



## **Shivwits Band of Paiutes**

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## **FOR IMMEDIATE RELEASE**

May 8, 2025

### **Shivwits Band of Paiutes Oppose Rushed Maloy/Amodei Bill Selling Federal Lands in Utah and Nevada**

SHIVWITS BAND RESERVATION—The Shivwits Band of Paiutes (Shivwits Band), a sovereign, federally recognized Indian Tribe, has become aware of a recent House Natural Resources Committee hearing wherein Representative Celeste Maloy introduced an amendment that would sell off more than 10,000 acres of public lands in Washington and Beaver counties. Two of the parcels to be sold are located along Gunlock Road, between the Shivwits Reservation and Gunlock Reservoir (Map 4 – excerpt below), on either side of the Santa Clara River where the Tribe's main water right flows. The amendment passed through Committee and is now part of the Fiscal Year 2025 Budget Reconciliation Bill. The full House of Representatives will vote on the Budget Reconciliation Bill in the near future. The Shivwits Band unequivocally opposes this legislation.

- **Violation of Federal Trust Responsibility:** This hurried bill violates principles of the federal trust responsibility, which obligates the federal government to act in the best interest of the Shivwits Band of Paiutes. Failing to consult with the Shivwits Band before a furtive attempt to sell federal land abutting the Shivwits Band's Reservation breaches that duty. The trust responsibility is not a courtesy; it is a legal and moral duty rooted in treaties, federal law, and centuries of Supreme Court precedent.
- **Adverse and Unlawful Impact on Cultural Resources:** The Shivwits Band understands that Parcel 8 contains sacred sites or cultural properties under the Native American Graves Protection and Repatriation Act (NAGPRA) and National Historic Preservation Act (NHPA). The obligations of these federal laws, including Section 106 mandates, are being ignored. The proposed legislation fails to respect NAGPRA and the NHPA, and the cultural sovereignty these laws were designed to protect.
- **Failure to Engage in Tribal Consultation:** There has been no consultation with the Shivwits Band on this proposed legislation that directly impacts the Shivwits community. Executive Order 13175 has not been rescinded and requires consultation regarding proposed legislation with substantial direct effects on a Tribe. Advance consultation with

the Shivwits Band, which has a close working relationship with Representative Maloy, should have been solicited on a matter of such significant interest to the Band.

- **NEPA Protections Overlooked:** The sale of thousands of acres of land within the next two years demonstrates a blatant disregard of the National Environmental Policy Act (NEPA), a cornerstone statute of environmental protection in the U.S. The proposed legislation sidesteps required environmental studies and prevents the public, including Tribal Nations, from having an opportunity to weigh in on potential lasting harms to ecosystems, water sources, and cultural landscapes.
- **Administrative Procedures Act:** This bill undercuts protections promised by the Administrative Procedures Act (APA). When the federal government considers disposing of public land, that process is subject to well-established, transparent procedures including public notice, comment opportunities, environmental review, and Tribal consultation, particularly when such actions may affect Tribal rights, cultural resources, or environmental interests. By advancing this land sale through direct legislation, rather than through the administrative channels required under the APA, Rep. Maloy's bill attempts an end run around APA procedural safeguards. It denies the Shivwits Band and the broader public their lawful right to weigh in on a decision that carries serious environmental, cultural, and legal consequences.
- **Ignores Tribal Sovereignty:** Ignoring the Shivwits Band as an adjacent sovereign undermines the Shivwits Band as a government. To propose this legislation without even notifying, let alone meaningfully engaging the Shivwits Band and other Tribal entities shows a disregard for Tribal sovereignty and a dangerous return to policies of exclusion and paternalism.
- **Rushed Timeline:** The proposed legislation is not only deeply flawed in substance, it is being advanced on a sly and hurried timeline clearly intended to suppress engagement and shield the proposal from meaningful scrutiny.
- **Back Room Deals:** The amendment appears to be a textbook case of backroom dealing that undermines public trust in the democratic process. It offers no transparency about how these federal lands were selected for sale, who stands to benefit, or what private interests coordinated with members of Congress to engineer this proposal behind closed doors. The conspicuous lack of detail raises serious questions: Who identified these lands? Who initiated the transfer? And why was the Shivwits Band—the sovereign Tribal Nation most directly affected—excluded from the conversation?

# Washington County Land Conveyance - West Half

This map was prepared at the request of Representative Celeste Maloy.

April 9, 2025

