JAMESTOWN S'KLALLAM TRIBE

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"REGULATORY BARRIERS TO AMERICAN INDIAN JOB CREATION"

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Written Testimony of

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AND
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On behalf of the Jamestown S'Klallam Tribe, I want to thank this Subcommittee for the opportunity to provide testimony on this very important topic of economic development on Tribal lands. I am pleased to provide the following information and recommendations based on our Tribal experiences.

BACKGROUND

On February 10, 1981, the Jamestown S'Klallam Tribe was officially re-recognized by the United States government as a sovereign Indian Nation.

The Jamestown S'Klallam Tribe's Petition for Recognition, first filed in 1975, is a comprehensive history of Tribal life before settlers arrived, and the Tribe's subsequent interactions with the immigrant community and the United States government. It serves as a wonderful reference, and it clearly illustrated that in a practical sense, the Jamestown S'Klallam people had always been recognized, but simply lacked official status until 1981.

Not a Reservation Tribe

Federal recognition is important for Tribes because it formally establishes or reconfirms a government-to-government relationship. Status as a sovereign entity carries with it significant privileges. Federal recognition was the beginning of a new era for the Jamestown S'Klallam Tribe. With access to funding and services, and with increasing control over those funds and services as policies continued to shift in Tribes' favor through the last quarter of the 20th century, the Tribe's progressive approach has proven that a small Tribe can be a major force for good in the community – not only for Tribal citizens, but for the entire region. That success has led to a decreased dependence on federal funding, and the return of the independent, self-reliant nature that has always characterized the S'Klallam people.

Historically, the S'Klallam people received services through Indian Agents of the U.S. government and at the same time, pursued their own livelihoods as part of the Olympic Peninsula communities in which they lived. As the area became increasingly populated by non-Indians, the S'Klallam people transitioned from their traditional ways of life toward assimilation to settlers' ways, both economically (working on farms and in mills), and culturally (intermarrying with pioneer families). In 1874, several families who had been removed from their traditional village in Dungeness two years earlier pooled their money and purchased 210 acres of land (now known as Jamestown) along the Strait of Juan de Fuca north of the City of Sequim. Although the Jamestown people were never officially terminated as a recognized Tribe, reservation Tribes were receiving services that were being denied to those at Jamestown,

simply because they had steadfastly refused, on several occasions to move to a federally-established reservation.

In the case of the Jamestown Tribe, documentation of more than 125 years of correspondence on issues of compensation, education, health care and treaty rights proved that the U.S. government had always acknowledged them as a distinct people. And fortunately, winning their case for recognition and becoming an early participant in Self-Governance has enabled the Jamestown people to continue their traditions of self-reliance and progressive management. Today the Jamestown S'Klallam Tribe is a thriving Tribe held in high esteem by the larger community, locally, regionally and nationally.

Tribal Self-Governance

The Jamestown S'Klallam Tribe has always been progressive, a good example being when they decided to purchase land in Jamestown rather than move to a reservation. The Tribe's approach to any challenge has been to respond with the strength of creative ideas and steadfast determination. Receiving federal recognition was but another step in the Tribe's journey.

The Jamestown S'Klallam Tribe was the smallest of the ten Tribes to participate in the Title III Tribal Self-Governance Demonstration Project of 1988. As Tribal Chairman, along with the Tribal Council, we fought for the Tribe to be allowed to participate in the project, positing that the size of the Tribe should make no difference in its ability to manage its own affairs. According to the SGCE, Title III promoted Tribal control by:

- Allowing the transfer of management of BIA resources to Tribal management and control;
- Authorizing broad flexibility for Tribal utilization of those resources;
- Permitting Tribes to consolidate and redesign programs; and
- Replacing multiple BIA P.L. 93-638 contracts and grants with a single Annual Funding Agreement.

Self-Governance evolved from the vision of Tribal Leaders historically seeking to reduce or eliminate the bureaucratic control of the United States over Indian Tribes. Essential elements to achieve this objective include bringing decision-making authority and financial resources back to the Tribal level. The ability of the Jamestown Tribal Government to determine its own destiny, its own future, creates a more meaningful government-to-government relationship between the Tribe and the United States.

The Jamestown S'Klallam Tribe wholeheartedly embraced Self-Governance and has continued to "push the envelope" of what is possible under the authorities and flexibility provided under Self-Governance.

Here is just a sampling of the projects the Tribe engaged in between 1988 and 1995:

- Joined the Dungeness River Management Team, Puget Sound "Early Action" Watershed Management Plans, Dungeness Spring Chinook Restoration Program, coordinated development of the Dungeness/Quilcene Water Resources Pilot Project, became involved in many environmental projects including EPA wetlands, and clean water initiatives.
- Purchased three buildings for rental income.
- Purchased Northwest Corner Oyster Company and opened Dungeness Oyster House and JKT Oyster Farm on 23 acres of DNR tideland in Blyn.
- Purchased many parcels of land ranging from Diamond Point to the Dungeness River, focusing on Blyn.
- Joined in various litigation efforts regarding fin and shellfish harvesting rights.
- Approved submittal of dozens of grants for programs and services for the Tribe and the local community.
- Negotiated, along with 25 other Tribes, government-to-government relationships with the State of Washington regarding treaty rights.
- Passed dozens of resolutions leading to the establishment of 7 Cedars Casino, including Gaming and Liquor Ordinances, State/Tribal compacts, and HUD grant funding.
- Established the Jamestown Tribal Scholarship Fund and the Higher Education Committee.
- Established the Jamestown Library and Jamestown Chemical Dependency Program.
- Renamed the Tribe "Jamestown S'Klallam," as spelled in the Point No Point Treaty of 1855.
- Opened Northwest Native Expressions Art Gallery.

The Jamestown Tribe has been a leader in helping other Tribes become self-reliant by participating as an active member of the Self-Governance Communication and Education Consortium. I have been Tribal Chairman for 30 years and I have achieved recognition among my peers in Indian Country for my work to advance Native American issues in Washington D.C., Washington State, and even internationally.

Thus, the Jamestown S'Klallam Tribe has simultaneously grown programs and services for its own Tribal citizens while serving all of Indian Country at the state and national levels and

indigenous populations, worldwide.

Tribe's Comprehensive Plan Governance Goals:

1. Protect and Advance Tribal Sovereignty and Governmental Authority
2. Secure Tribal Self-Sufficiency/Self-Reliance
3. Improve Services and Programs
4. Expand Infrastructure

And the Tribe's Community Goals:

1. Good Health
2. Self-Esteem
3. Education and Learning
4. Employment/Employability
5. Cultural Awareness, Skills and Pride

Today, programs and services for the Tribal community reflect these goals. They include:

1. Over $400,000 annually in Higher Education Scholarships to Jamestown post-secondary students.
2. The Tribe's Housing Improvement Program and participation in Native American Housing Assistance and Self-Determination Act of 1996 has provided housing for Tribal families, and renovation and repairs for many Tribal homes.
3. The Tribe has participated in the Tribal Canoe Journeys since carving the canoe Laxaynəm in 1993. A second canoe, the E'ow-itsa was blessed and put into service in 2010. A Tribal singing and drumming group meets monthly. Classes in S'Klallam language and arts have been offered.
4. The Jamestown S'Klallam Tribal Library offers access to over 5,000 Native American print and digital media to the Tribal community and the general public.
5. Social and Community Services programs include Chemical Dependency counseling, Indian Child Welfare, assistance with nutrition and payment of utilities.
6. Health care benefits include the Tribe's ground-breaking self-insured Managed Care Program for Tribal citizens living in the services area, and out-of-area benefits for those farther afield. The Tribe's Community Health Program offers home care assistance for Elders, and education on diabetes management, smoking cessation and wellness.
7. Children, Youth and Teen programs include the Children's After School program for children aged 5-11; the Youth Leadership Program for middle school youth, and the Teen Career Exploration Program for high school students.
8. The Tribe also believes wholeheartedly in partnerships as a means to complete projects of mutual benefit to all of those involved. This has earned the Jamestown S'Klallam Tribe positive recognition as a cooperative participant in the environmental, health, civic,

educational, recreational and political arenas in projects including:

a. One of seven major partners in the $7 million Jimmycomelately Creek and Estuary Project to restore salmon and prevent flooding.
b. Partnering with Olympic Medical Center to open Jamestown Family Health Clinic to provide primary care to thousands of Native and non-Native patients in Clallam County.
c. Partnering with local and national Audubon Societies and the Rainshadow Foundation to found the Dungeness River Center at Railroad Bridge Park.
d. Contributing over $200,000 annually to local community causes including the Boys and Girls Club, Children's Hospital, the Peninsula Home Fund, and many non-profit organizations, educational organizations and recreational opportunities for children and youth.
e. Contributing land, design, equipment and labor to the completion of the Olympic Discovery Trail through Blyn, working with the Peninsula Trails Coalition and Clallam County.

9. Projects extend beyond Sequim, including:
   a. The Peninsula College Longhouse: The House of Learning
   b. The Longhouse at the University of Washington
   c. The Embassy of Tribal Nations in Washington, DC

The Tribe has also maintained active participation in many regional, national and international organizations, including the National Congress of American Indians, the Affiliated Tribes of Northwest Indians, the Northwest Indian Fisheries Commission, the Point No Point Treaty Council, and the Pacific Salmon Commission.

Economic Development

The Jamestown Tribe cannot provide adequately for its citizens with federal funds alone. As of 2010, the Tribe is the second largest employer in Clallam County, with a combined staff of over 600 people in Tribal government and businesses including the Jamestown Family Health Clinic, the Jamestown Family Dental Clinic, 7 Cedars Resort and Casino, The Cedars at Dungeness Golf Course, The Longhouse Market and Deli, Jamestown Excavating, Jamestown HomeBuilding, Jamestown Construction, JKT Logistics, JKT Industrial Services, Jamestown Mini Storage, Northwest Native Expressions Gallery and Jamestown Health and Medical Supply.

When I look to the future, I feel compelled to begin by reflecting on the past, from the early days where we literally had nothing to today with a strong and stable government base to serve our people.

We've made such significant progressive steps towards our goal of reclaiming our self-governing, independent nature and character. Even though we didn't have clarity about the goal at the start, the details of that independence have become clearer and clearer over the years.

The Tribe has always methodically 'chipped away' at addressing the different needs of our community and citizens and will continue to do so.

LOOKING FORWARD

- We will continue to reacquire a stronger, broader land base, for cultural preservation, housing, construction, natural resources and economic development. This is critical to the restoration of the Tribe's identity, and is essential to expand our business portfolio, serve our people through growing programmatic and service capacity. We are always looking at how to move toward establishing a self-reliant base that will always protect our interests.

- We will establish Tribal trust accounts (i.e. endowment funds) dedicated to specific purposes including housing, education, Elders, natural resources and culture, to grow and be protected in case of diminishing federal funds.

- We will continue to build a strong, stable and diverse economic base, managed with solid business principles and practices. Our economic vehicles serve the Tribe and the Tribe serves its community. Economic development is essential to our independence, which cannot be achieved without a strong revenue source. Although our focus today is on gaming and hospitality, we will continue to diversify into alternative business opportunities to build stronger economic resources in order to continue to diminish our dependence on the federal component of resources for the Tribe.

- We will continue to be progressively active at all levels of government in our approach as we protect our Tribal sovereignty, Treaty rights and advance our programs. Much of our success has come from staying politically engaged, informed and knowing what opportunities exist. Leaders need to be aware of the importance of staying active and involved at all levels – federal, state, inter-Tribal – in order to advance issues or initiatives forward.
- We have established a political foundation, a culture of being alert and engaged, moving in a focused direction without hesitation, which I hope will protect the Tribe regardless of the next leaders' styles or capabilities. What I have learned is that any entity or organization needs a consistent rudder – and only one rudder to steer the ship. Because of our very aggressive, assertive political persona, we have developed expertise within the staff that understand how the political system works. Whether or

not we have active political leadership in the future, we have built the infrastructure within our staff to provide the kind of oversight needed to anticipate what is coming.

- We will develop a stronger natural resources program, and continue to restore habitat. We will pursue new opportunities in shellfish production to assure that this traditional resource survives. As to fin fish, the base will always be small, but conservation practices are showing results for limited future opportunities.

- We will continue to grow cultural and traditional practices. The seeds that we have planted and continue to plant in our Social and Community Service programs are successfully rejuvenating our language, art and culture among our youth. We will continue to build an array of programs and facilities that enhance cultural and educational activities to return the S'Klallam identity.

- We will develop a flexible Elder support program. The challenge is to find a financial balance between culturally relevant assisted living and services for those who prefer to remain at home with family. We must always consider how we can take better care of our Elders and address their needs and lighten the financial load on families.

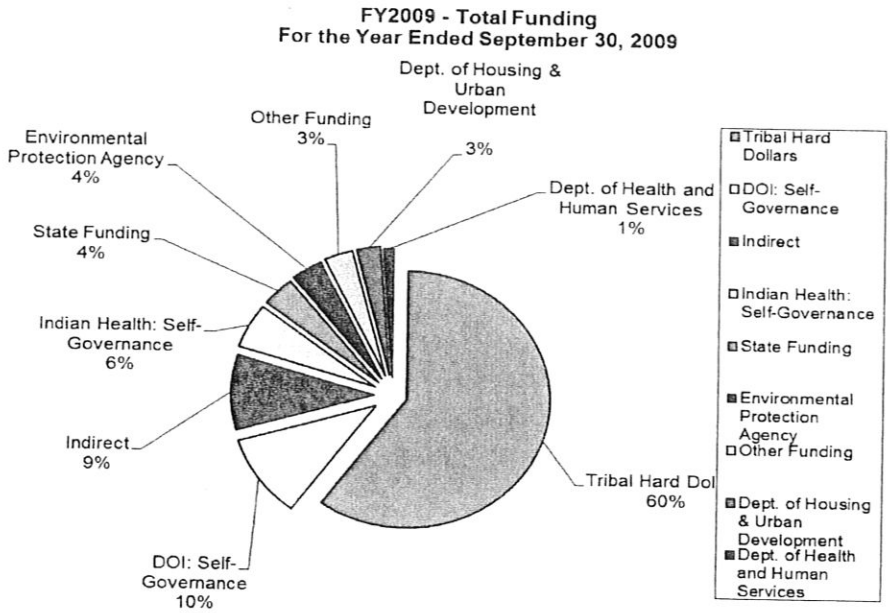
Our need will always be greater than the resources available. Our challenge will be balancing resources to address complex needs. We do that now, and will continue doing it in the future. For me, it's a rather encouraging future. I do not believe that we will rest on our laurels. ...we have strengthened our government, legal and political structures to function and act like a government intended to be effective and efficient, not bureaucratic and restrictive in choices and options. I have often described the Tribe as an unfinished painted canvas. The framework is there, but we keep adding (painting) the details, and this will continue for generations to come. It is a nation unfolding, continuing to realize its potential, and to strengthen its identity for future generations.

PARTNERSHIP AND COOPERATION

Jamestown S'Klallam Tribal accomplishments are a result of vision, a progressive attitude, hard work and a respectful relationship with the Federal government.

Federal program funding and guarantees have been critically important in support of developing an economic foundation. As an example, the Tribe's sources for funding are: A.) 9% indirect federal funds, B.) 28% direct federal grant funds, C.) 3% state grant funds and 60% Tribal hard dollar funds. The Tribal hard dollar funds are derived primarily from Tribal business. The direct federal grant funds are provided by agencies such as, the Bureau of Indian Affairs, Department

of Housing and Urban Development, Environmental Protection Agency, Indian Health: Self Governance and the Department of the Interior: Self Governance.



Here are examples of how two federal agencies have been important to the Tribe's economic development, which in turn has supported growth in Tribal Self-Sufficiency. ***The BIA loan guarantee program has been very instrumental in infrastructure. The SBA 8(a) program has provided the Tribe with a place at the government contracting table.***

- **Bureau of Indian Affairs**
  The Tribe currently has two BIA loan guarantees in place. These guarantees allowed Jamestown Properties, Inc. to construct needed facilities and create economic opportunities.

  The first BIA loan guarantee was used to guarantee a loan to construct two buildings on the Tribal campus. These buildings consist of the Community Center/Dental Clinic and the Social and Community Services Building.

  - The Community Center is the focal point of our Tribal campus and is used for Tribal events, as well as available for use by Tribal citizens. It is a building that brings great pride to the Tribe. The Dental clinic which is located in the lower level of this building has created economic opportunity not only for the Tribe, but for the Tribal citizens employed there. The dental clinic sees both Tribal citizens, as well as members of the larger regional community. It creates resources to help fund the Tribal citizen dental program. The clinic is also one of the few clinics in the area that provides services to Medicaid dental patients.

- The Social and Community Services building houses Tribal programs which have great impact to the Tribal citizens, these programs include youth, education, elders, and Indian Child Welfare.

Jamestown Properties also received loan guarantee to build the Longhouse Market and Deli.

- This building, which is leased to JKT Gaming, Inc., houses a unique and stunning gas station and market. The Longhouse Market has proven to be highly successful not only in operating profits for the Tribe, but also increase the Tribe's tax base. Proceeds from the cigarette tax compact with the State of Washington helps provide funds for government services, which are severely underfunded by the Federal government. Fuel tax compact funds are used for needed transportation infrastructure projects. The Market has helped the Tribe diversify its economic base by providing non-gaming revenues.

The BIA Loan Guarantee Program is a very important tool for raising the level of Tribal Self-Sufficiency.

- **Small Business Administration**

The SBA 8(a) program has been helpful to the Tribe's commercial construction company, JKT Construction. The program has provided the way for JKT Construction (JKTC) to seek federal government construction projects and to from a Mentor Protégé relationship that has provided training and joint ventures, which has allowed us to work on projects that we would not otherwise had the funding resources to handle.

- JKT Construction has successfully performed projects for:
  - The Air Force
  - The Navy
  - The Army
  - The Army Corp of Engineers
  - The Coast Guard
  - The Customs and Border Patrol

By participating in the SBA 8(a) JKTC has been able to gain experience that has led to a small level of bonding that allows JKT Construction to perform independently and or team with other companies. It has also led to other sources of business that do not require bonding, but are construction related. New companies are being formed to fit niches in laboratory furniture, fixtures and equipment procurement and industrial services. This is economic development that will assist the Tribe in moving toward its goal of economic Self-Sufficiency.

IMPROVEMENTS

Federal programs are important to all Tribes. Many programs allow Tribes to have a semblance of 'equal footing' when competing in the marketplace. If not for the BIA Guarantee Loan Program Tribes would not in most cases be able to get loans from the standard sources available to other entities and businesses. A great impediment for The JKT Construction company was lack of bonding availability, which would have allowed for far better use of the SBA opportunities, otherwise available. Bonding companies have been simply unwilling to provide bonding for Tribal construction projects.

- **Bureau of Indian Affairs**

  Continuation of the Loan Guaranteed Program is important to all Tribes. As I mentioned above,
  this important program has resulted in a very positive impact for Indian Country.

  The Bureau of Indian Affairs is engaged in a historic transition towards an agency that supports Tribal Self-Governance and economic development, rather than a bureaucracy that hinders that development. However, that transition is incomplete and Tribal Leaders welcome the oversight of Congress and this Subcommittee in ensuring that the BIA continues to make the necessary reforms.

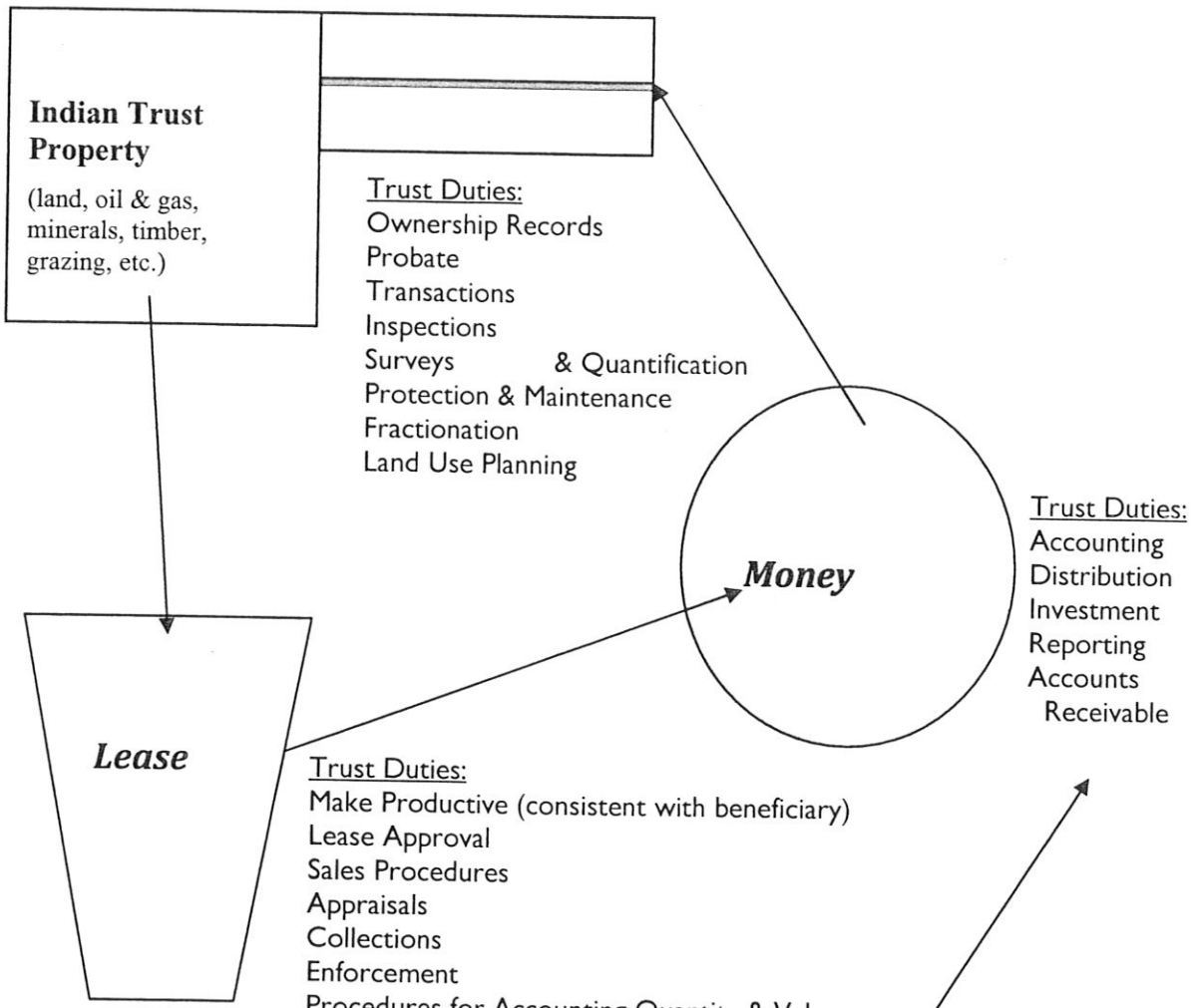
  I believe it is important for Congress to recognize that the Bureau of Indian Affairs is primarily a land management agency. It is a specialized type of land management, with the responsibility of holding 56 million acres of Indian lands in trust and managing them as a permanent homeland where Indian Tribal communities live and govern their own affairs. Of course the BIA has other functions such as law enforcement and education, but these activities are a part of the primary responsibility of protecting and managing Tribal homelands. Land management is the BIA's core mission and priority.

  Indian lands are held in trust by the federal government in order to prevent alienation and protect Tribal Self-Governance. However, the trust system has been distorted by a history of paternalism and it often hinders economic development. We are now in an era, after 40 years of Tribal self-determination, where Tribal governments are fully competent to make decisions without the need for the BIA to review and second guess every decision.

  I have attached to my testimony a simplified diagram of the BIA trust business cycle. This chart shows how most economic transactions work in Indian Country – starting with land and ownership, moving to land leasing and sales of natural resources, and then accounting and distribution of trust funds back to the land owners. Backlogs in one area affect the entire system. For example, in order to execute a lease, the BIA must have an accurate title status report and a current appraisal and may need a survey and an

environmental review. In order to get a title status report, the BIA may have to update the title with the results of probate decisions. A bottleneck at one step in the process causes multiple delays across the entire system.

Over the last fifteen years, a great deal of attention has been paid to the accounting part of the trust business cycle because of the litigation over Indian trust funds. However, in the big picture the basic BIA land functions of title, leasing, acquisitions and probate are even more critical to Indian communities because these functions drive economic development. Business transactions – from routine home mortgages to timber sales to large commercial deals -- require a degree of predictability and timeliness that is lacking from the BIA system. Tribal Leaders want to fix the BIA land system and we hope to work closely with Congress and the BIA in developing solutions.



Crosscutting Duties:
Tribal Self-Determination
Treaties, Laws, Cases
Funding
Training
Internal Controls
External Audits and Monitoring
Errors and Omissions

Strategic Planning
Policies and Procedures
Establishing Account Balances
Security & Privacy of Information
Systems Architecture
Beneficiary Focus
Performance Measures

Causes and Solutions of BIA Realty Backlogs

- The FY1996 budget cuts for BIA programs were implemented primarily by laying off realty workers in the field offices. The realty budget has never recovered from these cuts.
- The level of fractionation has increased dramatically, causing backlogs in probate and title that create delays in other parts of the land management system. Fractionation is also creating mounting costs in both management and losses in land productivity.
- In response to the *Cobell* litigation for a trust funds accounting, available resources have been shifted to the Office of Special Trustee, which has grown to a $150 million annual budget with resources largely taken from BIA realty.
- Indian Tribes have increased their economic activities, creating an increase in commercial leasing, land transactions and the need for appraisals.

Potential solutions include:

1) BIA realty needs more funding at the local level. In addition, BIA realty needs process and system improvements; recruitment and training programs for employees; and leadership to develop and implement a plan for business operations in trust management.
2) The BIA is currently considering changes to its leasing regulations found at 25 CFR 162. We are still reviewing these changes, but our initial response is generally positive. The draft regulations would establish timelines for approval, and would streamline the appraisals process. We are encouraged that the BIA is off to a good start, but we have also seen the bureaucracy grind to a halt too many times in the past to feel confident. We need to keep the pressure on to ensure that they continue to follow through with management reforms.
3) The $1.9 billion Indian land consolidation fund under the Cobell Settlement is a very positive development that should be used to significantly address the problem of fractionated land title. However, we are concerned that the Administration is not consulting with Tribal Leaders on how this massive land consolidation program will be implemented. Truthfully, we do not yet have confidence in the Interior Department's ability to manage this program, and we believe meaningful consultation and Tribal involvement is needed quickly.
4) Indian Tribes have strongly supported the HEARTH Act, H.R. 205 that is similar to the Navajo Leasing Act and would give Indian Tribes the ability to approve their own leases under Tribal government regulations. This is a step forward for Tribal Self-Determination and economic development, and we hope that Congress passes the bill very quickly.
5) The BIA has had a significant amount of leadership turnover in the last 20 years, but during intervals with better management we have seen the positive effects. When leadership sets clear priorities and goals for completing realty transactions, and implements oversight and accountability measures, we have seen better results.

Land to Trust Acquisitions

Tribal economic development is also heavily impacted by a lack of adequate land. Between the years of 1887 and 1934, the U.S. Government took more than 90 million acres from the Tribes, nearly 2/3 of all reservation lands, and sold it to settlers and corporations. The principal goal of the Indian Reorganization Act of 1934 (IRA) was to halt and reverse the abrupt decline in the economic, cultural, governmental and social well-being of Indian Tribes caused by the disastrous federal policy of allotment and sale of reservation lands. The IRA is comprehensive legislation for the benefit of Tribes that stops the allotment of Tribal lands, continues the federal trust ownership of Tribal lands in perpetuity, encourages economic development, and provides a framework for the reestablishment of Tribal government institutions on their own lands.

Section 5 of the IRA, 25 U.S.C. 465, provides for the recovery of the Tribal land base and authorizes the Secretary of the Interior to acquire land into trust status for the benefit of Indian Tribes to assist in meeting the broad goals of the Act. Of the 90 million acres of Tribal land lost through the allotment process, very little has been reacquired in trust status since the IRA. Still today, a number of Tribes have no land base and many Tribes have insufficient lands to support housing and Self-Governance. Most Tribal lands will not readily support economic development. A fundamental purpose of the IRA in promoting land acquisition was to address the problem of scattered and fractionated parcels which often render the Tribal land base essentially unusable from a practical standpoint. And the legacy of the allotment policy, which has deeply fractionated heirship of trust lands, means that for many Tribes, far more Indian land passes out of trust than into trust each year. Section 5 imposes a continuing active duty on the Secretary of the Interior, as the trustee for Indian Tribes, to take land into trust for the benefit of Tribes until our needs for self-support and self-determination are met.

Despite this important purpose, land to trust applications often languish at the Department of the Interior. It is a chief concern of many Tribes with the existing land to trust process. Too often have Tribes spent precious time and scarce resources to prepare a trust application only to have it sit for years or even decades without a response. Such inordinate delay on trust applications often amounts to an unfair de facto denial of the request. In addition, during inordinate delays Tribes risk losing funding and support for the projects that they have planned for the land, and environmental review documents grow stale. Tribal Leaders' frustrations are heightened because the vast majority of trust land acquisitions take place in extremely rural areas and are not controversial in any way. Trust land acquisition is also necessary for consolidation of fractionated and allotted Indian lands, which most often are grazing, forestry or agricultural lands. Other typical acquisitions include land for Indian housing, health care clinics that serve both Indian and non-Indian communities, and land for Indian schools.

Tribal Leaders are encouraged that the BIA is making progress in expediting land to trust applications over the last year, but a new frustration has entered into the picture. The Supreme Court's 2009 decision in *Carcieri v. Salazar* has created a great deal of uncertainty and litigation over the long-settled ability of Indian Tribes to acquire land in trust with the Secretary

of Interior's approval. We need Congress to approve the "Carcieri Fix" and get this issue resolved, and we greatly appreciate Representatives Cole (H.R. 1291) and Kildee (H.R. 1234) for their efforts in sponsoring the legislation.

Environmental Review

One of the more burdensome requirements for many land transactions such as leases and acquisitions is the requirement that the application undergo an environmental review under the National Environmental Policy Act ("NEPA"). The Bureau of Indian Affairs does not have an adequate budget to perform environmental analysis, so these costs are most often pushed onto the Indian Tribes who are seeking to develop a project on their own lands. Even when these are environmentally beneficial projects such as a sewage treatment plant, the BIA and thus the Tribes must comply with NEPA.

On this issue, we encourage the Congress to increase the resources to the BIA for compliance with NEPA, which can be a particularly difficult burden for Tribes with fewer resources and larger land bases. In addition, we believe that it is appropriate for Congress to consider relieving Tribes of some of the burdens of NEPA when Tribes are developing beneficial projects such as schools and clinics and other important community infrastructure. We do not believe that NEPA was ever intended to be a barrier to needed development of Tribal lands by Tribal governments where there is no real federal action other than a pro forma land transaction approval.

Finally, we recommend that the Department consider utilizing a categorical exclusion in its Departmental Manual for land transactions that do not involve a change in use. The BIA has a categorical exclusion for "Approvals or other grants of conveyances and other transfers of interests in land where no change in land use is planned," 516 Departmental Manual 10.5.I. This categorical exclusion can and should be extended to conveyances where no change in land use is planned. Most transactions are agricultural and timber lands that have been used for the same purposes for many decades. In such cases, no change or environmental detriment to the land would occur. As a result, it makes good policy sense for transfers of such lands to benefit from the same categorical exclusion as other transfers of interests in lands which will have no adverse environmental impacts.

- **Small Business Administration**
  The Tribe receives knowledgeable support from our local office. However, on regional and national levels, the SBA is severely limited in meeting our needs for assistance and guidance. With a few exceptions, the SBA lacks qualified resources at both levels. Unfortunately, those exceptions are over-worked, under-resourced, and set up to fail. Many of the federal interfaces for such entities as the CCR's, ORCA, IRS, and other related agencies which coordinate data or systems with the SBA do not appear to be trained sufficiently to understand the nuances of Tribal business entities. This lack of adequate support results in a waste of precious resources for the SBA and small

business due to re-work of applications, reporting, and research to "discover" what "works" and creation of ad hoc "work-arounds". As a business development agency, the SBA is supposed to be pro-active, but today it is in a position of being reactionary. The result is failure to anticipate significant issues for Tribal entities and its own staff.

The SBA attempted to help in the bonding arena by providing a 'bonding guarantee program.' This was a good idea, but bureaucratically unacceptable to Sureties. The SBA list of participating "approved" agents/sureties appears too comprehensive. The Jamestown experience is that few sureties on the list are actual participants. The encumbrance for active participation is that the "guarantee" is seen as not a full guarantee of payment due to bureaucratic process. It causes substantial uncertainty in the process itself, and a lack of timeliness in payment. That same timeliness issue is found on the front end, as well. It takes too long to get a commitment. When it comes to bonds, time is of the essence. Additionally, there is financial disincentive due to the fees charged by the program. So, the Surety has to dedicate more time to the process which means the cost goes up and the Surety makes less money. The price goes up for the small business entity and it becomes less competitive. Finally, if there is a claim, the money is not readily available for the Surety to take quick action in order to reduce the loss.

CONCLUSION

The Federal funding system is a critical support for Tribes. You can see how it has contributed to the success of the Jamestown S'Klallam Tribe. You can also see how much more the Tribe could have accomplished with additional provider knowledge and awareness. Self-Governance, self-determination and Self-Sufficiency are critically important to the Jamestown Tribe and to all Native American Tribes. It is essential the federal government system supports and assists Tribes in developing sovereign governmental political and legal foundation. Tribes attract non-Indian private sector investment in Indian communities when Tribes have constitutions, laws, courts and ordinances, as well as separation of business and government.

Again, thank you for the opportunity to provide testimony on this important issue to future of Tribal Self-Sufficiency, Self-Determination and Self-Governance.

JAMESTOWN S'KLALLAM TRIBE

PROFILE

W. "RON" ALLEN, TRIBAL CHAIRMAN/CEO

As the Tribal Chairman, (serving 1977-present), Ron Allen is responsible for representing the Tribe as the elected leader and for addressing political and policy issues and/or positions at the national, state and local levels. As the Chief Executive Officer (CEO) (serving 1982-present), he is also responsible for the administration of all the Tribe's programs including education, career development, social services, housing, health, economic development, natural resource management, and cultural/traditional affairs.

As Tribal Chairman/CEO, he is responsible for leading the Tribe from a zero resource base in 1982 to a current annual budget level of approximately $20 million; and from a landless reservation base in 1982 to a land base of over 1,000 acres without federal assistance. Additionally, I have led the Tribe to establish business enterprises including Seven Cedars Casino, Northwest Native Expressions Art Gallery, JKT Development, and Jamestown Health & Medical Supplies.

OFFICES HELD DURING TENURE AS CHAIRMAN:
National Congress of American Indians — Secretary-2007-Present; Treasurer 2003-2007; Treasurer; 1989–1993; President; 1995–1999, First Vice Chair; 1999–2001; and Delegate; 1977–Present

Pacific Salmon Commission — U.S./Canada Treaty - Tribal Commissioner; 1996–Present, and Fraser River Panel member; 1987–1996, and Tribal Representative on Finance and Administration Committee

Centers for Medicare and Medicaid Services Tribal Technical Advisory Group — Co- Chair 2007-Present; Delegate; 2003–Present

Affiliated Tribes of Northwest Indians — Treasurer; 1984–1990 and Delegate; 1977–Present

Western Washington University's Board of Trustees — Appointment – 2006 –2008

American Indian Health Commission for Washington State – Founder and Delegate; 1994 – Present

Washington Indian Gaming Association — President; 2003–Present

SIGNIFICANT ACTIVITIES AND ACCOMPLISHMENTS:

- Chairman of the DOI Tribal Self-Governance Advisory Committee (formed in 1998) which provides advice to the Bureau of Indian Affairs Assistant Secretary on policy issues which affect over 200 Self-Governance Tribes. Northwest Delegate on the Indian Health Service Tribal Self-Governance Advisory Committee (formed in 1996) which provides advice to the IHS Director on Self-Governance policy issues affecting over 323 Tribes.

- Chairman of the Tribal Legislative Drafting Committee to develop Self-Governance legislation within both the Department of Interior (resulting in Public Law 103-413 in 1994) and the Department of Health and Human Services (resulting in Public Law 106-260 in 2000).

- Chairman of the Self-Governance Communication and Education Tribal Consortium. This Consortium is the lead non-profit organization which provides education and communication services regarding the Self-Governance initiative ensuring that accurate information is provided to Congress, Administration, the federal government, tribal governments and the general public.

- Northwest Tribal Representative on the Bureau of Indian Affairs/Tribal Budget Advisory Committee since 1992. This Committee works with the Administration and Congress in developing Tribal budget priorities. This Committee provides an advisory Government-to-Government forum and process for Tribes and the Department to develop budgets that allow for the fulfillment of tribes' self-determination, self-governance, sovereignty, and treaty rights, as well as sufficient levels of funding to address the needs of Tribes and their tribal citizens. Also, Tribal Co-Chair of the Bureau of Indian Affairs Data Management Subcommittee Data to assess statutory and regulatory performance data reporting requirements and determine other program data collection needs. This assessment will take into account issues related to GPRA and PART.

- Served as Chairman of the National Congress of American Indians National Policy Workgroup on Contract Support Costs and Co-Chairman to of the 1987 publication entitled "Determining the True Cost of Contracting Federal Programs for Indian Tribes." These Workgroups have developed an analysis of indirect cost recovery for Indian Tribes and have been responsible for working with the Administration and Congress on developing short and long-term recommendations on these related issues.

- Served as Chairman of an Ad-hoc team of Tribal leaders to design & develop the 1989 Centennial Accord between the 26 Tribes in Washington State. Also participated in the Annual State/Tribe Summit in November 1999 to develop a Millennium Agreement to institutionalize effective government-to-government relationships in Washington State. There are currently 29 Tribes participating in this Accord.

- Served as Co-Chairman of the National Congress of American Indians/National Council of State Legislators Advisory Committee since 1998. This Committee has worked to advance state-tribal governmental relations including the publication of various policy and educational documents

- Chaired numerous national workgroup committees and task forces for trust, contract support, etc.

AWARDS/RECOGNITIONS:

- Peninsula College - Student of the Year Award (1981).
- University of Washington - 2001 Distinguished Alumnus Award
- American Association of Community Colleges - 2003 Outstanding Alumni Award
- 2005 (5th Annual) Buffett Award for Indigenous Leadership
- Reservation Economic Summit 2007 American Indian Business Achievement Awards Committee – Public Advocate of the Year
- Named by the University of Washington's Columuns Magazine – one of the "Wondrous One Hundred" – the 100 most remarkable University of Washington alumni (2008).
- University of Washington - 2009 Charles E. Odegaard Award for work on behalf of diversity.

Committee on Oversight and Government Reform
Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)(5)

Name: W. Ron Allen, Tribal Chairman/CEO
Jamestown S'Klallam Tribe

1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2008. Include the source and amount of each grant or contract.

The Jamestown S'Klallam Tribe is a federally recognized Indian tribe, and like most tribes it operates a significant number of federal programs, grants and contracts."

2. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.

3. Please list any federal grants or contracts (including subgrants or subcontracts) received since October 1, 2008, by the entity(ies) you listed above. Include the source and amount of each grant or contract.

I certify that the above information is true and correct.

Signature: W. Ron Allen

Date: April 7, 2011