

**STATEMENT OF
MICHAEL S. BLACK
DIRECTOR
BUREAU OF INDIAN AFFAIRS
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS
ON
FACING FLOODS AND FIRES – EMERGENCY PREPAREDNESS FOR NATURAL
DISASTERS IN NATIVE COMMUNITIES**

July 21, 2011

I. Introduction

Good afternoon Chairman Akaka, Vice-Chairman Barrasso, and Members of the Committee, my name is Mike Black and I am the Director of the Bureau of Indian Affairs at the Department of the Interior. Thank you for the opportunity to present the views of the Department of the Interior (DOI) on Facing Floods and Fires – Emergency Preparedness for Natural Disasters in Native Communities.

The Bureau of Indian Affairs (BIA) provides services directly or through contracts, grants, or compacts to a service population of about 1.7 million American Indians and Alaska Natives who are enrolled members of 565 Federally recognized Tribes living on or near Indian reservations in the 48 contiguous United States and Alaska. Programs are funded and operated in a highly decentralized manner, with almost 90 percent of all appropriations expended at the local level, and approximately 63 percent of appropriations provided directly to tribes and tribal organizations through grants, contracts, and compacts. Tribes and tribal organizations use the contracted funds to employ tribal police officers, social workers, school teachers, foresters, and firefighters. In addition, Indian tribes look to the BIA for a broad spectrum of services, including emergency response to natural disasters in Indian Country.

Given the Secretary's commitment to improving the safety of Indian communities, the DOI Office of Emergency Management (OEM) commissioned an expert study on how to improve the BIA's ability to support tribal preparedness, response, recovery, and mitigation efforts. The report is expected to be finalized at the end of this month.

II. The Department's response to Natural Disasters occurring in Native Communities

As illustrated in the examples below, the BIA responds to natural disasters of significant variety in size and scope, from events as large as Hurricane Katrina to small fires on Indian lands. Responses to natural disasters in Indian Country require *extensive* coordination among, the Indian tribe affected, the Department of Interior components including the BIA, local governments and a number of state agencies and federal agencies. While the BIA's role is somewhat limited, BIA personnel are the first-responder to natural disasters in Indian Country. Moreover, the BIA often provides assistance to tribal governments before, during and after an

incident. In most instances, BIA responds by deploying human resources, equipment, funding, providing technical assistance to tribes and assisting other federal agencies.

III. Hurricane

A. Hurricane Katrina

Hurricane Katrina affected six federally recognized tribes, located in Alabama, Louisiana and Mississippi. The BIA responded by sending police officers, forestry and firefighters to assist tribes in Alabama, Louisiana, and Mississippi.

For example, BIA police officers assisted the tribal police department and supported local relief efforts such as conducting house-to-house searches and investigating local crimes. The BIA forestry and firefighters provided chainsaws and heavy equipment to clear fallen trees and other debris from the roads in order for trucks to bring in much-needed supplies to the region.

The BIA's Eastern Regional Office, headquartered in Nashville, Tennessee, and the BIA Choctaw Agency in Philadelphia, Mississippi, assisted the recovery efforts of the Mississippi Choctaw tribal government, which included arranging for fresh water to be delivered to the reservation.

In the aftermath of Hurricane Katrina, BIA deployed personnel to Mississippi to work with the federal agencies and the tribes. These teams operated in the disaster zone for six months.

IV. Wildland Fires

To date, there have been over 2,100 fires that have burned approximately 138,000 acres of Indian lands this calendar year.¹ The fires have affected BIA offices in the following regions – Northwest, Pacific, Rocky Mountain, Southwest Western, Eastern Oklahoma, Southern Plains, Eastern and Midwest. Wildland fire suppression on federal lands is an interagency effort with assistance provided by federal, tribal, state and local cooperators. No single department, bureau, tribal government or agency can go it alone to provide the needed aircraft, engines, dozers, crews, overhead and logistical support.

The BIA provides both direct service to tribes and technical assistance to tribes who have compacted and contracted BIA fire programs. The tribes have the flexibility to compact, 638-contract and provide additional resources through cooperative agreements for fire suppression. Roughly one-third of the fire programs are compacted or contracted under the authority of the Indian Self-Determination and Education Assistance Act, Pub. L. No. 93-638, as amended.

DOI's Office of Wildland Fire Coordination funds fire preparedness, readiness, suppression, and rehabilitation activities performed by the land management agencies and the BIA. The BIA's Wildland Fire and Aviation Management Program (BIA-NIFC) is implemented through the Branch of Wildland Fire Management, based at the National Interagency Fire Center (NIFC) in Boise, Idaho. BIA-NIFC represents Indian Country on fire management issues addressed at the

¹ For the most up to date numbers see <http://www.nifc.gov/nicc/sitreprt.pdf> (last visited July 20, 2011).

national interagency level. In addition, BIA-NIFC provides guidance to BIA Regional Directors and their fire staff regarding wildland fire and aviation management. This program provides protection for nearly 56 million acres of trust and/or protected lands for tribal governments. BIA-NIFC's first priority is to provide for firefighter and public safety in every wildland fire management activity. BIA-NIFC provides for effective wildland fire protection, fire use and hazardous fuels management, and timely rehabilitation on Indian forest and range lands held in trust by the United States, based on management plans approved by the Indian land owner.

BIA-NIFC works with various interagency wildland fire coordination organizations including DOI's Office of Wildland Fire Coordination (OWFC), U.S. Forest Service (USFS), National Association of State Foresters (NASF), Federal Emergency Management Agency (FEMA), National Wildfire Coordinating Group (NWCG), National Multi-Agency Coordination Group, and various Geographic Area Coordination Centers (GACC) located throughout the United States. International assistance and coordination occur as needed.

The Fire Management Plan (FMP) process, which identifies and integrates all wildland fire management and related activities within the context of approved land/resource management plans, provides decision support to aid managers in making informed decisions in response to unplanned ignitions. The types of resources assigned to wildland fires are dependent on fire complexity. Simple fires with low complexities are considered Type 5 fires and the most complex fires are designated Type 1 fires.

The BIA's Wildland Fire budget is separated into the following accounts or programs:

Preparedness

Includes the range of deliberate, critical tasks, and activities necessary to build, sustain, and improve the capability to protect against, respond to, and recover from wildland fire incidents.

Suppression

Suppression funding supports a range of suppression management actions from intensive suppression of wildfires to monitoring wildfires in areas in which burning accomplishes resource benefits or where it is too dangerous to place firefighters. Emergency stabilization actions are taken during and immediately following a wildfire to reduce the effects of floods, landslides and erosion. Severity funding is the authorized use of suppression funding for extraordinary preparedness activities. It is used to improve initial response capabilities when abnormal, severe wildfire conditions occur, and it is subject to strict controls to better manage the expenditure of funds.

In the event of severe abnormal conditions, agencies and tribal governments in the same geographic region are encouraged to work together to request severity funding. Each request must describe the current fire situation and include a cost estimate. The completed request is submitted to the BIA-NIFC by the Agency/tribal government with concurrence of the BIA Regional Director. Authorization to use severity funding is valid for 30 days. Severity extension request are allowable and approvals are normally made in 30 day increments.

Hazardous Fuels Reduction

DOI funds the treatment of hazardous fuels across Indian Country. These treatments can occur within the Wildland Urban Interface (WUI), primarily with DOI wildland fire hazardous fuels

funding and outside the Wildland Urban Interface (non-WUI) with other BIA land management funds. The WUI are fire-prone areas where wildland fuels meet and mix with homes and other urban fuels.

Burned Area Rehabilitation (BAR)

This program has funding to stabilize and prevent unacceptable degradation to natural and cultural resource, to minimize threats to life or property resulting from the effects of a fire, or to repair, replace, or construct physical improvements necessary to prevent degradation of land or resources.

Emergency Stabilization (ES)

This program is for emergency treatments to minimize threats to life or property or to stabilize and prevent unacceptable degradation to natural and cultural resources resulting from the effects of a wildfire.

A. Las Conchas Fire – New Mexico

The Las Conchas Fire is a very complex wildfire fire that was managed by as many as three Type I Teams at its peak. Last month, the Las Conchas Fire burned onto the Santa Clara Pueblo Indian Reservation, located in New Mexico, and burned 16,000 acres of the Santa Clara Canyon watershed. The fire also burned over 3,100 acres of the Jemez Pueblo Reservation, and 63 acres on the Kewa Pueblo Reservation (formerly known as Santo Domingo). As of the writing of this testimony, the Las Conchas Fire is 75 percent contained.² The fire threatens animal and fish habitats, air quality, water quality, cultural sites, and medicinal and food gathering sites. The fire also created an additional loss of commercial timber base. In addition, the fire puts village and tribal residents at risk to flooding from coming monsoon rains.

The BIA Southwest Region currently has fire crews deployed to the Las Conchas Fire. The Regional and Agency Fire Management Officers (FMO) and Assistant FMO's coordinated the information flow with local agencies and provided resource advisors to the Type 1 Incident Management Teams (IMT). The BIA Southwest Regional Director served as the Point of Contact for the Type 1 IMT and Area Command Team (ACT), and the BIA Agency Superintendents attended the daily briefings of the Type 1 IMTs.

In response to the Las Conchas Fire, DOI's Burned Area Emergency Response (BAER) Team assessed the damage to and potential threats to Indian lands. The Team's first priority has been the Santa Clara Canyon. The DOI BAER Team joined other BAER teams to make up the Las Conches BAER Team. The Las Conches BAER Team has divided the fire into the North Zone and South Zone. The task of the Team is to collaborate and share resources to provide a unified approach to assessing fire effects.

The BIA assigned a Pub. L. No. 93-638 Contract Self Determination Specialist to work with the Santa Clara Pueblo to speed contracting procedures for emergency stabilization projects.

² See <http://www.nifc.gov/nicc/sitreprt.pdf> (last visited July 20, 2011).

B. White Swan Fire - Washington

On February 12, 2011 the White Swan Community on the Yakama Reservation was hit with gale force winds causing damage to 262 homes and structures. As a result of the winds, a small chimney fire grew out of control and pushed a fire through the community of White Swan. The fire burned 225 acres and made over 80 tribal members homeless. The White Swan Fire was a Type 3 fire.

During the White Swan Fire incident, BIA Yakama Agency personnel coordinated with the Yakama Tribe and county fire districts to contain and control the White Swan Fire. Personnel from the BIA Northwest Regional Office (NWRO) and the Yakama Agency provided direct services to organize and implement post-fire community support and relief. The NWRO provided over 75 person-hours of direct support and the Yakama Agency staff provided over 460 person-hours of direct support. In addition, to assist the Yakama Nation and its members, the BIA transferred \$20,000 to the Tribe via a Pub. L. No. 93-638 contract for repairs to damages homes owned by enrolled members of the Yakama Nation.

Agencies contributing to the recovery effort included the Yakama Tribal Government, the Tribe's Emergency Management Team, the BIA, the Indian Health Service (IHS), FEMA, the U.S. Department of Agriculture, Yakima County, utility companies and numerous faith-based volunteer organizations.

V. Floods

Record winter snowfall in the Northern Rocky Mountains combined with record snowmelt and spring precipitation has resulted in record flooding throughout the Missouri River Basin. The flooding has impacted communities and reservations in Montana, North Dakota, South Dakota, Nebraska and Iowa. The flooding has affected at least 20 tribal governments.

A. Flooding of Crow Tribe Reservation, Montana

In May, Crow Tribe's Reservation experienced severe flooding. The Tribe quickly established a Unified Command and the Incident Command Team included officials from the Crow Tribe, the BIA, Indian Health Service and Big Horn County Department of Emergency Services (Big Horn DES). The BIA procured clean drinking water, assisted in boat rescues, provided cots and blankets to shelters, inspected BIA dams on the Reservation, helped to fill and place sandbags and made BIA equipment available.

Agencies contributing to the recovery effort included the BIA, Big Horn DES, Indian Health Service, BLM, National Weather Service, Montana Highway Patrol, Montana Department of Transportation, U.S. Geological Survey, Environmental Protection Agency, American Red Cross, Army Corps of Engineers, Bureau of Reclamation, Farm Service Agency, and the National Park Service (NPS), to name a few.

B. Flooding of the Spirit Lake Reservation, North Dakota

On May 10, 2011, the President declared the State of North Dakota a major disaster area and included reservations for the Spirit Lake, Fort Berthold and Turtle Mountain.³ Rising waters of the Devils Lake inundated three key BIA roads and resulted in the loss of access to one residence. The total estimated damages for the three roads are \$800,000.

The BIA and the Federal Highway Administration (FHWA), under Pub. L. No. 93-638, obligated \$5.9 million during the spring of 2011 to construct three-foot-emergency berms along the entire seven miles of roads and perimeter levees located on the Spirit Lake Reservation. With funding made available through the FHWA and through a partnership with the Bureau of Reclamation, which provides on-site technical dam construction expertise, the seven miles of roads and perimeter levees have been re-designed and are in the process of being re-constructed to serve as permanent “dams” to current federal standards.

Roughly 1,200 plus hours have been expended by BIA personnel at the Fort Totten Agency and the Great Plains Regional Office including resources from Trust Services, Transportation, and Natural Resources.

Agencies contributing to the recovery effort include the Spirit Lake Tribe, the BIA, the IHS, FEMA, the American Red Cross, North Dakota Department of Transportation, State Division of Emergency Management, and county and city officials.

VI. Conclusion

This concludes my statement. I would be happy to answer any questions.

³ See <http://governor.nd.gov/media-center/news/disaster-declaration-approved-north-dakota-flooding> (last visited July 20, 2011).