

**WRITTEN TESTIMONY
OF
KEENAN GROESBECK
NORTHERN ARAPAHO BUSINESS COUNCIL
BEFORE THE U.S. HOUSE OF REPRESENTATIVES APPROPRIATIONS SUBCOMMITTEE ON
INTERIOR, ENVIRONMENTAL, AND RELATED AGENCIES
ON THE 2024 INTERIOR DEPARTMENT BUDGET
MARCH 8, 2023**

The Northern Arapaho Tribe is ***requesting \$5 million for Peyote Habitat Conservation Initiative Demonstration Project*** in Department of Interior Office of Assistant Secretary – Indian Affairs.

Chairman Simpson, Ranking Member Pingree, members of the Committee, my name is Keenan Groesbeck, member of the Northern Arapaho Tribal Business Council. I am honored to submit this written testimony for it addresses a crucial issue to the Northern Arapaho tribe the survival of our Peyote ceremony. Since birth I have been a member of the Native American Church also known as the Peyote religion/ceremony, I also participate in our other traditional ceremonies which bind us together as Arapaho people in a web of mutuality and respect for the kinship we share to one another. This is what makes us Arapaho a distinct tribe with our own language, customs, and ceremonial life. As a tribal leader I want to lend my voice to the growing coalition of Peyote tribes who view the current state of Peyote habitat loss as an emerging crisis.

The Arapaho are among the founding tribes of the Native American Church/Peyote religion. Together with the Kiowa, Comanche, and our sister tribe Cheyenne we incorporated ancient teachings, values and ceremonies into the protocols that are still practiced today in the Native American Church. This religion is foundationally based on our way of life. We have a unique relationship with Peyote and the sacred lands in southwest Texas where our elders once made arduous pilgrimages to pray at these sacred sites and engage in ceremonial harvest. Traversing the decades of reservation era these pilgrimages started with horse and wagon giving way to model T's, modern vehicles and even flying.

Each generation of Arapaho carefully conducted the transmission of these pilgrimage stories to the next to assure continuity and survival of ceremonial harvest. In recent decades the Arapaho have been cut off from access to these sacred lands. Peyote harvest has been facilitated by Peyoteros who in turn sell Peyote to Arapaho Native American Church members, creating a barrier in a religious protocol connecting us to the sacred lands where Peyote grows.

The Northern Arapaho Tribe is expressing through this testimony that the federal government has a trust, treaty, and statutory obligation to Tribal Nations concerning their fullest religious rights. The Northern Arapaho along with all other Tribal Nations are endowed with inherent natural rights including right to worship, right to practice traditional ceremonies and religious right to acquire/ harvest medicines that these religious ceremonies are inextricably linked to.

Emerging Crisis Peyote Habitat

All Peyote Habitat is located on private land in southwest Texas along the U.S Mexico border. This land contains a finite resource, our sacred medicine and Peyote grows nowhere else in America. For over a 100 years private landowners have voluntarily engaged with Peyote tribes to help facilitate perpetuation of this religion. In recent decades this relationship of reciprocity and acknowledgment of private landowners occupying sacred lands has shifted.

Population growth, corresponding development, roads, wind farms, oil pads, agricultural practices big game farms, extreme weather, draught and changing values of private land owners have all put pressure on Peyote habitat.

The Department of Agriculture Farm Service Agency engages in investments through its *Soil Conservation Program* that pays farmers and ranchers on an acreage matrix to root plow Peyote land forever destroying Peyote habitat. Under the National Historic Preservation Act and the National Environmental Policy Act, each federal agency is also responsible for considering the cultural and environmental consequences of federal undertakings – including through federally supported grant activities. 54 U.S.C. 300320; see 42 U. S. C. chapter 55. For the National Historic Preservation Act, a federal agency must identify resources, assess whether they qualify as historic properties, and consider and address the federal activities potential for adverse effects on those resources. **Section 106 also requires tribal consultation, which there has been none.** Historic districts and sites included on or eligible for inclusion on the National Register of Historic Places; this includes geographically definable areas possessing a significant linkage of sites, as well as districts with sites separated geographically, but linked by association, such as the Sacred Peyote Garden.

Gathering Storm Clouds, Pharmaceutical and Psychedelic Renaissance

These formidable twins have generated a nationwide interest in Peyote and mescaline from mainstream society. The pharmaceutical and Psychedelic coalition has allied with Non-Governmental Organizations who have falsely claimed to represent the voice of relevant Peyote tribes. This perfect storm funded heavily by philanthropists and corporate interest is attempting to legalize Peyote/mescaline in over 20 states. There is a corresponding interest by pharmaceutical companies to patent mescaline from Peyote. The same companies are seeking FDA approval for synthetic mescaline treatment. The Northern Arapaho is one of many Peyote tribes who view this effort as an appropriation of a heritage molecule that many Tribal nations have been stewards of for thousands of years.

Recently the Pharma company Journey Colab announced it had engaged in “indigenous consultation with relevant Peyote communities” in their effort to Patent Mescaline and synthetic Mescaline. Neither the Northern Arapaho Tribe nor the Native American Church of North

America or Native American Church of Oklahoma are aware of any Peyote Tribe or Peyote community of federally recognized tribal members that were consulted.

These clearly rogue actions are symptomatic of a deeper malice facing the future of the Peyote Gardens. Pressure from these interests will lead to land grabs, escalating price of harvesting leases, illegal harvest, illegal distribution and ultimately a scenario where Peyote tribes and their members are completely alienated from the sacred lands containing the medicine that our ceremony is wholly dependent on.

American Indian Religious Freedom Act 1978, 1994

From the first iteration of AIRFA in 1978 Pub. L. 95-341 and the amendments of 1994 Pub. L. 103-344 Congress has received testimony which is now Congressional record substantiating that Peyote tribes view the Peyote Gardens of southwest Texas as sacred lands. It is irrefutable that tribal stakeholders view these lands as sacred. I am here to assert again that not only are these sacred lands but that an entire religion/ceremony is at stake if this land does not receive the commitment of the federal government to seek voluntary partnerships with private landowners to protect peyote habitat.

AIRFA broadly authorizes various Congressional committees of jurisdiction and the Administration to protect Native American traditions, religions, ceremonies and sacred sites. How this policy mandate is executed and enforced remains an uncertainty. What is certain however is that AIRFA represents the only statutory vehicle to seek protection for a particular religion. The Native American Church/ Peyote religion stands alone in the books of federal law. This anomaly deserves recognition by this subcommittee and an investment in fulfilling the promise of the American Indian Religious Freedom Act.

Proposed Peyote Habitat Conservation Pilot Initiative.

The Northern Arapaho Tribe is requesting to this subcommittee the establishment of a special Peyote Habitat Conservation Pilot initiative funded at \$5 million in FY 2024. To stem the tide of Peyote habitat loss we propose an initial investment of \$5million to establish a standalone funded grant program within the U.S. Department of Interior and administered by the Interior Department Office of the Assistant Secretary – Indian Affairs.

The proposed Peyote Habitat Conservation Pilot Initiative could take many forms, but the basic premise would be that it would invest in landowners for maintaining their Peyote habitat, converting land into Peyote habitat, and would fund activities that focus on conservation and managed harvest of Peyote for perpetual use. While there are a variety of conservation programs in the Department of Interior, they are highly prescriptive, and their authorizations do not accommodate the unique needs of both Indian country and private landowners.

The Northern Arapaho wish to point out to the subcommittee as well that by reaching voluntary conservation strategies and easements with private landowners it does not correlate with taking this land out of production. Peyote as a plant grows naturally in wild uncultivated habitat

in southwestern Texas in habitat known as thorn scrub under a canopy of mesquite trees. Peyote is a crop, it is harvested by DEA licensed Peyoteros and their paid laborers then purchased by Peyote tribes like the Northern Arapaho and sanctioned Peyote chapters throughout Indian country. Contrary to soil conservation activities by USDA Peyote groves actually retain soil and prevent soil erosion, they require no irrigation other than that provided by natural weather patterns, and they require no maintenance.

Peyote is a crop with producers, harvesters and consumers. It has an intricate and long-standing relationship between these stakeholders and involves an accepted economy that supports the private landowners, harvesters and members of the Native American Church.

This proposed Pilot Initiative is unprecedented in the aspect that non-Indian private landowners are the recipients of proposed conservation investments. The primary beneficiaries however are the 300,000 plus members of the Native American Church, the Northern Arapaho Tribe and other Peyote tribes.

Why It Matters to Indian Country

Medicines used by Indian country are in danger everywhere. These medicines and foods sustained tribal cultures, ceremonies, and religions since creation. Bridging the myriad of conservation programs in Department of Interior, deciphering conservation efforts that protect private landowners' rights and working through the complexities of jurisdictions and land designations is a daunting effort. Indian country needs a program that is easily identifiable and purposeful. A program that not only works with both Peyote tribes and landowners but one that links the policy mandates of AIRFA to an investment in reaching the goals of AIRFA.

The medicines and foods that grow naturally in America and what was once Indian country do not differentiate between federal, private, or Indian country land. They exist as exquisite sacred plants and species that should not only be treasured by the American Indian but by America as well.

The 10,500 plus enrolled members of the federally recognized Northern Arapaho tribe are either directly or indirectly linked to these medicines we rely on them for our continued existence. Our neighboring tribes the Eastern Shoshone, Crow, Northern Cheyenne, Northern Ute, Shoshone Bannock also rely on these medicines including Peyote for their health wellbeing and continued existence.

I urge the subcommittee to invest in this proposed Peyote Habitat Conservation Pilot Initiative, I request additionally that the subcommittee include report language that specifically requires the Department of Interior to engage in a review, assessment, evaluation of the soon to be 45-year-old American Indian Religious Freedom Act. This requested review should include tribal consultation and inclusion of traditional practitioners in consultation.

I thank you on behalf of the Northern Arapaho Business Council for holding these important hearings.