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S. 817, S. 818, S. 1436, S. 1761, S. 1822, S. 1986, AND H.R. 387

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

OCTOBER 7, 2015

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WEDNESDAY, OCTOBER 7, 2015

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:52 p.m. in room 628, Dirksen Senate Office Building, Hon. John Barrasso, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM WYOMING

The CHAIRMAN. Good afternoon. I call this hearing to order.

Today the Committee will examine seven different bills. All the bills being considered today pertain to taking land into trust for a federally-recognized tribe.

On March 1, 2015, Senators Wyden and Merkley introduced two bills, S. 817 and S. 818. S. 817 would allow the Secretary of the Interior, when considering trust land acquisitions for the Siletz tribe, to treat the applications as on-reservation acquisitions.

S. 818 would allow the Secretary of the Interior, when considering trust land acquisitions for the Grand Ronde tribe, to treat the applications as on-reservation acquisitions.

Senator Reid and Senator Heller introduced S. 1436 on May 21 of this year. The bill is similar to past bills and would place 77,177 acres of land in Nevada into trust for six Nevada tribes to allow the tribes to carry out landscape restoration and fuel reduction activities.

Senators Boxer and Feinstein introduced S. 1761 on July 14, 2015. There is a companion bill, H.R. 2212, which was introduced by Representative LaMalfa on May 1.

The bill transfers approximately 301 acres located in Lassen County, California from the Bureau of Land Management to the Department of the Interior to be placed into trust for the Susanville Rancheria Tribe for cultural purposes and a sports recreation center.

Senators Boxer and Feinstein introduced S. 1822 on July 21, 2015. This bill transfers approximately 80 acres from the Forest Service to the Department of the Interior to be placed into trust for the Tuolumne Band of Me-Wuk Indians in order to carry out a fuel reduction plan.

Senator Reid introduced S. 1986 on August 8, 2015. The bill transfer 25,977 acres from the Bureau of Land Management to the

Department of the Interior to place the land in trust for the Moapa Band of Paiutes.

Lastly, we will consider H.R. 387, which was introduced on January 14, 2015 by Representative Ruiz and introduced in the House. The bill is a multi-parcel land transfer between the Morongo Band of Mission Indians, a private land owner, a city, and a county.

Before we move to the witnesses, I would like to ask Vice Chairman Tester if he has an opening statement.

STATEMENT OF HON. JON TESTER,
U.S. SENATOR FROM MONTANA

Senator TESTER. Yes, Mr. Chairman. I want to thank you for holding this legislative hearing on a number of tribal lands bills.

I want to welcome the witnesses who are here to testify today.

We all know how important land is to tribal communities. Through the seven lands bills we will hear about today, tribes will be better able to develop housing for their tribal members, create economic development opportunities for the communities, protect cultural and traditional uses for future generations or simply preserve lands within tribal communities.

For too many years, the United States promoted policies designed to take lands away from Indians, even while making promises to tribes that they would have a reservation for their community in perpetuity.

For the most part, these policies have been reversed. I want to commend the Committee members, the sponsors of today's bills and the Federal agencies committed to restoring homelands and recognizing tribal reservations and boundaries.

Decades of policies going back and forth on restoring tribal lands have led to a checkerboard of land ownership by tribes, individual Indians and non-Indians. This complicates the delivery of all kinds of services in tribal communities from law enforcement and road maintenance to utilities and water rights.

Tribal land bills often serve to correct these issues by consolidating tribal lands into contiguous parcels to allow for better development and growth of tribal communities.

I would also like to thank the tribes themselves for their work on restoring their homelands. Often tribes are forced to buy back land that was originally taken from them or to go through a lengthy and expensive process of getting bills through Congress to recognize their reservation or add additional lands.

After the hearing today, I hope we can quickly move these bills. Each of these bills by themselves may be small but they have the highest importance to the tribes they affect.

I look forward to hearing from the witnesses today, both from the agencies for their testimony and support for these bills and from tribal leaders who have come to Washington to discuss how their bills will impact and benefit their communities.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Tester.

We will now hear from our witnesses. First to testify is Mr. Michael Smith, Deputy Director, Bureau of Indian Affairs, U.S. Department of the Interior, Washington, D.C.

Mr. Smith, please proceed.

STATEMENT OF MICHAEL SMITH, DEPUTY DIRECTOR, BUREAU OF INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Mr. SMITH. Good afternoon, Chairman Barrasso, Vice Chairman Tester and members of the Committee.

My name is Michael R. Smith. I am the Deputy Director for the Bureau of Indian Affairs at the Department of the Interior.

Thank you for the opportunity to present testimony for the Department on these bills related to BIA and the Bureau of Land Management. All of these are for placing lands into trust for tribes.

Taking land into trust is one of the most important functions that the Department undertakes on behalf of Indian tribes. Homelands are essential to the health, safety and welfare of the tribal governments. Thus, the Department has made restoration of tribal homelands a priority.

The Department supports H.R. 387, the Economic Development through Tribal Land Exchange Act. The Department recognizes that the land exchanges contemplated in this bill would reduce so-called checker boarding of Indian land and produce more consolidated land holdings for the tribe.

The tribe and the city of Banning, California are to be congratulated for working out an exchange that benefits both the tribe and local government.

S. 818, a bill to amend the Grand Ronde Reservation Act to make technical corrections and for other purposes, amends an Act to establish a reservation with the Confederated Tribes of the Grand Ronde community of Oregon and to authorize the Secretary of the Interior to place in trust approximately 1,038 acres of real property located within the boundaries of the original 1857 reservation of the Confederated Tribes of the Grand Ronde community if the real property is conveyed or otherwise transferred to the United States by or on behalf of the tribe.

Furthermore, the bill provides that the Secretary is to treat all applications to take land into trust within the boundaries of the original 1857 reservation as on-reservation trust acquisition and that all real property taken into trust within those boundaries after September 9, 1988 are to be considered part of the tribe's reservation.

S. 817 would amend the Siletz Tribe Indian Restoration Act, 25 U.S.C., Section 711(e), to authorize the Secretary of the Interior to place land into trust for the Siletz Tribe. The lands lie within the original 1855 Siletz Coast Reservation and are located in the counties of Benton, Douglas, Lane, Lincoln, Tillamook and Yamhill, all located within the State of Oregon.

S. 817 will also provide that such land would be considered and evaluated as on-reservation acquisition under 25 CFR, Section 151.10 and become part of the tribe's reservation. The bill does not make the original Siletz Reservation into a reservation for the Siletz Tribe or create tribal jurisdiction over the original Siletz Reservation.

Additionally, S. 817 clarifies that nothing in this Act or amendment made by this Act shall prioritize for any purpose the claims of any federally-recognized Indian tribe over the claims of any

other federally-recognized Indian tribe. The Department supports S. 817.

S. 1986, the Moapa Band of Paiute Indians Land Conveyance Act, declares that approximately 26,000 acres of public land in southern Nevada shall be held in trust for the benefit of the Moapa Band of Paiutes.

The bill also declares that approximately 90 acres of land currently held in fee by the tribe shall be held in trust as part of the reservation of the tribe.

The Department supports S. 1986 and would like to work with the sponsor and the Committee on modifications concerning energy transmission corridors, recreational opportunities and protection of sensitive species.

S. 1436, the Nevada Native Nations Land Act, would be revised for the Secretary of the Interior to hold in trust for the benefit of a number of federally-recognized tribes over 71,000 acres of federal lands in Nevada managed by the Bureau of Land Management and the United States Forest Service.

The Department of the Interior welcomes opportunities to work with Congress on lands to be held in trust. We appreciate efforts to address some of the BLM's concerns with previous versions of the bill and we generally support S. 1436 if amended to address a few concerns explained in our written testimony.

The Department knows that some of the parcels identified in this legislation contain lands that are general or priority habitat management areas for the Greater Sage-Grouse which are identified for retention in the final Greater Sage-Grouse Plan for Nevada and northeastern California.

Accordingly, we would like to work with the sponsor and the Committee on boundary modifications to avoid Greater Sage-Grouse habitat on language that would ensure appropriate conservation measures in the Greater Sage-Grouse.

S. 1761 directs that approximately 300 acres of BLM-managed land located in Lassen County, California be held in trust for the benefit of the Susanville Indian Rancheria. The Department supports S. 1761 and would like to work with the sponsor concerning the treatment of rights-of-way and improvements under the bill as well as minor technical corrections.

Thank you for the opportunity to present the Department's views on these bills. I will be happy to answer any questions the Committee may have.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF MICHAEL SMITH, DEPUTY DIRECTOR, BUREAU OF INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

H.R. 387

Chairman Barrasso, Vice Chairman Tester, and Members of the Committee, my name is Michael Smith and I am the Deputy Director for the Bureau of Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to present testimony for the Department on H.R. 387, the "Economic Development Through Tribal Land Exchange Act." The Department supports H.R. 387.

The Morongo Band of Mission Indians (the Tribe), located approximately 20 miles west of Palm Springs, CA, along with the City of Banning (the City) and Lloyd L. Fields (Mr. Fields), a private property owner who resides in California, have asked Congress to enact legislation providing for the exchange of certain lands within or

adjacent to the Morongo Reservation (1) to promote the consolidation of the Tribe's reservation lands, (2) to resolve a land-use dispute among Mr. Fields, the City and the Tribe, and (3) to facilitate commercial development on lands adjacent to the Tribe's reservation that will be beneficial for the City and the Tribe, as well as Mr. Fields. A map depicting the property to be exchanged is referenced in the bill. The parcels are identified as Parcels A, B, C and D.

Background

Among the parcels of land the United States currently holds in trust on behalf of the Tribe is a parcel of 41.15 acres (Parcel B), a portion of which is adjacent to lands outside the Tribe's reservation that are owned by Mr. Fields. This parcel has no currently existing access to any public road and has little economic value to the Tribe. In 1995, through transactions with other private non-Indian landholders, Mr. Fields acquired a similarly sized parcel (Parcel A) that at the time also was outside the Tribe's reservation. Parcel A has since become encircled by lands acquired by the Tribe and now held in trust for the Tribe by the United States as part of the Tribe's residential area, largely precluding Mr. Fields from commercial development of Parcel A. In an effort to relieve the City from the continued maintenance and upkeep of certain lands which it owns, the City is interested in conveying to the Tribe approximately 1.21 acres of land (Parcel C) that is within the Tribe's reservation and that is used for a roadway, in return the Tribe would grant the City an easement over other tribal trust lands (Parcel D) adjacent to Parcel B, which the City intends to use as a roadway and for electrical, sewer, water, and related utility lines in order to enable future commercial development that the City believes will be beneficial to the City.

H.R. 387

First, H.R. 387 authorizes and directs the Secretary of the Interior (Secretary) to accept title to Parcel A to be held in trust for the Tribe. Second, H.R. 387 authorizes and directs the Secretary to convey Parcel B to Mr. Fields, thus removing Parcel B from trust status. Third, the bill authorizes and directs the Secretary to grant an easement to the City for use of Parcel D as a roadway and for electrical, sewer, water, and related utility lines owned by the City. All three of these conveyances would be done simultaneously. Fourth, H.R. 387 directs the Secretary to accept title to Parcel C to be held in trust for the Tribe after the City has vacated its interest in Parcel C pursuant to applicable state law.

Anticipated Use of Lands

The lands the Tribe is requesting be placed into trust on its behalf will assist the Tribe with its land consolidation efforts. The Tribe already has a hotel and casino in a different section of its Reservation that the Tribe has designated for entertainment and hospitality uses; thus, the Tribe is unlikely to use Parcel A for any commercial use other than grazing or other ranch or farming related activities. Parcel C will continue to be used by the Tribe as a roadway providing access to the Tribe's residential area. We would be happy to work with the Subcommittee to add legal descriptions of the parcels into the bill.

The Department recognizes that the land exchanges contemplated in this bill would reduce so-called checkerboarding of Indian land and produce more consolidated land holdings for the Tribe. The Tribe and the City of Banning are to be congratulated for working out an exchange that benefits both the Tribe and local government. The Department supports this bill.

S. 817, A BILL TO PROVIDE FOR THE ADDITION OF CERTAIN REAL PROPERTY TO THE RESERVATION OF THE SILETZ TRIBE IN THE STATE OF OREGON

Chairman Barrasso, Vice Chairman Tester, and Members of the Committee, my name is Michael Smith and I am the Deputy Director for the Bureau of Indian Affairs at the Department of the Interior. Thank you for the opportunity to present the Department of the Interior's (Department) views on S. 817, a bill to provide for the addition of certain real property to the reservation of the Siletz Tribe.

Taking land into trust is one of the most important functions that the Department undertakes on behalf of Indian tribes. Homelands are essential to the health, safety, and welfare of the tribal governments. Thus, this Administration has made the restoration of tribal homelands a priority. This Administration is committed to the restoration of tribal homelands, through the Department's acquisition of lands in trust for tribes, where appropriate. While the Department acknowledges that tribes near the Siletz Tribe oppose S. 817, the Department supports S. 817.

S. 817 would amend the Siletz Tribe Indian Restoration Act, 25 U.S.C. § 711e, to authorize the Secretary of the Interior to place land into trust for the Siletz Tribe. The lands lie within the original 1855 Siletz Coast Reservation and are located in the counties of Benton, Douglas, Lane, Lincoln, Tillamook, and Yamhill, which are all located within the State of Oregon. S. 817 would also provide that such land would be considered and evaluated as an on-reservation acquisition under 25 C.F.R. § 151.10 and become part of the Tribe's reservation. The bill does not make the original Siletz Reservation into a reservation for the Siletz Tribe or create tribal jurisdiction over the original Siletz Reservation. Additionally, S. 817 clarifies that nothing in this Act or amendment made by this Act shall prioritize for any purpose the claims of any federally-recognized Indian tribe over the claims of any other federally-recognized Indian tribe.

Thank you for the opportunity to present the Department's views on this legislation. I will be happy to answer any questions you may have.

S. 818, TO AMEND THE GRAND RONDE RESERVATION ACT

Chairman Barrasso, Vice Chairman Tester, and Members of the Committee, my name is Michael Smith and I am the Deputy Director of the Bureau of Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to present the Department's views on S. 818, a bill to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes. The Department supports S. 818.

Taking land into trust is one of the most important functions that the Department undertakes on behalf of Indian tribes. Homelands are essential to the health, safety, and welfare of the tribal governments. Thus, the Department has made the restoration of tribal homelands a priority.

S. 818 amends an Act to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, Pub. L. No. 100–425 (Sept. 9, 1988), to authorize the Secretary of the Interior to place in trust approximately 1,038 acres of real property located within the boundaries of the original 1857 reservation of the Confederated Tribes of the Grand Ronde Community of Oregon if the real property is conveyed or otherwise transferred to the United States by or on behalf of the Tribe. Furthermore, the bill provides that the Secretary is to treat all applications to take land into trust within the boundaries of the original 1857 reservation as an on-reservation trust acquisition, and that all real property taken into trust within those boundaries after September 9, 1988, are to be considered part of the Tribe's reservation.

Again, the Department supports S. 818. Thank you for the opportunity to present testimony on S. 818.

This concludes my prepared statement. I will be happy to answer any questions the Committee may have.

Attachment

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

The Honorable John Barrasso
Chairman
Senate Committee on Indian Affairs
Washington, DC 20510

Dear Chairman Barrasso:

This letter is a response to your request for additional information about rights-of-way (ROWs) that were noted in the Department's statement presented at the Committee hearing on October 7, 2015, regarding S. 1761, a bill to take certain Federal land located in Lassen County, California, into trust for the benefit of the Susanville Indian Rancheria, and for other purposes. Specifically, the statement made reference to three active ROWs that the Bureau of Land Management (BLM) manages for telecommunications, utility, and transportation uses on the lands proposed to be taken into trust under the bill. Please find below the requested additional information on the three ROWs that the BLM currently manages:

1. A 10-foot wide ROW issued to Citizens Communication for an aerial phone line that will expire December 31, 2017;
2. A 100-foot wide ROW issued to CalTrans for Highway 139 that expires on January 23, 2021; and
3. A 50-foot wide ROW issued to Lassen Municipal Utility District for an aerial transmission line that is issued in perpetuity.

As noted in response to a question at the hearing, if S. 1761 is enacted, administration of the ROWs would become the responsibility of the Bureau of Indian Affairs (BIA), and no additional legislative action would be required.

As stated in the Department's written statement submitted for the hearing record, the Department supports S. 1761. Please let us know if you have any other questions regarding this bill.

Sincerely,

Michael Smith
Deputy Director
Bureau of Indian Affairs

The CHAIRMAN. Thank you, Mr. Smith.

Next, we will hear from Mr. Glen Casamassa, Associate Deputy Chief, National Forest System, U.S. Forest Service, Washington, D.C.

STATEMENT OF GLEN CASAMASSA, ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. CASAMASSA. Chairman Barrasso and Vice Chairman Tester, thank you for the opportunity to testify on behalf of the United States Department of Agriculture, U.S. Forest Service.

I am Glen Casamassa, Associate Deputy Chief of the National Forest System. There are two bills that I have been asked to address. I have provided written testimony for the record.

S. 1436, the Nevada Native Nations Land Act, directs the conveyance of approximately 82 acres of land administered by the Forest Service to be held in trust for the Shoshone Paiute Tribes of the Duck Valley Indian Reservation.

The parcel is located within the Humboldt-Toyaibe National Forest. This 82-acre Mountain City Ranger Station Administrative Site is within a larger 750-acre admin and recreation site.

The Department supports the bill. We have several recommendations for your consideration that we would like to work with the Committee and sponsor to address. We recommend the bill address the Forest Service continued need to use roads located on the parcel for administrative purposes.

S. 1822, a bill to take certain Federal land located in Tuolumne County, California into trust for the benefit of the Tuolumne Band of Me-Wuk Indians, would transfer approximately 80 acres of National Forest System lands administered by the Forest Service located within the boundaries of the Stanislaus National Forest to the Bureau of Indian Affairs to be held in trust by the United States for the benefit of the Tuolumne Band of Me-Wuk Indians.

The two National Forest System parcels are surrounded by private property with no legal access for the Forest Service. The private property parcels are the Murphy Ranch owned by the Tuolumne Band of Me-Wuk Indians and the Edward Ingalls Trust. Mr. Craig Ingalls has written a letter on behalf of the Trust in support of the proposed land transfer.

The Department supports the positive and cooperative relationship between the Forest Service and the Stanislaus National Forest and the Tuolumne Band of Me-Wuk Indians and their desire to manage these lands for fuels reduction and other conservation purposes.

The Department does not oppose the land transfer to the Bureau of Indian Affairs. However, we would like to work with the Committee in correcting the parcels' legal description described and based in the legislation.

This concludes my remarks. I would be happy to answer any questions.

Thank you for the opportunity to testify.

[The prepared statement of Mr. Casamassa follows:]

PREPARED STATEMENT OF GLEN CASAMASSA, ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

S. 1436, THE NEVADA NATIVE NATIONS LAND ACT

Mr. Chairman and members of the Committee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S.1436, the Nevada Native Nations Land Act. To Senator Reid, Senator Heller and other members of the Nevada delegation, we wish to thank you for your work on this bill.

The Department supports the bill as it applies to lands managed by the Forest Service. We defer to the Department of the Interior for matters concerning land administered by the Bureau of Land Management.

Section 3(b) of the bill would transfer approximately 82 acres of land administered by the Forest Service to be held in trust by the United States for the benefit of the Shoshone Paiute Tribes of the Duck Valley Indian Reservation. The parcel is located within the Humboldt-Toyaibe National Forest.

The 82-acre Mountain City Ranger Station Administrative Site identified for conveyance is within a larger 750 acre withdrawal established in 1959 by Public Land Order (PLO) 1796, which reserved the withdrawn lands for numerous administrative and recreation sites. The Mountain City Ranger Station Administrative Site contains a hay shed and corral constructed in 1940 on the east side of the highway; a water well, water and wastewater systems, and a wastewater treatment lagoon, two houses, the oldest originally being constructed in 1958 are still on the subject site. Later buildings constructed on the site that are still there include a duplex, one modular single-family home, a double-wide barrack, a double-wide single-family home with detached garage, and a single-wide mobile home. A second water well was constructed in 1992.

A total of 11 structures, including the 1940 hay shed, and two water wells are included in the proposed acquisition.

We have several recommendations for your consideration that we would like to work with the Committee and sponsor to address. We recommend that the bill address the Forest Service's continued need to use roads located on the parcel for administrative purposes.

We also recommend that the bill specify that all facilities and other infrastructure on the 82-acre parcel transfer to the Tribe.

S. 1822, A BILL TO TAKE CERTAIN FEDERAL LAND LOCATED IN TUOLUMNE COUNTY, CALIFORNIA, INTO TRUST FOR THE BENEFIT OF THE TUOLUMNE BAND OF ME-WUK INDIANS

Chairman Barrasso, Ranking Member Tester and Members of the Committee, thank you for the opportunity to appear before you today to provide the U.S. Department of Agriculture's views regarding S. 1822, a bill to take certain Federal land located in Tuolumne County, California, into trust for the benefit of the Tuolumne Band of Me-Wuk Indians, and for other purposes.

S. 1822 would transfer approximately 80 acres of National Forest System (NFS) lands administered by the U.S. Forest Service located within the boundaries of the Stanislaus National Forest to be held in trust by the United States for the benefit of the Tuolumne Band of Me-Wuk Indians.

The Department does not oppose the transfer of this land to be held in trust for the benefit of the Tuolumne Band of Me-Wuk Indians. The two National Forest System parcels comprising the 80 acres are surrounded by private property with no legal access for the Forest Service. The private properties surrounding the two parcels are the Murphy Ranch, owned by the Tuolumne Band of Me-Wuk Indians, and the Edward Ingalls Trust. Mr. Craig Ingalls has written a letter on behalf of the Trust in support of this proposed land transfer.

A search of Forest records and a brief site visit indicate that there are no distinctive Forest uses or special resources connected to or located on these parcels. There are no special use authorizations associated with these parcels. There is, however, a grazing permit that covers these parcels. However, the forage on these allotments is minimal, and there is no range infrastructure on the properties. Discussions with the range permittee and the tribe related to future range use are taking place with the anticipation of reaching a workable solution for both parties.

The Department supports the positive and cooperative relationship between the Forest Service on Stanislaus National Forest and the Tuolumne Band of Me-Wuk Indians and their desire to manage these lands for fuels reduction and other conservation purposes.

The Department would like to work with the Committee to make one important technical correction to the legal description as described in the legislation. Please add to the legal description the base and meridian, Mt. Diablo Meridian. This is needed to distinguish between the Mt. Diablo, San Bernardino and Humboldt meridians.

This concludes my remarks. I would be happy to answer any questions. Thank you for the opportunity to testify.

The CHAIRMAN. Thank you very much. We appreciate your being here.

Next, we will hear from the Honorable Arlan Melendez, Chairman of the Reno-Sparks Indian Colony of Reno, Nevada. Thank you for being with us.

STATEMENT OF HON. ARLAN MELENDEZ, CHAIRMAN, RENO–SPARKS INDIAN COLONY

Mr. MELENDEZ. Good afternoon, Chairman Barrasso, Vice Chairman Tester and distinguished members of the Senate Committee on Indian Affairs.

My name is Arlan Melendez. I have been the Chairman of the Reno-Sparks Indian Colony for the past 24 years.

I am honored to be speaking today, not only for my tribe, but for the other tribes in this bill who comprise the Nevada Tribal Land Coalition. I would like to express our heartfelt thanks to Senators Reid and Heller for introducing the bill and to you, Chairman Barrasso and Vice Chairman Tester, for supporting the bill last year and agreeing to schedule today's hearing.

The membership numbers of our tribes are growing. The current capacity of our current lands is very limited. With the exception of a few, the majority of tribes in Nevada have very small land bases. Some are so small they do not even show up on State maps. The comparison to large land bases of other tribes in many western States is dramatic.

It is unrealistic that we can thrive, provide housing and encourage economic development on so little land. It is only by being able to expand and consolidate our land that our tribes and cultural practices can thrive.

Each of our tribes has specific reasons for seeking to expand our lands. We are united in our need for better management and effective use of these lands. The other tribes may be submitting statements for the record but let me summarize their situations.

On behalf of Chairman Smart of the Fort McDermitt Paiute Shoshone Tribe, the bill would transfer BLM land to resolve checkerboard land issues. This would address law enforcement and emergency personnel jurisdictional questions as well as enable housing development. Planned land use and development of natural resources will also ensure environmental biodiversity and ensure better public health and safety.

On behalf of Chairman Manning of the Shoshone Paiute Tribe of Duck Valley Reservation, the bill would transfer a small parcel of Forest Service land, a longstanding goal.

When the Forest Service relocated its district headquarters, housing units were abandoned. The tribes would like to renovate these units to address chronic housing shortages and to help recruit medical professionals, law enforcement and conservation personnel.

On behalf of Chairman Desoto of the Summit Lake Paiute Tribe, the bill would accomplish a long sought transfer of BLM land for protection and management of Summit Lake's natural resources and fish population and unify the reservation.

Reservation lands surround the lake except in one area. Summit Lake is the home of the Lahontan Cutthroat Trout which was integral to the tribe's cultural and vital food source. The transfer will allow for improved management and trout habitat restoration.

On behalf of Chairman Holley of the Pyramid Lake Paiute Tribe, the bill would transfer BLM land to fully incorporate the watershed of the Pyramid Lake so the tribe could better manage its natural

resources and protect Pyramid Lake and its fish population thereby achieving cultural, economic and environmental benefits.

On behalf of Chairman Thompson of the Duckwater Shoshone Tribe, the bill would allow the tribe to utilize added lands for economic development and community growth. The additional lands will allow the tribe to expand agricultural operations, plan for renewable energy projects, additional housing and facility development and protection of cultural and spiritual sites as well as wildlife.

The tribe's plan for the lands are spiritual, cultural, natural resource management and economic heritage with a goal of self sufficiency.

For my tribe, the Reno-Sparks Indian Colony, the bill would transfer BLM land because the current capacity of our reservation is strained as we need additional land for housing, cultural preservation and development.

The Colony members were residing on just a small 28-acre reservation in Reno. In 1986, due to overcrowding, then-Nevada Congresswoman Barbara Vucanovich assisted the tribe in acquiring a parcel of land in Hungry Valley near Reno. She said if we needed more land in the future, we should come back and ask for it.

We have made the best use of this limited parcel. We have constructed housing, a water system with production wells and other facilities such as a community center. We have purchased mining claims within the area proposed to be transferred by S. 1436 and the wells serving Hungry Valley community are off-reservation but also within the same proposed transfer.

In closing, the BLM has also told us that they simply do not have enough staff to cover Hungry Valley. Our tribes are fully capable of being effective stewards of the land identified in S. 1436.

I would like to thank you for the opportunity to testify. I would be happy to answer any questions you have.

[The prepared statement of Mr. Melendez follows:]

PREPARED STATEMENT OF HON. ARLAN MELENDEZ, CHAIRMAN, RENO-SPARKS INDIAN COLONY

Chairman Barrasso, Vice Chairman Tester and distinguished Members of the Committee on Indian Affairs. I am pleased to submit this testimony in support of S. 1436, the Nevada Native Nations Land Act, legislation introduced by Nevada Senators Harry Reid and Dean Heller. We are also pleased that identical legislation (H.R. 2733), has been introduced in the House by Congressmen Mark Amodei and Cresent Hardy of Nevada. The House Natural Resources Subcommittee on Indian, Insular and Alaska Native Affairs held a hearing on H.R. 2733 on July 15, 2015, at which I testified.

Thank you for inviting me to testify on S. 1436 and for considering our views. I have been acting as the leader of the Nevada Tribal Lands Coalition, which consists of the following tribes:

Fort McDermitt Paiute and Shoshone Tribe
Shoshone Paiute Tribes of Duck Valley
Summit Lake Paiute Tribe
Pyramid Lake Paiute Tribe
Duckwater Shoshone Tribe
Reno-Sparks Indian Colony

As I will be the only Nevada tribal leader testifying from this coalition, my oral testimony will describe the needs of each of the tribes requesting a land transfer and I am honored to speak on their behalf. Each of the other tribes will likely also be submitting a written statement for the record and their statements should be re-

lied upon for the specifics of their pending land transfer requests. Therefore in this written testimony for the record my remarks are mostly specific to the Reno-Sparks Indian Colony's land expansion needs but I will include the following as a brief summary of each of the tribes' requests for the land transfer:

Fort McDermitt Paiute Shoshone Tribe

The bill would transfer BLM land to resolve checkerboard lands issues. This would address law enforcement and emergency personnel jurisdictional questions, as well as enable housing development. Planned land use and development of natural resources will also ensure environmental biodiversity and ensure better public health and safety.

Shoshone Paiute Tribes of Duck Valley Reservation

The bill would transfer a small parcel of Forest Service land, a longstanding goal. When the Forest Service relocated its District headquarters, housing units were abandoned. The tribes would like to renovate these units to address chronic housing shortages and to help recruit medical professionals, law enforcement and conservation personnel.

Summit Lake Paiute Tribe

The bill would accomplish a long-sought transfer of BLM land for protection and management of Summit Lake's natural resources and fish population and to unify the reservation. Reservation lands surround the lake except in one area. Summit Lake is home to the Lahontan cutthroat trout, which was integral to the Tribe's culture and a vital food source. The transfer will allow for improved management and trout habitat restoration.

Pyramid Lake Paiute Tribe

The bill would transfer BLM land to expand the reservation boundary to fully incorporate the watershed of Pyramid Lake. Other sections near the lake would be used for potential economic development and management efficiency.

Duckwater Shoshone Tribe

The Duckwater Shoshone Tribe plans to utilize added lands for economic development and community growth. The additional lands will allow the Tribe to expand agricultural operations, plan for renewable energy projects, additional housing & facilities development, and protection of cultural and spiritual sites, as well as wildlife. The Tribe's plan for the lands incorporates our spiritual, cultural, natural resource management, and economic heritage with a goal of self-sufficiency.

Common Themes Amongst Nevada Native Nations Land Act (S. 1436) Tribes

Our tribes' membership numbers are growing and the carrying capacity of our current lands is very limited. It is only by being able to expand and consolidate our lands for housing, development, and preservation that our tribes and cultural practices can continue to thrive. Each tribe in S. 1436 has specific reasons for seeking to expand the lands of our reservations and we are united in our need for better management and more effective use of these lands. We are fully capable of assuming these responsibilities. With the exception of a small parcel owned by the Forest Service, the lands in question are presently owned by BLM so transferring title to a different Interior agency (BIA) is not going to, for instance, affect the tax base. In a number of instances, upon acquiring land, Indian tribes have been able to undertake economic activities that have generated jobs and benefited both reservation and off-reservation economies and helped create jobs.

We ask that you examine almost any map of Indian reservations in this country and you will see that through historic quirks of fate, the majority of land bases of the tribes in Nevada, particularly when compared to the land bases of many other tribes, are so small as to border on being non-workable. There are numerous million plus acre reservations in Montana, North Dakota, South Dakota, Washington, Utah, Wyoming, Arizona and New Mexico and many more reservations that are hundreds of thousands of acres in size yet the majority of Paiute and Shoshone tribes of the Great Basin ended up with almost nothing. In many instances our existing homelands are so small they don't even show up on many state maps. S. 1436 would put to effective use by tribes lands that are underutilized and not being adequately managed.

Background on Reno-Sparks Indian Colony

The historical context for how our current reservation came to be is as follows:

In the 1880s, an urban Indian settlement made up of landless Indians from the regional Washoe, Shoshone and Paiute tribes started along the Truckee River next to the City of Reno. A land base of 20 acres was purchased in 1917 by the Federal

government to provide a permanent home for this urban settlement. The Colony population grew along with the City of Reno. In 1934, the Reno-Sparks Indian Colony (the RSIC) was established as a federally recognized Tribal government under the Indian Reorganization Act. By the mid-1980's, the City of Reno had grown to the point of engulfing the undersized lands of the RSIC. The land base of the Reno Colony, near downtown Reno, is just 28 acres of densely packed homes. The majority of the land uses that surround the Colony today consist of industrial development, warehouses, freeways, and storage lots. With this legislation, our hope is to avoid a repeat of what we have experienced the last 100 years of encroachment of incompatible uses at our front door. Less than 3 percent of the land base is designated as park and open space. The residential area is totally built out and could not accommodate another home.

In 1986, pursuant to a bill introduced by former Representative Barbara Vucanovich (R–NV), Congress transferred three sections of land north of Reno from the Bureau of Land Management (BLM) to the RSIC (and to BIA to be held in trust) to address the need for additional community housing. Currently, this area, known as the Hungry Valley community, houses approximately half the RSIC's population. The Hungry Valley community is seven miles west of the Spanish Springs community and 17 miles north of the City of Reno. The RSIC has spent millions of dollars in public improvements and community development, for example building homes; water and sewer system; community buildings and construction of Eagle Canyon Road from Pyramid Lake Highway to the Hungry Valley community. We also created a tribal utility district to supply water and sanitary sewer service to residents. The water system includes production wells, water tanks and a water treatment facility. Our primary production wells are located over a mile away on BLM lands within the area requested in S. 1436. The community sewer system provides for the treatment of all wastewater. The Hungry Valley Community Center we built is the primary public facility serving residents, with a volunteer fire department, offices for Housing Department, Utility District, Head Start Program, a gym, and meeting rooms. When Congresswoman Vucanovich was successful in the passage of the bill (public law 99–389) establishing the Hungry Valley Reservation she told us that if at some point in the future we needed to supplement the Hungry Valley land, that we should make such a request of the Congress. Here we are today making such a request and greatly appreciative of Senator Reid, Senator Heller and Congressman Amodei's leadership and support on this matter.

Further Need for this Legislation to Benefit the Hungry Valley Residential Community

The Hungry Valley community is surrounded by BLM public lands to the west, north, and east. Directly to the south and southeast is an active open aggregate mining pit which conducts blasting on a regular basis. In 2000, a large scale clay mining operation with two open pits was proposed on BLM land directly adjacent to the Hungry Valley community. The mine was never put into operation. The Colony eventually purchased the 6,000 acres of mining claims and currently pays a $41,000 annual maintenance fee to the BLM. The 6,000 acres of mining claims are totally located within the lands requested in S. 1436. Many adverse activities are routinely occurring (in some cases permitted by the BLM, in other cases in violation of BLM regulations) on the lands adjacent to our residents' homes in Hungry Valley including:

- Unlimited off highway vehicle (OHV) recreation area.
- Loud and disruptive motorcycle events.
- Gun Shooting events & recreational shooting—with assault weapons—near residential areas.
- Illegal dumping.
- Unauthorized creation of motorcycle race tracks.
- Military practice operation with simulated explosive devices. (Hopefully an activity that won't be repeated.)

Initial target shooting involved rifles. More recently it has escalated to assault weapons including apparent efforts at cutting trees down by shooting streams of bullets via such high powered guns. These are not activities anyone would want to see in proximity to a residential area. There are hundreds of thousands of acres of lands in Nevada not adjacent to a residential community where such activities can readily take place.

Proposed Land Transfer from BLM to BIA

The RSIC is proposing to acquire through a Congressional transfer approximately 13,434 acres from the BLM to the Bureau of Indian Affairs (BIA) in trust for the RSIC in order to better manage and preserve the cultural and natural resources at the Hungry Valley residential community. Both BLM and BIA are agencies of the Department of the Interior. These 13,434 acres represent 0.028 percent of the 47 million acres of BLM lands in Nevada, lands that were once the exclusive domain of Paiute, Washoe and Shoshone tribes of Nevada.

The local BLM staff are overwhelmed and readily admit they cannot enforce their own regulations and ordinances in Hungry Valley. We believe that transferring this land to the BIA's jurisdiction to be held in trust for the RSIC is important for the citizens of our Tribe and for the surrounding communities. We are pleased to have the support of the Washoe County Commissioners who, on December 13, 2013, unanimously supported our BLM land transfer request.

In addition to public safety concerns, there are important cultural reasons why Hungry Valley is of great significance to us. We seek to manage this land so as to ensure for future generations that the open natural landscape that provides essential spiritual and traditional cultural support for our people will continue to be accessible and be properly managed. It is the intention of the Tribe to preserve and manage these scenic, cultural and natural resources. In the past, the Hungry Valley region was a traditional link between Pyramid Lake and the Truckee Meadows. Many camps and cultural resources have been identified by past archaeological studies. Many elders and residents continue to use Hungry Valley for spiritual and traditional activities. Several prominent landscape features in the Hungry Valley area are used for traditional religious practices and are a source of medicinal plants.

We are very proud of the many cooperative efforts we have entered into with the State of Nevada and with the governments that surround our downtown reservation as well as our existing Hungry Valley lands. We assure the Congress that this spirit of good will and cooperation will continue and that all parties in the surrounding areas will benefit by this proposal.

Thank you for your consideration of this bill. We greatly appreciated this Committee's bi-partisan support for this bill last year when it was reported out to the full Senate, and we of course hope you will move it to the Senate floor and final passage this year. I would be pleased to answer any questions you might have.

The CHAIRMAN. Thank you, Chairman Melendez. I appreciate your being here.

Next, we will hear from the Honorable Robert Martin, Chairman, Morongo Band of Mission Indians, Banning, California.

STATEMENT OF HON. ROBERT MARTIN, CHAIRMAN, MORONGO BAND OF MISSION INDIANS

Mr. MARTIN. Chairman Barrasso, Vice Chairman Tester and members of the Committee, I am Robert Martin. I serve as the Tribal Chairman of the Morongo Band of Indians. Our reservation straddles Interstate 10 just west of Palm Springs in southern California.

I appreciate the chance to provide testimony on this important issue and thank you for your willingness to consider H.R. 387, a land exchange bill introduced by Dr. Ruiz and Colonel Cook.

In summary, this bill is intended to address a series of issue pertaining to lands within the Morongo Tribe's reservation impacting the tribe, the City of Banning and the non-Indian landowner.

The bill itself addresses three land management problems in our area. First, Mr. Fields, a non-Indian, California-based businessman, owns a 41-acre parcel of fee land that is encircled by the tribal trust lands that he would like to develop to its highest and best use which requires improved access.

In an effort to address this problem, the bill seeks to have the Fields' lands exchanged with an identical sized 41-acre parcel of

tribal trust land adjacent to other nearby lands already owned by Mr. Fields.

The exchange of these lands will accomplish two objectives. It provides Mr. Fields with superior access to his existing lands, potentially opening the entire parcel to new economic development opportunities and at the same time, the parcel exchange consolidates our reservation's trust lands by eliminating the checkerboard effect in that area. The topography, physicality and values of the parcels of land to be exchanged are virtually identical in every respect.

Second, the bill would address a pair of land use issues between the Morongo Tribe and the City of Banning. The primary access route to the reservation, a controlled entrance, is situated near the beginning of Malki Road and a road that extends near the reservation for approximately two miles.

However, when Riverside County abandoned the roadway years ago because the section line runs down the middle of the road, approximately the first half mile of the western side of this road became owned by the City of Banning while the east side is held in trust by the United States. However, the City of Banning does not perform any maintenance on the roads. The tribe is interested in having the Banning land placed in tribal trust so as to allow for better maintenance and management of Malki Road in its entirety.

Finally, the legislation addresses a desire by the City of Banning to locate a road and related utilities such as water and sewer that enable development of property on the city's eastern edge. The lands on which the city is interested in locating this road are held in trust by the United States on behalf of the tribe. An easement for the city to use the land must be approved by the Federal Government.

Under the terms of the bill, the Secretary of the Interior would be directed to execute a number of changes. The lands currently held in trust status for the tribe would revert to fee simple status and would be transferred to Mr. Fields and the Fields' embedded lands would be placed into Federal trust status.

Finally, the easement to Banning would be effectuated.

We have provided the Committee with letters of support from all three parties and we have worked with the Bureau of Land Management to secure a land exchange map as referenced in H.R. 387.

With the enactment of this bill, Congress would help to resolve a series of issues that have evolved over a number of years which can only be resolved with the involvement of the Federal Government.

From my tribe's perspective, the consolidation of our land is vitally important. From the perspective of Mr. Fields, he will secure direct access to lands that are currently non-performing. With this bill, the City of Banning will now have the opportunity to extend a critically important road and related utilities to properties within the city limits that are currently under served thus making commercial development of those properties possible.

This legislation is a true win-win for our entire community and will provide for future economic development opportunities that will create jobs, housing and revenues for the region.

Finally, I want to thank Senator Boxer and Senator Moran for their willingness to work in a bipartisan spirit to help our entire community by introducing a companion bill in the Senate, S. 175.

While we are grateful that the Committee has decided to take up the bill already approved by the House, we are nonetheless thankful for their efforts.

I would be pleased to answer any questions you might have.

[The prepared statement of Mr. Martin follows:]

PREPARED STATEMENT OF HON. ROBERT MARTIN, CHAIRMAN, MORONGO BAND OF MISSION INDIANS

H.R. 387 THE ECONOMIC DEVELOPMENT THROUGH TRIBAL LAND EXCHANGE ACT

Chairman Barrasso, Vice-Chairman Tester and members of the committee, I am Robert Martin and I serve as the Tribal Chairman of the Morongo Band of Mission Indians. Our reservation straddles Interstate 10, just west of Palm Springs in Southern California. I appreciate the chance to provide testimony on this important issue and thank you for your willingness to consider H.R. 387, a land exchange bill that has been introduced by Dr. Ruiz and Col. Cook. In summary, this bill is intended to address a series of issues pertaining to lands within the Morongo Tribe's reservation, impacting the Tribe, the City of Banning and a non-Indian landowner.

The bill itself addresses three land management problems in our area. First, Mr. Fields, a non-Indian California based businessman, owns a 41-acre parcel of fee land (Parcel A—Fields Lands) that is encircled by tribal trust lands that he would like to develop to its highest and best use, which requires improved access. In an effort to address this problem the bill seeks to have the Fields Lands exchanged with an identically sized 41-acre parcel of tribal trust land (Parcel B—Morongo Lands) adjacent to other nearby lands already owned by Mr. Fields. The exchange of these lands will accomplish two objectives: It provides Mr. Fields with superior access to his existing lands, potentially opening up the entire parcel for new economic development opportunities; at the same time, the parcel exchange consolidates our reservation's trust lands by eliminating the checkerboard effect in that area. The topography, physicality and value of the parcels of land to be exchanged are virtually identical in every respect.

Second, the bill would address a pair of land use issues between the Morongo Tribe and the City of Banning. The primary access route to the Reservation, a controlled entrance, is situated near the beginning of Malki Road, a road that extends into the Reservation for approximately two miles. However, when Riverside County abandoned that roadway years ago, because the section line runs down the middle of the road approximately the first half mile of the western side of this road became owned by the City of Banning (Parcel C—Banning Lands) while the east side is held in tribal trust by the United States. However, the City of Banning does not perform any maintenance on the road. The Tribe is interested in having the Banning Lands placed into tribal trust so as to allow for better maintenance and management of the Malki Road in its entirety.

Finally, the legislation addresses a desire by the City of Banning to locate a road and related utilities, such as water and sewer lines, that would enable development of property on the City's eastern edge. As the lands in which the City is interested in locating this road (Parcel D—Easement to Banning) are held in trust by the United States on behalf of the Tribe, an easement for the City to use the land must be approved by the Federal Government.

Under the terms of the bill, the Secretary of Interior would be directed to execute a number of changes: the Morongo Lands, currently held in trust status for the tribe, would revert to fee simple status and would be transferred to Mr. Fields; the Fields Lands and Banning Lands would be placed into federal trust status; and finally, the easement to Banning would be effectuated.

We have provided the Committee with letters of support from all three of the parties and we have worked with the Bureau of Land Management to secure a land exchange map, as referenced in H.R. 387.

With the enactment of this bill, Congress will help to resolve a series of issues that have evolved over a number of years and which can only be resolved with the involvement of the Federal Government. From my Tribe's perspective, the consolidation of our lands is vitally important. From the perspective of Mr. Fields, he will secure direct access to lands that are currently non-performing. And with this bill, the City of Banning will now have the opportunity to extend a critically important

road and related utilities to properties within the city limits that are currently underserved, thus making commercial development of those properties possible. This legislation is a true win-win-win for our entire community, and will provide for future private economic development opportunities that will create jobs, housing and revenues for the region.

Finally, I want to thank Senator Boxer and Senator Moran for their willingness to work in a bi-partisan spirit to help our entire community by introducing a companion bill in the Senate, S. 175. While we are grateful the Committee has decided to take up the bill already approved by the House, we are nonetheless thankful for their efforts.

I would be pleased to answer any questions you might have regarding my testimony.

The CHAIRMAN. Thank you very much, Chairman Martin, for your testimony.

Next, we will hear from the Honorable Darren Daboda, Chairman of the Moapa Band of the Paiute Indians of Moapa, Nevada.

Chairman DABODA.

STATEMENT OF HON. DARREN DABODA, CHAIRMAN, MOAPA BAND OF PAIUTE INDIANS

Mr. DABODA. Good afternoon, Chairman Barrasso and Committee members.

I am Darren Daboda, Chairman of the Moapa Band of Paiutes Business Council which is the governing body of our tribe. This is my third term as chairman and my seventh year on the tribal council.

I am pleased to be here today to testify on behalf of the Moapa Band of Paiutes in strong support of S. 1986, the Moapa Land Conveyance Act. I thank Senator Reid for introducing the bill and thank Senator Barrasso and the Committee for holding this hearing.

I ask that my written testimony be included in the hearing record.

S. 1986 would restore 26,000 acres to our reservation. These are desert lands adjacent to our reservation that are managed by BLM and the Bureau of Reclamation.

In addition to restoring the lands to our tribe that were taken years ago, the tribe believes that this bill provides an opportunity for the tribe to increase its self sufficiency and to add to southern Nevada's economic and recreational growth by returning these lands to local control.

The Clark County Water Commissioners support this bill and the economic opportunity it presents.

The Moapa Reservation is located in the heart of southern Paiute traditional lands. Our reservation was originally 2.2 million acres in 1873. In 1875, Congress reduced the reservation to 1,000 acres to satisfy non-Indian settlers. We made the most of the 1,000 acres by building housing and community resources for tribal members and developing a successful farm.

In 1980, Congress introduced 70,000 acres to the reservation. We have worked to create economic opportunities for the benefit of the tribe and our neighbors by introducing our tribal plaza at Interstate I–15's Valley of Fire exit and our leadership in utility scale solar development.

If this bill becomes law, the tribe stands ready to make the most of the additional lands for the benefit of the tribe and the local community in several ways.

First, the tribe desperately needs additional land to construct housing within the reservation. Our existing lands are generally not good for housing because the lands are too far from infrastructure or the lands are off limits for environmental reasons. Some of the lands included in this bill would be ideal for housing.

Second, some of the lands have potential for economic development, particularly solar energy. Our solar projects are leading the way in southern Nevada for creating clean energy in ways that respect the natural environment and create jobs for local community members.

We have one project nearing completion of construction that currently employs 500 local workers. We have two other projects in the works that will support similar opportunities.

Third, some of the lands are of great location for outdoor recreation and economic development in support of recreation. The tribe supports responsible outdoor recreation and economic opportunities it brings to the local community.

Fourth, some of the lands have been managed for flood control. The reservation saw a thousand year flood event September 8, 2014 that breached earthen dams on the reservation. The tribe has received FEMA funding to rebuild these reservation dams but there are other dams on BLM lands that need to be fixed. S. 1986 would transfer some of the BLM lands to the tribe and allow the tribe to take control of the dams and their repair.

Fifth, some of the lands contain Paiute cultural resources. The tribe would like to manage those lands to preserve the cultural resources and natural environment where necessary.

Finally, Section 4 of the bill would transfer 88 acres of fee land within the reservation into trust. The tribe has owned this land in fee since 1979. It is vacant land and we intend to leave it that way for now but we may use it in the future for agriculture or housing.

In closing, I thank Senator Reid, Senator Barrasso and the Committee for their work on S. 1986 and the tribe looks forward to working with the Committee to move the bill forward.

Thank you.

[The prepared statement of Mr. Daboda follows:]

PREPARED STATEMENT OF HON. DARREN DABODA, CHAIRMAN, MOAPA BAND OF PAIUTE INDIANS

S. 1986, THE MOAPA BAND OF PAIUTES LAND CONVEYANCE ACT

Chairman Barrasso and Committee Members, I am Darren Dabuda. I am the Chairman of the Moapa Band of Paiutes' Business Council, which is the governing body of our Tribe. This is my third term as Chairman and my seventh year on the Tribal Business Council. I have also served my Tribe as the Environmental Director. I am pleased to be here today to testify on behalf of the Moapa Band of Paiutes in strong support of S. 1986, the Moapa Land Conveyance Act. I thank Senator Reid for introducing S. 1986 and thank Senator Barrasso and the Committee for holding this hearing.

The bill would restore about 26,000 acres to our Reservation. These are desert lands adjacent to our Reservation that are currently managed by BLM and the Bureau of Reclamation. In addition to restoring lands to our Tribe that were unjustly taken many years ago, the Tribe believes that this bill provides an opportunity for the Tribe to increase its self-sufficiency and add to Southern Nevada's economic and recreational growth by returning these lands to local control. Below I provide some history of the Tribe and our Reservation and then discuss the benefits that S. 1986 would bring not just to the Tribe, but to Clark County and Nevada as a whole.

The Tribe's History and Reservation

The Moapa Band of Paiute Indians ("Tribe") governs the Moapa Reservation, which is located in the heart of the traditional Southern Paiute territory that originally extended from the San Juan River in eastern Utah to the Chemehuevi areas west of the Colorado River in southern California. Southern Paiute Indians have occupied this land for at least the past 800 to 1,000 years.

Southern Paiute territory extended north and west from the Colorado River into the southern end of the Great Basin, covering large swathes of present-day southern Nevada, southern Utah, Arizona north of the Grand Canyon, and southeastern California. Southern Paiute people made their living off the land. They lived near springs and streams, where they built irrigation works to sustain their fields of corn, squash, pumpkins and beans. Southern Paiutes also hunted large and small game and gathered plant foods throughout the mountains and washes, moving in response to seasonal changes in the environment. Mesquite, agave, yucca, sagebrush, and other

native plants provided food, medicine, and fiber for weaving. Deep ecological knowledge was required to thrive in the harsh environment; to this day, Southern Paiute cultural and spiritual practices center on the land and its flora and fauna.

Unfortunately, our way of life was almost wiped out by the intrusion of outsiders. The Southern Paiute's first documented encounter with Europeans was the 1776 Escalante-Dominguez expedition seeking a land route from Santa Fe to Monterey. Subsequently, Spanish traders began extending their range westward into Southern Paiute territory. A trade route between Spanish settlements developed through the heart of Southern Paiute lands and took advantage of Paiute campsites, springs, and fields—often decimating Paiute crops and foraging resources, and blocking Paiute access to water sources. Spanish commercial trade along this Old Spanish Trail included traffic in human slaves, many of whom were Southern Paiute. When Spanish caravans dwindled to an end after 1848, American settlers moved into Southern Paiute territory and claimed the best springs and farmlands for themselves, displacing Southern Paiute families and completely disrupting Paiute subsistence. By 1865, towns were established in the Moapa Valley and settlers and miners were clamoring for removal of the Paiutes from their ancestral lands.

To resolve conflicts with encroaching settlers and miners, the Moapa Reservation was created by an Executive Order signed by President Grant on March 12, 1873. See I Kappler, Indian Affairs, Laws and Treaties 866-67 (2d.ed. 1904). On February 12, 1874, President Grant issued a second executive order which expanded the Reservation to well over 2,000,000 acres, including the entire Moapa and Lower Virgin watersheds and extensive lands along the Colorado River. Id. at 867. However, much of the best agricultural lands and water sources on the Reservation were controlled by non-Indian settlers.

Pressure from those settlers led Congress, in a rider to an 1875 appropriations bill, to drastically reduce the size of the Reservation to 1,000 acres "to be selected by the Secretary of the Interior, in such manner as not to include the claim of any settler or miner." See 18 Stat. 475. The selection of 1,000 acres was made by Secretary of the Interior on July 3, 1875. I Kappler at 868. This 1,000-acre parcel comprised lands astride the Muddy River, selected for their agricultural potential. However, Federal mismanagement and corrupt agents allowed unscrupulous settlers to appropriate much of the Reservation land and resources for themselves, such that almost no Paiutes lived on the Reservation because they could not make a living there. Two additional Executive Orders added 78 acres, see III Kappler, Indian Affairs, Laws and Treaties 681 (1913) (July 31, 1903 Executive Order by President Theodore Roosevelt), and 128 acres, id. at 682, 684 (E.O. 1649 (October 28, 1912)), to the Reservation in part to resolve land conflicts with settlers.

In the past 150 years, we lost most of our lands, our resources and our way of life. In spite of all this, we survive and continue to thrive. On December 2, 1980, Congress enacted Pub. L. 96-491, which restored 70,565 acres to the Reservation. 94 Stat. 2561. Since that time, with its own limited resources, the Tribe has acquired additional lands within or adjacent to the exterior boundaries of the 1980 Reservation in fee. Today, the Moapa Reservation encompasses approximately 72,000 acres of land in Clark County, Nevada. Over 99% of the Reservation is Tribal trust land; the remainder is owned by the Tribe in fee. We have worked to create

economic opportunity within our Reservation for the benefit of the Tribe and its members, including our Travel Plaza, restaurant, casino and retail store at I-15's Valley of Fire exit, our Tribal Farm, and our leadership in regional utility-scale solar development.

Our Reservation is uniquely situated to provide solar power in the region. We are located near power lines and substations, as well as major markets which need extra energy exactly when the sun is shining most brightly, for air conditioning. In addition to providing needed power to the region, solar projects provide many job opportunities. We have a proven track record of developing solar power on our Reservation. S. 1986 would open up lands for additional solar projects.

Our Tribe was the first to gain approval for a solar project on Tribal land and already has three solar projects in different stages of development located within the Reservation. First Solar, a leading provider of comprehensive photovoltaic (PV) energy solutions, is over half-way done constructing a 250 megawatt (MW) alternating current solar project located on approximately 2,000 acres within our Reservation. This was the first major solar farm project to break ground on tribal lands. Moapa Southern Paiute Solar, LLC (a subsidiary of First Solar Electric, LLC) is the project owner and will construct the project using First Solar's advanced photovoltaic (PV) thin film solar modules. When fully operational, the project will generate enough clean solar energy to serve the needs of about 100,000 homes per year, displacing approximately 178,000 metric tons of carbon dioxide (CO2) annually—the equivalent of taking about 34,000 cars off the road. The project will include an onsite substation and a new 5.5 mile 500 kV transmission line that will connect the project to the existing Crystal Substation serving energy users in California. The Moapa Southern Paiute Solar Project has a Power Purchase Agreement with the Los Angeles Department of Water and Power to deliver clean, solar energy for 25 years. Construction is expected to be complete by June of 2016. Approximately 500 (five hundred) of MSP solar project employees are Tribal members and members of the local community are employed as part of this project.

RES Americas, a Colorado-based company, has proposed a second solar project located on 850 acres within the Reservation. The project would utilize PV solar technology and would generate up to 200 MW of energy. This project, once it breaks ground, will provide about 500 jobs during construction and at least 10 permanent positions once complete.

First Solar and the Tribe are also proposing a third project, named "Aiya," located on 900 acres within the Reservation. The 100MW Aiya Solar Project is the second solar energy project First Solar is working on with the Tribe. The Aiya Solar Project will create approximately 300 jobs during construction, which will be completed near the end of 2016.

Solar energy development is an opportunity to combine stewardship of the land with economic development, allowing the Tribe to minimize our impact and maximize our resources. Because all of these projects require BIA approval for the lease of trust lands, NEPA compliance is required and Endangered Species Act concerns are addressed at all stages of the process. Solar development projects help to provide a long-term, diverse, and viable economic revenue base

and job opportunities for the Tribe while assisting Nevada and neighboring states meet their State renewable energy needs. Our solar projects have and will continue to employ many Tribal members and other local residents. Solar development would benefit both the Tribe and the greater community, and would increase the Tribe's stake in the prosperity of the region.

S. 1986

During the 113th Congress, the Moapa Land Conveyance Act was introduced by Senator Reid (S. 2479) and Representative Horsford (H. 4839). The Senate bill was assigned to this Committee, which reported the bill out with bipartisan support. We understand that BLM reviewed and recommended modifications to the map of lands referenced in the bill, and those changes were incorporated into the bill reported by the Committee. **The version of the bill approved by this Committee in the 113th Congress is the same bill currently before this Committee as S. 1986.**

The Moapa Land Conveyance Act helps "right a wrong." The lands to be added to the Tribe's Reservation by Section 3 of S. 1986 were part of our original Southern Paiute homeland, and were part of the original Moapa Reservation, which as described above once comprised over 2,000,000 acres. Our original Reservation allowed us to maintain our way of life and the opportunity to flourish. Unfortunately, pressures from miners and settlers led Congress to shrink our Reservation in 1875 from over 2,000,000 down to only 1,000 acres which ended life as we had known it since time immemorial. The Moapa Land Conveyance Act would partially redress the impacts from the loss of our lands.

The lands included in S. 1986 for addition to the Reservation are undeveloped desert lands but are particularly important to us. Besides remedying past injustices, adding to our land base would help us address a severe housing shortage on and around our Reservation, allow for economic development for the Southern Nevada region, facilitate prevention of devastating floods, and protect our cultural resources.

One portion of additional lands included in S. 1986 consists of nearly nine sections located to the north of the existing Reservation within Township 14 South, Range 65 East. It is close to where most of us live on the Reservation. These additional lands will be directly useful for housing and community needs for our people. The Tribe currently has 329 enrolled members. Approximately 200 live within the Reservation, and the Reservation community consists of approximately 400 people, including non-members of the Tribe. Housing is extremely scarce. The Tribe's Housing Authority currently administers 42 units of housing for low income residents, and 2 "mutual help" homes. There are another 49 "mutual help" homes located on trust land within the Reservation. However, that housing is insufficient for several reasons. First, there is a waiting list for low-income housing and more low-income units are desperately needed. Second, there is limited Tribal housing available for residents who are <u>not</u> low-income. This makes economic development a double-edged sword; when Tribal members get good jobs from Tribal economic development projects, they frequently find themselves disqualified from low-income housing and can no longer live on the Reservation. Existing lands within the Reservation are mostly not suitable for housing development due to their isolation from public services and utilities, or location within flood plains or areas that are off-limits to development for environmental

reasons. Thus, the Tribe needs additional lands to use for constructing housing for Tribal members. Adding these lands to the Reservation would give our young people an opportunity to stay home and contribute to our community.

Additionally, some of these lands should be managed for flood control and flood prevention purposes. On September 8, 2014, remnants of Tropical Storm Norbert dumped nearly six inches of rain on the Reservation--more rain than the area typically receives in an entire year. That intense thunderstorm created a flash flood event which resulted in damage to homes and property within the Reservation.[1] Many Reservation residents were trapped in their homes, as they were caught off guard by the unusual depth, volume and speed of the floodwaters. Three earthen dams within the Reservation (two of which were constructed in the 1930s) were breached, and two other dams located on BLM land up gradient of the Reservation were also breached. The Tribe is, with the assistance of FEMA funds, working to repair the breached dams located within the Reservation to prevent future floods from devastating the Reservation. However, the Tribe is currently unable to do anything to address the breached dams located on BLM lands north of the Reservation. At least one of the BLM dams is located within the T.14S, R. 65E lands included within S. 1986. Adding these lands to the Reservation would position the Tribe to address the ongoing threat posed by the breached dams and to manage the lands for effective flood control.

A second portion of additional lands included in S. 1986 consists of about 17.5 sections within Township 17 South, Ranges 64 East, 65 East and 66 East. These lands are just south of our main commercial development: a travel plaza with a convenience store, casino and gas station located at the Valley of Fire exit from Interstate 15. The Tribe's powwow grounds are also located nearby. Recently, the Tribe has allowed several music, culture and art festivals to hold events within the Reservation near these lands—events that are open to the general public (for the price of a ticket) and bring lots of visitors and the associated economic activity and jobs to Clark County. The Tribe envisions using the proposed addition lands to continue to enhance outdoor recreation and conservation opportunities. This area is located along the natural path of Las Vegas's growth, on Interstate 15, by an exit which leads to the Valley of Fire, Nevada's oldest and largest state park. Some of this land is close to existing utility infrastructure and could be suitable for solar energy development. Adding these lands could lead to additional economic activity and jobs for Tribal members and others in our region.

A third portion of additional lands included in S. 1986 consists of about 4.5 sections located within Township 26 South, Range 63 East. Located on the west side of the Reservation near the Arrow Canyon Range, this area has special significance to the Tribe and would be preserved for cultural purposes.

The remaining lands included in Section 3 of S. 1986 are four sections located within Township 15 South, Range 66 East and eight sections within Township 16 South, Range 66 East. The Tribe believes these lands could be very useful for solar energy development, housing, or

[1] A major disaster declaration was proclaimed for the state of Nevada for severe storms and flooding that occurred between September 7 9, 2014. Under the federal disaster declaration (FEMA DR-4202-NV) signed by the President on November 5, 2014, the Moapa Band of Paiutes was designated as adversely affected by the disaster and is eligible for both public assistance and hazard mitigation assistance.

economic development given the proximity to I-15. There are also areas of cultural importance to the Tribe that would be protected from development.

Finally, Section 4 of the bill would transfer title to approximately 88 acres of land within the Reservation that the Tribe owns in fee into trust for the Tribe. This land was purchased by the Tribe in 1979. The Band has asked the Bureau of Indian Affairs to take the land into trust pursuant to 25 U.S.C. § 465 and that application is currently pending with BIA. The land is vacant and located near the Tribal government center, the Tribal Farm's agricultural fields and the Tribal Housing Authority's low-income housing development. The Tribe wishes to transfer the fee land into trust because it is currently an "island" of fee land surrounded by trust land within the Reservation. The Tribe believes that this land would be suitable for future agricultural development due to its proximity to the Farm, or perhaps for additional housing if flood plain concerns can be addressed. But at this time, the Tribe has no plans to change the use of the property.

Support for S. 1986

In August 2015, the Clark County's Board of County Commissioners gave its support for S. 1986 (see attached letter to Senator Reid and Senator Heller). The Board of County Commissioners supports the bill because it "provides a tremendous economic opportunity to the Band, while ensuring that other interests are protected."

In addition, the Tribe has reached out to local groups to answer questions about the bill and to address concerns. The Tribe is committed to engaging in productive dialogue with BLM, local government agencies, and this Committee about this bill and the Tribe's need for additional lands.

* * *

We again thank Senators Reid and Barrasso and the Committee for their efforts in moving S. 1986 forward. Not only would this bill help rectify past injustices, but it also gives, in a very practical way, hope to our people for the future.

Attachments

STEVE SISOLAK
Commissioner

Board of County Commissioners

CLARK COUNTY GOVERNMENT CENTER
500 S GRAND CENTRAL PKY
BOX 551601
LAS VEGAS NV 89155-1601

August 21, 2015

To The Honorable Harry Reid
U.S Senator
522 Hart Senate Office Building
Washington, DC 20510

To The Honorable Dean Heller
U.S. Senator
324 Hart Senate Office Building
Washington, DC 20510

Dear Senators Reid and Heller:

On August 4, 2015 the Clark County Board of Commissioners voted to formally express our support of the proposed expansion of the Moapa River Indian Reservation that has been requested by the Moapa Band of Paiute Indians. We believe that the expansion of the reservation provides a tremendous economic opportunity to the Band, while ensuring that other interests are protected.

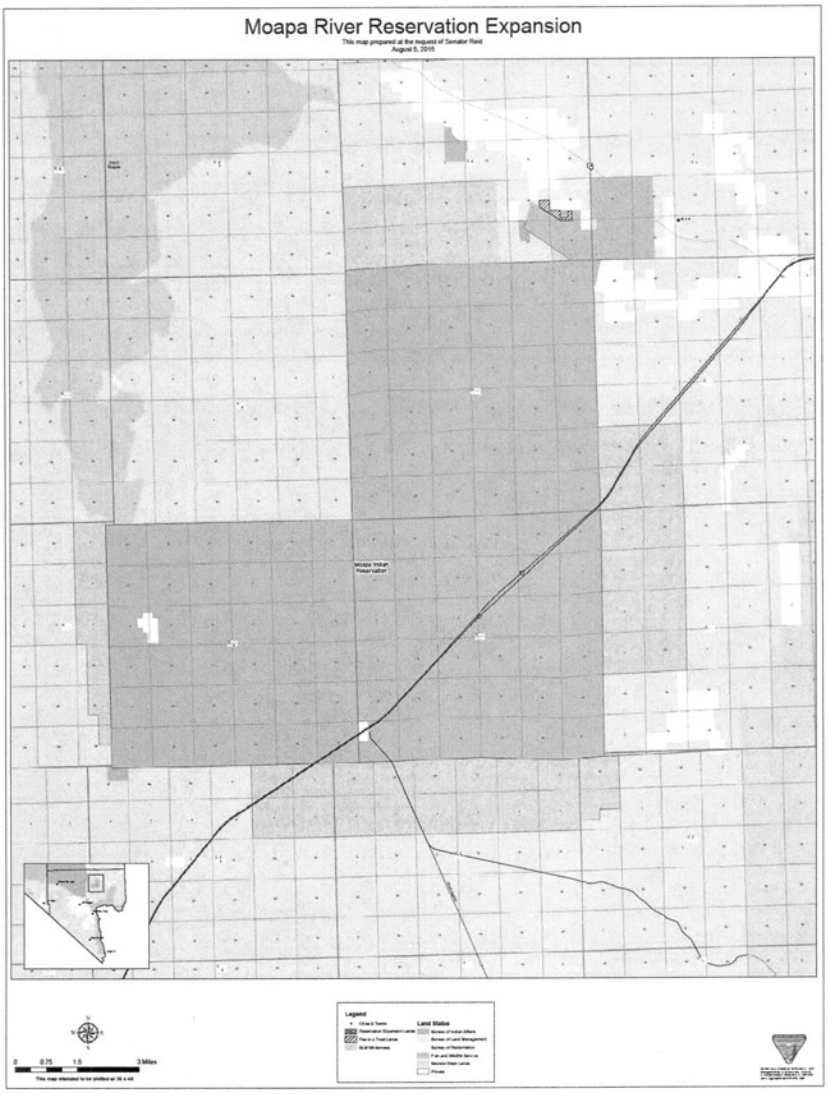
The Moapa River Indian Reservation was reduced in size by Congress in 1875 from over 2 million acres to 1,000 acres. In 1980, Congress expanded the reservation to its current size of approximately 75,000 acres. This expansion would return some of the Moapa Band of Paiute Indians' homeland and would increase the size of the reservation to 100,000 acres.

We understand that the lands proposed for inclusion in the Moapa River Indian Reservation are adjacent to the existing reservation and consist of approximately 26,000 acres of Bureau of Land Management and Bureau of Reclamation lands. The lands identified would be used for housing, flood control, solar energy development, outdoor recreation and conservation and protection of cultural resources. The land identified does not include energy infrastructure in the area of mining interests. It is also our understanding that the transfer of land will be subject to all valid existing rights of way.

The transfer of these lands would provide a boost to the economy for the Moapa Band of Paiute Indians and protect their way of life. The Moapa Band of Paiute Indians has been a good partner with the County on countless issues and we are pleased to support their request. If you have any questions, please call me at 702-455-3500.

Sincerely,

STEVE SISOLAK
Chairman



The CHAIRMAN. Thank you very much, Chairman Daboda.

I appreciate the testimony of each and every one of you.

I also want to thank Senator Lankford. He was actually the very first person to arrive at the Committee in terms of the members today. We had originally scheduled a business meeting to start at 2:15 p.m. but it was temporarily delayed while we were voting on the floor. We had a couple roll call votes. I appreciate your efforts to be here so promptly, Senator Lankford.

We did get to H.R. 487, an Act to allow the Miami Tribe of Oklahoma to lease or transfer certain lands. You are welcome if you would like to make comments regarding that. It has passed the

Committee in the business meeting. Then please join in the questioning.

STATEMENT OF HON. JAMES LANKFORD, U.S. SENATOR FROM OKLAHOMA

Senator LANKFORD. Thank you, Mr. Chairman.

I do appreciate the cooperation of the Committee in passing the bill to remove the Federal constraints that prevent the Miami Tribe of Oklahoma from freely buying and selling land they own but do not hold in trust.

That is a great asset to them for economic development and allows them to be able to diversify their tribe and also expand without the outdated, burdensome, antiquated belief that tribes need the Federal Government to give them permission to move on anything. I do appreciate that very much.

We have done this before as a Committee for tribes in Mississippi, Florida and Texas. I appreciate the help in being able to allow this Oklahoma tribe to be able to continue its economic development.

I have just a couple questions as well.

Mr. Smith, let me ask you a little bit about some Oklahoma items and where BIA is coming in, in the coming days, in the plans.

As you are very aware, the Interior has just settled an agreement with the Chickasaw and Choctaw Nations for $186 million for the mismanagement over the years and the lack of paperwork and processing on timber resources. We just had a settlement not long ago with the Osage Nation on energy resources.

My question is, what is an efficient way, moving forward from here, to manage resources for which the Federal Government has responsibility but the tribes actually have that control and that management? Where do we go, what is the future path on this, to allow the tribes to be able to have greater access and control of the resources they have so we do not have these multimillion dollar settlements by the Federal taxpayer?

Mr. SMITH. I think that is a pretty broad question. In general, we take our direction from the tribes. We work with the tribes as partners. They set the priorities and where we can, we fall in with our funding, support and technical assistance.

We have programs that the tribes have taken on under contract or compact. They administer those programs, manage those programs and we provide the funding in general but it is a partnership.

We have listened to the tribes and taken a look at their plans. Many of them have IRMPs or resource management plans. We follow their lead.

Senator LANKFORD. So how can we improve the process of compacting or contracting with the tribes for these Federal responsibilities so they have a greater sense of lead on that?

Mr. SMITH. I think just provide more technical assistance. Again, the tribes are way ahead of us in most cases because they are hiring professional people, technical people that we do not have anymore.

Our population, as far as our staff, has gone down because of either lack of funding, reductions in force or I guess you would call it buyouts. Some people call it that but it is an opportunity for early retirement for some people.

In general, most of those funds transfer to the tribes and they are able to hire people with those funds.

Senator LANKFORD. I guess the question is, given the transition out of D.C. into tribal leadership, they are able to make more of those decisions, how do you feel that is moving at this point? How long is the backlog to be able to make some of those decisions?

As I have chatted with some of the tribes, the decision-making is so slow. They want the ability to be able to make the decision on some of these aspects. Where are we missing each other?

Mr. SMITH. I am not sure I agree with that. We have regional directors in all 12 of our regions throughout the United States. They are senior executives. I supervise those regional directors and they work very closely with the tribes in their jurisdiction.

They work hand in hand with the tribes. They follow their lead. Whatever enactments under tribal law are applicable, they fall in line with the tribes' wishes. I think they work closely together. I do not know that we a large backlog of things to do. The tribes operate at their level and at their pace. We coordinate our activities with them.

Senator LANKFORD. We will follow up on this. I will share some individual examples with you and maybe we can work through this. We are at the same spot you are. We are trying to be able to serve individuals, be able to work through that process and make sure we have the maximum amount of efficiency. Let us walk through that in the days ahead.

Let me ask just on the issue of off-reservation gaming, has anything changed as far as the Bureau's position on that? Has anything been altered on off-reservation gaming at all in the perspective?

Mr. SMITH. Not that I am aware of. I think things are generally the way they have been for several years.

Senator LANKFORD. Thank you. I yield back.

The CHAIRMAN. Thank you, Senator Lankford. Senator Tester?

Senator TESTER. Thank you, Mr. Chairman.

I want to thank all of you for your testimony. I want to start with you, Mike.

These bills today deal with transfers of Federal land. They can be deemed surplus locations, it just makes sense to make the transfer, whatever the reason is. We deal with these bills with some regularity.

The question I have for you is has there been conversation around the Interior that we should add statutory mechanisms to allow Federal agencies to transfer the lands when it is kind of a no-brainer rather than forcing the tribes to go through Congress?

Mr. SMITH. The transfers that I am aware of are usually administrative in nature from one Federal agency to another. It seems like it is fairly simple and maybe we do need some laws that would strengthen that transfer so that at the local level, anyway, when lands are available for disposal, tribes nearby would have the first opportunity to acquire those.

Senator TESTER. It might be something to think about going forward. I am never much in favor of ceding authority to the Executive Branch but in this particular case, it may make sense.

I want to talk about tribal opposition to the Siletz land bill and your testimony with you, Mike. In your testimony on S. 817, you noted there is some tribal opposition to the Siletz Tribe lands bill. Can you tell me, are there historical reasons for the tribal opposition to this bill?

Mr. SMITH. The only thing I am aware of is that there were many tribes within that general area. Some became federally-recognized and others did not. That may be the rub. I am not sure of anything else.

Senator TESTER. You are now aware of the reason for opposition?

Mr. SMITH. No.

Senator TESTER. You know there is opposition?

Mr. SMITH. There was an original reservation that was supposed to have been established for a number of tribes and the Confederacy of Siletz was reduced down to eight or nine tribes so there were a larger number. I think the other tribes that were not included are probably the ones that would object.

Senator TESTER. Glen, your testimony mentioned an existing grazing permit that covers the parcels to be transferred to the Tuolumne Band. Given S. 1822 provides that the transfer is subject to valid existing rights, would the bill affect the permit holder's rights when it comes to grazing.

Mr. CASAMASSA. Given the fact there is a limited number of AUMs on that small parcel of land, we feel we have the opportunity to mitigate any of the impacts to the livestock grazing permittee.

I think there is going to be some level of agreement made between various entities to ensure that those AUMs still remain whole for the permittee.

Senator TESTER. I want to back up a bit to hear what you just said. Are you saying that those rights do transfer and that you would be buying those out or are you saying those rights do transfer and there would be an agreement to give those up?

Mr. CASAMASSA. Vice Chairman Tester, I am saying that the amount of AUMs associated with that small conveyance can be absorbed into the existing permits outside of that particular area.

It is my understanding that there is some level of agreement made amongst the various parties to ensure that those AUMs are maintained.

Senator TESTER. That is good. That could be a sticking point if it is not. Let us put it that way.

The next question is for you, Arlan. You are here on behalf of several tribes from Nevada. You noted that the land bases are very small and are often unworkable in your State of Nevada.

What would this bill's additional lands mean for the well-being of individual tribal members in Nevada?

Mr. MELENDEZ. I believe it would be helpful for cultural activities and economic development. I think it is a positive bill.

I think we do have a concern though about the concerns the Bureau of Land Management may have. As you know, it means a lot

to us. When we look at the maps of the Bureau of Land Management, they are mile squares.

The concern we have heard on the House side and here today is that they want us to basically take a complete square. Some of these do not match up with, say, a mountain range where we are trying to just go to the mountain top. If you go on the other side of the mountain, you come into conflict.

There is one situation in our reservation where it is an airport owned by someone else. They are not going to be in support of the tribe taking that square, if you try to square it up.

At some point, if we went to the Nevada tribes and asked them, has the Bureau of Land Management actually contacted you for each one of these concerns the Interior has, I would guarantee you those tribes in Nevada would say they have not been really contacted one on one to try to resolve some of these issues.

We heard it before in the hearing with the House side and now we are hearing it again. I hope that one of the directives that comes out of here is that the Bureau of Land Management or the Interior actually contacts these tribes and actually works out these situations because I think the tribes do not want to keep hearing this is a concern but nothing is really resolved on it.

That could basically be an impediment to the passage of this bill. That is my concern as I head the Interior's position on some of these issues. I do not think that some of the tribes in Nevada actually really know about some of these things that are the concerns of the Interior.

Senator TESTER. Mike, have you reached out to the tribes on this stuff? Has Interior reached out to the tribes?

Mr. SMITH. I thought we had. In general, when the information gets to us, we pass it on to the tribes. I try to work with them toward whatever benefit it would be.

Senator TESTER. I did not plan on going down this line of questioning but if it is a problem, it needs to be fixed so that we know what we are getting into on the land transfers. We want to make sure that we do not do it halfway.

Mr. SMITH. I do agree. One of the issues with Nevada and the location the chairman is in is it is quite a ways to the regional office and their agency has been watered down some. They have split in half. Again, we do not have the technical people that we used to have.

Senator TESTER. I gotcha, and we will fight to make sure you have the staffing to be able to meet the needs of Indian country. In the meantime, figure out if you can meet halfway between. Figure out some way to get it done because you have to make sure the communication is there, that the consulting is done and all that stuff.

Mr. SMITH. Yes, sir.

Senator TESTER. Go ahead, Arlan. I am way over time.

Mr. MELENDEZ. One last thought is in the concerns, you see the Sage-Grouse issue. Even a tribe like mine does not have the Sage-Grouse issue. There is no Sage-Grouse up in Hungry Valley and the land we are talking about.

I would think that most of the tribes are probably in agreement with protecting the Sage-Grouse. Native tribes are probably the

best environmentalists; they are probably the best conservation people. I do not see it being a problem with taking this land into trust.

I think the tribes would do everything they can to protect the Sage-Grouse but we see it coming up constantly as a finding or at a hearing. I hope we can get beyond that and not have it continually being an impediment to the passage of this bill.

Senator TESTER. Okay. I have one quick question. I did not want to leave you out, Robert. You just got lucky. I do have a question for Darren real quick because the Chairman has been so kind with the time.

From your written testimony, it sounds like the tribes have reasonable success with renewable energy and other economic development initiatives. You need to be congratulated on that.

How has the tribe's energy and economic development activities affected the demand for tribal housing? Would the tribe be able to meet the housing needs if this passes?

Mr. DABODA. Yes, this would give us an opportunity because where the community is located right now is in a floodplain zone. That would be our first issue, looking for housing. It would be from the Valley of Fire to one of the areas we are looking at because it is higher ground and out of the flood zone.

In the late 1990s, our tribe did not get mapped when FEMA came there for tribes to get surveyed. When it reaches the reservation boundaries, there is no floodplain zone at all. Around the Clark County area, you see a lot of the tributaries have the flood zones and all the washes except for our tribe. Our tribe, at the time, did not know what the FEMA mapping was and got impacted.

Senator TESTER. But the point is, if you are successful with energy and economic development, as you have been in the past, does the tribe have the capacity to meet the housing needs?

Mr. DABODA. Yes.

Senator TESTER. This land transfer is going to give you more opportunity. That is the plan in my head anyway. For economic development, you guys have the capacity? That is the question.

Mr. DABODA. Yes. We do have the capacity. Like I said, we have two other programs on the way.

Senator TESTER. Thank you very much.

Thank you all for your testimony.

The CHAIRMAN. Thank you, Senator Tester.

Mr. Smith, following up on Senator Tester's question, specifically with S. 817, I may have some additional written questions for you related to some of the opposition expressed by some of the other tribes you mention in your written testimony. I may have some written questions on that.

I did want to go to the recommendation on S. 1436, the Nevada Native Nations Land Act. Your recommendation was it be changed to adjust the time frames for some of the surveys which were insufficient.

The GAO noted in the June 2015 report on Indian Energy Development that the surveys could not be found or were outdated. It should not be a systemic problem, I believe, within the department.

How does your department intend to improve surveying issues and availability so it will not delay development or frustrate the purpose of this bill?

Mr. SMITH. Thank you for the question.

I think probably that is a question that would better be answered by the BLM. We rely on them for cadastral surveys. The timelines and the funding kind of go hand in hand. They control that.

The CHAIRMAN. You can see where the concern is. It could have an impact on the issues.

Mr. SMITH. Yes.

The CHAIRMAN. There are currently three existing rights-of-way on the land proposed to be taken into trust on the Susanville Rancheria. Under S. 1761, BLM administers those rights-of-way. If S. 1761 is enacted, what role would the BIA have in administering those rights-of-way, do you know?

Mr. SMITH. I do not believe there would be any change. I think it will stay the same as it is now.

The CHAIRMAN. Mr. Casamassa, your written testimony states that a grazing permit covers the parcels proposed to be taken into trust, S. 1822, for the Tuolumne Band of the Me-Wuk Indians. You further state that the forage is minimal and there is no range infrastructure on the properties. Can you explain what revenues and activities are existing for these permits?

Mr. CASAMASSA. In terms of the minimization of the forage, they do generate to some degree overall some revenues for the treasury but in terms of the revenue for the individual permittee, it is, to a degree, minimal.

We believe that based on the minimal AUMs, we could absorb that administratively into the existing permit and the lands that are now grazed to compensate for that level of AUMs lost through the conveyance.

The CHAIRMAN. Thank you.

Chairman Melendez, with regard to S. 1436, your testimony stated that the tribes impacted by this legislation expanding and consolidating your lands for housing, economic development and preservation will enable cultural practices to continue to thrive.

Other potential land use benefits highlighted in your testimony were energy development and resolving jurisdictional disputes. In addition, how will these land transfers also benefit the surrounding local communities?

Mr. MELENDEZ. I think working together with the county, we have support from Washoe County, in going to them first and talking about some of the land issues. As you know, out in our rural reservation, it is 1,900 acres, a little more than that, 1,960 acres, we have a lot of things happening out there.

We have off-road vehicles that are destroying some of the vegetation. We have people cutting their own racetracks out there. We have target practices near to our housing out there. We have people dumping trash out there from the cities.

As you know, the Bureau of Land Management has about one ranger trying to patrol not just that land but most of the northern area around Reno, Sparks and Washoe County. We have a lot of support that the tribe could basically patrol that area a lot better than the BLM.

That is one of the supported reasons why the county supports us and the City of Reno about taking over this land.

The CHAIRMAN. Chairman Martin, I want to ask you about some of the cooperative efforts that we have seen. When you take a look at the land-into-trust transfer under H.R. 387, local communities joined together to develop a solution that works for everyone. It seems that way to me.

This example of local cooperation, I think, could be a model for other communities, not just for trust land acquisition but other developmental opportunities. Could you talk a little bit about how these joint cooperative efforts arose and how it came into being?

Mr. MARTIN. We worked closely with the City of Banning and the county for mitigation of our casino, of impacts. It has carried over into other things we have done. We have a great relationship with the city and the county and also Cabazon, the nearest local community. Outlying from that is Beaumont. There are a couple others that we worked closely with for the last 15 or 20 years.

It is not something that we just developed but it is something we have worked with for the last 15 to 20 years. It has been a good relationship.

The CHAIRMAN. Thank you.

Chairman Daboda, current uses of the BLM land described in S. 1986 include recreational uses. In addition to the Moapa Valley Water District that provides domestic and commercial water services to the region involved in the bill, the district also has agreements with Federal and State entities which govern various conservation efforts.

How would this bill address current public land use and the Moapa Valley Water District uses?

Mr. DABODA. For the recreational aspect of it, we are working with Partners in Conservation. We just allowed them access to a hump-n-bump race event. Recently in the last month, we granted them access, they needed the vehicles walked down.

Hunters for Big Horn sheep, historically, they are the only ones that really contact the reservation. We have never denied them access. We give them a temporary permit, get their driver's license and their data, if they are coming out or scouting the site for Big Horn sheep.

Regarding the Moapa Water District, we have partnerships with them right now currently with an MOU for lease agreement for water because we do not have Federal adjudicated water rights yet. We have worked with them in the last seven years on water issues.

That is something that came up recently, so we will probably have to be in further discussion with the Moapa Water Authority on what they are looking at because they are looking at potentially wells on one of the parcels we are looking at. I guess it is proposed wells because there are no existing wells right now.

The CHAIRMAN. Very well.

I want to thank all of you for being here, for testifying, for sharing your knowledge and support of this legislation with the Committee. Thank you for answering the questions. Some of the other Committee members may want to send questions to you in writing. We ask that you respond quickly.

The hearing record will remain open for ten days.

Thank you.
This hearing is adjourned.
[Whereupon, at 3:44 p.m., the Committee was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF HON. HARRY REID,
U.S. SENATOR FROM NEVADA

Thank you Chairman Barrasso and Vice-Chairman Tester for the opportunity to submit testimony on these two bills that would transfer land into trust for a total of seven Indian tribes in Nevada.

Nevada's Great Basin has always been home to the Washoe, Paiute and Western Shoshone People. The first Nevadans have long been a voice for protecting our wild landscapes and enriching our state through their language and cultural heritage. I take the many obligations that the United States has to tribal nations seriously. Land is lifeblood to Native Americans and these bills provide space for housing, economic and community development, traditional uses and cultural protection. I would like to commend the tribes, whose immense work and collaboration made these bills possible, and I look forward to continuing to work with our First Nevadans on protecting their homelands.

S. 1436, The Nevada Native Nations Land Act

The Nevada Native Nations Land Act, S. 1436, would transfer land into trust for six northern Nevada tribes—the Fort McDermitt Paiute and Shoshone Tribe, the Duck Valley Shoshone Paiute Tribes, the Summit Lake Paiute Tribe, the Reno-Sparks Indian Colony, the Pyramid Lake Paiute Tribe and the Duckwater Shoshone Tribe. The Nevada Native Nations Land Act would allow these six tribes to build housing for their members, preserve their cultural heritage and traditions, and provide opportunities for economic development.

The Northern Paiutes have always made their homes throughout what is now Idaho, California, Utah and Nevada. The Western Shoshones have been living in what is now southern Idaho, central Nevada, northwestern Utah, and the Death Valley region of southern California. Due to westward expansion, our government pushed some Western Shoshones and Northern Paiutes into the same tribe and onto the same reservation where their descendants remain.

The Fort McDermitt Paiute and Shoshone Tribe now make their home along the Nevada-Oregon border. Starting as a military fort in 1865, the military reservation was turned into an Indian Agency in 1889 and then established as an Indian reservation in 1936. The reservation is currently made up of 16,354 acres in Nevada and 19,000 acres in Oregon. The Nevada Native Nations Land Act would add 19,094 acres now managed by the BLM in Nevada to the lands already held in trust for the tribe.

The Duck Valley Indian Reservation is the home of the Shoshone-Paiute Tribes who live along the state line between Nevada and Idaho. The reservation is 289,819 acres, including 22,231 acres of wetlands. The tribes have limited economic opportunities and tribal members have made their way farming and ranching. This bill would place 82 acres of U.S. Forest Service land into trust for the tribes. The tribes plan to rehabilitate structures that were used by Forest Service employees into much-needed housing on the parcel.

The Summit Lake Reservation is one of the most rural and remote reservations in Nevada along the Oregon and California borders. Established in 1913 for the Summit Lake Paiute Tribe, the reservation today is 12,573 acres. The tribe seeks land to maintain the integrity of its reservation, protect Summit Lake and restore the Lahontan Cutthroat Trout. S. 1436 would transfer 941 acres of BLM-managed land into trust for the tribe.

The Reno-Sparks Indian Colony has a very small 28-acre reservation in Reno, Nevada, established in 1917. Established as an Indian tribe under the Indian Reorganization Act in 1934, the colony now has 1,100 Paiute, Shoshone and Washoe tribal members. A newer 1,920 acre reservation in Hungry Valley, 19 miles north of Reno, was created by federal legislation in 1986. While the Hungry Valley Reservation provided the colony more space for residential and community development, the colony has experienced continual encroachment from the growing city of Reno and in-

creased public land use. Tribal members requested additional lands to ensure their safety, allow them to continue cultural practices and enhance their quality of life. The legislation would transfer 13,434 acres of BLM land into trust for the tribe.

The Pyramid Lake Paiute Tribe have made their homelands around Pyramid Lake, a unique desert terminal lake. Pyramid Lake is one of the most valuable assets of the tribe and is entirely enclosed within the boundaries of the reservation. S. 1436 would expand the reservation with an additional 6,357 acres of BLM-managed land.

The Duckwater Shoshone Tribe make their home on the Duckwater Shoshone Reservation in Nye County, Nevada. The tribe has 385 members and their reservation consists of 3,785 acres. The tribe has grazing rights to an additional 442,000 acres known as the Duckwater Historic Grazing Area. This bill would convey 31,269 acres of BLM administered land to the tribe.

S. 1986, The Moapa Band of Paiutes Land Conveyance Act

The Moapa Band of Paiute Indians have been in Nevada and the West since time immemorial and suffered great land losses through federal Indian policy. When the Moapa River Reservation was established in the late 1800s, it consisted of over two million acres. In its lust to settle the West, Congress drastically reduced the reservation to just 1,000 acres in 1875. It wasn't until 1980 that Congress restored 70,500 acres to the reservation. Today the reservation is approximately 71,954 acres.

The Moapa Band of Paiutes Land Conveyance Act, S. 1986, would direct the Secretary of the Interior to take 25,977 acres of land currently managed by the Bureau of Land Management (BLM) and the Bureau of Reclamation into trust for the Moapa People who live outside of Las Vegas, Nevada. This legislation would provide much needed land for the band's housing, economic development and cultural preservation.

Located on I–15, the band owns the Moapa Paiute Travel Plaza. The band is the first in Indian Country to develop utility-scale solar projects on tribal lands. Since southern Nevada has critical habitat for the desert tortoise, a species listed as threatened under the Endangered Species Act, the band works closely with federal, state, and local partners, members of the conservation community and interested stakeholders to develop their community in an environmentally responsible manner.

This bill would also direct the Secretary of the Interior to take 88 acres that the band owns in fee into trust. The 88 acres are currently undeveloped and adjacent to the reservation. The band does not intend to conduct gaming on these lands as they have more lucrative lands along I–15.

Lands legislation is important to me and the Indian tribes in Nevada. Throughout the history of our country, Native Americans have been removed and disenfranchised from their homelands. They have been treated so poorly. One of the first pieces of legislation I worked on when I came to Congress was the historic Pyramid Lake/Truckee-Carson Water Rights Settlement. This historic settlement involved two states, several cities, a lake, a river, endangered species, and two Indian tribes. These Indian water rights needed to be protected, just as tribal lands need to be restored especially in Nevada where tribal landbases are smaller and more rural and remote than in any other parts of Indian Country. I will continue to do what I can to right some of the many wrongs and help tribes restore their homelands.

I greatly appreciate that the Chairman and Vice-Chairman have made time for this hearing and I look forward to working with the Committee to advance these bills.

I request that my statement be included in the record.

PREPARED STATEMENT OF HON. PERLINE THOMPSON, CHAIRMAN, DUCKWATER SHOSHONE TRIBE

S. 1436, "NEVADA NATIVE NATIONS LANDS ACT"

On behalf of the Duckwater Shoshone Tribe, I would like to submit this statement in support of S. 1436, the "Nevada Native Nations Lands Act." Our tribe is a member of the Nevada Tribal Land Coalition, which is seeking to expand land bases for tribes in Nevada to provide for sufficient housing, economic development and other essential tribal services.

The Duckwater Shoshone Reservation, consisting of 3,785 acres of tribal land held in trust by the United States, is located in Nye County, Nevada, about 200 miles northwest of Las Vegas and 70 miles southwest of Ely. The Reservation consists of

three ranches purchased in 1940–43 by the Interior Department under the 1934 Indian Reorganization Act, plus grazing and water rights that were appurtenant to the ranches when purchased covering an additional 442,000 acres (Duckwater Historic Grazing Area).

With enactment of S. 1436, approximately 31,269 acres of land administered by the Bureau of Land Management would be conveyed to be held in trust for the benefit of the Duckwater Shoshone Tribe.

The Duckwater Tribe desperately needs a larger land base. As of July 10, 2015, there were 393 enrolled members of the Duckwater Shoshone Tribe. The Duckwater Reservation is so small that more than three-fourths of the Tribe's members have been forced to leave to find jobs and housing. Only 88 tribally enrolled members live on the Reservation. Of the additional 63 people living on the Reservation, most are members of neighboring Tribes and/or spouses of Tribal members. The ranches that comprise the Reservation and originally supported three non-Indian families must now support 74 Indian families. Ten tribal members are currently running livestock on the Reservation and the Duckwater BLM Grazing Area.

The BLM has reduced the Tribe's allowable Animal Unit Months (AUMs) of grazing by 62 percent to the current level of 4,619 since the Reservation was created. The Tribe sold the tribal herd in 2003 because there is insufficient forage for both the Tribe and individual tribal cattlemen, who presently run 534 head of livestock. The Tribe is very anxious to acquire another herd if sufficient forage were available. The Tribe cannot maintain even existing livestock operations because of lack of sufficient grazing lands, and further economic development is impossible. The tribal economy consists entirely of tribal government operations, including the tribal headquarters, the tribal school and the tribal health clinic, plus very limited livestock grazing.

The Duckwater Shoshone Tribe plans to utilize the additional lands to be convened under S. 1436 for economic development and community growth. These lands will allow the Tribe to expand agricultural operations, plan for renewable energy projects, additional housing & facilities development, and protection of cultural and spiritual sites, as well as wildlife. The Tribe's plan for the lands incorporates our spiritual, cultural, natural resource management, and economic heritage with a goal of self-sufficiency.

The Tribe has obtained resolutions and letters of support for Duckwater Reservation expansion and tribal economic development plans from the following:

1. Nye County Commission
2. Eureka County Commission
3. National Congress of American Indians
4. Inter-Tribal Council of Nevada
5. Barrick Gold of North America
6. Mount Wheeler Power Company
7. General Moly Company
8. Carole Hanks, Owner Blue Eagle Ranch
9. David Weaver, Owner Angleworm Ranch

Thank you for the opportunity to present this testimony in support of S. 1436.

PREPARED STATEMENT OF HON. VINTON HAWLEY, CHAIRMAN, PYRAMID LAKE PAIUTE TRIBAL COUNCIL

SENATE BILL 1436 THE "NEVADA NATIVE NATIONS LANDS ACT"

On behalf of the Pyramid Lake Paiute Tribal Council, the governing body of the Pyramid Lake Tribe and pursuant to the Council's resolution dated May 21, 2014, I respectfully offer the following testimony in support of S. 1436, the Nevada Native Nations Lands Act.

The Pyramid Lake Paiute Tribe is a federally recognized Indian Tribe and has a government-to-government relationship with the United States of America.

The Pyramid Lake Reservation lies approximately 35 miles northeast of Reno, Nevada in northwestern Nevada. It lies almost entirely in Washoe County. The Reservation has 742.2 square miles in land area and includes all of Pyramid Lake, and all of the Truckee River from the Big Bend north. The Reservation is centered on Pyramid Lake, and the lake itself comprises 25 percent of the reservation's area. The Reservation includes most of the Lake Mountain Range, portions of the Virginia Mountains and Pah Rah Range and the southern end of the Smoke Creek Desert. There are three communities on the Reservation. Sutcliffe is located on the western shore of the Lake, Nixon is at the southern end of the Lake, and Wadsworth, the

largest, is located near the Big Bend of the Truckee at the southern end of the reservation, just north of the non-reservation town of Fernley.

The reservation land was first set aside for the Northern Paiute at request of the Bureau of Indian Affairs in 1859. The Reservation was not surveyed until 1865. President Ulysses S. Grant subsequently affirmed the Reservation's existence by executive order dated March 23, 1874.

Our Tribe has a long history of repatriating ancestral lands within and contiguous to the reservation to Tribal ownership to protect, conserve, and enhance the cultural and natural resources of the Pyramid Lake Paiute Reservation.

The Tribe has long sought the ancestral lands set forth in S. 1436 for inclusion within the legal boundaries of the Reservation. In 1990, President George H. W. Bush signed Public Law 101–618 which included a provision to allow private lands within or contiguous to the Reservation to be acquired by means of a Federal Land Exchange and then be incorporated within the Reservation. Subsequently, a number of land exchanges authorized by PL 101–618 were successfully completed enabling the Tribe to acquire certain lands in the Pah Rah Mountain Range on the southwest border of the reservation. Unfortunately, almost 8,000 acres of private land acquired in the Pah Rah Range under PL 101–618 were conveyed to the United States under the jurisdiction of the Bureau of Land Management (BLM) rather than into Trust status. The Tribe has long held that these properties should have been put into Trust status. The proposed legislation would help address this by providing for the transfer of some of these as lands in the Pah Range that lie in Pyramid Lake's watershed to Trust status.

Additionally, in 2008 the Tribe acquired private lands contiguous to the eastern boundary of the Reservation in the Mud Slough area which lands are intermingled with isolated parcels of BLM land. S. 1436 would unify the land ownership pattern allowing for better, more comprehensive Tribal land management of this area.

Incorporation of the federal land that is contiguous to the Reservation will help protect the Pyramid Lake watershed, and the lake's world-renowned fishery. Transfer of these lands would also allow the Tribe to better manage the watershed of Pyramid Lake, the central feature of the Reservation.

Pyramid Lake is home to the cui-ui, *Chasmistes cujus,* a large sucker fish endemic to Pyramid Lake. The cui-ui is not only a critically endangered species, but is also one of the few surviving members of its genus. As suggested by the translation of the Tribe's name—"Cui ui Ticutta"—the "Cui ui Eaters"—these fish were and remain integral to the Tribe's culture and were a vital subsistence food source. Following the construction of Derby Dam in 1905 and diversion of much of the Truckee River's flow, the Pyramid Lake fishery declined and by 1930 it was no longer capable of supplying even subsistence food.

Pyramid Lake is also home to the federally listed Lahontan cutthroat trout. The trout were and remain integral to the Tribe's culture and are central to the Tribe's economy and remain a vital food source for Tribal members. Lahontan cutthroat trout were plentiful in the mid-1880's. But as more people moved to the area and began to use the natural resources, what was once plentiful became depleted. Overfishing of the lake's population, introduction of exotic fish and habitat degradation caused the collapse of the commercial Lahontan cutthroat in Pyramid Lake by 1944. Pyramid Lake was restocked with fish captured from Summit Lake (Nevada). However, in the 1970s, fish, believed to have been stocked almost a century ago, from the Pyramid Lake strain were discovered in a small stream along the Pilot Peak area of western Utah border, and are a genetic match to the original strain. This Pilot Peak strain is now integral to the reintroduction and planting programs maintained by the U.S. Fish and Wildlife Service. The Lahontan cutthroat trout were classified as an endangered species between 1970 and 1975, then the classification was relaxed to threatened species in 1975, and reaffirmed as threatened in 2008.

As stated above, transfer of these lands will allow the Tribe to better manage its natural resources and protect Pyramid Lake and its fish population thereby achieving cultural, economic and environmental benefits.

Finally, the historic range of the Pyramid Lake Paiute people was far greater than the current boundary of the Pyramid Lake Paiute Reservation, and transfer of federal lands that are contiguous to the current boundary of the Reservation would allow the Pyramid Lake Paiute people to expand their present day Reservation to include additional lands that they occupied in the past.

Early on representatives of the Pyramid Lake Tribe reached out to nearby stakeholders in an effort to address concerns they may have. We have in good faith attempted to address all legitimate concerns that have been brought to our attention. And, even though the proposed legislation is clearly subject to honoring any and all valid existing rights, in an effort to accommodate concerns expressed by mining interests and recreationists, the Tribe acquiesced to requests to remove over 10,000

acres from the bill as originally proposed. After doing so, the Tribe agreed to remove an additional approximately 3,500 acres to accommodate concerns that were only brought to the Tribe's attention on July 22, 2014. I believe the Pyramid Lake Tribe has been extremely willing to compromise in order to make this bill a reality and on behalf of the Pyramid Lake Tribal Council and all our members, I wish to thank Senators Reid and Heller for their support of this legislation and respectfully ask that you and your colleagues support S. 1436.

Thank you for your consideration of the preceding testimony.

PREPARED STATEMENT OF HON. RANDI DESOTO, CHAIRWOMAN, SUMMIT LAKE PAIUTE TRIBAL COUNCIL

On behalf of the Summit Lake Paiute Tribe, I wish to thank you for the opportunity to offer testimony in support of S. 1436, the Nevada Native Nations Lands Act.

Background

The Summit Lake Paiute Tribe is a federally recognized Indian Tribe and has a government-to-government relationship with the Federal Government.

By election on October 24, 1964, the members of the Agai Panina Ticutta (Summit Lake Fish Eaters) Tribe of the Northern Paiute Nation gave up their traditional form of government and conditionally adopted the form of government that was set forth by the Indian Reorganization Act of 1934 (see Articles of Association (Constitution) and changed the name of the Tribe to the "Summit Lake Paiute Tribe."

The Tribe's Articles of Association were approved by John A. Carver Jr., Acting Secretary of the U.S. Department of the Interior on January 8, 1965.

The Tribe's Reservation is in a very remote location in northwestern Nevada about 50 miles south of the Oregon state line, and about 50 miles east of the California state line and 5 hours by road from Reno, Nevada.

Prior to contact with Europeans and Euro-Americans, the Agai Panina Ticutta controlled at least 2,800 square miles of land including land that is now in the states of Oregon and California.

At one time, the Reservation was part of a military reservation, known as Camp McGarry that was established by Executive order in 1867. The military reservation was abandoned in 1871 and transferred from the War Department to the Department of the Interior.

The Reservation was established on January 14, 1913 by a President's Executive Order, number 1681. The Executive Order set aside about 5,026 acres in trust for the Tribe. Successive actions have added additional acreage to the Reservation. Today, the total acreage of the Reservation is about 12,573 acres. The total surface of the lake fluctuates between 900 and over 600 acres between the run off of snow melt in spring and dry summer conditions. Reservation lands surround Summit Lake except in one area on the west side of Summit Lake. Senate Bill 1436 would incorporate these public domain lands into the Reservation thereby restoring the integrity of the Reservation and allowing for better, more comprehensive management of the Lake and its fish population.

Summit Lake is home to the federally listed Lahontan cutthroat trout. As suggested by the translation of the Tribe's name—"Agai Panina Ticutta"—the "Summit Lake Fish Eaters", the trout were and remain integral to the Tribe's culture and are a vital food source.

Lahontan cutthroat trout were plentiful in the mid-1880s. But as more people moved to the area and began to use the natural resources, what was once plentiful became depleted. Overfishing of the lake populations, introduction of exotic fish and habitat degradation caused the collapse of the commercial Lahontan cutthroat from nearby lakes such as Lake Tahoe in 1939 and Pyramid Lake five years later in 1944.

Cooperative efforts to improve the status of Lahontan cutthroat trout began as early as the 1940's. Habitat improvement projects and livestock grazing enclosures were initiated as early as 1969.

S. 1436 presents an opportunity to continue efforts to restore Summit Lake and its fishery. Transfer of the 941 acres of public domain lands in Township 42 North, Range 25 East, Sections 35 & 36 to the Summit Lake Paiute Tribe for inclusion in the Summit Lake Reservation—the only lands that surround Summit Lake which are not a part of the Reservation—will allow for significantly improved management and habitat restoration for existing and future Lahontan cutthroat trout populations.

The Summit Lake Tribe has long sought these lands which lands should have been a part of the Reservation from the Reservation's inception a century ago.

Transfer of these lands will unify the Reservation, allow the Tribe to better manage its natural resources and protect Summit Lake and its fish population thereby achieving cultural, economic and environmental benefits.

Thank you for your consideration of this bill. On behalf of the Summit Lake Tribe I respectfully and strongly urge your support.

PREPARED STATEMENT OF HON. KEVIN DAY, CHAIRMAN, TUOLUMNE BAND OF ME-WUK INDIANS

Good Morning Mr. Chairman:

My name is Kevin Day and I am the Chairman of the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria. Thank you for holding this hearing on S. 1822.

I'd like to start by giving you some background; the Tuolumne Band of Me-Wuk Indians is a small federally recognized central California Tribe with a membership of around 400 people. Our modern tribal government was organized under the Indian Reorganization Act in January of 1936. Our small reservation is located in the western foothills of the Sierra Nevada Mountains, approximately one hour north of Yosemite National Park and two hours east of Sacramento. We operate a successful casino under a compact with the State of California and we own an existing hotel which is located adjacent to that casino. We use the funds generated by these enterprises to support our tribal programs and improve the lives of our people.

The bill before you today is very simple. It proposes to transfer two forty acres parcels of land from the U.S. Forest Service to the Bureau of Indian Affairs in trust for the Tribe. The parcels at issues are completely surrounded by tribally owned land to the south and west, and by lands held by the private Edward Ingalls Trust to the north and east. This makes those lands virtually unusable to the Forest Service and very difficult and very costly for the Forest Service to maintain. As a result, local Forest Service representatives approached the Tribe informally, some years ago, to learn if our Tribe might be interested in acquiring those lands.

We were immediately interested, for two reasons. First, these parcels are located in an area of great cultural and historical significance to the Tribe. Second, unless these parcels are subject to regular fire fuel reduction efforts they present a very real danger to our tribal community and other surrounding land holders. In an area like ours, the question is not whether we will suffer a catastrophic fire; it is "when" we will suffer a catastrophic fire!

The Cultural Significance of these Forest Service Parcel

Our tribal oral history tells us that these Forest Service lands form a part of a greater Me-Wuk traditional cultural landscape. We have already started to acquire some of the lands within that cultural landscape through our purchase of the Murphy Ranch which boarders those Forest Service parcels to the south, west and east. This cultural landscape is very important to us and for that reason, we quickly designated all of the Murphy Ranch Lands as a protected tribal conservation area right after those lands were acquired.

Surveys conducted on these contiguous Murphy Ranch lands found that they house some 24 cultural/archeological sites of significance to our Tribe. Additionally, an ethnobotanical study of the Murphy Ranch lands found that these contiguous lands also contain plants of traditional subsistence,

medicinal and technological uses at 32 separate locations. In fact, our tribal members still gather traditional cultural materials on the Murphy Ranch today.

Although we have never been able to perform an archeological or ethnobotanical study of the Forest Service lands being discussed here, the simple topography and biology of the area clearly indicates that those parcels will be found to contain similar cultural sites, and many of the same ethnobotanical species that are found on the Murphy Ranch.

Fire Protection Concerns

Because our Reservation is located within an area which has been designated by the State and the Federal Government as a High Fire Hazard Severity Zone, protection of our tribally owned lands from catastrophic wildfires is of paramount concern. The severity of this threat is expanded whenever we suffer a drought and every year that fuel reduction efforts are not performed on all of the heavily forested areas nearby. Mr. Chairman this is the fourth year of drought in our area of California, and I have never seen any fuel reduction work performed on the Forest Service parcels we are discussing. That is a big concern.

As the members of the Committee have all seen on television, fire is not a casual threat for those of us living near or within the boundaries of the Stanislaus National Forest. In 2013, our tribal headquarters came within 14 miles of the area destroyed by the Rim Firm, the third largest in State History. In fact, our tribally owned Murphy's Ranch and the two isolated Forest Service parcels we are seeking to acquire came within 7.5 miles of the area which was completely destroyed by that tragedy. That Rim Fire ended up destroying some 257,314 acres of land and causing some $127 million in damages.

The Forest Service has long recognized the threat of fire in our area and as a result it has entered into fuel reduction agreements with the Tribe consistently for the last three years. Under these agreements, our Tribal Fire Chief assesses the fire hazard presented in a given area by dead and downed trees and other wildfire hazards and prescribes a site specific fuel reduction plan. The Tribe then has a fuel reduction crew of ten which goes into that specific site to remove those hazards. This can be a complicated process since certain areas require the hand removal of this debris in order to protect streams, new growth and other naturally occurring items.

Unfortunately, areas like the two forty acre parcels we are seeking to acquire have not had this type of fuel reduction work performed in a number of years. This is because isolated federal parcels like these do not present a priority use for the limited fuel reduction dollars provided to our area.

Committee Member Concerns

Because I know that various members of the Committee are likely to be concerned about two things, the concerns of the local government and surrounding land holders and the fact that the Forest Service parcels we are seeking to acquire are some 7.5 miles from our Reservation boundaries, I would like to take a few minutes to address those issues.

First, as to local government concerns. When the Tribe decided to seek ownership of these parcels, one of the first things that we did was to contact the local County Board of Supervisors to explain our intent. We have an excellent working relationship with our county government and that relationship is enhanced by an existing Memorandum of Understanding (MOU) which sets forth protocols for all interaction between the County and the Tribe. That Agreement, which was executed on January 16, 2001, provides for a binding annual payment from the Tribe to the County, to offset any costs or losses the County incurs from providing services to our Reservation and tribally owned lands. This relationship and this agreement, which gives our County government a payment of some $890,000 just this year, made it very easy for the Tuolumne County Board of Supervisors to pass and signed the attached written statement supporting this acquisition.

Then, we went to the Executor of the Edward Ingalls Trust which owns the property boarding these Forest Service parcels to the north to resolve any concerns that he had. That Executor, Mr. Craig Ingalls was also quick to sign a letter of support, copy attached, because his single biggest concern is the Forest Service's inability to provide fuel reduction efforts on those parcels and he specifically agrees that the Tribe will be far more likely to perform this work on a reoccurring basis.

We also wanted to appease any concerns that your members may have about the fact that these parcels we are seeking are located off of our existing reservation. First, as I noted above, our Reservation is located in an area which is heavily forested. The terrain in between our existing Reservation and our tribally owned Murphy Ranch and the contiguous Forest Service parcels is a river canyon which is largely owned by the BLM and the Forest Service. There are just a few private parcels in that area which are largely undeveloped. So, this bill is not trying to help our tribe obtain a casino or other business development site nearer to an urban area. Second, neither the Forest Service parcels nor the Murphy Ranch that we already own is conducive to development. There are no permanent roads or utilities on or near any of those lands, which makes the costs associated with bringing even something like new tribal housing onto those sites totally prohibitive. That is why we have no problem including no-gaming language in this bill. These are wildlife and plant conservation areas and nothing more.

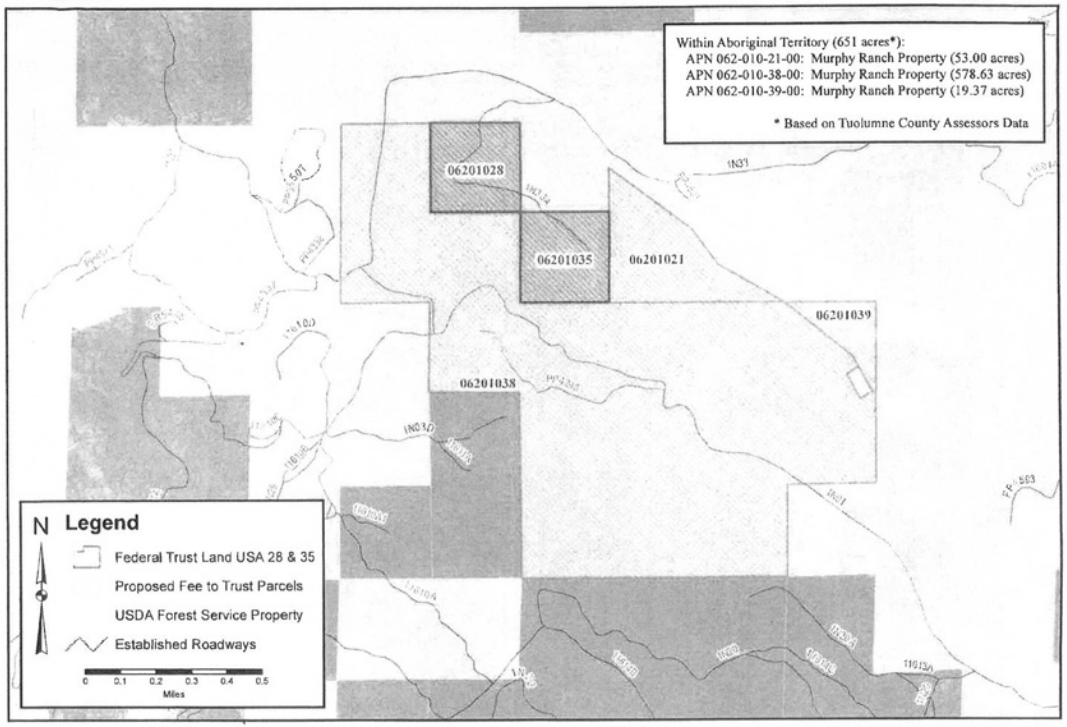
Finally, we wanted to make you aware that we are in the process of taking our Murphy Ranch lands into trust. The environmental assessment performed for this application states clearly that these lands are, and will continue to be, used as a tribal land conservation area. If we are awarded title to the Forest Service parcels we are requesting here, those parcels will simply be added to that existing Murphy Ranch tribal conservation area.

Mr. Chairman, thank you again for holding this hearing. I will be happy to answer any questions you may have.

Attachments

TUOLUMNE BAND OF ME-WUK INDIANS

PROPOSED FEE TO TRUST LANDS - MURPHY RANCH PROPERTY



For informational purposes only. No non-authorized distribution allowed. Contact Tuolumne Me-Wuk Tribal Council Planning & Development Department at (209) 928-5304 for more information. April 8, 2015 (J. Rodriguez)

No. 80-15

Filed July 7, 2015

By _____
Chief Deputy Clerk of the Board of Supervisors

RESOLUTION
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE

SUPPORTING THE TRANSFER OF UNITED STATES FOREST SERVICE LANDS INTO TRUST FOR THE TUOLUMNE BAND OF ME-WUK INDIANS

Whereas, the Tuolumne Band of We-Wuk Indians is seeking federal legislation to have Congress transfer two (2), forty (40) acre parcels in close proximity to the Tuolumne Rancheria in Tuolumne County, California from the United States Forest Service to the Bureau of Indian Affairs in trust for the benefit of the Tuolumne Band of Me-Wuk Indians for non-gaming purposes; and

Whereas, the Tuolumne Band of Me-Wuk Indians are also asking that Congress modify the boundaries of the Tuolumne Rancheria to incorporate these United States Forest Service Lands adjoining the Tuolumne Rancheria similar to lands addressed in the California Indian Land Transfer Act of 2000, PL 106-568; and

Whereas, the Board of Supervisors of the County of Tuolumne supports the Tuolumne Band of Me-Wuk Indians' request of Congress; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Tuolumne, State of California does hereby support the Tuolumne Band of Me-Wuk Indians' request of Congress to transfer the United States Forest Service lands to the Bureau of Indian Affairs in trust for the Tuolumne Band of Me-Wuk Indians and to add these lands adjoining the Tuolumne Rancheria to the Tuolumne Rancheria the same as those lands transferred to other California Tribes under the California Indian Land Transfer Act of 2000, as identified on Exhibit "A" attached hereto and incorporated herein by this reference.

ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE ON July 7, 2015

AYES: 1st Dist. Absent NOES: ____ Dist. ____

2nd Dist. Hoviet ____ Dist. ____

3rd Dist. Absent ABSENT: 15 Dist. Brennan

4th Dist. Gray 3rd Dist. Payne

5th Dist. Rodgers ABSTAIN: ____ Dist. ____

CHAIRPERSON OF THE BOARD OF SUPERVISORS

ATTEST: _____
Chief Deputy Clerk of the Board of Supervisors

No. 80-15

Craig P. Ingalls
Edward G. Ingalls Trust
854 E. Oakside Drive
Sonora CA 9570

12 June 2015

Kevin Day, Tribal Chairman
Tuolumne Band of Me-Wuk Indians
P. O. Box 699
Tuolumne CA 95379

Dear Chairman Day,

The Edward G. Ingalls Trust supports the transfer of two Forest Service parcels that are currently a part of the Stanislaus National Forest to the Bureau of Indian Affairs to be held in trust for the benefit of the Tuolumne Band of Me-Wuk Indians. These parcels are identified by the County Assessor's Office as APN-062-010-28 and APN 062-010-35.

The Edward G. Ingalls Trust owns the property to the north of the Tribe's fee simple land known as the "Murphy Ranch." It is to my understanding that the Tribe would manage these parcels as a conservation area, as they are currently doing with the Murphy Ranch.

Please let me know if there is anything else I can do to support the transfer of these two parcels to the Tribe.

Sincerely,

Craig P. Ingalls

PREPARED STATEMENT OF HON. REYN LENO, TRIBAL COUNCIL CHAIR, CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY OF OREGON

Chairman Barrasso, Vice-Chair Tester, Members of the Committee:

My name is Reyn Leno. I am the Tribal Council Chair of the Confederated Tribes of Grand Ronde in Oregon. I am proud to present testimony today on behalf of over 5,000 tribal members and appreciate the opportunity to provide views on S. 818, a bill to amend the Grand Ronde Reservation Act to make technical corrections, and S. 817, a bill to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon.

I ask that my complete written testimony, which includes *An Administrative History of the Coast Reservation* authored by Dr. David G. Lewis and Dr. Daniel L. Boxberger; supporting resolutions from Polk and Yamhill County Commissioners; and correspondence pertaining to both bills from Representative Kurt Schrader, affected Indian Tribes and Counties be included in the record.

Grand Ronde has worked tirelessly for over six years to pass legislation to rectify a problem created solely by the Federal Government's termination of the Tribe in 1954. This legislation has the bipartisan support of the entire Oregon Congressional Delegation and the unanimous support of the two affected Counties; and the Bureau of Indian Affairs. No opposition or concerns have been raised by other Tribes or affected interests.

This simple and straightforward legislation has been the subject of four congressional hearings and was passed as a standalone bill by the House of Representatives under suspension of the rules on January 13, 2014. Despite all of our efforts and

the overwhelming support for the legislation, it failed to pass the Senate in the last Congress.

S. 818 is a consensus-based legislative proposal to assist the Tribe in reacquiring lands within its original reservation. Based on the universal support of S. 818 and the importance of the legislation to the Tribe, I request passage of the legislation be a top priority of the Committee and the Senate.

As a result of the Federal Government's allotment and termination policies, Grand Ronde lost both its federal recognition and its original reservation of more than 60,000 acres. Following the Tribe's termination in 1954, Tribal members and the Tribal government worked tirelessly to rebuild the Grand Ronde community.

In 1983, these efforts resulted in the Grand Ronde Restoration Act, followed by the Grand Ronde Reservation Act in 1988, which restored 9,811 acres of the Tribe's original reservation to the Grand Ronde people. The United States Congress itself recognized Grand Ronde's deep connection to Yamhill, Tillamook and Polk Counties in the 1983 Grand Ronde Restoration Act by expressly providing that Grand Ronde may take land into trust within these three counties for the purpose of establishing a Reservation. 25 U.S.C. § 713(c) (3). Since 1988, the Tribe has pursued the goal of securing its sovereignty by acquiring additional parcels of its original reservation and providing on-reservation jobs and services to Tribal members.

The Tribe's restored reservation is located in the heart of the original Grand Ronde Reservation. Today, the Tribe owns a total of 13,474 acres of land, of which 11,539 have reservation or trust status. Of the reservation/trust acres, 10,722 are forested timber land and the remaining 817 acres accommodate the Tribe's headquarters, housing projects, casino complex, and supporting infrastructure. Approximately 1,934 remain in fee.

The Tribe is hampered in its efforts to restore land within its original reservation by a lengthy and cumbersome Bureau of Indian Affairs (BIA) process. After it acquires a parcel in fee, the Tribe must prepare a fee-to-trust application package for the BIA. The BIA then processes the application as either an "on-reservation acquisition" or an "off-reservation acquisition." Because the BIA Pacific Regional Office does not recognize that the Tribe has exterior reservation boundaries (instead, it has distinct parcels deemed reservation through legislation), all parcels are processed under the more extensive off-reservation acquisition regulations—even if the parcel is located within the boundaries of the Tribe's original reservation.

After the land is accepted into trust, the Tribe must take an additional step of amending its Reservation Act through federal legislation to include the trust parcels in order for the land to be deemed reservation land. Grand Ronde has been forced to come to the United States Congress six times in the last 20 years to amend its Reservation Act to secure Reservation status for its trust lands. This process is unduly time consuming, expensive, bureaucratic, and often takes years to complete.

In order to make both the fee-to-trust and reservation designation process less burdensome, Senator Wyden reintroduced S. 818, which would: (1) establish that real property located within the boundaries of the Tribe's original 1857 Executive Order reservation shall be (i) treated as on reservation land by the BIA, for the purpose of processing acquisitions of real property into trust, and (ii) deemed a part of the Tribe's reservation, once taken into trust; (2) establish that the Tribe's lands held in trust on the date of the legislation will automatically become part of the Tribe's reservation; and (3) correct technical errors in the legal descriptions of the parcels included in the Reservation Act.

S. 818 does not authorize the transfer of any land to the Grand Ronde.

S. 818 would not only save Grand Ronde time and money which could be better utilized serving its membership, but would also streamline the Interior Department's land-into-trust responsibilities to Grand Ronde, thus saving taxpayer money. At a time when federal financial support for Indian Country is dramatically decreasing, Grand Ronde should be afforded the tools necessary to reduce its costs and maximize savings.

I would now like to provide Grand Ronde's views on S. 817.

While Grand Ronde is opposed to S. 817 as currently drafted, we again reiterate our support for the legislation if it is amended to limit its scope to Lincoln County, consistent with the Siletz Indian Tribe Restoration Act. The legislation is materially different from Grand Ronde's bill and would significantly infringe on the rights of Grand Ronde and other tribes in western Oregon.

S. 817, too, has been the subject of four congressional hearings. However, unlike Grand Ronde's legislation, significant opposition to S. 817 has been raised by Members of Congress, as well as counties and Indian Tribes directly impacted by the legislation.

S. 817 is opposed by three of the six counties affected by the legislation (Yamhill, Tillamook, and Lane County), two Indian Tribes (Grand Ronde and Confederated

Tribes of Coos, Lower Umpqua and Siuslaw Indians), and Representative Suzanne Bonamici, who represents Grand Ronde and Yamhill County, has expressed concerns with it.

It should also be noted, Representative Peter DeFazio, then ranking member of the House Resources Committee, who represents Lane County and the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians Tribe, both of whom are opposed to S. 817, made the following comments regarding the Siletz legislation in the House Resources Committee last year; "There have been concerns expressed to me by commissioners in six counties about this legislation and by other Representatives from Oregon who represent some of those six counties have also echoed those concerns. I'm not exactly certain how we satisfy the concerns of the counties but again that needs some work before this bill can move to the floor. So, I appreciate what the gentleman has done to accommodate me today, I appreciate the Chairman's work on this but more needs to be done before we would want to see this bill on the Floor of the House."

As a result of erroneous claims made by the Siletz Tribe regarding their historical connection to Yamhill and Tillamook Counties, each of the counties invited both Tribes to appear simultaneously before an open and public commission meeting to provide their tribe's legal, historical and cultural connections to each county. As a result of these meetings, Tillamook County and Yamhill County unanimously opposed the Siletz Tribe's asserted connections and primacy to their counties and both reaffirmed their opposition to the Siletz legislation.

Enclosed are letters of opposition from Yamhill County, Tillamook County, Lane County, Grand Ronde and the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians to the Siletz legislation.

Unlike Grand Ronde's bill—which seeks to improve the process of acquiring lands in trust and return to reservation status those lands the Tribe reacquires within its original reservation—we believe the purpose of the Siletz legislation is to eliminate the historic claims of other tribes to the former Coast Reservation (which was set aside for all tribes in western Oregon) by equating the boundaries of the Siletz Reservation (established 1875) with the boundaries of the Coast Reservation (established 1855).

The Coast Reservation, as described in the Executive Order dated November 9, 1855, was never designated exclusively for the Siletz. It was set aside for Indians throughout western Oregon, including the antecedent tribes and bands of the Grand Ronde, such as the tribes of the Willamette Valley, Umpqua Valley, and Rogue River Valley. The Siletz are aware that Grand Ronde has made its own historic claims to the Coast Reservation. Their proposed legislation is nothing more than a veiled attempt to eradicate the claims of Grand Ronde and other western Oregon tribes to the Coast Reservation.

The Federal Government has not supported the Siletz's expansive view of its reservation boundaries, holding that the Tribe's 1977 Restoration Act and its 1980 Reservation Act define its reservation boundaries. For example, a 1994 opinion issued by the Assistant Regional Solicitor of the Department of the Interior stated the following:

> . . . Congress made clear in the [Siletz] Tribe's 1977 Restoration Act that 'any reservation' for the Tribe is that established pursuant to § 711e of the Act. Thus, the reservation established pursuant to the 1980 Act adopting the reservation plan constitutes the Tribe's reservation for purposes of the land acquisition regulations in 25 C.F.R. Part 151.[1] (citations omitted)

In subsequent litigation by the Siletz, challenging the BIA's interpretation of its land acquisition regulations, the Department of Justice supported the 1994 opinion by the Regional Solicitor. In a response brief filed on behalf of the Federal Government, the Department of Justice stated:

> [The 1994 opinion] analyzed the regulatory provision and concluded that it would not be consistent with the intent behind the regulations to consider all land located within the boundaries of the former Siletz or Coast Reservation to be within the Tribe's reservation.[2]

S. 817 is inconsistent with Section 7(d) of the Siletz Indian Tribe Restoration Act (25 U.S.C. § 711e(d)), which provides that "the Secretary shall not accept any real

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[1] Definition of "On-Reservation" for Land Acquisition Purposes at Siletz Reservation, Memorandum Opinion by the Assistant Regional Solicitor, U.S. Department of the Interior, June 1, 1994.

[2] Brief of U.S. Department of the Interior at 4, *City of Lincoln v, Us. Dept. of the Interior and Confederated Tribes of Siletz Indians of Oregon,* No. 99–330 (D. Or. June 23,2000).

property in trust for the benefit of the tribe or its members unless such real property is located within Lincoln County, State of Oregon." The property described in the S. 817 is much more expansive, covering Lincoln, Lane, Tillamook, Yamhill, Benton, and Douglas Counties.

Moreover, since the legislation includes property in Tillamook and Yamhill Counties, the legislation infringes on sovereign interests of Grand Ronde. Specifically, Section 8 of the Grand Ronde Restoration Act (25 U.S.c. § 713f(c)), provides that "the Secretary shall not accept any real property in trust for the benefit of the tribe or its members which is not located within the political boundaries of Polk, Yamhill, or Tillamook County, Oregon."

Neither the authors of the Siletz legislation or the Siletz Tribe has ever been able to answer this fundamental question: What legal, historical or treaty obligation provides the authority for the Siletz Tribe to take land into trust under an expedited application process in counties specifically designated by Congress for the Grand Ronde Reservation in 1983?

Yamhill County includes a significant portion of the Grand Ronde Reservation. While S. 817 allows for the easing of requirements to take land into trust for the Siletz in Yamhill County, no part of the Siletz Tribe's reservation, however, is located in Yamhill County, nor to my knowledge, has the Siletz Tribe ever attempted to take land into trust in Yamhill County.

Additionally, Tillamook County is also included in S. 817. Many members of the Tillamook tribes (Nestucca, Nehalem, Salmon River and Tillamook) married into families living at the Grand Ronde Reservation, while continuing to hunt, fish and reside along the Oregon coast. The Siletz Tribe does not have the sole claim to the entire Tillamook Territory of the Oregon coast, and it would be inappropriate to allow them to assert such a claim today. Also, Grand Ronde owns land in Tillamook County, one of the counties identified by Congress in the Grand Ronde Restoration Act as an area where the Tribe can acquire trust land to re-establish its Reservation.

S. 817 is also opposed by the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, as it infringes on their historic lands. Even though the Coos are separately recognized by the United States as an independent sovereign, the Siletz Tribe takes the position that it is the legal successor in interest to this tribal confederation.[3]

While Grand Ronde, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indian and others opposed to the legislation can agree to disagree with the Siletz Tribe's claim of primacy to the Coast Reservation, the simple facts are that S. 817 is (1) is opposed by two Oregon Tribes with legitimate cultural and historical claims to the areas involved; (2) is opposed by three of the six counties affected by the legislation; and (3) Representative Bonamici who represents Grand Ronde and Yamhill County has expressed concerns with it.

In conclusion, it has been insinuated the Grand Ronde and Siletz legislation are paired and that the Grand Ronde's legislation cannot advance without an agreement to accept the Siletz legislation.

If true, I find this to be an affront to our sovereignty and government-to-government relationship. Forcing Grand Ronde to have accept the Siletz Tribe's rewriting of history and encroachment of its ceded and historical lands in order to rectify a serious wrong is inappropriate, violates tribal sovereignty and is plain just bad public policy.

Representative Kurt Schrader, who represents both the Grand Ronde and Siletz Tribe and who has introduced both bills in the House of Representatives made it clear in his March 2013 letter to the House Resources Committee stating, "Whereas H.R. 841 and H.R. 931 were introduced to address the individual needs of each Tribe, I feel it is important that each bill be considered by the committee on its own merits and support and should not be considered paired."

For these reasons, we urge the Committee not to proceed with further consideration of S. 817 in its current form.

I thank you for your time and consideration today.

Attachments

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[3] *See* Letter from Delores Pigsley, Tribal Chairwoman, Confederated Tribes of Siletz Indians, to The Honorable Ron Wyden, United States Senator, at 2, April 17, 2013 (The Siletz Tribe is the legal successor in interest to the historical Coos, Siuslaw and Lower Umpqua Tribes of Indians.)

Tillamook County Oregon
Board of Commissioners
Tillamook County Courthouse
201 Laurel Avenue
Tillamook, Oregon 97141

Yamhill County Oregon
Board of County Commissioners
535 NE Fifth Street
McMinnville, Oregon 97128

Confederated Tribes of Coos,
Lower Umpqua,
and Siuslaw Indians
1245 Fulton Avenue
Coos Bay, Oregon 97420

Confederated Tribes of
Grand Ronde
Tribal Council
9615 Grand Ronde Road
Grand Ronde, Oregon 97347

April 29, 2014

The Honorable Eric Cantor
Majority Leader
United States House of Representatives
Washington, DC 20515

via hand delivery

Re: H.R. 931 – Siletz Legislation

Dear Majority Leader Cantor:

It is our understanding H.R. 931, legislation which provides for the addition of certain real property to the reservation of The Confederated Tribes of Siletz Indians of Oregon, has been placed on the Union Calendar. We write to express opposition to the legislation and request H.R. 931 not be scheduled for Floor consideration. Tribal and County opposition to H.R. 931 was raised at two congressional hearings, a House Resources Committee Markup, and correspondence and discussions with Members of the Oregon Congressional Delegation. Furthermore, the omission of opponents' concerns from the legislation's Committee Report, H. Rept. 113-367, very easily could mislead Members into believing that the bill is non-controversial.

As Tribal and County officials representing significant areas directly impacted by H.R. 931, we are opposed to H.R. 931 as currently written. Please contact us should you require additional information.

Very truly yours,

Tim Josi
Commissioner
Tillamook County Oregon

Mary P. Stern
Yamhill County
Board of County Commissioners

Mark Labhart
Commissioner
Tillamook County Oregon

Allen Springer
Yamhill County
Board of County Commissioners

Bill Baertlein
Commissioner
Tillamook County Oregon

Kathy George
Yamhill County
Board of County Commissioners

Bob Garcia
Chairman, Tribal Council
Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians

Reynold L. Leno
Chairman, Tribal Council
Confederated Tribes of Grand Ronde

BOARD OF COUNTY COMMISSIONERS

KATHY GEORGE • LESLIE LEWIS • MARY P. STERN

535 NE Fifth Street • McMinnville, OR 97128-4523

Confederated Tribes of Siletz Indians
Attention: Deloras Pigsley, Tribal Chairman
PO Box 549
Siletz, OR 97380

July 19, 2012

Re: S. 908 and Congressman Kurt Schrader's proposed house bill

Dear Chair Pigsley,

We want to thank you, Vice-Chairman Bud Lane, Tribal Council Member and Historian Robert Kentta and Tribal Attorney Craig Dorsey for attending our Informal Session on July 16th along with representatives of the Confederated Tribes of Grand Ronde (CTGR) to further discuss your proposed Congressional legislation.

We understand that Congressman Kurt Schrader will be introducing legislation next week which would ease the requirements for taking land into trust on behalf of the Confederated Tribes of Siletz Indians (Siletz Tribe) in the counties of Benton, Douglas, Lane, Lincoln, Tillamook, and Yamhill. In 2011, Senators Ron Wyden and Jeff Merkley previously co-sponsored similar legislation on your behalf in the U.S. Senate (S. 908). On March 29, 2011, the Yamhill County Board of Commissioners (Board) provided you a letter of support for this legislation. Our understanding is that S. 908 has been assigned to a committee, but has not passed out of committee.

As you know from our meeting on July 16th, our Board recently learned that CTGR and other western Oregon tribes have expressed concerns that Congressman Schrader's bill and S. 908 may give the Siletz Tribe priority and dominion over land that may have originally been reserved to all western Oregon tribes. We appreciate all the historical documents and excerpts from court cases that you provided us. This information is very helpful, as is the information given to us by CTGR.

We have carefully considered your testimony and the testimony of the CTGR representatives. We wish both tribes well in resolving this long-standing disagreement over the historic "Coast Reservation". However, we believe that it would be inappropriate for our county government to take a position in this dispute with our limited understanding of the issues.

Given the situation at this point in time, we have unanimously decided that it is most appropriate for our Board to support your proposed federal legislation <u>only</u> for the purposes of taking land into trust in Lincoln County.

We continue to value our partnership with you and your Tribal Council and we hope that our conditional support of your proposal will be of assistance to you in passing an amended version of S. 908 which does not include the land in dispute.

Again, thank you for meeting with us on short notice this week and we look forward to working with you in the future.

Sincerely,

Leslie Lewis
Chair

Kathy George
Vice-Chair

Mary P. Stern
Commissioner

Tillamook County

Board of Commissioners
Bill Baertlein, Tim Josi, Mark Labhart
201 Laurel Avenue
Tillamook, Oregon 97141

Land of Cheese, Trees and Ocean Breeze

The Honorable Kurt Schrader
United States House of Representatives
108 Cannon House Office Building
Washington DC 20515

May 7, 2014

Dear Representative Schrader:

It is our understanding, H.R. 931, which would ease the requirements for taking land into trust on behalf of the Confederated Tribes of Siletz Indians, has cleared the Natural Resources Committee and been placed on the Union Calendar for possible consideration by the House of Representatives. As a result of the legislation's advancement in the House of Representatives, our Board thought it appropriate to review the documents and testimony provided by the Grand Ronde and Siletz Tribes on this matter.

In an effort to strengthen our relationship, discuss matters facing each of our governments and initiate economic development opportunities, Tillamook County and The Confederated Tribes of Grand Ronde regularly hold quarterly meetings. These meetings have been extremely productive and we look forward to working with the Tribe on a number of issues. In addition, our meetings have provided an opportunity for us to better understand and appreciate Grand Ronde's historical and legal connection to Tillamook County.

As a result of these discussions, we have been made aware of concerns regarding the Siletz legislation raised by Grand Ronde, other western Oregon tribes, and several counties which may give the Siletz Tribe priority and dominion over lands that have historical connections to other western Oregon tribes. To better understand the Grand Ronde's concerns, we requested additional information on the Grand Ronde's historical, cultural and legal connections to Tillamook County.

We have reviewed the documents provided by each Tribe and are very much aware of the disagreements related to the historic "Coast Reservation".

We have unanimously decided that it is more appropriate for us to support H.R. 931 only for the purpose of taking land into trust in Lincoln County. We hope the Tribes will continue to dialog between themselves to reach a mutually beneficial agreement.

Thank you for your attention to this matter and please contact us should you require additional information on this matter.

Sincerely,

BOARD OF COMMISSIONERS FOR
TILLAMOOK COUNTY, OREGON

Bill Baertlein, Chair | Tim Josi, Vice Chair | Mark Labhart, Commissioner

LANE COUNTY BOARD OF COMMISSIONERS

Jay Bozievich
Pat Farr
Sid Leiken
Peter Sorenson
Faye Hills Stewart

August 6, 2013

Congressman Peter DeFazio
2134 Rayburn Office Building
Washington DC 20515

Dear Congressman DeFazio:

The Lane County Board of Commissioners has recently received presentations from the Confederated Tribes of the Siletz, and the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI) regarding the federal process of land acquisition as it currently exists, as well as their respective thoughts to how it should occur. We have reviewed testimony on S 908 (112th Congress) and HR 931 (113th Congress) by both tribes. This issue is exceedingly complicated given the overall history of Indian affairs within Oregon, and specifically those tribes that are seeking some kind of land base such that they may provide for their ancestry a defined and culturally significant land base. The issue as we see is that HR 931 gives one tribe superior claims to lands throughout a large region. This leaves other tribes that are concurrently working hard to be formally recognized and that also exist within the footprint of the federally recognized region, at a competitive disadvantage.

Individual members of the Board of County Commissioners reached out to you during the last session as you were dealing with the issue of streamlining the fee to trust process proposed by the Confederated Tribes of the Siletz and introduced as both S 908 (Wyden) and HR 1554 (Schrader).

You may recall the concern raised in those letters had to do with the elimination of language that provided counties with a very clear "opt out" provision. It is our understanding that issue has pretty much been settled by the political reality of gaining support for the measure, and in fact was opposed by the tribes themselves. We understand and respect that.

That said, counties should have some kind of voice with respect to these transfers. The on reservation timelines are very quick, with little formalized process to comment. As a default, the off-reservation procedures do provide counties with more of a voice, and require tribes to submit to a process that we feel is more in the public's interest. We recognize, however, the additional financial and time constraints this process brings with it. Given the magnitude of the implications for such land transfers, and the underlying historic issues which appear to have provided an un-even playing field for each of the coastal tribes, we conclude that the off-reservation process should be preserved in an absence of a formalized agreement amongst the coastal tribes.

We understand the impacted tribes are working collaboratively towards an agreement, and we appreciate the work you did on this measure to introduce the "dispute preservation clause". If the tribes involved are successful in coming to an agreement that builds on that amendment, we will be ready to support legislation that makes these land acquisitions part of the on-reservation process.

Until that agreement is presented to us, our formal position is that the off-reservation process must be preserved.

Sincerely,

Sid Leiken
Chair, Lane County Board of Commissioners

KURT SCHRADER
FIRST DISTRICT, OREGON

524 CANNON BUILDING
WASHINGTON, DC 20515

434 STATE STREET
SUITE 210
SALEM, OR 97301

671 MAIN STREET
OREGON CITY, OR 97045

The 113th Congress
U.S. House of Representatives
Washington, DC 20515

March 18, 2013

The Honorable Colleen Hanabusa
Ranking Member
Subcommittee on Indian and Alaska Native Affairs
1337 Longworth House Office Building
Washington, DC 20515

Dear Ranking Member Hanabusa:

Congratulations on your new Ranking Member position on the Subcommittee on Indian and Alaska Native Affairs. I look forward to working with you to address the needs and priorities of Oregon and the nation's Indian population. I have the honor of representing two Native American Tribes, the Confederated Tribes of the Grand Ronde and the Confederated Tribes of Siletz Indians. I would like to extend an invitation for you to visit their Reservations with me to better understand the unique needs of these two restored Indian Tribes.

As the committee prioritizes its legislative agenda for the 113th Congress, I ask for your consideration of one of my highest legislative priorities, and a bill that is extremely important to my constituents and my district. I would like to request HR 841, a bill to simplify the fee-to-trust process for the Grand Ronde Tribe, be included in the Subcommittee's first legislative hearing as well as the Committee's first markup. HR 841 has the support of the entire Oregon Congressional Delegation, the Bureau of Indian Affairs, the unanimous support of the two counties affected by the legislation and no opposition has been raised by other Tribes or affected entities. The legislation received a hearing in the Indian and Alaska Native Affairs Subcommittee and Senate Indian Affairs Committee last Congress. No concerns or opposition to the legislation were raised in either hearing.

I have also introduced HR 931 on behalf of The Confederated Tribes of Siletz Indians to simplify the fee-to-trust process for them as well. Though HR 931 is similar in nature to HR 841, I am working with the Siletz Tribe to address concerns raised by other Oregon Indian Tribes and County Governments to the legislation. Whereas HR 841 and HR 931 were introduced to address the individual needs of each Tribe, I feel that it's important that each bill be considered by the committee on its own merits and support and should not be considered as paired.

Thank you in advance for your attention to this request and I look forward to working with you. Please contact me should you require additional information or have questions regarding these important bills.

Sincerely,

KURT SCHRADER
Member of Congress

approved by me
Gov. Kitzhaber

Enclosure: BIA House Natural Resources Committee Testimony

BEFORE THE BOARD OF COMMISSIONERS
FOR POLK COUNTY, OREGON

In the Matter of Proposed Technical)
Corrections Amendment to Streamline)
The Interior Department Process)

RESOLUTION NO. 10-05

WHEREAS, the Grand Ronde Restoration Act of 1983 (25 U.S.C. 713, et seq.) ("Restoration Act") was enacted to restore the recognition by the United States of the Confederated Tribes of the Grand Ronde Community of Oregon ("Tribe") and was followed by the Grand Ronde Reservation Act of 1988 (Pub. L. No. 100-425) ("Reservation Act"), which created a 9,811 acre reservation for the Tribe; and

WHEREAS, under the Restoration and Reservation Acts and the Indian Reorganization Act of 1934 (25 U.S.C. 465), as amended, the U.S. Department of Interior ("Interior Department") has the authority to take lands into trust for the benefit of the Tribe; and

WHEREAS, the original 1857 reservation of the Tribe, established by a federal Executive Order dated June 30, 1857, comprised 61,440 acres within the political boundaries of Polk and Yamhill Counties in Oregon ("Original Reservation"); and

WHEREAS, the Tribe is seeking a technical corrections amendment to the Restoration and Reservation Acts to streamline the Interior Department process by allowing land into trust applications for real property located within the Original Reservation boundaries of the Tribe to be processed as "on reservation" applications; and

WHEREAS, the proposed technical corrections amendment will also correct technical errors in the legal descriptions of the parcels included in the Reservation Act and will provide that once land is taken into trust it will become part of the Tribe's reservation; and

WHEREAS, this proposed technical corrections amendment is consistent with the government-to-government relationship between Polk County and the Tribe; now, therefore:

BE IT RESOLVED, that the Polk County Board of Commissioners expresses support for the proposed technical corrections amendment to streamline the Interior Department process.

ADOPTED this 2nd day of June 2010.

POLK COUNTY BOARD OF COMMISSIONERS

Mike Propes, Chairman

Tom Ritchey, Commissioner

Ron Dodge, Commissioner

Approved as to form:

Dave Doyle
County Counsel

100738

ATTEST

REBEKAH STERN DOLL
County Clerk

By
Deputy ANNE BRITT

YAMHILL COUNTY BOARD OF COMMISSIONERS

Commissioner KATHY GEORGE

Commissioner MARY P. STERN

Commissioner LESLIE LEWIS

APPROVED AS TO FORM:

RICK SANAI
Assistant County Counsel

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL
SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of a Resolution In Support of a Proposed Technical Corrections Amendment to the Restoration and Reservation Acts	))))	RESOLUTION 10-6-7-1

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY ("the Board") sat for the transaction of county business in special formal session on June 7, 2010, at 1:55 p.m. in the Oval Office of the Fenton House, Commissioners Kathy George, Mary P. Stern, and Leslie Lewis being present.

WHEREAS, the Grand Ronde Restoration Act of 1983 (25 U.S.C. 713, et seq.) ("Restoration Act") was enacted to restore the recognition by the United States of the Confederated Tribes of the Grand Ronde Community of Oregon ("Tribe") and was followed by the Grand Ronde Reservation Act of 1988 (Pub. L. No. 100-425) ("Reservation Act"), which created a 9,811-acre reservation for the Tribe; and

WHEREAS, under the Restoration and Reservation Acts and the Indian Reorganization Act of 1934 (25 U.S.C. 465), as amended, the U.S. Department of Interior ("Interior Department") has the authority to take lands into trust for the benefit of the Tribe; and

WHEREAS, the original 1857 reservation of the Tribe, established by a federal Executive Order dated June 30, 1857, comprised 61,440 acres within the political boundaries of Polk and Yamhill Counties in Oregon ("Original Reservation"); and

WHEREAS, the Tribe is seeking a technical corrections amendment to the Restoration and Reservation Acts to streamline the Interior Department process by allowing land into trust applications for real property located within the Original Reservation boundaries of the Tribe to be processed as "on reservation" applications; and

WHEREAS, the proposed technical corrections amendment will also correct technical errors in the legal descriptions of the parcels included in the Reservation Act and will provide that once land is taken into trust, it will become part of the Tribe's reservation; and

WHEREAS, this proposed technical corrections amendment is consistent with the government-to-government relationship between Yamhill County and the Tribe;

NOW, THEREFORE, BE IT RESOLVED, that the Yamhill County Board of Commissioners expresses support for the proposed technical corrections amendment to streamline the Interior Department process.

ATTEST

REBEKAH STERN DOLL
County Clerk

By Anne M Britt
Deputy ANNE BRITT

YAMHILL COUNTY BOARD OF COMMISSIONERS

Kathy George
KATHY GEORGE
Commissioner

Mary P. Stern
MARY P. STERN
Commissioner

Leslie A. Lewis
LESLIE LEWIS
Commissioner

APPROVED AS TO FORM:

RICK SANAI
Assistant County Counsel

PREPARED STATEMENT OF HON. LINDSEY MANNING, CHAIRMAN, SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION

On behalf of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation (the "Tribes"), I am pleased to submit testimony to the Committee on S. 1436, the "Nevada Native Nations Lands Act." I thank Chairman Barasso and Vice Chairman Tester for convening a hearing, and I want to especially thank Senators Reid and Heller for their leadership in introducing S. 1436.

I join the other Nevada Indian Tribes covered under S. 1436 in supporting this bill and I urge the Committee and the Senate to approve it. Similar legislation, S. 2480, was reported out of this Committee in 2014, and H.R. 2455 passed the House of Representatives and was pending on the floor of the Senate at the end of the last session.

The lands we seek to have conveyed to us in trust for our benefit—approximately 82 acres—are currently managed by the United States Forest Service within the Department of Agriculture. The parcel is located approximately three miles south of our Reservation and near Mountain City, Nevada. We seek this parcel of land for the 11 outbuildings, including housing units, detached garages, a corral and hay shed, for our use and management. The site was abandoned by the Forest Service in 2008 when the Service moved its District headquarters to Elko, Nevada.

The Forest Service parcel constitutes a tiny portion of the 71,000 acres of mostly Bureau of Land Management (BLM) lands that would be transferred to tribal control under the bill. The modest acquisition we seek will allow us to renovate some nine homes in close proximity to our Reservation and help us provide much needed housing, assist us recruit public safety, health professionals and other personnel to work on the Duck Valley Reservation and provide construction jobs to our members.

The land transfer is supported by both local and national Forest Service officials and is not controversial. We, along with the Nevada Tribal Land Coalition Tribes, fully support S. 1436. The Shoshone-Paiute Tribes' provision to S. 1436 (Sec. 3(b)) is required because the Service has limited statutory and regulatory authority to convey lands it manages to an Indian tribe and have such lands be held in trust by the United States for our benefit. The Service's primary authority for conveying land to non-federal parties comes from the Forest Service Facility Realignment and Enhancement Act of 2005, Pub. L. 109–54, 119 Stat. 559, as amended (16 U.S.C. § 580d), and legislation authorizing land exchanges. See 43 U.S.C. § 1716 (Federal Land Policy and Management Act of 1976, as amended).

Restrictions in both laws limit the quantity of land the Service may transfer, impose other conditions on the Service's conveyances and do not clearly provide that conveyance of Forest Service lands when made to a federally recognized Indian tribe are held in trust by the United States for the Indian tribe's benefit. Section 3(b) of S. 1436 resolves this issue by providing that an approximately 82 acre parcel of U.S. Forest Service land in Elko County, Nevada is hereby declared to be held in trust by the United States for the benefit of the Shoshone-Paiute Tribes and made part of the Duck Valley Indian Reservation. We believe that the provision is entirely consistent with the government-to-government relationship that exists between the Shoshone-Paiute Tribes and the United States.

The Duck Valley Indian Reservation is a remote, rural reservation that straddles the IdahoNevada border along the Owyhee River. The Reservation was established in 1877 and expanded in 1886 and 1910. Today, the Reservation encompasses 450 square miles in Elko County, Nevada and Owhyee County, Idaho.

Over 1,700 tribal members, out of a population of just over 2,000 enrolled members, reside on the Reservation. Tribal members make their living as farmers and ranchers, though many are employed by the Tribes. We are quite proud of the fact that for nearly two decades we have assumed the duties of the Secretary of the Interior and the Secretary of the Department of Health and Human Services under Indian Self-Determination Act Self-Governance compacts. We also carry out federal programs of the Department of Housing and Urban Development and the Federal Highway Administration under agreements with those agencies. While we employ many tribal members, we also employ non-members who require affordable housing. Unfortunately, infrastructure on the Duck Valley Indian Reservation is in short supply, especially affordable housing.

The closest communities to Owyhee with suitable housing are in Elko, Nevada, with a population of 51,000, located 98 miles to the south and Mountain Home, Idaho, with a population of 14,000, located 95 miles to the north. With abandoned improvements less than 20 miles from Owyhee that we can renovate, the Forest Service property would help us address our housing needs, provide construction and training jobs, strengthen our governmental services and programs by assisting us retain health care professionals, law enforcement and conservation officers and

other first responders and personnel and establish a presence on the site that has been absent for the last five years.

Acquisition of the Forest Service parcel, located less than 20 miles from our tribal headquarters, elementary and high schools, health clinic, fire department, tribal court and public safety offices, would provide us with additional housing units close to the Duck Valley Indian Reservation. Many of our members live in homes that require major renovation and repairs and we cannot house many health care providers, law enforcement personnel or other first responders.

The Forest Service property we seek to have placed in trust comprises a small portion of the Service's Mountain City Ranger Station Administrative Site which the Service abandoned in 2008, when the Service relocated its District headquarters to Elko, Nevada, about 80 miles to the south. The improvements require repairs that we are eager to make to ensure that they can be used safely to house members and tribal personnel we need to recruit.

The land transfer authorized by S. 1436 will permit us to administer this site, renovate and utilize the improvements for our benefit. The improvements we plan to make would provide an opportunity to put our local people to work and held reduce the near 75 percent unemployment rate on our Reservation. We plan to utilize the renovation work as a training exercise through our Tribal Employment Rights Ordinance (TERO). We also plan to implement a youth employment training program to assist in the renovation of the units and other buildings. The work and training will benefit our members, as will the required routine maintenance of the property and improvements. The close proximity of the property to our Reservation and administrative offices will better ensure that we properly operate and maintain the site.

In conclusion, for the reasons detailed above, conveyance of the Forest Service parcel in trust for our benefit will assist the Shoshone-Paiute Tribes address our housing shortage, strengthen our tribal government programs by helping us retain personnel who require affordable housing only miles from the Duck Valley Indian Reservation and create construction work and job training opportunities for our members.

We look forward to working with Senators Reid and Heller and the Committee to see S. 1436 enacted into law and to then work with the Forest Service, BLM and the Bureau of Indian Affairs (BIA) to survey the property and place it in trust for our benefit.

The Shoshone-Paiute Tribes would be pleased to answer any questions that the Committee may have concerning S. 1436, or provide additional information regarding the Forest Service parcel. We again thank Senators Reid and Heller for introducing the bill and including the Forest Service land transfer in the legislation.

Thank you for affording the Shoshone-Paiute Tribes the opportunity to submit testimony to the Committee concerning S. 1436.

PREPARED STATEMENT OF HON. DELORES PIGSLEY, CHAIRMAN, CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON

Need for This Legislation

The Confederated Tribes of Siletz Indians of Oregon ("Siletz Tribe") is seeking federal legislation to recognize the boundaries of the Tribe's original 1855 reservation, for the purpose of being able to put former Siletz Reservation land to which the Tribe has re-acquired fee title, back into trust through the "on-reservation" process. It will put the Siletz Tribe on equal footing with other tribes in relation to their respective reservations. Our reservation was established by Executive Order of Franklin Pierce on November 9, 1855, pursuant to stipulations of several treaties of western Oregon Tribes.

Because of our history of having been a terminated Tribe which has been "Restored" this legislation is needed in order to clarify the Secretary of Interior's authority to take land into trust for the Siletz Tribe under the Interior Department's fee-to-trust regulations at 25 C.F.R. Part 151. Enactment of this legislation will not create a reservation for the Siletz Tribe, and will not affect the jurisdiction or authority of state or local governments. Enactment of this legislation will also not affect the legal rights of any other Indian tribe.

The purpose of the legislation is to allow for more timely processing of the Siletz Tribe's fee-to-trust applications by allowing those applications to be approved at the Bureau of Indian Affairs' regional level. Defining a geographic boundary for a tribe that lacks a recognized exterior reservation boundary provides an historical reference point for the Bureau to process those applications under the Department's on-reservation rather than off-reservation criteria in 25 C.F.R,. Part 151. No land

acquired in trust by the Siletz Tribe under the proposed legislation may be used for gaming purposes.

The Siletz Tribe's modern situation is a product of a number of federal policies, laws and history that, have, adversely affected the Tribe over the last 175 years. Most Indian tribes have reservations with well-defined exterior reservation boundaries where the Tribe owns all or a large portion of the land within that boundary. While land within that boundary may have transferred to non-Indian ownership because of federal policies such as the Allotment Act, the reservation boundary remains intact for most federal purposes and for purposes of exercising tribal sovereign authority e.g.: if the Tribe reacquires fee title to a parcel within that boundary, it is treated as on-reservation fee to trust acquisition. The definition of "Indian country" under federal law, which defines the outer extent of tribal territorial authority, includes all land within the boundaries of an Indian Reservation. See 18 U.S.C. § 1151. While this is a criminal statute, the definition has been applied by the U.S. Supreme Court in civil contexts also.

The Siletz Tribe's 1855 original 1.1 million acre reservation was reduced over time by Executive Order, statute, the Allotment Act, and was finally, was completely lost by the Tribe's termination by federal legislation in 1954 (finalized 1956).

When the Siletz Tribe was restored to federally recognized status in 1977 by federal statute, 25 U.S.C. § 711 *et seq.,* no lands were restored to the Tribe although the Act called for the future establishment of a reservation. 25 U.S.C. § 711e. Congress created the new Siletz Reservation in 1980 and added to that reservation in 1994. Pub.L. No. 96–340, Sept. 4, 1980, 94 Stat. 1072; Pub.L. No. 103–435, Nov. 2, 1994, 108 Stat. 4566. Only a small percentage of the Tribe's original reservation lands were restored to the Tribe. The Siletz Tribe's reservation consists of approximately 50 separate, scattered parcels of reservation land. Each parcel has its own "exterior" boundary; there is no overall reservation boundary currently recognized by the BIA.

The Indian Reorganization Act at 25 U.S.C. § 465 authorizes the Secretary of Interior to acquire land in trust for Indian tribes. This provision was enacted as part of the IRA, to reverse the devastating loss of lands suffered by Indian tribes between 1887 and 1934 (over 90 million acres) and to restore a minimally adequate land base for those tribes. The Siletz Restoration Act expressly applies this Section to the Siletz Tribe. 25 U.S.C. § 711a(a). Federal regulations implementing this Section appear at 25 C.F.R. Part 151. These regulations distinguish between on-reservation and off-reservation trust acquisitions for purposes of processing tribal applications to take land into trust. These regulations do not establish or create a reservation or reservation boundary for land taken into trust. Because of the language in these federal regulations and the Siletz Tribe's history, any additional land the Siletz Tribe currently seeks to have placed in trust status under federal law is considered to be "off-reservation" because the land is located outside the boundaries of what is recognized as the Siletz Tribe's current reservation (each of the 50 scattered parcels of reservation land).

There are no geographic limitations on the Secretary of Interior's authority to take land into trust for an Indian tribe in under Section 465. No regulations implementing this provision of the 1934 IRA were enacted until 1980. See 45 Federal Register 62036 (Sept. 18, 1980). No distinction between on and off reservation fee-to-trust requests by Tribes was included in the original regulations. It was not until passage of the Indian Gaming Regulatory Act in 1988 and the subsequent requests from some tribes to place off-reservation land in trust for gaming purposes that changes to the regulations were considered. The Department began enforcing an internal on-reservation/off-reservation fee-to-trust policy in 1991, and in 1995 added this distinction into the fee-to-trust regulations. See 60 Federal Register 32879 (June 23, 1995). No consideration or discussion of the disadvantaged situation or needs of terminated and restored tribes like the Siletz Tribe's factual situation was included in making these regulatory changes.

The current fee-to-trust regulations distinguish between on-reservation trust acquisitions (25 C.F.R. § 151.10) and off-reservation trust acquisitions (25 C.F.R. § 151.11). The requirements for a Tribe obtaining land in trust off-reservation are more restrictive, more costly and time- consuming, and require additional justification. Because of the Siletz Tribe's unique history, all fee-to-trust requests by the Tribe are currently reviewed under the off- reservation process, even within the boundaries of the Tribe's historical reservation. This application of federal law and regulations discriminates against the Siletz Tribe in relation to treatment of other Indian tribes that can have fee-to-trust applications processed under the on-reservation provisions of the regulations within the boundaries of their historical reservations.

S. 817 will place the Siletz Tribe on the same footing as all other federally- recognized Indian tribes who did not suffer through the tragedy of termination or the complete loss of their reservations. It will treat the Siletz Tribe's fee-to-trust requests within its historical reservation the same as fee-to-trust requests from other tribes within their historical reservations. It will facilitate the gradual re-acquisition of a tribal land base for the Siletz Tribe so the Tribe can meet the needs of its members. It will reduce cost, time and bureaucratic obstacles to the Tribe obtaining approval of its land into trust requests. The legislation is consistent with the definition of on- reservation as set out in the current fee-to-trust regulations at 25 C.F.R. § 151.2(f).

The Siletz Tribe has an ongoing critical need to acquire additional lands in trust to meet the needs of the Tribe and its members. The Tribe received a modest approximately 3630 acres in trust as a Reservation in 1980, comprised of 37 scattered parcels. This land was primarily former BLM timber lands, and was calculated at the time to allow the Tribe to generate revenue to provide limited services to its members and to support tribal government. The revenue generated from these parcels has been insufficient to meet growing tribal needs. The Reservation Act also returned a tribal cemetery and Pow-Wow grounds to the Tribe. Since 1980 the Tribe has obtained additional 804 acres of land in trust to meet some of the Tribe's needs for housing, health and social services, natural resources, and economic development including a gaming operation. Currently the Tribe has a total of 63 separate trust properties, for a total acreage of 4434.01 acres.

Tribal needs have not been met, however, and the Tribe has a continuing need to re-acquire former reservation lands and have them held in trust. This is a long-term objective of the Tribe because of the Tribe's limited financial resources, which only allow it to purchase land a little at a time. S. 817 is identical to legislation introduced in House of Representatives by Congressman Kurt Schrader of Oregon. This legislation was also introduced in the 112th and 113th Congresses, where it received legislative hearings in the House Subcommittee on Indian & Alaska Native Affairs and the Senate Committee on Indian Affairs.

The Administration testified in support of the Siletz bill in July 2012. In responses to questions for the record from the Subcommittee on Indian & Alaska Native Affairs, the Bureau of Indian Affairs put to rest allegations against the bill made by the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, and the Confederated Tribes of the Grand Ronde Community. The Bureau confirmed that the Siletz Tribe has always been the only recognized tribal governing body over the original 1855 Siletz Coast Reservation.

In addition, at mark-up in June 2013, the House Natural Resources Committee amended the Siletz legislation to state that "nothing in this Act or the amendment made by this Act, shall prioritize for any purpose the claims of any federally recognized Indian tribe over the claims of any other federally recognized Indian tribe." This amended legislative language was later included in H.R. 5701 (the Western Oregon Indian Tribal Lands Act), which passed the House of Representatives by Voice Vote in December 2014. This legislation lays to rest the spurious claims of other tribes that this Siletz legislation would somehow adversely affect alleged legal claims they have to the original Siletz Reservation.

The legislative language in S. 817 is identical that passed by the House last year, and would have passed by unanimous consent in the Senate, if it had not been for an unfortunate, unrelated political situation in the final seconds of the Congress.

Historical and Legal Background

Numerous bands and tribes of Indians held territories in what became Western Oregon, from the crest of the Cascade Mountains to the Pacific Ocean. Early federal Indian policy was to enter into treaties with Indian tribes to obtain the cession of their aboriginal lands to clear title for non-Indian settlement. A "reservation policy" evolved to place the Indians who entered into these treaties on small remnants of their aboriginal lands, but to open most of those lands for future development and settlement by non-Indian settlers. In most cases each tribe that entered into a treaty had a small reservation confirmed somewhere within its aboriginal territory. Beginning in the 1850s, a new reservation policy was established, particularly along the west coast, to place as many tribes as possible on one reservation. This freed up additional land for settlement and simplified administration of the remaining Indians. See Charles F. Wilkinson, The People Are Dancing Again: A History of the Siletz Tribe (U. of Washington Press 2010).

Treaties negotiated with western Oregon Indian tribes in the early 1850s by Anson Dart were rejected by the Senate because they did not implement this new policy and instead provided for individual reservations within a tribe's historical territory. The subsequent Indian Superintendent in Oregon in the 1850s, Joel Palmer,

was given the task of negotiating treaties with all of the tribes in western Oregon and finding one permanent reservation where as many tribes and bands as possible could all be settled. Superintendent Palmer first considered moving all the western Oregon tribes east of the Cascade Mountains to the Klamath Reservation, but none of those tribes would agree to go there. In early 1855, Palmer unilaterally withdrew from non-Indian settlement what would become the Siletz or Coast Reservation, and communicated its suitability as the permanent reservation for all the western Oregon tribes to his superiors in Washington, D.C. Because of the long time lag in communication between the east and west Coasts in the 1850s, Palmer's provisional set-aside of the Siletz Coast Reservation on his own authority on April 17, 1855 was not approved by the Department of Interior until July of that year. After further review and discussion, the Secretary of Interior recommended that this area of land be permanently set aside as a reservation for these tribes and bands, and this recommendation was confirmed by Executive Order on November 9, 1855.

There was no single method or procedure by which the tribes and bands that are part of the Confederated Tribes of Siletz Indians entered into treaties or came to the Siletz Coast Reservation. The Siletz Tribe is a legal successor in interest to tribes and bands of Indians that are parties to seven ratified treaties (Treaty with the Rogue River, Sept. 10, 1853, 10 Stat. 1018; Treaty with the Umpqua-Cow Creek Band, Sept. 19, 1853, 10 Stat. 1027; Treaty with the Rogue River, Nov. 15, 1854, 10 Stat. 1119; Treaty with the Chasta, Nov. 18, 1854, 10 Stat. 1122; Treaty with the Umpqua and Kalapuya, Nov. 29, 1854, 10 Stat. 1125; Treaty with the Molala, Dec. 21, 1855, 12 Stat. 981; Treaty with the Kalapuya, Jan. 22, 1855, 10 Stat. 4 1143), and one unratified treaty (Treaty with the Tilamooks and other confederated tribes and bands residing along the coast, Aug. 11,1855 ("Coast Treaty")) , and who, in whole or in part, were subsequently removed to the Siletz Coast Reservation as their permanent treaty reservation. To complicate things further, there are also several additional unratified treaties negotiated in 1851 with the northern Oregon coastal tribes and bands, known as the Anson Dart treaties. Indians from all of these tribes and bands were also removed or ended up on the Siletz Coast Reservation over time.

In some of these treaties, such as the 1854 Rogue River Treaty and the unratified Coast Treaty, all of the signatory tribes were "confederated" by the federal government into one new composite tribe. These confederated tribes became the tribal governing authority on the Siletz Coast Reservation. The federal government treated other tribes that were settled on the Siletz Coast Reservation as becoming confederated with this new tribal reservation-based confederation. The Confederated Tribes of Siletz Indians is the federally-recognized Tribe that is the legal and political successor to all of these original, historical tribes. *See United States v. Oregon,* 29 F.3d 481, 485–86 (9th Cir.1994)(Yakama Nation comprised of all the bands and tribes of Indians who moved to the reservation under the Yakama Treaty; Nez Perce Tribe comprised of all Nez Perce Bands who signed Nez Perce Treaty and moved to diminished Nez Perce Reservation).

Movement of the tribes, bands and Indians to the Siletz Reservation was also not clean or uniform. Some tribes moved in several waves to the Siletz Reservation, at different times. In some cases only parts of the tribe ended up on the Reservation. In other cases individuals or small groups who were moved to the Siletz Reservation sometimes left the Reservation and returned to their aboriginal areas; other (few) individuals hid and were never moved. Some of the individuals who left the Siletz Reservation and returned to their aboriginal areas were rounded up and returned to the Siletz Reservation. For example, individual members of Coos and Lower Umpqua ancestry who left the Siletz Reservation and returned to their aboriginal area were subsequently forcibly returned to the Reservation in round-ups conducted by the Interior Department with military assistance.

In all of these cases and under all of these treaties, both ratified and unratified, the tribes and bands in question were moved to the Siletz Coast Reservation and became part of the Confederated Tribes of Siletz Indians. This early history of the Siletz Tribe and Siletz Reservation is set out in various federal court decisions, including *Rogue River Tribe v. United States,* 64 F.Supp. 339, 341 (Ct.Cl. 1946); Alcea Band of Tillamooks v. United States, 59 F.Supp. 934, 942 (Ct.Cl. 1945); *Coos, Lower Umpqua, and Siuslaw Indian Tribes v. United States,* 87 Ct. Cl. 143 (1938); and *Tillamook Tribe of Indians v. United States,* 4 Ind. Cl. Comm'n 31–65 (1955).

The settlement of various tribes on the Siletz Reservation is also documented in various academic publications such as a report prepared by Historian Dr. Stephen Dow Beckham. *See* "The Hatch Tract: A Traditional Siuslaw Village Within the Siletz Reservation, 1855–75," prepared by Dr. Stephen Dow Beckham for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw, Dec. 4, 2000, pp.12–14 ("On July 20, 1862, Linus Brooks, Sub-Agent, confirmed that the removal of the Coos,

Lower Umpqua, and Siuslaw Indians onto the Siletz Reservation was complete," and "On July 21, 1864, Sub-Agent George W. Collins confirmed the presence of the tribes on the Siletz Reservation".).

The Confederated Tribes of Siletz Indians was recognized as the governing body and tribe representing all of the tribes and bands settled on the Siletz Reservation as early as 1859. Traders License issued by the Siletz Indian Agent on June 16, 1859, to trade with "The Confederated Tribes of Indians . . . within the boundary of the Siletz Indian agency district Coast Reservation."; Tillamook Tribe of Indians, supra, 4 Ind. Cl. Comm'n at 31 ("Confederated Tribes of Siletz Indians, . . . a duly confederated and organized group of Indians having a tribal organization and recognized by the Secretary of the Interior of the United States" is the only entity with standing to prosecute claims against the United States involving the Siletz Reservation).

It has consistently been recognized by the Interior Department as the only tribe representing the original Siletz or Coast Reservation since that time. As such it is the legal and political successor to all of the tribes and bands of Indians settled on or represented on the Siletz Reservation. This legal principle was established and has been repeatedly confirmed in the *U.S. v. Washington Puget Sound off-reservation treaty fishing rights litigation. See, e.g., United States v. Washington,* 593 F.3d 790, 800 at n.12 (9th Cir. 2010)("Samish"), citing to *U.S. v. Washington,* 384 F.Supp. 312, 360 (W.D.Wash. 1974)(Lummi) and to U.S. v. Washington, 459 F.Supp. 1020, 1039 (W.D. Wash. 1978)(Swinomish)(Lummi and Swinomish successors in interest to tribes and bands settled on their reservations under Treaty of Point Elliott; both tribes successors in interest to the Samish Indian Tribe); Evans v. Salazar, 604 F.3d 1120, 1122 n. 3 (9th Cir. 2010), citing *U.S. v. Washington,* 459 F.Supp. 1020, 1039 (W.D.Wash. 1978)(Tulalip Tribes recognized governing body and successor to tribes and bands settled on the Tulalip Reservation under the Treaty of Point Elliott); *U.S. v. Washington,* 520 F.2d 676, 692 (9th Cir. 1975)(Muckleshoot Tribe, which did not exist at the time of the Treaty of Point Elliott and Treaty of Medicine Creek, recognized as a tribe by the United States and is a successor in interest to its constituent tribes which were settled on the Muckleshoot Reservation under the two treaties).

Two other legal principles, confirmed by Ninth Circuit Court of Appeals decisions, also confirm the Confederated Tribes of Siletz Indians as the only federally-recognized Indian tribe representing the tribes and bands who were settled on the Siletz Reservation, and as the only Indian tribe with a legal interest in and title to the original 1855 Siletz or Coast Reservation. The first legal principle involves groups or bands of Indians who either refused or did not move to the reservation designated for them under a treaty or other federal action, or who subsequently left that reservation or refused to move to a reconfigured reservation. In *U.S. v. Oregon,* 29 F.3d 481, 484–85 (9th Cir. 1994), the Ninth Circuit rejected the claim of the Colville Confederated Tribes to have treaty and successorship rights under the Yakama and Nez Perce Treaties of 1855 because bands of the tribes that had signed those treaties had refused to move to the reservations established under those treaties, or had subsequently left those reservations, and instead had ended up settling on the Colville Reservation. The Ninth Circuit concluded that those bands, by refusing to move to the treaty reservations or subsequently leaving those reservations, had abandoned their right to treaty status and had lost their right of successorship to the original tribes. The confederated tribes created by the United States and settled on a reservation acquired the successorship rights to all of those original tribes and bands of Indians.

Like the situation of Lummi and Swinomish, whose reservations were set aside for all the Indians who signed the Point Elliott Treaty, both the Siletz and Grand Ronde Reservations were expressly set aside for settlement of the Willamette Valley Tribes, and members of those tribes settled on both the Siletz and Grand Ronde Reservations. Under the Ninth Circuit's decisions in *U.S. v. Washington,* both the Siletz and Grand Ronde Tribes are successors to the historical Willamette Valley Tribes and the three ratified treaties signed by those tribes. There is no dispute in the federal case law on this point.

This legal principle also applies to and refutes the alleged claims of the modern day Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians (comprised of individual Indians from those tribes who either refused to move to the Siletz Coast Reservation or who subsequently left the Siletz Reservation and moved back to the Coos Bay area) to have legal claim to the original Siletz Coast Reservation. It also applies to and refutes the claim of the Confederated Tribes of the Grand Ronde Community of Oregon to be a successor to the Rogue River Tribe (a remnant band or small group of the larger Rogue River Tribe refused in 1857 to move to the Siletz Coast Reservation, designated as the permanent reservation for that Tribe, and stayed instead on what later became the Grand Ronde Reservation; federal offi-

cials confirmed in correspondence that the Rogue River "tribe" moved to the Siletz Reservation in 1857), and the Siletz Tribe has a claim, through successorship to that tribe, to the Siletz Coast Reservation.

The second additional legal principle that applies to the Siletz Tribe's factual situation involves where one tribe is not originally settled on a reservation under a treaty, but individual members of that "unaffiliated" tribe end up on the reservation of another tribe, either by obtaining allotments on that reservation or for other reasons. This was the situation in *United States v. Suquamish Indian Tribe,* 901 F.2d 772, 777 (9th Cir. 1990), where the Ninth Circuit rejected the Suquamish Tribe's claim to be the successor to the Duwamish Tribe on the grounds that "individual Duwamish had moved to and settled at" the Suquamish Reservation, obtaining allotments there. The court found that no group or band of Duwamish moved there. Id.2 This test was clarified in *United States v. Oregon,* supra, where the Ninth Circuit concluded that for one tribe to be able to claim successorship to another tribe, the first tribe would have to show "a cohesive communal decision by the Duwamish to unite with the Suqamish," otherwise the Suquamish "could not successfully claim that it was a 'political successor' to the treaty time Duwamish Tribe." 29 F.3d at 484. Movement and settlement of individual Indians does not automatically result in successorship, under settled principles of law.

This legal principle applies to and settles the claims of the Grand Ronde Tribe that it has an interest in the original Siletz Coast Reservation through its asserted successorship to the Nehalem Tribe, for example. Case law to which the Grand Ronde Tribe was a party and is therefore bound concluded that the Nehalem Tribe had moved as a tribe to the Siletz Coast Reservation, and that the Siletz Tribe is the successor to the Nehalem Tribe: "Plaintiffs Chinook, Clatsop and the Ne-ha-lum tribes were placed on the Coast Reservation." Alcea Band of Tillamooks, supra, 59 F.Supp. at 954. Grand Ronde claims successorship to the Nehalum Tribe only because a few individual Nehalem Indians allegedly moved at some point to the Grand Ronde Reservation and married Indians residing there. Under established federal precedent, the fact that some individual Nehalem Indians moved to the Grand Ronde Reservation does not make the Grand Ronde Tribe a successor to the Nehalem Tribe. Grand Ronde claims that the Nehalems and some others coastal Indians were counted under the Grand Ronde Agency's census of Indians in the 1860s and 70s and therefore must have resided on the Grand Ronde Reservation, but the historical documentation shows conclusively that these Indians actually resided on the Siletz Coast Reservation or close by along the Coast, that they subsequently moved to the Siletz Reservation and were supervised by the Siletz Indian Agency, and that the Grand Ronde Indian Agency improperly attempted to assert jurisdiction over them, an assertion that was expressly rejected several times by his superiors, including Special Inspectors (after investigation) and the Commissioner of Indian Affairs. Censuses of Indians on the Grand Ronde Reservation in the early 1900s that list tribal affiliation show no Nehalem, Tillamook or other coastal Indians.

The Court in *U.S. v. Oregon* contrasted the factual situation of the Suquamish and Duwamish Tribes with that of the Muckleshoot and Tulalip Tribes, who were not tribes at the time of the treaty but became tribes recognized by the federal government comprised of small bands of Indians who signed the treaties and moved as bands to the designated reservation. 901 F.2d at 776. Those bands who resided together on the same reservation then "became known as the Tulalip and Muckleshoot Indians.," *Id.,* and were recognized by the federal government as their own Indian tribes with authority over their reservations.

The Siletz Reservation has been referred to by the federal government between its establishment in 1855 and diminishment in 1875 as the Siletz or Siletz Coast Reservation. The appellation "Coast" Reservation was associated with the original reservation because it was located along the Oregon Coast and the original reservation was set aside in part for the Indian tribes and bands who were signatories to the unratified 1855 treaty, which was negotiated with the "chiefs and headmen of the confederated tribes and bands of Indians residing along the coast."

After official establishment by Executive Order on November 9, 1855, it was referred to variously as the Siletz, Siletz or Coast, or Siletz/Coast Reservation. Use of the term Siletz Reservation by itself was common, *see, e.g.,* Letter dated July 20, 1857 (Annual Report of Grand Ronde Indian Agency)("Early in the month of May the greater portion of the Rogue River and all of the Shasta Indians were removed, with their own consent, to the Siletz coast reservation . . . In consequence of the removal of the majority of these tribes to the Siletz reservation") , and Congress formally referred to the Reservation as the Siletz Reservation in legislation enacted in 1868 and 1875. Act of July 27, 1868, 15 Stat. 198, 219("For Indians upon the Siletz reservation . . . to compensate them for losses sustained by reason of executive

proclamation taking from them that portion of their reservation called Yaquina Bay"); Act of March 3, 1875, 18 Stat. 420, 446("Secretary of the Interior . . . is authorized to remove all bands of Indians now located upon the Alsea and Siletz Reservation, set apart for them by Executive order dated November ninth, eighteen hundred and fifty-five"[and place them within the remaining portion]). After 1875, the reservation was referred to exclusively as the Siletz Reservation.

The Siletz Coast Reservation was established by Executive Order on November 9, 1855 as a permanent homeland for all the Tribes and Bands of Indians in western Oregon, who pursuant to the unratified August 1855 treaty were to be confederated together and settled upon it. That treaty's purpose was to make the remaining land in Oregon west of the Cascades available for non-Indian settlement. The original Siletz Coast Reservation stretched for over 100 miles along the central Oregon Coast, from the ocean to the western boundary of the 8th Range, west of the Willamette Meridian, around 1.1 million acres.

Tribes with ratified treaties such as the Rogue Rivers, Shastas and Umpquas were moved to the Siletz Coast Reservation by May 1857 in fulfillment of the terms of their treaties to settle them on a permanent reservation. The Siletz Coast Reservation, under well-established case law, became a formal treaty reservation at that time. Portions of the Siletz Reservation were then opened to settlement over the coming years by various federal actions—an Executive Order in 1865, a federal statute in 1875, and an Agreement and legislation implementing allotment and surplusing of the remaining reservation in 1892, confirmed by Congress in 1894.

Various Court of Claims and Indian Claims Commission cases have addressed whether the tribes and bands that were located on the Siletz Coast Reservation were entitled to compensation for the taking of their aboriginal lands or for the various diminishments of the Reservation. These cases—examples include the Rogue River, Alcea Band of Tillamooks, Coos, Lower Umpqua and Siuslaw Indian Tribes, and Tillamook Tribe of Indians, are cited above. These cases document the connection of the Siletz Tribe to the original Siletz Coast Reservation. As such, they also show that the original Siletz Coast Reservation meets the definition of on-reservation as set out in the fee-to-trust regulations at 25 C.F.R. § 151.2(f): "[W]here there has been a final judicial determination that a reservation has been disestablished or diminished, Indian reservation means that area of land constituting the former reservation of the tribe." See Citizen Band Potawatomi Indians v. Collier, 17 F.3d 1325 (10th Cir. 1998)(processing fee-to-trust request within former reservation of Potawatomi Tribe). Enacting S.817 will allow the Siletz Tribe to request fee-to-trust transfers on the same basis as other Indian tribes within their former reservations.

Response to Specific Issues

Some questions have been raised before this hearing about specific aspects of the proposed legislation. I want to address some of those issues here.

1. Does this bill make the original Siletz Reservation into a reservation for the Siletz Tribe, or create tribal jurisdiction or authority over the original Siletz Reservation area?

Answer. No. All S.817 does is to designate a geographic area within which the Siletz Tribe's fee-to-trust requests will be processed under the BIA's on-reservation rather than off- reservation fee-to-trust criteria. The jurisdictional status of individual fee-to-trust parcels changes once those parcels go into trust status, but that happens whether or not this bill passes, and whether or not the on-reservation or off-reservation criteria are used.

The existing jurisdictional status of the original Siletz Coast Reservation is not affected by this legislation. This issue was addressed by the federal courts in *Yankton Sioux Tribe v. Podhradsky,* 606 F.3d 994, 1013 (8th Cir. 2010)("While it is true that the original 1858 [reservation] boundaries are no longer markers dividing jurisdiction between the Tribe and the state, that does not mean they have lost their historical relevance for the Secretary's discretionary acts [of taking land into trust pursuant to 25 U.S.C. § 465])."

Under S. 817, the original 1855 Siletz Reservation will become an historical reference point for the BIA in deciding whether to process a Siletz fee-to-trust application as on- reservation or off-reservation under the fee-to-trust regulations at 25 C.F.R. Part 151. The bill does nothing more.

2. Does the Siletz Restoration Act limit the Siletz Tribe to taking land into trust only within Lincoln County?

Answer. No. The original Siletz Reservation extends into six current Oregon counties, although the headquarters of the original Siletz Reservation ws located in what became Lincoln County when that portion of the Reservation's settlers broke off from Benton County in 1893. A map overlaying the original reservation boundary with current jurisdictions shows that two of the counties have barely any land in-

volved. Some parties have alleged that federal law—the Siletz Restoration Act—limits the Siletz Tribe to taking land into trust only within Lincoln County. The section of the Restoration Act in question, at 25 U.S.C. § 711e(d), is addressed only to the original reservation plan called for by the Restoration Act. It limits any land designated under that reservation plan to Lincoln County. This plan was finalized in 1979.

The question of whether this provision of the Siletz Restoration Act, 25 USC § 711e(d), limits the BIA permanently from taking land in trust for the Siletz Tribe beyond Lincoln County was addressed immediately after passage of the Siletz Restoration Act by the Office of the Solicitor for the Department of Interior, in 1978 and 1979. Those opinions concluded that the statutory restriction at § 711e(d) applied only to the original Siletz Reservation Plan, and did not limit the authority of the Secretary from taking land in trust for the Siletz Tribe elsewhere. This conclusion was reached in part because the Siletz Restoration Act expressly makes 25 U.S.C. § 465—Section 5 of the IRA—applicable to the Siletz Tribe, without restriction. There is no geographic restriction under that statute to taking land into trust. This is not true of any other restored/recognized tribe in Oregon; the other Oregon Restoration/Recognition Acts do not contain this express language. In its response to questions from the 2012 hearing on Siletz's legislation, supra, the BIA reaffirmed its position on this issue.

The Siletz Tribe has acquired land in trust outside of Lincoln County since Restoration. For example, the Tribe has a 20-acre parcel of land in trust in Salem, Marion County, Oregon, within the Tribe's historical territory/ceded lands.

3. Will H.R.6141 allow the Siletz Tribe to acquire land in trust and use that land for gaming under the Indian Gaming Regulatory Act?

Answer. No. There is an express prohibition in S. 817 on using land acquired in trust under the bill for gaming. The Siletz Tribe already has a successful gaming operation at Chinook Winds Casino Resort on its current reservation. The Tribe does not need to acquire land in trust for a gaming operation within its original reservation boundaries.

PREPARED STATEMENT OF HON. STACY DIXON, CHAIRMAN, TRIBAL BUSINESS COUNCIL, SUSANVILLE INDIAN RANCHERIA

On behalf of the Susanville Indian Rancheria ("Rancheria" or "Tribe"), I am pleased to submit the statement below on S. 1761, a bill that would place approximately 301 acres of federal land, comprised of rugged, rocky terrain, located in the Hidden Valley area in California into trust for the benefit of the Rancheria. This land, defined as the area in the "Conveyance Boundary" in S. 1761, is adjacent to existing Rancheria trust lands upon which tribal housing is located. Years ago, the Bureau of Land Management (BLM) identified the area in the Conveyance Boundary as suitable for disposal under the Federal Land Management and Policy Act because it is an isolated parcel of BLM land, making it difficult to manage.

We thank Chairman John Barrasso and Vice Chairman Jon Tester for holding this legislative hearing on S. 1761. Further, we deeply appreciate the efforts of Senator Barbara Boxer and Senator Dianne Feinstein, our Senators, for introducing S. 1761, which is the companion bill to H.R. 2212, introduced by Rep. Doug LaMalfa, our Representative in the House of Representatives.

Background on Susanville Indian Rancheria

The Rancheria is a federally recognized Indian tribe in rural Northeastern California with aboriginal ties to four distinct tribes: Mountain Maidu, Northern Paiute, Pit River and Washoe. These tribes' treaties were among the 18 treaties negotiated with the U.S. between 1851–52 that would have created reservations in California totaling 11,700 square miles. However, with the discovery of gold in California in 1848 and the interest of California lawmakers in accommodating the interests of large landowners, new settlers, and miners, none of these treaties were ratified by the U.S. Senate. On July 8, 1852, the U.S. Senate voted in executive session to reject the 18 treaties—a fact that would remain undisclosed until the U.S. Senate removed the injunction of secrecy in 1905.

As a result of the unratified treaties and the Land Claims Act of 1851, our lands were taken from us. Our people became homeless and experienced extreme suffering, torture, and starvation through indentured servitude of Native Americans legalized in California in 1850. After 70 years of severe hardship, on August 15, 1923, the federal government purchased and put into trust 30 acres for the Rancheria under the Landless and Homeless Indian Act. Subsequently, on October 14, 1978, Congress enacted Public Law 95–459, which transferred 120 acres of BLM land into

trust for the Rancheria, which forms a portion of our Upper Rancheria. Tribal residential housing and our water storage tanks are located on the Upper Rancheria. The area in the Conveyance Boundary that would be placed into trust for the benefit of the Rancheria under S. 1761 is adjacent to our Upper Rancheria trust lands.

Accompanying this statement are attachments that contain the map of the Conveyance Boundary referenced in S. 1761 and pictures of our Upper Rancheria and the area in the Conveyance Boundary.

Susanville Indian Rancheria's Connections to Area in Conveyance Boundary in S. 1761

In 1887, Congress passed the General Allotment Act that divided lands into parcels for individual Indians. The Act forced the division of tribal government-held lands into individual Indian-owned parcels and opened "surplus" lands to non-Indian settlement. The area in the Conveyance Boundary and much of the land adjacent to it was tribally held land that was then allotted to individual Indians. The Peconom and Streshley families, whose direct descendants are Rancheria members, had allotments adjacent to the area in the Conveyance Boundary. Other ancestors of Rancheria tribal members that had allotments nearby included Alfred Foxey, Eliza Norman, Nettie Norman, Edith Buckskin, George Evans, Fred Wilson, Sally Norman, Charlie Jackson, Billy Harrison, Kitty Harrison, Birdie Norman, Will Norman, Cora Cook, Charley Norman, and William Taylor. Unfortunately, the land granted to most allottees in this region was not viable for grazing or farming, and division of land between heirs upon the allottees' deaths resulted in land fractionalization and loss of land. Further, many Indian allotments were seized over time by predatory tax collectors for back taxes and sold to others. The Rancheria is committed to reacquiring aboriginal lands taken from us, including the land set forth in S. 1761 due to ill-conceived federal and state laws, forced relocation, massacre, starvation, and other atrocities.

As you can see from the pictures in the attachments, the terrain of the area in the Conveyance Boundary is very rugged and hilly with large volcanic rock deposits. However, this land contains numerous cultural, historical, and archeological sites of great significance to the Rancheria. We seek to protect these sites and restore the natural ecological conditions of the land. The land and vegetation in area consist primarily of volcanic rock, juniper, sagebrush, bitterbrush, great basin wild rye and other herbaceous plants, bulbs, corms and roots that are important to the Rancheria for food, medicine, and basket-making. Some of the best Indian medicine grows in this vicinity, such as lokbom, an Indian tea that is boiled for stomach ailments and bukom, or "wild sunflower," which is eaten to heal sore throats as well as Sego Lily, Wild Carrot, Camas, and Brodiaea. The area contains mortar rocks that were once used by Rancheria ancestors to grind seeds and medicine.

Further, the area is an important traditional hunting ground for pronghorn antelope, deer, marmots, and groundhogs—traditional foods of Rancheria tribal members. Many historical hunting blinds and petroglyphs consisting of light inscriptions on rocks are located in the area in the Conveyance Boundary and other parts of Hidden Valley as well as deer and pronghorn trails. The area contains an ancient Native American trail with a rock alter used to pray for good hunting as well as projectile points and hammerstone used to make these projectiles along with obsidian, chert, and basalt chips. Rancheria tribal members continue to hunt in this area. Since time immemorial, Rancheria ancestors and members have conducted traditional ceremonies, including the Bear Dance, in this area. In addition, the remains of a historic Native American village, which the Maidu referred to as Supom, or "Groundhog," were located in this area.

The Rancheria's long-term vision for the area in the Conveyance Boundary is to build a recreational area (soccer fields, softball and baseball fields, and outdoor basketball courts), Pow Wow grounds, and a cultural center and museum. However, because the terrain is very rocky and hilly, use of the land will be very limited. Please find in the attachments accompanying this statement a letter to Rep. Doug LaMalfa discussing the Rancheria's goals for use of the area in the Conveyance Boundary.

The Rancheria has no intention of conducting gaming activities on this land, and the proposed legislation contains a gaming prohibition provision.

Provisions of S. 1761

S. 1761 is modeled after Public Law 113–127, which Congress passed in the 113th Congress to take certain BLM land in California into trust for the benefit of the Shingle Springs Band of Miwok Indians. We were very encouraged to see passage of Public Law 113–127 last year as it evidenced congressional support for taking certain BLM parcels into trust for Indian tribes.

Like Public Law 113–127, S. 1761 would take certain BLM land in California into trust for the Susanville Indian Rancheria. Further, similar to Public Law 113–127, S. 1761 contains a gaming prohibition, as mentioned above.

The BLM Eagle Lake Field Office wrote a letter dated October 3, 2014, to the Rancheria, which is included in our attachments, expressing support for having the land set forth in the Conveyance Boundary taken into trust for the Rancheria. We very much appreciate BLM's support, efforts, and collaboration with us on this bill.

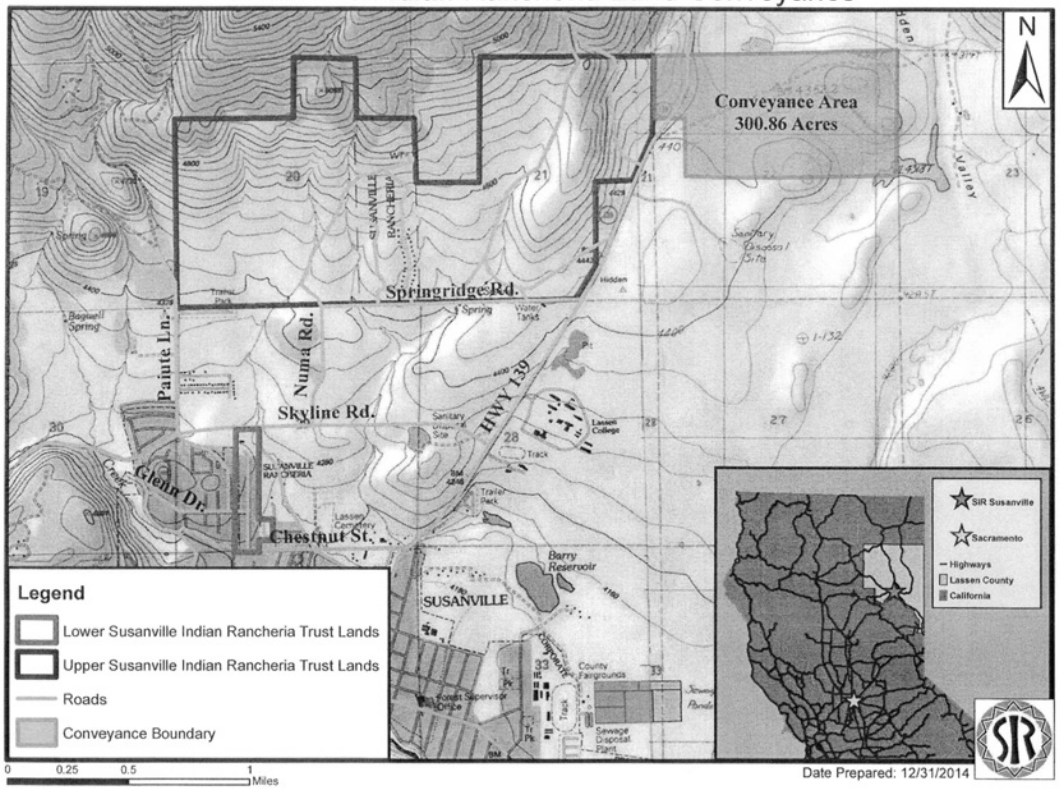
S. 1761 is slightly different from H.R. 2212 to make a minor technical change requested by the Bureau of Indian Affairs (BIA), Department of the Interior, when Mr. Mike Black, Director, BIA, testified at a hearing on H.R. 2212 before the House Natural Resources Subcommittee on Indian, Insular, and Alaska Native Affairs on June 10, 2015. The only other difference between S. 1761 and H.R. 2212 is the insertion of the date of the map of December 31, 2014, which accompanies S. 1761 and which is included in our attachments to this statement. Our goal is for these two minor changes to be made when H.R. 2212 is marked up in the House Natural Resources Committee so that H.R. 2212 and S. 1761 can be identical. We understand that the House Natural Resources Committee anticipates including H.R. 2212 in its mark up scheduled for later this afternoon and tomorrow morning.

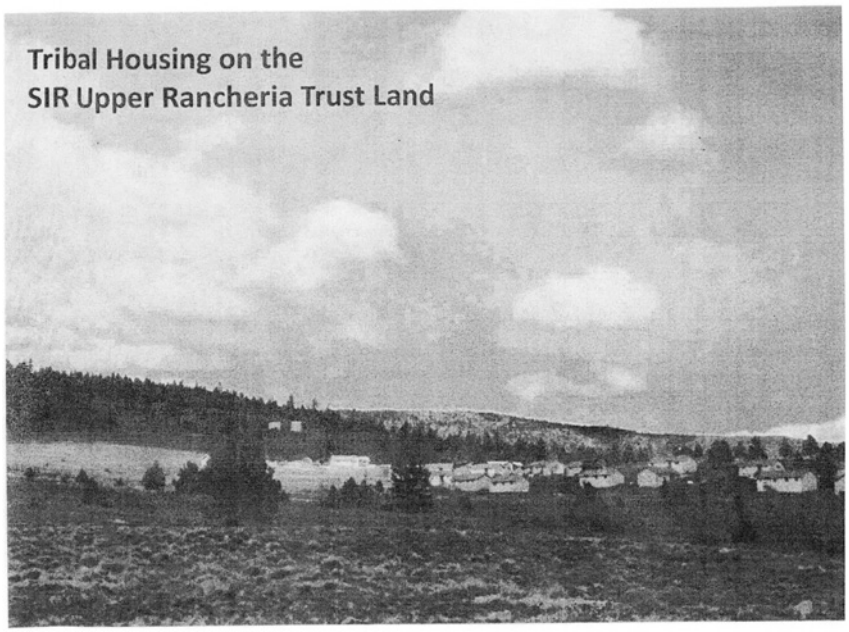
Conclusion

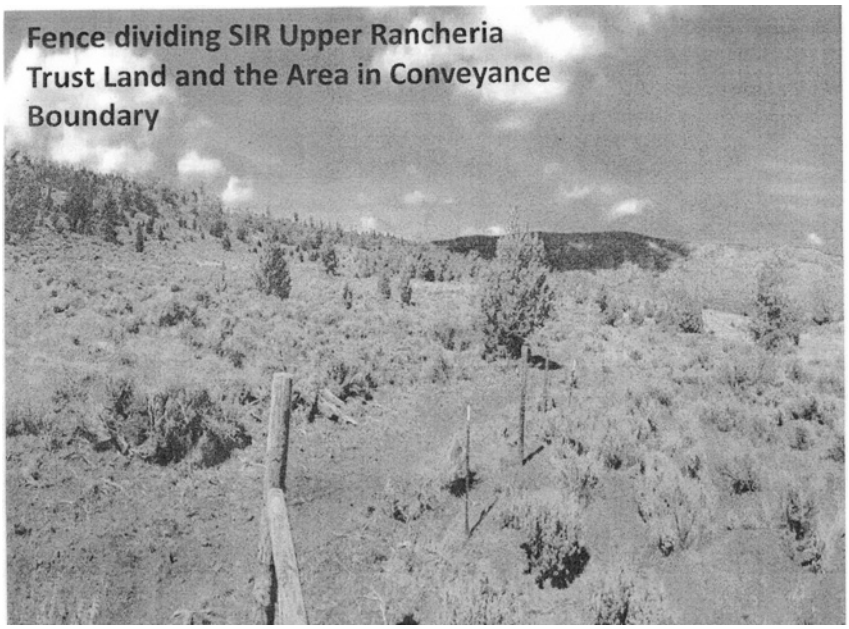
S. 1761 would allow the Rancheria to reacquire ancestral homelands taken from us due to misguided historical federal and state policies and allow us to protect areas of cultural, archeological, and historical importance to us. The Rancheria is thankful for the Committee's efforts to hold this important hearing on S. 1761. We respectfully urge swift enactment of this bill.

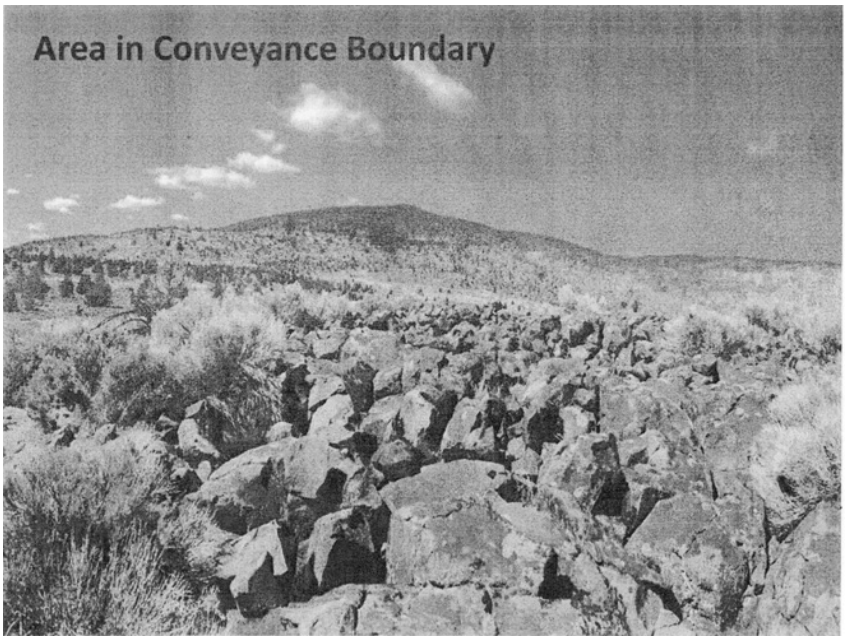
Attachments

Susanville Indian Rancheria Land Conveyance




Tribal Housing on the
SIR Upper Rancheria Trust Land


Fence dividing SIR Upper Rancheria
Trust Land and the Area in Conveyance
Boundary


Area in Conveyance Boundary

Susanville Indian Rancheria
Cultural Camp

PREPARED STATEMENT OF LEONA A. IKE, MEMBER OF THE CONFEDERATED TRIBES OF WARM SPRINGS

I am Leona A. Ike of the Confederated Tribes of Warm Springs in the great state of Oregon. I am a direct descendant of the Treaty Chiefs of Warm Springs and Yakama Nation who originate from the Columbia River. My father was head chief of the Mid-Columbia River until his death in 2003.

I must relay a concern over this bill and I am obligated under our Covenant with our Creator to pass this on to you. Our tribal people have had this governed Covenant since the Creation of our peoples:

"Tribes gave their eternal spiritual promise to our Creator to always protect our Sacred Water and our lands and all that dwell within or reside upon our water and lands that includes our salmon and fish, small and big game, roots, medicines, rivers, small streams and all other natural resources and other life. We are governed by our Covenant to protect our people, from the oldest elder to the newest conceived child and all those who passed on to eternal life."

These words or words to this reference can be found in Treaties. Chiefs, like my father, advocated for the protection of our Covenant always. In President Clinton's second term and at the inauguration hosted by Tribal Leaders, my father Chief Frederick Ike Sr. was asked to sing the ceremonial song to honor our President.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JON TESTER TO MICHAEL SMITH

In your testimony, you noted that authority presently exists for federal land to be transferred among agencies and held in trust for tribal governments but that it could be helpful, especially on the local level, for legislation to strengthen that authority.

Question 1.

Which statutory authorities permit the transfer, exchange, sale, or other conveyance of land from agencies within the Department of the Interior to the Bureau of Indian Affairs for entrustment on behalf of tribes?

Draft Response: Several statutes permit the conveyance of land from agencies within the Department of the Interior to the United States in trust for tribes, either directly, or through the Bureau of Indian Affairs.

- Federal Property and Administrative Services Act (FPASA) of 1949, as amended Pub. L. 152, Ch. 288, 63 Stat 377 (Codified as amended in scattered sections of 40 U.S.C. and 41 U.S.C.)
- Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA) 25 U.S.C. § 450 et seq.
- Base Realignment and Closure Act 10 U.S.C. § 2687
- Indian Reorganization Act 25 U.S.C. § 461 et seq.
- Federal Land Policy and Management Act, 43 U.S.C. § 1701 et seq.
- Reorganization Plan #3 of 1950, 5 U.S.C. App 1.

These statutes impose various limitations and requirements on the Department's authority however. For example, the FPASA only mandates transfer of excess property located within a Tribe's Reservation. In addition, some statutes need to be used together to accomplish a trust transfer, for example, the ISDEAA and the IRA. The ISDEAA regulations at 25 C.F.R. Part 900 allow the donation of excess or surplus Federal real property to tribes, subject to applicable Federal law and regulations. The IRA provides transfer authority and applicable regulations at 25 C.F.R. Part 151.

Question 2.

Which statutory authorities permit the transfer, exchange, purchase, or other conveyance of land from agencies outside the Department of the Interior to the Bureau of Indian Affairs for entrustment on behalf of tribes?

Draft Response: Several statutes permit the conveyance of land from agencies outside of the Department of the Interior to the United States in trust for tribes, either directly, or through the Bureau of Indian Affairs.

- Federal Property and Administrative Services Act (FPASA) of 1949, as amended Pub. L. 152, Ch. 288, 63 Stat 377 (Codified as amended in scattered sections of 40 U.S.C. and 41 U.S.C.)

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In addition, Congress has enacted tribe- and site-specific statutes to place land in trust status. For example, in the National Defense Authorization Act for Fiscal Year 2015, Congress transferred approximately 1,553 acres located within the boundary of the former Badger Army Ammunition Plant near Baraboo, Wisconsin, to the Secretary of the Interior in trust for the Ho-Chunk Nation of Wisconsin. The legislation effectuated the acquisition of the land in trust and clarified responsibility and liability with regard to conduct or activities that took place on the land before the transfer.

Question 3.
What types of legislative measures would streamline uncontroversial federal land transfers, exchanges, sales, or other conveyances between federal agencies and the Bureau of Indian Affairs for the benefit of tribes?
Draft Response: There are already several statutes that take into consideration streamlining transfers, exchanges, sales or other conveyances, as best as practicable given the situation of such transfers. However, due to the ambiguity of the term "uncontroversial", any legislative proposal would need to take into consideration the definition of "uncontroversial" for that given situation, the classification of such land, and that respective agency's ownership or management of such land.

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