

**TESTIMONY BEFORE THE SENATE
COMMITTEE ON INDIAN AFFAIRS
MARCH 21, 2000**

Honorable Vice-Chairman Inouye, and members of the Senate Indian Affairs Committee, my name is Barbara Durham. I am a Timbisha Shoshone Tribal member and the Tribal Administrator of the Timbisha Shoshone Tribe of Death Valley, California.

Today is a long awaited occasion – one that I am personally proud to be involved with. I am a member of the Timbisha Land Restoration Committee, and have been involved in the government-to-government negotiations since the passage of the California Desert Protection Act in October, 1994. For six years I sat across the table from the National Park Service and Bureau of Land Management representatives and other agencies involved. My people have been waiting for a resolution to our living situation in the Death Valley National Park for decades.

With the return of some of our aboriginal lands inside and outside the Park, our Tribe for the first time will be able to revitalize our lost traditions and way of life.

The lands proposed for trust status possess an internal coherence and interdependence, and therefore represent what is historically and traditionally significant to the Tribe. These lands also offer the prerequisite conditions for viable housing and community services, employment and economic development strategies, and communal use.

Without land for these many years, we have had no identify. With land, we hope to preserve, protect and perpetuate our culture, which is in serious danger of extinction unless Congress acts to take lands in trust for the Tribe, in our ancestral homelands. Finally, after so many years without land, we will be in a position to provide homes to those tribal members who are lost and “homeless.”

Today, we look forward to once again playing an active and responsible role in protecting an environment that has suffered from our long absence. The Tribe is the first authentic Environmental Protection Agency. We are the first authentic Wilderness Society, Audubon Society, and Sierra Club. To the Timbisha, the land and all that resides upon it are sacred. It is the mandate of the Tribe to ensure the protection, preservation, and enhancement of these lands and resources.

The proposed legislation contemplates involvement by the Tribe with existing land management agency personnel. Many areas identified for cooperative agreements are places that are important to preserving tribal traditional knowledge of the land, animals, plants and medicines. We will enter into cooperative agreements with the Park, BLM, and the FWS to carry on the Tribe's traditional resource management practices such as caring for mesquite groves, harvesting pine nuts, clearing natural springs, gathering plant materials and protecting burial and cultural sites. This will also provide the federal agencies with an opportunity to learn from the Tribe's extensive traditional knowledge of this area and to enhance the conservation and protection of these resources.

Without land, our tribe has been unable to progress to the 21st century. To this day, we have been prohibited from building any homes or other physical structures that have foundations in the ground. The lack of a secure land tenure has impeded the Tribe's ability to construct new stick homes, resulting in substandard housing conditions (members currently live in mobile homes or one of the historical adobe homes). Tribal administration and community facilities are virtually nonexistent (our offices are two mobile homes sifting next to one another). Lack of employment and housing in the Death Valley area has resulted in the majority of the Tribe's members living in nearby towns and urban centers. The uncertainty of a land base has impeded the Tribe's ability to provide even the most basic tribal government services and to receive BIA, HUD and environmental protection grants and funds.

According to the proposed legislation, the Tribe will build 50 homes and a tribal administrative facility in the Furnace Creek area. We will work with the Park Service to create a sustainable development design plan for these facilities that will have minimal impact on water and natural resources and on the desert setting.

Also according to the proposed legislation, the Tribe will be able to engage in modest, low-impact visitor related economic development. This will ensure the viability of our community by providing decent-paying local employment opportunities for our members.

Economic development in the Park (in the Furnace Creek area-where the Tribal headquarters is located) will consist of a tribal museum. Here, the Tribe will be able to tell its own story to the millions of visitors to the Park. The museum will include a small gift shop. There will also be a medium sized Inn reflecting Timbisha history and offering visitors a cross-cultural experience that can only be provided by the first inhabitants of this area. Tribally guided cultural heritage programs including hikes, lectures and tours may also be provided.

We will use revenues generated by the Tribe's economic enterprises to underwrite some of the costs of protecting, preserving, conserving and enhancing the valuable desert resources of the area. This will reduce the need for federal dollars. The Tribe is committed to employing local people, subcontracting with local vendors and suppliers, banking with local institutions, and cooperating with local county governments to ensure that development has the greatest "multiplier effect" on the surrounding economies.

What I have described in this presentation is contained in the Department of Interiors Secretarial Report commissioned by Congress as part of the California Desert Protection Act. This Report was produced jointly by the federal agencies and the Timbisha Shoshone Tribe. The content is a product of government to government negotiations that extended from May 1995 to October 1998. The "win/win" agreement hammered out between the agencies and the Tribe is contained in the legislation before you for your consideration and approval.

In conclusion, I want to say that I am hopeful that you pass this legislation in its entirety. It is, as I said, a product of lots of discussions, creative work and tradeoffs.

I personally will take great satisfaction in the legislation passing -- not only because I was an integral part of this very fascinating government to government negotiation, but because I will live there and take pleasure in seeing my people get what is rightfully theirs. I will have the pleasure of seeing my daughter and my new granddaughter know they finally have a home in their homeland. They will have a home and productive employment and no longer have to move away like so many others have for so very long. All of

us will be able to live as families, extended families, and as a tribal community like our ancestors did for many hundreds of generations before them. I am sure you can understand the depth of my emotions today. Thank you for allowing me to come before you today.