

TESTIMONY OF PETER S. YUCUPICIO, CHAIRMAN OF THE PASCUA YAQUI TRIBE OF ARIZONA BEFORE THE SUBCOMMITTEE ON INDIAN, INSULAR AND ALASKA NATIVE AFFAIRS IN SUPPORT OF H.R. 2009, A BILL TO PROVIDE FOR THE CONVEYANCE OF CERTAIN LAND INHOLDINGS OWNED BY THE UNITED STATES TO THE TUCSON UNIFIED SCHOOL DISTRICT AND THE PASCUA YAQUI TRIBE OF ARIZONA.

November 4, 2015

Good afternoon Mr. Chairman, honorable members of the House Subcommittee on Indian and Alaska Native Affairs. My name is Peter Yucupicio and I am a member of the Pascua Yaqui Tribe of Arizona. The Pascua Yaqui Tribe is located near Tucson, in Pima County, Arizona. For the past eight years I have served as the Chairman of the Tribe, before that I served as the Tribe's Vice-Chairman for three years and its treasurer for four years. The matter under consideration today is important to the Tribe because of the location of the Tribe's reservation in a flood plain called the Black Wash.

H.R. 2009 is a bill that will accomplish several goals. First, it will allow the Tucson Unified School District to hold two parcels (Parcel "B" and Parcel "C" in your map attachment) without restrictive covenants for the beneficial use of the District. Second, it will allow TUSD to convey an area of land (Parcel A) to the United States to be held in trust for the Pascua Yaqui Tribe.

Under its terms H.R. 2009, if passed and enacted into law, would affect a conveyance of three separate parcels of land either now owned by the United States or for which the United States owns a reversionary interest under the Recreation and Public Purposes Act of 1926.

The parcel described in *Section 3(a)* of the Bill is currently owned by TUSD, but is subject to the U.S.'s reversionary interest under the Recreation and Public Purposes Act. The Bill directs the U.S. to hold this parcel in trust for the Tribe if conveyed to the U.S. by TUSD. This parcel is almost entirely within the 100-year flood plain. It is directly to the east of the Tribe's Casino of the Sun, which is visible on the aerial photographs in your attachments. The District received this parcel under the Recreation and Public Purpose Act of 1926. In order for the U.S. to convey land to the District for public purposes under the Act, the District had to designate a specific use for this land. When the District asked for and received this land it designated the land for construction of a school. Time and events have

made this land unsuitable for a school site, and the District has indicated that it has no plans to ever develop this land as a school. Under the 1926 Act if the land conveyed cannot be used for the specific purpose for which it was conveyed, the land would revert to the U.S.

You may notice that there is a large wash, which is known as the “Black Wash,” running through this parcel. The wash flows from Southeast to Northwest. The Black Wash is a significant topographical feature from which there is constant flooding to the west and northwest whenever there is a significant rain event. The flooding comes from east to west across Camino de Oeste (the roadway on the western boundary of this parcel) into the parking lot of the Casino of the Sun and into the parking lot for the Tribe’s Administration Building just to the south of the Casino of the Sun. These rain events occur frequently during Tucson’s “Monsoon Season” from mid-June to mid-September each year. If the Tribe controlled this parcel, it could be improved to create an all weather access to the Tribe’s Reservation during rain events. At the current time a significant rain event can cut off all roads into the Tribe’s Reservation, thus creating critical access issues that have resulted in the past in lack of outside emergency or medical services anywhere on the Reservation during a significant rain event.

This parcel could also be used to create a flood detention basin or other surface water catchments or channels to prevent or control this flooding. These would also contribute to better control of downstream surface water flooding events that would benefit the entire area, including in particular the downstream areas of unincorporated Pima County.

Our Yaqui ancestors walked the earth by the grace of the creator, as we still do today. Yaqui ancestors were indigenous to our aboriginal territory from Durango in Southern Mexico, north to Colorado, and west to California. The Tribe settled, prospered, and endured in the Rio Yaqui homeland since time immemorial. Authority was inherent and derived in part from our elders’ ability to protect and provide for the needs of the Yaqui people. For 300 years, the Yaqui people fought the Spanish and later the Mexican government for control of their fertile homeland. War and hostilities drove factions of the Yaqui from their homeland into present day Arizona. The Yaqui people settled in various communities from South Tucson to Scottsdale. In 1964, Congressman Morris K. Udall introduced a bill in Congress authorizing the transfer of 202 acres of federal desert land to our Yaqui elders. On September 18, 1978, Public Law 95-375 recognized the Tribe as a United States Indian tribe. Fundamentally, 200-400 years have only superficially changed the Yaqui Nation. Although, now partly settled on our reservation Southwest of

Tucson, Arizona, the obligations to the people passed down by our elders and our sovereign autonomous spirit has never changed. The Pascua Yaqui Tribe, as a historical Indian tribe, has inherent jurisdictional power over most matters occurring within our territory. H.R. 2009 would expand this territory, with the agreement of TUSD in a way that would allow the tribe to address significant flooding issues that affect the entire reservation.

The Pascua Yaqui Tribe is always moving forward and planning for its future and for the betterment of the lives of Pascua Yaqui members. Expeditious passage of H.R. 2009 would give the Tribe the opportunity to continue to make improvements for the people. I respectfully request your support and passage of H.R. 2009. Thank you.