TESTIMONY OF
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LUMMI NATION

BEFORE THE

SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
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Chairman Collins, Ranking member Wilson, it is an honor and a privilege to testify here before this distinguished subcommittee today to discuss water infrastructure.

Ey'skweyel e ne schaleche si'iam, Tony Hillaire tse ne sna, Tse Sum Ten tse ne sna, che' xlemi sen. My name is Tony Hillaire, my name is Tse Sum Ten. I come from the Lummi Nation. I serve as the Chairman of the Lummi Indian Business Council.

In 1855, our ancestors signed the Point Elliott Treaty, ceding large areas of land to the United States government in exchange for a reservation and the guarantee that we could continue hunting, fishing, and gathering in our usual and accustomed territories.

The Lummi People have depended on salmon as a resource for thousands of years. We call ourselves the Lhaq'temish or People of the Sea.

Water is life. And for our people, it is more than just a resource, it is the foundation of our way of life, our identity, our economy, and our treaty-reserved rights. The health of our waters directly affects the health of our people, our salmon runs, and our shellfish beds.

Unfortunately, we continue to face significant challenges in maintaining wastewater treatment systems, ensuring safe drinking water, and protecting the waters that sustain our treaty-reserved resources.

When pollution or failing infrastructure forces shellfish beds to close, it doesn't just impact the tribe—it shuts down an economic engine that supports both tribal and non-tribal fishermen, local businesses, and food supply chains. Clean water isn't just about protecting the environment; it's about protecting jobs, sustaining economies, and upholding treaty rights.

That's why the Lummi Tribal Sewer and Water District has worked to modernize our 42-year-old wastewater facility, known as the Gooseberry Point Wastewater Treatment Plant.

For over six years, this facility operated above its original design capacity, causing periodic discharge of inadequately treated wastewater into Hale Passage in the Salish Sea. Fixing this problem was not easy—it took more than six years to secure funding and complete the project, with construction itself lasting two years and eight months. The total project cost reached about

$18.7 million. Of this, $12.9 million came from grants or forgivable loans, with the remainder $5.7 million financed through a State Revolving Fund.

Our progress would not have been possible without the Indian Health Service, the Environmental Protection Agency, the Washington State Centennial Grant, the Washington State Forgivable Principal Grant, and the Washington State Revolving Loan. These partnerships were necessary to making the Goodberry Improvement project a reality, and they reflect the shared responsibility to ensure safe and reliable water infrastructure.

While the Goodberry Project was a major step forward, it is only part of the broader infrastructure crisis we face.

The Lummi Tribal Sewer and Water District operates a system that has components dating back to before 1970. Since 1979, the system has been expanded piece by piece, leaving us with aging and inefficient infrastructure in dire need of a complete overhaul. A system-wide review and comprehensive modernization effort is desperately needed, but now, our focus must be on the most urgent upgrades to keep our water system functioning safely and reliably.

Today the Lummi Tribal Sewer and Water District serves about 6,000 residents, both Indian and non-Indian, within the boundaries of the Lummi Reservation. The District operates nine wells and four storage sites for potable water and it manages three wastewater treatment plants that collectively handle over 200 million gallons of wastewater annually. The District is also developing two new water supply wells to support future population growth, estimating around 45 additional homes annually.

However, the reality is that our water system is at a breaking point. Saltwater intrusion is threatening our water supply, worsened by unregulated private wells and external providers operating without oversight on Lummi lands. During summer months, we cannot meet demand, forcing us to purchase expensive supplemental water from off-reservation sources—a financial burden we cannot sustain. Even though our water rates are among the lowest in Whatcom County, many elders and low-income families struggle to afford their bills.

We have multiple pressing water and sewer projects requiring about $50 million in federal investment, and we have identified another $46 million in potential needs.

These challenges are not unique to us, tribal and rural communities across the country face similar infrastructure shortfalls. Yet, securing funding remains a constant battle. Without direct federal investment and stronger support from Congress, these critical upgrades will remain out of reach, putting our people, our economy, and our future at risk.

Over the last century, the U.S. federal governments investment in modern water and sanitation systems largely bypassed Native communities. Fortunately, the Infrastructure Investment and Jobs Act (IIJA) offered a once-in-a-generation opportunity to invest in infrastructure. Of the $43 billion allotted nationally for drinking water and wastewater from FY 2022 to FY 2026, about

$868 million was set aside for Tribes. We thank you for this funding, and while we are grateful, it pales in comparison to the overall need. A 2018 Government Accountability Office report found that federal agencies identified at least $5.6 billion1 in existing and future tribal water infrastructure needs—a number that has only grown due to inflation and aging infrastructure.

Across Indian Country, urgent infrastructure upgrades remain unaffordable. As we enter the final year of IIJA funding, Congress must act to reauthorize and expand these programs. Without continued investment, tribes and rural communities will struggle to maintain and improve life-sustaining water systems.

I would also like to emphasize that even when funding exists, Tribes face unnecessary barriers in accessing it. The federal funding system is overly complex and fragmented, requiring Tribes to navigate multiple agencies—IHS, EPA, USDA, and Bureau of Reclamation—each with different eligibility criteria, applications, and reporting requirements. This bureaucracy discourages many Tribes from applying and exacerbates infrastructure disparities.

Additionally, loan-based programs do not work for most tribes. Many Tribal communities simply cannot take on the debt, especially when they face a limited customer base and high poverty rates. The Lummi Tribal Sewer and Water District operates as a "break-even" system where rates cover basic operations and maintenance, but unanticipated costs—such as sludge hauling—are pushing the District into deficit territory. While the Indian Health Care Improvement Act authorizes IHS to provide operations and maintenance support, Congress has never appropriated such funds.

Furthermore, federal support cannot be limited to funding alone—it also depends on strong, functional agencies. The Environmental Protection Agency (EPA) plays a critical role in safeguarding water infrastructure, yet recent news suggests a 65% budget cut is being considered. Let me be clear: cuts of this magnitude would be devastating. The EPA is not just a funding source; it is responsible for issuing permits, enforcing water quality standards, supporting tribal hatchery and habitat restoration programs, and protecting the waters that entire communities depend on. Without a fully funded EPA, projects that protect our water, our treaty resources, and our economies will be impacted.

Lastly, constructing or upgrading water infrastructure near the Salish Sea is a highly complex endeavor, involving multiple federal, state, and local agencies. This extensive permitting process demands considerable time and coordination, an especially heavy burden. While Congress has made efforts to streamline environmental reviews through MAP-21, and the

[1] $3.2 billion for current sanitation deficiencies in Indian homes (IHS data) plus another $2.4 billion to meet tribal drinking water needs over 20 years (EPA data). https://www.gao.gov/assets/gao-18-309.pdf

FAST Act, those reforms largely focus on transportation projects, not water infrastructure. We need a streamlined process for water infrastructure.

The stakes could not be higher: clean water is a human right, essential for public health, economic development, and fulfilling the federal government's treaty and trust responsibilities. As this Committee discusses how to make water infrastructure affordable for all communities, I urge you to consider the long-term consequences of inaction.

Thank you for listening.