MOAPA BAND OF PAIUTES

MOAPA RIVER INDIAN RESERVATION
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STATEMENT OF DARREN DABODA
CHAIRMAN, MOAPA BAND OF PAIUTES

Before the
SENATE COMMITTEE ON INDIAN AFFAIRS
ON
S. 1986, THE MOAPA BAND OF PAIUTES LAND CONVEYANCE ACT

October 7, 2015

Chairman Barrasso and Committee Members, I am Darren Daboda. I am the Chairman of the Moapa Band of Paiutes' Business Council, which is the governing body of our Tribe. This is my third term as Chairman and my seventh year on the Tribal Business Council. I have also served my Tribe as the Environmental Director. I am pleased to be here today to testify on behalf of the Moapa Band of Paiutes in strong support of S. 1986, the Moapa Land Conveyance Act. I thank Senator Reid for introducing S. 1986 and thank Senator Barrasso and the Committee for holding this hearing.

The bill would restore about 26,000 acres to our Reservation. These are desert lands adjacent to our Reservation that are currently managed by BLM and the Bureau of Reclamation. In addition to restoring lands to our Tribe that were unjustly taken many years ago, the Tribe believes that this bill provides an opportunity for the Tribe to increase its self-sufficiency and add to Southern Nevada's economic and recreational growth by returning these lands to local control. Below I provide some history of the Tribe and our Reservation and then discuss the benefits that S. 1986 would bring not just to the Tribe, but to Clark County and Nevada as a whole.

The Tribe's History and Reservation

The Moapa Band of Paiute Indians ("Tribe") governs the Moapa Reservation, which is located in the heart of the traditional Southern Paiute territory that originally extended from the San Juan River in eastern Utah to the Chemehuevi areas west of the Colorado River in southern California. Southern Paiute Indians have occupied this land for at least the past 800 to 1,000 years.

Southern Paiute territory extended north and west from the Colorado River into the southern end of the Great Basin, covering large swathes of present-day southern Nevada, southern Utah, Arizona north of the Grand Canyon, and southeastern California. Southern Paiute people made their living off the land. They lived near springs and streams, where they built irrigation works to sustain their fields of corn, squash, pumpkins and beans. Southern Paiutes also hunted large and small game and gathered plant foods throughout the mountains and washes, moving in response to seasonal changes in the environment. Mesquite, agave, yucca, sagebrush, and other

native plants provided food, medicine, and fiber for weaving. Deep ecological knowledge was required to thrive in the harsh environment; to this day, Southern Paiute cultural and spiritual practices center on the land and its flora and fauna.

Unfortunately, our way of life was almost wiped out by the intrusion of outsiders. The Southern Paiute's first documented encounter with Europeans was the 1776 Escalante-Dominguez expedition seeking a land route from Santa Fe to Monterey. Subsequently, Spanish traders began extending their range westward into Southern Paiute territory. A trade route between Spanish settlements developed through the heart of Southern Paiute lands and took advantage of Paiute campsites, springs, and fields—often decimating Paiute crops and foraging resources, and blocking Paiute access to water sources. Spanish commercial trade along this Old Spanish Trail included traffic in human slaves, many of whom were Southern Paiute. When Spanish caravans dwindled to an end after 1848, American settlers moved into Southern Paiute territory and claimed the best springs and farmlands for themselves, displacing Southern Paiute families and completely disrupting Paiute subsistence. By 1865, towns were established in the Moapa Valley and settlers and miners were clamoring for removal of the Paiutes from their ancestral lands.

To resolve conflicts with encroaching settlers and miners, the Moapa Reservation was created by an Executive Order signed by President Grant on March 12, 1873. See I Kappler, Indian Affairs, Laws and Treaties 866-67 (2d.ed. 1904). On February 12, 1874, President Grant issued a second executive order which expanded the Reservation to well over 2,000,000 acres, including the entire Moapa and Lower Virgin watersheds and extensive lands along the Colorado River. Id. at 867. However, much of the best agricultural lands and water sources on the Reservation were controlled by non-Indian settlers.

Pressure from those settlers led Congress, in a rider to an 1875 appropriations bill, to drastically reduce the size of the Reservation to 1,000 acres "to be selected by the Secretary of the Interior, in such manner as not to include the claim of any settler or miner." See 18 Stat. 475. The selection of 1,000 acres was made by Secretary of the Interior on July 3, 1875. I Kappler at 868. This 1,000-acre parcel comprised lands astride the Muddy River, selected for their agricultural potential. However, Federal mismanagement and corrupt agents allowed unscrupulous settlers to appropriate much of the Reservation land and resources for themselves, such that almost no Paiutes lived on the Reservation because they could not make a living there. Two additional Executive Orders added 78 acres, see III Kappler, Indian Affairs, Laws and Treaties 681 (1913) (July 31, 1903 Executive Order by President Theodore Roosevelt), and 128 acres, id. at 682, 684 (E.O. 1649 (October 28, 1912)), to the Reservation in part to resolve land conflicts with settlers.

In the past 150 years, we lost most of our lands, our resources and our way of life. In spite of all this, we survive and continue to thrive. On December 2, 1980, Congress enacted Pub. L. 96-491, which restored 70,565 acres to the Reservation. 94 Stat. 2561. Since that time, with its own limited resources, the Tribe has acquired additional lands within or adjacent to the exterior boundaries of the 1980 Reservation in fee. Today, the Moapa Reservation encompasses approximately 72,000 acres of land in Clark County, Nevada. Over 99% of the Reservation is Tribal trust land; the remainder is owned by the Tribe in fee. We have worked to create

economic opportunity within our Reservation for the benefit of the Tribe and its members, including our Travel Plaza, restaurant, casino and retail store at I-15's Valley of Fire exit, our Tribal Farm, and our leadership in regional utility-scale solar development.

Our Reservation is uniquely situated to provide solar power in the region. We are located near power lines and substations, as well as major markets which need extra energy exactly when the sun is shining most brightly, for air conditioning. In addition to providing needed power to the region, solar projects provide many job opportunities. We have a proven track record of developing solar power on our Reservation. S. 1986 would open up lands for additional solar projects.

Our Tribe was the first to gain approval for a solar project on Tribal land and already has three solar projects in different stages of development located within the Reservation. First Solar, a leading provider of comprehensive photovoltaic (PV) energy solutions, is over half-way done constructing a 250 megawatt (MW) alternating current solar project located on approximately 2,000 acres within our Reservation. This was the first major solar farm project to break ground on tribal lands. Moapa Southern Paiute Solar, LLC (a subsidiary of First Solar Electric, LLC) is the project owner and will construct the project using First Solar's advanced photovoltaic (PV) thin film solar modules. When fully operational, the project will generate enough clean solar energy to serve the needs of about 100,000 homes per year, displacing approximately 178,000 metric tons of carbon dioxide (CO2) annually—the equivalent of taking about 34,000 cars off the road. The project will include an onsite substation and a new 5.5 mile 500 kV transmission line that will connect the project to the existing Crystal Substation serving energy users in California. The Moapa Southern Paiute Solar Project has a Power Purchase Agreement with the Los Angeles Department of Water and Power to deliver clean, solar energy for 25 years. Construction is expected to be complete by June of 2016. Approximately 500 (five hundred) of MSP solar project employees are Tribal members and members of the local community are employed as part of this project.

RES Americas, a Colorado-based company, has proposed a second solar project located on 850 acres within the Reservation. The project would utilize PV solar technology and would generate up to 200 MW of energy. This project, once it breaks ground, will provide about 500 jobs during construction and at least 10 permanent positions once complete.

First Solar and the Tribe are also proposing a third project, named "Aiya," located on 900 acres within the Reservation. The 100MW Aiya Solar Project is the second solar energy project First Solar is working on with the Tribe. The Aiya Solar Project will create approximately 300 jobs during construction, which will be completed near the end of 2016.

Solar energy development is an opportunity to combine stewardship of the land with economic development, allowing the Tribe to minimize our impact and maximize our resources. Because all of these projects require BIA approval for the lease of trust lands, NEPA compliance is required and Endangered Species Act concerns are addressed at all stages of the process. Solar development projects help to provide a long-term, diverse, and viable economic revenue base

and job opportunities for the Tribe while assisting Nevada and neighboring states meet their State renewable energy needs. Our solar projects have and will continue to employ many Tribal members and other local residents. Solar development would benefit both the Tribe and the greater community, and would increase the Tribe's stake in the prosperity of the region.

S. 1986

During the 113th Congress, the Moapa Land Conveyance Act was introduced by Senator Reid (S. 2479) and Representative Horsford (H. 4839). The Senate bill was assigned to this Committee, which reported the bill out with bipartisan support. We understand that BLM reviewed and recommended modifications to the map of lands referenced in the bill, and those changes were incorporated into the bill reported by the Committee. **The version of the bill approved by this Committee in the 113th Congress is the same bill currently before this Committee as S. 1986.**

The Moapa Land Conveyance Act helps "right a wrong." The lands to be added to the Tribe's Reservation by Section 3 of S. 1986 were part of our original Southern Paiute homeland, and were part of the original Moapa Reservation, which as described above once comprised over 2,000,000 acres. Our original Reservation allowed us to maintain our way of life and the opportunity to flourish. Unfortunately, pressures from miners and settlers led Congress to shrink our Reservation in 1875 from over 2,000,000 down to only 1,000 acres which ended life as we had known it since time immemorial. The Moapa Land Conveyance Act would partially redress the impacts from the loss of our lands.

The lands included in S. 1986 for addition to the Reservation are undeveloped desert lands but are particularly important to us. Besides remedying past injustices, adding to our land base would help us address a severe housing shortage on and around our Reservation, allow for economic development for the Southern Nevada region, facilitate prevention of devastating floods, and protect our cultural resources.

One portion of additional lands included in S. 1986 consists of nearly nine sections located to the north of the existing Reservation within Township 14 South, Range 65 East. It is close to where most of us live on the Reservation. These additional lands will be directly useful for housing and community needs for our people. The Tribe currently has 329 enrolled members. Approximately 200 live within the Reservation, and the Reservation community consists of approximately 400 people, including non-members of the Tribe. Housing is extremely scarce. The Tribe's Housing Authority currently administers 42 units of housing for low income residents, and 2 "mutual help" homes. There are another 49 "mutual help" homes located on trust land within the Reservation. However, that housing is insufficient for several reasons. First, there is a waiting list for low-income housing and more low-income units are desperately needed. Second, there is limited Tribal housing available for residents who are <u>not</u> low-income. This makes economic development a double-edged sword; when Tribal members get good jobs from Tribal economic development projects, they frequently find themselves disqualified from low-income housing and can no longer live on the Reservation. Existing lands within the Reservation are mostly not suitable for housing development due to their isolation from public services and utilities, or location within flood plains or areas that are off-limits to development for environmental

reasons. Thus, the Tribe needs additional lands to use for constructing housing for Tribal members. Adding these lands to the Reservation would give our young people an opportunity to stay home and contribute to our community.

Additionally, some of these lands should be managed for flood control and flood prevention purposes. On September 8, 2014, remnants of Tropical Storm Norbert dumped nearly six inches of rain on the Reservation--more rain than the area typically receives in an entire year. That intense thunderstorm created a flash flood event which resulted in damage to homes and property within the Reservation.[1] Many Reservation residents were trapped in their homes, as they were caught off guard by the unusual depth, volume and speed of the floodwaters. Three earthen dams within the Reservation (two of which were constructed in the 1930s) were breached, and two other dams located on BLM land up gradient of the Reservation were also breached. The Tribe is, with the assistance of FEMA funds, working to repair the breached dams located within the Reservation to prevent future floods from devastating the Reservation. However, the Tribe is currently unable to do anything to address the breached dams located on BLM lands north of the Reservation. At least one of the BLM dams is located within the T.14S, R. 65E lands included within S. 1986. Adding these lands to the Reservation would position the Tribe to address the ongoing threat posed by the breached dams and to manage the lands for effective flood control.

A second portion of additional lands included in S. 1986 consists of about 17.5 sections within Township 17 South, Ranges 64 East, 65 East and 66 East. These lands are just south of our main commercial development: a travel plaza with a convenience store, casino and gas station located at the Valley of Fire exit from Interstate 15. The Tribe's powwow grounds are also located nearby. Recently, the Tribe has allowed several music, culture and art festivals to hold events within the Reservation near these lands—events that are open to the general public (for the price of a ticket) and bring lots of visitors and the associated economic activity and jobs to Clark County. The Tribe envisions using the proposed addition lands to continue to enhance outdoor recreation and conservation opportunities. This area is located along the natural path of Las Vegas's growth, on Interstate 15, by an exit which leads to the Valley of Fire, Nevada's oldest and largest state park. Some of this land is close to existing utility infrastructure and could be suitable for solar energy development. Adding these lands could lead to additional economic activity and jobs for Tribal members and others in our region.

A third portion of additional lands included in S. 1986 consists of about 4.5 sections located within Township 26 South, Range 63 East. Located on the west side of the Reservation near the Arrow Canyon Range, this area has special significance to the Tribe and would be preserved for cultural purposes.

The remaining lands included in Section 3 of S. 1986 are four sections located within Township 15 South, Range 66 East and eight sections within Township 16 South, Range 66 East. The Tribe believes these lands could be very useful for solar energy development, housing, or

[1] A major disaster declaration was proclaimed for the state of Nevada for severe storms and flooding that occurred between September 7 – 9, 2014. Under the federal disaster declaration (FEMA DR-4202-NV) signed by the President on November 5, 2014, the Moapa Band of Paiutes was designated as adversely affected by the disaster and is eligible for both public assistance and hazard mitigation assistance.

economic development given the proximity to I-15. There are also areas of cultural importance to the Tribe that would be protected from development.

Finally, Section 4 of the bill would transfer title to approximately 88 acres of land within the Reservation that the Tribe owns in fee into trust for the Tribe. This land was purchased by the Tribe in 1979. The Band has asked the Bureau of Indian Affairs to take the land into trust pursuant to 25 U.S.C. § 465 and that application is currently pending with BIA. The land is vacant and located near the Tribal government center, the Tribal Farm's agricultural fields and the Tribal Housing Authority's low-income housing development. The Tribe wishes to transfer the fee land into trust because it is currently an "island" of fee land surrounded by trust land within the Reservation. The Tribe believes that this land would be suitable for future agricultural development due to its proximity to the Farm, or perhaps for additional housing if flood plain concerns can be addressed. But at this time, the Tribe has no plans to change the use of the property.

Support for S. 1986

In August 2015, the Clark County's Board of County Commissioners gave its support for S. 1986 (see attached letter to Senator Reid and Senator Heller). The Board of County Commissioners supports the bill because it "provides a tremendous economic opportunity to the Band, while ensuring that other interests are protected."

In addition, the Tribe has reached out to local groups to answer questions about the bill and to address concerns. The Tribe is committed to engaging in productive dialogue with BLM, local government agencies, and this Committee about this bill and the Tribe's need for additional lands.

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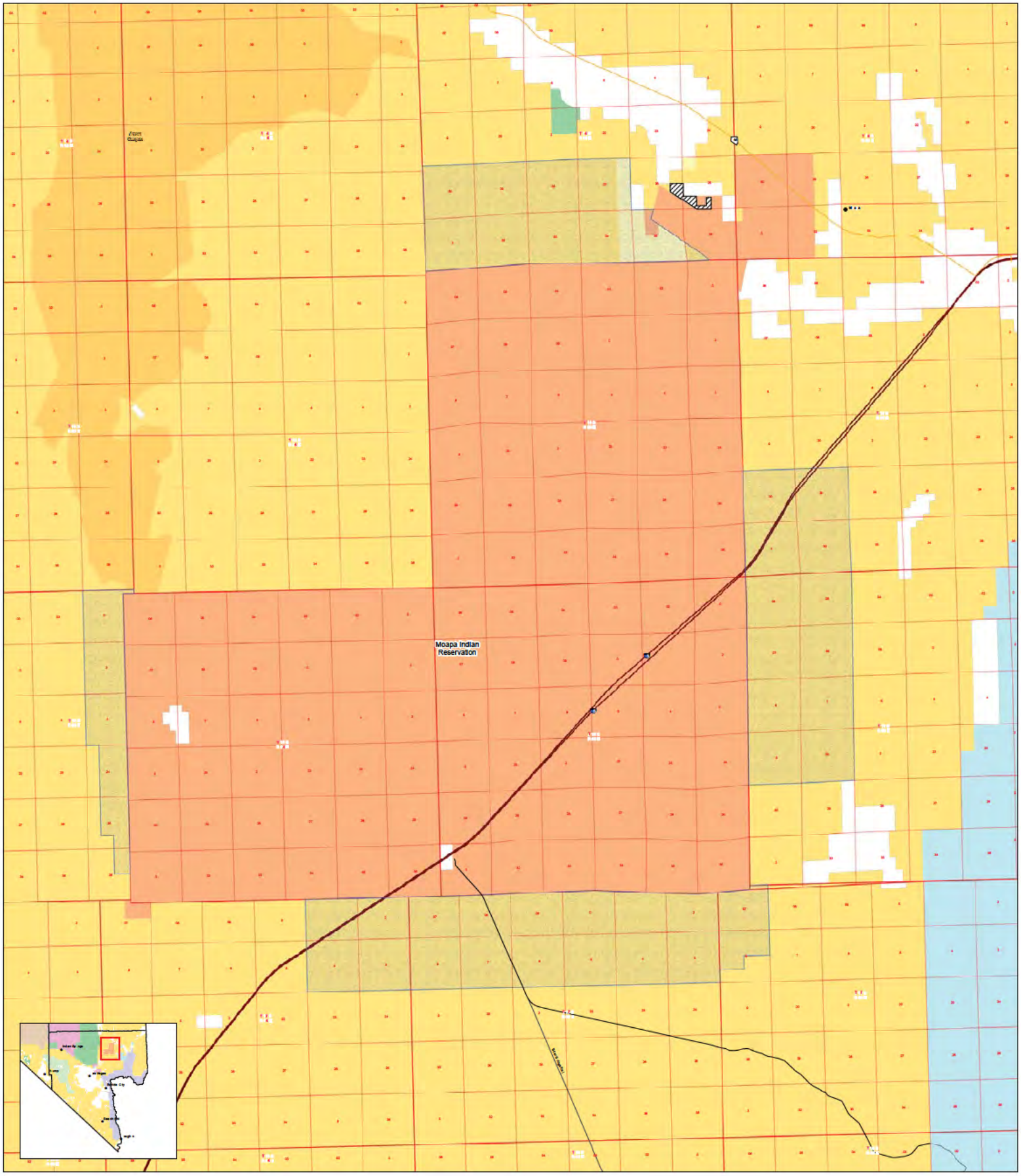
We again thank Senators Reid and Barrasso and the Committee for their efforts in moving S. 1986 forward. Not only would this bill help rectify past injustices, but it also gives, in a very practical way, hope to our people for the future.

Moapa River Reservation Expansion

This map prepared at the request of Senator Reid
August 5, 2015



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0 0.75 1.5 3 Miles

This map intended to be plotted at 36 x 48

Legend

- Cities & Towns
- Reservation Expansion Lands
- Fee in o Trust Lands
- BLM Wi derness

Land Status

- Bureau of Indian Affairs
- Bureau of Land Management
- Bureau of Reclamation
- Fish and Wildlife Service
- Nevada State Lands
- Private

STEVE SISOLAK
Commissioner

Board of County Commissioners

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August 21, 2015

To The Honorable Harry Reid
U.S Senator
522 Hart Senate Office Building
Washington, DC 20510

To The Honorable Dean Heller
U.S. Senator
324 Hart Senate Office Building
Washington, DC 20510

Dear Senators Reid and Heller:

On August 4, 2015 the Clark County Board of Commissioners voted to formally express our support of the proposed expansion of the Moapa River Indian Reservation that has been requested by the Moapa Band of Paiute Indians. We believe that the expansion of the reservation provides a tremendous economic opportunity to the Band, while ensuring that other interests are protected.

The Moapa River Indian Reservation was reduced in size by Congress in 1875 from over 2 million acres to 1,000 acres. In 1980, Congress expanded the reservation to its current size of approximately 75,000 acres. This expansion would return some of the Moapa Band of Paiute Indians' homeland and would increase the size of the reservation to 100,000 acres.

We understand that the lands proposed for inclusion in the Moapa River Indian Reservation are adjacent to the existing reservation and consist of approximately 26,000 acres of Bureau of Land Management and Bureau of Reclamation lands. The lands identified would be used for housing, flood control, solar energy development, outdoor recreation and conservation and protection of cultural resources. The land identified does not include energy infrastructure in the area of mining interests. It is also our understanding that the transfer of land will be subject to all valid existing rights of way.

The transfer of these lands would provide a boost to the economy for the Moapa Band of Paiute Indians and protect their way of life. The Moapa Band of Paiute Indians has been a good partner with the County on countless issues and we are pleased to support their request. If you have any questions, please call me at 702-455-3500.

Sincerely,

STEVE SISOLAK
Chairman