

**STATEMENT OF
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INDIAN AFFAIRS
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS**

February 16, 2022

Introduction

Hello and good afternoon Chairman Schatz, Vice Chair Murkowski, and members of the Committee. My name is Kathryn Isom-Clause, and I serve as the Deputy Assistant Secretary for Policy and Economic Development at Indian Affairs at the U.S. Department of the Interior (Department).

Thank you for the opportunity to present the Department's testimony on S. 3123, a bill to amend the Siletz Reservation Act to address the hunting, fishing, trapping, and animal gathering rights of the Confederated Tribes of Siletz Indians, S. 3126, a bill to amend the Grand Ronde Reservation Act to address the hunting, fishing, trapping, and animal gathering rights of the Confederated Tribes of the Grand Ronde Community, S. 3273, the Agua Caliente Land Exchange Fee to Trust Confirmation Act, and S. 3381, the Tribal Trust Land Homeownership Act of 2021.

S. 3123 - A bill to amend the Siletz Reservation Act to address the hunting, fishing, trapping, and animal gathering rights of the Confederated Tribes of Siletz Indians, and for other purposes

In 1980, the Siletz Reservation Act (Siletz Act), P.L. 96-340, established a reservation land base for the Confederated Tribes of Siletz Indians of Oregon (Siletz or Tribe). Section 4 of the Siletz Act requires that a May 2, 1980 consent decree entered into between the State of Oregon and Siletz serve as the exclusive and final determination of the Tribe's and its members' hunting, fishing and trapping rights, and that the establishment of the Siletz Reservation does not grant or restore any rights beyond the consent decree to the Tribe or its members.

The May 2, 1980 consent decree provides that the Tribe has limited locations and take amounts for salmon fishing and deer and elk hunting, no special trapping rights, limited gathering rights, and an option to obtain annual amounts of State-furnished salmon, deer, and elk. The consent decree otherwise prohibits Tribal hunting, fishing, gathering, and trapping activities except as authorized under Oregon State law.

S. 3123 amends Section 4 of the Siletz Act to allow the April 22, 1980 agreement between the State, the Tribe, and the United States defining the Tribe's hunting, fishing and trapping rights to be amended or replaced upon mutual agreement of the Tribe and the State. Upon the State and the Tribe coming to a new or amended agreement, S. 3123 provides that the Tribe and the State

may return to Oregon Federal District Court to request the modification or termination of the May 2, 1980 consent decree currently in effect.

S. 3123 will provide a process by which Siletz and the State may negotiate to amend or replace the existing agreement defining the Tribe's hunting, fishing, gathering, and trapping rights. The bill will allow for Siletz to negotiate their rights to hunt, fish, and trap throughout their ancestral homelands. S. 3123 also provides a vital step forward to allow Siletz to come to a new agreement with the State that may permit the Tribe to exercise their traditional rights more fully as well as manage hunting, fishing, gathering and trapping on their lands. The Biden Administration and the Department are committed to working with tribal governments to protect and preserve tribal traditional hunting, fishing, and gathering rights on tribal ancestral homelands. To that end, the Department supports S. 3123.

S. 3126 - A bill to amend the Grand Ronde Reservation Act to address the hunting, fishing, trapping, and animal gathering rights of the Confederated Tribes of the Grand Ronde Community, and for other purposes

In 1988, the Grand Ronde Reservation Act (Grand Ronde Act), P.L. 100-425 established a reservation land base for the Confederated Tribes of the Grand Ronde Community of Oregon (Grand Ronde or Tribe). Section 2 of the Grand Ronde Act states that the January 12, 1987 consent decree entered into between the State of Oregon and Grand Ronde serves as the exclusive and final determination of the Tribe's and its members' hunting, fishing, and trapping rights, and that the establishment of the Grand Ronde Reservation does not grant or restore any rights beyond the consent decree to the Tribe or its members.

The January 12, 1987 consent decree provides that Tribal members may fish using Tribal, rather than State, permits in limited geographical areas during State-law fishing seasons, as well as a limited right to hunt deer, elk, and bear in limited geographical areas. The Tribe has no special trapping rights, limited gathering rights, and an option to obtain annual amounts of State-furnished salmon. The consent decree otherwise prohibits Tribal hunting, fishing, gathering, and trapping activities except as authorized under Oregon State law.

S. 3126 amends Section 2 of the Grand Ronde Act to allow the December 2, 1986 agreement between the State, the Tribe, and the United States defining the Tribe's hunting, fishing, and trapping rights to be amended or replaced upon mutual agreement of the Tribe and the State, and allows for the Tribe and the State to return to Oregon Federal District Court to modify or terminate the January 12, 1987 consent decree based on a new or amended agreement.

S. 3126 provides an opening for negotiation between the State and Grand Ronde regarding Grand Ronde's rights to hunt, fish, gather, and trap in their ancestral homelands. It also allows for Grand Ronde to come to a new agreement with the State that may permit the Tribe to exercise their traditional rights more fully as well as manage hunting, fishing, gathering and trapping on their lands. The Biden Administration and the Department are committed to working with Tribal governments to protect and preserve Tribal traditional hunting, fishing, and gathering rights on Tribal ancestral homelands. To that end, the Department supports S. 3126.

S. 3273 - Agua Caliente Land Exchange Fee to Trust Confirmation Act

S. 3273 would confirm approximately 2,560 acres of land owned by the Agua Caliente Band of Cahuilla Indians (Tribe) in California as land held in trust for the benefit of the Tribe. This bill makes it clear that the land is a part of the Tribe's reservation. Additionally, the bill makes the land ineligible for gaming under the Indian Gaming Regulatory Act (25 U.S.C. § 2701 *et seq.*). The Tribe plans to manage the land—which is within a national monument area—as conservation lands.

In 1999, the Bureau of Land Management and the Tribe entered into an agreement to acquire and exchange lands within what would become the Santa Rosa and San Jacinto Mountains National Monument, and in 2000, legislation was enacted to facilitate the agreement. In March 2019, the land transfer to the Tribe was finalized. S. 3273 would simply confirm the land transfer and ensure the land is considered part of the Tribe's reservation. The Department supports this bill.

S. 3381 – Tribal Trust Land Homeownership Act of 2021

S. 3381 would impose a series of statutory requirements on the Bureau of Indian Affairs (Bureau) related to the processing and review of mortgage packages. This legislation would codify current processing deadlines for mortgages; require an annual report to be submitted to Congress regarding the mortgages reviewed by the Bureau; establish a Realty Ombudsman position reporting directly to the Secretary; and provide access to the Bureau's Trust Asset and Accounting Management System (TAAMS) for relevant agencies and tribes.

We appreciate Congress' shared interest in ensuring that mortgage packages are reviewed and processed in a timely manner. Notably, the mortgage application review and processing deadlines in this legislation are reflected in the Bureau's existing handbooks and policy.

One specific concern the Department has with S. 3381 is that it would mandate read-only access to TAAMS for the Department of Agriculture, Department of Housing and Urban Development, and Department of Veterans Affairs, as well as tribes. The Bureau currently provides limited TAAMS access to tribes and relevant agencies after the clearance of a background check. Access to TAAMS should be contingent on IT security training and limited to avoid Privacy Act issues.

The Department supports the intent of S. 3381 and looks forward to working with the Committee to provide technical assistance.

Conclusion

Chairman Schatz, Vice Chair Murkowski, and Members of the Committee, thank you for the opportunity to provide the Department's views on these important bills. I look forward to answering any questions.