

**Statement of Congressman Bart Stupak
U.S. House of Representatives**

House Natural Resources Committee

Legislative Hearing on HR 1575 and HR 2120

June 13, 2007

Chairman Rahall and Ranking Member Young, thank you for holding today's hearing.

I am here to testify on two important bills. The first, HR 1575, would re-affirm the tribal status of the Burt Lake Band of Ottawa and Chippewa Indians.

The Burt Lake Band of Ottawa and Chippewa Indians, whose historic name is the Cheboygan Band, has been federally recognized as an individual tribe in the past.

The tribe signed the 1836 Treaty of Washington and the 1855 Treaty of Detroit. In both of these treaties, Burt Lake was recognized by the United States on a government-to-government basis.

Then, in 1911, after the tribe's land had been taken from them and their village burned, the United States filed a land ownership suit on behalf of the tribe. The suit specifically referred to them as the "Cheboygan Band of Indians... a tribe of Indians under the care, control and guardianship of the Plaintiff [United States]".

However, in 1934, Burt Lake was not allowed to re-organize under the Indian Re-organization Act (IRA) because the tribe had been forced off of their land.

In similar instances, federal courts and Congress have determined that this does not terminate a tribe's federal status. Yet, in the 1970's, when the Interior Department produced a list of federally recognized tribes, Burt Lake was not included.

For more than 25 years, Burt Lake has waited on the Interior Department to re-affirm their tribal status. As Interior continued to delay consideration of their petition, Burt Lake turned to Congress for help.

In 1994, Burt Lake had legislation pending before Congress, but agreed to wait until 1995 for their turn. That year came and went.

In 1997, this Committee unanimously approved a Burt Lake re-affirmation bill. The Interior Department then

promised Congress that they would decide on Burt Lake's administrative petition within six months. As a result, the bill was defeated on the House floor. The six months passed with no action from Interior.

Nine years later, Interior finally made a decision. In September 2006, Interior declined to acknowledge the Burt Lake Band's tribal status, even though they agreed that Burt Lake is the same tribe that signed the 1836 and 1855 treaties, and was represented by the U.S. in the 1911 suit.

Interior's rationale behind this decision? Some members of Burt Lake had joined a neighboring tribe to obtain health care services. Interior failed to mention that their own officials encouraged Burt Lake members to do so.

Although some Burt Lake members drive to the neighboring tribe for health services, the Burt Lake Band has still maintained an independent and distinct community.

None the less, the Interior Department has “declined to acknowledge” the tribe’s existence, preventing members of Burt Lake from obtaining health and education benefits in their own community.

However, the Interior Department did note in its decision that, “Congress may consider taking legislative action to recognize petitioners that do not meet the specific requirements of the acknowledgment regulations, but may have merit.”

I have re-introduced legislation (H.R. 1575), with the support of Congressman Kildee, to re-affirm the Burt Lake Band’s tribal status after decades of neglect.

The Burt Lake Band has letters from Cheboygan County, the City of Cheboygan, Michigan, and the Catholic Diocese in nearby Gaylord, Michigan, all supporting federal tribal status for the Burt Lake Band. I am hopeful this Congress will finally right this wrong and provide the Burt Lake Band the tribal status they deserve.

My second bill, HR 2120, would resolve the status of trust land owned by the Sault Ste. Marie Tribe of Chippewa Indians.

In 1983, the federal government took into trust 65 acres of land in St. Ignace, Michigan. While the Sault Tribe has repeatedly requested that this land be declared reservation, the Department of Interior has failed to act.

In 1986, the Sault Tribe opened a casino on the 1983 parcel. However, the facility had significant health hazards due to insufficient ventilation and wastewater systems.

To protect their employees and visitors, the Sault Tribe in 2004 began construction on a new casino on adjacent land placed into trust for the Tribe in 2000. Because the new casino will replace a previously operating casino, it will not lead to any increase in gaming.

At the time, the Sault Tribe believed that this land fit the definition required in the Indian Gaming Regulatory Act

(IGRA). However, the Department of Interior has insisted that gaming cannot be conducted in the new facility.

Interior argues that because the 1983 trust land has not been officially declared reservation, the 2000 land where the casino is built is not “contiguous to the boundaries of the reservation” (IGRA). Interior makes this argument despite several Supreme Court precedents that would include the 1983 land in its definition of a reservation.

I have yet to hear a valid reason why the 1983 land cannot be considered reservation. I have introduced H.R. 2120, to clear up the confusion regarding the 1983 land by officially declaring it reservation.

The Sault Ste. Marie Tribe have been waiting for over 20 years to resolve this problem. The Burt Lake Band has been waiting for over 25 years. This is far too long.

I thank the Committee for holding this hearing today, and I look forward to working with you to pass these two important bills. Thank you.