



PECHANGA INDIAN RESERVATION
Temecula Band of Luiseño Mission Indians

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**Statement of
Chairman Mark Macarro
Pechanga Band of Luiseño Indians
Senate Committee on Indian Affairs
Legislative Hearing on
H.R. 2963, Pechanga Band of Luiseño Indians Land Transfer Act
May 15, 2008**

Good morning Chairman Dorgan and Vice-Chairperson Murkowski. Thank you for the opportunity to provide testimony on behalf of the Pechanga Band of Luiseño Mission Indians.

The Pechanga Band of Luiseño Indians respectfully requests your support of H.R. 2963, the Pechanga Band of Luiseño Mission Indians Land Transfer Act of 2007. If passed into law, this bill would protect approximately 1178 acres of land in Riverside County, California, adjacent to our existing reservation, and important to the Luiseño people, by transferring it into trust for the benefit of the Tribe.

The Tribe has called the Temecula Valley home for more than 10,000 years and 10,000 years from now, tribal elders will share with tribal youth, as they do today, the story of the Tribe's creation in this place. Since time immemorial, through periods of plenty, scarcity and adversity, the Pechanga people have governed ourselves and cared for our lands. This land is witness to our story.

The history of the Tribe begins with our ancestral home village of Temeeku, which was a center for all the Payomkawichum, or Luiseño people. After the establishment of the state of California in 1850, a group of Temecula Valley Ranchers petitioned the District Court in San Francisco for a Decree of Ejection of Indians living on the land in Temecula Valley, which the court granted in 1873.

In 1875 the sheriff of San Diego County began three days of evictions. The Luiseño people were taken into the hills south of the Temecula River. Being strong of spirit, most

of our dispossessed ancestors moved upstream to a small, secluded valley, where they built new homes and re-established their lives.

A spring located two miles upstream in a canyon provided them with water. We have always called this spring Pechaa'a, which comes from pechaq, which means to drip. This spring is the namesake for Pechaa'anga or Pechaanga, which means "at Pechaa'a" or "at the place where water drips."

On June 27, 1882, seven years after being evicted, the President of the United States issued an Executive Order establishing the Pechanga Indian Reservation. Several subsequent trust acquisitions were made in 1893, 1907, 1931, 1971 and 1988, each one increasing the size of the reservation.

At present, the total land area of the Pechanga reservation is approximately 5,500 acres. As a people of this ancestral land that spreads from the center of Temecula out 60 miles north and south and approximately 45 miles east to west, we have always been respectful of and responsible for the environmental, social and economic relationships that exist upon it.

It is because of our history and cultural affiliation with these lands that the passage of H.R. 2963 is so important to the Tribe. Our identity and existence as Luiseño people is dependent upon our connection to and protection of these ancestral lands.

Today, our tribal government operations, such as our environmental monitoring and natural resource management programs, exist to fully honor and protect the land and our culture upon it. In particular, we are concerned about watershed and wellhead protection for our surface and ground water resources and the availability of water for our community. The land that would be placed into trust under H.R. 2963 is part of the recharge area for some of these resources and would help protect the quality and ensure an adequate supply of water for the Tribe and surrounding communities.

These lands are also home to important cultural resources, including pictographs and petroglyphs unique, not only to Luiseño territory, but to all of Indian country and our Nation. While these lands have a unique historical and cultural value for the Pechanga people, they are also important for their broader aesthetic value to communities throughout the Temecula Valley. The Tribe is very proud of our protection of cultural resources on our tribal properties and throughout our ancestral lands. Our Cultural Committee has a well-deserved reputation for thoroughness and strictness in its demands for protection of cultural resources. The Tribe is also very proud that we have preserved and protected all of our cultural places on tribal lands in a culturally appropriate manner. More importantly, we are proud that we have given these resources a level of protection they would not receive if they were located outside of the reservation boundaries, even in the best of circumstances. The Tribe is ever vigilant to protect our cultural resources since we now own only a tiny fraction of the lands that once belonged to us and because most of these resources have already been lost to development in non-tribal jurisdictions.

As stewards of our traditional lands, the Tribe will continue to ensure responsible management of the lands to be transferred. For example, although the lands in question

will not be subject to the Riverside County Multi Species Habitat Conservation Plan (MSHCP) once they have been transferred to the Tribe, the Tribe has agreed in its MOU with Fish & Wildlife to manage the land in a manner consistent with the goals of the MSHCP. In fact, when questions came up about the Tribe's development of a golf course on a portion of similar tribal lands, the Tribe commissioned a MSHCP consistency analysis by a County approved MSHCP consultant which concluded that the Tribe's treatment of the property in question is consistent with meeting and/or exceeding the MSHCP goals for development within that geographical area.

Although we have always believed in the sanctity of our lands, and have planned carefully for the use and preservation of our land, one environmental group has recently questioned our adherence to the National Environmental Policy Act and our development efforts on the reservation.

After conversations with the representative of this group, we found their objections to be unwarranted, insulting and disturbing. The criticism is aimed specifically at a parcel, known as the Great Oak Ranch parcel, which was transferred to the Tribe through the administrative fee-to-trust process. In 2002, the Tribe succeeded in preventing a major power line from being situated on this parcel, the Great Oak Ranch. The Tribe, along with the surrounding community averted an environmental impact which would have left a lasting imprint on the lands of the Pechanga people and the Temecula Valley.

We assure you the Tribe has devoted significant tribal resources ensuring the use of our lands adheres to the principles of the National Environmental Policy Act, the MSHCP and California environmental laws. We have long-standing cooperative and supportive relationships with our local environmental groups and our local governments, and have made every effort to coordinate our planning and gain their support for Tribal projects which affect the community.

Protecting the sanctity of these lands through conservation and resource management is of the highest priority for the Tribe. Our mandate is to protect and enhance the sustainability and well being of the Pechanga way of life. Accordingly, the tribal government also issued an Executive Order zoning the land to be transferred under H.R. 2963 for conservation and management of wildlife and cultural values. Such zoning would make any commercial or other significant development of the lands contrary to tribal law.

Recognizing the importance of these lands to the Pechanga people, the Tribe began working with the Bureau of Land Management (BLM) nearly 15 years ago to place these lands into trust. In the spring of 2004, the BLM indicated to Congressman Darrell Issa (R-CA) their willingness to transfer the land. In response to the BLM, Congressman Issa introduced legislation to transfer the land to the Tribe.

During the 108th Congress, H.R. 4908, a bill which was substantially similar to H.R. 2963, was introduced in the House of Representatives. H.R. 4908 was not passed by the House due to concerns expressed by San Diego County late in the process.

During the 109th Congress, the Pechanga Band of Luiseño Indians made extensive efforts to work with all affected parties to iron out any concerns or miscommunication regarding the provisions of H.R. 3507, which also passed out of the House of Representatives. We resolved all concerns expressed by parties of which we were aware, including concerns raised by Riverside and San Diego Counties. Concerns regarding management of the lands expressed by the U.S. Fish and Wildlife Service were resolved through language in the legislation regarding the management of and purposes for which the transferred land may be used and through the execution of a formal Memorandum of Understanding, signed by the Bureau of Land Management, the Fish and Wildlife Service and the Pechanga Band of Luiseño Indians.

Also during the 109th Congress, it was discovered that a power line runs across the southwest corner of the parcel. The BLM and the owner of the power line, Sempra Energy, have agreed to language that addresses the identification and disposition of the 12.82 acres that encompasses the power line. That language has been incorporated into the current bill in front of you today, H.R. 2963.

In the 110th Congress, the Bureau of Land Management remains supportive of this trust transfer, now embodied in H.R. 2963. We have also received the support of the City of Temecula, which is adjacent to the property, in the form of a resolution passed by the City Council.

In closing, I thank you for the opportunity to address you, and, on behalf of the Pechanga Band of Luiseño Mission Indians, I respectfully request your support for H.R. 2963. Thank you for your time and consideration of this matter.