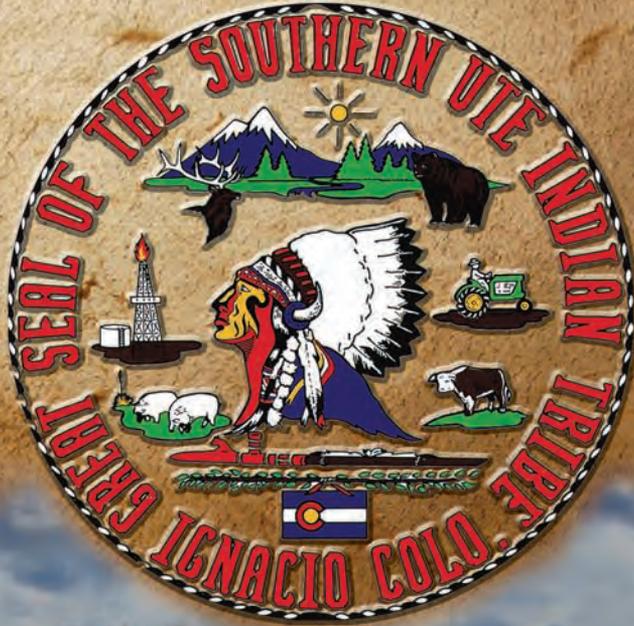


# Living in LaPlata County

The Southern Ute Indian Tribe



# **Living in La Plata County: The Southern Ute Indian Tribe**

The Southern Ute Indian Reservation is located in southwest Colorado and predominantly within La Plata County. As a resident or business operator in La Plata County, it is important for you to understand the unique aspects of living or working on or near the Southern Ute Indian Reservation. Here is a summary of “what you should know” about the impacts of the Southern Ute Indian Tribe’s presence in this region, including the economic and legal impacts.

## ***The Tribe and the Southern Ute Indian Reservation Are an Important Part of the History of Our Area.***

The Southern Ute Indian Tribe is a federally-recognized Indian tribe with its headquarters located on the Southern Ute Indian Reservation near Ignacio, Colorado. The present day Southern Ute Indian Reservation is a remnant of a much larger territory. The aboriginal domain of the Utes included the mountainous areas in eastern Utah, Colorado, and northern New Mexico. During the sixteenth century, the Utes were comprised of a confederation of seven bands. Two of those bands, the Mouache and Capote, make up the present-day Southern Utes. The Weeminuche band, now called the Ute Mountain Ute Tribe, occupies a neighboring reservation, and the remaining bands are located on the Uintah and Ouray Reservation of eastern Utah.

In 1868, approximately the western third of the state of Colorado was set aside for the Utes. In response to changes in federal Indian policy, the size of the Reservation was reduced over the years. Following the discovery of valuable hard rock minerals, the Brunot Cession of 1873 carved the San Juan Mountain region from the Reservation. Under acts passed by Congress in 1880 and 1895, the remaining Reservation lands in southwestern Colorado were the subject of Indian allotment. Under the authority of the Acts of 1880 and 1895, a Presidential proclamation issued in 1899 opened the lands remaining after allotment to entry under the public land disposal laws. Over the next 35-year period, agricultural entrymen entered upon the opened Reservation lands and acquired homestead patents pursuant to various public lands laws.

In 1984, Congress confirmed the exterior boundaries of the Reservation, spanning an area of approximately 700,000 acres and roughly extending from the eastern edge of Montezuma County to the middle of Archuleta County, and from points south of U.S. Highway 160 to the Colorado/New Mexico state line. The current-day Reservation includes Tribal trust lands<sup>1</sup>, Indian allotments<sup>2</sup>, homestead fee tracts<sup>3</sup>, Tribally-owned or Indian-owned fee land<sup>4</sup>, and Bureau of Reclamation lands and National Forest lands. This patchwork pattern of land ownership is commonly referred to as a “checkerboard” reservation. The Southern Ute Indian Tribe currently has title interest in approximately 300,000 acres of the surface estate within the exterior boundary of the Reservation as well as title to much of the mineral estate.

***<sup>1</sup>Tribal Trust Land*** - Land that has been set aside for the exclusive use and benefit of the Tribe but is owned by the United States in trust for the Tribe. The Tribe may use, lease, mortgage, or sell the Tribe’s interests in this land only if the federal government consents.

***<sup>2</sup>Allotted Lands (a/k/a allotments)*** - Parcels of land that were distributed by the federal government to individual Tribal members for agricultural development. The allotment process was discontinued by Congress in 1934, yet allotted lands continue to be owned by the federal government in trust for individual Indians and either held in trust by the federal government or subject to statutory restrictions on transfer of title.

***<sup>3</sup>Fee Land*** - Lands where the owner holds title to and controls the property. Generally, non-Indian owners may make decisions about the use of the land without Tribal oversight. Fee land was created within the Reservation when the federal government opened lands on the Reservation to homesteading by non-Indians, or original allotted trust lands were transferred to fee status.

***<sup>4</sup>Tribally-owned or Indian-owned Fee Land*** - Land owned by the Tribe or an individual Tribal member or non-member Indian.



## ***The Tribe Exercises Many of the Same Powers as the Federal and State Governments.***

A sovereign entity, the Tribe governs its own people, resources and lands through a seven-member council. The Southern Ute Indian Tribal Council includes a Chairman and six other Council members elected by the Tribe's membership. The Tribe has a constitution, code of laws, and a tribal court system. Exercising powers of self-government is critical to maintenance of the Tribe's identity as a sovereign political entity that pre-dates the federal and state governments. The powers exercised by the Tribe, and the rights enjoyed by the Tribe and its members, are the result of the Tribe's sovereign status and the unique trust relationship between Indian tribes and the federal government. In many cases, the rights of Tribal members that are recognized by the federal and state governments arise from treaties entered into between the Tribe and federal government. As one court has stated, "the mere passage of time has not eroded, and cannot erode, the rights guaranteed by solemn treaties that both sides pledged on their honor to uphold." Current Tribal membership is approximately 1,400 people.

## ***The Southern Ute Indian Tribe is a Major Player in the Local and State Economies and an Important Contributor to the Local Community.***

Over the past 25 years, the Southern Ute Indian Tribe has become a major player in the local, state, and national economy. The Tribe is aggressively creating and operating new businesses both on and off-Reservation in the areas of oil and gas production, natural gas gathering, real estate development, housing construction, sand and gravel products, media, and gaming. The Tribe currently is the largest employer in La Plata County. Through contributions of a percentage of its annual gaming revenue, the Tribe is a supporter of many area non-profit organizations. The Tribe also regularly collaborates on a government-to-government basis with federal, state, and local agencies in areas of mutual interest such as transportation, natural resource development, and environmental protection. In summary, Tribal economic activity, including gaming, generates millions of dollars per year for La Plata County, in direct and indirect economic activity.

***The Reservation is Located Predominately in La Plata County and All Land Within the Reservation’s Exterior Boundary, Regardless of Ownership Status, is “Indian Country.”***

Jurisdiction on the Reservation is complex. A common misconception is that the Reservation includes only Tribal trust land and allotments. In fact, all land within the Reservation’s exterior boundary is “Indian Country,” and is considered to be “on the Reservation,” regardless of the land’s ownership status. “Indian Country” status is a key factor in determining the relative jurisdiction of the United States, the State, and Tribe over activities conducted on those lands. In general, within the Reservation’s boundary, the Tribe may exercise certain governmental powers, regardless of whether the land is held in trust or is allotted or private land. Within Indian Country, the State of Colorado (and La Plata County as a subdivision of the State) does not have the ability to regulate the activities of the Tribe or Indians. Within the boundaries of the Town of Ignacio, the State, along with the Tribe, may exercise criminal jurisdiction over Indians. The State of Colorado (and La Plata County as a subdivision of the State) generally has jurisdiction over activities of non-Indians on fee lands within the boundaries of the Reservation.

***Crossing or Using Tribal Land Without Permission is Trespassing.***

The federal government has an obligation to protect Tribal trust lands, and holds those lands for the benefit of the Tribe as a community. Tribal lands are not the type of federal lands that may otherwise typically be used by the public at large. In fact, non-Tribal members generally need a crossing permit to enter onto or cross over Tribal trust land. The Tribe reserves the right to deny crossing permits to any applicant entirely at its own discretion. When in doubt as to whether or not a crossing permit may be required, contact the Tribe’s Lands Division at 970-563-0126.

Some of the roads on the Reservation, including County designated roads, cross fee, Tribal trust, and allotted lands. La Plata County regulates the use of many of these roads, but rights-of-way on Tribal lands are also governed by federal regulations and, in many instances, Tribal consent to use of the right-of-way may be required. Citizens undertaking activities that affect County roads crossing Tribal trust or allotted lands are encouraged to contact La Plata County Public Works Department, the Tribe, and (for allotted land) the Bureau of Indian Affairs.

In some areas, a road may be designated with a County Road number to aid in addressing and emergency response, however, it should not be assumed that the road is maintained by or under the jurisdiction of La Plata County. For questions regarding maintenance of roads, contact the La Plata County Public Works Department.

### ***Violations of Tribal Wildlife Laws Can Result in Civil and Criminal Penalties.***

The Tribe has an active, comprehensive, wildlife management and enforcement program on the Reservation which is administered by the Tribe's Wildlife Resource Management Division and the Tribal Rangers. Hunting and outdoor recreation on Tribal lands are generally limited to Southern Ute Tribal members, their families and guests. Hunting and fishing is taken very seriously on the Reservation because it is directly related to the cultural and religious heritage of the Tribe and because some Tribal members depend on wildlife for food. The Tribe strictly regulates the time, place, and manner of hunting and fishing on the Reservation and enforces its rules on both Tribal members and non-members through the Tribal Court. Additionally, Congress has made it a federal crime to hunt or fish on Tribal land without the Tribe's permission. For more information on hunting and fishing programs that may be open to the general public, contact the Tribe's Wildlife Resource Management Division at 970-563-0130.

### ***The Tribe Has a Treaty Right to Hunt, Fish, and Gather Off-Reservation in the San Juan Mountain Region of Colorado.***

Under an 1874 treaty commonly known as the Brunot Agreement, the Tribe has the right to hunt, fish, and gather in an off-Reservation area that is approximately 4 million acres in size. The area within which the Tribe retained reserved rights is the San Juan Mountain region of Colorado and includes parts of nine counties and is marked roughly by a rectangle by the towns of Naturita, Lake City, Pagosa Springs, and Cortez. Tribal members can hunt, fish, and gather in that area subject to regulation by the Tribe. Importantly, treaty rights cannot be exercised on private property without landowner consent.

***The Tribe's Employment Rights Code Requires Employers Who Are Hiring for Work on the Reservation to Give Preference to Tribal Members and Other Indians. Contractors Who Are Contracting for Work, the Majority of Which Will Occur on the Reservation, Must Give Preference to Indian-Owned Businesses***

The Tribal Employment Rights Ordinance (TERO) is a Tribally adopted law that aims to promote the employment of Indians on or near the Reservation, to provide a preference in contracting for businesses owned by Indians, and to prevent discrimination against Indians in the employment practices of employers conducting business within the jurisdiction of the Tribe, in a manner consistent with federal law. The TERO extends to all businesses, including those owned by non-Indians, in certain commercial dealings, contracts, leases or other arrangements or activities affecting the Tribe. For more information on TERO, contact the Tribe's Employment Rights Office at 970-563-0117.

***The Tribe is Actively Involved in Protecting the Environment on the Reservation.***

Protection of the environment is important to the Tribe. For example, the Tribe and State of Colorado entered into an agreement in 1999 concerning air quality control on the Reservation, and created a commission responsible for improving and maintaining air quality within the exterior boundaries of the Reservation. The commission is responsible for adopting a Reservation Air Program, a single air quality program applicable to all lands within the exterior boundary of the Reservation, which also takes into account regional planning in La Plata and Archuleta counties. The Tribe will administer the Reservation Air Program, which is planned to include both a major and minor source permitting program. The Tribe also is involved in monitoring and other environmental protection programs on the Reservation. Businesses operating on or near the Reservation should contact the Tribe's Environmental Programs Division at 970-563-0135 for more information.



**SOUTHERN UTE INDIAN TRIBE  
General Administration**

116 Mouache Drive, Ignacio, Colorado 81137  
Main Number (970) 563-0100 • [www.southern-ute.nsn.us](http://www.southern-ute.nsn.us)

**Tribal Employment Rights Ordinance (TERO) Office: 970-563-0117**

**Air Quality Program: 970-563-4705**  
[www.southern-ute.nsn.us/SUEPD/Index.htm](http://www.southern-ute.nsn.us/SUEPD/Index.htm)

**Lands Division (Crossing Permits): 970-563-0126**

**Wildlife Resource Management Division: 970-563-0130**  
[www.southern-ute.nsn.us/WRMWeb/index.html](http://www.southern-ute.nsn.us/WRMWeb/index.html)

**COLORADO COMMISSION ON INDIAN AFFAIRS**  
130 State Capitol, Denver, CO 80203-1792  
[www.colorado.gov/ltgovernor/initiatives/indianaffairs.html](http://www.colorado.gov/ltgovernor/initiatives/indianaffairs.html)

**BROCHURE CREATED BY**

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