

**STATEMENT
OF
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UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
HOUSE COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE FOR INDIGENOUS PEOPLES OF THE UNITED STATES**

June 5, 2019

Good afternoon Chairman Gallego, Ranking Member Cook, and Members of the Subcommittee. My name is Darryl LaCounte and I am the Director of the Bureau of Indian Affairs at the Department of the Interior (Department).

Thank you for the opportunity to present this statement on behalf of the Department regarding the following bills: H.R. 733, the Leech Lake Band of Ojibwe Reservation Restoration Act; H.R. 1031, Pala Band of Mission Indians Land Transfer Act of 2019; H.R. 1803, a bill to nullify the Supplemental Treaty Between the United States of America and the Confederated Tribes and Bands of Indians of Middle Oregon, concluded on November 15, 1865; and H.R. 2961, a bill to reaffirm that certain land has been taken into trust for the benefit of the Samish Indian Nation. Each of these bills is discussed below.

H.R. 733

H.R. 733, the Leech Lake Band of Ojibwe Reservation Restoration Act, directs the Secretary of Agriculture to transfer certain lands in the Chippewa National Forest to the Secretary of the Interior to be held in trust for the Leech Lake Band of Ojibwe in Minnesota.

Administering trust lands is an important responsibility that the United States undertakes on behalf of Indian tribes. The Congress, through its plenary authority over Indian Affairs, can direct the Department to accept and administer lands to be held in trust as it does in H.R. 733. The Department thus does not take issue with Congress's decision to pursue legislative proposals, such as H.R. 733, for this purpose.

H.R. 733 also includes several prohibitions, including that any federal law relating to the export of unprocessed logs harvested from federal lands shall apply to any such logs harvested from the lands defined in H.R. 733; that the land defined in H.R. 733 shall not be eligible or used for any gaming activity carried out under the Indian Gaming Regulatory Act; and that any commercial forestry activity carried out on the lands shall be managed in accordance with applicable federal law.

H.R. 1031

H.R. 1031, the Pala Band of Mission Indians Land Transfer Act of 2019 takes approximately 700

acres of land located in San Diego County, California, into trust for the benefit of the Pala Band of Mission Indians. Administering trust lands is an important responsibility that the United States undertakes on behalf of Indian tribes. The Congress, through its plenary authority over Indian Affairs, can direct the Department to accept and administer lands to be held in trust as it does in H.R. 1031. The Department thus does not take issue with Congress's decision to pursue legislative proposals, such as H.R. 1031, for this purpose.

The land at issue is sacred and contiguous to the Pala Band of Mission Indians' reservation and will be managed in its natural state. No development or other use of the property is considered.

H.R. 1031 also prohibits gaming activities to be conducted on the land taken into trust for the Tribe either as a matter of claimed inherent authority or under any federal law, including the Indian Gaming Regulatory Act.

H.R. 1803

H.R. 1803 nullifies the Supplemental Treaty between the United States of America and the Confederated Tribes and Bands of Indians of Middle Oregon, concluded on November 15, 1865.

The Confederated Tribes and Bands of Middle Oregon, today known as the Confederated Tribes of the Warm Springs Reservation, signed a treaty on June 25, 1855 ceding most of their aboriginal territory to the United States. That area makes up most of what we now know as north central Oregon.

On November 15, 1865, the Tribes were forced into signing a "Supplemental" treaty, which is the subject of this legislation and further restricted the rights of tribal members to the extent that, among other things, they could not leave the reservation without written permission from the Agency Superintendent. These are unreasonable restrictions on the rights of the Warm Springs people. We are aware of no other tribe that is currently subject to such a restrictive treaty.

The Supplemental Treaty has never been enforced by either the federal government or the State of Oregon. H.R. 1803, "A bill to nullify the Supplemental Treaty Between the United States of America and the Confederated Tribes and Bands of Middle Oregon, concluded on November 15, 1865," would provide that the Supplemental Treaty shall have no force or effect. As such, the Department has no objection to H.R. 1803.

H.R. 2961

H.R. 2961 reaffirms that certain land has been taken into trust for the benefit of the Samish Indian Nation, and for other purposes. Specifically, the Notice of Decision dated November 9, 2018 (NOD), and the actions taken by the Bureau of Indian Affairs Northwest Regional Director to approve the application of the Samish Indian Nation to take approximately 6.70 acres of land into trust are ratified and confirmed.

As identified in the bill, the Department has determined to take 6.70 acres of land into trust for the Samish Indian Nation. We believe the record established supports that decision. However,

there are challenges to our decision pending before the Interior Board of Indian Appeals. H.R. 2961 will cut short all appeals to the NOD, a decision that can only be made by Congress. Therefore, the Department neither supports nor opposes this bill.

Conclusion

The Department looks forward to working with the Subcommittee as you move forward.

Thank you for the opportunity to testify today. I would be glad to answer any questions the Subcommittee may have.