

**TESTIMONY OF
MICHAEL SMITH
DEPUTY DIRECTOR, BUREAU OF INDIAN AFFAIRS
UNITED STATES DEPARTMENT OF THE INTERIOR
BEFORE THE
SENATE COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE
ON
H.R. 387, THE “ECONOMIC DEVELOPMENT THROUGH TRIBAL LAND EXCHANGE ACT”**

OCTOBER 7, 2015

Chairman Barrasso, Vice Chairman Tester, , and Members of the Committee, my name is Michael Smith and I am the Deputy Director for the Bureau of Indian Affairs at the Department of the Interior (Department). Thank you for the opportunity to present testimony for the Department on H.R. 387, the “Economic Development Through Tribal Land Exchange Act.” The Department supports H.R. 387.

The Morongo Band of Mission Indians (the Tribe), located approximately 20 miles west of Palm Springs, CA, along with the City of Banning (the City) and Lloyd L. Fields (Mr. Fields), a private property owner who resides in California, have asked Congress to enact legislation providing for the exchange of certain lands within or adjacent to the Morongo Reservation (1) to promote the consolidation of the Tribe’s reservation lands, (2) to resolve a land-use dispute among Mr. Fields, the City and the Tribe, and (3) to facilitate commercial development on lands adjacent to the Tribe’s reservation that will be beneficial for the City and the Tribe, as well as Mr. Fields. A map depicting the property to be exchanged is referenced in the bill. The parcels are identified as Parcels A, B, C and D.

Background

Among the parcels of land the United States currently holds in trust on behalf of the Tribe is a parcel of 41.15 acres (Parcel B), a portion of which is adjacent to lands outside the Tribe’s reservation that are owned by Mr. Fields. This parcel has no currently existing access to any public road and has little economic value to the Tribe. In 1995, through transactions with other private non-Indian landholders, Mr. Fields acquired a similarly sized parcel (Parcel A) that at the time also was outside the Tribe’s reservation. Parcel A has since become encircled by lands acquired by the Tribe and now held in trust for the Tribe by the United States as part of the Tribe’s residential area, largely precluding Mr. Fields from commercial development of Parcel A. In an effort to relieve the City from the continued maintenance and upkeep of certain lands which it owns, the City is interested in conveying to the Tribe approximately 1.21 acres of land (Parcel C) that is within the Tribe’s reservation and that is used for a roadway, in return the Tribe would grant the City an easement over other tribal trust lands (Parcel D) adjacent to Parcel B, which the City intends to use as a roadway and for electrical, sewer, water, and related utility lines in order to enable future commercial development that the City believes will be beneficial to the City.

H.R. 387

First, H.R. 387 authorizes and directs the Secretary of the Interior (Secretary) to accept title to Parcel A to be held in trust for the Tribe. Second, H.R. 387 authorizes and directs the Secretary to convey Parcel B to Mr. Fields, thus removing Parcel B from trust status. Third, the bill authorizes and directs the Secretary to grant an easement to the City for use of Parcel D as a roadway and for electrical, sewer, water, and related utility lines owned by the City. All three of these conveyances would be done simultaneously. Fourth, H.R. 387 directs the Secretary to accept title to Parcel C to be held in trust for the Tribe after the City has vacated its interest in Parcel C pursuant to applicable state law.

Anticipated Use of Lands

The lands the Tribe is requesting be placed into trust on its behalf will assist the Tribe with its land consolidation efforts. The Tribe already has a hotel and casino in a different section of its Reservation that the Tribe has designated for entertainment and hospitality uses; thus, the Tribe is unlikely to use Parcel A for any commercial use other than grazing or other ranch or farming related activities. Parcel C will continue to be used by the Tribe as a roadway providing access to the Tribe's residential area. We would be happy to work with the Subcommittee to add legal descriptions of the parcels into the bill.

The Department recognizes that the land exchanges contemplated in this bill would reduce so-called checkerboarding of Indian land and produce more consolidated land holdings for the Tribe. The Tribe and the City of Banning are to be congratulated for working out an exchange that benefits both the Tribe and local government. The Department supports this bill.

This concludes my prepared statement. I will be happy to answer any questions the Committee may have.