



LUMMI INDIAN BUSINESS COUNCIL

2616 KWINA ROAD • BELLINGHAM, WASHINGTON 98226 • (360) 384-1489

**Testimony of the Honorable Clifford A. Cultee, Chairman of the Lummi Nation
Before the House Interior, Environment and Related Agencies Appropriations
Subcommittee on the FY 2013 Budgets for the Bureau of Indian Affairs and the
Indian Health Service Programs
March 28, 2012**

Good morning and thank you Mr. Chairman and distinguished Committee Members for the opportunity to share with you the appropriation priorities of the Lummi Nation for the FY 2013 budgets of the Bureau of Indian Affairs and the Indian Health Service.

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 had 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 fifteen (15) years. This is the inescapable reality the Lummi Nation fishers face without salmon. We were the last surviving society of hunters/gatherers within the contiguous United States. We can no longer survive in the traditional ways of our ancestors.

Lummi Specific Requests – Bureau of Indian Affairs

- +\$2 million – Phase 1. New Water Supply System-Increase in funding for Hatchery construction, operation and maintenance. Funding will be directed to increase hatchery production to make up for the shortfall of wild salmon.
- +\$300,000 funding for the Conservation Law Enforcement Officer Program to insure that Lummi Nation need for Natural Resources Enforcement Officers will be funded.

Committee Directive Requests

- **Bureau of Reclamation:** The Lummi Nation requests that the Committee directs the Bureau of Reclamation to fund Lummi Nation work to develop comprehensive water resources conservation and utilization plans that accommodates the water needs of its residents, its extensive fisheries resources.
- **Bureau of Indian Affairs Natural Resources Branch:** Direct the BIA to work with Lummi Nation to insure that its needs related to the removal of wild stocks from the salmon available for harvest are compensated through increased hatchery construction, operations and maintenance funding.
- **Direct the DOI Office of Indian Energy, Economic and Workforce Development** to work with the Lummi Nation in support of its comprehensive Fisherman's Cove Harbor and Working Water Front Project which addresses Indian Energy, Economic and Workforce Development needs of the Lummi Nation membership.

Lummi Specific Requests – Indian Health Service

- **Implement ACA & IHCIA** -Direct the Department and the US Indian Health Services to fully and completely implement the Indian Specific provision of the Affordable care Act and the newly re-authorized Indian Health Care Improvement Act
- **Wellness is the #1 Priority of the Council in 2012-13.** Lummi Nation requests the committee support the SAMHSA Proposed Tribal Block Grant to combat Drug Epidemic among the Lummi Nation membership.
- **Head Start for Tribal Development** – The Lummi Nation Requests the Committee directs BIE and DHHS, Children’s Bureau support the construction of a new Lummi Nation head start/day care facility with technical and financial assistance.
- **Serve Indian Veterans** -Direct the Indian Health Services to immediately develop and provide formal consultation between Indian Health Services, US Veteran’s Affairs and Tribes on the formal Memorandum of Understanding for the provision of VA medical services to Tribal veterans and their families.

LUMMI SPECIFIC REQUESTS – BUREAU OF INDIAN AFFAIRS

- **+\$2 million – Phase 1. New Water Supply System-Increase in funding for Hatchery construction, operation and maintenance. Funding will be directed to increase hatchery production to make up for the shortfall of wild salmon.**

The Lummi Nation currently operates two salmon hatcheries that support tribal and non-tribal fishers in the region. The tribal hatchery facilities were originally constructed utilizing Federal funding from 1969-1971. Understandably most of original infrastructure needs to be repaired, replaced and/or modernized. Lummi Nation Fish Biologists estimate that these facilities are currently operating at 30% of their productive capacity. Through the operation of these hatcheries the Tribe annually produces one million fall Chinook and two million Coho salmon. To increase production, we must pursue a “phased approach” that addresses our water supply system first. The existing system only provides 850 GPM to our hatchery. To increase production to a level that will sustain tribal and non-tribal fisheries alike, we need to increase our water supply four-fold. A new pump station and water line will cost the Tribe approximately six million dollars. We are requesting funding for the first phase of this project. Our goal is to increase fish returns by improving aquaculture and hatchery production and create a reliable, sustainable resource to salmon fishers by increasing enhancement.

- **+\$300,000 to increase the funding for the BIA Conservation Officer Program to support Natural Resources Law Enforcement**

The Lummi people rely on several commercial fisheries for their livelihood and several non-commercial fish, game, fowl and natural plants for ceremonial and subsistence purposes. There are currently three (3) Natural Resource Enforcement Officers (NREO’s) and one Sergeant to patrol the 1846 square miles of marine area and 9145 square miles of the ceded lands. The Natural Resource Officers patrol a vast area, with a large amount of Natural Resources to protect, including: shellfish, salmon, halibut, deer and elk, and other protected species. Although Lummi Code of Laws Title 10 (Natural Resources Code) prohibits timber harvests without a permit, members and non-members periodically conduct timber harvests without necessary permits. Tideland Trespass on the Lummi tidelands is a major enforcement challenge. The fact that all of the Reservation tidelands are held in trust by the United States for the exclusive use of the Lummi Nation was most recently re-affirmed in *United States and Lummi Nation v. Milner, et al.* No. CV-01-00809-RBL (9th Cir. 2009). Although all of the Reservation tidelands are closed to persons, who are not members of the Lummi Nation in the absence of a lease permitting non-member use of the tidelands, or use permits issued pursuant to LCL Title 13

(Tidelands Code), and this closure is posted at several places around the Reservation, non-members continue to regularly trespass on these tidelands. Although LCL Title 17 (Water Resources Protection Code) prohibits the withdrawal of Reservation Waters without a permit, non-members continue to drill ground water wells on the Reservation. Illegal dumping is a major challenge on the Reservation. Although LCL Title 18 (Solid Waste Control and Disposal Code) prohibits solid waste dumping, like many places throughout rural America, illegal dumping continues to occur. Currently, the Lummi NREOs are only able to concentrate their patrol to the major Treaty concerns of fishing, crabbing, and shellfish harvesting. Additional funding is necessary for to prosecute actual incidents.

- **Direct the Bureau's Office of Indian Energy, Economic and Workforce Development Division to work with the Lummi Nation in support of its comprehensive Fisherman's Cove Harbor and Working Waterfront Project.**

Unemployment on the reservation has been very difficult to address with limited on-reservation jobs. Tribal governments need to be able to meet the employment and training needs of our membership as well as the business development needs of our communities. This is the objective of the Lummi Nation Fisherman's Cove Harbor and Working Waterfront Project. We need financial assistance to enable our membership to get the job skills the local (Reservation and Non-Reservation) labor market demands. We ask the Committee to direct the Bureau to work with the Lummi Nation to fully develop the Working Waterfront Project for the benefit of the Lummi Nation fishers, members and others invested in the marine economy of the extreme northwest corner of the United States.

LUMMI SPECIFIC REQUESTS – INDIAN HEALTH SERVICE

- **Support for full and complete implementation of the Indian Specific provision of the Affordable care Act & newly re-authorized Indian Health Care Improvement Act**

Tribes are dismayed by the lack of support they have received in the development and implementation of the following: *Long Term and Community Based Care-* The authorization of long term and community based care Tribal communities are among the last to receive access to this all important health care option. *Tribal Medicaid Program Demonstration Project: The Act authorizes a demonstration project to enable Tribes to demonstrate their ability to successfully plan, develop, implement and operate Medicaid Programs for the benefit of their membership.* *Health care Insurance Exchanges:* to support the planning development, implementation and operation of tribes as providers of health care insurance on the same basis as State are receiving this technical and financial assistance from the Department.

- **Lummi Nation requests the committee support the SAMHSA Proposed Tribal Block Grant to combat Drug Epidemic among the Lummi Nation membership**

Wellness is the #1 Priority of the Council in 2012-13. . Drug abuse is at epidemic proportions on the Lummi Reservation. The proximity of the Lummi Reservation to the U.S. and Canadian Borders makes for a key ingredient in successful drug trafficking. With that prime ingredient add production, transportation, distribution, abuse and drug related crimes...this is our reality where my people are becoming prisoners in our own homes.

What we Have Done: Our people are seeking a return to health through massive consumption of Lummi Nation Health Care resources. We have increased the number of Tribal members receiving substance abuse treatment and mental health counseling.

What we Still Need: We are not equipped to keep pace with the increasing access and use of heroin and other opiate additive drugs that have besieged our ports, borders, communities and citizens. Lummi Nation and other Tribes cannot successfully compete with politically connected

communities and interest groups which receive the majority of the funding that is available through the state block grant system. We need assistance to secure funding to plan develop, construct and implement , programs services and facilities needed to improve health and safety in our communities.

- **Head Start for Tribal Development – New Head Start Facility**

The Lummi Nation Requests that the Committee directs BIE and DHHS, Children’s Bureau support the construction of a new head start/day care facility for the Lummi Nation membership with technical and financial assistance. Lummi has operated a head start program since 1966 in the same facility. Successive Head Start Performance reviews have consistently identified the building as not meeting Head Start Performance standards. The Tribe is seeking gap financing in the amount of \$1.2million to complete the proposed new facility. These additional costs are generated by Head Start Performance and tribal Child Care Facility Standards.

- **Support formal consultation between Indian Health Services, US Veteran’s Affairs and Tribes on the formal Memorandum of understanding for the provision of VA medical services to Tribal veterans and their families.**

Tribes have been seeking the development of relationship between the Veterans Administration and the US Indian Health Services which results in simple parity of services between Indian and non-Indian Veterans for more than a century. There is a need to insure that the provisions of the final agreement between the US Veterans Administration and the US Indian Health Services are consistent with Indian Veterans needs.

Regional Requests

Support the requests of the Affiliated Tribes of Northwest Indians, the Northwest Portland Area Indian Health Board and the Northwest Indian Fisheries Commission

National & Self-Governance FY 2013 Budget Priorities

In general, all Bureau of Indian Affairs (BIA) and Indian Health Services (IHS) line items should be exempt from any budget recessions and discretionary funding budget reductions.

Indian Affairs

- Fully Fund Contract Support Costs (CSC) – Support \$8.8 million increase included in FY2013 President’s Request.
- Tribal Priority Allocations – Provide \$89 million increase .
- Law Enforcement - Full Fund all Provisions of the Tribal Law & Order Act of 2010 that affect Indian Tribes & Increase funding for Bureau of Indian Affairs Law Enforcement by \$30 million.
- Office of Self-Governance (OSG) – Provide increase funding to the OSG.

Indian Health Services

- Contract Support Costs (CSC) – Provide increase of \$99.4 million over President’s FY2013 Request to fund the CSC shortfall.
- Mandatory Costs – Provide \$304 million increase to for Mandatory costs to address these on-going fiscal responsibilities to maintain current services.
- Contract Health Services (CHS) – Provide \$200 million increase to provide CHS.
- Adequate Funding for Implementation of the Indian Health Care Improvement Act (IHCA).
- Office of Tribal Self-Governance – Increase \$5 million to the HIS Office of Tribal Self-Governance.

Thank you for this opportunity to provide these appropriations priorities of the Lummi Nation. Hy’sheq.