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Written Testimony of J. Michael Chavarria Governor of the Santa Clara Pueblo

S. 249, a Bill to Provide the Pueblo of Santa Clara with 99-year Leasing Authority House Natural Resources Subcommittee on Indian, Insular, and Alaska Native Affairs Legislative Hearing June 7, 2017

Thank you Chairman LaMalfa, Ranking Member Torres, and members of the Subcommittee for inviting to me to testify on the importance of S. 249 to my Tribe. My name is Michael Chavarria, and I am the Governor of the Pueblo of Santa Clara, on whose behalf this bill has been introduced by Senator Udall. We appreciate the Senator's and this Subcommittee's stalwart support for advancing the interests of Indian Country in the Federal Government. S. 249—and its companion bill H.R. 1787, introduced by Congressman Luján in the House—is extremely important for future economic development on Santa Clara lands, and we hope that it will be given favorable consideration by this Subcommittee and by the Congress.

25 U.S.C. § 415 generally restricts a lease of tribal land to a term of 25 years, with the possibility of one renewal period of up to 25 years. But in many commercial situations, terms of that length are too short to allow for the amortization of substantial capital investments, which means that big businesses are deterred from locating on tribal lands, even given otherwise favorable lease terms. Over the years, in recognition of the limitations to economic development imposed by this situation, Congress has repeatedly amended Section 415 to allow nearly 60 tribes the ability to lease their lands for up to 99 years.

In 1992, Congress adopted an amendment to Section 415 that allowed 99-year leasing authority for “lands held in trust for the Pueblo of Santa Clara.” Regrettably, the language of the amendment does not take into account the fact that the Pueblo's commercially valuable lands, which we would want to lease for longer periods of time, are located within an area known as the “Santa Clara Pueblo Grant.” These lands are held in restricted fee status and are not trust lands.

The Santa Clara Pueblo Grant dates back to the Spanish colonial period when the Spanish Crown established minimum areas of land to which each New Mexico Pueblo was entitled in recognition of their inherent tribal sovereignty. This approximately 17,300 acre parcel of land remains an integral part of our Pueblo's land base today. In 1858, Congress confirmed our title to the Grant lands but conditioned the title on federal law restrictions on alienation. Thus, the

Grant lands are not held in trust, but rather are held in fee simple ownership by the Pueblo under federal supervision. As a result, the language of the 1992 amendment to Section 415 did not allow us to lease our Grant lands for longer than 25 years because they are not trust lands. S. 249 would address the loophole in the 1992 amendment and enable us to enter into long-term leases on our commercially valuable lands in and near the City of Española. We strongly support Senator Udall's bill and urge the Subcommittee to do the same.

It is important to note that the Pueblo of Santa Clara does have lands held in trust on our behalf by the Federal Government, but those lands consist of our forests and the Santa Clara Canyon, lands that we consider sacred and would never lease outside of the Tribe.

Thank you for the opportunity to testify on S. 249 and the opportunity it represents to advance the economic prosperity and welfare of the Santa Clara Pueblo. I would be happy to answer any questions you may have at this time.