

**Statement of  
Cheryl Andrews-Maltais  
Senior Advisor to the Assistant Secretary – Indian Affairs  
U.S. Department of the Interior  
Before the  
Committee on Indian Affairs  
United States Senate  
on  
H.R. 4685, Tule River Indian Reservation Land Trust, Health,  
and Economic Development Act**

**September 7, 2016**

Thank you for the opportunity to testify on H.R. 4685, which declares that approximately 34 acres located in Tulare County, California, shall be held in trust for the benefit of the Tule River Indian Tribe. The Department of the Interior welcomes opportunities to work with Congress on lands to be held in trust and supports H.R. 4685, if amended to address concerns noted below.

**Background**

The Tule River Indian Tribe (Tribe) is a federally recognized Indian tribe that resides on the Tule River Indian Reservation (Reservation). The Reservation was initially set aside in 1873, and currently comprises approximately 54,000 acres of rugged foothill lands of the Sierra Nevada Mountains in south central California. The lands proposed to be held in trust for the Tribe under the bill are immediately west of the Reservation and are adjacent to fee lands owned by the Tribe. This isolated parcel has been used mainly for tribal grazing land. The Tribe is constructing a waste water treatment facility on the fee lands.

**H.R. 4685**

H.R. 4685 declares that approximately 34 acres of public land currently managed by the BLM shall be held by the United States in trust for the Tribe, subject to valid existing rights and management agreements related to easements and rights-of-way (including pending ROW applications). Under the bill, the Secretary of the Interior would be required to verify valid existing rights by notifying anyone claiming a management agreement, easement, or other right-of-way, that the lands are now held in trust. Upon this notification, any parties claiming such rights would have 60 days to submit an application to the Secretary requesting that the valid existing rights be converted to a long-term easement or other right-of-way. After submission, the Secretary would be required to grant or deny the application within 180 days; if the Secretary has not acted within this time period, the application would be automatically granted.

Currently, the lands proposed to be held in trust contain two rights-of-way authorizations in place for roads and water pipelines, both for the benefit of the Tule River Tribe, and one right-of-way authorization for power lines to the reservation held by Southern California Edison. Based on a review of aerial imagery, a house may straddle the boundary between the reservation and

public land; a survey would be required to determine exact location, and if further action is needed to resolve boundary. There are no other BLM authorizations, such as easements and leases, on the property, and no mining claims or other encumbrances are known to exist.

The Department supports placing the 34-acre parcel into trust status for the Tribe, and we would like the opportunity to work with the sponsor and Committee on language clarifying the Department of the Interior's responsibilities regarding any improvements, appurtenances, and personal property that may be transferred along with the lands. The Department believes that this clarification is necessary to address concerns about the Federal government having a fiduciary obligation to repair and maintain any acquired improvements. Also, the claimed valid existing rights verification process outlined in Section 2(d) appears to establish an additional, unneeded forum for the resolution of such claims. Generally, valid existing rights on lands held in trust continue in effect until the end of the term, at which time the BIA may negotiate any new or renewed authorizations.

### **Conclusion**

The Department of the Interior welcomes opportunities to work with Congress and tribes on holding lands in trust. We support the intent of the legislation and look forward to working with the sponsor and the Committee to address the issues we have outlined in this testimony.