



December 7, 2016

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
U.S. Capitol Building, Room S-230
Washington, DC 20510

The Honorable Paul Ryan
Speaker of the House
U.S. House of Representatives
U.S. Capitol Building, Room 232
Washington, DC 20515

The Honorable Harry Reid
Minority Leader
U.S. Senate
U.S. Capitol Building, Room S-221
Washington, DC 20510

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
U.S. Capitol Building, Room 204
Washington, DC 20515

RE: Support for S. 612 - the Water Infrastructure Improvements for the Nation Act

Dear Majority Leader McConnell, Speaker Ryan, Minority Leader Reid, and Minority Leader Pelosi:

On behalf of the National Congress of American Indians (NCAI), the United South and Eastern Tribes (USET) Sovereignty Protection Fund, and the Inter Tribal Association of Arizona (ITAA), we write to urge this Congress to pass S. 612 – the Water Infrastructure Improvements for the Nation Act (WIIN Act). The WIIN Act contains many provisions that will benefit Indian Country’s water infrastructure, provide access to clean drinking water and improvements to waste water systems, settle several Tribal water rights claims, and provide parity for Tribal Nations in water resources development projects.

First, S. 612 enhances the ability of Tribal Nations to address water infrastructure projects that benefit their citizens. Title I of the Act amends Section 1156 of the Water Resources Development Act making Tribes eligible for the cost sharing waiver for water resources development projects, and extends this waiver to Tribes for assistance with water planning. Tribes can also request feasibility studies on water resources development projects and enter into partnerships and cooperative agreements with the Army Corps of Engineers (Corps) regarding water resources data. Further, Alaska Native Villages, Regional Corporations, and Village Corporations will be able to enter into agreements to construct water projects.

With the recent national focus on tribal concerns regarding the infrastructure permitting process at the Corps, the WIIN Act allows for a full review of the Corps’ procedures. The bill requires the Corps to conduct tribal consultations and issue a report to Congress within 1 year on how its existing policies, regulations, and guidance related to tribal consultation on water resources development projects, or activities requiring the issuance of a permit, many have an impact on tribal cultural or natural resources.

Title I also repatriates the remains of the Ancient One (Kennewick Man) back to the Tribes who have claimed him so he can be respectfully treated and properly buried pursuant to traditional practices. The Ancient One's repatriation is a longstanding request from Indian Country and will put an end to the disrespectful treatment his ancestral remains and allow for healing to begin.

Further, several sections of Title II of S. 612 allow Tribal Nations to build technical capacity and self-sufficiency in administering water programs and projects. The legislation amends the Safe Drinking Water Act (SDWA) to ensure the availability of funding for Tribal water and waste water operator training and certification programs for Tribal organizations and Tribal consortia, which already have provided over 2,500 certifications to personnel employed by approximately 115 Tribal Nations. It also creates a new section in SDWA to provide assistance to small and disadvantaged communities to prioritize projects in consultation with Tribes, States, and local governments.

Additionally, S. 612 recognizes the outstanding maintenance and repair needs for existing water infrastructure projects in Indian Country. Title III contains a provision on Indian dams, based on S. 2717 – the DRIFT Act, which addresses the deferred maintenance needs of Bureau of Indian Affairs dams, reforms the Corps' Tribal Partnership Program to pay for feasibility studies for flood mitigation and prevention in Indian Country, and creates a Tribal Safety of Dams Committee. This Title also provides for the much needed repair, replacement, and maintenance of back logged Indian irrigation programs in the west by creating an Indian Irrigation Fund at the Bureau of Reclamation based on S. 438 – the IRRIGATE Act.

The WIIN Act will also finalize water rights settlements for the Pechanga Band of Luiseno Mission Indians, Blackfoot Nation, the Choctaw Nation of Oklahoma and the Chickasaw Nation, and amendment to the San Luis Rey Band of Mission Indians' water settlement. Moreover, it takes land into trust for the Toulumne Band of Me-Wuk Indians, Tule River Indian Tribe, and exchanges land for the Morongo Band of Mission Indians. Finally, S. 612 contains a mechanism for the Environmental Protection Agency to reimburse costs incurred by Tribes, States, and local governments after the Gold King Mine spill in August of 2015.

While these are just selected highlights from the legislation, the WIIN Act takes great steps towards improving water infrastructure programs and development in Indian Country. NCAI, USET Sovereignty Protection Fund, and ITAA strongly urge you to consider and pass S. 612 in last legislative days of the 114th Congress to resolve many important water-related concerns of Tribal Nations. If you have any questions, please contact Colby Duren, NCAI Staff Attorney & Legislative Counsel, at cduren@ncai.org or (202) 466-7767.

Sincerely,



Brian Cladoosby
President
National Congress of
American Indians



Kirk Francis
President
United South and Eastern
Tribes Sovereignty Protection
Fund



Shan Lewis,
President
Inter Tribal Association of
Arizona
Vice-Chairman, Fort Mojave
Indian Tribe