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Testimony submitted to House Natural Resources Committee
Subcommittee on Federal Lands
Legislative Hearing on H.R. 1479, the Chiricahua National Park Act
Wednesday, September 18, 2024

On behalf of the Mescalero Apache Tribe (“Tribe”), we write to express our concerns about H.R. 1479, the Chiricahua National Park Act. This bill would designate Chiricahua National Monument, which is named after Chiricahua Apaches who are members of the Tribe, as Chiricahua National Park.

H.R. 1479 does not adequately protect our cultural resources in this area and does not ensure that Tribal members can continue to access the area for traditional purposes and gather medicinal plants and herbs as we have for centuries without interference. Also, this bill should protect the landscape, view sheds, and sight-lines in the area. The Chiricahua National Monument area is a Cultural Landscape of the Tribe.

Long before the first European settlers came to this land, our Apache ancestors roamed the southwestern region, from Texas to central Arizona and from as far south as Mexico to the peaks of Colorado. After many decades of wars to protect our homelands and our people from encroaching Europeans seeking our land and resources through brutal means, including massacres, the Apaches entered into a treaty with the United States on July 1, 1852. This treaty, known as the Treaty with the Apaches, promised the Tribe a permanent homeland in our aboriginal territory. The Mescalero Apache Reservation (Reservation), located in the White and Sacramento Mountains of rural south-central New Mexico, was created by a succession of Executive Orders in the 1870’s and 1880’s. Even though the federal government forcibly removed our people from our ancestral lands, the Mescalero Apache people have maintained strong cultural ties to these lands, including Chiricahua National Monument.

Three sub-tribes, Mescalero, Lipan, and Chiricahua, make up the Mescalero Apache Tribe. Chiricahua National Monument is named after Chiricahua Apaches, who have deep connections to this area along with other Apaches; and, descendants of Chiricahua Apaches are Tribal members. Famed spiritual leader and medicine man Geronimo and other Chiricahua Apaches were held as prisoners of war by the United States military from 1886 until 1913 when the surviving Chiricahua Apaches were finally released and allowed to come to the Reservation. These Chiricahua Apaches became members of the Mescalero Apache Tribe. The descendants of renowned Chiricahua Chiefs Mangas Coloradas, Victorio, and Cochise are Tribal members and reside on the Reservation.

To protect our traditional ways of life and our ongoing connections to this land that would be designated as a National Park under this bill, we respectfully request your assistance in ensuring that the bill is amended to include the following provision:

SEC. 3. TRADITIONAL CULTURAL AND RELIGIOUS SITES.

(a). INDIAN TRIBE. --- Indian tribe means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

(b) In general - The Secretary of the Interior, in consultation with Indian tribes, shall ensure the protection of traditional cultural and religious sites in the National Park.

(c) Access - The Secretary of the Interior, in accordance with Public Law 95-341 (42 U.S.C. 1996),—

(i) shall provide access to the sites described in paragraph (b) by members of Indian tribes for traditional cultural and customary uses; and

(ii) may, on request of an Indian tribe, temporarily close to general public use 1 or more specific areas of the National Park to protect traditional cultural and customary uses in the area by members of the Indian tribe.

This language is essentially the language from the Valles Caldera National Preserve, New Mexico, Section 3043, P.L. 113-291; 16 U.S.C. 698v-11.

Since the U.S. first began carving out National Parks from tribal ancestral lands, tribes across the country have continually experienced ongoing challenges to ensure that we can continue to practice our cultures and traditional ways of life on these lands without disruption and to ensure that our cultural resources are not damaged or destroyed. For example, tribes have faced and still face a myriad of obstacles from National Park Service personnel relating to access, ceremonial practices, gathering, collection, cultural resources protection at Grand Canyon NP, Yellowstone NP, Olympic NP, Everglades NP, Smoky Mountains NP, Badlands NP, Glacier NP, and the list goes on and on. Most, if not all, of these National Parks were established at a time when tribes did not have the voice they should have had, and often times these National Parks were created over tribal objections. Times have changed since then and legislation establishing a National Park should recognize, preserve, and protect tribal relationships to these lands and help ensure consistent on-the-ground application of the law from National Park Service personnel.

We thank the Subcommittee for its consideration of our views and look forward to working with the Subcommittee to make the necessary changes to H.R. 1479 requested above.