

STATEMENT FOR THE HONORABLE DANIEL EDDY, JR.

CHAIRMAN

COLORADO RIVER INDIAN TRIBES TRIBAL COUNCIL

H.R. 2941, THE COLORADO RIVER INDIAN RESERVATION
BOUNDARY CORRECTION ACT

HOUSE COMMITTEE ON RESOURCES

APRIL 21, 2004

Mr. Chairman and Members of the Committee, I am Daniel Eddy, Jr., Chairman of the Colorado River Indian Tribes (CRIT) Tribal Council. I am here today to testify in support of H.R. 2941, the Colorado River Indian Reservation Boundary Correction Act. I want to thank Chairman Pombo for his commitment to our tribe in holding this hearing. It is an indication of his commitment to address a number of issues in Indian Country that have lingered unanswered and unaddressed for years.

I want to thank Congressman Raul Grijalva for his leadership in sponsoring this legislation. I also want to express our appreciation to Congressmen Rick Renzi, J.D. Hayworth, Ed Pastor, Jeff Flake, and Jim Kolbe for their support for this legislation and for their commitment to equity and justice.

Quite simply, H.R.2941 seeks to rectify an old injustice. The Colorado River Indian Reservation was created by Executive Order of President Abraham Lincoln on March 3, 1865, just over a month before his assassination. In 1873 and 1874, President Grant issued two Executive Orders to expand the southern edge of the Reservation to acknowledge the true ancestral lands of the tribes and to halt the increasing encroachment on these lands by settlers and miners.

In 1875, Mr. Chandler Robbins surveyed the CRIT Reservation ('the Robbins Survey') for the U.S. General Land Office and delineated its southern boundary. The Robbins Survey included approximately 16,000 acres (called 'the La Paz lands') as part of the Reservation. On May 15, 1876, President Grant issued an Executive Order that established the Reservation's boundaries as those delineated by the Robbins Survey.

Around the turn of the century, it was believed that there may be valuable mineral deposits under the La Paz lands. In the early Twentieth Century, due in part to cultural prohibitions on mining, CRIT rejected repeated requests by private mining interests to lease lands in the La Paz area. Frustrated by the Tribe's refusal to allow mining on these lands, these mining interests orchestrated several new surveys between 1907 and 1912 that they hoped would prove that the La Paz lands were not part of the CRIT Reservation.

At that time, the U.S. General Land Office determined that these additional surveys were lacking. With respect to these additional surveys, the "Santee Survey" was rejected as being seriously flawed; a "Hesse Survey" was suspended and never completed; and, a new "Stover Survey" was so irregular as to not even "...warrant the dignity of official rejection" according to the U.S. General Land Office. The only survey that was determined to be valid was the "Harrington Survey" of 1912 which confirmed the boundaries of the Colorado River Indian Reservation as outlined in the original Robbins Survey.

Mr. Chairman, I want to stress that the original surveying caps put in the ground by the Robbins Survey team in 1875 are still in place. I have enclosed photographs of these markers at the southern end of the La Paz land boundaries in materials provided to the Committee. These caps are an indication of the perimeter of our original reservation and a stark reminder of the 16,000 acres that were stripped from us in 1915.

Nevertheless in 1915, despite the best efforts by our Tribe to protect our lands, the mining company

convinced an Assistant Secretary of Interior in the Woodrow Wilson Administration to remove these La Paz lands from our reservation on the premise that the original reservation was intended to encompass only those lands suited for agriculture and not for mineral purposes. Since the La Paz lands would not support agriculture, it was argued that they should have never been included as part of the original Reservation. Consequently on November 19, 1915, President Woodrow Wilson then signed Executive Order 2275 stripping from the Tribe these 16,000 acres without any compensation to the Tribe nor any right of appeal.

For almost 90 years now, CRIT has fought to reclaim our land and we are here today to continue the struggle return these ancestral lands to our reservation.

Senators Barry Goldwater and Dennis DeConcini introduced S. 1652 in 1982 – legislation almost identical to H.R. 2941 before you today. However, due to delays by the Department in determining how water rights were to be addressed, the bill died at the end of that session. During the hearing on August 19, 1982 before the Senate Indian Affairs Committee on that proposal, Senator Goldwater stated:

You see, I feel very close to this because my grandfather settled in La Paz in 1860. At that time, there was no question it was Indian land. The Indians were more numerous than non-Indians.... So I feel very strongly about the Indians and their regard for this land. Just wanting land for whatever commercial value may be involved is all right. But this is ancestral land that Indians have long had a proper claim to.

Subsequent reviews by the Department of Interior have concluded that the lands were inappropriately removed from the reservation and should be returned to the tribe. In fact, historical evidence compiled by the Department supports the conclusion that the reason given by the Secretary in recommending that the President issue the 1915 Executive Order--'to correct an error in locating the southern boundary'--was itself in error and that the La Paz lands should not have been excluded from the Reservation. Copies of studies of the history of the La Paz lands and analyses conducted by the Department of Interior in 1974 and 1975 have been made available to the Committee for your consideration. I want to stress that the recommendations of these studies is that the lands should be restored to the Tribe.

Today, the La Paz lands are owned by the Bureau of Land Management with the exception of small parcels owned by the Arizona State Lands Commission. There are no private land interests involved with this issue. The La Paz area is desert land. With the exception of a single sand and gravel enterprise operating under a lease from the BLM, there are no improvements on these lands. There are some mining claims held by individuals – none of which have been active in recent history. There is some hunting, off-road vehicle and other recreational activities currently taking place on these lands.

The sand and gravel operation, all mining claims, rights of way and recreational activity will all be recognized and grandfathered by this legislation. There will be several amendments offered to the bill as introduced. One of the amendments will outline that the State of Arizona and the BLM are in discussions to execute a land exchange elsewhere in the state to satisfy their rights for the affected lands – a practice that they have engaged in on other previous negotiations. This legislation acknowledges that such an exchange between the State and the BLM will take place upon mutual agreement of both parties.

Another amendment will further clarify an important consideration to everyone dealing with land rights in this part of the country is the question of water rights. I emphasize that the statutory language of H.R. 2941 specifies that there are no water rights affiliated with this legislation nor can there be any antecedent water rights conveyed with this bill.

The tribe has worked hard to develop good legislation and to inform all local communities in the area about the purpose of the bill. Further, we want to assure the Committee that restoration of these lands has nothing to do with gaming, currently a controversial and problematic issue on all tribal land restoration issues. To this end, we will include as part of the amendments offered statutory language that prohibits the Tribe from

engaging in gaming on these lands. I would hasten to add that the Tribe currently has a successful gaming operation at the Northern end of the Reservation and we currently operate the maximum number of machines that are permitted under our Tribal-State Gaming Compact.

I want to point out that there are no appropriated funds affiliated or sought with this legislation. Nor will there be a request for any type of compensation for denial of use of these lands by our Tribe.

The La Paz lands continue to hold cultural and historical significance, as well as economic development potential, for the CRIT. We have waited 90 years for the restoration of these lands. We believe we have waited long enough.

We think that greed robbed us of the use of these lands for many generations. But patience and a persistent confidence that the Federal government will eventually do what is proper and honorable will return our lands to us.

On behalf of the members of the CRIT Tribal membership, I want to thank you for taking these positive, long-overdue steps to correct this historic injustice. We thank you for your deep understanding of the importance of these lands to our members and remain grateful to you for continuing the legacy of Senator Goldwater.