

STATEMENT OF ARLAN D. MELENDEZ, CHAIRMAN
RENO SPARKS INDIAN COLONY, NEVADA
SUBMITTED BEFORE THE U.S. SENATE COMMITTEE ON INDIAN AFFAIRS
REGARDING S. 1436, NEVADA NATIVE NATIONS LAND ACT

Wednesday, October 7, 2015

Chairman Barrasso, Vice Chairman Tester and distinguished Members of the Committee on Indian Affairs. I am pleased to submit this testimony in support of S. 1436, the Nevada Native Nations Land Act, legislation introduced by Nevada Senators Harry Reid and Dean Heller. We are also pleased that identical legislation (H.R. 2733), has been introduced in the House by Congressmen Mark Amodei and Cresent Hardy of Nevada. The House Natural Resources Subcommittee on Indian, Insular and Alaska Native Affairs held a hearing on H.R. 2733 on July 15, 2015, at which I testified.

Thank you for inviting me to testify on S. 1436 and for considering our views. I have been acting as the leader of the Nevada Tribal Lands Coalition, which consists of the following tribes:

- Fort McDermitt Paiute and Shoshone Tribe
- Shoshone Paiute Tribes of Duck Valley
- Summit Lake Paiute Tribe
- Pyramid Lake Paiute Tribe
- Duckwater Shoshone Tribe
- Reno-Sparks Indian Colony

As I will be the only Nevada tribal leader testifying from this coalition, my oral testimony will describe the needs of each of the tribes requesting a land transfer and I am honored to speak on their behalf. Each of the other tribes will likely also be submitting a written statement for the record and their statements should be relied upon for the specifics of their pending land transfer requests. Therefore in this written testimony for the record my remarks are mostly specific to the Reno Sparks Indian Colony's land expansion needs but I will include the following as a brief summary of each of the tribes' requests for the land transfer:

Fort McDermitt Paiute Shoshone Tribe:

The bill would transfer BLM land to resolve checkerboard lands issues. This would address law enforcement and emergency personnel jurisdictional questions, as well as enable housing development. Planned land use and development of natural resources will also ensure environmental biodiversity and ensure better public health and safety.

Shoshone Paiute Tribes of Duck Valley Reservation:

The bill would transfer a small parcel of Forest Service land, a longstanding goal. When the Forest Service relocated its District headquarters, housing units were abandoned. The tribes would like to renovate these units to address chronic housing shortages and to help recruit medical professionals, law enforcement and conservation personnel.

Summit Lake Paiute Tribe:

The bill would accomplish a long-sought transfer of BLM land for protection and management of Summit Lake's natural resources and fish population and to unify the reservation. Reservation lands surround the lake except in one area. Summit Lake is home to the Lahontan cutthroat trout, which was integral to the Tribe's culture and a vital food source. The transfer will allow for improved management and trout habitat restoration.

Pyramid Lake Paiute Tribe:

The bill would transfer BLM land to expand the reservation boundary to fully incorporate the watershed of Pyramid Lake. Other sections near the lake would be used for potential economic development and management efficiency.

Duckwater Shoshone Tribe:

The Duckwater Shoshone Tribe plans to utilize added lands for economic development and community growth. The additional lands will allow the Tribe to expand agricultural operations, plan for renewable energy projects, additional housing & facilities development, and protection of cultural and spiritual sites, as well as wildlife. The Tribe's plan for the lands incorporates our spiritual, cultural, natural resource management, and economic heritage with a goal of self-sufficiency.

Common Themes Amongst Nevada Native Nations Land Act (S. 1436) Tribes

Our tribes' membership numbers are growing and the carrying capacity of our current lands is very limited. It is only by being able to expand and consolidate our lands for housing, development, and preservation that our tribes and cultural practices can continue to thrive. Each tribe in S. 1436 has specific reasons for seeking to expand the lands of our reservations and we are united in our need for better management and more effective use of these lands. We are fully capable of assuming these responsibilities. With the exception of a small parcel owned by the Forest Service, the lands in question are presently owned by BLM so transferring title to a different Interior agency (BIA) is not going to, for instance, affect the tax base. In a number of instances, upon acquiring land, Indian tribes have been able to undertake economic activities that have generated jobs and benefited both reservation and off-reservation economies and helped create jobs.

We ask that you examine almost any map of Indian reservations in this country and you will see that through historic quirks of fate, the majority of land bases of the tribes in Nevada, particularly when compared to the land bases of many other tribes, are so small as to border on being non-workable. There are numerous million plus acre reservations in Montana, North Dakota, South Dakota, Washington, Utah, Wyoming, Arizona and New Mexico and many more reservations that are hundreds of thousands of acres in size yet the majority of Paiute and Shoshone tribes of the Great Basin ended up with almost nothing. In many instances our existing homelands are so small they don't even show up on many state maps. S. 1436 would put to effective use by tribes lands that are underutilized and not being adequately managed.

Background on Reno Sparks Indian Colony

The historical context for how our current reservation came to be is as follows:

In the 1880's, an urban Indian settlement made up of landless Indians from the regional Washoe, Shoshone and Paiute tribes started along the Truckee River next to the City of Reno. A land base of 20 acres was purchased in 1917 by the Federal government to provide a permanent home for this urban settlement. The Colony population grew along with the City of Reno. In 1934, the Reno-Sparks Indian Colony (the RSIC) was established as a federally recognized Tribal government under the Indian Reorganization Act. By the mid-1980's, the City of Reno had grown to the point of engulfing the undersized lands of the RSIC. The land base of the Reno Colony, near

downtown Reno, is just 28 acres of densely packed homes. The majority of the land uses that surround the Colony today consist of industrial development, warehouses, freeways, and storage lots. With this legislation, our hope is to avoid a repeat of what we have experienced the last 100 years of encroachment of incompatible uses at our front door. Less than 3% of the land base is designated as park and open space. The residential area is totally built out and could not accommodate another home.

In 1986, pursuant to a bill introduced by former Representative Barbara Vucanovich (R-NV), Congress transferred three sections of land north of Reno from the Bureau of Land Management (BLM) to the RSIC (and to BIA to be held in trust) to address the need for additional community housing. Currently, this area, known as the Hungry Valley community, houses approximately half the RSIC's population. The Hungry Valley community is seven miles west of the Spanish Springs community and 17 miles north of the City of Reno. The RSIC has spent millions of dollars in public improvements and community development, for example building homes; water and sewer system; community buildings and construction of Eagle Canyon Road from Pyramid Lake Highway to the Hungry Valley community. We also created a tribal utility district to supply water and sanitary sewer service to residents. The water system includes production wells, water tanks and a water treatment facility. Our primary production wells are located over a mile away on BLM lands within the area requested in S. 1436. The community sewer system provides for the treatment of all wastewater. The Hungry Valley Community Center we built is the primary public facility serving residents, with a volunteer fire department, offices for Housing Department, Utility District, Head Start Program, a gym, and meeting rooms. When Congresswoman Vucanovich was successful in the passage of the bill (public law 99-389) establishing the Hungry Valley Reservation she told us that if at some point in the future we needed to supplement the Hungry Valley land, that we should make such a request of the Congress. Here we are today making such a request and greatly appreciative of Senator Reid, Senator Heller and Congressman Amodei's leadership and support on this matter.

Further Need for this Legislation to Benefit the Hungry Valley Residential Community

The Hungry Valley community is surrounded by BLM public lands to the west, north, and east. Directly to the south and southeast is an active open aggregate mining pit which conducts blasting on a regular basis. In 2000, a large scale clay mining operation with two open pits was

proposed on BLM land directly adjacent to the Hungry Valley community. The mine was never put into operation. The Colony eventually purchased the 6,000 acres of mining claims and currently pays a \$41,000 annual maintenance fee to the BLM. The 6,000 acres of mining claims are totally located within the lands requested in S. 1436. Many adverse activities are routinely occurring (in some cases permitted by the BLM, in other cases in violation of BLM regulations) on the lands adjacent to our residents' homes in Hungry Valley including:

- Unlimited off highway vehicle (OHV) recreation area.
- Loud and disruptive motorcycle events.
- Gun Shooting events & recreational shooting – with assault weapons – near residential areas.
- Illegal dumping.
- Unauthorized creation of motorcycle race tracks.
- Military practice operation with simulated explosive devices. (Hopefully an activity that won't be repeated.)

Initial target shooting involved rifles. More recently it has escalated to assault weapons including apparent efforts at cutting trees down by shooting streams of bullets via such high powered guns. These are not activities anyone would want to see in proximity to a residential area. There are hundreds of thousands of acres of lands in Nevada not adjacent to a residential community where such activities can readily take place.

Proposed Land Transfer from BLM to BIA

The RSIC is proposing to acquire through a Congressional transfer approximately 13,434 acres from the BLM to the Bureau of Indian Affairs (BIA) in trust for the RSIC in order to better manage and preserve the cultural and natural resources at the Hungry Valley residential community. Both BLM and BIA are agencies of the Department of the Interior. These 13,434 acres represent 0.028% of the 47 million acres of BLM lands in Nevada, lands that were once the exclusive domain of Paiute, Washoe and Shoshone tribes of Nevada.

The local BLM staff are overwhelmed and readily admit they cannot enforce their own regulations and ordinances in Hungry Valley. We believe that transferring this land to the BIA's jurisdiction to be held in trust for the RSIC is important for the citizens of our Tribe and for the

surrounding communities. We are pleased to have the support of the Washoe County Commissioners who, on December 13, 2013, unanimously supported our BLM land transfer request.

In addition to public safety concerns, there are important cultural reasons why Hungry Valley is of great significance to us. We seek to manage this land so as to ensure for future generations that the open natural landscape that provides essential spiritual and traditional cultural support for our people will continue to be accessible and be properly managed. It is the intention of the Tribe to preserve and manage these scenic, cultural and natural resources. In the past, the Hungry Valley region was a traditional link between Pyramid Lake and the Truckee Meadows. Many camps and cultural resources have been identified by past archaeological studies. Many elders and residents continue to use Hungry Valley for spiritual and traditional activities. Several prominent landscape features in the Hungry Valley area are used for traditional religious practices and are a source of medicinal plants.

We are very proud of the many cooperative efforts we have entered into with the State of Nevada and with the governments that surround our downtown reservation as well as our existing Hungry Valley lands. We assure the Congress that this spirit of good will and cooperation will continue and that all parties in the surrounding areas will benefit by this proposal.

Thank you for your consideration of this bill. We greatly appreciated this Committee's bipartisan support for this bill last year when it was reported out to the full Senate, and we of course hope you will move it to the Senate floor and final passage this year. I would be pleased to answer any questions you might have.