

Written Testimony  
Governor Stephen Roe Lewis  
Gila River Indian Community  
House Natural Resources Subcommittee for Indigenous Peoples of the United States

**H.R. 3160 - Blackwater Trading Post Land Transfer Act**

October 16, 2019  
10:00 a.m.

Good morning Chairman Gallego, Ranking Member Cook, and members of the Subcommittee. Thank you for the opportunity to provide testimony on behalf of the Gila River Indian Community (“Community”) regarding H.R. 3160 -- the Blackwater Trading Post Land Transfer Act.

H.R. 3160 is a non-controversial piece of legislation that authorizes the United States to place into trust for the benefit of the Community 55.3 acres of land located contiguous to but outside of the exterior boundaries of the Community’s Reservation, commonly referred to as the Blackwater Trading Post. Normally, such trust acquisitions would go through an administrative process at the Department of the Interior. However, the Community’s water settlement, which Congress passed in 2004, explicitly requires that any lands located outside the Community’s existing reservation boundaries be taken into trust status through Congressional action. Accordingly, H.R. 3160 is needed to bring this historically and culturally significant land into trust status in order to become part of the Community’s Reservation.

**I. Background**

A. Blackwater Trading Post

The Blackwater Trading Post land that is the subject of H.R. 3160 is surrounded on three sides by the Community’s Reservation, and State highway 287 frontage on the fourth side, south of Blackwater Village. (See Blackwater Trading Post Land Maps attached as Exhibit 1). It most likely began operations shortly after the highway was built in 1926, as a replacement for Pinkley’s Trading Post and/or the Montezuma Station. The store first appeared on maps starting in 1937, when a depiction of Pinal County showed a building in the correct location along the north edge of SR-87. It is possible that one of its earliest proprietors was a man named George T. Adams, who was postmaster of Blackwater in 1931. He and his partner Thomas were listed as traders in that area the same year, though it is hard to know what happened afterwards, as Blackwater drops out of the Arizona State Business Directories (1936; 1937; 1938) entirely after this point, nor does it appear in the Business and Professional Directory of Arizona in 1941.

B. The Community’s Historic Connection to and Purchase of the Blackwater Trading Post

The Community was formally established by Executive Order in 1859. The Community was thereafter expanded several times and currently encompasses approximately 375,000 acres

in Arizona. The Community is comprised of the Akimel O'odham (Pima) and the Pee Posh (Maricopa) people. We are the largest Indian Community in the Phoenix metropolitan area, with an enrolled population of over 22,000. We have a long history in the Phoenix Valley, dating back thousands of years. Part of our Community's history, involved the Blackwater Trading Post.



**Men in front of the old Blackwater Store, ca. 1930 (Photo courtesy of Oreen Johns, Blackwater Community member).**

The Blackwater Trading Post as shown above was originally operated by the Ellis family, who had owned the store for roughly 60 years. The Blackwater Trading Post had been selling and buying goods with the people of the Community since at least 1930. It served as a place within walking distance of the Community's tribal members living in District 1 of the Reservation. The Trading Post made available basic groceries and other goods and tribal members could often trade basketry, pottery and other items for goods when they were unable to pay with cash.

In 2010, the Ellis family sold the Blackwater Trading Post to the Community. Following the sale, an inventory and oral history of the Blackwater Trading Post's museum collection was obtained from Stanley Ellis. At the time of the inventory, the commercial portion of the Blackwater Trading Post occupied a single building consisting of a grocery, a tack shop, a deli, a walk-in cooler/freezer, a store, and a museum. The museum collection contained more than 1,000 items, including 126 Akimel O'otham baskets. The information provided by Mr. Ellis indicated that his family had begun collecting for the museum as early as 1944 or 1946, after acquiring items from Burt Robinson, who had been superintendent of Sacaton between 1930 and 1940. His inventory records also note the purchase of a basket from the Olberg Trading Post in

1972, which had been owned by his family since the 1930s. Over the following years, the Ellis family continued to collect Native American and other artifacts from Community members, non-natives, and auctions. Because the Community was able to purchase the Blackwater Trading Post and all of the items within the museum, this collection of artifacts is now within the Community's Huhugam Heritage Center.



**The Blackwater Trading Post in 2010.**

The Community closed the Blackwater Trading Post once the Community purchased the land in 2010 in order to conduct the inventory but also to evaluate whether the Trading Post needed rehabilitation in order to continue to operate. The Community is unsure whether it will re-open the Blackwater Trading Post, but would like to have this land taken into trust status to ensure that this important parcel of land will always be preserved as an important piece of Community history.

## **II. Need for H.R. 3160**

On December 10, 2004, President George W. Bush signed into law the Arizona Water Settlements Act of 2004, Pub. L. No. 108-451, 118 Stat. 3479 (the "Act"), which at the time represented the largest settlement of Indian water rights in U.S. history. It also represents the culmination and fulfillment of the century-old hopes and dreams of the two tribes that comprise the Community, the Pimas (Akimel O'otham or "River People") and the Maricopas (Pee Posh). The patience, steadfastness and dedication of the Akimel O'otham and Pee Posh throughout this century of conflict and, ultimately, reconciliation, resulted in the passage of the Act and then in

the publication in the Federal Register on December 14, 2007, of the Secretary's finding that all the conditions to the enforceability of the Community's settlement had been met.

On that momentous day in December 2007, the Community's settlement became fully enforceable, which settlement will partially rectify years of deprivation of a fair water supply upon which the Community was wholly dependent. Water was and is the life blood of the Pimas and Maricopas. Water was the key to the Community's agriculturally dependent economy and absolutely essential to survival in arid central Arizona. The key to the Community's future, as it was to the Community's past, was retrieving for the Community its legitimate entitlement to a fair water supply to revive our once vibrant agricultural economy.

While the Community celebrates the enactment and enforceability of the Arizona Water Settlements Act, one of its provisions requires federal legislation to add any future land, such as the Blackwater Trading Post Land, to the Reservation. During the Congressional consideration and passage of the Arizona Water Settlements Act, one of the Arizona Senators insisted upon including language in the bill that explicitly requires that any future lands located outside the Community's existing reservation boundaries be taken into trust status through Congressional action. In particular, Section 210(a) of the Arizona Water Settlements Act states

The Community may seek to have legal title to additional land in the State located outside the exterior boundaries of the Reservation taken into trust by the United States for the benefit of the Community pursuant only to an Act of Congress enacted after the date of enactment of this Act specifically authorizing the transfer for the benefit of the Community.

Thus, while the Community's water rights were protected through federal legislation, now the Community is forced to come back to Congress anytime the Community requests to place land that is outside of the exterior boundaries of the Reservation into trust.

### **III. H.R. 3061: Blackwater Trading Post Land Transfer Act**

H.R. 3061 is a very straightforward piece of legislation that includes the requisite language to authorize the Secretary for the Department of the Interior to place the Blackwater Trading Post Land into trust for the benefit of the Community, thereby meeting the statutory requirements established by the Arizona Water Settlements Act. Section 3 provides that the Secretary shall take the Blackwater Trading Post Land into trust for the benefit of the Community after the Community does the following:

- (1) conveys to the Secretary all right, title, and interest of the Community in and to the Blackwater Trading Post Land;
- (2) submits to the Secretary a request to take the Blackwater Trading Post Land into trust for the benefit of the Community;
- (3) conducts a survey (to the satisfaction of the Secretary) to determine the exact acreage and legal description of the Blackwater Trading Post Land, if the Secretary determines a survey is necessary; and
- (4) pays all costs of any survey conducted under paragraph (3).

Once the Community meets the requirements above, the Secretary shall take the land into trust and the Blackwater Trading Post Land shall be treated as part of the Reservation. At this time, the Community does not have any specific plans for the land. While the Community has no plans to develop the lands, H.R. 3160 provides an explicit prohibition of gaming on the Blackwater Trading Post Land that shall be placed in trust in order to clarify that no gaming will take place on these lands. In particular, Section 3(d) provides that “Class II and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not be allowed at any time on the land taken into trust under subsection (a).”

Pursuant to Section 3(e), 180 days after the date of enactment of H.R. 3160, the Secretary shall publish the full metes-and-bounds description of the Blackwater Trading Post Land in the Federal Register. The Federal Register publication shall constitute the official description of the Blackwater Trading Post Land.

#### **IV. Conclusion**

H.R. 3160 is a non-controversial, bi-partisan piece of legislation that is absolutely critical for the Community to be able to place these culturally significant lands into trust status and become part of the Reservation. The Community thanks the Subcommittee for holding a hearing on this important piece of legislation and we look forward to passing this bill during this Congress.