

**TESTIMONY OF
VICE CHAIR JONETTE REYES,
HOH INDIAN TRIBE**

**HEARING BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS ON
S. 443, THE HOH INDIAN TRIBE SAFE HOMELANDS ACT**

April 2, 2009

Chairman Dorgan, Vice Chair Barrasso, Senator Cantwell, and other Members of the Committee, I am Jonette Reyes, Vice Chair of the Hoh Indian Tribe from Washington State on the Olympic Peninsula. Accompanying me today from the Hoh Tribe are Chairman Walter Ward, his wife and tribal member Katherine Ward, Council Member Marie Riebe, Council Member Dawn Gomez, and Tribal Administrator Alexis Barry. It is a great honor for me to testify before you on behalf of my people and in support of this bill.

I would like to begin by thanking Senator Cantwell and Senator Murray for introducing S. 443, the "Hoh Indian Tribe Safe Homelands Act." Their support for this bill means a great deal to us. Along with Congressman Norm Dicks on the House side, they and their staffs have been wonderful in working with us to solve the serious land and water problems we face. We would also like to thank our representatives in the Washington legislature, Senator Jim Hargrove, Representative Lynn Kessler, and Representative Kevin Van De Wege for their strong support and commitment to this legislation.

Today's hearing is an important step toward realizing our dream: a safer place to live. It has been a very long journey for us, and we would not have made it this far were it not for the steadfast dedication, perseverance, and vision of our Council and our tribal members. Our hope is that this legislation will help the Hoh Tribe to grow and prosper on lands safe for our children and elders.

For as long as anyone can remember, the Hoh people have lived near the mouth of the Hoh River where it flows into the Pacific Ocean. The Blue Glacier and other smaller glaciers on Mount Olympus in the Olympic National Park feed the Hoh River. Our traditional history teaches us that "the Upside Down People," as we call ourselves, were created here and blessed with plentiful smelt in the waters to fish. We also traveled inland into the coast range of the Olympic Mountains and by canoe in the Pacific Ocean north into Canada and south to Quinault.

Our lives were changed, however, when the 1856 Quinault Treaty preserved our rights to fish, hunt, and gather roots and berries in parts of our ancestral territory but greatly diminished our land base. In 1893, 37 years after the Quinault Treaty was signed, President Grover Cleveland set aside 640 acres of land, one square mile, bordered by the Hoh River and the Pacific Ocean. This is our current homeland, the Hoh Indian Reservation. We are still living along the Ocean and the Hoh River, but we cannot move upland like we once could.

The Hoh Indian Reservation is located 30 miles south of the town of Forks, Washington, where the closest grocery store is located. While we are rich in culture, our 230 tribal members

face serious educational, health care, and housing challenges. Although our tribal education programs are making a positive difference for our people, about half of our tribal members who are 25 years or older have not received a high school diploma or GED. It takes an ambulance about 45 minutes to respond to a call at our remote location, and about 45 minutes to get the patient to the hospital in Forks. Jobs are scarce, so about 70% of the 130 tribal members who reside on the Reservation are unemployed. We are blessed with many children and grandchildren, 60% of our population is under 18 years of age, but our baby boom makes housing and child care an issue for Hoh families.

The waters that provide for us also pose the threat of danger from floods and tsunamis to our people and our lands. The Ocean and the River have slowly claimed our lands through erosion and changes in tide and river course. In fact, the 640 acres of the original Reservation land base now includes only 443 acres of dry land, more than a 30% decrease. The exact causes of this encroachment are not clear, but we believe that climate change is impacting us. The glaciers on Mount Olympus are melting and feeding more water to the River than we have seen in the past. Also, the Army Corps of Engineers stopped dredging the River years ago, so that may be a contributing cause as well.

90% of the Hoh Reservation is now located within a 100 year flood plain, and 100% is located within a tsunami zone. Winter and spring floods now regularly impact Reservation homes, government facilities, and utility structures. Flooding restricts further development and causes ongoing problems with existing structures. In addition to the flooding danger, all of the Reservation facilities and homes are at or below 40 feet elevation and within inundation zones if a major tsunami were to strike.

Mr. Chairman, we empathize with the people of Fargo, North Dakota, and the surrounding areas who have seen the Red River swell to historic highs. In 2006, we purchased and filled 6,000 sand bags to protect homes and tribal buildings. Inmates from the Olympic Correctional Center helped our community members in making and placing the sand bags, which we greatly appreciate. Unfortunately, flooding still destroyed or severely damaged many buildings, our waste water treatment system, and other utility structures, causing critical environmental and safety hazards. Sand bags now create a permanent grass-covered berm around our Tribal Center that FEMA tells us is a health hazard.

We have turned to federal agencies such as the BIA, HUD, and FEMA for assistance, but these agencies are limited in what they can do to help because of the dangerous and unsustainable location of the Reservation.

A recent survey indicates that there are less than 73 acres of lands within the 443 acres of dry land of the Reservation that may be suitable for building. Flood plain, wetlands, buffers, slopes, and cultural exclusion areas all impact the land area available for the future needs of the Tribe. Most of the 73 acres is in areas that are at the extreme southern edge of the Reservation and not practical for development due to ocean cliffs, potential erosion, wetlands, and protected habitat. There are 11 acres of land that have been surveyed for development of housing above the flood plain, but this land is still within the area of danger from tsunami, prohibiting HUD from providing us funding to build in this area. Of the 30 homes located on the Reservation,

many of them are in serious disrepair and approximately 20 of them have two or more families living in them. No new home has been built on the Reservation in 20 years. There is an immediate need to build 20 to 30 homes and growth projections are for at least 60 additional homes within 40 years.

We do not come to this Committee without having taken significant steps to help ourselves. Over the past year and a half, we have purchased two parcels of land near the Reservation to the East, upland from the Ocean. The “HOH INDIAN TRIBE SAFE HOMELANDS ACT LAND ACQUISITION MAP” shows the two tracts we have purchased: the Fletcher Tree Farm parcel, approximately 195 acres, and the Rayonier parcel, approximately 65 acres. We do not have gaming on our Reservation because of its remote location, so the decision to purchase these lands demonstrates our commitment to move our people to a safer area.

The fee lands described above are separated from our current Reservation by a 37-acre parcel of non-pristine land owned by the National Park Service, and the only road to the Reservation crosses this parcel. Based upon extensive collaboration with the Olympic National Park, the National Park Service Pacific West Region, and other National Park Service personnel, the legislation would place the 37-acre National Park Service parcel into trust for the benefit of the Tribe. The legislation sets forth restrictions on the use of the National Park Service land being transferred by prohibiting the placement of any buildings or other structures on the land and banning any major improvements or road construction. Further, logging and hunting would be prohibited on the land. The legislation contains provisions for cooperative efforts between the Tribe and the National Park Service to enter into mutual aid agreements for emergency fire response, agreements on the development of hiking trails from Highway 101 to the Pacific Ocean, and agreements on programs for the public to learn about the culture and traditions of the Tribe.

Also providing enormous support to this effort, the Washington State Legislature and Governor Gregoire authorized the transfer of a 160-acre parcel of State Department of Natural Resources land to the Hoh Tribe. This land is a short distance and upland from our current Reservation.

This bill would direct the Secretary of the Interior to take the lands purchased by the Tribe, the lands transferred to the Tribe by the State, and the National Park Service lands into trust for the Hoh Tribe, adding a contiguous, upland area to the Hoh Reservation. It would prohibit gaming under the Indian Gaming Regulatory Act on any of these lands.

We thank you for the opportunity to offer this testimony. This legislation represents new hope for the Hoh people, and we look forward to working with you on its passage.