

Committee on Natural Resources

Rob Bishop, Chairman
Markup Memorandum

June 8, 2015

To: All Natural Resources Committee Members

From: Chris Fluhr and Ken Degenfelder, Subcommittee on Indians, Insular and Alaska Native Affairs Subcommittee x6-9725

Subject: Full Committee Mark-up of H.R. 387 (Rep. Raul Ruiz-CA), "*Economic Development Through Tribal Land Exchange Act*"

H.R. 387, "*Economic Development Through Tribal Land Exchange Act*"

Summary of the Bill

H.R. 387, the "*Economic Development Through Tribal Land Exchange Act*," was introduced by Rep. Ruiz (D-CA) on January 14, 2015 and has been referred to the Subcommittee on Indian, Insular and Alaska Native Affairs.

H.R. 387 would authorize a land exchange in the state of California involving the Morongo Band of Mission Indians ("Tribe"), the City of Banning ("City"), and a non-Indian named Lloyd A. Fields. The purpose of the exchange is to consolidate in tribal ownership a partially checker-boarded area within the Morongo Reservation, provide Mr. Fields a parcel of land affording him reasonable economic access to it, and provide certain public easements to the City.

Cosponsors

Reps. Cook (R-CA), LaMalfa (R-CA), Cardenas (D-CA), Huffman (D-CA), MacArthur (R-NJ), and Torres (D-CA).

Background

The Morongo Reservation, situated on I-10, 80 miles east of Los Angeles and 22 miles northwest of Palm Springs, was initially established by Executive Orders in 1876 and 1881, and certain lands were patented to the Tribe pursuant to an Act of March 1, 1907. It is the reservation for the Morongo Band of Mission Indians. Totalling more than 30,000 acres in size, the reservation is adjacent to the City of Banning, with several checker boarded sections.

In 1995, a private landowner, Lloyd Fields (a businessman from Beverly Hills), had acquired a 41-acre parcel, from other non-Indian private landowners, of land near I-10. The Tribe subsequently acquired the lands surrounding the Fields property and added it to the

existing reservation. When Mr. Fields planned to develop his property, a sharp dispute broke out between him, the Tribe, and the City. The Tribe erected a guard shack on the only road providing access to the Fields property. According to Fields, the Tribe then refused reasonable access necessary for him to build on the land. Fields sued the City over its refusal to remove what he alleged was an illegal tribal guard shack on a public road. The City contended that it could not immediately remove the shack because it was unclear whether the City's public road easement covered the portion of the road on which the shack had been built.¹

Mr. Fields, the Tribe, and the City resolved their dispute by agreeing to an exchange of land and interests. The exchange is authorized by H.R. 387.

Previous Committee Action. In the 113th Congress, the Subcommittee on Indian and Alaska Native Affairs held a hearing on an identical bill, H.R. 4867 on July 15, 2014. The House Natural Resources Committee ordered the bill as amended, by unanimous consent, to be reported out on July 30, 2014.² On November 13, 2014 the House passed the bill under suspension of the rules, agreed to by voice vote.

Analysis of H.R. 387

H.R. 387 authorizes the Morongo Tribe and Secretary of the Interior to convey simple fee title to 41 acres of land currently held in trust for the tribe to Fields, and authorizes the Secretary of the Interior to acquire the 41 acres of fee simple land currently owned by Fields within the reservation to the tribe in trust. The bill additionally authorizes the City and Tribe to exchange two small parcels of lands and public easements (concerning less than two acres each) to consolidate the reservation and to meet public needs of the City. All three conveyances under the bill occur simultaneously. All lands and interests are described in a map referenced in the bill, prepared by the Bureau of Land Management. To ensure the agreement is carried out by Fields and the Tribe simultaneously, an escrow holder will be used to accept and convey the deeds to the exchange lands.

Cost
None.³

Administration's Position

The Department testified in support of the bill in the 113th Congress.

Amendments

None.

¹ A February 18, 2011, *Los Angeles Times* article describing the land/access dispute may be found [here](#).

² See House Report 113-606.

³ Id.