in Rochester and a national tour of the Garth Fagan Dance Company. A variety of outreach activities related to the performances will be offered.

New Orleans Ballet Association
New Orleans, LA
$40,000
To support the presentation of a series of dance performances and related education and outreach programs. Companies will be presented at a variety of venues throughout New Orleans.

Pacific Northwest Ballet Association
Seattle, WA
$40,000
To support The Broadway Project, a program of four works inspired by Broadway musical theater, and related outreach activities. The program will feature Susan Stroman's *TAKE FIVE...More or Less*, Christopher Wheeldon's *Carousel (A Dance)*, George Balanchine's *Slaughter on Tenth Avenue*, and Jerome Robbins' *West Side Story*.

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, 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.

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 1970's, 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. NEA programs today, like the National College Choreography Initiative, continue to ensure that the best of American dance is for all of America and a showpiece for the rest of the world as well. In 2005, the State Department collaborated with Dance/USA to replicate on a smaller, targeted scale the National College Choreography Initiative in five Middle Eastern countries. It was a great success. There are now over 600 professional dance companies in America as well as over 1,000 pre-professional and semi-professional groups. Based on recent surveys, Dance/USA

estimates that the 81 largest and most visible non-profit dance companies in the United States do the following:

- Employed over 6,000 people in a mix of full-time and part-time positions;
- Performed for total home audiences of nearly 2.9 million people;
- Paid approximately $237.5 million in wages and benefits;
- Had operating expense budgets totaling $452.2 million;
- Earned $156.7 million, or 38% of their income, from performances;
- Earned $76.2 million from sales, tuitions and activities other than performances;
- Received $16.7 million, from state, local and government contributions;
- Received $21.6 million from corporate contributions;
- Received $46.2 million from private foundations;
- Received $98.7 million from individual contributions through donations, benefit events, guilds, and United Arts drives;
- Had over 24,300 volunteers, including over 2,700 members of Boards of Trustees.

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 its programs are seriously underfunded. Dance/USA and other performing arts service organizations work hard each year to strengthen support for the NEA in Congress. As the NEA banner underscores, "a great nation deserves great art." In order for there to be great art, organizations need stronger infrastructure and stability. **Therefore, we urge you to increase the FY10 NEA funding allocation to $200 million.**

On behalf of Dance/USA, thank you for considering this request.

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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 25, 2009

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 133 American member companies. **We strongly urge you to support an increased appropriation of $200 million for the National Endowment for the Arts.** 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. 70 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 the 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.

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 2009 Access to Artistic Excellence Program:

American Opera Projects, Inc.
Brooklyn, NY
$10,000
To support the commissioning and development of *Heart of Darkness* by composer Tarik O'Regan and librettist Tom Phillips. Based on the 1902 novella by Joseph Conrad, the work will be transformed into a one-act opera for 8 singers and 13 instrumentalists.

Atlanta Opera
Atlanta, GA
$12,500
To support the performance of Verdi's *Il Trovatore*. Educational programs will include an Opera 101 course open to the public that will provide a synopsis of the plot, musical highlights, and production anecdotes.

Chicago Opera Theater
Chicago, IL
$10,000
To support performances of Mozart's *La clemenza di Tito*. Outreach activities will include lectures, panel discussions, and performances.

Cincinnati Opera Association
Cincinnati, OH
$22,500
To support a production of Osvaldo Golijov's opera *Ainadamar*, with accompanying outreach activities. Performed in Spanish, the project will be part of the company's Spanish-themed season and will include free preview talks and lectures.

Dallas Opera
Dallas, TX
$40,000
To support a new production of Verdi's *Otello*, with accompanying outreach activities including lectures, panel discussions with the artists, and a radio broadcast on Classical WRR about the creation of the work. The performances will mark the inaugural production at the new Margot and Bill Winspear Opera Ho

Florida Grand Opera, Inc.
Miami, FL
$25,000
To support performances of *Lakmé* by composer Léo Delibes, with related outreach activities. Artist recitals, lectures, in-school programs, and a family day will coincide with the opera performances.

Gotham Chamber Opera, Inc.
New York, NY
$10,000
To support a new production of *Haydn's Il mondo della luna (The World on the Moon)*. The production will take place at the Hayden Planetarium of the American Museum of Natural History, as the protagonist is an amateur astronomer.

Hawaii Opera Theatre
Honolulu, HI
$15,000
To support performances of the production of Georges Bizet's *Carmen* on the island of

Maui. In addition to the performances, the company will offer Opera for Everyone for Maui students.

Los Angeles Opera Company
Los Angeles, CA
$60,000
To support the commissioning and premiere of *Il Postino*, by composer and librettist Daniel Catán. The work fulfills the company's core mission: to create new productions by integrating the traditional operatic art form with the creativity of Hollywood directors, writers, production designers, and musical artists.

Lyric Opera of Chicago
Chicago, IL
$80,000
To support a new production of *The Damnation of Faust* by Hector Berlioz. Francesca Zambello will direct, Sven Ortel will provide projection designs, and Sir Andrew Davis will conduct a cast led by mezzo-soprano Susan Graham (Marguerite), tenor Paul Groves (Faust), and bass-baritone John Relyea

Michigan Opera Theatre
Detroit, MI
$22,500
To support a new production of Donizetti's *L'Elisir d'Amore (The Elixir of Love).* Performances will be accompanied by educational outreach activities.

Minnesota Opera Company
Minneapolis, MN
$22,500
To support the American premiere of *Pinocchio,* by composer Jonathan Dove and librettist Alasdair Middleton. The opera is based upon the book by Carlos Collodi.

New Orleans Opera Association
New Orleans, LA
$10,000
To support performances of Bizet's *Carmen.* The production will mark the opening of the Mahalia Jackson Theatre, damaged and closed since Hurricane Katrina in

New York City Opera, Inc. (aka City Opera)
New York, NY
$25,000
To support a new production of *Ester* by Hugo Weisgall

Opera Cleveland
Cleveland, OH
$10,000
To support a new production of Rossini's *Il barbiere di Siviglia.* The production also will

be used by the education and outreach departments to reach and inspire new and younger audiences.

Opera Company of Philadelphia
Philadelphia, PA
$22,500
To support performances of Benjamin Britten's *The Rape of Lucretia* at the Kimmel Center's Perelman Theater. Education and outreach activities will be offered for audiences.

Opera for the Young, Inc.
Madison, WI
$7,500
To support the performing artists costs for a multi-state tour of a new production of Dvorak's *Rusalka*. The company condensed and adapted this 45-minute opera.

Opera North
Lebanon, NH
$10,000
To support the Young Artist Program for singers. The professional development project will provide opportunities for singers to perform in supporting operatic roles for mainstage productions and other primary roles in family matinee productions and community outreach activities.

Wichita Grand Opera, Inc.
Wichita, KS
$10,000
To support a new production of Puccini's Manon Lescaut. Education and outreach activities will include workshops and seminars at Wichita State University and for the Young and Resident Artists. Rossini's The Barber of Seville, including outreach activities with local schools.

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 its programs are seriously underfunded. **We urge you to continue towards restoration and increase the NEA funding allocation to $200 million for FY10.**

On behalf of OPERA America, thank you for considering this request.

OPERA America
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TESTIMONY FOR THE RECORD
MARY BETH BEETHAM, DIRECTOR OF LEGISLATIVE AFFAIRS
DEFENDERS OF WILDLIFE
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
MARCH 26, 2009

Mister Chairman, Ranking Member and Members of the subcommittee, thank you for the opportunity to submit testimony for the record. Founded in 1947, Defenders of Wildlife has more than one million members and activists across the nation and is dedicated to the protection and restoration of wild animals and plants in their natural communities.

We continue to be deeply grateful for the subcommittee's leadership on climate change, and we ask that you maintain your excellent leadership on this critically important issue. We thank the subcommittee for the significant increase provided to the U.S. Geological Survey (USGS) National Climate Change and Wildlife Science Center in the final FY09 bill and ask that funding be increased by $10 million to $20 million for FY10, and gradually raised to $50 million annually by FY13. The new Center is developing well and will be a critical front in the battle to help wildlife adapt to climate change, supporting research needs of both federal and state agencies in dealing with a threat in which we have no analogous experience. Defenders also very much appreciates the direction given to the Secretary of the Interior in the FY09 bill "to initiate development of a national strategy to assist fish, wildlife, plants and associated ecological processes in becoming more resilient, adapting to, and surviving the impacts of climate change" in consultation with other federal agencies, states, tribes and other stakeholders and with the assistance of a science advisory board. We urge the subcommittee to exert its oversight authority to monitor this effort, to continue the direction in the FY10 bill, and to provide $5 million to ensure that the Secretary has the resources to effectively work with other agencies and stakeholders to achieve this critically important mission. Finally, while we still await the details of the President's budget, we were very pleased that funding for adaptation of fish, wildlife and habitats to climate change was among the priorities for the Department of the Interior, and we support the requested $130 million increase.

Defenders thanks the subcommittee for its efforts to restore the operational capacities of the natural resource management and science agencies that were decimated for a number of years and to fully fund fixed costs which typically increase by 3-5 percent yearly, and we urge you to continue this progress. Robust operational accounts for the agencies will become increasingly important as our nation fights to protect wildlife from the ravages of climate change. Our primary concerns are with the programs of the U.S. Fish and Wildlife Service (FWS), our nation's premier agency for the conservation of wildlife and habitat, and wildlife-related programs in the other natural resource management and science agencies as detailed below. We know that the subcommittee must operate within the constraints of its 302(b) allocation, but we ask you to do as much as possible.

We urge the subcommittee to continue to rebuild the FWS which has suffered substantial losses in both staffing, an 8 percent reduction from 2004-2007, and capability to carry out important projects. We are particularly concerned about the loss of biological capacity and research grade scientists in the Service. We urge the subcommittee to provide the following increases:

- To address the needs of our nation's most vulnerable plants and animals, a total of $217 million for the endangered species operating accounts, an increase of $59 million over FY09, allocated

as follows: $15 million for Candidate Conservation, an increase of $4.3 million; $32 million for Listing, an increase of $12.7 million; $95 million for Recovery, an increase of $20.4 million; and $75 million for Consultation, an increase of $21.5 million. These amounts will help the Service to make progress on listing the 252 candidates awaiting protection under the Endangered Species Act, overseeing recovery of listed species, adequately addressing the workload of consultations, and effectively monitoring hundreds of Habitat Conservation Plans covering millions of acres and federal projects subject to Section 7 consultation. We further ask the subcommittee to work with the new administration to develop a schedule for determinations on the current candidate list.

- To continue efforts to restore the integrity of the National Wildlife Refuge System, a total of $514 million, an increase of $51.1 million over FY09. The recommended level for FY10 will allow incremental progress toward a yearly level of at least $765 million needed to allow the System to achieve the mission set forth in the landmark 1997 National Wildlife Refuge System Improvement Act, as recommended by the diverse coalition of 23 national conservation, sporting, and scientific organizations in the Cooperative Alliance for Refuge Enhancement.
- To restore the "Thin Green Line" held by the Office of Law Enforcement between federally and internationally protected animals and plants and the ruthless poachers and smugglers who traffic in them, a total of $72.8 million, an increase of $10.1 million, to support hiring, training and equipping 24 special agents, 10 additional port inspectors, 12 critically needed scientists for the forensics laboratory and to support recent amendments to the Lacey Act to ban international imports of illegally sourced timber and plant products. The special agent force plunged to a 30 year low in 2008. Continued attention must be paid to this issue since, on average, 14 agents are lost yearly through attrition – even with the addition of a new class of 24 every two years, the force still would suffer a net loss of 4 agents over that same time period.
- To build the International Affairs program, a total of $21 million, an increase of $7.8 million, that will support boosts to the regional Wildlife Without Borders programs, implementation of treaties for which the program currently receives little funding, listing and permitting actions to address a backlog of foreign species awaiting Endangered Species Act protection, and replacement of key personnel. We are pleased with the subcommittee action in the FY09 bill to move International Affairs out of General Operations and establish it as a separate subactivity under the same activity as Migratory Bird Management and the Office of Law Enforcement.
- To support the Migratory Bird Management program in halting the decline of migratory birds, a total of $61.2 million, an increase of $15.3 million, that will allow for implementation of completed plans for focal species and continued development of plans for the rest of the 139 focal species, enhanced inventory and monitoring including increased costs for operations of survey planes, "Urban Conservation Treaties" that aid participating cities in reducing migration hazards and conserving birds, increased permitting demands under the Bald and Golden Eagle Protection Act, and the Joint Venture program.
- To provide for critical FWS grant programs, a total of $85 million for the State and Tribal Wildlife Grant program (STWGP), an increase of $10 million; $110 million for the Cooperative Endangered Species Fund, an increase of $34.5 million; $6.5 million for the Neotropical Migratory Bird Conservation Fund, an increase of $1.7 million; and $15 million for the Multinational Species Conservation Fund, an increase of $5 million. The STWGP was established to serve the federal interest by conserving species before they decline to the point where they need Endangered Species Act protection. As always, we appreciate the subcommittee's strong oversight of the implementation of the Action Plans created through STWGP and ask that it be continued.

The multiple-use lands of the Bureau of Land Management (BLM) and the U.S. Forest Service (FS) are becoming increasingly crucial to the conservation of wildlife and habitat in the United States. Yet these agencies lack the resources and adequate tools to fulfill this important aspect of their multiple use missions. Staff of the BLM and FS declined 9 percent and 35 percent respectively under the prior administration. In particular, given the recent order by the Secretary of the Interior to promote development of renewable energy on public lands, the availability of resources to ensure ability to maintain sustainable wildlife populations as this effort proceeds is absolutely crucial. To begin to fill this gap, we urge the subcommittee to provide the following amounts:

- For BLM Wildlife and Fisheries Management, a total of $66.1 million, an increase of $17.6 million over FY09 and for BLM Threatened and Endangered Species Management, a total of $33.2 million, an increase of $11.5 million. These increases would support needed recovery efforts for threatened and endangered species on BLM lands; additional staff; monitoring and habitat restoration for species at risk; restoration of fish passage; inventory and improvements for wetlands, lakes and streams; and other critical needs. Defenders understands that the practice of diverting 30 to 50 percent of program resources to pay for compliance activities of BLM's energy, grazing and other non-wildlife related programs continues despite efforts by the subcommittee to correct it. We appreciate the subcommittee's work on this issue and ask that efforts to address this harmful practice be redoubled, including consideration of a review by the Government Accounting Office.
- For the BLM Challenge Cost Share (CCS) program, a total of $29.3 million, an increase of 19.8 million, with the entire increase directed to wildlife. Given the diversion of resources in the other programs, CCS is the primary means through which proactive wildlife conservation work is accomplished.
- For BLM Plant Conservation, a total of $26 million, an increase of $21.4 million. Defenders appreciates the decision by the subcommittee to transfer the funding for the Native Plant Materials Development program out of Wildland Fire management and into the wildlife account in the FY09 bill. We ask that this move be a first step in establishing a separate Plant Conservation activity or subactivity that would encompass both a program to conserve sensitive plants on BLM lands and the Native Plant Materials Development program. The amounts recommended above would provide $5 million for the Plant Conservation program, $15 million for the Native Plant Development program, and one time construction funding of $6 million for seed storage facilities.
- For BLM Resource Management Planning, a total of $52.5 million, an increase of $4.4 million over FY09; for FS Land Management Planning, a total of $58.8 million, an increase of $10 million; and for FS Inventory and Monitoring a total of $175 million, an increase of $7.4 million. Science-based planning, including targeted monitoring and state-of-the-art analysis, is fundamental to effectively conserve fish and wildlife on BLM and FS lands. We ask the subcommittee to consider directing or encouraging the two agencies to cooperatively link species and ecosystem data collection, analysis, planning and decision-making processes in meaningful and cost-efficient manners.
- For BLM Landscape Scale Habitat Conservation/"Healthy Lands," a total of $30 million, an increase of $25 million to support the BLM in addressing large-scale regional planning and conservation efforts at the landscape level. Related to the item above, this funding potentially could be targeted for interagency efforts to incentivize needed cross-cutting work across levels of government and land ownerships.

- For FS Forest and Rangeland Research R&D programs, $260.8 million, an increase of $25.2 million that includes $30.3 million for Global Change Research and $35.5 million for Fish and Wildlife R&D. These amounts are needed to provide on-the-ground forest managers with decision support tools that enable effective and efficient fish and wildlife management, and assist them in understanding the impacts of climate change on forests, and identifying adaptive management strategies that help forests and wildlife survive increasing stresses.
- For FS Wildlife and Fisheries Habitat Management, a total of $197.4 million, an increase of $58 million. With the exception of the increase provided in the FY09 bill, this program was flat funded for seven years, falling far behind.

The core of scientific expertise regarding fish, wildlife and plants within the Department of the Interior is found within the Biological Research Discipline (BRD) of USGS. BRD scientists are responsible for research, development of analytical tools, and sharing of information needed to manage and conserve these biological resources. However, support to carry out these activities and to ensure adequate scientific staff and expertise has steadily eroded over the last eight years. Restoring funding to these programs is essential so that BRD can provide the natural resource management agencies with the scientific expertise, analysis and information necessary for conservation of fisheries and wildlife populations and habitat. To meet these needs, we urge the following increases:

- For the BRD Research and Monitoring Program, a total of $155 million, an increase of $8.6 million above the FY09 level. Over the last decade, this program has declined 12 percent when adjusted for inflation and increases are needed to (1) identify factors that contribute to or limit conservation and recovery efforts for terrestrial plant and wildlife species-at-risk; (2) institute an adaptive science approach to support the management of terrestrial plants and wildlife and; (3) provide technical assistance to natural resource managers.
- For the BRD Cooperative Fish and Wildlife Research Units (CFWRUs), a total of $20 million, an increase of $3.1 million. Approximately one-fifth of all CFWRU scientist positions are vacant, and these amounts are needed to restore this true federal-state-university-private partnership that leverages more than three dollars for every appropriated dollar.

We urge the subcommittee to continue restoration of the Land and Water Conservation Fund (LWCF) and urge a total of $450 million for FY10, $325 million for federal LWCF and $125 million for stateside. We were extremely pleased to see the increases proposed for LWCF in the President's budget and strongly support their proposal to fully fund the LWCF by 2014.

Finally, we deeply appreciate the subcommittee's continued attention to the impacts of illegal immigration and related enforcement on sensitive land and wildlife resources along the Southwest border, and we urge continued oversight and funding increases. Funding is needed through the natural resource management agency budgets to address ongoing damage, including tons of trash, hundreds of miles of illegal trails and roads, hundreds of abandoned vehicles, fouled water sources, vandalized and stolen facilities and equipment, and degraded habitat across the landscape. In addition, we urge the subcommittee to work with the Department of Homeland Security (DHS) appropriations subcommittee to ensure that any construction or installation of border security infrastructure is carried out with the proper environmental safeguards and that DHS provides funding to mitigate for any impacts, including following up with its commitment to provide up to $50 million to the Department of the Interior to mitigate for adverse impacts on federally listed threatened and endangered species from wall and road construction.

Shannon Meyer
Executive Director
Defense of Place
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TESTIMONY BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES CONCERNING FISCAL YEAR 2010 APPROPRIATIONS FOR THE LAND AND WATER CONSERVATION FUND AND INCREASED OVERSIGHT OF THE STATE LWCF GRANT PROGRAM

MARCH 26, 2009

This testimony is submitted by Shannon Meyer, Executive Director of Defense of Place, a national non-profit organization dedicated to ensuring the permanent protection of parklands, open spaces and wildlife refuges given into the public trust.

Chairman Dicks, Ranking Member Simpson and other members of the Subcommittee, thank you for the opportunity to submit testimony. We would like to thank the Subcommittee for increasing funding for the Land and Water Conservation Fund (LWCF) in the Fiscal Year 2009 Omnibus Appropriations bill. Defense of Place and our constituents applaud the Obama Administration's commitment to fully fund the LWCF in the next five years. As proposed in the President's Fiscal Year 2010 budget we strongly encourage increasing the funding of federal LWCF to $325 million, stateside LWCF to $125 million, as well as allocating $125 million for the Forest Legacy program.

Increasing LWCF funding for public outdoor recreation lands is great news for communities across the nation that benefit from the recreational lands purchased or enhanced with this fund. However, lands set aside for recreational use and funded with LWCF are not necessarily safe from the threat of development as we have seen in a few cases across the country. Several cases we have unfortunately seen states or municipalities circumventing LWCF conversion requirements in order to sell LWCF funded public recreation lands for development or other private use. Defense of Place whole heartedly supports the increase of funding to the LWCF and exhorts the Obama administration to strengthen oversight of the program to make sure existing LWCF funded lands remain open to the public for recreational use.

I would like to take this opportunity to briefly outline three different cases where parklands are being sold and / or converted to private uses contrary to what we see as the best interests of the recreating public. Each park discussed below, received funding through the state grant program of the LWCF and is now targeted by developers for conversion to private use. In each of these cases, we have asked the Department of Interior through the National Park Service to intervene in order to ensure that the public's rights to their recreational lands are preserved. I highlight these examples here as evidence of the need for more rigorous oversight of a very worthwhile program that should in no way be curtailed because of the misdeeds of a few.

Jean Klock Park Michigan: This 74-acre park on the shores of Lake Michigan was deeded to the City of Benton Harbor in 1917 to be forever "open for the use and benefit of the public". The park received a $50,000 grant from the LWCF in 1976 for infrastructure improvements. Now the City has leased 22 acres in the heart of this popular park for the development into an upscale golf course – ending the free public recreational use of an important portion of the park. The park provides this mostly African-American low income community with its main access to the lake, yet the proposed golf course would primarily benefit the adjacent wealthy neighborhood. The unconnected, vacant industrial lands offered as replacement land are far from equal in value and recreational utility to the pristine lakefront dunes being destroyed. Documents have come to light since the NPS' approval of the conversion that reveal that six of the seven unconnected replacement parcels are severely contaminated with volatile organic chemicals, polycyclic aromatic hydrocarbons and heavy metals which are unremediated and uncontained at this time. This information, contained in a Nov. 2007 Due Care Plan, was not disclosed in the Environmental Assessment process or the NPS conversion approval process. Despite ongoing litigation in US District Court between park supporters and the NPS, bulldozers are currently in the park destroying trees and vegetation.

Battery Park, Ohio: Battery Park is located on the shores of Lake Erie in Sandusky Ohio, a working class town hit hard by the current economic downturn. Its residents enjoy the lake from this park, which received a $350,000 grant in 1980 for the construction of recreational facilities. The City Commissioners are supportive of a development proposal that would turn this 30 acre park and entertainment facility into the "Marina District", a private development with 300 condominiums, a hotel, and commercial space. Development of the Marina District would deny the public of its recreational use and lake access at this Park. The Park Service has not yet received a conversion request, but it will soon. Due to the scarcity of available lakefront land in this area, it is likely that proposed replacement lands will be unsuitable as they were in Michigan.

Lake Texoma, Oklahoma: Over 1,500 acres of public recreational lands around Lake Texoma owned by the Oklahoma Tourism Department and the U.S. Army Corps of Engineers are under immediate threat of conversion into an upscale resort, conference center, and 3,000 unit housing development. Despite the fact that there has been no EIS on the impacts of the current development proposal, two parcels of state park land have already been sold to the private developer, Pointe Vista. These recreational lands have received 7 LWCF grants between 1967 and 1988 years totaling over $700,000. Although in 1999 the Oklahoma Department of Tourism and Recreation acknowledged that all of the State Park was within the LWCF Section 6(f)(3) boundary, the NPS has received no complete conversion request for this massive sell off of public recreational lands and no replacement lands have been proposed. It is incumbent upon the NPS to actively engage with the agency and demand that the conversion procedures outlined in 36 CFR 59.3 be followed.

We appreciate the opportunity to engage with the Subcommittee on this important issue. In closing, Defense of Place urges Congress to commit to increased funding for and oversight of the LWCF so that the American public can fully reap the benefits of this important and valuable conservation funding vehicle.

Testimony of Dutch Salmon
New Mexico Game and Fish Commissioner
In Support of Land Acquisition Project at Gila National Forest
New Mexico, U.S. Forest Service
House Appropriations Committee
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Norman Dicks, Chairman
The Honorable Michael Simpson, Ranking Member

March 26, 2009

Mr. Chairman and Honorable Members of the Subcommittee:

I appreciate the opportunity to present testimony in support of an important land acquisition project in the Gila National Forest in New Mexico. An appropriation of $3 million in FY 2010 from the Land and Water Conservation Fund (LWCF) is needed for the Forest Service to acquire the 730-acre second phase of the 1,560-acre Bear Creek Ranch.

I also respectfully urge a substantial increase in overall funding for the Land and Water Conservation Fund (LWCF), specifically urging the Subcommittee to provide $325 million for the federal LWCF in the FY 2010 Interior and Environment Appropriations bill. And, we are most thankful that the Obama Administration Budget recognizes the importance of these programs by proposing significant increases for FY 2010 and setting a goal to achieve full funding of the LWCF in the next five years.

At over 3.3 million acres, the Gila National Forest in southwestern New Mexico is the sixth largest national forest in the contiguous United States. The forest is marked by rugged mountains, isolated canyons, quiet meadows, and desert. The biological and geographical diversity of the forest is measured by the range of elevation, from 4,200 feet to 10,895 feet at the summit of White Water Baldy mountain. The varying landscapes provide habitat for elk, deer, antelope, bighorn sheep, wild turkey, black bear, and mountain lion.

The Gila National Forest is noted for its contribution to wilderness protection in the United States. Aldo Leopold, an ecologist, writer, forester, hunter, fisherman, and environmentalist, worked for the U.S. Forest Service (USFS) in the Southwest for over a dozen years in the early twentieth century. Many of those years were spent in the Gila forests and mountains, conserving the land, observing nature, and enjoying its recreational splendor. Leopold successfully argued for special protection of the forest, and in 1924, the federal government recognized a portion of the Gila as wilderness. It was the first such designation and predated the passage of the landmark Wilderness Act by forty years. Today, the Gila National Forest includes two large wilderness areas: the Aldo Leopold and Gila wilderness areas. Together they protect more than 760,000 acres of forestland – more than in any other national forest in the Southwest – and are a treasure for backpackers and outdoorsmen.

One outstanding natural feature of the national forest is the Gila River. Running east to west from New Mexico into Arizona over a course of nearly 650 miles, the river is one of the longest desert rivers in the world. The Gila River watershed, the headwaters of which lie in the center of the national forest, is a significant stopover point for more than 250 species of migratory birds. Within New Mexico, the river is unobstructed by dams, but its waters are heavily used for agricultural and drinking supplies. Concerned about the future of the river and its exceptional watershed, American Rivers named the Gila to its 2008 America's Most Endangered Rivers list.

Available for acquisition in FY 2010 is Bear Creek Ranch. At 1,560 acres, the ranch is the largest private inholding remaining in the Gila National Forest. Instead of having a dense contiguous acreage, the property extends for eight miles along Bear Creek, a tributary of the Gila River. It is rare for the Forest Service to have the opportunity in New Mexico or indeed anywhere in the West to acquire a tract covering such a long stretch of an important riparian corridor and watershed. Accordingly, the parcel is a top priority acquisition for the USFS in New Mexico and in the region for FY 2010. The acquisition of the property will be divided into two equal phases of 780 acres. The first phase is planned for purchase by the Gila NF in 2009 using Sisk Act funds accumulated in New Mexico.

Given the property's shape and overlap with the Bear Creek watershed, it has significant ecological and water resource value. Close to the creek are numerous cottonwoods and willows, while further away are ponderosa pines, oaks, and meadows. The riparian corridor provides important habitat for wildlife that thrive in the larger national forest. The canyon includes several waterfalls. The course of Bear Creek supports native fish including longfin dace, desert sucker, Sonora sucker and loach minnow. The documentation of loach minnow – a federally listed threatened species – is the first in New Mexico in several decades. In the United States the species is only found in New Mexico and Arizona. The Sonora sucker and desert sucker are federal species of concern.

Inclusion of the property in the Gila NF would greatly ease USFS land management demands in the Bear Creek corridor. The inholding is almost entirely surrounded by existing public lands. Upon acquisition, the Forest Service would not need to monitor and maintain the 17-mile boundary along the property. Public acquisition would also improve fire management and public access for outdoor recreation. The Forest Service is planning to convert a dirt road that follows the course of Bear Creek into a recreational trail for hikers, bikers, and equestrians. In addition, both the Continental Divide National Scenic Trail and the federally designated Trail of the Mountain Spirits Scenic Byway run near the property, which lies just south of the Gila wilderness.

Currently the owners of the ranch are working to conserve their land by selling it to the Forest Service. However, if this cannot be achieved, the property is likely to be sold, opening the Bear Creek corridor to fragmented ownership and ranchette development. That scenario would greatly exacerbate public concerns about fire

management and access throughout an eight-mile creek corridor and section of the national forest.

The LWCF is our nation's premier program to acquire and protect lands in national parks, national wildlife refuges, national forests, Bureau of Land Management units and other federal land systems. This program faces an extensive and growing backlog of land acquisition needs across the nation. Public lands provide innumerable social and economic benefits including a healthy lifestyle, protection of watersheds and drinking water supplies, wildfire reduction and prevention, and assistance to wildlife and fisheries as they adapt to climate change. We urge you to renew this wise investment in America's natural heritage and take steps to towards full and consistent funding of these vital programs.

Mr. Chairman and distinguished subcommittee members, I want to thank you for this opportunity to testify on behalf of this important national protection effort in the Gila National Forest, and I appreciate your consideration of this funding request.

TESTIMONY TO THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
APRIL 25, 2008
by
THE EASTERN FOREST PARTNERSHIP
PAT BYINGTON, CHAIRMAN

Mr. Chairman, and distinguished members of this Subcommittee, we are grateful for the opportunity to submit testimony today on behalf of the member organizations of the Eastern Forest Partnership (EFP).

The EFP is a coalition of 20 national, regional and local organizations working to advance permanent protection of forests in the Eastern United States. The partnership seeks to raise awareness about the value and importance of these forests and to promote sound public policy in order to conserve these lands.

We are encouraged by the proposed increases for the Land and Water Conservation Fund (LWCF) and the Forest Legacy Program in the Fiscal Year 2010 budget, as well as the Obama Administration's commitment to reach full funding for the LWCF in the next five years.

Protection of our natural resources has reached a critical point. Four decades of suburban sprawl have changed our natural landscapes and reduced our open spaces. We are now beginning to clearly witness the negative repercussions of wholesale land use changes. In 2005, the U.S. Forest Service released a report, *Forests on the Edge,* which predicts that 44 million acres of private forest nationwide will be converted to non-forest uses by 2030. Today less than twenty per cent of eastern forests are permanently protected for future generations. Without a robust investment of both private and public funding, these forests will very likely be developed and lost forever.

In every state in the nation, LWCF and Forest Legacy Program funds have ensured that all Americans have access to lands where they can hunt, fish, play ball, hike, bird watch, paddle, ride a bike and picnic or take photos. Working only with landowners who are willing sellers, federal, state and local agencies are attempting to protect the best of what remains so that future generations can also reap the benefits of access to outdoor recreation, America's unique historic and cultural sites and protected wildlife.

Land and Water Conservation Fund

Established in 1965, the Land and Water Conservation Fund has served the national interest as the primary source of federal land conservation efforts. Through this fund, states throughout the country have preserved critically important lands including national forests, wilderness areas, historic and cultural sites, significant battlefields, trails and recreation areas. In addition, the stateside portion of this program accounts for the

creation of thousands of local park and recreation projects such as ball fields and community parks.

The LWCF also provides funds to the Highlands Conservation Act (HCA). The HCA became law in 2004 and authorizes $10 million in land acquisition and $1 million technical assistance to the states of Pennsylvania, New Jersey, New York and Connecticut. Traversing over 3 million acres the Highlands provide clean drinking water, local food, and close-to-home recreation to the more than 25 million residents living within an hour's drive of this nationally significant landscape.

In addition, our protected federal lands and waterways provide an opportunity to address the unprecedented challenges that climate change poses to our forests, fish and wildlife, and riparian resources. These natural areas also store carbon, buffer flooding, conserve water, and support healthy fisheries and wildlife populations.

Forest Legacy Program
Established in the 1990 Farm Bill, the Forest Legacy Program is a partnership program that "protects 'working forests'...those that protect water quality, provide habitat, forest products, opportunities for recreation and other public benefits." To date, this program has protected over 1.7 million acres in 36 states and Puerto Rico. Every federal dollar invested in this program is matched 1:1 by private or non-federal government funding, making it a sound use of public resources.

Land conservation programs such as the LWCF and FLP are needed now more than ever. Without these programs the widespread loss of forests and open spaces to development, especially in the East, will continue. As forests and other natural areas are cleared for development, significant amounts of carbon are released into the atmosphere and future carbon sequestration potential is lost, contributing to global warming. Additional investment in public land is also essential to protect habitat and migration corridors necessary for wildlife to adapt to climate change.

As the subcommittee works to consider and establish funding levels for FY 2010, please keep the myriad benefits of these two programs in mind. The LWCF and FLP have historically been the most significant federal sources of funding to support land conservation, and park and recreation projects. These programs protect America's natural heritage and increase the health and quality of life for all Americans. We urge you to consider funding these programs at levels sufficient to meet the demand and therefore recommend increasing the funding of the federal LWCF to $325 million, stateside LWCF to $125 million, $125 million for the Forest Legacy program, and $11 million to the Highlands Conservation Act.

Below is a list of specific projects recommended by our member organizations that we believe merit funding through these programs.

Land and Water Conservation Fund Projects
CT – Stewart B. McKinney NWR ($11 million)
FL – Timucuan Ecological & Historic Preserve Seaton Creek I ($3 million)
GA – Chattahoochee and Oconee NF ($4 million)
GA – Chattahoochee River NRA ($3.1 million)
MD – Blackwater National Wildlife Refuge ($2.0 million)
ME – Rachel Carson NWR ($3.5 million)
ME—Maine Coastal Islands NWR ($1.65 million)
NC – Uwarrie National Forest ($1.0 million)
NC – Catawba Falls Access ($750,000)
NH – Mahoosuc Gateway I ($1.375 million)
NH-ME –Umbagog NWR ($4.5 million)
NH-VT-CT-MA - Silvio O.Conte NWR ($2.965 million)
NH – Lake Umbagog National Wildlife Refuge ($5.0 million)
NJ – Great Swamp NWR ($2.4 million)
NJ – Wallkill River NWR ($2.8 million)
SC – Congaree National Park ($2.7 million)
TN – Rocky Fork ($13.5 million)
VT – Green Mountain NF ($2.25 million)
VT – Chateauguay – No Town ($1.25 million)
WV – Monongahela NF ($985,000)

Highlands Conservation Act Projects
CT – Ethel Walker, Naugatuck, and Scoville ($2.5 million)
NY – Greater Sterling Forest ($2.5 million)
NJ – Northern Highlands ($2.5 million)
PA – Texter Mountain ($2.5 million)
All States- Technical Assistance ($1 million)

Forest Legacy Program Projects
AL – Cumberland Mountains Preserve ($637,500)
AR – Maumelle Water Excellence ($3.58 million)
CT- Tulmeadow Farm ($1.4 million)
CT - Wolf Hill ($600,000)
FL – St. Vincent Sound-to-Lake Wimico Ecosystem ($5 million)
FL - Northeast Florida Timberlands ($2.65 million)
FL – Osceola NF buffer ($1,87 million)
GA - Murff tract-Rayonier Forest ($4.5 million)
GA - Ft. Stewart ACUB 1 ($805,300)
MA - Monson Forest Lands ($2.3 million)
MA - Southern Monadnock Plateau Phase II ($3.3 million)
MA - Metacoment-Monadnock Forest ($1.6 million)
ME – Katahdin Forest Expansion ($3.7 million)
ME – Rangeley High Peaks ($3.5 million)
NH – Cardigan Highlands ($3.8 million)
NH – Mahoosuc Gateway II ($5.0 million)

NJ - Musconetcong and Rockaway Rivers Watersheds ($7.0 million)
NY – Follensby Pond ($7.0 million)
PA - Little Bushkill Headwaters Forest Reserve ($3.5 million)
PA – Greystone Forest ($355,000)
SC - Belfast ($2 million)
TN – North Cumberland Conservation Area ($9.0 million)
VT – Eden Forest ($2.2 million)
VT – Adams Pond ($1.6 million)
VA – Chowan River Headwaters ($2.24 million)
VA – New River Corridor ($520,000)
WV – Sleepy Creek ($755,000)

Thank you for the opportunity to submit this testimony for your consideration.

Member Organizations of the Eastern Forest Partnership

American Forests
Appalachian Mountain Club
Appalachian Trail Conservancy
Carolina Mountain Land Conservancy
Environmental Defense
Highlands Coalition
Land Trust Alliance
Land Trust of Central North Carolina
Natural Lands Trust
National Wildlife Federation
Northern Forests Alliance
North Carolina Coastal Land Trust
Pinchot Institute
South Carolina Coastal Conservation League
Southern Appalachian Forest Coalition
Southern Environmental Law Center
The Wilderness Society
Tennessee Parks and Greenways Foundation
Trust for Public Land
Western Pennsylvania Conservancy

StopExtinction.org

To: House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies
Re: Endangered Species Protection and Recovery Funding
Submitted by: Jon Hunter, Policy Director, Endangered Species Coalition

The Endangered Species Coalition – the national network of more than 400 conservation, scientific, religious, sporting, outdoor recreation, business and community organizations - urges you to fully fund programs of the Endangered Species Act in Fiscal Year 2010. We are calling for a total appropriation of $391.2 million for the Fish and Wildlife Service and Bureau of Land Management, as detailed in the text and table below.

The Endangered Species Act is a safety net for wildlife, plants and fish that are on the brink of extinction. The Act has been successful in preventing the extinction of many of our nation's species, including Bald Eagles, Peregrine Falcons, wolves, grizzly bears and wild salmon. In today's era of global warming, it is needed more than ever. However, for years the Endangered Species Act has been under-funded, making it increasingly difficult for federal experts to carry out their responsibilities under the Endangered Species Act. We appreciate your efforts in the FY 09 omnibus bill to begin to reverse this trend and we are calling for the funding crisis to be completed addressed over the next four years. The funding levels detailed below are designed to be the next step in addressing this problem. Each succeeding year should have a steadily increasing budget to reach the FY13 funding levels detailed in the chart that will allow the endangered species programs to be appropriately implemented and managed.

Core Endangered Species Protections

Four U.S. Fish and Wildlife Service (FWS) endangered species operating accounts are key to effective implementation of the Endangered Species Act. All four program areas are currently experiencing at least a 30 percent staffing shortage due to budget constraints, an unacceptable vacancy rate. To adequately implement the endangered species program, a total of at least $305.9 million is needed for the four main accounts by 2013, an increase of $148 million over FY 09.

Listing – This account funds protections by identifying new plants and animals in need of protection under the Endangered Species Act, as well as identifying habitat critical for recovery. Currently, more than 250 species sit on the candidate list waiting for protection, creating an estimated backlog of more than $160 million. Candidate species wait an average of 19 years to be listed and since 1975, 64 have gone extinct while waiting – seven times the number that have disappeared under the full protection of the ESA. To eliminate this backlog over the next four years, we request a $12.7 million increase this year for a FY 10 appropriation of $32 million.

Recovery – While the Endangered Species Act has been extremely successful at preventing wildlife from going extinct, the purpose of the Act is to protect and *recover* endangered and threatened fish, plants and wildlife. It is difficult to estimate the true needs for the recovery program—current estimates place it at approximately $100 million per year. Our coalition would like to see the recovery program funded at no less than $121.6 million by 2013 (the increased level over $100 million accounts for fixed costs increases needed over that time period) therefore, we request recovery be funded at $95 million for FY 10, an increase of $20.4 million.

Consultation – The consultation program is an important part of the checks and balances system to ensure that endangered fish, wildlife, and plants are protected on the ground. There has been a dramatic increase in demand for consultations recently, jumping from 40,000 in 1999 to 67,000 in 2006. Shortage of personnel in this program area causes delays of project reviews thus creating conflicts between agencies. The consultation budget also funds the Service's work with non-federal entities for permitting and development of Habitat Conservation Plans. Lack of funding prevents the Fish and Wildlife Service from ensuring that these plans are properly developed, implemented and monitored. To adequately implement the consultation program would require an overall program budget of $122.4 million by 2013. We request $75 million for FY 10, an increase of $21.5 million.

Candidate Conservation - This program protects species before they are actually listed, thus in theory averting the need to ever list them at all. As mentioned above though, fish, plants and wildlife on the candidate list go extinct at a much higher rate than those with full protection – in part because of severe understaffing for this program. A doubling of this program's staff is justified to ensure adequate implementation. This would require $25.4 million annually. Our coalition again requests this increase be accomplished over the next four years and, therefore, we request the program be funded at $15 million for FY 10, an increase of $4.3 million over FY 09 levels.

Additional Endangered Species Protections

Cooperative Endangered Species Fund – This fund provides grants to states for wildlife and habitat conservation activities on non-federal lands for listed and candidate species. At least 65 percent of federally listed species are found on non-federal land. Without the proposed increases states will fall further behind in their ability to independently work to protect at-risk species. Crucial conservation activities funded by these grants include: research, species status surveys, habitat restoration, captive propagation and reintroduction, planning assistance, and land acquisition by states for Habitat Conservation Plans and recovery. To adequately fund state endangered species conservation activities a total of at least $160 million is needed by 2013. We therefore request an increase of $34.5 million this year for a total appropriation of $110 million in FY 10.

Landowner Incentive and Private Stewardship Grants – These grants provide funding for voluntary conservation actions taken by landowners to conserve at-risk plants and animals on private lands, which benefits us all. The Landowner Incentive program awards competitive grants to state and tribal conservation agencies for their work with private landowners and tribal lands, while the Private Stewardship program provides funding directly to individuals and groups implementing private land conservation actions. In 2007, funding was awarded to efforts in 46 states. Regrettably, neither program was funded in the FY 08 Interior appropriations bill due to budget constraints; these important programs should be re-started in FY 10. The demonstrated need for these programs has far outstripped available funding in the past – the amount requested for worthy projects totaled two to three times the yearly available funding. To support private landowners in their voluntary conservation efforts, a gradual increase to $77 million is needed by FY 13 in these two incentive programs. We request that these programs be restored to their FY 07 levels of $23.7 million for the private landowner and tribal lands grants and $7.3 million for the stewardship grants. However, while these voluntary incentives programs are important for the recovery of our nation's imperiled species, they should not be funded at the expense of the Fish and Wildlife Service's core endangered species programs.

BLM Threatened and Endangered Species Management – The Bureau of Land Management (BLM) controls habitat that supports more than 300 federally listed or candidate species. This program, along with their Fisheries and Wildlife Management program, funds inventory and monitoring, habitat restoration, endangered species recovery, and other proactive conservation activities vital to maintaining healthy, functioning ecosystems and fish, wildlife, and plant populations. Recently, an average of 30 percent of these funds have been used to pay for the compliance activities of the BLM's energy, grazing, and other non-wildlife related programs. Traditionally, funding for compliance work has come from benefiting programs. In addition, the programs are substantially understaffed. For example, the BLM has only one biologist per 591,000 acres of land, and more than $60 million is needed annually just to implement actions assigned to BLM in recovery plans for listed species. In addition to restoring the funds diverted to benefit other program areas, we request an increase of $12.6 million to begin meeting this program's needs, for a total appropriation of $33.2 million in FY 10.

The Endangered Species Act is a broadly supported law and has been very successful in preventing extinctions. But without the necessary funding, the Act's true goal of restoring endangered species to healthy populations will be much more difficult to accomplish. We ask you, as members of the Appropriations Committee, to fully fund Endangered Species Act programs this year. Thank you.

Sincerely,

Leda Huta

Leda Huta
Executive Director

Endangered Species Related Funding
Fiscal Year 2010
(in thousands)

		FY08 Enacted	FY09 Enacted	FY13 Funding Need	Budget Request* FY10	Green Budget Compared to FY09
Fish and Wildlife Service	Candidate Conservation	$9,731	$10,670	$25,400	$15,000	$4,330
	Listing	$17,978	$19,266	$36,500	$32,000	$12,734
	Consultation	$51,758	$53,462	$122,400	$75,000	$21,538
	Recovery	$71,041	$74,575	$121,600	$95,000	$20,425
	Eco Services Total	**$150,508**	**$157,973**	**$305,900**	**$217,000**	**$59,027**
	Cooperative Endangered Species Fund	$73,831	$75,501	$160,000	$110,000	$34,499
	Landowner Incentive Grants	$0	$0	$50,000	$23,700	equal to FY 07 levels
	Private Stewardship Grants	$0	$0	$27,000	$7,300	equal to FY 07 levels
BLM	Threatened & Endangered Species Mgmt	$22,302	$20,582	-	$33,200	$12,618

* These requests match those in the Green Budget, which is endorsed by 27 conservation and environmental organizations.

STATEMENT OF THE ENEWETAK/UJELANG LOCAL GOVERNMENT BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

March 24, 2009

Submitted by the
Honorable Jackson Ading, Mayor of Enewetak Atoll; and
The Honorable Jack Ading, Minister of Finance, Republic of the Marshall Islands

Mr. Chairman and distinguished members of this Subcommittee:

Thank you for providing us this opportunity to the people of Enewetak to describe issues that relate to our ability to live on our homeland of Enewetak Atoll, which was used as a nuclear test site by the United States.

As the only people ever resettled on a nuclear test site, we face many challenges. Life on Enewetak Atoll is made possible through support provided by the congressionally funded Enewetak Food and Agriculture Program. That program provides funding for imported food, an agriculture rehabilitation program, and the operation of a vessel. We request that funding for that program for FY 2010 be increased by the amount of $500,000, the same amount of increase as provided by Congress in FY 2009. Also, we hope that this committee will support continued funding of the health program for the four nuclear affected atolls of which we are one, and funding for the environmental monitoring by the Department of Energy of the Runit Island nuclear waste site which is on our atoll.

Before we discuss the particulars of this request, we would first like to thank you, Mr. Chairman, and members of this committee, on behalf of the Enewetak people, for your support in funding the food and agriculture program for my people in the Compact of Free Association. We also thank you for your past support in assuring that the Enewetak Food and Agriculture Program is adequately funded, particularly your support for the $500,000 increase for FY 2009 and your approval of our request to purchase a replacement vessel during FY 2009 from previously appropriated program funds.

As you know, Enewetak Atoll was the site of 43 of the 67 nuclear tests the U.S. conducted in the Marshall Islands. We were removed from our land by the U.S. government to make that testing possible. We were exiled from our land for a period of over 33 years – a period in which we suffered near starvation, poor health, and lack of education.

In 1980, after a significant cleanup, soil rehabilitation, and resettlement effort undertaken by the U.S., we were able to return and live on only a part of our land. A large part of our land and environment remain contaminated making it impossible for us to rely on our natural food resources and preventing us from developing a fishing or tourist economy.

We now live on a former nuclear test site. In fact, we are the only people ever resettled on a nuclear test site. The Enewetak Food and Agriculture Program makes life on Enewetak possible. And that is why we are so thankful to you for assuring funding in the minimum amount of $1.3 million for the program in the Compact.

However, the program was funded at a level of approximately $1.8 million in FY 2009 and close to that amount for the past several years. That funding level needs to continue to maintain the minimum components of the program which include a soil and agriculture rehabilitation program, the importation of food, and the operation of a vessel. Therefore, we request your support for the additional $500,000 for the program for FY 2010 so that the components of the program will be funded in the total amount of $1.8 million, as has been the case these past several years.

In FY 2009 we faced a challenge with regard to the transportation of food, material, equipment, supplies, and transport of people to and from our atoll. Our atoll is the most distant atoll from Majuro Atoll, the capital of the Marshall Islands. In fact, the distance between Majuro and Enewetak is 600 miles one way. All of our food, material, supplies, and equipment are sent to Majuro for further transshipment to Enewetak. Consequently, a reliable vessel is a lifeline for us. The vessel available to us up to FY 2009 was so old that parts were difficult if not impossible to find. Therefore, we were in the market for a replacement vessel that would be even more suitable for voyages between Enewetak and Majuro than the vessel we had. We found a suitable vessel and greatly appreciate the approval provided by this committee to purchase the replacement vessel from previously appropriated program funds. That vessel was in service in 2009 and provided the necessary sea transport to support each of the components of the program.

A final comment on the Enewetak Food and Agriculture Program: This program is a true success story. It allows us to live on our homeland while providing the resources which allow us to attempt to accomplish some of the rehabilitation required to transform part of the atoll from a severely damaged nuclear test site to a place that more resembles home. The additional $500,000 to maintain current funding levels will ensure the continued success of this program.

Now we would like to briefly address the four atoll health care program. Funding for FY 2010 is necessary to continue the program. We appreciate the funding for such program provided by the Congress in the amount of $1 million for FY 2009. However, continued funding is required to maintain the key elements of the program which provide for an on-site physician for each of the four atolls, necessary medicines and supplies, funding for a health aide for each atoll, and funding for care of the people of the four atolls at the hospitals in the Marshall Islands when required.

Lastly, we need to mention the nuclear waste site on Runit Island. That site was built by the U.S. and contains over 110,000 cubic yards of material including plutonium and other radioactive debris. This site needs to be monitored to assure the integrity of the structure and to assure that no health risks from the radioactive waste site are suffered by us. To effect the foregoing, a long-term stewardship program of Runit Island needs to be implemented by the U.S.

Again, Mr. Chairman, we thank you and members of this subcommittee for your support which makes life possible for us on our home atoll of Enewetak.

Testimony of
Jack Dangermond
President, Environmental Service Research Institute (ESRI)
Before The
Subcommittee on Interior, Environment, and Related Agencies
House Committee on Appropriations
March 26, 2009

A Proposal for National Economic Recovery
An Investment in Geospatial Information Infrastructure
Building a National GIS*

Summary

We respectfully request the Subcommittee's support for a multi-year, government-wide effort to build a national Geospatial Information System (GIS), led by the Secretary of Interior through his role as chairman of the Federal Geographic Data Committee under OMB circular A-16, and the United States Geological Survey. The total cost of the program, as detailed below, is expected to be approximately $1.2 billion spread over three years. For fiscal 2010, we urge the Subcommittee to provide $210.5 million for the portions of this project within your jurisdiction.

Proposal

The Stimulus Plan recently approved by Congress and the incoming Obama Administration is an enormous undertaking to revive the American economy. Potentially, it will involve thousands of infrastructure and other projects intended to create jobs and restart economic growth while producing things of lasting value to American taxpayers. The challenge to properly manage and execute this effort will be daunting, requiring unprecedented access to data and information at all levels of government and the private sector.

This is the moment for America to build a national Geographic Information System (GIS), that is, a unified, up-to-date, publicly-accessible national digital map, enriched with data from all available sources, and supported by GIS technology. This system can be built quickly, immediately creating high tech jobs, and will serve as a public resource for project planners to support transportation infrastructure, alternative energy research, and project siting. It will also provide a foundation for monitoring the US economic recovery across our communities, allowing activities to get underway as soon as possible and leaving a legacy for the future.

The benefits of a national GIS are universal. The Western Governor's Association declared GIS a key component of our national critical infrastructure. The National Geospatial Advisory Committee (NGAC) adopted a set of transition recommendations that represent a broad consensus among the key public and private stakeholders in the geospatial technology field and form a principal basis for this proposal.

Why a National GIS should be completed

Agencies have been laying the foundation for national GIS for years. It falls within umbrella names like *Imagery for the Nation, The National Map,* the *National Spatial Data Infrastructure,* and the pioneering work of by the U.S. Geological Survey, the Department of Commerce Census Bureau and the National

* A vision for a National Geographic Information System, by Jack Dangermond and Anne Hale Miglarese

Oceanic and Atmospheric Administration and the Departments of Homeland Security, Agriculture, and Interior, among others. It is supported by technical studies from the National Geospatial Advisory Committee (NGAC), the National Research Council, the Federal Geographic Data Committee (FGDC), and the National States Geographic Information Council (NSGIC). Now is the time to pull them together.

GIS technology is uniquely capable of providing unity both to the complex new Stimulus Plan as well as other ongoing initiatives. GIS can integrate data from agencies across all levels of government, providing decision makers a powerful tool to marshal knowledge on items as diverse as personnel, finance, economics, infrastructure, and resources, all organized within maps or images showing geographic basics such as topography, roads, parcels, buildings, utility networks, landmarks, soil types, and political and physical land divisions. It brings together all key national datasets to support action – which is why it is considered a must for emergency response organizations across the country. A national GIS will place at our fingertips a comprehensive description of our nation's assets, resources and operations, all linked geographically. Once completed, it will be a priceless national resource and an indispensable tool for planners and business alike.

A national GIS can be built immediately, engaging hundreds of private firms. It will speed the start of job-rich infrastructure projects. Its biggest impact will be on projects critical to energy development, homeland security, defense, climate change, health care delivery, telecommunications, transportation, and the environment. Without national GIS as a management tool, efforts will be haphazard and project planners will be hamstrung. A National GIS must be a cornerstone program funded by the Stimulus Plan, a fulcrum to wring the greatest result for each dollar spent.

Technical fundamentals of a National GIS

A GIS system integrates information from many sources and authors using standardized protocols so that information can be harmonized and incorporated into a consistent framework to support multiple missions at all levels of government and private business. It can be built and maintained largely using on-going business processes such as *The National Map* initiative of Interior Department's Geological Survey (USGS), and it can rely heavily on existing software, hardware, and networks, integrated by a lead organization setting standards and protocols. Existing modern GIS server technology, together with open standards and Services Oriented Architecture (SOA), can provide enabling components for a national GIS immediately. This architecture maximizes collaboration among government and private entities. Guarantees of privacy, confidentiality, protection of proprietary financial data, and similar concerns can be built in at the foundation and at every level. This national system will result in the following:

- *A series of standard geographic datasets* (framework layers described below);
- *A series of workflows that transactionally maintain* (update) *these datasets;*
- *A system for data management responsibility (FGDC* governance);
- *A suite of tailored applications;*
- *A designated Federal entity to oversee the effort;*
- *The necessary technology to support a National GIS system.*

Leadership and cost for a National GIS

Both the National Geospatial Advisory Committee (NGAC) and the Department of Interior have developed detailed recommendations on how to build a National GIS. A key first step is to implement fully the *Imagery for the Nation* initiative, an intergovernmental plan to create a full Federal-level GIS

based on nationwide aerial imaging and mapping, participation by agencies across the Federal landscape, and technological consistency.

Next, a comprehensive national updating of mapping and topographical information is essential to create a complete current portrait of America – what is referred to as *The National Map.* This step, along with outreach to incorporate key additional databases maintained by state and local governments and the private sector, and elements such as Parcels, Transportation, Hydro, Elevation, Critical Habitat and Boundaries, will be needed to make the system most effective for project decision-makers and infrastructure planners. We anticipate the total cost to be approximately $1.2 billion, spread over three years. We can provide detailed cost breakdowns upon request.

Interagency plans, contracts, and management systems are already in place today to implement this initiative. Overall management could be provided by the Secretary of the Interior, who chairs the Federal Geographic Data Committee, with significant involvement from USDA, DOC and DHS/FEMA. In addition, program funding can be leveraged through cooperative efforts with partners in State and local government and the private sector. The National Geospatial Advisory Committee can provide ongoing strategic and recommendations program design and implementation.

A National GIS: Key Framework Data and System Technology

We propose focusing on the development of five key digital layers or initiatives as initial steps toward a National GIS: Imagery, Parcel Data, Elevation, and Wildlife Habitat, and Recovery.gov.

1. Imagery

Imagery for the Nation (IFTN) is an intergovernmental initiative to address the nation's basic business needs for aerial images. Imagery is used for countless applications in all levels of government and the private sector, embraced by the public through online tools such as Google Earth and Microsoft Virtual Earth. Partnerships between levels of government to acquire imagery data have lowered costs, reduced duplication, and allowed greater data standardization. IFTN will maximize the impact of taxpayer investments through a coordinated national acquisition program. The IFTN initiative was originated by the National States Geographic Information Council, been endorsed by the FGDC and the NGAC, and involves a heavy investment from the US Department of Agriculture. The approximate 3-year total cost for this activity is $140 million, equally split between the Departments of the Interior and Agriculture. For FY 2010, we urge the subcommittee to provide $23.4 million for Interior's component.

2. Parcel Data

Based on the National Academies of Science, National Research Council (NRC) recent report "*National Land Parcel Data: A Vision for the Future,*" the land parcel data layer (also known as cadastral data) is used by governments to make decisions on land development, business activities, regulatory compliance, emergency response, and law enforcement. The NRC report concludes that nationally-integrated land parcel data is necessary, feasible, and affordable. Development of a national land parcel system would also provide an invaluable analytical tool to help manage the mortgage crisis. The NGAC endorsed the recommendations in the NRC report in October. The approximate 3-year total cost for this activity is $200 million for the Department of the Interior. For FY 2010, we urge the subcommittee to provide $67 million for Interior's component.

3. Elevation

Today, high density digital elevation models are produced by a technology called LiDAR and IfSAR, an aerial mapping technology that provides highly accurate mapping of ground elevations. FEMA currently uses LiDAR data for flood mapping whenever such data are available. LiDAR data are also being utilized extensively in natural resource management, and new uses are being demonstrated for emergency

response and homeland security purposes. An investment in a national Elevation initiative would produce consistent elevation dataset encompassing the entire country. The approximate 3-year total cost for this activity is $300 million, equally split between the Department of the Interior and the National Oceanic and Atmospheric Administration. For FY 2010, we urge the subcommittee to provide $50 million for Interior's component.

4. Wildlife Corridor / Crucial Habitat

The pressure for rapid economic development and increased energy production threatens our natural resources. The Western Governors' Association has recommended a Wildlife Corridor and Crucial Habitat Decision Support System. This system will support informed decisions on community growth, alternative energy expansion, biodiversity preservation, and resolving water resource issues. This effort will produce a consistent nationwide wildlife map and GIS management system. The approximate 3-year total cost for this activity is $110 million for the Department of the Interior. For FY 2010, we urge the subcommittee to provide $36.7 million for Interior's component.

5. System Technology / National Base Map

In order to create a national GIS it is necessary to update and integrate the many currently-existing individual agency map layers into a consistent, integrated whole. USGS would lead this effort and combine information into a consistent geospatial foundation. This component will, over the next three years, require an additional $450 million spread over a variety of Federal Departments and Agencies, including the Departments of the Interior ($100 million), Agriculture ($50 million), Commerce ($50 million), Homeland Security ($50 million), and others ($200 million). For FY 2010, we urge the subcommittee to provide $33.4 million for Interior's component.

6. A GIS-based recovery.gov

Finally, President Obama has insisted that Stimulus spending be subject to maximum transparency and accountability, enabling citizens to understand how their funds are being spent and how their communities will be affected. Recovery.gov, the web-based tool being launched by OMB for this purpose, must provide complete, understandable, authoritative and actionable information and analysis to elected and appointed officials, and to ordinary citizens. We propose that Recovery.gov be equipped with interactive maps and geospatial analytic tools that will substantially improve understanding and effectiveness of Recovery Act execution. *An interactive map provides an intuitive foundation to understand, integrate, and interrogate this disparate and overwhelming amount of information, and to support better and timelier analysis and decisions.* The application of GIS technology would allow public users to access and view Recovery Act spending patterns against established goals and underlying local and national conditions. In this way, it will allow the public to evaluate whether the government is making the right choices on where money is spent, and whether spending is yielding the right results. The approximate 3-year total cost for this activity is $10 million.

Conclusion

The key step is to get it done now. America's financial crisis today, the worst since the end of World War II, will force difficult actions and decisions. Large expenditures of taxpayer money must be designed to yield products of long-term benefit to the country. America has an information economy, and a robust geospatial infrastructure (system of digital maps and tools) is just as vital to its continued development as was the physical infrastructure to the industrial economy. A National GIS, properly designed and effectively implemented, providing public access and using best technologies, will speed economic recovery by producing jobs and putting shovels in the ground more quickly. It will also leave the country with a public utility, a modern geospatial information system, that itself can become a foundation for new generations of industries and technologies in the future.

TESTIMONY ON FY 2010 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 26, 2009

I am Karen R. Diver, Chairwoman of the Fond du Lac Band of Lake Superior Chippewa. Thank you for considering our testimony on FY 2010 Appropriations. The Fond du Lac Band provides health, education, social and other governmental services to 6,500 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, but as this Committee has found, have long been under-funded.

BIE: Education. The Fond du Lac Band relies on BIE funding for the operation of the Band's pre-K through grade 12 Ojibwe School. We fully support the President's proposal to increase funding for Indian education as these increases are badly needed. The Ojibwe School serves approximately 320 students most of whom are tribal members or descendants of tribal members. Most come from very low income households; 92% of our students qualify for free or reduced rate lunch. Although American Indian students are the most at-risk group of students in our Nation, funding shortfalls have forced us to layoff 7 FTE and reduce working hours for 20 education personnel. If our students are to succeed, our schools need a commitment of high priority support so that we can: pay competitive salaries to attract and retain skilled teachers; invest in research-based reading and math curricula; keep pace with costs of student transportation; and provide early childhood development programs.

Increases in the BIE Indian School Equalization Program (ISEP) formula funds are critical part of this. We also support increased funding for school construction and repair as past funding has failed to keep pace with the growing backlog of Indian schools and facilities needing replacement or repair. Increases are also needed for both scholarships and student transportation. Unpredictable rising fuel costs and the lack of a formula that accounts for the need to replace vehicles creates a risk that we will not be able to provide safe and reliable transportation services to our students. In addition, we urge Congress to continue to fund the Johnson O'Malley program. This program addresses the unique educational and cultural needs of American Indian children attending both public and tribal schools through the use of Indian parent committees. Decades of research confirm positive results from parental involvement in student education

Finally, we ask that education programs be determined locally by the schools and not dictated by the central office as the schools are often in the best position to know what works. In this regard, we were very pleased to hear that the President proposes to eliminate the prior Administration's Reading First program. We fully support that decision as that program had been shown to be ineffective but was still imposed on our schools. We urge Congress to replace failed programs with funds that can be targeted to effective ones as determined by the schools themselves.

BIA: Public Safety and Justice. We fully support the President's proposal to increase BIA funding for law enforcement. We also ask that Congress 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 but which is completely inadequate for that purpose.

We continue to face massive unmet needs for law enforcement. We had to assume responsibility for law enforcement after the Minnesota Supreme Court ruled that the State did not have jurisdiction to enforce traffic laws on roads within Indian reservations, *State v. Stone*, 572 N.W.2d 725 (Minn. 1997). We have done this using a combination of tribal and federal funds (made available through the Community Oriented Policing Services (COPS) program and the BIA), and by cooperative agreements with local law enforcement agencies. But because of the insurgence of methamphetamine, alcohol, illegal prescription drug use, and gang-related activities on our Reservation our law enforcement responsibilities continue to grow. Prescription drug abuse is an epidemic. Increasing numbers of our elders and others are the victims of more frequent assaults and robberies that are prescription drug related. Our officers are responding to a growing number of drug related overdoses and deaths, as well as juvenile offenses involving drugs, alcohol, thefts, assaults and burglaries.

To address these problems, we need to increase our law enforcement staff so that we can station police officers in specific locations, such as near elderly housing, and ensure effective law enforcement coverage 24/7. But we do not have the funds to do this. We currently employ 12 patrolmen, 1 investigator, 1 school resource officer (assigned to the Ojibwe school to try and stem the tide of juvenile crime), a Chief of Police, and 3 administrative staff. Our goal is to schedule 3 officers per shift, but we do not have sufficient funds to do this around the clock. Fewer officers on duty means serious safety issues for both officers and the people we need to protect. Our limited staff also means that we cannot implement pro-active measures, such as youth education and outreach programs, and assistance to the clinics in developing means for identifying and preventing prescription drug abuse. To effectively address law enforcement, we need approximately 20 officers but do not have the funding for this.

Federal funding is also vital for law enforcement equipment. To effectively address crime, we must periodically upgrade or replace patrol cars, radar equipment and car radios. We need new computer software to integrate the Band's dispatching system with that used by the counties as well as a T-1 communications line to establish a more secure connection to that system.

Finally, we need a new facility for our law enforcement department. The department is now housed in a 6-room building which we share with the Band's housing program, and which has no 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. A new building is essential.

BIA: Natural Resources. We urge Congress to increase funds for BIA Natural Resource programs. At Fond du Lac, we need long term funding to pay for staff and equipment to adequately manage natural resources. Natural resources, both within and outside the Reservation

are essential to tribal members' subsistence, culture and employment and the Band's right to access these resources was reserved by our Treaties with the United States in 1837 and 1854. In connection with these rights, the Band is responsible managing natural resources and for enforcing conservation laws that protect natural resources and regulate tribal members who hunt, fish and gather those resources within and outside the Reservation. Funding is essential for that work. 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.

BIA: Tribal Forestry. Fond du Lac's forest management program has been funded through a self-governance compact since 1994 but funding for the base forestry program has remained flat and can no longer support the original positions of a Forest Manager and a Technician. An additional $69,000 is needed to fully fund the original two forestry positions.

BIA: Mapping Native Plant Communities. The Band requests $150,000 to map native plant communities on the Reservation. Mapping native plant communities (or Habitat Typing) is an important tool in forest management as well as in managing wildlife habitat and ecological functions. The Band would use these funds to do a complete inventory of the native plant communities and all Fond du Lac forest lands. This would result in a map of the native plant communities as well as an index of important Ojibwa plants cross-referenced with native plant communities. These would be made available to the Fond du Lac public through the internet. Knowing how native plant communities are distributed throughout the Reservation will help managers determine appropriate future habitats.

BIA: Circle of Flight. We also urge Congress to restore funding to the Circle of Flight Tribal Wetland & Waterfowl Enhancement Program. Congress did not fund this program in FY 2009 appropriations. The Circle of Flight has been one of Interior's best performing trust natural resource programs since 1991. In 2008, Fond du Lac was able to use funds from this program to restore 41 acres of wild rice habitat in partnership with Minnesota, the Fish and Wildlife Service, and the USDA. The preservation and restoration of wetlands are important in providing flood control, clean water and recreation, benefiting Tribes and other residents up and down the Mississippi Flyway.

BIA: Human Services. We urge Congress to increase funding for Human Services programs including those funded through TPA, such as the Indian Child Welfare Act program. Increases are 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 ICWA programs are essential if Tribes are to have any realistic hope of protecting Indian children, preventing domestic violence, and fostering Indian families.

Indian Health Service. We support the President's proposed increase in funding for Indian Health Services. This 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 the complications associated with diabetes, 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 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 5,900 Indian people at our clinics, but the current funding level meets only 38% of our health care funding needs. In addition, the Band requests an increase in funding for substance abuse and mental health programs in order to combat the growing methamphetamine problem on our Reservation.

EPA: Tribal Air Quality Management. We urge Congress to increase funding for Tribal air quality management. We have operated an air quality monitoring program since 1999, and the demands on our program have increased over time. A growing number of large industries are located within 60 miles of the Reservation and impact our air quality. These include Excelsior Energy (a coal-gasification plant), Minnesota Steel (new taconite plant), Polymet (Cu-Ni mine), Enbridge pipeline expansion, Mittal Steel (taconite plant), and US Steel-Keetac (taconite mine expansion). Because of this, we test for mercury and operate ambient monitors for nitrous oxides, ozone, and fine particulate matter. In addition, we run indoor air programs on lead, radon, and mold and provide outreach services to tribal members. Demand for the indoor air programs is increasing with new housing construction on our Reservation

Unpredictable funding and, in particular, funding reductions are very disruptive to a program's success. As a result of a 25% funding cut in 2008, we lost experienced staff. We are also concerned that there may be less money available for Tribal Air Program grants through our Region (Region 5) in 2009, which may force further cuts. Given the critical need to protect reservation air quality, we urge that fund levels for Tribal Air Quality programs be increased.

EPA: Clean Water and Drinking Water Programs for Tribes. We support the President's proposal to increase funding for Clean Water and Drinking Water Programs and urge that these include increases to the funding for tribally-administered programs The Fond du Lac Band administers a water quality program within the Reservation. Forty-four percent of the lands within our Reservation are wetlands which, in turn, support many natural resources on which our tribal members depend for subsistence – wild rice, fish, wildlife and culturally important plants. These resources, however, are being adversely affected by mining activities which, although outside the Reservation, directly affect the watersheds upstream of the Reservation. Current program funding levels are not sufficient to support surface water quality and wetland program implementation. And additional funding is needed to conduct the necessary environmental reviews, water quality tests, mapping and analysis to enable us to identify environmental impacts of proposed projects outside the Reservation on tribal resources, so that we can provide recommendations on project planning, mitigation and alternatives to avoid adverse environmental impacts.

In conclusion, the needs at Fond du Lac and throughout Indian Country remain massive. Your 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.

Alliance for Community Trees
American Forest Foundation
City of Chicago Department of Streets and Sanitation Bureau of Forestry
City of Milwaukee Department of Public Works, Forestry Division
Davey Institute
International Maple Syrup Institute
National Association of State Foresters
Natural Biodiversity
The Nature Conservancy
New York State Department of Environmental Conservation
North American Maple Syrup Council, Inc.
Partnership for Saving Threatened Forests
The Pennsylvania Game Commission
Purdue University, Department of Entomology
Society of Municipal Arborists
The State University of New York College of Environmental Science and Forestry
Union of Concerned Scientists
University of Georgia, Center for Invasive Species & Ecosystem Health

The Honorable Norman Dicks
Chairman
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

The Michael K. Simpson
Ranking Member
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

RE: Fiscal Year 2010 Appropriation for the USDA Forest Service

Dear Chairman Dicks and Ranking Member Simpson:

We urge the Subcommittee on Interior, Environment, and Related Agencies to appropriate adequate funding for the USDA Forest Service to manage non-native insects and plant diseases that threaten America's forests. We recommend an FY2010 appropriation of $140 million for the USDA Forest Service Forest Health Management Program. This level is about $17 million above the current level of funding. In addition, we ask that you provide an increase of $3 million above the FY08 appropriations level for the "Invasives R&D" line item within the Forest Service Research program.

Our proposed funding levels would maintain at approximately current levels research aimed at improving detection and control methods for the emerald ash borer, hemlock woolly adelgid, sudden oak death (also called the phytophthora leaf and stem blight pathogen), gypsy moth, and other non-native forest pests and diseases. Funding at our recommended level would also allow expanded research on the *Sirex* woodwasp, which poses a serious threat to pine resources across the continent.

Our proposed significant increase in funding for the Forest Health Protection program is intended to allow expanding that program so that it may address several newly detected pests (such as the "1000-canker" disease killing black walnuts and the goldspotted oak borer in southern California) while simultaneously increasing efforts targeting the Asian longhorned beetle and maintaining programs that help contain the sudden oak death pathogen, emerald ash borer, hemlock woolly adelgid, *Sirex* woodwasp, laurel wilt disease, gypsy moth, wiliwili gall wasp, and ohia rust.

The Forest Health program provides vital expertise in forest pests' biology and detection and management methodology that is crucial to the success of pest eradication and containment programs implemented by the USDA Animal and Plant Health Inspection Service. As these forest pests are detected in new areas, the importance of the Forest Service's contribution rises. A particularly significant expansion is needed for Forest Health programs targeting the Asian longhorned beetle as a result of the detection in 2008 of a well-established and large infestation in Worcester, Massachusetts. This infestation places the Asian longhorned beetle on the very edge of the highly vulnerable northern hardwood forests reaching from New England into Minnesota. These forests support hardwood timber, maple syrup, and autumn foliage tourism industries as well as important biological and watershed values. The Forest Health program must significantly increase its funding for detection and control methods, which in recent years have received only $200,000.

The USDA Forest Service has the lead responsibility for detecting and responding to any outbreaks of sudden oak death in the hardwood forests of the East. These detection programs must not be halted as infected plants continue to appear in eastern states as a result of the movement of infected nursery plants.

The emerald ash borer has now been detected in nine states. The Forest Service's Forest Health Protection program provides expertise in detecting this elusive insect, in developing more effective tools to curtail its spread, and in advising landowners on how to respond to the threat. For example, the Forest Service helps to fund a website maintained by the Continental Forest Dialogue (www.dontmovefirewood.org) in order to educate the public not to transport possibly infested wood that can spread pests. It is vitally important that the Forest Service effort targeting this insect not be reduced.

Finally, the Forest Health Management Program needs adequate funding to expand its Early Detection project. This program has been responsible for detecting more than a dozen introduced insects, including two which threaten the economically important pine forests of the Southeast: the *Sirex* woodwasp and Mediterranean pine beetle. The detection program now covers all states on a three-year rotation. It now must develop and deploy methodologies to detect the highly damaging wood-boring beetles.

The agency bearing the principal responsibility for eradicating newly introduced forest pests is not the USDA Forest Service, but rather the USDA Animal and Plant Health Inspection Service (APHIS), an agency under the jurisdiction of the Agriculture Appropriations subcommittee. The USDA Forest Service plays a critical support role by providing both management expertise and critical research – in close coordination with APHIS Plant Protection and Quarantine and through cooperative funding agreements with state forestry, state departments of agriculture and state Land Grant Universities.

Nevertheless, the Subcommittee cannot achieve its goal of protecting the Nation's forests' health as long as funding shortfalls undermine USDA APHIS eradication programs. We encourage the Subcommittee to work with the Agriculture Appropriations Subcommittee to find ways to increase funding for forest pest line items in the USDA APHIS Emerging Plant Pest account.

Sincerely,

Robert L. Bendick, Director, Government Relations, The Nature Conservancy
Robert K. Davies, New York State Forester, New York State Department of Environmental Conservation
Drue DeBerry, Senior Vice President - Conservation, American Forest Foundation
Dr. G. Keith Douce, Co-Director, Center for Invasive Species & Ecosystem Health, and Professor of Entomology, College of Agricultural & Environmental Sciences, University of Georgia
Jay Farrell, Executive Director, National Association of State Foresters
Gary Gaudette, President, International Maple Syrup Institute
Michael A. Girard, President, North American Maple Syrup Council, Inc.
Fred Hain, Director, Partnership for Saving Threatened Forests
Dan Hartman, President, Society of Municipal Arborists
Joseph J. McCarthy, Senior City Forester, Bureau of Forestry, City of Chicago Department of Streets and Sanitation
Cornelius B. Murphy, Jr., Ph.D., President, The State University of New York College of Environmental Science and Forestry
Anand B. Persad, Ph.D., B.C.E., Regional Technical Advisor, Davey Institute
Carl G. Roe, Executive Director, The Pennsylvania Game Commission
Kristin Sewak, Director, Natural Biodiversity
David B. Sivyer, Forestry Services Manager, Forestry Division, City of Milwaukee Department of Public Works
Alice Ewen Walker, Executive Director, Alliance for Community Trees
Phyllis N. Windle, Director, Invasive Species, Union of Concerned Scientists
Steve Yaninek, Professor and Head, Department of Entomology, Purdue University

TESTIMONY OF A.T. STAFNE TRIBAL CHAIRMAN
ASSINIBOINE AND SIOUX TRIBES OF THE
FORT PECK INDIAN RESERVATION
BEFORE THE APPROPRIATIONS COMMITTEE
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES
ON FY 2010 APPROPRIATIONS

The Fort Peck Tribes are pleased to present testimony on the FY 2010 BIA and IHS Budget. The Fort Peck Reservation encompasses 2.09 million acres of which only 378,000 are tribally owned, with another 548,000 held as individual allotments. The Reservation population is 11,000 people. The Tribes' unemployment rate on the Reservation is 57% (BIA Labor Force Report, 2005). Of our Tribal members who are working, approximately 43% live below the poverty level (BIA Labor Foree Report, 2005). Given the enormous unemployment and poverty rates on the Reservation, our needs for both Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) programs and services is substantial.

So many of the Tribes' needs are for basic services; safe drinking water, healthcare, law enforcement services, and safe, modern facilities to house our program staff so that our members will utilize the services and programs we have available. If the Federal government could assist the Tribes with these core governmental services, our members would be so much better off. Here are a few of our key funding requests which ask the Congress and the Administration to support.

I. Bureau of Indian Affairs

A. The Fort Peck Reservation Rural Water System. The Tribes request $457,809 for the operation, maintenance and replacement (OM&R) of the Fort Peck Reservation Water System. Congress enacted the Fort Peck Reservation Rural Water System Act of 2000, Public Law 106-382, to ensure safe and adequate municipal, rural and industrial water supply to all of the residents of the Fort Peck Indian Reservation. The law directs that funding for the operation of the water system is to come from the BIA. The Tribes and the Bureau of Reclamation have completed construction of many components of this important project, including the raw water intake facility, and we now seek funding for the operation, maintenance and replacement costs for these components as required by the Act. It is important that our Water Treatment Plant staff have the resources they require to properly maintain this multi-million dollar investment to provide safe drinking water to the Reservation and surrounding communities.

B. Funding for Law Enforcement Programs. The need for increased law enforcement remains a priority for the Fort Peck Tribes. While we greatly appreciate the increases Congress provided last year, including the increase for Meth Hot Spots and to address domestic violence on Reservations, the amounts are insufficient to fulfill the United States' basic trust responsibility in the areas of health and safety. An independent "Gap Analysis" study prepared in 2006 for the BIA's Office of Law Enforcement Services confirms the glaring shortage of law enforcement officers in Indian country. The BIA's Office of Law Enforcement Services divides Indian country into six Districts. Montana is located in District 5. In 2006,

District 5 had 87 law enforcement officers, including criminal investigators and telecommunication operators. To reach the recommended level of 3.3 law enforcement officers per 1000 population, District 5 would need to increase its law enforcement personnel by 135 to reach 222 law enforcement officers. Of this amount 111 or 50% would be police officers. Unlike far less violent non-Indian communities, which has a 2.9 officers to every 1000 inhabitants, Indian country averages about 1.3 officers for every 1000 inhabitants. The Gap Analysis revealed that BIA District 5 is at 39% capacity for law enforcement. That is one of the primary reasons our crime statistics are so poor. What has the BIA done with this 2006 Gap Analysis report? Apparently, not much.

On the seven reservations in Montana for the two-year period of 2004-05 (the period for which we have the most complete data), there were 10 murders, 62 forcible rapes, 1,147 aggravated assaults and 529 burglaries. In 2007, the Tribes' Public Safety Department was responsible for addressing 3,956 offenses committed on the Fort Peck Reservation, including 595 violent or serious offenses and 1,004 juvenile offenses. The BIA has reported that the Fort Peck Reservation crime data ranks us in the top ten for the worst crime areas in all of Indian country. We need more resources in every area of law enforcement from police staffing, tribal courts, detention, and equipment.

In the area of staffing, the Fort Peck Tribes' Public Safety Department currently has 22 sworn personnel, less than half the number needed to provide adequate coverage for our large Reservation. These officers cannot adequately patrol a 2 million acre Reservation with a population of over 11,000 and a high incidence of substance abuse and violent crimes. A survey of current officers has shown that they will not continue to work for the Tribes under conditions where they must patrol alone, respond to calls without backup, and work longer hours for the same or less pay.

To address this need, the Fort Peck Tribes request $1 million to be added to the Tribes' law enforcement base budget to ensure the continued staffing and operation of the Fort Peck Tribes' Public Safety Department. Without these funds, the Fort Peck Tribal Council will reluctantly be forced to consider returning the operation and management of the law enforcement department, which the Tribes have operated under an Indian Self-Determination Act contract since 1995, to the BIA.

One issue that I would like to bring to the attention of the Subcommittee is the issue of how crime data is reported from the Bureau of Indian Affairs to the Federal Bureau of Investigation. Currently, the BIA reports Indian country crime data to the FBI in the aggregate form, rendering the data useless to the FBI. Consequently, tribal nations have missed out on Department of Justice funding because DOJ relies on state and tribal specific crime data in the distribution of funds. In Montana alone, Montana tribal agencies may have been eligible for over $700,000 in stimulus Byrne/JAG direct allocation funding had the BIA reported the District V data individually to the FBI. We would urge the Subcommittee to direct the BIA to work with the Department of Justice to correct this and properly report tribal crime data so that it can be utilized in allocating this desperately - needed funding.

Equally as important as funding for law enforcement programs is the funding for tribal courts. There has not been a significant increase in the BIA Tribal Courts budget in almost twenty years. This is true despite the fact that Tribal Court dockets have substantially grown in the last twenty years. Tribal Courts serve an important and vital role in dispensing justice in Indian country and must be fully funded.

Finally, in the area of law enforcement, I would be remiss if I did not call for increased funding for detention facilities, for operation and maintenance and construction. As the Subcommittee well knows, detention facilities in Indian country are overcrowded and in many instances simply not safe for the inmates or the personnel. At Fort Peck, we frequently have to release inmates before their release date because we have to make room for other more violent offenders. This is not safe for our community. Do not let the United States violate its trust responsibility to us on so important an issue as public safety and justice.

C. Tribal Colleges. Tribal colleges are important institutions in the remote tribal communities that they serve. On our Reservation, we operate the Fort Peck Tribal College, a fully accredited institution that offers Associate Degrees in arts, science and applied sciences.

The College offers our students an opportunity to obtain a higher education without having to leave their homes and families, which can strain important cultural ties. The need for rural Tribal colleges is critical for many of our students, especially our single-parent students who need family members in close proximity so that they can assist in child care duties. These students do not have the resources or the network to attend school in Billings or Missoula. If it weren't for our Tribal College they would have no opportunity to improve their lives through higher education. Today, with the economy shedding too many jobs each month, we strongly urge the Subcommittee to increase funding for this vital program that is improving the lives of Indian people.

D. Land Consolidation. The Tribes are very disappointed that Congress failed to fund the Indian Land Consolidation Program. The failure of the BIA to properly manage trust resources is in large measure the result of land fractionation and the inability of the Department to properly track the numerous interest holders of land. It has been well proven that the only way to avert this continuing problem is to consolidate these interests into Tribal ownership. Indian Land Consolidation makes both good financial and land management sense. We would urge the Subcommittee to restore funding for this important program.

II. Indian Health Service

While we are not familiar with the exact details of the President's FY 2010 budget request, we are encouraged by the outlines that have been released. The proposed $400 million increase in Indian Health Service funding will finally begin to address the staggering health deficits experienced in Indian Country.

The health indicators in Indian communities consistently demonstrate higher infant mortality, teenage suicide, accident, alcoholism, diabetes, and heart disease rates among Indian people 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. The Federal government has a trust responsibility – reaffirmed through treaties, legislation, executive orders, Congressional policies and Presidential Administrations – 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 our traditional way of life. We fully support President Obama's position that health care is a critical element to having a healthy workforce.

A. Contract Health. 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 11,000 tribal members. Far too many members are not referred out for Contract Health Care Services that their primary health care professionals determine are medically necessary because we are at level 12. Members are told that no funds are available for Contract Health Services. Patients requiring surgeries are mostly given prescriptions for pain instead of receiving Contract Health Services.

Our community suffers from unusually high cancer death rates, and we fear that it is because the patients are not referred to outside providers until they have reached the inoperable stage. The crisis is so acute that in July 2008, the Tribes declared a health care emergency. We would urge Congress to double the funding for Contract Health Care. Healthy families will help strengthen the social and spiritual fabric of our Reservation.

B. Facilities Construction. The need for Contract Health Care funding only highlights the Tribes' need for a fully staffed and equipped health facility capable of providing a full range of medical services. The IHS needs to evaluate and plan the process for new in-patient facilities in Montana.

I return to the original point in my testimony; the United States must assist Tribes address basic governmental services such as safe drinking water, safe streets and communities, fair judicial systems, heathcare. 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."

The United States boasts the best health care system in the world. The time for improved health care services in Indian country is long overdue.

Thank you for providing me the opportunity to present the views of the Fort Peck Tribes.

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TESTIMONY
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES CONCERNING FISCAL YEAR 2010 APPROPRIATIONS
March 19, 2009

Mr. Chairman and Members of the Subcommittee:

On behalf of the FRIENDS OF BLACKWATER NATIONAL WILDLIFE REFUGE located near Cambridge, Maryland, I am submitting testimony for the House Appropriations Subcommittee on Interior and Related Agencies concerning the fiscal year 2010 budget for the National Wildlife Refuge System. We respectfully request that the Subcommittee support the following funding levels:

- $514 million in FY 2010 for the U.S. Fish and Wildlife Service's (FWS) National Wildlife Refuge System Operations and Maintenance (O&M) account;
- $60 million for the Partners for Fish and Wildlife Program, of which $2 million be allocated to conduct strategic habitat conservation around national wildlife refuges in strategic partnerships among the FWS, refuge Friends and other national, regional and local interests;
- $1 million for the Volunteer Invasive Monitoring Program and grants for invasive species work with Friends;
- $900 million over the next 5 years, as President Obama has requested for the Land and Water Conservation Fund, and for FY 2010, $100 million for the FWS land acquisition budget to acquire habitat and marshlands from willing sellers across the country;
- $10 million for the National Fish and Wildlife Foundation (NFWF) in the FWS's Resource Management General Administration budget.

It is necessary that the National Wildlife Refuge System budget by $15 to $20 million each year in order to maintain services and programs from the previous year. The $15 to $20 million increase accounts for cost-of-living increases for FWS personnel, growing rent and real estate costs and other cost increases, while sustaining current levels of visitor services and wildlife management. Funding the O&M account at $514 million would allow the Refuge System to avoid further employee layoffs and reductions in services that are important at the Blackwater

NWR, and the over 150,000 who visit the Blackwater NWR each year, while also preventing the approximately $3.5 billion National Wildlife Refuge System O&M backlog from growing larger. While refuges received an increase for FY 2009, the National Wildlife Refuge System is still not funded at the level it was in FY 2003 when adjusted for inflation. Because of this, refuges such as ours, the Blackwater NWR, struggle to meet their most basic wildlife conservation objectives.

Refuges are also vital economic engines in the local economy, fueling hotel stays, restaurant patronage and much, much more. According to Banking on Nature, a 2007 report by the U.S. Fish and Wildlife Service, recreational visits to national wildlife refuges generate substantial economic activity. Nearly 35 million people visited national wildlife refuges in 2006, generated over $1.7 billion for local economies – including 27,000 jobs and $185 million in tax revenues. Eighty-seven percent of all economic activity generated by refuges is from non-resident visitation. These visitors contribute to the local economy through patronage of local hotels, restaurants, outfitters and gas stations to name just a few examples. We simply cannot afford to lose these local economic engines. Supporting our refuges with adequate funding is an effective method of resisting the economic depression with which the nation is currently struggling.

While providing adequate funding to operate and maintain the Refuge System is of vital importance, most refuges are too small in size to achieve their conservation mission and objectives alone. Their integrity depends on the health of surrounding state, federal and private lands and waters. Consequently, there is a growing need to provide funding to ensure that lands and waters beyond refuge boundaries are conserved. Today, the alarming rush to convert rural land to subdivisions and strip malls has caught wildlife managers off guard and requires quick action. Accordingly, for FY 2010 we respectfully ask that the Subcommittee appropriate $60 million for the Partners for Fish and Wildlife Program, of which $2 million be allocated specifically to conduct strategic habitat conservation around national wildlife refuges that engages refuge Friends and other national, regional and local interests that work with states, counties and municipalities to identify, prioritize and implement land and water conservation opportunities beyond refuge boundaries. These local initiatives will result in strategic visions which will serve as blueprints for use of state, federal and private conservation dollars, and will expedite implementation of State Wildlife Action Plans.

The Appropriations Subcommittee on Interior and Related Agencies should provide strong funding for Refuge System Visitor Services programs and Visitor Facility Enhancement Projects. Visitor Services funding pays for many Friends and volunteer programs. We depend on this funding for programs that allow us to remain effective stewards of our refuge.

Recognizing invasive species as a top threat to our refuge lands, we also ask the Committee to continue their support by again providing $1 million "for cooperative projects with Friends groups and volunteers on invasive species control". This funding supports worthy programs like competitive grants for Friends groups and the Volunteer Invasives Monitoring Program. Utilizing the energy and enthusiasm of Friends and volunteers is a proven, effective and economical partnership for the National Wildlife Refuge System and U.S. Fish and Wildlife Service.

We encourage the Subcommittee to allocate sufficient funding to assess and purchase high-priority water rights and high-priority lands and conservation easements through the Land and Water Conservation Fund (LWCF), $100 million. Inadequate water quantity and quality represent some of the biggest obstacles for refuges to overcome and unfortunately, many refuges do not own the water rights on the refuge or they are not guaranteed an allocation of water from a river or stream. The FWS is currently compiling a needs-based priority database of where water rights need to be secured, and we urge the Subcommittee to allocate sufficient funding to allow the FWS to acquire these essential rights while they are available and affordable. Also, The Refuge System land acquisition backlog is estimated at more than $4 billion, with over 15 million acres remaining to be acquired within approved refuge boundaries. While a full suite of conservation strategies should be employed in working with private landowners, in cases where fee title acquisition is preferred by the landowner and the refuge has identified it as a top priority, the FWS should acquire the land.

We encourage the Subcommittee to allocate $10 million for the National Fish and Wildlife Foundation through the FWS' Resource Management General Administration appropriation. Each year, NFWF receives more project proposals than they are capable of funding. Adequate funding will ensure NFWF has the ability to leverage resources to fund projects that directly benefit diverse species in, around and outside of national wildlife refuges across the country.

In this era of uncertainty related to climate change, we urge the Subcommittee to allocate $30 million in dedicated funding to allow the FWS to create a plan for how to manage refuges in such a way that would allow them to adapt to anticipated changes. Work currently conducted by scientists including Dr. Michael Scott, Senior Scientist with the U.S. Geological Survey and Professor of Wildlife Biology at the University of Idaho, show how models for individual refuges can be made that simulate rising water levels, increased temperatures, and how species are expected to react. While these innovative tools are now readily available, without dedicated funding, refuge staff is simply unable to take full advantage of it. Refuges are perhaps our best natural laboratories on a national level to assess impacts to wildlife and habitat as a result of global climate change; a small investment could yield valuable insights that will guide wildlife management and land use planning well into the future.

Again, on behalf of the FRIENDS OF BLACKWATER NATIONAL WILDLIFE REFUGE ASSOCIATION, INC., we thank you for your consideration of our requests. If you have any questions, we would certainly be happy to help in any way.

The Friends of the Bosque del Apache
National Wildlife Refuge
P.O. Box 340, San Antonio, New Mexico 87832
Leigh Ann Vradenburg, Executive Director

March 24, 2009

Chairman David R. Obey & Ranking Member Jerry Lewis
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
Room H-218, The Capitol
Washington, DC 20515

Dear Chairman Obey:

The Friends of the Bosque del Apache National Wildlife Refuge wish to express our sincere thanks for your efforts to increase funding for the National Wildlife Refuge System. We also thank you for again holding a Public Witness Hearing, allowing citizens to describe our individual refuges and the challenges we face. As the Executive Director of the Friends of the Bosque del Apache National Wildlife Refuge, I submit this written public testimony to offer comments on the fiscal year 2010 (FY10) Interior Appropriations Bill. Specifically, we request a funding level of **$514 million for the U.S. Fish and Wildlife Service, National Wildlife Refuge System in FY10**, including a $3.1 million appropriation for program upgrades at the Bosque del Apache National Wildlife Refuge (NWR) in San Antonio, New Mexico.

As you know, the National Wildlife Refuge System faced stagnant or declining budgets prior to the $39 million increase in FY08 and the recent $29 million increase for FY09. However, while these increases were substantial and badly needed, refuges nationwide continue to struggle with an Operations and Maintenance backlog of $3.5 billion. In the last four years, the Bosque del Apache NWR has lost staff and program support required to achieve basic operational objectives for research, habitat management, invasive species control, and public use programs. In the same timeframe, the Friends of the Bosque contributed more than $1 million to Refuge programs, and volunteers donated $2.3 million in work hours to ensure that these programs have not faltered, but it has not been enough. Much of the fiscal contribution by the Friends organization was for wilderness land acquisition and construction of an education center. Volunteer organizations such as the Friends provide laudable and needed supplements to the Refuge System, but should not be looked to as substitutes for the Refuge programmatic and operational support that is a proper Federal responsibility.

The economic role of the Bosque del Apache NWR in New Mexico is significant, as recreational visits to the Refuge generate over $4.3 million in tax revenue for the region. For every dollar of the Refuge budget, there was a local economic effect of nearly $8. Ecologically the Refuge is one of the most intensively managed wildlife areas in the country, benefiting hundreds of thousands of migratory birds annually and serving as a pioneer in invasive salt cedar research and control. Salt cedar is a plague throughout waterways of the Southwest, depleting water resources, crowding out native vegetation, and greatly increasing fire danger. As one of only a handful of active Land Management and Research Demonstration (LMRD) sites for the National Wildlife Refuge System, the Bosque del Apache NWR staff has experience, knowledge, and skills that are recognized throughout the U.S. and Mexico and are sought out by private citizens, tribes, universities, and a spectrum of government agencies.

To maintain the Bosque del Apache NWR as a vital economic engine and ecological keystone, we must upgrade program efforts in research, habitat management, invasive species control, and public use programs through equipment acquisition and program and facilities enhancement.

Program Development Funding Requirement - $3,100,000:

- **One-Time Costs for Equipment Acquisition ($750,000)**

  - Excavator: $260,000 - required to allow the full time utilization of a recently acquired Slashbuster (vegetation masticator) that is a key component of the invasive salt cedar control program and the fuels reduction program as it relates to wildland and urban interface issues and wildfire prevention. This excavator will allow for improved firebreak establishment and maintenance, thereby improving the security of adjacent private landowners and the community of San Antonio.

  - D8 Dozer with attachments (root rake and root plow): $490,000 - required to expand invasive salt cedar control efforts on the "active floodplain" of the Rio Grande.

- **Program and Facilities Enhancement ($2,350,000)**

  - Visitor Services - Interpretive Plan Development and Implementation: $800,000 - provides for the development of an interpretive media plan and its implementation through: 1) complete renovation of the 30-year old Visitor Center exhibits; 2) installation of interpretive signage/facilities at 18 sites throughout the public use area; and 3) production of updated audio, video, and written materials for outreach and education.

  - Biology - "Green" Short-Term Housing: $900,000 - provides for construction of a 6 room/ 15 bed facility utilizing alternative power and "green" building techniques. The construction would allow on-site lodging for the researchers, students, and technicians that have made Bosque del Apache a cornerstone for research on wetland and riparian restoration and management in arid ecosystems.

- Biology - Water Control Improvements: $650,000 - provides for upgrades, new structures, and other improvements for the miles of ditches and canals necessary for efficient and regulated water delivery for habitat management.

Our commitment to the Bosque del Apache National Wildlife Refuge has allowed us to supplement the economic and educational opportunities for our region. However, we can scarcely maintain, much less grow, the Refuge's capabilities without financial support. The Bosque del Apache NWR has often been described as the "Jewel of New Mexico." Yet that description applies not only to the amazing natural resource that is the Bosque, but also to the Refuge's role as an economic engine. Its role in our community, in our economy, and in the broader mission of restoring and preserving our natural heritage is why we must do what we can to help it thrive. As our cities grow and water demands increase, future generations will need the Bosque del Apache NWR and the lessons it is teaching us to help us appreciate the delicate ecological balance that exists in the Southwest and beyond. We can never underestimate the importance of National Wildlife Refuges to our children's futures, to the environment, and to our economies.

We encourage you to help us make a difference by funding the National Wildlife Refuge System at $514 million in FY10, and by ensuring that the national appropriation includes $3.1 million for Bosque del Apache NWR.

Thank you for your time and consideration, and please contact me if you have any further questions.

Sincerely,
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Testimony of Dr. John Grego, President, Friends of Congaree Swamp

In Support of LWCF Appropriation of $2.69 Million for
Congaree National Park, South Carolina
National Park Service

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Norman D. Dicks, Chairman
The Honorable Michael K. Simpson, Ranking Member

March 23, 2009

Mr. Chairman and Members of the Subcommittee:

We appreciate this opportunity to present testimony in support of an appropriation of $2.69 million from the Land and Water Conservation Fund – to enable the National Park Service to complete acquisition of the 1,840-acre Riverstone tract for Congaree National Park in South Carolina.

Congaree Swamp National Monument was authorized as a National Park Service unit in 1976. In 2003, Public Law 108-108 elevated Congaree to a National Park – South Carolina's only National Park – and authorized a boundary expansion of 4,576 acres.

Congaree National Park – on the floodplains of the Congaree and Wateree rivers – is recognized as an International Biosphere Reserve, a National Natural Landmark, a Wilderness Area, and a Globally Important Bird Area. All waters within the park's pre-2003 boundary are designated Outstanding Resource Waters, and much of Cedar Creek within the park is designated Outstanding National Resource Waters. Congaree River Blue Trail, bordering the park for over 25 miles, is a National Recreation Trail.

With more than 75 species of trees, Congaree hosts the nation's largest tract of old-growth bottomland hardwood forest. The trees growing in this floodplain forest are some of the tallest in the eastern U.S., forming one of the highest temperate deciduous forest canopies in the world – higher than old-growth forests found in Japan, the Himalayas, southern South America, and eastern Europe.

More than 195 species of birds have been observed within the park. Following rediscovery of the Ivory-billed Woodpecker in Arkansas, Congaree National Park is considered prime habitat for recovery of this species. The South Carolina Ivory-billed Woodpecker Working Group coordinates research within Congaree National Park.

Congaree National Park also offers excellent opportunities for recreation. A 2.5-mile boardwalk loop provides easy access into Congaree's forest, and more than 20 miles of trails are available for hiking. Visitors enjoy canoeing and kayaking on Cedar Creek, the only

Outstanding National Resource Waters in South Carolina. Outdoors enthusiasts can also enjoy fishing, camping, birding, and picnicking.

In FY 2005, Congress appropriated $6 million from the Land and Water Conservation Fund to purchase the 2,395-acre Bates Fork tract – at the confluence of the Congaree and Wateree rivers. This is the largest tract within the Congaree park boundary expansion authorized in 2003. The Park Service purchased the Bates Fork tract in November 2005.

FY 2010 presents the opportunity to complete acquisition of the 1,840-acre Riverstone tract – the second-largest tract within the park boundary expansion authorized in 2003. The Riverstone tract will connect the previously-acquired 21,786 acres of Congaree National Park with the 2,395-acre Bates Fork tract. The Bates Fork tract, in turn, adjoins the 16,700-acre Upper Santee Swamp Natural Area, owned by the South Carolina Public Service Authority. So, the Riverstone tract is the link to connect a conservation corridor of more than 42,000 acres along the Congaree, Wateree, and upper Santee rivers.

In addition to its biological resources, the Riverstone tract has significant geological and hydrological resources, including Running Lake, Little Lake, Big Lake, Running Creek, and Bates Old River. Bates Old River is a 4-mile-long oxbow lake, the former channel of the Congaree River. This oxbow is flanked by the best-defined ridge and swale topography in the Congaree floodplain. No other oxbow lake in the Congaree floodplain can compare to Bates Old River in size, hydrological dynamics, accessibility, or as a recreational resource.

The Riverstone tract also has significant cultural and historical resources, including a prehistoric mound from the Woodland Period (1000 B.C. to A.D. 1000). The history of McCord's Ferry (established before 1750 as Joyner's Ferry) is intertwined with the Riverstone tract. Patriot and British forces used McCord's Ferry during the American Revolution.

Accordingly, acquisition of the Riverstone tract will add to Congaree National Park's opportunities for visitor access, education, recreation, and research.

The purchase price of the Riverstone property is $5.88 million, based on a federally-approved appraisal. Recognizing the Riverstone tract as a key priority for acquisition, the Park Service identified and dedicated $500,000 in existing funds in May 2008 toward purchasing this tract. Accordingly, the Park Service's funding shortfall became $5.38 million.

Public Law 111-8 (the recent Omnibus Appropriations Act, 2009) allocated $2.69 million to Congaree National Park – the first half of the $5.38 million needed to complete Riverstone acquisition for Congaree National Park.

For FY 2010, please allocate $2.69 million – the final half of the $5.38 million needed to purchase the Riverstone tract for Congaree National Park. This FY 2010 appropriation of $2.69 million will enable the Park Service to complete Riverstone acquisition, thereby permanently protecting the tract's outstanding natural and cultural resources, and connecting the 22,000 acres upriver with the 19,000 acres downriver.

We have attached a Richland County Council resolution, unanimously adopted in September 2007, supporting congressional allocation of funding to purchase the Riverstone tract for Congaree National Park.

Thank you, Mr. Chairman, for the opportunity to present this testimony and for your consideration of our request.

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Testimony of the Friends of Silvio O. Conte National Fish and Wildlife Refuge
Submitted by Jad Daley, Chair
To the
House Appropriations Subcommittee on Interior, Environment, and Related Agencies
Honorable Norman Dicks, Chairman
March 26, 2009

On behalf of the Friends of Silvio O. Conte National Fish and Wildlife Refuge ("Friends of Conte") and our 20 member groups representing citizens from Connecticut, Massachusetts, New Hampshire, and Vermont, I would like to offer testimony concerning FY10 appropriations for the Department of the Interior's Land and Water Conservation Fund and Public Lands Highway Program. Specifically, we are recommending funding in the FY10 Interior, Environment and Related Agencies Appropriations Bill for the Silvio O. Conte National Fish and Wildlife Refuge ("Conte refuge"): $2.95 million from the Land and Water Conservation Fund and $1.612 million from the Public Lands Highway Program.

Connecticut River Watershed: Forests on the Edge
Over the past fifteen years, federal agencies have been studying our eastern forests and the unique value of these lands as "green infrastructure" for the American people. In particular, forested watersheds play an essential role in the crowded eastern states providing clean drinking water supplies for rural communities and distant cities alike. U.S. Forest Service studies over recent years have highlighted the acute threats to some of the most important forested water supply areas across the East, including the 7.2 million-acre Connecticut River watershed of Connecticut, Massachusetts, New Hampshire, and Vermont.

The release of the *Forests on the Edge* report in 2005 and the subsequent release of *National Forests on the Edge* confirmed what residents of the Connecticut River watershed already knew from experience: the pace of development and projected future development will likely compromise watersheds, water quality, and other important natural resources, such as timber supply areas, wildlife habitat, and public recreation like hunting and fishing. Specifically, the reports found that the Connecticut River watershed ranks among the top twenty nationally for projected development through 2030 and that more than 500,000 acres of land adjacent to the Green Mountain National Forest, including headwaters for major tributaries of the Connecticut River, will likely be developed over the same period

The Silvio O. Conte National Fish and Wildlife Refuge: A True Watershed Project
In anticipation of exactly this kind of development pressure, Congress established the Silvio O. Conte National Fish and Wildlife Refuge in 1991 as a "borderless refuge" covering the entire 7.2 million acre watershed. The mission of the refuge is to conserve Trust resources and other priority resources through traditional refuge ownership and management as well as through innovative partnerships with landowners and communities. This unique blend of traditional refuge activities and "catalytic leadership" for conservation among state, local, and private partners has led to far-reaching conservation benefits. This flexible watershed model for conservation leadership should be particularly valuable as the U.S. Fish and Wildlife Service seeks to provide leadership on climate adaptation, a challenge that does not respect traditional refuge boundaries or political boundaries.

Land and Water Conservation Fund
Thanks to the high density of Trust resources in the watershed and imminent development pressure, the Conte refuge has consistently ranked in the top five nationally for the Land Acquisition Priority System (LAPS). The Friends are grateful that Congress has been very responsive to past opportunities to support the refuge's acquisition needs through the Land and Water Conservation Fund. To help the Conte refuge acquire additional priority conservation lands, the Friends of Conte urge the committee to support the following Land and Water Conservation Fund projects in FY10 that total $2.95 million. [*Note: Importantly, this total request includes only $1 million for acquisitions in New Hampshire, despite the listing of potential New Hampshire projects below that exceed that amount.*]

Connecticut
Division: Salmon River Division Size: 40 acres Cost: $250,000
Conservation Partner: The Nature Conservancy
Description: The Salmon River Division includes a range of important natural features, including free-flowing rivers, thriving freshwater tidal marshes, forested watersheds, floodplain forests, and rare plants and animals. The Elm Camp/Johnson property, funded in FY09, will be the first acquisition in this division and provides a keystone property containing 3,360 feet of frontage on Pine Brook, a high-quality stream that provides remarkable cold-water fish habitat; and 1,440 feet on the west bank of the Salmon River, site of extensive state and federal efforts to restore anadromous fish runs, including the Atlantic salmon. The FY10 project will greatly enhance holdings in this new Division with additional stream frontage.

Massachusetts
Division: Fort River Division Size: 32 acres Cost: $1,400,000
Conservation Partner: The Trust for Public Land
Description: This parcel is adjacent to critical land being acquired by the Refuge with FY09 funds, prized as habitat for grassland bird species such as the grasshopper sparrow, bobolink, and upland sandpiper, and for nearly a mile of frontage on the Fort River. The Fort River is the longest free-flowing tributary of the Connecticut River in Massachusetts, home to the federally endangered dwarf wedge mussel and other rare mussels, fish, dragonflies, and turtles. At the center of a mosaic that includes over 600 acres of protected farmland and new Refuge holdings, this parcel is the subject of a development proposal that would drastically reduce the tremendous habitat potential of this rural landscape.

New Hampshire
Division: Pondicherry Division Size: 184 acres Cost: $618,670
Conservation Partner: Friends of Pondicherry
Description: Pondicherry was designated as a National Natural Landmark in 1974, and was recently designated as the first Important Bird Area in New Hampshire. The area has long been known to offer exceptional avian habitat supporting approximately 230 species of birds of which 125 species have been confirmed as breeding. Species of particular conservation interest include common loon, northern harrier, sore, rusty blackbird, whippoorwill, and American black duck. 20 species of reptiles and amphibians, 41 species of mammals, and 17 species of fish have also been documented to use the Pondicherry Refuge site. Recent ecological surveys have identified and documented a variety of exemplary natural communities including peat bogs, fens, deep

emergent marshes, and threatened lowland coniferous forests. Three parcels totaling 184 acres will add important wetlands and other avian habitats to refuge holdings.

New Hampshire
Division: Mascoma Division (*proposed*) Size: 4,056 acres Cost: $3,750,000
Conservation Partner: The Nature Conservancy
Description: The proposed Mascoma River Division includes the upper half of the Mascoma River watershed in Lyme, Hanover, and Dorchester, and Canaan. It features a relatively unfragmented forest block containing a suite of rare species, exemplary natural communities, and documented habitat for migratory and breeding birds. More than 60% of the approximately 40,000-acre watershed is designated as Highest Quality Habitat in New Hampshire through the State Wildlife Action Plan. Both the multi-partner Quabbin to Cardigan Collaborative and The Nature Conservancy's eco-regional planning have identified this area as a priority habitat for black bear and many other wildlife species.

Vermont
Division: Nulhegan Division Size: 60 acres Cost: $315,000
Conservation Partner: The Nature Conservancy
Description: The Nulhegan Basin includes a complex of bogs, freshwater wetlands and spruce forest. These habitats provide nesting areas for loon, hooded mergansers, black, ring-necked and wood ducks. The Nulhegan Basin supports the only viable population of spruce grouse in the Connecticut River Watershed. More than a dozen rare plants and animals are also known to occur in this area.

Public Lands Highway Program
We also request $1,612,000 million from the Public Lands Highway Program to enhance public education about the Conte refuge and the watershed, as well as to enhance the visitor experience at the refuge.

Connecticut, Massachusetts, New Hampshire, and Vermont
Requested Amount: $250,000
Description: Twenty-five computer based, independent, and interactive Watershed Education Terminals (WET) to be located in airports, environmental centers, museums, and other appropriate locations in all four Refuge states where people may be allowed to linger and learn about the Silvio O. Conte Refuge, National Wildlife Refuge System, its partnership approach from the source to the sea, opportunities to contribute or seek assistance, and destinations under the stewardship of our partners that are available for public enjoyment.

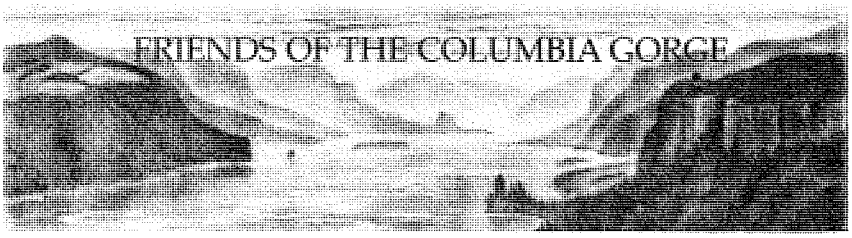
New Hampshire
Requested Amount: $257,000
Description: A wide variety of education, recreation, access, and habitat management improvements at the Pondicherry Division of the Silvio O. Conte Refuge. These funds will leverage thousands of hours of volunteer effort coordinated by the Friends of Pondicherry. A detailed list of proposed projects is available.

Vermont
Requested Amount: $535,000
Description: To enhance existing public access to the Nulhegan Division of the Conte Refuge by enhancing foot trails, improving signage, and establishing an interpretive auto-tour route as a means of facilitating a more informative, educational, and enjoyable experience for the visiting public.

Massachusetts
Requested Amount: $570,000
Description: To improve public access to the Great Falls Discovery Center and the Richard Cronin National Salmon Station in Turners Falls, enhance public use facilities, and increase visitor contact, capacity, and capability. The existing public access network of roads and trails will be upgraded to enhance safety and accessibility, and include information kiosks, overlooks, elevated boardwalks, outdoor exhibits, an outdoor classroom, permanent outdoor accessible restrooms and upgrades to existing indoor restroom facilities, and improved road access, parking, and landscaping, and signage.

Thank you very much for your consideration of this testimony. For more information, I can be reached via the contact information below.

Jad Daley, Chair
Friends of Silvio O. Conte National Fish and Wildlife Refuge
3 Shipman Place
Montpelier, VT 05602
Jad.daley@tpl.org
802-223-1373 X14



House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies In Support of Land Acquisition Funding for Columbia River Gorge National Scenic Area

By Kelley Beamer, Conservation Organizer, Friends of the Columbia Gorge March 26, 2009

Thank you for the opportunity to submit written public testimony in support of public land acquisition projects in the Columbia River Gorge National Scenic Area. Friends of the Colulmbia Gorge is requesting an appropriation of $6 million from the Land Water Conservation Fund to allow the United States Forest Service to purchase land with a high conservation value. The requested funding will go a long way to protect a number of identified high-priority properties totaling 2,191 acres in the Columbia River Gorge National Scenic Area. This project is authorized by the Columbia River Gorge National Scenic Area Act, PL 99-663, Section 16 (a).

Friends of the Columbia Gorge (Friends) is a non-profit group with approximately 5,000 members who live in the Columbia River Gorge, the States of Oregon and Washington and across the country. We are dedicated to the protection and enhancement of the scenic beauty and natural and cultural heritage of the Columbia River Gorge. Friends works to promote responsible stewardship of Gorge lands and waters and encourage public ownership of sensitive areas. Throughout the year, Friends leads over 70 hikes and stewardship events that are open to the public.

Introduction

The Columbia Gorge, shared and cherished by both Oregon and Washington, is truly one of America's natural scenic treasures. As the only sea-level passage through the Cascade Mountain range, the Columbia River Gorge has five distinct ecosystems. These ecosystems support over 800 species of flowering plants, including 16 that are found nowhere else in the world, over 300 species of birds and provides critical habitat for threatened fish and wildlife, such as the western pond turtle, Larch Mountain salamander, western gray squirrel, steelhead, Chinook, coho, and chum salmon.

522 SW Fifth Avenue, Suite 720, Portland, OR 97204 • (503) 241-3762 • www.gorgefriends.org
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The Gorge has been inhabited by humans for at least 11,000 years. Important cultural resources are found throughout the Gorge, including a high concentration of Native American rock carvings and paintings, called petroglyphs and pictographs, in the eastern end of the Gorge. Several Tribes retain treaty rights in the Gorge, including the preservation of hunting, fishing and gathering rights on the lands ceded to the United States in their respective treaties. In addition, the Gorge ranks as the most recognizable natural site along the Lewis & Clark trail.

In 1986 Congress and the states of Oregon and Washington recognized the outstanding scenic beauty and natural and cultural heritage of the Gorge by designating it as a National Scenic Area. The Columbia River Gorge National Scenic Area Act (Act) was passed "to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge" and to encourage economic growth in nearby urban areas. Today, driving east from Portland or Vancouver toward the Columbia Gorge, through miles of subdivisions and strip development, one passes the National Scenic Area Boundary and is awestruck by the instantaneous transition from an urban to a rural setting. The Scenic Area protects nearly 300,000 acres in both Oregon and Washington and receives hundreds of thousands of visitors annually.

Land Acquisition

Although The Columbia River Gorge Scenic Area enjoys national protection, preservation of its outstanding natural and scenic resources requires proactive management. Section 9(a) of the Act, created a unique regulatory scheme, which allows conservation in partnership with private landowners. The Act also recognized that some lands should be in public ownership and that some landowners would prefer to sell their property rather than fall under Scenic Area regulations, or to insure its future protection. The desire to conserve key properties and to provide regulatory relief to landowners led Congress to create this special land acquisition program. The Act further specifies that if the Forest Service does not acquire land offered by sellers within three years of an offer, then the land changes to a General Management Area (GMA) designation, which is less restrictive, giving landowners more flexibility and making it more likely that these lands will be logged, mined or developed.

Since 2001, over 4,000 acres of "high-priority" private land worth an estimated $35 million have been offered for sale to the Forest Service, yet Congress has only appropriated $17.5 million to date.

FY10 Request

The Forest Service's Columbia River Gorge National Scenic Area office has expressed the need for $6 million in FY2010 to carry out its land-acquisition activities. Currently, the U.S. Forest Service has identified ten properties in four counties located in Oregon and Washington for acquisition in FY2010. The public purchase of these properties would protect some of the most scenic Gorge views and provide future recreation opportunities, both of which are key to maintaining the economic health of local communities. Many of these properties are threatened by logging, mining or development and our opportunity to preserve these critical lands could be lost forever.

This appropriation will go far in supporting willing land sellers and protecting this important national treasure.

Conclusion

Funding land acquisition in the Gorge is important for three reasons. First, these offers represent a commitment to landowners by the federal government. Second, these lands have critical scenic, natural, cultural and recreational values that need to be conserved. Finally, these acquisitions are part of the overall strategy to ensure that the Columbia River Gorge is a good place to live, work, and visit.

Funding land acquisition in the National Scenic Area fulfills the commitment Congress made in 1986 when they passed the Columbia Gorge National Scenic Area Act to protect and enhance the natural, scenic, cultural and recreational resources of the Gorge. Please consider our request of $6 million to ensure that the Gorge remains a place apart for future generations to enjoy.

Thank you for the opportunity to provide testimony supporting public land acquisition in the Columbia River Gorge National Scenic Area.

Barbara Howard, President
Friends of Tampa Bay National Wildlife Refuges, Inc.
PO Box 40782
St. Petersburg, FL 33743-0782

TESTIMONY
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
CONCERNING FISCAL YEAR 2010 APPROPRIATIONS
March 26, 2009

Mr. Chairman and Members of the Subcommittee:

My name is Barbara Howard, President of the Friends of the Tampa Bay National Wildlife Refuges (FTBR). On behalf of FTBR and its 85 members, I want to thank you for your leadership and strong support for the National Wildlife Refuge System (NWRS). I further thank you for the opportunity to offer comments on the fiscal year 2010 (FY10) Interior Appropriations bill. Specifically, we respectfully request that the Subcommittee support the following:

• An overall funding level of $514 million in FY10 for the operations and maintenance (O&M) budget of the National Wildlife Refuge System, managed by the U.S. Fish and Wildlife Service (FWS); and

• An allocation of $900 million in the FWS land acquisition budget to acquire vital habitat from numerous willing sellers across the country.

FTBR is a 501(c)3 non-profit organization. We are a group of volunteers that supports Egmont Key, Passage Key and the Pinellas National Wildlife Refuges in the Tampa Bay area of Florida. Contributing thousands of hours of support each year, we help remove invasive plants, provide support to critical bird nesting sites through "bird steward" public outreach each weekend during nesting season, provide general maintenance of equipment and buildings on the refuges and organize island cleanups to ensure wildlife is safe from debris, for example monofilament line and plastic bags. We work closely with our FWS refuge manager to help meet objectives as outlined in each refuge's Comprehensive Conservation Plan (CCP).

In recent years, FWS has been forced to implement plans for a dramatic 20% workforce downsizing. Visitors often show up to find roads and visitor centers closed, parking lots and boat launches in disrepair, and habitat restoration projects put "on-hold" or eliminated. Invasive plant species continue to encroach on the Refuge System lands and undermine their ability to fulfill their mission. In addition, a serious staffing deficiency in biologists and law enforcement officers has caused biological monitoring and habitat management to diminish and allowed illegal activities such as poaching and trespassing to increase. All of these shortcomings have reduced the opportunity for wildlife dependent recreational opportunities on Refuge System lands. Creating and enhancing these opportunities is critical to connecting people to our natural resources. We are grateful for the much-needed budget increase that Congress provided the Refuge System for the current fiscal year, and we respectfully urge the Congress to build upon

this important step toward restoring the Refuge System by carefully considering our request in the FY10 budget.

While providing adequate funding to operate and maintain the Refuge System is of vital importance, most refuges are too small in size to achieve their conservation mission and objectives alone. Their integrity depends on the health of surrounding state, federal and private lands and waters. Consequently, there is a growing need to provide funding to ensure that lands and waters beyond refuge boundaries are conserved.

FTBR encourages the Subcommittee to allocate sufficient funding to assess and purchase high-priority water rights and high-priority lands and conservation easements through the Land and Water Conservation Fund (LWCF). Inadequate water quantity and quality represent some of the biggest obstacles for refuges to overcome and unfortunately, many refuges do not own the water rights on the refuge or they are not guaranteed an allocation of water from a river or stream. We urge the Subcommittee to allocate sufficient funding to allow the FWS to acquire essential rights while they are available and affordable. The Refuge System land acquisition backlog is estimated at more than $4 billion, with over 15 million acres remaining to be acquired within approved refuge boundaries. While a full suite of conservation strategies should be employed in working with private landowners, in cases where fee title acquisition is preferred by the landowner and the refuge has identified it as a top priority, the FWS should acquire the land.

In conclusion, the Friends of 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 volunteers. We extend our appreciation to the Subcommittee for its ongoing commitment to our National Wildlife Refuge System and encourage you to approve $514 million for the FY10 O&M budget managed by FWS and to approve $900 millions for FY10 FWS land acquisition budget.

Claire Goad, President
Friends of Wertheim National Wildlife Refuge
PO Box 376
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Testimony
Before the House Appropriations Subcommittee on Interior, Environment and Related Agencies
Concerning Fiscal Year 2010 Appropriations
U.S. Fish and Wildlife Service
National Wildlife Refuge System

March 25, 2009

On behalf of Friends of Wertheim National Wildlife Refuge, I am submitting testimony for the House Subcommittee on Interior, Environment and Related Agencies. **We support a funding level of $514 million in FY 2009 for the U.S. Fish and Wildlife Service's (FWS) National Wildlife Refuge System Operations and Maintenance (O&M) account, adequate funding for Visitor Services and $1,135,300 for phase I for the Long Island NWR Complex's Visitor Learning Center/Administrative Headquarters to be located at its headquarters, Wertheim NWR.** The $514 million accounts for cost-of-living increases for FWS personnel, while maintaining current levels of visitor services and wildlife management. Funding the O&M account at $514 million would allow the Refuge System to do its job of protecting habitat and wildlife in a much more responsible way. **It is of the utmost importance that our nation protects and enhances our National Wildlife Refuge System for future generations.**

The House Subcommittee on Interior, Environment and Related Agencies should provide strong funding for Refuge System Visitor Services programs and Visitor Facility Enhancement Projects. Visitor Services funding pays for many Friends and volunteer programs. We depend on this funding for programs that allow us to remain effective stewards of our refuge.

Recognizing invasive species as a top threat to our refuge lands, we also ask the Committee to continue their support "for cooperative projects with Friends groups on invasive species control". This funding supports worthy programs like competitive grants for Friends groups and the Volunteer Invasive Monitoring Program. Utilizing the energy and enthusiasm of Friends and volunteers is a **proven, effective and economical partnership** for the National Wildlife Refuge System and U.S. Fish and Wildlife Service.

The Visitor .Learning Center/Administrative Headquarters for the Long Island National Wildlife Refuge Complex to be located at Wertheim NWR is a key focal point of LINWR Complex's 15 year Comprehensive Conservation Plan. **It is important to note that $1,135,300 for Phase I: Planning and design would enable us to start this project. Phase I includes: Site work, A/E Services and Regional Engineering Services. The Visitor Learning Center would serve as a catalyst for educational opportunities, wildlife conservation partnerships and collaborative efforts.** In an effort to reduce cost, time and energy consumption, the service has developed a

standard conceptual design for the building. Designed with "green technology" (the plans are consistent with LEED certification requirements) the Center will be a state-of-the-art energy efficient model. It is important to note that it is "shovel ready".

Friends of Wertheim NWR feels this project deserves federal funding because **United States Fish and Wildlife is the federal agency charged with conserving, protecting and enhancing the nation's fish, wildlife and plants for the continuing benefit of the American people.** Another top priority of the Service is connecting people with nature: ensuring the future of conservation. Therefore a priority of federal funding must be to take action. While there is no doubt that our public lands need to be managed through community partnerships/community resources, **the federal government should be the catalyst on federal lands to make this happen.**

When the funding for the National Wildlife Refuge System is compared to the entire national spending it is barely a "blip on the radar screen". **The National Wildlife Refuge System is one of our "National Treasures" and the dedicated Refuge staff, Friends and volunteers do so much with so little.** It is our hope that in 2010 and beyond there is increased funding that will do more than maintain what we had last year; we need your help to address the $2.7 billion O&M backlog. **Only by being "faithful stewards" of all of the National Wildlife Refuges in the United States will we ensure that they will be here for our children and our children's children.**

The Refuges in the Long Island Complex may be small compared to others; but they are so important! As a fifth grade science teacher in the local school district I took 4 science classes on field trips to Wertheim NWR each year. One year one of the boys was standing on the trail just looking up and he stayed this way for some time. Since the rest of the students were eager to move on I went over to him and asked what he was doing. He replied, "Look – the trees make a tunnel – I can't see the sky!" What a discovery!!! **This is just one of many reasons why we must give our Refuge System adequate funding (FY 2010 - $514 million) and why the Long Island NWR Complex needs a Visitor Learning Center/Administrative Headquarters.**

On behalf of Friends of Wertheim NWR we thank you for your consideration of our requests. .

Sincerely,

Claire Goad
President

TESTIMONY OF MR. RONALD GISHEY
PRESIDENT, GREASEWOOD SPRINGS COMMUNITY SCHOOL BOARD
ON BEHALF OF GREASEWOOD SPRINGS COMMUNITY SCHOOL
TO THE
HOUSE INTERIOR, ENVIRONMENT AND RELATED AGENCIES SUBCOMMITTEE
REGARDING THE
BUREAU OF INDIAN EDUCATION FISCAL YEAR 2010 BUDGET

March 26, 2009

Greasewood Springs Community School, Inc. (GSCS) is located in the central part of the Navajo Nation in Northern Arizona. GSCS was built in 1963 as a BIA School. Presently GSCS is a BIE funded P.L. 100-297 Grant School serving the educational needs of approximately 175 Navajo students from kindergarten through 8th grade and approximately 60 students in a homeliving program which serves children in a residential setting. I am requesting no less than $30 million to rebuild our aging, dilapidated facilities and full funding of grant school Administrative Cost Grants at no less than $68 million.

GSCS was built in 1963. Although GSCS has had the benefit of a hardworking, dedicated facilities department its facilities, through use and age, are beyond worn out. The BIA/Office of Facilities Management and Construction (OFMC) has declared the buildings and infrastructure for the campus beyond repair. However, this past year BIA/OFMC also has taken steps to revoke and rescind a $10,000,000 facilities improvement and repair grant that was previously granted to repair GSCS. Further, BIA/OFMC has given little, if any, hope of any new facility being built in the foreseeable future. GSCS is being left to die on the vine by the BIA/OFMC action to refuse to provide facilities that are habitable or even slightly competitive with alternative, but more distant, state funded schools. The BIA/OFMC action is tantamount to failure to assist.

This apparently intentional closure of GSCS by refusing to construct a safe, modern, habitable facility in which the school's educational and residential programs can be provided is compounded by the BIE's chronic and downwardly progressive **underfunding of the Administrative Cost Grant**. (See attached explanation.) GSCS has, as with all other schools, administrative needs. Although GSCS has 100% needs in Administrative Costs it is only funded at approximately 62.5% of that need due to an arbitrary ceiling that has been placed on Administrative Cost Grants by the federal government. As the number of grant schools increase, the amount available for the administrative needs of each of these schools is reduced. The result of this chronic underfunding is clear, grant schools are provided a fraction of their Administrative Cost need. This arbitrary, increasingly downward underfunding of P.L. 100-297 Grant Schools' Administrative Costs will eventually lead to the demise of GSCS and other Grant Schools; there is no other foreseeable alternative for Grant Schools but intentional extinction.

The above instances of underfunding are further compounded by operations grants funded at 52% (operations funds go to pay for such luxuries as electricity, gas and other utilities) and transportation funding which ignores rural and remote settings in which buses must traverse unpaved roads subject to extreme weather and road conditions.

The foregoing has lead to a systematic strangulation and extinction of the BIA funded school system by underfunding. This reality is in stark contrast to the language of the United States Congress in which it stated in the Native American Education and Improvement Act of 2001 as follows:

> Congress declares that the Federal Government has the **sole responsibility for the operation and financial support of Indian Bureau of Indian Affairs Funded Schools** system that it has

> established on our near Indian reservations and Indian trust lands throughout the nation for Indian children. P.L. 101-17(E) Section 1120.

This obligation arises from GSCS's and the Navajo Nation's Treaty rights. The Federal Government has expressly stated that the quality of the "Bureau funded school system" that they are to provide due to the trust responsibility it assumed pursuant to Treaty negotiations as follows:

> "ensuring that the programs of the Bureau of Indian Affairs-funded school system are of the **highest quality...**"

Further in Section 112 (a) of the act Congress further states that the purpose of accrediting these schools is to "ensure that Indian students being served by a school funded by the Bureau of Indian Affairs are provided with educational opportunities that equal or exceed those for all other students in the United States."

THESE HAVE PROVEN TO BE EMPTY PROMISES. Our demands are simple: provide us what you promised and continue to promise and provide us with what we bargained for in our good faith negotiations in agreeing to our Treaty. We are not asking for charity. We are not asking for a handout. We are not asking for new programs. We made a deal. We gave up much in reliance on your promises. You are not keeping your promises.

GSCS offers an invaluable service to our students and community. We are carrying out the Federal Government's responsibility pursuant to the Indian Self Determination and Tribally Controlled Schools Grant Acts. In the introductory language of those Acts the Federal Government admits it has failed in its trust responsibility to educate Native American children. It further states, unequivocally, that this responsibility remains "solely" that of the United States Government. However, the Federal Government is using these Acts as a front to slowly strangle these schools by chronically underfunding and failing to construct habitable facilities. As stated, we are not requesting new programs or charity or anything else but what we bargained for and the Federal Government agreed to provide.

We are a local community school. Our children live in and around this community and attend our school in lieu of bus rides that may last hours. Further, this school is the center of our community. Parents and grandparents support this school and come to this school to support and ensure their children are prepared for the future the best way possible. To callously extinguish and close this school does violence to our community and our way of life. Our demands are simple and justified and are listed as follows:

1. GSCS must be rebuilt. No where but on an Indian reservation would children be required to attend a school as old and in such condition as ours. We have been diligent in caring for our school; however, it must be replaced now. Children should not have to sacrifice adequate facilities to attend GSCS. The language quoted above clearly states that our Greasewood Spring children should have the highest quality educational facilities and opportunity available.

   The condition of our facilities is particularly galling given that BIA/OFMC officially stated that our facility is in dire shape and needs to be replaced; awarded GSCS a $10 million FI&R grant to fix the worst problems and is now reneging on that grant with no commitment to repairs on a new school in the future. The land for construction is available and set aside, our program of requirements is completed, we do not need a gymnasium. This project could be expedited and completed in eighteen (18) months.

2. Our Administrative Costs needs must be 100% funded. It is disingenuous to state that the Federal Government has the **sole responsibility** for the operation and financial support of a school system **of the highest quality** and then for that same Government to fund the

Administrative Cost at 64% of need. Actions must back up these promises and words. Our school is channeled toward failure because of this chronic, debilitating underfunding. 100% funding of Administrative Cost need must begin immediately if the Federal Government's promises and agreements mean anything.

3. Full Funding for Operations and Maintenance – Again it is absurd to pledge an absolute commitment to providing a quality educational program and then fund the operations portion of that program at 52%. Operations costs have spiraled. The gross underfunding that has occurred in the past few years is unconscionable. We must heat our schools, have electricity and provide other basics. The strain placed on GSCS and similarly situated Grant Schools to find ways to provide the basic necessities to its students and staff is indefensible. Again, we are not requesting new additional benefits or anything that resembles extravagancies. We are only requesting the essentials as have been promised.
4. GSCS receives significantly less per student than other schools. The result of this is less funds and therefore lower salaries in the competition for the limited pool of highly qualified teachers that will teach in a remote setting. Salaries for BIA operated school employees are substantially higher than those for grant school employees. Again the chronic underfunding will lead to a foreseeable result, the demise of Grant Schools. Due to our remote, rural setting our costs are higher and recruitment more difficult. Due to these and other factors we should receive higher student funding. However, we merely ask that per student funding be at least commensurate with that received in the state and our neighboring states.
5. Transportation must be adequately funded. Without our efforts our community's children will be left behind. They will be left without options. They will either be forced to leave their homes or forego schooling. We service remote rural communities without paved roads. Due to the conditions, the maintenance required on our buses and school vehicles is much greater than in urban settings. Due to our remote rural location we are at a competitive disadvantage for fuel and supplies. Our transportation needs are great and once again are substantially underfunded.

The above scenarios demonstrate a system of schools that are set up to fail. By chronic underfunding at all levels these schools will eventually fail and the Federal Government's trust responsibility will be extinguished with them. This institutionalized war of attrition will be successful. Promises will be unmet. These shameful outcomes must not be allowed to occur. We respectfully and sincerely request that the promises made be supported by action. We request that the bargain made in establishing our Treaty be honored. The full funding as noted above is what the Federal Government has stated they are solely obligated to provide. Providing what was promised must begin immediately.

Greasewood Springs Community School
HC-58 Box 60
Ganado, AZ 86505
Phone: 928-654-3383

Administrative Cost Grants

Issue: Grant and Contract schools' Administrative Cost Grants have been grossly under-funded for the past ten (10) years. Currently, Administrative Cost Grants are funded at approximately 62.5% of need. Grant and Contract schools need to be funded at the 100% level to experience success and to meet the needs of Native students.

Background: The Administrative Cost Grants (ACG) authorized by Public Law 100-297 was provided to tribal Grant and Contract schools to cover their school administration costs. Public Law 100-297 directed the establishment of a funding formula for the distribution of the Administrative Cost Grant Funds. Per the established funding formula, the calculated need for ACG has been $60 million plus on an annual basis. However, the ACG has been funded at the 100% level only once since it was enacted. Forty million dollars plus ($40,00,000 +) has been appropriated for the last ten years. (FY 2007/ $44,060 million FY 2008/ $43,373 million FY 2009 the President's request is $43,374 million). The number of Grant schools has increased to 123 out of 185 Bureau funded schools and keeps increasing. The funding amount remains arbitrarily capped and grossly insufficient. The ACG has remained at the same funding level while the number of BIE schools becoming Grant Schools and taking from this static amount has greatly increased. The share of the ACG funds for Grant School each year has substantially decreased. Under these circumstances, Grant Schools cannot operate effectively or provide the administrative functions and services necessary to meet AYP as required under the *No Child Left Behind Act.*

Impact: The Navajo Nation has twenty-nine (29) Grant Schools and two (2) Contract Navajo Schools. Navajo Schools lost -$19,847,550 in four years due to the chronic underfunding of the ACG. In SY 04/05 the schools' actual funding was $11,940,500; a 76.05% level of funding compared to the formula generated amount of $15,701,853; a loss of -$3,761,353. In SY 05/06, the actual funding was $11,251,100, a 71.66% level compared to formula generated amount of $15,699,740; a loss of -$4,448,640. In SY 06/07 the actual funding level was $11,937,000, a 64.99% funding level compared to the formula generated amount of $18,319,671; a loss of -$5,224,215 for SY 06/07. In SY 07/08, the actual funding level was $11,906,330 at a 64.99% funding level compared to the formula generated amount of $18,319,671 a loss of -$6,413,341 for SY 07/08. It is estimated that due to an increase in grant schools the ACG will be funded at 62.5% of need this year.

The decreasing amount of ACG funds is not the only problem the schools face. The amount distributed to each school has been impacted when more schools are allowed to join the Grant School System. The amount of funds distributed to each school becomes smaller and smaller as more schools join the Grant System. Consequently, schools are forced to dip into other accounts not intended to cover the administrative costs such as funds from facilities, academic and even title programs. The cost of mandated programs such as health insurance, workmens compensation insurance, pensions, personnel services, utility costs, human resource, accountants, and property management are not covered due to the budget constraints caused by underfunding the ACG.

Recommendations: Immediate action to: 1) Increase the ACG funds to $68 million to cover 100% ACG funding level for schools and continue 100% funding of the ACG under the formula; 2) Place a moratorium on BIE operated schools converting to P.L. 100-297 Grant School System until such a time ACG funds are appropriated and available to cover the incoming schools.

Statement 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, 2010

Submitted by: Chad Lord, Policy Director
Healing Our Waters-Great Lakes Coalition

March 26, 2010

Chairman Dicks. Representative Simpson. 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 the President's $475 million inter-agency Great Lakes restoration initiative. We believe this can be partly accomplished by fully funding key Great Lakes programs like the Great Lakes Legacy Act (EPA; $54 million) and the Great Lakes Fish and Wildlife Restoration program (Fish and Wildlife Service; $16 million). Lastly, we believe the committee should provide at least $2.4 billion for EPA's Clean Water State Revolving Fund.

The Healing Our Waters-Great Lakes Coalition is comprised of more than 100 environmental, conservation, hunting, and fishing organizations; museums, zoos, and aquariums; and businesses representing millions of people whose common 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 depends on the waters of the Great Lakes. Unfortunately, the health of the Great Lakes is seriously threatened by problems such as untreated sewage, toxic pollution, and invasive species. The eight states that border the Great Lakes and numerous organizations have invested a significant amount of resources in preserving these bodies of water. Additional funding, however, is needed. Unless the federal government invests in the lakes these problems will get worse and the price we pay will be higher.

While restoration efforts to date have made some progress, federal funding has not kept pace with the enormity of the problem. Over $20 billion is needed according to the Great Lakes Regional Collaboration Strategy, yet Great Lakes programs over the last six years have received only a small fraction of that amount. Now is the time to embark on more significant restoration activities. Cleaning up the Great Lakes is not only critical for the health and quality of life of a region. It will also drive economic development in our nation for years to come. According to the Brookings Institution, an investment of $26 billion to restore the Great Lakes will lead to at least $50 to $80 billion in economic benefit.

President Obama recognized the importance of a federal commitment to the Great Lakes by including a new $475 million Great Lakes restoration initiative in his fiscal year 2010 budget request. This new funding will help address current problems by making a significant down payment on the multi-year effort to protect and restore these international treasures and to create a long-term sustainable policy for funding Great Lakes restoration activities. We urge the subcommittee to fully fund the President's proposal, including the following two high priority on-the-ground programs:

- Great Lakes Legacy Act: We request the inclusion of at least $54 million in the Environmental Protection Agency's (EPA) budget to fund the Great Lakes Legacy Act. Persistent, high concentrations of pollutants remain in the bottom sediments of many Great Lakes rivers and harbors. The U.S. Policy Committee for the Great Lakes in 2005 identified 75 sites with a total estimated volume of nearly 75 million cubic yards of contaminated sediments. Depending on the remedy, total cleanup costs for these sites could range from $1.5 billion to $4.5 billion. According to the EPA, these contaminants have the potential to cause harm to people, aquatic organisms, and wildlife, and there are advisories against consuming the fish from most water bodies around the Great Lakes. Funding the Great Lakes Legacy Act at its fully authorized level of $54 million will lead to the cleanup of toxic sediments that threaten the public's health and prevent economic development in the Great Lakes region. If Congress increases the authorization for the program this year to over $150 million a year as proposed by H.R. 1262, the Water Quality Investment Act of 2009, we urge the subcommittee to fully fund the program at that level.

- Great Lakes Fish and Wildlife Restoration Act: We request at least $16 million for grants from the U.S. Fish and Wildlife Service through the Great Lakes Fish and Wildlife Restoration program. The Great Lakes are threatened by a host of human activities including overfishing, pollution, habitat destruction, and the introduction of aquatic invasive species. The Great Lakes Fish and Wildlife Restoration program has the potential to contribute significantly to the restoration and protection of vital fish and wildlife resources if fully funded. Funding for the program, however, has not kept pace with the threats to the lakes and requests for support from the Great Lakes states, tribes, and other partners. It has been under-utilized as only a fraction of the authorized amount has been appropriated to the program. Between 1998 and 2006, the USFWS only funded 46 percent of the projects proposed under this program to restore and maintain fish and wildlife resources and minimize the impact of contaminants on fishery and wildlife resources.

In addition to the Great Lakes-specific funding, we request $2.4 billion in the EPA's budget for the Clean Water State Revolving Fund. Sewage contamination and polluted run-off from farms and cities pose a serious threat to the Great Lakes and the millions of people who depend on them. Antiquated wastewater and combined sewer systems spill at least 23 billion gallons of sewage into the Great Lakes every year—closing beaches, threatening public health, and undermining the region's efforts to attract businesses, industries, and a talented workforce.

The Great Lakes have historically been an economic engine playing a leadership role in our nation's development of trade with Canada and beyond, the launch of the Industrial Revolution, and development of tourism corridors. Just as the Great Lakes powered the economy of our past, restoring them powers the economy of our future.

I respectfully request that the Subcommittee include funding for the president's Great Lakes restoration initiative and other key programs in the Department of the Interior and Environment Appropriations Act of 2010. I thank the Subcommittee for their consideration of this request.

Testimony of the Highlands Coalition
Submitted by Kristen Sykes, Legislative Chair
to the
Subcommittee on Interior, Environment, and Related Agencies
Committee on Appropriations
The Honorable Norman D. Dicks, Chair
Department of the Interior
March 26, 2009

Mister Chairman and Honorable Members of the Subcommittee:

On behalf of the Highlands Coalition, which includes over 200 organizations working together to conserve nationally important natural resources in the Highlands region of Pennsylvania, New Jersey, New York and Connecticut we would like to thank you for the opportunity to provide testimony on the Fiscal Year 2010 Department of the Interior, Environment and Related Agencies Appropriations bill.

Our top priorities for Fiscal Year 2010 include:

- $11 million for the Highlands Conservation Act, including $10 million for land conservation partnership projects through the US Fish & Wildlife Service, and $1 million for USDA Forest Service technical assistance and research programs in the Highlands
- $125 million in land acquisition funding for the Forest Legacy program
- $450 million for the Land and Water Conservation Fund Act federal and stateside land acquisition program.

Highlands Conservation Act

In November of 2004, Congress enacted the Highlands Conservation Act (HCA), recognizing the national significance of the 3.5 million acre Highlands. This region has abundant resources providing clean drinking water, productive forests and working farms, wildlife habitat and recreational opportunities for the 25 million people who live within an hour of this incredible landscape. The Highlands lie in the shadow of some of the largest cities in the nation including Philadelphia, New York City and Hartford. The HCA authorizes $100 million over 10 years to assist the Highlands states in conserving priority lands from willing landowners, and $10 million over 10 years to continue vital USDA Forest Service research and technical assistance to private landowners in the Highlands. Under the Act, the 4 states acquire the lands with federal assistance and are required to match those federal funds for land conservation partnership projects on an equal basis to greater leverage these funds. Often the state match is double or triple the federal share. Private foundations, counties and local governments have also matched the federal funds. The HCA is a great partnership and brings multiple parties into the funding effort thereby highly leveraging the federal investment.

We are deeply grateful to the Subcommittee for the inclusion of $1.5 million for the HCA in the FY09 Omnibus Bill and equally pleased that Act was included as its own line item. However, as the Subcommittee may know the cost of land acquisition in the Highlands is extraordinary with land as costly as $15,000 an acre. Lands and waterways in this highly fragmented landscape are disappearing at an alarming rate and funds are needed urgently to protect these areas before they are developed. Therefore, we strongly urge the Subcommittee to provide full funding for the HCA at a total of $11 million with $10 million in land acquisition funding for the US Fish and Wildlife Service, and $1 million for the USDA Forest Service's technical assistance program in the Highlands.

The Governors of the four Highlands States have jointly submitted land conservation projects totaling $10 million to the Department of the Interior for funding in FY 2010, including: Texter Mountain (PA), Northern Highlands (NJ), Greater Sterling Forest (NY) and Ethel Walker property, Scoville Property, and Naugatuck/Mad River Headwaters (CT).

Forest Legacy Program and Projects

In order to ensure that there is adequate program funding for these critical projects in the Highlands, we urge your support for funding the Forest Legacy Program at $125 million in FY 2010. We support this funding as it will serve to provide support for important Forest Legacy projects in the Highlands region including three exemplary projects: Tulmeadow Farm (CT), Wolf Hill (CT), and Musconetcong and Rockaway Rivers Watersheds (NJ).

The Forest Legacy Program has protected over 1.7 million acres of forestland since 1990. For Fiscal Year 2010, the USFS received 84 project proposals from 44 states and territories to protect 288,530 acres with a total project value of over $363 million. The Forest Legacy Program conserves working forests threatened by conversion to development or other uses, and promotes economic viability as well as recreational open space and wildlife protection. Public lands provide innumerable social and economic benefits including a healthy lifestyle, protection of watersheds and drinking water supplies, wildfire reduction and prevention, and assistance to wildlife and fisheries as they adapt to climate change.

Land and Water Conservation Fund

We respectfully request a substantial increase in overall funding for the Land and Water Conservation Fund (LWCF) specifically $325 million for the federal LWCF and $125 million for the LWCF stateside program, in the FY2010 Interior and Environment Appropriations bill. We applaud the LWCF funding increases provided by this Subcommittee in Fiscal Year 2009. And, we are most thankful that the Obama Administration Budget recognizes the importance of this program by proposing significant increases for Fiscal Year 2010 and setting a goal to achieve full funding of the LWCF in the next five years.

The LWCF is our nation's premier program to acquire and protect lands in national parks, national wildlife refuges, national forests, Bureau of Land Management units and other federal land systems. This program faces an extensive and growing backlog of land acquisition needs across the nation. The LWCF will provide important funds to obtain inholdings and lands adjacent to federal lands in the Highlands such as the Wallkill and Great Swamp National Wildlife Refuges in NJ.

The LWCF stateside program provides close-to-home recreation through thousands of state and local parks across the country. These parks provide millions of urban and suburban residents the benefits of access to natural areas while promoting much needed tourism in local communities.

Without adequate funding to the **Highlands Conservation Act**, **Forest Legacy Program** and **Land & Water Conservation Fund**, precious natural treasures of the Highlands may be developed and lost to conservation forever.

Thank you for the opportunity to submit this testimony on the FY 2010 Interior Environment and Related Agencies Appropriations Bill.

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 2010 Budget
March 26, 2009

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 2010 Department of Interior appropriation.

Bureau of Land Management - Wild Horse and Burro Program

The BLM is charged with the management of approximately 33,000 wild horses in 10 Western States, but the current program is grossly under-funded. While we support a reduction in the number of annual roundups, depending on rounding up horses without implementing any active program for preventative herd growth is an unsupportable wild horse management approach because it leads to a continual cycle of roundups and removals rather than the use of long-term, cost-efficient and humane management strategies.The BLM should focus on five mechanisms for managing wild horses and burros; 1) preserving free-roaming wild horse and burro populations through the use of humane birth control, 2) recolonizing any of the more than 19 million acres of zeroed-out habitat with wild horses and burros from the short and long-term holding facilities, 3) identifying new, appropriate rangelands and establishing sanctuaries for wild horses and burros, 3) continuing long-term, humane pasturing for equines that must be removed from the range utilizing birth control on these captive animals, and 4) implementing creative and more aggressive marketing strategies to increase adoption rates for captured equines.

The BLM's current focus on roundup and adoption tools has resulted in an increasing number of wild horses being permanently warehoused in BLM sponsored holding centers, at a cost of $27 million annually (representing almost 75% of the BLM's $36.2 million wild horse management budget). Peer reviewed studies have shown that costs to manage the herd could decrease significantly by treating more mares with the immunocontraceptive PZP (porcine zona pellucida) and returning them to the range, rather than detaining them indefinitely in holding centers, and through the wide-scale marketing of the BLM's Adopt-a-Horse program. According to a paper published in the *Journal of Wildlife Management* in 2007, contraception on-the-range could reduce total wild horse and burro management costs by 14%, saving $6.1 million per year (Bartholow, J. 2007. Economic benefit of fertility control in wild horse populations. J. Wildl. Mgmt. 71(8):2811-2819.). This study demonstrates conclusively that the use of immunocontraception could easily result in a reduction in the continuing long-term expenses associated with the BLM's current wild horse management program.

In October 2006, The Humane Society of the United States (HSUS) and the BLM signed a Memorandum of Understanding to facilitate the use of contraceptive vaccines as a key component for managing wild horses on public lands. And this year, the Annenburg Foundation pledged 1.6 million dollars to a project launched by The HSUS and the BLM to promote the use

and application of contraceptives to manage wild horses throughout the west. The BLM and The HSUS have an opportunity to revolutionize the course of wild horse population control from a standard that is often inefficient, costly, and cruel to one which is technologically advanced, cost effective and humane. We urge the Subcommittee to take advantage of the demonstrated cost savings associated with the use of immunocontraceptives by directing BLM and EPA to take action to facilitate the implementation of The HSUS/BLM Research Project, and by increasing BLM's budget for PZP research and development programs by 1.5 million dollars.

The Subcommittee's support would encourage greater cooperation between the BLM, the EPA and The HSUS in the implementation of a program that we believe will be of great benefit not only to our nation's beloved wild horse populations, but also to the American taxpayer.

Law Enforcement Division of the Fish and Wildlife Service

After illegal drugs and arms, trade in wildlife parts is the third most lucrative smuggling enterprise in this country. The U.S. remains one of the world's largest markets for legal and illegal trade in wildlife and wildlife products. New technology and a full complement of Special Agents are essential if law enforcement is to have any hope of effectively enforcing the nation's endangered species trade laws. We are concerned that there are 70 wildlife law enforcement agent vacancies and encourage the Subcommittee to fully fund the Law Enforcement Division.

Environmental Protection Agency - Office of Research and Development

In 2000, the Interagency Coordinating Committee on the Validation of Alternative Methods, ICCVAM Authorization Act (P.L. 106-545), created a new paradigm for regulatory toxicology, by promoting chemical testing methods that are often faster and more economical than existing methods. The new paradigm requires federal agencies to ensure that new and revised animal and alternative test methods be scientifically validated prior to recommending or requiring use by industry. All 15 federal regulatory and research agencies that compose the ICCVAM agree on a common definition of validation as "the process by which the reliability and relevance of a procedure are established for a specific use."

Several years ago, thanks to the leadership of Representatives James Walsh and David Price, Congress provided specific funding for research, development and validation of non-animal and other alternative test methods that replace, reduce, or refine the use of animals in toxicity testing. To augment that funding, EPA must increase its fiscal commitment to the Computational Toxicology Program to add to its value to regulatory toxicology. We urge the Subcommittee to consider the following report language:

"The Committee recognizes the EPA's commitment to developing a Computational Toxicology Program to reduce the use of animal testing and the cost of such testing. It is the Committee's expectation that, commensurate with Committee support for fully funding the Computational Toxicology Program for the last several years, EPA demonstrate real progress not only in development of computational toxicology methods, but importantly, in validation of new and

revised test methods, non-animal methods, and alternative methods with the purpose of being utilized in regulatory program activities. The Committee encourages EPA to develop, integrate, and implement specific plans for validation studies of new and revised, non-animal and alternative methods for chemical screening and priority setting within the Agency's Computational Toxicology Program. The Committee requests that EPA submit an annual report, due by March 31 of the following fiscal year, detailing results of its Computational Toxicology program, to include a section on EPA's overall activities and itemized expenditures in a manner where both specific activities and specific expenditures devoted to validation of new, revised test methods, non-animal methods, and alternative methods are broken out from expenditures on research and development.

Additionally, finalization of the MOU between the EPA and the FDA, under which the EPA will assume the primary authority to review and register therapeutic and other products geared toward humane methods of population control, should be expedited in order to allow PZP to be utilized in a management capacity, rather than an investigational one.

Multinational Species Conservation Fund

The HSUS joins a broad coalition of organizations in requesting an increase over the Administration's request for the Multinational Species Conservation Fund (MNSCF) and Wildlife Without Borders. The MNSCF was established by Congress to benefit African and Asian elephants, rhinos, tigers, great apes, neotropical migratory birds and marine turtles. Congress has been very supportive of these programs in the past. Unfortunately in past years, the funding has been considerably less than the amounts necessary to carry out these valuable missions. We ask that you continue to support these highly threatened mammals and birds in FY 2010 by appropriating $2.75 million each for the Asian Elephant, African Elephant, Marine Turtle, and Great Ape Conservation Funds, $4 million for the combined Rhinoceros and Tiger Conservation Fund, and $6.5 million for the Neotropical Migratory Bird Conservation Fund. We also request $4 million for the Wildlife Without Borders regional program.

While we wholeheartedly support increased funding for the MNSCF, 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 MNSCF must be consistent with the spirit of the law.

Protection for Walruses

We urge this subcommittee to appropriate $500,000 in FY 10 to fund the continuation of much-needed research on the Pacific walrus. New promising methodologies for surveying walrus populations have been developed and require sustained funding support. A comprehensive walrus survey was begun in 2005 – the effort must receive continued support to maximize the utility of its results. Walruses are targeted by Native hunters for subsistence, despite a paucity of data regarding their current population status or population structure. Hundreds of walruses are

killed annually; in some years this number has climbed to as many as 7,000. Moreover, in some hunting villages, females and their calves are preferentially killed, against the recommendation of the USFWS and standard management practice. A portion of the research funds could also be used to improve the Walrus Harvest Monitor Project, which collects basic management data.

Ervin Carlson, President: InterTribal Bison Cooperative

I. INTRODUCTION AND BACKGROUND

My name is Ervin Carlson; I am a member of the Blackfeet Nation in Montana and the President of the InterTribal Bison Cooperative (ITBC). 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 is a Native American non-profit organization, headquartered in Rapid City, South Dakota, comprised of fifty-five (55) federally recognized Indian Tribes in eighteen (18) 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 2010, 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, providing 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.

Federal appropriations have allowed ITBC to successfully restore buffalo to over fifty Reservations, thereby preserving the sacred relationship between Indian people and the buffalo. The respect that Indian Tribes have maintained for the buffalo has fostered a very serious, high level of commitment by ITBC member Tribes for successful buffalo herd development. 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. The primary focus of ITBC is to help develop Tribal herds that are able to provide a wholesome healthy meat product to the Tribal members while remaining economically viable in the Reservation landscape. This will allow the Tribes to utilize a culturally relevant resource in a manner that is compatible with their spiritual and cultural beliefs and patterns as a means to achieve self-sufficiency.

II. FUNDING REQUEST

The InterTribal Bison Cooperative respectfully requests an appropriation for FY 2010 in the amount of $3,000,000.00. This amount would restore ITBC nearly to the FY 2006 appropriation level and is greatly needed to successfully accomplish our 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 has been cut from the administrations FY 2007, FY 2008 and FY 2009 budgets. 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 and it member Tribes were funded through appropriations at $4,150,000.00. The Presidents budget in FY 2007 and FY 2008 eliminated funding for ITBC. ITBC was funded $1,000,000.00 in FY 2007 and FY 2008 through a Congressional appropriation. In FY 2009 ITBC was funded $1,000,000.00 through a Congressional appropriation and $421,000.00 from BIA carryover funds from FY 2008. The cuts came just as ITBC had started a successful Marketing Program and Health Initiative that addressed diet related health problems that are epidemic on most of our Reservations in a manner that would provide economic stability to the Tribal programs.

Without the restoration of funding close to the FY 2006 level new member Tribes will not receive adequate funding to begin buffalo restoration efforts. Tribes that have successfully restored buffalo to Tribal lands will not receive adequate technical assistance and resource development funds to ensure the sustainability of existing herds. Furthermore, the investment made by Congress in FY 2006 towards ITBC's health care initiative has been cut to the point of almost being non-existent. This was designed to utilize buffalo for prevention and treatment of diet related diseases among Native American populations.

ITBC is structured as 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 $10,000,000.00.

IV. ITBC GOALS & INITIATIVES

Economic Development

In 1991, seven Indian Tribes had small buffalo herds numbering less than 1,600 animals. The buffalo provided little or no economic benefit to the Tribal owners. ITBC has proven extremely successful at buffalo restoration in its 15 years of existence. Today, with the support and technical assistance of ITBC and its fellow member Tribes, 57 Indian Tribes are engaged in raising buffalo or developing plans to raise buffalo and incorporate them into their daily lives. ITBC and the member Tribes have restored approximately 15,000 buffalo back to Tribal lands for use by the Tribes and their members.

Many of these Tribal buffalo programs have developed herds large enough to justify plans for marketing products as a step towards self sufficiency. Because of the depressed economies on the Reservations jobs are scarce and in this arena buffalo restoration efforts on the Reservations have created hundreds of direct and indirect jobs relating to buffalo

management and production. As a result, a significant amount of revenue derived from buffalo products is beginning to circulate through Indian Reservation economies.

However, Tribes must have the resources to build solid foundations for this new industry to become fully self sufficient and maintain sustainable buffalo herds. ITBC provides critical technical assistance to member Tribes that have developed sustainable management and infrastructure development plans. Additionally, ITBC provides training curriculum for the newly created jobs and marketing plans as Tribal herds reach marketing capabilities. ITBC has begun implementation of a marketing initiative to provide member Tribes with viable marketing options for utilization of buffalo as economic development efforts. This marketing initiative is in an infancy stage and renewed funding is critical to achieve success.

Tribal Buffalo Marketing Initiative

ITBC member Tribes face a multitude of obstacles when trying to get their buffalo to market. The remoteness of the Reservations means having to transport buffalo long distances to processing plants and this results in higher operating costs. The quality of meat is also negatively impacted by introducing an increased amount of stress on the buffalo. Further compounding the problem is the reluctance of some processing plants to process range fed buffalo and the requirements of some buyers that animals be corn finished in a feedlot situation. Some buyers also require USDA certification which means USDA inspected processing plants must be used which increases transport time. ITBC believes this lack of a constant supply chain that is cost effective is what is limiting the economic development of Tribal buffalo herds.

ITBC has assisted the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community in northern Montana with the development of a meat packing facility acquired by the Tribe in Malta, Montana. They have also begun to operate a smoke house in addition to the packing plant. ITBC has assisted the Cheyenne River Sioux Tribe in South Dakota with operation of their meat packing facility. ITBC has provided assistance to the Ponca Tribe of Nebraska for a tannery that the Tribe has started to produce brain tanned hides. ITBC has set up an arrangement in which the Yakama Nation of Washington supplies buffalo meat to a Tribal enterprise of the Confederated Tribes of Umatilla in Oregon. ITBC believes the creation of locally driven, regional marketing plans will help to overcome the remoteness of the Reservations. Tribally owned processing plants would decrease the transportation time and increased cold storage capacity would also be very beneficial to ensuring a consistent supply of product for marketing ventures. ITBC will provide technical assistance in the areas of meat processing, cold storage facility development, processing plant enhancement, development of distribution and supply systems for buffalo meat and by-products and development of a cooperative brand name with standards and labeling guarantees for Native American produced buffalo.

Preventive Health Care Initiative

ITBC is committed to providing buffalo meat to Indian Reservation families both as an economic development effort for Native American producers and, more critically, as a healthy food to reintroduce into the diets of Native American populations. Current research indicates that the diet of most Indian Reservation families includes large amounts of high cholesterol, processed meats that contribute to diabetes, obesity, cardio-vascular disease and other diet related illnesses.

ITBC member Tribes were just beginning to implement a preventive health care initiative with FY 2006 funding that provided easy access to buffalo meat on Indian Reservations and educated Indian families on the health benefits of range fed buffalo meat. The decrease in funding has led to the elimination of the majority of the program with only the educational program still inexistence. A restoration of the funds will allow the program to operate at the FY 2006 level.

Generally, buffalo meat is not sold in small quantities at the Reservation grocery and convenience stores which leaves Indian families with few alternatives to the high fat, high cholesterol, processed meats stocked in Reservation stores. Buffalo meat if available is usually priced out of the affordable price range of the Tribal families. ITBC seeks to remedy this concern by providing buffalo meat in family sized quantities to Reservation markets and interact with the Federal Food programs. ITBC will work with federal food programs to make buffalo meat available through the local school systems and local community health networks working on addressing diabetes and other health issues.

V. CONCLUSION

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, which will allow ITBC to continue the restoration efforts and restore the marketing and health initiative program started in FY 2006.

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 26, 2009

The Izaak Walton League of America appreciates the opportunity to submit testimony concerning appropriations for fiscal year (FY) 2010 for various agencies and programs under the jurisdiction of the Subcommittee. The League is a national, nonprofit organization founded in 1922. We have nearly 37,000 members and more than 270 community-based 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 primarily by the U.S. Fish and Wildlife Service and the U.S. Environmental Protection Agency.

Departments of Interior and Agriculture, Land and Water Conservation Fund

The League is very encouraged by the President's proposal to increase funding for the Land and Water Conservation Fund (LWCF) to approximately $420 million in FY 2010 with the goal of fully funding LWCF programs at $900 million by 2014. The League strongly supports full funding and its members reaffirmed this commitment last year by adopting a resolution during our National Convention endorsing this goal. It is important to begin to reinvest in strategic land acquisition to protect critical habitat, provide recreational access, and to buffer against the likely impacts of climate change. The dramatic decline in acquisitions over the past eight years is particularly acute across the National Wildlife Refuge System. An independent analysis last year of Refuge System performance by Management Systems International (MSI) determined that the System has been ineffective in strategic land acquisition mainly because of a precipitous drop in requests to buy land. According to MSI, "[T]he number of requested properties to be added to the Refuge System was 53 in FY03 and has declined every year since. In FY08 only **two** properties were requested for addition to the NWRS – **despite the FY07 LAPS priority list being composed of 128 available properties**." (emphasis added) Acquisition needs are also high across other federal land management agencies and we encourage the Subcommittee to approve the President's request.

Department of Interior, Youth Education and Involvement

We applaud the President for specifically highlighting in his budget outline the value of recruiting a new generation of hunters and anglers. According to data from the U.S. Fish and Wildlife Service, the number of hunters in America dropped from approximately 14 million to 12.5 million between 1996 and 2006. Many factors affect participation and recent research highlights the essential role that families play in introducing children to hunting. This research confirms that hunters who are active today most commonly first went hunting when they were between the ages of 10 and 12 and nearly all were introduced to hunting by a member of their family. Reversing this downward trend will require a range of strategies, and some of the most important will focus on children and families living in rural, suburban, and urban communities.

The League supports new investment in hunter recruitment and retention efforts and looks forward to learning the specifics of the President's proposal.

Fish and Wildlife Service, National Wildlife Refuge System

The League joins other members of the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 23 wildlife, sporting, conservation, and scientific organizations representing over 14 million members and supporters, in requesting $514 million for operations and maintenance of the National Wildlife Refuge System in FY 2010. We appreciate the Subcommittee's leadership in boosting Refuge System funding to $462.8 million in the FY 2009 omnibus appropriations bill. Providing $514 million in FY 2010 would be a critical first toward achieving CARE's goal of fully funding the annual operations and maintenance needs of the Refuge System by 2013.

National Wildlife Refuges across the country provide some of the most important habitat for fish, wildlife, and waterfowl. In addition, they offer incredible recreational opportunities for hunters, anglers, birdwatchers, and countless others who enjoy the outdoors. Furthermore, refuges contribute to local and regional economies generating $1.7 billion in sales and supporting 27,000 private-sector jobs. In spite of these and other benefits, funding for essential refuge operations and maintenance has not kept pace with inflation and pressing environmental, conservation, and law enforcement challenges. Today, the System has a $3.5 billion backlog in basic operations and maintenance projects. Although funding provided in the American Recovery and Reinvestment Act will support near-term maintenance projects on Refuges, additional and sustained investment is necessary over the long-term to significantly reduce this backlog.

Moreover, the Refuge System has essential daily operations needs that can only be addressed with additional budget resources. For example, the same evaluation by MSI highlighted above concluded that "[A]t many refuges, law enforcement coverage is insufficient to ensure protection of resources and the safety of visitors and refuge staff." This analysis recommended that the system double the number of law enforcement staff from 200 to "at least 400 full-time officers." Moreover, the analysis tied the law enforcement problem directly to funding stating "[I]t is highly unlikely that any meaningful progress towards improving the Refuge System's law enforcement capability (will occur) under current and expected budget allocation levels." Increasing appropriations for operations will allow the Fish and Wildlife Service to begin to boost law enforcement capability, which is important to protecting visitors, fish, wildlife, and habitat.

Fish and Wildlife Service, State Wildlife Grants

As a member of the Teaming with Wildlife National Steering Committee, the League urges the Subcommittee to provide $85 million for the State Wildlife Grants Program in FY 2010. This amount equals funding the Subcommittee provided in its FY 2009 bill.

The State Wildlife Grants Program supports 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 support state and community-based efforts to safeguard habitat and wildlife before either reaches the tipping point. This program also provides states with an important source of federal funds to address non-game species. Finally, the federal investment leverages significant funding from private, state, and local sources.

Fish and Wildlife Service, Threatened and Endangered Species

The League joins Defenders of Wildlife in requesting a total of $217 million for the endangered species operating accounts, an increase of $59 million over FY 2009. These amounts will help the Service to make progress on listing the 252 candidates awaiting protection under the Endangered Species Act, overseeing recovery of listed species, adequately addressing the workload of consultations, and effectively monitoring hundreds of Habitat Conservation Plans covering millions of acres and federal projects subject to Section 7 consultation.

Environmental Protection Agency, Clean Water State Revolving Fund

The League appreciates the steps the Subcommittee took to provide $689 million for the Clean Water State Revolving Fund (SRF) in the FY 2009 omnibus appropriations bill. In light of the President's request for $3.9 billion for the Clean Water and Drinking Water SRFs, we urge the Subcommittee to provide $1.35 billion for the Clean Water SRF in FY 2010. Nationwide, broken sewer pipes and overflows spill more than one trillion gallons of untreated sewage into our waterways every year costing more than $50 billion for cleanup. These overflows pose serious risks to wildlife and human health. The SRF is a highly successful program that provides the funds needed to stop sewage contamination. However, the Environmental Protection Agency's Clean Water and Drinking Water Infrastructure Gap Analysis found a $535 billion gap between current spending and projected needs for drinking water and wastewater infrastructure over the next 20 years. An investment of $1.35 billion in the Clean Water SRF would improve water quality, protect public health, and provide jobs across the country.

Environmental Protection Agency, Great Lakes Restoration

The League is also very encouraged by the President's proposal to develop a new $475 million initiative to protect and restore the Great Lakes. 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 other problems. The eight states that border the Lakes and many non-governmental organizations have invested significant resources to preserve these national treasures; however, federal government investment is 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. The League urges the Subcommittee to support the request from the Administration for new investment in Great Lakes restoration.

Environmental Protection Agency, Great Lakes Legacy Act

We urge the Subcommittee to include $54 million in FY 2010 to fund the Great Lakes Legacy Act. Persistent, high concentrations of pollutants remain in the bottom sediments of some of the river and harbors around the Great Lakes. These contaminants have the potential to harm people, fish, and wildlife. Funding the Great Lakes Legacy Act at its fully authorized level of $54 million will enable the cleanup of toxic sediments that threaten public health and impede economic development in the region.

Environmental Protection Agency, Non-point Source Management Program (Clean Water Act Section 319)

We join American Rivers in urging the Subcommittee to appropriate $250 million for Section 319, the Non-point Source Management Program. The FY 2009 omnibus appropriations bill provides approximately $201 million. This program provides grants to states, territories and tribes for non-point source pollution reduction activities. 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.

Environmental Protection Agency, Chesapeake Bay Program

The League commends the Subcommittee for appropriating $31 million for the Chesapeake Bay Program in FY 2009 omnibus bill. We join the Chesapeake Bay Foundation in requesting $40 million for FY 2010, including $5 million for Small Watershed Grants.

The Chesapeake Bay is the largest estuary on the Atlantic coast and one of the largest in the world. EPA's Chesapeake Bay Program Office (CBPO) is the primary facilitator of restoration activities by partners throughout the watershed. Although the Chesapeake Bay Program has made significant progress toward pollution reduction, habitat restoration, fisheries management, and watershed protection goals, much more work is needed to restore the Bay. For example, habitat restoration efforts are collectively less than half way to Program goals and there is concern about the overall quality of habitats that remain. Achieving these goals will require participation from citizen groups and local governments. The Chesapeake Bay Program supports stakeholder involvement through the Chesapeake Bay Small Watershed Grants. In the past nine years, the Small Watershed Grants Program has provided $17.7 million to support 544 water quality improvement and wildlife habitat restoration projects. These grants have been used by recipients to leverage an additional $50.7 million from other funding sources. The League supports maintaining the investment in the Program Office with particular emphasis on boosting support for Small Watershed Grants.

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Testimony Submitted to the
House Interior and Related Agencies Appropriations Subcommittee
for the Fiscal Year FY2010 Budgets for BIA & IHS
Jamestown S'Klallam Tribe, Washington State
March 25, 2009

On behalf of the Jamestown S'Klallam Tribe, I want to thank this Subcommittee for the opportunity to submit this written testimony on our funding priorities and requests on the Fiscal Year 2010 Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) budgets. We have long appreciated this Subcommittee's support of our funding requests.

Tribal-Specific Appropriation Priorities

1. **$1.46 million Land Purchase for Tamanowas Rock Sanctuary Project**
2. **$200,000 Increase to BIA Tribal Base Budget for Fish & Wildlife Management**
3. **$10.92 million to Support Construction of a Medical Clinic Serving Medicare/Medicaid and Other Low-Income Clients.**

Local/Regional Requests and Recommendations

We support all requests and recommendations of:

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

National Requests and Recommendations

BIA Requests:

1. Provide **$25 million General Increase to BIA Tribal Priority Allocation** for inflationary and fixed costs; and,
2. Provide **$57 million** increase for **BIA Contract Support Cost (CSC), including Direct CSC**

IHS Requests:

3. Provide **$470 million for IHS mandatory, inflation and population growth** increase to maintain existing health care services;
4. **$152 million** increase for **Contract Health Services (CHS)**;
5. **$143 million** increase for **IHS** to fully fund **Contract Support Cost (CSC), including Direct CSC**; and,
6. Increase **$5 million** to the Indian Health Service (IHS) **Office of Tribal Self-Governance**

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

Tribal-Specific Appropriation Justification:

1. $1.46 million 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 and local community have been working for more than 10 years to try to protect the property where the Rock is located 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. The local community and the Tribes now seek funds to purchase the land temporarily secured by the loan and purchase 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
The U.S. government formally recognized the Jamestown S'Klallam Tribe in 1981. Jamestown is one of four Tribes that signed the Point No Point Treaty with the U.S. government in 1855. The BIA began contracting with the Tribe 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. In its efforts to contract with Jamestown for basic fisheries management services, the BIA decided to provide only enough funding to slightly expand PNPTC rather than providing funding of sufficient quantity for Jamestown to operate a fisheries program of the same size as the other three Tribes. Following the implementation of the Self-Governance Initiative, the distribution of contracted funds to each PNPTC member tribe was based on funding history, thus Jamestown received a significantly smaller portion of the PNPTC base funding than received by 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. ***The $200,000 increase to our Self-Governance base is needed to implement these essential treaty fish and wildlife management services.***

3. $10.92 million to Support Construction of a Medical Clinic Serving Medicare/Medicaid and Other Low-Income Clients.

The Sequim and Port Angeles areas of Clallam County are designated a Primary Care Health Professional Shortage Area (HPSA) due to the low income and Medicaid population and the lack of access that these populations have to medical and dental care. The Tribe, in order to afford quality health care for its Members, serves a large non-Indian population of underserved individuals and families who cannot reasonably find care elsewhere. Unlike many other Tribes, the Jamestown S'Klallam Tribe

does not receive direct care funding from IHS to support the operation of its medical clinic. Making medical clinic services available to an underserved group of non-Indians provides enough income and patient base to operate a medical clinic. Profit from clinic operations is used to fund health services for Tribal citizens and to make up the shortfall in Indian Health Service funds to fulfill federal Treaty obligations.

The Tribe is proposing to construct a 35,407 square-foot health care clinic and 94-vehicle parking area. The clinic will serve both Tribal members and non-Tribal members. The primary purpose of this project is to respond to a documented need to provide health and wellness services to the residents of Sequim, Clallam County, and to low- and moderate-income people of the surrounding communities. The project will be located on 2.5 acres of land as part of the Olympic Medical Clinic Campus in Sequim, Washington.

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 Priorities:
BIA REQUESTS
Historically, the discretionary funding levels for programs intended to assist Native Americans through the Bureau of Indian Affairs has fallen dangerously short. Native Americans living on Tribal lands do not have access to the same services and programs available to other Americans, even though the government has a binding trust obligation to provide these services. In fact, the Congressional Research Service (CRS) found that between 1975 and 2000, funding for the BIA and the Office of Special Trustee declined by $6 million yearly when adjusted for inflation. Furthermore, between FY 2004 and FY2007 the BIA budget fell significantly from $2.8 billion to $2.2 billion. Funding cuts and the reallocation of funds for non-Tribal use increased the level of unmet need in Indian Country.

1. **Provide $25 million (10% increase over FY2009) for General Increase to BIA Tribal Priority Allocation for Inflationary and Fixed Costs.**
   TPA is one of the most important funding areas for Tribal governments. It covers such needs as economic development, general assistance, and natural resource management. Since Tribes have the flexibility to use TPA funds to meet the unique needs of their individual communities, they are the main resource for Tribes to exercise their powers of Self-Governance. However, from 1998 through 2004, BIA's funding for Tribal Priority Allocations declined from 42% of BIA's budget to only 33.3%. In 2000, TPA funding was so inadequate that the estimated need was $2.8 billion. According to the budget statistics compiled by the National Congress of American Indians (NCAI), inadequate TPA funding reaches back two decades and has prevented Tribes from exercising Self-Governance.

2. **Provide $57 million Increase for BIA to Fully Fund Contract Support Cost (CSC), Including Direct CSC**
   The BIA estimates that the FY 2007 CSC shortfall was approximately $54 million ($143 million in CSC appropriations versus $197 million in allowable CSC need). Additionally, $3 million is needed annually for administrative costs for new and expanded programs (Indian Self-Determination [ISD] Fund). The lack of CSC dollars diminishes the administrative capacity of Indian Tribes to deliver quality programs and services to our citizens. The Tribal administrative personnel hired with CSC

dollars help ensure accountability and transparency in our administration of federal programs. The Indian Self-Determination and Education Assistance Act (ISDEAA), Public Law 93-638, mandates that Indian Tribes be paid these costs. There is no other government contractor that is forced to subsidize federal contracts.

IHS REQUESTS

The President's proposed increase for the IHS is projected to be $415 million over the FY2009 enacted level. Until the full budget details become available, the effect of the President's proposal cannot be fully evaluated.

3. **Provide $470 million for IHS Mandatory, Inflation and Population Growth Increase to Maintain Existing Health Care Services**
   - Mandatory costs increases are necessary to maintain the current level of services. These *"mandatories"* are unavoidable and include medical and general inflation, pay costs and population growth.

4. **Provide $152 million Increase for Contract Health Service (CHS)**
   - $152 million increase is needed for contract health funding. This level will allow those Tribes who are not served by an IHS Hospital to provide health care services at the same level as those Tribes who are served by an IHS Hospital.

5. **Provide $143 million for IHS to Fully Fund Contract Support Cost (CSC), Including Direct CSC**
   - On March 1, 2005, the United States Supreme Court issued a unanimous decision in *Cherokee Nation and Shoshone-Paiute Tribes v. Leavitt* lawsuit, which powerfully reaffirms the enforceability of government contracts between Indian Tribes and agencies such as IHS and BIA.
   - The Court's ruling compels corrective action from Congress, where historically insufficient funds have been appropriated to pay government contracts with Tribes, while all other government contracts are fully paid (through supplemental appropriations, if necessary).

6. **Increase $5.0 million to the Indian Health Service (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. There are over 330 Self-Governance (SG) Tribes with funding totaling $1.0 billion; this is 57% of all federally-recognized Tribes and 33% of the overall IHS funding. Tribes continue to enter into SG resulting in a need for additional OTSG staffing.

Support all requests and recommendations of the National Congress of American Indians and National Indian Health Board.

- The leadership of the Jamestown S'Klallam Tribe remains actively involved in both NCAI and NIHB and has participated in numerous national forums to discuss and prioritize program funding and budgets. We are extremely supportive of the requests from these organizations.

STATEMENT OF KERN COUNTY

VALLEY FLOOR HABITAT CONSERVATION PLAN

INDUSTRY AND GOVERNMENT COALITION

SUBMITTED TO THE

APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR AND RELATED AGENCIES

UNITED STATE HOUSE OF REPRESENTATIVES

BY:

TED JAMES - PLANNING DIRECTOR
KERN COUNTY PLANNING DEPARTMENT

SUZANNE NOBLE - MANAGER, PRODUCTION REGION AND STATE WASTE ISSUES
WESTERN STATES PETROLEUM ASSOCIATION

LES CLARK - EXECUTIVE VICE PRESIDENT
INDEPENDENT OIL PRODUCERS ASSOCIATION

GEORGE GOUGH - ENVIRONMENTAL TEAM LEADER
OCCIDENTAL OF ELK HILLS, INC.

DAN BARTEL, ENGINEER MANAGER
BUENA VISTA WATER STORAGE DISTRICT

March 26, 2009

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 2010. 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. 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 implement the KCVFHCP. The County's local oil and gas production industry and Water Districts have contributed over $550,000 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. 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 2010 and $500,000 for fiscal year 2011.

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 urgency 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 efforts and the urbanization that is occurring. Since Kern County is the top oil producing county in the nation and experiencing rapid urban 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 industry activities 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, agricultural 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 is based on 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 2010.

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. The KCVFHCP program will be completed in 2010, 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 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 urban 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 2010 appropriation to support implementation of this significant program.

TESTIMONY SUBMITTED BY
THE LAND AND WATER CONSERVATION FUND COALITION
TO THE
HOUSE APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT AND RELATED AGENCIES CONCERNING
FISCAL YEAR 2010 APPROPRIATIONS FOR THE LAND AND WATER
CONSERVATION FUND AND THE FOREST LEGACY PROGRAM

MARCH 26, 2009

This testimony is submitted on behalf of the following partner groups working together as the Land and Water Conservation Fund (LWCF) Coalition to promote full funding for the Land and Water Conservation Fund, federal and stateside, and Forest Legacy Programs.

Adirondack Mountain Club (NY) ♦ American Canoe Association ♦ American Hiking Society ♦ American Land Conservancy ♦ American Whitewater ♦ Appalachian Mountain Club ♦ Appalachian Trail Conservancy ♦ Civil War Preservation Trust ♦ Cooks Creek Watershed Association (PA) ♦ Defenders of Wildlife ♦ Defense of Place (CO) ♦ Delaware River Greenway Partnership (PA) ♦ East Coast Greenway Alliance (RI) ♦ Eastern Forest Partnership ♦ Friends of Congaree Swamp (SC) ♦ Friends of Virgin Island National Park ♦ Georgia River Network ♦ Highlands Coalition ♦ Hudson Highlands Land Trust (NY) ♦ Housatonic Valley Association ♦ Kent Land Trust (CT) ♦ Kittatinny Group, PA Sierra Club ♦ The Land Conservancy of New Jersey ♦ Maine Appalachian Trail Land Trust ♦ Monroe Highlands Conservancy (NY) ♦ Montgomery County Lands Trust (PA) ♦ Musconetcong Mountain Conservancy (NJ) ♦ Naromi Land Trust (CT) ♦ National Association of State Park Directors ♦ National Park Trust ♦ National Parks Conservation Association ♦ National Recreation and Park Association ♦ National Wildlife Refuge Association ♦ The Nature Conservancy ♦ New Jersey Conservation Fund ♦ Nez Perce Trail Foundation ♦ North Country Trail Association ♦ Northern Forest Alliance ♦ Outdoor Alliance ♦ Outdoor Industry Association ♦ Orange County Land Trust (NY) ♦ Pacific Crest Trail Association ♦ Parks & Trails New York ♦ Partnership for the National Trails System ♦ Ramapo River Watershed Intermunicipal Council (NY/NJ) ♦ Southern Appalachian Forest Coalition ♦ Southern Appalachian Highlands Conservancy ♦ Swan Ecosystem Center (MT) ♦ The Trust for Public Land ♦ Virginia Association for Parks ♦ Western Pennsylvania Conservancy ♦ Western Rivers Conservancy ♦ The Wilderness Society ♦ Winter Wildlands Alliance ♦ Wildlands Conservancy, Inc. (PA)

Chairman Dicks and Ranking Member Simpson and other members of the Subcommittee, thank you for the opportunity to submit testimony. We begin this statement by

applauding the Subcommittee for the increases in the Land and Water Conservation Fund (LWCF) and Forest Legacy Program (FLP) funding contained in the Fiscal Year 2009 Omnibus Appropriations bill. We are equally delighted by increases for these programs proposed in the Fiscal Year 2010 Obama Administration budget along with the commitment to reach full funding of the LWCF in the next five years.

The LWCF Coalition is made up of more than 50 groups including land trusts, trails and outdoor recreation organizations, fish and wildlife groups, state parks agencies and foundations, as well as other conservation organizations working to achieve full funding for the LWCF and the FLP. We urge the Subcommittee to set the course towards this goal by including substantial funding increases in the Fiscal Year 2010 Interior appropriations bill for these two important programs. We recommend increasing the funding of federal LWCF to $325 million, stateside LWCF to $125 million, and the allocation of $125 million for the Forest Legacy program.

We thank the Subcommittee for its leadership and continued support of these essential programs. Despite the best efforts of this Subcommittee and other Congressional leaders, the LWCF has suffered dramatic funding cuts in the past decade. Over the program's forty-four year history only once has it been fully funded at the congressionally authorized level of $900 million annually. Today we face an extensive and growing backlog of land acquisition needs in our national parks, national wildlife refuges, national forests, Bureau of Land Management (BLM) units and other federal lands. Critical resource and recreational properties are being lost to inappropriate development that compromises management objectives and undermines resource protection across our federal lands. Willing-seller landowners with conservation intent, wishing to see their property protected, wait years with no measurable prospect for federal acquisition of their property. America's irreplaceable wildlands, woodlands, farmlands, fish and wildlife habitats, scenic areas, historic sites, trails and neighborhood parks are being developed, fragmented, and otherwise sacrificed because there is simply not enough LWCF money to go around.

The LWCF is a vital funding mechanism creating significant environmental, economic and cultural benefits. Lands protected through the program include wilderness access points, river corridors popular with paddlers and anglers, endangered species habitat, beaches, campgrounds, historic battlefields, and pristine mountain forests. Eighty percent of the lands acquired with LWCF funds lay within the existing boundaries of federal parks, refuges, forests, or recreation areas. Within our national parks alone, 1.9 million acres of inholdings identified for protection remain to be acquired and may be developed if they are not conserved.

The state grants component of the LWCF is in equal distress from insufficient funding. This program supports the protection of recreation lands and the development of parks at the state and local level to provide accessible, close-to-home recreation. These matching grants enable communities, counties, and states to acquire land and to build or improve recreational facilities. Despite low funding levels, the program has distributed funds to almost every county in the country for over 41,000 projects including creating parks,

playgrounds, recreation facilities, trails, and preserving forests and wildlife habitat. Across the nation over 6,600 state parks and countless local parks depend on this federal partnership to help meet land acquisition and park infrastructure needs. Forty-four states recently reported that less than five percent of park funding needs are currently being met. The federal partnership is largely missing from the funding equation and the social and economic benefits of these parks cannot be overstated. With soaring child obesity rates, spending time with children out-of-doors can inspire a lifetime of healthy exercise and outdoor activity. Today we better understand that outdoor play contributes to a child's development on many levels including their capacity to be creative and problem solve, as well as their emotional and intellectual development.

In 1990, Congress created another important tool to help protect forests. The Forest Legacy Program (FLP), administered by the U.S.D.A. Forest Service (USFS), helps to preserve working forestlands threatened by conversion/development. This program leverages federal funds with state and private monies to permanently protect forested properties by direct fee title purchase or through conservation easements. FLP enables landowners and communities to retain ownership of forestland and to continue to earn income from these resources through sustainable timber harvesting. This program also conserves open space, wildlife habitat, and clean water, and ensures continued opportunities for public recreation. To date, this program has protected over 1.7 million acres in 36 states and Puerto Rico. A total of $381 million of federal funds have been matched by $484 million in non-federal funds and donations, making the federal share only 44 percent of overall project costs. FLP funding has steadily diminished from a height of $69 million in Fiscal Year 2003, while demand for funding has steadily increased. For Fiscal Year 2010, the USFS received 84 project proposals from 44 states and territories to protect 288,530 acres with a total project value of over $363 million.

In the face of the current economic downturn, we cannot underestimate the power public lands can have in turning the tide. Tourism dollars and visitation to our parks and public lands can serve as an economic engine for local and regional economies. Each year millions of Americans visit our public lands to enjoy hiking, wildlife watching, hunting, fishing, climbing, camping, mountain bicycling, horseback riding, photography, paddling and boating, cross-country and backcountry skiing, snowmobiling, and outdoor education and interpretation. The Outdoor Industry Association reports that recreation contributes $730 billion annually to the U.S. economy. Investment by the Congress in the LWCF will yield greater public benefits now, than perhaps in any time in recent history. With property values significantly down from just a year ago, timely acquisition funding will make a real difference in addressing the backlog of federal agencies' land acquisition needs. In this market, public agencies can better compete with private buyers and developers, and can stretch LWCF dollars even further.

A 2006 economic assessment of the National Park System produced by the National Parks Conservation Association determined that national park visitors spend over $11 billion annually in communities surrounding parks, generating $13.3 billion in local sales and supporting 267,000 jobs. Similarly, a recent Fish and Wildlife Service report, *Banking on Nature*, revealed that the 40 million annual visitors to national wildlife

refuges generate more than $1.7 billion in annual sales to local economies, resulting in the creation of 27,000 jobs and generating more than $542 million in employment income. State parks in California generate almost $3 billion for adjacent local economies, providing a return of two dollars in state taxes for every dollar spent on maintenance and operations in state parks. Today, California State Parks alone could put 2,620 people to work on 23,000 projects over the next five years if adequate funds were made available.

The LWCF and Forest Legacy Programs are needed now more than ever to protect watershed, wildlife and local economies. Fighting wildfires along the wildland-urban interface is costing the American taxpayer billions of dollars annually and is having huge impacts on federal agency budgets, particularly the BLM and USFS. Using the LWCF for strategic land purchases in and adjacent to public lands to prevent private development in the most fire prone areas will allow agencies to implement better fire prevention management in these critical zones. Furthermore, the Forest Legacy Program provides states and private landowners with a tool to maintain key areas as working forests and to prevent inappropriate development.

Drinking water quality and quantity greatly depend on the protection of forestlands, grasslands, and wetlands ranging from high elevation watersheds to coastlines. These acres filter pollutants, prevent erosion along rivers, and decrease the costs and damage from floods and storms. Headwaters, river corridors, lakeshores, and estuaries also provide critical natural habitat and migratory corridors for fish and wildlife. The American public deeply values the protection of water resources. A 2008 summary of local and statewide polls conducted nationwide ranked clean water as the top conservation concern for 88 percent of the people polled. Protection of land and water through LWCF purchases in and around our national forests, parks, refuges and other conservation areas helps maintain the long-term integrity of our nation's water quality and water supplies. Maintaining working forests with Forest Legacy dollars provides a critical tool to protect valuable community watersheds.

Today, the 682 million acres of federal land and waterways provide a critical opportunity to address the unprecedented challenges that climate change poses to our forests, fish and wildlife, and riparian resources. The strategic acquisition of key inholdings, buffer areas, and wildlife migration corridors within and adjacent to existing public lands enhances adaptation efforts and fosters intact landscapes. These natural areas also store carbon, buffer flooding, conserve water, and support healthy fisheries and wildlife populations. Hand-in-hand with mitigating the deleterious impacts of our environment from burning fossil fuels is the need to respond to climate change with a foresighted investment in land protection and natural resource adaptation across the federal public lands.

In closing, we thank the Subcommittee for your continuing leadership on federal land conservation. The LWCF Coalition stands ready to work with you to secure full and consistent funding for the LWCF and FLP. Thank you.

Testimony submitted on behalf of the LWCF Coalition by Maddy Pope, Director of National Outreach, The Trust for Public Land maddy.pope@tpl.org

Testimony in Support of FY2010 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 26, 2009

The League of American Orchestras urges the subcommittee to approve Fiscal Year 2010 funding for the National Endowment for the Arts (NEA) at a level of $200 million. Congressional support for the NEA has strengthened in recent years, evidenced by meaningful funding increases, particularly in FY08 when Congress approved a $20.3 million restoration of NEA funds and in FY09 when Congress approved a $10.3 million increase. Still, the NEA has yet to recover from a 40 percent budget cut in FY96 and the current level of funding for the NEA is still well below the 1992 appropriation of $176 million.

Founded in 1942, the League of American Orchestras is the national service organization for symphony, chamber, youth, and collegiate orchestras. Orchestras exist in all 50 states, in virtually every community. We estimate that there are approximately 1,800 orchestras in the United States, with annual budgets ranging from less than $12,000 to more than $83 million. Orchestras in this country are supported by a network of citizens that sustain the presence of music in their communities - instrumentalists, conductors, managers, board members, volunteers, staff members, and business partners.

As a nation we have long turned to the arts for their unique capacity to offer comfort in times of distress, to provide meaning amidst uncertainty, to spark unity during conflict, and to mark many of our most historically significant moments. America's orchestras give voice to the creativity of individuals, the composer, and the listener; and they serve their communities through education, partnerships, community engagement, and by bringing people together to share the experience of music. Direct funding from the NEA is just one element of federal leadership that supports the presence of orchestras

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in communities nationwide. More than 40 years of support from the NEA has increased the capacity of orchestras to serve and strengthen communities across our country.

A significant increase in funding will expand the NEA's ability to serve the American public through grants supporting and promoting the creation, preservation, and presentation of the arts in America through the NEA's core programs – Access to Artistic Excellence, Challenge America: Reaching Every Community, Learning in the Arts for Children and Youth, and Federal/State partnerships – and through important national initiatives.

In Fiscal Year 2008, the NEA's Grants to Organizations included 122 grants to orchestras and the communities they serve, supporting arts education for children and adults, preserving great classical works, fostering the creative endeavors of contemporary classical musicians, composers, and conductors, and expanding public access to performances.

NEA Funding Leads to Increased Public Access to the Arts

The NEA, together with the arts organizations that receive federal support, is committed to improving public access to the arts. NEA grants reach every Congressional district in the country. Grants awarded to orchestras through the Access to Artistic Excellence program support educational activities, concerts, festivals, professional development, and residencies in communities across the country. With federal support, orchestras are extending the reach of their activities beyond their home cities, bringing music to communities in surrounding towns and regions. The Powder River Symphony, for example, was able to bring its Starry Skies program to rural northeast Wyoming. Thanks in part to NEA support, music director Steven Trimble and the Powder River Symphony will be able to offer orchestral and jazz repertoire with double bassist Hans Sturm and jazz vocalist Jackie Allen to the cities of Gillette and Sheridan, Wyoming this Spring.

In addition to the Access to Artistic Excellence program, the Challenge America: Reaching Every Community Fast-Track Review Grants offer support to small and mid-sized organizations for projects that extend the reach of the arts to underserved populations. These communities do not frequently have the opportunity to experience the arts due to limitations of geography, ethnicity, economics, or disability. The Richmond Philharmonic is a Challenge America grant recipient, which received assistance to help run the "Discover the Orchestra" program, featuring cellist Andre Gaskins, which targets inner-city residents. Another Challenge America grant recipient utilizing NEA funds to broaden access to the arts is the Williamsport Symphony Orchestra, which produced a concert performance, master classes for college students, a pre-concert demonstration for middle school students, and a workshop for low-income families, all featuring percussionist Lisa Pegher.

NEA-Funded Arts Programs Nurture Diversity and Multicultural Awareness

Americans enjoy a rich and diverse cultural heritage in the arts, and NEA grants to orchestras allow for creative expression to overcome cultural divides in order to help improve our ability to understand and honor our history. The arts wonderfully showcase the diversity of our society and provide a vehicle to engage and connect with audiences across our country. Orchestras such as the Atlanta Symphony and Chicago Sinfonietta dedicated tributes to Dr. Martin Luther King, Jr. with the support of the NEA. The Atlanta Symphony Orchestra's 17th Annual "A King Celebration" honored the life and work of Dr. King; in collaboration with Morehouse College, the project includes performances, educational outreach activities, and a national radio broadcast. The Chicago Sinfonietta, meanwhile, offered a series of concerts and related educational activities in honor of Dr. King. Music programming was inspired by oceans, lakes, and rivers and one concert reached out to the rising generation of musicians by featuring young opera singers.

Orchestra programming increasingly reflects the cultural diversity of cities large and small, such as the programs offered by the Los Angeles Philharmonic, the Louisiana Philharmonic, Philadelphia Classical Symphony, and Portland Symphony Orchestra in the 2009 fiscal year. The Los Angeles Philharmonic's California Festival explores the state of California as a national cultural nexus, for example. The festival features orchestral, jazz, and popular music concerts and also offered a symposium and multidisciplinary events. The Louisiana Philharmonic Orchestra's "Purely Percussion" program will showcase a wide variety of percussion instruments and include community activities honoring Euro-Afro-Latin-Caribbean drumming traditions of New Orleans. Meanwhile, the Philadelphia Classical Symphony's "First Pennsylvanians" project is based on the culture of the Lenni-Lenape Indians of Delaware. Composers Curt Cacioppo and Maurice Wright have been commissioned to compose new works and participate in an artist residency to include educational programming for school children in Philadelphia and surrounding counties. Lastly, the Portland Symphony Orchestra will mark its 2008-2009 season finale by pairing Stravinsky's *Rite of Spring* with a Senegalese drumming concerto, the performance of which is made possible in part by NEA support.

NEA Funding Encourages New Works and Programming

NEA grants to orchestras help support the creative capacity of America's musicians and composers. By identifying and supporting projects that connect the arts – and artists – to their broader communities, the NEA encourages creative collaboration and building artistic strength. Projects supported by the NEA must demonstrate artistic excellence and a strong capacity to reach new audiences. Orchestras such as the Los

Angeles Chamber Orchestra, Oakland East Bay Symphony, and ProMusica Chamber Orchestra are examples of NEA-assisted orchestras that are in turn supporting new works or performances of works by living American composers. The Los Angeles Chamber Orchestra utilized its NEA grant for its 40th Anniversary New Music Initiative, which includes the commissioning and premiere of new works by three composers: Damian Montano, Lalo Schifrin, and Christopher Theofanidis. The Oakland East Bay Symphony, a regional orchestra dedicated to reaching individuals in the community who might otherwise never hear live symphonic music, received NEA funding to premiere works by American composers Nathaniel Stookey and Nolan Gasser, as well as works by Peteris Vasks, Giuseppe Verdi, and Jerome Kern. The ProMusica Chamber Orchestra presents the best of traditional chamber orchestra repertoire and promotes the understanding and appreciation of contemporary American music. To that end, the orchestra received an NEA grant to support the commission and performance of a new work by American composer and violinist Mark O'Connor. His concerto for chamber orchestra and piano trio will premiere with the renowned Ahn Trio at Southern Theatre in Columbus, Ohio.

NEA Grants Uniquely Support Creativity in Communities Nationwide

Audiences across the country are currently experiencing an NEA-funded project that exhibits the hallmarks of the agency: reaching new audiences, attracting additional financial support, and providing access to the arts to communities nationwide. The "Ford Made in America" project is a collaborative commissioning, performance, and outreach project that involves smaller-budget orchestras, including at least one from each of the 50 states. On September 20 and 21, 2008 the Reno Chamber Orchestra premiered Pulitzer Prize-winning composer Joseph Schwantner's *Chasing Light...*; the Reno performance alone attracted approximately 1,000 concertgoers and National Public Radio reporter Jeff Lunden was on-hand for the concerts and prepared a feature that was broadcast on National Public Radio's news program "All Things Considered," reaching a worldwide listenership of over 10,000,000. In addition, more than 50 other participating orchestras are performing *Chasing Light...* over the course of the 2008-09 and 2009-10 seasons. Education and community engagement activities are developed specifically for this round of the Ford Made in America program, and these activities are designed to be aligned with national music education standards.

Thank you for this opportunity to illustrate the 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 $200 million in funding for the National Endowment for the Arts.

Charles D. Duncan, Ph.D., Director
WHSRN Executive Office, 76 Emery Street, Portland, Maine 04102
26 March 2009

House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
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Ladies and Gentlemen:

The Western Hemisphere Shorebird Reserve Network (WHSRN) is an international network of partners throughout the Americas whose mission is to conserve shorebirds and their habitats through a network of key sites across the in the Americas. WHSRN is non-regulatory and works by agreement with willing landowners and other stakeholders who share these goals. There are currently 74 sites in 12 nations with hundreds of site-partners participating, and over 25 million acres managed for shorebird conservation. The Executive Office of this network is a program of the Manomet Center for Conservation Sciences.

Migratory shorebirds face challenges that know no political boundaries and many are suffering from severe population declines that have been documented in the U.S. Shorebird Conservation Plan (2001). Perhaps most severe among these is the *rufa* subspecies of the Red Knot, a medium sized shorebird that breeds in the far north of the Canadian Arctic and migrates to Tierra del Fuego at the tip of southern South America. By its 14th birthday, a Red Knot has flown the distance from the Earth to the Moon.

Over just the last 8 years, the most migratory *rufa* Red Knots have undergone a population decline from some 55,000 individuals to fewer than 15,000 (Morrison and Ross, 2009 in litt). Aerial censuses in Tierra del Fuego are shown in the graph on the following page. None would deny that it is a species in serious trouble. Indeed, this subspecies is now considered a "Candidate" for Endangered Species listing under the Endangered Species Act. (Federal Register, Vol. 73, No. 238 / Wednesday, December 10, 2008 / Proposed Rules, 75176 ff)

Candidate species and subspecies are those "for which we have on file sufficient information on biological vulnerability and threats to support a proposal to list as endangered or threatened, but for which preparation and publication of a proposal is precluded by higher-priority listing actions." (Federal Register, loc. cit.) In short, there is a lack of adequate funding to ensure the continued survival of these species that constitute the most vulnerable part of our nation's natural heritage.

We respectfully urge therefore that you consider increasing the appropriations for recovery of endangered and threatened species to the point where the backlog of candidates is reduced to zero and where all at-risk species receive the federal attention they deserve.

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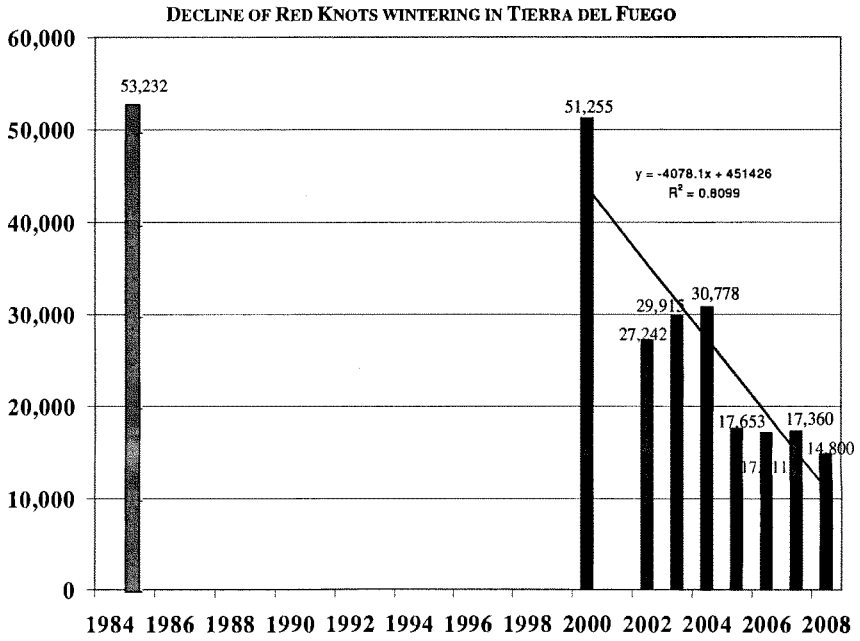
For animals as stunningly migratory as the Red Knot, our obligations derive both from our own efforts to maintain own healthy and diverse national ecosystems as well as in trust responsibilities to other nations within the species's range.

Yours very truly,

Charles D. Duncan, Ph. D.
Director, WHSRN Executive Office
Manomet Center for Conservation Sciences



Aerial counts by Morrison & Ross show a 71% decline since 2000. Counts were not made in from 1986 to 1999 or in 2001. These data are well-fitted by a line showing a steady decline of just over 4000 knots per year.

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2010 Fiscal Year Testimony of Craig S. Beskid, President Mickey Leland National Urban Air Toxics Research Center

Interior, Environment, and Related Agencies Subcommittee of the House Committee on Appropriations

The Center was Mandated by Congress and Needs A Congressional Appropriation for FY 2010 to Carry out the Mission Prescribed by Congress

The Mickey Leland National Urban Air Toxics Research Center (the Center) is requesting a $2.6 million appropriation from the U.S. Environmental Protection Agency, Science and Technology program, to continue the air quality public health research on air toxics in urban areas as directed by the U.S. Congress. The Center is a 501(c) (3) institution authorized by Congress in the Clean Air Act Amendments of 1990 (Title III, Section 301 (p)). Funding is administered by the EPA NCER.

The Center is a unique public/private research partnership. Significant funding for the Center comes from EPA Assistance Awards based upon annual Congressional appropriations. We leverage these federal funds with non-federal funds contributed from a variety of sources including foundations, local and state government, and the private sector. To further leverage our funding, the Center utilizes an administrative services agreement with The University of Texas-Houston Health Science Center (UTHSC) in the Texas Medical Center (TMC), which lowers the Center's overall costs and allows it to take advantage of the world-renowned scientific community at The University of Texas (UT) and TMC as directed by Congress, while still remaining an independent national entity. However, even with multiple funding sources and efficient leveraging of the Center's funding, this important public health research would not be possible without the annual congressional appropriation.

The Center is Unique in its Mission, Structure and Intellectual Resources

The research performed by the Center is unique and complementary to EPA's air toxics research agenda. It is not performed within EPA or other research organizations. This research would not likely be performed at all without the Center.

The Center's mission is to sponsor and direct sound, peer-reviewed scientific research on the human health effects of air toxics in underserved urban populations. The Center's research is driven by scientific questions requiring answers by policy and decision makers in government, industry, and academia, in order to improve the scientific basis of regulatory decisions. It is an integral part of the strategy established by Congress to assess the risks posed by air toxics to individuals living in areas where air quality concerns have been expressed by medical and scientific experts, and community leaders.

The Center is governed by a nine-member Board of Directors, appointed pro rata by the Speaker of the US House of Representatives, the Majority Leader of the US Senate, and the President of the United States. The Center Board appoints a 13-member Scientific Advisory Panel, selected from national research institutions, academic Centers, government agencies, and the private sector.

The Center's unique structure, organization, and intellectual resources are its source of strength. The Center is an organization dedicated to implementing its mission as a public/private research organization. Inclusion of academic, business, government, and citizen perspectives in the implementation of the Center's research mission not only fulfills the Center's mandate from the U.S. Congress; serving this public/private mindset is at the core of how the Center operates.

By embracing disparate perspectives and working together to achieve consensus on the design of an effective research program, the Center's leadership greatly reduces or eliminates the all too often occurrence of confusion and stalemate resulting from similar research studies funded by research organizations with a single type of funding source and intellectual resources.

The Center's Numerous Studies have Made Important Contributions to Public Health

Americans want to know whether they are at risk from pollutants in the air that they breathe. People who live near sources of air toxics such as major roadways, industrial facilities, or small businesses, are often especially concerned about their risk. The purpose of air quality regulation and research is to protect public health. High quality air toxics research is the only way to assess peoples' risks and give policymakers the tools they need to protect public health. The Center develops and manages air toxics research with a focus on understanding the air toxics that people are exposed to in their daily activities, and how those compounds may impact their health.

The Center's completed research is used frequently by national and state environmental and public health agencies, city and county health departments, and scientists in many disciplines. EPA depends on the data, stating, "The Mickey Leland National Urban Air Toxics Research Center contributes significantly to personal exposure approaches which will help reduce uncertainty in future risk assessments at multiple scales."

The Center has conducted over 20 major studies, each of which has made significant contributions to both regulatory initiatives and the state of the science. Results are published in major scientific journals and in the National Library of Medicine, giving policymakers and scientist access to key data[1].

The research focus in most cases is on children, asthmatics, industrial workers and communities, or underserved communities. The Center also now includes communication, education, and outreach plans in its studies, so that highly technical data is translated into useful information for community members and elected officials. Two examples of the types of research recently conducted by the Center are:

- The Houston Exposure to Air Toxics Study (HEATS) is an on-going project designed to study the relationship between personal exposures--the air people breathe as they go about their daily activities--and ambient--fixed site monitored--

[1]Research reports are available at: http://www.sph.uth.tmc.edu/mleland/Webpages/publications.htm

concentrations of air toxics by measuring personal, residential indoor, and outdoor concentrations. HEATS studies residents who live in close proximity to an industrial neighborhood near the Houston Ship Channel and a comparison group with similar demographics in Aldine. Because it has been conducted according to rigorous statistical principles, study results will be applicable to the study participants, their neighborhoods, and other, similar neighborhoods in Houston and nationwide.

- The NUATRC funded, developed, lab-and-field tested, and validated new personal exposure monitors. These monitors are able to reliably sample personal exposure to fine particles, volatile organic compounds, and aldehydes (such as formaldehyde). They represent the next generation of technology for measuring air toxics compounds, and are small, lightweight, and able to be used by children and the elderly, allowing for better measurements to be made in these underserved communities. For many years, personal exposure studies have been limited by the unavailability of personal monitors that could easily and reliably measure air toxics. Therefore, EPA, states, and local agencies have been missing critical data. The samplers have been used in many studies all over the nation. Components of the fine particle sampler are being used by the Department of Defense in the Middle East to monitor visibility impacts.

The Center Uses and Leverages Federal Research Funds Wisely

The Center operates with an efficient staff, consultants, and administrative support from UTHSC. Staff are employed by UTHSC, which eliminates the need for considerable personnel support services but affords the benefit of residence in a world class health science center. EPA leadership has commented that the Center is a very productive research organization. The Center's success in leveraging federal research funds with state regulatory agencies and private organizations has extended the value and accomplishments of the Center's research program and optimized the value added by its small, efficient staff. The Center will continue to effectively leverage its research funds.

The Center's FY2010 Appropriation Request Will Provide Key Data to Communities, Scientists and Policymakers

In 2010, the Center will continue research efforts to better understand the personal exposures of people living in urban areas to a number of the 188 air toxics defined in the Clean Air Act. From our earlier exposure studies we have achieved pioneering accomplishments in measuring levels of personal exposures to toxic air pollutants. These data point conclusively to the importance of personal exposures in terms of assessing the actual public health risk from air toxics.

The information the Center is obtaining suggests that the nation's environmental resources need to be focused on personal situations, as opposed to a continuing emphasis on fixed site urban air monitors. These fixed site monitors, which play a key role in determining overall urban air quality and air quality standard attainment, are not numerous enough or precise enough to address public health risks. ***The Center's support from Congress has***

been instrumental in creating a new scientific emphasis on personal exposure measurement. The EPA accepts and supports the importance of such approaches.

Further, the Center will expand its involvement in community-based environmental health research, an important element of our mission, as air toxics health effects may disproportionately impact the economically and medically underserved people in our urban populations.

For 2010 the Center will support several categories for individual research studies. The research category budgets are shown in the budget table below.

- The **Exposure Assessment** category includes research to characterize, collect, and assess the impact of air toxics exposure data.
- The **Health Effects** research category includes the Center's plan to continue its research funding and focus on health effects research on susceptible minority subpopulations.
- The **Technology Development and Validation** research category will support development of new personal monitors for use with susceptible populations.
- The Center's **Small Grants** program has been a successful, cost effective program to identify emerging research areas.
- The Center will continue to conduct at least one **Workshop or Symposia** per year, as this has proven to be cost-effective in advancing the understanding of air toxics health effects.
- The **Research Support** category is essential to provide funds for scientific peer-review, publications, reports, additional scientific research, quality assurance and other activities recommended by the SAP and approved by the Board.
- Investment in **Indirect Research** provides resources to fully analyze and capture the knowledge inherent in study results to provide answers to regulatory and scientific questions.

FY2010 BUDGET

Exposure Assessment	$400,000
Health Effects	450,000
Technology Development and Validation	400,000
Small Grants	300,000
Conferences, Workshops, Symposia	50,000
Research Support	100,000
Indirect Research	398,049
Administration	501,951
TOTAL	$2,600,000

The Center is engaged in work that is used by the EPA, scientists and communities to guide public health decisions. The FY 2010 appropriation is critical to the continued operation of the Center.

Legacy Roads and Trails Remediation

Statement of Michael Anderson, Senior Resource Analyst for
The Wilderness Society, Pacific Northwest Region
Before the U.S. House of Representatives Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Public Witness Day on Non-Tribal Issues
April 23, 2009

Thank you, Chairman Dicks and members of the subcommittee, for this opportunity to speak in support of the Forest Service Legacy Roads and Trails Remediation Program, for which I am requesting a $100 million appropriation in FY 2010. Two years ago, I testified before this subcommittee about the deterioration and harmful impacts of Forest Service roads and about new collaborative efforts to address this problem in Washington State and in the Skokomish River watershed of the Olympic National Forest.

Thanks to this subcommittee's leadership, Congress decided to do something about the problem by creating the Legacy Roads and Trails Remediation Program in the FY 2008 appropriations act. The Legacy Roads Program began with a $40 million appropriation to fix deteriorating Forest Service roads and trails. With that initial funding, the Forest Service planned to accomplish the following activities:

- 303 miles of roads decommissioned
- 581 miles of stream habitat restored or enhanced
- 1,783 miles of trails maintained or improved to standards
- 1,907 miles of high clearance vehicle roads maintained or improved
- 407 stream crossings constructed or reconstructed to restore fish passage
- 60,831 acres of habitat improved, at a minimum

While we await final data from the Forest Service on how much of this work has actually been accomplished, we understand that many national forests have greatly benefited from the Legacy Roads funding, especially in the Pacific Northwest.

Congress recently boosted funding for the Legacy Roads Program to $50 million in the FY 2009 Omnibus Appropriations Act. In addition, the American Recovery and Reinvestment Act (ARRA) included $650 million for Forest Service road and trail maintenance and decommissioning and other capital improvement projects. We are urging the Forest Service to spend $100 million of that amount on trails and $280 million on decommissioning unneeded forest roads and fixing needed roads. The Legacy Roads Program is an excellent way to stimulate employment in rural communities, as well as improve fish and wildlife habitat, recreational opportunities, and clean water for numerous communities. Our preliminary analysis of total economic impacts in Montana and Idaho indicates that each $1,000,000 spent on road decommissioning activities in those states generates about 22 jobs, $500,000 in wages, and $250,000 in business income.

The Wilderness Society, the Washington Watershed Restoration Initiative, and numerous other organizations across the nation are very pleased to see a steady and increasing flow of federal funding for the Legacy Roads Program. This funding stream provides an opportunity to make

serious headway on "right-sizing" the Forest Service's hugely over-built 380,000-mile road system. We believe that in FY 2010 the Forest Service should use Legacy Roads Program funds to (1) complete road analysis and identify road remediation needs, (2) work collaboratively in prioritized watersheds, and (3) focus on decommissioning unneeded roads.

Doing It Right: the Skokomish Watershed

The Skokomish River watershed in the Olympic National Forest is an excellent model of how to implement the Legacy Roads Program consistent with these three objectives. We strongly urge that other national forests follow this model.

First, the Olympic National Forest had the foresight several years ago to study its overall road system and adopt an Access and Travel Management Plan (ATM). The Olympic ATM identified one-third of the 2,250 miles of existing roads for potential closure and decommissioning, including more than 70 miles in the Skokomish watershed. Unfortunately, the Olympic is one of only a handful of national forests that have undertaken a comprehensive analysis of their entire road system. While the Forest Service adopted a roads policy in 2001 that called for such an analysis on every national forest, most forests chose to examine only their major arterial roads (maintenance levels 3-5) and ignored the smaller level 1 and 2 roads which constitute about two-thirds of the road system.

Second, the Forest Service's Pacific Northwest Region has prioritized road decommissioning and other watershed restoration work by identifying large priority basins across the region and then selecting focal watersheds within each basin. The Skokomish is the Olympic National Forest's focal watershed within the priority basin of Puget Sound. The Forest Service works closely with the Skokomish Watershed Action Team, which is a broad-based coalition that has developed a collaborative action plan to restore the Skokomish watershed. To my knowledge, no other region has systematically prioritized its basins and watersheds as Region 6 has. We believe that this is a model that each of the regions should adopt.

Third, the Forest Service has devoted the lion's share of its Legacy Roads Program dollars in the Skokomish – more than 70 percent – to road decommissioning and road-to-trail conversion. Out of a total $1.1 million allocated to the Olympic National Forest for Legacy Roads work in FY 2008, the Forest Service used $710,000 to complete 10 miles of high-priority road decommissioning and spent $40,000 on staff planning to work on another 31 miles of road in coming years. In comparison, Region 6 spent 25 percent of Legacy Roads funds on road decommissioning, while the nation-wide percentage is much less.

The only significant glitch we encountered in the Skokomish last year was the premature termination of out-year planning work due to the debilitating practice of "fire-borrowing." While the Forest Service was able to complete NEPA analysis on all 31 miles of future road remediation, only 9 miles of design work was accomplished before funding was diverted in August to pay for unanticipated fire suppression expenses elsewhere in the country.

FY 2010 Recommendations

Following are recommendations developed by The Wilderness Society and our partners in the Washington Watershed Restoration Initiative, based largely on our initial evaluation of the Legacy Roads Program's first year of implementation.

Funding Level. We recommend an appropriation of $100 million for the Legacy Roads and Trails Remediation Program in FY 2010. We believe that expanding the program and sustaining it for several years will allow the Forest Service to correct the most urgent problems and to develop long-term plans for dealing with the rest of the road system. Increased funding to right-size and improve the forest road system is essential to combating the impacts of climate change and ensuring the survival of salmon, steelhead, and many other species in the national forests.

Integration with ARRA. We also recommend that you consider ways of integrating FY 2010 Legacy Roads funds with American Recovery and Reinvestment Act funds. The ARRA is creating thousands of jobs in the private sector by providing funds for the Forest Service to implement "shovel-ready" projects such as forest road maintenance and decommissioning. However, the Forest Service is not using ARRA funds to conduct the road analysis, NEPA planning, and design work that are necessary to build a "pipe-line" of future projects. Some funds for that essential staff planning work could come from the Legacy Roads Program, especially in FY 2010 and 2011 when ARRA funds are available for project implementation.

Roads Analysis. As discussed previously, the Forest Service needs to get serious about completing comprehensive roads analysis, including the level 1 and 2 roads that have generally been overlooked and neglected to date. Level 1 and 2 roads have not only been overlooked in planning but also have been given short shrift in maintenance, leaving these routes the most degraded and the most damaging to watersheds. We are glad that the conference report for the FY 2009 Omnibus Appropriations Act included direction to the Forest Service to use existing regulatory authorities to evaluate its entire transportation system and identify unneeded roads. The 2001 roads policy provides all the necessary authority and procedural guidelines to the Forest Service; what the agency needs now is funding and continued direction from Congress and the Administration to implement it. Therefore, we recommend that the FY 2010 appropriations bill specify that Legacy Roads funds can and should be used to complete roads analysis, including identification of the minimum road system needed on each forest and a list of priorities for road decommissioning.

Right-sizing vs. Down-grading the Road System. Funding provided by both the Legacy Roads Program and the ARRA should allow the Forest Service to reevaluate the entire road system in an effort to right-size it. In recent years, rather than eliminating unneeded roads, the Forest Service's strategy has been to "shrink" the system by down-grading the maintenance level categories of the roads. For example, in the Pacific Northwest the Forest Service has cut in half the size of the road system that is maintained for passenger cars during the past two decades, while total road mileage has remained nearly constant at about 92,000 miles. This cost-cutting approach completely fails to address the ecological impacts of poorly maintained roads and will result in increased mitigation costs over the long-term as under-maintained level 1 and 2 roads are more likely to fail in the future. The Forest Service needs a new, environmentally responsible strategy to restore forest watersheds and create healthy, resilient ecosystems by reclaiming and storm-proofing roads.

Stability. Because it is so new, the Forest Service regarded the Legacy Roads Program as a special add-on to its regularly funded programs. Hopefully, that view will change if Legacy Roads funding is repeatedly included in the President's budget and in Congressional appropriations. Agency managers need consistent, sustained funding in order to add the necessary staff for the program to be efficiently implemented. We are also interested in exploring other ways in which Congress can provide greater stability to the program, such as the following:

- Amend the forest roads section of the Highway Bill to allow gas tax funds to be used for Forest Service road remediation. The WWRI and a national coalition with over 100 supporters have requested that a new "Forest Roads Reclamation and Remediation Program" be added to the bill and funded at $200 million annually.
- Enact the FLAME bill in order to end the disruptive and destabilizing practice of "fire-borrowing."
- Consider amending the Forest Roads and Trails Act to include an authorization of appropriations for road decommissioning.

Monitoring. The Legacy Roads Program should include adequate funds and direction to the Forest Service for environmental monitoring and reporting. Monitoring and evaluation are crucial not only to identify where roads are causing continued harm to aquatic resources but also to: (1) document and guide the proper execution of projects, (2) evaluate whether the intended environmental benefits actually are being realized, (3) document economic benefits and job creation/maintenance through Legacy Roads work, and (4) ensure that successful techniques are used. Monitoring and evaluation reports are needed to provide accountability for taxpayer investments, and the cost is low relative to project work – roughly 2 percent of funding for road-related projects should suffice. Funding should be equally divided between project implementation monitoring by forest staff, and ecological and economic effectiveness monitoring by the Forest Service research scientists. The agency can also consider contracting with independent, third party entities like universities to implement monitoring programs.

Best Value Contracting. Road remediation work is typically performed by heavy equipment operators and other skilled contractors. Ideally, the contractors should have extensive experience with this type of work and possess the technical and practical know-how to handle unforeseen problems as they arise. One way to help ensure good results on the ground is to encourage the Forest Service to use "best value" contracting criteria, such as past performance and technical ability in selecting Legacy Roads contractors, rather than automatically picking the lowest bidder.

In conclusion, The Wilderness Society and the Washington Watershed Restoration Initiative wish to commend Chairman Dicks and other members of this subcommittee for creating the Legacy Roads and Trails Remediation Program. We strongly encourage you to continue and expand the Legacy Roads Program in the Forest Service's FY 2010 budget.

National Association of Conservation Districts

Testimony of the National Association of Conservation Districts
Submitted to the
Subcommittee on Interior, Environment and Related Agencies
Committee on Appropriations
U.S. House of Representatives
March 26, 2009

On behalf of the nation's 3,000 conservation districts, the National Association of Conservation Districts (NACD) is pleased to provide comments to the Subcommittee regarding fiscal year 2010 appropriations. Established under state law, conservation districts are local units of government charged with carrying out programs for the protection and management of natural resources at the local level. Conservation districts help state and federal partners work with landowners on a variety of conservation programs, and respectfully support funding of $300.582 million for the State and Private Forestry programs under the USDA Forest Service (FS), and $218.957 million for the 319 Nonpoint Source Grants Program authorized under the Clean Water Act and administered by the Environmental Protection Agency (EPA).

The State and Private Forestry branch works with a broad range of programs that address the protection, wise use and management of forested lands, normally in partnership with the state forestry organizations and other partners. It provides technical and financial assistance to both rural and urban landowners and resource managers to help sustain the nation's private and municipal forests and their many benefits including water quality, air quality, energy conservation while protecting against forest pests, invasive species, and wildland fires. While 73 percent of the nation's timberland is privately owned, annual funding for the FS State and Private Forestry programs has been declining for the last several years.

Throughout the country, the demands on our forest lands continue to increase. Multiple use management of our renewable forest resources continues to ensure a wide range of ecosystem services are provided to the general public while maintaining the productivity of the land and protecting the quality of the environment. These benefits are achieved by employing proper resource management that provides the best combination of uses. Because of changes in land ownership, land use, and other growing natural resource concerns, funding remains the critical component to ensure these benefits continue. The FS State and Private Forestry programs help provide the necessary technical and financial assistance to landowners and land managers for the continued maintenance of healthy, productive forested lands.

To ensure this assistance continues to be available, NACD respectfully supports $300.582 million in funding for State and Private Forestry programs in the Fiscal Year

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2010 Interior Appropriations Bill. The State and Private Forestry Redesign and its competitive resource allocation process address these national themes: conserve working forest landscapes, protect forests from harm and enhance public benefits from trees and forests. However, these goals will be impossible if the current means used to fund wildfire suppression is not changed. Wildfire suppression must be funded in a manner that does not impact all other FS programs and puts an end to "fire borrowing". This adjustment to current procedures will ensure that the appropriations we are requesting are sufficient to the critical tasks we have mentioned above.

NACD has recently signed an MOU committing ourselves and the FS to working with the National Association of State Foresters and the Natural Resources Conservation Service to significantly improve collaboration among the parties and an improved and integrated delivery of financial and technical services to the country's private non-industrial forestland owners and managers. The potential for cooperative management of this critical resource base and the provision of timely and effective assistance for this component of the landscape is vital to all areas of natural resources development and protection. State and Private Forestry programs will be at the heart of this effort, and full support is crucial to the success of this broad and inclusive effort.

The 319 Nonpoint Source Program addresses water pollution from diffuse sources that affect water quality and can include nutrient and sediment runoff from agriculture, faulty septic systems from residential properties, or storm water runoff such as oil, toxic chemicals, and sediment. Under this program, EPA awards funding to states that are then used by state and local units of government to implement locally-led nonpoint source pollution projects. The 319 program is critically important to conservation districts in addressing water quality at the local level through a variety of projects including utilization of agricultural Best Management Practices (BMPs) such as buffer strips, conservation tillage, and nutrient management; stream bank stabilization, temperature and turbidity reduction, storm water management, and low-impact development. The program also provides flexibility to address resources concerns that are outside the scope of many traditional United States Department of Agriculture (USDA) conservation programs.

NACD respectfully supports a funding level of $218.957 million for 319 Nonpoint Source Grants in the FY 2010 Interior Appropriations Bill. This increase in funding will provide continuing support in addressing nonpoint source pollution, ensuring that local communities will continue to realize the benefits of clean water. The increase in funding will also help leverage cost-share funding at the state and local level, providing added benefit for the federal dollars spent.

The nation's conservation districts look forward to future opportunities to work with state and federal partners to continue to provide the benefits of natural resource conservation across the country. We look forward to working with the Subcommittee as priorities are developed for FY 2010 Interior appropriations.

Brian Moore
Director, Budget and Appropriations
National Audubon Society
Testimony for the House Interior Appropriations Subcommittee

Mr. Chairman, on behalf of over one million members and supporters of Audubon, thank you for the opportunity to express to your Committee our recommendations for Fiscal Year 2010 funding of Department of the Interior programs. **Audubon has been protecting birds and other wildlife and the habitat that supports them for over 100 years. Our national network of community-based nature centers and chapters, scientific and educational programs, and advocacy on behalf of areas sustaining important bird populations, engage millions of people of all ages and backgrounds in positive conservation experiences.** The purpose of our testimony is to recommend levels of funding for specific programs that are vital to our mission.

I. Everglades Restoration

We are grateful to the Committee for its long-standing support of Everglades restoration through the appropriations process and in important appropriations-related issues such as the Modified Water Deliveries project and Everglades science coordination. Restoration of the Everglades is at a critical juncture. Keeping Everglades restoration on schedule and the Federal/Florida partnership strong requires significant federal investment in the next fiscal year.

The long anticipated Modified Water Deliveries to Everglades National Park (Modified Waters) will be completed by 2010, but only if fully funded over the next year. Audubon remains supportive of completing the Modified Waters Delivery project as quickly as is practicable. A provision in the authorizing language of CERP (WRDA 2000) prevents construction of key restoration projects until Modified Waters is finished.

Interior	
Modified Water Deliveries to Everglades National Park	$50 million
CERP – USFWS & NPS Science and Planning	$10 million

II. Land Conservation, Preservation and Infrastructure Improvement Fund (LCPII)

Land and Water Conservation Fund (LWCF):

We urge the Committee to **appropriate $450 million for LWCF, with $125 million allocated to the stateside LWCF program,** to combat the rapid rate of habitat loss threatening America's native birds and wildlife.

State Wildlife Grants:

This valuable program provides matching grants for design and implementation of habitat and wildlife conservation plans and allows states to conserve and restore declining native species prior to a necessity to list them as endangered or threatened. **Audubon supports funding SWGs at $85 million in FY 2010.**

III. US Fish and Wildlife Service (FWS)

National Wildlife Refuge System:

America's Refuge System faces a massive multi-billion dollar backlog of operations and maintenance needs that is widely recognized as a handicap to Fish and Wildlife Service efforts to conserve and protect the System's more than 94 million acres of prime habitat for more than 2,000 bird and wildlife species. Increased funding is needed to provide adequate services for the millions of birdwatchers, sportsmen, and others who enjoy the outdoors at their local wildlife refuges. We call on the Committee to **increase funding for the National Wildlife Refuge System to $514 million.**

Endangered Species Program:

We firmly believe that the Endangered Species Act is one of our nation's most important environmental laws. We continue to be disappointed that the Endangered Species Program has not been funded at the level needed to fully carry out its critical purpose of preventing the loss of irreplaceable species and biological diversity. We urge the Committee to appropriate a total of $217 million for the four endangered species operations accounts, allocated as follows: $32 million for Listing; $15 million for Candidate Conservation.; $95 million for Recovery; and $75 million for Consultation.

Neotropical Migratory Birds and the Multinational Species Fund:

The Neotropical Migratory Bird Conservation Act (NMBCA) passed the Congress in order to reverse the decline of migratory birds that breed in the U.S. by protecting their habitats in Latin America and the Caribbean. Approximately 500 of the existing 800 species of birds found within the United States migrate across the nation's borders annually. For a great number of these species, this region contains almost the entire world population of these birds in the non-breeding season. The demand on this program is great, despite its' 3:1 match requirements. Every year since the programs inception, the demand has outstripped the supply of grant dollars. We appreciate the Committee's support for this program in past years, and hope to see that support continue, in light of the importance of conservation grant programs that are highly leveraged, and in light of the high demand on the program. **We respectfully request that $6.5 million be appropriated in FY 2010.**

Migratory Bird Management (MBM) at FWS:

The Division of Migratory Bird Management, an asset to bird population conservation efforts, requires funding for the survey and monitor of migratory bird populations, use of sound science as a management tool, coordination of activities with other agencies, governments and NGOs, and the completion of conservation plans. We urge the Committee to fund the DMBM at $61.2 million in FY 2010.

North American Waterfowl Management Plan, Joint Ventures:

Beginning in 2001, Congress recognized the effectiveness of the Joint Venture regional conservation approach by ramping up the level of administrative funding to organize this effort. That support continued through 2004 when full funding was realized to develop the capacity necessary to carry out the work spelled out by the North American Waterfowl Management Plan for wetland habitat conservation. Congress should be commended for its part of this important partnership, as it was the pivotal link that ensured ongoing success for all partners. Congress' continued commitment to the cause of cooperative conservation cannot be overstated, for

without Congressional support, accomplishment by Joint Venture partners would be far less significant. We respectfully encourage the Committee to fund Joint Ventures at $19 million in FY 2010.

US Fish and Wildlife Service	
Endangered Species Program	**$217 million**
- **Listing**	**$32 million**
- **Candidate Conservation**	**$15 million**
- **Recovery**	**$95 million**
- **Consultation**	**$75 million**
Neotropical Birds and the Multinational Species Fund	**$6.5 million**
Migratory Bird Management	**$61.2 million**
North American Waterfowl Management Plan, Joint Ventures	**$19 million**

IV. US Forest Service (USFS)

International Programs:

Audubon strongly urges the Committee to provide $14 million to these under-funded programs in FY 2010. The President's budget request cuts needed funds from this valuable program, and the recommended funding level would halt assessment work of shrimp farming impacts on bird populations in Mexico, would disallow migratory bird habitat restoration work along the Sinaola coast. It would require 50% cuts in restoration work on the Nariva RAMSAR wetland site in Trinidad-Tobago, and would stop work on a number of other important bird habitat improvements in Mexico, Central and South America, where a good percentage of our backyard songbirds spend the winter.

Unfortunately, many migratory birds are experiencing rapid population decline due mainly to the loss of habitat outside of the United States. Adequate support for the Migratory Bird Conservation work performed by the Forest Service is essential, and would allow important conservation efforts for species such as the Kirtland's Warbler, Swallow-Tailed Kite, Cerulean Warbler, Bicknell's Thrush, and the Mountain Plover. Without restoration of the budget cuts proposed, these migratory bird species will likely continue to decline and may ultimately face extinction.

US Forest Service	
International Programs	**$14 million**

V. US Environmental Protection Agency

Great Lakes Restoration

The Great Lakes hold one-fifth of the world's fresh surface water supply. They support the economy through agriculture, industrial farming, steel production, commercial and sport fisheries, and recreation and tourism. More than 150,000 Americans work in the Great Lakes' shipping industry, which provides passage for approximately 180 million tons of cargo annually. The economic benefits in the Great Lake states are more than $15 billion for hunting, fishing, and wildlife watching.

Despite their vast expanse, the Great Lakes are fragile and in peril. Raw sewage contaminates beaches, invasive species threaten native fish, and toxic mercury makes fish unsafe to eat. Action must be taken now or the entire Great Lakes ecosystem will be damaged beyond repair. Funding is needed to restore the health of the Great Lakes. Every day the problems intensify and the solutions become more costly.

Great Lakes	
Clean Water State Revolving Fund	$490.1 million
Great Lakes Legacy Act	$54 million
Beaches Environmental Assessment and Coastal Health Act	$40 million
Great Lakes National Program Office, EPA	$25 million
Great Lakes Fish and Wildlife Restoration Act	$16 million

Long Island Sound Restoration

The Long Island Sound Restoration Act strives to protect and restore the environmentally and economically vital resources of the Sound. In 1985, the Sound was one of the first three estuaries recognized under the National Estuary Program because it provides feeding, breeding, nesting, and nursery areas for a diverse variety of plant and animal life. The Sounds also contributes an estimated $5.5 billion per year to the regional economy from commercial fishing, sport fishing, and recreational activities. More than 8 million people live in the Long Island Sound watershed, and the resultant development has led to increasingly poor ecosystem health.

We encourage funding the program at $10 million in 2010. Additionally we encourage the funding of the Long Island Sound Stewardship Act at $6 million.

Long Island Sound	
Long Island Sound Restoration Act	$10 million
Long Island Sound Stewardship Act	$6 million

Thank you for providing us with this opportunity to testify on Audubon's priorities for the Department of the Interior. I appreciate the fact that this is a large agenda, but the problems facing America's birds, wildlife and their habitat are daunting. We look forward to working with you to protect America's birds, wildlife and habitat.

NCSHPO
National Conference of State Historic Preservation Officers

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Ruth Pierpont, President
National Conference of State Historic Preservation Officers and
Deputy Commissioner, New York Department 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 Norman Dicks, Chairman

March 26, 2009

Request:

- $50,000,000 for State Historic Preservation Offices
- $5,000,000 for competitive grants to States for digitization of documents and historic site survey fieldwork

The programs are funded through the U. S. Department of the Interior's National Park Service Historic Preservation Fund (HPF) and authorized by the 1966 National Historic Preservation Act.

Thank you Chairman Dicks, Ranking Member Simpson, and the members of the House Appropriations Subcommittee on Interior, Environment and Related Agencies for the opportunity to provide testimony. I appreciate this chance to share the State Historic Preservation Office's (SHPOs) 2008 historic preservation accomplishments and briefly discuss historic preservation's and SHPOs' role in the economic stimulus as well as preservation's contribution to economic and environmental sustainability.

SHPOs are the Nation's Preservation Program

In 1966 Congress recognized the importance of preserving our past by passing the National Historic Preservation Act (NHPA16 USC 470), which established today's historic preservation program. The NHPA directs State Historic Preservation Offices (SHPOs) to sustain the foundation of historic preservation in America by: 1) locating and recording historic resources; 2) nominating significant historic resources to the National Register of Historic Places; 3) fostering historic preservation programs at the local government level and promoting the creation of preservation ordinances; 4) providing funds for preservation activities; 5) commenting on federal preservation tax projects; 6) reviewing all federal projects for their impact on historic properties; and 7) providing technical assistance to federal agencies, state and local governments and the private sector.

Historic Preservation and the American Reinvestment and Recovery Act (ARRA)

SHPOs need $50 million now more than ever to weather "the perfect storm" created by State budget reductions and ARRA.[i] This perfect storm is being produced by the flood of new stimulus dollars intended for "shovel-ready" projects hitting the ground at the exact time that state

governments are facing massive budget deficits, reducing funding and, in some cases, eliminating historic preservation programs.

A recent survey of SHPOs found that State budget reductions were having the following impacts on historic preservation programs:

- Nearly half the SHPOs expect state cuts in FY09 at an average 13%.
- Thirteen states out of 35 report loss of staff and 30 reported hiring freezes.
- More than 70 recreational and historic sites around the country are currently threatened with closure because of state budget shortfalls. The sites at risk include the oldest building in Idaho and a sacred Native American ancestral village in Arizona.
- In Nevada, funding for the state historic preservation office could be cut in half, and the Nevada Historical Society's ten-person staff would be reduced to five.
- Budget cuts in Kentucky are expected to negatively impact Main Street programs and grant funds.[ii]

While SHPOs operate under these fiscal restraints, federal stimulus projects are being "fast-tracked" to create jobs and generate investments. Handling the unprecedented volume of projects for historic preservation reviews with fewer resources is a challenge. For projects that are controversial or fall short of "shovel-ready" status, SHPOs must be ready to resolve and mitigate the issues in a timely manner. While it will not solve today's problems, providing $50 million to SHPOs in FY10 will add critically needed resources to expedite federal agencies' delivery of stimulus dollars.

It is also worth noting that the National Conference of State Historic Preservation Officers (NCSHPO) had requested $50 million in the ARRA for a rehabilitation grant program. This program was to be modeled after the successful 1983 Jobs Act program which created 14,286 jobs, produced $70 million in construction activities, and generated $46.6 million in non-federal matching funds - a nearly 2:1 overmatch. We were disappointed the House stimulus did not include funding, and that the $50 million provided in the Senate bill was eliminated in the bipartisan compromise. SHPOs across the country have long lists of SHPO approved, shovel-ready projects, just waiting for funding. As additional opportunities arise we look forward to working with the appropriations committee to enact this job creation program.

Historic Preservation is Economic Development

Preserving the physical reminders of our past creates a sense of place and community and generates a wide range of economic benefits. Historic preservation creates jobs, brings people to downtowns and Main Streets, supports affordable housing and small businesses and generates tax revenues while revitalizing communities and neighborhoods.

The Federal Historic Rehabilitation Tax Incentives Program (FRTC) has spurred private investment on a 5 to 1 ratio and is a powerful job creation tool. Over $50.82 billion in private investment has been leveraged from its inception in 1976 and each project approved by the NPS creates, on average, 42 new and principally local jobs. The following statistics are typical of the positive findings of preservation's economic benefits:

- Historic preservation activities generate more than $1.4 billion of economic activity in Texas each year.

- Each dollar of Maryland's historic preservation tax credit leverages $6.70 of economic activity within that State.
- Massachusetts benefits from historic preservation include a gain of about 87,000 jobs; $2.6 billion in income, $3.5 billion in GSP, $944 million in taxes.
- In New York State, $1 million spent rehabilitating an historic building ultimately adds $1.9 million to the state's economy. [iii]

Dollar for dollar, historic rehabilitation creates more jobs than most other investments. According to a 1997 study on the economic impacts of historic preservation, "preservation's benefits surpass those yielded by such alternative investments as infrastructure and new housing construction."[iv] In Michigan, $1 million in building rehabilitation creates 12 more jobs than manufacturing. In West Virginia, $1 million of rehabilitation creates 20 more jobs than mining $1 million worth of coal.[v]

Preservation is Sustainability

Historic preservation can – and must – be an important component of any effort to promote sustainable development. The conservation and improvement of our existing built resources, including re-use of historic and older buildings, greening the existing building stock, and reinvestment in older and historic communities, is crucial to using our past to create a better future for generations to come.

The National Historic Preservation Program and SHPOs are responsible for the administration of public and private initiatives that advance sustainability. Environmental responsibility is achieved in the preservation industry through recycling, waste reduction, saving landfill space, saving energy, reducing carbon emissions and promoting renewable resources. The sustainable economic benefits include fiscally viable communities, the use local labor forces, increases in property values and tax bases and heritage tourism. Historic preservation also promotes social and cultural responsibility through creating affordable housing, giving people a sense of place and community and incorporating smart growth principles.

Importance of Digital Records

The key to protection of our nation's historic resources lies not only in identifying them, but in making information about their location and importance widely available. Yet, in this age of electronics, spending hours upon hours - if not days - traveling to one location, only to spend additional hours searching through piles of maps, charts and documents, is typical for anyone who needs access to SHPO documents. Providing $5 million for competitive grant funds for digitization and inventory would provide the seed money needed to move SHPOs into the electronic era.

Specifically, inventory funds would be used for two purposes 1) to convert existing paper records to electronic formats (data bases, GIS) and 2) to conduct inventory fieldwork, filling in the current patchwork of identified sites which is essential for federal project review (Section 106) and lays a foundation of every future preservation activity, e. g., National Register).

The State of Washington, and a select few other SHPOs have made remarkable progress assembling a patchwork of funding to initiate digital access to inventory information, other

SHPOs around the country are not as fortunate. After 40 years of the national preservation program we, as a Nation, still do not know the location of hundreds of thousands of our historic resources. Knowing what we have and defining the location and significance of the Nation's historic assets, is fundamental for all historic preservation activities. (NHPA 1966)

2008 State Historic Preservation Offices' Accomplishments

SHPOs used their HPF allocations well in 2008. While virtually every state experienced cut backs and reductions, SHPOs are still charged with implementing the requirements of the NHPA to their fullest extent. Highlights of 2008 historic preservation accomplishments include:

- Over $5.64 billion of private investment in the rehabilitation of commercial historic properties under the FRTC.
- An estimated 67,705 jobs created by the FRTC program in 2008.
- 10,392 low and moderate income housing units created through the FRTC.
- Approximately 11 million acres surveyed for cultural resources and over 132,300 properties evaluated for their historical significance.
- 1,319 new listings in the National Register of Historic Places.
- SHPOs reviewed 114,000 Federal undertakings, providing 98,700 National Register eligibility opinions.
- 51 new communities became Certified Local Governments (CLGs)
- CLG's newly designated 48,200 properties, and 86,600 properties took part in local preservation review, programs, and incentives.

Funding for Additional Historic Preservation Programs

In addition, from the HPF NCSHPO supports $20 million for Tribes. We also would like to see $30 million for Save Americas Treasures and $10 million for Preserve America. Additionally, adequate funding for the Advisory Council on Historic Preservation and National Park Service historic preservation programs is needed to carry out their missions of promoting the preservation of historic resources.

Conclusion

Congress stated in 1966 that "The spirit and direction of the nation are founded upon and reflected in its historic heritage." 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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[i] The National Trust for Historic Preservation: www.preservationnation.org/resources/public-policy/perfect-storm.
[ii] NCSHPO Survey of SHPOs conducted February 2009.
[iii] New York Preservation League, Profiting Through Preservation 2002 pp 6.
[iv] Center for Urban Policy Research at Rutgers University, Eeonomic Impacts of Historic Preservation 1997:11.
[v] Rypkema publication 13, pp 11-12.

National Cooperators' Coalition
USGS Cooperative Fish and Wildlife Research Units

University of Arkansas
University of Arizona
Arizona Game and Fish Department
Humboldt State University
Colorado State University
Colorado Division of Wildlife
University of Florida
Florida Fish & Wildlife Conserv. Comm.
University of Georgia
Georgia Dept. of Natural Resources
University of Hawaii
University of Idaho
Idaho Department of Fish and Game
Indiana Department of Natural Resources
Purdue University
Iowa State University
Iowa Department of Natural Resources
Louisiana State University
Maine Dept. Inland Fisheries & Wildlife
University of Maryland Eastern Shore
University of Minnesota
Minnesota Dept. Natural Resources
University of Missouri
Missouri Dept. of Conservation
University of Montana
Montana State University
Montana Fish, Wildlife and Parks
University of Nebraska-Lincoln
Nebraska Game and Parks Commission
University of Nevada, Reno
New Mexico Dept. of Game and Fish
New Mexico State University
North Carolina State University
North Carolina Wildlife Resources Comm
Oklahoma Dept. of Wildlife Conservation
Oklahoma State University
Oregon State University
Pennsylvania Game Commission
Pennsylvania Fish & Boat Commission
Clemson University
South Dakota Game, Fish and Parks
South Dakota State University
Tennessee Wildlife Resources Agency
Texas Parks and Wildlife Department
Texas Tech University
Utah State University
Virginia Tech University
Vermont Fish and Wildlife Department
Wisconsin Dept. Natural Resources
University of Wisconsin–Madison
Wyoming Game & Fish Department
University of Wyoming
Ducks Unlimited, Inc.
Association of Fish and Wildlife Agencies
Izaak Walton League of America
Midwest Association of Fish and Wildlife Agencies
Western Association of Fish and Wildlife Agencies
National Association of University Fish and Wildlife Programs
North American Grouse Partnership
The Wildlife Society
Wildlife Management Institute

Statement of Steve Riley, Chair
National Cooperators' Coalition
Regarding
USGS Cooperative Research Unit Program
Funding for Fiscal Year 2010

Summary

The National Cooperators' Coalition (NCC) urges the Subcommittee to increase the operational budget of the U.S. Geological Survey's Cooperative Fish and Wildlife Research Units (CFWRUs) by $3 million above the amount appropriated for FY 2009, and to provide additional funding of $5 million to initiate a competitive, matching fund program for support of high priority research and training by the CFWRUs. These increases above the FY2009 enacted level are essential to successfully address the natural resource management challenges posed by climate change, energy development needs, invasive species, wildfire, increased demand for limited water resources, and retirement and replacement of an unprecedented number of natural resource professionals over the next 10 years.

The National Cooperators' Coalition is an alliance of nonfederal CFWRU program cooperators and other supporters. Its members include state wildlife agencies, universities, and non-governmental organizations. The mission of the NCC is to build a stronger and more coordinated base of support to serve research, education, and technical assistance needs of the nonfederal CFWRU program cooperators.

Build on This Subcommittee's FY08 and FY09 Efforts

We greatly appreciate your leadership in adding funding in fiscal years 2008 and 2009 for of this important research and training partnership, which already brings together state fish and wildlife agencies, state universities, and federal agencies around a local, applied research agenda.

The CFWRUs are crucial to successfully addressing the natural resource management challenges posed by climate change,

energy development needs, invasive species, infectious diseases, wildfire, and increased demand for limited water resources. These challenges also include replacing the unprecedented number of natural resource professionals who will be retiring over the next 10 years. CFWRU's have established a record of educating new natural resource professionals who are management-oriented, well-versed in science, grounded in state and federal agency experience, and able to assist private landowners and other members of the public.

As you know, each of the CFWRUs in 38 states is a true federal-state-university-private partnership among the U.S. Geological Survey, a State natural resource agency, a host university, and the Wildlife Management Institute. The CFWRUs build on these partner contributions to leverage more than three dollars for every dollar appropriated to the program by Congress.

Finding workable solutions to our natural resource challenges requires the CFWRU's management-oriented, community-based approach to research, which relies on interdisciplinary efforts, collaborations and accountability. The role of the Cooperative Research Unit System in facilitating these kinds of solutions and training the wildlife managers of tomorrow, who will be leading the way, should not be compromised. The Unit's contribution to natural resource agencies through its scientific capabilities, expertise, technical assistance and the training of personnel is required for responsive, science-based management.

To begin meeting these high priority research and training needs in Fiscal Year 2010, we ask that you establish a competitive, matching fund program within existing CFWRU legislative authority that initially would make available $5 million annually in new funds beyond base operational costs, increasing to $20 million annually by Fiscal Year 2013. These new funds would support future cooperative, high priority research efforts and essential training of new natural resource professionals to replace the large number who will retire within the next decade.

Approximately one fifth of all Coop Unit scientist positions are vacant due to erosion of funding since Fiscal Year 2001, jeopardizing the continued integrity of the CFWRUs. To fully restore the necessary capacity in the CFWRU program for it to meet the nation's research and training needs, the Fiscal Year 2010 USGS appropriation needs to provide $3 million more than the Fiscal Year 2009 enacted level. An increase in funding also would ensure that the Interior Department provides the federal scientist staffing agreed to with partners so that the return on their continuing investment in the CFWRUs is realized and fully leveraged.

We urge you to make greater use of this important research and training partnership, which already brings together state fish and wildlife agencies, state universities, and federal agencies around a local, applied research agenda. With your assistance, the Cooperative Fish and Wildlife Research Units can make the best use of federal funds, becoming even more effective in using science and collaboration to address the natural resources challenges facing the Interior Department, other federal, state, local agencies and this country's citizens.

Thank you for consideration of our request.

Steven P. Riley

Committee on Appropriation, Subcommittee on Interior, Environment & Related Agencies

Recommendation for FY 2010 Funding, Submitted by Associate Professor Will Focht Director, Oklahoma Water Resources Research Institute, Oklahoma State University, and President-Elect, National Institutes for Water Resources, March 26, 2009

Mr. Chairman, thank you for this opportunity to provide a statement in support of funding programs authorized under the Water Resources Research Act (42 U.S.C. 10301 et seq.), which Congress unanimously reauthorized in 2006 in Public Law 109-471. The Act authorizes a program of grants through fiscal year 2011 to the Nation's 54 State and Territorial water resources research institutes for research, education, and outreach focused on water supply improvement. The National Institutes for Water Resources (NIWR) respectfully recommends an appropriation of $8,800,000 in the FY 2010 U.S. Geological Survey (USGS) budget for the Water Resources Research Institute Program (the Act authorizes an appropriation of $18,000,000.) These funds will be allocated as follows:

- $7,000,000 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);
- $1,500,000 to support the national competitive research grants program; and
- $300,000 for program administration by the USGS.

I am Will Focht, Director of the Oklahoma Water Resources Research Institute. In addition, I am president-elect of the National Institutes for Water Resources, the association of the individual Institutes established under the Water Resources Research Act.

Urgency of Water Supply Improvement

Two National Research Council (NRC) reports ("Envisioning the Agenda for Water Resources Research in the Twenty-First Century" in 2001 and "Confronting the Nation's Water Problems: The Role of Research" in 2004) thoroughly examined the urgency and complexity of water resources issues facing the U.S. The following challenges are cited as reasons for these studies:

- Abundant evidence demonstrates that the condition of water resources in many parts of the U.S. is deteriorating;
- Demand for water resources to support population and economic growth continue to increase, although water supplies to support this growth are fully allocated in most areas;
- In some areas, the availability of sufficient water to service growing domestic uses is in doubt, as is the future sufficiency of water to support agriculture in an increasingly competitive and globalizing agricultural economy;
- Repair of the aging water infrastructure will require hundreds of billions of dollars;
- The frequency and magnitude of damages attributable to droughts and floods are increasing, providing evidence of increasing vulnerability to extreme climate and weather events;
- The threat of waterborne disease remains, as exemplified by outbreaks of cryptosporidium, as well as chronic exposure to agricultural contaminants such as nitrates and pesticides; and
- Resource management institutions have limited capacity to manage aquatic habitats to improve species diversity and provide ecosystem services, while also meeting human needs.

These reports identify 43 areas where the need for improved water resources management is critical. The following examples highlight the importance of increasing our understanding of the interdependence of water quantity and quality; the balance between human and ecological water uses; and the legal, institutional, and social factors that contribute to sustainable water resources management.

- Improvement of existing supply enhancing technologies such as wastewater treatment, desalinization, and groundwater banking
- Understanding of the impact of land use changes and best management practices on pollutant loading to waters, ecosystem services, and biodiversity
- Understanding and prediction of the frequency and causes of floods and droughts
- Understanding of global climate change and associated hydrologic impacts
- Development of more efficient water use strategies and optimization of the economic return for the water use in all sectors
- Development of legal regimes that promote conjunctive use of surface and ground water
- Development of adaptive management as the best approach to water resources management
- Understanding of the role of the private sector in achieving efficient water services
- Development and evaluation of alternative processes for stakeholder participation in the formulation and implementation of water policies and plans

Justification for Federal Funding of Water Resources Research

Several reasons for Federal support of water resources research can be given. First, authorized by Congress in 1964 the Institutes conduct "research that fosters (A) improvements in water supply reliability; (B) the exploration of new ideas that (i) address water problems; or (ii) expand understanding of water and water-related phenomena; (C) the entry of new research scientists, engineers, and technicians into water resources fields; and (D) the dissemination of research results to water managers and the public."

Second, water resources are defined not by State boundaries but by physical geography. What happens to surface and ground waters in upstream States affects water availability and quality in downstream States. Federal support of water research can more effectively address interstate water resource management challenges than can individual States.

Third, most water problems faced by a State are shared by many States. Federally funded research allows an efficient, non-duplicative, and comprehensive approach to these problems.

Fourth, the Federal government already plays a significant role in water resource management through its water quality regulations administered by the Environmental Protection Agency as well as water management programs administered by the Army Corps of Engineers and Bureau of Reclamation.

Fifth, the water resource research institutes leverage federal funds to obtain at least two non-federal dollars for each federal dollar. Thus, the Federal appropriation results in a larger pool of research funding. Without this leverage, research support would decrease by far more than the Federal funds allocated. In Oklahoma, for example, Federal research dollars are matched with State dollars to sponsor research totaling $750,000 over five years in support of the State's comprehensive water

planning process. This Federal/State/university effort would not exist without the funding from the Water Resources Research Act.

Sixth, the national competitive research program authorized under the Act provides Federal grants that focus on regional and interstate water resources problems beyond those affecting single States, which must also be matched dollar-for-dollar with non-federal funds. By continuing and enhancing these collaborative efforts, Institutes can better address critical issues on long-term water planning and supply that exceed the resources of any one State.

Seventh, Federal support of water research, outreach, and education is consistent with the concept of water as a *public good*. As such, State and local governments and private entities cannot produce as much as can be justified by the overall value of the resource.

Institutes Conduct Applied Water Research Tailored to State and Regional Priorities

Our Institutes are uniquely positioned to conduct water resources research in several ways.

- Institutes are *not limited by a policy-driven or regulatory mission* and thus can address the entire spectrum of water resources issues, including gaps between government agencies. By focusing on science, the program serves as an *objective broker* of information among a wide range of constituencies.
- Institutes examine *long-term consequences* of policies and recognizing long-term problems across all water-related disciplines.
- Institutes are more *flexible* in addressing emerging problems and more *adaptable* to local cultures, institutions of governance, and regional socio-economic and physical conditions.
- Institutes and academic researchers are more likely than mission-driven agencies to consider *institutional, in addition to technical, solutions.*
- Institutes provide hands-on *educational opportunities* to develop the *highly trained workforce* necessary to build national capacity for sustainable water resource management.
- *Technology transfer* programs at each Institute provide scientifically credible communication of research needs and results *upward* from the states and localities to federal agencies and *downward* from these agencies to users of research results.
- Institutes are *experienced in assessing priorities* for research through advisory boards with representatives from virtually all interested agencies and non-governmental organizations.
- Institutes provide information to increase the *efficiency* of federal water resources research investment by identifying research gaps and avoiding redundancies.
- Institutes fill research gaps to improve the *effectiveness* of water resources management.
- Institutes are held accountable for expenditures as well as for the quality and relevance of scientific results and the vigor of outreach programs via a triennial *quality-review process.*
- NIWR is an *established network* of immense and geographically diverse capabilities on the cutting edge of virtually every facet of water resources. The network facilitates *regional* as well as State and local cooperation.
- Institutes operate their competitive research programs through a *single computerized research management system* managed by NIWR and the USGS. There is no other comparable avenue for such multidirectional coordination and communication.

- Institutes have direct access to expertise in the many disciplines related to water resources. Institutes are uniquely positioned to address the *interdisciplinary challenges* of sustaining the reliability of water supplies in the face of new challenges and uncertainties. For 44 years, Institutes have conducted independent, objective, and scientifically credible research that links science to innovative and cost-effective policies.

Conclusion

The activities authorized under the Water Resources Research Act are high quality, cost efficient, relevant, and needed.

Quality: In both the state and national research programs, projects are selected for funding on a competitive basis, relying on the reviews of peer scientists, economists, and engineers. The performance of each Institute is evaluated every three years by an independent, USGS-appointed panel. The most recent USGS evaluation report stated, "The vast majority of institutes are strong and thriving and a significant subset is very strong and distinguished *...the institute program, with its federal-state matching requirement, is an important and significant part of the nation's water resources research infrastructure.*"

Efficiency: The water institutes must match each federal dollar from their base grants with two non-federal dollars. *This is the highest match requirement of any federal research program.* The national competitive grants program requires a 1:1 match. The overall leveraging ratio for all of the institutes, counting funding from all sources, is more than 14:1. During FY 2008, Institutes sponsored 1042 research projects across the nation, generated nearly 1000 technical publications, conducted 142 conferences and workshops, and supported the research of 983 students. Only 6.8% of the programs' expenditures are dedicated to administrative overhead, which is quite frugal.

Activity Relevance: Congress was quite deliberate in directing the establishment of water Institutes at land grant universities because they specialize in identifying problems within their states, developing solutions, and conducting technology transfer. The Act requires that Institutes' consult with panels of external advisors representing the water interests in their States. Regional and national priorities are addressed when the Institutes collaborate on larger projects or conduct research under the national competitive grants program.

Need: Congressional designation of water resources research institutes as focal points of water investigation and outreach enable the Institutes to exist and leverage Federal funding against funding from non-federal sources. It is likely that 30% of the institutes would cease to exist without the Federal funding authorized by the Water Resources Research Act. Others would greatly curtail their activities. In many States, it is doubtful that the university system would be such a strong contributor to the water resources knowledge base without this "seed money" provided by Congress.

The investments the Subcommittee makes in the USGS and its programs underpin responsible natural resource stewardship and contribute to the long-term health, security, and prosperity of the Nation. Together, the Survey and the Institutes address critical public needs and are a reasonable priority within an appropriations bill. We urge you to provide $8,800,000 for the Water Resources Research Act program for the upcoming fiscal year.

Mr. Chairman, the water Institute directors appreciate the strong support this Subcommittee has given to the Water Resources Research Act program and to the USGS. I hope that the Nation's water resource research institutes have earned your continued confidence. The Institute directors are ready to work with you and other stakeholders to address the water challenges we face in the future through research, education, professional training, technology transfer, and information exchange.

STATEMENT FOR THE RECORD
NATIONAL MINING ASSOCIATION (NMA)
HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
MARCH 26, 2009
FISCAL YEAR (FY) 2010 PROGRAMS

NMA recommendations (based on FY2009 enacted levels*)

DEPARTMENT OF THE INTERIOR

- U.S. Geological Survey (USGS) – Mineral Resources Program (MRP). Fund the MRP at least $24 million and reject any proposed cuts to the Minerals Information Team (MIT).
- Bureau of Land Management (BLM) – Mining Law Administration. Support any administration request above $35 million to support administration of the mining law and increase by at least $2 million.

U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)

- Methane to Markets. Support the $4.5 million request for EPA's coordination of and participation in the Methane to Markets program.

Mineral Resources Program – Minerals Information Team

The USGS is the source for the majority of the United States' statistical data on mining and mineral commodities. The collection, analysis and dissemination of this information is a federal responsibility that cannot be duplicated in either the private sector or by other levels of government, and is in fact mandated by the Defense Production Act of 1950, as amended in 1980 and 1992. The Mineral Resource Program's Mineral Information Team (MIT) within the USGS is the leading source of unbiased research on the nation's mineral resources. The guidance and research the program provides is vital in maintaining the growing value of processed materials from mineral resources that accounted for $609 billion in the U.S. economy in 2008, as well as assessing the environmental impacts of mining. The statistical and analytical information provided by the Mineral Resource Program (MRP) Mineral Information Team provides the basis for informed policy decisions and is extensively used by government agencies, members of Congress, state and local governments, as well as industry, academia and nongovernmental organizations. Collection of this information provides a fundamental service to the nation. Specifically, the U.S. Federal Reserve Board uses the data for calculating the nation's leading economic indicators, the U.S. Department of Commerce's Bureau of Industry and Security uses the data and analysis to resolve trade disputes, the Federal Reserve Board uses global minerals information to prepare economic forecasts, and U.S. intelligence agencies use the data to understand the effect changes in natural resource markets have on economic and political stability of developing countries. Mineral resource supply and demand issues are global in nature, and our nation is becoming more dependent upon foreign sources to meet our metals and minerals requirements. For example, the U.S. has become more than 50 percent reliant on 43 of

the 81 mineral commodities essential to the economy and 100 percent reliant on 18.

In real terms, the MIT has been severely constrained by an ever decreasing budget (a nearly 30 percent decline) since 1996 when the mineral assessment group was incorporated in to the USGS. In order to restore its budget to levels intended when the group was moved to the USGS over a decade ago, the Mineral Resource Program's MIT would need to be funded at $24 million. NMA encourages full funding for this important program.

Mining Law Administration Program

The National Mining Association (NMA) believes the Bureau of Land Management's (BLM) FY 2009 request of approximately $35 million for the Mining Law Administration Program (MLAP) is inadequate to meet the ever-growing responsibilities faced by the agency. NMA supports an additional funding of at least $2 million. The current budget is insufficient to meet the agency's obligations to process notices and plans of operations necessary for domestic exploration and mining projects. The number of mining claims filed over the past six years has increased by over 600 percent. In 2002, only 15,407 new mining claims were filed as compared to 92,284 in 2007. During the same time frame, the number of full time equivalent (FTE) employees assigned to the program fell from 359 to 298.

Additional staffing and other resources are necessary in order to process the notices and plans of operations required for expanding our domestic mineral supplies. Delays in obtaining permits and other authorizations remains a substantial impediment to the financing and development of mining projects in the United States. The National Academy of Sciences found that the permitting of domestic mining projects entails an inordinate amount of time and resources. According to Behre Dolbear, the U.S. ranks among the lowest of the top 25 mining nations in terms of time and expense for obtaining required permits for mineral exploration and development. The consequence of this state of affairs is substantially longer lead times to get projects up and running so that they begin to generate a return on investment. As a result, permitting delays discourage companies from exploring in the U.S. and impair the ability to attract the capital investment required for mine development. In short, investment capital flows to where investors will experience a quicker return on their investment.

In a 2005 report to Congress, BLM identified insufficient staffing as one cause of permitting delays, noting that many BLM offices were not backfilling positions as they were vacated. BLM recommended that a portion of the increased location and maintenance fees could be used to maintain adequate staffing levels needed to review, analyze and approve plans of operations. NMA agrees that the increased location and maintenance fees should be used to address MLAP budget needs.

To address this regulatory bottleneck which impairs our Nation's economic growth and security, NMA provides the following recommendations:

- Some portion of the location and maintenance fees collected that exceed the MLAP budget should be dedicated to the MLAP instead of being deposited to the General Fund

-- in 2007, the amount collected from such fees exceeded the budgeted amount by more than $ 24 million. Such funds would allow the hiring by BLM state offices of approximately 100 FTEs to allow either backfilling of currently vacated positions or new hires; and

- Allocation of funds to the state offices should be prioritized based on the number of notices and plans filed in each office and current unfilled openings in MLAP.

Methane to Markets

NMA supports the EPA's coordination of and participation in the Methane to Markets program. Methane to Markets is an international private sector and government partnership initiative launched in 2004 that aims to lower emissions by promoting methane recovery and use and it targets coal mines, landfills and natural gas facilities. The U.S. provides administrative support to the program, chairs the partnership's Steering Committee and is also co-chair of the programs' Coal Subcommittee. While the administration's budget is not yet released, NMA supported the FY 2009 request of $4.5 million for Methane to Markets.

The National Mining Association (NMA) represents producers of over 80 percent of the coal mined in the United States. Coal continues to be the most reliable and affordable domestic fuel used to generate over 50 percent of the nation's electricity. NMA members also include producers of uranium – the basis for 20 percent of U.S. electricity supply – and producers of metals and minerals that are critical to a modern economy and our national security. NMA also represents manufacturers of processing equipment, mining machinery and supplies; transporters; as well as engineering, consulting and financial institutions serving the mining industry.

** In the absence of a FY 2010 Presidential budget request at this time, the National Mining Association based our testimony on FY 2009 enacted levels. We are happy to revise and resubmit our statement once the FY 2010 figures are released, and would appreciate the opportunity to do so.*

Written Testimony of Lois G. Finkelman, Chair
and Jodie Adams (CPRP), President
on behalf of
The National Recreation and Park Association
Interior Appropriations Subcommittee
Regarding Fiscal Year 2010 Appropriations
March 26, 2009

Thank you Chairman Dicks, Ranking Member Simpson, and other honorable members of the subcommittee for this opportunity to submit written testimony on the Fiscal Year 2010 Appropriations bill.

The National Recreation and Park Association (NRPA) is a national, non-profit organization with a mission of advancing parks, recreation and environmental conservation efforts that enhance the quality of life for all people. There are more than 6,500 parks and recreation agencies throughout the country, a majority of which are members of NRPA. Through our network of more than 21,000 citizen and professional members, we represent cities, counties, and townships' park and recreation departments, regional park authorities across the nation, and local citizens concerned with ensuring convenient access to parks and recreation opportunities in their communities.

As your subcommittee works to craft the Fiscal Year 2010 Appropriations bill, we request that you include $125 million for the Land and Water Conservation Fund's State Assistance program (LWCF); $50 million to specifically fund urban parks through programs such as the Urban Park and Recreation Recovery Program (UPARR) to include $1.1 million for program administration.

Funding provided through LWCF and UPARR provide necessary community resources for indoor and outdoor recreation opportunities and stimulate local economies, promote job creation, and provide community health resources and environmental stewardship. Park and recreation agencies are instrumental in helping to address and solve national issues such as climate change, obesity, reduction of crime, and energy and land conservation. Partnership programs such as LWCF and UPARR are living testaments to how local communities impact national issues.

Park and recreation agencies provide the places and opportunities for increased physical activity. While local and state park and recreation systems provide public places for close-to-home recreation and physical activity, they are also vital to the local as well as national economy. These systems stimulate local economies and create jobs, generate visitor tax dollars for local economies, and employ full-time and part-time workers. Studies have shown that for every $1 million invested in parks and recreation infrastructure, 20 jobs are created.

Funding LWCF State Assistance

LWCF State Assistance is a matching grant program that requires state and local governments to provide 50% in non-federal funds for the acquisition, development and redevelopment of parks and recreation resources. As a result of LWCF State Assistance funding, over 41,000 projects have been created in local communities. Since its inception in 1965, the program has provided

more than $4 billion in matching funds to states and local communities in 98% of American counties. The states, cities, counties, and towns that apply for and accept federal funding from the LWCF state assistance grant program agree to match the federal investment on a dollar for dollar basis, and often match significantly more than the federal share.

Congress created the LWCF State Assistance program "to strengthen the health and vitality of the citizens of the United States," and undoubtedly these projects are playing a critical role in battling our nation's obesity epidemic. Several medical studies have shown that that there is a strong correlation between proximity to recreational facilities and parks and physical activity. According to the Centers of Disease Control and Prevention, which estimates 65% of adults and 16% of children are overweight or obese, even small improvements in the lifestyles of Americans would yield marked health improvements. In fact, CDC notes that the creation of or enhanced access to places for physical activity led to a 25.6% 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.

The LWCF State Assistance program not only meets important national goals and delivers tangible benefits to the American public by improving health, providing recreation opportunities to all Americans, and improving communities through economic development, it also significantly contributes to protecting our environment and promoting environmental stewardship. In fact, Governor Joe Machin of West Virginia notes, *"The Land and Water Conservation Fund grant program is one of the best ways we can be involved in the enrichment of West Virginia's communities for the future."* It is obvious that LWCF funds are vital to many states and literally determine whether a local, regional, or state park is acquired or recreation facilities are developed for public use. The need for recreational resources has exponentially increased, but agencies are unable to meet the rising need. In 2008, states reported to the National Park Service an unmet need of local parks and recreation resources totaling over $27 billion in eligible LWCF projects.

The following examples, provided by the National Park Service, paint a picture of a federal program, diverse in application and addressing national issues on the local level:

Focal Points of Close-to-Home access to Health and the Outdoors in Urban Areas
In Coeur d'Alene, Idaho, Tubbs Hill Park received critical LWCF funding to help acquire and preserve a breathtaking urban forest. Today, this 135-acre forest in the middle of the city has a 2.2-mile loop trail, spectacular scenic vistas of Lake Coeur d'Alene and unparalleled access to close to home recreation in the heart of Coeur d'Alene. This park is a hub for community exercise and offered as an ideal healthy resource within the city. In this urban park, you commonly see osprey, common, and hooded mergansers, bald eagles, as well as pied-billed, eared, and western grebes.

Economic Development and Community Benefits of Parks and Access to Recreation
In Rapid City, South Dakota, a community park was built in a part of the community that did not have a public park. With the help of a LWCF grant and a matching grant from Rapid City, several developers donated money to build this community playground. Since the announcement

of the park and playground project, three major housing developments have emerged in the surrounding neighborhood thereby generating additional tax revenue.

Environmental Stewardship and Conservation Projects Leverage Regional Impacts
In Ashburnham, MA, the Commonwealth of Massachusetts used $450,000 in LWCF funds to leverage an additional $675,000 to conserve 460 acres of forest lands along the New Hampshire border. The land provides public access for long-distance hiking, links conservation lands, protects the water quality of the Millers River, and preserves archaeologically sensitive sites once used by the "Harvard Shakers."

Funding Urban Parks
According to the City Park Alliance, 65% of Americans live and play in our nation's 100 largest metropolitan areas which are responsible for two-thirds of our nation's jobs and three-fourths of the nation's gross domestic product. Our urban centers are imperative to America's economic prosperity. Urban parks and recreation centers provide close-to-home recreational opportunities for the vast majority of America's citizens and are instrumental in helping our nation achieve important national goals of improving public health, increasing daily physical activity, reconnecting children with nature, reducing crime, and providing safe, healthy alternatives for at-risk youth.

Historically, UPARR, authorized in 1978, has been the only federal program that provides direct federal assistance to urban localities for the rehabilitation of critically needed recreation infrastructure. UPARR requires local matching funds and is administered by the National Park Service of the Department of the Interior to provide funding for the rehabilitation of deteriorating parks and recreation facilities in cities and urban counties. Since its inception, UPARR has provided more than $270 million in matching grants to nearly 400 cities to rehabilitate and improve their parks and recreational facilities that face pressing needs and have fallen in to disrepair due to lack of investment. However, this program has not been funded since FY 2002.

As the largest public provider of after school programs, parks and recreation agencies significantly improve community safety. According to the Juvenile Justice Bulletin, juveniles are at the highest risk of being victims of violence between 2 p.m. and 6 p.m., and the peak hour for juvenile crime is from 3 p.m. to 4 p.m.—the first hour that most students are dismissed from school. Parks and recreation agencies not only provide a safe haven for children in urban areas, they also work with local educational agencies to provide tutoring services to children before and after school.

Now more than ever we need to ensure safe places for our children and families to recreate. NRPA seeks a new commitment from Congress and the Administration to address the critical needs of our nation's children and urban communities by providing a renewed federal investment in our cities for the repair and rehabilitation of urban parks and recreation resources. We request that Congress find a way to address the needs and challenges facing urban communities by funding programs that benefit urban parks.

The following examples highlights the unmet need for urban park funding in East Oakland and North Minneapolis and the services that could be provided if funding were available:

Urban Parks leading to Safe Spaces for Communities
Tassafaronga Recreation Center is located in an area of industrial East Oakland, California that is plagued with high incidences of crime and socioeconomic blight, heightened by a recent housing redevelopment project that will displace hundreds of families over the next three years. The center serves all ages in the community, offering year-round adult fitness programs, teen leadership workshops and other youth and adult recreation programs year round. The facility is in dire need of rehabilitation – both exterior and interior. In addition to providing greater opportunities for physical activity, the center serves as a community resource and a safe space for children and families. With UPARR funding, Oakland Parks and Recreation would upgrade the entire facility and existing equipment, address and correct irrigation problems, and make other improvements to better serve the community.

Community Health Benefits through Urban Park Funding
Creekview Recreation Center in North Minneapolis, Minnesota does not have the capacity to meet growing demand for space, facilities and equipment for in-door recreation. Given current trends in childhood inactivity and obesity, the park agency is focused on ensuring that children can be physically active, particularly during long periods of cold weather. With investment through UPARR, the park agency would expand and modernize the center to include new space for exercise classes and would install fitness and other equipment. Completing this modernization would improve opportunities for citizens in North Minneapolis to be physically active and healthy.

Unfortunately, in recent years funding for LWCF State Assistance and UPARR has significantly diminished, leaving communities with lists of projects and needed repairs they are unable to complete because they do not have funding. LWCF State Assistance and UPARR funding for these projects would allow construction to begin almost immediately, thereby putting local residents to work, helping communities to protect our environment while ensuring they provide safe recreational facilities for children and adults alike.

Mister Chairman and members of the subcommittee, parks and recreation agencies are not merely community amenities; they are essential services which are necessary for the economic and environmental vitality as well as physical wellness of communities throughout this country. By providing funding for LWCF and UPARR, which have proven themselves invaluable to addressing national issues, you would be investing in the health and well-being of communities across this nation from the standpoint of economic recovery, environmental protection, as well as providing safe and affordable places for recreation. Please include $125 million in funding for LWCF State Assistance and $50 million in funding for UPARR in your interior appropriations bill in the 111th Congress.

Thank you for this opportunity to present testimony. Please feel free to contact Stacey Pine, Chief Government Affairs Officer, in NRPA's Public Policy Office at 202-887-0290 with any questions you may have.

Navajo Nation Council Public Safety Committee Testimony
House Appropriations Interior Subcommittee
Outside Witnesses for Fiscal Year 2010
March 26, 2009

Chairman Dicks, Ranking Member Simpson, and members of the Committee thank you for this opportunity to provide testimony on behalf of the Navajo Nation Council on the Fiscal Year 2010 Appropriations for the Interior Appropriations Subcommittee. My name is Rex Lee Jim. I am an elected Delegate to the Navajo Nation Council and serve as the Chairman of the Public Safety Committee of the Navajo Nation Council.

The President's FY 2010 Budget outline continues a positive trend of adding resources for Indian Country law enforcement. We were very pleased that the final conference report for the Economic Stimulus bill included $225 million for tribal jail construction in the Department of Justice and $450 million for tribal construction programs at the Bureau of Indian Affairs. We were also pleased that the FY 2009 Omnibus Appropriations bill provided $21,500,000 for detention center replacement in Public Safety and Justice Construction. This funding will make a substantial contribution to improving public safety in Indian Country.

We hope that Congress will build on the funding in the Stimulus bill in the FY 2010 appropriations bills to help address the long unmet needs that have built up over many years of insufficient funding for tribal public safety. Therefore, we urge that the House Interior Appropriations Subcommittee provide the highest funding possible for tribal public safety and justice issues, and provide full funding for the "Emergency Fund for Indian Safety and Health", which was approved as part of the reauthorization President's Emergency Plan for Aids Relief (PEPFAR). We also hope that the Subcommittee can encourage the Bureau of Indian Affairs to change some of their funding policies to provide equity in the distribution of public safety funding.

Bureau of Indian Affairs

The FY 2009 Omnibus Appropriations bill provided $255,077,000 for tribal law enforcement for the BIA, which continued the recent, generally-positive trend in increasing funding for public safety in Indian Country. However, Indian Country law enforcement has been grossly underfunded at all levels for many years, and these recent increases have not solved the dramatic unmet needs in Indian Country for more police, investigation, prosecution, courts, detention and rehabilitation.

The Navajo Nation Division of Public Safety has an insufficient number of police officers. Current funding allows a low ratio of 1.06 police officers per 1,000 people, compared to the national average of 2.5 police officers per 1,000 people. The Navajo Nation has only 200 Emergency Medical Technicians (EMT's) for the entire 25,000 square mile Navajo Nation. This forces our emergency response personnel to travel hundreds of miles to accident sites, and forces long delays in providing emergency medical care. According to the Bureau of Indian Affairs,

Indian Country has a 42 percent unmet staffing need for police departments. **Therefore, we urge the Senate Indian Affairs Committee to support at least a 10% increase (at least $280,584,700) for tribal law enforcement.**

BIA Funding for Tribal Courts

The BIA Tribal Courts program has been level funded for several years. Navajo Nation Courts closed 130,380 cases from 2004 to 2006. However, insufficient funding resulted in 56,460 unclosed cases from 2004 to 2006. Without substantial increases, the number of cases will overload the Navajo Tribal Courts. The Senate version of the Recovery Act included $25 million for tribal courts that was stripped from the final bill. **Therefore, we support restoring the money that was dropped from the stimulus bill and increase funding for tribal courts to $25 million.**

The Supreme Court of the Navajo Nation is forced to conduct hearings in a building which appears to be a warehouse with paint peeling off the metal sidings or to use other conference rooms when more space is necessary. The courtroom barely accommodates three justices, court personnel and attorneys. Space for the audience is extremely limited. The Navajo Nation is in dire need of an adequate and dignified judicial complex to house the Supreme Court and the Administrative Office of the Courts in Window Rock, Arizona. We hope to work with the Committee to identify authorization language that will allow for federal funding to be used for court construction and to seek appropriations and grants to construct a new Supreme Court building.

BIA Discriminates Against Tribally-owned Detention Facilities

The BIA owns and operates 59 detention facilities and is responsible for funding staffing, FI&R, and O&M for these facilities. In addition, there are 34 detention facilities that are owned and operated by tribes, either independently or through P.L. 93-638 contracts or self-governance compacts. These contracts and compacts advance the goals of Indian self-determination and self-governance. However, the BIA provides no funding for FI&R and O&M at tribally-owned detention facilities. There is no logical, justifiable, or fair reason for the BIA to only fund the operation and repair of BIA-owned jails, while jails operating under self-governance agreements receive no funding for FI&R and O&M.

The Navajo Nation is pleased that the stimulus legislation and the FY 2009 Omnibus Appropriations bill provided increases for detention facility programs. However, we are very concerned that if BIA employs current policies, Tribally-owned detention facilities will receive no funding. **We urge the Interior Appropriations Subcommittee to require the BIA to distribute detention facility funding equitably to BIA-owned and Tribally-owned detention facilities.**

BIA Uses an Unfair Formula for Distribution of Public Safety Funds

Currently, the BIA does not use an objective funding formula for distributing public safety funding. Instead, BIA uses "historical precedent" as the basis for the distribution of these funds.

The Navajo Nation feels the using "historical precedents" is not a fair, objective, or justifiable basis for the distribution of vital public safety dollars.

The Navajo Nation believes that BIA should develop a funding distribution formula using objective criteria including the following factors that might go into a formula:

- On-Reservation Population
- Land Area
- Crime Rate
- Economic Conditions
- Tribal Police Resources

Emergency Fund

The 110th Congress recognized the tremendous need in Indian Country and responded by enacting the $2 billion "Emergency Fund for Indian Safety and Health", which was approved as part of the reauthorization President's Emergency Plan for Aids Relief (PEPFAR). This landmark legislation authorizes funding for public safety, health care, and water projects in Indian country. The Navajo Nation applauded the enactment of the authorization for the Emergency Fund, and now we urge Congress to provide the necessary funding to achieve the important goals that the Fund seeks to achieve. **Therefore, the Navajo Nation urges the Appropriations Committee to provide $400 million for the Emergency Fund in the FY 2010 Appropriations bills.**

While the five-year, $2 billion Emergency Fund has been authorized, it is uncertain how funding will be appropriated into the fund. The legislation authorizing the Emergency Fund states, "There is established in the Treasury of the United States a fund, to be known as the Emergency Fund for Indian Safety and Health, consisting of such amounts as are appropriated." The authorizing legislation does not describe which appropriations bills will provide the funding or how the appropriations will be provided. Without providing appropriations to the fund, no money can be spent from the fund as envisioned in law. We urge the Interior Appropriations Subcommittee to take the lead in working with Health and Human Services and Commerce, Justice, Science Subcommittees to ensure that the full Appropriations Committee provides $400 million for the Emergency Fund in FY 2010. The Navajo Nation is anxious to work with the Appropriations Subcommittees to ensure that the authorization is fully funded.

Detention Facilities

The Navajo Nation detention facilities were constructed in the late 1950's and early 1960's and have deteriorated so severely that prisoners can only be kept overnight in three of the six adult detention facilities. Since we only have 113 jail beds for the entire Navajo Nation (300,000 people spread over the size of West Virginia), many inmates serve only a portion of their sentences due to the lack of available detention facilities. Unless we build more detention facilities, criminals arrested in Navajo Nation are essentially getting a 'get out of jail free' card.

According to the recent report of Shubnum Strategic Management Applications, the federal government needs to spend $8.4 billion to bring tribal and federal detention centers in Indian

Country up to current standards and to relieve overcrowding. According the Report, when the jails were inspected in spring 2006, many had too many inmates and not enough jailers. At the Navajo Nation's Window Rock Detention Center in Arizona, two detention officers were assigned to guard 68 inmates at a time. "The 68 inmates were packed' on every horizontal space in the dormitory cells," the report says. "This included two individuals on a single bunk bed and several individuals on the only available floor space below the bunk beds. The foul stench was extremely high at this hour with the crowded condition."

Part of the problem with appalling state of Indian detention facilities is that two agencies (and two Appropriations Subcommittees) are involved in overseeing and funding the operation and construction of tribal detention facilities. The Department of Justice manages the Correctional Facilities on Tribal Lands Program, which provides grants to tribes to construct and/or renovate tribal correctional facilities. The Bureau of Indian Affairs funds Facility Improvement and Repair (FI&R) and Operation and Management (O&M) at Bureau-owned detention facilities in Indian Country. Unfortunately, there is lack of understanding in Congress and in the Administration about the unwieldy responsibilities where the DOJ builds/renovates tribal jails while BIA funds operations and repairs of BIA-owned tribal jails. Also, the confusion is exacerbated by the lack of coordination between DOJ and BIA officials who oversee the construction (DOJ) and operation (BIA) of tribal detention facilities. **Congress should require DOJ and BIA to work together to ensure that tribes with the greatest need receive jail construction funding, and that the BIA will provide sufficient funding to provide staffing, operation and maintenance, and facilities improvement and repair for the new jails. It is also important that Congress provide sufficient funding for the recurring costs that will continue for tribes that are successful in building new jails.**

Navajo Nation Has Raised Its Own Taxes to Fund Detention and Courts

The Navajo Nation has recognized the lack of detention facilities as a paramount priority enacted a 1% sales tax dedicated for judicial/public safety facilities. We have raised our own taxes, despite the poor economic situation in the Navajo Nation, to address this vital issue. It is time for the federal government to fulfill its trust responsibility and join us in providing adequate funding for new detention facilities and courts.

Conclusion

This Committee has shown great leadership in focusing attention on public safety issues in Indian Country. We urge your continued support and ask that you seek the highest possible funding for Tribal Public Safety and full funding for the "Emergency Fund for Indian Safety and Health".

Thank you for this opportunity to share the concerns of the Navajo Nation. Please do not hesitate to contact me if you have any questions or if we can be of any assistance. The Navajo Nation looks forward to working closely with the Committee to address public safety concerns in Indian Country.

Testimony of the New Jersey Conservation Foundation and
The New Jersey Highlands Coalition
Submitted by Wilma Frey, Senior Policy Manager, New Jersey Conservation Foundation
and Chair, NJ Highlands Coalition Land Preservation Committee,
on behalf of
Michele S. Byers, Executive Director, New Jersey Conservation Foundation, and
Julia M. Somers, Executive Director, New Jersey Highlands Coalition
to the
Subcommittee on Interior, Environment, and Related Agencies
House Committee on Appropriations
The Honorable Norman D. Dicks, Chair
March 26, 2009

The New Jersey Conservation Foundation and New Jersey Highlands Coalition thank you for the opportunity to provide testimony on the Fiscal Year 2010 Department of the Interior, Environment and Related Agencies Appropriations bill.

Our top priorities for Fiscal Year 2010 for much-needed funding for land conservation programs and projects in the New Jersey Highlands include:

- **U.S. Department of Agriculture/Forest Service: $125 million for the Forest Legacy land acquisition program, specifically including $7 million for the New Jersey Green Acres Program Musconetcong and Rockaway Rivers Watersheds Project (NJ);**

- **U.S. Department of the Interior: $11 million for the Highlands Conservation Act, including $10 million for land conservation partnership projects in the Highlands in New York, New Jersey, Pennsylvania and Connecticut, through the U.S. Fish and Wildlife Service, and $1 million for USDA Forest Service technical assistance in the Highlands, specifically to include $2.5 million for New Jersey Green Acres Program acquisition of the 1,144-acre Northern Highlands Project (NJ);**

- **U.S. Department of the Interior: $450 million for the Land and Water Conservation Fund Act federal and stateside land acquisition program, specifically including $900,00 for the Wallkill River National Wildlife Refuge and $2.4 million for the Great Swamp National Wildlife Refuge, both located in the NJ Highlands.**

New Jersey Conservation Foundation (**NJCF**) is a statewide, member-supported, non-profit 501.c.3 organization since 1960, whose mission is to preserve New Jersey's land and natural resources for the benefit of all, through acquisition of land and easements, land stewardship, appropriate planning and public policy measures.

The New Jersey Highlands Coalition (**Coalition**), also a 501.c.3 organization, represents a diverse network of some 30 organizations – small and large, local, regional, statewide and national – and individuals, in their common goal to protect, enhance and restore the New Jersey Highlands and to preserve the quality and quantity of its drinking water for the nearly five million people who depend on it.

The federal Highlands Conservation Act and the Forest Legacy Program both specifically target land conservation funding toward the New Jersey Highlands.

In the 1990 Farm Bill, Congress directed the USDA/Forest Service to study the New York-New Jersey Highlands, which resulted in federal recognition of the Highlands as a "landscape of national significance" in the 1992 USDA/Forest Service ***New York-New Jersey Highlands Regional Study.*** In 2004, Congress enacted and the President signed the Highlands Conservation Act, recognizing the national significance of the more than three-million acre, four-state Highlands region in NY, NJ, PA and CT as a source of drinking water, productive forests and farms, wildlife habitat and recreation within an hour of major metropolitan areas including Philadelphia, New York City and Hartford.

The New Jersey Highlands have been officially designated by the State and the USDA/Forest Service as New Jersey's Forest Legacy Area. The Forest Legacy Program was created by Congress and developed by the Forest Service specifically to prevent the conversion of environmentally important forest land to non-forest uses.

The NJ Highlands comprise 880,000 acres located in seven counties in northwest New Jersey. More than 5.5 million people, in 16 of New Jersey's 21 counties – well over half the State's population – including some 800,000 Highlands residents, rely on the Highlands for all, most or some of their water. Maintaining the forested landscapes of the NJ Highlands provides the best and least expensive protection for the State's water supply and water quality. However, the *Highlands Regional Study: 2002 Update* found that Highlands forests lost over 3000 acres per year between 1995 and 2000.

The 2004 Highlands Conservation Act (HCA) authorizes $10 million per year for land conservation partnership projects, and $1 million annually to continue USDA Forest Service technical assistance. These land protection projects leverage significant state, local, and private funding, far greater than the 50% match required under HCA. Highlands states submit open space land acquisition projects for HCA funding to the Department of the Interior (DOI); projects are ranked by the Highland Conservation Act Steering Committee (US Fish and Wildlife Service, USDA Forest Service, National Park Service, state representatives from PA, NJ, NY and CT).

The 2004 federal Highlands Conservation Act, as well as the 2004 NJ Highlands Water Protection and Planning Act, recognized the NJ Highlands' multiple outstanding resource values. In addition to its critical water supply values, its scenic ridges, public open space, trails and scores of streams, lakes, ponds, and reservoirs provide exceptional recreation opportunities for residents of not only NJ, but the adjacent New York City and Philadelphia metropolitan areas. A wide diversity of habitats provides a home for hundreds of species of threatened, endangered and rare plants and animals, including five federally listed animals. Highlands' farmland, historic, archaeological, cultural and scenic values are all recognized as significant. Protecting Highlands resources preserves New Jerseyans' quality of life, as well as maintaining a foundation for farming, eco-tourism and agri-tourism, and the many significant industries in the State that are water-dependent. Forest Legacy Program and Highlands Conservation Act funding are sought for New Jersey State Green Acres Program projects in the New Jersey Highlands.

Forest Legacy Program

Musconetcong & Rockaway Rivers Watersheds, NJ – FY '10 Forest Legacy Project: The New Jersey Green Acres Program seeks $7.0 million in Forest Legacy Program funding to help acquire and permanently protect 1,515 acres of forested lands in New Jersey's Highlands Preservation Area, designated in the State's 2004 Highlands Water Protection and Planning Act, based on its critical importance to New Jersey citizens for water supply, natural and cultural resources. The project is located within Conservation Focal Areas identified in the USDA/Forest Service ***NY-NJ Highlands Regional Study 2002 Update.*** Fee simple acquisitions will be held and managed by the New Jersey Divisions of Parks and Forestry and Fish and Wildlife. Total project cost is $14.75 million.

Project Benefits include:

- **Permanent carbon sequestration to mitigate global warming** - All tracts targeted for acquisition consist of prime forested land, which will be managed using revenue from the ten-state Northeast Regional Greenhouse Gas Initiative (RGGI), which provides funding to actively manage forests for carbon sequestration benefits.
- **Protection of critical ground and surface water resources** by limiting impervious cover and increasing infiltration replenishment. The project contains and protects Rockaway River tributaries, with the State's highest surface water quality ranking, that supply Jersey City's Reservoir System, on which over 300,000 residents and many businesses depend. Tracts are also located in prime ground water recharge areas, designated as Sole Source Aquifers by the EPA, that supply local wells.
- **Preservation of wildlife habitat** - The project promotes forest health and high biodiversity values, containing "Critical Wetland Forest with Core Habitat" that supports federal and state threatened and endangered species, including mammals, birds, herptiles and invertebrates.
- **Significant public recreational opportunities** – All tracts will be fully open for public recreational use and will support eco-tourism. Acquisition by the State will allow enhancement of the state trails system, including the Highlands Millennium Trail.
- **Historic Resources** - The project contains four diverse State Registered Historic Places.

Highlands Conservation Act Program

Northern Highlands, NJ – FY '10 Highlands Conservation Act Project :
We seek $2.5 Million for the Northern Highlands HCA Project, to support NJ Green Acres Program fee simple acquisition of a 1,144 acre tract to be held and managed by the State.

The Northern Highlands Project, in Sussex and Morris counties in the heart of the Highlands Preservation Area designated by the 2004 NJ Highlands Water Protection and Planning Act, will connect more than 62,000 acres of protected lands, including the Rockaway River, Sparta Mountain and Weldon Brook State Wildlife Management Areas, plus Morris County's Mahlon Dickerson Reservation and the nonprofit Russia Brook Sanctuary.

Project Benefits:

- **Permanent carbon sequestration to mitigate global warming** - Using revenue from the ten-state Northeast Regional Greenhouse Gas Initiative (RGGI), which provides funding to actively manage forests for carbon sequestration benefits, the forested property will be managed with NJ's Global Warming Solution Fund.

- **Protection of critical surface and ground water resources** - Containing streams with with the State's highest surface water quality ranking, the tract protects both surface and ground water supplies. It is a prime ground water recharge area and an EPA-designated Sole Source Aquifer.
- **Preservation of high biodiversity values** - The tract contains habitat of federal (Indiana Bat and Bald Eagle) and state threatened, endangered and rare species.
- **Significant regional public recreational opportunities** – In addition to linking to 62,000 acres of other protected lands, there is an extensive hiking system on the property, with the 150-mile Hudson to Delaware Highlands Millennium Trail transecting its entire length. A lake offers boating, swimming and fishing.
- **Historical interpretation** - The tract offers interpretation opportunities for several nearby NJ Registered Historic Places.

Land and Water Conservation Fund: National Wildlife Refuge Land Acquisitions
NJCF and the Coalition support expansion of two existing refuges in the New Jersey Highlands: the Wallkill River NWR in Sussex County and the Great Swamp NWR in Morris and Somerset counties. Both acquisitions would meet the criteria of the Land and Water Conservation Fund program by providing additional opportunities for public recreation and for scientific research and by protecting open space and habitat for wildlife, including endangered and threatened species, in areas threatened by development.

1.Wallkill River National Wildlife Refuge Acquisition Project, Sussex County, NJ
We support an appropriation of $900,000 for the acquisition of 110 acres, part of a 324-acre parcel known as the Armstrong Bog, a core piece of the newly approved Wallkill National Wildlife Refuge land protection plan. This acquisition will protect water quality and provide high quality habitat for migratory birds as well as numerous recreational opportunities for visitors. The priority wetland complex is located along the Papakating Creek, a major tributary of the Wallkill River, and is a centerpiece of the recently approved 7,600-acre boundary expansion. The site holds one of New Jersey's largest populations of bog turtles, a federally-listed species. Currently owned by a developer, the parcel is threatened by development. A partnership of non profit organizations, the State, county and township are working together to acquire the property. Federal support is essential and will be highly leveraged with local funding.

2. Great Swamp National Wildlife Refuge Acquisition Project, Morris County, NJ
NJCF and the Coalition support an appropriation of $2.4 million for the acquisition of the Great Brook Property adjacent to the Great Swamp NWR. The tract provides critical habitat for rare species as well as an office space opportunity for USFWS employees. Funding would allow the refuge to purchase an 18 acre parcel within the approved acquisition boundary which contains valuable wildlife habitat for rare species, including emergent and forested wetlands, stream riparian corridors, vernal pools, tussock sedge marshes, old fields and mature forests. The parcel provides foraging areas for three state-listed threatened species, including wood turtles, red-shouldered hawks and barred owls, as well as numerous other wildlife species. The parcel includes a 4,000-square-foot building that will provide needed office space for US Fish and Wildlife Service personnel.

Thank you for the opportunity to submit this testimony on the FY 2010 Interior, Environment and Related Agencies Appropriations bill.

TESTIMONY TO THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES
APRIL 25, 2008
by
THE NORTHERN FOREST ALLIANCE
BRUCE CLENDENNING, POLICY DIRECTOR

MARCH 26, 2009

Mr. Chairman, and distinguished members of this Subcommittee, we are grateful for the opportunity to submit testimony today on behalf of the member organizations of the Northern Forest Alliance.

The NFA is a coalition of 55 national, regional, state, and local conservation, recreation, and forestry organizations united by a commitment to work together to protect and enhance the ecological and economic sustainability of natural and human communities in the Northern Forest. Our priorities include: conserving wildlands in the Northern Forest to help protect the forest's ecological integrity, its recreational opportunities, and it's timber production; encouraging well managed private forests to support the forest-based economy, including high-value timber products, recreational tourism, and the jobs these industries support; and building strong, diverse, local economies that support vibrant communities throughout the Northern Forest.

With these priorities and goals in mind, we respectfully request a substantial increase in overall funding for the Land and Water Conservation Fund (LWCF) and the Forest Legacy Program (FLP) and specifically urge the Subcommittee to provide $325 million for the federal LWCF, $125 million for the LWCF stateside program, and $125 million for the Forest Legacy Program in the Fiscal Year 2010 Interior and Environment Appropriations bill. In addition, we respectfully urge the Subcommittee to provide a minimum of $10 million for the Community Forest and Open Space Conservation Program, $45 million for the Forest Stewardship Program, $36 million for the Urban and Community Forestry Program, $53 million for the Cooperative Lands Forest Health Program, and $45 million for the State Fire Assistance Program. Together this suite of programs provides remarkable benefits to the forests and people of the Northern Forest Region and helps ensure that our forests are maintained at a high level and continue to provide a diversity of benefits to the region.

We applaud the LWCF and FLP funding increases provided by this committee in Fiscal Year 2009. And, we are most thankful that the Obama Administration Budget recognizes the importance of these programs by proposing significant increases for Fiscal Year 2010 and setting a goal to achieve full funding of the LWCF in the next five years.

The LWCF is our nation's premier program to acquire and protect lands in national parks, national wildlife refuges, national forests, Bureau of Land Management units and other federal land systems. This program faces an extensive and growing backlog of land acquisition needs across the nation. The LWCF stateside program provides close-to-home recreation through thousands of state and local parks across the country. These parks provide millions of urban and suburban residents access to natural areas while promoting much needed tourism in local

communities. The Forest Legacy Program conserves working forests threatened by conversion and promotes economic viability as well as recreational open space and wildlife protection. Public lands provide innumerable social and economic benefits including a healthy lifestyle, protection of watersheds and drinking water supplies, wildfire reduction and prevention, and assistance to wildlife and fisheries as they adapt to climate change. We urge you to renew this wise investment in America's natural heritage and take steps to towards full and consistent funding of these vital programs.

The Forest Legacy Program and Land and Water Conservation Program have proven to be the most important tools to fund land conservation in the Northern Forest. It is critical that funding for these programs be expanded to ensure that as opportunities for productive conservation arise, we continue the strong tradition of conservation that ensures public access, sustainable forestry, and a multitude of recreational opportunities.

Passage in 2008 of the Community Forest & Open Space Conservation Program is exciting for the Alliance and for all communities looking towards a more empowered and locally controlled future. This new program will provide matching funds to help local government entities, Indian tribes, and non-profit organizations to create new community forests. It will also offer technical assistance to develop and implement management plans for each new community forest. We urge you to provide funding for the Community Forest and Open Space Conservation Program in the FY2010 budget for the U.S. Forest Service. This should include funding for the states to administer the program and to provide technical assistance, as directed by the program's authorizing language.

The Alliance is firmly committed to the effort to support a suite of programs that support resilient communities, sound forest stewardship, and the forest-based economy within the US Forest Service's State & Private Forestry program. The economies and forests of New Hampshire, Vermont, Maine, and New York and across the nation can not afford to lose the professional assistance provided by our State Foresters and Cooperative Extension Foresters. Programs including the Forest Stewardship Program, Urban & Community Forestry, the Cooperative Lands Forest Health Program, and the State Fire Assistance Program are critical to the needs of Northern Forest communities. This suite of programs ensures that resources are available to support the shared goal of landowners, state, and local governments to manage their forestlands to the highest standards of sustainability.

The Forest Stewardship Program and Urban & Community Forestry Program support the ability of state and country foresters to provide technical services to forest landowners, providing educational services in urban areas and communities, developing forest stewardship plans, providing training for natural resource professionals, increasing public awareness of forest resources in rural and urban areas, providing training for the public in the Coverts programs, and supporting the implementation of forest stewardship plans. These services benefit not only private landowners, but all in the region who benefit from the sustainable and healthy management of forests and of trees and urban forests in our communities.

The Cooperative Lands Forest Health Program provides assistance on our non-federal Forestland, the majority of forests in the Northern Forest and the eastern half of the nation, to address forest health issues including the prevention, detection, and suppression of damaging insects, diseases, and plants. As you're well aware, the spread of invasive plants and insects into

the forests of the region are causing and may cause incredible losses to the value of our crucial forestlands. It is essential that our State Foresters and others are able to invest in services that protect our forests.

The State Fire Assistance program provides essential financial and technical assistance to state and local fire departments for wildland fire management. It helps to ensure preparedness in the advent of forest fires. In addition, to direct first-responder support, it provides funding for fuel reduction work and is one of the only programs that help communities develop Community Wildfire Protection Plans.

In addition to these critically important program requests, the Northern Forest Alliance strongly supports funding for the following projects.

Forest Legacy Program Projects
ME – Katahdin Forest Expansion ($3.7 million)
ME – Rangeley High Peaks ($3.5 million)
NH – Cardigan Highlands ($3.8 million)
NH – Mahoosuc Gateway II ($5.0 million)
NY – Follensby Pond ($7.0 million)
VT – Eden Forest ($2.2 million)
VT – Adams Pond ($1.6 million)

Land and Water Conservation Fund Projects
NH – Mahoosuc Gateway I ($1.375 million)
NH-ME –Umbagog NWR ($4.5 million)
VT – Green Mountain NF ($2.25 million)
VT – Chateauguay – No Town ($1.25 million)
NH-VT-CT-MA - Silvio O.Conte NWR ($2.965 million)

In closing, we thank the Subcommittee for your continuing leadership on federal land conservation and forestry assistance. The NFA stands ready to work with you to secure full and consistent funding for the LWCF, for the FLP, and for the critically important S&PF programs that ensure that our conserved lands and private forests are all well-managed heading into the future. Thank you for the opportunity to provide this testimony.

Member Organizations of the Northern Forest Alliance:
Adirondack Communities Advisory League
Adirondack Council
Adirondack Mountain Club
American Hiking Society
Appalachian Mountain Club
Appalachian Trail Conservancy
Association for the Protection of the Adirondacks
Audubon New York
Audubon Vermont
Biodiversity Legal Foundation
Catamount Trail Association
Chewonki Foundation

Citizens Campaign for the Environment
Conservation Law Foundation
Defenders of Wildlife
Environmental Advocates
Environment New Hampshire
Forest Guild
Forest Watch
Garden Club of America
Gorham Trails Land Trust
Green Mountain Club
Greensboro Land Trust
Jay Ericson Photography
Keeping Track
Maine Appalachian Trail Land Trust
Maine Audubon
Massachusetts Audubon Society
MetaFore
National Parks Conservation Association
National Wildlife Federation
Natural Resources Council of Maine
Natural Resources Defense Council
New England Forestry Foundation
New York League of Conservation Voters
New York Rivers United
North Woods Stewardship Center
Residents' Committee to Protect the Adirondacks
Rural Vermont
Sierra Club
Student Environmental Action Coalition
The Wilderness Society
Trout Unlimited – Basil Woods Jr. Chapter
Trout Unlimited – National
Trust for Public Land
Trust to Conserve Northeast Forestlands
Vermont Alliance of Conservation Voters
Vermont Businesses for Social Responsibility
Vermont Land trust
Vermont Natural Resources Council
Vermont Public Interest Research Group
Vermont Woodlands Association
Vermont Woodnet
Vermont Youth Conservation Corps
World Wildlife Fund

ANITA WINKLER, EXECUTIVE DIRECTOR
OREGON WATER RESOURCES CONGRESS
MARCH 26, 2009

I am Anita Winkler, Executive Director, Oregon Water Resources Congress (OWRC). This testimony is submitted to the United States House of Representatives Appropriations Committee, Subcommittee on Interior and Related Agencies, regarding the FY10 Budget for the Department of the Interior Fish and Wildlife Service. OWRC requests an appropriation of $25 million for full funding in FY10 of the U.S. Fish and Wildlife Service Fish Restoration Irrigation Mitigation Program (FRIMA).

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 agriculture water suppliers in Oregon, primarily irrigation districts, as well as 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.

RE: FRIMA Program - U. S. Fish and Wildlife Service FY10 Request

Background of the Fisheries Restoration and Irrigation Mitigation Act
FRIMA, originally authorized by PL 106-502, enacted November 2000, created a new federal partnership fish screening and passage program in the Pacific Ocean drainage areas of Idaho, Oregon, Washington and western Montana, administered by the U.S. Fish and Wildlife Service. The Fish and Wildlife Service is to implement this voluntary cost-share fish screen construction program for water withdrawal projects in Idaho, Oregon, Washington and western Montana through the fishery agencies in the four states. The funding is to go to local governments for construction of facilities. Irrigation districts and other local governments that divert water for irrigation, can access the funding; individual irrigators can access funding through their local Soil and Water Conservation District. (SWCD districts are local governments affiliated with the Natural Resources Conservation Service).

The reauthorization for the FRIMA program is contained in the recently passed H.R. 146 The Administration has not requested any funding in its FY10 Budget submission for this program.

The original legislation and the reauthorization 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.

Need
Our association has represented irrigation districts in Oregon since 1912. About half of those districts are affiliated with the U.S. Bureau of Reclamation. The remainder of the districts is not part of a Reclamation project. Over 200 irrigation districts in Oregon provide water supplies to over one million acres of 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.

Fish passage and fishscreen needs have become critical to fishery protection:

- to keep protected fish species out of water canals and delivery systems;
- to allow fish to be safely bypassed around reservoirs and facility structures; and
- to eliminate water quality risks to fish species.

Among Oregon irrigation districts alone (not including other public or private irrigation diversion needs) well over $11 million in funding will be required to meet fish passage and fishscreen needs. Limited cost-share funds are available from the Oregon Watershed Enhanced Board (OWEB) program in Oregon, but primarily the cost share for passage and screening needs has been provided by the districts and their water users. Although many districts already have screening facilities in place, requirements for screening have changed to meet federal agency requirements of the NOAA Fisheries Service and the Fish and Wildlife Service, driven by implementation of the federal Endangered Species Act (ESA) so that existing facilities must be upgraded at significant cost.

Funding

The reauthorization contained in H.R. 146 calls for $25 million annually, to be divided among the four stated. The Service has never included funding in its budget requests since passage of the original Act. 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, so the first moneys were distributed then. In the following years, funding for FRIMA was provided as a Congressional write-in in each year. OWRC appreciates Congress' continued funding for the FRIMA program each year. 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 continues but there is still significant need.

In 2000, in its report accompanying the legislation, 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 FY05, Congress provided $2 million for the program in the Consolidated Appropriations Act and, $2 million in FY06. The FY 07 funding of $1 million was part of an appropriation to the Fish and Wildlife Service but was not a separate, designated appropriation As you can see from the total amount of money that Congress has written in for the program, such amounts are woefully inadequate for what was anticipated for the program, yet appreciated. The Administration did not request funding for the program for FY 09, consistent with its past budget submittals, despite widespread benefits from the money that Congress had previously provided.

A recently produced report by the U.S. Fish and Wildlife Service covering the program years FY2002-2004 provides state- by-state coverage of how the Congressional provided funding has been used in the program. The program has been extremely beneficial in the State of Oregon. Funding funneled through the Service to state fishery agencies is distributed on the basis of 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

Each state is allocated 25% of the annual program funding. Agency administrative costs cannot exceed 6% of the funding.

Project Benefits

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 meet applicable state and federal requirements for project construction and operation. 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.
For more information, see the Services' Fisheries Resources website for the Pacific Region at http://www.fws.gov/pacific/Fisheries/FRIMA. This program is headquartered in the Portland, Oregon regional office of the Service.

Oregon's Project Benefits

Twenty-five 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. In addition, the Oregon Department of Fish and Wildlife has used some of the FRIMA funding to develop and inventory of need for fish screens and passages in the state. In that time, the local match has averaged 51.7%, well over the amount required under the Act. 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: fishscreen project on a large 1050 cfs multipurpose water diversion project on the Santiam River (Willamette Basin) near Stayton, Oregon. Partners are the Santiam Water Control District, Oregon Department of Fish and Wildlife, 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: fishscreen 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 Oregon Department of Fish and Wildlife. 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: fishscreen project on a 60 cfs irrigation water diversion in the upper Klamath Basin near Klamath Falls, Oregon. Partners are the Wocus Drainage District, Oregon Department of Fish and Wildlife, 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: fishscreen 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 Oregon Department of Fish and Wildlife. 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.

Oregon Department of Fish and Wildlife Inventory Project: an inventory to be conducted by Oregon Department of Fish and Wildlife to identify FRIMA-eligible passage and screening projects within the Rogue and Klamath basins of southwestern Oregon. Approved **FRIMA** funding is **$76,000**. Estimated total project cost is **$125,000**.

WHY FUND NOW

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. That is why it is important that this program be funded now. We urge the full authorization funding of $25 million for FY 10 and urge Congress' oversight in encouraging the Service to budget for this successful program in the future.

Thank you for the opportunity to provide this statement for the hearing record.

Peter Yucupicio
Chairman
The Pascua Yaqui Tribe

The Pascua Yaqui Tribe is requesting $3,000,000 in FY10 from the Interior and Environment Appropriations Bill – Water/Wastewater Infrastructure (STAG) for the planning and implementation of the Drainage Master Plan on the Pascua Yaqui Tribal lands located near Tucson, Arizona. This project has local and regional significance because it will address safety, economic, and transportation problems resulting from flooding and drainage issues. This project will provide a systematic approach for addressing existing and future drainage issues within the Tribal lands and surrounding communities. This request will fund engineering and design studies of the project.

The Pascua Yaqui Tribe is a tribe of Native Americans, given recognition by the United States government on September 18, 1978. Most U.S. members of the tribe live in southern Arizona. The Yaquis were well accustomed to the many parts of North America, descended from the ancient Uto-Azteca people of Mexico, the ancestors of the Pascua Yaqui Tribe first settled in the United States near Nogales and south Tucson. In the late 1800s the Tribe began to expand into settlements north of Tucson in an area they named Pascua Village, and in Guadalupe, near Tempe.

In 1964, Congress approved a bill for the transfer to the Tribe of 202 acres southwest of Tucson. On September 18, 1978, the Pascua Yaqui Tribe of Arizona became federally recognized: the Pascua Yaqui were not formally recognized by the federal government until 1978, when they achieved status as a created tribe, a designation that was finally converted to that of a historical tribe in 1994. In 1988 the Tribe's first constitution was approved. The Pascua Yaqui Indian Reservation is located in Pima County, in the southwestern part of the Tucson metropolitan area, amidst the suburban communities of Drexel Heights and Valencia West, and adjacent to the eastern section of the Tohono O'odham Indian Reservation, known as the San Xavier Indian Reservation.

It is critical to the long term, and in the best interest of the Tribe to implement the Master Drainage Plan for the entire Reservation consisting of approximately 1152 acres. The Reservation is located in a floodway of the Black Wash and larger drainage basin. The Tribal Council wants to minimize flood erosion damage for its residents and address health and safety issues which exist with storm runoff. By implementing the plan it will be providing protection for buildings, infrastructure, property, homes, fire, medical, schools and government buildings. There are approximately 15,000 Indian and non-Indian residents that reside adjacent to the reservation that are directly impacted from the same flooding issues, whom will also benefit from the implementation of this plan. The Tribe's Emergency Management Plan identified flooding as the number one threat to these residents.

Last year the tribe had two storms back to back within a 2 hour period. Typically known as a 10 year storm. No one could get in or out of the reservation. School buses, public transportation, fire/medical emergency services were all impacted.

PASCUA YAQUI DRAINAGE MASTER PLAN

EXECUTIVE SUMMARY

Tetra Tech, Inc., an independent contractor, prepared a Drainage Master Plan for the Pascua Yaqui Tribal lands located near Tucson, Arizona. A scope of work was prepared to guide the work efforts and outline a systematic approach for addressing existing and future drainage issues within the Tribal lands. The scope of work was outlined according to the following areas of the study:

(1) Data collection efforts to define flood and erosion conditions on the Tribal lands;

(2) Hydrologic calculations to predict the 100-year discharges at locations along watercourses on tribal lands;

(3) Hydraulic computations, using the HEC-RAS computer model, to determine 100-year water surface elevations and floodplain limits;

(4) Simplified geomorphic and engineering analyses to estimate

(a) local scour depths,

(b) sediment supply and transport,

(c) lateral migration, and

(d) long-term degradation;

(5) Formulation of conceptual design alternatives for addressing drainage needs, considering both flooding and erosion hazards;

(6) Alternatives analysis in order to identify a recommended alternative; and

(7) Implementation plan for the recommended alternative.

Based upon the results derived from completion of Task 1 through Task 4, as outlined above, Tetra Tech conducted an assessment of alternatives for the tribal lands that led to the consideration of the following five (5) flood-control alternatives:

1. Upstream Stormwater Detention/Retention

2. Channelization

3. Flow Corridors with Levees

4. Local Drainage Improvements

5. Improve Existing Drainageways and Trails

Upon further evaluation of the pros and cons of each of these five flood-control alternatives, Tetra Tech recommended that that a combination flood-control solution, comprised of elements from Alternative Nos. 1, 3, 4 and 5, be adopted for the Pascua Yaqui tribal lands. The specifics of these combination elements are as follows:

- Upstream Stormwater Detention/Retention measures were recommended for implementation only upstream of the eastern/southeastern portions of the Tribal lands—that is, the portions of

the Tribal lands where exiting development, such as the Casino of the Sun and nearby residential areas, already lie in harm's way during times of flooding.

- Flow Corridors with Levees were recommended for the western portion of the Tribal lands—that is, the portions of the Tribal lands where little to no development currently exists, but where extensive future development is planned.

- Local Drainage Improvements were recommended at spot locations within the eastern portion (i.e., developed areas) of the Tribal lands in order to improve upon the efficiency of floodwater conveyance in conjunction with upstream stormwater detention/retention measures, when implemented.

- Improve Existing Drainageways and Trails were also suggested to increase flood-carrying capacity, lessen channel overtopping, and reduce scour/erosion potential, as well as provide easy pedestrian access to and along the drainage system elements that traverse the Tribal lands.

Upon completion of the recommended alternative, Tetra Tech prepared an Implementation Plan for addressing future drainage needs within the Pascua Yaqui tribal lands, as follows. At this juncture, it is key to note that implementation of the recommended Drainage Master Plan must involve actions by both the Tribal Council and the Tribal government. The following text provides a description of the recommended actions that should be taken to ensure a successful implementation Plan:

IMPLEMENTATION PLAN

A. Engineering Tasks

The following engineering tasks are presented in chronological order, with the highest priority actions listed first, followed by lower priority items.

Redesign Proposed Park

One of the first engineering tasks should be to notify the Tribe's park consultant to modify the ongoing park design so that it incorporates the design of a proposed multi-use stormwater detention facility. Prompt action to this end will minimize redesign design costs for the proposed ball fields and associated facilities.

Review Federal Permitting Requirements

Preliminary discussions should also be initiated with the U.S. Army Corps of Engineers to establish the general scope of Federal 404 and 401 permit requirements. If necessary, the permitting process should be initiated as soon as possible in order to prevent any delays in the design and construction of the proposed projects.

Other potential permitting issues should also be evaluated in more detail by Tribal officials. Federal agencies, including the Bureau of Indian Affairs, should be contacted to establish any additional jurisdictions. The State of Arizona should also be contacted.

Project Prioritization

Using information regarding funding options and the Federal permitting process, the projects proposed as part of the Drainage Master Plan should be prioritized and an implementation schedule should be established. The implementation schedule should also provide a time frame for securing funding for each project. Recommended priorities are presented as follows.

Priority 1: Multi-Use Detention Basins

Given the small number of recommended projects, prioritization is fairly straightforward. The multi-use stormwater detention facilities are the highest priority, and must be completed for the local improvements to be effective.

Priority 2: Local Improvements

Analysis and design of the proposed local improvements can begin prior to construction of the proposed basins, and could occur concurrently with the analysis and design of the multi-use stormwater detention facilities. Factors to consider prior to initiation of the proposed local improvements project include available funding and available staff time for project management. Implementation of the proposed local improvements should not delay other efforts related to the analysis, design, and construction of the proposed detention facilities.

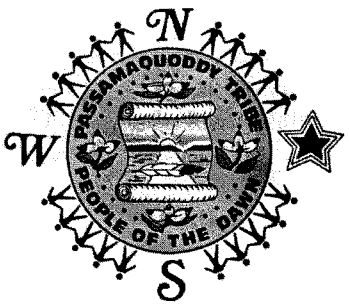
Priority 3: Flow Corridors

The proposed flow corridors should be implemented in conjunction with future development that will occur in Watersheds No. 1 and No. 2. No time frame is currently available for development in these areas.

Project Scheduling

Each individual project should progress utilizing the general project schedule listed below:

a) secure funding,
b) initiate individual 404 and 401 permitting
c) prepare scope of services for proposed flood-control projects
d) conduct design-level analysis,
e) prepare construction plans, and
f) construction



Passamaquoddy Tribe at Pleasant Point
P.O. Box 343, Perry, ME 04667
(207) 853-2600

WRITTEN TESTIMONY TO THE
HOUSE APPROPRIATIONS SUBCOMMITTEE ON THE INTERIOR
HOHORABLE NORMAN D. DICKS, CHAIRMAN
MARCH 24, 2009
RICHARD PHILLIPS-DOYLE, SAKOM/CHIEF
PASSAMAQUODDY TRIBE

Mr. Chairman and Distinguished Committee Members:

My name is Richard Phillips-Doyle and I am the elected Sakom/Chief of the **Passamaquoddy Tribe** located on the **Pleasant Point reservation in Perry, Maine.** I would like to thank you for the opportunity to provide testimony to the Appropriations Subcommittee on the Interior. I will be requesting appropriations from the **Department of the Interior, Bureau of Indian Affairs (BIA)** for an annual appropriation of **$2,410,739.00**.

Pleasant Point reservation is located in rural Washington County Maine and is situated along the shores of Passamaquoddy Bay. Washington County is approximately thirty five hundred square miles and has a year round population of just over twenty thousand people. Historically, Washington County has been one of the most economically depressed counties in the state of Maine as well as the rest of the country.

The Passamaquoddy have lived on the shores of Passamaquoddy Bay for over ten thousand years and have maintained a reservation at its present location since before Maine became a state and was still part of Massachusetts. The reservation at Pleasant Point is comprised of five hundred and twenty seven acres with an additional one hundred and thirty two thousand areas that is both fee and federal trust lands. As of January 1, 2009 the current on-reservation population is six hundred and eighty five individuals (three hundred and sixty seven females and three hundred and eighteen males).

The tribe is currently the largest employer in the immediate area and employs one hundred and two people. Currently the **tribal unemployment rate is 65%** with the majority of those employed individuals working for tribal government.

Due to a **short fall in funding of $900,590.00** the tribe has had to lay off a number of its employees since January first of this year. This shortage of funds, as you can imagine, has had a detrimental affect on essential tribal programs and services.

Although practically every program and/or department has been adversely affected, the following programs and departments have sustained the brunt of these funding shortfalls:

- Law Enforcement
- Fire Protection
- Public Works
- Tribal Game Wardens
- Tribal Rec and Youth
- Education and Adult Vo-tech

To reiterate, the Passamaquoddy Tribe at Pleasant Point is requesting additional funding in the amount of $900,590.00 on top of its base funding of $1,510,149.00 for a **total of $2,410,739.00 for FY 2010**.

Written Statement of

Andrea Snyder, 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 26, 2009

Mr. Chairman and distinguished members of the subcommittee, I am grateful for this opportunity to submit testimony on behalf of the Performing Arts Alliance and its member organizations – American Music Center, Association of Performing Arts Presenters, Chorus America, Dance/USA, League of American Orchestras, National Alliance for Musical Theatre, OPERA America, and Theatre Communications Group. The Performing Arts Alliance is a national network of more than 4,100 members comprising the professional, nonprofit performing arts and presenting fields. For more than 30 years, the Performing Arts Alliance has advocated for national policies that recognize, enhance, and foster the contributions the performing arts make to America.

We urge the Committee to designate a total of $200 million to the National Endowment for the Arts (NEA). **This testimony is intended to highlight the importance of the federal investment in the arts to sustaining a vibrant cultural community.** With more funding, the NEA's core programs could better bring the best in the arts to all Americans:

- Additional funds would allow the size of individual grants to increase, after having declined steadily since the NEA's budget was cut by 40 percent in FY96.
- Inadequate funding has caused many high-quality grant applications to go unfunded.

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 to 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 awards more than 1,700 grants annually to nonprofit arts organizations for projects that encourage artistic creativity, provide lifelong learning opportunities, and engage audiences in the best the arts have to offer. This modest public investment in the nation's cultural life has resulted in both new and classic works of art reaching all fifty states.

With more funding, the NEA could do more.
The NEA has never recovered from a 40% budget cut in FY 1996, resulting in the underfunding of its programs. We are appreciative of the increased support this Subcommittee provided for the NEA last year and are already seeing benefits of increased access to public performing art organizations and artists across the country. The live arts bring communities together, encourage dialogue, and provide innovation and education opportunities to generations of Americans.

The Nonprofit Performing Arts Community

The following member profiles of the Performing Arts Alliance, which include national service organizations representing new music, arts presenting, chorus, dance, musical theatre, opera, orchestra, and theatre fields, exemplify the economic, educational, and quality of life benefits that performing arts organizations bring to American communities.

New Music

The American Music Center (AMC) is dedicated to building a national community of artists, organizations, and audiences, creating, performing, and enjoying new American music. Since its founding in 1939 by composers Marion Bauer, Aaron Copland, Howard Hanson, Harrison Kerr, Otto Luening, and Quincy Porter, AMC has been a leader in providing field-wide advocacy, support, and connection. AMC advocates for the community through its media programming, supports the community by making grants to composers and ensembles each year, and by offering professional development services to artists. AMC connects the community with an array of information services designed to facilitate performances, including a vast, searchable database of 45,000 works by American composers, publications compiling opportunities in new music and other information useful to industry professionals, and benefits and services for nearly 2,500 members in all 50 states and around the world.

Arts Presenters

Performing arts presenters bring professional performing artists from all over the world into the communities they serve. They include organizations such as performing arts centers in major urban cities, academic institutions, artists, artist managers, agents, local arts agencies, and outdoor festivals and fairs. Arts presenters facilitate the interaction between artists and audiences, support the creation and touring of new works, and are civically engaged in their communities. The Association of Performing Arts Presenters (Arts Presenters), a national service and advocacy organization, represents an industry of more than 7,000 nonprofit and for-profit organizations, with members hailing from all 50 states and 28 countries on six continents across the globe. Arts Presenters' members bring performances to more than 2 million audience-goers each week and spend in excess of $2.5 billion dollars annually. Their membership includes a range of organizations with multi-million dollar budgets to individuals who are artists or performing arts professionals, representing a diversity of fields, which include all forms of dance, music, theatre, family programming, puppetry, circus, magic, attractions and performance art.

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 1,600 choruses, individuals, and businesses 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

In 1965, there were approximately 35 nonprofit professional dance companies. Today, there are more than 600. America's dance companies perform a wide range of styles and genres. These include both classical and contemporary ballet, both classical and

contemporary modern, as well as jazz, tap, cross-disciplinary fusions and traditional to modern work rooted in other cultures. When the NEA instituted its Dance on Tour program in the 1970's, great dance became accessible to every community in America. NEA programs today, like the National College Choreography Initiative, continue to ensure that the best of American dance is for all of America, and a showpiece for the rest of the world as well. Based on a 2006 survey, Dance/USA estimates that the 81 largest and most visible non-profit dance companies in the United States do the following:

- Employed over 6,000 people;
- Performed for total home audiences of nearly 2.9 million people;
- Paid approximately $237.5 million in wages and benefits;
- Had over 24,300 volunteers, including over 2,700 members of Boards of Trustees;
- Received $16.7 million, from state, local and government contributions.

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 cumulatively staged over 27,000 performances attended by 16 million people, and had revenues totaling over $500 million. 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 over 300 writers and 200 new musicals, which have had thousands of subsequent productions worldwide.

Opera

OPERA America members are found in communities all across the country - a total of 133 companies in 43 states. American opera companies are well known for their innovative and exemplary education and outreach programs, many of which are funded in part with NEA grants. Virtually all U.S. opera companies run such programs in their communities. Opera companies help fill the void left by discontinued arts education in many public school systems and can help young people communicate the realities of their lives via disciplined artistic expression. The audience for education and community programs served by U.S. and Canadian companies during the 2005-06 season totaled over 2 million people. All together, the opera companies of America contribute more than one and half billion dollars to the U.S. economy each year and provide more than 20,000 jobs each year.

Orchestra

In its more than 40-year history, the NEA has provided invaluable leadership and support for musicians, orchestras, and the communities they serve through direct grants; support to state arts agencies, and national leadership initiatives. Supported by a network of musicians, volunteers, administrators, and community leaders, America's adult, youth, and college orchestras total more than 1,800, with annual budgets ranging from less than $12,000 to more than $83 million, and exist in every state and territory, in cities and rural areas alike. They employ (with or without pay) more than 8,000 administrative staff and attract more than 400,000 volunteers and trustees.

In addition to concerts, orchestras offer more than 40 different kinds of programs for their communities, including:

- in-depth, multi-year residencies
- long-term partnerships with schools

- after-school and summer camps
- programs in hospitals and libraries
- instrumental instruction
- educational classes for seniors

The NEA's FY08 grants to organizations included 122 grants to orchestras and the communities they serve, supporting arts education for children and adults, expanding public access to performances, preserving great classical works, and fostering the creative endeavors of contemporary classical musicians, composers, and conductors.

Theatre

In 1961, nonprofit theatre in America consisted of only 16 theatre companies. Today, thanks in large part to the pivotal role played by the NEA, the number of theatre companies is estimated to be more than 1,900. Almost every Pulitzer Prize winning play since 1976 originated at an NEA-funded theatre.

Theatre Communications Group (TCG), the national organization for the American non-profit theatre, reports that the estimated 1,910 theatres in the U.S. employ more than 109,000 workers – actors, directors, playwrights, designers, administrators, and technicians – and constitute a more than $1.7 billion industry. Collectively, these theatres are estimated to have offered 197,000 performances that attracted 31 million patrons. TCG offers grants to theatres and theatre artists, conducts research on the health of the non-profit theatre field, convenes various meetings around the country to bring theatre professionals together, serves as the U.S. Center of the International Theatre Institute to promote international cultural exchange, produces a wide array of publications about and for the theatre field, and serves as the primary national advocate for the non-profit professional theatre field.

Based on recent surveys of 196 non-profit theatres, TCG reports the following:

- Over 1,180 outreach and educational programs are in existence today.
- Over 2.5 million people – including a large number of at-risk children – are served by these programs. This network of educational and outreach programs all across the country, ensures access to all Americans and helps develop new generations of audiences.
- These programs include touring productions, artists-in-the-schools, teacher training, workshops and lectures in local community centers and libraries, programs for at-risk youth, and lifelong learning opportunities.

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 arts illuminate the human condition, our history, contemporary issues, and our future. 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 $200 million to the NEA. Thank you for your consideration of our request.

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Public Lands Council

March 24, 2009

Chairman Norm Dicks
U.S. House of Representatives
2467 Rayburn House Office Building
Washington, DC 20515

Ranking Member Michael Simpson
U.S. House of Representatives
2312 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Dicks and Ranking Member Simpson:

The Public Lands Council represents public lands ranchers, including the National Cattlemen's Beef Association, the American Sheep Industry Association and the Association of National Grasslands. On behalf of our members, we request that the House Appropriations Subcommittee on Interior, Environment, and Related Agencies make funds available for the accounts indicated below.

Land Management
The Public Lands Council's mission is to support a stable business climate in which our members can run profitable and sustainable livestock businesses on public lands. Central to this goal is ensuring the land management agencies have sufficient funding to manage the land. The Bureau of Land Management and Forest Service have suffered a number of significant setbacks in court because they have lacked the personnel to collect the data needed to support the conclusions in their environmental documentation. Without adequate funding the agencies are not able to keep up with their workload, and producers face the severe disruption of being forced to relinquish their permits pending renewal. Additionally, the funding is imperative to enable the agencies to carry out a systematic program of range monitoring, land health assessments, development and implementation of allotment management plans, and the adaptive management upon all of which sound stewardship of the public lands depends.

Bureau of Land Management (BLM)
Over the past 15 years, BLM has eliminated more than 300 rangeland management specialist positions due primarily to other resource demands such as, planning, recreation, and energy. A significant increase in range staffing is essential in order to address the critical workload for the next decade. The complexities of work for the Rangeland Management Specialist have increased substantially; these positions are critical to

improve land health, provide for biological diversity, and for effective administration of the livestock grazing program.

We ask you appropriate up to $16 million for the BLM Rangeland Management Program over the FY 09 enacted budget of $71.881 million. These funds would be used to hire up to 200 additional rangeland specialists and help ensure that our rangeland resources are receiving necessary and proper attention.

Forest Service

The agency strives to fully implement NEPA decisions to continue a stewardship level of permit administration on all allotments. To meet this objective, an additional $13 million above the enacted amount of $50 million is requested for the grazing program (NFRG). Administering these acres for grazing requires both permit administration and land management through short and long-term monitoring, and compliance with a variety of regulatory documents issued under the ESA, the National Forest Management Act, and other authorities.

Deferred maintenance needs for existing structural range improvements are currently identified in excess of $100 million. As NEPA decisions are completed, the need for Range Betterment funds (RBRB) for reconstruction of existing improvements and construction of new improvements identified during the NEPA analysis increases. The available range betterment funds ($3.6 million in FY 2009) are leveraged though partnerships with grazing permittees, to meet the highest priority range improvement needs. We urge you to fully support this account.

Grazing Permits and NEPA

The backlog in processing permits is projected to remain on the books for both the Bureau of Land Management and the Forest Service; we request Congress continue to make policies available that will help the agencies work through this important issue.

First, we ask that you authorize new categorical exclusions for renewing the permits on the least complicated grazing allotments on the backlog on the same terms as Congress' last authorization for grazing categorical exclusions. We believe its good public policy and the most efficient use of scarce government resources for spending to be focused on the most environmentally complex grazing allotments. The corollary is that renewing grazing permits for the less environmentally complicated allotments should receive a correspondingly reduced amount of the public's resources.

To ensure that grazing permits remain intact while the agency works through the backlog of grazing permits requiring renewal, we also ask that you renew the statutory language on timing of completion of NEPA. The request for funding categorical exclusion and timing authority should be viewed as a suite of tools to help the agencies manage the resource and process the permits. We understand that refinement of this request may occur as the agencies provide a more precise statement about the status of their workloads.

We support efforts by Congress to ensure that the agencies are making adequate progress on working through the backlog, and that the agencies are using existing statutory authorities to complete NEPA on expired grazing permits in both a relatively timely and legally sufficient manner.

Wild Horse and Burro Funding
The cost of administering this program continues to rapidly escalate. It is estimated that the real cost for running the program properly will approach $67 million for FY 2010, or $26 million above the FY 09 enacted amount of $40.613 million.

Running the long-term holding facilities will cost $39.5 million. At this time there are more than 30,000 horses in long and short-term holding facilities, costing the government about $100,000 per day. The agency projects there will be 35,600 horses/burros in holding facilities in 2010, consuming nearly 75% of the total program budget.

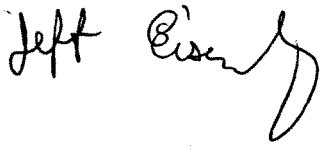
Gathering the horses needed to both maintain the population levels on the range and treat 1,500 mares with fertility drugs, cost another $12.8 million. The current herd size on the range is nearly 33,000, while the appropriate management level for the range is 28,000. Monitoring, transportation, overhead, and adoption activities amount to $14.4 million.

Adequate funding of this program allows the agency to gather and care for the horses, in conjunction with the adoption and sales programs. Because we appreciate there may be a limit to how much Congress wants to ultimately appropriate for the program, we urge you to work with the agency to develop all possible alternatives to maintaining horses in holding facilities to help manage the inexorably increasing cost for the program.

Range Improvement Funds
We appreciate your continued support for range improvement funds. These funds have been critical to our members' ability to install practices that help in improvements to forage condition and wildlife generally. The funds represent the kind of investment the public must make for multiple use management of the public lands to work.

We hope that you will consider these priorities for the stability of public land management for fiscal year 2010 appropriations.

Sincerely,



Jeff Eisenberg
Executive Director

TESTIMONY- THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES- FY 2010- Bureau of Land Management

By George Lea, President, Public Lands Foundation March 25, 2009

Thank you Mr. Chairman for this opportunity to present your committee with our views on the Bureau of Land Management's (BLM) budget request for FY 2010. As a national, non-profit organization principally of retired but still dedicated former BLM employees, the Public Lands Foundation (PLF) has a unique body of knowledge, expertise and experience in public land management. As retirees, we believe we can now offer an objective and non-bureaucratic view of what is really happening to the public lands and suggestions for improvement. It is important that the Committee understand that while we are supportive of BLM and its programs, we are not a "captive" of the Bureau and are independent in our views. Our mission's primary focus is on improving the condition of the land and its natural resources and keeping the public lands in public hands. We strive to improve the effectiveness of BLM by encouraging professionalism among employees and to increase the public's understanding of and support for the proper scientific management of these lands.

Overview

It is significant to note that BLM administered lands will return more than $6.2 billion to the Treasury in receipts in 2009. Yes that is not a mistake, but $6.2 billion, with 49% of the receipts returned directly to States and Counties to support roads, schools and other community needs. We are unaware of any federal agency that returns such receipts compared with its budget. In addition to 258 million surface acres, BLM also is responsible for 700 million acres of federal mineral estate throughout the nation. That is nearly a billion acres of precious assets making BLM the largest steward of Federal lands.

At this point the President's 2010 budget has not been released to the public. We therefore will comment on what we see as certain shortfalls in emphasis and/or the need for increased dollars in FY 2010 principally to increase staffing, in the following high priority programs, to enable the Bureau to adequately address urgent natural resources issues:

Personnel Needs

BLM's budget is directed towards the work force requirements needed to put trained natural resource specialists on the ground to manage the land. BLM's programs are labor intensive. Any man-power or budget reductions will not only directly affect BLM's ability to properly manage natural resources production and protect the public lands, but also would have a negative impact on the generation of receipts to the States, Counties and the US Treasury and in carrying out the President's priorities. Budgets often contain the false assumption that, with a smaller budget and fewer personnel the workload will decrease and less work needs to be accomplished. That is not the case for natural resources management agencies. It is the constant need to protect the land and the natural resources and the public's increasing service demands that drive the budget requirements. To demonstrate this constant need to protect the land, more than 22 million people live within 25 miles of the land the Bureau manages and the BLM lands have become the outdoor recreation playground of the West. In 2009, over 58 million visitors are expected to participate in recreational activities on BLM lands.

BLM has always been the forgotten "step-child" in the family of Federal land management agencies and has never had the personnel needed to match its responsibilities. Once again we believe the Committee needs to know the personnel needs of BLM and should encourage BLM

to develop a five-year program to bring BLM's work force to a level adequate to protect the resources and perform the work needed.

Renewable Energy Production

To avoid the "train wreck" that could prevent attaining this country's goal of increased renewable energy production, there is urgent need to complete the Energy Development Zoning effort requiring increases in funding and manpower. This inventory must precede any accelerated wind and solar energy permitting or rights-of-ways to reduce or eliminate the conflicts with other uses of the land. We support the President's goal of "Energy Independence". However, the President and the Congress needs to understand that there needs to be a paradigm shift in the way we do business. For example, solar energy will require 100% of the land surface being denuded of vegetation. BLM will be litigated at every turn with the normal EISs currently contemplated for these projects unless Congress modifies NEPA, for renewable and the transmission of renewable energy only, by requiring an Environmental Analysis (EA) not an EIS with a 30 day public comment period and waiver of any appeal. The US/Mexico border-fencing project is an example of the streamlining that may be required where I understand; the NEPA was waived in its entirety.

The following renewable energy projects are cost recoverable, however, BLM needs personnel ceilings adequate for project supervision, compliance checking, contract supervision, project management and environmental protection.

Solar- Currently BLM has 220 pending solar ROW applications for about 1,786,950 acres of public land concentrated in California, Nevada, Arizona, New Mexico, and Utah with more to come. BLM and the Department of Energy are jointly developing a programmatic EIS. Meanwhile, BLM is continuing to accept applications. Perhaps the largest impact of solar development farms is the fact that the photovoltaic collections completely dominate the land surface as a dominant use at the exclusion of all other uses.

Wind- Currently BLM has 243 pending wind and 178 authorized ROW applications for 177,256 acres. In the US perhaps California and Wyoming are experiencing the fastest growth for wind energy production. A final Programmatic EIS on Wind Energy Development on BLM lands was prepared by BLM and the Department of Energy and the Record of Decision was signed on December 15, 2005. This document identified Best Management Practices and mitigation measures that would need to be incorporated into project specific plans and stipulations. This document also amended 52 BLM land use plans in nine of the states in the study area. Any additional environmental analysis will be tiered to the programmatic EIS.

Geothermal Energy- BLM leases lands it manages and other Federal lands, including Forest Service lands for geothermal development and supervises operations of the leases. In December 2008, BLM published the Record of Decision and Approved Resource Management Plan Amendments for geothermal leasing in the western states making more than 190 million acres of federal lands available for leasing and potential development for geothermal energy. The EIS anticipated a potential 5,500 MW of new electric generation capacity from resources in 12 western state, including Alaska by 2015. It also estimates an additional 6,600 MW by 2025 for a total of 12,100 MW. Geothermal is a "hot" issue for BLM. In Nevada, for example, a competitive geothermal lease sale in August 2008 brought in a record-breaking $28.2 million. Half the revenue goes to the state, a quarter to the counties where the land is located and a quarter goes to BLM.

Bio Energy Production The BLM manages 69 million acres of forest and woodlands plus several million acres of brush. Maintaining and restoring the health of these lands and providing forest products to contribute to biomass energy supply will require increased funding and

personnel. For example many millions of acres are being invaded by juniper forests requiring control/elimination efforts producing huge amounts of bio products and requiring a large manual/machine labor force

Oil and Gas Production and Accountability

According to recent DOI Inspector General and GAO reports there is a need to capture millions of US receipts from federal oil and gas production leases. This effort will require additional funding and personnel for BLM to verify production reported by oil and gas operators to ensure there is no underreporting of produced oil or gas.

Legacy and Orphan Wells

The Energy Policy Act of 2005 requires BLM to inventory and to plug, abandon and reclaim the surface of abandoned federally drilled legacy wells (wells drilled by the government and not properly abandoned) and orphan wells which were drilled by operators whose bonds were insufficient to properly close the well and reclaim the site. For example there are over 100 legacy wells in Alaska inventoried and ready to be plugged all requiring increased funding and manpower for contracting the proper closure of these wells.

Abandoned Mine Lands Program

Abandoned hardrock mines pose significant health, safety and environmental hazards. People increasingly are coming into contact with these formerly remote sites given population growth, sprawl and recreational use of off-highway vehicles in the western states. Fortunately, potential risks to people, and costs to the government associated with possible tort claims and environmental lawsuits can be reduced significantly through implementation of an aggressive and well-coordinated AML program administered by the BLM along with its Federal and State partners. The PLF is encouraged by the renewed priority and commitment by this Administration to address long-standing impacts of abandoned hardrock mines. We encourage the Committee to provide funding so that the BLM can pursue a program that balances safety and environmental (clean water) priorities. In addition, the PLF recommends that the Committee ensure adequate funding for the BLM to implement the recommendations of the July 2008 audit report by the Department of the Interior's Office of Inspector entitled "Abandoned Mine Lands in the Department of the Interior." The PLF also is aware that the Administration and Congressional Leadership have set goals of Mining Law Reform and establishment of a permanent hardrock AML program and funding mechanism. The PLF supports these efforts.

Youth Education and Involvement

The National System of Public Lands (BLM lands) provides an abundant opportunity to strengthen the ties between this country's youth and the environment and natural resources conservation. Many opportunities exist to expand the opportunities for youth education including internships to instill environmental awareness and accomplish a backlog of needed work at the same time. Such needed work includes wildlife habitat improvement; recreational developments trail construction and maintenance, cultural resources protection and stabilization, stream improvement and range improvements. In addition there is the need for timber stand improvement, wildlife habitat enhancement and invasive vegetation species control all of which would provide fuel sources for bioenergy production. We encourage the Congress to provide BLM the funding and manpower to accomplish this needed work utilizing our youth.

Fire Fighting Funds--As the Committee knows BLM has historically borrowed funds from programs that carry over funds from year to year to pay fire fighting costs. The borrowed money is repaid through supplemental appropriations. This system has generally worked well. However, should these funds not exist, this would cause serious disruption of on-going programs. It is our understanding that the Forest Service has such a problem, as may other federal land management agencies. The procedures for funding fire suppression should be changed. The cost of funding fire

suppression should be taken out of the agency's budgets and made available by a separate fire suppression fund.

Wild Horses and Burros

We are certain members of the Committee are familiar with the serious dilemma BLM faces in keeping the wild horse and burro populations within the capacity of the habitat available for the animals and yet disposing of the unwanted and un-adoptable animals. The number of horses removed from the range far exceeds the number that can be sold or adopted. As of June 2008, BLM was holding **30,088** animals in captivity and the estimated number out on the range was **33,105----5,886** over the Appropriate Management Level (AML) of **27,219.** Since 2001, over 74,000 animals have been removed from the range but only 46,400 (62%) have been adopted. It is projected that the holding costs will account for 75% of the WH&B program's budget in 2009. The adoption demand for wild horses has dramatically declined attributed to increased hay and fuel costs, the large number of domesticated horses flooding the market, general urbanization of rural areas, and a shift toward other forms of recreation. Compounding the problem, the last horse slaughterhouse in the U.S. closed in the fall of 2007. Without these outlets more domestic horses are available to the public causing direct competition with BLM's WH&B adoptions.

BLM must continue to managing the range to prevent overpopulation and exercise one or both of its options: 1) Destroy the animals, or 2) sell them without limitation. The October 25, 1978 Rangeland Improvement Act allowed for the destruction of excess, unadoptable horses. BLM has a WH&B sales policy that directs the sale, without limitation, of excess horses or burros or their remains, if the animals are more than 10 years of age or have been offered unsuccessfully for adoption at least 3 times. Even though BLM has had the authority to destroy horses, BLM has not destroyed any animals since January 1982. They have chosen not to destroy excess animals or sell them without limitation because of concerns about public and congressional reaction to large-scale slaughter of thousands of horses. However unless some way is found to place in private ownership all of the excess animals removed from the public lands, BLM has to consider euthanization, but as a last resort. We encourage the Committee to provide funding needed to keep the animal population in balance with the AML and be supportive of BLM when it becomes necessary to sell animals without restrictions

Urbanization of the National System of Public Lands

The National Public Lands managed by BLM are rapidly becoming the playground and the backyard to millions of our citizens. Nearly 4,100 nearby communities rely on critical watersheds near the communities; an estimated 22 million people reside within 25 miles of BLM lands; and an estimated 58 million annual visitors combined with an increase in use of all-terrain an off-road-vehicles are all placing demands on the public lands and resources. This increase in interest to visit and use these public lands requires a similar increase in funding for BLM for road maintenance, recreational maintenance and new developments, law enforcement, open space protection, and private/federal land exchanges. In many places these urban lands are an important element of our Treasured Landscapes.

Mr. Chairman, we hope these comments for priorities for BLM's FY 2010 budget request and our ideas for changes will be of value to your committee. We remain sincere in our efforts to see the public's land managed well.

/S/

George Lea, President

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 2010 BIA, IHS, and EPA Budgets, March 25-26, 2009

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 $3.45 million in additional FY 2010 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 about 8%, 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.

We thank the Congress for adding $85 million to the BIA budget in FY 2009, and we also welcome the President's FY 2010 request for an additional $100 million. These funding increases, mainly for law enforcement and education, are needed. However, as my testimony will show, tribes are facing extreme shortages in funding for most government service programs.

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. The FY 2010 increase for law enforcement and education is good news. But at the tribal level, erosion of BIA funding for most government service programs has caused a crisis in many tribal communities.

There are several factors which have caused tribes to lose more ground than any other Interior-funded agency. These include: 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 8 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 for the wealthy, 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, Under the previous Administration, 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 a decade

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 funding versus actual expenditures for just three of our critical service programs, Community Fire Protection, Tribal Courts, and Law Enforcement.

Red Lake Program	CY 2008 Actual BIA Budget	CY 2008 Actual Expenditures	CY 2008 Actual Shortfall*
Fire Protection	$42,500	$332,782	**($290,282)**
Tribal Courts	$246,900	$593,573	**($346,673)**
Law Enforcement	$2,069,623	$2,647,152	**($577,529)**
Totals	$289,400	$926,355	**($1,214,484)**

* The actual shortfall, $1,214,484 for just these three programs, represents about 10% of the Tribe's entire self governance base funding, and 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 2009 enacted level. This amount will not come close to getting us to where we were a decade ago, but it will provide a good start.

Fixed Costs

Since FY 2002 we have expressed concern to the Department and Congress that tribes have fared far worse than all other Department agencies from the failure to fully fund fixed costs related to employee pay and fringe benefits. We have gathered evidence which documents damage, not just from the failure of the Administration and Congress to fully fund pay costs, but also from a failure of the Department to request the full tribal amounts, and from errors and inequitable distribution of pay cost funds the Department received. A summary of the issues is found in my testimony to the Senate Committee on Indian Affairs in its September 20, 2006 Oversight Hearing on Tribal Self Governance and Pay Costs. We ask that you read this testimony to understand these issues.

The Interior Department has lost close to $1 billion under the previous Administration due to the failure to fully fund fixed costs. Tribes have suffered more so than the rest of Interior. This is because only tribes are excluded from fixed costs to offset the rising cost of employee fringe benefits. There is no other source of funds available to tribes to address this inequity. The BIA has never included a request for tribal fringe benefit fixed cost increases. This is unconscionable.

Since FY 2002 the Administration, through a tactic called "absorption", has cut BIA and tribal Fixed Costs by more than $70 million. This is a permanent reduction that will recur every year. For Red Lake, this has resulted in a loss of more than $1.6 million annually, greater than 15% of our government services budget. The failure of the BIA, through the years, to include fringe benefit fixed costs for tribes has resulted in an untold amount lost, over and above the $70 million mentioned above. We ask that for FY 2010, you add an additional $10 million in Fixed Costs to the BIA budget, to be directed to funding tribal fringe benefit fixed costs. We also ask that you direct BIA to include these costs in all future budget submissions, to ensure some level of parity with all other Interior employees. Finally, we ask for a specific earmark for Red Lake of $1.6 million in FY 2010, to partially offset the losses in Fixed Costs that Red Lake has unfairly suffered.

Contract Support Costs

Contract Support Cost (CSC) funds are critical for tribes to successfully operate programs under self-determination policy. The Administration and Congress have historically underfunded tribes' CSC. The CSC account is presently funded at about 75% of documented need. No other entity the federal government contracts with is shorted on its overhead costs, and this must stop. The BIA recently implemented a new contract support policy, which allocates CSC based on a static tribal indirect cost rate (based on tribes' 2006 rate). The result is that almost no funding is available for tribes' direct contract support costs (DCSC), such as property insurance. The FY 2007 Tribal CSC Shortfall Report showed that, just for Self Governance tribes, the FY 2007 CSC shortfall was $12.8 million. The shortfall is far greater with all tribes included. In FY 2010, funding for Contract Support Costs needs to be increased by at least $50 million over FY 2009 to address shortfalls in tribes' CSC and DCSC.

Law Enforcement, Courts, and Community Fire Protection

Funding for BIA's Law Enforcement program climbed from $180,063,000 in FY 2005, to $255,077,000 in FY 2009, an increase of 42% which we appreciate. The main purpose of this increase was to put more cops on the street to combat serious crimes. However, as I write this, Red Lake's share of this increase was only $275,000, an increase for us of *only 15%* since FY 2005. In FY 2006 we reported to the BIA and to this Committee that, according to the Bureau of Justice statistics, Red Lake experiences much higher levels of violent crime than is typical for Indian Country. The Tribe has received a disproportionately lower share of BIA Law Enforcement increases, even though we meet all requirements in terms of need, accountability, and reporting.

In FY 2008, Red Lake Law Enforcement spent $577,529 more than it received from the BIA. This doesn't even take into account our need for more officers. The Tribe, along with the BIA Tribal Budget Advisory Council, have requested from BIA reports and transparency on the procedures and distribution of law enforcement increases, but the BIA has steadfastly refused to comply with these requests. Because the BIA has not provided an equitable share of its law enforcement increases to Red Lake, we ask the Committee for a specific earmark to Red Lake of $1 million in FY 2010.

Funding for Tribal Courts remains far below the levels needed to adequately manage caseloads. The ability to manage court caseloads goes hand in hand with law enforcement to address crime problems on reservations. Red Lake has an annual Courts shortfall of $350,000, and we ask the Committee for a specific earmark for that amount in FY 2010.

Alarmingly, the previous Administration tried to eliminate funding for Community Fire Protection, and we appreciate your actions to restore what little funding there is. Our Tribe is solely responsible for fighting fires on our reservation and protecting peoples' lives, *on an annual BIA-funded budget of $42,500.* I cited previously, the huge disparity between BIA funding and actual expenditures for Fire Protection at Red Lake. We ask the Committee for a specific earmark for Red Lake in FY 2010 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 had tried to eliminate HIP, and succeeded in reducing it to less than $14 million in FY 2008. 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 2010.

Circle of Flight Program

The Circle of Flight Tribal Wetland & Waterfowl Management program, under the BIA's Trust Natural Resources budget, was targeted for elimination by the previous Administration. Thankfully, this Committee always recognized the value of the Circle of Flight and restored it - until now. We were dismayed that for the first time in two decades, Congress did not fund the Circle of Flight in FY 2009. The Circle of Flight program truly works, and has documented results and success in detailed accomplishment reports to Congress each year. Elimination of the Circle of Flight would cripple Great Lakes tribes' ability to continue successful partnerships which have benefited a diverse array of wildlife and associated habitats. We greatly appreciate the Committee's recognition of the importance of the Circle of Flight by restoring funding in FY 2003-08. We ask that you ensure this program is funded in FY 2010 to at least $600,000, and to consider providing the FY 2010 requested amount of $1.2 million.

Indian Health Service (IHS)

The FY 2009 budget for IHS is $3.58 million, an increase of $235 million over FY 2008. We are grateful for this increase, as we are for President Obama's intent to request $4 billion for the IHS in FY 2010. We ask that you support this request. Although the President's request is laudable, IHS mandatory increases for medical and general inflation, population growth, pay costs, and contract support for new and expanded programs will eat up most of the increase. We're falling further and further behind in health care, and this is reflected in diminished health and well-being of our people. I am sure you are familiar with some of the American Indian health statistics, such as our rates being the highest in the nation for cardiovascular disease, diabetes, tuberculosis, Sudden Infant Death Syndrome, and obesity. Our average life span is 6 years less than other Americans. Our infant mortality and unintentional death rates are two-times, teen suicide rate three-times, and alcoholism five-times that of the rest of America. These statistics can be directly tied to chronically inadequate federal funding.

Health care expenditures for Indian people are far below 50% of the per capita health care expenditure for mainstream America, and only 50% of per capita expenditures for *federal prisoners.* It is estimated that, under the previous Administration, IHS has lost $1.5 billion due to absorption of the mandatory costs mentioned above. For FY 2010, we ask that the IHS be funded at no less than the $4 billion requested by the President, but we also ask you consider providing an additional $250 million to assist IHS to make up for funds lost to mandatory increases, which resulted in even further reductions to health care for 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. Two programs which are vital to our efforts to protect the environment at Red Lake are the Indian General Assistance program (GAP) and Section 106 Pollution Control grants (Section 106). We appreciate the modest increases provided in FY 2009. However, more is needed. We ask that you fund GAP in FY 2010 at no less than the FY 2005 enacted level of $62 million. Under Section 106, tribes like Red Lake have seen their funding decrease sharply. The reason is each year more tribes become eligible for and receive this funding, but the tribal allocation formula stays the same. Thus fewer dollars go to tribes to reduce water pollution. We ask that in FY 2010, you include language recommending no less than 15% of the Section 106 funds be made available to tribes.

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 2010, and for your consideration of these needs.

Written Testimony
From the
Red Lake Political Education Committee
P.O. Box 541 Red Lake, MN 56671

Submitted to the House Appropriations Committee, Subcommittee on Interior, Environment, and Related Agencies

March 26, 2009
As part of the Hearing on Native American and Alaska Natives Issues

Submitted by Gary Fuller and Michelle Paquin Johnson, Co-Chairs.

Introduction

We are writing to you as co-chairs of the Red Lake Political Education Committee. We are writing to you regarding appropriations for Indian Health Service.

The Red Lake Political Education Committee is a volunteer organization comprised of members of the Red Lake Band of Chippewa Indians. Our mission is three-fold:

1. To support and conduct non-partisan research, education, and informational activities to increase public awareness among our members about their right to vote and participate in elections,
2. To increase voter participation in tribal, state, and federal elections within the membership of the Red Lake Band of Chippewa Indians, and
3. To increase voters' knowledge of political and social issues.

As part of this mission, we have recently begun to engage our members and educate ourselves on the range of legislative solutions that could improve the health of members of the Red Lake Nation.

Our Situation

Though the overall state of health in Indian Country may be well known to Members of this Committee, the particulars of health outcomes in Minnesota are worthy of review and provide an important context of the work we are doing at Red Lake Indian Reservation..

The Center for Health Statistics at the Minnesota Department of Health publishes an annual Health Status Report for Populations of Color in Minnesota. The most recent of these reports was published in the Spring of 2008. The report documents that from birth to the end of life Native American people in Minnesota experience significant health disparities when compared to other racial groups in the state. According to this report:

Birth

For Native Americans in Minnesota low birthweight births occurred at a greater frequency between 2002 and 2006 than they did between 1989 and 1993.

While overall rates of infant mortality have declined dramatically the rates remain higher for Native Americans than for any other racial group. They are still over 10%.

Native Americans have the lowest rate of intensive/adequate prenatal care with just 49.1% receiving it. Likewise, we have the highest rates of inadequate/no prenatal care, a situation Native Americans experience at 5 times the rate of White Minnesotans.

Death

From year one to years 65 and beyond, Native Americans in Minnesota experience the highest death rates of any racial group in Minnesota often experiencing them at rates 2 ½ to 3 times higher than White Minnesotans.

On a host of fatal conditions Native Americans in Minnesota experience the worst mortality rate of any racial group. These conditions include: CLRD, Cirrhosis, Diabetes, Heart Disease, Homicide, Septicemia, Suicide, and, even, Pneumonia & Influenza.

As a result of these and numerous other factors, Native Americans in Minnesota lose years of potential life at a rate far in excess of any other group.

While numbers like these are alarming they are not news to people on Red Lake. What are numbers in a report to others are the lived experience of our families, friends, and neighbors.

We have spent the last three months talking with our members at a series of public meetings. At these meetings we have heard time and again about how our members have struggled to get adequate & appropriate care for existing conditions and consistent & effective preventative care to arrest health problems before they begin.

The stories we have heard include:

- Members waiting up to six months to see a dentist
- Lengthy waiting periods to get surgeries approved and completed
- Up to 6 hour long waits for some emergency room visits
- Pharmacy errors including prescriptions not being filled to a doctor's order
- Sudden changes in the availability of some prescription drugs
- Over-prescribing of certain pain medications
- Miscommunication with physicians due to language barriers
- Lack of full obstetric and gynecological services available locally, including delivery of babies
- Misdiagnoses of serious conditions, like cancer
- Problems with basic "customer service" at our local clinic
- Fear of retaliation if complaints are made
- Difficulty in obtaining basic data on health outcomes for Red Lake members specifically

While these stories could fill all four pages the Committee allows for testimony, we are going to focus on the other thing we've learned from our members. Red Lakers are resilient, resourceful, and unwilling to give up our pride in our Nation.

Solutions

The Red Lake Political Education Committee has identified 6 areas where we believe real progress could be made in improving health outcomes for Red Lake members.

1) We need to recruit and retain a greater number of culturally competent doctors and dentists that will provide services locally.

2) We need to increase the transparency in our health services by ensuring that data on our health outcomes are collected and made available to members of the tribe.

3) We need to improve pharmaceutical services overall including consistent access to appropriate drugs in a timely & convenient way and more tribal input on what drugs are available

4) We need to ensure that when medical errors and misdiagnoses occur they are acknowledged and that measures are put in place to prevent their happening again.

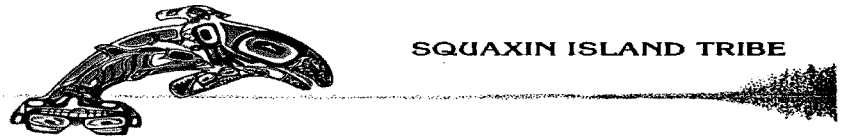
5) We need to increase the availability of and effectiveness of a wide range of preventative services.

6) We need to improve the overall relationship of accountability between providers, patients, and the tribe.

While we realize that an Appropriations Subcommittee alone cannot take up all these issues, we want to share what we have learned with you with the hope that you can make a better informed decision about how to invest in Native American health.

Conclusion

In conclusion, it is our hope that Chairman Dicks and the Members of the Committee consider our testimony as they proceed with the work of the committee this year. Your decisions will directly affect the health, happiness, and longevity of members of the Red Lake Nation. Please proceed with care and deliberation as the lives of our people are at stake.



Written Testimony to the
House Interior, Environment and Related Agencies Appropriations Subcommittee
on the Fiscal Year FY 2010 Budgets for the
Bureau of Indian Affairs and the Indian Health Service
Submitted by
The Honorable Dave Lopeman, Chairman, Squaxin Island Tribe
March 25, 2009

On behalf of the Tribal Leadership and members of the Squaxin Island Tribe, I am submitting our funding requests and recommendations for the FY 2010 Budgets for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS).

Tribal Specific Requests:

1. **$750,000 for Northwest Indian Treatment Center Residential Program in IHS**
2. **$850,000 for Public Health and Safety of the Squaxin Island Community in the BIA**
3. **Fulfill Puget Sound Regional Shellfish Settlement Commitment in the BIA**

Regional Requests and Recommendations

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

Self-Governance and National Requests and Recommendations:
Indian Health Service

1. **$143.3 million increase to fully fund Contract Support Cost**
2. **$470 million for mandatory, inflation and population growth to maintain current health services**
3. **$152 million increase for Contract Health Services**
4. **$15.1 million for staffing of new/replaced facilities**
5. **Increase $5 million to the Indian Health Service Office of Tribal Self-Governance**
6. **Restore FY 2005 and FY 2009 rescissions**

Bureau of Indian Affairs

7. **$57 million increase to fully fund Contract Support Cost**
8. **$25 million increase for Tribal Priority Allocations (TPA) - general increase for core programs**
9. **$50 million increase for 100% full funding of direct and indirect contract support costs**
10. **Restore Base Funding for Rights Protection to at least the 2004 level**
11. **Tribal Government – Self-Governance: Restore $2.5 million in General Assistance that was cut in 2009; Maintain $13.6 million in Housing Improvement Program (HIP) in BIA-Tribal Priority Allocation Account and $21.4 million in Johnson O'Malley Assistance Grants (JOM)**
12. **Increase BIA Law Enforcement by 10% and increase funding for Tribal Courts by 10%**

Support the requests and recommendations of the National Congress of American Indians and National Indian Health Board.

Squaxin Island Tribe Background

The Squaxin Island Tribe, a signatory of the 1854 Medicine Creek Treaty, is located in Kamilche, Washington in SE Mason County. The 2008 year-end Tribal member enrollment was of 930. Squaxin has an estimated service area population of 2,767, a growth rate of about 10%, and an unemployment rate of about 30%, according to the BIA Labor Force Report. According to the Mason County Economic Development Council, Squaxin is the largest employer in Mason County.

Rescissions on Funding for Indian Programs

The Squaxin Island Tribe requests that the Committee includes language in the appropriations bill that will direct the Bureau of Indian Affairs and the Indian Health Service not to impose rescissions on funds for Indian programs. Funds that are already inadequate to address the level of need of the Tribal beneficiaries should not be subjected to additional reductions. However, if a mandatory rescission is applied to all federal programs, we ask that Indian programs not be required to absorb a disproportionate loss of funds with a double rescission on these funds.

TRIBAL SPECIFIC REQUESTS JUSTIFICATIONS:

1. $750,000 – Northwest Indian Treatment Center Residential Program
The Squaxin Island Tribe operates the Northwest Indian Treatment Center (NWITC) located in Elma, Washington (6th congressional district). NWITC is a residential chemical dependency treatment facility nationally recognized as a "Center of Excellence." NWITC benefits Native Americans from tribes located in Oregon, Washington and Idaho. The facility is clinically designed to serve American Indians who have chronic relapse patterns related to unresolved grief and trauma. The ratio of patients to counselor is low to allow sufficient support for this process. Addiction treatment is supplemented with mental health assessments, mental health groups and medication management when indicated. The content of treatment includes many cultural and spiritual activities to help patients re-anchor in their traditions and reclaim their identity.

Northwest Indian Treatment Center was established in 1994. It is accredited by CARF, an international accrediting organization for behavioral health programs. It is also certified and licensed by the Washington State Department of Health. NWITC residential program serves the tribes of Washington, Oregon and Idaho and sometimes tribes from the Southwest. Its Advisory Board includes tribes who refer frequently.

In 2006, a new Counseling and Cultural Center building was constructed using both HUD Indian Community Block Grant and Tribal funds. This new building replaces two rented modular buildings that were in extremely poor condition. The residential portion of the facility houses 24 patients in a circa 1900 single family residence which was converted in the 1930s into a retirement home.

Treatment has changed over the years in response to meth addiction and its effects on the brain and the individual's capacity to recover. Now NWITC provides evaluations for psychotropic medication, mental health counseling and treatment oriented to unresolved trauma in addition to other traditional forms of

treatment. There has also been an expansion of cultural components of treatment. These elements have been required to maintain effectiveness but they also increase the cost of treatment.

Northwest Indian Treatment Center has not had an adequate increase in its base I.H.S. budget since the original Congressional set-aside in 1993 except increases that have averaged 1.5% per year. An increase of $750,000 would restore lost purchasing power and the need to add mental health and psychiatric components to treatment. This increase would allow NWITC to continue its effective treatment of Native Americans.

2. $750,000 for the Squaxin Island Department of Public Health and Safety to hire six (6) additional FTE officers for 24-hour coverage in order to ensure the safety of the community and a Public Defender: Public Safety is a high priority for the Squaxin Island Tribe. 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 through the enforcement of the laws and regulations set forth by the Squaxin Island Tribal Council. Law enforcement officers patrol the reservation, South Puget waterways and usual and accustomed hunting areas, protecting human life and natural resources upon which Tribal members rely on for cultural and economic sustenance.

The Squaxin Island Public Safety and Justice Department has continued to operate on funding levels insufficient to meet the needs of this Department and our community. This has resulted in operating a program at minimum capacity, which has placed a negative impact on the service level provided to the Squaxin Island Community. The process of protecting the public is hampered by the lack of officers to provide the 24-hour coverage, which is very critical in life and death situations.

The Public Safety Department successfully manages Squaxin Island Tribal Court, which consists of three divisions: a tribal court, an appeals court and an employment court. The Department also manages a shellfish and geoduck harvesting monitoring program. Officers are trained in scuba diving and assist with compliance and safety issues.

A Public Defender is needed for the justice program. Currently the Tribe is under contract to provide legal representation to the community members. The court caseload and number of police calls continue to grow at an increasing rate. Current funding is inadequate to meet the needs of the growing community, protect natural resources and to fully participate in regional and homeland security programs and initiatives.

The Tribe is enhancing the shellfish habitat and production programs, which has increased the demand on the water enforcement program to address issues of illegal harvesting. With current funding and staffing levels, it will be almost impossible to adequately protect the Tribe's investment in enhancing natural resources. The Squaxin Island Tribe is seeking both long-term and immediate assistance.

In the long term, BIA funding for law enforcement and public safety programs needs to be significantly increased. According to a gap analysis performed by the BIA in 2006 based on the FBI's 2004 Uniform Crime Report (UCR), there is a 42% unmet need of law enforcement officers in Indian Country. And, the Community Oriented Policing Services (COPS) grant program that has benefited Tribal communities and law enforcement hiring and staffing needs is recommended for termination under the PART FY 2008 Performance Budget.

3. $5 million to fulfill Puget Sound Regional Shellfish Settlement Commitment: The BIA Indian Land and Water Claim Settlements Account. The Federal government is committed under terms of recently enacted legislation to fully fund the Puget Sound Regional Shellfish Settlement. To complete the Federal obligation $5 million remains to be paid in both FY 2010 and FY 2011. We request Committee to fulfill that obligation.

Squaxin Island Tribe Supports Regional Requests and Recommendations

a. Northwest Portland Area Indian Health Board
b. Affiliated Tribes of Northwest Indians
c. Northwest Indian Fisheries Commission

Squaxin Island Tribe Supports Self-Governance and National Requests and Recommendations

Indian Health Service

1. $143.3 million increase to fully fund Contract Support Cost
2. $470 million for mandatory, inflation and population growth to maintain current health services
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7. $57 million increase to fully fund Contract Support Cost
8. $25 million increase for Tribal Priority Allocations (TPA) - general increase for core programs
9. $50 million increase for 100% full funding of direct and indirect contract support costs
10. Restore Base Funding for Rights Protection to at least the 2004 level
11. Tribal Government – Self-Governance: Restore $2.5 million in General Assistance that was cut in 2009; Maintain $13.6 million in Housing Improvement Program (HIP) in BIA-Tribal Priority Allocation Account and $21.4 million in Johnson O'Malley Assistance Grants (JOM)
12. Increase BIA Law Enforcement by 10% and increase funding for Tribal Courts by 10%

Support the requests and recommendations of the National Congress of American Indians and National Indian Health Board.

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

Hazel Hindsley,
Chairwoman,
St. Croix Chippewa Indians of Wisconsin

Submitted to the United States House of Representatives
Committee on Appropriations Interior and Environment Subcommittee
Hearing on Native American and Alaska Natives Issues

March 26, 2009
Washington, D.C.

Testimony of Hazel Hindsley, Chairwoman,
St. Croix Chippewa Indians of Wisconsin
Submitted to the United States House of Representatives
Committee on Appropriations Interior and Environment Subcommittee
Hearing on Native American and Alaska Natives Issues

March 26, 2009
Washington, D.C.

Greetings Chairman Dicks and Committee members. My name is Hazel Hindsley and I serve as the Chairwoman of the Tribal Council of the St. Croix Chippewa Indians of Wisconsin ("St. Croix" or the "Tribe"). On behalf of the Tribe, I thank you for the opportunity to provide our views to your Committee.

Due to the federal government's trust responsibility to Tribes, the Department of the Interior ("Interior") is the main communication and relationship manager between federally recognized Tribes and the federal government. Tribes saw significant declines in the FY09 budget enacted during the last year of the Bush Administration, tribes would lost the gains made in the FY08 Omnibus bill, which moved funding in the direction of honoring the trust responsibilities in the federal budget to Indian Country. The FY08 Omnibus included significant increases for law enforcement, education, and tribal priorities. However, under the President's proposal, BIA funding would fall 4.4% and Tribal Priority Allocations would decline 8.3%. St. Croix would like to see this trend turned around in this first year of the Obama Administration concerning the FY 2010 budget and provides the following suggestions:

Tribal Law Enforcement and Education: St. Croix applauds the President's budget for increasing funding to the Bureau of Indian Affairs for law enforcement and education. St. Croix has operated a police department since the late 1990's and continues to struggle finding adequate funding for reservation law enforcement and community protection. St. Croix will seek access to these additional funds for law enforcement and tribal court development. Concerning education funding, St. Croix applauds the increase for Tribal Colleges and scholarships. St. Croix would ask that as much money as possible for appropriated for education related programs and not to limit them for use at Tribal community colleges but for all K-12 and college level programs.

Indian Health Service: St. Croix calls for an increase in the overall budget of Indian Health Service and is concerned about the drop in funding to IHS from FY 2009 to FY 2010. St. Croix joins others, such as the National Congress of American Indians, and calls for a $908 million increase in funding to IHS to provide adequate health care to Indian people, which has been inferior for far too long. St. Croix has had partnership with Ain-Dah-Ing, located in Shell Lake, Wisconsin and Spooner, Wisconsin that provides substance and alcohol abuse recovery and counseling services to Native Americans. Ain-Dah-Ing has struggled with their IHS funding in the past and St. Croix would ask that Ain-Dah-Ing and other Native-focused substance and alcohol abuse recovery and counseling services be funded at higher levels in the future.

Job Development and Training: St. Croix is fortunate to own and operate three casinos in northwest Wisconsin yet the Tribe is still in need of job development and training assistance. St. Croix asks that the federal government increase its funding by twenty percent from FY 2009.

Indian Housing: St. Croix has a demonstrated housing need for its reservation communities. The Indian Housing Block Grant Program is a key factor in the amount and quality of housing the Tribe can provide to its members. St. Croix asks the federal government increase its funding by 30 percent from FY 2009.

Great Lakes Indian Fish & Wildlife Commission ("GLIFWC") is an inter-tribal, co-management agency committed to the implementation of off-reservation treaty rights on behalf of its eleven Ojibwe member tribes. Formed in 1984 and exercising authority specifically delegated by its member tribes, GLIFWC's mission is to help ensure significant, off-reservation harvests while protecting the resources for generations to come. GLIFWC's policy is set by the Board of Commissioners composed of the tribal chairperson from each member tribe or a designee. Two standing committees, the Voigt Intertribal Task Force and the Great Lakes Fisheries Committee, make recommendations on resource management policies to the board. GLIFWC has six divisions including Administration, Biological Services, Enforcement, Intergovernmental Affairs, Planning & Development, and Public Information. St. Croix asks, as a GLIFWC member Tribe, the federal government to increase GLIFWC's funding by 30 percent.

Testimony of the Standing Rock Sioux Tribe
Presented by Chairman Ron His Horse Is Thunder
Regarding the President's FY 2010 Budget for the BIA
Before the House Interior
Appropriations Subcommittee
March 26, 2009

My name is Ron His Horse Is Thunder. I am the Chairman of the Standing Rock Sioux Tribe. I am also the current Chair of the Great Plains Tribal Chairman's Association. It is a pleasure to be presenting the views and concerns of the Standing Rock Sioux Tribe concerning the FY 2010 budget for the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS).

The Standing Rock Sioux Tribe is a rural reservation straddling North Dakota and South Dakota. More than 10,000 Tribal and non-Native citizens reside on our 2.3 million acre reservation, which is slightly smaller in size than the State of Connecticut. Although the Tribe has contracted a number of programs of the BIA and IHS under Indian Self-Determination Act contracts, we remain a "direct service" recipient of public safety services from the BIA and health services from the IHS. I am encouraged by President Obama's proposal to increase funding for Indian programs in next year's budget. I look forward to learning the details of his FY 2010 budget for the BIA and IHS.

I will concentrate my testimony on four BIA program areas which I believe are inter-related and require sustained increases in funding:

- **The BIA's Child Assistance Program;**
- **The BIA's Law Enforcement Services Program;**
- **BIA Facilities Construction: youth detention; and**
- **The BIA Scholarship Program**

The high unemployment rate, poverty, and resulting social ills associated with poverty and unemployment -- increased crime, drug and substance abuse, child abuse, school dropouts, and higher incidences of depression and suicide -- strain our resources. With unemployment well above 50% on our reservation, most of our members struggle every day to put food on the table and provide for the basic needs of their families.

1. Increase Appropriations to the BIA's Child Assistance Program ($10 mil.)

The BIA Child Assistance Program is a subaccount within the BIA's Welfare Assistance Program. For the last few years, funding has remained flat at $30 million. The Child Assistance Program provides funds to care for abandoned or neglected Indian children placed in foster homes, private or tribal group day care homes, or in residential settings designed to provide special needs. Recent data from the BIA reveals that there are over 3,200 referrals per month (over 38,000 annually) which caseworkers must monitor to ensure the safety of these children. At standing Rock, we contract the Child Protection Services Program from the BIA. Our caseworkers handle between 25-30 cases each month, twice the national average. We receive about $650,000 from the BIA to operate a $1 million program. We subsidize another $350,000 from Tribal resources. If Congress increases the BIA Child Assistance Program by $10 million

in the FY 2010 budget, we estimate that we could hire eight more staff: four case managers, two case aides and two Tribal investigators.

I worry that as Tribal law enforcement program grows, the number of children in the Child Protection Services Program will increase. Congress must recognize the importance of keeping our most vulnerable members safe. This requires a greater Federal investment. We cannot afford to let these children down. Our failure will cost us more.

2. Law Enforcement Services In Indian Country

In 2008, a young member of our Tribe was murdered in broad daylight. It was a turning point. After years of requesting more BIA Police Officers, we had had enough. The ten BIA Police Officers who patrolled our reservation could not cover our reservation's public safety needs. With the help of our Congressional delegations, the BIA responded with a six month surge -- detailing over 30 BIA Police Officers from reservations across the country to the Standing Rock Sioux Reservation to police our eight Districts and smaller towns. It was called "Operation Dakota Peacekeeper." It more than tripled the number of our BIA Police patrols. During the surge, Tribal members told me that they could sleep with the windows open for the first time in many years. They felt safe. The surge documented what our true law enforcement needs are.

The surge had five goals: 1) reduce crime, 2) target illegal drug activities, 3) provide investigative resources to prosecute domestic violence, 4) provide investigative resources to prosecute crimes against children, and 5) develop a strategy to promote a safe community on the reservation. In the first two months of the surge, there were over 900 arrests on the reservation. The arrests overwhelmed our Tribal court system and adult detention facility. Our courts were holding arraignments seven days a week. The surge has ended. The BIA is having trouble filling the ten additional law enforcement positions it added at Standing Rock. **The goals of the surge should be the goals of policing in Indian country every day, but these goals remain unattainable. The reason that the BIA cannot achieve these goals for every reservation is inadequate resources -- too few personnel, facilities, and appropriations.**

A 2006 "Gap Analysis" report prepared by the BIA found that BIA District 1, which includes North Dakota and South Dakota, requires 483 Law Enforcement Officers to provide a ratio of 3.3 officers for every 1,000 residents. In 2006, District 1 had 108 officers, which include Police Officers, criminal investigators and telecommunication officers. This means that the BIA was providing only 22% (108 out of 483) of the required public safety officers Tribes in the Great Plains Region required to have a public safety presence. Police officers are also first responders who assist at automobile accidents, fires, and health emergencies.

I am delighted to see funding in the American Recovery and Reinvestment Act (ARRA) for Tribal law enforcement, courts, and detention facilities. I am pleased to see increases to the BIA's public safety budget in the FY 2009 Omnibus Act. But these funding increases must be sustained if we are to ensure that crime does not return to our reservations and that public safety remains an annual priority in the President's budget.

I recommend that Congress:

- Increase funding for BIA criminal investigations $100 million above the FY 2009 enacted level of $163 million;
- Increase funding for Tribal Law Enforcement and Special Investigation $15 million to $30 million annually;
- Fund the construction and staffing of two additional BIA police academies, in addition to the Artesia, New Mexico facility, to provide regional training centers, especially in the Great Plains Region, to recruit and train Tribal officers closer to their homes and families to ensure that staff vacancies can be promptly filled;
- Fund the recommendations of the 2006 BIA "Gap Analysis" report over the next 3-5 fiscal years;
- Increase the BIA's construction budget to include funds for construction of Tribal courts, Police Departments, and juvenile and adult detention facilities and include funding for staffing as well as recurring operation and maintenance needs;
- Increase funding for the BIA HIP Program to $50 million and authorize the construction of housing for essential Tribal personnel (police, firefighters, teachers, and health care workers) so Tribes have additional housing to offer;
- Direct the BIA to grant Special Law Enforcement Commissions to Tribal Game and Fish Rangers so that these individuals may respond to Tribal emergencies;
- Direct the BIA to approve State-certified law enforcement officers to patrol duties immediately and provide an abbreviated training program for such officers concerning law enforcement in Indian country in lieu of the 16-week mandatory BIA Academy training course. Existing BIA policies harm recruitment;
- Fund pilot programs on Indian reservations that educate youth about staying out of trouble (gangs, drug and alcohol abuse);
- Fund increases for improved communications devices, police vehicles, upgrades to transmission lines to improve cellular communication, etc.

3. BIA Facilities Construction: 18-Bed Youth Services Center (post-conviction detention and treatment) ($2.2 million). Over the last few years, the Tribe has received over $3.5 million in Department of Justice, Office of Justice Programs' funding to build a secure, 18-bed, 15,000 sq. ft. Youth Services Center to house pre-adjudication and post-adjudication boys and girls who, by law, cannot be held in adult facilities. The Tribe has contributed approximately $900,000 toward the project, but we cannot complete construction because we lack approximately $2.2 million to extend sewer and water lines one mile to the site, provide paved parking, sidewalks, curbs and gutters, nor finance classroom and additional space for counseling services.

There is a disconnect between the BIA and the Justice Department. The two agencies do not coordinate construction (DOJ primarily) with staffing, maintenance and operation (BIA).

In order to curb youth suicides, reduce alcohol and substance abuse, address high school drop out rates, develop and implement social, educational and treatment programs for at-risk youths and their families, we need facility space and funds to hire professional staff. The Federal government does not get it. Indian country lacks the basics. We often work in cramped

antiquated buildings and modular units that were excess government property. We need 21st Century facilities to handle 21st Century problems.

I encourage Congress to direct Secretary Salazar and Attorney General Holder to establish protocols for the construction, renovation, staffing, operation and maintenance of adult and juvenile facilities in Indian country. We reject the BIA's view that these facilities should be designed for hardened criminals. These facilities must be multi-functional since Tribes lack facility space in general. Youth detention facilities need to provide additional space for classrooms, family counseling and suicide prevention, exercise rooms, health treatment, transitional living quarters and staff quarters. Both agencies should be directed to work closely with Tribes so real progress is made.

4. BIA 638 Higher Education Grant Program ($60 million) – As the former President of Sitting Bull College, I can readily attest to the importance to our Indian students' futures to obtain an undergraduate and post-graduate degree. I have highlighted above the consequences when the Federal Government falls far too short in its contractual and moral obligations to Indian tribes and the Indian people. Education is the key to the future of Indian country and to the Nation at large. We fully support the President's goal to provide every student who wants one the means to obtain a college education. In order to realize this goal for Indian children, Congress must double funding for the BIA's Higher Education Grant Program. Funding for the Program has been flat or decreasing at a time when tuition costs are rising.

According to NCAI, however, Native Americans attain bachelor and higher education degrees at half the rate of their non-Indian counterparts. BIA funding provides about 25% of our Tribe's higher education needs. In the fall of 2010, our Higher Education Director anticipates needing $1.8 - $2.0 million to operate our BIA Higher Education Grant Program for roughly 300 undergraduate and post-graduate students. This translates into a $1.3 - $1.5 million shortfall which the Tribe must make up to supplement too few BIA dollars. We provide roughly 300 students (undergraduate and graduate) between $2,500 - $3,000/semester which allows them to pursue degrees from accredited colleges and universities such as Bismarck State College, the University of North Dakota, and Sitting Bull Community College located on the Standing Rock Sioux Tribe. Our BIA Higher Education Program provides tuition assistance funds only for undergraduates. With Tribal resources, enrolled students are still $2,000 short and many must get part-time jobs. Many have young families to support. This strains their resources.

About 70% of our undergraduates are 18-25 years old, 30% are over 25 years old, many with children. Many of our students receiving assistance must still find part-time work to cover their tuition, room and board, even with Pell Grants. For the first time in years, Tribal members are pursuing master's degrees in business management, nursing and law. We want to encourage that among our members. The Federal Government must make the education of Native American youth a priority. With rising tuition and associated costs, Congress should double the BIA Scholarships and Adult Education budget to $60 million in FY 2010.

Thank you for affording me this opportunity to present my Tribe's views on the FY 2009 budget for the Department of Interior, Environment, and Related Agencies.

THE CONSERVATION FUND
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Testimony
of
Dan Sakura, Vice President for Government Relations
The Conservation Fund
on the
Fiscal Year 2010 Interior, Environment and Related Agencies Appropriations Bill
before the
Subcommittee on Interior, Environment and Related Agencies
Committee on Appropriations
United States House of Representatives
submitted
March 26, 2009

The Conservation Fund appreciates the opportunity to testify in support of funding increases for federal land conservation programs as the Subcommittee begins consideration of the Fiscal Year (FY) 2010 Interior, Environment and Related Agencies Appropriations Bill.

The Conservation Fund (TCF) is a national, non-profit conservation organization dedicated to conserving America's land and water legacy for future generations. Since 1985, we have worked with federal, state, local and private partners to help protect more than six million acres across the country with a focus on sustaining wild havens, working lands and vibrant communities. In large measure, these accomplishments are due to the Subcommittee's decades of leadership in support of the Land and Water Conservation Fund (LWCF), Forest Legacy Program, North American Wetlands Conservation Act, Cooperative Endangered Species Conservation Fund and other conservation programs. As you develop the FY 2010 bill, we wish to highlight the need for funding increases for these programs to build on the Subcommittee's conservation legacy.

Land and Water Conservation Fund

TCF requests the Subcommittee's support for $450 million for the LWCF, including $325 million in federal and $125 million in stateside funding. By investing in federal and state land conservation, the LWCF has protected our natural and cultural resources and ensured world-class recreational opportunities for present and future generations. Investments in land and water conservation only grow in value and yield dividends to the American people through fish and wildlife, water quality, scenic values and recreational opportunities. As proposed in the Obama Administration's budget blueprint to Congress, TCF recommends that the LWCF be fully funded to conserve our National Parks, Forests, Wildlife Refuges and other public lands.

Since its creation in 1965, we have worked with federal agencies to conserve Lewis and Clark sites in Washington State, Civil War battlefields, working forests of New England, working ranches and historic sites in Idaho and anadromous fish spawning habitat on Alaskan rivers.

The Conservation Fund appreciates the Subcommittee's strong support for LWCF funding in the FY 2009 Omnibus Appropriations Act and for funding a number of priority projects. For FY 2010, we are working closely with the U.S. Forest Service, National Park Service, U.S. Fish and Wildlife Service, and Bureau of Land Management to support the agencies' land acquisition priorities through the LWCF and state agency priorities through the Forest Legacy Program. We would like to highlight our top priorities for the four natural resources agencies, several of which were funded in FY 2009 and prior years. On behalf of TCF, we request your favorable consideration and support for these and other high priority projects.

U.S. Forest Service – Tennessee Mountains/Cherokee National Forest: $13.5 million. TCF's top FY 2010 priority is the Rocky Fork project in the Cherokee National Forest Fork, situated along the Tennessee-North Carolina border approximately 30 minutes from Johnson City, Tennessee and Asheville, North Carolina. Named after the cool waters of the creek that runs down its center, the Rocky Fork tract features the Appalachian National Scenic Trail and adjoins the Pisgah National Forest and Sampson Mountain Wilderness area. On December 15, 2008, TCF and the U.S. Forest Service purchased portions of the Rocky Fork property, totaling 9,624 acres, due to the Subcommittee's support for the Tennessee Mountain project area.

Because it has been open to the public for decades, Rocky Fork's world-class recreational opportunities have attracted generations of visitors from Tennessee, North Carolina and across the country. About 1.5 miles of the popular Appalachian Trail crosses the southwest border of the property, and half the property can be seen from the trail. Sixteen miles of pristine blue-ribbon trout streams, including the waters of Lower Higgins Creek and Rocky Fork, harbor exceptional populations of native brook trout. Rocky Fork also boasts habitat for game animals such as bear, turkey, deer and grouse.

A strong network of local, regional and national partners have worked to protect this property by securing federal, state and private funds. Along with our partners, we commend the bipartisan regional leadership of the Tennessee and North Carolina congressional delegations for their work with the Subcommittee to advance this project. At a total acquisition cost of $40 million, federal funding for Rocky Fork has leveraged over $10 million to date in state and private funding.

With a total of $23 million in federal, state, and private funds having already been approved for this project, Congressional approval of $13.5 million will allow the U.S. Forest Service to acquire an additional 3,375-acres to conserve one of our nation's most valuable treasures.

National Park Service – San Juan Island National Historical Park: $6 million. On July 18, 1859, U.S. Army Captain George Pickett was ordered to leave his post at Fort Bellingham to respond to an incident arising from a dispute over a pig between U.S. and British interests on San Juan Island, Washington. Fortunately, the conflict that arose from the dispute, known as the Pig War of 1859, was resolved peacefully, on the eve of the American Civil War. To commemorate the historic events associated with the Pig War and boundary dispute with England, Senator Scoop Jackson passed legislation in 1966 to create the San Juan Island National Historic Park by conserving English Camp and American Camp.

Through its recently approved general management plan, the National Park Service (NPS) recommended that the 312-acre Mitchell Hill property be added to English Camp to protect the tract's important historical and natural resources. The State of Washington owns the property which is managed by the Department of Natural Resources (DNR) as state school trust lands.

The NPS has identified this project as a top national priority and TCF requests the Subcommittee's support for $6.0 million in land acquisition funding. If approved, these funds would enable the NPS to acquire and permanently protect the Mitchell Hill tract as an addition to English Camp and the San Juan Island National Historical Park. The tract features important historical, natural, scenic and recreational resources, including the remnants of a nineteenth century military road. With over 2.9 miles of trails on the property, it will serve as a key component of a comprehensive Island-wide trail network. Conserving this property will benefit the 250,000 visitors to the park annually, thereby benefiting the local economy, expanding opportunities for environmental education and ensuring continued recreational access.

Acquiring the tract from DNR will also benefit public education in Washington State, as the tract is managed as school trust lands and the proceeds from the sale of the land will be used to construct public schools for K-12 students. In addition to benefiting education and creating construction jobs, these funds will ensure that the NPS will be able to tell the story of this important chapter in our nation's history to future generations.

U.S. Fish and Wildlife Service – James River National Wildlife Refuge: $1 million. In order to further the mission of the U.S. Fish and Wildlife Service, TCF acquired the Blair's Wharf property at James River National Wildlife Refuge in 2008. Located southeast of Richmond on the James River, the 125-acre Blair's Wharf tract features approximately 3,200 feet of river frontage and is surrounded by the 4,200-acre James River National Wildlife Refuge in Prince George County, Virginia. The FWS established the refuge in 1991 to protect nationally significant habitat for bald eagles. Widely recognized as a bald eagle stronghold, the Refuge provides some of the most important bald eagle habitat in eastern North America and supports one of the densest piscivorous, or fish-eating, bird communities in Virginia.

The total acquisition cost for Blair's Wharf is $3.4 million. To conserve Blair's Wharf, Congress appropriated $1.6 million in the FY 2008 appropriations bill. In order to protect the property, TCF used our revolving fund to provide bridge financing to acquire the tract in 2008. The Virginia Aquatic Resources Trust Fund Board recently provided $800,000 for the acquisition, leaving a cost to complete of $1.0 million. While the FY 2008 appropriation served as the first phase of project funding, the Fund is seeking a $1 million FY 2010 FWS land acquisition appropriation to complete the project, which is a top priority for the U.S. Fish and Wildlife Service and which preserves the scenic shoreline along the John Smith National Historic Trail.

Bureau of Land Management – Meeteetse Spires: $1.5 million. Located in Carbon County, near Red Lodge, the wind-blasted stone pinnacles of the Meeteetse Spires reach hundreds of feet into the sky and provide a unique backdrop to a scenic hanging valley as part of the Meeteetse Spires Area of Critical Environmental Concern (ACEC). In partnership with the BLM, TCF has reached an agreement to acquire the 560-acre private inholding in the ACEC from a willing seller. In conjunction with $1.0 million approved by the Subcommittee in the FY 2009 Omnibus

Appropriations Act, TCF seeks $1.5 million in FY 2010, which will complete Phase II of two phases. Acquisition of this tract would conserve all of the private land within the ACEC and protect an adjoining U.S. Forest Service Research Natural Area in the Custer National Forest, near the Beartooth Absaroka Range. By approving these funds, the Subcommittee will ensure that the public will continue to enjoy the area's spectacular scenery and excellent outdoor recreation opportunities for many generations. The area also provides habitat for elk, mule deer, moose, white-tailed deer, black bear, and mountain lion and this acquisition will ensure a migration corridor for these species.

Forest Legacy Program

TCF requests the Subcommittee's support for $125 million in FY2010 funding for the Forest Legacy Program (FLP). Administered by the U.S. Forest Service, FLP is a critical funding source to assist states, local communities and private landowners to maintain working forests to provide multiple benefits to adjacent communities including watershed protection, economic sustainability, wildlife habitat and public recreation.

South Carolina Department of Natural Resources -- Belfast. TCF's top priority for FLP funding in FY2010 is the Belfast project in South Carolina. In order to protect the property from development, TCF acquired the property in 2008. Belfast is a 7,000-acre property and the largest block of private forestland within the fast-growing Piedmont area of South Carolina. The property's proximity to Sumter National Forest, both the Enoree and Longcane Districts, and large size will enhance future management of the entire area and provide tremendous connectivity along this east-west corridor within the state. The tract has a long history of active timber management and a well-stocked diverse forest.

In order to complete the project, we hope that the U.S. Forest Service will recommend funding for the project in its FY 2010 budget request, building upon $1.5 million in FY 2008 FLP funding approved by the Subcommittee. If these funds are approved, the South Carolina Department of Natural Resources will utilize the Belfast property as part of an ongoing partnership with the South Carolina Department of Education to integrate natural resource education into school curriculum. FLP funding is critical for allowing the Fund to convey the property to the state for long-term ownership and management.

In addition to these projects, we wish to highlight several other priority programs. TCF requests $50 million in FY2010 funding for the North American Wetlands Conservation Act (NAWCA). TCF has utilized NAWCA grants to conserve important wetlands systems across the country, with our latest project including a 6,600-acre donation to the Big Thicket National Preserve utilizing NAWCA funding and funding from numerous partners that came together to support the NAWCA proposal for a property adjacent to the City of Beaumont in Texas. TCF also supports a request of $25 million for the new Community Forest and Open Space Conservation Program (CFOSCP) established by the Farm Bill of 2008.

Chairman Dicks, Representative Simpson and members of the Subcommittee, thank you for this opportunity and for your consideration of these projects which will leave a legacy to future generations.

Evan Hirsche, Chair
Cooperative Alliance for Refuge Enhancement
1901 Pennsylvania Ave. N.W. Suite 407
Washington, D.C. 20006

**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 2010 APPROPRIATIONS FOR THE
NATIONAL WILDLIFE REFUGE SYSTEM**

March 26, 2009

Chairman Dicks, Ranking Member Simpson, and Members of the Subcommittee:

Thank you for the opportunity to offer comments on the fiscal year 2010 (FY 2010) 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-dependant 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 or forests. We respectfully request a funding level of $514 million for the Operations and Maintenance accounts of the National Wildlife Refuge System for FY 2010.

This testimony is submitted on behalf of CARE's 23 member organizations, which represent more than 14 million Americans passionate about wildlife conservation and related recreational opportunities.

American Birding Association
American Fisheries Society
American Sportfishing Association
Assateague Coastal Trust
Association of Fish and Wildlife Agencies
Congressional Sportsmen's Foundation
Defenders of Wildlife
Ducks Unlimited, Inc.
Izaak Walton League of America
Marine Conservation Biology 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

CARE deeply appreciates the Subcommittee's vision and leadership regarding the funding increases realized in FY 2008 and FY 2009 and the 2009 American Recovery and Reinvestment Act (Recovery Act). While it does not reduce the annual needs of the Refuge System, the Recovery Act will provide a jolt to local economies by providing refuges across the country with the means to hire local contractors and purchase local materials for important infrastructure and habitat restoration projects. Following a period of essentially flat annual budgets, the recent increases in annual appropriations allowed for the suspension of workforce downsizing plans that called for an eventual 20 percent reduction in overall staffing levels. But with more than 10 percent of staff already eliminated since 2004, additional funding increases that build upon the last two years are essential if this valued system of conservation lands is to rebound to its full potential. With the goal of fulfilling the progressive conservation vision that President Theodore Roosevelt first espoused more than a century ago, CARE respectfully requests a FY 2010 funding level of $514 million for the Operations and Maintenance accounts of the National Wildlife Refuge System.

The $514 million for FY 2010 is considered an essential next step on a long path toward adequate funding. CARE is currently re-assessing the budget and staffing needs of the Refuge System and the analysis, to be explained in our upcoming 2009 CARE report, shows the need for at least $765 million and likely more by FY 2013. This annual funding is needed to properly patrol and enforce laws on 150 million acres, provide nature programs to the public, complete habitat restoration projects, address scores of mothballed mission-critical projects, respond to the adverse impacts of climate change, and more.

An appropriation of $514 million in FY 2010 would stabilize the workforce by keeping the workforce downsizing plans securely on the shelf and thereby reducing pressure on the U.S. Fish and Wildlife Service (FWS) to cut refuge staff below already insufficient levels. This funding level would enable FWS staff to return to what they do best: protecting, restoring and enhancing America's wildlife and habitat, providing a haven for a growing list of threatened and endangered species, and guaranteeing a positive experience for more than 41 million annual visitors, whether hunting, fishing, watching wildlife, or learning from educational programs.

Prior to FY 2008, several years of appropriations failed to even cover inflation for fixed costs. Simply to keep fuel in the trucks, pay for rising utilities and building rent, allow for salary adjustments and other fixed costs, the Refuge System needs at least a $15 million annual increase.

While the appropriation for FY 2008 and FY 2009 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. Many prior years of inadequate budgets ballooned the Operations and Maintenance backlog to $3.5 billion, where it hovers still, and forced many refuges to cut staff.

Today, more than 35 percent of America's wildlife refuges have no on-site staff; nobody to unlock the gates, teach the schoolchildren, administer the hunting programs, or control the invasive weeds, let alone recover endangered species or perform major habitat restoration projects. Non-native, invasive plants have infested more than 2.3 million acres (only 14.6 percent of this acreage was treated in 2008). Further, a crippling deficiency of law enforcement officers has led to a rise in illegal activities such as drug cultivation, plant and wildlife poaching, smuggling through the southern border refuges and many types of natural resource violations. Currently, only 205 full-time law

enforcement officers are tasked with responsibilities and risks that the International Association of Chiefs of Police suggests be tackled by a force of 845 professional officers.

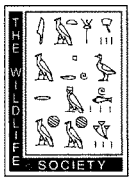
When refuges are short-staffed, not only are activities *inside* refuge boundaries affected, but refuge employees are unable to devote sufficient attention to threats *beyond* refuge boundaries, such as water rights disputes, upstream contamination or encroaching developments. Overworked staff cannot take advantage of land acquisition or easement opportunities and conservation opportunities often slip away. When staff levels are reduced to only one or a few people per refuge, opportunities to partner with other interested stakeholders are lost, dramatically and adversely affecting volunteer involvement and the leveraging of additional dollars. For example, consider that the relatively well-staffed San Luis Refuge Complex in central California is often able to *triple* its annual budget through creative partnerships. With this extra income, large-scale tree plantings are restoring wildlife habitat and vacuuming up atmospheric carbon, invasive species are being eradicated, waterfowl hunting programs are thriving, and staff can more closely monitor outside threats to resources such as water quantity and quality. This situation demonstrates how much is possible when a critical mass of staff is able to capitalize on funding and partnering opportunities, and just how much is now being lost at most wildlife refuges today.

In addition to their integral role in American wildlife conservation, refuges are critically important on local and regional scales. Visitors in 2006 generated more than $1.7 billion in sales to local economies, creating over 27,000 U.S. jobs and $543 million in personal income. While these figures are undeniably significant, it is widely recognized that the Refuge System's potential remains largely untapped and unquantified. In addition to being local economic engines, the sustainable use of natural resources on America's refuges provides innumerable environmental benefits to communities. For example, many refuges in urban or suburban settings filter storm water before it runs downstream to municipal water supplies and, in many areas, reduce flooding by capturing excess rainwater and attenuating coastal storm surges. The vegetation on America's refuges captures atmospheric carbon while natural filtration and sound water management promotes healthy fisheries within and beyond refuge boundaries.

Of increasing importance, national wildlife refuges provide a way for children to connect with the natural world. There is a refuge within an hour's drive of most metropolitan areas in the U.S. As today's children spend more time inside on computers, watching television or playing video games, the need for a place to bring our younger generations to experience and explore the outdoors has never been more important. Many refuges work with local volunteer organizations such as "Friends groups" to provide environmental education programs to local schools; but when budgets are tight, they are often the first programs to be curtailed.

In a nation with ever-shrinking natural areas, we must act quickly to safeguard our unique natural heritage for the benefit of wildlife and millions of present and future Americans. It was Theodore Roosevelt who reminded America that "our duty to the whole, including the unborn generations, bids us restrain an unprincipled present-day minority from wasting the heritage of these unborn generations." CARE agrees that 41 million annual visitors and all future generations deserve the opportunity to see and appreciate 150 million acres of the most visually stunning and biologically rich lands and waters in North America. Simply put, the way to ensure a future with clean water, thriving wildlife populations, and hunting and fishing opportunities is to increase the Refuge System's FY 2010 appropriation to $514 million and continue the restoration of America's commitment to healthy public lands.

On behalf of our over 14 million members and supporters, CARE thanks the Subcommittee for the opportunity to offer comments on the FY 2010 Interior Appropriations bill and extends our sincere appreciation for the Subcommittee's strong commitment to the National Wildlife Refuge System.



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March 26, 2009

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

Testimony Submitted by:
Laura M. Bies
Director of Government Affairs
The Wildlife Society

The Wildlife Society appreciates the opportunity to provide comments on the FY 2010 budget for the Department of Interior, Environment, and Related Agencies. The Wildlife Society represents nearly 8000 professional wildlife biologists and managers dedicated to excellence in wildlife stewardship through science and education.

U.S. Fish and Wildlife Service

Funding assistance for state wildlife agencies is one of the highest priority needs for wildlife, providing essential resources to conserve wildlife, fish, and habitat, and to prevent further declines in at-risk wildlife populations in every state. These Wildlife Action Plans detail each state's species of greatest concern, their remaining habitats, limitations, and needed conservation actions. With the completion of all 56 state and territorial Wildlife Action Plans, it is critical this program receive increased funding to assist states with the implementation of on-the-ground actions associated with the plans. **We recommend that $85 million be appropriated for State Wildlife Grants in FY 2010.**

The Wildlife Society is a member of the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 23 wildlife, sporting, conservation, and scientific organizations representing over 14 million members and supporters. A comprehensive analysis by CARE determined that the **National Wildlife Refuge System** needs $765 million in annual operations and maintenance funding by 2013 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 to $3.5 billion, and forced plans for a dramatic 20% downsizing of the workforce. Refuge visitors often show up to find roads and visitor centers closed, observation platforms and hiking trails in disrepair, and habitat restoration and education programs eliminated. Invasive plant species are taking over, and with a deficiency of more than 500 law enforcement officers, illegal activities such as poaching and trespass are on the rise. We are grateful for the much-needed budget increase that Congress provided the Refuge System in the FY 2009 Omnibus bill, and we urge the Congress to build upon this important step in the FY 2010 budget. **We request that you provide $514 million in FY 2010 for the**

Operations and Maintenance of the National Wildlife Refuge System.

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. **We are pleased by the Administration's support of this program through its $10 million increase, and support the goal to reach full funding of $75 million by FY2012.**

The Neotropical Migratory Bird Conservation Act provides a broad-spectrum approach to bird conservation. **The Wildlife Society recommends that Congress fund the Neotropical Migratory Bird Conservation Act at its full authorization of $6.5 million in FY 2010.**

The Wildlife Society supports adequate funding levels for all subactivities within the **Endangered Species Program.** Endangered species recovery efforts can ultimately lead to delisting actions that result in significant benefits to species through state management efforts. Currently, all subactivities are understaffed, as the costs for management of listed species continue to rapidly escalate. **We recommend that Congress increase funding for this key program.**

In FY 2008 and 2009, funding for the **Science Excellence Initiative** was zeroed out in the Administration's budget. Discontinuing funding for this office will prevent FWS from expanding its on-the-ground scientific capacity in adaptive resource management, structured decision analysis, and conservation genetics. Elimination of these programs will reduce the Service's capacities in these key areas and prevent the expansion of these programs to other regions of the Service. **The Wildlife Society strongly recommends that Congress fund the Science Excellence Initiative at $493,000 in FY 2010.**

Bureau of Land Management

BLM manages more land, and more wildlife habitat, than any other federal agency, including half of the remaining habitat for the imperiled sage grouse and almost 15 million acres of prairie grasslands vital to many declining grassland-dependent species. The diverse habitats managed by BLM support over 3,000 species of wildlife, more than 300 federally proposed or listed species, and more than 1300 sensitive plant species.

However, the BLM has only one biologist per 591,000 acres of land and estimated costs for recovery of threatened and endangered species on BLM lands are $300 million annually over the next five years. Moreover, the status of the wide-ranging declining sage grouse is of great concern throughout the West, and significant additional resources will be needed for its protection, which might preclude the need for listing under the ESA.

In addition, 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. Traditionally, funding for compliance work has come from benefiting programs; however in recent years, at least 30 percent of WFM and TESM resources have been routinely diverted to other programs, eroding their ability to conduct proactive species and habitat conservation activities and efforts to recover

listed species. While this practice has undergone increased scrutiny in the last two years, no information has emerged to suggest that the situation has been rectified. This diversion of funding must be stopped, or additional funding provided to these two programs to make up for the deficiency. Even if the diversion were halted, however, the meager funding still would not be adequate to the task at hand.

Given the significant underfunding of the BLM's wildlife programs, combined with the tremendous expansion of energy development across the BLM landscape, an increase to **$55 million for the BLM Wildlife Management Program** is warranted. 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.

Increased funding is needed for the **Threatened and Endangered Species Management Program** to meet its conservation responsibilities in endangered species recovery plans. In fact, BLM's March 2001 Report to Congress called for a doubling of the current Threatened and Endangered Species budget to $48 million and an additional 70 staff positions over 5 years. In view of this inequity between resource needs and funding levels, **we strongly encourage Congress to increase overall funding for the BLM endangered species program to $33.5 million in FY 2010**

U.S. Geological Survey

The Wildlife Society supports funding of at least $1.5 billion for USGS in FY 2010. This would enable USGS to meet new challenges while continuing to provide essential data for land-use management, sustainable natural resource development, and enhanced security from natural and anthropogenic or human-caused hazards. More investment is needed to strengthen USGS partnerships, improve monitoring networks, produce high-quality digital geospatial data, and deliver the best possible science to address critical environmental and societal challenges.

We support increased funding for the **Cooperative Fish and Wildlife Research Units** (CFWRUs). The CFWRUs are a jointly funded federal/state partnership, where the federal government provides the funding for personnel and states provide funding to establish the units at a university. FY 2001 was the last time Congress fully funded the CFWRUs, allowing unit productivity to rise to record levels. Since then, budgetary shortfalls have caused an erosion of available fiscal resources, resulting in a current staffing vacancy of 23 researcher positions, nearly one quarter of the professional workforce. In order to fill current scientist vacancies, restore seriously eroded operational funds for each CFWRU, and enhance national program coordination, **the FY 2010 budget for the CFWRUs should be increased to $19.5 million.** This would restore necessary capacity in the CFWRU program and allow it to meet the nation's research and training needs. It would also ensure that the Interior Department provides the federal scientist staffing agreed to with partners, so that the return on their continuing investment in the CFWRUs is realized and fully leveraged.

The CFWRUs are crucial to successfully addressing the natural resource management challenges posed by climate change, energy development needs, invasive species, infectious diseases, and wildfire. These challenges also include replacing the unprecedented number of natural resource professionals who will be retiring over the next 10 years. To begin meeting these high priority

research and training needs in FY 2010, we ask that you establish a competitive, matching fund program within existing CFWRU legislative authority that would make available **$5 million annually in new funds beyond base operational costs**.

The Wildlife Society appreciates the funding for the **National Climate Change and Wildlife Science Center in the recent omnibus**, which in FY 2009 provides $10 million for the Center. This center will play a pivotal role in addressing the impacts of climate change on fish and wildlife. **The Wildlife Society recommends that this funding be continued at $10 million in FY 2010.**

U.S. Forest Service

Our national forests and grasslands are essential to the conservation of our nation's wildlife and habitat, with about 425 threatened and endangered species, and another 3,250 at-risk species, calling them home. The FY 2007 appropriation of $131.7 million for the **Wildlife and Fisheries Habitat Management Program** accomplished more than 4700 projects and generated an additional $50.4 million in partner contributions. However, the Forest Service has estimated that it could expend two times that amount or $260 million on projects with existing staffing. We urge Congress **to increase funding for this program to at least $154 million in FY 2010.**

Upward trends in fire suppression funding costs increasingly prevent the Forest Service, and other land management agencies, from implementing critical programs and fulfilling their missions. Congress must identify a new mechanism for funding emergency fire suppression activities. A partitioned wildfire suppression account to fund emergency fires should be created, so that emergency fire spending does not impact non-emergency agency budgets. In addition, the 10-year rolling average should be replaced with a more predictive statistical modeling approach that utilizes current weather, drought, and fuel load as well as fire history and other data to project the extent of wildland fire on the landscape and economic modeling to predict the funding needed to address it. The USFS and DOI must continue developing and implementing a rigorous set of measures for linking fire management to fire costs in order to more effectively achieve cost-containment. Finally, investment of funds into the range of agency programs that have been impacted by increasing suppression costs must occur for agencies to accomplish their missions.

Thank you for considering the recommendations of wildlife professionals. We are available to work with you and your staff throughout the appropriations process.

Written Statement of
Theatre Communications Group
Submitted March 26, 2009 to
The House Interior Appropriations Subcommittee
On the Importance of Increased 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 485 not-for-profit member theatres across the country and the 31 million audience members that the theatre community serves. **We urge you to support an increased appropriation of $200 million for the National Endowment for the Arts.**

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 of 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.

Here are some examples of NEA funding impact:

From the NEA's Access to Artistic Excellence Program:

Actors Theatre of Louisville in Louisville, KY received $45,000 to fund the 33rd Annual Humana Festival of New American Plays which continues to add a rich diversity of new voices and works to the world's dramatic repertoire. Thanks to the support of the NEA, more than 25,000 people from 34 states and a dozen foreign nations participate each year in festival performances and educational opportunities. Actors Theatre creates opportunities for theatre producers, artistic directors, literary managers, theatre critics and theatre-lovers from across the country and around the world to see full productions of new work, which inform their own season planning. In so doing, the theatre introduces local, regional, national and international audiences to some of the most exciting new work happening in the American theatre. During the 2009 festival, 250 graduate and undergraduate students will participate in College Days, which offers both performance opportunities and educational talk-back sessions with festival staff and guest artists. Through 32 years of the Humana Festival, Actors Theatre has produced more than 400 new plays, representing more than 200 playwrights.

Boise Contemporary Theater in Boise, ID received a grant for $10,000 to support their production of *I Have Before Me a Remarkable Document Given to Me by a Young Lady From Rwanda* by Sonja Linden. Inspired by the real life experiences of refugees in the UK, the play tells the story of two people from entirely different worlds who meet in London in 1999, five years after the genocide in Rwanda. Juliette is a young Rwandan asylum seeker determined to write a book about the tragedy that killed her family. Simon is a struggling middle-aged poet and novelist who teaches writing at a refugee center. The play follows their funny and touching journey to an inspiring conclusion. Throughout the run of the production, BCT offered free tickets to the local refugee community, and were met with an encouraging and enthusiastic response.

Cleveland Play House in Cleveland, OH received $25,000 to commission and produce a new stage adaptation of the Thornton Wilder novel *Heaven's My Destination.* Wilder's 1935 novel will receive its stage premiere this April under the direction of Cleveland Play House Artistic Director Michael Bloom. This hilarious tale about goodness in a fallen world, adapted by award-winning playwright Lee Blessing, follows a traveling textbook salesman and fervent religious convert on a personal journey to lead a good life during Depression-era America. The CPH serves 100,000 patrons in the Greater Cleveland region including approximately 20,000 students. This production will also include a free panel discussion with panelists who are close to Wilder and to the production, as well as experts on the play's historical context.

Seattle Repertory Theatre in Seattle, WA received $35,000 to support the upcoming production of Conor McPherson's *The Seafarer*, directed by Wilson Milam who is a Bellevue, Washington native. Milam was nominated for a Tony Award for Best Director of a Play for Martin McDonagh's *The Lieutenant of Inishmore. The Seafarer* is a darkly funny and compelling new play about Ireland, the power of myth and the bond of a group of friends. Seattle Repertory Theatre engages in several forms of community outreach including pre-play warm-ups for preview performances, lobby talks and post play discussions, as well as their popular subscriber social groups, happy hour and taste of the Rep. These programs allow community members and supporters to engage socially, and maintain relationships with their fellow audience members and artists alike.

The Signature Theatre in Arlington, VA received $40,000 to host the world premiere production of the musical *Giant.* Adapted from the American classic novel by Pulitzer Prize-winning author Edna Ferber (*Showboat*), *Giant* is a daring new musical that tells the powerful story of a Texas rancher and his Virginia-born wife as they face increasing challenges in an ever-changing American landscape. The play explores two generations of Texas ranchers as they are confronted with Mexican American race relations in the face of a growing oil industry. A musical project in the making for more than two years, *Giant* was commissioned as part of Signature's American Musical Voices Project, which provides opportunities to selected composers to create new musical theatre works. Artistic director Eric Schaeffer will direct 17 actors, a 12-person design team, and a 21-piece orchestra, with music and lyrics by five-time Tony Award® nominee Michael John LaChiusa, and book by Sybille Pearson.

***From the NEA's Shakespeare for a New Generation Program*:**

The Idaho Shakespeare Festival in Boise, ID received $25,000 to fund their fifth consecutive educational outreach tour of *Shakespearience*. This initiative has been bringing William Shakespeare's plays to life for Idaho youth in grades 7-12 – with full sets, costumes and sound – since 1986. The tour reaches students in about 90% of Idaho's 44 counties, including those in remote rural and underserved areas and runs from February – May with approximately 80 performances in 70 secondary schools. *Shakespearience* typically reaches more than 22,000 students and 1,500 teachers, administrators, parents and community members annually. Study guides are sent to teachers in advance of the performance, and include a synopsis of the play, comments from the director, a biography of William Shakespeare, actor biographies, discussion questions and activities and links to further resource materials. Q&A sessions after each performance allow students to ask actors thought-provoking questions and give students the chance to learn more about themes and issues in the play as well as the mechanics of acting, production and the work it takes to produce a play.

These are only a few examples of the kinds of extraordinary programs supported by the National Endowment for the Arts. Indeed, the Endowment's Theater Program is able to fund only half of the applications it receives, so the other 50% of the theatres are turned away because there aren't sufficient funds. Theatre Communications Group urges you to support increased funding for FY10 for the NEA, so that more not-for-profit professional arts organizations can continue to educate and entertain audiences, train the next generation of artists, and generate local revenue nationwide.

The American public favors spending federal tax dollars in support of the arts. Today, federal arts funding enjoys solid bipartisan support in the House and Senate. The NEA is funded at $155 million in the current fiscal year (FY09); however, it has never recovered from a 40% budget cut in FY96 and its programs are still under-funded. Current funding amounts to just 51 cents per capita, as compared to 69 cents per capita in FY 1992. If the NEA had maintained its 1992 appropriation of $176 million, that would amount to only 58 cents per capita today. Although it received partial restoration in FY 2008, and a $10 million increase in FY 2009, the arts community seeks a total appropriation of $200 million for FY 2010, which would not only restore the agency to its 1992 level, and but also help maintain a healthy nonprofit arts sector that can contribute fully to communities nationwide.

Thank you for considering this request.

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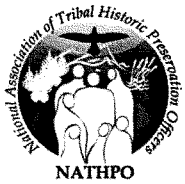

NATIONAL ASSOCIATION OF TRIBAL HISTORIC PRESERVATION OFFICERS
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Testimony to the House Interior Appropriations Subcommittee on the President's Fiscal Year 2010 Budget Request for Indian Programs

The National Association of Tribal Historic Preservation Officers (NATHPO) is pleased to submit testimony for the record to the House Subcommittee on Interior and Related Agencies on the President's Fiscal Year 2010 Budget Request for Indian Programs.

The National Association of Tribal Historic Preservation Officers

NATHPO is a national not-for-profit membership association of tribal government 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 meeting of tribal representatives, preservation experts, and federal agency officials.

Priority Areas:
NATHPO is submitting comments in support of these priority areas (suggested dollar amount in parenthesis):

1. Department of the Interior, National Park Service, **Historic Preservation Fund** ($20 million)
2. Department of the Interior, National Park Service, **National NAGPRA Program-Grants** ($5 million)
3. Implement Recommendations of the Makah-NATHPO report on "Federal Agency Compliance with the Native American Graves Protection and Repatriation Act," Department of the Interior, National Park Service, **National NAGPRA Program** and other Federal agencies
4. Department of the Interior-To conduct a **National Study** to examine the actual needs and challenges facing Indian country's cultural preservation
5. Department of the Interior, Bureau of Indian Affairs, Special Trustee for American Indians, NPS National NAGPRA Program, **Records Management and Preservation**

1. HISTORIC PRESERVATION FUND ($20 MILLION)
The 1992 amendments to the National Historic Preservation Act, P.L. 102-575 (16 U.S.C. § 470) ("the Act"), enhanced the role of Indian Tribes in the national preservation program authorized by the Act and provided for greater protection of places of cultural significance to Indians and Native Hawaiian organizations. Toward that end, the 1992 amendments authorized the creation of a Tribal Historic Preservation Officer (THPO) program funded through the National Park Service, Historic Preservation Fund ("Tribal"[1] line item).

The Tribal Historic Preservation Officers (THPOs) have the responsibilities of State Historic Preservation Officers (SHPOs) on tribal lands and advise and work with state and federal agencies on the management of tribal historic properties, as authorized under Section 101(d)(2) of the Act. THPOs also preserve and rejuvenate the unique cultural traditions and practices of their tribal communities. THPOs work with a variety of federal agencies to collaborate on innovative programs of public land management, as well as playing other important roles in their communities and regions by supporting tribal initiatives to create jobs in Indian country through their support of heritage tourism initiatives and tribal museum development.

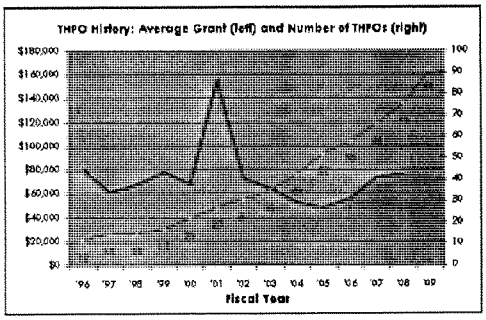
As a policy matter, the establishment of THPOs has been an overwhelming success, allowing THPOs to work closely with federal agencies to assist them in complying with the National Historic Preservation Act on Indian lands, and at

[1] It is important to note that the "Tribal" line item under the Historic Preservation Fund includes both THPO funding and funding for a competitive tribal grant program. The entire "Tribal" line item does not go to THPOs, and NPS determines how much THPOs and the competitive grant program will get each year.

the same time allowing Tribes who have THPOs to develop the expertise to efficiently protect cultural and sacred resources that are vitally important to their identity as Native people. An efficient and well-working THPO program has been shown to be of great benefit to federal agencies.

Why do THPOs need increased appropriations?

Unfortunately, vitally important and successful THPO programs are severely threatened by lack of adequate and sustainable funding. THPOs received their first federal appropriations in FY1996. At that time, only 12 Tribes had established a THPO, with an average award of almost $80,000. By FY2008, 76 Tribes had established THPOs and the average award was down to approximately $75,000 because appropriations did not keep pace with the new THPOs being added each year. New THPOs further the purposes of the Act, but are currently also diluting the pool of available funds for all THPOs. Overall, without adequate funding for the program, THPOs are less able to assist federal agencies with their preservation compliance responsibilities and to perform other important THPO duties and functions. The following chart demonstrates the growing number of THPOs versus the average THPO grant award:



How much funding do THPOs need in Fiscal Year 2010?

THPOs are requesting a total of $20 million for the "Tribal" line item under the HPF in FY2010, a $13 million increase over the $7 million appropriated by Congress in FY2009. In FY2008, there are 76 THPOs that are sharing $5.7 million in funding. Despite increases in appropriations from Congress over the President's request in FY2007 and FY2008, the average grant award to THPOs was either kept at an artificially low amount or increased by a small amount. THPOs are in a critical stage at this point, having endured extremely little federal support since their establishment. In order to support the THPOs at a level even somewhat comparable to the State Historic Preservation Offices, THPOs are requesting an increase over last year's appropriation to begin achieving equity to the SHPO funding levels.

Example: The State Historic Preservation Officers received approximately a $385,000 base level of support in FY2006. Further exacerbating the inequality is that the number of participating states and territories is static, unlike the growth and popularity of the THPO programs among Indian tribes which increases annually. In FY2001, the high water mark for Historic Preservation Fund funding since the inception of the program, SHPO average funding was $850,209, while the average THPO award was $154,815. In terms of comparison the Navajo Nation is slightly larger than the State of West Virginia, yet in FY2001 the West Virginia State Historic Preservation Office's HPF grant was over $711,096. The Navajo Nation received $266,035. This is despite the fact that SHPOs and THPOs have similar obligations under the Act.

Both the Administration [National Park Service] and the National Association of THPOs expect the THPO program to continue growing, but if funding is not increased annually to support new partner Tribes, each Tribe must absorb a funding cut. The National Association of THPOs has determined that Tribes and their supporters contribute at a minimum three (3) dollars for every dollar of federal funding that they receive for historic preservation purposes. That match still does not come close to meeting the funding needs to operate a THPO program.

THPO programs have enhanced historic preservation nationally and the success of these programs benefits both the federal government and individual Tribal members. These programs incorporate unique cultural values into contemporary preservation mandates and efforts. In the past several years, it is also fulfilling the role of promoting cultural and heritage tourism, thus creating jobs in Tribal communities. Cultural interpretation from Tribal perspectives is vital to our Nation's understanding of Native cultures and to the identity and success of Native Americans today.

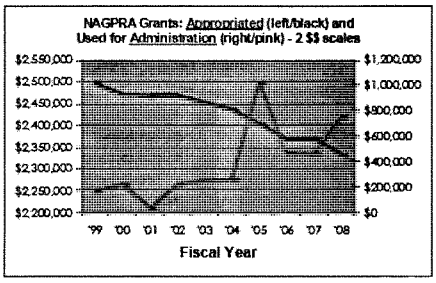
2. National Park Service, National NAGPRA Program ($5 million)

The Native American Graves Protection and Repatriation Act of 1990 (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 to lineal descendants of Indian tribes or Native Hawaiian organizations based on geographic or cultural affiliation. NAGPRA also prohibits trafficking of Native American cultural items and provides for the repatriation of Native American cultural items in museum and Federal agency collections to lineal descendants or culturally affiliated Indian tribes or Native Hawaiian organizations. 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. The Review Committee operates in accordance with the Federal Advisory Committee Act and a charter issued by the Secretary of the Interior.

NAGPRA Grants Program

Per the *NAGPRA Review Committee's Report to Congress 2002-2004*, the National NAGPRA Program is concerned about the number of grants they are able to provide to Indian tribes, Native Hawaiian organizations, and museums in order to fulfill the Act as intended. NATHPO recommends that at least **$5 million** in grants be made available in FY2010 to Indian tribes, Native Hawaiian organizations, and museums.

Also, the amount of funds awarded in the grants process is being reduced and the NPS National NAGPRA Program is using these grant funds to cover administrative costs. The following chart demonstrates that the federal funds appropriated by the U.S. Congress has been decreasing slightly over the past 10 years, but the amount of funds being diverted by the National NAGPRA Program significantly increased since FY2004:



3. Implement the recommendations of the 2008 Makah-NATHPO report, "Federal Agency Implementation of the Native American Graves Protection and Repatriation Act."

In August 2008, the Makah Indian Tribe and NATHPO released the report, "Federal Agency Implementation of the Native American Graves Protection and Repatriation Act," which is the first ever study and analysis of how federal agencies are complying with the Act. Numerous newspaper stories covering the report's findings and recommendations have been published. The report's recommendations include these general recommendations:

- Knowledge of Process and Responsibilities (request and need for training at tribal and Federal levels)
- Access to Information (resource issue and cultural affiliation)
- Consultation (room for improvement)
- Available resources (fall short of what is needed)
- Standards (what format for Notice of Inventory Completion, what evidence for cultural affiliation, what constitutes tribal consultation)
- Training and Technology (challenges and solutions)

Specific recommendations in the report include:

- Statutory (amend Act for clarification)
- Regulatory (establish and Inter-Agency NAGPRA Implementation Council within Executive Branch to assure and coordinate compliance and related issues)
- Oversight and Enforcement of Statutory Requirements (provide training, publish NAGPRA contacts for Federal agency, demonstrate tribal consultation, improve the Culturally Unidentifiable Native American Inventories Database)
- General NAGPRA Program (improve data management and reporting)
- NAGPR Review Committee (improve information sharing)
- Memoranda of Agreement or Programmatic Agreements (demonstrated effective practice)
- Adequate Funding for the Implementation of NAGPRA (for all stakeholders in the process)

- Compliance Audits (to be completed by the General Accountability Office)
- Future Research (evaluate museum compliance, examine Future Applicability – Section 10.13)

4. DEPARTMENT OF THE INTERIOR: TO CONDUCT A NATIONAL STUDY TO EXAMINE THE ACTUAL NEEDS AND CHALLENGES FACING INDIAN COUNTRY'S CULTURAL PRESERVATION

Indian tribes and Native Hawaiian organizations have been engaged in cultural preservation for thousands of years, yet it has only been in the past 20 years that the federal government has committed to working with Native people in preserving, protecting, and rejuvenating their cultures and lifeways. In 1990, the National Park Service, under NPS Director James Ridenour, conducted the first-ever national study – with funds appropriated by the U.S. Congress – directing the NPS to "report on the funding needs for the management, research, interpretation, protection, and development of sites of historical significance on Indian lands." NATHPO seeks to work with the NPS and other federal agencies in developing and conducting another such effort that could serve as a blueprint for future work, knowledge, and understanding (to conduct a national study to examine the actual needs and challenges facing Indian country's cultural preservation).

5. BUREAU OF INDIAN AFFAIRS, SPECIAL TRUSTEE FOR AMERICAN INDIANS-INTERIOR, FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION, NAGPRA PROGRAM OF THE NATIONAL PARK SERVICE (LIST NOT EXCLUSIVE)

Records management is an important issue in Indian country, as tribal governments are responsible for maintaining a living, material culture, as well as the protecting the legal rights and natural resources of their members. Paper and electronic records of a financial nature, historic photographs documenting a time and place, and sacred site records in GIS format, are examples of some of the important considerations Indian tribes have to make when determining what records to preserve and protect. Sadly, many Indian tribes do not currently have the capabilities to manage these records and inventories or they have difficulty in obtaining such records from state and federal repositories. There are, however, federal resources that could provide support for Indian country.

Recommendations – Administrative and Budgetary:

1. As part of all federal grants, contracts, and subcontracts, the funding agency should encourage a records management component as a cost that should be included in the statement of work and/or grant guidelines so that the cost is included upfront as an allowable expense, either as a direct or indirect cost.
2. All "first responders" should receive training in archives disaster planning and response for records related to Indian country.
3. Records that have been, and continue to be, collected by federal agencies as part of the NAGPRA process oftentimes contain sensitive cultural information that should be protected. Indian tribes have requested that these records be repatriated back to them, along with any human remains, funerary objects, and sacred objects.
4. Many times, Indian tribes are told that information and documents do not exist, but in the court of law they are produced. A "Truth in Indian Records" policy should be developed that would include all relevant federal agencies, with the goal of reducing the number of court cases and costs for Indian tribes.
5. Encourage and fund tribal schools and colleges to offer records management and archives courses.

Conclusion

Within the past 15 years, three important federal laws (THPO program, NAGPRA, and funding for tribal museums and cultural centers) finally acknowledge and support American Indians, Alaska Natives, and Native Hawaiians in the telling of their own stories to all Americans, as well as the means to bring their ancestors and sacred items back to their own communities. The THPO program was created in the 1992 amendments to the National Historic Preservation Act of 1966. NAGPRA was signed into law in November 16, 1990. And in 2003, the U.S. Congress directed the Institute of Museum and Library Services to provide a set-aside specifically for tribal museums and cultural center. Prior to the enactment of these provisions, Native people did not receive support for these important functions. Participation in national preservation programs is a relatively recent development for Native Americans, but "historic preservation" is not. Native people have been protecting their cultural and historic places through traditional cultural means and the exercise of their sovereign powers from time immemorial.

John Cornely, Executive Director
The Trumpeter Swan Society
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TESTIMONY BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED AGENCIES CONCERNING FISCAL YEAR 2010 APPROPRIATIONS
March 24, 2009

Mr. Chairman and Members of the Subcommittee:
My name is John Cornely, Executive Director of The Trumpeter Swan Society (TTSS). On behalf of TTSS and its membership comprised of most of the North American experts on swan biology and management and hundreds of concerned citizens throughout the United States and Canada, thank you for your leadership and strong support for Migratory Bird Conservation and the National Wildlife Refuge System (NWRS). I further thank you for the opportunity to offer comments on the fiscal year 2010 (FY10) Interior Appropriations bill.

Specifically, we respectfully request that the Subcommittee support the following:
* $.5 million for the Migratory Bird Program of the U.S. Fish and Wildlife Service (FWS) for completion of critical periodic migratory bird surveys. The Department has been delegated the responsibility for conservation of migratory birds through International treaties implemented by the Migratory Bird Treaty Act of 1918 (MBTA). The Trumpeter Swan, largest waterfowl species in the world, is one of those species and is only found in the United States and Canada. Over 70% of the World's Trumpeters nest in Alaska. The official population survey is completed once every five years by a significant partnership led by FWS. The next survey is scheduled for 2010. Costs of this survey have increased by at least 1/3 since 2005 and will cost over $350,000 in Alaska alone. There are several other critical surveys that are not completed annually that could be rotated with the Trumpeter Swan Survey, such as the Golden Eagle Survey, and important shorebird and waterbird surveys;
* □An overall funding level of $514 million for the operations and maintenance (O&M) budget of the National Wildlife Refuge System, managed by FWS;
* An allocation of $55.1 million for the Partners for Fish and Wildlife Program, of which $2 million be allocated to conduct strategic habitat conservation around national wildlife refuges in strategic partnerships among the FWS, refuge Friends and other national, regional and local interests that work with states, counties and municipalities to identify, prioritize and implement land and water conservation opportunities beyond refuge boundaries;
* □An allocation of $1 million to continue to support the Volunteers and Invasives Program which utilizes Friends and volunteers to identify and eradicate invasive species on and in connection with refuges;
* An allocation of $100 million in the FWS land acquisition budget through the Land and Water Conservation Fund (LWCF) to acquire vital habitat from numerous willing sellers across the country;

* An allocation of $25 million for the NWRS construction budget to prevent further degradation of Refuge System infrastructure;
* □An allocation of $85 million for the State and Tribal Wildlife Grants Program;
* □An allocation of $10 million for the National Fish and Wildlife Foundation (NFWF) in the FWS' Resource Management General Administration appropriation;
* □Include language prohibiting use of funds for a land exchange at the Izembek NWR in Alaska;
* An allocation of $30 million for Climate Change Planning for refuges. The Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 22 wildlife, hunting, fishing, conservation, and scientific organizations representing more than 14 million members and supporters. A comprehensive analysis by CARE determined that the Refuge System needs $765 million in annual operations and maintenance funding by 2013 to properly administer its nearly 100 million acres and provide the full spectrum of wildlife dependent recreation identified in the Refuge Improvement Act of 1997. To reach this reasonable goal, we respectfully request that you provide $514 million in FY09 for Refuge System Operations and Maintenance (O&M). Recent years of stagnant budgets have caused the System O&M backlog to rapidly escalate to more than $3.5 billion. This huge backlog has forced the FWS to initiate plans for a dramatic 20% workforce downsizing. Visitors often show up to find roads and visitor centers closed, parking lots and boat launches in disrepair, and habitat restoration projects put "on-hold" or eliminated. Invasive plant species continue to encroach on the Refuge System lands and undermine their ability to fulfill their mission. In addition, a serious staffing deficiency in biologists and law enforcement officers has caused biological monitoring and habitat management to diminish and allowed illegal activities such as poaching and trespassing to increase. All of these shortcomings have reduced the opportunity for wildlife dependent recreational opportunities on Refuge System lands. Creating and enhancing these opportunities is critical to connecting people to our natural resources. We are grateful for the much-needed budget increase that Congress provided the Refuge System for the current fiscal year, and we respectfully urge the Congress to build upon this important step toward restoring the Refuge System by carefully considering our request in the FY10 budget.While providing adequate funding to operate and maintain the Refuge System is of vital importance, most refuges are too small in size to achieve their conservation mission and objectives alone. Their integrity depends on the health of surrounding state, federal and private lands and waters. Consequently, there is a growing need to provide funding to ensure that lands and waters beyond refuge boundaries are conserved. Today, the alarming rush to convert rural land to subdivisions and strip malls has caught wildlife managers off guard and requires quick action. Beyond the Boundaries is a campaign designed to identify and prioritize crucial additions to the nation's conservation estate, improve connectivity between refuges and other conservation lands, and protect buffer zones. Beyond the Boundaries employs sound conservation science to integrate State Wildlife Action Plans (SWAP), refuge Comprehensive Conservation Plans (CCP) and other conservation planning tools, and engages diverse stakeholders at the state and local levels to develop bold strategies for protecting critical wildlife habitat. All while strengthening economies through improved quality of life, clean water and outdoor recreation and appreciation.

Accordingly, for FY10 we respectfully ask that the Subcommittee appropriate $55.1 million for the Partners for Fish and Wildlife Program, of which $2 million be allocated specifically to conduct strategic habitat conservation around national wildlife refuges that engages refuge Friends and other national, regional and local interests that work with states, counties and municipalities to identify, prioritize and implement land and water conservation opportunities beyond refuge boundaries. These local initiatives will result in strategic visions which will serve as blueprints for use of state, federal and private conservation dollars, and will expedite implementation of State Wildlife Action Plans. We also encourage the Subcommittee to continue its strong support "for cooperative projects with [F]riends groups on invasive species control" in the Volunteers and Invasives Program by again appropriating $1 million for this valuable program. With annual allocations by Congress since FY03, more than 207 separate refuges have taken actions to control invasives, and the Refuge System has identified approximately $166 million of invasive species projected needs. A competitive grants program for cooperative invasive species projects with refuge Friends and volunteers constitutes the majority of previous allocations. Over the past three years, funding awarded to refuges through this program for engaging volunteers in invasive species management has enabled 2,750 volunteers to contribute more than 49,000 hours to the treatment, inventory, and restoration of over 211,000 acres of refuge lands. In FY06, a total of 917 volunteers contributed 22,239 hours and participated in the treatment, inventory and restoration of 73,909 refuge acres. Likewise, the Cooperative Volunteer Invasives Monitoring Program has demonstrated powerful results at the 32 participating refuges.This partnership trains refuge volunteers to identify invasives and collect extensive data using inexpensive but sophisticated global positioning system (GPS)/geographic information system (GIS) data-collection equipment. To date, an estimated 24,000 acres of refuge lands, in addition to hundreds of water bodies, have been inventoried and mapped by a corps of nearly 200 trained volunteers contributing 8,000 hours. Refuges participating in the program have used the data to engage an additional 887 volunteers in invasive plant management actions such as control and restoration measures. Importantly, the Chairs and Vice-Chairs of the Wildlife Refuge Caucus have recognized the value of this program, including it as a component of the House passed "REPAIR Act" (H.R. 767) that directs the Secretary to establish a Cooperative Volunteer Invasives Monitoring and Control Program to document and combat invasive species in and near national wildlife refuges. TTSS encourages the Subcommittee to allocate sufficient funding to assess and purchase high-priority water rights and high-priority lands and conservation easements through the Land and Water Conservation Fund (LWCF). Inadequate water quantity and quality represent some of the biggest obstacles for refuges to overcome and unfortunately, many refuges do not own river or stream. The FWS is currently compiling a needs-based priority database of where water rights need to be secured, and we urge the Subcommittee to allocate sufficient funding to allow the FWS to acquire these essential rights while they are available and affordable. In some cases, if we fail to act, refuges will be left high and dry. The Refuge System land acquisition backlog is estimated at more than $4 billion, with over 15 million acres remaining to be acquired within approved refuge boundaries. While a full suite of conservation strategies should be employed in working with private landowners,

in cases where fee title acquisition is preferred by the landowner and the refuge has identified it as a top priority, the FWS should acquire the land. The TTSS believes that $100 million should be allocated toward Refuge System land acquisition, yet even at that annual rate, it would take at least 40 years to acquire priority lands. Within this request, the TTSS encourages the Subcommittee to provide funding for the following projects which have willing sellers and are immediately available for purchase: $5.6 million for Crystal River NWR (FL); $6 million for Stewart B. McKinney NWR (CT); $2.15 million for Rappahannock River Valley NWR (VA); $1 million for Lake Umbagog NWR (NH); $2.5 million for Silvio O. Conte NFWR (MA); $1.1062 million for Bayou Sauvage NWR (LA); $3.5 million for Rachel Carson NWR (ME); $2 million for Pelican Island NWR (FL) and $6 million for James Campbell NWR (HI). We encourage the Subcommittee to allocate $25 million for refuge construction projects. The FWS has identified over $1 billion in construction projects, which in many cases will result in replacement of quickly deteriorating structures that are becoming more expensive to maintain. The TTSS urges the Subcommittee to appropriate at least $85 million for the State and Tribal Wildlife Grants Program in FY09 to implement statewide conservation plans, supporting projects to keep common species common and develop partnerships. These state-based plans can dovetail with refuge Comprehensive Conservation Plans (CCPs) and help fulfill the shared federal/state responsibility for keeping our nation's wildlife from becoming endangered. We encourage the Subcommittee to allocate $10 million for the National Fish and Wildlife Foundation through the FWS' Resource Management General Administration appropriation. Each year, NFWF receives more project proposals than they are capable of funding. Adequate funding will ensure NFWF has the ability to leverage resources to fund projects that directly benefit diverse species in, around and outside of national wildlife refuges across the country. The TTSS is strongly opposed to a proposed land exchange at the Izembek NWR on Alaska's peninsula, which would allow a road to be built through the biological heart of the refuge. Perhaps most importantly in this era of uncertainty related to climate change, we urge the Subcommittee to allocate $30 million in dedicated funding to allow the FWS to create a plan for how to manage refuges in such a way that would allow them to adapt to anticipated changes. Work currently conducted by scientists including Dr. Michael Scott, Senior Scientist with the U.S. Geological Survey and Professor of Wildlife Biology at the University of Idaho, show how models for individual refuges can be made that simulate rising water levels, increased temperatures, and how species are expected to react. While these innovative tools are now readily available, without dedicated funding, refuge staff is simply unable to take full advantage. Refuges are perhaps our best natural laboratories on a national level to assess impacts to wildlife and habitat as a result of global climate change; a small investment could yield valuable insights that will guide wildlife management and land use planning well into the future. In conclusion, the TTSS 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 volunteers. **Millions of migratory birds including Trumpeter Swans depend on the NWRS for critical habitats throughout their annual cycle.** We extend our appreciation to the Subcommittee for its ongoing commitment to migratory birds and our National Wildlife Refuge System.

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* Lower Brule * Oglala
* Spirit Lake * Cheyenne River
* Flandreau-Santee * Sisseton-Wahpeton
* Rosebud * Yankton
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March 25, 2009

Testimony of Clarence W. Skye
Executive Director of the United Sioux Tribes Development Corporation
For the House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies for the FY 2010 Budget

Good morning Chairman Norm Dicks, ranking member Michael K. Simpson, and esteemed members of the Subcommittee on Interior, Environment, and Related Agencies. As Executive Director of the United Sioux Tribes Development Corporation, I am pleased to present this testimony on the Department of the Interior budget for Fiscal Year (FY) 2010. A summary of the United Sioux Tribes' FY 2010 funding request for Interior is as follows:

Agency, Programs & Funding Request

1. To restore funding to the **Indian Jobs Placement Program (15.061)-United Sioux Tribes Development Corporation** or otherwise listed as the United Sioux Tribes' Employment Assistance Program, **$1.2 million is requested** for the Department of the Interior, Bureau of Indian Affairs, Operation of Indian Programs; and
2. To authorize and appropriate **$1.2 million** to the **United Sioux Tribes' National Cultural Resources Database Program** for the Department of the Interior, Bureau of Indian Affairs, Operation of Indian Programs.

Introduction

Good morning Chairman Dicks, Ranking Member Simpson, and honored members of the House Appropriations Committee, Subcommittee on Interior, Environment and Related Agencies. Thank you for the opportunity to appear before this distinguished committee. I am an enrolled member of the Standing Rock Sioux Tribe, whose Chairman, Ron His Horse Is Thunder, is scheduled to speak before this body on Thursday, March 26, 2009. Also, I am the Executive Director of the United Sioux Tribes Development Corporation, having devoted my life to this all *Lakota-Nakota-Dakota* (Sioux) intertribal organization. I was originally hired by the Northern Great Plains Sioux Chairmen on May 19, 1970. Throughout my tenure, I observed the present and historical actions of the United States in Indian affairs, witnessing the policies and programs of several White House administrations. I must state, for the record, the late President Richard Nixon provided the greatest relief in terms of policies and programs for all Native Americans nationwide. The President changed course in Indian affairs from termination to Indian self-determination without threat of termination, which he addressed in a special message to the U.S. Congress on July 1970.

Federal Indian Policy Statement

Despite the actions that led to the resignation of President Nixon, I was fortunate supplement the President's Federal Indian Policy Statement, by working with the White House and Congress in the enactment of the Indian Self-Determination and Educational Assistance Act of 1975. In fact, I have a picture on my wall of Chairman Norm Dicks negotiating with me and a delegation of Sioux Tribal Chairmen on Public Law 93-638 contracts. The old photograph is dated during his initial years on the House Appropriations Committee, which started in 1976. I believe the Indian Jobs Placement Program-United Sioux Tribes (15.061) was part of our discussion then, as it continues to be now. The legacy of the late President Nixon on Public Law (P.L.) 93-638 contracts continues for tribes as a first step toward self-determination and economic self-sufficiency. The last Indian policy statement issued by an administration was from the late President Ronald Reagan on January 24, 1983. The statement reaffirmed the national policy of self-determination; moreover, policy standards for all Indian programs follow the foresight of President Nixon. Each successive U.S. President continues to reaffirm the Nixon doctrine of government-to-government relationships with Indian tribes either by memorandum or by executive order.

Indian Jobs Placement Program (15.061)-United Sioux Tribes

One program of the post Nixon era that provided direct benefits to Indian tribal members is the Indian Jobs Placement Program-United Sioux Tribes Development Corporation (CFDA 15.061). The program offers employment assistance to urban Indians, nationwide, that migrate off the reservation land in search of gainful employment in cities. If you consider that 80 % unemployment is a mainstay among tribes of the Northern Great Plains, then the need for the United Sioux Tribes' Indian Jobs Placement Program is self-evident. The Federal programs for Indians living off the reservation are limited. The California Indian Manpower Consortium provides federal assistance for urban Indians by offering training, and direct employment activities for California tribes, rancherias and bands. The United Sioux Tribes offers the similar benefits and others for the Northern Great Plains tribes and their urban Indian constituents. The program offers job placement, job referral services, education assistance, direct employment activities and other features to Indian people working and/or going to school. The Indian Jobs Placement Program or United Sioux Tribes' Employment Assistance Program was part of the President's Budget until 1997. The program was an earmark from 1997 to 2007. Later, the program was excluded by Department of the Interior agency officials, under House Joint Resolution 20, which passed as a continuing appropriation for Fiscal Year (FY) 2007. ***I respectfully request $1.2 million dollars from the Subcommittee to restore funding to this needed and necessary program in Indian Country.*** We have the support of Governors John Hoeven of North Dakota and Michael Rounds of South Dakota. If you consider that almost 10 percent of population in South Dakota is Native American, then the support of both governors makes sense, urging Congress to restore the United Sioux Tribes' Indian Jobs Placement Program (15.061). State agencies are limited in their assistance to migrating Indian workers. Also, the 84th South Dakota State Legislature approved House Concurrent Resolution 1010 requesting the United States President and Congress to restore program funding. Presently, we are coordinating with the Bureau of Indian Affairs on utilizing the United Sioux Tribes' Indian Jobs Placement Program as an initial mechanism to provide employment assistance for Indian high tech jobs in information technology (IT) and remote sensing. Our efforts are in cooperation with the U.S. Geological Survey on the National Tribal Cultural Resources Database.

National Tribal Cultural Resources Database-United Sioux Tribes

The United Sioux Tribes Development Corporation identified a need in Indian Country related to vital statistics and other data no longer offered by federal agencies. Native American cultural resources represent one need requiring remote sensing data. The United Sioux Tribes and the U.S. Geological Survey signed a Memorandum of Understanding in Reston, Virginia, on October 27, 2004. The agreement called for the two entities to establish a working relationship for developing Geographic Information System (GIS), Information Technology (IT), and natural science research and training, for sharing science data and facilities. The original agreement was modified to remove language related to sovereignty by Mark D. Myer, Director of the U.S. Geological Survey on May 12, 2008. Testimony was provided to this committee on the National Tribal Cultural Resources Database in 2008. ***We offer testimony again, requesting $1.2 million dollars to create a National Tribal Cultural Resources Database.*** Briefly, the database utilizes remote sensing data or Digital Orthographic Quadrangles (DOQ). DOQ data is simply aerial photography, which undergoes a mathematical process to adjust for tilt of the camera and topographical variations in the surface of the earth. The data, itself, is public information; however, cultural resource sites identified from the data are regulated by the tribes. Public Law 110-246, Section 8106, provides for the prohibition on disclosure under section 552 of title 5, U.S. Code (Freedom of Information Act) relating to human remains or cultural items buried on National Forest System land. American Indian cultural resources are a non-renewable resource. The need for the National Cultural Resources Database is evident when federal agencies petition tribes for government-to-government consultation on activities related to the Bureau of Land Management, USDA Forest Service, National Park Service, U.S. Fish and Wildlife, and U.S. State Department and others. In order to meet the requirements under Executive Order 13175, tribes need the National Tribal Cultural Resources Database to reference federal activities on trust land and traditional cultural properties; otherwise, tribes continue to face an unfunded mandate on consultation with federal agencies.

Conclusion

Allow me to thank the Subcommittee for their time and the opportunity to present this testimony before the House Appropriations Committee. Also, I want to thank U.S. Representative Stephanie Herseth-Sandlin (D-SD) for her continued support of the United Sioux Tribes and our grassroots work in Indian Country of the Northern Great Plains. Thank you.

USGS Coalition

Testimony of the USGS Coalition
Craig Schiffries and Robert Gropp, Co-Chairs

Regarding the U.S. Geological Survey
FY 2010 Budget Request

To the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
March 27, 2009

Summary

The USGS Coalition appreciates the opportunity to testify in support of increased appropriations for the United States Geological Survey (USGS) for fiscal year 2010. We continue to believe that the USGS budget is substantially below the amount required to ensure the long-term vitality of the agency. The USGS Coalition urges Congress to increase the budget of the U.S. Geological Survey to at least $1.3 billion in FY 2010.

The USGS Coalition is an alliance of over 70 organizations united by a commitment to the continued vitality of the unique combination of biological, geographical, geological, and hydrological programs of the United States Geological Survey. 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.

The USGS plays a crucial role in protecting the public from natural hazards such as floods and earthquakes, assessing water quality, providing emergency responders with geospatial data to improve homeland security, analyzing the strategic and economic implications of mineral supply and demand, and providing the science needed to manage our natural resources and combat invasive species that can threaten agriculture and public health. The USGS is working in every state and has nearly 400 offices across the country. To aid in its interdisciplinary investigations, the USGS works with over 2,000 federal, state, local, tribal and private organizations.

Funding Shortfall

The USGS budget declined in real dollars for six consecutive years from FY 2003 to FY 2008 (Figure 1). In real terms, funding for the USGS is at its lowest level since FY 1997, the year after the National Biological Service was integrated into the USGS. The decline in funding for the USGS during this time period would have been greater if Congress had not repeatedly restored proposed budget cuts. In contrast, total federal funding for research and development has increased substantially in real terms since FY 1997.

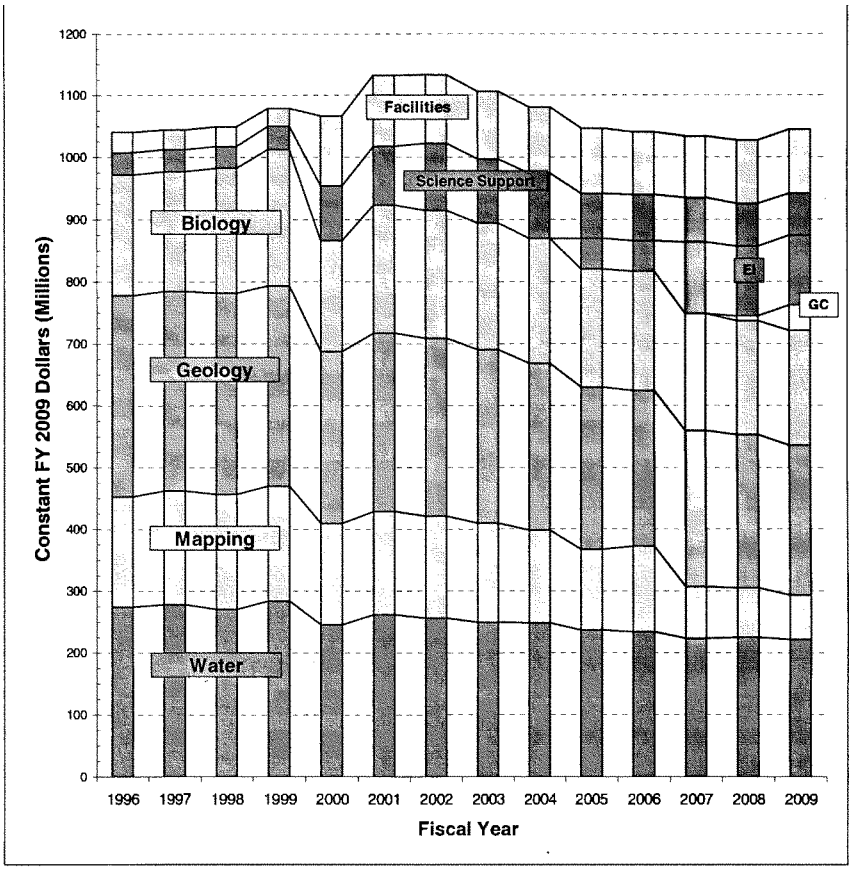


Figure 1. USGS funding in constant 2009 dollars, FY 1996 – FY 2009. EI is Enterprise Information and GC is Global Change. Source: USGS Budget Office.

The USGS is uniquely positioned to address many of the nation's greatest challenges, including energy independence, climate change, water quality, conservation of biological diversity, and natural hazards. The need for USGS science in these and other areas has increased dramatically as its budget has declined in real dollars.

Ongoing volcanic activity at Alaska's Mount Redoubt, 106 miles southwest of Anchorage, illustrates the value of robust volcano monitoring systems and the need for increased federal

investments in the USGS. Mount Redoubt volcano erupted explosively on March 22, 2009 and has had a total of 6 explosive events that have sent volcanic ash more than 50,000 feet into the air. Approximately 20,000 passengers per day travel through the airspace affected by the volcano. The USGS provided advance warning of this explosive volcanism. Interior Secretary Ken Salazar said the USGS was "able to actually forecast this event...to prevent the endangerment of people and places that would otherwise have occurred." When Redoubt volcano erupted in 1989, a Boeing 747 passenger plane flew through a cloud of volcanic ash and lost power to all four engines. After plummeting more than 14,000 feet, the crew restarted the engines and safely landed the plan. The volcanic ash caused more than $80 million in damage to the plane but no lives were lost.

Ongoing floods in North Dakota and surrounding areas led President Obama to sign a Major Disaster Declaration for North Dakota on March 24, 2009. Flood waters have exceeded 35 feet in Fargo and may exceed record levels set in the devastating floods of 1997. Stream gage networks operated by the USGS are essential for issuing flood warnings.

Natural hazards have negatively affected numerous communities across the country and around the globe over the past several years. Forest fires burned a total of 9,321,326 acres of land in the United States in 2007. These fires are not limited to western states. Virginia experienced a 16 percent rise in wildfires. An earthquake generated a tsunami that caused approximately 230,000 fatalities near the Indian Ocean in 2004. These and other events have inspired a greater awareness and appreciation of the need to improve environmental monitoring, forecasting, and warning systems that can prevent natural hazards from becoming natural disasters.

Providing the information necessary to mitigate the impacts of natural disasters is a core function of the USGS. The USGS monitors volcanoes and provides warnings about impending eruptions. It operates seismic networks and conducts seismic hazard analyses that are used to formulate earthquake probabilities and to establish building codes across the nation. Data from the USGS network of stream gages enables the National Weather Service to issue flood warnings. The USGS and its federal partners monitor seasonal wildfires, provide maps of current fire locations and the potential spread of fires. Research on ecosystem structure and function assists forest and rangeland managers with forecasting fire risk and managing natural systems following fires. 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.

USGS assessments of energy resources – including emerging energy resources and geothermal resources – are essential for making informed decisions about the nation's energy future. Research conducted by the USGS is also vital to understanding and predicting the impacts of climate change on our nation's coastal cities, water resources, ecosystems, and wildlife. The USGS is also developing new methods to assess the nation's potential for storing carbon dioxide that could lead to techniques for lessening the impacts of climate change.

Equally important, the USGS plays a critical role in bioinformatics and managing natural resources, activities that are essential to our economy, security, and environment. Baseline data about our nation's biology and how it is changing is needed to understand and address climate

change. The USGS provides fundamental scientific data that informs management of natural resources (*e.g.*, data for Fish and Wildlife Service on polar bear populations), control of invasive species (*e.g.*, snakehead fish, zebra mussels, and tamarisk) and monitoring of wildlife diseases (*e.g.*, Highly Pathogenic Avian Flu, Chronic Wasting Disease) that can cause billions of dollars in agricultural losses.

USGS research that spans the biological, geological, geographical, and hydrological sciences are essential for understanding potential impacts that could result from global climate change or from land management practices. These studies provide critical information for resource managers as they develop adaptive management strategies for restoration and long-term use of the nation's natural resources.

Greater investment in the USGS is required. This investment could be used to strengthen USGS partnerships, improve monitoring networks, produce high-quality digital geospatial data and deliver the best possible science to address societal problems and inform decision-makers.

USGS Budget Request

President Obama has not submitted his FY 2010 budget request for the USGS. The coalition urges Congress to increase the budget of the U.S. Geological Survey to at least $1.3 billion in FY 2010, which is necessary for the agency to continue providing critical information to the public and to decision-makers at all levels of government. The budget increase recommended by the Coalition would enable the USGS to address the growing backlog of science needs that has resulted from stagnant real budgets for more than a decade, accelerate the timetable for deployment of critical projects (*e.g.*, the National Streamflow Information Program, the multi-hazards initiative, and the National Biological Information Infrastructure), and launch science initiatives that address new challenges.

The FY 2010 budget recommended by the USGS Coalition would enable the USGS to meet the tremendous need for science in support of public policy decision-making. More investment is needed to strengthen USGS partnerships, improve monitoring networks, implement important bioinformatics programs, produce high-quality digital geospatial data, and deliver the best possible science to address societally important problems. The USGS has a national mission that directly affects all citizens through natural hazards monitoring, water resource studies, biological and geological resource assessments, and other activities.

The USGS Coalition is grateful to the House Interior Appropriations Subcommittee for its leadership in restoring past budget cuts and strengthening the U.S. Geological Survey. We are also grateful to the subcommittee for its leadership in providing $135 million in stimulus funds for the USGS under the American Recovery and Reinvestment Act of 2009. Thank you for your thoughtful consideration of our request. For additional information or to learn more about the USGS Coalition, please visit www.USGScoalition.org or contact co-chairs Robert Gropp of the American Institute of Biological Sciences (rgropp@aibs.org) or Craig Schiffries of the Geological Society of America (cschiffries@geosociety.org).

Testimony of Joe Kessler, President
On Behalf of the Friends of Virgin Islands National Park
In Support of Maho Bay project
Virgin Islands National Park, St. John, Virgin Islands
Land and Water Conservation Fund, National Park Service
House Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
The Honorable Norman Dicks, Chairman
The Honorable Michael Simpson, Ranking

March 26, 2009

Mr. Chairman and Honorable Members of the Committee:

I appreciate the opportunity to provide testimony on behalf of an important land acquisition funding need at Virgin Islands National Park. An appropriation of $6.75 million from the Land and Water Conservation Fund (LWCF) is requested in Fiscal Year 2010 to continue the acquisition of the unique Maho Bay property by the National Park Service. We were very pleased to learn that your subcommittee provided $2.25 million to begin this project in FY 2009.

I represent the Friends of VI National Park, a 501(c)(3) non-profit organization, dedicated to the protection and preservation of the natural and cultural resources of Virgin Islands National Park and to promoting the responsible enjoyment of this national treasure. We have more than 3,000 members – 20% of whom live in the Virgin Islands and the balance represent every state in the union.

We carry on the rich tradition of using private philanthropy for the betterment of this park as well as mobilize volunteers and community participation. In our 20 years of work in support of Virgin Islands National Park we have been involved in many initiatives, projects and activities that help this park be a model of natural resource protection and cultural preservation – but none have been as important as our work in support of the acquisition of Estate Maho Bay and its incorporation within the park.

We have played the important role of informing and motivating the community about the issues related to the preservation of Estate Maho Bay. But motivation was hardly needed; the preservation of Estate Maho Bay and ensuring unimpeded access to this spectacular area enjoys near unanimous support among native St. Johnians, residents who have moved here from mainland US and visitors alike – no easy feat for a community that prides itself in its diversity of opinions.

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. 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 an international 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 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. A lush forested slope rising nearly 1,000 feet rims its crystal waters and soft white beaches. 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 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.

Available within the Virgin Islands National Park boundaries in FY 2010 is the second phase of a 207-acre acquisition at Maho Bay. This Maho Bay property offers spectacular views of the bay and includes some beachfront. It is extremely important because of their relationship to the whole undeveloped area and its cultural resources.

Though the park boundaries cover a broad area of St. John, the National Park Service actually owns two separated blocks of land. A smaller block covers the northeastern shore of the island, and a larger, more contiguous block extends from the southern to northwestern side. The acquisition of the Maho Bay property would be the first link of these two blocks, ensuring future access, resource connectivity, and seaside protection.

Wetlands in the lower portion of the watershed provide adequate sediment retention for the undeveloped nature of this area. As a result of long-term geological processes, the topography created by these processes and the historical rise of sea level during the past 5,000 years, a large, rare and complicated freshwater dominated wetland developed throughout the basin. It represents a natural stage wetland typical of large watersheds with relatively flat basin topography. The Maho Bay wetland is the largest of this type on St. John and along with the Magens Bay wetland on St. Thomas, one of only a few of this type in the Territory. These wetlands provide habitat to numerous species of shorebirds, water fowl and other wildlife, several listed as endangered under the V.I. Endangered and Indigenous Species Act. Others are protected under various federal laws and treaties.

The land was historically used during the plantation era for agricultural activities such as sugar cane, coconut, and cotton cultivation. The lands include portions of several

historic plantation era sugar estates. The Maho Bay area contains the highest density of plantation era estates on St. John. Preservation of these sites is important in reconstructing the history and heritage of St. John. With increasing growth and investment throughout the Caribbean – including places not far from the unspoiled beauty of St. John – this vulnerable land has been the focus of intense development threats. In recent years, more than one investor envisioned private development along these shores, which would have jeopardized the unique character of Maho Bay. Once this land is acquired by the park, future visitors will be treated to spectacular views of Maho Bay and some of the most accessible and scenic shoreline and waters on St. John.

The total estimated fair market value of the 207 acres is $18.6 million. This property is being made available to the National Park Service for a total of $9 million over two years, with the balance to be provided through private donations of cash and land value. As $2.25 million was provided in FY 2009, this year, an appropriation of $6.75 million is needed from the Land and Water Conservation Fund toward the purchase of the remaining 181 acres of these valuable lands.

I also respectfully urge a substantial increase in overall funding for the Land and Water Conservation Fund (LWCF), specifically urging the Subcommittee to provide $325 million for the federal LWCF in the FY 2010 Interior and Environment Appropriations bill. I applaud the LWCF funding increases provided by this committee in FY 2009, which included the funds for Virgin Islands National Park. And, we are most thankful that the Obama Administration Budget recognizes the importance of these programs by proposing significant increases for FY 2010 and setting a goal to achieve full funding of the LWCF in the next five years.

The LWCF is our nation's premier program to acquire and protect lands in national parks, national wildlife refuges, national forests, Bureau of Land Management units and other federal land systems. This program faces an extensive and growing backlog of land acquisition needs across the nation. Public lands provide innumerable social and economic benefits including a healthy lifestyle, protection of watersheds and drinking water supplies, wildfire reduction and prevention, and assistance to wildlife and fisheries as they adapt to climate change. We urge you to renew this wise investment in America's natural heritage and take steps to towards full and consistent funding of these vital programs.

Mr. Chairman and distinguished committee members, I want to thank you for this opportunity to testify on behalf of this important national protection effort in Virgin Islands National Park. On behalf of the Friends of Virgin Islands National Park and the over one million visitors to the Park each year, I appreciate your consideration of this funding request.

WRITTEN TESTIMONY SUBMITTED TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON INTERIOR,ENVIRONMENT,AND RELATED AGENCIES

NAME: Walter O. Stieglitz

TITLE AND AFFILIATION: Treasurer, Pelican Island Preservation Society

Agency: U.S. Fish and Wildlife Service
Program: National Wildlife Refuge System
Request: (1) Increase operations and maintenance funding to $514million in FY2010
(2) Provide $100million of LWCF funding for land acquisition for the refuge System in FY2010

I represent the Pelican Island Preservation Society, an all volunteer group with over 350 members whose mission is to support the Pelican Island National Wildlife Refuge. Our organization is greatly concerned about the major funding deficit for operations and maintenance (O&M) facing the National Wildlife Refuge System (NWRS), and the severe impact this is having on the Pelican Island National Wildlife Refuge and other refuges in the System. Our request is that O&M funding be increased to $514million in FY2010.

I wish to thank the Subcommittee for your support over the past two fiscal years in recommending increases in funding for the NWRS. Those increases have helped stabilize a critical funding deficit which resulted in major losses of personnel and significant loss of capability to manage refuges. While the increases have provided some relief, major funding problems still exist and sizeable annual increases in O&M funding must be forthcoming if the system is ever to even approach its full potential.

Inadequate funding has historically severely hampered the ability of the U.S. Fish and Wildlife Service to effectively manage refuges. During my 50 years of exposure to the refuge system I have seen many highs and lows in O&M funding levels, but even during the "highs" the amounts appropriated were totally inadequate to do the job properly. The current backlog of approximately $3.5billion in operations and maintenance needs is a direct result of many decades of neglect in the budgetary arena. This backlog must be addressed in an aggressive manner.

On our local level, inadequate funding has significantly affected management programs. One central staff currently manages three refuges - Pelican Island, Archie Carr, and Lake Wales Ridge. In 2003 the staff reached its record high level of six permanent full time employees plus temporaries. As a result of the funding crunch, the staff was reduced to two. More recent funding increases have allowed increasing the staff to three permanent full time and two term employees. Five employees to manage three refuges, two of which are urban in nature, simply doesn't provide the manpower needed to do an acceptable job of refuge management. Of major concern is the lack of a law enforcement officer to address violations of refuge regulations.

The role refuges can play in helping to alleviate current economic problems should not be overlooked. There are major economic factors associated with the management of refuges. The

refuge system attracts 41 million visitors annually who generate over $1.7billion for local economies, including 27,000 jobs and $185million in tax revenues. Further, according to the 2007 report, Banking on Nature, on the average refuges return $4 of economic activity for each $1 appropriated for their operation. Continued underfunding of refuges will result in negative impacts on local economies - something to consider during the tough economic times facing our country.

Invasive species are a major continuing problem facing refuge managers. Despite added emphasis on identification and control, valuable wildlife habitat continues to be lost. We urge the Subcommittee to continue its strong support for the control of invasive species

I urge the Subcommittee to support an allocation of $100million in the Fish and Wildlife Service budget for land acquisition through the Land and Water Conservation Fund. The acqusition of important habitat for endangered species and other fish and wildlife has been severely reduced in recent years due to very low allocations and this situation must corrected.

The inequitable distribution of resource management dollars among the four Federal land managing agencies remains to be a serious concern. On a per acre basis, funding to manage units of the refuge system is significantly lower than that allocated to manage national forests, national parks, and BLM lands. For example, when including the recently added 54 million acres of national monuments, the NWRS receives slightly over $3 per acre, by far the lowest of the four agencies. I am not suggesting that the funding level should be the same far all, as the missions vary;however, the current disparity defies reason. I suggest that the Subcommittee and the Congress should provide some reasonable level of equity as it contemplates future allocations.

In summary, the NWRS is facing a severe funding deficit which must be addressed. I ask that the Subcommittee support increased O&M funding for the NWRS to $514million in FY2010. Further, I ask that that the Subcommittee support the goal of reaching an O&M funding level of $765million by FY2010. And finally, we urge the Subcommittee to support an allocation of $100million from the LWCF for refuge land acquisition in FY2010.

To: House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies
Email: in.approp@mail.house.gov

From: Jay Alexander, Founder of the grassroots citizens action group "We Can Take It!"

Address: 3301 58th Ave N#102,
St Petersburg, Florida 33714

Contacts:
Email:info@wecantakeit.org/jayalexus@yahoo.com
Phone: 727-412-5792 cell, 727-525-8769 home

Website: www.wecantakeit.org

Re: Written Public testimony for the Reactivation of the Civilian Conservation Corps (CCC) on Native American Lands.

Request the amount of $500 million over a period of ten years to be appropriated for the reactivation of the CCC on Native American Lands. Monies to be distributed to the Bureau of Indian Affairs (BIA) for use to reactivate the template of FDR's CCC for Native American Adults of ages 18 to 35 to work from their homes on public works projects on their infrastructure and ecosystems on their sovereign tribal lands. This program worked for our first Americans in the past and can work for the entire nation again.

Seventy-six years ago, the 73rd Congress and President Roosevelt faced a similar situation banking crisis. FDR was, personally interested in preserving the environment and providing temporary employment for the nation's youth and veterans. Legislation to establish the U.S. Civilian Conservation Corps was also introduced March 21, 1933 in a message to Congress he wrote...

"It is essential to our recovery program . . . the first of these measures . . . can and should be immediately enacted. I propose to create a civilian conservation corps to be used in forestry, the prevention of soil erosion, flood control and similar projects . . . but also as a means of creating future national wealth. . . . More important, however, than the material gains from their labors will be the moral and spiritual value of such work."

The president himself shepherded the legislation through both houses. It was signed into law 10 days later. Over the next nine years, almost 4 million young men were put to work reclaiming the country's natural resources. The men lived in government camps, food and clothing were provided, the Army supervised the camps, and the men were required to send 80 percent of their pay of $30 back to their families. ($30 in 1933 is equivalent to $451.48 in 2007.) It became the largest mobilization of civilian workers and the most popular government program in American History. In 1942, the 77th congress cut the

CCC funding, but the program was never abolished by the 77th Congress and it only needs reactivated and the dust removed from the books.

The current rise in unemployment and poverty among unskilled young adults, war veterans (25% of the entire US homeless population today is our Veterans) and Native Americans (many reservations have as much as 50% unemployment). Global warming and our environmental need our stewardship. Our infrastructure is now rated at a D grade by the American Society of Engineers.

The time is right to reactivate the US Civilian Conservation Corps for our First Americans. It is by far the best "Shovel Ready" program to date to put thousands of work boots on the ground within a matter of weeks. This program is proven cost effective and would give the U.S. Taxpayer more 'Bang for the Buck!'

"We Can Take It!" urges the House Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies to give serious consideration to remobilize this 'Shovel Ready' workforce to salvage First American Lands and to salvage the lives of many young Native American citizens and Native American Veterans, now in jeopardy. They would be given jobs in the CCC if they qualify from the state of Maine to the US Territory of American Samoa.

Similar federal, state, and local government work programs for Native Lands should be re-absorbed into the Civilian Conservation Corps to avoid waste in overlap, fraud and abuse and insure government accountability to the people of the United States.

This program would now be open to women and also offer individuals an alternative to military service. Those who fulfill their obligation would have access to the GI Bill. The military would have fit men and women to enter if they choose to further serve their country.

Dr Neil M. Maher, author and associate professor of history at Rutgers University, said, "Brazil has recently begun looking back to Franklin Roosevelt's CCC to help solve that country's economic and environmental problems. Plagued by high unemployment rates approaching ten percent, local, state, and federal governments in cooperation with non-governmental organizations and corporations have begun putting jobless Brazilians to work planting trees. The goal of Brazil's CCC-like program, which the Nature Conservancy helped initiate, is to plant one billion trees over the next ten years across the country's Atlantic Forest. Rather than funding the program solely by increasing taxes and federal spending, Brazil will rely on novel market mechanisms including the sale of sequestration vouchers on the international carbon market, obtained through the program's reforestation efforts, as well as the collection of water use fees in the reforested regions. Similar tree-planting programs reminiscent of FDR's CCC are also now operating in China along the Yangtze River and through Wangari Maathai's Greenbelt Movement in Kenya. Even war-torn Afghanistan has created its own "Afghan Conservation Corps. The United States needs to follow suit, and Barrack Obama's first 100 days in office is one place to start. Like Roosevelt, Obama should ask Congress to

create a Civilian Conservation Corps, but with a twist. Along with planting trees, this new and improved Corps should put young Americans, both men and women, to work planting windmills across the former Dust Bowl, solar energy panels throughout the Sunbelt, and energy-efficient biofuels on farms in every corner of the country, all in an effort to reduce both unemployment and the production of greenhouse gasses that lead to global warming. While Roosevelt funded the New Deal's CCC with federal dollars, public spending for Obama's new program could be greatly reduced through market mechanisms like those embraced by Brazil; by collecting carbon vouchers and water use fees from the new program's reforestation efforts, and by selling clean, green energy generated from new windmills, solar panels, and biofuels. The young men and women enrolling in this market-driven Corps would also benefit. Not only would they gain valuable training, skills, and experience in the expanding green economy, but they could also be encouraged to put their enrollment stipend towards a college education."

The US Civilian Conservation Corps over the years would enroll young men, women, and veterans. They will all gain strong civic, work and conservation ethics. They would also be trained and skilled in disaster relief and on call.. This program would be of the people, by the people, and for the people.

Contact us for additional information and we are available for any future hearings.

Thank you.

Jay Alexander
Founder of WE CAN TAKE IT

Testimony of Marie Springer
On Behalf of United State Geological Survey-National Wildlife Health Center
United States Fish and Wildlife Services-Ecological Services
Bat World Rehabilitators
Bat Conservation International
On the subject of: White Nosed Bat Syndrome

House Appropriations Committees
Subcommittee on the Interior, Environment and Related Agencies
The Honorable Norman Dicks, Chairman
The Honorable Mike Simpson, Ranking
March 26, 2009

Mr. Chairman and Honorable Members of the Committee:

White Nosed Bat Syndrome has devastated the Northeastern bat populations, a fungus or some other yet to be understood agent, has been ravaging the populations causing 100% mortality in some mines and caves. This plague has struck populations all the way from New Hampshire to West Virginia, that we know of, so far. I am requesting funding for Bat World rehabilitates, a non profit, Bat Conservation International a non profit, United State Geological Survey-National Wildlife Health Center, and United States Fish and Wildlife Service-Ecological Services and the Universities and States they work with. I also request a congressional query looking into this serious wildlife, environmental and public health concern. We are not just looking at an entire family of creatures becoming endangered or extinct, we are looking at a serious health concern to the American populace. I am asking for $3,450,000.00 for research on White Nosed Syndrome and for care of the affected bats and maintaining breeding populations.

According to CDC statistics, as of February 13, 2009, there have been a total of 1338 total deaths from the mosquito borne diseases of West Nile Encephalitis and West Nile Meningitis. Eastern Equine Encephalitis has had 254 confirmed cases as of May 2008. That was when there were bats alive to eat the mosquitoes. Little brown bats, the bat most affected by White Nosed Syndrome, each eat between 500-and 1,000 mosquitoes per hour. A 95%-100% die off of bats in the North East is a serious health concern to the population of this country.

This phenomenon was first documented in February of 2006 in the Howes Cave, Albany NY. USFWS responded but without adequate research funding there was little they could do. Now this bat plague has spread to what appears to be out of control proportions. This disease causes the bats to leave their winter hibernating habitat early, coming out in the winter where there is no food sources for them and they freeze. Their wings are damaged by the disease, they can not fly and they fall to the ground, a minuscule few were found by humans. Bat rehabilitators work to keep them alive in the hopes of preserving a breeding population. USFWS and USGS struggle to find a cause of the plague and a treatment for the caves where the fungus is thriving and killing the bats.

What is being done:

The USFWS is working with 50-60 organizations and agencies. They are working with all the states from New Hampshire south to North Carolina and west to Wisconsin and Michigan. They are also working with Canadian Scientists. The USFWS has about 20 staff working on this issue part time, each of these individuals has other obligations besides White Nosed Bat

Syndrome. According to a USFWS document, the Service has $751,900 allotted for 2008 and 2009. This funding has been directed toward research coordination, equipment and management. Approximately $443,000 has been directed towards Preventing Extinction of endangered species. They have divided up those funds with USGS, Cornell University, Boston University Bucknell University, Vermont DFW, Virginia DFG and the University of Winnipeg. (USFWS).

I ask for $2,000,000.00 just for USFWS to have staff who just work on WNS, then they can determine the University and State agencies to fund.

What needs to be done:

The USFWS needs to study the cause, and spread of the disease as well as the implications to the over all environment from the lack of bats in the population. Bats also eat moths. With out the bats to keep moth populations in check we could see great damage to many plant species.

We can not afford to become dependent on pesticides to control insect populations and can ill afford the additional widespread environmental degradation caused by their indiscriminate use. We have unwittingly depended on bats for controlling insect populations for our entire existence.

There are currently Federally Endangered listed Indiana bats and Gray bats affected by WNS. Virginia Big Eared, also endangered are expected to be affected. There are at least four other cave dwelling species being affected or expected to be affected. We need to know if this will affect non cave dwelling species as well. In the long term "we face the real possibility of losing one or more species", (USFWS).

We need an emergency listing under the Endangered Species Act of affected bat species, so that USFWS can have domain over them and the ability to protect what populations are still in existence. There needs to be control over caves, since we don't know if humans spread this and if they can acquire this fungus. That seems like an extreme measure but we are seeming an extreme phenomenon ravaging the environment. The USFWS states they "cannot conclusively say that there is no human health concern." That research needs to be undertaken. The USFWS needs funding for staff specifically designated to work on just this enactment. USFWS can not afford to spend precious research dollars on this legislative process, that requires specific funding just for staffing that process, I request $300,000.00.

The USFWS needs to work with rehabilitators develop procedures and protocol for maintaining bat repopulation facilities. USFWS would need to work with Bat World rehabilitators to establish facilities for maintaining bats. Maintaining bats is a 24-7 operation. Once we are successful in getting the affected bats listed as Emergency Endangered Species, rehabilitators will be able to house sick bats to try to get bats to reproduce in captivity. Research can only be found through experience of working with live bats to find if they can and will reproduce in captivity. At this point there is no understanding of whether sick bats would be releasable, once cured. The disease destroys their wings, so they can not feed themselves but they can be kept alive. Some states are euthanizing any found bats, this needs to be stopped. USFWS has sponsored research through several Universities, this funding needs to be continued.

What is being done:

Bat World rehabilitators are volunteers who treat and house bats all over the country, this non profit is based in Texas. Amanda Lollor trains people to care for sick, injured and orphaned bats. The current WNS bats that are being cared of are less than 1/100th of one percent of all that are dying. But these bats have been able to survive and thrive, thus far. We don't know if bats will breed in captivity and there is much to be understood about the socialization of bats which

would affect breeding possibilities. These rehabilitators can house and care for breeding populations. Thus far, bats that have been treated can not be released and must be cared for by these rehabilitators. There currently are facilities to treat and maintain bats, run and founded by volunteers, footing the costs themselves. If we are going to be able to maintain a breeding population of bats to build the bat population, there would need to be more of these facilities with specifically trained people operating them. This must be done before there are no bats left to promote breeding.

What needs to be done:

Many people need to be trained in their care if we are to keep breeding populations alive to repopulate our country. We need to know if all the different affected bat species will breed in captivity. There is a need for funding for equipment for the care of bats such as cages and warming lights, food, syringes, and latex gloves. Bat rehabilitators are required to educate the public about bats; they need funding for pamphlets and education materials. I ask for $100,000.00 to be given to Bat World Rehabilitators for equipment, food and training.

Maintaining bats is a 24-7 operation. Federal employees are required to take holidays and vacations. In order to maintain a high quality and consistent care for the bats, care facilities need to remain in the private sector. The USFWS and USGS missions do not allow for maintaining wildlife; private sector must maintain the bats with federal funding and with community donations.

What is being done:

The USGS National Wildlife Health Center in Wisconsin are the main researchers on the fungus. This fungus thrives in the cold temperatures of caves, it can grow equally well in bats as in soil. They are working on understanding where the fungus originated and understanding its growth and spread. They are looking into the possibilities of maintaing breeding populations.

What needs to be done:

We need to know if bats can develop a resistance. We need to find mitigation strategies, biological treatments for the caves that don't cause further ecological harm to the environment or the bats. We need Epidemiological studies. There needs to be tracking surveys to the effects on maternal colonies. We need to look at the viability of producing breeding populations.

I recommend $1,000,000.00 for research to USGS National Wildlife Health Center for WNS research.

What needs to be done:

Bat Conservation International researches bats all over the world. They need funding to help determine how much of bat populations are affected , and which bats are affected. They need to be able to train people to help trap and identify bats. BCI has the knowledge and the ability to map out hibernacula around the country. The equipment used to trap and identify bats now must be sterilized in order to keep from spreading the disease in case there are healthy populations. But most importantly we must determine if any bats are surviving this brutal plague and if so, what characteristics of these bats aid them in avoiding or surviving the disease. I ask for $50,000.00 for Bat Conservation International, specifically for them to help research WNS in this country.

Thank you for your time and consideration, Marie Springer

April 2, 2008

The Honorable Norman Dicks
Chair, Appropriations Subcommittee on Interior,
Environment and Related Agencies
B-308 Rayburn Building
Washington, D.C. 20515

The Honorable Mike Simpson
Ranking Member, Appropriations Subcommittee
on Interior, Environment and Related Agencies
1016 Longworth Building
Washington, D.C. 20515

Dear Chairman Dicks and Ranking Member Simpson:

On behalf of the Wildlife Conservation Society (WCS), I write to express our sincere gratitude for your leadership on the House Appropriations Subcommittee on Interior, Environment and Related Agencies. I highly appreciate your continued support and dedication to provide funding assistance to critical domestic and global wildlife conservation programs and to further U.S. government leadership for conservation of priority species, lands and seascapes. Founded by Theodore Roosevelt in 1895, WCS has been operating for more than 100 years with the mission of saving wildlife and wild places worldwide. We do so through science, global conservation, education, and the management of the world's largest system of urban wildlife parks, led by the flagship Bronx Zoo. Together, these activities change attitudes toward nature and help people imagine wildlife and humans living harmony. We are committed to this mission because it is essential to the integrity of life on Earth. WCS requests that the federal programs identified below be fully funded at recommended levels to the extent possible while considering the FY 2010 Interior Appropriations Act.

U.S. Fish & Wildlife Service's (USFWS) Multinational Species Conservation Funds
The Multinational Species Conservation Funds (MSCF) supports the conservation of global priority species like rhinos, tigers, elephants, great apes, marine turtles and migratory birds. These species already face tremendous threats from illegal poaching, habitat loss, disease, and human-animal conflicts. Grants through these funds have enabled conservation organizations such as WCS to leverage funds for projects to address issues such as baseline data collection, train anti-poaching units, support protected areas, and work with local communities to establish lasting conservation successes. Last year, WCS utilized funding from the Great Ape Conservation Funds to conduct field surveys resulting in the re-discovery of 125,000 critically endangered western lowland gorillas in the Northern Congo. This effort has encouraged the Government of Congo to provide increased protection to its great ape populations. In 2007, WCS undertook an aerial survey of Southern Sudan with modest support from the African Elephant Conservation Funds which revealed more than 1.3 million animals including an estimated 8,000 elephants seen thundering across the landscape of Southern Sudan. This discovery has provided new hope to this region with increased opportunities from ecotourism, wildlife photography and other revenue generating operations.

WCS recommends that Congress provide $21.5 million in FY 2010 for the MSCF programs with the following breakdown: $2.75 million each for the Asian Elephant, African Elephant, Marine Turtle and Great Ape Conservation Funds, $4 million for the Rhino-Tiger Conservation Fund and $6.5 million for the Neotropical Migratory Bird Conservation Act. In addition, two new multinational species bills await passage by the U.S. Congress – the Great Cats and Rare Canids Act and the Crane Conservation Act. When those two bills are enacted, we recommended that $1.25 million be provided for each new fund.

USFWS Wildlife Without Borders Program
USFWS has used its limited resources wisely to increase human and institutional capacity, mitigate the impact of extractive industries, combat global warming, address issues of the illegal trade in bushmeat, mitigate the spread of emerging wildlife diseases and develop species specific conservation programs. Together, the Wildlife Without Borders (WWB) global and regional programs are an essential complement to the species programs, providing support for capacity building and long term in-country wildlife management. Direct assistance from USFWS has supported WCS' ongoing projects in Africa, Asia, Latin America and the Caribbean. In addition, the Africa regional program has supported the MENTOR Fellowship Program (*Mentoring for ENvironmental Training in Outreach and Resource conservation)* which continues to leverage funds provided by USFWS through private and corporate donors.

WCS recommends that Congress provide $21 million in FY2010 for the U.S. Fish and Wildlife Service International Affairs Program which includes an additional $4 million for the Wildlife Without Borders Program.

U.S. Forest Service International Program (USFS-IP)
Deforestation and grassland degradation is a key cause of global greenhouse gas emissions, accounting for approximately 20% of total emissions. USFS-IP promotes forest management and conservation improvements through technical assistance to developing nations. WCS is deeply appreciative of USFS-IP for its technical expertise in saving the forests of the Congo Basin. As a strategic partner of the Congo Basin Forest Partnership (CBFP) along with the U.S. State Department, USAID and other entities, USFS-IP has helped in protecting approximately 1.8 million hectares of forests that stretch from the Atlantic Ocean's Gulf of Guinea to the mountains of the Albertine Rift.

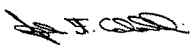
WCS recommends that Congress provide $14 million in FY2010 for USFS-IP.

U.S. Fish & Wildlife Service's State Wildlife Grants
The State Wildlife Grants (SWG) program provides grants to states for the implementation of domestic state-wide strategic conservation plans and projects that meet the needs identified in those plans. The WCS-Duke Foundation Wildlife Action Opportunities Fund complements the federal funding received through SWG and provides competitive grants to implement priority actions and strategies identified in State Wildlife Action Plans.

WCS recommends that Congress provide $85 million in FY 2010 for State Wildlife Grants in order to restore this program back up to the highest level of funding it has ever received in FY 2002.

I respectfully request that the Committee considers our request for incremental funding for all the aforementioned programs. These programs demonstrate the great investment that the U.S. government has made in conservation. They continue to stimulate public-private partnerships and leverage federal funding through matching funds from conservation groups, corporations and other governments. I thank you for your leadership and dedication to help save the last remaining wildlife and wild places and look forward to working with you as we move forward in FY10 appropriations process.

Sincerely,



John F. Calvelli
Executive Vice President, Public Affairs
Wildlife Conservation Society

WITNESSES

	Page
Adams, Jodie	899
Ading, Jack	794
Adler, P. S	703
Alexander, Jay	990
Anderson, Michael	472, 876
Arnold, Susan	725
Asetoyer, Charon	106
Barnett, J. A	755
Bartel, Dan	857
Baskin, Laurie	966
Beamer, Kelly	824
Bean, David	182
Bear, Robert	2
Becker, S. W	665
Beetham, M. B	777
Bell, F. W	682
Benavides, Robert	362
Bendick, R. L	804
Beskid, C. S	872
Bies, L. M	962
Bitsuie, Roman	379
Black Eagle, Cedric	123
Blueeyes, Faye	175
Blythe, Larry	137
Bradley, Lynne	703
Brigham, N. K	130
Brings Plenty, J. J., Sr	749
Brown, Molly	654
Brown-Schwalenberg, Patty	311
Byers, M. S	907
Byington, Pat	786
Caan, G. M	764
Cagey, Henry	16
Callahan, Kateri	410
Calvelli, J. F	996
Carlson, Ervin	845
Carr, J. P	699
Cassidy, T. J., Jr	522
Chandler, Bill	552
Clark, Les	857
Clendenning, Bruce	911
Colegrove, N. C., Sr	140
Coochise, Elbridge	272

Page
Cooeyate, N. J 161
Cook, R. B 94
Comely, John 974
Corwin, Jeff 429
Crouch, J. A 37
Culbreath, Joy 50
D'Antonio, J. R., Jr 740
Daley, Jad 820
Dangermond, Jack 796
Davies, R. K 804
Davis, T. S 752
DeBerry, Drue 804
Diver, K. R 800
Doney, Julie 30
Douce, Dr. G. K 804
Duncan, C. D 870
Durkin, W. G 488
Dustybull, Harold 253
Edwards, Carl 168
Edwards, Conrad 117
Eisenberg, Jeff 929
Farrell, Jay 804
Finkelman, L. G 899
Finley, John 202
Focht, Associate Professor Will 892
Forquera, Ralph 258
Frank, Billy, Jr 228
Franklin, R. K 189
Frey, Wilma 907
Front, Alan 457
Fuller, Gary 940
Garcia, Martha 58
Gaudette, Gary 804
Gibson, Sandra 733
Gipp, D. M 297
Girard, M. A 804
Gishey, Ronald 831
Glasener, Karl 717
Goad, Claire 829
Gough, George 857
Greene, T. J 291
Grego, Dr. John 817
Gropp, Robert 699, 981
Hain, Fred 804
Hartman, Dan 804
Hindsley, Hazel 947
Hirsche, Evan 958
His Horse Is Thunder, Ron 950
Howard, Barbara 827
Hugelmeyer, Frank 588
Hunter, Jon 790
Huta, Leda 790
Imbergamo, Bill 422
James, Ted 857
Jim, R. L 903

Page
Johnson, M. P 940
Johnson, Marc 543
Joseph, Andy 84
Jourdain, Floyd, Jr 936
Judd, Ashley 436
Kelly, Meghan 336
Kennedy, C. A 150
Kessler, Joe 985
Kiernan, T. C 501
Klenzendorf, Sybille 633
Koenings, Jeff 44
Kovarovics, Scott 849
Lea, George 610, 932
Leonard, George 479
Leutze, J. E 618
Lewis, Dr. Nathan 674
Lighthizer, Jim 465
Liss, Cathy 647
Lopeman, Dave 943
Lord, Chad 835
Macswords, Leah 529
Maddy, Jim 736
Mandoka, Homer 357
Marks, Patty 240
Martin, Tom 495
McCarthy, J. J 804
Meyer, Shannon 781
Miller, G. A 691
Miller, Gregory 579
Moore, Brian 882
Murphy, C. B., Jr 804
Myers, M. J 676
Nash, D. R 99
Noble, Suzanne 857
Nolan, S. J 398
Norris, Ned, Jr 266
O'Connor, Martin 811
O'Neill, Gloria 343
Ozonoff, Martha 743
Payta, J. J 77
Pearson, Myra 195
Pearson, Myra 300
Penney, S. N 22
Persad, A. B 804
Phillips-Doyle, Richard 923
Pierpont, Ruth 886
Pigsley, Debris 350
Pope, Maddy 861
Raabe, Peter 709
Regan, T. J 416
Reger, L. L 695
Riley, Steve 890
Rodger, Donald 368
Roe, C. G 804
Roessel, Monty 318

Page
Rom, W. N 404
Roman Nose, Quinton 304
Romanelli, Larry 329
Rosen, Jesse 866
Roth, Geoffrey 70
Rowan, Linda 687
Sakura, Dan 954
Salmon, Dutch 783
Schellenberg, Lyle 601
Schiffries, C. M 450
Schiffries, Craig 981
Schroeder, Darin 559
Schuchat, Sam 745
Schurz, Myron 279
Schweitzer, Laura 639
Scora, Marc 773
Sewak, Kristin 804
Seymour, Virgil 286
Sharp, Fawn 9
Shirley, Joe, Jr 208
Sivyer, D. B 804
Skeeter, C. W 234
Skye, C. W 978
Smith, Chad 215
Snyder, Andrea 769, 925
Somers, J. M 907
Sorenson-Groves, Desiree 514
Sparks, Lillian 91
Springer, Marie 595, 993
Stafne, A.T 807
Startzell, D. N 729
Stein, Bruce 571
Stieglitz, W. O 988
Stone, John 222
Suppah, Ron 144
Sykes, Kristen 838
Szekely, Daniel 246
Taft, J. D 390
Tinker, S. W 684
Trandahl, Jeff 508
Trovato, E. R 442
Two Bulls, Theresa 243
Verdon, John 658
Viramontes, Pablo 155
Vradenburg, L. A 814
Walker, A. E 678, 804
Watkins, Richard 817
Wentworth, E. P 695
Werner, Gary 626
Whittington-Evans, Nicole 565
Windle, P. N 804
Winkler, Anita 915
Yamagata, Ben 759
Yaninek, Steve 804
Yanity, S. E 324

Page
Yu, Pauline 536
Yucupicio, Peter 919
Zorn, Jim 64

○