

**H.R. 2130, H.R. 2388, H.R. 2815,  
AND H.R. 3073**

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**LEGISLATIVE HEARING**

BEFORE THE

SUBCOMMITTEE ON INDIAN AND INSULAR AFFAIRS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

Wednesday, May 21, 2025

**Serial No. 119-29**

Printed for the use of the Committee on Natural Resources



Available via the World Wide Web: <http://www.govinfo.gov>

or

Committee address: <http://naturalresources.house.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

60-609 PDF

WASHINGTON : 2026

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## CONTENTS

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	Page
Hearing Memo .....	v
Hearing held on Wednesday, May 21, 2025 .....	1
Statement of Members:	
Hurd, Hon. Jeff, a Representative in Congress from the State of Colorado	1
Panel I:	
Randall, Hon. Emily, a Representative in Congress from the State of Washington .....	3
Maloy, Hon. Celeste, a Representative in Congress from the State of Utah .....	4
Prepared statement of .....	5
Johnson, Hon. Dusty, a Representative in Congress from the State of South Dakota .....	6
Prepared statement of .....	7
Begich, Hon. Nicholas, a Representative in Congress from the State of Alaska .....	17
Prepared statement of .....	18
Statement of Witnesses:	
Panel II:	
Gonzales, Hon. Tina, Chairwoman, Shivwits Band of Paiutes, Ivins, Utah .....	10
Prepared statement of .....	11
Questions submitted for the record .....	15
Harris, Hon. Thomas, Vice President, Cape Fox Corporation, Ketchikan, Alaska .....	19
Prepared statement of .....	20
Questions submitted for the record .....	21
Charles, Hon. Frances, Chairwoman, Lower Elwha Klallam Tribe, Port Angeles, Washington .....	22
Prepared statement of .....	24
Shepherd, Eric, Vice Chairman, South Dakota Native Homeownership Coalition, Sisseton, South Dakota .....	31
Prepared statement of .....	33
Questions submitted for the record .....	35
Additional Materials Submitted for the Record:	
Submissions for the Record by Representative Hurd	
U.S. Department of the Interior, Statement .....	47
U.S. Department of Agriculture and U.S. Forest Service, Statement ..	49
Submissions for the Record by Representative Randall	
National Parks Conservation Association, Letter of Support .....	39
Submissions for the Record by Representative Begich	
Cape Fox ANSCA, Letters of Support .....	50





HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

**To:** House Committee on Natural Resources Republican Members  
**From:** Indian and Insular Affairs Subcommittee staff: Ken Degenfelder  
(Ken.Degenfelder@mail.house.gov), and Kirstin Liddell  
(Kirstin.Liddell@mail.house.gov) x6-9725  
**Date:** Monday, May 19, 2025  
**Subject:** Legislative Hearing on H.R. 2130, H.R. 2388, H.R. 2815, and H.R. 3073

The Subcommittee on Indian and Insular Affairs will hold a legislative hearing on four bills: H.R. 2130 (Rep. Johnson of SD), *"Tribal Trust Land Homeownership Act of 2025"*; H.R. 2388 (Rep. Randall), *"Lower Elwha Klallam Tribe Project Lands Restoration Act"*; H.R. 2815 (Rep. Begich), *"Cape Fox Land Entitlement Finalization Act of 2025"*; and H.R. 3073 (Rep. Maloy), *"Shivwits Band of Paiutes Jurisdictional Clarity Act"* on **Wednesday, May 21, 2025, at 10 a.m. in 1324 Longworth House Office Building.**

Member offices are requested to notify Haig Kadian (Haig.Kadian@mail.house.gov) by 4:30 p.m. on Tuesday, May 20, 2025, if their member intends to participate in the hearing.

#### **I. KEY MESSAGES**

- House Republicans are holding a hearing on four bills that will support tribal sovereignty and the restoration of tribal homelands, cut bureaucratic red tape, and boost economic development.
- H.R. 2130 would require the Bureau of Indian Affairs (BIA) to process and complete all residential and business mortgage packages on Indian land within 20 or 30 days, depending on the type of application.
- H.R. 2388 would take approximately 1,083 acres of National Park Service (NPS) land into trust for the Lower Elwha Klallam Tribe.
- H.R. 2815 would finalize the Cape Fox Corporation's Alaska Native Claims Settlement Act (ANCSA) land conveyance while alleviating any future land management concerns associated with the development of the Mahoney Lake power project.
- H.R. 3703 would ensure that the Utah state court has jurisdiction over civil cases involving the Shivwits Band that occur on the tribe's land, while ensuring that Federal court is an option when resolving disputes arising from contracts in which the Shivwits Band is a party. Additionally, H.R. 3703 follows congressional precedent by amending the Long-Term Leasing Act (LTLA) to allow the Shivwits Band to lease their land for a term of up to 99 years.

#### **II. WITNESSES**

*Panel I:*

- **Members of Congress TBD**

*Panel II:*

- **The Hon. Tina Gonzales**, Chairwoman, Shivwits Band of Paiutes, Ivins, UT [H.R. 3073]
- **The Hon. Thomas Harris**, Vice President, Cape Fox Corporation, Ketchikan, AK [H.R. 2815]
- **Mr. Eric Shepherd**, Vice Chairman, South Dakota Native Homeownership Coalition, Sisseton, SD [H.R. 2130]
- **The Hon. Frances Charles**, Chairwoman, Lower Elwha Klallam Tribe, Port Angeles, WA (*Minority Witness*) [H.R. 2388]

**III. BACKGROUND****H.R. 2130 (Rep. Johnson of SD), “Tribal Trust Land Homeownership Act of 2025”**

H.R. 2130 would require the BIA to process and complete all residential and business mortgage packages on Indian land within 20 or 30 days, depending on the type of application. This would more closely align the BIA’s processing of mortgage packages with current industry practices. H.R. 2130 would also require an annual report on mortgages reviewed by the BIA to be submitted to Congress, require the Government Accountability Office (GAO) to review the need for digitization of mortgage records to streamline the mortgage process at BIA, establish a Realty Ombudsman position, and provide read-only access to the BIA’s Trust Asset and Accounting Management System (TAAMS) to relevant agencies and tribes.

Indian lands primarily fall into one of three categories: trust, fee, and restricted fee. H.R. 2130 would only impact land held in trust, which is land owned and managed by the United States through the Department of the Interior (DOI) for the benefit of an Indian tribe or individual Indians. Trust land preempts State tax and regulatory authority and is also inalienable.

When an individual seeks to purchase a property or house, they will take out a loan with a lending institution, usually a bank, to pay for the purchase. That resulting mortgage gives the lending institution the right to repossess the property if the borrower does not repay the loan. However, for mortgages taken out by individual Indians for a tract of trust land, there are additional BIA processes for approval, primarily because the federal government ultimately holds title to trust lands.

Mortgage applications related to trust lands must be submitted through the regional BIA agency. The applications tend to fall into two categories: leasehold or trust land mortgages. Leasehold mortgages refer to mortgages on trust land owned by another tribal landowner, while trust land mortgages refer to mortgages obtained for trust land that an Indian owns themselves.<sup>1</sup>

Current law outlines regulatory time frames for reviewing and approving leasehold and rights-of-way (ROW) mortgages.<sup>2</sup> There are no outlined time frames for trust land mortgages.<sup>3</sup> The BIA has published its *Mortgage Handbook*, outlining its mortgage review process.<sup>4</sup> Upon receiving a proposed leasehold mortgage package, the BIA is to input the data into the Realty Tracking System (RTS) and the Mortgage Tracker. The BIA then has 10 days to complete a preliminary review to ensure that the package is complete. The package must contain all required documents, the lease must be encoded, approved, and recorded in the TAAMS, and the required checklist must be included in the case file.<sup>5</sup> Before the 10 days expire, the BIA must send an acknowledgement letter either verifying the preliminary review was completed, or that the package was incomplete with the missing documents specified. The RTS and Mortgage Tracker is then to be updated with the relevant outcome. The BIA then has 20 days from the time it sends the acknowledgment letter to either approve or deny the leasehold mortgage and send a subsequent Decision Letter. For a ROW leasehold mortgage, the BIA has 30 days. Two business days after receiving the approved leasehold mortgage, the BIA must complete all necessary steps to request recordation by the Land Titles and Records Office (LTRO) and request a certified Title Status Report (TSR) using the TAAMS TSR request module. Upon completion, the BIA must update the Mortgage Tracker.<sup>6</sup>

Proponents of H.R. 2130 advocate that, despite the timeline provided in the BIA Mortgage Handbook, there are still extensive delays in reviewing and approving or denying mortgages. One report from the Federal Reserve Bank of Minneapolis highlighted issues mentioned at a U.S. Senate hearing about prospective borrowers from the Fort Belknap tribe waiting over a year for a certified TSR, and that TSR timelines have been cited in multiple reports as a barrier to trust land development.<sup>7</sup>

In the 118th Congress, a legislative hearing was held on a similar bill.<sup>8</sup> Tribal testimony supported the bill for “designing new BIA systems”<sup>9</sup> and “streamlining existing processes”<sup>10</sup> to align tribal mortgage practices with private industry mortgage practices.

H.R. 2130 sets clear timelines by which the BIA must process and approve mortgages that relate to property located on tribal trust land. The BIA would need to notify lenders that they have received application documentation and perform an initial review no later than 10 days after receipt. Depending on the application in question, the BIA would have 20 or 30 days to provide approval or denial of the documents. Additionally, this bill would establish a specialized position within the BIA to facilitate communication between the BIA, tribes, tribal members, lenders, and federal agencies that operate tribal housing programs.

**H.R. 2388 (Rep. Randall), “Lower Elwha Klallam Tribe Project Lands Restoration Act”**

The Lower Elwha Klallam Tribe is located within the Olympic Peninsula in Northwest Washington and has approximately 984 enrolled members.<sup>11</sup> The tribe’s land today is around 1,000 acres near the Elwha River.<sup>12</sup> The tribe signed the Treaty of Point No Point in 1855, which entitled them to share a small reservation with their rival tribe that was not on their traditional lands of the Strait of Juan de Fuca and Discovery Bay.<sup>13</sup> After signing the treaty, most tribal members opted not to live on their reservation, but rather by the rivers, shorelines, and sites of their ancestral burial grounds.<sup>14</sup> Through the Indian Reorganization Act of 1934, the Federal Government acquired 372 acres of land and assigned it to 14 families in the Tribe. In 1968, the Tribe received federal recognition, which included the acres given to the families.<sup>15</sup> As a result of federal recognition, the Lower Elwha Reservation was formally established for the tribe.<sup>16</sup>

H.R. 2388 would take approximately 1,083 acres of National Park Service (NPS) land into trust for the Lower Elwha Klallam Tribe. The NPS acquired most of the land in the 1990s through the *Elwha River Ecosystems and Fisheries Restoration Act* (Elwha Act).<sup>17</sup> Under the Elwha Act, the Elwha and Glines Canyon dams were to be removed in an effort to restore the Elwha River and the native Anadromous fisheries (i.e. species of salmon and trout). The Elwha Dam removal began in 2011 and ended in 2014. The Elwha Act also required the NPS to identify lands to transfer to the Lower Elwha Klallam Tribe for housing, cultural, or economic development purposes and place them into trust.<sup>18</sup> The remaining land was acquired by DOI to construct a surface water pipeline for the tribe’s fish hatchery.<sup>19</sup>

A map of the proposed parcels to be placed into trust can be found here:

[https://naturalresources.house.gov/uploadedfiles/map\\_for\\_hr\\_2388.pdf](https://naturalresources.house.gov/uploadedfiles/map_for_hr_2388.pdf)

**H.R. 2815 (Rep. Begich), “Cape Fox Land Entitlement Finalization Act of 2025”**

The Cape Fox Corporation (CFC) serves as the Alaska Native Village Corporation for the communities of Saxman, Alaska, located on the South Tongass Highway, three miles south of Ketchikan.<sup>20</sup> Saxman is a Tlingit community that centers on subsistence activities.<sup>21</sup>

In 1971, ANCSA was enacted to settle the aboriginal land claims of Alaska Natives.<sup>22</sup> Through ANCSA, Alaska Native Corporations (ANCs) were established to receive land under the settlement and disperse the payments to Alaska Natives. Alaska Natives received a \$962.5 million settlement payment and roughly 44 million acres of land, which were divided between almost 200 village corporations and 12 regional corporations established by the legislation.<sup>23</sup>

Under section 16(b) of ANCSA, Alaska Native Villages that fell under the Tlingit-Haida Settlement provision were able to select 23,040 acres of land within the core township of the Native village.<sup>24</sup> For the CFC, this meant lands near the Alaskan towns of Saxman and Ketchikan. Currently, the CFC has received a conveyance of 22,860 acres, with roughly 180 acres remaining.<sup>25</sup> To fulfill the remaining ANCSA entitlements, these 180 remaining acres must be conveyed.

The Bureau of Land Management (BLM), the body responsible for conveying the remaining acres to CFC, has stated that ANCSA and Departmental regulations require the acres to be in the core township. BLM has been in the process of conveying specific parcels of land to the CFC since 2022.<sup>26</sup> These parcels make up 184.57 acres of land. However, the CFC has formally rejected the proposal.<sup>27</sup> The CFC claims that the lands proposed by BLM are not only outside of the “core township” regulations that BLM holds itself to, but are also noncontiguous to the land previously conveyed.<sup>28</sup> Additionally, the CFC is concerned about these acres’ lack of economic value.<sup>29</sup>

The CFC has identified 180 acres of alternative land between parcels previously conveyed to the CFC. These 180 acres would allow for the development of the Mahoney Lake Power Project<sup>30</sup> which has been an ongoing project aiming to address the growing power demand in the Ketchikan, Saxman, and Metlakatla area.<sup>31</sup> This past winter, all available power, approximately 38 MW, was online. Yet, the power demand exceeded the supply, and scheduled brownouts were required.<sup>32</sup> Additional power is needed to sustain the current demand and provide for economic growth.

The CFC holds the Federal Energy Regulatory Commission (FERC) license needed to develop a power facility at Mahoney Lake in Ketchikan, which would exist on the CFC-owned land. This license includes an easement for a powerline/road corridor from the Mahoney Lake site to the Beaver Falls Substation on the Ketchikan Power Grid. The CFC currently owns the land adjacent to the Beaver Falls substation as well.<sup>33</sup> The 180 acres described in this legislation would connect the properties already owned by CFC and alleviate any access and management issues as the Mahoney Lake power corridor is developed and the power infrastructure is brought online.<sup>34</sup>

H.R. 2815 would finalize the CFC's ANCSA land conveyance while alleviating any future land management concerns associated with the development of the Mahoney Lake power project. This legislation has the support of various Alaska organizations,<sup>35</sup> Government representatives, and impacted groups.<sup>36</sup>

A map of the proposed land conveyance can be found here:

[https://naturalresources.house.gov/uploadedfiles/capefox\\_finalselection\\_parcel\\_map\\_03162023.pdf](https://naturalresources.house.gov/uploadedfiles/capefox_finalselection_parcel_map_03162023.pdf)

#### **H.R. 3073 (Rep. Maloy), “Shivwits Band of Paiutes Jurisdictional Clarity Act”**

The Shivwits Band of Paiutes (Shivwits Band) is a federally recognized tribe residing on a 28,000-acre ancestral reservation just outside of St. George, Utah,<sup>37</sup> and currently has 311 enrolled members.<sup>38</sup> The tribe traditionally inhabited southern Utah, southern Nevada, and southern California, adjacent to the Colorado River.<sup>39</sup> In 1935, the Shivwits Band was officially recognized as a federal tribe under the Indian Reorganization Act.<sup>40</sup> However, the federal government terminated the Shivwits Band and every other Paiute Band in 1954.<sup>41</sup> Nevertheless, the Shivwits performed self-governing functions and leased their land to ranchers in the area.<sup>42</sup> In 1980, Congress passed the “*Paiute Restoration Act*,”<sup>43</sup> which was signed into law and reestablished the trust relations between the federal government and the Paiute Indians of Utah, which included restoring trust relations with the Shivwits Band.<sup>44</sup> The Shivwits Band established its constitution in 1981 and has been fully recognized and functioning since then.<sup>45</sup>

While the Shivwits Band intends to further its economic development, a 2022 Tenth Circuit Court of Appeals case stunted that development.<sup>46</sup> In *Ute Indian Tribe of the Uintah and Ouray Reservation v. Lawrence (Lawrence)*, the Tenth Circuit Court of Appeals ruled that Utah state courts lack the jurisdiction to hear cases involving on-reservation conduct.<sup>47</sup> Additionally, the Appellate Court found that even in instances where a tribe has provided a clear and valid waiver of its sovereign immunity, Utah state courts still lack the jurisdiction unless the requirements of 25 U.S.C § 1322<sup>48</sup> and 25 U.S.C § 1326<sup>49</sup> are met.<sup>50</sup> Furthermore, *Lawrence* ruled that for § 1322 to hold, a special election under § 1326 must have been held. This decision dismissed the previous arguments that § 1326 was only required when a tribe wished to permanently authorize the state to assume all jurisdiction over the tribe.<sup>51</sup>

For the Shivwits Band, this ruling under *Lawrence* has led to economic uncertainty for the tribe and potential investors. Under *Lawrence*, the Shivwits Band can no longer consent to state court jurisdiction on a case-by-case basis, which means if an issue arises between the Shivwits Band and an outside investor, there is no guarantee that the state court would be able to intervene. This lack of clarity has caused hesitancy for outside groups to partner with the Shivwits Band.<sup>52</sup>

H.R. 3703 addresses these concerns by assuring that Utah state courts hold jurisdiction over civil cases involving the Shivwits Band that occur on their tribal lands, while ensuring that the tribe's sovereign immunity remains intact unless the tribe waives it. This protects the Shivwits Band from any unconsented suit but allows the tribe to consent to Utah state court jurisdiction in contracts and agreements with outside groups. Additionally, H.R. 3703 ensures that the Federal court is an option when resolving disputes arising from contracts in which the Shivwits Band is a party.

H.R. 3703 also amends the Long-Term Leasing Act (LTLA)<sup>53</sup> to authorize the Shivwits Band to lease land held in trust for their benefit for up to 99 years. In

1955, Congress passed the LTLA, which generally authorizes any Indian lands held in trust or land subject to a restriction against alienation to be leased by the Indian owner, subject to the approval of the Secretary of the Interior, for 25 years, except for grazing purposes.<sup>54</sup> The original 1955 Act also specified that non-grazing leases may be renewed up to one additional term of 25 years, for a total of 50 years.<sup>55</sup>

Lease authority up to 99 years is often needed for long-term commercial leases and some financing contracts. Ensuring tribes can negotiate effectively, and on the same playing field as other landholders, can clear the way for further economic development, especially in rural or extra-rural areas. There is congressional precedent for this amendment, most recently, the LTLA was amended to provide additional leasing authority for the Confederated Tribes of the Chehalis Reservation,<sup>56</sup> the Navajo Nation,<sup>57</sup> and the Pueblo of Santa Clara<sup>58</sup> for terms up to 99 years.

H.R. 3703 would make technical changes to the law to ensure that the Utah state court has jurisdiction over civil cases involving the Shivwits Band that occur on the tribe's land. Also, H.R. 3703 ensures that the Federal court is an option when resolving disputes arising from contracts in which the Shivwits Band is a party. Additionally, H.R. 3703 follows congressional precedent by amending the LTLA to allow the Shivwits Band to lease their land for a term of up to 99 years. The Washington County Commissioners are supportive of H.R. 3703.<sup>59</sup>

#### **IV. MAJOR PROVISIONS & SECTION-BY-SECTION**

##### **H.R. 2130 (Rep. Johnson of SD), “Tribal Trust Land Homeownership Act of 2025”**

Section 3. *Mortgage Review and Processing.* This section creates statutory timelines for the processing and review of mortgage applications, including notifying the lender as soon as possible that the application was received, a ten-day turnaround for the preliminary review of the documents to ensure completion of the application, and a two-day turnaround for acknowledgment of missing documents. The BIA would have up to 20 or 30 days (dependent on the type of mortgage) to approve or deny the application, and 10 days post-approval to provide a Title Status Report (TSR). Additionally, if requested, the BIA would have 14 days from the time of the request to provide a first certified TSR.

If the BIA fails to adhere to these timelines, they must provide notice of delays to the party that submitted the mortgage package, and the lender. If requested, the BIA would have to respond to inquiries about the status of the application, as well as any requests related to certified status reports.

Additionally, relevant Federal agencies and Tribal Nations will have read-only access to portals containing relevant land documents from TAAMS.

The BIA would be required to provide a report to the Senate Indian Affairs Committee and the House Committee on Natural Resources that details all requests received, those approved and denied, any situation in which the timelines were not met, and the length of time it took each BIA office to provide notice of delays.

One year after enactment, a GAO report detailing the need for digitizing mortgage packages and the estimated costs must be submitted to the Senate Indian Affairs Committee and the House Committee on Natural Resources.

Section 4. *Establishment of Realty Ombudsman Position.* This section directs the BIA Director to create a Realty Ombudsman in the Bureau's Division of Real Estate Services to facilitate all necessary changes and serve as the point of contact for all associated BIA realty services.

##### **H.R. 2388 (Rep. Randall), “Lower Elwha Klallam Tribe Project Lands Restoration Act”**

Section 2. *Land Taken into Trust for the Lower Elwha Klallam Tribe.* This section would place 1,082.63 acres of Federal land into trust for the Lower Elwha Klallam Tribe.

##### **H.R. 2815 (Rep. Begich), “Cape Fox Land Entitlement Finalization Act of 2025”**

Section 3. *Waiver of Core Township Requirement for Certain Land.* This section waives the requirement of CFC to select and receive the 185 acres of land proposed by the BLM for conveyance.

Section 4. *Selection Outside Exterior Selection Boundary.* This section directs the Secretary of the Interior to convey to CFC the land they choose upon the submission of written notice. Additionally, it establishes that while CFC will hold the surface estate, Sealaska Corporation will hold the subsurface estate.

Section 5. *Public Access Easement.* This section allows for continued public access to the National Forest System land near Revillagigedo Island.

**H.R. 3073 (Rep. Maloy), “Shivwits Band of Paiutes Jurisdictional Clarity Act”**

Section 3. *State Civil Jurisdiction.* This section establishes that the State of Utah has jurisdiction over any civil case that involves the Shivwits Band on tribal land.

Section 4. *Federal Court Jurisdiction.* This section establishes that any contract or agreement, including a lease, shall fall under “commerce” as defined in section 1 of title 9, U.S. Code, and fall under the jurisdiction of a district court as noted in section 1331 of title 28, U.S. Code.

Section 5. *Sovereign Immunity Not Abrogated.* This section maintains the Shivwits Band’s sovereign immunity unless explicitly waived by the tribe.

Section 6. *Shivwits Band of Paiutes Leasing Authority.* This section amends the LTLA to allow the Shivwits Band to lease their land for a term of up to 99 years.

**V. CBO COST ESTIMATE**

Unknown.

**VI. ADMINISTRATION POSITION**

Unknown.

**VII. EFFECT ON CURRENT LAW (RAMSEYER)**

**H.R. 3073 (Rep. Maloy), “Shivwits Band of Paiutes Jurisdictional Clarity Act”**

[https://naturalresources.house.gov/uploadedfiles/h.r.\\_3073\\_ramseyer.pdf](https://naturalresources.house.gov/uploadedfiles/h.r._3073_ramseyer.pdf)

- <sup>1</sup> Bureau of Indian Affairs. Mortgages in Indian Country. <https://www.bia.gov/service/mortgages>.
- <sup>2</sup> 25 CFR 162 and 25 CFR 169.
- <sup>3</sup> Bureau of Indian Affairs. Indian Affairs Mortgage Handbook. July 15, 2019. [https://www.bia.gov/sites/default/files/dup/assets/public/raca/handbook/pdf/52%20IAM%20-11%20Indian%20Affairs%20Mortgage%20Handbook\\_FINAL\\_SIGNED\\_cleanedup%20w%20footer\\_508.pdf](https://www.bia.gov/sites/default/files/dup/assets/public/raca/handbook/pdf/52%20IAM%20-11%20Indian%20Affairs%20Mortgage%20Handbook_FINAL_SIGNED_cleanedup%20w%20footer_508.pdf).
- <sup>4</sup> Id.
- <sup>5</sup> Id.
- <sup>6</sup> Bureau of Indian Affairs. Indian Affairs Mortgage Handbook. July 15, 2019. [https://www.bia.gov/sites/default/files/dup/assets/public/raca/handbook/pdf/52%20IAM%20-11%20Indian%20Affairs%20Mortgage%20Handbook\\_FINAL\\_SIGNED\\_cleanedup%20w%20footer\\_508.pdf](https://www.bia.gov/sites/default/files/dup/assets/public/raca/handbook/pdf/52%20IAM%20-11%20Indian%20Affairs%20Mortgage%20Handbook_FINAL_SIGNED_cleanedup%20w%20footer_508.pdf).
- <sup>7</sup> Colombe, James Robert. Shortening TSR timeline; A proposal to end delays that hinder Native homeownership. Federal Reserve Bank of Minneapolis. Sept. 9, 2020. <https://www.minneapolisfed.org/article/2020/shortening-the-tsrl-timeline-a-proposal-to-end-delays-that-hinder-native-homeownership#:~:text=,>
- <sup>8</sup> H.R. 3579 (Rep. Johnson of SD) "Tribal Trust Land Homeownership Act of 2023" <https://www.congress.gov/118/bills/hr/3579/BILLS-118hr3579/h.pdf>.
- <sup>9</sup> Congressional Testimony before the Subcommittee on Indian and Insular Affairs from Sharon Vogel, Board Chair of the South Dakota Native Homeownership Coalition on H.R. 3579. July 12, 2023. [https://naturalresources.house.gov/uploadedfiles/testimony\\_sharon\\_vogel.pdf](https://naturalresources.house.gov/uploadedfiles/testimony_sharon_vogel.pdf).
- <sup>10</sup> Id.
- <sup>11</sup> Tiller, Veronica E. Velarde. Tiller's Guide to Indian Country: Economic Profiles of American Indian Reservations. 3rd ed. Pg. 744.
- <sup>12</sup> Elwha Klallam Tribe. The Strong People. <https://www.elwha.org/>.
- <sup>13</sup> Tiller, Veronica E. Velarde. Tiller's Guide to Indian Country: Economic Profiles of American Indian Reservations. 3rd ed. Pg. 744.
- <sup>14</sup> Id.
- <sup>15</sup> Id.
- <sup>16</sup> Id.
- <sup>17</sup> P.L. 102-495.
- <sup>18</sup> P.L. 102-495 Sec. 3(c)(3)
- <sup>19</sup> Senator Maria Cantwell. Cantwell, Murray, Randall Introduce Legislation to Place Lower Elwha Klallam Tribe and Quinalt Indian Nation Lands into Trust. April 18, 2025. <https://www.cantwell.senate.gov/newsroom/releases/cantwell-murray-randall-introduce-legislation-to-place-lower-elwha-klallam-tribe-and-quinalt-indian-nation-lands-into-trust#:~:text=This%20bill%20would%20transfer%20three%20dams%20along%20the%20Elwha%20River>.
- <sup>20</sup> Tiller, Veronica E. Velarde. Tiller's Guide to Indian Country: Economic Profiles of American Indian Reservations. 3rd ed. Pg. 171
- <sup>21</sup> Id.
- <sup>22</sup> 43 U.S.C. 1601, et seq.
- <sup>23</sup> Id.
- <sup>24</sup> 43 U.S.C. 1615(b) and 42 CFR 2651.4 (b).
- <sup>25</sup> Briefing Paper and Background on H.R. 2815, the Cape Fox Land Entitlement Finalization Act of 2025. March 2025. On file.
- <sup>26</sup> Id.
- <sup>27</sup> Briefing Paper and Background on H.R. 2815, the Cape Fox Land Entitlement Finalization Act of 2025. March 2025. On file.
- <sup>28</sup> Id.
- <sup>29</sup> Letters of Support for Cape Fox Lands Exchange. May 2025. On file.
- <sup>30</sup> FERC #11393
- <sup>31</sup> Briefing Paper and Background on H.R. 2815, Fair and Equitable Treatment for the Village of Saxman Alaska Cape Fox Corporation. May 6, 2025. On file.
- <sup>32</sup> Brownout: A period of reduced electrical voltage due to high demand resulting in reduced illumination. <https://www.merriam-webster.com/dictionary/brownout>.

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<sup>33</sup> Id.

<sup>34</sup> Briefing Paper and Background on H.R. 2815, the *Cape Fox Land Entitlement Finalization Act of 2025*, March 2025. On file.

<sup>35</sup> [Letters of Support for H.R. 2815, Cape Fox Corporation, Alaska Native Settlement Act, Settlement of Entitlement, Letters of Support](#).

<sup>36</sup> Letters of Support for H.R. 2815, Cape Fox Corporation, Alaska Native Settlement Act, Settlement of Entitlement, *Letters of Support*. Provided to IIA Staff May 2025. On file.

<sup>37</sup> Briefing Paper on H.R. 3703, Shivwits Band of Paiutes Jurisdictional Clarity Act. Provided to IIA Staff May 2025. On file.

<sup>38</sup> Shivwits Band of Paiutes. Shivwits Band History. <https://shivwits.org/shivwits-band-history/>.

<sup>39</sup> Tiller, Veronica E. Velarde. Tiller's Guide to Indian Country: Economic Profiles of American Indian Reservations. 3rd ed. Pg. 720.

<sup>40</sup> Shivwits Band of Paiutes. Shivwits Band History. <https://shivwits.org/shivwits-band-history/>.

<sup>41</sup> 68 Stat. 1099.

<sup>42</sup> Id.

<sup>43</sup> P.L. 92-227, 94 Stat. 317.

<sup>44</sup> Shivwits Band of Paiutes. Shivwits Band History. <https://shivwits.org/shivwits-band-history/>.

<sup>45</sup> Id.

<sup>46</sup> Letter of Support for H.R. 3073, Washington County, Utah, Letter of Support, Shivwits Band of Paiute Indians. March 18, 2025. [https://naturalresources.house.gov/uploadedfiles/shivwits\\_band\\_of\\_paiutes\\_letter\\_of\\_support.pdf](https://naturalresources.house.gov/uploadedfiles/shivwits_band_of_paiutes_letter_of_support.pdf).

<sup>47</sup> Ute Indian Tribe of the Uintah & Ouray Reservation v. Lawrence, No. 18-4013, 2022 WL 54822 (10th Cir. Jan. 6, 2022).

<sup>48</sup> Section 1322 provides that state courts can assume jurisdiction over civil cases between Indians or where Indians are parties with the consent of the tribe. <https://www.law.cornell.edu/uscode/text/25/1322>.

<sup>49</sup> Section 1326 provides that state courts can assume jurisdiction when "a majority vote of the adult Indians voting at a special election held for that purpose" voted in favor. <https://www.law.cornell.edu/uscode/text/25/1326>.

<sup>50</sup> Ute Indian Tribe of the Uintah & Ouray Reservation v. Lawrence, No. 18-4013, 2022 WL 54822 (10th Cir. Jan. 6, 2022).

<sup>51</sup> Letter of Support for H.R. 3073, Washington County, Utah, Letter of Support, Shivwits Band of Paiute Indians. March 18, 2025. [https://naturalresources.house.gov/uploadedfiles/shivwits\\_band\\_of\\_paiutes\\_letter\\_of\\_support.pdf](https://naturalresources.house.gov/uploadedfiles/shivwits_band_of_paiutes_letter_of_support.pdf).

<sup>52</sup> Id.

<sup>53</sup> 25 U.S.C. § 415.

<sup>54</sup> P.L. 255. Ch. 615, Sec. 1, 69 Stat. 539.

<sup>55</sup> Id.

<sup>56</sup> P.L. 117-346.

<sup>57</sup> P.L. 115-325.

<sup>58</sup> P.L. 115-227.

<sup>59</sup> Washington County, Utah letter of support. March 18, 2025. [https://naturalresources.house.gov/uploadedfiles/shivwits\\_band\\_of\\_paiutes\\_letter\\_of\\_support.pdf](https://naturalresources.house.gov/uploadedfiles/shivwits_band_of_paiutes_letter_of_support.pdf).

**LEGISLATIVE HEARING ON: H.R. 2130, TRIBAL TRUST LAND HOMEOWNERSHIP ACT OF 2025; H.R. 2388, LOWER ELWHA KLALLAM TRIBE PROJECT LANDS RESTORATION ACT; H.R. 2815, CAPE FOX LAND ENTITLEMENT FINALIZATION ACT OF 2025; AND H.R. 3073, SHIWITS BAND OF PAIUTES JURISDICTIONAL CLARITY ACT**

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**Wednesday, May 21, 2025  
House of Representatives  
Subcommittee on Indian and Insular Affairs  
Committee on Natural Resources  
Washington, D.C.**

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The Subcommittee met, pursuant to notice, at 10 a.m., in room 1324, Longworth House Office Building, Hon. Jeff Hurd [Chairman of the Subcommittee] presiding.

Present: Representatives Hurd, Kennedy; Hoyle, Hernández, and Randall.

Also present: Representatives Begich, Johnson, and Maloy.

Mr. HURD. The Subcommittee on Indian and Insular Affairs will come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

Under Committee rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. I therefore ask unanimous consent that all other members' opening statements be made part of the hearing record if they are submitted in accordance with rule 3(o).

Without objection, so ordered.

I ask unanimous consent that the gentlewoman from Utah, Ms. Maloy; the gentleman from Alaska, Mr. Begich; and the gentleman from South Dakota, Mr. Johnson, be allowed to sit and participate in today's hearing.

Without objection, so ordered. I will now recognize myself for an opening statement.

**STATEMENT OF THE HON. JEFF HURD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO**

Mr. HURD. Today our Subcommittee is meeting to discuss four bills.

The first is H.R. 2130, the Tribal Trust Land Homeownership Act of 2025, sponsored by Congressman Dusty Johnson. This bill would require the Bureau of Indian Affairs to process and complete all residential and business mortgage packages on Indian Trust land in a timely manner. This bill would only impact land held in

trust, because generally additional approvals are needed from the BIA when a mortgage on trust land is sought. Unlike right-of-way and lease-hold mortgages, currently there are no statutory time frames for the review and approval of trust land mortgages.

H.R. 2130 would establish private, industry-aligned standards for the review and approval of trust land mortgages. The current private industry standard for processing a mortgage package is within 1 month, and it is critical that the BIA moves to replicate that time frame. In the current BIA mortgage handbook there are no outlined binding timelines for each step in the mortgage process. We have heard story after story from tribal advocates that these timelines are arbitrary and often ignored. H.R. 2130 will ensure time frames are established and followed to help promote homeownership opportunities on trust lands and in tribal communities.

Our second bill is H.R. 2388, the Lower Elwha Klallam Tribe Project Lands Restoration Act, sponsored by Congresswoman Randall. This bill would place approximately 1,100 acres of National Park Service land into trust for the Lower Elwha Klallam Tribe. The Lower Elwha Klallam Tribe is located within the Olympic Peninsula in northwest Washington.

The third bill is H.R. 2815, the Cape Fox Land Entitlement Finalization Act of 2025, sponsored by Congressman Begich. This bill would finalize the Cape Fox Village Corporation, or CFC's Alaska Native Claims Settlement Act, or ANCSA, land conveyance. ANCSA was enacted to settle the aboriginal land claims of Alaska Natives. Through ANCSA, Alaska Native Village corporations were established to receive land under settlement. Under ANCSA, CFC could select 23,040 acres of land in the vicinity of Saxman and Ketchikan. The Bureau of Land Management has identified 184.57 acres of land within the core township of CFC in an effort to finalize CFC's ANCSA entitlement. CFC has identified 180 acres of alternative land that lie between land parcels previously conveyed to them. These acres hold economic value, as they will play a role in developing the Mahoney Lake Power Project.

And the final bill in today's hearing is H.R. 3073, the Shivwits Band of Paiutes Jurisdictional Clarity Act, sponsored by Congresswoman Maloy. This bill would ensure that the Utah State Court has jurisdiction over civil cases involving the Shivwits Band that occur on the Tribe's trust land. Additionally, this bill would allow congressional precedent by amending the Long-Term Leasing Act to allow the Shivwits Band to lease their land for a term of up to 99 years.

Since the Tribe's recognition was restored, the Shivwits Band has worked to promote economic development on their lands. However, a 2022 10th Circuit Court of Appeals case, known as the Lawrence case, has stunted that growth. In Lawrence the 10th Circuit Court of Appeals ruled that the Utah State courts lacked the jurisdiction to hear cases involving on-reservation conduct. This means that if an issue were to arise between the Tribe and an outside investor, there is no guarantee that a State court could intervene. For the Shivwits Band this ruling has led to economic uncertainty for the Tribe, as well as to any potential investors. This bill would address that uncertainty by assuring that the Utah

State courts do hold jurisdiction over civil cases involving the Tribe.

I thank our witnesses for being with us today, and I look forward to today's conversation.

Mr. HURD. The Chair now recognizes the Ranking Minority Member for any statement.

Ms. Randall.

**STATEMENT OF THE HON. EMILY RANDALL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON**

Ms. RANDALL. Thank you so much, Chairman Hurd, and thank you to our witnesses for being here today, and a special thank you to Chairwoman Charles for making the trek all the way from the Lower Elwha Klallam Tribe on the Olympic Peninsula.

Chairwoman Charles has been a champion when it comes to preserving the Tribe's language, culture, and exercise of the Tribe's treaty reserved hunting and fishing rights. I look forward to hearing more from you about H.R. 2388, which I was proud to reintroduce this year. That legislation, as Chairman Hurd mentioned, would take approximately 1,082 acres of land managed by the National Park Service into trust for the benefit of the Lower Elwha Klallam Tribe in Washington. Doing so will protect sacred and cultural lands, continue restoration efforts for the ecosystem, and help address a decade-long battle that the Tribe has seen regarding damage done by the two dams on the Elwha River that have been removed, thanks in large part to the Tribe's work.

The next bill on the agenda, H.R. 2130, Representative Johnson's Tribal Trust Land Home Ownership Act, is a bill that codifies deadlines for the Bureau of Indian Affairs to process and complete all mortgage packages associated with residential and business mortgages on Indian land. To ensure compliance with the established time frames and communication between BIA, other agencies, and Tribes, the bill establishes a Realty Ombudsman to report directly to the Secretary. Housing availability and accessibility have been serious issues in Indian Country, and it is critical that BIA is working to ensure mortgages are reviewed and processed in a timely manner.

The next bill is H.R. 2815, introduced by Representative Begich. This bill would waive certain requirements under the Alaska Native Claims Settlement Act for the Cape Fox Corporation, and authorize the conveyance of approximately 180 acres of Federal land within the Tongass National Forest. The conveyance of this area would allow Cape Fox to consolidate its land holdings in the area and provide critical access to a proposed hydropower project.

The last bill on the agenda today is H.R. 3073 from Representative Maloy to address the lack of a clear legal framework in Utah to address any civil disputes between non-tribal entities and the Shivwits Band of Paiutes for Economic Development, which has created issues for the Tribe pursuing current and future economic opportunities.

I would be remiss if I didn't mention that this hearing comes at a time when President Trump recently released his skinny budget proposal for the upcoming Fiscal Year, which would gut funding for the Bureau of Indian Affairs, all while thousands of Federal

employees are being fired and agency field offices are set to close down. These decisions all impact Indian Country and the effectiveness of legislation this Subcommittee considers. We need to make sure that Tribes have the resources that they need and the Federal partners in place to carry out some of the work being proposed today.

I look forward to hearing more from all the witnesses today.

Ms. RANDALL. And with that I yield back.

Mr. HURD. The gentlewoman yields back, and now I will recognize Ms. Maloy from Utah for 5 minutes to speak on her legislation.

Ms. Maloy.

**STATEMENT OF THE HON. CELESTE MALOY, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Ms. MALOY. Thank you, Mr. Chairman. I seem to have some allergies this morning, so I apologize if I interrupt with coughing, but I appreciate the opportunity to testify today in support of H.R. 3073, the Shivwits Band of Paiutes Jurisdictional Clarity Act, which seeks to restore fairness and provide much-needed certainty to tribal economic development.

Sorry, I am going to take a second.

The legislation addresses an urgent issue created by a recent decision from the 10th Circuit Court of Appeals which restricts a Tribe's ability to consent to State court jurisdiction in contract disputes. The court ruled that when a Tribe provides a waiver of sovereign immunity that is clear and valid, Utah State courts lack jurisdiction over cases arising from that agreement within Indian Country unless a series of requirements are met. And in some cases those requirements are impractical, and sometimes unobtainable. These requirements include congressional authorization, a waiver of sovereign immunity, tribal court resolution, and other bureaucratic obstacles that make it nearly impossible for a Tribe to engage in business agreements that require State court oversight.

The rulings had real-world consequences for the Shivwits Band of Paiutes in my district, preventing them from moving forward with valid, vital economic development opportunities that would allow them to better utilize their land, attract investment, and create jobs for their community. The Shivwits Band, I am sorry, I do know how to say it, I am just struggling today, the Shivwits Band is located in a thriving part of the State, where economic growth is happening all around them, and they should be able to participate in that booming economy.

Tribes have the right to consent to State court jurisdiction. Tribes should have the right to consent to State court jurisdiction when it benefits their business interests. The Shivwits Band and other affected Tribes currently face uncertainty, which has discouraged investment and stalled progress on long-term development plans. We need to do better for our Tribes than that.

Tribal leaders in my district have voiced concerns about this ruling, and emphasized the urgent need for a clear legal framework that will allow them to move forward with confidence in their business agreements. Without this critical reform provided in the

bill, the Shivwits Band will continue to face barriers in leveraging their land for economic growth. H.R. 3073 provides the jurisdictional clarity necessary for the Band to engage in commercial transactions, attract investors, and fully participate in the broader economy.

The legislation affirms the authority of the Utah State courts to resolve civil cases involving the Shivwits Band when disputes arise on the Band's Indian lands, ensuring that business agreements can proceed without unnecessary Federal interference or legal ambiguity. At the same time, the bill protects the Band's sovereign immunity, ensuring that they are never subjected to unconsented lawsuits, while still allowing them to waive immunity selectively in contracts that require State court jurisdiction.

Importantly, this legislation puts the Shivwits Band on equal footing with numerous other Tribes who already have the ability to negotiate leases for extended terms, an essential component of economic stability and long-term business partnerships for Tribes. By eliminating the restrictions imposed by the Lawrence decision, my bill restores the ability of the Band to utilize their land assets effectively, ensuring that their Indian lands can be put to the highest and best benefit of tribal members and their larger community.

I am proud to have the strong support of the Shivwits Band. They recognize the importance of establishing a clear, functional legal framework that will provide them with greater flexibility and certainty as they pursue economic opportunities on their lands. This bill removes the unnecessary obstacles standing in their way, providing a fair and practical solution to a problem that has disrupted their efforts to build a more prosperous future. And I thank the Band for being here to voice their support today, and for coming to us seeking a solution to a problem.

[The prepared statement of Ms. Maloy follows:]

PREPARED STATEMENT OF THE HON. CELESTE MALOY, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF UTAH  
ON H.R. 3073

Thank you, Mr. Chairman, I appreciate the opportunity to testify today in support of my bill, H.R. 3073, the Shivwits Band of Paiutes Jurisdictional Clarity Act, which seeks to restore fairness and provide much-needed certainty to tribal economic development.

This legislation addresses an urgent issue created by a recent decision from the Tenth Circuit Court of Appeals, which severely restricts a tribe's ability to consent to state court jurisdiction in contract disputes.

The court ruled that when an Indian tribe provides a waiver of sovereign immunity that is "clear and valid," Utah state courts lack jurisdiction over cases arising from that agreement within Indian Country unless a series of impractical and often unobtainable requirements are met.

These requirements include congressional authorization, a waiver of sovereign immunity, tribal court resolutions, and other bureaucratic obstacles that make it nearly impossible for a tribe to engage in business agreements requiring state court oversight.

This ruling has had significant, real-world consequences for the Shivwits Band of Paiutes, preventing them from moving forward with vital economic development opportunities that would allow them to better utilize their land, attract investment, and create jobs for their community.

Tribes should have the right to selectively consent to state court jurisdiction when it benefits their business interests, but the Lawrence Decision stripped them of that ability. As a result, the Shivwits Band and other affected tribes now face

uncertainty, which has discouraged investment and stalled progress on long-term development plans.

Tribal leaders in my district have voiced deep concerns about this ruling and emphasized the urgent need for a clear legal framework that will allow them to move forward with confidence in their business agreements.

Without this critical reform, the Shivwits Band will continue to face barriers in leveraging their land for economic growth.

My bill, H.R. 3073, provides the jurisdictional clarity necessary for the Band to engage in commercial transactions, attract investors, and fully participate in the broader economy. This legislation affirms the authority of Utah State courts to resolve civil cases involving the Shivwits Band when disputes arise on the Band's Indian lands, ensuring that business agreements can proceed without unnecessary federal interference or legal ambiguity.

At the same time, the bill protects the Band's sovereign immunity, ensuring that they are never subjected to unconsented lawsuits while still allowing them to waive immunity selectively in contracts that require state court jurisdiction.

Importantly, this legislation puts the Shivwits Band on equal footing with numerous other tribes who already have the ability to negotiate leases for extended terms, an essential component of economic stability and long-term business partnerships.

By eliminating the restrictions imposed by the Lawrence Decision, my bill restores the ability of the Band to utilize their land assets effectively, ensuring that their Indian lands can be put to their highest and best use to benefit tribal members and their community.

I am proud to have the strong support of the Shivwits Band of Paiutes for this legislation. They recognize the importance of establishing a clear, functional legal framework that will provide them with greater flexibility and certainty as they pursue economic opportunities on their lands.

My bill removes the unnecessary obstacles standing in their way, providing a fair and practical solution to a problem that has disrupted their efforts to build a more prosperous future.

Thank you, Mr. Chairman, for your time and consideration. I yield back.

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Ms. MALOY. Thank you, Mr. Chairman, for your time and consideration, and I yield back.

Mr. HURD. The gentlewoman yields back. At this time I will recognize Mr. Johnson from South Dakota for 5 minutes to speak on his legislation.

Mr. Johnson.

**STATEMENT OF THE HON. DUSTY JOHNSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH DAKOTA**

Mr. JOHNSON. I will begin with gratitude. Thank you, Mr. Chairman, Ranking Member, Committee staff for allowing a hearing of my bill, the Tribal Trust Homeownership Act.

I get it: home ownership, accessibility, affordability, these are problems across the country. But I have got to tell you, it is worse in Indian Country. It is much worse in many parts of Indian Country. And in Eric Shepherd's pre-filed testimony he makes it clear that that is certainly true in South Dakota. He knows it all too well, as someone who has been in the field working in these issues. There cannot unusually be three families in a single three-bedroom home, and that creates overcrowding, and that creates wear and tear, and that creates yet more problems for home ownership long-term and, of course, as well as unsafe living conditions.

And this is not just a problem for the Dakota people of the Sisseton-Wahpeton Oyate. It is a problem for the Dakota and Lakota people throughout the nine reservations, the nine Tribes of South Dakota. And of course, Congress, we are not making good on

our trust and treaty obligations related to housing, and that is one reason that I joined with Senator Thune to introduce our Tribal Trust Land Homeownership Act.

Any of us who have taken the time to get a mortgage realize that it is kind of a bureaucratic and administrative pain. But I have got to tell you, the pain is much more difficult for Indian people on trust land. On top of the bureaucracy of a traditional mortgage, you also need sign-off by the Bureau of Indian Affairs. That pertains to residential, commercial, and right-of-way mortgages, to name a few. And the BIA handbook suggests some timelines for that work to be completed, but the timelines are not always adhered to. That causes a lot of delays, it causes a lot of confusion for the borrowers, and also for the lenders, right? For the banks and other financial institutions that lend the money, they kind of know this is a pain. And that is not also good to make sure that tribal members get connected to the capital they need.

I am not suggesting that buying a house has to be a part of everyone's American dream, but we know that, still, homeownership is a special part of the American dream for so many. And the cold, hard reality is that bureaucracy is making it harder for native peoples to realize that American dream. And so this bill tries to reduce some of those problems.

It establishes, and I should tell you, with regard to the problem, the South Dakota Native Homeownership Coalition has experienced delays not just of 30 days, but in some instances as many as 365 days, and I think that is worth calling out. This is not a small problem. This is indeed a major problem. And so this is an important bill that puts some important rules of the road in place to make sure that we do better.

I do want to thank Majority Leader Thune for leading this effort in the Senate. I want to thank Eric Shepherd, who is here in his capacity as the Vice Chair of the Board of Directors of the South Dakota Native Home Ownership Coalition. And I want to thank everybody for this hearing. This is a real issue, and this bill would make a significant step forward in addressing it.

[The prepared statement of Mr. Johnson follows:]

PREPARED STATEMENT OF THE HON. DUSTY JOHNSON, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF SOUTH DAKOTA

ON H.R. 2130

Chair Hurd, Ranking Member Leger Fernández, and Members of the Indian and Insular Affairs Subcommittee:

Thank you for the opportunity to testify before the subcommittee today. I am here to speak on my bill, the *Tribal Trust Land Homeownership Act*.

It is no secret there is a housing availability and affordability crisis across the country. However, this is especially true in Indian country where poverty rates and lacking housing infrastructure have presented unique challenges.

South Dakota, home to nine tribes, knows this all too well. As Eric Shepherd noted in his testimony, a lack of housing leads to overcrowding in the available units. It is not uncommon for three or more families to share a single three-bedroom house—sometimes as many as 15 individuals share one unit. Overcrowding then leads to higher wear-and-tear, which can then result in unsafe living conditions.

This challenge is echoed through reservations across South Dakota, and it is unacceptable. Congress should be working to address housing insecurity on reservations and uphold our commitment to Indian country. That is why I joined my colleague Senator Thune to introduce the *Tribal Trust Land Homeownership Act*.

Currently, mortgages involving property on tribal trust land must be reviewed and approved by the Bureau of Indian Affairs (BIA) in order for the mortgage to be finalized. This pertains to residential, commercial, and right-of-way mortgages, to name a few. The BIA Mortgage Handbook establishes timelines for BIA offices to process and approve these mortgages. However, these timelines are not always adhered to, causing significant delays, and leaving lenders in the dark.

Native people should not face reduced access to homeownership opportunities if they live on tribal trust land. Off reservation, county assessors' records allow title records to be seen within minutes and for title policies issued by title companies that timeline is usually within two to four weeks. The South Dakota Native Homeownership Coalition has experienced delays anywhere from 30 to 365 days to receive comparable documents from the BIA.

This is an important bill, and I want to thank my partners in this effort. I want to thank my friend Senator John Thune for leading this effort in the Senate. Further, Eric Shepherd is here today in his capacity as the Vice Chair of the Board of Directors of the South Dakota Native Homeownership Coalition. I am thankful for his advocacy for the Coalition, for the Sisseton Wahpeton Oyate and for native homeownership generally.

Thank you again for holding this hearing. I look forward to working with the committee on passing my bill to improve homeownership outcomes for natives.

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Mr. JOHNSON. With that I would yield.

Mr. HURD. The gentleman yields back.

I would now ask for unanimous consent that statements for the record from the Department of the Interior and U.S. Department of Agriculture be added to the record.

Without objection, so ordered.

Mr. HURD. The Chair now recognizes Ms. Maloy for 2 minutes to introduce the witness from her district.

Ms. MALOY.

Ms. MALOY. Mr. Chairman, I have to admit I didn't know I was going to introduce her today, so I am going to make this very brief.

We have Chairwoman Gonzales here from the Shivwits Band of Paiute Indians in southern Utah, in my district. We have spent some time together and got to know each other, and I know that she is a passionate advocate for her people. And she is here because she cares about the Shivwits people who are currently living in Washington County, and their children and their grandchildren, and making sure that the Tribe, the Band are economically viable and culturally viable far into the future.

With that I yield back.

Mr. HURD. Great. Thank you, Ms. Maloy.

The next witness that we have on our panel is The Honorable Thomas Harris, who is Vice President of Cape Fox Corporation in Ketchikan, Alaska.

Mr. Harris, welcome.

The Chair will now recognize Ms. Randall from Washington for 2 minutes to introduce the witness from her district.

Ms. Randall.

Ms. RANDALL. Thank you.

And thank you again, Chairwoman Charles, for making the time to be here and traveling all the way across the country. I make that flight twice a week. I know what you have undertaken to be here.

Chairwoman Charles has served on the Lower Elwha Klallam Tribal Council since 1993, and has served as Chairwoman for a total of 21 years. As Chairwoman, she is actively involved in the

preservation of the Tribe's culture, language, and exercise of treaty rights.

This year the Tribe is proud to host the annual Intertribal Canoe Journeys, celebrating the removal of the two hydroelectric dams on the Elwha River and the Tribe's effort to restore the river and salmon fisheries. Chairwoman Charles has championed these efforts throughout her time in office, and for this leadership she was honored in 2012 as a conservationist of the year by the Northwest Chapter of the Society for Ecological Restoration.

Prior to her service in Elwha tribal government, Chairwoman Charles was a fire crew leader for the Olympic National Forest. In this role she was recognized as one of the top woman crew leaders on the Olympic Peninsula.

Thank you, Chairwoman, for your leadership, for hosting us and inviting us to join you for Canoe Journey, and I look forward to your testimony.

Mr. HURD. The gentlewoman yields. The Chair now recognizes Mr. Johnson from South Dakota for 2 minutes to introduce the witness from his district.

Mr. Johnson.

Mr. JOHNSON. [Speaking native language], Mr. Chairman, my Dakota is really abysmal, so I hope Mr. Shepherd will forgive me. But there is a word in Dakota, it is [speaking native language], which some translate as "leader," but it doesn't mean the chief or the president or the chairman of a Tribe. It really, I think, means a spokesman, somebody who brings the truth of their people and provides that to others. I have got to tell you; Eric Shepherd is that kind of a spokesman.

His knowledge of housing is not theoretical, it is not academic. In his work with the Sisseton-Wahpeton Oyate he has helped to construct almost 100 homes. That is more than 100 families who have had an opportunity to live a better, safer, more fulfilling life because of that roof over their head. There are lots of people who can talk, but we have with us today someone who not only talks as a spokesman, but is also a doer in helping people realize their dreams.

Sir, your presence is an honor to all of us. Thank you for being here.

Mr. HURD. The gentleman yields back. Let's now move into the testimony portion of our hearing.

Let me remind the witnesses that, under Committee rules, they must limit their oral statements to 5 minutes, but your entire statement will appear in the hearing record.

To begin your testimony just press the talk button on the microphone.

We do use timing lights. When you begin the light will turn green. When you have 1 minute left the light turns yellow, and at the end of 5 minutes the light will turn red and I ask you to please complete your statement.

I will also allow all witnesses on the panel to testify before member questioning.

The Chair now recognizes The Honorable Tina Gonzales for 5 minutes.

**STATEMENT OF THE HON. TINA GONZALES, CHAIRWOMAN,  
SHIVWITS BAND OF PAIUTES, IVINS, UTAH**

Ms. GONZALES. Thank you. I do appreciate your time and being able to hear me out. Good morning, Mr. Chair and distinguished members of the Subcommittee. My name is Tina Gonzales, and I have the honor to serve as Chairwoman for the Shivwits Band of Paiutes. I have submitted written testimony that includes my Tribe's history, our perseverance, and a more detailed background explanation of the circumstances giving rise to our need for this legislation, rather than repeat that written testimony before you today.

I plan to focus my remarks this morning on the Shivwits Band's vital needs for economic development through long-term investment with developer partners which can only occur where private developers have certainty regarding their ability to access a State court forum to resolve civil disputes arising under contracts or agreements with the Shivwits Band.

In short, the Shivwits band needs Congress's help to remove legal and bureaucratic barriers to our economic progress.

My ancestors were part of the Shivwits Band, the several bands of Paiute Indians that have lived since time immemorial in an area that once covered more time than 30 million acres across the present day southern Utah, northern Arizona, and southern Nevada in the mid-1800s. Settlers arriving in Utah territory displaced many ancestors from their traditional lands, which also resulted in limited access to water for my ancestors to continue their historical farming practices. Loss of access to food and water sources and being exposed to unfamiliar diseases resulted in dissemination of this Shivwits population.

The Shivwits Band was first recognized by the Federal Government in 1891. When the first reservation was established in 1916, the Shivwits reservation was expanded to nearly 27,000 acres, with over 1,000 acres being added to the reservation in 1937. Today the Shivwits Band's reservation covers over 28,000 acres in southwestern Utah, near the town of St. George.

The journey to the Shivwits Band's present-day situation has been difficult. The Shivwits Band's trust relationship with the United States was terminated in 1954 during the Federal Government's termination era during which Congress adopted various laws aimed at terminating Federal obligations to Indian Tribes. Following termination and before our federally recognized status was restored, the Shivwits Band continued to forge ongoing, holding steadfast to our lands and our culture. Eventually, the Federal Government walked back many of its termination era policies, and in 1980 Congress passed legislation restoring federally recognized status to the Shivwits Band.

Since restoration in 1980, we have continued efforts to strengthen our Tribe's sovereignty. While restoration has yielded notable improvements in the quality of life for members of the Shivwits band, restoration did not bring substantive economic development to Shivwits band lands. As a result, the Shivwits Band has remained dedicated to confronting economic challenges, continuously searching for economic development opportunities that will allow the Shivwits Band to supply governmental services

and employment options to Shivwits Band members, and to become independent from reliance on Federal funding.

The Shivwits Band now seeks to pursue new economic development opportunities created by rapid growth in southwestern Utah, but our ability to put the Tribe's lands to their highest and best use is hindered by the lack of a clear legal framework that allows for resolution of civil disputes on our tribal lands and the ability to offer longer lease terms comparable to the standard lease terms for non-Indian lands. Without changes, the Shivwits Band will be unable to take advantage of current and future development opportunities.

H.R. 3073 provides the technical corrections necessary to affirm Utah State court jurisdiction over civil cases involving Shivwits Band that occur on our lands. Civil disputes will have a clear legal structure to be resolved in a Utah State court forum, where the Tribe has agreed to the State court as a forum. This removes a huge obstacle to economic development partnerships between the Shivwits Band and private-sector investors.

The legislation also ensures that the Shivwits Band's sovereign immunity remains intact, unless explicitly waived by the Tribe. This means that the Shivwits Band remains immune from unconsented lawsuits, while having the option to consent to State court jurisdiction in individual contracts with private developers.

The legislation also confirms that Federal court is a forum option for civil suits involving the Shivwits Band, affirming the Shivwits Band's ability to consent to State court jurisdiction. And an individual's contracts and agreements are essential to ensuring that the Shivwits Band can engage outside businesses for long-term economic development, benefiting not only the Shivwits Band community, but local Utah communities as well.

Passage of H.R. 3073 would be championing legislation to assist the Shivwits Band in resolving barriers to economic development so that the Shivwits Band and the surrounding community can enjoy the benefits of long-term stability and financial security.

Thank you again to the Subcommittee for holding this hearing and for your consideration of H.R. 3073, and to Congresswoman Maloy for her tireless work on behalf of the Shivwits Band.

I am happy to answer any questions that you may have.

[The prepared statement of Ms. Gonzales follows:]

PREPARED STATEMENT OF CHAIRWOMAN TINA GONZALES, SHIWWITS BAND OF PAIUTES  
ON H.R. 3073

Chairman Hurd and distinguished Members of the House Subcommittee on Indian and Insular Affairs, my name is Tina Gonzales, and I have the honor to serve as Chairwoman of the Shivwits Band of Paiutes ("*Shivwits Band*" or "*Shivwits*"). Thank you for the opportunity to provide testimony on H.R. 3073, the Shivwits Band of Paiutes Jurisdictional Clarity Act, and thank you to Congresswoman Maloy for her dedication to representing the interests of Native American tribes, and in particular for her notable efforts on H.R. 3073.

**1. History of the Shivwits Band of Paiutes**

The Shivwits Band is one of several groups of Paiute Indians that have lived since time immemorial in an area once encompassing more than 30 million acres across present-day southern Utah, northern Arizona, and southern Nevada. The Shivwits were closely tied to their awe-inspiring homelands, living close to water and farming the lands along waterways to cultivate numerous varieties of crops for sustenance and medicinal purposes by implementing irrigation practices.

During the mid-19th century, settlers arrived in the Utah territory and settled on lands traditionally inhabited by Shivwits. Loss of access to food and water sources and being exposed to unfamiliar diseases resulted in decimation of the Shivwits population. As their lands were taken and their traditional sources of food were depleted, Paiute bands like the Shivwits became progressively more dependent on the federal government for survival.

By the late 1880s, settlers petitioned the federal government to relocate Shivwits to a new home on the Santa Clara River, to free up more lands for ranching. The Shivwits Band was first recognized by the federal government in 1891, when the first reservation was established for the “Shebit tribe of Indians in Washington County, Utah.” Unfortunately, however, the reservation did not include water rights, so the Shivwits Band was forced to abandon its historical farming practices and were left destitute with little resources to survive.

In 1916, President Woodrow Wilson ordered expansion of the Shivwits reservation to 26,880 acres. Congress added an additional 1,280 acres to the reservation in 1937. In 1935, the Shivwits Band voted to accept the Indian Reorganization Act of 1934, and in 1940, the Shivwits Band established its federally approved Constitution and Bylaws. However, changes in federal policies toward Indian tribes proved devastating to the Shivwits Band’s efforts to reestablish itself.

## **2. Federal Termination Era (1953–1968)**

Post-World War II, the federal government’s policy toward Indian tribes shifted to one of termination, as Congress adopted various laws aimed at terminating federal obligations to Indian tribes. Well over 100 tribes, bands, and rancherias were terminated through Congressional enactments during the Termination Era.

The Paiute bands of southern Utah, including Shivwits, soon fell within the crosshairs of Termination Era policies. In January 1954, Paiute leaders received copies of S. 2670, the termination bill targeting Shivwits and other Paiute bands. By letters dated February 2, 1954, Paiute leaders were informed that Congressional hearings on S. 2670 would be held on February 15, 1954, in Washington D.C., and that Paiute leaders could travel to attend these hearings, “provided that the particular groups concerned have ample available tribal funds to cover the expenses of such a trip. *There are no federal funds available for such travel expenses nor for advances to delegates who run out of funds while in Washington.*” Unsurprisingly, the Shivwits Band lacked funds for travel to Washington, D.C. to advocate against its termination. The legislation sped through Congress, and on September 1, 1954, President Eisenhower signed Public Law 762, thereby terminating the federal government’s trust relationship with the Paiute bands, including Shivwits.

Despite termination, the Shivwits Band forged onward with its trademark resilience, continuing to perform self-governing functions by electing Shivwits Band representatives and holding meetings of its general membership. Although termination had devastating effects on the Shivwits economy, the Shivwits Band held steadfast to their lands and culture. Remarkably, unlike other Paiute bands, the Shivwits Band managed to retain ownership of its lands, leasing those lands to local ranchers.

In short, the termination policy did not have the effect that its proponents predicted in regards to integrating Native Americans into “mainstream” America. Huge swaths of Indian lands were lost. Socioeconomic data from that time indicates that terminated Indians continued to have higher unemployment rates, lower incomes, and lower levels of educational attainment than surrounding non-Indian communities, but without federal programs and services to aid in responding to these needs. Congress eventually acknowledged that the policies of the Termination Era were a mistake, and ultimately restored terminated tribes, including Shivwits, to federal status, by passage of individualized “restoration” legislation.

## **3. Restoration of the Shivwits Band’s Federally Recognized Status**

In 1979, S. 1273 was introduced in the Senate, with aims to restore federal status and services to Shivwits and the other Paiute bands. On November 8, 1979, before the Senate Select Committee on Indian Affairs, Utah Congressman Dan Marriott explained his support of restoration of Shivwits and the other Paiute bands:

As I see it, for Congress to terminate the Paiute Bands was the equivalent of giving a lame, jobless man and his family a new house, then looking the other way when the mortgage came due. It simply wasn’t fair. It wasn’t right. *This Committee and this Congress has the power and the opportunity to restore to the Paiute people of Utah benefits and a measure of dignity which were wrongfully taken from them 25 years ago.* I urge that we do so by swiftly enacting the legislation now before you.

On April 3, 1980, the Shivwits Band was restored to federally recognized status when Congress passed the Paiute Restoration Act, Public Law No. 96–227, reestablishing the trust relationship between the federal government and the Paiute bands, including Shivwits. As of that date, and since that time, Shivwits has been a federally recognized Tribe. Shivwits was restored to its status as a federally recognized Tribe that existed before termination. Today, Shivwits cooperates with four other restored Bands of Paiutes on some common governance issues through an inter-Tribal constitution. Notably, the joint governance cooperation that Shivwits chose after being restored by Congress does not diminish the Band’s status as a federally recognized, restored Tribe. The use of the term Band or Pueblo or Rancheria, etc. does not denote a lesser status. The Shivwits Band of Paiutes is a federally recognized Tribe based on Congress’ Restoration Act in 1980.

#### **4. Roadblocks to Shivwits Economic Development**

Since its restoration in 1980, the Shivwits Band has continued its dedicated efforts to strengthen its sovereignty. While restoration has yielded notable improvements in the quality of life for members of the Shivwits Band, restoration did not bring substantive economic development to Shivwits Band lands, without which true self-determination and self-sufficiency remain unattainable. As a result, the Shivwits Band has remained dedicated to confronting economic challenges, continuously searching for economic development opportunities that will allow the Shivwits Band to supply governmental services and employment options to Shivwits members, and to become independent from reliance on federal funding, which is very limited and is generally tied to implementation of federally conceived programming.

The story of the Shivwits Band is one of determined resilience in the face of relentless challenges and broken promises. After years of searching for suitable business investments, recent development opportunities on the Shivwits Reservation has opened the door for sustainable economic expansion for the Shivwits Band. Unfortunately, however, as discussed below, a 2022 decision by the Tenth Circuit Court of Appeals has presented a roadblock to these opportunities, and has stunted the Shivwits Band’s ability to engage in economic development and self-determination.

The decision in question, *Ute Indian Tribe of the Uintah and Ouray Reservation v. Lawrence*, 22 F.4th 892 (10th Cir. 2022) (hereinafter, “*Lawrence*”), holds that, even where an Indian tribe has provided a clear and valid waiver of its sovereign immunity in an agreement, Utah state courts lack subject matter jurisdiction to hear cases arising under that agreement and within Indian country, unless the requirements of 25 U.S.C. §§ 1322 and 1326 are met. As discussed below, 25 U.S.C. §§ 1322 and 1326 derive from Public Law 280, an enactment that was part of the suite of harmful Termination Era legislation aimed at ending federal obligations to Indian tribes. The *Lawrence* case’s holding, based upon a flawed interpretation and application of 25 U.S.C. §§ 1322 and 1326, along with language in the Paiute Restoration Act, has resulted in outside developers being unwilling to engage the Shivwits Band for long-term economic development activities, because non-Indian businesses and entities are not guaranteed a state court forum for resolving disputes arising under contracts with the Shivwits Band.

#### **A. Public Law 280**

Public Law 280, or “PL 280,” is the common reference to the Act of Aug. 15, 1953, 67 Stat. 588, which is codified in part at 25 U.S.C. §§ 1321–1326. As mentioned above, Congress passed PL 280 during the Termination Era. PL 280 controversially transferred legal jurisdiction from the federal government to state governments in certain states, which altered previous longstanding dynamics of legal authority between federal, state, and tribal governments. Before PL 280, the federal government and tribes shared jurisdiction over almost all civil and criminal matters involving Indians in Indian country, and states had no jurisdiction in Indian country. By PL 280, Congress mandated that six (6) states (CA, MN, NE, OR, WI, and AK)—referred to as the “mandatory” PL 280 states—had extensive criminal and civil jurisdiction over Indian country within those states.

Separately, PL 280 also permitted some other states to acquire jurisdiction over Indian country at their option—called the “optional” PL 280 states. Utah is one of those “optional” PL 280 states. When passed in 1953, PL 280 was written to provide that “optional” states could legislate to accept some degree of jurisdiction over Indian country, without the consent of the Indian tribes within that state. However, that consent requirement (or lack thereof) changed in 1968 when Congress amended PL 280 to require tribal consent to state jurisdiction (manifested by a special election) before a state could opt-in to assume jurisdiction over a tribe’s Indian

country under PL 280. The PL 280 provisions that permit states to acquire criminal and civil jurisdiction over Indian country at the state's option are codified at 25 U.S.C. §§ 1321, 1322. The provision requiring a tribe's consent to state jurisdiction by special election is codified at 25 U.S.C. § 1326.

As a result of the 1968 amendments, any "optional" PL 280 state's passage of legislation after 1968, in which the state purports to acquire jurisdiction over Indian country within that state under 25 U.S.C. §§ 1321, 1322, is only effective where a tribe holds a special election consenting to the state's jurisdiction over that tribe's Indian country under 25 U.S.C. § 1326. The State of Utah passed its legislation in 1971, **making Utah the only "optional" PL 280 state that passed legislation under 25 U.S.C. §§ 1321 and 1322, acquiring jurisdiction over Indian country after the 1968 amendments to PL 280.** As a result, the State of Utah can only exercise global civil and criminal jurisdiction over Indian country under PL 280 where Utah tribes hold a special election under 25 U.S.C. § 1326 and vote to consent to Utah state jurisdiction over the tribe's Indian country.

#### **B. Paiute Restoration Act and PL 280**

Several post-1968 federal statutes affording restoration or federal recognition to individual tribes specified that the state must only exercise civil and criminal jurisdiction as if that state had assumed such jurisdiction with the consent of the tribe under PL 280 as amended in 1968. As discussed below, the Paiute Restoration Act is one such federal statute.

Relevant here, Section 7(b) of the Paiute Restoration Act provides that the "State of Utah shall exercise civil and criminal jurisdiction with respect to the reservation and persons on the reservation **as if it had assumed jurisdiction pursuant to [P.L. 280 and its 1968 amendments], and pursuant to sections 63-36-9 through 63-36-21 of the Utah State Code.**" (emphasis added.) Section 7(b) is written to provide that the State of Utah shall only exercise civil and criminal jurisdiction over the Paiute bands pursuant to PL 280's tribal consent requirements and Utah law passed in 1971, which accepts jurisdiction over Indian country in Utah only where the tribe in question has held a special election to confer such jurisdiction as required by PL 280. The Paiute Restoration Act's provision on jurisdiction places the Shivwits Band at risk of a fate similar to that in *Lawrence*. Under *Lawrence*, Section 7(b)'s language acts as a jurisdictional limitation, given the provision requiring compliance with PL 280 **and its 1968 amendments.**

#### *C. Lawrence Case*

In *Lawrence*, a Utah tribe waived its sovereign immunity for suits arising from a contract with a non-Indian consultant ("consultant"), which contract was the subject of the underlying lawsuit. The tribe also expressly waived any arguments regarding exhaustion of tribal court remedies and agreed to submit to the jurisdiction of any court of competent jurisdiction. Despite these waivers, once disputes arose under the contract in question, the tribe fought the consultant's efforts to have the disputes heard in Utah state court. Notwithstanding the tribe's immunity waiver and contractual consent to state court jurisdiction, the Tenth Circuit Court of Appeals held that Utah state courts could not exercise civil jurisdiction over this specific contractual dispute absent tribal consent to general, global civil jurisdiction under 25 U.S.C. § 1322(a), which general consent must be provided through a special election conducted under 25 U.S.C. § 1326.

*Lawrence* rejected valid and reasoned arguments that special elections under 25 U.S.C. § 1326 are only required where a tribe wishes to *permanently* authorize the state to assume *global* jurisdiction over the tribe's Indian country.

Contrary to the ruling in *Lawrence*, the procedures at 25 U.S.C. §§ 1322, 1326 for assuming permanent general civil jurisdiction should not foreclose a tribe's ability to selectively consent to state court jurisdiction for disputes arising under individual contracts and agreements. Tribes like the Shivwits Band should be able to selectively consent to state court jurisdiction in contracts, by agreeing to waive their sovereign immunity for suits arising under that contract and consenting to state court as a court of competent jurisdiction as to specific legal actions. The *Lawrence* decision has robbed tribes, including the Shivwits Band, of their ability to so selectively consent to state court jurisdiction, resulting in uncertainty for outside investors looking to engage the Shivwits Band in economic development and other business opportunities.

#### **5. Need for H.R. 3073**

As a result of *Lawrence*, because non-Indian businesses and entities are not guaranteed a state court forum for resolving disputes arising under contracts with the Shivwits Band, those outside businesses and entities are hesitant to engage the Shivwits Band in business relationships. Recently, the Shivwits Band was presented

with a promising business opportunity to develop its lands; however, without assurances that there will be a forum available in which to resolve disputes, the Shivwits Band is concerned that this opportunity, and any future opportunities, will not be realized. The Shivwits Band's self-determination and independence depends on a federal legislative fix that allows the Shivwits Band to selectively consent to state court jurisdiction in individual agreements, rather than holding a special election to adopt a global and permanent consent to state court jurisdiction over the Shivwits Band's affairs.

H.R. 3073 is the federal legislation that the Shivwits Band needs to address the problem created by *Lawrence*. Affirming the Shivwits Band's ability to consent to state court jurisdiction in individual contracts and agreements is essential to ensuring that the Shivwits Band can engage outside businesses for long-term economic development benefiting not only the Shivwits Band's community, but local Utah communities as well. By passage of H.R. 3073, you would be championing legislation to assist the Shivwits Band in resolving the issue created by *Lawrence*, so that the Shivwits Band and surrounding community can enjoy the benefits of economic development, stability, and financial security.

Thank you again to this Subcommittee for holding this hearing and for your consideration of H.R. 3073, and to Congresswoman Maloy for her tireless work on behalf of the Shivwits Band. I am happy to answer any questions that you may have.

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QUESTIONS SUBMITTED FOR THE RECORD TO HON. TINA GONZALES, CHAIRWOMAN,  
SHIVWITS BAND OF PAIUTES

#### Questions Submitted by Representative Westerman

*Question 1. As discussed in the hearing, the Shivwits Band was impacted by the Lawrence Case ruling. Prior to the ruling in Lawrence how did the Shivwits Band operate with outside investors?*

Answer. Between the passage of the Paiute Restoration Act in 1980 up until issuance of the *Lawrence* decision in January 2022, the Shivwits Band has remained dedicated to the pursuit of economic development opportunities that meet several criteria, including (a) involvement of established investors or third-party developers that view the relationship with the Shivwits Band as one between long-term development partners with a strategic alliance, rather than as a marriage of necessity or a means to a development end; (b) proposed uses that are likely to remain viable over a prolonged period of time; (c) ideas that would put the Shivwits Band's 28,000-acre Reservation to its highest and best use; and (d) projects that coincide with the Shivwits Band's values and long-term goals for success. The Shivwits Band was often approached by disreputable or inexperienced devisers of short-term projects, with terms that failed to deliver real, sustainable economic opportunity to the Shivwits Band and its membership. In the lead-up to the *Lawrence* decision, there were admittedly few opportunities that fulfilled the Shivwits Band's standards, given the remote location of the Shivwits Band Reservation and the historically limited surrounding development opportunities in the area.

However, in a remarkable turnaround over the last few years, southern Utah has experienced growth at unprecedented rates, which has brought inventive and exciting commercial development opportunities to the area, led by reputable and established developers. Unfortunately, while this development boom has resulted in an economic upswing in the surrounding area, the *Lawrence* decision has made outside investors and developers reticent to engage the Shivwits Band for similar projects on Shivwits Band lands.

The Shivwits Band wishes to engage legitimate third-party developer-investors with a proven track record of successful projects and relationships, so that the Shivwits Band may participate in the ongoing economic expansion of the surrounding area, while those opportunities remain available. Understandably, developer-investors of this caliber require certainty that a judicial forum is available to resolve any disputes that may arise out of a transactional relationship with the Shivwits Band. Without that certainty, developer-investors are unable to obtain project financing and cannot enter into enforceable agreements with the Shivwits Band, and therefore cannot engage the Shivwits Band as a long-term development partner. H.R. 3073 is intended to level the playing field, and place the Shivwits Band on equal footing with surrounding landowners, so that the Shivwits Band may

also engage in meaningful development and capitalize on the area's economic growth.

*Question 2. As the law currently stands, the only way for the Shivwits Band to consent to state court jurisdiction is if the tribe holds a special election and adopts a universal consent to that end.*

*2a) How does this process harm the tribe's sovereign immunity?*

Answer. A special election to adopt universal consent to state court jurisdiction would not impact the Shivwits Band's sovereign immunity from unconsented suit. A waiver of the Shivwits Band's sovereign immunity would still be required in order to effectuate a lawsuit against the Shivwits Band, as tribal sovereign immunity waivers must be expressly given. See *Three Affiliated Tribes of the Ft. Berthold Reservation v. Wold Engineering, P.C.*, 476 U.S. 877, 892 (1986).

However, although the *Lawrence* decision does suggest that a Secretarial election under 25 U.S.C. § 1326 would ensure that state courts can exercise jurisdiction over civil causes of action to which the Shivwits Band is a party, in reality, it remains an open question whether a Secretarial election could actually secure this result. One of the more perplexing aspects of the *Lawrence* decision is the lack of acknowledgement that the civil jurisdiction provision of P.L. 280 allows states to hear "civil causes of action between *Indians* or to which *Indians* are parties." 28 U.S.C. § 1360(a) (emphasis added); see also 25 U.S.C. § 1322. This language refers to suits involving individual Indians only, and does not mention suits against *tribes*. See *Bryan v. Itasca County*, 426 U.S. 373, 389 (1976) (observing that "there is notably absent" from P.L. 280 "any conferral of state jurisdiction over tribes themselves"); *Parker Drilling Co. v. Metlakatla Indian Comm.*, 451 F. Supp. 1127, 1139 (quoting *Bryan*); *Meier v. Sac & Fox Indian Tribe of Mississippi*, 476 N.W.2d 61, 63 (Iowa 1991) (providing that "the language of Public Law 280 . . . clearly confers narrow civil jurisdiction over individual Native Americans, and not the Tribe per se"); *Long v. Chemehuevi Indian Reservation*, 115 Cal.App.3d 853 (Cal.App.4th Dist. 1981) ("No case has been cited to us, and we have found none, which concludes or even suggests, that [28 U.S.C. § 1360] conferred on California jurisdiction over the Indian tribes, as contrasted with individual Indian members of the tribes.").

Because the provisions of P.L. 280 are intended to confer state court jurisdiction over civil causes of action involving individual Indians, that is the type of jurisdiction that could be invoked following a Secretarial election under 25 U.S.C. § 1326. As a result, even if the Shivwits Band did hold a Secretarial election consenting to state court jurisdiction under P.L. 280, it remains a question whether a state court could permissibly exercise jurisdiction over civil causes of action involving the *Shivwits Band as a tribe*. As any third-party developer or investor would be engaging with the *Shivwits Band* in regards to any development project, those developers require certainty as to the availability of a forum in which to resolve disputes that arise during the course of the development project. Although the *Lawrence* decision suggests that a Secretarial election is the method to secure such certainty, it remains doubtful whether a Secretarial election under P.L. 280 would actually deliver this result, given that P.L. 280 confers jurisdiction on states in "civil causes of action between *Indians* or to which *Indians* are parties," 28 U.S.C. § 1360(a) (emphasis added), and does not relate to state court subject matter jurisdiction over cases to which the tribe itself is a party.

However, despite the above, one clear takeaway from the *Lawrence* decision is that *some form* of Congressional authorization is required before state courts may permissibly exercise jurisdiction over civil causes of action involving the Shivwits Band. *Lawrence* suggests that P.L. 280's Secretarial election provisions could be the source of that Congressional authorization. But, given the limitations on P.L. 280's applicability (i.e., its application only to suits involving individual Indians), the Secretarial election provisions of P.L. 280 actually do not definitively supply the needed Congressional authorization for state court exercise of jurisdiction over suits involving the Shivwits Band as required under *Lawrence*. H.R. 3073 is intended to supply that certain and clear Congressional authorization, as required under *Lawrence*, for state courts' exercise of jurisdiction over civil causes of action involving the Shivwits Band, where the Shivwits Band consents to such jurisdiction by contract or agreement and provides a valid waiver of its sovereign immunity from unconsented suit.

*2b) How does H.R. 3073 circumvent that?*

Answer. As mentioned above, the *Lawrence* decision's key takeaway is that some form of Congressional authorization is required before a state court can exercise subject matter jurisdiction over civil causes of action involving an Indian tribe. The

*Lawrence* court held that P.L. 280 *could* be the source of such Congressional authorization, where the tribe has held a Secretarial election under 25 U.S.C. § 1326 and voted to approve global consent to state court jurisdiction. However, as mentioned above, *Lawrence* does not address the fact that P.L. 280 applies only to “civil causes of action between *Indians* or to which *Indians* are parties,” 28 U.S.C. § 1360(a), rather than to tribal governments.

H.R. 3073 therefore does not circumvent the *Lawrence* decision, but instead carries out *Lawrence’s* holding that some form of Congressional authorization is required before a state court can exercise subject matter jurisdiction over civil causes of action involving the Shivwits Band, where the Shivwits Band has agreed by contract to subject itself to state court jurisdiction. H.R. 3073 supplies the Congressional authorization of state court subject matter jurisdiction over civil causes of action involving the Shivwits Band, as required by *Lawrence*.

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Mr. HURD. Thank you, Chairwoman Gonzales, for your testimony.

Now I will recognize Mr. Begich from Alaska for 5 minutes to speak on his legislation, and also to introduce the witness from his district.

Mr. Begich.

Mr. BEGICH. Thank you, Mr. Chairman. I am especially pleased to welcome our next witness, The Honorable Mr. Thomas Harris, Vice President of the Cape Fox Corporation and a proud Alaskan from Saxman.

As a constituent and a community leader, Mr. Harris brings invaluable insight into the long-standing land entitlement challenges faced by Cape Fox. I appreciate his commitment to ensuring southeast Alaska’s native corporations receive fair and final treatment under ANCSA, and I thank him for being here today to testify in support of this important legislation.

Welcome, Mr. Harris.

**STATEMENT OF THE HON. NICK BEGICH, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF ALASKA**

Mr. BEGICH. And just in speaking about my bill, the Cape Fox Land Entitlement Finalization Act of 2025, or H.R. 2815, I wanted to put some things in the record.

Land is at the heart of Alaska’s future. Our ability to develop resources, build infrastructure, grow communities, and generate local opportunity all starts with access to land. Unfortunately, land exchanges, selections, and conveyances in Alaska have historically been fraught with red tape, delays, and Federal constraints. Many Alaska Native corporations were saddled with unusable or economically stranded parcels due to topography, regulatory overlays, or proximity restrictions. That is why legislation like H.R. 2815 is so important. It cuts through bureaucratic barriers to correct long-standing inequities and unlock real potential for economic development in our communities in Alaska.

Cape Fox Corporation, representing the Alaska native village of Saxman, is a Southeast Alaska village corporation still awaiting full satisfaction of its ANCSA entitlement. This bill authorizes a land exchange with the U.S. Forest Service for approximately 180 acres that will connect two existing Cape Fox parcels, land that is contiguous, strategic, and economically useful. Cape Fox was uniquely burdened by a restriction prohibiting selections within six

miles of Ketchikan, limiting its options to steep, rocky, or isolated lands. This exchange finally remedies that disparity and gives Cape Fox the opportunity other southeast village corporations have already received.

The land will facilitate development of a transportation and power corridor, improving access between Mahoney Lake and the Beaver Falls power grid. That connection is crucial to Cape Fox's plans for a renewable hydropower project, and will support winter access to tourism facilities and subsistence areas. Beyond energy, this access corridor opens the door to expanded tourism, marine services, and local job creation, sectors vital to Ketchikan and southeast Alaska as a whole. Letters of support from local governments, utilities, and businesses reflect a strong consensus that this land exchange is in the public interest.

This bill honors the original promise of ANCSA: land in exchange for extinguished claims. By ensuring Cape Fox can actually use and benefit from its settlement lands, it advances self-determination and economic opportunity in a way that is consistent with both the law and the conservative principle of empowering local communities. H.R. 2815 is not about expanding government. It is about finishing what Congress started over 50 years ago under ANCSA, and finally delivering on a promise made to the people of Saxman. It is a common-sense, locally-supported solution that promotes development, respects Alaska's unique geography, and empowers Alaska native corporations to thrive on their own terms.

I urge my colleagues to support this long-overdue legislation and support self-determination for the native people of southeast Alaska.

[The prepared statement of Mr. Begich follows:]

PREPARED STATEMENT OF THE HON. NICK BEGICH, A REPRESENTATIVE IN CONGRESS  
FROM THE STATE OF ALASKA

ON H.R. 2815

**Talking Points for Congressman Begich—Cape Fox Land Entitlement Finalization Act of 2025 (H.R. 2815)**

**Setting the Stage: Why Land Matters in Alaska**

- Land is at the heart of Alaska's future—our ability to develop resources, build infrastructure, grow communities, and generate local opportunity all starts with access to land.
- Unfortunately, land exchanges, selections, and conveyances in Alaska have historically been fraught with red tape, delays, and federal constraints. Many Alaska Native Corporations were saddled with unusable or economically stranded parcels due to topography, regulatory overlays, or proximity restrictions.
- That's why legislation like H.R. 2815 is so important: it cuts through bureaucratic barriers to correct longstanding inequities and unlock real potential for economic development in our communities.

**Key Points on H.R. 2815**

**1. Finalizing a Long-Delayed Entitlement:**

- Cape Fox Corporation, representing the Alaska Native village of Saxman, is the last Southeast Alaska village corporation still awaiting full satisfaction of its ANCSA entitlement.
- This bill authorizes a land exchange with the U.S. Forest Service for approximately 180 acres that will connect two existing Cape Fox parcels—land that is contiguous, strategic, and economically useful.

**2. Fixing a Unique Inequity:**

- Cape Fox was uniquely burdened by a restriction prohibiting selections within six miles of Ketchikan—limiting its options to steep, rocky, or isolated lands.
- This exchange finally remedies that disparity and gives Cape Fox the opportunity other Southeast village corporations have already received.

**3. Infrastructure and Energy Benefits:**

- The land will facilitate development of a transportation and power corridor, improving access between Mahoney Lake and the Beaver Falls Power Grid.
- That connection is crucial to Cape Fox's plans for a renewable hydropower project and will support winter access to tourism facilities and subsistence areas.

**4. Supporting Local Economic Growth:**

- Beyond energy, this access corridor opens the door to expanded tourism, marine services, and local job creation—sectors vital to Ketchikan and Southeast Alaska.
- Letters of support from local governments, utilities, and businesses reflect a strong consensus that this land exchange is in the public interest.

**5. Respecting Tribal Sovereignty and ANCSA Intent:**

- This bill honors the original promise of ANCSA—land in exchange for extinguished claims—by ensuring Cape Fox can actually use and benefit from its settlement lands.
- It advances self-determination and economic opportunity in a way that's consistent with both the law and the conservative principle of empowering local communities.

**6. Closing Points**

- H.R. 2815 is not about expanding government—it's about finishing what Congress started over 50 years ago under ANCSA, and finally delivering on a promise made to the people of Saxman.
- It's a commonsense, locally supported solution that promotes development, respects Alaska's unique geography, and empowers an Alaska Native Corporation to thrive on its own terms.
- I urge my colleagues to support this long-overdue legislation and help unlock new opportunity for Southeast Alaska.

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Mr. BEGICH. And with that I yield back.

Mr. HURD. The gentleman yields. The Chair now recognizes The Honorable Thomas Harris for 5 minutes.  
Vice President Harris.

**STATEMENT OF THE HON. THOMAS HARRIS, VICE PRESIDENT,  
CAPE FOX CORPORATION, KETCHIKAN, ALASKA**

Mr. HARRIS. [Speaking Native language.] Thank you so much, Chairman and Ranking Member Leger Fernández. My name is Tom Harris, and I have the honor to serve as the Vice President of Cape Fox Corporation. Thank you for scheduling this important legislative hearing to consider H.R. 2815, the Cape Fox Land Entitlement Finalization Act of 2025.

First I would like to thank our representative, Nick Begich, from my home State of Alaska and his support for introducing the bill.

This bill has received strong support at home, and is identical to the bill the Senate passed last Congress with bipartisan support and unanimous consent. I am encouraged and optimistic that this Congress can get this much-needed bill passed.

I also want to thank Committee staff, Mr. Ken Degenfelder and his team, for working with us to get this bill ready.

This bill provides a fair and equitable treatment for the Cape Fox Corporation's land entitlement under the Alaska Native

Claims Settlement Act, commonly called ANCSA, under section 14 of that, conveyances to villages and regional corporations. Cape Fox is the only village corporation in the 13 southeast Alaska villages that has not completed its ANCSA settlement after 51 years. We are the last ones since the passage of ANCSA in December 18, 1971.

One of the main reasons this settlement has taken so long is that the Bureau of Land Management required the Corporation to include as its selection acreage on a rocky mountain top with zero economic value, zero access, zero safe environmental access, and it is not adjacent to any other corporation lands. It would be land-locked, effectively. BLM requires legislation to deviate from its interpretation of ANCSA's conveyance requirements.

For those who have not traveled to the village of Saxman, home of the Cape Fox Corporation, we are nestled between the remote, mountainous expanse of Revillagigedo Island and the Tongass Narrows, with a handful of islands scattered beyond. The city of Ketchikan hems us in to the north and to the south the Annette Island Indian Reservation, belonging to the Metlakatla Indian Community. To further complicate matters, ANCSA restricted us from making any selections within six miles of the boundary of the City of Ketchikan, therefore severely limiting our choices both internally and externally. All other Cape Fox selected lands are outside that six-mile designation.

However, this bill will rectify the situation and allow for the conveyance of 180 acres of tract in the Tongass National Forest under ANCSA. It will provide an access corridor between two existing Cape Fox tracks, effectively meeting the congressional requirement that our selections be compact and contiguous.

In addition to this, the conveyance will allow for access to land critical to sustaining the grid in the community. This grid, as many know, is aged and it is over-stressed with the advent of 1.7 million tourists a year visiting the area. So we are anxious to have that grid available and sustained for the benefit of the entire community not as a competing interest, but as a completing interest.

We also wish to have access to lands for subsistence hunting, fishing, gathering, and management, among other economic development opportunities.

[Speaking Native language.] Thank you again for allowing us, and I look forward to answering any questions you may have.

[The prepared statement of Mr. Harris follows:]

PREPARED STATEMENT OF HON. THOMAS HARRIS, VICE PRESIDENT,  
CAPE FOX CORPORATION

ON H.R. 2815

Dear Chairman Hurd and Ranking Member Fernández:

Thank you for scheduling this very important legislative hearing to consider H.R. 2815, the Cape Fox Land Entitlement Finalization Act of 2025. First, I would like to thank Representative Nick Begich from our home state of Alaska for his support in introducing this bill and moving it forward through the process. This bill has also received strong local support. By background, this identical bill passed the U.S. Senate last Congress with bipartisan support and by unanimous consent. Last Congress, we simply ran out of time to get this bill to the President's desk, but I am optimistic that we can finally get this much-needed bill passed in this Congress. I

also want to thank Committee staff, Mr. Ken Degenfelder and his team, for working with us to get this bill ready.

This bill provides fair and equitable treatment for Cape Fox Corporation's land entitlement under the Alaskan Native Claims Settlement Act (ANCSA) Section 14, "Conveyances to Village and Regional Corporations." Cape Fox Corporation is the only village corporation of the 13 SE Alaska Villages that has not completed its ANCSA settlement. We are the last ones after 50 years since the passage in 1971. One of the main reasons this settlement has taken so long is that the Bureau of Land Management required the Village to include acreage on a rocky mountaintop with zero economic value and not adjacent to any other Cape Fox ANCSA lands. The BLM requires legislation to deviate from its interpretation of ANCSA conveyance requirements.

For those who have not traveled to the Village of Saxman, home of Cape Fox Corporation, we are nestled between the remote, mountainous expanse of Revillagigedo Island and the Tongass Narrows, with a handful of islands scattered beyond. Ketchikan hems us to the north and is further hemmed in by the Annette Island Indian Reservation, belonging to the Metlakatla Indian Community, to the south. To further complicate matters, the ANCSA restricted us from making selections within six miles of the boundary of the city of Ketchikan, thus, our choices were significantly limited. All other Cape Fox selected lands are outside of the 6-mile designation.

However, this bill will rectify the situation and allow for the conveyance of a 180-acre tract in the Tongass National Forest under ANCSA, which will provide an access corridor between two existing Cape Fox tracts. Conveyance of this tract would allow Cape Fox to consolidate its land holdings in the area, providing access to a proposed hydro power project. Conveyance of the corridor will allow access to land currently unavailable for subsistence hunting, fishing, subsistence gathering, and other economic development.

Thank you again for scheduling today's hearing, and I look forward to answering your questions.

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QUESTIONS SUBMITTED FOR THE RECORD TO HON. TOM HARRIS, VICE PRESIDENT,  
CAPE FOX CORPORATION

### **Questions Submitted by Representative Westerman**

*Question 1. What would finalizing this final land conveyance under ANCSA mean to Cape Fox?*

Answer. The passage of ANCSA on December 18, 1971 represented the largest single land settlement promise in Congressional history. This promise has been held up 53 years, for Cape Fox Corporation, based on the BLM'S strict bureaucratic interpretation of the letter of the law rather than the spirit of the law.

The spirit of the law intended that ANCSA corporations receive these lands as a community development endowment in support of and in service to the socioeconomic survival of each Congressionally identified community.

The agency's interpretation of the letter of the law, set aside that Congressional intent, in favor of forcing Cape Fox to select an isolated mountain top, with zero legal or ecological viable access and zero socioeconomic value to its community.

The passage of H.R. 2815 would for the first time in history, provide Cape Fox Corporation the last critical land selection that would finalize the land settlement and open up the potential to:

1. Complete a compact and contiguous utility corridor to a potential 9 MW hydroelectric site.
2. Develop that site into a completing interest hydroelectric power plant in support of the growing renewable energy demands the local community.
3. Complete a comprehensive analysis of this site as what may be the largest hydroelectric energy storage facility in Alaska, capable of stabilizing the Southeast Alaska Grid, while simultaneously functioning as a power charging station for Electric Vessels and Cruise Ships, that are currently forced to run onboard generators while in port.

*Question 2. It is my understanding that the Cape Fox Corporation has the necessary licenses to develop the proposed Mahoney Lake Project power facility.*

*2a) What obstacles currently stand in the way of this development?*

Answer. At the present time no Power Sales Agreement (PSA) exists between CFC and Ketchikan Public Utility or any other entity. This is due in part to the lack of a secured utility corridor which H.R. 2815 addresses. As such, pursuit of a comprehensive hydropower/storage development plan, complete with a PSA and financing package can proceed upon the passage of H.R. 2815.

*Question 3. From Cape Fox's perspective, how would H.R. 2815 ensure the Mahoney Lake Project is developed and enacted effectively?*

Answer. The passage of HR 2815 and the conveyance of these lands will allow CFC to move forward with design and construction of an access corridor between its existing land holdings. The construction of the access road will not only significantly increase the feasibility of the Mahoney Power Project, but it will also provide a significant source of Cultural Wood required to maintain traditional customs and skills of the Saxman People. There will also be additional economic activity due to increased access to its traditional lands. The increase to the existing tourism venues will be substantial.

*Question 4. Committee research has shown that Cape Fox and surrounding areas deal with power brownouts due to the lack of ample energy supplied.*

*4a) Share with us what the Cape Fox brownout experience has been?*

Answer. In 2019 the Saxman / Ketchikan Area experienced a severe drought situation which impacted the hydropower sources. The area usually generates 98% of its power from Hydro, the drought required full use of the Utilities' existing diesel generation backup and additional generators to be added. The village of Metlakatla has experienced several "power crisis" events over the years due to aging power grids.

*4b) How would the Mahoney Lake Power Project reduce brownouts?*

Answer. The Mahoney Power Project would increase electrical power production allowing for additional long-term power security.

*Question 5. What positive impacts would the Mahoney Lake Power Project provide for surrounding communities?*

Answer. Coupled with an intertie to Metlakatla, many economic projects including changing current diesel heat to electric, providing power to Cruise Ships, and expanding the Ketchikan Shipyard can be realized. The additional power will allow expansion for potential milling or mining activities such as the Niblack and Bokan-Dotson Mines which would require additional electrical generation. The largest potential power requirement is for the Cruise Lines which are interested in "plugging in" to the Ketchikan power grid. A large cruise ship requires 12 MGW of power to partially shut down its systems.

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Mr. HURD. Thank you, Vice President Harris, for your testimony. The Chair now recognizes the Honorable Frances Charles for 5 minutes.

Chairwoman Charles.

**STATEMENT OF THE HON. FRANCES CHARLES, CHAIRWOMAN,  
LOWER ELWHA KLALLAM TRIBE, PORT ANGELES, WASH-  
INGTON**

Ms. CHARLES. Thank you. Chairman Hurd, Ranking Members Leger Fernández, and distinguished members of the Subcommittee for the Indian and Insular Affairs, thank you for the opportunity to testify on H.R. 2388 to transfer certain Federal lands on the Elwha River to the Lower Elwha Klallam Tribe in trust and reservation status. I want to thank Representative Randall from the State of Washington for introducing this bill. My name is Frances Charles. I am the Chairwoman of the Lower Elwha Tribe and the Tribal Council. I have been on tribal council since 1993 and Chairwoman for the past 21 years.

Our reservation is located on the Elwha River. It flows into the San Juan de Fuca on the beautiful Olympic Peninsula. The Elwha River is our life blood. It is our life blood that flows in our veins, and our Elwha people have lived there for thousands and thousands of years, in balance with the abundant salmon runs which always provided food for our families, tables, and ceremonials that we feed our guests with.

In 1913 the Elwha Dam was built just a few miles upstream from our homes. No one told us, and no one had asked us. I remember the elders that talked about it in our earlier years. The dam blocked 95 percent of the river. Almost overnight the salmon runs were destroyed, reduced to a small fraction of what that had been. Since then we have been working to get the dams removed.

The Elwha Dam also inundated the Indian Valley under the reservoir of the dam form known to us today as Lake Aldwell. The valley is a significant cultural and ceremonial values to the Tribe, as it is located on our ancestral village in the sacred land known as the creation site. After working for decades to remove the dam and restore the ecosystem in the salmon fisheries, Congress passed the Elwha River Ecosystem and Elwha Fisheries Restoration Act in 1992, which led to the removal of the dam and restoration of the Elwha ecosystem and the fisheries by 2014.

The Department of the Interior had to acquire the dam and the reservoir lands in order to remove the dam and to have it transferred to these lands that we are talking and discussing about today. The Elwha River Act identifies the Tribe as one of the four entities eligible for the transfer of these lands. The other eligible entities are Federal and State agencies that do not want the land.

The largest piece of the land that has been transferred by the bill is the former Aldwell Reservoir, which I previously mentioned is the site of the great importance to our Tribe. I cannot express how difficult it has been to have that site submerged for the past 100 years. Several of us had hiked to our spiritual sacred site to enjoy the site, the visuals of our ancestors. We were willing and eager to take on the stewardship management of our ancestors' lands, and will conduct all of the activities in accordance with the need to restore and protect the salmon resources on the Elwha River, as we always have done.

We have received letters of unconditional support from Makah Tribe, City of Port Angeles, and the Washington Department of Transportation is supporting this transfer as well.

We have included disclaimer language in section three of the bill to ensure that all of our treaty rights and the treaty rights of our sister Tribes will be protected, and we will continue to work with our sister Tribes as a part of the river restoration efforts.

We have waited for years, years for this land to be transferred to us, and to achieve that, we need the bill to move along to be passed in Congress. We have been the sole workers, the sole Tribe working on the dam removal and the fisheries restoration for so many years, so many generations. And we have put all of our resources and energy into the river restoration. We will continue to work with Representative Randall, this Committee, and the National Park Service to bring the last piece of the dam removal project to closure.

I thank our ancestors, the previous tribal council, our elders, the veterans, and the future generations to follow to be here before you all today. I thank you for your time and the work that you have put into this just as well.

[Speaking Native language.] Thank you.

[The prepared statement of Ms. Charles follows:]

PREPARED STATEMENT OF FRANCES G. CHARLES, CHAIRWOMAN, TRIBAL COUNCIL,  
LOWER ELWHA KLALLAM TRIBE

ON H.R. 2388

Chairman Hurd, Ranking Member Leger Fernández, and distinguished members of the Subcommittee for Indian and Insular Affairs, thank you for this opportunity to submit written testimony on H.R. 2388, which would take certain federal land in the State of Washington into trust for the Lower Elwha Klallam Tribe.

I also wish to express my gratitude to Representative Randall for introducing this bill. And we appreciate the work of our partner at the National Park Service in contributing to the development of this bill.

My name is Frances Charles. I serve as the Chairwoman of the Tribal Council for the Lower Elwha Klallam Tribe. I have been elected to serve on the Tribal Council from 1993 to the present, and for the past 20 years my people have elected me as the Chairwoman of the Tribal Council. During all of this time, the removal of the dams on the Elwha River and the restoration of the ecosystem and salmon fisheries has been a critical goal of the Tribe, to which we have devoted an extraordinary amount of our time, expertise, and resources. Together, with our partner the National Park Service, we have accomplished many monumental objectives but much work remains to fulfill the promise of restoring the ecosystem and the salmon fisheries as made possible by the Elwha River Ecosystem and Fisheries Restoration Act of 1992. This is one of the greatest ecosystem restoration projects ever undertaken in the United States, and the Lower Elwha Tribe is proudly committed to seeing this effort through to the end, when restored runs of our salmon relatives will, after over 100 years, again fill the Elwha River with life.

**1. H.R. 2388, to take certain Federal land into trust for the Lower Elwha Klallam Tribe**

This bill will transfer certain federal land on the Elwha River on the Olympic Peninsula in the State of Washington into trust and reservation status for the Lower Elwha Klallam Tribe (Lower Elwha or Tribe). Section 3 of the Elwha River Ecosystem and Fisheries Restoration Act,

P.L. 102-495, 10 Stat. 3173, October 24, 1992 (EREFRA), authorized the Secretary of the Interior (Secretary) to acquire the property necessary to carry out the dam removal and the restoration of the ecosystem and fisheries on the Elwha River. Subsection 3(c)(3) of EREFRA directed the Secretary to address the suitability of, among other things, the transfer to Lower Elwha of lands acquired for the project outside of the boundaries of Olympic National Park.

Most of the parcels subject to this bill (approximately 1,061 acres) are those that the Secretary acquired for the demolition of the Elwha Dam and ecological restoration of the former Lake Aldwell reservoir that had been impounded by that dam.<sup>1</sup> These lands (often referred to as Project Lands or Aldwell Lands) are located beginning at 4.9 miles upriver from the mouth of the Elwha River. The Lower Elwha Tribe has performed the largest share of the restoration work on these parcels, including revegetation of the former reservoir site and operation of on-reservation hatchery programs that have preserved the native Elwha genetics of four species of anadromous fish.<sup>2</sup>

The remaining lands transferred by this bill are the three Hill parcels (approximately 16.83 acres) and the Halberg parcel (approximately 4.8 acres), which the Secretary acquired to construct the pipeline conveying surface water to the Tribe's new fish hatchery—the House of Salmon—which was built with EREFRA funds as

<sup>1</sup>The Lake Aldwell Parcels are identified on the map entitled Olympic National Park Proposed Transfer of Elwha Lands, Map Number 149/178020, December 2021.

<sup>2</sup>The Tribe's original hatchery was rendered unusable by the elevated water table resulting from dam removal. The new Lower Elwha fish hatchery maintains programs for Steelhead trout, Coho, Chum and Pink salmon. The Washington Department of Fish and Wildlife (WDFW) maintains the Elwha River Chinook salmon hatchery program.

mitigation for the dam removal project.<sup>3</sup> Water for the new hatchery is supplied from the City of Port Angeles's new surface water intake and water treatment plant, which were constructed as mitigation to protect the City's municipal and industrial water supply. The Hill and Halberg parcels are contiguous to the Tribe's current reservation boundary and adjacent to the Tribe's fish hatchery pipeline and rights-of-way for the operation and maintenance of that pipeline. These small parcels will be managed in accordance with existing conservation requirements applied to the contiguous reservation lands along the Elwha River corridor, which do not allow hunting given their proximity to tribal buildings, residential areas, and public roadways.

This bill is an important final action to the dam removal project and the restoration of the fisheries. The bill will uphold the federal government's trust and treaty obligations to the Tribe by protecting the federal investment in restoration and conservation of the Elwha River and allowing for the continued restoration of the river ecosystem and fisheries under the Tribe's management. This bill will also protect sacred and cultural homelands by restoring them to the stewardship of the Tribe. Lower Elwha is the only tribe that has been involved in this project and has done more in-water and on-ground work than any agency, including on the very lands transferred by this bill.

## **2. The Lower Elwha Klallam Tribe**

The Tribe is located on the North Olympic Peninsula in the northwestern corner of Washington State. Our Reservation is at the mouth of the Elwha River where it meets the Strait of Juan de Fuca, a body of marine water that also serves as the international boundary with Canada. Our people have inhabited the territory along the Elwha River from the mouth to the upper basin in the Olympic Mountains since time immemorial.

In 1855, the Tribe, expressly represented by the village of Elwha, entered into the Treaty of Point No Point with the United States. While ceding all of our homeland territory to the United States, the Tribe reserved its pre-existing aboriginal rights to fish, hunt and gather in those lands and waters, and agreed to other promises made by the United States.

After the Treaty, the Lower Elwha were essentially a landless people—living as best we could in the Elwha watershed and along Port Angeles Harbor—until the Secretary of the Interior acquired several hundred acres of land at the mouth of the Elwha River in trust for us in 1936–37, under authority of the newly enacted Indian Reorganization Act of 1934. This land was formally proclaimed as the Lower Elwha Reservation in 1968. It was not until 1974 that the State of Washington's suppression of our treaty rights began to come to an end with the successful fishing rights litigation *United States v. Washington*, which resulted in the well-known *Boldt Decision* of 1974 that the Treaty Tribes have a right to harvest half of the salmon runs. *U.S. v. Washington* is still going on today and the 20 Treaty Tribes have become co-managers, with the State of Washington, of the fishery resources, with sophisticated management and regulatory capabilities.

In 1978, the federal court in *U.S. v. Washington* began, in a series of decisions, to delineate Lower Elwha's Usual and Accustomed treaty fishing area (commonly referred to as "U&A"). The first decision is most relevant for purposes of this bill, that Lower Elwha's adjudicated U&A includes, but is not limited to, the waters of the Strait of Juan de Fuca and all the streams draining into it from the Hoko River eastward to the mouth of Hood Canal. *U.S. v. Washington*, 459 F.Supp. 1020, 1049 (W.D.Wash. 1978). This Lower Elwha treaty fishing area thus includes the Elwha River and other rivers to the east and west.

## **3. The Elwha River Dams**

During the period between the 1855 Treaty and the 1937 relocation of Elwha Indians to the Elwha River trust lands, one of the major hardships to visit the Tribe began to unfold. In the early 1900s, two dams were built on the Elwha River to provide hydroelectric power to the City of Port Angeles and the booming timber industry. Up until then, the Elwha River had been the most productive salmon river on the North Olympic Peninsula, and was one of few rivers with all six species of anadromous fish—Chinook, Sockeye, Coho, Chum and Pink salmon, and Steelhead trout. The dams were constructed without fish passage, a clear violation of State law at the time, and immediately blocked access to 95% of the river's pristine salmon habitat, seventy-five miles of river and stream. This is illustrated in two maps attached at the end of this testimony. Predictably, this resulted in the immediate decimation of the anadromous salmon and trout populations. The loss of

<sup>3</sup>The Hill and Halberg parcels are also identified on Map Number 149/178020.

those fisheries, which have significant cultural and economic meaning to the Tribe, was an obvious infringement of the Tribe's treaty fishing rights and proved devastating.

The Elwha Dam built in 1913 inundated Indian Valley under the reservoir that became known as Lake Aldwell. This valley, which comprises the lands to be transferred by this bill, is an important cultural and ceremonial location to the Tribe that includes our ancestral village of Tee-tee-ulth, a once prolific fishing site for Elwha Chinook and Sockeye salmon located on the Elwha River at the mouth of Indian Creek. In addition to Tee-tee-ulth, the valley is the location for other seasonal fishing and hunting camps, lithic processing sites, and sacred lands, including land known as the Creation Site—the location where the Creator bathed and blessed the Elwha people.<sup>4</sup> Uncountable generations of our people traveled to this site to purify themselves and receive spiritual guidance, a practice that has been restored by the removal of the Elwha Dam.

#### **4. Lower Elwha's Fight Against the Dams**

In the 1970s and 80s, the Tribe challenged the relicensing of the dams on the Elwha River by the Federal Energy Regulatory Commission (FERC).<sup>5</sup> We officially intervened in the FERC relicensing proceedings for the Elwha Dam in 1976. After we did so, the National Park Service (NPS), and the Washington State Department of Ecology (Ecology) and Department of Fish and Wildlife (WDFW) also intervened. Other federal and state agencies intervened as the challenged proceedings continued. In 1978, the Elwha Dam failed a safety inspection, which prevented the expenditure of funds on the Lower Elwha Reservation for important programs related to flood control, housing, and economic development. In response, the Tribe hired its own consulting and engineering firms and pushed FERC into issuing an emergency dam safety order requiring the repair of the dam.

In the 1980s, the Tribe turned its attention to the issue of fish passage, and the fight expanded. It was clear to the Tribe, the federal agencies, and the conservation groups involved that continued operation of the dams, even with mitigation for fish passage, could never meet the resource goals of the federal agencies, the state, or the Tribe. In 1986, the Tribe intervened in the FERC relicensing of the Glines Canyon Dam, and shortly thereafter the NPS intervened on the basis that the initial construction and continued operation within the boundaries of Olympic National Park was a violation of numerous federal laws.

Lower Elwha was one of the most assertive parties seeking removal of the dams. We led the charge, prompting federal and state agencies to intervene. It is important to note that Lower Elwha stood alone as the only Tribe in the fight against the dams. Other tribes may claim some rights or interests in the Elwha River fisheries, but none of them has actively engaged or devoted resources, time, and the hard work that was necessary to achieve dam removal and the ongoing process of ecosystem restoration.

The focus on dam removal as the only viable solution, as advocated by the parties intervening in the FERC proceedings, also posed the potential loss of jobs in the City of Port Angeles, Washington, and surrounding community. Congress recognized that this conflict between the environment, treaty rights, and jobs required a negotiated resolution that could not be achieved through settlement of the litigation. Only compromise achieved through congressional action was capable of restoring the fisheries, protecting the treaty rights of tribes, and minimizing economic impact on the local community. Congress stepped in to bring closure to this long-standing issue.

#### **5. The Elwha River Ecosystem and Fisheries Restoration Act of 1992**

In 1992, Congress passed EREFRA to remove the dams and restore the river ecosystem and fisheries. In order to remove the dams, the hydroelectric project lands—dam and reservoir sites—were acquired by the Department of Interior.<sup>6</sup> The project lands located outside of Olympic National Park that were acquired for this purpose (the Aldwell Reservoir lands comprising 1061 acres) are the subject of this bill (along with the smaller, miscellaneous Hill and Halberg parcels). EREFRA

<sup>4</sup> Indian Valley is the subject of a Traditional Cultural Property ("TCP") study being conducted on behalf of the Lower Elwha as mitigation for the Federal Highway Administration and Washington State Department of Transportation Highway 101 Elwha River Bridge Replacement Project.

<sup>5</sup> Appendix B "Federal Licensing Chronology" to the Elwha Report provides a summary of the challenges to the dams on the Elwha River. The Elwha Report: Restoration of the Elwha River Ecosystem & Native Anadromous Fisheries, U.S. Department of the Interior (January 1994).

<sup>6</sup> The Secretary of Interior's authority under EREFRA was transferred to the National Park Service by Secretarial Order No. 3212 (February 29, 2000).

section 3(c)(3) specifically included provisions for Interior to protect the federal investment in restoration of the river and its fisheries by transferring lands to Lower Elwha in trust for housing, cultural, or economic purposes.

EREFRA section 3(c)(4) also required Interior to protect the water supply from the Elwha River for the City of Port Angeles and its industrial user. As mitigation for dam removal, the City's water intake had to be relocated and a treatment plant constructed to protect water quality from the heavy sediment loads that would be released from behind the former dams.

Also as mitigation, the Tribe's fish hatchery was replaced and relocated with a new facility designed to prevent the extirpation of the Elwha River anadromous fish stocks. As a result, the water intake for the fish hatchery was moved and co-located with City's new surface water intake. NPS thus acquired the Hill and Halberg parcels (approximately 21 acres) for construction of the pipeline that supplies the new fish hatchery with surface water supply from the City's new intake. The transfer of these parcels in the bill to the Tribe is a necessary prerequisite so the NPS can transfer the pipeline infrastructure and rights-of-way for its operation and maintenance.

## **6. Status of Dam Removal and Ecosystem and Fisheries Restoration; Endangered Species Act Considerations**

The two dams were removed from 2011–14 and the work of restoring the ecosystem and fisheries is ongoing. Even prior to demolition, the Tribe's stream and habitat restoration crew had built numerous Engineered Log Jams (ELJs) in the river to direct the energy of the newly liberated river and create various micro-habitats and refugia for fish restoration. With the dams gone, an enormous volume (21 million cubic yards) of accumulated sediment was released, with much of the sand ending up initially as a new 90 acre beach. Most of the material has since been transported eastward via longshore drift and has been deposited as far east as Ediz Hook, the spit that encloses Port Angeles Harbor. The Tribe's Revegetation Crew has planted over 450,000 native trees and shrubs and 8,000 pounds of seeds, and eradicated noxious weeds, throughout the newly dewatered former reservoir sites, not only on the Aldwell lands transferred by this bill but also the upper site behind the former Glines Canyon Dam site within Olympic National Park.

Fish are beginning to recolonize the upper watershed above the Glines site. But the total moratorium on commercial and recreational fishing that began in 2011 remains in effect. It will take additional salmon life cycles, greater distribution, and increased productivity before significant fishing can resume, particularly for the listed species, Chinook salmon and Steelhead. Inter-agency fisheries scientists, including the Tribe's, have identified four phases for fisheries recovery: Preservation, Recolonization, Local Adaptation, and Sustained Natural Production. Adaptive management of fish recovery is governed by Biological Opinions issued by the National Marine Fisheries Service (NMFS or NOAA Fisheries). Triggers for moving from one recovery phase to the next are based on surveys of returning adult fish, including fish numbers and natural spawning locations, as well as enumeration of out-migrating smolts. At this point, recovery by coho salmon, Chinook salmon, and Steelhead are in the early to middle stages of the Recolonization phase. One notable exception to the ongoing fishing moratorium on the Elwha River is with coho salmon, which have responded rapidly thanks to early translocation efforts and hatchery supplementation. The Co-managers (WDFW and the Tribe) initiated a Ceremonial and Subsistence coho salmon fishery in fall 2023 due to projected modest surpluses of returning fish, and the fact that this is not a listed species under recovery NOAA guidance.

Compliance with the requirements of the Endangered Species Act, 16 U.S.C. §§ 1531–1544 (ESA), has been a critical long-term consideration in Elwha River dam removal and fisheries restoration, particularly with respect to the use of fish hatchery and rearing facilities. In order to remove the very dams responsible for decimation of the salmon runs, the Tribe and the United States had to ensure that doing so would not result in "jeopardy"—in the language of the ESA—to listed fish or undue harm to the remnants of the native Elwha anadromous fish stocks.<sup>7</sup> Release of the accumulated sediment posed a serious risk of extirpating the remaining native fish, because it could wipe out a whole year-class or generation of juveniles during the time they spend in the river maturing to a point when they are ready to out-migrate to salt water. Accordingly, as a key element of its ESA "no

<sup>7</sup>Anadromous fish are those that begin their life cycle in fresh-water streams, migrate to the ocean for several years, and return to their natal streams to reproduce. The Elwha River historically produced all five species of Pacific Salmon as well as Steelhead. Currently, Puget Sound Chinook salmon and Puget Sound Steelhead are listed as threatened under the ESA.

jeopardy” determination for dam removal in July 2012, NOAA Fisheries required the Tribe and the State of Washington to operate their existing hatchery and rearing programs as a “gene bank,” to preserve the unique native genetics of Elwha River anadromous fish.

Indeed, the Tribe has been long at work to ensure the survival of these sacred species. Since the 1970s, the Tribe has operated an on-reservation hatchery with programs for several anadromous species, including stocks still carrying native Elwha River genetics. The Tribe’s old hatchery was rendered unusable due to an elevated water table after dam removal, and EREFRA provided funding for construction of a new state-of-the-art hatchery at river mile 1.2. The WDFW also operates its rearing facility on the Elwha River, 2.5 miles upstream of the Elwha hatchery, where it raises Chinook salmon hatched from Elwha River eggs at an out-of-watershed facility. The goal of Elwha restoration is of course to ensure that all native species be preserved and eventually reproducing naturally in the seventy-five miles of pristine habitat made accessible by dam removal, such that hatchery production may eventually become unnecessary.

The Tribe’s four hatchery programs and the State’s single program are operated in accordance with Hatchery and Genetics Management Plans (HGMPs) that have been reviewed and approved by NMFS in a December 2012 Biological Opinions under the ESA. From 2012–2015, the Tribe, Interior, and NMFS partnered to successfully defend a major ESA lawsuit challenging the adequacy of these HGMPs and NMFS’s Biological Opinions.

Clearly, Lower Elwha has made a major commitment of time, resources, and its own expertise to work closely with our agency partners to make Elwha River dam removal and ecosystem and fisheries restoration a major success story.

#### **7. Disposition of Project Lands to Protect Federal Investment in Restoration**

Section 2(c) of H.R. 2388 expressly preserves the requirement of EREFRA subsection 3(c)(3), that following dam removal—and “for purposes of protecting the federal investment in restoration” of the Elwha River and its fisheries—the Aldwell Lands are to be managed in accordance with the policy of Section 1(b) of Public Law 90–542, the Wild and Scenic Rivers Act, 16 U.S.C. § 1271, “except that modifications necessary to restore, protect, and enhance fish resources . . . are hereby authorized.” That subsection of EREFRA also identified the Tribe as one of four entities eligible for transfer of these lands, in trust and reservation status. The other three eligible entities were: NPS, for inclusion in the National Park System; the United States Fish and Wildlife Service (USFWS), for addition to the National Wildlife Refuge System; and the State of Washington, for development and use by the State. Neither NPS nor the State desired the lands. The USFWS conducted a feasibility study and concluded that these lands are of insufficient size and lacking the wildlife and fish values necessary for a National Wildlife Refuge. Accordingly, NPS has identified Lower Elwha as the only authorized entity willing and able to take on the management of these lands to protect the federal investment in Elwha River restoration.

Indeed, Lower Elwha stands willing and eager to take on the stewardship and management of these ancestral lands, to fully realize the promise of a restored ecosystem and fisheries. Any use of these lands for tribal housing or economic development purposes, as provided for in EREFRA, will be conducted in accordance with the need to restore, protect, and enhance the fish resources and the Elwha River as the first priority.

#### **8. Support from State Agencies and Local and Tribal Governments**

In 2020, the Tribe received letters of unconditional support from the Makah Tribe, City of Port Angeles, and Washington Department of Transportation, all recognizing the years of hard work put in by the Tribe and the cultural importance of these lands to the Lower Elwha.

A joint letter of conditional support was submitted by the Jamestown and Port Gamble S’Klallam Tribes (S’Klallam Tribes). This letter supported the transfer of the project lands to Lower Elwha—while acknowledging the presence of the Elwha Creation Site and Elwha village of Tee-tee-ulth—and sought protection of the S’Klallams’ interpretation of their treaty rights. Lower Elwha and the S’Klallams resolved the treaty rights concerns by the addition of the savings clause (or disclaimer) in Section 3 of H.R. 2388, discussed below. It must be noted that the hard work of dam removal by Lower Elwha and NPS as its primary partner has already advanced the protection of treaty rights of all Tribes, including the S’Klallam. Ultimately, the ongoing efforts to restore the ecosystem and fisheries will

result in the increased natural production of anadromous fish and harvest opportunities in those fisheries.

**9. Protection of Treaty Rights Through Continued Adaptive Management and Legislative Savings Provisions in EREFRA and H.R. 2388**

The protection the S'Klallam Tribes seek is already accounted for in EREFRA. The savings clause in subsection 8(b) of EREFRA provides: "Nothing in this Act shall affect the rights of any Indian Tribe secured by Treaty or other law of the United States." Thus, the provision in EREFRA that allows for the transfer in trust of lands to the Elwha Klallam for tribal housing, cultural and economic development purposes, as well as the provision recognizing the transfer of the Aldwell lands, cannot be said to affect the S'Klallam Tribes' treaty rights.

In addition, the savings clause (or disclaimer) in Section 3 "No Impact on Treaty Rights," provides: "Nothing in this Act affects treaty rights under the Treaty between the United States of America and the S'Klallams Indians, concluded at Treaty of Point No Point." The inclusion of this language in the bill protects the treaty rights of the parties to the Treaty of Point No Point, including protecting the S'Klallam Tribes from any effect that the transfer of the project lands in trust and reservation status for the Elwha Klallam may otherwise have on any such rights. These lands proposed for transfer to the Tribe in the bill were previously under federal ownership, which likewise, would not have extinguished tribal treaty rights. Change in title and vesting of reservation status to the Tribe similarly is not an act of abrogation of treaty rights and the disclaimer language makes that clear.

Moreover, EREFRA subsection 3(c)(3) requires that the transfer to Elwha Klallam of lands in trust be done in accordance with a management plan to be prepared by the Tribe in consultation with the Secretary of Interior. The management plan will be consistent with both the purposes of the transfer of the lands in trust for the Elwha Klallam enumerated in subsection 3(c)(3), including tribal housing, cultural and economic development, and the protection of the federal investment in restoration. The ongoing restoration requirements will be governed in large part by the Biological Opinions and adaptive management practices explained in Section 6 above.

For purposes of providing the S'Klallam Tribes with the protection they are seeking for the exercise of their treaty rights, the consultation with Secretary of Interior on the management plan will provide an opportunity for the S'Klallam Tribes to engage on those aspects of the plan that involve fishing, hunting and gathering in a manner consistent with: (1) the respective treaty rights of the Elwha Klallam and the S'Klallam Tribes; (2) the restoration of the lands, ecosystem, river and fisheries; (3) the purposes of the transfer of land in trust affected by this bill; and (4) the trust responsibility of the United States toward the three Tribes.

Nothing further needs to be added to this bill. The protections sought by the S'Klallam Tribes for the exercise of their treaty rights under the Treaty of Point No Point are accounted for. No new legislative language is needed beyond the inclusion of the savings clause in Section 3, which is the standard disclaimer language used by Congress on a consistent basis.

**10. In Closing**

The Lower Elwha Klallam Tribe has invested heavily in the fight for dam removal and has worked tirelessly toward the goal of a restored Elwha River. We have been involved in every aspect of this historic process, from hands-in-the-earth and waders-in-the-river to peer-reviewed scientific papers and federal appeals court legal briefs and everything in between. We have almost certainly spent more time than any other party working on the Aldwell Lands to restore the native vegetation and the habitat in the river. An appendix listing examples of these actions is included with this testimony. This Congress has the opportunity to take one of the final legislative actions necessary to complete this historic dam removal and ecosystem restoration project: the transfer of these ancestral lands, in trust and reservation status, to the Lower Elwha Klallam Tribe.

Once again, the Tribe is most grateful for the opportunity to present this testimony about a matter of profound importance to the Tribe's history and its future.

**Appendix of Actions taken by the Lower Elwha Klallam Tribe**

**To Accomplish Dam Removal and Restoration of the Elwha River and Its Fisheries**

—Worked to oppose the relicensing of dams without adequate mitigation for salmon fisheries and to obtain the support of NPS and NMFS for these efforts.

—Successfully achieved the enactment of EREFRA in 1992 (which set up this land transfer), along with allies in Congress and in the federal agencies.

—Worked to prepare for the impacts of dam removal.

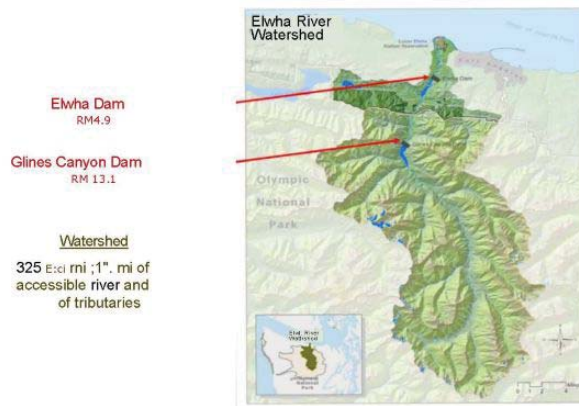
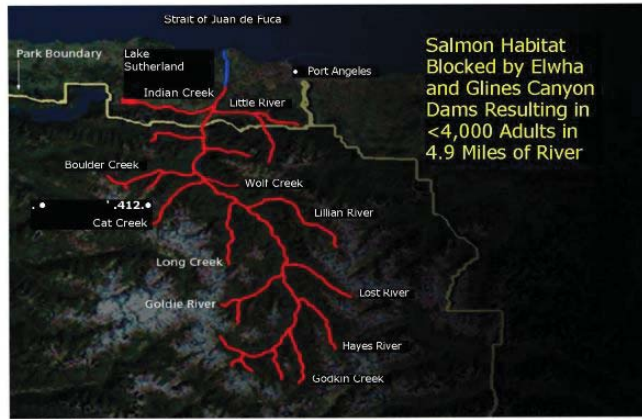
- Constructed numerous ELJ's for habitat.
- Built new state of art hatchery to preserve native fish genetics, which enabled NMFS to approve dam removal under ESA.

- Upgraded flood control levee.

• Dedicated a couple hundred acres of Reservation land west of the levee to habitat.

—Worked to achieve restoration and adaptive management after dam removal.

- Defended anti-hatchery lawsuit with U.S.
- Operated fish hatchery to prevent extirpation of Elwha River fish stocks.
- Revegetated the Aldwell lands.
- Built more ELJs.
- Monitored the fish returns.
- Published peer-reviewed scientific papers with agency partners.
- Worked with agencies both to ensure adherence to terms of applicable BiOps and also to develop potential updates to ESA criteria.
- Worked with City of Port Angeles and NPS to design soft armoring and ELJ solution to erosion at surface water intake and City's Rainey Well intake.
- Opposed NPS Hot Springs Road Realignment Project for failure to adequately protect fisheries; that project planning is starting over with a new EIS.
- Worked with FHWA and WSDOT on fisheries mitigation package for replacement of Highway 101 Elwha River Bridge.



Mr. HURD. Thank you, Chairwoman Charles, for your testimony. The Chair now recognizes Mr. Eric Shepherd for 5 minutes. Mr. Shepherd.

**STATEMENT OF ERIC SHEPHERD, VICE CHAIRMAN, SOUTH DAKOTA NATIVE HOMEOWNERSHIP COALITION, SISSETON, SOUTH DAKOTA**

Mr. SHEPHERD. [Speaking Native language.] Chairman Hurd, Ranking Member Leger Fernández, and members of the Subcommittee on Indian and Insular Affairs, my name is Eric Shepherd.

[Speaking Native language.] I am the Executive Director of the Sisseton-Wahpeton Housing Authority in Sisseton, South Dakota, on the beautiful Lake Traverse reservation. I am here today in my

capacity as the Vice Chair of the Board of Directors of the South Dakota Homeownership Coalition.

I would like to begin by thanking Representative Dusty Johnson and Senator John Thune from my great State of South Dakota for their leadership on H.R. 2130 and S. 723 to streamline the Bureau of Indian Affairs' mortgage-related processes to promote homeownership opportunities for native people living on tribal land.

Representative Johnson and Senator Thune recognized for homeownership on trust land to be successful, the BIA must modernize its system to facilitate mortgages and financing to meet the need of Indians wanting to build, buy, renovate homes on reservations. Collectively, on behalf of the South Dakota Native Homeownership Coalition and the 75 TDHEs, CDFI, non-profits, lenders, developers, all of these entities we work with in South Dakota, we express our strong support for H.R. 2130, the Tribal Trust Land Homeownership Act of 2025.

The Subcommittee and other House committees have been made aware of Native Americans and Alaskan Natives' housing needs in this country. You all have seen the statistics of high poverty rates, low incomes, housing shortages, lack of plumbing and heating, and unique development issues, just a few of those scenarios. Compounding the housing shortage is overcrowding. Overcrowding of our Indian homes is one of the many reasons why offering opportunities for families who qualify for mortgage financing is so important. Our communities must leverage our housing resources, and the BIA should not stand in the way of our people achieving self-sufficiency through home ownership.

Now I would like to talk more specifically about H.R. 2130. We like the bill language that designs new BIA systems and streamlines existing processes compatible with private mortgage industry practices. H.R. 2130 seeks to pave the way to increase the homeownership rates of native families. Overall, the legislation prioritizes the mortgage processes within the BIA and while seeking to hold staff accountable.

The status title's reports are the equivalent to non-Indian land titles and house titles. The BIA is responsible for producing these TSRs, and mortgage lenders need the TSR's to document clear title and to provide approve financing. Unfortunately, it can take anywhere from 3 months to up to 5 years to receive the TSR from the BIA. H.R. 2130 establishes timelines for review and processing guidelines for leasehold mortgages, right of away documents, land mortgages, and TSRs.

H.R. 2130 includes congressional oversight, which means the Assistant Secretary of Indian Affairs, the BIA Director, and any of the BIA superintendents or regional directors can be held accountable if they are not processing TSRs or other mortgage documents according to the timelines in this bill.

TAAMS terminals are like the database for all tribal land status on every Indian reservation. We strongly support the provision that requires BIA to give Tribes, and the Federal agencies read-only access to TAAMS. We strongly support the bill's mandate for a government to assess the needs and costs for digitization of mortgage-related documents.

The BIA must modernize and enter today's world of technology so that it can provide the appropriate level of service necessary to provide home ownership transactions for our native families. Often home buyers on tribal trust land feel like their mortgages packages fall into a black hole somewhere within the depths of the BIA. That is why we also strongly support the establishment of a realty ombudsman to ensure compliance with time frames and to receive inquiries from tribal citizens, Tribe lenders, and tribal and Federal agencies. It will be important, however, for this position to have the authority to act where appropriate.

Thank you once again for the opportunity to testify. We look forward to continuing to work with our South Dakota delegation and the Subcommittee and all of Congress to improve homeownership opportunities for native people, wherever they may reside.

I would like to answer any questions you may have.  
[The prepared statement of Mr. Shepherd follows:]

PREPARED STATEMENT OF ERIC SHEPHERD VICE CHAIR, BOARD OF DIRECTORS,  
SOUTH DAKOTA NATIVE HOMEOWNERSHIP COALITION

ON H.R. 2130

### **Introduction**

Chairman Hurd, Ranking Member Leger Fernández, and members of the Subcommittee on Indian and Insular Affairs, my name is Eric Shepherd. I am the executive director of the Sisseton Wahpeton Housing Authority in Sisseton, SD on the Lake Traverse Reservation. I am here today in my capacity as the Vice Chair of the Board of Directors of the *South Dakota Native Homeownership Coalition*.

Started in 2013, the South Dakota Native Homeownership Coalition is a membership organization with a mission to increase homeownership opportunities for South Dakota's Native people to build strong and healthy communities. We're a diverse group of public agencies and private institutions. Our stakeholders include approximately 75 representatives of South Dakota's tribes, federal and state agencies, Tribally Designated Housing Entities (TDHEs), nonprofit organizations, housing developers, residential construction professionals, lenders, and community development financial institutions (CDFIs).

We appreciate the opportunity to express our strong support for H.R. 2130, the Tribal Trust Land Homeownership Act of 2025. Before I begin, I would like to thank Representative Dusty Johnson and Senator John Thune from my home state of South Dakota for their leadership on H.R. 2130 and the Senate companion bill S. 723 to streamline the Bureau of Indian Affairs' (BIA's) mortgage-related processes to promote homeownership opportunities for Native people living on tribal land. We appreciate that they both recognize that a strong housing development strategy in Indian Country *must* include homeownership as a component, and, for the homeownership process to work on trust land, the BIA *must* modernize its systems to accommodate the pace of the mortgage financing industry.

### **Background**

Native Americans living in tribal areas and remote Alaskan villages experience some of the greatest housing needs in the country, with high poverty rates, low incomes, overcrowding, lack of plumbing and heat, and unique development issues. Overcrowding of available housing stresses both the occupants and the structures themselves. Homes on the reservations in South Dakota require much more maintenance than the average wear-and-tear to remain safe and livable. This is not for lack of property management; it is because there are not enough homes to go around.

A three-bedroom house is designed for a family of five or six, but often because of overcrowding these units are occupied by three or more families—sometimes as many as 15 individuals sharing the house. This is one of the many reasons why offering opportunities for families who qualify for mortgage financing to build or purchase their own home is so important in Native communities.

### Feedback on H.R. 2130

Now, I'd like to talk more specifically about H.R. 2130. We commend the emphasis this bill places on designing new BIA systems and streamlining existing processes in a way that is compatible with private mortgage industry practices. Native people should be able to enter mortgage transactions just like any other citizen in this country. Unfortunately, that is not always the case due to extreme and unjustifiable delays and inconsistencies within BIA's processes. As our trustee, the BIA has a fiduciary duty to protect tribal land and prevent it from leaving its trust status. However, this trust responsibility should not impede a tribal member's ability to utilize their property rights to achieve their dream of homeownership.

H.R. 2130 will go a long way to build on the momentum we are seeing across Indian Country to increase the homeownership rates of Native families. Overall, we applaud the legislation for prioritizing the mortgage processes within the BIA and setting a tone of accountability. We do have concerns about the "reduction in force" efforts we are hearing about across the federal government and the impact they will have on implementing this legislation, once enacted. Even so, the following provisions have the potential to offer some great solutions:

**Review and Processing Timeframes.** The bill establishes timelines for review and processing guidelines for leasehold mortgages, right-of-way documents, land mortgages, and Title Status Reports (TSRs). It also mandates an annual report to Congress about the volume of mortgage package documents and whether the applicable timeframes were met. We appreciate the inclusion of this congressional oversight and hope that it is adequate to ensure compliance with these statutory requirements. We recommend that the Congressional oversight committees monitor compliance closely and consider more stringent enforcement mechanisms as appropriate.

To date, the BIA's administrative Mortgage Handbook (52 IAM 4-H) issued in 2019 sets out similar timeframes. However, we have seen delays occur during every step of the process including residential lease approvals, mortgage encumbrance approvals, and the issuance of initial and certified Title Status Reports (TSRs). The BIA generally does not follow the timelines published in the Mortgage Handbook. Historically, BIA has not been transparent or accountable with these review processes, and there are often unexplained gaps in timing. One national lender partner shared that lease approvals can take anywhere from three months to five years. One tribe requested a meeting with its BIA Agency Office to see what the tribe could do to expedite the steps in the process. They found 25 mortgage-related documents stalled on the desk of the BIA Agency Superintendent.

Reasons for delays in these steps of the process include:

- Most BIA offices do not accept electronic copies so there are delays as packages are mailed within BIA offices from the Agency Office to the Regional Office and back to the Agency office and eventually back to the requester.
- Most BIA offices have inadequate staffing levels and capacity to support mortgage-related transactions.
- BIA does not provide adequate training for staff involved with mortgage-related transactions. They don't understand the time sensitivity involved with mortgage-related transactions. Borrowers could be impacted by rising interest rates due to delays or may have to resubmit their loan application materials if the loans take too long to process.
- Many leases are rejected by the BIA because the legal descriptions are not accurate. Increased read-only access to the TAAMS for tribes and lenders may help to mitigate this problem.

Delayed timeframes for the issuance of certified TSRs can have significant implications for the lenders doing business on trust land. To perfect a mortgage loan, the lender must receive a certified TSR from the BIA. If the loan is not perfected within 12 months of closing, secondary market investors require the lenders to indemnify the loans. If the delay exceeds 36 months, the lender will have to repurchase the loans. This delayed process has a chilling effect on future lending opportunities on tribal land. As I mentioned, we expect these delays to be exacerbated by the RIFs some BIA offices may be experiencing.

**TAAMs Terminals.** We strongly support the provision that requires BIA to give tribes and the federal agencies "read only" access to Trust Asset and Accounting Management System (TAAMS) terminals. It is critical for the BIA to take the steps necessary to provide access to TAAMS terminals as expeditiously as possible to ensure that mortgage processes are not unnecessarily stalled, including tribes who have adopted their own leasing processes under the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (HEARTH Act).

**1st Certified Title Status Report.** Another key element we are pleased to see is the requirement for the 1st certified TSR to be issued within 14 days. Off reservation, county assessors' records allow one to see title records within minutes, and title policies are issued by title companies for underwriting purposes usually within two to four weeks. Receiving comparable documents from the BIA has varied widely by BIA Region from 30 days to 365 days or more in many cases. Lenders require certified Title Status Reports to document title for underwriting purposes. These reports are submitted to loan underwriters along with the loan application and traditional underwriting information. Requiring a 14-day timeline for obtaining the 1st certified TSR moves the process one step closer to the timing of the industry experiences on fee simple land for home loan transactions.

**Shift Towards Digitization.** We strongly support the bill's mandate for a GAO study about the need and cost for digitization of mortgage-related documents. The BIA must modernize and enter today's world of technology so that it can provide the appropriate level of service necessary to support homeownership transactions for Native families. We urge Congress to appropriate the funds necessary to implement the findings of the GAO study as quickly as possible. We also encourage BIA to expand their practice of allowing documents to be submitted electronically through a secure portal, including for uploading and transmitting any mortgage-related documents, residential leases, and TSR requests.

**Realty Ombudsman.** Often, homebuyers on trust land feel like their mortgage packages fall into a "black hole" somewhere within the depths of the BIA. Therefore, we strongly support the establishment of a Realty Ombudsman to ensure compliance with timeframes and to receive inquiries from tribal citizens, tribes, lenders, and tribal and federal agencies. It will be important, however, for this position to have the authority to act where appropriate. For example, we would like to see the Ombudsman have the authority to utilize automatic waivers and assumed approval if timelines for reviewing mortgage packages are not being met.

#### **Recommendations**

The South Dakota Native Homeownership Coalition once again commends Representative Johnson for introducing H.R. 2130.

We would like to offer some additional suggestions for the BIA to consider on an administrative level as they implement the legislation once it is enacted.

**Create BIA Mortgage Advisory Committee.** We recommend that the BIA create a Mortgage Advisory Committee which includes private lenders, Native CDFIs, tribes, TDHEs, federal agencies, and the Government Sponsored Enterprises (GSEs) including Fannie Mae, Freddie Mac, and Ginnie Mae to work with the Bureau of Indian Affairs to identify additional innovative solutions to streamline the mortgage processes in Indian Country.

This Advisory Committee could also make recommendations about potential improvements to bring BIA systems into the 21st century with the technology needed to support residential mortgage transactions. This could include an expeditious review at the Central Office level of lease and security instrument rider templates required for conventional lending to eliminate lengthy document reviews at the individual transaction level.

Thank you once again for the opportunity to testify. We look forward to continuing to work with our South Dakota delegation, this Subcommittee, and all of Congress to improve homeownership opportunities for Native people wherever they may reside.

I would be happy to answer any questions you may have.

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QUESTIONS SUBMITTED FOR THE RECORD BY THE HON. BRUCE WESTERMAN TO ERIC SHEPHERD, VICE CHAIRMAN, SOUTH DAKOTA NATIVE HOMEOWNERSHIP COALITION

#### **Mr. Shepherd did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.**

*Question 1. The BIA published their Mortgage Handbook on their website, detailing a step-by-step timeframe for processing mortgages. However, tribal members have stated often that these guidelines are not met. Has the BIA been transparent during the mortgage application review processes? Please elaborate.*

*Question 2. H.R. 2130 would create a specialized position at the BIA to facilitate communication between the BIA, tribes, tribal members, lenders, and federal agencies who operate tribal housing programs. Please elaborate on the necessity of this proposed position.*

*2a) Please provide examples of past situations in which this position would have facilitated the mortgage process in a timelier manner?*

*Question 3. This Subcommittee has previously heard that it can take anywhere from six to 18 months for a Title Status Report (TSR) to be issued. Is that time frame, correct?*

*3a) How could the BIA improve upon their efforts in issuing these TSRs?*

*3b) How do you see H.R. 2130 helping to alleviate this problem?*

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Mr. HURD. Thank you so much, Mr. Shepherd, for that testimony. The Chair will now recognize members for 5 minutes for questions, and I will start by recognizing myself for 5 minutes.

One of the things, when I was speaking with the Chairman of the entire House Natural Resources Committee, Chairman Westerman, about what this Committee's priorities would be in this Congress, he mentioned economic development in Indian Country. And I think a number of these bills that we are talking about today are driving toward that goal.

I want to start, Chairwoman Gonzales, with the issue that you have, and I want to commend my colleague from Utah, Congresswoman Maloy, for helping to push this legislation through and bring it forward to this Committee.

I was concerned to hear some of the background that you mentioned in your testimony. And my understanding is that the Shivwits Band has seen collateral damage from the Lawrence case, this 10th Circuit case. Can you talk a little bit about how that has affected the Tribe, and what the fallout from that case was, and what it meant for you from an economic development standpoint, and what it meant for how your Tribe would deal with outside investors, and how you work with outside investors?

Oh, if you could hit the talk button there.

Ms. GONZALES. I can speak to a little bit of what I do know, but as for all the legal aspects I would have to refer that to my legal so that he would be able to answer you correctly so that you get all the information.

But on the other hand, you know, as we watched the growth of outside of our reservation with St. George and other areas, having your hands tied and not being able to have outside investors come in to be able to want to start a business on our lands or with our people to help them grow economically which would mean jobs and so much more for our people, but a lot of it we have had to turn down. And it is not what we are able to gain right now, but what we have had to turn down with whether it be solar projects, a cancer medical center, a golf course, different opportunities that have come to our reservation that we have had to turn down and turn away because we are just not set up that way, you know?

And we want to be able to put ourselves in a position not just for this council, but for the councils after me. We always talk about how our kids are going to be sitting in our places 1 day because they are our future, and they are the ones that are going to be making these decisions for us. So in order to do that, we feel like when we set goals, we don't just set them for today, but we set them for tomorrow, a week from now, 5 years, 10 years, 20 years down the road, and this is what is going to help them get there,

to make that decision for themselves, for their people, in making those important decisions.

Mr. HURD. Wonderful. Thank you very much, Chairwoman Gonzales.

Mr. Shepherd, a question for you. In your testimony you mentioned the long delays and inconsistencies with the BIA mortgage process. I think you talked about it as being like a black hole, and how frustrating that is for tribal members. Can you talk about what those experiences have been like for tribal members?

And can you tell us, do you know what is the average time frame for a tribal member to obtain a mortgage? And practically speaking, what does that mean for members of your Tribe?

Mr. SHEPHERD. Thank you, Chairman Hurd, that is a great question.

Here is an example. Here is one scenario of many, right? Some Tribes have stronger relationships with the BIA because maybe a former person in their internal house was from the BIA. But that shouldn't be a reason why there are delays. There should be some consistency. And that is all we are striving for, is to find exactly that right there, is that consistency.

Since I have been part of the coalition for the past 6 years now, it is hard, especially for our smaller sister Tribes, to hear these delays of up to 5 years, which is ridiculous. We are fortunate here in Sisseton that we have a BIA superintendent in our tribal administration building that we can stomp on the ground there and get his ear, and get someone over to Aberdeen, which is the regional office for us. But that is, you know, 80 miles. But some people are hours away, right? They don't have that opportunity.

It is time to just find that consistency, common ground for every Tribe, not just certain Tribes.

Mr. HURD. Great. Thank you very much, Mr. Shepherd, for that.

And I want to commend my colleague from South Dakota, Mr. Johnson, on this important piece of legislation. This is addressing a problem that should not be there, and that disparity between Indian Country and outside of Indian Country is something that is seriously problematic, I know for your constituents and others, as well, across the country. So I think this is a good piece of legislation.

My time is about to expire so I am going to yield back. And at this time I will recognize the Ranking Member from Washington, Ms. Randall, for 5 minutes.

Ms. Randall.

Ms. RANDALL. Thank you, Mr. Chair.

As I mentioned earlier, I am proud to be leading the Lower Elwha Klallam Tribe Project Lands Restoration Act along with Senator Cantwell, and I am also very grateful for the work from Representative Kilmer did on this policy while he served.

This bill would transfer those three parcels of land totaling more than 1,000 acres to BIA to be held in trust for the Tribe, and additionally, two dams along the Elwha River will be demolished allowing the Tribe to continue the work to restore the river and recover Pacific salmon and Chinook, among a number of other native fish that are essential to our way of life, and certainly to the Lower Elwha.

Chairwoman Charles, you have served your Tribe as Chairwoman for more than two decades. And detailing your testimony, the work that went into dam removal and the Tribe's effort to restore the Elwha River and its salmon fisheries, I wanted to give you a little bit more time just to expand on the importance of this legislation and what it means to the Tribe and the ecosystem restoration that you plan to do.

Ms. CHARLES. Thank you for that.

I go back to thinking about what our elders have told us as I was growing up. This is something that we all inherited within our community, and the challenges that we are faced with, the time immemorial that takes place with us.

The challenges that our elders had just to fish in the river in their earlier years, the stories that we were told of how they were able to see the Chinook runs so plentifully, that they were able to walk on the backs of the Chinook runs in the earlier years. The challenges that we have had with our ancestors that were buried in certain locations along the river itself, and having the opportunities to go up and, like I mentioned earlier, that we hiked up into the creation site. That is very spiritual and cultural for our generations to come, and not only for us but just to go up there and have that feeling in the visual of what that village looked like that was under real water for 100 years, to be able to come back to our creation site and spiritually be back involved in it.

The endurance that we have taken to our youth and being able to publicly teach our youth, our kids in the public schools, to be able to develop curriculums to teach not only our own kids and others and non-natives to have the opportunity to hear the history of who we are and where we come from.

It is really important because of the salmon runs that we had lost, but having the ability to see the work that our crews and our staff are doing to ensure that the salmon runs are coming back. And they are, they are. And being able to provide salmon for our families, but also to put them back into the old smokehouses, to be able to bring the traditional cultural values back to our communities and the surrounding communities.

It does not only benefit the Tribe, but it also benefits the surrounding communities just as well on those parts of it. So it is an opportunity for the growth, it is an opportunity that we are looking for the ecosystem. It is an opportunity for us to restore and rebuild what was damaged by the dams itself, and having the growth and seeing what has been acknowledged to this day is there are so many words that could be said that so many times we are speechless because of what we have witnessed.

Seeing the wildlife come back, seeing the fish come in, seeing the opportunities for that growth for our future generations, and your future generations, and that is something that we really cherish and have those abilities to witness in my lifetime. The elders that came back here to testify in their lifetime were not there to witness on that groundbreaking day in 2011, and those are some things that we will cherish, and I will cherish for the rest of my life.

[Speaking Native language.] Thank you.

Ms. RANDALL. Thank you so much.

And Mr. Chair, I ask for unanimous consent to enter into the record a letter of support for this work from the National Parks Conservation Association.

Mr. HURD. Without objection.  
[The information follows:]

**National Parks Conservation Association**

May 20, 2025

Re: NPCA Position on Legislation Before the Subcommittee on Indian and Insular Affairs

Dear Representative:

Since 1919, National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our 1.6 million members and supporters nationwide, we write to share our thoughts on select legislation ahead of a hearing in the Committee on Natural Resources Subcommittee on Indian and Insular Affairs scheduled for May 21, 2025.

**H.R. 2388—Lower Elwha Klallam Tribe Project Lands Restoration Act:** NPCA supports this legislation to transfer lands at Olympic National Park from the National Park Service to the Lower Elwha Klallam Tribe in Washington state. The United States government committed to transferring these lands, which include important cultural and natural sites, in the Elwha River Ecosystem and Fisheries Restoration Act of 1992. This Act will fulfill that longstanding commitment and empower the Tribe to continue its successful work to restore natural areas and invest in salmon recovery in the Elwha River watershed.

Thank you for considering our views.

Sincerely,

CHRISTINA HAZARD,  
Legislative Director

Ms. RANDALL. Thank you.

Mr. HURD. Without objection.

Ms. RANDALL. Thank you so much. And the letter expresses support from the association's 1.6 million members in fulfilling this long-standing commitment and empowering the Lower Elwha.

With just a few seconds left, I will yield my time so that we can continue this work. Thank you.

Mr. HURD. The gentlewoman yields. The Chair now recognizes the gentlewoman from Utah, Ms. Maloy, for 5 minutes.

Ms. Maloy.

Ms. MALOY. Thank you, Mr. Chairman.

My colleague from South Dakota with his strong voice apologized earlier for his abysmal grasp of the Dakota language. I feel like I have to apologize for my abysmal ability to spit out words in English this morning, but I appreciate you being here.

Chairwoman Gonzales, do you feel like this legislation sufficiently helps ensure the Shivwits Band of Paiutes retains its sovereign immunity?

Ms. GONZALES. I definitely do with all my heart. I believe that our sovereignty is very important to the government, as well as to our people. And people like yourself understand how important that means to our people to be sovereign as a Tribe, when many other Tribes out there have not had that, or are trying to get it,

and yet our Shivwits Band of people feel very, very proud that we do have that. And that is one thing that I will always be thankful for, that you guys have recognized and always respected our sovereign immunity for our people. So yes, thank you.

Ms. MALOY. And thank you. You have already explained it a little bit to Mr. Hurd, but can you just elaborate on why it is so important for the band to have the ability to lease the land that is being held in trust?

Ms. GONZALES. Yes. I know I constantly always talk about our future, but what it definitely means is that those who come to our table, that we are able to actually sit down and have a really good conversation. When we get to that point of when they say, you know, how long are we able to lease this land, and how far can this project go, and, what does it entail, we are able to continue those talks instead of saying: "you know what? that is about the best that we could do." and they think about it, and they are gone.

Well, this time it will mean that economic development could come to our people and last longer than just 5 or 10 years, that it will mean that this will be something special for them that, not only mean jobs for our people, but it also means housing. It also means being able to pour into our scholarship fund for those who want a higher education. It also means that they will be able to have someplace to come back to with a community center that will have, everything up and going for them, whether it be emergency management or whatever else that we are able to put in place for them.

But we are always talking about our children and our future, and our scholarship program is one thing that I am really proud of that I feel that we would really, really be able to have it go even further for those who would like to reach those goals. And that is where we would like to be able to put some money in, is into our children.

Ms. MALOY. Thank you. And you said that you are always talking about the future. I think that is what makes you a good and effective leader for your people.

I have got almost 2 minutes left. Do you just want to outline for the Committee what you see as the future of the Shivwits Band?

Ms. GONZALES. Yes. What I see for our future is that we have homes for everybody. We have homes for our elders. We have homes for our younger youth that are growing up that are going to school, that they have some place to come back to. What it means is that we are able to maybe have a rehabilitation center for those who are on drugs or alcohol. It is very strong on our reservation, and they have no place to go. What it means is that people on our reservation that are looking for jobs, that they have those. What it means is that we are able to stand strong and independent and be proud of who we are, that we have things on our reservation that are going to help us get to where we need to be as regular people, just like everybody else. That is what it means to me.

Ms. MALOY. Thank you for being willing to share that. I know that is really personal, and I can see that you are emotional about it, but I think it is helpful for us as a Committee to hear that from you.

Ms. GONZALES. Thank you.

Ms. MALOY. And it is an honor to be part of helping clear some of the obstacles to get you to that future.

Thank you for traveling here. Thank you for testifying.

And with that, Mr. Chairman, I yield back.

Mr. HURD. The gentlewoman yields. The Chair now recognizes the gentleman from Utah, Dr. Kennedy, for 5 minutes.

Dr. Kennedy.

Dr. KENNEDY. Thank you, Mr. Chair. It is an honor to be here, and I applaud my colleagues for these outstanding bills, and I will particularly point to Congresswoman Maloy.

Thank you for working with these outstanding people in our State to try to move the agenda forward, which for generations has been impeding their capacity to progress.

So Madam Chair Gonzales, I had a few questions for you to highlight some of the compelling testimony that you have given to us today. Thank you for being here, and thanks to all of our witnesses. These are really important issues that we are working on.

But we had a good conversation yesterday, and I am interested in further description from you about the jurisdictional issues your Tribe faces that stunt the economic development in your area, particularly the long-term leases. Could you clarify that? Because all of this is going on the record as to why we should pass this bill ultimately through the House and the Senate.

So can you tell me more about the long-term leases and how this bill that Congresswoman Maloy is proposing, that I am happy to co-sponsor, how would that help in long-term leases and other economic development opportunities?

Ms. GONZALES. Yes. How that would definitely be able to help is that when we have those potential offers that come to our table, those long-term leases, for an extended period of time are kind of what we are looking for, and that is definite income that is coming into our people. That it is not something that is going to end in the short term.

Along with that comes jobs, but that definitely will mean that we are able to sit down at the table and be able to talk about the leases that we do have, where they are at, and the people that come into business with us feel like maybe they need to be heard maybe in a court. We want to make sure that we are able to give them that opportunity because when you talk to people, and see where they are coming from, and being open minded, that they want to be able to know that they are being heard fairly. That is very important to anybody. But anybody who is going to come on our land and want to do business with us, we want to make sure that we treat them just like people like we would want to be treated.

Dr. KENNEDY. Absolutely.

Ms. GONZALES. To me, that is giving our word, and our native people's word means a lot.

Dr. KENNEDY. I am excited about that leveling of the playing field, giving equal access to justice, which is a big part of what this is attempting to do. So I am grateful for that.

Ms. GONZALES. Yes.

Dr. KENNEDY. The economic development, as well, the long-term leasing, the capacity for an investor to say, I haven't got a long period of time for me to recoup my investment. That is a vital aspect of this, as well. So I am actually pleased to be party to this important policy.

But can you tell me more, Madam Chair Gonzales, about missed economic opportunities in your period of time and service and leadership to your Tribe? What sort of lost economic opportunities can you relate to us that you have experienced?

Ms. GONZALES. Well, in my last term I was privileged to work on a solar project for our band. And we looked at the potential areas of where we would like to have it and, all the great benefits and things that were going to come out of it, and what we were going to have to come in the middle for and work on.

But when it came time to how long, and the term, and because a solar project isn't small, it is pretty huge. And we can't say: "well, we could only do this for 25 years." That is kind of not what they are looking for and not what we are looking for, and, they want to be able to have a commitment. And we cannot give them that commitment. And unfortunately they pulled out.

Dr. KENNEDY. Right.

Ms. GONZALES. They found someplace else to go that was willing to work with them, and they left.

Dr. KENNEDY. And potentially, millions of dollars were taken from the economic opportunities of your Tribe and your people.

Ms. GONZALES. Correct.

Dr. KENNEDY. Yes.

Ms. GONZALES. Yes.

Dr. KENNEDY. Thank you for relaying that, and I do believe this bill actually is going to help address some of those concerns so when opportunities knock in the future on the door of your people, then those opportunities can be potentially realized instead of let go. So I am excited about that.

Ms. GONZALES. Thank you.

Dr. KENNEDY. Vice Chair Shepherd, thank you also for your testimony. You talked about the lengthy and troublesome process at the Bureau of Indian Affairs. Can you tell me more about what the BIA has said about their reasons for their delays as you have worked with them?

Mr. SHEPHERD. A lot of times we refer to the BIA as the clock watchers, because time is not of the essence to them.

Another scenario I want to provide to this, speaking on this lens here, and thank you for acknowledging that, Mr. Kennedy, is say Grandma passes away, and the home goes down to the grandson or whoever. And now the grandson or whoever is going to take over the successor of that home, the lease and the mortgage have to match. Where is the delay at the BIA? And sometimes that can take up to 5 years, like I provided in my testimony.

Dr. KENNEDY. Yes, entirely inappropriate.

Mr. SHEPHERD. So then, if those timelines aren't met, additional costs start to add up.

Dr. KENNEDY. I am grateful that we can work on that, as well. It is unacceptable for that sort of performance.

Mr. Chair, thank you for the time. I yield back.

Mr. HURD. The gentleman yields. The Chair now recognizes the gentleman from Alaska, Mr. Begich, for 5 minutes.

Mr. Begich.

Mr. BEGICH. Thank you, Mr. Chairman. I have a question to Vice President Harris.

Vice President Harris, one of the things that stands out about this legislation is how it supports better connectivity between Cape Fox parcels. From an Alaskan perspective, improving access is a lifeline for economic development and cultural continuity. Can you describe how the access corridor created by this conveyance will help Cape Fox develop infrastructure, such as roadways or utility corridors, and what kind of economic or community uses you envision emerging from the improved connectivity?

Mr. HARRIS. Thank you for that question, Congressman.

Our community has 14,000 years of documented history on the site. We are very proud of the matriarchs in our community. One of those is known as the chief of all women, whose pole stands in Pioneer Square, from our village. And they taught us to look for completing interests, not competing interests. And these completing interests are all around us if we are willing to open our eyes, ears, and hearts, and minds to each other. We don't want to compete with the City of Ketchikan; we want to complete with them by stabilizing that grid. This parcel of land allows us to do that.

Too often, we have seen dams and hydro projects built where they are competing with the salmon. Fog Woman, who taught completing interests, she was a matriarch of the woman in Pioneer Square in Seattle, taught that if we were to take a salmon out of the mouth of the river, we had a moral, ethical obligation to finish the journey for that salmon and, in doing so, keep that cycle alive not just for that generation, but for generations to come. That process included taking the eggs, putting them up above the barrier, taking the carcasses that we weren't going to eat to feed the next generation of microbes that fed those salmon. It was critical so that those salmon would have the strontium signature from those rivers to know where to come back to. That is what has been missing.

And we look at this small hydro project at 9 megawatts to be an opportunity for us to re-seed those rivers, so that we can go after the 600 megawatts on the Susitna River, and not be afraid of losing the salmon. If we don't get food right, what do we do to make up for not getting food right? What we do is we build more prisons. We build more homeless shelters. We build more orphanages because we didn't get food right.

Matriarchs are important for teaching us completing interests, so we know how to care for each other.

Mr. BEGICH. Thank you. And I think you raised such an important point. We talk across all these bills that we are talking about today about obstacles, and Representative Maloy mentioned we are trying to remove obstacles.

We are trying to remove the barriers that allow us to contribute to completing interests, as you highlight. And we want to make sure that we are a singular people, that we have the ability to work together, as we are talking about Chairwoman Gonzales's priorities for making sure that her people are able to interact with and make

commitments with the broader community, and I think that is what we are all trying to do across these bills is making sure that we are ironing out the wrinkles, eliminating the barriers, that we are making sure we are removing the obstacles, that prevent communities like our community in Saxman, Alaska from being a part of the broader community.

And we certainly recognize that you are part of the broader community. You are an integral part. You are the original community of our lands, and I am proud to have you here. Thank you for making the long journey from Alaska, Vice President Harris. It is not an easy one. We make it all the time. But it is important that you are here, it is important that your interests are represented. And I feel very good about being able to move this important legislation and these other important pieces of legislation through to completion in the 119th Congress.

And with that I yield back.

Mr. HURD. The gentleman yields. The Chair now recognizes the gentleman from South Dakota, Mr. Johnson, for 5 minutes.

Mr. Johnson.

Mr. JOHNSON. Thank you, sir.

Mr. Shepherd, I want to pick up where Chair Hurd left off about some of these delays within BIA. Now, there is this BIA mortgage manual that provides some guidelines for how quickly these processes should be completed. In your experience, does BIA adhere to those guidelines?

Mr. SHEPHERD. Thank you, Dusty, from our home State, Representative.

I think they hear them, but the action behind them doesn't match the deaf ears. So the solution to that, is to put time frames on them in their manual. Let's revise that. Let's make some amendments to that, so that the actions meet the time frames that are necessary to for growth, for prosperity, and our people to live in dignity, then.

Mr. JOHNSON. You have an understanding of where the delays happen? Like, where does something get high centered? Is there good transparency in the process? Can you understand where the piece of paper got lost?

Mr. SHEPHERD. Again, thank you, Representative Johnson, for that question.

I don't think, on our side we can locate that, exactly from this desk to this desk to this desk, where that delay is. We always hear that they are short-staffed. That is about all we hear.

Mr. JOHNSON. I would imagine you have had conversations with families that get frustrated with not only the delay, but also not understanding the cause of the delay, and also not having any sense of when the delay might be resolved.

Mr. SHEPHERD. Again, great question, Representative Johnson. And to be able to say that to our people it is very frustrating. And the end result sometimes is that the family gives up, and that is not the solution.

Mr. JOHNSON. So do you know of instances where families have given up?

Mr. SHEPHERD. Oh, yes. Definitely. And that is just one scenario. You know, we have multiple resources, from the government to

make home ownership possible through competitive grants and the HIP program and things like that. We have been through that scenario before in the past 5 years with some of our tribal members, not just on our reservation, but within our own home State, of all nine reservations. We have seen too often.

Mr. JOHNSON. Mr. Chairman, I want to make clear I understand the broad responsibilities that we place on BIA with regard to our trust and treaty obligations. I get it. They have got a lot to do. And yet, clearly, this is an area that is getting done particularly poorly.

And one of the things that H.R. 2130 would do is create a specialized position of someone within the Bureau to bird dog these issues, and to improve the kind of communication so that Mr. Shepherd and the families that he is working with, and the Home Ownership Coalition is working with, have a better sense of where the delay is and how do we eliminate the delay. Sometimes just having somebody who is an expert can help things move along.

I will just close by noting this. It is just tragic that there are families, as Mr. Shepherd has said, who are in the position of giving up. They can't get an answer about when BIA can process that mortgage paperwork. And after months and months and months of delay, they just have to move on, not purchasing their home. What a terrible outcome. We can do better. H.R. 2130 would make sure that we do.

With that I would yield back.

Mr. HURD. The gentleman yields. At this time the Chair recognizes the gentleman from Puerto Rico, Mr. Hernández, for 5 minutes.

Mr. Hernández.

Mr. HERNÁNDEZ. Thank you. I would like to focus on Representative Randall's bill, and if anyone here could speak to how that would build on the success of restoring our ecosystem and fisheries in the Elwha River.

Ms. CHARLES. How are we restoring the Elwha River?

Mr. HERNÁNDEZ. Yes.

Ms. CHARLES. So right now we have a good crew that have been working on the Elwha River, even before the dams were removed. We started that process of restoration and transferring salmon to locations above the dams, as well as along tributaries for the enhancements for the protection of the river, but also identifying to the factors of what the needs were with working with the other agencies that were involved, whether it was NOAA fisheries, the National Park Service, and other areas to help with the tributaries of the river itself. It is still going on today, and it has been for many years through that process.

Mr. HERNÁNDEZ. And can you speak to the relationship between stewardship of the lands under this bill and tribal sovereignty in regard to your Tribe?

Ms. CHARLES. So with the tribal sovereignty itself, it is something that we believe that we have the rights on with the usual custom ground areas, territories within our range, our regions that we have within ourselves through that process. It is something that we have governed ourselves and worked with other government agencies to collaborate, to partner, to deal with contracts, to deal with roles and responsibilities that not only do

we play, but also other agencies that are involved with the areas within our territories.

Mr. HERNÁNDEZ. Oh, great. Thank you.

Do you want additional time?

No? OK. Well, with that I yield back.

Mr. HURD. The gentleman yields. I want to thank each of our witnesses for their valuable testimony, and thank all of our members, as well, for their questions.

Members of the Committee may have some additional questions for the witnesses, and we would ask that you respond to those in writing. Under Committee rule 3, members of the Committee must submit questions to the Committee clerk by 5 p.m. on Tuesday, May 27, 2025. The hearing record will be open for 10 business days for these responses.

If there is no further business, without objection, the Committee stands adjourned.

[Whereupon, at 11:17 a.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

## **Submissions for the Record by Rep. Hurd**

### **Statement for the Record**

#### **U.S. Department of the Interior**

#### **H.R. 2388, H.R. 3073, H.R. 2130, and H.R. 2815**

Chairman Hurd, Ranking Member Leger Fernández, and Members of the Subcommittee, the Department of the Interior (Department) is pleased to provide this statement for the record on the following legislation: H.R. 2388, Lower Elwha Klallam Tribe Project Lands Restoration Act; H.R. 3073, Shivwits Band of Paiutes Jurisdictional Clarity Act; H.R. 2130, Tribal Trust Land Homeownership Act of 2025; and H.R. 2815, Cape Fox Land Entitlement Finalization Act.

#### **H.R. 2388, Lower Elwha Klallam Tribe Project Lands Restoration Act**

H.R. 2388 would place approximately 1,082.63 acres of Federal lands managed by the National Park Service into trust for the benefit of the Lower Elwha Klallam Tribe and become part of the Tribe's existing reservation. The bill prohibits gaming on the land under the Indian Gaming Regulatory Act.

The parcels to be placed into trust were part of the Elwha Hydroelectric Project. The Elwha River Ecosystem and Fisheries Restoration Act granted the National Park Service jurisdiction of the lands and management of the excess lands is costly in administration, liability, resource management, and law enforcement. Sections of the lands that include the Elwha River must be managed in accordance with the Wild and Scenic Rivers Act with certain exceptions subject to the Elwha River Ecosystem and Fisheries Restoration Act.

The bill requires the Secretary of the Interior (Secretary) to conduct a survey to define the boundaries of the land taken into trust and gives the Secretary authority to correct minor errors and make minor boundary adjustments consistent with the Bureau of Indian Affairs (BIA) defined procedures for transferring lands into trust status per 25 CFR Part 151. H.R. 2388 also ensures that the land transfer does not affect the treaty rights of the S'Klallams Indians under the Treaty of Point No Point.

Through its plenary authority, Congress can direct the Secretary to accept and administer lands to be held in trust for the benefit of a Tribe through legislation. Acquisition of land in trust for the benefit of Indian Tribes is essential to Tribal sovereignty and empowers Tribal self-determination in the use of Tribal lands to best serve their communities and create economic growth. The Department supports conveying these lands into trust for the Lower Elwha Klallam Tribe.

#### **H.R. 3073, Shivwits Band of Paiutes Jurisdictional Clarity Act**

H.R. 3073 confers jurisdiction on the State of Utah over certain civil cases involving the Shivwits Band of Paiutes (Band). This legislation will ensure the Shivwits Band and third-party businesses will have access to state and Federal court forums to resolve contract disputes.

The legislation maintains the Band's sovereign immunity unless the Band explicitly waives it. This protects the Band from unconsented lawsuits while allowing them to agree to Utah State court jurisdiction for contracts and agreements they participate in. This legislation also expands existing law so the Band can agree to leases of their lands for extended terms to provide the Band with more opportunities for economic development.

The Department takes no position on the grant of jurisdiction to the State of Utah. However, the Department supports the authority for the Band to enter into leases for 99 years. Tribal governments are in the best position to determine the duration of such leases in pursuit of economic development.

#### **H.R. 2130, Tribal Trust Land Homeownership Act of 2025**

H.R. 2130 would impose a series of statutory requirements on the BIA related to the processing and review of mortgage packages. This legislation would codify current processing deadlines for mortgages; require an annual report to be submitted to Congress regarding the mortgages reviewed by the BIA; establish a Realty Ombudsman position reporting directly to the Secretary; and provide access

to the Department's Trust Asset and Accounting Management System (TAAMS) for relevant agencies and Tribes.

The Department shares Congress' interest in ensuring that mortgage packages are reviewed and processed in a timely manner. We look forward to working with the sponsor and Subcommittee to ensure that the bill aligns with the Administration's priorities to enhance government efficiency. Another concern the Department has with H.R. 2130 is the mandate for read-only access to TAAMS for the Department of Agriculture, Department of Housing and Urban Development, and Department of Veterans Affairs, as well as Tribes. The BIA currently provides limited TAAMS access to Tribes who have contracted or compacted certain trust programs and relevant Department agencies after the clearance of a background check to protect personally identifiable information. The Tribes with TAAMS access may only access information related to their Tribal members and the Tribe's ownership and for those programs that are contracted or compacted. Access to TAAMS should continue to be limited to the information related to the Tribal members and the Tribe's own ownership for those Tribes who have contracted or compacted a trust program and certain Federal agencies. Accordingly, access to TAAMS by the Department of Agriculture, Department of Housing and Urban Development, and the Department of Veterans Affairs must also be limited to the mortgage information relevant to their particular agency. Access to TAAMS is limited and the BIA needs to ensure that access to information subject to the Privacy Act will remain limited.

The Department supports the intent of H.R. 2130 and looks forward to working with the sponsor and the Subcommittee to provide technical assistance.

#### **H.R. 2815, Cape Fox Land Entitlement Finalization Act**

H.R. 2815 would waive the core township requirement for land selection under the Alaska Native Claims Settlement Act (ANCSA) for the Cape Fox Corporation, the ANCSA Corporation for the Native Village of Saxman. Under the bill, Cape Fox would not be required to receive the approximately 185 acres that the corporation previously selected in the township where Saxman is located pursuant to ANCSA. Instead, Cape Fox would be able to select lands outside of its ANCSA-established exterior selection boundary, approximately 180 acres within the Tongass National Forest. In addition, the bill requires that Cape Fox submit its selections to the Secretary via written notice within 90 days of enactment. The Bureau of Land Management (BLM) would then be required to convey the selected surface lands to Cape Fox and the subsurface estate to the Sealaska Corporation as soon as practicable. These conveyances would fulfill Cape Fox's entitlement under ANCSA.

ANCSA was enacted in 1971 to settle aboriginal land title claims with Alaska Natives. ANCSA section 12(a)(1) requires Alaska Native Villages to select Federal lands in the township in which any part of the village is located. The selection process was completed in the early 1970s, and the BLM continues to work through some of the more complicated conveyances and patents. While the BLM is currently ready to convey Cape Fox's remaining entitlement, the corporation has stated that the selected Federal lands in the township where the village falls—i.e., its "core township"—are unsuitable and that it is seeking this legislative solution.

Based on an initial review of the legislative text and legal land descriptions, there appear to be areas identified for conveyance that are currently encumbered by a Federal Energy Regulatory Commission powersite classification. We recommend that the legislation clarify whether or not the Cape Fox conveyance is subject to this existing encumbrance.

The Department supports fulfilling Cape Fox's remaining entitlement. The Department defers to the U.S. Department of Agriculture regarding disposition of lands managed by Forest Service under the bill. The Department would like to work with the Sponsor on technical edits to clarify the existing land status and description of the lands to be conveyed to Cape Fox and Sealaska.

Once these items are resolved, the Department stands ready to complete these conveyances and looks forward to fulfilling Cape Fox's remaining entitlement under ANCSA.

#### **Conclusion**

Thank you for the opportunity to provide this statement for the record.

**Statement for the Record****U.S. Department of Agriculture and U.S. Forest Service****H.R. 2815—Cape Fox Land Entitlement Finalization Act of 2025**

Chairman Hurd, Ranking Member Leger Fernández, and Members of the Subcommittee, thank you for inviting the U.S. Department of Agriculture (USDA) Forest Service, to discuss the Cape Fox Land Entitlement Finalization Act of 2025.

The USDA Forest Service manages 193 million acres of national forests and grasslands, including lands in Alaska that are in proximity to Alaska Native Corporation lands. The Forest Service works closely with the Alaska Native Corporations and Tribes to coordinate on land stewardship, including forest management, wildfire mitigation, resource restoration, and cultural preservation efforts.

**H.R. 2815, “Cape Fox Land Entitlement Finalization Act of 2025”**

H.R. 2815 would allow the Cape Fox Corporation (Cape Fox), a village corporation established under the Alaska Native Claims Settlement Act (ANCSA), to obtain its remaining land entitlement under ANCSA from portions of the Tongass National Forest that differ from its existing selection in the Tongass which is currently pending conveyance by the Bureau of Land Management (BLM).

As proposed, the Secretary of the Interior is directed to convey to Cape Fox the surface estate to an approximately 180-acre tract along a 2.5-mile stretch of eastern shoreline on the west side of George Inlet on Revillagigedo Island within the Tongass National Forest, Ketchikan-Misty Fjords Ranger District. The Sealaska Regional Corporation would be conveyed the subsurface interest of the parcel.

The parcel proposed for conveyance (as defined section 3(b) of the bill) connects two parcels of private land owned by Cape Fox and generally follows the boundaries of a transmission line corridor labeled as a right of way in Federal Energy Regulatory Commission (FERC) license (No. 11393) for the Mahoney Lake Hydroelectric Project. The project is licensed but has not been constructed. If constructed, the transmission line corridor would likely be used to connect the Mahoney Lake site to the existing Beaver Falls Power Grid.

The USDA Forest Service currently has the legal authorities necessary to permit the City of Saxman, the FERC license holder, to use NFS lands for the construction of a road and transmission line, and other uses of NFS lands associated with the possible hydroelectric project.

With one minor exception, the 2.5-mile stretch of coastline of the proposed parcel is the only federally owned coastline on the west side of George Inlet, which provides unrestricted access to the National Forest System lands further inland. The Forest Service also welcomes a discussion regarding a reservation of the right-of-way identified in the FERC license associated with the Mahoney Lake Hydroelectric Project to effectuate the sponsor’s intent.

The Forest Service supports this bill. On issues related directly to the conveyance process, the Forest Service defers to the BLM as the Federal agency tasked with transferring to Alaska Native Corporations title to lands pursuant to ANCSA.

**Conclusion**

That concludes my testimony. Again, I thank Chairman Hurd, Ranking Member Leger Fernández, and members of the Subcommittee for the opportunity to present USDA’s views on this proposed legislation. I would be happy to answer any questions you may have.

**Submissions for the Record by Rep. Begich**



**Cape Fox Corporation Resolution**

Resolution 2023-01

**Cape Fox Corporation Resolution to Proceed**

- Letter of Support- Alaska Mental Health Trust
- Letter of Support – Alcan Timber Inc. executive
- Letter of Support – Pool Engineering Inc.
- Letter of Support – Broad Horizons Land Management
- Letter of Support – Southeast Stevedoring Corporation
- Letter of Support – Ward Cove Group, Remote Made Easy, Power Systems of AK
- Letter of Support- Alaska Power & Telephone Company
- Letter of Support- Ketchikan AdventureVue LLC.
- Letter of Support- Representative Dan Ortiz
- Letter of Support- Allen Marine Tours Inc.
- Letter of Support- Ketchikan Gateway Borough
- Letter of Support- Sealaska
- Letter of Support- Organized Village of Saxman
- Letter of Support- City of Saxman
- Letter of Support- Alaska Federation of Natives

**Historical Support for Mahoney Power Project**

- Letter of Support -Heatherdale Resources Limited
- Letter of Support - Governor Parnell, State of Alaska
- Letter of Support – Southeast Conference
- Letter of Support- Greater Ketchikan Chamber of Commerce
- Resolution of Support- Ketchikan Indian Community
- Letter of Support- Alaska Ship & Drydock
- Letter of Support- Congressman Don Young's Office
- Letter of Support- Ketchikan Gateway Borough
- Letter of Support- Ketchikan Gateway Borough School District
- Letter of Support- Ketchikan Indian Community – Directors Office
- Letter of Support- Organized Village of Saxman
- Letter of Support- City of Saxman
- Letter of Support- Cape Fox Corporation
- Letter of Support- Alaska Power & Telephone

The full document is available for viewing at:

<https://docs.house.gov/meetings/II/II24/20250521/118251/HHRG-119-II24-20250521-SD002.pdf>

