



Empowering Tribal Nations

Self-determination, sovereignty, self-government, empowerment, and self-reliance are not abstract concepts; they are the tools that enable Indian Country to shape its own destiny.

*Ken Salazar, Secretary of the Interior
November 5, 2009*

The American Indian and Alaska Native communities that the Department of the Interior serves face great challenges. On Indian reservations, poverty is still commonplace; unemployment and violence are higher than the national average; and incidents of infant mortality, alcoholism, and substance abuse are far in excess of the rest of America. The key to overcoming these challenges are strong and stable tribal governments built through self-determination. Interior, through Indian Affairs, plays a critical role in removing obstacles to tribal self-determination, building strong and stable governing institutions, and promoting economic development. The Indian Affairs programs offer assistance to Tribes to help them improve the quality of life for their members.

The Empowering Tribal Nations initiative is a multi-faceted effort that will advance Nation-to-Nation relationships, improve Indian education, improve the safety of Indian communities, and reform trust land management with an ultimate goal of greater self-determination. The initiative builds on the historic White House Tribal Nations Conference and the President's commitment to improving conditions throughout Indian Country. At the November 2009 Conference, attended by over 400 tribal leaders, the President pledged to strengthen Nation-to-Nation relationships, improve the tribal consultation process, and empower strong and stable Indian communities.

In addition to providing key increases for both the law enforcement and education programs, and maintaining the 2010 increases for natural resources, the 2011 budget includes programmatic increases of \$70.6 million for the Empowering Tribal Nations initiative. Overall the 2011 budget request for Indian

Affairs is \$53.6 million below the 2010 enacted amount. This reflects a reduction of \$50.0 million in one-time funding to forward-fund tribal colleges and \$6.0 million in anticipated efficiency savings. There are additional reductions in lower priority programs and completions totaling \$68.4 million, which serve as offsets for key initiative increases.

The budget continues initiatives begun with the 2010 budget, while providing necessary support for the Tribes to run these programs and focusing additional resources in the areas of Indian self-determination, social services, and economic development. Specifically, the 2011 budget:

- Advances Nation-to-Nation relationships and Indian self-determination by providing additional funding for contract support costs, assisting in the unique needs of small and needy Tribes, and increasing social services.



- Protects Indian Country by increasing the number of Federal Bureau of Investigation agents that are on-the-ground and dedicated to Indian Country and supporting the President’s High-Priority Performance Goal to reduce crime in Indian Country.
- Advances Indian education by addressing environmental and security concerns at BIE schools and strengthening grant support funding for tribally operated BIE schools.
- Improves trust land management by promoting both renewable and conventional energy development on tribal lands, defending and asserting Indian water rights, and assisting Tribes with dam safety.

ADVANCING NATION-TO-NATION RELATIONSHIPS

President Obama respects the inherent sovereignty of Indian Nations and believes that the Federal government must honor its commitments to American Indian and Alaska Native communities.

Secretary Ken Salazar
November 25, 2009

At the White House Tribal Nations Conference, President Obama pledged to bring about meaningful change for American Indians and Alaska Natives. The President spoke of how Tribes have been marginalized and excluded from pursuing the American dream. Some reservations face unemployment rates of up to 80 percent. Roughly a quarter of all Native Americans live in poverty, more than 14 percent of all reservation homes don’t have electricity, and 12 percent don’t have access to a safe water supply.

The President also spoke of how the Federal government has treated Tribes in the past. Tribal Nations were not treated as equals. Instead, decisions were made for the Tribes by leaders in Washington. The President pledged to change this practice, engage in meaningful consultation, build tribal capacity, and have true Nation-to-Nation relations.

The 2011 President’s budget request will advance Nation-to-Nation relationships through investments

EMPOWERING TRIBAL NATIONS 2011 INCREASES (dollars in millions)	
Advancing Nation-to-Nation Relationships	
Contract Support.....	+21.5
Small and Needy Tribes	+3.0
Social Workers	+2.0
Other Program Changes	+3.4
Subtotal.....	+29.9
Protecting Indian Country	
FBI Agents.....	+19.0
Detention Center Maintenance	+1.0
Subtotal.....	+20.0
Advancing Indian Education	
ISEP Program Adjustments	+3.9
Environmental Audits	+2.0
Tribal Grant Support	+3.0
Subtotal.....	+8.9
Improving Trust Land Management	
New Energy Frontier.....	+2.5
Climate Change Adaptation.....	+0.2
Trust Natural Resources.....	+1.2
Cadastral Surveys	+0.7
Probate.....	+1.9
Water Management Planning and Pre-Development.....	+0.5
Water Rights Negotiations.....	+1.0
Safety of Dams.....	+3.8
Subtotal.....	+11.8
TOTAL	+70.6

in contract support, increased assistance to Tribes in self-determination contracting, additional social workers, and support for small tribal governments. In total, \$29.9 million in programmatic increases are proposed for these efforts. The increases, taken together, will build tribal capacity, thereby furthering the goal of self-determination.

Contract Support – The largest increase within this component of the initiative is \$21.5 million, an increase of 13 percent, for the Contract Support program and the Indian Self-Determination Fund. The Tribes continue to identify funding for contract support as their top priority. The additional funding will allow BIA to pay approximately 94 percent

of the contract support costs. Further, increased funding of tribal contract support will reduce the need for Tribes to utilize program funds to fulfill administrative requirements. This is an issue of equity as well as good business. The funding for the Indian Self-Determination Fund will pay start-up and initial contract support costs, the primary barrier to Tribes that want to contract and compact new programs. On average, 25 Tribes are contracted with these funds each year.

Small and Needy Tribes – Although all Tribes face obstacles to achieving self-determination, smaller Tribes tend to have more difficulty obtaining the resources necessary to run their own programs. In 1992, the Senate Committee on Indian Affairs authorized the establishment of the Joint Tribal/BIA/Interior Task Force on BIA Reorganization to make recommendations on the reorganization of the BIA. One of the recommendations was an initiative targeted for Tribes designated as small and needy. In 1993, the Small and Needy Tribes initiative was created to ensure small Tribes had the minimum amount of Tribal Priority Allocation base funding needed to run viable tribal governments. Small Tribes were designated as those having a population of 1,700 or less. A small and needy designation was based on population and funding thresholds. Small and needy designation was for those that received less than \$160,000 in recurring Tribal Priority Allocation funds in the lower 48 States and \$200,000 in Alaska. The Small and Needy funding augmented the TPA allocation and allowed these Tribes to carry out basic tribal services and programs. At the time of the original initiative, there were 450 Tribes that met the population criteria for a small Tribe and 264 Tribes that met both the population and funding threshold criteria for a small and needy Tribe.

From 1995 through 1998, BIA received a total of \$26.4 million for this initiative. In 1999, the program was cancelled as all Tribes' TPA bases had been brought to the minimum threshold of \$160,000 with the funds received in 1998.

In 2011, Interior proposes a \$3.0 million increase to begin funding for these small and needy Tribes again. Currently a total of 114 small Tribes receive less than the recommended thresholds for base funding. The funding in this initiative will be used to bring 17 Tribes in the lower 48 States back to the minimum threshold funding of \$160,000 and will bring 86 Alaska Tribes up to \$190,000. With this

funding, small and needy Tribes will be able to develop stronger tribal governments.

Social Services – Tribal and BIA social workers are first responders for child protection and child welfare services on reservations. The 2011 budget includes a \$2.0 million increase for 15 additional social workers to help tribal communities deal with substance abuse, child abuse, sexual abuse, child and elderly neglect, loss of cultural knowledge, domestic violence, and increasing teen suicide. According to the Centers for Disease Control, suicide is the second leading cause of death among American Indians and Alaska Natives ages 15-34 years. Suicide rates among American Indian and Alaska Native adolescents and young adults are close to two times higher than the national average.

These additional bureau and tribal staff will work with counties and counsel parents to understand and implement changes that will correct these behaviors and ultimately reunite the families. The workers also will provide training to parents, which is an important tool in reducing the number of child welfare cases.

Effective Management – The budget contains a \$1.0 million increase for ten new self-determination specialist positions, which is part of the five-year effort launched in 2009 to increase the number of awarding officials. Having sufficient self-determination staff will result in timely BIA management decisions that allow Tribes to assume responsibility for operation of programs on their reservations. These officials can help Tribes to resolve issues that hamper effective operation and management, including tribal audit delinquencies, BIA audit deficiencies, and contract compliance. The budget also includes an increase of \$500,000 for a tribal data management system to assist Tribes with performance reporting and \$450,000 to improve acquisition management.

Land and Water Settlements – The budget contains a \$1.5 million increase for a total request of \$6.5 million to satisfy the requirements of the Puget Sound Regional Shellfish Settlement. The 2011 budget marks the final year of funding for the settlement, which resolves disputes regarding several Tribes' treaty rights to take shellfish from tidelands on the Puget Sound. The budget also includes a reduction of \$2.4 million as the Department has met the terms of the Pueblo of Isleta Settlement.

PROTECTING INDIAN COUNTRY

And none of our efforts will take root if we can't even guarantee that our communities are safe – safe places to learn, safe places to grow, safe places to thrive. So Tribes need support in strengthening their law enforcement capability. They need better resources and more training.

President Barack Obama
November 5, 2009

Public safety remains a top priority for tribal leaders. National Bureau of Justice Statistics findings reveal a disturbing picture of the victimization of American Indians and Alaska Natives by crime. The rate of violent crime estimated from reported incidents for American Indians is well above that of other U.S. racial or ethnic groups and is more than twice the national average, and many incidents go unreported. This disparity in the rates of exposure to violence affecting American Indians occurs across age groups, housing locations, and gender.

In three recent BJS-sponsored tribal level criminal victimization surveys, victims reported that alcohol use by the offender was a factor in more than 40 percent of the incidents of overall violence, and more specifically, domestic violence.

In addition, many tribal leaders have identified substance abuse, including the use of methamphetamine, as a public safety threat to their communities. This is supported by the fact that a large percentage of the violent crimes in Indian Country prosecuted by the U.S. Attorney's Offices involve individuals under the influence of methamphetamine or other illegal substances. The

fight against this highly addictive drug requires coordination at the Federal, tribal, State, and local levels. The combination of small populations spread over large geographic areas, underdeveloped economies, and the resulting high levels of unemployment have created an environment highly conducive to the current meth crisis, especially when these characteristics are combined with the widely dispersed law enforcement presence generally found on Indian reservations.



Significant investments have been made to improve these conditions. Since 2008, increases totaling \$85.2 million, or 35 percent, have been provided for Indian Affairs Public Safety and Justice programs. In 2010, Congress increased the budget by \$25.0 million over the President's request. The 2011 budget retains these increases that are achieving results with additional staffing, training, and equipment. The BIA has allocated resources based on an assessment of the greatest need and implemented organizational, hiring, and management reforms. The 2011 budget will improve the effective utilization of these resources through increased coordination between Federal agencies, additional resources for agents on the ground, and accountability with a high priority goal of reducing crime in Indian Country.

Federal Bureau of Investigation Agents – The 2011 budget contains a \$19.0 million proposal for Indian Affairs to reimburse the Department of Justice for 81 additional FBI agents, analysts, and support staff who will be strictly dedicated to Indian Country. This arrangement will ensure the FBI officers are targeted to Indian Country and will improve coordination between BIA, Tribes, and the FBI.

The FBI has primary Federal jurisdiction over more than 200 reservations with approximately 105 agents



available to investigate crimes that occur in Indian Country. The agents operate out of remote FBI resident agencies. Although the FBI has established 17 Safe Trails Task Forces in an effort to proactively address the growing drug and gang problems on reservations, agents are often assigned to the task forces as a collateral duty, in addition to their regular case work. These 81 agents, analysts, and support staff will be dedicated to support BIA and tribal efforts to combat crime.

The FBI will focus on crime related to drugs, gangs, and gaming, all of which have a tie to organized crime. Drug use, which is a significant factor in a large percentage of violent crime committed in Indian Country, has been identified as a priority by the Bureau of Indian Affairs and Department of Justice's Native American Issues Subcommittee. There are 425 Indian gaming establishments operating throughout the United States, providing another source of potential for public corruption

and financial crime. Personnel enhancements will allow the FBI to proactively focus on criminal enterprise investigations in drugs, gangs, public corruption, and Indian gaming issues throughout Indian Country. The FBI response will target crime in areas of high risk.

Funding in the Department of Justice's budget will also provide forensic support for investigations and sentencing. Since October 2005, the FBI Forensic Laboratory Division has received 1,124 submissions from Indian Country investigations. The laboratory has completed 880 of these with an average turnaround time of 164 days. The average pending time to process the remaining 250 submissions is 219 days. The increased FBI agents and BIA and tribal agents will generate a high volume of forensic materials and evidentiary items. Without a commensurate increase in forensic capacities, the timeliness of services in support of Indian Country program operations and investigations will suffer. The request will assist the

OPERATION DAKOTA PEACEKEEPER

In 2008, the Department of the Interior initiated Operation Dakota Peacekeeper on the Sioux Standing Rock Reservation as a part of the Safe Indian Communities initiative. The key objectives of the operation were to reduce crime, target illegal drug activities, and provide investigative support to prosecute domestic violence offenses and crimes against children.

The mission of Operation Dakota Peacekeeper was to deploy additional personnel to the Standing Rock Reservation and use community-policing tactics to carry out the operation. Teams staffed by officers on detail from other BIA and tribal police departments across the country provided patrol and investigative services as needed. They provided proactive law enforcement presence, implemented contingency plans to provide continuing law enforcement, assisted local governments and law enforcement agencies, and provided additional support to criminal investigations by utilizing special agents assigned to the deployment team. A total of 56 officers were detailed to Operation Dakota Peacekeeper over approximately seven months of the surge.

The Standing Rock community also played a vital role in Operation Dakota Peacekeeper. Interior worked with the community and tribal leaders and sponsored community events, developed crime-fighting strategies and community watch practices, performed outreach on drug education and prevention, and increased patrol in high crime areas. Interior also provided additional funding to the tribal court to deal with the case load generated by the arrests.

Overall, Operation Dakota Peacekeeper assisted BIA in developing future strategies to promote safer Indian communities within Indian Country. During the peacekeeper operations, a significant decrease in violent crime from the previous year was noted. The violent crime rate showed a continued decrease over the life of the surge and stabilized during the few months after the surge concluded. Part II crime saw a significant increase at the beginning of the operation before showing a decline. This was attributed to the increase in officer presence which allowed policing activities to arrest offenders at a misdemeanor level as opposed to crimes escalating to more violent offenses. Even though the spike in other crimes was seen during the heart of the operation, that spike then began to decline and returned to lower levels after the operation.

FBI Laboratory Division in achieving an average 60-day turnaround time for forensic examinations in Indian Country cases.

Detention Center Maintenance – The 2011 budget also contains a \$1.0 million increase for the operations and maintenance of detention facilities. From 1997 to 2002, DOJ provided funding to Tribes to build 21 new detention facilities. The last four of these facilities are slated to open in 2011, and once open, the Bureau of Indian Affairs will be responsible for their operation and maintenance. The \$1.0 million increase will allow BIA to open these facilities, increasing bed space, which is severely limited in many communities.



Detention Center Construction – The Public Safety and Justice Construction program is funded at \$11.4 million in 2011, \$53.0 million below the level enacted in 2010. The funding will support employee housing and facilities improvement and repairs at detention centers. No funding is included for the new construction of detention centers. The budget takes into consideration the \$285.0 million that was provided to Indian Affairs for school and detention center construction activities and the \$225.0 million provided to the Department of Justice for detention center construction under the American Recovery and Reinvestment Act. The budget also reflects a proposed transfer of \$6.5 million in detention center facilities operations and maintenance funding from the Construction account to the Operation of Indian Programs account. This action will increase transparency of the operations and maintenance funding by consolidating all funds in the operations account.

High-Priority Performance Goal – The 2011 budget increases support the President’s goal to achieve a significant reduction in criminal offenses of at least five percent on targeted tribal reservations by

implementing a comprehensive strategy involving community policing, tactical deployment, and critical interagency and intergovernmental partnerships.

In support of the high-priority performance goal, BIA is implementing strategies in 2010 to reduce violent crime in Indian Country. These strategies include the deployment of a community assessment and police improvement project. This pilot project focuses on four communities with excessive crime problems. The pilot will begin with a full assessment to determine the root causes. Using the information obtained in the assessment, a customized action plan will be developed identifying the best strategies and practices to sustain crime reduction in that particular community. Action plans will include such things as customized community policing

PROTECTING INDIAN COUNTRY HIGH-PRIORITY PERFORMANCE GOAL

Beginning in 2010, achieve significant reduction in crime of at least five percent within 24 months on targeted tribal reservations by implementing a comprehensive strategy involving community policing, tactical deployment, and critical interagency and intergovernmental partnerships.

Targeted Communities

- Standing Rock Reservation, ND
- Rocky Boys Reservation, MT
- Wind River Reservation, WY
- Mescalero Apache Reservation, NM

Performance Measures

- Reduction in Part I violent crime, reported as total incidents on reservation or incidents per 100,000 service population. Crimes in this category include homicide, aggravated assault, simple assault, rape, and robbery.
- Reduction in Part II crime total incidents. Crimes in this category include narcotic drug offenses, alcohol-related offenses, malicious destruction and vandalism, stolen property possession, weapons violations, family-related offenses, vice-sex offenses, and fraud.

programs suitable to the community to ensure the best chance of success; strategic operation practices tailored to the community for stronger patrol and enforcement within current staffing levels; and necessary partnerships with various Federal, State, and local programs that can be leveraged, such as the Drug Enforcement Administration or drug task forces, social services, and rehabilitation programs.

Pilots will build on lessons learned in last year's Dakota Peacekeeper initiative on the Sioux Standing Rock Indian reservation. This law enforcement effort will serve as a model to focus on individual communities and tailor a unified Federal and tribal effort to their needs. The Standing Rock Reservation was experiencing one of the highest crime rates among Indian reservations. Violent crime at the reservation is six times the national average. While the Standing Rock police force has now returned to the pre-initiative staffing level, it has a better understanding of the appropriate community policing efforts and partnerships needed to sustain control of their community.

ADVANCING INDIAN EDUCATION

But the future of Indian Country rests on something more: the education we provide our children.

*President Barack Obama
November 5, 2009*

Providing education to American Indian and Alaska Native children will build a foundation for strong tribal Nations and an improved economy throughout Indian Country.

The 2011 request advances the Department's continuing commitment to Indian education at 183 schools and dormitories funded by the Bureau of Indian Education. Since 2008, the budget for Indian education has increased by \$109.8 million. In recent years, investments in the education program have achieved improvements in the educational environment with new schools, facility improvements, operations and transportation, and new programs focused on student achievement. Excluding one-time funding to forward-fund tribal colleges, the budget maintains 2010 funding for education operations and contains increases of \$8.9 million for key program activities to promote student safety and well-being.

The 2011 budget includes \$52.9 million for education construction, a decrease of \$60.1 million from the level enacted in 2010. As with detention center construction, the budget takes into consideration the \$285.0 million that was provided to Indian Affairs for school and detention center construction activities in the American Recovery and Reinvestment Act of 2009. The budget also reflects a proposed transfer of \$50.7 million in education facilities operations and maintenance funding from the Construction account to the Operation of Indian Programs account to increase transparency and improve the management of the maintenance and construction programs.

Overview – The BIE operates one of two Federal school systems; the other is operated by the Department of Defense. The BIE elementary and secondary school system, located on 63 reservations in 23 States, educates or provides residential facilities for approximately 42,000 students in 183 academic or resident-only facilities. Total funding for school operations from Federal sources for BIE-funded schools was about \$1 billion in 2009, including \$715 million from BIE and \$206 million from the Department of Education. Most students attending BIE schools come from remotely located, rural communities with underdeveloped economies. These communities are characterized by below-average literacy rates, low incomes, and high unemployment. Elementary and secondary schools range in size from eight to more than 1,000 students, representing over 250 Tribes with different cultural backgrounds.

To monitor performance, BIE's elementary and secondary schools are required to measure and determine achievement using adequate yearly progress measures established by the No Child Left Behind Act of 2001. Schools measure performance



based on goals for student achievement in math, reading, and language arts; student attendance; high school graduation rates; and teacher qualifications. Student performance at BIE schools remains lower than the national average. Over the past year, the number of schools reaching adequate yearly progress increased modestly, however, only 24 percent of BIE schools have met this goal. Of the 173 schools measured, 42 reached AYP in 2009, while 131 did not. The No Child Left Behind Act provides an expectation that 100 percent of all students across the Nation will achieve AYP by 2014. The focus in 2011 will continue to be on increasing students' benchmark scores.

Education and learning beyond high school are also critical to a successful life and career; 80 percent of new jobs in the competitive global economy require post-secondary education such as a college degree or vocational training. The BIE operates two post-secondary schools, administers operating grants to 26 tribal colleges and universities and two tribal technical colleges, and promotes post-secondary opportunities with scholarships to approximately 32,000 students.

Indian School Equalization Program Adjustments— The 2011 request of \$3.9 million for the Indian School Equalization Program will be used to implement safety and security programs at ten schools and train staff to deal effectively with high-risk student behaviors. In recent years, a growing number of residential students have engaged in violent or disruptive behaviors and had other difficulties

functioning in a traditional school environment. According to a 2008 annual survey sponsored by the Substance Abuse and Mental Health Services Administration on drug use and health, American Indians reporting alcohol and drug abuse is higher than among other ethnic populations. The same study also revealed that Indian youth reported the second highest percentage of any racial group in the incidence of high-risk behaviors, including carrying a handgun, gang fighting, and attacks with intent to harm. Because many of the BIE students are from economically impoverished communities where alcohol, drug abuse, and gang violence are prevalent, they are at high risk to engage in dangerous behaviors.

An Office of Inspector General review of 17 BIE residential programs and off-reservation boarding schools reported significant safety and security issues. In school year 2008-2009, the number of high risk incidents at BIE dormitories increased 13 percent, alcohol and drug related infractions increased by ten percent, weapons violations increased by 40 percent, and occurrences of property damage increased by 15 percent over the prior year.

To address these concerns, the 2011 budget includes funding for training, equipment, and facility modifications that will reduce the threat of injury to students and faculty posed by high-risk behaviors. In some cases, security systems will be installed to monitor activity on campus and control access to the school. Behavior intervention programs will be implemented to assist teachers with managing

**TRIBAL COLLEGES AND UNIVERSITIES
BIE-FUNDED**

Bay Mills Community College, Michigan
 Cankdeska Cikana Community College, North Dakota
 College of Menominee, Wisconsin
 Fort Belknap Community College, Montana
 Fort Peck Community College, Montana
 Ilisagvik College, Alaska
 Leech Lake Tribal College, Minnesota
 Little Priest Tribal College, Nebraska
 Nebraska Indian Community College, Nebraska
 Oglala Lakota Community College, South Dakota
 Salish Kootenai College, Montana
 Sisseton Wahpeton Community College, South Dakota
 Southwestern Indian Polytechnic Institute, New Mexico
 Tohono O'Odham Community College, Arizona
 United Tribes Technical College, North Dakota

Blackfeet Community College, Montana
 Chief Dull Knife College, Montana
 Dine College, Arizona
 Fort Berthold Community College, North Dakota
 Haskell Indian Nations University, Kansas
 Lac Courte Oreilles Community College, Wisconsin
 Little Big Horn Community College, Montana
 Navajo Technical College, New Mexico
 Northwest Indian College, Washington
 Saginaw Chippewa Tribal College, Michigan
 Sinte Gleska University, South Dakota
 Sitting Bull College, North Dakota
 Stone Child Community College, Montana
 Turtle Mountain College, North Dakota
 White Earth Tribal & Comm. College, Minnesota

problem behavior and preventing and eliminating certain types of behavior within the school. It is anticipated that this initiative will reduce incidents of high-risk behaviors such as vandalism, weapons violations, violence, and drug or alcohol abuse at the selected schools.

Environmental Audits and Environmental Management at Schools – Just as important as the physical safety of the school is the environmental safety of the school. The Environmental Protection Agency found widespread, systemic violations of Federal environmental statutes at schools in Indian Country. Indian Affairs will assure compliance by implementing a comprehensive environmental management program for schools. The budget includes an increase of \$2.0 million to enable Indian Affairs to meet the terms of a settlement agreement with EPA.

The budget request includes \$2.0 million for 13 environmental professionals who will conduct environmental audits at all 183 BIE-funded schools and dormitories. These professionals will be strategically located across the country in order to efficiently reach the schools they are auditing. Any violations will be rectified with facilities operations and maintenance funding.

These staff will also assist schools with developing, implementing, and maintaining environmental management systems. These systems will be used by schools to mitigate and prevent environmental violations, and to monitor and improve energy use and environmental quality.

Tribal Grant Support Costs – The Indian Affairs 2011 budget request includes a \$3.0 million increase for Tribal Grant Support Costs program. The BIE currently funds 124 tribally controlled schools and residential facilities. Grant support funding helps to cover administrative and indirect costs incurred by a Tribe operating contract and grant schools. Expenses typically include fiscal audits, personnel, property and procurement management, office services and record keeping, insurance, security, and legal services.

Program Review – The Interior Department is committed to providing a safe, secure, and healthy learning environment that promotes student achievement. To this end, in 2011 BIE will potentially be one of the first programs to undergo an independent review by the new program evaluation office within the Office of the Secretary.

IMPROVING TRUST LAND MANAGEMENT

While we have made significant progress in improving and strengthening the management of Indian trust assets, our work is not over....

*Secretary Ken Salazar
December 8, 2009*

The Improving Trust Land Management initiative assists Tribes in the management, development, and protection of Indian trust land and natural resources on 55 million surface acres and 57 million acres of subsurface mineral estates of trust land. The BIA resource management activities assist tribal landowners to optimize resource use, which provides many benefits to tribal landowners such as revenue, jobs, and the protection of cultural, spiritual, and traditional resources. The budget includes an increase of \$2.5 million for renewable and conventional energy projects discussed in the New Energy Frontier chapter of the Departmental Highlights and an increase of \$200,000 for climate adaptation as discussed in the Climate Change Adaptation chapter of the Departmental Highlights. Discussed below are \$9.1 million in programmatic increases for land management improvements, water management, cadastral surveys, and dam safety, and \$9.5 million in reductions for the Indian Land Consolidation program and probate backlog activities as a result of programmatic changes.



Trust Natural Resources – The budget includes an increase of \$1.2 million to begin development of the former Bennett Freeze area. The Bennett Freeze was the product of a long-standing land dispute that impacted the Navajo people and prevented development of land at the Navajo Reservation for over 40 years. The predominant land uses are

agriculture and grazing. The freeze was recently lifted through a settlement between the Navajo and Hopi Nations. The former Bennett Freeze area consists of nine Navajo Nation chapters in the Western Navajo Agency that encompasses three million acres. More than 12,000 Navajo people live in the area.

During the freeze era, the Navajo people were prohibited from building new homes, schools, and health facilities; building infrastructure; and engaging in community and economic development projects, including development for grazing, energy, and other land uses. The freeze influenced the Navajo people socially, economically, emotionally, physically, mentally, and spiritually. With the lifting of the freeze, the region will be developed through partnerships and collaboration.

The funding will be used by BIA to assist the Navajo Tribe to implement rangeland inventories, monitor strategies that establish livestock carrying capacities, and set stocking rates for grazing permits. The funding will also be used for agricultural land use development and grazing permit administration. In addition, the program will develop and implement strategic range management and conservation plans, establish range units, rehabilitate and restore degraded rangelands, maintain and replace water storage tanks and windmills, construct fence lines associated with range units, and develop numerous water resources such as stock ponds and springs.

Trust Real Estate Services – The budget includes a \$659,000 increase for cadastral surveys on the Nez Perce Reservation in Idaho. These surveys must be completed as a requirement of the Nez Perce/Snake River Water Rights Settlement. Funding will be provided to the Bureau of Land Management through a reimbursable agreement.

The budget also includes a net reduction of \$5.6 million to the probate program. This includes a \$7.5 million reduction as a result of the elimination of the probate backlog. The 18,101 backlog cases are expected to be completed by the end of fiscal year 2010. There is a corresponding \$1.9 million increase for the probate office at the BIA central office. This funding was previously provided through the probate backlog program line item, and supports the management of the program and the distribution of assets among heirs and devisees.

Water Management Planning and Pre-Development – The budget includes a \$500,000 program increase

for the Water Management Planning and Pre-Development program. This program assists Tribes in identifying and quantifying available water resources. Funds from this program are competitively distributed to Tribes for a variety of studies and activities to protect the quality, quantity, management, and use of tribal water resources.

Water Rights Negotiations and Litigation Support – The budget includes an increase of \$1.0 million for the Water Rights Negotiations and Litigation Support program. This program provides the funds that are used by the United States and Tribes for activities associated with establishing or defending Indian water rights through negotiations and litigation. Increased program funding will advance the research, litigation support, documentation, and outreach with communities for resolution of Indian water rights litigation cases and the Federal and tribal negotiations being conducted to secure adjudicated water rights in lieu of litigation.

Currently, there are 19 appointed Federal Indian Water Rights Negotiation Teams that are active in negotiating water rights claims through settlement agreements and congressional ratification. There are also 14 Federal Indian Water Rights Implementation Teams working on implementing the provisions of congressionally ratified settlements completed during the past 20 years. With the increasing drought conditions in the western part of the country and the pressures of an expanding population, the number of tribal requests for the appointment of new negotiation teams has grown.

Safety of Dams – The 2011 budget includes \$23.8 million, an increase of \$3.8 million, for the Safety of Dams program. The additional funding will support program management, emergency management, and expedited projects to correct high risks at dams. The number of dams that have the potential to



significantly impact human populations, those in the high and significant hazard category, has increased by more than 20 dams since 1998. Populations near these dams have grown. As a result, dams which were previously classified as low hazard are reclassified as high or significant hazard and require attention to protect populations downstream. The BIA collaborates with the Bureau of Reclamation to determine these classifications. Some of these dams are in poor condition and require extensive maintenance efforts. The budget increase will help the bureau to reduce the overall risk to the public from dam safety deficiencies in Indian Country.

Indian Land Consolidation – The budget includes \$1.0 million for the Indian Land Consolidation Program, a reduction of \$2.0 million from 2010, to maintain this program and to assist in estate planning. Pending congressional action and final approval by the U.S. District Court for the District of Columbia, the *Cobell v. Salazar* settlement agreement would establish a \$2.0 billion fund for trust land consolidation. This new funding would be used to reduce the number of fractionated land interests, consolidate those interests to make them more economically viable, and decrease administrative costs over the long run.