

**TESTIMONY OF THOMAS “STONEY” ANKETELL
ASSINIBOINE AND SIOUX TRIBES
OF THE FORT PECK RESERVATION
BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE
ON INTERIOR AND RELATED AGENCIES
ON THE BIA, IHS AND EPA FY 2013 BUDGET
MARCH 19, 2012**

My name is Thomas “Stoney” Anketell, I am a member of the Executive Board of the Assiniboine and Sioux Tribes of the Fort Peck Reservation. On behalf of the Fort Peck Tribes, I am pleased to present testimony on the FY 2013 Budget. We are a large, land-based tribe located in northeastern Montana. The Fort Peck Reservation encompasses 2.0 million acres. The Reservation Native American population is approaching 8,000 and our Tribal enrollment is over 12,000 members. Our greatest need is health care, infrastructure, economic development and public safety.

The Tribes’ unemployment rate on the Reservation is 56%. Of our Tribal members who are working, four in ten live below the poverty level. Given the enormous unemployment and poverty rates on the Reservation, our needs for the Bureau of Indian Affairs (BIA), Indian Health Service (IHS), and Environmental Protection Agency (EPA) programs and services are substantial.

The United States has a continuing trust responsibility to assist Tribes address the basic governmental services such as safe drinking water, public safety and healthcare. 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.” If the Federal government could provide greater assistance to us with these core governmental services, our members would be much better off.

Contrary to what some may think, the appropriation of funds for Tribal Governments is not a discretionary act by the United States, rather these appropriations represent the Federal government’s fulfillment of its mandatory obligation under the treaties and agreements entered into with Tribal governments. We kept our word. The United States must do the same.

I. BUREAU OF INDIAN AFFAIRS

A. The Fort Peck Reservation Rural Water System. The health status of a community is directly related to the quality of our available water. That is why the Fort Peck Tribes took the lead in building the Fort Peck Reservation Rural Water System project, a Project that will provide quality drinking water to the Reservation and surrounding communities. Congress enacted the Fort Peck Reservation Rural Water System Act of 2000, Public Law 106-382, to ensure a safe and adequate drinking water supply to all of the residents of the Fort Peck Indian Reservation. Under the law, the BIA has the statutory obligation to fund the operation and maintenance of this Project. We are very excited that the BIA has included \$750,000 in programmatic funding for the operation of this important Project in its Budget. However, the

cost of operating this Project in FY 2013 will be \$1.0 million. Thus, the BIA will need an additional \$250,000 to meet its statutory obligation with regard to the operation of the Fort Peck Reservation Rural Water Project if Congress appropriates only what the BIA has requested.

The Tribes and the Bureau of Reclamation have completed construction of many components of this \$200 million project, including the raw water intake facility and the water treatment facility. The integrity of the Water Treatment facility is vital, as the EPA has determined that the well that now provide water to the City of Poplar, the seat of tribal government, home to the BIA and IHS agency and the location of the Poplar schools, is contaminated by a brine plume. Again, while the BIA budget includes \$750,000 for the O&M of this important Project, more funding is needed. Specifically, an additional \$250,000 is needed to fully operate the Fort Peck Reservation Rural Water System in FY 2013.

B. Office of Indian Energy and Economic Development and Road Maintenance.

The Tribes are very supportive of the BIA's request for \$8.5 million for energy development in Indian country. However, we are concerned that of this amount \$2.5 million will be directed only at the Fort Berthold Reservation. We believe that these resources should be more equitably distributed among the tribes who are presented with the opportunities now being experienced at Fort Berthold.

The Bakken formation, which is in play at Fort Berthold extends to the Fort Peck Reservation. An April 2008 USGS Report determined that there are 3 to 4.3 billion barrels of recoverable oil in the Bakken formation alone. This represents a once in a lifetime opportunity for our Tribal government – working in close collaboration with our Federal trustee – to use the bounty of our natural resources to create jobs and spur sustainable economic development to erase the persistently high rates of unemployment and poverty on our Reservation.

However, our experience--like that at Fort Berthold a few years ago--is that the BIA Regional and Agency staff often do not have adequate technical expertise in the complex field of energy development, and they do not always appreciate that "time is of the essence" when it comes to energy development.

Consequently, the Fort Peck Agency's long delays in processing mineral leases and other critical energy development paperwork often frustrate our energy development plans and serve only to push oil, gas and other types of energy and mineral development off the Reservation. In fact, BIA approval of oil and gas leases can take so long that Indian probates have been known to open and close before any BIA action is ever taken. We know from the experience at Fort Berthold that if the BIA makes an investment in the people at the agency level to ensure that they have the knowledge and capacity to work in the field of energy development great things can happen. We believe the same opportunities exist on the Fort Peck Reservation and the BIA needs to make the same commitment that it made to the Fort Berthold Tribes to the Fort Peck Tribes.

Another disincentive to drilling on Indian lands is the \$6,500 that the BLM charges for a permit application to drill on federal land, including Indian and tribal trust lands. In FY 2010, the Appropriations Committee increased this fee from \$4,000 to \$6,500. In theory, this fee is

intended to cover the BLM's cost of processing the drilling permit application. However, the funds collected on Indian lands are not dedicated to processing permits on Indian lands. Moreover, the fee is highly disproportionate to the \$75 that the State of Montana charges to process the same kind of permit on State fee land. This creates a disincentive for developers to consider Indian and tribal lands. We would ask that Indian lands be exempt from the BLM fee.

Closely related to economic development is the adequacy and safety of our public roads. We have seen the increased fatalities at Fort Berthold resulting from the explosion of truck traffic on the reservation resulting from oil drilling. Paved roads have deteriorated rapidly from the increased traffic, often by overweight vehicles. Please reverse the harmful trend of the last 30 years, and increase funding for the BIA Road Maintenance Program by \$10 million, so that tribes can provide routine and emergency road maintenance services to ensure the safety of our existing roads. Years of budget cuts have undermined our ability to maintain our transportation infrastructure to an adequate design standard. This is a public safety issue.

C. Funding for Public Safety and Detention. The need for increased law enforcement and Tribal Courts remains a priority for the Fort Peck Tribes. We greatly appreciate the increases Congress has recently provided for public safety programs. These increases, however, are insufficient to fulfill the United States' basic trust responsibility in the areas of health and safety. Our Reservation needs more officers and the resources they require to patrol a large land base. This must be matched with additional resources for Tribal Courts and detention facilities.

I want to particularly support the \$6.5 million requested to fund the operations of the newly constructed detention facilities. The Fort Peck Tribes received a grant from the Department of Justice to rebuild our detention facilities. We have entered into a contract with the BIA for the operation of this newly expanded facility and are excited. We will be operational in FY 2013. This new facility will allow us to better house and care for our prisoners close to their families and the community support that they need to become productive members of our society again. Please ensure that the BIA and OFMC have the resources needed to maintain these facilities after they are built. We lack infrastructure. When built, these facilities must be properly maintained or they will deteriorate far sooner under our harsh Montana winters.

II. INDIAN HEALTH SERVICE

Indian country continues to suffer higher rates of infant mortality, suicide, accident, alcoholism, diabetes, and heart disease 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 to Tribal communities. The Federal government has a trust responsibility 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 the sacrifice of our traditional way of life.

A. Fort Peck Dialysis Center. There is a desperate need on our Reservation for a fully staffed and equipped health facility capable of providing a full range of medical services to our

members. The IHS needs to evaluate and plan the process for new facilities in Montana, including the urgent expansion of the Fort Peck Tribal Dialysis Unit to 18 stations (from 10) or construction of a new dialysis unit. We are now at capacity, serving 33 patients six days a week. We have additional 73-100 pre-renal patients. If we cannot expand our services, these patients will have to travel great distances for this life-sustaining care. The Indian Health Care Improvement Act now allows the Indian Health Service to dedicate resources to dialysis, which is an important aspect of health care in Indian communities. We request that the Subcommittee direct the Indian Health Service to report to Congress on its efforts to address the need for dialysis treatment in Indian country, especially rural areas such as the Rocky Mountain Region.

B. Contract Health. We recognize the significance of the requested \$20 million increase in Contract Health Care but this increase is inadequate to address the growing health care crisis in Indian country. 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 12,000 tribal members. Far too many members are not referred out for Contract Health Care Services which their primary health care providers determine are medically necessary because we only have CHS dollars to treat life threatening illnesses and injuries.

Currently, the IHS does not refer individuals for necessary medical care, even when they have medical insurance, because the IHS does not want to pay the minimal co-pays or deductible for these services. As a result, our members do not get the care they need until it reaches the critical “life or limb” stage at which point the IHS would still only have to pay the minimal co-pay or deductible. It would seem that it would be far better public policy to pay the co-pay or the deductible for preventive care rather than let medical conditions worsen until a person’s health deteriorates to a life-threatening life or limb crisis. Yet, the IHS will not reconsider its interpretation of the payor-of-last resort policy to allow for these sound health policy decisions to be made and implemented within available health care funds.

At a minimum, the Congress should request that a study be conducted to examine how CHS funds are expended and to make recommendations that will help save lives.

IV. ENVIRONMENTAL PROTECTION AGENCY

Finally, I want to express the Tribes’ strong support for the increased funding for Tribal environmental programs. Specifically, I urge the Subcommittee to support the \$96.3 million for the Tribal General Assistance Program (Tribal GAP program). The Fort Peck Tribes were one of the first Tribes in the country to obtain Treatment as a State Status under the Clean Water Act and one of the first to obtain Class I air designation for our Reservation. For the Fort Peck Tribes, protecting the land and resources that our ancestors fought so hard to preserve for us is our paramount mission. We work closely with our federal and State partners to accomplish this goal and appreciate the continuing support of Congress for these efforts. The Tribal GAP program is critical to maintaining tribal capacity in these areas.

Thank you for providing me the opportunity to present the views of the Fort Peck Tribes.