



The Confederated Tribes of the Colville Reservation



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“Challenges Facing First Responders in Border Communities”

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Good afternoon Chairman Cuellar, Ranking Member Dent, and members of the Subcommittee. My name is Mike Kessler, and I am testifying today on behalf of the Confederated Tribes of the Colville Reservation (“Colville Tribe” or “Tribe”). I am the Commander of the Colville Tribe’s Police Department and also serve as the lead coordinator for the Tribe’s homeland and border security activities. I appreciate this opportunity to testify on the unique challenges the Colville Tribe faces as a tribal community along the northern border of the United States. Specifically, I would like to address the Colville Tribe’s ongoing battle with cross-border smuggling, the resources and funding challenges we face, and our experience working and coordinating with government agencies.

I would first like to provide a brief background on the Colville Tribe and its geographic location. Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is, as the name states, a confederation of 12 smaller aboriginal tribes and bands from all across eastern Washington State. The Colville Reservation encompasses approximately 2,275 square miles and is in north-central Washington State. The Colville Tribe has nearly 9,300 enrolled members, making it one of the largest Indian tribes in the Pacific Northwest. About half of the Tribe’s members live on or near the Colville Reservation.

The northern boundary of the present-day Colville Reservation is approximately 70 miles long and within 30 miles of the U.S.-Canadian border. The former North Half of the Colville Reservation, which was opened to non-Indian settlement in the late 1800s, extends northward from the existing boundary to the Canadian border. The Colville Tribe and individual tribal members retain ownership of numerous tracts of land in the North Half, the largest of which are either contiguous to or within five miles of the Canadian border. The Tribe exercises law enforcement and regulatory jurisdiction over these lands.

In addition to the Tribe's proximity to the Canadian border, a portion of the Grand Coulee Dam—the largest hydroelectric power plant in the United States and the third largest in the world—is on the Colville Reservation. Chief Joseph Dam, another dam on the Columbia River system, is also partially located on the Colville Reservation. Yet another dam, the Wells Dam, is located less than 10 miles from the southwestern boundary of the Colville Reservation.

The Colville Tribe's police force consists of 18 officers, three of whom are on duty and respond to calls during any given eight-hour shift. The Tribe's Natural Resources Department is able to provide three additional officers to patrol the lakes and waterways of the Colville Reservation, which include Lake Roosevelt, the reservoir of the Grand Coulee Dam. These Natural Resources officers have also assisted and continue to assist the National Park Service and the Bureau of Reclamation ("BOR") since those agencies heightened security of the Grand Coulee Dam in the aftermath of the September 11 attacks. Collectively, a total of six law enforcement officers are responsible for policing all 2,275 square miles of the Colville Reservation and its accompanying lakes and waterways at any given time.

Cross-Border Smuggling

One of the most pressing issues the Colville Tribe faces is cross-border smuggling activity from Canada. During the past year, numerous sightings of unmarked fixed-winged aircraft have been reported on or near the Colville Reservation. Most significantly, in March 2006, the Colville Tribe's Natural Resources officers and officers of the Tribe's police department seized an unmarked float plane from Canada that was attempting to smuggle illegal drugs into the United States through the Colville Reservation. After being alerted to the plane, the officers were able to respond and disable the aircraft when it was attempting to take off from the Columbia River near the Grand Coulee Dam. After a long chase, the officers ultimately captured the pilot and handed over to federal law enforcement authorities an estimated \$2 million in illegal drugs that had been deposited by the plane. The U.S. Border Patrol honored the tribal officers who participated in that seizure.

In addition to that widely publicized incident, the Colville Tribe's law enforcement officers have apprehended or participated in the apprehension of several other individuals involved in cross-border smuggling activity. Collectively, these efforts have resulted in the seizure of millions of dollars in cash, marijuana, Ecstasy, cocaine, methamphetamines, and other illegal substances.

The Colville Tribe continues to receive several reports each month of unidentified aircraft on the Colville Reservation. For example, in recent weeks one of the Tribe's police officers witnessed a small plane taking off from a makeshift airstrip in the eastern portion of the Colville Reservation. That plane, which had its identifying markings painted over, was representative of the types of aircraft from Canada that have been involved in smuggling activity.

Smugglers have found the Colville Reservation an attractive thoroughfare for smuggling activity because of its remote location and because at any given time, the Colville Tribe has only six law enforcement officers (three police officers and three Natural Resources Department officers) to patrol the entire 2,275 square-mile Colville Reservation. The Tribe has reason to believe that smugglers exploit our lack of resources by monitoring our radio frequencies and coordinating their activities around our officers' movements.

Resources and Funding Challenges

The Colville Tribe faces several significant resource and funding challenges in its effort to combat cross-border smuggling activity and provide security to the areas near the dams on or near the Colville Reservation. As the Subcommittee is aware, under current law, tribal governments must apply through their respective states or local governments for federal homeland security funding. In Washington State, federal homeland security funds are funneled through regions that correspond with county governments and their respective geographic boundaries. The Colville Reservation includes portions of both Ferry and Okanogan Counties. Those counties are included in different regions, 7 and 9, respectively. Because the Colville Tribe's governmental headquarters is in Region 9, however, the Tribe is allowed to seek funding only from that region. This funding mechanism, coupled with the fact that our neighboring counties are among the poorest in Washington State and are therefore not inclined to pass along funding to the Tribe, has effectively precluded the Colville Tribe from receiving any federal homeland security funding.

The Tribe's funding challenges are most evident by the lack of on-the-ground law enforcement personnel to patrol the Colville Reservation. For example, funding for the Tribe's Natural Resources Department officers—who were among the officers honored by the U.S. Border Patrol for capturing the float plane near the Grand Coulee Dam last year—has been omitted from the President's Budget Request for the last several years. This continued omission comes despite the fact that the Lake Roosevelt Management Agreement ("LRMA"), an agreement between the Tribe, the Secretary of the Interior, and other agencies within the Department of the Interior, requires the Bureau of Indian Affairs ("BIA") to identify funds for these activities in its budget. Although the Tribe has been working with the BIA in an effort to get the funds restored to that agency's base budget, the omission has forced the Tribe to seek congressional assistance to get these funds (identified as "Lake Roosevelt Management-Enforcement" in the BIA's budget) restored through the appropriations process. As the Subcommittee is surely aware, restoring funding that was not included in the President's Budget Request has become an incredibly difficult undertaking.

Communications is another area in which the Colville Tribe's lack of resources is evident. The Colville Tribe does not have a digitally capable radio system, and we currently own only four digitally capable radios. The primary radio frequency used by the Tribe's law enforcement personnel is shared with three other governmental agencies. This sharing of a single frequency by outside agencies, one of which is more than 150 miles from the Colville

Reservation, often results in interference or otherwise unintelligible radio traffic. Although the Tribe possesses the capacity to establish its own frequency, we estimate that doing so would require an investment of approximately \$2 million to cover the costs of radios, repeaters, antennas, and associated structures to house the equipment.

Coordination with Governmental Agencies

Even with its resources and funding challenges, the Colville Tribe has generally worked well with federal law enforcement agencies. Most significantly, the Tribe has a positive and cooperative relationship with the U.S. Border Patrol. Tribal personnel regularly attend intelligence meetings with Border Patrol officials, and the two entities share information on an ongoing basis. The Colville Tribe also shares intelligence and participates in ongoing operations with the U.S. Immigration and Customs Enforcement (“ICE”) agency to identify and attempt to curtail airborne smuggling activity.

The Colville Tribe also coordinates with other federal agencies within the Department of the Interior. As noted above, the Tribe and the Secretary of the Interior are parties to the LRMA, which divides Lake Roosevelt—the reservoir of the Grand Coulee Dam—into zones and charges the various parties with responsibility to patrol a given zone. Other parties to the LRMA include the BIA, the National Park Service, the BOR, and the Spokane Tribe of Indians. The LRMA has been in effect since 1990, and officers from the Tribe’s Natural Resources Department carry out the enforcement activities in the zone for which the Tribe is responsible.

In addition to coordination with federal agencies, the Colville Tribe has also worked with other organizations on interoperability and border security issues. For example, the Tribe worked with the National Native American Law Enforcement Association and the National Congress of American Indians in the preparation of the Indian Country Border Security and Tribal Interoperability Pilot Program. That pilot program assessed border and homeland security preparedness for 40 Indian tribes, including the Colville Tribe, that are geographically located on or near the northern and southern borders of the United States.

The Colville Tribe also coordinates with local Canadian governmental officials on border-crossing issues affecting our tribal members. The aboriginal territory of two of the 12 bands of the Colville Tribe—the Lakes and Okanogan bands, respectively—extends northward into what is now British Columbia. Many Colville tribal members who descend from those bands maintain close cultural ties north of the border. The Tribe maintains a dialogue with local officials of the Canada Border Services Agency and with entities in the Integrated Border Enforcement Team (“IBET”) network on these and related issues. Although the Colville Tribe is not formally part of the IBET network, the Tribe participates in IBET indirectly for law enforcement purposes through its relationships with the U.S. Border Patrol and ICE.

The Colville Tribe remains very concerned about the cross-border smuggling activity and other vulnerabilities on the Colville Reservation. In response to the smuggling events that began during the last year, the U.S. Attorney for the Eastern District of Washington was quoted in a northwest newspaper as noting that, “a person that will smuggle guns, drugs, meth, Ecstasy and cash will also be the kind of person who will smuggle a special interest alien or a terrorist.” The Colville Tribe echoes this concern and stands ready to work with the Subcommittee to explore solutions to these and other problems affecting border communities.

This concludes my statement. At this time, I would be happy to answer any questions the Subcommittee may have.