

## **SANTA CLARA**

POST OFFICE BOX 580  
(505) 753-7330  
(505) 753-5375 Fax



## **INDIAN PUEBLO**

ESPANOLA, NEW MEXICO  
87532  
OFFICE OF GOVERNOR

**Written Statement of  
Michael Chavarria, Governor  
Santa Clara Pueblo**

**Re:**

**Legislation to Provide 99-Year Lease Authority, S. 2916  
Senate Committee on Indian Affairs  
May 18, 2016**

Mr. Chairman, members of the Committee, thank you for considering and for allowing me to testify on S. 2916. This bill is extremely important for future economic development on Santa Clara lands, and we hope that it will be given favorable consideration by this Committee and by the Congress.

25 U.S.C. Sec. 415 generally restricts a lease of tribal land to a term of 25 years, with the possibility of one renewal period of up to 25 years. But in many commercial situations, terms of that length are too short to allow for the amortization of substantial capital investments, which means that big businesses are deterred from locating on tribal lands, even given otherwise favorable lease terms. Apparently recognizing that fact, over the years Congress has amended that section repeatedly, so as to allow nearly 60 tribes the ability to lease their lands for up to 99 years.

In 1992, Congress adopted an amendment to Sec. 415 that allowed 99-year leasing authority for "lands held in trust for the Pueblo of Santa Clara." I am unaware of who was responsible for that language, but whoever it was apparently was not aware of the fact that the lands owned by Santa Clara that are commercially valuable, and that we would want to lease for longer terms, are located within what is known as the Santa Clara Pueblo Grant. This is a square of land, comprising about 17,300 acres, that under Spanish colonial law dating back to the 1600s was considered to be the minimum area of land to which each New Mexico Pueblo was entitled. Congress confirmed our title to that Grant in 1858, but it was subject to federal law restrictions on alienation. So that land is not held in trust, rather, it is held in fee simple ownership by the Pueblo, but under federal supervision. Consequently, the language of the 1992 amendment to 25 U.S.C. Sec. 415, which only applied to lands "held in trust," did not allow us to lease our Grant lands for longer than 25 years. I should say that we do have lands that the United States holds in trust for us, but those lands consist of our forests and Santa Clara Canyon, lands that we would never lease to outsiders.

Senator Udall's bill would fix this problem, and allow us to enter into long-term leases on our commercially valuable lands in and near the City of Espanola. We strongly support the bill, and urge that the Committee back it.

I should add, as I know that it may be on the minds of some of you, that the recent lawsuit filed by the United States against the City of Espanola on behalf of Santa Clara, alleging that the City's water and sewer lines on Santa Clara's lands are in trespass, has nothing whatever to do with our seeking 99-year leasing authority. These matters are totally separate and unrelated.

Thank you for your time and attention. I would be happy to answer any questions.