

Opening Statement by Congressman Bart Stupak

*Committee on Natural Resources
Hearing on HR 2176 and HR 4115
February 6, 2008*

Thank you, Mr. Chairman, Ranking Member Young, and members of the Committee, for the opportunity to testify in support of HR 2176 and HR 4115 to provide for and approve the settlement of certain land claims of the Bay Mills Indian Community and the Sault Ste. Marie Tribe. I have been working on this problem for over ten years and first introduced legislation in 1999 in an effort to resolve this issue.

I first became involved in this land claim dispute at the request of the property owners at Charlotte Beach, not the tribes. Tribal claims to the land have created a “cloud” on the property owned by my constituents in Charlotte Beach. As a result, the property owners have a difficult time trying to secure real estate loans, and have experienced significantly lower property values.

Local assessors have reduced the property values of the Charlotte Beach land owners by 90 percent because of the

“clouded” title created by the land claim dispute. Earl Kay, Chairman of the Chippewa County Commission, has written testimony to provide additional information on the depreciation of land value for Charlotte Beach residents for this hearing, and I ask, Mr. Chairman, that it be included in the record.

In addition, the Charlotte Beach residents’ attorney, Mrs. Leanne Barnes-Deuman, has written testimony on behalf of her clients in support of passing these bills. In her testimony, you will find a description of the dire situation my constituents are in. I ask Mr. Chairman to have that testimony included in the record as well.

The tribes’ claim to the land in question dates back to 1855, when the US government signed the Treaty of Detroit deeding the land to the Tribes. However, the land was later sold to non-Indian speculators, without the tribes’ knowledge, eventually resulting in an eviction of the members of the tribes. More than 100 years later, those individuals who originally stole this land from the tribes are deceased. But the

current landowners are the individuals currently being harmed by the clouded titles and low property values.

In order to finally resolve this land claim dispute, a settlement agreement was reached in 2002 between former Governor John Engler and the Bay Mills tribe. Later that year, the Sault Ste. Marie tribe and Governor Engler reached a similar agreement. These settlement agreements have been reaffirmed by Michigan's current Governor, Jennifer Granholm.

In the settlement agreement, the tribes agree to extinguish their property claims at Charlotte Beach in exchange for land outlined in the settlement. The settlement invokes the Indian Gaming Regulatory Act (IGRA) exception clause of taking lands into trust to settle a land claim and was within the authority granted to the Governor by IGRA.

However, in order to be implemented, Congress must approve the negotiated land settlement agreement. I have introduced HR 2176 with the support of Congresswoman

Miller, and Congressman Dingell has introduced HR 4115, with my support, to implement the land settlement agreements.

It is crucial that Congress approve these two bills to ratify the land settlement agreements reached between the Bay Mills and Sault tribes and former Governor Engler. The tribes have worked collaboratively with the State of Michigan and the Charlotte Beach residents to resolve the land dispute. However, without Congressional approval, the land exchange cannot be completed and the residents of Charlotte Beach will continue to face clouded land titles and economic hardships.

By ratifying these two settlements, Congress has an opportunity to right a wrong and bring an end to a land dispute that has been going on for over 100 years.

You will hear many misleading and false statements about what my and Congressman Dingell's legislation represent. Let me make this crystal clear: these two bills simple ratify a land exchange and put to rest a land dispute.

This is a specific solution to a localized problem that has been arrived at only after extensive negotiations between the parties. Every opponent to our legislation resides outside of Congressman Dingell's, Congresswoman Miller's and my congressional district.

Lastly, if I can get one point across to you today, it is that Congress has settled dozens of Native American land claims, the most recent was the Timbisha Shoshone Homeland Act of 2001. It is time for Congress to exercise its statutory and constitutional duty and ratify this land settlement agreement.

Thank you, Chairman Rahall, and Ranking Member Young, and Members of the Committee for holding this hearing to bring about a final resolution to this land claim dispute. I look forward to working with you to pass this legislation and finally fix this problem.