

**TESTIMONY OF DONALD “DEL” LAVERDURE,
PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR INDIAN AFFAIRS
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
ON S. 636
A BILL TO PROVIDE THE QUILEUTE INDIAN TRIBE TSUNAMI AND FLOOD
PROTECTION, AND FOR OTHER PURPOSES**

APRIL 14, 2011

Mr. Chairman and members of the committee, thank you for the opportunity to appear before you today to present the Department of the Interior’s views on S. 636, a bill to provide the Quileute Indian Tribe tsunami and flood protection, and for other purposes.

The Department supports S. 636. This legislation would make available to the Quileute Indian Tribe 785 acres of land currently within the boundary of Olympic National Park in order to facilitate the tribe’s move to new lands on higher ground, away from the frequent flooding and the tsunami risk that the tribe currently must contend with. The legislation also seeks to protect the natural resources of the land removed from the park, to encourage agreements between the National Park Service and the tribe on matters related to the land, and to designate approximately 4,100 acres of Olympic National Park as Wilderness.

The Quileute Indian Tribe is a small, Federally recognized tribe in the State of Washington. The Quileute Indian Reservation, established in 1889, is located on the Olympic Peninsula along the Pacific Ocean. The reservation is bordered to the north by the Quillayute River and to the east and south by Olympic National Park. It consists of approximately 880 acres and is home to about 375 residents. Most of the reservation is located within the flood zone and much of the tribal infrastructure, including their administrative buildings, school, elder center, and housing is within the tsunami zone. Recent tsunamis in the Pacific Ocean, including the one which struck Japan last month, clearly demonstrate the risk faced by the tribe and the need to move housing and infrastructure inland.

The 785 acres of land within Olympic National Park that would be held in trust for the tribe under S. 636 are in two parcels. The northern parcel, known as Thunder Field, is comprised of approximately 510 acres along the south side of the Quillayute River. A 275-acre parcel, 220 acres of which are designated wilderness, lies immediately south of the current reservation boundary. There are no park-owned facilities or trails in this area, and there are few opportunities for park visitors.

In addition to providing for the 785 acres to be held in trust by the United States for the benefit of the Quileute Indian Tribe, and to excluding this land from the boundary of Olympic National Park, S. 636 also would:

- designate approximately 4,100 acres of new wilderness within Olympic National Park as additions to the existing Olympic Wilderness;

- provide for placing in trust for the benefit of the tribe the approximately 184 acres of non-Federal land that the tribe has recently acquired;
- express the intent of Congress regarding preservation, protection and alteration of the 785 acres, and cooperative efforts between the National Park Service and the tribe.
- provide specific restrictions on the use of the 785 acres in order to protect the land's resources; and
- provide for continued public access and use of park and tribal lands at Second Beach, Rialto Beach, and along the Quillayute and Dickey Rivers.

The National Park Service has worked collaboratively with the tribe over many years to address these issues. As such, the Department supports S. 636 and its balance of tribal safety with protection of park resources and visitor access.

Mr. Chairman, that concludes my statement. I would be pleased to respond to any questions you or the other members may have.

**STATEMENT OF
DONALD "DEL" LAVERDURE
PRINCIPAL DEPUTY ASSISTANT SECRETARY – INDIAN AFFAIRS
DEPARTMENT OF THE INTERIOR
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS**

HEARING ON S. 703

APRIL 14, 2011

Good afternoon Mr. Chairman and members of the Committee. My name is Del Laverdure and I am the Principal Deputy Assistant Secretary for Indian Affairs at the Department of the Interior. I am pleased to be here today to present the Department's views regarding S. 703, the Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act.

This Administration continues to support tribal self-determination, and we recognize that tribal control over tribal resources is intrinsic to this policy.

We understand that tribal homelands are essential to the health, safety, and welfare of the First Americans, and that it is important for Indian tribes to have the ability to determine how their homelands will be utilized. This is why the Department is in the process of revising our own regulations governing leasing on Indian lands. Our revisions will streamline the process by which leases of Indian lands are approved, thereby promoting homeownership, economic development, and renewable energy development on tribal lands.

The HEARTH Act is consistent with this effort, and we are pleased to strongly support this legislation. S. 703 would amend certain sections of 25 U.S.C. § 415 (the Indian Long-Term Leasing Act) to permit tribes that choose to develop their own leasing program to approve and enter into certain leases without prior express approval from the Secretary of the Interior. Under this legislation, willing tribes would initially submit their own leasing regulations to the Secretary of the Interior for approval. Following Secretarial approval of such leasing regulations, tribal governments would process leases for tribal trust land at the tribal level, pursuant to their own laws, without a requirement for further approval of the Secretary. This has the potential to significantly reduce the time it takes to approve leases for homes and small businesses.

Pursuant to the HEARTH Act, leases would be limited to an initial term of 25 years, but could be renewed for up to two additional terms of up to 25 years each. Tribes could also approve leases for public, religious, educational, recreational, or residential purposes for a term of up to 75 years where permitted by tribal regulations. Tribal leasing regulations would not apply to mineral leases or leases of individual Indian allotments.

As noted above, under S. 703, tribes that desire to develop and implement their own regulations governing leasing would be able to submit tribal regulations for approval by the Secretary of the Interior. The Secretary would be required to approve tribal regulations that are consistent with the Department's own regulations governing leasing on Indian lands. The HEARTH Act requires the Department to review tribal leasing regulations within 120 days, but does provide us with the flexibility to extend this time period in consultation with the affected tribe.

The HEARTH Act ensures that the Department will retain the authority to fulfill its trust obligation to protect tribal trust lands through the enforcement or cancellation of leases approved under tribal regulations, or the rescission of Secretarial approval of tribal leasing regulations, where appropriate. At the same time, the HEARTH Act ensures that the United States will not be liable for losses incurred as a result of leases approved under tribal leasing regulations.

Finally, the HEARTH Act would require the BIA to prepare and submit a report to Congress regarding the history and experience of Indian tribes that have chosen to assume responsibility for operating certain Indian Land Title and Records Office (LTRO) functions from the BIA. Such review would include consultation with the Department of Housing and Urban Development Office of Native American Programs, and those Indian tribes managing LTRO functions. The Department agrees with the factors to be considered in the review.

We anticipate that the HEARTH Act will ultimately reduce the costs of implementing tribal leasing programs for the federal government by allowing willing Tribes to assume control of leasing on tribal lands. By increasing efficiency in the implementation of tribal leasing programs, the HEARTH Act will go a great distance in promoting homeownership, economic development, and renewable energy development by restoring tribal authority over tribal lands. The Department strongly supports S. 703 and wants to continue our conversations with the Committee on further refinements to the bill text. In closing, I look forward to working with this Committee in continued support of Indian tribes.

Thank you for the opportunity to present testimony on S. 703. I will be happy to answer any questions you may have.