



YAKAMA NATION TESTIMONY
TO THE U.S. HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEE
FOR THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
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Provided by:
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Legislative Committee Chair
Yakama Nation Tribal Council

Addressing The Following Agencies and Programs:
Bureau of Indian Affairs; Bureau of Indian
Education; U.S. Dept. of Agriculture; Cncl. of
Environmental Quality; Indian Health Services

Chairman Simpson, Ranking Member Pingree and distinguished members of the House Appropriations Subcommittee on the Interior, Environment and Related Agencies, I submit this testimony on behalf of the Confederated Tribes and Bands of the Yakama Nation (“Yakama Nation”). The Yakama Nation is an inherently sovereign Native Nation with reserved rights and privileges pursuant the 1855 Treaty between the United States and the Yakamas (“Treaty”).¹ A federal treaty is considered the supreme Law of the Land under the U.S. Constitution.² Pursuant to its status as a sovereign Native Nation and its Treaty-reserved authority, Yakama Nation protects all of the natural and cultural resources in Yakama Nation’s Treaty-territory and provides for the health, safety, and welfare of the more than 11,000 enrolled Yakama Members. The United States has a duty to provide for the services set forth below.

I. Appraisal Backlog – ‘Cobell’ Part Two For Probate & Leasing (BIA).

The Yakama Nation Appraisals Program lacks sufficient resources to effectively manage an unwieldy appraisal workload. The Yakama Nation Appraisals Program is a federal trust function administered through federal contracts pursuant to Public Law 93-638, Indian Self-Determination and Education Assistance Act (“ISDEAA”). The federal Appraisal and Valuation Services Office (“AVSO”), like many ISDEAA contracts carried out by the Yakama Nation, is “638ed” for the tribal government to carry-out necessary federal functions. The 638 contracts typically establish an organizational framework and performance standards, and are *supposed* to provide the enough funding for the contracted tribal department to perform the contracted federal function. Today, funding levels only provide for a **single full-time appraiser** whose workload is driven by requests made through offices operating under the Bureau of Indian Affairs (“BIA”).

Appraisals are critical to many federal functions, including probate, leasing, and trust transactions. In probate, without timely appraisals, heirs are left to wait for years until an appraisal is prepared and approved for use by the court. The Yakama Nation has engaged with AVSO in government-to-government consultation and initiated the process of developing the model for standardized mass appraisals. Mass appraisals will accelerate the completion and approval of appraisals, but only to the extent there is sufficient staffing; success depends on funding for additional appraiser training, and funding for additional appraisal staff.

¹ See Treaty with the Yakamas, U.S. – Yakama Nation, June 9, 1855, 12 Stat. 951.

² See U.S. Const. art. VI, cl. 2.

II. In-Patient Treatment Center (Indian Health Services).

On the Yakama Reservation, the opioid epidemic has had a profound impact, exacerbating existing social and health disparities among Yakama and non-Yakama tribal members. The misuse of opioids has led to increased rates of addiction, substance abuse disorders, mental health issues, and social instability within the community. Additionally, barriers to accessing culturally appropriate and comprehensive addiction treatment services have hindered efforts to address the crisis effectively.

There is a dire need for facilities in the Central Washington region that can ensure a safe detoxification process through medical supervision and withdrawal symptom management. County jails are becoming the *de facto* holding facilities to address substance addicted and housing-insecure populations on the Yakama Reservation and nearby trust lands. The Indian Health Services needs to be authorized and funded to implement initiatives dedicated to addressing the opioid epidemic and improving healthcare services on the reservation.

III. Necessary Public Safety & Law Enforcement Funding (BIA-OJS).

The Yakama Nation has roughly a quarter of the officers needed to protect communities that reside within the largest Treaty Reservation in Washington State. The Yakama Nation Police Department (“YNPD”) is 638ed under the BIA Office of Justice Services (“OJS”). That 638 contract currently funds 20 patrol officers for the 1.4 million acre Yakama Reservation.

The Yakama Nation has experienced an increase in violent crime and property crimes, and has the highest occurrence of Missing and Murdered Indigenous Women/People in the region. The alarming rise in Latin American based gang and cartel-related drug activities is terrifying and the fentanyl epidemic plagues our Reservation communities. There are simply not enough law enforcement resources to meet our public safety needs. The federal 638 contract has been *flat* for the past two decades, despite requests even for staying consistent with inflation.

The YNPD needs more officers and more equipment. The region needs better public safety infrastructure to execute investigations and provide evidence for criminal prosecution. The OJS has their hands tied by budgetary constraints. The YNPD has had to figure out how to do more with less, year after year for decades. We need more law enforcement funding. We can no longer legitimately ask our People for patience when they reasonably demand public safety.

IV. Treaty Resources: Columbia Basin Restoration Initiative (CEQ/BIA).

The Columbia River salmon fishery, Steelhead, Chinook, Sockeye, and Coho populations, are in jeopardy – for four decades the recovery funding has failed to keep pace with the required mitigation for the salmon lost each year to the hydroelectric system. Fishery returns have never come close to a federal goal of 5 million salmon returning each year, the hydroelectric system continues to kill 5 – 11 million salmon per year, and the United States continues to fail its obligation to the Yakama Nation for 50% of the Treaty-era fishery harvest.

The Yakama Nation’s 638 contract funding levels for fish and wildlife programs need to increase inflation rates to ensure Treaty-resource protection. Salmon are experiencing additional climate change pressure, warmer water temperatures, and drought-level water levels in the rivers

and streams. The Yakama Nation's tireless work cannot reverse the effects of the federal hydroelectric system's annual unmitigated fish kill and its \$1 billion backlog in unfunded fish mitigation infrastructure, including but not limited to: hatchery projects; restoration work; and fish passage on the Columbia River and all of its tributaries.

The Yakama Nation's fish and wildlife programs are also facing human resources challenges as intergovernmental efforts with federal agencies, states, and tribes continue to grow and as regional fish restoration efforts expand in scope to include energy, water, transportation, and recreation. Yakama Nation's 638ed contact is inadequate to recruit additional personnel and expertise to address intergovernmental efforts and regional needs.

The Council on Environmental Quality ("CEQ") and BIA need to exert their authority and funding to meet regional goals including the Columbia Basin Restoration Initiative. The Yakama Nation requests appropriations for the BIA grant and litigation support programs, and the Pacific Salmon Treaty program funding. The Yakama Nation further requests allocations for fish passages at hatcheries, like the critical Cle Elum hatchery. Congress needs a plan to fund the billion-dollar backlog to keep its Treaty-promises.

V. Degraded In-Lieu & Treaty Fishing Access Sites

The federal management of In-Lieu and Treaty Fishing Access Sites ("Sites") (*see* PL 116-99 and 25 CFR part 248) has been historically deplorable. More than \$40 million is needed to address the list of repairs that must be completed across various Sites to maintain public safety, sanitation, and Site access. These Sites host year-round residents, families, and children.

The Yakama Nation has Treaty-reserved rights to fish the banks of the lower Columbia River at all usual and accustomed fishing areas. The U.S. broke this Treaty-promise with the construction of the Bonneville Dam (1938), the Dalles Dam (1957), and the John Day Dam (1971), each inundating traditional villages and countless usual and accustomed fishing places. In response to these Treaty-breaches the Site improvements were made "to provide access to usual and accustomed fishing areas and ancillary fishing facilities" for Yakama People.

Operation and maintenance of the 28 Sites is 638 contracted with the Columbia River Inter-Tribal Fish Commission ("CRITFC") to address infrastructure repairs, sanitation and safety needs, and property improvements. The Sites need improvement funding from Congress to ongoing operation and improvement obligations.

VI. Alternative Forestry Harvest Equipment (Depts. Of Interior & Agriculture).

The Yakama Reservation encompasses the eastern slopes of the Cascade Mountains and a 650,000-acre forest. Federal forest practices and climate change have worsened the risk of insects, disease, and catastrophic fire in the Yakama Forest. Yakama Nation maintains a sustainable approach to forest management that addresses the needs of our resources and people. Steep slope harvesting is backlogged due to the limited availability of logging equipment.

Due to the complexity associated with steep slope logging in the Yakama forest, the Yakama Nation is pursuing the acquisition of logging equipment to address the Yakama Forest

backlog and reduce potential impacts of extreme wildfire risk. One specialized yarder equipment can treat approximately 1,000 acres a year. Support the Yakama Nation's alternative forestry harvest plan and help put the Yakama forest back to work.

VII. Forest Mismanagement – A Direct Federal Duty (BIA).

Last year the BIA **only completed one (1) timber sale** from the Yakama Forest. Under the National Indian Forest Resource Management Act and implementing regulations, express trust duties were established for federal management of Indian forests. The BIA Forestry Program at the Yakama Agency has failed to hire many dozens of vacant forestry positions for more than a decade. In 2014, the BIA Director identified that BIA Forestry at the Yakama Agency is, in his words, "on the verge of collapse."

The BIA is functionally abrogating its direct services obligation through its gross mismanagement. The Forestry program has nearly stopped functioning altogether, and the U.S. is forcing the Yakama Nation to accept lost revenue through sheer neglect. This is a dramatic breach of the United States' trust obligations established by Treaty, statute, and regulation. Congress needs to fund maintenance and staffing consistent with the federal obligation.

Forest mismanagement has put Yakama Member-owned logging companies out of business. The Yakama Nation's commercial mill can no longer sustain itself on timber harvested from the Yakama Nation's own forest – threatening over 200 Yakama Member-held jobs. Yakama Members are losing the trust revenues that they should be receiving from a viable timber economy. Increase the resources available to the BIA to ensure that federal direct service programs are able to meet federal obligations to the Yakama Nation.

VIII. Water Resources And Irrigation (BIA).

The BIA has systematically decreased its support for natural resource management; core functions such as water measurement, crop reporting, and Wapato Irrigation Project ("WIP") maintenance have been underfunded to the point of system failure. The gross underfunding over the last 100 years has resulted in a shocking breach of the federal Trust responsibility.

The Yakama Nation is committed to water management and restoration of instream flows on the Yakama Reservation, including a conservation effort of 165,000 acre-feet of water through the modernization of WIP. The total price tag for modernization of WIP is between \$165 million and \$200 million dollars. Providing this and other natural resource funding is a step towards fulfilling the United States Government's trust responsibilities.

IX. Tribal School Construction (BIE).

The Yakama Nation Tribal School is a nearly 70-year old dilapidated facility and is evaluated in "poor" condition by the BIE's Facility Condition Index, yet under the available and projected BIE construction funding, the timeline for a new school facility is waitlisted for 25 – 30 years. The Yakama Nation cannot wait decades for a safe educational environment. The BIE school replacement funding needs a significant increase to address the more than 80 tribal schools ranked in 'poor' condition and authority needs to be provided so that the BIE can prioritize construction projects with matching funding, which will save money overall *and* redress this breach of duty faster.