

Susanville Indian Rancheria  
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Susanville, CA 96130

**Testimony of Chairman Arian Hart for the Committee on Natural Resources'  
Subcommittee for Indigenous Peoples of the United States  
Wednesday, September 14, 2022 at 1:00 p.m. EDT**

**H.R. 8115, Recreation and Public Purposes Tribal Parity Act**

Chairwoman Leger Fernandez, Ranking Member Obernolte and Members of the subcommittee, thank you for the opportunity to testify on H.R. 8115 which would include Tribal governments as eligible entities under the Recreation and Public Purposes Act. First, I would like to express my sincere appreciation to our congressman, Doug LaMalfa for introducing this bill, and to our Senator, Alex Padilla, for introducing the companion bill in the Senate. This simple, bipartisan fix will help to create parity between Tribal Nations and other governmental entities for the purposes of the Act so that Tribal governments can participate in this program in the same way that states, localities and non-profit organizations can.

The Recreation and Public Purposes Act – also called the R&PP – authorizes the Secretary of the Interior (DOI) to sell or lease public lands for recreational or public purposes to state and local governments and to qualifying non-profits. For almost 70 years, this law has allowed these entities to buy and lease public lands to be used for public purposes, often at a large discount. For example, under this law, land may be permanently conveyed to state and local governments at no cost when the land is used for recreational or historical monument purposes. For other uses serving the general public, and where a state or local government will control and use the land for governmental purposes (such as parks, social services, administrative services buildings), these entities may lease or purchase land at nominal rates.

Currently, Tribal governments are mistakenly left out of this law so Tribes are not able to acquire land from the Department of Interior through this process to provide for these socially beneficial recreational or public uses. This can also mean that a Tribe that is best suited to protect, and/or interpret, sensitive cultural and historical sites that are within a Tribe's ancestral homelands, has no role in the disposition of such lands if they come up for transfer. It is time to correct this oversight. The omission of Indian Tribes from the list of qualifying applicants under the R&PP has no clear policy rationale and appears to be an oversight, but one with unintended negative consequences.

Since the R&PP's passage in 1926 and subsequent revision in 1954, Congress has continually acknowledged and strengthened tribal sovereignty and self-determination. Under the Indian Self-Determination and Education Assistance Act (ISDEAA), Congress gave Indian tribes the right to acquire excess and surplus property of federal agencies. Just as Indian Tribes are able to assume responsibility for federal programs and excess and surplus property under

ISDEAA, Tribes should be afforded the same opportunities as state and local governments to buy and lease public lands for public and recreational purposes.

The Bureau of Land Management at DOI has identified a list of lands across 18 States that are potentially available for disposal under the R&PP. R&PP grantees hold the land in fee status. However, the R&PP imposes two key restrictions on the grantee's use of the land. First, title to the lands cannot be transferred except to another eligible entity and with the Secretary's approval. *See* 43 U.S.C. § 869-2. Second, entities cannot change the use of the land beyond the original recreational or public purpose without the Secretary's consent.

For the Susanville Indian Rancheria, this legislative fix would allow DOI to transfer to the Tribe a parcel of property (the Eagle Lake Field Station) that the Chico State Enterprises currently has in its possession. The Tribe has deep cultural, historical and geographic connections to this land and, in accordance with the program, we are planning to use this site for cultural and recreational purposes only. The local community was given an opportunity to purchase this land, but only the Susanville Indian Rancheria was interested. Yet, we cannot assume responsibility for the property because Tribes were not included among eligible entities when the original statute was enacted.

DOI provided input in the crafting of this legislation, and it is noncontroversial and bipartisan. This legislation is also supported by the National Congress of American Indians and Northern California Tribal Chairmen's Association.

Again, thank you for holding this hearing today and for your support of H.R. 8115. I am happy to answer any questions you may have.