



## PALA BAND OF MISSION INDIANS

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June 18, 2019

Response to additional questions submitted regarding, H.R. 1031 (Rep. Juan Vargas), To take certain land located in San Diego County, California, into trust for the benefit of the Pala Band of Mission Indians, and for other purposes. *"Pala Band of Mission Indians Land Transfer Act of 2019"*.

Dear Chairman Grijalva, Ranking Member Bishop, Subcommittee Chairman Gallego, and honorable members of the Committee:

I would like to thank the members of the Committee for inviting me to speak on behalf of my tribe, the Pala Band of Mission Indians, on such an important issue. I would like to thank Ranking Member Bishop for submitting additional questions. Please see my response below:

1. How long has your tribe sought to acquire the proposed Gregory Canyon Landfill property?

For many years, Pala sought to stop the landfill through other means than direct purchase of the property. In general, we do not think it is a good practice for tribes to have to purchase their sacred lands in order to protect them from this sort of development. It sets a bad precedent wherein developers may feel they can profit from tribes' desires to save their sacred sites and make money at tribes' expense. Nevertheless, as our fight against the landfill progressed it became clear that purchasing the land would be the only way to finally stop the project; therefore, we began negotiations with the landfill developers in 2016 to acquire the property.

2. Your testimony states that the tribe has no intention to develop the land described in H.R. 1031. Does the tribe have concerns including a provision in the bill that would provide for the protection of this sacred 700 acres from development in perpetuity? If so, please describe.

Pala's only intention for this land is to protect it as a sacred site in perpetuity. Therefore, we have no concerns about including a provision in the bill to that effect.

3. Your testimony states that the tribe is pursuing the legislative land into trust process due to the length of time the Administrative process takes. Do you believe the Administrative land into trust process is in need of reform to ensure all tribes' land into trust requests are completed in a fair and equitable process for all stakeholders?

The land into trust Administrative process can be unduly cumbersome. Tribes' requests to take known ancestral lands into federal trust – often lands that were ceded under duress or taken by force – are frequently subject to undue and intense scrutiny by stakeholders that do not always have a true interest in a parcel's disposition. Rather, they are motivated by unfounded fears about how the land may be used once it is placed into trust. Furthermore, at a more bureaucratic level, the land into trust process often takes years and requires lengthy and expensive title, environmental, and other reviews that can be difficult for tribes to complete when they already have limited resources. Rather than find reasons to deny land into trust applications, the Department of the Interior and specifically, the Bureau of Indian Affairs, as the trust agent of the federal government, should be finding ways to make this process easier, and help tribes redress and mitigate any issues that are discovered during review *after* the parcel is taken into trust, not before.

4. As the tribe already owns the 700 acres, is there any other reason, beyond the land not being subject to taxation, that the land must be speedily placed into trust?

The property taxes on the 700 acres are minimal and are not a driving motivation behind our desire for the land to be a formal part of the Pala Reservation. Instead, our motivation is to see this sacred land become a part of our reservation as soon as possible so that we may manage it under the same sovereign authority as our other trust lands. It is hard for our members to know that we still don't have full tribal ownership of Chokla as long as it is subject to San Diego County jurisdiction. We have lost so much of our ancestral lands and want to have Chokla fully under our protection as soon as possible so we can finally close this chapter of our history.

Again, thank you for allowing me to speak on such an important issue. Please contact my office if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Smith".

Robert Smith, Chairman  
Pala Band of Mission Indians