

MAY  
2003

## DUCKWATER RESERVATION EXPANSION PROPOSAL Information Sheet

DIVISION OF  
STATE LANDS

The Bureau of Land Management (BLM) in conjunction with the Duckwater Shoshone Tribe is holding public meetings regarding the reservation expansion proposal. We want to hear from you the public on issues that have been identified by the BLM as well as other issues you identify. The BLM recognizes a need for the Duckwater Tribe to have additional lands to meet some of their needs. Your comments on this proposal are important in helping the BLM develop a recommendation that will have wide public support.

The Duckwater Shoshone Tribe is a federally recognized Tribe located in rural eastern Nevada and was formed under provisions of the Indian Reorganization Act of June 18, 1934. The Duckwater Reservation has a land base of approximately 3,785 acres.

On July 9, 2002 the Duckwater Shoshone Tribe submitted a proposal to the Ely Field Office, BLM to expand their reservation. The reservation expansion proposal consists of approximately 428,000 acres of public land in Nye and White Pine Counties. This proposal was presented to the BLM so that the tribe can pursue its goal of becoming economically self-sufficient. Well over half of the tribal membership lives off reservation, many due to the lack of career and job opportunities at Duckwater. In addition to cattle ranching the Duckwater Tribe has created other agriculture related businesses on the reservation that produce native plants and native plant seed. The expansion will protect tribal culture and life way values, and provide future generations with a land base that supports growth.

Issues that the BLM is requesting feedback on for this proposal include: livestock grazing by other permittee's; wild horse herd management areas; wilderness study areas; historic, prehistoric and paleontology sites; critical wildlife habitat and threatened and endangered species; mining and oil and gas leasing; and recreation. The meetings to address these issues have been set up and additional information specific to those issues will be handed out at that time.

A public process will be followed for this proposal for development of a recommendation from BLM to the Duckwater Tribe. The Duckwater Tribe would work through the Bureau of Indian Affairs (BIA) to get legislation from Congress to transfer the lands to the BIA on behalf of the Duckwater Tribe. This is a lengthy process with ample opportunity for public involvement.

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## Reservation Expansion

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### Economic Development Plan

The Tribe will utilize consultants engineering firms, etc. The plan will include, but not be limited to:

- Five 360-acre pivots to raise alfalfa.
- 5,000 cattle warm up feed lot.
- An area will be identified for homes for members including a mini-mart type of a store
- An area will be identified for individual member business development, as well as for Tribal businesses.
- An area will be identified for land assignments for those members who may choose to get into the agricultural business.
- Areas will be identified for grazing reseeding projects.
- A wildlife protection plan will be developed in accordance with laws that are already in place. The Tribe will develop ordinances on those that are not already protected by law.

Highway through the reservation, yes it will stay public. The Tribe may enter into a maintenance contract with the State to maintain the road.

- Effects of PILT payments on Nye and White Pine Counties – The Tribe has learned PILT payments are apx. \$26,000.00 per year. The Tribe will propose to Congress that they appropriate PILT payments for a period of ten years. After the ten year period, the Tribe will work with Nye and White Pine County to develop cooperative agreements in regards to PILT payments.
- Boundary Fencing – The Tribe will build boundary fences only in areas where it is determined to be needed. Those fenced areas will be built in accordance with rules and regulations that will allow the continuous migration of wildlife. The Tribe will maintain any areas that are fenced. Portions of the boundaries are defined by natural barriers; therefore, will not require fencing. (This is a positive thing for the interest of wildlife)
- Access to Private In-holdings & Purchase of in-holdings from willing sellers- The Tribe desires to purchase all in-holdings from willing sellers. These purchases will be done on an individual basis with each private holder. Those in-holdings that are not for sale will continue to have access to their private in-holdings by the Tribe, once the reservation has expanded.
- Significant cultural sites – The Tribe will develop ordinances based on NAGPRA. The Tribe's position is that cultural sites are not to be disturbed. Access may be limited or access may be disallowed.

- Existing rights of ways – The Tribe will request Congress to include in legislation that the existing rights of ways remain as is.
- Boundary adjustments in accordance with individual agreements – The Tribe will adjust the proposed boundary by deleting the wilderness study area and the AUM's that are not for sale.
- Who maintains roads – With the exception of the State Route 379, the Tribe will maintain all other roads within the expanded reservation.
- ACEC (Area of Critical Environmental Concern) designation for T&E species – The Tribe will work with any and all federal agencies in identifying threatened and endangered species and identifying ACEC, and will work in good faith to develop MOA's (Memorandum of Agreement). These agreements will be developed in accordance with regulations, federal laws and tribal history and culture. (e.g. The agreement that was made with the USF&W, to protect the Railroad Valley Springfish, which is listed as T&E.)

## **LIVESTOCK GRAZING**

AUM compensation (cattle & sheep), purchase of AUM's, Grazing in common, Grazing on reservation by current BLM permittee's.

- The Tribes purpose is to buy any and all existing AUM's from permittees. An appraisal has been done at the Currant Creek area on AUM's and it came in at \$50.00 per AUM. The Tribe makes this as an initial offer; however, the Tribe is willing to negotiate with each individual permittee on their AUM's. The Tribe will request Congress to appropriate funds for these purposes, and will request that this language be included in legislation.
- The Tribe is not interested in grazing in common pursuant to the present interpretation of "grazing in common", however, for those permittees (cattle and or sheep) that are presently grazing on the proposed expansion area; the Tribe is willing to enter into agreements to allow individuals to continue grazing in the proposed Reservation Expansion area. The Tribe is also willing to pursue language to be developed in legislations giving assurance that grazing can continue by those who presently use the proposed expansion area for these purposes.

Will State water engineer still maintain control of water rights on reservation lands? Who gets the water rights on the reservation? Value of water rights. Basin wide water rights (who owns water in expansion area).

- The Duckwater Shoshone Tribe understands that the State owns and controls all the water in the State.
- The Tribe plans to negotiate with those individuals who has water rights on the purposed expansion area and plans to request Congress to appropriate funds to purchase the water rights for the Tribe.
- The value of the water rights will be determined by having appraisals done as well as negotiating with individuals who has existing water rights. Once all of the negotiations are completed and paid for the, Tribe will request to own all water rights on the purposed expansion area.
- When the existing reservation was purchased for the Indians in 1940, the Federal Government informed our Tribe that they would make arrangements for all water rights to be transferred to the Tribe. We are attaching the documents pertaining to their commitment to this document. The Tribe believes this promise by the Federal Government justifies our request for funding to make the necessary water rights purchases.

#### **WILDLIFE AND RECREATION**

- It is the position of the Duckwater Shoshone Tribe, that once the reservation is expanded, the expanded reservation lands will NOT be closed to the public. The Tribe plans to develop ordinances governing the use of lands that will be open to the general public.
- The Duckwater Tribe has entered into a Title V Indian Self Determination Act. Under the provisions of Public Law 06260 under this compact, the Tribe has agreed to abide by all Federal statutes and regulations. Due to this fact, once the reservation is expanded, all threatened and endangered specie will be dealt with in accordance with Federal statues, regulations and Tribal Laws (ordinance). Furthermore, wildlife that is not protected by the threatened or endangered species act, as well as any other laws, wildlife and recreation activities will be governed by regulations and or policies the BLM presently utilizes. The tribe, of course, will develop its own ordinances; the point here is the Tribe will make use of what is in already in place by the BLM.
- Management of the reservation expansion area will be the responsibility of the Tribe in accordance with the information shared above.

## **WILDERNESS**

- Now that the scoping sessions have been completed, the Duckwater Tribe proposes to withdraw the wilderness study areas from its original proposal.

## **MINING, OIL, AND GAS LEASING**







- The Duckwater Tribe will agree to have existing leases continue for its duration. Once the leases have expired, the Tribe will continue working with oil, gas and mining leases. The difference will be, these types of leases will be with the Tribe rather than the BLM. Once the existing leases have expired and agreements are made with the Tribe, revenues from such will be the Tribes.
- The Tribe will request specific language in legislation to this affect. As mentioned earlier PILT payments will be requested from Congress to be made to the Counties involved.
- The Tribe has approximately 30 years of experience in Management and thus is confident it will be able to manage any and all aspects of the reservation expansion.

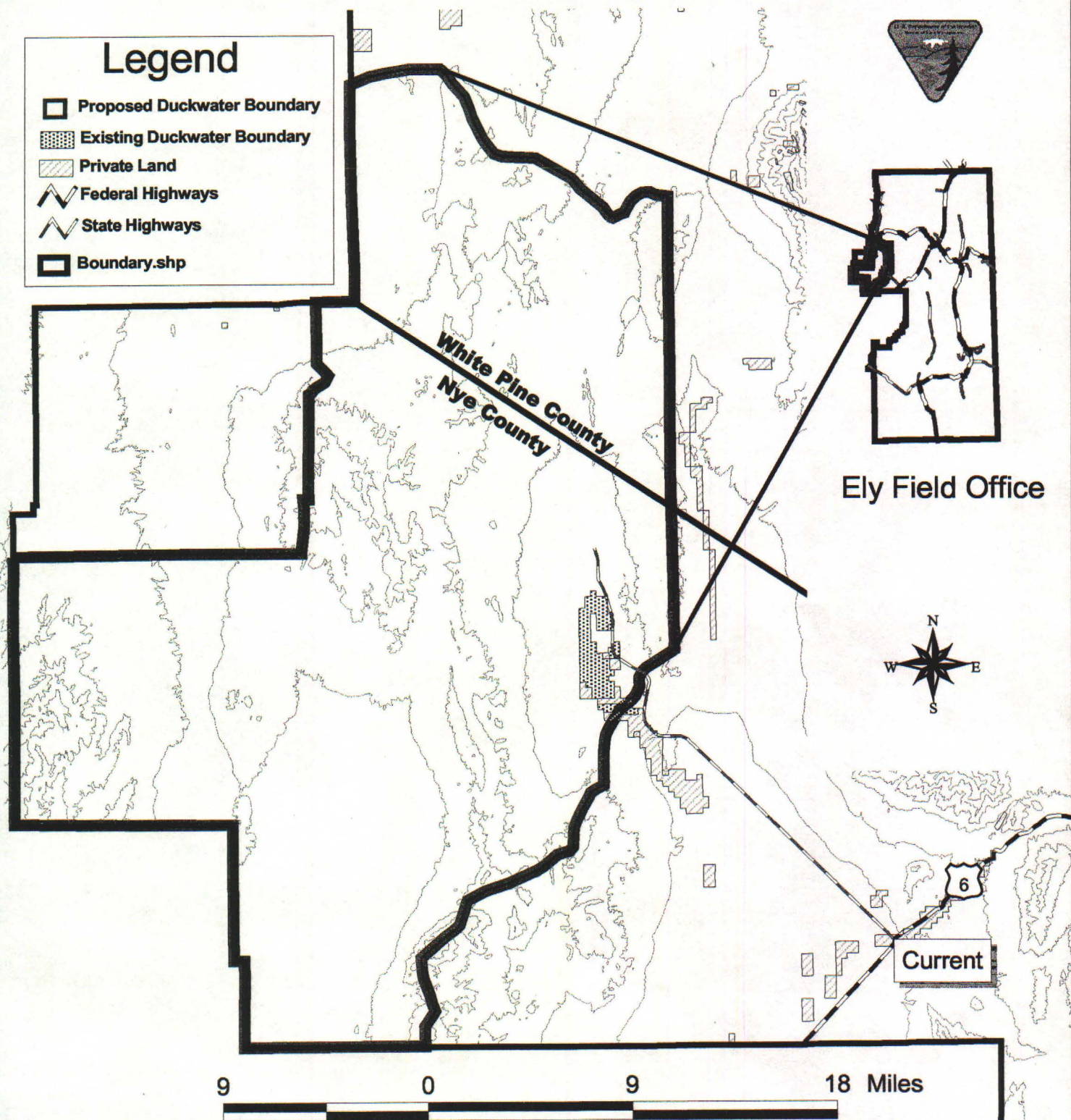
## **WILD HORSES**

- Wild horses are protected by law. The Tribe will be required to adhere to the act protecting wildhorses in the reservation expansion area. The Tribe has proposed to change the existing HMA to include the proposed expansion area as a HMA. If this change occurs, the Tribe will be responsible for management of the wild horses in this area.

# Proposed Duckwater Boundary Ely Field Office Bureau of Land Management

## Legend

-  Proposed Duckwater Boundary
-  Existing Duckwater Boundary
-  Private Land
-  Federal Highways
-  State Highways
-  Boundary.shp



No warranty is made by the Bureau of Land Management as to the accuracy, reliability, of completeness of these data for individual use or aggregate use with other data.

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PROPOSED DUCKWATER BOUNDARY

Existing Duckwater Boundary

Currant

- Sensitive Species Locations
- UMMZ-Fish Collections
- ▭ Proposed Duckwater boundary

