

Senate Committee on Indian Affairs

Legislative Hearing, Business Meeting

September 25, 2024

Highlights:

- Testimony was heard on bills regarding water rights, each witness providing support for each of the bills discussed.
- S.465, S.2908, and S. 4370 were passed by voice vote.

Topic: Legislative Hearing to receive testimony on:

- [S. 4444, Crow Revenue Act](#)
- [S. 4633, Northeastern Arizona Indian Water Rights Settlement Act of 2024](#)
- [S. 4643, Zuni Indian Tribe Water Rights Settlement Act of 2024](#)
- [S. 4705, Yavapai Apache Nation Water Rights Settlement Act](#)
- [S. 4998, Navajo Nation Rio San José Stream System Water Rights Settlement Act of 2024](#)
- [S. 465, BADGES for Native Communities Act](#)
- [S. 2908, Indian Buffalo Management Act](#)
- [S. 4370, Tribal Forest Protection Act Amendments Act of 2024](#)

Witnesses:

- [Bryan Newland](#), Assistant Secretary of Indian Affairs, Department of Interior
 - [Testimony](#)
- [Frank White Clay](#), Chairman of the Crow Tribe
 - [Testimony](#)
- [Buu Nygren](#), President of the Navajo Nation
 - [Testimony](#)
- [Timothy Nuvangyao](#), Chairman of the Hopi Tribe
 - [Testimony](#)
- [Johnny Lehi, Jr.](#), Vice President of the San Juan Southern Paiute Tribe
 - [Testimony](#)
- [Arden Kucate](#), Governor of the Zuni Tribe
 - [Testimony](#)

- [Tanya Lewis](#), Chairwoman of the Yavapai-Apache Nation
 - [Testimony](#)

Summary of testimonies:

- Bryan Newland, Assistant Secretary of the Department of Interior, expressed the DOI's support of the water rights settlement bills.
 - He emphasized the U.S. government's trust obligation to protect Indian Tribes, including ensuring protected homelands where Tribes could maintain their way of life, with water being essential to this obligation.
- Frank White Clay, Chairman of the Crow Nation, expressed full support for S. 4444, the Crow Revenue Act.
 - He highlighted that the bill addressed key land management issues, promoted economic growth, and reaffirmed the Tribe's sovereignty by consolidating ownership of 4,660 acres of ancestral land.
 - In addition, this bill proposes a land exchange with 4,530 acres of federal subsurface and 940 acres of surface land in Musselshell County, as well as including a revenue-sharing agreement for potential development of the Bull Mountain lands, providing critical economic benefits.
- Buu Nygren, President of the Navajo Nation, highlighted these key points in his testimony:
 - Roughly a third of the Navajo Nation lacks access to running water. Many Navajo families haul water long distances at significant costs, making it among the most expensive water in the country for one of the poorest populations.
 - S. 4633 would ratify a historic water rights settlement between the Navajo Nation, Hopi Tribe, San Juan Southern Paiute Tribe, the U.S., and Arizona. It would resolve long-standing litigation and secure water rights across the Colorado River Basin, while providing vital water infrastructure for safe drinking water.
 - S. 4998 would settle Navajo water rights claims in the Rio San Jose and Rio Puerco basins, complementing existing settlements for Acoma and Laguna Pueblos. The settlement would bring much-needed water to some of the driest areas of New Mexico.
- Timothy Nuvangyao, Chairman of the Hopi Tribe explained that The Settlement Act will provide reliable water for the Hopi Tribe, Navajo Nation, and San Juan Southern Paiute, addressing both current and future needs.

- He further said that it will construct the Naa'tsiilid Pipeline to serve the Tribes, manage groundwater appropriately, and ensure reliable upper basin water.
- It will also create multiple trust funds to help Tribes plan, build, and operate water infrastructure, providing certainty for non-Native communities as well.
- The settlement addresses infrastructure challenges caused by federal neglect, as about 30% of Hopis lack running water.
- The testimony highlighted that this settlement covers more Native Americans than any previous settlement in U.S. history.
- John Lehigh Jr., Vice President of the San Juan Southern Paiute Tribe, emphasized that Senate Bill 4633 is about more than just water; it is about finally establishing a homeland for his Tribe.
 - He explained that S. 4633 will resolve water rights for three Tribes and ratifies a 24-year-old treaty that would officially create a reservation for the San Juan Southern Paiute Tribe.
 - The tribe has lived within the boundaries of the Navajo Nation for over 160 years but has never had its own exclusive reservation, leading to a lack of basic services like running water and electricity.
 - Senate Bill 4633 would create a reservation of 5,100 acres in Arizona and 300 acres in Utah, all currently within the Navajo Reservation.
 - The bill provides necessary funding for infrastructure and water access, which are critical for the tribe's future development and economic opportunities.
- Arden Kucate, representing the Zuni Pueblo, emphasized the importance of S. 4643 to sustain the Zuni community, restore traditional agriculture, support economic development, and protect cultural and environmental resources in the face of climate change.
 - He explained that this settlement bill would allow for the rehabilitation of five irrigation units, replacement of the aging municipal water system, and construction of a modern wastewater treatment facility.
 - It would also provide funds for livestock watering, community water stations, and restoration of the Zuni River and its tributaries, which support endangered species like the Bluehead Sucker.
 - Additionally, the settlement ensures protection of the Zuni Salt Lake, a sacred site used for centuries for ceremonial purposes, and transfers surrounding lands from the BLM to the tribe.

- Tanya Lewis, Chairwoman of the Yavapai-Apache Nation spoke on S. 4705, explaining that it is vital legislation to securing clean water and permanent homeland for their people.
 - The Tribe is seeking to expand their reservation by adding 3,206 acres through a land exchange with the Forest Service, which will also aid with housing and economic development.

Questions and Answers

- [Senator Brian Schatz \(D-HI\)](#) asked Chairman White Clay about the revenue that his Tribe expects to come out of the amendments to the bills.
 - Chairman White Clay responded that the Tribe is expected to receive a minimum of \$100 million over 10 years.
- Senator Schatz also asked Assistant Secretary Newland about the revenue sharing provision, and if he has any recommendations.
 - Newland answered that the language is currently drafted to an agreement for revenue sharing for resources that would be held in trust for the Crow Tribe.
- Senator Schatz also asked if the 1990 DOI criteria and procedures for the Indian Water Rights Settlements was still relevant.
 - Newland answered that most Tribes do not feel that they are, and that they are instead rooted in a notion of protecting the DOI from liability. He said that the way to fix that would be to view it as the DOI's obligation to make sure that Indian people can live in their homelands.
- [Senator Steve Daines \(R-MT\)](#) asked Chairman White Clay about the benefits of S.4444 and why it is necessary.
 - Chairman White Clay explained that the bill will increase jobs and help the Tribe shift towards renewable energy sourcing. He also expressed that the revenue created from the jobs provides for the Tribe's elders.
 - Newland pledged the DOI's support to working to strengthen the bill and get it to the President's desk.
- [Senator Ben Luján \(D-NM\)](#) asked President Nygren if he would continue to work with the Navajo Gallup parties to ensure that the proposed storage in S. 4633 will not adversely impact New Mexico water users.
 - President Nygren agreed.
- Senator Luján then asked Newland what concerns the DOI has about the connection of the Arizona- New Mexico infrastructure projects and resources available to complete them.

- Newland answered that the DOI is focused on ensuring that they are meeting their commitment to work with Congress to secure those appropriations to fund these projects.
- Senator Luján asked Governor Kucate how the legislation will improve the Tribe's water security for Tribal water users, and if it will be primarily used for agriculture, domestic, or municipal.
 - Governor Kucate answered that the settlement would replace the current municipal water system, as well as provide a capable water treatment facility.
- Senator Luján wrapped his questions by addressing Newland by asking what would resolving the water rights mean for the three Tribes mentioned in S.4998 and S.595, and if it is feasible to achieve.
 - Newland answered that it would bring water to people who need it and would reduce or eliminate disputes that have existed over that water to begin with. He said that he thinks it is a net benefit for everybody who has an interest.