

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

February 5, 2020

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 (BIA) at the Department of the Interior (Department).

Thank you for the opportunity to provide testimony on behalf of the Department regarding H.R. 4059, a bill to take certain lands in California into trust for the benefit of the Agua Caliente Band of Cahuilla Indians; H.R. 4888, a bill to amend the Grand Ronde Reservation Act; and H.R. 5153, the Indian Buffalo Management Act. Each of these bills is discussed below.

H.R. 4059, a bill to take certain lands in California into trust for the benefit of the Agua Caliente Band of Cahuilla Indians

H.R. 4059 would designate 2,560 acres of land in California to be held in trust for the Agua Caliente Band of Cahuilla Indians (Tribe). This land would become part of the Tribe's reservation and be ineligible for gaming under the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*).

Pursuant to P.L. 106-351, in 2018 the Bureau of Land Management and the Tribe executed a land exchange which, in part, consisted of 2,560 acres of federal lands for 1,471 acres of tribal land that reduced checkerboard ownership on federal and tribal lands in the Santa Rosa and San Jacinto Mountains National Monument. The land exchange supports more effectively managed public lands through shared conservation stewardship, robust partnerships with Tribes, and increases access to trails for public recreation.

H.R. 4059 would legislatively transfer title of the 2,560 acres exchanged to the Tribe into trust, removing the need for administrative action by the Department to effectuate title transfer. To ensure a complete and correct trust acquisition, the Department would like the opportunity to develop an official legislative map for this proposal, and to include reference to the map in the legislation. The Department supports this bill.

H.R. 4888, a bill to amend the Grande Ronde Reservation Act

In 1954 the Confederated Tribes of the Grand Ronde Community (Tribe) was Congressionally terminated, P.L. 83-588. Twenty-nine years later Congress restored the Tribe's federal recognition, rights and privileges with the Grand Ronde Restoration Act, P.L. 98-165. In 1988, Congress established a 9,811 acre reservation for the Tribe, P.L. 100-425, and through subsequent amendments, the Tribe's reservation grew to 9,879 acres. In 1994 the reservation acreage total grew to 10,120 acres, P.L. 103-435 (1994 Act).

After Congress established a reservation for the Tribe, the Tribe learned that an 1871 survey used to define the Tribe's original reservation boundaries contained an error, and that an 84-acre parcel known as the "Thompson Strip" was excluded from its reservation. To resolve this exclusion, the BLM and Tribe entered into a land claim settlement wherein the BLM exchanged its 240-acre parcel for the Tribe's Thompson Strip. The 1994 Act made that 240-acre parcel part of the Tribe's reservation and extinguished of all the Tribe's land claims in the State of Oregon.

H.R. 4888 redefines the claims extinguished in the 1994 Act turning the statewide extinguishment of the Tribe's land claims into a limited claim extinguishment for the Thompson Strip. H.R. 4888 also makes land obtained by the Tribe as part of a land claim settlement approved by the United States ineligible for class II and III gaming under the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*).

In general, the Department would not be supportive of measures that might result in additional federal liability for previously extinguished land claims. While the legislative history does not directly address the statewide claims extinguishment section of the 1994 Act, the Tribe had the opportunity to oppose that provision on the record. The Department encourages the Subcommittee to pursue further investigation of the land claim settlement which resulted in P.L. 103-435 to determine if H.R. 4888 would be appropriate.

H.R. 5153, the "Indian Buffalo Management Act"

The buffalo has a historical, cultural and spiritual connection with many Tribes and plays a significant role in ensuring traditional Tribal subsistence. Supporting Tribal subsistence is a priority for the Department and the Administration. Currently, the BIA's Branch of Fish, Wildlife, and Recreation funds buffalo restoration and management activities through annual appropriations. H.R. 5153, the Indian Buffalo Management Act, would establish a permanent program within the Department to develop and promote Tribal ownership and management of buffalo and buffalo habitat on Indian lands.

Under H.R. 5153, two entities are eligible for program participation: Indian Tribes and Tribal organizations organized under Section 17 of the Indian Reorganization Act (IRA). To avoid the exclusion of Tribal corporations federally chartered under Section 3 of the Oklahoma Indian Welfare Act, P.L. 74-816, the Department recommends H.R. 5153 use the same definition of

“Tribal organization” as the Indian Self Determination and Education Assistance Act (ISDEAA)(P.L. 93-638, as amended).

While H.R. 5153 authorizes \$14 million for grants in the first fiscal year and each fiscal year thereafter, it does not provide funding for the permanent program established, which will be contractible by Tribes under ISDEAA. As a result, the Secretary may be required to utilize funds from other programs in order to establish the permanent program to fulfill H.R. 5153, and in the event of a tribe utilizing P.L. 93-638, as amended, to contract or compact the permanent program, meet the Department’s statutory obligations under ISDEAA.

The Department recognizes our shared interest in modernizing buffalo management in Indian Country and appreciates Congress’s attention to this effort. We support the bill’s goals and welcome the opportunity to work with the Subcommittee to provide technical assistance.

Conclusion

Mr. Chairman, thank you for the opportunity to testify today. I am glad to answer any questions the Subcommittee may have.