

**Prepared Statement of Senator Ben Nighthorse Campbell
Vice Chairman - Committee on Indian Affairs
Legislative Hearing on S.2065, A Bill to Ratify the Intergovernmental Agreement
Between the Southern Ute Indian Tribe and the State of Colorado**

July 18, 2002

Good morning. Today the Committee will receive testimony on important legislation I introduced along with Senator Allard in March, 2002.

The bill is S. 2065 and it provides for the Congressional ratification of an agreement entered into by the State of Colorado and the Southern Ute Indian Tribe.

After many years of negotiations I am very pleased that the parties were able to reach agreement and that the Environmental Protection Agency has concurred in endorsing the Agreement.

Before we proceed I think there are a few points that need to be clarified to put this Agreement in the appropriate context.

The Clean Air Act clearly authorizes Indian Tribes to exercise jurisdiction over all of the lands within their reservations, even the non-Indian fee lands on those reservations.

Tribes have both the inherent right to exercise such jurisdiction and the Clean Air Act itself includes procedural and other protections to ensure that this authority is exercised in a fair and responsible manner.

With respect to the Southern Ute Tribe, however, a statute enacted in 1984 appears to prevent the Tribe from exercising inherent jurisdiction over non-Indians on fee lands.

I share the Tribe's concern that this 1984 Act might allow a party to challenge authority delegated to it under the Clean Air Act.

I applaud the response of the Tribe and the State to this possible dilemma. Instead of leaving such a conflict to the lawyers, they forged the agreement that is before us today.

In closing, I just want to make it clear than this hearing is not about revisiting the issue of Tribal authority under the Clean Air Act.

It is with respect to the Southern Ute Indian Reservation that there are some specific issues that need to be resolved and this bill is the way to address and resolve those issues.

I look forward to receiving the testimony on this bill.