



*Eastern Shoshone Business Council
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July 15, 2025

**Honorable Secretary Doug Burgum
United States Department of the Interior
1849 C St. NW
Washington D.C. 20240**

CC: Bureau of Reclamation Acting Commissioner, David Palumbo; BLM Deputy Director, Administration and Programs, Michael Nedd; BLM Wyoming State Director, Andrew Archuleta; Assistant Secretary of Indian Affairs; Honorable Governor of Wyoming, Mark Gordon

RE: Muddy Ridge Land Repatriation (Revocation) on the Wind River Indian Reservation

Dear Secretary Burgum,

On behalf of the Eastern Shoshone Business Council, with support from the Greater Yellowstone Coalition, please consider this letter a request to immediately repatriate 69,000 acres of "excess" lands known as Muddy Ridge to the Wind River Tribes and commit to discussing the repatriation of an additional 35,000 acres of disputed excess lands on the Wind River Indian Reservation. We have described below the eighty-year history and recent attempts during various administrations to repatriate tribal lands. We would appreciate your prompt response.

Recent Wind River Inter-Tribal Meeting with BLM

On February 13, 2025, the Wind River Inter-Tribal Council, Wind River Water Resources Control Board, Office of the Tribal Water Engineer, Greater Yellowstone Coalition, and the Bureau of Land Management (BLM) met to receive an update on the Muddy Ridge land repatriation effort. Douglas Linn, Senior Advisor to the BLM Wyoming State Director, shared that roughly 69,000 acres within the federal Riverton Reclamation Project, which is within the boundary of the Wind River Indian Reservation, has been identified for "revocation." In BLM's legal context, revocation means the original purpose for the withdrawn lands is no longer applicable or valid. For the Muddy Ridge land complex within the Riverton Reclamation Project, this means the lands are not being used for their original intent of irrigation. It has been the Wind River Tribes' view for eighty years that these lands, which were part of the 1868 Treaty, should be returned to the Eastern Shoshone and Northern Arapaho Tribes as part of the Wind River Indian Reservation.

During the February 13th meeting, however, the BLM did not provide a path forward for these lands to be returned to the Eastern Shoshone and Northern Arapaho Tribes. Instead, the BLM proposed two potential paths: 1) BLM finds the reclamation project lands suitable for return to the public domain, and the land could be managed by the BLM; or 2) the lands are not found to be suitable for return to the public domain, and a future decision on land management is deferred to the General Services Administration.

The Eastern Shoshone and Northern Arapaho Tribes have repeatedly communicated to the Bureau of Reclamation and BLM that there is already precedent for returning "excess property" lands that are part of this reclamation project to the Wind River Tribes. This has been accomplished multiple times, starting in the 1950s and more recently in the 1980s on the Wind River Indian Reservation. Beyond precedent, there is also legal statute. The Federal Property and Administrative Services Act (Excess Property Act) 40 U.S.C. § 483 is the appropriate law to follow when processing excess federal lands within an Indian Reservation. The Muddy Ridge lands meet the requirements of the Excess Property Act. Amended in 1975 to include the disposal of excess and surplus federal property within an Indian reservation, the statute 40 U.S.C. § 483 describes a mandatory process that reads:

The [General Services] Administrator shall prescribe such procedures as may be necessary in order to transfer without compensation to the Secretary of the Interior, excess real property located within the reservation to any group, band, or tribe of Indians, which is recognized as eligible for services by the Bureau of Indian Affairs. Such excess real property shall be held in trust by the Secretary of the Interior for the benefit and use of the group, band, or tribe of Indians, within whose reservation such excess real property is located...

The transfer of excess land to the Wind River Tribes is also consistent with the 1939 Wind River Reservation Restoration Act, which reads in Section 5:

"Restore to tribal ownership all undisposed of surplus or ceded lands within the land use districts which are not at present under lease or permit to non-Indians; and, further, to restore to tribal ownership the balance of said lands progressively as and when the non-Indian owned lands within a given land use district are acquired by the Government for Indian use pursuant to the provisions of this Act. All such restorations shall be subject to valid existing rights and claims: Provided that no restoration to tribal ownership shall be made of any lands within any reclamation project heretofore authorized within the diminished or ceded portions of the reservation."

The Eastern Shoshone and the Greater Yellowstone Coalition request that the BLM adhere to existing statute 40 U.S.C. § 483 and return the 69,000 acres of Muddy Ridge to the Wind River Tribes.

Timeline during the Biden Administration

The Eastern Shoshone and Northern Arapaho Tribes reinitiated the Muddy Ridge land repatriation efforts during the Biden administration with a formal letter submitted to the Secretary's office in December 2021. This follows land repatriation efforts by the Tribes on the Wind River Indian Reservation that have largely been in process for eighty years and date back to the late 1930s.

The Tribes and the Greater Yellowstone Coalition met with Department of Interior leadership on June 7, 2022, to discuss the matter. The Department of Interior followed up with a letter on November 9, 2022, acknowledging "[o]ver 56,000 acres of Reclamation lands in the Riverton Unit were identified in the 1990s as not needed for project purposes" and that "[t]he Department will continue to coordinate, as necessary, with its individual Bureaus to determine possible next steps on Riverton Unit lands no longer needed for project purposes, including whether there is authority to transfer those lands in trust to the Tribes." The Department also notified the Tribes at that time that the Midvale Irrigation District has submitted a title transfer request on "all Riverton Unit facilities and lands downstream of the Wind River Diversion Dam." This would include all 57,000 acres of the Muddy Ridge lands that the Tribes have been working to repatriate for eighty years.

In July 2023, the Eastern Shoshone Business Council submitted an additional letter on the matter to the Bureau of Reclamation Commissioner, M. Camille Calimlim Touton, requesting a meeting and a written response. Eastern Shoshone Chairman John St. Clair, Greater Yellowstone Coalition deputy director of conservation, Charles Wolf Drimal, and Greater Yellowstone Coalition senior conservation associate, Wes Martel (Eastern Shoshone), met with Wyoming BLM State Director, Andrew Archuleta on October 5th, 2023, in Jackson, Wyoming, at the Jackson Hole Inter-Tribal Gathering to discuss the matter. We learned that the land repatriation effort was under review and that the Bureau hoped to have a decision soon. Further email correspondence between the parties, dated November 2023 to March 2024, reiterated this message with no resolution.

When Eastern Shoshone Tribal Vice-Chairman Michael Ute, councilman John Washakie, Wes Martel representing the Wind River Water Resources Control Board, and Charles Wolf Drimal from the Greater Yellowstone Coalition met again with Department of Interior leadership in Washington DC on July 22, 2024, Department of Interior leadership provided no additional update on the Muddy Ridge land repatriation. This was disappointing. The Department and its Bureaus appeared uncommitted to upholding the federal trust responsibility to the Tribes. Now, under the Trump Administration, the Department of the Interior can bring closure to an eighty-year-long effort by the Tribes and repatriate our ancestral lands within the Reservation boundary. The Trump administration can do right for Indian country.

Eighty Years of Land Repatriation Efforts on the Wind River Indian Reservation

In 1939, an Act of Congress provided for the restoration of all undisposed lands within the reservation opened for settlement, but all lands within the reclamation project were excluded from restoration. The restorations from the 1939 Act were significant but left the US government in control of the unused lands in the reclamation project. However, successful restorations of 70,000 acres in 1953 around Boysen Reservoir and then 120 acres west of Thermopolis in 1988 were returned to the Tribes through the Federal Property and Administrative Services Act (Excess Property Act). This Act is the most expedient and certain method to return lands to the Tribes, despite other legal mechanisms and options. The primary other option is the Federal Lands Policy Management Act (FLPMA), but according to previous research, the Excess Property Act is the proper mechanism for a return of the requested lands.

The *Report on Return of Excess Lands Wind River Reservation, WY*, by the Shoshone and Arapaho Tribes from November 13, 1993, and revised June 30, 2010, summarizes that the "BLM has produced two reports concerning the withdrawn reclamation lands. One report

recommends administrative processing to terminate withdrawals on various lands. The second report recommends legislation to terminate withdrawals on additional lands. The 1993 Report states:

Since entering into the Treaty of July 3, 1868, the Tribes have attempted to prevent the loss of their Treaty land base and, since the 1930s, have attempted to get any lost lands back into trust for the Tribes. The appropriateness of returning these lands to the Tribes was recognized by the United States as early as 1943. "[T]he [Indian] Office has been of the opinion for some time that the area withdrawn in connection with the Riverton reclamation project is excessive; that a considerable part thereof could never be beneficially used for the purpose withdrawn; and that such excess should be eliminated from the reclamation withdrawal and restored to tribal ownership." As shown in this Report, the 1943 Indian Office statement remains accurate fifty years later.

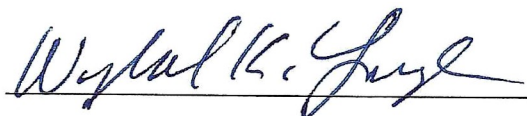
Joint Secretarial Order 3403 provided more impetus to support the Eastern Shoshone Tribe in this request. Section 1c: "Identify and support Tribal opportunities to consolidate Tribal homelands and empower Tribal stewardship of those resources." Section 6: "The Departments recognize that it is the policy of the United States to restore Tribal homelands to Tribal ownership and to promote Tribal stewardship and Tribal self-government."

At this point, there should be no question whether there is authority to transfer those lands to the Tribes. Statute exists. It is mandatory. All terminations can be accomplished administratively. The solution is simple. It requires one pen and your signature.

The Present

The Eastern Shoshone Business Council, with support from the Greater Yellowstone Coalition, requests that the Department of the Interior immediately repatriate approximately 69,000 acres of recognized "excess" property known as Muddy Ridge to the Tribes using the Excess Property Act. We also request that you meet with the Tribes to discuss the repatriation of the additional disputed 35,000 acres of excess property on the Wind River Indian Reservation.

Respectfully,



Wayland K. Large – Chairman
Eastern Shoshone Business Council