

**HOUSE NATURAL RESOURCES
SUBCOMMITTEE ON INDIAN & INSULAR AFFAIRS
LEGISLATIVE HEARING
H.R. 411, KEWEENAW BAY INDIAN COMMUNITY LAND CLAIM SETTLEMENT ACT
RESPONSES TO CHAIRMAN WESTERMAN’S QUESTIONS FOR THE HEARING RECORD
KEWEENAW BAY INDIAN COMMUNITY PRESIDENT ROBERT “RD” CURTIS JR.**

- 1. In your written testimony, you emphasized that your Tribe is not seeking to reclaim land from current landowners. Rather, your tribe is pursuing a settlement that provides compensation and clear title to all. Why is it important to the tribe that H.R. 411 provide a clear title to non-Native landowners?**

The Keweenaw Bay Indian Community (“KBIC” or “Tribe”) Tribal Council sought to advance these claims – and the justice the Tribe is due – through non-adversarial means, to preserve harmony with our neighbors. Our neighboring communities—Baraga County, the Village of Baraga, and the Village of L’Anse—support this legislation; Michigan Governor Gretchen Whitmer expressed her strong support for the legislation; and the Department of the Interior stated that “the Tribe’s claims to the Swamp Lands and Canal Lands have merit.” This broad and bipartisan support is a testament to the legitimacy Community’s claims and our non-adversarial approach, and the willingness of our neighbors, elected leaders, and friends to listen, understand this history, and work with us to find the justice my people deserve.

The Community believes that the current landowners of the Reservation Swamp Lands and Reservation Canal Lands acquired their interests in good faith. However, a legal cloud remains on their title despite the good faith acquisition. For this reason, our legislation extinguishes all claims by the Tribe to the Reservation Swamp Lands and the Reservation Canal Lands, clears title, and confirms the ownership of the current landowners.

After the United States admitted the validity of our claims, the KBIC Tribal Council chose to pursue justice through cooperation and negotiation rather than unnecessary litigation. Litigation would have pitted neighbors against neighbors and in the end would have cost all parties more in both time and dollars. The Tribe’s goal is to acknowledge past wrongs while maintaining harmony with our broader community. This bill reflects our good-faith effort to ensure that our neighbors are not harmed, the Tribe is made whole, and harmony amongst our collective communities is maintained.

- a. Why did your tribe pursue a monetary settlement instead of seeking the return of the land?**

We seek the same treatment afforded to any American under the U.S. Constitution whose property was taken by the federal government: fair compensation for the taking of our treaty protected lands. At the same time, we recognize that our neighbors who now own the land have clean hands. They did not take our land, the federal government did. We do not wish to disturb their property rights. Attacking their land holdings would just be to continue a cycle of unnecessary injustice. However, that does not absolve the federal government of its

constitutional obligation to compensate us for the loss of our reservation lands. This settlement both provides clear title to the current property owners and delivers just compensation for a constitutional taking.

**b. The settlement includes \$33.9 million dollars in compensation for the land.
How does your Tribe specifically plan to use those funds?**

The uncompensated loss of the Reservation Swamp Lands and the Reservation Canal Lands has adversely impacted the Tribe's ability to exercise its cultural, religious, and subsistence rights on those lands. It has caused a harmful disconnect between the Community and its land, impaired the Tribe's capacity to fully exercise its economy within the Reservation, and hindered the broader economic development of the Tribe.

H.R. 411 authorizes the use of settlement funds for any lawful purpose, specifically noting that governmental services, economic development, natural resources protection, and land acquisition are acceptable purposes. During the drafting of this legislation, the Tribe engaged with the State of Michigan and conceded the right to use the funds for gaming purposes. The Tribe understands that gaming-related uses can sometimes introduce complexities and chose instead to focus on achieving justice and resolution for this historical wrong.

At this time, the Tribe has not finalized specific plans for the compensation. However, all funds will be reinvested into the Tribe and support the surrounding community. The Tribal Council is mindful of the significant local needs and would likely prioritize investments in housing and substance abuse services.