

**TESTIMONY OF
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UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE
ON
S. 2643, THE PUEBLO OF COCHITI SELF GOVERNANCE ACT**

APRIL 13, 2016

Good afternoon Chairman Barrasso, Vice Chairman Tester, and members of the Committee. My name is Mike Black. I am the Director for the Bureau of Indian Affairs at the Department of the Interior (Department). I am here today to provide the Department's position on S. 2643, the Pueblo of Cochiti Self Governance Act.

The Department supports S. 2643.

Background

The Pueblo of Cochiti (Pueblo) has administered, operated, and maintained the Cochiti Dam drainage system for three decades pursuant to agreements under the Indian Self-Determination Act. The drainage system was established by the United States in order to settle claims by the Pueblo de Cochiti for damages to the Pueblo's agricultural lands caused by seepage from the Cochiti Dam.

S. 2643 would endorse a newly executed agreement between the United States and the Pueblo of Cochiti, whereby the Pueblo will assume legal and financial responsibility for the administration and management of the Cochiti Dam drainage system and will release the United States from liability associated with that drainage system.

The newly-executed agreement will permit the Pueblo to use part of the existing drainage system operation and maintenance funds for a land purchase that will be used in a land exchange to restore Pueblo ancestral homelands adjacent to the Cochiti Reservation at no expense to the United States, or any state or local government. Through the land exchange, the Pueblo will acquire the Cañada de Cochiti, a parcel of the Pueblo's ancestral lands. The Cañada de Cochiti is currently owned by the State of New Mexico. The Pueblo's ancestral villages and numerous sacred sites are located in the Cañada de Cochiti. For 75 years, the Pueblo has sought to restore and return these historically and culturally significant lands to its reservation.

The exchange will provide a direct benefit to the State of New Mexico as it will allow the State to acquire more productive, income-generating land.

The Settlement Agreement, the Amendment and the Endorsing Legislation

The Wetfields Litigation and its Settlement

The Cochiti Dam drainage system and the operation and maintenance (O&M) fund were established by the United States for the Pueblo de Cochiti to settle a lawsuit filed by the

Pueblo on behalf of the Pueblo, itself, and its members whose agricultural livelihoods were devastated due to seepage from the Cochiti Dam. The United States settled that lawsuit in the early 1990s by agreeing to install a drainage system in and around the dam to divert seepage away from Cochiti agricultural areas. Congress endorsed the settlement terms in Pub. L. No. 102-358. The O&M fund was established in 1993 and, in April 1994, approximately \$4.5 million was transferred to the Bureau of Indian Affairs to administer the drainage system O&M fund.

When interest rates were high, the O&M fund generated more interest each year than was expended in O&M activities. The O&M fund agreement was amended by the parties in 2001 to authorize the use of some O&M fund reserves for an agricultural restoration program. That amendment was endorsed by Congress in 2004 by Pub. L. No. 108-204. Although interest rates have dropped over the past few years, the O&M fund balance is still approximately \$7 million. The Pueblo would like to use \$2 million of those funds to help finance the land purchase for the exchange agreement with the State that will restore the Cañada de Cochiti to the Pueblo.

S. 2643 represents a significant and historic accomplishment for the Pueblo. Restoring the Cañada de Cochiti to the Pueblo is a fundamental element of the bill and acquiring this land is a vital priority for the Pueblo. There is an agreed-upon timeframe for completing the land exchange with the State. Without S. 2643, as endorsement of the October 27, 2015, amendment to the Wetfields Settlement Agreement, the Pueblo will be unable to obtain the funding needed to fulfill the land exchange agreement with the State of New Mexico in the time period allotted. Therefore, the Department supports S. 2643.

This concludes my prepared statement. I will be happy to answer any questions the Committee may have.