

**North Dakota Department of Trust Lands
Senate Concurrent Resolution 4013
Senate Energy and Natural Resources Committee
February 11, 2021**

Presented by: Scott Davis, Executive Director, ND Indian Affairs Commission

Chairman Kreun and members of the Senate Energy and Natural Resources Committee, My name is Scott J. Davis, I am a member of the Standing Rock Sioux Tribe and a descendent of the Turtle Mountain Band of Chippewa and I am proud to serve the great state of North Dakota as the Executive Director of the North Dakota Indian Affairs Commission. As Executive Director, I serve on the Governor's Cabinet. I am here to testify on Senate Bill 4013.

As Executive Director of the ND Indian Affairs and my partnership with The University and School Lands Board are seeking legislative support urging Congress to pass the North Dakota Trust Lands Completion Act (the Act). This bill in the Senate of the United States would authorize the relinquishment and in lieu selection of land and minerals in the State of North Dakota, to restore land and minerals to Indian Tribes within the State of North Dakota, to conserve the Little Missouri National Grasslands, and for other purposes.

In 1889, Congress passed the Enabling Act "to provide for the division of Dakota [Territory] into two states, and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and state governments, and to be admitted into the union on an equal footing with the original states, and to make donations of public lands to such states." Act of February 22, 1889, Ch. 180, 25 Statutes at Large 676.

Section 10 of this Act granted sections 16 and 36 in every township to the new states "for the support of common schools." In cases where portions of sections 16 and 36 had been sold prior to statehood, indemnity or "in lieu" selections were allowed. In North Dakota, this grant of land totaled more than 2.5 million acres.

Under sections 12, 14, 16 and 17 of the Enabling Act (and other acts referred to therein), Congress provided further land grants to the state of North Dakota for the support of colleges, universities, the state capitol, and other public institutions. These additional grants totaled approximately 668,000 acres; thus the total of Enabling Act land grants was nearly 3.2 million acres.

Prior to the enactment of the North Dakota Enabling Act, the United States, through treaties and Executive orders, including the Treaty between the United States of America and the Sisseton and Wahpeton Bands of Dakota or Sioux Indians, made and concluded at Fort Laramie April 29, 1868, and the Executive order of April 12,

1870, established several reservations of land for multiple Indian Tribes located in the State of North Dakota. Title to various mineral interests underlying the reservations were granted to the State of North Dakota at statehood, yet the minerals remain undeveloped due to the location of the minerals within the reservations. Established in 1960, the Little Missouri National Grasslands occupy more than 1,028,000 acres of land in western North Dakota and encompasses approximately 108,840 surface acres and 149,073 mineral acres of State Land grant parcels fragmented within its boundaries.

The Act would authorize the State of North Dakota to relinquish land grant parcels located within the reservations and the Little Missouri National Grasslands and to select other Federal land or minerals in lieu of not receiving full access to and use of the original land the State of North Dakota attained at statehood and would accomplish the following:

- Provide the Indian Tribes greater Tribal sovereignty and control of land and minerals within the reservations; and
- Lands or minerals relinquished within a reservation would be held in trust by the Secretary of the Interior on behalf of the Tribe within each reservation; and
- Provide greater conservation and preservation of the Little Missouri National Grasslands.

Congress, through the enactment of this bill, would authorize the State of North Dakota to:

- Relinquish the land and minerals located within the reservations and the Little Missouri National Grasslands; and
- Select in lieu of the relinquished land other Federal land or minerals in the State of North Dakota of equal value.

The Land conveyed under this Act would be subject to all applicable Federal, State, and Tribal law. In closing, Jodi's office and my office has held numerous phone calls and face to face meetings with Tribal leaders and their land department staff. We will continue to communicate, consult and listen to Tribal leaders as we proceed with this process.

This concludes my testimony; I'd stand for any questions.

Thank you.