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CERTAIN INDIAN TRIBES**

GOVERNMENT

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HEARING

BEFORE THE

U.S. SENATE

SELECT COMMITTEE ON INDIAN AFFAIRS

ON

S. 103

TO CONVEY TO THE ELY INDIAN COLONY THE BENEFICIAL
INTEREST IN CERTAIN FEDERAL LAND

S. 667

TO DECLARE CERTAIN FEDERALLY OWNED LAND HELD IN
TRUST BY THE UNITED STATES FOR THE TE-MOAK BANDS
OF WESTERN SHOSHONE INDIANS

S. 947

TO DECLARE CERTAIN FEDERALLY OWNED LAND KNOWN
AS THE YARDEKA SCHOOL LAND TO BE HELD IN TRUST
FOR THE CREEK NATION OF OKLAHOMA

S. 1291

TO DECLARE THAT CERTAIN LANDS OF THE UNITED
STATES SITUATED IN THE STATE OF OKLAHOMA ARE
HELD IN TRUST FOR THE CHEYENNE-ARAPAHO TRIBES
OF OKLAHOMA

MAY 18, 1977



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WASHINGTON : 1977

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JOHN MELCHER, Montana

MARK O. HATFIELD, Oregon

ERNEST L. STEVENS, *Staff Director*

(II)

CONTENTS

BILLS AND DEPARTMENTAL REPORTS

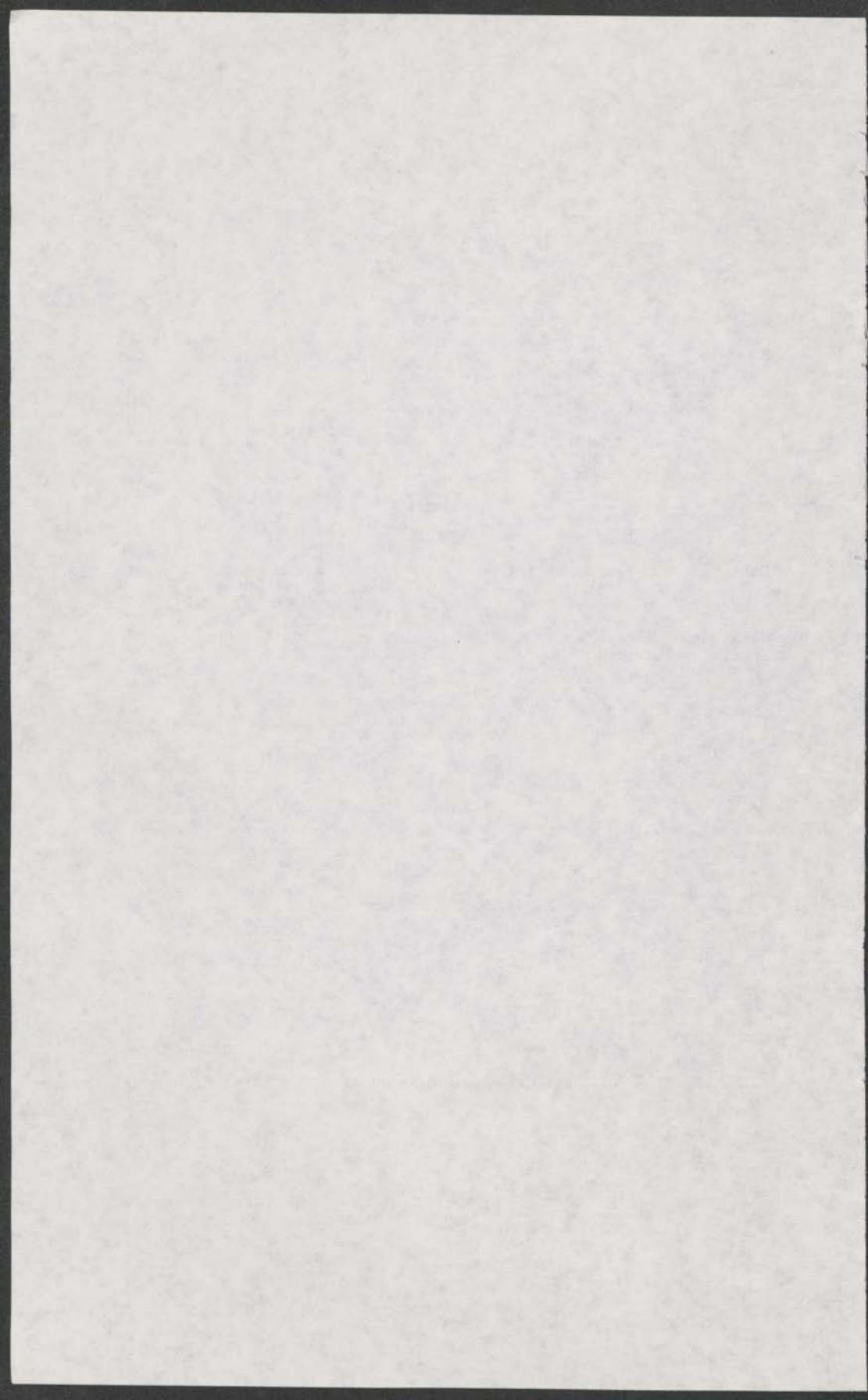
	Page
S. 103.....	2
Departmental report.....	3
S. 667.....	5
Departmental report.....	6
S. 947.....	9
Departmental report.....	10
S. 1291.....	13
Departmental report.....	17

WITNESSES

Birdshead, Saul, Jr., Cheyenne and Arapaho Tribal Council.....	31
Exhibits.....	35-37
Blankenship, Jap, Counsel to the Cheyenne and Arapaho Tribes.....	31
Butler, Raymond, Acting Commissioner of Indian Affairs, Bureau of Indian Affairs, Department of the Interior.....	20
Prepared statement.....	22
Morres, Ross, Nevada Inter-Tribal Council.....	26
Prepared statement.....	27
Resolution of the Inter-Tribal Council.....	29

PREPARED STATEMENTS

Cannon, Howard W., a U.S. Senator from Nevada on:	
S. 103.....	30
S. 667.....	30
Laxalt, Paul, a U.S. Senator from Nevada on: S. 103 and S. 667.....	30



TRANSFER OF GOVERNMENT LANDS TO CERTAIN INDIAN TRIBES

WEDNESDAY, MAY 18, 1977

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Washington, D.C.

The committee met, pursuant to notice, at 10:25 a.m., in room 4200, Dirksen Senate Office Building, Senator James Abourezk (chairman of the committee) presiding.

Present: Senator Abourezk.

Staff present: Alan Parker, chief counsel; Barbara Berger, professional staff member; Hazel Elbert, professional staff member; Ella Mae Horse, professional staff member; Keith Kennedy, professional staff member; and Ernie Ducheneaux, chief clerk.

Chairman ABOUREZK. The hearing will come to order.

The purpose of this hearing before the Senate Select Committee on Indian Affairs this morning is to take testimony on four bills, which would declare certain tracts of land presently owned by the United States to be held in trust for particular Indian tribes in Nevada and Oklahoma.

S. 103 would declare that 90 acres of land presently owned by the United States be held in trust for the Ely Indian Colony in Ely, Nev. The addition of this land to the Ely Indian Reservation would provide a sufficient land base for the construction of adequate housing.

S. 667 would declare that 80 acres of land presently administered by the Bureau of Land Management be held in trust for the Te-Moak Bands of Western Shoshone Indians, the parent council of the Wells Indian Community. The Wells Indian Community presently has no land base, and this bill would enable the 75-member community to become eligible for housing assistance and other benefits available to Indians living on land-based reservations or colonies.

S. 947 would declare that 5 acres of land presently owned by the United States be held in trust for the Creek Nations of Oklahoma. The transfer of this land, which is surplus to the needs of the Federal Government, would assure the tribe of the continued use of the land and the buildings located on it.

S. 1291 would declare that approximately 107 acres of federally owned lands in Oklahoma be held in trust for the Cheyenne and Arapaho Tribes of Oklahoma.

Each of these bills involves a unique set of circumstances, which justify the transfer of these lands to the Indians.

The addition of suitable land will enable these Indian tribes to improve their standard of living and move toward greater economic self-sufficiency.

Without objection, I shall order the departmental reports and bills inserted in the record at this point.

[Material follows:]

95TH CONGRESS
1ST SESSION

S. 103

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 1977

Mr. CANNON (for himself and Mr. LAXALT) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs.

FEBRUARY 11 (legislative day, FEBRUARY 1), 1977

Referred, pursuant to S. Res. 4, to the Select Committee on Indian Affairs

A BILL

To convey to the Ely Indian Colony the beneficial interest in certain Federal land.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That all right, title, and interest of the United States in the
4 land described below, consisting of approximately ninety
5 acres, is declared to be held in trust for the Ely Indian
6 Colony, Nevada: Section 22, township 16 north, range 63
7 east, MDB&M, Nevada, north half southeast quarter north-
8 east quarter northeast quarter southwest quarter.

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★(Star Print)



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20243

MAY 17 1977

Honorable James Abourezk
Chairman, Select Committee on
Indian Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This responds to your request for our views on S. 103, a bill "To convey to the Ely Indian Colony the beneficial interest in certain Federal land."

We recommend that the bill be enacted if amended as suggested herein.

S. 103 declares that a certain 90 acre tract of public domain land is held in trust by the United States for the Ely Indian Colony, Nevada.

The 90 acre tract is public domain land, administered by the Bureau of Land Management, located in White Pine County, Nevada, outside and south of the limits of the city of Ely in an unzoned area. The tract has a cover of sagebrush and grass and slopes at less than 5% with some level areas and some areas of moderate-sized gullies. It is "L" shaped and undeveloped except for an 8-inch steel-cased well which was drilled at the cost of approximately \$5,000 in 1965 for a domestic water supply by the U.S. Forest Service. The tract had been withdrawn for administrative site purposes by the U.S. Forest Service but they have determined that it is not needed. U.S. Highway 93 crosses the tract and telephone and electric power is available. The tract had an appraised value of \$22,000 in 1972.

The Ely Indian Colony Council wishes to utilize the 90 acre tract for the development of 22 housing units for members of the Colony. Only 2 of the approximately 10 acres of their present reservation are suitable for residential use because it is located on the side of a steep hill with a slope of 20 to 30 percent. Eleven homes on the reservation provide living accommodations for only about 30 of the estimated 150 members of the Colony.

The present 10-acre reservation is located within the southwestern portion of the Ely city limits and had an estimated value of \$4,500 in 1972. It was purchased in 1931 for \$1,000 pursuant to the Act of June 27, 1930 (46 Stat. 820).



The Department presently has before it a petition on behalf of the Western Shoshone Indians seeking restoration of some of their aboriginal lands. We want to emphasize that our position on S. 103 is not to be construed as affecting or relating to any Departmental determination concerning the Western Shoshone Indians.

We recommend that line 1 of the bill be amended by inserting the following language between the words "That" and "all:"

", subject to all valid existing rights-of-way, licenses, leases, permits, and easements,".

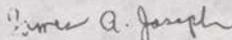
The land description in S. 103 is incorrect and we recommend that lines 6 thru 8 be amended to read as follows:

"Colony, Nevada: The north half of the southeast quarter and the northeast quarter of the northeast quarter of the southwest quarter of section 22, township 16 north, range 63 east, Mount Diablo Base and Meridian, Nevada. Such lands shall be a reservation of the Colony".

While we support enactment of this bill with amendments, we would point out that the Federal Land Policy and Management Act of 1976 (90 Stat. 2757) provides criteria and guidelines for the conveyance of public domain lands. Section 209 of the Act provides that minerals shall be reserved to the United States, unless certain criteria are met. If these criteria are satisfied, then conveyance of the mineral estate shall be made upon payment of administrative costs and the fair market value of the interests being conveyed. This Department, in consultation with the Committee, will be developing a policy concerning these criteria and guidelines and conveyances of land such as those in this bill.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,



JAMES A. JOSEPH
UNDER SECRETARY

95TH CONGRESS
1ST SESSION

S. 667

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10 (legislative day, FEBRUARY 1), 1977

Mr. LAXALT (for himself and Mr. CANNON) introduced the following bill;
which was read twice and referred to the Committee on Indian Affairs

A BILL

To declare certain federally owned land held in trust by the United States for the Te-Moak Bands of Western Shoshone Indians.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, subject to all valid existing rights-of-way and ease-
4 ments, all right, title, and interest of the United States in and
5 to the following described land, and improvements thereon,
6 are hereby declared to be held by the United States in trust
7 for the Te-Moak Bands of Western Shoshone Indians:

8 The north half of the southwest quarter of section
9 4, township 37 north, range 62 east, Mount Diablo base
10 and meridian.

II



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 17 1977

Honorable James G. Abourezk
Chairman, Select Committee on
Indian Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This responds to your request for the views of this Department on S. 667, a bill "to declare certain federally owned land held in trust by the United States for the Te-Moak Bands of Western Shoshone Indians."

We recommend that the bill be enacted if amended as suggested herein.

S. 667 declares that, subject to all valid existing rights-of-way and easements, approximately 80 acres of federally owned land, described therein, is held in trust by the United States for the Te-Moak Bands of Western Shoshone Indians.

The 60 acre tract is vacant public domain land adjacent to the limits of the City of Wells in Elko County, Nevada. The tract is about one quarter mile from the City proper and one half mile from the local high school. It adjoins a railroad right-of-way, other public domain land, privately owned land, and fronts on U.S. Highway 40.

The only improvement on the tract is a fence along the highway. Telephone and electric power lines run through the center of the parcel. It is not within a Bureau of Land Management range unit and we understand that a stock driveway on it has recently been withdrawn.

The land has a cover of sage brush and grasses of a moderate to sparse density. The soils are moderately deep sand and sandy loam. The surface is nearly flat, with a very gentle slope gradient from west to east.

We estimate that the value of the tract does not exceed \$150 per acre or \$12,000 total, including minerals.



The Te-Moak Bands of Western Shoshone Indians is organized under the Indian Reorganization Act of 1934 and has three communities with trust lands at the Battle Mountain Colony in Lander County, the Elko Colony in Elko County and the South Fork Reservation (near Lee) in Elko County. The Wells Indian Community is acknowledged and recognized by the Te-Moak Western Shoshone Council and is forming a community organization under the Te-Moak Constitution and By-Laws similar to such organizations in the other three communities.

Some 75 Indian people reside in Wells, mostly on seven or eight acres of fee patented land they do not own and in wood frame houses of one or two rooms. On several occasions the owners of the land requested the Indians to move, but they have never attempted to force the issue apparently because they are aware that these people have no other land to which they can move. The Wells Indian Community has no Community income and the principal income sources for individuals are agriculture and railroad work.

Attempts have been made for several years by representatives of the Wells Indian Community, the Te-Moak Bands, and the Bureau of Indian Affairs to find land on which adequate housing could be provided for those living in substandard housing. The lack of land has kept these people from participating in HUD's Mutual-Help Housing Program, EDA's economic development programs, and in EIA's Housing Improvement Program. The land transfer proposed in S. 667 would make such participation possible and the development of adequate housing would be the first priority.

The transfer proposed in S. 667 has the support of the Board of County Commissioners of Elko County, the Wells Planning Board, the Nevada Department of Economic Development, the Nevada Indian Commission, the Nevada Inter-Tribal Council, as well as the Te-Moak Western Shoshone Council.

The Department presently has before it a petition on behalf of the Western Shoshone Indians seeking restoration of some of their aboriginal lands. We want to emphasize that our position on S. 667 is not to be construed as affecting or relating to any Departmental determination concerning the Western Shoshone Indians.

In the title of S. 667, the misspelled word "Banks" should be "Bands".

The description of the property in S. 667 is not correct and we recommend that lines 6 thru 8 of the bill be amended to read as follows:

"Colony, Nevada: The north half of the southeast quarter, and the northeast quarter of the northeast quarter of the southwest quarter of section 22, township 16 north, range 63 east, T63N, R63E, Nevada."

It is our understanding that the lands are presently subject to an oil and gas lease offer. Accordingly, we recommend that the word, "leases" be inserted between the words "rights-of-way" and "and" on line 3 of the bill.

While we support enactment of this bill with amendments, we would point out that the Federal Land Policy and Management Act of 1976 (90 Stat. 2757) provides criteria and guidelines for the conveyance of public domain lands. Section 209 of the Act provides that minerals shall be reserved to the United States, unless certain criteria are met. If these criteria are satisfied, then conveyance of the mineral estate shall be made upon payment of administrative costs and the fair market value of the interests being conveyed. This Department, in consultation with the Committee, will be developing a policy concerning these criteria and guidelines and conveyances of land such as those in this bill.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,


JAMES A. JOSEPH
UNDER SECRETARY

95TH CONGRESS
1ST SESSION

S. 947

IN THE SENATE OF THE UNITED STATES

MARCH 9 (legislative day, FEBRUARY 21), 1977

Mr. BARTLETT introduced the following bill; which was read twice and referred to the Select Committee on Indian Affairs

A BILL

To declare certain federally owned land known as the Yardeka School land to be held in trust for the Creek Nation of Oklahoma.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, subject to existing permits and rights-of-way, all right,
4 title, and interest of the United States in the five acres, more
5 or less, described as west half of the northwest quarter of the
6 northwest quarter of section 10, township 10 north, range 13,
7 I.B.M., McIntosh County, Oklahoma, are hereby declared
8 to be held in trust by the United States for the Creek Nation
9 of Oklahoma.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 17 1977

Honorable James G. Abourezk
Chairman, Select Committee on
Indian Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This responds to your request for the views of this Department on S. 947, a bill "To declare certain federally owned land known as the Yardeka School land to be held in trust for the Creek Nation of Oklahoma."

We recommend that the bill be enacted if amended as suggested.

S. 947 declares that, subject to existing permits and rights-of-way, 5 acres of federally-owned land in McIntosh County, Oklahoma, described therein, is held in trust by the United States for the Creek Nation of Oklahoma.

The 5 acre parcel was acquired by the Department of the Interior in 1936 from a member of the Creek Nation, for \$225 paid from funds allotted for the construction of Indian Day Schools for the Five Civilized Tribes. School buildings were constructed, and the property was used by the Bureau of Indian Affairs as the Yardeka Day School from 1937 to 1953.

Pursuant to the Act of June 4, 1951 (67 Stat. 41; 25 U.S.C. 293a), the property was conveyed in 1951 to the Dependent School District No. 3, McIntosh County, Oklahoma. The deed included a provision that if the property were not used for school and other public purposes for a period of one-year, the Secretary of the Interior could declare a forfeiture and title to the property would revert to the United States. The property was used by the School District for almost ten years. Thereafter, the Yardeka Day School was closed and the students were transferred to another school. The property was excess to the needs of the School District and was in need of upkeep, when the School District conveyed the property back to the United States on July 26, 1965. Since then, the Bureau of Indian Affairs has administered the land.

The property has an estimated fair market value of \$2,800. The buildings consist of a one-story frame dwelling, approximately 40-years old, valued at \$1,125.00 and an old frame classroom building valued at \$750. There are two barns and an outbuilding which are of no use and have only a salvage value of \$75.00. The land is valued at \$750, without minerals. The mineral interest is estimated at \$80. The land has prospective value for coal, oil, and gas. One or two thin coal beds may be underneath the tract, but there is no information on the coal beds in the township. Three small gas producing areas are located 5/8 to three miles from the tract.

The property is excess to our needs. In the past few years, the classroom building has been used as a community and adult education center by the local members of the Creek Nation under a permit from the BIA to the Creek Nation. The buildings have also been used for social affairs, demonstration club activities, and as headquarters for two Vista volunteers. A room has been added to the building with the Creek Nation furnishing the materials and the construction labor donated by local residents. In this predominantly low-income Indian community, these buildings serve as a focal point for group activity.

The property is located 3 miles south of Lake Okmulgee and 3 miles east and 4 miles south of Henryetta, Oklahoma. Henryetta has a population of about 6,500 and is the trade center for the area. The tract is accessible by a graded country road and electric power, rural mail delivery, telephone, and school bus service are available. There is no water supply on the property as the drilled well has ceased to furnish water and water must be hauled to the buildings. The economy of the area is based on agriculture and supplemented by employment in Henryetta and by welfare payments.

The Creek Nation of Oklahoma National Council has requested the transfer of the Yardeka Day School property by resolutions adopted April 24, 1976, July 19, 1975, and October 26, 1968.

The transfer proposed in S. 947 cannot be accomplished under the general authority provided by the Act of January 2, 1975 (P.L. 93-599; 88 Stat. 1954; 40 U.S.C. 483(a)(2)).

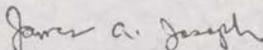
It is our understanding that this tract is not adjacent to any tribal land. Accordingly, we recommend that the land be conveyed in fee. We recommend that the words "declared to be held in trust by the United States for" on lines 7-8, page 1, be deleted and the words "conveyed to" be substituted in lieu thereof. Further, we recommend that the following language be added to line 9:

"The title of the tribe to the land conveyed pursuant to this Act shall be subject to no exemption from taxation or restriction on use, management or disposition because of Indian ownership."

While we support enactment of this bill with amendments, we would point out that the Federal Land Policy and Management Act of 1976 (90 Stat. 2757) provides criteria and guidelines for the conveyance of public domain lands. Section 209 of the Act provides that minerals shall be reserved to the United States, unless certain criteria are met. If these criteria are satisfied, then conveyance of the mineral estate shall be made upon payment of administrative costs and the fair market value of the interests being conveyed. This Department, in consultation with the Committee, will be developing a policy concerning these criteria and guidelines and conveyances of land such as those in this bill.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,



JAMES A. JOSEPH
UNDER SECRETARY

95TH CONGRESS
1ST SESSION

S. 1291

IN THE SENATE OF THE UNITED STATES

APRIL 19 (legislative day, FEBRUARY 21), 1977

Mr. BARTLETT introduced the following bill; which was read twice and referred to the Select Committee on Indian Affairs

A BILL

To declare that certain lands of the United States situated in the State of Oklahoma are held by the United States in trust for the Cheyenne-Arapaho Tribes of Oklahoma.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, all right, title, and interest of the United States in and
4 to the following described lands, and improvements thereon,
5 are hereby declared to be held by the United States in trust
6 for the Cheyenne-Arapaho Tribes of Oklahoma:

7 A tract, piece, or parcel of land lying partly in the
8 northeast quarter section 12, township 13 north, range 8
9 west, Indian meridian, and partly in the northwest quar-
10 ter, section 7, township 13 north, range 7 west, Indian

II

1 meridian, Canadian County, State of Oklahoma, more
2 particularly described as follows: beginning at the north-
3 east corner of said section 12,
4 thence south 0 degrees 56 minutes 25 seconds east a
5 distance of 2,622.63 feet to the east quarter corner of said
6 section 12;
7 thence south 89 degrees 08 minutes 36 seconds west
8 a distance of 232.24 feet;
9 thence south 4 degrees 03 minutes 30 seconds west
10 a distance of 420.90 feet;
11 thence south 64 degrees 49 minutes 23 seconds west
12 a distance of 1,193.98 feet;
13 thence north 1 degree 21 minutes 07 seconds west a
14 distance of 911.11 feet;
15 thence north 89 degrees 08 minutes 36 seconds east
16 a distance of 417.28 feet to a point of intersection with
17 the east right-of-way line of the Rock Island Railroad;
18 thence north 11 degrees 47 minutes 24 seconds
19 east along said right-of-way line a distance of 2,294.73
20 feet;
21 thence northeasterly along a curve to the left with
22 a radius of 2,292.01 feet a distance of 387.19 feet to a
23 point of intersection with the north line of said section
24 12;
25 thence north 89 degrees 07 minutes 19 seconds

1 cast a distance of 400.56 feet to the point or place of
2 beginning which coincides with and is identical to the
3 northwest corner of section 7, township 13 north, range
4 7 west, Indian meridian, from whence proceed north
5 89 degrees 20 minutes 20 seconds east a distance of
6 1,320.00 feet;

7 thence south 1 degree 32 minutes 45 seconds east
8 a distance of 974.19 feet;

9 thence south 89 degrees 20 minutes 04 seconds
10 west a distance of 1,330.29 feet;

11 thence north 0 degree 56 minutes 25 seconds west
12 a distance of 974.19 feet to the point or place of be-
13 ginning, subject to the easements of record. Portion of
14 tract in section 12 (13 north-8 west) contains 61.00
15 acres, more or less. Portion of tract in section 7 (13
16 west-7 west) contains 29.63 acres, more or less. Total
17 area equals 90.63 acres, more or less.

18 A tract or parcel of land in the east half northwest
19 quarter of section 18, township 12 north, range 16 west
20 of Indian meridian, Custer County, State of Oklahoma,
21 more particularly described as follows: beginning at
22 point on the north line of said quarter section, 259 feet
23 west of the northeast corner (quarter corner); thence
24 west along north boundary 426 feet;

25 thence south 01 degree 20 minutes west 705 feet;

1 thence east 640.43 feet parallel with north line;
2 thence south 0 degree 43 minutes west 926.97 feet;
3 thence south 87 degrees 11 minutes 40 seconds
4 west 227.5 feet;
5 thence south 0 degree 38 minutes west 843.67 feet;
6 thence south 25 degrees 10 minutes 20 seconds
7 east 169.5 feet to south boundary of said quarter
8 section; thence east along south boundary 202.85 feet
9 to southeast corner 1 inch diameter iron pin;
10 thence north 0 degrees 43 minutes east 2315 feet
11 along east boundary;
12 thence west parallel with north line 259 feet;
13 thence north 0 degrees 43 minutes east 325 feet
14 to point of beginning, containing 16.56 acres, more or
15 less.

16 SEC. 2. This conveyance is subject to any existing ease-
17 ments, licenses, permits, or commitments heretofore granted
18 or made for a specific period of time, but no such easement,
19 license, permit, or commitment shall be renewed or continued
20 beyond its presently effective termination date without the
21 express consent of the Cheyenne-Arapaho Tribes of Okla-
22 homa. This conveyance is also subject to existing rights-of-
23 way for waterlines, electric transmission lines, other utilities,
24 roads, and railroads.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20240

MAY 17 1977

Honorable James G. Abourezk
Chairman, Select Committee on
Indian Affairs
United States Senate
Washington D. C. 20510

Dear Mr. Chairman:

This responds to your request for the views of this Department on S. 1291, a bill "to declare that certain lands of the United States situated in the State of Oklahoma are held by the United States in trust for the Cheyenne-Arapaho Tribes of Oklahoma."

We recommend that the bill be enacted if amended as suggested herein.

Section 1 of S. 1291 would declare that approximately 107.19 acres of Federally owned lands in Oklahoma are held in trust by the United States for the Cheyenne-Arapaho Tribes of Oklahoma. A portion of the subject lands (90.63 acres) is administered by the Bureau of Indian Affairs and is located in Canadian County. The remainder (16.56 acres) is administered by the Indian Health Service and is located in Custer County.

Section 2 of the bill would make the conveyance subject to any existing easements, licenses, permits, or commitments heretofore granted or made for a specific period of time and to existing rights-of-way for water lines, electric transmission lines, other utilities, roads and railroads.

All 107.19 acres of the lands were owned by the Cheyenne-Arapaho Tribes prior to acquisition of such by the United States pursuant to the Act of March 3, 1891 (26 Stat. 1022) which ratified an August 1890 agreement between the Tribes and the United States. The value at the time of acquisition was estimated at \$1.25 per acre. The BIA-administered portion of the land was set aside for the Bureau of Indian Affairs' Cheyenne Boarding School in 1892. The IHS-administered portion of the land was reserved for BIA farm station purposes in connection with the Segar Indian School and was transferred to the Public Health Service as part of the Clinton Farm Station, now the Indian Health Service Hospital, Clinton, Oklahoma. However, there are no improvements on any of the lands.



The tract administered by BIA is adjoined on the North, West, and East by Cheyenne-Arapaho tribally-owned lands and on the South by federally-owned lands of the BIA's Concho Agency located north of El Reno, Oklahoma. The U.S. Geological Survey indicates that this tract is prospectively valuable for oil and gas, and the minerals are valued at \$80 an acre, or \$8,229.60 total. The total of the surface and subsurface value is \$55,000.

The tract administered by IHS is a separate tract, and not connected to the BIA administered tract. It is a 16.56 acre tract, a portion of the 31.25 acres excluded from some 116 acres of BIA-administered federally-owned land described in and transferred by P.L. 90-310 (Act of May 18, 1968; 82 Stat. 124) to the Cheyenne-Arapaho Tribes. The 31.25 acres are surrounded by Cheyenne-Arapaho tribally-owned land. The 16.56 acre portion in S. 1291 is located between the interior fence of the hospital confines and the boundary fence of the 31.25 acres. The U.S. Geological Survey indicates that this tract is prospectively valuable for oil and gas, and the minerals are valued at \$125 acre, or \$2,070 total. The total surface and subsurface value is \$22,000. We defer to the Department of Health Education, and Welfare for additional current information concerning the tract.

Since the land to be conveyed to the Tribes under S. 1291 is adjacent to Indian-owned fee land, we recommend that the conveyance under this bill be in fee. This will provide a more consistent ownership pattern. Accordingly, we recommend that the words "declared to be held in trust for" on lines 5-6, page 1, be deleted, and the words "conveyed to" be substituted. Further, we recommend that the following language be added to line 24, page 4:

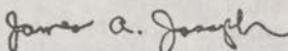
"The title of the Tribes to the land conveyed pursuant to this Act shall be subject to no exemption from taxation or restriction on use, management or disposition because of Indian ownership."

The description of the tract administered by the BIA excludes a 100 foot railroad right-of-way, which should be part of the tract as it is surrounded by land to be transferred under S. 1291, and by tribally-owned land. Accordingly we recommend: the number "417.28" in line 16, page 2, be changed to "212.31;" the word "east" in line 17, page 2, be changed to "west;" the number "2,294.73" on line 19, page 2, be changed to "2,339.61;" the number "2,292.01" on line 22, page 2, be changed to "2,192.01;" and the number "387.19" on line 22, page 2 be changed to "344.39." Further, we recommended that the number "61.00" on line 14, page 3, be changed to "73.24;" the word "west" on line 16, page 3, be changed to "north;" and the number "90.63" on line 17, page 3, be changed to "102.67."

While we support enactment of this bill with amendments, we would point out that the Federal Land Policy and Management Act of 1976 (90. Stat. 2757) provides criteria and guidelines for the conveyance of public domain lands. Section 209 of the Act provides that minerals shall be reserved to the United States, unless certain criteria are met. If these criteria are satisfied, then conveyance of the mineral estate shall be made upon payment of administrative costs and the fair market value of the interests being conveyed. This Department, in consultation with the Committee, will be developing a policy concerning these criteria and guidelines and conveyances of land such as those in this bill.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,



JAMES A. JOSEPH
UNDER SECRETARY

Chairman ABOUREZK. The administration will be represented this morning by Mr. Raymond Butler, Acting Commissioner of Indian Affairs. You will testify on all of this legislation at one time. Is that right?

Mr. BUTLER. If you wish, Mr. Chairman. Some of the staff had mentioned that they would like to split the Oklahoma and Nevada ones up. Whichever you would prefer is fine with me, Mr. Chairman.

Chairman ABOUREZK. We will take all of your testimony. You can present it as you see fit, but there is no use interrupting you for other witnesses.

STATEMENT OF RAYMOND BUTLER, ACTING COMMISSIONER OF INDIAN AFFAIRS, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. BUTLER. Thank you.

Mr. Chairman, I appreciate the opportunity to testify in favor of the enactment of all four of the bills being considered by the committee today. The Department's report on each of these bills include certain technical recommendations.

At the pleasure of the Chair, I would summarize if you wish and have the prepared statement introduced into the record.

Chairman ABOUREZK. Without objection, your full prepared statement will be inserted in the record at the conclusion of your testimony.

Mr. BUTLER. There are three points which I would like to share with the committee this morning. No. 1 is that there are certain technical suggestions that we have made in our reports for the respective bills.

The other two points that I wish to call to the attention of the committee is that in the case of the two Nevada transfers we are recommending that the lands be taken in trust by the U.S. Government.

Chairman ABOUREZK. That is in S. 103 and in S. 667?

Mr. BUTLER. Yes, Mr. Chairman.

However, in the case of S. 947 and S. 1291 on the transfer of the lands to the respective tribes in Oklahoma, the administration has taken the point of view of taking those lands in fee for certain reasons.

Chairman ABOUREZK. What are those reasons? Were you just getting to that?

Mr. BUTLER. Well, the reason for the Creek School is that the lands are not adjacent to any of the tribally owned lands at the present time. In the case of the Cheyenne-Arapaho, the position of the administration is that the lands have never been in trust. When they were conveyed from the tribe's ownership in the original, in 1902, they were in fee.

However, Mr. Chairman, speaking as a trustee for these tribes and their lands and natural resources, thereon, as opposed to expressing the overall administration's point of view, we would not object if the Congress, in its wisdom, decided that the land should be held in trust for these two respective Oklahoma tribes.

Chairman ABOUREZK. I understand that it would be difficult for you to say that the reason that you are advocating that these be put into fee instead of trust is because OMB told you to. You might hesitate to say it, but I do not. I don't see any distinction between

any of these Indian lands. The United States is the trustee for the Indian tribes. It is a matter of continuity. It is not a condition, as far I am concerned personally.

If they are being transferred to the tribes I personally believe that they ought to be in trust. I appreciate that there are people within the BIA who in fact support that position. I also understand that the State of Oklahoma is in support of putting this land in trust as well. Is that correct?

Mr. BUTLER. That is my understanding, Mr. Chairman; yes.

Chairman ABOUREZK. Do you have anything else?

Mr. BUTLER. The other point that I would like to bring to the committee's attention, Mr. Chairman, is the Federal Land Policy and Management Act of 1976 which provided criteria and guidelines for the conveyances of public domain lands.

Section 209 of the act provides that minerals shall be reserved for the United States unless certain criteria are met. If these criteria are satisfied, then conveyance of the mineral estate shall be made upon payment of administrative costs and the fair market value of the interest being conveyed.

I have discussed the provisions of this act with Assistant Secretary Guy Martin. We would like to bring to the committee's attention that as this new administration develops its Indian policy we are proposing that we bring to the respective committees of Congress a policy of guidelines for a joint decision on this.

At this time we would have no objections to the transfer of both the surface and the subsurface mineral rights in these four cases.

Chairman ABOUREZK. Thank you very much. If you have no other comments on all this legislation we will express our thanks to you for your testimony and your appearance today.

Mr. BUTLER. Thank you, Mr. Chairman. It is a pleasure.

[The prepared statement of Mr. Butler follows:]

STATEMENT OF RAYMOND V. BUTLER, ACTING DEPUTY COMMISSIONER, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR AT THE MAY 18, 1977, HEARING BEFORE THE SELECT COMMITTEE ON INDIAN AFFAIRS OF THE UNITED STATES SENATE ON S. 103, A BILL "TO CONVEY TO THE ELY INDIAN COLONY THE BENEFICIAL INTEREST IN CERTAIN FEDERAL LAND; S. 667, A BILL TO DECLARE CERTAIN FEDERALLY OWNED LAND HELD IN TRUST BY THE UNITED STATES FOR THE TENOK BAND OF WESTERN SHOSHONE INDIANS; S. 947, A BILL TO DECLARE CERTAIN FEDERALLY OWNED LAND KNOWN AS THE YARDEKA SCHOOL LAND TO BE HELD IN TRUST FOR THE CREEK NATION OF OKLAHOMA; AND S. 1291, A BILL TO DECLARE THAT CERTAIN LANDS OF THE UNITED STATES SITUATED IN THE STATE OF OKLAHOMA ARE HELD BY THE UNITED STATES IN TRUST FOR THE CHEYENNE-ARAPAHO TRIBE OF OKLAHOMA.

Mr. Chairman and members of the Committee, I appreciate the opportunity to testify in favor of enactment of the four bills being considered by your Committee today. The Department's reports on each of the bills include certain recommended amendments.

S. 103 would declare that a certain 90 acre tract of public domain land located near Ely, Nevada, is held in trust by the United States for the Ely Indian Colony. The tract is undeveloped except for a 12-year old well. U.S. Highway 93 crosses the tract and telephone and electric power is available. The tract was appraised at \$12,000 in 1972.

The Ely Indian Colony Council wishes to utilize the 90 acre tract for the development of 22 housing units for its members. The Colony's present 10 acre reservation is located in Ely, Nevada, but only 2 acres are useable for housing because of a steep slope. The 11 homes on the reservation provide living accommodations for only about 30 of the estimated 150 members of the Colony.

Enactment of S. 103 would provide the Colony with an adequate land base on which new and more adequate housing can be developed.

S. 667 would declare that a certain 80 acre tract of public domain land located adjacent to Wells, Nevada, is held in trust by the United States for the Te-Moak Band of Western Shoshone Indians. The tract is undeveloped except for a fence along U. S. Highway 40 on which the tract fronts. Telephone and electric powerlines run through the center of the tract. The tract is valued at \$12,000.

Some 75 members of the Te-Moak Bands make up what is known as the Wells Indian Community. These people are living on 7 or 8 acres of fee patented land they do not own and in wood frame houses of one or two rooms. On several occasions the owners of the land requested that the Indian people move, but the owners have not pressed the issue apparently because the people have no place to go.

Enactment of S. 667 would provide a land base for the development of new housing for the residents of the Wells Indian Community and with the possibility of participation in economic development and other programs available to Indians living on trust lands.

S. 947 would declare that a certain 5 acre former BIA school site is held in trust by the United States for the Creek Nation of Oklahoma. The parcel is located 4 miles from Henryetta, Oklahoma, and is excess to our needs. It has an old classroom building, two barns, a one-story frame dwelling and an outbuilding. The parcel is served by a graded country road and electric power and telephone lines are available. The parcel and its improvements have an estimated market value of \$2,800.

During the past few years, the classroom has been used as a community and its education center by the local members of the

Creek Nation under a permit from the BIA. A room has been added to the building with the Creek Nation furnishing materials and labor donated by local residents.

Enactment of S. 947 would be of benefit to the Creek Nation members who have been utilizing the land and building and have made improvements at no cost to the Government.

It should be noted that the Department's report on behalf of the Administration recommends that S. 947 and S. 1291 (which I am about to discuss) be amended to provide for title to the lands involved to be transferred to the Tribes in fee simple.

S. 1291 would declare that two separate tracts of land are held in trust by the United States for the Cheyenne-Arapaho Tribes of Oklahoma.

The first tract described in S. 1291 is a 90 odd acre tract of BIA administered land which is excess to the needs of our Concho Agency near El Reno, Oklahoma. This vacant land was formerly owned by the Tribes and is adjacent to lands now owned by them. The tract has telephone and electric powerlines available and is valued at \$55,000.

The second tract in S. 1291 is a 16.5 acre tract of Indian Health Service administered land which is excess to the needs of the IHS Hospital near Clinton, Oklahoma. This vacant land was also formerly owned by them. The tract has telephone and electric powerlines available and is valued at \$22,000.

Enactment of S. 1291 would enable the Cheyenne-Arapaho Tribes to develop a nature park, pow-wow grounds, a historical marker for the site of the first Cheyenne school, a community center building, a retirement home and extended care facility, and undertake an Alcoholism program with a detoxification unit.

This concludes my prepared statement and I will be pleased to respond to any questions the Committee may have.

Chairman ABOUREZK. Now, specifically on S. 103 and S. 667, we have Mr. Ross Morres, who is representing the Nevada Inter-Tribal Council.

Ross, do you have a prepared statement?

Mr. MORRES. Yes; Mr. Chairman.

Chairman ABOUREZK. If you would like to submit that to the reporter and then just highlight in very brief part what you think ought to be done in this legislation we would appreciate it very much.

Mr. MORRES. I had already mentioned to the reporter that I would submit it at a later time, since I have to revise some of it.

Chairman ABOUREZK. All right. The record will be held open for 1 day, because we are going to mark up these bills next week. We have to get the record complete.

Mr. MORRES. Very fine.

STATEMENT OF ROSS MORRES, NEVADA INTER-TRIBAL COUNCIL

Mr. MORRES. In the interest of time—I understand you have a busy schedule, Senator—I would just like to reaffirm the position of the tribes. Since we are talking about both, and since Mr. Butler addressed both pieces of legislation, I will do the same with your permission. Will that be all right?

Mr. ABOUREZK. Yes.

Mr. MORRES. OK, on Senate bill 103, which pertains to the Ely Colony, the Bureau of Indian Affairs and the Nevada Indian Commission and the tribes are in support of that land withdrawal. The Indian tribes in the Ely Colony have approximately 10 acres of land now. That is not adequate to provide adequate housing for the Indian people of that community.

This withdrawal would provide additional land base for home sites on which the Indian people would be able to construct new homes. The same would apply to the Wells Colony, wherein a withdrawal of the acreage in that community, adjacent to Highway 40, would provide the Indian community with a land base that they do not currently have.

By conveying that land in trust to the Bureau of Indian Affairs it would provide the Western Band of Te-Moak Shoshone Indians with a land base that would provide the Indians of Wells with homes that have been endorsed by the Housing and Urban Development's rules and regulations for construction.

In essence, that is what it amounts to. We would appreciate your recommending that the bills be submitted to the Senate with a do pass consideration.

Thank you.

Chairman ABOUREZK. Thank you, Ross. Thank you very much.

[Subsequent to the hearing, Mr. Morres submitted the following statement for the record:]



INTER-TRIBAL COUNCIL OF NEVADA

PHONE (702) 786-3128
98 COLONY ROAD • RENO, NEVADA 89502

3906 Manzanita Place
Alexandria, Virginia 22309

17 MAY 1977

MEMORANDUM FOR: U. S. SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

SUBJECT: Statement in Support of Land Withdrawal, Wells Indian Community, Senate Bill 667

Mr. Chairman, my name is Ross Morres, I am a native of the State of Nevada, and I formerly served as the Chairman and Executive Director of the Nevada Indian Commission for the State. The Nevada revised statutes, among other things, provides that the Nevada Indian Commission shall look into the general welfare of the resident Nevada Indians and report such findings to the Governor and the Nevada State Legislature.

In the performance of my duties and responsibilities as Chairman and Executive Director for the Nevada Indian Commission and the concern expressed for the Indian people, as pronounced in the legislative mandate, I am aware of and have personally been involved in the efforts the Wells Indian community has pursued to seek land for the landless Indians of Elko County.

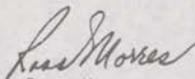
Mr. Chairman, the Te-Moak Band of the Western Shoshone Indian Colony is organized as provided for under Section 16 of the Indian Reorganization Act, 25 USC 476, and administers their tribal Government pursuant to Subchapter G, Part 52, Title 25 Code of Federal Regulations. Pursuant to this legislative authority, Mr. Jackie Woods, the Tribal Management Director, has authorized me to speak on behalf of the tribe.

As you are aware, Mr. Chairman, the Wells Indian Community currently has no land upon which Indian families can reside. What Senate Bill 667 proposes to accomplish is to withdraw the original Indian land that is currently in trust and being administered by the Bureau of Land Management and held by the Federal Government and transfer such trust responsibility from the Bureau of Land Management to the Bureau of Indian Affairs. Such transfer will be an administrative function acquired by the Bureau of Indian Affairs to accommodate people and provide the badly needed home sites for the landless Indians of the Wells Indian Community.

Mr. Chairman, the Inter Tribal Council of Nevada and the Nevada Indian Commission are supportive of this land transfer as is the Bureau of Indian Affairs and no objections have been raised by adjacent land owners.

The passage of this act will provide land upon which new homes will be constructed for the benefit of the Indian people of Wells, Nevada. We urge that your committee submit S-667 to the Senate with a do pass recommendation in order that the tribal members of the Wells Indian community can look forward to the construction of the needed homes on this acreage.

Thank you,



Ross Morris

Incl:
Resolution
No. ITC 74-3

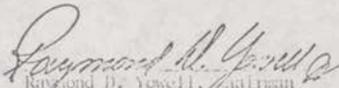
Resolution of the
Inter-Tribal Council of Nevada

INTER-TRIBAL COUNCIL OF NEVADA LIAISON OFFICER

- WHEREAS, the Inter-Tribal Council of Nevada rely on many Federal Agencies located in Washington, D. C. for annual funding of programs, and
- WHEREAS, the majority of important legislation are developed in Washington, D. C. affecting Indian people in this State, and
- WHEREAS, Inter-Tribal Council of Nevada is desirous of improving their awareness of the important legislation being developed, and
- WHEREAS, it is most difficult and expensive to send a representative from Nevada to deal with Federal Agencies providing funding and developing legislation, and
- WHEREAS, Inter-Tribal Council of Nevada has attempted for several years to place a person in Washington, D. C. to act on their behalf in seeking continued funding as well as new funds and to make Nevada people aware of pending legislation and policies, and
- WHEREAS, Mr. Ross Morres, a Nevada Paiute Indian was assigned to an office in the Washington, D. C. area and who is familiar with the dealings of the Inter-Tribal Council of Nevada.
- NOW THEREFORE BE IT RESOLVED that Mr. Ross Morres be designated as a liaison officer for the Inter-Tribal Council of Nevada on matters affecting them, and
- STILL FURTHER RESOLVED Mr. Morres act in the best interest of Inter-Tribal Council of Nevada at all times by continued contact and coordination with the Federal Agencies in Washington, D. C. and Inter-Tribal Council of Nevada.

CERTIFICATION

The foregoing resolution was adopted at a duly called meeting of the Inter-Tribal Council of Nevada Executive Board held on January 12, 1974 at Elko, Nevada, by an affirmative vote of 9 for, 0 against, and 0 abstentions.


Raymond D. Yowell, Chairman
Inter-Tribal Council of Nevada
Executive Board

Chairman ABOUREZK. I also want to submit into the record statements by Senators Cannon and Laxalt of Nevada. The statements are in support of S. 103 and S. 667. Without objection, the statements will be inserted in the record at this time.

[The statements follow:]

STATEMENT OF HON. HOWARD W. CANNON, U.S. SENATOR FROM NEVADA, ON
S. 103

Mr. Chairman, I appreciate this opportunity to submit for the committee's consideration my statement of support for S. 103, a bill to convey to the Shoshone Indian Colony at Ely, Nev., some 90 acres to provide the Colony with a land base.

At present, the Ely Indian Reservation includes some 10 acres of land within the city limits of Ely. Of this acreage, 2 acres are suitable for homes and some 30 individuals live in the reservation boundary. However, there are presently 183 members of the Shoshone Tribe in Ely, some of whom live on the reservation, part on 10 acres of land leased by the tribe and the rest scattered throughout the community.

The legislation before the committee will provide for a common land base for the tribe with potential for future growth. The land base will greatly improve the economic and living conditions of the tribal members. It will also foster a sense of community which is lacking in the present circumstances.

This legislation was introduced in the 94th Congress and also the 93d Congress. I urge the committee to complete action on the measure as early as possible to make this goal a reality for the tribe.

Thank you.

STATEMENT OF HON. HOWARD W. CANNON, U.S. SENATOR FROM NEVADA, ON
S. 667

Mr. Chairman, I appreciate this opportunity to express my support for S. 667, a bill to declare certain lands to be held in trust for the Wells, Nev., community of the Western Shoshone Indians.

This bill will provide a land base of approximately 80 acres to the tribe. There are about 75 Indians residing within the community of Wells, Nev. The land base will make the tribe eligible for housing assistance under the Housing and Urban Development Act. It will also provide a sense of community which will be helpful to the tribe's development.

This proposal is supported by the city of Wells, the State of Nevada and the Bureau of Land Management. I urge the committee's favorable action on this measure.

Thank you.

STATEMENT OF HON. PAUL LAXALT, U.S. SENATOR FROM NEVADA, ON S. 103
AND S. 667

Mr. Chairman, I would like to testify before the Senate Select Committee on Indian Affairs in support of S. 103 and S. 667. These bills will provide a necessary land base for the Ely Colony and Wells Indian Community, both of Nevada, to be eligible for housing assistance and other benefits available to Indian communities with land.

S. 103 would convey the beneficial interest in approximately 90 acres of land in White Pine County, Nev., for the use of expanding the present Ely Colony. The Colony now consists of less than 10 acres. Due to a population growth from 30 to 183 members, and the facilities inherent with this growth, the need for a qualifying land base for various assistance programs and development is pressing. In this regard, I would like to submit for the record a telegram I received from Alfred Stanton, Chairman of the Ely Indian Council.

Identical legislation to S. 103 was introduced in the 92d, 93d, and 94th Congress without action. The prompt scheduling of hearings by this committee, which I sincerely appreciate, leads me to believe this inaction will not be repeated.

Another bill of similar intent is S. 667, which is to provide that approximately 80 acres of federally owned land be held in trust for the use of the Wells Indian Community in Wells, Nev. Their attempts and plans to maintain a viable community and economy depend upon a land base as a qualifying factor.

This Bureau of Land Management land in and around the city of Wells would enable the 75 members of the Wells Indian Community to begin their community development program. The Te-Moak Bands of Western Shoshone is the parent council of the Wells Indian Community and has agreed to have the Wells Indian Community associated with their tribal council for all purposes of self-government.

Of particular importance, I believe, is the fact that this proposal has been well-received and encouraged by the local, State, and Federal organizations involved. I feel this will be borne out today in testimony presented.

In conclusion, I would like to point out that S. 103 and S. 667 facilitate the development of these Indian communities under present self-determination policy. I appreciate the cooperation of this committee in bringing these bills before the Senate without undue delay and urge their favorable consideration.

[Telegram]

MAY 16, 1977.

Senator PAUL LAXALT,
Russell Office Building,
Washington, D.C.

DEAR SENATOR LAXALT: The hearing on SB 103 conveyance of 90 acres of Federal land to be held by the United States in trust for the Ely Indian Colony is to be held at the Dickerson Building, May 18, 1977. SB 103, introduced January 10, 1977, by Mr. Cannon and yourself will add 90 acres of public land to the present Ely Indian Colony. The present reservation embraces 9.95 acres of land which was purchased pursuant to the act of June 27, 1930, 46 Stat. 820. There are 11 private living quarters on the property serving a resident population of 30 persons where as the tribal membership is 183. The property is located on the site of a steep hill and only 2 acres are used for residential home sites. The balance because of its slope is not suitable for home site development. We hopefully request that you will support the passage of this bill on behalf of the Ely Indian Colony.

ALFRED STANTON,
Chairman, Ely Indian Council.

Chairman ABOUREZK. Now, on S. 947 and S. 1291 we have Mr. Saul Birdshead, representing the Cheyenne and Arapaho Tribal Council. He is accompanied by Mr. Blankenship, who is counsel to the tribes.

Would you please step forward?

**STATEMENT OF SAUL BIRDSHEAD, JR., CHEYENNE AND ARAPAHO
TRIBAL COUNCIL, ACCOMPANIED BY JAP BLANKENSHIP, COUNSEL
TO THE TRIBES**

Mr. BIRDSHEAD. Before I begin my statement, Mr. Blankenship will say a few words.

Mr. BLANKENSHIP. For the record, Mr. Chairman, the Cheyenne-Arapaho bill, S. 1291, is the only bill. S. 947 involves the Creek Nation rather than the Cheyenne-Arapahos in Oklahoma.

Chairman ABOUREZK. You are only addressing S. 1291?

Mr. BLANKENSHIP. Yes sir.

Mr. Birdshead will testify briefly on the purposes to which the tribes plan to put these lands. I would like to comment just very briefly on what we learned this morning—the position of the administration on recommending amendments to the bill to transfer the lands to the Cheyenne-Arapahos in fee rather than in trust.

I really cannot improve upon the chairman's remarks. That is exactly the position of the Cheyenne-Arapaho Tribes of Oklahoma. The tribes now own approximately 10,000 acres of land. It is held in trust or in fee by the tribes. That was done by acts in 1938, 1942, and 1946. In each of those instances the land was conveyed to the tribes in trust. Then, in 1960, the 3,900 acres adjacent to the land which we

are talking about this morning, over the tribe's objection at that time, was conveyed to the tribes in fee rather than in trust. Frankly, it was at that point in time when termination was the policy.

The tribes have had problems with that land being in fee. As a matter of fact, we have been actively pursuing the possibility of converting ownership of those lands from fee to trust status. We were up here last week pursuing that very possibility, to see if it could be done administratively.

It is the same way with the lands that the tribes own at Clinton. There are about 120 acres that are adjacent to the 16 acres which are the subject of this bill. In 1968, that land was conveyed to the tribes—again, to the displeasure of the tribal leaders at that time. They tried to get it in trust, but it would not work at that point in time.

Then, 5 years later, in about 1973 a small tract in western Oklahoma was conveyed to the tribes in trust. The Cheyenne-Arapahos would like nothing better than to have all of their land in western Oklahoma in trust rather than this patchwork of fee and trust.

Mr. Birdshead?

Mr. BIRDSHEAD. Thank you, Mr. Chairman, for allowing me to testify before your select committee.

Chairman ABOUREZK. Saul, you don't need to thank us. That is our responsibility—to have citizens come in and testify. Therefore, it is your right. It is not a privilege.

Mr. BIRDSHEAD. I am Saul Birdshead, Jr., a member of the business committee and also treasurer of the Cheyenne-Arapaho Tribes of Oklahoma. I am also one of the traditional Arapaho Chiefs. I appear in behalf of the tribes in support of S. 1291 introduced by Senator Dewey F. Bartlett. The bill provides that all of the right, title, and interest of the United States in two tracts of land situated in western Oklahoma shall be held in trust by the United States for the Cheyenne-Arapaho Tribes of Oklahoma.

Both tracts of land are situated within the original reservation boundaries of our tribes and both are contiguous to lands presently owned by us. One tract, consisting of approximately 90.63 acres, is located at Concho in Canadian County, Okla. The other tract, consisting of approximately 16.56 acres, is located near Clinton in Custer County, Okla.

Attached to my statement as exhibit A is a map showing the location within the State of our original reservation and the location and number of acres presently owned by our tribes, including our lands at Concho and Clinton. Although our original reservation consisted of approximately 4,300,000 acres, the land now owned or held in trust for our tribes is limited to approximately 10,000 acres.

The tribes presently own approximately 3,890 acres of land at Concho. Also located at Concho, on separate Government lands, are the Concho Agency of the Bureau of Indian Affairs and the Concho Indian School. The Department of the Interior has determined 90.63 acres of this present Government land to be excess to the needs of the United States and the bill declares this land to be held by the United States in trust for the tribes.

Attached to my statement as exhibit B is a photocopy of an aerial photograph of the Concho area. Outlined in green are the present boundaries of the Government land. Outlined in red are the approximate boundaries of the land which is the subject of this bill.

With minor exceptions, the remainder of the land depicted in the photograph is that presently owned by the tribes.

In addition to the BIA agency and school, our tribal headquarters are located at Concho. By virtue of a local public works grant in the amount of \$464,000 administered through the Economic Development Administration, we presently have under construction a new tribal headquarters building at Concho. This new 9,600 square feet building is being constructed on tribal land close to the southeast corner of the Government land.

The Cheyenne-Arapaho Tribes have specific plans for the use of the 90 acres which are the subject of this bill. Due to the tribal and BIA facilities located at Concho, our people continually have occasion to meet and assemble there for a variety of business and personal purposes.

As you will note from the aerial photograph, exhibit B, virtually all of our present Concho land is either crop or pastureland which is void of trees or other natural foliage. However, much of the land covered by this bill is heavily wooded, at least by western Oklahoma standards, and it is far and away the nicest natural land area at Concho.

Accordingly, we envisage developing and using a part of the lands as a nature park for our tribal members and other visitors to Concho. It is also an ideal setting for pow-wow grounds and other social and outdoor activities.

This land also includes the site of the first Cheyenne school located on our reservation. The school, built in 1879, was located next to Caddo Springs and was known by that name. Although the school buildings are gone now, the springs still flow and we plan to construct an appropriate historical marker commemorating this site.

In addition to the foregoing plans, a few years ago our tribes commenced a program to build community center buildings within each of the 10 districts located within our original reservation area. This project has been funded solely from the income we have realized from our tribal lands located at Concho. In other words, no part of this project has been financed by Federal funds.

To date, 7 of the 10 community center buildings have been constructed and paid for in full. One of the three buildings not yet constructed is that for the El Reno-Calumet district, the primary reason being the lack of a suitable construction site. The city of El Reno is located approximately 4 miles from Concho and a part of the land covered by this bill would be an ideal site for such a community center building.

The tribes presently own approximately 117 acres of land located 1 mile east of Clinton, Okla. Our lands are situated adjacent to the Indian Health Service Hospital. This hospital is the base center of activity for administering the health to our tribal members residing in our original reservation area of western Oklahoma.

The U.S. Public Health Service has determined that approximately 16.56 acres of unimproved land under its jurisdiction is not utilized or needed for the hospital's mission and, accordingly, that such land is excess to the needs of the Government. The bill declares this land to be held by the United States in trust for the tribes.

Exhibit C is a photocopy of an aerial photograph of the Public Health Service land and our adjoining tribal land. Outlined in green

are the present approximate boundaries of the Government land. Outlined in red are the approximate boundaries of the Government land which is the subject of this bill. The remaining land depicted in the photograph is that presently owned by the tribes.

Mr. Chairman, I would like to ask that exhibits A, B, and C be included in the record.

Chairman ABOUREZK. Without objection, they will be inserted in the record at this time.

[Material follows:]

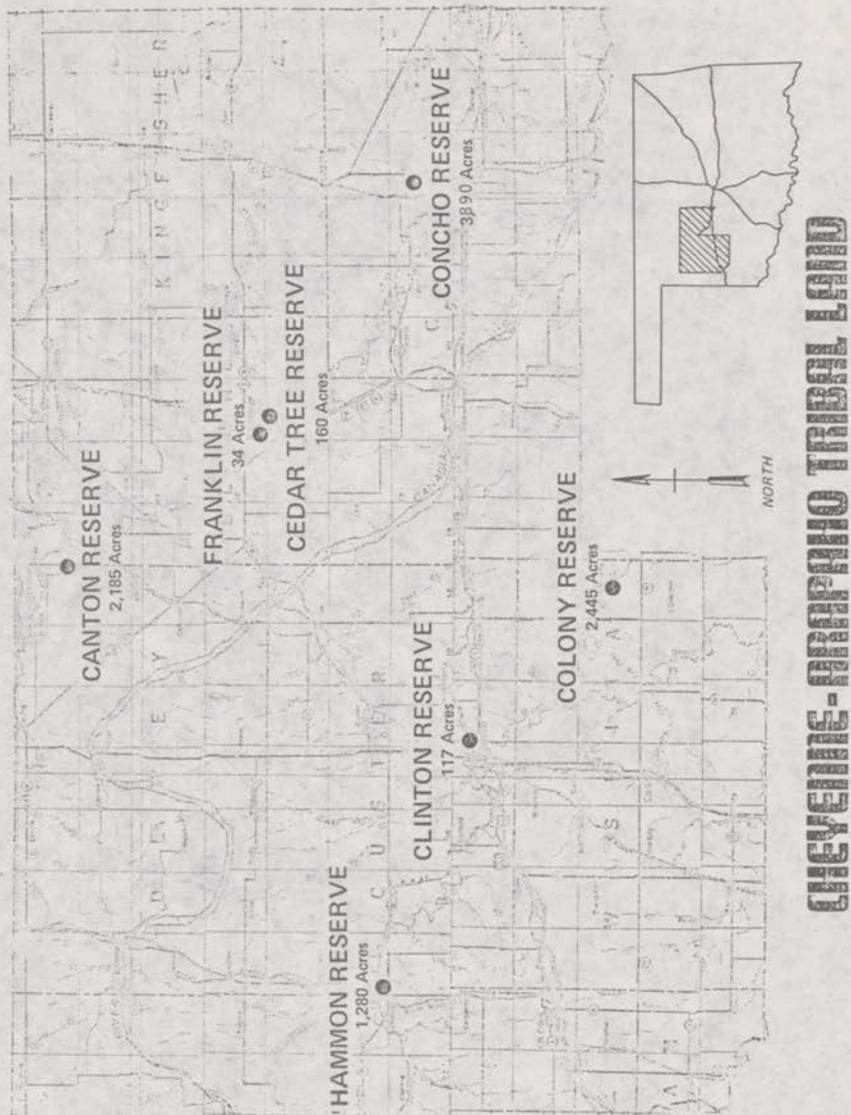


EXHIBIT A

CLEVELAND-DEARBORN TRAP AND CONCHO RESERVES

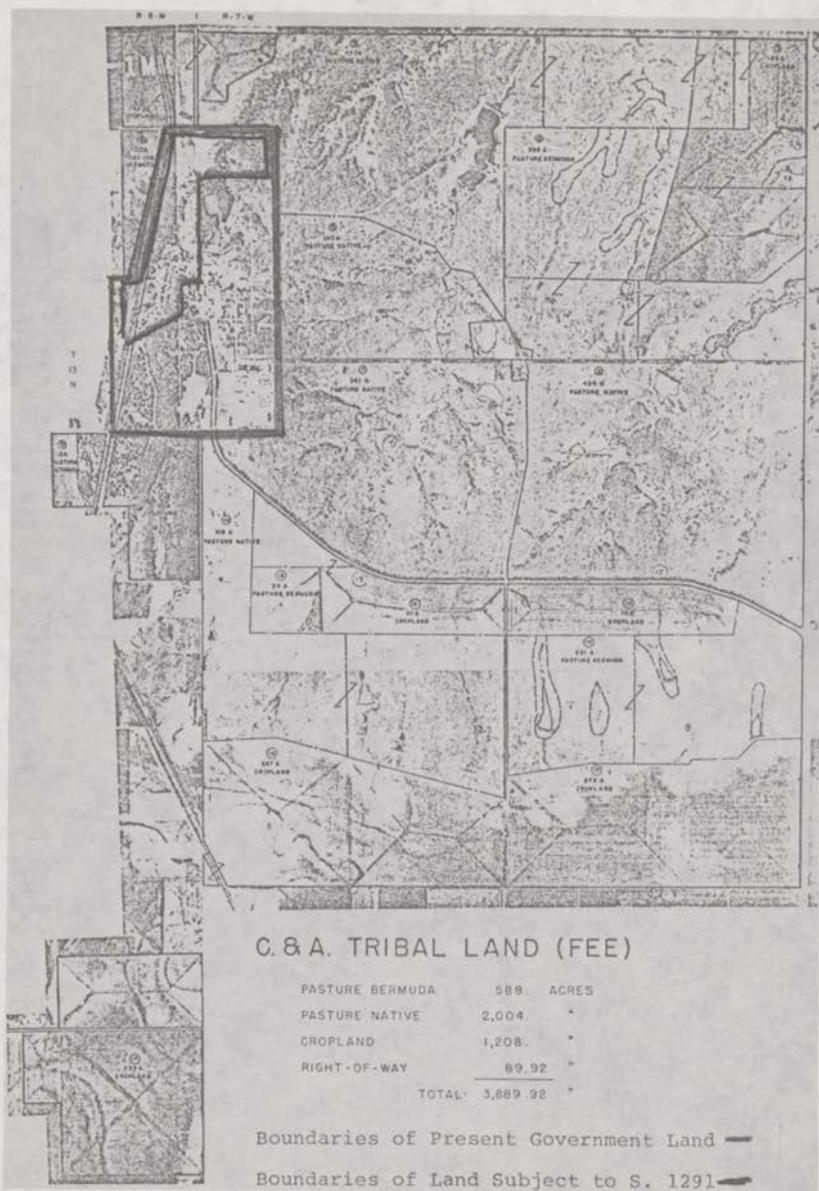
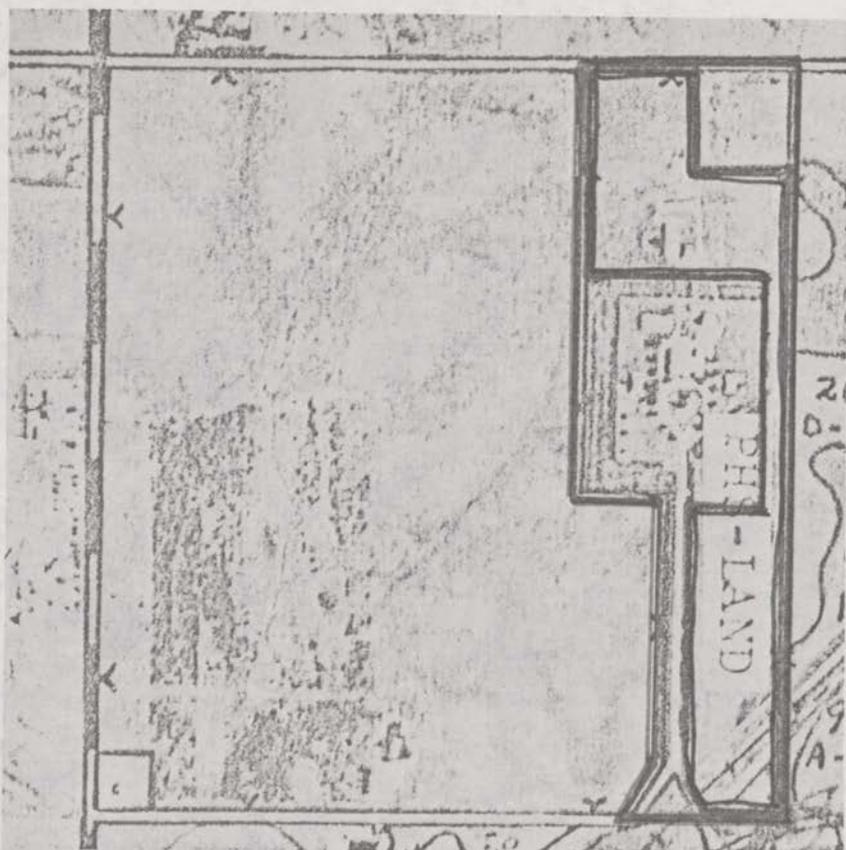


EXHIBIT B



CLINTON RESERVE

Number Acres: 117

Location:

Clinton	1 mile
Oklahoma City	90 miles
County	Custer

Use: Pasture



Boundaries of Present Government Land 

Boundaries of Land Subject to S. 1291 

Mr. BIRDSHEAD. The tribal community center building for the Clinton District is located on our lands at Clinton. An Indian church is also located on these lands. The remainder of the lands are presently being leased for farming and grazing purposes.

For several years, our tribal leaders have had the dream, and have pursued the possibility, of building a retirement home/extended care facility near to the Indian Health Service Hospital. There are retirement homes throughout the area, but they are not for Indians. When you put an old person in there, he is completely lost. We feel there is a real need for such an installation where our elderly people can live their remaining years close to friends and relatives, many of whom live in the vicinity of Clinton.

We also have a very serious problem of alcoholism among many of our tribal members. To combat this disease, we desperately need a detoxification and intermediate care center for our people. This center would also be the headquarters for administering an after-care program, similar to Alcoholics Anonymous, after patients have been released from the center and have returned to their homes throughout the reservation area.

Because of its close proximity to the existing public health service facilities, as well as its topography and access features, a portion of the 16 acres covered by this bill would appear to be an excellent site for the construction of both our retirement home and the alcoholism center.

Until very recently, our tribes simply did not have the necessary human or financial resources available to bring to fruition plans such as I have outlined for the use of these lands at Concho and Clinton. Less than 10 years ago, we had one full-time tribal employee. Today we have approximately 100 full-time tribal employees and an additional 130 trainees and part-time workers.

Through our present tribal leadership and the technical assistance provided to us by our tribal officials and employees, coupled with our tribal financial resources and additional funding available through existing Federal programs, we are confident that our plans for the use of the lands covered by this bill will become realities.

In behalf of the Cheyenne-Arapaho Tribes of Oklahoma, I respectfully urge a favorable report of the committee for the passage of S. 1291.

Chairman ABOUREZK. Thank you very much.

Mr. BIRDSHEAD. Thank you, Mr. Chairman.

Chairman ABOUREZK. Thank you very much for your testimony. We appreciate your appearing here today.

Unless there are other witnesses or testimony, the hearing is adjourned.

[Whereupon, at 10:40 a.m., the hearing was adjourned.]

