

The SHOSHONE-BANNOCK TRIBES

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FORT HALL BUSINESS COUNCIL
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To whom it may concern,

The Shoshone-Bannock Tribes have serious concerns about the current stance of the State of Idaho to request a management transfer of all federal lands within their borders. Notwithstanding the obvious legal implications this type of transfer would involve, **the Tribes unequivocally oppose this notion on the basis it would adversely impact the rights of the Tribes and would impact natural resources found on those federal lands.** The wealth of public lands found within Idaho's borders is intended to protect a way of life that should be passed from generation to generation; not to satisfy the desires of a few corporate or special interests. As stewards of this land, we should recognize the importance of maintaining Idaho's waters and lands for our future generations.

The Tribes oppose any federal land disposition, sales or transfers to private entities or state governments based on two fundamental reasons. First, the United States government entered into a solemn treaty with the Shoshone and Bannock tribal peoples in which the Tribes reserved certain off-reservation hunting, fishing and gathering rights which they continue to exercise on unoccupied lands of the United States. Subsequent to the 1868 Treaty, the Tribes further ceded specific lands to the United States and reserved in the cession agreements communal rights for grazing, timber and use of the public lands. Second, the United States, including its federal agencies, have a trust responsibility as established in the Fort Bridger Treaty and other federal laws, policies and executive orders to protect and preserve the rights of Indian tribes, and to consult with the Tribes prior to such land sales or transfers.

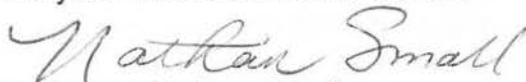
The Tribes remain a staunch advocate of protecting our federal lands and the unique assemblage of native species still found thereon. The Tribes contribute to the health of Idaho's special ecosystems by acting as a co-manager with the State of Idaho, protecting or enhancing fish and wildlife habitat for the benefit of everyone who lives here. These efforts require countless hours in the field by Tribal staff, concerted efforts by policy makers to develop new programs for the Department, and support from everyone who lives here in Idaho. The lack of consultation by the Idaho Legislature on this proposed transfer is shocking; particularly in light of the close relationship technical staff has enjoyed with the State of Idaho on many fish and wildlife issues. The Tribes

would request the Idaho Legislature seek input from us before pursuing a course of action that does not further our mutual goals for federal land management in Idaho.

It should be noted that these public lands require constant maintenance and careful management. Idaho does not have the resources to manage the vast federal land base in our state during a 'normal' year; much less during an extreme fire season as we have experienced throughout our history. These federal lands do not have massive reserves of oil or natural gas, and the hard-rock minerals are allocated to a mining company without any payment. With the exception of some timber sales or some phosphorous deposits, where is this revenue going to come from? Further, given the waning budgetary support for federal land management, this burden will only increase on the State and there is a strong likelihood that resource conditions will not improve.

With specific regard to this notion of transferring federal lands to the State of Idaho, there are obvious conflicts with the Idaho Constitution and the Admissions Act for Idaho. First, in the Idaho Admission Bill, Section 12, "*The state of Idaho shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act.*" Further in the State of Idaho Constitution, Article XXI; Section 19..."*And the people of the state of Idaho do agree and declare that we forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indians or Indian tribes; and until the title thereto shall have been extinguished by the United States, the same shall be subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States...*" It is apparent that the proponents of such legislation are not concerned with the blatant legal implications this issue presents. The public lands in Idaho need to remain in federal ownership and under federal management.

This is not sound legislation and is not a good path for our State and those of us who have lived here from time immemorial. Please consider these comments when the time comes to formally act on this piece of legislation; and stop this action from impacting everyone who calls Idaho 'home'.



Chairman, Nathan Small
Fort Hall Business Council
Shoshone-Bannock Tribes