

**STATEMENT OF
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UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
HOUSE COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE FOR INDIGENOUS PEOPLES OF THE UNITED STATES**

September 14, 2022

Good afternoon, Chair Leger Fernández, Ranking Member Obernolte, and Members of the Subcommittee. Iyuha cante waste nape ciyuzaplo. I greet you with a good heart. My name is Wizipan Garriott, and I am a citizen of the Rosebud Sioux Nation. I serve as Principal Deputy Assistant Secretary for Indian Affairs at the U.S. Department of the Interior (Department).

Thank you for the opportunity to present the Department's testimony regarding H.R. 6032, the Katimiîn and Ameekyáaraam Sacred Lands Act; H.R. 6964, a bill to authorize leases of up to 99 years for lands held in trust for the Confederated Tribes of the Chehalis Reservation; a Discussion Draft of H.R. 7581 the Yurok Lands Act of 2022; H.R.8286, a bill to take certain Federal land in the State of Washington into trust for the Lower Elwha Klallam Tribe, and for other purposes; H.R.8380, the Prairie Band Potawatomi Nation Shab-eh-nay Band Reservation Settlement Act of 2022; and H.R. 8387, the Parity for Tribal Law Enforcement Act.

H.R. 6032, Katimiîn and Ameekyáaraam Sacred Lands Act

H.R. 6032 would transfer approximately 1,031 acres of Federal land, including improvements and appurtenances, in Siskiyou and Humboldt Counties, California, from the Department of Agriculture to the Department of the Interior and direct the Secretary of the Interior to take that land into trust for the benefit of the Karuk Tribe. The transfer of the described land into trust will not affect the status or administration of any component of the national wild and scenic rivers system, including components located on the land. Additionally, the bill directs the Secretary of the Interior to complete a survey of the land taken into trust not later than 180 days after the date of enactment of the bill and prohibits class II and class III gaming on the described land.

The Department supports the goal of this legislation to restore sacred lands to the Karuk Tribe but would like to continue to work with the sponsors and Committee to ensure it achieves that goal. The Katimiîn and Ameekyáaraam land is sacred to the Karuk Tribe and vital to their culture and traditions. We appreciate the difficulty and uncertainty that the Tribe currently faces in relying upon a Special Use Permit for ceremonial access. The Department strongly supports returning traditional and sacred lands back to Tribes. Additionally, the Department supports agreements with Indian Tribes to collaborate in the co-stewardship of Federal waters under the jurisdiction of the Department of the Interior and the Department of Agriculture, as proposed in H.R. 6032's Senate companion bill, S. 4439. As set forth in Joint Secretarial Order 3403, signed by the Secretaries of both the Department of the Interior and the Department of Agriculture, we

will continue to support Tribal opportunities to consolidate Tribal homelands and empower Tribal stewardship of those resources.

H.R. 6964, a bill to authorize leases of up to 99 years for lands held in trust for the Confederated Tribes of the Chehalis Reservation

Since the enactment of the Non-Intercourse Act of June 30, 1834, §12, 4 Stat. 730, codified as 25 U.S.C. § 177, and predecessor statutes, land transactions with Indian Tribes were prohibited unless specifically authorized by Congress. The Act of August 9, 1955, or the Long-Term Leasing Act (LTLA), codified at 25 U.S.C. § 415, provides the authority for Indian Tribes to enter into surface leases with third parties with the approval of the Secretary of the Interior. The LTLA limits lease agreement to 25-year terms with an option to renew for an additional 25 years.

Since 1955, Indian Tribes have engaged in a diverse array of activities to facilitate economic development, and many have required lease agreements for terms longer than 50 years on their lands. Authorizing Indian Tribes to lease their trust lands for terms longer than the 50-year maximum requires Congress to amend the LTLA to add Tribes' names to it. Since its enactment in 1955, Congress has added 59 Indian Tribes to the LTLA for this purpose. The most recent addition to the LTLA was signed into law in 2018 for the Crow Tribe of Montana as section 206 of the Indian Tribal Energy and Self-Determination Act Amendments of 2017 (Pub. L. 115–325) and the most recent standalone legislation was in 2011 for lands held in trust for Ohkay Owingeh Pueblo (Pub. L. 111–381).

In order to develop supply chain infrastructure, the Confederated Tribes of the Chehalis Reservation are seeking financing to make improvements to an existing facility located on Tribal trust land to secure a lease of the facility with an outside entity. The financing required for the project requires a lease agreement term of at least 86 years. H.R. 6964 provides for an amendment to include the trust lands of the Confederated Tribes of the Chehalis Reservation on the list of Tribes in the LTLA so that the Confederated Tribes of the Chehalis Reservation will have the flexibility to enter into leases of up to 99 years to finance this and future economic development projects.

The Department supports this change as it would facilitate economic development opportunities for the Confederated Tribes of the Chehalis Reservation.

Discussion Draft, Yurok Lands Act of 2022

Under the Discussion Draft of the Yurok Lands Act of 2022, the Secretary of Agriculture shall transfer to the Secretary of the Interior administrative jurisdiction over approximately 1,229 acres in the Yurok Experimental Forest and Six Rivers National Forest. The Secretary of the Interior shall then hold the transferred land in trust for the benefit of the Yurok Tribe. The transferred land will not be eligible, or considered to have been taken into trust, for any gaming activity under the Indian Gaming Regulatory Act (25 U.S.C. § 2701, et seq.), nor be subject to old growth logging.

Under the Discussion Draft, the Secretary shall revise the boundary of the Yurok Reservation as depicted on a map entitled “Proposed Yurok Reservation Boundary.” All Forest Service and National Park Service lands within the revised Yurok Reservation shall continue to be administered by the Forest Service and the National Park Service, respectively.

The Department supports the goal of the Discussion Draft to restore ancestral lands to the Yurok Tribe for conservation and research purposes and looks forward to continue working with the Subcommittee on the draft language to ensure the bill achieves this goal.

H.R. 8286, a bill to take certain Federal land in the State of Washington into trust for the Lower Elwha Klallam Tribe, and for other purposes

H.R. 8286 would place approximately 1,082.63 acres of Federal lands managed by the National Park Service into trust for the benefit of the Lower Elwha Klallam Tribe. The land would become part of the Tribe’s existing reservation. The bill prohibits gaming on the land under the Indian Gaming Regulatory Act.

Sections of the lands that include the Elwha River must be managed in accordance with the Wild and Scenic Rivers Act with certain exceptions subject to the Elwha River Ecosystem and Fisheries Restoration Act.

The bill requires the Secretary of the Interior to conduct a survey to define the boundaries of the land taken into trust and gives the Secretary authority to correct minor errors and make minor boundary adjustments.

The Department supports H.R. 8286 as a means of restoring homelands back to the Lower Elwha Klallam Tribe.

H.R. 8380, Prairie Band Potawatomi Nation Shab-eh-nay Band Reservation Settlement Act of 2022

As described in the findings of H.R. 8380, pursuant to the Treaty of July 29, 1829, the Potawatomi and other Indian Tribes ceded land in northern Illinois with the exception of two parcels of land totaling 1,280 acres reserved for Chief Shab-eh-nay and his Band, which came to be known as the Shab-eh-nay Band Reservation. In 1849 the Commissioner of the General Land Office of the United States sold the Shab-eh-nay Band Reservation to non-Indians at public auction. H.R. 8380 provides for the settlement of claims by the Prairie Band Potawatomi Nation (Nation) relating to the Shab-eh-nay Band Reservation.

The bill reaffirms the Nation’s title to 130 acres of the Reservation currently owned in fee by the Nation and provides that the 130 acres shall be included in the Nation’s Reaffirmed Reservation and shall be considered to be owned by the Nation in restricted fee status and is expressly subject to the jurisdiction of the Nation.

Additionally, within 30 days after enactment the bill requires the Secretary of the Interior to pay the Nation \$10,000,000 in partial settlement of the Nation’s claims. Further, the bill provides

that within 180 days of enactment the Secretary shall consult with the Nation and calculate an assessment of the total damages to the Nation stemming from the United States' illegal sale of the Shab-e-nay Band Reservation. Once a final settlement agreement is reached, the bill provides for a payment schedule under which the Secretary shall pay the Nation the remaining total damages. The Nation may use the settlement funds for economic development and to acquire up to 1,151 acres within the Shab-eh-nay Band Reservation or within a designated Replacement Area that comprises the Nation's aboriginal territory near Shabbona, Illinois. The bill provides that land acquired with the settlement funds shall be held by the Nation in restricted fee status.

Under the Biden Administration, the Department is committed to the restoration of Tribal homelands and supports resolving Tribal land claims for wrongful dispossession of Tribal lands. The Department has previously found the Prairie Band Potawatomi Nation to be a successor in interest to the Shab-eh-nay Band, and before proceeding with this legislation we want to ensure that no other Tribes may claim to be a successor in interest. The Department supports the goal of H.R. 8380 to settle Prairie Band Potawatomi Nation's land claims related to the wrongful sale of the Shab-eh-nay Reservation, and the Department welcomes the opportunity to continue to work with the Nation, the sponsors, and the Subcommittee to assess Prairie Band Potawatomi Nation's claims and determine an appropriate settlement structure and terms.

H.R. 8387, Parity for Tribal Law Enforcement Act

H.R. 8387 amends the Indian Law Enforcement Reform Act to provide that Tribal Law Enforcement Officers (LEOs) acting under a Tribe's contract or compact under the Indian Self-Determination and Education Assistance Act would have the authority to enforce Federal law within the Tribe's jurisdiction provided they complete training and background requirements that are equivalent to employees of the Bureau of Indian Affairs Office of Justice Services (BIA-OJS). Additionally, under the bill the Tribe must have adopted policies and procedures that meet or exceed those of the BIA-OJS for the same compacted or contracted program, service, function, or activity.

Importantly, the bill also provides that Tribal LEOs acting under a contract or compact shall be deemed eligible for benefits applicable to Federal LEOs, including Federal death and injury, retirement and pension benefits. Tribes often struggle to recruit and retain LEOs across Indian country, particularly in remote areas. The provision of Federal benefits to Tribal LEOs will help immensely with Tribes' ability to recruit and retain LEOs and provide for the overall safety of their communities.

Under the leadership of Secretary Haaland, improving public safety in Indian country and addressing the Missing and Murdered Indigenous Peoples crisis is a top priority for the Department. The Department supports H.R. 8387 as a means to strengthen public safety and justice in Indian country, and the Department welcomes the opportunity to work with the sponsors and the Subcommittee to refine the bill's language and better understand the cost of implementation.

Conclusion

Chair Leger Fernández, Ranking Member Obernolte, and Members of the Subcommittee, thank you for the opportunity to provide the Department's views on these important bills. I look forward to answering any questions that you may have.