

TESTIMONY OF HON. MARVIN WEATHERWAX JR.,
MEMBER OF THE BLACKFEET TRIBAL BUSINESS COUNCIL
BEFORE THE HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS,
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

May 7, 2024

Good Afternoon Chairman Simpson, Ranking Member Pingree, and Members of the Subcommittee, my name is Marvin Weatherwax Jr. and I am a member of the Blackfeet Tribal Business Council. I also serve as Chairman of the Coalition of Large Tribes and serve as a member of the Montana State Legislature in House District 15.

Before I go any further, I want to extend my thanks and gratitude for the leadership Committee Chairman Tom Cole and Congressman Ryan Zinke with respect to our Youth Center Appropriations Request from last year—that will be essential to the healing of Blackfeet children.

I appreciate the opportunity to provide testimony in support of funding for wastewater infrastructure for the Blackfeet Tribe. The Blackfeet Tribe is seeking funding to construct critical wastewater infrastructure for the Blackfeet Indian Reservation which spans more than 1.5 million acres and is home to over 17,000 tribal members in five Reservation communities.

We view the need for wastewater infrastructure as a priority to fulfill the purposes of the Blackfeet Indian Reservation under our Treaty of 1855—namely to be the permanent homeland for our Blackfeet people.

The Blackfeet Tribe has been subjected to enormous amounts of land loss stemming from the failed federal policy of the Dawes Act. The loss of our Reservation land base occurred during the starvation winter of 1883, when our Chiefs were coerced to sign another treaty to receive rations in exchange for 130,000 acres of land.

In 1911, the Blackfeet were subject to the “Blackfeet Allotment” where another 156,000 acres were sold as “surplus” to non-Indians.

Our Tribe asserts our Treaty rights consistent with original Blackfeet Treaty Reservation boundaries which spanned from the eastern front of the Rocky Mountains to Yellowstone National Park, bordered by the Yellowstone River on the South all the way to what is now central Alberta, Canada.

As of today, our Tribe has lost 90% of our original Reservation due actions of the U.S. Federal Government. Of note, we lost land to the establishment of Glacier National Park and the creation of a National Forest which includes lands sacred to the Blackfeet – the land known as Badger Two Medicine area.

The existing Blackfeet Indian Reservation lands includes the headwaters of the St. Mary’s River, which is a tributary to the Mississippi River. The Army Corps of Engineers, without any consultation with the Blackfeet Tribe constructed a major pipeline project to divert water to support off-reservation, non-Indian communities downstream. These non-Indian communities water their crops, cattle and provide clean domestic water for their communities and have done so for decades with Blackfeet water, without even acknowledgement, much less any compensations. of our senior rights to that very water.

After nearly four decades of negotiations and work, in 2016, the United States enacted the Blackfeet Water Rights Settlement Act. However, this Act does not include funding for

wastewater. At the time, the Blackfeet Tribe was informed by the Administration, that wastewater funding was not eligible to be included in an Indian water settlement.

The Secretary's Indian Water Rights Office has now thought better about the United States' investment in and approach to tribal water rights, and now supports wastewater funding in Indian Water Rights Settlements, as evidenced by: the Montana Water Protection Act (Confederated Salish & Kootenai Indian Water Rights Settlement) enacted by Congress in 2020; and Administration's support for the Fort Belknap Indian Community Indian Water Rights Settlement Act (2023), both of which have language supporting wastewater.

All Blackfeet tribal communities suffer from dilapidated infrastructure and associated challenges, such as boil-order mandates, expensive water-hauling and bottled water purchases. The Blackfeet Tribal leadership has expended huge amounts of tribal resources to address emergency shut-offs, tribal office closures of essential governmental services, putting tribal member health, safety, and welfare at risk due to water main breaks and non-drinkable water. Pallets of bottled water, and portable toilets have become all too normal for the members and residents Blackfeet Indian Reservation.

The ability to update and provide new water and wastewater infrastructure will improve Tribal member health outcomes where clean water and reliable wastewater has been shown to improve nutrition by accessing clean water and decreasing reliance on sugary drinks and avoiding contaminated drinking water. Additionally, having clean water and reliable wastewater systems allow Tribal members tend to be less exposed to illness, for obvious reasons. Finally, the cost savings realized in avoiding bottled water and hauling water allows limited resources to be put to better use for things like food and housing.

The Blackfeet people believe funding for wastewater should be authorized and appropriated in order to achieve the same goals and objectives of any Indian Water Rights Settlement: satisfying the purposes of the Blackfeet Indian Reservation as a permanent homeland for the Blackfeet people.

The Blackfeet Tribe, like other tribes, has water and wastewater needs that remain unaddressed. Authorizing funding of this nature will demonstrate the U.S. Government's commitment to fulfillment of its Trust responsibility to Indian Tribes, and its specific Treaty obligations to our Tribe.

The Secretary's Indian Water Rights Office utilizes an antiquated and ineffective system to administer Federal Indian Water Rights. Tribes would benefit greatly if the Office was fully funded and staffed properly to better advocate, negotiate and implement Indian Water Rights Settlements.

The authorization of wastewater funding is a small step but important step by the United States to honor our Treaty and to reverse the failed federal policies. Consistent with current federal Indian policy, the successful implementation of the Blackfeet Indian Water Rights Settlement Act can improve Tribal self-determination and self-sufficiency by providing water and wastewater for communities within our Reservation lands, thereby increasing the Tribe's ability to make beneficial use of the water.

This completes my testimony. Once again, on behalf of the Blackfeet Tribe, I appreciate the opportunity to provide our perspective on the Blackfeet Wastewater fix. We look forward to working with the Subcommittee to ensure its success on our Reservation.